RESOLUTION NO. 2013-5

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUTTER BUTTE FLOOD CONTROL AGENCY CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE FEATHER RIVER WEST LEVEE PROJECT

WHEREAS, Sutter Butte Flood Control Agency ("SBFCA") proposes the Feather River West Levee Project (the "Project") to reduce flood risk in the Sutter Basin;

WHEREAS, SBFCA is the lead agency for environmental review of the Project under the California Environmental Quality Act ("CEQA");

WHEREAS, a Notice of Preparation for a Draft Environmental Impact Report ("Draft EIR") was prepared and released for public comment on May 20, 2011;

WHEREAS, the release of the Notice of Preparation initiated a 30-day public comment period that ended on June 19, 2011. SBFCA invited members of the public to provide additional comment through July 8, 2011;

WHEREAS, During the public review period, public scoping meetings were held on June 27 and June 28, 2011 at 3:30 pm and 6:30 pm on each day, to receive agency and public comments regarding the scope of the environmental analysis for the EIR. Notice of these meetings was given in accordance with Government Code Sections 65355 and 65453;

WHEREAS, a Draft EIR was prepared and circulated for public review and comment between December 28, 2012, and February 13, 2013;

WHEREAS, on January 15, 2013, and January 16, 2013, SBFCA held three public comment meetings during which it received and considered testimony from the public, concerning the Project and the Draft EIR. Notice of these meetings was given in accordance with Government Code Sections 65355 and 65453;

WHEREAS, SBFCA received written comments on the Draft EIR from individuals, organizations and public agencies;

WHEREAS, a Final Environmental Impact Report ("Final EIR") that incorporated the Draft EIR by reference and provided responses to public comments was prepared and distributed to the public on April 1, 2013; and

WHEREAS, SBFCA discussed the Final EIR during its meeting on April 10, 2013 and provided the opportunity for the public to give comments on the Final EIR during that meeting;

NOW, THEREFORE, the Board of Directors of the Sutter Butte Flood Control Agency resolves as follows:

1. The Final EIR is hereby certified as being completed in compliance with the provisions of the California Environmental Quality Act and its implementing regulations.

2. The Final EIR was presented to the Board on April 1, 2013 and the Board discussed the contents of the Final EIR during its meeting on April 10, 2013.

3. The Board has reviewed and considered the information contained in the Final EIR prior to taking any action to approve or disapprove the Project.

4. The Board hereby ratifies and adopts the conclusions of the Final EIR. The Final EIR represents the independent judgment and analysis of the Board.

5. The Board hereby directs staff to file a Notice of Determination pursuant to the requirements of the California Environmental Quality Act.

ADOPTED this 10th day of April, 2013.

James Gallagher, Chair

Findings of the Sutter Butte Flood Control Agency Related to the Approval of the Final Environmental Impact Report for the Feather River West Levee Project

I. INTRODUCTION

SBFCA is proposing the Feather River West Levee Project (FRWLP, or Project) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties in the Sacramento Valley of California. To protect human health and safety and prevent adverse effects on property and the regional economy, SBFCA was formed as a joint powers authority in 2007 through a joint exercise of powers agreement by the Counties of Sutter and Butte; the Cities of Yuba City, Gridley, Live Oak, and Biggs; and Levee Districts (LDs) 1 and 9. SBFCA was established to coordinate the planning and construction of flood protection facilities and to finance the local share of flood management projects. SBFCA's member agencies as well as the State of California are responsible for the operations and maintenance of the detention basins, pump stations, and levees that protect the area.

In partnership with the State of California (through the Department of Water Resources [DWR] and Central Valley Flood Protection Board [CVFPB]), SBFCA embarked on a comprehensive evaluation of the condition of the levees protecting the area in 2007, the results of which are also being used by the U.S. Army Corps of Engineers (USACE). The evaluation was necessary to identify the magnitude and severity of deficiencies and determine measures to address the deficiencies. The results of the comprehensive evaluation revealed that substantial construction is necessary to meet current flood protection standards.

In light of the flood risk to the area, SBFCA is leading the planning, design, and construction of the FRWLP, in partnership with DWR. This project is being conducted in coordination and parallel with a separate planning study led by USACE in partnership with SBFCA, and the CVFPB, to determine the Federal interest in a flood risk reduction project in the Sutter Basin. This project is termed the Sutter Basin Pilot Feasibility Study or Sutter Basin Feasibility Study.

The FRWLP is being advanced by SBFCA to expeditiously reduce flood risk before the feasibility study is completed and an anticipated recommendation is made to Congress for project authorization and eventual appropriation—typically a lengthy process that may take 10 or more years. SBFCA anticipates that (1) rehabilitation of remaining segments of the levee system (not of covered by FRWLP) would be implemented by USACE and (2) the non-Federal costs SBFCA incurs for the FRWLP will be credited against the remaining non-Federal share of the cost of the project approved under the feasibility study. To construct the FRWLP, SBFCA is requesting permission from USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (Title 33 of the United States Code [USC], Section 408, [33 USC 408])—hereinafter referred to as Section 408—for the alteration of a levee as part of the Sacramento River Flood Control Project, a Federal work. USACE's authority to grant permission for the FRWLP under Section 408 triggers the requirement for USACE to comply with the National Environmental Policy Act (NEPA). The project is also subject to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, whose authorities also lie under USACE. SBFCA, in conjunction with USACE, prepared a joint EIS/EIR to assess the environmental impacts of the Project. The EIS and EIR were split after public review of the Draft EIS/EIR.

The purpose of these Findings is to comply with the requirements of the California Environmental Quality Act (CEQA) related to a public entity's approval and certification of an Environmental Impact Report (EIR). Specifically, these Findings represent the SBFCA Board of Director's conclusions about the Project's significant impacts on the environment.

II. ENVIRONMENTAL REVIEW OF THE PROJECT

Pursuant to the California Environmental Quality Act, Public Resources Code §§21000 *et seq*. and the CEQA guidelines, Cal. Code Regs. Tit. 14, §§1500 *et seq.* (collectively, "CEQA") an EIR was prepared for the Project to analyze the environmental effects of the Project. The EIR was prepared in conjunction with the Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA), with the U.S. Army Corps of Engineers as lead for the EIS. The Draft EIR/EIS was circulated for public review and comment and accordance with CEQA and NEPA. The documents were then split into a separate Final EIR and Final EIS.

SBFCA conducted a thorough public information program during the environmental review process. The initial decision to prepare an EIR for the Project was made following completion of an Initial Study. A Notice of Preparation (NOP), including the initial study, was distributed to the California State Clearinghouse and other potentially interested parties May 20, 2011. The release of the NOP initiated a 30-day public comment period that ended on June 19, 2011, and was extended to July 8, 2011. During the public review period, a public scoping meeting was held in Yuba City and Gridley on June 27 and 28, 2011, to receive agency and public comments regarding the scope of the environmental analysis for the EIR. Comments on the NOP and Initial Study were received from state agencies, regional and local governmental agencies, regional authorities, and other non-governmental organizations. SBFCA considered the comments received in refining the scope of analysis for the EIR.

The Draft EIR was subsequently released in December 2012, and comments were accepted on the Draft EIR over a 45-day review period pursuant to CEQA Guidelines §15105. The review period closed on February 13, 2013. Interactions with the public have included public meetings on the scope of the EIR and public informational meetings on January 15 and January 16, 2013 in Gridley and Yuba City. Listed below are the various public meetings/hearings that have been held during this process. At these meetings/hearings, SBFCA provided information about the Project, the potential environmental impacts and the CEQA review process. At each meeting/hearing, members of the public had the opportunity to ask questions, convey their concerns or express support for the Project.

Public Meetings Held During the CEQA Process

Date	Event
June 27, 2012	Scoping Meetings (2), Yuba City
June 28, 2012	Scoping Meetings (2), Gridley
January 15, 2013	Public Information Meeting, Gridley
January 16, 2013	Public Information Meetings (2), Yuba City

III. DESCRIPTION OF THE PROPOSED ACTION

General Description

SBFCA's goal is to achieve a minimum of 200-year flood protection for the more urbanized areas with population centers and 100-year flood protection for the remaining more rural agricultural parts of the planning area. A 200-year flood is a flood that has a 0.5% chance of occurring in any given year, also referred to as a 0.5% annual exceedance probability (AEP). A 100-year flood has a 1% AEP. The target of 100-year protection for the more rural, agriculture parts of the planning area, specifically the southern portion of the basin downstream of Yuba City, is driven by the goal to maintain viability and sustainability of agriculture by avoiding FEMA restrictions that would hinder construction or upgrade of agricultural infrastructure (such as farm residences, barns, silos, dryers, seasonal worker housing) and supporting business.

The primary purpose of the FRWLP is to reduce flood risk for the entire planning area by addressing known levee deficiencies along the Feather River West Levee from Thermalito Afterbay downstream to approximately 4 miles upstream of the confluence with the Sutter Bypass. While the FRWLP would not by itself reduce all flood risks affecting the planning area, it would address the most immediate risk based on the following.

- The proximity of the Feather River to population centers and key infrastructure.
- The nature of Feather River West Levee being the longest and most contiguous portion of the planning area perimeter.
- The location of known levee deficiencies and the clarity and feasibility of available measures to address them.

The Project consists of a blend of flood management measures – slurry cutoff walls, slope flattening, stability berms, levee reconstruction, seepage berms, relief wells, depression/ditch infilling, limited encroachment removal, and canal seepage treatment – to address deficiencies in the Feather River West Levee. The measures have been optimized to avoid and minimize environmental effects.

Project Objectives

The following objectives provide additional detail in support of the project purpose above.

- Protect existing populations and minimize exposure to flooding for agricultural commodities, infrastructure use, and other property.

- Reduce flood risk from Feather River toward a target of 200-year protection for Yuba City and to the north of the planning area, in compliance with Senate Bill (SB) 5 mandates for 200-year protection for urbanized areas and in avoidance of FEMA restrictions that would compromise agricultural sustainability.
- Address known deficiencies and observed performance issues.
- Construct a project as soon as possible to reduce flood risk as quickly as possible.
- Construct a project that is economically, environmentally, politically, and socially acceptable.
- Facilitate compatibility with the CVFPP and Sutter Basin Feasibility Study such that proposed activities would be "no regrets" and not inconsistent with any future plans.
- Facilitate compatibility with recreation and restoration goals in the planning area and incorporate multiple benefits in addition to flood-risk reduction, such as fish and wildlife habitat and recreation. In regard to this last objective, SBFCA has identified several multi-benefit floodplain actions targeted at floodplain habitat restoration in combination with flood management. These actions are not part of the project analyzed in this EIS/EIR. SBFCA seeks to partner with other public agencies and environmental organizations to implement these actions.

IV. DESCRIPTION OF THE RECORD

For purposes of CEQA and these Findings, the record before the SBFCA Board of Directors includes, without limitation, the following:

A. All applications for approvals related to the Project;

B. The Draft EIR for the Feather River West Levee Project and all appendices to the Draft EIR;

C. The Final EIR for the Feather River West Levee Project and all appendices to the Final EIR;

D. All staff reports and presentation materials related to the Project;

E. All studies conducted for the Project and contained in, or referenced by, staff reports, the Draft EIR, or the Final EIR;

F. All documentary and oral evidence received and reviewed at public hearings and workshops related to the Project, the Draft EIR, and the Final EIR;

G. For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, together with environmental review documents, Findings, mitigation monitoring programs and all other documentation relevant to planned growth in the area.

V. GENERAL FINDINGS

A. Certification of the Final EIR

In accordance with CEQA, in adopting these Findings, the SBFCA Board of Directors certifies that the Final EIR has been completed in compliance with CEQA and that it was presented to the Board of Directors, which reviewed and considered the information in the Final EIR prior to approving the Project. By these Findings, the Board of Directors ratifies and adopts the Findings and conclusions of the Final EIR as set forth in these Findings. The Final EIR and these Findings represent the independent judgment and analysis of the Board of Directors.

The Final EIR concludes that certain Project impacts are potentially significant but can be mitigated to a less than significant level with the implementation of recommended mitigation measures, while certain impacts will remain significant even after feasible mitigation measures are implemented. General Findings are set forth in this Section V. Findings regarding potentially significant impacts that can be mitigated to a less than significant level are set forth in Section VI. Further Findings regarding impacts that will remain significant after mitigation are set forth in Section VII (Statement of Overriding Considerations).

B. Changes to the Draft EIR

In the course of responding to comments received during the public review and comment period on the Draft EIR, certain portions of the Draft EIR have been modified and some new information has been added. The Draft EIR has been the subject of review and comment by the public and responsible agencies prior to the adoption of these Findings. No information has revealed the existence of: (1) a significant new environmental impact that would result from the Project or an adopted mitigation measure; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure not adopted that is considerably different from others analyzed in the

Draft EIR that would clearly lessen the significant environmental impacts of the Project; or (4) information that indicates that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. SBFCA finds that the changes and modifications made to the Draft EIR after the Draft EIR was circulated for public review and comment do not collectively or individually constitute significant new information within the meaning of Public Resources Code §21092.1 and CEQA Guidelines §15088.5.

C. Evidentiary Basis for Findings

These Findings are based upon substantial evidence in the entire record before the SBFCA Board of Directors. The references to the Draft EIR and Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings.

D. Findings Regarding Mitigation Measures

1. Mitigation Measures Adopted. Except as otherwise noted, the mitigation measures herein referenced are those identified in the Final EIR and adopted by the Board of Directors set forth in the Mitigation Monitoring and Reporting Plan (MMRP).

2. Impact After Implementation of Mitigation Measures. Except as otherwise stated in these Findings, in accordance with CEQA Guidelines §15092, the Board of Directors finds that environmental effects of the Project will not be significant or will be mitigated to a less than significant level by the adopted mitigation measures. SBFCA has substantially lessened or eliminated all significant environmental effects where feasible. The Board of Directors has determined that any remaining significant effects on the environment that are found to be unavoidable under CEQA Guidelines §15091, and are acceptable due to overriding considerations as described in CEQA Guidelines §15093. These overriding considerations consist of specific environmental, economic, legal, social, technological, and other benefits of the Project, which justify approval of the Project and outweigh the unavoidable adverse environmental effects of the Project, as more fully stated in Section X (Statement of Overriding Considerations). Except as otherwise stated in these Findings, the Board of Directors finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not analyzed in the Draft EIR.

E. Location and Custodian of Records

Pursuant to Public Resource Code §15091, SBFCA is the custodian of the documents and other material that constitute the record of proceedings upon which the decision is based, and such documents and other materials are located at SBFCA's offices, 1227 Bridge Street, Suite C, Yuba City CA 95991. A copy of the Final EIR is also available for review at the SBFCA website (www.sutterbutteflood.org), and at the following local libraries: Butte County Library – Main Branch, Oroville; City of Biggs Branch Library; Gridley Branch Library; Sutter County Library – Main Branch, Yuba City.

VI. FINDINGS REGARDING POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

WITH MITIGATION MEASURES

The following Findings are made with respect to potentially significant environmental effects analyzed in the Final EIR. The Draft EIR identified the following potential impacts on the environment that are deemed to be potentially significant, but will have less than significant impacts with the implementation of appropriate mitigation measures.

Public Resources Code § 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects, unless the public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The Board of Directors hereby finds, pursuant to the Public Resources Code §21081 and CEQA Guidelines §§15091-15093, that with regard to each of the following potentially significant impacts identified in the Final EIR, that changes or alterations have been required in or incorporated into the proposed project that avoid or lessen the potentially significant impacts identified in the Draft EIR to levels below the thresholds of significance identified in the Draft EIR. These mitigation measures are set forth in the Mitigation Monitoring and Reporting Plan proposed for adoption by SBFCA. Specific findings of SBFCA for each category of such impacts are set forth in detail below.

A. Flood Control and Geomorphic Conditions

1. FC-6 Implementation of levee degrades and reconstructions would involve disturbance to the entire levee. Drainage infrastructure maintained by local landowners or agencies and local surface runoff patterns could be impacted, causing or exacerbating localized flooding.

   (a) Potential Impact. The Project could cause or exacerbate localized flooding. This potential impact is discussed in the Final EIR at page 3.1-22.

   (b) Impact Prior to Mitigation. Significant.

   (c) Mitigation Measure. The Project will incorporate mitigation measure FC-MM-1, which involves coordination with owners and operators of local drainage systems and landowners served by the systems to evaluate pre- and post-project drainage needs and to remediate drainage disruption or alternation in runoff that would increase the potential for localized flooding. If substantial alteration in runoff patterns or disruption of local drainage systems could result from the project, a drainage study will be

prepared to develop appropriate plans to ensure equivalent functioning of the system during and after construction.

(d) Findings: Because any necessary features to remediate project-induced drainage problems will be installed before the project is completed or as part of the project, with mitigation there will be no impact.

(e) Conclusion. The potential impact of the Project on flood control and geomorphic conditions is less than significant.

B. Water Quality and Groundwater Resources

1. WQ-3

(a) Potential Impact: Project construction will involve trenching and excavation associated with a cutoff wall and/or levee reconstruction. These activities could expose the water table and create a path to the groundwater basin that would allow contaminants to enter the groundwater system. While dewatering of the construction area is not anticipated, if it is necessary it could result in the release of contaminants to surface or groundwater. This potential impact is discussed in the Final EIR at page 3.2-18.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The project proponents would adhere to environmental commitments of the Stormwater Pollution Protection Plan (SWPPP), the Spill Prevention, ,Control, and Counter-Measure Plan (SPCCP), and the Bentonite Slurry Spill Contingency Plan (BSSCP). In addition, the Project will incorporate mitigation measure WQ-MM-1, which involves obtaining a Low Threat Discharge and Dewatering National Pollutant Discharge Elimination System (NPDES) permit from the Central Valley Regional Water Quality Control Board (RWQCB) if the dewatering is not covered under the Central Valley RWQCB's NPDES Construction General Permit. The permit requires water quality monitoring to adhere to strict criteria and the design and implementation of measures to meet the discharge limits.

(d) Findings: Because SBFCA will verify that coverage under the appropriate NPDES permit has been obtained prior to any dewatering activities and perform routine inspections of the construction area to verify that water quality control measures are property implemented, any remaining impact will be less than significant.

(e) Conclusion: The potential impact of the Project on water quality and groundwater resources is less than significant.

C. Air Quality

1. AQ-3

(a) Potential Impact: The Project could cause exceedance of the Federal General Conformity Thresholds during construction. This potential impact is discussed in the Final EIR at page 3.5-21.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures AQ-MM 1 through AQ-MM -4. AQ-MM -1 involves providing advance notification of the proposed construction schedule to all residences and other air-quality sensitive uses within 500 feet of the construction site, as well as a publicly visible sign with the phone number and person to contact regarding dust complaints. This person will respond and take corrective action within 48 hours. AQ-MM -2 involves implementation of fugitive dust control measures as required by FRAQMD and BCAQMD, including submitting a dust control plan, watering unpaved areas, prohibiting certain activities during dry conditions, and others discussed on page 3.5-18 of the Final EIR. AQ-MM -3 involves general measures to reduce emissions such as no open burning of removed vegetation, development of a traffic plan, reducing use, trips and unnecessary idling of heavy equipment, and other measures listed on page 3.5-19 of the Final EIR. AQ-MM-4 involves various fleet-wide emission reductions for large off-road equipment as discussed on page 3.5-19 of the Final EIR.

(d) Findings: With application of these mitigation measures, construction of the Project would not exceed applicable federal de minimis thresholds and General Conformity requirements would be met. The Project would not cause or contribute to new or worsening violations of the ambient air quality standards. Any remaining impact will be less than significant.

(e) Conclusion: The potential impact of the Project with respect to the Federal General Conformity thresholds is less than significant.

D. Vegetation and Wetlands

1. VEG-1

(a) Potential Impact: The Project would disturb or remove a total of 134 riparian trees on the water side of the levee. This potential impact is discussed in the Final EIR at page 3.8-24.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project would incorporate mitigations measures VEG-MM-1 through VEG-MM-4. VEG-MM-1 involves compensation for the loss of woody riparian trees to ensure no net loss of habitat functions and values. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources.

(d) Findings: In the long term, after establishment of compensatory vegetation, this impact will be less than significant.

(e) Conclusion: The long-term impact of the Project on waterside trees is less than significant.

2. VEG-2

(a) Potential Impact: The Project could result in the loss of seasonal wetlands and other waters of the United States. This potential impact is discussed in the Final EIR at page 3.8-29.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project would incorporate mitigations measures VEG-MM-2 through VEG-MM-5 in addition to the environmental commitment to develop a SWPPP. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. VEG-MM-5 involves compensation for the loss of wetlands through restoring or enhancing in-kind wetland habitat to ensure no net loss of habitat functions and values.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on seasonal wetlands and other waters of the United States is less than significant.

3. VEG-3

(a) Potential Impact: The Project could result in disturbance or removal of up to 5,118 trees protected under local ordinances or that meet the definition of oaks. This potential impact is discussed in the Final EIR at page 3.8-31.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project would incorporate mitigations measures VEG-MM-2 through VEG-MM-4 and VEG-MM-6, in addition to the environmental commitment to comply with each city tree ordinance and where applicable, Public Resources Code Section 21083.4. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. VEG-MM-6 involves compensation for the loss of protected trees by applying for a tree permit for tree removal and replace removed trees with trees at or near the location of the effect. SBFCA will also replace any replacement trees that die within 3 years of the initial planting..

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on protected trees is less than significant.

E. Wildlife

1. WILD-1

(a) Potential Impact: The Project could result in mortality of or loss of habitat for Antioch Dunes anthicid, Sacramento anthicid, and Sacramento Valley tiger beetle. This potential impact is discussed in the Final EIR at page 3.9-35.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project would incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, and WILD-MM-1. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-

MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. WILD-MM-1 involves fencing and avoiding habitat for these three beetle species, and if avoidance is not possible, a qualified entomologist will survey the suitable habitat for the beetle species' presence and, if recommended, the beetles may be relocated to suitable habitat.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on the Antioch Dunes anthicid, Sacramento anthicid, and Sacramento Valley tiger beetle is less than significant.

2. WILD-2

(a) Potential Impact: The Project could result in mortality or disturbance of VELB and its habitat (elderberry shrubs). This potential impact is discussed in the Final EIR at page 3.9-36.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project would incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, WILD-MM-2, WILD-MM-3 and WILD-MM-4. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. WILD-MM-2 involves surveys by a qualified biologist of elderberry shrubs to be transplanted, and in order to compensate for loss of VELB SBFCA will plant seedlings/cuttings and associated native plants prior to transplantation of elderberry shrubs. WILD-MM-3 involves implementing measures to protect VELB and its habitat, including protection of shrubs within 100 feet of construction and placement of orange construction barrier fencing at the edge of the respective buffer areas. Additional measures are described in the Final EIR on page 3.9-36 and 3.9-37. WILD-MM-4 involves compensation for effects on VELB and its habitat through transplanting of shrubs that cannot be avoided to a USFWS-approved

conservation area, in accordance with USFWS-approved procedures.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on VELB is less than significant.

3. WILD-3

(a) Potential Impact: The Project could cause mortality or disturbance of Western pond turtles. This impact is discussed in the Final EIR at page 3.9-38.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, and WILD-MM-5. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. WILD-MM-5 involves preconstruction surveys for Western pond turtle by a qualified biologist one week before and within 24 hours of beginning work. If turtles are observed a biological monitor will be present during construction to capture and remove, if possible, any entrapped turtle.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on Western pond turtle is less than significant.

4. WILD-4

(a) Potential Impact: The Project could result in disturbance or mortality of and loss of suitable habitat for Giant Garter Snake. This impact is discussed in the Final EIR at page 3.9-39.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, and WILD-MM-6, WILD-MM-7, WILD-MM-8, and WILD-MM-9. VEG-MM-2 involves installation of

exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. WILD-MM-6 involves avoidance and minimization of construction effects on Giant Garter Snake through timing considerations, protective measures determined during consultation with USFWS, installation of exclusion fencing, preconstruction surveys, vegetation clearing, confining haul routes, escape ramps, and relocation of PG&E facilities. WILD-MM-7 involves ensuring through an operations and maintenance plan that impacts to suitable habitat for Giant Garter Snake and Western burrowing owl along the levee are minimized to the maximum extent feasible. Measures include minimization of vegetation control by burning, reduction of maintenance activities near toe drains, avoidance of grouting of burrows, preparation of a database of sensitive areas, and staff training. WILD-MM-8 involves compensation for permanent loss of suitable Giant Garter Snake habitat by purchasing preservation credits at a USFWS and DFW approved conservation bank in perpetuity. WILD-MM-9 involves restoration of temporarily disturbed aquatic and upland habitat to pre-project conditions.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on Giant Garter Snake is less than significant.

5. WILD-5

(a) Potential Impact: The Project could result in the loss or disturbance of nesting Swainson's hawk and loss of nesting and foraging habitat. This impact is discussed in the Final EIR at page 3.9-42.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, and WILD-MM-10, WILD-MM-11, and WILD-MM-12. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing

and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. WILD-MM-10 involves conducting vegetation removal activities outside the breeding season for birds. Where this is not possible, preconstruction surveys and additional protective measures will be implemented per WILD-MM-13. WILD-MM-11 involves conducting focused surveys for nesting Swainson's hawk prior to construction and implementing protective measures during construction, such as maintenance of a buffer area and presence of a qualified biologist during construction. WILD-MM-12 involves compensation for the permanent loss of foraging habitat for Swainson's hawk by providing offsite habitat management lands or purchasing mitigation credits from a DFW-approved mitigation or conservation bank.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on Swainson's hawk is less than significant.

6. WILD-6

(a) Potential Impact: The Project could result in mortality or disturbance of nesting special-status and non-special-status birds and removal of suitable breeding habitat. This impact is discussed in the Final EIR at page 3.9-44.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, WILD-MM-10, and WILD-MM-13. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. WILD-MM-10 involves conducting vegetation removal activities outside the breeding season for birds. Where this is not possible, preconstruction surveys and additional protective measures will be implemented per WILD-MM-13. WILD-MM-13 involves retaining a qualified wildlife biologist to conduct

nesting surveys before the start of construction. At least three separate surveys will be conducted, and if active nests are found, no-disturbance buffers will be established around the nest sites until the end of the breeding season or otherwise determined by a qualified wildlife biologist.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on nesting special-status and non-special status birds is less than significant.

7. WILD-7

(a) Potential Impact: The Project could result in loss or disturbance of Western Burrowing Owl and loss of nesting and foraging habitat. This impact is discussed in the Final EIR at page 3.9-45.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, WILD-MM-7, WILD-MM-10, WILD-MM-14 and WILD-MM-15. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. WILD-MM-7 involves ensuring through an operations and maintenance plan that impacts to suitable habitat for Giant Garter Snake and Western burrowing owl along the levee are minimized to the maximum extent feasible. Measures include minimization of vegetation control by burning, reduction of maintenance activities near toe drains, avoidance of grouting of burrows, preparation of a database of sensitive areas, and staff training. WILD-MM-10 involves conducting vegetation removal activities outside the breeding season for birds. Where this is not possible, preconstruction surveys and additional protective measures will be implemented per WILD-MM-13. WILD-MM-14 involves conducting surveys for western burrowing owl prior to construction whenever burrowing owl habitat is present on or within 500 feet of the project site. If burrowing owls are found, compensatory measures will be put in place, including nondisturbance of burrows, buffer areas, visible markers, worker awareness programs, additional take avoidance surveys, and ongoing

surveillance. Take avoidance surveys will be conducted regardless of survey results. WILD-MM-15 involves compensation for the loss of occupied western burrowing owl habitat through restoration of the disturbed area and/or permanent conservation of vegetation communities similar to burrowing owl habitat or conservation easements. SBFCA may consult with DFW to develop appropriate mitigation alternatives with the standard of full mitigation for permanent impacts.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on western burrowing owl is less than significant.

8. WILD-8

(a) Potential Impact: The Project could result in injury, mortality or disturbance of tree-roosting bats and removal of roosting habitat. This impact is discussed in the Final EIR at page 3.9-48.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, WILD-MM-10, and WILD-MM-16. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. WILD-MM-10 involves conducting vegetation removal activities outside the breeding season for birds. Where this is not possible, preconstruction surveys and additional protective measures will be implemented per WILD-MM-13. WILD-MM-16 involves identification of suitable roosting habitat for bats where tree removal/trimming cannot be conducted between September 15 and October 30 (prior to hibernation). Identification will be performed by qualified biologists, and measures to avoid and minimize impacts to sensitive bat species will be determined in coordination with DFW. Such measures may include timing of tree removal, removal in pieces, and monitoring of tree trimming/removal.

(d) Findings: Incorporation of these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on tree-roosting bats is less than significant.

F. Population, Housing and Environmental Justice

1. POP-1

(a) Potential Impact: The Project could displace existing housing units wince it requires the permanent acquisition of five existing residences to accommodate the expanded footprint of the flood control system. This impact is discussed in the Final EIR at page 3.12-13.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure POP-MM-1, which provides that permanent acquisition, relocation and compensation services will be conducted in compliance with federal and state relocation laws. These laws require appropriate compensation and relocation to comparable replacement housing, and where construction is temporarily disruptive to nearby residents, SBFCA will develop a Temporary Resident Relocation Plan to guide temporary relocation services and compensation.

(d) Findings: Incorporation of this mitigation measure will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on population, housing and environmental justice is less than significant.

G. Utilities and Public Service

1. UTL-1

(a) Potential Impact: The Project could temporarily disrupt irrigation/drainage facilities and agricultural and domestic water supply through modifications to irrigation, drainage, and domestic water supply infrastructure. This impact is discussed in the Final EIR at page 3.15-10.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure UTL-MM-1, involving coordination with water supply users before and during all infrastructure modifications, and implementation of measures to minimize interruptions of supply, such as coordination of timing, work during non-irrigation season, provision for alternative water supply as necessary, and ensuring that

water users do not experience a substantial interruption in supply.

(d) Findings: Incorporation of this mitigation measure will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on irrigation/drainage facilities and agricultural and domestic water supply is less than significant.

2. UTL-2

(a) Potential Impact: The Project could damage public utility infrastructure and disrupt service where encroachments within the levee prism require repair, relocation or replacement. This impact is discussed in the Final EIR at page 3.15-11.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure UTL-MM-2, involving verification of utility locations, obtaining utility excavation or encroachment permits as necessary prior to initiating work that could affect utility lines, coordination with utility providers and providing notification of potential interruptions in service, preparation of a response plan to address potential accidental damage to a utility line, and conducting worker training.

(d) Findings: Incorporation of this mitigation measure will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact on public utility infrastructure is less than significant.

H. Public Health and Environmental Hazards

1. PH-1

(a) Potential Impact: The Project could result in temporary exposure to or release of hazardous materials such as fuels and lubricants from the operation of construction equipment and vehicles during construction. This impact is discussed in the Final EIR at page 3.16-9.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate the environmental commitment of a SWPPP (described in the Final EIR at page 2-37), which describes the best management practices implemented to control accelerated erosion, sedimentation, and other pollutants during and after project construction. The SWPPP would be prepared prior to commencing earth-moving construction activities.

(d) Findings: Incorporation of this environmental commitment will reduce this impact to a less-than-significant level by controlling the release of pollutants and hazardous materials during construction.

(e) Conclusion: The Project's impact with respect to release of fuels and lubricants from the operation of construction equipment is less than significant.

2. PH-2

(a) Potential Impact: The Project could result in exposure of construction workers, the public, or the environment during ground-disturbing activities to hazardous materials such as petroleum hydrocarbons, pesticides, herbicides, fertilizers, contaminated debris, or other hazardous contaminants that would otherwise remain buried in or near the levee. This impact is discussed in the Final EIR at page 3.16-9.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure PH-MM-2 in addition to a Stormwater Pollution Protection Plan (SWPPP). PH-MM-1 involves a Phase I environmental assessment and, if necessary, a Phase II environmental assessment. Recommendations from these assessments will be implemented prior to ground-disturbing activities. PH-MM-2 involves implementation of a toxic release contingency plan. Implementation of this plan will ensure the effective and efficient use of resources in the areas of traffic and crowd control; firefighting; hazardous materials response and cleanup; radio and communications control; and provision of medical emergency services. If a release were to occur, the environmental commitment to prepare a SWPPP, Mitigation Measure PH-MM-1, and Mitigation Measure PH-MM-2 would be implemented to ensure that water quality would be returned to baseline conditions and that any threat to public health would be met with an effective response.

(d) Findings: Implementation of this environmental commitment (SWPPP) and these mitigation measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact with respect to exposure of the environment to hazardous materials during ground-disturbing activities is less than significant.

3. PH-3

(a) Potential Impact: The Project could result in temporary exposure of construction workers and the public to safety

hazards from vehicles and other mechanical equipment if used improperly. This impact is discussed in the Final EIR at page 3.16-11.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures PH-MM-3 and PH-MM-4. PH-MM-3 involves implementation of construction site safety measures such as ensuring that workers are properly trained to use equipment. PH-MM-4 involves implementation of an emergency response plan to ensure that any accidents that occur at the construction site are handled appropriately.

(d) Findings: Implementation of these mitigation measures will ensure that construction workers and the public are not exposed to safety hazards, and that if there are accidents, they will be handled appropriately. The measures will reduce this impact to a less-than-significant level.

(e) Conclusion: The Project's impact with respect to exposure of construction workers and the public to safety hazards is less than significant.

The Board hereby finds that SBFCA has eliminated or substantially lessened all significant effects on the environment where feasible as shown in these Findings.

VII. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS ON THE ENVIRONMENT

The EIR identified the following significant impacts on the environment that are deemed to remain significant even after the adoption of mitigation measures. These impacts are overridden by the Project's benefits, as set forth in Section X (Statement of Overriding Considerations).

A. Air Quality

1. AQ-2

(a) Potential Impact. The Project could result in exceedance of applicable thresholds for construction emissions for ROG, in the FRAQMD. This impact is discussed in the Final EIR at page 3.5-17.

(b) Impact Prior to Mitigation. Significant.

(c) Mitigation Measure. The Project will incorporate mitigation measures AQ-MM-1, AQ-MM-2, AQ-MM-3, AQ-MM-4, and AQ-MM-5. AQ-MM -1 involves providing advance notification of the proposed construction schedule to all residences and other air-quality sensitive uses within 500 feet of the construction site, as well as a

publicly visible sign with the phone number and person to contact regarding dust complaints. This person will respond and take corrective action within 48 hours. AQ-MM -2 involves implementation of fugitive dust control measures as required by FRAQMD and BCAQMD, including submitting a dust control plan, watering unpaved areas, prohibiting certain activities during dry conditions, and others discussed on page 3.5-18 of the Final EIR. AQ-MM -3 involves general measures to reduce emissions such as no open burning of removed vegetation, development of a traffic plan, reducing use, trips and unnecessary idling of heavy equipment, and other measures listed on page 3.5-19 of the Final EIR. AQ-MM-4 involves various fleet-wide emission reductions for large off-road equipment as discussed on page 3.5-19 of the Final EIR. AQ-MM-5 involves payment of offsite mitigation fees to FRAQMD and BCAQMD to offset NOx emissions. SBFCA will also consult with FRAQMD and BCAQMD prior to issuance of grading permits to define the best construction information and computational tools to be used for the calculations.

(d) Findings: Because ROG emissions would remain in excess of FRAQMD's threshold, even after incorporation of the above mitigation measures this impact is considered significant and unavoidable.

(e) Conclusion. The impact of the Project with respect to exceedance of applicable thresholds for construction emissions is significant and unavoidable.

B. Noise

1. NOI-1

(a) Potential Impact: The Project could expose sensitive receptors to construction noise exceeding 60 dBA-L during daytime hours and 45 dBA-L during nighttime hours. This impact is discussed in the Final EIR at page 3.7-27.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure NOI-MM-1, which involves employment of noise-reducing construction practices, such as locating equipment as far away as practical from residences, equipping construction equipment with mufflers, and establishing haul routes that avoid residential uses.

(d) Findings: Although implementation of this mitigation measure will reduce the effect, feasible measures will not likely be available in all situations to reduce noise to below the applicable noise ordinance limit, so the effect remains significant and unavoidable.

(e) Conclusion: The Project's impact with respect to exposure of sensitive receptors to temporary construction-related noise is significant and unavoidable.

2. NOI-2

(a) Potential Impact: The Project could expose sensitive receptors to construction vibration. This impact is discussed in the Final EIR at page 3.7-30.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure NOI-MM-2, which involves employment of vibration-reducing construction practices such as maintaining a minimum distance of 150 feet of vibration including equipment and occupied buildings and other measures described in the Final EIR at page 3.7-21.

(d) Findings: Even though it is anticipated that construction equipment will not operate within 30 feet of residences and structures, there may be situations where this is required and where ground vibration could exceed 0.2 inch per second. Even with implementation of NOI-MM-2, feasible measures will not likely be available in all situations to reduce vibration to below the applicable levels, so the effect remains significant and unavoidable.

(e) Conclusion: The Project's impact with respect to exposure of sensitive receptors to temporary construction-related vibration is significant and unavoidable.

C. Vegetation and Wetlands

1. VEG-1

(a) Potential Impact: The Project would disturb or remove a total of 134 riparian trees on the water side of the levee. This potential impact is discussed in the Final EIR at page 3.8-24.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures VEG-MM-1 through VEG-MM-4. VEG-MM-1 involves compensation for the loss of woody riparian trees to ensure no net loss of habitat functions and values. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and

penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources.

(d) Findings: In the short term, the loss of woody riparian trees is a significant and unavoidable impact, even with implementation of the mitigation measures described herein.

(e) Conclusion: The short-term impact of the Project on waterside trees is significant and unavoidable.

2. VEG-4

(a) Potential Impact: The Project could result in the potential loss of special-status plant populations caused by habitat loss. Although there are no known occurrences of special-status plants in the construction footprint, there is potential for their presence and if they are present, project construction would result in their removal. This impact is discussed in the Final EIR at page 3.8-33.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measures VEG-MM-2, VEG-MM-3, VEG-MM-4, VEG-MM-7 and VEG-MM-8. VEG-MM-2 involves installation of exclusion fencing and/or K-rails along the perimeter of construction work and implementation of general measures such as having a biological monitor on-site during installation of the fencing and explanatory signage. VEG-MM-3 involves mandatory contractor/worker awareness training on avoiding effects on sensitive biological resources and penalties for noncompliance. VEG-MM-4 involves retaining a qualified biologist to monitor construction activities adjacent to sensitive biological resources. VEG-MM-7 involves retaining qualified botanists to conduct appropriately-timed floristic surveys for special-status plants before project implementation. If special-status plants are identified during the surveys, SBFCA will complete relevant forms to submit to the CNDDB. VEG-MM-8 involves avoidance or compensation for effects on special-status plants through redesign or modification of proposed project components to avoid effects, or, of avoidance is not feasible, effects would be compensated for by offsite preservation at a ratio required by the resource agencies.

(d) Findings: Because the effectiveness of mitigation measures to reduce this effect to a lesser level is not known at this time, because the extent (if any) of special-status plants is not known, the effect is considered significant and unavoidable.

(e) Conclusion: The impact of the Project on special-status plant populations is significant and unavoidable.

D. Cultural Resources

1. CR-1

(a) Potential Impact: The Project could result in effects in identified archaeological sites resulting from levee construction through ground-disturbing excavation or by placement of large, durable new features such as seepage berms or stability berms over these resources. This impact is discussed in the Final EIR at page 3.17-11.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure CR-MM-1, which involves performing data recovery to retrieve information useful in research. Data recovery involves excavations to retrieve samples of affected portions of sites in order to retrieve scientifically important material. The method of retrieval and analysis will vary according to the type of material present. After completion of excavations a data recovery report will be prepared and filed with relevant authorities. A detailed analysis of why preservation in place is not feasible for these identified historic resources can be found in the Final EIR's Cultural Resources chapter and in Appendix I.

(d) Findings: Even with this mitigation measure, since these sites cannot be preserved in place and mitigation cannot guarantee that all effects would be avoided, the impact remains significant and unavoidable.

(e) Conclusion: The Project's impact on identified archaeological sites is significant and unavoidable.

2. CR-2

(a) Potential Impact: The Project could result in disturbance of unidentified archaeological sites in areas that remain inaccessible. This impact is described in the Final EIR at page 3.17-16.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure CR-MM-2, which involves completion of surveys prior to construction once rights of entry have been obtained. Inventory and evaluation work will be supervised by cultural resources specialists. SBFCA will evaluate the eligibility of identified resources for listing on the CRHR and determine if the resources can feasibly be preserved in place pursuant to the CEQA Guidelines.

SBFCA will also implement of a cultural resources discovery plan that includes worker training, archaeological monitoring of construction, and specific plans for inadvertent archaeological discoveries during construction.

(d) Findings: Even with implementation of this mitigation measure, it cannot be ensured that all effects on archaeological sites would be avoided. For example, there may be inadvertent discoveries during construction of sites not previously identified due to their depth. The impact thus remains significant and unavoidable.

(e) Conclusion: The Project's effect on unidentified archaeological resources is significant and unavoidable.

3. CR-3

(a) Potential Impact: The Project could inadvertently disturb human remains during ground-disturbing work. For example, slurry cutoff walls could disturb cultural remains at depths where the resource cannot be identified even during monitoring. This impact is discussed in the Final EIR at page 3.17-18.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project would incorporate mitigation measure CR-MM-3, which involves monitoring of culturally sensitive areas during construction and following state and federal laws governing human remains if such resources are discovered. For example, if human remains are discovered, work will cease in the immediate vicinity and SBFCA will coordinate with the county coroner and NAHC to make appropriate determinations regarding the origin of the remains. These procedures will be covered in training of construction workers prior to construction activities.

(d) Findings: Implementation of this mitigation measure would reduce the severity of this impact, but it cannot guarantee that the impact would be avoided. Therefore the effect remains significant and unavoidable.

(e) Conclusion: The Project's effect on human remains is significant and unavoidable.

4. CR-4

(a) Potential Impact: The Project could have direct and indirect effects on built environment resources (historical buildings) through demolition or damage from vibration. This impact is discussed in the Final EIR at page 3.17-19.

(b) Impact Prior to Mitigation: Significant.

(c) Mitigation Measure: The Project will incorporate mitigation measure CR-MM-4, which involves completion of an inventory of built environment resources for parcels that remain inaccessible to SBFCA, evaluation of identified properties, assessment of effects, and preparation of treatment to resolve and mitigate effects.

(d) Findings: Implementation of this mitigation measure will reduce the Project's effects on built environment resources, but it cannot guarantee that all effects will be avoided. Therefore the effect remains significant and unavoidable.

(e) Conclusion: The Project's effect on built environment resources is significant and unavoidable.

VIII. FINDINGS REGARDING ALTERNATIVES

In accordance with CEQA Guidelines §15126.6, SBFCA developed a reasonable range of alternatives for analysis in the Draft EIR (see Draft EIR, Chapter 2 and Final EIR, Chapter 2). This process involved assessing the basic feasibility of various types of measures and generally evaluating their ability to meet the project objectives.

SBFCA established and applied seven criteria to qualitatively evaluate measures and alternatives and eliminate those that did not adequately meet the criteria. The criteria are below, along with the options for evaluation. Public feedback, including that gained through the NEPA and CEQA process, is considered as part of the evaluation in screening.

- Meet the project objectives.
- Geography and jurisdictional authority.
- Avoidance of hydraulic effects.
- Land use compatibility.
- Avoidance, minimization, and mitigation of environmental effects.
- Facilitation of multi-use objectives.
- Cost.

The outcome of this process was the identification of the preferred project, or proposed action, and two alternatives to the preferred project, as well as a no action scenario pursuant to CEQA. These alternatives are summarized below:

Alternative 1

This alternative is focused on measures that would predominantly keep within the existing footprint of the Feather River West Levee. The alternative primarily uses cutoff walls as a technique to address the levee's deficiencies while minimizing change in the existing levee footprint. Specifically, Alternative 1 entails constructing a cutoff wall along the centerline of the existing levee to a varying depth and a seepage berm along a portion of the landside levee toe.

This alternative meets the project objective of reducing flood risk by addressing levee deficiencies and achieving the target levels of protection. It would be in the area and

scope of authority of SBFCA, and it would not likely induce hydraulic effects within or outside the planning area. Alternative 1 minimizes land use changes and has potential to minimize environmental effects (i.e., impacts to riparian trees) by remaining in the footprint of the levee. However, this alternative will not avoid significant, unavoidable impacts in the resource areas of air quality, noise, vegetation and wetlands, and cultural resources. Moreover, this alternative involves substantial economic implications because of its emphasis on cutoff walls, which are costly to construct.

Alternative 2

This alternative removes the constraints of the existing footprint of the levee. It primarily entails constructing seepage and stability berms along the landside toe of the levee and a shallow cutoff wall along only a portion of the centerline of the levee. Alternative 2 would include the filling of the existing canal adjacent to the levee in Reaches 22, 24, 26, 27, 28 and 31 with water during periods of high water surface elevation in the river, which would require the construction of regulating structures within the canal. Alternative 2 would meet the project objectives of reducing flood risk and would be in the area and scope of authority of SBFCA. Alternative two would not likely induce hydraulic effects within or outside of the planning area. However, Alternative 2 requires considerable land acquisition which could result in relocation of a large number of homes and infrastructure. Moreover, Alternative 2 will not avoid significant, unavoidable impacts in the resource areas of air quality, noise, vegetation and wetlands, and cultural resources. It will have additional significant, unavoidable impacts on visual resources.

Alternative 3 (Preferred Project)

Alternative 3 is a blend of flood management measures (e.g., cutoff wall, slope flattening, stability berms) optimized based on specific screening criteria. This alternative proposes a combination of cutoff walls and berms (along with other measures) that avoids and minimizes environmental impacts. This alternative is considered the environmentally preferable alternative because it balances borrow material import needs, emissions, real estate acquisition and land use change, habitat effects, and construction-related disturbance. This alternative is the least impactful as a composite across all resource categories.

No Project Alternative

The no project alternative consists of continuation of current conditions and operation and maintenance practices that would be expected to occur in the foreseeable future if the Project was not implemented. Under this alternative, SBFCA would not implement flood risk-reduction measures, but the levees protecting the Sutter Basin would continue to require risk-reduction measures to meet current levee standards, FEMA's minimum acceptable level of flood protection, and State requirements for 200-year flood protection for urbanized areas. The risk of a catastrophic flood and its impacts would remain high. As described in the Alternatives chapter of the Draft and Final EIR (Chapter 2), the consequences of a levee failure are widespread: flooding, damage to residential, commercial, agricultural and industrial structures, and potential loss of life and property.

Moreover, FEMA's RiskMAP process could result in remapping of Sutter Basin areas into zones that require flood insurance and trigger constraints on further development in the basin. Depending on the future of the USACE levee vegetation policy, that policy could either require removal of woody vegetation within the levee prism or within 15 feet of the waterside and landside levee toes, or future application of a variance.

The Board finds that this alternative attains none of the Project objectives.

Alternatives Considered but Not Carried Forward for Analysis

SBFCA analyzed the following measures and alternatives based on specific criteria listed above, and determined for the following reasons that these measures/alternatives would not be carried forward for more in-depth analysis.

Alternative Levee Alignments

SBFCA analyzed setback levees, ring levees and J-levees. Setback levees do not rate well in the categories of land use compatibility, environmental effects, and costs when compared to actions that focus on addressing deficiencies of the existing levee. Ring levees fail to meet the project objectives (reducing risk for the entire planning area) and may increase the risk of flooding outside the area protected by the ring levee. J-levees may not meet all of the project objectives (reducing risk for the entire planning area) and may not avoid hydraulic effects outside the project area. For these reasons and as explained more fully in Chapter 2 of the Final EIR, these alternative levee alignments were not carried forward for additional analysis.

Reoperation of Upstream Reservoirs and Bypasses

Reoperation of reservoirs and bypasses to optimize attenuation of flood flows could potentially reduce flood risk to SBFCA, but may compromise the ability to meet other mandated management objectives and may not reduce risk for the entire planning area. Reoperation of upstream reservoirs and bypasses could not be planned and implemented within SBFCA's area and scope of authority. For these reasons and as explained more fully in Chapter 2 of the Final EIR, this alternative was not carried forward for additional analysis.

Development of Additional Upstream Storage

Similar to reoperation of upstream reservoirs, it is uncertain whether this measure would meet the project objectives of reducing risk for the entire planning area, and SBFCA does not own or control upstream properties for developing additional storage. This measure is less favorable for land use if reservoirs and bypasses would need an increased footprint to allow additional capacity. For these reasons and as explained more fully in Chapter 2 of the Final EIR, this alternative was not carried forward for additional analysis.

SBFCA also analyzed as alternatives construction of the Feather River bypass, raising building pads and river dredging per the criteria described above and were not carried forward for analysis.

IX. FINDINGS RELATED TO CUMULATIVE IMPACTS

A. Cumulative Impact Analysis

CEQA Guidelines section 15130 provides the framework for analysis of impacts associated with implementation of a project and its cumulative impacts. A discussion of cumulative impacts includes the combination of significant and less than significant project-related impacts and all levels of impacts from other past, present, and reasonably foreseeable future projects. Cumulative impacts need not be described where the Project has no physical impacts on the environment. Consistent with these requirements, cumulative impacts are discussed in Chapter 4 of the Final EIR.

The EIR's cumulative impacts discussion includes the following list of past, current and likely future projects, including other flood protection projects affecting the Feather River

and the Sacramento River system, projects affecting fish and wildlife that use the proposed project area, and relevant land use plans:

- Central Valley Flood Protection Act
- Sacramento River Flood Control System Evaluation
- Sacramento-San Joaquin Rivers Comprehensive Study
- Sacramento River Bank Protection Project
- Flood Control and Coastal Storm Emergency Act
- Sutter Basin Project
- Yuba Basin Project
- American River Common Features Project
- West Sacramento General Reevaluation Report
- Lower Feather River Corridor Management Program
- Three Rivers Levee Improvement Program
- Natomas Levee Improvement Program
- West Sacramento Levee Improvement Program
- Butte County General Plan 2030
- City of Biggs General Plan 1997-2015
- City of Gridley General Plan
- Sutter County 2030 General Plan
- City of Yuba City General Plan
- City of Live Oak General Plan
- CALFED Ecosystem Restoration Program
- Bay Delta Conservation Plan
- PG&E's Palermo to East Nicolaus

The Project, in combination with the related projects listed above, is anticipated to cause cumulatively significant impacts in the following resource areas:

- Air Quality
- Wildlife
- Fish and Aquatic Resources
- Visual Resources
- Cultural Resources

X. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. SBFCA proposes to approve the project despite certain significant unavoidable adverse impacts identified in the Feather River West Levee Project EIR. The entire EIR includes 3 volumes: (1) the Draft EIR, (2) the Final EIR, and (3) the Responses to Comments document.

A. Impacts of the Project

As detailed in this Findings document and in the EIR, the EIR concludes that the Project will have significant, unavoidable impacts in the following resource areas: air quality, noise, vegetation and wetlands, visual resources, and cultural resources.

The EIR also concludes that there will be cumulative effects on the environment in the following resource categories, due to their combination with reasonably foreseeable past, present and future projects listed in Chapter 6 of the Draft EIR: air quality, wildlife, fish and aquatic resources, visual resources, and cultural resources.

B. Environmental Commitments and Mitigation Measures

The mitigation measures incorporated into the EIR and the Mitigation Monitoring and Reporting Plan demonstrate a commitment by the Board to avoid, minimize, and compensate for environmental impacts of the Project. Environmental commitments include the following:

- Avoidance measures for valley elderberry longhorn beetle.
- Avoidance measures for Giant garter snake.
- Avoidance measures for Swainson's hawk.
- Avoidance measures for Raptors.
- Measures for protected and riparian trees.
- Invasive plant species prevention measures.
- Construction limitations near residences.
- Use of native wildflower species in erosion control seed mix.
- Soil borrow site reclamation plan.
- Post-construction operations and maintenance.
- Stormwater pollution prevention plan.
- Bentonite slurry spill contingency plan.
- Spill prevention, control and counter-measure plan.
- Monitoring of turbidity in adjacent water bodies.
- Replant trees and shrubs along PG&E utility line relocations, in conformance with utility line vegetation clearance zones.

Mitigation measures incorporated into the Project, and discussed in the Mitigation Monitoring and Reporting Plan, include the following:

<u>Flood Control and Geomorphic Conditions</u>

- FC-MM-1: Coordinate with owners and operators, prepare drainage studies as needed, and remediate effects through project design

Water Quality and Groundwater Resources

- WQ-MM-1: Implement provisions for dewatering

Air Quality

- AQ-MM-1: Provide advance notification of construction schedule and 24-hour hotline to residents
- AQ-MM-2: Implement fugitive dust control plan if unmitigated emissions exceed PM10 or PM2.5 thresholds
- AQ-MM-3: General measures to reduce emissions
- AQ-MM-4: Fleet-wide emission reductions for large off-road equipment
- AQ-MM-5: Pay required fees to FRAQMD and BCAQMD to offset annual construction NOx emissions to net zero for emissions in excess of General Conformity de minimis thresholds or to quantities below applicable FRAQMD and BCAQMD CEQA thresholds (where applicable)

Climate Change and Greenhouse Gas

- CC-MM-1: Implement measures to minimize GHG emissions during construction

Noise

- NOI-MM-1: Employ noise-reducing construction practices
- NOI-MM-2: Employ vibration-reducing construction practices

Vegetation and Wetlands

- VEG-MM-1: Compensate for the loss of woody riparian trees
- VEG-MM-2: Install exclusion fencing and/or K-rails along the perimeter of the construction work area and implement general measures to avoid effects on sensitive natural communities and special-status species
- VEG-MM-3: Conduct mandatory contractor/worker awareness training for construction personnel
- VEG-MM-4: Retain a biological monitor
- VEG-MM-5: Compensate for the loss of wetlands and other waters
- VEG-MM-6: Compensate for loss of protected trees
- VEG-MM-7: Retain qualified botanists to conduct floristic surveys for special-status plants during appropriate identification periods
- VEG-MM-8: Avoid or compensate for substantial effects on special-status plants

Wildlife

- WILD-MM-1: Fence and avoid habitat for Antioch Dunes anthicid, Sacramento anthicid, and Sacramento Valley tiger beetle and implement protective measures
- WILD-MM-2: Conduct VELB surveys prior to elderberry shrub transplantation
- WILD-MM-3 Implement measures to protect VELB and its habitat
- WILD-MM-4: Compensate for effects on VELB and its habitat
- WILD-MM-5: Conduct preconstruction surveys for Western pond turtle and monitor construction activities if turtles are observed
- WILD-MM-6: Avoid and minimize construction effects on Giant Garter Snake
- WILD-MM-7: Avoid and minimize potential maintenance impacts on suitable habitat for Giant Garter Snake and Western Burrowing Owl
- WILD-MM-8: Compensate for permanent loss of suitable Giant Garter Snake habitat
- WILD-MM-9: Restore temporarily disturbed Giant Gartner Snake aquatic and upland habitat to pre-project conditions
- WILD-MM-10: Conduct vegetation removal activities outside the breeding season for birds
- WILD-MM-11: Conduct focused surveys for nesting Swainson's hawk prior to construction and implement protective measures during construction
- WILD-MM-12: Compensate for the permanent loss of foraging habitat for Swainson's hawk
- WILD-MM-13: Conduct nesting surveys for special-status and non-special-status birds and implement protective measures during construction
- WILD-MM-14: Conduct surveys for western burrowing owl prior to construction and implement protective measures if found
- WILD-MM-15: Compensate for the loss of occupied western burrowing owl habitat
- WILD-MM-16: Identify suitable roosting habitat for bats and implement avoidance and protective measures

<u>Population, Housing and Environmental Justice</u>

- POP-MM-1: Property acquisition compensation and resident relocation plan

<u>Utilities and Public Services</u>

- UTL-MM-1: Coordinate with water supply users before and during all water supply infrastructure modifications and implement measures to minimize interruptions to supply

- UTL-MM-2: Verify utility locations, coordinate with utility providers, prepare a response plan, and conduct worker training

Public Health and Environmental Hazards

- PH-MM-1: Complete Phase I and Phase II (if necessary) environmental site assessment investigations and implement required measures
- PH-MM-2: Employment of a toxic release contingency plan
- PH-MM-3: Implementation of construction safety measures
- PH-MM-4: Implementation of an emergency response plan

Cultural Resources

- CR-MM-1: Perform data recovery to retrieve information useful in research
- CR-MM-2: Complete surveys prior to construction, implement a cultural resources discovery plan, provide related training to construction workers, and conduct construction monitoring
- CR-MM-3: Monitor culturally sensitive areas during construction and follow state and federal laws governing human remains if such resources are discovered
- CR-MM-4: Complete inventory of built environment resources in inaccessible parcels, evaluate identified properties, assess effects, and prepare treatment to resolve and mitigate significant effects

C. Benefits of the Project

The Project will enhance public safety in the Sutter Basin by addressing known levee deficiencies on the Feather River. USACE, DWR and SBFCA have commissioned studies to determine the type, location and severity of deficiencies in the SBFCA project area. The Feather River west levee suffers from risks of the following levee failure mechanisms: through seepage, under seepage, slope stability and geometry, erosion, and levee encroachments.

SBFCA was formed to proactively reduce flood risk reduction in the basin. At that time, FEMA was revising its Flood Insurance Rate Maps (FIRMs) in the study area in a way that would likely lead to the study area being mapped within the 100-year floodplain. This would make flood insurance mandatory for all Federally guaranteed loans as well as impose significant restrictions on development. SBFCA began by comprehensively evaluating the Feather River west levee to determine the magnitude and severity of any deficiencies and the resulting level of flood protection.

SBFCA has proposed the Project to address the identified deficiencies and reduce flood risk for the Sutter basin communities. Specifically, the Project has the following benefits:

- Protects existing populations and minimizes exposure to flooding for agricultural commodities, infrastructure use, and other property.

- Reduces flood risk from Feather River toward a target of 200-year protection for Yuba City and to the north of the planning area in compliance with state mandates for 200-year protection for urbanized areas and in avoidance of FEMA restrictions that would compromise agricultural sustainability.
- Addresses known deficiencies and observed performance issues.
- Constructs a project as soon as possible to reduce flood risk as quickly as possible.
- Constructs a project that is economically, environmentally, politically and socially acceptable.
- Facilitates compatibility with the CVFPP and Sutter Basin Feasibility Study such that proposed activities would be "no regrets" and not inconsistent with any future plans.
- Facilitates compatibility with recreation and restoration goals in the planning area.

The Board hereby finds that any remaining significant effects on the environmental found to be unavoidable as described in these Findings are acceptable due to overriding concerns as described above.

D. Conclusion

Having reduced the effects of the proposed project by adopting mitigation measures, and balanced the benefits of the proposed project against the project's potential unavoidable adverse impacts, the SBFCA Board of Directors hereby determine that the specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the potential unavoidable adverse effects on the environment.

Feather River West Levee Project

Mitigation Monitoring and Reporting Program

This document is the Mitigation Monitoring and Reporting Program (MMRP) prepared by the Sutter Butte Flood Control Agency (SBFCA) for the Feather River West Levee Project (FRWLP, or project). SBFCA was formed as a joint powers authority in 2007 through a joint exercise of powers agreement by the Counties of Sutter and Butte; the Cities of Yuba City, Gridley, Live Oak, and Biggs; and Levee Districts 1 and 9 (LD 1, LD 9). SBFCA is the Lead Agency for the FRWLP. The MMRP addresses the mitigation measures that would be implemented by SBFCA or its construction contractor.

Table 1. Mitigation Monitoring and Reporting Program for the Feather River West Levee Project

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Effect FC-6: Alteration of the Existing Drainage Pattern of the Site or Area	*FC-MM-1*: Coordinate with Owners and Operators, Prepare Drainage Studies as Needed, and Remediate Effects through Project Design	SFBCA and its engineering and design contractor	SFBCA and its engineering and design contractor	During final project design	During final project design, project engineers will coordinate with owners and operators of local drainage systems and landowners served by the systems to evaluate pre- and post-project drainage needs and design features to remediate any project-related substantial drainage disruption or alteration in runoff that would increase the potential for localized flooding. If substantial alteration of runoff patterns or disruption of a local drainage system could result from a project feature, a drainage study will be prepared as part of final project design. The study will consider the design flows of any existing facilities that would be crossed by project features and develop appropriate plans for relocation or other modification of these facilities and construction of new facilities, as needed, to ensure equivalent functioning of the system during and after construction. If no drainage facilities (e.g., ditches, canals) would be affected, but project features would have a substantial adverse effect on runoff amounts and/or patterns, new drainage systems will be included in the design of project alternatives to ensure that the project would not result in new or increased localized flooding. Any necessary features to remediate project-induced drainage problems will be installed before the project is completed or as part of the project, depending on site-specific conditions.
Effect WQ-3: Effects on Groundwater or Surface Water Quality Resulting from Contact with the Water Table	*WQ-MM-1*: Implement Provisions for Dewatering	SBFCA or its construction contractor	SBFCA or its construction contractor	Permit to be obtained prior to discharging dewatered effluent to surface water. Ongoing inspections of construction area will occur frequently during construction to verify water quality control measures are properly implemented and maintained.	Before discharging any dewatered effluent to surface water, SBFCA or its contractors will obtain a Low Threat Discharge and Dewatering NPDES permit from the Central Valley RWQCB if the dewatering is not covered under the Central Valley RWQCB's NPDES Construction General Permit. As part of the permit, the permittee will design and implement measures as necessary so that the discharge limits identified in the relevant permit are met. For example, if dewatering is needed during the construction of any cutoff walls, the Low Threat Discharge and Dewatering NPDES permit would require treatment or proper disposal of the water prior to discharge. Treatment measures will be selected to achieve maximum sediment removal and represent the best available technology that is economically achievable. Implemented measures could include the retention of dewatering effluent until particulate matter has settled before it is discharged, use of infiltration areas, and other BMPs. Final selection of water quality control measures will be subject to approval by SBFCA. SBFCA will verify that coverage under the appropriate NPDES permit has been obtained before allowing dewatering activities to begin. SBFCA or its agent will perform routine inspections of the construction area to verify that the water quality control measures are properly implemented and maintained. SBFCA will notify its contractors immediately if there is a non-compliance issue and will require compliance.
Effect AQ-2: Exceedance of Applicable Thresholds for Construction Emissions	*AQ-MM-1*: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents	SBFCA and its construction contractor	SBFCA and its construction contractor	Ongoing during construction. Written notification of proposed construction activities delivered to residents and other uses prior to commencing construction activities. Liaison respond to complaints within 48 hours.	SBFCA will provide advance written notification of the proposed construction activities to all residences and other air quality–sensitive uses within 500 feet of the construction site. Notification will include a brief overview of the proposed project and its purpose, as well as the proposed construction activities and schedule. It also will include the name and contact information of SBFCA's project manager or a representative for ensuring that reasonable measures are implemented to address a problem. The construction contractor will post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the appropriate air quality agency (FRAQMD or BCAQMD) also will be visible to ensure compliance with the agencies' regulations.
Effect AQ-2: Exceedance of Applicable Thresholds for Construction Emissions	*AQ-MM-2*: Implement Fugitive Dust Control Plan If Unmitigated Emissions Exceed PM10 or PM 2.5 Thresholds	SBFCA's construction contractor	SBFCA's construction contractor	Measures to be implemented ongoing during construction. Dust control plan to be submitted prior to	The construction contractor will implement all applicable and feasible fugitive dust control measures required by FRAQMD and BCAQMD, including those listed below. This requirement will be incorporated into the construction contract. 1) Prior to mobilizing to the job site the construction contractor will submit a dust control plan to FRAQMD and BCAQMD. 2) Water active unpaved areas at all construction sites at least twice daily in dry conditions or more frequently as required, with the frequency of watering based on the type of operation, soil, and wind

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
				construction. Watering to occur at least twice daily or more during dry conditions.	exposure. 3) Prohibit all grading activities and water all areas of disturbed soil under windy conditions (more than 20 miles per hour). 4) Limit onsite vehicles to a speed that prevents visible dust emissions to extend beyond unpaved roads. 5) Cover all trucks hauling dirt, sand, or loose materials. 6) Cover active and inactive storage piles where appropriate. 7) Cover or hydroseed unpaved areas that will remain inactive for extended periods. 8) Apply soil stabilizers to active and inactive areas where appropriate. 9) Install wheel washers at the entrance to construction sites for all exiting trucks. 10) Sweep streets if visible soil material is carried out from the construction site. Sweeping will be done at least once per day unless conditions warrant a more frequent application. 11) Install wind fencing and phase grading operations where appropriate.
Effect AQ-2: Exceedance of Applicable Thresholds for Construction Emissions	*AQ-MM-3*: General Measures to Reduce Emissions	SBFCA's construction contractor	SBFCA's construction contractor	Ongoing during construction.	1) No open burning of removed vegetation. Vegetative material will be chipped or delivered to waste or energy facilities. 2) Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites. 3) Reduce use, trips, and unnecessary idling of heavy equipment. Shut down idling equipment that is not used for more than 5 consecutive minutes as required by California law. 4) Construction equipment exhaust emissions will not exceed 40% opacity or Ringelmann 2.0. Operators of vehicles and equipment found to exceed opacity limits will take action to repair the equipment within 72 hours or remove the equipment from service. 5) Maintain all construction equipment in proper tune according to manufacturer's specifications. 6) Locate stationary diesel-powered equipment and haul truck staging areas as far as practical from sensitive receptors. 7) Use existing power sources (e.g., power lines) or clean fuel generators rather than conventional diesel generators, when feasible. 8) Substitute gasoline-powered for diesel-powered equipment when feasible. 9) Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require ARB Portable Equipment Registration with the state or a local district permit. The owner/operator will be responsible for arranging appropriate consultations with ARB or the air districts to determine registration and permitting requirements prior to equipment operation at the site.
Effect AQ-2: Exceedance of Applicable Thresholds for Construction Emissions	*AQ-MM-4*: Fleet-Wide Emission Reductions for Large Off-Road Equipment	SBFCA's construction contractor	SBFCA's construction contractor	Equipment inventory to be completed prior to start of construction. Plan submitted to FRAQMD and BCAQMD prior to start of construction.	Prior to mobilizing to the job site, the construction contractor will assemble a comprehensive inventory list (make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project. The construction contractor then will apply the following mitigation measure to those pieces of equipment. The construction contractor will provide a plan, for approval by FRAQMD and BCAQMD, demonstrating that the heavy-duty off-road equipment to be used at the project sites, including owned, leased, and subcontractor equipment, will achieve a project-wide fleet-average reduction of 20% for NOX and 45% for DPM, compared to the most recent ARB fleet average at time of construction. SBFCA will use the construction mitigation calculator downloaded from the Sacramento Metropolitan Air Quality Management District web site (or similar tool approved by FRAQMD and BCAQMD) to perform the fleet average evaluation (Sacramento Metropolitan Air Quality Management District 2009). Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), or installation of after-treatment emission control devices. FRAQMD and BCAQMD will be contacted to review and approve the alternative measures.

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Effect AQ-2: Exceedance of Applicable Thresholds for Construction Emissions	*AQ-MM-5*: Pay Required Fees to FRAQMD and BCAQMD to Offset NOX Emissions to Net Zero (0) for Emissions in Excess of General Conformity de minimis thresholds or to Quantities below Applicable FRAQMD and BCAQMD CEQA thresholds (where applicable)	SBFCA's construction contractor	SBFCA's construction contractor	Consultation with FRAQMD and BCAQMD prior to receiving grading permits.	After implementing the general tailpipe emission control measures listed in AQ-MM-4 to reduce daily-average construction emissions, SBFCA will pay offsite mitigation fees to FRAQMD and BCAQMD to offset NOX emissions. Emissions in excess of the federal de minimis thresholds shall be reduced to net zero (0). Emissions not in excess of the de minimis thresholds, but above applicable air district CEQA thresholds shall be reduced to quantities below the numeric thresholds. Prior to issuance of grading permits for the project, SBFCA will consult with FRAQMD and BCAQMD to define the best construction information and the appropriate computational tools to be used for the calculations. SBFCA will submit calculations to FRAQMD and BCAQMD documenting the tons of NOX to be offset over the duration of the construction phase of the project. SBFCA will consult with FRAQMD and BCAQMD to define the required fee payment based on the most recent Carl Moyer program cost value. Prior to the approval of project plans or the issuance of grading permits, the SBFCA will submit proof that the offsite air quality mitigation fee has been paid to FRAQMD and BCAQMD, and that the construction air quality mitigation plan has been approved by FRAQMD, BCAQMD, and SBFCA.
Effect AQ-3: Exceedance of the Federal General Conformity Thresholds during Construction	*AQ-MM-1*: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents	See *Effect AQ-2*, *AQ-MM-1*	See *Effect AQ-2*, *AQ-MM-1*	See *Effect AQ-2*, *AQ-MM-1*	See *Effect AQ-2*, *AQ-MM-1*
Effect AQ-3: Exceedance of the Federal General Conformity Thresholds during Construction	*AQ-MM-2*: Implement Fugitive Dust Control Plan If Unmitigated Emissions Exceed PM10 or PM 2.5 Thresholds	See *Effect AQ-2*, *AQ-MM-2*	See *Effect AQ-2*, *AQ-MM-2*	See *Effect AQ-2*, *AQ-MM-2*	See *Effect AQ-2*, *AQ-MM-2*
Effect AQ-3: Exceedance of the Federal General Conformity Thresholds during Construction	*AQ-MM-3*: General Measures to Reduce Emissions	See *Effect AQ-2*, *AQ-MM-3*	See *Effect AQ-2*, *AQ-MM-3*	See *Effect AQ-2*, *AQ-MM-3*	See *Effect AQ-2*, *AQ-MM-3*
Effect AQ-3: Exceedance of the Federal General Conformity Thresholds during Construction	*AQ-MM-4*: Fleet-Wide Emission Reductions for Large Off-Road Equipment	See *Effect AQ-2*, *AQ-MM-4*	See *Effect AQ-2*, *AQ-MM-4*	See *Effect AQ-2*, *AQ-MM-4*	See *Effect AQ-2, AQ-MM-4*
Effect CC-1: Increase in GHG Emissions during Construction Exceeding Threshold	*CC-MM-1*: Implement Measures to Minimize GHG Emissions during Construction	SBFCA's construction contractor	SBFCA's construction contractor	Ongoing during project construction	The following measures should be considered to lower GHG emissions during construction. 1) Comply with all applicable future GHG regulations at the time of project-level permitting and construction. 2) Use biodiesel fuel to fuel a substantial portion of the diesel-powered equipment and vehicles. 3) Encourage construction workers to carpool. 4) Recycle at least 50% of construction waste and demolition debris. 5) Purchase at least 10% of the building materials and imported soil from sources within 100 miles of the project site. 6) Use electricity from utility power lines rather than fossil fuel, where appropriate. 7) Purchase GHG offset for project GHG emissions (direct emissions plus indirect emissions from on-road haul trucks plus commute vehicles) exceeding future Federal, state, or local significance thresholds applicable at the time of construction. If no GHG significance thresholds have been formally adopted at the time of permitting, a presumptive GHG threshold of 7,000 MT per year of CO2e (amortized over the 50-year life of the levee project) should be used to define the offset requirement. The 7,000 MT/year presumptive threshold matches the lowest industrial project threshold that has been proposed by any air quality agency in California as of the date of this study. All purchased offsets must be verifiable under protocols set by the California Climate Action Registry, the Chicago Climate Exchange, or comparable auditing programs.
Effect NOI-1: Exposure of Sensitive Receptors to	*NOI-MM-1*: Employ Noise-Reducing Construction	SBFCA's construction contractor	SBFCA's construction	Ongoing during construction.	To the extent feasible construction contractors shall control noise from construction activity such that noise does not exceed applicable noise standards specified by the Cities of Yuba City, Marysville, Live Oak, and Biggs;

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Temporary Construction-Related Noise	Practices		contractor		Sutter County; and Butte County. Where there is not a specific noise standard noise will be limited to 60 dBA-Leq at noise-sensitive uses between the hours of 7:00 a.m. and 10:00 p.m. or 45 dBA-Leq between the hours of 10:00 p.m. and 7:00 a.m. Measures that can be implemented to control noise include the following. 1) Locate noise-generating equipment as far away as practical from residences and other noise-sensitive uses. 2) Equip all construction equipment with standard noise attenuation devices such as mufflers to reduce noise and equip all internal combustion engines with intake and exhaust silencers in accordance with manufacturer's standard specifications. 3) Establish equipment and material haul routes that avoid residential uses to the extent practical, limit hauling to the hours between 7:00 a.m. and 10:00 p.m., and specify maximum acceptable speeds for each route. 4) Employ electrically powered equipment in place of equipment with internal combustion engines where practical, where electric equipment is readily available, and where this equipment accomplishes project work as effectively and efficiently as equipment powered with internal combustion engines. 5) Restrict the use of audible warning devices such as bells, whistles, and horns to those situations that are required by law for safety purposes. 6) Provide a noise-reducing enclosure around stationary noise-generating equipment. 7) Provide temporary construction noise barriers between active construction sites that are in close proximity to residential and other noise-sensitive uses. Temporary barriers can be constructed or created with parked truck trailers, soil piles, or material stock piles.
Effect NOI-2: Exposure of Sensitive Receptors to Temporary Construction-Related Vibration	*NOI-MM-2*: Employ Vibration-Reducing Construction Practices	SBFCA's construction contractor	SBFCA's construction contractor A qualified acoustical consultant or engineering firm to conduct vibration monitoring. A designated complaint coordinator to respond to noise complaints received during construction.	Ongoing during construction. Inspection of potentially affected buildings to be conducted prior to construction and following completion of construction.	The construction contractor will, to the extent feasible, maintain a minimum distance of 150 feet between pile driving equipment and occupied or vibration-sensitive buildings or structures. To the extent feasible, a minimum distance of 50 feet will be maintained between other construction equipment and occupied or vibration-sensitive buildings or structures. For cases where this is not feasible, residents or property owners will be notified in writing prior to construction activity that construction may occur in close proximity to their buildings. SBFCA will inspect the potentially affected buildings prior to construction to inventory existing cracks in paint, plaster, concrete, and other building elements. SBFCA will retain a qualified acoustical consultant or engineering firm to conduct vibration monitoring at potentially affected buildings to measure the actual vibration levels during construction. Following completion of construction, SBFCA will conduct a second inspection to inventory changes in existing cracks and new cracks or damage, if any, that occurred as a result of construction-induced vibration. If new damage is found, then SBFCA will promptly arrange to have the damaged repaired or will reimburse the property owner for appropriate repairs. In addition, if construction activity is required within 100 feet of residences or other vibration-sensitive buildings, a designated complaint coordinator will be responsible for handling and responding to any complaints received during such periods of construction. A reporting program will be required that documents complaints received, actions taken, and the effectiveness of these actions in resolving disputes.
Effect VEG-1: Disturbance or Removal of Riparian Trees	*VEG-MM-1*: Compensate for the Loss of Woody Riparian Trees	SBFCA	SBFCA	Mitigation will be implement- ted during Fall 2013. Riparian tree restoration areas will be monitored annually during years 1 through five following completion of mitigation project implementa- tion	For direct effects on woody riparian trees that cannot be avoided, SBFCA will compensate for the loss of riparian habitat to ensure no net loss of habitat functions and values. Compensation ratios will be based on site-specific information and determined through coordination with the appropriate state and Federal agencies during the permitting process. Compensation will be provided based on the ratio determined (e.g., 2:1 = 2 acres restored/created/enhanced or credits purchased for every 1 acre removed). SBFCA is preparing a mitigation and monitoring plan. Mitigation will consist of off-site, in-kind replacement habitat that is a combination of permittee-responsible mitigation and mitigation bank credits to allow for economy of scale and higher quality habitat due to large patch size. The plan identifies how and where mitigation will occur, monitoring and maintenance activities, success criteria, and funding assurances. The final mitigation and monitoring plan will be approved by the appropriate regulatory agencies prior to the removal of any riparian habitat.
Effect VEG-1: Disturbance or	*VEG-MM-2*: Install	SBFCA or its	SBFCA or its	Exclusion fencing	To clearly demarcate the project boundary and prevent special-status species from moving through the

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Removal of Riparian Trees	Exclusion Fencing and/or K-rails along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species	construction contractor	construction contractor A qualified biologist hired by SBFCA	installed one week prior to start of construction activities and removed after construction of project phase is complete.	project area, SBFCA or its contractors will install temporary exclusion fencing along the project boundaries (including access roads, staging areas, etc.) 1 week prior to the start of construction activities. SBFCA will ensure that the temporary fencing is continuously maintained until all construction activities are completed and that construction equipment is confined to the designated work areas, including any offsite mitigation areas and access thereto. The fence will be made of suitable material that will not allow any of the special-status wildlife with potential to occur in the project area to pass through or over, and the bottom will be buried to a depth of at least 4 inches to ensure that these species cannot crawl under the fence. A USFWS- and a DFG-approved biological monitor will be onsite during installation of the fencing to survey and relocate wildlife outside the work area boundaries. Federally and state-listed species will be relocated only if authorized by the USFWS and DFG. The exclusion fencing will be removed only after construction of the project phase is completed. Exclusionary construction fencing and explanatory signage will also be placed around the perimeter of sensitive vegetation communities that could be affected by construction activities throughout the period during which such effects occur. Signage will explain the nature of the sensitive resource and warn that no effect on the community is allowed. The fencing will include a buffer zone of at least 20 feet between the resource and construction activities. All exclusionary fencing will be maintained in good condition throughout the construction period.
Effect VEG-1: Disturbance or Removal of Riparian Trees	*VEG-MM-3*: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel	A qualified biologist hired by SBFCA	A qualified biologist hired by SBFCA	Training will occur for construction personnel when they are first brought on the job during the construction period.	A qualified biologist will conduct mandatory contractor/worker awareness training for construction personnel. The awareness training will be provided to all construction personnel to brief them on the need to avoid effects on sensitive biological resources (e.g., riparian habitat, special-status species, special-status wildlife habitat) and the penalties for not complying with permit requirements. The biologist will inform all construction personnel about the life history of special-status species with potential for occurrence onsite, the importance of maintaining habitat, and the terms and conditions of the BO or other authorizing document. Proof of this instruction will be submitted to USFWS, DFG, or other overseeing agency, as appropriate. The training also will cover the restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on special-status species during project construction. The crew foreman will be responsible for ensuring that crew members adhere to the guidelines and restrictions.
Effect VEG-1: Disturbance or Removal of Riparian Trees	*VEG-MM-4*: Retain a Biological Monitor	SBFCA or its construction contractor	A qualified biologist hired by SBFCA	Ongoing during the construction period	SBFCA or its contractors will retain qualified biologists to monitor construction activities adjacent to sensitive biological resources (e.g., special-status species, riparian habitat, wetlands, elderberry shrubs). The biologists will assist the construction crew, as needed, to comply with all project implementation restrictions and guidelines. In addition, the biologists will be responsible for ensuring that SBFCA or its contractors maintain the exclusion fencing adjacent to sensitive biological resources.
Effect VEG-2: Loss of Wetlands and Other Waters of the United States as a Result of Project Construction	*VEG-MM-2*: Install Exclusion Fencing and/or K-rails along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*
Effect VEG-2: Loss of Wetlands and Other Waters of the United States as a Result of Project Construction	*VEG-MM-3*: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*
Effect VEG-2: Loss of Wetlands and Other Waters of the United States as a Result of Project Construction	*VEG-MM-4*: Retain a Biological Monitor	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*
Effect VEG-2: Loss of Wetlands	*VEG-MM-5*: Compensate for	SBFCA	SBFCA	Mitigation will be	Compensation for the loss of wetlands will include restoring or enhancing in-kind wetland habitat at a

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
and Other Waters of the United States as a Result of Project Construction	the Loss of Wetlands and Other Waters			implement- ted during Fall 2013. Monitoring activities will begin immediately following.	mitigation ratio that will be developed in coordination with regulatory agencies to ensure no net loss of habitat functions and values. SBFCA is preparing a mitigation and monitoring plan Mitigation will consist of off-site, in-kind replacement habitat that is a combination of permittee-responsible mitigation and mitigation bank credits to allow for economy of scale and higher quality habitat due to large patch size. The plan identifies how and where mitigation will occur, monitoring and maintenance activities, success criteria, and funding assurances. The final mitigation and monitoring plan will be approved by the appropriate regulatory agencies before the loss of any wetlands or waters.
Effect VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction	*VEG-MM-2*: Install Exclusion Fencing and/or K-rails along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*
Effect VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction	*VEG-MM-3*: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*
Effect VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction	*VEG-MM-4*: Retain a Biological Monitor	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*
Effect VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction	*VEG-MM-6*: Compensate for Loss of Protected Trees	SBFCA	SBFCA	Mitigation will be implement- ted during Fall 2013. Riparian tree restoration areas will be monitored annually during years 1 through five following completion of mitigation project implementa- tion	For impacts on protected trees that fall under the jurisdiction of a local tree ordinance, SBFCA will apply for a tree permit for the removal of any protected trees during construction. SBFCA will replace trees that must be removed with trees at or near the location of the effect or another location approved by the appropriate party (e.g., tree administrator, parks and recreation department). SBFCA also will replace any replacement trees that die within 3 years of the initial planting. Replacement trees are required at a ratio of 1:1 (i.e., 1-inch diameter of replacement tree for every 1-inch diameter of tree removed). Effects on trees also may be mitigated through payment of an in-lieu fee. Mitigation will be subject to approval by the appropriate party and will take into account species affected, replacement species, location, health and vigor, habitat value, and other factors to determine fair compensation for tree loss. For impacts on protected trees in oak woodlands under a county's jurisdiction, the project applicant will implement one of the four CEQA oak woodlands mitigation alternatives to compensate for the loss of projected trees and the planting of oaks will not constitute more than 50% of the required mitigation.
Effect VEG-4: Potential Loss of Special-Status Plant Populations Caused by Habitat Loss Resulting from Project Construction	*VEG-MM-2*: Install Exclusion Fencing and/or K-rails along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*	See *Effect VEG-1, VEG-MM-2*
Effect VEG-4: Potential Loss of Special-Status Plant Populations Caused by Habitat	*VEG-MM-3*: Conduct Mandatory Contractor/Worker	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*	See *Effect VEG-1, VEG-MM-3*

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Loss Resulting from Project Construction	Awareness Training for Construction Personnel				
Effect VEG-4: Potential Loss of Special-Status Plant Populations Caused by Habitat Loss Resulting from Project Construction	*VEG-MM-4*: Retain a Biological Monitor	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*	See *Effect VEG-1, VEG-MM-4*
Effect VEG-4: Potential Loss of Special-Status Plant Populations Caused by Habitat Loss Resulting from Project Construction	*VEG-MM-7*: Retain Qualified Botanists to Conduct Floristic Surveys for Special-Status Plants during Appropriate Identification Periods	SBFCA	A qualified botanist hired by SBFCA	Surveys will be conducted prior to project construction and during reported blooming or other periods when special-status plants are evident and identifiable.	SBFCA will retain qualified botanists to survey the biological study area to document the presence of special-status plants before project implementation. The botanists will conduct a floristic survey that follows the DFG botanical survey guidelines (California Department of Fish and Game 2009). All plant species observed will be identified to the level necessary to determine whether they qualify as special-status plants or are plant species with unusual or significant range extensions. The guidelines also require that field surveys be conducted when special-status plants that could occur in the area are evident and identifiable, generally during the reported blooming period. To account for different special status–plant identification periods, one or more series of field surveys may be required in spring and summer. If any special-status plants are identified during the surveys, the botanist will photograph and map locations of the plants, document the location and extent of the special status–plant population on a CNDDB Survey Form, and submit the completed Survey Form to the CNDDB. The amount of compensatory mitigation required will be based on the results of these surveys.
Effect VEG-4: Potential Loss of Special-Status Plant Populations Caused by Habitat Loss Resulting from Project Construction	*VEG-MM-8*: Avoid or Compensate for Substantial Effects on Special-Status Plants	SBFCA	SBFCA	During pre-construction survey timeframe.	If one or more special-status plants are identified in the study area during preconstruction surveys, SBFCA will redesign or modify proposed project components of the project to avoid indirect or direct effects on special-status plants wherever feasible. If special-status plants can be avoided by redesigning projects, implementation of Mitigation Measures *VEG-MM-2* (barrier fencing), *VEG-MM-3* (awareness training), and *VEG-MM-4* (biological monitor) would avoid significant effects on special-status plants. If complete avoidance of special-status plants is not feasible, the effects of the project on special-status plants would be compensated for by offsite preservation at a ratio to be negotiated with the resource agencies. Suitable habitat for affected special status–plant species will be purchased in a conservation area, preserved, and managed in perpetuity. Detailed information will be provided to the agencies on the location and quality of the preservation area, the feasibility of protecting and managing the area in perpetuity, and the responsible parties. Other pertinent information also will be provided, to be determined through future coordination with the resource agencies.
Effect WILD-1: Potential Mortality of or Loss of Habitat for Antioch Dunes Anthicid, Sacramento Anthicid, and Sacramento Valley Tiger Beetle	*WILD-MM-1*: Fence and Avoid Habitat for Antioch Dunes Anthicid, Sacramento Anthicid, and Sacramento Valley Tiger Beetle and Implement Protective Measures	SBFCA or its construction contractor	A qualified biologist hired by SBFCA	During the construction period.	The area of potentially suitable habitat will be identified on construction plans and fenced prior to the start of construction. No foot or vehicle traffic will be allowed in the fenced area. The fencing will be removed when construction is complete. If avoidance is not possible, or new areas of potential habitat are identified and cannot be avoided, a qualified entomologist will survey the suitable habitat areas for the presence of these three beetle species to determine their presence. If recommended by the entomologist and supported by the wildlife agencies, the beetles may be relocated to suitable habitat prior to the start of construction in the habitat to be affected.
Effect WILD-2: Potential Mortality or Disturbance of VELB and its Habitat (Elderberry Shrubs)	*WILD-MM-2*: Conduct VELB Surveys Prior to Elderberry Shrub Transplantation	SBFCA or its construction contractor	A qualified biologist hired by SBFCA	During the construction period.	A qualified biologist will survey elderberry shrubs to be transplanted prior to transplantation. Surveys will be conducted in accordance with the Conservation Guidelines for the VELB (U.S. Fish and Wildlife Service 1999b). The biologist will survey the area surrounding the shrub to be transplanted to ensure that there aren't additional elderberry shrubs that need to be removed. Surveys will consist of counting and measuring the diameter of each stem, and examining elderberry shrubs for the presence of VELB exit holes.
Effect WILD-2: Potential Mortality or Disturbance of VELB and its Habitat (Elderberry Shrubs)	*WILD-MM-3*: Implement Measures to Protect VELB and its Habitat	SBFCA or its construction contractor	A qualified biologist with VELB/elderberry experience hired by SBFCA	Buffer area fences around elderberry shrubs will be inspected weekly by a qualified biologist during ground-disturbing activities and monthly after ground-disturbing	Elderberry shrubs/clusters within 100 feet of the construction area that will not be removed will be protected during construction. A qualified biologist will mark the elderberry shrubs and clusters that will be protected during construction. Orange construction barrier fencing will be placed at the edge of the respective buffer areas. The buffer area distances will be proposed by the biologist and approved by USFWS. No construction activities will be permitted in the buffer zone other than those activities necessary to erect the fencing. Signs will be posted along fencing for the duration of construction. In some cases, where the elderberry shrub dripline is within 10 feet of the work area, k-rails will be placed at the shrub's dripline to provide additional

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
				activities until project construction is complete or until the fences are removed.	protection to the shrub from construction equipment and activities. Temporary fences around the elderberry shrubs and k-rails at shrub driplines will be installed as the first order of work. Temporary fences will be furnished, constructed, maintained, and later removed, as shown on the plans, as specified in the special provisions, and as directed by the project engineer. Temporary fencing will be 4 feet (1.2 meters) high, commercial-quality woven polypropylene, orange in color. Buffer area fences around elderberry shrubs will be inspected weekly by a qualified biologist during ground-disturbing activities and monthly after ground-disturbing activities until project construction is complete or until the fences are removed, as approved by the biological monitor and the resident engineer. The biological monitor will be responsible for ensuring that the contractor maintains the buffer area fences around elderberry shrubs throughout construction. SBFCA will ensure that the project site will be watered down as necessary to prevent dust from becoming airborne and accumulating on elderberry shrubs in and adjacent to the project site. Biological inspection reports will be provided to the project lead and USFWS.
Effect WILD-2: Potential Mortality or Disturbance of VELB and its Habitat (Elderberry Shrubs)	*WILD-MM-4*: Compensate for Effects on VELB and its Habitat	SBFCA	A qualified biologist with VELB/elderberry experience hired by SBFCA	Transplanting will take place before construction begins. Elderberry shrubs within the project construction area that cannot be avoided will be transplanted during the plant's dormant phase (November through the first 2 weeks of February).	Before construction begins, SBFCA will compensate for direct effects on elderberry shrubs by transplanting shrubs that cannot be avoided to a USFWS-approved conservation area (i.e., the Star Bend Mitigation Area). Elderberry seedlings or cuttings and associated native species will also be planted in the conservation area.
Effect WILD-3: Potential Mortality or Disturbance of Western Pond Turtle	*WILD-MM-5*: Conduct Preconstruction Surveys for Western Pond Turtle and Monitor Construction Activities if Turtles are Observed	SBFCA or its construction contractor	A qualified biologist familiar with turtles hired by SBFCA	A biologist will conduct surveys for western pond turtle in one before and within 24 hours of beginning work in suitable aquatic habitat. Surveys will be timed to coincide with the time of day and year when turtles are most likely to be active (during the cooler part of the day between 8 a.m. and 12 p.m. during spring and summer).	A qualified biologist will conduct surveys for western pond turtle one week and 24 hours prior to beginning work in suitable aquatic habitat. Prior to conducting the surveys, the biologist should locate the microhabitats for turtle basking (logs, rocks, brush thickets) and determine a location to quietly observe turtles. Each survey should include a 30-minute wait time after arriving on site to allow startled turtles to return to open basking areas. The survey should consist of a minimum 15-minute observation time per area where turtles could be observed. If western pond turtles are observed during either survey, a biological monitor should be present during construction activities in the aquatic habitat where the turtle was observed and will capture and remove, if possible, any entrapped turtle. The biological monitor also will be mindful of suitable nesting and overwintering areas in proximity to suitable aquatic habitat and periodically inspect these areas for nests and turtles. The biological monitor's DFG scientific collecting permit will include capture and relocation of turtles.
Effect WILD-4: Potential Disturbance or Mortality of and Loss of Suitable Habitat for Giant Garter Snake	*WILD-MM-6*: Avoid and Minimize Construction Effects on Giant Garter Snake	SBFCA or its construction contractor	A qualified biologist familiar with giant garter snakes hired by SBFCA	During the construction period of May 1 through October 1 (giant garter snake active period) to the extent feasible.	To the maximum extent possible, all construction activity in giant garter snake aquatic and upland habitat within 200 feet of aquatic habitat will be conducted during the snake's active period (between May 1 and October 1).
Effect WILD-4: Potential Disturbance or Mortality of and Loss of Suitable Habitat for Giant Garter Snake	*WILD-MM-7*: Avoid and Minimize Potential Maintenance Impacts on Suitable Habitat for Giant Garter Snake and Western Burrowing Owl	SBFCA or its construction contractor	SBFCA or its construction contractor	Plan to be developed prior to construction. Burning and vegetation mowing to take place from May 1–October 1.	SBFCA will ensure, through an operations and maintenance plan or other plan, that maintenance activities that impact suitable habitat along the levee are minimized to the maximum extent feasible. The plan should include measures that avoid and reduce potential injury and mortality of giant garter snake and western burrowing owl, and minimize the loss of burrows that these species utilize. The plan should be developed in coordination with USFWS and DFG and may include some of the following measures. 1) Minimize vegetation control by burning and conduct vegetation mowing during the active period (May 1–October 1) of giant garter snake. 2) No maintenance activities (i.e., mowing, rodenticide use, burrow filling or removal) should occur within

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
				Grouting of burrows to take place during May 1–October 1.	200 feet of toe drains at the base of the levee, as these areas are more likely to be used by giant garter snake and thus have a higher level of sensitivity. 3) Avoid grouting of burrows. If grouting must occur, conduct during the active period of giant garter snake (May 1-October 1). A qualified biologist will examine the burrow to be grouted for evidence of use by western burrowing owl and conduct early morning surveys of the burrow to confirm it is not occupied by western burrowing owl. Once the burrow is determined to be unoccupied by western burrowing owl, install exclusion fencing with a one-way exit so that any giant garter snakes can exit the burrow and not go back in. The exclusion fencing and one-way exit should be left in place for 24 hours before grouting. 4) Prepare a database of sensitive areas along the levee and requirements for maintenance personnel to utilize when planning and conducting maintenance activities. 5) Train staff to recognize western burrowing owl and their sign and to avoid removing burrows in areas where owls or their sign are observed. 6) Coordinate compensation for permanent loss of burrow habitat for giant garter snake and western burrowing owl through regional habitat conservation plans/ natural community conservation plans.
Effect WILD-4: Potential Disturbance or Mortality of and Loss of Suitable Habitat for Giant Garter Snake	*WILD-MM-8*: Compensate for Permanent Loss of Suitable Giant Garter Snake Habitat	SBFCA	SBFCA	Before construction activities are initiated.	Compensation for permanent effects on giant garter snake aquatic and upland habitat will follow the guidance in the Programmatic Consultation. SBFCA will compensate for the permanent loss of suitable aquatic habitat and upland habitat for giant garter snake by purchasing preservation credits equal at a USFWS and DFG approved conservation bank. The habitat at the conservation bank will be protected in perpetuity for giant garter snake. Prior to the start of construction (excluding Reach 13, as there is no giant garter snake habitat in this reach), SBFCA will provide funding to the conservation bank for giant garter snake habitat preservation credits. The transaction will take place through a purchase and sale agreement, and funds must be transferred within 30 days, and before any construction activities are initiated. SBFCA will provide the USFWS and CDFW with copies of the credit sale agreement and fund transfer.
Effect WILD-4: Potential Disturbance or Mortality of and Loss of Suitable Habitat for Giant Garter Snake	*WILD-MM-9:* Restore Temporarily Disturbed Aquatic and Upland Habitat to Pre-Project Conditions	SBFCA	SBFCA	Upon completion of construction.	Upon completion of the construction, SBFCA will restore temporarily affected suitable and upland habitat for giant garter snake to pre-project conditions. Restoration of aquatic vegetation and annual grassland will be detailed in a mitigation and monitoring plan that will be reviewed and approved by USACE and USFWS prior to the start of construction. If additional giant garter snake habitat will be temporarily removed because of PG&E facility relocations, consultation with USFWS would be reinitiated and PG&E will restore temporarily affected habitat to pre-project conditions.
Effect WILD-5: Potential Loss or Disturbance of Nesting Swainson's Hawk and Loss of Nesting and Foraging Habitat	*WILD-MM-10*: Conduct Vegetation Removal Activities outside the Breeding Season for Birds	SBFCA or its construction contractor	SBFCA or its construction contractor	During the construction period of September 1 through January 31 to the extent feasible.	To the maximum extent feasible, SBFCA will schedule vegetation (trees, shrubs, ruderal areas) removal/trimming during the nonbreeding season of birds (September 1–January 31). If vegetation removal cannot be removed in accordance with this timeframe, preconstruction surveys for nesting birds and additional protective measures will be implemented (see Mitigation Measure WILD-MM-13). SBFCA will not remove trees with active Swainson's hawk or other active raptor nests. Because white-tailed kite is fully protected, removal of trees with active nests and activities that may result in loss of white-tailed kites are prohibited. Removal of vegetation for relocation of PG&E facilities will be conducted during the nonbreeding season of birds (September 1–January 31) to the maximum extent feasible. When this is not possible, preconstruction surveys for nesting birds and additional protective measures will be implemented as described in Mitigation Measure WILD-MM-13.
Effect WILD-5: Potential Loss or Disturbance of Nesting Swainson's Hawk and Loss of Nesting and Foraging Habitat	*WILD-MM-11*: Conduct Focused Surveys for Nesting Swainson's Hawk prior to Construction and Implement Protective Measures during Construction	SBFCA or its construction contractor	A qualified biologist (with raptor behavior experience)	Surveys to be conducted between February and July the spring prior to construction. Daily monitoring to be conducted during construction activities occurring during the breeding season to watch for any signs of stress.	During the spring prior to construction, focused surveys for Swainson's hawk will be conducted in the project area and in a buffer area up to 0.5 mile around the project area. The size of the buffer area surveyed will be based on the type of habitat present and line of sight from the construction area to surrounding suitable breeding habitat. Buffer areas containing unsuitable nesting habitat and/or with an obstructed line of sight to the project area will not be surveyed. Biologists will focus on suitable nest trees within and immediately adjacent to the project area that have the highest likelihood for disturbance. The number of surveys needed to determine the status of nesting will be dependent on the conditions during the surveys and behavior of the hawks. If needed, biologists will coordinate with DFG regarding the extent and number of surveys. Surveys would generally be conducted between February and July. Survey methods and results will be reported to DFG.

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
					If active nests are found, SBFCA will maintain a 0.25-mile buffer or other distance determined appropriate through consultation with DFG, between construction activities and the active nest(s) until it has been determined that young have fledged. In addition, a qualified biologist (experienced with raptor behavior) will be present on site (daily) during construction activities occurring during the breeding season to watch for any signs of stress. If nesting birds are observed to exhibit agitated behavior indicating that they are experiencing stress, construction activities will cease until the qualified biologist, in consultation with DFG, determines that young have fledged.
Effect WILD-5: Potential Loss or Disturbance of Nesting Swainson's Hawk and Loss of Nesting and Foraging Habitat	*WILD-MM-12*: Compensate for the Permanent Loss of Foraging Habitat for Swainson's Hawk	SBFCA or its construction contractor	SBFCA or its construction contractor	After conducting pre-construction surveys for Swainson's hawks.	Permanent removal of suitable foraging habitat for Swainson's hawks will be mitigated by providing offsite habitat management lands as described in DFG's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (California Department of Fish and Game 1994). The final acreage of off-site management lands to be provided will depend on the distance between the project area and the nearest active nest site. The mitigation ratio varies from 0.5:1 to 1:1 of habitat preserved for each acre lost. If acceptable to DFG, SBFCA also may be able to purchase mitigation credits for Swainson's hawk foraging habitat from a DFG-approved mitigation or conservation bank. Information on the nearest nest will be collected during Swainson's hawk surveys conducted under Mitigation Measure WILD-MM-11 to determine the appropriate mitigation ratio. If no active nests are found during this survey, a search of the CNDDB will be conducted, and DFG will be contacted to determine the nearest active nest.
Effect WILD-6: Potential Mortality or Disturbance of Nesting Special-Status and Non–Special Status Birds and Removal of Suitable Breeding Habitat	*WILD-MM-10*: Conduct Vegetation Removal Activities outside the Breeding Season for Birds	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*
Effect WILD-6: Potential Mortality or Disturbance of Nesting Special-Status and Non–Special Status Birds and Removal of Suitable Breeding Habitat	*WILD-MM-13*: Conduct Nesting Surveys for Special-Status and Non–Special Status Birds and Implement Protective Measures during Construction	SBFCA or its construction contractor	A quailed biologist hired by SBFCA	Surveys will be conducted prior to the start of construction and between February 1 and June 1.	SBFCA will retain qualified wildlife biologists with knowledge of the relevant species to conduct nesting surveys before the start of construction. A minimum of three separate surveys will be conducted between February 1 and June 1. Surveys will include a search of all suitable nesting habitat (trees, shrubs, ruderal areas, field crops) in the construction area. In addition, a 500-foot area around the project area will be surveyed for nesting raptors, and a 50-foot buffer area will be surveyed for other nesting birds. If no active nests are detected during these surveys, no additional measures are required. If active nests are found in the survey area, no-disturbance buffers will be established around the nest sites to avoid disturbance or destruction of the nest site until the end of the breeding season (approximately September 1) or until a qualified wildlife biologist determines that the young have fledged and moved out of the project area (this date varies by species). The extent of the buffers will be determined by the biologists in coordination with USFWS and DFG and will depend on the level of noise or construction disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species. Larger buffer areas or other protective measures may be required for state-listed species (bald eagle, western yellow-billed cuckoo, or bank swallow) to ensure that mortality does not occur if SBFCA does not obtain an incidental take permit for these species. Because some bird species are difficult to detect (i.e., western yellow-billed cuckoo), measures such as avoiding work adjacent to suitable habitat during the early portion of the breeding season may be required, even if active nests are not found.
Effect WILD-7: Potential Loss or Disturbance of Western Burrowing Owl and Loss of Nesting and Foraging Habitat	*WILD-MM-7*: Avoid and Minimize Potential Maintenance Impacts on Suitable Habitat for Giant Garter Snake and Western Burrowing Owl	See *Effect WILD-4, WILD-MM-7*	See *Effect WILD-4, WILD-MM-7*	See *Effect WILD-4, WILD-MM-7*	See *Effect WILD-4, WILD-MM-7*
Effect WILD-7: Potential Loss or Disturbance of Western Burrowing Owl and Loss of	*WILD-MM-10*: Conduct Vegetation Removal Activities outside the	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Nesting and Foraging Habitat	Breeding Season for Birds				
Effect WILD-7: Potential Loss or Disturbance of Western Burrowing Owl and Loss of Nesting and Foraging Habitat	*WILD-MM-14*: Conduct Surveys for Western Burrowing Owl prior to Construction and Implement Protective Measures if Found	SBFCA or its construction contractor	A qualified biologist hired by SBFCA	Conduct surveys between February 15 and April 15, and April 15 and July 15, and September 1 to January 31.	DFG recommends western burrowing owl surveys whenever burrowing owl habitat is present on or within 500 feet of a project site. Breeding season and non-breeding season surveys will be conducted in accordance with DFG's 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (California Department of Fish and Game 2012c). Breeding season will have four surveys: 1) one survey between February 15 and April 15 and 2) a minimum of three surveys at least three weeks apart between April 15 and July 15, with at least one survey after June 15. Non-breeding season surveys will consist of four surveys spread evenly throughout the non-breeding season (September 1 to January 31). A survey report will be prepared at the conclusion of surveys for submission to DFG. The report will include, but is not limited to, a description of the proposed project or proposed activity, proposed project start and end dates, and a description of disturbances or other activities occurring onsite or nearby (see Appendix D of the 2012 Staff Report). If burrowing owls are found during any of the surveys, compensatory mitigation best practices as described below will be used. Because ample lead time is necessary for putting compensation in place, these efforts should begin as soon as possible after presence of burrowing owls is determined. Regardless of results from the surveys described above, an initial take avoidance (preconstruction) surveys will be conducted no less than 14 days prior to and 24 hours before initiating ground disturbing activities. SBFCA will retain a qualified biologist to conduct preconstruction surveys for active burrows according to methodology in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. As such, subsequent take avoidance surveys will be conducted if a few days pass between project activities. If no burrowing owls are found, no further mitigation is required. If burrowing owls are found, SBFCA will use avoidance, minimization measures, monitoring, and reporting of such measures as described in the 2012 Staff Report (Mitigation Methods) and summarized below. 1) Do not disturb occupied burrows during the breeding season (February 1–August 31). 2) Establish a 250-foot-wide buffer where no construction will occur around occupied burrows unless a qualified biologist determines through non-invasive methods that egg laying and incubation have not begun or that juveniles are foraging independently and are capable of independent survival. 3) Avoid affecting burrows occupied during the non-breeding season by migratory or non-migratory resident burrowing owls. 4) Avoid destruction of unoccupied burrows and place visible markers near burrows to ensure they are not collapsed. 5) Develop and use a worker awareness program to increase the onsite worker recognition of and commitment to burrowing owl protection. 6) Conduct additional take avoidance surveys as described above. 7) Conduct ongoing surveillance of the project site for burrowing owls during project activities. 8) Minimize effects on burrowing owls and their habitat by using buffer zones, visual screens, and other measures during project activities. Recommended buffer distances in the 2012 Staff Report will be used or site-specific buffers and visual screens will be determined through information collected during site-specific monitoring and consultation with DFG.
Effect WILD-7: Potential Loss or Disturbance of Western Burrowing Owl and Loss of Nesting and Foraging Habitat	*WILD-MM-15*: Compensate for the Loss of Occupied Western Burrowing Owl Habitat	SBFCA or its construction contractor	SBFCA or its contractor	Best practices to be develop, as needed, after pre-construction surveys are conducted for western burrowing owl.	If western burrowing owls have been documented to occupy burrows at the project site in the last 3 years, current scientific literature supports the conclusion that the site should be considered occupied and mitigation is required. The current scientific literature also provides best practices. If best practices cannot be used, SBFCA may consult with the DFG to develop effective mitigation alternatives.
Effect WILD-8: Potential Injury, Mortality or Disturbance of Tree-Roosting Bats and Removal of Roosting Habitat	*WILD-MM-10*: Conduct Vegetation Removal Activities outside the Breeding Season for Birds	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*	See *Effect WILD-5, WILD-MM-10*
Effect WILD-8: Potential Injury, Mortality or Disturbance of	*WILD-MM-16*: Identify Suitable Roosting Habitat	SBFCA or its construction	A qualified biologist hired by	Conduct tree removal/trimming	If tree removal/trimming cannot be conducted between September 15 and October 30, qualified biologists will examine trees to be removed or trimmed for suitable bat roosting habitat before removal/trimming. High-

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Tree-Roosting Bats and Removal of Roosting Habitat	for Bats and Implement Avoidance and Protective Measures	contractor	SBFCA	between September 15 and October 30.	quality habitat features (large tree cavities, basal hollows, loose or peeling bark, larger snags, palm trees with intact thatch, etc.) will be identified and the area around these features searched for bats and bat sign (guano, culled insect parts, staining, etc.). Riparian woodland, orchards, and stands of mature broadleaf trees should be considered potential habitat for solitary foliage–roosting bat species. Passive monitoring using full spectrum bat detectors may be needed if identification of bat species is required. Survey methods should be discussed with DFG prior to the start of surveys. Measures to avoid and minimize impacts to sensitive bats species will be determined in coordination with DFG
Effect POP-1: Displacement of Existing Housing Units	*POP-MM-1*: Property Acquisition Compensation and Resident Relocation Plan	SBFCA	SBFCA	As needed during the construction period.	Permanent acquisition, relocation, and compensation services will be conducted in compliance with Federal and state relocation laws, which are the Uniform Act of 1970 (42 USC 4601 et seq.) and implementing regulation, 49 CFR Part 24; and California Government Code Section 7267 et seq. These laws require that appropriate compensation be provided to displaced landowners and tenants, and that residents may be relocated to comparable replacement housing. A review of Census Tract information for the affected residences shows that there are adequate vacant residences (see Table 3.12-2) within the same Census Tracts for resident relocations. In cases where project construction is temporarily disruptive to nearby residents, SBFCA will provide assistance for residents to relocate temporarily during construction activities and provide compensation to residents for reasonable rent and living expenses incurred as a result of relocation. SBFCA will develop a Temporary Resident Relocation Plan to guide temporary relocation services and compensation. The Temporary Resident Relocation Plan will, at a minimum, serve the following functions. 1) Outline the process for providing notice of relocation. 2) Provide guidelines for relocation services and compensation. 3) Ensure that 24-hour security for vacated homes is provided. 4) Provide for temporary occasional access of vacated homes by residents (for long-duration construction periods). 5) Ensure all compensation and relocation activities are conducted in compliance with Federal and state relocation laws, which are identified above. 6) Ensure that the Temporary Resident Relocation Plan in no way offsets, eliminates, or reduces rights to compensation and relocation assistance resulting from required property rights. 7) Ensure that the properties are returned to the property owners in an undamaged, clean condition , unaffected by residual dust or debris, in a manner consistent with the condition of the property prior to commencement of construction. 8) Provide for cleaning or restoration of affected property improvements.
Effect UTL-1: Potential Temporary Disruption of Irrigation/Drainage Facilities and Agricultural and Domestic Water Supply	*UTL-MM-1*: Coordinate with Water Supply Users before and during All Water Supply Infrastructure Modifications and Implement Measures to Minimize Interruptions of Supply	SBFCA	SBFCA	Implemented as needed before and during all water supply infrastructure modifications during construction activities.	The project proponent will ensure the following measures are implemented to avoid and minimize potential for domestic and irrigation water supply interruptions during construction activities. 1) Coordinate the timing of all modifications to domestic and irrigation water supply infrastructure with the affected infrastructure owners and water supply users. 2) Include detailed scheduling of the phases of modifications or replacement of existing domestic and irrigation water supply infrastructure components in project design and in construction plans and specifications. 3) Plan and complete modifications of irrigation infrastructure for the non-irrigation season to the extent feasible. 4) Provide for alternative water supply, if necessary, when modification or replacement of irrigation infrastructure must be conducted during a period when it otherwise would be in normal use by an irrigator. 5) Ensure either that users of irrigation water supply do not, as a result of physical interference associated with the project, experience a substantial interruption in irrigation supply when such supply is needed for normal, planned farming operations; or compensate users of irrigation water supply that experience a substantial decrease in an existing level of service (that meets the established standards for the project area) in kind for losses associated with the reduction in level of service.

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Effect UTL-2: Damage of Public Utility Infrastructure and Disruption of Service	*UTL-MM-2*: Verify Utility Locations, Coordinate with Utility Providers, Prepare a Response Plan, and Conduct Worker Training	SBFCA	SBFCA	All activities will be conducted prior to beginning construction.	The project proponent will ensure the following measures are implemented to avoid and minimize potential damage to utilities and service disruptions during construction. Implementing these measures will help ensure that existing utilities are not damaged and that service interruptions are minimized. 1) Obtain utility excavation or encroachment permits as necessary before initiating any work with the potential to affect utility lines, and include all necessary permit terms in construction contract specifications. 2) Before starting construction, coordinate with the CVFPB and utility providers in the area to locate existing lines and to implement orderly relocation of utilities that need to be removed or relocated. Avoid relocating utilities when possible. Provide notification of potential interruptions in services to the appropriate agencies. 3) Before starting construction, verify utility locations through field surveys and the use of the Underground Service Alert services. Clearly mark any buried utility lines in the area of construction before any earthmoving activity. 4) Before starting construction, prepare a response plan to address potential accidental damage to a utility line. The plan will identify chain-of-command rules for notifying authorities and appropriate actions and responsibilities to ensure the safety of the public and the workers. Contractors will conduct worker training to respond to these situations. 5) Stage utility relocations to minimize service interruptions.
Effect PH-1: Temporary Exposure or Release of Hazardous Materials During Construction	Environmental Commitment: Stormwater Pollution Prevention Plan	SBFCA	SBFCA		Because ground disturbance for the project would be greater than 1 acre, SBFCA would obtain coverage under the U.S. Environmental Protection Agency's (EPA's) National Pollutant Discharge Elimination System (NPDES) general construction activity stormwater permit. The Central Valley Regional Water Quality Control Board (RWQCB) administers the NPDES storm water permit program in Sutter and Butte counties. Obtaining coverage under the NPDES general construction activity permit generally requires that the project applicant prepare a stormwater pollution prevention plan (SWPPP) that describes the BMPs that would be implemented to control accelerated erosion, sedimentation, and other pollutants during and after project construction. The SWPPP would be prepared prior to commencing earth-moving construction activities. The specific BMPs that would be incorporated into the erosion and sediment control plan and SWPPP would be site-specific and would be prepared by the construction contractor in accordance with the California RWQCB Field Manual. However, the plan likely would include one or more of the following standard erosion and sediment control BMPs. Timing of construction. The construction contractor would conduct all construction activities during the typical construction season to avoid ground disturbance during the rainy season. Staging of construction equipment and materials. To the extent possible, equipment and materials would be staged in areas that have already been disturbed. Minimize soil and vegetation disturbance. The construction contractor would minimize ground disturbance and the disturbance/destruction of existing vegetation. This would be accomplished in part through the establishment of designated equipment staging areas, ingress and egress corridors, and equipment exclusion zones prior to the commencement of any grading operations. Stabilize grading spoils. Grading spoils generated during construction would be temporarily stockpiled in staging areas. Silt fences, fiber rolls, or similar devices would be installed around the base of the temporary stockpiles to intercept runoff and sediment during storm events. If necessary, temporary stockpiles may be covered with an appropriate geotextile to increase protection from wind and water erosion. Install sediment barriers. The construction contractor may install silt fences, fiber rolls, or similar devices to prevent sediment-laden runoff from leaving the construction area. Stormwater drain inlet protection. The construction contractor may install silt fences, drop inlet sediment traps, sandbag barriers, and/or other similar devices. Permanent site stabilization. The construction contractor would install structural and vegetative methods to permanently stabilize all graded or otherwise disturbed areas once construction is complete. Structural methods may include the installation of biodegradable fiber rolls and erosion control blankets. Vegetative methods may involve the application of organic mulch and tackifier and/or the application of an erosion control seed mix. Implementation of a SWPPP would substantially minimize the potential for project-related

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
					erosion and associated adverse effects on water quality. Offsite Tracking. Install rumble plates and crushed rock at project site entrance and exit locations to control offsite tracking of mud from construction vehicles.
Effect PH-2: Exposure of the Environment to Hazardous Materials during Ground-Disturbing Activities	*PH-MM-1*: Complete Phase I and Phase II (if Necessary) Environmental Site Assessment Investigations and Implement Required Measures	SBFCA or its contractor	SBFCA or its contractor	Assessments will be conducted prior to beginning construction. Measures will be implemented before ground-disturbing or demolition activities begin.	SBFCA will conduct Phase I Environmental Site Assessments and, if necessary, Phase II Environmental Site Assessments or other appropriate testing. If necessary, before construction activities begin, the assessment will include an analysis of soil or groundwater samples for the potential contamination sites that were not covered by previous investigations. Recommendations in Phase I and Phase II Environmental Site Assessments to address any contamination that is found will be implemented before initiating ground-disturbing activities. In addition, SBFCA will implement the following measures before ground-disturbing or demolition activities begin, in order to reduce health hazards associated with potential exposure to hazardous substances. 1) Prepare a site plan that identifies any necessary remediation activities appropriate for proposed land uses, including excavation and removal of contaminated soils, and redistribution of clean fill material on the project site. The plan will include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site, as well as any other hazardous materials. In the event that contaminated groundwater is encountered during site excavation activities, the contractor will report the contamination to the appropriate regulatory agencies, dewater the excavated area, and treat the contaminated groundwater to remove contaminants before discharge into the sanitary sewer system. The contractor will be required to comply with the plan and applicable Federal, state, and local laws. 2) Retain licensed contractors to remove all underground storage tanks. 3) Notify the appropriate Federal, state, and local agencies if evidence of previously undiscovered soil or groundwater contamination is encountered during construction activities. Any contaminated areas will be cleaned up in accordance with the recommendations of the Environmental Health Division for Sutter, Butte, and Yuba Counties, Central Valley RWQCB, California Department of Toxic Substances Control, or other appropriate Federal, state or local regulatory agencies. 4) Prepare a worker health and safety plan before the start of construction activities that identifies, at a minimum, all contaminants that could be encountered during construction activity; all appropriate worker, public health, and environmental protection equipment and procedures to be used during project activities; emergency response procedures; the most direct route to the nearest hospitals; and a site safety officer. The plan will describe actions to be taken should hazardous materials be encountered onsite, including protocols for handling hazardous materials and preventing their spread, and emergency procedures to be taken in the event of a spill.

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Effect PH-2: Exposure of the Environment to Hazardous Materials during Ground-Disturbing Activities	*PH-MM-2*: Employment of a Toxic Release Contingency Plan	SBFCA's construction contractor	SBFCA's construction contractor	Implemented prior to beginning construction.	The construction contractor will coordinate with regional and local planning agencies to incorporate a toxic release contingency plan, pursuant to California Government Code Section 8574.16, which requires that regional and local planning agencies incorporate such a measure within their planning. Implementation of this plan will ensure the effective and efficient use of resources in the areas of traffic and crowd control; firefighting; hazardous materials response and cleanup; radio and communications control; and provision of medical emergency services.
Effect PH-3: Temporary Exposure to Safety Hazards from the Construction Site and Vehicles	*PH-MM-3*: Implementation of Construction Site Safety Measures	SBFCA's construction contractor	SBFCA's construction contractor	Ongoing throughout the construction period.	The construction contractor will ensure that all workers are properly trained to operate equipment. Safety precautions will be followed at all times during construction to avoid accidents. The construction contractor will also require that all workers have valid drivers' licenses and insurance. Proper signage and detours will be provided to ensure public safety.
Effect PH-3: Temporary Exposure to Safety Hazards from the Construction Site and Vehicles	*PH-MM-4*: Implementation of an Emergency Response Plan	SBFCA's construction contractor	SBFCA's construction contractor	Ongoing throughout the construction period.	Development of an emergency response plan will ensure that any accidents that occur at the construction site will be responded to in the appropriate manner. The construction contractor will develop the emergency response plan, taking into consideration the location of nearby emergency response agencies as well as emergency response access routes and response times.
Effect CR-1: Effects on Identified Archaeological Sites Resulting From Construction of Levee Construction and Ancillary Facilities	*CR-MM-1*: Perform Data Recovery to Retrieve Information Useful in Research	SBFCA	SBFCA	Data recovery plan to be prepared prior to commencing data recovery activities.	Prior to data recovery SBFCA will prepare a brief data recovery plan that describes how SBFCA will perform the following steps (CEQA Guidelines § 15126.4(B)(3)[c]). SBFCA will perform the following steps to retrieve the material associated with these sites that is useful in research: 1) Data recovery excavations will be performed to retrieve a sample of the affected portion of these sites, in order to retrieve scientifically important material. Excavation will be conducted in arbitrary levels, and material removed will be divided and screened through a combination of ¼" and 1/8 " mesh screen, so as to capture both the gross cultural constituents and the finer material that can only be captured in fine mesh. Excavation will be conducted in 10-centimeter levels so that the horizontal association of different cultural materials is recorded. Removed material will be segregated by type and bagged with labels noting their horizontal and vertical location relative to an established datum point. The datum point will be recorded in the field with GPS to at least 10-centimer horizontal and vertical accuracy. 2) Faunal material (animal bone) will be segregated and studied by a qualified faunal analyst to identify the species pursued, relative abundance and diversity of different species present, and the manner in which the prey were processed by the prehistoric occupants. 3) Obsidian glass will be retrieved and studied through both X-ray fluorescence (a method that allows the source of the obsidian to be identified) and obsidian hydration analysis (a method that allows approximate determination of the time when the material was subject to human modification). 4) Soil samples will be retrieved, with their horizontal and vertical location recorded, for flotation analysis (a method of separating light organic material such as fine plant remains from the deposit, in order to identify plant species pursued by prehistoric populations). 5) Because some of the resources subject to treatment contain human remains, provisions for such remains are necessary. If human remains are discovered in these deposits during data recovery, the county coroner will be contacted as required in California Health and Safety Code Section 7050.5. After the coroner confirms the remains are of prehistoric origin, the NAHC will be contacted and given the opportunity to identify a most likely descendant (MLD). The MLD will be given the opportunity to reinter the remains with appropriate dignity. If the NAHC fails to identify the MLD or if the parties cannot reach agreement as to how to reinter the remains as described in California PRC Section 5097.98(e), the landowner will reinter the remains at a location not subject to further disturbance. SBFCA will ensure the protections prescribed in California PRC Section 5097.98(e), are performed. 6) If, in the course of data recovery excavations, it is determined that, contrary to available evidence, the resource lacks integrity, data recovery excavations will cease. 7) After completion of data recovery excavations SBFCA will prepare a data recovery report and summarize the results of these studies relative to regional research questions in the data recovery report. The report will be filed with the relevant information center of the CHRIS. SBFCA will also store the recovered material (other than human remains) at an appropriate facility for curation.
Effect CR-2: Potential to	*CR-MM-2*: Complete	SBFCA	SBFCA and a	Surveys completed prior	SBFCA will complete the following management steps for currently inaccessible areas once rights of entry

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
Disturb Unidentified Archaeological Sites	Surveys Prior to Construction, Implement a Cultural Resources Discovery Plan, Provide Related Training to Construction Workers, and Conduct Construction Monitoring		qualified archaeological monitor	to start of construction. Archaeological monitor on-site during construction at sensitive geographic locations.	have been obtained: 1) SBFCA will complete an inventory and evaluation report for cultural resources, including archaeological resources. 2) The work will be led or supervised by cultural resources specialists who meet the Secretary of the Interior's professional qualification standards provided in 36 CFR Part 61. 3) All newly identified resources will be mapped and described on DPR forms. Mapping will be completed by recording data points with GPS hardware through which data can be imported and managed digitally. Mapping of previously identified resources will be limited to updates of existing records where necessary to describe the current boundaries of the resource. 4) SBFCA will evaluate the eligibility of identified resources for listing on the CRHR and determine if these resources can feasibly be preserved in place, or if data recovery following Mitigation Measure CR-MM-1, above, is appropriate. The methods of preservation in place shall be considered in the order of priority provided in CEQA Guidelines § 15126.4(b)(3). Prior to ground-disturbing construction, FRWLP proponents will include a cultural resources discovery plan in the contract conditions of the construction contractor, incorporating the following actions to be taken in the event of the inadvertent discovery of cultural resources. 1) An archaeological monitor will be present to observe construction at geographic locations that are sensitive for unidentified cultural resources. Such locations will consist of construction areas near identified cultural resource(s) sites (within a 200-foot radius around the known boundaries of identified resources) and where ground-disturbing construction will occur within 1,500 feet of major water features. 2) In the event of an archaeological resource discovery, work will cease in the immediate vicinity of the find, based on the direction of the archaeological monitor or the apparent distribution of cultural resources if no monitor is present. A qualified archaeologist will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. 3) Discovered resources will be mapped and described on DPR forms. Mapping will be completed by recording data points digitally with GPS hardware. 4) SBFCA will evaluate identified resources to determine if they are unique archaeological sites or historical resources. Treatment will follow the standards and order of priority described in CEQA Guidelines §15126.4(b)(3). 5) If human remains are discovered as part of the deposit, SBFCA will coordinate with the county coroner and NAHC to make the determinations and perform the management steps prescribed in California Health and Safety Code Section 7050.5 and PRC §5097.98. 6) If Native American human remains are discovered on Federal land, work in the immediate vicinity will cease, and SBFCA will contact the relevant representative of the Federal agency where the remains were discovered, as prescribed in 25 USC §3002(d) (NAGPRA). After notification from the relevant agency representative and treatment of the remains as required under NAGPRA, work may continue. Disposition of the remains will follow the ownership priority described in NAGPRA (25 USC §3002[a]). SBFCA will develop a list of cultural resources staff who can respond to cultural resources discoveries; SBFCA will also develop training materials for construction workers regarding management direction following discoveries. The staff list and training materials will be provided to the supervisory field staff. SBFCA will conduct training for construction workers that provides an overview of cultural resources identification and this mitigation measure.
Effect CR-3: Potential to Disturb Human Remains	*CR-MM-3*: Monitor Culturally Sensitive Areas during Construction, Follow State and Federal Law Governing Human Remains if Such Resources are Discovered during	SBFCA	A qualified archaeologist hired by SBFCA	Archaeological monitor on-site during construction at sensitive geographic locations.	SBFCA will retain a qualified archaeologist to monitor areas of sensitivity for previously unidentified archaeological resources and human remains, as required under Mitigation Measure CR-MM-2. The following actions will be taken. 1) If human remains are discovered as part of the deposit or in isolation, work will cease in the immediate vicinity and within the radius necessary to avoid further disturbance. SBFCA, and the contractors will coordinate with the county coroner and NAHC to make the determinations and perform the management steps prescribed in California Health and Safety Code §7050.5 and PRC §5097.98. This coordination

Project Effect	Mitigation Measure	Responsibility for Implementation	Responsibility for Monitoring	Monitoring Schedule	Monitoring Details
	Construction				requires the following steps. a) The county coroner will be notified so that he/she may determine if an investigation regarding the cause of death is required. If the coroner determines that the remains are of prehistoric Native American origin, the coroner will notify the NAHC. b) Upon notification, the NAHC will identify the most likely descendant (MLD), and the MLD will be given the opportunity to reinter the remains with appropriate dignity. If the NAHC fails to identify the MLD or if the parties cannot reach agreement as to how to reinter the remains as described in PRC §5097.98(e), the landowner will reinter the remains at a location not subject to further disturbance. SBFCA will ensure the protections prescribed in PRC §5097.98(e) are performed, such as the use of conservation easements and recording of the location with the relevant county. 2) If Native American human remains are discovered on Federal land, work in the immediate vicinity will cease, and SBFCA will contact the relevant representative of the Federal agency where the remains were discovered, as prescribed in 25 USC §3002(d) (NAGPRA). After notification from the relevant agency representative and treatment of the remains as required under NAGPRA, work may continue. Disposition of the remains will follow the ownership priority described in NAGPRA (25 USC §3002[a]). 3) SBFCA will include an overview of the potential for encountering human remains and an overview of this mitigation measure in the training performed under Mitigation Measure CR-MM-2.
Effect CR-4: Direct and Indirect Effects on Built Environment Resources Resulting from Construction Activities	*CR-MM-4*: Complete Inventory of Built Environment Resources in Inaccessible Parcels, Evaluate Identified Properties, Assess Effects, and Prepare Treatment to Resolve and Mitigate Significant Effects	SBFCA	SBFCA	Inventory and evaluation report to be prepared prior to construction.	SBFCA will ensure that an inventory and evaluation report is completed for all areas currently inaccessible areas where effects on built environment resources may occur. 1) The scope of the inventory will include the entire area where effects may occur. Such effects consist of direct disturbance, damage through vibration, and/or changes to the setting. 2) The work will be led or supervised by architectural historians who meet the Secretary of the Interior's professional qualification standards provided in 36 CFR Part 61. 3) Inventory methods and evaluation will include pedestrian surveys, photographic documentation, and historical research using primary and secondary sources, interviews, and oral histories. 4) Identified resources will be mapped and described on forms provided by DPR. Mapping will be performed by recording data points digitally with GPS hardware. 5) For all identified resources, SBFCA will determine if they are historical resources (State CEQA Guidelines §15064.5[a]), significant historical resources under CEQA (PRC §21084.1), and/or eligible for local registers. 6) The recorded resources and the resource evaluations will be summarized in an inventory report. In the inventory report, SBFCA will also determine if individual resources qualifying as historical resources will be subject to significant effects. SBFCA will make such a finding if the FRWLP would result in any of the following actions. a) Demolish or materially alter the qualities that make the resource eligible for listing in the CRHR (State CEQA Guidelines §15064.5[b][2][A],[C]). b) Demolish or materially alter the qualities that justify the inclusion of the resource on a local register or its identification in a historical resources survey meeting the requirements of PRC §5024.1(g), unless SBFCA establishes by a preponderance of evidence that the resource is not historically or culturally significant (State CEQA Guidelines §15064.5[b][2][B]). c) Cause a substantial significant change in the significance of a historical resource (PRC §21084.1). 7) For all resources subject to significant effects SBFCA will develop and implement treatment. Treatment will prioritize avoidance and preservation in place or relocation of individual CRHR-eligible buildings (non-contributing or unaffected buildings would remain in place). Where avoidance or relocation is not feasible, standard treatment such as documentation through the Historic American Buildings Survey, Historic American Landscape Survey, Historic American Engineering Record, or district documentation will be completed. Interpretive displays, online resource, and historic contexts or walking tours may also be used, as appropriate.

Print Form

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Sutter, 433 2nd St., Yuba City, CA 95991
Address: Butte, 25 County Center Dr., Oroville, CA 95965

From:

Public Agency: Sutter Butte Flood Control Agency
Address: 1227 Bridge Street, Suite C
Yuba City, CA 95991
Contact: Mike Inamine
Phone: (530) 740-2448

Lead Agency (if different from above):

Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011052062

Project Title: Feather River West Levee Project

Project Applicant: Sutter Butte Flood Control Agency

Project Location (include county): Sutter and Butte Counties

Project Description:
The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion

This is to advise that the Sutter Butte Flood Control Agency (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on April 10, 2013 (date) and has made the following determinations regarding the above described project.

1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA

Signature (Public Agency): Mike Inamine Title: Executive Director

Date: 4/11/2013 Date Received for filing at OPR: RECEIVED

APR 12 2013

STATE CLEARING HOUSE

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

Notice of Determination Appendix D

Attachment

Feather River West Levee Project Description

The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion protection, and slurry cutoff walls, are likely to occur. The corridor is approximately 41 miles long. The project area would also include borrow/spoil sites or project mitigation sites outside of this corridor.

SBFCA's goal is to achieve a minimum of 200-year flood protection for the more urbanized areas with population centers and 100-year flood protection for the remaining more rural agricultural parts of the planning area. Specific levee deficiencies along the Feather River West Levee are through-seepage, under-seepage, erosion, levee instability, and encroachments. There are also improvement needs for long-term operation and maintenance of the flood management corridor. The FRWLP as proposed by SBFCA will address these deficiencies and needs for that portion of the perimeter of the planning area to assist in incrementally reducing local flood risk.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA 95965; http://www.sutterbutteflood.org

###

COUNTY of SUTTER
STATE OF CALIFORNIA

OFFICIAL RECEIPT

№ 234857

Clerk of the Board
Issuing Office or Department

4/11/13
DATE

RECEIVED FROM Jones & Stokes (For Sutter Butte Flood Control)

THE SUM OF three thousand forty five + 25/100 $ 3,045.25

FOR Fish & Game Fees - MND/EIR - Feather River W. Levee Project

PAID BY CASH ☐

CK. / M.O. ☒ BK. NO. 11-4288

RECEIVED BY Lisa Bush

TITLE Deputy

State of California—Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 438210

STATE CLEARING HOUSE # *(If applicable)* 2011052062

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: Sutter Butte Flood Control Agency — DATE: 4-11-13

COUNTY/STATE AGENCY OF FILING: Sutter County / CA — DOCUMENT NUMBER:

PROJECT TITLE: Feather River West Levee Project

PROJECT APPLICANT NAME: (Same as Lead) — PHONE NUMBER: 530 740 7448

PROJECT APPLICANT ADDRESS: 1227 Bridge St. #C — CITY: Yuba City — STATE: CA — ZIP CODE: 95991

PROJECT APPLICANT *(Check appropriate box):*

☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☒ Environmental Impact Report (EIR)	$2,995.25	$ 2,995.25
☐ Mitigated/Negative Declaration (ND)(MND)	$2,156.25	$
☐ Application Fee Water Diversion *(State Water Resources Control Board Only)*	$850.00	$
☐ Projects Subject to Certified Regulatory Programs (CRP)	$1,018.50	$
☒ County Administrative Fee	$50.00	$ 50.00
☐ Project that is exempt from fees		
☐ Notice of Exemption		
☐ DFW No Effect Determination (Form Attached)		
☐ Other		$

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other

TOTAL RECEIVED $ 3,045.25

SIGNATURE: X Lisa Bush — TITLE: Deputy

WHITE - PROJECT APPLICANT YELLOW - DFW/ASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK DFG 753.5a (Rev. 11/12)

Print Form

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Sutter, 433 2nd St., Yuba City, CA 95991
Address: Butte, 25 County Center Dr., Oroville, CA 95965

From:

Public Agency: Sutter Butte Flood Control Agency
Address: 1227 Bridge Street, Suite C
Yuba City, CA 95991
Contact: Mike Inamine
Phone: (530) 740-2448

FILED
APR 11 2013
BOARD OF SUPERVISORS
DONNA M. JOHNSTON
Clerk of the Board
By _____ Deputy

Lead Agency (if different from above):

Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011052062

Project Title: Feather River West Levee Project

Project Applicant: Sutter Butte Flood Control Agency

Project Location (include county): Sutter and Butte Counties

Project Description:
The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion

This is to advise that the Sutter Butte Flood Control Agency (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on April 10, 2013 (date) and has made the following determinations regarding the above described project.

1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA

Signature (Public Agency): _____ Title: Executive Director

Date: 4/11/2013 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

Notice of Determination Appendix D

Attachment

Feather River West Levee Project Description

The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion protection, and slurry cutoff walls, are likely to occur. The corridor is approximately 41 miles long. The project area would also include borrow/spoil sites or project mitigation sites outside of this corridor.

SBFCA's goal is to achieve a minimum of 200-year flood protection for the more urbanized areas with population centers and 100-year flood protection for the remaining more rural agricultural parts of the planning area. Specific levee deficiencies along the Feather River West Levee are through-seepage, under-seepage, erosion, levee instability, and encroachments. There are also improvement needs for long-term operation and maintenance of the flood management corridor. The FRWLP as proposed by SBFCA will address these deficiencies and needs for that portion of the perimeter of the planning area to assist in incrementally reducing local flood risk.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA 95965; http://www.sutterbutteflood.org

###

DECLARATION OF FEES DUE

(California Fish and Game Code Section 711.4)

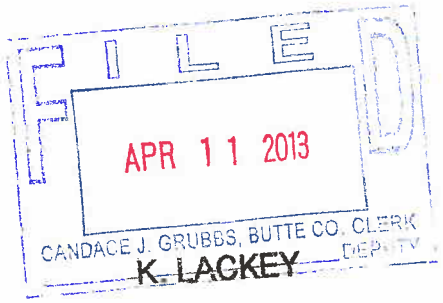
FOR CLERK USE ONLY

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT

Sutter Butte Flood Control Agency
1227 Bridge St. #C, Yuba City CA 95991

Project Title: Feather River West Levee Project

FILING NO.



CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION
   - [ ] A. Statutorily or Categorically Exempt
     $50.00 (Fifty Dollars) Butte County Clerk's Fee
2. NOTICE OF DETERMINATION - FEE REQUIRED
   - [ ] A. Negative Declaration
     $2,101.50 (Two Thousand One Hundred One Dollars and Fifty Cents) State Filing Fee
     $50.00 (Fifty Dollars) Butte County Clerk's Fee
   - B. Environmental Impact Report
     $2,919.00 (Two Thousand Nine Hundred Nineteen Dollars) State Filing Fee
     $50.00 (Fifty Dollars) Butte County Clerk's Fee
3. OTHER (Specify) General Rule Exemption
   - [✓] $50.00 (Fifty Dollars) Butte County Clerk's Fee

This form must be completed and submitted with all environmental documents filed with the Butte County Clerk's Office.

All applicable fees must be paid at the time of filing any environmental documents with the Butte County Clerk's Office.

One original and two (2) copies of all necessary documents are required for filing purposes.

The $50.00 (Fifty Dollars) handling fee is required per filing in addition to the filing fee specified in Fish and Game Code Section 711.4 (d).

Make checks payable to Butte County Clerk-Recorder.

Print Form

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Sutter, 433 2nd St., Yuba City, CA 95991
Address: Butte, 25 County Center Dr., Oroville, CA 95965

From:

Public Agency: Sutter Butte Flood Control Agency
Address: 1227 Bridge Street, Suite C
Yuba City, CA 95991
Contact: Mike Inamine
Phone: (530) 740-2448

Lead Agency (if different from above):

Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011052062

Project Title: Feather River West Levee Project

Project Applicant: Sutter Butte Flood Control Agency

Project Location (include county): Sutter and Butte Counties

Project Description:
The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion

This is to advise that the Sutter Butte Flood Control Agency (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on April 10, 2013 (date) and has made the following determinations regarding the above described project.

1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA

Signature (Public Agency): [signature] Title: Executive Director

Date: 4/11/2013 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

Notice of Determination Appendix D

Attachment

Feather River West Levee Project Description

The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion protection, and slurry cutoff walls, are likely to occur. The corridor is approximately 41 miles long. The project area would also include borrow/spoil sites or project mitigation sites outside of this corridor.

SBFCA's goal is to achieve a minimum of 200-year flood protection for the more urbanized areas with population centers and 100-year flood protection for the remaining more rural agricultural parts of the planning area. Specific levee deficiencies along the Feather River West Levee are through-seepage, under-seepage, erosion, levee instability, and encroachments. There are also improvement needs for long-term operation and maintenance of the flood management corridor. The FRWLP as proposed by SBFCA will address these deficiencies and needs for that portion of the perimeter of the planning area to assist in incrementally reducing local flood risk.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA 95965; http://www.sutterbutteflood.org

###

Clerk-Recorder's Department
County of
Butte

CANDACE J. GRUBBS
County Clerk-Recorder

1 FISH AND GAME CLERKS FEE	50.00
1 OFFICIAL RECORD, REGULAR COP	10.00
TOTAL	60.00
CASH	10.00
CHECK 1166	50.00
TOTAL TENDERED	60.00
CHANGE	0.00

04/11/2013 3:42PM 2013041100121
TC ECR-REC10

Thank You
Have a Nice Day!

Requested By:
Public

State of California—Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 439024
STATE CLEARING HOUSE # *(If applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: Sutter Butte Flood Control Agency — DATE: 4-11-13
COUNTY/STATE AGENCY OF FILING: Butte County Clerk-Recorder — DOCUMENT NUMBER:
PROJECT TITLE: Feather River West Levee Project
PROJECT APPLICANT NAME: Sutter Butte Flood Control Agency — PHONE NUMBER: (530) 740-2448
PROJECT APPLICANT ADDRESS: 1227 Bridge St. Ste C — CITY: Yuba City — STATE: Ca — ZIP CODE: 95991

PROJECT APPLICANT *(Check appropriate box):*
☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$2,995.25	$
☐ Mitigated/Negative Declaration (ND)(MND)	$2,156.25	$
☐ Application Fee Water Diversion *(State Water Resources Control Board Only)*	$850.00	$
☐ Projects Subject to Certified Regulatory Programs (CRP)	$1,018.50	$
☒ County Administrative Fee	$50.00	$ 50.00
☐ Project that is exempt from fees		
☐ Notice of Exemption		
☐ DFW No Effect Determination (Form Attached)		
☐ Other _____		$

PAYMENT METHOD:
☐ Cash ☐ Credit ☒ Check ☐ Other (See Sutter Co Reciept #438210) TOTAL RECEIVED $ 50.00

SIGNATURE: X [signature] — TITLE: Supervisor Clerk Recorder

WHITE - PROJECT APPLICANT YELLOW - DFW/ASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK DFG 753.5a (Rev. 11/12)

State of California—Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE

2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 438210

STATE CLEARING HOUSE # (If applicable) 201105 2002

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: Sutter Butte Flood Control Agency — DATE: 4-11-13

COUNTY/STATE AGENCY OF FILING: Sutter County/CA — DOCUMENT NUMBER:

PROJECT TITLE: Feather River West Levee Project

PROJECT APPLICANT NAME: (Same as Lead) — PHONE NUMBER: 530 740 2448

PROJECT APPLICANT ADDRESS: 1227 Bridge St. #C — CITY: Yuba City — STATE: CA — ZIP CODE: 95991

PROJECT APPLICANT (Check appropriate box):
☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☒ Environmental Impact Report (EIR)	$2,995.25	$ 2,995.25
☐ Mitigated/Negative Declaration (ND)(MND)	$2,156.25	$
☐ Application Fee Water Diversion (State Water Resources Control Board Only)	$850.00	$
☐ Projects Subject to Certified Regulatory Programs (CRP)	$1,018.50	$
☒ County Administrative Fee	$50.00	$ 50.00
☐ Project that is exempt from fees		
☐ Notice of Exemption		
☐ DFW No Effect Determination (Form Attached)		
☐ Other		$

PAYMENT METHOD:
☐ Cash ☐ Credit ☒ Check ☐ Other — TOTAL RECEIVED $ 3,045.25

SIGNATURE: Lisa Bush — TITLE: Deputy

WHITE - PROJECT APPLICANT | YELLOW - DFW/ASB | PINK - LEAD AGENCY | GOLDEN ROD - COUNTY CLERK | DFG 753.5a (Rev. 11/12)

COUNTY of SUTTER
STATE OF CALIFORNIA

OFFICIAL RECEIPT

№ 284857

Clerk of the Board — 4/11/13
Issuing Office or Department — DATE

RECEIVED FROM Jones & Stokes (For Sutter Butte Flood Control Agency)

THE SUM OF three thousand forty five + 25/100 $ 3,045.25

FOR Fish & Game Fees - ND/EIR - Feather River W. Levee Project

PAID BY CASH ☐

CK./M.O. ☒ BK. NO. 11-4288 — RECEIVED BY Lisa Bush

TITLE Deputy

RESOLUTION NO. 2013-06

RESOLUTION OF THE SUTTER BUTTE FLOOD CONTROL AGENCY ADOPTING FINDINGS, APPROVING THE MITIGATION MONITORING AND REPORTING PLAN, AND APPROVING THE FEATHER RIVER WEST LEVEE PROJECT

WHEREAS, the Sutter Butte Flood Control Agency ("SBFCA") proposes the Feather River West Levee Project (the "Project") to reduce flood risk in the Sutter Basin;

WHEREAS, SBFCA is the lead agency for environmental review of the Project under the California Environmental Quality Act ("CEQA");

WHEREAS, a Notice of Preparation for a Draft Environmental Impact Report ("Draft EIR") was prepared and released for public comment on May 20, 2011;

WHEREAS, the release of the Notice of Preparation initiated a 30-day public comment period that ended on June 19, 2011. SBFCA invited members of the public to provide additional comment through July 8, 2011;

WHEREAS, During the public review period, public scoping meetings were held on June 27 and June 28, 2011, at 3:30 pm and 6:30 pm on each day, to receive agency and public comments regarding the scope of the environmental analysis for the EIR. Notice of these meetings was given in accordance with Government Code Sections 65355 and 65453;

WHEREAS, a Draft EIR was prepared and circulated for public review and comment between December 28, 2012 and February 13, 2013;

WHEREAS, on January 15, 2013, and January 16, 2013, SBFCA held three public comment meetings during which it received and considered testimony from the public, concerning the Project and the Draft EIR. Notice of these meetings was given in accordance with Government Code Sections 65355 and 65453;

WHEREAS, SBFCA received written comments on the Draft EIR from individuals, organizations and public agencies;

WHEREAS, a Final Environmental Impact Report ("Final EIR") that incorporated the Draft EIR by reference and provided responses to public comments was prepared and distributed to the public on April 1, 2013;

WHEREAS, SBFCA discussed the Final EIR during its meeting on April 10, 2013 and provided the opportunity for the public to give comments on the Final EIR during that meeting;

WHEREAS, SBFCA has, by means of Resolution No. 2013-05, certified that the EIR has been prepared in full compliance with the terms of the California Environmental Quality Act,

that the Board has reviewed and considered the information contained in the EIR prior to taking any action to approve or disapprove the Project, and that the EIR represents the independent judgment and analysis of the Board;

WHEREAS, pursuant to CEQA the Board must make and adopt written findings for each significant effect of the Project, accompanied by a brief explanation of the rationale for each finding. The written findings state that for each significant impact of the Project, either changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR, or specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR;

WHEREAS, pursuant to CEQA SBFCA must adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects;

WHEREAS, the District through this resolution wishes to adopt its Findings and the related Mitigation Monitoring and Reporting Plan.

NOW, THEREFORE, THE SUTTER BUTTE FLOOD CONTROL AGENCY RESOLVES AS FOLLOWS:

1. SBFCA hereby approves and adopts the Findings attached hereto as Attachment A, which are incorporated herein, pursuant to CEQA Guidelines §§ 15091, 15092 and 15093.

2. SBFCA hereby approves and adopts the Mitigation Monitoring and Reporting Plan, which is attached hereto as Attachment B and incorporated herein by reference.

3. SBFCA hereby approves the Feather River West Levee Project.

ADOPTED this 10th day of April, 2013.

James Gallagher, Chair

STATE OF CALIFORNIA – THE RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD
3310 El Camino Ave., Rm. 151SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682

October 30, 2012

Colonel William J. Leady
District Engineer
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814

Subject: Feather River West Levee Project, Sutter Butte Flood Control Agency

Dear Colonel Leady:

Based on the Policy and Procedural Guidance for the Approval of Modification and Alteration of U.S. Army Corps of Engineers (USACE) Projects dated October 23, 2006, and the Clarification Guidance dated November 17, 2008, and on behalf of Sutter Butte Flood Control Agency (SBFCA) of Sutter and Butte Counties, the Central Valley Flood Protection Board (Board) is requesting permission from the USACE to alter a portion of the Sacramento River Flood Control Project (SRFCP). The Board is making this request pursuant to 33 U.S.C. Section 408.

The Board has conducted a preliminary review of the 65% project plans and specifications, geotechnical and hydraulic analyses, and other reports submitted by SBFCA for the alteration of 41 miles of federal flood control project levee located on the west side (right bank) of the Feather River from Thermalito Afterbay in Butte County, at the northern end of the project (Station 2368+00), to a point approximately four (4) miles north of the Feather River's confluence with Sutter Bypass in Sutter County, at the southern end of the project (Station 202+50). The Board has determined that SBFCA will accomplish this alteration in a manner that will not be injurious to the public interest and will not impair the usefulness of the SRFCP. Attached is the information you require to accompany this request, as outlined in your October 23, 2006 and November 17, 2008 guidance documents.

If the proposed project, upon completion, is formally incorporated within the federal SRFCP by the USACE, the State of California, acting through the Board, will accept the altered project for operation and maintenance and hold and save the United States free from damage due to the constructed works.

Within 180 days of completion of the project alteration, the Board will provide both information to the USACE for the purposes of preparing a revised Operation and Maintenance Manual for this portion of the SRFCP, and as-built Plans and Specifications for the alteration.

In order to achieve the flood control benefits of this work, beginning with the 2013-2014 flood season, the Board is requesting that the USACE make any necessary determination so that SBFCA may proceed with this alteration by June 2013.

If you have any questions, please feel free to contact me at (916) 574-0609, or your staff may contact David R. Williams, Senior Engineer of the Board Projects Section, at (916) 574-2379.

Sincerely,

Jay S. Punia

Jay S. Punia
Executive Officer

Enclosure

cc: Mr. Michael Inamine
Sutter Butte Flood Control Agency
1227 Bridge Street, Suite C
Yuba City, California 95991

Mr. Bill Hampton, General Manager
Levee District No. 1 of Sutter County
243 Second Street
Yuba City, California 95991

Mr. David Lamon, Chairman
Levee District No. 9 of Sutter County
1471 Coats Drive
Yuba City, California 95993

Mr. Mark List, Chief
Maintenance Support Branch
Department of Water Resources
Maintenance Areas 3, 7, & 16
3310 El Camino Ave.
Sacramento, California 95821

Ms. Karen Hull, Superintendent
Sutter maintenance Yard
Department of Water Resources
PO Box 40, State Hwy 20
Sutter, California 95982

DECLARATION OF FEES DUE

(California Fish and Game Code Section 711.4)

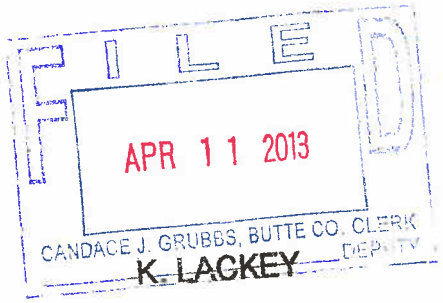
FOR CLERK USE ONLY

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT

Sutter Butte Flood Control Agency
1227 Bridge St. #C, Yuba City CA 95991

Project Title: Feather River West Levee Project

FILING NO.



CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION
   - [ ] A. Statutorily or Categorically Exempt
     $50.00 (Fifty Dollars) Butte County Clerk's Fee
2. NOTICE OF DETERMINATION - FEE REQUIRED
   - [ ] A. Negative Declaration
     $2,101.50 (Two Thousand One Hundred One Dollars and Fifty Cents) State Filing Fee
     $50.00 (Fifty Dollars) Butte County Clerk's Fee
   - B. Environmental Impact Report
     $2,919.00 (Two Thousand Nine Hundred Nineteen Dollars) State Filing Fee
     $50.00 (Fifty Dollars) Butte County Clerk's Fee
3. OTHER (Specify) General Rule Exemption
   - [✓] $50.00 (Fifty Dollars) Butte County Clerk's Fee

This form must be completed and submitted with all environmental documents filed with the Butte County Clerk's Office.

All applicable fees must be paid at the time of filing any environmental documents with the Butte County Clerk's Office.

One original and two (2) copies of all necessary documents are required for filing purposes.

The $50.00 (Fifty Dollars) handling fee is required per filing in addition to the filing fee specified in Fish and Game Code Section 711.4 (d).

Make checks payable to Butte County Clerk-Recorder.

Print Form

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Sutter, 433 2nd St., Yuba City, CA 95991
Address: Butte, 25 County Center Dr., Oroville, CA 95965

From:

Public Agency: Sutter Butte Flood Control Agency
Address: 1227 Bridge Street, Suite C
Yuba City, CA 95991
Contact: Mike Inamine
Phone: (530) 740-2448

Lead Agency (if different from above):

Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011052062

Project Title: Feather River West Levee Project

Project Applicant: Sutter Butte Flood Control Agency

Project Location (include county): Sutter and Butte Counties

Project Description:
The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion

This is to advise that the Sutter Butte Flood Control Agency (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on April 10, 2013 (date) and has made the following determinations regarding the above described project.

1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA

Signature (Public Agency): [signature] Title: Executive Director

Date: 4/11/2013 Date Received for filing at OPR:

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

Notice of Determination Appendix D

Attachment

Feather River West Levee Project Description

The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion protection, and slurry cutoff walls, are likely to occur. The corridor is approximately 41 miles long. The project area would also include borrow/spoil sites or project mitigation sites outside of this corridor.

SBFCA's goal is to achieve a minimum of 200-year flood protection for the more urbanized areas with population centers and 100-year flood protection for the remaining more rural agricultural parts of the planning area. Specific levee deficiencies along the Feather River West Levee are through-seepage, under-seepage, erosion, levee instability, and encroachments. There are also improvement needs for long-term operation and maintenance of the flood management corridor. The FRWLP as proposed by SBFCA will address these deficiencies and needs for that portion of the perimeter of the planning area to assist in incrementally reducing local flood risk.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA 95965; http://www.sutterbutteflood.org

###

Clerk-Recorder's Department
County of
Butte

CANDACE J. GRUBBS
County Clerk-Recorder

1 FISH AND GAME CLERKS FEE	50.00
1 OFFICIAL RECORD, REGULAR COP	10.00
TOTAL	60.00
CASH	10.00
CHECK 1166	50.00
TOTAL TENDERED	60.00
CHANGE	0.00

04/11/2013 3:42PM 2013041100121
TC ECR-REC10

Thank You
Have a Nice Day!

Requested By:
Public

State of California—Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 439024
STATE CLEARING HOUSE # *(If applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: Sutter Butte Flood Control Agency — DATE: 4-11-13
COUNTY/STATE AGENCY OF FILING: Butte County Clerk-Recorder — DOCUMENT NUMBER:
PROJECT TITLE: Feather River West Levee Project
PROJECT APPLICANT NAME: Sutter Butte Flood Control Agency — PHONE NUMBER: (530) 740-2448
PROJECT APPLICANT ADDRESS: 1227 Bridge St. Ste C — CITY: Yuba City — STATE: Ca — ZIP CODE: 95991

PROJECT APPLICANT *(Check appropriate box):*
☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$2,995.25	$
☐ Mitigated/Negative Declaration (ND)(MND)	$2,156.25	$
☐ Application Fee Water Diversion *(State Water Resources Control Board Only)*	$850.00	$
☐ Projects Subject to Certified Regulatory Programs (CRP)	$1,018.50	$
☒ County Administrative Fee	$50.00	$ 50.00
☐ Project that is exempt from fees		
☐ Notice of Exemption		
☐ DFW No Effect Determination (Form Attached)		
☐ Other _____		$

PAYMENT METHOD:
☐ Cash ☐ Credit ☒ Check ☐ Other (See Sutter Co Reciept #438210) TOTAL RECEIVED $ 50.00

SIGNATURE: X [signature] — TITLE: Supervisor Clerk Recorder

WHITE - PROJECT APPLICANT YELLOW - DFW/ASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK DFG 753.5a (Rev. 11/12)

State of California—Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE

2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 438210

STATE CLEARING HOUSE # (If applicable) 201105 2002

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: Sutter Butte Flood Control Agency — DATE: 4-11-13

COUNTY/STATE AGENCY OF FILING: Sutter County/CA — DOCUMENT NUMBER:

PROJECT TITLE: Feather River West Levee Project

PROJECT APPLICANT NAME: (Same as Lead) — PHONE NUMBER: 530 740 2448

PROJECT APPLICANT ADDRESS: 1227 Bridge St. #C — CITY: Yuba City — STATE: CA — ZIP CODE: 95991

PROJECT APPLICANT (Check appropriate box):
☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☒ Environmental Impact Report (EIR)	$2,995.25	$ 2,995.25
☐ Mitigated/Negative Declaration (ND)(MND)	$2,156.25	$
☐ Application Fee Water Diversion (State Water Resources Control Board Only)	$850.00	$
☐ Projects Subject to Certified Regulatory Programs (CRP)	$1,018.50	$
☒ County Administrative Fee	$50.00	$ 50.00
☐ Project that is exempt from fees		
☐ Notice of Exemption		
☐ DFW No Effect Determination (Form Attached)		
☐ Other		$

PAYMENT METHOD:
☐ Cash ☐ Credit ☒ Check ☐ Other — TOTAL RECEIVED $ 3,045.25

SIGNATURE: Lisa Bush — TITLE: Deputy

WHITE - PROJECT APPLICANT | YELLOW - DFW/ASB | PINK - LEAD AGENCY | GOLDEN ROD - COUNTY CLERK | DFG 753.5a (Rev. 11/12)

COUNTY of SUTTER
STATE OF CALIFORNIA

OFFICIAL RECEIPT

№ 284857

Clerk of the Board — 4/11/13
Issuing Office or Department — DATE

RECEIVED FROM Jones & Stokes (For Sutter Butte Flood Control Agency)

THE SUM OF three thousand forty five + 25/100 $ 3,045.25

FOR Fish & Game Fees - ND/EIR - Feather River W. Levee Project

PAID BY CASH ☐

CK./M.O. ☒ BK. NO. 11-4288 — RECEIVED BY Lisa Bush

TITLE Deputy

COUNTY of SUTTER
STATE OF CALIFORNIA

OFFICIAL RECEIPT

№ 234857

Clerk of the Board
Issuing Office or Department

4/11/13
DATE

RECEIVED FROM Jones & Stokes (For Sutter Butte Flood Control)

THE SUM OF three thousand forty five + 25/100 $ 3,045.25

FOR Fish & Game Fees - MND/EIR - Feather River W. Levee Project

PAID BY CASH ☐

CK. / M.O. ☒ BK. NO. 11-4288

RECEIVED BY Lisa Bush

TITLE Deputy

State of California—Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
2013 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 438210

STATE CLEARING HOUSE # *(If applicable)* 2011052062

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY: Sutter Butte Flood Control Agency — DATE: 4-11-13

COUNTY/STATE AGENCY OF FILING: Sutter County / CA — DOCUMENT NUMBER:

PROJECT TITLE: Feather River West Levee Project

PROJECT APPLICANT NAME: (Same as Lead) — PHONE NUMBER: 530 740 7448

PROJECT APPLICANT ADDRESS: 1227 Bridge St. #C — CITY: Yuba City — STATE: CA — ZIP CODE: 95991

PROJECT APPLICANT *(Check appropriate box):*

☐ Local Public Agency ☐ School District ☒ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

☒ Environmental Impact Report (EIR)	$2,995.25	$ 2,995.25
☐ Mitigated/Negative Declaration (ND)(MND)	$2,156.25	$
☐ Application Fee Water Diversion *(State Water Resources Control Board Only)*	$850.00	$
☐ Projects Subject to Certified Regulatory Programs (CRP)	$1,018.50	$
☒ County Administrative Fee	$50.00	$ 50.00
☐ Project that is exempt from fees		
☐ Notice of Exemption		
☐ DFW No Effect Determination (Form Attached)		
☐ Other		$

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other

TOTAL RECEIVED $ 3,045.25

SIGNATURE: X Lisa Bush — TITLE: Deputy

WHITE - PROJECT APPLICANT YELLOW - DFW/ASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK DFG 753.5a (Rev. 11/12)

Print Form

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044

Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814

☒ County Clerk
County of: Sutter, 433 2nd St., Yuba City, CA 95991
Address: Butte, 25 County Center Dr., Oroville, CA 95965

From:

Public Agency: Sutter Butte Flood Control Agency
Address: 1227 Bridge Street, Suite C
Yuba City, CA 95991
Contact: Mike Inamine
Phone: (530) 740-2448

FILED
APR 11 2013
BOARD OF SUPERVISORS
DONNA M. JOHNSTON
Clerk of the Board
By _____ Deputy

Lead Agency (if different from above):

Address:

Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011052062

Project Title: Feather River West Levee Project

Project Applicant: Sutter Butte Flood Control Agency

Project Location (include county): Sutter and Butte Counties

Project Description:
The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion

This is to advise that the Sutter Butte Flood Control Agency (☒ Lead Agency or ☐ Responsible Agency) has approved the above described project on April 10, 2013 (date) and has made the following determinations regarding the above described project.

1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA

Signature (Public Agency): _____ Title: Executive Director

Date: 4/11/2013 Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

Notice of Determination Appendix D

Attachment

Feather River West Levee Project Description

The Sutter Butte Flood Control Agency (SBFCA) is proposing the Feather River West Levee Project (FRWLP) to reduce flood risk in the Sutter Basin, which includes portions of Sutter and Butte Counties. The project area for the FRWLP is focused on the corridor along the west levee of the Feather River from Thermalito Afterbay on the north to approximately 4 miles north of the confluence with the Sutter Bypass on the south. This corridor is roughly 500 feet toward the land side of the existing levees and 100 feet toward the water side. This corridor was determined as the area in which levee improvements, such as seepage berms, stability berms, relief wells, setback levees, erosion protection, and slurry cutoff walls, are likely to occur. The corridor is approximately 41 miles long. The project area would also include borrow/spoil sites or project mitigation sites outside of this corridor.

SBFCA's goal is to achieve a minimum of 200-year flood protection for the more urbanized areas with population centers and 100-year flood protection for the remaining more rural agricultural parts of the planning area. Specific levee deficiencies along the Feather River West Levee are through-seepage, under-seepage, erosion, levee instability, and encroachments. There are also improvement needs for long-term operation and maintenance of the flood management corridor. The FRWLP as proposed by SBFCA will address these deficiencies and needs for that portion of the perimeter of the planning area to assist in incrementally reducing local flood risk.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Sutter County, 1160 Civic Center Blvd, Yuba City, CA 95993; Butte County, 25 County Center, Ste 105, Oroville, CA 95965; http://www.sutterbutteflood.org

###