

Meeting Date: 04/04/24  
Lease Number: 5183  
Staff: C. Fox

# Staff Report 47

## **APPLICANT:**

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City of Gridley

## **PROPOSED ACTION:**

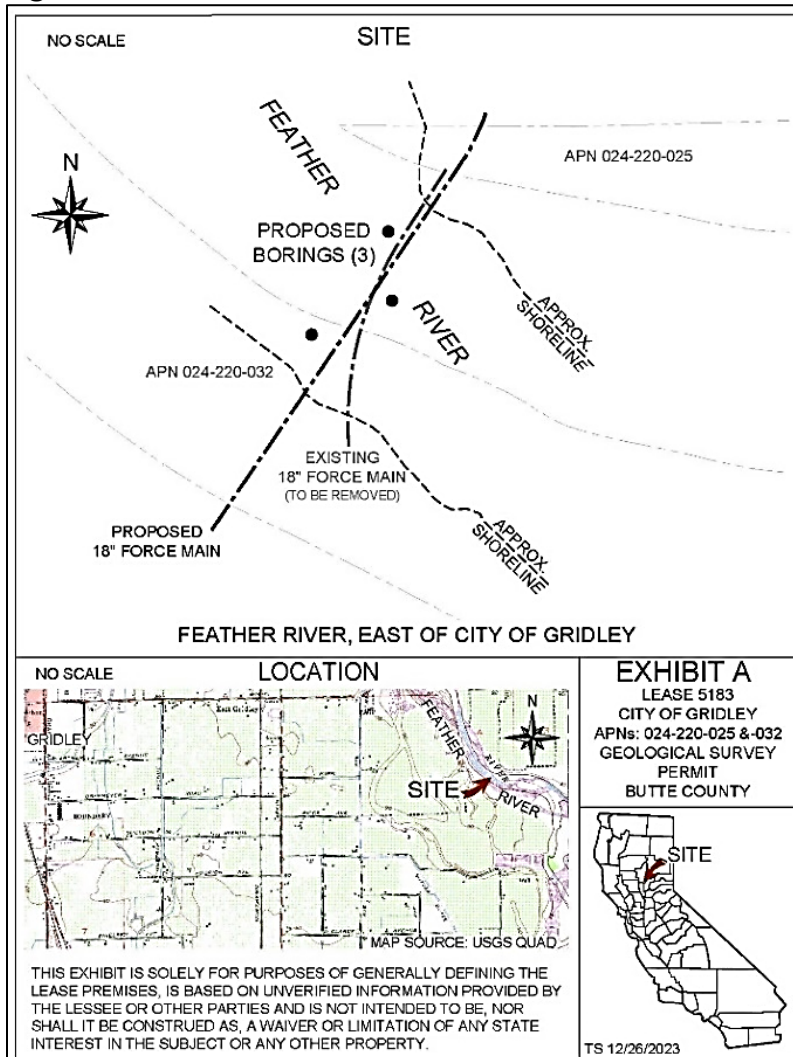
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Issuance of a Non-Exclusive Geological Survey Permit.

## **AREA, LAND TYPE, AND LOCATION:**

Sovereign land, adjacent to Assessor's Parcel Numbers 024-220-025, 024-220-032, and 024-220-999, located within the City of Gridley, Feather River, Section 4, Township 17 North, Range 3 East, Mount Diablo Baseline & Meridian, Butte County (as shown in Figure 1 and Table 1 below).

**Figure 1. Permit Area**



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.

**Table 1. Boring Locations**

Vertical Drilling (Boring) #	Latitude (degrees)	Longitude(degrees)
River Boring 1	38.3730845	-137.0877143
River Boring 2	39.3558604	-121.6351146
River Boring 3	39.3556992	-121.6356083

**AUTHORIZED USE:**

Non-exclusive use of portions of the Feather River for the collection of geological data by rotary drilling three 4- to 6-inch-diameter borings to a depth of 120 feet.

**TERM:**

3 years, beginning April 4, 2024.

**SPECIFIC PERMIT PROVISIONS:**

- The general terms of this Geological Survey Permit require the permittee to provide staff with advance notification of operations and the specifications of the equipment to be employed. Staff may obtain copies of all geological data derived from any and all surveys under this permit upon request.
- Lessee acknowledges that the land described in this Permit is subject to the Public Trust and is presently available to members of the public for recreation, waterborne commerce, navigation, fisheries, open space, or other recognized Public Trust uses and that Lessee's proposed construction activities and use of the Lease Premises shall not interfere or limit the Public Trust rights of the public.
- At least two weeks prior to the start of construction, Lessee agrees to post signs on the upland parking lot and ramp indicating the dates that the construction will begin and duration of closure of the river access. At all times during construction, Lessee agrees to install precautionary signage or warning buoys upstream and downstream of the construction in the river in order to provide adequate warning notices to recreational users on the river of the potential safety hazards associated with project construction.
- At all times while construction activities are taking place in the River, Lessee shall install warning signs and buoys, upstream and downstream of the construction site, in order to provide to the public that construction activities are taking place in the River and to exercise caution.
- In conjunction with approval of this Project, the Commission adopts a Mitigation Monitoring Program (Exhibit A, attached) 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). (Cal. Code Regs., tit 14, § 15097, subd. (a).) The City of Gridley and its contractors will comply with all biological, geologic, and cultural mitigations in this plan during project operations.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **AUTHORITY:**

Public Resources Code sections 6005, 6212.2, 6216, and 6301; California Code of Regulations, title 2, section 2100.02 et seq.

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

The City of Gridley has applied for a 3-year Geological Survey Permit to gather geological and geotechnical data from sovereign land located within the Feather River in the City of Gridley, Butte County. The permit will enable the drilling of three borings in the river to evaluate the geologic and geotechnical feasibility of micro tunneling a replacement sewer pipe under an existing sewer pipeline under lease from the Commission. The proposed project location is south of the Boat Ramp on the east side of the Feather River, off East Gridley Road near the Gridley Wastewater Treatment Plant. The data gained from the geological surveys is intended to support the replacement of the 16-inch-diameter sewer pipeline that currently crosses beneath the Feather River.

The borings will be drilled with a small rig loaded onto a barge and towed to each of the three locations. The work is expected to take no more than a week. The drilling process will involve a non-toxic clay-based fluid, and the boreholes will be backfilled with Portland cement. The last several feet of each borehole will fill with sediment through natural riverine processes.

California courts have recognized the collection of data for scientific study on lands subject to the public trust as a use consistent with the common law Public Trust Doctrine. (See e.g., *Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260.) Additionally, California Public Resources Code section 6212.2 expressly permits the Commission to issue permits for the taking of cores or other samples by means of drilling operations for the purpose of obtaining geological information so long as the activity is not for the purpose of commercial exploration or exploitation. The proposed permit contains restrictions to safeguard public rights and environmental resources. For example, the permit grants non-exclusive use of the permit area to the permittee and is limited to a term of 3 years. Furthermore, all work must be conducted in an environmentally conscientious manner.

Given these considerations, staff believes authorizing the permit will not substantially interfere with the Public Trust needs at this location at this time or for the foreseeable term of the permit.

For all the reasons above, staff believes that approving the permit application is consistent with the common law Public Trust Doctrine and is in the best interests of the State. Staff recommends approval of this Non-Exclusive Geological Survey Permit application.

**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 permit is for field activities within the Feather River, consisting of three borings of approximately 6-inches in diameter, taking place over a short time period. The bore holes will be primarily backfilled with cement, and the last several feet are expected to refill through natural processes and will not alter the riverbed over the long term nor increase the vulnerability of the riverbed to scour or other climate-driven impacts.

**TRIBAL COORDINATION AND CONSULTATION:**

Tribal consultation was conducted by the City of Gridley in 2022. The United Auburn Indian Community and the Nevada City Rancheria responded to the request for consultation indicating the Project falls outside of the Tribe's geographic area. Six additional tribes listed on the Native American Heritage Commission AB 52 list did not respond to the City's consultation request. Given the nature of the Project, Commission staff will continue its outreach to the six tribes to update them on the Project and connect them with the City. The Mitigation Monitoring Program requires that if requested by a Tribe, a Native American Monitor shall remain onsite during ground disturbance activities.

## **OTHER PERTINENT INFORMATION:**

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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 conduct geological surveys on sovereign land. Upon expiration or prior termination of the permit, the applicant has no right to a new permit or to renewal of any previous permit.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Partnering with Sovereign Tribal Governments and Communities" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. A Mitigated Negative Declaration, State Clearinghouse No. 2022090465, and a Mitigation Monitoring and Reporting Program (MMRP) were prepared by the City of Gridley and adopted on February 6, 2023, for this project. Staff reviewed these documents and prepared an independent Mitigation Monitoring Program (MMP) (attached, Exhibit A) incorporating the City of Gridley'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 participation from the agency nominating such lands through the California Environmental Quality Act (CEQA) review and permitting process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

## **EXHIBIT**

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A. Mitigation Monitoring Program

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

1. Find that a Mitigated Negative Declaration, State Clearinghouse No. 2022090465, and a Mitigation Monitoring and Reporting Program were prepared by the City of

Gridley and adopted on February 6, 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.

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

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that proposed Permit will not substantially interfere with Public Trust needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**SIGNIFICANT LANDS:**

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:**

Authorize issuance of a Non-Exclusive Geological Permit to the City of Gridley to conduct geological surveys for the period April 4, 2024, through April 3, 2027, to gather geological and geotechnical data by drilling three shallow borings on sovereign land within the Feather River, City of Gridley, Butte County.

**EXHIBIT A**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**  
**GRIDLEY FEATHER RIVER SEWER CROSSING PROJECT**  
(A4166, State Clearinghouse No. 2022090465)

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The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Gridley Feather River Sewer Crossing Project (Project). The CEQA lead agency for the Project is the City of Gridley.

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 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. 2022090465, 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. 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.

**TABLE A-1. PROJECT IMPACTS AND APPLICABLE MITIGATION MEASURES**

Potential Impact	Mitigation Measure (MM) <sup>1</sup>	Difference Between CSLC MMP and Lead Agency MMRP
Impacts to Special Status Aquatic Species	BIO-3	None
Impacts to Northwestern Pond Turtles	BIO-1, BIO-3, BIO-4	None
Impacts to Waters of the U.S./State	BIO-11	None
Impacts to Unanticipated Cultural and Tribal Cultural Resources	CUL-1	See CUL-1 Below
Impacts to Unanticipated Paleontological Resources, Sites, or Unique Geologic Features	GEO-1	See GEO-1 Below

CUL-1: Cultural or Archaeological Resource Discovery. All extraction and reclamation plans shall include the following.

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

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead federal agency, the lead CEQA agency,

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<sup>1</sup> See Attachment A-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

and landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.

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

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 City of Gridley. City of Gridley 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, City of Gridley 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. Title to all paleontological resources on sovereign lands is vested in the State and under the jurisdiction of the California State Lands Commission (Commission). Commission staff shall be notified of any paleontological specimens discovered on lands under the jurisdiction of the Commission, and the final disposition of paleontological specimens from such lands must be approved by the Commission.

**ATTACHMENT A-1**

**MITIGATION MONITORING AND REPORTING PROGRAM ADOPTED BY THE  
THE CITY OF GRIDLEY**

# **MITIGATION MONITORING AND REPORTING PROGRAM**

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## **Gridley Feather River Sewer Crossing Project CEQA Plus Initial Study and Mitigated Negative Declaration February 2023**

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## SECTION 1.0 INTRODUCTION

In accordance with CEQA, an MND that identifies adverse impacts related to the construction activity for the Gridley Feather River Sewer Crossing Project was prepared. The MND identifies mitigation measures that would reduce or eliminate these impacts. Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A MMRP is required for the Proposed Project, because the IS/MND identified potentially significant adverse impacts related to construction activity, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

### 1.1 PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM

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

### 1.2 ROLES AND RESPONSIBILITIES

The City of Gridley, as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

### 1.3 MITIGATION MONITORING AND REPORTING PLAN

The column categories identified in the MMRP table (Table 1-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.
- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure, and provides space for verification initials and date.
- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation, and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
- **Outside Agency Coordination** – this column lists any agencies with which the City may coordinate for implementation of the mitigation measure.
- **Comments** – this column provides space for written comments, if necessary.

**City of Gridley  
Feather River Sewer Crossing Project**

<b>MITIGATIONS</b>	<b>MONITORING AND REPORTING PROGRAM</b>				
	<b>Documentation of Compliance [Project Applicant/Proponent Responsibility]</b>		<b>Documentation of Compliance [Lead Agency Responsibility]</b>		
	<b>Monitoring Activity/Timing/ Frequency/ Schedule</b>	<b>Implementation Responsibility/ Verification</b>	<b>Responsibility for Oversight of Compliance/ Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<b>Biological Resources</b>					
<p><b>BIO-1:</b> The Project will implement erosion control measures and BMPs to reduce the potential for sediment or pollutants at the Project site. Measures may include the following:</p> <ul style="list-style-type: none"> <li>■ Erosion control measures will be placed between Waters of the U.S., and the outer edge of the staging areas, within an area identified with highly visible markers (e.g., construction fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification and erosion control measures will be properly maintained until construction is completed and the soils have been stabilized.</li> <li>■ Fiber rolls used for erosion control will be certified by the California Department of Food and Agriculture as weed-free.</li> <li>■ Seed mixtures applied for erosion control will not contain California Invasive Plant Council-designated invasive species (<a href="http://cal-ipc.org/">http://cal-ipc.org/</a>) and will be composed of native species appropriate for the site.</li> <li>■ Trash generated onsite will be promptly and properly removed from the site.</li> <li>■ Any fueling in the upland portion of the Study Area will use appropriate secondary containment techniques to prevent spills.</li> <li>■ A qualified biologist will conduct a mandatory Worker Environmental Awareness Program for all contractors, work crews, and any onsite personnel on the potential for special status species to occur on the Project site. The training will provide an overview of habitat and characteristics of the species, the need to avoid certain areas, and the possible penalties for non-compliance.</li> </ul>	<p><b>Activity:</b> Implement Erosion control measures and worker awareness program during construction.</p> <p><b>Timing:</b> During construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>		

**City of Gridley  
Feather River Sewer Crossing Project**

<b>MITIGATIONS</b>	<b>MONITORING AND REPORTING PROGRAM</b>				
	<b>Documentation of Compliance [Project Applicant/Proponent Responsibility]</b>		<b>Documentation of Compliance [Lead Agency Responsibility]</b>		
	<b>Monitoring Activity/Timing/ Frequency/ Schedule</b>	<b>Implementation Responsibility/ Verification</b>	<b>Responsibility for Oversight of Compliance/ Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<p><b>BIO-2: Plants.</b> If vegetation removal is proposed within suitable habitat for shield-bracted monkey flower and woolly-rose mallow, implementation of the following measure would minimize potential impacts to special-status plants:</p> <ul style="list-style-type: none"> <li>■ Preconstruction floristic surveys shall be conducted for any areas of vegetation removal in the Study Area with the potential to support shield-bracted monkey flower and woolly rose mallow. 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.</li> </ul>	<p><b>Activity:</b> A qualified biologist shall conduct a pre-construction survey for shield-bracted monkey flower and woolly-rose mallow.</p> <p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>Possible coordination with CDFW</p>	
<p><b>BIO-3: Fish Species, Critical Habitat, and Essential Fish Habitat.</b> To avoid and minimize potential adverse effects to listed and special status fish species, designated critical habitat, and EFH implement the following:</p> <ul style="list-style-type: none"> <li>■ Implement Project activities during a limited work window (likely June 15 through October 15) to avoid the most sensitive life stages of ESA-listed anadromous fish species.</li> <li>■ 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.</li> <li>■ Through the CWA Section 404 and/or 408 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.</li> </ul>	<p><b>Activity:</b> Implement Project activities during a limited work window (likely June 15 through October 15); Through the CWA Section 404 and/or 408 Permission, request the USACE initiate ESA Section 7 Consultation with NMFS.</p> <p><b>Timing:</b> Prior to and during construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>Consult with USACE and CDFW</p>	



**City of Gridley  
Feather River Sewer Crossing Project**

<b>MITIGATIONS</b>	<b>MONITORING AND REPORTING PROGRAM</b>				
	<b>Documentation of Compliance [Project Applicant/Proponent Responsibility]</b>		<b>Documentation of Compliance [Lead Agency Responsibility]</b>		
	<b>Monitoring Activity/Timing/ Frequency/ Schedule</b>	<b>Implementation Responsibility/ Verification</b>	<b>Responsibility for Oversight of Compliance/ Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>■ Consult with CDFW and if necessary, secure an Incidental Take Permit 2081, pursuant to Section 2080 of the California Fish and Game Code.</li> </ul>					
<p><b>BIO-4: Northwestern Pond Turtle.</b> Implementation of the following measure would minimize impacts to northwestern pond turtle:</p> <ul style="list-style-type: none"> <li>■ Conduct a preconstruction northwestern pond turtle survey in the construction staging and dewatering areas within 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.</li> </ul>	<p><b>Activity:</b> A qualified biologist shall conduct a pre-construction survey for northwestern pond turtle 48 hours before construction.</p> <p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>		
<p><b>BIO-5: Giant Garter Snake.</b> Conduct a pre-construction giant garter snake survey in the construction staging areas within 24 hours prior to construction activities. Any giant garter snake 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 200 feet from the Project work area where they were found.</p>	<p><b>Activity:</b> A qualified biologist shall conduct a pre-construction survey for giant garter snake 24 hours before construction.</p> <p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>		
<p><b>BIO-6: Valley Elderberry Longhorn Beetle.</b> To avoid and minimize potential adverse effects to VELB, implement the following:</p> <ul style="list-style-type: none"> <li>■ Through the CWA Section 404 and/or 408 Permission, request the USACE initiate ESA Section 7 Consultation with USFWS, if necessary, on the project effects to ESA-listed VELB.</li> <li>■ The area surrounding avoided elderberry shrubs shall be fenced and/or flagged as close to construction limits as</li> </ul>	<p><b>Activity:</b> Avoid and minimize potential adverse effects to VELB.</p> <p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>Through the CWA Section 404 and/or 408 Permission, request the USACE initiate ESA Section 7 Consultation with USFWS, if necessary, on the project effects to ESA-listed VELB.</p>	

**City of Gridley  
Feather River Sewer Crossing Project**

<b>MITIGATIONS</b>	<b>MONITORING AND REPORTING PROGRAM</b>				
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	<b>Monitoring Activity/Timing/ Frequency/ Schedule</b>	<b>Implementation Responsibility/ Verification</b>	<b>Responsibility for Oversight of Compliance/ Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<p>possible. Recognizing that the Project may require staging/and or dewatering activities within 165 feet of some shrubs, the shrubs shall be protected during construction by establishing and maintaining a high-visibility fence as far from the drip line of each elderberry shrub as feasible.</p> <ul style="list-style-type: none"> <li>■ As much as feasible, all activities that could occur within 165 feet of an elderberry shrub will be conducted outside of the flight season of VELB (March – July).</li> <li>■ Herbicides will not be used within the drip line of any elderberry shrubs. Insecticides will not be used within 100 feet of an elderberry shrub and will be applied using a backpack sprayer or similar direct application method.</li> <li>■ The potential effects of dust on VELB will 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.</li> </ul>					
<p><b>BIO-7: Special-Status Birds and MBTA-Protected Birds (including nesting raptors).</b> 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"> <li>■ 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. Any observed active 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.</li> <li>■ 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</li> </ul>	<p><b>Activity:</b> A qualified biologist shall conduct pre-construction surveys for nesting birds if project activities occur between February 1 through August 31</p> <p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>Coordination with CDFW.</p>	

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	<b>Monitoring Activity/Timing/ Frequency/ Schedule</b>	<b>Implementation Responsibility/ Verification</b>	<b>Responsibility for Oversight of Compliance/ Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<p>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> <ul style="list-style-type: none"> <li>■ 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 to maximize detection (dawn or dusk). Any observed active 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.</li> <li>■ 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. Any observed active 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.</li> </ul>					
<p><b>BIO-8: Yellow Billed Cuckoo.</b> To protect potentially nesting yellow-billed cuckoo, implement the following mitigation:</p> <ul style="list-style-type: none"> <li>■ To encourage western yellow-billed cuckoos to choose nesting sites away from construction activities, crews will make every effort possible to begin construction activities within 500 feet of suitable habitat before the start of the breeding season (i.e., before May 31).</li> </ul>	<p><b>Activity:</b> If construction activities begin after May 31 and if it is anticipated that construction-related disturbances within 500 feet of suitable habitat cannot be avoided, protocol surveys for yellow-billed cuckoo will be conducted.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>Biologists will coordinate with the USFWS and CDFW prior to conducting surveys.</p>	

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<ul style="list-style-type: none"> <li>■ If construction activities begin after May 31 and if it is anticipated that construction-related disturbances within 500 feet of suitable habitat cannot be avoided, protocol surveys for yellow-billed cuckoo will be conducted. Surveys will follow the latest version of <i>A Natural History Summary and Survey Protocol for the Western Distinct Population Segment of the Yellow-billed Cuckoo</i> (Halterman et al. 2015).</li> <li>■ Biologists will coordinate with the USFWS and CDFW prior to conducting surveys. Survey methods and results will be reported to the USFWS and CDFW at the conclusion of the surveys. If cuckoos are detected during surveys, the nest or general location will be mapped by the biologists and a 500-foot buffer will be established, or other distance as approved by the USFWS and CDFW, no-disturbance buffer between construction activities and the area identified. The no-disturbance buffer will be maintained until it has been determined by a qualified biologist that young have fledged or the nest is no longer active.</li> <li>■ If removal of vegetation identified as suitable habitat is proposed, consultation with USFWS may be required. Through the CWA Section 404 and/or 408 Permission, request the USACE initiate ESA Section 7 Consultation with USFWS, if necessary, on the Project effects to ESA-listed yellow-billed cuckoo.</li> </ul> <p>Two special-status birds identified as potentially occurring are migrants and/or wintering species. These are sharp-shinned hawk and merlin. These species do not nest in this region or nesting habitat does not occur in the Survey Area. Therefore, no surveys for wintering and/or migrant or foraging species are recommended.</p>	<p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>				

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<p><b>BIO-9: Special-Status Bats.</b> Within 14 days of construction, a qualified biologist will survey for all suitable roosting habitat (e.g., manufactured structures, trees) proposed for removal. If suitable roosting habitat is identified and proposed for removal, a qualified biologist will conduct an evening bat emergence survey that may include acoustic monitoring to determine whether or not bats are present. If roosting bats are found, consultation with CDFW prior to initiation of construction activities may be required. If bats are not found during the preconstruction surveys, no further measures are necessary.</p>	<p><b>Activity:</b> Within 14 days of construction, a qualified biologist will survey for all suitable roosting habitat (e.g., manufactured structures, trees) proposed for removal.</p> <p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>If roosting bats are found, consultation with CDFW prior to initiation of construction activities may be required.</p>	
<p><b>BIO-10: Riparian and Sensitive Natural Communities.</b> 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 River 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><b>Activity:</b> A SAA must be obtained from CDFW for any activity that will impact the Feather River and riparian habitats.</p> <p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>Consultation with CDFW for SAA prior to construction</p>	
<p><b>BIO-11: Waters of the U.S./State.</b> To avoid or minimize anticipated short-term adverse effects to Waters of the U.S. implement the following measures:</p> <ul style="list-style-type: none"> <li>■ Obtain coverage under Section 404 of the federal CWA from USACE for the exploratory borings within the Feather River. The impacts from such actions are expected to be temporary and solely associated with the dewatering activities. Therefore, no net loss of aquatic resources is likely to occur as a result of the Project and no mitigation is required.</li> <li>■ A Water Quality Certification or waiver pursuant to Section 401 of the CWA, as issued by RWQCB, must be obtained for Section 404 permit actions.</li> </ul>	<p><b>Activity:</b> Obtain coverage under Section 404 of the federal CWA from USACE for the exploratory borings within the Feather River.</p> <p><b>Timing:</b> Prior to construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>Coordination with USACE and RWQCB for 404 permit, 401 permit and Waste Discharge Requirement</p>	

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<ul style="list-style-type: none"> <li>■ 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 must be obtained for impacts to Waters of the State.</li> </ul>					
<b>Cultural Resources</b>					
<p><b>CUL-1: Cultural or Archaeological Resource Discovery.</b> All extraction and reclamation plans shall include the following.</p> <ul style="list-style-type: none"> <li>■ If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:               <ul style="list-style-type: none"> <li>● If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.</li> <li>● If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead federal agency, the lead CEQA agency, and landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical</li> </ul> </li> </ul>	<p><b>Activity:</b> If subsurface deposits believed to be cultural or human in origin are discovered during construction, all activities shall halt within 100 feet of discovery and an archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance and notify the Butte County Coroner.</p> <p><b>Timing:</b> During construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p>Possible coordination with Butte County Coroner</p>	

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

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<b>Geology and Soils</b>					
<p><b>GEO-1:</b> 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 City of Gridley. City of Gridley 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, City of Gridley shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.</p>	<p><b>Activity:</b> If paleontological or other geologically sensitive resources are identified during any phase of project development, the construction manager shall cease operation at the site and notify City of Gridley.</p> <p><b>Timing:</b> During construction.</p> <p><b>Frequency:</b> Ongoing during construction.</p>	<p><b>Contractor</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>	<p><b>City of Gridley</b></p> <hr/> <p><b>Initials</b></p> <hr/> <p><b>Date</b></p>		

Source: City of Gridley Feather River Sewer Crossing Project IS/MND