

MITIGATION MONITORING AND REPORTING PROGRAM
YUBA WATER AGENCY
DAGUERRE POINT DAM NATURE-LIKE FISHWAY
SITE INVESTIGATIONS PROGRAM

Date of Approval: December 5, 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) Daguerre Point Dam Nature-Like Fishway Site Investigations Program (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
BIOLOGICAL RESOURCES			
<p>Mitigation Measure BIO-1: Avoid impacts to special status and migratory birds.</p> <ul style="list-style-type: none"> 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. 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will commence within the buffer zone until a qualified biologist confirms that any young have fledged, or the nest is no longer active.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 site-specific conditions. The necessary buffer zone for a Swainson’s hawk nest is 0.25 mile. 	<p>Phase: Pre-project and during project activities.</p>	<p>Responsible Party: YCWA and environmental consultants.</p> <p>Activity: Conduct pre-construction surveys and establish buffer zones if active nests are found.</p>	<p>Responsible Party: YCWA and construction contractors.</p> <p>Activity: Include the identified measure in the Project’s construction specifications issued to contractors.</p>
<p>Mitigation Measure BIO-2: Avoid impacts to Western red bats.</p> <ul style="list-style-type: none"> 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., 	<p>Phase: Pre-project and during project activities.</p>	<p>Responsible Party: YCWA and environmental consultants.</p>	<p>Responsible Party: YCWA and construction contractors</p>

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<p>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.</p> <ul style="list-style-type: none"> 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. 		<p>Activity: Conduct pre-construction surveys and establish buffer zones if active roosts are found.</p>	<p>Activity: Include the identified measures in the Project's construction specifications issued to contractors.</p>
CULTURAL RESOURCES			
<p>Mitigation Measure CULT-1: Avoidance of historical and archaeological resources.</p> <p>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</p>	<p>Phase: Pre-project and during project activities.</p>	<p>Responsible Party: YCWA, construction contractors, and environmental/archaeological consultants.</p> <p>Activity: Identify appropriate testing locations and conduct geophysical testing in locations that avoid impacts to P-58-000596.</p>	<p>Responsible Party: YCWA and construction contractors.</p> <p>Activity: Include the identified measures in the Project's construction specifications issued to contractors.</p>

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<p>any potential Project related impacts to site P-58-000596 to a less than significant level.</p>			
<p>Mitigation Measure CULT-2. Provide buffers around historical and archaeological resources.</p> <p>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 boundaries of each site will be clearly demarcated to ensure the geophysical testing will occur a minimum of 50 feet from each resource. 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.</p>	<p>Phase: During project activities.</p>	<p>Responsible Party: YCWA, construction contractors, and environmental/archaeological consultants.</p> <p>Activity: Establish buffer zones to avoid impacts to historical/archaeological resources.</p>	<p>Responsible Party: YCWA and construction contractors.</p> <p>Activity: Include the identified measures in the Project’s construction specifications issued to contractors.</p>
<p>Mitigation Measure CULT-3. Provide archaeological and Native American monitors during excavations.</p> <p>Archaeological and Native American monitors should be present for geophysical test excavations to ensure appropriate treatment of any inadvertent discoveries of cultural resources. Prior to the initiation of geophysical testing, the Archeological monitor will provide a Worker Environmental</p>	<p>Phase: During project activities.</p>	<p>Responsible Party: YCWA, construction contractors, Native American monitors, and environmental/archaeological consultants.</p>	<p>Responsible Party: YCWA, construction contractors, archaeological and Native American monitors.</p>

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<p>Awareness Program (WEAP) to all relevant project personnel and construction workers that addresses the cultural sensitivity of the project area. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered. The WEAP 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.</p> <p>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</p>		<p>Activity: Provide WEAP training to all relevant project personnel and construction workers. Monitor excavations for cultural resources. If resources are found, halt work within 25 feet. Determine significance of resource; if significant conduct additional investigations as necessary. Document and rebury resource.</p>	<p>Activity: Include the identified measures in the Project's construction specifications issued to contractors. Monitor excavation and document any resources discovered.</p>

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<p>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.</p>			
<p>Mitigation Measure CULT-4. Inadvertent discovery of human remains.</p> <p>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</p>	<p>Phase: During project activities.</p>	<p>Responsible Party: YCWA and construction contractors.</p> <p>Activity: If human remains are discovered, halt all work within 25 feet of the discovery site and notify the County Coroner.</p>	<p>Responsible Party: YCWA and construction contractors</p> <p>Activity: Include the identified measures in the Project’s construction specifications issued to contractors.</p>

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remains. Final disposition of any inadvertently discovered human remains will be decided in consultation with the Most Likely Descendant and Yuba Water.			
WILDFIRE			
<p>Mitigation Measure WDF-1: Wildfire Prevention Measures</p> <ul style="list-style-type: none"> • 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. 	<p>Phase: During project activities.</p>	<p>Responsible Party: YCWA and construction contractors.</p> <p>Activity: Employ spark arrestors and retain fire suppression equipment as necessary. Store flammable material 10 feet away from equipment during Fire Weather Watches or Red Flag Warnings.</p>	<p>Responsible Party: YCWA and construction contractors.</p> <p>Activity: Include the identified measures in the Project's construction specifications issued to contractors.</p>

Attachment 1: Public Comments

Yuba County Water Agency Daguerre Point Dam Nature-Like Fishway Site Investigations Program

Public Comments

Two comments were received regarding the Mitigated Negative Declaration. The first comment 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.

The second comment letter was submitted by the South Yuba River Citizens League, American Rivers, and California Sportfishing Protection Alliance (hereinafter, collectively, Commenters). The comment letter raises three concerns with the process: failure to comply with State CEQA Guidelines Section 15073, the action area limiting future alternatives, and addressing community concerns.

State CEQA Guidelines Section 15073 provides lead agency guidance on the public review process for a proposed negative declaration or mitigated negative declaration. The Commenters stated that YCWA failed to comply with the requirement that a Notice of Intent to adopt an MND be provided in writing to interested parties that have requested such notice. YCWA followed their standard public noticing practices, including posting the documents on the YCWA website, the State Clearinghouse, and the Yuba County Clerk, and notifying persons who had requested notice regarding the project. The Commenters had not requested such notices. YCWA will work with the Commenters in the future to ensure that they receive individual notifications for CEQA documents associated with the Daguerre Point Dam Nature-like Fishway following receipt of a formal request from each entity.

The Commenters also state that the Site Investigations will not provide sufficient geophysical information for the meaningful development of future alternatives for the new Brophy Diversions (sic) and the NLF. YCWA acknowledges the Commenters' concern, but finds the contention unfounded and speculative. There is no evidence that the Site Investigations, as they are currently proposed, combined with existing information, will not provide sufficient geophysical information for the meaningful development of future alternatives. Moreover, the purpose of the Project is information gathering, and YCWA can conduct additional studies and gather more information in the future if it later becomes necessary.

Finally, the Commenters state that the Site Investigations IS-MND be sufficiently broad in geographic and subject-matter scope to allow future analysis of facilities and operations that could mitigate project impacts. YCWA acknowledges the comment but reiterates that this IS/MND is for Site Investigations only and that analysis of facilities and operations of the Daguerre Point Dam Nature-like Fishway will occur after the feasibility of the project is determined.

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 Daguerre Point Dam Nature-Like Fishway Site Investigations Program.