Amador Water Agency – Tank A and B Replacement Project
Notice of Determination

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Amador Water Agency – Tank A and B Replacement Project
Final Mitigated Negative Declaration Approval

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 10th Street
Sacramento, CA 95814

FROM: Amador Water Agency
12800 Ridge Road
Sutter Creek, California 95685

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code

PROJECT TITLE: Amador Water Agency – Tank A and B Replacement Project

State Clearinghouse Number: 2020080464
Contact Person: Brandt Cook
Telephone Number: 209-257-5206

Project Approval: Amador Water Agency approved the Central Amador Water Agency – Tank A and B Replacement Project October 8, 2020. In response to comments from a Board member, AWA contacted the Jackson Band of Miwuk Indians, outside of AB 52 consultation, to verify whether they may have additional comments or input regarding this Project. Project information was provided by email, and no additional input was received. Amador Water Agency then considered and approved the Tank A and B Replacement Project at their October 22, 2020 Board Meeting.

Project Location: The Proposed Project is located in Amador County, California approximately 50 miles southeast of the City of Sacramento on the eastern slope of the Sierra Nevada. The Proposed Project is located just south of the end of Elkhorn Court on the undeveloped parcel next to the existing Tank A and B.

Project Description:

The Proposed Project would replace the two existing aboveground water storage tanks, the 250,000 gallon Tank B and 500,000 gallon Tank A, with two new one-million gallon aboveground water storage tanks on the adjacent parcel. The new aboveground covered tanks would be approximately 75 feet in diameter and 36 feet in height and constructed from welded steel plates. The new tanks will sit on concrete pads with a 13-foot gravel setback. The site will be surrounded by an 8-foot-tall perimeter chain link fence and will have two gated and paved entrance points (one existing and a new one at the northwest corner of the site). The project will also include placement of overflow vaults on the north/northwest side of the tanks, meter vaults just south of the tanks, and a fire hydrant near the southern property line. Once the new tanks are constructed and operational, the existing tanks will be demolished.

Construction of the Proposed Project is anticipated to start in spring of 2021 and take approximately 5 months to construct; however, due to statewide shutdowns due to COVID-19 it is possible that project construction could be delayed or take longer than anticipated.
Amador Water Agency, as the Lead Agency, has approved the above-described project and has made the following determinations:

1. There is no substantial evidence that the Proposed Project will have a significant effect on the environment;

2. In accordance with CEQA, a Mitigated Negative Declaration for the Proposed Project was prepared. The Mitigated Negative Declaration has been approved by Amador Water Agency, which is the Lead Agency for the Proposed Project. The Mitigated Negative Declaration reflects the independent judgment and analysis of Amador Water Agency;

3. Mitigation measures were required to be made a condition of approval of the Proposed Project;

4. A Statement of Overriding Considerations was not required to be adopted for the Proposed Project; and

5. A Mitigation Monitoring and Reporting Plan was adopted for the Proposed Project.

This is to certify that the Final Initial Study/Mitigated Negative Declaration including comments and responses, the mitigation monitoring and reporting plan, and record of project approval is available to the general public at: Amador Water Agency office, 12800 Ridge Road Sutter Creek, California 95685.

Larry McKenney, General Manager
Amador Water Agency

Date

Date Received for Filing at OPR: October XX, 2020
On behalf of the Amador Water Agency (AWA), I approve the proposed Central Amador Water Agency – Tank A and B Replacement Project (Proposed Project). AWA, as Lead Agency for the Proposed Project (State Clearinghouse Number #2020080464), hereby approves the Proposed Project based on the following findings:

PROJECT DESCRIPTION

The Proposed Project would replace the two existing aboveground water storage tanks, the 250,000 gallon Tank B and 500,000 gallon Tank A, with two new one-million gallon aboveground water storage tanks on the adjacent parcel. The new aboveground covered tanks would be approximately 75 feet in diameter and 36 feet in height and constructed from welded steel plates. The new tanks will sit on concrete pads with a 13-foot gravel setback. The site will be surrounded by an 8-foot-tall perimeter chain link fence and will have two gated and paved entrance points (one existing and a new one at the northwest corner of the site). The project will also include placement of overflow vaults on the north/northwest side of the tanks, meter vaults just south of the tanks, and a fire hydrant near the southern property line. Once the new tanks are constructed and operational, the existing tanks will be demolished.

Construction of the Proposed Project is anticipated to start in spring of 2021 and take approximately 5 months to construct; however, due to statewide shutdowns due to COVID-19 it is possible that project construction could be delayed or take longer than anticipated.

ENVIRONMENTAL REVIEW

AWA has independently reviewed and considered the information contained in the whole record before it, including the Initial Study for the Proposed Project prior to approving the Proposed Project. The Initial Study, prepared in compliance with the California Environmental Quality Act (CEQA), assessed the Proposed Project’s potential effects on the environment and the significance of these effects. Based on the whole record before it, AWA has determined that there is no substantial evidence that the Proposed Project would result in significant effects on aesthetics, agriculture and forestry resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, hazards and hazardous materials, population and housing, public services, recreation, utilities and service systems, and tribal cultural resources. Based on the whole record before it, AWA has determined that, with mitigation, there is no substantial evidence that the Proposed Project would result in significant effects on air quality, biological resources, cultural resources, noise, paleontological resources, and transportation/traffic.

In addition to AB52 consultation, AWA contacted the Jackson Band of Miwuk Indians to verify whether they may have additional comments or input regarding this Project. Project information was provided by email, and no additional input was received.
The Initial Study/Mitigated Negative Declaration (IS/MND) was circulated to the public and to responsible public agencies for a public review period of 30 days from August 28, 2020 through September 28, 2020. Two comment letters were received, and, together with the responses, are included in the Final IS/MND. As a result of comments received on the Draft IS/MND, no revisions were required to the Draft IS/MND text that would require recirculation of the document. A substantial revision according to Section 15073.5 of the 2013 CEQA Statute Guidelines shall mean:

"(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required."

The Notice of Determination for this Proposed Project has been prepared in accordance with CEQA and is hereby approved. The record of approval documents for the Proposed Project will be retained and made available for public review at the AWA office, 12800 Ridge Road Sutter Creek, California 95685.

AWA has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration prepared for the Proposed Project. Upon consideration of this information, and in accordance with CEQA, I hereby approve the AWA Tank A and B Replacement Project.

Larry McKenney, General Manager
Amador Water Agency

Date
Amador Water Agency – Tank A and B Replacement Project

Final
Initial Study/Mitigated Negative Declaration

State Clearinghouse Number #2020080464

October 2020
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Attachment A – Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study

Attachment B – Proof of Publication

Attachment C – Environmental Filing Fee
Lead Agency: Amador Water Agency (AWA)

Project Proponent: Amador Water Agency (AWA)

Project Location: The Proposed Project is located in Amador County, California approximately 50 miles southeast of the City of Sacramento on the eastern slope of the Sierra Nevada. The Proposed Project is located just south of the end of Elkhorn Court on the undeveloped parcel next to the existing Tank A and B.

Project Description: The Proposed Project would replace the two existing aboveground water storage tanks, the 250,000 gallon Tank B and 500,000 gallon Tank A, with two new one-million gallon aboveground water storage tanks on the adjacent parcel. The new aboveground covered tanks would be approximately 75 feet in diameter and 36 feet in height and constructed from welded steel plates. The new tanks will sit on concrete pads with a 13-foot gravel setback. The site will be surrounded by an 8-foot-tall perimeter chain link fence and will have two gated and paved entrance points (one existing and a new one at the northwest corner of the site). The project will also include placement of overflow vaults on the north/northwest side of the tanks, meter vaults just south of the tanks, and a fire hydrant near the southern property line. Once the new tanks are constructed and operational, the existing tanks will be demolished.

Construction of the Proposed Project is anticipated to start in spring of 2021 and take approximately 5 months to construct; however, due to statewide shutdowns due to COVID-19 it is possible that project construction could be delayed or take longer than anticipated.

Finding: Based on the information contained in the attached Initial Study, AWA finds that there would not be a significant effect to the environment because the mitigation measures described herein would be incorporated as part of the Proposed Project.


Mitigation Measures Incorporated into the Project to Avoid Significant Effects

Biological Resources

BIO-1: Special-Status Birds and MBTA Protected Birds. If construction activities occur during the nesting season (February 1 through August 31), a pre-construction nesting bird survey shall be conducted within the Project Area and a 300-foot buffer area surrounding the Project. Surveys shall be conducted within 14 days of the commencement of construction activities. If active nests are found, no-work buffers will be established around active nesting areas and consultation with CDFW will take place.
Cultural Resources

CUL-1: Unanticipated Discovery. In the event any subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

A. If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.

B. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the Amador Water Agency and applicable landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be eligible for inclusion in the NRHP or CRHR. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to their satisfaction.

CUL-2: Human Remains Discovery. If human remains of any kind are found during construction, or remains that are potentially human, a qualified professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Amador County Coroner (as per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California Public Resources Code (PRC), and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.
Amador Water Agency – Tank A and B Replacement Project  
Final Initial Study and Mitigated Negative Declaration

Noise

NO-1: Noise-Reducing Construction Practices. To reduce noise impacts due to construction at nearby sensitive receptors to the maximum extent feasible, the applicant shall employ the following measures:

A. Construction activities shall only take place during the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday and weekends only when necessary.

B. Construction equipment shall be properly equipped with feasible noise control devices (e.g., mufflers) and properly maintained in good working order.

C. Stationary construction equipment shall be located as far away from nearby residences, and equipped with engine-housing enclosures, as feasible.

D. Temporary noise barriers shall be considered when equipment is within close proximity of residences and noise complaints occur. Barriers may not always be feasible. Therefore, determining the feasibility of a barrier, including the barrier heights, lengths and materials should be done in consultation with a noise consultant.

E. Notify adjacent residents of the construction schedule.

F. Designate a “construction noise coordinator” who would be responsible for responding to any local complaints about construction noise. The construction noise coordinator shall determine the cause of the complaint and may require that reasonable measures warranted to correct the problem be considered, where feasible.

Paleontological Resources

P-1: Unanticipated Discovery of Paleontological Resources. If subsurface deposits believed to be paleontological in origin are discovered during construction, all work must halt within a 50-foot radius of the discovery and AWA shall be notified immediately. A Qualified Professional Paleontologist shall be retained and empowered to halt or divert ground-disturbing activities. A plan for monitoring and fossil recovery must be completed and implemented before ground-disturbing activities can recommence in the area of the fossil find to allow for the recovery of the find. Recovered fossils shall be analyzed to a point of identification and curated at an established accredited museum repository with permanent retrievable paleontological storage. A technical report of findings shall be prepared with an appended itemized inventory of identified specimens and submitted with the recovered specimens to the curation facility.
This Mitigated Negative Declaration meets the requirements of the California Environmental Quality Act. I hereby recommend approval:

Larry McKenney, General Manager
Amador Water Agency

Date

Pursuant to Section 21082.1 of the California Environmental Quality Act, Caltrans has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the Proposed Project and finds that the Initial Study and Mitigated Negative Declaration reflect the independent judgment of AWA. The lead agency further finds that the Project mitigation will be implemented as stated in the Mitigated Negative Declaration.

I hereby approve this Mitigated Negative Declaration:

Larry McKenney, General Manager
Amador Water Agency

Date
SECTION 1. INTRODUCTION

This document is the Final Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Amador Water Agency – Tank A and B Replacement Project (Proposed Project). It has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resource Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.) as amended. This Final IS/MND document supplements the Draft IS/MND released for public review on August 28, 2020.

The Amador Water Agency (AWA) is the Lead Agency for the Proposed Project. On August 28, 2020 AWA distributed the Draft IS/MND for the Proposed Project to public agencies and the general public for review and comment. In accordance with the State CEQA Guidelines, a 30-day review period, which ended on September 28, 2020, was completed. During the public review period, written comments on the Draft IS/MND were received from the Central Valley Regional Water Quality Control Board (RWQCB) and the State Department of Transportation (Caltrans). This Final IS/MND document is organized as follows:

- Section 1 provides a discussion of the purpose of the document and discusses the structure of the document.
- Section 2 contains a summary of the Project Description, a description of minor changes to the Project Description and a discussion regarding why these changes do not require recirculation of the Draft IS/MND.
- Section 3 includes the comment letters received and responses to these comments.
- Section 4 includes revisions to the Draft Initial Study/Mitigated Negative Declaration.
- Section 5 includes the Proposed Project’s Mitigation Monitoring and Reporting Program (MMRP), prepared pursuant to Public Resources Code Section 21081.6.
- Section 6 includes the Notice of Intent, proof of publication, environmental filing receipt, and the Draft IS/MND.

This Final IS/MND document and the Draft IS/MND together constitute the environmental document for the Proposed Project.

Two comment letters were received on the Draft IS/MND; however, no substantial revisions were made to the Draft IS/MND text that would require recirculation of the document. A substantial revision according to Section 15073.5 of the 2013 CEQA Statute Guidelines shall mean:

“(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.”
SECTION 2. PROJECT OVERVIEW

2.1 Project Location

The Proposed Project is located in Amador County, California approximately 50 miles southeast of the City of Sacramento on the eastern slope of the Sierra Nevada. The Proposed Project is located just south of the end of Elkhorn Court on the undeveloped parcel next to the existing Tank A and B.

2.2 Project Description

The Proposed Project would replace the two existing aboveground water storage tanks, the 250,000 gallon Tank B and 500,000 gallon Tank A, with two new one-million gallon aboveground water storage tanks on the adjacent parcel. The new aboveground covered tanks would be approximately 75 feet in diameter and 36 feet in height and constructed from welded steel plates. The new tanks will sit on concrete pads with a 13-foot gravel setback. The site will be surrounded by an 8-foot-tall perimeter chain link fence and will have two gated and paved entrance points (one existing and a new one at the northwest corner of the site). The project will also include placement of overflow vaults on the north/northwest side of the tanks, meter vaults just south of the tanks, and a fire hydrant near the southern property line. Once the new tanks are constructed and operational, the existing tanks will be demolished.

Construction of the Proposed Project is anticipated to start in spring of 2021 and take approximately 5 months to construct; however, due to statewide shutdowns due to COVID-19 it is possible that project construction could be delayed or take longer than anticipated.
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SECTION 3. COMMENTS AND RESPONSES

This section of the document contains copies of the comment letters received during the 30-day public review period, which began on August 28, 2020 through September 28, 2020. In conformance with Section 15088(a) of the State CEQA Guidelines, AWA has considered comments on environmental issues from reviewers of the Draft IS/MND and has prepared written responses. Two letters were received; one from the Central Valley Regional Water Quality Control Board (RWQCB) and the other from the California Department of Transportation (Caltrans). These letters, and the responses to the comments contained in the letters are provided in this section.

3.1 List of Comment Letters

A list of public agencies, organizations, and individuals that provided comments on the Draft IS/MND is presented below. The letters and the responses to the comments follow this page.

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<thead>
<tr>
<th>Letter Number</th>
<th>Sender</th>
<th>Date Received</th>
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<tbody>
<tr>
<td>1</td>
<td>Central Valley Regional Water Quality Control Board</td>
<td>09/28/2020</td>
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<tr>
<td>2</td>
<td>California Department of Transportation (Caltrans)</td>
<td>09/23/2020</td>
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</tbody>
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Letter 1 – Central Valley Regional Water Quality Control Board, received September 23, 2020

Central Valley Regional Water Quality Control Board

28 September 2020

Brandt Cook
Amador Water Agency
12800 Ridge Road
Sutter Creek, CA 95685

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, AMADOR WATER AGENCY TANK A AND B REPLACEMENT PROJECT, SCH#2020080464, AMADOR COUNTY

Pursuant to the State Clearinghouse’s 28 August 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Mitigated Negative Declaration for the Amador Water Agency Tank A and B Replacement 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.

I. Regulatory Setting

   Basin Plan
   The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State’s water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

   The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental
Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

**Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacjir_2018_05.pdf

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

**II. Permitting Requirements**

**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 and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-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:
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. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

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 (USACE). If a Section 404 permit is required by the USACE, 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 USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification
If an USACE 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 10 of the Rivers and Harbors Act or 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. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State
If USACE 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 may 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 Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging
activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

Dewatering Permit
If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

NPDES Permit
If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.

Nicholas White
Water Resource Control Engineer

cc: State Clearinghouse unit, Governor’s Office of Planning and Research, Sacramento
Letter 1 Responses to Comments

AWA acknowledges that the Central Valley Regional Water Quality Control Board (RWQCB) is a responsible agency for this project as defined by CEQA and is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 12240 of the Porter- Cologne Water Quality Control Act. The Central Valley RWQCB is responsible for proposed projects within Amador County.

The Proposed Project will be compliant with the National Pollutant Discharge Elimination System (NPDES), and a Stormwater Pollution Prevention Plan (SWPPP) will be developed for the project. AWA will comply with the Amador County Phase II Municipal Storm Water Permit (MS4 Phase II permit) requirements. Specific LID/post-construction BMPs shall be implemented as required by the MS4 Phase II permit. The following are not applicable to this project:

- Industrial Storm Water General Permit
- Section 404 permit
- Clean Water Act Section 401 permit
- Waste Discharge Requirement permit
- dewatering permit
- regulatory coverage under the Irrigated Lands Regulatory Program.

AWA will comply with any regulations under the jurisdiction for the CVRWQCB that are applicable to the proposed project. No changes to the Draft IS/MND are needed to address comments included in this letter.
September 23, 2020

Brandt, Cook
Amador County Water Agency
12800 Ridge Road
Sutter Creek, CA 95685

AMA-88-PM 31.593
Amador Water Agency
Tank A & B Replacement
IS MND
SCH 2020080464

Dear Mr. Cook,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Initial Study to adopt a Mitigate Negative Declaration (IS/MND) for the Amador Water Agency Tank Replacement project. The proposed project involves replacement of the two-existing above ground water storage tanks (0.25 million and 0.50-million-gallon capacity, respectively) with two new one-million-gallon above ground water storage tanks on the adjacent parcel. The new above ground covered tanks would be approximately 75 feet in diameter and 36 feet in height and constructed from welded steel plates. The new tanks will sit on concrete pads with a 13-foot gravel setback. The site will be surrounded by an 8-foot-tall perimeter chain link fence and will have two gated and paved entrance points (one existing and a new one at the northwest corner of the site). The project will also include placement of overflow vaults on the north/northwest side of the tanks; meter vaults just south of the tanks, and a fire hydrant near the southern property line. Once the new tanks are constructed and operational, the existing tanks will be demolished on accessor’s parcel numbers 023-160-028 and 012-160-013. The project is located at 26179 Elkhorn, Court Pioneer, CA. It is approximately one half-mile from Buckhorn Ridge Road and State Route (SR) 88 in Amador County.

Caltrans has the following comments regarding the IS-MND Tank Replacement:

If work occurs within Caltrans Right of Way, there are large mature trees along SR 88. These trees may provide habitat for nesting birds. If removal of these trees will occur during migratory bird season (February 15 – September 1), a pre-construction bird survey will be required. If an active bird nest is observed, a
Mr. Brandt Cook  
September 23, 2020  
Page 2

protective buffer will be established to protect the nest until the young have fledged. The size of protective buffers will be determined in coordination with California Department of Fish and Wildlife or using applicable species-specific survey and monitoring protocol guidelines.

If any underground utility construction work or traffic control measures take place within Caltrans Right of Way (ROW), an application for an Encroachment Permit to the Caltrans Permit Office is required. Appropriate environmental studies must be submitted with the application. These studies will include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans right of way at the project site. Please include California Environmental Quality Act (CEQA) documentation with supporting technical studies when submitting the Encroachment Permit. For more information please visit the Caltrans Website at: https://dot.ca.gov/programs/traffic-operations/ep/applications

If you have any questions or would like to discuss these comments, please contact Michael Casas at (209) 986-9830 (Email: michael.casas@dot.ca.gov) or me Kevin Schroder at (209) 986-9635 (Email: Kevin.Schroder@dot.ca.gov).

Sincerely,

Kevin Schroder

Kevin Schroder, Acting Branch Chief  
Office of Rural Planning

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability.”
Letter 2 Responses to Comments

This letter informs the project of what steps need to take place if construction work is to take place within the Caltrans right of way (ROW). The proposed project does not involve work within the Caltrans ROW. No changes are required to the Draft IS/MND to address comments included in this letter.
SECTION 4. REVISIONS TO THE DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

As a result of comments made at the Public Hearing for the project, minor revisions have been made to the Draft IS/MND text. These revisions include minor changes to the Project Description and clarification of the impact level for checklist item b. in the Geology and Soils section and do not constitute substantial revisions that would require recirculation of the document. According to Section 15073.5 of the CEQA Guidelines, “a substantial revision shall mean:

(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.”

The revisions are provided below. Changes in text are identified by strikeout where text is removed and by underline where text is added.

Section 2.2 Project Background

Second Paragraph:

Three Two storage tanks exist within the service area of the Proposed Project.

Section 4.7.2 Geology and Soils (VII) Environmental Checklist and Discussion

Would the Project:

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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</tbody>
</table>

The Less than Significant Impact box was left unchecked. Impacts were clearly described as less than significant in the discussion to this question. No other changes were made.
SECTION 5. MITIGATION MONITORING AND REPORTING PLAN

5.1 Introduction

In accordance with CEQA, an MND that identifies adverse impacts related to the construction activity for the Central Amador Water Agency – Tank A and B Replacement Project. The MND identifies mitigation measures that would reduce or eliminate these impacts.

Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. An MMRP is required for the Proposed Project, because the IS/MND identified potentially significant adverse impacts related to construction activity, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

5.2 Purpose of the Mitigation Monitoring and Reporting Plan

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Proposed Project, as required. The MMRP may be modified by AWA during project implementation, as necessary, in response to changing conditions or other project refinements. Table 4-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the IS/MND.

5.3 Roles and Responsibilities

AWA, as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

5.4 Mitigation Monitoring and Reporting Plan

The column categories identified in the MMRP table (Table 4-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.

- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.

- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure, and provides space for verification initials and date.
- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation, and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.

- **Outside Agency Coordination** – this column lists any agencies with which Caltrans may coordinate for implementation of the mitigation measure.

- **Comments** – this column provides space for written comments, if necessary.
### Table 4-1
Amador Water Agency – Tank A and B Replacement Project
Mitigation Monitoring and Reporting Program

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Monitoring Activity/Timing/ Frequency/ Schedule</th>
<th>Implementation Responsibility/ Verification</th>
<th>Responsibility for Oversight of Compliance/ Verification</th>
<th>Outside Agency Coordination</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BIO-1: Special-Status Birds and MBTA Protected Birds.</strong></td>
<td><strong>Activity:</strong> Conduct a nesting bird survey if construction will take place during nesting season. <strong>Timing:</strong> During nesting season Feb-Aug <strong>Frequency:</strong> Once prior to construction.</td>
<td><strong>Project Biologist</strong></td>
<td>AWA</td>
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<td><strong>Initials</strong></td>
<td>Initials</td>
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<td><strong>Date</strong></td>
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<tr>
<td><strong>CUL-1: Unanticipated Discovery.</strong></td>
<td><strong>Activity:</strong> If archaeological discovery, determination and relocation. <strong>Timing:</strong> During construction.</td>
<td><strong>Project Contractor</strong></td>
<td>AWA</td>
<td></td>
<td>Possible coordination with State Historic Preservation Office (SHPO).</td>
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<td><strong>Initials</strong></td>
<td>Initials</td>
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<td><strong>Date</strong></td>
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<tr>
<td>Mitigation Measure</td>
<td>Monitoring Activity/Timing/Frequency/Schedule</td>
<td>Implementation Responsibility/Verification</td>
<td>Responsibility for Oversight of Compliance/Verification</td>
<td>Outside Agency Coordination</td>
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<td>Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</td>
<td>Frequency: As required.</td>
<td>Project Archaeologist</td>
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<tr>
<td>A. If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.</td>
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<tr>
<td>B. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the Amador Water Agency and applicable landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be eligible for inclusion in the NRHP or CRHR. Work may not resume within the no-work radius until the lead</td>
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Initials

Date
### Mitigation Measure

- **Agencies, through consultation as appropriate, determine that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to their satisfaction.**

#### CUL-2: Human Remains Discovery

- **Activity:** Unanticipated human remains discovery, determination and relocation.
- **Timing:** During construction.
- **Frequency:** As required.

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Monitoring Activity/Timing/Frequency/Schedule</th>
<th>Implementation Responsibility/Verification</th>
<th>Responsibility for Oversight of Compliance/Verification</th>
<th>Outside Agency Coordination</th>
<th>Comments</th>
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<tr>
<td>Project Contractor</td>
<td>AWA</td>
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<td></td>
<td>Possible coordination with Amador County Coroner, SHPO, NAHC, and MLD.</td>
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</tbody>
</table>
which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
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<th>Implementation Responsibility/Verification</th>
<th>Responsibility for Oversight of Compliance/Verification</th>
<th>Outside Agency Coordination</th>
<th>Comments</th>
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</table>
### Mitigation Measure

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<th>Mitigation Measure</th>
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<th>Outside Agency Coordination</th>
<th>Comments</th>
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<tbody>
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<td>have been completed to their satisfaction.</td>
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<td><strong>NO-1: Noise-Reducing Construction Practices.</strong></td>
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<td>To reduce noise impacts due to construction at nearby sensitive receptors to the maximum extent feasible, the applicant shall employ the following measures:</td>
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<tr>
<td>A. Construction activities shall only take place during the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday and weekends only when necessary.</td>
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<td>B. Construction equipment shall be properly equipped with feasible noise control devices (e.g., mufflers) and properly maintained in good working order.</td>
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<td>C. Stationary construction equipment shall be located as far away from nearby residences, and equipped with engine-housing enclosures, as feasible.</td>
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<td>D. Temporary noise barriers shall be considered when equipment is within close proximity of residences and noise</td>
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</table>

**Activity:**
Comply with construction noise limits measures.

**Timing:**
During construction.

**Frequency:**
As required.

**Project Contractor**
AWA

**Responsibility for Oversight of Compliance/Verification**

**Outside Agency Coordination**
Possible coordination with Amador County.
complaints occur. Barriers may not always be feasible. Therefore, determining the feasibility of a barrier, including the barrier heights, lengths and materials should be done in consultation with a noise consultant.

E. Notify adjacent residents of the construction schedule.

F. Designate a “construction noise coordinator” who would be responsible for responding to any local complaints about construction noise. The construction noise coordinator shall determine the cause of the complaint and may require that reasonable measures warranted to correct the problem be considered, where feasible.

**P-1: Unanticipated Discovery of Paleontological Resources.**

Unanticipated Discovery of Paleontological Resources. If subsurface deposits believed to be paleontological in origin are discovered during construction, all work must halt within a 50-foot radius of the discovery and AWA shall be notified.

<table>
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<tr>
<th>Mitigation Measure</th>
<th>Monitoring Activity/Timing/Frequency/Schedule</th>
<th>Implementation Responsibility/Verification</th>
<th>Responsibility for Oversight of Compliance/Verification</th>
<th>Outside Agency Coordination</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td><strong>P-1:</strong> Unanticipated Discovery of Paleontological Resources.</td>
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<tr>
<td>Mitigation Measure</td>
<td>Monitoring Activity/Timing/ Frequency/ Schedule</td>
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<td>Responsibility for Oversight of Compliance/ Verification</td>
<td>Outside Agency Coordination</td>
<td>Comments</td>
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<td>Immediately. A Qualified Professional Paleontologist shall be retained and empowered to halt or divert ground-disturbing activities. A plan for monitoring and fossil recovery must be completed and implemented before ground-disturbing activities can recommence in the area of the fossil find to allow for the recovery of the find. Recovered fossils shall be analyzed to a point of identification and curated at an established accredited museum repository with permanent retrievable paleontological storage. A technical report of findings shall be prepared with an appended itemized inventory of identified specimens and submitted with the recovered specimens to the curation facility.</td>
<td>Frequency: As required.</td>
<td>Project Archaeologist</td>
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<tr>
<td>Initials</td>
<td>Date</td>
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</tbody>
</table>

Signature

Larry McKenney, General Manager

Printed Name

Date
 SECTION 6. LIST OF ATTACHMENTS

Attachment A – Notice of Intent to Adopt an Initial Study and Mitigated Negative Declaration

Attachment B – Proof of Publication

Attachment C – Environmental Filing Fee
ATTACHMENT A

Notice of Intent to Adopt an Initial Study and Mitigated Negative Declaration
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY

DATE: August 28, 2020
TO: Responsible Agencies, Interested Parties, and Organizations
SUBJECT: Amador Water Agency Tank A and B Replacement Project, PIONEER, AMADOR COUNTY

The Amador Water Agency (AWA) is the California Environmental Quality Act (CEQA) Lead Agency for the proposed AWA Tank A and B Replacement Project. AWA has directed the preparation of an Initial Study (IS) Mitigated Negative Declaration (MND) in compliance with CEQA.

**Project Location:** The Project site is located in Amador County, California, approximately 50 miles southeast of the City of Sacramento on the eastern slope of the Sierra Nevada. The Proposed Project is within the Pioneer community area, located approximately 15 miles northeast of the City of Jackson. Tank A and B are located at the end of Elkhorn Court in Pioneer.

**Project Description:** The Proposed Project involves replacement of the two existing aboveground water storage tanks (0.25 million and 0.50 million gallon capacity, respectively) with two new 1 million-gallon aboveground water storage tanks on the adjacent parcel. The new aboveground covered tanks would be approximately 75 feet in diameter and 36 feet in height and constructed from welded steel plates. The new tanks will sit on concrete pads with a 13-foot gravel setback. The site will be surrounded by an 8-foot-tall perimeter chain link fence and will have two gated and paved entrance points (one existing and a new one at the northwest corner of the site). The project will also include placement of overflow vaults on the north/northwest side of the tanks, meter vaults just south of the tanks, and a fire hydrant near the southern property line. Once the new tanks are constructed and operational, the existing tanks will be demolished.

Construction of the Proposed Project is anticipated to start in early 2021 and take approximately 5 months; however, due to statewide shutdowns due to COVID-19, it is possible that project construction could be delayed.

**Potentially Significant Environmental Impacts:** Potentially significant impacts to biological resources, cultural resources, noise, and paleontological resources were identified in the Initial Study. All impacts would be reduced to a less than significant level with the implementation of identified mitigation measures.

**Hazardous Waste Sites:** Pursuant to Section 15087(c)(6) of the Guidelines for California Environmental Quality Act, CCC acknowledges the non-existence of hazardous waste sites within the project area reviewed by this Mitigated Negative Declaration (MND).

**IS/MND Document Review and Availability:** The public review and comment period for the IS/MND will extend for 30 days starting August 28, 2020 and ending September 28, 2020. Due to the COVID-19 pandemic, printed hard copies will not be available to the public. However, the Draft IS/MND can be viewed and/or downloaded at the following website:

https://amadorwater.org/connection-installation/environmental-review/

**Comments/Questions:** Comments and/or questions regarding the IS/MND may be directed to:

Amador Water Agency
cc: Brandt Cook, Resident Engineer
12800 Ridge Road
Sutter Creek, CA 95685
ATTACHMENT B

Proof of Publication
ATTACHMENT C

Environmental Filing Fee