

**STAFF REPORT
C32**

A 3
S 4

08/23/18
W 27182
M. Schroeder

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Yuba County Water Agency

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Yuba River, adjacent to Assessor's Parcel Numbers 005-290-005, 005-290-008, 006-170-122, and 006-180-027, near Browns Valley, Yuba County.

AUTHORIZED USE:

Placement and maintenance of woody material for the rehabilitation and restoration of steelhead, spring-run and fall-run Chinook salmon rearing habitat.

LEASE TERM:

10 years, beginning August 23, 2018.

CONSIDERATION:

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

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

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

Public Trust and State's Best Interests Analysis:

The Applicant has applied for a General Lease – Public Agency Use for the proposed steelhead, spring-run, and fall-run Chinook salmon habitat rehabilitation and restoration project in the Yuba River. The Applicant has been ordered by the Federal Energy Regulatory Commission to implement a plan to mitigate the effects of a non-compliance flow event related to

STAFF REPORT NO. **C32** (CONT'D)

releases from the Narrows Two Powerhouse on the Yuba River. As a result, the Applicant will implement mitigation through placement of large and small woody material (LWM and SWM, respectively) in the Yuba River at three locations experiencing a loss of sediment due to stream channel scour.

The installation of the woody material will rehabilitate and restore rearing habitat for steelhead, spring-run and fall-run Chinook salmon at various life stages, particularly juveniles. The woody material will consist of large and small downed trees from local sources. Logging, dump trucks, or tractors will bring the woody material to staging areas located outside of the river's floodplain. From the staging area the woody material will be moved to and positioned at the placement sites using a track-mounted backhoe excavator. The woody material will be placed facing downstream at approximately a 45-degree angle to the stream bank with most of the woody material buried in the bank adjacent to the wetted edge to a depth of approximately 6 feet, with the root wad exposed. The backhoe, located on dry ground, will be used to excavate the bank where the woody material will be placed. The stream bank material will be placed on dry ground when excavated from the bank and then used to bury the woody material in the bank with any excess stream bank material graded around the woody material. Access to the sites will be through existing private unpaved roadways. Private parking areas will be used for staging. The Applicant applied for permission to use the private roads and parking areas.

The project work is proposed to begin in late summer/early fall of 2018 requiring a single construction season for completion. It is fully expected that the woody material will be installed in accordance with all other regulatory agency permits, as required by the lease. Upon completion of the project, implementation and effectiveness monitoring will occur over several years to evaluate the integrity and assess the use of the woody material. The long-term effects of the placement of woody material will benefit steelhead, spring-run and fall-run Chinook salmon through increasing the amount of rearing habitat.

Public access to the Yuba River at the project locations is constrained due to private ownership of the uplands. Rafting, kayaking and fishing are possible, but are limited due to the public access constraints in the surrounding area. No developed regional or neighborhood parks or other recreational facilities exist within or directly adjacent to the project site. Public access to the Yuba River at the project sites is available but limited. This project is not anticipated to impact public access to the river.

STAFF REPORT NO. C32 (CONT'D)

Overall, the proposed action is considered beneficial because it will enhance fisheries, which is a recognized Public Trust use. Furthermore, the action will not impede or impair any other Public Trust uses in the area.

The proposed lease includes certain provisions protecting the public's use of the proposed lease area by requiring the Applicant to obtain necessary permits and to conduct all work safely. The proposed lease also has a limited term of 10 years that allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time.

Furthermore, post-project monitoring will take place throughout the term of the lease after project completion to evaluate project influences on habitat conditions.

Climate Change Analysis:

The lease area in the Yuba River is not tidally influenced and therefore, would not be subject to sea-level rise. The water level near the proposed Project is regulated primarily by water released upstream from the series of dams in the Yuba River. However, as stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, extreme heat, drought, and storms. Upstream debris or excessive flows could dislodge the LWM and SWM placed in the channel of the Yuba River, which are intended to provide cover for migratory salmon smolts as they migrate downstream. Drought could dramatically reduce river flow and water levels, leading to loss of public access and navigability. Climate change will further influence riverine areas by changing erosion and sedimentation rates, and runoff by likely increasing scour and decreasing bank stability at a faster rate. However, the LWM and SWM placed in the river are intended to be washed out of the lease areas and move downstream over time and with variable water flows.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises are located in an area that may be subject to effects of climate change.

Conclusion:

For all the reasons above, Commission staff believes the proposed lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

STAFF REPORT NO. **C32** (CONT'D)

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction and Key Action 1.2.4 to prioritize the use of sovereign lands where appropriate for open space, wetlands, riparian habitat and habitat preservation, restoration, and enhancement, including through habitat management plans, mitigation agreements with public agencies, private parties, and other conservation efforts, consistent with applicable law.

2. A Mitigated Negative Declaration, State Clearinghouse No. 2018042077, was prepared by Yuba County Water Agency and adopted on June 22, 2018, for this project. Staff has reviewed such document.

A Mitigation Monitoring and Reporting Program was adopted by the Yuba County Water Agency.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Federal Energy Regulatory Commission
California Department of Fish and Wildlife

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers
Central Valley Regional Water Quality Control Board
Yuba County

EXHIBITS:

- A-1. Land Description
- A-2. Land Description
- B-1. Site and Location Map
- B-2. Site and Location Map
- C. Mitigation Monitoring Program

STAFF REPORT NO. **C32** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2018042077, and a Mitigation Monitoring and Reporting Program were prepared by Yuba County Water Agency and adopted on June 22, 2018, for this project and that the Commission has reviewed and considered the information contained therein; find that in its independent judgment, none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred, and therefore, no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Yuba County Water Agency beginning August 23, 2018, for a term of 10 years, for placement and maintenance of woody material for the rehabilitation and restoration of steelhead, spring-run, and fall-run Chinook salmon rearing habitat, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

LAND DESCRIPTION
YUBA RIVER NARROWS 2 MITIGATION PROJECT

Site 1

A strip of submerged land situate in the County of Yuba, State of California, being a portion of Sections 20 and 21, Township 16 North, Range 6 East, Mount Diablo Meridian, and being more particularly described as follows:

BEGINNING at a point having a CCS83, Zone 2 (epoch 2010.0000) coordinate of North = 2211752.33 and East = 6755645.66, which bears South 02°48'31" West 1478.27 feet from a ½ inch rebar with cap marked LS5198 in a mound of rocks marking the northeast corner of said Section 20 as shown on that certain map titled "Record of Survey 91-27" filed for record in the office of the Yuba County Recorder on January 30, 1992 in Book 58 of Records of Survey at Page 7; Thence South 67°50'28" East 316.00 feet; Thence South 67°09'32" West 40.21 feet; Thence North 67°50'28" West 313.19 feet; Thence North 22°50'28" West 21.21 feet; Thence South 86°08'23" East 42.79 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the north bank of the Yuba River

Site 2

A strip of submerged land situate in the County of Yuba, State of California, being a portion of Section 20, Township 16 North, Range 6 East, Mount Diablo Meridian, and being more particularly described as follows:

BEGINNING at a point having a CCS83, Zone 2 (epoch 2010.0000) coordinate of North = 2211908.43 and East = 6754911.06, which bears South 31°26'00" West 1547.50 feet from a ½ inch rebar with cap marked LS5198 in a mound of rocks marking the northeast corner of said Section 20 as shown on that certain map titled "Record of Survey 91-27" filed for record in the office of the Yuba County Recorder on January 30, 1992 in Book 58 of Records of Survey at Page 7; Thence South 67°50'28" East 316.00 feet; Thence South 67°09'32" West 40.21 feet; Thence North 67°50'28" West 313.19 feet; Thence North 22°50'28" West 21.21 feet; Thence South 86°08'23" East 42.79 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM any portion lying landward of the low water mark of the north bank of the Yuba River

The bearings shown herein are based upon the California Coordinate System, NAD 83 (CCS83), Zone 2 (Epoch 2010.0000). The distances shown herein are grid distances. Multiply said distances by the combined factor of 1.00009017 to obtain ground distances.

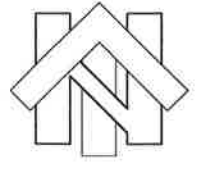

Michael L. Mays, PLS 6967
NorthStar



Date: 8/1/18

17 16
20 21

SECTION CORNER
FOUND 1/2" REBAR WITH
CAP, LS 5198 IN MOUND
OF ROCKS PER 58 RS 7



MATCHLINE

LANDS OF THE REGENTS
OF THE UNIVERSITY OF
CALIFORNIA
(299 OR 527)

S2°48'31"W 1478.27'

24" TREE

18" TREE

40" TREE

18" TREE

24" PINE

2" PINE

16" PINE

GRAVEL ROAD

GATE

4' BARBED
WIRE FENCE

GRAVEL
PARKING
AREA

4' BARBED
WIRE FENCE

230

255

250

245

240

235

225

220

EDGE OF WATER
6-21-2018

S86°08'23"E
42.79'

N22°50'28"W
21.21'

SITE 1
9,351 ± SQ. FT.

POINT OF BEGINNING

S67°50'28"E 316.00'

N67°50'28"W 313.19'

S67°09'32"W
40.21'

YUBA RIVER



Michael L. Mays 8/1/18

BASIS OF BEARINGS: THE BEARINGS SHOWN HEREIN ARE
BASED UPON THE CCS83, ZONE 2 (EPOCH 2010.0000).
THE DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO
OBTAIN GROUND DISTANCES MULTIPLY BY 1.00009017.



NOTE: THIS PLAT IS FOR GENERAL REFERENCE
ONLY; SEE ACCOMPANYING LAND DESCRIPTION
FOR CONTROLLING BOUNDARY INFORMATION.



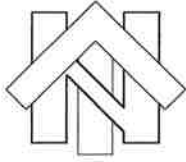
111 MISSION RANCH BLVD. SUITE 100, CHICO, CA 95926
PHONE: (530) 893-1600 www.northstareng.com



1220 F Street
Marysville, CA 95901

PLAT TO ACCOMPANY DESCRIPTION
YUBA RIVER NARROWS 2 MITIGATION SITE 1

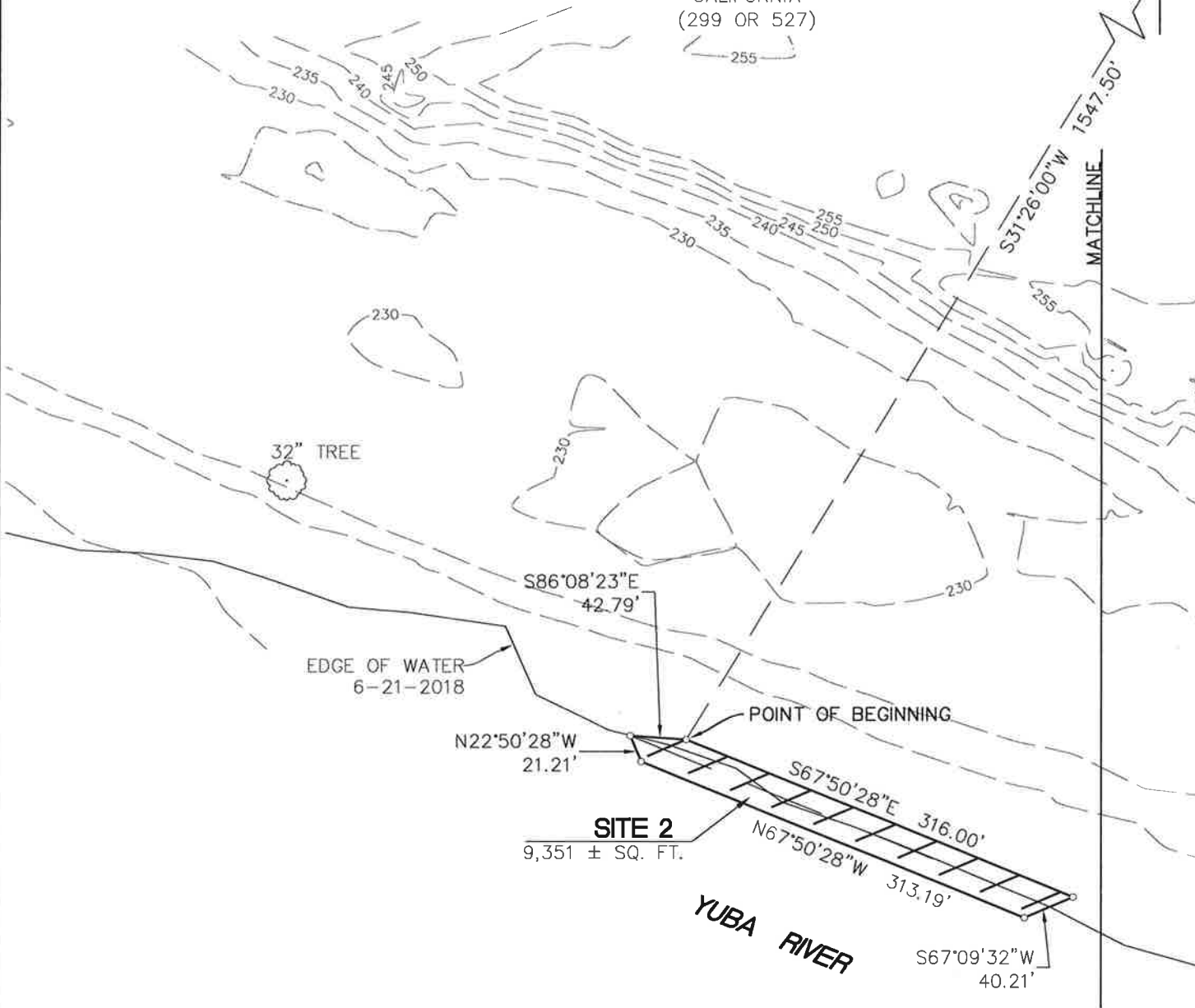
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SECTION CORNER
 FOUND 1/2" REBAR WITH
 CAP, LS 5198 IN MOUND
 OF ROCKS PER 58 RS 7

LANDS OF THE REGENTS
 OF THE UNIVERSITY OF
 CALIFORNIA
 (299 OR 527)

17 16
 20 21



BASIS OF BEARINGS: THE BEARINGS SHOWN HEREIN ARE BASED UPON THE CCS83, ZONE 2 (EPOCH 2010.0000). THE DISTANCES SHOWN HEREIN ARE GRID DISTANCES. TO OBTAIN GROUND DISTANCES MULTIPLY BY 1.00009017.



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1220 F Street
 Marysville, CA 95901

PLAT TO ACCOMPANY DESCRIPTION

YUBA RIVER NARROWS 2 MITIGATION SITE 2

Job Number 18-100	HOR. Scale 1" = 120'	VERT. N/A	Date: 7/26/18 Sheet 2 Of 2
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LAND DESCRIPTION
YUBA RIVER NARROWS 2 MITIGATION PROJECT

Site 3

A strip of submerged land situate in the County of Yuba, State of California, being a portion of Section 30, Township 16 North, Range 6 East, Mount Diablo Meridian, and being more particularly described as follows:

BEGINNING at a point having a CCS83, Zone 2 (epoch 2010.0000) coordinate of North = 2207051.27 and East = 6749312.90, which bears North 66°11'32" West 2353.67 feet from that State of California Department of Water Resources brass disc monument marked "Axis", as shown on that certain map titled "Record of Survey 2003-09" filed for record in the office of the Yuba County Recorder on February 11, 2004 in Book 77 of Maps at Pages 1-14; Thence South 82°25'24" West 316.00 feet; Thence North 79°16'41" West 42.79 feet; Thence North 37°25'24" East 21.21 feet; Thence North 82°25'24" East 313.19 feet; Thence South 52°34'36" East 40.21 feet to the **POINT OF BEGINNING**.

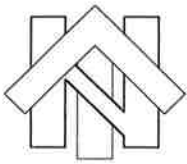
EXCEPTING THEREFROM any portion lying landward of the low water mark of the south bank of the Yuba River

The bearings shown herein are based upon the California Coordinate System, NAD 83 (CCS83), Zone 2 (Epoch 2010.0000). The distances shown herein are grid distances. Multiply said distances by the combined factor of 1.00008870 to obtain ground distances.


Michael L. Mays, PLS 6967
NorthStar



Date: 8/1/18



YUBA RIVER

SITE 3

9,351 ± SQ. FT.

S52°34'36"E
40.21'

N37°25'24"E
21.21'

N82°25'24"E 313.19'

S82°25'24"W 316.00'

N66°15'15"W 2353.67'

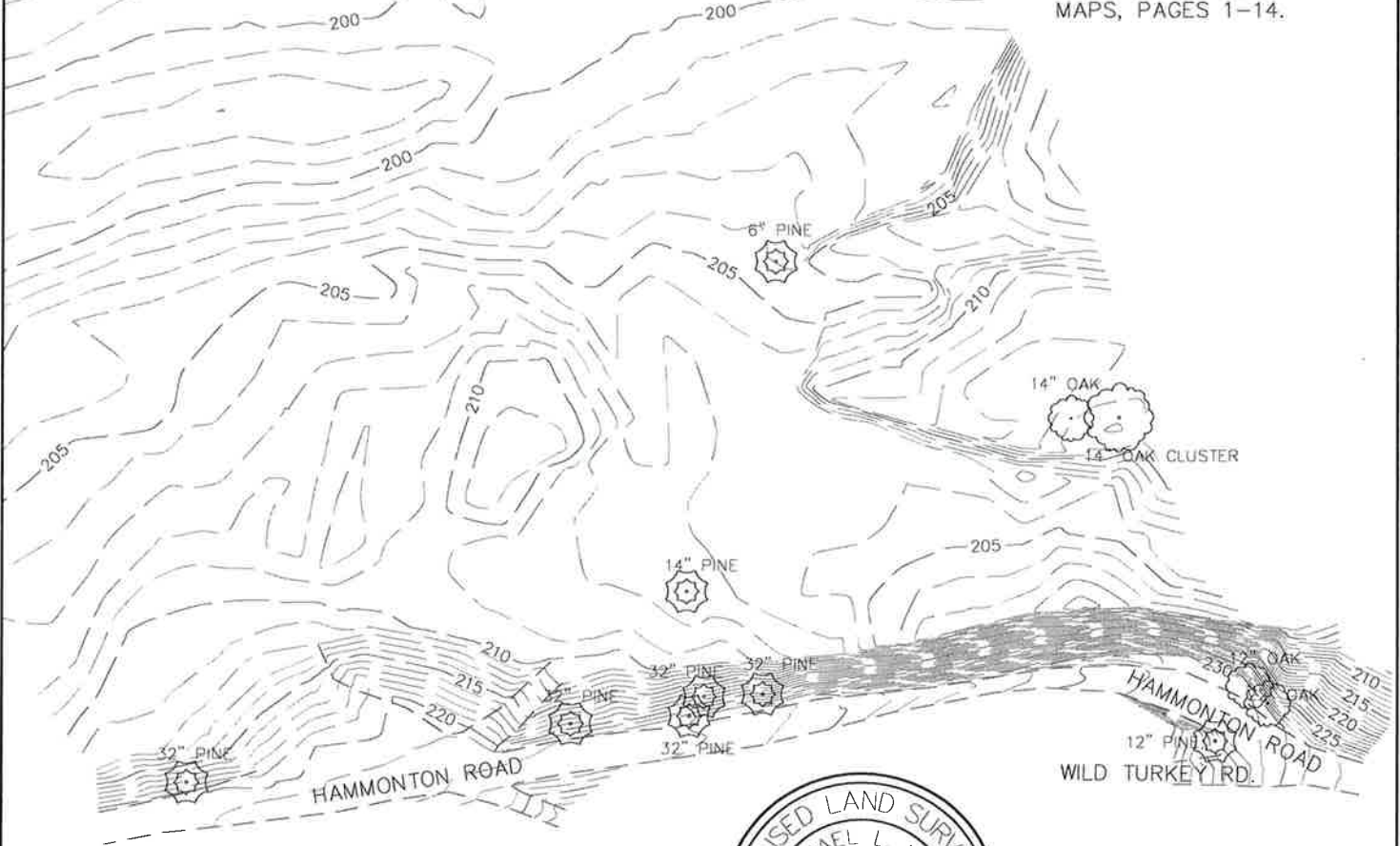
EDGE OF WATER
6-29-2018

N79°16'41"W
42.79'

POINT OF BEGINNING

LANDS OF
WESTERN AGGREGATES, INC.
DOC. NO. 98006773

FOUND 3" BRASS DISC
MARKED "STATE OF
CALIFORNIA DEPARTMENT
OF WATER RESOURCES",
"AXIS" PER 77 OF
MAPS, PAGES 1-14.



Michael L. Mays 8/1/18

BASIS OF BEARINGS: THE BEARINGS SHOWN HEREIN ARE
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FOR CONTROLLING BOUNDARY INFORMATION.



NORTHSTAR
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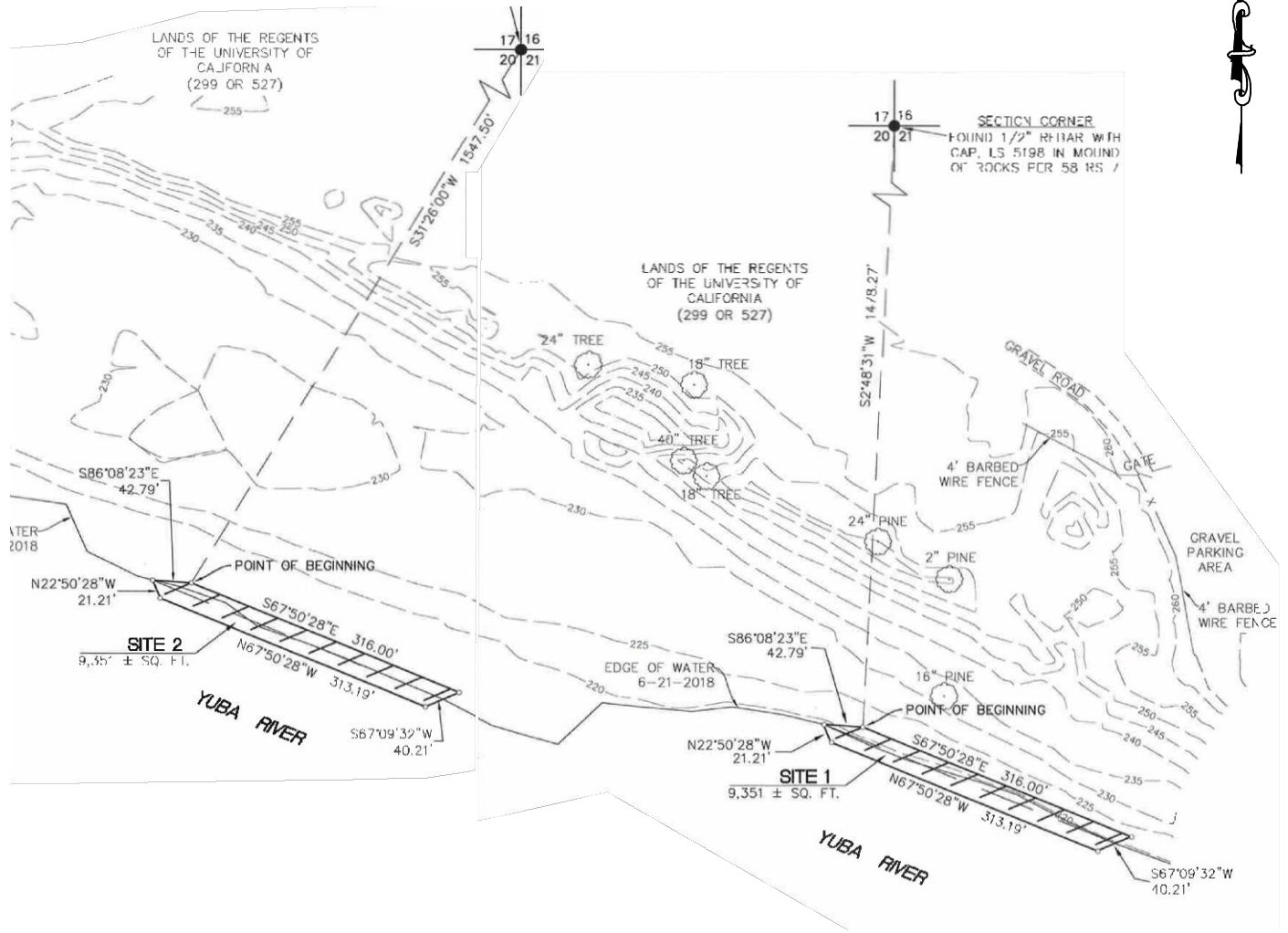
YUBA
WATER AGENCY

1220 F Street
Marysville, CA 95901

PLAT TO ACCOMPANY DESCRIPTION			
YUBA RIVER NARROWS 2 MITIGATION SITE 3			
Job Number 18-100	HOR. Scale 1" = 120'	VERT. N/A	Date: 7/26/18 Sheet 1 Of 1

NO SCALE

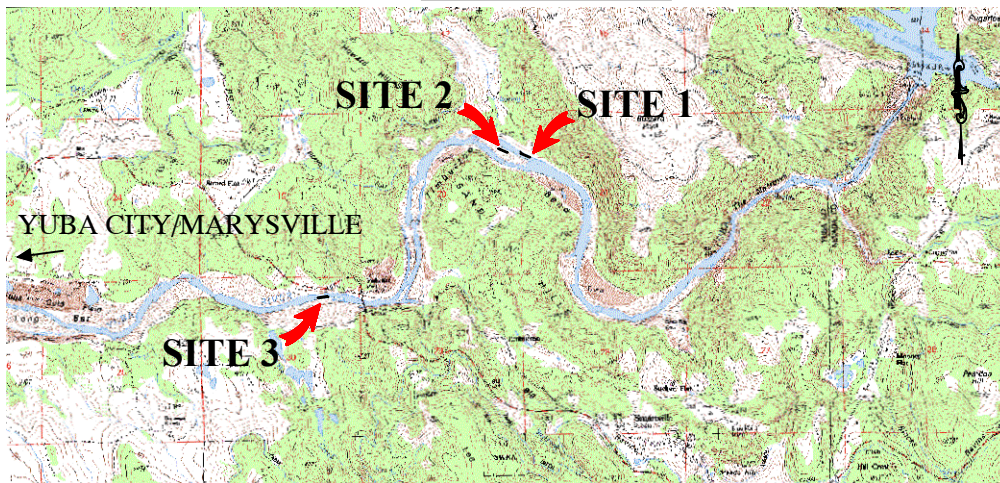
SITE



YUBA RIVER NARROWS 2 MITIGATION PROJECT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B-1

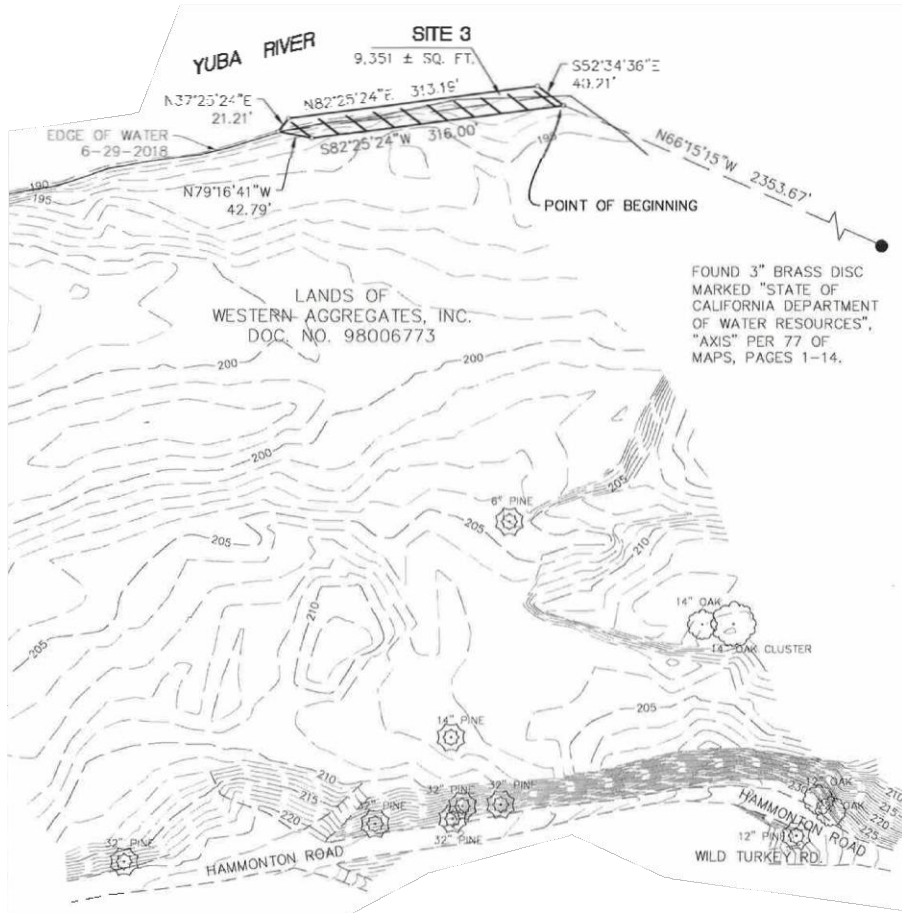
W27182
YUBA CO. WATER AGENCY
APN: MULTIPLE
GENERAL LEASE -
PUBLIC AGENCY USE
YUBA COUNTY



JAK 8/18

NO SCALE

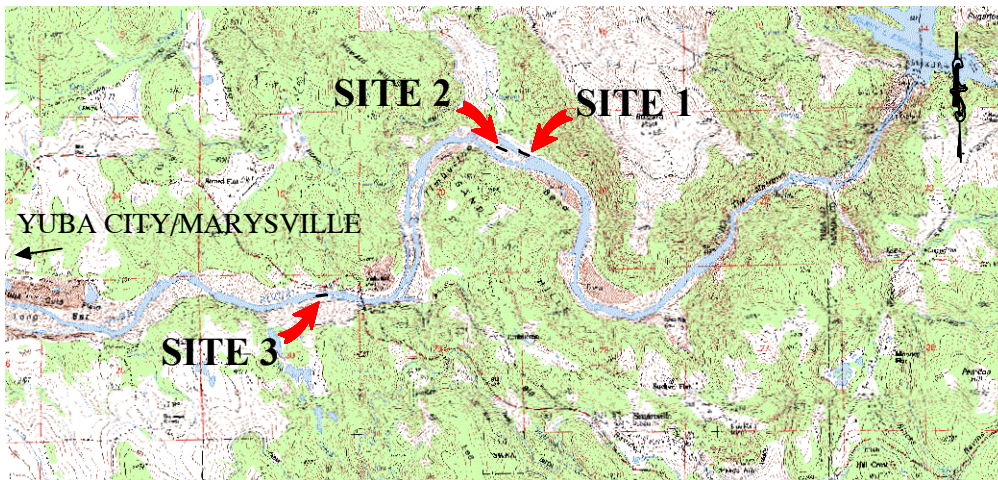
SITE



YUBA RIVER NARROWS 2 MITIGATION PROJECT

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B-2

W27182
 YUBA CO. WATER AGENCY
 APN: MULTIPLE
 GENERAL LEASE -
 PUBLIC AGENCY USE
 YUBA COUNTY



JAK 8/18

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM

Yuba County Water Agency, Narrows 2 Mitigation Yuba River
Development Project FERC No. 2246
(W27182, State Clearinghouse No. 2018042077)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Narrows 2 Mitigation Yuba River Development Project (Project). The CEQA lead agency for the Project is Yuba County Water Agency (YCWA).

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency has adopted an MND, State Clearinghouse No. 2018042077, and adopted a Mitigation Monitoring and Reporting Program (MMRP) for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C.

Differences between the Commission's MMP and that the MMRP prepared by the CEQA lead agency are identified by underlined text or ~~strikethrough~~.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM) *	Difference Between CSLC MMP and Lead Agency MMRP
Impacts to Biological Resources	BIO-1. Implement Mitigation Measure to Avoid Sensitive Ecological Times	None
	BIO-2. Implement Avoidance Measures to Reduce Impacts to Sensitive Resources	None
	BIO-3. Employ a Biological Monitor to Reduce Impacts to Sensitive Species	None
	BIO-4. Implement Mitigation and Avoidance Measures to Reduce Impacts to Nesting Birds	None
	BIO-5. Implement Mitigation and Avoidance Measures to Reduce Impacts to Aquatic Species	None
	BIO-6. Implement Mitigation and Avoidance Measures to Prevent the Spread of Invasive Species	None
	BIO-7. Employee Training	None
Impacts to Cultural Resources	CULT-1. Worker Training	None
	CULT-2. Cultural Resource Avoidance Measures	None
	CULT-3. Inadvertent Discovery of Historical and Archaeological Resources	See below
	CULT-4. Inadvertent Discovery of Paleontological Resources	See below
	CULT-5. Inadvertent Discovery of Human Remains	None
Impacts to Hydrology and Water Quality	WQ-1. Implementation of Best Management Practices	None
	WQ-2. In-stream Sediment Monitoring	None
	WQ-3. Water Quality Monitoring	None

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

MM CULT-3: Inadvertent Discovery of Historical and Archaeological Resources:

In the event that newly encountered cultural resources or buried cultural deposits (i.e., prehistoric stone tools, grinding stones, historic glass, bottles, foundations, cellars, privy pits, etc.) are encountered during proposed project implementation, work must stop immediately at the discovery site until a qualified, professional archaeologist can determine the nature of the resources and, as appropriate, assist in helping proposed project personnel avoid the resources or implement management measures to evaluate the significance and potential eligibility of the resources for listing on the CRHR, or any local registers, as appropriate.

The title to all abandoned archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Commission) (Pub. Resources Code, § 6313). The YCWA shall consult with Commission staff should any archaeological or historical resources on State lands be discovered during construction of the proposed Project. The final disposition of archaeological or historical resources recovered on State lands under the jurisdiction of the Commission must be approved by the Commission.

MM CULT-4: Inadvertent Discovery of Paleontological Resources

If paleontological resources are encountered, work shall avoid altering the resource and its stratigraphic context until a professional paleontologist has evaluated the find, recorded and determined appropriate mitigation for any impacts to the resource, in consultation with the YCWA. Personnel performing the proposed project shall not collect paleontological resources. Appropriate mitigation measures may include collection and processing of “standard” samples by a professional paleontologist to recover micro vertebrate fossils; preparation of significant fossils to a reasonable point of identification; and depositing significant fossils in a museum repository for permanent curation and storage, inclusive of an itemized inventory of the curated specimens.

The title to all paleontological resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the California State Lands Commission (Commission) (Pub. Resources Code, § 6313). The YCWA shall consult with Commission staff should any paleontological resources on State lands be discovered during construction of the proposed Project. The final disposition of paleontological resources recovered on State lands under the jurisdiction of the Commission must be approved by the Commission.

ATTACHMENT C-1

Mitigation Monitoring and Reporting Program Adopted by

Yuba County Water Agency

Narrows 2 Mitigation

Yuba River Development Project, FERC No. 2246

MITIGATION MONITORING AND REPORTING PROGRAM

**Prepared for
Yuba County Water Agency
Marysville, California**

**Prepared by
HDR Engineering, Inc.
Sacramento, California**

June 2018

Mitigation Monitoring and reporting program

1.0 Introduction

Section 21081.6(a)(1) of the California Environmental Quality Act (CEQA) of the Public Resources Code, requires public agencies, as part of the certification of a Mitigated Negative Declaration (MND), to prepare and approve a reporting or monitoring program. This program should be structured to ensure that changes to the project that the lead agency has adopted to mitigate or avoid significant environmental impacts are carried out during project implementation.

The Mitigation Monitoring and Reporting Program (MMRP) is intended to be used by Yuba County Water Agency (YCWA) staff, responsible and participating agencies, and mitigation monitoring personnel during implementation of the Narrows 2 Mitigation project. The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP consists of a compliance checklist that identifies the adopted mitigation measures, the timing of implementation of the measures, the monitoring frequency of the measures, the entity responsible for their implementation and monitoring, and the performance criteria used to evaluate implementation of the mitigation measures. The mitigation measures presented in the following table are incorporated into the proposed project.

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
3.4 Biological Resources					
<p>Mitigation Measure BIO-1. Implement Mitigation Measure to Avoid Sensitive Ecological Times</p> <p>Where possible, work will be timed to occur so as not to coincide with sensitive ecological times (e.g. breeding, nesting, migration or blooming) of known special-status species within or near the proposed work area.</p>	Prior to project activities	One time prior to project activity	Lead agency and primary construction contractor	Project occurs between July 1 through September 30	
<p>Mitigation Measure BIO-2: Implement Avoidance Measures to Reduce Impacts to Sensitive Resources</p> <p>Prior to any work occurring, any known sensitive resources (these include, but are not limited to: cultural resources, special status species, sensitive habitats, non-native invasive plants, riparian areas, and other pre-determined areas with significant sensitive resources) within or near the proposed work area will be flagged to ensure that no activities are conducted in those areas.</p>	Prior to project activities	Flagging will be inspected weekly during project activities	Lead agency	Photo documentation of flagging at any sites prior to construction	
<p>Mitigation Measure BIO-3: Employ a Biological Monitor to Reduce Impacts to Sensitive Species</p> <p>A qualified biologist will be onsite daily for the</p>	During all project activities	Biological monitoring will occur daily	Lead agency	Documentation of daily monitoring	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
duration of activities to ensure impacts to fish and wildlife resources are minimized. The biologist shall be familiar with fish, plant, wildlife and habitats found within and adjacent to the work site.					
<p>Mitigation Measure BIO-4: Implement Mitigation and Avoidance Measures to Reduce Impacts to Nesting Birds</p> <p>If work activities require the removal of vegetation, a qualified biologist shall survey all potential nesting vegetation within the proposed removal area in the impoundment area for nesting birds no more than 5 days prior to commencing vegetation removal activities. If nesting birds are found, vegetation shall not be removed until a qualified biologist determines the nest is inactive (i.e., nest failure or fledging of young). If any nesting birds are located, a buffer zone of 250 feet shall be established and maintained around the nesting location within the proposed Plan site. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, the buffer will be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer should remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.</p>	Prior to vegetation removal if work occurs prior to August 31	If vegetation removal is necessary during construction prior to August 31	Lead agency	Documentation of any vegetation removal and nest surveys	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>Mitigation Measure BIO-5: Implement Mitigation and Avoidance Measures to Reduce Impacts to Aquatic Species</p> <p>Provide exclusion devices (nets, screens, etc.) on any pumps, or pipes within the impoundment and around the work area as appropriate to exclude aquatic species.</p>	Prior to use of pumps and pipes	Throughout construction period	Lead agency and primary construction contractor	Documentation of exclusion devicesa	
<p>Mitigation Measures BIO-6: Implement Mitigation and Avoidance Measures to Prevent the Spread of Invasive Species</p> <p>Work activities will be conducted in a manner that prevents the introduction, transfer, and spread of aquatic, riparian, and terrestrial invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, mussels and bacteria), from one work site and/or waterbody to another. Prior to entering the work area, YCWA will inspect the equipment to be used for invasive species and, if any signs of invasive species are found, the equipment shall be cleaned to remove those species. All visible soil/mud, plant materials, and animal remnants on equipment will be removed prior to entering and exiting the work site and/or between each use in different waterbodies. YCWA will notify CDFW immediately if an invasive species not previously known to occur within the work site is discovered during work activities by submitting a</p>	During project activities	Throughout construction period	Lead agency and primary construction contractor	Clean vehicles and equipment prior to use on the Project and inspect with documentation to ensure clean	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
completed Suspect Invasive Species Report.					
<p>Mitigation Measures BIO-7: Employee Training</p> <p>Prior to proposed project activities, a qualified biologist will conduct an employee education program. The program will include information on known and potential endangered and special-status species on the proposed Plan. Information provided at the training will include description and status of species, measures to be taken to reduce/prevent impacts to species and protocols to follow if species are encountered. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the proposed project site.</p>	Prior to project activities and whenever new employee works on project	Once prior to project	Lead agency	Documentation of educational program and sign-in sheet for all attendees	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
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<p>Mitigation Measures BIO-7: Employee Training</p> <p>Prior to proposed project activities, a qualified biologist will conduct an employee education program. The program will include information on known and potential endangered and special-status species on the proposed Plan. Information provided at the training will include description and status of species, measures to be taken to reduce/prevent impacts to species and protocols to follow if species are encountered. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the proposed project site.</p>	Prior to project activities and whenever new employee works on project	Once prior to project	Lead agency	Documentation of educational program and sign-in sheet for all attendees	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
3.5.9 Cultural Resources					
<p>Mitigation Measure CULT-1: Worker Training</p> <p>All proposed project personnel shall receive training regarding the appropriate work practices necessary to effectively implement cultural resource mitigation measures. Information provided at the training will include avoidance measures as well as the potential for exposing subsurface resources, basic signs of a potential resource, and required procedures upon the discovery or suspected discovery of archaeological materials, human remains, and fossil remains. The training program may be conducted in conjunction with, or as a component of, the general Worker Environmental Awareness Program for the proposed project.</p>	<p>Prior to project activities and when a new employee joins project</p>	<p>During all proposed Plan-related activities occurring within the project area</p>	<p>Lead agency</p>	<p>Documentation of educational program and sign-in sheet for participants</p>	
<p>Mitigation Measure CULT-2: Cultural Resource Avoidance Measures</p> <p>YCWA shall implement measures to avoid impacts on cultural resources, wherever feasible. Avoidance means that no activities associated with the proposed project that may affect cultural resources shall occur within the defined protection zones. Protective measures (either flagging or exclusion fencing) shall be placed</p>	<p>Prior to project activities</p>	<p>During all proposed Plan-related activities occurring within the project area</p>	<p>Lead agency</p>	<p>Documentation of protection measures, including photographs</p>	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>under the direction of a qualified, professional archaeologist, excluded sensitive resources from proposed project areas. Construction crews shall be instructed to work within designated and approved work areas.</p> <p>YCWA shall implement the following procedures to avoid direct and indirect effects on cultural resources:</p> <ol style="list-style-type: none"> 1. No alterations and/or modifications shall be made to the Site 1 access road or staging area in the vicinity of CA-YUB-213 and flagging/fencing shall be placed around the cultural site. 2. Both sides of the Site 1 access road shall be flagged and/or fenced where it passes through CA-YUB-653H. 3. Project access through CA-YUB-671H shall be limited to a designed route that restricts trucks to the areas between site features and artifacts and the route shall be delineated by flagging or temporary exclusionary fencing. 4. HDR-FM-01 shall be flagged/fenced for avoidance. <p>When any changes in proposed activities are necessary to avoid cultural resources (e.g., project modifications, redesign, or elimination; removing old or confusing project markings or</p>					

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
engineering stakes within site boundaries; or revising maps or changing specifications), these changes shall be completed in coordination with a qualified archaeologist before initiating any activities in the area.					
<p>Mitigation Measure CULT-3: Inadvertent Discovery of Historical and Archaeological Resources</p> <p>In the event that newly encountered cultural resources, submerged resources, or buried cultural deposits (i.e., prehistoric stone tools, grinding stones, historic glass, bottles, foundations, cellars, privy pits, etc.) are encountered during proposed project implementation, work must stop immediately at the discovery site until a qualified, professional archaeologist can determine the nature of the resources and, as appropriate, assist in helping proposed Plan personnel avoid the resources or implement management measures to evaluate the significance and potential eligibility of the resources for listing on the CRHR, or any local registers, as appropriate.</p> <p>Additionally, the title to all abandoned shipwrecks, archaeological sites and historical or cultural resources on or in the tide and submerged lands is vested in the state and under the jurisdiction of the California State Lands</p>	If cultural materials are discovered during project activities	During all ground disturbing activities	Lead agency	Any unexpected discovery including submerged resources will be avoided. If it cannot be avoided, it will be evaluated for potential listing on the CRHR. If the find is determined to be eligible, representatives of YCWA and a qualified, professional archaeologist will meet to determine the appropriate mitigation measures to be implemented, as appropriate. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the qualified,	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
Commission (Pub. Resources Code 6313).				professional archaeologist according to current professional standards. A report will be kept on file at YCWA. A copy of the report will be distributed to tribes, federal and state agencies, as appropriate.	
<p>Mitigation Measure CULT-4: Inadvertent Discovery of Paleontological Resources</p> <p>If paleontological resources are encountered, work shall avoid altering the resource and its stratigraphic context until a professional paleontologist has evaluated the find, recorded and determined appropriate mitigation of impacts to the resource, in consultation with the YCWA. Personnel performing the proposed project shall not collect paleontological resources. Appropriate mitigation measures may include collection and processing of “standard” samples by a professional paleontologist to recover micro vertebrate fossils; preparation of significant fossils to a reasonable point of identification; and depositing significant fossils in a museum repository for permanent curation and storage, inclusive of an itemized inventory of the curated specimens.</p>	If paleontological materials are found during project activities	During all ground disturbing activities	Lead agency	If any find is determined to be significant, representatives of YCWA and a qualified paleontologist will meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional paleontologist according to current professional standards.	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
				<p>A report will be kept on file at YCWA. A copy of the report will be distributed to federal and state agencies, as appropriate.</p> <p>The proper recording, evaluation, consultation, and management of any newly identified paleontological resources.</p>	
<p>Mitigation Measure CULT-5: Inadvertent Discovery of Human Remains</p> <p>In accordance with the California Health and Safety Code (CHSC), Section 7050.5, and the PRC 5097.98, regarding the discovery of human remains, if any such finds are encountered during proposed Plan construction, all work within the vicinity of the find shall cease immediately and a 100 foot-wide buffer surrounding the discovery shall be established around it. YCWA, or its agent, shall be immediately notified. The County coroner shall be contacted immediately to examine and evaluate the find. If the coroner determines that the remains are not recent and are of Native American descent, the coroner will</p>	<p>If human remains are found during project activities</p>	<p>During all ground disturbing activities</p>	<p>Lead agency</p>	<p>The recordation and disposition of any newly identified human remains shall be conducted by a qualified, professional archaeologist or osteologist in consultation with the Most Likely Descendent (MLD), or landowner (UC Sierra Foothill Research and Extension Center or Western Aggregates) in the absence of an</p>	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>contact the Native American Heritage Commission in accordance with CHSC Section 7050.5, and PRC 5097.98. YCWA will work with the most likely descendent, as determined by the NAHC, to determine the most appropriate means of treating the remains. All proposed Plan personnel should be instructed that any human remains encountered should always be treated with sensitivity and respect, and that their discovery and location are to be kept confidential. Construction personnel should be briefed prior to construction activities regarding procedures to follow in the event buried human remains are encountered.</p>				<p>identified MLD, and a report shall be kept on file at YCWA. A copy of the report shall be distributed to tribes and federal and state agencies, as appropriate.</p>	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
3.9 Hydrological Resources					
<p>Mitigation Measure WQ-1: Implementation of Best Management Practices</p> <p>The proposed project shall use BMPs to control soil erosion and waste discharges from construction areas. Standard erosion control measures shall be implemented for all construction activities that expose soil. Erosion control barriers (e.g., straw wattles) shall be installed prior to construction activities, and disturbed areas shall be reseeded where necessary.</p> <p>No debris, soil, silt, sand, rubbish, construction waste, cement, concrete, washings, asphalt, paint, oil, petroleum products, substances which could be hazardous to aquatic life or, organic earthen material from construction related activities shall be allowed to contaminate the soil, groundwater, surface water, or runoff. Any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 ft. of the high water mark.</p> <p>Vehicles and equipment are to be in good working order (no leaks); placing drip pans or absorbent materials under vehicles and equipment when not in use; ensuring that all construction areas have proper spill cleanup materials (e.g., absorbent pads, sealed containers, and booms) to contain the movement of any</p>	Prior to and during project activities	Throughout construction period	Lead agency and primary construction contractor	Implementation of Best Management Practices and documentation during daily monitoring	

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
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Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>spilled substances; preventing any other substances which could be hazardous to aquatic life from contaminating the soil and/or entering the Waters of the state; and performing maintenance or refueling of vehicles or equipment at an off-site location, using a designated area and/or a secondary containment located away from drainage courses to prevent the runoff of storm water and spills. Oil absorbent pads shall be placed at the downstream end of the work site to minimize the spread of contaminants in the event of a spill. Additionally, absorbent padding shall be kept at the work site for swift clean-up in the event of a spill.</p> <p>Leak and spill prevention measures shall be instated throughout the work period, including having spill response materials onsite and using vegetable based hydraulic fluids, if feasible.</p>					

Mitigation Monitoring and Reporting Program for the Narrows 2 Mitigation					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
<p>Mitigation Measure WQ-2: In-stream Sediment Monitoring</p> <p>A monitor shall oversee the placement of an in-stream sediment trapping device at both the upstream and downstream extents of the area. The turbidity curtain or floating silt fence shall allow water to pass through, but shall retain soil particles and other debris, and shall not be composed of a product with plastic monofilament or cross joints in the netting that are bound/stitched, which may cause entrapment of wildlife or fish.</p>	Prior to and during project activities	Throughout construction period	Lead agency and primary construction contractor	Photo documentation and daily monitoring	
<p>Mitigation Measure WQ-3: Water Quality Monitoring</p> <p>The biological monitor will use a hand-held meter to measure turbidity in NTU at two locations in the Yuba River: 1) a single location about 50 ft. upstream of the work; and 2) a single location about 300 ft. downstream of the work area. Measurements will be taken before the start of fieldwork each day, approximately hourly when in-water work is being conducted, when work activities may affect turbidity (e.g., excavation in or near the water), and at the end of fieldwork each day. At the downstream turbidity monitoring location, measurements will be taken a minimum of three times when in-water work is occurring, assuming the work occurs for at least three hours.</p>	Prior to and during project activities	Throughout construction period, hourly when in-water work is being conducted.	Lead agency and primary construction contractor	Documentation of water quality data and monitoring/final report	