MITIGATED NEGATIVE DECLARATION
Colusa Subreach Wildlife Habitat Restoration Project
State Clearinghouse No. 2008052098

The California Department of Fish and Game, Region 2 (Department), has reviewed the Colusa Subreach Wildlife Habitat Restoration Project (Project) as a project under the California Environmental Quality Act (CEQA) to determine whether the Project could have a significant effect on the environment. Under CEQA, "significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project (CEQA Guidelines Section 15382). This declaration and the attached documentation describe why the Project will not have a significant effect on the environment.

PROJECT IDENTIFICATION

Name of Project: Colusa Subreach Wildlife Habitat Restoration Project at Seven Tracts along the Sacramento River between Colusa and Princeton

Lead Agency: California Department of Fish and Game, Region 2

Project Location: The Colusa Subreach project area is primarily located in Colusa County, with a small area on the north end in Glenn County (Figure 1). The project involves restoration of seven non-contiguous tracts along a 21-mile reach of the Sacramento River between the unincorporated community of Princeton and the City of Colusa (RM 145.5 to RM 162). The seven restoration tracts from north to south are identified as Womble, Jensen, Stegeman, 1000-Acre Ranch, Boeger, Colusa-North, and Cruise n' Tarry. The total area of the seven tracts is approximately 825 acres. Summary information for the seven tracts is provided in the table below.

Tract (Restoration Site Name)	Section, Township, Range	County Assessor Parcel (AP) Number(s)	Owner	Total Area (Acres)	Restoration Area (Acres)
Womble	Section 29, T18N, R1W	012-120-045-000, 001, 002 (Colusa); 013-340-006-000 (Glenn)	State/CDFG	320	54
Jensen	Section 31, T18N, R1W	012-120-019-000	TNC[1]	98	81
Stegeman	Section 6, T17N, R1W	012-160-064-000	State/CDFG	69	8
1000-Acre Ranch	Section 6, T17N, R1W	012-160-062-000	TNC[1]	60	49
Boeger	Section 8, T16N, R1W	015-030-070-000	TNC[2]	125	51
Colusa-North	Sections 7 and 18, T16N, R1W	015-070-114-000	State/CDFG	143	5
Cruise n' Tarry	Sections 17 and 20, T16N, R1W	015-070-085-000	State/DWR	10	3

Notes: 1. Tract is adjacent to State land managed by the Department. Future transfer to a State agency is anticipated.
2. Future transfer to a State agency is anticipated.

***PROJECT DESCRIPTION*:** The Nature Conservancy (TNC) in association with the Sacramento River Conservation Area Forum (SRCAF) and other partners propose restoration of approximately 251 acres of wildlife habitat on portions of seven tracts within the levees of the Sacramento River between the unincorporated community of Princeton and the City of Colusa. The wildlife habitat restoration activities are proposed through a planning and stakeholder involvement called Colusa Subreach Planning (CSP). Three of these tracts currently owned by TNC – Jensen, 100-Acre Ranch, and Boeger – are proposed to be acquired by the State of California. The restored sites would be managed for long-term conservation and public recreation purposes.

The objectives of the proposed Project are:

- to improve wildlife habitat by contributing to the creation of large, contiguous blocks of riparian habitat along the Colusa Subreach of the Sacramento River; and
- to enhance existing riparian vegetation and improve habitat quality by removing and controlling invasive species.

The purpose of the proposed Project is to restore the ability of the Colusa Subreach tracts to support native wildlife, including species listed under the state and federal endangered species acts and other special-status species. Restoration activities include removal of non-native vegetation; site preparation; installation of irrigation systems and use of surface water or groundwater supplies; planting of native trees, shrubs, and grasses; interim irrigation of plants as they become established; and construction of minor public access improvements. The seven restoration tracts may be restored individually, at different times in the future, depending upon the availability of funding.

MITIGATION MEASURES: Mitigation measures are included in the Project and identified in the Initial Study, as summarized below. The Department has determined that these mitigation measures reduce the potentially significant effects of the Project to levels that are less than significant. These measures are incorporated into the Mitigation Monitoring and Reporting Program for the Project.

Biological Resources

Mitigation Measure #1 – Valley Elderberry Longhorn Beetle (VELB)

(i) Surveys shall be conducted at each of the seven tracts prior to implementation of restoration activities to identify, and mark for protection, elderberry shrubs potentially affected by activities.

(ii) Prior to restoration at each tract, a Worker Environmental Awareness Program for restoration workers shall be conducted by a qualified biologist. The program shall provide all workers with information on their responsibilities with regard to sensitive biological resources, including the federally listed VELB and the need to protect its elderberry host plant.

(iii) Measures to protect buffer areas shall be instituted prior to construction and will include fencing and signs. The distance of the buffer area from the drip line of elderberry shrubs with one or more stems measuring 1.0 inch or greater in diameter at ground level shall be set at the greatest distance practicable without compromising the goal of planting native vegetation. The distance of the buffer area shall extend at least 20 feet from the drip line of the elderberry plant.

(iv) No insecticides, herbicides, fertilizers, or other chemicals associated with the proposed project that might harm the beetle or its host plant shall be used within 100 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level.

(v) Any damage to the buffer area during construction shall be restored following construction primarily using re-vegetation with native riparian plants as appropriate.

Mitigation Measure #2 – Nesting Raptors and Other Nesting Birds

(i) The removal of orchard trees and native trees at the Womble, Stegemen and Colusa-North tracts, shall be conducted outside of the nesting season (nesting season is February 15 to August 30) to the maximum extent practicable.

(ii) For all proposed Project activities conducted during the nesting season that have a potential to disrupt nesting birds, pre-construction surveys shall be conducted. Pre-construction surveys for nesting raptors and migratory birds, including but not necessarily limited to yellow-billed cuckoo, California warbler, yellow-breasted chat, and loggerhead shrike, shall be conducted by a qualified biologist. A minimum of one survey must be conducted no more than 14 days prior to the initiation of Project activities. If an active nest is found in close proximity to (i.e., within 250 feet) an active restoration area that will be disturbed by proposed Project activities, a qualified biologist shall determine the extent of a construction-free buffer zone to be established around the nest.

Mitigation Measure #3 – Bats

(i) In the event that native trees greater than or equal to 12 inches in diameter at 4.5 feet above grade within the Colusa-North Tract would be removed, a pre-construction survey for roosting bats shall be conducted prior to removal. No activities that would result in disturbance to active roosts of special-status bat species shall proceed prior to the completed survey. If no active roosts are found, then no further mitigation is needed. Because bats are known to abandon young when disturbed, if a maternity roost is located, a qualified biologist will determine the extent of a construction-free zone to be established around the roost; access and time limits shall also be identified. If either a maternity roost or hibernaculum (i.e., a location used for hibernation) is present, the following measures shall also be implemented. CDFG shall also be notified of any active nurseries or hibernacula identified in the survey.

- If active maternity roosts or hibernacula are found, the Colusa-North temporary access road will be relocated to avoid the loss of the tree occupied by the roost, if feasible.
- If an active nursery roost is located and the access road can not be relocated to avoid removal of the occupied tree or structure, demolition of that tree or structure should commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31) and the disturbance-free buffer zones described above shall be observed during the maternity roost season (March 1 to July 31).
- If a non-breeding bat roost or hibernacula is found in a structure or tree scheduled to be removed, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with the Department), by opening the roosting area to allow air flow through the cavity. Demolition shall then follow no sooner than the following day (i.e., there will be no less than one night between initial disturbance for airflow and the demolition). This action should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees with roosts that need to be removed shall first

be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

Mitigation Measure #4 – Riparian Habitat at Colusa North Tract

(i) If a temporary access road is constructed at Colusa-North, the impact to existing habitat shall be minimized by implementing the following measures:

- The access road shall be designed with the minimum width needed for tractors and other equipment and the minimum length needed from the existing levee road to the site.
- Upon completion of Project activities at the Colusa-North Tract, the land surface affected by the access road shall be restored as closely as practicable to preconstruction contours and revegetated with native riparian species.

Mitigation Measure #5 – Wetlands

(i) Prior to the initiation of any ground-disturbing activities at the Womble and Colusa-North tracts, a qualified biologist shall identify all features that may exhibit wetland characteristics (i.e., suspected of meeting wetland criteria, including waters subject to US Army Corps of Engineers (USACE) jurisdiction, as well as other waters not subject to USACE jurisdiction but subject to the jurisdiction of the Regional Water Quality Control Board (RWQCB)). These features plus an appropriate protective buffer shall be flagged or fenced prior to the start of start of site preparation, irrigation system installation, or other ground disturbance.

(ii) Mechanized equipment operation in and within 100 feet of identified features shall be avoided to the extent practicable. If avoidance of discharge of dredged or fill material is not practicable, the following measures shall be implemented.

- Conduct a wetland delineation pursuant to USACE requirements to determine the nature and extent of "waters of the United States" that are subject to restoration activities within the Womble and Colusa-North tracts.
- Prior to any discharge of dredged or fill material into "waters of the United States," including wetlands, authorization under a Nationwide Permit or Individual Permit shall be obtained from the USACE. For fill requiring a USACE permit, water quality certification shall be obtained from the RWQCB prior to discharge of dredged or fill material.
- Prior to any activities that would obstruct the flow of or alter the bed, channel, or bank of any intermittent or ephemeral creeks, notification of streambed alteration shall be submitted to the CDFG, and, if required, a Streambed Alteration Agreement shall be obtained.
- Construction activities that would have an impact on "waters of the United States" shall be conducted during the dry season to the extent practicable to minimize erosion.
- All measures contained in permits or associated with agency approvals shall be implemented.

Cultural Resources

Mitigation Measure #6 – Construction Worker Training and Inadvertent Discoveries

Prior to initiation of construction or ground-disturbing activities, TNC shall provide worker awareness training and informational materials to all construction workers regarding the possibility of discovering prehistoric or historic cultural resource materials. Personnel shall be instructed that if materials are encountered that may represent archaeological material, work within 50 feet of the find shall be halted and a professional archaeologist shall be consulted. Once the find has been identified, TNC's project archaeologist will make the necessary plans for treatment of the cultural resources and for the evaluation and resolution of any adverse effect to such properties pursuant to the NHPA and CEQA. Work may continue on other parts of the proposed Project while mitigation for historical or unique archaeological resources takes place.

Mitigation Measure #7 – Protection of Known Cultural Site

A professional archaeologist shall be present during ground-disturbing activities on the one tract (identified in the confidential cultural resources investigation) where cultural materials are suspected. The archaeologist shall have authority to stop work if needed. If potentially significant cultural materials are detected, all work shall halt within a 100-foot radius of the find until clearance is provided by the archaeologist. The Department, in consultation with TNC's project archaeologist, shall determine the need for additional cultural resources monitoring in areas removed from the identified feature.

Mitigation Measure #8 – Monitor for Known Cultural Site

An experienced Native American monitor, representing a local group such as the Cortina Band of Indians (Cortina Indian Rancheria, Wintun Tribe) shall be present during ground-breaking activities on the one tract (identified in the confidential cultural resources investigation). In the event of the inadvertent discovery of human remains, the monitor will facilitate Native American consultation, but will not replace the required protocol outlined in Mitigation Measure CR-4, below. The Department, in consultation with TNC's project archaeologist, shall determine the need for additional cultural resources monitoring in areas removed from the identified feature.

Mitigation Measure #9 – Inadvertent Discovery of Remains

If human remains are encountered during construction, work in the affected portion of the Project shall stop and the County Coroner's Office shall be immediately contacted. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) will be notified within 24 hours of determination, as required by Public Resources Code, Section 5097. The NAHC will notify designated Most Likely Descendants, who will provide recommendations for the treatment of the remains within 24 hours. The NAHC will mediate any disputes regarding treatment of remains.

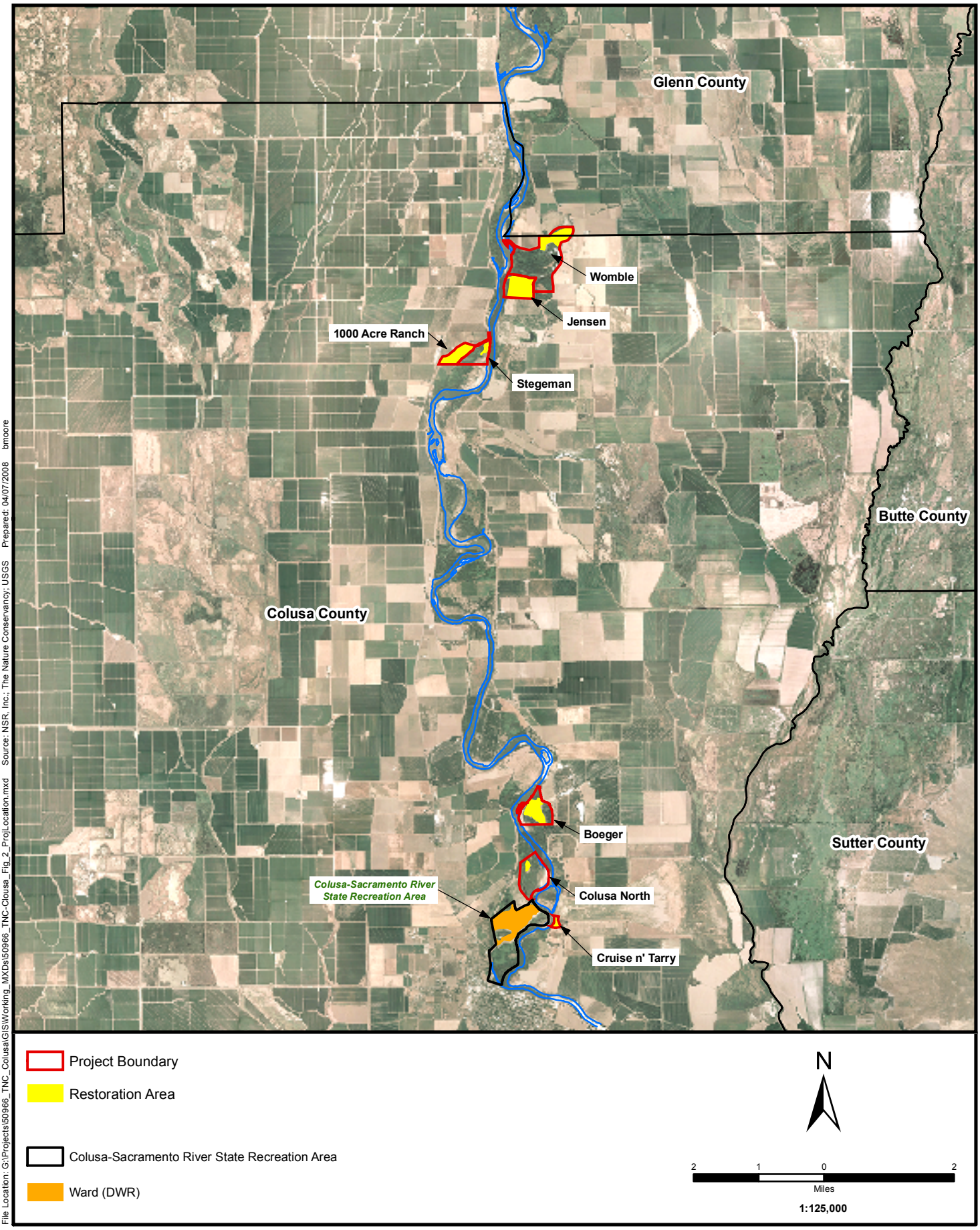
***PUBLIC REVIEW PERIOD*:** The Notice of Intent to Adopt a Mitigated Negative Declaration, the Initial Study[1], and supporting documents were made available for review during an extended public review period from May 22, 2008, to July 31, 2008. The documents were also made available on the Internet at www.sacramentoriver.org/ during this public review period. Additional copies are available from the Department and TNC.

***FINDINGS*:** This Mitigated Negative Declaration and supporting documentation reflect the independent judgment of the Department as lead agency for this Project. In light of the whole record before the Department, including the Initial Study, supporting documents, and incorporated mitigation measures, the Department finds that there is no substantial evidence that the Colusa Subreach Wildlife Habitat Restoration Project will have a significant effect on the environment within the meaning of CEQA. Therefore, the Department has determined that preparation of an Environmental Impact Report (EIR) is not required, and the Department has adopted this Mitigated Negative Declaration for implementation of the Project.

Kent Smith
California Department of Fish and Game
Region 2 – North Central Region

Date 8/24/08

1 *Evaluation of Environmental Effects Associated with Wildlife Habitat Restoration on Seven Tracts along the Sacramento River between Colusa and Princeton – CEQA Initial Study for the Colusa Subreach Wildlife Habitat Restoration Project.* Prepared by North State Resources, Inc. for the California Department of Fish and Game and The Nature Conservancy. May 2008.



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North State Resources, Inc.

Colusa Subreach Wildlife Habitat Restoration Project

Figure 1
Project Location