

## PROPOSED MITIGATED NEGATIVE DECLARATION

### PROJECT: DAGUERRE POINT DAM NATURE-LIKE FISHWAY SITE INVESTIGATIONS PROGRAM

#### BRIEF PROJECT DESCRIPTION

Yuba County Water Agency (Yuba Water) is investigating the feasibility of constructing a nature-like fishway (NLF) at Daguerre Point Dam to improve fish passage on the lower Yuba River while maintaining present water supply and hydraulic debris retention functions of the dam and impoundment. Specifically, Yuba Water is proposing to complete a site investigation program to provide surface and subsurface geological information for planning and preliminary design of the proposed NLF at Daguerre Point Dam. The Daguerre Point Dam NLF Site Investigations Program (Proposed Project) includes four field components: aerial photogrammetry, geophysical investigations, drilling and testing, and excavation of test pits. The surface and sub-surface information gathered from this work would provide sufficient site-specific data to assist in determining the feasibility of the NLF.

#### LOCATION OF PROJECT

The Proposed Project is located on the south bank of the lower Yuba River adjacent to Daguerre Point Dam, approximately 12 miles northeast of Marysville in Yuba County, California. Specifically, the site is located at Latitude 39.20641°, Longitude 121.44286° which is within the U.S. Geological Survey (USGS) 7.5-minute Browns Valley Quadrangle, at Sections 29 and 32, Township 16 North, Range 5 East (**Figure 1**). The survey area included in this report is an approximately 31.5-acre area which includes all activities for the Proposed Project. This 31.5-acre survey area includes the south bank of the Yuba River and adjacent upland hills (**Figure 2**).

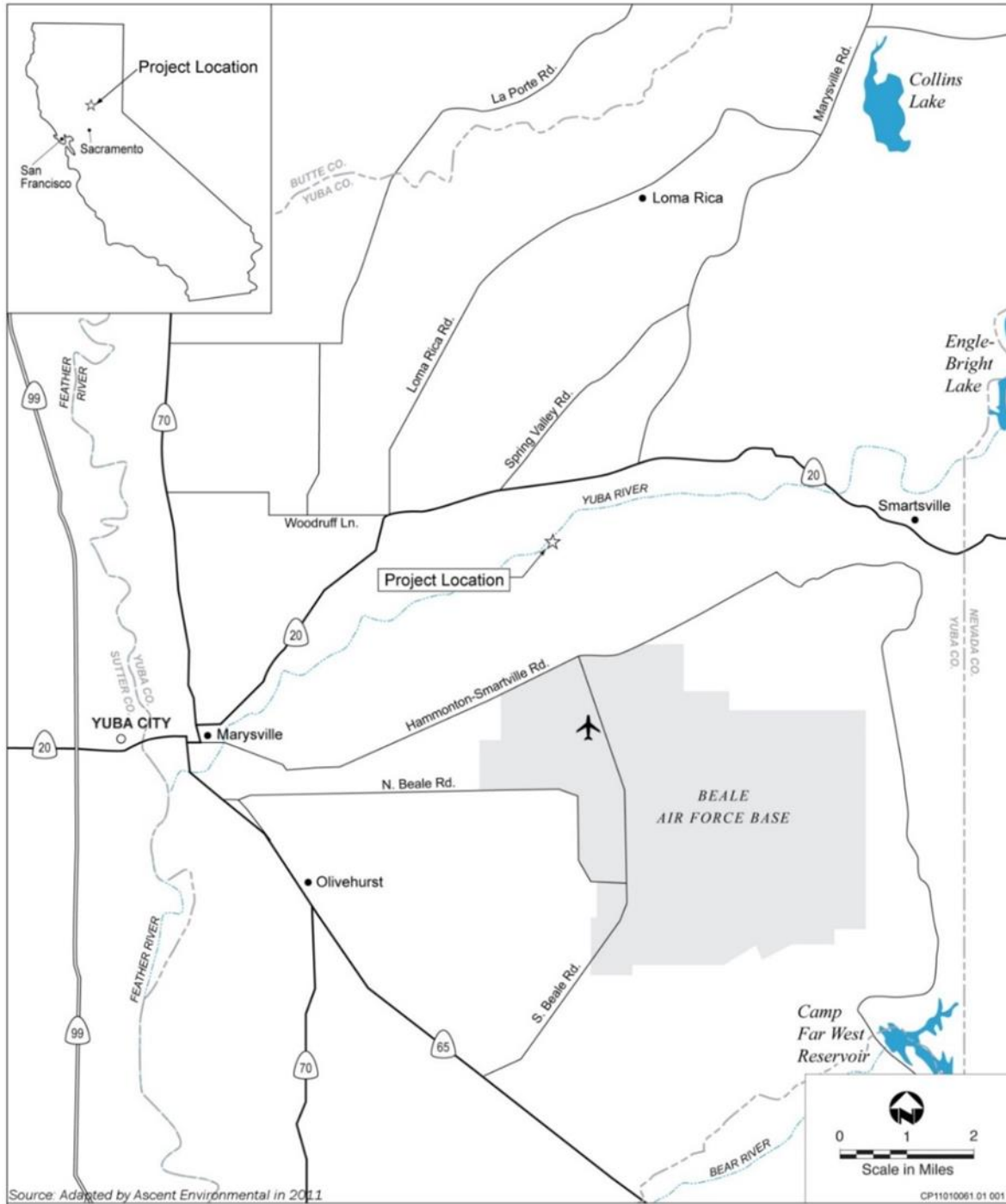


Figure 1. Regional location of the project site.



Proposed 2023 Site Investigation Program

Seismic Lines	
Line	Length (ft)
SR23-A	783
SR23-B	430
SR23-C	1,138
SR23-D	1,588
SR23-E	1,151
SR23-K	1,194
SR23-L	1,183
SR23-M	1,219
SR23-N	499
SR23-O	1,000
SR23-P	666
SR23-Q	1,093
<b>Total</b>	<b>11,944</b>

Boreholes			
	El. Top (ft.)	El. Bottom (ft)	Depth (ft)
BH23-1	121	100	21
BH23-2	139	100	39
BH23-3	127	100	27
BH23-4	143	100	43
BH23-5	136	100	36
BH23-6	156	100	56
BH23-7	149	100	49
BH23-8	157	100	57
BH23-9	170	100	70
BH23-10	122	80	42
<b>Total</b>			<b>440</b>

LEGEND

- Geophysical Seismic Line
- ⊕ Borehole Location
- ⊠ Test Pit Location

Aerial Photography May 2, 2021

Figure 2. Aerial view of the project site 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; Recreation; Tribal Cultural Resources; and Utilities/Service Systems.
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; and Transportation.
3. Impacts of the project would be less than significant with incorporation of the mitigation measures to Biological Resources; Cultural Resources; and Wildfire.

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>BIOLOGICAL RESOURCES</b>
<p><b>Mitigation Measure BIO-1: Avoid impacts to special status and migratory birds.</b></p> <ul style="list-style-type: none"> <li>• If implementation of the Proposed Project occurs during the nesting season, February 1 through August 31, a qualified biologist will conduct preconstruction surveys for nesting birds, including 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</li> </ul>

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-1 would reduce the project's impact to nesting birds and raptors to a **less than significant** level.

**Mitigation Measure BIO-2: Avoid impacts to Western red bats.**

- A qualified biologist will conduct preconstruction surveys for Western red bats near the project site. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period) and/or inspection for bat signs (e.g., guano). Visual surveys will include trees within 0.25 mile of Project construction activities. The surveys will be conducted no more than 10 days before the beginning of construction. If no roosts or signs of Western red bats are found, no further mitigation is required.
- If active roosts or signs of Western red bats are found, impacts on Western red bats will be avoided by establishing a 150-foot buffer zone around the roosting tree(s). No project activity will commence within the buffer zone.

**Significance after Mitigation:** Implementation of Mitigation Measure BIO-2 would reduce the project's impact to Western red bats to a **less than significant** level.

**CULTURAL RESOURCES**

**Mitigation Measure CULT-1: Avoidance of historical and archaeological resources.**

Project activity would occur in boundaries of site P-58-000596 (Yuba Goldfields) and could impact it. Therefore, the geophysical testing locations for the Project in boundaries of site P-58-000596 will be located to avoid historical and archaeological features (e.g., tailings piles and ponds) associated with that site. The location of geophysical testing locations will be identified in consultation with Yuba Water staff and a professionally qualified archaeologist (i.e., an archaeologist that meets the Secretary of Interior's Qualifications Standards at 36 CFR Part 61) to ensure that any features that could contribute to the significance of site P-58-000596 would not be impacted by any Project activities. Implementation of Mitigation Measure CULT-1 would reduce any potential Project related impacts to site P-58-000596 to a less than significant level.

**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. Provide buffers around historical and archaeological resources.**

Project activity could occur in boundaries of sites P-58-000332, P-58-000582, P-58-003032 and NIC-2023-YCWA-05 and could impact those sites. Therefore, any geophysical testing locations will be placed at a minimum of 50 feet from the currently identified boundaries of sites P-58-000332, P-58-000582, P-58-003032 and NIC-2023-YCWA-05. The placement of geophysical testing locations near sites P-58-000332, P-58-000582, P-58-003032 and NIC-2023-YCWA-05

will be determined in consultation with Project staff and a professionally qualified archaeologist (i.e., an archaeologist that meets the Secretary of Interior’s Qualifications Standards at 36 CFR 61). Implementation of Mitigation Measure CULT-2 would eliminate any potential Project related impacts to sites P-58-000332, P-58-000582, P-58-003032 and NIC-2023-YCWA-05 because Project activities would not occur in site boundaries.

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

**Mitigation Measure CULT-3. Provide archaeological and Native American monitors during excavations.**

Archaeological and Native American monitors should be present for geophysical test excavations to ensure appropriate treatment of any inadvertent discoveries of cultural resources. In the event of an inadvertent discovery of cultural resources, Project activity shall immediately cease within 25 feet of the discovery. Project work may continue at other geophysical testing locations while the discovery is examined. The potential significance of the discovery will be determined by the archaeological monitor in consultation with the Native American monitor pursuant to the standards at CCR Section 15064.5 (a)(3) and PRC Section 21083.2 (g). If it is determined that the discovery is not significant, no further investigations are necessary and Project activity may resume. If the discovery is determined to be significant, additional investigations (e.g., data recovery excavations) may be necessary before resuming Project activities at the site of the discovery. Any additional archaeological investigations would be designed and conducted in consultation with Yuba Water, a professionally qualified archaeologist (i.e., an archaeologist that meets the Secretary of Interior’s Qualifications Standards at 36 CFR 61), and appropriate Native American tribes. Regardless of the significance of an inadvertent discovery, all inadvertent discoveries of cultural resources shall be appropriately documented and reburied on the Project site in a location where the cultural resources will not be disturbed in the future. Implementation of Mitigation Measure CULT-3 would reduce any potential Project related impacts to the inadvertent discovery of cultural resources to a less than significant level.

**Significance after Mitigation:** Implementation of Mitigation Measure CULT-3 would reduce the project’s impact to cultural resources to a **less than significant** level.

**Mitigation Measure CULT-4. Inadvertent discovery of human remains.**

In the event of an inadvertent discovery of human remains, the provisions of the California Health and Safety Code Section 7050.5 and 8010-8011, and PRC Sections 5097.1 and 5097.98, and as amended by Assembly Bill 2641 shall be implemented. In addition, all work within 25 feet of the discovery shall immediately cease until the discovery can be evaluated by the County Coroner. Project work may continue at other geophysical testing locations while the discovery is examined. If the remains are determined to be Native American, the County Coroner must contact the NAHC who will identify a Most Likely Descendant for the remains. The Most Likely Descendant will make recommendations for the recovery, treatment, and disposition of

any Native American remains. Final disposition of any inadvertently discovered human remains will be decided in consultation with the Most Likely Descendant and Yuba Water.

**Significance after Mitigation:** Implementation of Mitigation Measure CULT-4 would reduce the project's impact to cultural resources to a **less than significant** level.

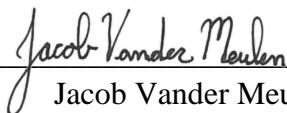
#### WILDFIRE

#### **Mitigation Measure WDF-1: Wildfire Prevention Measures**

- All earthmoving and portable equipment with internal combustion engines shall be equipped with spark arrestors.
- Work crews shall have appropriate fire suppression equipment available at the work site.
- On days declared a Fire Weather Watch or Red Flag Warning, as issued by the Feather River Air Quality Management District, flammable materials, including flammable vegetation slash, shall be kept at least 10 feet away from any equipment that could produce a spark, fire, or flame.

**Significance after Mitigation:** Implementation of Mitigation Measure WDF-1 would reduce the project's impact to wildfire risk 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.

  
\_\_\_\_\_  
Jacob Vander Meulen

08-31-2023  
\_\_\_\_\_  
Date