

## **PROPOSED MITIGATED NEGATIVE DECLARATION**

### **PROJECT: COTTAGE CREEK MICROWAVE TOWER INSTALLATION PROJECT**

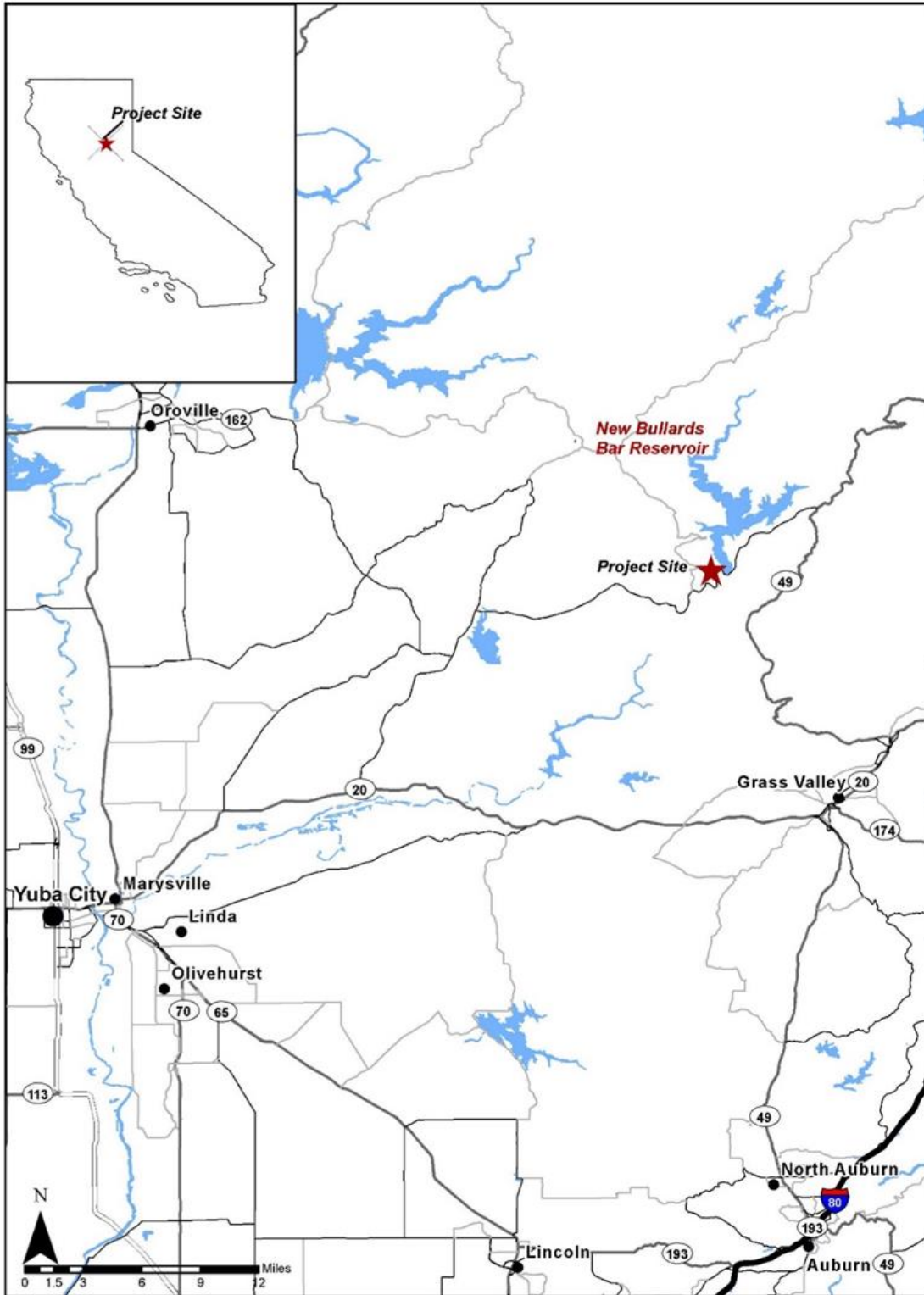
#### **BRIEF PROJECT DESCRIPTION**

The Proposed Project consists of constructing a telecommunication site in the north corner of the Cottage Creek Water Treatment Plant laydown yard and a passive repeater approximately three quarters of a mile from this telecommunications site. In addition, Yuba County Water Agency (YCWA) also proposes to retrofit the electrical infrastructure at the telecommunications tower and water treatment plant site and combine the multiple power feeds into one service under one meter.

See attached Initial Study for a more detailed project description.

#### **LOCATION OF PROJECT**

The Proposed Project is located in northeastern Yuba County, approximately 30 miles northeast of Yuba City, at an approximate elevation of 2,000 feet. The Proposed Project area is comprised of two separate locations, the telecommunications tower site and the passive repeater site. The telecommunications tower site is located northwest of New Bullards Bar Dam and the passive repeater site southeast of New Bullards Bar Dam. The Proposed Project sites are located in Sections 25 and 26 of Township 18 North, Range 7 East, as depicted on the Challenge 2000 USGS 7.5-minute quadrangle (Mount Diablo Base and Meridian) (**Figure 1**). The telecommunications tower site is located within the area of infrastructure associated with Emerald Cove Marina, and thereby located near the parking lot, restrooms, and water treatment facility of the marina (**Figure 2**).



**Figure 1. Cottage Creek Microwave Tower Installation Project Regional Location Map**



**Figure 2. Cottage Creek Microwave Tower Installation Project Project Location Map, including the microwave tower and passive repeater sites.**

**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 (attached) 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; and Public Services.
2. Impacts of the project were determined to be less than significant to Aesthetics; Air Quality; Energy; Geology/Soils; Greenhouse Gas Emissions; Hazards & Hazardous Materials; Hydrology/Water Quality; Noise; Recreation; Transportation; Utilities/Service Systems; and Wildfire.
3. Impacts of the project would be less than significant with incorporation of the mitigation measures to 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 attached Initial Study documents the reasons to support the above Proposed Findings.

**MITIGATION MEASURES**

YCWA has adopted the following Mitigation Measures for the Project.

<b>BIOLOGICAL RESOURCES</b>
<p><b>Mitigation Measure BIO-1: Special status plants.</b></p> <p>YCWA would conduct special status plant surveys using approved CDFW/USFWS methods during the appropriate season for identification of special status plant species prior to construction and each maintenance period. If special status plant species are found in the construction areas, YCWA would enter such species into the CNDDDB database. Where feasible, individual special status plants should be fenced for avoidance during construction. Where avoidance is not possible, losses shall be offset through inclusion of these species into the restoration planting palette.</p> <p><b>Significance after Mitigation:</b> Implementation of Mitigation Measure BIO-1 would reduce the project’s impact to special status plants to a <b>less than significant</b> level.</p>

**Mitigation Measure BIO-2: Avoid Impacts to Bald Eagles, American Peregrine Falcons, and Other Migratory Birds**

- A qualified biologist shall conduct pre-construction surveys for bald eagles, American peregrine falcons, and other migratory bird species no more than 14 days prior to construction in accordance with the *Bald Eagle Breeding Survey Instructions* (CDFG 2010), *Protocols for Observing Known and Potential Peregrine Falcon Eyries in the Pacific Northwest* (Pagel 1992), and methods described in the *Bald Eagle and American Peregrine Falcon Management Plan* (YCWA 2019). If active nests are found the qualified biologist shall establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance of the nest by project activity.
- If no active nests are detected, no additional action is required.
- If applicable (i.e., nests are detected as a result of the pre-construction surveys), the qualified biologist shall perform at least two hours of pre-construction monitoring of the nest to characterize “typical” bird behavior. The qualified biologist shall monitor the nesting birds and shall increase the buffer if the qualified biologist determines the birds are showing signs of unusual or distressed behavior by project activities. Atypical nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed toward project personnel, standing up from a brooding position, and flying away from the nest.
- If applicable the qualified biologist shall have authority to order the cessation of all project activities if the nesting birds exhibit atypical behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. To prevent encroachment, the established buffer(s) shall be clearly marked by high visibility material. The established buffer(s) shall remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist.

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

**CULTURAL RESOURCES**

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

YCWA will implement the following measures to reduce impacts to cultural 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.**

YCWA will implement the following measures to reduce impacts to cultural resources.

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.**

YCWA and its construction constructor will implement the mitigation measure listed below, to reduce construction-related noise.

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 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

California Department of Fish and Game (CDFG). 2010. Bald eagle breeding survey instructions and California bald eagle nesting territory field form. Sacramento, CA.

Pagel, J.E. 1992. Protocol for observing known and potential peregrine falcon eyries in the Pacific Northwest. IN Pagel, J.E. (ed). Proceedings: symposium on peregrine falcons in the Pacific Northwest. Rogue River National Forest.

Yuba County Water Agency. 2019. *Bald Eagle and American Peregrine Falcon Management Plan*. Yuba River Development Project No. 2246. September.



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