

Board Packet for

Agenda Item 5B

Consider approval of Resolution No. 2019-13 to adopt the ARCF Beach-Stone Lakes Mitigation Site Project Supplemental Mitigated Negative Declaration (MND); adopt the Supplement to the Mitigation Monitoring and Reporting Plan; and delegate authority to the Executive Officer to execute the Notice of Determination.

Consent Item

American River Watershed Common Features 2016

Beach-Stone Lakes Mitigation Site Project

Meeting of the Central Valley Flood Protection Board

May 24, 2019

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**Meeting of the Central Valley Flood Protection Board
May 24, 2019
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Adoption of the Supplemental Mitigated Negative Declaration**

1.0 ITEM

Consider adoption of Resolution 2019-13 (Attachment A) to:

1. Adopt the Supplemental Mitigated Negative Declaration (Attachment B) completed in accordance with the California Environmental Quality Act (CEQA) Guidelines; and
2. Adopt the Supplement to the Mitigation Monitoring and Reporting Plan (Attachment C); and
3. Approve the Beach-Stone Lakes Mitigation Site Project; and
4. Direct the Executive Officer to take the necessary actions to prepare and file a Notice of Determination (Attachment D) pursuant to CEQA.

2.0 SPONSORS

Federal: U.S. Army Corps of Engineers (USACE)
State: Central Valley Flood Protection Board (Board)
Local: Sacramento Area Flood Control Agency (SAFCA)

3.0 PROJECT LOCATION

The Beach-Stone Lakes Mitigation Site Project would be located in an agricultural field south of Freeport, California, west of Interstate 5, east of Highway 160, and north of Morrison Creek.

4.0 PROJECT DESCRIPTION

As a part of the American River Watershed Common Features 2016 Project (ARCF 2016 Project), levee improvements are planned to occur along the Sacramento River

East Levee, resulting in the removal of riparian habitat. The USACE, Board, and SAFCA propose to mitigate for a portion of the riparian habitat removal by planting 24.2 acres of riparian vegetation at the Beach-Stone Lakes Mitigation Site (Project). The purpose of the Project is to mitigate for the loss of riparian habitat in advance of planned levee improvements.

5.0 PROJECT BACKGROUND

The Project is a component of the overall ARCF 2016 Project, which is a cooperative effort between USACE, Board, and SAFCA. USACE is the National Environmental Policy Act (NEPA) lead agency and the Board is the CEQA lead agency for the ARCF 2016 Project.

Following the 1996 floods, and the associated severe impacts to Sacramento's levee system, Congress directed USACE to investigate means to reduce flood risk to the City of Sacramento. USACE completed an initial investigation in 1991 and a supplemental analysis in 1996. Recognizing that there were "common features" across the 1991 and 1996 candidate plans, Congress used the term American River Common Features in authorizing the project in the Water Resources Development Act (WRDA) of 1996. Following WRDA 1996 authorization, the ARCF Project was expanded and re-authorized in WRDA 1999 and again in WRDA 2016 (ARCF 2016 Project).

Through the Bipartisan Budget Act of 2018, Congress granted USACE construction funding to complete urgent flood control projects. The ARCF 2016 Project was identified for urgent implementation, and Congress supplied full funding to implement all identified levee improvements. Levee improvements along the Sacramento River East Levee are planned to occur and would result in the removal of riparian habitat. As design progresses for the overall ARCF project, supplemental environmental documents will be prepared to address potential environmental impacts including tree removal and proposed on- or off-site mitigation, as needed. The 2015 U.S. Fish and Wildlife Service Biological Opinion (BO) (08ESMF00-204-F-0518) and the 2015 Fish and Wildlife Coordination Act Report (CAR) (08ESMF00-2013-CPA-0020) issued for the ARCF 2016 Project require and recommend compensating for the loss of riparian habitat caused by the work being performed on the Sacramento and American River levees.

6.0 AUTHORITIES

Federal:

- WRDA of 1996 (P. L. 104-303, § 101(a)(1), 110 Stat. 3658, 3662-3663 (1996)), as amended. Amendments to this authority are as follows:

- 1) Section 366 of WRDA of 1999 (P. L. 106-53);
- 2) Sections 128 and 134 of the Energy and Water Development Appropriations Act (EWDAA) of 2004 (P. L. 108-137);
- 3) Section 128 of the Energy and Water Development Appropriations Act of 2006 (P.L. 109-103);
- 4) Section 130 of the Consolidated Appropriations Act (CAA) of 2008 (P. L. 110-161);
- 5) Section 7002 of the WRRDA of 2014 (P. L. 113-121); and,
- 6) Section 1401 of the Water Infrastructure Improvements for the Nation Act (WIIN) of 2016 (P.L. 114-322).

State:

- California Water Code Sections 8617.1, 12657, 12670.10, 12670.11, 12670.12, and 12670.14

7.0 FUNDING STATUS

The ARCF 2016 Project (except for the widening of the Sacramento River Bypass and Weir), including construction of the Beach-Stone Lakes Mitigation Site Project, will follow a typical cost split of 65% Federal and 35% Non-Federal. These cost sharing obligations are detailed in the Project Partnership Agreement (PPA) between USACE and the Board, which was adopted by the Board on January 25, 2019.

SAFCA has purchased a conservation easement on the mitigation site property. Long-term operations and maintenance (O&M) (i.e. 10 years after site establishment), would be funded by SAFCA through their O&M District Budget or an endowment.

8.0 PUBLIC INVOLVEMENT

The Beach-Stone Lakes Mitigation Site Project draft Supplemental Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND) was circulated for the required 30-day public comment period from March 28, 2019, through April 26, 2019. Circulation included publication of the Notice of Intent (NOI) in the Sacramento Bee, a newspaper of general circulation in the area affected by the Project, and direct mailings of the NOI to owners and occupants of property within one mile of the Project. Interested members of the public were also notified. Copies of the draft environmental document were made available at the Sacramento Central Public Library, the Robbie Waters Pocket-Greenhaven Library, and electronically on USACE, Board, and SAFCA's websites.

Comments received during circulation have been considered and incorporated into the final environmental document, as appropriate.

9.0 ENVIRONMENTAL ANALYSIS

The ARCF 2016 Project General Reevaluation Report (GRR) Final Environmental Impact Statement / Environmental Impact Report (EIS/EIR) (State Clearinghouse Number 2005072046) was jointly prepared by the USACE as NEPA lead agency and the Board as the CEQA lead agency. The EIS/EIR evaluated the potential impacts of the entire ARCF 2016 Project including seepage and stability along the Sacramento River, erosion along the Sacramento and American Rivers, and widening of the Sacramento Weir and Bypass. The EIS/EIR, in combination with the Findings and Statement of Overriding Considerations, Mitigation Monitoring and Reporting Plan, and Notice of Determination (Attachment E), was certified and adopted by the Board in 2016 via Resolution 2016-04 (Attachment F).

The EIS/EIR was adopted by the Board with the understanding that further project-level CEQA analysis would be completed prior to any construction. To adequately analyze the potential environmental effects of the Beach-Stone Lakes Mitigation Site Project, USACE and the Board have jointly prepared a Supplemental EA/IS/MND. In combination with the EIS/EIR, the EA/IS/MND fully discloses the potential environmental effects of the Project.

The EA/IS/MND is comprised of: 1) a description of the existing environmental resources in the Project area; 2) an evaluation of the impacts and significance of the no action alternative and the proposed action alternative on environmental resources in the Project area; and 3) proposed avoidance and minimization measures to reduce any adverse effects to a less-than-significant level. The analysis concludes the following:

1. Construction of the Beach-Stone Lakes Mitigation Site Project would have no significant impact on the following environmental resources: aesthetics, fisheries, hazardous wastes and materials, public utilities, recreation, and socioeconomics.
2. Construction of the Beach-Stone Lakes Mitigation Site Project could have a potentially significant impact on air quality, climate change, cultural resources, land use, noise, special status species, traffic, vegetation and wildlife, and water quality, but avoidance and minimization measures are proposed to avoid or reduce these impacts to less-than-significant levels.

Recommended avoidance and minimization measures are included in the Supplemental MND (Attachment B). The MND concludes that all impacts to environmental resources will be less-than-significant with the incorporation of mitigation measures from the EIS/EIR and the EA/IS.

10.0 STAFF RECOMMENDATION

Staff recommends that the Board adopt Resolution 2019-13 (in substantially the form provided in Attachment A), which:

Adopts:

- The Supplemental Mitigated Negative Declaration (Attachment B); and
- The Supplement to the Mitigation Monitoring and Reporting Plan (Attachment C)

Directs the Executive Officer to:

- Execute the Notice of Determination (Attachment D)

11.0 LIST OF ATTACHMENTS

- A. Resolution 2019-13
- B. Beach-Stone Lakes Mitigation Site Project MND
- C. Supplement to the Mitigation Monitoring and Reporting Plan
- D. Notice of Determination – Beach-Stone Lakes Mitigation Site Project
- E. Notice of Determination – ARCF GRR EIS/EIR
- F. Resolution 2016-04

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**STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD**

**RESOLUTION 2019-13
FOR ADOPTION OF THE SUPPLEMENTAL ENVIRONMENTAL
ASSESSMENT / INITIAL STUDY / MITIGATED NEGATIVE DECLARATION
FOR THE AMERICAN RIVER WATERSHED COMMON FEATURES 2016,
BEACH-STONE LAKES MITIGATION SITE PROJECT**

BACKGROUND:

- A. WHEREAS**, the American River Watershed Common Features (ARCF) 2016 Project (ARCF 2016 Project) is a cooperative effort by the U.S. Army Corps of Engineers (USACE), the Central Valley Flood Protection Board (Board), and the Sacramento Area Flood Control Agency (SAFCA) to reduce flood risk for Sacramento County by the construction of levee improvement measures to address seepage, stability, erosion and overtopping concerns identified for the East Levee of the Sacramento River downstream of the American River to Freeport, as well as erosion control measures for specific locations along the American River, and widening of the Sacramento Weir and Bypass to deliver more flood flows into the Yolo Bypass; and
- B. WHEREAS**, construction of the ARCF 2016 Project is authorized by Section 101 of the Water Resources Development Act (WRDA) of 1996 (P.L. 104-303), as amended by Section 366 of WRDA of 1999 (P. L. 106-53); Sections 128 and 134 of the Energy and Water Development Appropriations Act of 2004 (P.L. 108-137); Section 128 of the Energy and Water Development Appropriations Act of 2006 (P.L. 109-103); Section 130 of the Consolidated Appropriations Act (CAA) of 2008 (P. L. 110-161); and Section 1401 of the Water Infrastructure Improvements for the Nation Act (WIIN) of 2016 (P.L. 114-322); and
- C. WHEREAS**, the Board is the non-federal sponsor and the Lead Agency under Section 21100 of the California Public Resources Code (California Environmental Quality Act or CEQA) for the American River Watershed Common Features Project General Reevaluation Report (GRR), the USACE is the federal sponsor and Lead Agency under the National Environmental Policy Act (NEPA), and the SAFCA is the local and responsible agency under CEQA; and
- D. WHEREAS**, the Board, as CEQA Lead Agency, certified the American River Watershed Common Features General Reevaluation Report Final Environmental Impact Statement / Environmental Impact Report (EIS/EIR) (SCH No. 2005072046) through Board Resolution 2016-04 including Findings of Fact, Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan, and filed a Notice of Determination (NOD) on June 9, 2016, approving the ARCF 2016 Project; and

- E. WHEREAS**, the EIS/EIR is a programmatic level document for CEQA purposes and further project level supplemental environmental analysis is required prior to beginning any construction; and
- F. WHEREAS**, the Board and the USACE entered into a Project Partnership Agreement on January 25, 2019, for construction of the ARCF 2016 Project; and
- G. WHEREAS**, the Board and the SAFCA entered into a Local Project Partnership Agreement on January 25, 2019, for construction of the ARCF 2016 Project; and
- H. WHEREAS**, the Beach-Stone Lakes Mitigation Site Project is a component of the ARCF 2016 Project; and
- I. WHEREAS**, the Board is the CEQA lead agency and the USACE is the NEPA lead agency for the Beach-Stone Lakes Mitigation Site Project; and
- J. WHEREAS**, a draft Supplemental Environmental Assessment (EA) / Initial Study (IS) / Mitigated Negative Declaration (MND) for the Beach-Stone Lakes Mitigation Site Project was circulated for a 30-day agency and public review period from March 28, 2019, to April 26, 2019; and
- K. WHEREAS**, comments on the draft Supplemental EA/IS/MND received during circulation have been considered and incorporated into the final Supplemental EA/IS/MND, as appropriate; and
- L. WHEREAS**, a Supplement to the Mitigation Monitoring and Reporting Plan has been prepared, which summarizes the effects, lists adopted avoidance, minimization, and mitigation measures, identifies timing of implementation, and establishes responsible party(ies) for implementation to avoid, minimize, or reduce any potentially significant environmental effects identified during the analysis in conformance with Section 15097 of the CEQA Guidelines (Cal. Code Regs., tit.14, § 15097); and
- M. WHEREAS**, the Board has reviewed and considered the final Supplemental EA/IS/MND and the Supplement to the Mitigation Monitoring and Reporting Plan and finds, based on the whole record, including comments and written responses received on the draft document, that the final Supplemental EA/IS/MND reflects the independent judgment and analysis of the Board; and

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD:

- 1.** Finds that the Supplemental EA/IS/MND was prepared, published, circulated, and considered in accordance with the requirements of CEQA; and
- 2.** Finds that the Supplemental EA/IS/MND is adequate in accordance with the requirements of CEQA and reflects the independent judgement and analysis of the Board; and
- 3.** Finds that, based on the whole record, there is no substantial evidence that the Beach-Stone Lakes Mitigation Site Project will have a significant effect on the environment; and

4. Adopts the Supplemental MND and Supplement to the Mitigation Monitoring and Reporting Plan for the Beach-Stone Lakes Mitigation Site Project; and
5. Approves the Beach-Stone Lakes Mitigation Site Project; and
6. Delegates authority to the Executive Officer to execute the Notice of Determination.

PASSED AND ADOPTED by vote of the Board on _____, 2019.

By: _____

William H. Edgar
President

By: _____

Jane Dolan
Secretary

Supplemental Mitigated Negative Declaration
American River Watershed Common Features 2016 Project
Beach-Stone Lakes Mitigation Site

Project Background

The American River Watershed Common Features (ARCF) 2016 Project is a cooperative effort between U.S. Army Corps of Engineers (USACE), the Central Valley Flood Protection Board (Board), and the Sacramento Area Flood Control Agency (SAFCA). USACE is the NEPA lead agency and the Board is the CEQA lead agency for the ARCF 2016 Project.

Following the 1986 floods, and the associated severe impacts to Sacramento's levee system, Congress directed USACE to investigate means to reduce flood risk to the City of Sacramento. USACE completed an initial investigation in 1991 and a supplemental analysis in 1996. Recognizing that there were "common features" across the 1991 and 1996 candidate plans, Congress used the term American River Watershed Common Features in authorizing the project in the Water Resources Development Act (WRDA) of 1996. Following WRDA 1996 authorization, the ARCF Project was expanded and re-authorized in WRDA 1999 and again in WRDA 2016 (ARCF 2016 Project).

The ARCF General Reevaluation Report (ARCF GRR) Final Environmental Impact Statement / Environmental Impact Report (EIS/EIR) (State Clearinghouse Number 2005072046) evaluated the potential impacts of the entire ARCF Project and in 2016, the EIS/EIR, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan was certified by the Board.

Through the Bipartisan Budget Act of 2018, Congress granted USACE construction funding to complete urgent flood control projects. The ARCF 2016 Project was identified for urgent implementation, and Congress supplied full funding to implement all identified levee improvements.

The ARCF 2016 Project includes improving segments of the levee system along the Sacramento River East Levee that do not meet the current federal standards for flood protection. Construction of the levee improvements would require the removal of trees along the Sacramento River that contribute to the riparian corridor and provide important habitat to special status species and other wildlife. The 2015 U.S. Fish and Wildlife Service (USFWS) Biological Opinion (BO) and Fish and Wildlife Coordination Act Report (CAR) issued for the ARCF 2016 Project require and recommend compensating for the loss of riparian habitat caused by the ARCF 2016 Project. The Beach-Stone Lakes Mitigation Site (BSLMS) (Project) is the first site under development to meet the requirements and recommendations contained in the USFWS BO and CAR.

Project Description

USACE, Board, and SAFCA propose to construct the BSLMS Project to provide a portion of the mitigation needed to mitigate for the removal of riparian habitat by construction of the ARCF

2016 Project that could not be avoided, minimized, or mitigated for onsite. The Project area is currently farmland owned by the Sacramento Area Sewer District. The site was chosen based on its close proximity to the Sacramento River East Levee project sites.

Construction of the Project would include planting approximately 24 acres of riparian habitat. Prior to planting, the site would be prepared by mowing, ripping, and disking. A new well system would be installed and a temporary drip irrigation system would be connected to the well. The plantings would be irrigated for two years. Construction is expected to begin in late summer 2019 and take approximately five months to complete.

Performance criteria for plant survival have been established and the site would be monitored for five years to measure the success of the plantings. Mitigation plantings would be assessed at a ratio of 2:1 compensation for the acreage of riparian habitat lost. Upon Project completion and assuming a mitigation ratio of 2:1, the BSLMS should provide compensatory mitigation for approximately 12 acres of riparian habitat that may be removed during the construction of the ARCF 2016 Project.

Although many of the environmental impacts were addressed in the 2016 ARCF GRR EIS/EIR, mitigation sites had not yet been identified. The attached Supplemental Environmental Assessment / Initial Study (SEA/IS) for the proposed Project, in combination with the 2016 ARCF GRR EIS/EIR, fully disclose the potential environmental effects of the proposed Project. This Mitigated Negative Declaration (MND) is supported by the SEA/IS.

Project Location

The BSLMS would be located south of Freeport, California, west of Interstate 5, north of Morrison Creek, along Highway 160/River Road, in Sacramento County.

Avoidance and Minimization Measures

The following avoidance and minimization measures are detailed in the SEA/IS. These measures, in addition to those identified in the 2016 ARCF GRR EIS/EIR, would further reduce the environmental impacts of the proposed Project.

Air Quality

Although the proposed Project would not exceed established significance criteria for air quality impacts, the following measures to reduce project-associated emissions would be implemented:

- Implement Sacramento Metropolitan Air Quality Management District's (SMAQMD) Enhanced Construction Emission Control Practices.
- At no point in time would the Contractor's equipment be operated during rain events or on saturated work areas and they would coordinate with SAFCA after such an event to determine when work may begin again.
- Water exposed soil and haul roads with adequate frequency to minimize fugitive dust. Watering should not be done to a level that would lead to sediment flow off-site.

- Suspend excavation, grading, and/or demolition activity when wind speeds exceed 20 mph.
- Treat site accesses to a distance of 100 feet from a paved road with a 6 to 12-inch layer of wood chips, mulch, or gravel to reduce generation of road dust and road dust carryout onto public roads.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person should respond and take corrective action within 48 hours. The phone number of SMAQMD should also be visible to ensure compliance.
- If not already supplied with a factory-equipped diesel particulate filter, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emissions control device used by the Contractor would achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. This will be done to meet USACE requirements that all off-road construction equipment comply with SMAQMD's enhanced exhaust controls (20% NO_x and 45% PM reductions).
- On occasions when wind speeds reach or exceed 20 miles per hour (MPH) for 15-minutes, all excavation, grading, and demolition activities would be suspended unless the first bullet point is met.
- When materials are removed from or added to an external storage pile, the pile would be stabilized with water or covered with tarps.
- If materials are distributed off-site, the contractors shall maintain a minimum of six inches of freeboard space between the top of the container and the top of the materials. The contractor would cover earthen and aggregate materials whenever they are transported on freeways or major roadways.
- The speed limit for unpaved roads would be 15 MPH unless the contractor is able to provide dust control to SMAQMD standards, with SMAQMD acting as the authority on what the new speed limit would be.
- Wheel washers and/or "rumble strips" would be installed for all exiting trucks and equipment or trucks and equipment would be cleaned to remove accumulated dirt prior to leaving the site.
- The accumulation of mud and dirt would be removed at least once a day from public roads when operations are occurring. This would be performed using a commercial/municipal style wet power vacuum street sweeper. The use of rotary brushes (power brooms) on standard construction equipment is not allowed. "Washing" of streets onto highway shoulders or into the storm drain system is not allowed.

Climate Change

While GHG emissions associated with the proposed Project would not violate significance thresholds established in the SEA/IS, the following measures to reduce project-associated GHG emissions would be implemented:

- Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.

- Purchase at least 20% of the building materials and imported soil from sources within 100 miles of the project site.
- Shut down equipment if not in operation after 5 minutes in accordance with California Code of Regulations, Title 13, sections 2449(d)(3) and 2485.
- All construction equipment would be maintained in proper working condition according to the specifications of the manufacturer. All construction equipment would pass inspection by a certified mechanic to show it is in proper working condition before it is operated on the project site.

Cultural Resources

Consultation with the State Historic Preservation Office (SHPO) regarding the inventory, determination of eligibility and findings of effects for the proposed Project is ongoing and would be completed before a decision is reached on the findings of the SEA/IS. In addition to consultation, the following avoidance and minimization measures to ensure no significant impacts to cultural resources would be implemented:

- To minimize any effects to Historic Properties that may be encountered during construction activities, the construction Contractor would follow the procedures for the discovery of previously unknown Historic Properties described in Stipulation IX of the existing Programmatic Agreement for the ARCF 2016 Project.

Land Use

Although the proposed Project would not exceed established significance criteria for land use, the following measure to further minimize impacts would be implemented:

- The Project includes the installation of a new water well and pump that would remain for future agricultural use. The new well and improved irrigation systems would allow the farmland to produce higher yields on a smaller amount of land with crops that produce a greater financial return than those from dry land farming.

Noise

Although the proposed Project would not exceed established significance criteria for noise impacts, the following measures to further minimize noise levels during construction would be implemented:

- Notices with information including, but not limited to, contractor contact telephone number(s) and proposed construction dates and times would be displayed in a conspicuous manner, such as on construction site fences;
- Construction equipment would be equipped with factory-installed muffling devices, and all equipment would be operated and maintained in good working order to minimize noise generation.

Special Status Species

Although the proposed Project would not exceed significance criteria for effects to special status species, the following avoidance and minimization measure would be implemented:

- Surveys would be conducted within one-quarter mile of the proposed construction site in spring 2019, and nesting surveys would be conducted prior to the commencement of construction. If the surveys determine that nesting birds are present, USACE would coordinate with CDFW and USFWS to determine any necessary avoidance and minimization measures that would need to be implemented.
- The following protocol from the CDFW for Swainson's hawk would be followed for the pre-construction survey for raptors: A focused survey for Swainson's hawk nests will be conducted by a qualified biologist during the nesting season (February 1 to August 31) to identify active nests within 0.25 mile of the project area. The survey will be conducted no less than 14 days and no more than 30 days prior to the beginning of construction. If nesting Swainson's hawks are found within 0.25 mile of the project area, no construction will occur during the active nesting season of February 1 to August 31, or until the young have fledged (as determined by a qualified biologist), unless otherwise negotiated with the California Department of Fish and Wildlife. If work is begun and completed between September 1 and January 31, a survey is not required.

Traffic

Although the proposed Project would not exceed established significance criteria for traffic impacts, the following measures to reduce project-associated impacts to traffic would be implemented:

- The construction contractor would notify and consult with emergency service providers to maintain emergency access and facilitate the passage of emergency vehicles on nearby roads.
- Emergency vehicle access would be maintained at all times. Coordination with local emergency responders by the contractor to inform them of the construction activities would be required by the contractor.
- The construction contractor would assess any damage to roadways caused by construction and would repair all potholes, fractures, or other damages.
- The construction contractor would provide adequate parking for construction trucks, equipment, and construction workers within on-site designated staging areas throughout the construction period. If inadequate space for parking is available at a given work site, the construction contractor would provide an off-site staging area in a location that would not cause traffic congestion and, as needed, coordinate the daily transport of construction vehicles, equipment, and personnel to and from the work site.

Vegetation and Wildlife

The following recommendations from the U.S. Fish and Wildlife Service Coordination Act Report for the ARCF 2016 Project would be implemented to minimize effects to vegetation and wildlife to less than significant:

- Woody vegetation that needs to be removed within the construction footprint should be removed during the non-nesting season (September 1 to January 31) to avoid affecting active bird nests. If tree trimming is conducted during the nesting season (February 1 to August 31), a qualified biologist would conduct a nesting bird survey.
- Avoid impacts to migratory birds nesting in and adjacent to the Project site by conducting pre-construction surveys for active nests along haul roads, staging areas, and construction sites. Pre-construction surveys would be conducted by a qualified biologist. If an active nest is located, an appropriate buffer to minimize impacts shall be determined by the qualified biologist. No work shall occur within the buffer until the young have fledged, or as otherwise determined by a qualified biologist.
- Avoid future impacts to the site by ensuring all vehicles, equipment, and vegetative materials are free of contaminants, such as invasive weed species or toxic materials.
- Minimize project impacts by reseeding all disturbed areas, including staging areas, at the completion of construction with native forbs and grasses. Reseeding should be conducted just prior to the rainy season to enhance germination and plant establishment. The reseeding mix should include species used by and beneficial for native pollinators.
- Minimize the impact of removal and trimming of trees and shrubs greater than 2-inches in diameter by having these activities supervised and/or completed by a certified arborist.
- Need for mitigation plantings would be assessed at a ratio of 2:1 compensation for the acreage of riparian habitat lost to ARCF 16 levee improvement construction. Approximately 24 acres of riparian habitat would be created under the proposed action, offsetting approximately 12 acres of loss to the riparian corridor along the Sacramento River.
- If a tree is damaged to the point it must be removed, the replacement tree would be the same species. If the damaged tree is non-native, then it would be replaced with a native tree species, which would enhance the quality of the environment,
- All trees and shrubs currently located within the construction footprint would be protected in place with temporary fencing placed one and a half times the drip line of each tree or scrub.
- Grasses removed due to construction activities would be restored through reseeding. If any non-woody plants not planned for removal are damaged, they would be replaced in-kind. Areas would be reseeded with native vegetation, such as creeping wild rye (*Elymus triticoides*). Reseeded areas would be periodically monitored by the Contractor until 85 percent vegetation cover is achieved, or until May 1st of the year following the reseeding. If reseeded areas do not reach the required amount of cover by May 1st, additional reseeding may be required.

Water Quality

Although the proposed Project would not exceed established significance criteria for water quality impacts, the following measures to further reduce project-related impacts to water quality would be implemented:

- Prior to construction, the construction Contractor would prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) and would obtain a National Pollutant Discharge Elimination Systems permit, as applicable, and comply with all conditions of the permit; and

- This plan would detail the construction activities to take place, Best Management Practices (BMPs) to be implemented to prevent any discharges of contaminated storm water into waterways, and inspection and monitoring activities that would be conducted.

Findings

Based on the information in the 2016 ARCF GRR EIS/EIR, the SEA/IS, and the administrative record for the ARCF 2016 Project, the Board finds that the proposed Project, with the avoidance and minimization measures listed above and including those from the 2016 ARCF GRR EIS/EIR, would not result in a significant impact on the environment.

This MND reflects the Board's independent judgment and analysis.

The environmental document and other materials, which constitute the record, are located at 3310 El Camino Avenue, Room 170, Sacramento, California 95821. In accordance with California Code of Regulations, Title 14, Section 15075, Board staff will file a Notice of Determination (NOD) with the State Clearinghouse within five days of adopting this MND.

I hereby approve this project:

Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board

Date

Attachment C

Supplemental Mitigation Monitoring and Reporting Plan Beach-Stone Lakes Mitigation Site Project Sacramento County, California

This Mitigation Monitoring and Reporting Plan (MMRP) is designed to fulfill Section 21081.6 (a) of the California Environmental Quality Act (CEQA), which requires public agencies to adopt a reporting or monitoring program when adopting a mitigated negative declaration. This MMRP supplements the MMRP for the American River Watershed Common Features General Reevaluation Report Environmental Impact Statement / Environmental Impact Report (EIS/EIR), which was adopted by the Central Valley Flood Protection Board (CVFPB) in June 2016 via CVFPB Resolution 2016-04. The avoidance, minimization, and mitigation measures described below are to be used to avoid, minimize, or reduce any potentially significant environmental impacts to a less-than-significant level.

The MMRP table includes the following:

- Section and Impacts – identifies the issue area section of the Supplemental Environmental Assessment/Initial Study (SEA/IS) and corresponding impact.
- Mitigation Measures – lists the adopted mitigation measures from the SEA/IS.
- Implementation Timing – identifies the timing of implementation of the action described in the mitigation measures.
*Refer to Notes below.
- Responsible for Implementation – identifies the agency/party responsible for implementing the actions described in the mitigation measures.
- Responsible for Monitoring/Reporting Action – identifies the agency/party responsible for monitoring and/or reporting on the implementation of the actions described in the mitigation measures. Verification will be carried-out during the project and an MMRP completion report will be submitted to the CVFPB staff upon completion of the Project.

Section and Impacts	Mitigation Measures	Implementation Timing	Responsible for Mitigation	Responsible for Monitoring/Reporting Action
3.2.1 Air Quality (AQ)	<p>AQ-1: Implement Sacramento Metro Air Quality Management District's (SMAQMD) Enhanced Construction Emission Control Practices.</p> <p>AQ-2: At no point would the Contractor's equipment be operated during rain events or on saturated work areas and they would coordinate with SAFCA after such an event to determine when work may begin again.</p> <p>AQ-3: Water exposed soil and haul roads with adequate frequency to minimize fugitive dust. Watering shall not be done to a level that would lead to sediment flow off-site.</p> <p>AQ-4: Suspend excavation, grading, and/or demolition activity when wind speeds exceed 20 miles per hour (mph).</p> <p>AQ-5: Treat site access locations to a distance of 100 feet from a paved road with a 6 to 12-inch layer of wood chips, mulch, or gravel to reduce generation of road dust and road dust carryout onto public roads.</p>	P, C	SAFCA, Contractor	USACE, CVFPB

Notes:

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

P: To be implemented prior to construction, but not part of project design or permitting.

C: To be implemented during project construction.

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

O: To be implemented as an operational practice after construction is complete

	<p>AQ-6: Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of SMAQMD shall also be visible to ensure compliance.</p> <p>AQ-7: If not already supplied with a factory-equipped diesel particulate filter, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emissions control device used by the Contractor would achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. This will be done to meet USACE requirements that all off-road construction equipment comply with SMAQMD's enhanced exhaust controls (20% NOx and 45% PM reductions).</p> <p>AQ-8: On occasions when wind speeds reach or exceed 20 miles per hour (MPH) for 15-minutes, all excavation, grading, and demolition activities would be suspended unless AQ-1 is met.</p>			
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Notes:

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	<p>AQ-9: When materials are removed from or added to an external storage pile, the pile would be stabilized with water or covered with tarps.</p> <p>AQ-10: If materials are distributed off-site, the Contractors shall maintain a minimum of six inches of freeboard space between the top of the container and the top of the materials. The Contractor would cover earthen and aggregate materials whenever they are transported on freeways or major roadways.</p> <p>AQ-11: The speed limit for unpaved roads shall be 15 MPH unless the Contractor is able to provide dust control to SMAQMD standards, with SMAQMD acting as the authority on what the new speed limit would be.</p> <p>AQ-12: Wheel washers and/or “rumble strips” shall be installed for all exiting trucks and equipment, or trucks and equipment shall be cleaned to remove accumulated dirt prior to leaving the site.</p> <p>AQ-13: The accumulation of mud and dirt shall be removed at least once a day from public roads when operations are occurring.</p>			
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	<p>This would be performed using a commercial/municipal style wet power vacuum street sweeper. The use of rotary brushes (power brooms) on standard construction equipment is not allowed. "Washing" of streets onto highway shoulders or into the storm drain system is not allowed.</p>			
Section 3.2.2 Climate Change (CLIMATE)	<p>CLIMATE-1: Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.</p> <p>CLIMATE-2: Purchase at least 20 percent of the building materials and imported soils from sources within 100 miles of the Project site.</p> <p>CLIMATE-3: Shut down equipment if not in operation after 5 minutes in accordance with California Code of Regulations, Title 13, sections 2449(d)(3) and 2485.</p> <p>CLIMATE-4: All construction equipment shall be maintained in proper working condition according to the specifications of the manufacturer. All construction equipment shall pass inspection by a certified mechanic to show it is in proper working condition before it is operated on the project site.</p>	P, C	SAFCA, Contractor	USACE, CVFPB

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Section 3.2.3 Cultural Resources (CUL)	CUL-1: To minimize any effects to Historic Properties that may be encountered during construction activities, the construction Contractor would follow the procedures for the discovery of previously unknown Historic Properties described in Stipulation IX of the existing Programmatic Agreement for the ARCF 2016 Project.	C	USACE	CVFPB
Section 3.2.4 Land Use (LU)	LU-1: The Project includes the installation of a new water well and pump that would remain for future agricultural use. The new well and improved irrigation systems would allow the farm land to produce higher yields on a smaller amount of land with crops that produce a greater financial return than those from dry land farming.	D, C	SAFCA	USACE, CVFPB
Section 3.2.5 Noise (NOISE)	<p>NOISE-1: Notices with information including, but not limited to, Contractor contact telephone number(s) and proposed construction dates and times shall be displayed in a conspicuous manner, such as on construction site fences.</p> <p>NOISE-2: Construction equipment would be equipped with factory-installed muffling devices, and all equipment would be operated and maintained in good working order to minimize noise generation.</p>	P, C	SAFCA, Contractor	USACE, CVFPB

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Section 3.2.6 Special Status Species (SSS)	<p>SSS-1: Surveys would be conducted within one-quarter mile of the proposed construction site in spring 2019, and nesting surveys would be conducted prior to the commencement of construction. If the surveys determine that nesting birds are present, USACE would coordinate with CDFW and USFWS to determine any necessary avoidance and minimization measures that would need to be implemented.</p> <p>SSS-2: The following protocol from the CDFW for Swainson's hawk would be followed for the pre-construction survey for raptors: <i>A focused survey for Swainson's hawk nests will be conducted by a qualified biologist during the nesting season (February 1 to August 31) to identify active nests within 0.25 mile of the project area. The survey will be conducted no less than 14 days and no more than 30 days prior to the beginning of construction. If nesting Swainson's hawks are found within 0.25 mile of the project area, no construction will occur during the active nesting season of February 1 to August 31, or until the young have fledged (as determined by a qualified biologist), unless otherwise negotiated with the California Department of Fish and</i></p>	P, C	SAFCA	CVFPB
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	<i>Wildlife. If work is begun and completed between September 1 and January 31, a survey is not required.</i>			
Section 3.2.7 Traffic (TRA)	<p>TRA-1: The construction Contractor would notify and consult with emergency service providers to maintain emergency access and facilitate the passage of emergency vehicles on nearby roads.</p> <p>TRA-2: Emergency vehicle access would be maintained at all times. Coordination would occur with local emergency responders to inform them of the construction activities.</p> <p>TRA-3: The construction Contractor would assess damage to roadways caused by construction and would repair all potholes, fractures, or other damages.</p> <p>TRA-4: The construction Contractor would provide adequate parking for construction trucks, equipment, and construction workers within the designated staging areas throughout the construction period. If inadequate space for parking is available at a given work site, the construction</p>	P, C	SAFCA, Contractor	USACE, CVFPB

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	Contractor would provide an off-site staging area in a location that would not cause traffic congestion and, as needed, coordinate the daily transportation of construction vehicles, equipment, and personnel to and from the work site.			
Section 3.2.8 Vegetation and Wildlife (VEG)	<p>VEG-1: Woody vegetation that needs to be removed within the construction footprint should be removed during the non-nesting season (September 1-January 31) to avoid affecting active migratory bird nests. If tree trimming is conducted during the nesting season (February 1 through August 31), a qualified biologist would conduct a nesting bird survey.</p> <p>VEG-2: Avoid impacts to migratory birds nesting in and adjacent to the Project site by conducting pre-construction surveys for active nests along haul roads, staging areas, and construction sites. Pre-construction surveys would be conducted by a qualified biologist. If an active nest is located, an appropriate buffer to minimize impacts shall be determined by the qualified biologist. No work shall occur within the buffer until the young have fledged, or as otherwise determined by a qualified biologist.</p>	D, P, C	SAFCA, Contractor	USACE, CVFPB

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	<p>VEG-3: Avoid future impacts to the site by ensuring all vehicles, equipment, and vegetative materials are free of contaminants (including hazardous waste and invasive species).</p> <p>VEG-4: Minimize project impacts by reseeding all disturbed areas, including staging areas, at the completion of construction with native forbs and grasses. Reseeding should be conducted just prior to the rainy season to enhance germination and plant establishment. The reseeding mix should include species beneficial for native pollinators.</p> <p>VEG-5: Minimize the impact of trimming of trees and shrub limbs greater than 2-inches in diameter by having these activities supervised and/or completed by a certified arborist.</p> <p>VEG-6: Need for mitigation plantings would be assessed at a ratio of 2:1 compensation for the acreage of riparian habitat lost to ARCF 16 levee improvement construction. Approximately 24 acres of riparian habitat would be created under the proposed action, offsetting approximately 12 acres of</p>			
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	<p>loss to the riparian corridor along the Sacramento River.</p> <p>VEG-7: If a tree is damaged to the point it must be removed, the replacement tree would be the same species. If the damaged tree is non-native, then it would be replaced with a native tree species, which would enhance the quality of the environment.</p> <p>VEG-8: All trees and shrubs currently located within the construction footprint would be protected in place with temporary fencing placed one and a half times the drip line of each tree or scrub. If any non-woody plants not planned for removal are damaged, they would be replaced in-kind.</p> <p>VEG-9: Grasses removed due to construction activities would be restored through reseeding. Areas would be reseeded with native vegetation. Reseeded areas would be periodically monitored by the Contractor until 85 percent vegetation cover is achieved, or until May 1st of the year following the reseeding. If reseeded areas do not reach the required amount of cover by May 1st, additional reseeding may be required.</p>			
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Section 3.2.9 Water Quality (WATER)	<p>WATER-1: Prior to construction, the construction Contractor would prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) and would obtain a National Pollutant Discharge Elimination Systems permit, as applicable, and comply with all conditions of the permit.</p> <p>WATER-2: This plan would detail the construction activities to take place, Best Management Practices (BMPs) to be implemented to prevent any discharges of contaminated storm water into waterways, and inspection and monitoring activities that would be conducted.</p>	D, P, C	SAFCA, Contractor	USACE, CVFPB
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Attachment D

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research
 U.S. Mail: _____ Street Address: _____
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

☐ County Clerk

County of: _____
 Address: _____

From:

Public Agency: CV Flood Protection Board
 Address: 3310 El Camino Avenue, Suite 170
 Sacramento, California 95821
 Contact: Lori Price
 Phone: (916) 574-2310

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): 2005072046

Project Title: American River Watershed Common Features, Beach-Stone Lakes Mitigation Site Project

Project Applicant: Central Valley Flood Protection Board

Project Location (include county): South of Freeport, west of I-5, east of Hwy 160, Sacramento County

Project Description:

The Beach-Stone Lakes Mitigation Site (Project) is a component of the American River Watershed Common Features (ARCF) 2016 Project. The Project would construct an approximately 24-acre riparian mitigation site to mitigate for the removal of riparian habitat that may result from planned levee improvements under the ARCF 2016 Project. The Project would include preparing the site by mowing, ripping, and disking; installing a new well and drip irrigation system; and planting riparian trees, shrubs, and native grasses.

This is to advise that the Central Valley Flood Protection Board has approved the above
☒ Lead Agency or ☐ Responsible Agency

described project on May 24, 2019 and has made the following determinations regarding the above
 (date)
 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:

Central Valley Flood Protection Board, 3310 El Camino Avenue #170, Sacramento, CA, 95821

Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research

For U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St.

Sacramento, CA 95814

☐ County Clerk

County of: _____

Address: _____

From:

Public Agency: Central Valley Flood Protection Board

Address: 3310 El Camino Ave. Room 151

Sacramento, CA 95821

Contact: Erin Brehmer

Phone: (916) 574-2313

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): 2005072046Project Title: American River Common Features General Reevaluation ReportProject Location (include county): Sacramento

Project Description:

Program level analysis for projects that could involve: the construction of fix-in-place levee improvement measures to address seepage, slope stability, erosion, and overtopping concerns identified for the American and Sacramento River, Natomas East Main Drainage Canal, Arcade Creek, Dry Creek, Robla Creek, and Magpie Creek levees. In addition, the Sacramento Weir and Bypass would be widened to divert more flows into the Yolo Bypass during flood events.

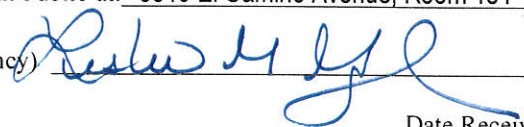
This is to advise that the Central Valley Flood Protection Board has approved the above described project on☒ Lead Agency or ☐ Responsible AgencyJune 9, 2016

(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: 3310 El Camino Avenue, Room 151

Signature (Public Agency) 

Title _____

Governor's Office of Planning & Research

Date _____

Date Received for filing at OPR _____

JUN 15 2016**STATE CLEARINGHOUSE**

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2016-04

AMERICAN RIVER WATERSHED COMMON FEATURES PROJECT, CALIFORNIA
FINDINGS AND APPROVAL
FOR THE GENERAL REEVALUATION REPORT AND ENVIRONMENTAL IMPACT
STATEMENT/ENVIRONMENTAL IMPACT REPORT

WHEREAS, the Central Valley Flood Protection Board (Board, formerly known as the Reclamation Board of the State of California) is the non-federal sponsor and the Lead Agency under Section 21100 of the California Public Resources Code (California Environmental Quality Act or CEQA) for the American River Watershed Common Features Project General Reevaluation Report (GRR), the U.S. Army Corps of Engineers (USACE) is the federal sponsor and Lead Agency under the National Environmental Policy Act (NEPA), and the Sacramento Area Flood Control Agency is the local sponsor and responsible agency under CEQA; and

WHEREAS, Congress authorized levee improvements known as the American River Watershed Common Features Project in Section 101(a)(1) of the Water Resources Development Act (WRDA) of 1996, (Public Law 104-303); and

WHEREAS, the State authorized the American River Watershed Common Features Project in 1997 under California Water Code Sections 12670.10, 12670.11, 12670.12, 12670.14 and 12670.16; and

WHEREAS, a Draft Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) for the GRR was circulated for public review from March 20, 2015 to May 4, 2015; and

WHEREAS, comments on the Draft EIS/EIR have been received, and responses have been prepared and included in a Final EIS/EIR; and

WHEREAS, a Statement of Findings has been prepared for each potentially significant environmental effect that would result from the project has been prepared in conformance with Section 15091 of the CEQA Guidelines; and

WHEREAS, a Mitigation Monitoring and Reporting Plan has been prepared which summarizes the effects, lists adopted mitigation measures, identifies timing of implementation, and establishes responsible party(ies) for implementation to avoid, minimize, or reduce any potentially significant environmental effects identified during the analysis in conformance with Section 15097 of the CEQA Guidelines; and

WHEREAS, the final EIS/EIR is a programmatic level document for CEQA purposes prepared to determine the feasibility of the GRR and to obtain Congressional approval for the American River Watershed Common Features Project; and

WHEREAS, the Board has independently reviewed and considered the EIS/EIR and finds, on the basis of the record as a whole, including comments and written responses received on the draft document and mitigation measures, that the EIS/EIR reflects the independent judgement and analysis of the Board in conformance with Section 15090(a)(3) of the CEQA Guidelines; and

WHEREAS, pursuant to CEQA Guidelines Section 15091, changes and alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIS/EIR; and

WHEREAS, the Board finds that specific overriding economic, legal, social, technological, or other benefits of the GRR Recommended Plan outweigh the potentially significant and unavoidable effects on the environment in compliance with Section 21081(b) of CEQA; and

NOW, THEREFORE, LET IT BE RESOLVED:

Findings of Fact

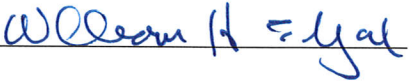
- 1 The Board hereby adopts as findings the facts set forth in Attachment 1.
- 2 The Board has independently reviewed and considered all Attachments listed in the Staff Report.
3. The Board finds that the final EIS/EIR is a programmatic level document for CEQA purposes and that further project level supplemental environmental analysis is required prior to beginning any construction.

**Approval of American River Watershed Common Features General Reevaluation Report
Recommended Plan**

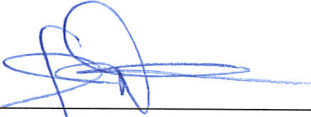
- 4 The Board adopts the CEQA Statement of Findings attached to this Resolution and Mitigation, Monitoring and Reporting Plan, attached to the Staff Report, and incorporated herein by reference, and
- 5 Based on the foregoing, the Board hereby certifies the Final Environmental Impact Statement/Environmental Impact Report for the American River Watershed Common Features Project General Reevaluation Report prepared in compliance with CEQA.
6. The Board approves the Recommended Plan.
7. The Board delegates to the Executive Officer the authority to execute the Notice of Determination under CEQA in substantially the form submitted.

Attachment 1: Findings and Statement of Overriding Consideration

PASSED AND ADOPTED by vote of the Board on _____, 2016.



William H. Edgar
President



Jane Dolan
Secretary

Approved as to Legal Form and Sufficiency



Kanwarjit Dua
General Counsel