

**CALENDAR ITEM
C65**

A 33
S 16

02/09/16
PRC 9239.9
R. Collins

CORRECTION TO PRIOR AUTHORIZATION

APPLICANT:

California Department of Fish and Wildlife
Inland Deserts Region 6
P.O. Box 2160
Blythe, CA 92226

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the historic bed of the Colorado River, Moabi Regional Park, near Needles, San Bernardino County.

AUTHORIZED USE:

Construction, operation, maintenance, and monitoring of open backwater, wetland and upland habitat, and ancillary structures.

LEASE TERM:

49 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.

BACKGROUND:

The Lower Colorado River Multi-Species Conservation Program (MSCP) is a 50-year multi-stakeholder federal and non-federal partnership which was created to balance the use of lower Colorado River water resources with the conservation of native species and their habitats. The MSCP is designed to conserve at least 26 species and their habitats between Lake Mead and the southern International Boundary with Mexico. The U.S. Bureau of Reclamation (Reclamation) is the federal implementing agency for the MSCP, and the California Department of Fish and Wildlife (CDFW or Applicant) is the State partner for implementation of the MSCP within California.

CALENDAR ITEM NO. **C65** (CONT'D)

Reclamation's proposed Mohave Valley Conservation Area Backwater Project (Project) would help meet the restoration requirements of the MSCP through the construction, operation, maintenance, and monitoring of backwater, marsh, and upland habitat on sovereign land located at the Colorado River within Moabi Regional Park (Park). San Bernardino County Regional Parks Department (County) operates the Park under Lease No. PRC 3321.1, a General Lease - Public Agency Use. The Park currently occupies approximately 350 acres of sovereign land for public recreational purposes including campgrounds, a small boat marina, a water treatment plant, and an Off-Highway Vehicle (OHV) facility. Currently, due to dense non-native vegetation, OHV access is limited to the perimeter and small pockets of the Project area; it is expected that access will be increased after construction is complete.

In cooperation with the County, the Project would create the backwater, marsh, and upland habitat by excavating the historic bed of the Colorado River and depositing the material on the adjacent OHV area currently under lease by the County. After construction of the Project, the approximately 50 acres of new backwater habitat will be credited toward the requirements of the MSCP. Additionally, a portion of the parcel (approximately 99 acres) will be used for staging during construction, will be revegetated in some areas with native upland plant species, and the remainder will be used as an OHV facility.

PROPOSED CORRECTION:

Change Exhibit C – Mitigation Monitoring Program (MMP) from the December 18, 2015 Commission meeting (Calendar Item C89) to include the correct MMP.

OTHER PERTINENT INFORMATION:

1. On December 18, 2015, the Commission authorized a 49-year General Lease – Public Agency Use to California Department of Fish and Wildlife. At the same meeting, the Commission adopted a Mitigated Negative Declaration (MND), identified as CSLC MND No. 786, State Clearinghouse No. 2015101098, for the Project pursuant to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15025). Staff has since discovered that the Exhibit C, which was to include the MMP, was not correct. This MMP (Section 5.0 at the following link <http://www.slc.ca.gov/Info/Reports/Mohave/5.0.pdf>) was prepared in conformance with the provisions of CEQA (Pub. Resources Code, § 21081.6) and posted and circulated on the Commission's website on October 27, 2015. The MMP was not amended after circulation; however, at the time the correct MND was adopted on December 18, 2015, the correct MMP was not included in Exhibit C. Because the correct Exhibit C was not included in the previous Commission authorization, CSLC staff is

CALENDAR ITEM NO. **C65** (CONT'D)

requesting the Commission's approval of the correct Exhibit C – Mitigation Monitoring Program, attached hereto.

2. The correction of prior authorization is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

Authorize correction of the Commission's December 18, 2015, authorization of a General Lease – Public Agency Use to California Department of Fish and Wildlife, to change Exhibit C – Mitigation Monitoring Program; all other terms and conditions of the prior authorization and lease to remain unchanged and in effect.

EXHIBIT "A"

PRC 9239.9

LAND DESCRIPTION

A parcel of State sovereign land lying in the natural bed of the Colorado River, being adjacent to Section 36, Township 8 North, Range 23 East, and Section 1, Township 7 North, Range 23 East, San Bernardino Meridian, San Bernardino County, California, more particularly described as follows:

COMMENCING at a 2 ½" iron pipe with 3" standard Bureau of Land Management brass cap marked as the witness point to the meander corner common to Section 36, T 8 N, R 23 E and Section 1, T 7 N, R 23 E; thence N 87°33'39" E along the line common to said Sections 36 and 1 to the low water mark of the historic bed of the Colorado River, said point being the POINT OF BEGINNING; thence northerly along the low water mark of the historic bed of the Colorado River the following twenty-two (22) courses:

1. N 16° 01' 42" E, 41.71 feet
2. N 71° 44' 26" W, 300.42 feet
3. N 17° 27' 57" W, 54.33 feet
4. N 69° 04' 03" E, 184.43 feet
5. N 42° 54' 05" W, 205.59 feet
6. S 49° 31' 10" W, 84.92 feet
7. N 06° 50' 19" W, 327.74 feet
8. N 10° 04' 24" E, 200.25 feet
9. N 66° 29' 35" E, 124.74 feet
10. N 08° 50' 11" E, 280.33 feet
11. N 34° 10' 51" W, 91.02 feet
12. S 64° 34' 52" W, 122.18 feet
13. N 03° 59' 59" E, 270.33 feet
14. N 27° 22' 45" E, 216.55 feet
15. N 07° 44' 22" W, 109.92 feet
16. N 55° 11' 47" W, 75.39 feet
17. N 05° 05' 53" E, 197.97 feet
18. N 59° 03' 22" E, 125.52 feet
19. N 08° 29' 39" W, 419.39 feet
20. N 19° 09' 05" W, 381.49 feet
21. N 17° 40' 46" W, 249.17 feet
22. N 24° 54' 30" W, 315.40 feet

Thence along a line parallel with and 25 feet northeasterly of the approximate centerline of an existing paved road existing paved road the following two (2) courses:

1. Along a non-tangent curve to the right, having a radius of 250.00 feet, through a central angle of 25°24'29", for an arc distance of 110.86 feet (chord: S 75° 39' 29" E, 109.96')
2. S 62° 57' 15" E, 90.81 feet

Thence leaving the line parallel with said first mentioned road N30° 58' 13"E, 409.38' to the northeasterly boundary of the parcel leased by San Bernardino County from the State of California as Lease No. PRC 3321.9, and shown on a drawing of survey by the California State Lands Commission

dated June 6, 2010, Records of the State lands Commission; thence S 39°14'36" E along the northeasterly line of said lease parcel 169.79 feet; thence leaving the northeasterly line of said lease parcel shown on Record of Survey No. 11-060, S 30°58'13" W, 353.98 feet; thence along a line parallel with and 25 feet northeasterly of the approximate centerline of the previously mentioned existing paved road the following seven (7) courses:

1. Along a non-tangent curve, concave southwesterly, having a radius of 775.00 feet, through a central angle of 11°31'59", for an arc distance of 156.00 feet (chord: S 46°40'25" E, 155.76')
2. S 40°54'22" E, 126.27 feet
3. Along a curve to the right, having a radius of 625.00 feet, through a central angle of 10°40'50", for an arc distance of 116.51'
4. S 30°13'33" E, 386.07 feet
5. Along a curve to the left, having a radius of 275.00 feet, through a central angle of 6°04'19", for an arc distance of 29.14 feet
6. Along a curve to the right, having a radius of 325.00 feet, through a central angle of 7°53'18", for an arc distance of 44.74 feet
7. S 28°24'35" E, 22.60 feet;

Thence S 58°33'24" W, 50.00 feet; thence along a line parallel with and 25 feet southwesterly of the previously mentioned existing paved road the following sixteen (16) courses:

1. S 28° 24' 35" E, 75.71 feet
2. Along a curve to the left, having a radius of 1525.00 feet, through a central angle of 04°33'54", for an arc distance of 65.92 feet
3. S 30° 53' 11" E, 71.71 feet
4. Along a curve to the left, having a radius of 2525.00 feet, through a central angle of 24°21'43", for an arc distance of 201.17 feet
5. S 35° 27' 04" E, 307.25 feet
6. Along a curve to the left , having a radius of 1125.00 feet, through a central angle of 04°21'59", for an arc distance of 85.74 feet
7. Along a curve to the right, having a radius of 1075.00 feet, through a central angle of 04°09'28", for an arc distance of 78.01 feet
8. S 35°39'36" E, 45.85 feet
9. Along a curve to the left , having a radius of 4025.00 feet, through a central angle of 05°23'26", for an arc distance of 378.69 feet
10. S 41° 03' 02" E, 303.77 feet
11. Along a curve to the left, having a radius of 3025.00 feet, through a central angle of 04°00'43", for an arc distance of 211.82 feet
12. S 45° 03' 45" E, 330.53 feet
13. Along a curve to the left , having a radius of 1025.00 feet, through a central angle of 01°43'31", for an arc distance of 30.86 feet
14. S 46° 47' 16" E, 305.69 feet
15. Along a curve to the left , having a radius of 4025.00 feet, through a central angle of 03°35'47", for an arc distance of 252.64 feet

16. S 50° 23' 03" E, 200.26 feet

Thence along the arc of a curve to the right, having a radius of 25.00 feet, through a central angle of 92°35'37", for an arc distance of 40.40 feet; thence along a line which is parallel with and 25 feet northwesterly of the approximate centerline of an (second) existing paved road the following fifteen (15) courses:

1. S 42°12'35" W, 50.37 feet
2. Along a curve to the left, having a radius of 225.00 feet, through a central angle of 09°20'37", for an arc distance of 36.69 feet
3. S 32° 51' 58" W, 92.20 feet
4. Along a curve to the left, having a radius of 525.00 feet, through a central angle of 15°59'22", for an arc distance of 146.51 feet
5. S 16° 52' 36" W, 136.92 feet
6. Along a curve to the right , having a radius of 975.00 feet, through a central angle of 14°46'06", for an arc distance of 251.31 feet
7. S 31° 38' 42" W, 198.70 feet
8. Along a curve to the right , having a radius of 475.00 feet, through a central angle of 15°14'01", for an arc distance of 126.29 feet
9. S 46° 52' 44" W, 180.34 feet
10. Along a curve to the left , having a radius of 325.00 feet, through a central angle of 06°27'18", for an arc distance of 36.61 feet
11. S 40° 25' 26" W, 41.62 feet
12. Along a curve to the left , having a radius of 200.00 feet, through a central angle of 38°13'32", for an arc distance of 133.43 feet
13. S 02° 11' 54" W, 132.17 feet
14. Along a curve to the right, having a radius of 275.00 feet, through a central angle of 13°22'54", for an arc distance of 64.23 feet
15. S 15° 34' 48"W, 66.42 feet

Thence leaving the line which is parallel with the (second) existing paved road S 77° 05' 11" E, 96.58 feet; thence N 88° 58' 36" E, 90.36 feet; thence N 76° 27' 58" E, 266.82 feet; thence N 48° 17' 11" E, 119.08 feet; thence S 51° 44' 43" E, 298.09 feet; thence S 82° 43' 46" W, 368.94 feet; thence S 76° 06' 39" W, 151.62 feet; thence N 81° 28' 14" W, 160.83 feet; thence N 71° 31' 46" W, 124.13 feet;

Thence S 15° 34' 48" W parallel with and 25 feet westerly of the approximate centerline of last mentioned (second) existing paved road, 58.29 feet;

Thence northerly, along the low water mark of the historic bed of the Colorado River the following four (4) courses:

1. N 58° 26' 46" W, 95.08 feet
2. N 85° 20' 12" W, 109.20 feet
3. S 21° 49' 01" E, 259.00 feet
4. S 88° 59' 31" W, 99.31 feet

Thence along a line parallel with and 20 feet northeasterly of the approximate centerline of an (third) existing paved road the following seven (7) courses:

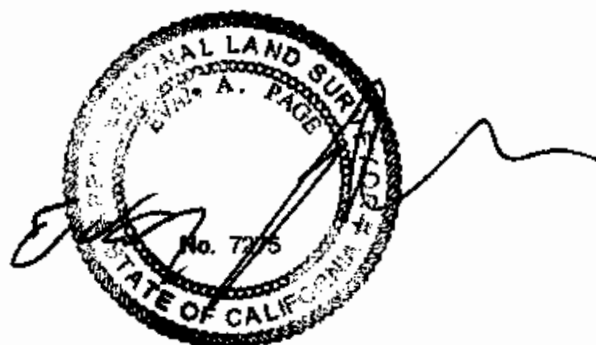
1. N 66° 49' 49" W, 89.59 feet
2. Along a curve to the right, having a radius of 1180.00 feet, through a central angle of 04°18'13", for an arc distance of 88.63 feet
3. N 62° 31' 36" W, 111.04 feet
4. Along a curve to the right, having a radius of 380.00 feet, through a central angle of 06°02'10", for an arc distance of 40.03 feet
5. N 56° 29' 26" W, 212.85 feet
6. Along a curve to the right, having a radius of 580.00 feet, through a central angle of 02°26'10", for an arc distance of 24.66 feet
7. N 54° 03' 16" W, 7.39 feet

Thence along the meander line of low water of the right bank of the Colorado River as shown on Record of Survey No. 11-060 the following four (4) courses:

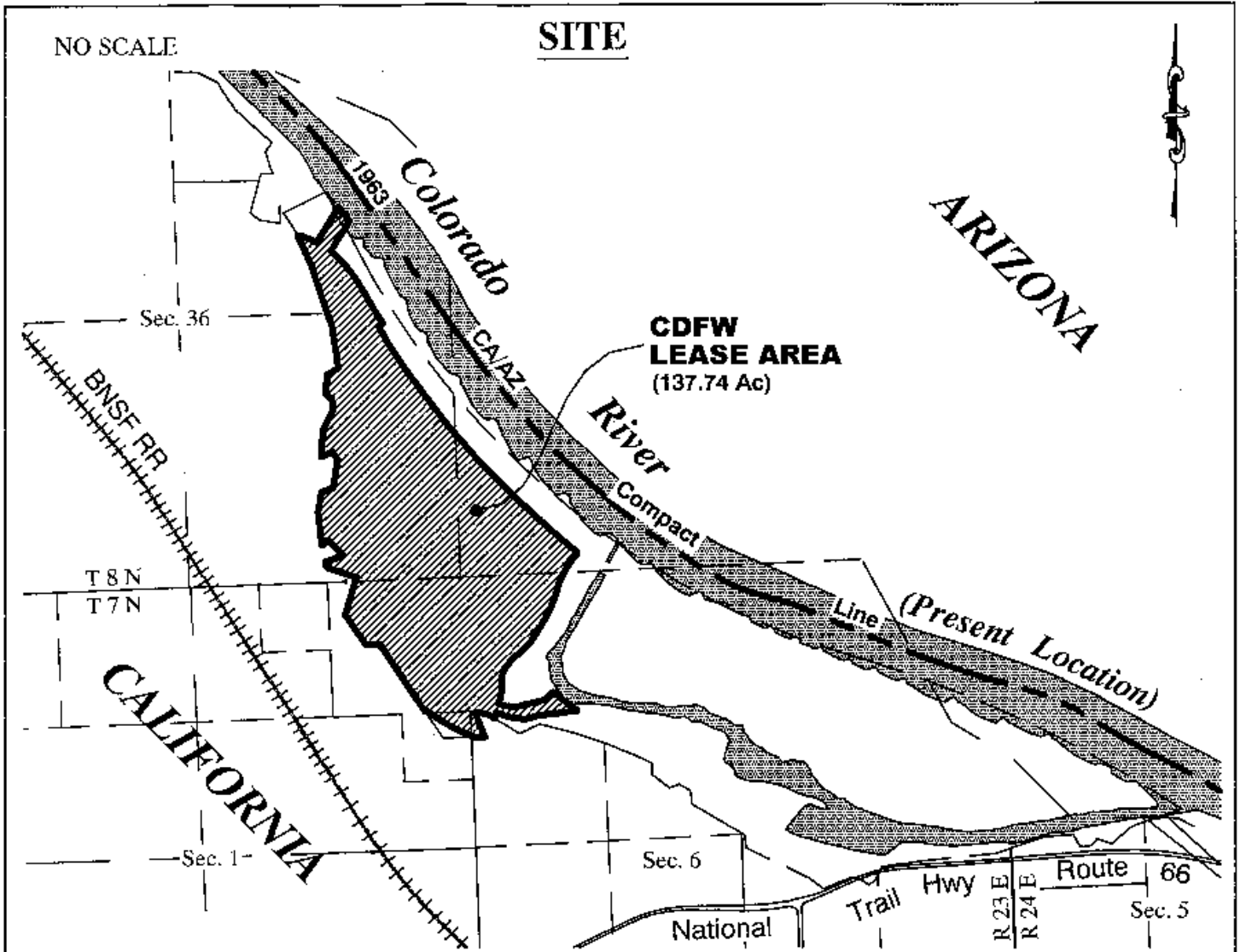
1. N 33° 47' 44" W, 750.02 feet
2. N 86° 55' 33" W, 140.41 feet
3. N 35° 14' 17" W, 352.79 feet
4. N 16°01'42" E, 345.52 feet to the POINT OF BEGINNING.

The bearings and distances of this description based upon the California Coordinate System of 1983, Zone 5.

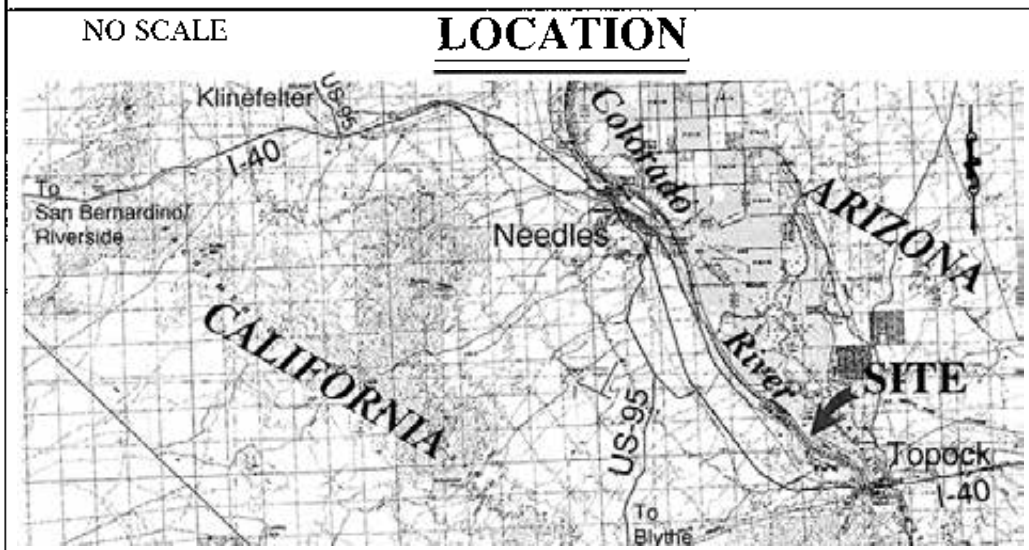
END DESCRIPTION



JSL. 08, 2015



MULTI-SPECIES CONSERVATION AREA at PARK MOABI



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 9239.9
 CA Dept. of Fish & Wildlife
 Park Moabi
 GENERAL LEASE -
 PUBLIC AGENCY USE
 SAN BERNARDINO 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
MOHAVE VALLEY CONSERVATION AREA BACKWATER PROJECT
(State Clearinghouse No. 2015101098)

The California State Lands Commission (CSLC) is the lead agency under the California Environmental Quality Act (CEQA) for the Mohave Valley Conservation Area Backwater Project (Project). In conjunction with approval of this Project, the CSLC adopts this Mitigation Monitoring Program (MMP) for implementation of mitigation measures (MMs) for the Project to comply with Public Resources Code section 21081.6, subdivision (a) and State CEQA Guidelines sections 15091, subdivision (d) and 15097.

The Project authorizes California Department of Fish and Wildlife (CDFW or Applicant) to create, manage, and monitor the backwater habitat in accordance with the terms and conditions of its existing CSLC Lease No. PRC 9239.9.

PURPOSE

It is important that significant impacts from the Project are mitigated to the maximum extent feasible. The purpose of a MMP is to ensure compliance and implementation of MMs; this MMP shall be used as a working guide for implementation, monitoring, and reporting for the Project's MMs.

ENFORCEMENT AND COMPLIANCE

The CSLC is responsible for enforcing this MMP. The Project Applicant is responsible for the successful implementation of and compliance with the MMs identified in this MMP. This includes all field personnel and contractors working for the Applicant.

MONITORING

The CSLC staff may delegate duties and responsibilities for monitoring to other environmental monitors or consultants as necessary. Some monitoring responsibilities may be assumed by other agencies, such as affected jurisdictions, cities, and/or the California Department of Fish and Wildlife (CDFW). The CSLC and/or its designee shall ensure that qualified environmental monitors are assigned to the Project.

Environmental Monitors. To ensure implementation and success of the MMs, an environmental monitor must be on site during all Project activities that have the potential to create significant environmental impacts or impacts for which mitigation is required. Along with the CSLC staff, the environmental monitor(s) are responsible for:

- Ensuring that the Applicant has obtained all applicable agency reviews and approvals;

- Coordinating with the Applicant to integrate the mitigation monitoring procedures during Project implementation (for this Project, many of the monitoring procedures shall be conducted during Phases 1 through 3); and
- Ensuring that the MMP is followed.

The environmental monitor shall immediately report any deviation from the procedures identified in this MMP to the CSLC staff or its designee. The CSLC staff or its designee shall approve any deviation and its correction.

Workforce Personnel. Implementation of the MMP requires the full cooperation of Project personnel and supervisors. Many of the MMs require action from site supervisors and their crews. The following actions shall be taken to ensure successful implementation.

- Relevant mitigation procedures shall be written into contracts between the Applicant and any contractors.
- For this Project, a Worker Environmental Awareness Program (under MM BIO-1) shall be implemented and all personnel would be required to participate.

General Reporting Procedures. A monitoring record form shall be submitted to the Applicant, and once the Project is complete, a compilation of all the logs shall be submitted to the CSLC staff. The CSLC staff or its designated environmental monitor shall develop a checklist to track all procedures required for each MM and shall ensure that the timing specified for the procedures is followed. The environmental monitor shall note any issues that may occur and take appropriate action to resolve them.

Public Access to Records. Records and reports are open to the public and would be provided upon request.

MITIGATION MONITORING TABLE

This section presents the Mitigation Monitoring Program (Table C-1) for the following environmental disciplines: Biological Resources, Cultural and Paleontological Resources/Traditional Cultural Properties/Sacred Sites, Hazards/Hazardous Materials/Human Health and Safety, Hydrology and Water Quality, and Transportation/Traffic. All other environmental disciplines were found to have less than significant or no impacts and are therefore not included below. The table lists the following information, by column:

- Potential Impact;
- Mitigation Measure (full text of the measure);
- Location (where impact occurs and mitigation measure should be applied);
- Monitoring/Reporting Action (action to be taken by monitor or Lead Agency);
- Timing (before, during, or after construction; during operation, etc.);
- Responsible Party; and

- Effectiveness Criteria (how the agency can know if the measure is effective).

Table C-1. Mitigation Monitoring Program

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
Biological Resources						
Special-Status Species	<p>MM BIO-1. Worker Environmental Awareness Program (WEAP). Prior to initiating work at the site, an education program (WEAP) will be provided by the Project Biologist to workers. The WEAP shall include:</p> <ul style="list-style-type: none"> • Brief life history; • Ecology; • Identification; • Legal protections afforded all potentially occurring special-status plant and animal species as well as the identified protective measures; and • Implications of noncompliance. <p>All persons employed or otherwise working on the Project sites shall attend a WEAP presentation prior to performing any work on site.</p>	Not Applicable	Submit a copy of the training material, duration of training, attendees sign-in sheet to CSLC before starting work.	Before work	Applicant/Contractors/CSLC	Minimize/Avoid impacts to special status species
	<p>MM BIO-2: Designated Project Biologist. At least 30 days before initiating Project activities, the Project proponent shall obtain the California Department of Fish and Wildlife's written approval for a designated Project Biologist/biological field contact representative. The Project Biologist shall be on site during initial Project activities and as necessary to oversee activities described for monitoring breeding and nesting (MM BIO-3) avoidance measures and may halt Project activities that are in violation. In addition, all occurrences of MSCP covered species and California sensitive species observed in the Project area will be submitted to the CNDDDB by the Project Biologist or the long-term site monitor, as appropriate (information and forms at http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp).</p>	Project Site and Vicinity	Submit name and contact information of Biologist, and any monitoring records to CSLC before starting work	Before work and during work; during long-term monitoring	Applicant/Contractors/CDFW	Minimize impacts to migratory birds and special status species

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	MM BIO-3 Bird Breeding Season Avoidance. To the extent feasible, all work for Phases 1 and 2 shall be conducted outside the breeding season (September 1 through February 28) to reduce the possibility of abandonment, or commenced prior to occupation by sensitive birds in the spring in order to prevent occupation and breeding/nesting. If ground disturbance or vegetation clearing is needed during the breeding/nesting season for any phase, a pre-construction survey will be completed by the Project Biologist and a minimum 100-foot buffer will be enforced around all nests until the young have fledged.	Sensitive habitat areas	Comply and coordinate with the appropriate CDFW staff.	Before work and during work	Applicant/ Contractors/ CDFW	Minimize impacts to migratory birds and special status species
Invasive Species	MM BIO-4. Reduce Terrestrial Invasive Species. All vehicles and equipment entering and leaving the site will be properly cleaned to avoid spreading non-native invasive species.	Project Site and Vicinity	Comply	Before work and during work	Applicant Contractors	Minimize spread of terrestrial invasive species
	MM BIO-5. Reduce Aquatic Invasive Species. All vehicles and equipment will be appropriately washed by implementing the “Clean, Drain, Dry” philosophy to prevent the spread of aquatic invasive species like the quagga mussel https://www.wildlife.ca.gov/Conservation/Invasives/Quagga-Mussels .	Project Site and Vicinity	Comply	Before work and during work	Applicant/ Contractors	Minimize spread of aquatic invasive species
Cultural and Paleontological Resources/Traditional Cultural Properties/Sacred Sites						
Cultural Resources and Human Remains	MM CUL-1. Discovery of Unanticipated Cultural Resources. Should additional cultural materials such as archaeological and/or historical resources be uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings and CSLC staff shall be contacted immediately. Earthmoving shall be diverted no closer than 100 feet temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as	Project Site and Vicinity	Comply and coordinate with CSLC	During work	Applicant/ Contractors/ CSLC	Minimize impacts to cultural resource

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	<p>necessary. Construction will be allowed to proceed on the site when the archaeologist, in consultation with the Bureau of Reclamation, CSLC, appropriate Native American Tribe(s) and the County of San Bernardino Museum, determine the resources are recovered to their satisfaction.</p> <p>The State requires that the location of any such findings must be kept confidential and measures should be taken to ensure that the area is secured to minimize site disturbance and potential vandalism. Additional measures to meet these requirements include assessment of the nature and extent of the resource, including its possible eligibility for listing in the National Register of Historic Places, and subsequent recordation and notification of relevant parties based upon the results of the assessment. Title to all abandoned shipwrecks, 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 CSLC. The final disposition of archaeological, historical, and paleontological resources recovered on State lands under the jurisdiction of the CSLC must be approved by the Commission.</p>					
	<p>MM CUL-2. Discovery of Unanticipated Human Remains. If human remains are encountered during implementation of the Project, all provisions provided in California Health and Safety Code section 7050.5 and California Public Resources Code section 5097.98 shall be followed. Work shall stop within 100 feet of the discovery and a qualified Cultural Resources Specialist must be contacted immediately, who shall consult with the County Coroner. In addition, CSLC staff shall be notified. If human remains are of Native American origin, the County Coroner shall notify the Native American Heritage</p>	Project Site and Vicinity	Comply and coordinate with CSLC	During work	Applicant/Contractors/CSLC	Minimize impacts to cultural resource

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	Commission within 24 hours of this determination and a Most Likely Descendent shall be identified. No work is to proceed in the discovery area until consultation is complete and procedures to avoid and/or recover the remains have been implemented.					
Hazards/Hazardous Materials/Human Health and Safety						
Hazardous and Hazardous Materials	MM HHM-1. Discovered Contaminants Protections. Should contaminants be identified, activity on the site shall cease and a qualified Reclamation Hazardous Materials Specialist for the Project shall be retained to conduct the following: <ul style="list-style-type: none"> • Obtain samples of the suspected contaminants; • Require lab analysis and access findings to identify specific contaminants; and • Ensure appropriate remediation is conducted and completed in accordance with the regulations specific to the contaminants identified. 	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to hazards, health and safety
	MM HHM-2. Toxic Substances Protections. To ensure toxic substances are not released into the aquatic environment, the following measures shall be followed: <ul style="list-style-type: none"> • All engine-powered equipment shall be well-maintained and free of leaks of fuel, oil, hydraulic fluid or any other potential contaminant. • Staging areas for refueling of equipment shall be located away from the backwater and away from the Colorado River to prevent any accidental fuel leakage from contaminating surface water. • A spill prevention and response plan shall be prepared in advance of the commencement of work; a spill kit with appropriate clean-up supplies shall be kept on hand during operations. <ul style="list-style-type: none"> ○ The kit shall include a floating oil-absorbent sock that could be immediately deployed and maintained around the Project area in the event of a spill or any accidental leakage of fuel or 	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to hazards, health and safety

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	hydraulic fluids; <ul style="list-style-type: none"> ○ Refueling and maintenance of mobile equipment shall not be performed directly over the waters of the River. Only approved and certified fuel cans with “no-spill” spring-loaded nozzles shall be used; and ○ All spill cleanup materials or other liquid or solid wastes shall be securely containerized and labeled in the field. <ul style="list-style-type: none"> ● The application and control of herbicides and pesticides shall be in accordance with the Toxic Substance Control Act (TSCA) and Environmental Protection Agency Labeling requirements including but not limited to: <ul style="list-style-type: none"> ○ Requiring a certified and trained applicator ○ Application of the material in accordance with its label 					
Hydrology and Water Quality						
Water Quality	MM HHM-2 Toxic Substances Protections (see above)					
Transpiration/Traffic						
Navigable Waters	MM TT-1 Placement of Dredge Pipe in Navigable Waters. The dredge pipe used to move dredge material across the river shall be submerged at a depth where no obstruction to the navigable waters would occur, as follows: <ul style="list-style-type: none"> ● At least 10 feet from the bottom of the Colorado River if there is no obstruction to the navigable waterway. ● If there is still obstruction, the pipe shall be laid at the bottom of the Colorado River to ensure there is no obstruction. 	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to navigable waters
Temporary Road Closures	MM TT-2. Traffic Plan During Construction. A traffic plan shall be developed to ensure emergency and public access within the proposed Project Area is not affected. The Traffic plan shall include, but is not	Project Site and Vicinity	Comply	During work	Applicant/Contractors/CSLC	Minimize impacts to road access and traffic

Potential Impact	Mitigation Measure (MM)	Location	Monitoring/Reporting Action	Timing	Responsible Party	Effectiveness Criteria
	limited to, the following: <ul style="list-style-type: none"> • Not involve any long-term increase in traffic that would conflict with adopted policies, plans, or programs supporting alternative transportation or obstruct current access within and around the Project area; • Provide an ingress and egress to the Project area; • Ensure traffic and safety signed are posted appropriately; • Provide trained personnel to ensure the implementation of the Traffic Plan; and • Ensure coordination and communication with local emergency response agencies. 					