Print Form

# Notice of Exemption

**Appendix E**

**To:** Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Yuba

**From:** (Public Agency): Yuba Water Agency
1220 F Street
Marysville, CA 95901
(Address)

Project Title: Western Pacific Interceptor Canal Flow Monitoring Stations

Project Applicant: Yuba Water Agency

Project Location - Specific:

On the Reclamation District 784 levee adjacent to the W.P. Interceptor Canal.

Project Location - City: Plumas Lakes Project Location - County: Yuba

Description of Nature, Purpose and Beneficiaries of Project:

YWA is currently implementing its Measurement Improvement Plan (MIP), which has a goal of providing increased surface water monitoring to support water management by YWA and its member units. A key component of the MIP is to better monitor surface water inflow and outflow at key locations within YWA ' s service area to aide in planning and implementing tailwater and spillage recovery and reuse. YWA proposes to install two water level sensors and associated infrastructure on the WPIC (Proposed Project), one upstream of its confluence with Best Slough that would assist in determining inflow into the agricultural production area and one near its confluence with Bear River that would assist in determining outflow.

Name of Public Agency Approving Project: Yuba Water Agency

Name of Person or Agency Carrying Out Project: Yuba Water Agency

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 6 (Information Collection), Section 15301
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Project would consist of basic data collection by the Yuba Water Agency as part of a larger study on water management. The project would not result in any significant adverse environmental impacts and is not barred by any of the exceptions identified in CEQA Guidelines Section 15300.2.

Lead Agency Contact Person: Charles Johnck Area Code/Telephone/Extension: 530 740-7032

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ▪ Yes ☐ No

Signature: Charles Johnck Date: 1/14/22 Title: Supervising Hydrologist

☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

# NOTICE OF EXEMPTION ATTACHMENT
# SUPPLEMENTAL INFORMATION AND CONSISTENCY FINDINGS FOR
# CLASS 6 CATEGORICAL EXEMPTION
## YUBA WATER AGENCY
## WESTERN PACIFIC INTERCEPTOR CANAL FLOW MONITORING STATIONS PROJECT

## PROJECT PURPOSE

Yuba Water Agency (YWA) is currently implementing its Measurement Improvement Plan (MIP), which has a goal of providing increased surface water monitoring to support water management by YWA and its member units. A key component of the MIP is to better monitor surface water inflow and outflow at key locations within YWA's service area to aide in planning and implementing tailwater and spillage recovery and reuse. One such key location is the Western Pacific Interceptor Canal (WPIC), which serves as a conveyance channel to provide irrigation water inflow and receive tailwater outflow from a large, adjacent agricultural production area. The purpose of this project is to construct two water level sensors and associated infrastructure on the WPIC, one upstream of its confluence with Best Slough that would assist in determining inflow into the agricultural production area and one near its confluence with Bear River that would assist in determining outflow.

## PROJECT DESCRIPTION

Two flow monitoring stations would be constructed on the WPIC at locations that are directly on and adjacent to a Reclamation District 784 levee (**Figure 1**, **Figure 2**). One station, near Best Slough, would measure inflow and the second station, near Bear Creek, would measure outflow. **Figure 3** and **Figure 4** show the location of the station near Bear River and **Figure 5** and **Figure 6** show the location of the station near Best Slough. Physical improvements proposed for **each site** include:

1. Approximately 90-feet of buried 2-inch ridged metal conduit extending from the waterside hinge of the levee to the waterside toe. The conduit would daylight at the normal summer water level and be surface mounted for 15-feet until it terminates at the levee toe.
    a. Approximately 4 cubic yards of levee material would be temporarily excavated from a trench for placement of the cables and conduit extending from the RTUs to the canal bank.
    b. Conduit cover depth is 24-inches. Conduit will be encased in 2.5 cubic yards of sand cement slurry to 12-inches and then backfilled with native trench spoil material to match the existing surface.
    c. The conduit would house low-pressure air tubing necessary for proper operation of the water level sensing methods (bubbler pressure sensor system).

2. One small electrical enclosure mounted to two parallel steel posts (2-inch diameter) set in concrete will serve as a remote terminal unit (RTU).
    a. The RTU consists of a small datalogger, radio telemetry equipment, battery power supply and solar charge controls all housed in the enclosure.
    b. RTUs would be installed at the top of the RD 784 levee, approximately 2-feet offset from the waterside hinge.

c. The RTU enclosures are designed to match existing YWA monitoring sites **(Figure 7).**

3. One solar panel and radio antenna mounted to the top of the above referenced mast post. Total installed height will be approximately 15-feet from the ground surface.

4. A small 3-foot by 3-foot concrete pad is proposed to facilitate operator access. The pad would be located at the waterside hinge.
    a. The pad foundation would consist of compacted drainage rock contained by a 1-foot-tall precast concrete retaining wall structure keyed into the water side levee slope.
    b. Approximately 1 cubic yard of material would be removed for construction of the pad foundation.
    c. The retaining wall and foundation would be composed of 0.5 cubic yards of concrete located at the same elevation and immediately adjacent to the existing waterside edge of the levee crown.

5. A 6-inch wide and 8-foot-tall staff gauge will be mounted on a vertical section of steel angle iron driven into the low water channel at the channel toe.

The total area of permanent riverine and riparian habitat impact for each site is approximately 2.5 square feet and 9.0 square feet, respectively, for a total of 23 square feet (0.0005 acres) of permanent riverine and riparian impacts. The total area of temporary riparian impact for each site is approximately 60 square feet for a total of 120 square feet (0.003) for both sites. All work will occur in previously disturbed areas.

In-water work would be limited to the hand installation of the above-ground portion of the conduit and installation of the steel angle iron for staff gauge mounting. Construction of the two sites is estimated to require no more than five (5) working days. Construction is anticipated to begin as soon as environmental approvals and permits are obtained.

Construction equipment is expected to include work trucks, a mini excavator for trenching and excavating for the RTU footing, and a concrete truck or towable concrete mixer. The existing levee-top roadway would be used for staging of equipment and materials. The portion of roadways used for staging areas would be limited to 500 square feet adjacent to each site.

After completion of the improvements the inspection schedule includes monthly site visits to take flow measurements and inspect the equipment.

## POTENTIAL PROJECT-RELATED ENVIRONMENTAL EFFECTS AND APPLICABILITY OF A CATEGORICAL EXEMPTION TO THE PROPOSED PROJECT

The CEQA Class 6 Categorical Exemption (CEQA Guidelines Section 15301, *Information Collection)* is applicable to projects that consist of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. The project purpose and proposed construction activities are consistent with the CEQA Class 6 Categorical Exemption. The project would consist of basic data collection by the Yuba Water Agency as part of a larger study on water management. This section presents information on the existing conditions of environmental

resources at the project site and summarizes evaluations of the potential project-related environmental effects, and thus provides further support for the applicability of a Class 6 Categorical Exemption to the proposed project.

The YWA prepared a biological assessment (BA) for the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to assess potential project-related effects to federally-listed species under the Endangered Species Act and designated habitat under the Magnuson-Stevens Act (Biological Assessment and Essential Fish Habitat Assessment for the Western Pacific Interceptor Canal Flow Monitoring Stations, December 2021 [prepared by Robertson-Bryan, Inc.]). The BA found that the proposed project would have no significant impacts on any federally listed species. Of the species considered in the BA, the only listed species with high potential to occur is giant garter snake (*Thamnophis gigas*). With the avoidance and minimization measures, including preconstruction surveys, the project would not cause significant impacts to giant garter snake. There are eight additional special status species that may occur in the project area (Table 1). The remainder of this discussion will focus on potential impacts to these eight special status species which are not federally-listed and thus were not considered in the BA.

***Table 1: Special status species with potential to occur in the project area***

| Taxon | Scientific Name | Common Name | Status | Habitat | Potential to Occur |
|---|---|---|---|---|---|
| Birds | *Riparia riparia* | bank swallow | CT; BLM-S; | Riparian scrub, riparian woodland. Colonial nester, requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, or ocean. | **Low**; Banks adjacent to the WPIC are not vertical thus the project area provides only marginal nesting habitat. |
| | *Buteo swainsoni* | Swainson's hawk | CT; BLM-S; BCC | Nests in riparian forest and scattered trees; forages in grasslands and agricultural fields. | **Low**; No trees for nesting are located within the project area. Suitable foraging habitat occurs within the project area. |
| | *Agelaius tricolor* | tricolored blackbird | CT; BLM-S; BCC | Nests in dense cattails and tules, riparian scrub, grain crops, and other low dense vegetation; forages in grasslands and agricultural fields. | **Low**; No dense vegetation for nesting is present. Suitable foraging habitat occurs within the project area but is considered marginal. |

| | | | | | |
|---|---|---|---|---|---|
| | *Elanus leucurus* | white-tailed kite | FP; BLM-S | Nests in densely riparian zones, oak woodlands, and isolated trees; forages in grasslands and agricultural fields | **Low**; No dense vegetation present for nesting. Suitable foraging habitat occurs within the project area. |
| Invertebrates | *Linderiella occidentalis* | California linderiella | S2 | Vernal pools, including a wide range of sizes and depths. | **None**; No vernal pools are present in the project area. |
| Mammals | *Erethizon dorsatum* | North American porcupine | S3 | Coniferous, deciduous, and mixed forests. Dens in caves, decaying logs, or hollow trees. | **None**; No suitable habitat is present in the project area. |
| Reptiles | *Emys marmorata* | western pond turtle | CSC; USFS-S | Permanent or nearly permanent water bodies in various habitats, including ponds, marshes, rivers, streams, and ditches. | **High**; Suitable habitat exists for the species and it has been documented in the project vicinity along Dry Creek and Feather River. |
| Plants | *Sagittaria sanfordii* | Sanford's arrowhead | BLM-S | Shallow freshwater marshes and swamps. | **None**; No suitable habitat present and vegetation survey found none present. |

CNDDB California Natural Diversity Database; CDFW California Department of Fish and Wildlife

CSC Species of special concern listing by CDFW
CT Threatened under California Endangered Species Act
BCC Bird of Conservation Concern listing by U.S. Fish and Wildlife

FP Fully Protected by CDFW
USFS-S Sensitive listing by U.S. Forest Service
BLM-S Bureau of Land Management Sensitive Species
S2 Imperiled ranking by CNDDB
S3 Vulnerable ranking by CNDDB

Source: CNDDB 2021

The two project sites are located on manmade earthen levees which constitute low-quality disturbed habitat. Vegetation within the project sites is minimal and consists primarily of non-native grasses. Due to the lack of vegetation present, species that require dense vegetation for nesting such as tricolored blackbird, white-tailed kite, and Swainson's hawk, are not likely to nest within the project area. The nearest suitable nesting trees are located approximately 500 feet from the Best Slough site and 200 feet from the Bear River site. There would not be a significant amount of noise generated during project activities, thus surrounding areas with potential nesting sites would not be disturbed. The project site contains minimal foraging habitat, and adjacent agricultural lands provide more preferred foraging habitat for listed bird species, therefore it is unlikely that any listed birds use the project site for foraging.

Another special-status species with potential to occur in the project area is the bank swallow. The bank swallow is a colonial nester with several known nest sites located on steep vertical banks along the Feather River in the project vicinity. However, the WPIC does not contain steep vertical banks that could provide potential nesting habitat, thus there is a low potential for the species to occur.

If work that has the potential to impact nesting birds commences between February 1 and August 31 (during the nesting season), a pre-construction nest survey for bank swallow, tricolored blackbirds, white-tailed kite, and Swainson's hawk, a design and implementation feature incorporated into the project, would be completed by a qualified biologist. If active nests (i.e., presence of eggs and/or chicks) are observed in areas that could be directly or indirectly disturbed (including noise disturbance), a temporary, species-appropriate no-disturbance buffer zone will be created around the nest sufficient to reasonably expect that breeding would not be disrupted. No work will occur inside the buffer zone.

The size of the buffer zone will be determined by the biologist, by taking into account factors including but not limited to the following:

- Noise and human disturbance levels at the site at the time of the survey and the noise and disturbance expected during the work;

- Distance and amount of vegetation or other screening between the site and the nest; and

- Sensitivity of individual nesting species and behaviors of the nesting birds, taking into account factors such as topography, visibility to source of disturbance, noise/vibration, nesting phase, and other case-by-case specifics.

While vernal pools do exist along the WPIC, there are no vernal pools located in the project area (Natural Investigations Company, Inc 2021). As such, vernal pool species such as California linderiella do not occur in the project area. The North American porcupine is found in forested habitat which is not present within the project area; thus porcupines would not occur in the project area. A vegetation survey of the project area did not identify any Sanford's arrowhead in the project area, nor is any suitable habitat present in the project area, thus the list plant species would not occur in the project area (Natural Investigations Company, Inc 2021). The WPIC is a relatively permanent water feature and could provide potential habitat for western pond turtles. While no occurrences have been mapped in the project area, there are several known occurrences along the Feather River approximately 2.5 miles west of the project area. The suitable habitat present and nearby occurrences indicate a high potential for western pond turtles to occur. Another listed species with potential to occur is the bank swallow. To ensure no western pond turtles are present in the project area, a pre-construction survey will be conducted by a certified biologist 24 hours prior to construction. If western pond turtles are encountered, work will be halted until all individuals leave the project area.

The potential for project-related activities (i.e., spills, accidental discharges, run-off) to adversely affect aquatic species downstream of the project site is negligible for several reasons: (1) construction would be short-term lasting 4-5 days, (2) best management practices and conservation measures would be implemented to minimize the potential for spills of construction-related materials, (3) brief in-water work would not significantly impact water quality and thus would not impact aquatic resources downstream. Consequently, the potential for project-related activities to adversely affect aquatic species, including special-status species, downstream of project site are discountable.

The following provides information regarding potential exceptions defined under the CEQA Guidelines, Section 15300.2 that, if triggered, might bar the proposed project from being exempt from CEQA compliance. Database searches were conducted using the California Department of Toxic Substances Control (DTSC) ENVIROSTOR list of hazardous waste sites (i.e., Cortese list), State Water Resources Control Board (SWRCB) GeoTracker list of designated waste sites, and U.S. Environmental Protection Agency (EPA) National Priorities List of Superfund hazardous waste cleanup sites, with the results indicating that the project site is not within, or near, any designated site with known hazards on any list compiled pursuant to Section 65962.5 of the Government Code. The project site also is not located adjacent to, or visible from, any designated state or federal scenic highway. Finally, the project would involve only temporary and minor disturbances at the site, and activities would occur within the footprint of previously-disturbed areas (a constructed levee), thus the minor effects would not generate or contribute to any cumulatively significant environmental impacts.

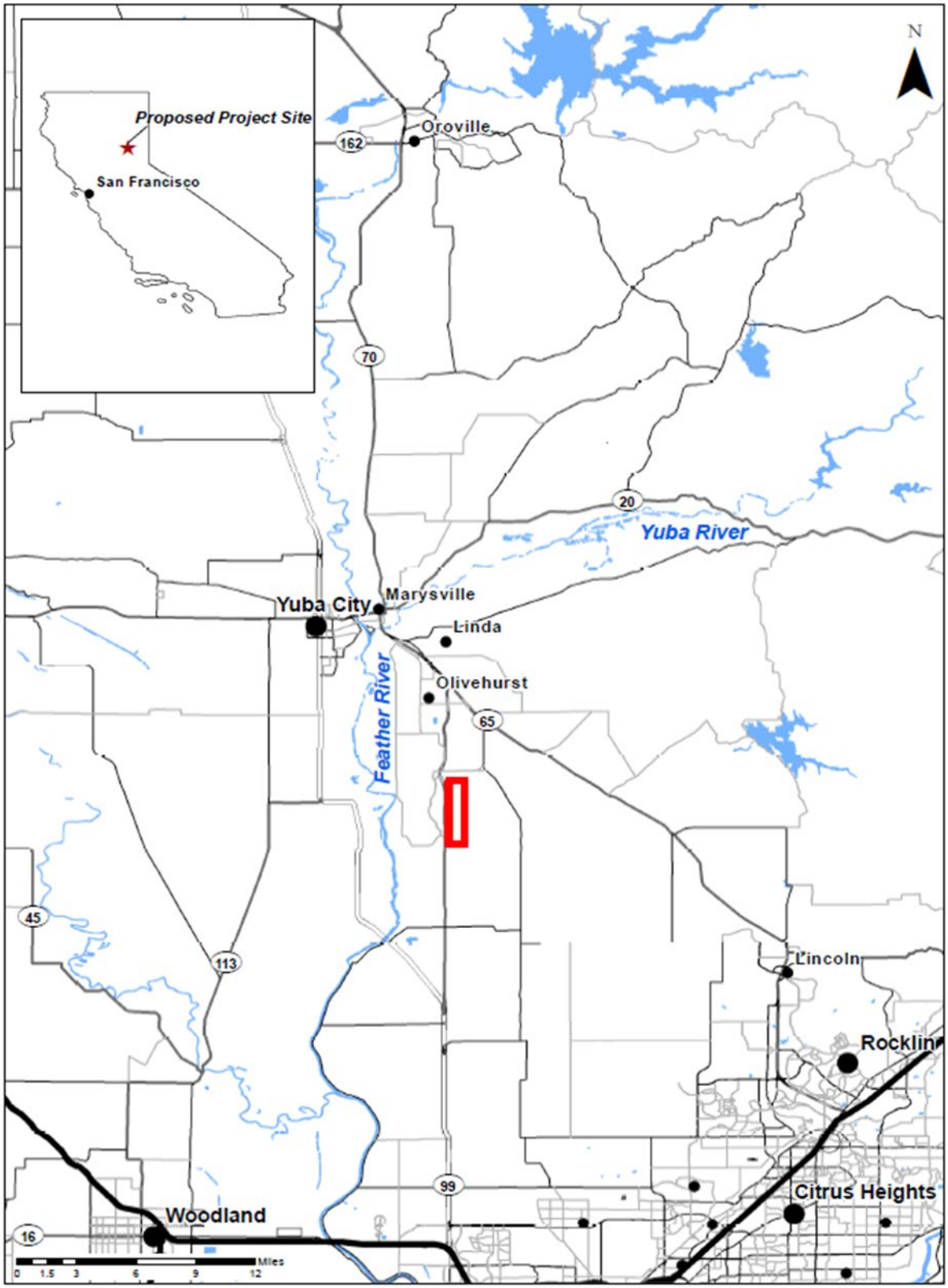


**Figure 1. Western Pacific Interceptor Canal Flow Monitoring Stations Project regional location map. The red box indicates where the two monitoring stations would be located.**


**Figure 2. Western Pacific Interceptor Canal Flow Monitoring Stations Project location map. The two yellow stars indicate the two sites where flow monitoring stations would be constructed.**

**Figure 3. Proposed location of the Flow Monitoring Station near Bear Creek.**

**Figure 4. Proposed location of the Flow Monitoring Station near Bear Creek.**

**Figure 5. Proposed location of the Flow Monitoring Station near Best Slough.**

**Figure 6. Proposed location of the Flow Monitoring Station near Best Slough.**

**Figure 7. Example of a constructed RTU enclosure with an antenna/solar panel mast.**