Board Packet for

Agenda Item 5G

Consider adopting Resolution No. 2019-11 to adopt the Yuba River Basin, California Project – Marysville Ring Levee Phase 2B and 3 Supplemental Mitigated Negative Declaration, Supplement to the Mitigation Monitoring and Reporting Plan, approve the design refinements, and delegate authority to the Executive Officer to sign the Notice of Determination.

Consent Item

Yuba River Basin, California Project – Marysville Ring Levee

Meeting of the Central Valley Flood Protection Board

June 28, 2019

Contents

Meeting of the Central Valley Flood Protection Board
June 28, 2019

Staff Report

Yuba River Basin, California Project – Marysville Ring Levee
Adopt the Supplemental Mitigated Negative Declaration

1.0 – ITEM

Consider adoption of Resolution 2019-11 (Attachment 1) to:

1. Adopt the Supplemental Mitigated Negative Declaration (Attachment 2) completed in accordance with the California Environmental Quality Act (CEQA) Guidelines;
2. Adopt the Supplement to the Mitigation Monitoring and Reporting Plan (Attachment 3);
3. Approve the Design Refinements for Phase 2B and 3 of the Yuba River Basin, California Project – Marysville Ring Levee; and
4. Delegate the Executive Officer to take the necessary actions to prepare and file a Notice of Determination (Attachment 4) pursuant to CEQA.

2.0 – SPONSORS

Federal Sponsor:	United States Army Corps of Engineers (USACE)
State Sponsor:	Central Valley Flood Protection Board (Board)
Local Sponsor:	Marysville Levee District (MLD)

3.0 – PROJECT LOCATION

The City of Marysville is located approximately 50 miles north of Sacramento, California in Yuba County and is surrounded by 7.5 miles of levee. These levees vary in height from 17 to 28 feet and protect the City of Marysville from flooding. Phase 2B and 3 of the Yuba River Basin, California Project – Marysville Ring Levee is located along the existing levee south of 1st Street, north and west of the Yuba River, and east of A Street, 12th Street, and Highway 20.

4.0 – PROJECT BACKGROUND

The Yuba River Basin, California Project – Marysville Ring Levee (MRL Project) was originally authorized as part of the Yuba River Basin, California Project in the Water Resources Development Act of 1999 (WRDA 1999) and amended by the Water Resources Development Act of 2007 (WRDA 2007). In 2008, the MRL Project was approved for construction as a separable element of the Yuba River Basin, California Project. An Engineering Documentation Report (EDR) was completed in April 2010 which found that, although design changes were necessary, they did not constitute a change in the Yuba River Basin, California Project scope, and the MRL Project could proceed to construction as a separable element. As a result, a Project Partnership Agreement was executed between the USACE, Board, and MLD. The MRL Project initiated construction in 2010.

Phase 1 of the MRL Project was constructed from 2010 through 2012 and portions of Phase 4 were constructed from 2016 through 2017. Phase 2A-North was constructed in 2018 and Phase 2A-South is anticipated to be constructed in 2019.

As design refinements for Phase 2B and 3 were being completed, the necessity for a supplemental environmental document was identified by the project team. Specific design refinements that required additional environmental assessment included:

- Modifications to the cut off wall construction;
- Inclusion of levee service roads;
- Relocation of utilities;
- Construction schedule modification.

5.0 – PROJECT DESCRIPTION

Phase 2B:
Levee improvements in Phase 2B are identified as segments described as K1, K2, and L1. All levee segments require improvements, including the addition of a soil bentonite (SB) cutoff wall in each segment to prevent through-seepage and under-seepage. Design challenges include management of existing utilities and encroachments such as the historic sewer tunnels, proximity to the Union Pacific Railroad (UPRR), as well as a Pacific Gas & Electric (PG&E) substation and service center. Cutoff wall windows are to remain at State Highway 70 and the UPRR.

Cutoff Wall Construction
A SB cutoff wall will be constructed through the center of the levee crown and will span approximately 5,100 feet (0.97 miles) in length, have a maximum depth of 55 feet, and minimum thickness of 3 feet. The cutoff wall in Phase 2B will be constructed by utilizing the open trench method. This method requires excavation of a trench backfilled with an SB slurry.

Phase 3:
Levee improvements along Phase 3 have been identified in segments described as Reach 1, Reach 2, and Reach 3 to define the cutoff wall type and method of construction. All levee segments require improvements to meet flood protection criteria, including a SB and/or soil cement bentonite (SCB) cutoff wall (depending on wall depth) to prevent through-seepage and under-seepage.

Cutoff Wall Construction
Reach 1 and Reach 3 will be constructed using SCB, and the method of construction will be deep mix/mix in place. The deep mix/mix in place method will be used as the wall depth will exceed 80 feet. Reach 2 will be constructed using SB with the open trench method described in Phase 2B.

The cutoff wall will be constructed along the centerline of the levee crown between Ramirez Street and the PG&E substation. The combined length of the walls will be approximately 9,700 feet (1.84 miles), have a maximum depth of 130 feet, and a minimum thickness of 3 feet.

6.0 – AUTHORITIES

Federal:

- Section 101(a)(10) of the Water Resources Development Act of 1999 (P.L. 106-53)
- Section 3041 of the Water Resources Development Act of 2007 (P.L. 110-114)

State:

- Water Code sections 8617 and 12670.7

7.0 – PUBLIC INVOLVEMENT

The joint Environmental Assessment/Initial Study/Mitigated Negative Declaration document was circulated for public comment from March 29, 2019 to April 28, 2019. Circulation included publication of the Notice of Intent (NOI) in a newspaper of general

circulation in the area affected by the MRL Project, direct mailings of the Notice of Intent (NOI) to owners and occupants of property contiguous to MRL Project Phase 2B and 3, and a public meeting was held on April 10, 2019, in the City of Marysville.

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

8.0 – ENVIRONMENTAL ANALYSIS

2010 Environmental Assessment/Initial Study/Mitigated Negative Declaration (2010 EA/IS/MND)

This joint National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) document analyzed the environmental impacts for the entire MRL Project. At the time this document was prepared, the MRL Project description for Phase 1 was well defined, however future phases were in preliminary design. In 2010, American Recovery and Reinvestment Act funds were made available for the MRL Project, upon the condition of work beginning in 2010. As such, the 2010 EA/IS/MND covered Phase 1 impacts in detail and future phases in general. It was acknowledged by the project team at the time that future environmental work would be required to update and supplement this document as design was further refined and understood for subsequent phases.

Supplemental Environmental Assessment/Initial Study/Mitigated Negative Declaration for Phase 2B and 3 (Supplemental EA/IS/MND)

The Supplemental EA/IS/MND is a supporting document to the 2010 EA/IS/MND. This Supplemental EA/IS/MND was prepared jointly by the USACE, NEPA lead-agency, and the Board, CEQA lead-agency. The Supplemental EA/IS/MND is comprised of: (1) a description of the existing environmental resources in Phase 2B and 3; (2) an evaluation of the impacts and significance of the action alternatives on environmental resources in Phase 2B and 3; and (3) proposed measures to avoid, minimize, or mitigate any adverse effects to a less-than-significant level. The analysis concludes the following:

1. The design refinements in Phase 2B and 3 would have no change in impacts from the analysis in the 2010 EA/IS/MND for the following resources: geology and seismicity; mineral resources; topography and soil types; aesthetics and visual resources; hazards, hazardous materials, toxic, and radiological waste; fisheries; environmental justice; population and housing; public utilities; land use and socioeconomics; and agricultural and prime and unique farmland.

2. The design refinements in Phase 2B and 3 could have potentially significant impacts on air quality, greenhouse gases, vegetation and wildlife, special status species, recreation, cultural resources, traffic and circulation, noise and vibration, water resource and quality, and cumulative impacts, but mitigation measures are proposed to avoid or reduce these impacts to less-than-significant levels.

Recommended mitigation measures are included in the Supplemental EA/IS/MND (Attachment 2) and the Supplement to the Mitigation Monitoring and Reporting Plan (Attachment 3).

In response to design refinements in Phase 2B and 3 of the MRL Project, adoption of a Supplemental MND was determined to be the most appropriate course of action for CEQA compliance. The Supplemental MND concludes that all impacts to environmental resources will be less-than-significant with incorporation of mitigation measures from the 2010 EA/IS/MND and the Supplemental EA/IS/MND.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt Resolution 2019-11 (in substantially the form provided in Attachment 1), which:

Adopts:

- The Supplemental Mitigated Negative Declaration (Attachment 2); and
- The Supplement to the Mitigation Monitoring and Reporting Plan (Attachment 3)

Approve:

- Design Refinements

Delegate:

- The Executive Officer to execute the Notice of Determination (Attachment 4).

10.0 – LIST OF ATTACHMENTS

1 – Resolution 2019-11
2 – Phase 2B and 3 Supplemental Mitigated Negative Declaration
3 – Supplement to the Mitigation Monitoring and Reporting Plan
4 – Notice of Determination
5 – Draft Finding of No Significant Impact

Prepared By:	David Moldoff, Environmental Scientist, DWR, Flood Projects Office
DWR Staff Review:	David Martasian; Robert Scarborough
DWR Legal Review:	James Herink
Board Staff Review:	Itzia Rivera; Michael Wright
Board Legal Review:	Jit Dua

STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION 2019-11

FOR ADOPTION OF THE SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE DESIGN REFINEMENTS FOR PHASE 2B AND 3 FOR THE FOR THE YUBA RIVER BASIN, CALIFORNIA – MARYSVILLE RING LEVEE PROJECT

A. WHEREAS, construction of the Yuba River Basin, California Project for flood risk management (Authorized Project) at Yuba County, California, was authorized by the federal government through Section l0l(a)(l0) of the Water Resources Development Act of 1999 (Public Law 106-53) as amended by Section 3041 of the Water Resources Development Act of 2007 (Public Law 110-114); and

B. WHEREAS, the United States Department of the Army Corps of Engineers (USACE) and the Central Valley Flood Protection Board (Board) entered into a design agreement (DA) on June 13, 2000, for engineering and design of the Authorized Project, which obligates the Board to pay a portion of the costs for engineering and design of the Authorized Project as a cost sharing partner with the USACE; and

C. WHEREAS, the Board and Yuba County Water Authority (YCWA) entered into local design agreement (LDA) on November 11, 2000, where the Board and YCWA agreed to share the non-Federal costs of the design project, agree on a cost share formula, and delegate the non-Federal design obligations for the Authorized Project between them; and

D. WHEREAS, the Urban Level of Flood Protection Criteria, developed in response to the requirements from the Central Valley Flood Protection Act of 2008, enacted by Senate Bill 5 (Statutes of 2007, Chapter 364), the State of California Department of Water Resources (DWR), Division of Flood Management established a minimum flood protection requirement for urban communities for a 200-year protection level, which the Authorized Project at that time did not meet; and

E. WHEREAS, Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended (42 U.S.C. § 1962d-5b), and Section 103(j) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. § 2213(j)), requires each non-Federal partner to enter into a written agreement with the Secretary of the Army for the project or separable element before the Secretary of the Army commences construction of any water resources project, or any element of a water resources project; and

F. WHEREAS, on April 23, 2010, the Board adopted Resolution 2010-16, the Finding of No Significant Impact in lieu of a Mitigated Negative Declaration, Mitigation Monitoring Plan and Findings for the 2010 Marysville Ring Levee Yuba River Basin, California Environmental

Assessment/Initial Study due to a need to accelerate project schedule to comply with the American Recovery and Reinvestment Act (ARRA) prerequisites to receive ARRA funds, and approved the Marysville Ring Levee Improvement Project; and

G. WHEREAS, the 2010 Marysville Ring Levee Yuba River Basin, California Environmental Assessment/Initial Study/Mitigated Negative Declaration covered the environmental impacts of Phase 1 in detail and future phases in general, it was acknowledged that supplemental project level analysis would be needed for subsequent phases; and

H. WHEREAS, the MLD, USACE, and the Board entered into a PPA on July 21, 2010, for design and construction of the Marysville Ring Levee Improvement Project, which is a separable element of the Authorized Project, as defined in Article I.A. of the PPA and later further defined in Article 2a of PPA Amendment 1; and

I. WHEREAS, the non-Federal Partners entered into a LPPA on August 5, 2010, for construction of the Marysville Ring Levee Improvement Project; and

J. WHEREAS, $13,000,000 in American Recovery and Rebuilding Act funds were made available for the Marysville Ring Levee Improvement Project, contingent upon USACE executing the PPA and awarding a construction contract by June 2010; and

K. WHEREAS, the Board and the Marysville Levee District (MLD) each assume the responsibilities of the non-Federal Sponsor for construction of the Marysville Ring Levee Improvement Project under the terms of the Project Partnership Agreement (PPA), equal to and exclusive of each other; and

L. WHEREAS, the MLD, USACE and the Board entered into an Amended PPA (PPA Amendment 1) on March 17, 2017, which provided up to $42,827,000 in credit to the non-Federal Partners for design and construction of the Marysville Ring Levee Improvement Project, which is a separable element of the Authorized Project, as defined in Article I.A. of the PPA and defined in Article 2a of PPA Amendment 1; and

M. WHEREAS, the Marysville Ring Levee Improvement Project is consistent with the 2017 Central Valley Flood Protection Plan Update by improving flood risk management and advances the vision for an integrated flood management system in the Central Valley to provide for safe, healthy, and thriving communities while protecting and restoring the environment; and

N. WHEREAS, the Board, MLD, and USACE entered into an Amended PPA (PPA Amendment 2) on January 25, 2019, to provide for the use of $13,586,000 in funds as allocated in the Bipartisan Budget Act of 2018 (Public Law 115-123) for uses including the reimbursement of non-Federal Sponsor for costs for Lands, Easements, Rights of Way, Relocations and Disposals; and

O. WHEREAS, a draft Supplemental Environmental Assessment (EA) / Initial Study (IS) / Mitigated Negative Declaration (MND) for the Phase 2B and 3 was circulated for a 30-day agency and public review period from March 29, 2019, to April 28, 2019; and

P. 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

Q. WHEREAS, a Supplement to the Mitigation Monitoring and Reporting Plan has been prepared, which summarizes the effects, lists 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

R. 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 the CEQA and

2. Finds that the Supplemental EA/IS/MND is adequate in accordance with the requirements of CEQA and reflects the independent judgment and analysis of the Board.

3. Finds that, based on the whole record, there is no substantial evidence that the Marysville Ring Levee Improvement Project will have a significant effect on the environment.

4. Adopts the Supplemental MND and Supplement to the Mitigation Monitoring and Reporting Plan for Phases 2B and 3 of the Marysville Ring Levee Improvement Project;

5. Approves the Design Refinements outlined in the Supplemental EA/IS/MND for Phase 2B and 3 for the Marysville Ring Levee Improvement 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.

_____	_____
William H. Edgar	Jane Dolan
President	Vice-President/Secretary

SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION
YUBA RIVER BASIN, CALIFORNIA PROJECT
MARYSVILLE RING LEVEE
PHASE 2B AND 3

Project Background

The Yuba River Basin, California Project – Marysville Ring Levee (MRL Project) is a cooperative effort between U.S. Army Corps of Engineers (USACE), Central Valley Flood Protection Board (Board), and the Marysville Levee District (MLD) to address under seepage, through seepage, and embankment stability for the ring levee around Marysville. The MRL Project is part of the Yuba River Basin, California Project, authorized by the Water Resources Development Act (WRDA) 1999 (Public Law 106-53) Section 101(a)(10) and WRDA 2007 (Public Law 110-114), Section 3041.

Although the MRL Project was one of the original elements identified in the 1999 congressionally authorized Yuba River Basin, California Project, the MRL Project portion was approved to be a separable element. An Engineering Documentation Report (EDR) was completed in 2010 which found that, although design changes were necessary, they did not constitute a change in the project scope, and the project could proceed to construction. As a result, a Project Partnership Agreement was executed and the MRL Project initiated construction in 2010.

An Environmental Assessment / Initial Study (EA/IS) for the MRL Project was circulated in 2010. The USACE adopted a Finding of No Significant Impact (FONSI) to complete the National Environmental Policy Act (NEPA) process. The FONSI was later adopted by the Board as a Mitigated Negative Declaration (MND) for California Environmental Quality Act (CEQA) purposes. The EA/IS/MND evaluated the potential effects of the proposed design and construction of improvements to the Marysville Ring Levee. Since 2010, changes to the project design and schedule have occurred for Phase 2B and 3 (Proposed Project), resulting in the need for a Supplemental EA/IS/MND.

Project Description

Levee improvements to the Marysville Ring Levee were originally covered in the 2010 EA/IS/MND which recommended implementation in multiple phases. Phase 1 of the MRL Project was constructed from 2010 through 2012 and portions of Phase 4 were constructed from 2016 through 2017. To better facilitate design and construction, Phase 2 was further subdivided into Phase 2A North, 2A South, 2B, and 2C. Phase 2A North began construction in spring 2018, Phase 2A South will begin construction in spring 2019, and Phase 2C will begin construction in spring 2020. As the current phases being evaluated, this MND describes refinements only for Phase 2B and 3.

Phase 2B:

Levee improvements in Phase 2B are identified as segments described as K1, K2, and L1. All levee segments require improvements, including the addition of a soil bentonite (SB) cutoff wall in each segment to prevent through-seepage and under-seepage. Design challenges include management of existing utilities and encroachments such as the historic sewer tunnels, proximity to the Union Pacific Railroad (UPRR), as well as a Pacific Gas & Electric (PG&E) substation and service center. Cutoff wall windows are to remain at State Highway 70 and the UPRR.

Cutoff Wall Construction
A SB cutoff wall will be constructed through the center of the levee crown and will span approximately 5,100 feet (0.97 miles) in length, have a maximum depth of 55 feet, and minimum thickness of 3 feet. The cutoff wall in Phase 2B will be constructed by utilizing the open trench method. This method requires excavation of a trench backfilled with an SB slurry.

Phase 3:

Levee improvements along Phase 3 have been identified in segments described as Reach 1, Reach 2, and Reach 3 to define the cutoff wall type and method of construction. All levee segments require improvements to meet flood protection criteria, including a SB and/or soil cement bentonite (SCB) cutoff wall (depending on wall depth) to prevent through-seepage and under-seepage.

Cutoff Wall Construction
Reach 1 and Reach 3 will be constructed using Soil-Cement-Bentonite (SCB), and the method of construction will be deep mix/mix in place. The deep mix/mix in place method will be used as the wall depth will exceed 80 feet. Reach 2 will be constructed using SB with the open trench method described in Phase 2B.

The cutoff wall will be constructed along the centerline of the levee crown between Ramirez Street and the PG&E substation. The combined length of the walls will be approximately 9,700 feet (1.84 miles), have a maximum depth of 130 feet, and a minimum thickness of 3 feet.

Project Location

The City of Marysville is located approximately 50 miles north of Sacramento, California in Yuba County and is surrounded by 7.5 miles of levee. These levees vary in height from 17 to 28 feet and protect the City of Marysville from flooding. The Proposed Project is located along the existing levee south of 1st Street, north and west of the Yuba River, and east of A Street, 12th Street, and Highway 20.

Mitigation Measures

The following mitigation measures summarize the measures detailed in the Supplemental EA/IS. These measures, in addition to those from the 2010 EA/IS/MND, will reduce impacts to less-than-significant.

Air Quality impacts will be temporary and mitigated to less-than-significant by these measures:

- The Contractor will submit to USACE and the Feather River Air Quality Management District (FRAQMD), a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of eight (8) or more hours during any phase of the Proposed Project.
    - The inventory will include the California Air Resources Board (CARB) equipment identification number, equipment type, horsepower rating, engine model year, and projected hours of use for each piece of off-road equipment;
    - The Contractor will submit a current Certificate of Reported Compliance for CARB's In-Use Off-Road Regulation to FRAQMD;
    - At least 4 business days prior to equipment use, the Contractor will submit the construction equipment inventory information, the anticipated construction timeline including start date, as well as the name, phone number and email address of the Project Manager and on-site foreman to FRAQMD. The Sacramento Metropolitan Air Quality Management District (SMAQMD) Construction Mitigation Tool, Version 7.0 (October 2016) will be used to submit this information (or the most recent version);
    - At the end of the season, phase, or calendar year, the Contractor will be responsible for updating the off-road equipment inventory information as well as haul truck activity to FRAQMD
- Off-road vehicles used for Proposed Project construction will meet CARB Tier 4 Standards;
- Diesel-fueled on-road equipment manufactured in 2010 and newer will be used. Equipment manufactured prior to 2010 will require installation of engine retrofit technology. Low-emission diesel products, alternative fuels, after-treatment products, zero emission technologies and/or other options as they become available;
- A Fugitive Dust Control Plan will be submitted to FRAQMD for approval prior to commencing site activities or delivering materials to the site. The Plan will include mitigation measures and best management practices (BMPs) identified in the 2010 EA/IS and this environmental document;
- Minimize the amount of concrete for paved surfaces or utilize a low carbon concrete option. Produce concrete on-site if determined to be less emissive than transporting ready mix;
- Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes;

- Reduce electricity use in the construction office by using light-emitting diode (LED) bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones;
- Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products utilized should be certified through a sustainable forestry program;
- Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75 percent by weight);
- Minimize vehicle and equipment idling time either by shutting off when not in use or reducing the time of idling to no more than 3 minutes, which will save fuel and reduce emissions. Provide clear signage that posts this requirement for workers at the entrances to the site;
- U.S. Environmental Protection Agency (EPA) SmartWay, a program to improve transportation efficiency, certified trucks will be utilized for deliveries and equipment transport;
- After implementation of on-site mitigation measures, any emissions that remain in excess of local thresholds will be reduced by the Contractor contributing to the FRAQMD's off-site mitigation program (Carl Moyer Program) to further reduce air quality impacts below the applicable threshold of significance; and
- USACE, FRAQMD, and/or other responsible officials may conduct periodic site inspections to determine compliance with applicable federal, state, and/or local air quality laws and regulations.

Greenhouse gas (GHG) impacts will be mitigated to less-than-significant by these measures:

- The Contractor will submit monthly construction emissions to USACE and FRAQMD. If these monthly reports show that emissions may eventually exceed the CO2e thresholds, the Contractor will be required to prepare a GHG emissions reduction plan for approval by USACE and sponsors, then implement the approved plan. Elements of such a plan could include one or more of the following:
    - Minimize the idling time of construction equipment to no more than 3 minutes, or shut equipment off when not in use;
    - Encourage carpools, shuttle vans, and/or alternative modes of transportation for construction worker commutes;
    - Use of CARB-approved low carbon fuel;
    - Use of equipment with new technologies (repowered engines, electric drive trains).
- If actual CO2e emissions during construction of a given phase of the Proposed Project do exceed any of the thresholds, then compensatory mitigation will be provided in the form of purchasing sufficient carbon credits to mitigate for the excess CO2e. Carbon offset credits will be purchased by the Contractor and potential sources for these credits include; California Air Pollution Control Officers Association GHG Reduction Exchange Program, the Climate Action

Reserve, the American Carbon Registry, or a similar carbon credit registry that is acceptable to FRAQMD, USACE, and sponsors. Thus, if the actual CO2e emissions of the Proposed Project exceed the established significance threshold for CO2e, the purchase of carbon credits will reduce the Proposed Project's climate change effect to less-than-significant.

Vegetation and Wildlife impacts will be mitigated to less-than-significant by these measures:

- Where possible, protect in place all mature trees (13 inches diameter breast height or larger).
- The Supplemental Coordination Act Report (CAR), discusses the total mitigation acreage requirements necessary to compensate for the loss of riparian woodland habitat permanently impacted by the Proposed Project. The mitigation acreage totals 12.21 acres for combined impacts in the Proposed Project. The acreage calculations are a product of the habitat evaluation procedures (HEP) analysis conducted by the U.S. Fish and Wildlife Service (USFWS) in December 2018 and represent increases from the totals assessed in 2010.

  No tree trimming, or removal will occur within the drip-line of any elderberry shrub. If tree trimming must occur within the established buffer of any elderberry shrub a USACE biologist will monitor the work during all trimming activities.
- For oak tree removals and transport protocols as well as planting and maintenance guidelines, the Contractor will be required to follow the California Sudden Oak Mortality Task Force (http://www.suddenoakdeath.org) BMPs relevant to construction work;
- All off-road equipment and vehicles used for construction are required to be weed-free. All equipment and vehicles will be cleaned of all attached mud, dirt, and plant parts prior to arriving to the Proposed Project. This will be done at a vehicle washing station or steam cleaning facility (power or high-pressure cleaning) before the equipment and vehicles enter the Proposed Project;
- Weed infestations identified before construction that are within the Proposed Project will be hand treated or "flagged and avoided" according to the species present and constraints of the Proposed Project;
- Staging areas for equipment, materials, or crews will not be sited in weed infested areas;
- Use weed-free equipment, mulches, and seed sources. Salvage topsoil from the Proposed Project for use in on-site revegetation, unless contaminated with noxious weeds;
- Minimize the amount of ground and vegetation disturbance in the construction areas. Re-establish vegetation on all disturbed bare ground with native forbs and grasses to minimize weed establishment and infestation;
- An overview of general bat ecology will be included in the worker awareness training; and
- Down case lighting will be implemented during night work to minimize potential impacts to local wildlife.

Special Status Species impacts will be mitigated to less-than-significant by these measures:

- A USFWS-approved biologist will identify boundaries of woodland habitat, individual trees and elderberry shrubs that are to be avoided and will have the Contractor fence those areas with orange construction fencing. Erosion control fencing will be placed at the edges of construction where the construction activities are upslope of wetlands and channels to prevent washing of sediments off-site. All fencing will be installed prior to initiating any construction activities and will be maintained throughout the construction period;
- During construction, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas. To eliminate an attraction to predators of listed species, all food-related trash items, such as wrappers, cans, bottles, and food scraps, will be disposed of in closed containers. Revegetation will occur on all areas temporarily disturbed during construction;
- The number of access routes, number and size of staging areas, and the total area of the Proposed Project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the Proposed Project will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles will observe a 20-mile-per-hour speed limit within construction areas, except on country roads and on state and federal highways;
- Trees identified for removal will be removed outside the typical nesting season (October 1st through January 31st). Any trees removed during nesting season will require surveying prior to removal to identify active nests. Appropriate avoidance and minimization measures (in coordination with USFWS and the California Department of Fish and Wildlife (CDFW)), will be incorporated to ensure that migratory bird species are not adversely affected during construction activities;
- Prior to beginning construction activities, a USFWS-approved biologist will provide worker awareness training to identify giant garter snake (GGS), valley elderberry longhorn beetle (VELB), general bat ecology, and their habitat. Workers will be provided with information on their responsibilities, a life history overview, measures to minimize potential for take, and an explanation of the possible penalties for not properly implementing. All on-site personnel shall be required to attend a worker awareness training seminar prior to the initiation of ground disturbing activities. Special status raptor species and migratory birds will also be discussed in the training. Written documentation of the training by all personnel will be submitted to the USFWS within 30 days of its completion;
- Pre-construction and post-construction surveys will be done of the elderberry shrubs. Pre-construction surveys are designed to detect elderberry shrubs that may have become established in the work areas since the original surveys. The post-construction survey will confirm that there was no additional damage to any of the elderberry shrubs;

- Forty-six (46) elderberry shrubs or shrub clusters are present within the construction footprint and will be transplanted to a USFWS-approved conservation bank or to an approved mitigation area in the vicinity of the Proposed Project. To the extent feasible given their location on flood risk management levees or within the floodway, shrubs will be transplanted between November and the first two weeks of February, as specified in the USFWS's 1999 Conservation Guidelines for the Valley Elderberry Longhorn Beetle (Conservation Guidelines);
- A USFWS-approved biologist (monitor) will be on-site for the duration of the excavation and transplanting of the elderberry shrubs to ensure that procedures outlined in the Conservation Guidelines are followed. The monitor will have the authority to stop work until corrective measures have been completed if those procedures are not being followed. If a conservation bank accomplishes the excavation and transplanting, they may provide a USFWS-approved biological monitor from their staff. In this case, the monitor will have the authority to stop the excavation and transplanting work until corrective measures have been completed;
- All areas to be avoided during construction activities will be fenced and flagged. In most cases, fencing will be placed at least 100 feet from the dripline of the shrub. In some cases, construction activity may be required within 100 feet of a shrub. In these cases, exclusion fencing will be placed at the greatest possible distance from the shrubs;
- Signs will be posted every 50 feet along the edge of the avoidance areas with the following information: "This area is the habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment.";
- Dirt roadways and other areas of disturbed bare ground within 100 feet of elderberry shrubs will be watered at least twice a day to minimize dust emissions;
- All construction activity within GGS habitat (i.e., upland areas within 200 feet of aquatic habitat) will be conducted between May 1 and October 1. This is the active period for the snake and direct mortality is lessened because the snakes can actively move to avoid danger;
- In potential GGS habitat (i.e., upland areas within 200 feet of aquatic habitat) a GGS survey will be conducted by a USFWS-approved biologist within 24 hours of the start of construction. This area will be re-inspected when a lapse in construction activity of two weeks or greater occurs. The biologist will be available throughout the construction period and will conduct regular monitoring visits to ensure avoidance and minimization measures are being properly implemented;
- Habitat designated as environmentally sensitive to the GGS will be flagged and avoided by all construction personnel;
- Within two weeks of the start of construction activities, K-rails (or an equivalent barrier) will be placed along the Jack Slough ditch to reduce the potential for GGS to enter the construction area and to keep equipment and people out of the GGS habitat;

- All GGS habitat temporarily affected during construction will be restored by October 1 of the year in which the construction occurs, as specified in the Guidelines for Restoration and/or Replacement of Giant Garter Snake Habitat and the Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat (USFWS 1997); and
- If a GGS is encountered during construction, activities shall cease until the snake moves away from the area on their own volition. If any incidental take occurs, report to the USFWS immediately by telephone at (916) 414-6600.

Recreation impacts will be mitigated to less-than-significant by these measures:

- All areas affected by construction activities as well as any recreational roadways and paths will be restored to their original condition;
- All closed construction and recreational areas will have large and identifiable closure signs to assist in public safety; and
- Closed recreational routes will have detour signs to provide recreationists with an alternate route.

Cultural Resource impacts will be less-than-significant since cultural resources will be avoided, or the Proposed Project will not impact those characteristics that make the resource eligible for listing in the National Register of Historic Places. In addition, in the event that previously unknown cultural resources are found during Proposed Project activities, work will be stopped pursuant to 36 CFR 800.13(b), "Discoveries without prior planning", to determine the significance of the find and, if necessary, complete appropriate discovery procedures.

Traffic and Circulation impacts will be mitigated to less-than-significant by these measures:

- The Contractor is responsible for preparing a Traffic Control Plan to minimize traffic flow interference from construction activities. The Plan may include appropriate placement of signs, flaggers, barricades, and traffic delineation to minimize disruption and ensure public safety;
- The Contractor will be responsible for obtaining the necessary traffic-related permits and approvals in coordination with Yuba County, the City of Marysville, California Department of Transportation (CalTrans), and other responsible agencies prior to reduce adverse effects on traffic;
- The Contractor will be responsible for obtaining all applicable permits (including a Construction Encroachment Permit for work that will be performed on the public Right-Of-Way (ROW)).

Noise and Vibration impacts will be mitigated to less-than-significant by these measures:

- Contractor is responsible for obtaining all applicable permits from the Community Development and Services Agency's Director of the Planning and Building Services Department prior to initiating any night work activities.

Public Utilities impacts will be less-than-significant since no public services will be disrupted as a result of the Proposed Project construction. Any utility line relocations will be conducted in a manner that will not affect any of the services provided. Since no effects to public utilities are expected, no mitigation beyond those outlined in the 2010 EA/IS/MND will be required.

Water Resources and Quality impacts will be mitigated to less-than-significant by these measures:

- A work exclusion buffer will be established along the Yuba River beginning at the ordinary high-water mark and extending 25 feet landward (horizontally). No construction-related work, or operation and maintenance activities would occur within the work exclusion buffer or below the ordinary high-water mark.
- A 25-foot work exclusion buffer will be established around identified wetland areas. Prior to the start of construction activities, a Government biologist will flag the wetland buffer. The buffer will be demarcated with silt fencing in combination with high visibility construction fencing.
- Upon completion of the Project, disturbed areas will be restored as closely as possible to the pre-construction condition, including contours and vegetation. Local or California native plant species will be used to vegetate disturbed areas.
- The Contractor is responsible for obtaining a National Pollutant Discharge Elimination System permit and developing and implementing a Stormwater Pollution Prevention Plan to prevent impacts to water quality.

Findings

Based on the information in the 2010 EA/IS/MND (State Clearinghouse # 2010024001), the Supplemental EA/IS, and the administrative record for the MRL Project, the Board finds that the Proposed Project, with mitigation measures listed above and those from the 2010 EA/IS/MND, will 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 the MND.

I hereby approve this project:

_____ _____

Leslie M. Gallagher Date
Executive Officer
Central Valley Flood Protection Board

SUPPLEMENT TO THE MITIGATION MONITORING AND REPORTING PLAN FOR THE YUBA RIVER BASIN, CALIFORNIA PROJECT– MARYSVILLE RING LEVEE – PHASE 2B AND 3

PROJECT BACKGROUND

The Yuba River Basin, California Project – Marysville Ring Levee (MRL Project) is a cooperative effort between U.S. Army Corps of Engineers (USACE), Central Valley Flood Protection Board (Board), and the Marysville Levee District (MLD) to address under seepage, through seepage, and embankment stability for the ring levee around Marysville. The MRL Project is part of the Yuba River Basin, California Project, authorized by the Water Resources Development Act (WRDA) 1999 (Public Law 106-53) Section 101(a)(10) and WRDA 2007 (Public Law 110-114), Section 3041.

Although the MRL Project was one of the original elements identified in the 1999 congressionally authorized Yuba River Basin, California Project, the MRL Project portion was approved to be a separable element. An Engineering Documentation Report (EDR) was completed in 2010 which found that, although design changes were necessary, they did not constitute a change in the project scope, and the project could proceed to construction. As a result, a Project Partnership Agreement was executed and the MRL Project initiated construction in 2010.

An Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND) evaluated the potential impacts of the entire MRL Project and in 2010 the document was adopted. Since 2010, additional changes to the MRL Project design and schedule have occurred, resulting in the need for a Supplemental EA/IS/MND. The Supplemental EA/IS/MND discusses the design refinements specific to Phase 2B and 3 (Proposed Project). Modifications to the remaining phases will be captured in separate supplemental Nation Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) documents, as needed.

PROJECT DESCRIPTION

Levee improvements to the Marysville Ring Levee were originally covered in the 2010 EA/IS/MND which recommended implementation in multiple phases. Phase 1 of the MRL Project was constructed from 2010 through 2012 and portions of Phase 4 were constructed from 2016 through 2017. To better facilitate design and construction, Phase 2 was further subdivided into Phase 2A North, 2A South, 2B, and 2C. As the current phases being evaluated, this Supplement to the 2010 Mitigation Monitoring and Reporting Plan describes refinements only for Phase 2B and 3.

Phase 2B:
Levee improvements in Phase 2B are identified as segments described as K1, K2, and L1. All levee segments require improvements, including the addition of a soil bentonite (SB) cutoff wall in each segment to prevent through-seepage and under-seepage. Design challenges include management of existing utilities and encroachments such as the historic sewer tunnels, proximity to the Union Pacific Railroad (UPRR), as well as a Pacific Gas & Electric (PG&E) substation and service center. Cutoff wall windows are to remain at State Highway 70 and the UPRR.

Cutoff Wall Construction
A SB cutoff wall will be constructed through the center of the levee crown and will span approximately 5,100 feet (0.97 miles) in length, have a maximum depth of 55 feet, and minimum thickness of 3 feet. The cutoff wall in Phase 2B will be constructed by utilizing the open trench method. This method requires excavation of a trench backfilled with an SB slurry.

Phase 3:
Levee improvements along Phase 3 have been identified in segments described as Reach 1, Reach 2, and Reach 3 to define the cutoff wall type and method of construction. All levee segments require improvements to meet flood protection criteria, including a SB and/or soil cement bentonite (SCB) cutoff wall (depending on wall depth) to prevent through-seepage and under-seepage.

Cutoff Wall Construction
Reach 1 and Reach 3 will be constructed using Soil-Cement-Bentonite (SCB), and the method of construction will be deep mix/mix in place. The deep mix/mix in place method will be used as the wall depth will exceed 80 feet. Reach 2 will be constructed using SB with the open trench method described in Phase 2B.

The cutoff wall will be constructed along the centerline of the levee crown between Ramirez Street and the PG&E substation. The combined length of the walls will be approximately 9,700 feet (1.84 miles), have a maximum depth of 130 feet, and a minimum thickness of 3 feet.

PROJECT LOCATION

The City of Marysville is located approximately 50 miles north of Sacramento, California in Yuba County and is surrounded by 7.5 miles of levee. These levees vary in height from 17 to 28 feet and protect the City of Marysville from flooding. Phase 2B and 3 are located along the existing levee south of 1st Street, north and west of the Yuba River, and east of A Street, 12th Street, and Highway 20.

MITIGATION MEASURES

Based upon the analysis and findings of the Supplemental EA/IS/MND for the Proposed Project, the following mitigation and monitoring measures will be included in addition to

the 2010 Mitigation Monitoring and Reporting Plan to reduce impacts to less-than-significant. Further detail can be found in the 2010 EA/IS/MND and Supplemental EA/IS/MND.

Resources not discussed below were not considered in detail in the Supplemental EA/IS/MND as potential impacts and have not changed from the analysis in the 2010 EA/IS/MND. These resources include: geology and seismicity; mineral resources; topography and soil types; aesthetics and visual resources; hazards, hazardous materials, toxic, and radiological waste; fisheries; environmental justice; and population and housing.

AIR QUALITY

Mitigation Number	Mitigation
AQ-1	The Contractor will submit to the USACE and Feather River Air Quality Management District (FRAQMD), a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of eight (8) or more hours during any phase of construction. • The inventory will include the California Air Resources Board (CARB) equipment identification number, equipment type, horsepower rating, engine model year, and projected hours of use for each piece of off-road equipment. • The Contractor will submit a current Certificate of Reported Compliance for CARB's In-Use Off-Road Regulation to FRAQMD. • At least 4 business days prior to equipment use, the Contractor will submit the construction equipment inventory information, the anticipated construction timeline including start date, as well as the name, phone number and email address of the project manager and on-site foreman to FRAQMD. The Sacramento Metropolitan Air Quality Management District (SMAQMD) Construction Mitigation Tool, Version 7.0 (October 2016) will be used to submit this information (or the most recent version). • At the end of the season, phase, or calendar year, the Contractor will be responsible for updating the off-road equipment inventory information as well as haul truck activity to FRAQMD.
AQ-2	Off-road equipment used for construction will meet CARB Tier 4 Standards
AQ-3	Diesel-fueled on-road equipment manufactured in 2010 and newer will be used. Equipment manufactured prior to 2010 will require installation of engine retrofit technology. Low-emission diesel products, alternative fuels, after-treatment products, zero emission technologies and/or other options as they become available.

Mitigation Number	Mitigation
AQ-4	A Fugitive Dust Control Plan will be submitted to FRAQMD for approval prior to commencing site activities or delivering materials to the site. The Plan will include mitigation measures and best management practices (BMPs) identified in the 2010 EA/IS and this environmental document.
AQ-5	Minimize the amount of concrete for paved surfaces or utilize a low carbon concrete option. Produce concrete on-site if determined to be less emissive than transporting ready mix.
AQ-6	Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.
AQ-7	Reduce electricity use in the construction office by using light-emitting diode (LED) bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
AQ-8	Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products utilized should be certified through a sustainable forestry program.
AQ-9	Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75 percent by weight).
AQ-10	Minimize vehicle and equipment idling time either by shutting off when not in use or reducing the time of idling to no more than 3 minutes, which will save fuel and reduce emissions. Provide clear signage that posts this requirement for workers at the entrances to the site.
AQ-11	U.S. Environmental Protection Agency (EPA) SmartWay, a program to improve transportation efficiency, certified trucks will be utilized for deliveries and equipment transport.
AQ-12	After implementation of on-site mitigation measures, any emissions that remain in excess of local thresholds will be reduced by the Contractor contributing to the FRAQMD's off-site mitigation program (Carl Moyer Program) to further reduce air quality impacts below the applicable threshold of significance.
AQ-13	The USACE, FRAQMD, and/or other responsible officials may conduct periodic site inspections to determine compliance with applicable federal, state, and/or local air quality laws and regulations.

GREENHOUSE GASES

Mitigation Number	Measure
GHG-1	The Contractor will submit monthly construction emissions to the USACE and FRAQMD. If these monthly reports show that emissions may exceed the CO_{2e} thresholds, the Contractor will be required to prepare a greenhouse gas (GHG) emissions reduction plan for approval by the USACE and sponsors and implement the approved plan. Elements of such a plan could include one or more of the following: • Minimize the idling time of construction equipment to no more than 3 minutes or shut equipment off when not in use. • Encourage carpools, shuttle vans, and/or alternative modes of transportation for construction worker commutes. • Use of CARB-approved low carbon fuel. • Use of equipment with new technologies (repowered engines, electric drive trains). If actual CO_{2e} emissions during construction of a given phase exceed any of the thresholds, then compensatory mitigation will be provided in the form of purchasing sufficient carbon credits to mitigate for the excess CO_{2e}. Carbon offset credits will be purchased by the Contractor and potential sources for these credits include; California Air Pollution Control Officers Association GHG Reduction Exchange Program, the Climate Action Reserve, the American Carbon Registry, or a similar carbon credit registry that is acceptable to FRAQMD, USACE, and sponsors. Thus, if the actual CO_{2e} emissions exceed the established significance threshold for CO_{2e}, the purchase of carbon credits will reduce the climate change effect to less-than-significant.

VEGETATION AND WILDLIFE

Mitigation Number	Measure
VEG-1	Where possible, protect in place all mature trees (13 inches diameter breast height or larger).
VEG-2	The Supplemental Coordination Act Report (CAR), discusses the total mitigation acreage requirements necessary to compensate for the loss of riparian woodland habitat permanently impacted by the Proposed Project. The mitigation acreage totals 12.21 acres for combined impacts in the Proposed Project. The acreage calculations are a product of the habitat evaluation procedures (HEP) analysis conducted

Mitigation Number	Measure
	by the U.S. Fish and Wildlife Service (USFWS) in December 2018 and represent increases from the totals assessed in 2010. No tree trimming, or removal will occur within the drip-line of any elderberry shrub. If tree trimming must occur within the established buffer of any elderberry shrub a USACE biologist will monitor the work during all trimming activities.
VEG-3	For oak tree removals and transport protocols as well as planting and maintenance guidelines, the Contractor will be required to follow the California Sudden Oak Mortality Task Force (http://www.suddenoakdeath.org) BMPs relevant to construction work.
VEG-4	All off-road equipment and vehicles used for construction are required to be weed-free. All equipment and vehicles will be cleaned of all attached mud, dirt, and plant parts prior to arriving to the Proposed Project. This will be done at a vehicle washing station or steam cleaning facility (power or high-pressure cleaning) before the equipment and vehicles enter the Proposed Project.
VEG-5	Weed infestations identified before construction that are within the Proposed Project will be hand treated or "flagged and avoided" according to the species present and constraints of the Proposed Project.
VEG-6	Staging areas for equipment, materials, or crews will not be sited in weed infested areas.
VEG-7	Use weed-free equipment, mulches, and seed sources. Salvage topsoil from the Proposed Project for use in on-site revegetation, unless contaminated with noxious weeds.
VEG-8	Minimize the amount of ground and vegetation disturbance in the construction areas. Re-establish vegetation on all disturbed bare ground with native forbs and grasses to minimize weed establishment and infestation.
WILD-1	An overview of general bat ecology will be included in the worker awareness training.
WILD-2	Down case lighting will be implemented during night work to minimize potential impacts to local wildlife.

SPECIAL STATUS SPECIES

Mitigation Number	Measure
General Avoidance and Minimization Measures	
SSS-1	A USFWS-approved biologist will identify boundaries of woodland habitat, individual trees and elderberry shrubs that are to be avoided and will have the Contractor fence those areas with orange construction fencing. Erosion control fencing will be placed at the edges of

Mitigation Number	Measure
	construction where the construction activities are upslope of wetlands and channels to prevent washing of sediments off-site. All fencing will be installed prior to initiating any construction activities and will be maintained throughout the construction period.
SSS-2	During construction, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas. To eliminate an attraction to predators of listed species, all food-related trash items, such as wrappers, cans, bottles, and food scraps, will be disposed of in closed containers. Revegetation will occur on all areas temporarily disturbed during construction.
SSS-3	The number of access routes, number and size of staging areas, and the total area of the Proposed Project activity will be limited to the minimum necessary. Routes and boundaries will be clearly demarcated. Movement of heavy equipment to and from the Proposed Project will be restricted to established roadways to minimize habitat disturbance. Project-related vehicles will observe a 20-mile-per-hour speed limit within construction areas, except on country roads and on state and federal highways.
SSS-4	Trees identified for removal will be removed outside the typical nesting season (October 1st through January 31st). Any trees removed during nesting season will require surveying prior to removal to identify active nests. Appropriate avoidance and minimization measures (in coordination with USFWS and the California Department of Fish and Wildlife (CDFW)), will be incorporated to ensure that migratory bird species are not adversely affected during construction activities.
VELB Avoidance and Minimization Measures	
SSS-5	Prior to beginning construction activities, a USFWS-approved biologist will provide worker awareness training to identify giant garter snake (GGS), valley elderberry longhorn beetle (VELB), general bat ecology, and their habitat. Workers will be provided with information on their responsibilities, a life history overview, measures to minimize potential for take, and an explanation of the possible penalties for not properly implementing. All on-site personnel shall be required to attend a worker awareness training seminar prior to the initiation of ground disturbing activities. Special status raptor species and migratory birds will also be discussed in the training. Written documentation of the training by all personnel will be submitted to the USFWS within 30 days of its completion.
SSS-6	Pre-construction and post-construction surveys will be done of the elderberry shrubs. Pre-construction surveys are designed to detect elderberry shrubs that may have become established in the work areas since the original surveys. The post-construction survey will confirm that there was no additional damage to any of the elderberry shrubs.

Mitigation Number	Measure
SSS-7	Forty-six (46) elderberry shrubs or shrub clusters are present within the construction footprint and will be transplanted to a USFWS-approved conservation bank or to an approved mitigation area in the vicinity of the Proposed Project. To the extent feasible given their location on flood risk management levees or within the floodway, shrubs will be transplanted between November and the first two weeks of February, as specified in the USFWS's 1999 *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (Conservation Guidelines).
SSS-8	A USFWS-approved biologist (monitor) will be on-site for the duration of the excavation and transplanting of the elderberry shrubs to ensure that procedures outlined in the Conservation Guidelines are followed. The monitor will have the authority to stop work until corrective measures have been completed if those procedures are not being followed. If a conservation bank accomplishes the excavation and transplanting, they may provide a USFWS-approved biological monitor from their staff. In this case, the monitor will have the authority to stop the excavation and transplanting work until corrective measures have been completed.
SSS-9	All areas to be avoided during construction activities will be fenced and flagged. In most cases, fencing will be placed at least 100 feet from the dripline of the shrub. In some cases, construction activity may be required within 100 feet of a shrub. In these cases, exclusion fencing will be placed at the greatest possible distance from the shrubs.
SSS-10	Signs will be posted every 50 feet along the edge of the avoidance areas with the following information: "This area is the habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment."
SSS-11	Dirt roadways and other areas of disturbed bare ground within 100 feet of elderberry shrubs will be watered at least twice a day to minimize dust emissions.
GGS Avoidance and Minimization Measures	
SSS-5	A worker awareness training. (See above for a complete description of this measure).
SSS-12	All construction activity within GGS habitat (i.e., upland areas within 200 feet of aquatic habitat) will be conducted between May 1 and October 1. This is the active period for the snake and direct mortality is lessened because the snakes can actively move to avoid danger.
SSS-13	In potential GGS habitat (i.e., upland areas within 200 feet of aquatic habitat) a GGS survey will be conducted by a USFWS-approved biologist within 24 hours of the start of construction. This area will be re-inspected when a lapse in construction activity of two weeks or greater occurs. The biologist will be available throughout the construction

Mitigation Number	Measure
	period and will conduct regular monitoring visits to ensure avoidance and minimization measures are being properly implemented.
SSS-14	Habitat designated as environmentally sensitive to the GGS will be flagged and avoided by all construction personnel.
SSS-15	Within two weeks of the start of construction activities, K-rails (or an equivalent barrier) will be placed along the Jack Slough ditch to reduce the potential for GGS to enter the construction area and to keep equipment and people out of the GGS habitat.
SSS-16	All GGS habitat temporarily affected during construction will be restored by October 1 of the year in which the construction occurs, as specified in the Guidelines for Restoration and/or Replacement of Giant Garter Snake Habitat and the Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat (USFWS 1997).
SSS-17	If a GGS is encountered during construction, activities shall cease until the snake moves away from the area on their own volition. If any incidental take occurs, report to the USFWS immediately by telephone at (916) 414-6600.

RECREATION

Mitigation Number	Measure
REC-1	All areas affected by construction activities as well as any recreational roadways and paths will be restored to their original condition.
REC-2	All closed construction and recreational areas will have large and identifiable closure signs to assist in public safety.
REC-3	Closed recreational routes will have detour signs to provide recreationists with an alternate route.

CULTURAL RESOURCES

It has been determined that the Proposed Project will have less-than-significant impacts on any historic properties listed in, or eligible for listing in, the National Register of Historic Properties (NRHP). No mitigation for these properties is warranted.

TRAFFIC AND CIRCULATION

Mitigation Number	Measure
TAC-1	The Contractor is responsible for preparing a Traffic Control Plan to minimize traffic flow interference from construction activities. The Plan

Mitigation Number	Measure
	may include appropriate placement of signs, flaggers, barricades, and traffic delineation to minimize disruption and ensure public safety.
TAC-2	The Contractor is responsible for coordination with Yuba County, the City of Marysville, California Department of Transportation (Caltrans), and other responsible agencies to reduce adverse effects on traffic.
TAC-3	The Contractor is responsible for obtaining all applicable permits (including a Construction Encroachment Permit for work that will be performed on the public right-of-way (ROW)).

NOISE AND VIBRATION

Mitigation Number	Measure
NAV-1	Contractor is responsible for obtaining all applicable permits from the Community Development and Services Agency's Director of the Planning and Building Services Department prior to initiating any night work activities.

WATER RESOURCES AND QUALITY

Mitigation Number	Measure
WQ-1	A work exclusion buffer will be established along the Yuba River beginning at the ordinary high-water mark and extending 25 feet landward (horizontally). No construction-related work, or operation and maintenance activities would occur within the work exclusion buffer or below the ordinary high-water mark.
WQ-2	A 25-foot work exclusion buffer will be established around identified wetland areas. Prior to the start of construction activities, a Government biologist will flag the wetland buffer. The buffer will be demarcated with silt fencing in combination with high visibility construction fencing.
WQ-3	Upon completion of the Project, disturbed areas will be restored as closely as possible to the pre-construction condition, including contours and vegetation. Local or California native plant species will be used to vegetate disturbed areas.
WQ-4	The Contractor is responsible for obtaining a National Pollutant Discharge Elimination System permit and developing and implementing a Stormwater Pollution Prevention Plan to prevent impacts to water quality.

Print Form

Attachment 4

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: _____
Address: _____
_____

From:

Public Agency: CV Flood Protection Board
Address: 3310 El Camino Avenue, Suite 170
Sacramento, California 95821
Contact: David Martasian
Phone: (916) 574-1442

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): 2010024001

Project Title: Yuba River Basin, California Project – Marysville Ring Levee - Phase 2B and 3

Project Applicant: Central Valley Flood Protection Board

Project Location (include county): Marysville, CA - Yuba County - north and west of Yuba River

Project Description:
Phase 2B and 3 occur along existing levees located south of 1st St. and east of A St., 12th St., and Hwy 20.
Phase 2B: A soil bentonite (SB) wall will be constructed through the center of the levee using the Open Trench Method. The wall would span approx. 5,1000 ft. in length, have a max. depth of 55 ft., and min. thickness of 3 ft.
Phase 3: A SB or soil cement bentonite wall, using Open Trench or Deep Mix method, depending on depth, will be constructed through the center of the levee. The wall would span approx. 9,700 ft in length, have a max. depth of 130 ft., and min. thickness of 3 feet.

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

described project on June 28, 2019 (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:
Central Valley Flood Protection Board, 3310 El Camino Avenue #170, Sacramento, CA, 95821

Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____

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

Revised 2011