

**CALENDAR ITEM  
C95**

A 5  
S 12

12/18/15  
W 26923  
G. Kato

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

San Joaquin River Conservancy (Conservancy)

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the bed of the San Joaquin River, near River Mile 253.5 on the right bank of the river about 1.6 miles downstream of the State Route 41 Bridge in Madera County and on the left bank of the river in Fresno County.

**AUTHORIZED USE:**

Gravel pit isolation, construction of an equalization saddle, berm embankment reinforcement, restoration of a gravel access road (on top of the reinforced berm and equalization saddle), creation of a floodplain habitat area on the river, and construction of a temporary river crossing (to be removed upon project completion)

**LEASE TERM:**

25 years, beginning December 18, 2015.

**CONSIDERATION:**

The 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.

**OTHER PERTINENT INFORMATION:**

1. The Conservancy owns and/or has the rights to access the upland adjoining the lease premises.
  
2. The State of California, Conservancy, and U.S. Bureau of Reclamation have entered into agreements with the California Department of Water Resources (DWR) to isolate a gravel pit, construct an equalization saddle, reinforce a berm embankment, restore a gravel access road, and create floodplain habitat on the San Joaquin River to meet the San Joaquin River

CALENDAR ITEM NO. **C95** (CONT'D)

Parkway Master Plan and the San Joaquin River Restoration Program (SJRRP) objectives.

3. Project construction includes a temporary river crossing. The crossing will be removed upon project completion.
4. The project helps meet the State's obligations under the SJRRP settlement. Isolation of the gravel pond will benefit the SJRRP's salmon reintroduction objectives by reducing opportunities for the warm water species in the pond to prey on salmon eggs and young in the river. The creation of the floodplain habitat will lead to natural development of improved fisheries habitat in the project area, which will also benefit SJRRP's objectives.
5. The project is also intended to further the goals of the San Joaquin River Conservancy Act (Pub. Resources Code, § 32500 et seq.), which requires the Conservancy to develop and manage San Joaquin River Parkway lands "to provide a harmonious combination of low-impact recreational and educational uses and wildlife protection" (Pub. Resources Code, § 32510).
6. A Mitigated Negative Declaration, State Clearinghouse No. 2015011041, was prepared by the Conservancy and adopted on March 18, 2015, for this project. The California State Lands Commission staff has reviewed such document.

A Mitigation Monitoring Program was adopted by the Conservancy.

7. 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 the staff's consultation with the persons nominating such lands and through the California Environmental Quality Act (CEQA) review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**FURTHER APPROVALS REQUIRED:**

U.S. Army Corps of Engineers  
California Department of Fish and Wildlife  
California Regional Water Quality Control Board, Central Valley Region  
Central Valley Flood Protection Board

CALENDAR ITEM NO. **C95** (CONT'D)

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2015011041, and a Mitigation Monitoring Program were prepared by the Conservancy and adopted on March 18, 2015, for this Project and that the Commission has reviewed and considered the information contained therein.

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

**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 San Joaquin River Conservancy, beginning December 18, 2015, for a term of 25 years, for gravel pit isolation, construction of an equalization saddle, berm embankment reinforcement, restoration of a gravel access road (on top of the reinforced berm and equalization saddle), creation of a floodplain habitat on the river, and construction of a temporary river crossing (to be removed upon project completion) in the bed of the San Joaquin River as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached 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 if the Commission finds such action to be in the State's best interests.

**EXHIBIT A**

**W 26923**

**LAND DESCRIPTION**

All those submerged lands lying in the bed of the San Joaquin River adjacent to Sections 20, 29 & W ½ 21, T 12 S, R 20 E, MDM as shown on the Official Township Plat approved June 26<sup>th</sup>, 1874.

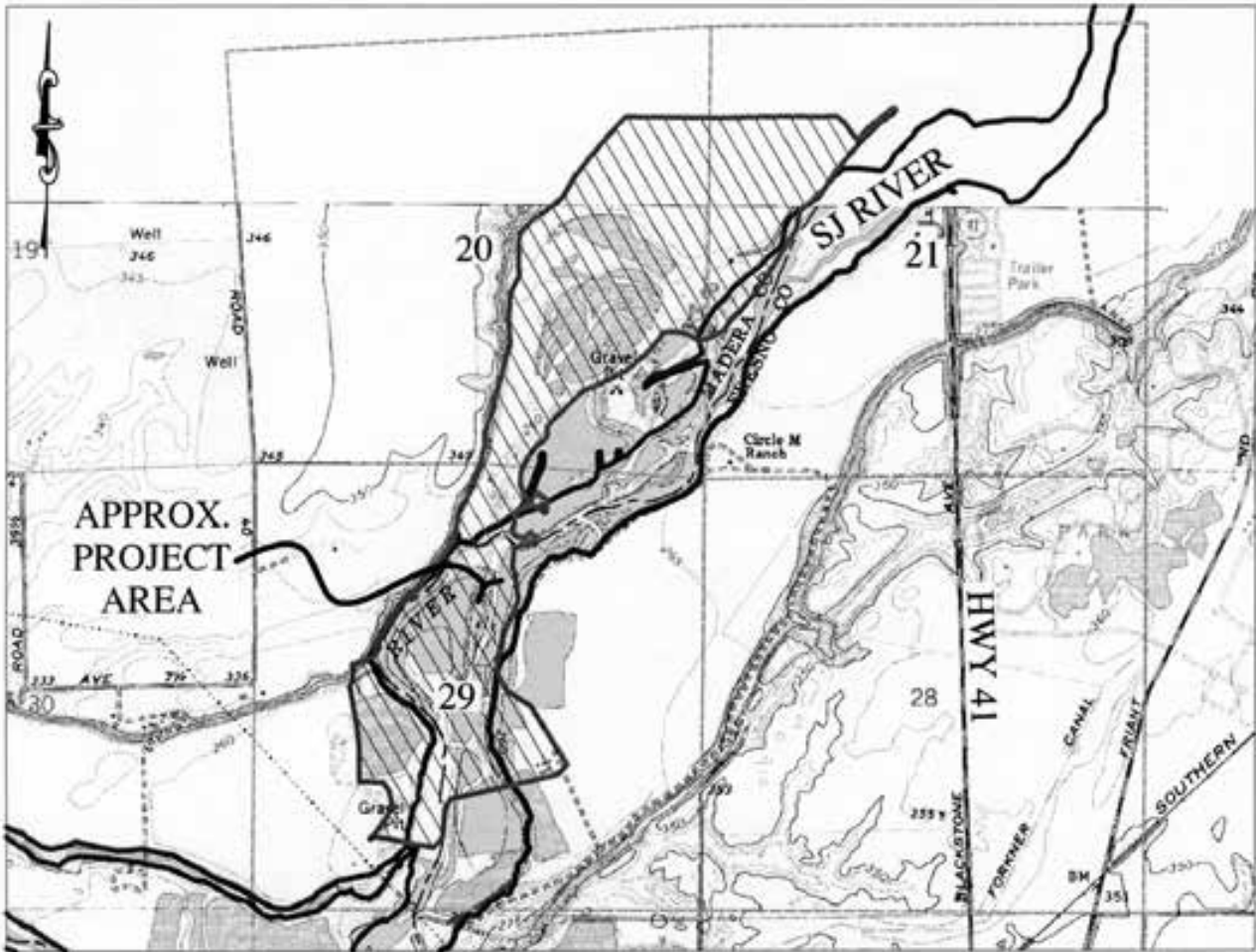
**END OF DESCRIPTION**

PREPARED 11/20/15 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT



NO SCALE

### SITE



SEC. 20, 21 & 29, T12S, R20E MDM, NEAR FRESNO

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### **Exhibit B**

W 26923  
 SAN JOAQUIN RIVER  
 CONSERVANCY  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SAN JOAQUIN RIVER  
 FRESNO & MADERA COUNTY



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 C**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**  
**SYCAMORE ISLAND POND ISOLATION PROJECT (PIT 46E)**  
(W26923, State Clearinghouse No. 2015011041)

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The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Sycamore Island Pond Isolation Project (Pit 46e) (Project). The CEQA lead agency for the Project is San Joaquin River Conservancy.

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 discuss 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. State CEQA Guidelines section 15097, subdivision (a), states in part:<sup>1</sup>

*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 a MMP 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 and summarized in Table C-1 below.

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<sup>1</sup> 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) <sup>2</sup>
<b>AQ-1:</b> Construction activities could contribute to an existing air quality violation.	<b>MM AQ-1:</b> Implement vehicle speed limits, stabilize disturbed areas, and other measures in compliance with San Joaquin Valley Air Pollution Control District regulations to control dust emissions.
<b>AQ-2:</b> Construction activities would generate dust and equipment emissions, including carbon monoxide, which could affect sensitive receptors.	<b>MM AQ-1:</b> See Impact AQ-1 above.
	<b>MM AQ-2:</b> Maintain construction equipment, vehicle tire pressure, and limit speeds and idling time for construction equipment.
<b>VEG-1:</b> Removal of Native Vegetation	<b>MM VEG-1:</b> Only remove trees and vegetation if necessary, and implement the Revegetation Plan.
<b>VEG-2:</b> Potential Loss of Wetlands	<b>MM VEG-2:</b> Avoid and minimize impacts to wetlands during construction.
<b>VEG-3:</b> Permanent fill of other waters of the United States	<b>MM VEG-3:</b> Stockpile topsoil from borrow areas and replace it after construction.
	<b>MM GS-2:</b> Implement measures to reduce loss of topsoil, and replace topsoil after construction in a manner that preserves appropriate soil horizons.
<b>VEG-4:</b> Construction impacts to other sensitive areas	<b>MM VEG-4:</b> Segregate and protect sensitive resources from construction activities.
	<b>MM HWQ-1:</b> Implement best management practices to reduce erosion and sedimentation in the river.
	<b>MM GS-1:</b> Implement best management practices to control erosion, including limiting removal of vegetation, using matting or netting on exposed soil, and covering haul trucks.
<b>VEG-5:</b> Potential spread of invasive species	<b>MM VEG-5:</b> Store excavated soils containing invasive plant species on a tarp away from water and the riverbank, and do not use invasive plants in mulching or composting on the project site.
<b>WLD-1:</b> Potential construction-related impacts to the San Joaquin Kit Fox	<b>MM WLD-1:</b> Implement measures from the <i>US Fish and Wildlife Service Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance</i> .
<b>WLD-2:</b> Potential Impacts to Valley Elderberry Longhorn Beetle	<b>MM WLD-2:</b> Protect elderberry bushes, avoid, and mitigate unavoidable impacts to the Valley Elderberry Longhorn Beetle as required by regulatory agencies.
<b>WLD-3:</b> Potential Project construction impacts to nesting Swainson’s hawk, osprey, bald eagle, and other birds protected by the Migratory Bird Treaty Act	<b>MM WLD-3:</b> Identify and avoid impacts to bird nests. Implement any measures required by regulatory agencies if protected birds are breeding in areas affected by the project.
<b>AQU-1:</b> Construction could impact	<b>MM AQU-1:</b> Implement surveys, monitoring, and

<sup>2</sup> The Mitigation Measures provided in Table C-1 is only a summary. Attachment C-1 provides the full text of each MM taken from the MMP prepared by the CEQA lead agency.

Potential Impact	Mitigation Measure (MM) <sup>2</sup>
special-status aquatic species	other measures to protect the Western Pond Turtle.
<b>AQU-2:</b> Construction activities could increase turbidity and impact special-status species	<b>MM AQU-2:</b> Use best management practices to reduce and control sedimentation, including silt fences, stockpiling away from drainage courses. Monitor turbidity, and employ turbidity curtains as necessary to reduce turbidity in the river.
<b>CUL-1:</b> Construction activities could unearth previously unidentified cultural resources	<b>MM CUL-1:</b> Stop work if previously-unidentified cultural materials are discovered during Project construction, and contact a qualified archaeologist to assess the find.
<b>GS-1:</b> Excavation and floodplain construction could result in substantial soil erosion	<b>MM GS-1:</b> See Impact VEG-4 above
<b>GS-2:</b> Loss of topsoil	<b>MM GS-2:</b> See Impact VEG-3 above.
<b>GHG-1:</b> Greenhouse Gas Emission	<b>MM GHG-1:</b> Maintain construction equipment, limit speeds and idling time, and maintain appropriate tire pressure.
<b>HAZ-1:</b> Accidental spill or discharge of hazardous material during construction	<b>MM HAZ-1:</b> Allow fueling only in staging areas and develop and implement a Spill Prevention and Clean-up Plan.
<b>HAZ-4:</b> Construction activities could increase fire risk	<b>MM HAZ-4:</b> Implement a fire suppression plan and coordinate with fire response agencies.
<b>HAZ-5:</b> Presence of a construction site, and construction activities could pose health and safety hazards	<b>MM HAZ-5:</b> Restrict public access to the construction site.
<b>HWQ-1:</b> Excavation, soil stockpiling, and creation of floodplains could increase erosion and introduce sediment into the river	<b>MM HWQ-1:</b> See Impact VEG-4 above; comply with National Pollutant Discharge Elimination System permit requirements.
<b>HWQ-2:</b> Increased erosion and sediment transport due to in-water construction activities will increase turbidity	<b>MM HWQ-2:</b> Implement best management practices to reduce turbidity levels, including utilizing silt fences, and diverting runoff to sediment basins. Implement revegetation plan.
<b>HWQ-3:</b> Accidental leaks, spills, or discharges of contaminants during construction	<b>MM HWQ-3:</b> Clean construction vehicles at a cleaning station before using for work in or near the water.
	<b>MM HAZ-1:</b> See Impact HAZ-1 above.
<b>LU-1:</b> Removal of material from the borrow sites may conflict with applicable land use policies	<b>MM LU-1:</b> Obtain appropriate permits, if necessary, for material removal at the borrow sites. Even if permits are not required, restore the borrow sites according to best management practices (see attachment C-1) and the revegetation plan.
<b>MR-1:</b> Loss of topsoil, increased erosion, and topography changes associated with borrow site excavation	<b>MM MR-1:</b> Implement MM GS-2 and MM LU-1.
	<b>MM GS-2:</b> See Impact VEG-3 above.
	<b>MM LU-1:</b> See Impact LU-1 above.
<b>NOI-1:</b> Project construction could	<b>MM NOI-1:</b> Equip vehicles and equipment with



Potential Impact	Mitigation Measure (MM) <sup>2</sup>
expose people to an increase in ambient noise levels	mufflers and maintain exhaust systems to manufacturer’s specifications. Limit construction times to hours designated by Fresno and Madera Counties’ construction noise ordinances.
<b>PS-1:</b> Construction activities could increase fire risk	<b>MM PS-1:</b> Implement MM HAZ-4. <b>MM HAZ-4:</b> See Impact HAZ-4 above.
<b>REC-1:</b> Restricting recreation access could limit recreational opportunities	<b>MM REC-1:</b> Post signs at access roads and in recreational areas up and downstream of the construction area redirecting boaters to boat ramps and river access areas outside of the construction area.

## **ATTACHMENT C-1**

**Mitigation Monitoring Program Matrix Adopted by the  
San Joaquin River Conservancy**

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<b>Air Quality</b>				
<p><b>AQ-1:</b> In compliance with SJVAPCD Regulation VIII Control Measures the following measures will be implemented during Project construction:</p> <ul style="list-style-type: none"> <li>• All disturbed areas, including storage piles, not being actively used for construction purposes, will be stabilized for dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</li> <li>• All on-site unpaved roads and off-site unpaved access roads will be stabilized for dust emissions using water or chemical stabilizer/suppressant.</li> <li>• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities will be effectively controlled for fugitive dust emissions by presoaking or water application.</li> <li>• When materials are transported off-site, all material will be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container will be maintained.</li> <li>• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. <i>(The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions). (Use of blower devices is forbidden).</i></li> <li>• Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, the piles will be stabilized for fugitive dust emissions using a sufficient amount of water or chemical stabilizer/suppressant.</li> </ul>	<p>Monitor and verify compliance with dust control measures.</p>	<p>Conservancy and DWR</p>	<p>Throughout construction when dust control measures are needed. Reports will be sent every three months during construction activities to the SJVAPCD.</p>	<p>SJVAPCD</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<ul style="list-style-type: none"> <li>In urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site, and at the end of each workday.</li> <li>Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.</li> <li>Limit traffic speeds on unpaved roads to 15 mph.</li> <li>Suspend excavation and grading activity when winds exceed 20 mph.</li> </ul>				
<p><b>AQ-2:</b> In addition to implementation of <b>Mitigation Measure AQ-1</b>, the following measures will also be implemented to reduce carbon monoxide emissions:</p> <ul style="list-style-type: none"> <li>Construction equipment will be maintained according to manufacturer's specifications.</li> <li>Construction vehicle idling time will be limited.</li> <li>To minimize dust emissions on unpaved roads and all project entry points and to increase fuel efficiency of vehicles and reduce emissions vehicles driven in the construction area will be limited to 15 miles per hour.</li> <li>On-road and off-road vehicle tire pressures shall be maintained to manufacturer specifications. Tires shall be checked and re-inflated at regular intervals.</li> </ul>	<p>Monitor and verify compliance carbon monoxide emission reduction measures.</p>	<p>Conservancy and DWR</p>	<p>Throughout construction, reports will be sent every three months to the SJVAPCD.</p>	<p>SJVAPCD</p>
<b>Biological Resources</b>				
<p><b>VEG-1:</b> Implementation of these measures will reduce impacts due to removal of native vegetation.</p> <ul style="list-style-type: none"> <li>Trees and other vegetation will be removed only if necessary; vegetation outside the construction areas will not be removed.</li> <li>Replacement trees would be grown from on-site cuttings, or if obtained from a native plant nursery, will be locally adapted ecotypes of native tree or shrub species.</li> </ul>	<p>Monitor construction activities located near trees and other vegetation.</p> <p>Monitor and report revegetation success and report results to DFW and USFWS, and USACE per permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Monitor throughout construction and report per permit requirements.</p>	<p>DFW, USFWS, USACE</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<ul style="list-style-type: none"> <li>The Revegetation Plan (Appendix A) will be implemented.</li> <li>Mitigation replacement ratios, and other conditions established during permitting, will be complied with.</li> </ul>				
<p><b>VEG-2:</b> Implementation of the following measures will reduce wetland impacts:</p> <ul style="list-style-type: none"> <li>Wetlands will be avoided during construction to the extent possible.</li> <li>If the wetlands cannot be avoided, impact will be minimized by covering the wetlands with visqueen before fill is deposited. Once construction is complete, the fill would be excavated down to the visqueen, and the visqueen would be removed from the wetland. Alternatively, one or more bottomless culverts would be used as part of the temporary crossing to cover and protect the wetlands. The bottomless culverts and temporary crossing would be removed when construction is complete.</li> <li>Measures in the Revegetation Plan (Appendix A) will be implemented.</li> <li>Coordination with the USACE and DFW will occur, and all permit requirements will be implemented.</li> </ul>	<p>Monitor construction activities located near wetlands.</p> <p>Monitor and report construction compliance to USACE per permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Monitor throughout construction and report per permit requirements.</p>	<p>USACE</p>
<p><b>VEG-3:</b> Implementation of the following measures will reduce impacts associated with permanent fill of other waters of the U.S.:</p> <ul style="list-style-type: none"> <li>Top soils from these construction areas will be excavated and stockpiled separately from upland borrow site topsoil. Excavation of topsoil will be monitored by a qualified geologist to ensure that the soil is excavated and stockpiled correctly, and that the soil horizons are preserved.</li> <li>Topsoil will be protected by implementing <b>Mitigation Measure GS-2</b> in the Geology and Soils section.</li> </ul>	<p>Monitor construction activities located near wetlands.</p> <p>Monitor and report construction compliance to USACE per permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Monitor throughout construction and report per permit requirements.</p>	<p>USACE</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<ul style="list-style-type: none"> <li>After construction is complete, under the direction of a qualified geologist, the topsoil will be replaced using a minimum number of machine passes to reduce disturbance to micro-organisms. Topsoil originally excavated from other waters of the U.S. will be placed in the areas from which it was taken to rehabilitate the other waters of the U.S. habitat.</li> <li>Measures in the Revegetation Plan (Appendix A) will be implemented.</li> <li>Coordination with the USACE and DFW will occur, and all permit requirements will be implemented.</li> </ul>				
<p><b>VEG-4:</b> Implementation of the following measures will reduce impacts to other sensitive areas:</p> <ul style="list-style-type: none"> <li>During the site preparation phase prior to construction, sensitive resources near the construction area will be segregated and protected from construction activities. Segregation measures may include erosion control devices, high visibility temporary fencing, and temporary chain-link fencing.</li> <li>Erosion control measures in <b>Mitigation Measure HWQ-1</b> in the Hydrology and Water Quality section and <b>Mitigation Measure GS-1</b> in the Geology and Soils section will be implemented.</li> <li>Qualified biological monitors will be used to ensure the protection of sensitive areas.</li> <li>Measures in the Revegetation Plan (Appendix A) will be implemented.</li> <li>Coordination with the USACE and DFW will occur, and all permit requirements will be implemented.</li> </ul>	<p>Monitor construction activities located near wetlands.</p> <p>Monitor and report construction compliance to USACE and DFW per permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Monitor throughout construction and report per permit requirements.</p>	<p>USACE and DFW</p>
<p><b>VEG-5:</b> Implementation of the following measures will reduce the potential to spread invasive species:</p> <ul style="list-style-type: none"> <li>Excavated soils containing scarlet wisteria or</li> </ul>	<p>Monitor during construction and report to DFW according to permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Monitor throughout construction,</p>	<p>DFW</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<p>star thistle will be placed upon a tarp or visqueen and will not be placed in the water. Invasive species control will be coordinated with DFW.</p> <ul style="list-style-type: none"> <li>Invasive species will not be used in mulching, composting, or otherwise placed in or around the project site, nor will they be stockpiled in the riverbed or on the bank.</li> <li>Control of invasive species will be coordinated with DFW; permit conditions will be implemented.</li> </ul>			especially during excavation, and report per permit requirements.	
<p><b>WLD-1:</b> Implementation of these measures will reduce impacts to any SJKF entering the area during construction:</p> <ul style="list-style-type: none"> <li>An employee education program will be conducted.</li> <li>A representative will be appointed who will be the contact for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. Their name and telephone number will be provided to the USFWS and DFW.</li> <li>Project-related vehicles will observe a daytime speed limit of 15-mph throughout the site in all Project Areas; after dark, the speed limit will be reduced to 10-mph. Off-road traffic outside of designated Project Areas will be prohibited.</li> <li>Work at night will not be allowed.</li> <li>To prevent inadvertent entrapment of kit foxes or other animals during construction, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered plywood or similar materials at the end of each work day. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks</li> </ul>	Monitor during construction and report to USFWS and DFW according to requirements.	Conservancy and DWR	Monitor throughout construction, and report per permit requirements.	DFW and USFWS

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<p>shall be installed. Before such holes or trenches are filled, they will be inspected for trapped animals.</p> <ul style="list-style-type: none"> <li>• All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods will be inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS or DFW have been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.</li> <li>• Holes or trenches more than eight feet deep will be covered or fenced at the end of the day.</li> <li>• All trash and food scraps will be disposed of in securely closed containers and removed at least once a week from the project site.</li> <li>• No firearms will be allowed on the project site.</li> <li>• No pets will be permitted on the project site.</li> <li>• Use of rodenticides and herbicides in Project Area will not be allowed except for control of invasive plant species.</li> <li>• Upon completion of the project, all areas subject to temporary ground disturbances, including staging areas, temporary roads, and borrow sites will be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.</li> <li>• Death, injury, or entrapment of SJKF will immediately be reported to USFWS and DFW staff. Written reports will be submitted within three working days of the event.</li> </ul>				



MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<ul style="list-style-type: none"> <li>Sightings of SJKF will be reported to the CNDDDB.</li> </ul>				
<p><b>WLD-2:</b> Implementation of these measures will reduce impacts to VELB:</p> <ul style="list-style-type: none"> <li>The USFWS and DFW will be consulted before any work begins; permit conditions will be implemented.</li> <li>An environmental tailgate will be provided to all construction personnel concerning VELB and the need to protect elderberry.</li> <li>Elderberry will be avoided to the extent possible.</li> <li>Vehicle speed will be limited to 15 miles per hour in the Project Area.</li> <li>If mitigation plantings are required, the number and location of plantings will be determined through consultation with the USFWS and DFW.</li> </ul>	<p>Monitor prior and during construction and report to USFWS and DFW according to permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Prior to and during construction.</p>	<p>USFWS and DFW</p>
<p><b>WLD-3:</b> Implementation of these measures will reduce nesting impacts:</p> <ul style="list-style-type: none"> <li>The DFW and USFWS will be consulted before any work begins; permit conditions will be implemented.</li> <li>Bird and nest surveys will be conducted at least two weeks prior to the beginning of construction.</li> <li>Nests observed during pre-construction surveys will be avoided to the greatest extent possible.</li> <li>If an active Swainson's hawk nest is located within a quarter mile radius of the Project Area, DFW and USFWS will be consulted.</li> <li>If required by DFW or USFWS, project-related disturbances near active Swainson's hawk and Osprey nests will be reduced or eliminated during the critical phase of the</li> </ul>	<p>Monitor prior and during construction and report to USFWS and DFW according to permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Prior to and during construction.</p>	<p>USFWS and DFW</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<ul style="list-style-type: none"> <li>nesting cycle (March 1 –September 15).</li> <li>Monitoring and mitigation will occur in coordination with DFW and USFWS.</li> </ul>				
<p><b>AQU-1:</b> The following measures would reduce construction-related impacts to western pond turtles:</p> <ul style="list-style-type: none"> <li>Preconstruction surveys would be conducted for western pond turtles according to protocols established by DFW.</li> <li>A qualified biologist with a scientific collecting permit will monitor construction activities and look for western pond turtle during construction.</li> <li>Additional mitigation measures, including the possibility of moving western pond turtles out of the construction area, will be coordinated with DFW.</li> <li>Measures specified in permits will be complied with as part of the Project.</li> </ul>	<p>Monitor prior and during construction and report to DFW according to permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Prior to and during construction.</p>	<p>DFW</p>
<p><b>AQU-2:</b> Implementation of a combination of the following BMPs would reduce turbidity impacts to sensitive species:</p> <ul style="list-style-type: none"> <li>Stockpiles will be located at least 50 feet away from drainage courses and sediment control measures will be installed around them.</li> <li>Silt Fences will be installed at bottoms of slopes, stockpiles of fill material and other exposed sites. Sand bags could be placed to control sediment, runoff, or dissipate runoff energy.</li> <li>Earthen dikes and drainage swales will be installed, as necessary to control runoff.</li> <li>Vegetation in the staging areas, in the borrow site, and in other construction areas will only be removed if necessary; vegetation outside of the construction areas will not be removed.</li> </ul>	<p>Monitor prior and during construction and report to Regional Board, DFW, and USACE according to permit requirements.</p>	<p>Conservancy and DWR</p>	<p>Prior to and during construction.</p>	<p>Regional Board, DFW, and USACE</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<ul style="list-style-type: none"> <li>• Turbidity curtain(s) may be installed in the water around fill areas or downstream of fill areas to reduce turbidity. If turbidity curtains are used, they will be inspected and adjusted to meet turbidity levels.</li> <li>• Turbidity will be monitored upstream and downstream of project site as specified by the Regional Board, DFW, and the USACE permit conditions.</li> <li>• If water sensors are used they will be inspected as specified by the manufacturer recommendations.</li> <li>• The Revegetation Plan (Appendix A) will be implemented.</li> </ul>				
<b>Cultural Resources:</b>				
<p><b>CUL-1:</b> If previously unidentified cultural materials are unearthed during construction, work will immediately be stopped in the area where the cultural materials are found until a qualified archaeologist can assess the significance of the find.</p> <p>If human remains are uncovered, all work must stop immediately and the County coroner must be contacted pursuant to California Health and Human Safety Code 7050.5(b).</p>	<p>Construction will be monitored and any discoveries of cultural resources will be reported to the Conservancy, the State Historic Preservation Officer (SHPO), and the State Lands Commission.</p> <p>Any human remains uncovered will immediately be reported to the coroner in the County where the remains are found.</p>	Conservancy and DWR	During construction.	SHPO and County Coroners
<b>Geology and Soils</b>				
<p><b>GS-1:</b> A combination of the following BMPs would be applied to reduce soil erosion.</p> <ul style="list-style-type: none"> <li>• Vegetation in any Project Area will only be removed if necessary; vegetation outside of the construction areas will not be removed.</li> <li>• Matting or netting will be placed on exposed soil surfaces to control erosion.</li> <li>• Fiber rolls will be used on steep slopes at appropriate intervals.</li> <li>• Sand bags will be placed, as necessary, to</li> </ul>	Monitor to ensure implementation of all erosion control measures before and during construction and revegetation activities. Report findings to Regional Board and DFW according to permit requirements.	Conservancy and DWR	Before and during construction and during revegetation activities.	Regional Board and DFW

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<p>control sediment, runoff, or dissipate runoff energy.</p> <ul style="list-style-type: none"> <li>• Mulch will be applied to disturbed soils to minimize wind and rain effects.</li> <li>• Haul trucks carrying soil, and stockpiles will be covered to control soil loss and dust.</li> <li>• The haul routes, borrow site, and excavation areas will be watered to prevent dust and soil loss; soil stabilizers may be used.</li> <li>• Stockpiles will be located at least 50 feet away from drainage courses and sediment control measures will be installed around them.</li> <li>• Silt Fences will be installed at bottoms of slopes, stockpiles of fill material and other exposed sites.</li> <li>• Earth dikes and drainage swales will be installed, as necessary to control runoff.</li> <li>• The Revegetation Plan (Appendix A) will be implemented.</li> <li>• An NPDES permit will be obtained from the Regional Board; measures specified in the permit will be implemented.</li> </ul>				
<p><b>GS-2:</b> The following measures will be implemented to reduce the loss of topsoil:</p> <ul style="list-style-type: none"> <li>• Since the depth of topsoil varies in the Project Area, removal of it will be supervised by a qualified geologist.</li> <li>• Stockpiling of the topsoil will also be supervised by a qualified geologist to ensure that the soil horizons are preserved, especially soils excavated from wetland and other waters of the U.S.</li> <li>• Stockpiled topsoil will be covered to protect it from wind and rain.</li> <li>• Stockpiles will be placed at least 50 feet from drainage courses.</li> <li>• Sediment control measures will be installed</li> </ul>	<p>Monitor removal and stockpiling of topsoil during excavation activities.</p> <p>Monitor topsoil stockpile protection measures and erosion control measures throughout construction.</p> <p>Monitor topsoil replacement at end of construction.</p> <p>Report to Regional Board, USACE, and DFW.</p>	<p>Qualified Geologist, Conservancy and DWR</p>	<p>Monitor during construction and report as specified in permits.</p>	<p>Regional Board, USACE, and DFW</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<p>around the stockpiles as needed.</p> <ul style="list-style-type: none"> <li>When construction is complete, the floodplains, borrow sites, and staging areas will be restored. Under the supervision of a qualified geologist, the topsoil will be replaced in the correct order of the soil horizons. Topsoil excavated from wetlands and other waters of the U.S areas will be returned to those areas.</li> </ul>				
<b>Greenhouse Gas Emissions</b>				
<p><b>GHG-1:</b> Implementation of the following measures would further reduce Project-related GHG emissions.</p> <ul style="list-style-type: none"> <li>Construction equipment will be maintained according to manufacturer's specifications.</li> <li>Construction vehicle idling time will be limited.</li> <li>To minimize dust emissions on unpaved roads and all project entry points, and to increase fuel efficiency of vehicles and reduce emissions, all vehicles driven in the construction area will be limited to 15 miles per hour.</li> <li>On-road and off-road vehicle tire pressures shall be maintained to manufacturer specifications. Tires shall be checked and re-inflated at regular intervals.</li> </ul>	<p>Monitor to ensure compliance with emission-reducing measures.</p>	<p>Conservancy and DWR</p>	<p>Throughout project construction</p>	<p>San Joaquin Valley Air Pollution Control District</p>
<b>Hazards and Hazardous Materials</b>				
<p><b>HAZ-1:</b> The following measures will be implemented to reduce the impacts of accidental spill or discharge:</p> <ul style="list-style-type: none"> <li>Equipment fueling and maintenance will only occur in the staging areas and away from the water.</li> <li>All employees will be trained in the handling and storage of potentially hazardous materials. All applicable federal and state regulations will be followed.</li> </ul>	<p>Equipment fueling and maintenance will be monitored for compliance with the spill prevention plan. Availability of clean up supplies will be monitored throughout construction. Compliance with the Spill Prevention and Clean-up Plan will be reported to the Regional Board. Spills and accidental discharge will be reported</p>	<p>Conservancy and DWR</p>	<p>Monitoring and compliance will occur throughout project construction.  Immediately report spills and leaks to The Regional Board, DFW, and to Fresno</p>	<p>Regional Board, DFW, Fresno and Madera Counties</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<ul style="list-style-type: none"> <li>Construction equipment will be properly maintained and cleaned, especially when working in or near the water.</li> <li>The contractor will develop a Spill Prevention and Clean-up Plan and will ensure that all employees understand and comply with it.</li> <li>Spill containment and clean-up supplies will be available on all construction vehicles and in the staging areas and borrow sites.</li> <li>Accidental spills and discharges, whether to soil or water, will be immediately contained and cleaned up.</li> <li>Spills and discharges will immediately be reported to the Regional Board.</li> </ul>	to the Regional Board, DFW, and to Fresno and Madera Counties.		and Madera Counties. Monitoring reports will be submitted to the agencies as required by permit conditions.	
<p><b>HAZ-2:</b> Implementation of the following measures will reduce the impacts of accidental spill or discharge during vehicle removal:</p> <ul style="list-style-type: none"> <li>Spill containment materials will be placed in and under the vehicles prior to moving them to prevent automotive fluids from contaminating soil or water.</li> <li>The vehicles will be moved in a way that minimizes the possibility of leaking or spilling fluids.</li> <li>The vehicles will be disposed of per Regional Board and county regulations.</li> </ul>	Availability and use of spill containment materials will be monitored when the vehicles are moved. Accidental spills will be reported to the Regional Board and the County of Fresno.	Conservancy and DWR	Monitoring and reporting will only be necessary until the vehicles are properly disposed of.	Regional Board and the County of Fresno
<p><b>HAZ-3:</b> Implementation of the following measures before fill is placed will reduce the potential impacts of contamination of soil and water:</p> <ul style="list-style-type: none"> <li>The soil beneath the abandoned vehicles will be tested.</li> <li>If VOCs are identified, the SJVAPCD Rule 4651 will be implemented and the soil will be disposed of pursuant to applicable local, state, and federal laws and regulations.</li> </ul>	After the soil analysis is completed, the results will be reported to the SJVAPCD and the Regional Board.	Conservancy and DWR	Testing and reporting will only be necessary until potential soil contaminants are identified and soils are disposed of, if necessary.	SJVAPCD and the Regional Board
<p><b>HAZ-4:</b> Implementation of the following measures will reduce the construction-related fire risk:</p>	Compliance with fire prevention measures will be monitored	Conservancy and	Compliance will be	City of Fresno Fire

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<ul style="list-style-type: none"> <li>The contractor will implement a fire prevention and suppression plan and will ensure all employees understand and comply with it.</li> <li>Construction crews will be given contact information for the nearest fire stations <ul style="list-style-type: none"> <li>Madera County Fire Department Station (559) 435-5658</li> <li>Fresno City Fire Department Station (559) 621-4199</li> </ul> </li> <li>Dry brush and vegetation will be removed from access roads, shoulders, and work areas to reduce fire hazards.</li> <li>All equipment and vehicles in the project area will be equipped with spark arrestors, fire extinguishers, and shovels.</li> </ul>	<p>throughout construction. Any fire incidents in the Project Area will be reported to the local fire agencies.</p>	<p>DWR</p>	<p>monitored throughout Project construction; fire events will be immediately reported to the local fire departments.</p>	<p>Department and Madera County Fire Department</p>
<p><b>HAZ-5:</b> The following measures will be implemented to restrict public access throughout the construction period:</p> <ul style="list-style-type: none"> <li>As part of the site preparation phase at least two weeks before equipment mobilization, signs will be posted at access roads and in recreational areas up and downstream of the construction area to notify recreationists of project area restrictions.</li> <li>Fencing will be installed, where feasible, to restrict public access to the construction area and borrow sites.</li> </ul>	<p>Implementation of appropriate exclusion and notification measures will be monitored prior to construction and throughout construction activity. Safety issues related to the inability to restrict public access may be coordinated with local law enforcement.</p>	<p>Conservancy and DWR</p>	<p>Compliance will be monitored throughout Project construction</p>	<p>Local law enforcement agencies</p>
<p><b>Hydrology and Water Quality</b></p>				
<p><b>HWQ-1:</b> Implementation of a combination of the following BMPs would reduce erosion and introduction of sediment into the river:</p> <ul style="list-style-type: none"> <li>An NPDES permit will be obtained from the Regional Board; measures specified in the</li> </ul>	<p>Monitor to ensure implementation of all erosion control measures prior to and during construction. Report as required under permit conditions. Report</p>	<p>Conservancy and DWR</p>	<p>Monitor prior to and throughout construction. Submit compliance reports as required under</p>	<p>Regional Board, DFW, and USACE.</p>

MITIGATION MEASURE	MONITORING OR REPORTING ACTION	MONITORING OR REPORTING ENTITY	TIMING	ENFORCEMENT ENTITY
<p>permit will be implemented.</p> <ul style="list-style-type: none"> <li>• Vegetation will only be removed if necessary; vegetation outside the construction areas will not be removed.</li> <li>• Matting or netting will be placed on exposed soil surfaces to control erosion.</li> <li>• Fiber rolls will be used on steep slopes at appropriate intervals.</li> <li>• Sand bags will be placed to control sediment, runoff, or dissipate runoff energy.</li> <li>• Mulch will be applied to disturbed soils to minimize wind and rain effects.</li> <li>• Haul trucks carrying soil, and stockpiles will be covered to control soil loss and dust.</li> <li>• The haul routes, borrow site, and excavation areas will be watered to prevent dust and soil loss; soil stabilizers may be used.</li> <li>• Stockpiles will be located at least 50 feet away from drainage courses and sediment control measures will be installed around them.</li> <li>• Silt Fences will be installed at bottoms of slopes, stockpiles of fill material and other exposed sites.</li> <li>• Earthen dikes and drainage swales will be installed, as necessary to control runoff.</li> <li>• Turbidity will be monitored upstream and downstream of project site as specified by the Regional Board, DFW, and the USACE permit conditions.</li> <li>• If water sensors are used they will be inspected as specified by the manufacturer recommendations.</li> <li>• The Revegetation Plan (Appendix A) will be implemented.</li> </ul>	<p>water quality violations to the Regional Board, DFW, and USACE.</p>		<p>permit conditions.</p> <p>The Regional Board, USACE, and DFW will immediately be contacted if a water quality violation occurs.</p>	



<p><b>HWQ-2:</b> Implementation of a combination of the following BMPs would reduce turbidity impacts.</p> <ul style="list-style-type: none"> <li>• An NPDES permit will be obtained from the Regional Board; measures specified in the permit will be implemented.</li> <li>• Install silt fences at bottoms of slopes and exposed surfaces. Silt fence will be accompanied with ponding area sufficient to prevent over topping.</li> <li>• Install earthen dikes and drainage swales to control runoff to channels and divert to sediment basins.</li> <li>• Vegetation will only be removed if necessary; vegetation outside the construction areas will not be removed.</li> <li>• The haul routes, borrow site, and excavation areas will be watered to prevent dust and soil loss; soil stabilizers may be used.</li> <li>• Matting or netting will be placed on exposed soil surfaces to control erosion.</li> <li>• Sand bags will be placed, as necessary, to control sediment, runoff, or dissipate runoff energy.</li> <li>• Turbidity curtain(s) may be installed in the water around fill areas or downstream of fill areas to reduce turbidity. If turbidity curtains are used, they will be inspected and adjusted to meet turbidity levels.</li> <li>• Turbidity will be monitored upstream and downstream of project site as specified by the Regional Board, DFW, and the USACE permit conditions.</li> <li>• If water sensors are used they will be inspected as specified by the manufacturer recommendations.</li> <li>• The Revegetation Plan (Appendix A) will be implemented.</li> </ul>	<p>Monitor to ensure implementation of all turbidity control measures prior to and during construction. Report as required under permit conditions. Report water quality violations to the Regional Board, DFW, and USACE.</p>	<p>Conservancy and DWR</p>	<p>Monitor prior to and throughout construction. Submit compliance reports as required under permit conditions.</p> <p>The Regional Board, USACE, and DFW will immediately be contacted if a water quality violation occurs.</p>	<p>Regional Board, DFW, and USACE</p>
<p><b>HWQ-3:</b> Implementation of the following measure along with implementation of <b>Mitigation Measure HAZ-1</b> in the Hazards and Hazardous Materials section will reduce impacts associated with accidental leaks, spills, or discharges.</p>	<p>Equipment cleaning will be monitored for compliance.</p>	<p>Conservancy and DWR</p>	<p>Monitor throughout construction before equipment is used in or near the water.</p>	<p>Regional Board, DFW, and USACE</p>

<ul style="list-style-type: none"> <li>Construction vehicles will be cleaned at a cleaning station before being used for construction work in or near the water.</li> </ul>				
<b>Land Use and Planning</b>				
<p><b>LU-1:</b> If material removal constitutes a conflict in land use policies, a SMARA permit, or other appropriate permits will be obtained. Even if permits are not required, the borrow sites will be restored as follows:</p> <ul style="list-style-type: none"> <li>Topsoil will be excavated and segregated from other soils for later use.</li> <li>Stockpiled soil will be covered to prevent loss due to wind and rain.</li> <li>Stockpiles of material not needed for project construction will be spread to conform with the surrounding topography.</li> <li>All backfilled areas will be compacted as appropriate for the final use of the area.</li> <li>Topsoil will be replaced on the borrow sites.</li> </ul> <p>The borrow sites will be revegetated with native species that will be self-sustaining after irrigation and maintenance during the first few growing seasons according to the Revegetation Plan (Appendix A).</p>	<p>Monitor removal and stockpiling of topsoil during excavation activities.</p> <p>Monitor topsoil stockpile protection measures and erosion control measures throughout construction.</p> <p>Monitor topsoil replacement at end of construction.</p> <p>Report to DFW and the Department of Conservation (DOC), if required.</p>	<p>Qualified Geologist, Conservancy and DWR</p>	<p>During construction and revegetation activities.</p>	<p>DFW and DOC</p>
<b>Mineral Resources</b>				
<p><b>MR-1:</b> Implementation of <b>Mitigation Measure GS-2</b> in the Geology and Soils section, and <b>Mitigation Measure LU-1</b> in the Land Use and Planning section would reduce impacts associated with excavation of the borrow sites to <b>less than significant with mitigation</b>.</p>	<p>See GS-2 and LU-1.</p>	<p>See GS-2 and LU-1.</p>	<p>See GS-2 and LU-1.</p>	<p>See GS-2 and LU-1.</p>
<b>Noise</b>				
<p><b>NOI-1:</b> The following measures will be implemented to reduce ambient noise levels: Vehicles and equipment will be equipped with noise suppressing mufflers and exhaust systems and will be maintained to manufacturer's specifications.</p> <ul style="list-style-type: none"> <li>Machinery will be shut off when not in use.</li> <li>Construction activities will be limited to</li> </ul>	<p>Monitor compliance with noise reducing measures.</p>	<p>Conservancy and DWR</p>	<p>Throughout construction</p>	<p>County of Madera and City of Fresno</p>

hours designated by Fresno and Madera County construction noise ordinances.				
<b>Public Services</b>				
<b>PS-1:</b> Implementation of <b>Mitigation Measure HAZ-4</b> from the Hazards and Hazardous Materials section will reduce impacts associated with increased fire risk.	See HAZ-4.	See HAZ-4.	See HAZ-4.	See HAZ-4.
<b>Recreation</b>				
<p><b>REC-1:</b> The following measures would be implemented to minimize the temporary loss of recreational opportunities in the project area:</p> <ul style="list-style-type: none"> <li>As part of the site preparation phase, and at least two weeks prior to equipment mobilization, signs will be posted at access roads and in recreational areas up and downstream of the construction area to notify recreationists of project area restrictions.</li> <li>As part of the site preparation phase, and at least two weeks prior to equipment mobilization, signs redirecting boaters, to boat ramps, picnic areas, trails, and river access points outside of the construction area will be posted.</li> </ul>	Implementation of appropriate exclusion and notification measures will be monitored prior to construction and throughout construction activity. Safety issues related to the inability to restrict public access may be coordinated with local law enforcement.	Conservancy and DWR	Prior to and throughout construction.	Madera County and City of Fresno