

FINAL MITIGATED NEGATIVE DECLARATION

Project: Yuba River North Training Wall Phase 2 Project

Lead Agency: Three Rivers Levee Improvement Authority

PROJECT LOCATION

The Yuba River North Training Wall Phase 2 Project (Phase 2 project) site is located on the north bank of the Yuba River, approximately 8 miles northeast of the City of Marysville, in Yuba County, California. The project site can be accessed via State Route 20 and Walnut Avenue.

PROJECT DESCRIPTION

The North Training Wall (NTW) is an approximately 2.25-mile-long cobble embankment that was constructed by the California Debris Commission in the early 1900s to confine the Yuba River and facilitate downstream movement of mining debris within the floodway. Flood control was not an authorized purpose, but the NTW has historically provided and continues to provide flood risk reduction to the surrounding area. However, the height and width of the NTW have decreased over time. This reduction and ongoing, persistent erosion from storm events have combined to increase the flood risk to the Hallwood community, the City of Marysville, and portions of Reclamation District 10 (D-10).

In early 2022, the Three Rivers Levee Improvement Authority (TRLIA) completed the NTW Phase 1 Project, which included reshaping the NTW embankment to provide a more stable geometry and address height and width reductions that had occurred over time and ongoing, persistent erosion from storm events. Completing this reshaping improved flood protection for the City of Marysville and portions of D-10 and substantially reduced flood risk to the community of Hallwood. The NTW reshaping was evaluated separately under the California Environmental Quality Act (CEQA) because it had independent utility and resources were available to complete the work.

The Phase 2 project includes constructing a high ground tie-in embankment to extend the north end of the NTW upstream and form a contiguous line of protection that further reduces flood risk to the Hallwood community, the City of Marysville, and portions of D-10. Phase 2 also includes potential ecological enhancement components: riparian/aquatic habitat creation, fish passage enhancement, and salmonid foraging enhancement.

FINDINGS

TRLIA has prepared an Initial Study/proposed Mitigated Negative Declaration (IS/MND), in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, to assess the project's potential effects on the environment and the significance of those effects. Based on the IS, it has been determined that the proposed project would not result in significant adverse effects on the physical environment after implementation of proposed mitigation measures. This conclusion is supported by the following findings:

1. The proposed project would have no impacts on land use and planning, population and housing, and public services.
2. The proposed project would have less-than-significant impacts on aesthetics, agriculture and forestry resources, energy, mineral resources, noise, recreation, transportation, utilities and service systems, and wildfire.
3. The proposed project would have potentially significant impacts on air quality, biological resources, cultural resources, geology and soils, greenhouse gas (GHG) emissions, hazards and hazardous materials, hydrology and water quality, and Tribal cultural resources, but mitigation measures are proposed to avoid or reduce these effects to less-than-significant levels.
4. The proposed project would not have the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; substantially reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.
5. The proposed project would have beneficial impacts by reducing the flood risk in the local area, restoring and enhancing habitat in and adjacent to the Yuba River and improving conditions for returning fish from the existing Hallwood-Cordua Canal bypass to the Yuba River, and indirectly making available up to approximately 2.2 million cubic yards of aggregate materials for production.
6. The proposed project would not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
7. The proposed project would not have possible environmental effects that are individually limited but cumulatively considerable and contribute to a significant cumulative impact. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
8. The environmental effects of the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly, and would reduce flood risks to the Hallwood Community, the City of Marysville, and portions of D-10.

Following are the proposed mitigation measures that would be implemented to avoid or minimize potentially significant environmental impacts. Implementation of these mitigation measures would reduce the potentially significant environmental impacts of the proposed project to less-than-significant levels. The responsibility for implementation of each mitigation measure is identified; however, TRLIA is ultimately responsible for ensuring each measure is implemented.

Mitigation Measure AQ-1: Implement Best Management Practices to Reduce Emissions during Construction.

TRLIA and its construction contractors will implement the following measures consistent with established Feather River Air Quality Management District (FRAQMD) *Construction Phase Mitigation Measures* (FRAQMD 2016):

- Develop and submit a fugitive dust control plan to minimize fugitive dust emissions during project construction to FRAQMD for approval.
- Ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Utilize existing power sources (e.g., line power) or clean fuel generators rather than temporary power generators to the extent feasible and practicable.
- Suspend all project grading operations when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
- Water or treat work areas with dust suppressants as necessary to prevent fugitive dust violations. Incorporate the use of FRAQMD-approved non-toxic soil stabilizers (e.g., as indicated in the most recent California Stormwater Quality Association Construction BMP Handbook) according to manufacturer's specifications to all inactive construction areas.
- Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts. Travel time to water sources should be considered and additional trucks used if needed.
- Minimize the free fall distance and fugitive dust emissions associated with all transfer processes involving a free fall of soil or other particulate matter.
- Install wheel washers where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment will be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
- Frequently sweep paved streets (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
- Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
- Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.

Timing: Before and during project construction activities.

Responsibility: TRLIA and construction contractor(s).

Mitigation Measure AQ-2: Contribute to FRAQMD Off-Site Mitigation Program, Develop Equipment Inventory that Reduces Exhaust Emissions, and Document Equipment Use and Worker Vehicle Trips during Construction.

For project components that are estimated to exceed FRAQMD emissions thresholds, TRLIA and its construction contractors will implement the following measures to reduce, track, and offset construction-related project emissions, consistent with established FRAQMD Construction Phase Mitigation Measures (FRAQMD 2016).

- Before construction activities begin, TRLIA will pay a deposit to FRAQMD for contribution to the FRAQMD Off-site Mitigation Fund. This deposit will be held by FRAQMD and applied toward the final off-site mitigation amount to be paid after project construction is complete.
- Before construction activities begin, TRLIA and its construction contractors will compile a comprehensive inventory list (i.e., make, model, engine year, horsepower) of all heavy-duty off-road equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours. To the extent feasible, this equipment inventory will demonstrate that the heavy-duty off-road equipment to be used during construction (including owned, leased and subcontractor equipment) will achieve a target project-wide fleet average emission reduction for pollutants that are estimated to exceed FRAQMD thresholds (5 percent reactive organic gases reduction, 20 percent nitrogen oxide reduction, and/or 45 percent particulate matter reduction) compared to the most recent California Air Resources Board (CARB) fleet average at time of construction. Acceptable options for reducing emissions may include use of late model engines (Tier 4), CARB-approved low-emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), aftertreatment products, and/or other options as they become available.
- Data regarding construction activities will be collected and used to calculate project emissions after construction activities are complete. Data collected during project construction will include the following items:
 - Construction equipment
 - Number of pieces of each equipment type
 - Model year, engine horsepower and tier, hours of operation for each type
 - Haul trucks (heavy-duty trucks)
 - Number of heavy-duty haul truck trips
 - On-road and off-road trip distance for haul truck trips

- Number of construction workers per day
- Total volume (cubic yards) of cut/fill

Timing: Before and during project construction activities.

Responsibility: TRLIA and construction contractor(s).

Mitigation Measure AQ-3: Calculate Construction Emissions and Further Contribute to FRAQMD Off-Site Mitigation Program

Total construction emissions will be calculated at the end of construction activities. Using these calculations, TRLIA will make a final payment to the FRAQMD Off-Site Mitigation Fund, if necessary to further offset construction pollutant emissions that exceeded FRAQMD thresholds.

Timing: After construction activities are complete.

Responsibility: TRLIA.

Mitigation Measure BIO-1: Conduct Worker Awareness Training.

To minimize potential effects of project construction on sensitive biological resources, TRLIA will provide worker awareness training for all construction personnel before any construction activities begin. The training will include a description and discussion of the biological resources mitigation measures in this MND. A brief description of each sensitive species that has potential to occur on or adjacent to the project site will be provided, including species identification, habitat, and legal protections. The training will also discuss sensitive habitats adjacent to the project site and applicable legal protections.

Mitigation Measure BIO-2: Minimize Impacts on Valley Elderberry Longhorn Beetle.

TRLIA and its construction contractor(s) will implement the following measures consistent with the *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (USFWS 2017) to avoid and minimize impacts on elderberry shrubs and compensate for unavoidable impacts:

- Before project activities begin, worker awareness training will be provided by a qualified biologist to inform on-site project personnel of the need to avoid and minimize potential impacts on elderberry shrubs. The training will include, at a minimum, a discussion of valley elderberry longhorn beetle, its conservation status, its host plant, its habitat, measures to be implemented for its protection, and possible penalties for non-compliance. An appointed representative will be identified and available to project personnel to ensure that questions regarding avoidance and protection measures are addressed in a timely manner.

- Before project activities near elderberry shrubs begin, stakes and/or flagging (substrate and slopes likely preclude use of fencing) will be placed to clearly delineate the extent of material excavation and other construction and restoration activities. A buffer will be provided around elderberry shrubs/clusters to prevent accidental damage during project activities. To the maximum extent feasible, buffers will be a minimum of 20 feet from the dripline of elderberry shrubs/clusters.
- A qualified biological monitor will supervise buffer establishment and conduct periodic inspections during project construction and restoration activities to ensure that impact avoidance and minimization measures are properly implemented.
- To the maximum extent feasible, trimming of elderberry shrub branches and stems will occur between November and February and will avoid removal of those greater than 1 inch in diameter. Other project activities involving heavy equipment use within 165 feet of an elderberry shrub will be conducted outside of the valley elderberry longhorn beetle flight season (March through July) to the extent feasible.
- Elderberry shrubs that require removal during project implementation will be transplanted. The shrubs are anticipated to be transplanted to one or more of the potential habitat restoration areas. A qualified biologist will identify transplant locations that are suitable for elderberry growth and reproduction and ideally in the vicinity of other existing elderberry shrubs that would not be removed by the project. Transplanting will be implemented as follows:
 - To the maximum extent feasible, elderberry shrubs will be transplanted when they are dormant (November through the first 2 weeks in February) and after they have lost their leaves.
 - A qualified biologist will conduct an exit hole survey immediately before each shrub is transplanted and will be onsite during transplanting activities. The biologist will record the number of exit holes found on each shrub, the precise location of each shrub that is removed, and the precise transplant location for each shrub.
- Compensatory mitigation will be provided for removal of isolated elderberry shrubs and/or riparian vegetation that includes elderberry shrubs. An appropriate mitigation strategy will be developed in consultation with USFWS and is anticipated to include elderberry shrub/habitat replacement at a 2:1 to 3:1 ratio for each elderberry shrub or extent of riparian habitat that is removed. Mitigation is anticipated to be implemented in an on-site habitat restoration area but could be implemented at an appropriate alternative location agreed to by U.S. Fish and Wildlife Service (USFWS) or through purchase of credits at a USFWS-approved mitigation bank. If mitigation is not provided at a mitigation bank, the mitigation strategy will specify monitoring, maintenance, and protection requirements to ensure the mitigation habitat is successfully established and adequately protected.

Timing: Before and during project construction activities.

Responsibility: TRLIA and construction contractor(s).

Mitigation Measure BIO-3: Conduct Focused Surveys for Nesting Birds and Implement Buffers Around Active Nests.

To minimize potential effects of project construction and maintenance on special-status birds and avoid violation of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF), TRLIA will ensure that the following measures are implemented:

- To the extent feasible, construction activities will be timed to avoid the primary bird nesting season (February-August).
- If construction activity would begin during the Swainson's hawk nesting season (March 15-August 31), focused surveys for active Swainson's hawk nests will be conducted within 0.5 mile of the project site by a qualified biologist, in accordance with *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000). To meet the minimum level of protection for the species, surveys will be completed for the two survey periods immediately before construction activities begin. If a lapse in project-related activities of 14 days or longer occurs, another focused survey will be conducted before project activities resume.
- If construction activity would begin during the white-tailed kite nesting season (March 1-August 31), a focused survey for active white-tailed kite nests will be conducted by a qualified biologist. The survey will cover all potential on-site and off-site nesting habitat within 0.25 mile of the project site. The survey will be conducted no more than 14 days before the start of project activities. If a lapse in project-related activities of 14 days or longer occurs, another focused survey will be conducted before project activities resume.
- If construction activity would begin during the nesting season for other birds protected by the MBTA and CFGF (February 1- September 15), a survey for active bird nests will be conducted by a qualified biologist. The survey will cover all potential on-site and off-site nesting habitat within 500 feet of the construction footprint. The survey will be conducted no more than 14 days before the start of project activities. If a lapse in project-related activities of 14 days or longer occurs, another focused survey will be conducted before project activities resume.
- If any active nests are found, a qualified biologist will prepare a site-specific take avoidance plan to comply with the California Endangered Species Act, MBTA, and/or CFGF. Measures may include but are not limited to rescheduling project activities around sensitive periods for the species (e.g., nest establishment), implementing construction best practices such as staging equipment out of the species' line of sight from the nest, and establishing nest-specific no-disturbance

buffers. The prescribed avoidance/protection measures will be implemented before construction activities begin within 0.5 mile of an active Swainson's hawk nest, 0.25 mile of an active white-tailed kite nest, and 500 feet of other identified active nests and will continue until the nests are no longer active. A qualified biologist will monitor construction activities and behavior of the nesting birds and young to ensure project activities do not cause disturbance that could result in nest abandonment, reduced care of eggs or young, or premature fledging.

Timing: Before and during construction activities.

Responsibility: TRLIA and its construction contractor(s).

Mitigation Measure BIO-4: Minimize and Compensate for Loss of Mixed Riparian Woodland.

TRLIA and its construction contractor(s) will implement the following measures to reduce effects of the project on mixed riparian woodland:

- Impacts on riparian habitat will be avoided wherever possible by considering locations of riparian vegetation during development of the final project design, including restoration areas, maintenance zones, and construction staging areas and access routes.
- Unavoidable impacts on riparian habitat will be compensated at a minimum 1:1 replacement ratio based on the acreage removed to ensure no net permanent loss. Compensation may occur through purchase of credits from a mitigation bank or through restoration, monitoring, maintenance, and preservation of riparian habitat onsite or at an appropriate alternative location in the watershed.
- A mitigation plan will be prepared and implemented addressing how the loss of riparian habitat that cannot be avoided will be compensated. The mitigation plan will identify compensation ratios for acres lost and mitigation sites.
- If mitigation is not provided via purchase of credits at an established mitigation bank, the mitigation plan will also describe habitat compensation methods and location, monitoring protocol, performance standards for restored habitat, corrective measures to be applied if performance standards are not met, and management and protection measures to ensure long-term habitat viability and protection.

Timing: Before ground-disturbing activities in areas containing riparian vegetation and throughout mitigation implementation.

Responsibility: TRLIA and its construction contractor(s).

Mitigation Measure BIO-5: Comply with Endangered Species Acts.

If State or Federally listed species are found during project surveys or otherwise encountered during project implementation, TRLIA shall avoid take of State and/or

Federally listed species to comply with State and Federal Endangered Species Acts. If project implementation may result in take of a State or Federally listed species, TRLIA shall consult with CDFW and/or the appropriate Federal agency and may seek related take authorization as provided by the CFGC and Federal Endangered Species Act.

Timing: Before and during project construction activities.

Responsibility: TRLIA and construction contractor(s).

Mitigation Measure CUL-1: Prepare and Implement Inadvertent Discovery Plan and Other Measures to Avoid and Minimize Impacts on Cultural Resources.

TRLIA and its construction contractor(s) will implement the following measures to avoid and minimize project-related impacts on potential archaeological or other cultural resources, including Tribal cultural resources (TCRs), during ground-disturbing project activities and address the evaluation and treatment of inadvertent/unanticipated discoveries of such resources:

- An inadvertent discovery plan will be developed before project-related construction activities begin and will be implemented in the event of a discovery during project construction.
- TRLIA will provide a cultural resources sensitivity and awareness training program for all personnel involved in project construction, including field consultants and construction workers. The training will be developed in coordination with an archaeologist meeting Secretary of the Interior Professional Qualifications Standards for Archaeology. The training will be conducted before ground-disturbing project construction activities begin on the project site and will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating Federal and State laws and regulations. The training will also describe what to do and who to contact if any potential cultural resources are encountered. The training will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American Tribal values.
- A minimum of 7 days before clearing and grubbing, grading, or other soil disturbing project-related activities begin, TRLIA will notify Native American Tribes that are traditionally and culturally affiliated with the geographic area of the proposed start date and invite Tribal Representatives or Tribal Monitors to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first 5 days of beginning such activities. During this inspection, the Tribal Representative(s) or Tribal Monitor(s) will be given an opportunity to present construction personnel with information on TCRs and provide a worker awareness brochure.

- If any TCRs are encountered during this initial inspection or if an inadvertent discovery of buried or otherwise previously unidentified cultural resources, including archaeological resources and other suspected TCRs (e.g., unusual amounts of shell, animal bone, any human remains, ceramics, building remains) are discovered during project-related construction activities, all work will cease within 100 feet of the find and measures included in the inadvertent discovery plan will be implemented. TRLIA will retain a professional archaeologist meeting the Secretary of the Interior’s Professional Standards for Archaeologists to assess the discovery. Representatives from the traditionally and culturally affiliated Tribes will be immediately notified if the find includes suspected TCRs to determine if the find is a TCR (Public Resources Code [PRC] Section 21074). The archaeologist and Tribal Representative will recommend what, if any, further evaluation and treatment is necessary for the find. Work at the discovery location will not resume until all necessary investigation and evaluation of the discovery is complete.

- When avoidance is infeasible, preservation in place is the preferred option for mitigation of archaeological resources and other TCRs, and every effort will be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future project-related impacts. Permanent curation of TCRs will not take place unless approved in writing by California Native American Tribes that are traditionally and culturally affiliated with the project area.

- The contractor will implement any measures deemed by TRLIA to be necessary and feasible to preserve in place, avoid, or minimize project-related impacts to the resource, including, but not limited to, the use of a paid Native American Monitor during ground disturbing activities in the vicinity of the find and facilitating the appropriate Tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Timing: Before and during project construction activities.

Responsibility: TRLIA and its construction contractor(s).

Mitigation Measure CUL-2: Avoid Potential Effects to Previously Unknown Human Remains.

If an inadvertent discovery of human remains is made at any time during project planning or project-related construction activities, TRLIA will implement the procedures listed below. If human remains are identified on the project site, the following performance standards will be met prior to implementing or continuing actions, such as construction, that may result in damage to or destruction of human remains:

- In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, TRLIA will immediately halt potentially damaging excavation in the area of the burial and notify the Yuba County Coroner and a professional archaeologist to determine the nature of the remains. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (California Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). After the Coroner's findings have been made, the archaeologist and the NAHC-designated Most Likely Descendant (MLD), in consultation with the landowner, shall determine the ultimate treatment and disposition of the remains. The responsibilities of TRLIA for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.9 et seq.
- Upon the discovery of Native American human remains, TRLIA will require that all construction work within 100 feet of the discovery stop, until consultation with the MLD has taken place. The MLD will have 48 hours to complete a site inspection and make recommendations to the landowner after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. PRC Section 5097.98(b)(2) suggests that the concerned parties may mutually agree to extend discussions beyond the initial 48 hours to allow for the discovery of additional remains.
- If agreed to by the MLD and the landowner, TRLIA or its authorized representative will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. If the NAHC is unable to identify an MLD, or if the MLD fails to make a recommendation within 48 hours after being granted access to the site, TRLIA or its authorized representative may also reinter the remains at a location not subject to further disturbance if recommendation of the MLD is rejected and mediation by the NAHC fails to provide measures acceptable to TRLIA.
- If the human remains are of historic age and are determined not to be of Native American origin, TRLIA will follow the provisions of the California Health and Safety Code Section 7000 (et seq.) regarding the disinterment and removal of non-Native American human remains.

Timing: During project construction activities.

Responsibility: TRLIA and its construction contractor(s).

Mitigation Measure GEO-1: Implement a Stormwater Pollution Prevention Plan and Associated Best Management Practices.

In addition to compliance with all applicable Federal, State, and local regulations, TRLIA will implement the following measures to further reduce construction-related erosion:

- Construction activities would likely be subject to construction-related stormwater permit requirements. Any permits required by the Central Valley Regional Water Quality Control Board (CVRWQCB) will be obtained by TRLIA before any ground-disturbing construction activity. TRLIA will prepare and implement the appropriate Stormwater Pollution Prevention Plan (SWPPP), or Stormwater Management Plan (SWMP), as needed, to prevent and control pollution and to minimize and control runoff and erosion in compliance with State and local laws. The SWPPP or SWMP will identify best management practices (BMPs) to prevent or minimize the introduction of contaminants into surface waters. Such BMPs could include, but would not be limited to, silt fencing, straw bale barriers, fiber rolls, storm drain inlet protection, hydraulic mulch, and a stabilized construction entrance. The SWPPP or SWMP will identify the types of materials used for equipment operation (including fuel and hydraulic fluids), measures to prevent hazardous material and waste spills, and materials available to clean up hazardous material and waste spills. The SWPPP or SWMP will also identify emergency procedures for responding to spills. BMPs presented in either document will be clearly identified and maintained in good working condition throughout the construction process. The construction contractor will retain a copy of the approved SWPPP or SWMP on the construction site and modify it as necessary to suit specific site conditions.
- Water (e.g., trucks, portable pumps with hoses) will be used to control fugitive dust during construction activities that could cause substantial wind erosion.

Timing: Before and during project construction activities.

Responsibility: TRLIA and construction contractor(s).

Mitigation Measure GHG-1: Acquire Carbon Offset Credits that are Demonstrably Real, Permanent, Additional, Quantifiable, Verifiable, and Enforceable for Emissions that Exceed the Sacramento Metropolitan Air Quality Management District Threshold.

TRLIA will acquire carbon offset credits equal to construction related GHG emissions that exceed the annual Sacramento Metropolitan Air Quality Management District significance threshold of 1,100 metric tons of carbon dioxide equivalents, based on actual construction emissions calculated after project construction is complete. Carbon offset credits will comply with CARB's Cap-and-Trade program and will be purchased from an accredited carbon credit market. Offset credits must be registered

with, and retired by an Offset Project Registry, as defined in 17 California Code of Regulations (CCR) Section 95802(a), that is approved by CARB, such as, but not limited to, Climate Action Reserve, American Carbon Registry, or Verra (formerly Verified Carbon Standard), that is recognized by the Climate Registry, a non-profit organization governed by U.S. states and Canadian provinces and territories. To demonstrate that the carbon offset credits provided are real, permanent, additional, quantifiable, verifiable, and enforceable, as those terms are defined in 17 CCR Section 95802(a), TRLIA will document the protocol used to verify the credits and submit the documentation for approval to a CARB-accredited third-party verification entity. If the verification entity finds that any credits purchased did not meet these criteria, TRLIA will purchase alternative credits and submit a follow-up report to the verification entity for concurrence. All carbon offsets purchased will be tracked through the Climate Registry.

Timing: Before construction activities begin, during construction activities, and after construction activities are complete.

Responsibility: TRLIA and its construction contractor(s).

Mitigation Measure HAZ-1: Implement a Spill Prevention and Control Plan and Other Measures to Reduce the Potential for Environmental Contamination during Construction Activities.

TRLIA and all contractors will abide by regulations governing hazardous materials transport included in CCR Title 22, the California Vehicle Code (CCR Title 13), and the State Fire Marshal Regulations (CCR Title 19). Transport of hazardous materials will only be conducted under a registration issued by the California Department of Toxic Substance Control. Construction contractors will be required to use, store, and transport hazardous materials in compliance with all Federal, State, and local regulations. In addition, TRLIA will implement the measures described below to further reduce the risk of accidental spills and protect the environment.

- A written spill prevention and control plan will be prepared and implemented. This plan and all material necessary for its implementation will be accessible onsite before project construction begins and throughout the construction period. The plan will provide direction on emergency cleanup of any spills of fuel or other material. Construction personnel will be provided the necessary information from the plan to prevent or reduce the discharge of pollutants from construction activities to waters and to use the appropriate measures should a spill occur. In the event of a spill in aquatic habitat, work will stop, and the spill will be addressed immediately with equipment such as booms to contain and absorb the spilled material. CVRWQCB will be notified within 24 hours of an in-water spill.

- Every reasonable precaution will be exercised to protect waters from pollution with fuels, oils, and other harmful materials. Safer alternative products (such as biodegradable hydraulic fluids) will be used where feasible.
- Petroleum products, chemicals, fresh cement, and construction by-products containing, or water contaminated by, any such materials will not be allowed to enter flowing waters and will be collected and transported to an authorized upland disposal area.
- Gas, oil, other petroleum products, or any other substances that could be hazardous to aquatic life and resulting from project-related activities, will be prevented from contaminating the soil and/or entering waters.
- Construction vehicles and equipment will be properly maintained to prevent contamination of soil or water from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease. Vehicles and equipment will be checked daily for leaks. If leaks are found, the equipment will be removed from the site and will not be used until the leaks are repaired.
- Equipment will be refueled and serviced at designated refueling and staging sites. All refueling, maintenance, and staging of equipment and vehicles will be conducted in a location where a spill will not drain directly toward aquatic habitat. Appropriate containment materials will be installed to collect any discharge, and adequate materials for spill cleanup will be maintained onsite throughout the construction period.
- All heavy equipment, vehicles, and supplies will be stored at the designated staging areas at the end of each work period.
- Storage areas for construction material that contains hazardous or potentially toxic materials will have an impermeable membrane between the ground and the hazardous material and will be bermed as necessary to prevent the discharge of pollutants to groundwater and runoff water.

Timing: Before and during project construction activities.

Responsibility: TRLIA and construction contractor(s).

Mitigation Measure WQ-1: Ensure Rice Field Discharge Meets CVRWQCB Requirements.

TRLIA will ensure that rice field discharge entering the Yuba River meets requirements of the Basin Plan and the Waste Discharge Requirements General Order for Sacramento Valley Rice Growers (Order R5-2014-0032-02) or is covered by and meet requirements of other waste discharge requirements or waivers issued by the CVRWQCB. All monitoring and reporting requirements of the applicable WDRs will be implemented to ensure that water discharged from the fish food pipeline does not cause or contribute to

an exceedance of applicable water quality objectives in surface water or a trend of degradation that may threaten applicable Basin Plan beneficial uses, unreasonably affect applicable beneficial uses, or cause or contribute to a condition of pollution or nuisance.

Timing: During fish food pipeline operation.

Responsibility: TRLIA.

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