

## PROPOSED MITIGATED NEGATIVE DECLARATION

### PROJECT: SOUTH DIVERSION CANAL WATER SUPPLY AND FISH PASSAGE ENHANCEMENT PROJECT: ANNUAL MAINTENANCE

#### BRIEF PROJECT DESCRIPTION

The Yuba County Water Agency (YCWA) diverts water from the lower Yuba River through the South Canal Diversion to approximately 40,000 acres of agricultural lands in south Yuba County and the surrounding area. Throughout its 37 years of operation, diversion of river flow to the YCWA's intake has required frequent annual in-river diversion channel maintenance work. The scope of this annual maintenance work depends on the extent of changes to the river channels within the diversion impoundment during the preceding winter.

The proposed project includes annual maintenance of the river channel which was reconstructed in 2018 under a previous MND (SCH 2018062047). The river channel is located upstream of the South Canal Diversion and requires annual maintenance to ensure water supply reliability and enhanced fish passage. The project involves six phases: (1) mobilization; (2) temporary access ramp installation; (3) construction of temporary berms to decrease turbidity and protect fish; (4) river alluvium excavation; (5) spreading excavated river alluvium on the adjacent gravel bar; (6) cobble lining and root wad installation, if necessary; and (7) site clean-up and demobilization.

Maintenance work would occur annually, as needed, from April through August. Depending on storm events it is possible that up to two maintenance events would be needed each year, although it is unlikely. Due to the potential for severe impacts on water supply and agriculture, YCWA proposes to allow work to proceed outside of the typical work windows (i.e., between recession of winter/spring runoff and the start of irrigation season), as needed. This time period between runoff and the start of irrigation season typically occurs during the month of April through early May. If the annual maintenance occurs before July 1, a fish avoidance plan will be adhered to as a means to avoid all listed fish species with the potential to occur in the project area.

#### LOCATION OF PROJECT

The project location is located at latitude 39°12'37.57"N, longitude 121°26'24.89"W on the south bank of the lower Yuba River; approximately 1,500 feet upstream of Daguerre Point Dam, and approximately 12 miles northeast of Marysville, in Yuba County, California (**Figure 1**). **Figure 2** and **Figure 3** show pictures of the Proposed Project site in 2017. Although the Proposed Project site has undergone numerous changes since 2017, the photos and text boxes on the photos can be used to orient the reader to the different channels in the action area

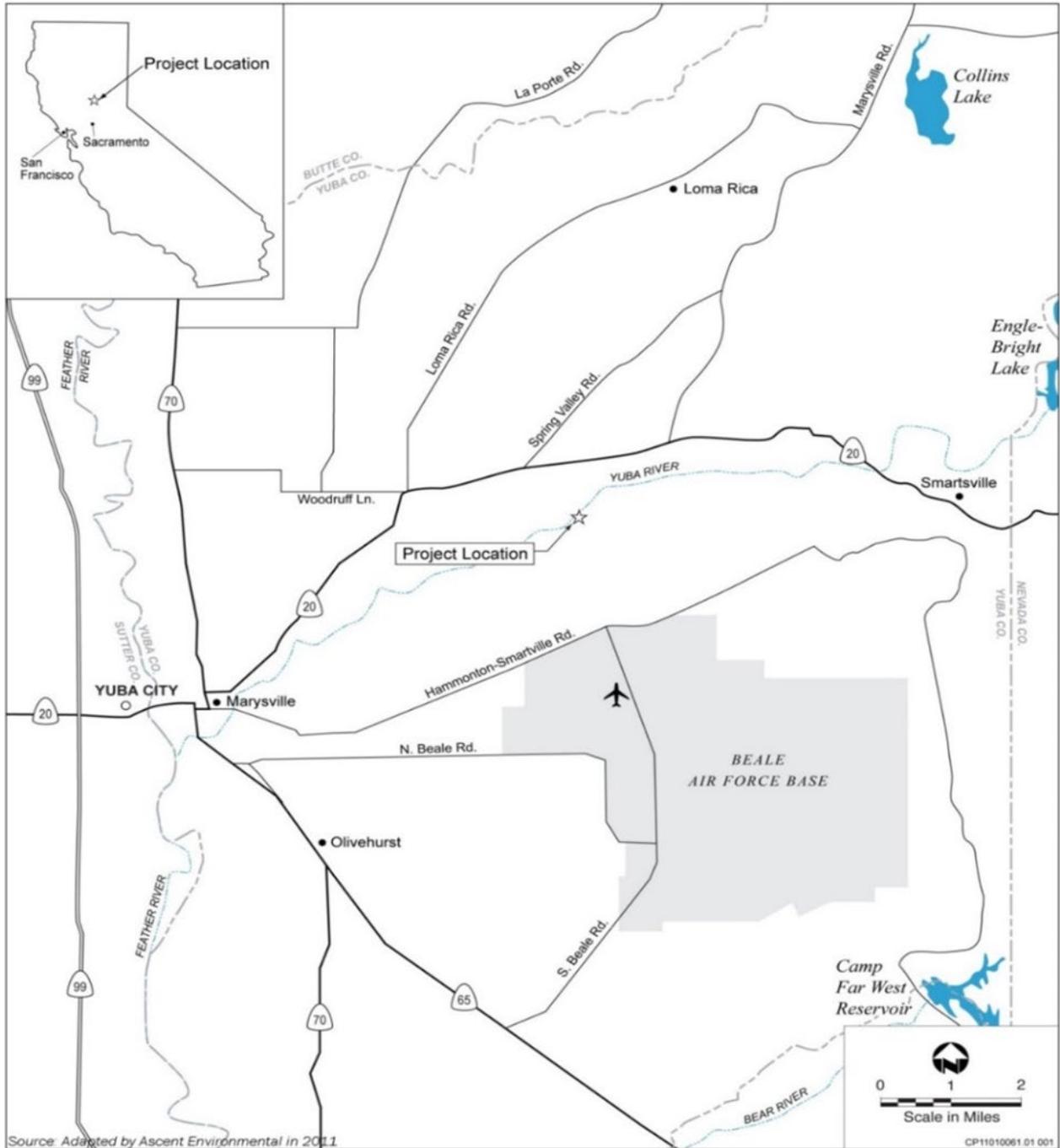


Figure 1. Regional location of the project site.

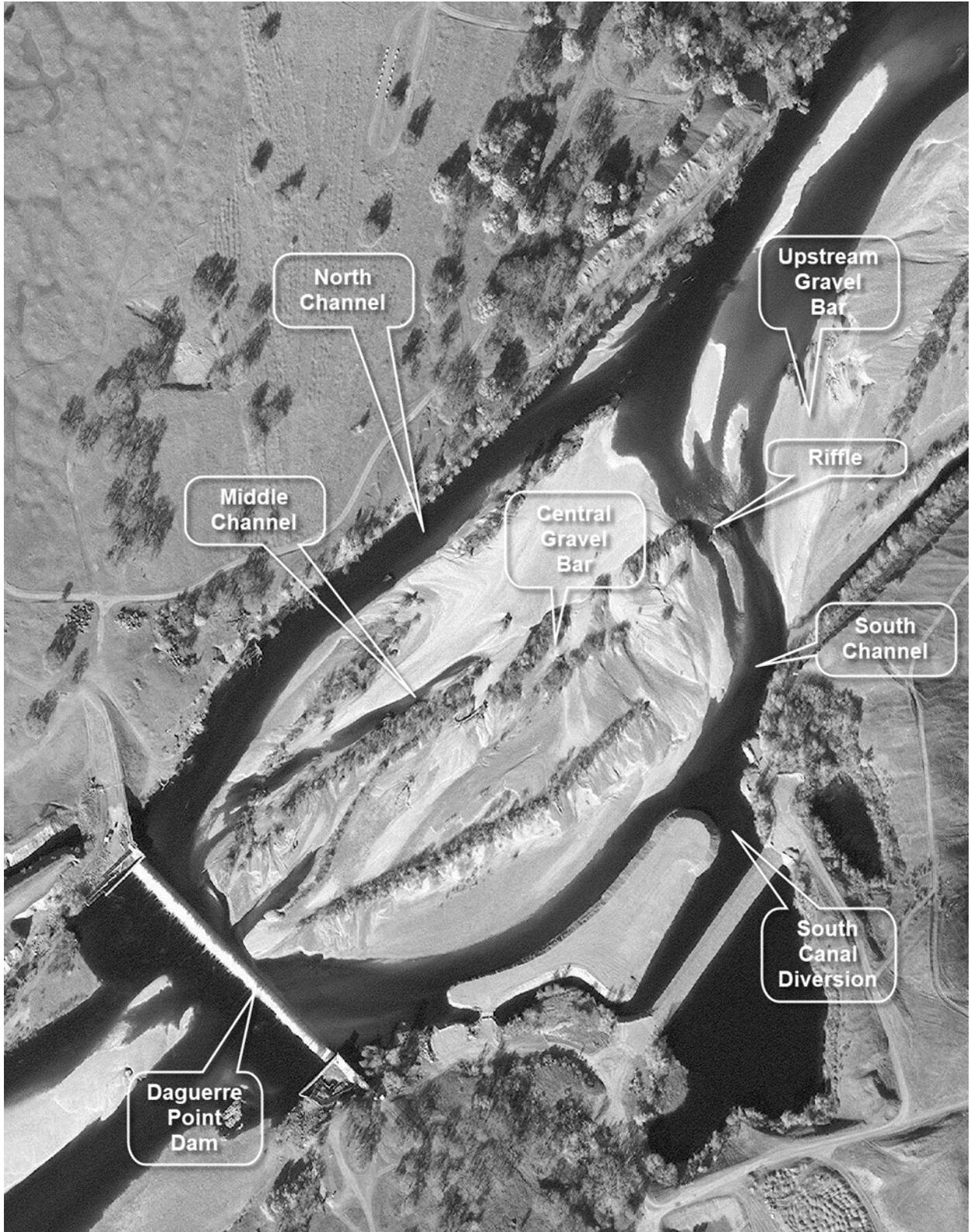


Figure 2. Aerial view of the project site in 2017.



Figure 3. Lower Yuba River looking downstream toward the Project site (taken in 2017).

**NAME AND ADDRESS OF PROJECT PROPONENT:**

Yuba County Water Agency (YCWA), 1220 F Street, Marysville, California 95901

**PROPOSED FINDINGS**

An Initial Study has been prepared to assess the project’s potential effects on the environment, and the significance of those effects. Based on the Initial Study, it has been determined that the project would not have any significant effects on the environment once mitigation measures are implemented. This conclusion is supported by the following findings.

1. The project would have no impact to Agriculture and Forestry Resources; Land Use/Planning; Mineral Resources; Population/Housing; Public Services; and Utilities/Service Systems.
2. Impacts of the project were determined to be less than significant to Aesthetics; Energy; Geology/Soils; Greenhouse Gas Emissions; Hazards & Hazardous Materials; Hydrology/Water Quality; Noise; Recreation; Transportation; and Wildfire.
3. Impacts of the project would be less than significant with incorporation of the mitigation measures to Air Quality; Biological Resources; Cultural Resources; and Tribal Cultural Resources.

The mitigation measures that YCWA will implement to avoid or minimize potential environmental impacts are provided below. Implementation of these mitigation measures would reduce the environmental impacts of the project to a less than significant level.

**DOCUMENTATION**

The Initial Study documents the reasons to support the above Proposed Findings.

**MITIGATION MEASURES**

YCWA has adopted the following Mitigation Measures for the Project.

<b>AIR QUALITY</b>
<p><b>Mitigation Measure AQ-1: Implement Standard FRAQMD Mitigation Measures</b></p> <p>YCWA and its construction constructor will implement FRAQMD’s Standard Mitigation Measures, listed below, to reduce construction-related emissions.</p> <ol style="list-style-type: none"> <li>1. Develop, submit, and implement a fugitive dust control plan to FRAQMD.</li> <li>2. Control exhaust emissions from construction equipment so that they do not exceed FRAQMD Regulation III, Rule 3.0, “Visible Emissions Limitations” (40 percent opacity or Ringelmann 2.0).</li> <li>3. Ensure that all construction equipment is properly tuned and maintained before and during all on-site operations.</li> <li>4. Limit idling time to 5 minutes. (State of California idling rule: Commercial diesel vehicles—13 CCR 2485, effective 2/1/2005; off-road diesel vehicles—13 CCR 2449, effective 5/1/2008).</li> <li>5. Use clean-fuel generators rather than temporary sources of power generation whenever possible.</li> <li>6. Register portable engines and portable engine-driven equipment units used at the same project worksite, with the exception of on-road and off-road motor vehicles, as required by California Air Resources Board Portable Equipment Registration Program</li> </ol> <p><b>Significance after Mitigation:</b> Implementation of Mitigation Measure AQ-1 would reduce the project’s impact to air quality to a <b>less than significant</b> level.</p>
<b>BIOLOGICAL RESOURCES</b>
<p><b>Mitigation Measure BIO-1: Avoid or minimize effects to western pond turtle.</b></p> <p>No more than 24 hours before beginning construction activities within suitable aquatic habitat for western pond turtle, a qualified biologist will inspect areas of anticipated disturbance for the presence of western pond turtle. The construction area will be re-inspected if a lapse in construction activity of two weeks or more occurs. If pond turtles are found during the survey or observed within the construction area at any other time, they will be relocated by a qualified biologist to upstream or adjacent aquatic habitat that would not be disturbed by construction activity.</p>

**Significance after Mitigation:** Implementation of Mitigation Measure BIO-1 would reduce the project's impact to western pond turtle to a **less than significant** level.

**Mitigation Measure BIO-2: Avoid impacts to special status and migratory birds.**

- A qualified biologist will conduct preconstruction surveys for all potential special-status bird species (white-tailed kite, loggerhead shrike, burrowing owl, and Swainson's hawk) nesting near the project site. The surveys will be conducted no more than 10 days before the beginning of construction. If no nests are found, no further mitigation is required.
- If active nests are found, impacts on nesting birds will be avoided by establishing appropriate buffer zones around the nests. No project activity will commence within the buffer zone until a qualified biologist confirms that any young have fledged, or the nest is no longer active. A 500-foot buffer zone around raptor nests, burrows, and colonies are adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with CDFW depending on site-specific conditions. The necessary buffer zone for a Swainson's hawk nest is 0.25 mile.

**Significance after Mitigation:** Implementation of Mitigation Measure BIO-2 would reduce the project's impact to migratory and special status birds to a **less than significant** level.

**CULTURAL RESOURCES**

**Mitigation Measure CULT-1. Inadvertent discovery of historical and archaeological resources.**

In the unlikely event that buried cultural deposits (e.g., prehistoric stone tools, milling stones, historic glass bottles, foundations, cellars, privy pits) are encountered during project implementation, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist (36 CFR 61) shall be notified immediately and retained to assess the significance of the find. Construction activities could continue in other areas. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

**Significance after Mitigation:** Implementation of Mitigation Measure CULT-1 would reduce the project's impact to cultural resources to a **less than significant** level.

**Mitigation Measure CULT-2. Inadvertent discovery of human remains.**

In accordance with the California Health and Safety Code, Section 7050.5, and the Public Resources Code 5097.98, regarding the discovery of human remains, if any such finds are encountered during project construction, all work within the vicinity of the find shall cease immediately, a 100-foot-wide buffer surrounding the discovery shall be established, and the YCWA shall be immediately notified. The County Coroner shall be contacted immediately to

examine and evaluate the find. If the coroner determines that the remains are not recent and are of Native American descent, the Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent. The Most Likely Descendent shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

**Significance after Mitigation:** Implementation of Mitigation Measure CULT-2 would reduce the project's impact to cultural resources to a **less than significant** level.

#### TRIBAL CULTURAL RESOURCES

##### **Mitigation Measure TCR-1. Incidental Discovery of Tribal Cultural Resources.**

If any resources of Native American origin are discovered once ground-disturbing activities are underway, the YCWA shall contact local Native Americans to consult on the find. If the find is determined to be a tribal cultural resource, contingency funding, and a time allotment to allow for implementation of avoidance measures or appropriate mitigation determined in consultation with local Native Americans shall be made available. Work may continue on other parts of the Proposed Project site while tribal cultural resource mitigation takes place on-site.

**Significance after Mitigation:** Implementation of Mitigation Measure TCR-1 would reduce the project's impact to tribal cultural resources to a **less than significant** level.

Pursuant to Section 21082.1 of the California Environmental Quality Act, YCWA has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the project and finds that the Initial Study and Mitigated Negative Declaration reflects the independent judgment of YCWA. YCWA further finds that the project mitigation measures shall be implemented as stated in the Mitigated Negative Declaration.

#### References

Feather River Air Quality Management District (FRAQMD). 2010. Indirect Source Review Guidelines. Available: < <https://www.fraqmd.org/ceqa-planning> >.



Ryan McNally

01/24/2023

Date