

Staff Report 23

APPLICANT:

Sutter Butte Flood Control Agency

PROPOSED ACTION:

Issuance of General Lease – Dredging Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Feather River and the confluence of the Feather and Yuba Rivers, adjacent to Assessor's Parcel Numbers 52-570-006, 010-260-017, 010-020-010, 010-020-011, and 010-020-015, near Yuba City, Sutter and Yuba Counties.

AUTHORIZED USE:

Maintenance dredge a maximum of 65,600 cubic yards (cy) of sediment from a 14-acre area of the Feather River adjacent to the Yuba City Boat Ramp Facility (Phase 1) and a maximum of 250,000 cy of sediment from a 14-acre area downstream at the confluence of the Yuba and Feather Rivers (Phase 2). Dredged material will be disposed of at an upland disposal site.

TERM:

5 years, beginning April 27, 2021.

CONSIDERATION:

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; dredged material may not be sold.

SPECIFIC LEASE PROVISIONS:

- In performing dredging operations, the Lessee will abide by mitigation measures and Best Management Practices to control turbidity and protect aquatic

resources and habitats from excessive siltation in the general vicinity of the Project.

- Lessee acknowledges that material dredged from the Lease Premises is the property of the State of California and shall not be sold, and that Lessee is not authorized to dredge for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.
- Lessee shall coordinate with the U.S. Coast Guard in placing and maintaining navigational buoys, as a warning to boaters at all times, during dredging activities.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6303, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On September 20, 2013, the Commission authorized an 18-year General Lease – Public Agency Use, Lease No. PRC 7747, to the County of Sutter for an existing concrete public boat launch ramp, L-shape uncovered floating dock, four pilings, retaining wall, and bank protection adjacent to APN 52-570-006 ([Item C25, September 20, 2013](#)). That lease will expire on May 4, 2030.

The Applicant has applied for a General Lease – Dredging Use to remove sediment and debris within and outside of the County of Sutter's lease area (Project) and the confluence of the Feather and Yuba Rivers. The Applicant has consulted with the County of Sutter and the upland owners, Levee District 1 and the City of Marysville, for the use of the proposed area for the Project. All parties contacted support the dredging by the Applicant. Sediment has accumulated in portions of the rivers and adjacent to the Yuba City Boat Ramp Facility in the Feather River. The Oroville Dam spillway incident in 2017 exacerbated the accumulation of sediment. The sediment has created dangerous conditions for recreational users and emergency response vessels launching from the facility. The sediment has hampered public safety and limits public access to the rivers from the boat ramp and impedes fish passage along the rivers. The Project has received funding from the California Natural Resources Agency through Proposition 68 to remove sediment for safety and to restore recreation access to the Feather River and fish passage conditions near boat ramps in Yuba and Sutter Counties.

The proposed Project includes two phases and two potential dredging methods; hydraulic and mechanical dredging to remove a maximum of 65,600 cy of sediment from a 14-acre area of the Feather River adjacent to the Yuba City Boat Ramp Facility (Phase 1) and a maximum of 250,000 cy of sediment from a 14-acre area downstream at the confluence of the Yuba and Feather Rivers (Phase 2). The hydraulic dredging method would require a barge using suction to remove the sediment from the river bottom and pump material to a location for dewatering and disposal. Mechanical dredging would involve equipment such as an excavator with a bucket and performed from the shoreline and a barge within the river. The dredged material will be temporarily placed on the boat ramp, shoreline, and/or a barge to transport the dredged material for dewatering and disposal. The Project will require a staging area for equipment within and adjacent to the Yuba City Boat Ramp Facility. The staging area will be clearly marked with signs and/or fenced.

Dewatering and disposal of the dredged sediment for Phase 1 will be within wastewater ponds that are proposed for decommissioning at the Marysville Wastewater Treatment Plant (WWTP) and is located adjacent to the proposed dredging site. If funding is timely, Phase 2 dredged material will also be dewatered and disposed of in the Marysville WWTP ponds. If funding is not timely, then the material may need to be dewatered on the boat ramp and disposed of in Recology's Ostrom Road Landfill.

Dredging is proposed to take place in the summer of 2021. The dredging would be limited to June 15 through October 15 under the proposed Project. The Project may take two seasons to complete. However, stockpiling and disposal of the dewatered dredged material may delay the Project. Time to dewater the dredged material may also delay the duration of the dredging beyond two seasons. If the Ostrom Road Landfill is used for the Phase 2 dredged material, there may be additional delays if the Ostrom Road Landfill reaches its daily maximum threshold of 3,000 tons per day for solid waste disposal. Commission staff recommends a lease term of 5 years to take into account any delays associated with the dredging.

The Applicant is coordinating with Sutter County and the landowners to minimize the impacts and closures to the facilities during the dredging. The public boat ramp may be closed for 1 to 2 weeks during the dredging. Alternate access to the river is located directly across from the Project site at the Marysville Boat Ramp, downstream at the Boyd's Landing Boat Ramp, and upstream at the Live Oak Boat Ramp launching facilities. Signs will be posted to direct the public to the alternative boat ramp locations during the closure.

The Applicant has permission to use the uplands adjoining the lease premises. The public boat launching ramp is maintained by the County of Sutter and the County has a lease with Levee District 1 for the use of the uplands. The proposed dredging will facilitate recreational boating and improve navigation. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust land (Pub. Resources Code, § 6503.5).

CLIMATE CHANGE:

The project area is not tidally influenced and therefore, would not be subject to sea-level rise. However, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms. In rivers, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and flooding and storm flow, as well as runoff, will likely increase scour, decreasing bank stability at a faster rate. The proposed Project involves dredging in the river that would likely reduce the likelihood of severe structural degradation of the boat launching facility.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant will not be authorized to perform maintenance dredging. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or a renewal of any previous lease.

2. This action is consistent with the "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. An Environmental Impact Report (EIR), State Clearinghouse No. 2020060424, was prepared for this project by the Sutter Butte Flood Control Agency and certified on February 10, 2021. As part of its project approval, the Sutter Butte Flood Control Agency made a Statement of Facts and Findings and Statement of Overriding Considerations and adopted a Mitigation Monitoring and Reporting Program.

Staff has reviewed these documents and prepared an independent Mitigation Monitoring Program (attached, Exhibit C) that incorporates the Sutter Butte Flood Control Agency's document and recommends its adoption by the Commission.

Staff also prepared Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096), which determined that all but one potential impact would be less than significant or less than significant with mitigation. The Findings identified that the project could cause a potentially significant impact to air quality due to nitrogen oxide emissions exceeding regional standards despite mitigation measures. Staff prepared a Statement of Overriding Considerations made pursuant to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15093), which balances the benefits of the project against its unavoidable impacts and finds that the potential impact is acceptable in light of the project benefits. Staff recommends the Commission adopt the Findings and Statement of Overriding Considerations contained in the attached Exhibit D.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but the activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVAL OBTAINED:

Central Valley Flood Protection Board

APPROVALS REQUIRED:

California Department of Fish and Wildlife

California Department of Transportation
Central Valley Regional Water Quality Control Board
National Marine Fisheries Service
State Water Resources Control Board
Feather River Air Quality Management District
U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Findings and Statement of Overriding Considerations

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2020060424, was prepared for this project by the Sutter Butte Flood Control Agency and certified on February 10, 2021, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in the attached Exhibit D.

Adopt the Statement of Overriding Considerations made in conformance with California Code of Regulations, title 14, section 15093, as contained in the attached Exhibit D.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a General Lease – Dredging Use to the Applicant beginning April 27, 2021, for a term of 5 years, to maintenance dredge a maximum of 65,600 cy of sediment from a 14-acre area of the Feather River adjacent to the Yuba City Boat Ramp Facility (Phase 1) and a maximum of 250,000 cy of sediment from a 14-acre area downstream at the confluence of the Yuba and Feather Rivers (Phase 2), as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration: public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; such permitted activity is contingent upon Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, state, and local governments; dredged material shall be disposed within wastewater ponds that are proposed for decommissioning at the Marysville WWTP emergency storage ponds for Phase 1 and 2, or an alternate site for Phase 2 at Recology's Ostrom Road Landfills; and the dredged material may not be sold.

EXHIBIT A

A 2661

LAND DESCRIPTION

Two parcels of submerged land situate in the bed of the Feather River and the bed of the Yuba River, lying adjacent to Lot 38, (Rancho New Helvetia) Township 15 North, Range 3 East, MDM, as shown on the Official Township plat approved June 20th, 1867, County of Sutter and County of Yuba, State of California and more particularly described as follows:

Parcel 1 - Feather River

Bounded on the north by a line lying parallel with and 100 feet southerly of the easterly prolongation of the north line of line of Lot 1 of the Briggs Orchard Subdivision filed in book 5 of Surveys at page 8 of Sutter County Records as shown on that Record of Survey for the County of Sutter filed April 2, 2009 in Book 18, Records of Survey, page 95, in the Office of the Sutter County Recorder;

Bounded on the east by the low water mark of the left bank of the Feather River and its confluence with the Yuba River;

Bounded on the south by a line lying parallel with and 200 feet northerly of the westerly prolongation of the south line of that parcel as described in that deed for "WILBUR DOC. NO. 200203403 57.16 ACRES" and as shown on sheet 2 of that Record of Survey 2014-0002 for Richard G. Wilbur filed May 28, 2015 in Book 96 of Maps at Page 37-40.

Bounded on the west by the low water mark of the right bank of the Feather River.

Parcel 2 – Yuba River

Bounded on the north by a line lying parallel with 400 feet southerly of the westerly prolongation of the south line of that parcel as described in that deed for “CITY OF MARYSVILLE BOOK 52/DEEDS/PAGE 35” and as shown on sheet 3 of that Record of Survey 2014-0002 for Richard G. Wilbur filed May 28, 2015 in Book 96 of Maps at Page 37-40;

Bounded on the east by the low water mark of the left bank of the Yuba River;

Bounded on the south and southwest and west by the confluence of the Yuba River with the Feather River;

Bounded on the northwest by low water mark of the right bank of the Yuba River.

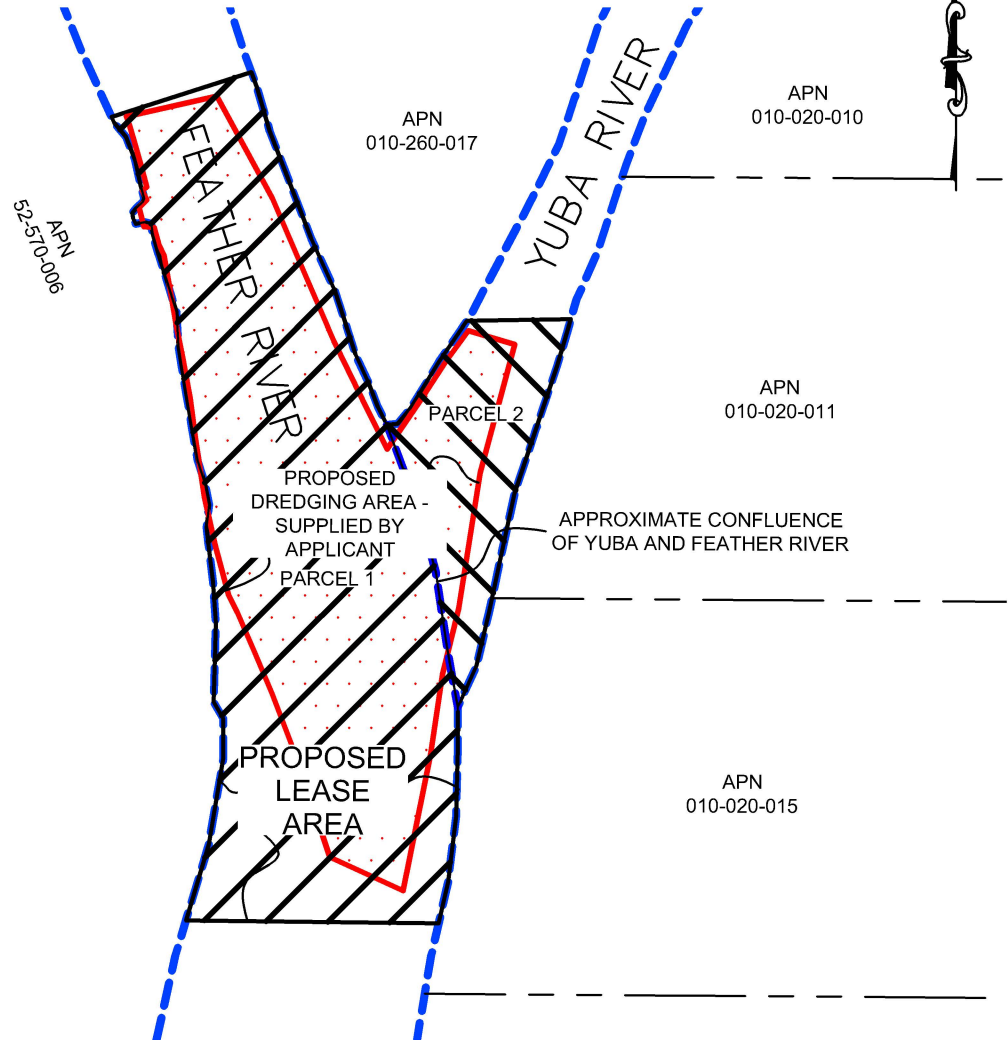
END OF DESCRIPTION

PREPARED 3/05/2021 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

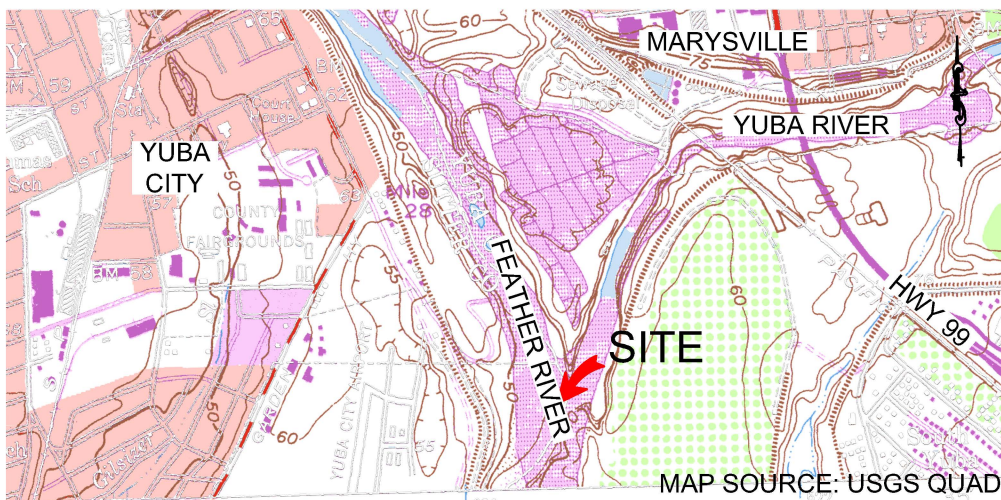
SITE



CONFLUENCE OF FEATHER AND YUBA RIVER

NO SCALE

LOCATION



THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

EXHIBIT B

A 2661
SUTTER BUTTE FLOOD
CONTROL AGENCY
GENERAL LEASE -
DREDGING USE
SUTTER & YUBA COUNTIES



MJF 4/05/2021

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
YUBA CITY BOAT RAMP SEDIMENT REMOVAL PROJECT
(A2661, State Clearinghouse No. 2020060424)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Yuba City Boat Ramp Sediment Removal Project, Sutter County (Project). The CEQA lead agency for the Project is the Sutter Butte Flood Control Agency (Agency).

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency certified an EIR, State Clearinghouse No. 2020060424, adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMP prepared by the CEQA lead agency and provided in Attachment C-1, is incorporated by reference in this Exhibit C. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
Aesthetics		
Potential to create a new source of substantial light or glare which would adversely affect day or nighttime views of the area.	MM AES-2: Implement a Community Outreach Program.	None
Cumulative Impacts	MM AES-1: Lighting, MM AES-2	None
Air Quality		
Potential to conflict with or obstruct implementation of applicable air quality plan.	MM AIR-1: Implementation of Air Quality Plan.	None (Significant and Unavoidable)
Cumulative Impacts	MM AIR-1	None (Significant and unavoidable)
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>MM BIO-1: Best Management Practices (BMPs)</p> <p>MM 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.</p> <p>MM VELB-1: To avoid and minimize potential adverse effects to the valley elderberry longhorn beetle (VELB).</p> <p>MM FISH-1: To avoid and minimize potential adverse effects to listed and special status fish species, designated critical habitat, and Essential Fish Habitat.</p>	None

² See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
	MM NPT-1: Conduct a pre-construction northwestern pond turtle survey in the construction staging and dewatering areas 48 hours prior to construction activities.	
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.	MM RIP-1: The river channels shall be accessed via areas where no permanent impacts to riparian vegetation will be required. MM 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. MM BIO-1	None
Potential to 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.	MM WTR-1: The river channels shall be accessed via areas where no permanent impacts to riparian vegetation will be required., MM BIO-1, MM FISH-1, MM RIP-2	None
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.	MM BIO-1, MM FISH-1, MM RIP-1.	None

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
Cumulative Impacts	MM BIO-1, MM PLANT-1, MM VELB-1, MM FISH-1, MM NPT-1, MM BIRD-1: Nesting Birds. MM 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). MM 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. MM RIP-1, MM RIP-2, MM WTR-1.	None
Cultural Resources		
Potential to cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines section 15064.5.	MM CUL-1: Archaeological Monitoring. MM CUL-2: Post-Review Discoveries. MM CUL-3: Protocols for Discovery of Human Remains.	None
Potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.	MM CUL-1, MM CUL-2, MM CUL-3	None
Potential to disturb any human remains, including those interred outdoors of formal cemeteries.	MM CUL-3	None
Cumulative Impacts	MM CUL-1, MM CUL-2, MM CUL-3	None
Geology and Soils		
Potential to directly or indirectly destroy a unique paleontological	MM GEO-1: Discovery of Unknown Paleontological Resources.	See MM GEO-1 below

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
resource or site or unique geological feature.		
Cumulative Impacts	MM GEO-1	None
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.	MM HAZ-1: Staging and storage areas for equipment.	None
Hydrology and Soils		
Potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.	MM HYD-1: Develop a Water Quality Control Plan, MM HYD-2: Develop a Stormwater Pollution Prevention Plan.	None
Potential to result in considerable contribution to cumulative impacts on hydrology and water quality.	MM HYD-1, MM HYD-2.	None
Recreation		
Potential to increase the use of existing neighborhood and such that substantial physical deterioration of the facility would occur or be accelerated.	MM REC-1: Notification and Coordination with Recreational Users.	None
Tribal Cultural Resources		
Potential to cause a substantial adverse change in the significance of a Tribal Cultural Resource.	MM TCR-1: Tribal Monitoring	None
Cumulative Impacts	MM TCR-1	None

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. .” California State Lands Commission staff shall be notified of any paleontological resources discovered on lands under the jurisdiction of the Commission so that the Commission may fulfill its responsibilities as the landowner.

ATTACHMENT C-1

**Mitigation Monitoring Program Adopted by the
Sutter Butte Flood Control Agency**

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

MONITORING AND REPORTING PROGRAM

IMPACT	MITIGATION	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	Implemented at all times during construction
	AES-2: Implement a Community Outreach Program. SBFCA will provide advance public notification to permanent residents located adjacent to the project regarding planned construction activities, including activities that must be performed at night or on weekends. Mail and, where feasible, emails to adjacent residents shall be sent notifying them of unavoidable nighttime or weekend construction activities each year prior to construction. 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	This measure 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

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
<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
<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>	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				
<i>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.</i>	<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. 	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	<ul style="list-style-type: none"> ■ 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. <p>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.</p>			
	<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.</p>	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	<p>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 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>Special-status plant locations shall be avoided at all times during construction.</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). 	<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>

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	<ul style="list-style-type: none"> 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. <p>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>			
	<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. 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. 	SBFCA and Project construction lead	<p>Section 7 consultation with NMFS shall be completed prior to construction</p> <p>This measure shall be printed on construction plan sets</p>	Prior to and during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	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- 	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	<p>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.</p> <p>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 have fledged and are no longer reliant upon the nest or parental care for survival.</p>			
	<p>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.</p>	SBFCA and Project construction lead	<p>Surveys shall be conducted within 48 hours prior to construction.</p> <p>This measure shall be printed on construction plan sets</p>	Prior to and during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	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		The SAA from CDFW shall be obtained prior to construction	

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	<p>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.</p> <p>In addition, implementation of mitigation measure BIO-1 will be required.</p>		<p>This measure shall be printed on construction plan sets</p>	
<p><i>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.</i></p>	<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>SBFCA and Project construction lead</p>	<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>	<p>Implemented at all times during construction</p>

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	In addition, implementation of mitigation measures BIO-1 , FISH-1 , and RIP-2 will be required.			
<i>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.</i>	Implementation of mitigation measures BIO-1 , FISH-1 , and RIP-1 will be required.	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 considerable contribution to cumulative impacts on biological resources</i>	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	This measure shall be printed on construction plan sets	Implemented at all times during construction
Cultural Resources				
<i>Potential to cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines section 15064.5.</i>	CUL-1: Archaeological Monitoring <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 	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	<p>damage to such resources may be prevented.</p> <ul style="list-style-type: none"> ■ 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. <p>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</p>			

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.			
	<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 	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	<p>California State Lands Commission must be approved by the Commission.</p> <ul style="list-style-type: none"> ■ 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 find was made in spoil piles and stockpiles, the material may be reused by the Project and returned to the 			

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	<p>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. <p>If the find is determined by the monitoring archaeologist to be in original context (in original place of deposition) and does not contain human remains, and that it constitutes a resource that could not have</p>			

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	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 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>	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
<i>Potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.</i>	Implementation of mitigation measures CUL-1 , CUL-2 , and CUL-3 will be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
<i>Potential to disturb any human remains, including those interred outdoors of formal cemeteries.</i>	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

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
<i>Potential to result in a considerable contribution to cumulative impacts on cultural resources.</i>	Implementation of mitigation measures CUL-1 , CUL-2 , and CUL-3 will be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Geology and Soils				
<i>Potential to directly or indirectly destroy a unique paleontological resource or site or unique geological feature.</i>	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	Implemented at all times during construction
<i>Potential to result in a considerable contribution to cumulative impacts on geology and soils.</i>	Implementation of mitigation measure GEO-1 will be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Hazards and Hazardous Materials				
<i>Potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</i>	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	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	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.			
	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				
<i>Potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.</i>	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			

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	NPDES Permit for Stormwater Discharges Associated with Construction Activities.			
<i>Potential to result in considerable contribution to cumulative impacts on hydrology and water quality.</i>	Implementation of mitigation measures HYD-1 and HYD-2 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
Land Use and Planning				
<i>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.</i>	Implementation of all mitigation measures for other issue areas would be required.	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 considerable contribution to cumulative impacts on land use and planning.</i>	Implementation of all mitigation measures for other issue areas would be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Recreation				
<i>Potential to increase the use of existing neighborhood and 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	SBFCA and Project construction lead		Implemented at all times during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	dredging area and approaching construction equipment.			
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
<i>Potential to result in a considerable contribution to cumulative impacts on transportation.</i>	Implementation of mitigation measures TRAF-1 and TRAF-2 will be required.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Tribal Cultural Resources				
<i>Potential to cause a substantial adverse change in the significance of a Tribal Cultural Resource.</i>	TCR-1: Tribal Monitoring. All terrestrial ground disturbing activity should be monitored by a qualified tribal monitor representing a consulting tribe. The monitor	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

IMPACT	MITIGATION	OVERSIGHT RESPONSIBILITY	MITIGATION ACTIONS/REPORTS	MONITORING TIMING OR SCHEDULE
	<p>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.</p>			
<p><i>Potential to result in a considerable contribution to cumulative impacts on TCRs.</i></p>	<p>Implementation of mitigation measure TCR-1 will be required.</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>

EXHIBIT D – YUBA CITY BOAT RAMP SEDIMENT REMOVAL PROJECT (PROJECT)

CALIFORNIA STATE LANDS COMMISSION STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (Commission or CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Dredging Use to the Sutter Butte Flood Control Agency (SBFCA) for use of sovereign land associated with the proposed Yuba City Boat Ramp Sediment Removal Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ 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, §§ 6301, 6306, 6009, subd. (c).) 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.

The Commission is a responsible agency under CEQA for the Project because the Commission must approve a lease for the Project to go forward and because the SBFCA, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The SBFCA analyzed the environmental impacts associated with the Project in a analyzed the environmental impacts associated with the Project in an Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2020060424) and, in February 2021, certified the EIR and adopted a Mitigation Monitoring Program (MMP) and Findings.

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 Parkway 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 proposes the proposed Project to meet its objectives and needs as follows:

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

- 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 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 WWTP proposed by the City of Marysville for decommissioning

The SBFCA determined that the Project could have significant effects on the following environmental resources:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Soils;
- Land Use and Planning;
- Recreation;
- Transportation; and
- Tribal Cultural Resource.

Of the resources area noted above, Project components within the Commission's jurisdiction (i.e., dredging) could have significant environmental effects on one of the resource areas, as follows:

- Air Quality

In certifying the Final EIR and approving the Project, the SBCFA imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant. However, even with the integration of all feasible mitigation, the SBFCA concluded in the EIR that some of the identified impacts would

remain significant. As a result, the SBFCA adopted a Statement of Overriding Considerations to support its approval of the Project despite the significant and unavoidable impacts. The SBFCA determined that, after mitigation, the Project may still have significant impacts on Air Quality. Because some of these significant impacts may occur on lands under the jurisdiction of the Commission, the Commission also adopts the Statement of Overriding Considerations set forth in this exhibit as part of its approval.

As a responsible agency, the Commission complies with CEQA by considering the EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the Commission may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the Commission adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission Division of Environmental Planning and Management.

3.0 FINDINGS

The Commission's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the SBFCA for the Project identifies potentially significant impacts that fall within the scope of the Commission's approval, the Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.

While the Commission must consider the environmental impacts of the Project as set forth in the EIR, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the Commission's exercise of discretion involves only issuing a General Lease – Dredging Use for this Project, the Commission is responsible for considering only the

environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the Commission's approval of a General Lease – Dredging Use, which would allow dredging and dredge material placement on adjacent lands, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.²

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.
- Wherever Finding (3) is made, the Commission has determined that, even after implementation of all feasible mitigation measures and consideration of feasible alternatives, the identified impact will exceed the significance criteria set forth in the EIR. Furthermore, to the extent that potentially feasible measures have been alleged or proposed, the Findings explain why certain economic, legal, social, technological or other considerations render such possibilities infeasible. The significant and unavoidable impacts requiring Finding (3) are identified in the Final EIR, discussed in the Responses to Comments, and explained below.

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

Having done everything it can to avoid and substantially lessen these effects consistent with its legal authority and CEQA, the Commission finds in these instances that overriding economic, legal, social, and other benefits of the approved Project outweigh the resulting significant and unavoidable impacts. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR.

A. SUMMARY OF FINDINGS

Based on public scoping, and impact analysis, the proposed Project and the EIR subsequently identified the following impacts as Less Than Significant:

- Agricultural and Forestry Resources
- Energy
- Greenhouse Gas Emissions
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Utilities and Service Systems
- Wildfire

For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR issue areas as presented below.

B. POTENTIALLY SIGNIFICANT IMPACTS

The impacts identified identified in Table 1 were determined in the Final EIR to be potentially significant absent mitigation. After application of mitigation, however, several impacts were determined to be less than significant (LTSM). For the full text of each mitigation measure (MM), please refer to Exhibit C, Attachment C-1.

However, even with the integration of all feasible mitigation, the [lead agency name] concluded in the EIR that the other identified potentially significant impacts will remain significant. Table 1 identifies those impacts that the [lead agency name] determined would be, after mitigation, significant and unavoidable (SU).

Table 1 – Significant Impacts by Issue Area

Environmental Issue Area	Impact Nos.	
	LTSM	SU
Aesthetics	AES-2, Cumulative	
Air Quality		AIR-1, Cumulative
Biological Resources	BIO-1, PLANT-1, VELB-1, FISH-1, NPT-1, RIP-1, RIP-2, WTR-1, BIRD-1, MAM-1, MAM-2, WTR-2, Cumulative	
Cultural Resources	CUL-1, CUL-2, CUL-3, Cumulative	
Geology and Soils	GEO-1, Cumulative	
Hazards and Hazardous Materials	HAZ-1, HAZ-2	
Hydrology and Soils	HYD-1, HYD-2, Cumulative	
Recreation	REC-1	
Tribal Cultural Resources	TCR-1, Cumulative	

As a result, the Commission adopts the Statement of Overriding Considerations set forth as part of this Exhibit to support its approval of the Project despite the significant and unavoidable impact.

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION (LTSM)

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; after application of mitigation, however, the impacts were determined to be less than significant.

1. AESTHETICS

CEQA FINDING AESTHETICS

Impact: **Aesthetics: Potential to create a new source of substantial light or glare which would adversely affect day or nighttime views of the area.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in a new source of substantial light or glare.

Implementation of MM AES-2 described under Aesthetics has been incorporated into the Project to reduce this impact to a less than significant level.

MM AES-2: Implement a Community Outreach Program.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING AESTHETICS

Impact: **Cumulative Impacts.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in a new source of substantial light or glare.

Implementation of MMs AES-1 and AES-2, described under Aesthetics, have been incorporated into the Project to reduce this impact to a less than significant level.

MM AES-1: Lighting.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

2. BIOLOGICAL RESOURCES

CEQA FINDING BIOLOGICAL RESOURCES

Impact: **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 (CDFW) or U.S. Fish and Wildlife Service.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have potential impacts to candidate, sensitive, or special status species have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Implementation of MMs BIO-1, PLANT-1, VELB-1, FISH-1 and NPT-1 described under Biological Resources have been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-1: Best Management Practices (BMPs).

MM 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.

MM VELB-1: To avoid and minimize potential adverse effects to the valley elderberry longhorn beetle (VELB).

MM FISH-1: To avoid and minimize potential adverse effects to listed and special status fish species, designated critical habitat, and Essential Fish Habitat.

MM NPT-1: Conduct a pre-construction northwestern pond turtle survey in the construction staging and dewatering areas 48 hours prior to construction activities.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING BIOLOGICAL RESOURCES

Impact: **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 CDFW or U.S. Fish and Wildlife Service.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential for substantial adverse effects on riparian habitat have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Implementation of MMs RIP-1, RIP-2, and BIO-1 described under Biological Resources have been incorporated into the Project to reduce this impact to a less than significant level.

MM RIP-1: The river channels shall be accessed via areas where no permanent impacts to riparian vegetation will be required.

MM 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.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING BIOLOGICAL RESOURCES

Impact: **Potential to 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.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential for substantial adverse effects 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 lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Implementation of MMs WTR-1, BIO-1, FISH-1, and RIP-1 described under Biological Resources have been incorporated into the Project to reduce this impact to a less than significant level.

MM WTR-1: The river channels shall be accessed via areas where no permanent impacts to riparian vegetation will be required.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING BIOLOGICAL RESOURCES

Impact: **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.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential for substantial adverse effects on 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 MMs BIO-1, FISH-1, and RIP-1 described under Biological Resources have been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING BIOLOGICAL RESOURCES

Impact: **Cumulative Impacts.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would result in a cumulative environmental impact on Biological Resources.

Implementation of MMs BIO-1, PLANT-1, VELB-1, FISH-1, NPT-1, BIRD-1, MAM-1, MAM-2, RIP-2, and WTR-1 described under Biological Resources have been incorporated into the Project to reduce this cumulative impact to a less than significant level.

MM BIRD-1: Nesting Birds.

MM 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).

MM 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.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this cumulative impact is reduced to a less than significant level.

3. CULTURAL RESOURCES

CEQA FINDING CULTURAL RESOURCES

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

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential for substantial adverse effects on a historic resource pursuant to CEQA Guidelines section 15064.5.

Implementation of MMs CUL-1, CUL-2, and CUL-3 described under Cultural Resources have been incorporated into the Project to reduce this impact to a less than significant level.

MM CUL-1: Archaeological Monitoring

MM CUL-2: Post-Review Discoveries

MM CUL-3: Protocols for Discovery of Human Remains

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING CULTURAL RESOURCES

Impact: **Potential to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential for substantial adverse effects on an archaeological resource pursuant to CEQA Guidelines section 15064.5.

Implementation of MMs CUL-1, CUL-2, and CUL-3 described under Cultural Resources have been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING CULTURAL RESOURCES

Impact: **Potential to disturb any human remains, including those interred outsides of formal cemeteries.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential for substantial adverse effects to disturb any human remains, including those interred outsides of formal cemeteries.

Implementation of MM CUL-3 described under Cultural Resources has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING CULTURAL RESOURCES

Impact: **Cumulative Impacts.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential for substantial adverse effects on cumulative Cultural Resources.

Implementation of MMs CUL-1, CUL-2, and CUL-3 described under Cultural Resources have been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this cumulative impact is reduced to a less than significant level.

4. GEOLOGY AND SOILS**CEQA FINDING GEOLOGY AND SOILS**

Impact: **Potential to directly or indirectly destroy a unique paleontological resource or site or unique geological feature.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential for substantial adverse effects to disturb any human remains, including those interred outside of formal cemeteries.

Implementation of MM GEO-1 described under Geology and Soils has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-1: Discovery of Unknown Paleontological Resources.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING GEOLOGY AND SOILS

Impact: **Cumulative Impacts.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential to result in a considerable contribution to cumulative impacts on geology and soils.

Implementation of MM GEO-1 described under Geology and Soils has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this cumulative impact is reduced to a less than significant level.

5. HAZARDS AND HAZARDOUS MATERIALS**CEQA FINDING HAZARDS AND HAZARDOUS MATERIALS**

Impact: **Potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Implementation of MM HAZ-1 described under Hazards and Hazardous Materials has been incorporated into the Project to reduce this impact to a less than significant level.

MM HAZ-1: Staging and storage areas for equipment.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

6. HYDROLOGY AND SOILS

CEQA FINDING HYDROLOGY AND SOILS

Impact: **Potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.

Implementation of MMs HYD-1 and HYD-2 described under Hydrology and Soils have been incorporated into the Project to reduce this impact to a less than significant level.

MM HYD-1: Develop a Water Quality Control Plan.

MM HYD-2: Develop a Stormwater Pollution Prevention Plan.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING HYDROLOGY AND SOILS

Impact: **Cumulative Impacts.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential to result in a considerable contribution to cumulative impacts on geology and soils.

Implementation of MMs HYD-1 and HYD-2 described under Hydrology and Soils have been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, cumulative impacts are reduced to a less than significant level.

7. RECREATION

CEQA FINDING RECREATION

Impact: **Potential to increase the use of existing neighborhood and such that substantial physical deterioration of the facility would occur or be accelerated.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential to increase the use of existing neighborhood and such that substantial physical deterioration of the facility would occur or be accelerated.

Implementation of MM REC-1 described under Recreation has been incorporated into the Project to reduce this impact to a less than significant level.

MM REC-1: Notification and Coordination with Recreational Users.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

8. TRIBAL CULTURAL RESOURCES

CEQA FINDING TRIBAL CULTURAL RESOURCES

Impact: **Potential to cause a substantial adverse change in the significance of a Tribal Cultural Resource.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential to cause a substantial adverse change in the significance of a Tribal Cultural Resource.

Implementation of MM TCR-1 described under Tribal Cultural Resources has been incorporated into the Project to reduce this impact to a less than significant level.

MM TCR-1: Tribal Monitoring.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA FINDING TRIBAL CULTURAL RESOURCES

Impact: **Cumulative Impacts.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would have the potential to cause a substantial adverse change in the significance of Cumulative Tribal Cultural Resources.

Implementation of MM TCR-1 described under Tribal Cultural Resources has been incorporated into the Project to reduce this impact to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, cumulative impacts are reduced to a less than significant level.

D. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following impact was determined in the Final EIR to be significant and unavoidable. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

9. AIR QUALITY

CEQA FINDING AIR QUALITY

Impact: **Potential to conflict with or obstruct implementation of applicable air quality plan**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project's implementation would surpass the Feather River Air Quality Management District FRAQMD NO_x emission threshold during Phase 2. As such, the project would potentially conflict with the achievement of reactive organic gases (ROG) and nitrogen oxide gases (NO_x) (ozone precursor) emission reduction goals. Consistency with the FRAQMD air quality management plan (AQMP) is primarily a consideration of the long-term influence of a project on air quality. Nonetheless, project implementation emissions would exceed short-term construction NO_x-related significance thresholds potentially hindering the region's ability to meet state and federal air quality standards, thereby potentially conflicting with the 2018 AQAP.

Implementation of MM AIR-1 has been incorporated into the Project and would reduce the severity of Air Quality Impacts, although not necessarily to a less than significant level.

MM AIR-1: Implementation of an Air Quality Plan.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

CEQA FINDING CUMULATIVE AIR QUALITY

Impact: **CUMULATIVE AIR QUALITY IMPACTS**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project would result in a cumulatively considerable Air Quality impact

Implementation of MM AIR-1 described under Air Quality has been incorporated into the Project and would reduce the severity of Air Quality Impacts AIR-1, although not necessarily to a less than significant level.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. This impact is considered significant and unavoidable.

E. FINDINGS ON ALTERNATIVES

As explained in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000:

When it comes time to decide on project approval, the public agency's decisionmaking body evaluates whether the alternatives [analyzed in the EIR] are actually feasible.... At this final stage of project approval, the agency considers whether '[s]pecific economic, legal, social, technological, or other considerations...make infeasible the mitigation measures or alternatives identified in the environmental impact report.' Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives [citations omitted].

The four alternatives analyzed in the EIR represent a reasonable range of potentially feasible alternatives that could reduce one or more significant impacts of the Project. These alternatives include:

- 1) Existing setting (No Project);
- 2) No use of Marysville WWTP;

- 3) Use of Marysville WWTP for dewatering only but not disposal; and
- 4) Reduced Project – Dredge of only Northern 14-acres (PHASE 1 only);

As presented in the EIR, the alternatives were described and compared with each other and with the proposed Project.

Under State CEQA Guidelines section 15126.6, subdivision (e)(2), if the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. Based on the analysis contained in the EIR, the Reduced Project Alternative (Alternative 4) is identified as the Environmentally Superior Alternative. However, Alternative 4 would only partially meet project Objective #4, to restore and maintain fish passage in both the Feather River and Yuba River at their confluence. Sediment proposed for removal in Phase 2 would not occur, and continue to hinder fish passage, especially to the Yuba River watershed.

SBFCA independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects SBFCA's independent judgment as to alternatives. SBFCA found that the Project provides the best balance between the Project goals and objectives and the Project's benefits. The four CEQA alternatives proposed and evaluated in the EIR were rejected as being infeasible for reasons provided in the SBFCA's Findings Regarding Alternatives (Attachment D-1).

Based upon the objectives identified in the Final EIR and the detailed mitigation measures imposed upon the Project, the Commission has determined that the Project should be approved, subject to such mitigation measures (Exhibit C, Mitigation Monitoring Program), and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific economic, fiscal, social, environmental, land use, and other overriding considerations.

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

This section addresses the Commission's obligations under Public Resources Code section 21081, subdivisions (a)(3) and (b). (See also State CEQA Guidelines, §§ 15091, subd. (a)(3), 15093.) Under these provisions, CEQA requires the Commission to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Lease approval related to the Yuba City Boat Ramp Sediment Removal Project against the backdrop of the Project's unavoidable significant environmental impacts. For purposes of CEQA, if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant environmental effects, those effects may be considered acceptable and the decision-making agency may approve the underlying project. (State CEQA Guidelines § 15092, subd. (b)(2)(B).) CEQA, in this respect, does

not prohibit the Commission from approving the Lease even if the Project activities as authorized under the Lease may cause significant and unavoidable environmental effects.

This Statement of Overriding Considerations presents a list of (1) the specific significant effects on the environment attributable to the approved Project that cannot feasibly be mitigated to below a level of significance, (2) benefits derived from the approved Project, and (3) specific reasons for approving the Project.

Although the SBFCA and Commission have imposed mitigation measures to reduce impacts, impacts remain that are considered significant after application of all feasible mitigation. Significant impacts of the approved Project fall under one resource area: Air Quality (see Table 2). This impact is specifically identified and discussed in more detail in the Commission's CEQA Findings and in SBFCA's Final EIR. While the Commission has required all feasible mitigation measures, this impact remains significant for purposes of adopting this Statement of Overriding Considerations.

Table 2 – Significant and Unavoidable Impacts Identified for the Approved Project

Impact	Impact Description
Air Quality	
Implementation of the proposed project could conflict with or obstruct the 2018 FRAQMD AQAP and 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.	Project implementation would surpass the FRAQMD NO _x emission threshold during Phase 2. As such, the project would potentially conflict with the achievement of ROG and NO _x (ozone precursor) emission reduction goals. Consistency with the AQMP is primarily a consideration of the long-term influence of a project on air quality. Nonetheless, project implementation emissions would exceed short-term construction NO _x -related significance thresholds potentially hindering the region's ability to meet state and federal air quality standards, thereby potentially conflicting with the 2018 AQAP. The criteria pollutants of primary concern within the project area include O ₃ -precursor pollutants (i.e., ROG and NO _x) and PM ₁₀ . The project would increase the emission of NO _x pollutants and exceed the thresholds of significance established by the FRAQMD for purposes of reducing air pollution and its deleterious health effects. Impacts associated with the preferred project are significant and unavoidable despite the imposition of mitigation measure AIR-1 requiring the cleanest, most efficient construction equipment engine types available.
Cumulative Air Quality	The CEQA thresholds of significance established by the FRAQMD are designed to meet the objectives of regional air quality planning efforts and in doing so achieve attainment and/or maintain status with state and federal standards. The significance criteria established by the FRAQMD for type 2 projects spanning multiple years is relied upon to make the determination whether the project would result in a cumulatively considerable impact.

Impact	Impact Description
	The standard approach to assessing cumulative impacts is based on the 2018 AQAP forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal Clean Air Act (CAA) and California Clean Air Act (CCAA). Because the Project would generate emissions in excess of the identified annual NOx significance threshold, it would not be consistent with the 2018 AQAP, which is intended to bring the Northern Sacramento Valley Air Basin (NSVAB) into attainment for criteria pollutants. Thus, the Project would cause a cumulatively considerable increase in an ozone (O ₃) precursor emission, for which the NSVAB is in non-attainment, resulting in significant and unavoidable cumulative air quality impacts because feasible mitigation would not reduce NOx emissions below thresholds.

B. BALANCING OF BENEFITS AND RISKS ASSOCIATED WITH LEASE APPROVAL

State CEQA Guidelines section 15093, subdivision (a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project.

C. COMMISSION ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

As noted above, under Public Resources Code section 21081, subdivisions (a)(3) and (b) and State CEQA Guidelines section 15093, subdivision (a), the decision-making agency is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve a project.

For purposes of CEQA, if these benefits outweigh the unavoidable significant environmental effects of a proposed project, the decision-making agency may approve the underlying project. CEQA, in this respect, does not prohibit the Commission from approving the Project, even if the activities authorized by that approval may cause significant and unavoidable environmental effects. This balancing is particularly difficult given the significant and unavoidable impacts on the resources discussed in the EIR and these Findings. Nevertheless, the Commission finds, as set forth below, that the benefits anticipated by implementing the Project outweigh and override the expected significant effects.

The Commission has balanced the benefits of the Project against the significant unavoidable impacts that will remain after approval of the lease associated with the Approved Project and with implementation of all feasible mitigation in the EIR that is

adopted as enforceable conditions of the Commission's approval of the Project. Based on all available information, the Commission finds that the benefits of the approved Project outweigh the significant and unavoidable adverse environmental effects, and considers such effects acceptable. The Commission adopts and makes this Statement of Overriding Considerations with respect to the impacts identified in the EIR and these Findings that cannot be reduced to a less than significant level. Each benefit set forth above or described below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every significant unavoidable impact.

D. CONCLUSION

The Commission has considered the Final EIR and all of the environmental impacts described therein including those that cannot be mitigated to a less than significant level and those that may affect Public Trust uses of State sovereign land. Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines sections 15096 subdivision (h) and 15093, the Commission has considered the fiscal, economic, legal, social, environmental, and public health and safety benefits of the Project and has balanced them against the Project's significant and unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects. The Commission finds that the remaining significant unavoidable impacts of the Project are acceptable in light of these benefits. Such benefits outweigh such significant and unavoidable impacts of the Project and provide the substantive and legal basis for this Statement of Overriding Considerations.

The Commission finds that to the extent that any impacts identified in the Final EIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less than significant level.

Based on the above discussion, the Commission finds that the benefits of the Project outweigh the significant unavoidable impacts that could remain after mitigation is applied and considers such impacts acceptable.

ATTACHMENT D-1

Sutter Butte Flood Control Agency Findings Regarding Alternatives and Statement of Overriding Considerations

RESOLUTION NO. 2021-__

ATTACHMNT A

**STATEMENT OF FACTS AND FINDINGS
AND
STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE ENVIRONMENTAL EFFECTS FOR
THE YUBA CITY BOAT RAMP SEDIMENT REMOVAL
PROJECT**

SCH NO. 2020060424

Lead Agency:

SUTTER BUTTE FLOOD CONTROL AGENCY

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February 10, 2021

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1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that would generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three potential findings for each impact, and explains the reasoning behind the agency's findings.

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA) and Public Resources Code Section 21081. CEQA Guidelines Section 15091 (a) provides that:

No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

The three finding categories available for the Statement of Facts and Findings pursuant to CEQA Guidelines Section 15091 include:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Statement of Overriding Considerations is the second set of findings. Where a project would cause unavoidable significant impacts, the Lead Agency may still approve the project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects and approves the project. These findings in the Statement of Overriding Considerations are presented in Section 7.0.

The Sutter Butte Flood Control Agency (SBFCA), the CEQA Lead Agency, finds and declares that the Yuba City Boat Ramp Sediment Removal Project Environmental Impact Report (EIR) has been completed in compliance with CEQA and the CEQA Guidelines. SBFCA finds and certifies that the EIR was reviewed and information contained in the EIR was considered prior to approving the Yuba City Boat Ramp Sediment Removal Project herein referred to as the "project."

Based upon its review of the EIR, the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the proposed project, represents the independent judgment of SBFCA, and sets forth an adequate range of alternatives to this project.

The Final EIR is composed of the following elements:

- Draft Environmental Impact Report for the Yuba City Boat Ramp Sediment Removal Project including Technical Appendices;
- A list of persons commenting on the Draft EIR, comments, and responses;
- Errata for the Final EIR; and
- Mitigation Monitoring and Reporting Program (MMRP).

2.0 PROJECT SUMMARY

2.1 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

BACKGROUND

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. The Proposed Project will improve access to the Feather River and Yuba River by removing sediment at and near the Yuba City Boat Ramp facility, and will improve flow conveyance at the confluence of the Feather and Yuba Rivers. The Project has received funding from the California Natural Resource Agency through Proposition 68 to remove sediment for safety purposes, to restore recreation access to the Feather River, and to restore fish passage at the confluence of the Feather and Yuba rivers. Restoring river access and fish passage conditions at the boat ramp will also have regional economic benefits, as guided and private fishing trips (heavily curtailed by river and launch conditions) bring commerce to local restaurants, hotels, and other businesses.

Disposal of the 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.

DESCRIPTION OF PROJECT

The Sutter Butte Flood Control Agency (SBFCA) (lead agency) proposes to conduct maintenance dredging of the confluence of the Yuba River and Feather River, including the Yuba City Boat Ramp (Figures 3-1 and 3-2). 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*, of the EIR); and
- Disposal of the dredged material.

Project Phasing

The Project involves 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.

Environmental Setting

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. The Project area includes the northernmost wastewater ponds of the Marysville WWTP owned and operated by the City of Marysville. The Yuba City Boat Ramp facility is within the incorporated city of Yuba City but owned by Sutter County Levee District 1 and operated by Sutter County General Services. The developed portions of the boat ramp facility include a paved roadway, parking areas, the boat launch ramp, and the Feather River RV Park. The undeveloped areas around the boat launch facility include a relatively narrow corridor of riparian woodland habitat, ruderal weedy roadside habitats, and unimproved areas of compacted dirt that are used for overflow parking and/or fishing access.

The Marysville WWTP wastewater ponds comprise several basins with berms, dirt access roads between the basins, and narrow corridors of riparian woodland habitat along the banks of the Feather and Yuba Rivers as well as ruderal weedy roadside habitats. Access to the wastewater ponds is via Biz Johnson Drive in the City of Marysville.

Access to and from the Yuba City Boat Ramp Facility is from one private drive owned by Sutter County Levee District 1 from Second Street. This private drive crosses over the Feather River West Levee.

Project Characteristics

The following details of the Proposed Project are provided below:

- Dredged material characteristics;
- Dredging operations;
- Dewatering operations;
- Dredged material disposal operations;

- Construction schedule; and
- Construction equipment and staging.

Dredged Material Characteristics

Preliminary sediment sampling and analysis of the area proposed for dredging indicate that the dredged material will qualify as inert waste material and would not be considered hazardous pursuant to Title 22 of the California Code of Regulations (CCR) (Blackburn 2020). Additional sampling will be required to fully characterize the dredged material prior to disposal.

A Hydrographic Survey and Geophysical Survey will be performed prior to dredging to determine the presence of debris and/or larger boulders/rocks that may require the use of mechanical dredging as opposed to hydraulic dredging for their removal.

Dredging Operations

Two potential dredging methods are being evaluated for the Project: hydraulic dredging and mechanical dredging, depending upon the results of the hydrographic and geophysical surveys of the area proposed to be dredged. Hydraulic dredging involves a barge with suction to remove sediment from the river bottom and pumping the material to shore. Mechanical dredging involves a barge with equipment to excavate the sediment from the river bottom, storage of the dredged material on a transport barge, and subsequent transfer of the material from the transport barge to shore.

Dewatering Operations

Under the Proposed Project, Phase 1 dredged material would be placed on land within empty wastewater ponds at the Marysville WWTP (the northernmost wastewater ponds also referred to as the North Ponds) via a discharge pipeline or via mechanical equipment. The existing wastewater ponds would serve as existing confined basins within which water would be decanted from the dredged material and evaporative drying of the dredged material would take place. Progressive surface trenching will be used to mechanically manipulate the dredged material to speed evaporative drying. In addition, as dredged material settles, return water may also be discharged back to the Yuba or Feather Rivers pursuant to the requirements of the State Water Resources Control Board's (SWRCB's) General Order for Limited Threat Discharges to Surface Water.

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).

If Phase 2 dredged material cannot be dewatered at the Marysville WWTP, dredged material would be placed into fractionation tanks or other temporary dewatering basins staged at the Yuba City Boat Ramp facility, either via a discharge pipeline or mechanical equipment, where water would be decanted from the dredged material. Fractionation tanks would be manifolded together in series and decanted water would be routed to a filtration system, stored, and tested. It is anticipated that filtered water would then be disposed of either to land or disposed of back into the Feather River. It is anticipated that over 20 fractionation tanks would be staged in series as a temporary liquid storage tank farm throughout the duration of the Project. Under a worst-

case scenario for the purposes of the environmental impact analysis, it is assumed that all Phase 2 dredged material would need to be dewatered in tanks.

Dredged Material Disposal Operations

Once dewatered dredged material is determined to meet an acceptable water content as determined by the City of Marysville, it will be stockpiled and provided to the City of Marysville for beneficial reuse.

Dredged material that is dewatered in tanks would be trucked offsite either to the Recology's Ostrom Road Landfill or offsite for some other beneficial reuse (i.e., agricultural use, habitat restoration, or use as construction fill). Under a worst-case construction traffic scenario, it is assumed that all Phase 2 dredged material would need to be trucked offsite.

Construction Schedule

Dredging operations and dewatering activities are proposed to be limited to between June 15 and October 15 to align with work windows to avoid impacts to special-status fish species (for a total of 122 calendar days; 87 non-holiday weekdays). The remainder of the construction period would be dedicated to pre-construction surveys, mobilization and demobilization activities, and disposal of dewatered dredged material.

Completion of the entire proposed Project is anticipated to occur from 2021 through 2023. Completion of Phase 1 of the Proposed Project is anticipated to occur in 2021. Completion of Phase 2 of the Proposed Project could start in 2021 but is likely to conclude in 2023 due to the timing of funding for this Phase and the number of truck trips associated with disposal of the dredged material. It is assumed that nighttime operations may be required for the Project.

Construction Equipment and Staging

Onshore equipment and dredging equipment and vessels may vary depending upon site conditions during construction.

Several support trailers would be required at the Yuba City Boat Ramp facility. Designated equipment storage and staging areas would be established at the Yuba City Boat Ramp facility, in addition to the Marysville WWTP near the northernmost wastewater ponds. It is assumed that all vessels will enter and exit the river via the Yuba City boat ramp.

Several light plants would be required for nighttime operations at the Yuba City Boat Ramp facility and Marysville WWTP, and lighting on dredge barges and support vessels would be required for nighttime operations. Generators required for the light plants and vessels are assumed to qualify under the California Air Resources Control Board (CARB) Portable Equipment Registration Program (PERP).

Approximately 30 construction personnel are anticipated for the Project as well as environmental monitors and safety personnel.

PERMITS, AND APPROVALS

SBCFA is the Lead Agency for the project and has discretionary authority over the project which includes, but is not limited to, Certification of the Final EIR, and Adoption of a Mitigation Monitoring and Reporting Program (MMRP).

The following additional approvals and regulatory permits are anticipated to be required for implementation of the Project:

- Maintenance Authorization Letter - Central Valley Flood Protection Board (CVFPB)
- Agreement to Utilize the Yuba City Boat Ramp Facility – Sutter County Levee District 1
- Agreement to Utilize the wastewater ponds at the Marysville WWTP– City of Marysville
- Construction Lease – California State Lands Commission
- Combined Section 10/404 Permit - US Army Corps of Engineers (USACE)
- Section 401 Water Quality Certification – Central Valley Regional Water Quality Control Board (RWQCB)
- 1600 Streambed Alteration Agreement - California Department of Fish and Wildlife (CDFW).
- Section 7 Consultation/Biological Opinion and Essential Fish Habitat (EFH) Consultation - National Marine Fisheries Service (NMFS) (issued to USACE)
- Section 7 Consultation/Biological Opinion - U.S. Fish and Wildlife Service (USFWS) (issued to USACE)
- California Endangered Species Act (CESA) Incidental Take Permit - CDFW
- National Pollution Discharge Elimination System (NPDES) Permit for Storm Water Discharges Associated with Construction Activities - Central Valley RWQCB
- Coverage Under the Central Valley RWQCB's General Waste Discharge Requirements (WDR) for Limited Threat Discharges to Surface Water (Order R5-2016-0076-01) – Central Valley RWQCB

2.2 STATEMENT OF OBJECTIVES

The objectives of the Proposed Project include the following:

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

3.0 ENVIRONMENTAL REVIEW/ PUBLIC PARTICIPATION

SBFCA conducted an extensive review of this project, which included a Draft EIR and a Final EIR, including technical reports, along with a public review and comment period. The following is a summary of the SBFCA's environment review of this project:

- Pursuant to the provision of CEQA Guidelines Section 15082, as amended, SBFCA circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse on June 19, 2020, with the 30-day review period ending on July 20, 2020.
- The NOP public review period ran for 30 days. The City received five comment letters from federal, State, and regional and public agencies. The scope of the issues identified in the comments included potential impacts associated with a variety of topical areas.
- The Draft EIR was distributed for public review and a Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse on December 11, 2020, for a 45-day review period, which concluded on January 25, 2021.
- SBFCA received a total of two comment letters from public agencies. SBFCA prepared responses to all written comments. The comments and responses are contained in the Final EIR.
- In accordance with Public Resources Code Section 21092.5, the SBFCA provided written responses to public agencies that commented on the Draft EIR.

4.0 INDEPENDENT JUDGMENT AND FINDING

SBFCA retained ECORP Consulting, Inc. (ECORP) to prepare the EIR. ECORP prepared the EIR under the supervision and direction of the SBFCA staff. All findings set forth herein are based on substantial evidence in the record as indicated with respect to each specific finding.

FINDING:

The EIR for the project reflects SBFCA's independent judgment. SBFCA has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the EIR. SBFCA has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of SBFCA.

The SBFCA Board of Directors has considered all the evidence presented in its consideration of the project and the EIR, including, but not limited to, the Final EIR and its supporting studies, written and oral evidence presented at hearings on the project, and written evidence submitted to SBFCA by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence, the SBFCA Board of Directors finds that with respect to each environmental

impact identified in the review process, the impact: (1) is less than significant and would not require mitigation; or (2) is potentially significant but would be avoided or reduced to a less than significant level by implementation of identified mitigation measures; or (3) would be significant and not fully mitigable but would be, to the extent feasible, lessened by implementation of identified mitigation measures.

The EIR identifies certain significant adverse environmental effects of the project which cannot be avoided or substantially lessened. Prior to approving this project the SBFCA Board of Directors also adopts a Statement of Overriding Considerations which finds, based on specific reasons and substantial evidence in the record (as specified in Section 7.0), that certain identified economic, social, or other benefits of the project outweigh such unavoidable adverse environmental effects.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE EIR

The EIR found that the proposed project would have a less than significant impact with respect to the environmental topic areas listed below. A detailed analysis of the topic areas is provided within the EIR.

FINDING:

The SBFCA Board of Directors finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, will be less than significant or there would be no impact (e.g., agriculture and forestry resources and mineral resources).

AESTHETICS

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Degrade the existing visual character or quality of public views of the site or its surroundings;
- Result in a considerable contribution to cumulative impacts on scenic resources; and
- Result in a considerable contribution to cumulative impacts on the existing visual character or quality of public views of the site or its surroundings.

AGRICULTURE and FORESTRY RESOURCES

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract; and
- Impact forestry resources.

AIR QUALITY

- Expose sensitive receptors to substantial pollutant concentrations (i.e., carbon monoxide hot spots or toxic air contaminants [TACs]); and
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

BIOLOGICAL RESOURCES

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

ENERGY

- Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation;
- Implementation of the proposed project would conflict with or obstruct a state or local plan for renewable energy or energy efficiency; and
- Result in a considerable contribution to cumulative impacts on energy consumption.

GEOLOGY AND SOILS

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42;
 - Strong seismic ground shaking;
 - Seismic-related ground failure, including liquefaction; or
 - Landslides.
- Result in substantial soil erosion or the loss of topsoil;
- 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 landslide, lateral spreading, subsidence, liquefaction or collapse;
- Would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; and
- 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.

GREENHOUSE GAS EMISSIONS

- Would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment;
- Would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs; and

- Would result in a considerable contribution to cumulative impacts associated with greenhouse gas emissions.

HAZARDS AND HAZARDOUS MATERIALS

- 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;
- Would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 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, would the project result in a safety hazard for people residing or working in the project area;
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;
- Would result in a considerable contribution to cumulative impacts associated with hazards and hazardous materials; and
- Would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

HYDROLOGY AND WATER QUALITY

- 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; and
- Would result in a considerable contribution to cumulative impacts on hydrology and water quality.

LAND USE AND PLANNING

- Would physically divide an established community.

MINERAL RESOURCES

- 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; and
- 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.

NOISE

- 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 in the local general plan or noise ordinance, or applicable standards of other agencies;
- Would generate excessive groundborne vibration or groundborne noise levels;

- 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, would the project expose people residing or working in the project area to excessive noise levels; and
- Would result in a considerable contribution to cumulative noise and vibration impacts.

POPULATION AND HOUSING

- 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);
- Would displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere; and
- Would result in a considerable contribution to cumulative impacts on population and housing.

PUBLIC SERVICES

- 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, police protection, schools, and libraries; and
- Would result in a considerable contribution to cumulative impacts on fire protection and emergency medical services, police protection, schools, or libraries.

RECREATION

- Would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment; and
- Would result in a considerable contribution to cumulative impacts on recreation.

TRANSPORTATION

- Would result in a significant increase in vehicle miles traveled (VMT).

UTILITIES AND SERVICE SYSTEMS

- 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;
- Would not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;
- 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;

- 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;
- Would fail to comply with Federal, State, and local management and reduction statutes and regulations related to solid waste;
- Would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- Would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan;
- Would result in a considerable contribution to cumulative impacts on water and wastewater services;
- Would result in a considerable contribution to cumulative impacts on solid waste generation; and
- Would result in a considerable contribution to cumulative impacts on groundwater supply.

WILDFIRE

- Would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;
- Would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires;
- 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;
- 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;
- 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; and
- Result in a considerable contribution to cumulative impacts on wildfire management

5.2 EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

SBFCA, having reviewed and considered the information contained in the EIR, the Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081 (a)(1) and CEQA Guidelines 15091 (a)(1), that changes or alterations have been required in, or incorporated into, the proposed project, which would avoid or substantially lessen to below a level of significance potentially significant environmental effects identified in the EIR. The potentially significant adverse environmental impacts that can be mitigated are listed below. SBFCA finds that these potentially significant adverse impacts can be mitigated to a level that is considered less than significant after implementation of mitigation measures identified in the EIR.

AESTHETICS

The project's potential impacts on aesthetics that can be mitigated or are otherwise less than significant are discussed in Section 4.1, Aesthetics, of the EIR. Identified impacts include short-term visual character/quality, light and glare, and cumulative impacts.

A. CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN SIGNIFICANT IMPACTS RELATED TO TEMPORARY NEW SOURCES OF SUBSTANTIAL LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS OF THE AREA.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential light and glare impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

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.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A CONSIDERABLE CONTRIBUTION TO CUMULATIVE IMPACTS ASSOCIATED WITH LIGHT OR GLARE WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS OF THE AREA.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts associated with light and glare have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures: Refer to Mitigation Measure AES-1 and AES-2.

BIOLOGICAL RESOURCES

The project's potential impacts on biological resources that can be mitigated or are otherwise less than significant are discussed in Section 4.4, Biological Resources, of the EIR. Identified impacts include adverse effects, either directly or through habitat modifications, several species identified as a candidate, sensitive, or special status species, riparian habitat, State or Federally protected wetlands, and cumulative impacts.

- A. 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.**

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to candidate, sensitive, or special status species have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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:

- 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 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.

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

VELB-1: To avoid and minimize potential adverse effects to the valley elderberry longhorn beetle (VELB), the following shall be implemented:

- 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.

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:

- 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 dredging activities and check the exit end of the suction pipe and spoils (i.e., sediment and vegetation);
- 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.

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.

BIRD-1: 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.

- 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 have fledged and are no longer reliant upon the nest or parental care for survival.

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.

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.

B. 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.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for substantial adverse effects on riparian habitat have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

RIP-1: The river channels shall be accessed via areas where no permanent impacts to riparian vegetation will be required.

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.

In addition, implementation of mitigation measure BIO-1 will be required.

C. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING BUT NOT LIMITED TO MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for substantial adverse effects on wetlands have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

WTR-1: To avoid or minimize anticipated short-term adverse effects to Waters of the U.S., the following shall be implemented:

- 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.

In addition, implementation of mitigation measures **BIO-1**, **FISH-1**, and **RIP-2** will be required.

D. 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.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential to interfere substantially with the movement of any native or migratory fish or wildlife species has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of mitigation measures BIO-1, FISH-1, and RIP-1 will be required.

E. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A CONSIDERABLE CONTRIBUTION TO CUMULATIVE IMPACTS TO BIOLOGICAL RESOURCES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to have a considerable contribution to cumulative impacts has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

CULTURAL RESOURCES

The project's potential impacts on cultural resources that can be mitigated or are otherwise less than significant are discussed in Section 4.5, Cultural Resources, of the EIR. Identified impacts

include potential to damage, excavate, or redeposit currently intact archaeological or historical materials from a pre-contact habitation site that has been previously treated as eligible for the National Register of Historic Places (NRHP) and California Register of Historic Resources (CRHR) and occurs on the Project site. The Project could also result in cumulative impacts to cultural resources.

A. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORIC RESOURCE PURSUANT TO CEQA GUIDELINES 15064.5.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for a substantial adverse change in the significance of a historical resource has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

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.
- 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.

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 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 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.

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.”

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHEOLOGICAL RESOURCE PURSUANT TO CEQA GUIDELINES 15064.5.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for a substantial adverse change in the significance of an archeological resource has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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

C. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for disturbing any human remains has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of mitigation measure CUL-3, will be required.

D. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A CONSIDERABLE CONTRIBUTION TO CUMULATIVE IMPACTS ON CULTURAL RESOURCES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to considerably contribute to cumulative impacts to cultural resources has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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

GEOLOGY AND SOILS

The project's potential impacts on geology and soils that can be mitigated or are otherwise less than significant are discussed in Section 4.7, Geology and Soils, of the EIR. Identified impacts include the possibility of disturbing unanticipated paleontological resources that could be encountered during ground-disturbing Project-related activities, and cumulative impacts.

A. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGICAL FEATURE.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to directly or indirectly destroy a unique paleontological or geological resource has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A CONSIDERABLE CONTRIBUTION TO CUMULATIVE IMPACTS ON GEOLOGY AND SOILS

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to considerably contribute to cumulative impacts on geology and soils has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of mitigation measure GEO-1 will be required.

HAZARDS AND HAZARDOUS MATERIALS

The project's potential impacts on hydrology and water quality that can be mitigated or are otherwise less than significant are discussed in Section 4.9, Hazard and Hazardous Materials, of the EIR. Identified impacts include potential for spills of hazardous materials and fuels during construction and fueling activities.

A. 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.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to create a significant hazard through the routine transport, use, or disposal of hazardous materials has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORSEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to create a significant hazard through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

HYDROLOGY AND WATER QUALITY

The project's potential impacts on hydrology and water quality that can be mitigated or are otherwise less than significant are discussed in section 4.10, Hydrology and Water Quality, of the EIR. Identified impacts include potential to adversely affect water quality standards during the dredging, dewatering, and upland ground-disturbing activities, and cumulative impacts.

A. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE WATER OR GROUNDWATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to violate water quality standards or waste discharge requirements or substantially degrade surface or groundwater quality has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

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.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A CONSIDERABLE CONTRIBUTION TO CUMULATIVE IMPACTS TO HYDROLOGY AND WATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to result in a considerable contribution to cumulative impacts to hydrology and water quality has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of mitigation measures HYD-1 and HYD-2 will be required.

LAND USE AND PLANNING

The project's potential impacts on land use and planning that can be mitigated or are otherwise less than significant are discussed in Section 4.11, Land Use and Planning, of the EIR. Identified impacts include potentially significant impacts on other environmental issue areas that would potentially result in inconsistencies with local and regional plans and policies, and cumulative impacts.

A. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD CAUSE A SIGNNIFICANT 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.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.

2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project 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 has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of all mitigation measures for other issue areas would be required.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A CONSIDERABLE CONTRIBUTION TO CUMULATIVE IMPACTS TO LAND USE AND PLANNING.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to result in a considerable contribution to cumulative impacts to land use and planning has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of all mitigation measures for other issue areas would be required.

RECREATION

The project's potential impacts on recreation that can be mitigated or are otherwise less than significant are discussed in Section 4.16, Recreation, of the EIR. Identified impacts include increased use of additional boat launch locations in the area due to temporary disruption of use of the Yuba City Boat Ramp facility and in-water recreational uses of the Feather and Yuba Rivers at their confluence in the proposed dredging area.

A. 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.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project 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 has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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

TRANSPORTATION

The project's potential impacts on transportation that can be mitigated or are otherwise less than significant are discussed in Section 4.17, Transportation, of the EIR. Identified impacts include potential to conflict with local and regional goals for safe and reliable transportation systems from increased worker and truck trips, potential to increase hazards due to dangerous intersections, and potential to result in inadequate emergency access.

A. 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.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential impact for the project to conflict with an applicable program, plan, ordinance or policy addressing the circulation system has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G. FARM EQUIPMENT).

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to substantially increase hazards due to a geometric design feature or incompatible uses has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of mitigation measure **TRAF-1** will be required.

C. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN INADEQUATE EMERGENCY SERVICE.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to result in inadequate emergency service has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

D. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A CONSIDERABLE CONTRIBUTION TO CUMULATIVE IMPACTS TO TRANSPORTATION.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the project to result in a considerable contribution to cumulative impacts to transportation has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of mitigation measures TRAF-1 and TRAF-2 will be required.

TRIBAL CULTURAL RESOURCES

The project's potential impacts associated with Tribal Cultural Resources (TCRs) that can be mitigated or are otherwise less than significant are discussed in Section 4.18, Tribal Cultural Resources, of the EIR. Identified impacts include causing a substantial adverse change in the significance of a Tribal Cultural Resource during ground-disturbing activities, and cumulative impacts to Tribal Cultural Resources.

A. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the Project to cause a substantial adverse change in the significance of a Tribal Cultural Resource has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

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.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD RESULT IN A CONSIDERABLE CONTRIBUTION TO CUMULATIVE IMPACTS TO TCRS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential for the Project to result in a considerable contribution to cumulative impacts to TCRs has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Implementation of mitigation measure TCR-1 will be required.

5.4 ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

SBFCA, having reviewed and considered the information contained in the EIR, Technical Appendices and the administrative record, finds, pursuant to Public Resources Code 21081(a)(3) and CEQA Guidelines 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the EIR and, therefore, the project would cause significant unavoidable impacts in the categories of air quality. The EIR identifies significant unavoidable impacts on air quality due to emissions of nitrogen oxides (NO_x) during construction. Because NO_x thresholds would exceed the Feather River Air Quality Management District's (FRAQMD) significance threshold, the Project would also be potentially inconsistent with the FRAQMD's 2018 Air Quality Attainment Plan (AQAP).

AIR QUALITY

Implementation of the proposed project could conflict with or obstruct the 2018 FRAQMD AQAP and 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.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in EIR.
2. Impacts associated with project implementation have been reduced to the extent feasible. NO_x emissions during Phase 2 of the Project are predicted to exceed the FRAQMD significance threshold of 4.5 tons of NO_x annually. Although NO_x emissions would be reduced 0.7 ton during Phase 2 of the Project with implementation of mitigation measure AIR-1, this NO_x emission reduction is not enough to reduce such emissions to levels below the FRAQMD significance threshold. Therefore, this impact would be considered significant and unavoidable for the Project.

Facts in Support of Findings

Project implementation would surpass the FRAQMD NO_x emission threshold during Phase 2. As such, the project would potentially conflict with the achievement of ROG and NO_x (ozone precursor) emission reduction goals. Consistency with the AQMP is primarily a consideration of the long-term influence of a project on air quality. Nonetheless, project implementation emissions would exceed short-term construction NO_x-related significance thresholds potentially hindering the region's ability to meet state and federal air quality standards, thereby potentially conflicting with the 2018 AQAP.

The CEQA thresholds of significance established by the FRAQMD are designed to meet the objectives of regional air quality planning efforts and in doing so achieve attainment and/or maintain status with state and federal standards. The significance criteria established by the FRAQMD for type 2 projects spanning multiple years is relied upon to make the determination whether the project would result in a cumulatively considerable impact.

The criteria pollutants of primary concern within the project area include O₃-precursor pollutants (i.e., ROG and NO_x) and PM₁₀. The project would increase the emission of NO_x pollutants and exceed the thresholds of significance established by the FRAQMD for purposes of reducing air pollution and its deleterious health effects. Impacts associated with the preferred project are significant and unavoidable despite the imposition of mitigation measure AIR-1 requiring the cleanest, most efficient construction equipment engine types available.

The standard approach to assessing cumulative impacts is based on the 2018 AQAP forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal Clean Air Act (CAA) and California Clean Air Act (CCAA). Because the Project would generate emissions in excess of the identified annual NO_x significance threshold, it would not be consistent with the 2018 AQAP, which is intended to bring the Northern Sacramento Valley Air Basin (NSVAB) into attainment for criteria pollutants. Thus, the Project would cause a cumulatively considerable increase in an ozone (O₃) precursor emission, for which the NSVAB is in nonattainment, resulting in significant and unavoidable cumulative air quality impacts because feasible mitigation would not reduce NO_x emissions below thresholds.

Mitigation Measures:

Implementation of mitigation measure AIR-1 will be required:

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

5.5 ALTERNATIVES TO THE PROPOSED PROJECT

The EIR addresses the environmental effects of alternatives to the proposed project. A description of these alternatives, a comparison of their environmental impacts to the proposed project, and the SBFCA's findings are listed below. These alternatives are compared against the project relative to the identified project impacts, summarized in the sections above, to the project objectives, as stated in Section 3.0, Project Description, of the EIR.

In making the following alternatives findings, SBFCA certifies that it has independently reviewed and considered the information on alternatives provided in the EIR, including the information provided in the comments on the EIR and the responses thereto.

ALTERNATIVE ONE – EXISTING SETTING (NO PROJECT)

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.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

Under the No Action Alternative, none of the project objectives would be met.

Under the No Action Alternative, no environmental impacts would occur as no construction would occur. The Project benefits on fish passage and recreational access to the Feather River would not be realized.

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 Wastewater Treatment Plant (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 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* of the EIR.

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. 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.

Under this alternative the need for a large stockpile area for dewatered dredge material in the Yuba City boat ramp facility would be required.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

The No Use of Marysville WWTP alternative meets all the Project objectives and goals.

However, compared to the proposed project, greater impacts would be anticipated for land use and planning, noise, transportation, and utilities (solid waste disposal) due to increased truck trips for dredged material disposal over a longer project duration.

Compared to the proposed project, the No Use of Marysville WWTP alternative would result in similar impacts relative to aesthetics, geology and soils, greenhouse gas emissions, hazards and hazardous materials, population and housing, public services, recreation, and wildfire. The No Use of Marysville WWTP alternative results in fewer impacts to air quality, biological and cultural resources, hydrology and water quality, and tribal cultural resources due to no ground-disturbing activities at the Marysville WWTP. Significant unavoidable impacts related to air quality would be reduced to less than significant levels after implementing mitigation measure AIR-1 because less heavy-duty construction equipment would be used. Impact significance levels for all other CEQA topic areas analyzed would remain the same.

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

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

The Use of Marysville WWTP for Dewatering Only but Not Disposal alternative meets all the Project objectives and goals. However, compared with the proposed project, greater impacts would be anticipated for air quality, greenhouse gas emissions, noise, transportation, and utilities

(increased offsite solid waste disposal) due to increased truck trips for dredged material disposal over a longer project duration.

Compared to the proposed project, the Use of Marysville WWTP for Dewatering Only but Not Disposal alternative would result in similar impacts relative to aesthetics, air quality, geology and soils, hazards and hazardous materials, land use and planning, population and housing, public services, recreation, and wildfire. The Use of Marysville WWTP for Dewatering Only but Not Disposal Alternative would result in fewer impacts to biological and cultural resources, energy, hydrology, drainage, and water quality, and tribal cultural resources due to less ground-disturbing activities at the Marysville WWTP. CEQA levels of significance and mitigation measures would all remain the same as the proposed project, including significant and unavoidable impacts to air quality under this alternative.

ALTERNATIVE 4 – REDUCED PROJECT – DREDGE OF ONLY NORTHERN 14-ACRES (PHASE 1 ONLY)

Alternative 4, the reduced project alternative, would only involve completion of Phase 1 dredging of 65,000 cy within the original planned 14-acre area funded by proposition 68. 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).

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

Compared to the proposed project, the reduced project alternative would result in similar impacts relative to aesthetics, hazards and hazardous materials, and wildfire. The reduced project alternative would result in fewer impacts to: air quality, biological and cultural resources, energy, geology and soils, hydrology and water quality, greenhouse gas emissions, land use and planning, noise, population and housing, public services, recreation, transportation, utilities and service systems, and tribal cultural resources, due to decreased dredging activities, truck trips, and shorter project duration. Under this reduced project alternative all of the CEQA levels of significance and mitigation measures would remain the same as the project except that the air quality impact levels would be reduced from significant and unavoidable to less than significant with implementation of mitigation measure AIR-1.

However, the reduced project alternative meets all the project objectives except Objective #4, to restore and maintain fish passage in both the Feather River and Yuba River at their confluence, would only be met partially. Phase 1 dredging activities will improve fish passage, but sediment proposed for removal in Phase 2 would continue to hinder fish passage, especially to the Yuba River watershed.

6.0 CERTIFICATION OF THE FINAL EIR

The SBFCA Board of Directors declares that no new significant information, as defined by the CEQA Guidelines Section 15088.5, has been received by SBFCA after circulation of the EIR that would require recirculation.

The SBFCA Board of Directors certifies the Final Environmental Impact Report based on the following findings and conclusions.

6.1 FINDINGS

The project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the EIR and will require mitigation as set forth in the Findings. Significant adverse impacts which cannot be mitigated to a level of insignificance after mitigation include air quality.

6.2 CONCLUSIONS

1. Except as to those impacts stated above relating to air quality, all other significant environmental impacts from the implementation of the proposed project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to less than significant levels.
2. Alternatives to the proposed project which could potentially achieve the basic objective of the proposed project have been considered and rejected in favor of the proposed project. The No Use of Marysville WWTP alternative (Alternative 2) would result in greater impacts to land use and planning, noise, transportation, and utilities (solid waste disposal) due to increased truck trips for dredged material disposal over a longer project duration, although CEQA impact levels would remain the same except for air quality, which would be reduced to less than significant levels with implementation mitigation measure AIR-1. The Use of Marysville WWTP for Dewatering Only but Not Disposal alternative (Alternative 3) also would result in greater impacts to air quality, greenhouse gas emissions, noise, transportation, and utilities (increased offsite solid waste disposal) due to increased truck trips for dredged material disposal over a longer project duration, although all CEQA impact levels would remain the same. Under the Reduced Project Alternative (Alternative 4) impacts would be lower than under the proposed project. In addition, the air quality impact levels would be reduced from significant and unavoidable to less than significant under Alternative 4 with implementation of mitigation measure AIR-1. Therefore, the Reduced Project Alternative (Alternative 4) is identified as the Environmentally Superior Alternative. However, Alternative 4 would only partially meet project Objective #4, to restore and maintain fish passage in both the Feather River and Yuba River at their confluence. Sediment proposed for removal in Phase 2 would not occur, and continue to hinder fish passage, especially to the Yuba River watershed.
3. Environmental, economic, social, and other considerations and benefits derived from the development of the proposed project, as further discussed in Section 7.0, override and

make infeasible any alternatives to the proposed project or further mitigation measures beyond those incorporated into the proposed project.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

7.1 INTRODUCTION

Sutter Butte Flood Control Agency (SBFCA) is the Lead Agency under CEQA for preparation, review, and certification of the EIR for the Yuba City Boat Ramp Sediment Removal Project (the “project”). As the Lead Agency, the SBFCA is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether to approve the proposed project. In making this determination the SBFCA is guided by CEQA Guidelines Section 15093, which provides as follows:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the CEQA Guidelines Section 15093, SBFCA has balanced the benefits of the project against the following unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures with respect to these impacts. SBFCA also has examined alternatives to the project, none of which both meet

the project objectives and is environmentally preferable to the project for the reasons discussed in the Statement of Facts and Findings (above).

The SBFCA Board of Directors, having reviewed and considered the information contained in the, the Draft and Final EIR, Responses to Comments, and the public record in its entirety, adopts the following Statement of Overriding Considerations that have been balanced against the unavoidable adverse impacts in reaching a decision on this project.

7.2 SIGNIFICANT UNAVOIDABLE IMPACTS

Although all potential project impacts have been substantially avoided or mitigated as described in the preceding findings, there is no complete mitigation for the following project impacts:

- Air Quality: Inconsistent with the Feather River Air Quality Management District's 2018 Air Quality Attainment Plan (2018 FRQAMD AQMP), and
- Resulting 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.

Significant unavoidable adverse impacts would be short-term in nature only and would occur during the period of construction. No long term impacts on air quality would occur.

Details of these significant unavoidable adverse impacts were discussed in the EIR and are summarized or were otherwise provided in the Statement of Facts and Findings (above).

7.3 OVERRIDING CONSIDERATIONS

To the extent that the significant effects of the project are not avoided or substantially lessened to below a level of significance, the SBFCA Board of Directors, having reviewed and considered the information contained in the EIR and the public record, and having balanced the benefits of the project against the unavoidable effects which remain, finds such unmitigated effects to be acceptable in view of the following overriding economic, social and other considerations, each of which SBFCA finds is individually sufficient to justify issuance of a Statement of Overriding Considerations:

1. The SBFCA Board of Directors finds that each of the specific economic, legal, social, technological, environmental, and other considerations, and the benefits of the project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval of the project. The remaining significant adverse impacts identified in Section 7.2, above are acceptable in light of each of these overriding considerations, and the substantial evidence that supports the enumerated benefits of the project can be found in the Statement of Facts and Findings herein, the Final EIR, the project itself, and the record of all proceedings in connection with the approval of the project. In the event that any court decision or regulatory action results in a determination that there are additional remaining significant impacts resulting from SBFCA's approval of the project that cannot be avoided even with the incorporation of all feasible mitigation measures into the project, the Statement of Facts and Findings

and Statement of Overriding Considerations herein shall be deemed to apply to such additional remaining significant impacts.

2. The project establishes various objectives that will improve the project site and provide a benefit to the community, namely:
 - Remove excess sediment buildup in portions of the Feather River that were exacerbated by the Oroville Dam Spillway incident of 2017;
 - Improve flow conveyance and 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.
3. The project will have regional economic benefits, such as guided and private fishing trips (heavily curtailed by river and launch conditions) to bring commerce to local restaurants, hotels, and other businesses.
4. The project will restore habitat for listed and other sensitive salmonid species.

Therefore, the SBFCA Board of Directors, having reviewed and considered all information contained in the EIR and the public record, adopts the Statement of Overriding Considerations that has been balanced against the unavoidable adverse impacts in reaching a decision on this project.