

MITIGATION MONITORING AND REPORTING PROGRAM

Tudor Flood Risk Reduction Project Final Environmental Impact Report

State Clearinghouse #2023010087

August 2023



PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report prepared for the **Tudor Flood Risk Reduction Project** concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Environmental Impact Report concluded that the impacts from implementation of the project would be less than significant.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	Oversight Responsibility	Mitigation Actions/Reports	Monitoring Timing or Schedule
Aesthetics			
AES-1: Lighting. To the maximum extent feasible, Project lighting shall be directed and shielded to focus illumination on the desired areas only and avoid directing light into adjacent areas.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
AES-2: Implement a Community Outreach Program. SBFCA will provide advance public notification to permanent residents located adjacent to the project regarding planned construction activities, including activities that must be performed at night or on weekends. Mail and, where feasible, emails to adjacent residents shall be sent notifying them of unavoidable nighttime or weekend construction activities each year prior to construction.	SBFCA and Project construction lead		Implemented at all times during construction
Implementation of mitigation measures AES-1 and AES-2 would be required.	SBFCA and Project construction lead	These measures shall be printed on construction plan sets	Implemented at all times during construction
Air Quality			
Implementation of mitigation measure AIR-1 will be required, as below.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
AIR-1: CARB Tier 4 Certified Equipment. The Project applicant and/or its contractor shall require that all Project off-road equipment used during construction activities be CARB Tier 4	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

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Certified, as set forth in Section 2423 of Title 13 of the CCR, and Part 89 of Title 40 of the Code of Federal Regulations (CFR). The Project applicant and/or its contractor shall require that all Project haul trucks entering and leaving the Project Site are Model Year 2010 or newer			
Implementation of mitigation measure AIR-1 will be required, as above.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Biological Resources			
BIO-1: BMPs. The Project will implement erosion control measures and Best Management Practices (BMPs) to reduce the potential for sediment or pollutants at the Project site. Measures shall include: <ul style="list-style-type: none"> Erosion control measures will be placed between aquatic resources, and the outer edge of the staging areas, within an area identified with highly visible markers (e.g., construction fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification and erosion control measures will be properly maintained until construction is completed and the soils have been stabilized. Fiber rolls used for erosion control will be certified by the California Department of 	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

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<p>Food and Agriculture as weed free.</p> <ul style="list-style-type: none"> • Seed mixtures applied for erosion control will not contain California Invasive Plant Council designated invasive species (http://cal-ipc.org/) and will be composed of native species appropriate for the site. • Trash generated onsite will be promptly and properly removed from the site. • Any fueling in the upland portion of the Project Area will use appropriate secondary containment techniques to prevent spills. <p>A qualified biologist will conduct a mandatory Worker Environmental Awareness Program for all contractors, work crews, and any onsite personnel on the potential for special status species to occur on the Project site. The training will provide an overview of habitat and characteristics of the species, the need to avoid certain areas, and the possible penalties for non-compliance.</p>			
<p>PLANT-1: Preconstruction Floristic Surveys. Preconstruction floristic surveys shall be conducted for any areas of vegetation removal in the Project Area with the potential to support habitat for Boggs-lake hedge hyssop, woolly-rose mallow, Sanford's arrowhead, or Suisun marsh aster. The area of ground disturbance and a 25-foot buffer would be surveyed by a qualified biologist during the appropriate blooming period prior to the start of Project activities. If no special status species are found during the</p>	SBFCA and Project construction lead	Any avoided areas will be printed on construction plan sets	Preconstruction floristic surveys shall be conducted prior to construction. Special-status plant locations shall be avoided at all times during construction.

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preconstruction surveys, no further measures are necessary. If surveys identify any special-status plants, the Project Proponent shall identify them with flagging and avoid them with a 25-foot no-disturbance buffer during Project activities. If this avoidance is not feasible, the Project Proponent shall consult with CDFW to determine whether alternative avoidance measures that are equally protective are possible.			
FISH-1: To avoid and minimize potential adverse effects to listed and special status fish species, the following shall be implemented: <ul style="list-style-type: none"> Minimize the removal of riparian and aquatic vegetation. Deploy measures, as practicable, to reduce sediment resuspension such as a turbidity curtain. In-water Project activities will require dewatering of surrounding area (if water is present), and a fish rescue/relocation effort completed by a qualified fisheries biologist. A qualified fisheries biologist should perform a fish exclusion from the in-water construction footprint using seines, if necessary. If the Project requires pouring concrete, avoid allowing wet uncured concrete to contact surface water, and conduct water quality monitoring to	SBFCA and Project construction lead	Any avoided areas will be printed on construction plan sets and avoidance implemented at all times during construction	This measure shall be implemented during any in-water construction.

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ensure that the wet concrete is not affecting the pH of the surface water.			
NPT-1: Conduct a pre-construction survey for northwestern pond turtles and their nests 48 hours prior to construction activities. Any northwestern pond turtle individuals discovered in the Project work area immediately prior to or during Project activities shall be allowed to move out of the work area of their own volition. If this is not feasible, they shall be captured by a qualified wildlife biologist and relocated out of harm's way to the nearest suitable habitat at least 100 feet from the Project work area where they were found.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Surveys shall be conducted within 48 hours prior to construction.
GGS-1: Prior to the start of ground-disturbing activities in areas considered potential habitat for giant garter snake, a qualified biologist shall conduct a preconstruction survey. This survey shall be conducted within 48 hours prior to the start of ground disturbing activities. If a giant garter snake is found, the biologist shall allow the animal to leave on its own volition. Coverage from USFWS under Sections 7 or 10 of the ESA will be required for any impacts to giant garter snake and/or their habitat. In addition, take coverage from CDFW under Section 2081 of the California Fish and Game Code will be required	SBFCA and Project construction lead	Coverage under USFWS Section 7, and CDFW Section 2081 shall be obtained prior to the start of construction. This measure shall be printed on construction plan sets	Surveys shall be conducted within 48 hours prior to construction.

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for any impacts to giant garter snake and/or its habitat.			
BIRD-1: Nesting Birds. To protect nesting birds, no Project activity shall begin from February 1 through August 31 unless the following surveys are completed by a qualified wildlife biologist. Separate surveys and avoidance requirements are listed below for all nesting birds and raptors, including bald eagle, and Swainson's hawk. <ul style="list-style-type: none"> • All Nesting Birds (Non-raptors) – If Project construction begins during February 1 through August 31, a qualified biologist will perform a preconstruction nesting bird survey within 7 days prior to construction (or less if recommended by CDFW), within the Project work area and a 100-foot radius. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. • Raptors – If Project construction begins during February 1 through August 31, a qualified biologist will perform a preconstruction nesting raptor survey within 7 days prior to construction (or less if recommended by CDFW), within the 	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Prior to and during construction

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<p>Project work area and a 500-foot radius. If any active raptor nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.</p> <ul style="list-style-type: none"> • Burrowing Owl – A qualified wildlife biologist shall survey for burrowing owl within the Project work area and a 250-foot radius of the Project work area within 7 days prior to starting Project activities. Surveys shall be conducted at appropriate times (dawn or dusk) to maximize detection. If any occupied burrows are observed, these burrows shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW. Consult with CDFW to develop avoidance and minimization measures, which could include preparing and implementing a passive relocation plan. • Swainson's Hawk – If Project construction begins during March 1 through August 31, a qualified biologist will perform a preconstruction nesting Swainson's hawk survey within 7 days prior to construction (or less if recommended by CDFW), within 			

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<p>the Project work area and a 0.25-mile radius. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.</p> <p>To protect potentially nesting yellow-billed cuckoo, the following is recommended:</p> <ul style="list-style-type: none"> • To encourage yellow-billed cuckoos to choose nesting sites away from construction activities, crews will make every effort possible to begin construction activities within 500 feet of suitable habitat before the start of the breeding season (i.e., before May 31). • If construction activities occur during the yellow-billed cuckoo nesting season (June 1 to September 30) and if it is anticipated that construction-related disturbances within 500 feet of suitable habitat cannot be avoided, protocol surveys for yellow-billed cuckoo will be conducted. Surveys will follow the latest version of A Natural History Summary and Survey Protocol for the Western Distinct Population Segment of the Yellow-billed Cuckoo (Halterman et al. 2016). 			

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<ul style="list-style-type: none"> Biologists will coordinate with the USFWS and CDFW prior to conducting surveys. Survey methods and results will be reported to the USFWS and CDFW at the conclusion of the surveys. If cuckoos are detected during surveys, the nest or general location, will be mapped by the biologists and a 500-foot buffer will be established, or other distance as approved by the USFWS and CDFW, no-disturbance buffer between construction activities and the area identified. The no-disturbance buffer will be maintained until it has been determined by a qualified biologist that young have fledged or the nest is no longer active. <p>If removal of vegetation identified as suitable habitat is proposed, consultation with USFWS may be required. Through the CWA Section 404 and/or 408 Permit, request the USACE initiate ESA Section 7 Consultation with USFWS, if necessary, on the Project effects to ESA-listed yellow-billed cuckoo.</p>			
MAM-1: A qualified biologist will conduct a bat habitat assessment for suitable roosting habitat prior to any construction activities. The habitat assessment should be conducted at least one year prior to the initiation of construction activities. If no suitable roosting habitat is identified, no further measures are necessary. If suitable	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Habitat assessment shall be conducted within one year prior to construction.

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<p>roosting habitat and/or signs of bat use is identified during the assessment, the roosting habitat should be avoided to the extent possible, and the following shall be implemented:</p> <p>If suitable roosting habitat and/or signs of bat use is identified in a tree or other habitat structure that must be removed, a qualified biologist shall prepare a Bat Management Plan for CDFW's review. The Plan shall identify methods for determining occupation of the roosting habitat by special-status bats (e.g., acoustic monitoring, evening emergence surveys). If an active bat roost is found, a plan for passive exclusion of bats from the roost will be prepared for CDFW's review. Exclusion shall be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45 degrees Fahrenheit [°F] and rainfall less than 0.5 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 0.5 inch in 24 hours). The qualified biologist shall monitor the roost prior to exclusion to confirm that it does not support a maternity colony. If a maternity colony is or may be present, the roost shall be avoided until it is no longer active, or until the qualified biologist can confirm that no maternity colony is present.</p>			

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RIP-1: A Streambed Alteration Agreement (SAA), pursuant to Section 1602 of the California Fish and Game Code, must be obtained for any activity that will impact riparian habitats and/or bed and bank features. Minimization measures will be developed during consultation with CDFW as part of the SAA agreement process to ensure protections for affected fish and wildlife resources. If applicable, compensatory mitigation may be required for removal of riparian vegetation.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	The SAA from CDFW shall be obtained prior to construction.
WTR-1: To avoid or minimize anticipated short-term adverse effects to Waters of the U.S., the following shall be implemented: <ul style="list-style-type: none"> The removal and replacement of the outfall has potential to discharge into Waters of the U.S., a Nation-Wide Permit (NWP), potentially NWP 3, under Section 404 of the federal CWA must be obtained from USACE. The impacts from such actions are expected to be mostly temporary, with minimal, if any, permanent impacts to aquatic resources. A Water Quality Certification or waiver pursuant to Section 401 of the CWA, as issued by RWQCB, must be obtained for Section 404 permit actions. Waste Discharge Requirement for dredge and fill in Waters of the State under the Porter-Cologne	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Permit authorizations from the USACE and RWQCB shall be obtained prior to construction.

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Water Control Act as issued by RWQCB must be obtained for impacts to waters of the state.			
Cultural Resources			
<p>CUL-1: Archaeological Monitoring. Prior to and during ground-disturbing construction, SBFCA will take the following actions in the event of inadvertent discovery of cultural resources.</p> <ul style="list-style-type: none"> • All ground-disturbing work will be monitored by a qualified professional archaeologist. The monitors' tasks will include observing the active excavation of materials, as well as periodically checking excavated substrate and ensuring the respectful and culturally-appropriate treatment of finds. The monitor will be provided sufficient workspace and an unobstructed view of excavations. SBFCA will authorize the archaeological monitor to pause construction within an area up to 100 feet radius, through the construction manager, periodically as needed for a closer examination of exposed sediments and/or artifacts and the monitor shall implement CUL-2, if necessary. The monitor will record their daily observations on a standard field form. <p>The requirements for a monitor should be inclusive of all day and night construction activity</p>	SBFCA and Project construction lead	<p>This measure shall be printed on construction plan sets</p>	Implemented at all times during construction

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that has the potential to result in ground disturbance. Ground-disturbing activity is defined herein as any activities that have the potential to disturb soil beyond that which was reasonably visible to archaeologists during the pre-Project pedestrian survey. This includes initial vegetation removal; grading; trenching; if such activity will bring soil to the surface, excavation for below-ground utility installation or foundation work; and any other below-ground activities. Monitoring is not necessary for backfilling of previously excavated areas, levee reconstruction, or for any aboveground Project activity that does not include ground disturbance. Monitoring shall be documented daily with photographs and logs and the results compiled in a report submitted by the qualified archaeological monitor at the conclusion of monitoring activities.			
CUL-2: Post-Review Discoveries. The monitoring archaeologist shall be responsible for taking into account any Tribal recommendations when making the following decisions. <ul style="list-style-type: none"> • If the monitoring archaeologist determines that the find is not a cultural resource (such as water-worn cobbles or accumulations of natural materials), no additional action is necessary. Should Tribal representatives desire to take possession of those materials, they may do so as long as the possession is documented by the 	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

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<p>archaeological monitor and as long as removal has been approved in writing by the property owner; however, taking possession does not obligate SBFCA or the USACE to provide financial support for storing, processing, or reburying materials that are not cultural resources. Until a determination is made by the monitoring archaeologist about whether or not the find is subject to further consideration under CEQA and Section 106, Tribal representatives shall not remove or take possession of materials or objects observed.</p> <ul style="list-style-type: none"> • If the find is determined by the monitoring archaeologist to be redeposited material that lacks primary context, is discovered only in the excavated soils, spoil piles, or stockpiles, or is otherwise not in its original context or place of deposition and does not contain human remains, this discovery is not potentially eligible for the NRHP or CRHR. The archaeological monitor will assign a temporary field number, take a photograph, record its location with a Global Positioning System receiver, and describe the constituents in field notes. If the redeposited find is associated with European or non-Native American culture, the find may be left in place or discarded in order to not interfere with Project activities. 			

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<p>If the find is associated with Native American culture, following consultation with the lead agencies, should Tribal representatives desire to take possession of those materials or act in any manner consistent with the Tribal cultural resources treatment plan, they may do so as long as the possession is documented by the archaeological monitor and as long as permission has been granted in writing by the property owner. However, taking possession does not obligate SBFCA or the USACE to provide financial support for storing, processing, or reburying materials that are not eligible for the NRHP or CRHR. If the find was made in spoil piles and stockpiles, the material may be reused by the Project and returned to the levee and will not be subject to screening; however, tribal representatives may take possession of any items found in spoils as long as doing so does not interfere with the Project activities.</p> <ul style="list-style-type: none"> • If a Tribal representative disagrees with the determination by the monitoring archaeologist that a discovery is either not a cultural resource or represents a redeposit, no material collection may occur by any party, and the Tribal Historic Preservation Officer (THPO) of the dissenting tribe shall notify the USACE and 			

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<p>SBFCA within 48 hours of discovery. All timelines specified in 36 CFR 800.13(b) shall be applied in the event of an archaeological discovery. The USACE will review information submitted by the THPO and communicate its decision to the THPO and SHPO, in accordance with 36 CFR 800.13(b). If the contractor denies the request to stop work at that location during the appeal process (see above), and if the USACE determines that the find does represent an historic property, the USACE and SBFCA will take into consideration the post-discovery impacts to the resource when determining the scope of the effort required to resolve any adverse effect.</p> <p>If the find is determined by the monitoring archaeologist to be in original context (in original place of deposition) and does not contain human remains, and that it constitutes a resource that could not have been discovered prior to construction, the USACE and SBFCA shall consult on appropriate treatment, in consultation with Tribal representatives, pursuant to 36 CFR Section 800.13(b) and CEQA, respectively.</p>			

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Geology & Soils			
GEO-1: Unanticipated Discovery of Paleontological Resources. If paleontological or other geologically sensitive resources are identified during any phase of Project development, the construction manager shall cease operation at the site of the discovery and immediately notify SBFCA. SBFCA shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the SBFCA shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, Project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation for paleontological resources is carried out.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Hazards and Hazardous Materials			
HAZ-1: Avoid Feather River. Vehicles shall be moved away from the Feather River prior to refueling and lubrication, as well as for conducting repairs, if feasible. Staging and	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

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<p>storage areas for equipment, materials, fuels, and lubricants and solvents shall be located well away from the top of bank and riparian areas.</p> <p>Stationary equipment such as motors, pumps, generators, compressors, and welders located within or adjacent to Waters of the State shall be positioned over drip-pans. Debris, refuse, oil, gasoline or diesel fuel, or other petroleum products, or any other substances that could be hazardous to aquatic life resulting from Project activities shall be prevented from contaminating the soil and/or entering Waters of the State.</p> <p>Absorbent materials designated for spill containment shall be used for all activities performed in or within 50 feet of a watercourse that involve use of hazardous materials to be used for spill response and cleanup in the event of an accidental spill.</p>			
Noise			
<p>NOI-1: Haul Truck Hours. The Project applicant and/or its contractor shall limit all Project construction haul trucks, including delivery trucks, to the daytime hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. All Project haul truck traffic on Sundays and holidays shall generally be prohibited unless permission has been applied for and granted by the County.</p>	<p>SBFCA and Project construction lead</p>		<p>Implemented at all times during construction</p>

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Transportation			
TRANS-1: Emergency Evacuations. All construction activities and truck traffic on area roadways shall cease during an event requiring emergency evacuations in Sutter or Yuba counties.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Tribal Cultural Resources			
TCR-1: Geoarchaeological Profiling. After a Section 408 permit is obtained from the USACE, the tribe and project archaeologist shall expose and document the soil profiles within or adjacent to the levee prism. These profiles shall be exposed by equipment under the direction of a qualified geoarchaeologist in three to ten locations along the levee using auger tests or trenching, all of which would be monitored by tribal monitors. The location of these profiles shall be selected by the Tribe from areas within the Project Area that are approved for ground disturbance. The results of these tests shall inform the levels and locations of slow degrade and focused monitoring (TCR-4 and 6). If the geoarchaeological profiling does not reveal any evidence of cultural deposits, the slow degrade may not be necessary. The exposed soil may be retained on-site and may be reburied, at tribal request.	SBFCA		Prior to construction.

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TCR-2: Develop a Burial Treatment Agreement. In the event of the identification of Native American human remains and UAIC has been designated Most Likely Descendant (MLD) by the NAHC, SBFCA will develop a Burial Treatment Agreement (BTA) in consultation with the UAIC. The BTA will govern the disposition and treatment of all human remains, objects, and soil disturbed or removed from the Project Area. The BTA shall include provisions for reburial as close as possible to the original location from which they were obtained. Scientific handling, or testing will only be conducted if the tribe consents to such handling or testing and the USACE and SHPO do not object to such treatment.	SBFCA		Prior to construction.
TCR-3: Cultural Sensitivity Training. All personnel involved in Project construction, including field consultants and construction workers, are required to undergo cultural resources and TCRs sensitivity and awareness training program through development and implementation of a Worker Environmental Awareness Program (WEAP). The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. SBFCA shall invite a Native American representative from interested culturally affiliated Native American tribes to participate.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	Prior to and during construction.

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The WEAP shall be conducted before any Project-related construction activities begin at the Project location. The WEAP will include relevant information regarding sensitive cultural resources and TCRs, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and TCRs that could be located at the Project Site and will outline what to do and who to contact if any potential cultural resources or TCRs are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.			
TCR-4: Tribal Monitoring. All ground disturbing activity or activity that has the potential to disturb TCRs shall be monitored by a qualified tribal monitor representing a consulting tribe. This includes any fence installation, staging work, clearing and grubbing, and levee degrade. The monitor must be given a minimum of 7 days' notice of the opportunity to be present during these activities and may coordinate closely with the archaeological monitor, to observe work activities, and assist in ensuring that sensitive TCRs are not adversely affected. The monitor shall	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	Prior to and during construction.

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<p>be given a reasonable opportunity to inspect soil and other material as work proceeds to assist in determining if resources significant to the tribes are present. If a potential tribal resource is identified by the monitor, they may pause or redirect work temporarily in order to closely inspect the potential discovery. If the tribe cannot recommend a monitor or if the tribal monitor does not report at the scheduled time, all work may continue as long as the specified notice of 7 days was provided.</p> <p>Recovery of cultural items, reburial preparation, and reburial shall also be conducted by Tribal Monitors.</p>			
<p>TCR-5: Discoveries. Any potential TCRs observed in any location will be subject to the decision process in CUL-2 and subsequent consultation between the monitoring tribe and the lead agencies to evaluate and, if necessary, treat the discovery of the satisfaction of the lead agencies.</p> <p>If the discovery includes human remains, then the procedures in TCR-7 shall apply. If the discovery is determined to not be a tribal cultural resources by UAIC but is determined by the consulting archaeologist or SBFCA to be a non-tribal cultural or archaeological resource, them the consulting archaeologist shall follow the procedures therein and as generally described in CUL-2 without</p>	SBFCA and Project construction lead.	<p>This measure shall be printed on construction plan sets</p>	<p>Prior to construction.</p>

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further involvement by the tribal monitors or tribe(s). SBFCA shall consult with USACE on appropriate treatment.			
TCR-6: Slow Degrade. Based on the results of geoarchaeological profiling in TCR-1 and other relevant information, UAIC shall select various locations along the Project totaling not more than 1,500 linear feet along the levee to undergo a "slow degrade" of the upper third of the levee prior to construction of the cutoff wall. In the areas of slow degrade, the excavator shall use a bucket no wider than 6 feet with a flat blade (no teeth) under the observation of a tribal monitor to remove soil in 4 to 6-inch lifts (depths) to allow for examination by monitors.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	During construction excavation activities.
TCR-7: Human Remains. In the event that suspected Native American human remains in any state of decomposition or skeletal completeness are found during Project activities, SBFCA shall immediately halt ground disturbing activity at that location and within a 100-foot radius and contact the County Coroner. The Coroner shall ensure that notification is provided to the NAHC as required by California Health & Safety Code § 7050.5 and PRC § 5097.98(a). Health and Safety Code Section 7050.5 establishes the authority of the County Coroner regarding the discovery of human remains and the role of the NAHC if the coroner determines that the remains are that of a Native	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	During construction activities.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	Oversight Responsibility	Mitigation Actions/Reports	Monitoring Timing or Schedule
American. PRC § 5097.98 provides the notification process used by the NAHC for the discovery of Native American human remains, descendants, and also provides guidance for the appropriate and dignified disposition of human remains and associated grave goods. If UAIC is identified as the Most Likely Descendent by the NAHC, then the procedures in the Burial Treatment Agreement (Mitigation Measure TCR-2) between the UAIC and SBFCA shall be followed.			
TCR-8: Recovery, Treatment Storage and Reburial of Native American Cultural Items and Soils. SBFCA shall provide a locking storage cabinet within a work trailer for storage of cultural items. If there is a large volume of cultural items and upon Tribal request, SBFCA shall provide a secure, climate controlled, trailer. The tribe and tribal monitors shall control access to the secure storage area. SBFCA shall provide on-site locations for the secure storage of cultural or burial soils. These locations shall be subject to Tribal approval. SBFCA shall take action to protect soil piles from erosion, looting, or vehicular traffic, upon Tribal request. Tribal Monitors shall recover cultural items from the Project Area, record the recovered cultural items, and the recovered cultural items in secure location on-site.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	During construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	Oversight Responsibility	Mitigation Actions/Reports	Monitoring Timing or Schedule
<p>Burial or cultural soils in large quantities shall be stockpiled in a designated area.</p> <p>Monitors from the UAIC will conduct the burial recovery, repatriation, and reburial of any human remains, burial goods, and soils from the Project site for which UAIC is the designated MLD. These monitors will be in addition to those observing construction activities.</p> <p>SBFCA will coordinate with the tribe to designate a repatriation area to accommodate reburial of human remains, burial offerings, cultural items and cultural or burial soils from the Project Site. Repatriation and reburial shall occur prior to the completion of the Project.</p>			
<p>TCR-9: Documentation of Finds</p> <p>All TCRs encountered during construction shall be documented in a report prepared in coordination with the UAIC as well as by completing a Department of Parks Recreation Form 523 and submitting it to the Northeast Information Center (NEIC) of the California Historical Resources Information System (CHRIS) in Chico, California. UAIC shall have the opportunity to review and revise these documents.</p> <p>UAIC shall be invited to prepare a chapter or confidential appendix for the report and may invoice for the costs of preparing such report under a consulting agreement with SBFCA.</p>	SBFCA		Implemented within 6 months of the completion of construction and reburial.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	Oversight Responsibility	Mitigation Actions/Reports	Monitoring Timing or Schedule
TCR-10 Mitigation Tribes shall recommend for lead agency approval appropriate and commensurate mitigation based on adverse effects or impacts to Tribal Cultural Resources, including cumulative effects. SBFCA shall be responsible for coordinating the funding for recommended mitigation no later than 1 year following the completion of the project.			