

YUBA CITY BOAT RAMP SEDIMENT REMOVAL PROJECT

Final Environmental Impact Report

State Clearinghouse Number 2020060424

Sutter Butte Flood Control Agency
Post Office Box M
Yuba City, CA 95992



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YUBA CITY BOAT RAMP SEDIMENT REMOVAL PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

January 2021

State Clearinghouse Number 2020060424

Prepared for:



**Sutter Butte Flood Control Agency
Post Office Box M
Yuba City, CA 95992**

Prepared by:



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**Yuba City Boat Ramp Sediment Removal Project
Final Environmental Impact Report**

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CHAPTER 2 RESPONSES TO COMMENTS ON THE DRAFT EIR

After completion of the Draft EIR (DEIR), CEQA Guidelines Sections 15086 (Consultation Concerning Draft EIR) and 15088 (Evaluation of and Response to Comments) require a lead agency to consult with, and obtain comments from, other public agencies having jurisdiction by law with respect to the project, and to provide the general public with an opportunity to comment on the DEIR. Under CEQA Guidelines Section 15088, the Lead Agency is also required to respond in writing to substantive environmental comments received on the DEIR.

Comments on the DEIR were submitted in the form of comment letters during the public comment period held between December 11, 2020 and January 25, 2021. CEQA Guidelines Section 15132 (Contents of Final Environmental Impact Report), subsection (b), requires that the FEIR include the full set of comments and recommendations received on the DEIR either verbatim or in summary. Section 15132, subsection (c) requires that the FEIR include “a list of persons, organizations, and public agencies commenting on the DEIR,” and Section 15132, subsection (d), requires that the FEIR include “the responses of the Lead Agency to significant environmental points raised in the review and consultation process.” In keeping with these guidelines, this chapter of the Final Environmental Impact Report (FEIR) includes the following sections:

- A list of commenters on the DEIR which lists each individual who submitted comments during the public comment period; and
- A response to all comments received on the DEIR.

2.1 List of Commenters

Agencies and individuals and organizations who commented on the DEIR are listed below in alphabetical order. Each comment letter is included below and assigned a code (e.g., starting with L1). Each comment within each letter is further assigned a code for tracking individual responses to comments (e.g., L1.1).

- California Department of Fish and Wildlife (L1)
- California State Lands Commission (L2)

2.2 Responses to Comments on the Draft EIR

The following section includes comment letters received during the public comment period on the DEIR, followed by a written response to each comment. The comments and responses are correlated by code numbers shown in the right margin of each comment letter.

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From: [Emily Mecke](#)
To: [Michelle Wilson](#); [Dave Thomas](#)
Cc: [Bjorn Gregersen](#); [Chris Stabenfeldt](#)
Subject: FW: CDFW's comments on the DEIR for the Yuba City Boat Ramp Sediment Removal Project (SCH No. 2020060424)
Date: Tuesday, January 19, 2021 9:21:49 AM
Attachments: [image001.png](#)
Importance: High

Emily C. Mecke ♦ **Senior Biologist/Project Manager** ♦ **ECORP Consulting, Inc.**

emecke@ecorpconsulting.com ♦ Ph: 916.782.9100 ♦ Direct: 916.251.5119

Rocklin ♦ Redlands ♦ Santa Ana ♦ San Diego ♦ Chico ♦ Flagstaff, AZ ♦ Santa Fe, NM

A Federal Small Business (SB)

California Small Business for Public Works (SB-PW)

From: Michael Bessette <m.bessette@sutterbutteflood.org>

Sent: Tuesday, January 19, 2021 9:21 AM

To: Emily Mecke <emecke@ecorpconsulting.com>; 'Chris Fritz' <cfritz@pbieng.com>

Cc: 'Clark, Andrea' <aclark@DowneyBrand.com>

Subject: FW: CDFW's comments on the DEIR for the Yuba City Boat Ramp Sediment Removal Project (SCH No. 2020060424)

Importance: High

Emily, All

See below for comments on the DEIR for YC Boat Ramp from CDFW.

Thanks,

Michael W. Bessette, PE
Executive Director
Sutter Butte Flood Control Agency
1445 Butte House Road, Suite B
P.O. Box M
Yuba City, CA 95992
m.bessette@sutterbutteflood.org
www.SutterButteFlood.org
cell: 530.415.0983
office: 530.755.9859

Please note SBFCA's new physical office location

From: Quillman, Gabriele@Wildlife <Gabriele.Quillman@wildlife.ca.gov>

Sent: Tuesday, January 19, 2021 9:17 AM

To: Michael Bessette <m.bessette@sutterbutteflood.org>

Cc: Wildlife R2 CEQA <R2CEQA@wildlife.ca.gov>; 'state.clearinghouse@opr.ca.gov'

[<state.clearinghouse@opr.ca.gov>](mailto:state.clearinghouse@opr.ca.gov)

Subject: CDFW's comments on the DEIR for the Yuba City Boat Ramp Sediment Removal Project (SCH No. 2020060424)

Importance: High

Dear Mr. Bessette:

The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Yuba City Boat Ramp Sediment Removal Project (project) [SCH No. 2020060424]. CDFW is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (Fish and Game Code sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (Fish and Game Code sections 2080 and 2080.1).

Project Location and Description

The project area includes the confluence of the Feather and Yuba Rivers and the Yuba City Boat Ramp facility comprising Assessor Parcel No. 52-570-006 and the surrounding lands on the west bank of the Feather River, at approximately 39.13017° latitude, -121.598673° longitude.

The project proposes to remove a total of approximately 315,600 cubic yards of sediment from 28 acres of the Feather River/Yuba River confluence in two phases. Dewatering and disposal of Phase 1 dredged material is proposed within wastewater ponds that are proposed for decommissioning at the Marysville Wastewater Treatment Plant (WWTP) located adjacent to the dredging area. Phase 2 dredged material will also be dewatered and disposed of in the wastewater ponds unless funding is not received in time, in which case it may be dewatered in tanks and disposed of in a landfill.

Comments and Recommendations

CDFW offers the comments and recommendations presented below to assist the Sutter Butte Flood Control Agency (SBFCA; the CEQA Lead Agency) in adequately identifying and mitigating the project's significant, or potentially significant, impacts on biological resources.

Work Window

Mitigation Measure FISH-1 proposes to limit dredging operations to a work window of June 15 through October 15 to avoid the most sensitive life stages of listed anadromous fish species. However, emigrating juvenile salmonids may be present in the area through June (per communication with CDFW, fisheries biologist Tracy McReynolds). In addition, adult fall-run salmon (a California Species of Special Concern) begin migrating into these systems in September. Therefore, to minimize potential impacts on special-status salmonids, CDFW recommends that the work window be limited



L1.1

to July 1 through September 1.

Green Sturgeon

The timing of green sturgeon spawning events documented in 2018 and 2019 suggests that larval or early-stage juvenile green sturgeon are likely to be present in the area during the work period (per communication with CDFW, fisheries biologist Marc Beccio). While adult green sturgeon would likely be able to avoid the work area easily, larval and early-stage juvenile green sturgeon are not strong swimmers and may be injured or killed by dredging activities. Green sturgeon are primarily nocturnal during their early life stages, spending daylight hours in interstitial refugia. The type of refugia preferred by young sturgeon is unlikely to be present within the work area, so dredging during the day is much less likely to impact the species than nighttime dredging. Therefore, to minimize potential injury/mortality of green sturgeon, CDFW recommends that dredging at night be avoided or limited as much as possible.

L1.2

Further Coordination

CDFW appreciates the opportunity to comment on the DEIR for the Yuba City Boat Ramp Sediment Removal Project (SCH No. 2020060424), and requests that SBFCA address CDFW's comments prior to adopting the DEIR. If you have any questions pertaining to these comments, please contact me at (916) 358-2955 or gabriele.quillman@wildlife.ca.gov.

Sincerely,

Gabriele (Gabe) Quillman
California Department of Fish and Wildlife – North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2955



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2.2.1 California Department of Fish and Wildlife (L1)

L1.1

Comment: *Work Window. Mitigation Measure FISH-1 proposes to limit dredging operations to a work window of June 15 through October 15 to avoid the most sensitive life stages of listed anadromous fish species. However, emigrating juvenile salmonids may be present in the area through June (per communication with CDFW, fisheries biologist Tracy McReynolds). In addition, adult fall-run salmon (a California Species of Special Concern) begin migrating into these systems in September. Therefore, to minimize potential impacts on special-status salmonids, CDFW recommends that the work window be limited to July 1 through September 1.*

Response: The following information is contained in the Biological Assessment (BA) prepared for the Project and was contained in Appendix D3 of the Draft EIR and incorporated by reference in the EIR. Dredging of accumulated sediments within the Project area would be conducted using large machinery with the potential to entrain, injure, or kill anadromous fishes, specifically hydraulic and mechanical dredging equipment such as a digging bucket, flat-cut bucket excavator, or cutterhead suction intake. While hydraulic dredging methods have a low potential for entraining, injuring, and/or killing actively swimming pelagic fish (Wenger et al. 2017), fish could potentially be physically injured or killed if they come into direct contact with the mechanical dredging equipment.

In a meta-analysis of dredging effects on fish, Wenger et al. (2017) concluded that entrainment of mobile juvenile and adult fish had low mortality rates and that the likelihood of entrainment and mortality was low for pelagic (i.e., occurring in the water column) and mobile fish, such as adult and actively swimming juvenile salmonids. Any juvenile spring-run Chinook salmon emigrating from the lower Feather River in late June (i.e., the post-peak, tail end of the emigration period) would be actively swimming parr or smolt-sized fish with the ability to avoid the dredge intake and associated equipment and, therefore, are unlikely to be directly injured or killed by dredging-related activities. Likewise, adult fall-run Chinook salmon migrating upstream in September would likely avoid the dredge intake and associated equipment and, therefore, are also unlikely to be directly injured or killed.

In another meta-analysis, the U.S. Army Corps of Engineers (1998) concluded that entrainment poses the greatest threat to fish in narrow channels (i.e., where the ability of fish to avoid dredging activity is low) and that hydraulic dredging does not pose a substantial threat to fish in waters that require periodic dredging. Although dredging activities are anticipated to occur during both daylight and nighttime hours, the periods of dredging would be discontinuous throughout the in-water work window and would, therefore, leave daily periods during which fish could pass undisturbed through the Project area. At any given time, the disturbance would be confined to a small footprint immediately around the area being actively dredged, leaving the majority of the channel unaffected or minimally affected by construction activities and, therefore, providing an adequate zone of passage for anadromous fish to avoid the area of active dredging. Furthermore, the presence of the turbidity curtain around the dredging area coupled with noise and activity associated with the dredging activity would likely cause these fish to avoid the immediate construction area by moving downstream a safe distance away from the construction area or

by holding upstream of the construction activity until dredging is temporarily suspended. Based on these considerations, the potential effects on late-migrating juvenile spring-run Chinook salmon or early migrating fall-run Chinook salmon are expected to be less than significant with implementation of Mitigation Measure FISH-1 in the DEIR.

In addition, restriction of the work window to July 1 through September 1 would force construction to extend into two seasons (and beyond under Phase 2), which would increase project impacts associated with mobilization and demobilization and extend impacts associated with temporary construction related impacts over two seasons.

L1.2

Comment: Green Sturgeon. The timing of green sturgeon spawning events documented in 2018 and 2019 suggests that larval or early-stage juvenile green sturgeon are likely to be present in the area during the work period (per communication with CDFW, fisheries biologist Marc Beccio). While adult green sturgeon would likely be able to avoid the work area easily, larval and early-stage juvenile green sturgeon are not strong swimmers and may be injured or killed by dredging activities. Green sturgeon are primarily nocturnal during their early life stages, spending daylight hours in interstitial refugia. The type of refugia preferred by young sturgeon is unlikely to be present within the work area, so dredging during the day is much less likely to impact the species than nighttime dredging. Therefore, to minimize potential injury/mortality of green sturgeon, CDFW recommends that dredging at night be avoided or limited as much as possible.

Response: As noted, juvenile green sturgeon may occur in the Project area throughout the in-water work window during their downstream emigration to the Delta and occurrences would likely occur during nighttime hours. Compared to adult green sturgeon movements for which numerous telemetry studies have been conducted, little is known about the behaviors and habitat preference of emigrating juvenile green sturgeon. In a telemetry study examining habitat use and behavior of tagged juvenile green sturgeon in the lower San Joaquin River, Thomas et al. (2019) reported that juveniles were strongly benthic oriented and typically occurred in the deepest portions of the channel. These researchers also noted that the perceived risk to juvenile green sturgeon associated with dredging is low, primarily due to the low probability of encountering the dredge intake because of the rarity of the species. Because green sturgeon occur primarily in the deepest portion of the channel, the potential for green sturgeon to move through the shallower water where accumulated sediment is being actively dredged under the proposed Project is expected to be low.

In a study of lake sturgeon (*Acipenser fulvescens*) and pallid sturgeon (*Scaphirhynchus albus*), Hoover et al. (2011) reported that juvenile fish in the 100-900 mm length class had an elevated risk of entrainment when they were within a 1.25 m radius of a drag head dredge. These researchers also noted that the risk of entrainment could be significantly reduced or eliminated by reducing the diameter of the dredge pipe. Based on this information and the small number of green sturgeon likely to occur in the Project area during construction, the potential for any juvenile green sturgeon to come within 1.25 m of the dredging equipment is low.

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Furthermore, as discussed above, the presence of the turbidity curtain around the dredging area coupled with noise and activity associated with the dredging activity would likely cause juvenile green sturgeon to avoid the immediate construction area by moving downstream a safe distance away from the construction area or by holding upstream of the construction activity until a break in dredging activities. Based on these considerations, the potential for any green sturgeon to occur in the immediate area (i.e., within 1.25 m or less) of the active dredging and subject to direct injury or lethality is very low. The potential effects on emigrating juvenile green sturgeon are expected to be less than significant with implementation of Mitigation Measures FISH-1 in the DEIR.

In addition, restriction of work to daylight hours would force construction to extend into two seasons (and beyond under Phase 2), which would increase project impacts associated with mobilization and demobilization and extend impacts associated with temporary construction related impacts over two seasons. Given the low numbers and high interannual variability of green sturgeon abundance in Central Valley rivers (Thomas et al. 2019; Moyle 2002), the likelihood of juvenile green sturgeon occurring in the Project area at any given time is low. However, the likelihood of green sturgeon occurring in the Project area during dredging-related activities would be increased and likely compounded if the Project is extended into multiple consecutive years.

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CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

January 20, 2021

File Ref: SCH # 2020060424

Sutter Butte Flood Control Agency
Attn: Michael Bessette, PE, Executive Director
P.O. Box M
Yuba City, CA 95992

VIA ELECTRONIC MAIL ONLY (m.bessette@sutterbutteflood.org)

**Subject: Draft Environmental Impact Report (EIR) for the Yuba City Boat Ramp
Sediment Removal Project, Sutter County**

Dear Mr. Bessette:

The California State Lands Commission (Commission) staff has reviewed the Draft Environmental Impact Report (EIR) for the Yuba City Boat Ramp Sediment Removal Project (Project), which is being prepared by the Sutter Butte Flood Control Agency (Agency). The Agency, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State-owned sovereign land and its accompanying Public Trust resources or uses. Additionally, because the Project involves work on sovereign land, the Commission will act as a responsible agency.

Commission Jurisdiction and Public Trust Lands

The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust Doctrine.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all

people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the ordinary high-water mark, which is generally depicted by the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the state holds fee ownership of the bed of the waterway landward to the ordinary low-water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Based on the information provided and a review of in-house records, the proposed project extends into the beds of the Feather and Yuba Rivers which at this location is within the jurisdiction of the Commission and will require a lease. According to the project description, sediment buildup in portions of the Feather River, exacerbated by the Oroville Dam Spillway incident of 2017, has created dangerous conditions for recreational users, made some boat launch facilities nearly unusable, and has hampered public safety as it has affected emergency vessel launching capabilities.

Project Description

The proposed Project includes two phases. Phase 1 involves the planned removal of 65,600 cubic yards (cy) of dredged material within a 14-acre area as part of restoration, protection, and development of river parkways in accordance with the California River Parkways Grant Program. Phase 2 of the Project will involve dredging an additional 250,000 cy if additional funding becomes available, for a total of 315,600 cy.

Dewatering and disposal of the Phase 1 dredged material is proposed within wastewater ponds that are proposed for decommissioning at the Marysville Wastewater Treatment Plant (WWTP) located immediately adjacent to the proposed dredging area.

The Agency expects the proposed Project to meet its objectives and needs as follows:

- Remove excess sediment buildup in portions of the Feather River that were exacerbated by the Oroville Dam Spillway incident of 2017;
- Address dangerous conditions at the confluence of the Feather and Yuba Rivers for recreational users and emergency vessels due to sediment buildup;
- Restore and maintain access to the Feather River from the Yuba City Boat Ramp facility for emergency vessel launching capabilities and recreational users; and
- Restore and maintain fish passage in both the Feather River and Yuba River at their confluence.

From the Project Description, Commission staff understands that the Project would include the following components that have potential to affect State sovereign land:

- Maintenance dredging of the boat ramp/boat area at the confluence of the Feather River and the Yuba River

- Dewatering the dredged material in the existing northernmost wastewater ponds (North Ponds) at the former Marysville WWTP proposed by the City of Marysville for decommissioning
- Disposal of dredged material

Environmental Review

Commission staff requests that the Agency consider the following comments on the Project's Draft EIR to ensure that impacts to State sovereign land are adequately analyzed for the Commission's use of the EIR to support a future lease approval for the Project.

Cultural Resources

1. **Submerged Resources:** The EIR should evaluate potential impacts to submerged cultural resources in the Project area. The Commission maintains a shipwrecks database that can assist with this analysis. Commission staff requests that the Agency contact Staff Attorney Jamie Garrett (see contact information below) to obtain shipwrecks data from the database and Commission records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant. Because of this possibility, please add a mitigation measure requiring that in the event cultural resources are discovered during any construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action. L2.1
2. **Title to Resources:** The Draft EIR should mention that the title to all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the Agency consult with Staff Attorney Jamie Garrett should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation Monitoring and Reporting Program: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission." L2.2

Environmental Justice

3. The Draft EIR does not state whether the Agency intends to discuss and analyze potential environmental justice related issues, including an assessment of public access and equity implications and who would bear the burdens or benefits from the proposed Project. Commission staff believes the Draft EIR, as an informational public document, is an appropriate vehicle to disclose and discuss how the proposed Project would attain or be consistent with the State's or County's equity goals and statewide policy direction. L2.3

Hydrology and Water Quality

4. Deferred Mitigation: On page 4.10-18 of the Draft EIR, *Impact 4.10-1 Implementation of the Proposed Project would violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality. Impact Determination: less than significant with mitigation incorporated.* The document identifies water quality impacts from proposed dredging operations within the identified footprint of the Project will have temporary significant unavoidable impacts during the proposed Project. These significant and unavoidable impacts will be mitigated to a less than significant level by using a permit from the Central Valley Regional Water Quality Control Board (CVRWQCB). Identifying the permit mitigation measures (MMs) to reduce the impacts of the Project's activities should be disclosed and be included as measures in the Draft EIR as well. Simply stating a permit's MMs will be used to reduce the impacts to a less than significant level could be interpreted as deferred mitigation. A disclosure of the proposed mitigation and impact reducing measures in the CVRWQCB permit should be identified as part of the Project.

L2.4

Land Use and Planning

5. Deferred Mitigation: On page 4.11-5 of the Draft EIR, *Impact 4.11-2: Implementation of the Proposed Project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impact Determination: less than significant with mitigation incorporated.* Within the impact evaluation of Land Use and Planning, the Draft EIR identifies the Project would result in potentially significant impacts to other environmental issue areas that would potentially result in inconsistencies with local and regional plans and policies. An analysis of the Project's consistency with the identified plans and policies of the region by issue area within the footprint of the Project was summarized within the Draft EIR. Within the Draft EIR, the Project impacts were identified as temporary and would not result in long-term impacts. It is stated in the Draft EIR that implementation of MMs from other issue areas, would reduce identified impacts to less than significant levels. The Draft EIR does not identify what the implemented measures are or what will be done to reduce the potential impacts to less than significant. Simply stating that MMs from other sections of the Draft EIR will be used to reduce the impacts to a less than significant level can be assumed/presumed as deferred mitigation. The analysis of the identified impacts and proposed mitigation is too broad and conclusory and could be interpreted as being deferred mitigation. Identifying the specific regional and local plans as the basis for the impact analysis and applied mitigation may be necessary to avoid interpretation as being too subtle. The Commission will require these MMs from other sections of the Draft EIR be identified in the Mitigation Monitoring Program as part of its discretionary action to approve a lease for the Project.

L2.5

Thank you for the opportunity to comment on the Draft EIR for the Project. As a trustee and responsible agency, Commission staff requests that you consult with us on this Project and keep us advised of changes to the Project Description and all other important developments. Please send additional information on the Project to the Commission staff listed below as the EIR is being prepared.

Please refer questions concerning environmental review to Christopher Huitt, Senior Environmental Scientist, at (916) 574-2080 or Christopher.Huitt@slc.ca.gov. For questions concerning archaeological or historic resources under Commission jurisdiction, please contact Staff Attorney Jamie Garrett, at (916) 574-0398 or Jamie.Garret@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Mary Jo Columbus, Public Land Management Specialist, at (916) 574-0204 or MaryJo.Columbus@slc.ca.gov.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
C. Huitt, Commission
M.J. Columbus, Commission
J. Garrett, Commission

2.2.2 California State Lands Commission (L2)

L2.1

Comment: Cultural Resources. 1. *Submerged Resources: The EIR should evaluate potential impacts to submerged cultural resources in the Project area. The Commission maintains a shipwrecks database that can assist with this analysis. Commission staff requests that the Agency contact Staff Attorney Jamie Garrett (see contact information below) to obtain shipwrecks data from the database and Commission records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant. Because of this possibility, please add a mitigation measure requiring that in the event cultural resources are discovered during any construction activities, Project personnel shall halt all activities in the immediate area and notify a qualified archaeologist to determine the appropriate course of action.*

Response: A discussion of the potential for shipwrecks to occur in the Project area has been added to Section 4.5 of the EIR. However, the proposed Project involves excavation of excess sediment that has accumulated at the confluence of the Yuba and Feather Rivers as a result of the Oroville Dam Spillway incident of 2017. Dredging is expected to be performed within approximately 9 feet of water. In addition, Staff Attorney Jamie Garrett has been contacted to determine if the California State Lands Commission has any records of shipwrecks in the area and the agency has no records. Therefore, it is expected that shipwreck material has a low potential to be present in the Project area. Nevertheless, revised mitigation measures CUL-1 and CUL-2 would ensure that any unanticipated potential cultural resources that are discovered would be handled in an appropriate manner to avoid impacts to the resources. Therefore, Project impacts on shipwrecks is expected to be less than significant.

L2.2

Comment: Cultural Resources. 2. *Title to Resources: The Draft EIR should mention that the title to all archaeological Site and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). Commission staff requests that the Agency consult with Staff Attorney Jamie Garrett should any cultural resources on State lands be discovered during construction of the proposed Project. In addition, Commission staff requests that the following statement be included in the EIR's Mitigation Monitoring and Reporting Program: "The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission."*

Response: Mitigation measures CUL-1 and CUL-2 of the Final EIR have been revised as discussed in Section 4.0, Draft EIR Revisions, as requested to address the potential for inadvertent discovery of shipwrecks during construction.

L2.3

Comment: Environmental Justice. 3. The Draft EIR does not state whether the Agency intends to discuss and analyze potential environmental justice related issues, including an assessment of public access and equity implications and who would bear the burdens or benefits from the proposed Project. Commission staff believes the Draft EIR, as an informational public document, is an appropriate vehicle to disclose and discuss how the proposed Project would attain or be consistent with the State's or County's equity goals and statewide policy direction.

Response: As opposed to the National Environmental Policy Act (NEPA), discussion and evaluation of impacts on environmental justice is not required in CEQA.

L2.4

Comment: Hydrology and Water Quality. 4. Deferred Mitigation: On page 4.10-18 of the Draft EIR, Impact 4.10-1 Implementation of the Proposed Project would violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality. Impact Determination: less than significant with mitigation incorporated. The document identifies water quality impacts from proposed dredging operations within the identified footprint of the Project will have temporary significant unavoidable impacts during the proposed Project. These significant and unavoidable impacts will be mitigated to a less than significant level by using a permit from the Central Valley Regional Water Quality Control Board (CVRWQCB). Identifying the permit mitigation measures (MMs) to reduce the impacts of the Project's activities should be disclosed and be included as measures in the Draft EIR as well. Simply stating a permit's MMs will be used to reduce the impacts to a less than significant level could be interpreted as deferred mitigation. A disclosure of the proposed mitigation and impact reducing measures in the CVRWQCB permit should be identified as part of the Project.

Response: Section 15126.4(a)(2) of the CEQA Guidelines states "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." The Regional Water Quality Control Board's 401 Water Quality Certification/Waste Discharge Requirements for the Project will serve as "another legally-binding instrument" governing the Project that will ensure adequate monitoring and protection of water quality. For example, the 401 will establish the exact required monitoring sampling frequency, location, and list of constituents, and thresholds that shall not be exceeded during construction (e.g., turbidity). Due to the nature and extent of potential water quality impacts as discussed in Section 4.10 of the EIR, implementation of the required measures in the 401 will ensure that impacts are reduced to less than significant levels.

L2.5

Comment: Land Use and Planning. 5. Deferred Mitigation: On page 4.11-5 of the Draft EIR, Impact 4.11-2: Implementation of the Proposed Project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impact Determination: less than significant with mitigation incorporated. Within the impact evaluation of Land Use and Planning, the Draft EIR identifies the Project would result in potentially significant impacts to other environmental issue areas that

would potentially result in inconsistencies with local and regional plans and policies. An analysis of the Project's consistency with the identified plans and policies of the region by issue area within the footprint of the Project was summarized within the Draft EIR. Within the Draft EIR, the Project impacts were identified as temporary and would not result in long-term impacts. It is stated in the Draft EIR that implementation of MMs from other issue areas, would reduce identified impacts to less than significant levels. The Draft EIR does not identify what the implemented measures are or what will be done to reduce the potential impacts to less than significant. Simply stating that MMs from other sections of the Draft EIR will be used to reduce the impacts to a less than significant level can be assumed/presumed as deferred mitigation. The analysis of the identified impacts and proposed mitigation is too broad and conclusory and could be interpreted as being deferred mitigation. Identifying the specific regional and local plans as the basis for the impact analysis and applied mitigation may be necessary to avoid interpretation as being too subtle. The Commission will require these MMs from other sections of the Draft EIR be identified in the Mitigation Monitoring Program as part of its discretionary action to approve a lease for the Project.

Response: A detailed analysis of the Project's consistency with local land use plans and policies is contained in Table 4.11-1 in the Chapter 4.11, Land Use and Planning, of the Draft EIR, along with a discussion of how the mitigation measures required in the EIR would reduce physical impacts to ensure consistency with the policies.

CHAPTER 3 DRAFT EIR REVISIONS

The following section includes minor revisions to the Draft EIR (DEIR) made in response to all comments received during the Draft EIR comment period. All text revisions are indicated by strike-through (deleted text) and underlining (added text) as errata to the Draft EIR. All of the revisions supersede the corresponding text in the Draft EIR. None of the criteria listed in CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification) indicating the need for recirculation of the Draft EIR has been met as a result of the revisions. In particular:

- No new significant environmental impacts due to the project or due to a new mitigation measure have been identified;
- No substantial increase in the severity of an environmental impact has been identified; and
- No additional feasible project alternative or mitigation measure considerably different from others analyzed in the Draft EIR has been identified that would clearly lessen the significant environmental impacts of the project.

Text revisions to the Draft EIR are identified below and will be incorporated in the Final EIR.

3.1 Revisions to Chapter 2.0, Summary

Minor edits have been made to Chapter 2.0, Summary, of the Draft EIR in response to public comment and also to make minor corrections to minor errors to ensure consistency with the main body of the Draft EIR. The entire chapter is included for clarity.

3.2 Revisions to Chapter 4.5, Cultural Resources

Minor edits have been made to Chapter 4.5, Cultural Resources, to address potential impacts on shipwrecks. The entire chapter is included for clarity.

ERRATA CHAPTER 2.0, SUMMARY

CHAPTER 2 SUMMARY

2.1 Introduction

This Environmental Impact Report (EIR) section provides a summary description of the Project, a list of associated environmental issues to be resolved, a summary of significant impacts and mitigation measures, and a summary of alternatives to the Project (pursuant to California Environmental Quality Act [CEQA] Guidelines Section 15123, Summary).

2.2 Project Location and Setting

The Project is located in a portion of un-sectioned Rancho New Helvetia Land grant lands within the "Olivehurst, California" and "Yuba City, California" 7.5-minute quadrangles (U.S. Geological Survey [USGS] 1952a, photo revised 1973 and 1952b, photo revised 1973, respectively). The approximate center of the Yuba City location is 39.13017° latitude, -121.598673° longitude within the Honcut Headwaters-Lower Feather watershed (Hydrologic Unit Code [HUC] #18020159, Natural Resources Conservation Service [NRCS], et al. 2016).

2.3 Description of Proposed Project

The Proposed Project would include the following:

- Maintenance dredging of the boat ramp/boat area and the confluence of the Feather River and the Yuba River;
- Dewatering the dredged material in the existing northernmost wastewater ponds (North Ponds) at the former Marysville Wastewater Treatment Plant (WWTP) proposed by the City of Marysville for decommissioning (see Section 3.1, *Project Background*); and
- Disposal of the dredged material.

The Project includes two phases. Phase 1 involves the planned removal of 65,600 cubic yards (cy) of dredged material within a 14-acre area as part of restoration, protection and development of river parkways in accordance with the California River Parkway Grant Program. Dredging of an additional approximately 250,000 cy within another 14-acre area immediately downstream to further restore fish passage and improve flow conveyance at the confluence of the Yuba and Feather Rivers could potentially be funded by other sources. Therefore, Phase 1 of the Project would involve removal of the originally planned 65,600 cy, and Phase 2 of the Project would involve the additional 250,000 cy if additional funding becomes available, for a total of 315,600 cy.

Dewatering and disposal of the Phase 1 dredged material is proposed within wastewater ponds that are proposed for decommissioning at the Marysville Wastewater Treatment Plant (WWTP) located immediately adjacent to the proposed dredging area. The City of Marysville intends to decommission these ponds at the same time as implementation of the proposed Project. If funding is received in time, Phase 2 dredged material would also be dewatered and disposed of in the wastewater ponds. However,

under a worst-case scenario for the Project, it is assumed that all Phase 2 dredged material would need to be dewatered in tanks located in upland areas and disposed of at Recology's Ostrom Road Landfill.

2.4 Project Alternatives

2.4.1 Alternative 1: No Project Alternative

Under the No Project Alternative, dredging of the boat ramp area or confluence of the Yuba and Feather Rivers would not occur. The sediment in these areas would continue to block safe access to the rivers from the boat ramp and continue to impede fish passage along both the Yuba and Feather Rivers.

2.4.2 Alternative 2: No Use of Marysville WWTP

This alternative would involve dewatering of the dredged material in a series of fractionation tanks or other temporary dewatering basins staged at the Yuba City Boat Ramp facility, rather than dewatering of the material at the Marysville WWTP. Dredged material would be trucked offsite for disposal at the Ostrom Road Landfill or for another beneficial reuse.

Under this alternative, all dredged material would be placed, either via the discharge pipeline or via mechanical equipment, into fractionation tanks (e.g., Rain-for-Rent Filter Boxes; see Exhibit 1, Example Filter Box) or other temporary dewatering basins staged at the Yuba City Boat Ramp facility, where water would be decanted from the dredged material. Dewatering procedures using tanks would be followed as described in Section 3, *Project Description*.

Beneficial reuse of the dewatered dredged material for nearby agriculture, nearby habitat restoration, or as fill for construction or reclamation projects in nearby areas would then be implemented on an opportunistic basis. All other dewatered material that cannot be reused would be disposed of at Recology's Ostrom Road Landfill.

As under the Proposed Project, dewatered dredged material would be hauled offsite in fractionation tanks or dump trucks to the nearest disposal location. Trucks would exit the Yuba City Boat Ramp facility onto Second Street, travel north on Second Street and either travel west on Colusa Avenue to Highway 99 or east on 5th Street to Highway 70 to be transported to the nearest disposal location. To enter and exit the Yuba City Boat Ramp facility, trucks would need to cross over the Feather River West Levee.

Each fractionation tank would be capable of holding approximately 25 cy of sediment. However, California Department of Transportation's (Caltrans') weight limit of 34,000 pounds (lbs) per tandem axle may ultimately limit the amount of material that can be transported on local roadways and highways. For the purposes of this analysis, it is assumed that only 20 cy of material can be transported per truck trip, for a total of 15,780 truck trips to dispose of 315,600 cy of dredged material under this alternative.

Under a worst-case scenario for purposes of the impact analyses in this document, it is assumed that truck trips would only occur during weekday, daytime hours (i.e., or during the hours that the Ostrom Road Landfill are open from Monday through Friday from 6:00 a.m. through 3:30 p.m., for 9.5 hours per day). Assuming a maximum of one truck every 15 minutes to dispose of 315,600 cy of dredged material would involve approximately 38 truck trips per day and a total of 415 days for disposal of dredged material.

Dredging operations would occur between June 15 and October 15 as under the Proposed Project (for a total of 122 calendar days; 87 non-holiday weekdays). Therefore, stockpiling of dewatered dredged material and disposal of dredged material past October 15 may be required under this alternative. Time to dewater the dredged material may also be a limiting factor on the construction duration. Although not anticipated, delays may also result if the Ostrom Road Landfill reaches its daily maximum threshold for solid waste disposal (at 3,000 tons per day). Implementation of this alternative, therefore, would not be completed until 2023.

As under the Proposed Project, equipment staging, material storage, temporary trailers for workers, and parking for workers would be located in the Yuba City Boat Ramp facility as well. Under this alternative the need for a large stockpile area for dewatered dredge material in the Yuba City Boat Ramp facility would be required.

2.4.3 *Alternative 3: Use of Marysville WWTP for Dewatering Only but not Disposal*

Under this alternative, Phase 1 dredged material would be dewatered at the Marysville WWTP evaporation/percolation ponds (or also referred to as wastewater ponds) but dredged material would be trucked offsite and disposed of either at the Ostrom Road Landfill or at another offsite location for beneficial reuse. As under the Proposed Project, Phase 2 dredged material would be dewatered in the Marysville WWTP North Ponds as well, if funding is received in time for use of the Marysville WWTP site (i.e., in 2021). The number of truck trips for this Alternative would be the same as under Alternative 2.

2.4.4 *Alternative 4: Reduced Project - Dredge 14-Acre Site Only*

Alternative 4, the Reduced Project Alternative, would involve completion of Phase 1 dredging or only dredging the original planned 14-acre area funded by Proposition 68 for 65,600 cy. Under Alternative 4, it is assumed that dewatering and disposal of this material could occur at the Marysville WWTP as described under the Proposed Project. Construction of this alternative is expected to be completed in one season, in 2021, but under a worst-case scenario it is assumed to potentially take two seasons to complete (in 2022).

2.5 Environmental Issues

As required by the CEQA Guidelines, this EIR addresses the following areas of potential environmental impact or controversy known to the Lead Agency (SBFCA), including those issues and concerns identified by other agencies during circulation of the Notice of Preparation (NOP) for this EIR. These environmental concerns relate to the following topics (listed in the order that they are addressed in this EIR):

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources

- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

2.6 Summary of Impacts and Mitigation Measures

For each of the environmental topics listed above, any "significant" project or cumulative impact and associated mitigation measure or measures identified in this EIR are summarized in Table ES-1 below. More detailed impact discussions are contained in Chapter 4 of this EIR. The table consists of four columns: (1) identified impacts; (2) recommended mitigation measures; (3) significance without mitigation; and (4) the level of impact significance after implementation of the mitigation measure(s).

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Table ES-1. Summary of Impacts and Mitigation Measures			
Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
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Aesthetics			
Impact 4.1-1 Implementation of the Proposed Project would have a substantial adverse effect on a scenic vista.	LTS	NA	LTS
Impact 4.1-2 Implementation of the Proposed Project would substantially damage scenic resources.	LTS	NA	LTS
Impact 4.1-3 Implementation of the Proposed Project would substantially degrade the existing visual character or quality of public views of the site or its surroundings.	LTS	NA	LTS
Impact 4.1-4 Implementation of the Proposed Project would create a new source of substantial light or glare which would adversely affect day or nighttime views of the area.	S	<p>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.</p> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>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. Signage shall be posted at the entrance to the Yuba City Boat Launch facility, visible to the general public, recreational users of the facility, and recreational users of the bike path crossing the access road, with contact information for a Community Outreach Coordinator for receiving construction-related complaints and to assist in addressing them.</p> <p><i>Timing/Implementation: This measure shall be implemented at all times during construction.</i></p>	LTS

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		<i>Monitoring/Enforcement: SBFCA and Project construction lead.</i>	
Impact 4.1-5 Result in a considerable contribution to cumulative impacts on scenic vistas.	LTS	NA	LTS
Impact 4.1-6 Result in a considerable contribution to cumulative impacts on scenic resources.			
Agriculture and Forestry Resources			
Impact 4.1-7 Result in a considerable contribution to cumulative impacts on the existing visual character or quality of public views of the site or its surroundings.	LTS	NA	LTS
Impact 4.1-8 Result in a considerable contribution to cumulative impacts associated with light or glare which would adversely affect day or nighttime views of the area.	S	Implementation of mitigation measures AES-1 and AES-2 would be required.	LTS
Agriculture and Forestry Resources			
Impact 4.2-1: Implementation of the Proposed Project would result in conversion of farmland to non-agricultural use.	NI	NA	NI
Impact 4.2-2: Implementation of the Proposed Project would conflict with existing zoning for agricultural use, or a Williamson Act contract.	NI	NA	NI
Impact 4.2-3: Implementation of the Proposed Project would impact forestry resources.	NI	NA	NI

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Air Quality			
Impact 4.3-1 Implementation of the Proposed Project would conflict with or obstruct implementation of applicable air quality plan.	S	Implementation of mitigation measure AIR-1 will be required.	LTS SU
Impact 4.3-2 Implementation of the Proposed Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable Federal or State ambient air quality standard.	SU	AIR-1: During all Project implementation activities during Phase 2 of the preferred Project OR Alternative 3, all onshore diesel-fueled, off-road dewatering equipment including, but not limited to, rubber-tired dozers, graders, trenchers, cranes, and tractor/loader/backhoes shall be of a certified clean fleet, specifically California Air Resources Board (CARB) Tier 3 Certified or better, as set forth in Section 2423 of Title 13 of the California Code of Regulations (CCR), and Part 89 of Title 40 of the Code of Federal Regulations. <i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i> <i>Monitoring/Enforcement: SBFCA and Project construction lead.</i>	SU
Impact 4.3-3 Implementation of the Proposed Project would expose sensitive receptors to substantial pollutant concentrations (i.e., carbon monoxide hot spots or TACs).	LTS	NA	LTS
Impact 4.3-4 Implementation of the Proposed Project would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	NI	NA	NI
Impact 4.3-4 Implementation of the Proposed Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable Federal or State ambient air quality standard.	SU	Implementation of mitigation measure AIR-1 will be required.	SU

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Biological Resources			
Impact 4.4-1 Implementation of the Proposed Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	S	<p>BIO-1: Erosion control measures and Best Management Practices (BMPs) shall be implemented to reduce the potential for sediment or pollutants to enter the Feather or Yuba Rivers at the Project site. Measures may include:</p> <ul style="list-style-type: none"> Erosion control measures shall be placed between Waters of the U.S., and the outer edge of the staging and dewatering 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 shall be properly maintained until construction is completed and the soils have been stabilized. Fiber rolls used for erosion control shall be certified by the California Department of Food and Agriculture as weed free. Seed mixtures applied for erosion control shall not contain California Invasive Plant Council designated invasive species (http://cal-ipc.org/) and shall be composed of native species appropriate for the site. Trash generated onsite shall be promptly and properly removed from the site. Any fueling in the upland portion of the Study Area shall use appropriate secondary containment techniques to prevent spills. A qualified biologist shall 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 shall provide an overview of habitat and characteristics of the species, the need to avoid certain areas, and the possible penalties for non-compliance. A qualified biologist/biological monitor shall be onsite during daily construction activities to ensure compliance with the 	LTS

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		<p>anticipated terms and conditions of the Project regulatory permits and CEQA compliance document. If appropriate, the approved biologist shall train an individual to act as the onsite construction monitor for periods when there is a low risk of effect to special status species.</p> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>PLANT-1. Preconstruction floristic surveys shall be conducted for any areas of proposed ground disturbance (i.e., grading or earth work) in the Study Area with the potential to support special status plants. The area of ground disturbance and a 25-foot buffer would be surveyed by a qualified botanist during the appropriate blooming period prior to the start of Project activity. If no special status plants are found during the preconstruction surveys, no further measures are necessary. If surveys identify any special status plants, the Applicant 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 Applicant shall consult with CDFW to determine whether alternative avoidance measures that are equally protective are possible.</p> <p><i>Timing/Implementation: This measure shall be implemented prior to construction. Any avoided areas will be printed on construction plan sets and avoidance implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>VELB-1. To avoid and minimize potential adverse effects to the valley elderberry longhorn beetle (VELB), the following shall be implemented:</p> <ul style="list-style-type: none"> • Through the Rivers and Harbors Act Section 10 Minor Impact Letter of Permission, request the USACE initiate ESA Section 7 Consultation with USFWS, if necessary, on the project effects to ESA-listed VELB • The area surrounding avoided elderberry shrubs shall be fenced 	

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		<p>and/or flagged as close to construction limits as possible. Recognizing that the Project may require staging/and or dewatering activities within 165 feet of some shrubs, the shrubs shall be protected during construction by establishing and maintaining a high-visibility fence as far from the drip line of each elderberry shrub as feasible.</p> <ul style="list-style-type: none"> • As much as feasible, all activities that could occur within 165 feet of an elderberry shrub shall be conducted outside of the flight season of VELB (March - July). • Herbicides will not be used within the drip line of any elderberry shrubs. Insecticides shall not be used within 100 feet of an elderberry shrub and shall be applied using a backpack sprayer or similar direct application method. • The potential effects of dust on VELB shall be minimized by applying water during construction activities or by presoaking work areas that will occur within 100 feet of any potential elderberry shrub habitat. <p><i>Timing/Implementation: Section 7 consultation with USFWS shall be completed prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>FISH-1: To avoid and minimize potential adverse effects to listed and special status fish species, designated critical habitat, and EFH, the following shall be implemented:</p> <ul style="list-style-type: none"> • Implement dredging operations during a limited work window (likely June 15 through October 15) to avoid the most sensitive life stages of ESA-listed anadromous fish species; • Deploy measures, as practicable, to reduce sediment resuspension such as a turbidity curtain, if feasible, given the flow volume and velocity in the Study Area; • Employ a fish biologist to be onsite as needed to monitor 	

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		<p>dredging activities and check the exit end of the suction pipe and spoils (i.e., sediment and vegetation);</p> <ul style="list-style-type: none"> • If/where mechanical dredging is used, attempt to exclude fish and other aquatic organisms from the area using block nets, to the extent feasible for the Study Area; • Through the Rivers and Harbors Act Section 10 Minor Impact Letter of Permission, request the USACE initiate ESA Section 7 Consultation with NMFS on the project effects to ESA-listed anadromous fish species, designated critical habitat, and EFH; and • Consult with CDFW and if necessary, secure an Incidental Take Permit 2081, pursuant to Section 2080 of the California Fish and Game Code. <p><i>Timing/Implementation: Section 7 consultation with NMFS shall be completed prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>NPT-1: Conduct a pre-construction northwestern pond turtle survey in the construction staging and dewatering areas 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.</p> <p><i>Timing/Implementation: Surveys shall be conducted within 48 hours prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>BIRD-1: To protect nesting birds, no Project activity shall begin from February 1 through August 31 unless the following surveys are completed</p>	

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		<p>by a qualified wildlife biologist. Separate surveys and avoidance requirements are listed below for all nesting birds, raptors, including bald eagle, burrowing owl, and Swainson's hawk.</p> <ul style="list-style-type: none"> • All Nesting Birds - Within 14 days prior to construction (or less if recommended by CDFW), survey for nesting activity of birds within each 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 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. • Raptors (including bald eagle) – Within 14 days prior to construction, survey for nesting activity of birds of prey within each Project work area and a 500-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 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. • 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 14 days prior to starting Project activities. Surveys shall be conducted at appropriate times (dawn or dusk) to maximize detection. 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. • Swainson's hawk – Within 14 days prior to construction, survey 	

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		<p>for nesting activity of birds of prey within each 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><i>Timing/Implementation: Surveys shall be conducted within 14 days prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>MAM-1: Within 14 days of construction, a qualified biologist shall survey all trees proposed for removal to determine their potential to provide suitable ringtail nest sites (e.g., trees with cavities). If potential nest trees are found, an avoidance area would be fenced and/or flagged around the tree as close to construction limits as possible.</p> <p><i>Timing/Implementation: Surveys shall be conducted within 14 days prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>MAM-2: Within 14 days of construction, a qualified biologist shall survey for all suitable roosting habitat for bats (e.g., manmade structures, trees) proposed for removal. If suitable roosting habitat is identified, a qualified biologist will conduct an evening bat emergence survey that may include acoustic monitoring to determine whether or not bats are present. If roosting bats are found, consultation with CDFW prior to initiation of construction activities may be required. If bats are not found during the preconstruction surveys, no further measures are necessary.</p> <p><i>Timing/Implementation: Surveys shall be conducted within 14 days prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p>	

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		<i>Monitoring/Enforcement: SBFCA and Project construction lead.</i>	
Impact 4.4-2 Implementation of the Proposed Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	S	<p>RIP-1: The river channels shall be accessed via areas where no permanent impacts to riparian vegetation will be required.</p> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>RIP-2: 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 the Feather and Yuba Rivers and riparian habitats. Minimization measures shall be developed during consultation with CDFW as part of the SAA agreement process to ensure protections for affected fish and wildlife resources.</p> <p><i>Timing/Implementation: The SAA from CDFW shall be obtained prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>In addition, implementation of mitigation measure BIO-1 will be required.</p>	LTS
Impact 4.4-3: Implementation of the Proposed Project would have a substantial adverse effect on State or Federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	S	<p>WTR-1: To avoid or minimize anticipated short-term adverse effects to Waters of the U.S., the following shall be implemented:</p> <ul style="list-style-type: none"> • If backwater from dewatered dredged spoils has potential to discharge to wetlands or Waters of the U.S. then a Nationwide Permit 16 (Backwater) under Section 404 of the federal CWA must be obtained from USACE. The impacts from such actions are expected to be temporary and solely associated with the dewatering activities. • Authorization to dredge the Feather and Yuba Rivers under Section 10 of the Rivers and Harbor Act must be obtained from the USACE. To facilitate such authorization, an application for a Minor Impact Letter of Permission for the Project shall be 	LTS

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		<p>prepared and submitted to USACE.</p> <ul style="list-style-type: none"> • A Water Quality Certification or waiver pursuant to Section 401 of the CWA, as issued by RWQCB, shall be obtained for the Section 10 and any Section 404 permit actions. • A Waste Discharge Requirement for dredge and fill in Waters of the State under the Porter-Cologne Water Quality Control Act as issued by RWQCB shall be obtained for impacts to Waters of the State. <p><i>Timing/Implementation: Permit authorizations from the USACE and RWQCB shall be obtained prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>In addition, implementation of mitigation measures BIO-1, FISH-1, and RIP-2 will be required.</p>	
Impact 4.4-4 Implementation of the Proposed Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	S	Implementation of mitigation measures BIO-1 , FISH-1 , and RIP-1 will be required.	LTS
Impact 4.4-5 Implementation of the Proposed Project would conflict with any local policies or Ordinances protecting biological resources, such as a tree preservation policy or Ordinance.	LTS	NA	LTS
Impact 4.4-6 Implementation of the Proposed Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	NI	NA	NI

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Impact 4.4-7 Result in a considerable contribution to cumulative impacts on biological resources.	S	Implementation of mitigation measures BIO-1, PLANT-1, VELB-1, FISH-1, NPT-1, BIRD-1, MAM-1, MAM-2, RIP-1, RIP-2, and WTR-1 will be required	LTS
Cultural Resources			
Impact 4.5-1 Implementation of the Proposed Project would cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines section 15064.5.	S	<p>CUL-1: Archaeological Monitoring</p> <ul style="list-style-type: none"> All terrestrial ground-disturbing activity associated with Project construction shall be monitored by a qualified professional archaeologist that meets or works under the direct supervision of someone who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology. The archaeological monitor shall provide a pre-work orientation session to all construction personnel. This includes instructing the Project superintendent and key members of all major excavation, trenching, and grading operations for Project construction to be alert for the possibility of destruction of buried cultural resource materials. The training shall instruct all personnel to recognize signs of historic and prehistoric use, and to report any such finds (or suspected finds) to the archaeological monitor immediately, so damage to such resources may be prevented. Archaeological monitoring shall not occur for equipment set-up or tear-down that does not disturb the ground surface more than six inches in depth; hydro seeding; paving; placement of imported fill/gravel/rock; restoration; or backfilling of previously excavated areas. Excavated sediment from the river channel, which was redeposited from upstream by the 2017 Oroville Dam incident, will not be subjected to screening; however, any observed cultural materials will be collected and treated in accordance with mitigation measures CUL-2 and CUL-3. At the conclusion of monitoring activities, the Principal 	LTS

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		<p>Investigator shall submit to the USACE, Commission, and SBFCA a brief Summary Monitoring Report for the Project, which incorporates all previously unknown discoveries and presents the methods and results of all monitoring activities. The draft report shall be submitted to the USACE and SBFCA within 12 months of the completion of all Project activities.</p> <ul style="list-style-type: none"> All site records, reports, photographs, and other documentation generated for this Project using public funding shall be maintained on file with the CHRIS and made available to professionals meeting the standards of the OHP. Information derived from these documents may be further disseminated at professional archaeological conferences or meetings, or to the interested public (with confidentiality maintained). <u>The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</u> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>CUL-2: Post-Review Discoveries. The monitoring archaeologist shall be responsible for taking into account any tribal recommendations when making the following decisions.</p> <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), then 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 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 fiduciary support for storing, processing, or 	

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		<p>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"> • <u>If the find is determined to be a cultural resource in any context or state of integrity and is situated on State lands, the monitoring archaeologist shall immediately notify SBFCA, which shall contact the Commission to consult on appropriate measures or treatment. The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</u> • If the find is determined by the monitoring archaeologist to be <u>located on lands other than State lands and is</u> 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, then 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. 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 	

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		USACE to provide fiduciary 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 project site 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. <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, then no material collection may occur by any party, and the Tribal Historic Preservation Officer (THPO) of the dissenting tribe shall notify the USACE and 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 have 48 hours to 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, then 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. • 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, then the USACE and SBFCA shall consult on appropriate treatment, in consultation with tribal representatives, pursuant to 36 CFR § 800.13(b) and CEQA, respectively. 	

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		<p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>CUL-3: Protocols for Discovery of Human Remains. If it is determined that human remains are found, or remains that are potentially human, then the treatment shall conform to the requirements of State law under California Health and Safety Code Section 7050.5 and PRC Section 5097.98 to the greatest extent that they apply to the USACE. The procedures in the human remains treatment plan and contractor specifications shall be followed.</p> <p>For the purposes of this Project, the definitions of remains subject to State law (Section 5097.98) shall apply. This definition states: "(d)(1) Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness. (2) Any items associated with the human remains that are placed or buried with the Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains."</p> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p>	
Impact 4.5-2 Implementation of the Proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.	S	Implementation of mitigation measures CUL-1 , CUL-2 , and CUL-3 , will be required.	LTS
Impact 4.5-3 Implementation of the Proposed Project would disturb any human remains, including those interred outdoors of formal cemeteries.	S	Implementation of mitigation measure CUL-3 would be required.	LTS
Impact 4.5-5 Result in a considerable contribution to cumulative impacts on cultural resources.	S	Implementation of mitigation measures CUL-1 , CUL-2 , and CUL-3 will be required.	LTS

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Energy			
Impact 4.6-1 Implementation of the Proposed Project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impact Determination: <i>less than significant</i>	LTS	NA	LTS
Impact 4.6-2 Implementation of the Proposed Project would conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	LTS	NA	LTS
Impact 4.6-3 Result in a considerable contribution to cumulative impacts on energy consumption.	LTS	NA	LTS
Geology and Soils			
Impact 4.7-1 Implementation of the Proposed Project would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.	NI	NA	NI
Impact 4.7-2 Implementation of the Proposed Project would result in substantial soil erosion or the loss of topsoil.	LTS	NA	LTS
Impact 4.7-3 Implementation of the Proposed Project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landsliding, lateral spreading, subsidence, liquefaction, or collapse.	NI	NA	NI

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Impact 4.7-4 Implementation of the Proposed Project would be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property.	NI	NA	NI
Impact 4.7-5 Implementation of the Proposed Project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	NI	NA	NI
Impact 4.7-6 Implementation of the Proposed Project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature.	S	<p>GEO-1: 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.</p> <p><i>Timing/Implementation: During dredging operations.</i></p> <p><i>Monitoring/Enforcement: SBFCA and the Project construction lead.</i></p>	LTS
Impact 4.7-7 Result in a considerable contribution to cumulative impacts on geology and soils.	S	Implementation of mitigation measure GEO-1 will be required.	LTS

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Greenhouse Gas Emissions			
Impact 4.8-1 Implementation of the Proposed Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.	LTS	NA	LTS
Impact 4.8-2 Implementation of the Proposed Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	NI	NA	NI
Impact 4.8-3 Result in a considerable contribution to cumulative impacts associated with greenhouse gas emissions.	LTS	NA	LTS
Hazards and Hazardous Materials			
Impact 4.9-1 Implementation of the Proposed Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	S	<p>HAZ-1: Vehicles shall be moved away from the Yuba and Feather Rivers prior to refueling and lubrication, as well as repairs if feasible. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located well away from the top of bank and riparian areas. 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, rubbish, oil, gasoline or diesel fuel, or other petroleum products, or any other substances which could be hazardous to aquatic life resulting from Project activities shall be prevented from contaminating the soil and/or entering Waters of the State. 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> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p>	LTS

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		<i>Monitoring/Enforcement: SBFCA and Project construction lead.</i>	
Impact 4.9-2 Implementation of the Proposed Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	S	HAZ-2: All vessels shall contain sufficient absorbent material onboard for a spill sufficient to contain the maximum fuel capacity and oil of the vessel. <i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i> <i>Monitoring/Enforcement: SBFCA and Project construction lead</i>	LTS
Impact 4.9-3 Implementation of the Proposed Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.	NI	NA	NI
Impact 4.9-4 Implementation of the Proposed Project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	NI	NA	NI
Impact 4.9-5 For a project located within an airport Land Use Plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, implementation of the Project would result in a safety hazard or excessive noise for people residing or working in or outside the Planning Area.	LTS	NA	LTS
Impact 4.9-4 Result in a considerable contribution to cumulative impacts associated with hazards and hazardous materials.	LTS	NA	LTS

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Hydrology and Water Quality			
Impact 4.10-1 Implementation of the Proposed Project would violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.	S	<p>HYD-1: A Water Quality Control Plan shall be prepared by SBFCA and approved by the RWQCB prior to construction that will require continuous water quality monitoring during dredging operations to ensure protection of water quality objectives in the Feather and Yuba Rivers. The Water Quality Monitoring Plan shall also stipulate the sampling, monitoring, and reporting requirements for discharge of decanted water resulting from dewatering dredged materials in tanks or aboveground basins in compliance with the RWQCB's WDR for Limited Threat Discharges to Surface Waters (Order No. R5-2016-0076-01) and the Section 401 Water Quality Certification/WDR issued for the Project.</p> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p> <p>HYD-2: The contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and shall submit a Notice of Intent (NOI) for coverage under the General NPDES Permit for Stormwater Discharges Associated with Construction Activities.</p> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p>	LTS
Impact 4.10-2 Implementation of the Proposed Project would substantially alter the existing drainage pattern of the Project area or vicinity, including through the alteration of the course of a stream or river or through the addition of impervious surfaces.	LTS	NA	LTS
Impact 4.10-3 Implementation of the Proposed Project would risk release of pollutants in flood hazard, tsunami, or seiche zones, due to project inundation.	S <u>LTS</u>	Implementation of mitigation measures HYD-1 and HYD-2 will be required <u>NA</u>	LTS

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Impact 4.10-4 Result in a considerable contribution to cumulative impacts on hydrology and water quality.	LTS <u>S</u>	NA <u>Implementation of mitigation measures HYD-1 and HYD-2 will be required</u>	LTS
Land Use and Planning			
Impact 4.11-1 Implementation of the Proposed Project would physically divide an established community.	NI	NA	NI
Impact 4.11-2 Implementation of the Proposed Project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	S	Implementation of all mitigation measures for other issue areas would be required.	LTS
Impact 4.11-4 Result in a considerable contribution to cumulative impacts on land use and planning.	S	Implementation of all mitigation measures for other issue areas would be required.	LTS
Mineral Resources			
Impact 4.12-1 Implementation of the Proposed Project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.	NI	NA	NI
Impact 4.12-2 Implementation of the Proposed Project would result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.	NI	NA	NI

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Noise			
Impact 4.13-1 Implementation of the Proposed Project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	LTS	NA	LTS
Impact 4.13-2 Implementation of the Proposed Project would generate excessive groundborne vibration or groundborne noise levels.	LTS	NA	LTS
Impact 4.13-3 Implementation of the Proposed Project would for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, expose people residing or working in the project area to excessive noise levels.	LTS	NA	LTS
Impact 4.13-4 Result in a considerable contribution to cumulative noise and vibration impacts.	LTS	NA	LTS
Population and Housing			
Impact 4.14-1 Implementation of the Proposed Project would induce substantial unplanned population growth either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).	LTS	NA	LTS
Impact 4.14-2 Implementation of the Proposed Project would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	NI	NA	NI

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Impact 4.14-3 Result in a considerable contribution to cumulative impacts on population and housing.	LTS	NA	LTS
Public Services			
Impact 4.14-1 Implementation of the Proposed Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection and emergency medical services.	LTS	NA	LTS
Impact 4.14-2 Implementation of the Proposed Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.	LTS	NA	LTS
Impact 4.14-3 Implementation of the Proposed Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools.	LTS	NA	LTS
Impact 4.14-4 Implementation of the Proposed Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or	LTS	NA	LTS

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physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for libraries.			
Impact 4.15-5 Result in a considerable contribution to cumulative impacts on fire protection and emergency medical services, police protection, schools, or libraries.	LTS	NA	LTS
Recreation			
Impact 4.16-1 Implementation of the Proposed Project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	S	REC-1: Notification and Coordination with Recreational Users. Notification and coordination with recreational users of the Yuba City Boat Ramp facility and in-water users of the Yuba and Feather Rivers shall be implemented. Temporary signage, and exclusion fencing or access barriers, where appropriate, shall be installed at the entrance to the Boat Ramp facility to prevent members of the public from entering the construction site. Prior to construction, public outreach would be conducted through mailings, posting signs, and coordination with interested groups to provide information regarding changes to recreation use and access during implementation of the project. In addition, buoys and temporary fencing along the river banks shall be placed to demarcate in-water work areas and a 100-foot safety zone to prevent boaters and recreationists on the banks from entering the dredging area and approaching construction equipment. <i>Timing/Implementation: This measure shall be implemented at all times during construction.</i> <i>Monitoring/Enforcement: SBFCA and Project construction lead.</i>	LTS
Impact 4.16-2 Implementation of the Proposed Project would include recreational facilities or require the construction or expansion of	NI	NA	NI

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Table ES-1. Summary of Impacts and Mitigation Measures			
Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
NI = No Impact, LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable, LLC = Less than Cumulatively Considerable, CC = Cumulatively Considerable, NA = Not applicable			
recreational facilities which might have an adverse physical effect on the environment.			
Impact 4.16-3 Result in a considerable contribution to cumulative impacts on recreation.	NI	NA	NI
Transportation			
Impact 4.17-1 Implementation of the Proposed Project would conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities.	S	<p>TRAF-1: Construction Traffic Management Plan. A Construction Traffic Management Plan shall be prepared and implemented by the construction contractor to manage and plan for any lane closures or detours for roadways or bicycle facilities, and ingress and egress of truck traffic and deliveries of equipment and supplies at the Yuba City Boat Ramp facility and Marysville Wastewater Treatment Plant (WWTP). For the Class I bike paths crossing the access roads into both the Yuba City Boat Ramp facility and the Marysville WWTP facility, alternate routes and detours shall be provided and signage placed around the construction areas to identify the closed areas and alternate routes. Where construction traffic would cross these routes, flaggers shall be used during egress and ingress of delivery trucks and trucks hauling dredged material. The Construction Traffic Management Plan shall include proposed times and days of deliveries and hauling of dredged material to avoid peak hours to the maximum extent feasible.</p> <p><i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p>	LTS
Impact 4.17-2 Implementation of the Proposed Project would result in a significant increase in vehicle miles traveled (VMT).	LTS	NA	LTS
Impact 4.17-3 Implementation of the Proposed Project would substantially increase hazards due to a geometric design feature (e.g.,	S	Implementation of mitigation measure TRAF-1 will be required.	LTS

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sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).			
Impact 4.17-4 Implementation of the Proposed Project would result in inadequate emergency access.	S	<p>TRAF-2: All construction activities and truck traffic on area roadways shall cease during an event requiring emergency evacuations in the City of Yuba City or City of Marysville.</p> <p><i>Timing/Implementation: This measure shall be printed on plans and implemented at all times during construction.</i></p> <p><i>Monitoring/Enforcement: SBFCA and Project construction lead.</i></p>	LTS
Impact 4.17-5 Result in a considerable contribution to cumulative impacts on transportation.	S	Implementation of mitigation measures TRAF-1 and TRAF-2 will be required.	LTS
Tribal Cultural Resources			
Impact 4.18-1 Implementation of the Proposed Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource.	S	<p>TCR-1: Tribal Monitoring. All terrestrial ground disturbing activity should be monitored by a qualified tribal monitor representing a consulting tribe. The monitor must be given a minimum of 7 days' notice of the opportunity to be present during these activities and to coordinate closely with the archaeological monitor, to observe work activities, and assist in ensuring that sensitive tribal resources are not impacted. The monitor must 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 potential tribal resources are discovered, a reasonable work pause or redirection of work by the contractor may be requested. If the tribe cannot recommend a monitor or if the tribal monitor does not report at the scheduled time, then all work will continue as long as the specified notice was provided. Tribal monitoring will not occur for equipment set-up or tear-down that does not disturb the ground surface more than six inches in depth; hydroseeding; paving; placement of imported fill/gravel/rock; restoration; or backfilling of previously excavated areas. Excavated sediment from the river channel, which was redeposited from upstream by</p>	LTS

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		the 2017 Oroville Dam incident, will not be subjected to screening. However, 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 to the satisfaction of the lead agencies. If the discovery includes human remains, then the procedures in CUL-3 shall apply. <i>Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.</i> <i>Monitoring/Enforcement: SBFCA and Project construction lead.</i>	
Impact 4.18-2 Result in a considerable contribution to cumulative impacts on TCRs.	S	Implementation of mitigation measure TCR-1 will be required.	LTS
Utilities and Service Systems			
Impact 4.19-1 Implementation of the Proposed Project would require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects.	NI	NA	NI
Impact 4.19-2 Implementation of the Proposed Project would not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.	LTS	NA	LTS
Impact 4.19-3 Implementation of the Proposed Project would result in a determination by the wastewater treatment provider which serves or may serve the Project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	LTS	NA	LTS

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Impact 4.19-4 Implementation of the Proposed Project would generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	LTS	NA	LTS
Impact 4.19-5 Implementation of the Proposed Project would fail to comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.	LTS	NA	LTS
Impact 4.19-6 Implementation of the Proposed Project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	LTS	NA	LTS
Impact 4.19-7 Implementation of the Proposed Project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	LTS	NA	LTS
Impact 4.19-8 Result in a considerable contribution to cumulative impacts on water and wastewater services.	LTS	NA	LTS
Impact 4.19-9 Result in a considerable contribution to cumulative impacts on solid waste generation.	LTS	NA	LTS
Impact 4.19-10 Result in a considerable contribution to cumulative impacts on groundwater supply.	LTS	NA	LTS

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Wildfire			
Impact 4.20-1 Implementation of the Proposed Project would impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	LTS	NA	LTS
Impact 4.20-2 Implementation of the Proposed Project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	LTS	NA	LTS
Impact 4.20-3 Implementation of the Proposed Project would expose project occupants to pollutant concentrations from a wildfire or exacerbate wildfire risks and the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.	LTS	NA	LTS
Impact 4.20-4 Implementation of the Proposed Project would require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	NI	NA	NI
Impact 4.20-5 Implementation of the Proposed Project would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	LTS	NA	LTS
Impact 4.20-6 Result in a considerable contribution to cumulative impacts on wildfire management.	LTS	NA	LTS

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ERRATA CHAPTER 4.5, CULTURAL RESOURCES

4.5 Cultural Resources

This section of the EIR describes the existing conditions in the Project area, the regulatory framework necessary to evaluate potential impacts on cultural resources from the Project, and potential project-specific and cumulative impacts that could result from the Project. Cultural resources could include archaeological sites and historic buildings, structures, and objects.

Cultural resources include pre-contact (prehistoric) archaeological sites, historic archaeological sites, and historic structures, and generally consist of artifacts, food waste, structures, and facilities made by people in the past. Pre-contact archaeological sites are places that contain the material remains of activities carried out by the native population of the area (Native Americans) prior to the arrival of Europeans in California. The term pre-contact is increasingly being used in lieu of prehistoric. Artifacts found in pre-contact sites include flaked stone tools such as projectile points, knives, scrapers, drills, and the resulting waste flakes from tool production; ground stone tools such as pestles for grinding seeds and nuts; bone tools such as awls, ceramic vessels or fragments; and shell or stone beads. Pre-contact features include hearths or rock rings bedrock mortars and milling slicks, rock shelters, rock art, and burials.

Places that contain the material remains of activities carried out by people during the period when written records were produced after the arrival of Europeans are considered historic archaeological sites. Historic archaeological material usually consists of domestic refuse, for instance bottles, cans, ceramics, and food waste, disposed of either as roadside dumps or near structure foundations. Archaeological investigations of historic-period sites are usually supplemented by historical research using written records.

Historic structures include houses, garages, barns, commercial structures, industrial facilities, community buildings, and other structures and facilities that are more than 50 years old. Historic structures may also have associated archaeological deposits, such as abandoned wells, cellars, and privies, refuse deposits, and foundations of former outbuildings.

ECORP Consulting, Inc. prepared a cultural resources inventory (ECORP 2020) for the Proposed Project to determine if cultural resources were present in the Project Area and to assess the sensitivity of the Project Area for undiscovered or buried cultural resources. The inventory consisted of: a records search with the California Historical Resources Information System (CHRIS) at the North Central Information Center (NCIC) and Northeast Information Center (NEIC); a search of the Sacred Lands File of a Native American Heritage Commission (NAHC); a review of historic maps, photographs, records on file with the Office of Historic Preservation (OHP); ethnographic information; literature pertaining to the Project Area and surrounding region; a review of geological and soils data; and pedestrian survey by qualified professionals.

Due to the sensitive nature of cultural resources, the Cultural Resources Report is not included in the EIR appendices. Specifically, Sections 6253, 6254, and 6254.10 of the California Code authorize State agencies to exclude archaeological site information from public disclosure under the Public Records Act. In addition, the California Public Records Act (Government Code § 6250 et seq.) and California's open meeting laws (The Brown Act, Government Code § 54950 et seq.) protect the confidentiality of Native American cultural place information. Under Exemption 3 of the federal Freedom of Information Act (5 USC 5), because the disclosure of cultural resources location information is prohibited by the Archaeological

Resources Protection Act of 1979 (16 USC 470hh) and Section 307103 of the National Historic Preservation Act (NHPA), it is also exempted from disclosure under the Freedom of Information Act. Likewise, the CHRIS prohibits public dissemination of records search information. In compliance with these requirements, the results of the Cultural Resources Report were prepared as a confidential document, which is not intended for public distribution in either paper or electronic format.

However, all pertinent information necessary to provide substantial evidence for impact determinations is summarized in this section of the EIR. While information describing the various Cultural Resources time periods is included in the discussion, all references to location of archaeological sites and artifacts have been removed for confidentiality and protection of these resources.

4.5.1 Environmental Setting

The Project Area is along the banks of the Feather River, a principal tributary of the Sacramento River, in the Southern Sacramento Valley. The Sacramento Valley forms the northern third of California's Great Central Valley and is characterized by a nearly level alluvial plain that extends for about 150 miles from the base of the Klamath Mountains on the north to the confluence of the Sacramento and San Joaquin rivers on the south. The North Coast Ranges lie to the west while the northern Sierra Nevada and southern Cascade ranges lie to the east. The Feather River drains roughly 4,500 square miles along the eastern slopes of the northern Sierra Nevada and southern Cascade ranges. The Yuba River is a principal tributary of the Feather River with a watershed in the northern Sierra of more than 1,300 square miles.

The Project Area is near the center of the southern Sacramento Valley, in the greater Sacramento River Watershed. The area is primarily characterized by agricultural land, ruderal grassland, open space, and limited riparian vegetation. The Project Area is surrounded by residential and commercial areas to the west and north, and agricultural orchards to the east and south.

The Feather River in the Project Area has been affected substantially by past hydraulic mining activities. Sediment buildup from debris in the river channel caused a decrease in the capacity of the river channel. This caused extensive flooding and sediment deposition on the urban and agricultural lands surrounding the Project Area. As a result, the channel banks currently consist of fine-grained slickens from hydraulic mining debris.

4.5.1.1 Pre-Contact History

It is generally believed that human occupation of California began at least 10,000 years BP. The archaeological record indicates that between approximately 10,000 and 8,000 BP, a predominantly hunting economy existed, characterized by archaeological sites containing numerous projectile points and butchered large animal bones. Groups from this time period included only small numbers of individuals who did not often stay in one place for extended periods.

Around 8,000 BP, there was a shift in focus from hunting toward a greater reliance on plant resources. Archaeological evidence of this trend consists of a much greater number of milling tools (e.g., metates and manos) for processing seeds and other vegetable matter. This period, which extended until around 5,000 years BP, is sometimes referred to as the Millingstone Horizon (Wallace 1978). An increase in the

size of groups and the stability of settlements is indicated by deep, extensive middens at some sites from this period. In sites dating to after about 5,000 BP, archaeological evidence indicates that reliance on both plant gathering and hunting continued as in the previous period, with more specialized adaptation to particular environments. During this period, new peoples from the Great Basin began entering southern California. These immigrants, who spoke a language of the Uto-Aztecan linguistic stock, seem to have displaced or absorbed the earlier population of Hokan-speaking peoples. The Project area would encompass the area of the Valley Tradition class of the Middle Archaic Period in California pre-contact History. The Valley Tradition is represented at archaeological sites that show evidence of a diverse food supply and year-round occupation of one area. Sites from the later Middle Archaic Valley Tradition are well represented in the Sacramento Valley and Delta.

4.5.1.2 Ethnography

Ethnographically, the Project Area is in the territory occupied by the Penutian-speaking Nisenan. Nisenan were observed by early ethnographers to inhabit the drainages of the Yuba, Bear, and American rivers, and also the lower reaches of the Feather River, extending from the east banks of the Sacramento River on the west to the mid to high elevations of the western flank of the Sierra Nevada to the east. The territory extended from the area surrounding the current city of Oroville on the north to a few miles south of the American River in the south. The Sacramento River bounded the territory on the west, and in the east, it extended to a general area located within a few miles of Lake Tahoe. The descendants of traditional Nisenan, including the United Auburn Indian Community of Auburn Rancheria, continue to reside in the region. The ethnography of the Project area is discussed in more detail in the Tribal Cultural Resources section of this EIR.

4.5.1.3 Project Area History

The Project Area is located on the banks of the Feather River in Sutter and Yuba counties. Sutter County is one of the original 27 counties and was formed and named after John Sutter, a Swiss immigrant, in 1850. The New Helvetia Rancho encompassed 48,000 acres of land granted to John Sutter in 1841. The rancho extends from downtown Sacramento and north to Marysville along the Sacramento and Feather rivers. Part of the land deeded by Sutter in 1849 encompassed four square miles and would become Yuba City. John Sutter is credited for naming the Yuba River because of the Native American village located near the confluence of the Yuba and Feather rivers. Yuba City was laid out in 1849 and was named after the river. Yuba City was selected by Sutter County voters as the county seat in 1856. The first County courthouse was erected in Yuba City in 1858. Following a fire in 1871, a new courthouse was built at the northeast corner of C and 2nd streets, and subsequently reconstructed after another fire in 1899.

Yuba City and Marysville originated as small settlements located on high ground adjacent to a natural levee formed by silt deposits. Historically, flooding in the region naturally occurs every year but with the rise in development of towns and cities along rivers in Sutter and Yuba counties there came a need for flood control to protect infrastructure and residences. Also, in the early 1860s, hydraulic mining increased and flooding became a significant problem for farmers in the Sacramento Valley due to sediment deposits in the rivers.

In 1876, the State Legislature formed “A Board of Levee Commissioners for the City of Marysville,”. In the same year, Mayor Charles E. Stone created a “Committee on Drainage” and the City accepted a bid for \$68,000 for extensive improvements to, and extensions of, the existing levee system. The City levied a two percent tax to defray some of the cost. The extensive levee system resulting from these long and costly efforts was credited in large part as the reason Marysville survived during subsequent flooding events.

The Feather River Levee is maintained in part by Levee District (LD) 1. LD1 was formed in April 1868 to construct a 17-mile segment of the levee along the Feather River. LD1 maintains the Feather River Levee located south of Yuba City in the Project Area. The formation of LD1 was largely the result of local landowners’ response to a breach of the levee that occurred in 1861 at Gilsizer Slough, a natural bypass located west of the Feather River. In 1867, residents of Sutter County gathered at the County courthouse to plan a levee system paid for by voluntary subscriptions, a method of raising capital for public works projects that proved highly inadequate. The next year LD1 was organized.

The Marysville WWTP was originally constructed in 1950 to provide primary treatment with disposal via percolation and evaporation. The City of Marysville owns and operates the wastewater collection system and treatment plant, which is located near the southwestern corner of the city near the confluence of the Yuba and Feather rivers. The WWTP uses a series of evaporation/percolation ponds for disposal of treated wastewater.

4.5.2 Regulatory Setting

Relevant federal, state, and local laws and regulations pertaining to cultural resources are discussed below.

4.5.2.1 4.5.2.1 Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) requires that the federal government list significant historic resources on the National Register of Historic Places (NRHP), which is the nation’s master inventory of known historic resources. The NRHP is administered by the National Park Service (NPS) and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

Section 106 of the NHPA states that federal agencies with direct or indirect jurisdiction over Federally funded, assisted, or licensed undertakings must take into account the effect of the undertaking on any historic property that is included in, or eligible for inclusion in, the NRHP. Section 106 of the NHPA also states that the Advisory Council on Historic Preservation (ACHP) and State Historic Preservation Officer (SHPO) must be afforded an opportunity to comment on such undertakings, through a process outlined in the ACHP regulations at 36 Code of Federal Regulations (CFR) Part 800. For federal undertakings, regulations (36 CFR 800) implementing Section 106 of the NHPA require that cultural resources be identified and then evaluated using NRHP eligibility criteria.

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Federal Evaluation Criteria

Under federal regulations implementing Section 106 of the NHPA (36 CFR 800), cultural resources identified in the Project Area must be evaluated using NRHP and eligibility criteria. The eligibility criteria for the NRHP are as follows (36 CFR 60.4):

“The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess aspects of integrity of location, design, setting, materials, workmanship, feeling, association, and

- a) is associated with events that have made a significant contribution to the broad patterns of our history;
- b) is associated with the lives of a person or persons significance in our past;
- c) embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction;
or
- d) has yielded or may be likely to yield information important in prehistory or history.”

In addition, the resource must be at least 50 years old, except in exceptional circumstances (36 CFR 60.4).

Effects to NRHP-eligible resources (historic properties) are adverse if the project may alter, directly or indirectly, any of the characteristics of an historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

Because the USACE is the lead federal agency for the Project, the 2014 *Sacramento District Regulatory Branch Guidelines for Compliance with Section 106 of the National Historic Preservation Act of 1966, as amended* applies to the Project.

With respect to Section 106, Title 36 CFR Part 800.5, Assessment of adverse effects, requires that the federal agency, in consultation with SHPO, apply the criteria of adverse effect to Historic Properties within the Project Area. According to 36 CFR 800.5(a)(1): “an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of an Historic Property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.” The regulations further define adverse effects to be those that include reasonably foreseeable effects caused by the undertaking, or those that may occur later in time or those that may be cumulative. Examples of adverse effects include, but are not limited to: physical destruction or damage to all or part of the property; alteration, restoration, rehabilitation, repair, maintenance, stabilization, or remediation; removal of the property from its historic location; change of the character or physical features; introduction of visual, atmospheric, or audible elements; neglect; or transfer, lease, or sale out of federal ownership (36 CFR 800.5[a][2] et seq.).

Adverse effects on historic properties include, but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;

- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary's standards for the treatment of historic properties (36 CFR part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

4.5.2.2 State

California Register of Historical Resources

The State Historical Resources Commission designed the California Register of Historic Resources (CRHR) for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archaeological resources. This program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords certain protections under CEQA.

State Evaluation Criteria

Under State law (CEQA) cultural resources are evaluated using CRHR eligibility criteria in order to determine whether any of the sites are Historical Resources, as defined by CEQA. CEQA requires that public agencies identify impacts to Historical Resources be identified and, if the impacts would be significant, that mitigation measures to reduce the impacts be applied.

Under CEQA, an Historical Resource is a term with a defined statutory meaning (PRC § 21084.1). Under CEQA Guidelines Section 15064.5(a), historical resources include the following:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (PRC § 5024.1).
- A resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC § 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat

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any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing in the California Register of Historical Resources (PRC Section 5024.1), including the following:
 - a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - b) Is associated with the lives of persons important in our past;
 - c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d) Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC § 5020.1(k)), or identified in a historical resources survey (meeting the criteria in PRC § 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC §§ 5020.1(j) or 5024.1.

Historical resources are usually 45 years old or older and must meet at least one of the criteria for listing in the CRHR, described above (such as association with historical events, important people, or architectural significance), in addition to maintaining a sufficient level of integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [California Code of Regulations [CCR] Title 14, § 4852(c)].

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC § 5024.1 and CCR, Title 14, § 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

CEQA also requires lead agencies to determine if a proposed project would have a significant effect on unique archaeological resources. If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 would apply. If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, the site may meet the threshold of PRC Section 21083.2 regarding unique archaeological resources. A unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that,

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without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria.

“Unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.”

The CEQA Guidelines note that if a resource is neither a unique archaeological resource nor a historical resource, the effects of the project on that resource shall not be considered a significant effect on the environment (14 CCR Section 15064[c][4]).

If the project would result in a significant impact to a historical resource or unique archaeological resource, treatment options under PRC § 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a unique archaeological resource).

In addition to the mitigation provisions pertaining to accidental discovery of human remains, the CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to § 15064.5(f), these provisions should include “an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.”

Assembly Bill 52

Assembly Bill (AB) 52 is addressed in Section 4.18 Tribal Cultural Resources of this EIR.

4.5.2.3 Local

County of Sutter

The following goals and policies of the 2019 Sutter County General Plan (Sutter County 2019) are applicable to the Project:

ER 8: Identify, protect, and enhance Sutter County’s important cultural and paleontological resources to increase awareness of the County’s heritage.

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ER 8.1: Identification. Identify cultural resources, which include prehistoric, historic, paleontological, and archeological resources, throughout the County to provide adequate protection of these resources.

ER 8.2: Preservation. Ensure the preservation of significant cultural and paleontological resources, including those recognized at the national, state, and local levels.

County of Yuba

The following goals and policies of the Yuba County 2030 General Plan (Yuba County 2011) are applicable to the Project:

Policy NR6.3: New developments, roads, water and sewer lines, and stormwater infrastructure should be located to avoid impacts to significant cultural resources.

City of Yuba City

The following goals and policies of the City of Yuba City General Plan (2004) are applicable to the Project:

8.3-G-1: Identify and preserve the archaeological, paleontological, and historic resources that are found within the Yuba City Planning Area.

8.3-I-6L In accordance with CEQA and the State Public Resources Code, require the preparation of a resource mitigation plan and monitoring program by a qualified archaeologist in the event that archaeological resources are discovered.

4.5.3 Environmental Impacts and Mitigation Measures

This Section describes potential impacts on cultural resources that could result from implementation of the Project. The Section also recommends mitigation measures as needed to reduce significant impacts

4.5.3.1 Thresholds of Significance

Based on the CEQA Guidelines, Appendix G: Items V (a) through (c), implementation of the Project would have a significant impact related to cultural resources if it would:

- (a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines section 15064.5;
- (b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5; or
- (c) Disturb any human remains, including those interred outside of dedicated cemeteries.

CEQA Guidelines Section 15064.5(b)(2) defines *materially impaired* for purposes of the definition of substantial adverse change as follows:

The significance of an historical resource is materially impaired when a project:

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- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

CEQA requires that public agencies must consider the effects of their actions on both historical resources and unique archaeological resources. If a project would result in an effect that may cause a substantial adverse change in the significance of a historical resource or would cause significant effects on a unique archaeological resource, then alternative plans or mitigation measures must be considered. Therefore, prior to assessing effects or developing mitigation measures, the significance of cultural resources must first be determined. The steps that are normally taken in a cultural resources investigation for CEQA compliance are as follows:

- Identify potential historical resources and unique archaeological resources;
- Evaluate the eligibility of historical resources; and
- Evaluate the effects of the project on eligible historical resources.

4.5.3.2 Methods of Analysis

Records Search and Literature Review

Two records searches were conducted for this Project Area because it covers two counties whose records are housed at separate information centers of the CHRIS. Staff at the North Central Information Center (NCIC) of the CHRIS at California State University-Sacramento conducted a Records Search of the Yuba County portions of the Project Area on March 25, 2020). Staff at the NEIC of the CHRIS at California State University-Chico conducted a records search of the Sutter County portions of the Project Area on April 8, 2020. The purpose of the records search was to determine the extent of previous surveys within a 0.5-mile radius of the study area, and whether previously documented pre-contact or historic period archaeological sites, architectural resources, or traditional cultural properties exist within this area.

In addition to the official records and maps for archaeological sites and surveys in Yuba and Sutter counties, the following historic references were also reviewed: Historic Property Data File for Yuba County (OHP 2012a); Historic Property Data File for Sutter County (OHP 2012b); *The National Register Information System* (National Park Service [NPS] 2020); *Office of Historic Preservation, California Historical Landmarks*

(OHP 2020); *California Historical Landmarks* (OHP 1996 and updates); *California Points of Historical Interest* (OHP 1992 and updates); *Directory of Properties in the Historical Resources Inventory* (1999); *Caltrans Local Bridge Survey* (Caltrans 2019); *Caltrans State Bridge Survey* (Caltrans 2018); and *Historic Spots in California* (Kyle 2002). ECORP also conducted focused property- and site-specific archival research online, where primary sources such as historical newspaper articles, maps, and county recorders records were reviewed. These records included the 1880 U.S. census records, the Bureau of Land Management (BLM) General Land Office (GLO) survey plats and historical topographic maps.

In addition to the record search, ECORP contacted the California Native American Heritage Commission (NAHC) on March 24, 2020 to request a search of the Sacred Lands File for the Project Area to determine whether or not Sacred Lands have been recorded by California Native American tribes within the Project Area. Native American Sacred Lands may coincide with archaeological sites.

ECORP mailed letters to the Yuba Historical Society and to the Sutter County Museum on March 26, 2020 to solicit comments or obtain historical information that the repository might have regarding events, people, or resources of historical significance in the area.

In addition, ECORP consulted the California State Lands Commission (Commission) to determine if there are known shipwrecks present within the project area that have not been recorded with the California Historical Resources Information System.

Pedestrian Survey

On April 21, 2020, ECORP conducted intensive pedestrian survey within the Project Area under the guidance of the *Secretary of the Interior's Standards for the Identification of Historic Properties* (NPS 1983) using transects spaced 15 meters apart. ECORP archaeologists and a tribal representative from UAIC expended two person-days in the field. At that time, the ground surface was examined for indications of surface or subsurface cultural resources. The general morphological characteristics of the ground surface were inspected for indications of subsurface deposits that may be manifested on the surface, such as circular depressions or ditches. Whenever possible, the locations of subsurface exposures caused by such factors as rodent activity, water or soil erosion, or vegetation disturbances were examined for artifacts or for indications of buried deposits. No subsurface investigations or artifact collections were undertaken during the pedestrian survey. No underwater archaeology was performed within the river.

4.5.3.3 Results

The records search identified 30 previous cultural resource investigations that have been conducted within 0.5 mile of the property, covering approximately 50 percent of the total area surrounding the property within the record search radius, but only approximately 40 percent of the project area had been previously surveyed for cultural resources. These studies revealed the presence of pre-contact sites and historical sites.

The records search also determined that 23 previously recorded pre-contact and historic-period cultural resources are located within 0.5 mile of the Project Area. The records search revealed two pre-contact

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resources (P-51-20 and P-51-275) and four historic-period resources (P-58-1215, P-51-150, P-51-281, and P-51-271) have been previously recorded within the Project Area.

The nearest California Landmarks and National Register properties are in downtown Marysville, 0.7 mile northeast of the Project Area. Historic land patent records and map reviews indicated that John A. Sutter and John A. Sutter, Jr., were granted 43,446 acres of the New Helvetia land grant on June 20, 1866 under the Spanish/Mexican land Authority, a portion of which includes the current Project Area. Several roads and buildings were present in the Project Area between the early 1900s and the 1950s, all of which were gone by the early 1970s. Most were replaced by the Marysville WWTP and the wastewater ponds, which were present as early as 1952. The Feather River West Levee (P-51-150) has been mapped in the Project Area since 1952. The Project Area has been historically subject to inundation.

The NAHC Sacred Lands File Search indicated the presence of sacred lands within the Project Area and the NAHC recommended that UAIC be contacted. A summary of the tribal consultation is provided in Chapter 4.18, Tribal Cultural Resources. In addition, a representative from UAIC accompanied archaeologists on the field survey.

The search of the shipwrecks database by the Commission was performed by Commission staff on January 22, 2021 and no known shipwrecks were identified.

During the pedestrian survey, one previously unidentified resource was recorded: FR-001, the Marysville WWTP. Five previously recorded resources were identified: P-58-1215, P-51-150, P-51-281, P-51-271, and P-51-20/P-51-275 (determined to be two recordings of the same resource) (Table 4.5-1.).

Table 4.5-1. Cultural Resources in the Project Area.		
Site #	Description	Eligibility
FR-001	Historic Marysville WWTP Ponds	Not eligible for NRHP or CRHR (pending agency concurrence)
P-58-1215	Historic Marysville Dump	Not eligible for NRHP or CRHR (pending agency concurrence)
P-51-150	Historic Feather River West Levee	Previously evaluated as eligible under NRHP Criterion A and CRHR Criterion 1 by USACE with State Historic Preservation Officer (SHPO) concurrence
P-51-281	Historic-period refuse scatter	Previously evaluated as not eligible for NRHP or CRHR by USACE with SHPO concurrence
P-51-271	Historic-period foundation materials	Previously evaluated as not eligible for NRHP or CRHR by USACE with SHPO concurrence
P-51-20/ P-51-275	Large pre-contact habitation site	Previously treated as eligible for NRHP and CRHR under Criteria A/1, B/2, and D/4

Four of the six cultural resources (FR-001, P-58-1215, P-51-281, and P-51-271) were evaluated as not eligible for the NRHP and CRHR, and are therefore not considered Historical Resources. The historic-

period Feather River West Levee (P-51-150) was evaluated as eligible for the NRHP and CRHR and is considered a Historical Resource. Pre-contact habitation site P-51-20/P-51-275 is being treated as eligible for the NRHP and CRHR for the purpose of this Project, and is considered an Historical Resource and a unique archaeological resource.

4.5.3.4 Project Impacts and Mitigation Measures

Impact 4.5-1: Implementation of the Proposed Project would cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines section 15064.5.

Impact Determination: *less than significant with mitigation incorporated*

<i>Threshold: Would cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines section 15064.5.</i>
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As described in Table 4.15-1 above, sites FR-001, P-51-281, P-51-271, and P-58-1215 have been evaluated as not eligible and are not considered further. These resources do not require any further management, preservation, or mitigation under CEQA. The balance of the sites is addressed further. These are the cultural resources that are eligible for inclusion in the NRHP and CRHR, which constitute historic properties as defined in 36 CFR Part 800.16(l)(1) and historical resources under CEQA, respectively.

P-51-150, the historic Feather River West Levee, has been previously determined eligible for the NRHP and CRHR. Major reconstruction and repair of this levee as recently as 2017 was determined to have a no adverse effect to the resource by the USACE with SHPO concurrence for an unrelated previous federal project. Absent complete removal of the levee, there is not much that could be done to the resource to result in an adverse effect; however, an adverse effect would be caused if the Proposed Project were to significantly alter the aspects of location, design, and association, which are the most important aspects of integrity that convey the significance according federal statutes. The current Project is prohibited from impacting the Feather River West Levee by way of jurisdiction by the CVFCB and USACE, and SBFCA does not propose to impact the levee. While equipment and vehicles may pass along the levee toe road or may cross the crown on paved access roads, or park at least 10 feet from the levee toe, this type of use is currently allowable and will not result in any impact to the levee. Therefore, the Project will have a less than significant impact on site P-51-150.

Site P-51-20/P-51-275, a pre-contact habitation site, has been previously treated as eligible for the NRHP and CRHR and is a Historical Resource within the Project Area. The Project would have an adverse effect and a significant impact on the site if it were to damage, excavate, or redeposit currently intact archaeological materials, because doing so would impact and effect the qualities of integrity that would convey the significance: the integrity of materials, location, and association. The Proposed Project will involve extraction of what can be described as "overburden" sediments that were only recently deposited during the 2017 Oroville Dam incident, and therefore, there is a planned vertical and horizontal separation between the Project activity and the site.

However, there remains a possibility that cultural materials **or buried shipwrecks** will be inadvertently excavated during sediment removal. In addition, according to the review of maps and records, the proximity of the Project Area to major water resources, and the fact that buried pre-contact and historic-period resources are known to exist within the Project Area, indicate a high potential for the presence of previously undiscovered buried historic-period and pre-contact archaeological deposits at the Project Area. The presence of alluvium in and around the Project Area further suggests that there remains a potential for deeply buried pre-contact resources to be uncovered during ground-disturbing activities. **In addition, the title to all archaeological sites and historic or cultural resources on or in the tide and submerged lands of California is vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). The Commission's policy is that any submerged archaeological site or submerged historic-era resource that has remained in state waters for more than 50 years is presumed to be significant.** Without mitigation, impacts associated with inadvertent discovery of cultural resources would be significant.

Therefore, implementation of mitigation measures **CUL-1** is required and will require archaeological monitoring to ensure proper treatment of any cultural resources inadvertently discovered. Implementation of mitigation measures **CUL-2** and **CUL-3** will require proper handling and disposition of resources if they are inadvertently discovered. With these measures in place, the Project would have a less than significant impact on site P-51-20/P-51-275 and other cultural resources inadvertently discovered.

Mitigation Measures

CUL-1: Archaeological Monitoring

- All terrestrial ground-disturbing activity associated with Project construction shall be monitored by a qualified professional archaeologist that meets or works under the direct supervision of someone who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology.
- The archaeological monitor shall provide a pre-work orientation session to all construction personnel. This includes instructing the Project superintendent and key members of all major excavation, trenching, and grading operations for Project construction to be alert for the possibility of destruction of buried cultural resource materials. The training shall instruct all personnel to recognize signs of historic and prehistoric use, and to report any such finds (or suspected finds) to the archaeological monitor immediately, so damage to such resources may be prevented.
- Archaeological monitoring shall not occur for equipment set-up or tear-down that does not disturb the ground surface more than six inches in depth; hydro seeding; paving; placement of imported fill/gravel/rock; restoration; or backfilling of previously excavated areas. Excavated sediment from the river channel, which was redeposited from upstream by the 2017 Oroville Dam incident, will not be subjected to screening; however, any observed cultural materials will be collected and treated in accordance with mitigation measures CUL-2 and CUL-3.

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- At the conclusion of monitoring activities, the Principal Investigator shall submit to the USACE, **Commission**, and SBFCA a brief Summary Monitoring Report for the Project, which incorporates all previously unknown discoveries and presents the methods and results of all monitoring activities. The draft report shall be submitted to the USACE and SBFCA within 12 months of the completion of all Project activities.
- All site records, reports, photographs, and other documentation generated for this Project using public funding shall be maintained on file with the CHRIS and made available to professionals meeting the standards of the OHP. Information derived from these documents may be further disseminated at professional archaeological conferences or meetings, or to the interested public (with confidentiality maintained). **The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.**

Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.

Monitoring/Enforcement: SBFCA and Project construction lead.

CUL-2: Post-Review Discoveries. The monitoring archaeologist shall be responsible for taking into account any tribal recommendations when making the following decisions.

- If the monitoring archaeologist determines that the find is not a cultural resource (such as water-worn cobbles or accumulations of natural materials), then 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 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 fiduciary 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.
- **If the find is determined to be a cultural resource in any context or state of integrity and is situated on State lands, the monitoring archaeologist shall immediately notify SBFCA, which shall contact the Commission to consult on appropriate measures or treatment. The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.**
- If the find is determined by the monitoring archaeologist to be **located on lands other than State lands and is** redeposited material that lacks primary context, is discovered only in the excavated soils, spoil piles, or stockpiles, or is otherwise not in

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its original context or place of deposition and does not contain human remains, then 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. 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 fiduciary support for storing, processing, or reburial of 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 project site 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.

- 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, then no material collection may occur by any party, and the Tribal Historic Preservation Officer (THPO) of the dissenting tribe shall notify the USACE and 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 have 48 hours to 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, then 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.
- 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, then the USACE and SBFCA shall consult on appropriate treatment, in consultation with tribal representatives, pursuant to 36 CFR § 800.13(b) and CEQA, respectively.

Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.

Monitoring/Enforcement: SBFCA and Project construction lead.

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CUL-3: Protocols for Discovery of Human Remains. If it is determined that human remains are found, or remains that are potentially human, then the treatment shall conform to the requirements of State law under California Health and Safety Code Section 7050.5 and PRC Section 5097.98 to the greatest extent that they apply to the USACE. The procedures in the human remains treatment plan and contractor specifications shall be followed.

For the purposes of this Project, the definitions of remains subject to State law (Section 5097.98) shall apply. This definition states: "(d)(1) Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness. (2) Any items associated with the human remains that are placed or buried with the Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains."

Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.

Monitoring/Enforcement: SBFCA and Project construction lead.

Impact 4.5-2: Implementation of the Proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.

Impact Determination: less than significant with mitigation incorporated.

<i>Threshold:</i> Would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.

As discussed under Impact 4.5-1, Site P-51-20/P-51-275, a pre-contact habitation site, has been previously treated as eligible for the NRHP and CRHR and occurs on the Project site. The Project would have an adverse effect on the site if it were to damage, excavate, or redeposit currently intact archaeological materials, because doing so would have an effect on the integrity of materials, location, and association, the qualities of integrity that would convey the significance. As discussed in the Cultural Resources Report, the Proposed Project will involve extraction of what can be described as "overburden" sediments that were only recently deposited during the 2017 Oroville Dam incident, and therefore, there is a planned vertical and horizontal separation between the Project activity and the site. However, there remains a possibility that cultural materials **or abandoned shipwrecks** will be inadvertently excavated during sediment removal. In addition, according to the review of maps and records, the proximity of the Project Area to major **navigable** water resources, and the fact that buried pre-contact and historic-period resources are known to exist within the Project Area, indicate a high potential for the presence of previously undiscovered buried historic-period and pre-contact archaeological deposits at the Project Area. The presence of alluvium in and around the Project Area further suggests that there remains a potential for deeply buried pre-contact resources to be uncovered during ground-disturbing activities. Without mitigation, impacts associated with inadvertent discovery of cultural resources would be significant.

Therefore, implementation of mitigation measures **CUL-1** is required and will require archaeological monitoring to ensure proper treatment of any cultural resources inadvertently discovered. Implementation of mitigation measures **CUL-2** and **CUL-3** will require proper handling and disposition of resources if they are inadvertently discovered. With these measures in place, the Project would have a less than significant impact on site P-51-20/P-51-275 and other cultural resources inadvertently discovered.

Mitigation Measures

Implementation of mitigation measures **CUL-1**, **CUL-2**, and **CUL-3** will be required.

**Impact 4.5-3: Implementation of the Proposed Project would disturb any human remains, including those interred outside of formal dedicated cemeteries.
Impact Determination: *less than significant with mitigation incorporated.***

Threshold: Would disturb any human remains, including those interred outside of formal dedicated cemeteries.

No human remains have been identified on the Project site. However, as described under Impact 4.5-1, implementation of the Proposed Project would include ground-disturbing construction activities that could result in the inadvertent disturbance of currently undiscovered human remains. However, mitigation measure **CUL-3** would require use of proper procedures to follow discovery of human remains mandated by the California Health and Safety Code and the PRC.

According to these provisions, should human remains be encountered, all work in the immediate vicinity of the burial must cease, and any necessary steps to ensure the integrity of the immediate area must be taken. The remains are required to be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. The County Coroner would be immediately notified, and the coroner would then determine whether the remains are Native American. If the coroner determines the remains are Native American, the coroner has 24 hours to notify the NAHC, which will in turn notify the person identified as the most likely descendant (MLD) of any human remains. Further actions would be determined, in part, by the desires of the MLD, who has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. Therefore, with implementation of mitigation measure **CUL-3**, impacts would be reduced to less than significant levels.

Mitigation Measures

Implementation of mitigation measure **CUL-3** would be required.

4.5.4 Cumulative Impacts

4.5.4.1 Cumulative Setting

The only other known proposed in-water Project in the Feather or Yuba rivers, involves dredging by SBFCA to remove sediment that has accumulated in portions of the Feather River near the Live Oak Recreational Park Boat Ramp facility, located several miles upstream of the Project. Dredging would remove ±1.5 acres of invasive water primrose and ±3,400 cy of sediment from the Live Oak Recreational

Park Boat Ramp facility. Dredged spoils would be dewatered at the boat ramp and spoils would be disposed of at the emergency ponds of the Gridley WWTP or at the Ostrom Road Landfill. This Project is anticipated to be completed in 2021. In addition, the City of Marysville intends to decommission the existing wastewater treatment ponds at the Marysville WWTP which will involve removal of any water and sludge from the wastewater ponds and regrading the site. Neither of these projects are anticipated to impact known cultural resources. There are no other known past, present, and probable future projects producing related or cumulative impacts in the area.

4.5.4.2 Cumulative Impacts and Mitigation Measures

Impact 4.5-5: Result in a considerable contribution to cumulative impacts on cultural resources.

Impact Determination: *less than significant with mitigation incorporated.*

Threshold: Would result in a substantial adverse change in the significance of an historical resource, archaeological resource, or disturb human remains in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas.

All three projects have the potential for inadvertent discovery of cultural resources. In addition, there is one known Historical Resource and significant archaeological resource in the Proposed Project area that could inadvertently be disturbed under the Project. As mitigated, however, the direct impacts associated with the Project will be reduced to a less than significant level. While it is possible that dredging activities and dredging and grading associated with the other projects could result in the discovery of cultural resources, mitigation measures and state and federal laws already in place will set in motion actions designed to mitigate these potential impacts. As a result, mitigation required for this Project, and existing federal and state laws, would ensure that the Project would have a less than considerable contribution to cumulative impacts on cultural resources. Impacts would be less than significant.

Mitigation Measures

Implementation of mitigation measures **CUL-1**, **CUL-2**, and **CUL-3** will be required.

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**APPENDIX A MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

MITIGATION MONITORING AND REPORTING PROGRAM

Yuba City Boat Ramp Sediment Removal Project

Final Environmental Impact Report

State Clearinghouse Number 2020060424

January 2021



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 **Yuba City Boat Ramp Sediment Removal 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.

Sutter Butte Flood Control Agency
Yuba City Boat Ramp Sediment Removal Project

MITIGATION	MONITORING AND REPORTING PROGRAM		
	Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]		
	Oversight Responsibility	Mitigation Actions/Reports	Monitoring Timing or Schedule
Aesthetics			
<i>Potential to create a new source of substantial light or glare which would adversely affect day or nighttime views of the area.</i>			
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	SBFCA and Project construction lead Implementation of BMPs, worker monitoring
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. Signage shall be posted at the entrance to the Yuba City Boat Launch facility, visible to the general public, recreational users of the facility, and recreational users of the bike path crossing the access road, with contact information for a Community Outreach Coordinator for receiving construction-related complaints and to assist in addressing them.	SBFCA and Project construction lead		Implemented at all times during construction
<i>Potential to result in a considerable contribution to cumulative impacts associated with light or glare which would adversely affect day or nighttime views of the area.</i>			
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			
<i>Potential to conflict with or obstruct implementation of applicable air quality plan</i>			
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
<i>Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable Federal or State ambient air quality standard</i>			
AIR-1: During all Project implementation activities during Phase 2 of the preferred Project OR Alternative 3, all onshore diesel-fueled, off-road dewatering equipment including, but not limited to, rubber-tired dozers, graders, trenchers, cranes, and tractor/loader/backhoes shall be of a certified clean fleet, specifically California Air Resources Board (CARB) Tier 3 Certified or better, as set forth in Section 2423 of Title 13 of the California Code of Regulations (CCR), and Part 89 of Title 40 of the Code of Federal Regulations.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable Federal or State ambient air quality standard			
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			
Potential to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.			
<p>BIO-1: Best Management Practices. The Project shall implement erosion control measures and best management practices (BMPs) to reduce the potential for sediment or pollutants to enter the Feather or Yuba Rivers at the Project site. Measures may include:</p> <ul style="list-style-type: none"> ■ Erosion control measures shall be placed between Waters of the U.S., and the outer edge of the staging and dewatering 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 shall be properly maintained until construction is completed and the soils have been stabilized. ■ Fiber rolls used for erosion control shall be certified by the California Department of Food and Agriculture as weed free. ■ Seed mixtures applied for erosion control shall 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 shall be promptly and properly removed from the site. ■ Any fueling in the upland portion of the Project site shall use appropriate secondary containment techniques to prevent spills. ■ A qualified biologist shall 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 shall provide an overview of habitat and characteristics of the species, the need to avoid certain areas, and the possible penalties for non-compliance. ■ A qualified biologist/biological monitor shall be onsite during daily construction activities to ensure compliance with the anticipated terms and conditions of the Project regulatory permits and CEQA compliance document. If appropriate, the approved biologist shall train an individual to act as the onsite construction monitor for periods when there is a low risk of effect to special-status species. 	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
<p>PLANT-1: Preconstruction Floristic Surveys. Preconstruction floristic surveys shall be conducted for any areas of proposed ground disturbance (i.e., grading or earth work) in the Project site with the potential to support special-status plants. The area of ground disturbance and a 25-foot buffer would be surveyed by a</p>	SBFCA and Project construction lead	Any avoided areas will be printed on construction plan sets	<p>Preconstruction floristic surveys shall be conducted prior to construction.</p> <p>Special-status plant locations shall be avoided at all times during construction.</p>

<p>qualified botanist during the appropriate blooming period prior to the start of Project activity. If no special-status plants are found during the preconstruction surveys, no further measures are necessary. If surveys identify any special-status plants, the Project construction manager 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.</p>			
<p>VELB-1. To avoid and minimize potential adverse effects to the valley elderberry longhorn beetle (VELB), the following shall be implemented:</p> <ul style="list-style-type: none"> ■ Through the Rivers and Harbors Act Section 10 Minor Impact Letter of Permission, request the USACE initiate ESA Section 7 Consultation with USFWS, if necessary, on the project effects to ESA-listed VELB ■ The area surrounding avoided elderberry shrubs shall be fenced and/or flagged as close to construction limits as possible. Recognizing that the Project may require staging/and or dewatering activities within 165 feet of some shrubs, the shrubs shall be protected during construction by establishing and maintaining a high-visibility fence as far from the drip line of each elderberry shrub as feasible. ■ As much as feasible, all activities that could occur within 165 feet of an elderberry shrub shall be conducted outside of the flight season of VELB (March - July). ■ Herbicides will not be used within the drip line of any elderberry shrubs. Insecticides shall not be used within 100 feet of an elderberry shrub and shall be applied using a backpack sprayer or similar direct application method. ■ The potential effects of dust on VELB shall be minimized by applying water during construction activities or by presoaking work areas that will occur within 100 feet of any potential elderberry shrub habitat. 	<p>SBFCA and Project construction lead</p>	<p>Section 7 consultation with USFWS shall be completed prior to construction</p> <p>This measure shall be printed on construction plan sets</p>	<p>Prior to and during construction</p>
<p>FISH-1: Special-Status Fish. To avoid and minimize potential adverse effects to listed and special-status fish species, designated critical habitat, and essential fish habitat implement the following:</p> <ul style="list-style-type: none"> ■ Implement dredging operations during a limited work window (likely June 15 through October 15) to avoid the most sensitive life stages of ESA-listed anadromous fish species. ■ Deploy measures, as practicable, to reduce sediment resuspension such as a turbidity curtain, if feasible, given the flow volume and velocity in the Project site. ■ Employ a fish biologist to be onsite as needed to monitor dredging and check the exit end of the suction pipe for spoils (i.e., sediment and vegetation). ■ Where mechanical dredging is used, attempt to exclude fish and other aquatic organisms from the area using block nets, to the extent feasible for the Project site. 	<p>SBFCA and Project construction lead</p>	<p>Section 7 consultation with NMFS shall be completed prior to construction</p> <p>This measure shall be printed on construction plan sets</p>	<p>Prior to and during construction</p>

<ul style="list-style-type: none"> ■ Through the Rivers and Harbors Act Section 10 Minor Impact Letter of Permission, request the USACE initiate ESA Section 7 Consultation with NMFS on the project effects to ESA-listed anadromous fish species, designated critical habitat, and essential fish habitat. ■ Consult with CDFW and if necessary, secure an Incidental Take Permit 2081, pursuant to Section 2080 of the California Fish and Game Code. 			
<p>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, raptors, including bald eagle, burrowing owl, and Swainson's hawk.</p> <ul style="list-style-type: none"> ■ All Nesting Birds – Within 14 days prior to construction (or less if recommended by CDFW), survey for nesting activity of birds within each 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 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. ■ Raptors (including bald eagle) – Within 14 days prior to construction, survey for nesting activity of birds of prey within each Project work area and a 500-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 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. ■ 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 14 days prior to starting Project activities. Surveys shall be conducted at appropriate times (dawn or dusk) to maximize detection. 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. ■ Swainson's hawk – Within 14 days prior to construction, survey for nesting activity of birds of prey within each 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 	<p>SBFCA and Project construction lead</p>	<p>This measure shall be printed on construction plan sets</p>	<p>Prior to and during construction</p>

have fledged and are no longer reliant upon the nest or parental care for survival.			
NPT-1: Northwestern Pond Turtle Survey. Conduct a pre-construction northwestern pond turtle survey in the construction staging and dewatering areas 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	Surveys shall be conducted within 48 hours prior to construction. This measure shall be printed on construction plan sets	Prior to and during construction
MAM-1: Ringtail Nest Survey. If the Project requires the removal of upland trees, within 14 days from construction, a qualified biologist shall survey all trees proposed for removal to determine their potential to provide suitable ringtail nest sites (e.g., trees with cavities). If potential nest trees are found, an avoidance area, determined by the survey biologist, shall be fenced and/or flagged around the tree as close to construction limits as possible.	SBFCA and Project construction lead	Ringtail nest site surveys shall be conducted within 14 days prior to construction. This measure shall be printed on construction plan sets.	Prior to and during construction
MAM-2: Roosting Bat Survey. If the Project requires the removal of upland trees, a qualified biologist shall conduct a preconstruction roosting bat survey for all suitable roosting habitat (e.g., manmade structures, trees) prior to construction activities. If suitable roosting habitat is identified, a qualified biologist shall conduct an evening bat emergence survey that may include acoustic monitoring to determine whether or not bats are present. If roosting bats are found, consultation with CDFW prior to initiation of construction activities shall be required and implementation of CDFW recommendations shall be required. If bats are not found during the preconstruction surveys, no further measures are necessary.	SBFCA and Project construction lead	Roosting bat surveys shall be conducted within 14 days prior to construction. This measure shall be printed on construction plan sets	Prior to and during construction
<i>Potential to have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</i>			
RIP-1: Riparian Habitat. The river channels shall be accessed via areas where no permanent impacts to riparian vegetation will be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
RIP-2: Riparian Habitat. 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 the Feather or Yuba Rivers and riparian habitats. 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. In addition, implementation of mitigation measure BIO-1 will be required.	SBFCA and Project construction lead.	The SAA from CDFW shall be obtained prior to construction This measure shall be printed on construction plan sets	Implemented at all times during construction

Potential to would have a substantial adverse effect on State or Federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.			
<p>WTR-1: Waters of the U.S. and State. To avoid or minimize anticipated short-term adverse effects to Waters of the U.S., the following shall be implemented:</p> <ul style="list-style-type: none"> ■ If backwater from dewatered dredged spoils has potential to discharge to wetlands or Waters of the U.S. then a Nationwide Permit 16 (Backwater) under Section 404 of the federal CWA must be obtained from USACE. The impacts from such actions are expected to be temporary and solely associated with the dewatering activities. ■ Authorization to dredge the Feather and Yuba Rivers under Section 10 of the Rivers and Harbor Act must be obtained from the USACE. To facilitate such authorization, an application for a Minor Impact Letter of Permission for the Project shall be prepared and submitted to USACE. ■ A Water Quality Certification or waiver pursuant to Section 401 of the CWA, as issued by RWQCB, shall be obtained for the Section 10 and any Section 404 permit actions. ■ A Waste Discharge Requirement for dredge and fill in Waters of the State under the Porter-Cologne Water Quality Control Act as issued by RWQCB shall be obtained for impacts to Waters of the State. <p>In addition, implementation of mitigation measures BIO-1, FISH-1, and RIP-2 will be required.</p>	SBFCA and Project construction lead	<p>Permit authorizations from the USACE and RWQCB shall be obtained prior to construction</p> <p>This measure shall be printed on construction plan sets</p>	Implemented at all times during construction
Potential to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.			
Implementation of mitigation measures BIO-1, FISH-1, and RIP-1 will be required.	SBFCA and Project construction lead.	These measures shall be printed on construction plan sets	Implemented at all times during construction
Potential to Result in a considerable contribution to cumulative impacts on biological resources.			
Implementation of mitigation measures BIO-1, PLANT-1, VELB-1, FISH-1, NPT-1, BIRD-1, MAM-1, MAM-2, RIP-1, RIP-2, and WTR-1 will be required	SBFCA and Project construction lead	These measures shall be printed on construction plan sets	Implemented at all times during construction

Cultural Resources

Potential to cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines section 15064.5.

<p>CUL-1: Archaeological Monitoring</p> <ul style="list-style-type: none">■ All terrestrial ground-disturbing activity associated with Project construction shall be monitored by a qualified professional archaeologist that meets or works under the direct supervision of someone who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology.■ The archaeological monitor shall provide a pre-work orientation session to all construction personnel. This includes instructing the Project superintendent and key members of all major excavation, trenching, and grading dredging operations for Project construction to be alert for the possibility of destruction of buried cultural resource materials. The training shall instruct all personnel to recognize signs of historic and pre-contact use, and to report any such finds (or suspected finds) to the archaeological monitor immediately, so damage to such resources may be prevented.■ Archaeological monitoring will not occur for equipment set-up or tear-down that does not disturb the ground surface more than six inches in depth; hydro seeding; paving; placement of imported fill/gravel/rock; restoration; or backfilling of previously excavated areas. Excavated sediment from the inundated river channel, which was redeposited from upstream by the 2017 Oroville Dam Spillway incident, will not be subjected to screening, however, any observed cultural materials will be collected and treated in accordance with mitigation measures CUL-2 and CUL-3.■ At the conclusion of monitoring activities, the Principal Investigator shall submit to the USACE, Commission, and SBFCA a brief Summary Monitoring Report for the Project, which incorporates all previously unknown discoveries and presents the methods and results of all monitoring activities. The draft report shall be submitted to the USACE and SBFCA within 12 months of the completion of all Project activities.■ All site records, reports, photographs, and other documentation generated for this Project using public funding shall be maintained on file with the CHRIS and made available to professionals meeting the standards of the OHP. Information derived from these documents may be further disseminated at professional archaeological conferences or meetings, or to the interested public (with confidentiality maintained). The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.	<p>SBFCA and Project construction lead.</p>	<p>This measure shall be printed on construction plan sets</p>	<p>Implemented at all times during construction</p>
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<p>CUL-2: Post-Review Discoveries. The monitoring archaeologist shall be responsible for taking into account any tribal recommendations when making the following decisions.</p> <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), then 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 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 fiduciary 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. ■ If the find is determined to be a cultural resource in any context or state of integrity and is situated on State lands, the monitoring archaeologist shall immediately notify SBFCA, which shall contact the Commission to consult on appropriate measures or treatment. The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission. ■ If the find is determined by the monitoring archaeologist to be located on lands other than State lands and is 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, then 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. 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 fiduciary support for storing, processing, or reburying materials that are not eligible for the NRHP or CRHR. If the 	<p>SBFCA and Project construction lead.</p>	<p>This measure shall be printed on construction plan sets</p>	<p>Implemented at all times during construction</p>
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<p>find was made in spoil piles and stockpiles, the material may be reused by the Project and returned to the project site 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, then no material collection may occur by any party, and the Tribal Historic Preservation Officer (THPO) of the dissenting tribe shall notify the USACE and 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 have 48 hours to 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, then 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. ○ 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, then the USACE and SBFCA shall consult on appropriate treatment, in consultation with tribal representatives, pursuant to 36 CFR § 800.13(b) and CEQA, respectively. 			
<p>CUL-3: Protocols for Discovery of Human Remains</p> <p>If it is determined that human remains are found, or remains that are potentially human, then the treatment shall conform to the requirements of State law under California Health and Safety Code Section 7050.5 and PRC Section 5097.98 98 to the greatest extent that they apply to the USACE. The procedures in the human remains treatment plan and contractor specifications shall be followed.</p> <p>For the purposes of this Project, the definitions of remains subject to State law (Section 5097.98) shall apply. This definition states: “(d)(1) Human remains of a Native American may be an</p>	<p>SBFCA and Project construction lead.</p>	<p>This measure shall be printed on construction plan sets</p>	<p>Implemented at all times during construction</p>

inhumation or cremation, and in any state of decomposition or skeletal completeness. (2) Any items associated with the human remains that are placed or buried with the Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains.”			
Potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.			
Implementation of mitigation measures CUL-1 , CUL-2 , and CUL-3 will be required.	SBFCA and Project construction lead	These measures shall be printed on construction plan sets	Implemented at all times during construction
Potential to disturb any human remains, including those interred outside of formal cemeteries.			
Implementation of mitigation measure CUL-3 would be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Potential to result in a considerable contribution to cumulative impacts on cultural resources.			
Implementation of mitigation measures CUL-1 , CUL-2 , and CUL-3 will be required.	SBFCA and Project construction lead	These measures shall be printed on construction plan sets	Implemented at all times during construction
Geology and Soils			
Potential to directly or indirectly destroy a unique paleontological resource or site or unique geological feature.			
GEO-1: Discovery of Unknown Paleontological Resources If any 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	During dredging operations
Potential to result in a considerable contribution to cumulative impacts on geology and soils.			
Implementation of mitigation measure GEO-1 will be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	During dredging operations
Hazards and Hazardous Materials			
Potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.			
HAZ-1: Vehicles shall be moved away from the Yuba and Feather Rivers prior to refueling and lubrication, as well as repairs if feasible. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located well away from the top of bank and riparian areas. Stationary equipment such as motors,	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implementation of BMPs will include monitoring construction

pumps, generators, compressors and welders, located within or adjacent to Waters of the State shall be positioned over drip-pans. Debris, rubbish, oil, gasoline or diesel fuel, or other petroleum products, or any other substances which could be hazardous to aquatic life resulting from Project activities shall be prevented from contaminating the soil and/or entering Waters of the State. 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.			
Potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.			
HAZ-2: All vessels shall contain sufficient absorbent material onboard for a spill sufficient to contain the maximum fuel capacity and oil of the vessel.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Hydrology and Soils			
Potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.			
HYD-1: A Water Quality Control Plan shall be prepared by SBFCA and approved by the RWQCB prior to construction that will require continuous water quality monitoring during dredging operations to ensure protection of water quality objectives in the Feather and Yuba Rivers. The Water Quality Monitoring Plan shall also stipulate the sampling, monitoring, and reporting requirements for discharge of decanted water resulting from dewatering dredged materials in tanks or aboveground basins in compliance with the RWQCB's WDR for Limited Threat Discharges to Surface Waters (Order No. R5-2016-0076-01) and the Section 401 Water Quality Certification/WDR issued for the Project.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
HYD-2: The contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and shall submit a Notice of Intent (NOI) for coverage under the General NPDES Permit for Stormwater Discharges Associated with Construction Activities.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Potential to result in considerable contribution to cumulative impacts on hydrology and water quality.			
Implementation of mitigation measures HYD-1 and HYD-2 will be required, as above.	SBFCA and Project construction lead	These measures shall be printed on construction plan sets	Implemented at all times during construction
Land Use and Planning			
Potential to cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.			
Implementation of all mitigation measures for other issue areas would be required.	SBFCA and Project construction lead	These measures shall be printed on construction plan sets	Implemented at all times during construction
Potential to result in a considerable contribution to cumulative impacts on land use and planning.			

Implementation of all mitigation measures for other issue areas would be required.	SBFCA and Project construction lead	These measures shall be printed on construction plan sets	Implemented at all times during construction
Recreation			
<i>Potential to increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.</i>			
REC-1: Notification and Coordination with Recreational Users. Notification and coordination with recreational users of the Yuba City Boat Ramp facility and in-water users of the Yuba and Feather Rivers shall be implemented. Temporary signage, and exclusion fencing or access barriers, where appropriate, shall be installed at the entrance to the Boat Ramp facility to prevent members of the public from entering the construction site. Prior to construction, public outreach would be conducted through mailings, posting signs, and coordination with interested groups to provide information regarding changes to recreation use and access during implementation of the project. In addition, buoys and temporary fencing along the river banks shall be placed to demarcate in-water work areas and a 100-foot safety zone to prevent boaters and recreationists on the banks from entering the dredging area and approaching construction equipment.	SBFCA and Project construction lead.		Implemented at all times during construction
Transportation			
<i>Potential to conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities.</i>			
TRAF-1: Construction Traffic Management Plan. A Construction Traffic Management Plan shall be prepared and implemented by the construction contractor to manage and plan for any lane closures or detours for roadways or bicycle facilities, and ingress and egress of truck traffic and deliveries of equipment and supplies at the Yuba City Boat Ramp facility and Marysville Wastewater Treatment Plant (WWTP). For the Class I bike paths crossing the access roads into both the Yuba City Boat Ramp facility and the Marysville WWTP facility, alternate routes and detours shall be provided and signage placed around the construction areas to identify the closed areas and alternate routes. Where construction traffic would cross these routes, flaggers shall be used during egress and ingress of delivery trucks and trucks hauling dredged material. The Construction Traffic Management Plan shall include proposed times and days of deliveries and hauling of dredged material to avoid peak hours to the maximum extent feasible.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	Implemented at all times during construction
<i>Potential to result in inadequate emergency access.</i>			
TRAF-2: All construction activities and truck traffic on area roadways shall cease during an event requiring emergency evacuations in the City of Yuba City or City of Marysville.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	Implemented at all times during construction

Potential to result in a considerable contribution to cumulative impacts on transportation.			
Implementation of mitigation measures TRAF-1 and TRAF-2 will be required.	SBFCA and Project construction lead.	These measures shall be printed on construction plan sets	Implemented at all times during construction
Tribal Cultural Resources			
Potential to cause a substantial adverse change in the significance of a Tribal Cultural Resource.			
TCR-1: Tribal Monitoring. All terrestrial ground disturbing activity should be monitored by a qualified tribal monitor representing a consulting tribe. The monitor must be given a minimum of 7 days' notice of the opportunity to be present during these activities and to coordinate closely with the archaeological monitor, to observe work activities, and assist in ensuring that sensitive tribal resources are not impacted. The monitor must 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 potential tribal resources are discovered, a reasonable work pause or redirection of work by the contractor may be requested. If the tribe cannot recommend a monitor or if the tribal monitor does not report at the scheduled time, then all work will continue as long as the specified notice was provided. Tribal monitoring will not occur for equipment set-up or tear-down that does not disturb the ground surface more than six inches in depth; hydroseeding; paving; placement of imported fill/gravel/rock; restoration; or backfilling of previously excavated areas. Excavated sediment from the river channel, which was redeposited from upstream by the 2017 Oroville Dam incident, will not be subjected to screening. However, 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 to the satisfaction of the lead agencies. If the discovery includes human remains, then the procedures in CUL-3 shall apply.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	Implemented at all times during construction
Potential to result in a considerable contribution to cumulative impacts on TCRs.			
Implementation of mitigation measure TCR-1 will be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction