

Appendix B

Eight-Step Decision-Making Process

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

8-STEP PROCESS

TBI Biomass Pellet Manufacturing Facility

Sonora, CA

Decision Process for Executive Order 11988 as Provided by 24 Code of Federal Regulations Section 55.20

Step 1: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions).

The proposed action is partially located in a 100-year floodplain. The proposed action would involve the development and operation of a woody biomass pellet manufacturing facility on two parcels (Assessor's Parcel Numbers: 061-150-46 and 061-150-47) located in an industrial business park in Sonora, Tuolumne County, CA. The sewer connection for the proposed project is located within an area designated an A Zone (area of special flood hazard without water surface elevations determined), as indicated on FEMA FIRM Panel Number 06109C0854C (dated April 16, 2009). This project is (a) not exempt under 24 CFR Section 55.12(a), and (b) consists of activity within the 100-year floodplain; for both of these reasons, Executive Order (EO) 19988 applies. An evaluation of direct and indirect impacts associated with construction and modification of the floodplain is required.

Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process.

A public notice describing the proposed project was published in the Union Democrat, the local and regional paper, on October 26, 2021. The ad targeted local residents, including those in the floodplain. A copy of the published notification was kept in the project's environmental review records and attached to this document. The required 15 calendar days were allowed for public comment. As required by regulation, the notice also included the name, proposed location and description of the activity, total number of floodplain acres involved, and the HUD official or responsible entity contact for information as well as the location and hours of the office at which a full description of the proposed action can be viewed. No comments were received on the proposed action.

Step 3: Identify and evaluate practicable alternatives.

The project site selection criteria are:

- The site must be a minimum size of 2 acres.
- The site zoning must allow wood products manufacturing as an allowed or conditional use.
- There must be no conflicting adjacent uses (such as residential properties).
- The site must be available for lease at a rate that is economically viable.
- The site must be located within or adjacent to the feedstock study area so that transportation of raw materials to the site meet emissions targets and enables financial success of the project.

The project applicant considered several alternative sites and actions:

1. Locate the Project Within the Floodplain

Locate the project at the proposed location, on Assessor's Parcel Numbers (APNs) 061-150-46 and 061-150-47. These APNs are addresses on Camage Avenue in Sonora, CA.

This site meets all the requirements identified above. The proposed action on this site would meet HUD's stated purpose and need for this facility. However, the project as proposed would require temporary excavation within the flood zone to access connection to the Tuolumne Utilities District sewer line. All buildings and permanent above-ground infrastructure would be outside of the floodplain.

Modify the project located on APNs 061-150-46 and 061-150-47

It is not feasible to modify the project because the existing public sewer line is located in the floodplain, and the size of the site, together with the site layout precludes implementation of a private sewer or alternative sewage treatment system, per Tuolumne County Code Section 13.08.150 Public Sewer Connections.

A. Every building in which plumbing fixtures are installed, including dwellings, places of business, or other structures in which persons reside, congregate or are employed, and any building or structure from which sewage may originate, shall connect to a public sewer when such a public sewer is available. For the purposes of this Section, a public sewer is defined as being available when the following conditions exist: 1. The agency operating the sewer has agreed to permit connections; 2. The public sewer is located three hundred feet or less from the proposed building as measured over an existing public right-of-way or public utility easement.

Obtain a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR)

The project proponent considered applying for a LOMA or LOMR, but discussions with Tuolumne Utility District (TUD) staff indicated that, through this process, the public sewer connection stub would likely not be found to be at or above the base flood elevation (BFE) and therefore there would be no change in floodplain impacts. Additionally, survey information for the location of the sewer stub connection would need to be updated by TUD to reflect the precision of the new data available on the LOMA or LOMR.

2. Locate the Project Outside of the Floodplain

Locate the project on APN 097-330-007 (Alternative 2)

The project applicant had considered an alternative site on APN 097-330-007, adjacent to Sonora Recycling. The site is zoned for industrial use (M-1) but is in very close proximity to residential uses. At this site, emissions, noise, and haul truck traffic could adversely affect sensitive receptors in the adjacent residential area. The parcel has also not previously been developed and would therefore require extensive site preparation and improvements (e.g., clearing, grading, installation of new drainage infrastructure) prior to use. The extensiveness of these required improvements would not be completed in time to meet the conditions of the Community Development Block Grant National Disaster Resilience grant award.

Locate the project in the Plum Industrial Park on APN 061-170-007-000 (Alternative 3)

The site is currently under a lease contract and would not be available quickly enough to meet the conditions of the Community Development Block Grant National Disaster Resilience grant award.

3. No Action Alternative

The No Action Alternative would not include any development and therefore no impacts to the floodplain would occur. If no funding is provided, the proposed project would not be constructed and therefore this receiving facility for woody debris generated from forest fuels management activities and forest thinning would not be available to manage forest biomass byproducts. Additionally, there would be no benefit related to GHG emissions because woody debris piles would be burned in the forest generating substantial emissions. A No Action Alternative was considered and rejected because approval of the No Action Alternative would not meet the purpose and need of the proposal.

Step 4: Identify Potential Direct and Indirect Impacts Associated with Floodplain Development.

The proposed project would not result in the construction of habitable structures and would not affect existing habitable structures in any way, nor would it locate any people or any type of structures within any areas prone to flood. For these reasons, the project would not result in increased flood risk to people or property and would have no adverse effect related to loss of life or property due to flooding. Additionally, because no structures would be placed within the floodplain, there is no requirement for any portion of the project to be covered by flood insurance under the National Flood Insurance Program.

In addition to concerns for life and property, the natural and values of the floodplain have been considered. The natural resources of the floodplain include water, biological, and societal resources.

Construction activities required to connect to the sewer line within the 100-year floodplain would not alter existing impervious area or flood flows. Work activities required to be carried out to connect to the sewer line would consist of temporary excavation for access and subsequent replacement of excavated materials. Work would be carried out during dry conditions; therefore, temporary excavation would not impact flood conditions or floodplain characteristics. Adverse floodplain impacts from these activities would not be significant.

The proposed project would create new impervious surfaces adjacent to the 100-year floodplain. While the creation of impervious surfaces outside of the floodplain would not impact the floodplain directly, there is the potential for indirect impacts. Surface drainage patterns could be indirectly affected by the addition of impervious surfaces, which could have the ability to alter drainage into the floodplain and to affect overland surface flow infiltration rates. The proposed project would also involve temporary excavation and backfilling within "Zone A" of the floodplain. To prevent potential adverse effects on surface drainage, Tuolumne County requires acquisition of a grading permit, and the project applicant would also be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The grading permit issued by the county would provide safeguards against erosion and drainage impacts through engineering design requirements. Such measures are aimed at controlling potential drainage and erosion from

operations at the site over the course of the project life. The county would ensure that design measures are both designed and implemented to provide sufficient storm water diversion and infiltration to prevent erosion and drainage impacts, including impacts on the floodplain. The SWPPP would also provide design elements and best management practices (BMPs) to control contamination sources—including sedimentation/erosion—that could leave the site. Design elements such as BMPs and other control measures to prevent erosion from the site and sedimentation of Curtis Creek would control runoff rates and infiltration rates at the site such that flood flows in Curtis Creek would not be affected by the addition of impervious surfaces outside of the floodplain. These measures would protect the natural values of Curtis Creek, including those related to water quality and biological resources and there would be no significant adverse impacts.

Step 5: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.

Preserving Lives: As described above under Step 4, there would be no significant adverse effects related to loss of life due to flooding. The sewer connection work in the floodplain will be brief and performed during the non-rainy season. The native ground elevation will be restored and will not affect floodwaters.

Preserving Property: As described above under Step 4, there would be no significant adverse effects related to loss of property due to flooding. There will be no insurable structures, so elevation mitigation isn't useful or required.

Preserving Natural Values and Minimizing Impacts: As described under Step 4, there would be no significant adverse effects related to natural values, including water quality, biological, and societal resources due to flooding.

Step 6: Reevaluate the Alternatives.

Although a small portion of the proposed project site is in a floodplain, the project does not have significant adverse effects on floodplain values. The proposed action would not result in the construction of habitable structures and would not affect existing habitable structures in any way, nor would it locate any people or any type of structures within any areas prone to flood. Additionally, project design elements, BMPs, and operational control measures to prevent erosion from the site and sedimentation of Curtis Creek would control runoff rates and infiltration rates at the site such that flood flows in Curtis Creek would not be affected by the addition of impervious surfaces outside of the floodplain. Consequently, there would be no significant adverse effect on floodplains from implementation of the project.

The alternatives, including the No Action Alternative, are impracticable because they would not satisfy the purpose and need of the proposed action, would be infeasible, and/or would result in insignificant adverse environmental effects.

Step 7: Determination of No Practicable Alternative

It is our determination that there is no practicable alternative for partially locating the project in the flood zone. This is because of: 1) the need to meet the purpose and need of the proposed action; 2) the requirement to connect to a public sewer system; and 3) the lack of significant adverse environmental effects on human health, public property, and floodplain values.

Step 8: Implement the Proposed Action

Tuolumne County will assure that the proposed action, as described above, is executed and necessary language will be included in all environmental approvals related to project implementation. Tuolumne County will take an active role in monitoring the construction process to ensure no unnecessary impacts occur nor unnecessary risks are taken.