Draft
Subsequent Environmental Impact Report

Level II Infill Correctional Facilities Project at the Mule Creek State Prison Infill Site

Enhanced Outpatient Program Building/Secondary Effluent Spray Field Enhancement Measures and Options

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CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

STATE CLEARINGHOUSE NUMBER 2012122038

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ACRONYMS AND ABBREVIATIONS

af	acre-feet
afy	acre-feet per year
ARSA	Amador Regional Sanitation Authority
bgs	below ground surface
CAL FIRE	California Department of Forestry and Fire Protection
CASQA	California Stormwater Quality Association
CCR	California Code of Regulations
CDCR	California Department of Corrections and Rehabilitation
CDFW	California Department of Fish and Wildlife
CESA	California Endangered Species Act
CHRIS	California Historical Resources Information System
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CVRWQCB	Central Valley Regional Water Quality Control Board
CWA	Clean Water Act
DWR	California Department of Water Resources
EIR	Environmental Impact Report
EOP	Enhanced Outpatient
EPA	U.S. Environmental Protection Agency
ESA	Federal Endangered Species Act
FEMA	Federal Emergency Management Agency
ft	feet
gsf	gross square feet
MCL	maximum allowable contaminate level
MCSP	Mule Creek State Prison
MCSP Project	Level II Infill Correctional Facilities Project at MCSP Infill Site
mg	million gallons
mgd	million gallons per day
mg/L	milligrams per liter
MLD	Most Likely Descendant
MOU	Memorandum of Understanding
MPN	most probable number
NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NOP	notice of preparation
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places

Porter-Cologne Act	Porter-Cologne Water Quality Control Act
PYCF	Preston Youth Correctional Facility
RbD	Red Bluff-Mokelumne
RWQCB	Regional Water Quality Control Board
SHPO	State Historic Preservation Officer
SR	State Route
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
TDS	total dissolved solids
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VOC	volatile organic compound
WDR	Waste Discharge Requirement
WWTP	wastewater treatment plant

1 EXECUTIVE SUMMARY

In November 2013, the California Department of Corrections and Rehabilitation (CDCR) certified an Environmental Impact Report (EIR) (SCH# 2012122038) for the Level II Infill Correctional Facilities Project at Mule Creek State Prison (MCSP) Infill Site (MCSP Project). The certified project involves construction and operation of a new, 1,584-bed, Level II infill correctional facility complex situated east of the existing prison. MCSP and the site of the Infill complex are located at 4001 State Route (SR) 104, Ione, Amador County, California. The MCSP Project is under construction and is scheduled for completion and activation in February 2016. Certain changes to the approved project are now under consideration by CDCR; these changes have the potential to result in certain new or more severe significant impacts, when compared to the certified Infill EIR. As allowed by California Environmental Quality Act (CEQA) Guidelines Section 15162, CDCR has elected to prepare a Subsequent EIR (SEIR) to evaluate the proposed changes.

This Executive Summary section is provided in accordance with the State CEQA Guidelines. As stated in Section 15123(a) of the State CEQA Guidelines, "[a]n EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical." State CEQA Guidelines Section 15123(b) states, "[t]he summary shall identify: (1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect; (2) areas of controversy known to the Lead Agency, including issues raised by agencies and the public; and (3) issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects." Accordingly, this summary includes a brief synopsis of the proposed modifications to the approved MCSP Project and alternatives to the project modifications (including potential site locations), environmental impacts and mitigation, areas of known controversy, and issues to be resolved during environmental review. Table 1-1 (presented at a later point in this section) provides a summary of the impacts identified for the proposed modifications/additions to the scope of the original project as described in the certified Infill EIR as well as mitigation measures recommended to avoid or substantially reduce potentially significant impacts of these changes.

1.1 PROJECT BACKGROUND

CDCR needs to address proposed modifications to four aspects of the scope of the Level II complex including an additional administrative building and updating/augmenting infrastructure that will be needed to support the combined correctional facilities once the new Level II complex is fully activated. These modifications consist of: (1) construction of additional administrative/program support offices to meet the needs of Level II Enhanced Outpatient Program (EOP) inmates that will be housed at the new complex, (2) upgrading/enhancement of the remaining approximately 200 acres of spray fields within prison grounds that are necessary for application of disinfected secondary wastewater effluent, (3) the proposed installation of approximately 45 acres of new secondary effluent spray fields on vacant areas within prison grounds, and (4) installation of piping to facilitate an internal connection within MCSP grounds and a second section of piping extending from near the City's tertiary treatment plant to approximately 100 acres of existing agricultural land on the adjacent Greenrock Ranch. The latter constitutes a revision to an alternative secondary effluent off-site proposal addressed in the certified Infill EIR. These proposals, collectively, are hereinafter referred to as the "project modifications." The following discussion provides background for each item listed above.

Note: CDCR currently operates an on-site wastewater disposal treatment plant (WWTP) that produces only effluent classified as "disinfected secondary effluent" under the regulatory standards of the California State Water Resources Control Board (SWRCB). A portion of this disinfected secondary effluent is conveyed to the City of Ione for additional tertiary treatment for use in landscape irrigation at

Castle Oaks Golf Course; the balance, as explained in the following sections, irrigates existing on-site spray fields. No other type of effluent is produced by the existing WWTP.

CDCR is in the process of constructing a replacement WWTP at MCSP that will provide an overall improvement in treatment of sewage generated by operation of the prison and eventually the Level II complex. The resulting effluent will still be classified as disinfected secondary effluent for disposal to land in compliance with SWRCB regulations. Within the following document all references to "secondary effluent" are to be assumed to meet the standard for "disinfected" secondary effluent even if not specifically stated.

1.1.1 EOP PROGRAM SUPPORT SPACE

CDCR has determined that some of the inmates that would be transferred to the Level II complex, which was approved as part of the MCSP Project and is currently under construction, will have an EOP status. EOP inmates require additional mental health services and programming. At the time the Infill EIR was certified, CDCR was not anticipating a need to locate EOP inmates within the approved Level II complex. However, due to ongoing inmate realignment within the state prison system additional capacity for EOP inmates has been determined to be necessary. Due to the current mental health programs at the existing MCSP the provision of additional mental health services would not require substantial additional facilities compared to what would be required at other CDCR facilities in the state to serve such inmates.

The portion of inmates to be housed at the new Level II complex at MCSP with an EOP status will all be classified as Level II as will all of the inmates transferred/committed to this new facility. The additional space required for EOP administrative/support services would be situated fully within the boundaries of the secure area of the Level II complex. CDCR originally anticipated the need for 377 new staff to operate the Level II complex; however, the placement of Level II EOP inmates at this facility would result in the need for approximately 55 additional staff for a total of 432 new employees at MCSP. While the majority of the additional EOP staff would work second watch (approximately 7:00 AM to 3:00 PM) weekdays, a number of these employees would work third watch (evenings) weekdays or second watch on weekends.

1.1.2 SPRAY FIELDS

MCSP is an existing medium-security-level correctional facility that was activated in 1987. Wastewater generated by operation of the facility is collected and conveyed to the existing WWTP that produces disinfected secondary effluent. Disinfected secondary effluent from the WWTP is currently disposed of by either controlled application to on-prison-grounds effluent spray irrigation fields or by conveyance to the City of Ione's tertiary wastewater treatment plant located west of Ione. The latter disinfected secondary effluent, combined with secondary effluent from the Amador Regional Sanitation Agency (ARSA), receives further treatment at the tertiary plant so it can be used for seasonal irrigation of the Castle Oaks Golf Course. This secondary effluent is distributed from the Preston Reservoir under the terms of a 2009 agreement among CDCR, the City of Ione, and ARSA; CDCR is not contemplating any changes to this agreement as a result of the MCSP Project and/or the proposed modification/expansion of the on-site secondary effluent disposal system as well as the revised off-site spray field option.

The MCSP on-site spray fields consist of grassland/oak woodland where disinfected secondary effluent is irrigated within specific designated areas on a rotational basis to assure uniform application and prevent overwatering. These existing fields are periodically tilled during the spring and summer months as part of effluent disposal activities.

Historically, approximately 260 acres of effluent spray fields were available within the state prison property. However, construction of the new Level II complex permanently displaced approximately 60

acres of these fields. To address the loss of the original secondary effluent spray fields CDCR is considering the installation of approximately 45 acres of new replacement spray fields within the state-owned prison property. The new fields would be situated within a combination of existing open space and areas affected by temporary construction activities associated with the Level II complex. Approximately 10 additional acres that have already been affected by temporary construction activities (i.e., equipment and trades parking, storage containers, pre-cast operations, etc.) would also be returned to grassland for use as secondary effluent spray fields. The environmental analysis for the latter 10 acres was previously addressed in an addendum to the certified Infill EIR as approved by CDCR on April 30, 2015 (Copies of the addendum are available for review upon request or at CDCR Facility Planning, Construction and Management Offices [9838 Old Placerville Road, Suite B, Sacramento, CA 95827]).

As noted above, based on a revised water balance of future WWTP flows, CDCR will need to have a total of approximately 245-250 acres of spray fields for the disposal of secondary effluent once both correctional facilities are fully occupied. As part of the certified Infill EIR, CDCR previously addressed securing additional secondary effluent spray field capacity by installation of new piping from MCSP to convey a portion of the prison's annual production of secondary effluent to an existing nearby non-irrigated agricultural field. This approximately 100-acre agricultural field is located about a mile west of the City of Ione. In its decision to implement the Level II complex, CDCR indicated it would pursue use of this field to replace the effluent spray fields lost to construction of the new facility. Refer to pages 2-11 and 2-12 of Volume 3 of the certified Infill EIR. In July 2014, following more detailed assessment of this plan and negotiations with the City of Ione on the estimated cost of the installation and future operation of this spray field, CDCR decided not to pursue this option pending the completion of other secondary effluent disposal studies. However, CDCR and the City have reinitiated coordination regarding this option (with revisions) and it is currently being considered as an additional option for secondary effluent disposal as addressed in the certified Infill EIR.

1.2 PROJECT OBJECTIVES

There are two primary project objectives of the modifications addressed in this SEIR. The first is construction of an additional administrative/support building to accommodate CDCR staff responsible for treatment and management of Level II EOP inmates. The second is to assure the WWTP at the prison would meet its permitted capacity of 0.74 million gallons per day (mgd) through the proposed enhancement of the existing remaining effluent spray field system and installation of additional on-site effluent spray fields. To meet this goal CDCR would not only act to renovate and upgrade the existing remaining fields but also install approximately 45 acres of new on-site spray fields or implement the revised option of installing piping to an existing off-site agricultural field where the secondary effluent could be used for the beneficial production of fodder crops. The project modifications are intended to achieve the following individual objectives:

- Provide additional administrative/program space within the secure perimeter for new employees that will provide mental health services required for Level II Enhanced Outpatient Program inmates that CDCR plans to house at the new Level II complex;

- Improve the overall effectiveness of the MCSP secondary effluent irrigation system to ensure treated wastewater from all entities served by the prison's WWTP will meet all applicable water quality standards and provide sufficient hydraulic pressure;

- Provide sufficient disposal capacity for that portion of secondary effluent that must be irrigated to land within the state-owned prison grounds at full occupancy of all MCSP's facilities along with flows originating from the fire academy and juvenile facility;

- Where feasible, utilize vacant/underutilized property within state-owned property associated with MCSP for disposal of treated secondary effluent; and

- Consider the alternative of securing through a contract with the City of Ione the use of agricultural land west of the city for disposal of a portion of the prison's disinfected secondary effluent instead of installing additional effluent spray fields within the prison property.

1.3 PROJECT DESCRIPTION

Modification to Infill Project Site Plan for Additional Support Building. The project modifications include construction of a single structure, approximately 6,500 square feet (sf) in size, within the Level II complex currently under construction. This space would be used by administrative support staff, counselors, psychiatrists, instructors, etc., necessary to support the treatment and programming of inmates with an EOP status who would be housed in one of the six dormitories in the new complex (each dormitory has a capacity of 264 Level II inmates). This additional building would be situated within the previously approved secure perimeter of the Level II complex that is currently under construction. Placement of Level II EOP inmates within the new correctional facility would not require any change to the dormitory that will house these inmates or require modification of security systems.

The EOP program would require approximately 55 additional CDCR staff above the previously anticipated 377 staff required to operate the entire Level II complex. If this project modification is approved, CDCR would amend its payment of local/regional traffic fees (using the current fee schedule) to account for the increase in daily vehicle trips consistent with the certified Infill EIR.

Existing Spray Field Enhancement Measures. The project modifications involve enhancement of the remaining secondary effluent spray fields at MCSP and a proposal for installation of new secondary effluent spray fields on existing underutilized land within the MCSP property to ensure there is adequate disposal capacity to meet operational demands of the existing prison combined with the new Level II complex once the latter is fully activated.

The proposed enhancement measures within the remaining 200 acres of existing effluent spray fields include, but are not limited to, installation/improvement of runoff controls, replacement of irrigation piping and sprinkler heads, and installation of improved control and distribution valves. All or significant portions of these fields would be seeded with annual/perennial grasses and would be maintained using a large agricultural mower that would have the benefit of minimizing on-going ground disturbance; the current practice at MCSP is to periodically till these fields. Ground disturbance associated with installation of a new sprinkler system in the existing spray fields would be limited to shallow trenching and involve minimal grading. All trenching/grading for installation of the replacement irrigation network would be monitored for cultural resources by qualified professionals and/or sacred lands observers similar to the current construction effort associated with the Level II complex.

Installation of Additional On-Site Effluent Spray Fields. The project modifications also involve a proposal for installation of 45 acres of new secondary effluent spray fields on existing underutilized land within the MCSP property. In these areas CDCR would install new pumps and control valves, piping infrastructure, runoff controls, and sprinkler systems. As with the plans for enhancement of the existing spray fields, all or significant portions of these new fields would be seeded with annual/perennial grasses and would be maintained using a large agricultural mower that will have the benefit of minimizing on-going ground disturbance. All trenching/grading for installation of the irrigation network would be monitored for cultural resources by qualified professionals and/or sacred lands observers similar to the current construction effort associated with the Level II complex.

Revision to Plans for Development of Alternative Off-Site Spray Field. Development of the off-site secondary effluent spray field that was previously considered in the certified Infill EIR has been refined/amended upon further engineering and design. As currently proposed, a new interconnecting

pipeline would be installed within prison grounds (12-18 inch diameter) to allow additional secondary effluent to be conveyed directly into the existing pipeline between Preston Reservoir and the tertiary plant; no additional secondary effluent would be discharged directly to Preston Reservoir under this proposal. All trenching and grading necessary to achieve this new connection would occur in previously disturbed areas. Additional new piping (similar diameter) would be extended from near the tertiary plant to the Greenrock Ranch agricultural field. The pipeline would likely be placed in Brubeck Road until it reaches the ranch property, where it would turn west and continue to the new spray field. Some limited modification of the existing agricultural field would be anticipated to assure run-off control, even distribution of the new irrigation system, installation of monitoring groundwater wells, and provide, if necessary, an on-site irrigation pump.

As noted, the installation of a pipeline and operation of this off-site spray field was already addressed in the certified Infill EIR. By contrast, this refined option does not require installation of a completely new pipeline between the MCSP WWTP and the agricultural field as was originally proposed for this alternative. Use of the existing Preston Reservoir pipeline to the City's tertiary plant would not be affected by the conveyance of additional secondary effluent to the point of diversion to the new spray field; the existing pipeline between the reservoir and WWTP has adequate capacity for the existing flows as well as the proposed additional flows that would be conveyed to the new spray field (see Exhibit 3-6 in Chapter 3, "Project Description").

1.4 SCOPE OF THE DRAFT SEIR

These project modifications may result in new or more severe impacts with respect to biological resources, cultural resources, and hydrology and water quality. Per the State CEQA Guidelines, an SEIR need contain only the information necessary to make the previous EIR adequate for the project as revised (Guidelines Section 15163(d)). These issues are the focus of this SEIR. This SEIR acknowledges and incorporates the previous analysis and adopted mitigation measures from the certified Infill EIR, which was certified in November 2013. Previously adopted mitigation measures, which would mitigate potential impacts associated with the proposed modifications through continued implementation, are identified where appropriate.

1.5 SUMMARY OF ALTERNATIVES

This SEIR evaluates five alternatives to the project modifications: Alternative 1: No Project – No Enhancement/No New Spray Fields, Alternative 2: Existing Spray Fields Enhancement Only, Alternative 3: New On-Site Spray Fields Only, and Alternative 4: Original, Adopted Off-Site Spray Fields Only. The alternatives analysis evaluates the aforementioned alternatives to the project modifications with the exception of the additional administrative/program space for EOP inmates, which is required to maintain adequate mental healthcare of inmates at the MCSP Project. The location and features of this space are contained entirely within the existing construction site associated with the MCSP Project. The effects of this new building are limited to a minimal increase in traffic resulting from the addition of program staff distributed over three shifts/day, seven days per week. No new significant or substantially more significant impacts would occur as a result of the building's construction and operation. Because no new significant impacts would occur, no alternatives to the proposed EOP administrative building will be considered by the lead agency. Accordingly, alternatives addressed in this SEIR will be limited to secondary effluent disposal options. These alternatives include:

- Alternative 1. No Project – No Enhancement/No New Spray Fields -- This alternative would involve the continued operation of the existing 200 acres without the improvements in the application rate of effluent that would be achieved with the proposed enhancements; under the No Project – No Enhancement/No New Spray Fields Alternative CDCR would also not install approximately 45 acres of additional spray fields within prison property. Based on preliminary engineering, development of new secondary effluent spray fields capable of accepting up to 143 afy of disinfected secondary

effluent disposal capacity would be required to achieve one of the proposed modifications' primary objectives. Without upgrading the irrigation system on the existing 200 acres of spray fields and the installation of 45 acres of new spray fields there would be a significant reduction in the projected operational capacity of MCSP and the new Level II complex.

- Alternative 2. Existing Spray Fields Enhancement Only – This alternative would involve the enhancement of the existing 200 acres of spray fields only; CDCR would not pursue installation of approximately 45 acres of new on-site spray fields. Based on preliminary engineering, up to an additional 94 afy of disinfected secondary effluent disposal capacity would be required under this alternative for the combined prison facilities to achieve the planned inmate capacity.

- Alternative 3. New On-Site Spray Fields Only – This alternative would involve the construction and operation of the proposed new spray fields south of the MCSP Project and the continued operation, without enhancements, of the existing 200 acres of spray fields at MCSP. Based on preliminary engineering, up to an additional 72 afy of disinfected secondary effluent disposal capacity would be required under this alternative.

- Alternative 4. Original, Adopted Off-Site Spray Fields Only Alternative – This alternative would use approximately 100 acres of agricultural land west of the City of Ione for new spray fields. This alternative is consistent with the spray field solution identified and evaluated in the certified Infill EIR. This alternative was initially adopted as part of the scope of the Level II complex when CDCR approved the project in November 2013. If this option is selected, no additional secondary effluent disposal capacity would be required to serve MCSP when the existing prison and new Level II complex are at full operation.

1.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CCR Section 15126.6 suggests that an EIR should identify the "environmentally superior" alternative. "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Table 6-1 provides a tabular comparison of the four alternatives evaluated in this chapter in contrast to the project modifications.

Although the No Project – No Enhancement/No New Spray Fields Alternative (Alternative 1) would reduce known project-specific significant environmental effects resulting from the spray field enhancements and installation of new fields, this alternative would either require the lead agency to restrict (e.g., lower) operational capacity of the existing prison and/or new Level II complex or necessitate the installation of additional effluent spray fields at other as yet unidentified locations. Reduction in the individual and/or collective inmate capacity of the two correctional facilities would affect CDCR's ability to comply with federal court overcrowding orders.

Since the location of areas that could potentially be developed for application of secondary effluent generated by the two correctional facilities as an alternative to the areas proposed in this SEIR are not known, it is speculative as to the number and magnitude of potential environmental effects. However, in light of the existence of the remaining fields, the proposed expansion into adjacent areas of similar habitat, or the use of an existing off-site agricultural field, it is expected that the No Project – No Enhancement/No New Spray Fields Alternative would potentially result in greater environmental effects with respect to air quality, greenhouse gas (GHG) emissions, biological resources, cultural resources, noise, and construction-related transportation. In addition, the No Project Alternative would not meet the project modifications objectives related to disposition of treated effluent on-site within state property or on an existing off-site agricultural field. This alternative would result in secondary impacts related to alternative disposal/storage that would likely be greater than the project modifications and revised off-site option.

Alternative 2 (Existing On-Site Spray Fields Enhancements Only) and Alternative 3 (New On-Site Spray Fields Only) would require the use of a portion of the 100-acre, off-site agricultural field but would avoid on-site impacts to either the proposed new field area or the existing fields, respectively. Therefore, off-site impacts under these alternatives would generally be the same as the project modifications. However, on-site impacts would be less under these alternatives because only a portion of the on-site spray field modifications would occur. Alternatives 2 and 3 would not meet the project modifications objectives related to disposition of treated effluent on-site within state property to the extent of the proposed modifications. Compared to the project modifications, Alternative 2 and 3 would be environmentally superior, and Alternative 2 would be environmentally superior to Alternative 3 because it would require less overall ground disturbance during operation of on-site spray fields.

Alternative 4 (Original, Adopted Off-Site Spray Fields Only Alternative) would result in environmental tradeoffs compared to the project modifications. It would reduce the project modifications' biological and cultural resources impacts because conversion and maintenance of new spray fields would not be required, but it would likely result in greater air and GHG emission impacts because a greater number of facilities would be constructed. Based on previous engineering studies and cost estimates Alternative 4 is not considered financially feasible within the current statutory authority of the Level II infill project; the lead agency, CDCR, also has concerns that the original off-site option cannot meet water quality regulations because of a request to mix secondary effluent within the City's infiltration pond system.

CDCR has provided a good-faith effort at evaluating a reasonable range of alternatives to the project modifications that would lessen or eliminate the project modifications' significant impacts. As described in the SEIR, no significant and unavoidable impacts would occur with implementation of the project modifications. While significant impacts would occur related to biological and cultural resources, these impacts were reduced to a less-than-significant level through the implementation of feasible mitigation. Consistent with the requirements of CEQA, Alternative 2 would reduce impacts to biological and cultural resources compared to the project modifications. Therefore, Alternative 2 would be considered environmentally superior to the project modifications and all other alternatives.

1.7 PUBLIC INVOLVEMENT AND ADDITIONAL STEPS UNDER CEQA

On January 20, 2015, CDCR issued an NOP for this Draft SEIR and filed the NOP with the State Clearinghouse. The 30-day public comment period on the NOP ended on February 20, 2015. A public scoping meeting was held on February 5, 2015 at the Evalynn Bishop Hall in Howard Park, located at 600 South Church Street, Ione, California.

Based on public input received during the scoping process, areas of controversy include:

- potential increases in salt and nutrient levels in ground and surface waters;
- potential impacts to nearby sensitive resources (e.g., wetlands);
- potential conflicts with pipeline right-of-ways, and,
- setbacks from property lines.

In accordance with CEQA's public review requirements, this Draft SEIR is being distributed for public, stakeholder, and agency review and comment for a 30-day period, beginning October 1, 2015 and ending on November 2, 2015. A public hearing is scheduled for October 26, 2015 to summarize the content of the Draft SEIR and to solicit comments on the environmental analysis. Formal comments regarding the environmental analysis in the SEIR may be submitted in writing via mail, email, or fax any time during the public review period (**until November 2, 2015**). Comments should be submitted to:

Robert Sleppy
California Department of Corrections and Rehabilitation
Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Email: Robert.Sleppy@cdcr.ca.gov
Contact: Robert Sleppy at (916) 255-1141

Copies of the Draft SEIR are available for public review during regular business hours at the CDCR offices at 9838 Old Placerville Road, Suite B in Sacramento, CA 95817 and at the following locations:

- Ione Branch Library (25 East Main Street, Ione, CA 95640)
- Jackson Branch Library (530 Sutter Street, Jackson, CA 95642)

After the public review and comment period ends, all comments on the Draft SEIR will be evaluated and considered. Responses will be provided on substantive environmental points raised in public comments. In addition, any changes and refinements to the project will be described that occur as a result of on-going planning or comments received during the public review period.

Following completion of the responses to comments and preparation of the Final SEIR, CDCR will make a determination of the project modifications' effect on the environment. Under CEQA, the certification of the SEIR will include preparation of findings for all significant impacts identified, adoption of a Mitigation Monitoring and Reporting Program for mitigation incorporated into the project, and preparation of a Statement of Overriding Considerations for impacts that will not be mitigated to a less-than-significant level (if applicable). CDCR will then file a Notice of Determination with the California State Clearinghouse that will document the project's approval.

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
Biological Resources			
Impact 4.1-1: Impacts on Special-Status Plants No special-status plant species were observed in the existing spray fields during pre-project botanical surveys conducted for the MCSP Project; therefore, impacts to special-status plants for the existing spray fields would be less than significant. Further, while wetlands may provide suitable habitat for special-status plants, the project modifications have been designed to avoid wetlands; therefore, impacts would not occur in these habitats. Seeding, irrigation, and mowing in annual grassland and chaparral vegetation within proposed spray fields may result in the loss of Hoover's calycadenia, Ione manzanita, Ione buckwheat, Irish Hill buckwheat, or Parry's Horkelia, if present. Loss of these special-status plants would be a potentially significant impact.	PS	**Mitigation Measure 4.1-1** CDCR will implement the following measures to reduce potential impacts on special-status plants: > CDCR will complete protocol-level surveys for Hoover's calycadenia during the blooming season (April – September) prior to conducting work adjacent to rock outcroppings or mine tailings in new spray field locations as required by the certified EIR for the MCSP Project. CDCR will complete protocol-level surveys for Ione manzanita prior to conducting work within chaparral habitats. Additionally, CDCR will complete protocol-level surveys during the blooming season for Ione buckwheat (July-October), Irish Hill buckwheat (June-July) and Parry's Horkelia (April-September) prior to conducting work within chaparral habitats. > If no Hoover's calycadenia, Ione manzanita, Ione buckwheat, Irish Hill buckwheat or Parry's Horkelia are found, the botanist will document the findings in a letter report and no further mitigation will be required. > If Hoover's calycadenia, Ione manzanita, Ione buckwheat, or Parry's Horkelia are found, CDCR will establish a protective buffer around special-status plant populations to be retained. The buffer shall be maintained in perpetuity to ensure that project operations do not damage special status plant species. > If Hoover's calycadenia, Ione manzanita, Ione buckwheat, Irish Hill buckwheat, or Parry's Horkelia are found and cannot be avoided during construction, CDCR will perform compensatory mitigation off-site that may include: establish another population through seed collection or transplantation, and/or restoring or creating suitable habitat, or purchasing a conservation easement or mitigation credits at a location that has these populations in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. Take of Ione manzanita, Ione	LTS

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
		buckwheat or Irish Hill buckwheat will require an incidental take permit from USFWS. Take of Ione buckwheat or Irish Hill buckwheat will require an incidental take permit from CDFW. A mitigation and monitoring plan will be developed in consultation with the USFWS or CDFW, as appropriate, describing how unavoidable losses of special-status plants will be compensated. > If relocation efforts are part of the mitigation plan, the plan will include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements. > Success criteria for preserved and compensatory populations will include: - The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat. - Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when: ~ plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and ~ re-established and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project area. - If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria	

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
		such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.	
Impact 4.1-2: Impacts on Valley Elderberry Longhorn Beetle Habitat Construction and operation of effluent spray fields would not result in direct or indirect impacts to valley elderberry longhorn beetle, because construction activities would be located a minimum of 50 feet from identified elderberry bushes. This impact is less than significant, and the project modifications would not result in any new or substantially more severe significant impacts compared to impacts described in the certified Infill EIR.	LTS	No mitigation measures are required.	LTS
Impact 4.1-3: Impacts on Raptors While the project modifications would not change the suitability or function of existing grassland areas as potential foraging habitat for raptors, construction could disturb nesting raptors located near the project area, resulting in nest abandonment by adult birds and abandonment of chicks and eggs, causing mortality. The potential loss of an active raptor nest would be a potentially significant impact. This impact was identified as potentially significant in the certified Infill EIR (see Impact 3.2-3a, Volume 3, page 3.2-24 of the certified Infill EIR).	PS	Implement 2013 Mitigation Measure 3.2-3 from the certified Infill EIR as presented below. **2013 Mitigation Measure 3.2-3.** CDCR will implement the following measures to reduce impacts on Swainson's hawk and other nesting raptors: > Tree removal, if necessary, will be completed outside of the breeding season (between September 1 and February 15). > For construction activities occurring between February 16 and August 31, consistent with CDFW protocol, CDCR will retain a qualified biologist to conduct preconstruction surveys for Swainson's hawk and other nesting raptors to identify active nests on and within 0.5 mile of the site. The surveys will be conducted no more than 30 days before the beginning of construction activities that could remove trees or otherwise disturb nesting raptors. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) will be followed. > If active nests are found, impacts on nesting Swainson's hawks and other raptors will be avoided by establishing appropriate buffers around the nests. No project activity	LTS

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
		will commence within the buffer area until a qualified biologist confirms that any young have fledged and the nest is no longer active. For Swainson's hawk nests, CDFW guidelines recommend maintenance of 0.25-acre buffers around Swainson's hawk nests in developed areas, but the size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist will be required if the activity has potential to adversely affect the nest.	
Impact 4.1-4: Impacts on Nesting Birds Construction and operation of the project modifications may result in the removal of active nests or disturb nesting birds including loggerhead shrike and yellow-breasted chat. As a result, the project modifications may cause nest abandonment by adult birds and mortality of chicks and eggs, or direct mortality of individuals. Loss of yellow-breasted chat or loggerhead shrike nests or individuals would be a potentially significant impact.	PS	Implement 2013 Mitigation Measure 3.2-4 from the certified Infill EIR as outlined below. **2013 Mitigation Measure 3.2-4.** CDCR will implement the following measures to avoid or minimize loss of special-status nesting birds (yellow-breasted chat and loggerhead shrike): > To minimize the potential for loss of active yellow-breasted chat and loggerhead shrike nests, project activities will commence during the nonbreeding season (September 1-February 31), including removal of grassland, shrub, and woodland vegetation. If all suitable nesting habitat is removed during the nonbreeding season, no further mitigation will be required. If it is not feasible to remove vegetation prior to the breeding season (March 1-August 31), CDCR will retain a qualified biologist to conduct preconstruction surveys for yellow-breasted chat and loggerhead shrike on and within 50 feet of the project site. The surveys will be conducted no more than seven days before construction commences. > If active yellow-breasted chat or loggerhead shrike nests are found, a 50-foot no-disturbance buffer will be established around the nest site until the breeding season has ended or a qualified biologist determines the young have fledged.	LTS

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
Impact 4.1-5: Impacts on Western Pond Turtle Effluent spraying in the spray field north of Preston Reservoir may result in western pond turtle nest failure due to wetting of eggs during the incubation period, if present. As the reduction in nesting habitat quality would occur within a portion of the available nesting habitat in the area and the habitat will continue to be suitable for overwintering and dispersal, implementation of the project modifications is unlikely to restrict the range of the species or lead to extirpation of a local population. As such, the project modifications would result in a less-than-significant impact.	LTS	No mitigation measures are required.	LTS
Impact 4.1-6: Impacts on Wetlands and Other Waters Because wetlands and other waters would be avoided during construction, impacts would be less-than-significant.	LTS	No mitigation measures are required.	LTS
Impact 4.1-7: Conflict with the Oak Woodlands Conservation Act The project modifications would not conflict with the Oak Woodlands Conservation Act and would not result in a substantial loss of habitat for woodland species locally or regionally. However, because development of the site would result in the removal of approximately 20 trees and could result in incidental mortality of certain trees as a result of disposition of effluent, impacts would be significant.	S	Implement 2013 Mitigation Measure 3.2-7 from the certified Infill EIR as outlined below. **Mitigation Measure 3.2-7:** A formal tree survey will be conducted of the infill site in order to determine the number and classification of all trees that may be removed. CDCR will implement the following measures to reduce impacts on native oak trees: > Replace all native oak trees removed by project construction activity at a 1:1 ratio off-site. > Use trees from healthy commercial nursery stock and/or acorns from the tree removed or from trees in the mitigation site when establishing new trees. > Ensure that trees are established and maintained for at least 5 years. > Trees will be planted between October 1 and December 31, and no later than 12 months after the date of tree removal. Alternatively, CDCR may consult with Amador County and the City of Ione regarding off-site replacement options where one or both of these entities will accept responsibility for the planting and maintenance of the replacement trees. If it is	LTS

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
		determined, in consultation with the County and the City, that this is a viable option, mitigation requirements would be consistent with those listed above and additional measures may be required. Another off-site alternative may include purchase of a conservation easement that meets the mitigation requirement.	
Cultural Resources			
Impact 4.2-1: Impacts on Archaeological Resources Nine archaeological resources that were not previously identified as part of the Infill EIR could be disturbed/destroyed during ground disturbance associated with the project modifications. As a result, development of the project modifications could result in a substantial adverse change in the significance of both known and previously undiscovered archaeological resources as defined in Section 15064.5 and would, therefore, result in a potentially significant impact.	PS	Implement 2013 Mitigation Measure 3.3-1 from the certified Infill EIR as presented below. No changes to this mitigation measure would be required for the project modifications. **2013 Mitigation Measure 3.3-1.** In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (midden), that could conceal cultural deposits, are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources will be halted and a qualified professional archaeologist will be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either a historical resource or a unique archaeological resource), the archaeologist will develop appropriate mitigation to protect the integrity of the resource and ensure that no additional resources are affected. Mitigation could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery. **Mitigation Measure 4.2-1a** Construction activities shall avoid known archaeological sites. Prior to initial construction and installation of spray field infrastructure within the proposed spray fields, the construction contractor will install high-visibility orange construction fencing and/or flagging, as appropriate, along the perimeter of the work area adjacent to archaeological sites including a 100 foot buffer for prehistoric resources (including ICF-CUL-2, P-03-200, and P-03-814) and a 50 foot buffer for	LTS

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
		historic era resources (including ICF-CUL-1, P-03-1823, and P-03-811). Fencing installation will be done in consultation with an archaeologist to ensure appropriate placement. Upon completion of construction, fencing can be removed prior to initiation of operation. **Mitigation Measure 4.2-1b** Before any ground disturbing work occurs in the project area, a qualified archaeologist will be retained to conduct a mandatory contractor/worker cultural resources awareness training for construction personnel. The awareness training will be provided to all construction personnel (contractors and subcontractors) to brief them on the need to avoid effects on cultural resources adjacent to and within construction areas. **Mitigation Measure 4.2-1c** A qualified archaeologist and a Native American monitor from the Ione Band of Miwok Indians will be retained to monitor all construction activities that involve ground disturbance (e.g., vegetation removal, grading, excavation, disking). The purpose of the monitoring is to ensure that measures identified in the environmental document are properly implemented to avoid and minimize effects on cultural resources and to ensure that the project modifications comply with all applicable permit requirements and agency conditions of approval. The archaeologist will ensure that fencing around archaeological ESAs remains in place during construction and that no construction personnel, equipment, or runoff/sediment from the construction area enters ESAs. The monitor will prepare daily logs recording the results of monitoring, and a final monitoring report will be prepared at the end of construction.	

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
Impact 4.2-2: Impacts on Historical Resources Development of the project modifications would not result in a substantial adverse change in the significance of Preston Castle, a historical resource as defined in State CEQA Guidelines Section 15064.5 because the structure itself would not be altered. In addition, views of the proposed enhancement measures from Preston Castle would not be visible such that the integrity of this resource would be adversely affected. Therefore, this would be a less-than-significant impact. As such, the project modifications would not result in a new significant or substantially more severe significant impact compared to the previously approved MCSP Project as evaluated in the certified Infill EIR.	LTS	No mitigation measures are required.	LTS
Impact 4.2-3: Impacts on Human Remains Development of the project modifications could result in disturbance of previously undiscovered human remains, including those interred outside of formal cemeteries. This event would be a potentially significant impact.	PS	Implement 2013 Mitigation Measure 3.3-4 from the certified Infill EIR as presented below. No changes to this mitigation measure would be required for the project modifications. **2013 Mitigation Measure 3.3-4.** If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains will be halted immediately, and the Amador County coroner will be notified immediately, according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the NAHC will be notified within 24 hours, and the guidelines of the NAHC will be adhered to in the treatment and disposition of the remains. CDCR will also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by the NAHC. Following the coroner's findings, the archaeologist, and the NAHC-designated MLD will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.	LTS

Table 1-1 Summary of Impacts and Mitigation Measures

Impact	Significance before Mitigation	Mitigation Measure	Significance After Mitigation
		California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.	
Hydrology and Water Quality			
Impact 4.3-1: Short-Term, Construction-Related Water Quality Degradation While construction activities during development of the project would involve ground disturbance and soil movement and these activities could result in erosion or runoff of sediment, and other nonpoint source pollutants in on-site stormwater, which could drain to off-site areas, thereby degrading local water quality, CDCR would be required, as part of the Construction General Permit issued by the Central Valley Regional Water Quality Control Board, to implement adequate measures to control on-site stormwater (i.e., SWPPP and BMPs) and protect water quality. Therefore, this would be a less-than-significant impact.	LTS	No mitigation measures are required.	LTS
Impact 4.3-2: Long-Term Water Quality Degradation from Operation of Enhancement Measures The project would add an additional acreage of effluent spray fields within the MCSP facility, enhance the existing spray field system, and would continue existing treated effluent land application practices in a manner that minimizes the potential for long-term water quality degradation. For these reasons, the proposed relocation of spray fields and implementation of the project would result in a less-than-significant impact to long-term water quality.	LTS	No mitigation measures are required.	LTS

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2 INTRODUCTION

2.1 PROJECT BACKGROUND AND NEED

The objective of this SEIR is to provide an assessment of an additional element of the MCSP Project and to address infrastructure improvements required for the on-going operation of the prison once both facilities are fully operational. In November 2013, CDCR certified an EIR (SCH# 2012122038) for the MCSP Project and approved the project. The approved MCSP Project includes construction and operation of a Level II infill correctional facility complex on existing CDCR property. CDCR began construction in April 2014; completion and activation of the new Level II complex is expected to occur in February 2016. CDCR is now considering the following changes/modifications to the aspects of the project addressed in the certified Infill EIR: (1) construction of additional administrative/program support offices to meet the needs of Level II EOP inmates that will be housed at the new Level II complex, (2) upgrade/enhancement of the existing irrigation system used for application of disinfected secondary wastewater effluent, (3) installation of approximately 45 acres of new secondary effluent spray fields on vacant areas within prison grounds, and, as an a revised alternative to new on-site spray fields, (4) installation of piping to facilitate an internal connection within MCSP grounds and a second section of piping extending from near the City's tertiary treatment plant to approximately 100 acres of existing agricultural land on the adjacent Greenrock Ranch. These proposals, collectively, are hereinafter referred to as the "project modifications."

CDCR has determined that some of the inmates that would be transferred to the new Level II complex will have an EOP status. EOP inmates require additional mental health services and programming. At the time the Infill EIR was certified, CDCR was not anticipating a need to transfer/commit EOP inmates to the approved Level II complex. However, due to ongoing inmate realignment within the state prison system, additional capacity for EOP inmates has been determined to be necessary. This is also considered a positive site for EOP inmates because of the current mental health programs at MCSP; the placement of additional mental health services, albeit at a lower security level, would not require substantial additional facilities compared to what would be required at other CDCR facilities in the state to serve such inmates. Only EOP inmates classified as Level II would be housed in one of the six dormitories at the new Level II complex. Approximately 55 additional CDCR staff would be required for the EOP program at the new Level II complex. These staff would be distributed over three shifts/day, seven days per week, the majority of which would be assigned to weekday second watch (approximately 7:00 AM – 3:00 PM).

MCSP opened in 1987 on approximately 866 acres of land and currently provides housing facilities for medium security inmates. The prison provides inmates with a variety of vocational, academic, and industrial programs. MCSP is served by an existing, on-site wastewater treatment plant that produces disinfected secondary effluent. As required by all treatment plants, the MCSP WWTP operates under Waste Discharge Requirements (WDRs) that prescribe the maximum allowable constituent (pollutant) levels in treated wastewater, as well as flow capacity, in order to protect public health. The current WDRs for MCSP were issued by the Central Valley Regional Water Quality Control Board (CVRWQCB), in Order No. 5-00-088 (April 2000). The WWTP treats the combined wastewater flows from MCSP, Preston Youth Correctional Facility (PYCF), and the California Department of Forestry and Fire Protection (CAL FIRE) Academy.

The existing CAL FIRE Academy provides dedicated training of cadets and staff for fire prevention and treatment practices. This is an on-going operation that is expected to continue for many years. PYCF was closed in June 2011 due to declining ward population and other factors. CDCR has no current plans for reuse or alternative use of the facility. However, the facility still generates minimal sewage flows, as well as wet-weather flows, that are collected within the facility and conveyed to the prison's

WWTP. The WWTP is currently designed for an average dry-weather flow of 740,000 gallons per day (0.74 mgd) and peak wet-weather flow of 2.2 mgd. As part of a previously approved capital outlay appropriation, CDCR is currently replacing the WWTP to improve its operations and the quality of treated secondary effluent. Once completed (estimated summer 2016), the on-site WWTP would continue to operate at a design capacity of 0.74 mgd.

Disinfected secondary effluent from the WWTP is currently disposed of by either discharge to on-prison-grounds spray irrigation fields or by conveyance to the City of Ione's tertiary wastewater treatment plant. The on-site spray fields consist of grassland/oak woodland where secondary effluent is irrigated within specific designated areas on a rotational basis to assure uniform application and prevent overwatering. These existing fields are periodically tilled during the spring and summer months to encourage the growth of new vegetation. Under an agreement with the City of Ione and ARSA, the prison discharges approximately 225 acre feet (af) of disinfected secondary effluent annually to Preston Reservoir, which along with ARSA effluent, is conveyed to the tertiary plant for further processing. Tertiary effluent from the latter plant is the source of irrigation water for the Castle Oaks Golf Course.

As a result of the development of the MCSP Project construction site, approximately 60 acres of the existing effluent spray fields within state property were eliminated. Based on a recent review of aerial imagery and surface surveys, the effective area of the original on-site secondary effluent spray fields was determined to be approximately 260 acres. Accordingly, there are now approximately 200 acres of remaining secondary effluent spray fields at MCSP.[1] To assure there is adequate disposal capacity for disinfected secondary effluent CDCR is now considering the installation of approximately 45 acres of new secondary effluent spray fields on unused land within prison grounds. These fields along with some areas (approximately 10 acres) recovered from land affected by temporary construction support activities would meet the projected need for irrigation of disinfected secondary effluent produced by the renovated WWTP once all MCSP correctional facilities are fully activated or operating at the revised overcrowding levels.

CDCR is also considering an option that would, instead of installing new on-site spray fields, convey secondary effluent to an existing off-site agricultural field for the production of a fodder crop such as alfalfa or pasture for livestock. This option, which is revised from an earlier proposal, would have the net benefit of using disinfected secondary effluent for agricultural production. Accordingly, the fourth project modification evaluated in this SEIR addresses a slight revision to the off-site effluent disposal component of the previously approved project that was addressed in the certified Infill EIR (See Infill DEIR Volume 3, pp.2-11 to 2-12, [Exhibit 2-5], 3.2-1, 3.7-16 to 3.7-17).

The initial proposal evaluated in the certified Infill EIR was to use disinfected secondary effluent for irrigation of fodder crops on an existing agricultural field west of Ione. Conveying secondary effluent to this site would have required construction of a separate new pipeline between the prison's WWTP and the subject field; the City also subsequently indicated there could be the need for a mid-point storage pond to increase spray field irrigation flexibility. Following approval of the MCSP Project, the City and CDCR undertook more detailed studies of this alternative to determine the estimated capital costs for construction of the necessary facilities and the on-going operational cost of the spray field. At the end of the first phase of this analysis it was determined that implementation of this alternative exceeded CDCR's budgeted estimate for spray field replacement. As a result, CDCR notified the City on July 8, 2014 that it would pursue alternative, on-site means of secondary effluent disposal. Expansion of on-site secondary effluent spray fields was not evaluated in the certified Infill EIR.

Based on more detailed engineering than was available when the EIR was certified, CDCR has now concluded that a large section of this proposed pipeline can be eliminated by the use of the existing pipeline between the prison's effluent reservoir and City's tertiary treatment plant. Elimination of a

[1] Prior estimates had identified up to 296 acres of spray field acreage within prison grounds; however, due to existing topography, vegetation (primarily trees), and to ensure flows did not reach Mule Creek, a recent assessment of the effective area of the spray fields was determined to be 260 acres. This is now considered the baseline acreage of the original effluent spray field area.

section of this pipeline, which traversed an area of various sensitive resources (e.g., riparian woodlands, existing subdivisions, multiple street crossings, etc.), would have positive environmental benefits. Under this new option, disinfected secondary effluent would be conveyed between the prison and tertiary plant using the existing Preston Reservoir pipeline. At the tertiary plant, a valve would direct secondary effluent to a new section of pipeline that would convey effluent to the field along a route consisting of an existing public right-of-way (e.g. Brubeck Road) and a section of low-sensitivity grassland, the latter being on Greenrock Ranch property. A short section of interconnecting pipeline within prison grounds would also be required to complete this option.

2.2 DESCRIPTION OF THE APPROVED PROJECT AT MCSP

The MCSP Project was approved for construction of a 1,584-bed, Level II infill correctional facility complex on November 8, 2013. The complex will cover approximately 60 acres (within a 100-acre disturbance area) (Infill DEIR, Volume 3, Exhibit 2-3) and will include six separate housing units. Each housing unit will be approximately 40,000 gross square feet (gsf) in size with an operational capacity of approximately 264 Level II beds per structure, for a total of 1,584 Level II beds.

Although the new Level II infill correctional facility complex will be part of MCSP, the Level II complex will be independent and self-contained, with all necessary related support buildings and inmate programming space to meet the needs of various inmates, including, but not limited to, those with disabilities, intermediate medical needs, or mental health treatment needs (see the Infill DEIR Volume 1, Section 3.3.1).

Approximately 377 staff members will be employed at the Level II complex and will include correctional officers, medical and mental health personnel, vocational and educational staff, facility maintenance personnel, and administrative support staff. See Table 3-2 of Infill DEIR Volume 1 for prison employment levels by work shift.

The complex will operate 24 hours a day, year-round, with three 8-hour shifts (watches) for custodial employees (correctional staff).

As noted above, the MCSP Project evaluated in the certified Infill EIR also included an analysis of the use of approximately 100 acres of off-site agricultural fields owned and operated by Greenrock Ranch, LLC for the disposition of disinfected secondary effluent generated by CDCR's WWTP.

2.3 NEED FOR AND SCOPE OF THE SUBSEQUENT EIR

Pursuant to Section 15162, a subsequent EIR should be prepared if an EIR has been certified for a project, but one or more of the following conditions are met.

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As discussed above, changes to the previously approved project are required to meet MCSP's demands for wastewater disposal and the need to provide adequate care for EOP inmates. These changes have the potential to result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Per the State CEQA Guidelines, an SEIR need contain only the information necessary to make the previous EIR adequate for the project as revised (Guidelines Section 15163(d)). As discussed in Section 4.0, the proposed enhancement measures could result in potentially new significant impacts or an increase in the severity of previously identified significant impacts related to Biological Resources, Cultural Resources, and Hydrology and Water Quality. These issues are the focus of this Draft SEIR.

2.3.1 COMMUNITY/AGENCY ISSUES AND CONCERNS

A notice of preparation (NOP) was issued for this SEIR on January 21, 2015. The following issues are known and/or were raised by agencies or interested parties during the NOP public review period that are specific to the proposed effluent spray field enhancement measures:

- potential increases in salt and nutrient levels in ground and surface waters;
- potential impacts to nearby sensitive resources (e.g. wetlands); and,
- setbacks from property lines.

2.4 INCORPORATION BY REFERENCE

This document incorporates by reference the certified Infill EIR for the MCSP Project. The State CEQA Guidelines CCR Section 15150 encourages incorporation by reference of previously analyzed and publically circulated information. Incorporation by reference involves a brief summary or description of the referenced document. A summary of the approved project, as provided in the certified Infill EIR, is provided above in Section 2.2, "Description of the Approved Project at MCSP." In addition, significant impacts disclosed in the certified Infill EIR, and hereby incorporated by reference, are summarized in Section 4.0, "Approach to the Environmental Analysis."

Copies of current and previous environmental documents related to the MCSP Project and proposed effluent spray field enhancement measures will be available for review at the following location during the public review periods.

Ione Branch Library
25 East Main Street
Ione, CA 95640
(209) 274-2560

Jackson Branch Library
530 Sutter Street
Jackson, CA 95642
(209) 223-6400

2.5 PUBLIC INVOLVEMENT AND ADDITIONAL STEPS UNDER CEQA

As stated above, CDCR issued an NOP for this Draft SEIR and filed the NOP with the State Clearinghouse. The 30-day public comment period on the NOP ended on February 20, 2015. A public scoping meeting was held on February 5, 2015 at the Evalynn Bishop Hall in Howard Park, located at 600 South Church Street, Ione, California.

As allowable under Section 15105 of the CEQA Guidelines, a shortened review period has been approved by the State Clearinghouse for the SEIR. Therefore, the SEIR is available for a 30-day public review period, beginning October 1, 2015 and ending on November 2, 2015. A public hearing is scheduled for October 26, 2015 to summarize the content of the Draft SEIR and to solicit comments on the environmental analysis. Formal comments regarding the environmental analysis in the SEIR may be submitted in writing via mail, email, or fax any time during the public review period **(until November 2, 2015)**. Comments should be submitted to:

Robert Sleppy
California Department of Corrections and Rehabilitation
Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Email: Robert.Sleppy@cdcr.ca.gov
Contact: Robert Sleppy at (916) 255-1141

Copies of the Draft SEIR are available for public review during regular business hours at the CDCR offices at 9838 Old Placerville Road, Suite B in Sacramento, CA 95817 and at the following locations:

- Ione Branch Library (25 East Main Street, Ione, CA 95640)
- Jackson Branch Library (530 Sutter Street, Jackson, CA 95642)

After the public review and comment period ends, all comments on the Draft SEIR will be evaluated and considered. Responses will be provided on substantive environmental points raised in public comments. In addition, any changes and refinements to the project modifications will be described that occur as a result of on-going planning or comments received during the public review period.

Following completion of the responses to comments and preparation of the Final SEIR, CDCR will make a determination of the project modifications' effect on the environment. Under CEQA, the certification of the SEIR will include preparation of findings for all significant impacts identified, adoption of a Mitigation Monitoring and Reporting Program for mitigation incorporated into the project modifications, and preparation of a Statement of Overriding Considerations for impacts that will not be mitigated to a less-than-significant level (if applicable). CDCR will then file a Notice of Determination with the California State Clearinghouse that will document the approval of the project modifications.

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3 PROJECT DESCRIPTION

This chapter presents a detailed description of the proposed project modifications to elements of the MCSP Project. In November 2013, CDCR certified the EIR (SCH# 2012122038) for the MCSP Project, which involves construction and operation of a new 1,584-bed, Level II infill correctional facility complex. The Level II complex site is situated on existing CDCR property, adjacent and southeast of the existing prison located in Ione, California. Proposed modifications to the certified MCSP Project, analyzed in this document, consist of: (1) construction of additional administrative/program support offices to meet the needs of Level II EOP inmates that will be housed at the new Level II complex, (2) upgrade/enhancement of the existing irrigation system used for application of disinfected secondary wastewater effluent, (3) installation of approximately 45 acres of new secondary effluent spray fields on vacant areas within prison grounds, and (4) installation of piping to facilitate an internal connection within MCSP grounds and a second section of piping extending from near the City's tertiary treatment plant to approximately 100 acres of existing agricultural land on the adjacent Greenrock Ranch. The latter is an alternative to the installation of new on-site effluent spray fields within the grounds of MCSP and is a revision to a similar alternative addressed in the original EIR. These proposals, collectively, are hereinafter referred to as the "project modifications." This chapter describes CDCR's objectives related to the project modifications, facility elements, proposed staffing, and the anticipated schedule for project construction.

3.1 PROJECT OBJECTIVES

There are two primary project objectives of the modifications addressed in this SEIR. The first is construction of an additional administrative/support building to accommodate CDCR staff responsible for treatment and management of Level II EOP inmates. The second is to assure the WWTP at the prison would meet its permitted capacity of 0.74 mgd through the proposed enhancement of the existing remaining effluent spray field system and installation of additional on-site effluent spray fields. To meet this goal CDCR would not only act to renovate and upgrade the existing remaining fields but also install approximately 45 acres of new on-site spray fields or implement the revised option of installing piping to an existing off-site agricultural field where the secondary effluent could be used for the beneficial production of fodder crops. The project modifications are intended to achieve the following individual objectives:

- Provide additional administrative/program space within the secure perimeter for new employees that will provide mental health services required for Level II Enhanced Outpatient Program inmates that CDCR plans to house at the new Level II complex;
- Improve the overall effectiveness of the MCSP secondary effluent irrigation system to ensure treated wastewater from all entities served by the prison's WWTP will meet all applicable water quality standards and provide sufficient hydraulic pressure;
- Provide sufficient disposal capacity for that portion of secondary effluent that must be irrigated to land within the state-owned prison grounds at full occupancy of all MCSP's facilities along with flows originating from the fire academy and juvenile facility;
- Where feasible, utilize vacant/underutilized property within state-owned property associated with MCSP for disposal of treated secondary effluent; and
- Consider the alternative of securing through a contract with the City of Ione the use of agricultural land west of the city for disposal of a portion of the prison's disinfected secondary effluent instead of installing additional effluent spray fields within the prison property.

3.2 PROJECT LOCATION

The existing MCSP, located at 4001 SR 104 in Ione, California, is situated on 866 acres and is owned by the State of California. MCSP is located in the City of Ione in Amador County, approximately 33 miles southeast of downtown Sacramento. Primary local access to MCSP is from SR 104. Regional access to MCSP is also provided by SR 104, which connects with SR 99 in the City of Galt, and SR 124, which connects SR 16 to Ione. Exhibit 3-1 shows MCSP's regional location. Exhibit 3-2 shows MCSP's topographic location.

MCSP is bounded by Collins Road to the west, Ione Michigan Bar Road/SR 104 to the south, and open space with some sparsely distributed residential uses to the north and east. Access to MCSP is from a single existing prison entrance road and gate from SR 104; this gate will also serve the new Level II complex once it is completed and activated. The temporary construction access road located directly across from Castle Oaks Drive would be removed and no longer used for regular access to the prison property. Surrounding land uses include Preston Reservoir to the east; the CAL FIRE Academy and former PYCF, which was closed in 2011; these facilities are located to the southeast of the prison facilities. Castle Oaks Golf Course and its associated residential development are situated directly across SR 104 from MCSP. Rural residences are located to the north and east MCSP. MCSP is located within but at the northernmost edge of the boundaries of the City of Ione, with unincorporated Amador County immediately north and west of the MCSP property boundary.

The proposed administrative/program support space for EOP inmates would be located within the previously contemplated footprint of the Level II complex shown in Exhibit 3-3. This area is currently under construction as part of the MCSP Project.

CDCR proposes to upgrade and enhance the operation and effectiveness of the approximately 200 acres of existing effluent spray fields that would remain once the Level II complex is completed. The boundaries of these remaining effluent spray fields are shown on Exhibit 3-4. The existing spray field areas consist of former oak woodland and similar plant communities that have been disturbed by installation of the original irrigation equipment (late 1980s), periodic tilling, removal of dead trees, etc. These areas are now used for the application of disinfected secondary effluent generated by the prison's WWTP. An additional 10 acres within state property that were disturbed during construction activities associated with the MCSP Project are currently planned for use as secondary effluent spray fields, as shown in Exhibit 3-4. This acreage is currently being used for various temporary construction activities (equipment and trades parking, storage containers, pre-cast operations, etc.) The environmental analysis for those areas was previously addressed in an addendum to the certified Infill EIR as approved by CDCR on April 30, 2015 (Copies of the addendum are available for review upon request or at CDCR Facility Planning, Construction and Management Offices [9838 Old Placerville Road, Suite B, Sacramento, CA 95827]).

The new proposed on-site spray fields, which would be approximately 45 acres in size, would be located in areas adjacent to some of the existing effluent spray fields, as well as in areas that have primarily been used for CAL FIRE training activities, including wildland fire training for CAL FIRE personnel, cutting fire lines (by hand and with heavy equipment), development of training roads, setting of demonstration fires, and creating realistic fire response/rescue situations. The following provides further detailed descriptions of the proposed new secondary effluent disposal areas evaluated in this EIR and shown in Exhibit 3-5:

Area 1: This area is located within the boundary of the existing Mule Creek Reservoir; new spray fields are proposed for an area along a portion of the shoreline of the reservoir. The area is characterized as predominantly grassland and is terraced with steep slopes (approximately 30-45 degrees) and flattened steps (approximately 20-30 feet in width) sloping towards Mule Creek Reservoir. This area is approximately two acres in size.

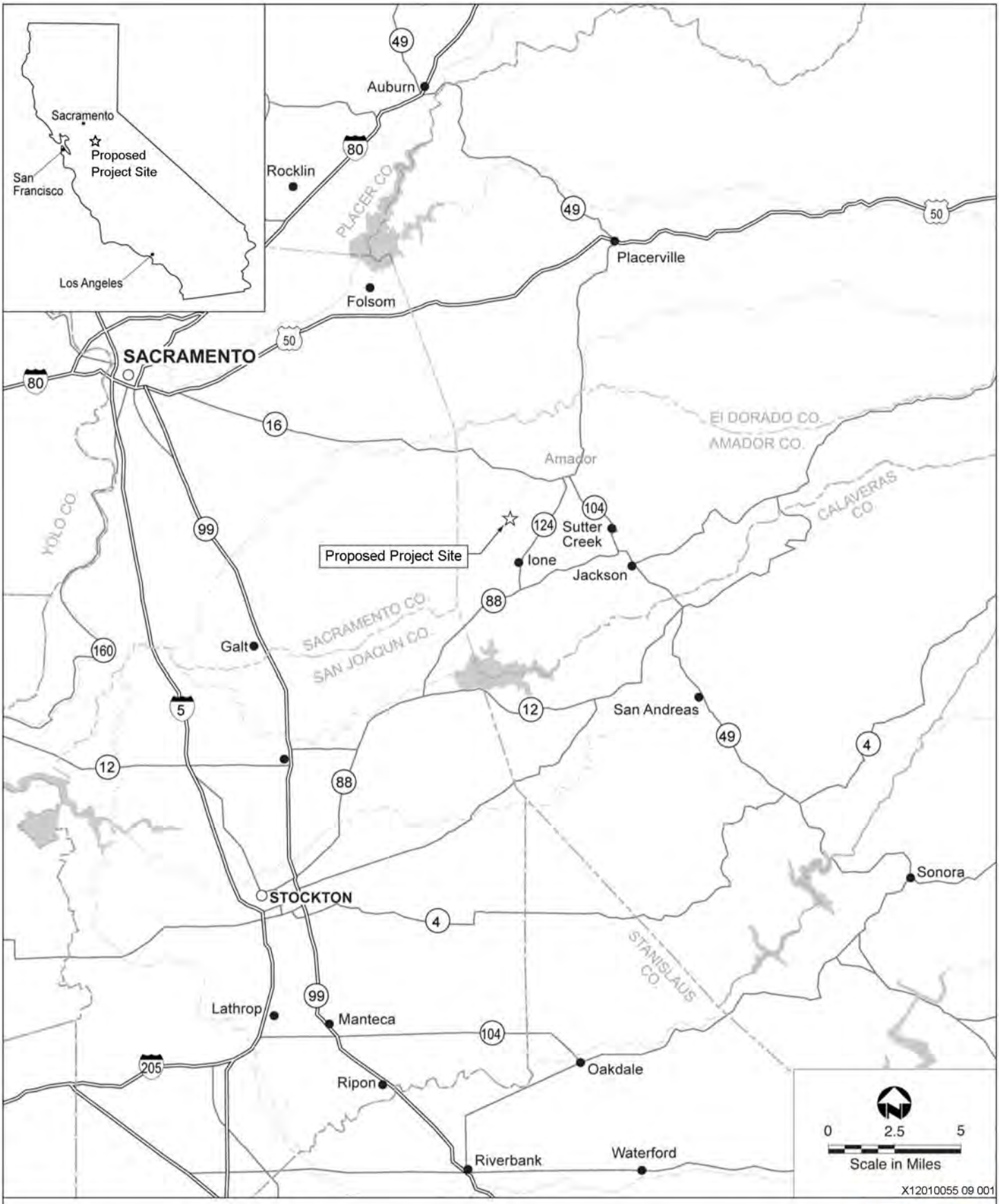
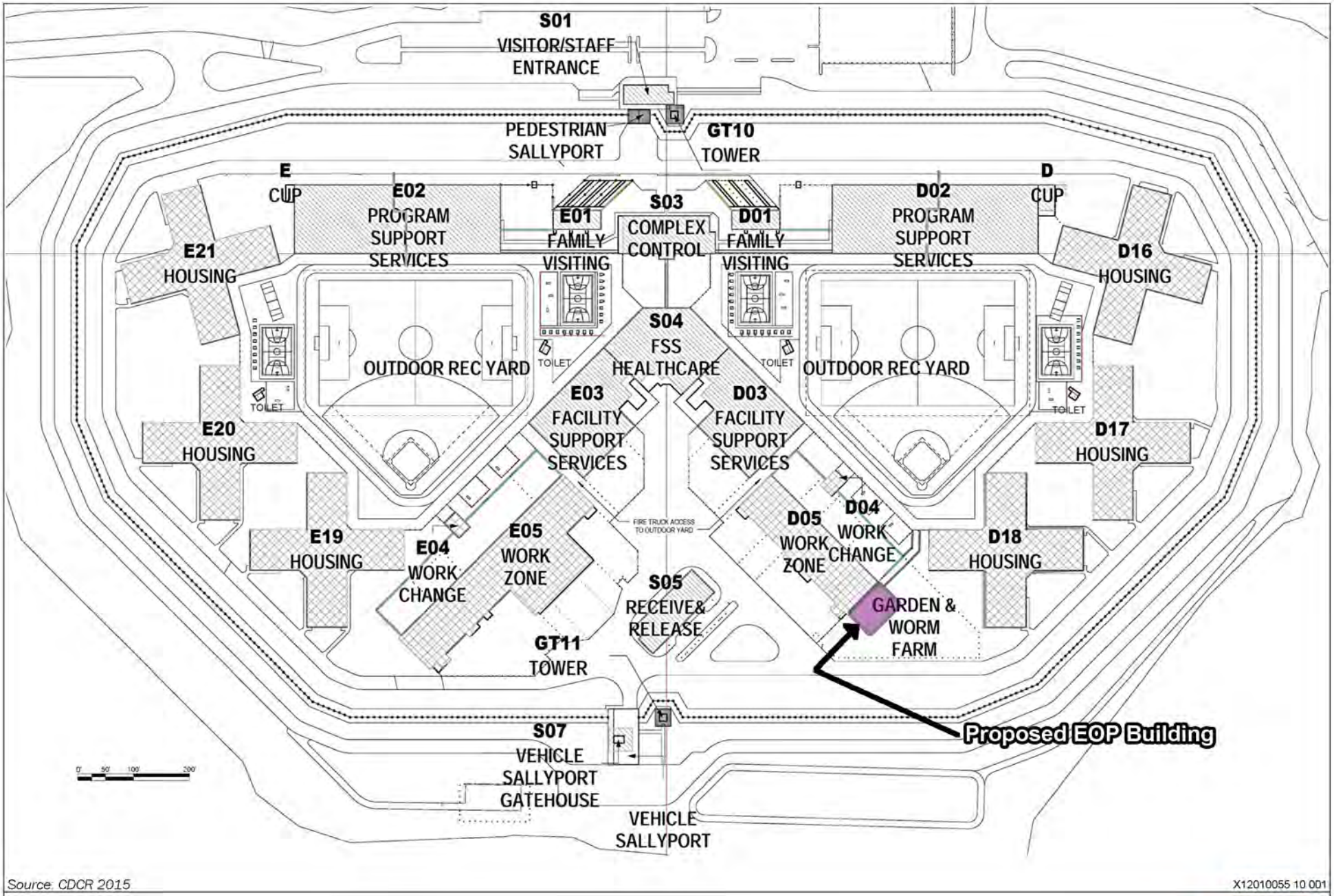


Exhibit 3-1

Project Vicinity

Source: Adapted by Ascent Environmental in 2014

Exhibit 3-2 Topographic Map of Project Location



Source: CDCR 2015

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Exhibit 3-3 Proposed EOP Administrative/Program Support Space within Level II Complex Footprint

Area 2: This area of the project site is also characterized as grassland with foothill pine and blue oak trees located predominantly along the perimeter. Slopes vary between 0 and 20 degrees, generally trending westward towards Mule Creek. This area is approximately six acres in size; the new spray field would be adjacent to and an extension of an existing spray field.

Area 3: This area is approximately nine acres in size and is characterized as grassland with blue oaks located primarily along the periphery. It has historically been used for CAL FIRE training exercises, including equipment training and controlled burns. Slopes are generally 0 to 5 degrees to the west/southwest.

Area 4: This area is approximately eight acres in size and is predominantly flat grassland habitat. The western portion of Area 4 has been used continually as a controlled burn area for CAL FIRE training activities, while the eastern portion of this area slopes gently towards Preston Reservoir. This area is contained within the isolated watershed of the reservoir, which was created when the adjacent watershed was directed to an unnamed channel to Mule Creek through construction of a cut-off ditch just west of the reservoir.

Area 5: This 21-acre area has been used historically as a CAL FIRE and California Department of Transportation equipment training area. It is predominantly grassland with scattered blue oaks throughout and along the periphery. Slopes are generally 0 to 5 degrees, trending southward.

Greenrock Ranch Agricultural Field. The modification of the previously evaluated conveyance of secondary effluent to 100 acres owned and operated by Greenrock Ranch, LLC, would involve the installation of two separate sections of pipe. See Exhibit 3-6 for the location of this area. The field has been previously land-leveled for the planting of seasonal grain crops; it is also used for cattle grazing. It is currently not irrigated on a regular basis.

3.3 DESCRIPTION OF PROJECT

Modification to MCSP Project Design. CDCR has determined that some of the Level II inmates to be housed at the Level II complex that is currently under construction will have EOP status. This designation requires additional mental health services and programming to be provided within any facility with EOP inmates. Because the existing MCSP facility already provides existing mental health programs for its inmates, CDCR would be able to consolidate programming on-site and more efficiently provide necessary care to inmates.

Approximately 6,500 sf of additional new administrative/program support space is necessary for on-site operation of EOP services within the Level II complex currently under construction. This space would be used by counselors, psychiatrists, and instructors for EOP care of Level II inmates. This additional space would be accommodated within the previously approved secure perimeter of the Level II complex shown on Exhibit 3-5 and would be incorporated into the ongoing construction effort for the MCSP Project. Up to 55 additional employees beyond those anticipated in the certified Infill EIR would be associated with this additional square footage. If this project modification is approved, CDCR would amend its payment of local/regional traffic fees to account for the increase in daily vehicle trips, as stated in further detail in Chapter 4 of this SEIR.

Existing Spray Field Enhancement Measures. The proposed enhancement measures within the remaining existing 200 acres of secondary effluent spray fields includes but is not limited to installation/improvement of runoff controls; replacement of irrigation piping and sprinkler heads; installation of improved control and distribution valves; and over-seeding with annual and perennial grasses to reduce the need for periodic disking. Ground disturbance associated with construction activities would be limited to shallow trenching to facilitate installation of new distribution piping. All trenching/grading for installation of the irrigation network would be monitored for cultural resources by

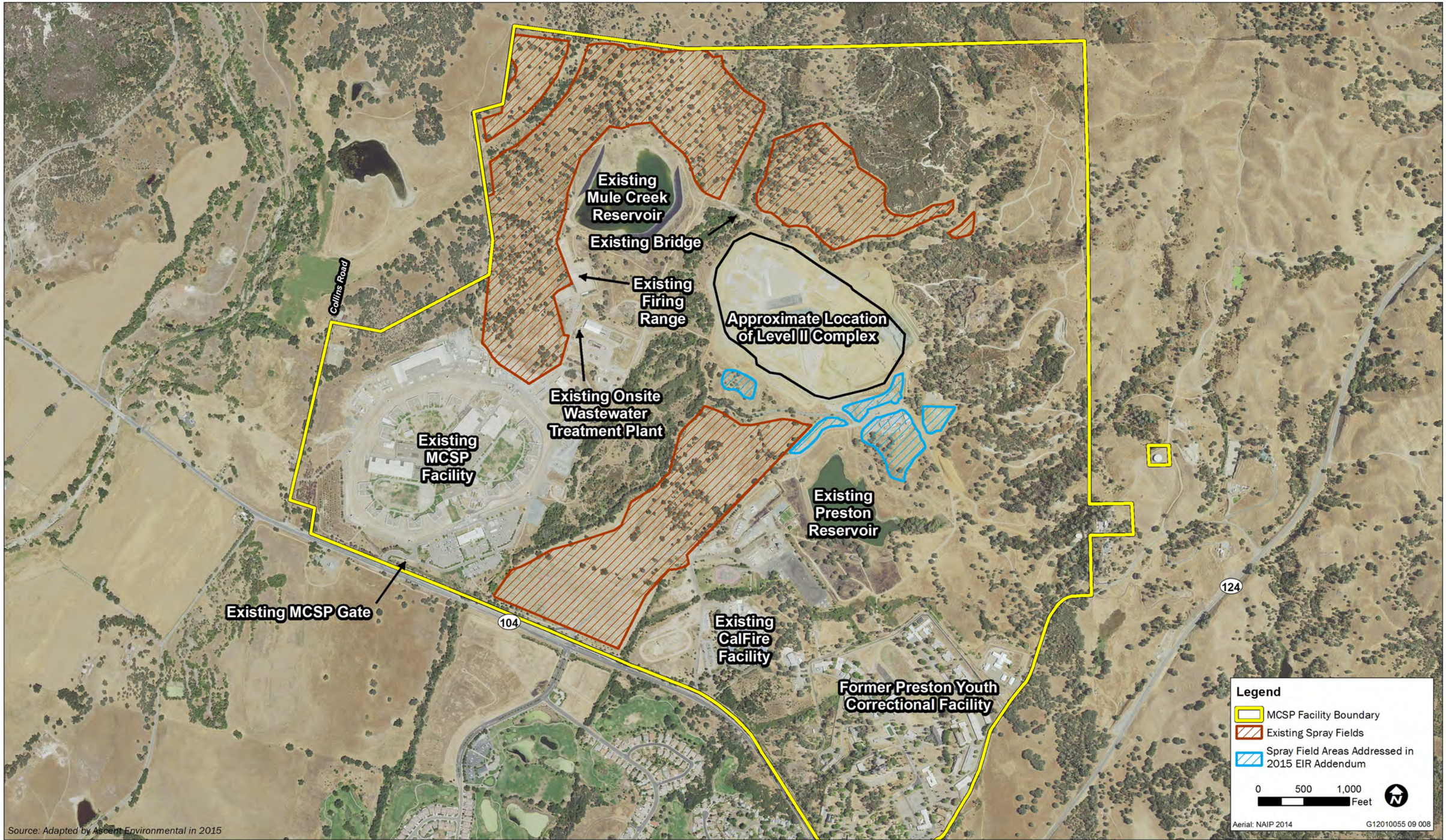

Exhibit 3-4

Existing Spray Fields to be Enhanced at MCSP

ASCENT ENVIRONMENTAL

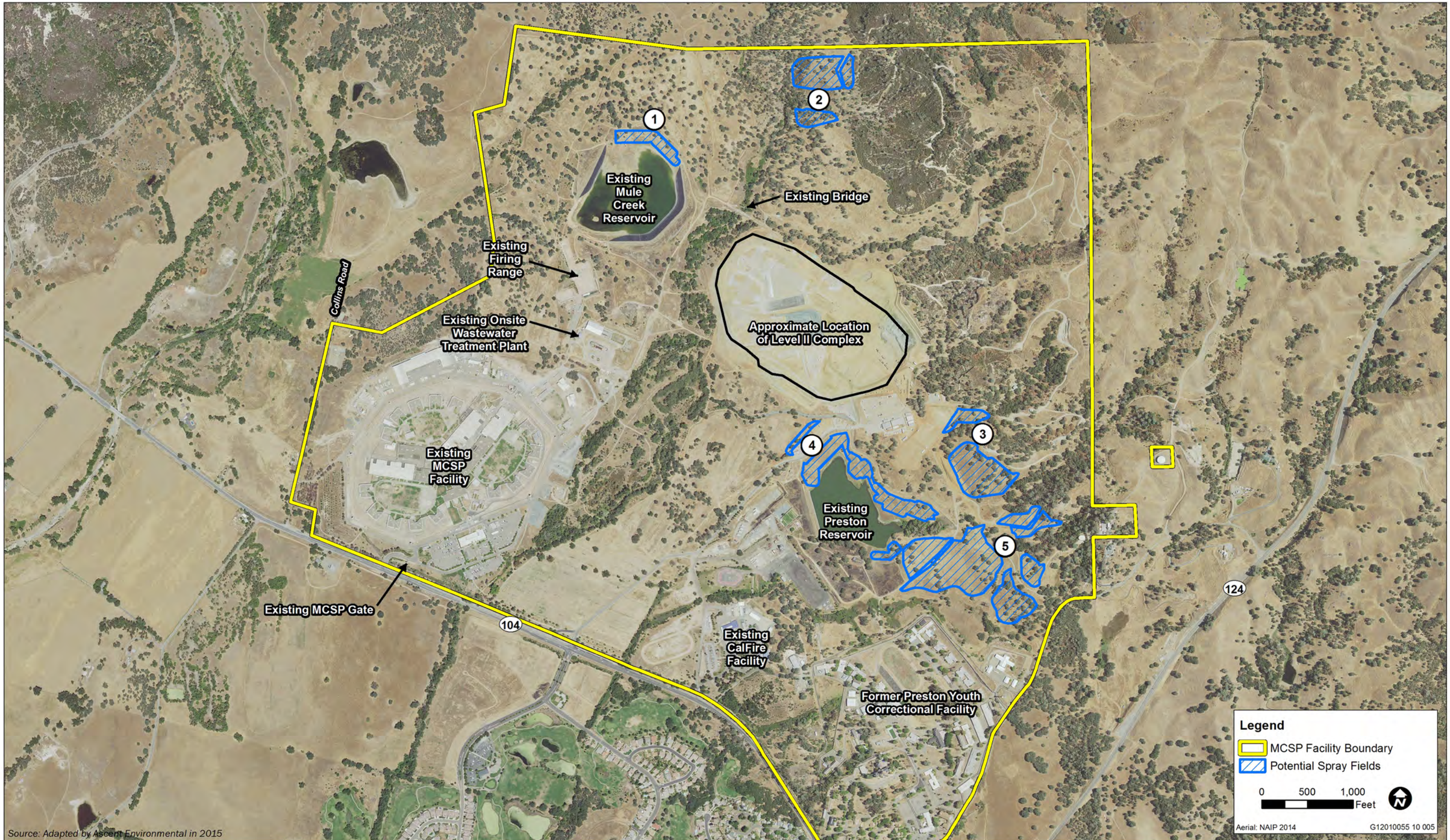

Exhibit 3-5

Proposed New Spray Fields at MCSP

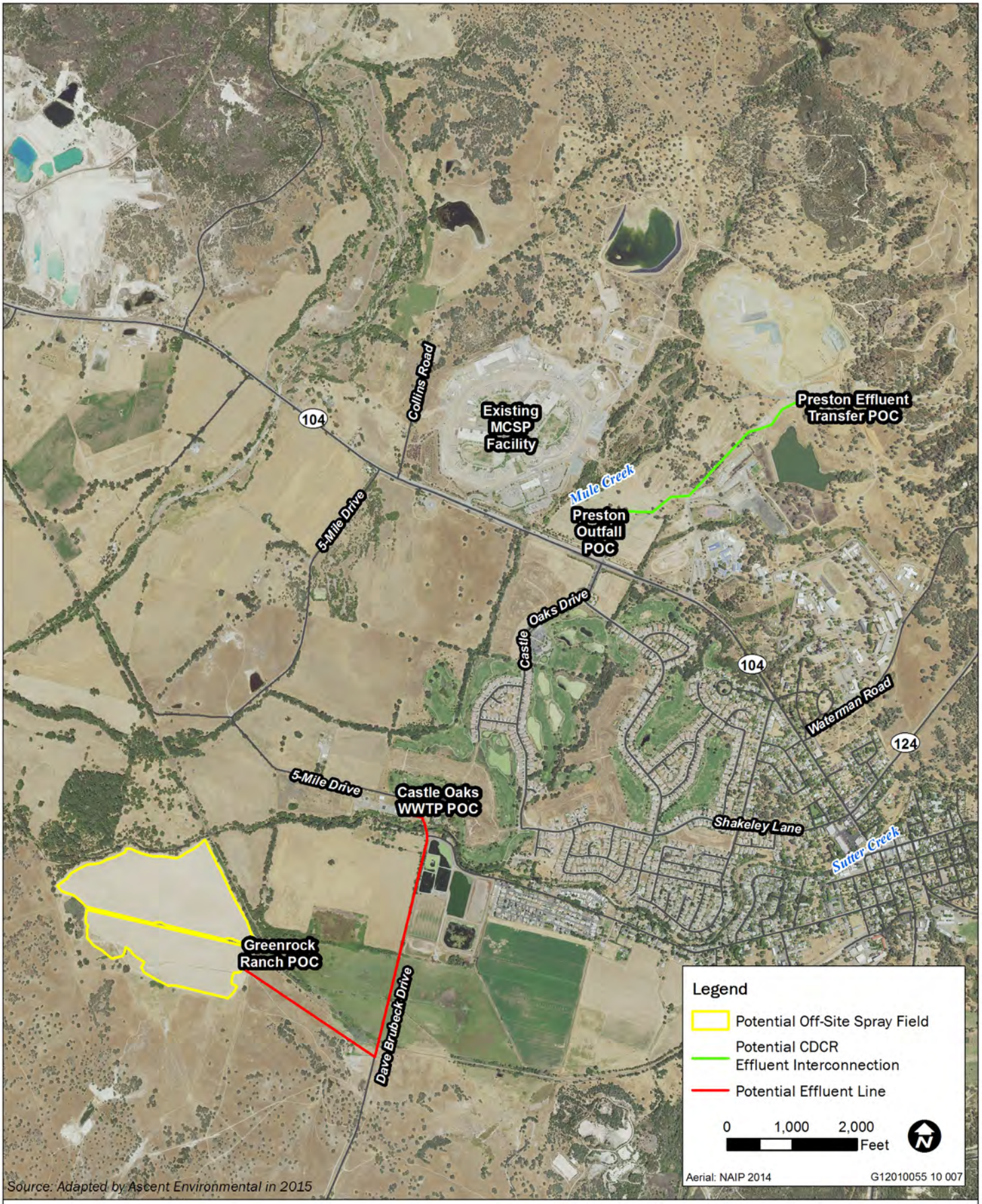

Exhibit 3-6 Proposed Modifications to Previously Evaluated Off-Site Effluent Disposal

ASCENT ENVIRONMENTAL

qualified professionals and/or sacred lands observers similar to the current construction effort associated with the Level II complex. The existing fields would also be seeded with perennial grasses that require more moisture than the existing ruderal vegetation that dominates the fields. Use of a perennial crop will require conversion to periodic mowing instead of tilling.

Additional MCSP Effluent Spray Fields. To provide sufficient acreage for the application of disinfected secondary effluent from the combined prison operations CDCR is considering installation of new secondary effluent spray fields on existing underutilized land within the MCSP property (refer to Areas 1-5 shown on Exhibit 3-5). The proposed modifications would provide approximately 45 new acres of secondary effluent spray fields. In these areas CDCR would install new pumps and control valves, piping infrastructure, runoff controls, and sprinkler systems. This would require minor trenching/grading (approximately 18 to 24 inches below ground surface and up to 24 inches wide for most of the new piping) along existing access roads on state property for the installation of PVC pipe (6 or 10 inches in diameter) that would distribute disinfected secondary effluent to the proposed spray fields. Effluent would be distributed using a fixed-set, sprinkler system to provide optimized irrigation uniformity and application rate. The anticipated sprinkler spacing would be 40 feet on lateral lines of 2-3-inch plastic pipe spaced at 50-foot intervals. An earthen V-ditch and tail water return pump system would also be constructed at the down-slope limit of each new spray field to prevent off-site runoff of secondary effluent.

All or significant portions of these new fields would be seeded with annual/perennial grasses and would be maintained using a large agricultural mower that will preserve the established vegetation and minimize ground disturbance in contrast to the existing practice of periodic tilling. The proposed grass seed mixture includes 35 percent Tetraploid Perennial Ryegrass, 35 percent Potomac Orchard Grass, 20 percent Tetraploid Annual Ryegrass, and 10 percent Spring Green Fest. No crops would be harvested from the spray fields.

Revised Option for Off-Site Spray Field. Development of the off-site secondary effluent spray field that was previously considered in the certified Infill EIR has been refined/amended upon further engineering and design. As currently proposed, a new interconnecting pipeline would be installed within prison grounds (12-18 inch diameter) to allow additional secondary effluent to be conveyed through the existing pipeline between Preston Reservoir and the tertiary plant; all trenching would occur in previously disturbed areas (e.g., existing spray fields, roads, graded areas, etc). Additional new piping (similar diameter) would be extended from near the tertiary plant to the Greenrock Ranch agricultural field; the pipeline would likely be placed in Brubeck Road until it reaches the ranch property, where it would turn west and continue to the new spray field. The pipeline would be lain aboveground between Brubeck Road and the proposed spray field and would not require substantial ground disturbance as a result of installation.

Some limited modification of the existing agricultural field, consistent with existing agricultural operations (i.e., tilling) would be anticipated to assure run-off control, even distribution of the irrigation system, monitoring groundwater, and providing, if necessary, an on-site irrigation pump. As noted, the installation of a pipeline that would have extended from the MCSP WWTP to the agricultural field and operation of this off-site spray field was already addressed in the certified Infill EIR. This refined option utilizes existing piping where feasible and modifies the previous pipeline alignment within state property, as shown in Exhibit 3-6. This option has the environmental benefit of utilizing disinfected secondary effluent from MCSP for productive agricultural uses; it also will provide new piping that is responsive to long-term regional plans for secondary effluent disposal.

3.3.1 CONSTRUCTION ACTIVITIES

Construction of the additional administrative space within the Level II complex would be incorporated into the ongoing construction effort currently underway at the infill site. This effort would not require the intensification or extension of the existing construction effort (schedule or equipment).

Enhancement of the existing effluent spray fields would be limited to sprinkler modification/replacement, modification of runoff control features, planting new cover crops, and upgrading sprinkler control systems. Only minor ground-disturbing activities (two to three feet deep trenches that are no more than two feet wide) are anticipated for implementation of the enhancement measures.

The extension of effluent disposal infrastructure to the proposed new on-site spray fields would include the installation of new piping, pumps, irrigation equipment, and related infrastructure. New piping for these fields would connect to the existing spray field distribution network and the main distribution piping (approximately six to ten inches in diameter) would be placed within existing unpaved roadways (approximately two to four feet below grade). Within the proposed new spray fields the distribution piping would connect to smaller plastic piping (approximately two to three inches in diameter) buried approximately 2+ feet below ground surface to provide a fixed-set irrigation system that would be used for distribution of the disinfected secondary effluent. Spray heads would consist of rotating sprinklers in a pattern that would maximize uniform distribution of the secondary effluent to each field. CDCR anticipates that installation of the irrigation piping and associated infrastructure would potentially involve removal of up to 20 native trees (e.g., oaks, grey pines, etc.).

Installation of the proposed effluent spray field enhancement measures would result in limited initial soil disturbance. It is anticipated that up to two pieces of heavy equipment (e.g., backhoe or other trenching equipment) would be required on a daily basis during construction. Construction activities are anticipated to require up to three months beginning in spring 2016 with initial operation of the spray fields in late summer.

The proposed spray fields would not be located in areas determined to meet the regulatory standards for wetlands. Pathways for irrigation piping required to serve the proposed spray fields would also avoid disturbance of protected wetland habitat and jurisdictional waters of the United States. No mass-grading of the existing terrain is planned for installation of new spray fields. All trenching for installation of the irrigation network would be monitored for cultural resources by qualified professionals and/or sacred lands observers.

Construction associated with the development of the off-site spray field would likely occur over a four- to five-month period beginning in 2016 and would require up to two pieces of heavy equipment (e.g., backhoe or other trenching equipment followed by limited repaving equipment). Installation of the reduced length of piping and valves necessary to implement the revised option would be similar to that anticipated in the certified Infill EIR, but the total distance of new piping is significantly less.

3.3.2 OPERATIONS

Similar to existing on-site spray field operations, effluent disposal activities within the proposed new spray fields would generally occur weekly between the months of March and October and depending on soil moisture conditions of each field. Under the current WDRs issued by the CVRWQCB for MCSP, disinfected secondary effluent may also be irrigated during other months but only during periods between significant rainfall events (approximately 48 hours). CDCR anticipates continuing this practice as part of the proposed modifications.

Similar to existing operations, spray field irrigation cycles would be monitored to ensure there is no effluent beyond the boundaries of each respective spray field, in accordance with CVRWQCB requirements. The proposed spray fields would be maintained by MCSP's existing WWTP facility staff and mowed periodically to prevent vegetation from hindering the effectiveness of the sprinklers. Mowing activities would involve the use of a tractor with an agricultural style mower that will minimize ground disturbance.

3.4 POTENTIAL APPROVALS AND PERMITS REQUIRED

The following is a list of potential approvals and/or permits that may be required as part of implementation of the proposed modifications:

- CDCR: Approval of proposed effluent spray field enhancement measures, installation of up to 45 acres of new on-site spray fields, and completion of the additional EOP administrative space. CDCR may also act to select the revised off-site spray field option as an alternative to the new proposed on-site spray fields.
- US Army Corps of Engineers (USACE): Confirmation of jurisdictional wetland boundaries.
- US Fish and Wildlife Service (USFWS): Issuance of take permits if species protected under the Endangered Species Act (ESA) are likely to be affected by installation and/or operation of the proposed modifications.
- California Department of Fish and Wildlife (CDFW): Issuance of any necessary take permits for species protected under the California Endangered Species Act (CESA) or any necessary Lake and Streambed Alteration Agreements under Department of Fish and Game Code Section 1600-1616.
- CVRWQCB: Secure general construction permits and amendments to existing waste discharge requirements for the MCSP WWTP and new spray fields.
- Air Quality Management District: Secure, if necessary, applicable air quality permits from the local district.
- City of Ione: Coordination for potential off-site improvements.

4 ENVIRONMENTAL SETTING, THRESHOLDS OF SIGNIFICANCE, ENVIRONMENTAL IMPACTS, AND MITIGATION MEASURES

4.0 APPROACH TO THE ENVIRONMENTAL ANALYSIS

4.0.1 OVERVIEW OF THE ENVIRONMENTAL ANALYSIS

Chapter 4 of the Draft SEIR evaluates the reasonably foreseeable and potentially significant new, or substantially more severe, adverse environmental impacts of the project modifications consistent with Public Resources Code section 21166 and CEQA Guidelines section 15162. This evaluation focuses on the potential for new or substantially more significant impacts to occur when compared to the approved project as previously modified and analyzed in the certified Infill EIR (certified on November 18, 2013) and 2015 Addendum. CDCR has determined that new or more substantial significant impacts could occur with respect to: biological resources, cultural resources, and hydrology and water quality. Substantiation is provided in Section 4.0.2, "Impact Issue Areas not Warranting Detailed Evaluation." A summary of significant impacts previously discussed in the certified Infill EIR is provided in Section 4.0.3, "Impacts Disclosed in the MCSP Project Infill EIR."

Each environmental issue area discussed in detail in this Draft SEIR is separated into Sections (Sections 4.1 through 4.3) and has been organized into the following major components:

Introduction: This subsection offers a brief introduction to the section and provides information regarding the scope and purpose of the environmental issue section.

Environmental Setting: According to Section 15125 of the CEQA Guidelines, an EIR must include a description of the existing physical environmental conditions in the vicinity of the proposed project, which is normally used as the "baseline condition" against which impacts are compared. The baseline condition is typically the physical condition that exists when the NOP is published. CEQA also allows lead and responsible agencies that are considering subsequent discretionary approvals for a previously approved project to use the prior project approval(s) and operating conditions as the environmental "baseline." In other words, if the project under review constitutes a modification of a previously approved project which was subject to final environmental review, the "baseline" for purposes of CEQA is adjusted such that the originally approved project is assumed to exist. (See *Melom v. City of Madera* (2010) 183 Cal.App.4th 41 (city properly relied on an addendum in analyzing changes to a site plan for a proposed shopping center); *Benton v. Bd. of Supervisors* (1991) 226 Cal. App. 3d 1467, 1475-1482 (upholding county's adoption of addendum to negative declaration for revision to winery project's location; finding the county could restrict its review to the incremental effects of the relocation, rather than having to reconsider the overall impacts of the winery); *Temecula Band of Luiseño Mission Indians v. Rancho California Water Dist.* (1996) 43 Cal. App. 4th 425 (water district properly focused analysis of pipeline project relocation solely on the incremental effects of relocating the pipeline, and did not need to consider the cumulative effects of the pipeline in conjunction with the program); *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal. App. 3d 1538, 1542-1552 (finding no substantial evidence that changed circumstances resulted in the Project causing new significant adverse impacts or a substantial increase in previously identified significant impacts).

Based on these considerations and after considering the evidence in the record, CDCR determined that preparation of a Subsequent EIR was appropriate for purposes of its compliance, as a Lead Agency, with CEQA prior to approving the project modifications. Unless otherwise explained in the

environmental setting section, the baseline for purposes of the SEIR's analysis includes the previously approved project, as modified, and analyzed in the certified EIR and 2015 Addendum.

In certain instances, impacts of the project modifications are also considered using the baseline as established at the time of the NOP issued for this SEIR on January 21, 2015.

Regulatory Considerations: This section of each chapter provides the federal, State, and local regulatory framework, plans, and policies that could reduce or eliminate potentially new or substantially more severe significant impacts.

Impacts and Mitigation Measures: This section analyzes project-specific environmental impacts and measures proposed to reduce these impacts. Cumulative impacts are evaluated separately in Chapter 5, "Cumulative Impacts" of this SEIR. Information included in this section is described in more detail below.

- Significance Criteria: The criteria used to define significant effects on the environment are expressed as thresholds, above which the project would have a significant effect.

- Project Impacts and Mitigation Measures: The impact and mitigation measure subsection analyzes the environmental impacts of the project compared to the thresholds. If an impact exceeds a threshold, it is considered a significant impact. Measures are recommended, when feasible, to reduce significant impact. For organizational purposes, each impact is numbered. For example, Impact 4.1-1 is the first impact identified in Section 4.1. Mitigation measures are numbered to correspond with the identified impact. Because this EIR supplements the certified Infill EIR and 2015 Addendum, this document references applicable mitigation measures from the certified Infill EIR as "2013 Mitigation Measures."

  The analysis of environmental impacts considers both the construction and operational phases associated with implementation of the project. As required by Section 15126.2(a) of the State CEQA Guidelines, direct and indirect significant effects, including short-term, long-term, on-site, and/or off-site impacts are addressed, as appropriate, for the environmental issue area being analyzed. This subsection also describes the status of all significant impacts following application of mitigation measures, i.e., whether the impact can reduced to a level below the significance threshold or, if not, whether the impact is significant and unavoidable.

4.0.2 IMPACT ISSUE AREAS NOT WARRANTING DETAILED EVALUATION

As noted in the NOP issued on January 21, 2015 for the SEIR, CDCR conducted a review of the project modifications to determine if new or more severe significant impacts would result when compared with the previously approved project, as modified and considered in the certified Infill EIR and 2015 Addendum. New significant or substantially greater impacts (including cumulative impacts) are not anticipated for the following issue areas:

- Aesthetics: Installation and use of the new spray fields, as well as enhancements to existing fields, would result in only minor, ground-level alterations to the existing fields or open areas surrounding the existing prison grounds. The new fields would generally not be visible from any public viewpoint such as SR 104 or Waterman Road; the work associated with upgrading the irrigation systems in the existing spray fields would generally not be noticeable from adjacent roadways especially once new vegetation is established. The proposed additional administrative space would be constructed and operated wholly within the previously evaluated secure perimeter of the MCSP Project and would not result in any new impacts to visual resources. The building would be situated directly adjacent to other buildings within the Level II complex; no expansion/enlargement of the footprint of the Level II complex would be necessary to accommodate this additional building space.

- Agriculture and Forestry Resources: The project modifications would not result in the loss of agricultural or forestry resources. Only minimal change in the existing habitat is expected where new spray fields are installed; CDCR intends to minimize the removal of existing trees and shrubs to install these fields. Little or no change to existing vegetation is expected as a result of activities necessary to upgrade the existing effluent spray fields. None of the areas affected by the proposed project modifications contain existing farmland or represent areas with a potential for important or prime farmland.

- Air Quality: Construction activities associated with the project modifications would be relatively minor (e.g., one backhoe/excavator per day) and would not result in substantial generation of criteria pollutant emissions. Additionally, the effluent associated with the proposed modifications would either be routed to the proposed on-site spray fields or the potential off-site spray fields. Routine effluent spray field operation, including periodic tilling or mowing, does not generate substantial criteria pollutant emissions. Further, the proposed on-site spray fields would not result in greater on-site acreage of spray fields at MCSP; therefore, potential emissions associated with their operation would not be significant, and would likely be less than existing. Further, the potential off-site spray field is currently an irrigated agricultural field. The change in type of water supply with implementation of the proposed modifications is not anticipated to substantially increase emissions associated with its operation. The project modifications would also involve the operation of additional administrative space, which would increase the number of on-site employees within state property. However, the projected increase in square footage (~1%) and daily vehicle trips (~13%) would not result in an increase in criteria pollutants during operation such that operational emissions thresholds would be exceeded.

- Geology/Soils/Mineral Resources: The project modifications would not increase the risk of exposure of people and/or structures to geologic hazards nor would it involve the use of septic systems. Because the project modifications would not involve substantial construction, excavation, or other ground disturbance, potential loss of mineral resources is not anticipated. Additionally, the location of the project modifications, similar to the approved MCSP Project, are situated on Gopher Ridge Volcanics, which are not known to be fossiliferous (Clark 1964). Therefore, the project modifications would not be anticipated to destroy a unique paleontological resource or site.

- Greenhouse Gases: As noted above for air quality, the project modifications would not result in a substantial increase in greenhouse gas emissions above the quantity evaluated in the certified Infill EIR. Operation of the additional administrative space would result in an incremental increase in operational emissions but would not result in a new significant or substantially more severe significant impact.

- Hazards and Hazardous Materials: The project modifications would not increase the risk of exposure to hazardous materials or increase hazards at the project site. All effluent disposal operations would be conducted in accordance with applicable California Code of Regulations and waste discharge requirements. The proposed enhancements to the existing fields would further ensure compliance with water quality regulations. Setbacks from all roadways and other areas typically occupied by staff and visitors would be provided around the perimeter of each new spray field in conformance with state environmental health regulations.

- Land Use and Planning: The project modifications would not conflict with existing planning efforts or physically divide an established community because the majority of the project modifications would occur within the existing State-owned prison/CAL FIRE training grounds. Those areas associated with the potential off-site spray field that are located outside of State-owned property would be within existing roadways and or below ground within an existing agricultural field. No conflicts with existing planning efforts or division of an existing community are anticipated.

- Noise: Based on the limited construction activities proposed (e.g., one backhoe/excavator), no substantial construction-related noise impacts would be anticipated. Maintenance activities would be of a similar scale and frequency to activities already conducted within the project area, and no substantial increase in operational noise is anticipated. Any construction activities associated with the off-site spray field piping would be conducted in accordance with City of Ione General Plan policies and actions, including Action NS-1.4.1, which restricts the hours of construction.

- Population/Housing/Employment: Existing maintenance staff at MCSP would be responsible for operation of the new spray fields. As noted in Chapter 3, "Project Description," the project modifications would result in an increase in on-site employees as a result of the additional administrative space. However, similar to the approved MCSP Project evaluated in the Infill EIR, the employment needs would be largely met by the existing, large regional labor force without resulting in substantial in-migration from outside the region. No substantial increases in local population and employment or increased demand for housing would occur as a consequence of the project modifications.

- Public Services and Recreation: Because the project modifications would not substantially increase local on-site population or result in additional on-site structures, increases in the demand for public services or recreational opportunities would be minimal. If CDCR and the City of Ione implement the revised off-site effluent spray field option, CDCR anticipates reimbursement of the City for installation and on-going operation of the potential new field.

- Transportation/Traffic: The proposed spray field enhancement measures would be operated by existing, on-site staff at MCSP and would not result in additional vehicle trips to and from the prison grounds. The additional administrative space, as a result of the 55 additional employees, would increase daily trips to and from the project site, however, the projected increase in daily traffic would not result in new significant or substantially more significant impacts beyond those identified in the certified Infill EIR for the MCSP Project. Using similar trip distribution patterns to those evaluated in the certified Infill EIR, peak hour intersection and daily roadway segment volumes would not exceed the capacity limits previously established as part of the MCSP Project in the certified Infill EIR with the increase in vehicle trips associated with the additional employees. As part of CDCR's continued implementation of 2013 Mitigation Measure 3.11-1, CDCR will amend its payment of local/regional traffic fees (using current fee schedules) to account for the incremental increase in daily vehicle trips. Operation of the potential off-site effluent spray fields would generate minimal new trips on a short portion of Brubeck Road.

- Utilities/Service Systems: The project modifications would provide additional secondary effluent disposal capacity at MCSP and would not result in increased demand for utilities as a result of their construction or operation.

Because none of these resources are expected to be substantially affected by the project modifications, this SEIR does not evaluate these CEQA issue areas further.

4.0.3 IMPACTS DISCLOSED IN THE CERTIFIED INFILL EIR

The certified Infill EIR identified significant but mitigable impacts to the following environmental resources at the MCSP Project site: biological resources (project and cumulative), cultural resources (project), stormwater systems (project), and transportation (project and cumulative). Mitigation measures identified in the certified Infill EIR reduce each of these impacts to a less-than-significant level, and CDCR has adopted such measures. In addition, the certified Infill EIR identified significant and unavoidable impacts related to short-term construction-related emissions of criteria air pollutants and precursors (project and cumulative), contribution to cumulative climate change from greenhouse gas emissions, cumulative roadway noise levels, as well as construction-related traffic (project) and certain transportation facilities (project and cumulative) resulting from construction and operation of a Level II complex.

4.1 BIOLOGICAL RESOURCES

This section describes the potentially new, or substantially more severe, significant adverse biological resource impacts that could result from the project modifications. This section also provides an overview of relevant regulations pertaining to the protection of biological resources. The analysis includes a description of the existing environmental conditions, the methods used for assessment of impacts, the potential impacts associated with enhancement measures not included in the certified Infill EIR, and the mitigation measures necessary to address potentially new or substantially more severe significant impacts.

Information in this section is based on data collected during reconnaissance-level field surveys, biological database searches, monitoring data collected as part of the implementation of the *Mitigation Monitoring and Reporting Program for the Level II Infill Correctional Facilities Project, Mule Creek State Prison Infill Site* (CDCR 2013a), and review of other relevant documentation for the project area, including the following documents:

- Certified EIR for the Level II Infill Correctional Facilities Project (CDCR 2013b),
- California Natural Diversity Database (CNDDB) Search (CNDDB 2015),
- California Native Plant Society (CNPS) Inventory (CNPS 2015),
- Biological Assessment for the Mule Creek State Prison Level II Infill Project (CDCR 2013c),
- Biological Opinion for the Mule Creek State Prison Level II Infill Project (USFWS 2014), and
- April 2015 Addendum to the Environmental Impact Report for the Level II Infill Correctional Facilities Project (CDCR 2015).

4.1.1 ENVIRONMENTAL SETTING

The project area includes all existing spray fields in the MCSP prison complex, proposed spray fields in areas that are generally currently used by CAL FIRE for wildland fire training, and the proposed off-site spray field and revised pipeline alignment (See Figures 3-4 and 3-5.) Existing access routes (i.e. unpaved roads) are already provided to all the proposed and existing spray fields. The project area is within the northern Sierra Nevada foothill sub region of the California floristic province and is characterized by gently rolling foothill topography with elevations ranging from approximately 310 to 390 feet above mean sea level.

The existing spray fields are disked two to three times each season to promote the growth of ruderal vegetation that is irrigated by the disinfected secondary effluent generated by operation of the MCSP wastewater treatment plant. These disked spray fields are dominated by annual grasses and weeds but do contain strips of foothill oak/pine woodland containing a large number of mature trees.

The majority of the proposed new spray field areas (Areas 1 through 5 shown in Exhibit 3-5) are located adjacent to the MCSP Project site, primarily in annual grasslands, and have been designed to avoid wetlands and other waters, as well as riparian habitats. The areas for the new spray fields are bisected by foothill pine and oak woodlands, as well as riparian areas and seasonal wetland habitats including Mule Creek and Preston Reservoirs, and a number of seasonal wetlands and intermittent drainages. Areas 1-5 are predominantly grasslands with scattered blue oaks, primarily located along the periphery of each area. Areas 1, 3, 4, and 5 are all considered disturbed habitat with Area 1 being used for operations and maintenance activities associated with Mule Creek Reservoir. Areas 3, 4, and 5 are currently and have been historically used by CAL FIRE and the California Department of Transportation for training purposes. Area 2 exhibits less disturbance although evidence of vehicle activity and vegetation maintenance within this area is evident.

With respect to the off-site spray field, the revised pipeline alignment is located entirely within Brubeck Road and existing agricultural fields that are tilled periodically. No wetland or riparian habitat is present within the revised pipeline alignment. The potential off-site spray field, as noted on page 3.2-2 of Volume 3 of the certified Infill EIR, is an existing agricultural field characterized by grasses cultivated for hay production.

Mule Creek is a seasonal stream that supports riparian woodland vegetation, and flows southwesterly along the northern perimeter of the MCSP property. The integrity of the riparian resources in the creek's channel and adjacent woodlands has been affected to some degree by historic gold mining (e.g., an old dam, excavations of stream bedload, etc.), a small bridge, and informal summer crossings. The watershed immediately up-gradient from Preston Reservoir has also been affected by historic diversions of the channel, the construction of a ditch that diverts rainfall from entering the reservoir (now used for storage of secondary effluent), and the rock-lining of the lower portion of the diversion channel. There are also seasonal tributaries that drain into Mule Creek, the artificial diversion ditch, and an unnamed channel through the CAL FIRE training grounds. The latter drainage includes a large seasonal wetland complex situated outside of the project area and between the fence line of the PYCF and the southern edge of Preston Reservoir.

Exhibit 4.1-1 shows the vegetation and habitat types within the MCSP property, including wetland features. The property is surrounded by open space composed of foothill woodland, chaparral, and annual grassland to the north and east; the city of Ione, the CAL FIRE Academy, the PYCF to the south; and quarries and open space to the west. Surrounding land uses include cattle grazing, agriculture, residential, and mining.

COMMON VEGETATION AND WILDLIFE

The existing effluent spray fields shown in Exhibit 3-4 in Chapter 3, "Project Description," are consistent with the site conditions identified in the Infill EIR and support mostly weedy species. The majority of these existing fields are periodically disked to promote continued vegetation growth when the spray fields are in use (spring through fall). Isolated stands of foothill pine-oak woodland vegetation remain within and between the spray fields and are typically avoided by the seasonal spray field maintenance activities.

The proposed spray fields shown in Exhibit 3-5 in Chapter 3, "Project Description," would be within annual grassland, riparian woodland, and mixed chaparral habitats. The proposed spray fields between Preston Reservoir and the Preston Facility are annual grasslands that have been regularly burned or graded as part of CAL FIRE wildland training and periodic California Department of Transportation equipment operation training. The cover is low and dominated by weedy species or erosion control mixes applied by hydroseed. The remaining proposed spray fields are not regularly managed and typically contain denser cover, taller vegetation, and standing dead vegetation and thatch. Annual grassland is characterized by a mixture of annual grasses and forbs and dominated by nonnative grasses including wild oat (*Avena* spp.), ripgut brome (*Bromus diandrus*), and soft chess (*Bromus hordeaceus*), and low growing ruderal herbs such as cutleaf geranium (*Geranium dissectum*), longbeak stork's bill (*Erodium botrys*), and common chickweed (*Stellaria media*).

The foothill pine-oak woodland community is dominated by foothill pine (*Pinus sabiniana*), live oak (*Quercus wislizeni*), and blue oak (*Quercus douglasii*). Understory shrubs include poison oak (*Toxicodendron diversilobum*) and buckbrush (*Ceanothus cuneatus*), with an herbaceous understory dominated by wild oat, soft chess, bristly ox-tongue (*Picris echioides*), field hedge parsley (*Torilis arvensis*), blessed milk thistle (*Silybum marianum*), and Miner's lettuce (*Claytonia parviflora*).

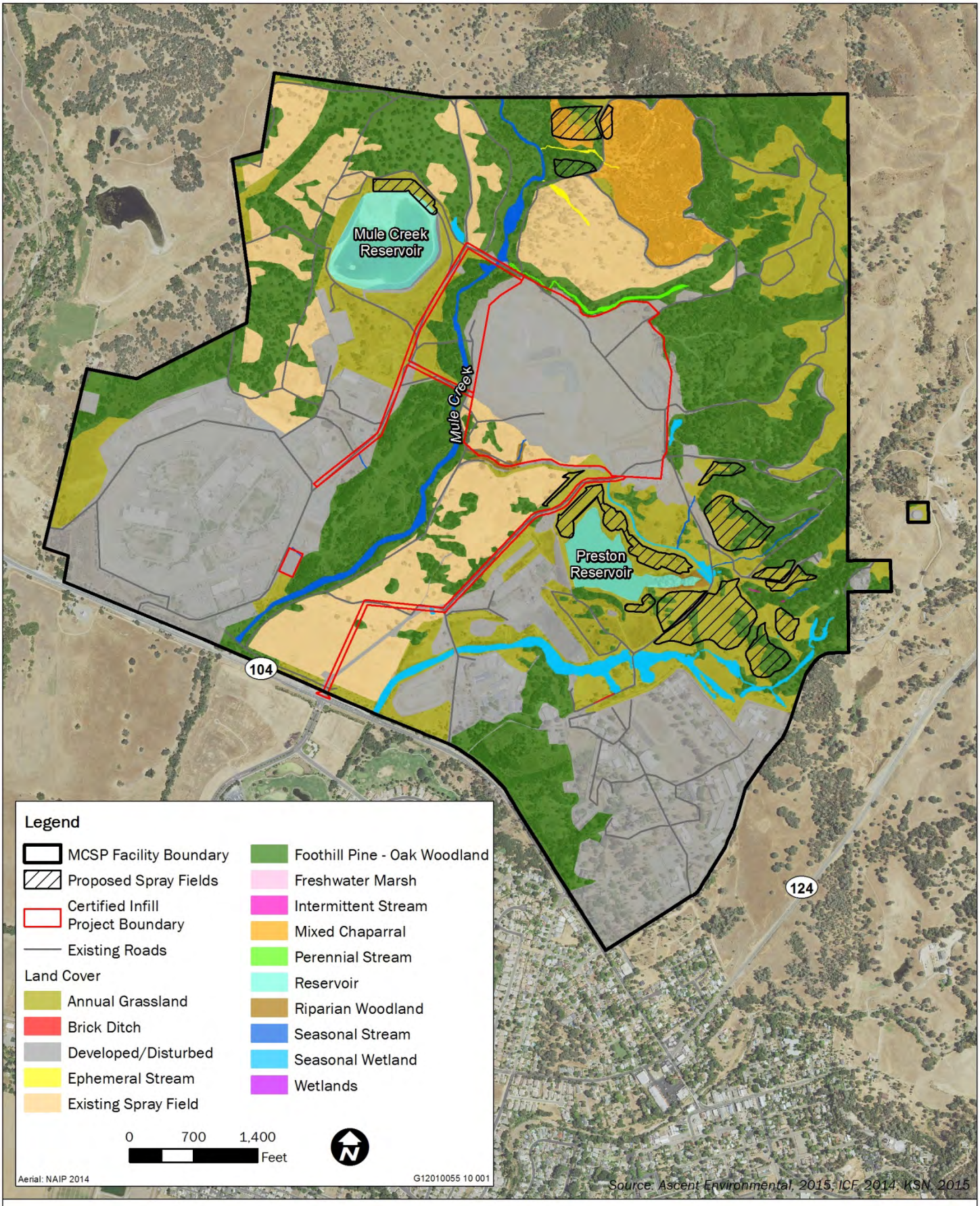

Exhibit 4.1-1

Land Cover

The northernmost proposed spray field overlaps a patch of chaparral habitat dominated by chamise (*Adenostoma fasiculatum*) and California yerba santa (*Eriodictyon californicum*). No manzanita (*Arctostaphylos sp*.) were observed in this area; however, east of this spray field is a larger swath of chaparral habitat that includes chaparral whitethorn (*Ceanothus cordulatus*), foothill pine, live oak, scrub oak *(Quercus berberidifolia*), and manzanita.

A moderately well-developed riparian corridor is associated with Mule Creek, a seasonal stream located adjacent to the project area and that flows in a north-south direction through state property. This riparian corridor is dominated by riparian woodland vegetation including Fremont cottonwood (*Populus fremontii*) and willow (*Salix* spp.) trees in the over story and Himalayan blackberry (*Rubus armeniacus*), coyote brush (*Baccharis pilularis*), horehound (*Marrubium vulgare*) and poison oak as understory species. Seasonal wetlands in the southern portion of the site are dominated by Himalayan blackberry, tall flatsedge (*Cyperus eragrostis*), barnyardgrass *(Echinochloa crus-galli*), cocklebur (*Xanthium strumarium),* Santa Barbara sedge (*Carex barabara*) and Baltic rush (*Juncus balticus*) with patches of cattails (*Typha* sp.). Small seasonal wetlands adjacent to the access road east of Preston Reservoir are dominated by a mix of annual grasses including wild oats and soft chess, and wetland plant species including tall flatsedge and Baltic rush.

Wetlands and other waters within the site are seasonal in nature, with the exception of Preston and Mule Creek Reservoirs, which contain disinfected secondary effluent, and do not provide suitable habitat for most aquatic species. Western pond turtle (*Actinemys marmorata*) has been observed within Preston Reservoir and Pacific tree frog (*Pseudacris regilla*) has been observed in seasonally wet areas.

Although foothill pine-oak woodland and riparian habitats generally provide high-value habitat for a wide variety of wildlife species, the habitat values on the proposed spray field site are somewhat lower due to the continual ground disturbance in the training areas and existing spray fields. Nonetheless, the site does provide habitat for a number of wildlife species. Larger trees in the riparian corridor and surrounding woodlands, as well as those scattered throughout the spray fields, provide nesting opportunities for raptors and other bird species. A red-tailed hawk (*Buteo jamaicensis*) nest was observed in a foothill pine within one of the existing spray fields. Red-tailed hawks and red-shouldered hawks have been observed nesting on CDCR property adjacent to the project area and Swainson's hawk (*Buteo swainsoni*) has been observed foraging in the area. Some of the other common wildlife species observed include wild turkey (*Meleagris gallopavo*), American kestrel (*Falco sparverius*), western kingbird (*Tyrannus verticalis*), oak titmouse (*Baeolophus inornatus*), savannah sparrow (*Passerculus sandwichensis*), western meadowlark (*Sturnella neglecta*), rattlesnake (*Crotalus oreganus*), western fence lizard (*Sceloporus occidentalis*), deer mouse (*Peromyscus maniculatus*), black-tailed jackrabbit (*Lepus californicus*), and mule deer (*Odocoileus hemionus*). Wildlife cameras on-site have observed both mountain lion (*Puma concolor*) and bobcat (*Lynx rufus*).

SENSITIVE BIOLOGICAL RESOURCES

Sensitive biological resources addressed in this section include those that are afforded consideration or protection under the CEQA, California Fish and Game Code, CESA, ESA, Clean Water Act (CWA), and the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), which are identified in further detail below in Section 4.1.2.

SPECIAL-STATUS SPECIES

Special-status species include plants and animals in the following categories:

- species officially listed by the State of California or the Federal government as endangered, threatened, or rare;
- candidates for state or Federal listing as endangered, threatened, or rare;

- taxa (i.e., taxonomic categories or groups) that meet the criteria for listing, even if not currently included on any list, as described in CCR Section 15380 of the State CEQA Guidelines;
- species identified by the CDFW as species of special concern;
- species listed as Fully Protected under the California Fish and Game Code;
- species afforded protection under local or regional planning documents; and
- taxa considered by CDFW to be "rare, threatened, or endangered in California" and assigned a California Rare Plant Rank (CRPR).The CDFW system includes five rarity and endangerment ranks for categorizing plant species of concern, which are summarized as follows:
  - CRPR 1A - Plants presumed to be extinct in California;
  - CRPR 1B - Plants that are rare, threatened, or endangered in California and elsewhere;
  - CRPR 2 - Plants that are rare, threatened, or endangered in California but more common elsewhere;
  - CRPR 3 - Plants about which more information is needed (a review list); and
  - CRPR 4 - Plants of limited distribution (a watch list).

All plants with a CRPR designation are considered "special plants" by CDFW. The term "special plants" is a broad term used by CDFW to refer to all of the plant taxa inventoried in the CNDDB, regardless of their legal or protection status. Plants ranked as CRPR 1A, 1B, and 2 may qualify as endangered, rare, or threatened species within the definition of State CEQA Guidelines Section 15380. CDFW recommends that CRPR 1A, 1B, and 2 species be addressed in CEQA projects. In general, CRPR 3 and 4 species do not meet the definition of endangered, rare, or threatened pursuant to State CEQA Guidelines Section 15380.

The term "California species of special concern" is applied by CDFW to animals not listed under the federal ESA or CESA, but that are nonetheless declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist.

A list of special-status species that could potentially occur on the project site or immediate vicinity was developed primarily through review of the CNDDB (CNDDB 2015) and the CNPS Inventory (CNPS 2015) records of previously documented occurrences of special-status species in the Amador City, Carbondale, Clements, Goose Creek, Ione, Irish Hill, Jackson, Valley Springs, and Wallace U.S. Geological Survey 7.5-minute quadrangles.

Special-Status Plants

Thirteen special-status plant species have been documented in the CNDDB and CNPS Inventory nine-quadrangle search area. Rare plant surveys were conducted for Tuolumne button-celery (*Eryngium pinnatisectum*), Hoover's calycadenia (*Calycadenia hooveri*), and Parry's (*horkelia Horkelia parryi*) for the project site considered in the Infill EIR and no rare plants were observed. Although seasonal wetlands were found on the project site, vegetation in these wetlands is dominated by wetland generalists and none of them support plant species characteristic of vernal pools, or vernal pool indicator species. Vernal pool associated special-status plants would not be expected to occur in these wetlands. Therefore, the five species listed below were immediately eliminated from further evaluation in this document because they are restricted to vernal pools:

- dwarf downingia (*Downingia pusilla*)

- Bogg's Lake hedge hyssop (*Gratiola heterosepala*)
- Greene's legenere (*Legenere limosa*)
- pincushion navarretia (*Navarretia myersii*)
- Sacramento Orcutt grass (*Orcuttia viscida*)

The potential for the remaining eight species to occur on the site was evaluated further based on habitat requirements, geographic distribution, and elevation range, as described in Table 4.1-1. The potential for any special-status plant to occur within the existing spray fields is low as these fields are regularly disked to promote the growth of annual vegetation. Grassland areas designated for use by CAL FIRE are burned, graded, or mowed depending on the training schedule on a less frequent bases and may support special-status plant species. The strips of riparian and foothill woodland vegetation, seasonal streams, and wetlands may also provide limited potential habitat for some species. In areas where the new spray fields are proposed, foothill pine and chaparral may provide habitat for Hoover's calycadenia, Ione manzanita, Ione buckwheat, and Parry's Horkelia.

Table 4.1-1 Special-Status Plant Species Known to Occur in the Project Area

Species	Status[1]			Habitat and Blooming Period	Potential to Occur on the Project Area
	ESA	CESA	CRPR		
Ione manzanita *Arctostaphylos myrtifolia*	T	_	1B.2	Acidic, sandy or clay soils in chaparral or foothill woodland; 200 to 1,900 feet elevation. Generally occurs in pure stands, but also found in a transitional zone with other chaparral types. Blooms November-March.	May occur. No manzanita species were observed within the chaparral habitat in the project area (Area 2). While the chaparral within Area 2 is dominated by chamise (*Adenostoma fasiculatum*), manzanita shrubs were observed approximately one-half mile east of the project site. There are several CNDDB records of this species within five miles of the site, including a record mapped as a one-mile radius circle that includes the site. The exact location of this occurrence is unknown.
Hoover's calycadenia *Calycadenia hooveri*	_	_	1B.2	Rocky, barren exposures in grassland or foothill woodland communities; 200 to 1,000 feet elevation. Blooms July-September.	Low potential to occur. The majority of barren exposures in the foothill woodland and grassland areas are due to ongoing CAL FIRE training and are not suitable habitat. May occur adjacent to isolated rock outcropping and mine tailings. Closest known occurrence is at Lake Camanche, 10 miles south of the project. Not observed during surveys of the project site.
Ione buckwheat *Eriogonum apricum* var. *apricum*	E	E	1B.1	Gravelly openings in chaparral vegetation on Ione Formation soils; 200 to 500 feet elevation. Blooms July-October.	May occur. Chaparral is present in Area 2. Known from approximately 10 occurrences south of Ione.
Irish Hill buckwheat *Eriogonum apricum* var. *prostratum*	E	E	1B.1	Gravelly openings in chaparral vegetation on Ione Formation soils; 250 to 400 feet elevation. Blooms June-July.	May occur. Chaparral is present in Area 2.

Table 4.1-1 Special-Status Plant Species Known to Occur in the Project Area

Species	Status[1]			Habitat and Blooming Period	Potential to Occur on the Project Area
	ESA	CESA	CRPR		
Tuolumne button-celery *Eryngium pinnatisectum*	–	–	1B.2	Vernal pools or other seasonally wet sites in cismontane woodland and lower montane coniferous forest; 200 to 3,000 foot elevation. Blooms May–August.	Unlikely to occur. Not identified in existing spray fields during 2013-2014 surveys and no vernal pools or seasonally wet sites are part of the proposed spray field areas. May occur in the seasonal wetlands and intermittent drainages, adjacent to the project area. There are two CNDDB records within five miles; one approximately four miles northwest and one approximately four miles southwest and this species was found just east of the Newman Ridge project site approximately two miles to the west in 2010.
Parry's horkelia *Horkelia parryi*	–	–	1B.2	Openings on clay soils of the Ione Formation and other clay soils in chaparral or foothill woodland communities; 0 to 1,000 feet elevation. Blooms April-September.	May occur. Foothill woodland is present and the site is on the Ione Formation. Training activities reduce habitat suitability in areas leased to CAL FIRE. There are several CNDDB records of this species within five miles of the site, all to the south of Ione. The nearest record is approximately 2.5 miles away. This species was not observed during surveys of the infill site for the MCSP Project.
Sanford's arrowhead *Sagittaria sanfordii*	–	–	1B.2	Shallow freshwater marshes and swamps in still or slow-moving perennial waters; below 2,200 foot elevation; blooms May–October.	Unlikely to occur. No suitable aquatic habitats occur within the project area. May occur adjacent to the project area along eastern margins of Preston Reservoir.
Prairie wedge grass *Sphenopholis obtusata*	–	–	2.2	Meadows or streambanks; 1,000 to 6,500 feet elevation. Blooms April-July.	Unlikely to occur. The project site is below the known elevation range of this species.

Notes: ESA = Federal Endangered Species Act; CESA = California Endangered Species Act, CRPR = California Rare Plant Rank; CNDDB = California Natural Diversity Database;
[1] Legal Status Definitions

Federal Endangered Species Act:
E Endangered (legally protected)
T Threatened (legally protected)
California Endangered Species Act:
E Endangered (legally protected)

California Rare Plant Ranks:
1B Plant species considered rare or endangered in California and elsewhere (protected under CEQA, but not legally protected under ESA or CESA)
2 Plant species considered rare or endangered in California but more common elsewhere (protected under CEQA, but not legally protected under ESA or CESA)
3 Plants for which more information is needed – a review list
CRPR Extensions:
.1 Seriously endangered in California (>80% of occurrences are threatened and/or high degree and immediacy of threat)
.2 Fairly endangered in California (20 to 80% of occurrences are threatened)

Sources: CNDDB 2015; CNPS 2015; Amador County 2012; data compiled by Ascent Environmental in 2015

Special-Status Wildlife

Sixteen special-status wildlife species have been documented in the CNDDB nine-quad search area. Two species – vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardi*) – were immediately eliminated from further evaluation in this document because they are restricted to vernal pools, which are not present on or within 250 feet of the existing and proposed spray fields, and the spray fields are outside their known area of distribution as reported in the *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (U.S. Fish and Wildlife Service [USFWS] 2005)

Two additional special-status wildlife species were added to the list of species evaluated based on habitat requirements, geographic distribution, and regional populations. The potential for 15 special-status wildlife species is evaluated in Table 4.1-2.

Table 4.1-2 Special-Status Wildlife with Potential to Occur in the Project Area

Species	Regulatory Status[1]		Habitat	Potential for Occurrence[2]
	Federal	State		
Invertebrates				
Valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	T/PD	–	Elderberry shrubs below 3,000 feet in elevation, typically in riparian habitats.	Unlikely to occur. No elderberry shrubs are present. Elderberry shrubs do occur within 100 feet of one of the proposed spray fields (Area 3).
Amphibians and Reptiles				
California tiger salamander *Ambystoma californiense*	T	T	Fishless, seasonal and semi-permanent ponds, vernal pools, and seasonal wetlands with a minimum 10-week inundation period for breeding and surrounding uplands, primarily grasslands, with active ground squirrel or gopher burrows. Adults spend most of their lives below ground, except during breeding.	May occur. The closest observation of this species occurs more than three miles from MCSP but approximately 1.3 miles from the potential off-site spray field. The project area does not support suitable breeding habitat. Bullfrogs and mosquito fish within Preston Reservoir, as well as frequent fluctuations in water level, reduce habitat suitability. Ponds adjacent to the site are not suitable due to limited inundation periods. Regular disking and training activities discourages establishment of burrowing mammals and reduces suitability of uplands used as existing spray fields or for training. The USFWS BO for the MCSP Project determined that seasonal wetlands in existing spray fields are not suitable breeding habitat due to the gently sloping topography preventing sufficient ponding. The proposed on-site spray fields are not disked on a regular basis and could provide suitable dispersal habitat. The proposed off-site pipeline alignment may provide suitable dispersal habitat; however, no ground disturbance would occur within these areas.

Table 4.1-2 Special-Status Wildlife with Potential to Occur in the Project Area

Species	Regulatory Status[1]		Habitat	Potential for Occurrence[2]
	Federal	State		
Western pond turtle *Actinemys marmorata*	–	SC	Forage in ponds, marshes, slow-moving streams, sloughs, and irrigation/drainage ditches with permanent water source, aquatic vegetation, and open basking sites; nest in nearby uplands (typically within 325 feet of aquatic habitat) with low, sparse vegetation.	Likely to occur. South facing slopes within the project area, adjacent to Preston Reservoir, provide suitable nesting habitat for turtles. The species has been observed within Preston Reservoir during 2014.
California red-legged frog *Rana aurora draytonii*	T	SC	Ponds with dense shrubby or emergent riparian vegetation, minimum 11 weeks of permanent water for larval development, and upland refugia for aestivation.	Unlikely to occur. There are no known reproducing populations in Amador County. Non-protocol level surveys and habitat assessments in the project site did not identify suitable habitat. Nearest CNDDB occurrence is a 2003 record from Young's Creek 2.5 miles southeast of Pardee Dam in Calaveras County.
Western spadefoot *Spea hammondii*	–	SC	Vernal pools and other seasonal ponds with a minimum 3-week inundation period in valley and foothill grasslands.	Unlikely to occur. While the seasonal wetlands within or adjacent to the project area may provide marginally suitable breeding habitat, western spadefoot are generally associated with vernal pool complexes and long-term population survival in small, isolated wetlands such as those on the site is unlikely. Regular disking and training activities of surrounding uplands makes them unsuitable for this species, which is terrestrial except during breeding and in larval stages. Furthermore, this species was not detected in Amador County during a census conducted in 1996 (USFWS 2005) and there are no CNDDB records of this species in Amador County. Nearest known records are from Sacramento County approximately six miles west of the site.
Birds				
Tricolored blackbird *Agelaius tricolor* (nesting colony)	–	SC	Forages in agricultural lands and grasslands; nests in marshes, riparian scrub, and other areas that support cattails or dense thickets of shrubs or thistles. Requires open water and protected nesting substrate, such as flooded, spiny, or thorny vegetation (Schuford and Gardali 2008: 439).	May occur. Eastern margins of Preston Reservoir adjacent to the project area provides suitable nesting habitat; however, this species has not been observed during extensive surveys in the area. No suitable nesting habitat within the project area. The nearest CNDDB record is from 6.5 miles north of the project site.

Table 4.1-2 Special-Status Wildlife with Potential to Occur in the Project Area

Species	Regulatory Status[1]		Habitat	Potential for Occurrence[2]
	Federal	State		
Grasshopper sparrow *Ammodramus savannarum* (nesting)	–	SC	Nests and forages in dense grasslands; favors a mix of native grasses, forbs, and scattered shrubs.	Unlikely to occur. No suitable nesting habitat is present in the project area. The undisturbed grasslands lack typical vegetative density necessary. Nearest CNDDB record is from approximately nine miles northwest of the project site.
Golden eagle *Aquila chrysaetos* (nesting and wintering)	–	FP	Forages in large open areas of foothill shrub and grassland habitats and occasionally croplands. Nest primarily in cliff-walled canyons.	Unlikely to nest in the project area. Migrating and nonbreeding individuals could forage on-site, but sufficient prey base may not be available due to disking and training activities. This species has been observed flying over the site. The nearest CNDDB record is a nesting record from approximately 10 miles south of the site. This species has been observed foraging on the Newman Ridge project site two miles west of the prison.
Burrowing owl *Athene cunicularia* (burrow sites)	–	SC	Nests and forages in dry, open grasslands, agricultural lands, and desert and scrub habitats with low-growing vegetation and existing ground squirrel burrows or friable soils.	Unlikely to nest on-site. The project area is east of the species' breeding range limit, but within its winter range. No ground squirrels or burrows were observed in the project area and the seasonal disking and training activities deters ground squirrels from establishing burrows that could be used by owls. The nearest CNDDB record is a nonbreeding record from approximately seven miles southwest at Howard Ranch.
Swainson's hawk *Buteo swainsoni* (nesting)	–	T	Forages in grasslands and agricultural lands (alfalfa, row, or grain crops); nests in large trees in riparian areas, grasslands with scattered trees, or in tree lines or small groves near grasslands or croplands.	May occur. Suitable nesting and foraging habitat is present in the project area. The site is located at the eastern edge of the species' range, but per the certified Infill EIR an active nest was documented two miles to the west in 2011, as well as three additional nests were documented within five miles southwest of the site (Amador County 2013). A Swainson's hawk was observed foraging adjacent to project area in 2014 during monitoring of the MCSP Project.
Northern harrier *Circus cyaneus* (breeding)	–	SC	Nests and forages in grasslands, agricultural fields, and marshes.	May occur. Potential nesting habitat occurs within wetland fringes adjacent to the project area near Preston Reservoir and in seasonal wetlands.

Table 4.1-2 Special-Status Wildlife with Potential to Occur in the Project Area

Species	Regulatory Status[1]		Habitat	Potential for Occurrence[2]
	Federal	State		
Bald eagle *Haliaeetus leucocephalus* (nesting and wintering)	D	E	Forage primarily in large inland fish-bearing waters with adjacent large trees or snags; occasionally in uplands with abundant rabbits, other small mammals, or carrion. Typically nests and winters within one mile of ocean, lake, or river.	Unlikely to occur. Though large trees are present, species is likely to nest and winter closer to large water bodies in the vicinity, such as Lake Amador and Pardee and Comanche Reservoirs, which provide preferred foraging opportunities. Nearest CNDDB record is from New Hogan Reservoir in Calaveras County.
Yellow-breasted chat *Icteria virens* (nesting)	–	SC	Nests in low, dense riparian vegetation such as willow or blackberry thickets.	May occur. The project area does not include riparian vegetation; however, potentially suitable nesting habitat is present outside the project area along Mule Creek, Preston Reservoir, and seasonal streams. The nearest CNDDB record is 10 miles southeast of the site, along the Mokelumne River.
Loggerhead shrike *Lanius ludovicianus* (breeding)	–	SC	Forages and nests in grasslands, shrublands, and open woodlands.	May occur. Could nest in annual grasslands, chaparral, and woodlands in the project area.
Bank swallow *Riparia riparia* (nesting)	–	T	Nests in colonies in unvegetated vertical banks with fine-textured, sandy soils, typically next to streams, rivers, or lakes, occasionally in gravel quarries or other eroding bluffs. Forages in a variety of habitats near nests.	Unlikely to occur. No suitable habitat in the project area. The streams adjacent to the project area do not have cut vertical banks with fine-textured soils and do not provide suitable nesting habitat for this species. Nearest CNDDB record is near Sloughhouse, approximately 12 miles northeast of the site.
Mammals				
Pallid bat *Antrozous pallidus*	–	SC	Deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats. Roosts in rock crevices, oak hollows, bridges, or buildings.	Unlikely to occur. Colonial roost sites may occur in oak hollows in oak woodland in the project area. The existing bridge over Mule Creek does not provide suitable roost habitat adjacent to the project area.

Note: CNDDB = California Natural Diversity Database; USFWS = U.S. Fish and Wildlife Service

[1] Regulatory Status Definitions

Federal:	State:
PD Proposed for Delisting	FP Fully protected (legally protected)
D Delisted (no ESA protection)	SC Species of special concern (no formal protection other than CEQA consideration)
E Endangered (legally protected)	E Endangered (legally protected)
T Threatened (legally protected)	T Threatened (legally protected)

Sources: CNDDB 2015; Amador County 2012; Shuford and Gardali 2008; Field observations Ascent 2014-2015, data compiled by Ascent Environmental in 2015

SENSITIVE HABITATS AND SPECIAL-STATUS PLANT COMMUNITIES

Sensitive habitats include those that are of special concern to resource agencies or are afforded specific consideration through CEQA, Section 1602 of the California Fish and Game Code, Section 404 of the CWA, and the State's Porter-Cologne Act, as discussed under "Regulatory Background" below. Sensitive natural habitat may be of special concern to these agencies and conservation organizations for a variety of reasons, including their locally or regionally declining status, or because they provide important habitat to common and special-status species.

CDFW maintains a list of plant communities that are native to California. Within that list, CDFW identifies special-status plant communities (a.k.a. sensitive natural communities), which they define as communities that are of limited distribution statewide or within a county or region and often vulnerable to environmental effects of projects (CDFW 2013: ix). These communities may or may not contain special-status species or their habitat. Special-status plant communities are tracked in the CNDDB, a statewide inventory of the locations and conditions of the state's rarest plant and animal taxa and vegetation types.

Ione chaparral is a special-status plant community dominated by Ione manzanita and often containing other special-status plants associated with the clay or sandy soils of the Ione Formation, including examples of dwarf chaparral species. The Ione Formation occurs as a series of isolated exposures along a 200-mile stretch of the northern Sierra Nevada Foothills between Butte County and Fresno County. The proposed site is located on the Ione geologic formation and known stands of Ione chaparral are present within a two-mile radius of the project site as well as the Apricum Hill Ecological Preserve, which is located approximately three miles south of Ione. Chaparral adjacent to the project area is dominated by chamise (*Adenostoma fasiculatum*), and no Ione chaparral was observed within the project area. None of the plant communities present on the site are included on CDFW's list of special-status plant communities. However, seasonal streams and associated riparian vegetation provide potential habitat for wildlife species and may be subject to regulation under Section 1602 of the California Fish and Game Code. The seasonal streams and seasonal wetlands would all be considered waters of the United States or waters of the state, as discussed below.

Although the oak woodland communities on the project site are not included on CDFW's list of special-status plant communities, the importance of protecting oak woodlands is recognized through the passage of the Oak Woodlands Conservation Act and CEQA Section 21083.4, as described in "Regulatory Considerations" below.

Wetlands and Other Waters of the United States

The proposed spray fields and access routes have been designed to avoid all potential direct and indirect effects to wetlands and other waters of the United States. There are, moreover, no wetlands or jurisdictional waters within the project modification areas. The overall MCSP property includes several seasonal streams, including Mule Creek, and seasonal wetlands (Exhibit 4.1-1). Additionally, two reservoirs used for effluent storage are present on the project site. In total, these features compose approximately 60 acres of potential wetland or other waters. As part of the project modifications' initial planning, surveys were conducted to map any potential wetlands and other waters that may be subject to regulation under Section 404 of the CWA.

Mule Creek Reservoir and Preston Reservoir are a part of the existing Mule Creek wastewater treatment system. Mule Creek Reservoir is partially lined with a synthetic liner and provides seasonal storage of effluent from the MCSP WWTP. Preston Reservoir was originally used for storage of irrigation water but following activation of MCSP in the early 1990s this reservoir has been fully dedicated to the seasonal storage of secondary effluent treated by ARSA and a portion of the secondary effluent generated by the prison. Secondary effluent from this reservoir is currently

discharged to a tertiary treatment plant operated by the City of Ione for use in the seasonal irrigation of Castle Oaks Golf Course. No change in the use of this reservoir is contemplated by CDCR as a result of the project modifications.

Seasonal wetlands vary from low-quality wetlands with infrequent ponding to sedge and cattail dominated wetlands. In most areas, dirt roads over existing culverts provide access to the site without driving through wetlands. Two wet crossings were observed: one along Highway 104 at Mule Creek, and the other over a tributary to Mule Creek. Neither of these wet crossings would be used or affected by the project modifications.

All adjacent aquatic resources would be considered waters of the state subject to regulation by the CVRWQCB under the Porter-Cologne Act and/or Section 401 of the CWA. The proposed project modifications have been designed to avoid all potential wetlands and other waters regardless of jurisdiction; and, as a condition of the National Pollutant Discharge Elimination System (NPDES) permit for the WWTP, land application of treated effluent would not occur within 50-feet of a wetland or waterway.

4.1.2 REGULATORY CONSIDERATIONS

A list of the applicable biological-resource-related federal and state plans, policies, regulations, and laws is provided below. Complete summaries of these regulations are provided in Volume 1, Appendix 1B of the certified Infill EIR.

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

- Federal Endangered Species Act - Persons and parties subject to ESA are prohibited from "taking" endangered or threatened fish and wildlife species on private property, and from "taking" endangered or threatened plants in areas under Federal jurisdiction or in violation of state law.
- Clean Water Act
  - Section 401 - Under Section 401 of the CWA, an applicant for a Section 404 permit must obtain a certificate from the appropriate state agency stating that the intended dredging or filling activity is consistent with the state's water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the State Water Resources Control Board (SWRCB) to the nine Regional Water Quality Control Boards (RWQCBs).
  - Section 404 - Section 404 of the CWA requires a project applicant to obtain a permit before engaging in any activity that involves any discharge of dredged or fill material into waters of the U.S., including wetlands. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.
- Migratory Bird Treaty Act - The Migratory Bird Treaty Act (MBTA) provides for protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA provides that it shall be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird.

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

- California Endangered Species Act - The California Endangered Species Act directs state agencies not to approve projects that would jeopardize the continued existence of an endangered or

threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of a species.

- California Fish and Game Code
  - Lake and Streambed Alteration (Section 1602) - Under Section 1602, it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by CDFW, or use any material from the streambeds, without first notifying DFG and obtaining a final agreement authorizing such activity.
  - Fully Protected Species (Sections 3511, 4700, 5050, and 5515) - Describe the take prohibitions for fully protected birds, mammals, reptiles and amphibians, and fish. Species listed under these statutes may not be taken or possessed at any time and no incidental take permits can be issued for these species except for scientific research purposes or for relocation to protect livestock.
  - Protection of Bird Nests and Raptors (Sections 3503 and 3503.5) - States that it is unlawful to take, possess, or destroy any raptors. Typical violations include destruction of active raptor nests as a result of tree removal and failure of nesting attempts, resulting in loss of eggs and/or young, because of disturbance of nesting pairs by nearby human activity.
- Porter Cologne Water Quality Control Act - Under the Porter-Cologne Act, California must adopt water quality policies, plans, and objectives to ensure that the state's beneficial uses for water are reasonably protected. Each RWQCB must prepare and update basin plans to set forth water quality standards for surface water and groundwater and actions to control nonpoint and point sources of pollution to achieve and maintain these standards.
- California State Senate Bill 1134, Oak Woodlands Conservation Act (CEQA Statutes Section 21083.4) - This statute does not apply to CDCR, as a state agency, but states that a county must determine whether or not a project will result in a significant impact on oak woodlands and, if it is determined that a project may result in a significant impact on oak woodlands, then the county shall require one or more of the following mitigation measures:
  - conserve oak woodlands through the use of conservation easements;
  - plant an appropriate number of trees, including maintenance of plantings and replacement of failed plantings;
  - contribute funds to the Oak Woodlands Conservation Fund for the purpose of purchasing oak woodlands conservation easements;
  - other mitigation measures developed by the county.

LOCAL PLANS, POLICIES, AND ORDINANCES

As a state agency, CDCR is not subject to land use plans, policies, and ordinances adopted by local agencies. Nevertheless, a discussion of relevant local plans and policies (including the Amador County General Plan) is provided because conflicts with them could indicate the potential occurrence of other physical environmental effects.

OAK WOODLANDS CONSERVATION ACT

Amador County has not yet adopted any specific ordinances regarding oak woodlands per California State Senate Bill 1334, the Oak Woodlands Conservation Act (described above).

4.1.3 IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The project modifications would result in a potentially new significant impact, or substantial increase in a previously identified significant impact, related to biological resources if it would:

- have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS;
- have a substantial adverse effect on Federally protected waters of the United States, including wetlands, as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means;
- interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan; or
- substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

The State CEQA Guidelines (Section 15064.5) define “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

ISSUES NOT DISCUSSED FURTHER

The proposed additional administrative space would be located within the footprint of the previously approved MCSP Project. As a result, no additional biological resources would be affected as a result of construction and operation of the additional administrative space. This issue is not discussed further.

Additionally, the potential impacts to biological resources associated with the off-site spray field area that is owned and operated by Greenrock Ranch, LLC was previously evaluated as part of the certified Infill EIR. This is a fully developed agricultural field that is used for grazing and annual grain production. No additional impacts to biological resources would occur, and no modifications to the previously evaluated operation of the off-site spray field are proposed. Further, the small section of interconnecting pipeline that would be placed within MCSP grounds would all be situated within existing disturbed settings (spray fields and internal roadways) so there would be no new environmental effects to

biological resources. The reduced section of off-site pipeline (between the tertiary plant and agricultural field) would occur largely within existing roadways. The segment to be located between the potential off-site field and Dave Brubeck Road would be installed above grade to reduce surface disruption; this approach would not require trenching that could disturb potential species located within burrows, including CTS. As a result, no further impacts beyond those previously identified in the certified Infill EIR are anticipated. This issue is not discussed further.

Effect on any riparian habitat or other sensitive natural community: No riparian habitat or other sensitive natural communities are present in the project area (e.g., existing spray fields and proposed spray fields). Chaparral habitat that is located within Area 2 is dominated by chamise; and is not considered part of the Ione chaparral community. Additional chaparral habitat east of the project area would be avoided by the project modifications. This issue is not discussed further.

Effects on wildlife nurseries and migratory routes: No native wildlife nursery sites or established migratory routes that are vital for the movement of any resident or migratory fish or wildlife species or population are present in the project area. Implementation of the project modifications would not interfere substantially with the movement of native resident or migratory wildlife species because the site does not currently provide an important connection between any areas of natural habitat that would otherwise be isolated. Regionally common wildlife species such as coyote, fox, raccoon, skunk, and possum would be expected to continue to use the Mule Creek riparian corridor, which would remain intact, and abundant open space surrounding the prison property after project implementation. Additionally, the spray fields are not expected to deter the movement of wildlife, as they mimic existing open habitats. Therefore, implementation of the project modifications would not substantially affect wildlife movement or nursery sites. This issue is not discussed further.

Conflict with a habitat conservation plan: The project modifications are not within the planning area of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan and there are no such plans under development for the area. Therefore, development of the project modifications would not conflict with any adopted conservation plans. This issue is not discussed further.

Effects on long-term viability of species: Habitat within the project area provides habitat to wildlife species tolerant of existing training activities and ongoing disturbance, and the project modifications do not propose to substantially change the habitats within the project area. Implementation of the project modifications would not eliminate any habitat important to the long-term survival of any species or community, nor would it substantially reduce the number or restrict the range of any species. This issue is not discussed further.

PROJECT IMPACTS AND MITIGATION MEASURES

The certified Infill EIR found that the MCSP Project could result in impacts to riparian habitat and wetlands, special-status plants, valley elderberry longhorn beetle, and nesting birds, and could conflict with the Oak Woodlands Conservation Act. These impacts were determined to be potentially significant, necessitating the implementation of mitigation. With respect to nesting birds and raptors, 2013 Mitigation Measures 3.2-3 and 3.2-4 required preconstruction surveys and avoidance measures to be developed in the event of active nests being located in proximity to construction activities. Impacts related to nesting birds and raptors were reduced to less-than-significant with implementation of these measures. As construction began in April 2014, nesting bird surveys were conducted prior to construction and during construction. Several active nests (red-tail hawk, turkey, hummingbird, and kingbird) were found to be present and buffers from construction activities were established.

2013 Mitigation Measure 3.2-1 required special-status plant species surveys and implementation of avoidance measures in order to prevent impacts to Tuolumne button-celery, Hoover's calycadenia, and Parry's horkelia. With implementation of this measure, impacts related to special-status plants were

reduced to less than significant. Prior to construction in April 2014, these surveys were performed, and no special-status plants were observed within the disturbance footprint of the approved MCSP Project.

2013 Mitigation Measure 3.2-2 required surveys to identify elderberry shrubs within 100-feet of the project and protection/avoidance measures in order to prevent impacts to valley elderberry longhorn beetle. No elderberry shrubs were located within the disturbance footprint of the approved MCSP Project.

2013 Mitigation Measures 3.2-5 and 3.2-6 included specific measures to be implemented as part of the regulatory permitting for the approved MCSP Project. They include restoration of riparian habitat and purchasing of off-site mitigation land for the loss of riparian habitat and wetlands or other waters of the U.S. Impacts would be less than significant with implementation of this mitigation. CDCR has obtained 404, 401, and 1600 permits for the MCSP Project and all conditions, including additional biological resources conditions imposed by USFWS are being implemented on-site during construction. This includes regular on-site biological monitoring, exclusion fencing (approximately four-feet high and installed six inches below grade) between the project site and Mule Creek, non-monofilament material for stormwater controls to prevent the trapping of wildlife, and biological resource training for all construction personnel.

2013 Mitigation Measure 3.2-7 required CDCR to conduct a formal tree survey to determine the number and classification of trees that would be removed as part of the approved MCSP Project. Additionally, CDCR was required to arrange for replacement of the removed trees at a 1:1 ratio, whether on-site or off-site. CDCR conducted a survey of trees to be removed prior to their removal and is in the process of arranging for replacement.

The proposed project modifications involving the additional spray fields could result in new significant impacts or a substantial increase in significant impacts previously identified to special-status plants, valley elderberry longhorn beetle, raptors, nesting birds, Western pond turtle, wetlands. The modifications could also conflict with the Oak Woodlands Conservation Act as outlined below.

Impact 4.1-1: Impacts on Special-Status Plants

No special-status plant species were observed in the existing spray fields or off-site spray field during pre-project botanical surveys conducted for the MCSP Project. Therefore, proposed sprinkler head replacement and changes in management practices within the existing spray fields are not expected to affect special-status plants. If special-status plant species were to become established there in the future, the changes in management practices from disking to mowing would result in less ground disturbance than under existing conditions and allow low growing vegetation to survive. Therefore, impacts to special-status plants as a result of proposed modifications to the existing spray fields and/or use of the off-site spray field were found to be less than significant.

Wetlands provide suitable habitat for Tuolumne button-celery, and Sanford's arrowhead; however, the project modifications have been designed to avoid impacts to wetlands and waterways by limiting construction to upland areas and roadways and to minimize impacts to nearby wetlands by providing a 50-foot buffer from project activities to adjacent wetlands, and monitoring effluent runoff to prevent effluent from entering nearby drainages and Mule Creek.

The proposed spray fields are located on soils associated with the Ione Formation, which is known to support rare endemic plant species such as Ione manzanita, Ione buckwheat, Irish Hill buckwheat, and Parry's Horkelia. However, as noted above, the proposed spray fields are not located within Ione chaparral. Suitable habitat for the aforementioned species is located adjacent to the northernmost proposed spray field; however, the construction areas are primarily limited to existing roadways and annual grasslands. Chamise-dominated chaparral in the northernmost spray field may provide suitable

habitat for chaparral dependent species, and mowing of the field would damage or remove Ione manzanita, Ione buckwheat, Irish Hill buckwheat, and Parry's Horkelia if present.

Hoover's calycadenia may occur adjacent to rock outcroppings and in mine tailings in proposed spray field locations. Irrigation, seeding, and mowing activities included in the proposed modifications could result in the loss of this species, if present.

No special-status plant species were observed in the existing spray fields during pre-project botanical surveys conducted for the MCSP Project; therefore, impacts to special-status plants for the existing spray fields were found to be less than significant. Further, while wetlands may provide suitable habitat for special-status plants, the project modifications have been designed to avoid wetlands; therefore, impacts would not occur in these habitats. Seeding, irrigation, and mowing in annual grassland and chaparral vegetation within the new proposed spray fields may result in the loss of Hoover's calycadenia, Ione manzanita, Ione buckwheat, Irish Hill buckwheat, or Parry's Horkelia, if present. Loss of these special-status plants would be a ***potentially significant*** *impact.*

Mitigation Measures

Mitigation Measure 4.1-1

CDCR will implement the following measures as part of the project modifications to reduce potential impacts on special-status plants:

- CDCR will complete protocol-level surveys for Hoover's calycadenia during the blooming season (April –September) prior to conducting work adjacent to rock outcroppings or mine tailings in new spray field locations consistent with the mitigation measures required by the certified EIR for the MCSP Project. CDCR will complete protocol-level surveys for Ione manzanita prior to conducting work within chaparral habitats. Additionally, CDCR will complete protocol-level surveys during the blooming season for Ione buckwheat (July-October), Irish Hill buckwheat (June-July) and Parry's Horkelia (April-September) prior to conducting work within chaparral habitats.

- If no Hoover's calycadenia, Ione manzanita, Ione buckwheat, Irish Hill buckwheat or Parry's Horkelia are found, the botanist will document the findings in a letter report and no further mitigation will be required.

- If Hoover's calycadenia, Ione manzanita, Ione buckwheat, Irish Hill buckwheat, or Parry's Horkelia are found and cannot be avoided during construction, CDCR will perform compensatory mitigation off-site that may include: establish another population through seed collection or transplantation, and/or restoring or creating suitable habitat, or purchasing a conservation easement or mitigation credits at a location that has these populations in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. Take of Ione manzanita, Ione buckwheat or Irish Hill buckwheat will require an incidental take permit from USFWS. Take of Ione buckwheat or Irish Hill buckwheat will require an incidental take permit from CDFW. A mitigation and monitoring plan will be developed in consultation with the USFWS or CDFW, as appropriate, describing how unavoidable losses of special-status plants will be compensated.

- If relocation efforts are part of the mitigation plan, the plan will include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements.

〉 Success criteria for preserved and compensatory populations will include:

- The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat.

- Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:

  ~ plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and

  ~ reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project area.

- If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

Significance after Mitigation

Implementation of Mitigation Measure 4.1-1 would reduce significant impacts on special-status plants (Hoover's calycadenia, Ione manzanita, Ione buckwheat, Irish Hill buckwheat and Parry's Horkelia) to a **less-than-significant** level because it would require CDCR to identify and avoid special-status plants or provide compensation for loss of special-status plants through replacement of populations, or other appropriate measures.

Impact 4.1-2: Impacts on Valley Elderberry Longhorn Beetle Habitat

Valley elderberry longhorn beetle (VELB) is listed as threatened under the ESA. While protocol level surveys have not been conducted, elderberry shrubs with stems greater than 1.0 inch in diameter at ground level, which provide potential habitat for valley elderberry longhorn beetle (USFWS 1999), are present within 100-feet of the proposed spray fields, although no shrubs are located within the proposed spray fields. At least one cluster of shrubs is located approximately 50-feet upslope of an existing access road. Similarly, no shrubs have been identified within the existing spray fields. All identified shrubs are located outside of areas associated with the proposed modifications and would not be directly altered or otherwise affected by project-related construction. Use of the project area as effluent spray fields would not result in a change in topography or ground disturbances within the drip lines of elderberry shrubs. Treated effluent is used frequently as an agricultural water source and not expected to be detrimental to elderberry shrub health. Further, no shrubs have been identified along the potential modified pipeline alignment for the potential off-site spray field; there are no reported shrubs within the existing agricultural field that would be used for secondary effluent irrigation.

*Construction and operation of effluent spray fields would not result in direct or indirect impacts to valley elderberry longhorn beetle, because construction activities would be located a minimum of 50 feet from identified elderberry bushes. This impact is **less than significant**, and the project modifications would not result in any new or substantially more severe significant impacts compared to impacts described in the certified Infill EIR.*

Mitigation Measures

No mitigation is required.

Impact 4.1-3: Impacts on Raptors

Red-tailed hawks have been observed nesting in a tree within an existing spray field. Red-shouldered and red-tailed hawks have been observed nesting adjacent to the project area. Trees provide potential nesting sites for Swainson's hawk and common raptors such as red-tailed hawk, red-shouldered hawk, western screech owl, and great horned owl, which are protected under Section 3503.5 of the California Fish and Game Code.

Northern harrier could nest in marshy areas outside of the project area near Preston Reservoir and seasonal wetlands. The proposed spray fields are too sparsely vegetated to provide good nesting habitat for northern harrier. However, construction-related disturbance near active nests could potentially result in nest abandonment by the adults and mortality of chicks and eggs.

The proposed modifications would not result in a conversion of land or reduction in suitability of foraging habitat. The use of new spray fields would not change the suitability or function of existing grassland areas as potential foraging habitat for raptors.

While the project modifications would not change the suitability or function of existing grassland areas as potential foraging habitat for raptors, construction could disturb nesting raptors located near the project area, resulting in nest abandonment by adult birds and abandonment of chicks and eggs, causing mortality. The potential loss of an active raptor nest would be a ***potentially significant*** *impact. This impact was identified as potentially significant in the Infill EIR (see Impact 3.2-3a, Volume 3, page 3.2-24 of the certified Infill EIR).*

Mitigation Measures

Implement 2013 Mitigation Measure 3.2-3 from the certified Infill EIR as presented below.

2013 Mitigation Measure 3.2-3. CDCR will implement the following measures to reduce impacts on Swainson's hawk and other nesting raptors:

- Tree removal, if necessary, will be completed outside of the breeding season (between September 1 and February 15).

- For construction activities occurring between February 16 and August 31, consistent with CDFW protocol, CDCR will retain a qualified biologist to conduct preconstruction surveys for Swainson's hawk and other nesting raptors to identify active nests on and within 0.5 mile of the site. The surveys will be conducted no more than 30 days before the beginning of construction activities that could remove trees or otherwise disturb nesting raptors. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) will be followed.

- If active nests are found, impacts on nesting Swainson's hawks and other raptors will be avoided by establishing appropriate buffers around the nests. No project activity will commence within the buffer area until a qualified biologist confirms that any young have fledged and the nest is no longer active. For Swainson's hawk nests, CDFW guidelines recommend maintenance of 0.25-acre buffers around Swainson's hawk nests in developed areas, but the size of the buffer may be adjusted if a qualified biologist, in consultation with CDFW, determines that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist will be required if the activity has potential to adversely affect the nest.

Significance after Mitigation

Implementation of 2013 Mitigation Measure 3.2-3 would reduce significant impacts to raptors to a **less-than-significant** level because it would ensure that these species are not disturbed during nesting so that construction of the project modifications would not result in raptor nest abandonment and loss of eggs or young.

Impact 4.1-4: Impacts on Nesting Birds

Vegetation removal and ground disturbances associated with construction and operation of the spray fields could result in direct destruction of active nests of migratory birds, including loggerhead shrike and yellow-breasted chat, shrub and small-tree nesting species that are also California species of special concern. No riparian or wetland vegetation would be removed, however, removal of chaparral in the northernmost proposed spray field would remove potential loggerhead shrike nesting habitat. This spray field will remove less than 2 acres of the 38 acres of chaparral located at the MCSP property. The project modifications, depending on the timing of construction activities, could result also in disturbance of nearby breeding birds causing nest abandonment by the adults and mortality of chicks and eggs.

A number of common migratory bird species are present in the project area. The loss of some nests of common migratory bird species (e.g., mourning dove, American robin, and scrub jay) would not be considered a significant impact because it would not result in a substantial effect on their populations locally or regionally.

Construction and operation of the project modifications may result in the removal of active nests or disturb nesting birds including loggerhead shrike and yellow-breasted chat. As a result, the project modifications may cause nest abandonment by adult birds and mortality of chicks and eggs, or direct mortality of individuals. Loss of yellow-breasted chat or loggerhead shrike nests or individuals would be a ***potentially significant*** *impact.*

Mitigation Measures

Implement 2013 Mitigation Measure 3.2-4 from the certified Infill EIR as outlined below.

2013 Mitigation Measure 3.2-4. CDCR will implement the following measures to avoid or minimize loss of special-status nesting birds (yellow-breasted chat and loggerhead shrike):

- To minimize the potential for loss of active yellow-breasted chat and loggerhead shrike nests, project activities will commence during the nonbreeding season (September 1-February 31), including removal of grassland, shrub, and woodland vegetation. If all suitable nesting habitat is removed during the nonbreeding season, no further mitigation will be required. If it is not feasible to remove vegetation prior to the breeding season (March 1-August 31), CDCR will retain a qualified biologist to conduct preconstruction surveys for yellow-breasted chat and loggerhead shrike on and within 50 feet of the project site. The surveys will be conducted no more than seven days before construction commences.

- If active yellow-breasted chat or loggerhead shrike nests are found, a 50-foot no-disturbance buffer will be established around the nest site until the breeding season has ended or a qualified biologist determines the young have fledged.

Significance after Mitigation

Implementing 2013 Mitigation Measure 3.2-4 would reduce significant impacts on nesting birds, including loggerhead shrike and yellow-breasted chat, to a **less-than-significant** level because it would ensure that these species are not disturbed during nesting; therefore, the project would not result in nest abandonment and loss of eggs or young.

Impact 4.1-5: Impacts on Western Pond Turtle

As noted above, western pond turtles have been observed within Preston Reservoir, which contains secondary effluent and is located 50 feet from the edge of the closest of the proposed spray fields. The proposed modifications would avoid aquatic habitat by establishing a 50-foot buffer from all wetlands and other waters and, therefore, would not directly affect adult western pond turtle aquatic habitat.

The majority of the existing and proposed spray fields lack suitable western pond turtle upland habitat because the existing fields are routinely disked and most of the proposed spray fields are within areas used by CAL FIRE for training or do not have suitable grassland vegetation. Upland habitat for western pond turtle is typically limited to areas that have undisturbed grasslands within 400 meters of aquatic habitat, with most activity occurring within 250 meters of aquatic habitat. One of the undisturbed proposed spray fields is located along the northeastern edge of the project area and state property and is more than 250 meters from potential aquatic habitat. The combination of rocky soils and interspersed chaparral make this unlikely western pond turtle terrestrial habitat. However, an undisturbed portion of the project area that would be converted to spray fields as part of the project modifications is located on the slope just northeast of Preston Reservoir, and is potential western pond turtle terrestrial habitat.

It is unknown if western pond turtle are using this proposed spray field for nesting or if the population in Preston Reservoir is successfully reproducing. Regular operations within the spray fields would consist of mowing and effluent spraying, and would not disturb potential underground nest sites. Because spraying and mowing would only occur during the summer months, the suitability of the upland habitats for overwintering would not be reduced. Additionally, sprayed effluent would be disinfected secondary effluent and the turtles are already known to occur in water of similar quality within the reservoir, therefore the water quality of the sprayed effluent is not expected to be detrimental to turtles using upland habitat. The use of the proposed spray field near the reservoir could change the hydrology of this area, making it unsuitable for nesting. However, suitable uplands adjacent to the reservoir and outside of the proposed spray fields would remain available for nesting if turtles are reproducing in the area. Any loss of nesting due to wetting of eggs is expected to be minor and would not result in a substantial loss to the local population as other nearby habitat is available.

Effluent spraying in the spray field north of Preston Reservoir may result in western pond turtle nest failure due to wetting of eggs during the incubation period, if present. As the reduction in nesting habitat quality would occur within a portion of the available nesting habitat in the area and the habitat will continue to be suitable for overwintering and dispersal, implementation of the project modifications *is unlikely to restrict the range of the species or lead to extirpation of a local population. As such, the* project modifications *would result in a* ***less-than-significant*** *impact.*

Mitigation Measures

No mitigation measures are required.

Impact 4.1-6: Impacts on Wetlands and Other Waters

The proposed modifications, including the proposed new fields, have been designed to avoid wetlands and other waters. A 50-foot buffer would be maintained during project operations to reduce the risk of discharge to wetlands and other waters and effluent discharge would be monitored under the projects NPDES permit and would not result in a reduction of water quality.

Access from construction vehicles, trenching, and installation of pipes may result in soil disturbance or the discharge of other construction related pollutants that can be washed or blown in to adjacent wetland or other waters, particularly seasonal wetlands directly adjacent to roadways. Impacts from short term construction-related water quality degradation are addressed further in Section 4.3, “Hydrology and Water Quality.”

*Because wetlands and other waters would be avoided during construction, impacts would be **less-than-significant.***

Mitigation Measures

No mitigation measures are required.

Impact 4.1-7: Conflict with the Oak Woodlands Conservation Act

Development of the project modifications would not require the removal of substantial number of oak trees (i.e. approximately 20). Modified spray heads and disking or mowing practices within existing spray fields would not change the hydrology or disturbance area over existing conditions and would not be expected to affect oak trees in these areas.

Installation of the new effluent spray fields and surface pipes are primarily proposed to be installed in disturbed and grassland areas, but do include areas of low canopy cover foothill pine-oak woodland. In these areas, seeding, mowing, and effluent spraying would occur within the drip lines of between 65-80 live and blue oak trees. Approximately 300 acres of foothill pine-oak woodland on MCSP will remain undisturbed. The proposed effluent spraying activities in these areas would change the dry season hydrology of lands surrounding these oak trees and could result in increased dry season runoff. Frequent summer irrigation within the drip line of oaks can favor the development of soil-dwelling root pathogens, which may, over time, kill or damage roots leading to death or structural failure. Additionally, frequent mowing of adjacent grasslands could damage oak seedlings, disrupting successional dynamics by preventing establishment of new oak trees in areas that are mowed.

CEQA requires counties to evaluate impacts on oak woodland to determine if it would result in a significant impact on the environment. Amador County has not adopted a tree preservation ordinance or an oak woodland policy in conformance with the Oak Woodlands Conservation Act; therefore, there would be no conflict with a local policy or ordinance, even though CDCR is not required to comply with county policies. Development of the project modifications would not be expected to substantially degrade habitat for woodland-dependent species in the area and would not reduce local population numbers or adversely affect the long-term viability of any woodland species in the region because there is abundant high quality oak woodland habitat surrounding the project area and throughout Amador County. Further, foothill pine-oak woodland that occurs within the project site is not unique, does not contain particularly large or unique specimens, and does not represent a level of structural diversity or species associations that are rare or unusual to the area. Therefore, the incidental death of oak trees within the spray field would not reduce local population numbers nor adversely affect the long-term viability of any woodland species in the region.

The project modifications *would not conflict with the Oak Woodlands Conservation Act and would not result in a substantial loss of habitat for woodland species locally or regionally. However, because development of the site would result in the removal of approximately 20 trees and could result in incidental mortality of certain trees as a result of disposition of effluent, impacts would be **significant**.*

Mitigation Measures

Implement 2013 Mitigation Measure 3.2-7 from the certified Infill EIR as outlined below.

Mitigation Measure 3.2-7: A formal tree survey will be conducted of the infill site in order to determine the number and classification of all trees that may be removed. CDCR will implement the following measures to reduce impacts on native oak trees:

〉 Replace all native oak trees removed by project construction activity at a 1:1 ratio off-site.

- Use trees from healthy commercial nursery stock and/or acorns from the tree removed or from trees in the mitigation site when establishing new trees.
- Ensure that trees are established and maintained for at least 5 years.
- Trees will be planted between October 1 and December 31, and no later than 12 months after the date of tree removal.

Alternatively, CDCR may consult with Amador County and the City of Ione regarding off-site replacement options where one or both of these entities will accept responsibility for the planting and maintenance of the replacement trees. If it is determined, in consultation with the County and the City, that this is a viable option, mitigation requirements would be consistent with those listed above and additional measures may be required. Another off-site alternative may include purchase of a conservation easement that meets the mitigation requirement.

Significance after Mitigation

With the implementation of 2013 Mitigation Measure 3.2-7 described above, impacts on native oaks would be reduced because trees lost through project implementation would be replaced on-site, where possible, or at a nearby feasible location. As a result, this impact would be reduced to a **less-than-significant** level.

4.2 CULTURAL RESOURCES

This section discusses the new potentially significant impacts that could result from the project modifications on cultural resources, and whether a substantial increase in previously identified significant cultural impacts could occur. Cultural resources generally include buildings, sites, districts, structures, and objects significant in history, architecture, archaeology, culture, or science. Historic resources are generally defined as properties that are listed or have been determined eligible for listing on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), or a local register or inventory of resources.(See CEQA Guidelines, § 15064.5.)

The analysis includes a description of the existing environmental conditions, research methods, impacts associated with the proposed modifications, and recommended mitigation measures to address new or substantially more severe significant or potentially significant impacts consistent with Public Resources Code section 21166 and CEQA Guidelines section 15162. This section is based on a review of the *Archaeological Inventory Report for the California Department of Corrections Mule Creek State Prison Effluent Spray Field Enhancement Project, Amador County, California* (ICF 2015) and the *Historical Resource Analysis for the California Department of Corrections and Rehabilitation Proposed Infill Facility Near Mule Creek State Prison, Ione, California* (ICF 2013).

4.2.1 ENVIRONMENTAL SETTING

All setting information can be found in the previously certified environmental impact report for the MCSP Project entitled, Level II Correctional Facilities Project, Site-Specific Evaluation of Level II Infill Correction Facilities at Mule Creek State Prison, (SCH# 2012122038). Additional information specific to the proposed spray fields is also present in the technical report titled *Archaeological Inventory Report for the California Department of Corrections Mule Creek State Prison Effluent Spray Field Enhancement Project, Amador County, California* (ICF 2015) and included as Appendix C of this SEIR.

SITE INVESTIGATION

NCIC RECORDS SEARCH

On January 24, 2013, staff members of the North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS) in Sacramento, California, conducted a cultural resources records search for the MCSP Project. Records of previously conducted cultural resource investigations and previously recorded cultural resources were consulted for the MCSP Project area and a 0.25-mile radius around the infill site. The records search also included a review of the NRHP (1988 and computer listings 1966 through 2008), CRHR (2008 and up), California Inventory of Historic Resources (1976), *California Historical Landmarks* (1996), *California Points of Historical Interest* listing (1992), Caltrans Bridge Inventory (2009), and the Directory of Properties in the Historic Properties data file for Amador County (2012). Historic maps, including the 1962 USGS 7.5' Ione and Irish Hill Quadrangles, were also examined as part of the records search. On September 12, 2014, staff members of the NCIC conducted an updated cultural resources records search for the proposed spray field area. Records of previously conducted cultural resource investigations and previously recorded cultural resources were consulted for the project modification areas and a 0.25-mile radius around the project modification areas. The records search also included a review of the NRHP (1988 and computer listings 1966 through 2008), CRHR (2008 and up), California Inventory of Historic Resources (1976), *California Historical Landmarks* (1996), *California Points of Historical Interest* listing (1992), Caltrans Bridge Inventory (2009), and the Directory of Properties in the Historic Properties data file for Amador County (2012).

According to the records search, portions of the proposed spray fields were previously surveyed as part of seven cultural resources studies (Decater 1984, Foster 1994, Napton and Greathouse 2002, 2003, 2010, 2012, and 2013). The records search also indicated that five previously recorded resources are located within or in the vicinity of the proposed spray fields. Of the five previously recorded resources, two are prehistoric and three are historic era. One of the historic-era sites, P-03-1823, encompasses a large area that includes multiple features associated with the Preston School of Industry. Additional resource descriptions are presented below.

NATIVE AMERICAN CONSULTATION AND OTHER INTERESTED PARTIES

On January 16, 2013, a description of the contemplated infill development project at MCSP and maps were sent to the Native American Heritage Commission (NAHC). The purpose was to request a search of the NAHC's sacred lands file and request a list of Native American contacts for the area including and surrounding the project area. The NAHC responded by fax with sacred lands search results and contacts for Amador County on February 20, 2013. The sacred lands file searches did not have records of Native American resources in the vicinity. The NAHC also provided a list of 14 individuals to contact for additional information regarding cultural resources. Consultation with local tribes, including the Ione Band of Miwok Indians, Jackson Rancheria, and the Buena Vista Rancheria, has been ongoing. Jereme Dutschke, a designated Native American monitor and tribal member of the Ione Band of Miwok Indians, has been conducting monitoring of all ground-disturbing activities associated with the MCSP Project.

In July 2014, archaeological resources and human remains were discovered within a portion of the proposed modified staging area, which is located east of the existing construction trailers and was not previously identified by CAL FIRE archaeologists. The area of discovery was located outside of the active construction area and is adjacent to the current project area. Since the time of discovery the area has been fenced and fully avoided by construction personnel, CAL FIRE, and CDCR. A treatment plan for the archaeological site, which will include methods for carefully capping the affected area and providing long term protection, has been completed and accepted by all affected parties. Implementation of the Closure Plan was initiated on August 10, 2015; with the exception of revegetation and installation of a perimeter fence closure of the site is site is now complete. This plan is consistent with the 2013 Mitigation Measures 3.3-1 and 3.3-4 from the certified Infill EIR. Mr. Dutschke has continued monitoring of all initial ground disturbance related to construction of the MCSP Project to insure that if human remains or other Native American resources are found to be present, construction activities will be halted immediately until appropriate treatment/avoidance measures can be developed in cooperation with the tribe, State Historic Preservation Officer (SHPO), and the USACE. In addition, Mr. Dutschke accompanied ICF archaeologists during the pedestrian survey of the proposed spray fields.

PEDESTRIAN SURVEYS

Between January 5 and January 7, 2015, qualified archaeologists conducted a pedestrian archaeological survey of the proposed areas of the new effluent spray field. Survey transects no wider than 25 meters were walked to ensure maximum coverage in a timely manner. Visibility was good throughout the project area. Rock outcrops were closely inspected for mortars, and all cut and eroded banks were closely inspected for cultural materials. During pedestrian surveys of the enhancement areas, four cultural resources were encountered and five previously recorded resources were located again.

RESOURCES ON OR ADJACENT TO THE PROJECT AREAS

Historic Architectural Resources

No historic or potentially historic structures are located within the boundaries of either the existing spray fields that are proposed for enhancement or the proposed new effluent spray fields. The original building at the PYCF is approximately 0.4 mile from the proposed spray fields. This three-story building, known as the Preston Castle, originally housed the Preston School of Industry (the precursor to the PYCF) and is a prominent visual and historical landmark.

The Romanesque Revival style building was completed in 1892 and is sited on a knoll about one-half mile north of the City of Ione. Because the population and needs of the Preston School of Industry outgrew Preston Castle, additional buildings were constructed to support the operation of this facility beginning in the 1910s. A National Register nomination mentions that Preston Castle was abandoned in 1960 as staff was moved to newer office buildings. Buildings that are associated with the general administration, care, housing and education of the wards were constructed to the southeast, east and north of the Preston Castle. These buildings are accessed from Waterman Road. Most staff residences were built along Palm Drive (west and south of Preston Castle) and along Circle Drive and Veteran's Drive, near the base of the knoll. These buildings comprise a potential historic district, which has not been fully documented at this time (ICF 2013b).

Preston Castle has been determined eligible for the National Register as the most significant representation of the Romanesque Revival architecture in the Mother Lode Region. In addition, it is considered significant for its association with a progressive social and educational movement that sought to place youth offenders and wards of the state in a school as opposed to a prison setting. This was the first attempt by the State of California to introduce prison reform for juvenile offenders (ICF 2013b).

The building was established as California Historical Landmark (CHL) #867 in 1974 and listed on the NRHP in 1975. Properties listed on the NRHP and state landmarks with a number higher than #770 are automatically listed in the California Register (California Public Resources Code Section 5024.1[d][2]). Therefore, according to Section 15064.5(a)(1) of the State CEQA Guidelines, the Preston Castle is a historical resource for the purposes of CEQA (ICF 2013b).

Archaeological Resources

As a result of the cultural resources study, four previously unrecorded resources and five previously recorded resources were again located within the project area. Of the nine resources, five are historic era resources and four are prehistoric resources. A brief description of each is given below:

ICF-ISO-1 This isolated artifact is a prehistoric chert cobble core (for stone tool manufacture) found in the southwestern portion of Parcel 7. The core measures 10.5 inches (in) x 10.8 in x 6.8 in and has approximately 20 percent of the cortex remaining.

ICF-ISO-2 This isolated artifact is a tin sheet metal riveted box (24 in x 12 in x 6 in) that may have functioned as a water reservoir as one component of a steam driven piece of mechanical equipment.

ICF-CUL-1 This historic era resource is characterized as a pile of white quartz cobbles. The feature was identified as a quartz cairn given its size (151 in x 114 in x 11 in); however, it likely represents a gold mining era prospect pile.

ICF-CUL-2 ICF-CUL-2 is a prehistoric bedrock mortar (BRM) on a rock outcrop. This feature measures 61 in x 39 in x .21 in. The BRM, used for grinding grain and seeds, contains one milling cupule (circular depression) that is 6 in x 9 in x 3 in. While this BRM is the only observable prehistoric constituent, there

is potential for a buried and associated midden deposit (darkened soil indicating past human settlement).

P-03-200 This site is a prehistoric BRM on an outcrop containing two milling cupules and some historic era refuse. The andesitic outcrop measures 48 in x 38 in x 8 in. This BRM was and continues to be protected by a barbed wire enclosure installed by CAL FIRE archaeologists in 2012 (Napton and Greathouse 2012). The site dimensions are given as 200 feet (ft) x 400 ft (Napton and Greathouse 2002), however, only the BRM is protected and enclosed by a barbed wire fence. While this BRM is the only observable prehistoric constituent, there is potential for a buried and associated midden deposit.

P-03-814 This resource is a BRM on a meta-andesitic outcrop measuring 47 in x 79 in x 13 in. It has three milling cupules that exhibit diameters from 10 in to 7 cm and of variable depth (5 in to 8 in).The site is protected by a barbed wire enclosure installed by CAL FIRE archaeologists in 2012 (Napton and Greathouse 2012). While this BRM is the only observable prehistoric constituent, there is potential for a buried and associated midden deposit.

P-03-1823 (F27) This site is believed to be part of the Preston School of Industry dump (Feature 27) as recorded by Napton and Greathouse (2012). Napton and Greathouse (2012) reported dimensions for Feature 27 as 200 ft x 200 ft x 10 ft. ICF archaeologists identified several previously unidentified loci at the dump site and labeled these Loci A, B, and C (September 2014), as Napton and Greathouse only recorded and/or referenced Locus D in their report (Napton and Greathouse 2012:55). The survey reported herein identified an additional loci which is referenced as Locus E. The two loci within Parcel 3 are Locus A and Locus E located in the eastern portion of Feature 27. Visible above ground cultural constituents at Locus A are primarily a rubble pile of concrete and brick. Locus A is approximately 12,459.5 square feet in size and of unknown depth. Locus E contains less visible piled debris relative to Locus A. Visible cultural constituents are also more varied at Locus E. Examples include a steel chemical safety cabinet, CAL FIRE or CDCR issued canteens for inmate firefighters, and corrugated tin roofing sections. Locus E is approximately 9,769.5 square feet in size and also of unknown depth

P-03-811 The site is described as an extensive quartz mining operation that includes a backfilled adit (entrance to underground mine) and metal debris scattered about. Most of this site (i.e., adit and metal debris) lies outside (north) of the proposed spray field. In fact, with the exception of some diffused quartz cobbles lying on the surface, no other cultural constituents are visible.

P-03-3953 This resource is recorded as a series of features thought to be remnants of golf putting greens used by one of the superintendents of the Preston School of Industry and built with prisoner labor from that institution in the 1920s or 1930s (Foster 1994). Despite a thorough survey of the area, this resource could not be relocated. It is likely that the resource has subsequently been destroyed since being recorded in 1984.

CA-AMA-559/H This resource is recorded as a multi-component cultural resource with historic and prehistoric features, including a historic era prospect pit and an unknown number of Native American burials. As noted above, the extent of the site was previously unknown but was encountered in July 2014 during construction of the MCSP Project. This site has been avoided since its discovery, and a treatment plan for the resource is currently being prepared by CDCR in coordination with the Ione Band of Miwok Indians, USACE, and SHPO.

4.2.2 REGULATORY CONSIDERATIONS

A list of the applicable cultural resource-related federal and state plans, policies, regulations, and laws is provided below. Complete summaries of the federal and state regulations are provided in Volume 1, Appendix 1B of the certified Infill EIR.

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

- National Historic Preservation Act - The NHPA of 1966 established the National Register of Historic Places which guarantees recognition in planning for federal or federally-assisted projects. Section 106 of the NHPA requires that federal agencies consider the effects of their actions on significant archaeological properties prior to implementing a project or "undertaking."

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

- California Environmental Quality Act - Under CEQA, public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." lead agencies have a responsibility to evaluate historical resources against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources. Section 15064.5 (e) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains.

- California Native American Historical, Cultural, and Sacred Sites Act - The Act requires that upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC.

- Public Resources Code

  - Section 5020.1 - Historic Districts - Under PRC section 5020.1, a historic district means a definable, unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Historic districts require nomination to be listed in the CRHR.

  - Section 5024 - State-Owned Resources - Section 5024(f) requires state agencies to submit to SHPO documentation for any project having the potential to affect historical resources under its jurisdiction listed in or potentially eligible for inclusion in the NRHP, or are registered or eligible for registration as California Historical Landmarks.

- California Health and Safety Code

  - Section 7050.5 (b) – Human Remains - This section of the Health and Safety Code specifies protocol when human remains are discovered.

LOCAL PLANS, POLICIES, AND ORDINANCES

As a state agency, the CDCR is not subject to land use plans, policies, and ordinances adopted by local agencies. However, CDCR considers the plans, policies, and ordinances of surrounding local jurisdictions to reduce any environmental consequences to the extent most feasible. There are no local regulatory requirements for cultural resources that would apply to the development of the modifications.

4.2.3 IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

In accordance with Appendix G and Section 15065 of the State CEQA Guidelines, implementation of the proposed project modifications would result in new significant impacts related to cultural resources or a substantial increase in previously identified significant impacts were considered, including if they would do any of the following:

- cause a substantial adverse change in the significance of an historical resource or an archaeological resource as defined in Section 15064.5 of the State CEQA Guidelines; or

- disturb any human remains, including those interred outside of formal cemeteries.

The State CEQA Guidelines (Section 15064.5) define "substantial adverse change" as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

ISSUES NOT DISCUSSED FURTHER

The additional administrative space for the EOP program that would be constructed as part of this project would be located within the footprint of the previously approved MCSP Project. As such, no additional cultural resources (archaeological, paleontologic, or historic resources) impacts would occur as a result of construction and operation of the additional administrative space beyond those previously evaluated as part of the certified Infill EIR for the MCSP Project. This issue is not discussed further.

Additionally, the potential impacts to cultural resources associated with the existing agricultural field owned and operated by Greenrock Ranch, LLC that was proposed as an off-site effluent spray field were previously addressed in the certified Infill EIR. No additional impacts to cultural resources would occur as a result of revising the scope of this proposal (reduced piping); no modifications to the previously evaluated operation of the off-site spray field are proposed. This issue is not discussed further.

PROJECT IMPACTS AND MITIGATION MEASURES

The certified Infill EIR for the MCSP Project found that the previously approved project, including the off-site spray fields, could result in significant construction impacts to unknown or previously undiscovered archaeological resources, human remains, and historic structures. These impacts were determined to be potentially significant, necessitating the implementation of mitigation (Mitigation Measures 3.3-1 and 3.3-4). The potential construction impact to historic structures was related to the potential use of athletic fields at the former PYCF. Use of these fields is no longer part of the project, and as such, the impact would not occur.

The certified EIR for the MCSP Project (Volume 3) also found that the previously approved project would not result in a substantial adverse change to the historical significance of Preston Castle. Impacts were determined to be less than significant. The following analysis focuses on potential impacts associated with the proposed modifications.

Impact 4.2-1: Impacts on Archaeological Resources

The cultural resources study identified five historic-era archaeological resources and four prehistoric resources within the area of the proposed modifications. The archaeological field survey was unable to locate any of the features associated with P-03-3953, which is presumed to no longer be present. However, the potential exists to encounter previously undiscovered or unrecorded archaeological sites and materials during project-related preconstruction or construction-related ground disturbing activities, including within the existing spray fields during planting and effluent disposal infrastructure replacement and during installation of the off-site pipeline. If such resources were to represent "historical resources" or "unique archaeological resources" as defined by CEQA, any substantial change to or destruction of these resources would be a potentially significant impact. Operational activities associated with the project modifications would involve the use of existing access roads, periodic mowing of vegetation within the existing and proposed spray fields using a trailer mower elevated approximately 12 inches above ground surface, and the disposition of secondary disinfected effluent. Because these activities would not involve additional ground disturbance, the potential for operational activities to result in the

direct disturbance or destruction of archaeological resources, including the resources identified above, is considered minimal and therefore less than significant.

Nine archaeological resources that were not previously identified as part of the Infill EIR could be disturbed/destroyed during ground disturbance associated with the project modifications. As a result, development of the project modifications could result in a substantial adverse change in the significance of both known and previously undiscovered archaeological resources as defined in Section 15064.5 and would, therefore, result in a potentially significant impact.

Mitigation Measures

Implement the following 2013 Mitigation Measures from the certified Infill EIR as presented below. No changes to these mitigation measures would be required for the project modifications.

2013 Mitigation Measure 3.3-1. In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (midden), that could conceal cultural deposits, are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources will be halted and a qualified professional archaeologist will be retained to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either a historical resource or a unique archaeological resource), the archaeologist will develop appropriate mitigation to protect the integrity of the resource and ensure that no additional resources are affected. Mitigation could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

Mitigation Measure 4.2-1a

Construction activities shall avoid known archaeological sites. Prior to initial construction and installation of spray field infrastructure within the proposed spray fields, the construction contractor will install high-visibility orange construction fencing and/or flagging, as appropriate, along the perimeter of the work area adjacent to archaeological sites including a 100 foot buffer for prehistoric resources (including ICF-CUL-2, P-03-200, and P-03-814) and a 50 foot buffer for historic era resources (including ICF-CUL-1, P-03-1823, and P-03-811). Fencing installation will be done in consultation with an archaeologist to ensure appropriate placement. Upon completion of construction, fencing can be removed prior to initiation of operation.

Mitigation Measure 4.2-1b

Before any ground disturbing work occurs in the project area, a qualified archaeologist will be retained to conduct a mandatory contractor/worker cultural resources awareness training for construction personnel. The awareness training will be provided to all construction personnel (contractors and subcontractors) to brief them on the need to avoid effects on cultural resources adjacent to and within construction areas.

Mitigation Measure 4.2-1c

A qualified archaeologist and a Native American monitor from the Ione Band of Miwok Indians will be retained to monitor all construction activities that involve ground disturbance (e.g., vegetation removal, grading, excavation, disking). The purpose of the monitoring is to ensure that measures identified in the environmental document are properly implemented to avoid and minimize effects on cultural resources and to ensure that the project modifications comply with all applicable permit requirements and agency conditions of approval. The archaeologist will ensure that fencing around archaeological ESAs remains in place during construction and that no construction

personnel, equipment, or runoff/sediment from the construction area enters ESAs. The monitor will prepare daily logs recording the results of monitoring, and a final monitoring report will be prepared at the end of construction.

Significance after Mitigation

Implementation of a plan to avoid known cultural resources, and to address discovery of unanticipated buried cultural resources and to preserve and/or record those resources, is consistent with appropriate laws and requirements, as described in Mitigation Measures 4.2-1a through 4.2-1c and 2013 Mitigation Measure 3.3-1 from the certified Infill EIR. These measures would reduce impacts to a **less-than-significant** level because they will prevent impacts to known resources and require the immediate halting of construction activities that could result in impacts to unknown resources. Closely monitoring the installation of the new piping and irrigation systems will ensure that no new significant or substantially more severe significant impacts would occur compared to the previously approved MCSP Project as evaluated in the certified Infill EIR.

Impact 4.2-2: Impacts on Historical Resources

No buildings 45 years old or older that were not identified as part of the Infill EIR for the MCSP Project are located within the immediate vicinity (no less than 100 feet) of the project modifications. With respect to the existing Preston Castle, which is considered a historical resource for the purposes of CEQA, no alterations to Preston Castle would occur as a result of the project modifications. Further, the project modifications would not result in the modification of the existing landscape such that the existing hills and valleys to the north of Preston Castle would be developed. In addition and as noted in the Infill EIR, several intervening structures are located between Preston Castle and the proposed effluent spray field enhancement measures associated with the project modifications. Based on the limited scale of facilities (above-ground rotating sprinklers), the project modifications would not be visible from important elevations of Preston Castle and its historic setting would not be compromised.

Development of the project modifications would not result in a substantial adverse change in the significance of Preston Castle, a historical resource as defined in State CEQA Guidelines Section 15064.5 because the structure itself would not be altered. In addition, views of the proposed modifications from Preston Castle would not be visible such that the integrity of this resource would be adversely affected. Therefore, this would be a ***less-than-significant*** *impact. As such, the project modifications would not result in a new significant or substantially more severe significant impact compared to the previously approved MCSP Project as evaluated in the certified Infill EIR.*

Mitigation Measures

No mitigation measures are required.

Impact 4.2-3: Impacts on Human Remains

Based on documentary research and field survey, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within areas associated with the project modifications. However, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the proposed spray field areas, similar to the MCSP Project evaluated in the certified Infill EIR, and could be uncovered by project-related construction activities. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and grave-associated items from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in Sections 7050.5 and 7052 of the California Health and Safety Code and Section 5097 of the California Public Resources Code. Since initiation of the Level II complex project the Ione Band of Miwok Indians have been formally recognized as the Most Likely Descendants of any pre-historic human remains on the prison property. Tribal

representatives would be immediately contacted, along with the County Coroner, upon discovery of such remains.

Development of the project modifications could result in disturbance of previously undiscovered human remains, including those interred outside of formal cemeteries. This event would be a potentially significant impact.

Mitigation Measures

Implement 2013 Mitigation Measure 3.3-4 from the certified Infill EIR as presented below. No changes to this mitigation measure would be required for the project modifications.

2013 Mitigation Measure 3.3-4. If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains will be halted immediately, and the Amador County coroner will be notified immediately, according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, representatives of the Ione Band of Miwok Indians would be notified within 24 hours, and the guidelines of the California Native American Heritage Commission (NAHC) would be adhered to in the treatment and disposition of the remains. CDCR will continue to retain qualified professional archaeologists with experience in Central Valley Foothills cultural resources throughout the duration of the construction activities for all elements of the spray field improvements. Following the coroner's findings, the archaeologist, and the Band representatives would consult to determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.94.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.

Significance after Mitigation

Implementation of the 2013 Mitigation Measure 3.3-4 from the certified Infill EIR would result in coordination between the Ione Band and CDCR with the assistance of a qualified professional archaeologist(s). The steps outlined in the mitigation measure would minimize or eliminate adverse impacts on undiscovered human remains resulting from project-related construction activities. As a result, the impacts associated with implementation of the proposed effluent spray field enhancement measures (i.e., installation of approximately 45 acres of new effluent spray fields) to previously undiscovered human remains would be reduced to a **less-than-significant** level.

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4.3 HYDROLOGY AND WATER QUALITY

This section discusses the existing setting and applicable regulations and policies affecting local hydrology and water quality, including runoff, surface and groundwater quality, storm drainage, and flood control. This section identifies impacts, and recommended mitigation measures to reduce potential impacts, where appropriate, which may result from construction of an additional administrative/support building within the Level II complex's secure perimeter, the enhancement of the existing spray fields, and the installation of new on-site spray fields (approximately 45 acres). Note: The potential effects to hydrology and water quality that would result from the operation of a secondary effluent spray field at the Greenrock Ranch agricultural field were previously addressed in the certified Infill EIR as noted in Chapter 2, "Introduction."

4.3.1 ENVIRONMENTAL SETTING

REGIONAL SETTING

The project is located in the foothills of the western slope of the Sierra Nevada, within the north portion of the City of Ione in Amador County. Elevations at the site range from approximately 300 to 390 feet. The project region is located in a Mediterranean climate characterized by dry, hot summers and cool, wet winters. The 1980–2012 water-year average annual precipitation in the area is 22.60 inches (PRISM 2013). More than 93 percent of this precipitation falls from October to April.

The proposed project modifications consist of three main components: construction of an administrative/support building within the footprint of the new Level II complex, enhancement measures to improve the performance of the approximately 200 acres of remaining effluent spray fields at MCSP, and the proposed installation of approximately 45 acres of new effluent spray fields within prison grounds. As noted in earlier chapters, the SEIR also addresses a minor modification of an alternative effluent spray field option addressed in the certified Infill EIR. The latter involves the use of an existing agricultural field west of Ione for potential application of MCSP disinfected secondary effluent to raise fodder crops. The revised plan reduces the length of piping needed to convey the secondary effluent from the prison's WWTP to the field; the plan also does not rely on use of storage ponds at the City of Ione WWTP for application of this effluent to other potential spray fields. See Exhibit 3-6 for the revised conveyance plan.

The proposed EOP administrative building area is located within the active construction disturbance area of the MCSP Project; the building would be placed entirely within the secure perimeter of the Level II complex. Prior to the start of construction, this area was part of Spray Fields 4 and 5. Refer to Exhibits 3-3 and 3-4 for clarification. The drainage of the area will be served by the stormwater collection and detention system installed for the MCSP Project.

The existing spray fields are shown in Exhibit 3-4. These areas consist of disturbed, undeveloped land that is currently used for the disposal of disinfected secondary effluent wastewater generated and treated at MCSP. New spray fields (Areas 1-5 as shown in Exhibit 3-5) are located in areas that are predominately open grassland and oak/pine woodlands. Previous activities in these areas include, but are not limited to, routine CDCR operations and maintenance activities (Areas 1 and 2); CAL FIRE wildland fire training (setting training fires, cutting fire lines {by hand and with heavy equipment]), and operation of fire equipment (Areas 3, 4, and 5; development of training roads (Areas 2, 3, 4, and 5); setting demonstration fires (Areas 3, 4, and 5); construction equipment training (Area 3 and 5); and creating realistic fire response/rescue situations (Areas 3 and 4). These areas are generally located north of the former PYCF and east of the existing Preston Reservoir, although some additional area is located north of CDCR's existing spray fields (Area 2) and within the Mule Creek Reservoir (Area 1).

To the north and east of the proposed spray fields is largely undeveloped oak woodland and chaparral. Although not located within existing or proposed spray field areas, Mule Creek flows through the central portion of state property associated with MCSP between Areas 1 and 2; an unnamed intermittent tributary to Mule Creek is located in the southern portion of the proposed spray fields area (adjacent to Areas 4 and 5).

AREA HYDROLOGY

SURFACE WATER

The project is located within the Mule Creek sub-watershed, which has a total watershed area[1] of approximately 10 square miles, measured where it empties into Dry Creek, about three miles downstream of the infill site. Dry Creek, which is a component of the larger Mokelumne River watershed, eventually flows into the Mokelumne River in the Central Valley near Thornton, which then flows into the San Joaquin River and the Sacramento–San Joaquin River Delta. The project area is within the U.S. Geological Survey's HUC-12 Mule Creek-Dry Creek hydrologic basin boundary (Natural Resources Conservation Service 2012).

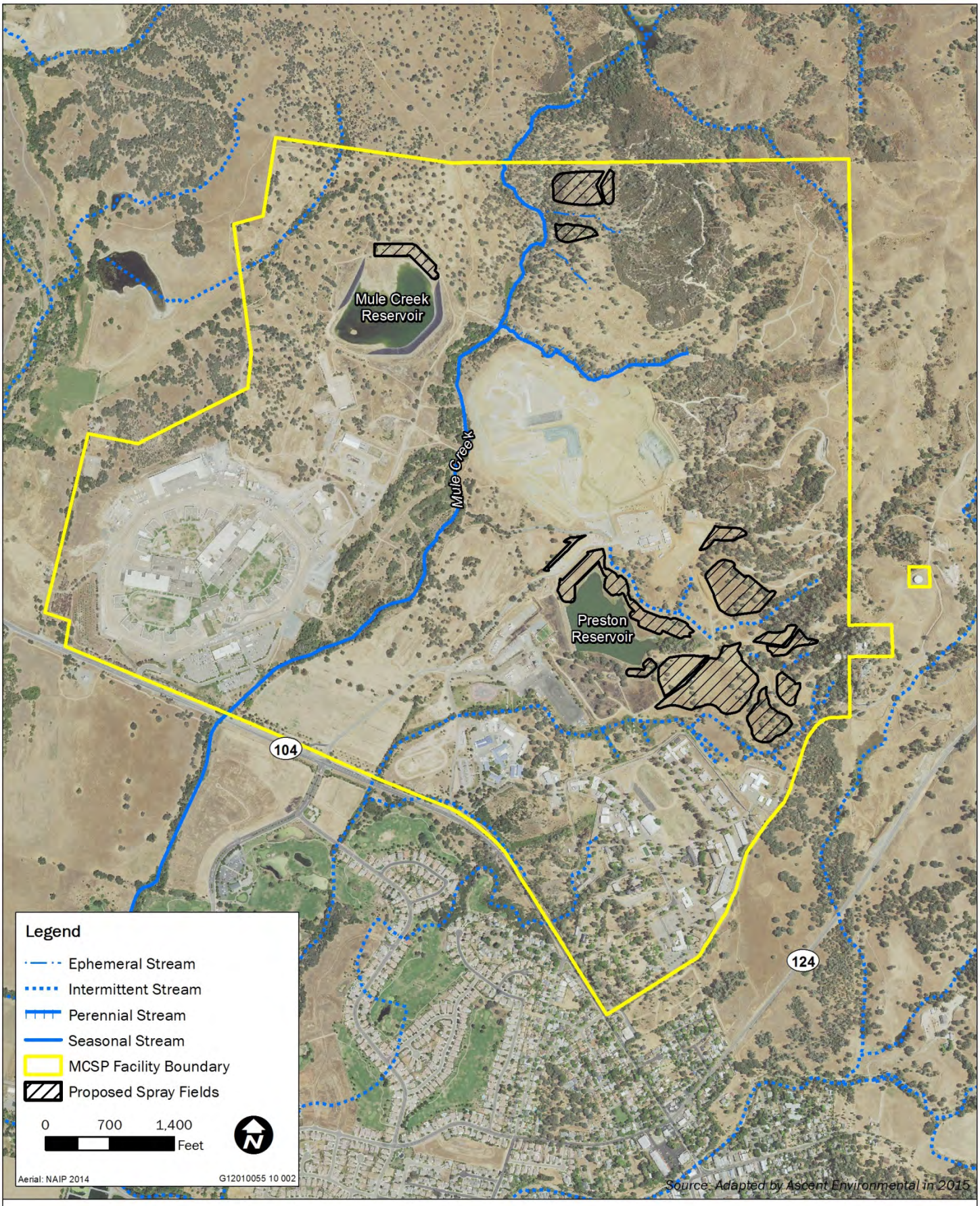
Several intermittent and ephemeral streams are located in the vicinity of the project site (see Exhibit 4.3-1). The proposed spray field area is not located on nor does it intersect streams or ephemeral drainages. An unnamed intermittent tributary to Mule Creek flows adjacent to the southern portion of the project site, and is the dominant hydrologic feature in that area. This stream has a drainage area of 1.7 square miles and joins with Mule Creek about 1.6 miles downstream of the project site, after flowing through the Castle Oaks Golf Course and collecting drainage water from a housing subdivision to the south. The Mule Creek drainage area upstream of the tributary to the south is 8.4 square miles and largely undeveloped except for MCSP. Local drainage in the vicinity of the prison is altered by constructed stormwater features, described in "On-site Drainage."

DAMS

Two dammed reservoirs, Preston and Mule Creek, are located in the vicinity of the project. The details of these dams are listed on the California Department of Water Resources (DWR) – Division of Safety of Dams database of jurisdictional dams (DWR – Division of Safety of Dams 2012). Preston Reservoir was built in 1949 and is owned by CDCR and operated under a tri-party agreement with the Amador Regional Sanitation Authority and the City of Ione. This effluent storage reservoir is located in the watershed of the unnamed tributary south of Mule Creek and has a storage capacity of 268 acre-feet (af). The proposed new spray field areas border the northern and eastern sides of Preston Reservoir.

The second reservoir is the MCSP effluent reservoir; it is owned and operated by CDCR. The effluent storage reservoir was built with an earthen dam in 1988 and has a storage capacity of 535 af, with a usable capacity of 525 af. The reservoir is located about 800 feet northwest of the infill site and within the same sub-basin. The current waste discharge requirements (WDRs) for the MCSP wastewater treatment plant, described in further detail below, require that the freeboard in the effluent storage reservoir shall never be less than two feet from the top of the embankment (CDCR 2007). Because the top of an overflow structure is more than three feet below the embankment, the WDR freeboard requirement will always be met (CDCR 2007). The WDRs also state that the reservoir storage shall have enough capacity to contain all reclaimed wastewater flow, design seasonal precipitation, seasonal ancillary flow, and wet season infiltration (CDCR 2007). MCSP reservoir is located approximately 1,300 feet southwest of the northernmost proposed spray fields and adjacent to existing MCSP spray fields.

[1] Watershed delineated from U.S. Geological Survey 1/3 Arc Second National Elevation Dataset (NED) files. The horizontal resolution of the data is approximately 31 feet, and the vertical accuracy is ± 23 feet.



Source: Adapted by Ascent Environmental in 2015

Exhibit 4.3-1

Hydrology

ASCENT ENVIRONMENTAL

Under existing conditions (average of 2007-2012 data), an average of 11 million gallons (mg) (33.5 af) per month is applied to irrigation spray fields at MCSP. Higher application rates of approximately 22 mg per month (67 af) are applied May through September, while minimal application rates of 3 mg per month (9 af) are applied October through April, and only during dry conditions. Spray field discharge is reduced during the wet season because evapotranspiration is less (due to cool temperatures and reduced plant growth) and plant water needs are largely satisfied by winter rain. Therefore, the storage reservoirs are used to store treated secondary effluent for months at a time during wet months.

FLOODPLAINS

Flood zones for the area are mapped by the Federal Emergency Management Agency (FEMA). An approximately 150- to 250-foot-wide buffer along Mule Creek is mapped in flood zone A, which includes areas with a one percent annual chance of flooding (FEMA 2013). No depths or base flood elevations are shown within these zones. The western boundary of the northernmost of the proposed spray fields abuts, but does not enter the Mule Creek flood zone. Additionally, Mule Creek Reservoir and Preston Reservoir are also mapped as FEMA flood zone A. Approximately 5 acres of the proposed spray field area (Area 3) is located within the Preston Reservoir flood zone A.

ON-SITE DRAINAGE

The drainage divide between the Mule Creek and Dry Creek watersheds goes through the existing MCSP. The CDCR report *Population Management Site and Infrastructure Survey, Mule Creek State Prison, Ione, CA* (CDCR 2007) states that stormwater drainage at the existing prison is limited to surface runoff across the site from the west to the east and south of the minimum-security facility. The report states that stormwater runoff drains directly into Mule Creek and is often silty, and that no stormwater detention basin currently exists to reduce the amount of silt delivered into Mule Creek.

The existing spray fields at MCSP generally drain towards Mule Creek, via existing drainage facilities within state property and the existing unnamed tributary shown in Exhibit 4.3-1. Based on the natural topography of the site, the proposed spay field area north and northeast of Preston Reservoir currently drains towards Mule Creek and the proposed spray field areas south and southeast of Preston Reservoir drain towards the unnamed tributary to Mule Creek. A small portion of spray fields on the north/northwest side of the prison grounds flow to the Dry Creek watershed.

The proposed spray field area is underlain by the Red Bluff-Mokelumne (RbD) complex, and the Auburn very rocky silt loam soil map units (Natural Resources Conservation Service [NRCS] 2015). In general, these are shallow soils with very low permeability and limited ability to store water for plant use. Red Bluff- Mokelumne complex is composed of 60 percent Red bluff soils and 25 percent Mokelumne soils, with the remaining 15 percent comprising minor soil components. The Red Bluff component is a gravelly loam to gravelly clay loam classified as Hydrologic Group B, which is defined for soils with moderately low runoff potential when thoroughly wet and water transmission through the soil is unimpeded. The depth to a restrictive soil horizon or hard-pan is between 11 and 60 inches. The Mokelumne component contains gravelly sandy loam with clay, sandy clay, and weathered bedrock. Mokelumne soils are classified as Hydrologic Group D, exhibiting high runoff potential when thoroughly wet and water movement through the soil is restricted or very restricted. A thick clay layer begins at approximately 10 inches in the Mokelumne soil. The Auburn very rocky silt loam is classified as Hydrologic Group D, with a depth to bedrock between 10 and 28 inches.

SURFACE WATER QUALITY

The goal of the SWRCB, and the various Regional Boards, is to maintain high quality waters where they exist in the state (SWRCB Resolution No. 68-16, “Statement of Policy with Respect to Maintaining High Quality Waters in California”). This policy, also known as the state anti-degradation policy,

requires the maintenance of high quality until it is demonstrated to the state that any change is consistent with the maximum benefit to the people of the state. The SWRCB also is responsible for enacting portions of the federal CWA. Section 303(d) of the CWA requires states to identify water bodies that do not meet established water quality standards and are not supporting their listed beneficial uses (defined further, below). The SWRCB published a Statewide 2008-2010 303(d) list of impaired water bodies (SWRCB 2010) that was subsequently amended with additional listings, then approved, by the EPA (EPA 2011). Neither Mule Creek nor its receiving water body, Dry Creek, are listed as impaired.

The SWRCB delegates designation of the beneficial uses of each water body to the various regional boards. The CVRWQCB oversees California's Central Valley, including the project area. California state law defines beneficial uses of California's waters as (among others)"domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves" (California Water Code Section 13050(f)). Protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning. Designated beneficial uses of any specifically identified water body generally apply to its tributary streams to the extent that they could also support similar beneficial uses (CVRWQCB 2011). The Water Quality Control Plan (Basin Plan) for the Sacramento River and San Joaquin River Basins define the beneficial uses (Table 4.3-1) that the CVRWQCB has specifically designated for water bodies in the Mokelumne River Watershed, along with objectives to be met to protect those uses.

Table 4.3-1 Beneficial Uses of Surface Water in the Camanche Reservoir to Delta Reach of the Mokelumne River Watershed

	Hydro Unit 531.2
Municipal & Domestic	✓
Agricultural Irrigation	✓
Agricultural Stock Watering	✓
Industrial Process	
Industrial Service Supply	
Industry Hydropower	
REC-1 Contact	✓
REC-1 Canoeing & Rafting	
REC-2 Other Noncontact	✓
Freshwater Warm Habitat	✓
Freshwater Cold Habitat	✓
Migration Warm	✓
Migration Cold	
Spawning Warm	✓
Spawning Cold	✓
Wildlife Habitat	✓
Navigation	

Source: CVRWQCB 2011
REC-1 = Indicates recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water skiing, skin and scuba diving, surfing, white water activities, fishing, and use of natural hot springs
REC-2 = Indicates recreational activities involving proximity to water, but generally with no body contact with water or any likelihood of ingestion of water. These include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, and aesthetic enjoyment associated with the above activities.

GROUNDWATER

Regional Groundwater

The area including and surrounding the project is located in San Joaquin Valley Groundwater Basin–Cosumnes Subbasin (number 5-22.16) (DWR 2006). The 439-square-mile subbasin is bordered on the south and southwest by the Eastern San Joaquin Subbasin, to the north and northwest by the South American Subbasin. Three main rivers drain the subbasin: the Cosumnes River to the north, Dry Creek in the middle, and the Mokelumne River to the south (DWR 2006). Stream channel deposits, which include active channel deposits and overbank deposits and terraces, consist primarily of unconsolidated silt, fine to medium-grained sand, and gravel. Sand and gravel zones in the younger alluvium are highly permeable and yield significant quantities of water to wells (DWR 2006). Groundwater levels throughout much of the Cosumnes subbasin declined from the mid-1960s to 1980 by about 20 to 30 feet, then recovered from 1993 to 2000 by about 15 to 20 feet, with water levels at about the same elevation as they were in the mid-1980s. Along the eastern subbasin; however, groundwater levels remained fairly constant from 1993 to 2000 and did not experience the same level of recovery as elsewhere (DWR 2006).

Local Groundwater

Groundwater in the project area occurs within the thin layer of soil over the bedrock (Kleinfelder 2015). The shallow alluvial aquifer that underlies the project area is part of the Riverbank and Modesto formations of late Pleistocene age (City of Ione 2009a). The sandy and clayey silt aquifer generally coarsens with depth to silty sands, gravelly sands, and sandy gravels (City of Ione 2009a). The bedrock geology of the spray field site is mapped as Gopher Ridge Metavolcanics, which are metamorphosed volcanic rocks yielding small amounts of water from fractures and weathered zones (City of Ione 2009a). They are a component of the crystalline bedrock underlying the area. Little is known about the movement of groundwater within the unit, but it is believed to be similar to the Salt Springs Slates formation, which is reported to have commonly low groundwater yields best suited for small domestic wells (City of Ione 2009a). Groundwater monitoring indicates that the depth to groundwater has ranged from 4 feet below ground surface (bgs) to a depth of more than 42 feet bgs (CDCR 2015). The depth to groundwater has generally been increasing since 2007. Groundwater recharge is assumed to come from precipitation falling within the site, from infiltration at the MCSP and Preston reservoirs, and from land application of effluent when the water passes below the root-zone of the local vegetation (CDCR 2015).

Groundwater Quality

Shallow groundwater systems, such as that within the MCSP vicinity, effect and are affected by surface water conditions (Ponce 2006). Accordingly, the wastewater land disposal program at MCSP has the potential to affect groundwater quality within the area. At MCSP treated secondary effluent is disposed of by application to existing dedicated spray fields and by recycled use through the Ione/ARSA tertiary plant agreement. A small amount of secondary effluent is lost through evaporation at both reservoirs and by percolation. The existing on-site secondary effluent spray fields are comprised entirely of grassland and oak woodland; no agricultural crops are raised within prison grounds with the secondary effluent irrigation system. On average, approximately 225-230 ac-ft of secondary effluent is transferred through the Preston Reservoir system, along with effluent originating from the ARSA/Sutter Creek system, through a pipeline between the dam and tertiary plant.

In 2006, the CVRWQCB issued a Consideration of a Cease and Desist Order (CDO) to CDCR for MCSP for allegedly violating many provisions of its waste discharge requirements in regard to operation of its WWTP and spray fields (CVRWQCB 2006). Several alleged violations were noted, and CDCR has responded to resolve the issues. Compliance issues included spray heads within the required 100-foot setback from creeks and drainages, spray fields saturated from over-irrigation and overgrown with vegetation, lack of tailwater controls, and lack of access to spray fields for maintenance (CVRWQCB 2006). The CVRWQCB's order stated that the prison did not have sufficient treatment, storage, and disposal capacity for its wastewater because of the increased inmate population, and directed the

prison to reduce wastewater inflows to the effluent reservoir through various conservation methods and to implement improvements to the spray fields to prevent future spills to Mule Creek (CVRWQCB 2006). The prison was also ordered to control seepage from the effluent storage reservoir, and to complete a long-term wastewater facility upgrade, which is currently being constructed, separate from the MCSP Project and proposed project modifications.

In response to federal court orders CDCR has significantly reduced overcrowding at all state prisons including MCSP. The reduction in inmate population at this prison was a factor in successfully addressing previous water quality issues. The proposed WWTP modifications are expected to further improve the quality of effluent generated at the WWTP and the system's capacity to more reliably treat average influent flows of 0.74 mgd. Additionally, the CVRWQCB ordered groundwater monitoring of the site. In July of 2013, MCSP achieved compliance with these requirements and the CDO was rescinded (CVRWQCB 2013).

In response to the CVRWQCB's order, CDCR installed 10 monitoring wells at MCSP as part of a wastewater plant monitoring program (Carollo Engineers 2008). Groundwater quality monitoring within state property associated with MCSP began in 2007. Because the groundwater gradient, or direction of flow, is to the west and southwest (Carollo Engineers, 2008), the majority of the monitoring wells are located along western and southwestern perimeter of the MCSP facility. Three wells (B-2, B-3, and B-4) are located downgradient of the adjacent properties the north and east and upgradient of the existing and proposed spray fields. These are "background" wells, intended to provide an understanding of the existing condition of groundwater before it flows through MCSP-related property. The background wells are located inside the MSCP property, but outside of the spray field setback limits. Two other wells (R-1 and R-2) are located downgradient of the MCSP reservoir and the original prison complex. The remaining wells (S-1, S-2, S-6, S-7E, and S-7W) are located downgradient of the existing spray fields and are intended to monitor the effects of land application of effluent on groundwater quality. The potential constituents of concern for MCSP treated effluent land disposal include the following:

- nitrogen,
- total dissolved solids (TDS),
- total coliform organisms, and
- volatile organic compounds (VOCs), including total trihalomethanes.

Groundwater monitoring data for the three background (or upgradient) wells indicate that the existing conditions of the watershed above state-owned MCSP property can result in elevated TDS, nitrate, chloride, sodium, arsenic, boron, iron, and manganese (CDCR 2015).

The treated effluent is generally low in TDS and appears to dilute and lower the groundwater TDS concentrations in the down gradient monitoring wells when compared to the background wells. Monitoring results from periods following little to no land application indicated a rebound in TDS concentrations once effluent application ceases (CDCR 2015).

Nitrate levels in the spray field and reservoir monitoring wells have consistently been below the maximum (allowable) contaminate level (MCL) of 10 milligrams per liter (mg/L) and have shown a decreasing trend in concentration over time (CDCR 2015). In contrast, nitrate concentrations in background well B-3, which is located in the highest geographic position and is upgradient from all spray fields, are consistently above the MCL. Overall, the groundwater does not appear to have been degraded by the application of effluent within MCSP's existing spray fields (CDCR 2015).

Total coliform organisms have exceeded the MCL level of 2.2 most probable number (MPN) units per 100 ml in all wells, including the background wells at least once since 2007. The downgradient wells are predominantly in compliance with MCL levels with the exception of wells S-7E and R-2, which are sporadically less than 2.2 MPN/100 ml but frequently exceed this limit. Coliform organisms are removed

from the effluent through a disinfection process prior to land application or storage in a reservoir. Some natural re-growth of coliform organism can be expected during storage. However, based on the data collected, this is due to ambient sources such as wildlife and airborne particles and is not a result of the wastewater origins of the effluent (CDCR 2015). The effluent is further treated by soil processes in the land application area. Because of the consistently low total coliform organisms in the other wells, it is likely that the inconsistent total coliform levels in wells S-72 and R-2 are due to deterioration of the well seals, errors in sampling protocol, or colonization of the well by coliform organisms from a non-wastewater source during construction or sampling (CDCR 2015).

In 2006, sampling of domestic groundwater wells downgradient of the MCSP property found that nitrate concentrations exceeded the MCL for primary drinking water (Carollo Engineers 2008). CDCR was required to provide an Amador Water Agency drinking water connection to residences with wells having nitrate exceeding MCLs. However, it was subsequently determined that the level of nitrate found in these wells greatly exceeded the nitrate concentrations found in MCSP effluent monitoring wells and are most similar to nitrate levels found in the background monitoring well B-3, located at the northern boundary of state property at MCSP, west of Mule Creek (Carollo Engineers 2008). This subsequent finding indicated that the nitrate levels downgradient of MCSP may be caused by a background condition not linked to land application of effluent at MCSP (Carollo Engineers 2008; CDCR 2015). No further exceedances of the MCL have been reported since that period.

Follow-up sampling in 2007 found low concentrations of the VOC, tetrachloroethene, in an irrigation well. This compound is a common contaminant associated with dry cleaning operations (MCSP operated a dry cleaner until early in 2007; the prison no longer has a dry-cleaning operation). No VOC's were found in other off-site wells (Carollo Engineers 2008).

During 2012, influent and effluent discharge monitoring reported VOCs. Several VOCs were detected, but at relatively low levels and below their respective water quality criteria. VOCs were detected both in the influent and effluent, indicating that the origins of the VOCs are from the prison facilities and potentially the wastewater treatment process. VOCs that were consistently detected include:

- trihalomethanes (influent and effluent),
- chloroform (influent and effluent),
- bromodichloromethane (BDCM) (influent and effluent),
- acetone (influent and reduced concentration in effluent), and
- toluene (influent).

VOCs will readily volatilize post-treatment in the storage basins, or when applied in the irrigation water. Toluene was detected in the effluent only during a period from March 2013 through March 2014. Toluene has consistently been near or below detection limits in the monitoring wells, except for one even in November 2007, where six of the ten wells (S-1, S-2, S-6, S7-E, S7-W, and R-2) had uncharacteristic toluene concentrations ranging from 1.3 ug/L to a high of 6.9 ug/L.

During spray field application, nitrogen and TDS loadings are monitored on a daily basis to provide groundwater protection. The five-year historical average (2009 to 2014) effluent nitrogen concentration was 17.4 mg/L. Projecting this nutrient concentration over the proposed application area yields an expected nitrogen loading rate of 95.6 lbs/ac-yr (CDCR 2015). Nitrogen loading rates are less than the recommended nitrogen application rate of 100 lbs/ac-year for pasture grasses (weeds). Therefore, nitrogen is applied at appropriate levels. Using the historical five-year average TDS of 250.6 mg/L, the projected TDS loading for the proposed application area is 1,378 lbs/ac-yr (CDCR 2015). Irrigation water with TDS levels of 480 mg/L or less is considered to have no salinity hazard to agricultural crops (Bauder et al 2014).

4.3.2 REGULATORY CONSIDERATIONS

A list of the applicable federal, state and local plans, policies, regulations, and laws related to hydrology and water quality is provided below. Complete summaries of the federal and state regulations are provided in Volume 1, Appendix 1B of the certified Infill EIR.

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

- Clean Water Act
  - Section 401 - Under Section 401 of the CWA, an applicant for a Section 404 permit must obtain a certificate from the appropriate state agency stating that the intended dredging or filling activity is consistent with the state's water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the State Water Resources Control Board (SWRCB) to the nine Regional Water Quality Control Boards (RWQCBs).
  - Section 402 – Section 402 of the CWA establishes the National Pollution Discharge Elimination System (NPDES) permit program to control discharges of pollutants from point sources.
  - Section 404 – Section 404 of the CWA regulate the discharge of dredged and fill materials into waters of the United States.
- National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 - These acts reduce the need for large publicly funded flood control structures and disaster relief by providing flood insurance and restricting development on floodplains, respectively.

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

- California State Anti-degradation Policy - The anti-degradation policy states that the disposal of wastes into state waters shall be regulated to achieve the highest water quality consistent with the maximum benefit to the people of the state and to promote the peace, health, safety, and welfare of the people of California.

- Porter-Cologne Water Quality Control Act of 1969 - Under the Porter-Cologne Act, California must adopt water quality policies, plans, and objectives to ensure that the state's beneficial uses for water are reasonably protected. Each RWQCB must prepare and update basin plans to set forth water quality standards for surface water and groundwater and actions to control nonpoint and point sources of pollution to achieve and maintain these standards.

- Recycled Water Policy - The policy is intended to encourage the beneficial use of recycled water instead of sole disposal. The purpose of this policy is to provide direction to the RWQCBs, proponents of recycled water projects, and the public regarding the appropriate criteria to be used by the State Water Board and the Regional Water Boards in issuing permits for recycled water projects.

- Stormwater Discharge Requirements - The CWA mandates permits for municipal stormwater discharges. These permits require implementation of controls in order to reduce the discharge of pollutants in stormwater flows to the maximum extent possible.

LOCAL PLANS, POLICIES, AND ORDINANCES

As a state agency, CDCR is not subject to local land use plans, policies, and ordinances adopted by local agencies. Nevertheless, a discussion of relevant local plans and policies is provided because conflicts with them could indicate the potential occurrence of other physical environmental effects.

CITY OF IONE GENERAL PLAN

The City of Ione General Plan (City of Ione 2009a) includes the following policies and actions related to hydrology and water quality:

- **Policy CO-2.1:** Consult with relevant state and local agencies, property owners, and local interest groups to restore, enhance, and preserve creeks in and around the City of Ione. Public and private projects shall be required to avoid impacts to wetlands if feasible. If avoidance is not feasible, projects shall achieve no net loss of wetlands, consistent with state and federal regulations.
- **Policy CO-4.2:** Encourage the use of treated wastewater to irrigate parks, golf courses, and landscaping. In new development areas, the use of treated wastewater for irrigation may be applied as a condition of approval subject to state permitting.

4.3.3 IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

The project would result in a new significant impact relating to hydrology and water quality if it would do any of the following:

- violate any water quality standards or waste discharge requirements;
- substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site;
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site;
- create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- otherwise substantially degrade water quality;
- place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or FIRM or other flood hazard delineation map;
- place within a 100-year flood hazard area structures that would impede or redirect flood flows; or
- expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of a levee or dam.

The State CEQA Guidelines (Section 15064.5) define a “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

ISSUES NOT DISCUSSED FURTHER

The additional administrative space evaluated as part of this SEIR would be located within the footprint of the previously approved MCSP Project, and this design modification would be subject to the existing Stormwater Pollution Prevention Plan and water quality best management practices (BMPs) in effect for the MCSP Project and described in the certified Infill EIR. As a result, no additional hydrology or water quality impacts would occur as a result of construction and operation of the additional administrative space beyond those previously evaluated as part of the certified Infill EIR for the MCSP Project. This issue is not discussed further.

Additionally, the potential impacts related to hydrology and water quality that may occur as a result of implementation and operation of the potential off-site spray field area that is owned and operated by Greenrock Ranch, LLC was previously evaluated as part of the certified Infill EIR. As noted on page 3.7-17 of Volume 3 of the certified Infill EIR, the use of the off-site fields would likely provide a water quality benefit because the land application fields are relatively flat in slope, and the use of alfalfa crops would have higher water and nutrient requirements than the existing fields at MCSP and would allow for greater uptake of nutrients (CDCR 2013). As a result, impacts associated with the use of the off-site field were determined to be less than significant. No additional impacts to hydrology and water quality would occur, and no modifications to the previously evaluated operation of the off-site spray fields are proposed. This issue is not discussed further.

Groundwater supply: Development of the project would not create a substantial increase in additional impervious surfaces beyond those evaluated in the certified Infill EIR. The additional administrative/program support space for EOP inmates would be located within a portion of the Level II complex that was previously evaluated as impervious with implementation of the MCSP Project. All other pervious surfaces associated with the proposed modifications would be maintained as pervious upon completion of the proposed modifications. Therefore, groundwater recharge would not be altered as a result of the proposed modifications. Additionally, no pumping of groundwater is proposed. Therefore, no significant impacts on groundwater supply are anticipated, and this issue is not discussed further.

Drainage and increased stormwater runoff: The project includes the installation of V- ditches as a preventative measure to keep effluent water from leaving the spray fields. This artificial drainage system would be disconnected from any natural drainage features and would not alter the flow of streams or other surface waters. In addition, the project would not create impervious surfaces which could contribute to increased stormwater runoff. Therefore, potential impacts related to alteration of drainages or stormwater runoff systems are not discussed further.

Flooding and housing or structures in a 100-year flood hazard area: Development of the project would not place housing in a 100-year flood hazard area, nor place structures in a 100-year flood hazard area that would redirect flood flows. Additionally, the proposed project would not result in the construction or alteration of a dam or levee. Thus, these issues are not discussed further.

PROJECT IMPACTS AND MITIGATION MEASURES

Impact 4.3-1: Short-Term, Construction-Related Water Quality Degradation

The project modifications, including the modifications to the existing spray fields and proposed development of new on-site spray fields, would require installation of new piping, excavation of V-ditches for tail water (i.e. irrigation water runoff) recycling, and other effluent distribution system improvements such as installation of new sprinklers and valves. Temporary ground disturbance would be limited to linear trenches three- to five-feet deep within existing unpaved roadways, and isolated ground disturbance around sprinkler heads and valves. After installation of the necessary piping and sprinkler hardware, the trenched areas would be backfilled and compacted. Installation of the tail water

return V-ditches at the base of each spray field would require limited ground disturbance in order to construct the ditches, which are typically two to three feet in depth and up to three feet wide.

Stormwater runoff from disturbed areas can lead to erosion and delivery of sediment to watercourses. Soil piles from trench excavation would present an erosion hazard or potential water quality hazard if left exposed during a significant rain event. The NRCS soil Erosion Hazard Rating for the project area is slight to moderate (NRCS 2015). This rating predicts the potential for erosion caused by overland water flow after 50 to 75 percent of the soil surface has been disturbed. A rating of "slight" indicates that erosion is unlikely under ordinary conditions. A rating of "moderate" indicates that some erosion is likely and that erosion-control measures may be needed.

Although some topographic modification within the existing spray fields would occur, the total land disturbance associated with the proposed modifications is estimated to be greater than one acre and less than five acres. However, as the area of disturbance would exceed one acre, (similar to the ongoing construction associated with he approved MCSP Project), the project would be required to comply with the statewide NPDES General Construction Permit (Order No. 2010-0014 DWQ.) As discussed in Impact 3.7-1a of the certified Infill EIR for the MCSP Project, this permit requires the development of a site-specific stormwater pollution prevention plan (SWPPP) that would have to comply with established regulatory standards and would include site-specific BMPs which reduce the potential for impacts to water quality resulting from stormwater runoff. The SWPPP would be prepared by a Qualified SWPPP Practitioner and would be designed to meet the stormwater control needs of the project. The following is a list of standard BMPs that may be incorporated into the projects SWPPP and are based on practices described in the California Stormwater Quality Association's (CASQA) *Best Management Practice Handbook Portal* (CASQA 2010):

- *Runoff control BMPs:* These measures include grading surfaces to control sheet flow, barriers or berms that force sheet flows around protected areas, and stormwater conveyances such as channels, drains, and swales. These practices and features collect runoff and redirect it to prevent contamination to surface waters. Calculations will be made for anticipated runoff, and the stormwater conveyances would be constructed, designed, and located to accommodate these flows.

- *Erosion control blankets/mats, geotextiles, plastic covers:* These erosion control methods will be used on flat or sloped surfaces to keep soil in place and can be used to cover disturbed soil to prevent runoff.

- *Gravel/sandbag barrier:* A temporary sediment barrier will be constructed using gravel or sand filled bags to prevent sediment from disturbed areas from reaching existing drainages by reducing the volume of sheet flows.

- *Hydraulic, straw, and wood mulch:* The use of these various mulches will temporarily stabilize soil on surfaces with little or no slope.

- *Preservation of existing vegetation:* Preserving the existing vegetation to the maximum extent possible will provide protection of exposed surfaces from erosion and can keep sediment in place. Sensitive areas defined in Section 4.1, "Biological Resources," of this SEIR will be clearly indicated and protected during and after construction.

- *Scheduling and planning:* Appropriate scheduling and planning provide ways to minimize disturbed areas, which reduces the amount of activity in the project area that requires protection and minimizes the duration of exposure of disturbed soils to erosion.

- *Stabilized construction entrance/exit*. A graveled area or pad can be built at points where vehicles enter and leave a construction site. This BMP provides a buffer area where vehicles can drop their

mud and sediment to avoid transporting it onto public roads, to control erosion from surface runoff and to help control dust.

- *Storm drain inlet protection:* Protection consists of devices and procedures that detain or filter sediment from runoff, thereby preventing them from reaching drainage systems that will be used following construction, as well as surface waters.

- *Spill prevention and control:* Any spills or releases of materials will be cleaned up immediately and comprehensively. Appropriate and easily accessible cleanup equipment, including spill kits containing absorbents, will be located in several areas around the site. Used cleanup materials will be disposed of properly and in accordance with applicable regulations. Hazardous or toxic material spills must be treated as hazardous waste and be treated and disposed of accordingly.

The SWPPP will also identify responsibilities for site inspection and monitoring, and any necessary maintenance of construction BMPs. Because CDCR would be required to implement adequate measures to control on-site stormwater and protect water quality as part of the planning and design phase of implementation, potential short-term impacts to water quality would not be substantial.These impacts would be of similar type and magnitude to those discussed in the certified Infill EIR; no additional impacts would occur, including no new significant impacts to water quality from construction.

While construction activities during development of the project would involve ground disturbance and soil movement and these activities could result in erosion or runoff of sediment, and other nonpoint source pollutants in on-site stormwater, which could drain to off-site areas, thereby degrading local water quality, CDCR would be required, as part of the Construction General Permit issued by the Central Valley Regional Water Quality Control Board, to implement adequate measures to control on-site stormwater (i.e., SWPPP and BMPs) and protect water quality. Therefore, this would be a ***less-than-significant*** *impact.*

Mitigation Measures

No mitigation measures are required.

Impact 4.3-2: Long-Term Water Quality Degradation from Operation

Enhancement of the existing effluent spray fields would be limited to sprinkler modification/replacement, modification of runoff control features, planting new cover crops, and upgrading sprinkler control systems. These improvements would allow effluent to be more evenly distributed within the spray fields and would prevent concentration of irrigation water in a single area and further prevent surface runoff of effluent. Field studies routinely show that nitrate leaching losses are reduced under deeply rooted perennial species when compared to annuals (Blumenthal 1995). Additionally, the increase in plant biomass would draw additional water from the soils within the existing and proposed spray fields, lead to faster accumulation of soil organic matter, and improve water and nutrient retention in the soil. As a result, the potential long-term water quality impacts associated with enhancements to the existing effluent spray fields would be **less than significant.**

The proposed new spray fields would be located over a shallow groundwater aquifer, similar to the City of Ione fields analyzed in the certified Infill EIR (see Section 4.3.1, “Environmental Setting,” under subheading, “Local Groundwater”). However, the soils associated with the project commonly contain a clay lens or restrictive layer that slows water movement through the soil, prolonging soil saturation and allowing greater time for natural soil processes (specifically the conversion of nitrate nitrogen to gaseous nitrogen) to treat effluent before it contacts groundwater. Thus, these fields would allow for slow filtration, such that groundwater would not be adversely affected.

The groundwater monitoring results conducted at MCSP by CDCR and summarized in Section 4.3.1 above and in the 2015 Report of Waste Discharge indicate that the existing wastewater treatment,

storage and disposal operations are not contributing to degradation or pollution beyond the levels reported in the background monitoring wells (CDCR 2015). In recent years, numerous improvements to management practices were implemented, including regular spray field monitoring, development and implementation of a Spill Contingency Plan, and installation and calibration of flow meters. Additionally, the MCSP effluent treatment system has been shown to be in compliance with all CVRWQCB WDRs (CVRWQCB 2013). The project would maintain these management practices and would not adversely affect groundwater quality for the reasons described above. The effects of the proposed modifications would be similar magnitude and type as discussed in the certified Infill EIR, therefore, no additional effects would result from the changes proposed in this SEIR.

The project would add an additional acreage of effluent spray fields (approximately 45 acres) within the MCSP facility, enhance the existing spray field system, and would continue existing treated effluent land application practices in a manner that minimizes the potential for long-term water quality degradation. For these reasons, the proposed relocation of spray fields and implementation of the project would result in a ***less-than-significant*** *impact to long-term water quality.*

Mitigation Measures

No mitigation measures are required.

5 CUMULATIVE IMPACTS

5.1 INTRODUCTION TO THE CUMULATIVE ANALYSIS

Section 15130 of the CEQA Guidelines requires that an environmental impact report (EIR) discuss cumulative impacts of a project and determine whether the project's incremental effect is "cumulatively considerable." The definition of cumulatively considerable is provided in Section 15065(a)(3):

> "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

According to Section 15130(b) of the State CEQA Guidelines,

> [t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

For purposes of this SEIR, the proposed project would have a significant cumulative effect if it meets either one of the following criteria:

- the cumulative effects of related projects (past, current, and probable future projects), including the approved MCSP Project but without this project, are not significant but the incremental impact associated with this project is substantial enough, when added to the cumulative effects, to result in a significant impact; or

- the cumulative effects of related projects (past, current, and probable future projects) including the approved MCSP Project are already significant and this project would add a considerable contribution to the effect. The standards used herein to determine considerability are that the impact either must be substantial or must exceed an established threshold of significance.

Mitigation measures are to be developed, where feasible, that reduce the contribution of the project to cumulative effects to a less-than-significant level.

5.2 RELATED PROJECTS

The analysis of cumulative environmental impacts associated with the project modifications addresses the potential incremental impacts of the project modifications in combination with related projects identified in the certified Infill EIR for the MCSP Project. The projects listed in Table 5-1 (correlated with their locations in Exhibit 5-1) are not intended to be an all-inclusive list of projects in the region, but rather include related projects in the vicinity of MCSP that could combine with environmental impacts of construction and operation of the project modifications.

Table 5-1 List of Projects in the Vicinity of the Project Modifications

Exhibit 4-1 Map Key	Project Name	Developed or Proposed Land Use	Size (Acreage and/or Dwelling Units)	Jurisdiction
	MCSP Medical Facility Improvements*	Modernization/improvement of existing medical space	36,700 gsf	CDCR
	MCSP Wastewater Treatment Plant Improvements	Modernization/replacement of existing WWTP	6 acres	CDCR
1	Wildflower	Residential	85 acres/276 DUs	City of Ione
2	Castle Oaks Subdivision	Residential	475 DUs/100,000 gsf retail/80 room hotel	City of Ione
3	Jackson Valley Quarry	Industrial	85.7 acres	Amador County
4	Newman Ridge Quarry	Industrial	278 acres	Amador County
5	Edwin Center	Industrial	113 acres	Amador County
6	Thomas Estates	Residential	18.84 acres/17 DUs	Amador County
7	East Ridge Business Park	Commercial	9.7 acres	Amador County
8	Ione Wastewater Compliance Project	Wastewater treatment plant modifications	11-acre water treatment plant (existing) and 65 acres of irrigation system improvements	City of Ione

Notes: CDCR = California Department of Corrections and Rehabilitation; DU = dwelling units; gsf = gross square feet; MCSP = Mule Creek State Prison;
* No capacity or staffing increases; facility improvements only.
Source: CDCR 2015.

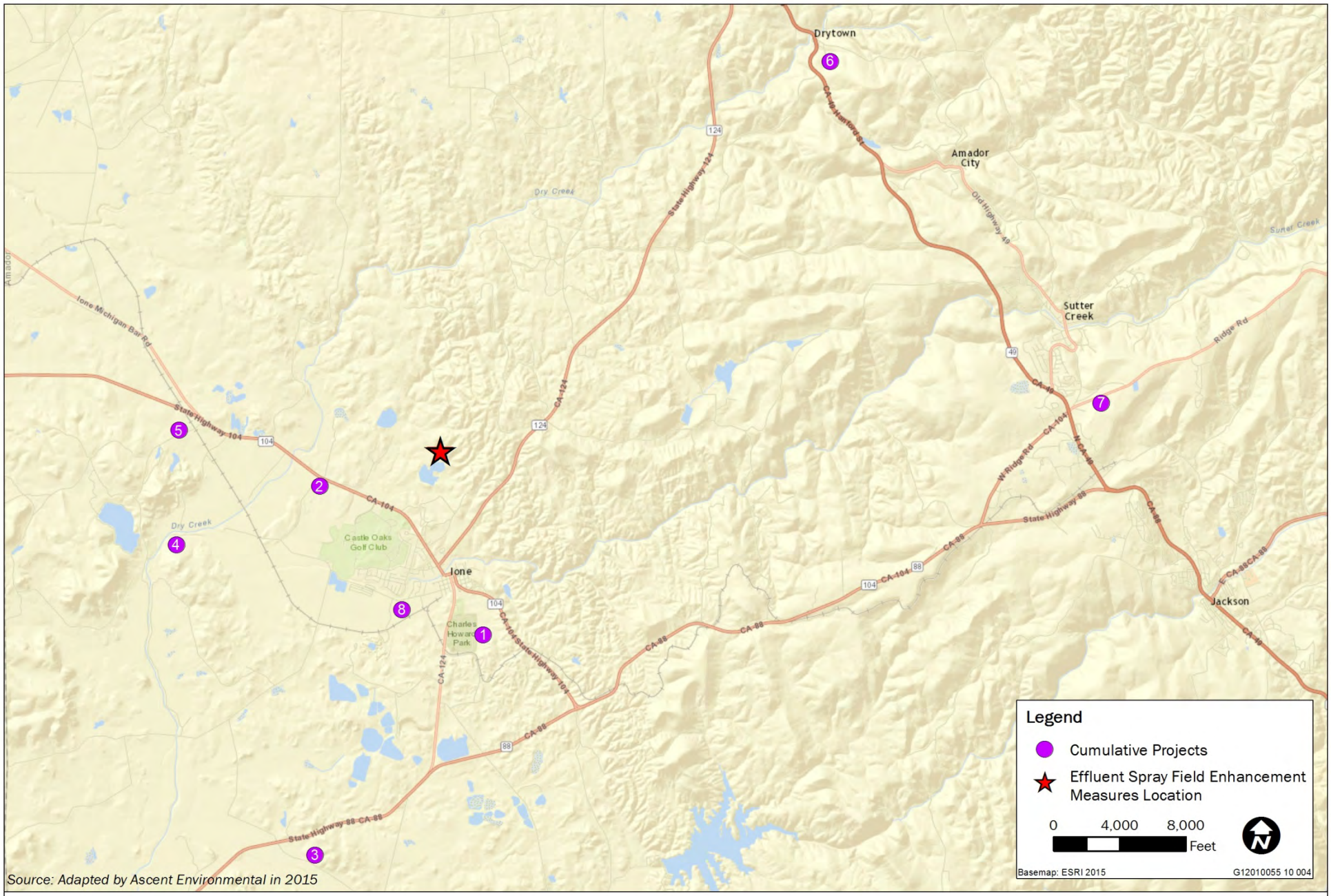
5.3 GEOGRAPHIC SCOPE OF THE CUMULATIVE ANALYSIS

The geographic scope of a cumulative impact addresses the area that could be affected. For instance, when considering water quality impacts, areas outside of a particular watershed not likely to be affected. The geographic scope used to evaluate cumulative impacts, for the purposes of this Subsequent EIR, are shown in Table 5-2. As noted above and in Section 4.0.2, “Impact Issue Areas Not Warranting Detailed Evaluation,” the discussion of cumulative impacts is limited to those CEQA issue areas discussed in this Subsequent EIR.

Table 5-2 Geographic Scope of Cumulative Impacts

Resource Issue	Geographic Area
Biological Resources	Local (project vicinity)
Cultural Resources	Local (project vicinity)
Hydrology and Water Quality	Local (immediate project vicinity—local watershed)

Note: CDCR = California Department of Corrections and Rehabilitation
Source: Data compiled by Ascent in 2013 and amended in 2015.



Source: Adapted by Ascent Environmental 2013

Exhibit 5-1

Approximate Locations of Cumulative Projects

5.4 ANALYSIS OF CUMULATIVE IMPACTS

5.4.1 BIOLOGICAL RESOURCES

Habitat for biological resources has been reduced in the region over time as land has been converted for agricultural, mining, and urban purposes. It is expected that habitat value would continue to decrease as commercial and residential development progresses in the region. Therefore, a cumulative impact on special-status species and habitats exists.

As described in Section 4.1, “Biological Resources,” the MCSP property provides limited habitat for biological resources. The construction of an additional administrative support building within the secure area of the Infill Complex would not cause a further reduction in habitat because the site of the additional building space is already fully developed and located within an active construction site.

The conversion of existing CAL FIRE training areas to effluent spray fields as described in the SEIR would not result in the filling of a seasonal stream and/or wetlands, nor would it require the removal of riparian woodland. Some mature oak trees that may provide suitable nesting habitat for common and special-status raptors and other birds may be removed. Special-status plants could also be adversely affected. However, these potential additional impacts on biological resources resulting from construction and operation of the project modifications would be mitigated to less-than-significant levels with implementation of the mitigation measures described in Section 4.1, “Biological Resources” of this SEIR and continued implementation of mitigation measures identified in the approved Mitigation Monitoring and Reporting Program for the MCSP Project.

Furthermore, the existing and proposed on-site spray fields that may be affected by implementation of the project modifications consist of low-quality, disturbed habitat as a result of continual disking for spray fields and periodic CAL FIRE training activities. It is unlikely that large or important populations of any special-status species exist within the areas of the proposed activities, and no high-quality habitat important to the long-term conservation of any species in the region is present. Therefore, the incremental contribution of the proposed modifications (including enhancements and new on-site spray fields) to the cumulative impact on special-status species in the region would not be cumulatively considerable. The existing agricultural field situated west of the City of Ione that could serve as an alternative site for secondary effluent application was fully modified from a natural condition many years ago; conversion to an effluent spray field would involve only minor trenching and grading because this field is already developed farmland. Further, potential impacts associated with use of this field as a spray field were previously evaluated as part of the certified Infill EIR and were determined to be less than significant with mitigation. The field is currently used for cattle grazing and non-irrigated crops such as seasonal grain production. The potential environmental effects of installing a pipeline to this field have been further minimized by reducing the extent of new piping and placing the section of new piping between the local roadway and field on elevated footings.

Implementation of the proposed modifications would include a change in operation of the existing on-site spray fields from continual disking to mowing, which avoid soil disturbance and maintain a year around cover crop. This change in maintenance routines may result in improvement of on-site conditions for the establishment of small wildlife and foraging habitat for raptors as it would result in less ground disturbance and destruction of burrows while maintaining low-lying vegetation that could provide improved visibility for hawks and other raptors. As noted in Section 4.1, “Biological Resources,” the project modifications would not result in the removal of oak woodland habitat; however, removal of isolated oak trees may be required, as noted in Section 4.1, “Biological Resources.” As the project modifications would replace any removed oak trees at a 1:1 ratio, thereby insuring no net loss of oak trees, the project modifications would not be considered cumulatively considerable with respect to impacts to oak woodlands.

Cumulative development could result in significant biological resource impacts. However, with implementation of the mitigation measures approved for the MCSP Project and those identified in this SEIR, the project modifications' contribution to these impacts would be reduced to a less-than-significant level and would not be considerable Therefore, although the overall cumulative condition is adverse, the project modifications' contribution to cumulative biological resource impacts would be ***less than significant****.*

5.4.2 CULTURAL RESOURCES

Historic and archaeological resource impacts are site-specific rather than regional in nature. The construction of an additional administrative support building within the secure area of the Infill Complex would not affect cultural resources because the site of the additional building space is already fully developed as part of the larger MCSP Project and is currently located within an active construction site. The project modifications related to additional on-site spray fields, the modified pipeline alignment to the potential off-site spray fields, and on-site spray field enhancements would be subject to mitigation to avoid the loss of identified or previously undiscovered historic resources, archaeological resources, and human remains. Additionally, as noted in Section 4.2, "Cultural Resources," avoidance measures and continual monitoring during construction (refer to Mitigation Measures 4.2-1a through 4.2-1b) would be implemented to avoid known cultural resources that have been previously identified in the vicinity of the proposed modifications, including those previously identified/encountered during construction of the approved MCSP Project.

Implementation of the proposed modifications would not result in the loss of or substantial adverse changes in the significance of historical or archaeological resources. Therefore, cumulative cultural resource impacts would be ***less than significant*** *and are not addressed further.*

5.4.3 HYDROLOGY AND WATER QUALITY

Overall water quality in the region has degraded over time as natural habitat has been converted to urban uses, and these uses have resulted in runoff of various pollutants into local and regional waterways. A variety of programs have been implemented with the goal of halting degradation of water quality and reversing this trend. Several state and federal agencies are involved in these programs, many of which are required by or originate in the federal Clean Water Act. Nonetheless, a cumulative adverse water quality condition exists.

Creation of the proposed spray fields, enhancements to the existing spray field, and installation of an off-site effluent pipeline would require installation of new piping, excavation of V-ditches for tail water (i.e. irrigation water runoff) recycling, and other effluent distribution system improvements such as installation of new sprinklers and valves. This work would result in surface disturbance through trenching and other typical construction activities. However, the installation of effluent disposal infrastructure was already addressed in the certified Infill EIR for the MCSP Project, albeit at the potential off-site location. As noted in the previous analysis, a SWPPP, which is already in place for the on-going construction activities associated with the MCSP Project, includes site-specific BMPs to reduce potential impacts to water quality during construction and would be implemented during construction of the project modifications. Implementing these BMPs for the proposed modifications would reduce the project's contribution to cumulative water quality impacts such that it would not be cumulative considerable.

The proposed modifications would also be subject to site-specific WDRs that would be reviewed and approved by the CVRWQCB prior to operation. As noted in the certified Infill EIR, the disposition of treated effluent could contribute to known water quality problems in the area. However, the MCSP WWTP is currently undergoing replacement to assure all of the objectives of its existing WDRs are met. The WWTP replacement project is also expected to further improve the quality of effluent originating

from the MCSP WWTP. In addition, the use of a native seed mix and mowing of onsite spray fields, existing and proposed, would result in higher water and nutrient demands; therefore, the project modifications would either likely require less land to accommodate the additional MCSP flows, or would allow greater uptake of nitrogen and total dissolved solids when applied to the same amount of land. Therefore, the potential for the operation of the proposed modifications at MCSP to adversely affect long-term water quality conditions would not be cumulatively considerable.

Water quality regulations require implementation of construction and post-construction site-specific BMPs and water quality protection measures. Therefore, the construction and operation of the project modifications and related projects would reduce site-specific water quality impacts such that cumulatively adverse hydrology and water quality impacts would not occur. This is a ***less-than-significant*** *cumulative impact.*

6 ALTERNATIVES TO THE PROJECT

The CEQA Guidelines (Section 15126.6[a]) require that an EIR provide an evaluation of "a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects, and evaluate the comparative merits of the alternatives." The purpose of the alternatives analysis is to determine whether or not a variation of the project would reduce or eliminate significant project impacts within the basic framework of the objectives. Although no new significant impacts or substantial increases in previously identified significant impacts were identified, the SEIR nevertheless considered alternatives to the proposed modifications, consistent with the certified Infill EIR, to further avoid or reduce impacts related to the project modifications.

Thus, alternatives considered in an EIR should be potentially feasible and should attain most of the basic project objectives. The term "potentially" feasible is used because this SEIR reflects CDCR staff's determination of alternatives that may be feasible. Ultimately, the determination of feasibility is made by the project decision maker, the Secretary of CDCR, after balancing technical, legal, social, and environmental factors.

6.1 PROJECT OBJECTIVES

There are two primary project objectives of the modifications addressed in this SEIR. The first is construction of an additional administrative/support building to accommodate CDCR staff responsible for treatment and management of Level II EOP inmates. The second is to assure the WWTP at the prison would meet its permitted capacity of 0.74 million gallons per day through the proposed enhancement of the existing remaining effluent spray field system and installation of additional on-site effluent spray fields. To meet this goal CDCR would not only act to renovate and upgrade the existing remaining fields, but also install approximately 45 acres of new on-site spray fields or implement the revised option of installing piping to an existing off-site agricultural field where the secondary effluent could be used for the beneficial production of fodder crops. The project modifications are intended to achieve the following individual objectives:

- provide additional administrative/program space within the secure perimeter for new employees that will provide mental health services required for Level II Enhanced Outpatient Program inmates that CDCR plans to house at the new Level II complex;
- improve the overall effectiveness of the MCSP secondary effluent irrigation system to ensure treated wastewater from all entities served by the prison's WWTP will meet all applicable water quality standards and provide sufficient hydraulic pressure;
- provide sufficient disposal capacity for that portion of secondary effluent that must be irrigated to land within the state-owned prison grounds at full occupancy of all MCSP's facilities along with flows originating from the fire academy and juvenile facility;
- where feasible, utilize vacant/underutilized property within state-owned property associated with MCSP for disposal of treated secondary effluent; and
- consider the alternative of securing through a contract with the City of Ione the use of agricultural land west of the city for disposal of a portion of the prison's disinfected secondary effluent instead of installing additional effluent spray fields within the prison property.

6.2 SUMMARY OF ENVIRONMENTAL IMPACTS

The summary table provided in Chapter 1, "Executive Summary" of the SEIR presents a detailed summary of the potential environmental impacts of the project modifications.

6.3 RANGE OF ALTERNATIVES CONSIDERED

The range of alternatives studied in an EIR is governed by the "rule of reason," requiring evaluation of only those alternatives "necessary to permit a reasoned choice" (CEQA Guidelines Section 15126.6[f]). Furthermore, an EIR "need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative" (CEQA Guidelines Section 15126.6[f][3]). The analysis should focus on alternatives that are feasible (i.e., that may be accomplished in a successful manner within a reasonable period of time), including the consideration of economic, environmental, social, and technological factors. Alternatives that are remote or speculative need not be discussed. Furthermore, the alternatives analyzed for a project should focus on reducing or avoiding significant environmental impacts associated with the project as proposed.

Alternatives considered in an EIR need to feasibly attain most of the basic project objectives, and while the objectives cannot be so narrow as to unreasonably limit consideration of alternatives, sometimes a project has conditions that naturally provide few feasible alternatives. For instance, a power line may be limited by the area it serves, where suitable electrical infrastructure is located that the power line would connect to and from, and limited technology choices. Further, a residential project would not be a reasonable alternative to a wastewater treatment plant (and would therefore not be feasible), as the objectives of the treatment plant would not be consistent with those associated with a residential project. Thus, in some instances, only one or two alternatives may be available that attain most of the basic project objectives, are feasible, and reduce significant impacts of the project. In addition, CEQA Guidelines Section 15126.6[e] requires a "no-project" alternative be evaluated in comparison to the project and that it "discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved."

Chapter 5, "Alternatives" of Volume 1 of the certified Infill EIR evaluated a range of alternatives to the approved MCSP Project. As noted in that chapter, development of a Level II complex at state property associated with MCSP would result in seven significant and unavoidable impacts related to construction air emissions and transportation and 14 significant but mitigable impacts related to biological resources, cultural resources, hydrology and water quality, and transportation. As stated in Chapter 5, "Alternatives" of the certified Infill EIR, alternatives that would reduce these impacts included off-site locations at Folsom State Prison/California State Prison – Sacramento, California Institution for Men, and California Medical Facility/California State Prison – Solano. These alternatives would reduce certain impacts associated with the MCSP Project but would result in additional impacts not associated with the MCSP Project, including aesthetic, geology and soils, and hazards and hazardous materials impacts. These alternatives were rejected at the time the Infill EIR was certified and the MCSP Project was approved. As a result, this analysis focuses on potential alternatives to the project modifications as described in Chapter 3, "Project Description."

The analysis presented below evaluates alternatives to the project modifications with the exception of the additional administrative/program space for EOP inmates. The additional EOP space is required to provide mental healthcare services for Level II EOP inmates to be housed at the MCSP Project. The location and features of this space are contained entirely within the existing construction site associated with the MCSP Project. The effects of this new building are limited to a minimal increase in traffic resulting from the addition of program staff distributed over two watches (second and third watch) on the basis of a seven day a week schedule. No new significant or substantially more significant impacts would occur as a result of the building's construction and operation. CDCR has not received statutory authority, including funding, to pursue construction of additional administrative/program space for EOP inmates at an off-site

location (one or more other state prisons), which precludes CDCR's ability to consider an alternative location as a potentially feasible alternative. Nonetheless, because no new significant impacts would occur, and because there would be no substantial increase in previously identified significant impacts, no alternatives to the proposed EOP administrative building need to be considered by CDCR.

ALTERNATIVES CONSIDERED IN DETAIL

Alternatives evaluated in this chapter include:

- Alternative 1. No Project – No Enhancement/No New Spray Fields -- This alternative would involve the continued operation of the existing 200 acres without the improvements in the application rate of effluent that would be achieved with the proposed enhancements; under the No Project – No Enhancement/No New Spray Fields Alternative CDCR would also not install approximately 45 acres of additional spray fields within prison property. Based on preliminary engineering, development of new secondary effluent spray fields capable of accepting up to 143 acre-feet per year (afy) of disinfected secondary effluent disposal capacity would be required to achieve one of the proposed modifications' primary objectives. Without upgrading the irrigation system on the existing 200 acres of spray fields and the installation of 45 acres of new spray fields there would be a significant reduction in the projected operational capacity of MCSP and the new Level II complex.

- Alternative 2. Existing Spray Fields Enhancement Only – This alternative would involve the enhancement of the existing 200 acres of spray fields only; CDCR would not pursue installation of approximately 45 acres of new on-site spray fields. Based on preliminary engineering, up to an additional 94 afy of disinfected secondary effluent disposal capacity would be required under this alternative for the combined prison facilities to achieve the planned inmate capacity.

- Alternative 3. New On-Site Spray Fields Only – This alternative would involve the construction and operation of the proposed new spray fields south of the MCSP Project and the continued operation, without enhancements, of the existing 200 acres of spray fields at MCSP. Based on preliminary engineering, up to an additional 72 afy of disinfected secondary effluent disposal capacity would be required under this alternative.

- Alternative 4. Original, Adopted Off-Site Spray Fields Only Alternative – This alternative would use approximately 100 acres of agricultural land west of the City of Ione for new spray fields. This alternative is consistent with the spray field solution identified and evaluated in the certified Infill EIR and would involve the extension of a pipeline from MCSP to the City's WWTP, as well as improvements to City infrastructure. This alternative was initially adopted as part of the scope of the Level II complex when CDCR approved the project in November 2013. If this option is selected, no additional secondary effluent disposal capacity would be required to serve MCSP when the existing prison and new Level II complex are at full operation.

ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL

State CEQA Guidelines Section 15126.6(c) provides that an EIR "should also identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." The following alternative was initially considered but not deemed feasible at this time.

Regional Solution Alternative. Wastewater from CDCR, ARSA, and the City of Ione would be intermixed at the City of Ione WWTP prior to being pumped to existing agricultural fields located west of Newman Ridge and within Amador County. This alternative would require upgrades to existing pumping, storage, and monitoring equipment at the City's WWTP and the installation of a 10- to 12-inch effluent distribution line from the City's WWTP to the existing fields, as well as installation of several lift

stations and pumping equipment. Additionally, a secondary reservoir to store treated effluent along the eastern side of Newman Ridge may be necessary to maintain adequate water pressure for irrigation of the secondary effluent. This alternative would attain the some of the objectives of the project modifications including provision of adequate effluent disposal capacity and efficient use of effluent generated at the MCSP WWTP. However, because of the scope of this alternative (level of construction and coordination between three agencies), it would not be able to provide effluent disposal capacity in time to serve the MCSP WWTP once the Level II complex beds are occupied. Furthermore, the cost of this alternative would be substantially greater than the project modifications based on the scope of the necessary infrastructure. For these reasons, this alternative is not feasible at this time. As noted above, implementation of this alternative would provide a regional solution that may be beneficial to the long-term effluent disposal capabilities of ARSA, the City of Ione, and CDCR. Study of a regional solution similar to this alternative is currently being conducted in cooperation with all three agencies.

ALTERNATIVE 1: NO PROJECT – NO ENHANCEMENT/NO NEW SPRAY FIELDS ALTERNATIVE

CEQA Guidelines section 15126.6, subdivision (e)(1), requires that the no project alternative be described and analyzed "to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project." The no project analysis is required to discuss "the existing conditions at the time the notice of preparation is published…as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (Section 15126.6[e][2]). "If the project is… a development project on identifiable property, the 'no project' alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this 'no project' consequence should be discussed. In certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (Section 15126[e][3][B].)

Under the No Project – No Enhancement/No New Spray Fields Alternative, new spray fields (i.e., 45 acres) would not be used, and CDCR would instead rely on existing infrastructure capacity, to the maximum degree feasible, and existing agreements to dispose of its disinfected secondary effluent generated at MCSP. CDCR projects that if the spray field enhancement and expansion plans are not implemented up to 143 afy of additional disinfected secondary effluent would need to be disposed at either another site or by some as yet undetermined means. The consequence of this alternative is that CDCR could not achieve the operational capacity planned for the two correctional facilities, because there would be restrictions on wastewater generation. Reduction in the individual and/or collective inmate capacity of the two correctional facilities would affect CDCR's ability to comply with federal court overcrowding orders (See *Coleman et al. v. Brown (No. CIV S-90-520-LKK JFM P (E.D. Cal.); Plata et al. v. Brown (No. C01-1351 TEH (N.D. Cal.).*

Under an existing tri-party agreement among ARSA, the City of Ione, and CDCR, CDCR is entitled to transfer up to 350 afy of effluent to Preston Reservoir. However, CDCR currently only discharges approximately 230 afy to Preston Reservoir; the lower amount reflects an informal agreement between ARSA and CDCR to limit the latter's discharges to the reservoir. Secondary effluent from Preston Reservoir is conveyed through an existing pipeline between the reservoir and City's tertiary plant. The tertiary plant provides additional treatment of the secondary effluent so it can be used for irrigation of the adjacent Castle Oaks Golf Course. The golf course has an annual irrigation demand of approximately 525 acre feet of tertiary effluent. Under current conditions, the golf course could not

accept a substantial increase in irrigation water. CDCR has no plans at this time to seek a revision of the tri-party agreement; the annual discharge by CDCR to Preston Reservoir for eventual treatment at the City's tertiary plant is expected to remain at approximately 225-230 afy.

Because no other existing underutilized secondary effluent spray fields are available in the Ione area, selection of the No Project – No Enhancement/No New Spray Fields Alternative would require CDCR to reduce the combined inmate population of the two prison facilities to a level that eliminates the generation of the additional 143 afy of secondary effluent. At this time, CDCR has not identified any other immediately available land in the vicinity of MCSP that could be considered for modification and commitment on a long-term basis for the application of the balance of secondary effluent. It would be highly speculative at this time to attempt to predict the specifics of such potential new facilities, their locations, the respective environmental effects, and their collective development and operational costs. It is reasonable to assume, however, that the potential impacts associated with the extension and use of new infrastructure to any potential location would be similar if not greater than those of the proposed modifications based on the environmental conditions in the area and the types of impacts associated with secondary effluent disposal. CDCR has determined that because of the required reduction to inmate capacity at MCSP the No Project – No Enhancement/No New Spray Fields Alternative does not meet one of the primary objectives of the project (to assure the WWTP at the prison would meet its permitted capacity of 0.74 million gallons per day).

ENVIRONMENTAL ANALYSIS

Because adoption of the No Project Alternative would result in no new spray field development, there would be no additional environmental effects. However, as noted above, CDCR would, as a result of this alternative, reduce the prisons' combined operational capacity. Such a reduction would jeopardize CDCR's commitment to meet court-ordered overcrowding requirements. Conversely, the development of the acreage necessary to treat up to 143 afy of secondary effluent at an unidentified site(s) in reasonable proximity to the grounds of the prison would be likely to generate a number of potentially significant adverse environmental effects. For example, new secondary effluent spray fields could be expected to necessitate new or expanded pipelines, new or expanded reservoirs, conversion of natural habitat, land leveling, installation of pumps and monitoring wells, and installation of irrigation systems. The specific locations of candidate secondary effluent spray fields are not known; additional environmental assessments, engineering studies, negotiations with land owners, review by regulatory agencies, etc., would first be required to identify potentially feasible candidate areas. Nonetheless, construction of these improvements would likely result in construction and operational air quality and GHG emissions impacts, biological resources impacts, cultural resources impacts, paleontological resources impacts, hydrology and water quality impacts, important farmland conversion impacts, visual impacts, and construction-related traffic impacts.

Therefore, while the specifics of the improvements are unknown, it is expected that the No Project – No Enhancement/No New Spray Fields Alternative would result in greater construction-related environmental impacts than the proposed project modifications. [*Greater*]

CONCLUSION

The No Project – No Enhancement/No New Spray Fields Alternative would reduce known project-specific significant environmental effects resulting from the spray field enhancements and installation of new fields. However, this alternative would either require a reduction in the operational capacities of the two correctional facilities, which would jeopardize CDCR's commitment to meet court-ordered overcrowding requirements, or it would necessitate the construction and operation of additional off-site, secondary effluent storage, conveyance, treatment, and disposal facilities. As a result, this alternative would likely result in secondary impacts related to alternative disposal/storage that would likely be greater than the project modifications.

ALTERNATIVE 2: EXISTING SPRAY FIELDS ENHANCEMENT ONLY

Alternative 2, Existing Spray Fields Enhancement Only, would involve the modernization/enhancement of the existing spray fields at MCSP. Approximately 200 acres of existing and recovered (after completion of construction of the MCSP Project) spray fields would be enhanced, including installation/improvement of runoff controls; replacement of irrigation piping and sprinkler heads; installation of improved control and distribution valves; and over-seeding with annual and perennial grasses to reduce the need for periodic disking. The existing and recovered spray fields would be periodically mowed under this alternative.

Similar to Alternative 1, the existing, enhanced fields that would be provided under this alternative would not provide adequate effluent disposal capacity for full operation of both correctional facilities at MCSP. Up to 94 afy of additional secondary effluent would need to be conveyed to currently non-existent effluent spray fields, local agricultural fields, and/or urban landscaping similar to the golf course. The existing tertiary flows to the Castle Oaks Golf Course already meet the irrigation needs of this facility so it is not feasible to increase irrigation of this property. Approximately 40 acres of additional spray fields would be required and could be achieved through the use of a portion of the 100 acres of off-site agricultural fields evaluated as part of the proposed modifications. This alternative would then require the extension of a pipeline similar to that identified for the proposed modifications in order to convey secondary effluent to the off-site field.

ENVIRONMENTAL ANALYSIS

Construction and operation of this alternative would likely result in lesser environmental impacts, including construction and operational air quality and GHG emissions, construction noise, and construction traffic, than those associated with the project modifications due to less overall construction and disturbance of spray fields. As described in Section 4.0.2 of this SEIR, the project modifications would result in minimal air, GHG, noise, and construction-related traffic impacts. Further, with implementation of mitigation, these impacts would be reduced to a less-than-significant level.

With respect to biological and cultural resources and hydrology/water quality, a smaller area of land disturbance within MCSP would occur as a result of construction of Alternative 2, and maintenance activities would be limited to mowing, similar to the project modifications. Therefore, this alternative would have less potential to disturb biological and cultural resources and result in site changes that could result in adverse hydrology/water quality impacts. However, similar to the proposed modifications, a likely outcome of this alternative would be the use of a portion of the contemplated off-site spray field. Approximately 40 acres of additional spray fields would be necessary in order to provide adequate disposal of effluent. As a result, off-site impacts associated with the construction of a pipeline to convey effluent to the off-site fields would be the same as the proposed modifications because the same linear alignment would be disturbed to install the distribution pipe. While on-site impacts to biological and cultural resources and hydrology and water quality would be less under this alternative, off-site impacts associated with pipeline construction would be expected to be the same. Notwithstanding the off-site pipeline, overall impacts under this alternative would be less. [*Less*]

CONCLUSION

This alternative would result in fewer on-site environmental impacts compared to the proposed modifications. However, this alternative would require MCSP to dispose effluent on up to 40 acres off-site. As a result, potential impacts associated with the off-site effluent pipeline would be the same as the proposed modifications.

Alternative 2 would meet treatment/disposal requirements but would not attain the objectives of the project modifications related to disposition of treated effluent on-site within state property to the degree of the proposed modifications.

ALTERNATIVE 3: NEW ON-SITE SPRAY FIELDS ONLY

Alternative 3, New On-Site Spray Fields Only, would involve the extension of infrastructure to the proposed additional 45 acres of spray fields on-site, east of the MCSP Project. This alternative would also involve the continued operation of the approximately 200 acres of existing spray fields at MCSP but without enhancements. The construction of the additional on-site spray fields would include installation/improvement of runoff controls; replacement of irrigation piping and sprinkler heads; installation of improved control and distribution valves; and over-seeding with annual and perennial grasses to reduce the need for periodic disking. The new fields would be periodically mowed under this alternative.

Under this alternative, the new on-site spray fields would not provide sufficient effluent disposal area to meet the disposal needs of both facilities. Up to an additional 72 afy of effluent disposal capacity would be required. Approximately 30 acres of additional spray fields would be required to dispose of this effluent and could be achieved through the use of a portion of the 100 acres of off-site agricultural fields evaluated as part of the proposed modifications. This alternative would require the extension of a pipeline similar to that identified for the proposed modifications to convey secondary effluent to the off-site field.

ENVIRONMENTAL ANALYSIS

Construction and operation of this alternative would likely result in fewer on-site environmental impacts including construction and operational air quality and GHG emissions, construction noise, and construction traffic than those associated with the project modifications because implementation of on-site enhancements for the 200 acres of spray fields would not occur.

With respect to biological and cultural resources and hydrology/water quality, minimal land disturbance within MCSP would occur as a result of construction of Alternative 3, and maintenance activities would be limited to mowing, similar to the project modifications. Therefore, this alternative would have less potential to disturb biological and cultural resources and result in site changes that could result in adverse hydrology/water quality impacts. However, similar to the proposed modifications, a likely outcome of this alternative would be the use of a portion of the contemplated off-site spray field. Approximately 30 acres of additional spray fields would be necessary in order to provide adequate disposal of effluent. As a result, off-site impacts associated with the construction of a pipeline to convey effluent to the off-site fields would be the same as the proposed modifications because the same linear alignment would be disturbed to install the distribution pipe. While on-site impacts to biological and cultural resources and hydrology and water quality would be less under this alternative, off-site impacts associated with pipeline construction would be expected to be the same. Notwithstanding the off-site pipeline, overall impacts under this alternative would be less. [*Less*]

CONCLUSION

This alternative would result in fewer on-site environmental impacts compared to the proposed modifications. However, this alternative would require MCSP to dispose effluent on up to 30 acres off-site. As a result, potential impacts associated with the off-site effluent pipeline would be the same as the proposed modifications.

Alternative 3 would meet treatment/disposal requirements but would not attain the objectives of the project modifications related to disposition of treated effluent on-site within state property to the degree of the proposed modifications.

ALTERNATIVE 4: ORIGINAL, ADOPTED OFF-SITE SPRAY FIELDS ONLY

Alternative 4, Original, Adopted Off-Site Spray Fields Only, was considered in the Infill EIR and was approved with the original project approval. It would require coordination with the City of Ione for the

construction of additional recycled water conveyance infrastructure between the MCSP grounds and the new spray field. Wastewater effluent that otherwise would have been distributed to spray fields at MCSP would be conveyed to the City's WWTP via a pipe prior to being irrigated by the City onto approximately 100 acres of agricultural land (alfalfa) associated with Greenrock Ranch. As part of this alternative, the City would extend its existing conveyance infrastructure, which consists of buried PVC pipes, from the City's WWTP to the potential spray fields shown in Exhibit 6-1. The approximate length of piping that would occur under this alternative would be four miles and would require crossing both Mule and Sutter creeks. At the off-site spray fields, above grade, fixed set irrigation systems, wheel line systems, or flood irrigation systems would be used for distribution of the effluent. No modifications of on-site spray fields would occur under this alternative.

After EIR certification, CDCR conducted subsequent planning and coordination with the City of Ione. It was determined that this alternative would also require improvements to the City of Ione's existing WWTP. These improvements would include the lining of an existing pond at the WWTP, installation of a pump station at the pond, a terminal-end mixing structure, and additional valving and metering. Additionally, this alternative would require the installation of a 12-inch pipe (up to 21,000 linear feet) between MCSP's WWTP, the City's WWTP, and the potential spray fields.

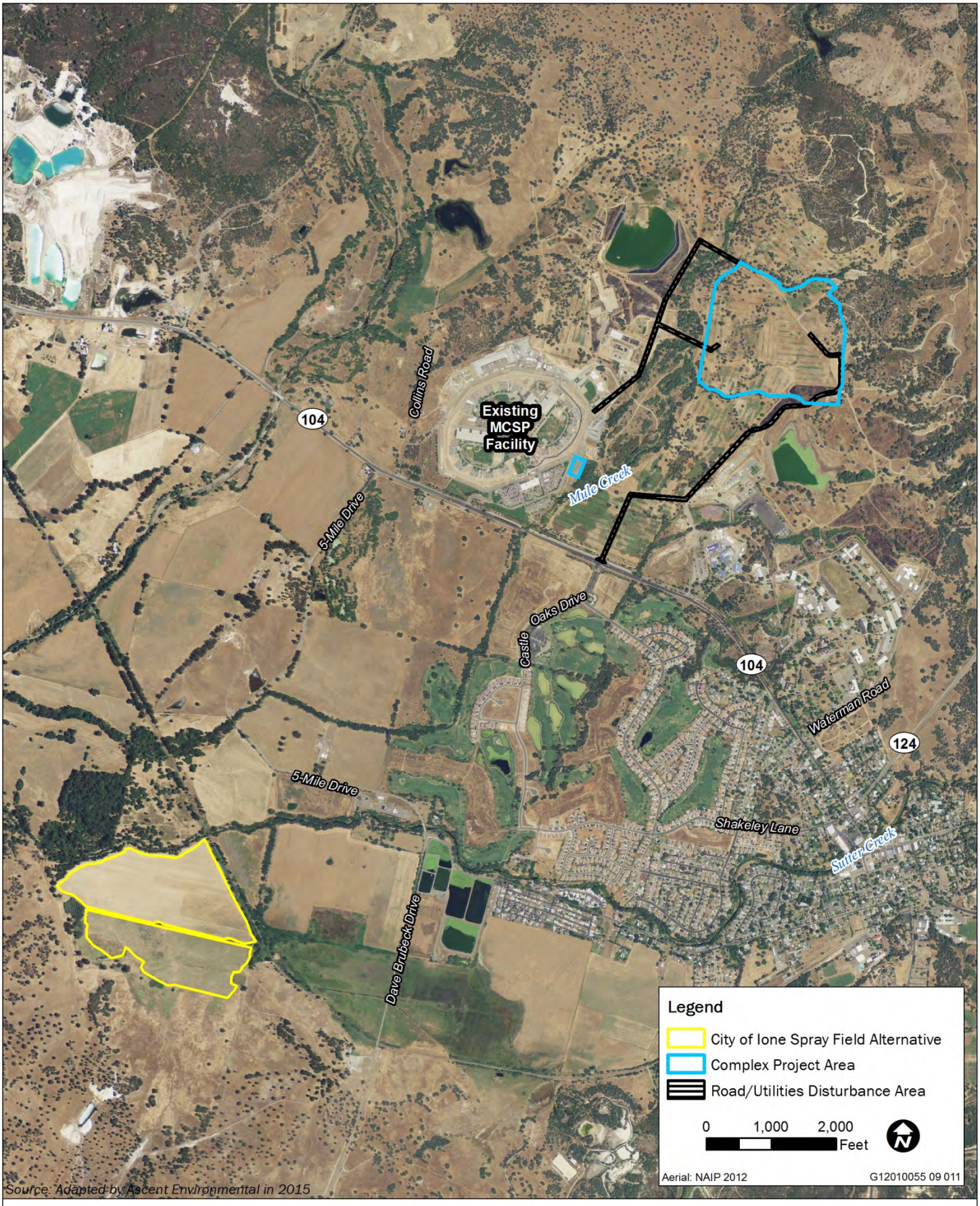
ENVIRONMENTAL ANALYSIS

Construction and operation of this alternative would result in greater (i.e., greater area disturbed, more emissions, etc.) environmental impacts compared to the project modifications including construction and operational air quality and GHG emissions, construction noise, and construction traffic because a greater number of facilities would be required to be constructed, including at the City of Ione WWTP. While these impacts could likely be mitigated to less-than-significant levels through implementation of mitigation recommended for project modifications, nonetheless, this alternative would likely result in greater impacts to the environment with respect to air quality and GHG emissions, construction noise, and construction traffic. With respect to biological and cultural resources, localized impacts within state property would not occur to the degree of the proposed modifications, as enhancements to the existing spray fields and construction/operation of the proposed new spray fields would not occur. However, impacts would likely be similar to the proposed modifications with respect to biological and cultural resources due to similar environmental conditions at the City's WWTP, which is where additional facilities would likely be constructed under this alternative. Therefore, although impacts within state property at MCSP would be less, the potential impacts of this alternative would be greater than the proposed modifications due to the larger anticipated construction effort and greater distance of required pipelines. [*Greater*]

CONCLUSION

Alternative 4 would result in greater impacts with regard to air quality and GHG emissions, construction noise, and construction traffic because a greater number of facilities would be constructed under this alternative. All other environmental issue areas would be similar to the project modifications. Overall, this alternative would result in environmental tradeoffs to the project modifications.

Alternative 4 would attain some of the objectives of the project modifications including maintaining adequate disposal capacity and efficient use of effluent generated at the MCSP WWTP. However, by comingling CDCR's disinfected secondary effluent with the City of Ione's non-disinfected secondary effluent, the additional treatment of effluent afforded by CDCR's disinfection of secondary effluent would be lost. Additionally, the cost of this alternative would be more than the project modifications (CDCR and City of Ione 2015). Finally, this alternative would require construction of off-site improvements by the City of Ione, and the City cannot guarantee the construction of these improvements by February 2016, the time at which the MCSP Project becomes activated.



Source: Adapted by Ascent Environmental in 2015

Exhibit 6-1

City of Ione Spray Field Alternative

ASCENT ENVIRONMENTAL

6.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CCR Section 15126.6 states that an EIR should identify the "environmentally superior" alternative. "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Table 6-1 provides a tabular comparison of the three alternatives evaluated in this chapter in contrast to the project modifications.

Although the No Project – No Enhancement/No New Spray Fields Alternative (Alternative 1) would reduce known project-specific significant environmental effects resulting from the spray field enhancements and installation of new fields, this alternative would either require the lead agency to restrict (e.g., lower) operational capacity of the existing prison and/or new Level II complex or necessitate the installation of additional effluent spray fields at other as yet unidentified locations. Reduction in the individual and/or collective inmate capacity of the two correctional facilities would affect CDCR's ability to comply with federal court overcrowding orders.

Since the location of areas that could potentially be developed for application of secondary effluent generated by the two correctional facilities as an alternative to the areas proposed in this SEIR are not known, it is speculative as to the number and magnitude of potential environmental effects. However, in light of the existence of the remaining fields, the proposed expansion into adjacent areas of similar habitat, or the use of an existing off-site agricultural field, it is expected that the No Project – No Enhancement/No New Spray Fields Alternative would potentially result in greater environmental effects with respect to air quality, GHG emissions, biological resources, cultural resources, noise, and construction-related transportation. In addition, the No Project – No Enhancement/No New Spray Fields Alternative would not meet the project modifications objectives related to disposition of treated effluent on-site within state property or on an existing off-site agricultural field. This alternative would result in secondary impacts related to alternative disposal/storage that would likely be greater than the project modifications and revised off-site option.

Alternative 2 (Existing On-Site Spray Fields Enhancement Only) and Alternative 3 (New On-Site Spray Fields Only) would require the use of a portion of the 100-acre, off-site agricultural field but would avoid on-site impacts to either the proposed new field area or the existing fields, respectively. Therefore, off-site impacts under these alternatives would generally be the same as the project modifications. However, on-site impacts would be less under these alternatives because only a portion of the on-site spray field modifications would occur. Alternatives 2 and 3 would not meet the project modifications objectives related to disposition of treated effluent on-site within state property to the extent of the proposed modifications. Compared to the project modifications, Alternative 2 and 3 would be environmentally superior, and Alternative 2 would be environmentally superior to Alternative 3 because it would require less overall ground disturbance during operation of on-site spray fields.

Alternative 4 (Original, Adopted Off-Site Spray Fields Only Alternative) would result in environmental tradeoffs compared to the project modifications. It would reduce the project modifications' biological and cultural resources impacts because conversion and maintenance of new spray fields would not be required, but it would likely result in greater air and GHG emission impacts because a greater number of facilities would be constructed. Based on previous engineering studies and cost estimates Alternative 4 is not considered financially feasible within the current statutory authority of the Level II infill project; the lead agency, CDCR, also has concerns that the original off-site option cannot meet water quality regulations because of a request to mix secondary effluent within the City's infiltration pond system.

CDCR has provided a good-faith effort at evaluating a reasonable range of alternatives to the project modifications that would lessen or eliminate the project modifications' significant impacts. As described in the SEIR, no significant and unavoidable impacts would occur with implementation of the project modifications. While new or increased significant impacts would occur related to biological and cultural resources, these impacts were reduced to a less-than-significant level through the implementation of feasible mitigation. Consistent with the requirements of CEQA, Alternative 2 would reduce impacts to biological and cultural resources compared to the project modifications. Therefore, Alternative 2 would be considered environmentally superior to the project modifications and all other alternatives.

Table 6-1 Alternatives Comparison Table

	Proposed Effluent Spray Field Enhancement Measures	Alternative 1 No Project – No Enhancement/No New Spray Fields	Alternative 2 Existing Spray Fields Enhancement Only	Alternative 3 New On-Site Spray Fields Only	Alternative 4 Original, Adopted Off-Site Spray Fields Only
Air Quality and Climate Change	--	Greater	Similar	Similar	Greater
Biological Resources	--	Greater	Less	Less	Similar
Cultural Resources	--	Greater	Less	Less	Similar
Employment, Population, and Housing	--	Similar	Similar	Similar	Similar
Geology and Soils	--	Greater	Similar	Similar	Similar
Hazards and Hazardous Materials	--	Similar	Similar	Similar	Similar
Hydrology and Water Quality	--	Similar	Similar	Similar	Similar
Land Use, Agriculture, and Forestry Resources	--	Greater	Similar	Similar	Similar
Noise	--	Similar	Similar	Similar	Greater
Public Services	--	Similar	Similar	Similar	Similar
Transportation	--	Greater	Similar	Similar	Greater
Utilities	--	Greater	Similar	Similar	Similar
Visual Resources	--	Similar	Similar	Similar	Similar
Achieve All Project Objectives?	Yes	No	No	No	No

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7 OTHER CEQA SECTIONS

7.1 SIGNIFICANT UNAVOIDABLE IMPACTS

7.1.1 CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

Section 21100(b)(2)(A) of the CEQA provides that an EIR shall include a detailed statement setting forth "in a separate section: any significant effect on the environment that cannot be avoided if the project is implemented." Accordingly, this section provides a summary of significant environmental impacts of the project that cannot be mitigated to a less-than-significant level.

7.1.2 SIGNIFICANT UNAVOIDABLE IMPACTS OF THE PROJECT

Chapter 4, "Environmental Setting, Thresholds of Significance, Environmental Impacts, and Mitigation Measures," provides a description of the potential environmental impacts of the project and recommends various mitigation measures to reduce impacts, to the extent feasible. Chapter 5, "Cumulative Impacts," determines whether the incremental effects of this project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of reasonably foreseeable future projects. After implementation of the recommended mitigation measures, the potential additional impacts associated with implementation of the proposed modifications would be reduced to less-than-significant levels. The proposed modifications therefore would result in no new or substantially more severe significant unavoidable environmental impacts.

7.2 GROWTH INDUCEMENT

7.2.1 STATE CEQA GUIDELINES

CEQA Section 21100(b)(5) specifies that growth-inducing impacts of a project must be addressed in an EIR. State CEQA Guidelines Section 15126(d) states that a project is growth inducing if it could "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Included in the definition are projects that would remove obstacles to population growth. Examples of growth-inducing actions include developing water, wastewater, fire, or other types of services in previously unserved areas, extending transportation routes into previously undeveloped areas, and establishing major new employment opportunities. The following is a summary of the direct and indirect growth-inducing impacts that could result with implementation of the contemplated development.

7.2.2 GROWTH-INDUCING IMPACTS OF THE PROJECT

The certified Infill EIR concluded that construction of a Level II complex at MCSP would foster substantial short-term and long-economic growth associated with construction-related and operational employment opportunities. This growth was attributed to an estimated peak level of 795 construction workers, over a 28-month period; employment of up to 377 people, including correctional officers, medical/mental health personnel, vocational and educational staff, facility maintenance personnel, and administrative support staff; growth related to induced employment resulting from jobs created to provide goods and services to the employees; and, growth resulting from facility expenditures. Although the approved development will foster some economic and population growth associated with new employment opportunities at the Level II complex, this growth will not substantially affect the ability of public service providers to serve their existing customers, nor will it require the construction of new

facilities to serve the contemplated development. Furthermore, the population and employment growth expected with implementation of the infill development will not exceed the projections of local general plans in the communities surrounding the infill site.

The certified Infill EIR also found that, the contemplated development of the Level II complex would not extend infrastructure and public services to serve areas outside of the existing CDCR property, which includes the infill site and MCSP. In addition, the certified Infill EIR evaluated the expansion of the City of Ione's off-site effluent disposal system for the purpose of handling a portion of the secondary effluent flows that would otherwise have been dispersed within state property. This off-site effluent application option, an amendment to which is considered as part of the proposed modifications, would provide a secondary option for disposal of CDCR's effluent only. Additional effluent disposal or wastewater treatment capacity would not be created off-site that would allow for future growth.

The project would not result in any additional growth-inducing impacts beyond those previously evaluated in the MCSP Project Infill EIR. Construction activities associated with implementation of these measure would not substantially increase the need for new employees during construction and is not anticipated to result in a substantial increase in new long-term employment opportunities (refer to Section 4.0.2 for further clarification). Based on the wide geographic distribution of residences of existing employees of the MCSP, and given that most induced jobs would require skill levels that could be provided by existing residents of the region (i.e., City of Ione and other nearby cities), the increase in additional staffing (up to 55 new employees) that would occur as a result of operation of the additional administrative office space would not result in a substantial increase in employment opportunities such that it would be considered growth inducing. Finally, as discussed in the certified Infill EIR, effluent disposal or wastewater treatment capacity would not be created off-site for uses other than by CDCR, so an impediment to residential, commercial or other similar growth would not be removed. Thus, the project modifications would not result in any new significant growth-inducing impacts, or impacts beyond those discussed in the MCSP Project Infill EIR.

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DWR. *See* California Department of Water Resources.

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CHAPTER 5, CUMULATIVE IMPACTS

California Department of Corrections and Rehabilitation (CDCR). 2013 (June). *Draft Environmental Impact Report for the Level II Infill Correctional Facilities Project.* State Clearinghouse No.: 2012122038. Prepared by Ascent Environmental, Sacramento, CA.

CHAPTER 6, ALTERNATIVES

California Department of Corrections and Rehabilitation and City of Ione. 2015 (April). Memorandum of Understanding between the California Department of Corrections and Rehabilitation and the City of Ione – Secondary Effluent Disposal Utility Services, Mule Creek State Prison.

9 REPORT PREPARATION

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (LEAD AGENCY)

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Nancy MacKenzie ..... Chief, Environmental Planning
Robert Sleppy ..... Environmental and Public Health Liaison, Facility Planning, Construction and Management

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Marianne Lowenthal ..... Environmental Planner
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Chris Elliott ..... Project Director
Christiaan Havelaar ..... Archaeologist
Al Schwitalla ..... Archaeologist

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Appendix A

NOP and Comments Received

FACILITY PLANNING, CONSTRUCTION AND MANAGEMENT
P.O. Box 942883
Sacramento, CA 94283-0001

NOTICE OF PREPARATION OF A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

LEVEL II INFILL CORRECTIONAL FACILITIES PROJECT AT THE MULE CREEK STATE PRISON INFILL SITE - SECONDARY EFFLUENT SPRAY FIELD ENHANCEMENT MEASURES

GENERAL INFORMATION

To: Office of Planning and Research, Responsible Agencies, and Trustee Agencies

Project Title: Level II Infill Correctional Facilities Project at the Mule Creek State Prison Infill Site - Effluent Spray Field Enhancement Measures

Lead Agency: California Department of Corrections and Rehabilitation (CDCR)
Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827
Contact: Robert Sleppy (916) 255-1141

Purpose of Notice: In accordance with provisions of the California Environmental Quality Act (CEQA), CDCR is distributing a Notice of Preparation (NOP) to solicit comments on the scope of a Subsequent Environmental Impact Report (SEIR) for installation and operation of up to approximately 60 to 70 acres of new secondary effluent spray fields as well as enhancements to the existing spray fields within existing CDCR property at Mule Creek State Prison (MCSP). This NOP is intended to satisfy the requirements of CEQA, (Public Resources Code, Division 13, Section 21000–21177), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000–15387).

Project Location: The project site is located within the eastern/southeastern portion of existing state prison property at 4001 State Route 104, Ione, CA 95640 (see Exhibits 1 and 2).

PROJECT BACKGROUND

MCSP is served by an existing secondary wastewater treatment plant (WWTP) that operates under Waste Discharge Requirements (WDRs) described in the Central Valley Regional Water Quality Control Board's (CVRWQCB's) Order No. 5-00-088 (April 2000). The WWTP treats the combined wastewater flows from MCSP, the Preston Youth Correctional Facility (PYCF), and the California Department of Forestry and Fire Protection (CAL FIRE) Academy. The PYCF was closed in June 2011, and CDCR has no current plans for reuse or alternative use of the facility. However, the facility still generates minimal sewage flows, as well as wet-weather flows, that are treated at the MCSP treatment plant. Sewage generated by the new Level II dormitories will be conveyed to the prison's WWTP for treatment in the same manner as the treatment of sewage from the other three sources.

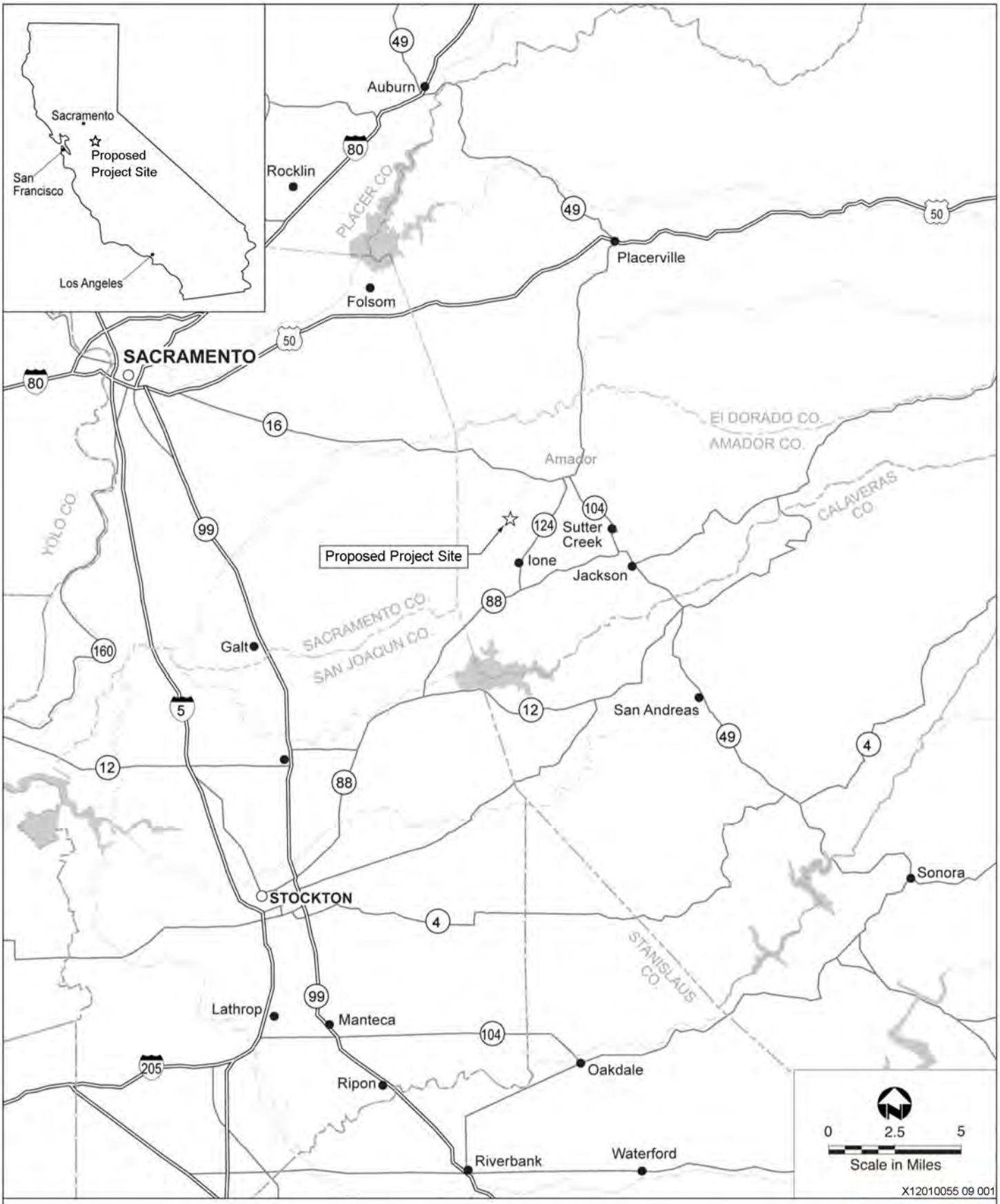

Exhibit 1 **Project Vicinity Map**

Source: Adapted by Ascent Environmental in 2014

Exhibit 2 **Topographic Map of Project Location**

ASCENT ENVIRONMENTAL

The WWTP is currently designed for an average dry-weather flow of 740,000 gallons per day (or 0.74 million gallons per day [mgd]) and peak wet-weather flow of 2.2 mgd. The plant's design consists of an oxidation ditch, two clarifiers, chlorination facilities (for disinfection), a belt filter press operation for dewatering sludge, and a 4,000-gallon hypochlorination storage tank. Solids produced by the WWTP are dewatered with a belt filter press and then stored in a covered, concrete-lined drying area. When the material is sufficiently dried it is collected by a licensed compost contractor and hauled to Kern County to be converted into Class A compost. The plant's facilities include a large, on-site reservoir (approximately 475 acre foot capacity) for storage of treated secondary effluent; this reservoir is situated on prison grounds immediately north of the WWTP.

Disinfected secondary effluent from the WWTP is currently disposed of by either discharge to on-prison grounds spray irrigation fields or by conveyance to the City of Ione's tertiary treatment plant. Prior to the start of construction of the Level II infill facility and other infrastructure improvements there were 296 acres of spray fields available within the state prison property that were permitted for the disposal of disinfected secondary effluent. The spray fields consist of grassland/oak woodland where effluent can be irrigated within specific designated areas on a rotational basis to assure uniform application and prevent overwatering.

CDCR plans to continue the practice of disinfection of all treated secondary effluent prior to its application to on-site prison spray fields and for the portion conveyed to Preston Reservoir.

The previously certified environmental impact report entitled, Level II Correctional Facilities Project, Site-Specific Evaluation of Level II Infill Correction Facilities at Mule Creek State Prison, (SCH# 2012122038) ("Infill EIR" for the "MCSP Project") stated that construction of the new facilities would result in an approximately 100-acre reduction to the existing secondary effluent spray fields at the prison. The Infill EIR proposed the use of an existing 100+ acre agricultural field located roughly two miles southwest of the infill site on Greenrock Ranch. (See Infill EIR, pp.2-11 to 2-12, [Exhibit 2-5], 3.2-1, 3.7-16 to 3.7-17). Subsequent detailed engineering has determined that only 60-70 acres of new spray fields are needed to meet the permitted capacity of the WWTP. The SEIR will consider the potential direct and indirect effects of the revised proposed spray fields and enhancements to existing spray fields from those previously considered in the Infill EIR prior to adoption of the MCSP Project.

The Preston Reservoir provides interim storage for the portion of the treated secondary effluent intended for additional treatment at the tertiary plant. Processed effluent from the tertiary plant is used to irrigate the Castle Oaks Golf Course. CDCR operates this reservoir under a three-party agreement that includes the City of Ione and the Amador Regional Sanitation Authority. The terms of this agreement do not extend to the operation of secondary effluent spray fields on prison grounds.

CDCR is undertaking upgrades to the WWTP beginning in 2015 that will consist of a number of mechanical improvements (e.g., secondary clarifier, chlorine contact basin, new pumps and controls, etc.) to enhance the operation of the plant and improve water conservation. While CDCR anticipates the completed WWTP will represent a significant improvement to the overall operations, CDCR is not planning to seek an increase in the permitted treatment capacity of the facility. CDCR expects the permitted capacity, once the facility is permitted by the CVRWQCB, to remain at 0.74 mgd daily flows and 2.2 mgd peak flows.

OBJECTIVES

The primary objective of the proposed measures is to assure the WWTP at the prison would meet its permitted capacity of 0.74 mgd through enhancement of the existing effluent spray field system. These measures include (1) install up to approximately 60 to 70 acres of new secondary effluent spray fields, and (2) enhance the effectiveness of the remaining portion of the prison's spray fields by undertaking improvements to existing sprinkler and return-water systems. The proposed enhancement measures are intended to achieve the following objectives:

- Improve the overall effectiveness of the secondary effluent irrigation system to ensure wastewater from all entities served by the prison's WWTP meets all applicable water standards and quality regulations;
- Provide sufficient disposal capacity for that portion of secondary effluent that must be irrigated to land within the state-owned prison grounds in normal and multiple wet/dry year conditions to meet MCSP's needs at full occupancy of all its facilities along with flows originating from the fire academy and juvenile facility; and
- Utilize vacant/underutilized property within state-owned property associated with MCSP for the cost efficient disposal of treated secondary effluent.

DESCRIPTION OF PROPOSED ENHANCEMENT MEASURES

Construction of the Level II dormitories and a new electrical substation on the grounds of MCSP has resulted in the displacement of areas previously used for the irrigation of disinfected secondary effluent within the prison grounds. To account for the combined loss of previous disposal areas and to assure the WWTP at MCSP can operate at a level necessary to serve the population of the existing prison and the anticipated additional inmates that will be housed in the Level II dormitories currently under construction, CDCR estimates that up to approximately 60 to 70 acres of new effluent spray fields are necessary. The candidate spray fields will be assessed in light of variations in terrain, soils, depth to groundwater, environmental constraints and other factors to identify those areas that are appropriate for secondary effluent irrigation.

The areas to be evaluated for new spray fields are generally bounded by the new Level II dormitories, Preston Reservoir, the fire academy, and PYCF; one additional extension of an existing spray field (Field 4) to northeast of the Level II dormitories is also under consideration, see Exhibit 3. The remaining effluent spray fields that may be enhanced are shown in Exhibit 4. In comparison, the Infill EIR evaluated an existing agricultural field situated approximately two miles southwest of the infill site for the potential use as a new replacement effluent spray field. While the City of Ione has expressed concerns for the long-term availability of this site CDCR will continue to consider this field as an alternative to the proposed enhancement of spray fields within prison grounds.

The majority of the areas under consideration for use as secondary effluent spray fields have served as wildland fire training areas for the adjacent CAL FIRE academy. Previous activities in these areas include, but are not limited to, cutting fire lines (by hand and with heavy equipment), development of training roads, setting demonstration fires, and creating realistic fire response/rescue situations,

CDCR will also evaluate and potentially modify portions of the remaining secondary effluent spray fields to enhance their respective operational performance and regulatory compliance by improving irrigation uniformity/coverage, capturing and re-using irrigation runoff, reducing the practice of periodically till each field, and introducing grass species adapted to effluent spray fields.

The proposed enhancement measures would require the installation of new piping, pumps, irrigation equipment, and related infrastructure to serve the new spray fields. New piping for these fields would connect to existing spray field distribution network; the main distribution piping would typically be placed within existing unpaved roadways (approximately 3' to 5' below grade). Within the proposed spray fields the distribution piping would connect to smaller piping placed either on top of the ground or buried to provide a fixed-set irrigation system that would be used for distribution of the disinfected secondary effluent. Spray heads would consist of rotating sprinklers in a pattern that would maximize uniform distribution of the secondary effluent to each field. CDCR anticipates that installation of the irrigation piping and associated infrastructure would involve limited native tree (e.g., oaks, grey pines, etc.) removal. Enhancement of existing spray fields may include, but is not limited to, installation of new sprinklers, automation of irrigation valves, improvements to run-off control features, etc.

Installation of the new spray fields would involve limited initial soil disturbance; long-term disturbance is expected to be minimal. All trenching for installation of the irrigation network would be monitored for cultural resources by qualified professionals and/or sacred lands observers. Pre-construction assessment of cultural and biological resources is intended to minimize disturbance of significant resources, including existing recorded cultural resource sites.

The new fields would not be located in areas determined to meet the regulatory standards for wetlands. Pathways for new irrigation piping required to serve the new spray fields will also avoid disturbance of protected wetland habitat and jurisdictional waters of the United States. No mass-grading of the existing terrain is planned for installation of new spray fields.

Enhancement of the existing effluent spray fields would be limited to sprinkler modification/replacement, modification of run-off control features, planting new cover crops, and upgrading sprinkler control systems. Only minor ground-disturbing activities are anticipated for implementation of the enhancement aspects of the proposed enhancement measures.

As with the existing fields, effluent disposal activities within the proposed new spray fields would generally occur weekly between the months of March and October depending on soil moisture conditions of each field. Under the current WDR secondary effluent may also be irrigated during other months but only during periods between (approximately 48 hours) significant rainfall events. Irrigation cycles would be monitored to assure runoff does not exceed the boundaries of each respective spray field in accordance with CVRWQCB requirements. The new spray fields would be maintained by MCSP's existing WWTP facility staff and mowed periodically to prevent vegetation from hindering the effectiveness of the sprinklers spraying of effluent. Mowing activities would involve the use of a tractor with an agricultural-type mower. Use of an agricultural-type mower would result in minimal ground disturbance.

Installation of the piping and other infrastructure needed for the new effluent spray fields is planned for the fall of 2015 with initial operation of the spray fields proposed in the spring of 2016. As noted, a revised WDR approved by the CVRWQB would be required for the operation of the new spray fields. Enhancement of the existing effluent spray fields would also occur during this period.

POTENTIAL APPROVALS AND PERMITS REQUIRED

The following is a list of potential approvals and/or permits that may be required as part of implementation of the proposed enhancement measures:

- CDCR: Approval of proposed effluent spray field enhancement measures, adoption of environmental findings and mitigation measures, and, if necessary, adoption of Statement of Overriding Consideration.
- US Army Corps of Engineers: Confirmation of jurisdictional wetland boundaries.
- US Fish and Wildlife Service: Issuance of take permits if species protected under the Endangered Species Act are likely to be affected by installation and/or operation of the proposed enhancement measures.
- California Department of Fish and Wildlife: Issuance of any necessary take permits for species protected under the California Endangered Species Act or any necessary Lake and Streambed Alteration Agreements under Department of Fish and Game Code Section 1600-1616.
- CVRWQCB: Secure general construction permits and amendments to existing waste discharge requirements for the MCSP WWTP and new spray fields.
- Air Quality Management District: Secure, if necessary, applicable air quality permits from the local district.

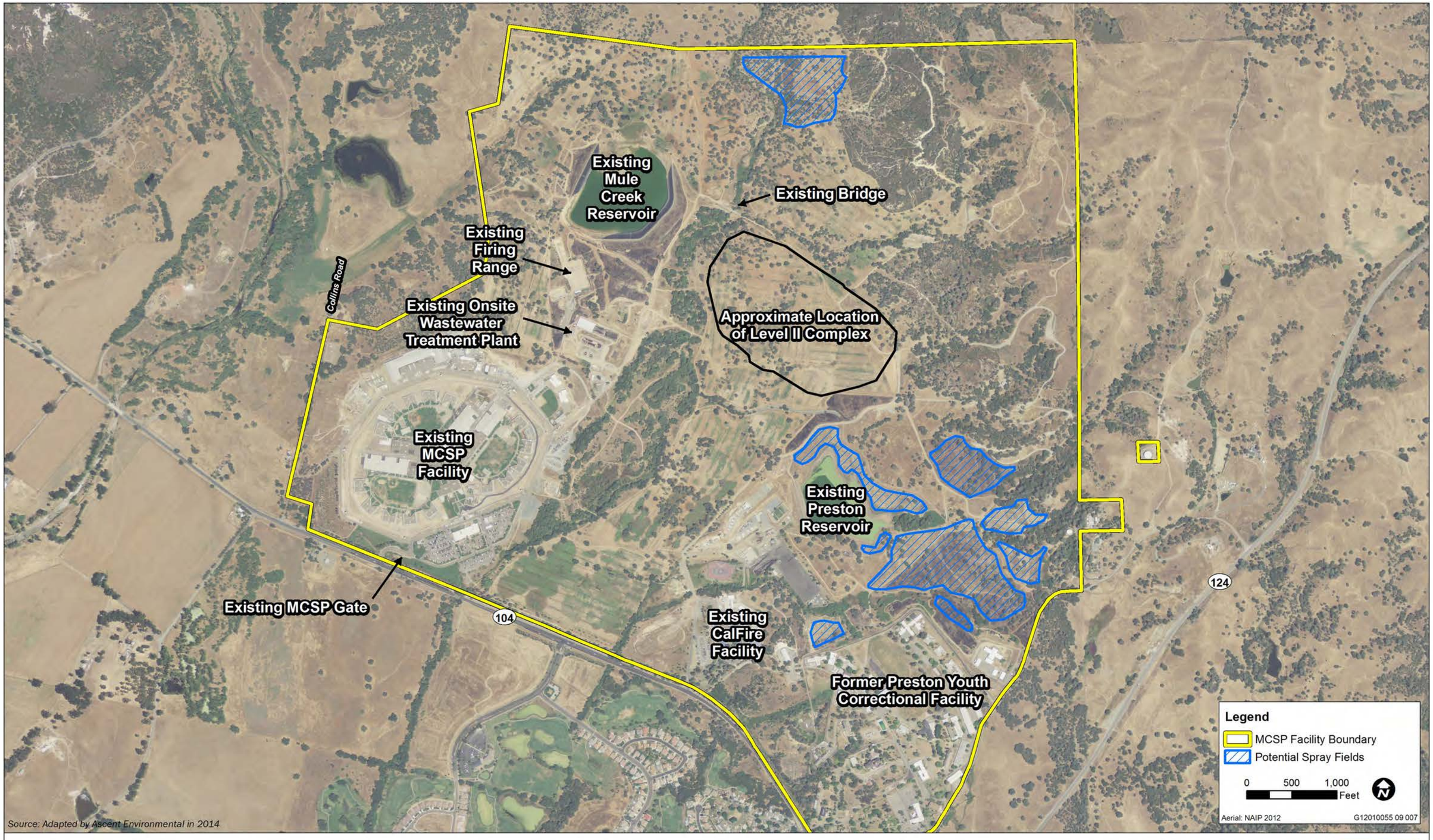

Exhibit 3 **Potential Spray Fields**

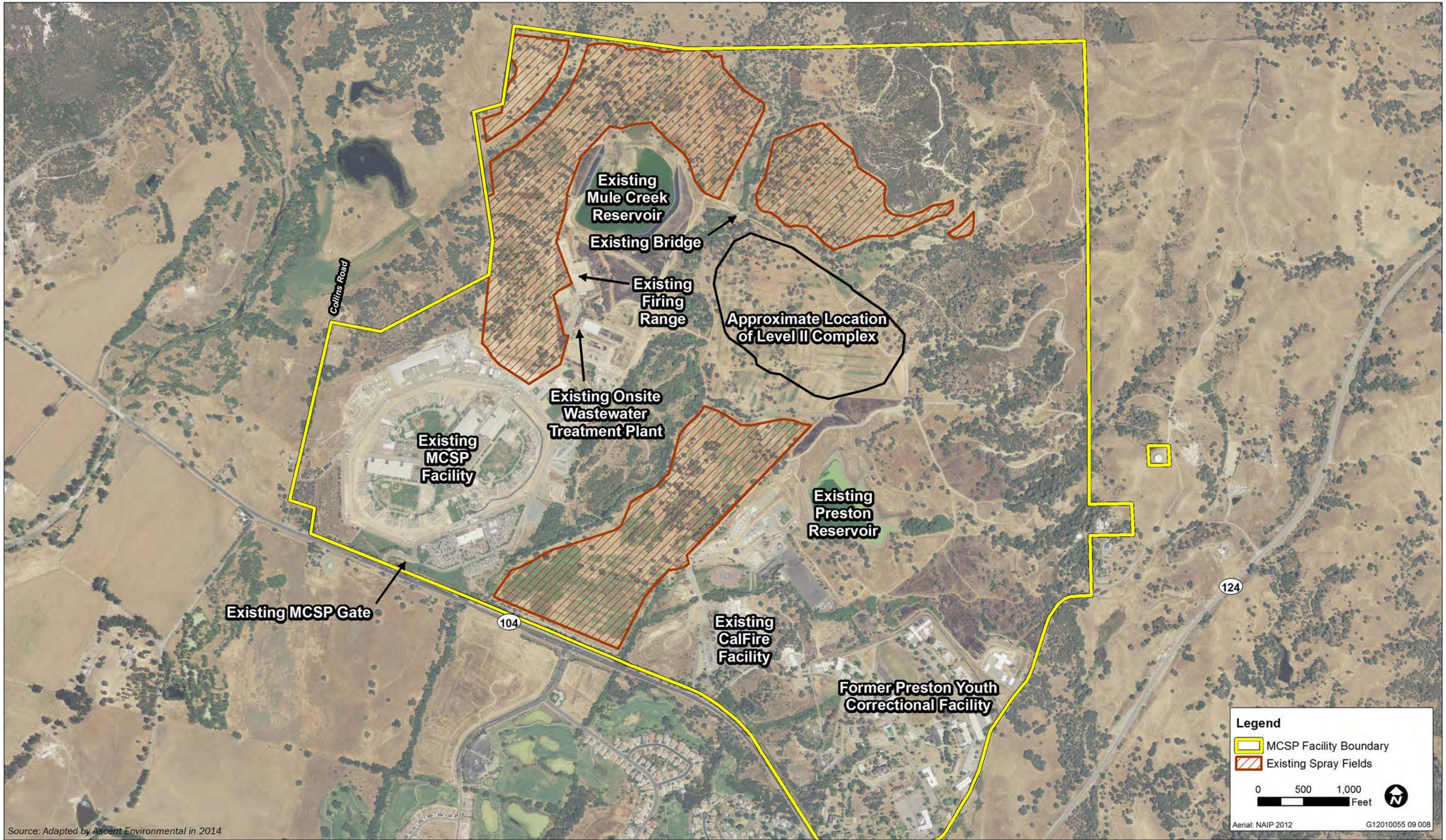

Exhibit 4 **Existing Spray Fields**

POTENTIAL ENVIRONMENTAL EFFECTS

CDCR has concluded that the proposed enhance measures may have the potential to result in significant impacts to three resource areas: biological resources, cultural resources/sacred lands, and hydrology/water quality.

Pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162, no subsequent or supplemental EIR is required to a previously certified EIR unless one of the events listed in section 15162, subdivision (a), occurs. In this circumstance, because CDCR has concluded that the proposed spray field enhancement measures may have the potential to result in new significant adverse effects not analyzed in the Infill EIR, a SEIR has been found to be required. The Infill EIR already has comprehensively analyzed all potential impacts relating to the use of approximately 100 acres of agricultural land situated off-site of the prison grounds to replace the irrigation areas lost in Spray Fields 4 and 5 (the construction area for the Level II dormitories). CDCR has decided to prepare a SEIR to analyze the proposed changes to the location of the new spray fields as analyzed in the Infill EIR.

The SEIR will analyze the potential environmental impacts that may result from the incremental changes to the MCSP Project, but were not covered by the previously certified Infill EIR. These issues are: biological resources, cultural resources, and hydrology/water quality. The SEIR will evaluate the potentially significant direct, indirect, and cumulative environmental impacts associated with construction and implementation of the proposed effluent spray field enhancement measures, as described above. Mitigation measures will be recommended, where appropriate, to avoid or substantially reduce significant adverse environmental effects of the proposed effluent spray field enhancement measures.

BIOLOGICAL RESOURCES

The SEIR will include a review of existing biological resource studies and regulations related to biological resources that occur within the project area. The findings of field studies will also be incorporated into the environmental analysis. The document will evaluate potential impacts on sensitive biological resources resulting from installation and operation of new spray fields at MCSP, including potential impacts on wildlife species from installation of piping and mowing activities.

CULTURAL RESOURCES

The SEIR will evaluate the potential for impacts to cultural resources, prehistoric and historic, to occur as a result of implementation of the effluent spray field enhancement measures. Background research will include record searches at the appropriate California Historical Resources Information System Information Center, as well as searches of the Native American Heritage Commission's Sacred Lands database, contact with appropriate Native American representatives, and pedestrian surveys will be conducted of the proposed spray field areas and corridors where piping may be installed. CDCR anticipates that consultation with representatives of the Ione Band of Miwok Indians as well as other local tribal representatives will occur during the preparation of the cultural resource assessment.

HYDROLOGY AND WATER QUALITY

The SEIR will evaluate the potential impact of the effluent spray field enhancement measures on the hydrology and water quality characteristics of the project area the potential for degraded water quality. The SEIR will identify the requirements for preventing soil erosion during installation and during the operation of the potential enhancement components.

OTHER ENVIRONMENTAL ISSUES

CDCR has conducted preliminary review of the proposed effluent spray field enhancement measures and has determined it is not likely to result in significant environmental effects to the following resources, and/or would not substantially increase an impact already addressed in the certified Infill EIR:

- Aesthetics: Installation and use of the new spray fields, as well as enhancements to existing fields would result in only minor alterations to the existing appearance of the prison grounds. The new fields would generally not be visible from any public viewpoint such as State Route 104 or Waterman Road.
- Agriculture and Forestry Resources: The proposed enhancement measures would not result in the loss of agricultural or forestry resources. Substantial vegetation removal would not occur as a result of construction or operation of the proposed spray field enhancement measures.
- Air Quality: Construction activities associated with the new spray fields and enhancement of the existing fields would be relatively minor and would not result in substantial generation of criteria pollutant emissions. Moreover, construction of spray fields was already addressed in the certified Infill EIR, and the SEIR will simply addresses changes in the location of the spray fields. No new criteria pollutants would be generated during operation of the proposed project.
- Geology/Soils/Mineral Resources: The proposed enhancement measures would not increase the risk of exposure of people and/or structures to geologic hazards nor would it involve the use of septic systems. Because the proposed project would not involve substantial construction, excavation, or other ground disturbance, potential loss of mineral resources is not anticipated.
- Greenhouse Gases: The proposed enhancement measures would be relatively minor and would not result in substantial generation of greenhouse gases. Moreover, construction of spray fields was already addressed in the certified Infill EIR, and the SEIR simply addresses changes in the location of the spray fields. No notable greenhouse gases would be generated by operation of the spray fields.
- Hazards and Hazardous Materials: The proposed new spray fields would not increase the risk of exposure to hazardous materials or increase hazards at the project site. All effluent disposal operations would be conducted in accordance with applicable California Code of Regulations and waste discharge requirements. The proposed enhancements to the existing fields would further insure compliance with water quality regulations. Setbacks from all roadways and other areas typically occupied by staff and visitors would be provided around the perimeter of each new spray field in conformance with state environmental health regulations.
- Land Use and Planning: The proposed new spray fields and other improvements would not conflict with existing planning efforts or physically divide an established community because improvements would occur within the existing prison/CAL FIRE training grounds.
- Noise: The nearest sensitive receptors (dormitories at CALFIRE) to the proposed new spray fields are located approximately 1,000 feet from proposed construction activities, and based on the limited construction activities proposed (e.g. one backhoe/excavator), no substantial construction-related noise impacts would be anticipated. Maintenance activities would be of a similar scale and frequency to activities already conducted within the project area, and no increase in operational noise is anticipated.
- Population/Housing/Employment: Existing maintenance staff at MCSP would be responsible for operation of the new spray fields. No increases in local population and employment or increased demand for housing would occur as a consequence of the proposed enhancement measures.

- Public Services and Recreation: Because the proposed enhancement measures would not increase local on-site population or result in additional on-site structures, no increases in the demand for public services or recreational opportunities would be anticipated.
- Transportation/Traffic: The proposed enhancement measures would be operated by existing, on-site staff at MCSP and would not result in additional vehicle trips to and from the prison grounds. No impacts to the local or regional transportation network would occur as a consequence of the proposed enhancement measures.
- Utilities/Service Systems: The proposed enhancement measures would provide additional secondary effluent disposal capacity at MCSP and would not result in increased demand for utilities as a result of their construction or operation.

Because none of these resources are expected to be substantially affected by the proposed enhancement measures, CDCR does not propose addressing them in the SEIR.

ALTERNATIVES TO BE EVALUATED IN THE SEIR

In accordance with the CEQA Guidelines Section 15126.6, the SEIR will describe a reasonable range of alternatives to the proposed enhancement measures that are capable of meeting most of the proposed enhancement measure objectives, but would avoid or substantially lessen any of the significant effects of the proposed enhancement measures. The SEIR will also identify any alternatives that were considered but rejected by the lead agency as infeasible and briefly explain the reasons why.

OPPORTUNITY FOR PUBLIC COMMENT

Interested individuals, groups, and agencies may provide CDCR with written comments on topics to be addressed in the SEIR. In accordance with time limits mandated by State law (e.g. minimum 30-day public review of a NOP), comments should be provided no later than **5:00 p.m. on February 20, 2015**. Agencies that will need to use the SEIR when considering permits or other approvals for the proposed enhancement measures should provide CDCR with the name of a staff contact person. Please send all comments to:

California Department of Corrections and Rehabilitation
Office of Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Email: Robert.Sleppy@cdcr.ca.gov
Contact: Robert Sleppy at (916) 255-1141

Copies of current and future environmental documents related to the MCSP Project and proposed effluent spray field enhancement measures will be available for review at the following location during the public review periods.

Ione Branch Library
25 East Main Street
Ione, CA 95640
(209) 274-2560

Jackson Branch Library
530 Sutter Street
Jackson, CA 95642
(209) 223-6400

CDCR will also be conducting a public scoping meeting during public review of the NOP in the City of Ione area. The objective of the meeting is to brief interested parties on the proposed effluent spray field enhancement measures and obtain the views of agency representatives and the public on the scope and content of the SEIR and the potentially significant environmental impacts. The following identifies the times and locations for the NOP scoping meeting:

February 5, 2015, 6:00 p.m.
Evalynn Bishop Hall
Howard Park
600 South Church Street
Ione, CA 95640

From: Baker, Carl E@DOT [mailto:carl.baker@dot.ca.gov]
Sent: Wednesday, January 28, 2015 1:06 PM
To: Sleppy, Bob@CDCR
Subject: Level II Correctional Facilities Project at MCSP- NOP for Secondary Effluent Spray Field Enhancement Measures, SCH# 2012122038

Hello Robert,

Caltrans has reviewed the NOP for the Draft Subsequent EIR for the MCSP Spray Fields project. The project is not expected to significantly affect the State Highway System. Thank you for routing the project for our review.

Carl Baker -|- Associate Transportation Planner -|- Caltrans District 10, Rural Planning -|- 209 948-7325

AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
ENVIRONMENTAL HEALTH DEPARTMENT

PHONE: (209) 223-6439
FAX: (209) 223-6228
WEBSITE: www.amadorgov.org
EMAIL: ACEH@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

February 9, 2015

Mr. Robert Sleppy
California Department of Corrections and Rehabilitation
Office of Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Re: Level II Infill Correctional Facilities Project
Subsequent Environmental Impact Report

Dear Mr. Sleppy:

Thank you for the opportunity to provide input on scoping the subsequent environmental impact report for the on-site spray field option for the infill project at Mule Creek State Prison.

We understand that the current inmate population at the prison is roughly 2,800. The prior environmental document indicates that inmate population during the period of 2004 – 2012 rose to nearly 4,000. During the period of high population influent flow to the wastewater treatment plant often exceeded 0.74 million gallons per day and occasionally exceeded one million gallons. Upset conditions and unpermitted discharges were observed. It was during that period that the County investigated impacts to area groundwater and surface water, with nitrate being the chief concern. The investigation revealed that down gradient groundwater and Mule Creek downstream of the facility are greatly influenced by Mule Creek State Prison.

The population as a result of the infill project is expected to increase to and remain in the 4,000 – 4,400 range. Though facility improvements reduce the volume of wastewater per inmate and CDCR anticipates that flows will remain below 0.74 MGD, salt and nutrient loading will likely increase in proportion to the population.

The SEIR should evaluate wastewater components, particularly nitrogen, and potential impacts to ground and surface waters. The document should compare the potential impacts associated with on-site spray fields as compared to the Greenrock Ranch alternative discussed in the prior EIR. The SEIR should identify mitigation measures for any reasonably anticipated impact.

At a recent meeting you indicated that CDCR would be submitting a report of waste discharge for this site; it is requested that this office be provided a copy of that document.

Sleppy
February 9, 2015

Because area is limited by potentially conflicting uses, wetlands, roadways, and sensitive species, the new proposed on site spray field areas appear to be relatively small and unusually shaped. These small fields intermingled with sensitive areas may be more challenging to operate and maintain. The SEIR should discuss potential impacts to the surrounding uses and features in the event of runoff or other spray field malfunction. Mitigation for any such potential impacts should be identified as well.

Sincerely,

Michael W. Israel, REHS
Environmental Health Director

MWI

cc: Amador County Board of Supervisors
Chuck Iley, Amador County CAO
Dan Epperson, City of Ione

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CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

13 February 2015

Robert Sleppy
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

CERTIFIED MAIL
7014 2120 0001 3977 9647

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, LEVEL 11 INFILL CORRECTIONAL FACILITIES PROJECT AT THE MCSP – SECONDARY EFFLUENT SPRAY FIELD ENHANCEMENT MEASURES PROJECT, SCH# 2012122038, AMADOR COUNTY

Pursuant to the State Clearinghouse's 21 January 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Level II Infill Correctional Facilities Project at the MCSP – Secondary Effluent Spray Field Enhancement Measures Project, located in Amador County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.
There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring

costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Amador Regional Sanitation Authority

"Servicing Amador City, Martell, & Sutter Creek"

February 17, 2015

California Department of Corrections & Rehabilitation
Office of Facility Planning, Construction & Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

Attention: Robert Sleppy

RE: Notice of Preparation of a Subsequent Environmental Impact Report (SEIR), Level 2 Infill Correctional Facilities Project at the Mule Creek State Prison Infill Site – Secondary Effluent Sprayfield Enhancement Measures

Robert, thank you for meeting with representatives from the City of Ione, Amador County, and myself on February 2, 2015 to discuss the SEIR.

As conveyed during the meeting, the Amador Regional Sanitation Authority (ARSA) has the following concerns which are requested to be addressed in the SEIR:

1. As the proposed sprayfields are in close proximity to existing Preston Reservoir, and ARSA staff requires access to Preston Reservoir for operations, the SEIR should discuss how this access will not be included and continue to be provided.

2. There is a fresh water diversion which diverts storm water away from Preston Reservoir and is located between the proposed sprayfields and Preston Reservoir. The SEIR should address the impact of the sprayfields on the fresh water diversion as well as any mitigation measures which would be required to prevent treated effluent from entering the fresh water diversion for Preston Reservoir.

3. It appears one of the proposed sprayfields is located in close proximity to the spillway from Preston Reservoir. The SEIR should address potential impacts on the spillway from construction and operation of the sprayfields.

4. In order to provide verification that runoff will not be occurring from the proposed sprayfields into any facilities which would impact ARSA operations, ARSA requests the water balance which was performed by CDCR for the entire site be included as part of the SEIR as well as proposed application rates and verification that said rates will not result in runoff from the sprayfield areas.

Should you have any questions regarding this transmittal, please call me at 209-754-1824.

Gary S. Ghio, General Manager

cc ARSA Board of Directors

#2386/nlm
CDCRletter_2-17-15.pdf

Q RANCH
41 Summit St., Jackson, CA 95642
209-223-0156

February 18, 2015

California Dept. of Corrections and Rehabilitation
Office of Facility Planning, Construction and Management
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

SEIR Mule Creek State Prison Level ll infill project.

This is in response to your request for comments on the preparation of a Subsequent Environmental Impact Report for the Secondary Effluent Spray Field project for the Level ll infill project at Mule Creek State Prison.

We are the owners of property immediately West of the existing and proposed expansion of the Mule Creek State Prison in Ione, CA. known as the Q Ranch. Our common boundary is approximately 1 mile long and portions of which are adjacent to the existing spray fields.

We had previously commented on the initial EIR for the project in Jan. 2013. At that time we had asked for information about the existing spray fields design and capacity, information on any reports or actions by any local or State agency as to any operational problems and what has been done to mitigate or remediate such problems, any information or testing data on the possible effect to surrounding wells, any testing data on soils both on and offsite. As to this date, we have not received anything from CDCR. The response to our comments in the EIR indicated that effluent would then be sent to the City of Ione and farmlands South of Hwy. 104. We felt this was to our best interest at the time and did not pursue the issue any further.

We are now being asked to comment on the same issues since it appears the project has changed back to the original proposal. We therefore, have the following comments and renewed request for information:

1. According to the NOP, there were 296 acres of spray fields available within the prison property. It then states that because of the area used for construction of the expansion facility, 100 acres would be lost and according to "Subsequent detailed engineering has determined that only 60-70 acres of new spray field are needed ..." We understand that the inmate population has decreased from in excess of 4,000 down to approximately 2,800, but that with the new expansion, the population will again exceed 4,000. If you are exceeding the existing population by 57%, and yet losing 40 acres of spray filed, how can there be capacity in the system to accommodate the expansion without greatly increasing the amount of effluent sent to the spray fields?

How much of the existing and proposed spray field area is actually usable? Does this figure exclude roadways, setbacks, etc. Much of the area is a mixture of Oak woodland. What setbacks are being used from various features such a natural drainage ways, wetlands, roads, mature trees, boundary/property lines? What "agronomic" disposal rates are being used? What soils investigations have been done in existing and future spray areas? Is the soil suitable for the proposed grasses reference in the NOP. Are these grasses invasive to adjoining native grasslands?

What are the proposed setbacks to adjacent properties and what is being proposed to capture and recirculate waters that will flow from the spray fields onto adjacent properties?

Are there currently both up gradient and down gradient monitoring wells? If so, please provide location and samples taken.

Have there been any samples taken from adjacent properties wells? If so where and when? Please provide sample reports including nitrate and TDS levels. Has there been a geohydrological study with respect to these issues? If so, please provide a copy.

2. The NOP states that pond capacity is 475 acre feet. Has there been a water balance analysis for the pond? If so, does the figure include storage plus 100 yr. storm event? What 100 year rainfall is being used? How much outside area drains into pond from storm water runoff? What is spillway elevation? How much freeboard is there between capacity and spillway? Does pond have a Division of Dam Safety permit? (please provide copy)

Has there ever been an overflow from pond? If so, when and to where?

Please provide us with the following data for our consultants evaluation:

a. Copy of the "Subsequent detailed engineering" referred to in the NOP.

b. Maps and calculations used in determining the capacity of the storage reservoir capacity using the required criteria of peak flow plus a 100 year storm event.

c. Provide a copy of the existing Waste Discharge Requirements for CVRWQCB.

d. It is our understanding that monitoring wells have been drilled at various locations. Please provide a map showing the wells locations and any test results from the wells.

We request to be provided the information above in order to properly evaluate our response to the SEIR.

In addition to the comments above regarding the SEIR for sewage disposal, we would like to discuss issues that we commented on for the initial EIR for the project in 2013, such as aesthetics. We were told and shown pictures of what the new facility would look like from our property. The EIR stated only a glow from lighting would be visible and that it and the existing facilities lighting would be directed downward. We can now actually see buildings under construction, communication tower, etc. If we can see buildings, how much higher and brighter will the light poles be? Nothing was ever mentioned or referred to about a large communications tower visible from our property. You may say that only the cows can see it, but this property is in the City of Ione's Sphere of Influence for residential development up to 850 units. These visual impacts together with the use of the firing range, which is very loud and points in the direction of our property will definitely have a negative effect on the value of our property.

The comments above should not be deemed to be our total and final response since the evaluation of the requested information may open additional areas that would require further investigation and additional responses.

Yours Truly:

Q Ranch Owners

By: Ciro L. Toma

Cc: County of Amador
Board of Supervisors

City of Ione

California Department of Corrections and Rehabilitation

Secondary Effluent Spray Field Enhancement Measures
Scoping Meeting Attendance

When the Draft EIR is released, a Notice of Availability will be sent to those who sign below. Please print legibly. The Draft EIR will be available for review at various libraries and at the Department's website at http://www.cdcr.ca.gov/FPCM/Environmental.html.

Evalynn Bishop Hall February 5, 2015 @ 6 p.m.

Name	Affiliation	Address	Email
Andy Aguilera		Ione	
Richard Forster	Amador Co.	"	

DEPARTMENT OF CORRECTIONS

SCOPING MEETING

Ione, California

February 5, 2015

LEVEL II INFILL CORRECTIONAL FACILITIES PROJECT

AT THE MULE CREEK PRISON INFILL SITE

California Department of Corrections and

Rehabilitation Office of Facility Planning

Construction and Management

Reported by:

Maricela P. Jones

CSR No. 13178

APPEARANCES:

Robert Sleppy

Nancy MacKenzie

Chris Mundhenk

Mike Williams

PUBLIC COMMENTS

Richard Forster

Andy Aguilera

Ione, California

Scoping Meeting

February 5, 2015, 6:32 p.m.

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MR. SLEPPY: So we're starting a second -- called a subsequent EIR for the fact we need to improve our spray field situation so that when Mule Creek has this new Level II dormitory, 1584 beds come online, we have enough room to get rid of our effluent.

This is a process that's just like an EIR but it's kind of a truncated one, it'll address the significant topics and there'll be 45 days for public review, there'll be a final EIR, there'll be a decision. And in particular, what's a little different than, like, when we did the prison, we need a permit from the Regional Water Quality Control Board for this operation. So they're really the ones that make it happen. And it's a very complicated submittal. I think there's a very public process to it, so if anybody wants to follow along this summer, that'll be happening.

We're making a lot of progress from where we started. You know, Supervisor, I think we're still

trying to get you all out there. This is a big site. We have a lot of construction support activities where all the cars are parked, some of that will kind of squeeze down when we get this done. But this is the big facility. That kind of D shape, reserve D is the prison itself, and then our water tanks. We had to grade that big hill down.

And this doesn't have a pointer, does it?

MR. MUNDHENK: Yeah, it does, the red light.

MR. SLEPPY: We had this big hill we had to cut down. Mule Creek is down here so we had to make sure we didn't get into Mule Creek. We have to build a new bridge, a single-lane bridge here. So next -- this summer we'll build a new bridge. This entrance here has been paved just for dust control, but as we get down the highway, we will pull that road back out again when we complete the project.

This should be done, according to the federal courts anyway, by one year from today. And we should have inmates moving in one year from the middle of February in 2016. So this thing -- and right now we are right on the money to get that done.

This is all concrete. These are the housing units that are just getting built. We're actually making the housing units and then placing them, a

little kind of erector set, kind of neat little thing. But that's moving along really well.

This took out about 54 acres of spray fields, not all this is spray fields but this was part was. But this took out about 54 acres. We're building a new electrical substation over here, and that took out a few acres.

We have a couple other projects that are going on at the same time at Mule Creek, they have a lot of construction at Mule Creek. At the prison itself, we're just starting what's called our healthcare improvement project which is responsive to the medical receiver, not having enough clinical space for doctors and nurses and programs and pill dispensaries. So Mike has a -- William's here has a whole project going on, we're going back through the facility and kind of adding a little space.

We're going to rebuild our sewer plant, not much bigger and it's the same capacity, but we're going to completely rebuild the sewer plant after. It hasn't been changed since the original prison. And right there, we're going to get a brand new radio tower so we have a little better communications.

SUPERVISOR FORSTER: You want the questions as you go?

MR. SLEPPY: Sure, yeah. Go ahead.

SUPERVISOR FORSTER: Do we need to identify ourselves?

MR. SLEPPY: Supervisor Forster.

SUPERVISOR FORSTER: Supervisor Richard Forster, District 2 Supervisor for Amador County.

You said you're on schedule at this time to complete one year from today?

MR. SLEPPY: Uh-huh.

SUPERVISOR FORSTER: Working, as I understand six and a half days a week now?

MR. SLEPPY: Yeah, pretty much, yeah.

SUPERVISOR FORSTER: And according to your schedule now, you are on schedule --

MR. SLEPPY: We are right --

SUPERVISOR FORSTER: -- to complete timely?

MR. SLEPPY: We are right on schedule right now. What we don't know is how fast the inmates will come from the other prison systems. The keys will be turned over sometime in the month of February 2016.

SUPERVISOR FORSTER: But the inmates coming in don't affect your completion schedule for the facility --

MR. SLEPPY: Well, it has to be complete for the inmates to come in, with some exception, sometimes

they have a housing unit that's still under construction but it's isolated within the prison --

SUPERVISOR FORSTER: So you're on schedule at this time to complete by the court-ordered completion?

MR. SLEPPY: When this project was -- when the EIR was approved in November 2013, the courts had just rejected -- the federal -- supreme court had just rejected our final appeal to the three-judge panel overcrowding order, 137 1/2 percent. They finally said we don't want to talk to you.

So the Governor went back to the three-judge panel, the federal judges and said, okay, I've got two more projects, I've got 2300 new beds that just got approved, San Diego and here, and with those 2300 beds, I will make that court order that has to come into effect in February 2016.

So this is -- it's not court ordered but it's responsive to our commitment to the court. The prison system, if you read The Bee the other day, actually just hit 137 1/2 percent, but that doesn't count some of the out-of-state inmates and just the growth, and that's up again, it'll come back up again a little bit. But this is responsive and we're on the money right now, and I -- I think we're going to make it. I mean they're going -- Hensel Phelps is a great

company. The one in San Diego is a little tiny bit behind but not much.

SUPERVISOR FORSTER: Thank you.

MR. SLEPPY: This EIR is not about the sewer plant because that's already been addressed months ago. But this is a key issue for everybody, we're going to redo or entire sewer plant. And the real benefit to everybody is it's going to be a much better operation, it's going to use less fresh water for backflushing and things like that, it's going to produce essentially less effluent per inmate. So this is a great thing. But we have to get a new waste discharge requirement for that plant.

When we're done with that plant, it'll have the same permitted capacity as it has now, which is .74 million gallons per day, so 700,400 -- 740,000 gallons per day. But it's just going to be a much better plant. It will produce the same type of effluent, though, secondary disinfected, not tertiary.

SUPERVISOR FORSTER: The new fields that you're creating, have you or will you mitigate for any environmental as far as plants or other species?

MR. SLEPPY: If we find impacts, we would be obligated depending on the law and depends on what the law -- you know, like we had to mitigate for the

red-legged frog at the main prison.

SUPERVISOR FORSTER: Even though they're not there?

MR. SLEPPY: Even though they're not there. And if they were, the turkeys would take care of them.

But what's different on the spray fields is they're going to be pretty noninvasive, very little grading, if any grading. We're really just going to mow the annual grasses, so you really don't affect -- you're not going to take out trees, there's no reason to remove the trees, so you're really not having much of an environmental effect.

You have to conserve the water probably, but you don't have much of on effect on the critters, the deer population and things like that. But we're going to look for salamanders, we're going to look for frogs, and do all that kind of survey. We've been out there already doing that kind of stuff.

We've had constant surveys since we started this project in January 2014 and we've actually yet to find any of the listed or certain species that the feds are concerned about. So we've had almost continuous biological monitoring throughout the prison grounds.

This doesn't change anything with our

three-party agreement with ARSA, Ione and ourselves. We keep on putting the same amount of effluent minimum down through Preston Reservoir which goes on down the tertiary plant, so that doesn't get -- nothing from that agreement gets changed.

We started with about 296 acres of spray fields. We lost 56 acres. We're trying to get back to having about 310, just to have a margin of safety. We picked up about 16 acres in the area where all the construction trailers are, that's already graded. This is about the other 40, 45 acres we need.

We have a proposal in the big EIR to go west of town to the closest Greenrock field at the pasture. We were going to put a pipe out there, work with the City to operate it for us as a spray field. So we're actually going to have more acreage than we lost because it was a building block for eventually maybe getting out of the spray field business on-site.

That negotiation sort of didn't come to fruition with the City. The City wanted a more complicated solution, so for now we're not pursuing that option.

As I said, we stay at the same capacity. That capacity is good for the prison, both the existing prison, the new infill Level II dorms, the

Cal Fire flows and the minimal flows we get from Preston facility still.

We are going to -- producing still secondary-disinfected effluent. That is the kind of the better standard for application to land. We're going to have monitoring wells, we'll do our monitoring back to the Water Board.

We looked around to find what we had left on our own acreage, especially in the lower, flatter areas. Some of that is what's been used by Cal Fire, so we're working with Cal Fire to try to accommodate their continued operations.

SUPERVISOR FORSTER: Do you have an idea what the cost was of going with the City versus doing it yourself?

MR. SLEPPY: We had budgeted about two and a half million to go out to that field. And with the City solution -- the City recommendation was much higher than that because of the mechanical improvements to the piping, to the -- they wanted us to improve the piping and release system from Preston Reservoir down to their treatment plant. They wanted us to line all their ponds because they've got this problem that they can't really control the way they would like effluent coming out of Preston Reservoir

down to the tertiary plant.

SUPERVISOR FORSTER: You said much higher. Do you know how much?

MR. SLEPPY: Yeah, it was in the 4-, 5-, $6 million range.

And then there's also this issue, they wanted us to be able to -- if we went to the closer field, that's fine for maybe ten years but we needed to be ready to pay to go farther out, another mile out as they needed that field. So it just got to a difficult situation. It got to being way bigger scope than we felt we could put our mediation ray on, so we came back to look at this option.

We're going to go back through all of our existing fields and look at -- kind of get a little better sprinkler coverage and replace some of the valving. We're going to try to come up with a different type of grass that uses a little more water. We're going to probably move away from disking and start using the commercial farm type mowers, so it's a little less damage to the environment as we operate those.

This is kind of the basic math. How we get there, we started with a little bigger number than we're probably going to end up. I'm sure for

environmental or soil reasons we'll do some of our proposed fields, so we're trying to get back down.

These are our existing fields that are still functional, kind of the red area. One, 2, and 3, 4, what's left of 6, and 7 you see from the highway. Those are existing fields, they're still in use. Now, we haven't used our spray fields -- or I should say Mike hasn't used the spray fields very much for the last two, three years with the drought. Most of his effluent has gone down to the golf course. They've had a much bigger demand for irrigation than they do in typical years. That's our existing fields. That's now about 240 plus acres are left over.

We have two areas that are candidates for spray field -- additional spray fields. We have all this area where we have construction trailers and big concrete casting bed and a big pile of dirt down here. So those, because they're already graded and flattened out, we're pretty sure those will mostly be turned into spray fields with Water Board permission.

And then to make up the net balance of what we need, we're looking at these blue areas, including up here on top of the hill and down back kind of where Cal Fire does a lot of its training.

Some of those, like that one below the cut

off ditch here, you know, might fall out because of this issue of not having effluent running into the reservoir. But we're going to look at those.

They've already been drawn in a very conservative environmental protection aspect that they already don't include wetlands, don't include archeological sites, things like that. But they could shrink some more, or some just might not be cost effective to put a pipe to, you know, like little ones like this.

SUPERVISOR FORSTER: Can I ask a question. You said the areas that are flattened out, you're pretty sure those are going to be spray fields. Those are going to be proposals to the Water Board?

MR. SLEPPY: Yeah, those will be part of our permit application.

We're trying to have the spray fields up and running or close to up and running by the same time next year when we activate the prison. We don't need the spray fields until early summer because we store usually through the winter, although Mike can irrigate during the winter if you have long dry spells. So -- but we're trying to get it all done.

Construction stuff won't go away until late in this year, so you have to wait for the trailers to

move out and be able to regrade some of the areas. But we're still -- we should be in front of the Regional Water Quality Control Board for a new permit in October, formal permit decision by then. We should have a tentative permit by mid summer, which is a public document.

This is -- you want to do this part now?

MR. MUNDHENK: It's up to you. I'll talk if you want me to. Sure.

MR. SLEPPY: This is -- introduce yourself, everybody knows me.

MR. MUNDHENK: Chris Mundhenk from Ascent Environmental, I'm the project manager for the subsequent EIR. And so the process for the subsequent EIR that we're following here is going to be very similar to what we did for the original EIR, the original infill EIR.

We are currently in the midst of the public review for the notice of preparation, where we've kind of identified what we think will be the new potential significant impacts, which is kind of what you need to acknowledge as part of the subsequent EIR.

Tonight is our scoping meeting, where we hope you'll give us some comments that we can reflect in our environmental analysis. Next will be a draft

SEIR. We're tentatively targeting late spring for issuing that, followed by a public hearing once the draft SEIR is out for public review. And then once we've received all public comments, we'll come back, provide written responses to each comment and issue the final SEIR followed by hopefully SEIR certification and a project decision this summer.

MR. SLEPPY: And then we go get our Water Board Permit. So we're still -- a public process follows our decision.

MR. MUNDHENK: So as noted in the NOP, the SEIR will evaluate potential impacts as a result of the proposed enhanced measure to biological resources, cultural resources and hydrology and water quality. All the other issue ares that we've evaluated and we've determined that they would not result in new subsequent impacts or substantially increase the environmental impacts that were already evaluated in the infill EIR.

Kind of already said this with the two slides go, but again, NOP was issued on January 21st, public review will end on February 20th. Draft SEIR, spring 2015, followed by the final in the summer and probably about 15 to 20 days after that we'll hopefully have certification of the SEIR.

This is more if we were going to have a larger group but if you do want to get up and offer some public comments, we do have our court reporter here.

MR. SLEPPY: As part of that CEQA process, we would expect to brief the supervisors when the draft EIR comes out, just so you get a head start. We'd do the same thing for the City Council, we'd have a public hearing here during that 45-day public review period, so hopefully we'll kind of keep people -- we've sent out -- our mailing list includes some of the folks that showed up late in our EIR process, that were apparently important to you all, so they got notified about the new spray field project.

So if you want to -- have some comments...

SUPERVISOR FORSTER: I just have a couple. Based on our meeting we had the other day with you, Mr. Sleppy, and with --

MS. MACKENZIE: Mike Williams.

SUPERVISOR FORSTER: Yeah it was Mike, right, Mike Williams, Mike Isra from environmental health, Amador County Environmental Health was there and made comments relative to, previously we had issues with the prison site with nitrate concentrations and the ultimate conclusion of that was the County litigating

over that. And we had significant issues with the neighbors of the Mule Creek facility.

So one thing I said the other day in that meeting, we don't want to litigate again. We'd rather see this done properly, whether that means you go negotiate, go back to the table and renegotiate with the City of Ione or you go through this process, whatever happens, we don't want to be in a position of having to litigate again.

Gary Ghio, that's, G-H-I-O is the acting director of ARSA, and his comments were relative to the Preston Reservoir. And concerns were with new spray fields being located adjacent to that reservoir, any inflow that may come into that reservoir would affect the amount that ARSA has to deal with. So we want that resolved. He also had issues with the water balance, he wants to see definitively what the water balance will be.

My comments are more towards the language in your documents that I have regarding this proposal. You know, when this started, and Mr. Sleppy, you've made presentations before the Board of Supervisors, your presentation said that CDCR was going to go with a regional approach with the City of Ione. So we took that at face value and therefore we didn't oppose the

project.

Now because of cost issues, you're going with a new proposal that's much cheaper, but you're not living up to what you originally said and what your representation of what the Department is doing. In a letter that ARSA received from Deborah Hysen who I think is a deputy director with the Department in a letter indicated that CDCR is still committed to a regional approach.

I don't see how she can make that statement being that you've gone away from the regional interaction with the City and you're basically going alone now. But in your document, the statements come up in paragraphs under Description of Proposed Enhancement Majors, that CDCR will also evaluate and potentially modify portions of the remaining secondary effluent spray fields. And the next paragraph starts with the proposed enhancement majors.

You know, we heard from you once that -- what you were going to do and now you're not going to do that. Words like "potentially modify" and "proposed enhancement" don't fly with me at this point. We need something in concrete to know exactly what's going to happen here.

Maybe that will come after you deal with the

regional board or they deal with you, but we need some assurances of what's going to happen. Because in the past we haven't -- we've had assurances, they haven't come to fruition because they weren't locked down in writing and we weren't committed to those by any rules or regulations or requirements from regional board or anyone else.

So from my perspective, we don't want to be back at the table and back suing CDCR. It's very expensive on both sides, cost taxpayers money. We want to see it done right and we want it well documented and confirmed in writing what's going to happen.

MR. SLEPPY: Okay. Thank you.

You don't have to say anything but you could.

MR. AGUILERA: Is there trees you can plant --

MR. SLEPPY: Name, one name.

MR. AGUILERA: Andy Aguilera, Ione. Is there trees that you can plant that will suck a lot of water up?

MR. SLEPPY: No, there's better -- there's some varieties of grass that use water a lot more effectively than that good ol', you know, wild oats. So we're actually doing a test plot to see if we can

get some to grow, yeah.

SUPERVISOR FORSTER: Actually you can plant poplar trees. There are some places that have done that and they harvest the polar trees, they're quick growing and they suck the water up, they harvest them and they sell the wood. So if the State wants to make some money, that's one way to do it.

MR. SLEPPY: Okay. Thank you very much and I'll see you all --

SUPERVISOR FORSTER: Thank you.

MR. SLEPPY: -- Tuesday. I'll try to be fast but I'll have it a little more compressed and a little more -- some of these points you're --

SUPERVISOR FORSTER: Is it possible that you can have this printed out when you come to the Board?

MR. SLEPPY: Oh, yeah.

SUPERVISOR FORSTER: If you have a PowerPoint --

MR. SLEPPY: Yeah, we will.

SUPERVISOR FORSTER: -- so members of the public can have copies of this?

MR. SLEPPY: Sure will.

SUPERVISOR FORSTER: Thank you.

MR. SLEPPY: Thanks.

(Proceedings concluded at 6:54 p.m.)

STATE OF CALIFORNIA)
)
COUNTY OF SACRAMENTO)

I, Maricela P. Jones, a Certified Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name.

Dated: February 23, 2015

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Maricela P. Jones
CSR No. 13178

SCOPING MEETING CORRECTIONS
February 5, 2015

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February 5, 2015