Meeting Date: 12/17/24
Application Number: 3065
Staff: J. Toy

Staff Report 25

APPLICANT:

Central Valley Flood Protection Board

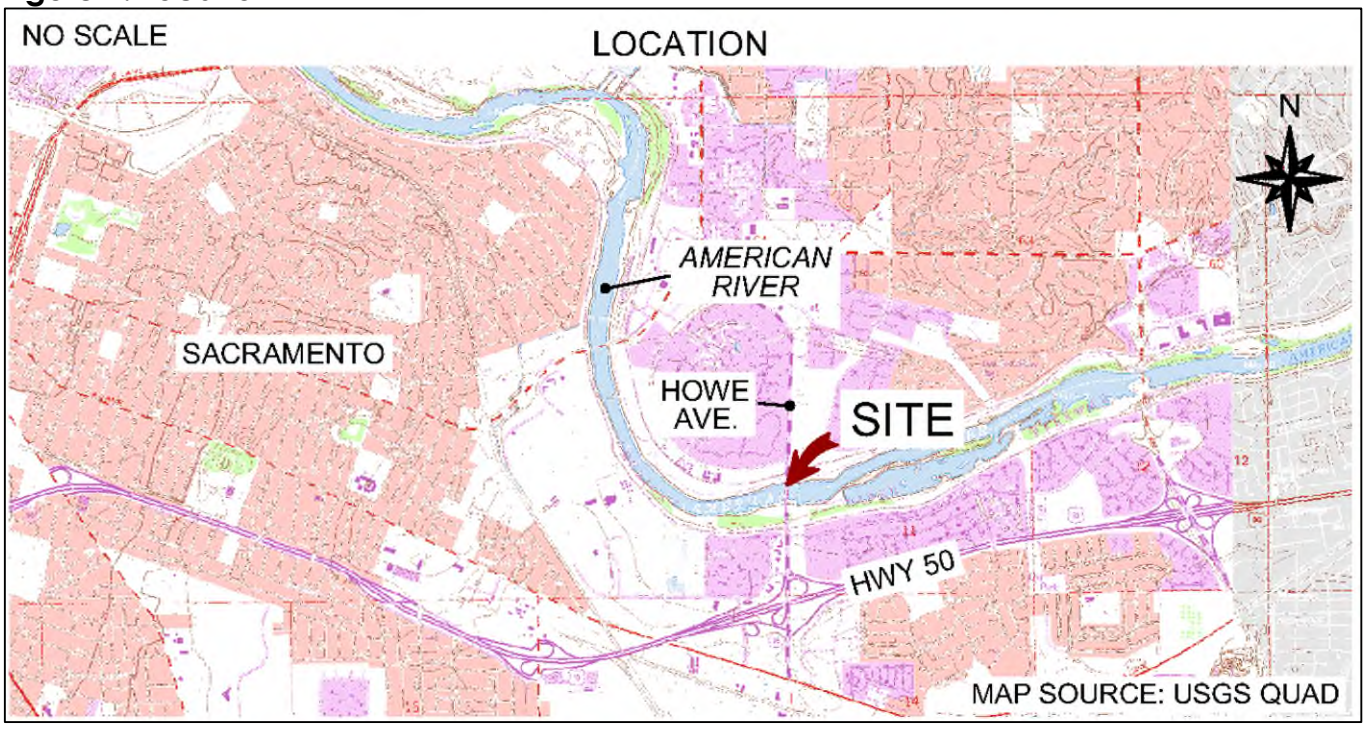
PROPOSED ACTION:

Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the American River, adjacent to the right bank of the American River from River Mile (RM) 7.45 to 7.65 at the Howe Avenue Bridge, near Sacramento, Sacramento County (as shown in Figure 1).

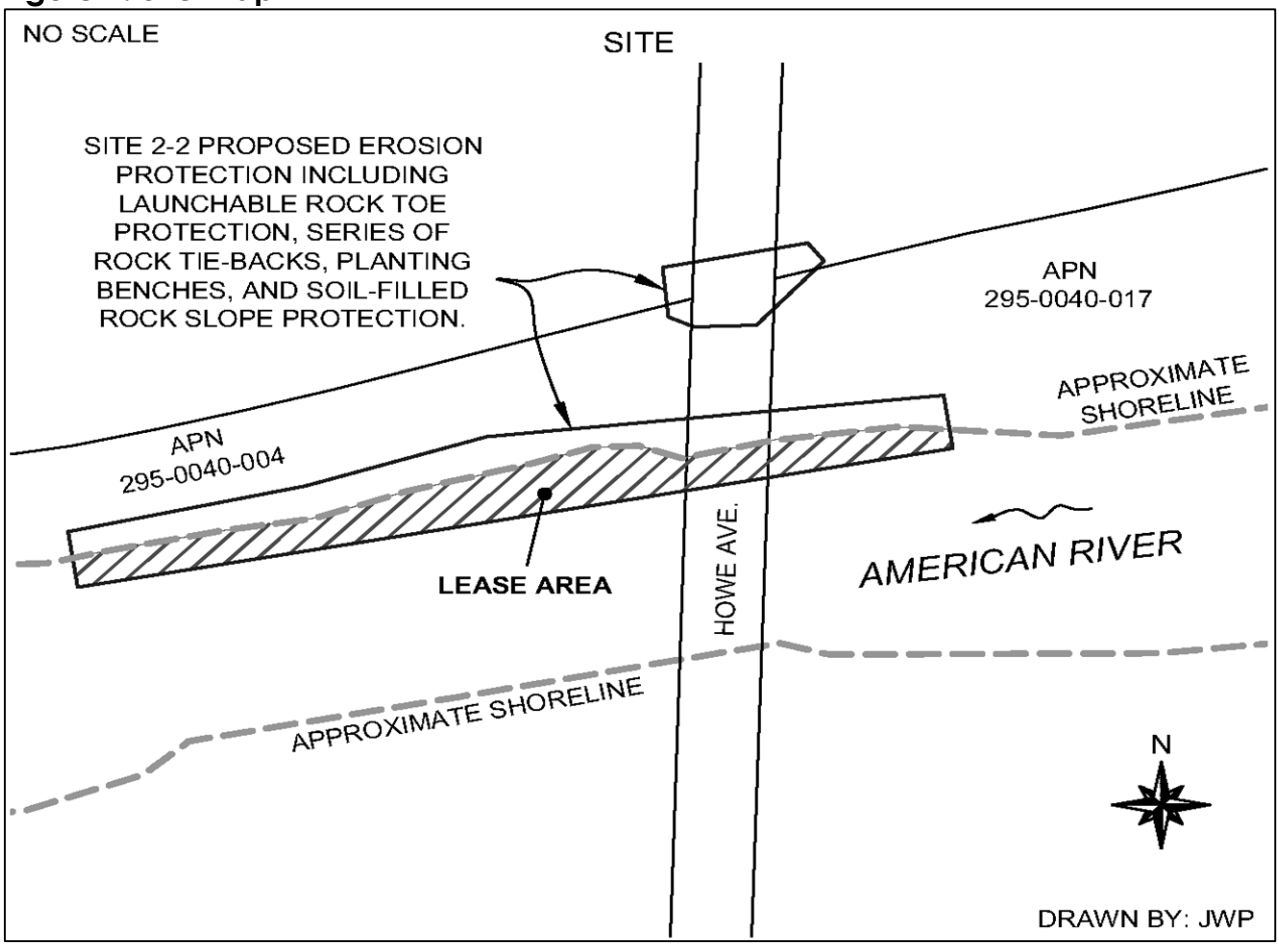
Figure 1. Location



AUTHORIZED USE:

Construction and use of erosion protection, including launchable rock toe protection, rock tie-backs, planting benches, and soil-filled rock slope protection as proposed in the American River Watershed Common Features, Water Resources Development Act of 2016 Project, American River Contract 2 (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:

49 years, beginning December 17, 2024.

CONSIDERATION:

Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

- Lessee shall place warning signage or buoys, or both, clearly visible from the shore and in the water, both upstream and downstream of the construction sites, to provide notice of the construction and to advise the public to exercise caution. Lessee shall place and maintain such signage during the term of the construction and shall notify the California Department of Parks and Recreation's Division of Boating and Waterways of the location, description, and purpose of such signage upon installation and removal.
- Provisions requiring Lessee to comply with certain safety and construction standards.

BACKGROUND:

Following extensive flooding in 1986, and severe impacts to Sacramento's levee system, Congress directed the U.S. Army Corps of Engineers (USACE) to investigate additional means to reduce flood risk to Sacramento. USACE completed this investigation in 1991, recommending levee improvements downstream of Folsom Dam. As a result of subsequent studies, the American River Common Features Project (ARCF) was authorized in the Water Resources Development Act (WRDA) of 1996, Pub. L. No. 104-303, § 101(a)(1) (WRDA 1996).

Major components of the ARCF within WRDA 1996 included construction of seepage remediation along approximately 22 miles of American River levees, levee strengthening, and the raising of 12 miles of the Sacramento River levee in the Natomas Basin. Over time, the ARCF Project has expanded and, in 2016, an extensive program of levy strengthening and erosion repair along the Sacramento and American rivers was analyzed in the American River Watershed Common Features General Reevaluation Report (ARCF GRR) Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse No. 2005072046).

This EIS/EIR analyzed basic erosion protection measures over 11 miles of the Lower American River; however, some elements of those improvements (e.g., specifics of location and designs, staging areas, haul routes, disposal of soil, and off-site mitigation) were not analyzed because their design had not sufficiently progressed to provide the specificity required for project implementation. Through project design and refinement, USACE has now identified specific locations and design improvements to address erosion concerns, potential staging areas, haul routes,

disposal sites, and off-site mitigation for the proposed work. On September 24, 2021, the Central Valley Flood Protection Board (CVFPB) certified a Supplemental Environmental Assessment/EIR (EA/EIR), State Clearinghouse No. 2005072046, that analyzes the environmental impact of installation of erosion protection features along the Lower American River under American River Contract 2.

PROJECT DESCRIPTION:

The American River Watershed Common Features, Water Resources Development Act of 2016 Project, American River Contract 2 (Project) includes installation of approximately 7,800 linear feet of erosion protection and on-site riparian habitat features along two levee segments, Sites 2-2 and 2-3, and the creation of three off-site riparian habitat restoration sites (Rossmoor East, Rossmoor West, and Arden Pond). Site 2-3 and the three restoration sites appear to be located landward of the Commission's leasing jurisdiction. Portions of Site 2-2 appear to be located within the Commission's leasing jurisdiction.

Site 2-2 extends along the right bank of the American River from approximately RM 7.45 to RM 7.65. The upstream end of the site begins 330 feet upstream of the Howe Avenue Bridge. The downstream end of the site ties into the boundary of existing bank protection installed in 1986.

The erosion protection at this location includes launchable rock toe protection (rocks would launch into any holes created beneath them by scour to provide protection from further scour), a series of planting benches separated by rock tie-backs which will connect the rock toe with the existing bank line, and soil-filled rock slope protection upstream. The rock slope protection will be seeded with native upland species and planted with shrubs and trees.

For the downstream portion, the rock toe will be constructed from the top of the levee slope down to an elevation 5.5 feet below the existing bench. The toe protection will extend along the entire alignment of Site 2-2 in a nearly straight line between the upstream and downstream extents. Instream woody material will be installed along the top of the launchable rock toe to provide habitat.

The top of the launchable rock toe protection will extend north around the two Howe Avenue Bridge piers which intersect Site 2-2, creating a flat bench with sufficient rock depth and extent to protect the piers. A series of planting benches separated by rock tie-backs would be graded in the middle third of Site 2-2.

The rock tie-backs would extend the full distance between the proposed launchable rock toe protection and the top of the existing bank revetment. Planting benches will be installed downstream, each sloping waterward to the toe of the planting bench and draining downstream to an alcove that empties into the river. Higher elevation areas of the bench would be planted with a mix of native riparian vines, shrubs, and trees. The planting bench would terminate at the launchable toe.

The planting benches will provide erosion control and habitat for juvenile salmonids and will also support their foraging and refuge requirements within the nearshore shaded riverine aquatic habitat. The planting benches will provide adequate soil volume in a soil-filled trench to establish native tree species. The planting bench slopes will provide shoreline variability to support a diverse planting palette and a designed resiliency providing habitat and refuge at various ranges of seasonal flow velocities.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The CVFPB applied for a General Lease – Public Agency Use for the construction and use of erosion protection including launchable rock toe protection, rock tie-backs, planting benches, and soil-filled rock slope protection under the Project.

The Applicant is responsible for ensuring that levees are maintained in a manner that reduces the risk of flooding and works in partnership with the USACE, California Department of Water Resources, and the Sacramento Area Flood Control Agency. The Project would protect and strengthen the Lower American River levees to reduce riverbank erosion and reduce flood risk within the Sacramento metropolitan area. A high risk of flooding from levee failure threatens public safety, property, and critical infrastructure throughout Sacramento. Multiple erosion control measures are planned to allow conveyance of the 200-year flood flow without risk of levee failure.

The Applicant has requested a 49-year lease term for various reasons, the most pertinent being that the USACE requires that the Applicant have control over the land for the life of the project, anticipated for over 50 years. Given that the Commission is not able to lease lands for more than 49-years, nor alienate sovereign Public Trust Lands, a 49-year lease is proposed as a compromise that satisfies federal requirements for the Project.

All workers would access the site by regional and local roadways. Construction hours would comply with the City of Sacramento's noise ordinance and would be Monday through Saturday from 7:00 a.m. to 6:00 p.m. and Sundays from 9:00 a.m. to 6:00 p.m. No work or hauling would take place on holidays without permission given by the City of Sacramento.

Construction is anticipated to occur over approximately 1.5 years. Construction is expected to begin with removal of trees and shrubs. Mobilization of construction equipment, site preparation, and construction should take approximately 7 months to complete, with the last 6 months being post-construction related work (e.g., plantings, irrigation, stormwater control monitoring).

Recreational access to the banks at Site 2-2 will be completely restricted during the construction period due to construction activities and potential hazards to recreationists. No fishing, swimming, or boating will be possible at the site. While bike trails and running paths could be rerouted or accessible a short distance away from the construction sites, there will still be an overall reduction in the recreation quality with the construction over a 1.5-year period or longer. These access restrictions, while extensive within the construction area and construction period, are temporary. Recreational opportunities remain available at Paradise Beach outside the Project Area and at adjacent parks along the American River Parkway.

Once construction is complete and the performance standards have been met and habitat has been successfully established, the Applicant would be responsible for the operations and maintenance (O&M) of Sites 2-2 and 2-3, the Arden Pond Mitigation Site, the Rossmoor Mitigation Sites, and all land used for staging areas would return to original upland ownership. O&M responsibility for the levee and revetment features would be turned over to the American River Flood Control District (ARFCD) and the on- and off-site mitigation features would specifically fall to the Sacramento Area Flood Control Agency for long-term O&M. Regular O&M activities by ARFCD would consist of inspections, weed abatement, removal of encroachments and high-hazard vegetation to ensure levee integrity, replacement and re-working of displaced or launched revetment following large flood events,

and adequate levee access along the levee toe road. The levee maintenance roads would be used, as they are currently used, to access the length of the levee during these activities and during high-flow events for flood-fighting purposes. O&M activities would not require heavier or noisier equipment than under current conditions. Inspections would consist of a patrol vehicle traveling along the levee and small machinery for weed abatement such as mowers and weed whackers/trimmers. These activities would not introduce new land uses into the area.

While the proposed project will temporarily impact Public Trust uses while underway, the Applicant has agreed to limit such impacts to the extent necessary to protect the public health and safety during the construction activity. Given the overall public value of this project, staff believe the proposed Project does not constitute an unreasonable interference with the Public Trust uses at this time and is in the best interests of the State. The Project's purpose is to provide enhanced levee erosion protection, protecting the public and Public Trust resources from potential flooding while preserving public access along the levee to the extent feasible and safe during the construction.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease requires the Applicant to conduct all construction and maintenance work safely and indemnify the Commission in the event of any liability resulting from the proposed action.

CLIMATE CHANGE:

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

The proposed Project activities are specifically to install levee improvements to reduce risks of levee failure, especially related to seepage, under-seepage, and

levee stability. The Project includes the addition of rock bank protection and the installation of nature-based solutions including riparian benches and in-stream woody material to prevent erosion along the Sacramento River. Activities on State lands would be short-term and consist of in-water work to improve existing facilities and reduce the potential for future impacts from climate change.

However, as sea levels rise, the bank protection will provide less defense against flood waters, increasing the vulnerability of the upland parcel. Maintaining a wide buffer between the bank and any upland improvements will minimize potential impacts from flooding and erosion. Any future construction or activities on state land would require a separate authorization from the Commission.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to the effects of climate change.

CONCLUSION:

For all the reasons above, staff believe the issuance of this lease will not substantially interfere with Public Trust needs at this location, at this time, and for the term of the proposed 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 a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. The lessee also has no right to a new lease or to renewal 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. The Applicant has also submitted an application (A3623) for similar work along the Sacramento River east levee between Front Street and the Pocket-Greenhaven neighborhood, from River Mile (RM) 49 to 59, near Sacramento, Sacramento County. That application will be considered under a separate staff report at the same Commission meeting.

4. An EIR, State Clearinghouse No. 2005072046, and a Supplemental EIR were prepared for this project by the Central Valley Flood Protection Board (CVFPD) and certified on June 9, 2016, and September 24, 2021, respectively. As part of its project approvals, the CVFPB made a Statement of Findings and Statement of Overriding Considerations for the American River Watershed Common Features, Water Resources Development Act of 2016 Project, American River Erosion Contract 2 and adopted Mitigation Monitoring and Reporting Programs.

   Staff has reviewed these documents and prepared an independent Mitigation Monitoring Program (MMP) (attached, Exhibit A) that incorporates the CVFPD'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 11 potential resource areas would have impacts that are less than significant with implementation of mitigation measures. Staff also identified in the Findings that the project could cause potentially significant impacts to Vegetation and Wildlife, Visual Resources, and Recreation from the removal of riparian vegetation and construction activities on the American River despite the implementation of all applicable measures. Staff prepared a Statement of Overriding Considerations made pursuant to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15093) that balances the benefits of the project against its unavoidable impacts and finds that the potential impact is acceptable in light of the project benefits. Staff recommends the Commission adopt the Findings and Statement of Overriding Considerations contained in the attached Exhibit B.

5. 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 on the 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 OBTAINED:

- Central Valley Regional Water Quality Control Board
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service

EXHIBITS:

A. Mitigation Monitoring Program

B. Findings and Statement of Overriding Considerations

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR and a Supplemental EIR, State Clearinghouse No. 2005072046, were prepared for this project by the Central Valley Flood Protection Board and certified on June 9, 2016, and September 24, 2021, respectively, 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 and the Statement of Overriding Considerations, made in conformance with California Code of Regulations, title 14, sections 15091, 15093, and 15096, subdivision (h), as contained in Exhibit B.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not cause an unreasonable interference with the public rights to navigation, fishing, and commerce or cause an unreasonable

interference with 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 49 years, for the construction and use of erosion protection including launchable rock toe protection, rock tie-backs, planting benches, and soil-filled rock slope protection; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

EXHIBIT A
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

AMERICAN RIVER WATERSHED COMMON FEATURES, WATER RESOURCES DEVELOPMENT ACT OF 2016 PROJECT, AMERICAN RIVER CONTRACT 2

(A3065, State Clearinghouse No. 2005072046)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the American River Watershed Common Features, Water Resources Development Act of 2016 Project, American River Contract 2 (Project). The CEQA lead agency for the Project is the Central Valley Flood Protection Board.

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. 2005072046, on June 9, 2016, and a Supplemental EIR on September 24, 2021, and adopted Mitigation, Monitoring and Reporting Programs (MMRPs) for the whole of the Project and the portion of the Project covered in the Supplemental EIR, respectively (see Exhibit A, Attachment A-1). The lead agency 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, which are found in the lead agency's MMRP for the Supplemental EIR. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and provided in Attachment A-1, is incorporated by reference in this Exhibit A. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are <u>underlined</u>

Table A-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM)[1]	Difference Between CSLC MMP and Lead Agency MMRP
VIS-2	VEG-1, VEG-2, SRA-1	None
VIS-3	VIS-1	None
WQ-1	WQ-1, SRA-1	None
VEG-1	VEG-1, VEG-2, BIRD-1, SRA-1	None
VEG-2	VEG-1, VEG-2, BIRD-1	None
FISH-1	FISH-1, FISH-2, FISH-3	None
SSS-2	PLANT-1	None
SSS-3	VELB-1	None
SSS-4	BIRD-1	None
SSS-5	TURTLE-1, WQ-1	None
SSS-6	BATS-1	None
SSS-7	FISH-1, FISH-2, FISH-3, SRA-1	None
CR/TCR-1	CR-1 through CR-5	MM CR-2 (see below)
CR/TCR-2	CR-6	None
AQ-1	AQ-1 through AQ-5	None
AQ-2	AQ-2	None
AQ-3	AQ-1 through AQ-4	None
GHG-1	GHG-1	None
NOISE-1	NOISE-1, NOISE-2	None
REC-1	REC-1	None
HAZ-1	HAZ-1	None

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

Addition to MM CR-2: Title to all archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the Commission. Commission staff shall be notified of any cultural resources or paleontological specimens discovered on lands under the jurisdiction of the Commission. The final disposition of archaeological and historical resources or paleontological specimens from such lands must be approved by the Commission. In addition, if requested by a Tribe, a Native American Monitor shall remain onsite during Project construction.

ATTACHMENT A-1

Mitigation Monitoring and Reporting Program Adopted by the Central Valley Flood Protection Board

Mitigation Monitoring and Reporting Program

American River Watershed Common Features, Water Resources Development Act of 2016 Project, American River Contract 2

SCH# 2005072046

Central Valley Flood Protection Board
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August 2021

Abbreviations and Acronyms

APE	Area of Potential Effects
CARB	California Air Resources Board
ARCF	American River Watershed Common Features
BMP	Best Management Practice
BO	Biological Opinion
CCR	Code of California Regulations
CAPCOA	California Air Pollution Control Officers Association
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CNDDB	California Natural Diversity Database
CRHR	California Register of Historic Resources
CVFPB	Central Valley Flood Protection Board
EIS	Environmental Impact Statement
EIR	Environmental Impact Report
GHG	Greenhouse gas
GPS	Global Positioning System
GRR	General Reevaluation Report
HMMAMP	Habitat Mitigation Monitoring and Reporting Plan
HPMP	Historic Properties Management Plan
HPTP	Historic Properties Treatment Plan
IWM	Instream Woody Material
MLD	Most Likely Descendent
MMRP	Mitigation, Monitoring, and Reporting Program
NAHC	Native American Heritage Center
NO_x	Oxides of Nitrogen
NTU	Nephelometric Turbidity Unit
NPDES	National Pollutant Discharge Elimination System
PA	Programmatic Agreement
PM	Particulate matter
PM_{10}	Particulate matter 10 microns or less in diameter
PPV	Peak particle velocity
PRC	Public Resources Code
RWQCB	Regional Water Quality Control Board
SHPO	State Historic Preservation Office
SMAQMD	Sacramento Metropolitan Air Quality Management District
SPCCP	Spill Prevention Control and Countermeasures Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
TCR	Tribal Cultural Resource
VELB	Valley Elderberry Longhorn Beetle
VdB	Velocity decibels

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Mitigation Monitoring and Reporting Program

Section 21081.6(a)(1) of the California Public Resources Code (PRC) and Section 15097 of the State California Environmental Quality Act (CEQA) Guidelines require a public agency to adopt a reporting and monitoring program on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental impacts on the physical environment.

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the Central Valley Flood Protection Board (CVFPB) to ensure the successful implementation of the mitigation measures identified in the Final Supplemental Environmental Impact Statement / Environmental Impact Report (EIS/EIR) for the American River Watershed Common Features Water Resources Development Act of 2016 Project (ARCF 2016 Project), American River Contract 2 (American River Contract 2 Project). All appropriate mitigation measures, including measures from the ARCF General Reevaluation Report (GRR) Final Environmental Impact Statement (EIS)/EIR, have been incorporated into the Final Supplemental EIS/EIR.

The MMRP is in tabular format. The table columns contain the following information:

Mitigation Number: Lists the mitigation measures by number, as designated in the Final Supplemental EIS/EIR.

Mitigation Measure: Provides the text of the mitigation measures, each of which has been adopted and incorporated into the American River Contract 2 Project.

Implementation Timing: Lists the time frame in which the mitigation measure is expected to take place. The following abbreviations are used in the table:

D: To be implemented or included as part of American River Contract 2 Project design. Includes pre-project permitting and agency coordination

P: To be implemented prior to construction being initiated prior (pre-construction), but not part of American River Contract 2 Project design or permitting

C: To be implemented during American River Contract 2 Project construction

M: To be implemented as ongoing maintenance after construction is complete

Implementation Responsibility: Identifies the entity responsible for implementing the mitigation measure.

Responsible for Monitoring/Reporting Action: Identifies the entity responsible for monitoring implementation of the actions described in the mitigation measures. Verification will be carried out during the American River Contract 2 Project and an MMRP completion report will be submitted to CVFPB staff upon implementation of all mitigation measures.

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
VIS-1	**Shield Temporary Nighttime Lighting:** The U.S. Army Corps of Engineers (USACE) will require its construction contractors to ensure that all temporary lighting used for security of the staging areas is shielded or directed to avoid or minimize any direct illumination onto light-sensitive receptors located outside of the Project Area.	C	USACE	CVFPB
WQ-1	**Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices:** As part of a turbidity monitoring program, the USACE contractor(s) will monitor turbidity in the adjacent water bodies, where applicable criteria apply, to determine whether turbidity is being affected by construction and to ensure that construction does not result in a rise in turbidity levels above ambient conditions, in accordance with the Central Valley Regional Water Quality Control Board (RWQCB) Basin Plan turbidity objectives. The monitoring program will be coordinated with the Central Valley RWQCB prior to construction and will be implemented by the construction contractor. The contractor will be required to use Best Management Practices (BMPs), as described below, to prevent runoff from all construction areas. Environmental commitments included in the project to reduce the potential for impacts on water quality include preparation of the Storm Water Pollution Prevention Plan (SWPPP), and Spill Prevention Control and Countermeasures Plan (SPCCP). The following measures will be implemented as part of the SWPPP, as required by the State Water Resources Control Board for any construction activities that disturb more than 1 acre, to limit erosion potential. • Conduct earthwork during low-flow periods (e.g., approximately May 1 through November 30). • To the extent possible, stage construction equipment and materials on the landside of the subject levee reaches in areas that have already been disturbed. • Minimize ground and vegetation disturbance during project construction by establishing designated equipment staging areas, ingress and egress corridors, spoils disposal and soil stockpile areas, and equipment exclusion zones prior to the commencement of any grading operations. • Install sediment barriers (e.g., silt fences, fiber rolls, and straw bales) around the base of soil stockpiles to intercept runoff and sediment during storm events. If necessary, cover stockpiles with geotextile fabric to provide further protection against wind and water erosion. • Install sediment barriers on graded or otherwise disturbed slopes as needed to prevent sediment from leaving the project site and entering nearby surface waters. • Install plant materials to stabilize cut and fill slopes and other disturbed areas once construction is complete. Plant materials could include an erosion control seed mixture or shrub and tree container stock. Temporary structural BMPs, such as sediment barriers, erosion control blankets, mulch, and	D, P, C	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	mulch tackifier, could be installed as needed to stabilize disturbed areas until vegetation becomes established. • During working hours, the construction activity will not cause the turbidity in the adjacent water body down current from the construction sites to exceed the Basin Plan turbidity objectives. Specifically, where natural turbidity is between 0 and 5 nephelometric turbidity units (NTUs), increases will not exceed 1 NTU; where natural turbidity is between 5 and 50 NTUs, increases will not exceed 20 percent; where natural turbidity is between 50 and 100 NTUs, increases will not exceed 10 NTUs; and where natural turbidity is greater than 100 NTUs, increases will not exceed 10 percent. In determining compliance with these limits, appropriate averaging periods could be applied, provided that beneficial uses will be fully protected. • An SPCCP is intended to prevent any discharge of oil into navigable water or adjoining shorelines. The contractor will develop and implement an SPCCP to minimize the potential for adverse effects from spills of hazardous, toxic, or petroleum substances during construction and operation activities. The SPCCP will be completed before any construction activities begin. • Implementation of this measure will comply with State and Federal water quality regulations. The SPCCP will describe spill sources and spill pathways in addition to the actions that will be taken in the event of a spill (e.g., an oil spill from engine refueling will be immediately cleaned up with oil absorbents). The SPCCP will outline descriptions of containment facilities and practices such as double-walled tanks, containment berms, emergency shut-offs, drip pans, fueling procedures, and spill response kits. It will also describe how and when employees are trained in proper handling procedure and spill prevention and response procedures.			
VEG-1	**Retain, Protect, and Plant Trees On-Site:** Project designs will be refined to reduce impacts on vegetation and wildlife to the extent practicable. Refinements implemented to reduce the loss of riparian habitat will include reducing the impact footprint, constructing bank protection rather than launchable rock trench whenever feasible, and designing planting benches. Where practicable, trees will be retained in locations where the bank protection and planting bench are constructed. Trees will be protected in place along the natural channel during the placement of rock as feasible. Additional plantings will be installed on the newly constructed bench to provide habitat for fish and avian species. The planting bench will be used where practicable to minimize impacts on fish and wildlife species. The on-site habitat will be created in accordance with the ARCF GRR Habitat Mitigation Monitoring and Adaptive Management Plan (HMMAMP), which includes conceptual mitigation proposals, performance standards, and adaptive management tasks.	D, P, C, M	USACE	CVFPB
VEG-2	**Compensate for Riparian Habitat Removal:** • To compensate for the removal of riparian habitat (including forested wetlands), replacement habitat will be created at a ratio of 2:1 to account for the temporal	D, P, C	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	loss of habitat while newly created habitat is growing. Species selected to compensate for the riparian corridor removal will be consistent with the approved list of trees, shrubs, and herbaceous plants native to the American River Parkway (Parkway). The riparian replacement habitat will create habitat connectivity and wildlife migratory corridors that will provide for the habitat needs of important native wildlife species without compromising the integrity of the flood control facilities, the Parkway's flood conveyance capacity, and the Parkway management goals in the Parkway Plan. Some of the replacement riparian habitat will be planted on top of the rock trench. Additionally, to comply with the Parkway Plan, lands within the Parkway will be evaluated for compensation opportunities. The exact location of the compensation lands in the Parkway will be coordinated with the Sacramento County Department of Regional Parks during the design phase of the project and will comply with the Parkway Plan's objectives and goals. It is assumed that sufficient lands are available within the Parkway. The replacement habitat will be created in accordance with the ARCF GRR HMMAMP, which includes conceptual mitigation proposals, performance standards, and adaptive management tasks. • Within the Project Area, USACE has designated Erosion Protection and Work Area construction zones. In Work Area zones, some or all the vegetation will be removed for site access, haul routes, and staging areas. Then, upon completion of the work, work zones will be seeded with native grassland species. Erosion Protection construction zones will require that most riparian vegetation be removed, but riparian vegetation will be planted at a planting bench and within the site on buried revetment or among the revetment. To compensate for the temporal loss of riparian vegetation and shaded riverine aquatic (SRA) habitat, creation of off-site habitat will also occur at sites that will be protected in perpetuity. These sites will include a mitigation site in the Parkway that will be selected and designed in coordination with National Marine Fisheries Services (NMFS) and U.S. Fish and Wildlife Service (USFWS) as part of the consultation under the Endangered Species Act. In addition, riparian habitat will be planted at the previously-designated and approved elderberry shrub mitigation areas (the Glenn Hall Park mitigation site and the two Rio Americano mitigation sites) and the two Rossmoor mitigation sites under the American River Contract 2 Project.			
BIRD-1	**Avoid and Minimize Effects on Nesting Birds:** To avoid and minimize effects on nesting birds, USACE will implement the following measures: • Before ground disturbance, all construction personnel will participate in a USFWS-approved worker environmental awareness program. A qualified biologist will inform all construction personnel about the life history of Swainson's hawk, western yellow-billed cuckoo, western burrowing owl, bank	D, P, C	CVFPB, USACE	CVFPB

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	swallow, and other relevant species, as well as the importance of nest sites and foraging habitat. • Where feasible, construction and maintenance activities that have the potential to affect special status nesting birds and common nesting birds will occur at times of the year when adverse effects on those species will be avoided. If activities are conducted outside the nesting seasons specified in the Final Supplemental EIS/EIR, no additional measures are required to mitigate adverse effects on nesting birds. • A breeding season survey for nesting birds will be conducted by a qualified biologist for all trees and shrubs to be removed or disturbed that are located within 500 feet of construction activities, including grading. Swainson's hawk surveys will be completed during at least two of the following survey periods: January 1 to March 20, March 20 to April 5, April 5 to April 20, and June 10 to July 30. An area with a radius of 0.5 mile from construction activities will be surveyed for Swainson's hawk nests. No fewer than three surveys will be completed in at least two survey periods, and at least one of these surveys will occur immediately before project initiation. Western burrowing owl surveys will follow suggested guidelines set forth in the California Department of Fish and Wildlife (CDFW) *Staff Report on Burrowing Owl Mitigation* such as conducting three or more daytime survey visits at least 3 weeks apart during the peak of breeding season from April 15 to July 15. Other migratory bird nest surveys could be conducted concurrent with Swainson's hawk surveys, with at least one survey to be conducted no more than 48 hours from the initiation of project activities to confirm the absence of nesting. If the biologist determines that the area surveyed does not contain any active nests, construction activities, including removal or pruning of trees and shrubs, could commence without any further mitigation. If at any time during the nesting season construction stops for a period of 2 weeks or longer, pre-construction surveys will be conducted before construction resumes. • If nesting birds have been identified within or adjacent to the construction footprint, USACE will establish avoidance buffers as indicated in the Final Supplemental EIS/EIR. Reduced buffers may be implemented if recommended by the monitoring biologist and approved by CDFW (and/or USFWS if the species is Federally listed). Buffers will be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. Specific buffer distances for burrowing owl, which vary depending on time of year and level of disturbance, are presented in Table 3.6-6 in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation*. Reduced buffers for burrowing owl may be implemented if recommended by the monitoring biologist, due to the nature of the activity, and if approved by CDFW. For example, typical burrow avoidance distances during active construction are 160 feet during the non-breeding season, and 250-feet during the breeding season. Any needed burrowing owl			

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	exclusion and burrow closure will occur during the non-breeding season only following the methodology in the CDFW *Staff Report*. • Tree and shrub removal and work in other areas scheduled for vegetation clearing, grading, or other construction activities will not be conducted during the nesting season (generally February 15 through September 30, depending on the species and environmental conditions for any given year) where feasible. • During rodent abatement efforts, no fumigation, use of treated bait, or other means of poisoning nuisance animals will occur within 100 feet of areas where burrowing owls are known to occur (e.g., burrows with observed nesting owls).			
FISH-1	**Observe In-Water Work Windows:** In-water construction will be restricted to the general estimated work window of July 1 through October 31. The exception being that in-water work necessary for dewatering activities will begin June 1. During preconstruction engineering and design, the work window may be adjusted on a site-specific basis, considering periods of low fish abundance, and in-water construction outside the principal spawning and migration season. Typical construction season generally corresponds to the dry season, but construction may occur outside the limits of the dry season, only as allowed by applicable permit conditions.	C	USACE	CVFPB
FISH-2	**Analyze Hazardous Materials Spills and Implement Measures to Control Contamination:** Because of the deleterious effects on native resident fish of numerous chemicals used in construction, if a hazardous materials spill does occur, a detailed analysis will be performed immediately by a registered environmental assessor or professional engineer to identify the likely cause and extent of contamination. This analysis will conform to American Society for Testing and Materials standards and will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, USACE and its contractors will select and implement measures to control contamination, with a performance standard that surface water quality and groundwater quality must be returned to baseline conditions.	C	USACE	CVFPB
FISH-3	**Implement Fish Rescue Plan.** Installation of the cofferdam and dewatering in the Arden Pond Mitigation Site during construction could result in fish stranding, both during initial temporary dam installation and following potential temporary dam overtopping events. USACE will implement fish rescues acceptable to NMFS. USACE will implement dewatering in a manner that is not harmful to fish or other aquatic or semi-aquatic wildlife. Dewatering will initially use the least impactful techniques, such as draining the pond via gravity first followed by using a pump system to complete the dewatering. The suction end of the intake pipe shall be fitted with fish screens intended to prevent entrainment or impingement of small fish. USACE will ensure that dewatering would be implemented with a fish rescue team composed of several qualified fisheries biologists and/or technicians, each with experience in fish capture and handling to maximize efficiency of rescues while avoiding potential stranding or desiccation of fish. The fish rescue effort will be implemented	P, C	USACE	CVFPB

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	during the dewatering of the pond area behind the temporary dams and involve capture and return of those fish to suitable habitat within adjacent waterways, or to a NMFS approved location. The area will first be seined, to the extent feasible, followed by electrofishing to remove fish that are behind the dam. The contractor will monitor the progress of dewatering and allow for the fish rescue to occur prior to completely closing the dam and again when water depths reach the approximate elevation of the American River. NMFS will be notified at least 48 hours prior to the start of fish rescue efforts. Information on the species, number, and sizes of fish collected will be recorded during the fish rescue and provided in a letter report to be submitted within 30 days after the fish rescue to NMFS. Implementation of fish rescues will minimize potential adverse effects to listed fish species (if present) associated with fish stranding during dewatering activities related to the construction activities.			
VELB-1	**Implement Current USFWS Avoidance, Minimization, and Compensatory Measures for Valley Elderberry Longhorn Beetle (VELB):** To reduce direct and indirect impacts on shrubs that will not be transplanted and that occur within 50 meters (165 feet) of the project, the following mitigation measures will be implemented: Fencing: All areas to be avoided during construction activities will be fenced and/or flagged as close to construction limits as feasible. Avoidance area. Activities that may damage or kill an elderberry shrub (e.g., trenching, paving) may need an avoidance area of at least 6 meters (20 feet) from the dripline, depending on the type of activity. Worker education. A qualified biologist will provide training for all contractors, work crews, and any on-site personnel on the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for non-compliance. Construction monitoring. A qualified biologist will monitor the initial groundbreaking activities, vegetation removal, installation of protective fencing, and will be present during all transplanting and trimming activities. Weekly site visits will also be conducted to ensure all mitigation measures are being implemented and maintained. Additional monitoring may be required per the USFWS Biological Opinion (BO). Timing. As much as feasible, all activities that could occur within 50 meters (165 feet) of an elderberry shrub will be conducted outside of the flight season of the VELB (March–July). Trimming. Trimming may remove or destroy VELB eggs and/or larvae and may reduce the health and vigor of the elderberry shrub. To avoid and minimize adverse effects on VELB when trimming, trimming will occur between November and February and will avoid the removal of any branches or stems that are 1 inch or larger in diameter unless they were approved and compensated for by following the USFWS requirements. Chemical Usage. Herbicides will not be used within the dripline of the shrub. Insecticides will not be used within 30 meters (98 feet) of an elderberry shrub. All chemicals will be applied using a backpack sprayer or similar direct application method.	D, P, C, M	USACE	CVFPB

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	Mowing. Mechanical weed removal within the dripline of the shrub will be limited to the season when adults are not active (August–February) and will avoid damaging the elderberry shrub. Erosion Control and Revegetation. Erosion control will be implemented, and the affected area will be revegetated with appropriate native plants. Dust Control. Dust will be controlled by reducing speed limits to 10 miles per hour, regularly watering roads, and wetting down soil before removal and during placement. Transplanting and Compensatory Mitigation: • Affected elderberry shrubs with one or more stems measuring 1.0 inch or greater in diameter at ground level that could feasibly be transplanted in accordance with the 2017 Framework must be transplanted to a mitigation site as approved by USFWS. Elderberry compensation will be planted in the Parkway, but outside of the Project Area (off-site) because of construction timing. USACE will find areas in the Parkway to either expand existing compensation areas or provide connectivity between areas of conserved VELB habitat. Sites within the Parkway will be coordinated with the Sacramento County Department of Regional Parks and USFWS during the design phase of the project. Sites will be designed and developed in accordance with the criteria listed below before any effects on VELB habitat. • For impacts on VELB habitat at Site 2-2 (1.07 acres), Site 2-3 (8.64 acres), and the Arden Pond Mitigation Site (7.50 acres), USACE will mitigate at a 3:1 ratio and create a total of 51.63 acres of VELB and riparian habitat off-site. The elderberry shrub that will be affected will be transplanted to either the Rio Americano West Mitigation Site, the Rio Americano East Mitigation Site, or Rossmoor East Mitigation Site. These sites will be used for the transplantation and compensation for impacts on elderberry shrubs as described in the *Compensatory Mitigation* section below. • Monitor. A qualified biologist will be on-site for the duration of transplanting activities to assure compliance with avoidance and minimization measures and other conservation measures (as listed above). • Exit Holes. Exit-hole surveys will be completed immediately before transplanting. The number of exit holes found, the GPS location of the plant to be relocated, and the GPS location where the plant is transplanted will be reported to USFWS and to the California Natural Diversity Database (CNDDB). • Timing. Elderberry shrubs will be transplanted when the shrubs are dormant (November through the first 2 weeks in February) and after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the shrub and increase transplantation success.			

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	• Transplanting Procedure. Transplanting will follow the most current version of the ANSI A300 (Part 6) guidelines for transplanting shrubs (http://www.tcia.org/). • Trimming Procedure. Trimming will occur between November and February and should minimize the removal of branches or stems that exceed 1 inch in diameter. Compensatory Mitigation • A Compensatory Mitigation Proposal will be prepared detailing the management of on-site and off-site lands. This plan will meet the standards for long-term management and protection of the site as outlined in USFWS's 2017 *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* and the Habitat Mitigation, Monitoring, and Adaptive Management Plan for the ARCF GRR (December 2015). The Compensatory Mitigation Proposal will be prepared and submitted by USACE to USFWS for approval. It will include habitat goals that will be suitable for the yellow-billed cuckoo and VELB, and will benefit Swainson's Hawk, with specific information regarding site selection and development, a planting plan that includes appropriate buffers, success standards, monitoring specifications, and a reporting schedule with data as outlined in Section 6.1 and Appendix C of the 2017 Framework. • Site Selection and Development. Site selection will use a landscape-level approach that will benefit not only the VELB and yellow-billed cuckoo, but all other species that rely on riparian habitat in the Parkway. Mitigation sites will focus on restoring riparian areas adjacent to the American River that will provide connectivity for VELB populations as described in the 2017 Framework. • Planting Plan. A planting plan will be prepared that will consider site specifics that will influence the success of the elderberry shrub and associated plantings and create a healthy riparian system. The plan will establish a diverse natural community with a complex vegetation structure that will support species present in the Project Area that rely on riparian habitat. The plan will be designed to achieve the following goals described in the 2017 Framework: 1. Maximize the number of stems between 2 centimeters (0.8 inches) and 12 centimeters (4.7 inches). 2. Minimize competition for sunlight and water. Native associates should be planted at a ratio of one native associate for every three elderberry plants. 3. Achieve an average elderberry stem density of 240 stems per acre. Buffers. An appropriate buffer will be established between mitigation lands and adjacent lands in accordance with the 2017 Framework.			

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	Success Standards. Performance standards including survival rates, stem densities, and recruitment as outlined below and detailed in the 2017 Framework will be established and met to meet compensatory mitigation goals: • A minimum of 60 percent of the initial elderberry and native associate plantings must survive over the first 5 years after the site is established. As much as feasible, shrubs should be well distributed throughout the site; however, in some instances, underlying geologic or hydrologic issues might preclude elderberry establishment over some portion of the site. If significant die-back occurs within the first 3 years, replanting may be used to meet the 60 percent survival criterion. However, replanting efforts should be concentrated in areas containing surviving elderberry plants. In some instances, overplanting may be used to offset the selection of a less suitable site. • After 5 years, the site must show signs of recruitment. A successful site should have evidence of new growth on existing plantings as well as natural recruitment of elderberry shrubs. New growth is characterized as stems less than 3 centimeters (1.2 inches) in diameter. If no signs of recruitment are observed, the agency or applicant should discuss possible remedies with USFWS. • The Performance Standards outlined in Appendix C, Table 2 for VELB mitigation will be complied with for monitoring years 2 through 7. If performance standards are not met, additional years will be required to meet the performance standards and monitoring years will start over. Monitoring. The population of VELB, the general condition of the mitigation site, and the condition of the elderberry and associated native plantings in the mitigation site should be monitored at appropriate intervals. In any survey year, a minimum of two site visits between February 14 and June 30 of each year must be conducted by a USFWS-approved biologist. As indicated in the 2017 Framework, surveys must include: • A search for VELB exit holes in elderberry stems, noting the precise locations and estimated ages of the exit holes. The location of shrubs with exit holes should be mapped with a GPS. Because adult VELB are rarely encountered, targeted surveys for adults are not required. However, surveyors should record all adult VELB seen. Record photographs should be taken for all observations of adult VELB and their location mapped with a GPS. All exit-hole or adult VELB observations should be reported to the CNDDB. • An evaluation of the success standards outlined above. • An evaluation of the adequacy of the site protection (fencing, signage, etc.) and weed control efforts on the mitigation site. Dense weeds and grasses such as Bermuda grass (*Cynodon dactylon*) are known to depress elderberry recruitment and their presence should be controlled to the greatest extent practicable.			

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	• An assessment of any real or potential threats to VELB and its host plant, such as erosion, fire, excessive grazing, off-road vehicle use, vandalism, and excessive weed growth. • A minimum of 10 permanent photographic monitoring locations, established to document conditions present at the mitigation site. Photographs should be included in each report. Reports. In accordance with the 2017 Framework, yearly survey reports will be submitted to USFWS within 6 months of the final survey each year for monitoring years 2–7 (2017 Framework, Appendix C).			
TURTLE-1	**USACE will implement measures to avoid and minimize effects on western pond turtle:** • A qualified biologist will conduct a pre-construction survey within 7 days before the start of project activities. If no western pond turtles are observed, USACE will document that information for the file, and no additional measures will be required. • Should any western pond turtles be detected on land during the pre-construction survey, the qualified biologist will identify the location using GPS coordinates. With prior CDFW approval, a qualified biologist may relocate any western pond turtles found on land or in aquatic habitat within the construction footprint to suitable aquatic habitat at least 200 feet away from the construction footprint. • If western pond turtles are observed on land within the construction footprint during Project activities, USACE will stop work within approximately 200 feet of the turtle, and a qualified biologist will be notified immediately. If possible, the turtle will be allowed to leave on its own and the qualified biologist will remain in the area until the biologist deems his or her presence no longer necessary to ensure that the turtle is not harmed. Alternatively, with prior CDFW approval, the qualified biologist may capture and relocate the turtle unharmed to suitable habitat at least 200 feet outside the construction footprint. If a western pond turtle nest is unintentionally uncovered during project activities, work will stop in the vicinity of the nest and USACE will contact CDFW to determine the appropriate next steps. • Prior to dewatering activities at Arden Pond, approval should be obtained from CDFW so that qualified biologists may capture and relocate western pond turtles during dewatering activities. The pond turtles will be captured and relocated during dewatering activities. The pond turtle will be captured and relocated unharmed to suitable habitat at least 200 feet outside of the construction footprint. Pre-construction surveys should be completed to determine if and where western pond turtles occur with in Arden Pond. A qualified biologist will then monitor dewatering activities and relocate pond	P, C	USACE	CVFPB

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	turtles as needed to ensure that all western pond turtles have saftely vacated the area prior to the start of construction activities.			
BATS-1	**Implement Measures to Protect Maternity Roosts of Special Status Bats** • When possible, removal of trees identified as providing suitable roosting habitat should be conducted during seasonal periods of bat activity, including: (1) between March 1 and April 15, and after evening temperatures rise above 45 degrees Fahrenheit and/or no more than ½ inch of rainfall within 24 hours occurs, or (2) between September 1 and October 15, and before evening temperatures fall below 45 degrees Fahrenheit and/or more than ½ inch of rainfall within 24 hours occurs. • If removal of trees must occur during the bat pupping season, within 30 days of tree removal activities, all trees to be removed shall be surveyed by a qualified biologist for presence of features that may function as special status bat maternity roosting habitat. Trees that do not contain potential special status maternity roosting habitat may be removed. For trees that contain suitable special status bat maternity roosting habitat, surveys for active maternity roosts shall be conducted by a qualified biologist in trees designated for removal. The surveys shall be conducted from dusk until dark. • If a special-status bat maternity roost is located, appropriate buffers around the roost sites shall be determined by a qualified biologist and implemented to avoid destruction or abandonment of the roost resulting from tree removal or other project activities. The size of the buffer shall depend on the species, roost location, and specific construction activities to be performed in the vicinity. High-visibility construction fencing would be installed around the buffer and would remain in place until the tree is no longer occupied by bats. No project activity shall commence within the buffer areas until the end of the pupping season (September 1) or until a qualified biologist confirms the maternity roost is no longer active. If construction activities must occur within the avoidance buffer, then the activities will be monitored by a qualified biologist either continuously or periodically during work, as determined by the qualified biologist. The qualified 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 adverse effects cannot be avoided, USACE and CVFPB will coordinate with CDFW to determine appropriate measures to minimize such effects. • All trees designated for removal will be surveyed by a qualified biologist to identify features that provide habitat for roosting bats, such as cracks, crevices, or bark fissures. For trees containing suitable bat roosting habitat that are planned for removal or trimming (irrespective of the time of year), such trees should be trimmed and/or removed in a two-phase removal system conducted over two consecutive days. The first day, limbs and	P, C	CVFPB, USACE	CVFPB

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	branches would be removed. Removal activities on the first day should avoid limbs with bat habitat features for roosting bats and remove only branches or limbs without those features. On the second day, the entire tree would be removed. If it is not feasible to remove a tree using the two-phased approach, limbs containing habitat features should be removed and left undisturbed near the felled tree. A qualified biologist will monitor removal of these trees. • A qualified biologist will conduct a pre-construction emergence survey for special status bats within 14 days before the start of work within 250 feet of the Howe Avenue Bridge, the Guy West Bridge, or the H Street Bridge. The survey will be conducted 1 hour before dusk to 1 hour after dusk to identify whether special status bats are occupying the bridges as day roosts. If special status bats are found roosting beneath any of these bridges and work will occur within 250 feet of the roost, one-way doors will be installed at roost entrances, allowing bats to exit but preventing them from entering, to encourage the bats to relocate. If maternity roosts are found, they will be avoided by at least 250 feet until the offspring have fledged. If avoidance is not feasible, additional mitigation will be developed in consultation with CDFW.			
BADGER-1	**Implement Measures to Avoid and Minimize Effects on American Badger:** • USACE will conduct pre-construction clearance surveys for American badgers. These surveys will be conducted within 14 days of the start of any ground-disturbing activity. If no potential American badger dens are present, no further mitigation is necessary. • If a potential American badger den is discovered but deemed inactive, the qualified biologist will excavate the den during the initial clearance survey to prevent badgers from reoccupying the den during the construction period. • If found to be present, occupied badger dens will be flagged and ground-disturbing activities will be avoided within 50 feet of an occupied den. Maternity dens will be avoided during pup-rearing season (February 15 through July 1) and a minimum 200-foot buffer will be established. • If avoidance of a non-maternity den is not feasible, badgers will be relocated by carefully evacuating the burrow (either by hand or using mechanized equipment, under the direct supervision of a qualified biologist) before or after the rearing season (February 15 through July 1). Any relocation of badgers will occur only after consultation with CDFW.	P, C	USACE	CVFPB
PLANT-1	**Implement Measures to Avoid and Minimize Effects to Special Status Plants:** • Prior to construction, botanical inventory surveys shall be conducted during the identifiable periods for Sanford's arrowhead (blooms May – October), bristly-sedge (blooms May – September), and woolly rose-mallow (blooms	P, C	CVFPB, USACE	CVFPB

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	June – September) within Sites 2-2 and 2-3, the Arden Pond Mitigation Site and Rossmoor West and East sites as appropriate. • Sanford's arrowhead, bristly-sedge, and woolly rose-mallow plants identified during rare-plant surveys would be marked or fenced off as an avoided area during construction if they occur outside of the construction footprint. A qualified biologist would establish a buffer of at least 25 feet around the plants. If a buffer of 25 feet is not possible, the next maximum possible distance would be fenced off as a buffer. • If Sanford's arrowhead, bristly-sedge, or woolly-rose mallow are located within the construction footprint and cannot be avoided during construction, the botanist shall establish distribution of the individuals in the population. A detailed relocation and mitigation/conservation plan that includes long-term strategies for the conservation of the species should be developed in coordination with CDFW upon confirming the presence of this species in the Project Area. • If operations and maintenance (O&M) activities are to occur near the Sanford's arrowhead plants, a qualified biologist will mark their location with pin flags. The qualified biologist will instruct all personnel conducting the O&M activities regarding the location, appearance, and extent of these plants and the importance of avoiding impacts on this species. • Herbicides will not be used within 3 meters (10 feet) of a known Sanford's arrowhead plant and a potentially occurring Sanford's arrowhead, bristly sedge, or woolly rose-mallow plant. All chemicals will be applied using a backpack sprayer or similar direct application method			
FISH-4	**Implement Measures to Avoid and Minimize Effects to Listed Fish Species:** • In-water construction activities (e.g., placement of rock revetment) will be limited to the work window of July 1 through October 31. The exception being that in-water work necessary for dewatering activities will begin June 1. If USACE needs to work outside of this window, it will consult with USFWS and NMFS. • Erosion control BMPs will be implemented, including a Storm Water Pollution Prevention Plan and Water Pollution Control Plan, to minimize the entry of soil or sediment into the American River. BMPs will be installed, monitored for effectiveness, and maintained throughout construction operations to minimize effects on Federally listed fish and their designated critical habitat. Maintenance will include daily inspections of all heavy equipment for leaks. • USACE will participate in an existing Interagency Working Group or work with other agencies to participate in a new Bank Protection Working Group to	D, P, C, M	USACE	CVFPB

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	coordinate stakeholder input into future flood risk reduction actions associated with the Project. • USACE will coordinate with NMFS during pre-construction engineering and design as future flood risk reduction actions are designed to ensure that conservation measures are incorporated to the extent practicable and feasible and projects are designed to maximize ecological benefits. • USACE will include a Riparian Corridor Improvement Plan as part of the Project, with the overall goal of maximizing the ecological function and value of the existing levee system in the Sacramento metropolitan area. • USACE will implement an ARCF GRR Habitat Mitigation Monitoring and Adaptive Management Plan (HMMAMP) with an overall goal of ensuring that the conservation measures achieve a high level of ecological function and value. The HMMAMP will include: o Specific goals and objectives and a clear strategy for maintaining all Project conservation elements for the life of the Project. o Measures to be monitored by USACE for 10 years after construction. USACE will update its O&M manual to ensure that the HMMAMP is adopted by the local sponsor to ensure that the goals and objectives of the conservation measures are met for the life of the Project. o Specific goals and objectives and a clear strategy for achieving full compensation for all project-related impacts on listed fish species. • USACE will continue to coordinate with NMFS during all phases of construction, implementation, and monitoring by hosting annual meetings and issuing annual reports throughout the construction period as described in the HMMAMP. • USACE will seek to avoid and minimize adverse construction effects on listed species and their critical habitat to the extent feasible and will implement on-site and off-site compensation actions as necessary. • For identified designated critical habitat, where feasible all efforts will be made to compensate for impacts as close as possible to the place of occurrence. The SAM has been used throughout the Sacramento River basin and Delta flood control system to inform impacts to designated critical habitat, SRA, and instream components. Estimates of suitable habitat will be verified in the field by the USACE prior to initiating proposed actions to determine the extent of suitable habitat present NMFS. The USACE will develop and implement a compensatory mitigation accounting plan to ensure the tracking of compensatory measures associated with implementation of the Proposed Action. USACE will continue to coordinate with NMFS after construction during the monitoring periods for habitat establishment via written monitoring reports, electronically, and through site visits as requested. USACE would minimize the removal of existing riparian			

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	vegetation and IWM to the maximum extent practicable. Where appropriate, removed IWM would be anchored back into place, or if not feasible, new IWM would be anchored in place. • USACE will ensure that the planting of native vegetation will occur as described in the HMMAMP. All plantings must be provided with the appropriate amount of water to ensure successful establishment. • USACE will provide a copy of the BO, or similar documentation, to the prime contractor, making the prime contractor responsible for implementing all requirements and obligations included in the documents and for educating and informing all other contractors involved in the Project as to the requirements of the BO. • A NMFS-approved Worker Environmental Awareness Training Program for construction personnel will be conducted by the NMFS-approved biologist for all construction workers before the start of construction activities. Written documentation of the training will be submitted to NMFS within 30 days of the completion of training. • USACE will consider installing IWM of at least 40 percent shoreline coverage at all seasonal water surface elevations in coordination with the Interagency Working Group or the Bank Protection Working Group. The purpose is to maximize the refugia and rearing habitats for juvenile fish. • USACE will protect in place all riparian vegetation on the lower waterside slope of any levee, unless removal is specifically approved by NMFS, following completion of project construction. • Erosion protection material used within restoration areas would consist of a cobblestone rock mix ranging between 0.5 to 4 inches in diameter, which is consistent with the rock sizing recommended by the USFWS and NMFS to meet salmonid spawning protection requirements. • Screen any water pump intakes, as specified by the 2011 NMFS screening specifications. Water pumps will maintain an approach velocity of 0.2 feet per second or less. Screen openings will be for a perforated plate: circular or square openings shall not exceed 3/32 inch (2.38 millimeters [mm]), measured on a side, and slotted or rectangular screen face openings must not exceed 1.75 mm (approximately 1/16 inch) in the narrow direction. Screen material shall provide a minimum of 27 percent open area.			
SRA-1	**Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat:** • For identified designated critical habitat of listed fish species, where feasible, all efforts would be made to compensate for impacts where they have occurred, or elsewhere in the American River Parkway. Impacts on	D, P, C, M	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	designated critical habitat, SRA habitat, and instream components combined and the compensation value of replacement habitat would be informed by a qualitative assessment of habitat value from the SAM model used throughout the Sacramento River basin and Sacramento–San Joaquin Delta flood control system. Amount of mitigation would be assessed using the slope-area method combined with the qualitative assessment. • USACE would incorporate compensation for SRA habitat losses by constructing off-site compensation sites, such as Arden Pond and others and if needed, purchasing additional credits at a NMFS-approved conservation bank, where appropriate, or by implementing a combination of the two. USACE would compensate for lost habitat using NMFS-approved mitigation actions at a 1:1 ratio prior to construction, 2:1 ratio during construction, or a 3:1 ratio if mitigation actions occur after construction. Off-site mitigation in the Lower American River includes fish habitat mitigation at Arden Pond that would benefit fall-run Chinook, late fall-run Chinook and steelhead. Riparian plantings will be installed onsite on planting benches where feasible and at two sites near Rio Americano High School. An additional shallow water side channel construction will be considered as a part of Lower American River Contract 2 or 3 at Glenn Hall Park that would benefit the above listed salmonids. If USACE finds that onsite and offsite permittee responsible mitigation and mitigation bank opportunities have been exhausted, they will approach the resource agencies regarding the potential use of in-lieu fees for remaining mitigation needs. • Compensation sites will be monitored, and vegetation will be replaced as necessary based on performance standards in the ARCF GRR HMMAMP.			
CR-1	**Resolve Adverse Effects through a Programmatic Agreement and Historic Properties Treatment Plan:** A Programmatic Agreement has been executed for the ARCF 2016 Project. A Historic Properties Treatment Plan (HPTP) will be developed if the Project is found to result in adverse effects.	D, P, C	USACE	CVFPB
CR-2	**Prepare an Archaeological Discovery Plan and an Archaeological Monitoring Plan:** In accordance with the procedures described in Section 9.2 of the ARCF Historic Properties Management Plan (HPMP), an archaeological discovery plan will be developed for the Project. The discovery plan will specify what actions must be taken by the contractor in the event of an archaeological discovery and describe what actions USACE may take in the event of a discovery. In accordance with the procedures described in Section 9.3.9 of the ARCF HPMP, an archaeological monitoring plan would be developed for the Proposed Action. This plan would identify the locations of known Historic Properties as well as sensitive areas designated for archaeological monitoring and would include methods and procedures for monitoring and the procedures to be followed in the event of a discovery of archaeological materials.	P, C	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
CR-3	**Conduct Cultural Resources Awareness Training:** In accordance with the procedures described in Section 9.1 of the ARCF HPMP, USACE will require the contractor to provide a cultural resources and Tribal Cultural Resources (TCR) sensitivity and awareness training program for all personnel involved in project construction, including field consultants and construction workers. The training will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archaeology, as well as culturally affiliated Native American tribes. USACE may invite Native American representatives from interested culturally affiliated Native American tribes to participate.	C	USACE	CVFPB
CR-4	**Implement Procedures for Inadvertent Discovery of Cultural Material**: If the discovery of cultural materials (e.g., unusual amounts of shell, animal bone, any human remains, bottle glass, ceramics, building remains), TCRs, sacred sites, or landscapes is made at any time during project-related construction activities, USACE in consultation with the CVFPB and other interested parties will develop appropriate protection and avoidance measures where feasible. These procedures will be developed in accordance with the ARCF Programmatic Agreement (PA) and ARCF HPMP, which specifies procedures for post-review discoveries. Additional measures, such as development of HPTPs prepared in accordance with the PA and HPMP, may be necessary if avoidance or protection is not possible.	P, C	USACE	CVFPB
CR-5	**Evaluate Any Tribal Cultural Resources Discovered and Implement Avoidance and Minimization Measures to Avoid Significant Adverse Effects:** California Native American Tribes that are traditionally and culturally affiliated with the geographic area in which the Project is located may have expertise regarding their TCRs (PRC Section 21080.3.1). Consistent with the California Natural Resources Agency's Tribal Consultation Policy, culturally affiliated Tribes will be consulted concerning TCRs that may be affected, if these types of resources are discovered before or during construction. Consultation with culturally affiliated Tribes will focus on identifying measures to avoid or minimize impacts on any such resources discovered during construction. If TCRs are identified in the APE before or during construction, the following performance standards will be met before any further construction and associated activities that may result in damage to or destruction of TCRs: Each identified Tribal Cultural Resource will be evaluated for California Register of Historic Places (CRHR) eligibility through application of established eligibility criteria (14 CCR 15064.636), in consultation with interested Native American Tribes. If a Tribal Cultural Resource is determined to be eligible for listing in the CRHR, USACE, in consultation with the CVFPB, will avoid damaging the Tribal Cultural Resource in accordance with PRC Section 21084.3, if feasible. If the CVFPB determines that the Project may cause a substantial adverse change to a Tribal Cultural Resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation steps capable of avoiding or substantially lessening potential significant impacts on a Tribal Cultural Resource or alternatives that will avoid significant impacts on a Tribal Cultural	C	CVFPB, USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	Resource. These measures may be considered, where feasible, to avoid or minimize significant adverse impacts: • Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria. • Treat the resource with culturally appropriate dignity, considering the Tribal cultural values and meaning of the resource, including, but not limited to, the following: • Protect the cultural character and integrity of the resource. • Protect the traditional use of the resource. • Protect the confidentiality of the resource. • Establish permanent conservation easements or other interests in real estate, with culturally appropriate management criteria for the purposes of preserving or using the resources or places. • Protect the resource.			
CR-6	**Implement Procedures for Inadvertent Discovery of Human Remains:** The roles and responsibilities of USACE during the response to the inadvertent discovery of human remains are outlined in the HPMP. To minimize adverse effects from encountering human remains during construction, CVFPB will implement the following measures: • In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the CVFPB will consult with USACE, and USACE will immediately halt potentially damaging excavation in the area of the burial and notify the Sacramento County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (California Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). After the coroner's findings have been made, the archaeologist and the NAHC-designated most likely descendent (MLD), in consultation with the landowner, will determine the ultimate treatment and disposition of the remains. • Upon the discovery of Native American human remains, USACE, in coordination with the CVFPB, will require that all construction work must stop within 100 feet of the discovery until consultation with the MLD has taken place. The CVFPB will lead consultation with the MLD, in coordination with USACE. The MLD will have 48 hours to complete a site inspection and make	C	CVFPB, USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	recommendations to the landowner after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. PRC Section 5097.98(b)(2) suggests that the concerned parties may mutually agree to extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that the CVFPB will employ: o Record the site with the NAHC or the appropriate Information Center. o Record a document with the county in which the property is located. o Rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. Reburial of the remains will be completed by the CVFPB or its authorized representative. If the NAHC is unable to identify an MLD, or if the MLD fails to make a recommendation within 48 hours after being granted access to the site, the CVFPB or its authorized representative may reinter the remains in a location not subject to further disturbance. If the CVFPB rejects the recommendation of the MLD and mediation by the NAHC fails to provide measures acceptable to the CVFPB, the CVFPB will implement mitigation to protect the burial remains. Construction work in the vicinity of the burials will not resume until the mitigation is completed.			
TR-1	**Prepare and Implement a Traffic Control and Road Maintenance Plan:** Before the start of project-related construction activities, USACE and the CVFPB will require the contractor to prepare a Traffic Control and Road Maintenance Plan. This plan will describe the methods of traffic control to be used during construction. All on-street construction traffic will be required to comply with the local jurisdiction's standard construction specifications. The items listed below will be included in the plan and as terms of the construction contracts: • The contractor will be required to prepare a Traffic Control and Road Maintenance Plan. A traffic control plan describes the methods of traffic control to be used during construction. All on-street construction traffic will be required to comply with the City of Sacramento's standard construction specifications as detailed in City Code 12.20.030 to the satisfaction of the City Traffic Engineer. The plan will reduce the effects of construction on the roadway system in the Project Area throughout the construction period. • Construction contractors will follow the standard construction specifications of affected jurisdictions and obtain the appropriate encroachment permits, if required. The conditions of the encroachment permit will be incorporated into the construction contract and will be enforced by the agency that issues the encroachment permit.	P, C	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	• Proposed lane closures will be coordinated with the appropriate jurisdiction and will be minimized to the extent possible during the morning and evening peak traffic periods. • Standard construction specifications also typically limit lane closures during commuting hours. Lane closures will be kept as short as possible. If a road must be closed, detour routes and/or temporary roads will be made to accommodate traffic flows. Detour signs will be provided to direct traffic through detours. Advance notice signs of upcoming construction activities will be posted at least 1 week in advance so that motorists are able to avoid traveling through the study area during these times. Within the Parkway, detours will be used to allow for continued use by bicycle commuters. • Safe pedestrian and bicyclist access will be maintained around the construction areas at all times. Construction areas will be secured as required by the applicable jurisdiction to prevent pedestrians and bicyclists from entering the work site, and all stationary equipment will be located as far away as possible from areas where bicyclists and pedestrians are present. • The construction contractor will provide adequate parking for construction trucks, equipment, and construction workers within the designated staging areas throughout the construction period. If inadequate space for parking is available at a given work site, the construction contractor will provide an off-site staging area and, as needed, coordinate the daily transport of construction vehicles, equipment, and personnel to and from the work site. • The construction contractor will assess damage to roadways used during construction and will repair all potholes, fractures, or other damages. • The construction contractor will notify and consult with emergency service providers at least 14 days prior to commencement of construction that would partially or fully obstruct roadways to maintain emergency access and facilitate the passage of emergency vehicles on city streets. • Emergency vehicle access will be made available at all times. The contractor will be required to coordinate with local emergency responders to inform them of the construction activities.			
TR-2	**Provide Bicycle and Pedestrian Access**: The contractor will prepare a Traffic Control and Road Maintenance Plan that will include the following provisions related to bicycle and pedestrian access: • Provide signs along affected pedestrian and bicycle pathways announcing scheduled closures and recommended detour routes. • Place signal personnel at intersections of construction vehicle pathways and active bicycle and pedestrian facilities.	P, C	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
AQ-1	**Implement Sacramento Metro Air Quality Management District (SMAQMD) Basic Construction Emissions Control Practices:** SMAQMD requires construction projects to implement basic construction emissions control practices to control fugitive dust and diesel exhaust emissions. USACE will implement the following control measures during project construction: • Control fugitive dust as required by District Rule 403 and enforced by SMAQMD staff. • Water all exposed surfaces twice daily. Exposed surfaces include but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads. • Cover or maintain at least two feet of freeboard space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that will travel along freeways or major roadways should be covered. • Use wet power vacuum street sweepers to remove any visible track-out of mud or dirt from adjacent public roads at least once a day. Use of dry power sweeping is prohibited. • Complete all roadways, driveways, sidewalks, or parking lots to be paved as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used. • Limit vehicle speeds on unpaved roads to 15 miles per hour. • Minimize idling time, either by shutting equipment off when not in use or by reducing the time of idling to 5 minutes (required by 13 CCR Sections 2449[d][3] and 2485). Provide clear signage that posts this requirement for workers at the site entrances. • Maintain all construction equipment in proper working condition according to the manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.	C	USACE	CVFPB
AQ-2	**Implement Enhanced Fugitive Dust Control Practices:** Fugitive dust mitigation for the Project will require the use of adequate measures during each construction activity and will include frequent application of water or application of soil additives, control of vehicle access, and vehicle speed restrictions. USACE will implement the dust mitigation measures listed below. • Water exposed soil with adequate frequency for continued moist soil; however, do not overwater to the extent that sediment flows from the site. • Suspend excavation, grading, and/or demolition activity when wind speeds exceed 20 miles per hour.	C	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	• Plant vegetative ground cover (fast-germinating native grass seed) in disturbed areas as soon as possible. • Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the site. • Treat site access to a distance of 100 feet from the paved road with a 6- to 12-inch layer of wood chips, mulch, or gravel to reduce generation of road dust and road dust carryout onto public roads. • Post a publicly visible sign identifying the telephone number and person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. To ensure compliance, SMAQMD's phone number will also be visible.			
AQ-3	**Develop and Implement a Plan for Enhanced On-Site Exhaust Controls:** Actual emissions of nonattainment and maintenance pollutants will be tracked monthly using tools acceptable to SMAQMD (e.g., construction mitigation calculator, SMAQMD's Equipment List). USACE shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment (50 horsepower or more) to be used 8 hours or more during Project construction. The tracking data will be used to verify that all pollutants remain below the CEQA and NEPA daily thresholds, General Conformity *de minimis* thresholds, or are fully mitigated and offset if emissions exceed either. The initial report will include all of the following details: • Information about the project information and the construction company. • The equipment type, horsepower rating, engine model year, projected hours of use, and California Air Resources Board (CARB) equipment identification number for each piece of equipment in the plan. • All owned, leased, and subcontracted equipment to be used. Updated reports will be submitted monthly to demonstrate continued project compliance. SMAQMD may conduct periodic site inspections to determine compliance. Nothing in this mitigation will supersede other air district, State, or Federal rules or regulations.	C	USACE	CVFPB
AQ-4	**Use Electric Construction Equipment:** To the extent available and feasible, construction equipment will be powered by electricity, rather than diesel fuel, to reduce construction-related criteria air pollutants, TACs, and tailpipe GHG emissions associated with diesel fuel combustion.	C	USACE	CVFPB
AQ-5	**Pay NO_X Mitigation Fee to SMAQMD:** Set in July 1, 2017, the mitigation fee rate is $30,000 per ton of emissions. The contractor will pay the appropriate SMAQMD-required NO_X mitigation fee to offset the project's NO_X emissions when they exceed SMAQMD's threshold of 85 lb/day. The NO_X mitigation fee will apply to all emissions from the Project: on-road (on- and off-site), off-road, portable, stationary equipment, and vehicles.	C	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
GHG-1	**Avoid, Minimize, and Compensate for Greenhouse Gas Emissions Effects**: USACE will implement the following measures to avoid, minimize, and compensate for the Project's GHG emissions effects: • Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction worker commutes. • Recycle at least 75 percent of construction waste and demolition debris. • Purchase at least 20 percent of the materials and imported soil from sources within 100 miles of the Project area. • Minimize idling time, either by shutting equipment off when not in use or by reducing the time of idling to no more than 3 minutes (a 5-minute limit is required by the State airborne toxics control measure [13 CCR Sections 2449(d)(3) and 2485]). Clear signage identifying this requirement for workers will be posted at the entrances to the site. • Maintain all construction equipment in proper working condition according to the manufacturer's specifications. The equipment will be checked by a certified mechanic and determined to be running in proper condition before it is operated. • Use equipment with new technologies (repowered engines, electric drive trains). • Use a CARB-approved low-carbon fuel for construction equipment. (NO_X emissions from the use of low-carbon fuel will be reviewed and increases mitigated.) • Purchase carbon offsets for program-wide GHG emissions (direct plus indirect emissions from on-road haul trucks plus commute vehicles) that meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and additional, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2). Such credits shall be based on protocols approved by the California Air Resources Board (CARB), consistent with Section 95972 of Title 17 of the California Code of Regulations, and shall not allow the use of offset projects originating outside of California, except to the extent that the quality of the offsets, and their sufficiency under the standards set forth herein, can be verified by USACE or the Sacramento Metropolitan Air Quality Management District (SMAQMD). Such credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the California Air Pollution Control Officers Association's (CAPCOA's) GHG Rx and SMAQMD.	C	USACE	CVFPB

NOISE-1	**Implement Noise Reduction Practices.** The following noise reduction practices will reduce noise generated by construction activities and will apply to construction activities within 500 feet of sensitive receptors, including but not limited to residences. • Coordinate with local residents, comply with noise ordinances, and implement BMPs. • Provide written notice to residents within 1,000 feet of the construction zone, advising them of the estimated construction schedule. This written notice will be provided within one week to one month of the start of construction at that location. • Display notices with such information as contractor contact telephone number(s) and proposed construction dates and times in a conspicuous manner, such as on construction site fences. • Schedule the loudest and most intrusive construction activities during daytime hours (7:00 a.m. to 7:00 p.m.), when feasible. • Require that construction equipment be equipped with factory-installed muffling devices, and that all equipment be operated and maintained in good working order to minimize noise generation. • Locate stationary noise-generating equipment as far as practicable from sensitive receptors. • Limit unnecessary engine idling (i.e., longer than 5 minutes) as required by State air quality regulations. • Employ equipment that is specifically designed for low noise emission levels, when feasible. • Employ equipment that is powered by electric or natural gas engines, as opposed to those powered by gasoline fuel or diesel, when feasible. • If the construction zone is within 500 feet of a sensitive receptor, place temporary barriers between stationary noise equipment and noise-sensitive receptors to block noise transmission, when feasible, or take advantage of existing barrier features, such as existing terrain or structures, when feasible. • If the construction zone is within 500 feet of a sensitive receptor, prohibit the use of backup alarms and provide an alternate warning system, such as a flagman or radar-based alarm that is compliant with State and Federal worker safety regulations. • Locate construction staging areas as far as practicable from sensitive receptors. • Design haul routes to avoid sensitive receptors, to the extent practical. • If there are any occupied buildings with plaster or wallboard construction within 40 feet of construction equipment, prepare a vibration control plan prior to construction.	P, C	USACE	CVFPB
NOISE-2	**Implement Vibration Control Measures.** USACE and the CVFPB will implement the following vibration control measures to reduce construction-related vibration effects.	P, C	CVFPB, USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	To the extent feasible and practicable, the primary construction contractors would employ vibration-reducing construction practices so that vibration from construction would comply with applicable noise-level rules and regulations, including the construction vibration standards of the City or County of Sacramento. Project construction specifications would require the contractor to limit vibrations to less than 0.2 inch per second PPV and less than 72 VdB for frequent events (i.e., truck hauling) or 80 VdB for infrequent events (i.e., heavy-duty construction activities. If construction activity would occur within 75 feet of an occupied building or if hauling activities would occur within 50 of an occupied building, the contractor would prepare a vibration control plan prior to construction. The plan would include measures to limit vibration, including but not limited to the following: • Avoid vibratory rollers and packers near sensitive areas. • Route heavily loaded trucks away from residential streets, if possible. If no alternatives are available, select the streets with the fewest homes. Depending on the specific truck type that will be used, the contractor could demonstrate with substantial evidence, to the City of Sacramento, that trucks will not exceed applicable thresholds mentioned above. • Conduct a voluntary pre- and post-construction survey to assess potential architectural damage from levee construction vibration at each residence within 75 feet of construction. The survey will include visual inspection of the structures that could be affected and documentation of structures by means of photographs and video. This documentation will be reviewed with the individual owners prior to any construction activities. Post-construction monitoring of structures will be performed to identify (and repair, if necessary) damage, if any, from construction vibration. Any damage will be documented with photographs and video. This documentation will be reviewed with the individual property owners. • Place vibration monitoring equipment at the property line adjacent to large equipment and, with owner approval, at the back of the residential structures adjacent to the large equipment. Record measurements daily.			
REC-1	**Avoid and Minimize Effects on Recreational Use.** USACE and the CVFPB will implement the following measures to reduce temporary, short-term construction effects on recreational facilities in the Project Area: • Coordinate with recreation user groups prior to and during construction for input into mitigation measures that will reduce effects to the maximum extent practicable. Advance notice will be given to recreation users, informing them of anticipated activities and detours to reduce the effects. Closures of paved trails will be noticed 14-days in advance via signage at the detour locations. • Post signs at major entry points for parks and recreation facilities clearly indicating closures and estimated duration of closures. Information signs will	P, C	CVFPB, USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	notify the public of alternate parks and recreation sites, including boat launch ramps, and provide a contact number to call for questions or concerns. • Provide flaggers and post warning signs and signs restricting access before and during construction to ensure public safety. • Provide marked detours for all bike trails and on-street bicycle routes that will be temporarily closed during construction. Detours will be developed in consultation with the City of Sacramento Bicycle and Pedestrian Coordinator at least 10 days before the start of construction activities, as applicable. Signs that clearly indicate closure routes will be posted at major entry points for bicycle trails, information signs will be posted to notify motorists to share the road with bicyclists where necessary, and a contact number will be provided to call for questions or concerns. Fences will be erected to prevent access to the Project Area. • Provide traffic control in areas where recreational traffic will intersect with construction vehicles. • If any access point needs to be closed during construction, post notices providing alternative access routes. • Upon completion of levee improvements, coordinate with the City of Sacramento and Sacramento County to restore access and repair any construction-related damage to recreational facilities to pre-project conditions			
UTIL-1	**Avoid and Minimize Service Disruptions and Damage to Utilities and Infrastructure.** USACE and the CVFPB will implement the measures listed below before construction begins to avoid and minimize potential damage to utilities and infrastructure and reduce service disruptions during construction. • Coordinate with applicable utility and service providers to implement the orderly relocation of utilities that need to be removed or relocated. • Notify the appropriate agencies and affected landowners regarding any potential interruptions of service. • Verify through field surveys and the use of Underground Service Alert services the locations of buried utilities in the Project Area, including natural gas, petroleum, and sewer pipelines. Any buried utility lines will be clearly marked in the area of construction (e.g., in the field) and on the construction specifications in advance of any earthmoving activities. • Before the start of construction, prepare and implement a response plan that addresses potential accidental damage to a utility line. The plan will identify chain-of-command rules for notifying authorities and appropriate actions and responsibilities regarding the safety of the public and workers. A component of the response plan will include worker education training in response to such situations.	P, C	USACE	CVFPB

Mitigation Number	Mitigation Measure	Implementation Timing	Implementation Responsibility	Responsible for Monitoring/Reporting Action
	• Stage utility relocations during project construction to minimize interruptions in service. • Communicate construction activities with first responders to avoid response delays caused by construction detours.			
HAZ-1	**Avoid and Minimize Hazards.** USACE and the CVFPB will implement the following measures to avoid and minimize the impact of hazards and hazardous materials. • Comply with applicable regulations to reduce the potential for an accidental release of hazardous materials during construction. The contractor will also be required to prepare a SWPPP, which details the methods to prevent run-on and discharges from the construction sites into drainage systems, lakes, or rivers. This plan will include SWPPP BMPs that will be implemented accordingly. • Test each erosion protection site for contaminants before construction and dispose of any materials found in accordance with all Federal, State, and local regulations at an approved disposal site.	P, C	USACE	CVFPB

D: To be implemented or included as part of project design, including pre-project permitting and agency coordination.
P: To be implemented prior to construction being initiated(pre-construction), but not part of project design or permitting.
C: To be implemented during project construction.
M: To be implemented as ongoing maintenance after construction is complete.

EXHIBIT B – AMERICAN RIVER WATERSHED COMMON FEATURES, WATER RESOURCES DEVELOPMENT ACT OF 2016 PROJECT
AMERICAN RIVER CONTRACT 2

CALIFORNIA STATE LANDS COMMISSION
STATEMENT OF FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATIONS

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 and this Statement of Overriding Considerations to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Public Agency Use, to the Central Valley Flood Protection Board (CVFPB), for use of sovereign land associated with the proposed American River Watershed Common Features, Water Resources Development Act of 2016 Project, American River Contract 2 (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)[1] The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Project because the Commission must approve a General Lease – Public Agency Use for the Project to go forward and because CVFPB, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. CVFPB analyzed environmental impacts associated with the Project in the American River Watershed Common Features General Reevaluation Report (ARCF GRR) Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse [SCH] No. 2005072046, herein referred to as the ARCF GRR EIR), and, on June 9, 2016, certified the ARCF GRR EIR and adopted a Mitigation, Monitoring, and Reporting Program (MMRP), Findings, and a Statement of Overriding Considerations.

[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.

The CVFPB then prepared a Supplemental EIS/EIR (Supplemental EIR) for the Project and certified the Final Supplemental EIR on September 24, 2021, and adopted an MMRP, Findings, and a Statement of Overriding Considerations.

The CVFPB proposes to install erosion protection features along the Lower American River at levee site 2-2. The Project would include bank protection below the ordinary low-water mark (OLWM), planting benches, and the placement of instream woody material (IWM).

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

- Visual Resources
- Hydrology and Water Quality
- Vegetation and Wildlife
- Fisheries
- Special-Status Species
- Cultural Resources
- Transportation and Circulation
- Air Quality
- Greenhouse Gas Emissions and Energy Consumption
- Noise
- Recreation
- Public Utilities and Service Systems
- Hazards and Hazardous Materials

Of the 13 resources areas noted above, Project components within the Commission's jurisdiction (i.e., bank protection and restoration) could have significant environmental effects on 11 of the resource areas, as follows:

- Visual Resources
- Hydrology and Water Quality
- Vegetation and Wildlife
- Fisheries
- Special-Status Species
- Cultural Resources
- Air Quality
- Greenhouse Gas Emissions and Energy Consumption
- Noise
- Recreation
- Hazards and Hazardous Materials

In certifying the ARCF GRR EIR and Supplemental EIR and approving the Project, CVFPB 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 for most resource areas. However, even with the integration of all feasible mitigation, CVFPB concluded in the ARCF GRR EIR and Supplemental EIR that some of the identified impacts would remain significant. As a result, CVFPB adopted a Statement of Overriding Considerations to support its approval of the Project despite the significant and unavoidable impacts. The CVFPB determined that, after mitigation, the Project may still have significant impacts on Visual Resources, Vegetation and Wildlife, Transportation and Circulation, and Recreation. Because significant impacts to Visual Resources, Vegetation and Wildlife, and Recreation may occur from activities occurring on or otherwise affecting lands under the jurisdiction of the Commission, the Commission also adopts the Statement of Overriding Considerations set forth in this Exhibit B as part of its approval.

As a responsible agency, the Commission complies with CEQA by considering the ARCF GRR EIR and Supplemental 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 ARCF GRR EIR and Supplemental 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 ARCF GRR EIR and Supplemental EIR certified by the CVFPB for the Project identified 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 ARCF GRR EIR and Supplemental 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 ARCF GRR EIR and Supplemental EIR fully comply with CEQA.

The Commission has reviewed and considered the information contained in the ARCF GRR EIR and Supplemental EIR. All significant adverse impacts of the Project identified in the documents relating to the Commission's approval of a General Lease – Public Agency Use, which would allow work on the banks and within the American 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 EIR and Supplemental 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 EIR and Supplemental EIR.[2]

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.
- Wherever Finding (3) is made, the Commission has determined that, even after implementation of all feasible mitigation measures and consideration of feasible alternatives, the identified impact will exceed the significance criteria set forth in the EIR. Furthermore, to the extent that potentially feasible measures have been alleged or proposed, the Findings explain why certain economic, legal, social, technological or other considerations render such possibilities infeasible. The significant and unavoidable impacts requiring Finding (3) are identified in the ARCF GRR EIR and Supplemental EIR, discussed in the Responses to Comments, and explained below. Having done everything it can to avoid and substantially lessen these effects consistent with its legal authority and CEQA, the Commission finds in these instances that overriding economic, legal, social, and other benefits of the approved Project outweigh the resulting significant and unavoidable impacts. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15092 and 15093.)

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the ARCF GRR EIR and Supplemental 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 ARCF GRR EIR and Supplemental EIR, there are no environmental issue areas for which the Project resulted in no impacts or less than significant impacts. For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR issue areas as presented below.

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

B. POTENTIALLY SIGNIFICANT IMPACTS

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

However, even with the integration of all feasible mitigation, CVFPB concluded in the ARCF GRR EIR and Supplemental EIR that other identified potentially significant impacts will remain significant. Table B-1 also identifies those impacts that CVFPB determined would be, after mitigation, significant and unavoidable (SU). As a result, the Commission adopts the Statement of Overriding Considerations set forth as part of this Exhibit to support its approval of the Project despite the significant and unavoidable impacts.

Table B-1 – Significant Impacts by Issue Area

Environmental Issue Area	Impact Nos. (LTSM)	Impact Nos. (SU)
Visual Resources	VIS-2, VIS-3	VIS-1
Hydrology and Water Quality	WQ-1	
Vegetation and Wildlife	VEG-2	VEG-1
Fisheries	FISH-1	
Special-Status Species	SSS-2 through SSS-7	
Cultural Resources	CR-1, CR-2	
Air Quality	AQ-1, AQ-2, AQ-3	
Greenhouse Gas Emissions and Energy Consumption	GHG-1	
Noise	NOISE-1	
Recreation		REC-1
Hazards and Hazardous Materials	HAZ-1	

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the ARCF GRR EIR and Supplemental EIR to be potentially significant absent mitigation; however, the impacts were ultimately determined to be less than significant with mitigation. The impacts have been numbered to provide additional clarity.

1. VISUAL RESOURCES (VIS)

CEQA FINDING NO. 1

Impact: **VIS-2. Result in a Loss of Vegetation Due to Removal and Construction of Levee Improvements Resulting in Short-Term and Long-Term Effects on Visual Resources of Mature Vegetation.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Loss of vegetation due to removal and construction of levee improvements would adversely impact the existing visual character or quality of views from various locations along the River. The ARCF GRR EIR and Supplemental EIR identified measures to design on-site planting of native riparian vegetation, plant elderberries and other suitable riparian plant species within the American River Parkway, and construct replacement habitat both on- and off-site to compensate for temporary habitat loss.

Implementation of MMs VEG-1, VEG-2, and SRA-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM VEG-1: Retain, Protect, and Plant Trees On-Site

MM VEG-2: Compensate for Riparian Habitat Removal

MM SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat

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: **VIS-3. Create a New Source of Substantial Light or Glare that Would Adversely Affect Day or Nighttime Views in the Area.**

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

FACTS SUPPORTING THE FINDING(S)

During construction of the Project, staging areas would have new sources of nighttime light that would potentially illuminate adjacent residences. This would result in a short-term adverse impact. Construction contractors would ensure that all temporary lighting used for security of the staging areas is shielded or directed to avoid or minimize any direct illumination onto light-sensitive receptors located outside of the Project Area.

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

MM VIS-1: Shield Temporary Nighttime Lighting

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

2. HYROLOGY AND WATER QUALITY (WQ)

CEQA FINDING NO. 3

Impact: **WQ-1. Violate Any Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface or Groundwater Quality, Result in Substantial Erosion or Siltation on- or off-site, or Conflict with or Obstruct Implementation of a Water Quality Control Plan.**

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

FACTS SUPPORTING THE FINDING(S)

Construction of the Project would include ground disturbing activities that could increase the rate of sedimentation in receiving waters and adversely affect aquatic organisms, including benthic organisms and fish. Additionally, equipment use and storage could result in the accidental spill of fuel, oil, and other construction equipment related materials that could also be carried in stormwater runoff to receiving waters and adversely affect receiving water quality. The ARCF GRR EIR and Supplemental EIR identified measures to install turbidity curtains, fencing to delineate work limits and staging areas, and sedimentation reducing measures.

Implementation of MMs WQ-1 and SRA-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM WQ-1: Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices

MM SRA-1: Implement Measures to Avoid, Minimize, and compensate for Effects to Shaded Riverine Aquatic Habitat

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

3. VEGETATION AND WILDLIFE (VEG)

CEQA FINDING NO. 4

Impact: **VEG-2. Result in Long-Term Adverse Effects on Riparian Habitat and Waters of the United States.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Removal of vegetation for construction activities will result in long-term adverse effects on vegetation, wildlife, riparian habitat, and Waters of the United States, including the loss of approximately 18.46 acres of riparian habitat. The ARCF GRR EIR and Supplemental EIR identified measures to both reduce the impact footprint and compensate for the loss of riparian habitat.

Implementation of MMs VEG-1, VEG-2, and BIRD-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM VEG-1: Retain, Protect, and Plant Trees On-Site

MM VEG-2: Compensate for Riparian Habitat Removal

MM BIRD-1: Avoid and Minimize Effects on Nesting Birds

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

4. FISHERIES (FISH)

CEQA FINDING NO. 5

Impact: **FISH-1. Adverse Effects on Fisheries Resources.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Rock placement during construction will likely disturb native, resident fish by increasing noise, water turbulence, and turbidity. Construction will also disturb soils and could lead to increased turbidity in the nearshore aquatic environment. The Project will also create a temporary loss of near shore shaded riverine aquatic habitat due to vegetation removal and rock placement. The ARCF GRR EIR and Supplemental EIR identified measures to replace habitat removed from construction, restrict in-water construction to the general estimated work window of July 1 through October 31, and implement hazardous material analysis and control measures in the event of a spill. Additionally, The Project will compensate for temporary reductions in SRA habitat by creating riparian and shaded riverine aquatic habitat along the American River within the American River Parkway.

Implementation of MMs FISH-1, FISH-2, and FISH-3 has been incorporated into the Project to reduce this impact to a less than significant level.

MM FISH-1: Observe In-Water Work Windows

MM FISH-2: Analyze Hazardous Materials Spills and Implement Measures to Control Contamination

MM FISH-3: Implement a Fish Rescue Plan

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

5. SPECIAL STATUS SPECIES (SSS)

CEQA FINDING NO. 6

Impact: **SSS-2. Adverse Effect on Special Status Species: Sanford's Arrowhead.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Sanford's arrowhead plants could be crushed by construction equipment or trampled by construction personnel, resulting in damage to or mortality of the plants. Ground disturbance for the Project's bank improvement actions would increase the potential for Sanford's arrowhead plants to be unintentionally buried or removed. The ARCF GRR EIR and Supplemental EIR identified measures to avoid previously located individuals, prevent use of herbicides, and promote worker awareness.

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

MM PLANT-1: Implement Measures to Avoid and Minimize Effects on Special Status Plants

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: **SSS-3. Adverse Effect on Special Status Species: Valley Elderberry Longhorn Beetle (VELB).**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Project construction could directly or indirectly impact VELB through vegetation removal/transplant, but also from construction equipment along the river. Project operation and maintenance (O&M) activities could require trimming elderberry shrubs, which could also impact VELB. The ARCF GRR EIR and

Supplemental EIR identified measures to implement U.S. Fish and Wildlife Service (USFWS) avoidance, minimization, and compensation measures for VELB, establish protective buffers, require compensatory mitigation at a 3:1 ratio, and establish annual reporting requirements during Project O&M.

Implementation of VELB-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM VELB-1: Implement Current USFWS Avoidance, Minimization, and Compensation Measures for Valley Elderberry Longhorn Beetle

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: **SSS-4. Adverse Effect on Special Status Species: Bank Swallow and other breeding and migratory birds.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Vegetation removal from construction activities will reduce the amount of habitat available to bank swallows and other breeding and migratory birds, and active nests could be disturbed or destroyed during construction, causing loss of eggs or young or forcing nest abandonment. The ARCF GRR EIR and Supplemental EIR identified measures to avoid construction during the nesting season.

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

MM BIRD-1: Avoid and Minimize Effects on Nesting Birds

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

CEQA FINDING NO. 9

Impact: **SSS-5. Adverse Effect on Western Pond Turtle**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Construction equipment could strike western pond turtles that are nesting, basking, or traversing upland habitat, resulting in mortality of these animals. Western pond turtles may also be crushed or entombed when construction equipment causes burrows to collapse. In addition, fuel, oil, other petroleum products, and other chemicals used during maintenance activities could be accidentally introduced into waterways. The ARCF GRR EIR and Supplemental EIR identified measures to conduct surveys, relocate individuals, issue stop-work orders, and minimize impacts to water quality.

Implementation of MMs TURTLE-1 and WQ-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM TURTLE-1: Implement Measures to Avoid and Minimize Effects on Western Pond Turtle

MM WQ-1: Prepare and Implement a Storm Water Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, and Associated Best Management Practices

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: **SSS-6. Adverse Effect on Special Status Species: Bats.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Project construction activities and tree removal in riparian habitat could adversely affect breeding and non-breeding bats by causing the loss of established roosts and potential roosting habitat as well as exposure to noise,

vibration, and dust. The ARCF GRR EIR and Supplemental EIR identified measures to avoid construction during the active season for bats, implement surveys and avoidance buffers, and require a two-phase tree removal system.

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

MM BATS-1: Implement Measures to Protect Maternity Roosts of Special Status Bats

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: **SSS-7. Adverse Effect on Special-Status Fish**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Implementation of erosion protection measures will result in adverse impacts on special-status salmonid species, their critical habitat, and essential fish habitat by increasing noise, turbidity, and suspended sediment. Physical damage to or harassment of listed fish species is also possible during construction. The ARCF GRR EIR and Supplemental EIR identified measures to restrict activities to specific work windows and control contamination.

Implementation of MMs FISH-1, FISH-2, FISH-3, and SRA-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM FISH-1: Observe In-Water Work Windows

MM FISH-2: Analyze Hazardous Materials Spills and Implement Measures to Control Contamination

MM FISH-3: Implement Fish Rescue Plan

MM SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat

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

6. CULTURAL RESOURCES (CR)

CEQA FINDING NO. 12

Impact: **CR/TCR-1. Damage to or Destruction of Unknown or Subsurface Prehistoric-Period Archaeological Sites, and Native American Identified Tribal Cultural Resources.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Project construction will include ground disturbance from bank excavation and riprap placement, use of staging areas, and habitat mitigation. These earthmoving activities could result in damage to or destruction of unknown or subsurface historic-period sites, prehistoric-period archeological sites, or Native American-identified tribal cultural resources. The ARCF GRR EIR and Supplemental EIR identified measures to confirm resource eligibility and determine appropriate mitigation prior to construction, implement monitoring plans, promote worker awareness, and address inadvertent discovery and subsequent treatment.

Implementation of MMs CR-1, CR-2, CR-3, CR-4, and CR-5 has been incorporated into this Project to reduce this impact to a less than significant level.

MM CR-1: Resolve Adverse Effects through a Programmatic Agreement and Historic Properties Treatment Plan

MM CR-2: Prepare an Archaeological Discovery Plan and an Archaeological Monitoring Plan

MM CR-3: Conduct Cultural Resources Awareness Training

MM CR-4: Implement Procedures for Inadvertent Discovery of Cultural Material

MM CR-5: Evaluate Any Tribal Cultural Resources Discovered and Implement Avoidance and Minimization Measures to Avoid Significant Adverse Effects

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

CEQA FINDING NO. 13

Impact: **Impact CR/TCR-2. Potential Damage to or Destruction of Previously Undocumented 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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Earthmoving activities could disturb unanticipated human remains if they are present in the Project area. The ARCF GRR EIR and Supplemental EIR identified measures to implement protection, notification, and treatment procedures.

Implementation of MM CR-6 has been incorporated into the Project to reduce this impact to a less than significant level.

MM CR-6: Implement Procedures for Discovery of Human Remains

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

7. AIR QUALITY (AQ)

CEQA FINDING NO. 14

Impact: **AQ-1. Potential Conflict with Air Quality Plan or Contribute Substantially to Air Quality Violation.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

The Project's construction related emissions, which include emissions reductions based on Project commitments to use higher tiered engines, would exceed emission thresholds. The ARCF GRR EIR and Supplemental EIR identified measures to implement emission control practices, fugitive dust control practices, and enhanced site exhaust controls as well as compensate, through payment of mitigation fees to the Sacramento Metropolitan Air Quality Management District (SMAQMD), for emissions that remain in exceedance.

Implementation of MMs AIR-1, AIR-2, AIR-3, AIR-4, and AIR-5 has been incorporated into the Project to reduce this impact to a less than significant level.

MM AQ-1: Implement SMAQMD's Basic Construction Emission Control Practices

MM AQ-2: Implement Enhanced Fugitive Dust Control Practices

MM AQ-3: Develop and Implement a Plan for Enhanced On-Site Exhaust Controls

MM AQ-4: Use Electric Construction Equipment

MM AQ-5: Pay NO_X Mitigation Fee to SMAQMD

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

CEQA FINDING NO. 15

Impact: **AQ-2. Potentially Expose Sensitive Receptors to Short-Term Dust Emissions.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

The Project will result in short-term dust emissions from grading and earth moving activities that could have adverse health impacts to receptors in residences and schools located downwind of the project sites. The ARCF GRR EIR and Supplemental EIR identified measures to implement watering, vegetative ground cover, and the use of wood chips off of paved roads to minimize dust emissions.

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

MM AQ-2: Implement Enhanced Fugitive Dust Control Practices

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: **AQ-3. Potentially Expose Sensitive Receptors to Short-Term Emissions of Toxic Air Contaminants.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

The Project would result in short-term diesel particulate emissions from on-site heavy-duty equipment and on-road haul trucks that could have adverse health impacts to receptors in residences and schools located downwind of the project sites. The ARCF GRR EIR and Supplemental EIR identified measures to implement emissions control practices, fugitive dust control practices, and enhanced site exhaust controls.

Implementation of MMs AIR-1, AIR-2, AIR-3, and AIR-4 has been incorporated into the Project to reduce this impact to a less than significant level.

MM AQ-1: Implement the SMAQMD's Basic Construction Emission Control Practices

MM AQ-2: Implement Enhanced Fugitive Dust Control Practices

MM AQ-3: Develop and Implement a Plan for Enhanced On-Site Exhaust Controls

MM AQ-4: Use Electric Construction Equipment

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

8. GREENHOUSE GAS EMISSIONS AND ENERGY CONSUMPTION (GHG)

CEQA FINDING NO. 17

Impact: **GHG-1. Temporary, Short-term Generation of Greenhouse Gas Emissions or Conflict with an Applicable GHG Emissions Reduction Plan and Effects of Climate Change.**

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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Emissions from construction equipment and worker vehicles would include carbon dioxide (CO_2) and other "greenhouse gases" (GHGs) that contribute to climate change and would exceed the GHG construction emission threshold. The ARCF GRR EIR and Supplemental EIR identified measures to require efficient equipment operation, minimize idling equipment, enhance emissions reductions, and require purchase of compensatory GHG offsets for emissions in exceedance of the significance thresholds (at the time of construction).

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

MM GHG-1: Avoid, Minimize, and Compensate for Greenhouse Gas Emissions Effects

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

9. NOISE

CEQA FINDING NO. 18

Impact: **NOISE-1. Temporary Increase in Ambient Noise Levels or Exposure of Sensitive Receptors to Excessive Noise or 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 ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

The Project would generate temporary construction noise and vibration from equipment as well as the transport of construction workers, construction materials, and equipment to and from each work location. The ARCF GRR EIR and Supplemental EIR identified measures to develop a noise control plan that would include providing notice to nearby residents, scheduling the loudest and most intrusive construction activities during daytime hours, requiring noise-muffling devices, and implementing vibration-reducing techniques.

Implementation of MMs NOISE-1 and NOISE-2 has been incorporated into this Project to reduce this impact to a less than significant level.

MM NOISE-1: Implement Noise Reduction Practices

MM NOISE-2: Implement Vibration Control Measures

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

10. HAZARDS AND HAZARDOUS MATERIALS (HAZ)

CEQA FINDING NO. 19

Impact: **HAZ-1. Possible Exposure of People and the Environment to Existing Hazardous Materials, Including Cortese-listed Sites.**

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

FACTS SUPPORTING THE FINDING(S)

The Project earthmoving activities could expose people or the environment to hazardous materials commonly used in construction projects, such as fuels, oils and lubricants, and cleaners. Over the construction period, contractors will be required to use, store, and transport hazardous materials. There is a potential for accidental release of hazardous materials during transport and construction activities. The ARCF GRR EIR and Supplemental EIR identified measures to ensure compliance with Federal, State, and local regulations for any hazardous material found at the Project site and for proper transport of hazardous materials.

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

MM HAZ-1: Implement Stormwater Pollution Prevention Plan Best Management Practices and Test Site for Contaminants Prior to Construction

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

D. SIGNIFICANT AND UNAVOIDABLE IMPACTS

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

1. VISUAL RESOURCES

CEQA FINDING NO. 20

Impact: **VIS-1. Result in Short-Term Impacts on the Visual Character of the American River Parkway During Construction.**

Finding(s): (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

The presence of construction equipment and the loss of vegetation due to construction of levee improvements would degrade the visual quality of the project area within the American River Parkway to a potentially significant level that cannot be eliminated. The ARCF GRR EIR analyzed impacts on visual resources for approximately 11 miles along the American River Parkway, including the Project area, and concluded that no feasible avoidance or mitigation measures were available to reduce this short-term impact. It is infeasible to construct the Project without construction crews and equipment and potential mitigation to screen views of the construction crews and equipment would cause its own similar impacts to visual quality. The Supplemental EIR concluded that the Project would not result in short-term visual impacts that are new or more severe than those addressed in the ARCF GRR EIR. There are no other feasible mitigation measures available to avoid or reduce this impact.

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

2. VEGETATION AND WILDLIFE

CEQA FINDING NO. 21

Impact: **VEG-1. Result in Short-Term Adverse Effects on Riparian Habitat and Waters of the United States.**

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 and Supplemental EIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activities will remove approximately 18.46 acres of riparian habitat within the Project area and result in impacts to vegetation and wildlife. The ARCF GRR EIR and Supplemental EIR identified measures to reduce the impact footprint, avoid construction during the wildlife nesting season, and compensate for effects to riparian and shaded aquatic habitats. However, the potentially significant short-term impacts to vegetation and wildlife cannot be eliminated.

Implementation of MMs VEG-1, VEG-2, BIRD-1, and SRA-1 has been incorporated into the Project and would reduce the severity of Impact VEG-1, although not necessarily to a less than significant level.

MM VEG-1: Retain, Protect, and Plant Trees On-Site

MM VEG-2: Compensate for Riparian Habitat Removal

MM BIRD-1: Avoid and Minimize Effects on Nesting Birds

MM SRA-1: Implement Measures to Avoid, Minimize, and Compensate for Effects on Shaded Riverine Aquatic Habitat

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

2. RECREATION

CEQA FINDING NO. 22

Impact: **REC-1. Temporary and Short-term Changes in Recreational Opportunities during Project Construction Activities**.

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 and Supplemental EIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the ARCF GRR EIR and Supplemental EIR.

FACTS SUPPORTING THE FINDING(S)

The Project would close waterside paths and could affect local recreation due to noise, visual effects, odor, and air pollutants. The ARCF GRR EIR and Supplemental EIR identified measures to post signs, mark detours, and provide traffic control. However, recreation would still be restricted within the Project area, and therefore the potentially significant impact cannot be eliminated.

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

MM REC-1: Avoid and Minimize Effects on Recreational Use

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

E. 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 STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

This section addresses the Commission's obligations under Public Resources Code section 21081, subdivisions (a)(3) and (b). (See also State CEQA Guidelines, §§ 15091, subd. (a)(3), 15093.) Under these provisions, CEQA requires the Commission to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Lease approval related to the American River Watershed Common Features, Water Resources Development Act of 2016 Project, American River Contract 2 Project against the backdrop of the Project's unavoidable significant environmental impacts. For purposes of CEQA, if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant environmental effects, those effects may be considered acceptable, and the decision-making agency may approve the underlying project. (State CEQA Guidelines § 15092, subd. (b)(2)(B).) CEQA, in this respect, does not prohibit the Commission from approving the Lease even if the Project activities as authorized under the Lease may cause significant and unavoidable environmental effects.

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

Although CVFPB and the Commission have imposed mitigation measures to reduce impacts, impacts remain that are considered significant after application of all feasible mitigation. Significant impacts of the approved Project fall under three resource areas: Visual Resources, Vegetation and Wildlife, and Recreation (see Table B-2). These impacts are specifically identified and discussed in more detail in the Commission's CEQA Findings and in CVFPB's ARCF GRR EIR and Supplemental EIR. While the Commission has required all feasible mitigation measures, these impacts remain significant for purposes of adopting this Statement of Overriding Considerations.

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

Impact	Impact Description
Visual Resources (VIS)	
VIS-1. Result in Short-Term Impacts on the Visual Character of the American River Parkway During Construction.	The presence of construction equipment and the loss of vegetation due to construction of levee improvements will degrade the visual quality of the project area within the American River Parkway to a potentially significant level. There are no feasible mitigation measures that are available to offset this significant impact. Therefore, the impact would remain significant and unavoidable.
Vegetation and Wildlife (VEG)	
VEG-1. Result in Short-Term Adverse Effects on Riparian Habitat and Waters of the United States	Construction activities would remove riparian habitat within the Project area and result in potentially significant adverse impacts to vegetation and wildlife. The ARCF GRR EIR and Supplemental EIR impose MMs VEG-1, VEG-2, BIRD-1, and SRA-1, but disclose that those measures would be unlikely to mitigate the Project's impacts to a less than significant level. There are no other feasible mitigation measures that are available to offset these significant impacts. Therefore, the impacts would remain significant and unavoidable.
Recreation (REC)	
REC-1. Temporary and Short-term Changes in Recreational Opportunities during Project Construction Activities.	The Project would close waterside paths and could affect local recreation due to noise, visual effects, odor, and air pollutants. The ARCF GRR EIR and Supplemental EIR impose MM REC-1, but disclose that this measure would be unlikely to mitigate the Project's impacts to a less than significant level. There are no other feasible mitigation measures that are available to offset these significant impacts. Therefore, the impacts would remain significant and unavoidable.

B. BALANCING OF BENEFITS AND RISKS ASSOCIATED WITH LEASE APPROVAL

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

Project would provide benefits as presented in CVFPB's Statement of Overriding Considerations (Attachment B-1).

C. COMMISSION ADOPTION OF STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

The Commission has balanced the benefits of the Project, as described in Attachment B-1, against the significant unavoidable impacts that will remain after approval of the lease associated with the Approved Project and with implementation of all feasible mitigation in the ARCF GRR EIR and Supplemental EIR that is adopted as enforceable conditions of the Commission's approval of the Project. The Project is intended to provide erosion protection and on-site riparian habitat features to benefit the American River Watershed. The Project would protect and strengthen the Lower American River levees to reduce riverbank erosion and reduce flood risk within the Sacramento metropolitan area. Levee failure would threaten public safety, property, and critical infrastructure throughout Sacramento. Multiple erosion control measures are planned to allow conveyance of the 200-year flood flow without risk of levee failure. Based on all available information, the Commission finds that the benefits of the approved Project outweigh the significant and unavoidable adverse environmental effects and considers such effects acceptable.

The Commission adopts and makes this Statement of Overriding Considerations with respect to the impacts identified in the ARCF GRR EIR and Supplemental EIR and these Findings that cannot be reduced to a less than significant level. Each benefit set forth above constitutes an overriding consideration warranting

approval of the Project, independent of the other benefits, despite each and every significant unavoidable impact.

D. CONCLUSION

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

The Commission finds that to the extent that any impacts identified in the ARCF GRR EIR and Supplemental EIR remain unmitigated, all associated measures have been required to the extent feasible, although the impacts could not be reduced to a less than significant level.

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

ATTACHMENT B-1
Statement of Overriding Considerations Adopted by the Central Valley Flood Protection Board

widened to divert more flows into the Yolo Bypass. Alternative 2 as described in the ARCF GRR Final EIS/EIR has significant and unavoidable impacts to vegetation and wildlife, recreation, transportation and circulation, visual resources, and cultural resources.

8. Since the Board certified the ARCF GRR Final EIS/EIR on April 22, 2016 and selected Alternative 2, USACE and the Board have refined the design of the ARCF 2016 Project. The American River Contract 2 Project has been refined and adjusted to further reduce significant and unavoidable impacts compared to the significant and unavoidable impacts identified in the ARCF GRR Final EIS/EIR.

Statement of Overriding Considerations

The Final Supplemental EIS/EIR concludes that implementing the American River Contract 2 Project will result in significant and unavoidable environmental impacts that cannot be avoided or substantially lessened with the incorporation of all feasible mitigation measures or implementation of other feasible alternatives. This SOC is therefore necessary to comply with State CEQA Guidelines Section 15093.

In accordance with State CEQA Guidelines Section 15093, the Board balanced the economic, social, technological, and other benefits of the American River Contract 2 Project against its significant and unavoidable environmental impacts, and has found that the benefits of the American River Contract 2 Project outweigh the significant and unavoidable adverse environmental effects to visual resources, vegetation and wildlife, traffic and circulation, and recreation that cannot be feasibly mitigated to less-than significant levels. Overriding considerations that support American River Contract 2 Project approval are as follows:

1. The purpose of the American River Contract 2 Project is to reduce flood risk to the Sacramento area. Flood risk reduction is necessary to provide economic, social, and other benefits, as flood events are often uncontrolled and can result in deaths or injuries, damage to property and infrastructure, and release of environmental contaminants.

2. Sacramento is identified as one of the most at-risk communities in the nation for flooding, motivating the need to reduce this risk through numerous flood damage reduction measures. The existing system leaves the highly urbanized Sacramento area at an unacceptably high level of flood risk. The American River levees are a key feature for flood risk management for the Sacramento Metropolitan Area.

3. Major storms in 1986 and 1997, as well as significant rainfall in recent years, have caused record flood flows in the American River watershed and high lake levels in Folsom Reservoir. Outflows from Folsom Dam, together with high flows in the Sacramento River, caused the river stages to exceed the designed safety margin of levees protecting the City of Sacramento. Levee failure along the lower American River and Sacramento River could result in flooding of more

than 100,000 acres, affecting a population of up to 900,000, with damages totaling up to $58 billion, depending on the magnitude of the event. A large flood could also result in disruption of drinking water supplies with statewide impacts.

0. The American River Contract 2 Project incorporates all feasible means to minimize, avoid, and mitigate for potential significant and significant and unavoidable adverse impacts on the environment.

1. Flood risk management benefits potentially provided by the American River Contract 2 Project outweigh the significant and unavoidable adverse environmental effects of the American River Contract 2 Project. In light of these considerations, the significant and unavoidable impacts on visual resources, vegetation and wildlife, traffic and circulation, and recreation are considered acceptable. The Board finds that these benefits override the potential significant and unavoidable impacts resulting from the American River Contract 2 Project, including all construction, operations, and maintenance components.

ADOPTION OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS BY THE CVFPB

The Board hereby formally adopts the Findings and SOC set forth herein.

The Board has weighed the impacts and benefits of the American River Contract 2 Project and find that the benefits of implementing the American River Contract 2 Project outweigh the significant and unavoidable environmental impacts.

By: *ORIGINAL SIGNED BY:* Date: *September 24, 2021*
William H. Edgar
President

By: *ORIGINAL SIGNED BY:* Date: *September 24, 2021*
Jane Dolan
Vice President/Secretary