Meeting Date: 06/05/23
Application Number: A3852
Staff: J. Holt

Staff Report 25

APPLICANT:

Yuba County Water Agency

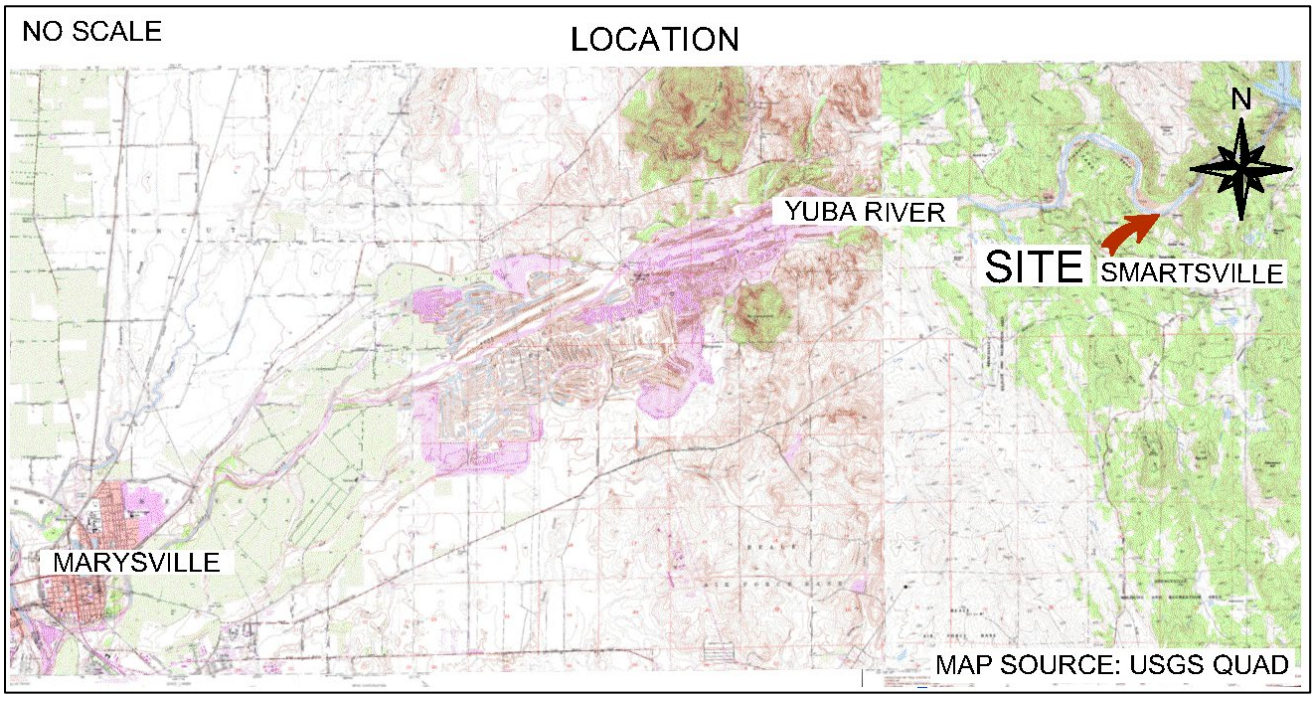
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Yuba River channel and floodplain, adjacent to Assessor Parcel Numbers: 006-320-007, 006-210-016, 006-210-025, 006-310-001, and 006-210-024, near Smartsville, Yuba County (as shown in Figure 1).

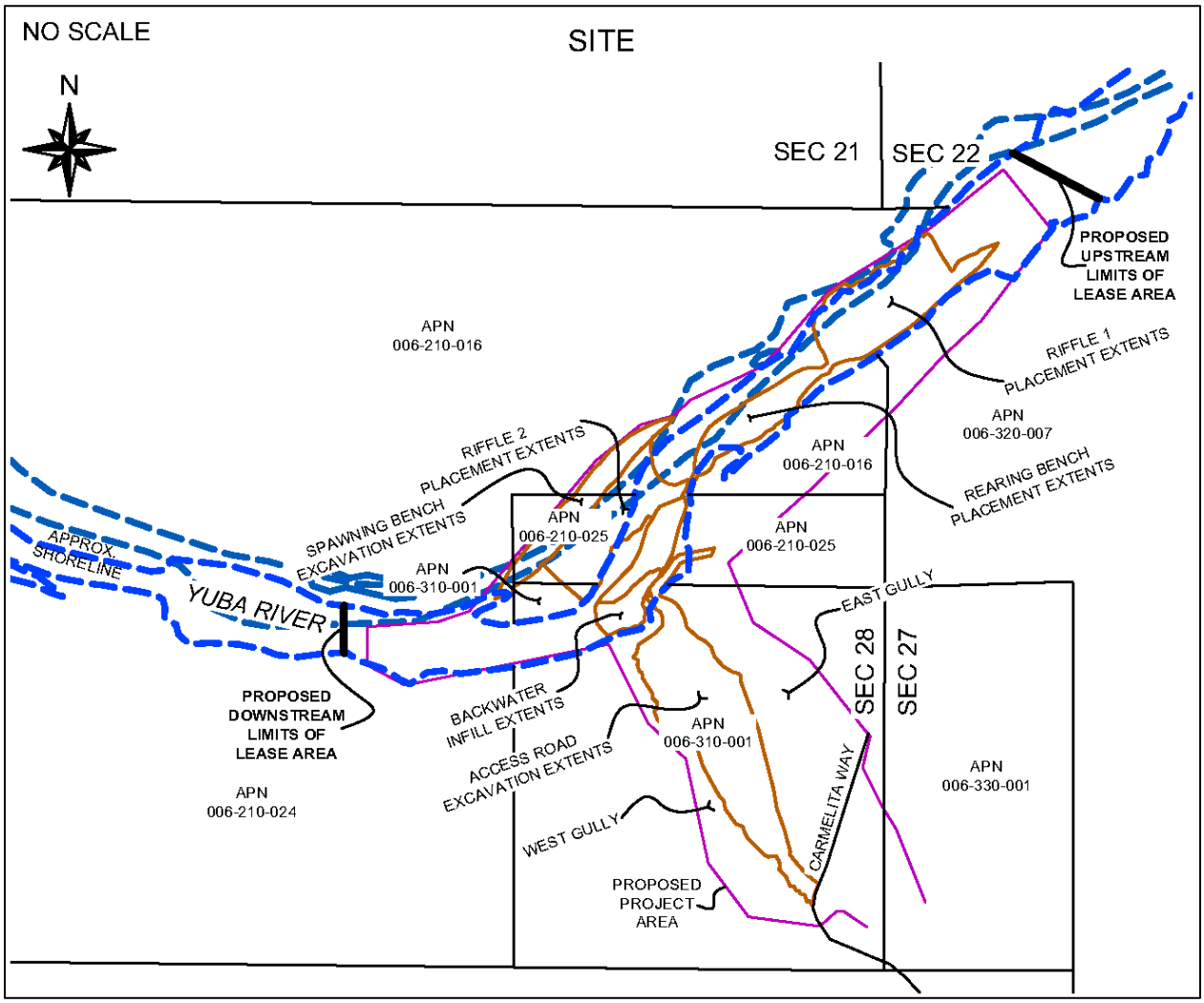
Figure 1. Location



AUTHORIZED USE:

Restoration and rehabilitation of the bed of the Yuba River channel and floodplain to improve wildlife and aquatic habitats (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:

5 years; beginning June 5, 2023.

CONSIDERATION:

The 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 interest; dredged materials may not be sold.

SPECIFIC LEASE PROVISIONS:

- In performing the restoration and rehabilitation operations, the Lessee will adhere to 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 grading materials from the Lease Premises are the property of the State of California and shall not be sold, and that the Lessee is not authorized to grade or remove material for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.
- Within 60 days of completing the restoration and rehabilitation project, Lessee will provide Lessor with photographs, a set of "as built" plans, and written confirmation to evidence completion of the project and identify the contours of the restoration, rehabilitation, and enhancement activities on and adjacent to state land. Lessor shall then replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, to the Lease as necessary to accurately reflect the final location of the authorized restoration and rehabilitation. Once approved by the Lessor's Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in the Lease at the time of Lease execution. The replaced Exhibits shall be incorporated in the Lease as though fully set forth therein.

BACKGROUND:

In November 2022, the Yuba County Water Agency applied for a General Lease – Public Agency Use, for restoration and rehabilitation of the bed of the Yuba River channel and floodplain to improve wildlife and aquatic habitats near Smartsville in Yuba County. The proposed work is affiliated with the Upper Rose Bar Salmonid Spawning Habitat Restoration Project. The Project is funded by the California Department of Fish and Wildlife through the Proposition 1 Watershed and Delta Ecosystem Restoration Grant Program. This Project addresses restoration goals and priorities associated with climate change, by improving water quality and spawning and riparian habitats. The Project is coordinated by the South Yuba River Citizens League and its affiliates which include environmental and engineering specialists.

The Project involves a small area of state-sovereign land in the lower Yuba River and floodplain, and a larger area of adjacent land owned by the Applicant. The Project encompasses an approximately 2,895-foot segment of the river, a tributary to the Feather River, approximately 8.9 river miles downstream of Englebright Dam at the downstream end of the Narrows Reach, in the upstream portion of the

Timbuctoo Bend Reach and at the base of the former Blue Point Mine. The portion which falls on state-sovereign land will involve a lease of approximately 16 acres.

The proposed work activities include excavating, sorting, and washing gravel from upland areas for placement in spawning riffles; excavating and grading floodplain areas; placing gravel to create and enhance spawning riffles; planting and revegetation, and related measures. The proposed in-water work activities will occur during periods of low water levels and outside of spawning season to minimize any potential impact on salmonids. The proposed work will enhance the connection between the existing river channel and the adjacent wetland area owned by the Applicant. Mitigation measures will be implemented to avoid impacts to special status species.

"The primary objective of the Project is to augment, rehabilitate, and enhance productive Yuba River salmonid spawning and rearing habitat. The Project will address goals of existing recovery plans, work synergistically with existing restoration efforts on the Yuba River, and improve community opportunities to participate in, learn about, and support salmonid habitat restoration and the value of functional riverine ecosystems." (Cramer Fish Sciences, 2022).

The proposed activities will have a lasting beneficial impact on aquatic, terrestrial, and riparian species by improving existing habitat and providing additional habitat for populations of California Central Valley steelhead (*Oncorhynchus mykiss*) and California Central Valley Chinook salmon (*O. tshawytscha*) and other native fish in the river. The public benefit will be a healthy length of river and its associated floodplain for years to come.

Rehabilitation is anticipated to occur in Summer 2023 and take approximately 1 year to complete, followed by post-completion monitoring and inspections during the subsequent 4 years. Site stabilization would occur immediately after construction activities are complete, and revegetation planting would commence at the beginning of the rainy season, which would presumably begin in November and continue through February. Construction activities would take place during normal working hours.

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:

The proposed project will enhance habitats and sustainability, increasing fish populations in the Yuba River and the larger ecosystem. The proposed action is considered beneficial because it will enhance fisheries, which is a recognized Public Trust use. Furthermore, the action will not impede or impair any other Public Trust uses in the area. The project will enhance the fishing experience by restoring and improving habitat in and connected to the river. This wildlife and aquatic habitat restoration project is a water-dependent use that is consistent with the common law Public Trust Doctrine. Waterborne activities such as rafting, kayaking, and fishing are possible through access points. The public can fish in the Yuba River using boating vehicles such as kayaks and canoes. This portion of the river is not frequently used by public recreators. The project will include signage upstream of the work area to inform the public about project-related equipment in the vicinity. As needed, project work will pause operations to accommodate safe passage of boaters and recreators in the river. In-water project activities will occur when public recreation is at a minimum level. Further, the majority of work will take place on the adjacent wetland area owned by the Applicant. The lease includes certain provisions protecting the public's use of the proposed lease area by requiring the Applicant to obtain necessary permits. The lease also has a limited term of 5 years to allow the Commission flexibility to determine if the Public Trust needs of the area have changed over time.

CLIMATE CHANGE:

The project area is not tidally influenced and therefore, would not be subject to sea level rise. However, as stated in the *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 restoration work could be affected by climate change and may require ongoing maintenance, including but not limited to sediment removal or debris removal, to ensure that the habit operates as intended. As provided above, the Project addresses restoration goals and priorities associated with climate change, by improving water quality and spawning and riparian habitats.

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 restoration and rehabilitation measures as defined in project documents. The lessee has no right to a new lease or a renewal of any previous lease.

2. This action is consistent with the "Leading Climate Change Activism," "Meeting Evolving Public Trust Needs," and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

3. A Mitigated Negative Declaration, State Clearinghouse No. 2022120635, and a Mitigation Monitoring Program (MMP) were prepared by Yuba County Water Agency (Agency) and adopted on February 2, 2023, for this project. Staff reviewed these documents and prepared an independent MMP (attached, Exhibit A) incorporating the Agency's document and recommends adoption by the Commission.

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 California Environmental Quality Act (CEQA) review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
National Marine Fishery Service
Central Valley Regional Water Quality Control Board

California Department of Fish and Wildlife

EXHIBIT:

A. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2022120635, and a Mitigation Monitoring Program were prepared by Yuba County Water Agency and adopted on February 2, 2023, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

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

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.

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.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning June 5, 2023, for a term of 5 years, to authorize the restoration and rehabilitation of the Yuba River channel and floodplain to improve wildlife and aquatic habitats; 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; grading material shall be used for the benefit of the Project and may not be sold.

2. Authorize the Executive Officer or designee to replace Exhibits in the lease and review and approve "as-built" plans and post-completion reports detailing the final location of the restoration and rehabilitation activities, following project completion.

EXHIBIT A
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
UPPER ROSE BAR SALMONID SPAWNING HABITAT RESTORATION PROJECT
(A3852, State Clearinghouse No. 2022120635)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Upper Rose Bar Salmonid Spawning Habitat Restoration Project (Project). The CEQA lead agency for the Project is the Yuba County Water 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 State lands. The purpose of an 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[1] section 15097, subdivision (a), states in part:

> *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 adopted an MND, State Clearinghouse No. 2022120635, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the whole of the Project (see Exhibit A, Attachment A-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 A-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and provided in Attachment A-1, is incorporated by reference in this Exhibit A.

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

Table A-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	**Mitigation Measure (MM)[2]**
Impacts from Dust	AQ-1. Reduce Dust Impacts
Impacts to Critical Species	BIO-1. Work Outside of Critical Periods for Sensitive Species
Impacts from Mercury	BIO-2. Monitor Mercury Levels and Mitigate for Impacts
Impacts from Aquatic Invasive Species	BIO-3. Prevent Spread of Aquatic Invasive Species
Impacts to Fish Species	BIO-4. Construction Approach to Minimize Impacts to Fish
Impacts to Native Trees	BIO-5. Protect and Compensate for Native Trees
Impacts to Special Status Wildlife Species	BIO-6. Pre-construction Survey(s) and Monitoring for Special Status Wildlife Species
Impacts to Nesting Raptors and Birds	BIO-7. Nesting Raptor and Bird Avoidance and Minimization
Impacts to Western Pond Turtle	BIO-8. Surveys and Avoidance for Western Pond Turtle
Impacts to Foothill Yellow-legged Frog	BIO-9. Surveys and Avoidance for Foothill Yellow-legged Frog
Impacts to Bats	BIO-10. Monitor for Bats to Prevent Impacts
Impacts to Cultural Resources	CR-1. Archaeological Construction Monitor CR-2. Inadvertent Discoveries of Objects of Cultural Significance
Impacts to Water Quality	WQ-1. Monitor Water Quality and Prevent Impacts WQ-2. Use Clean Equipment and Biodegradable Lubricants

[2] See Attachment A-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

ATTACHMENT A-1

MITIGATION MONITORING AND REPORTING PROGRAM ADOPTED BY THE YUBA COUNTY WATER DISTRICT

MITIGATION MONITORING AND REPORT PROGRAM:

UPPER ROSE BAR SALMONID SPAWNING HABITAT RESTORATION PROJECT MITIGATED NEGATIVE DECLARATION

This Mitigation Monitoring and Reporting Program (MMRP) was prepared in accordance with Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. Section 15097 requires that a lead agency establish a program to report on or monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. The MMRP for the Upper Rose Bar Salmonid Spawning Habitat Restoration Project is presented here as Table 1.

This MMRP is designed to ensure that the mitigation measures necessary to reduce significant impacts identified in the Project Initial Study and Proposed Mitigated Negative Declaration (IS/MND) are implemented. The components of the MMRP Table 1 are listed below:

Mitigation Measures: The mitigation measures are taken verbatim from the Project IS/MND.

Timing/Milestone: Identifies a schedule for conducting each mitigation action.

Responsible Entity: Identifies the entity responsible for implementing specific mitigation measures.

Mitigation Action: Identifies the specific action or actions that must be completed to implement the mitigation measure.

Monitoring and Enforcement Responsibility: Identifies the department/agency, consultant, or other entity responsible for overseeing that mitigation occurs.

Check off Date/Initials: To be filled out when individual mitigation is complete.

Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/Initials
Air Quality **AQ-1. Reduce Dust Impacts** The following dust reduction measures will be implemented during movement of materials from the construction area to the processing plant to reduce construction-related emissions: • wet materials to limit visible dust emissions using water; • provide at least 6 in (15.2 cm) of freeboard space from the top of the container; or, • cover the container. Implement the following dust reduction measure during cobble placement to reduce construction-related emissions: • limit or promptly remove any of mud or dirt on construction equipment and vehicles at the end of each workday, or once every 24 hours. • water trucks would be used to wet down construction access roads, staging areas, and restoration activity zones to minimize dust production.	During restoration activities (Ongoing)	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	

Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/Initials
Biological Resources **BIO-1: Work Outside of Critical Periods for Sensitive Species** Table 5 of the ISMND lists the critical periods when disturbance could result in significant impacts to individuals or populations of special status species. To avoid these impacts, all Proposed Action in- water activities will be conducted during the period 15 July through 1 September, which is outside the listed critical periods for the majority of the species (Table 5). Surveys will be performed for species which have critical periods overlapping with the in-water work window or dry-ground work window (16 April to 31 October) which may be impacted by the Proposed Action activities. If special status or sensitive species are identified within the area which may be impacted by Proposed Action activities, then buffers will be established and/or CDFW and USFWS will be consulted. Nesting birds and raptors are protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, and trees and shrubs within the Action Area likely provide nesting habitat for songbirds and raptors. If tree removal is unavoidable, it will occur during the non-breeding season (mid-September). If other construction activities must occur during the potential breeding season (1 February- 31 August) surveys for active nests and/or roosts will be conducted by a qualified biologist no more than 10 days prior to the start of construction. A minimum no disturbance buffer will be delineated around active nests (note, size of buffer depends on species encountered) until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	Prior to restoration activities	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
BIO-2: Monitor Mercury Levels and Mitigate for Impacts Sediment and aqueous total mercury levels will be measured before, during, and after restoration activities in the Action Area. Following methods in the Stillwater Sciences (2004) Mercury Assessment, total mercury from areas of Proposed Action exposed fine sediments (<63 µm) will be evaluated to determine if they are considered elevated by the Central Valley Regional Water Quality Control Board (0.10 mg/kg or greater). Aqueous raw total mercury will also be tested to ensure that it is below the California Toxics Rule for a drinking water source of 50 ng/L. It is unlikely that excavation and regrading activities may uncover mercury hot spots and or mobilize mercury in the aquatic food web; however, if samples are found with mercury levels above established standards, work will be halted in the vicinity of the elevated mercury area to assess contamination potential. If, sediment total mercury levels meet the elevated criteria then the mitigation action(s) defined in the Proposed Action 401 water quality certification will be implemented.	Prior to, during and after restoration activities (Ongoing)	Project Applicant/ Contractor	Use qualified QSP and implement measures	Project Applicant/ Contractor	
BIO-3: Prevent Spread of Aquatic Invasive Species To minimize the chance that aquatic invasive plants and invertebrates will be transported and spread to other sections of the Yuba River or other water bodies on equipment, construction specifications will require that equipment be steam cleaned immediately after the work is completed and before being used in other water bodies. An Invasive Species Risk Assessment and Planning (ISRAP) protocol will be developed, and all appropriate staff will be trained as to its purpose and implementation before construction begins. The plan will be used to prevent the spread of invasive species during construction. Additional measures may be taken at the recommendation of CDFW.	Prior to restoration activities	Project Applicant/ Contractor	Implement mitigation measures specified in ISRAP	Project Applicant/ Contractor	

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
BIO-4: Construction Approach to Minimize Impacts to Fish The construction approach will allow fish to move progressively downstream and away from the impact area as construction moves from upstream to downstream through the backwater channel. The majority of the in-water work will involve the filling in and creation of a side channel through the ponds and backwater. Before in-water work starts in a section of the channel a qualified fisheries biologist will survey the area and determine whether there is a suitable egress route for fish to move downstream and away from the construction area. If a suitable downstream egress route is not present, most likely because an area is deemed too shallow, then the problem area will be altered such that it becomes suitable. An excavator would likely be used to deepen the problem area and would work from downstream to upstream to discourage fish from migrating downstream until the egress route is completed. Once suitable downstream egress has been established, in- stream construction will begin at the most upstream section of the channel and work progressively downstream and across the channel. The listed fish species most likely to be present are juvenile CCV steelhead from 7 to 30 cm (3 – 12 in) fork length and possibly juvenile CV spring-run Chinook Salmon that are demonstrating the yearling life history strategy from 7 to 12 cm (3 – 5 in) fork length. Juvenile CCV steelhead and Chinook Salmon are highly mobile and would be expected to easily move downstream and away from the impact area with a suitable egress route. Once work proceeds past an area, fish will be able to return to use the newly created habitat through upstream migration. If a qualified fisheries biologist, with input from the contractor, determines that in-stream work in an area cannot be performed using the construction approach then fish relocation will be performed to avoid fish injury and mortality and minimize disturbance.	During restoration activities (Ongoing)	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
BIO-5: Protect and Compensate for Native Trees Native trees, such as Fremont cottonwood, willows, and alder, with a dbh of 6 in (15.2 cm) or greater shall be protected with 30-ft (9.1-m), 10-ft (3-m), and 10-ft (3-m) buffers, respectively, as possible. Native trees shall be marked with flagging if close to the work area to prevent disturbance. To compensate for the removal of riparian shrubs and trees during Project implementation, the plans shall identify tree and shrub species to be planted, how, where, and when they would be planted, and measures to be taken to ensure a minimum performance criteria of 70% survival of planted trees. The tree plantings shall be based on native tree species compensated for in the following manner: To mitigate for any loss of native trees impacted by Proposed Project implementation, the contractor would follow the guidelines below: • oaks having a dbh of three to five inches would be replaced in-kind, at a ratio of 3:1, and planted during the winter dormancy period in the nearest suitable location to the area where they were removed. Oaks with a dbh greater than five inches would be replaced in kind at a ratio of 5:1. • riparian trees (i.e., willow, cottonwood, sycamore, alder, ash, etc.) would be replaced in-kind, at a ratio of 3:1, and planted during the winter dormancy period in the nearest suitable location to the area where they were removed.	Prior to initiation of restoration activities	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
BIO-6: Pre-construction Survey(s) and Monitoring for Special Status Wildlife Species Pre-construction surveys by qualified biologists will be conducted no more than 10 days prior to the start of construction of work within the Action Area to verify the presence or absence of special-status wildlife and birds. Surveys for active bird nests will be performed using qualified biologists no more than 10 days prior to the start of disturbance activities. A minimum no-disturbance buffer of 250 ft around active nests of non-listed bird species; a 500-ft no-disturbance buffer around migratory bird species; and a ½- mile buffer for nest of listed species and fully protected species will be established until breeding season is over or young have fledged. If such a buffer cannot be accomplished, CDFW will be consulted. If sensitive wildlife species or active nest are found within the construction area, the biologist shall have the authority to stop construction activities and establish a non-disturbance buffer until it is determined that the animal would not be harmed. If the potential to harm sensitive wildlife or an active nest/den site remains, the non-disturbance buffer is to remain and the biologist shall contact CDFW for authorization before work resumes.	Prior to and during restoration activities	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
BIO-7: Nesting Raptor and Bird Avoidance and Minimization To the extent feasible, Proposed Action activities should be scheduled to avoid the nesting bird season (see Mitigation Measure BIO-1). For Proposed Action activites expected to occur during the nesting season of raptors (1 February to 31 August) and migratory birds, a qualified biologist shall conduct a pre-construction survey no more than 10 days prior to the start of construction to determine if active nests are present on or within 500 feet of the Action Area. If no active nests are identified during the pre-construction survey, no further mitigation is necessary. If active nests are found on or within 500 feet of the Action Area, the following buffers shall be established until breeding season is over or young have fledged to ensure that Proposed Action activities comply with the MBTA and California Fish and Game Code: • a minimum no-disturbance buffer of 250 feet around active nests of birds protected under the MBTA (including Yellow-breasted Chat and California Black Rail); • a 500-foot no-disturbance buffer around active nests of raptors protected under the MBTA (including Swainson's Hawk and Northern Harrier); and • a ½-mile buffer for nesting Bald Eagles.	Prior to and during restoration activities	Project Applicant/ Contractor	If necessary, implement specified mitigation measures	Project Applicant/ Contractor	

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
BIO-8: Surveys and Avoidance for Western Pond Turtle Within 10 days prior to ground disturbing activities, a qualified biologist shall conduct a pre-activity survey to identify Western Pond Turtle individuals or nests within proposed work areas during the egg-laying season (March- August). If any western pond turtle is found within the Proposed Action area, the activities in the vicinity shall cease until they have moved outside of the Proposed Action area of their own volition. If a western pond turtle nest is found, the biologist shall flag the site, maintain an appropriate no- disturbance buffer, and determine if Proposed Action activities can avoid affecting the nest.	Prior to and during restoration activities	Project Applicant/ Contractor	If necessary, implement specified mitigation measures	Project Applicant/ Contractor	
BIO-9: Surveys and Avoidance for Foothill Yellow-legged Frog Pre-construction surveys shall be conducted for FYLF prior to the commencement of construction activities. These surveys shall conform to the survey protocol established in Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog (USFWS 2005). If construction activities occur between November 1 and March 31, a qualified biologist shall monitor the construction activities daily.	Prior to and during restoration activities	Project Applicant/ Contractor	If necessary, implement specified mitigation measures	Project Applicant/ Contractor	

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
BIO-10: Monitor for Bats to Prevent Impacts Before any ground disturbing activities, a qualified biologist shall survey for the presence of associated habitat types for the bat species of concern. If bats are present, the biologist shall apply a minimum 300 ft (91.4 m) no-disturbance buffer around roosting bats, maternity roosts or winter hibernacula until all young bats have fledged. If suitable habitat is present, evening emergence surveys shall be conducted during the appropriate seasonal period of bat activity to determine the presence of bats.	Prior to restoration activities	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
Cultural Resources **CR-1: Archaeological Construction Monitor** A qualified archaeological monitor shall be present during all ground-disturbing activity that will result in removal of material within/near the Yuba River riverbed; including, but not limited to, moving of cobble rocks and leveling of incised gorges and the riverbed.	During restoration activities (Ongoing)	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	
CR-2: Inadvertent Discoveries of Objects of Cultural Significance If archaeological components are encountered during ground- disturbing activities, all ground disturbing work at the find location and 100-foot buffer placed around the area until a qualified archaeologist can assess the significance of the finding and provide (if needed) avoidance and/or data recovery plan. Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all ground-disturbing work must cease in the vicinity of the discovery, and the County Coroner shall be contacted. The respectful treatment and disposition of remains and associated grave offerings shall be in accordance with Public Resource Code (PRC) §5097.98. The project owner is responsible for implementation PRC §5097.98 and coordination with the likely descendant (MLD) identified by the Native American Heritage Commission. PRC §5097.98 also outlines next steps should the landowner and MLD not reach an agreement to the final disposition of the remains**.** The final disposition of archaeological, historical, and paleontological resources recovered on State land under the jurisdiction of the California State Lands Commission	During restoration activities (Ongoing)	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	

must be approved by the Commission.					
Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
Hazards and Hazardous Materials **HAZ-1: Reduce Potential Impacts from Wildfire Risk** During Proposed Action construction, any dry vegetation present on the staging areas or temporary access roads would be cleared prior to being used by vehicles or heavy equipment. Fire extinguishers would be present onsite in vehicles to quickly put out any vegetation that ignites as a result of a spark from heavy equipment.	Prior to and during restoration activities	Project Applicant/ Contractor	If necessary, implement specified mitigation measures	Project Applicant/ Contractor	

Noise **NOISE-1. Reduce Impacts from Noise** To mitigate noise related impacts, the Proposed Action shall require all contractors to comply with the following operational parameters: • Restrict construction activities to time periods between 7:00 am and 5:00 pm when there is the least potential for disturbance; Install and maintain sound-reducing equipment and muffled exhaust on all construction equipment.	During restoration activities (Ongoing)	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	
Water Quality **WQ-1: Monitor Water Quality and Prevent Impacts** During in river work, turbidity and total suspended solids shall be monitored with intermittent grab samples from the river, and construction curtailed if turbidity exceeds criteria established by the Regional Water Quality Control Board in its Clean Water Act §401 Water Quality Certification for the Project. Specifically, sampling shall be performed immediately upstream from the Project Area and approximately 300 feet downstream of the active work area during construction.	Prior to, during and after restoration activities (Ongoing)	Project Applicant/ Contractor	Use qualified QSP and implement measures	Project Applicant/ Contractor	

Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/Initials
Activities shall not cause in surface waters: a) turbidity to exceed 2 NTU's where natural turbidity is less than 2 NTU; b) where natural turbidity is between 1 and 5 NTUs, increases exceeding 1 NTU; c) where natural turbidity is between 5 and 50 NTUs, increase exceeding 20 percent; d) where natural turbidity is between 50 and 100 NTUs, increases exceeding 10 NTUs; e) where natural turbidity is greater than 100 NTUs, increase exceeding 10 percent. Activities shall not cause settleable material to exceed 0.1 ml/L in surface waters as measured in surface waters downstream from the Project Area. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 as measured in surface waters downstream from the Project Area. The Project shall not discharge petroleum products into surface water. The Central Valley Water Board shall be notified immediately of any spill of petroleum products. Sediment fencing shall be used along the river corridor to capture floating materials or sediments mobilized during construction activities and prevent water quality impacts. Stream bank impacts shall be isolated and minimized to reduce bank sloughing. Banks shall be stabilized with revegetation following Project activities, as appropriate. A SWPPP shall be developed as part of the BMPs. All pertinent staff shall be trained on and familiarized with these plans. Copies of the plans and appropriate spill prevention equipment referenced in them shall be made available onsite and staff shall be trained in its use. Spill prevention kits shall be in close proximity to construction areas, and workers tined in their proper use.					

Mitigation Measure(s)	**Timing/ Milestone**	**Responsible Entity**	**Mitigation Action**	**Monitoring and Enforcement Responsibility**	**Check off Date/Initials**
WQ-2: Use Clean Equipment and Biodegradable Lubricants All equipment shall be clean and use biodegradable lubricants and hydraulic fluids. All equipment working within the stream channel shall be inspected daily for fuel, lubrication, and coolant leaks; and, for leak potentials (e.g. cracked hoses, loose filling caps, stripped drain plugs). Vehicles shall be fueled and lubricated in a designated staging area located outside the stream channel and banks. Construction specifications shall require that any equipment used in or near the river is properly cleaned to prevent any hazardous materials from entering the river, and containment material shall be available onsite in case of an accident. Spill prevention kits shall be located close to construction areas, with workers trained in its use. Contracted construction managers shall regularly monitor construction personnel to ensure environmental compliance.	During restoration activities (Ongoing)	Project Applicant/ Contractor	Implement specified mitigation measures	Project Applicant/ Contractor	