Meeting Date: 12/17/24
Application Number: 4239
Staff: J. Holt

Staff Report 03

APPLICANT:

California Department of Water Resources

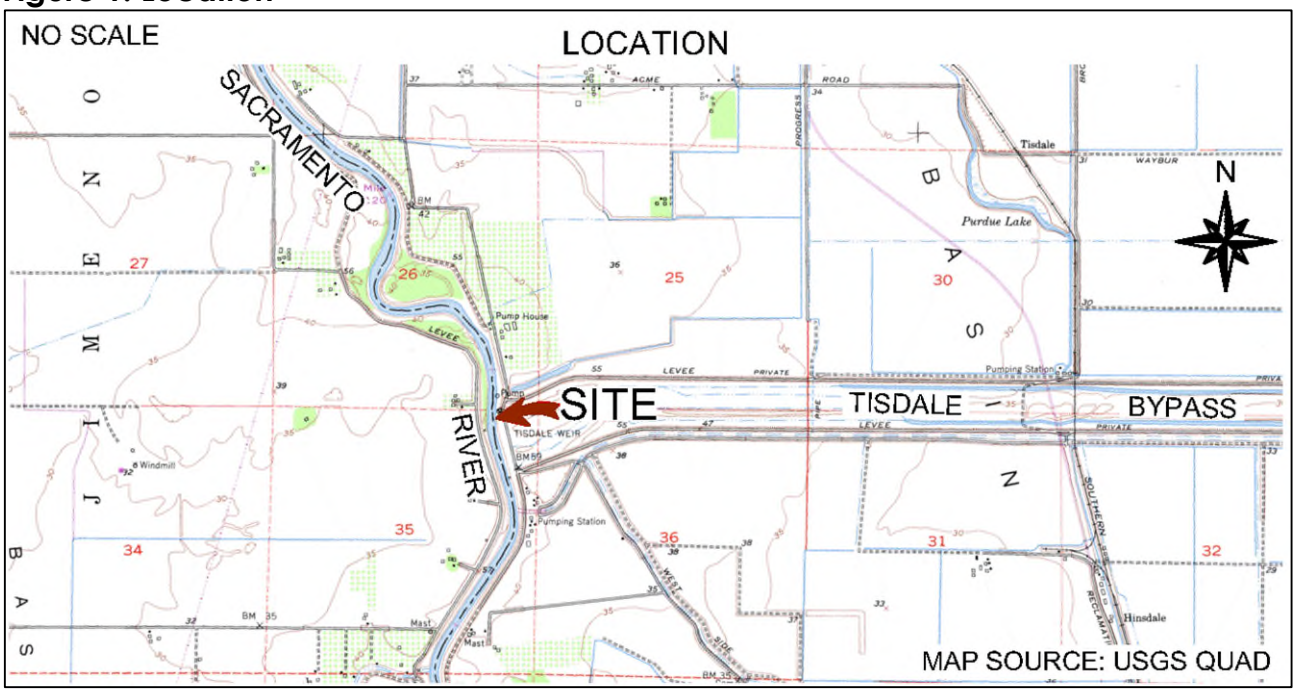
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 021-100-008, near Meridian, Sutter County (as shown in Figure 1).

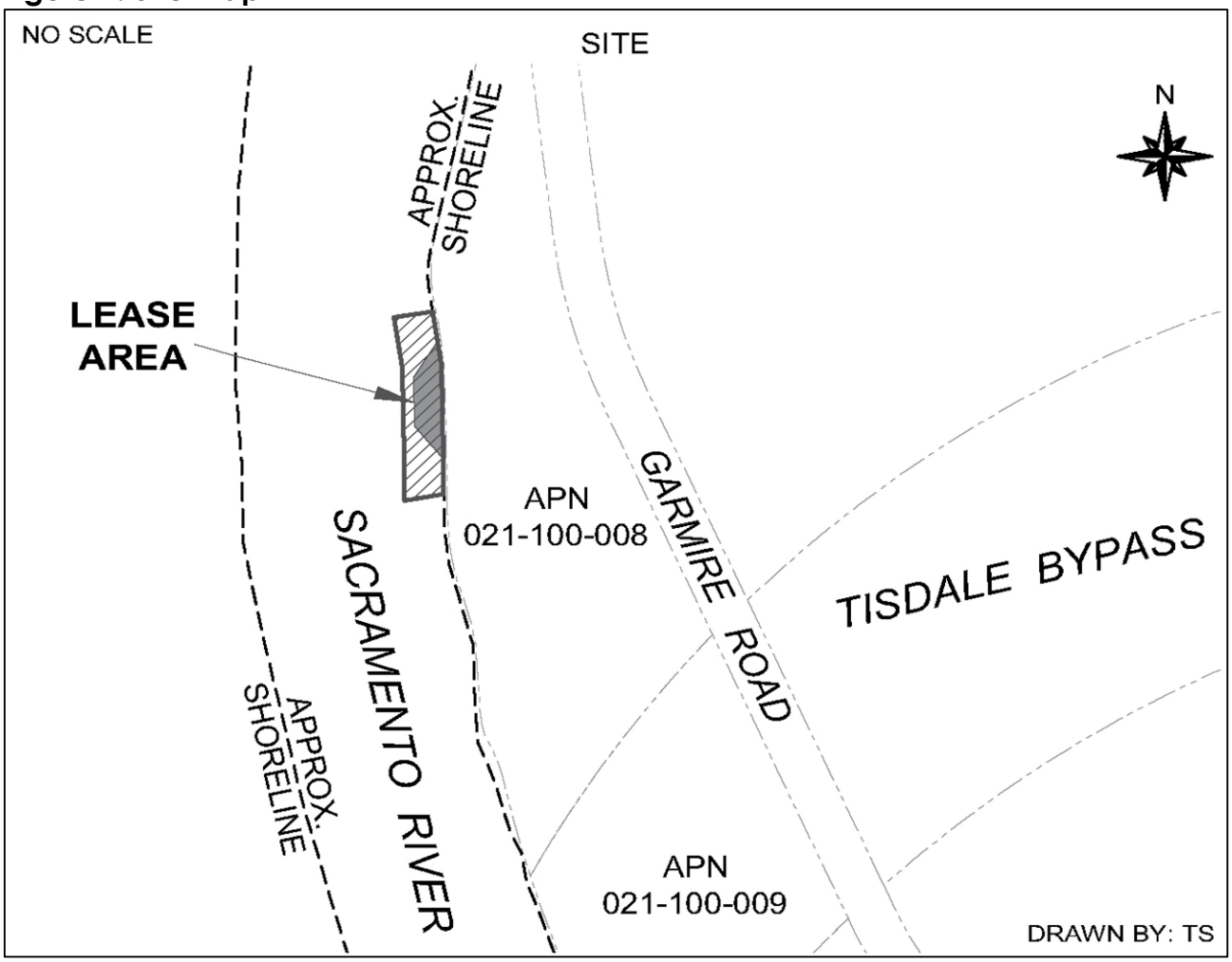
Figure 1. Location



AUTHORIZED USE:

Installation of a temporary cofferdam to support the Tisdale Weir Rehabilitation and Fish Passage Project (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 December 17, 2024.

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.

SPECIFIC LEASE PROVISIONS:

- Lessee shall safely conduct all authorized activities in accordance with industry standards and with due regard for the protection of life and property, and preservation of the environment and wildlife species.
- Lessee will fully carry out, implement, and comply with all mitigation measures and reporting obligations identified as Lessee's, Applicant's, or Responsible Party's responsibility as set forth in the Mitigation Monitoring Program (MMP) as attached in Exhibit A.

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 Applicant is applying for a General Lease – Public Agency Use, for the proposed installation of a temporary cofferdam in the Sacramento River, adjacent to Assessor's Parcel Number 021-100-008, near Meridian, in Sutter County. The cofferdam will support the larger Tisdale Weir Rehabilitation and Fish Passage Project (Project). A small portion of the Project activities will fall on state sovereign land below the ordinary low-water mark in the river (less than one acre). The cofferdam will be installed around the connection channel and notch area for dewatering purposes. The larger Project's overarching goal is to integrate structural rehabilitation of the Tisdale Weir along with installation of a fish passage facility to allow upstream migrating fish access to the river. Structural rehabilitation to the weir would include replacing southern and northern abutment walls; removing and replacing an energy dissipation basin; and injection grouting and patching the weir. Additionally, the Project includes installation of a fish passage facility which includes reconstructing the energy dissipation basin downstream of the weir; installation of an operation gate in the notch; installation of an equipment access pad and attendant facilities at the north end of the weir; and construction of a channel connecting the notch in the weir to the river. The Applicant will obtain permits from all applicable regulatory agencies having jurisdiction over the proposed project. The work activities will be performed during the allowable work window as stated on permits from regulatory agencies. The majority of project work

falls above the ordinary low-water mark and therefore is landward of the Commission's jurisdiction.

The proposed work activities will occur in an area with low recreational use. The Project has been designed with consideration, to maintain access to the public launch ramp which is the only available facility on the Sutter County side of the Sacramento River. The project work should not impact public access in this area and other nearby river access points. For safety measures, the Applicant will provide advance notice to the California State Parks Division of Boating and Waterways and post signage both upstream and downstream of the project site. The project work will not occur during major summer holiday periods.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. In addition, the lease has a limited 5-year term and does not grant the lessee's exclusive rights to the lease premises. Furthermore, the lessee will be subject to lease terms and conditions which promote public use and safety. The proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon.

The proposed activities and use will provide significant public benefit. The Tisdale Weir is a critical part of the Sacramento River Flood Control Project. The Tisdale Weir Rehabilitation and Fish Passage Project is being implemented by the Applicant under its responsibilities per State Water Code section 8361 which provides assurances that the State will maintain and operate the weir to provide its designed level of flood protection. The existing weir serves to limit the flood risk and potential loss of life and property to downstream residents and communities.

Additionally, rehabilitation of the weir includes a multi-benefit approach that adds fish passage capability and is consistent with the Central Valley Flood Protection Plan Conservation Strategy, mid- and upper-Sacramento River Regional Flood Management Plan, and National Marine Fisheries Service Recovery Plan for California Central Valley Salmonid and Steelhead, and the Applicant's Sacramento Valley Salmon Resiliency Strategy.

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.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change.

CONCLUSION:

For all the reasons above, staff believes that the issuance of the proposed lease will not substantially interfere with the public rights to navigation and fishing; or substantially interfere with the Public Trust needs and values at this location, at this time, for the term of the lease; 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 the 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 cannot install the temporary cofferdam as defined in project documents. The lessee has no right to a new lease or to renew the lease of any previous lease.

2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021 – 2025 Strategic Plan.

3. An Environmental Impact Report (EIR), State Clearinghouse No. 2019049093, was prepared by the Department of Water Resources (DWR) and certified on October 13, 2021, for this project. As part of its project approval, DWR made Findings for the Tisdale Wier Rehabilitation and Fish Passage Project and adopted a Mitigation Monitoring and Reporting Program.

   Staff has reviewed these documents and prepared an independent Mitigation Monitoring Program (MMP) (attached, Exhibit A) that incorporates DWR's documents. Staff recommend adoption of Exhibit A by the Commission. Staff also prepared Findings made in conformance with the State CEQA Guidelines

(Cal. Code Regs., tit. 14, §§ 15091, 15096) contained in the attached Exhibit B. Staff determined that five potential resource areas (Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, and Tribal Cultural Resources) would have impacts that are less than significant with implementation of mitigation measures. Staff recommend the Commission adopt the Statement of Findings contained in the attached Exhibit B.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the CEQA review and permitting 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
- National Marine Fisheries Service
- Office of Historic Preservation
- U.S. Fish and Wildlife Service
- California Fish and Wildlife Service
- Central Valley Water Quality Control Board

EXHIBITS:

A. Mitigation Monitoring Program

B. Statement of Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2019049093, was prepared by the Department of Water Resources and certified on October 13, 2021, 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 have occurred; and, therefore no additional CEQA analysis is required.

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

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

Determine that the project, as approved, will not have a significant effect on the environment.

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 term of the lease; 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:

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning December 17, 2024, for a term of 5 years, for installation of a temporary cofferdam to support the Tisdale Weir Rehabilitation and Fish Passage Project; consideration is the public use and benefit, with the State reserving the right to set

a monetary rent at any time; such permitted activity is contingent upon Applicant's compliance with applicable permits, recommendations, or limitations issued by federal, state, and local governments.

EXHIBIT A
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
TISDALE WEIR REHABILITATION AND FISH PASSAGE PROJECT
(A4239, State Clearinghouse No. 2019049093)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Tisdale Weir Rehabilitation and Fish Passage Project (Project). The CEQA lead agency for the Project is the Department of Water Resources (DWR).

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 certified an EIR, State Clearinghouse No. 2019049093, 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.

Table A-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM)[1]
3.3-2. Air Quality	3.3-2a, 3.3-2b, 3.3-2c
3.3-4. Cumulative Air Quality	3.3-2a, 3.3-2b, 3.3-2c
3.4-5. Nesting Birds	3.4-5a, 3.4-5b
3.4-7. Fish-Water Quality	3.4-7b, 3.4-7c
3.4-8. Fish-Habitat Modification	3.4-8a, 3.4-8b, 3.4-8c
3.4-9. Fish-Noise and Vibration	3.4-9
3.4-13. Waters of US	3.4-7b, 3.4-13
3.4-16. Sensitive Species	3.4-5a, 3.4-5b, 3.4-7b, 3.4-7c, 3.4-8a, 3.4-8b, 3.4-8c, 3.4-9, 3.4-13
3.5-1. Cultural Resources	3.5-1a, 3.5-1b, 3.5-1c
3.5-2. Human Remains	3.5-2
3.5-3. Cumulative Cultural	3.5-1a, 3.5-1b, 3.5-1c
3.5-4. Cumulative Human Remains	3.5-2
3.7-1. Hydrology-Water Quality	3.4-7b, 3.4-7c
3.7-6. Cumulative Water Quality	3.4-7b, 3.4-7c
3.9-1. Tribal Cultural Resources	3.9-1a, 3.9-1b, 3.9-1c
3.9-2. Cumulative Tribal Cultural Resources	3.9-1a, 3.9-1b, 3.9-1c

[1] 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 DEPARTMENT OF WATER RESOURCES

CHAPTER 5
Mitigation Monitoring and Reporting Program

5.1 Introduction

Public Resources Code Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines require public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a mitigated negative declaration or specified environmental findings related to environmental impact reports.

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to help ensure that the California Department of Water Resources (DWR) carries out the adopted measures to mitigate and/or avoid significant environmental impacts associated with the implementation of the Tisdale Weir Rehabilitation and Fish Passage Project (Proposed Project).

This MMRP is intended to be used by DWR to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed as part of the environmental impact report (EIR) process for the Proposed Project.

5.2 MMRP Components

The components of Table 5-1, which contains applicable mitigation measures, are addressed briefly below.

Impact: This column summarizes the impact stated in the Draft EIR.

Mitigation Measure: All mitigation measures identified in the Tisdale Weir Rehabilitation and Fish Passage Project Draft EIR are presented, as revised in the Final EIR, and numbered accordingly.

Responsibility for Implementing: This item identifies the entity that will undertake the required mitigation.

Responsibility for Monitoring: DWR is primarily responsible for ensuring that mitigation measures are successfully implemented. Within DWR, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project. DWR may contract out for these services and/or make them part of the construction specifications, and other agencies

may also be responsible for monitoring the implementation of mitigation measures. As a result, more than one monitoring party may be identified.

Monitoring and Reporting Actions: For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Timing: Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

TABLE 5-1: TISDALE WEIR REHABILITATION AND FISH PASSAGE PROJECT, MITIGATION MONITORING AND REPORTING PROGRAM

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
3.3 Air Quality	3.3-2: Construction of the Proposed Project could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.	Mitigation Measure 3.3-2a (Proposed Project, South Notch Alternative, North and South Notches Alternative, and North Notch with Modified Gate Operation Alternative): To the greatest extent practicable, off-road diesel construction equipment shall be equipped with the most effective verified diesel emissions control strategies available for the engine type. In this case, the best available control strategy is implementation of Tier 4 Final engines as certified by CARB and EPA. The contractor shall ensure that all construction equipment is properly maintained and tuned in accordance with the manufacturer's specifications. DWR will verify compliance by submitting an equipment inventory and certification statement prepared by the contractor to FRAQMD.	DWR, construction contractor	DWR, construction contractor	Use off-road diesel construction equipment with Tier 4 Final engines as certified by CARB and EPA to the greatest extent practicable. Properly maintain and tune construction equipment in accordance with the manufacturer's specifications. Verify compliance by submitting an equipment inventory and certification statement prepared by the contractor to FRAQMD.	During construction.
3.3 Air Quality (continued)	3.3-2 (continued)	Mitigation Measure 3.3-2b (Proposed Project, South Notch Alternative, North and South Notches Alternative, and North Notch with Modified Gate Operation Alternative): Once the environmental analysis has been completed and the project is approved, DWR and the construction contractor shall implement the following measures, with oversight by FRAQMD: 1. Implement Mitigation Measure 3.3-1a; use low-emissions construction equipment (verified diesel emissions control strategies) to the maximum extent feasible and estimate the NOX emissions reductions associated with such equipment. 2. If DWR is unable to secure Tier 4 Final engines for the emissions reductions required to reduce NOX emissions to below the significance threshold, FRAQMD's off-site mitigation program (described below) shall be engaged to meet these additional emission reduction requirements. The precise amount of off-site mitigation will be determined through the submittal of an equipment inventory and certification statement to FRAQMD as discussed above. 3. Pay Voluntary Off-Site Mitigation Program fees to FRAQMD, currently estimated at $30,000 per weighted ton of NOX emissions in excess of the significance threshold, plus an administrative fee of no more than 10 percent of the total fee. These fees shall fund one or more emissions reduction projects in the northern SVAB (Yuba and Sutter Counties) to offset NOX emissions exceeding the threshold. The exact fee shall be determined by FRAQMD and shall be based on the types of projects available at the time of payment. 4. Once the project is approved, submit a memorandum of understanding to FRAQMD containing the following information: • Source of emissions • Estimate of emissions • Amount of off-site mitigation requested to be purchased • Date the off-site mitigation fee will be provided to FRAQMD (either as a one-time payment before the start of project work or as a down payment, with the remainder due at the end of the construction season) Once the MOU is submitted, a mitigation agreement between DWR and FRAQMD will be finalized. The agreement will specify the fees and timing of payment and will be executed by DWR and FRAQMD. FRAQMD shall calculate the total Voluntary Off-Site Mitigation Program fee by summing the maximum daily construction emissions of NOX (lb/day) in excess of the significance threshold (i.e., 25 lb/day) after implementation of all other available on-site mitigation, and multiplying by the final estimate of construction workdays per year in addition to the 10 percent administrative fee. The fee represents the offset of any remaining NOX emissions above the threshold by funding	DWR, construction contractor	DWR, construction contractor	Use low-emissions (Tier 4 Final engines) construction equipment, to the maximum extent feasible. If not feasible, implement FRAQMD's off-site mitigation program, including paying the voluntary Off-Site Mitigation Program fees. Submit a memorandum of understanding to FRAQMD.	Before and during construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
		emissions reduction programs in the SVAB (e.g., replacing old diesel-powered school buses with low-emissions models).				
3.3 Air Quality (continued)	3.3-2 (continued)	**Mitigation Measure 3.3-2c (Proposed Project, South Notch Alternative, North and South Notches Alternative, and North Notch with Modified Gate Operation Alternative):** As part of the project, DWR will implement the following FRAQMD best management practices (BMPs), which are required by FRAQMD for projects that exceed one or more of its significance thresholds: **BMP 1:** All grading operations on the project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. **BMP 2:** Construction sites shall be watered as necessary to prevent fugitive dust violations. **BMP 3:** An operational water truck should be available at all times. Apply water to control dust as needed to prevent visible emissions violations and off-site dust impacts. **BMP 4:** On-site dirt piles or other stockpiled particulate matter should be covered, windbreaks installed, and water and/or soil stabilizers employed to reduce wind- blown dust emissions. Incorporate the use of approved nontoxic soil stabilizers according to manufacturer's specifications to all inactive construction areas. **BMP 5:** All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free-fall distance and fugitive dust emissions. **BMP 6:** Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas. **BMP 7:** To prevent track-out, wheel washers should be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. **BMP 8:** Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project area. **BMP 10:** Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, on-site enforcement, and signage. **BMP 11:** Reestablish ground cover on the construction site as soon as possible, through seeding and watering. **BMP 12:** Disposal by Burning: Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited in the project area. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et al.) may be conducted in the project area unless the project proponent successfully applies and obtains a burn permit from the FRAQMD, the Levee District, the Water District or Duck Preserve with local jurisdiction and follows all requirements of the FRAQMD Regulation II. DWR must implement all FRAQMD requirements before burning.	DWR, construction contractor	DWR, construction contractor	Implement FRAQMD best management practices.	During construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
3.3 Air Quality (continued)	3.3-4: Construction of the Proposed Project could temporarily add to localized and regional cumulative air quality impacts.	**Mitigation Measure 3.3-4 (Proposed Project, South Notch Alternative, North and South Notches Alternative, and North Notch with Modified Gate Operation Alternative): Implement Mitigation Measures 3.3-2a through 3.3-2c.**	DWR	DWR	See above.	See above.
3.3 Air Quality (continued)	3.4-2: Implementation of the Proposed Project could cause disturbance or mortality of valley elderberry longhorn beetle and loss of its habitat (elderberry shrubs).	**Mitigation Measure 3.4-2a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** All project activities will avoid suitable elderberry shrubs, defined as shrubs with stem diameters of at least 1 inch when measured at ground level. Shrubs will be flagged or temporarily fenced, as needed, with guidance from a designated biologist. These areas will be avoided by all project personnel and activities. When feasible, fencing will be placed at least 5 feet from the dripline of each shrub, unless otherwise approved by USFWS.	DWR	DWR, qualified biologist	Flag or temporarily fence suitable elderberry shrubs and avoid areas. Placed fencing at least 5 feet from the dripline of each shrub as feasible, unless otherwise approved by USFWS.	Before and during construction.
3.4 Biological Resources	3.4-2 (continued)	**Mitigation Measure 3.4-2b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** DWR will not use insecticides, herbicides, or other chemicals that might harm the beetle or its host plant within established buffers (20 feet) around elderberry shrubs. Mowing will not occur within 5 feet of any suitable elderberry stem (i.e., a stem 1 inch in diameter or greater).	DWR	DWR	Verify that a 20-foot and 5-foot maintenance buffers are established around elderberry shrubs and suitable elderberry stems.	During construction.
3.4 Biological Resources (continued)	3.4-2 (continued)	**Mitigation Measure 3.4-2c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If it is determined that any project activity has the potential to result in the incidental take of VELB despite implementation of Mitigation Measures 3.4-2a and 3.4-2b, DWR will obtain take authorization under the FESA. DWR will implement all measures developed through consultation with USFWS to mitigate the authorized take. The mitigation approach will conform to requirements stipulated by USFWS in its Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS, 2017a).	DWR	DWR	Determine if project maintenance activities would result in incidental take of VELB, obtain incidental take authorization from USFWS if needed and verify that incidental take authorization is obtained.	Before construction.
3.4 Biological Resources (continued)	3.4-2 (continued)	**Mitigation Measure 3.4-3a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** To the extent feasible, DWR will limit project construction and maintenance activities within the project footprint outside the Tisdale Bypass to the active season for GGS, May 1 to October 1. DWR may also conduct work between October 2 and November 1 or between April 1 and April 30 if ambient air temperatures exceed 75ºF during the work and maximum daily air temperatures have exceeded approximately 75ºF for at least 3 consecutive days immediately preceding the work.	DWR	DWR	Document that project construction and maintenance activities have occurred within designated work windows for GGS.	During construction and maintenance activities.
3.4 Biological Resources (continued)	3.4-2 (continued)	**Mitigation Measure 3.4-3b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** A designated biologist will present a worker education and awareness program to all on-site construction personnel before materials staging or ground-disturbing activities begin. The program will describe how best to avoid impacts on GGS and will address the topics of species descriptions and identification, life history, and habitat requirements during various life stages. This education program can include handouts, illustrations, photographs, and project maps showing areas of minimization and avoidance measures. All construction personnel will sign a sign-in sheet documenting that they received the training.	DWR	DWR, qualified biologist	Present GGS worker education and awareness program to all on-site construction personnel. Ensure that all construction personnel sign a sign-in sheet documenting that they received the training.	Before construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
3.4 Biological Resources (continued)	3.4-2 (continued)	**Mitigation Measure 3.4-3c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** DWR will ensure that a designated biologist surveys the project footprint for burrows, soil cracks, crevices, and other features potentially suitable for use by GGS within terrestrial habitat located within 200 feet of suitable aquatic habitat in the Oji Ditch and seasonal wetland, excluding any areas within this buffer that may overlap the Tisdale Bypass. Surveys will be completed no more than 3 days before construction or maintenance activities in terrestrial habitat that could support GGS. Any identified burrows, soil cracks, crevices, or other habitat features will be flagged by the designated biologist or otherwise identified as biologically sensitive areas. DWR will avoid these biologically sensitive areas during construction and subsequent maintenance. If activities temporarily stop for more than 7 days, the designated biologist will repeat the surveys for soil cracks and similar features, as described above, before construction work resumes. If feasible and accepted by CDFW and USFWS, DWR may also use other survey techniques (e.g., scent-detection dogs) as an alternative or supplement to surveys conducted by the designated biologist. Such surveys will identify cracks and burrows to help determine occupancy by GGS, and these burrows will be flagged as biologically sensitive areas to be avoided during subsequent work as described above.	DWR	DWR	Survey areas of planned ground disturbance for burrows, soil cracks, and crevices that may be suitable for use by GGS. Mark any identified habitat features as biologically sensitive areas. Avoid biologically sensitive areas during maintenance activities. Repeat surveys for biological sensitive areas if activities temporarily stop for longer than 7 days and document results.	Before and during construction activities.
3.4 Biological Resources (continued)	3.4-2 (continued)	**Mitigation Measure 3.4-3d (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** GGS exclusion fencing will be installed consistent with USFWS and CDFW guidance to divert moving snakes from the active construction zone during periods when GGS are active. This exclusion fencing will be installed south of the Oji Ditch between the ditch and the staging area; north of the Sutter Mutual Main Canal between the staging area and the canal; and between the canal that runs along the west side of Reclamation Road and the spoils site (Figure 3.4-2). DWR will also install and regularly maintain exclusion fencing around the southern and western margins of the seasonal wetland to redirect any GGS using the pond away from Garmire Road and the nearby construction access route on the Tisdale Bypass north levee. Figure 3.4-2 delineates the maximum anticipated GGS fencing needed to ensure that there is a barrier between any active construction work areas within the action area and any potential GGS aquatic habitat within 200 feet (note that natural features such as dense riparian forest also can function as adequate barriers to ingress of GGS into active work areas). If further engineering analysis determines that a smaller spoils area will be needed to accommodate the Proposed Project, a smaller extent of GGS exclusion fencing may potentially be utilized. Upon agreement with USFWS, DWR will ensure that any reduction in the extent of GGS fencing will still ensure that GGS fencing is installed along the margins of any potential GGS aquatic habitat located within 200 feet of active work areas (unless already obviated by the presence of natural buffers to GGS movement). The exclusion fencing will be installed before the start of construction. DWR will maintain the exclusion fencing for the duration of the Proposed Project's construction activities. A designated biologist will inspect the exclusion fence daily to verify the condition and function of the fence and to verify that snakes are not becoming trapped in the excluded areas.	DWR	DWR	Install GGS exclusion fencing. Document that exclusionary fencing is inspected daily while construction activities are being conducted to verify the condition and function of the fence and to verify that GGS do not get trapped in the excluded area.	Before and during construction activities.
3.4 Biological Resources (continued)	3.4-2 (continued)	**Mitigation Measure 3.4-3e (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If a GGS individual is observed within the project footprint, DWR will stop work and notify a designated biologist immediately. This biologist will be either a USFWS	DWR, construction contractor	DWR, qualified biologist	Ensure that GGS leaves the project site. Observe GGS area for remainder of the workday. Notify CDFW and USFWS of GGS observation.	During construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
		representative, a biologist holding a USFWS 10(a)(1)(A) permit, or if DWR has obtained a take permit under CESA, a designated biologist with knowledge and experience in the biology, natural history, capture, and handling of GGS. The snake will be allowed to leave on its own, and the designated biologist will remain in the area for the remainder of the workday to ensure that the snake is not harmed. Alternatively, with prior approval by CDFW and USFWS, the designated biologist may capture the snake and relocate it unharmed to suitable habitat at least 200 feet from the project area. DWR will notify CDFW and USFWS by telephone or email within 24 hours of a GGS observation during project activities. If the snake does not voluntarily leave the project area and cannot be captured and relocated unharmed, project activities will remain halted to prevent harm to the snake, and CDFW and USFWS will be consulted to identify next steps. DWR will implement the measures recommended by CDFW and USFWS before resuming project work in the area.				
3.4 Biological Resources (continued)	3.4-4: Implementation of the Proposed Project could cause disturbance or mortality of and loss of suitable habitat for western pond turtle.	**Mitigation Measure 3.4-4a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operations Alternative, and Tisdale Weir Structural Improvements Alternative):** A designated biologist will present a worker education and awareness program to all on-site personnel before materials staging or ground-disturbing activities begin. The biologist will explain to construction workers how best to avoid impacts on western pond turtle and will address the topics of species descriptions and identification, life history, and habitat requirements during various life stages. This education program can include handouts, illustrations, photographs, and project mapping showing areas of minimization and avoidance measures. The crew members will sign a sign-in sheet documenting that they received the training.	DWR	DWR, qualified biologist	Present western pond turtle worker education and awarenessprogram to all on-site construction personnel. Ensure that all construction personnel sign a sign-in sheet documenting that they received the training.	Before construction.
3.4 Biological Resources (continued)	3.4-4 (continued)	**Mitigation Measure 3.4-4b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** A designated biologist will conduct a preconstruction survey within 48 hours before the establishment of staging areas and the start of construction and maintenance activities.	DWR	DWR, qualified biologist	Conduct preconstruction survey for western pond turtle. Document findings of preconstruction survey.	Within 48 hours prior to construction and maintenance activities.
3.4 Biological Resources (continued)	3.4-4 (continued)	**Mitigation Measure 3.4-4c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative**): Should a western pond turtle be observed during the preconstruction survey and it is determined that relocation is necessary, a relocation plan will be developed by a designated biologist in consultation with CDFW. The biologist will identify the location using GPS coordinates. DWR will revisit these locations within 8 hours of ground disturbance. A designated biologist may relocate the turtle found within the construction footprint to suitable habitat away from the construction zone.	DWR	DWR, qualified biologist	Develop, implement, and document implementation of western pond turtle relocation plan, if needed.	Before construction.
3.4 Biological Resources (continued)	3.4-4 (continued)	**Mitigation Measure 3.4-4d (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative**): If a western pond turtle is observed on land within the active construction zone, specifically in areas of ground disturbance, access routes, stockpile areas, or staging areas, DWR will immediately stop work within approximately 200 feet of the turtle and notify a designated biologist. If possible, the turtle will be allowed to leave on its own, and the designated biologist will remain in the area for the remainder of the workday to ensure that the turtle is not harmed. Alternatively, with prior CDFW approval, the designated biologist may capture the turtle and relocate it unharmed to suitable habitat at least 200 feet from the project area. If the turtle does not voluntarily leave the project area and cannot be captured and relocated unharmed, construction activities within approximately 200 feet of the turtle will stop to prevent	DWR, construction contractor	DWR, qualified biologist	Ensure that western pond turtle leaves the project site. Observe western pond turtle area for remainder of the workday. Document western pond turtle observation.	During construction.

		harm to the turtle, and CDFW will be consulted to identify next steps. DWR will implement the measures recommended by CDFW before resuming project activities in the area.				
3.4 Biological Resources (continued)	3.4-5: Implementation of the Proposed Project could cause disturbance or mortality of and loss of suitable habitat for bird species.	**Mitigation Measure 3.4-5a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If vegetation removal is to begin during the nesting season (February 15 to August 31), a designated biologist will conduct a preconstruction nesting survey before the vegetation is removed. The preconstruction survey will be conducted within 14 days before the start of ground-disturbing activities. If the survey shows no evidence of active nests, no additional measures are recommended. If construction does not begin within 14 days of the preconstruction survey, or if it halts for more than 14 days, an additional preconstruction survey is recommended.	DWR, construction contractor	DWR, qualified biologist	Conduct preconstruction nesting bird survey before vegetation removal between February 14 to August 31. Document results of preconstruction survey.	Within 14 days before the start of ground-disturbing activities.
3.4 Biological Resources (continued)	3.4-5 (continued)	**Mitigation Measure 3.4-5b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative**): If any active nests are located in the project area, the construction contractor will establish an appropriate buffer zone around the nests, as determined by a designated biologist. Typical buffer zones are 100 feet for migratory bird nests, 250 feet for raptor nests, and 500 feet for western yellow-billed cuckoo, unless a qualified CDFW biologist determines that smaller buffers would be sufficient to avoid impacts. Factors to be considered for determining buffer size will include the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers will be maintained until a qualified CDFW biologist has determined that the young have fledged and are no longer reliant upon parental care for survival. The designated biologist will monitor nests daily during construction to evaluate whether construction activities have the potential to disturb nesting. All feasible avoidance measures will be implemented (e.g., vehicle and pedestrian access under the Garmire Road Bridge will be reduced). If any project construction work is to occur within 100 feet of swallow nests located under the Garmire Road Bridge, the designated biologist will elect to implement a stop-work authority until concerning swallow behavior is alleviated if there is concern that the construction activities may result in incidental take of the migratory species.	DWR, construction contractor	DWR, qualified biologist	Verify that buffer zones are established around any active nests located in the project area. Document that nests are monitored daily during construction to evaluate whether construction activities have the potential to disturb nesting.	During construction.
3.4 Biological Resources (continued)	3.4-5 (continued)	**Mitigation Measure 3.4-5c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative**): If mountain plovers are observed foraging in the project area or adjacent agricultural fields during project construction or maintenance activities, activities within 100 feet will cease until they disperse. This species will be covered under the working training classes presented to construction crews by a designated biologist.	DWR, construction contractor	DWR	Cease activities if mountain plovers are observed foraging in the project area or adjacent agricultural fields during project construction or maintenance activities until they disperse and document mountain plover observation.	During construction.
3.4 Biological Resources (continued)	3.4-5 (continued)	**Mitigation Measure 3.4-5d (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** A designated biologist will conduct a minimum of one protocol-level preconstruction survey. The survey(s) will occur during the recommended survey periods for the nesting season that coincides with the start of construction activities, in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000). Where legally permitted, the designated biologist will conduct surveys for nesting Swainson's hawk within 0.25 mile of the project area.	DWR	DWR, qualified biologist	Conduct preconstruction survey for nesting Swainson's hawk. Document results of preconstruction survey.	Before construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
3.4 Biological Resources (continued)	3.4-5 (continued)	**Mitigation Measure 3.4-5e (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If active Swainson's hawk nests are found within 0.5 mile of construction or maintenance activities, the findings will be reported to CDFW following the preconstruction survey. For purposes of this avoidance and minimization requirement, "construction activities" are defined to include the operation of heavy equipment during construction (use of cranes or draglines, new rock-crushing activities) or other project- related activities that could cause nest abandonment or forced fledging within 0.5 mile of a nest site between March 1 and September 15. Should an active nest be present within 0.5 mile of a construction area, DWR will consult with CDFW to establish appropriate avoidance measures; determine whether high-visibility construction fencing will be erected around the buffer zone; and implement a monitoring and reporting program that includes monitoring either continuously or periodically, depending on the construction or maintenance activities and level of disturbance, before any construction activities occur within 0.5 mile of the nest. Should the designated biologist determine that the construction activities are disturbing the nest, the biologist will halt construction activities until DWR consults with CDFW. If the biologist determines that construction activities cause or contribute to a bird being flushed from the nest, or observes other signs of disturbance of a nesting bird at a level that has potential to cause nest failure, the existing buffer distance will be reevaluated by the qualified biologist and in consultation with CDFW and revised or increased as necessary. The construction activities will not resume until CDFW determines that they will not result in abandonment of the nest site. Should the designated biologist determine that construction activities within the buffer zone have not disturbed the nest, DWR will report to CDFW summarizing the survey results within 30 days after the final monitoring event, and no further avoidance and minimization measures for nesting habitat are recommended.	DWR	DWR, qualified biologist	Report findings of active Swainson's hawk nests to CDFW and consult with CFDW to establish appropriate avoidance measures; determine whether high-visibility construction fencing will be erected around the buffer zone; and implement a monitoring and reporting program. Report to CDFW summarizing the survey results within 30 days after the final monitoring event.	Before any construction activities occur within 0.5 mile of Swainson's hawk nest.
3.4 Biological Resources (continued)	3.4-6: Implementation of the Proposed Project could cause disturbance or mortality of and loss of suitable roosting habitat for special-status bats.	**Mitigation Measure 3.4-6a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Within 14 days before the beginning of removal of suitable bat roosting trees (larger than 24 inches in diameter at breast height), a designated biologist will conduct a preconstruction survey for special-status bats. If no special-status bats are observed roosting, no additional measures are required for the tree removal. If tree removal does not begin within 14 days of the preconstruction survey, or if removal halts for more than 14 days, a new survey will be conducted.	DWR	DWR, qualified biologist	Conduct preconstruction survey for special-status bats. Document results of preconstruction survey.	Within 14 days before the beginning of removal of suitable bat roosting trees.
3.4 Biological Resources (continued)	3.4-6 (continued)	**Mitigation Measure 3.4-6b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If bats are found in the area where construction-related activities will occur, a minimum 100-foot avoidance buffer will be established around the roost/maternity area until it is no longer occupied. High-visibility fencing will be installed around the buffer and will remain in place until bats no longer occupy the tree or structure. The tree or structure will not be removed or modified until a designated biologist has determined that the bats are no longer occupying the roost. If construction activities must occur within the avoidance buffer, a designated biologist will monitor the activities either continuously or periodically during work, as determined by the biologist. The designated biologist will be empowered to stop activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted adverse effects on special-status bats. If construction activities are stopped, the designated biologist will consult with CDFW to determine appropriate measures that DWR will implement to avoid adverse effects. Within 14 days before the start of work within 100 feet of the Garmire Road Bridge, a designated biologist will conduct a	DWR, construction contractor	DWR, qualified biologist	Verify that buffer zones are established if bats are found in the area where construction-related activities will occur. If necessary, document that roost/maternity areas are monitored continuously or periodically during work. Consult with CDFW as necessary to determine appropriate measures to implement.	Within 14 days before the start of work and during construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
		preconstruction emergence survey for special-status bats. If avoidance of maternity roosts is not feasible, additional mitigation will be developed in consultation with CDFW.				
3.4 Biological Resources (continued)	3.4-6 (continued)	**Mitigation Measure 3.4-6c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If construction activities must occur within the avoidance buffer, a designated biologist will monitor the work either continuously or periodically, as determined by the biologist. The designated biologist will be empowered to stop activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted adverse effects on special-status bats. If construction activities are stopped, the designated biologist will consult with CDFW to determine the appropriate measures to implement to avoid adverse effects.	DWR	DWR, qualified biologist	Document that work is monitored continuously or periodically if construction activities must occur within the bat avoidance buffer. Consult with CDFW as necessary to determine appropriate measures to implement to avoid adverse effects.	During construction.
3.4 Biological Resources (continued)	3.4-7: Implementation of the Proposed Project could cause disturbance to fish species or their habitat by causing changes in water quality.	**Mitigation Measure 3.4-7a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Work will be suspended if Tisdale Weir is forecast to be overtopped during the construction window.	DWR, construction contractor	DWR	Stop work if Tisdale Weir is forecast to be overtopped during the construction window and document that work has been suspended.	During construction.
3.4 Biological Resources (continued)	3.4-7 (continued)	**Mitigation Measure 3.4-7b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** DWR and its construction contractor will implement the following best management practices to protect water quality: • The construction contractor will develop and implement a spill prevention, control, and countermeasure plan to minimize the potential for, and effects from, spills of hazardous, toxic, and petroleum substances during construction and maintenance. The plan will be completed before construction activities begin. The spill prevention, control, and countermeasure plan will describe containment facilities and practices, including refueling procedures and spill response actions for each material or waste and procedures for notifying the appropriate agencies. • Diesel fuel and oil will be used, stored, and disposed of in accordance with standard protocols for handling of hazardous materials. • All personnel using hazardous materials will be trained in emergency response and spill control. • All concrete washing and spoils dumping will occur in a designated location outside of jurisdictional waters, including the Tisdale Bypass. • Construction stockpiles will be covered or protected with soil stabilization measures (e.g., protection of seeding by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) and a temporary sediment barrier to prevent blowoff or runoff during weather events. • Erosion control materials and devices for severe-weather events will be stored on-site for use as needed. • All work will occur when the Tisdale Bypass is dry. Areas with permanent open water will be protected from disturbance during excavation by installing silt fencing or other suitable best management practices around the features, or by leaving a buffer of 15 feet from the ponded areas that will be identified by stakes and flagging. Shallow ponded areas will not be affected until they have dried down.	DWR, construction contractor	DWR, construction contractor	Implement best management practices to protect water quality.	Before and during construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
		• Any excavated areas will be reseeded with an appropriate seed mix or otherwise treated to reduce erosion and/or siltation. • Erosion control measures will be placed in areas that are upslope of aquatic habitat, to prevent any soil or other materials from entering aquatic habitat. Silt fencing and/or natural/biodegradable erosion control measures (i.e., straw wattles and hay bales) will be used. Plastic monofilament netting (erosion control matting) will not be allowed because wildlife can become entangled in this type of erosion control material. • To address potential effects on receiving water quality during the construction period, DWR will prepare and comply with any requirements identified in a storm water pollution prevention plan to maintain water quality.				
3.4 Biological Resources (continued)	3.4-7 (continued)	**Mitigation Measure 3.4-7c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** DWR will conduct turbidity monitoring in the Sacramento River. The Basin Plan for the Sacramento River and San Joaquin River Basins (Fifth Edition) (Basin Plan) (Central Valley Regional Water Board, 2018) contains turbidity objectives. Specifically, the plan states: • Where natural turbidity is between 5 and 50 nephelometric turbidity units (NTU), turbidity levels may not be elevated by 20 percent above ambient conditions. • Where ambient conditions are between 50 and 100 NTU, conditions may not be increased by more than 10 NTU. • Where natural turbidity is greater than 100 NTU, increases will not exceed 10 percent. A sampling methodology for turbidity monitoring will be developed and implemented based on specific site conditions, project activities, and in consultation with the Central Valley Regional Water Board. If turbidity limits exceed Basin Plan standards, construction-related earth-disturbing activities will slow to a point that will alleviate the problem.	DWR	DWR	Conduct turbidity monitoring in the Sacramento River and document results of monitoring.	Before construction.
3.4 Biological Resources (continued)	3.4-8: Implementation of the Proposed Project could cause disturbance to fish species or their habitat by modifying aquatic habitat.	**Mitigation Measure 3.4-8a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If project activities must occur during non-daylight hours, a designated biologist will establish monitoring measures, including frequency and duration, based on fish species, individual behavior, and type of construction activities. When nighttime work cannot be avoided, nighttime lighting will be used only in the portion of the project area actively being worked on (limited to a minimum distance of 200 feet from habitat for FESA-listed fish species), and will be focused directly on the work area. Lights on work areas will be shielded and focused to minimize lighting of FESA-listed fish species habitat. If the work area is located near surface waters, the lighting will be shielded to avoid shining directly into the water.	DWR	DWR, qualified biologist	Establish monitoring measures if project activities must occur during non-daylight hours and document compliance with monitoring measures.	During construction.
3.4 Biological Resources (continued)	3.4-8 (continued)	**Mitigation Measure 3.4-8b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** DWR will submit a dewatering and fish rescue plan to NMFS and CDFW before construction. NMFS- and CDFW-approved fish biologists will conduct fish rescues in isolated pools and channels in the project area. These biologists will also rescue any fish trapped in the cofferdam area before dewatering. Fish rescue will also occur in the unlikely event that Sacramento River flows overtop the cofferdam. Methods used for capturing fish could include seining and dip netting. Water will be pumped and discharged back into the Sacramento River	DWR	DWR	Submit dewatering and fish rescue plan to NMFS and CDFW.	Before construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
		from the cofferdam areas as needed to facilitate fish collection activities. Pump intakes will be fitted with appropriately sized, NMFS- and/or CDFW-approved fish screens to prevent fish from becoming entrained.				
3.4 Biological Resources (continued)	3.4-8 (continued)	**Mitigation Measure 3.4-8c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** The Technical Working Group, consisting of qualified technical experts from DWR, NMFS, and CDFW, will develop triggers for fish rescue events to occur during operation of the Proposed Project. A fish rescue could be needed because of a physical obstruction, adverse water quality within the fish passage facilities, observations that fish in the basin are in poor health, or other reasons. If deemed necessary, a fish rescue plan will be developed and will include the same elements as described in Mitigation Measure 3.4-8b.	DWR, Technical Working Group consisting of qualified technical experts from DWR, NMFS, and CDFW	DWR	Develop triggers for fish rescue events and fish rescue plan if necessary.	During operation.
3.4 Biological Resources (continued)	3.4-9: Construction of the Proposed Project could cause disturbance to fish species or their habitat by causing hydrostatic pressure waves, noise, and vibration.	**Mitigation Measure 3.4-9 (Proposed Project, South Notch Alternative, North and South Notches Alternative, and North Notch with Modified Gate Operation Alternative):** To avoid or minimize the potential for injury or mortality of listed fish species caused by pile-driving noise, all pile driving will be restricted to the in-water work period (July 1 to October 1). Non-impact pile driving methods (e.g., vibratory) or other attenuation methods, as needed, will be used to avoid or minimize noise levels that exceed the current thresholds established by NMFS. A vibratory hammer is preferred; however, if an impact hammer is needed to drive piles, noise levels should not exceed the following threshold levels (for fish greater than 2 grams): • Peak sound pressure level = 206 decibels (dB re 1 micropascal [µPa]) • Accumulated sound exposure level = 187 decibels (dB re 1 µPa2-s) A designated biologist will be present during cofferdam installation and removal to monitor construction work and compliance with the terms and conditions of permits. If required by permit conditions, hydroacoustic monitoring will be performed to monitor underwater sound levels and ensure compliance with established thresholds. If any salmonids, sturgeon, or lamprey are found dead or injured during pile- driving activities, NMFS will be notified immediately and in- water pile driving will cease. To comply with the thresholds, DWR will employ the following mitigation measures: • An impact hammer cushion block will be used. • Impact hammers will be used only during daylight hours, and will initially be used at low energy levels and reduced impact frequency. (Applied energy and frequency will be gradually increased until the necessary full force and frequency are achieved). • If noise thresholds are not met using the above measures, DWR will consult with the regulatory agencies on applying other mitigation methods, as feasible (e.g., bubble curtains and/or reducing the daily duration of pile-driving activities).	DWR	DWR, qualified biologist	Verify that pile driving is restricted to the in-water work period. Document compliance with mitigation measures and permit terms and conditions during cofferdam installation and removal. Notify NMFS immediately if salmonids, sturgeon, or lamprey are found dead or injured during pile-driving activities.	During construction.
3.4 Biological Resources (continued)	3.4-12: Construction of the Proposed Project could cause the loss or degradation of riparian forest.	**Mitigation Measure 3.4-12a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Stakes and flagging will be used at the edge of the construction footprint if work is anticipated to occur within 50 feet of riparian areas that are proposed for avoidance. A biological monitor will be present during initial grading or vegetation-clearing activities within 50 feet of riparian areas proposed for avoidance.	DWR	DWR, qualified biologist	Verify that a stakes and flagging have been used at the edge of the construction footprint if work is anticipated to occur within 50 feet of riparian areas that are proposed for avoidance. Document monitoring activities within 50 feet of riparian areas.	During construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
3.4 Biological Resources (continued)	3.4-12 (continued)	**Mitigation Measure 3.4-12b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Tree mitigation will be based on the number or area of trees actually affected by project construction, as determined by a certified arborist. DWR will catalog affected trees before project construction, and will prepare a compensatory mitigation plan for the trees that includes monitoring and reporting. Compensatory mitigation may include the purchase of credits from an approved off-site bank or on-site tree plantings. If on-site restoration is required, DWR will submit the mitigation plan to the Central Valley Flood Protection Board for review with the encroachment permit application.	DWR	DWR, certified arborist	Catalog affected trees and prepare compensatory mitigation plan. If on-site restoration is require, submit the mitigation plan to the Central Valley Flood Protection Board for review with the encroachment permit application.	Before construction.
3.4 Biological Resources (continued)	3.4-12 (continued)	**Mitigation Measure 3.4-12c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Should removing vegetation within the riparian forest be necessary, DWR will prepare an invasive plant management plan for the plants identified by the California Invasive Plant Council as having a moderate or high level of invasiveness and plants considered locally invasive. The contractor will implement the management plan's recommendations for the affected riparian forest in the construction area. In addition, the contractor will implement the following best management practices to prevent the introduction and spread of invasive plant species during construction: • All construction equipment will be washed and cleaned of debris before entering the project area to prevent new invasive plant species from entering the project site. • Straw bales and other vegetative materials used for erosion control will be certified weed-free. • All revegetation materials (e.g., seed mixes and mulches) will consist of plant species native to Sutter County, certified weed-free. All seeds and container plants will be obtained from locally adapted genetic stock that is free from fungal pathogens. • In areas requiring weed control, effective methods for removal may vary depending on the species being controlled. Typical methods include hand removal, mowing, or application of herbicides. Herbicides will be used consistent with federal, State, and local requirements. These requirements include the restrictions on herbicide use specified by resource agencies to prevent impacts on aquatic habitats, listed plant or wildlife species, or their habitats. All herbicides will be used in accordance with any guidance on the label that takes into consideration water quality and wildlife concerns. • Any areas to be revegetated will be replanted with a native vegetation plant and/or seed mix.	DWR	DWR	Prepare and document implementation of invasive plant management plan. Document implementation of best management practices to prevent the introduction and spread of invasive plant species during construction.	Before and during construction.
3.4 Biological Resources (continued)	3.4-13: Construction of the Proposed Project could cause the loss or deterioration of wetlands and waters of the United States and State.	**Mitigation Measure (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Implement Mitigation Measure 3.4-7b.	DWR, construction contractor	DWR, construction contractor	See above.	See above.
3.4 Biological Resources (continued)	3.4-13 (continued)	**Mitigation Measure 3.4-13 (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Silt fencing will be erected at the edge of the construction/maintenance footprint in advance of work anticipated to occur within 50 feet of the Sacramento River or the seasonal wetland. A biological monitor will be present during fence installation and during initial grading or vegetation clearing activities within 50 feet of the potentially jurisdictional features proposed for avoidance.	DWR	DWR, qualified biologist	Verify that silt fencing was been erected at the edge of the construction/maintenance footprint. Document monitoring activities within 50 feet of potentially jurisdictional features.	Before and during construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
3.4 Biological Resources (continued)	3.4-16: Implementation of the Proposed Project could contribute to cumulative temporary and permanent loss of sensitive habitats and impacts on special-status species.	**Mitigation Measures (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Implement Mitigation Measures 3.4-2a, 3.4-2b, 3.4-2c, 3.4-3a, 3.4-3b, 3.4-3c, 3.4-3d, 3.4-3e, 3.4-4a, 3.4-4b, 3.4-4c, 3.4-4d, 3.4-5a, 3.4-5b, 3.4-5c, 3.4-5d, 3.4-5e, 3.4-6a, 3.4-6b, 3.4-6c, 3.4-7a, 3.4-7b, 3.4-7c, 3.4-8a, 3.4-8b, 3.4-8c, 3.4-9, 3.4-12a, 3.4-12b, 3.4-12c, and 3.4-13.	DWR	DWR	See above.	See above.
3.5 Cultural Resources	3.5-1: Implementation of the Proposed Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines Section 15064.5.	**Mitigation Measure 3.5-1a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Before construction, a qualified archaeologist shall prepare a cultural resources awareness and sensitivity training program for all construction and field workers involved in ground-disturbing activities. A "qualified archaeologist" is defined as one who meets the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology and has expertise in California archaeology. Before DWR provides this training, an advance copy shall be shared with culturally affiliated California Native American Tribes to confirm that it captures all the elements of awareness and sensitivity training associated with the work. The training program developed shall include a presentation that covers, at minimum, the types of cultural resources common to the area, regulatory protections for cultural resources, and the protocol for unanticipated discovery of archaeological resources (see Mitigation Measure 3.5-1b). Written materials associated with the program shall be provided to project personnel as appropriate. Personnel assigned to work in areas of ground-disturbing activities shall receive the training before starting work in these areas.	DWR	DWR, qualified archaeologist	Prepare and provide cultural resources awareness and sensitivity training program. Document that all construction and field workers have received the training. Document that culturally affiliated California Native American Tribes have received an copy of the training in advance.	Before construction.
3.5 Cultural Resources (continued)	3.5-1 (continued)	**Mitigation Measure 3.5-1b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If historic-era archaeological resources are encountered during Project development or operation, all activity within 100 feet of the find shall cease and the find shall be flagged for avoidance. DWR and a qualified archaeologist shall be immediately informed of the discovery. A "qualified archaeologist" is defined as one who meets the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology and has expertise in California archaeology. The qualified archaeologist shall inspect the discovery and shall notify DWR of their initial assessment. Historic-era materials might include building or structure footings and walls, and deposits of metal, glass, and/or ceramic refuse. If DWR determines, based on recommendations from the qualified archaeologist, that the resource may qualify as a historical resource or unique archaeological resource (as defined in State CEQA Guidelines Section 15064.5), then the resource shall be avoided if feasible. Avoidance means that no activities associated with the project may affect cultural resources within the boundaries of the resource or any defined buffer zones. If avoidance is not feasible, DWR shall consult with a qualified archaeologist and other appropriate interested parties to determine treatment measures to minimize or mitigate any potential impacts on the resource pursuant to PRC Section 21083.2 and State CEQA Guidelines Section 15126.4. Once treatment measures have been determined, DWR shall prepare and implement an Archaeological Resources Management Plan that outlines the treatment measures for the resource. Treatment measures typically consist of two steps: • Determine whether the resource qualifies as a historical resource, unique archaeological resource, or tribal cultural resource through historical or ethnographic research, evaluative testing (excavation), and laboratory analysis.	DWR	DWR, qualified archaeologist	Verify that construction or operation has been ceased and flagged within 100 feet of a historic-era archaeological resources find. Document inspection of the discovery. Prepare and document implementation of an Archaeological Resources Management Plan.	During construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
		• If it does qualify as one of these resource types, conduct data recovery (e.g., excavation, documentation, curation) targeting the recovery of the resource's important data. • The Archaeological Resources Management Plan shall include: • Background context. • Research themes and research questions for assessing potential resource significance. • Methods for evaluating the resource for California Register eligibility (e.g., ethnographic or historical research, evaluative test excavations, documentation, laboratory and geoarchaeological analyses, reporting) and, if an archaeological resource, for evaluating its eligibility as a unique archaeological resource under CEQA. • Data recovery methods (e.g., background methods, field methods, laboratory methods, documentation, consultation, curation, reporting), if the resource is determined to be a historical resource, unique archaeological resource, or tribal cultural resource. Any treatment measures implemented shall be documented in a professional-level technical report (e.g., Archaeological Testing Results Report, Archaeological Data Recovery Report, Ethnographic Report) to be authored by a qualified archaeologist and filed with CHRIS. Construction work at the location of the find may commence upon completion of the approved treatment and authorization by DWR. Work may proceed in other parts of the project area while the mitigation is being carried out.				
3.5 Cultural Resources (continued)	3.5-1 (continued)	**Mitigation Measure 3.5-1c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If a shipwreck and associated artifacts or other cultural resources on or in the tide and submerged lands of California are encountered during project development or operation, Mitigation Measure 3.5-1b and the following measures shall be implemented: • DWR shall initiate consultation with SLC staff within two • business days of the discovery. • Per PRC Section 6313(c), any submerged cultural resource remaining in State waters for more than 50 years is presumed to be archaeologically or historically significant. • If the find is a maritime archaeological resource, the qualified archaeologist with whom DWR consults shall have expertise in maritime archaeology. • DWR shall consult with the SLC regarding assessment of the find and development of any treatment measures to minimize or mitigate potential impacts on the resource, pursuant to PRC Section 21083.2 and State CEQA Guidelines Section 15126.4. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of SLC must be approved by the SLC. • DWR shall submit to the SLC any report prepared for the resource as part of the assessment of the find and implementation of treatment measures to minimize or mitigate potential impacts.	DWR	DWR, qualified archaeologist	Verify that construction or operation has been ceased and flagged within 100 feet of a cultural resources find. Document shipwreck and associated artifacts or other cultural resources on or in the tide and submerged lands of California and consult with SLC regarding assessment of the find and development of any treatment measures to minimize or mitigate potential impacts on the resource. Document implementation of measures and submit report to SLC.	During construction.
3.5 Cultural Resources (continued)	3.5-2: Implementation of the Proposed Project could disturb human remains, including those	**Mitigation Measure 3.5-2 (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If human remains are uncovered during construction, all work shall immediately halt within	DWR	DWR	Verify that work has halted within 100 feet if human remains are uncovered and that Sutter County Coroner has been contacted. If the corner determines the remains are Native	During construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
	interred outside of dedicated cemeteries.	100 feet of the find and the Sutter County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols set forth in State CEQA Guidelines Section 15064.5(e)(1). If the County Coroner determines that the remains are Native American, the County shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5(c) and PRC Section 5097.98. See Mitigation Measure 3.9-1c, which pertains specifically to Native American remains.			American, the coroner will contact the NAHC. Document communication with NAHC, who will identify the person or persons believed most likely to be descended from the deceased Native American.	
3.5 Cultural Resources (continued)	3.5-3: Implementation of the Proposed Project could contribute to significant direct or indirect cumulative changes in the significance of an archaeological resource pursuant to State CEQA Guidelines Section 15064.5.	**Mitigation Measures (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative): Implement Mitigation Measures 3.5-1a, 3.5-1b, and 3.5-1c.**	DWR	DWR	See above.	See above.
3.5 Cultural Resources (continued)	3.5-4: Implementation of the Proposed Project could contribute to significant cumulative damage to unidentified human remains.	**Mitigation Measure (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative): Implement Mitigation Measure 3.5-2.**	DWR	DWR	See above.	See above.
3.7 Hydrology and Water Quality	3.7-1: Construction of the Proposed Project would involve activities that could result in a release of sediment and other pollutants that could substantially degrade receiving water quality.	**Mitigation Measures (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative): Implement Mitigation Measures 3.4-7a, 3.4-7b, and 3.4-7c**	DWR	DWR	See above.	See above.
3.7 Hydrology and Water Quality (continued)	3.7-6: Construction of the Proposed Project in combination with other projects being constructed in the project area could result in the release of sediment and other pollutants that could cumulatively degrade receiving water quality.	**Mitigation Measures (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative): Implement Mitigation Measures 3.4-7a, 3.4-7b, and 3.4-7c.**	DWR	DWR	See above.	See above.
3.9 Tribal Cultural Resources	3.9-1: Implementation of the Proposed Project could cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074.	**Mitigation Measure 3.9-1a (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** Before construction, DWR will prepare a cultural resources awareness and sensitivity training program for all construction and field workers involved in ground-disturbing activities. Before DWR provides this training, an advance copy of the material will be shared with culturally affiliated California Native American Tribes to confirm that it captures all elements of the awareness and sensitivity training associated with the work. The training program developed will include a presentation and awareness brochure that covers, at minimum, the types of potential tribal cultural resources common to the area; consequences of violating State laws and regulations; regulatory protections for tribal cultural resources; and the protocol for inadvertent discovery of archaeological resources (see Mitigation Measures 3.9-1b and 3.5-1b). Written materials associated with the program will be provided to project personnel as appropriate. Personnel assigned to work in areas of ground-disturbing activities will receive the training before starting work in these areas.	DWR	DWR	Prepare and provide cultural resources awareness and sensitivity training program. Document that all construction and field workers have received the training. Document that culturally affiliated California Native American Tribes have received a copy of the training in advance.	Before construction.
3.9 Tribal Cultural Resources (continued)	3.9-1 (continued)	**Mitigation Measure 3.9-1b (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If indigenous archaeological resources are encountered during project development or operation, all activity within 100 feet of the find shall cease and the find shall be	DWR	DWR	Verify that activity within 100 feet of indigenous archaeological resources found has ceased and the indigenous archaeological resource has been flagged. Document development and implementation	During construction.

Issue Area	Impact	Mitigation Measure	Responsibility for Implementing	Responsibility for Monitoring	Monitoring and Reporting Actions	Timing
		flagged for avoidance. DWR, in consultation with affiliated tribal parties, will develop and implement appropriate protection and avoidance measures, where feasible. Procedures will be developed in accordance with State CEQA Guidelines Section 15126.4, which specifies procedures for post-review discoveries. Treatment may include, as feasible, processing materials for reburial; minimizing handling of cultural objects; leaving objects in place within the landscape; returning objects to a location in the project area where they will not be subject to future impacts; avoidance; and treating with culturally appropriate dignity. "Avoidance" means that no activities associated with the project may affect the tribal cultural resources. "Treating with culturally appropriate dignity" means taking into account the tribal cultural values and meaning of the resource by implementing measures including, but not limited to, the following: • Protecting the cultural character and integrity of the resource • Protecting the traditional use of the resource • Protecting the confidentiality of the resource • Protecting the resource Construction work at the location of the find may begin upon authorization by DWR. Work may proceed in other parts of the project area while the mitigation is being carried out.			of appropriate protection and avoidance measures.	
3.9 Tribal Cultural Resources (continued)	3.9-1 (continued)	**Mitigation Measure 3.9-1c (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative):** If human remains are discovered during construction, all work shall immediately halt within 100 feet of the find and the Sutter County Coroner shall be contacted to evaluate the remains and follow the procedures and protocols set forth in State CEQA Guidelines Section 15064.5(e)(1). If the County Coroner determines that the remains are Native American, the County shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5(c) and PRC Section 5097.98. As required by PRC Section 5097.98, DWR shall ensure that further development activity avoids damage or disturbance in the immediate vicinity of the Native American human remains, according to generally accepted cultural or archaeological standards or practices, until DWR has conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.	DWR	DWR	Verify that work has halted within 100 feet of human remains found and that Sutter County Coroner has been contacted. If the corner determines the remains are Native American, the coroner will contact the NAHC. Document communication with NAHC, who will identify the person or persons believed most likely to be descended from the deceased Native American.	During construction.
3.9 Tribal Cultural Resources (continued)	3.9-2: Implementation of the Proposed Project could contribute to significant direct or indirect cumulative changes in the significance of a tribal cultural resource, as defined in PRC Section 21074.	**Mitigation Measure (Proposed Project, South Notch Alternative, North and South Notches Alternative, North Notch with Modified Gate Operation Alternative, and Tisdale Weir Structural Improvements Alternative): Implement Mitigation Measures 3.9-1a through 3.9-1c.**	DWR	DWR	See above.	See above.

EXHIBIT B – TISDALE WEIR REHABILITATION AND FISH PASSAGE PROJECT

CALIFORNIA STATE LANDS COMMISSION

STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (Commission or CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General lease - Public Agency Use, to the Department of Water Resources (DWR), for use of sovereign land associated with the Tisdale Weir Rehabilitation and Fish Passage Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines[1], § 15381.) The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Project because the Commission must approve a lease for the Project to go forward and because DWR, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. DWR analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2019049093) and, on October 13, 2021, certified the EIR and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Findings.

The Project involves structural rehabilitation of the Tisdale Weir along with installation of fish passage facilities to allow upstream migrating fish access to the Sacramento River. Structural rehabilitation would include replacing southern and northern abutment walls, removing and replacing the energy dissipation basin, and injection grouting and patching the weir. Fish passage facility installation would include reconstructing the energy dissipation basin on the

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

downstream side of the weir, installing an operable gate (for flow regulation) in the notch, installing an equipment access pad and attendant facilities at the north end of the weir, and constructing a channel connecting the notch in the weir to the Sacramento River.

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

- Air Quality
- Biological Resources
- Cultural Resources
- Hydrology and Water Quality
- Tribal Cultural Resources

Project components within the Commission's jurisdiction (i.e., the construction of a temporary cofferdam and installing sheet piles within the Sacramento River) could have significant environmental effects on all five resource areas.

In certifying the Final EIR and approving the Project, DWR imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that all impacts would be less than significant.

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

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

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

3.0 FINDINGS

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

While the Commission must consider the environmental impacts of the Project as set forth in the EIR, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve. (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the Commission's exercise of discretion involves only issuing a General lease - Public Agency Use for this Project, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating to the Commission's approval of a General lease - Public Agency Use, which would allow work within the Sacramento River, are included herein and organized according to the resource affected.

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

(1) Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have

been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.[2]

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR. For the full text of each mitigation measure (MM), please refer to Exhibit A, Attachment A-1.

A. SUMMARY OF FINDINGS

Based on the EIR, the proposed Project will have No Impact on the following environmental resource areas:

- Land Use Planning
- Mineral Resources
- Population and Housing
- Public Services

The EIR subsequently identified the impacts to the following resource areas as Less Than Significant:

- Aesthetics
- Agricultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Noise
- Recreation
- Transportation

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

- Utilities and Service Systems
- Wildfire

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

B. POTENTIALLY SIGNIFICANT IMPACTS

The impacts within the Commission's jurisdiction, identified in Table B-1, were determined in the Final EIR to be potentially significant absent mitigation. After application of mitigation, however, all impacts were determined to be less than significant (LTSM).

Table B-1 – Significant Impacts by Resource Area

Environmental Resource Area	Impact Nos. (LTSM)
Air Quality	3.3-2, 3.3-4
Biological Resources	3.4-5, 3.4-7, 3.4-8, 3.4-9, 3.4-13, 3.4-16
Cultural Resources	3.5-1, 3.5-2, 3.5-3, 3.5-4
Hydrology and Water Quality	3.7-1, 3.7-6
Tribal Cultural Resources	3.9-1, 3.9-2

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; however, the impacts were determined to be less than significant with mitigation (LTSM).

1. AIR QUALITY

CEQA FINDING NO. 1

Impact: **3.3-2. Construction of the Project could result in a cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or State ambient air quality standard.**

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

FACTS SUPPORTING THE FINDING(S)

Project construction activities are expected to require the use of construction equipment such as excavators, loaders, bulldozers, a crane, forklifts, dump

trucks, generators, and concrete mixing and pumping trucks. Vehicle trips for transporting workers and construction equipment and materials to the Project area would also emit air pollutants. The EIR identified measures that require diesel emissions control strategies and off-site mitigation program fees from the Feather River Air Quality Management District (FRAQMD), and FRAQMD best management practices (BMPs), which are required by FRAQMD for projects that exceed one or more of its significance thresholds.

Implementation of **MMs 3.3-2a, 3.3-2b,** and **3.3-2c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 2

Impact: **3.3-4. Construction of the Project could temporarily add to localized and regional cumulative air quality impacts.**

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

FACTS SUPPORTING THE FINDING(S)

Project construction activities would emit criteria air pollutants (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter, lead, toxic air contaminants, and odorous emissions). The EIR identified measures that require diesel emissions control strategies and off-site mitigation program fees from FRAQMD, and FRAQMD BMPs, which would reduce the Project's contribution to cumulative impacts to air quality.

Implementation of **MMs 3.3-2a, 3.3-2b**, and **3.3-2c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

2. BIOLOGICAL RESOURCES

CEQA FINDING NO. 3

Impact: **3.4-5. Implementation of the Project could cause disturbance or mortality of and loss of suitable habitat for bird species.**

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

FACTS SUPPORTING THE FINDING(S)

Both construction and operation of the Project could directly affect nesting birds from the noise and activity from heavy machinery, and because construction work would include removal of large tree and vegetation where birds may be nesting. The EIR identified measures that require a preconstruction nesting bird survey prior to any vegetation removal along the river during the nesting season as well as steps to take if active nests are found.

Implementation of **MMs 3.4-5a** and **3.4-5b** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 4

Impact: **3.4-7. Implementation of the Project could cause disturbance to fish species or their habitat by causing changes in water quality.**

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

FACTS SUPPORTING THE FINDING(S)

Project construction activities could result in erosion and/or release of hazardous materials or chemicals into the Sacramento River, resulting in physiological stress and causing direct mortality to fish species or impacting habitat quality. The EIR identified measures that require BMPs to protect water quality (stormwater pollution prevention plan [SWPPP], spill prevention control, erosion control, storage protocols) when work would occur within the bank and channel of the Sacramento River.

Implementation of **MMs 3.4-7b** and **3.4-7c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 5

Impact: **3.4-8. Implementation of the Project could cause disturbance to fish species or their habitat by modifying aquatic habitat.**

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

FACTS SUPPORTING THE FINDING(S)

Existing bank slope and substrate conditions along the Sacramento River would be temporarily affected during placement and removal of the temporary cofferdam. In addition, grading and installation of the concrete connection channel would permanently alter the riverbank. The EIR identified measures to minimize lighting, ensure a fish rescue plan is in place to relocate any stranded fish, and identify how the rescues would occur.

Implementation of **MMs 3.4-8a, 3.4-8b**, and **3.4-8c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 6

Impact: **3.4-9. Construction of the Project could cause disturbance to fish species or their habitat by causing hydrostatic pressure waves, noise, and vibration.**

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

FACTS SUPPORTING THE FINDING(S)

Construction of a temporary cofferdam would require installing sheet piles. Installation of the piles may involve the use of either an impact driver or a vibratory driver, which may result in harmful effects on fish swimming nearby, including the potential to rupture their internal organs. The EIR identified

measures to monitor noise levels during impact hammer pile-driving activities to address the potential for injury or mortality of listed species. If noise thresholds are not met using these measures, DWR will consult with the regulatory agencies on applying other mitigation methods, as feasible (e.g., bubble curtains and/or reducing the daily duration of pile-driving activities).

Implementation of **MM 3.4-9** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 7

Impact: **3.4-13. Construction of the Project could cause the loss or deterioration of wetlands and waters of the U.S. and State.**

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

FACTS SUPPORTING THE FINDING(S)

Construction of the Proposed Project would result in direct and indirect impacts to waters of the U.S. and State, including the Sacramento River, from an estimated 1.16 acres of fill on the riverbed and along the east bank of the River. Most of this fill would provide scour protection for the river bank. The EIR identified measures that require fencing and BMPs to protect water quality (SWPPP, spill prevention control, erosion control, storage protocols) to protect waters of the U.S. and State.

Implementation of **MMs 3.4-7b** and **3.4-13** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 8

Impact: **3.4-16. Implementation of the Project could contribute to cumulative temporary and permanent loss of sensitive habitats and impacts on special status species.**

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

FACTS SUPPORTING THE FINDING(S)

Implementation of the Proposed Project, in conjunction with the separately considered projects in the Project vicinity, has the potential to affect sensitive habitats and special status species due to a net loss of riparian habitat from the placement of permanent fill within seasonal riverine habitat, resulting in potentially significant cumulative impacts on those biological resources. The EIR identified measures that would avoid, minimize, and/or compensate for the loss of sensitive habitats and special-status species through surveys, buffers, monitoring, fencing, and water quality protection,

Implementation of **MMs 3.4-5a, 3.4-5b, 3.4-7b, 3.4-7c, 3.4-8a, 3.4-8b, 3.4-8c, 3.4-9**, and **3.4-13** has been incorporated into the Project to reduce this impact to a less than significant level.

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

3. CULTURAL RESOURCES

CEQA FINDING NO. 9

Impact: **3.5-1. Implementation of the Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines Section 15064.5.**

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

FACTS SUPPORTING THE FINDING(S)

The Project would involve ground-disturbing activities that may extend into undisturbed soil. Such activities could unearth, expose, or disturb subsurface archaeological resources, including shipwrecks or other submerged cultural resources, that have not been previously identified. The EIR identified measures,

developed in consultation with the United Auburn Indian Community of the Auburn Rancheria (UAIC), to provide cultural resources awareness and sensitivity training for Project personnel and to ensure a protocol for unanticipated discovery of archaeological resources.

Implementation of **MMs 3.5-1a, 3.5-1b**, and **3.5-1c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 10

Impact: **3.5-2. Implementation of the Project could disturb human remains, including those interred outside of dedicated cemeteries.**

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

FACTS SUPPORTING THE FINDING(S)

The Project would involve ground-disturbing activities. It is possible that such activities could unearth, expose, disturb, and/or damage previously unknown human remains. The EIR identified measures, developed in consultation with UAIC, for identification, consultation, and avoidance.

Implementation of **MM 3.5-2** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 11

Impact: **3.5-3. Implementation of the Project could contribute to significant direct or indirect cumulative changes in the significance of an archaeological resource pursuant to State CEQA Guidelines Section 15064.5.**

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

FACTS SUPPORTING THE FINDING(S)

Implementation of the Project in conjunction with separately considered projects has the potential to affect known and currently undocumented indigenous and historic-era archaeological resources through ground-disturbing activities that may unearth, expose, or disturb subsurface archaeological resources, including shipwrecks or other submerged cultural resources, resulting in a potentially cumulative significant impact on archaeological resources. The EIR identified measures, developed in consultation with UAIC, that will reduce the Project's contribution to cumulative impacts on archaeological resources.

Implementation of **MMs 3.5-1a, 3.5-1b**, and **3.5-1c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 12

Impact: **3.5-4. Implementation of the Project could contribute to significant cumulative damage to unidentified human remains.**

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

FACTS SUPPORTING THE FINDING(S)

Development and operation of the Project could contribute to significant cumulative damage to unidentified human remains through activities that could unearth, expose, disturb, and/or damage those remains. The EIR identified measures, developed in consultation with UAIC, for identification, consultation, and avoidance that would reduce the Project's contribution to cumulative impacts on human remains.

Implementation of **MM 3.5-2** has been incorporated into the Project to reduce this impact to a less than significant level.

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

4. HYDROLOGY

CEQA FINDING NO. 13

Impact: **3.7-1. Construction of the Project would involve activities that could result in a release of sediment and other pollutants that could substantially degrade receiving water quality.**

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

FACTS SUPPORTING THE FINDING(S)

Site preparation and construction would include soil and concrete excavations and other ground-disturbing activities, which could temporarily increase the rate of soil erosion and potentially degrade the Sacramento River's surface water quality. The EIR identified measures that require BMPs consistent with the National Pollutant Discharge Elimination System (NPDES) permit including development of a SWPPP and other practices to reduce water turbidity, reduce surface erosion, control stormwater flows, retain sediment within the construction site, and stabilize disturbed areas.

Implementation of **MMs 3.4-7b** and **3.4-7c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 14

Impact: **3.7-6. Construction of the Project in combination with other projects being constructed in the Project area could result in the release of sediment and other pollutants that could cumulatively degrade receiving water quality.**

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

FACTS SUPPORTING THE FINDING(S)

Implementation of the Project in conjunction with the separately considered projects in the Project vicinity has the potential to result in a release of sediment and other pollutants, resulting in potentially cumulative significant impacts on receiving water quality. The EIR identified measures that require BMPs consistent

with the NPDES permit, including development of a SWPPP and other practices to reduce water turbidity, reduce surface erosion, control stormwater flows, retain sediment within the construction site, and stabilize disturbed areas to avoid and minimize the Project's contribution to cumulative impacts.

Implementation of **MMs 3.4-7b** and **3.4-7c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

5. TRIBAL CULTURAL RESOURCES

CEQA FINDING NO. 15

Impact: **3.9-1. Implementation of the Project could cause a substantial adverse change in the significance of a tribal cultural resource, as defined in PRC Section 21074.**

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

FACTS SUPPORTING THE FINDING(S)

The Project would involve ground-disturbing activities that may extend into undisturbed soil. It is possible that such activities could unearth, expose, disturb, and/or damage previously unidentified subsurface tribal cultural resources. The EIR identified measures, developed in consultation with UAIC, to provide cultural resources awareness and sensitivity training for Project personnel and to ensure a protocol for unanticipated discovery of and potential impacts to tribal cultural resources.

Implementation of **MMs 3.9-1a, 3.9-1b**, and **3.9-1c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

CEQA FINDING NO. 16

Impact: **3.9-2. Implementation of the Project could contribute to significant direct or indirect cumulative changes in the significance of a tribal cultural resource, as defined in PRC Section 21074.**

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

FACTS SUPPORTING THE FINDING(S)

Development and operation of the Project could contribute to significant direct or indirect cumulative changes in the significance of a tribal cultural resource through ground-disturbing activities that could unearth, expose, disturb, and/or damage previously unidentified subsurface tribal cultural resources. The EIR identified measures, developed in consultation with UAIC, to address potential impacts to tribal cultural resources that would reduce the Project's contribution to cumulative impacts on tribal cultural resources.

Implementation of **MMs 3.9-1a, 3.9-1b**, and **3.9-1c** has been incorporated into the Project to reduce this impact to a less than significant level.

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

D. FINDINGS ON ALTERNATIVES

The Commission, as a responsible agency and pursuant to State CEQA Guidelines section 15096, subdivision (g)(2), finds there are no feasible Project alternatives within its powers that would substantially lessen or avoid any outstanding significant effects that the Project, as proposed, would have on the environment.

4.0 CONCLUSION

Based upon the objectives identified in the EIR and the detailed mitigation measures imposed upon the Project, the Commission has determined the mitigation measures found in Exhibit A, Mitigation Monitoring Program, are sufficient to warrant approving the Project.