

SAN BENITO COUNTY CLERK - RECORDER  
RECEIVED: 3-1-18  
REMOVE: 5-1-18 SCAN: 3-1-18

Notice of Determination

Appendix D

To:  
 Office of Planning and Research  
U.S. Mail: P.O. Box 3044  
Sacramento, CA 95812-3044  
Street Address: 1400 Tenth St., Rm 113  
Sacramento, CA 95814  
 County Clerk  
County of: San Benito  
Address: 440 5th St #206  
Hollister, CA 95023

From:  
Public Agency: Tres Pinos Water District  
Address: 6850 Airline Highway  
Tres Pinos, CA 95075  
Contact: Mary Anne Hughes  
Phone: 831-628-3319  
Lead Agency (if different from above):  
NA  
Address:  
Contact:  
Phone:

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

State Clearinghouse Number (if submitted to State Clearinghouse): 2017111037

Project Title: Tres Pinos Wastewater Treatment Plant Upgrade Project

Project Applicant: Tres Pinos County Water District

Project Location (include county): Southside Road at Bolado Road, San Benito County, CA

Project Description:

Construction of a mechanical "Package" Wastewater Plant consisting of a membrane bioreactor treatment process to achieve the effluent nitrogen limitations stipulated in the Waste Discharge Requirements Order No. R3 2012-0015. The Project is located in the town of Tres Pinos, 7 miles southeast of the City of Hollister in San Benito County. The Project is located entirely within the footprint of the existing wastewater treatment plant, which is located approximately 1,200 feet west of Southside Road at Bolado Road. The Project is located on one parcel, APN 025-200-070-000.

This is to advise that the Tres Pinos County Water District has approved the above (input checked) Lead Agency or (input not checked) Responsible Agency

described project on (date) and has made the following determinations regarding the above described project.

- 1. The project (input not checked) will (input checked) will not have a significant effect on the environment.
2. (input not checked) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. (input checked) A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (input checked) were (input not checked) were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan (input checked) was (input not checked) was not adopted for this project.
5. A statement of Overriding Considerations (input not checked) was (input checked) was not adopted for this project.
6. Findings (input checked) were (input not checked) were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Tres Pinos County Water District, 6850 Airline Highway Tres Pinos, CA 95075

Signature (Public Agency): Mary Anne Hughes Title: Vice President of the Board

Date: March 1, 2018 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code. Reference Section 21000-21174, Public Resources Code.

FILED
MAR 1 2018
JOE PAUL GONZALEZ
COUNTY CLERK



State of California - Department of Fish and Wildlife  
**2018 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
 DFW 753.5a (Rev. 01/03/18) Previously DFG 753.5a

**Print**      **StartOver**      **Finalize&Email**

RECEIPT NUMBER:  
 35 — 03/01/201 — 00  
 STATE CLEARINGHOUSE NUMBER (If applicable)  
 2017111037

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY: **Tres Pinos Water District**      LEAD AGENCY EMAIL:      DATE: **03/01/2018**

COUNTY/STATE AGENCY OF FILING: **San Benito**      DOCUMENT NUMBER:

PROJECT TITLE:  
**Tres Pinos Wastewater Treatment Plant Upgrade Project**

PROJECT APPLICANT NAME: **Tres Pinos County Water District**      PROJECT APPLICANT EMAIL:      PHONE NUMBER: **(831) 6283319**

PROJECT APPLICANT ADDRESS: **6850 Airline Highway**      CITY: **Tres Pinos**      STATE: **CA**      ZIP CODE: **95075**

PROJECT APPLICANT (Check appropriate box)  
 Local Public Agency     School District     Other Special District     State Agency     Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,168.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,280.75	\$	<u>2,280.75</u>
<input type="checkbox"/> Certified Regulatory Program document (CRP)	\$1,077.00	\$	<u>0.00</u>

Exempt from fee  
 Notice of Exemption (attach)  
 CDFW No Effect Determination (attach)  
 Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County documentary handling fee		\$	<u>50.00</u>
<input type="checkbox"/> Other		\$	<u>          </u>

PAYMENT METHOD:

Cash     Credit     Check     Other      TOTAL RECEIVED    \$      2,330.75

SIGNATURE: *x [Signature]*      AGENCY OF FILING PRINTED NAME AND TITLE: **San Benito County Clerk**

# Tres Pinos Water District

RESOLUTION NO. 2018-01

## A RESOLUTION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR THE TRES PINOS WATER DISTRICT PHASE 2 LTWWMP - WWTP UPGRADE PROJECT

WHEREAS, the Tres Pinos Water District (District) has entered into a State Water Resources Control Board (State Board) Planning Grant, Agreement No. 143-815-550, State Revolving Fund (SRF) Project No. C-06-8030-110, for the preparation of a Long-term Wastewater Management Plan (Phase 2 LTWWMP);

WHEREAS, the District has prepared a Phase 2 LTWWMP Technical Report in accordance with Agreement No. 143-815-550, and the State Board has approved such Report as to overall technical merit and content;

WHEREAS, the District is the lead agency on the Project; and,

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State of California Guidelines, an Initial Study (IS) was prepared for the District which did not identify significant impacts, thus allowing for preparation of a Mitigated Negative Declaration (MND); and

WHEREAS, the District is applying for an SRF Loan for the Project, which requires conformance with CEQA Plus review and NEPA cross-cutting environmental regulations, and the IS/MND has incorporated and adequately addressed such requirements;

WHEREAS, the IS/MND contained all the necessary components of a Negative Declaration pursuant to Sec. 15071 of the CEQA Guidelines, including the following:

- a) A brief description of the project;
- b) The location of the project;
- c) A proposed finding that the project will not have a significant effect on the environment;
- d) An attached copy of the Initial Study documenting reasons to support the finding; and
- e) Mitigation measures included as part of the project to avoid potentially significant environmental effects (contained in Initial Study); and,

WHEREAS, the IS/MND concluded that implementation of the Project could result in potentially significant effects on the environment (i.e., Biological Resources,

Cultural Resources, and Hazards and Hazardous Materials) and identified appropriate and feasible mitigation measures that would reduce the significant effects to a less-than-significant level; and,

WHEREAS, in accordance with the requirements of CEQA Guidelines Sec. 15003(h), the IS/MND considered the whole of the action and evaluated the entirety of the Project when determining whether the Project would have a significant environmental effect; and,

WHEREAS, the IS/MND was circulated for agency and public review and comment on November 13, 2017 for a 30-day period to December 12, 2017;

WHEREAS, the District followed the appropriate public noticing procedures pursuant to Sec. 15072 of the CEQA Guidelines; the District posted notices on- and off-site pursuant CEQA Guidelines Sec. 15072(b)(2); and,

WHEREAS, in accordance with the requirements of CEQA Guidelines Sec. 15072, the District provided notice of intent to adopt the IS/MND to the public, responsible agencies, trustee agencies, State Clearinghouse, and the county clerk prior to adoption of the IS/MND; and,

WHEREAS, the District considered the IS/MND together with comments received during the public review process as required pursuant to Sec. 15074 of the CEQA Guidelines; and,

WHEREAS, the IS/MND has been completed in compliance with the CEQA, Public Resources Code section 21000 et seq., CEQA (14 Cal. Code of Regulations Section 15000 et seq.) and the local procedures adopted pursuant thereto;

WHEREAS, the Board of Directors of the Tres Pinos Water District considered the IS/MND, public comments and responses at the public Board meeting on February 25, 2018;

WHEREAS, whenever a lead agency considers adopting an Initial Study/Mitigated Negative Declaration requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and,

WHEREAS, the District prepared a Mitigation Monitoring and Reporting Program, which meets the requirements of CEQA (Public Resource Code, Sec. 21081.6) and Sec. 15074(d) of the CEQA Guidelines) and contains measures for the reporting on and monitoring of measures to mitigate or avoid significant environmental effects; and,

WHEREAS, the District reviewed and considered the IS/MND and Mitigation Monitoring and Reporting Program for the Project and intends to adopt and certify the Initial Study/Mitigated Negative Declaration and take action on Project in compliance with CEQA; and,

WHEREAS, the IS/MND (November 2017) and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as Attachments A and B, respectively; and,

WHEREAS, after discussion before the Board, the Board unanimously elected to adopt this Resolution to accept and file this IS/MND.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Tres Pinos Water District, as follows:

- I. The Board of Directors has considered the IS/MND, public comments, the summary of comments, and finds that the Mitigated Negative Declaration (dated December 10, 2017) and supporting documents reflects the agency's independent judgment and analysis.
2. That the Board does hereby make the following additional findings in accordance with Sec. 15065 of the CEQA Guidelines: (1) the Project, as mitigated, does not have the potential to substantially degrade the quality of the environmental, 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, substantially reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory; (2) the Project would not result in the achievement of short-term environmental goals to the disadvantage of long-term environmental goals; (3) the Project would not result in environmental effects that are cumulatively considerable; and (4) the Project would not cause substantial adverse effects on human beings, either directly or indirectly.

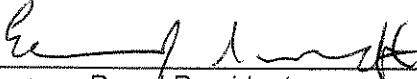
3. That the Board does hereby adopt the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program. The Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file with the District office, located at 6850 Airline Highway, Tres Pinos, CA 95075, and (2) available for inspection by any interested persons.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Tres Pinos Water District duly held on February 25, 2018, by the following vote:

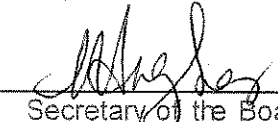
AYES: Ed Schmidt, Mary Anne Hughes, Mike Sargeant, Cass Spencer, Janie Lausten,

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

  
Board President

ATTEST:

  
Secretary of the Board



RESOLUTION NO. 2018-01

A RESOLUTION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR THE TRES PINOS WATER DISTRICT PHASE 2 LTWWMP - WWTP UPGRADE PROJECT

WHEREAS, the Tres Pinos Water District (District) has entered into a State Water Resources Control Board (State Board) Planning Grant, Agreement No. 143-815-550, State Revolving Fund (SRF) Project No. C-06-8030-110, for the preparation of a Long-term Wastewater Management Plan (Phase 2 LTWWMP);

WHEREAS, the District has prepared a Phase 2 LTWWMP Technical Report in accordance with Agreement No. 143-815-550, and the State Board has approved such Report as to overall technical merit and content;

WHEREAS, the District is the lead agency on the Project; and,

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State of California Guidelines, an Initial Study (IS) was prepared for the District which did not identify significant impacts, thus allowing for preparation of a Mitigated Negative Declaration (MND); and

WHEREAS, the District is applying for an SRF Loan for the Project, which requires conformance with CEQA Plus review and NEPA cross-cutting environmental regulations, and the IS/MND has incorporated and adequately addressed such requirements;

WHEREAS, the IS/MND contained all the necessary components of a Negative Declaration pursuant to Sec. 15071 of the CEQA Guidelines, including the following:

- a) A brief description of the project;
- b) The location of the project;
- c) A proposed finding that the project will not have a significant effect on the environment;
- d) An attached copy of the Initial Study documenting reasons to support the finding; and
- e) Mitigation measures included as part of the project to avoid potentially significant environmental effects (contained in Initial Study); and,

WHEREAS, the IS/MND concluded that implementation of the Project could result in potentially significant effects on the environment (i.e., Biological Resources,

Cultural Resources, and Hazards and Hazardous Materials) and identified appropriate and feasible mitigation measures that would reduce the significant effects to a less-than-significant level; and,

WHEREAS, in accordance with the requirements of CEQA Guidelines Sec. 15003(h), the IS/MND considered the whole of the action and evaluated the entirety of the Project when determining whether the Project would have a significant environmental effect; and,

WHEREAS, the IS/MND was circulated for agency and public review and comment on November 13, 2017 for a 30-day period to December 12, 2017;

WHEREAS, the District followed the appropriate public noticing procedures pursuant to Sec. 15072 of the CEQA Guidelines; the District posted notices on- and off-site pursuant CEQA Guidelines Sec. 15072(b)(2); and,

WHEREAS, in accordance with the requirements of CEQA Guidelines Sec. 15072, the District provided notice of intent to adopt the IS/MND to the public, responsible agencies, trustee agencies, State Clearinghouse, and the county clerk prior to adoption of the IS/MND; and,

WHEREAS, the District considered the IS/MND together with comments received during the public review process as required pursuant to Sec. 15074 of the CEQA Guidelines; and,

WHEREAS, the IS/MND has been completed in compliance with the CEQA, Public Resources Code section 21000 et seq., CEQA (14 Cal. Code of Regulations Section 15000 et seq.) and the local procedures adopted pursuant thereto;

WHEREAS, the Board of Directors of the Tres Pinos Water District considered the IS/MND, public comments and responses at the public Board meeting on February 25, 2018;



WHEREAS, whenever a lead agency considers adopting an Initial Study/Mitigated Negative Declaration requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and,

WHEREAS, the District prepared a Mitigation Monitoring and Reporting Program, which meets the requirements of CEQA (Public Resource Code, Sec. 21081.6) and Sec. 15074(d) of the CEQA Guidelines) and contains measures for the reporting on and monitoring of measures to mitigate or avoid significant environmental effects; and,

WHEREAS, the District reviewed and considered the IS/MND and Mitigation Monitoring and Reporting Program for the Project and intends to adopt and certify the Initial Study/Mitigated Negative Declaration and take action on Project in compliance with CEQA; and,

WHEREAS, the IS/MND (November 2017) and the Mitigation Monitoring and Reporting Program for the Project are, by this reference, incorporated into this Resolution as Attachments A and B, respectively; and,

WHEREAS, after discussion before the Board, the Board unanimously elected to adopt this Resolution to accept and file this IS/MND.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Tres Pinos Water District, as follows:

1. The Board of Directors has considered the IS/MND, public comments, the summary of comments, and finds that the Mitigated Negative Declaration (dated December 10, 2017) and supporting documents reflects the agency's independent judgment and analysis.
2. That the Board does hereby make the following additional findings in accordance with Sec. 15065 of the CEQA Guidelines: (1) the Project, as mitigated, does not have the potential to substantially degrade the quality of the environmental, 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, substantially reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory; (2) the Project would not result in the achievement of short-term environmental goals to the disadvantage of long-term environmental goals; (3) the Project would not result in environmental effects that are cumulatively considerable; and (4) the Project would not cause substantial adverse effects on human beings, either directly or indirectly.

3. That the Board does hereby adopt the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program. The Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file with the District office, located at 6850 Airline Highway, Tres Pinos, CA 95075, and (2) available for inspection by any interested persons.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Tres Pinos Water District duly held on February 25, 2018, by the following vote:

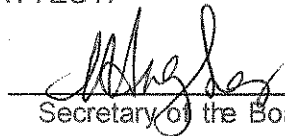
AYES: Ed Schmidt, Mary Anne Hughes, Mike Sargeant, Cass Spencer, Janie Lausten,

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

  
Board President

ATTEST:

  
Secretary of the Board