



SISKIYOU COUNTY PLANNING COMMISSION STAFF REPORT

September 20, 2017

CRYSTAL GEYSER USE PERMIT (UP-16-03)

APPLICANT:	Crystal Geysers Water Company 18220 Railroad Ln. Gazelle, 96034
PROPERTY OWNER:	Same
PROJECT SUMMARY:	Proposed conditional use permit to construct a caretaker's residence associated with the property owner's bottling operation.
LOCATION:	The project site is located at 210 Ski Village Drive, Mt. Shasta on APN 037-140-090, Township 11N, Range 4W, Section 9 City of Mt. Shasta.
GENERAL PLAN:	Woodland Productivity; Building Foundation Limitations: Severe Pressure Limitations Soils
ZONING:	Heavy Industrial (M-H)
EXHIBITS:	A. Use Permit Findings B. Draft Resolution PC-2017-004, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Certifying the Crystal Geysers EIR and Approving the Crystal Geysers Use Permit (UP-16-03) B-1. Notations and Recommended Conditions of Approval C. Final EIR) C-1 EIR Findings and Statement of Overriding Considerations C-2 Mitigation, Monitoring and Reporting Plan (MMRP) D. Agency Comments (Volume I FEIR) E. Public Comments (Volume I FEIR)

BACKGROUND

Pursuant to Section 10-6.4703(q) of the Siskiyou County Code, a caretaker's residence is a conditionally permitted use in the Heavy Industrial (M-H) zoning district, provided that the permitted use requires the continuous supervision of a caretaker and the residence is occupied only by such person and his or her family. The applicant requests approval of a use permit to establish an approximately 1,188-square foot caretaker's residence associated with the permitted bottling operation, which the applicant proposes to operate at the site. The bottling operation is an allowed use per County Code Section 10-6.4702(i).

The Project Site was the site of previous bottling operations, and the proposed bottling operation would make use of some of the structures and equipment existing at the site. Since the project applicant acquired the site, it has made improvements to the structures and equipment, but has not operated the plant.

The Use Permit for the caretaker's residence is the one discretionary County permit associated with the Crystal Geyser Bottling Plant Project, although the Project will also require approvals from other responsible agencies for the operation of a beverage bottling facility and ancillary uses within an approximately 118-acre site formerly developed and operated as a water bottling plant. The larger Proposed Project considered as part of the environmental documents consists of operational and physical changes to the former bottling plant facilities for the production of sparkling water, flavored water, juice beverages, and teas.

The project site is located within unincorporated Siskiyou County, California, adjacent to the northern limits of City of Mt. Shasta. It is situated approximately 1,000 feet west of the North Mt. Shasta Boulevard/Ski Village Drive intersection at the address of 210 Ski Village Drive, Mt. Shasta, CA 96067.

ANALYSIS

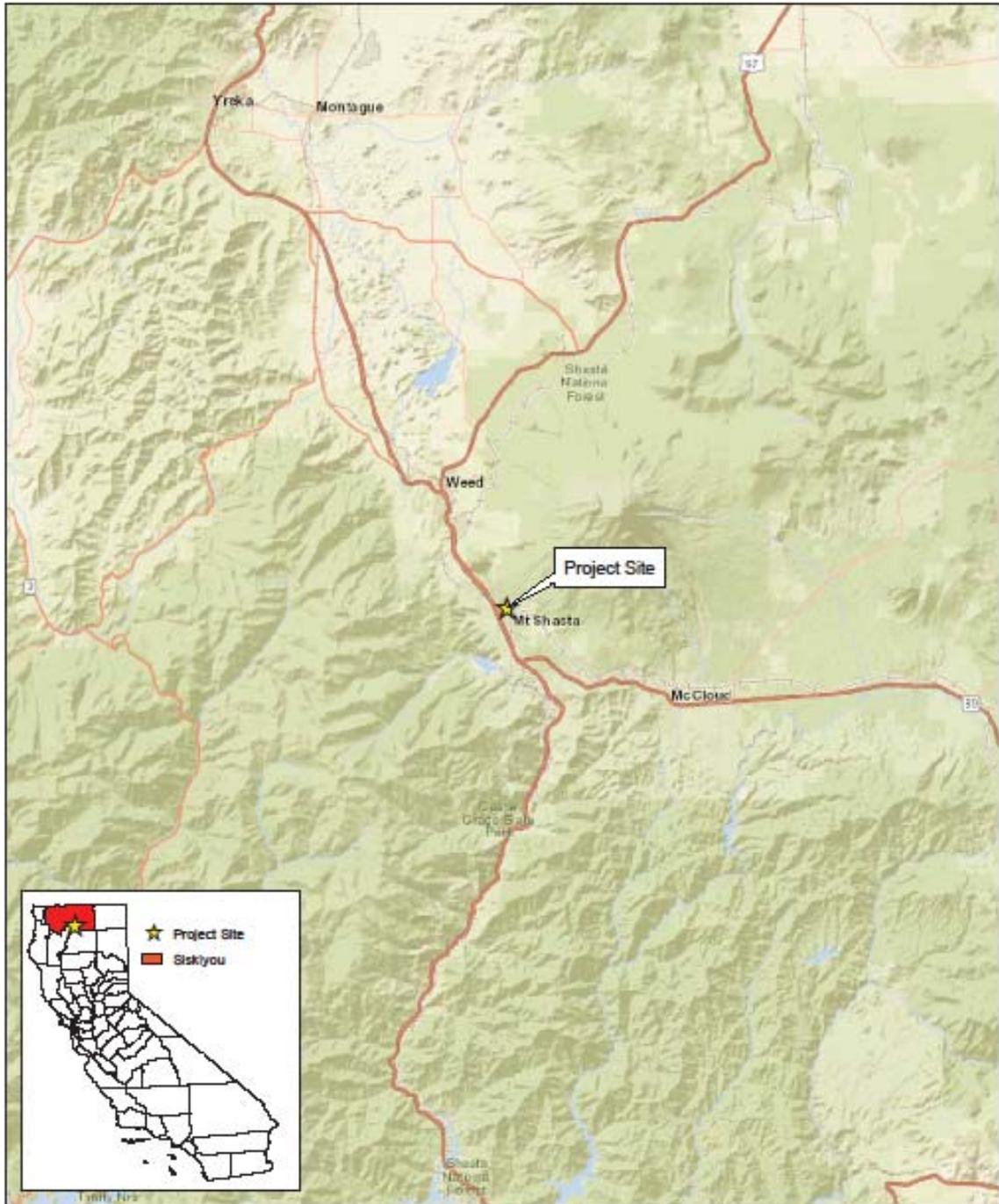
General Plan Consistency

The Land Use Element of the Siskiyou County General Plan identifies the project site as being within the mapped resource overlay areas for "Woodland Productivity" and "Building Foundation Limitations: Severe Pressure Limitations Soils". In addition to the policies governing the above noted resource overlay areas, planning staff has identified that Composite Overall Policies 41.3(e), 41.3(f), 41.3(g), 41.4, 41.6, 41.7, 41.8, 41.9, 41.12, 41.14, 41.18, 41.19(b) apply to the proposed project. The Project site is designated by the City of Mt. Shasta General Plan as Employment Center, and parcels to the west and south are located within the City of Mt. Shasta and are designated by the City of Mt. Shasta General Plan as Commercial Center and High Density Residential.

Staff has conducted a detailed analysis of each of the required findings and has found that the proposed caretaker's residence is consistent with the applicable General Plan policies governing the subject site. In addition, the use, as conditioned, would be compatible with the surrounding land uses, has adequate roadway access for transportation and public health and safety provisions, and would not create environmental impacts to on- or off-site resources that cannot be mitigated to a less than significant level. The recommended findings are detailed in the General Plan Consistency Findings section of Exhibit "A" attached to this staff report and are submitted for the Commission's review, consideration, and approval.

Zoning Consistency

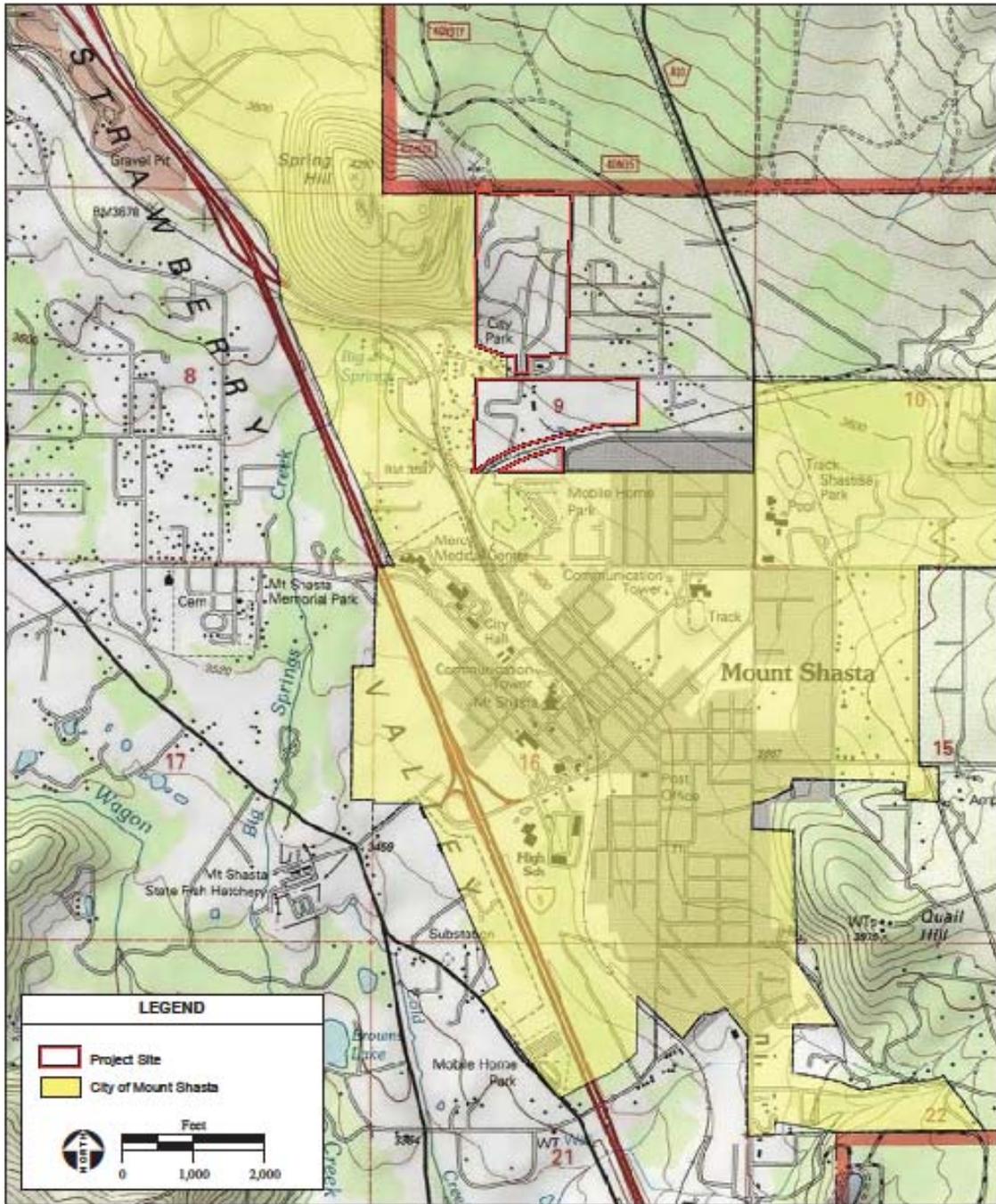
The project site is zoned by the County as M-H (Heavy Industrial) and the proposed caretaker's residence is a conditionally permitted use in the M-H zoning district, pursuant to Siskiyou County Code Section 10-6.4703(q). Parcels adjacent to the project site are zoned for commercial, industrial and residential uses. Other nearby County zoning designations include Light Industrial (MM), Town Center (C-C) and Rural Residential (R-R-B). Based on staff's analysis of the proposed use, staff believes that the necessary findings can be made for approval of this application. The recommended findings are detailed in the Zoning Consistency Findings section of Exhibit "A" attached to this staff report



SOURCE: ESRI Data, 2016, AES, 8/11/2016

Crystal Geyser Draft Environmental Impact Report / 216537 ■

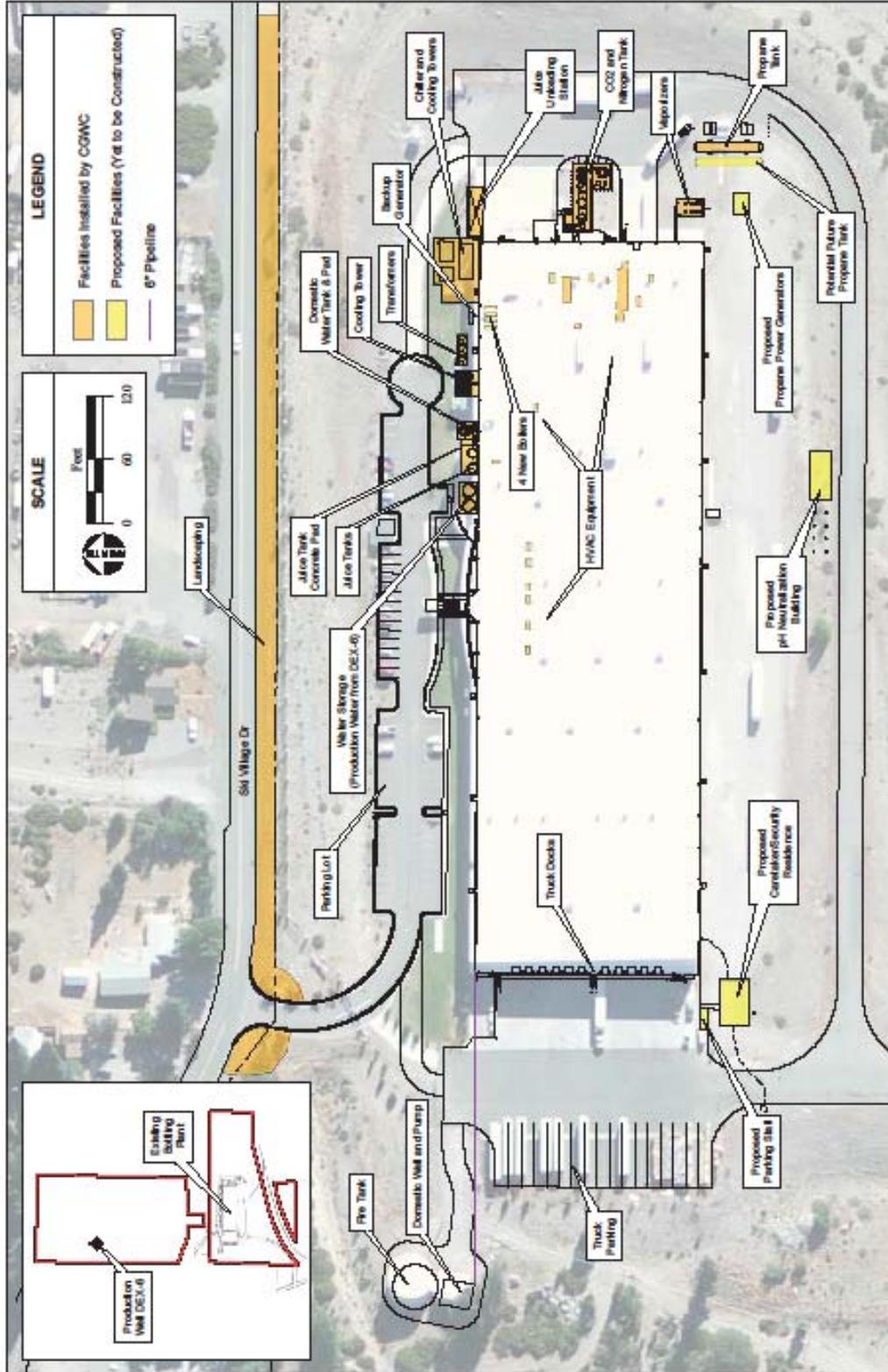
Figure 3-1
Regional Location



SOURCE: "City of Mount Shasta, CA" USGS 7.5 Minute Topographic Quadrangle, T40N, R4W, Sections 9, Mt. Diablo Baseline & Meridian, ESRI Data, 2016, AES, 9/16/2016

Crystal Geyser Draft Environmental Impact Report / 216537 ■

Figure 3-2
Site and Vicinity



NOTE: Proposed wastewater facilities are shown in separate figures.

SOURCE: Kähler & Kähler, 3/6/2016, USDA aerial photograph, 7/2014, AEIS, 6/9/2017

Crystal Geyser Draft Environmental Impact Report / 21.6317
Figure 3-4
 Site Plan



Factory Order

Cedar Creek Cottage XL

Model 3701 + 3W
2 bed/2 bath, 1077 Sq. Ft.

- Country Kitchen Design
- Alderwood Cabinets
- Quality Whirlpool Appliances
- Abundant Built-In Storage
- Split Bedroom Floor Plan for Added Privacy
- Walk-In Master Closet
- Covered Front Porch
- ENERGY STAR® Compliant



This is the ever popular Cedar Creek with added square footage.
We will build to suit whatever your needs!
It is also available in three bedrooms.

Bottling Operation is a Permitted Use

Pursuant to Siskiyou County Code Section 10-6.4702 (i), the Heavy Industrial zone allows for bottlers, distilleries, and wineries.¹ Therefore, the proposed beverage bottling plant, which is considered a “bottler”, is a permitted use under the Heavy Industrial zoning designation. A detailed description of the beverage bottling operation is found in the EIR submitted to the Planning Commission.

Caretaker’s Residence is a Conditionally Permitted Use

Pursuant to Siskiyou County Code Section 10-6.4703(q), a caretaker’s residence is a conditionally permitted use in the M-H zoning district, provided that the permitted use requires the continuous supervision of a caretaker and the residence is occupied only by such person and his or her family. The bottling operation at the project site is a permitted use, and according to the applicant, requires continuous supervision of the property due to the expensive equipment related to the operation of the business. The proposed caretaker’s unit would be occupied by an employee of the business.

Proposed Conditions of Approval

Conditions of Approval are found in Exhibit B-1. Conditions include standard conditions and conditions implementing mitigation measures identified in the EIR. Additional conditions include measures agreed to by the Applicant that were part of an agreement with the previous operator. This is referred to as the 1998 Mitigation Agreement. The Applicant has committed to implementing measures within the 1998 Mitigation Agreement that are applicable to the Proposed Project, including the following:

- **Groundwater and Surface Water**
 - Develop and implement an Erosion Control Plan (ECP) in coordination with the CVRWQCB through the Section 401 process in obtaining the stormwater management approval for the project. At a minimum, the plan will contain the following best management practices:
 - All ground-disturbing activities will be limited to the dry season (mid-May through mid-October) to the extent possible.
 - Disturbance adjacent to all drainages that ultimately drain to North Fork Cold Creek will be limited, and vegetation left in place to the degree possible to reduce potential sedimentation
 - All stockpiled material will be placed such that potential erosion is minimized.
 - Filter fabric, straw bales, and/or sediment basins will be used to reduce erosion and the potential for in-stream sedimentation.
 - Seeding and revegetation will be initiated as soon as possible (timed properly to coincide with fall/winter precipitation) after construction completion.

¹ In addition, pursuant to Siskiyou County Code Section 10-6.4702(a), any use permitted by right in the Light Industrial (M-M) or Limited Industrial (M-L) zoning districts is also permitted in the M-H zoning district. Siskiyou County Code Section 10-6.4702(s) allows bottling works and spring and mineral water bottling works at the source.

- **Air Quality**

- Mitigation of fugitive dust (PM₁₀) emissions will occur via education of the construction crews regarding measures that can reduce or minimize emissions. These include operating motor vehicles to minimize emissions and suppress dust. Control measures for construction emissions of PM₁₀ will include:
 - Water all active construction areas at least twice daily, if, and as reasonably needed.
 - Suspend dust-producing activities when high winds create construction-induced excessive dust plumes moving beyond the site in spite of dust control measures.
 - Cover all trucks hauling soil and other loose material, or require at least 2 feet of freeboard.
 - Pave (with temporary rock aggregate), apply water three times daily, or apply soil stabilizers on all unpaved access roads and staging areas at construction sites.
 - Sweep streets as reasonably necessary, with water sweepers if excessive amounts of soil material is carried onto adjacent public streets as a result of applicant construction activities.
 - Apply soil stabilizers, as needed, to inactive construction areas.
 - Enclose, cover, or water twice daily (if, and as reasonably needed), and/or add soil binders to exposed stockpiles of soil and other backfill materials.
 - Use best efforts to ensure that applicant's (and its contractors) traffic speeds on unpaved roads do not exceed 15 miles per hour (mph).

- **Transportation**

- CGWC will use our best reasonable efforts to contractually obligate all carriers to limit access to the Plant to roads north of and including the proposed access road off of North Mt. Shasta Boulevard to avoid truck traffic through the central business district.

- **Biological Resources**

- Prior to construction, a qualified biologist (in consultation with the California Department of Fish and Wildlife [CDFW]) shall conduct a survey of the project area to identify any active raptor or protected migratory bird nests within 500 feet of the construction zone. If active nests are located within 500 feet of the construction zone, a monitoring program would be initiated in consultation with CDFW.
- If there are significantly reduced flows on Big Springs Creek, CGWC will discuss and participate with all other water users in developing a proportionate, equitable and mutually agreed action plan to address such an issue.

- **Noise**

- Outdoor construction activities will be limited to daytime hours (7 a.m. to 7 p.m.). If specific noise complaints are received during construction, one or more of the following noise mitigation measures will be implemented:
 - Locate stationary construction equipment as far as possible from nearby noise-sensitive properties.
 - Notify nearby residents whenever extremely noisy work (e.g., pile driving, use of pneumatic drill) would be occurring and ongoing.
 - Use construction-related soils stockpiles as effective noise barriers when feasible.

- Shut off idling equipment.
- Install temporary or portable acoustic barriers around stationary construction noise sources if excessive noise is reasonably anticipated to be ongoing.

- **Aesthetic Resources**
 - Building and free-standing signage will be constructed of non-reflective materials and will not be internally illuminated.
 - Elevations and specifications will describe materials and color selection. The applicant will work with the City and County to determine a mutually acceptable theme.
 - Truck maneuvering areas and loading/staging areas, and all outdoor mechanical equipment, will be screened from view from adjacent properties and public rights-of-way using landscaping, screening, earthen berms, or such means to accomplish screening to the degree commercially feasible. A landscape plan for the proposed project site with line-of-sight cross sections should be prepared and provided to the City for review.
 - The public/employee parking area will be screened from view from Ski Village Drive using landscaping, a landscaped berm, low wall, or such means to accomplish screening to the degree commercially feasible. The screen should be placed outside the building setback area to maximize its effectiveness.
 - Shield all exterior lighting to prevent direct light and glare from being emitted onto adjacent properties. Low-pressure sodium lights and/or directional lighting (or equivalent) shall be used (as opposed to flood lighting).
 - CGWC will preserve all heritage trees currently growing on the property to the extent commercially practical.

- **Archaeological Resources**
 - Should grading, excavation, or construction reveal the presence of cultural resources (i.e., artifact concentrations, including stone and bone tools and projectile points [arrowheads], ceramics, foundations or other structural remnants; or human skeletal remains), work within 50 feet of the find will cease immediately. A qualified professional archaeologist will be consulted to evaluate the remains and implement appropriate mitigation. In the event human skeletal remains are encountered, State law requires immediate notification of the County Coroner.

ENVIRONMENTAL REVIEW

CEQA Compliance Requirements

Proposed Action by the Planning Commission is a Project under CEQA

The approval of the Use Permit is a discretionary action by the County and triggers the need to evaluate the project under CEQA. An EIR was prepared for the project, which assessed, among other things, the environmental impacts resulting from construction and operation of the proposed security/caretaker's residence.

CEQA requires consideration of the "whole of the action".

In addition, as required by CEQA Guidelines Section 15003(h) and Section 15378(a):

(h).The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...

Therefore, the EIR considered the impacts of construction and operation of the bottling facility even though that use does not require any discretionary action by the County. At the public's request, the Draft EIR further considered impacts resulting from construction and renovation that previously occurred at the Plant after CGWC acquired the facility in 2013. Assessment of the environmental impacts of activity that occurred on the site previously is beyond what is required by CEQA, and was undertaken to meet the public's request for additional environmental assessment to consider the whole of the project, including previous activity since 2013.

Consideration of the EIR by the Planning Commission

The Planning Commission must consider the EIR before taking action on the Use Permit. The Planning Commission will need to review the EIR, and make the findings described in CEQA Guidelines Section 15090:

15090. CERTIFICATION OF THE FINAL EIR

- (a) Prior to approving a project the lead agency shall certify that:
- (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - (3) The final EIR reflects the lead agency's independent judgment and analysis.

EIR Preparation Process

The EIR process consisted of issuance by the County of a Notice of Preparation circulated to the public, local, state and federal agencies, and other known interested parties for a 30-day public and agency review period on June 24, 2016. The County held a scoping meeting on July 20, 2016. Comments were received from the public and agencies on the Notice of Preparation, which were published together with the Draft EIR. The Draft EIR was circulated for a 45-day public review period ending February 27, 2017. Comments on the Draft EIR were received from the public and agencies. Responses to those comments were prepared, and the Final EIR incorporates those comments, the responses to those comments, and minor changes to the EIR in response to comments, as well as minor changes in the project since the publication of the Draft EIR.

AB 52 Consultation with the Winnemem Wintu Tribe (Tribe)

AB 52 mandates early tribal consultation prior to and during CEQA review for those tribes which have formally requested, in writing, notification on projects subject to AB 52, i.e. projects which have published Notices of Preparation (NOPs) for Environmental Impact Reports (EIRs) or Notices of Intent to adopt Negative Declarations or Mitigated Negative Declarations since July 1, 2015 (PRC section 21080.3.1). The bill establishes a new category of Tribal Cultural Resources (TCR's) for which only tribes are expert; these resources may not necessarily be visible or archaeological, but could be religious or spiritual in nature. Significant impacts to a TCR are considered significant effects on the environment (PRC section 21084.2).

Assembly Bill 52 (Chapter 532, Statutes of 2014)—Native American Consultation under CEQA

Assembly Bill (AB) 52 establishes a formal consultation process for California Native American tribes as part of CEQA and equates significant impacts on "Tribal Cultural Resources" (TCRs) with significant environmental impacts (new PRC 21084.2). Under AB 52, tribal cultural resources include features with the characteristics listed below.

- ❖ Sites, features, places, and objects with cultural value to descendant communities or cultural landscapes defined in size and scope that are:
 - Included or eligible for listing in the California Register of Historical Resources (CRHR), or

- Included in a local register of historical resources.
- ❖ Sacred places (e.g., Native American sanctified cemeteries, places of worship, religious or ceremonial sites, sacred shrines) that are:
 - Included or eligible for listing in the CRHR, or
 - Listed on the California NAHC's Sacred Lands File and a California Native American tribe has submitted sufficient evidence to the lead agency demonstrating that the sacred place is of special religious or cultural significance or contains known Native American graves.
- ❖ Tribal cultural resources that the lead agency determines meet any of the following National Register of Historic Places criteria:
 - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
 - Is associated with the lives of persons important in our past.
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
 - Has yielded, or may be likely to yield, information important in prehistory or history.

Both unique and non-unique archaeological resources, as defined in PRC 21083.2, can be tribal cultural resources if they meet the criteria detailed above.

In some cases, California Native American tribe consultation under AB 52 will identify burial locations that were not otherwise known. AB 52 identifies sacred sites as tribal cultural resources, the destruction of which could be a significant environmental effect. To the extent that burials are associated with sacred sites, destruction of such sites would result in a significant and unavoidable environmental impact. AB 52 defines a *California Native American Tribe* as a Native American tribe located in California that is on the contact list maintained by NAHC. Under AB 52, formal consultation with California Native American Tribes is required prior to determining the level of environmental document if a tribe has requested to be informed by the lead agency of proposed projects. AB 52 also requires that consultation address project alternatives and mitigation measures for significant effects, if requested by the California Native American Tribe. AB 52 states that consultation is considered concluded when either (1) the parties agree to measures to mitigate or avoid a significant effect, or (2) the tribe or agency concludes that mutual agreement cannot be reached. Under AB 52, mitigation measures shall be recommended for inclusion in the environmental document and adopted mitigation monitoring program if such measures are determined to avoid or lessen a significant impact on a TCR. The lead agency must consider, but is not required to incorporate the measures into the CEQA document.

Consultation Process

Siskiyou County notified the Tribe on June 10, 2016 of the Crystal Geyser application and the Tribe responded by letter on July 14, 2016 requesting consultation under AB 52. Consultation is a confidential process, and, at the request of the Tribe, all information and correspondence between the County and the Tribe has been maintained in confidential files, not a part of the public record. Consultation continued from that time until early September, 2017. The Tribe identified several TCRs. Substantial evidence presented in the EIR supports the conclusion in the Draft EIR that the Project analyzed in the EIR could not have a significant impact on tribal cultural resources. Additional detail is provided in the discussion of Impact 4.4-4 of the EIR.

Findings of the EIR

The EIR identified a range of impacts of the whole of the project, referred to in the EIR as the Proposed Project, (the caretaker's residence plus the construction and operation of the bottling facility as described above), as summarized in the Executive Summary of the Final EIR and below.

Significant and Unavoidable Impacts

The following impacts were found to be significant and unavoidable, in that either no feasible mitigation is available to reduce the impact to a less than significant level, or mitigation will reduce the impact but not to a less than significant level.

Greenhouse Gases: The Proposed Project would result in emissions of GHGs that would contribute on a cumulative level to impacts associated with climate change. This is a significant and unavoidable cumulative impact.

Impact 4.6-1 Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant and/or cumulative impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

This impact is associated with operation of the bottling facility. Implementation of Mitigation Measures 4.6-1 and 4.6-2 would reduce this impact, but not to a less than significant level. The EIR recommended three potential methods to comply with Mitigation Measure 4.6-1, installing solar arrays at the site, implementing a carpool program, and purchasing carbon off-sets. Based on the analysis in the EIR of the impacts of the mitigation measures, which concluded that the solar array mitigation would result in significant unavoidable and unmitigable aesthetics and glare impacts, staff recommends that the solar array portion of the mitigation measure not be included in the project. This portion of the mitigation measure is shown stricken out below.

Mitigation Measure 4.6-1 Reductions to GHG Emissions below Numerical Threshold

CGWC shall implement a combination of the following measures to achieve a net reduction of 51,281 metric tons (MT) of CO₂e annually.

- a) ~~Prior to the County's issuance of building permits and the operation of the Plant, CGWC shall install solar arrays on the rooftop of the existing plant building and/or within the disturbed areas of the project site to off-set the use of on-site generators to meet energy demands. Utilizing approximately 7.5 acres of disturbed land within the central portion of the project site to the south, east and north of the Plant building, approximately 3,876 solar frames could achieve a capacity of 4,048 megawatt hours (MWh) annually (which is approximately 10 percent of the annual energy demands of the project) (REC Solar, 2015). The proposed configuration and specifications of the on-site solar array shall be provided to the County for review and verification. The plans shall identify the capacity of the solar array, and the expected annual yield of MWh. This measure would provide a reduction of 0.868 MT of CO₂e per MWh of solar energy generated annually. Assuming 10 percent of the facilities energy demands would be met through on-site solar as described above, this measures would provide a reduction of 3,515 MT of CO₂e annually.~~
- b) During operation of the Proposed Project, CGWC shall establish and administer a carpool or rideshare program. This shall include a shift scheduling program that allows interested parties to work similar work schedules to promote ride-sharing. CGWC shall monitor the success of the program for one year and submit an annual report to the County. If the rideshare or carpool program does not achieve its intended goal, then the Applicant shall subsequently purchase the corresponding number of credits from a carbon registry (defined in subsection (c) below) within one month of submitting the annual report. This measures would provide a reduction of 1.11 MT of CO₂e per participant annually. Assuming 25 percent employee participation, this measure could reduce CO₂e emissions by 16.5 MT of CO₂ annually.
- c) Prior to the County's issuance of building permits and the operation of the Plant, CGWC shall purchase 51,281 MT of CO₂e offset credits from a carbon registry, where reductions are real, permanent and have been quantified (the equivalent of 51,281 MT of CO₂e annual reduction). The emissions reduction credits may be purchased from the Climate Action Reserve, the Verified Carbon Standard, the American Carbon Registry, or an equivalent carbon emissions reduction credit trading market, which has the same or more stringent standards for carbon sequestration projects which reduce atmospheric GHGs or direct GHG emissions reductions achieved by existing GHG emitters. The CO₂e emission reduction credits must be permanently retired through the registry. The retirement of the credit ensures that it is not re-sold and that the designated off-set project remains in operation for the lifetime of the Proposed Project; thereby reducing annual GHG

emissions as enforced by the carbon registry. The amount of credits may be reduced through the implementation of on-site measures described above. The reductions achieved through these measures shall be verified by the County through a review of the implementation program.

Mitigation Measure 4.6-2 Additional Measures to Reduce GHG Emissions

CGWC shall implement the following BMPs to further reduce the GHG emissions of the Proposed Project:

- a) Power from the PacifiCorp distribution grid shall be utilized when available. This measure would minimize the use of higher emitting on-site propane generators.
- b) Trucks and vehicles in loading or unloading queues shall have their engines turned off when not in use. Permanent signage shall be posted at loading docks informing truck drivers of California Air Resources Board's (CARB's) commercial vehicle idling regulations. This regulation limits vehicles with a gross vehicle weight rating of 10,000 lbs. or greater to idle no more than 5 minutes. Fines are currently a minimum of \$300 and can be as much as \$1000 per day.
- c) All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized. All equipment engines shall be maintained in good operating condition and in tune per manufacturers' specifications.
- d) Participate in the United States Environmental Protection Agency's (USEPA's) voluntary SmartWay program to assist in establishing green freight initiatives.

Impacts that are Less than Significant with Mitigation

The following impacts were found to be reduced to a less than significant level by mitigation identified in the EIR. While all of the impacts are associated with the project as a whole that was analyzed in the EIR, some of the impacts are specifically associated with certain elements of the project, and the discussion below identifies such specific elements.

Impacts Associated with the Caretaker's Residence

Impact 4.2-2. Expose sensitive receptors to substantial pollutant concentrations.

This impact is related to exposure of residents of the caretaker's residence to Toxic Air Contaminants (TACs). Modeling of the TACs showed that levels at off-site sensitive receptors would be below the threshold of significance. Additionally, on-site employees, as described in detail in the EIR, would only be on-site for their specific shifts and would be subject to protection by OSHA regulations. Only the residents of the caretaker's residence would both be in an area where levels of TACs would be high enough to constitute a significant impact, and would be sensitive to these levels, given the amount of time residents would be in that location.

As described in detail in the EIR, impacts resulting from the Proposed Project would be considered significant if project-related emissions of TACs would contribute to a cancer risk of greater than ten in one million or a chronic or acute health index of greater than 1.0 at sensitive receptors, based on CARB and CAPCOA recommended permitting risk threshold levels for stationary sources.

The EIR evaluated impacts on residents of the caretaker's residence by modeling exposure using AERMOD as a single receptor in the HRA and designated as a residential use. Based on residential receptor exposure levels, which assume a 30-year period of exposure, the chronic and acute health indexes were below the established thresholds of one, but the cancer risk at the caretaker residence was determined to be 14.9 in a million, which exceeds the established threshold, as described in detail in Appendix M of the EIR. This was found to be a significant impact, and Mitigation Measure 4.2-1 was identified in the EIR to reduce the impact below the acceptable threshold by restricting the allowable occupancy of the caretaker residence to temporary (versus permanent) residence and requiring the installation of an HVAC system with a high-efficiency particulate air (HEPA) and/or activated carbon filter. Therefore, exposure of on-site receptors to TACs, including the occupant(s) of the caretaker residence, would be less-than-significant with mitigation. The mitigation would restrict occupancy of the caretaker's residence to adult employees only, and restrict the amount of time any given employee would occupy the caretaker's residence to 40 hours per week. It is assumed that more than one employee, in shifts, would staff the caretaker's residence in order to provide security.

Mitigation Measure 4.2-1 Caretaker Residence Improvements and Restrictions

The following measures shall be implemented to reduce health risk from exposure to Toxic Air Contaminants (TACs) at the caretaker residence. The conditional use permit for the caretaker residence shall include the following requirements and restrictions:

- The Heating Ventilation and Air-Conditioning (HVAC) system installed within the caretakers residence shall be equipped with high-efficiency particulate air (HEPA) and/or activated carbon filters;
- The residence may only be occupied by an employee(s) of Crystal Geyser Water Company (CGWC) who is over 18 years of age. No single employee shall occupy the caretaker residence for more than 40 hours per week. Occupancy by persons not employed by CGWC shall not be allowed.

This mitigation measure would be implemented through a Condition of Approval of the Use Permit for the caretaker's residence.

Impacts Associated with Construction of the Bottling Facility or Off-Site Improvements

Impact 4.3-1 Loss or degradation of potential habitat for special-status species

This impact is associated with construction of off-site sewer improvements required for the Proposed Project, where there is the potential for habitat for California red-legged Frog (CRLF) and Oregon spotted frog to exist. Implementation of Mitigation Measure S-4.3-1 would reduce this impact to a less than significant level.

Mitigation Measure S-4.3-1 Off-Site Sewer Improvements Area – Special Status Amphibians

The following mitigation measures shall be implemented prior to construction of the off-site sewer improvements:

- a) CGWC shall retain a qualified biologist to conduct aquatic surveys for the California red-legged frog (CRLF) and the Oregon spotted frog within 10 days prior to starting construction. CRLF surveys shall be conducted in accordance with the Revised Guidance on Site Assessment and Field Surveys for the CRLF (USFWS, 2005). Because a formal protocol does not exist for Oregon spotted frog, the scope and method of the surveys shall be determined in consultation with United States Fish and Wildlife Service (USFWS) and CDFW. At a minimum, the surveys for the Oregon spotted frog shall include a search by a qualified biologist to determine presence or absence within 100 feet of construction activities. CGWC shall be responsible for all costs associated with implementation of this mitigation measure.
- b) Once the biologist has cleared the area, temporary four-foot exclusionary fencing shall be placed and maintained around any avoided CRLF and Oregon spotted frog habitat during construction to prevent impacts from construction vehicles and equipment. This fencing shall be inspected daily by a qualified biologist throughout the construction period to ensure that it is in good functional condition and will prevent CRLF and Oregon spotted frog from entering the project site.
- c) If CRLF and/or Oregon spotted frog are present, CGWC shall implement additional measures as deemed appropriate by the USFWS and the CDFW.

Impact 4.3-2 Disturbance of nesting habitat for migratory birds and other birds of prey

This impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.3-1 and S-4.3.2 would reduce this impact to a less than significant level.

Mitigation Measure 4.3-1 Nesting Migratory Birds and Other Birds of Prey

The following measures shall be implemented to avoid or minimize adverse impacts to nest sites for migratory birds and other birds of prey during construction activities associated with the Proposed Project and off-site sewer improvements area:

- a) For vegetation removal and/or earth-disturbing activities occurring during the nesting season (February 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all migratory birds within 500 feet of construction activities. The qualified biologist shall document and submit the results of the preconstruction survey in a letter report to the County and CDFW within 30 days following the survey. If a bald eagle nest is identified, the report shall also be submitted to USFWS. If no active nests are identified during the preconstruction survey, then no further mitigation is required provided construction commences within 7 days.
- b) If any active special-status bird, migratory bird, or raptor nests are identified during the preconstruction survey within the study area, a no-disturbance buffer zone deemed appropriate to the species will be established around the nests to avoid disturbance or destruction of the nest.
- c) The distance around the no-disturbance buffer will be determined by the biologist in coordination with CDFW (and USFWS if a bald eagle nest is identified) and will depend on the level of noise or construction activity, the level of ambient noise near the nest, and line-of-sight between the nest and disturbance. These buffers shall

be no less than: 1) 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-100-foot buffer zone will be created around the nests of other migratory or special-status birds and all other birds that are protected by California Fish and Game Code 3503. These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar projects; however, they may be modified in coordination with CDFW (and USFWS if applicable) based on existing conditions at the project site. A qualified biologist will monitor nests daily during construction to evaluate potential nesting disturbance by construction activities. The biologist will delineate the buffer zone with construction tape or pin flags until the young have fledged. Guidance from the CDFW will be requested if the nestlings within the active nest appear disturbed. A report shall be prepared and submitted to the County and CDFW following the fledging of the nestlings to document the results.

- d) If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas should be resurveyed.

Mitigation Measure S-4-3.2 Off-Site Sewer Improvements Area – Nesting Migratory Birds and Other Birds of Prey

The following measures shall be implemented to avoid or minimize adverse impacts to nest sites for migratory birds and other birds of prey during construction activities associated with the off-site sewer improvements area:

- a) For vegetation removal and/or earth-disturbing activities occurring during the nesting season (February 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all migratory birds within 500 feet of construction activities. The qualified biologist shall document and submit the results of the preconstruction survey in a letter report to the County and CDFW within 30 days following the survey. If a bald eagle nest is identified, the report shall also be submitted to USFWS. If no active nests are identified during the preconstruction survey, then no further mitigation is required provided construction commences within 7 days.
- b) If any active special-status bird, migratory bird, or raptor nests are identified during the preconstruction survey within the study area, a no-disturbance buffer zone deemed appropriate to the species will be established around the nests to avoid disturbance or destruction of the nest.
- c) The distance around the no-disturbance buffer will be determined by the biologist in coordination with CDFW (and USFWS if a bald eagle nest is identified) and will depend on the level of noise or construction activity, the level of ambient noise in the vicinity of the nest, and line-of-sight between the nest and disturbance. These buffers shall be no less than: 1) 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-100-foot buffer zone will be created around the nests of other migratory or special-status birds and all other birds that are protected by California Fish and Game Code 3503. These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar projects; however, they may be modified in coordination with CDFW (and USFWS if applicable) based on existing conditions at the project site. A qualified biologist will monitor nests daily during construction to evaluate potential nesting disturbance by construction activities. The biologist will delineate the buffer zone with construction tape or pin flags until the young have fledged. Guidance from the CDFW will be requested if the nestlings within the active nest appear disturbed. A report shall be prepared and submitted to the County and CDFW following the fledging of the nestlings to document the results.
- d) If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas should be resurveyed.

Impact 4.3-3 Impacts to federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA), riparian habitat, or other sensitive natural community

This impact is associated with construction of the off-site sewer improvements. Implementation of Mitigation Measure S-4.3-3 would reduce this impact to a less than significant level.

Mitigation Measure S-4.3-3 Off-Site Sewer Improvements – Waters of the U.S.

In the event that the final design of the proposed sewer pipeline requires temporary removal of riparian vegetation, results in impacts within the bed, bank or channel of the stream, or requires improvements to the existing culvert, the following measures shall be implemented to avoid potential short-term adverse effects to waters of the U.S., riparian habitat, and special-status fish species during construction activities associated with the off-site sewer improvements:

- a) Minimize clearing of riparian vegetation and grading activities within the riparian area. The disturbance or removal of vegetation shall not exceed the minimum necessary to complete construction activities. Precautions shall be taken to avoid other damage to vegetation by people or equipment. Re-vegetation with locally native species shall be completed as soon as possible after construction activities cease.
- b) When design plans are available, the CGWC shall consult with appropriate agencies, including the United States Army Corps of Engineers (USACE), CDFW and Regional Water Quality Control Board (RWQCB) regarding the need to obtain the following permits: CWA Section 404 permit from the USACE, a 401 Water Quality Certification from the RWQCB, and a Streambed Alteration Agreement from CDFW. If required, the CGWC shall apply for and obtain the necessary authorizations. All permit conditions shall be adhered to. At a

minimum, full restoration of the site shall occur to mitigate for the temporary impacts of construction. Crystal Geyser shall be responsible for all costs associated with implementation of this mitigation measure.

- c) In addition, **Mitigation Measures S-4.5-1 and 4.7-1** shall be implemented to protect water quality within the stream during construction activities. CGWC shall prepare an Erosion Control Plan (ECP) and follow BMPs to reduce the risk of hazardous materials releases.

Impact 4.3-4 Impacts on fishery resources

This impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.3-2 and S-4.3.3 (above) would reduce this impact to a less than significant level.

Mitigation Measure 4.3-2 Protect Water Quality During Construction Activities

Implement **Mitigation Measures 4.5-1 and 4.7-1** to protect water quality during construction activities. CGWC shall prepare an ECP and follow BMPs to reduce the risk of hazardous materials releases. Water quality shall be protected using erosion control techniques including (as appropriate), but not necessarily limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats.

Impact 4.3-5 Contribute to the cumulative loss of special-status wildlife species or their habitat in the region

This impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.3-1, and 4.3-2, and S-4.3.1, S-4.3-2, and S-4.3-3 (above) would reduce the project's contribution to cumulative impacts to a less than considerable level.

Impact 4.4-1 Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in California Environmental Quality Act (CEQA) Guidelines, Section 15064.5.

This potentially significant impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.4-1 and S-4.4.1 would reduce this impact to a less than significant level.

Mitigation Measure 4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries

The following mitigation measures shall be included in final improvement plans for the Proposed Project:

- a) Should any cultural resources, such as wells, foundations, or debris, or unusual amounts of bone, stone or shell, artifacts, burned or baked soils, or charcoal be encountered during subsurface excavation or construction activities, work shall immediately be suspended within 100 feet of the discovery, CGWC and the County shall be notified, and a qualified professional archaeologist shall be retained to determine the significance of the discovery. Determination of impacts, significance, and mitigation shall be made by the archaeologist in consultation with recognized local Native American groups, if the find is prehistoric. Prior to the commencement of Proposed Project excavations, all construction personnel shall be informed of the potential to inadvertently uncover cultural or paleontological resources and human remains and the procedures to follow subsequent to an inadvertent discovery. In addition, should excavations for site testing or data recovery become necessary, the Winnemem Wintu Tribe shall be informed in order to provide on-site tribal monitors.
- b) If human remains are uncovered during project construction, pursuant to Public Resources Code (PRC) Section 5097.98 and Section 7050.5 of the California Health and Safety Code, all activities within a 100-foot radius of the find shall be halted immediately and the County's designated representative shall be notified. The County shall immediately notify the County coroner. California law recognizes the need to protect interred human remains, particularly Native American burials and items of cultural patrimony, from vandalism and inadvertent destruction. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The County shall contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with the County and a qualified professional archaeologist, shall develop a plan of action to avoid or minimize significant effects to the human remains prior to resumption of ground-disturbing activities.
- c) In the unlikely event that any evidence of paleontological resources (e.g., fossils) are encountered, work shall immediately be suspended within 100 feet of the discovery, and CGWC and the County shall be notified immediately. A note shall be required on the final improvement plans to be approved by the County, that if paleontological resources are discovered on site, CGWC shall retain a qualified professional paleontologist or registered geologist to observe all grading and excavation activities throughout all phases of project construction and to salvage fossils as necessary. The paleontologist shall determine appropriate actions, in

cooperation with the County. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Excavated finds shall first be offered to a State-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the Siskiyou County Museum for purposes of public education and interpretive displays. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the County. The paleontologist shall submit a follow-up report to the County, which shall include the period of inspection, an analysis of the fossils found, and present repository of fossils.

Mitigation Measure S-4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries at Off-Site Sewer Improvements

The following mitigation measures shall be included in final improvement plans for the off-site sewer improvements:

- a) Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during development activities, work shall be suspended and the County and City Planning Departments shall be immediately notified. At that time, the County and City will coordinate any necessary investigation of the discovery with an appropriate specialist (e.g., archaeologist or architectural historian). The project proponent shall be required to implement mitigation necessary for the protection of cultural resources. The County and City shall consider mitigation recommendations presented by a qualified archeologist for any unanticipated discoveries. The County and CGWC shall consult and agree upon implementation of a measure or measures that the County and CGWC deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.
- b) If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the NAHC, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.
- c) Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended and the County and City Planning Department shall be immediately notified. At that time, the County will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement mitigation necessary for the protection of paleontological resources. The County and CGWC shall consider the mitigation recommendations of the qualified paleontologist for unanticipated discoveries. The County and CGWC shall consult and agree upon implementation of a measure or measures that the County and CGWC deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Impact 4.4-2 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

This potentially significant impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.4-1 and S-4.4.1 would reduce this impact to a less than significant level.

Impact 4.4-3 Disturb human remains, including those interred outside of formal cemeteries.

This potentially significant impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.4-1 and S-4.4.1 would reduce this impact to a less than significant level.

Impact 4.4-5 Cumulative impacts to cultural and paleontological resources.

This potentially significant impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.4-1 and S-4.4.1 would reduce the project's contribution to cumulative impacts to a less than considerable level.

Impact 4.5-2 Result in accelerated runoff, erosion, and sedimentation.

This impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.5-1 and S-4.5.1 would reduce this impact to a less than significant level.

Mitigation Measure 4.5-2 Erosion Control Plan

Prior to earth-disturbing activities that require more than 100 cubic yards of excavation or deposition or cover more than 10,000 square feet (sf) in area, an ECP shall be prepared and submitted to the Siskiyou County Community Development Department for review and approval for the proposed construction activity.

The ECP shall be administered through all phases of grading and project construction. The ECP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. The ECP shall address spill prevention and include countermeasure plans describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. The Plan and proposed measures shall be consistent with the County's Land Development Manual and shall include (1) encouraging grading in the dry season, but allowing grading during the wet season (October to May), provided all measures listed below are implemented; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into area waterways; (6) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect and repair all erosion control facilities within 24 hours before each forecasted precipitation event and at the end of each work day during the rainy season; and (7) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect the erosion and sedimentation control measures every day of a storm event, immediately after each storm event and that all repairs shall be made immediately when the measures are not functioning as intended. In addition, the CGWC and/or Contractor shall notify the County of any repairs or corrections made to the erosion or sedimentation control measures; and (8) any other suitable measures determined by the Planning Director. The ECP shall be submitted to the Siskiyou County Planning Division for review and approval.

Mitigation Measure S-4.5-1 Off-Site Improvements – Erosion Control Plan

Prior to earth-disturbing activities that require more than 100 cubic yards of excavation or deposition or cover more than 10,000 sf in area, an ECP shall be prepared and submitted to the City and County for review and approval for the proposed construction activity. The ECP shall be administered through all phases of grading and project construction. The ECP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. The ECP shall address spill prevention and include countermeasure plans describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. The Plan and proposed measures shall be consistent with the City's and County's Land Development Manual and shall include (1) encouraging grading in the dry season, but allowing grading during the wet season (October to May), provided all measures listed below are implemented; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into area waterways; (6) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect and repair all erosion control facilities within 24 hours before each forecasted precipitation event and at the end of each work day during the rainy season; and (7) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect the erosion and sedimentation control measures every day of a storm event, immediately after each storm event and that all repairs shall be made immediately when the measures are not functioning as intended. In addition, the CGWC and/or Contractor shall notify the City and County of any repairs or corrections made to the erosion or sedimentation control measures; and (8) any other suitable measures determined by the County Planning Director. The ECP shall be submitted to the City and County for review and approval.

Impact 4.5-5 Cumulative effects associated with geology and soils

This impact is associated with on-site construction and construction of off-site sewer improvements. Implementation of Mitigation Measures 4.5-1 and S-4.5.1 (above) would reduce the project's contribution to cumulative impacts to a less than considerable level.

Impact 4.7-1 Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

This impact is associated with on-site construction. Implementation of Mitigation Measure 4.7-1 would reduce this impact to a less than significant level.

Mitigation Measure 4.7-1 Avoid and Minimize Potential for Hazardous Materials Spills

CGWC shall follow the following BMPs to reduce the risk of hazardous materials releases:

- a) CGWC shall place and contain on-site fuel and toxic materials in an area protected from direct runoff.
- b) During construction, CGWC shall inspect and maintain vehicles to reduce the potential for leaks or spills of oils, grease, or hydraulic fluids.
- c) To the extent feasible, CGWC shall minimize the use of equipment that may produce a spark, flame, or fire.
- d) CGWC shall use spark arrestors on construction equipment with internal combustion engines.
- e) CGWC shall ensure that safety guidelines regarding the use of gasoline-powered tools in fire hazard areas is communicated appropriately during construction.
- f) CGWC shall require that fire-suppression equipment be located nearby during construction.

Impact 4.10-1 Short-term noise generated by on-site construction activities.

This impact is associated with construction of off-site sewer improvements. Implementation of Mitigation Measure S-4.5.1 would reduce this impact to a less than significant level.

Mitigation Measure S-4.5-1 Off-Site Sewer Improvements Area – Construction Noise Reduction

The following measures shall be implemented to reduce construction noise impacts:

- a) Construction of the off-site sewer improvements shall be prohibited on weekends and federal holidays, and shall only occur Monday through Friday from 7:00 a.m. to 5:00 p.m.
- b) To reduce daytime construction noise levels at the nearby off-site sensitive receptors due to construction of the off-site sewer improvements, construction contractors shall be required to implement the following measures:
 1. Equipment and trucks used for project construction shall utilize the best available noise control techniques, such as improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds.
 2. Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 A-weighted decibels (dBA). External jackets on the tools themselves shall be used, to achieve a reduction of 5 dBA. Quieter procedures shall be used whenever possible, such as drills rather than impact equipment.
 3. Stationary noise sources shall be located as far from adjacent receptors as possible, and they will be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures.
- c) The general contractors for all construction activities associated with the off-site sewer improvements shall provide a contact number for citizen complaints and a methodology for dealing with such complaints such as designating a noise disturbance coordinator. This noise disturbance coordinator shall receive all public complaints about construction-related noise and vibration, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem. All complaints and resolution of complaints shall be reported to the County and City weekly.

Impact 4.11-1 Construction traffic impacts

This impact is associated with construction of off-site sewer improvements. Implementation of Mitigation Measure S-4.11-1 would reduce this impact to a less than significant level.

Mitigation Measure S-4.11-1 Off-Site Sewer Improvements - Develop a Traffic Control Plan

Prior to commencement of construction of the off-site sewer improvement within South Old Stage Road under Wastewater Treatment Options 1 and 2, the construction contractors shall prepare and submit a formal TCP, including signage, to the County and City for approval. The contractors shall maintain a copy of the approved TCP at the project site for the duration of the TCP implementation period.

Impact 4.11-6 Impacts to emergency vehicles

This impact is associated with construction of off-site sewer improvements. Implementation of Mitigation Measure S-4.11-1 (above) would reduce this impact to a less than significant level.

Impacts Associated with Operation of the Bottling Facility

Impact 4.10-3 Expose existing noise sensitive land uses to Substantial Permanent Noise level increases or noise levels in excess of the Siskiyou County or City of Mt. Shasta noise standards.

This impact is associated with operation of the bottling facility. Implementation of Mitigation Measures 4.10-1, 4.10-2, and 4.10-3 would reduce this impact to a less than significant level.

Mitigation Measure 4.10-1 Noise Reduction at Propane Generators

CGWC shall implement at least one of the following mitigation measures:

- a) CGWC shall purchase and install propane generators that generate levels 5 dB lower than the existing proposed generators, or 58 dB Leq at a distance of 100 feet from the operating generators.
- b) CGWC shall install a noise barrier surrounding the propane generators on all sides, which extends 3 feet above the height of the generators. To provide access to the generators for routine maintenance or replacement, the barriers may be constructed of pre-fabricated galvanized metal panels which could be temporarily removed as needed. Aside from being removable, an advantage of such barriers is they can also provide sound absorption on the interior side of the barrier, while providing sound transmission loss on the exterior side. Appendix H in the Noise Impact Analysis (**Appendix T**) provides an example of such barriers.

Mitigation Measure 4.10-2 Noise Reduction at Rooftop Exhaust Fans

CGWC shall implement at least one of the following mitigation measures:

- a) CGWC shall purchase and install 15 rooftop exhaust fans that generate levels 5 dB lower than the existing fans, or 48 dB Leq at a distance of 100 feet from the operating exhaust fans.
- b) CGWC shall install noise barriers surrounding the 15 rooftop exhaust fans on all sides, to provide 5 dB of noise attenuation at each fan. To provide access to the fans for routine maintenance or replacement, the barriers may be constructed of pre-fabricated galvanized metal panels which could be temporarily removed as needed. Aside from being removable, an advantage of such barriers is they can also provide sound absorption on the interior side of the barrier, while providing sound transmission loss on the exterior side. Appendix H in the Noise Impact Analysis (Appendix T) provides an example of such barriers.

Mitigation Measure 4.10-3 Noise Reduction at Exhaust Vents

In-line silencers shall be installed within the ductwork leading from the chiller equipment to the exhaust vents on the east side of the plant building. Silencers shall be capable of reducing the sound output of these vents by 10 dB. A company specializing in the specification of duct silencers shall be consulted to ensure the proper silencers are selected to achieve the desired sound reduction without adversely affecting system performance.

Impact 4.10-4 Interior noise increase at nearby sensitive receptors

This impact is associated with operation of the bottling facility. Implementation of Mitigation Measures 4.10-1, 4.10-2, and 4.10-3 (above) would reduce this impact to a less than significant level.

Impact 4.12-2 Require or result in the construction of wastewater conveyance facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

This impact is associated with operation of the bottling facility with Wastewater Treatment Options 1 and 2. Implementation of Mitigation Measure 4.12-1 would reduce this impact to a less than significant level.

Mitigation Measure 4.12-1 Limitation of Industrial Wastewater Flows

Crystal Geyser will meter all wastewater discharges to the City's sewer system so that maximum daily flows will not exceed the limit set forth in the Permit for Industrial Wastewater Discharge (currently anticipated to be 0.024 mgd under all weather conditions) or 0.05 mgd during PWWF conditions, whichever is more restrictive. Wastewater discharges will be metered through the installation of an underground holding tank within the disturbed area of the project site south of the Plant and/or by limiting operation at the Plant to a single bottling line during anticipated PWWF events. Flow metering will be conducted continuously using an industrial sewer discharge magnetic flow meter and recorded daily pursuant to the Permit for Industrial Wastewater Discharge. Depending on the timing of flow contributions from the Plant relative to the timing of the WWTP expansion and infrastructure improvements, the City may elect to adjust the permitted maximum daily flow of the Plant in the future.

Impact 4.12-3 Require or result in the construction of wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects or require sewer service that may not be available by the area's wastewater treatment provider.

This impact is associated with operation of the bottling facility with Wastewater Treatment Options 1 and 2. Implementation of Mitigation Measure 4.12-1 would reduce this impact to a less than significant level.

Impact 4.12-6 Cumulative impact to solid waste

This impact is associated with operation of the bottling facility. Implementation of Mitigation Measure 4.12-2 would reduce the project's contribution to cumulative impacts to a less than considerable level.

Mitigation Measure 4.12-2 Recycle Employee and Process Waste

CGWC shall recycle at least 50 percent of solid waste generated on site and not being utilized in commercial products.

This recycling rate will be encouraged with recycling measures that may include, but would not limited to:

- place recycling bins in areas of high employee traffic (e.g. lunch room) alongside instructional signs describing the type of waste that should be recycled;
- place appropriately sized recycling receptacles near unloading and unpacking areas where high volumes of process recyclables are generated;
- regularly empty the all recycling bins so that recyclables are not diverted into the solid waste stream; and
- provide information on both employee and process recycling as part of employee training and orientation.

COMMENTS

PUBLIC COMMENTS:

In addition to the public comments received on the Draft EIR, the County has received public comments on the proposed action. These have been provided to the Planning Commission. If additional comments are received following distribution of this staff report, those comments will be provided to the Planning Commission at the meeting.

AGENCY COMMENTS:

Four agencies commented on the Draft EIR, and these comments, and responses to the comments, are included in the Final EIR.

PLANNING STAFF RECOMMENDATION

- **Certify** the EIR subject to the findings in Exhibit “C-1”.
- **Approve** the Crystal Geyser Use Permit (UP-16-03) subject to the findings in Exhibit “A” and C-1 and the notations and conditions of approval listed in Exhibit “B-1”.

SUGGESTED MOTION

I move that we certify and approve the EIR subject to the findings in Exhibit C-1.

I move that we adopt Resolution PC-2017-004, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Crystal Geyser Use Permit (UP-16-03).

PREPARATION

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Allan Calder, Director
Siskiyou County Planning Division
806 S. Main Street, Yreka, California 96097

Exhibit A
Recommended Use Permit Findings
Crystal Geysers Use Permit – UP-16-03

FINDINGS

GENERAL PLAN CONSISTENCY FINDINGS

MAP 3: BUILDING FOUNDATION LIMITATIONS – SEVERE PRESSURE LIMITATIONS SOILS

Policy 8 Enforce building construction standards (uniform building code) and public works requirements.

All structures requiring a building permit would need to meet minimum building code standards.

MAP 11: WOODLAND PRODUCTIVITY

Policy 31 The minimum parcel size shall be one acre on zero to 15 percent slope, and five acres on 16 to 29 percent slope.

No subdivision of the existing parcels is proposed as a part of the proposed project.

Policy 32 Single-family residential, light industrial, light commercial, open space, nonprofit and nonorganizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted. The permitted uses will not create erosion or sedimentation problems.

The proposed caretaker unit for which the use permit is requested is a residential use. The proposed project, with mitigation, will not create erosion or sedimentation problems as detailed in Impact 4.5-2 of the EIR.

COMPOSITE OVERALL POLICIES

Policy 41.3(a) All heavy commercial, and heavy industrial uses must provide or have direct access onto major thoroughfares or existing industrial/commercial streets capable of accommodating the traffic that could be generated from the proposed use.

Policy 41.3(b) All light commercial, light industrial, multiple family residential, and commercial/recreational, public and quasi public uses must provide or have direct access to a public road capable of accommodating the traffic that could be generated from the proposed use.

The Proposed Project has sufficient access to public roads to serve operation of the Proposed Project. A detailed traffic study was performed and is contained in the EIR for the project. The conclusion of the traffic study was that the Project as analyzed in the EIR would have a less than significant impact related to traffic.

Exhibit A
Recommended Use Permit Findings
Crystal Geysler Use Permit – UP-16-03

Policy 41.3(c) *All heavy commercial and heavy industrial uses should be located away from areas clearly committed to residential uses.*

Policy 41.3(d) *All heavy, non-agriculture related commercial and industrial uses should be located away from areas clearly committed to agricultural uses.*

Policy 41.3(f) *All proposed uses of the land may only be allowed if they clearly will not be disruptive or destroy the intent of protecting each mapped resource.*

Policy 41.3(g) *Existing or planned industrial areas shall not be developed in a manner that will destroy industrial potential.*

The site does not have woodland potential where the proposed caretaker's residence is to be built, and the proposed caretaker's residence would not decrease the potential for industrial development, at the site, which is already developed for industrial use.

Policy 41.3(e) *All proposed uses of the land shall be clearly compatible with the surrounding and planned uses of the area.*

The caretaker residence is compatible with the surrounding residential uses and commercial uses as it will produce similar light, glare, noise, and traffic as these uses.

Further, with the implementation of mitigation measures recommended in the EIR, the proposed project would not threaten the public health, safety, peace, morals, comfort, convenience or general welfare of the surrounding area.

Policy 41.4 *Policy conflict with city or special district General Plan in areas within a city's or special district's sphere of influence, the adopted General Plan of the applicable city or special district shall be considered in relation to the County's General Plan Policies, except in cases where the applicable city's General Plan clearly does away with the intent of any applicable resource map.*

The project site is within the sphere of influence of the City of Mt. Shasta. The portion of the site's development requiring the issuance of a conditional use permit for the caretaker residence is designated as an "employment center" by the City of Mt. Shasta General Plan. Caretaker residences are not explicitly listed as a suggested use for this designation, but support the continued operation of the project site as a whole as an industrial use. Unlike a zoning designation, a land use designation does not exhaustively list all permitted uses, but instead provides a guide for a zoning ordinance to do so. Therefore, since the caretaker's residence supports the intended spirit of the land use designation, it is not inconsistent.

Policy 41.5 *All development will be designed so that every proposed use and every individual parcel of land created is a buildable site, and will not create erosion, runoff, access, fire hazard, or any other resource or environmentally related problems.*

No subdivision is proposed and no new parcels will be created. A detailed analysis of the potential environmental impacts of the location of the caretaker's residence and the construction and operation of the bottling facility was performed as a part of the EIR for the project. The conclusions of the EIR were that, with recommended mitigation identified in the EIR, construction and operation of the caretaker's residence would not result in erosion, runoff,

Exhibit A
Recommended Use Permit Findings
Crystal Geysers Use Permit – UP-16-03

access, fire hazard, or any other resource or environmentally related problems due to site location or design.

Policy 41.6 There shall be a demonstration to the satisfaction of the Siskiyou County Health Department and/or California Regional Water Quality Control Board that sewage disposal from all proposed development will not contaminate ground water.

Policy 41.8 All proposed development shall be accompanied by evidence acceptable to the Siskiyou County Health Department as to the adequacy of on-site sewage disposal or the ability to connect into an acceptable central sewer system serving an existing city or existing community services district with adequate capacity to accommodate proposed development. In these cases the minimum parcel sizes and uses of the land permitted for all development will be the maximum density and land uses permitted that will meet minimum water quality and quantity requirements, and the requirements of the county's flood plain management ordinance.

The caretaker's residence will be served by the City of Mt. Shasta's sanitary sewer and wastewater treatment plant. The City's WWTP is subject to permitting by the Central Valley Regional Water Quality Control Board (CVRWQCB) and, as described in detail in Section 4.8 of the EIR, regulatory requirements of the CVRWQCB will ensure that the project would not contaminate groundwater. The Siskiyou County Environmental Health Division has reviewed the project site, and has no comments. The project site lies outside of the flood plain.

Policy 41.7 Evidence of water quality and quantity acceptable to the Siskiyou County Health Department must be submitted prior to development approval.

The water demands of the caretaker residence would be met through the existing on-site well.

Policy 41.9 Buildable, safe access must exist to all proposed uses of land. The access must also be adequate to accommodate the immediate and cumulative traffic impacts of the proposed development.

The Proposed Project has sufficient access to public roads to serve operation of the Proposed Project. A detailed traffic study was performed and is contained in the EIR for the project. The conclusion of the traffic study was that the Project as analyzed in the EIR would have a less than significant impact related to traffic.

Policy 41.12 All significant historic and prehistoric places and features when identified shall be preserved and protected in accordance with accepted professional practices.

As discussed in Section 4.4 of the EIR, no known archaeological or historical resources were identified on the project site. Implementation of Mitigation Measures 4.4-1 and 4.4-2 recommended in the EIR will provide for the protection of unanticipated discoveries in accordance with accepted professional practices and reduce any potential impacts to a less than significant level.

Policy 41.13 All rare and endangered plant species as identified and recognized by state and federal government shall be preserved and protected in accordance with accepted professional practices.

As discussed in Section 4.3 of the EIR, implementation of Mitigation Measures 4.3-1 recommended in the EIR provides for the protection of listed species in accordance with

Exhibit A
Recommended Use Permit Findings
Crystal Geysir Use Permit – UP-16-03

accepted professional practices and would reduce any potential impacts to a less than significant level.

Policy 41.18 Conformance with all policies in the Land Use Element shall be provided, documents, and demonstrated before the County may make a decision on any proposed development.

Staff has reviewed all Land Use Element policies and has determined that, with the Conditions of Approval and Mitigation Measures recommended in the staff report, the project is consistent with the Siskiyou County General Plan.

Policy 41.19 It is the intent of all the policies in the Land Use Element to accomplish the following:

(a) Encourage intensive development near existing urban, areas, and away from the natural resources.

(b) Ensure compatibility of all land uses.

(c) Encourage heavy industrial and heavy commercial rises near major thoroughfares, existing urban areas, other locations most suited for the particular type of heavy commercial or heavy industrial use.

(d) Recognize the need for heavy commercial and heavy industrial land uses that most logically must be located in isolated areas of the county.

Staff has analyzed the General Plan, Zoning Code, and surround land uses, and has determined that the proposal is compatible with all surrounding land uses.

ZONING DISTRICT CONSISTENCY/USE PERMIT FINDINGS

1. The proposed conditional use permit, as recommended for approval, is in conformance with the applicable policies of the Siskiyou County General Plan as documented herein.
2. The proposed caretaker's residence and bottling operation is consistent with the applicable provisions of Siskiyou County Code Title 10, Chapter 6, Article 47, which allows a caretaker's residence as a conditionally permitted use in the Heavy Industrial (M-H) zoning district, provided that the permitted use requires the continuous supervision of a caretaker and the residence is occupied only by such person and his or her family, and allows bottling operation is an allowed use per County Code Section 10-6.4702(i).
3. The proposed caretaker's residence would be reasonably compatible with surrounding land uses, which include light industrial, commercial and residential land uses.
4. As conditioned, the size, scale, intensity, and location of the proposed caretaker's residence would not result in significant change in the existing environment that would threaten public health, safety, or welfare, as assessed in detail in the EIR for the project.
5. As conditioned, the size, scale, intensity, and location of the proposed caretaker's residence would not cause damage or nuisances from noise, smoke, odor, dust, vibration, explosion, contamination, fire, or traffic, as assessed in detail in the EIR for the project.

Exhibit A
Recommended Use Permit Findings
Crystal Geysir Use Permit – UP-16-03

6. The Planning Commission has considered all written and oral comments received, and based on its analysis of the public testimony and the staff report, the Commission has determined that the caretaker's residence as designed and conditioned would be compatible with existing and future uses in the area.

RESOLUTION PC 2017-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SISKIYOU, STATE OF CALIFORNIA, CERTIFYING THE CRYSTAL GEYSER EIR AND APPROVING THE CRYSTAL GEYSERUSE PERMIT (UP-16-03)

WHEREAS, Section 10-6.4703(q) of the Siskiyou County Code permits the construction and occupancy of a caretaker's residence within the M-H zoning district, subject to approval of a use permit and provided specific conditions are met; and

WHEREAS, Crystal Geysers Water Company has applied for a use permit pursuant to Section 10-6.1201 of the Siskiyou County Code to construct a caretaker's residence at 210 Ski Village Drive, Mt. Shasta, CA (APN 037-140-090); and

WHEREAS, the Planning Division presented its oral and written staff report on proposed Use Permit UP-16-03 at a regular meeting of the Planning Commission on September 20, 2017; and

WHEREAS, an Environmental Impact Report was prepared pursuant to the California Environmental Quality Act (CEQA) as described in the EIR and Exhibit C-1; and

WHEREAS, the Planning Commission has independently reviewed the record and the EIR represents the independent judgment and analysis of the County and the Planning Commission; and

WHEREAS, the Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains; and

WHEREAS, the EIR is an adequate assessment of the potentially significant environmental impacts of the Project, and sets forth a reasonable range of alternatives;

WHEREAS, mitigation measures have been incorporated into the project to reduce potential impacts, but the County has determined the adoption of feasible mitigation measures and alternatives incorporated into the EIR will reduce impacts to some extent, but in some instances the impact will not be reduced to a level that is deemed "less than significant," thus some impacts remain significant and unavoidable, namely generation of Greenhouse Gas emissions, and the County has determined that any remaining significant effects on the environment that are found to be unavoidable are acceptable due to overriding considerations described in the findings attached to this resolution. These overriding considerations consist of specific social, and economic benefits of the project that justify its approval and outweigh its unavoidable adverse environmental effects, as more fully stated in the findings attached to this resolution; and

WHEREAS, comments received on the project resulted in a number of conditions of approval being recommended by staff; and

WHEREAS, all mitigation measures have been reproduced in the Mitigation Monitoring and Reporting Program prepared for use by County staff, participating agencies, project contractors, and mitigation monitoring personnel during implementation of the project; and

WHEREAS, the Planning Division recommended approval of Use Permit UP-16-03 subject to the conditions of approval provided in Exhibit B-1 to this resolution; and

WHEREAS, a Notice of Public Hearing was published in the Siskiyou Daily News on September 1; and

WHEREAS, on September 20, 2017, the Chair of the Planning Commission opened the duly noticed public hearing on the EIR and Use Permit UP-16-03 to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed the EIR and Use Permit UP-16-03 prior to reaching its decision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission adopts the recommended findings set forth in Exhibits A and C-1 of the written staff report; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission, certifies the EIR pursuant to Sections 15090, 15091, and 15092 of the CEQA Guidelines, and adopts the Mitigation Monitoring and Reporting Program, as contained in Exhibits C, D and E; and

BE IT FURTHER RESOLVED that the Planning Commission adopts the findings and statement of overriding considerations set forth in Exhibit C-1; and

BE IT FURTHER RESOLVED that the Planning Commission approves Use Permit UP-16-03 subject to findings in Exhibit A of the written staff report and the notations and conditions of approval contained in Exhibit B-1 to this resolution.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2017-004 was duly adopted on a motion by _____ and seconded by _____, at a regular meeting of the Siskiyou County Planning Commission held on the 20th day of September, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SISKIYOU COUNTY PLANNING COMMISSION

Tony Melo, Chair

WITNESS, my hand and seal this 20th day of September, 2017.

Allan Calder, Secretary of the Commission

Exhibit B-1 to Resolution PC-2017-004
Notations and Recommended Conditions of Approval

NOTATIONS:

1. The use permit shall lapse and shall become null and void two (2) years following the date that the Conditional Use Permit became effective, unless prior to the expiration of two (2) years the proposed use has been established. A Conditional Use Permit may be renewed for additional periods of time, if an application for renewal (by letter) of the use permit is filed with the Planning Commission prior to the permit's expiration date. Should the use be discontinued for a period of one year or more, the use shall only resume under the condition that the Planning Director has made a written determination that the use has not been willingly discontinued and that the circumstances and findings under which the use permit was granted are still valid. Should the Planning Director be unable to make these required findings, the use shall not recommence without approval of a new Conditional Use Permit by the Planning Commission.
2. Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
3. Unless an appeal is filed or the Board of Supervisors acts to review the decision of the Planning Commission, the Conditional Use Permit shall become effective following ten (10) days from the date of approval by the Planning Commission. If an appeal is filed or the Board of Supervisors acts to review the decision of the Planning Commission, the Conditional Use Permit shall become effective immediately upon the Board's review and approval.

CONDITIONS OF APPROVAL:

1. The project shall substantially conform to the application submitted March 18, 2016, including any materials subsequently submitted to the Planning Division prior to the application being deemed complete, and as approved by the Siskiyou County Planning Commission on September 20th, 2017. Any proposed amendment shall be submitted for consideration by the Planning Director to determine the review process pursuant to the Siskiyou County Code.
2. The following requirements and restrictions shall be implemented to reduce health risk from exposure to Toxic Air Contaminants (TACs) at the caretaker residence:
 - The Heating Ventilation and Air-Conditioning (HVAC) system installed within the caretakers residence shall be equipped with high-efficiency particulate air (HEPA) and/or activated carbon filters;
 - The residence may only be occupied by an employee(s) of Crystal Geyser Water Company (CGWC) who is over 18 years of age. No single employee shall occupy the caretaker residence for more than 40 hours per week. Occupancy by persons not employed by CGWC shall not be allowed.
3. The applicant, shall defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action, or proceeding (collectively, "Action") against the County, its agents (including consultants), officers or employees to attack, set aside, void, or annul the Approvals, or any part thereof, or any decision, determination, or action, made or taken approving, supplementing, or sustaining, the Project or any part thereof, or

Exhibit B-1 to Resolution PC-2017-004
Notations and Recommended Conditions of Approval

any related approvals or Project conditions imposed by the County or any of its agencies, departments, commissions, agents (including consultants), officers or employees, concerning the Project, or to impose personal liability against such agents (including consultants), officers or employees resulting from their non-negligent involvement in the Project, which Action is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any party from the County. Said responsibilities shall be pursuant to the County's standard Agreement for Indemnification in effect at the time of application approval or Agreement for Indemnification if signed and effective prior to the date the application is approved. In the event that the applicant fails to comply with the terms of the applicable agreement, the applicant does hereby consent and agree to all remedies in said agreement and does hereby agree and consent to the County rescinding all applicable project approvals.

4. All Mitigation Measures contained within the project's Mitigation Monitoring and Reporting Plan are herein incorporated by reference as conditions of approval.
5. Building permits must be obtained from the Building Division of the Siskiyou County Community Development Department for any structures, plumbing, electrical, or mechanical work that may occur during the course of operations.
6. The applicant shall meet all applicable and appropriate Fire Safe Regulations for the proposed surface mining operation and any associated uses or development occurring within a State Responsibility Area. The applicant shall obtain verification of compliance with these Fire Safe Regulations from the Director of the California Department of Forestry (Cal Fire), or their assigned designee.
7. The applicant shall comply with all adopted rules and regulations of the Siskiyou County Public Works Department, Environmental Health Division of the Siskiyou County Public Health and Community Development Department, and all other local and state regulatory agencies.
8. A written authorization shall be obtained from the Siskiyou County Air Pollution Control District prior to starting construction, operation or use of any stationary, portable, or indirect source which may cause, potentially cause, reduce, control or eliminate the emission of air contaminants.
9. A business that stores or uses 55 gallons of a liquid, 500 lbs. of a solid, or 200 cu. ft. of compressed gas of hazardous materials is subject to the requirements of a Haz Mat Business Plan under the California Health & Safety Code. Also, any business that generates a hazardous waste is subject to regulation under California law.
10. Within 30 days of operation, the business needs to do the following:
 - a. Contact Siskiyou County Environmental Health/CUPA to schedule a hazardous material/waste inspection at the project location.
 - b. The business needs to electronically submit a hazardous material business plan (HMBP) through the California Electronic Reporting System (CERS) if it handles a hazardous material at any one time during the reporting year at or above HMBP quantity thresholds. (Health & Safety Code Sec. 25507)
 - c. If the business generates a hazardous waste, including but not limited to used oil or used antifreeze, it must obtain a hazardous waste identification number and

Exhibit B-1 to Resolution PC-2017-004
Notations and Recommended Conditions of Approval

comply with all applicable hazardous waste generator regulations. Hazardous waste generator information needs to be electronically reported through CERS. (California Code of Regulations, Title 22, Div. 4.5).

11. If the business transports a hazardous waste, including but not limited to used oil or used antifreeze, prior to transportation it must either:
 - a. Register as a hazardous waste transporter with the California Department of Toxic Substances Control (DTSC) or,
 - b. Meet the small load operation requirements per California Code of Regulations, Title 22, Sec. 66263.46.

12. The applicant shall provide verification of compliance with all applicable statutory requirements of the fire safe standards enacted pursuant to Public Resources Code Section 4290 and the California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning Department.

1998 Mitigation Agreement

Groundwater and Surface Water

13. Develop and implement an Erosion Control Plan (ECP) in coordination with the CVRWQCB through the Section 401 process in obtaining the stormwater management approval for the project. At a minimum, the plan will contain the following best management practices:
 - All ground-disturbing activities will be limited to the dry season (mid-May through mid-October) to the extent possible.
 - Disturbance adjacent to all drainages that ultimately drain to North Fork Cold Creek will be limited, and vegetation left in place to the degree possible to reduce potential sedimentation
 - All stockpiled material will be placed such that potential erosion is minimized.
 - Filter fabric, straw bales, and/or sediment basins will be used to reduce erosion and the potential for in-stream sedimentation.
 - Seeding and revegetation will be initiated as soon as possible (timed properly to coincide with fall/winter precipitation) after construction completion.

Air Quality

14. Mitigation of fugitive dust (PM₁₀) emissions will occur via education of the construction crews regarding measures that can reduce or minimize emissions. These include operating motor vehicles to minimize emissions and suppress dust. Control measures for construction emissions of PM₁₀ will include:
 - Water all active construction areas at least twice daily, if, and as reasonably needed.
 - Suspend dust-producing activities when high winds create construction-induced excessive dust plumes moving beyond the site in spite of dust control measures.
 - Cover all trucks hauling soil and other loose material, or require at least 2 feet of freeboard.
 - Pave (with temporary rock aggregate), apply water three times daily, or apply soil stabilizers on all unpaved access roads and staging areas at construction sites.

Exhibit B-1 to Resolution PC-2017-004
Notations and Recommended Conditions of Approval

- Sweep streets as reasonably necessary, with water sweepers if excessive amounts of soil material is carried onto adjacent public streets as a result of applicant construction activities.
- Apply soil stabilizers, as needed, to inactive construction areas.
- Enclose, cover, or water twice daily (if, and as reasonably needed), and/or add soil binders to exposed stockpiles of soil and other backfill materials.
- Use best efforts to ensure that applicant's (and its contractors) traffic speeds on unpaved roads do not exceed 15 miles per hour (mph).

Transportation

15. CGWC will use its best reasonable efforts to contractually obligate all carriers to limit access to the Plant to roads north of and including the proposed access road off of North Mt. Shasta Boulevard to avoid truck traffic through the central business district.

Biological Resources

16. Prior to construction, a qualified biologist (in consultation with the California Department of Fish and Wildlife [CDFW]) shall conduct a survey of the project area to identify any active raptor or protected migratory bird nests within 500 feet of the construction zone. If active nests are located within 500 feet of the construction zone, a monitoring program would be initiated in consultation with CDFW.
17. If there are significantly reduced flows on Big Springs Creek, CGWC will discuss and participate with all other water users in developing a proportionate, equitable and mutually agreed action plan to address such an issue.

Noise

18. Outdoor construction activities will be limited to daytime hours (7 a.m. to 7 p.m.). If specific noise complaints are received during construction, one or more of the following noise mitigation measures will be implemented:
 - Locate stationary construction equipment as far as possible from nearby noise-sensitive properties.
 - Notify nearby residents whenever extremely noisy work (e.g., pile driving, use of pneumatic drill) would be occurring and ongoing.
 - Use construction-related soils stockpiles as effective noise barriers when feasible.
 - Shut off idling equipment.
 - Install temporary or portable acoustic barriers around stationary construction noise sources if excessive noise is reasonably anticipated to be ongoing.

Aesthetic Resources

19. Building and free-standing signage will be constructed of non-reflective materials and will not be internally illuminated.
20. Elevations and specifications will describe materials and color selection. The applicant will work with the City and County to determine a mutually acceptable theme.
21. Truck maneuvering areas and loading/staging areas, and all outdoor mechanical equipment, will be screened from view from adjacent properties and public rights-of-way

Exhibit B-1 to Resolution PC-2017-004
Notations and Recommended Conditions of Approval

using landscaping, screening, earthen berms, or such means to accomplish screening to the degree commercially feasible. A landscape plan for the proposed project site with line-of-sight cross sections should be prepared and provided to the City for review.

22. The public/employee parking area will be screened from view from Ski Village Drive using landscaping, a landscaped berm, low wall, or such means to accomplish screening to the degree commercially feasible. The screen should be placed outside the building setback area to maximize its effectiveness.
23. Shield all exterior lighting to prevent direct light and glare from being emitted onto adjacent properties. Low-pressure sodium lights and/or directional lighting (or equivalent) shall be used (as opposed to flood lighting).
24. CGWC will preserve all heritage trees currently growing on the property to the extent commercially practical.

Archaeological Resources

25. Should grading, excavation, or construction reveal the presence of cultural resources (i.e., artifact concentrations, including stone and bone tools and projectile points [arrowheads], ceramics, foundations or other structural remnants; or human skeletal remains), work within 50 feet of the find will cease immediately. A qualified professional archaeologist will be consulted to evaluate the remains and implement appropriate mitigation. In the event human skeletal remains are encountered, State law requires immediate notification of the County Coroner.

CEQA FINDINGS AND FACTS IN SUPPORT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 INTRODUCTION

1.1 ROLE OF THE FINDINGS

The following findings are hereby adopted by the County of Siskiyou (County) pursuant to the requirements of the California Environmental Quality Act, California Public Resources Code (PRC) Section 21000 et seq. (CEQA), and the Guidelines for CEQA, Title 14, California Code of Regulations (CCR) Section 15000 et seq. (CEQA *Guidelines*).

These Findings and Facts in Support of Findings relate to the approval of the Crystal Geyser Bottling Plant Project (Proposed Project) Environmental Impact Report (EIR). The County is the Lead Agency for the Proposed Project.

The Findings state the County's conclusions regarding the significance of the potential environmental impacts of the Proposed Project after all feasible mitigation measures have been adopted. These findings have been prepared to comply with the requirements of CEQA and the CEQA *Guidelines* and are based on information in the Draft and Final EIR for the Proposed Project and on all other relevant information contained in the administrative record for the Proposed Project.

CEQA requires agencies to identify mitigation measures that would avoid or substantially lessen a project's significant impacts or potential significant impacts if such measures are feasible. The mitigation measures identified in the Final EIR mitigate the potential significant impacts of the Proposed Project, to the extent feasible, as described in the Final EIR. All mitigation measures identified in the Final EIR (as listed in Draft EIR, Section 2.0, Table 2-1 and as amended in Final EIR, Volume II, Section 2.0, Table 2-1) not otherwise rejected as infeasible are incorporated as conditions of approval of the project.

By adopting the feasible mitigation measures listed in the EIR as conditions of approval and establishing a Mitigation Monitoring and Reporting Program (MMRP) to ensure implementation of these mitigation measures, the County will ensure the corresponding significant impacts are avoided or reduced to the maximum extent feasible.

The Statement of Overriding Considerations explains County's reasons for approving the Proposed Project, despite the fact that the Proposed Project will have a significant and unavoidable impact on the environment.

1.2 CEQA REQUIREMENTS

The EIR identifies significant effects on the environment, which may occur as a result of the Proposed Project.

PRC §21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant

environmental effects of such projects[.]” (Emphasis added.) The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects.” (Emphasis added.) PRC §21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” (PRC §21002)

The mandate and principles set forth in PRC §21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see PRC §21081[a]; CEQA *Guidelines* §15091[a]). Specifically, §15091 of the CEQA *Guidelines* establishes the following requirements for findings:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
[This finding shall be referred to herein as “Finding (1).”]
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
[This finding shall be referred to herein as “Finding (2).”]
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
[This finding shall be referred to herein as “Finding (3).”]

Thus, for each significant environmental effect identified in an EIR, the approving agency must issue a written finding reaching one or more of the three permissible conclusions described above.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (CEQA *Guidelines*, §15091[a], [b]). PRC §21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA *Guidelines* §15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors [Goleta II]* [1990] 52 Cal.3d 553, 574-75: concluding whether project applicant owned alternative site for project was an appropriate legal and economic factor to consider.) Moreover, judicial decisions have held “desirability” is also an appropriate consideration. (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417: “‘feasibility’ under CEQA encompasses

‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”); *California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 998 [same.]”).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA *Guidelines* §15093, 15043[b]; PRC §21081[b].) The California Supreme Court has stated, “[t]he wisdom of approving this or any other development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures in reducing an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures in substantially reducing the severity of a significant effect, but not to a less-than-significant level. Although CEQA *Guidelines* §15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case specify whether the effect in question has been reduced to a less than significant level, or has simply been substantially lessened but remains potentially significant. Moreover, although §15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR.

These findings constitute the County’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Proposed Project in a manner consistent with the requirements of CEQA. To the extent these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible, within its responsibility and jurisdiction, and have not been modified, superseded or withdrawn, the County hereby binds Crystal Geyser Water Company (CGWC) to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations.

The Facts in Support of Findings, as set forth in the following sections, state the County’s reasons for making each finding and the rationale connecting the evidence to its conclusions. All records and materials constituting the record of the proceedings upon which these Findings are made are located at the County of Siskiyou, Community Development Department, 806 Main Street, Yreka, CA 96097.

1.3 SCOPE OF THE ENVIRONMENTAL ANALYSIS

The EIR analyzes the potential significant adverse effects of the implementation of the Proposed Project. The EIR, in compliance with CEQA, is designed to inform decision-makers, other responsible agencies, and the general public of the environmental consequences of the Proposed Project.

1.4 ORGANIZATION

This document identifies the Findings and Facts in Support of Findings for each potentially significant impact identified in the Final EIR. Next, it summarizes the alternatives discussed in the EIR and makes findings with respect to their feasibility and whether each alternative would lessen the significant environmental effects of the Proposed Project. This document also includes a Statement of Overriding Considerations setting forth the specific reasons supporting County's actions in approving the Proposed Project despite its significant environmental impacts, and concludes with a finding on the County's independent review and analysis of the EIR. A list of documents relied on for the EIR, findings, alternatives analysis, and the County's ultimate decision on the Proposed Project is included at the end of this document as the Record of Proceedings.

2.0 FINDINGS AND FACTS IN SUPPORT OF FINDINGS

The following subsection lists each significant or potentially significant environmental impact by issue area in the order it appears in the Final EIR, the mitigation measures identified for each impact in the EIR, the CEQA Finding or Findings applied by the County, and the Facts in Support of each Finding. This discussion does not attempt to describe the full analysis of each environmental impact contained in the EIR. A full documentation of the environmental analysis and conclusions is in the EIR and the Record of Proceedings identified at the end of this document and incorporated herein by reference.

The County has determined the adoption of feasible mitigation measures and alternatives incorporated into the EIR will reduce impacts to some extent, but in one instance the impact will not be reduced to a level that is deemed "less than significant," thus one impact remains Significant and Unavoidable. The Statement of Overriding Considerations contains additional information explaining the reasons for the County's decision to approve the Proposed Project despite the significant environmental effect that cannot be mitigated to a less-than-significant level.

2.1 AESTHETICS

None.

2.2 AIR QUALITY

Impact

4.2-2 Expose Sensitive Receptors to Substantial Pollutant Concentrations.

Implementation of the Proposed Project could expose occupants of the on-site caretaker's residence sensitive receptors to substantial pollutant concentrations. (Final EIR, Volume II, p. 4.2-18)

Mitigation Measures

4.2-1 Caretaker Residence Improvements and Restrictions

The following measures shall be implemented to reduce health risk from exposure to Toxic Air Contaminants (TACs) at the caretaker residence. The conditional use permit for the caretaker residence shall include the following requirements and restrictions:

- a) The Heating Ventilation and Air-Conditioning (HVAC) system installed within the caretakers residence shall be equipped with high-efficiency particulate air (HEPA) and/or activated carbon filters;
- b) The residence may only be occupied by an employee(s) of CGWC who is over 18 years of age. No single employee shall occupy the caretaker residence for more than 40 hours per week. Occupancy by persons not employed by CGWC shall not be allowed.

Significance After Mitigation

The measures described above would minimize exposure to TACs at the caretaker's residence through the installation of HVAC air filters, and occupancy restrictions on the caretaker's residence by CGWC employees. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)).

Facts in Support of Finding

Air quality impacts associated with exposure of off-site sensitive receptors to substantial pollutant concentrations were determined to be less-than-significant within the Final EIR and do not require further discussion.

Onsite worker exposures are regulated under Occupational Safety and Health Agency (OSHA) regulations, which include requirements and standards that are protective of employee health and safety. Thus, risk to onsite workers is excluded from Health Risk Assessments (HRAs) in accordance with Office of Environmental Health Hazard Assessment (OEHHA) guidance. However, the OEHHA Air Toxics Hot Spots Program Guidance Manual (February 2015), Section 8.4 states: "When a receptor lives and works on the facility, site, or property, then these receptors should be evaluated and reported under both residential and worker scenarios and the one that is most health protective should be used for risk management decisions. The cancer risk estimates for the onsite residents may use a 30-year exposure duration while the 25-year exposure duration is used for a worker." Therefore, in accordance with this guidance, the on-site caretaker's residence was modeled using AERMOD as a single receptor in the HRA and designated as a residential use. Based on residential receptor exposure levels, which assume a 30-year period of exposure, the chronic and acute health indexes were below the established thresholds of one, but the cancer risk at the caretaker residence was determined to be 14.9 in a million, which exceeds the established threshold (refer to Appendix M of the Final EIR). This is a significant impact.

Implementation of **Mitigation Measure 4.2-1** would reduce the maximum individual cancer risk (MICR) below the acceptable threshold by restricting the allowable occupancy of the caretaker residence to temporary (versus permanent) residence and requiring the installation of an HVAC system with a HEPA and/or activated carbon filter. The mitigation restricts the hours of occupancy to 40 hours per week,

which would reduce the definition of the caretaker residence receptor to a workplace receptor, rather than a residential receptor in terms of hours of exposure. Adherence to OSHA regulations, which include requirements and standards that are protective of employee health and safety, would reduce workplace receptor exposures to less than significant levels. Therefore, exposure of on-site receptors to TACs, including the occupant of the caretaker residence, would be **less-than-significant with mitigation**.

2.3 BIOLOGICAL RESOURCES

Impact

4.3-1 Loss or Degradation of Habitat for Special Status Species.

Implementation of the off-site sewer improvements associated with the Proposed Project could result in loss or degradation of potential habitat for special-status species. (Final EIR, Volume II, p. 4.3-19)

Mitigation Measures

S-4.3-1 Off-Site Sewer Improvements Area – Special Status Amphibians

The following mitigation measures shall be implemented prior to construction of the off-site sewer improvements:

- a) CGWC shall retain a qualified biologist to conduct aquatic surveys for the California red-legged frog (CRLF) and the Oregon spotted frog within 10 days prior to starting construction. CRLF surveys shall be conducted in accordance with the Revised Guidance on Site Assessment and Field Surveys for the CRLF (USFWS, 2005). Because a formal protocol does not exist for Oregon spotted frog, the scope and method of the surveys shall be determined in consultation with United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW). At a minimum, the surveys for the Oregon spotted frog shall include a search by a qualified biologist to determine presence or absence within 100 feet of construction activities. CGWC shall be responsible for all costs associated with implementation of this mitigation measure.
- b) Once the biologist has cleared the area, temporary four-foot exclusionary fencing shall be placed and maintained around any avoided CRLF and Oregon spotted frog habitat during construction to prevent impacts from construction vehicles and equipment. This fencing shall be inspected daily by a qualified biologist throughout the construction period to ensure that it is in good functional condition and will prevent CRLF and Oregon spotted frog from entering the project site.
- c) If CRLF and/or Oregon spotted frog are present, CGWC shall implement additional measures as deemed appropriate by the USFWS and the CDFW.

Significance After Mitigation

The measures described above would minimize impacts to listed amphibian species potentially located in suitable habitat adjacent to the off-site sewer improvements area through the implementation of pre-

construction surveys and the provision of protections should amphibians be identified. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

Off-site sewer improvements associated with the Proposed Project would occur immediately adjacent to aquatic and riparian habitat, which provides potentially suitable habitat for two federally listed amphibian species: CRLF (*Rana aurora draytonii*) and Oregon spotted frog (*Rana pretiosa*). Although suitable habitat for these species does not occur directly within the right-of-way of South Old Stage Road and thus would not be impacted by the off-site sewer improvements, individual frogs could potentially wander into the construction zone and be injured or killed by construction equipment. This is a potentially significant impact.

Mitigation Measure S-4.3-1 requires that preconstruction surveys be conducted for CRLF and Oregon spotted frog prior to construction of the off-site improvements, and exclusionary fencing be placed and maintained around identified habitat to prevent individual frogs from entering the project site and being impacted by construction vehicles and equipment. Additional measures would be implemented, as needed, in consultation with USFWS and CDFW. Implementation of **Mitigation Measure S-4.3-1** would reduce any potential effects to these species to a **less-than-significant** level.

Impact

4.3-2 Disturbance Of Nesting Habitat For Migratory Birds And Other Birds Of Prey.

Implementation of the Proposed Project and off-site sewer improvements could result in the disturbance of nesting habitat for migratory birds and other birds of prey. (Final EIR, Volume II, p. 4.3-20)

Mitigation Measures

4.3-1 Nesting Migratory Birds and Other Birds of Prey

The following measures shall be implemented to avoid or minimize adverse impacts to nest sites for migratory birds and other birds of prey during construction activities associated with the Proposed Project and off-site sewer improvements area:

- a) For vegetation removal and/or earth-disturbing activities occurring during the nesting season (February 1 through September 1), a qualified biologist shall conduct pre-

construction surveys of all potential nesting habitat for all migratory birds within 500 feet of construction activities. The qualified biologist shall document and submit the results of the preconstruction survey in a letter report to the County and CDFW within 30 days following the survey. If a bald eagle nest is identified, the report shall also be submitted to USFWS. If no active nests are identified during the preconstruction survey, then no further mitigation is required provided construction commences within 7 days.

- b) If any active special-status bird, migratory bird, or raptor nests are identified during the preconstruction survey within the study area, a no-disturbance buffer zone deemed appropriate to the species will be established around the nests to avoid disturbance or destruction of the nest.

The distance around the no-disturbance buffer will be determined by the biologist in coordination with CDFW (and USFWS if a bald eagle nest is identified) and will depend on the level of noise or construction activity, the level of ambient noise near the nest, and line-of-sight between the nest and disturbance.

These buffers shall be no less than: 1) 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-100-foot buffer zone will be created around the nests of other migratory or special-status birds and all other birds that are protected by California Fish and Game Code 3503.

These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar projects; however, they may be modified in coordination with CDFW (and USFWS if applicable) based on existing conditions at the project site. A qualified biologist will monitor nests daily during construction to evaluate potential nesting disturbance by construction activities.

The biologist will delineate the buffer zone with construction tape or pin flags until the young have fledged. Guidance from the CDFW will be requested if the nestlings within the active nest appear disturbed. A report shall be prepared and submitted to the County and CDFW following the fledging of the nestlings to document the results.

- c) If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas should be resurveyed.

S-4.3-2 Off-Site Sewer Improvements Area – Nesting Migratory Birds and Other Birds of Prey

The following measures shall be implemented to avoid or minimize adverse impacts to nest sites for migratory birds and other birds of prey during construction activities associated with the off-site sewer improvements area:

- a) For vegetation removal and/or earth-disturbing activities occurring during the nesting season (February 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all migratory birds within 500 feet of construction activities. The qualified biologist shall document and submit the results of

the preconstruction survey in a letter report to the County and CDFW within 30 days following the survey. If a bald eagle nest is identified, the report shall also be submitted to USFWS. If no active nests are identified during the preconstruction survey, then no further mitigation is required provided construction commences within 7 days.

- b) If any active special-status bird, migratory bird, or raptor nests are identified during the preconstruction survey within the study area, a no-disturbance buffer zone deemed appropriate to the species will be established around the nests to avoid disturbance or destruction of the nest.

The distance around the no-disturbance buffer will be determined by the biologist in coordination with CDFW (and USFWS if a bald eagle nest is identified) and will depend on the level of noise or construction activity, the level of ambient noise in the vicinity of the nest, and line-of-sight between the nest and disturbance.

These buffers shall be no less than: 1) 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-100-foot buffer zone will be created around the nests of other migratory or special-status birds and all other birds that are protected by California Fish and Game Code 3503.

These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar projects; however, they may be modified in coordination with CDFW (and USFWS if applicable) based on existing conditions at the project site. A qualified biologist will monitor nests daily during construction to evaluate potential nesting disturbance by construction activities.

The biologist will delineate the buffer zone with construction tape or pin flags until the young have fledged. Guidance from the CDFW will be requested if the nestlings within the active nest appear disturbed. A report shall be prepared and submitted to the County and CDFW following the fledging of the nestlings to document the results.

- c) If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas should be resurveyed.

Significance After Mitigation

The measures described above would minimize impacts to migratory bird species through the implementation of pre-construction surveys and the provision of protections should migratory bird species be identified. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)).

Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

Nesting habitat for migratory birds and other birds of prey, protected under the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act, may include trees, shrubs, and/or the eaves of buildings within the ruderal/disturbed areas within the project site and vicinity. Potential disruption of nesting migratory birds and other birds of prey during construction of the Proposed Project could result in nest abandonment or mortality. Likewise, increased human activity and traffic, elevated noise levels, and operation of machinery could also impact birds if their nests or roosts are located within the vicinity of construction areas. The nesting season for migratory birds ranges between February 1 and September 1. Proposed future construction activities could be initiated during the nesting season, potentially disrupting nesting migratory birds and other birds of prey. Impacts resulting from future construction activities are potentially significant.

Tree and shrubs within the riparian areas adjacent to the off-site sewer improvements area provide suitable nesting habitat for migratory birds and other birds of prey. As with the Proposed Project, construction activities, should they occur within the nesting season between February 1 and September 1, could result in nest abandonment or mortality. These impacts are potentially significant.

Mitigation Measures 4.3-1 and **S-4.3-2** require preconstruction surveys to identify potential nesting habitat for all migratory birds within 500 feet of construction activities. Reports would be submitted to CDFW, the County, and USFWS, as applicable. Should habitat be identified, buffer zones will be established and maintained to ensure impacts to migratory bird habitat are minimized. These measures would ensure that migratory bird habitat is either not present during the time of construction, or would protect identified migratory bird habitat during construction activities. Implementation of **Mitigation Measures 4.3-1** and **S-4.3-2**, would reduce potential impacts to migratory birds and other birds of prey to a **less-than-significant** level.

Impact

4.3-3 Impacts to Federally Protected Wetlands As Defined By Section 404 of the Clean Water Act (CWA), Riparian Habitat, or Other Sensitive Natural Community.

Implementation of the off-site sewer improvements associated with the Proposed Project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA), riparian habitat, or other sensitive natural community. (Final EIR, Volume II, p. 4.3-21)

Mitigation Measures

S-4.3-3 Off-Site Sewer Improvements – Waters of the U.S.

In the event that the final design of the proposed sewer pipeline requires temporary removal of riparian vegetation, results in impacts within the bed, bank or channel of the stream, or requires

improvements to the existing culvert, the following measures shall be implemented to avoid potential short-term adverse effects to waters of the U.S., riparian habitat, and special-status fish species during construction activities associated with the off-site sewer improvements:

- a) Minimize clearing of riparian vegetation and grading activities within the riparian area. The disturbance or removal of vegetation shall not exceed the minimum necessary to complete construction activities. Precautions shall be taken to avoid other damage to vegetation by people or equipment. Re-vegetation with locally native species shall be completed as soon as possible after construction activities cease.
- b) When design plans are available, the CGWC shall consult with appropriate agencies, including the United States Army Corps of Engineers (USACE), CDFW and Regional Water Quality Control Board (RWQCB) regarding the need to obtain the following permits: CWA Section 404 permit from the USACE, a 401 Water Quality Certification from the RWQCB, and a Streambed Alteration Agreement from CDFW. If required, the CGWC shall apply for and obtain the necessary authorizations. All permit conditions shall be adhered to. At a minimum, full restoration of the site shall occur to mitigate for the temporary impacts of construction. Crystal Geysers shall be responsible for all costs associated with implementation of this mitigation measure.
- c) In addition, Mitigation Measures S-4.5-1 and 4.7-1 (set forth in full in **Section 2.3** in relation to **Impacts 4.5-2** and **4.7-1**) shall be implemented to protect water quality within the stream during construction activities. CGWC shall prepare an Erosion Control Plan (ECP) and follow Best Management Practices (BMPs) to reduce the risk of hazardous materials releases.

Significance After Mitigation

The measures described above would minimize impacts to Waters of the U.S. through the minimization of vegetation removal, consultation with appropriate agencies regarding the need to obtain permits, adherence to any permit conditions, and full restoration of the site. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

One stream crossing exists in the area of off-site sewer improvements. An informal delineation was completed to determine the edge of the jurisdictional waters during the August 24, 2016, site visit. The

proposed sewer upgrades will result in installation of parallel pipes within the existing roadbed and above an existing culvert. It is likely that all impacts to riparian habitat and the perennial stream can be avoided through design of the 12-inch parallel sewer pipeline. However, it is possible, although unlikely, that final design may require removal of riparian vegetation or construction activities within the bed, bank, or channel of the unnamed perennial stream; this would be a significant impact.

In the event that the final design of the proposed sewer pipeline requires temporary removal of riparian vegetation, results in impacts within the bed, bank or channel of the stream, or requires improvements to the existing culvert, **Mitigation Measure S-4.3-3** requires the CGWC to obtain one or all of the following permits: 404 CWA permit from the USACE; 401 water quality certification from the RWQCB; and 1600 streambed alternation agreement from CDFW. Conditions of these permits would require that BMPs are implemented to ensure that no pollutants will be discharged into jurisdictional waters. Therefore, this impact would be **less than significant with mitigation**.

Impact

4.3-4 Impacts of Fishery Resources.

Implementation of the Proposed Project could impact fishery resources. (Final EIR, Volume II, p. 4.3-22)

Mitigation Measures

4.3-2 Protect Water Quality During Construction Activities

Implement Mitigation Measures 4.5-1 and 4.7-1 to protect water quality during construction activities (set forth in full in **Section 2.3** in relation to **Impacts 4.5-2** and **4.7-1**). CGWC shall prepare an ECP and follow BMPs to reduce the risk of hazardous materials releases. Water quality shall be protected using erosion control techniques including (as appropriate), but not necessarily limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats.

S-4.3-3 Off-Site Sewer Improvements – Waters of the U.S.

Mitigation Measure S-4.3-3 is set forth in full in **Section 2.3** in relation to **Impact 4.3-3**.

Significance After Mitigation

The measures described above would minimize impacts to water quality and Waters of the U.S. through the minimization of vegetation removal, consultation with appropriate agencies regarding the need to obtain permits, and the implementation of measures to reduce the risk of erosion and hazardous materials releases. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such

changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

Construction activities associated with the Proposed Project would not result in the potential for sedimentation or other water quality impacts to Big Springs Creek because the project site drains to Cold Creek, which at no point connects to Big Springs Creek. Impacts from construction activities on Cold Creek could occur as result of downstream sedimentation from grading activities associated with expansion of the leachfield under Wastewater Treatment Option 3. Cold Creek provides aquatic habitat for various non-listed fish species, and is a tributary to Lake Siskiyou, a reservoir on the Sacramento River, which supports a recreational fishery. Additionally, impacts from construction activities associated with the off-site sewer improvements could impact downstream water quality as a result of sedimentation from grading activities. The unnamed perennial stream is tributary to Cold Creek which provides aquatic habitat for various non-listed fish species and is tributary to Lake Siskiyou, a reservoir on the Sacramento River, which supports a recreational fishery. Impacts to fishery resources from construction activities are potentially significant.

Mitigation Measures 4.3-2 would protect water quality through the preparation of an ECP and implementation of BMPs to reduce the risk of impacts to water quality. Water quality would be protected using erosion control techniques including (as appropriate), but not necessarily limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats. In addition, **Mitigation Measure S-4.3-3** requires CGWC consult with appropriate agencies regarding the need to obtain one or all of the following permits: 404 CWA permit from the USACE; 401 water quality certification from the RWQCB; and 1600 streambed alternation agreement from CDFW; conditions of these permits would require that BMPs are implemented to ensure that no pollutants will be discharged into jurisdictional waters and at a minimum the site would be fully restored. Implementation of **Mitigation Measures 4.3-2** and **S-4.3-3** would reduce this impact to **less than significant**.

Impact

4.3-5 Contribute to the Cumulative Loss of Special-Status Wildlife Species or Their Habitat in the Region.

Implementation of the Proposed Project could contribute to the cumulative loss of special-status wildlife species or their habitat in the region. (Final EIR, Volume II, p. 4.3-23)

Mitigation Measures

4.3-1 Nesting Migratory Birds and Other Birds of Prey

Mitigation Measure 4.3-1 is set forth in full in **Section 2.3** in relation to **Impact 4.3-2**.

4.3-2 Protect Water Quality During Construction Activities

Mitigation Measure 4.3-2 is set forth in full in **Section 2.3** in relation to **Impact 4.3-4**.

S-4.3-1 Off-Site Sewer Improvements Area – Special Status Amphibians

Mitigation Measure S-4.3-1 is set forth in full in **Section 2.3** in relation to **Impact 4.3-1**.

S-4.3-2 Off-Site Sewer Improvements Area – Nesting Migratory Birds and Other Birds of Prey

Mitigation Measure S-4.3-2 is set forth in full in **Section 2.3** in relation to **Impact 4.3-2**.

S-4.3-3 Off-Site Sewer Improvements – Waters of the U.S.

Mitigation Measure S-4.3-3 is set forth in full in **Section 2.3** in relation to **Impact 4.3-3**.

Significance After Mitigation

The measures described above would minimize impacts to listed amphibian species potentially located in suitable habitat adjacent to the off-site sewer improvements area through the implementation of pre-construction surveys and the provision of protections should amphibians be identified; migratory bird species through the implementation of pre-construction surveys and the provision of protections should migratory bird species be identified; and water quality and Waters of the U.S. through the minimization of vegetation removal, consultation with appropriate agencies regarding the need to obtain permits, and the implementation of measures to reduce the risk of erosion and hazardous materials releases. With implementation of the feasible mitigation measures described above, the Proposed Project's contribution to cumulative impacts to sensitive or special-status plant or fish and wildlife species and their habitat and migratory birds would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

Cumulative projects in the vicinity of the project site, including growth resulting from additional development within the County and City, may permanently remove plant and wildlife resources, which could affect special-status species and their habitat, nesting and foraging habitat for resident and migratory birds. The primary effects of cumulative development in the region would be the cumulative direct loss of sensitive or special-status wildlife species and their habitat, loss of migratory birds, and conflicts with local plans or policies protecting biological resources. Although mobile species may have the ability to adapt to modifications to their environment by relocating, less mobile species such as listed plants found in the area could be locally extirpated. With continued conversion of natural habitat to human use, the availability and accessibility of remaining foraging and natural habitats in the ecosystem could dwindle. The conversion of plant and wildlife habitat on a regional level as a result of cumulative development would potentially result in a regional significant cumulative impact on special-status species and their habitats. This is a significant cumulative impact.

Habitats will only be potentially affected during construction of the off-site sewer improvements, and would be allowed to return to their pre-project conditions following construction. All impacts of the Proposed Project on biological resources are associated with construction activities and would be temporary in nature. **Mitigation Measures 4.3-1, 4.3-2, S-4.3-1, S-4.3-2, and S-4.3-3** require preconstruction surveys to identify potential nesting habitat for all migratory birds within 500 feet of construction activities and avoidance should nesting birds be identified; the preparation of an ECP and implementation of BMPs during construction to reduce the risk of impacts to water quality in downstream fish habitat; preconstruction surveys be conducted for CRLF and Oregon spotted frog prior to construction of the off-site improvements, and exclusionary fencing be placed and maintained around identified habitat to prevent individual frogs from entering the project site and being impacted by construction vehicles and equipment; and requires that CGWC consult with appropriate agencies regarding the need to obtain one or all of the following permits: 404 CWA permit from the USACE; 401 water quality certification from the RWQCB; and 1600 streambed alternation agreement from CDFW; conditions of these permits would require that BMPs are implemented to ensure that no pollutants will be discharged into jurisdictional waters and at a minimum the site would be fully restored. With implementation of proposed mitigation measures would reduce all potential effects to biological resources to less than significant. With mitigation, the Proposed Project's contribution to cumulative impacts to sensitive or special-status plant or fish and wildlife species and their habitat and migratory birds would be **less than significant**.

2.4 CULTURAL RESOURCES

Impact

4.4-1 Cause a Substantial Adverse Change in the Significance of a Historical or Archaeological Resource as Defined in CEQA Guidelines, Section 15064.5.

The Proposed Project could cause a substantial adverse change in the significance of a historical or archaeological resource as defined in CEQA Guidelines, Section 15064.5. (Final EIR, Volume II, p. 4.4-14)

Mitigation Measures

4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries

The following mitigation measures shall be included in final improvement plans for the Proposed Project:

- a) Should any cultural resources, such as wells, foundations, or debris, or unusual amounts of bone, stone or shell, artifacts, burned or baked soils, or charcoal be encountered during subsurface excavation or construction activities, work shall immediately be suspended within 100 feet of the discovery. CGWC and the County shall be notified, and a qualified professional archaeologist shall be retained to determine the significance of the discovery. Determination of impacts, significance, and mitigation shall be made by the archaeologist in consultation with recognized local Native American groups, if the find is prehistoric.

Prior to the commencement of Proposed Project excavations, all construction personnel

shall be informed of the potential to inadvertently uncover cultural or paleontological resources and human remains and the procedures to follow subsequent to an inadvertent discovery. In addition, should excavations for site testing or data recovery become necessary, the Winnemem Wintu Tribe shall be informed in order to provide on-site tribal monitors.

- b) If human remains are uncovered during project construction, pursuant to PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code, all activities within a 100-foot radius of the find shall be halted immediately and the County's designated representative shall be notified. The County shall immediately notify the County coroner. California law recognizes the need to protect interred human remains, particularly Native American burials and items of cultural patrimony, from vandalism and inadvertent destruction. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The County shall contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with the County and a qualified professional archaeologist, shall develop a plan of action to avoid or minimize significant effects to the human remains prior to resumption of ground-disturbing activities.
- c) In the unlikely event that any evidence of paleontological resources (e.g., fossils) are encountered, work shall immediately be suspended within 100 feet of the discovery, and CGWC and the County shall be notified immediately. A note shall be required on the final improvement plans to be approved by the County, that if paleontological resources are discovered on site, CGWC shall retain a qualified professional paleontologist or registered geologist to observe all grading and excavation activities throughout all phases of project construction and to salvage fossils as necessary. The paleontologist shall determine appropriate actions, in cooperation with the County. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Excavated finds shall first be offered to a State-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the Siskiyou County Museum for purposes of public education and interpretive displays. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the County. The paleontologist shall submit a follow-up report to the County, which shall include the period of inspection, an analysis of the fossils found, and present repository of fossils.

S-4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries at Off-Site Sewer Improvements

The following mitigation measures shall be included in final improvement plans for the off-site sewer improvements:

- a) Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during development activities, work shall be suspended and the County and City Planning Departments shall be immediately notified. At that time, the County and City will coordinate any necessary investigation of the discovery with an appropriate specialist (e.g., archaeologist or architectural historian). The project proponent shall be required to implement mitigation necessary for the protection of cultural resources.

The County and City shall consider mitigation recommendations presented by a qualified archeologist for any unanticipated discoveries. The County and CGWC shall consult and agree upon implementation of a measure or measures that the County and CGWC deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

- b) If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the NAHC, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.
- c) Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended and the County and City Planning Department shall be immediately notified. At that time, the County will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement mitigation necessary for the protection of paleontological resources. The County and CGWC shall consider the mitigation recommendations of the qualified paleontologist for unanticipated discoveries. The County and CGWC shall consult and agree upon implementation of a measure or measures that the County and CGWC deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Significance After Mitigation

The measures described above would minimize potential impacts to unknown cultural resources inadvertently discovered during construction through the temporary ceasing of construction and recovery of important information from these resources. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such

changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

No known archaeological or historical resources were identified within either the Proposed Project or Off-Site Improvements areas either during the record search (August 24, 2016; NEIC File No. D16-84) or field survey (August 24, 2016). Plant operations would therefore not have any impacts to cultural resources. There is always the possibility, however remote, that previously unknown resources could be encountered during subsurface construction activities. This is a potentially significant impact.

Mitigation Measures 4.4-1 and **S-4.4-1** would cease construction work should cultural resources be encountered; require that the County and CGWC be notified of the find; require a qualified archaeologist shall be retained to determine the significance of the discovery; require consultation with local Native American groups for prehistoric findings; and inform all construction personnel of the potential for inadvertent cultural resource discovery. Implementation of **Mitigation Measure 4.4-1** for the project site and **Mitigation Measure S-4.4-1** for the off-site sewer improvements area would ensure that inadvertently discovered resources that may be eligible to the California Register of Historical Resources (CRHR) are identified and important information from these sites is recovered. These actions would reduce potential impacts to previously unidentified cultural resources to a **less-than-significant** level.

Impact

4.4-2 Directly or Indirectly Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature.

The Proposed Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (Final EIR, Volume II, p. 4.4-14)

Mitigation Measures

4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries

Mitigation Measure 4.4-1 is set forth in full in **Section 2.4** in relation to **Impact 4.4-1**.

S-4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries at Off-Site Sewer Improvements

Mitigation Measure S-4.4-1 is set forth in full in **Section 2.4** in relation to **Impact 4.4-1**.

Significance After Mitigation

The measures described above would minimize potential impacts to unknown paleontological or geologic features inadvertently discovered during construction through the temporary ceasing of construction and by recovering important information from these features. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

It is highly unlikely that unique paleontological or geologic features exist within either the project site or off-site sewer improvements area. There is a possibility, however remote, that previously unknown paleontological or geologic features could be encountered during subsurface construction activities. This is a potentially significant impact.

Mitigation Measures 4.4-1 and **S-4.4-1** would cease construction work should paleontological resources be encountered; require that CGWC and the County be notified of the find; require a paleontologist be retained for the duration of construction to salvage fossils and oversee grading and excavation; and require fossils to be first offered to a State-designated repository and second to the County Museum. Implementation of **Mitigation Measure 4.4-1** for the project site and **Mitigation Measure S-4.4-1** for the off-site sewer improvements area would ensure that inadvertently discovered paleontological or geologic features are identified and important information from these features is recovered. These actions would reduce potential impacts to previously unidentified paleontological or geologic features to a **less-than-significant** level.

Impact

4.4-3 Disturb Human Remains, Including those Interred Outside of Formal Cemeteries.

The Proposed Project could disturb human remains, including those interred outside of formal cemeteries. (Final EIR, Volume II, p. 4.4-15)

Mitigation Measures

4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries

Mitigation Measure 4.4-1 is set forth in full in **Section 2.4** in relation to **Impact 4.4-1**.

S-4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries at Off-Site Sewer Improvements

Mitigation Measure S-4.4-1 is set forth in full in **Section 2.4** in relation to **Impact 4.4-1**.

Significance After Mitigation

The measures described above would minimize potential impacts to unknown human remains through the temporary ceasing of construction and treatment of burials in accordance with applicable sections of the PRC and Health and Safety code. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

No known human remains or cemeteries occur within the project site or off-site sewer improvements area. There is always the possibility, however, that previously unknown human remains could be encountered during subsurface construction activities. This is a potentially significant impact.

Mitigation Measures 4.4-1 and **S-4.4-1** would cease construction work should human remains be encountered; require immediate notification of the County coroner if human remains are uncovered and contact the NAHC if the remains are determined to be of a Native American; require the County contact the MLD; and require a plan of action be developed prior to resumption of ground-disturbing activities. Implementation of **Mitigation Measure 4.4-1** for the project site and **Mitigation Measure S-4.4-1** for the off-site sewer improvements area would ensure that inadvertently discovered burials are addressed in accordance with applicable sections of the PRC and Health and Safety code. These actions would reduce potential impacts to previously unidentified human remains to a **less-than-significant** level.

Impact

4.4-5 Cumulative Impacts To Cultural And Paleontological Resources.

The Proposed Project could result in cumulative impacts to cultural and paleontological resources. (Final EIR, Volume II, p. 4.4-18)

Mitigation Measures

4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries

Mitigation Measure 4.4-1 is set forth in full in **Section 2.4** in relation to **Impact 4.4-1**.

S-4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries at Off-Site Sewer Improvements

Mitigation Measure S-4.4-1 is set forth in full in **Section 2.4** in relation to **Impact 4.4-1**.

Significance After Mitigation

The measures described above would minimize potential impacts to unknown cultural and paleontological resources inadvertently discovered during construction through the temporary ceasing of construction and by recovering important information from these features. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

Potential cumulative projects in the vicinity of the Study Area, including growth resulting from build-out of the City and County General Plans have the potential to impact cultural and paleontological resources. Archaeological, historic, tribal and paleontological resources are afforded special legal protections designed to reduce the cumulative effects of development. Potential cumulative projects and the Proposed Project would be subject to the protection of cultural resources afforded by the CEQA *Guidelines* Section 15064.5, related provisions of the PRC, Assembly Bill (AB) 52, and relevant local policies, including the City's required mitigation measures for construction projects. Given the non-renewable nature of these resources, any impact to CRHR-eligible sites, paleontological resources, or tribal cultural resources (TCRs) could be potentially significant. No known archaeological or historical resources were identified within the Study Area.

Mitigation Measures 4.4-1 and **S-4.4-1** would cease construction work should cultural resources be encountered; require the County and CGWC be notified; require a qualified archaeologist shall be retained to determine the significance of the discovery; require consultation with local Native American groups for prehistoric findings; inform all construction personnel of the potential for inadvertent cultural resource discovery; cease construction work should human remains be encountered; require immediate notification of the County coroner if human remains are uncovered and contact the NAHC if the remains are determined to be of a Native American; require the County contact the MLD; require a plan of action be developed prior to resumption of ground-disturbing activities; cease construction work should paleontological resources be encountered; require notification CGWC and the County; require a paleontologist be retained for the duration of construction to salvage fossils and oversee grading and excavation; and require fossils to be first offered to a State-designated repository and second to the County Museum. **Mitigation Measures 4.4-1** and **S-4.4-1** provide for the protection of unanticipated discoveries, including human remains, during ground disturbing activities. With the implementation of these mitigation measures, the Proposed Project's incremental contribution to cumulative impacts to cultural and paleontological resources is **less than significant**.

2.5 GEOLOGY AND SOILS

Impact

4.5-2 Result in Accelerated Runoff, Erosion, and Sedimentation.

Implementation of the Proposed Project could result in accelerated runoff, erosion, and sedimentation. (Final EIR, Volume II, p. 4.5-13)

Mitigation Measures

4.5-1 Erosion Control Plan

Prior to earth-disturbing activities that require more than 100 cubic yards of excavation or deposition or cover more than 10,000 square feet (sf) in area, an ECP shall be prepared and submitted to the Siskiyou County Community Development Department for review and approval for the proposed construction activity.

The ECP shall be administered through all phases of grading and project construction. The ECP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. The ECP shall address spill prevention and include countermeasure plans describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. The Plan and proposed measures shall be consistent with the County's Land Development Manual and shall include (1) encouraging grading in the dry season, but allowing grading during the wet season (October to May), provided all measures listed below are implemented; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into area waterways; (6) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect and repair all erosion control facilities within 24 hours before each forecasted precipitation event and at the end of each work day during the rainy season; and (7) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect the erosion and sedimentation control measures every day of a storm event, immediately after each storm event and that all repairs shall be made immediately when the measures are not functioning as intended. In addition, the CGWC and/or Contractor shall notify the County of any repairs or corrections made to the erosion or sedimentation control measures; and (8) any other suitable measures determined by the Planning Director. The ECP shall be submitted to the Siskiyou County Planning Division for review and approval.

S-4.5-1 Off-Site Improvements – Erosion Control Plan

Prior to earth-disturbing activities that require more than 100 cubic yards of excavation or deposition or cover more than 10,000 sf in area, an ECP shall be prepared and submitted to the City and County for review and approval for the proposed construction activity.

The ECP shall be administered through all phases of grading and project construction. The ECP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. The ECP shall address spill prevention and include countermeasure plans describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. The Plan and proposed measures shall be consistent with the City's and County's Land Development Manual and shall include (1) encouraging grading in the dry season, but allowing grading during the wet season (October to May), provided all measures listed below are implemented; (2) protecting all finished graded slopes from erosion using such techniques as

erosion control matting and hydro-seeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into area waterways; (6) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect and repair all erosion control facilities within 24 hours before each forecasted precipitation event and at the end of each work day during the rainy season; and (7) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect the erosion and sedimentation control measures every day of a storm event, immediately after each storm event and that all repairs shall be made immediately when the measures are not functioning as intended. In addition, the CGWC and/or Contractor shall notify the City and County of any repairs or corrections made to the erosion or sedimentation control measures; and (8) any other suitable measures determined by the County Planning Director. The ECP shall be submitted to the City and County for review and approval

Significance After Mitigation

The measures described above would minimize impacts from runoff, erosion, and sedimentation through the implementation of ECPs for project site and off-site sewer improvements area construction. With the implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

Construction of the ancillary components of the Proposed Project, including the security/caretaker residence, pH neutralization facility, and wastewater treatment infrastructure, would involve minor grading and clearing activities within previously disturbed soils, and areas currently covered with gravel to the south of the Plant within the central project site. Additionally, necessary pipeline installation would involve trenching, pipeline installation, placement of backfill, and paving. Cut and fill quantities would balance on site and the Proposed Project would not require exporting of cut material or importing of fill materials except for potentially importing select backfill material for structure foundations. Approximately 25,600 square feet (sf), or 0.59 acres, would be graded on site. Therefore, a National Pollutant Discharge Elimination System (NPDES) permit would not be required, as the total grading of the project site would be less than one acre. The areas of soil that would be temporarily disturbed during construction of the Proposed Project would be exposed to potential storm events, which could generate accelerated runoff, localized erosion, and sedimentation. In addition, construction activities could expose soil to wind erosion effects that could adversely affect both on-site and nearby soils. This impact would be significant. The majority of soils at the project site, and all soils that would be within the development footprint, are

characterized as having only slight erosion hazards. Upon completion of the Proposed Project, structures, gravel, or revegetated areas would eventually cover soils exposed during construction.

Construction of the off-site sewer improvements would occur on previously disturbed and paved soils. There would be no increase in runoff due to the off-site improvements. However, during construction, erosion could occur as soils are displaced and result in a significant impact.

Mitigation Measures 4.5-1 and **S-4.5-1** require the implementation of ECPs for construction activities within the project site and the off-site improvements area. The ECPs will require construction contractors to install erosion and sediment control measures to ensure water quality is not impacted during construction, measures to address spill prevention, plans to ensure proper collection of and disposal of pollutants and construction debris, and submittal to the County Planning Division for review and approval. With the implementation of **Mitigation Measures 4.5-1** and **S-4.5-1**, impacts would be reduced to **less than significant**.

2.6 GREENHOUSE GASES AND CLIMATE CHANGE

Impact

4.6-1 Generate Greenhouse Gas Emissions, Either Directly or Indirectly, that may have a Significant and/or Cumulative Impact on the Environment; or Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing the Emissions of Greenhouse Gases.

Implementation of the Proposed Project could generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant and/or cumulative impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Final EIR, Volume II, p. 4.6-15)

Mitigation Measures

4.6-1 Reductions to GHG Emissions below Numerical Threshold

CGWC shall implement a combination of the following measures to achieve a net reduction of 51,281 metric tons (MT) of CO₂e annually.

- b) During operation of the Proposed Project, CGWC shall establish and administer a carpool or rideshare program. This shall include a shift scheduling program that allows interested parties to work similar work schedules to promote ride-sharing. CGWC shall monitor the success of the program for one year and submit an annual report to the County. If the rideshare or carpool program does not achieve its intended goal, then the Applicant shall subsequently purchase the corresponding number of credits from a carbon registry (defined in subsection (c) below) within one month of submitting the annual report. This measure would provide a reduction of 1.11 MT of CO₂e per participant annually. Assuming 25 percent employee participation, this measure could reduce CO₂e emissions by 16.5 MT of CO₂ annually.

- c) Prior to the County's issuance of building permits and the operation of the Plant, CGWC shall purchase 51,281 MT of CO₂e offset credits from a carbon registry, where reductions are real, permanent and have been quantified (the equivalent of 51,281 MT of CO₂e annual reduction). The emissions reduction credits may be purchased from the Climate Action Reserve, the Verified Carbon Standard, the American Carbon Registry, or an equivalent carbon emissions reduction credit trading market, which has the same or more stringent standards for carbon sequestration projects which reduce atmospheric GHGs or direct GHG emissions reductions achieved by existing GHG emitters. The CO₂e emission reduction credits must be permanently retired through the registry. The retirement of the credit ensures that it is not re-sold and that the designated off-set project remains in operation for the lifetime of the Proposed Project; thereby reducing annual GHG emissions as enforced by the carbon registry. The amount of credits may be reduced through the implementation of on-site measures described above. The reductions achieved through these measures shall be verified by the County through a review of the implementation program.

4.6-2 Additional Measures to Reduce GHG Emissions

CGWC shall implement the following BMPs to further reduce the GHG emissions of the Proposed Project:

- a) Power from the PacifiCorp distribution grid shall be utilized when available. This measure would minimize the use of higher emitting on-site propane generators.
- b) Trucks and vehicles in loading or unloading queues shall have their engines turned off when not in use. Permanent signage shall be posted at loading docks informing truck drivers of California Air Resources Board's (CARB's) commercial vehicle idling regulations. This regulation limits vehicles with a gross vehicle weight rating of 10,000 lbs. or greater to idle no more than 5 minutes. Fines are currently a minimum of \$300 and can be as much as \$1000 per day.
- c) All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized. All equipment engines shall be maintained in good operating condition and in tune per manufacturers' specifications.
- d) Participate in the United States Environmental Protection Agency's (USEPA's) voluntary SmartWay program to assist in establishing green freight initiatives.

Significance After Mitigation

The measures described above would minimize GHG emissions through the implementation of BMPs and GHG-reduction strategies, including the utilization of a carpool/rideshare program, and/or purchase of CO₂e offset credits. With mitigation, the Proposed Project's GHG emissions would be reduced below the 10,000 MT threshold developed based on AB 32 and California Climate Change Scoping Plan reduction targets for 2020; however, future reduction targets for 2030 and 2050 are not accounted for in the California Emissions Estimator Model (CalEEMod), so an accurate calculation of emission estimates for future years (i.e. 2030 and 2050) is not possible. Due to the current disparity between the amount of existing global GHG emissions and the goals of Executive Order (EO) B-30-15 and EO S-3-05 for target

years 2030 and 2050, even with the implementation of the feasible mitigation measures described above, the Proposed Project's impact would be considered **significant and unavoidable (SU)**.

Findings

Implementation of mitigation measures would substantially lessen GHG emissions of the Proposed Project. Therefore, the County hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the Final EIR (Finding (1)). However, GHG emissions would remain significant under CEQA. **Mitigation Measures 4.6-1** and **4.6-2** would not reduce emissions below significance. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the Final EIR (Finding (3)).

Facts in Support of Findings

Operation of the Proposed Project would result in emissions of GHGs associated with area, mobile, stationary, and indirect sources. Area-source emissions would be associated with activities such as, maintenance of landscaping and grounds, heating of the caretaker's residence, and other sources; mobile source emissions would result from employee trips, delivery trips, on-site propane forklifts and propane re-fueling pump, and waste haul trips; stationary-source emissions would occur through operation of propane generators and boilers; and indirect emissions would result from off-site energy generation (generated by demand for PacifiCorp electrical supplies), wastewater transport and treatment and solid waste disposal. Proposed Project operational emission estimates take into account the various design measures proposed by CGWC to achieve Leadership in Energy and Environmental Design (LEED) certification, including but not limited to, use of energy efficient light-emitting diode (LED) light fixtures, use of sensors on exterior windows to harvest daylight and reduce lighting loads, use of low-flow water fixtures, and installation of new HVAC equipment that meets current California Green Building Standards. The Proposed Project's operational GHG emissions at full production were calculated to be 61,281 MT of CO₂e, which exceeds the numerical threshold of 10,000 MT of CO₂e for stationary sources by 51,281 MT. Because the Proposed Project's emissions would exceed this threshold, this is a significant impact.

Mitigation Measures 4.6-1 and **4.6-2** would require the implementation of a carpool or rideshare program, and/or purchase of CO₂e offset credits; utilization of power from the PacifiCorp distribution grid; minimization of vehicle and equipment idling; and participation in USEPA's voluntary SmartWay program. Implementation of **Mitigation Measures 4.6-1** and **4.6-2** would reduce operational GHG emissions through the implementation of on-site measures and the purchase of CO₂e offset credits. With **Mitigation Measure 4.6-1**, the Proposed Project's emissions would be reduced below the 10,000 MT threshold developed based on AB 32 and California Climate Change Scoping Plan reduction targets for 2020. Although mitigation would reduce the emissions of the Proposed Project, CGWC would still be required to submit annual reports regarding the emissions from the boilers and generators in compliance with the Regulation for the Mandatory Reporting of GHG Emissions. Submittal of these reports would assist CARB in its efforts to monitor statewide emission goals in compliance with AB 32 and the California Climate Change Scoping Plan.

In addition to the GHG reduction goals for 2020 established by AB 32, EO S-3-05 establishes a GHG reduction target of 80 percent below 1990 levels by 2050, and EO B-30-15 establishes a California GHG

reduction target of 40 percent below 1990 levels by 2030 as an intermediate target to meet the ultimate 2050 goals. The CalEEMod model does not account for future programs that may be developed by the state in an effort to meet these targets, so it is not possible to accurately calculate emission estimates for these years. The 10,000 MT threshold for stationary sources is widely utilized by air quality management and pollution control districts across the state; however, this threshold is based on GHG reduction goals for 2020. CARB is currently updating the Scoping Plan to address the most recent 2030 targets and therefore the necessary measures to achieve consistency with these goals remains unclear. Due to the current disparity between the amount of existing global GHG emissions and the goals of EO B-30-15 and EO S-3-05 for target years 2030 and 2050, even with mitigation measures incorporated, the Proposed Project would contribute to cumulatively considerable global GHG emissions; therefore, this is a **significant and unavoidable** impact.

2.7 HAZARDOUS MATERIALS

Impact

4.7-1 Create a Significant Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials or Through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment.

Implementation of the Proposed Project could create a significant hazard to the public or the environment during construction activities through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Final EIR, Volume II, p. 4.7-10)

Mitigation Measures

4.7-1 Avoid and Minimize Potential for Hazardous Materials Spills

CGWC shall follow the following BMPs to reduce the risk of hazardous materials releases:

- a) CGWC shall place and contain on-site fuel and toxic materials in an area protected from direct runoff.
- b) During construction, CGWC shall inspect and maintain vehicles to reduce the potential for leaks or spills of oils, grease, or hydraulic fluids.
- c) To the extent feasible, CGWC shall minimize the use of equipment that may produce a spark, flame, or fire.
- d) CGWC shall use spark arrestors on construction equipment with internal combustion engines.
- e) CGWC shall ensure that safety guidelines regarding the use of gasoline-powered tools in fire hazard areas is communicated appropriately during construction.
- f) CGWC shall require that fire-suppression equipment be located nearby during construction.

Significance After Mitigation

The measures described above would minimize impacts from accidental hazardous materials releases through the implementation of BMPs to reduce the risk of hazardous materials releases. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)).

Facts in Support of Findings

During construction activities, it is anticipated that limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc., may be brought onto the site. Temporary storage units (bulk above-ground storage tanks, 55-gallon drums, sheds/trailers, etc.) may be used by various contractors for fueling and maintenance purposes. As with any liquid and solid, the handling and transfer between one container and another has the potential for an accidental release; therefore, there would be a potentially significant impact. Hazardous waste would be transported and disposed of in compliance with applicable federal, State, and local regulations. Construction contractors will be required to comply with applicable federal and State environmental and workplace safety laws.

The disturbance of undocumented hazardous wastes could also result in hazards to the environment and human health. As detailed above, no past hazardous materials investigations have revealed any significant contamination of soils or groundwater. However, in 2001, elevated levels of hydrocarbon contamination were identified in the vicinity of the former debarker site and woodwaste was present within the northern portion of the site; both the contaminated soil and woodwaste have been removed. Monitoring conducted by P&M Cedar Products as part of the Waste Discharge Requirements (WDRs) indicated no contamination of groundwater from the woodwaste disposal site.

Mitigation Measure 4.7-1, sets forth BMPs that reduce the potential for the release of toxic materials through appropriate planning and maintenance of vehicles and reduce the potential for fire hazards through the appropriate use of equipment and the availability of fire-suppression equipment. Adherence to regulatory requirements, the proper handling and usage of hazardous materials in accordance with label instructions, and the implementation of the BMP) identified in **Mitigation Measure 4.7-1** would ensure that adverse impacts to human health or the environment would not result and the potential for hazardous materials releases during construction would be minimized. Therefore, this impact is **less than significant with mitigation**.

2.8 HYDROLOGY AND WATER QUALITY

None.

2.9 LAND USE

None.

2.10 NOISE

Impact

4.10-1 Short-term noise generated by construction activities.

Implementation of the off-site sewer improvements associated with the Proposed Project could expose existing noise sensitive land uses to substantial noise level increases or noise levels in excess of the Siskiyou County or City of Mt. Shasta noise standards. (Final EIR, Volume II, p. 4.10-21)

Mitigation Measures

S-4.10-1 Off-Site Sewer Improvements Area – Construction Noise Reduction

The following measures shall be implemented to reduce construction noise impacts:

- a) Construction of the off-site sewer improvements shall be prohibited on weekends and federal holidays, and shall only occur Monday through Friday from 7:00 am to 5:00 pm.
- b) To reduce daytime construction noise levels at the nearby off-site sensitive receptors due to construction of the off-site sewer improvements, construction contractors shall be required to implement the following measures:
 1. Equipment and trucks used for project construction shall utilize the best available noise control techniques, such as improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds.
 2. Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 A-weighted decibels (dBA). External jackets on the tools themselves shall be used, to achieve a reduction of 5 dBA. Quieter procedures shall be used whenever possible, such as drills rather than impact equipment.
 3. Stationary noise sources shall be located as far from adjacent receptors as possible, and they will be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures.
- c) The general contractors for all construction activities associated with the off-site sewer improvements shall provide a contact number for citizen complaints and a methodology for dealing with such complaints such as designating a noise disturbance coordinator. This noise disturbance coordinator shall receive all public complaints about construction-

related noise and vibration, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem. All complaints and resolution of complaints shall be reported to the County and City weekly.

Significance After Mitigation

The measures described above would minimize noise impacts to sensitive receptors near off-site construction areas through the implementation of restrictions on construction hours, noise-reducing construction BMPs, and the provision of a contact for and procedures regarding noise complaints. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Findings

Construction of off-site sewer improvements is estimated to last approximately two weeks. Analysis of potential noise impacts is conservatively based on the maximum noise levels of typical construction equipment, without consideration for the percentage of the hour each type of equipment would be operating or shielding of the nearest existing sensitive receptor by landscape. Therefore, actual noise levels at nearby sensitive receptors would likely be lower than the maximum construction noise levels. The nearest sensitive receptor to the off-site improvements is approximately 50 feet from the edge of the roadway where construction would occur. Maximum noise levels generated by construction activities at this nearby receptor would be above the County threshold of 60 dB. Additionally, maximum noise levels generated by construction would cause a substantial temporary increase above existing ambient noise levels. This is a significant impact.

Mitigation Measure S-4.10-1 requires that construction activities be limited to Monday through Friday from 7:00 a.m. to 5:00 p.m. to reduce exposure to sensitive receptors and provides a list of noise-reducing measures to be employed by construction contractors to reduce potential noise impacts.

Mitigation Measure S-4.10-1 also requires the designation of a disturbance coordinator who would receive all public noise complaints and implement any feasible measures to alleviate the problem. As the construction of off-site improvements would be short-term, intermittent, and limited to daytime hours, this impact would be **less than significant with mitigation**.

Impact

4.10-3 Expose Existing Noise Sensitive Land Uses to Substantial Permanent Noise Level Increases or Noise Levels in Excess of the Siskiyou County or City of Mt. Shasta Noise Standards.

Implementation of the Proposed Project could expose existing noise sensitive land uses to substantial permanent operational noise level increases or operational noise levels in excess of the Siskiyou County or City of Mt. Shasta noise standards. (Final EIR, Volume II, p. 4.10-26)

Mitigation Measures

4.10-1 Noise Reduction at Propane Generators

CGWC shall implement at least one of the following mitigation measures:

- a) CGWC shall purchase and install propane generators that generate levels 5 dB lower than the existing proposed generators, or 58 dB Leq at a distance of 100 feet from the operating generators.
- b) CGWC shall install a noise barrier surrounding the propane generators on all sides, which extends 3 feet above the height of the generators. To provide access to the generators for routine maintenance or replacement, the barriers may be constructed of pre-fabricated galvanized metal panels which could be temporarily removed as needed. Aside from being removable, an advantage of such barriers is they can also provide sound absorption on the interior side of the barrier, while providing sound transmission loss on the exterior side. Appendix H in the Noise Impact Analysis (Appendix T of the Final EIR) provides an example of such barriers.

4.10-2 Noise Reduction at Rooftop Exhaust Fans

CGWC shall implement at least one of the following mitigation measures:

- a) CGWC shall purchase and install 15 rooftop exhaust fans that generate levels 5 dB lower than the existing fans, or 48 dB Leq at a distance of 100 feet from the operating exhaust fans.
- b) CGWC shall install noise barriers surrounding the 15 rooftop exhaust fans on all sides, to provide 5 dB of noise attenuation at each fan. To provide access to the fans for routine maintenance or replacement, the barriers may be constructed of pre-fabricated galvanized metal panels which could be temporarily removed as needed. Aside from being removable, an advantage of such barriers is they can also provide sound absorption on the interior side of the barrier, while providing sound transmission loss on the exterior side. Appendix H in the Noise Impact Analysis (Appendix T of the Final EIR) provides an example of such barriers.

4.10-3 Noise Reduction at Exhaust Vents

In-line silencers shall be installed within the ductwork leading from the chiller equipment to the exhaust vents on the east side of the plant building. Silencers shall be capable of reducing the

sound output of these vents by 10 dB. A company specializing in the specification of duct silencers shall be consulted to ensure the proper silencers are selected to achieve the desired sound reduction without adversely affecting system performance.

Significance After Mitigation

The measures described above would minimize impacts to noise sensitive land uses through the implementation of noise reducing alterations to the propane generators, rooftop exhaust fans, and chiller exhaust vents. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)).

Facts in Support of Findings

The most significant on-site exterior mechanical equipment at the project site in terms of noise generation includes roof-top HVAC equipment; ground-mounted cooling towers and chiller equipment; proposed propane power generators; operation of on-site wells; loading dock movements; and on-site truck circulation.

Additional operations associated with water bottling, flavoring, packaging, etc., will be located within the interior of the facility. The building shell consists of rigid foam insulation sandwiched between two layers of sheet metal. A single layer of 26-gauge sheet-metal provides an average sound attenuation of 18 dB between 125 and 4,000 Hertz frequency bands. After consideration of double layers of sheet metal and the rigid foam insulation, the noise reduction provided by the building shell is conservatively estimated to be at least 40 dB. Due to this noise-reduction provided by the insulated building shell, noise generated by equipment located within the building is predicted to be inconsequential relative to equipment located at the exterior of the structure. As a result, this analysis focuses on the noise generation of the significant noise generating equipment which will be operating in the exterior areas of the project site. Louvered openings in the bottling plant building are acoustic louvers, designed to attenuate sound while permitting airflow. These acoustic louvers would not compromise the acoustic integrity of the building shell.

The existing building shell and intervening topography provides partial to complete shielding of some of the project noise sources in the direction of some of the nearby sensitive receptors analyzed in this evaluation. To account for this shielding, conservative offsets were developed as described in the noise study.

Because the on-site mechanical equipment generates steady-state noise levels, noise impacts associated with this equipment are evaluated relative to day/night average (L_{dn}) criteria for receptors located in the County, and relative to hourly average noise level (L_{eq}) criteria for receptors located in the City. To provide a conservative computation of L_{dn} values, all on-site mechanical equipment would be in operation for the entire 24-hour period of a day.

The primary noise sources associated with on-site circulation of heavy trucks, including loading dock area turning movement, are the slow-moving semi-trailer trucks approaching, stopping (air brakes), backing into the loading docks (back-up alarms), and pulling out of the loading docks to depart the site. Once the trucks have backed into the loading dock, the engines will be shut off and they will be loaded or unloaded from the inside of the facility using a fork lift or hand cart. As a result, the majority of the noise generated by the loading dock area is contained within the building and truck trailer.

The Proposed Project is expected to generate 50 heavy truck loads per day (100 trips), with approximately 15 semi-trailer truck movements during the peak hour, which occurs during the daytime. Trucks would access the project site via the southwest entrance from Mt. Shasta Boulevard and head north along the access road until arriving at loading dock area on the west side of the building. Heavy trucks would depart the project site using the same roadways. All 100 daily truck operations would occur during daytime hours between 7:00 am and 10:00 pm. For calculation of hourly average noise levels, peak hour operations could consist of up to 15 trucks in an hour during daytime periods. A shielding offset was applied at receiver locations where the loading dock or the truck route is screened from view of the receiver to accurately reflect the existing of the intervening project buildings or topography. A matrix of shielding offsets applied to the on-site noise sources to account for intervening shielding is provided within Appendix G of the Noise Analysis (Appendix T of the Final EIR).

One sensitive receptor located in the City and one sensitive receptor in the County would experience ambient noise levels above applicable City and County standards, and two sensitive receptors within the County would experience substantial ambient noise level increases above Federal Interagency Committee on Noise (FICON) standards. This is a significant impact.

Noise levels impacts at the impacted sensitive receptors are primarily attributable to the operation of the proposed propane generators located southeast of the plant building near the propane tanks, rooftop exhaust fans, and chiller building exhaust vents. No noise impacts were identified due to ground level HVAC equipment. **Mitigation Measure 4.10-1** requires either the installation of quieter generators that produce noise levels 5 dB lower than the proposed generators or the construction of a localized noise barrier surrounding the propane generators. The noise barrier is recommended to extend 3 feet above the height of the propane generators on all sides in order to reduce noise at the impacted sensitive receptor by 5 dB. **Mitigation Measure 4.10-2** requires either the installation of quieter rooftop exhaust fans that produce noise levels 5 dB lower than the existing fans (48 dBA rather than 53 dBA) or the construction of localized noise barriers surrounding each rooftop exhaust fan. The noise barrier would reduce noise at sensitive receptors by approximately 5 dB. Additionally, in-line duct silencers would be required by **Mitigation Measure 4.10-3** at the exhaust vents of the chiller on the east side of the plant building. Silencers would reduce the sound output at these vents by 10 dB. With the installation of quieter generators or construction of a noise barrier, quieter fans or construction of noise barriers, and in-line duct silencers at the chiller exhaust vents, noise levels at impacted sensitive receptors would be below the applicable threshold level. Therefore, with implementation of **Mitigation Measures 4.10-1, 4.10-2, and 4.10-3**, operational noise impacts of the Proposed Project on nearby sensitive receptors would be **less than significant**.

Impact

4.10-4 Interior Noise Increases at Nearby Sensitive Receptors.

Implementation of the Proposed Project could result in interior noise increases at nearby sensitive receptors. (Final EIR, Volume II, p. 4.10-32)

Mitigation Measures

4.10-1 Noise Reduction at Propane Generators

Mitigation Measure 4.10-1 is set forth in full in **Section 2.10** in relation to **Impact 4.10-3**.

4.10-2 Noise Reduction at Rooftop Exhaust Fans

Mitigation Measure 4.10-2 is set forth in full in **Section 2.10** in relation to **Impact 4.10-3**.

4.10-3 Noise Reduction at Exhaust Vents

Mitigation Measure 4.10-3 is set forth in full in **Section 2.10** in relation to **Impact 4.10-3**.

Significance After Mitigation

The measures described above would minimize impacts to noise sensitive land uses through the implementation of on-site equipment noise reductions at propane generators, rooftop exhaust fans, and chiller exhaust vents. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)).

Facts in Support of Findings

Because the adjusted exterior daytime and nighttime noise level standards for residences in the City are 50 and 55 dB L_{eq} , respectively, and because the worst-case building façade noise reduction with windows open is 10 dB for this study, compliance with the exterior noise level standards would ensure compliance with the 40 and 45 dB L_{eq} interior noise level standards for daytime and nighttime in the City and 45 dB L_{eq} interior noise level standard for the County. Because noise levels generated by on-site activities are predicted to exceed applicable standards at the exterior spaces of two sensitive receptors, it is possible that noise levels within the interior spaces of these residences could also be excessive. Similarly, because there is a substantial increase in exterior ambient noise levels at one sensitive receptor, it is possible that the increase noise levels within the interior space of this residence could also be substantial. The 10 dB noise reduction resulting from building façades would reduce ambient noise levels below 65 dB at the sensitive receptors along Mt. Shasta Boulevard, thereby increasing the substantial increase criteria to 5 dB at these receptors. Therefore, interior traffic noise level increases from the Proposed Project would be below the substantial increase criteria. However, on-site operation would result in a substantial interior noise level increase of up to 6 dB at four nearby sensitive receptors. As the substantial increase criteria remains 5 dB regardless of the 10 dB noise reduction for interior spaces, these impacts are potentially significant.

Mitigation Measure 4.10-1 requires either the installation of quieter generators that produce noise levels 5 dB lower than the proposed generators or the construction of a localized noise barrier surrounding the propane generators. The noise barrier is recommended to extend 3 feet above the height of the propane generators on all sides in order to reduce noise at the impacted sensitive receptor by 5 dB. **Mitigation Measure 4.10-2** requires either the installation of quieter rooftop exhaust fans that produce noise levels 5 dB lower than the existing fans (48 dBA rather than 53 dBA) or the construction of localized noise barriers surrounding each rooftop exhaust fan. The noise barrier would reduce noise at sensitive receptors by approximately 5 dB. Additionally, in-line duct silencers would be required by **Mitigation Measure 4.10-3** at the exhaust vents of the chiller on the east side of the plant building. Silencers would reduce the sound output at these vents by 10 dB. Implementation of **Mitigation Measures 4.10-1, 4.10-2, and 4.10-3** would reduce ambient noise levels at the affected sensitive receptors by 1 to 4 dB, thereby reducing levels below applicable standards and resulting in an increase that would be less than the substantial increase criteria at the four affected sensitive receptors 1, 2, 4, and 11. With implementation of **Mitigation Measures 4.10-1, 4.10-2, and 4.10-3**, the Proposed Project would not cause interior noise levels at nearby sensitive receptors to be above applicable standards or result in a substantial permanent increase in interior ambient noise levels above existing without the Proposed Project. Therefore, these impacts are **less than significant with mitigation (LS-M)**.

2.11 TRANSPORTATION AND CIRCULATION

Impact

4.11-1 Construction Traffic Impacts.

Implementation of the off-site sewer improvements associated with the Proposed Project could conflict with an applicable congestion management program. (Final EIR, Volume II, p. 4.11-11)

Mitigation Measures

S-4.11-1 Off-Site Sewer Improvements - Develop a Traffic Control Plan

Prior to commencement of construction of the off-site sewer improvement within South Old Stage Road under Wastewater Treatment Options 1 and 2, the construction contractors shall prepare and submit a formal Traffic Control Plan (TCP), including signage, to the County and City for approval. The contractors shall maintain a copy of the approved TCP at the project site for the duration of the TCP implementation period.

Significance After Mitigation

The measures described above would minimize traffic delays during construction at the off-site sewer improvements area through the development and implementation of a TCP. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Finding

The Proposed Project includes upsizing a limiting sewer pipe section in order to accommodate an increase in wastewater flows to the City's municipal sewer system. Pipeline upsizing would take place within South Old Stage Road. Construction of the off-site pipelines could potentially cause traffic delays during in-road work, which is a significant impact.

As described in **Mitigation Measure S-4.11-1**, construction contractors would be required to submit a TCP to the applicable jurisdiction agencies for off-site improvements. The TCP would be subject to review and approval by the City (for work within South Old Stage Road right-of-way) and would include measures to decrease impacts to traffic during development of off-site pipelines. Further, impacts to traffic as a result of off-site improvements would be temporary. Therefore, with implementation of **Mitigation Measure S-4.11-1**, impacts as a result of off-site pipeline construction would be **less than significant**.

Impact

4.11-6 Impacts to Emergency Vehicle Access.

Implementation of the off-site sewer improvements associated with the Proposed Project could result in impacts to emergency vehicle access. (Final EIR, Volume II, p. 4.11-18)

Mitigation Measures

S-4.11-1 Off-Site Sewer Improvements - Develop a Traffic Control Plan

Mitigation Measure S-4.11-1 is set forth in full in **Section 2.11** in relation to **Impact 4.11-1**.

Significance After Mitigation

The measures described above would minimize traffic delays during construction at the off-site sewer improvements area through the development and implementation of a TCP. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Finding

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)). Regarding the implementation the off-site sewer improvements and related mitigation measures, such changes or alterations are also within the responsibility and jurisdiction of another public agency. Such

changes have been adopted by such other agency or can and should be adopted by such other agency (Finding (2)).

Facts in Support of Finding

During the construction of off-site wastewater improvements, temporary lane closures may be required to complete the required pipeline upgrades. This would result in a potentially significant impact to emergency vehicle access.

As described in **Mitigation Measure S-4.11-1**, construction contractors would be required to submit a TCP to the applicable jurisdiction agencies for off-site improvements. The TCP would be subject to review and approval by the City (for work within South Old Stage Road right-of-way) and would include measures to decrease impacts to traffic during development of off-site pipelines. Further, impacts to traffic as a result of off-site improvements would be temporary. Therefore, with implementation of **Mitigation Measure S-4.11-1**, impacts as a result of off-site pipeline construction would be **less than significant**.

2.12 UTILITIES

Impact

4.12-2 Require or Result in the Construction of Wastewater Conveyance Facilities or Expansion of Existing Facilities, the Construction of Which Could Cause Significant Environmental Effects.

Implementation of Wastewater Treatment Options 1 and 2 associated with the Proposed Project could require or result in the construction of wastewater conveyance facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (Final EIR, Volume II, p. 4.12-15)

Mitigation Measures

4.12-1 Limitation of Industrial Wastewater Flows

Crystal Geyser will meter all wastewater discharges to the City's sewer system so that maximum daily flows will not exceed the limit set forth in the Permit for Industrial Wastewater Discharge (currently anticipated to be 0.024 million gallons per day (mgd) under all weather conditions) or 0.05 mgd during peak wet weather flow (PWWF) conditions, whichever is more restrictive. Wastewater discharges will be metered through the installation of an underground holding tank within the disturbed area of the project site south of the Plant and/or by limiting operation at the Plant to a single bottling line during anticipated PWWF events. Flow metering will be conducted continuously using an industrial sewer discharge magnetic flow meter and recorded daily pursuant to the Permit for Industrial Wastewater Discharge. Depending on the timing of flow contributions from the Plant relative to the timing of the wastewater treatment plant (WWTP) expansion and infrastructure improvements, the City may elect to adjust the permitted maximum daily flow of the Plant in the future

Significance After Mitigation

The measures described above would minimize impacts to municipal wastewater conveyance facilities through the limitation of wastewater flows to the City of Mt. Shasta's wastewater system. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)).

Facts in Support of Findings

Considering that industrial process and industrial rinse wastewater peak discharge rates would not occur on the same day, the most water that could be discharged to the City's sewer system under Wastewater Treatment Options 1 and 2 would be 100,600 gallons per day (gpd; 0.10 mgd) during full production (two bottling lines). The sewer system capacity analysis found that with the addition of the 0.1 mgd flow under Scenario 3, there are two additional pipeline segments that would need to be upsized as a result of the Proposed Project beyond the segment that was determined to be undersized under existing conditions. As described above, the Proposed Project includes the addition of an additional 12-inch sewer pipe section under Option P1 and the addition of two 18-inch sewer pipe sections under Option P2 at the segment that was determined to be undersized under existing conditions to accommodate the flows under the initial phase. The installation of the 12-inch sewer pipe section (under Option P1) or dual 18-inch sewer pipe sections (under Option P2) would increase the combined capacity of that section to 4.92 mgd and 15.96 mgd, respectively, which would allow for conveyance of the current PWWF at that section (3.86 mgd) as well as the wastewater flows generated under Wastewater Treatment Options 1 and 2 during full production.

The upsizing of the other two additional segments could cause significant environmental effects and are, therefore, a potentially significant effect. **Mitigation Measure 4.12-1** would limit industrial wastewater flow discharges to either the limit set forth in the Permit for Industrial Wastewater Discharge (currently anticipated to be 0.024 mgd) or 0.05 mgd during PWWF conditions, whichever is more restrictive, thereby eliminating the need for the upsizing of the other two segments and reducing the impact to **less than significant**.

Impact

4.12-3 Require or Result in the Construction of Wastewater Treatment Facilities or Expansion of Existing Facilities, the Construction of Which Could Cause Significant Environmental Effects or Require Sewer Service that may not be Available by the Area's Wastewater Treatment Provider.

Implementation of Wastewater Treatment Options 1 and 2 associated with the Proposed Project could require or result in the construction of wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects or require sewer service that may not be available by the area's wastewater treatment provider. (Final EIR, Volume II, p. 4.12-17)

Mitigation Measures

4.12-1 Limitation of Industrial Wastewater Flows

Mitigation Measure 4.12-1 is set forth in full in **Section 2.12** in relation to **Impact 4.12-2**.

Significance After Mitigation

The measures described above would minimize impacts to municipal wastewater treatment facilities through the limitation of wastewater flows to the City of Mt. Shasta's wastewater system. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)).

Facts in Support of Findings

Considering that industrial process and industrial rinse wastewater peak discharge rates would not occur on the same day, the most water that would be discharged to the City's sewer system under Wastewater Treatment Options 1 and 2 would be 100,600 gpd (0.10 mgd) during full production (two bottling lines). Given the available dry- and wet-weather capacities of the WWTP of 0.05 mgd and 0.06 mgd, respectively, there is not currently sufficient capacity at the WWTP to accommodate wastewater flows generated under Wastewater Treatment Options 1 and 2 during full production (0.10 mgd), this would be a significant impact.

Mitigation Measure 4.12-1 would limit industrial wastewater flow discharges to either the limit set forth in the Permit for Industrial Wastewater Discharge (currently anticipated to be 0.024 mgd) or 0.05 mgd during PWWF conditions, whichever is more restrictive, thereby reducing the Proposed Project's impact on the WWTP's current capacity.

Should new requirements be imposed on the City by CVRWQCB or other circumstances occur that would inhibit the WWTP's ability to comply with the WDR, the City may change the restrictions or conditions of a Permit for Industrial Wastewater Discharge so that compliance can be maintained. Therefore, with the implementation of **Mitigation Measure 4.12-1** and continued compliance with the Permit for Industrial Wastewater Discharge, once issued by the City, the Proposed Project would result in **less-than-significant** impacts related to the wastewater treatment requirements of the CVRWQCB.

Impact

4.12-6 Cumulative Impact to Solid Waste.

Under cumulative conditions, the Proposed Project could be served by a landfill without sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws. (Final EIR, Volume II, p. 4.12-27)

Mitigation Measures

4.12-2 Recycle Employee and Process Waste

CGWC shall recycle at least 50 percent of solid waste generated on site and not being utilized in commercial products. This recycling rate will be encouraged with recycling measures that may include, but would not be limited to:

- place recycling bins in areas of high employee traffic (e.g. lunch room) alongside instructional signs describing the type of waste that should be recycled;
- place appropriately sized recycling receptacles near unloading and unpacking areas where high volumes of process recyclables are generated;
- regularly empty the all recycling bins so that recyclables are not diverted into the solid waste stream; and
- provide information on both employee and process recycling as part of employee training and orientation.

Significance After Mitigation

The measures described above would minimize cumulative impacts to solid waste facilities through the implementation of recycling employee and process waste from plant production. With implementation of the feasible mitigation measures described above, the Proposed Project's impact would be **less than significant with mitigation (LS-M)**.

Findings

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR (Finding (1)).

Facts in Support of Findings

All solid waste, including recyclables, would most often be sent through the Black Butte Transfer Station. The transfer station has a permitted throughput of 100 tons per day, and once this throughput is reached, the transfer station must cease operations for the day. Although the Proposed Project's waste is less than one percent of permitted throughput, the transfer station currently does meet its permitted capacity on occasion. Buildout of communities in the Black Butte Transfer Station's service area including the City of Weed, City of Mt. Shasta, and unincorporated County land, in addition to the Proposed Project, may necessitate additional personnel or equipment at the transfer station. The Proposed Project, and additional residential development would fund such improvements through property related fees.

At current operation, the Dry Creek Landfill will have adequate capacity until 2166. The County is not currently meeting the 50 percent diversion reduction as required by AB 939, resulting in a higher proportion of solid waste being sent to the Dry Creek Landfill (County of Siskiyou, 2013). Given the County's low recycling rate, and limited recycling centers and landfills in the County, this impact is potentially significant. Implementation of **Mitigation Measure 4.12-2** will decrease the solid waste being disposed of at the Dry Creek Landfill from the Proposed Project by 50 percent by requiring employee and

process waste to be recycled and providing bins and recycling receptacles in locations to encourage recycling; therefore, the Proposed Project's contribution to the County's diversion rate and the cumulative impact would be reduced to **less than cumulatively considerable** by implementation of **Mitigation Measure 4.12-2**.

2.13 ENERGY

None.

3.0 FINDINGS REGARDING MITIGATION MEASURES

3.1 MITIGATION MEASURES ADOPTED

Except as described in Section 3.2 below, the mitigation measures referenced herein are those identified in the Final EIR. The mitigation measures described in Section 2.0 of these findings are incorporated as conditions of approval of the project and are set forth in the MMRP.

3.2 MITIGATION MEASURES REJECTED

Mitigation Measure 4.6-1(a) involving the installation of a solar array within the project site would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The secondary effects from implementation of Mitigation Measure 4.6-1(a) were evaluated in the Final EIR, Volume II, Section 5.1.3, and were found to be significant and unavoidable.

Mitigation Measure 4.6-1(a) is rejected by the County based on the significant and unavoidable aesthetic effects the installation of solar panels would create. The County finds that the benefits of implementation of this measure (10% reduction in Plant energy demands and associated reduction in GHG emissions) do not outweigh the significant and unavoidable adverse aesthetics impacts that implementation of the measure would create.

3.2 IMPACTS AFTER IMPLEMENTATION OF MITIGATION MEASURES

Except as otherwise stated in these Findings, in accordance with CEQA *Guidelines* §15092, the County finds that environmental effects of the Proposed Project will not be significant or will be mitigated to a less-than-significant level by the adopted mitigation measures. All significant environmental effects have been eliminated or substantially lessened to the extent feasible. The County has determined that any remaining significant effects on the environment that are found to be unavoidable are acceptable due to overriding considerations described in **Section 5.0**. These overriding considerations consist of specific social, and economic benefits of the project that justify its approval and outweigh its unavoidable adverse environmental effects, as more fully stated in **Section 5.0**. Except as otherwise stated in these Findings, the County finds that the mitigation measures incorporated into and imposed upon the Proposed Project will not have new significant environmental impacts that were not analyzed in the EIR.

The elimination of **Mitigation Measure 4.6-1(a)** would not worsen the significant and unavoidable cumulative GHG emissions impact, as other portions of **Mitigation Measure 4.6-1** (subsections [b] and/or [c]) would be sufficient to reduce GHG emissions by the amount required (refer to **Section 2.6**).

3.3 RELATIONSHIP OF FINDINGS TO FINAL EIR

These Findings are intended to summarize and describe the contents and conclusions of the Final EIR for policymakers and the public. In the event that there is any inconsistency between the descriptions of mitigation measures in these Findings and the Final EIR, the County and/or CGWC will implement the measures as they are described in these Findings.

4.0 FINDINGS REGARDING ALTERNATIVES

4.1 INTRODUCTION

PRC §21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives... which would substantially lessen the significant environmental effects of such projects.” CEQA requires an EIR to consider a reasonable range of alternatives to a proposed project or to the location of the proposed project which would “feasibly attain most of the basic objectives of the project” (CEQA *Guidelines* §15126.6[a]). CEQA *Guidelines* §15126.6(f) limits the alternatives that must be considered in the EIR to those “that would avoid or substantially lessen any of the significant effects of the project.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more potentially significant adverse environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

This section describes how the County developed the range of alternatives analyzed in the EIR, summarizes the Proposed Project’s potentially significant impacts, discusses the project objectives, and considers the merits and feasibility of each of the alternatives.

4.2 RANGE OF ALTERNATIVES

Pursuant to the requirements of CEQA Guidelines Section 15126.6 and in light of the project objectives, the following alternatives to the project were identified and evaluated in the Final EIR:

- Alternative A: No Project Alternative
- Alternative B: Reduced Intensity
- Alternative C: Alternative Use Truck Terminal

The County finds that the alternatives analysis is sufficient to inform the County and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts and the

corresponding degree to which the alternatives would hinder achievement of the project objectives and/or be infeasible. After reviewing all proposed alternatives raised by commenters, the County finds that the range of alternatives studied in the EIR reflects a reasonable analysis of various types of alternatives that would potentially be capable of reducing the environmental effects of the Proposed Project. The three alternatives analyzed in the EIR (as well as the Proposed Project) cover a comprehensive range of reasonable possibilities in support of the final action of the County.

4.3 DISCUSSION OF ALTERNATIVES ANALYZED IN THE EIR

Discussion of Criteria for Considering Adoption of Project Alternatives

The factors that may be considered by a lead agency in evaluating alternatives analyzed in an EIR include (1) the ability to avoid or substantially lessen potentially significant environmental impacts of the proposed project, (2) the ability to achieve project objectives, and (3) feasibility of the alternatives. Each of these considerations is discussed in more detail below as it relates to the Proposed Project.

The Ability of an Alternative to Avoid or Substantially Lessen Potentially Significant Environmental Impacts

CEQA does not require a lead agency to consider adopting project alternatives simply because they perform better than a proposed project in some respects. In considering whether to adopt a specific project alternative, CEQA requires the lead agency to determine whether the alternative has the potential to avoid or substantially lessen the proposed project's significant environmental effects (PRC §21002). The significant environmental impacts of the Proposed Project that the alternatives seek to eliminate or reduce were determined and based upon the findings contained within each technical section evaluated in the Final EIR, Volume II, Section 4.0, Environmental Analysis. Construction of the Proposed Project could result in potential short-term impacts associated with soils and geology, hydrology and water quality, biological resources, noise, transportation/traffic, air quality and GHG emissions. Project design, regulatory requirements, and mitigation measures would reduce all potential short-term impacts associated with construction to a less-than-significant level. Operation and maintenance of the Proposed Project would result in potential impacts associated with hydrology and water quality, noise, air quality, GHG emissions and construction of off-site electrical utility infrastructure. Project design, regulatory requirements, and recommended mitigation measures would reduce most potential long-term impacts to a less than significant level. Per the EIR analysis, the following impact was determined to be significant and unavoidable:

- Impact 4.6-1: Emissions of Greenhouse Gases – Cumulative Impact. The Proposed Project would result in emissions of GHGs that would contribute on a cumulative level to impacts associated with climate change.

Pursuant to CEQA a lead agency may reject a project alternative that is incapable of avoiding or substantially lessening a proposed project's potentially significant and unavoidable impacts (see *Laurel Hills Homeowners Association v. City Council* [1978] 83 Cal.App.3d 515, 521). Even if a project alternative is capable of avoiding or substantially lessening one or more potentially significant and unavoidable impacts of a proposed project, if the alternative will result in other potentially significant and

unavoidable impacts not caused by the proposed project, then the lead agency may determine the alternative is not environmentally superior to the proposed project and reject it on that ground.

The Ability of an Alternative to Achieve Basic Project Objectives

In evaluating the merits of alternatives analyzed in the EIR the lead agency must consider the relationship between each alternative and the project objectives. The project objectives, as provided in the Final EIR, are as follows:

- To operate a beverage bottling facility and ancillary uses to meet increasing market demand for Crystal Geysler beverage products.
- To site the proposed facility at the Plant previously operated by Coca-Cola Dannon (CCDA Waters), to take advantage of the existing building, production well, and availability and high quality of existing spring water on the property which meets the regulations of the United States Food and Drug Administration (FDA) and the California State Department of Public Health governing bottled water product quality.
- To utilize the full production capacity of the existing Plant building based on its current size.
- To initiate operation of the Plant as soon as possible to meet increasing market demand for Crystal Geysler beverage products.
- To minimize environmental impacts related to construction activities and grading by utilizing existing facilities and infrastructure to the extent possible.
- To modify the existing facilities at the Plant in a manner that incorporates sustainable building and design practices, recycling efforts, and other conservation methods, in order to reduce water use.
- To withdraw groundwater in a sustainable manner that does not result in negative effects on nearby springs or wells, the underlying shallow or deep aquifers, or the surrounding environment.
- To create new employment opportunities for the local and nearby communities, promote sustainable economic development, provide for adequate services and infrastructure to support the project, and contribute to Siskiyou County's (County's) tax base.

In determining whether to adopt or reject an environmentally superior alternative, CEQA permits a lead agency to consider the ability of an alternative to fulfill the project objectives (*Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715: decision makers may reject an alternative that does not fully satisfy the objectives associated with a proposed project; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508: upholding findings rejecting reduced density alternative because it met some but not all of the applicant's project objectives; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000–1001: court found that the lead agency was legally justified in rejecting environmentally superior alternatives because they were undesirable from a policy standpoint because they failed to achieve what the agency regarded as primary objectives of the project). Although lead agencies commonly consider the ability of an alternative to achieve the project objectives in combination with evaluating its feasibility, these are two separate although overlapping inquiries (CEQA *Guidelines* §15126.6[c]).

Feasibility of Alternatives

Under CEQA, “[f]easible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (CEQA *Guidelines* §15364). The issue of feasibility of alternatives arises twice in the CEQA process, once when the EIR is prepared, and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers which may or may not be adopted by lead agency decision makers. When CEQA findings are made as part of the EIR certification process, the lead agency decision-making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint (*California Native Plant Society, supra*, 177 Cal.App.4th at pp. 998, 1001; *City of Del Mar, supra*, 133 Cal.App.3d at pp. 416-417). A lead agency’s determination regarding the feasibility of a project alternative must be supported by substantial evidence in the administrative record.

CEQA *Guidelines* §15126.6(f)(1) through (3) provides a discussion of factors that can be taken into account in determining the feasibility of alternatives. These factors include but are not limited to:

- Site Suitability;
- Economic Viability;
- Availability of Infrastructure;
- General Plan Consistency;
- Other Plans or Regulatory Limitations;
- Jurisdictional Boundaries;
- Property Ownership and Control;
- Ability to Ascertain Potential Impacts; and
- Remote or Speculative Nature of the Alternative.

Decision makers enjoy considerable discretion in determining whether a particular alternative set forth in an EIR, including the environmentally superior alternative, is “infeasible” and thus may be rejected without violating CEQA. As the California Supreme Court has emphasized, “[t]he wisdom of approving... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced” (*Goleta II, supra*, 52 Cal.3d at p. 576). As stated in the concurring opinion in *California Native Plant Society v. City of Santa Cruz* (2007) 177 Cal.App.4th 957, CEQA does not require an agency to choose the environmentally superior alternative. It simply requires the agency to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible, weigh those considerations against the environmental harm that the proposed project would cause, and make findings that the benefits of those considerations outweighed the harm (177 Cal.App.4th at pp. 1000-1001 [conc. opn. of Mihara, J.]).

Agency decision makers are free to reject an alternative that they consider undesirable from a policy standpoint, provided that any such decision reflects “a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417). In *City of Del Mar*, the petitioner municipality (Del Mar), in attempting to force the approval of an alternative development project less dense than what its sister city (San Diego) had

proposed and approved, asserted that the respondent lead agency “ha[d] misconstrued the scope of CEQA’s infeasibility requirement” by equating “feasibility” with “desirability.” The Court of Appeal disagreed. Emphasizing that San Diego had attempted to accommodate various economic and social factors in reaching its land use decision, the court reasoned as follows: “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” (*Id.* at p. 417).

The agency may also reject an environmentally superior alternative based on economic infeasibility. For example, evidence indicating that a proposed alternative would generate less tax revenue than a project as proposed is a legitimate ground for rejecting the alternative as infeasible (*Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco* [1980] 106 Cal.App.3d 893, 913: noting that CEQA “specifically provides for the weighing of economic, social and ‘other’ conditions”; see also PRC §21002.1[c]). In *Foundation for San Francisco’s Architectural Heritage*, which involved a challenge to a proposed retail project requiring the demolition of an existing historical structure, the respondent lead agency’s decision makers properly rejected project alternatives that called for the rehabilitation of the existing structure. The lead agency’s analysis showed that the alternatives would have generated between 15 and 50 percent less sales tax revenue for the city than would have been created by the project as proposed. This information, combined with other data regarding the economic costs of the alternatives, constituted “substantial evidence” supporting the decision makers’ finding that the alternatives were infeasible (*Id.* at pp. 913-914).

As the *Foundation for San Francisco’s Architectural Heritage* decision makes clear, the broad definition of feasibility under CEQA does not limit the thought process of agency decision-makers to the question of whether a proposed alternative is infeasible due to purely financial considerations. Rather, the definition impliedly recognizes the inevitable need to allow an agency to consider the policy ramifications of their actions, while requiring them generally to strive to find means to avoid or reduce significant environmental damage where reasonably possible.

Summary of Alternatives Analyzed in the EIR

The EIR considers three alternatives (Alternatives B and C) to the Proposed Project in addition to the CEQA-required analysis of a No Project Alternative (Alternative A). A full description of the alternatives and alternative selection process is in Section 6.0 of the Final EIR. The alternatives are as follows:

Alternative A: No Project Alternative

As required by CEQA *Guidelines* Section 15126.6(e), a No Project Alternative has been evaluated. The evaluation of the No Project Alternative allows decision makers to compare the impacts of the Proposed Project against no development of the project. The No Project/No Development consists of existing conditions, with no future development on the project site.

Alternative B: Reduced Intensity

Similar to the Proposed Project, Alternative B would result in the operation of a bottling facility within the project site, however, the production capacity of the Plant would be limited to one bottling line (as opposed to two bottling lines under the Proposed Project). Under Alternative B, operational impacts,

including groundwater pumping rates, energy consumption, and wastewater generation, would be identical to those resulting from the initial phase of the Proposed Project, but would be reduced when compared to full production. The Plant would still operate up to 24 hours a day six days per week depending on demand. This alternative would generate up to 50 truck trips daily (25 trucks/round trips per day), and 60 employee trips (30 employee vehicles/round trips per day). The energy demands of this alternative would be 4.2 megawatts (MW; 1.5 MW less than the Proposed Project at full production), and would also be met through on-site generators and PacifiCorp electrical supplies. Similar to the Proposed Project, wastewater generated under this alternative would be treated via one of the three options as described for the Proposed Project in the Final EIR, Volume II, Section 3.5.8; however, under Alternative B, expansion of the leach field (under Wastewater Treatment Option 3) would not be as extensive as less wastewater would be generated.

Alternative C: Alternative Use Truck Terminal

Alternative C involves converting the existing plant building within the project site to a truck terminal and distribution facility, which is an allowable use under the project site's existing zoning designation. Under Alternative C, the amount of truck traffic and associated noise and air quality emissions would likely increase, but the amount of groundwater pumping, wastewater generation and energy usage would be substantially less. Similar to the Proposed Project, the terminal would operate up to 24 hours a day. This alternative is expected to generate approximately the same amount of employment as the Proposed Project. Alternative C would generate approximately the same amount of domestic wastewater as the Proposed Project, but would not generate a significant amount of industrial wastewater, and thus would not require expansion of wastewater facilities within the site (including the leach field expansion under Wastewater Treatment Option 3), or the construction of off-site sewer upgrades (as would be required under Wastewater Treatment Options 1 and 2). The electrical demands of Alternative C would be less than the Proposed Project, and could likely be served through available capacity in the PacifiCorp electrical grid; therefore, this alternative would not require the use of on-site generators.

Discussion of the Merits and Feasibility of the Alternatives Analyzed in the EIR

Based on impacts identified in the EIR, and other reasons documented below, the County finds that adoption and implementation of the Proposed Project as described in the Final EIR is the most desirable, feasible, and appropriate action and rejects the other alternatives based on consideration of the relevant factors identified herein.

Alternative A: No Project Alternative

Ability of Alternative A to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts

Under the No Project Alternative, the project site would remain as it currently is, with no further improvements to the site or its surroundings. This alternative would eliminate the operational impacts of the Plant including effects to groundwater, traffic, noise, air quality, and GHG emissions, and impacts associated with proposed (future) construction activities.

As demonstrated in the EIR, the significant and unavoidable impact associated with the Proposed Project's cumulative contribution to GHG emissions would not occur under the No Project Alternative.

Based on impact analyses, the No Project Alternative would be environmentally superior to the Proposed Project, because no environmental impacts would occur.

The No Project Alternative is environmentally superior to the Proposed Project because it avoids or substantially lessens the Proposed Project's significant and unavoidable impact associated with GHG emissions. Therefore, the County finds that the No Project Alternative is environmentally superior to the Proposed Project.

Ability of Alternative A to Attain Project Objectives

This alternative would not accomplish any of the basic project objectives. The existing facilities within the project site would remain vacant and non-operational. This alternative would not utilize existing facilities and infrastructure to the extent possible nor would it create new employment opportunities within the County.

For these reasons, the County finds that the No Project Alternative is incapable of achieving the Proposed Project's basic objectives. The County, therefore, rejects the No Project Alternative as a result of its inconsistency with the project objectives (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991-992).

Feasibility of Alternative A

As discussed above, for the purposes of CEQA "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account legal and other factors (CEQA *Guidelines* §15091[a][3], §15364).

Because the No Project Alternative would not require alterations to the project site or any agency approvals, adopting the No Project Alternative is ostensibly feasible.

Conclusions Regarding the Merits and Feasibility of Alternative A

The County finds that the failure of the No Project Alternative to achieve any project objectives demonstrates that the No Project Alternative does not warrant its approval in lieu of the Proposed Project. Therefore, the County rejects the No Project Alternative.

Alternative B: Reduced Intensity

Ability of Alternative B to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts

The Reduced Intensity Alternative will lessen some of the Proposed Project's impacts including impacts associated with air quality, GHGs, hydrology and water quality, land use, noise, transportation and circulation, and energy. The Reduced Intensity Alternative, however, would not avoid the Proposed Project's significant and unavoidable impact associated with GHG emissions ; however, the extent of the impact would be reduced under Alternative B due to the reduced volume of GHG emissions, although not to a less than significant level.

Therefore, the County finds that the Reduced Intensity Alternative is environmentally superior to the Proposed Project because it marginally lessens the Proposed Project's potentially significant and unavoidable impact associated with GHG emissions.

Ability of Alternative B to Attain Project Objectives

The Reduced Intensity Alternative would accomplish many of the basic project objectives; however, operation of only one bottling line will not meet CGWC's objective to fully use the facility to meet increasing demand for Crystal Geysers beverage products. In addition, Alternative B would not take full advantage of the existing facilities and infrastructure that serves the site since the existing facility can accommodate up to two bottling lines. This alternative would also generate fewer employment positions and economic benefits to the County.

Therefore, the County finds the Alternative is overall less capable of achieving the full scope of project objectives (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 991-992).

Feasibility of Alternative B

As discussed above, for the purposes of CEQA "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account legal and other factors (CEQA Guidelines §15091[a][3], §15364).

The Reduced Intensity Alternative would not require alterations to the project site or agency approvals in excess of those required under the Proposed Project; therefore, adopting the Reduced Intensity Alternative is ostensibly feasible.

Conclusions Regarding the Merits and Feasibility of Alternative B

The County concludes that the Reduced Intensity Alternative is environmentally superior to the Proposed Project but is less capable of achieving the full array of project objectives. The Reduced Intensity Alternative would result in approximately half the number of jobs and associated economic benefits that would result from the Proposed Project; however, the environmental effects would only be marginally reduced, and this alternative would not avoid the significant and unavoidable impact associated with GHG emissions under the Proposed Project. Given that the Reduced Intensity Alternative only marginally lessens the Proposed Project's potentially significant and unavoidable impact associated with GHG emissions and does not avoid it, and given that the Reduced Intensity Alternative would result in significantly fewer economic benefits, the County finds that the Reduced Intensity Alternative does not warrant approval in lieu of the Proposed Project. Therefore, the County rejects the Reduced Intensity Alternative.

Alternative C: Alternative Use Truck Terminal

Ability of Alternative C to Substantially Reduce or Avoid Potentially Significant and Unavoidable Environmental Impacts

The Alternative Use Truck Terminal Alternative will lessen some of the Proposed Project's impacts including impacts to biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and utilities. The Alternative Use Truck Terminal Alternative, however, would not avoid

or lessen any the Proposed Project's significant and unavoidable impact associated with GHG emissions to a less than significant level, and would result in greater impacts to noise, and transportation and circulation.

The Alternative Use Truck Terminal Alternative is not considered environmentally superior to the Proposed Project because it does not avoid or substantially lessen the Proposed Project's significant and unavoidable impact associated with GHG emissions. Therefore, the County finds that the Alternative Use Truck Terminal Alternative is not environmentally superior to the Proposed Project.

Ability of Alternative C to Attain Project Objectives

The Alternative Use Truck Terminal Alternative would meet some of the basic objectives of the Proposed Project to minimize environmental impacts related to construction activities by utilizing existing facilities and infrastructure to the extent possible, and to create new employment opportunities. However, this alternative would not meet the project objectives related to use of the existing building, production well, and availability of high quality existing spring water for bottling purposes to meet increasing market demand for Crystal Geysers beverage products.

Therefore, the County finds the Alternative is overall less capable of achieving the full scope of project objectives (*California Native Plant Society v. City of Santa Cruz* [2009] 177 Cal.App.4th 957, 991-992).

Feasibility of Alternative C

As discussed above, for the purposes of CEQA "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account legal, social, and other factors (CEQA *Guidelines* §15091[a][3], §15364.) The Alternative proposes to transform the existing plant building to a truck terminal and distribution facility. Because this is an allowable use under the project's site existing zoning, the County finds that Alternative Use Truck Terminal Alternative is ostensibly feasible. Additionally, this alternative would result in approximately the same amount of employment as the Proposed Project. The County finds that from social and economic policy perspectives focusing job growth within these areas is beneficial.

Conclusions Regarding the Merits and Feasibility of Alternative C

CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to prevent or minimize environmental damage (CEQA *Guidelines* §15021[c]). The EIR finds that the Alternative Use Truck Terminal Alternative is not the environmentally superior alternative, as it would increase noise and transportation impacts. The County additionally concludes that the alternative is less capable of achieving the project objectives. The Alternative Use Truck Terminal Alternative does not warrant approval in lieu of the Proposed Project. Therefore, the County rejects the Alternative Use Truck Terminal Alternative.

5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the Findings, approval of the Proposed Project will result in a significant adverse environmental effect that cannot be avoided even with the adoption of all feasible mitigation measures. In determining whether to approve the Project, CEQA requires the County to balance the benefits of the

Proposed Project, including various economic, social, and technological factors, against its significant and unavoidable environmental impacts (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417). “Overriding considerations are intended to show the ‘balance’ the agency struck in weighing ‘the benefits of a proposed project against its unavoidable environmental risks’” (*Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 356).

This Statement of Overriding Considerations sets forth the specific reasons supporting the County’s actions in approving the Proposed Project. In making this Statement of Overriding Considerations in support of the findings of fact and the project, the County has considered the information contained in the Findings and in the documents comprising the record of proceedings for the Proposed Project.

CEQA Guidelines Section 15093(a) provides the following guidance for a statement of overriding considerations:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

The results of the environmental analysis on the Proposed Project are discussed in detail in the Final EIR, the Final EIR, and the Findings. The County reached the conclusions below pursuant to PRC §21081 and CEQA *Guidelines* §15093. The following statements describe the Proposed Project’s benefits considered by decision makers in determining whether to adopt the Proposed Project despite its potentially significant adverse environmental effect. The County concludes that any one of the statements below is independently sufficient to justify approval of the project. The substantial evidence supporting the various benefits of the project can be found in the preceding Findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings.

Statement 1: The Proposed Project increases the economic vitality of the region.

The Proposed Project supports economic growth by generating approximately 60 new jobs that are anticipated to be filled locally. Additionally, the Proposed Project is fiscally positive. It would increase tax revenues to the County through increased and expanded commercial activities and job-generation, enhancing the County’s economic base. CGWC would contribute its fair share toward the cost of infrastructure improvements outside of the project site (i.e., utilities).

Statement 2: The Proposed Project reduces potentially significant impacts through mitigation measures incorporated into the EIR.

With the exception of impacts associated with GHG emissions, all of the significant impacts of the Proposed Project will be reduced to less than significant levels by implementation of the mitigation measures recommended in these findings. Further, mitigation measures would substantially lessen the

significant and unavoidable cumulative environmental impact associated with GHG emissions. There are no other feasible mitigation measures or feasible project alternatives that will avoid, or reduce to a less-than-significant level the significant and unavoidable impact associated with GHG emissions.

5.1 CONCLUSION

Having reduced many of the effects of the Proposed Project by adopting all feasible mitigation measures, and balancing the benefits of the project against the project's significant and unavoidable adverse environmental impact, the County hereby determines that the specific overriding social, and economic benefits of the project set forth above outweigh the potential unavoidable adverse effect of the project on the environment. The County finds that each of the overriding considerations set forth above constitutes a separate and independent basis for finding that the benefits of the project outweigh the unavoidable adverse environmental effect, and warrants approval of the project.

In reaching this conclusion and approving the Proposed Project:

1. The County has considered the information contained in the Final EIR and fully reviewed and considered all of the public testimony, documentation, exhibits, reports, and presentations included in the record of these proceedings. The County specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.
2. The County has carefully weighed the benefits of the Proposed Project against any adverse impacts identified in the Final EIR that could not be feasibly mitigated to a level of insignificance. While the County has required all feasible mitigation measures, some impacts remain significant.
3. This Statement of Overriding Considerations applies specifically to the impact found to be significant and unavoidable as set forth in the Final EIR and the record of these proceedings.

6.0 INDEPENDENT REVIEW AND ANALYSIS

Under PRC §21082.1(c), the lead agency must: (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; and (3) as part of the certification of an EIR, find that the EIR reflects the independent judgment of the lead agency.

In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the County and the Planning Commission. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains. The Planning Commission certifies that the EIR is adequate to support the approval of the action that is the subject of the Resolution to which these CEQA findings are attached.

The Planning Commission certifies that the EIR is adequate to support approval of the action before the Planning Commission and as described in the EIR.

7.0 RECORD OF PROCEEDINGS

In accordance with PRC §21167.6(e), the record of proceedings for the EIR, findings, alternatives analysis, and ultimate decision on the Proposed Project includes the documents identified below.

- The Notice of Preparation (NOP) for the preparation of the Draft EIR;
- Public notices issued by the County in conjunction with the Proposed Project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The County's *Draft Environmental Impact Report for the Crystal Geyser Bottling Plant Project*, December 2016 (includes all appendices);
- The County's *Final Environmental Impact Report for the Crystal Geyser Bottling Plant Project*, August 2017 (includes all appendices and MMRP);
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Proposed Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the County regarding the Proposed Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by PRC §21167.6(e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public by appointment during normal business hours at the offices of the County of Siskiyou, Community Development Department, 806 Main Street, Yreka, CA 96097 and at the County's website at <https://www.co.siskiyou.ca.us/content/community-development-crystal-geyser-project>.

EXHIBIT C-2

MITIGATION MONITORING AND REPORTING PLAN

	Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
4.2	Air Quality			
4.2-1	<p>Caretaker Residence Improvements and Restrictions</p> <p>The following measures shall be implemented to reduce health risk from exposure to Toxic Air Contaminants (TACs) at the caretaker residence. The conditional use permit for the caretaker residence shall include the following requirements and restrictions:</p> <p>a) The Heating Ventilation and Air-Conditioning (HVAC) system installed within the caretakers residence shall be equipped with high-efficiency particulate air (HEPA) and/or activated carbon filters;</p> <p>b) The residence may only be occupied by an employee(s) of Crystal Geyser Water Company (CGWC) who is over 18 years of age. No single employee shall occupy the caretaker residence for more than 40 hours per week. Occupancy by persons not employed by CGWC shall not be allowed.</p>	<p>The HVAC system shall be installed prior to occupancy of the residence. Restrictions on occupation shall be implemented during operation.</p>	CGWC	County
4.3	Biology			
4.3-1	<p>Nesting Migratory Birds and Other Birds of Prey</p> <p>The following measures shall be implemented to avoid or minimize adverse impacts to nest sites for migratory birds and other birds of prey during construction activities associated with the Proposed Project and off-site sewer improvements area:</p> <p>a) For vegetation removal and/or earth-disturbing activities occurring during the nesting season (February 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all migratory birds within 500 feet of construction activities. The qualified biologist shall document and submit the results of the preconstruction survey in a letter report to the County and CDFW within 30 days following the survey. If a bald eagle nest is identified, the report shall also be submitted to USFWS. If no active nests are identified during the preconstruction survey, then no further mitigation is required provided construction commences within 7 days.</p> <p>b) If any active special-status bird, migratory bird, or raptor nests are identified during the preconstruction survey within the study area, a no-disturbance buffer zone deemed appropriate to the species will be established around the nests to avoid disturbance or destruction of the nest.</p> <p>The distance around the no-disturbance buffer will be determined by the biologist in coordination with CDFW (and USFWS if a bald eagle nest is identified) and will depend on the level of noise or construction activity, the level of ambient noise near</p>	<p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>	CGWC	County/CDFW

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>the nest, and line-of-sight between the nest and disturbance.</p> <p>These buffers shall be no less than: 1) 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-100-foot buffer zone will be created around the nests of other migratory or special-status birds and all other birds that are protected by California Fish and Game Code 3503.</p> <p>These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar projects; however, they may be modified in coordination with CDFW (and USFWS if applicable) based on existing conditions at the project site. A qualified biologist will monitor nests daily during construction to evaluate potential nesting disturbance by construction activities.</p> <p>The biologist will delineate the buffer zone with construction tape or pin flags until the young have fledged. Guidance from the CDFW will be requested if the nestlings within the active nest appear disturbed. A report shall be prepared and submitted to the County and CDFW following the fledging of the nestlings to document the results.</p>			
<p>c) If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas should be resurveyed.</p>	<p>Prior to commencement of construction.</p>	<p>County</p>	<p>County/CDFW</p>
<p>4.3-2 Protect Water Quality During Construction Activities Implement Mitigation Measures 4.5-1 and 4.7-1 to protect water quality during construction activities. CGWC shall prepare an ECP and follow BMPs to reduce the risk of hazardous materials releases. Water quality shall be protected using erosion control techniques including (as appropriate), but not necessarily limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats.</p>	<p>Prior to commencement of construction.</p>	<p>CGWC</p>	<p>County</p>
<p>S-4.3-1 Off-Site Sewer Improvements Area – Special Status Amphibians The following mitigation measures shall be implemented prior to construction of the off-site sewer improvements:</p> <p>a) CGWC shall retain a qualified biologist to conduct aquatic surveys for the California red-legged frog (CRLF) and the Oregon spotted frog within 10 days prior to starting construction. CRLF surveys shall be conducted in accordance with the Revised Guidance on Site Assessment and Field Surveys for the CRLF (USFWS, 2005). Because a formal protocol does not exist for Oregon spotted frog, the scope and method of the surveys shall be determined in consultation with United States Fish and Wildlife Service (USFWS) and CDFW. At a minimum, the surveys for the Oregon spotted frog shall include a search by a qualified biologist to determine</p>	<p>Prior to commencement of construction.</p>	<p>CGWC</p>	<p>County/USFWS</p>

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>presence or absence within 100 feet of construction activities. CGWC shall be responsible for all costs associated with implementation of this mitigation measure.</p> <p>b) Once the biologist has cleared the area, temporary four-foot exclusionary fencing shall be placed and maintained around any avoided CRLF and Oregon spotted frog habitat during construction to prevent impacts from construction vehicles and equipment. This fencing shall be inspected daily by a qualified biologist throughout the construction period to ensure that it is in good functional condition and will prevent CRLF and Oregon spotted frog from entering the project site.</p> <p>c) If CRLF and/or Oregon spotted frog are present, CGWC shall implement additional measures as deemed appropriate by the USFWS and the CDFW.</p>	<p>Prior to commencement of construction.</p> <p>Prior to commencement of construction.</p>	<p>CGWC</p> <p>CGWC</p>	<p>County/USFWS</p> <p>County</p>
<p>S-4.3-2 Off-Site Sewer Improvements Area – Nesting Migratory Birds and Other Birds of Prey</p>			
<p>The following measures shall be implemented to avoid or minimize adverse impacts to nest sites for migratory birds and other birds of prey during construction activities associated with the off-site sewer improvements area:</p>			
<p>a) For vegetation removal and/or earth-disturbing activities occurring during the nesting season (February 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all migratory birds within 500 feet of construction activities. The qualified biologist shall document and submit the results of the preconstruction survey in a letter report to the County and CDFW within 30 days following the survey. If a bald eagle nest is identified, the report shall also be submitted to USFWS. If no active nests are identified during the preconstruction survey, then no further mitigation is required provided construction commences within 7 days.</p>	<p>Surveys shall occur prior to construction activities between February 1 and September 1. The letter report shall be submitted within 30 days following the survey.</p>	<p>CGWC</p>	<p>County/CDFW</p>
<p>b) If any active special-status bird, migratory bird, or raptor nests are identified during the preconstruction survey within the study area, a no-disturbance buffer zone deemed appropriate to the species will be established around the nests to avoid disturbance or destruction of the nest.</p>	<p>Prior to commencement of construction.</p>	<p>CGWC</p>	<p>County/CDFW</p>
<p>The distance around the no-disturbance buffer will be determined by the biologist in coordination with CDFW (and USFWS if a bald eagle nest is identified) and will depend on the level of noise or construction activity, the level of ambient noise in the vicinity of the nest, and line-of-sight between the nest and disturbance.</p>			
<p>These buffers shall be no less than: 1) 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-100-foot buffer zone will be created around the nests of other migratory or special-status birds and all other birds that are protected by California Fish and Game Code 3503.</p>			
<p>These buffer zones are consistent with CDFW avoidance guidelines and CDFW</p>			

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>buffers required on other similar projects; however, they may be modified in coordination with CDFW (and USFWS if applicable) based on existing conditions at the project site. A qualified biologist will monitor nests daily during construction to evaluate potential nesting disturbance by construction activities.</p> <p>The biologist will delineate the buffer zone with construction tape or pin flags until the young have fledged. Guidance from the CDFW will be requested if the nestlings within the active nest appear disturbed. A report shall be prepared and submitted to the County and CDFW following the fledging of the nestlings to document the results.</p> <p>c) If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas should be resurveyed.</p>	<p>Prior to commencement of construction.</p>	<p>CGWC</p>	<p>County/CDFW</p>
<p>S-4.3-3 Off-Site Sewer Improvements – Waters of the U.S.</p>			
<p>In the event that the final design of the proposed sewer pipeline requires temporary removal of riparian vegetation, results in impacts within the bed, bank or channel of the stream, or requires improvements to the existing culvert, the following measures shall be implemented to avoid potential short-term adverse effects to waters of the U.S., riparian habitat, and special-status fish species during construction activities associated with the off-site sewer improvements:</p>			
<p>a) Minimize clearing of riparian vegetation and grading activities within the riparian area. The disturbance or removal of vegetation shall not exceed the minimum necessary to complete construction activities. Precautions shall be taken to avoid other damage to vegetation by people or equipment. Re-vegetation with locally native species shall be completed as soon as possible after construction activities cease.</p>	<p>During and immediately following construction.</p>	<p>CGWC</p>	<p>County</p>
<p>b) When design plans are available, the CGWC shall consult with appropriate agencies, including the United States Army Corps of Engineers (USACE), CDFW and Regional Water Quality Control Board (RWQCB) regarding the need to obtain the following permits: CWA Section 404 permit from the USACE, a 401 Water Quality Certification from the RWQCB, and a Streambed Alteration Agreement from CDFW. If required, the CGWC shall apply for and obtain the necessary authorizations. All permit conditions shall be adhered to. At a minimum, full restoration of the site shall occur to mitigate for the temporary impacts of construction. Crystal Geyser shall be responsible for all costs associated with implementation of this mitigation measure.</p>	<p>Prior to commencement of construction.</p>	<p>CGWC</p>	<p>County/USACE/CDFW/RWQCB</p>
<p>c) In addition, Mitigation Measures S-4.5-1 and 4.7-1 shall be implemented to protect water quality within the stream during construction activities. CGWC shall prepare an Erosion Control Plan (ECP) and follow BMPs to reduce the risk of hazardous materials releases.</p>	<p>Prior to and during construction.</p>	<p>CGWC</p>	<p>County</p>

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
4.4 Cultural Resources			
4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries			
The following mitigation measures shall be included in final improvement plans for the Proposed Project:			
<p>a) Should any cultural resources, such as wells, foundations, or debris, or unusual amounts of bone, stone or shell, artifacts, burned or baked soils, or charcoal be encountered during subsurface excavation or construction activities, work shall immediately be suspended within 100 feet of the discovery. CGWC and the County shall be notified, and a qualified professional archaeologist shall be retained to determine the significance of the discovery. Determination of impacts, significance, and mitigation shall be made by the archaeologist in consultation with recognized local Native American groups, if the find is prehistoric.</p>	During construction.	CGWC	County
<p>Prior to the commencement of Proposed Project excavations, all construction personnel shall be informed of the potential to inadvertently uncover cultural or paleontological resources and human remains and the procedures to follow subsequent to an inadvertent discovery. In addition, should excavations for site testing or data recovery become necessary, the Winnemem Wintu Tribe shall be informed in order to provide on-site tribal monitors.</p>			
<p>b) If human remains are uncovered during project construction, pursuant to Public Resources Code (PRC) Section 5097.98 and Section 7050.5 of the California Health and Safety Code, all activities within a 100-foot radius of the find shall be halted immediately and the County’s designated representative shall be notified. The County shall immediately notify the County coroner. California law recognizes the need to protect interred human remains, particularly Native American burials and items of cultural patrimony, from vandalism and inadvertent destruction. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The County shall contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with the County and a qualified professional archaeologist, shall develop a plan of action to avoid or minimize significant effects to the human remains prior to resumption of ground-disturbing activities.</p>	During construction.	CGWC	County
<p>c) In the unlikely event that any evidence of paleontological resources (e.g., fossils) are encountered, work shall immediately be suspended within 100 feet of the discovery, and CGWC and the County shall be notified immediately. A note shall</p>	During construction.	CGWC	County

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>be required on the final improvement plans to be approved by the County, that if paleontological resources are discovered on site, CGWC shall retain a qualified professional paleontologist or registered geologist to observe all grading and excavation activities throughout all phases of project construction and to salvage fossils as necessary. The paleontologist shall determine appropriate actions, in cooperation with the County. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Excavated finds shall first be offered to a State-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the Siskiyou County Museum for purposes of public education and interpretive displays. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the County. The paleontologist shall submit a follow-up report to the County, which shall include the period of inspection, an analysis of the fossils found, and present repository of fossils.</p>			
<p>S-4.4-1 Cease Work and Implement Procedures for Unanticipated Discoveries at Off-Site Sewer Improvements</p>			
<p>The following mitigation measures shall be included in final improvement plans for the off-site sewer improvements:</p>			
<p>a) Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during development activities, work shall be suspended and the County and City Planning Departments shall be immediately notified. At that time, the County and City will coordinate any necessary investigation of the discovery with an appropriate specialist (e.g., archaeologist or architectural historian). The project proponent shall be required to implement mitigation necessary for the protection of cultural resources.</p>	<p>During construction.</p>	<p>CGWC</p>	<p>County</p>
<p>The County and City shall consider mitigation recommendations presented by a qualified archeologist for any unanticipated discoveries. The County and CGWC shall consult and agree upon implementation of a measure or measures that the County and CGWC deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.</p>			
<p>b) If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the NAHC, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</p>	<p>During construction.</p>	<p>CGWC</p>	<p>County</p>
<p>c) Should any potentially unique paleontological resources (fossils) be encountered</p>			

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>during development activities, work shall be suspended and the County and City Planning Department shall be immediately notified. At that time, the County will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to implement mitigation necessary for the protection of paleontological resources. The County and CGWC shall consider the mitigation recommendations of the qualified paleontologist for unanticipated discoveries. The County and CGWC shall consult and agree upon implementation of a measure or measures that the County and CGWC deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.</p>	<p>During construction.</p>	<p>CGWC</p>	<p>County</p>
<p>4.5 Geology and Soils</p>			
<p>4.5-1 Erosion Control Plan</p> <p>Prior to earth-disturbing activities that require more than 100 cubic yards of excavation or deposition or cover more than 10,000 square feet (sf) in area, an ECP shall be prepared and submitted to the Siskiyou County Community Development Department for review and approval for the proposed construction activity.</p> <p>The ECP shall be administered through all phases of grading and project construction. The ECP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. The ECP shall address spill prevention and include countermeasure plans describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. The Plan and proposed measures shall be consistent with the County's Land Development Manual and shall include (1) encouraging grading in the dry season, but allowing grading during the wet season (October to May), provided all measures listed below are implemented; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into area waterways; (6) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect and repair all erosion control facilities within 24 hours before each forecasted precipitation event and at the end of each work day during the rainy season; and (7) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect the erosion and sedimentation control measures every day of a storm event, immediately after each storm event and that all repairs shall be made immediately when the measures are not functioning as intended. In addition, the CGWC and/or Contractor shall notify the County of any repairs or corrections made to the erosion or sedimentation control measures; and (8) any other suitable measures determined by the Planning Director. The ECP shall be submitted to the Siskiyou</p>	<p>Prior to commencement of construction.</p>	<p>CGWC</p>	<p>County</p>

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
County Planning Division for review and approval.			
<p>S-4.5-1 Off-Site Improvements – Erosion Control Plan</p> <p>Prior to earth-disturbing activities that require more than 100 cubic yards of excavation or deposition or cover more than 10,000 sf in area, an ECP shall be prepared and submitted to the City and County for review and approval for the proposed construction activity.</p> <p>The ECP shall be administered through all phases of grading and project construction. The ECP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. The ECP shall address spill prevention and include countermeasure plans describing measures to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. The Plan and proposed measures shall be consistent with the City’s and County’s Land Development Manual and shall include (1) encouraging grading in the dry season, but allowing grading during the wet season (October to May), provided all measures listed below are implemented; (2) protecting all finished graded slopes from erosion using such techniques as erosion control matting and hydro-seeding; (3) protecting downstream storm drainage inlets from sedimentation; (4) use of silt fencing and hay bales to retain sediment on the project site; (5) use of temporary water conveyance and water diversion structures to eliminate runoff into area waterways; (6) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect and repair all erosion control facilities within 24 hours before each forecasted precipitation event and at the end of each work day during the rainy season; and (7) the requirement that it is the responsibility of the CGWC and/or Contractor to inspect the erosion and sedimentation control measures every day of a storm event, immediately after each storm event and that all repairs shall be made immediately when the measures are not functioning as intended. In addition, the CGWC and/or Contractor shall notify the City and County of any repairs or corrections made to the erosion or sedimentation control measures; and (8) any other suitable measures determined by the County Planning Director. The ECP shall be submitted to the City and County for review and approval</p>	Prior to commencement of construction.	CGWC	County
<p>4.6 Greenhouse Gases and Climate Change</p>			
<p>4.6-1 Reductions to GHG Emissions below Numerical Threshold</p>			
<p>CGWC shall implement a combination of the following measures to achieve a net reduction of 51,281 metric tons (MT) of CO₂e annually.</p>			
<p>a) Prior to the County’s issuance of building permits and the operation of the Plant, CGWC shall install solar arrays on the rooftop of the existing plant building and/or within the disturbed areas of the project site to off-set the use of on-site generators to meet energy demands. Utilizing approximately 7.5 acres of disturbed land within</p>	<p>Prior to operation.</p>	<p>CGWC</p>	<p>County</p>

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>the central portion of the project site to the south, east and north of the Plant building, approximately 3,876 solar frames could achieve a capacity of 4,048 megawatt hours (MWh) annually (which is approximately 10 percent of the annual energy demands of the project) (REC Solar, 2015). The proposed configuration and specifications of the on-site solar array shall be provided to the County for review and verification. The plans shall identify the capacity of the solar array, and the expected annual yield of MWh. This measure would provide a reduction of 0.868 MT of CO₂e per MWh of solar energy generated annually. Assuming 10 percent of the facilities energy demands would be met through on-site solar as described above, this measures would provide a reduction of 3,515 MT of CO₂e annually.</p>			
<p>b) During operation of the Proposed Project, CGWC shall establish and administer a carpool or rideshare program. This shall include a shift scheduling program that allows interested parties to work similar work schedules to promote ride-sharing. CGWC shall monitor the success of the program for one year and submit an annual report to the County. If the rideshare or carpool program does not achieve its intended goal, then the Applicant shall subsequently purchase the corresponding number of credits from a carbon registry (defined in subsection (c) below) within one month of submitting the annual report. This measures would provide a reduction of 1.11 MT of CO₂e per participant annually. Assuming 25 percent employee participation, this measure could reduce CO₂e emissions by 16.5 MT of CO₂ annually.</p>	During operation.	CGWC	County
<p>c) Prior to the County's issuance of building permits and the operation of the Plant, CGWC shall purchase 51,281 MT of CO₂e offset credits from a carbon registry, where reductions are real, permanent and have been quantified (the equivalent of 51,281 MT of CO₂e annual reduction). The emissions reduction credits may be purchased from the Climate Action Reserve, the Verified Carbon Standard, the American Carbon Registry, or an equivalent carbon emissions reduction credit trading market, which has the same or more stringent standards for carbon sequestration projects which reduce atmospheric GHGs or direct GHG emissions reductions achieved by existing GHG emitters. The CO₂e emission reduction credits must be permanently retired through the registry. The retirement of the credit ensures that it is not re-sold and that the designated off-set project remains in operation for the lifetime of the Proposed Project; thereby reducing annual GHG emissions as enforced by the carbon registry. The amount of credits may be reduced through the implementation of on-site measures described above. The reductions achieved through these measures shall be verified by the County through a review of the implementation program.</p>	Prior to operation.	CGWC	County
<p>4.6-2 Additional Measures to Reduce GHG Emissions CGWC shall implement the following BMPs to further reduce the GHG emissions of the Proposed Project:</p>	During construction and operation.	CGWC	County

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<ul style="list-style-type: none"> a) Power from the PacifiCorp distribution grid shall be utilized when available. This measure would minimize the use of higher emitting on-site propane generators. b) Trucks and vehicles in loading or unloading queues shall have their engines turned off when not in use. Permanent signage shall be posted at loading docks informing truck drivers of California Air Resources Board's (CARB's) commercial vehicle idling regulations. This regulation limits vehicles with a gross vehicle weight rating of 10,000 lbs. or greater to idle no more than 5 minutes. Fines are currently a minimum of \$300 and can be as much as \$1000 per day. c) All equipment shall be turned off when not in use. Engine idling of all equipment shall be minimized. All equipment engines shall be maintained in good operating condition and in tune per manufacturers' specifications. d) Participate in the United States Environmental Protection Agency's (USEPA's) voluntary SmartWay program to assist in establishing green freight initiatives. 			
4.7 Hazardous Materials			
<p>4.7-1 Avoid and Minimize Potential for Hazardous Materials Spills CGWC shall follow the following BMPs to reduce the risk of hazardous materials releases:</p> <ul style="list-style-type: none"> a) CGWC shall place and contain on-site fuel and toxic materials in an area protected from direct runoff. b) During construction, CGWC shall inspect and maintain vehicles to reduce the potential for leaks or spills of oils, grease, or hydraulic fluids. c) To the extent feasible, CGWC shall minimize the use of equipment that may produce a spark, flame, or fire. d) CGWC shall use spark arrestors on construction equipment with internal combustion engines. e) CGWC shall ensure that safety guidelines regarding the use of gasoline-powered tools in fire hazard areas is communicated appropriately during construction. f) CGWC shall require that fire-suppression equipment be located nearby during construction. 	During construction and operation.	CGWC	County
4.10 Noise			
<p>4.10-1 Noise Reduction at Propane Generators CGWC shall implement at least one of the following mitigation measures:</p> <ul style="list-style-type: none"> a) CGWC shall purchase and install propane generators that generate levels 5 dB lower than the existing proposed generators, or 58 dB Leq at a distance of 100 feet 	Prior to operation.	CGWC	County

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>from the operating generators.</p> <p>b) CGWC shall install a noise barrier surrounding the propane generators on all sides, which extends 3 feet above the height of the generators. To provide access to the generators for routine maintenance or replacement, the barriers may be constructed of pre-fabricated galvanized metal panels which could be temporarily removed as needed. Aside from being removable, an advantage of such barriers is they can also provide sound absorption on the interior side of the barrier, while providing sound transmission loss on the exterior side. Appendix H in the Noise Impact Analysis (Appendix T) provides an example of such barriers.</p>			
<p>4.10-2 Noise Reduction at Rooftop Exhaust Fans</p> <p>CGWC shall implement at least one of the following mitigation measures:</p> <p>a) CGWC shall purchase and install 15 rooftop exhaust fans that generate levels 5 dB lower than the existing fans, or 48 dB Leq at a distance of 100 feet from the operating exhaust fans.</p> <p>b) CGWC shall install noise barriers surrounding the 15 rooftop exhaust fans on all sides, to provide 5 dB of noise attenuation at each fan. To provide access to the fans for routine maintenance or replacement, the barriers may be constructed of pre-fabricated galvanized metal panels which could be temporarily removed as needed. Aside from being removable, an advantage of such barriers is they can also provide sound absorption on the interior side of the barrier, while providing sound transmission loss on the exterior side. Appendix H in the Noise Impact Analysis (Appendix T) provides an example of such barriers.</p>	Prior to operation.	CGWC	County
<p>4.10-3 Noise Reduction at Exhaust Vents</p> <p>In-line silencers shall be installed within the ductwork leading from the chiller equipment to the exhaust vents on the east side of the plant building. Silencers shall be capable of reducing the sound output of these vents by 10 dB. A company specializing in the specification of duct silencers shall be consulted to ensure the proper silencers are selected to achieve the desired sound reduction without adversely affecting system performance.</p>	Prior to operation.	CGWC	County
<p>S-4.10-1 Off-Site Sewer Improvements Area – Construction Noise Reduction</p> <p>The following measures shall be implemented to reduce construction noise impacts:</p> <p>a) Construction of the off-site sewer improvements shall be prohibited on weekends and federal holidays, and shall only occur Monday through Friday from 7:00 a.m. to 5:00 p.m.</p> <p>b) To reduce daytime construction noise levels at the nearby off-site sensitive receptors due to construction of the off-site sewer improvements, construction contractors shall be required to implement the following measures:</p> <ol style="list-style-type: none"> 1. Equipment and trucks used for project construction shall utilize the best 	During construction.	CGWC	County

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>available noise control techniques, such as improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds.</p> <p>2. Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 A-weighted decibels (dBA). External jackets on the tools themselves shall be used, to achieve a reduction of 5 dBA. Quieter procedures shall be used whenever possible, such as drills rather than impact equipment.</p> <p>3. Stationary noise sources shall be located as far from adjacent receptors as possible, and they will be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures.</p> <p>c) The general contractors for all construction activities associated with the off-site sewer improvements shall provide a contact number for citizen complaints and a methodology for dealing with such complaints such as designating a noise disturbance coordinator. This noise disturbance coordinator shall receive all public complaints about construction-related noise and vibration, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem. All complaints and resolution of complaints shall be reported to the County and City weekly.</p>			
4.11 Transportation and Circulation			
<p>S-4.11-1 Off-Site Sewer Improvements - Develop a Traffic Control Plan</p> <p>Prior to commencement of construction of the off-site sewer improvement within South Old Stage Road under Wastewater Treatment Options 1 and 2, the construction contractors shall prepare and submit a formal TCP, including signage, to the County and City for approval. The contractors shall maintain a copy of the approved TCP at the project site for the duration of the TCP implementation period.</p>	<p>Prior to commencement of construction.</p>	<p>CGWC</p>	<p>County</p>
4.12 Utilities			
<p>4.12-1 Limitation of Industrial Wastewater Flows</p> <p>Crystal Geyser will meter all wastewater discharges to the City's sewer system so that maximum daily flows will not exceed the limit set forth in the Permit for Industrial Wastewater Discharge (currently anticipated to be 0.024 mgd under all weather conditions) or 0.05 mgd during PWWF conditions, whichever is more restrictive. Wastewater discharges will be metered through the installation of an underground holding tank within the disturbed area of the project site south of the Plant and/or by limiting operation at the Plant to a single bottling line during anticipated PWWF events.</p>	<p>During operation.</p>	<p>CGWC</p>	<p>County</p>

EXHIBIT C-2: Mitigation Monitoring and Reporting Plan

Mitigation Measure	Timing/Frequency of Action	Responsible for Implementing	Responsibility for Monitoring
<p>Flow metering will be conducted continuously using an industrial sewer discharge magnetic flow meter and recorded daily pursuant to the Permit for Industrial Wastewater Discharge. Depending on the timing of flow contributions from the Plant relative to the timing of the WWTP expansion and infrastructure improvements, the City may elect to adjust the permitted maximum daily flow of the Plant in the future.</p>			
<p>4.12-2 Recycle Employee and Process Waste</p> <p>CGWC shall recycle at least 50 percent of solid waste generated on site and not being utilized in commercial products. This recycling rate will be encouraged with recycling measures that may include, but would not limited to:</p> <ul style="list-style-type: none"> ▪ place recycling bins in areas of high employee traffic (e.g. lunch room) alongside instructional signs describing the type of waste that should be recycled; ▪ place appropriately sized recycling receptacles near unloading and unpacking areas where high volumes of process recyclables are generated; ▪ regularly empty the all recycling bins so that recyclables are not diverted into the solid waste stream; and ▪ provide information on both employee and process recycling as part of employee training and orientation. 	<p>During operation.</p>	<p>CGWC</p>	<p>County</p>