

**FINAL
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
AND
RESPONSES TO COMMENTS**

Combie and Ophir 2&3 Siphon Replacement Project

State Clearinghouse Number

2024040082

June 2024

Lead Agency:



Nevada Irrigation District
1036 West Main Street
Grass Valley, California 95945



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

2525 Warren Drive
Rocklin, California 95677

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NOTICE OF DETERMINATION

TO:

FROM:

Office of Planning and Research
1400 10th Street
Sacramento, California 95814

Nevada Irrigation District
1036 West Main Street
Grass Valley, California 95945

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code

PROJECT TITLE: Combie and Ophir 2&3 Siphon Replacement Project

State Clearinghouse Number

Contact Person

Telephone Number

2024040082

Adrian Schneider

530-271-6839

Project Approval

The Nevada Irrigation District (NID) adopted the Initial Study/Mitigated Negative Declaration and approved the Combie and Ophir 2&3 Siphon Replacement Project on June 26, 2024.

Project Location

The Project Site is located in Placer County, in the North Auburn area, primarily east of Highway 49 and north of Bell Road with siphon crossings of Orr Creek, Dry Creek and Rock Creek. The Project corresponds to a portion of Sections 9, 16, 21, 22, 28, and 29, Township 13 North, Range 8 East (Mount Diablo Base and Meridian) of the "Auburn, California" 7.5-minute quadrangle and is located within the Upper Coon-Upper Auburn Watershed (Hydrologic Unit Code [HUC] #18020161).

Summary Project Description

The Combie and Ophir 2&3 Siphon Replacement Project (Project) involves the replacement of three existing underground siphon pipelines. These siphons are each over fifty years old, are nearing the end of their useful life, and require resizing to address approved future flow needs. The siphons are part of NID's Combie & Ophir 2 and 3 raw water delivery system.

NID, as the Lead Agency, has approved the above-described Project and has made the following determinations:

There is no substantial evidence that the Proposed Project will have a significant effect on the environment.

In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration for the Proposed Project was prepared. The Mitigated Negative Declaration has been adopted by NID, which is the Lead Agency for the Proposed Project. The Mitigated Negative Declaration and

record of project approval may be examined at the following website:
<https://www.nidwater.com/combie-and-ophir-siphons-2-3-replacement-project>.

Mitigation measures were required to be made a condition of approval of the Proposed Project;

A Statement of Overriding Considerations was not required to be adopted for the Proposed Project;
and

A Mitigation Monitoring and Reporting Plan was adopted for the Proposed Project.

This is to certify that the Final Initial Study/Mitigated Negative Declaration including comments and responses, the mitigation monitoring and reporting plan, and record of Project approval is available to the general public at: <https://www.nidwater.com/combie-and-ophir-siphons-2-3-replacement-project>.

Doug Roderick, P.E. Director of Engineering
Nevada Irrigation District

Date

Date Received for Filing at OPR: _____

Combie & Ophir 2 & 3 Siphon Replacement Project

**FINAL
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
AND
RESPONSES TO COMMENTS**

State Clearinghouse Number

2024040082

May 2024

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Attachment B – Proof of Publication

Attachment C – CDFW Filing Fee Receipt

Attachment D – Draft Initial Study and Mitigated Negative Declaration for the Combie and Ophir 2 & 3 Siphon Replacement Project

LIST OF ACRONYMS AND ABBREVIATIONS

Term	Definition
AB	Assembly Bill
BMP	Best Management Practices
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNPS	California Native Plant Society
CRLF	California red-legged frog
CVRWQCB	Central Valley Regional Water Quality Control Board
CWA	Clean Water Act
DBH	diameter at breast height
DGS	Department of General Services
ECRHRP	Erosion Control and Riparian Habitat Restoration Plan
ESA	Endangered Species Act

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Responses to Comments

Term	Definition
FYLF	foothill yellow-legged frog
HUC	Hydrologic Unit Code
IS/MND	Initial Study/Mitigated Negative Declaration
ITP	Incidental Take Permit
LSAA	Lake or Streambed Alteration Agreement
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NID	Nevada Irrigation District
NOA	Naturally Occurring Asbestos
NPDES	National Pollutant Discharge Elimination System
NWPT	northwestern pond turtle
Cal-OSHA	California Occupational Safety and Health Administration
PPE	Personal Protective Equipment
PRC	Public Resource Code Section
RWQCB	Regional Water Quality Control Board
SWPPP	Storm Water Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WQCB	Water Quality Control Board

**FINAL MITIGATED NEGATIVE DECLARATION
COMBIE AND OPHIR 2&3 SIPHON REPLACEMENT PROJECT**

Lead Agency: Nevada Irrigation District

Project Proponent: Nevada Irrigation District

Project Location:

The Project Site is located in Placer County, in the North Auburn area, primarily east of Highway 49 and north of Bell Road with siphon crossings of Orr Creek, Dry Creek and Rock Creek. The Project corresponds to a portion of Sections 9, 16, 21, 22, 28, and 29, Township 13 North, Range 8 East (Mount Diablo Base and Meridian) of the "Auburn, California" 7.5-minute quadrangle and is located within the Upper Coon-Upper Auburn Watershed (HUC #18020161).

Summary Project Description:

The Combie and Ophir 2&3 Siphon Replacement Project (Project) involves the replacement of three existing underground siphon pipelines. These siphons are each over fifty years old, are nearing the end of their useful life, and require resizing to address approved future flow needs. The siphons are part of NID's Combie & Ophir 2 and 3 raw water delivery system.

Finding:

Based on the information contained in the attached Initial Study, the State finds that there would not be a significant effect on the environment because the mitigation measures described herein would be incorporated as part of the Proposed Project.

Public Review Period: April 3, 2024 through May 3, 2024

Mitigation Measures Incorporated into the Project to Avoid Significant Effects

Biological Resources

BIO-1: Conduct Special Status Plant Surveys.

The following shall be implemented to minimize potential impacts to special-status plants:

- Where feasible, Project-related activities shall be restricted to previously developed or disturbed areas to avoid disturbance of habitats that may support special-status plants.
- The Project impact limits shall be clearly demarcated prior to construction and all workers shall be made aware of the impact limits and avoided areas. No work shall occur outside of the Project impact limits. All vehicles and equipment shall be restricted to the Project impact limits or existing designated access roads and staging areas.
- If suitable habitat for special-status plants cannot be avoided, the applicant shall perform special-status plant surveys according to CDFW, CNPS, and USFWS protocols (CDFW 2018a; CNPS 2001; USFWS 2000). Surveys shall be conducted throughout all suitable habitat within the Project footprint and a 50-foot buffer, where accessible, to address potential direct and indirect impacts of the Project. Surveys shall be conducted by a qualified biologist and timed according to the identifiable period for target species (typically the blooming period). To the extent feasible, known reference populations will be visited prior to surveys to confirm target species are evident and identifiable at the time of the survey.
- If no special-status plants are found, no further measures pertaining to special-status plants are necessary.
- If special-status plants are identified onsite, the Project shall be modified to the extent feasible to prevent disturbance or loss of special-status plants. No-disturbance buffers shall be established around sensitive plant populations to be preserved in or adjacent to the Project Area. A 50-foot buffer should be maintained between project activities and sensitive plant populations, unless otherwise determined by a qualified biologist. Buffer distances may vary between species depending on listing status, rarity, and other factors. Buffer areas will be clearly demarcated in the field, and no construction or ground-disturbing activities will occur within the boundaries of the delineated area.
- If a special-status plant species is found and avoidance is not feasible, additional measures may be developed in consultation with CDFW, USFWS and/or the CEQA Lead Agency. These measures may include restoration or permanent preservation of habitat for the special-status plant species or translocation (via seed collection and/or transplantation) from planned impact areas to unaffected suitable habitat.

- If a state or federally listed threatened or endangered plant or a plant that is a candidate for state listing is found onsite, the applicant shall consult with CDFW and/or USFWS, as applicable, to determine appropriate avoidance and minimization measures. If the plants cannot be avoided, an incidental take permit and compensatory mitigation may be required.

BIO-2: Conduct Preconstruction Surveys for Crotch's Bumble Bee and if Found Implement Avoidance Measures

The following measures are recommended to minimize potential impacts to Crotch's bumble bee:

- If the Crotch's bumble bee is no longer a Candidate or formally Listed species under the California ESA at the time ground-disturbing activities occur, then no additional protection measures are proposed for the species.
- Because Crotch's bumble bee nest locations are chosen on an annual basis and the site provides nesting habitat, a CDFW-approved Crotch's bumble bee biologist shall conduct three weekly preconstruction nesting surveys with focus on detecting active nesting colonies with the third and final survey conducted within 24-hours immediately prior to ground disturbing activities that are scheduled to occur during the flight season (February through October). Surveys shall be completed at a minimum of one person-hour of searching per three acres of suitable habitat during suitable weather conditions (sustained winds less than 8 miles per hour, mostly sunny to full sun, temperatures between 65 and 90°F) at an appropriate time of day for detection (at least an hour after sunrise and at least two hours before sunset, though ideally between 9am-1pm). If no nests are found but the species is present, a full-time qualified biological monitor shall be present during initial vegetation or ground disturbing activities that are scheduled to occur during the queen flight period (February through March), colony active period (March through September), and/or gyne flight period (September through October). The Crotch's bumble bee biologist shall immediately notify CDFW of the detection as further coordination may be required to avoid or mitigate certain impacts. If an active Crotch's bumble bee nest is detected, an appropriate no disturbance buffer zone (including foraging resources and flight corridors essential for supporting the colony) shall be established around the nest to reduce the risk of disturbance or accidental take and the designated biologist shall coordinate with CDFW to determine if an Incidental Take Permit under Section 2081 of the California ESA will be required. Nest avoidance buffers may be removed at the completion of the flight season and/or once the qualified Crotch's bumble bee biologist deems the nesting colony is no longer active and CDFW agrees with the determination.
- If initial grading is phased or delayed for any reason, the 24-hour preconstruction nesting survey will be repeated prior to ground-disturbing activities that are scheduled to occur during the same flight season (February through October). Three

preconstruction Crotch's bumble bee nesting surveys shall be required in subsequent years of construction whenever vegetation and ground disturbing activities are scheduled to occur during the flight season (February through October) if nesting habitat is still present or has re-established and will be affected.

BIO-3: Conduct Preconstruction Surveys for California Red-Legged Frog and Foothill Yellow-Legged Frog

The following measures are recommended to minimize potential impacts to California red-legged frog and foothill yellow-legged frog:

- A qualified biologist shall conduct a preconstruction survey for California red-legged frog and foothill yellow-legged frog within all suitable habitat in the Project work area 48 hours prior to the start of ground- or vegetation-disturbing activities. The biologist will search for all life stages during this survey. If either species are found, the qualified biologist will notify CDFW immediately and consult on appropriate actions to be taken before construction begins. The survey will occur within a minimum of 500 feet upstream and downstream of Project Activities, where accessible.
- Preconstruction surveys shall occur during at least one visual encounter survey period. A qualified biologist will search for all life stages during this survey.
- If either species are found, the qualified biologist will notify CDFW and USFWS immediately. Work will not begin until consultation with CDFW and USFWS has determined appropriate avoidance and minimization measures and consult on appropriate actions to be taken before construction begins.
- A CESA Incidental Take Permit (ITP) will be obtained if the preconstruction survey results indicate that the Project has a potential to take FYLF or other CESA-listed species.
- A biological monitor shall be present when activities occur within 100 feet of suitable habitat for either California red-legged frog or foothill yellow-legged frog.

BIO-4: Conduct Preconstruction Survey for Sensitive Reptiles -Blainville's horned lizard

- A qualified biologist shall determine if the Project Area contains suitable habitat for Blainville's horned lizard. If suitable habitat is identified within the Project Area, a biologist will conduct surveys for Blainville's horned lizard 48-hours prior to construction in areas of potential habitat. The surveys shall be conducted at the appropriate time of day to detect Blainville's horned lizard. If Blainville's horned lizard is found, a plan will be prepared, in consultation with CDFW, to potentially collect and relocate individual(s) to suitable habitat outside the Project Area.

BIO-5: Conduct Pre-Construction Northwestern Pond Turtle Surveys

- A Qualified Biologist will conduct a pre-construction northwestern pond turtle within 48 hours prior to the initiation of construction activities. The survey will occur within a minimum of 500 feet upstream and downstream of Project Activities, where accessible.
- A qualified biologist will survey immediately prior to ground disturbing activities in suitable habitat.
- If northwestern pond turtle is found, consultation with CDFW shall be required and a Qualified Biologist will develop and submit a relocation plan for northwestern pond turtle.
- If no special status reptiles are detected during surveys, no further measures are needed.

BIO-6: Conduct Pre-Construction Nesting Bird Surveys and if Found Implement Avoidance Measures

The following measures are recommended to avoid or minimize potential effect to special-status birds and other birds protected under the MBTA (and their nests):

- To the extent feasible, vegetation removal activities shall commence during the nonbreeding season (typically October 1 through January 31, as determined by a qualified biologist).
- No Project activity with potential to disturb nesting birds shall begin during the nesting season (typically February 1 through September 30, as determined by a qualified biologist) unless the following surveys are completed by a qualified wildlife biologist:

California Black Rail

- A qualified biologist shall conduct a habitat assessment for California black rail. The survey shall be conducted within the entire Project footprint and a 500-foot buffer.
- If suitable habitat is found within 500 feet of the Project work area, a qualified biologist shall conduct a preconstruction California black rail survey sometime between March 15 and May 15 of the year in which ground disturbance activities commence. A minimum of four surveys shall be conducted. If suitable habitat and the species are identified, the additional survey dates will be spaced at least 10 days apart and will cover the time period from the date of the first survey through the end of June to early July. Surveys shall be conducted using survey protocol based on the methods used in Richmond et al. (2008) or other guidance agreed upon by the applicant and CDFW. If active nests are located during the preconstruction surveys, CDFW shall be notified. The nests shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has

determined that the young have fledged and are independent of the nest. Monitoring of occupied nests shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed.

Tricolored Blackbird

- Within 30 days prior to construction, a qualified wildlife biologist shall survey for nesting tricolored blackbirds within the Project work area and a 500-foot radius. If active nests are located during the preconstruction surveys, CDFW shall be notified. The nests shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has determined that the young have fledged and are independent of the nest. Monitoring of occupied nests shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed.

Other Special-Status Birds and Migratory Bird Treaty Act-Protected Birds

- During the nesting season, a preconstruction nesting bird survey shall be conducted within 14 days prior to the commencement of Project-related activities to identify active nests that could be impacted by construction.
- The preconstruction nesting bird survey shall include accessible areas within 500 feet of the Project boundaries for raptors and 100 feet for other birds protected under the MBTA.
- If active nests are found, a no-disturbance buffer shall be established around the nest. A qualified biologist, in consultation with the CDFW, shall establish a buffer distance. The buffer shall be maintained until the nestlings have fledged, to be determined by a qualified biologist. No further measures are necessary once the young are independent of the nest or the nest is otherwise no longer occupied.

BIO-7: Survey for Special Status Bats and if Found Implement Avoidance Measures

To avoid and minimize significant impacts to special-status bats or roosting colonies, the following measures shall be implemented:

- At least 30 days prior to initiation of Project activities, a bat habitat assessment shall be conducted by a qualified bat biologist to examine trees and structures for suitable bat roosting habitat. High-quality habitat features (e.g., large tree cavities, basal hollows, loose or peeling bark, abandoned structures) will be identified and the area around the features searched for bats and bat sign (i.e., guano, staining, culled insect parts).
- If suitable bat roosting habitat is identified, the feature shall be avoided and protected in place to the extent feasible. A buffer area shall be established around

the roost site to minimize disturbance of roosting bats. The size of the buffer area will be determined in consultation with CDFW.

- If suitable trees or structures cannot be avoided, removal shall be timed to occur outside of the maternity roosting season (generally April 1 to August 31) and only when nighttime low temperature are above 45°F and rainfall is less than 1/2 inch in 24 hours.
- Trees with identified bat roosting habitat shall be removed using a two-phase removal process conducted over two consecutive days. On the first day, tree limbs and branches will be removed, using chainsaws only. Removal will avoid limbs with cavities, cracks, crevices, or deep bark fissures. On the second day, the remainder of the tree will be removed.
- Standing dead trees or snags with habitat features should be removed over a single day by gently lowering the tree or snag to the ground. The tree or snag shall be left undisturbed onsite for the next 48 hours.
- Removal and trimming of trees with potential roosting habitat shall be conducted in the presence of a biological monitor.

If removal/modification of a suitable tree or structure must occur during the maternity season, a qualified bat biologist shall conduct a focused emergence survey(s) within 48 hours of scheduled work. If a maternity roost is located, whether solitary or colonial, that roost will remain undisturbed until after the maternity season or a qualified biological monitor has determined the roost is no longer active.

BIO-8: Restore all Temporarily Disturbed Riparian Habitat and Compensate for Temporal Loss.

All riparian areas subject to temporary construction disturbance shall be restored by NID and its contractor in accordance with a post construction Erosion Control and Riparian Habitat Restoration Plan (ECRHRP). The ECRHRP shall be prepared by a qualified biologist, address all temporarily disturbed areas, and shall be reviewed and approved by CDFW as part of the CDFW Section 1602 permit process. The ECRHRP shall address the following:

- **Temporary erosion control.** Measures for water quality protection shall be addressed as needed (such as silt fencing and/or coir rolls).
- **Specifications for native riparian plant densities.** The ECRHRP shall address planting densities, species composition, and survivorship, based on characteristics of the existing impacted habitat.
- **Temporal Loss.** The ECRHRP shall include a compensation strategy for temporal loss. This may be accomplished by either: 1) establishing riparian vegetation on currently unvegetated creek banks affected by the project and enhancement of existing riparian habitat through removal of nonnative species, where appropriate; or, 2) purchase of CDFW approved mitigation credits.

- **Monitoring and Reporting.** Monitoring protocol, including a schedule for delivery of annual reports shall be addressed. Monitoring of restoration habitat shall occur for a minimum of three (3) years from installation, or until the success criteria identified in the approved mitigation plan has been met.
- **Performance Standards.** Ecological performance standards for plantings, including the acceptable amount of dead woody vegetation gaps and bare ground, and survivorship shall be addressed in the ECRHRP.
- **Corrective measures.** Should performance standards not be met, the ECRHRP shall allow for the purchase of riparian mitigation credits in an amount agreed to by CDFW as an alternative to meeting the prescribed success criteria.
- **Responsible Parties.** Responsible parties for preparation of monitoring reports, and for verifying success or prescribing implementation or corrective actions shall be addressed in the ECRHRP.

BIO-9: Obtain the necessary permits and Implement the Required Conditions.

Prior to the start of construction activities, NID will obtain all necessary regulatory permits for this Project. These permits are expected to include a CWA Section 401 Water Quality Certification from the RWQCB, a CWA Section 402 NPDES Compliance Permit from the State Water Resources Control Board, a CWA Section 404 from the USACE, and a Fish and Game Code Section 1602 Streambed Alteration Agreement from the CDFW. The Project shall implement all the BMPs, and Mitigation Measures identified in the issued permits.

BIO-10: Comply with the Placer County Tree Preservation Article.

To the extent feasible, Project construction shall avoid ground or vegetation disturbance within the dripline of protected trees subject to the Placer County Tree Preservation Article. If protected trees are to be impacted by Project activities the appropriate tree permits shall be obtained prior to initiation of impacting activities.

Cultural Resources

CUL-1: Stop Work in the Event of Unanticipated Discovery of Potential Cultural Resources and/or Human Remains and Evaluate the Find

If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined by CEQA or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.

If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Placer County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

Geology and Soils

GEO-1: Discovery of Unknown Resources

If any paleontological resources (i.e., fossils) are found during Project construction, construction shall be halted immediately in the subject area and the area shall be isolated using orange or yellow fencing until NID is notified and the area is cleared for future work. A qualified paleontologist shall be retained to evaluate the find and recommend appropriate treatment of the inadvertently discovered paleontological resources. If NID resumes work in a location where paleontological remains have been discovered and cleared, NID will have a paleontologist onsite to confirm that no additional paleontological resources are in the area.

Hazards and Hazardous Materials

HAZ-1: Proper Handling of Hazardous Materials

Construction documents shall identify materials that are considered hazardous. The Project contractor shall be required to develop a Health and Safety Plan that addresses release prevention measures; employee training, notification, and evacuation procedures; and emergency response protocols and cleanup procedures. The contractor will comply with the California Occupational Safety and Health Administration (Cal-OSHA) standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in California Labor Code, Division 5, Chapter 2.5.

HAZ-2: Naturally Occurring Asbestos (NOA) Dust Control

Should construction activities expose ultramafic rock, water support, in the form of a water truck or mobile storage tank, shall be used in regular intervals to keep the open earth area wet and dust free. Proper signage noting the possibility of NOA and required PPE shall be posted in the area. PPE including coveralls and respirators shall be worn by all workers in the area. These procedures shall be followed as long as ultramafic rock is exposed and can be suspended once it has been reburied with soil.

Hydrology and Water Quality

HYD-1: Avoid and Minimize Disturbance of Surface Water/Creek Project Areas and Associated Aquatic Habitat and Restore all Temporary Disturbed Areas

To the extent possible, NID and the contractor shall minimize impacts to surface waters and associated aquatic habitat by implementing the following:

- During construction NID and its contractor shall ensure the following:
 - a. All heavy equipment shall be properly maintained by the contractor to prevent leaks of materials that if introduced into water could be deleterious to aquatic life. All heavy equipment shall be checked for leaks prior to operation within fifty feet of any flowing surface water.
 - b. Vehicles that aren't required to be onsite shall be parked or stored within designated staging areas.
 - c. Sediment fences shall be installed and maintained in appropriate locations to reduce the introduction of sediment into surface waters.
 - d. Any overburden material to be temporarily stored onsite shall be stabilized to prevent sediment transport.
 - e. Construction debris/waste shall be picked up daily and properly stored onsite or disposed of offsite.

Best Management Practices (BMP) Incorporated into the Project to Avoid Significant Effects

BMP-1: Conduct Environmental Awareness Training for Construction Personnel

Before any work occurs in the Project Area, including grading, a Qualified Biologist will conduct mandatory contractor/worker awareness training. The awareness training will be provided to all construction personnel to brief them on the need to avoid impacts on biological resources and the penalties for non-compliance. If new construction personnel are added to the Project, NID will ensure that the personnel receive training from the biologist before starting work.

BMP-2: Install Construction Barrier Fencing to Protect Environmentally Sensitive Areas

The Project contractor will install orange construction barrier fencing to identify site limits and environmentally sensitive areas. The fencing will be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). Environmentally sensitive areas in and adjacent to the construction area comprise mixed riparian forest, native oak trees greater than 4 inches diameter at breast height (DBH), wetland drainages, and any trees that support migratory bird or raptor nests. Prior to construction, a resource specialist shall identify the locations for barrier fencing and will place stakes around the ESAs to indicate these locations. The fencing will be installed by the contractor prior to construction activities and maintained by the contractor throughout the construction period. The following note will be included in the construction plans:

“The contractor’s attention is directed to the areas designated as “environmentally sensitive areas” on the Project Site. These areas are protected, and no entry by the contractor for any purpose will be allowed unless specifically authorized in writing by the NID project manager.”

BMP-3: Avoid and Minimize Disturbance of Orr Creek, Dry Creek, Rock Creek and Other Aquatic Habitats and Restore all Temporarily Disturbed Areas

To the extent possible, the NID and its contractor will minimize impacts to *Orr Creek, Dry Creek, Rock Creek and other Aquatic Habitats* by implementing the following:

Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- a. Prior to construction, the contractor shall develop and implement a spill prevention and countermeasure plan. This plan shall be developed consistent with applicable SWPPP requirements and address best management practices for: construction equipment and materials; staging areas; fuels, lubricants, and solvents; and use of sediment fences/erosion control for temporarily disturbed areas.
- b. Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be

hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters.

c. Prior to the start of construction activities, the Project limits in proximity to riparian/riverine habitats will be marked with high visibility Environmentally Sensitive Area fencing or staking to ensure construction will not further encroach into waters or any other biologically sensitive resources detected required during pre-construction surveys. The Project biologist throughout construction will periodically inspect the Environmentally Sensitive Area to ensure sensitive locations remain undisturbed.

d. During construction, water diversion measures (e.g., sheet piles, sandbags or coffer dams) will be utilized to prevent water from entering the work area.

e. After construction, all temporarily disturbed work areas will be stabilized and restored. This will include application of NID's standard erosion control seed mix and installation of erosion and sediment controls consistent with the Project's approved SWPPP.

f. All equipment maintenance materials (e.g., oils, grease, lubricants, antifreeze, and similar materials) will be stored offsite.

BMP-4: Minimize Potential for the Long-Term Loss of Riparian Habitat

To the extent possible, the NID will minimize the potential for the long-term loss of riparian vegetation by trimming vegetation rather than removing entire shrubs. Shrubs that need to be trimmed will be cut at least one foot above ground level to leave the root systems intact and allow for more rapid regeneration. Cutting will be limited to the minimum area necessary within the construction zone. To the greatest extent feasible, disturbance or removal of vegetation will be minimized. Vegetation removal will occur using hand tools (e.g., clippers, chain saw), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation will be removed out of the riparian/stream zone. If tree removal is needed, the Project will comply with the Placer County Woodland Conservation Program (Chapter 19.50) and any applicable mitigation requirements from the issued environmental permits.

BMP-5: Avoid the Introduction or Spread of Noxious Weeds in the Project Area

To avoid the introduction or spread of noxious weeds into previously uninfected areas (especially within the riparian communities), NID will revegetate disturbed areas immediately after construction is complete using certified weed-free native and nonnative mixes.

BMP-6: Prepare and Implement a Fire Suppression and Control Plan

NID will require the contractor to develop and implement a fire control plan to reduce the risk of fires during construction. The fire prevention and control plan will include requirements for onsite extinguishers; roles and responsibilities of NID, the contractor; specification for fire suppression equipment and other critical fire prevention and suppression items.

BMP-7: Prepare and Implement a Construction Traffic Management Plan

NID will require the contractor to prepare a Construction Traffic Management Plan in accordance with Placer County requirements and professional engineering standards prior to construction. The Traffic Management Plan shall specifically address the proposed Rock Creek Siphon crossing of Highway 49 and the following: adequate provisions for protection of the traveling public; emergency service access; the need for temporary traffic controls (signage/flaggers); and maintenance of private property driveway access. All traffic controls, including equipment and personnel requirements, shall be consistent with the current State of California Manual of Traffic Controls for Construction and Maintenance Work Areas.

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1.0 INTRODUCTION

This document is the Final Initial Study and Mitigated Negative Declaration (Final IS/MND) including the Responses to Comments and the Mitigation Monitoring and Reporting Plan for the Combie and Ophir 2&3 Siphon Replacement Project. It has been prepared in accordance with the California Environmental Quality Act (CEQA; Public Resource Code Section [PRC] 21000 et. seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.) as amended. This Final IS/MND and Responses to Comments document supplements and updates the Draft IS/MND released for public review on April 3, 2024.

The NID is the Lead Agency for the Proposed Project. On April 3, 2024, NID distributed the Draft IS/MND for the Proposed Project to public agencies and the general public for review and comment. In accordance with the State CEQA Guidelines, a 30-day review period, which ended on May 3, 2024, was completed. During the public review period, two comment letters on the Draft IS/MND were received from interested parties.

This Final IS/MND and Responses to Comments document is organized as follows:

- Section 1.0 provides a discussion of the purpose of the document and discusses the structure of the document;
- Section 2.0 contains a summary of the Project Description, a description of minor changes to the Project Description and a discussion regarding why these changes do not require recirculation of the Draft IS/MND;
- Section 3.0 includes the comment letters received and responses to these comments;
- Section 4.0 includes corrections and revisions made to the Draft IS/MND in response to comments;
- Section 5.0 includes the Proposed Project's Mitigation Monitoring and Reporting Program (MMRP), prepared pursuant to PRC Section 21081.6; and
- Section 6.0 includes the Notice of Intent, Proof of Publication, Environmental Filing Receipt, and the Draft IS/MND.

This Final MND document and the Draft IS/MND together constitute the environmental document for the proposed Project. As a result of comments received on the Draft IS/MND, minor revisions were required to the Draft IS/MND text, however, there were no substantial revisions that would require recirculation of the document. A substantial revision according to Section 15073.5 of the *2021 CEQA Statute Guidelines* shall mean:

- "(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required."

2.0 PROJECT OVERVIEW

2.1 Project Location

The Project Site is located in Placer County, in the North Auburn area, primarily east of Highway 49 and north of Bell Road with siphon crossings of Orr Creek, Dry Creek and Rock Creek. The Project corresponds to a portion of Sections 9, 16, 21, 22, 28, and 29, Township 13 North, Range 8 East (Mount Diablo Base and Meridian) of the "Auburn, California" 7.5-minute quadrangle and is located within the Upper Coon-Upper Auburn Watershed (HUC #18020161).

2.2 Project Description Summary

The Combie and Ophir 2&3 Siphon Replacement Project (Project) involves the replacement of three existing underground siphon pipelines. These siphons are each over fifty years old, are nearing the end of their useful life, and require resizing to address approved future flow needs. The siphons are part of NID's Combie & Ophir 2 and 3 raw water delivery system. For a more detailed project description, including figures, the Draft IS/MND is attached to this document as Appendix D.

2.3 Decision Not to Recirculate Draft MND

According to Section 15073.5 of the State CEQA Guidelines, "A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has been given pursuant to Section 15072 but prior to its adoption."

Because no revisions were proposed, this Final IS/MND does not meet the criteria for recirculation provided in Section 15073.5 (c) of the CEQA Guidelines. These criteria are provided below, along with an explanation regarding the reasons why the changes to the Project do not require recirculation.

Recirculation is not required under the following circumstances:

- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
 - a. *No mitigation measures have been replaced.*
- (2) New Project revisions are added in response to written or verbal comments on the Project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
 - a. *No revisions to the Project as described in the Draft IS/MND have been made.*
- (3) Measures or conditions of Project approval are added after circulation of the negative declaration, which is not required by CEQA, which do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect.
 - a. *As discussed, no new mitigation measures or conditions have been added.*

- (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.
- a. No new information has been added to the MND.*

3.0 COMMENTS AND RESPONSES

This section of the document contains copies of the comment letters received during the 30-day public review period, which began on April 3, 2024 and ended on May 3, 2024. In conformance with Section 15088(a) of the State CEQA Guidelines, NID has considered comments on environmental issues from reviewers of the Draft IS/MND and has prepared written responses. Two letters were received via email during the 30-day comment period. These letters, and the responses to the comments contained in the letters are provided in this section.

A list of public agencies, organizations, and individuals that provided comments on the Draft IS/MND is presented below. The letters and responses to comments follow this page.

3.1 List of Comment Letters

Letter Number	Sender	Date Received
1	Morgan Kilgour – California State Department of Fish and Wildlife	April 17, 2024
2	Peter G. Minkel – Central Valley Regional Water Quality Control Board	May 3, 2024

3.2 Letter 1 (CDFW) – Morgan Kilgour, Received April 17, 2024

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 17, 2024

Adrian Schneider
Senior Engineer
Nevada Irrigation District
1036 West Main Street
Grass Valley, CA 95945
schneider@nidwater.com

Subject: Combie and Ophir 2&3 Siphon Replacement Project
MITIGATED NEGATIVE DECLARATION (MND)
SCH No. 2024040082

Dear Adrian Schneider:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Intent to Adopt an MND from Nevada Irrigation District (NID) for the Combie and Ophir 2&3 Siphon Replacement Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW may also act as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), NID may seek related take authorization as provided by the Fish and Game Code.

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PROJECT DESCRIPTION SUMMARY

The Project Site is located near North Auburn, Placer County, east of highway 49 and north of Bell Road. The Project Proponent is NID (Proponent). The Project consists of the replacement of three existing underground siphon pipelines that are part of NID's raw water delivery system. The pipelines cross Orr, Dry, and Rock Creeks. The existing siphons would remain in place. All replacement siphons, except for the Rock Creek siphon, would be located within NID's existing 40-foot right-of-way easement which extends 20 feet on either side of the existing siphon centerlines.

The Orr Creek Siphon would be replaced by installing a new approximately 945-foot-long underground siphon culvert along the west side of the existing culvert. The new siphon would be a 40-inch pipe designed to accommodate a flow rate of 72.5 cfs.

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The Dry Creek Siphon would be replaced by installing an approximately 3,350-foot-long new underground siphon culvert along the western side of the existing culvert. The new siphon would be a 40-inch pipe designed to accommodate a flow rate of 70 cfs.

The existing Rock Creek Siphon would be replaced with approximately 5,500 feet of new pipe, including sections that deviate from the existing alignment. The Rock Creek Siphon is a 33-inch steel pipe that has been modified to 32-inch, originally designed for a flow rate of 43.0 cfs. Where the proposed Rock Creek siphon alignment requires a new easement, a similar 40-foot right-of-way width is proposed.

Construction activities include mobilization and staging, vegetation trimming and clearing prior to trenching, open trench digging, siphon placement, backfill, and site restoration. Construction activities will involve the use of backhoes, excavators, dump trucks, and service vehicles. Temporary dewatering and diversion of Orr, Dry, and Rock Creeks is necessary for siphon installation.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist NID in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

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COMMENT 1: Impacts to Foothill Yellow-legged Frog
Section 4.4.4.5 Biological Resources, page 4-36

Issue: Some construction activities will occur at stream crossings on Orr, Rock, and Dry Creeks. The MND indicates that the Project Site is within the range of the Northeast/Northern Sierra clade (North Sierra Distinct Population Segment) of foothill yellow-legged frog (*Rana boylei*; FYLF); this clade is listed as threatened under CESA. A season of operation that completely avoids FYLF presence does not exist; therefore, FYLF may be encountered in various life stages year-round. The MND describes that a Qualified Biologist will conduct pre-construction surveys for FYLF but does not provide sufficient detail on survey methods or timing.

Per CDFW's recommendations below, a Qualified Biologist is defined as a person who is knowledgeable and experienced in the biology, life stages, natural history, and identification of local fish and wildlife resources present at the Project Site.

Recommendation 1.1: CDFW recommends the Proponent provide additional detail on FYLF bioassessment survey methods and timing. The Proponent should review CDFW's Considerations for Conserving the Foothill Yellow-Legged Frog available at <https://nm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562&inline>.

To increase the likelihood of detection, surveys should include at least one visual encounter survey (VES) during the breeding and/or oviposition period (generally April–June), a tadpole survey four to eight weeks after the breeding survey(s), and a subadult survey in late summer/early fall (generally late August–early October). VES conducted during the late summer are often the easiest method for determining presence (generally late August to early October);² subadults and occasionally adults are often observed along river margins, and subadult and adult frogs will likely also be observed in tributary streams (Crump and Scott 1994).

If any survey fails to detect FYLFs within suitable habitat, a follow-up survey should be conducted two to four weeks after the initial survey.

Recommendation 1.2: CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, including FYLF, pursuant to CESA. Regardless of whether FYLF are detected during the bioassessment surveys (described above in Recommendation 1.1), CDFW recommends the Proponent prepare a Pre-Construction Survey Plan (Plan) for FYLF and submit it to CDFW for review at least 30 calendar days prior to commencing ground-disturbing or in-water work activities.

A Qualified Biologist should develop the Plan for FYLF. Prior to preparing the Plan, CDFW recommends the Proponent review CDFW's Considerations for Conserving the Foothill

² Frogs are ectothermic, so ambient temperature affects the likelihood of detection. Whether the life form is larval or subadult, both stages will shelter in place under substrate and emerge and become active with warmth (i.e., detection probability increases with temperature).

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Yellow-Legged Frog available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562&inline>. CDFW recommends the following survey and species considerations be incorporated into the Plan and final MND:

- a. The Plan should include what life-stage(s) shall be surveyed for, survey method(s), and timing of survey(s).
- b. The Plan should provide justification for timing and methodology of survey design (e.g., watershed characteristics, regional snowpack, timing and rate of spring runoff, day length, average ambient air and water temperatures, local and seasonal conditions).
- c. If the Project Site has suitable frog breeding habitat, the Plan should include performing egg mass/larval surveys.

Within 3 to 5 calendar days prior to ground-disturbing and in-water activities at the Project Site, the Qualified Biologist should perform a pre-construction survey, as specified in the Plan, within the boundaries of the Project Site, plus a minimum 500-foot buffer zone upstream and downstream of the Project Site. The survey should include a description of any standing or flowing water. The Proponent should provide Pre-Construction Survey results, notes, and observations to CDFW prior to commencing ground disturbing and in-water activities. Conducting surveys prior to maintenance work may allow avoidance of incidental take.³ If the Proponent encounters any life stages of FYLF during pre-construction surveys, ground-disturbing or in-water activities, work should be suspended at the Project Site, and CDFW should be notified within 24 hours. Work may not re-initiate in the Project Site until the Proponent demonstrates compliance with CESA.

Recommendation 1.3: CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA. Pending results of the surveys described above, CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (Fish & G. Code § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, including FYLF, either through construction or over the life of the Project. No relocation shall be done for special status species or CESA listed species without the proper handling permits and/or CESA take coverage (e.g., an ITP).

Please note that mitigation measures that are adequate to reduce impacts to a less-than significant level to meet CEQA requirements may not be enough for the issuance of an ITP. To issue an ITP, CDFW must demonstrate that the impacts of the authorized take will be minimized and fully mitigated (Fish & G. Code § 2081 (b)). To facilitate the issuance of an ITP, if applicable, CDFW recommends the EIR include measures to minimize and fully mitigate the impacts to any State-listed species the Project has potential to take. CDFW encourages early consultation with staff to determine appropriate measures to facilitate future permitting processes and to engage with the U.S. Fish and Wildlife Service to

³ As defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.).

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coordinate specific measures if both state and federally listed species may be present within the Project vicinity.

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COMMENT 2: Impacts to California Red-legged Frog

Section 4.4.4.5 Biological Resources, page 4-35

Issue: Mitigation Measure BIO-03 describes actions that the Proponent will take to minimize impacts to California red-legged frog (*Rana draytonii*; CRLF) and suitable habitat. CRLF are federally threatened and a California Species of Special Concern. The MND states that a Qualified Biologist will conduct surveys for CRLF prior to construction but does not provide adequate detail on the type of survey or the timing.

Recommendation 2.1: CDFW recommends the Proponent consult United States Fish and Wildlife Service (USFWS) CRLF survey protocol when developing CRLF surveys, available at <https://www.fws.gov/media/revised-guidance-site-assessments-and-field-surveys-california-red-legged-frog>.

Recommendation 2.2: CDFW recommends the following language be added to BIO-03 to minimize impacts to CRLF:

CDFW-5

Prior to construction, the Project Site should be surveyed for special-status amphibians (i.e., CRLF) by a Qualified Biologist.

In addition to the USFWS survey protocol recommended above, within 3 to 5 calendar days prior to ground-disturbing and in-water activities at the Project Site, the Qualified Biologist should perform a pre-construction survey within the boundaries of the Project Site, plus a minimum 500-foot buffer zone upstream and downstream of the Project Site. If the result of the surveys above are negative, work may begin as scheduled, however if special-status amphibians are found during any survey, work may not begin until consultation occurs with the Qualified Biologist in determining appropriate avoidance and minimization measures.

If CRLF are found in the Project Site, CDFW recommends adding an avoidance and minimization measure to include the installation of exclusionary fencing. After installation of exclusionary fencing, the Qualified Biologist should inspect the Project Site and fencing daily, prior to the commencement of activities. If the Qualified Biologist determines that CRLF and other special status species have been successfully excluded from the work area, then equipment or materials may be moved onto the work site under the observation of the Qualified Biologist.

COMMENT 3: Impacts to Northwestern Pond Turtle

Section 4.4.4.5 Biological Resources, page 4-37

Issue: The MND states that a Qualified Biologist will conduct surveys for northwestern pond turtle (*Actinemys marmorata*) prior to construction but does not provide sufficient detail on survey methods.

CDFW-6

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Recommendation: CDFW recommends the following language be added to Mitigation Measure BIO-05 to clarify survey details and minimize impacts to northwestern pond turtle:

Prior to ground-disturbing and in-water activities, a Qualified Biologist should survey the Project Site where suitable habitat (including nest sites) occurs for northwestern pond turtle. Surveys shall be performed within 30 days prior to starting Project activities and should be performed within a minimum of 500 feet upstream and downstream of the Project activity where accessible. If detected during surveys, a site-specific avoidance, minimization, and/or relocation plan should be prepared and implemented by a Qualified Biologist. The plan should include daily construction monitoring. The plan shall be submitted to CDFW.

CDFW-6
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COMMENT 4: Impacts to Special-Status Bird and Bat Species
Section 4.4.4.5 Biological Resources, page 4-38

Issue: The proposed Project involves vegetation trimming and clearing. Trimming or removal of trees and riparian understory associated with Project activities could result in significant habitat loss for a variety of bird and bat species, including the California black rail (*Laterallus jamaicensis coturniculus*), white-tailed kite (*Elanus leucurus*), Nuttall's woodpecker (*Dryobates nuttallii*), tricolored blackbird (*Agelaius tricolor*), pallid bat (*Antrozous pallidus*), and Townsend's big eared bat (*Corynorhinus townsendii*). The significance of the impact of habitat clearing is not reduced by virtue of the abundance of similar or equivalent adjacent habitat to the Project Site; vegetation trimming and clearing may reduce available habitat for wildlife and, potentially, for special-status species which may use these forest stands.

Migratory non-game native bird species are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.). Additionally, Fish & G. Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish & G. Code or any regulation made pursuant thereto; section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish & G. Code or any regulation adopted pursuant thereto; and section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

CDFW-7

Recommendation: CDFW acknowledges that the Proponent has undertaken nesting bird and bat surveys and has described mitigation measures related to the California black rail, tricolored blackbird, and other nesting bird and bat species. CDFW recommends the following additional actions be taken to minimize impacts to special-status bird and bat species:

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Nesting Bird Surveys: To avoid impacts to nesting and migratory birds, if construction is scheduled to begin between February 1 and August 31, CDFW recommends that a Qualified Biologist conduct a preconstruction nesting bird survey no more than 3 calendar days prior to commencing vegetation removal activities. Because construction noise and vibrations may disturb nearby nesting birds to the point of causing nest failure, CDFW recommends the survey be conducted within a minimum of 1500 feet around the construction area. If an active nest is observed, an appropriate buffer shall be established to avoid impacts to nesting activities.

Please note that the MBTA and Fish & G. Code apply regardless of the time of year. Therefore, if an active nest is discovered outside of the typical nesting season, it should be avoided using the same avoidance measures that would be applied during the typical nesting season until such time as the young have fully fledged and are foraging independently of their parents.

CDFW recommends the Qualified Biologist remain on-site for the duration of the Project, as appropriate, to ensure avoidance and minimization measures are implemented. The Qualified Biologist shall be authorized to stop construction if necessary to protect fish and wildlife resources.

Bat Surveys: No more than 6 months prior to the start of vegetation removal and/or construction, a Qualified Biologist with education and experience in bat biology and identification should survey the project site for potentially suitable bat roosting habitat. The habitat assessment shall include a visual inspection of suitable habitat features (e.g., trees, bridges, and other structures) for suitable bat roosting habitat within the Project Site and a minimum of a 500-foot radius adjacent to these areas that may be impacted by Project activities. If no suitable bat roosting habitat is identified, no further action by the Proponent is required. If bat roosting habitat is present, and activities are scheduled during the maternity season (April 15 to August 31) or the hibernation season (October 15 to March 1), the Proponent shall: 1) conduct pre-construction surveys and 2) develop a Bat Avoidance and Exclusion Plan, if applicable.

The Qualified Biologist should develop a pre-construction Bat Survey Plan (BSP). The BSP shall include a list of potential bat species present, survey method(s), and timing of survey(s). The BSP shall provide justification for timing and methodology of survey design (e.g., habitat characteristics, day length, average ambient air temperatures, local and seasonal conditions). The survey results shall identify: 1) the exact location of all roosting sites (location shall be adequately described and shown on a digital map with GPS coordinates), 2) the number of bats present at the time of visit (count or estimate), 3) species of bat detected, if known (include how the species was identified), and 4) the type of roost(s) [i.e., maternity, hibernaculum, night roost (rest at night while out feeding), or day roost (resting during the day)]. If bats are detected during any survey, and activities are scheduled during the maternity season (April 15 to August 31) or the hibernation season (October 15 to March 1), the Designated Biologist should develop a Bat Avoidance and Exclusion Plan (BAEP). The BAEP should include the following:

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- 1) A bat roost buffer, which would establish an appropriate no-disturbance buffer around bat roosts during maternity (April 15 to August 31) or hibernation (October 15 to March 1) seasons. The Qualified Biologist shall clearly delineate habitat and bat roosts within the Project Site with posted signs demarking the avoidance areas using stakes, flags, and/or rope or cord.
- 2) Exclusion devices, which should be installed either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½-inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½-inch in 24 hours). Specific exclusion devices may include one-way doors, lights and fans, foam or steel wool.
- 3) Tree trimming and/or removal guidance. Tree trimming and/or tree removal should be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45°F and rainfall less than ½-inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½-inch in 24 hours). Additionally, trees should be removed in two steps over a period of two days. On the first day, all branches that do not contain roosting habitat shall be removed. The remaining portion of the tree should be removed on the second day. All branch removal will be conducted using chainsaws or similar handheld equipment.

CDFW-7

Continued

COMMENT 5: Notification for Lake and Streambed Alteration Agreement

Section 4.4.4.5 Biological Resources, page 4-37

Issue: Construction activities involve trenching across Orr, Dry, and Rock Creeks, as well as the diversion of flows upstream and downstream of the stream crossings. CDFW believes these activities may trigger a Notification for a Streambed Alteration Agreement.

Section 1602 of the Fish and Game Code requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

- a. Substantially divert or obstruct the natural flow of any river, stream, or lake;
- b. Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- c. Deposit debris, waste or other materials where it may pass into any river, stream or lake.

CDFW-8

Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

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If upon review of an entity's notification, CDFW determines that the activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the environmental document should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the project may avoid or reduce impacts to fish and wildlife resources. LSA Notifications must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

CDFW-8
Continued

Recommendation: CDFW recommends that the Proponent notify pursuant to Section 1602 of the Fish and Game Code as early as possible to determine if an LSA is needed.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

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FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CDFW-10

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW-11

CDFW appreciates the opportunity to comment on the MND for the Combie and Ophir 2&3 Siphon Replacement Project to assist NID in identifying and mitigating Project impacts on

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Combie and Ophir 2&3 Siphon Replacement Project
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biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Alyssa Obester, Senior Environmental Scientist Specialist, at alyssa.obester@wildlife.ca.gov.

Sincerely,

DocuSigned by:

C3A86784C0AD4F6
Morgan Kilgour
Regional Manager

ec: Bridget Gibbons, Senior Environmental Scientist (Supervisory)
Alyssa Obester, or Senior Environmental Scientist (Specialist)
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

References

Crump, M. L. and N. J. Scott, Jr. 1994. Visual encounter surveys. 84-92 in Heyer, W.R., Donnelly, M.A., McDiarmid, R.W., Hayek, L.-A.C., & M.S. Foster, (eds.): Measuring and monitoring biological diversity. Standard methods for amphibians. Washington & London, Smithsonian Institution Press, 364 p.

CDFW-11
Continued

Response to Comment Letter Morgan Kilgour – California State Department of Fish and Wildlife:

Response CDFW-1:

Comment CDFW-1 states that the California Department of Fish and Wildlife (CDFW) has reviewed the Combie Ophir 2&3 Siphon Replacement Project and describes CDFW's role and responsibility as a Trustee Agency for fish and wildlife in that review. The comment is hereby noted.

Response CDFW-2:

Comment reiterates the Project description. Comment is noted.

Response CDFW-3:

Comment suggests that modifying some of the proposed mitigation measures would help further reduce any potential significant impacts to biological resources, which are outlined in additional comments below. Additionally, the comment notes that a Mitigated Negative Declaration is the appropriate CEQA document for the proposed Project. Comment is noted.

Response CDFW-4:

The comment notes that the Project occurs within the range of foothill yellow-legged frog (FYLF) and provides three recommendations for FYLF survey methods and timing.

Recommendation 1.1 recommends that more detail should be provided on the FYLF survey methods and timing and provides some details on survey methods to increase the likelihood of detecting the species. CDFW recommended that if the survey fails to detect the species, a follow-up survey should be conducted two to four weeks after the initial survey. Project construction is anticipated to begin in the late summer or fall. The preconstruction survey will occur during one visual encounter survey period, which CDFW has determined to be the easiest method for detecting presence (e.g., breeding or during presence of subadults and adults emergence time period). The proposed Project activities within potentially suitable habitat for special-status amphibian species will occur for a short duration. A follow-up survey two to four weeks after the initial survey with negative results would not be feasible. Further, the Project will implement BIO-3 and a biological monitor will be present during dewatering activities and during all other activities that occur within 100 feet of suitable habitat to ensure that no special-status amphibian species will be impacted by Project activities.

Recommendation 1.2 recommends that a Qualified Biologist prepare and submit to CDFW at least 30 calendar days prior to ground-disturbing and in-water work activities a Pre-Construction Survey Plan for FYLF. All biological Avoidance and Mitigation Measures which include pre-construction survey methods for FYLF as well as all other special-status species with the potential to occur are detailed in the IS/MND. If a special-status species is detected, NID will inform CDFW immediately and will provide a survey report. Before proceeding with Project activities, NID will coordinate with CDFW to determine the next steps to

ensure no special-status species will be impacted by Project activities. A Pre-Construction Survey Plan is not proposed for implementation at this time.

Recommendation 1.3 recommends that a CESA Incidental Take Permit (ITP) be obtained if the survey results indicate that the Project has a potential to take FYLF or other CESA-listed species. If applicable, CDFW recommends that the EIR [sic] include measures to minimize and fully mitigate any potential Project-related impacts on CESA-listed species. The comment is noted and NID intends to implement CDFW's recommendations, if the survey results determine that there is a potential for Project-related take of FYLF.

Recommendation 1.3 also encourages early consultation and engagement with CDFW and USFWS to coordinate specific measures if both State and federally listed species may occur within the Project vicinity. The comment is noted and NID intends to implement CDFW's recommendations. Modifications to Mitigation Measure BIO-3 have been made in response to recommendations made by CDFW and are shown in Section 4.0.

Response CDFW-5:

The comment provides CDFW's recommendations for minimizing impacts to California red-legged frog (CRLF) and include: (1) development of a CRLF survey plan in accordance with USFWS protocols, and (2) the addition of clarifying text to BIO-03 specifying that a CRLF survey will be conducted by a Qualified Biologist within 3-5 days prior to ground-disturbing and in-water activity within the Project boundary and 500 ft upstream and downstream of the Project site; If CRLF are discovered in the survey area, work may not begin until consultation occurs with the Qualified Biologist and avoidance and minimization measures are implemented. The comment is noted. BIO-3 has been revised to include consultation with CDFW if the species is detected. However, for feasibility purposes, surveys will occur 48-hours prior to ground disturbance activities near CRLF and/or FYLF habitat. Further, a biological monitor will be present during dewatering activities and during all other activities that occur within 100 feet of suitable habitat for this species to ensure that no special-status amphibian species will be impacted by Project activities. A Pre-Construction Survey Plan is not proposed for implementation at this time.

Response CDFW-6:

The comment provides CDFW's recommendations for northwestern pond turtle (NWPT) surveys, which include a survey conducted by a Qualified Biologist within 30 days prior to initiation of Project activities within a minimum of 500 feet upstream and downstream of Project activities, where accessible. If NWPT are discovered during these surveys, a site-specific avoidance, minimization, and/or relocation plan should be prepared, submitted to CDFW, and implemented by a Qualified Biologist. NID intends to implement CDFW's recommendations regarding the survey area (500ft up and downstream) and if detected, a qualified biologist will prepare a relocation plan. However, for feasibility purposes, surveys will occur 48-hours prior to ground disturbance activities near NWPT habitat. As described above, modifications to Mitigation Measure BIO-5 have been made in response to recommendations made by CDFW and are shown in Section 4.0.

Response CDFW-7:

The comment notes that trimming and vegetation removal may result in habitat effects on a variety of bird and bat species, including bird species protected under the federal Migratory Bird Treaty Act (MBTA). CDFW's comment acknowledges the mitigation measures for the nesting bird and bat surveys and recommends additional measures to minimize impacts to special-status bird and bat species, which include: (1) nesting bird surveys no more than 3 days prior to commencing vegetation removal activities and measures to protect any active nests, if present during construction activities, and (2) preparation and implementation of a Bat Survey Plan to be implemented no more than 6 months prior to vegetation removal and/or construction for potentially suitable bat habitat and, if bats are detected and construction activities are scheduled during the maternity season, the Project proponent shall prepare and implement a Bat Avoidance and Exclusion Plan that includes establishment of a bat roost no-disturbance buffer, exclusion devices, and restrictions on tree trimming and/or removal. The comment is noted. However, all biological Avoidance and Mitigation Measures which include pre-construction survey methods for special status species with the potential to occur are detailed in the IS/MND. If a special-status species is detected, NID will inform CDFW immediately and will provide a survey report. Before proceeding with Project activities, NID will coordinate with CDFW to determine the next steps to ensure no special-status species will be impacted by Project activities. Further, the Project will comply with all avoidance, minimization measures (AMMs) listed in issued environmental permits.

Response CDFW-8:

Comment notes that the CDFW recommends that the Project proponent notify CDFW pursuant to Section 1602 of the Fish and Game Code as early as possible to determine if a Lake or Streambed Alteration Agreement (LSAA) is needed. Because the proposed Project will involve trenching across three streams and will temporarily divert flows to dewater the construction area, NID is preparing an application for an LSAA.

Response CDFW-9:

CDFW-9 cites the requirement to report any special-status species and natural communities detected during surveys conducted in support of preparing of this IS/MND. In response to the comment, occurrences of listed species and communities were submitted as required for all surveys conducted to date as part of the CEQA review process for the proposed Project and will be submitted following preconstruction surveys and monitoring during project implementation.

Response CDFW-10:

Comment CDFW-10 lists the filing fee requirements for any Notice of Determination for the Final IS/MND. The comment is noted.

Response CDFW-11:

CDFW requests written notification of proposed actions and pending decisions regarding the project and provides an address for the notifications. The comment also expresses appreciation for the opportunity to comment. The comment is hereby noted and forwarded to the NID Board for consideration.

3.3 Letter (CVRWQCB) – Peter G. Minkel, Received May 3, 2024



Central Valley Regional Water Quality Control Board

3 May 2024

Adrian Schneider
Nevada Irrigation District (NID)
1036 West Main Street
Grass Valley, CA 95602
schneider@nidwater.com

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, COMBIE AND OPHIR 2&3 SIPHON REPLACEMENT PROJECT, SCH#2024040082, PLACER COUNTY

Pursuant to the State Clearinghouse's 2 April 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Combie and Ophir 2&3 Siphon Replacement Project, located in Placer County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

WQCB-1

WQCB-2

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

WQCB-2
Continued

WQCB-3

Combie and Ophir 2&3 Siphon
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http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

WQCB-3
Continued

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

WQCB-4

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

WQCB-5

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

WQCB-6

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

WQCB-6
Continued

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

WQCB-7

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

WQCB-8

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>


WQCB-9

Combie and Ophir 2&3 Siphon
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3 May 2024

If you have questions regarding these comments, please contact me at (916) 464-4684
or Peter.Minkel2@waterboards.ca.gov.



Peter G. Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

WQCB -10

3.3.1 Response to Comment Water Quality Control Board (WQCB)-1:

Response WQCB-1:

Comment WQCB-1 states that the Central Valley Regional Water Quality Control Board (CVRWQCB) has reviewed the Combie Ophir 2&3 Siphon Replacement Project and described the Central Valley Water Board's role and responsibility of protecting the quality of surface and groundwater in that review. The comment is hereby noted.

Response WQCB-2:

Comment WQCB-2 provides regulatory context that the Central Valley Water Board must adhere to, including Basin Plans and Antidegradation considerations. The comment is hereby noted.

Response WQCB-3:

Comment outlines that when projects that disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. The Project has anticipated this requirement and has outlined in the Project Description, found in section 2.3 of the IS/MND that a Storm Water Pollution Prevention Plan (SWPPP) is required. Additionally, BIO-9 states that a NPDES Compliance Permit from the State Water Resources Control Board is required and shall be obtained prior to the start of construction activities.

Response WQCB-4:

Comment outlines that if the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). The Project has anticipated this requirement and has outlined in the Project Description, found in section 2.3 of the IS/MND that a Section 404 Clean Water Act Permit is required. Additionally, BIO-9 states that a Clean Water Act Section 404 permit from the USACE is required and shall be obtained prior to the start of construction activities. NID is preparing an application for the 404 Permit.

Response WQCB-5:

Comment outlines that if an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. The Project has anticipated this requirement and has outlined in the Project Description, found in section 2.3 of the IS/MND that a Section 401 Clean Water Act Permit is

required. Additionally, BIO-9 states that a CWA Section 401 Water Quality Certification from the RWQCB is required and shall be obtained prior to the start of construction activities. NID is preparing an application for the 401 Permit.

Response WQCB-6:

Comment outlines that if USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement permit to be issued by Central Valley Water Board. Comment is noted and the Project will comply with all applicable regulatory requirements.

Response WQCB-7:

Comment outlines that if the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Comment is noted and the Project will comply with all applicable regulatory requirements.

Response WQCB-8:

Comment outlines that if the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit and may require a Limited Threat NPDES Permit. Comment is noted and the Project will comply with all applicable regulatory requirements.

Response WQCB-9:

Comment outlines that if the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. This is addressed in Mitigation Measure BIO-9, which states that a NPDES Compliance Permit from the State Water Resources Control Board is required and shall be obtained prior to the start of construction activities.

Response WQCB-10:

The comment provides the contact information of the reviewer. The comment is hereby noted and forwarded to the NID Board for consideration.

4.0 REVISIONS TO THE DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

As a result of minor Project changes and comments received on the Draft IS/MND, revisions have been made to the Draft IS/MND text. These revisions include minor changes to mitigation measures, and do not constitute substantial revisions that would require recirculation of the document. According to Section 15073.5 of the CEQA Guidelines, a substantial revision shall mean:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required."

The revisions are provided below. Changes in text are identified by ~~strikeout~~ where text is removed and by underline where text is added.

The following changes were made in the Environmental Commitments and Mitigation Measures section (page 1-2 through 1-3)

BMP-3: Avoid and Minimize Disturbance of Orr Creek, Dry Creek, Rock Creek and Other Aquatic Habitats and Restore all Temporarily Disturbed Areas

To the extent possible, the NID and its contractor will minimize impacts to *Orr Creek, Dry Creek, Rock Creek and other Aquatic Habitats* by implementing the following:

Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:

- a. Prior to construction, the contractor shall develop and implement a spill prevention and countermeasure plan. This plan shall be developed consistent with applicable SWPPP requirements and address best management practices for: construction equipment and materials; staging areas; fuels, lubricants, and solvents; and use of sediment fences/erosion control for temporarily disturbed areas.
- b. Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters; and
- c. Prior to the start of construction activities, the Project limits in proximity to riparian/riverine habitats will be marked with high visibility Environmentally Sensitive Area fencing or staking to ensure construction will not further encroach into waters or any other biologically sensitive resources detected required during pre-construction surveys. The Project biologist throughout construction will periodically inspect the Environmentally Sensitive Area to ensure sensitive locations remain undisturbed.

- d. During construction, water diversion measures (e.g., sheet piles, sandbags or coffer dams) will be utilized to prevent water from entering the work area.
- e. After construction, all temporarily disturbed work areas will be stabilized and restored. This will include application of NID's standard erosion control seed mix and installation of erosion and sediment controls consistent with the Project's approved SWPPP.
- ~~f. After construction, all temporarily disturbed work areas will be stabilized and restored. This will include application of NID's standard erosion control seed mix and installation of erosion and sediment controls consistent with the Project's approved SWPPP.~~
- g. All equipment maintenance materials (e.g., oils, grease, lubricants, antifreeze, and similar materials) will be stored offsite.

The following changes were made in the Biological Resources section (page 2-2)

4.1.1.1 Orr Creek Siphon

As shown on Figures 2-1 and 2-2, the existing Orr Creek Siphon is approximately 945 feet long extending from north of Witt Road to just south of Northgate Circle and crosses Orr Creek. The Orr Creek Siphon is an underground 36-inch steel pipe originally designed for a 50.2 cubic feet per second (cfs) flow. The existing siphon extends through the six parcels shown in Figure 2-2 and listed in Table 2-1.

The Orr Creek Siphon would be replaced by installing a new approximately 945-foot-long underground siphon culvert along the west side of the existing culvert. The new siphon would be a ~~40-inch~~ 48-inch pipe designed to accommodate a flow rate of 72.5 cfs consistent with NID's raw water transmission master plan and future emergency contingency.

The following changes were made in the Biological Resources section (page 4-49 through 4-50).

4.1.2 Mitigation Measures

BIO-3: Conduct Preconstruction Surveys for California Red-Legged Frog and Foothill Yellow-Legged Frog

The following measures are recommended to minimize potential impacts to California red-legged frog and foothill yellow-legged frog:

- A qualified biologist shall conduct a preconstruction survey for California red-legged frog and foothill yellow-legged frog within all suitable habitat in the Project work area 48 hours prior to the start of ground- or vegetation-disturbing activities. The biologist will search for all life stages during this survey. If either species are found, the qualified biologist will notify CDFW immediately and consult on appropriate actions to be taken before construction begins. The survey will occur within a minimum of 500 feet upstream and downstream of Project Activities, where accessible.

- Preconstruction surveys shall occur during at least one visual encounter survey period. A qualified biologist will search for all life stages during this survey.
- If either species are found, the qualified biologist will notify CDFW and USFWS immediately. Work will not begin until consultation with CDFW and USFWS has determined appropriate avoidance and minimization measures and consult on appropriate actions to be taken before construction begins.
- A CESA Incidental Take Permit (ITP) will be obtained if the preconstruction survey results indicate that the Project has a potential to take FLYF or other CESA-listed species.
- A biological monitor shall be present when activities occur within 100 feet of suitable habitat for either California red-legged frog or foothill yellow-legged frog.

BIO-5: Conduct Pre-Construction Northwestern Pond Turtle Surveys

~~Conduct a pre-construction northwestern pond turtle survey within 48 hours prior to the initiation of construction activities and retain a qualified biologist to survey immediately prior to ground disturbing activities in suitable habitat. If northwestern pond turtle is found, consultation with CDFW shall be required, as well as the development of a relocation plan for northwestern pond turtle encountered during construction. If no special status reptiles are detected during surveys, no further measures are needed.~~

- A Qualified Biologist will conduct a pre-construction northwestern pond turtle within 48 hours prior to the initiation of construction activities. The survey will occur within a minimum of 500 feet upstream and downstream of Project Activities, where accessible.
- A qualified biologist will survey immediately prior to ground disturbing activities in suitable habitat.
- If northwestern pond turtle is found, consultation with CDFW shall be required and a Qualified Biologist will develop and submit a relocation plan for northwestern pond turtle.
- If no special status reptiles are detected during surveys, no further measures are needed.

BIO-6: Conduct Pre-Construction Nesting Bird Surveys and if Found Implement Avoidance Measures

The following measures are recommended to avoid or minimize potential effect to special-status birds and other birds protected under the MBTA (and their nests):

- To the extent feasible, vegetation removal activities shall commence during the nonbreeding season (typically October 1 through January 31, as determined by a qualified biologist).

- No Project activity with potential to disturb nesting birds shall begin during the nesting season (typically February 1 through September 30, as determined by a qualified biologist) unless the following surveys are completed by a qualified wildlife biologist:

California Black Rail

- A qualified biologist shall conduct a habitat assessment for California black rail. The survey shall be conducted within the entire Project footprint and a 500-foot buffer.
- If suitable habitat is found within 500 feet of the Project work area, a qualified biologist shall conduct a preconstruction California black rail survey sometime between March 15 and May 15 of the year in which ground disturbance activities commence. A minimum of four surveys shall be conducted. If suitable habitat and the species are identified, the additional survey dates will be spaced at least 10 days apart and will cover the time period from the date of the first survey through the end of June to early July. Surveys shall be conducted using survey protocol based on the methods used in Richmond et al. (2008) or other guidance agreed upon by the applicant and CDFW. If active nests are located during the preconstruction surveys, CDFW shall be notified. The nests shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has determined that the young have fledged and are independent of the nest. Monitoring of occupied nests shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed.

Tricolored Blackbird

- Within 30 days prior to construction, a qualified wildlife biologist shall survey for nesting tricolored blackbirds within the Project work area and a 500-foot radius. If active nests are located during the preconstruction surveys, CDFW shall be notified. The nests shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has determined that the young have fledged and are independent of the nest. Monitoring of occupied nests shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed.

Other Special-Status Birds and Migratory Bird Treaty Act-Protected Birds

- During the nesting season, a preconstruction nesting bird survey shall be conducted within 14 days prior to the commencement of Project-related activities to identify active nests that could be impacted by construction.

- The preconstruction nesting bird survey shall include accessible areas within 500 feet of the Project boundaries for raptors and 100 feet for other birds protected under the MBTA.
- If active nests are found, a no-disturbance buffer shall be established around the nest. A qualified biologist, in consultation with the CDFW, shall establish a buffer distance. The buffer shall be maintained until the nestlings have fledged, to be determined by a qualified biologist. No further measures are necessary once the young are independent of the nest or the nest is otherwise no longer occupied.

5.0 MITIGATION MONITORING AND REPORTING PLAN

5.1 Introduction

In accordance with CEQA, an MND that identifies adverse impacts related to construction and operation of the Project was prepared. The MND identifies mitigation measures that would reduce or eliminate these impacts.

Section 21081.6 of the PRC and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. An MMRP is required for the proposed Project because the IS/MND identified potentially significant adverse impacts related to construction and operation of the Proposed Project, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

5.2 Purpose of the Mitigation Monitoring and Reporting Plan

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Proposed Project, as required. The MMRP may be modified by CDFW or Department of General Services (DGS) during Project implementation, as necessary, in response to changing conditions or other Project refinements. **Table 5-1** has been prepared to assist the responsible parties in implementing the MMRP, identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring, and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the IS/MND.

5.3 Roles and Responsibilities

California Conservation Corps and DGS are responsible for oversight of compliance of the mitigation measures in the MMRP.

5.4 Mitigation Monitoring and Reporting Plan

The column categories identified in **Table 5-1** are described below.

Mitigation Measure – This column lists the mitigation measures by number.

Monitoring Activity/Timing/Frequency/Schedule – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.

Implementation Responsibility/Verification – This column identifies the entity responsible for complying with the requirements of the mitigation measure and provides space for verification initials and date.

Responsibility for Oversight of Compliance/Verification – This column provides the agency responsible for oversight of the mitigation implementation and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.

Outside Agency Coordination – This column lists any agencies with which the California Department of Forestry and Fire Protection and/or DGS may coordinate for implementation of the mitigation measure.

Comments – This column provides space for written comments, if necessary.

**Table 5-1
 Combie and Ophir 2&3 Siphon Replacement Project
 Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
Biological Resources					
<p>BIO-1: Conduct Special Status Plant Surveys. The following shall be implemented to minimize potential impacts to special-status plants:</p> <ul style="list-style-type: none"> Where feasible, Project-related activities shall be restricted to previously developed or disturbed areas to avoid disturbance of habitats that may support special-status plants. The Project impact limits shall be clearly demarcated prior to construction and all workers shall be made aware of the impact limits and avoided areas. No work shall occur outside of the Project impact limits. All vehicles and equipment shall be restricted to the Project impact limits or existing designated access roads and staging areas. If suitable habitat for special-status plants cannot be avoided, the applicant shall perform special-status plant surveys according to CDFW, CNPS, and USFWS protocols (CDFW 2018a; CNPS 2001; USFWS 2000). Surveys shall be conducted throughout all suitable habitat within the Project footprint and a 50-foot buffer, where accessible, to address potential direct and indirect impacts of the Project. Surveys shall be conducted by a qualified biologist and timed according to the identifiable period for target species (typically the blooming period). To the extent feasible, known reference populations will be visited prior 	<p>Action: Conduct special status plant surveys.</p> <p>Timing: Prior to ground disturbance.</p>	<p>Construction Manager / Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>CDFW, if special-status plants are found</p>	

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Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>to surveys to confirm target species are evident and identifiable at the time of the survey.</p> <ul style="list-style-type: none"> • If no special-status plants are found, no further measures pertaining to special-status plants are necessary. • If special-status plants are identified onsite, the Project shall be modified to the extent feasible to prevent disturbance or loss of special-status plants. No-disturbance buffers shall be established around sensitive plant populations to be preserved in or adjacent to the Project Area. A 50-foot buffer should be maintained between project activities and sensitive plant populations, unless otherwise determined by a qualified biologist. Buffer distances may vary between species depending on listing status, rarity, and other factors. Buffer areas will be clearly demarcated in the field, and no construction or ground-disturbing activities will occur within the boundaries of the delineated area. • If a special-status plant species is found and avoidance is not feasible, additional measures may be developed in consultation with CDFW, USFWS and/or the CEQA Lead Agency. These measures may include restoration or permanent preservation of habitat for the special-status plant species or translocation (via seed collection and/or transplantation) from planned impact areas to unaffected suitable habitat. • If a state or federally listed threatened or endangered plant or a plant that is a candidate for state listing is found onsite, the applicant shall consult with CDFW and/or USFWS, as applicable, to determine appropriate avoidance and minimization measures. If the plants cannot be avoided, an incidental take permit and compensatory mitigation may be required. 					

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Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BIO-2: Conduct Preconstruction Surveys for Crotch’s Bumble Bee and if Found Implement Avoidance Measures</p> <p>The following measures are recommended to minimize potential impacts to Crotch’s bumble bee:</p> <ul style="list-style-type: none"> • If the Crotch’s bumble bee is no longer a Candidate or formally Listed species under the California ESA at the time ground-disturbing activities occur, then no additional protection measures are proposed for the species. • Because Crotch’s bumble bee nest locations are chosen on an annual basis and the site provides nesting habitat, a CDFW-approved Crotch’s bumble bee biologist shall conduct three weekly preconstruction nesting surveys with focus on detecting active nesting colonies with the third and final survey conducted within 24-hours immediately prior to ground disturbing activities that are scheduled to occur during the flight season (February through October). Surveys shall be completed at a minimum of one person-hour of searching per three acres of suitable habitat during suitable weather conditions (sustained winds less than 8 miles per hour, mostly sunny to full sun, temperatures between 65 and 90°F) at an appropriate time of day for detection (at least an hour after sunrise and at least two hours before sunset, though ideally between 9am-1pm). If no nests are found but the species is present, a full-time qualified biological monitor shall be present during initial vegetation or ground disturbing activities that are scheduled to occur during the queen flight period (February through March), colony active period (March through September), and/or gyne flight period 	<p>Action: Preconstruction surveys for the Crotch’s Bumble Bee.</p> <p>Timing: Prior to Construction.</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>CDFW, if Crotch Bumble Bee is detected.</p>	

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<p>(September through October). The Crotch’s bumble bee biologist shall immediately notify CDFW of the detection as further coordination may be required to avoid or mitigate certain impacts. If an active Crotch’s bumble bee nest is detected, an appropriate no disturbance buffer zone (including foraging resources and flight corridors essential for supporting the colony) shall be established around the nest to reduce the risk of disturbance or accidental take and the designated biologist shall coordinate with CDFW to determine if an Incidental Take Permit under Section 2081 of the California ESA will be required. Nest avoidance buffers may be removed at the completion of the flight season and/or once the qualified Crotch’s bumble bee biologist deems the nesting colony is no longer active and CDFW agrees with the determination.</p> <ul style="list-style-type: none"> • If initial grading is phased or delayed for any reason, the 24-hour preconstruction nesting survey will be repeated prior to ground-disturbing activities that are scheduled to occur during the same flight season (February through October). Three preconstruction Crotch’s bumble bee nesting surveys shall be required in subsequent years of construction whenever vegetation and ground disturbing activities are scheduled to occur during the flight season (February through October) if nesting habitat is still present or has re-established and will be affected. 					
<p>BIO-3: Conduct Preconstruction Surveys for California Red-Legged Frog and Foothill Yellow-Legged Frog</p>	<p>Action: Preconstruction surveys for the California Red-Legged</p>	<p>Construction Manager / Project Biologists</p>	<p>Construction Manager/ Project Biologists</p>	<p>CDFW and USFWS, if California Red-Legged Frog and Foothill</p>	

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Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>The following measures are recommended to minimize potential impacts to California red-legged frog and foothill yellow-legged frog:</p> <ul style="list-style-type: none"> • A qualified biologist shall conduct a preconstruction survey for California red-legged frog and foothill yellow-legged frog within all suitable habitat in the Project work area 48 hours prior to the start of ground- or vegetation-disturbing activities. The biologist will search for all life stages during this survey. If either species are found, the qualified biologist will notify CDFW immediately and consult on appropriate actions to be taken before construction begins. The survey will occur within a minimum of 500 feet upstream and downstream of Project Activities, where accessible. • Preconstruction surveys shall occur during at least one visual encounter survey period. A qualified biologist will search for all life stages during this survey. • If either species are found, the qualified biologist will notify CDFW and USFWS immediately. Work will not begin until consultation with CDFW and USFWS has determined appropriate avoidance and minimization measures and consult on appropriate actions to be taken before construction begins. • A CESA Incidental Take Permit (ITP) will be obtained if the preconstruction survey results indicate that the Project has a potential to take FYLF or other CESA-listed species. • A biological monitor shall be present when activities occur within 100 feet of suitable habitat for either California red-legged frog or foothill yellow-legged frog. 	<p>Frog and Foothill Yellow-Legged Frog.</p> <p>Timing: Prior to construction.</p>	<p>Initials</p> <hr/> <p>Date</p>	<p>Initials</p> <hr/> <p>Date</p>	<p>Yellow-Legged Frog are detected.</p>	

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Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BIO-4: Conduct Preconstruction Survey for Sensitive Reptiles -Blainville’s horned lizard</p> <p>A qualified biologist shall determine if the Project Area contains suitable habitat for Blainville’s horned lizard. If suitable habitat is identified within the Project Area, a biologist will conduct surveys for Blainville’s horned lizard 48-hours prior to construction in areas of potential habitat. The surveys shall be conducted at the appropriate time of day to detect Blainville’s horned lizard. If Blainville’s horned lizard is found, a plan will be prepared, in consultation with CDFW, to potentially collect and relocate individual(s) to suitable habitat outside the Project Area.</p>	<p>Action: Preconstruction survey for the Blainville’s Horned Lizard.</p> <p>Timing: Prior to construction.</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>CDFW, if Blainville’s horned lizard is detected.</p>	
<p>BIO-5: Conduct Pre-Construction Northwestern Pond Turtle Surveys</p> <ul style="list-style-type: none"> • A Qualified Biologist will conduct a pre-construction northwestern pond turtle within 48 hours prior to the initiation of construction activities. The survey will occur within a minimum of 500 feet upstream and downstream of Project Activities, where accessible. • A qualified biologist will survey immediately prior to ground disturbing activities in suitable habitat. • If northwestern pond turtle is found, consultation with CDFW shall be required and a Qualified Biologist will develop and submit a relocation plan for northwestern pond turtle. 	<p>Action: Preconstruction survey for the Northwestern Pond Turtle.</p> <p>Timing: Prior to construction (only during nesting season).</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p>	<p>CDFW, if the Northwestern Pond Turtle is detected.</p>	

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<ul style="list-style-type: none"> If no special status reptiles are detected during surveys, no further measures are needed. 		Date	Date		
<p>BIO-6: Conduct Pre-Construction Nesting Bird Surveys and if Found Implement Avoidance Measures</p> <p>The following measures are recommended to avoid or minimize potential effect to special-status birds and other birds protected under the MBTA (and their nests):</p> <ul style="list-style-type: none"> To the extent feasible, vegetation removal activities shall commence during the nonbreeding season (typically October 1 through January 31, as determined by a qualified biologist). No Project activity with potential to disturb nesting birds shall begin during the nesting season (typically February 1 through September 30, as determined by a qualified biologist) unless the following surveys are completed by a qualified wildlife biologist: <p>California Black Rail</p> <ul style="list-style-type: none"> A qualified biologist shall conduct a habitat assessment for California black rail. The survey shall be conducted within the entire Project footprint and a 500-foot buffer. If suitable habitat is found within 500 feet of the Project work area, a qualified biologist shall conduct a preconstruction California black rail survey sometime between March 15 and May 15 of the year in which ground disturbance activities commence. A minimum of four surveys shall be conducted. If suitable habitat and the species was identified, the additional survey dates will be 	<p>Action: Preconstruction bird survey.</p> <p>Timing: Prior to construction (only during nesting season).</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>CDFW and USFWS if nest is found.</p>	

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<p>spaced at least 10 days apart and will cover the time period from the date of the first survey through the end of June to early July. Surveys shall be conducted using survey protocol based on the methods used in Richmond et al. (2008) or other guidance agreed upon by the applicant and CDFW. If active nests are located during the preconstruction surveys, CDFW shall be notified. The nests shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has determined that the young have fledged and are independent of the nest. Monitoring of occupied nests shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed.</p> <p>Tricolored Blackbird</p> <ul style="list-style-type: none"> • Within 30 days prior to construction, a qualified wildlife biologist shall survey for nesting tricolored blackbirds within the Project work area and a 500-foot radius. If active nests are located during the preconstruction surveys, CDFW shall be notified. The nests shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has determined that the young have fledged and are independent of the nest. Monitoring of occupied nests shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed. 					

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<p>Other Special-Status Birds and Migratory Bird Treaty Act-Protected Birds</p> <ul style="list-style-type: none"> • During the nesting season, a preconstruction nesting bird survey shall be conducted within 14 days prior to the commencement of Project-related activities to identify active nests that could be impacted by construction. • The preconstruction nesting bird survey shall include accessible areas within 500 feet of the Project boundaries for raptors and 100 feet for other birds protected under the MBTA. • If active nests are found, a no-disturbance buffer shall be established around the nest. A qualified biologist, in consultation with the CDFW, shall establish a buffer distance. The buffer shall be maintained until the nestlings have fledged, to be determined by a qualified biologist. No further measures are necessary once the young are independent of the nest or the nest is otherwise no longer occupied. 					
<p>BIO-7: Survey for Special Status Bats and if Found Implement Avoidance Measures</p> <p>To avoid and minimize significant impacts to special-status bats or roosting colonies, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • At least 30 days prior to initiation of Project activities, a bat habitat assessment shall be conducted by a qualified bat biologist to examine trees and structures for suitable bat roosting habitat. High-quality habitat features (e.g., large tree cavities, basal hollows, loose or peeling bark, 	<p>Action: Preconstruction bat survey.</p> <p>Timing: Prior to construction</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p>	<p>CDFW if suitable bat roosting habitat is found.</p>	

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<p>abandoned structures) will be identified and the area around the features searched for bats and bat sign (i.e., guano, staining, culled insect parts).</p> <ul style="list-style-type: none"> • If suitable bat roosting habitat is identified, the feature shall be avoided and protected in place to the extent feasible. A buffer area shall be established around the roost site to minimize disturbance of roosting bats. The size of the buffer area will be determined in consultation with CDFW. • If suitable trees or structures cannot be avoided, removal shall be timed to occur outside of the maternity roosting season (generally April 1 to August 31) and only when nighttime low temperature are above 45°F and rainfall is less than 1/2 inch in 24 hours. • Trees with identified bat roosting habitat shall be removed using a two-phase removal process conducted over two consecutive days. On the first day, tree limbs and branches will be removed, using chainsaws only. Removal will avoid limbs with cavities, cracks, crevices, or deep bark fissures. On the second day, the remainder of the tree will be removed. • Standing dead trees or snags with habitat features should be removed over a single day by gently lowering the tree or snag to the ground. The tree or snag shall be left undisturbed onsite for the next 48 hours. • Removal and trimming of trees with potential roosting habitat shall be conducted in the presence of a biological monitor. <p>If removal/modification of a suitable tree or structure must occur during the maternity season, a qualified bat biologist shall conduct a focused emergence survey(s)</p>		Date	Date		

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<p>within 48 hours of scheduled work. If a maternity roost is located, whether solitary or colonial, that roost will remain undisturbed until after the maternity season or a qualified biological monitor has determined the roost is no longer active.</p>					
<p>BIO-8: Restore all Temporarily Disturbed Riparian Habitat and Compensate for Temporal Loss.</p> <p>All riparian areas subject to temporary construction disturbance shall be restored by NID and its contractor in accordance with a post construction Erosion Control and Riparian Habitat Restoration Plan (ECRHRP). The ECRHRP shall be prepared by a qualified biologist, address all temporarily disturbed areas, and shall be reviewed and approved by CDFW as part of the CDFW Section 1602 permit process. The ECRHRP shall address the following:</p> <ul style="list-style-type: none"> • Temporary erosion control. Measures for water quality protection shall be addressed as needed (such as silt fencing and/or coir rolls). • Specifications for native riparian plant densities. The ECRHRP shall address planting densities, species composition, and survivorship, based on characteristics of the existing impacted habitat. • Temporal Loss. The ECRHRP shall include a compensation strategy for temporal loss. This may be accomplished by either: 1) establishing riparian vegetation on currently unvegetated creek banks affected by the project and 	<p>Action: Restoring disturbed riparian habitat</p> <p>Timing: Post Construction</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

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<p>enhancement of existing riparian habitat through removal of nonnative species, where appropriate; or, 2) purchase of CDFW approved mitigation credits.</p> <ul style="list-style-type: none"> • Monitoring and Reporting. Monitoring protocol, including a schedule for delivery of annual reports shall be addressed. Monitoring of restoration habitat shall occur for a minimum of three (3) years from installation, or until the success criteria identified in the approved mitigation plan has been met. • Performance Standards. Ecological performance standards for plantings, including the acceptable amount of dead woody vegetation gaps and bare ground, and survivorship shall be addressed in the ECRHRP. • Corrective measures. Should performance standards not be met, the ECRHRP shall allow for the purchase of riparian mitigation credits in an amount agreed to by CDFW as an alternative to meeting the prescribed success criteria. <p>Responsible Parties. Responsible parties for preparation of monitoring reports, and for verifying success or prescribing implementation or corrective actions shall be addressed in the ECRHRP.</p>					
<p>BIO-9: Obtain the necessary permits and Implement the Required Conditions. Prior to the start of construction activities, NID will obtain all necessary regulatory permits for this Project. These permits are expected to include a CWA Section 401 Water Quality Certification from the RWQCB, a CWA Section 402</p>	<p>Action: Obtaining all required regulatory permits.</p> <p>Timing: Prior to construction.</p>	<p>Construction Manager/Project Biologists</p>	<p>Construction Manager/Project Biologists</p>		

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<p>NPDES Compliance Permit from the State Water Resources Control Board, a CWA Section 404 from the USACE, and a Fish and Game Code Section 1602 Streambed Alteration Agreement from the CDFW. The Project shall implement all the BMPs, and Mitigation Measures identified in the issued permits.</p>		<p>Initials</p> <hr/> <p>Date</p>	<p>Initials</p> <hr/> <p>Date</p>		
<p>BIO-10: Comply with the Placer County Tree Preservation Article</p> <p>To the extent feasible, Project construction shall avoid ground or vegetation disturbance within the dripline of protected trees subject to the Placer County Tree Preservation Article. If protected trees are to be impacted by Project activities the appropriate tree permits shall be obtained prior to initiation of impacting activities.</p>	<p>Action: Comply with Placer County Tree Preservation Requirements</p> <p>Timing: Prior and during construction</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
Cultural Resources					
<p>CUL-1: Stop Work in the Event of Unanticipated Discovery of Potential Cultural Resources and/or Human Remains and Evaluate the Find</p> <p>If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ul style="list-style-type: none"> • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined by CEQA or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead 	<p>Action: Implement unanticipated discoveries protocol.</p> <p>Timing: Ongoing and as needed during construction activities.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

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<p>agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.</p> <ul style="list-style-type: none"> If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Placer County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have 					

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Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
been completed to their satisfaction.					
Geology and Soils					
<p>PALEO-1: Discovery of Unknown Resources</p> <p>If any paleontological resources (i.e., fossils) are found during Project construction, construction shall be halted immediately in the subject area and the area shall be isolated using orange or yellow fencing until NID is notified and the area is cleared for future work. A qualified paleontologist shall be retained to evaluate the find and recommend appropriate treatment of the inadvertently discovered paleontological resources. If NID resumes work in a location where paleontological remains have been discovered and cleared, NID will have a paleontologist onsite to confirm that no additional paleontological resources are in the area.</p>	<p>Action:</p> <p>Implement operator training.</p> <p>Suspend work in the area of discovery.</p> <p>Notify Forefront, DGS, and Qualified Paleontologist in the event of a discovery.</p> <p>Implement appropriate treatment of found materials.</p> <p>Timing:</p> <p>Ongoing and as needed during construction activities.</p>	<p>Project Paleontologist, Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
Hazards and Hazardous Materials					
<p>HAZ-1: Proper Handling of Hazardous Materials</p> <p>Construction documents shall identify materials that are considered hazardous. The Project contractor shall be required to develop a Health and Safety Plan that addresses release prevention measures; employee training, notification, and evacuation procedures; and emergency response protocols and cleanup procedures. The contractor will comply with the California Occupational Safety and Health Administration (Cal-OSHA) standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in California Labor Code, Division 5, Chapter 2.5.</p>	<p>Action:</p> <p>Proper handling of hazardous materials</p> <p>Timing:</p> <p>Ongoing and as needed during construction activities.</p>	Construction Manager	Construction Manager / NID		
		Initials	Initials		
		Date	Date		
<p>HAZ-2: Naturally Occurring Asbestos (NOA) Dust Control</p> <p>Should construction activities expose ultramafic rock, water support, in the form of a water truck or mobile storage tank, shall be used in regular intervals to keep the open earth area wet and dust free. Proper signage noting the possibility of NOA and required PPE shall be posted in the area. PPE including coveralls and respirators shall be worn by all workers in the area. These</p>	<p>Action:</p> <p>Provide dust control measures if expose ultramafic rock.</p> <p>Timing:</p> <p>Ongoing and as needed during construction activities.</p>	Construction Manager	Construction Manager / NID		
		Initials	Initials		

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>procedures shall be followed as long as ultramafic rock is exposed and can be suspended once it has been reburied with soil.</p>		<p>_____</p> <p>Date</p>	<p>_____</p> <p>Date</p>		
Hydrology and Water Quality					
<p>HYD-1: Avoid and Minimize Disturbance of Surface Water/Creek Project Areas and Associated Aquatic Habitat and Restore all Temporary Disturbed Areas</p> <p>To the extent possible, NID and the contractor shall minimize impacts to surface waters and associated aquatic habitat by implementing the following:</p> <ul style="list-style-type: none"> • During construction NID and its contractor shall ensure the following: <ul style="list-style-type: none"> a. All heavy equipment shall be properly maintained by the contractor to prevent leaks of materials that if introduced into water could be deleterious to aquatic life. All heavy equipment shall be checked for leaks prior to operation within fifty feet of any flowing surface water. b. Vehicles that aren't required to be onsite shall be parked or stored within designated staging areas. 	<p>Action:</p> <p>Avoidance and minimize disturbance of surface water/creek project areas and restore disturbed areas.</p> <p>Timing:</p> <p>Ongoing and as needed during construction activities. Post construction activities.</p>	<p>Construction Manager</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>	<p>Construction Manager / NID</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>		

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments						
<ul style="list-style-type: none"> c. Sediment fences shall be installed and maintained in appropriate locations to reduce the introduction of sediment into surface waters. d. Any overburden material to be temporarily stored onsite shall be stabilized to prevent sediment transport. e. Construction debris/waste shall be picked up daily and properly stored onsite or disposed of offsite. 											
Best Management Practices (BMPs)											
<p>BMP-1: Conduct Environmental Awareness Training for Construction Personnel</p> <p>Before any work occurs in the Project Area, including grading, a Qualified Biologist will conduct mandatory contractor/worker awareness training. The awareness training will be provided to all construction personnel to brief them on the need to avoid impacts on biological resources and the penalties for non-compliance. If new construction personnel are added to the Project, NID will ensure that the personnel receive training from the biologist before starting work.</p>	<p>Action: Conduct Environmental Awareness Training for Construction Personnel.</p> <p>Timing: Prior to construction.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 100%; text-align: center;">Construction Manager</td> </tr> <tr> <td style="width: 100%; text-align: center;">Initials</td> </tr> <tr> <td style="width: 100%; text-align: center;">Date</td> </tr> </table>	Construction Manager	Initials	Date	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 100%; text-align: center;">Construction Manager / NID</td> </tr> <tr> <td style="width: 100%; text-align: center;">Initials</td> </tr> <tr> <td style="width: 100%; text-align: center;">Date</td> </tr> </table>	Construction Manager / NID	Initials	Date		
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Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BMP-2: Install Construction Barrier Fencing to Protect Environmentally Sensitive Areas</p> <p>The Project contractor will install orange construction barrier fencing to identify site limits and environmentally sensitive areas. The fencing will be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). Environmentally sensitive areas in and adjacent to the construction area comprise mixed riparian forest, native oak trees greater than 4 inches diameter at breast height (DBH), wetland drainages, and any trees that support migratory bird or raptor nests. Prior to construction, a resource specialist shall identify the locations for barrier fencing and will place stakes around the ESAs to indicate these locations. The fencing will be installed by the contractor prior to construction activities and maintained by the contractor throughout the construction period. The following note will be included in the construction plans:</p> <p>“The contractor’s attention is directed to the areas designated as “environmentally sensitive areas” on the Project Site. These areas are protected, and no entry by the contractor for any purpose will be allowed unless specifically authorized in writing by the NID project manager.”</p>	<p>Action: Install Construction Barrier Fencing to Protect Environmentally Sensitive Areas.</p> <p>Timing: Prior to construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BMP-3: Avoid and Minimize Disturbance of Orr Creek, Dry Creek, Rock Creek and Other Aquatic Habitats and Restore all Temporarily Disturbed Areas</p> <p>To the extent possible, the NID and its contractor will minimize impacts to <i>Orr Creek, Dry Creek, Rock Creek and other Aquatic Habitats</i> by implementing the following:</p> <p>Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:</p> <ol style="list-style-type: none"> a. Prior to construction, the contractor shall develop and implement a spill prevention and countermeasure plan. This plan shall be developed consistent with applicable SWPPP requirements and address best management practices for: construction equipment and materials; staging areas; fuels, lubricants, and solvents; and use of sediment fences/erosion control for temporarily disturbed areas. b. Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters; and c. Prior to the start of construction activities, the Project limits in proximity to riparian/riverine 	<p>Action: Avoid and minimize disturbance of Orr Creek, Dry Creek, Rock Creek and other aquatic habitats and restore all temporary disturbed areas.</p> <p>Timing: During and post construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>habitats will be marked with high visibility Environmentally Sensitive Area fencing or staking to ensure construction will not further encroach into waters or any other biologically sensitive resources detected during pre-construction surveys. The Project biologist throughout construction will periodically inspect the Environmentally Sensitive Area to ensure sensitive locations remain undisturbed.</p> <p>d. During construction, water diversion measures (e.g., sheet piles, sandbags or coffer dams) will be utilized to prevent water from entering the work area.</p> <p>e. After construction, all temporarily disturbed work areas will be stabilized and restored. This will include application of NID’s standard erosion control seed mix and installation of erosion and sediment controls consistent with the Project’s approved SWPPP.</p> <p>f. All equipment maintenance materials (e.g., oils, grease, lubricants, antifreeze, and similar materials) will be stored offsite.</p>					

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BMP-4: Minimize Potential for the Long-Term Loss of Riparian Habitat</p> <p>To the extent possible, the NID will minimize the potential for the long-term loss of riparian vegetation by trimming vegetation rather than removing entire shrubs. Shrubs that need to be trimmed will be cut at least one foot above ground level to leave the root systems intact and allow for more rapid regeneration. Cutting will be limited to the minimum area necessary within the construction zone. To the greatest extent feasible, disturbance or removal of vegetation will be minimized. Vegetation removal will occur using hand tools (e.g., clippers, chain saw), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation will be removed out of the riparian/stream zone. If tree removal is needed, the Project will comply with the Placer County Woodland Conservation Program (Chapter 19.50) and any applicable mitigation requirements from the issued environmental permits.</p>	<p>Action: Minimize potential for the long-term loss of riparian habitat.</p> <p>Timing: During and post construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BMP-5: Avoid the Introduction or Spread of Noxious Weeds in the Project Area</p> <p>To avoid the introduction or spread of noxious weeds into previously uninfected areas (especially within the riparian communities), NID will revegetate disturbed areas immediately after construction is complete using certified weed-free native and nonnative mixes.</p>	<p>Action: Avoid the introduction or spread of noxious weeds in the project area.</p> <p>Timing: During and post construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		
<p>BMP-6: Prepare and Implement a Fire Suppression and Control Plan</p> <p>NID will require the contractor to develop and implement a fire control plan to reduce the risk of fires during construction. The fire prevention and control plan will include requirements for onsite extinguishers; roles and responsibilities of NID, the contractor; specification for fire suppression equipment and other critical fire prevention and suppression items.</p>	<p>Action: Prepare and Implement a Fire Suppression and Control Plan.</p> <p>Timing: Prior to construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		
<p>BMP-7: Prepare and Implement a Construction Traffic Management Plan</p>	<p>Action:</p>	<p>Construction Manager</p>	<p>Construction Manager / NID</p>		

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>NID will require the contractor to prepare a Construction Traffic Management Plan in accordance with Placer County requirements and professional engineering standards prior to construction. The Traffic Management Plan shall specifically address the proposed Rock Creek Siphon crossing of Highway 49 and the following: adequate provisions for protection of the traveling public; emergency service access; the need for temporary traffic controls (signage/flaggers); and maintenance of private property driveway access. All traffic controls, including equipment and personnel requirements, shall be consistent with the current State of California Manual of Traffic Controls for Construction and Maintenance Work Areas.</p>	<p>Prepare and Implement a Construction Traffic Management Plan.</p> <p>Timing: Prior to construction.</p>	<p>Initials</p> <hr/> <p>Date</p>	<p>Initials</p> <hr/> <p>Date</p>		

To be signed when all mitigation measures have been completed:

California Department of General Services

Signature

Printed Name

Date

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6.0 LIST OF APPENDICES

Attachment A – Notice of Intent

Attachment B – Proof of Publication

Attachment C – CDFW Filing Fee Receipt

Attachment D – Draft Initial Study and Mitigated Negative

APPENDIX A

Notice of Intent

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY

DATE: April 3, 2024

TO: Responsible Agencies, Interested Parties, and Organizations

SUBJECT: **Combie and Ophir 2&3 Siphon Replacement Project — PLACER COUNTY, CA**

The Nevada Irrigation District (NID) is the California Environmental Quality Act (CEQA) Lead Agency for the proposed Combie and Ophir 2&3 Siphon Replacement Project (Proposed Project). NID has directed the preparation of an Initial Study (IS) Mitigated Negative Declaration (MND) in compliance with CEQA.

Project Location: The Proposed Project is located Placer County, in the North Auburn area, primarily east of Highway 49 and north of Bell Road with siphon crossings of Orr Creek, Dry Creek and Rock Creek.

Project Description: The Combie and Ophir 2&3 Siphon Replacement Project (Project) involves the replacement of three existing underground siphon pipelines. These siphons are each over fifty years old, are nearing the end of their useful life, and require resizing to address approved future flow needs. The siphons are part of NID's Combie & Ophir 2 and 3 raw water delivery system.

Potentially Significant Environmental Impacts: Potentially significant impacts to biological resources, cultural resources, geology and soils, paleontological resources, hazards/hazardous materials, and hydrology/water quality were identified in the Initial Study. All impacts would be reduced to a less than significant level with the implementation of identified mitigation measures.

Hazardous Waste Sites: Pursuant to Section 15087(c)(6) of the Guidelines for California Environmental Quality Act, NID acknowledges the non-existence of hazardous waste sites within the Project area reviewed by this Mitigated Negative Declaration (MND).

IS/MND Document Review and Availability: The public review and comment period for the Draft IS/MND will extend for 30 days **starting April 3, 2024 and ending May 3, 2024**. Due to the COVID-19 pandemic, printed hard copies will not be available to the public. However, the Draft IS/MND can be viewed and/or downloaded at the following website:

<https://www.nidwater.com/combie-and-ophir-siphons-2-3-replacement-project>

Comments/Questions: Comments and/or questions regarding the IS/MND may be directed to:

Adrian Schneider, Senior Engineer
Nevada Irrigation District
schneider@nidwater.com
cc: Brianna Gustafson
2525 Warren Drive
Rocklin, CA 95677
bgustafson@ecorpc consulting.com

APPENDIX B

Proof of Publication

LEGAL NOTICE

111462
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE
DECLARATION AND INITIAL STUDY
DATE: April 3, 2024

TO: Responsible Agencies, Interested Parties, and
Organizations

SUBJECT: Combie and Ophir 2&3 Siphon Replacement
Project— PLACER COUNTY, CA

The Nevada Irrigation District(NID)is the California Environmental
Quality Act (CEQA) Lead Agency for the proposed Combie and
Ophir 2&3 Siphon Replacement Project(Proposed Project).NID has
directed the preparation of an Initial Study (IS) Mitigated Negative
Declaration (MND) in compliance with CEQA.

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the North Auburn area, primarily east of Highway 49 and north of
Bell Road with siphon crossings of Orr Creek, Dry Creek and Rock
Creek.

Project Description: The Combie and Ophir 2&3 Siphon
Replacement Project (Project) involves the replacement of three
existing underground siphon pipelines. These siphons are each
over fifty years old, are nearing the end of their useful life, and
require resizing to address approved future flow needs. The siphons
are part of NID’s Combie & Ophir 2 and 3 raw water delivery system.

Potentially Significant Environmental Impacts: Potentially
significant impacts to biological resources, cultural resources,
geology and soils, paleontological resources, hazards/hazardous
materials, and hydrology/water quality were identified in the Initial
Study. All impacts would be reduced to a less than significant level
with the implementation of identified mitigation measures.
Hazardous Waste Sites: Pursuant to Section 15087(c)(6) of the
Guidelines for California Environmental Quality Act, NID
acknowledges the non-existence of hazardous waste sites within
the Project area reviewed by this Mitigated Negative Declaration
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IS/MND Document Review and Availability: The public review and
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Adrian Schneider, Senior Engineer
Nevada Irrigation District
schneider@nidwater.com
cc: Brianna Gustafson
2525 Warren Drive
Rocklin, CA 95677
bgustafson@ecorpconsulting.com
PUBLISHED IN AUBURN JOURNAL: APRIL 3, 2024.

The above space is reserved for Court/County Filed Date Stamp

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Placer**

I am a citizen of the United States and employed by a publication
in the County aforesaid. I am over the age of eighteen years, and
not a party to the mentioned matter. I am the principal clerk of
The Auburn Journal, a newspaper of general circulation, in the
City of Auburn, which is printed and published in the **County of
Placer**. This newspaper has been judged a newspaper of
general circulation by the Superior Court of the State of
California, in and for the **County of Placer**, on the date of May
26, 1952 (Case Number 17407). The notice, of which the
attached is a printed copy (set in type not smaller than nonpareil)
has been published in each regular and entire issue of said
newspaper and not in any supplement thereof on the following
dates, to-wit:

APRIL 3

I certify, under penalty of perjury, that the foregoing is true and
correct.



ALEAH SIGLER

Dated in Auburn, California

APRIL 3, 2024.

**PROOF OF PUBLICATION
AUBURN JOURNAL
1030 High Street
Auburn, CA 95604**

APPENDIX C

CDFW Filing Fee Receipt

To Be Provided Upon Filing Of Final Document



**PLACER COUNTY CLERK
2024 ENVIRONMENTAL FILING FEE
CASH RECEIPT**

RECEIPT NUMBER 31-240101
STATE CLEARING HOUSE NUMBER (if applicable) 2024040082

LEAD AGENCY NEVADA IRRIGATION DISTRICT	LEAD AGENCY EMAIL	DATE 06/27/2024
COUNTY/STATE AGENCY OF FILING PLACER COUNTY CLERK AUBURN		DOCUMENT NUMBER 240101
PROJECT TITLE COMBIE AND OPHIR 2&3 SIPHON REPLACEMENT PROJECT		
PROJECT APPLICANT NAME NEVADA IRRIGATION DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER - -
PROJECT APPLICANT ADDRESS 1036 W MAIN STREET	CITY GRASS VALLEY	STATE CA
		ZIP CODE 95945
PROJECT APPLICANT (Check appropriate box): <input type="checkbox"/> Local Public Agency <input type="checkbox"/> School District <input checked="" type="checkbox"/> Other Special District <input type="checkbox"/> State Agency <input type="checkbox"/> Private Entity		

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$ _____
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND) (ND)	\$2,916.75	\$ 2,916.75
<input type="checkbox"/> Certified Regulatory Program (CRP) document – payment due directly to CDFW	\$1,305.25	\$ _____
 <input type="checkbox"/> Exempt from fee		
<input type="checkbox"/> Notice of Exemption (attach)		
<input type="checkbox"/> CDFW No Effect Determination (attach)		
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)		

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board Only)	\$850.00	\$ _____
<input checked="" type="checkbox"/> County documentary handling fee		\$ 50.00
<input type="checkbox"/> Other _____		\$ _____
PAYMENT METHOD: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Credit <input type="checkbox"/> Check <input type="checkbox"/> Other _____	TOTAL RECEIVED	\$2,966.75

SIGNATURE <i>X C. Wheeler</i>	AGENCY OF FILING PRINTED NAME AND TITLE C Wheeler, DEPUTY
----------------------------------	---

APPENDIX D

Draft Initial Study and Mitigated Negative – Please see : <https://www.nidwater.com/combie-and-ophir-siphons-2-3-replacement-project>
