UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

PROPOSED FINDING OF NO SIGNIFICANT IMPACT

City of Oceanside Fire Suppression Waterline at the Mission San Luis Rey

PROJECT LOCATION AND DESCRIPTION

The U.S. Environmental Protection Agency (EPA) is considering authorizing the expenditure of $238,500 awarded in October, 2003 (pursuant to the United States Special Appropriation Act of 2003) to the City of Oceanside (City), California. The funds were awarded to construct a fire suppression waterline with hydrants at the Mission San Luis Rey (Mission), a designated National Historic Landmark (National Register, No. 7000142), to enhance fire protection of the Mission. The proposed waterline would follow two general paths: one oriented east/west across the central area of the Mission grounds and a second along the eastern side of the complex which runs north/south. The development of alternative alignments for the proposed action was constrained by the need to provide required locations for necessary fire hydrants and to connect such locations to the nearest existing waterlines. Construction would occur primarily within the grounds of the Mission and the waterline alignment would be within the developed/disturbed portions of the Mission property.

PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed action is to enhance fire protection for the Mission by constructing a new public waterline. The proposed action would include the construction of an approximately 3,100 foot long pipe which would be installed by digging a trench approximately 0.5 meters wide and 1.2 meters deep. Three new fire hydrants would be placed at various points in front of the Mission and one existing hydrant east of the Mission would be relocated. A double-check assembly where the existing Parish waterline connects to the existing City waterline at Mission Avenue would need to be removed. A 12-foot wide access road would need to be constructed over portions of the waterline alignment along the Mission's eastern property boundary toward Via Los Padres. The capacity of the proposed waterline has been designed to accommodate peak hour/peak day conditions. Because the waterline would interconnect with other existing lines in the City system and be used for emergency purposes only, there would be no increase in capacity to the City system.

ENVIRONMENTAL CONSEQUENCES AND CONDITIONS

In accordance with the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) was prepared to evaluate the environmental consequences of the

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proposed action, along with the no action alternative. After considering a wide range of regulatory, environmental and socioeconomic factors, the EA, as discussed below, did not identify any significant impacts to the environment that would result from the implementation of the proposed action.

The EA contains an evaluation of potential environmental impacts, including those on prehistoric, historic, architectural and cultural sites. The evaluation indicates that the proposed action may have an "adverse effect" on "historic properties," as those terms are defined under Section 106 of the National Historic Preservation Act (NHPA). Consequently, EPA is required to comply with the requirements set forth in 36 C.F.R. Part 800, the regulations implementing section 106 of the NHPA.

As provided in the NHPA regulations, EPA has chosen to follow 33 C.F.R. section 800.8, which allows federal agencies to substitute NEPA documents and processes that meet certain specified additional requirements for the standard section 106 process of the NHPA. Accordingly, EPA is relying, in part, on the evaluation in the EA to satisfy 33 C.F.R. sections 800.3-6 that require federal agencies to initiate consultation, identify historic properties and assess potential effects upon them, and to resolve adverse impacts that may occur from implementing the proposed action. Specifically, the cultural resource survey relied upon in the EA identified three significant archaeological features of concern: an ephemeral irrigation ditch (zanja), a tile aqueduct identified as a masonry (acequia), and "unidentified footings." Given these findings and the historical significance of the site, EPA consulted with a number of interested parties including the Advisory Council on Historic Preservation (ACHP) and the California State Historic Preservation Office (SHPO), City of Oceanside, Franciscan Fathers, San Luis Rey Band of Luiseno Mission Indians, Pauma Band of Luiseno Mission Indians and the National Park Service, to resolve adverse effects related to the project. Ultimately, a Memorandum of Agreement (MOA) that resolves the potential adverse effects on historic properties was negotiated and signed by all interested parties, and consultation was concluded.

The MOA developed for the proposed project addresses the issues of: (1) ensuring that the implementation of the waterline project is conducted in a manner that will resolve potential adverse effects to historic properties; and (2) how any Native American remains will be treated should any be encountered during ground-disturbing activities. With respect to the implementation of the waterline project, the City of Oceanside has agreed to develop an historic property treatment plan, in consultation with the ACHP and the SHPO. Additionally, for protocol related to the treatment of human remains, the MOA requires the City of Oceanside to develop a plan that at a minimum includes provisions for (1) identifying the Most Likely Descendant; and (2) notifying the appropriate Tribe to determine how human remains and grave goods should be treated and disposed of with appropriate dignity.

As a result of the EA and MOA, the EPA has determined the action will not have a significant impact on the quality of the human environment, and therefore has determined that the preparation of an Environmental Impact Statement under NEPA is not required.

PUBLIC REVIEW

The EA, MOA, and FNSI are available for review on the EPA Region 9 website at the following URL: http://www.epa.gov/region09/nepa/epa-generated.html. The EA, MOA, and FNSI are also available at the EPA Region 9 Office, 75 Hawthorne Street, San Francisco, CA 94105-3901. To make an appointment to review these documents at this location, or to request a copy of the Cultural Resource Survey, contact Jamelya Curtis at (415) 972-3529 or via e-mail at curtis.jamelya@epa.gov. A copy of the EA, MOA, and FNSI are also available at the Oceanside Public Library, Main Branch, at 330 N. Coast Highway, Oceanside, CA 92054.

The public comment period runs from February 3, 2008 through March 4, 2008. Comments should be mailed to Jamelya Curtis, USEPA Region 9, Ground Water Office (WTR-9), San Francisco, CA 94105-3901 or faxed to Ms. Curtis at (415) 947-3549.

The EPA will review, consider, and respond to all comments submitted on the proposed EA and FNSI. The EPA will not take final action on the FNSI prior to the expiration of this comment period, and EPA's review and response to any comments received.

This FNSI is final upon signature by the U.S. EPA, Region 9, Regional Administrator. If this FNSI is signed, it will not be re-circulated for review, but will be available to any individual upon request.

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Wayne Nastri
Regional Administrator
EPA, Region 9

Date