

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**YUBA WATER AGENCY**  
**SOUTH CANAL DIVERSION WATER SUPPLY AND FISH PASSAGE**  
**ENHANCEMENT PROJECT: ANNUAL MAINTENANCE**

**Date of Approval: March 7, 2023 (Board of Directors Meeting)**

In accordance with Section 15074(d) of the California Environmental Quality Act (CEQA) Guidelines, the following Mitigation Monitoring and Reporting Program (MMRP) identifies the mitigation measures for the Yuba County Water Agency (YCWA) South Canal Diversion Water Supply and Fish Passage Enhancement Project: Annual Maintenance (Project). YCWA staff will be responsible for ensuring that the following mitigation measures are implemented for the Project. This includes ensuring that, where applicable, the appropriate mitigation measures are included in construction contracts and construction specifications and drawings that are prepared for the Project. YCWA also will be responsible for overseeing field inspections that are conducted (as necessary) on a timely basis to ensure that the specified mitigation measures are being implemented. The construction contractor(s) selected for the Project will be required to implement the specified measures in a timely manner.

The following measures shown in **Table 1** have been adopted by the YCWA Board of Directors as part of the approval of this Project. The following table provides the adopted mitigation measures, including the timing, implementing responsibility, and monitoring responsibility for each measure

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Measure	Timing	Implementation Responsibility	Monitoring/Reporting Responsibility
<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>Phase:</b> Pre-construction and during construction</p>	<p><b>Responsible Party:</b> YCWA and construction contractors</p> <p><b>Activity:</b> Develop, submit and implement a fugitive dust control plan to FRAQMD</p>	<p><b>Responsible Party:</b> YCWA and construction contractors</p> <p><b>Activity:</b> Include the identified measure in the Project’s construction specifications issued to contractors.</p>
<b>BIOLOGICAL RESOURCES</b>			
<p><b>Mitigation Measure BIO-1: Avoid or minimize effects to western pond turtle.</b></p>	<p><b>Phase:</b> Pre-construction</p>	<p><b>Responsible Party:</b> YCWA and</p>	<p><b>Responsible Party:</b> YCWA and</p>

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<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>	<p>and during construction</p>	<p>environmental consultants</p> <p><b>Activity:</b> Conduct pre-construction survey and be available to relocate pond turtles if they are found during construction.</p>	<p>construction contractors</p> <p><b>Activity:</b> Include the identified measure in the Project's construction specifications issued to contractors.</p>
<p><b>Mitigation Measure BIO-2: Avoid impacts to special status and migratory birds.</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>	<p><b>Phase:</b> Pre-construction and during construction</p>	<p><b>Responsible Party:</b> YCWA and environmental consultant</p> <p><b>Activity:</b> Conduct pre-construction surveys and establish buffer zones if active nests are found.</p>	<p><b>Responsible Party:</b> YCWA and construction contractors</p> <p><b>Activity:</b> Include the identified measures in the Project's construction specifications issued to contractors.</p>

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site-specific conditions. The necessary buffer zone for a Swainson's hawk nest is 0.25 mile.			
CULTURAL RESOURCES			
<p><b>Mitigation Measure CULT-1. Inadvertent discovery of historical and archaeological resources.</b></p> <p>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.</p>	<p><b>Phase:</b> During construction</p>	<p><b>Responsible Party:</b> YCWA and construction contractors</p> <p><b>Activity:</b> If resources are found, halt work within 100 feet and retain qualified archaeologist to conduct survey and consult on other appropriate avoidance and mitigation actions.</p>	<p><b>Responsible Party:</b> YCWA and construction contractors</p> <p><b>Activity:</b> Include the identified measures in the Project's construction specifications issued to contractors.</p>
<p><b>Mitigation Measure CULT-2. Inadvertent discovery of human remains.</b></p> <p>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</p>	<p><b>Phase:</b> During construction</p>	<p><b>Responsible Party:</b> YCWA and construction contractors</p>	<p><b>Responsible Party:</b> YCWA and construction contractors</p>

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<p>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.</p>		<p><b>Activity:</b> Halt all work within a minimum of 100 feet of the discovery site and notify the County Coroner.</p>	<p><b>Activity:</b> Include the identified measures in the Project's construction specifications issued to contractors.</p>
<b>TRIBAL CULTURAL RESOURCES</b>			
<p><b>Mitigation Measure TCR-1. Incidental Discovery of Tribal Cultural Resources.</b></p> <p>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.</p>	<p><b>Phase:</b> Pre-construction and during construction</p>	<p><b>Responsible Party:</b> YCWA, construction contractors and environmental consultant</p> <p><b>Activity:</b> Give cultural awareness training. Notify local Native Americans if tribal resources are discovered.</p>	<p><b>Responsible Party:</b> YCWA and construction contractors.</p> <p><b>Activity:</b> Include the identified measures in the Project's construction specifications issued to contractors.</p>

## Attachment 1: Public Comments

### Yuba County Water Agency South Canal Diversion Water Supply and Fish Passage Enhancement Project

#### **Public Comments**

The only comment received regarding the Mitigated Negative Declaration and Initial Study was a standard response letter from the Central Valley Regional Water Quality Control Board (Central Valley Water Board). The comment letter acknowledges that the Central Valley Water Board reviewed the Mitigated Negative Declaration, identifies the regulatory setting, and lists standard permitting requirements that the Regional Board is responsible for enforcing. No other comments on the Mitigated Negative Declaration and Initial Study were received during the public review period or prior to the Yuba County Water Agency's Board of Directors approving the South Canal Diversion Water Supply and Fish Passage Enhancement Project.