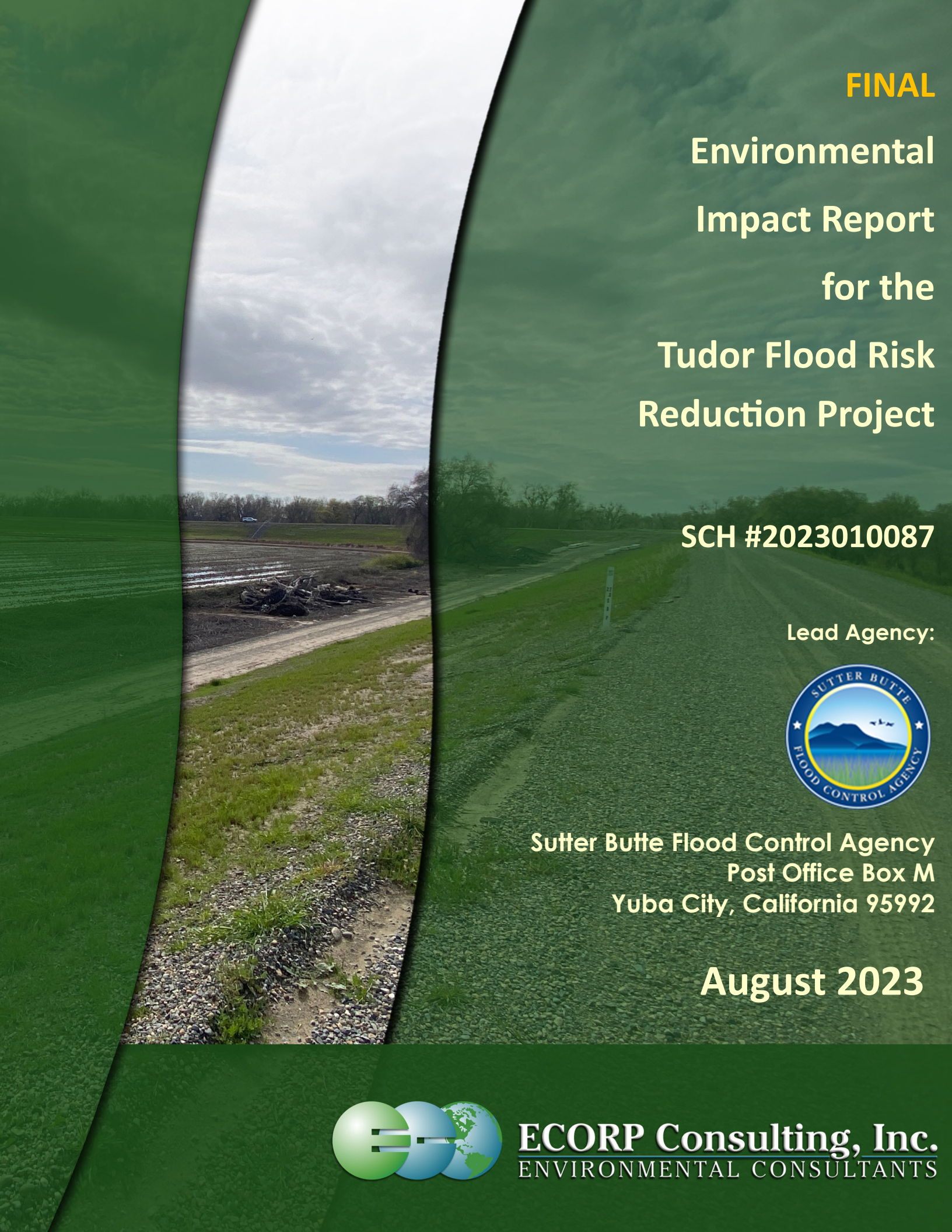

FINAL

Environmental Impact Report for the Tudor Flood Risk Reduction Project

SCH #2023010087

Lead Agency:

Sutter Butte Flood Control Agency
Post Office Box M
Yuba City, California 95992

August 2023

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

TUDOR FLOOD RISK REDUCTION PROJECT

FINAL
ENVIRONMENTAL IMPACT REPORT

August 2023

State Clearinghouse #2023010087

Prepared for:

Sutter Butte Flood Control Agency
Post Office Box M
Yuba City, California 95992

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EXECUTIVE SUMMARY

ES-1 Purpose and Scope of the Final EIR

This Environmental Impact Report (EIR) provides an analysis of the potential environmental effects associated with the implementation of the Tudor Flood Risk Reduction Project, pursuant to the California Environmental Quality Act (CEQA). This EIR analysis focuses on potentially significant environmental impacts arising from the Project. The EIR adopts this approach in order to provide a credible worst-case scenario of the impacts resulting from Project implementation.

The Final EIR (FEIR) updates the Draft EIR (DEIR) by addressing comments on the DEIR, and includes sections with changes made to address the comments. Only the Executive Summary, Introduction (Section 1) and Tribal Cultural Resources Section (Section 4.18) were changed as part of addressing comments on the DEIR, and therefore those three revised sections are included in the FEIR. Sections showing the Agency Comment Letter Responses (Section 2.1) and the resultant minor changes to the DEIR (Section 5.0) were added as new sections. All other sections of the DEIR remain unchanged, and therefore are included in this FEIR by reference. Finally, the FEIR also includes the Mitigation Monitoring and Reporting Plan (MMRP), which lists all required mitigation measures for the Project, as Appendix A. The MMRP also identifies the party responsible for implementing each measure, the actions or reports that are required for each measure, and the timing or schedule for the monitoring conducted throughout project construction.

ES-2 Project Characteristics

The Proposed Project would involve making improvements to an approximately 1.65-mile segment of the Feather River West Levee (FRWL) in Sutter County near where the Feather River meets the Sutter Bypass. Construction activities for the Proposed Project would extend from the Sutter Bypass East Levee on the west end (latitude 38°53'54.68" N, longitude 121°37'04.54" W), to Sacramento Avenue, which is approximately 870 feet east of State Route 99, on the east end (latitude 38°54'28.37" N, longitude 121°35'22.28" W). The west end of the Proposed Project alignment is approximately 7.4 miles south of the Community of Tudor, and the east end of the alignment is approximately 0.6-mile northwest of the Census-designated place of Nicolaus.

The levee landside is bound by an irrigation canal and orchards owned and operated by Odysseus Farms, and the waterside is bound by the Nelson Slough Unit of the Feather River Wildlife Area, which is open space owned and maintained by the California Department of Fish and Wildlife (CDFW). This portion of the FRWL is operated and maintained by MA3. Land use in the area is predominantly agricultural, though several recreation areas are also nearby.

The regional setting of the Proposed Project is the Sacramento River Flood Control Project (SRFCP), which extends from Redding to the Sacramento-San Joaquin River Delta (Figure 1-1). The Sutter Basin is part of the SRFCP, located in north-central California in Sutter and Butte counties. The elongated, irregularly shaped basin covers about 326 square miles and is about 44 miles long north to south and up to 14 miles

wide east to west. It is roughly bounded by the Feather River to the east, and Cherokee Canal, the Sutter Buttes, and Sutter Bypass to the west. Floodwater potentially threatening the basin originates from the Feather River watershed or the upper Sacramento River watershed, above Colusa Weir. These waterways have drainage areas of 5,921 and 12,090 square miles, respectively. In addition to Yuba City, communities in the basin include Biggs, Gridley, Live Oak, Tudor, and Sutter.

The Proposed Project would make several improvements to the existing levee, primarily to address seepage under the levee. This would involve removing roughly the top third of the levee embankment, excavating a 38- to 64-foot-deep trench down the center of the levee, and filling it with a bentonite slurry mix that would harden to form a cutoff wall to block the seepage. After installation of the cutoff wall and the appropriate cutoff wall settlement period (typically 21 days), the levee embankment would be reconstructed to its original lines and grades. The reconstructed embankment would include a 6- to 8-foot-wide clay core. Generally, the levee crown would be 20 feet in width.

The Project Area for the Proposed Project is defined as a corridor along the levee segment that is approximately 1.65 miles long and 200 feet wide, for a total of approximately 43.7 acres. All work planned for the Proposed Project would be conducted within the Project Area.

ES-3 Project Alternatives

CEQA requires an evaluation of the comparative effects of a reasonable range of alternatives to the Proposed Project that would feasibly attain most of the Project's basic objectives and that would avoid or substantially lessen any of the significant impacts of the Proposed Project. CEQA also requires analysis of the potential effects of the No Project Alternative, which assumes maintenance of the status quo. The levee segment would not be improved, and current seepage under it would continue indefinitely, possibly leading to levee failure during a flooding event, which could lead to extensive damage and possible loss of life.

Because it is the last levee segment along the FRWL requiring improvements to meet current engineering standards, the only other potential Alternative to constructing the Proposed Project would be to demolish the existing levee segment and construct a new levee on or adjacent to the existing site. This Alternative would involve demolition of the entire existing levee and construction of a new levee within the Project Area. All materials from the existing levee would be removed and evaluated for reuse in the new construction, and new materials would be delivered to the Project Area as needed for construction of the new levee.

All Project objectives would be met under this Alternative. However, because installation of the new cutoff wall into the existing levee would resolve the seepage through the levee, complete demolition of the existing levee and construction of a new levee on or adjacent to the existing levee site would not offer additional benefit compared to the Proposed Project. In addition, this Alternative would significantly expand the area of disturbance created by the Project because of the need to stockpile and ultimately dispose of the spoils created by demolition that could not be reused, and would increase the need for use of heavy equipment to remove, stockpile and dispose of existing levee materials. If not constructed on the exact site of the existing levee, this Alternative would also have potential for creating additional impacts

to biological and cultural resources compared to the Proposed Project. Demolishing the existing levee and constructing a new one would also be considerably more expensive than the Proposed Project, which would remove only the top 30 percent of the existing levee and install a new cutoff wall. Therefore, this Alternative is considered economically infeasible, and would increase the potential for impact to the environment, and therefore is not considered further in this EIR.

In this case, all significant impacts of the Proposed Project would be mitigated to a less than significant by the measures included in the Proposed Project, and no other alternative was identified during the EIR process that would feasibly attain the Project objectives and either reduce potential environmental impacts or cost.

ES-4 Technical Areas Analyzed in this EIR

SBFCA determined that an EIR level of analysis was required for the Proposed Project. All impact analysis areas defined in Appendix G of the CEQA Guidelines were included in this EIR, and all mitigation measures identified in these sections, as shown In Table ES-1, were included as mitigation in this EIR and in the Mitigation Monitoring and Reporting Plan (MMRP).

ES-5 Issues to be Resolved by the Lead Agency

The major issues resolved by the SBFCA as Lead Agency include:

- Whether the Draft EIR adequately describes the environmental impacts of the Proposed Project;
- Whether the recommended mitigation measures should be modified/adopted;

ES-6 Summary of Impacts and Mitigation Measures

Table ES-1 presents a summary of environmental impacts analyzed and identified in the EIR, the mitigation measures proposed for those impacts (if required), and the level of significance after mitigation. These mitigation measures are subject to change as the needed permits are obtained from federal agencies. All final mitigation measures will be included in the MMRP, which is attached as Appendix A to the Final EIR as a draft document. The MMRP will be finalized and approved by SBFCA prior to commencing construction of the project.

The chart is arranged in four columns: (1) identified impacts; (2) level of significance without mitigation; (3) recommended mitigation measures; and (4) the level of impact significance after implementation of the mitigation measure(s).

Table ES-1. Summary of Impacts and Mitigation Measures			
Impact	**Level of Significance Without Mitigation**	**Mitigation Measure**	**Resulting Level of Significance**
NI = No Impact, LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable, LLC = Less than Cumulatively Considerable, CC = Cumulatively Considerable, NA = Not applicable			
Aesthetics			
Impact 4.1-1 Implementation of the proposed Project would have a substantial adverse effect on a scenic vista.	NI	NA	NI
Impact 4.1-2 Implementation of the proposed Project would substantially damage scenic resources.	NI	NA	NII
Impact 4.1-3 Implementation of the proposed Project would substantially degrade the existing visual character or quality of public views of the site or its surroundings.	NI	NA	NA
Impact 4.1-4 Implementation of the proposed Project would create a new source of substantial light or glare which would adversely affect day or nighttime views of the area.	S	**AES-1: Lighting.** To the maximum extent feasible, Project lighting shall be directed and shielded to focus illumination on the desired areas only and avoid directing light into adjacent areas. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **AES-2: Implement a Community Outreach Program.** SBFCA will provide advance public notification to residents located within a 1-mile radius to the Project regarding planned construction activities, including activities that must be performed at night or on weekends. Mail and, where feasible, emails to nearby residents shall be sent notifying them of unavoidable nighttime or weekend construction activities each year prior to construction.. *Timing/Implementation: This measure shall be implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.*	LTS
Impact 4.1-5 Result in a considerable contribution to cumulative impacts on scenic vistas.	LTS	NA	LTS

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Agriculture and Forestry Resources			
Impact 4.2-1: Implementation of the proposed Project would result in conversion of farmland to non-agricultural use.	NI	NA	NI
Impact 4.2-2: Implementation of the proposed Project would conflict with existing zoning for agricultural use, or a Williamson Act contract.	NI	NA	NI
Impact 4.2-3: Implementation of the proposed Project would impact forestry resources.	NI	NA	NI
Air Quality			
Impact 4.3-1 Implementation of the proposed Project would conflict with or obstruct implementation of applicable air quality plan.	S	**AIR-1: CARB Tier 4 Certified Equipment** The Project applicant and/or its contractor shall require that all Project off-road equipment used during construction activities be CARB Tier 4 Certified, as set forth in Section 2423 of Title 13 of the CCR, and Part 89 of Title 40 of the Code of Federal Regulations (CFR). The Project applicant and/or its contractor shall require that all Project haul trucks entering and leaving the Project Site are Model Year 2010 or newer. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead*.	LTS
Impact 4.3-2 Implementation of the proposed Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable Federal or State ambient air quality standard.	S	Implementation of **AIR-1** will be required.	LTS
Impact 4.3-3 Implementation of the proposed Project would expose sensitive receptors to substantial pollutant concentrations (i.e., carbon monoxide hot spots or TACs).	LTS	NA	LTS

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Impact 4.3-4 Implementation of the proposed Project would result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.	NI	NA	NI
Impact 4.3-5 Implementation of the proposed Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable Federal or State ambient air quality standard.	S	Implementation of **AIR-1** will be required.	LTS
Biological Resources			
Impact 4.4-1 Implementation of the proposed Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	S	**BIO-1: The Project will implement erosion control measures and Best Management Practices (BMPs) to reduce the potential for sediment or pollutants at the Project site.** Measures shall include: • Erosion control measures will be placed between aquatic resources, and the outer edge of the staging areas, within an area identified with highly visible markers (e.g., construction fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification and erosion control measures will be properly maintained until construction is completed and the soils have been stabilized. • Fiber rolls used for erosion control will be certified by the California Department of Food and Agriculture as weed free. • Seed mixtures applied for erosion control will not contain California Invasive Plant Council designated invasive species (http://cal-ipc.org/) and will be composed of native species appropriate for the site. • Trash generated onsite will be promptly and properly removed from the site. • Any fueling in the upland portion of the Project Area will use appropriate secondary containment techniques to prevent spills.	LTS

Table ES-1. Summary of Impacts and Mitigation Measures			
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		• A qualified biologist will conduct a mandatory Worker Environmental Awareness Program for all contractors, work crews, and any onsite personnel on the potential for special status species to occur on the Project site. The training will provide an overview of habitat and characteristics of the species, the need to avoid certain areas, and the possible penalties for non-compliance. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction*. *Monitoring/Enforcement: SBFCA and Project construction lead.* **PLANT-1: Preconstruction floristic surveys shall be conducted for any areas of vegetation removal in the Project Area with the potential to support habitat for Boggs-lake hedge hyssop, woolly-rose mallow, Sanford's arrowhead, or Suisun marsh aster.** The area of ground disturbance and a 25-foot buffer would be surveyed by a qualified biologist during the appropriate blooming period prior to the start of Project activities. If no special status species are found during the preconstruction surveys, no further measures are necessary. If surveys identify any special-status plants, the Project Proponent shall identify them with flagging and avoid them with a 25-foot no-disturbance buffer during Project activities. If this avoidance is not feasible, the Project Proponent shall consult with CDFW to determine whether alternative avoidance measures that are equally protective are possible. *Timing/Implementation: This measure shall be implemented prior to construction. Any avoided areas will be printed on construction plan sets and avoidance implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **FISH-1: To avoid and minimize potential adverse effects to listed and special status fish species,** the following shall be implemented: • Minimize the removal of riparian and aquatic vegetation. • Deploy measures, as practicable, to reduce sediment resuspension such as a turbidity curtain. • In-water Project activities will require de-watering of surrounding area (if water is present), and a fish rescue/relocation effort completed by a qualified fisheries	

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		biologist. • A qualified fisheries biologist should perform a fish exclusion from the in-water construction footprint using seines, if necessary. • If the Project requires pouring concrete, avoid allowing wet uncured concrete to contact surface water, and conduct water quality monitoring to ensure that the wet concrete is not affecting the pH of the surface water. *Timing/Implementation: This measure shall be implemented during any in-water construction. Any avoided areas will be printed on construction plan sets and avoidance implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead* **NPT-1: Conduct a pre-construction survey for northwestern pond turtle and their nests 48 hours prior to construction activities.** Any northwestern pond turtle individuals discovered in the Project work area immediately prior to or during Project activities shall be allowed to move out of the work area of their own volition. If this is not feasible, they shall be captured by a qualified wildlife biologist and relocated out of harm's way to the nearest suitable habitat at least 100 feet from the Project work area where they were found. *Timing/Implementation: Surveys shall be conducted within 48 hours prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **GGS-1: Prior to the start of ground-disturbing activities in areas considered potential habitat for giant garter snake, a qualified biologist shall conduct a preconstruction survey.** This survey shall be conducted within 48 hours prior to the start of ground disturbing activities. If a giant garter snake is found, the biologist shall allow the animal to leave on its own volition. Coverage from USFWS under Sections 7 or 10 of the ESA will be required for any impacts to giant garter snake and/or their habitat. In addition, take coverage from CDFW under Section 2081 of the California Fish and Game Code will be required for any impacts to giant garter snake and/or its habitat.	

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		Timing/Implementation: Surveys shall be conducted within 48 hours prior to construction. Coverage under USFWS Section 7, and CDFW Section 2081 shall be obtained prior to the start of construction. This measure shall be printed on construction plan sets and implemented at all times during construction. *Monitoring/Enforcement: SBFCA and Project construction lead.* **BIRD-1: To protect nesting birds, no Project activity shall begin from February 1 through August 31 unless the following surveys are completed by a qualified wildlife biologist.** Separate surveys and avoidance requirements are listed below for all nesting birds and raptors, including bald eagle, and Swainson's hawk. • All Nesting Birds (Non-raptors) – If Project construction begins during February 1 through August 31, a qualified biologist will perform a preconstruction nesting bird survey within 7 days prior to construction (or less if recommended by CDFW), within the Project work area and a 100-foot radius. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. • Raptors – If Project construction begins during February 1 through August 31, a qualified biologist will perform a preconstruction nesting raptor survey within 7 days prior to construction (or less if recommended by CDFW), within the Project work area and a 500-foot radius. If any active raptor nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. • Burrowing Owl – A qualified wildlife biologist shall survey for burrowing owl within the Project work area and a 250-foot radius of the Project work area within 7 days prior to starting Project activities. Surveys shall be conducted at appropriate times (dawn or dusk) to maximize detection. If any occupied burrows are observed, these burrows shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW. Consult with CDFW to develop avoidance and minimization measures, which could include preparing	

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		and implementing a passive relocation plan. • Swainson's Hawk – If Project construction begins during March 1 through August 31, a qualified biologist will perform a preconstruction nesting Swainson's hawk survey within 7 days prior to construction (or less if recommended by CDFW), within the Project work area and a 0.25-mile radius. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. To protect potentially nesting yellow-billed cuckoo, the following is recommended: • To encourage yellow-billed cuckoos to choose nesting sites away from construction activities, crews will make every effort possible to begin construction activities within 500 feet of suitable habitat before the start of the breeding season (i.e., before May 31). • If construction activities occur during the yellow-billed cuckoo nesting season (June 1 to September 30) and if it is anticipated that construction-related disturbances within 500 feet of suitable habitat cannot be avoided, protocol surveys for yellow-billed cuckoo will be conducted. Surveys will follow the latest version of A Natural History Summary and Survey Protocol for the Western Distinct Population Segment of the Yellow-billed Cuckoo (Halterman et al. 2016). • Biologists will coordinate with the USFWS and CDFW prior to conducting surveys. Survey methods and results will be reported to the USFWS and CDFW at the conclusion of the surveys. If cuckoos are detected during surveys, the nest or general location, will be mapped by the biologists and a 500-foot buffer will be established, or other distance as approved by the USFWS and CDFW, no-disturbance buffer between construction activities and the area identified. The no-disturbance buffer will be maintained until it has been determined by a qualified biologist that young have fledged or the nest is no longer active. • If removal of vegetation identified as suitable habitat is proposed, consultation with USFWS may be required. Through the CWA Section 404 and/or 408 Permit,	

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		request the USACE initiate ESA Section 7 Consultation with USFWS, if necessary, on the Project effects to ESA-listed yellow-billed cuckoo. *Timing/Implementation: Surveys shall be conducted within 7 days prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **MAM-1: A qualified biologist will conduct a bat habitat assessment for suitable roosting habitat prior to any construction activities.** The habitat assessment should be conducted at least one year prior to the initiation of construction activities. If no suitable roosting habitat is identified, no further measures are necessary. If suitable roosting habitat and/or signs of bat use is identified during the assessment, the roosting habitat should be avoided to the extent possible, and the following shall be implemented: • If suitable roosting habitat and/or signs of bat use is identified in a tree or other habitat structure that much be removed, a qualified biologist shall prepare a Bat Management Plan for CDFW's review. The Plan shall identify methods for determining occupation of the roosting habitat by special-status bats (e.g., acoustic monitoring, evening emergence surveys). If an active bat roost is found, a plan for passive exclusion of bats from the roost will be prepared for CDFW's review. Exclusion shall be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45 degrees Fahrenheit [°F] and rainfall less than 0.5 inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than 0.5 inch in 24 hours). The qualified biologist shall monitor the roost prior to exclusion to confirm that it does not support a maternity colony. If a maternity colony is or may be present, the roost shall be avoided until it is no longer active, or until the qualified biologist can confirm that no maternity colony is present. *Timing/Implementation: Habitat assessment shall be conducted within one year prior to construction. This measure shall be*	

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		printed on construction plan sets and implemented at all times during construction. *Monitoring/Enforcement: SBFCA and Project construction lead.*	
Impact 4.4-2 Implementation of the proposed Project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	S	**RIP-1: A Streambed Alteration Agreement (SAA), pursuant to Section 1602 of the California Fish and Game Code, must be obtained for any activity that will impact riparian habitats and/or bed and bank features.** Minimization measures will be developed during consultation with CDFW as part of the SAA agreement process to ensure protections for affected fish and wildlife resources. If applicable, compensatory mitigation may be required for removal of riparian vegetation. *Timing/Implementation: The SAA from CDFW shall be obtained prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.*	LTS
Impact 4.4-3: Implementation of the proposed Project would have a substantial adverse effect on State or Federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	S	**WTR-1:** To avoid or minimize anticipated short-term adverse effects to Waters of the U.S., the following shall be implemented: • The removal and replacement of the outfall has potential to discharge into Waters of the U.S., a Nation-Wide Permit (NWP), potentially NWP 3, under Section 404 of the federal CWA must be obtained from USACE. The impacts from such actions are expected to be mostly temporary, with minimal, if any, permanent impacts to aquatic resources. • A Water Quality Certification or waiver pursuant to Section 401 of the CWA, as issued by RWQCB, must be obtained for Section 404 permit actions. • Waste Discharge Requirement for dredge and fill in Waters of the State under the Porter-Cologne Water Control Act as issued by RWQCB must be obtained for impacts to waters of the state. *Timing/Implementation: Permit authorizations from the USACE and RWQCB shall be obtained prior to construction. This measure shall be printed on construction plan sets and implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead*	LTS

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Impact 4.4-4 Implementation of the proposed Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	S	Implementation of Mitigation Measures **BIO-1**, and **BIRD-1** will be required.	LTS
Impact 4.4-5 Implementation of the proposed Project would conflict with any local policies or Ordinances protecting biological resources, such as a tree preservation policy or Ordinance.	LTS	NA	LTS
Impact 4.4-6 Implementation of the proposed Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.	NI	NA	NI
Impact 4.4-7 Result in a considerable contribution to cumulative impacts on biological resources.	S	Implementation of Mitigation Measures **BIO-1, PLANT-1, FISH-1, NPT-1, GGS-1, BIRD-1, MAM-1, RIP-1**, and **WTR-1** will be required.	LTS
Cultural Resources			
Impact 4.5-1 Implementation of the proposed Project would cause a substantial adverse change in the significance of a historic resource pursuant to CEQA Guidelines section 15064.5.	S	**CUL-1: Archaeological Monitoring** Prior to and during ground-disturbing construction, SBFCA will take the following actions in the event of inadvertent discovery of cultural resources. • All ground-disturbing work will be monitored by a qualified professional archaeologist. The monitors' tasks will include observing the active excavation of materials, as well as periodically checking excavated substrate and ensuring the respectful and culturally-appropriate treatment of finds. The monitor will be provided sufficient workspace and an unobstructed view of excavations. SBFCA will authorize the archaeological monitor to pause construction within an area up to 100 feet radius, through the construction manager, periodically as needed for a closer examination of exposed sediments	LTS

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		and/or artifacts and the monitor shall implement CUL-2, if necessary. The monitor will record their daily observations on a standard field form. • The requirements for a monitor should be inclusive of all day and night construction activity that has the potential to result in ground disturbance. Ground-disturbing activity is defined herein as any activities that have the potential to disturb soil beyond that which was reasonably visible to archaeologists during the pre-Project pedestrian survey. This includes initial vegetation removal; grading; trenching; if such activity will bring soil to the surface, excavation for below-ground utility installation or foundation work; and any other below-ground activities. Monitoring is not necessary for backfilling of previously excavated areas, levee reconstruction, or for any aboveground Project activity that does not include ground disturbance. Monitoring shall be documented daily with photographs and logs and the results compiled in a report submitted by the qualified archaeological monitor at the conclusion of monitoring activities. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **CUL-2: Post-Review Discoveries** The monitoring archaeologist shall be responsible for taking into account any Tribal recommendations when making the following decisions. • If the monitoring archaeologist determines that the find is not a cultural resource (such as water-worn cobbles or accumulations of natural materials), no additional action is necessary. Should Tribal representatives desire to take possession of those materials, they may do so as long as the possession is documented by the archaeological monitor and as long as removal has been approved in writing by the property owner; however, taking possession does not obligate SBFCA or the USACE to provide financial support for storing, processing, or reburying materials that are not cultural resources. Until a determination is made by the monitoring archaeologist about whether or not the find is subject to further consideration under CEQA and Section 106, Tribal representatives shall not remove or take possession of materials or objects observed.	

Table ES-1. Summary of Impacts and Mitigation Measures			
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		• If the find is determined by the monitoring archaeologist to be redeposited material that lacks primary context, is discovered only in the excavated soils, spoil piles, or stockpiles, or is otherwise not in its original context or place of deposition and does not contain human remains, this discovery is not potentially eligible for the NRHP or CRHR. The archaeological monitor will assign a temporary field number, take a photograph, record its location with a Global Positioning System receiver, and describe the constituents in field notes. If the redeposited find is associated with European or non-Native American culture, the find may be left in place or discarded in order to not interfere with Project activities. If the find is associated with Native American culture, following consultation with the lead agencies, should Tribal representatives desire to take possession of those materials or act in any manner consistent with the Tribal cultural resources treatment plan, they may do so as long as the possession is documented by the archaeological monitor and as long as permission has been granted in writing by the property owner. However, taking possession does not obligate SBFCA or the USACE to provide financial support for storing, processing, or reburying materials that are not eligible for the NRHP or CRHR. If the find was made in spoil piles and stockpiles, the material may be reused by the Project and returned to the levee and will not be subject to screening; however, tribal representatives may take possession of any items found in spoils as long as doing so does not interfere with the Project activities. • If a Tribal representative disagrees with the determination by the monitoring archaeologist that a discovery is either not a cultural resource or represents a redeposit, no material collection may occur by any party, and the Tribal Historic Preservation Officer (THPO) of the dissenting tribe shall notify the USACE and SBFCA within 48 hours of discovery. All timelines specified in 36 CFR 800.13(b) shall be applied in the event of an archaeological discovery. The USACE will review information submitted by the THPO and communicate its decision to the THPO and SHPO, in accordance with 36 CFR 800.13(b). If the contractor denies the request to stop work at that location during the appeal process (see above), and if the USACE determines that the find does represent an historic property, the USACE and SBFCA will take into consideration the post-discovery impacts to the resource when determining the scope of the effort required to resolve any adverse effect.	

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		• If the find is determined by the monitoring archaeologist to be in original context (in original place of deposition) and does not contain human remains, and that it constitutes a resource that could not have been discovered prior to construction, the USACE and SBFCA shall consult on appropriate treatment, in consultation with Tribal representatives, pursuant to 36 CFR Section 800.13(b) and CEQA, respectively. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.*	
Impact 4.5-2 Implementation of the proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5.	S	Implementation of Mitigation Measures **CUL-1** and **CUL-2** will be required.	LTS
Impact 4.5-3 Implementation of the proposed Project would disturb any human remains, including those interred outsides of formal cemeteries.	S	**TCR-6: Human Remains** (See TCR section below)	LTS
Impact 4.5-5 Result in a considerable contribution to cumulative impacts on cultural resources.	S	Implementation of Mitigation Measures **CUL-1, CUL-2,** and **TCR-6** will be required.	LTS
Energy			
Impact 4.6-1 Implementation of the proposed Project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Impact Determination: *less than significant*	LTS	NA	LTS
Impact 4.6-2 Implementation of the proposed Project would conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	NI	NA	NI

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Impact 4.6-3 Result in a considerable contribution to cumulative impacts on energy consumption.	LTS	NA	LTS
Geology and Soils			
Impact 4.7-1 Implementation of the proposed Project would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.	LTS	NA	LTS
Impact 4.7-2 Implementation of the proposed Project would result in substantial soil erosion or the loss of topsoil.	LTS	NA	LTS
Impact 4.7-3 Implementation of the proposed Project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landsliding, lateral spreading, subsidence, liquefaction, or collapse.	LTS	NA	LTS
Impact 4.7-4 Implementation of the proposed Project would be located on expansive soil, as defined by Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property.	NI	NA	NI
Impact 4.7-5 Implementation of the proposed Project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	NI	NA	NI

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Impact 4.7-6 Implementation of the proposed Project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature.	S	**GEO-1: Unanticipated Discovery of Paleontological Resources** If paleontological or other geologically sensitive resources are identified during any phase of Project development, the construction manager shall cease operation at the site of the discovery and immediately notify SBFCA. SBFCA shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the SBFCA shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, Project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation for paleontological resources is carried out. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.*	LTS
Impact 4.7-7 Result in a considerable contribution to cumulative impacts on geology and soils.	LTS	NA	LTS
Greenhouse Gas Emissions			
Impact 4.8-1 Implementation of the proposed Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.	LTS	NA	LTS
Impact 4.8-2 Implementation of the proposed Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	NI	NA	NI

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Impact 4.8-3 Result in a considerable contribution to cumulative impacts associated with greenhouse gas emissions.	LTS	NA	LTS
Hazards and Hazardous Materials			
Impact 4.9-1 Implementation of the proposed Project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	S	**HAZ-1: Avoid Feather River** Vehicles shall be moved away from the Feather River prior to refueling and lubrication, as well as for conducting repairs, if feasible. Staging and storage areas for equipment, materials, fuels, and lubricants and solvents shall be located well away from the top of bank and riparian areas. Stationary equipment such as motors, pumps, generators, compressors, and welders located within or adjacent to Waters of the State shall be positioned over drip-pans. Debris, refuse, oil, gasoline or diesel fuel, or other petroleum products, or any other substances that could be hazardous to aquatic life resulting from Project activities shall be prevented from contaminating the soil and/or entering Waters of the State. Absorbent materials designated for spill containment shall be used for all activities performed in or within 50 feet of a watercourse that involve use of hazardous materials to be used for spill response and cleanup in the event of an accidental spill. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.*	LTS
Impact 4.9-2 Implementation of the proposed Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	S	Mitigation Measure **HAZ-1** will be required.	LTS
Impact 4.9-3 Implementation of the proposed Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.	NI	NA	NI
Impact 4.9-4 Implementation of the proposed Project would emit	NI	NA	NI

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hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.			
Impact 4.9-5 For a project located within an airport Land Use Plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, implementation of the Project would result in a safety hazard or excessive noise for people residing or working in or outside the Planning Area.	NI	NA	NI
Impact 4.9-4 Result in a considerable contribution to cumulative impacts associated with hazards and hazardous materials.	LTS	NA	LTS
Hydrology and Water Quality			
Impact 4.10-1 Implementation of the proposed Project would violate water quality standards or waste discharge requirements or otherwise substantially degrade surface water or groundwater quality.	LTS	*NA*	LTS
Impact 4.10-2 Implementation of the proposed Project would substantially alter the existing drainage pattern of the Project area or vicinity, including through the alteration of the course of a stream or river or through the addition of impervious surfaces.	LTS	NA	LTS
Impact 4.10-3 Implementation of the proposed Project would risk release of pollutants in flood hazard, tsunami, or seiche zones, due to project inundation.	NI	NA	NI
Impact 4.10-4 Result in a considerable contribution to cumulative impacts on hydrology and water quality.	NI	NA	NI

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Land Use and Planning			
Impact 4.11-1 Implementation of the proposed Project would physically divide an established community.	NI	NA	NI
Impact 4.11-2 Implementation of the proposed Project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	NI	NA	NI
Impact 4.11-4 Result in a considerable contribution to cumulative impacts on land use and planning.	NI	NA	NI
Mineral Resources			
Impact 4.12-1 Implementation of the proposed Project would result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.	NI	NA	NI
Impact 4.12-2 Implementation of the proposed Project would result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.	NI	NA	NI
Noise			
Impact 4.13-1 Implementation of the proposed Project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of the standards established in in the local general plan or noise ordinance, or applicable standards of other agencies.	S	**NOI-1: Haul Truck Hours** The Project applicant and/or its contractor shall limit all Project construction haul trucks, including delivery trucks, to the daytime hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. All Project haul truck traffic on Sundays and holidays shall generally be prohibited unless permission has been applied for and granted by the County. *Timing/Implementation: During construction.* Monitoring/Enforcement: SBFCA and Project construction lead.	LTS

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Impact 4.13-2 Implementation of the proposed Project would generate excessive groundborne vibration or groundborne noise levels.	LTS	NA	LTS
Impact 4.13-3 Implementation of the proposed Project would for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, expose people residing or working in the project area to excessive noise levels.	LTS	NA	LTS
Impact 4.13-4 Result in a considerable contribution to cumulative noise and vibration impacts.	S	Implementation of Mitigation Measure **NOI-1** would be required.	LTS
Population and Housing			
Impact 4.14-1 Implementation of the proposed Project would induce substantial unplanned population growth either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).	LTS	NA	LTS
Impact 4.14-2 Implementation of the proposed Project would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	NI	NA	NI
Impact 4.14-3 Result in a considerable contribution to cumulative impacts on population and housing.	NI	NA	NI

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Public Services			
Impact 4.15-1 Implementation of the Proposed Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or substantial impacts to public service ratios.	LTS	NA	LTS
Impact 4.15-2 Result in a considerable contribution to cumulative impacts on fire protection and emergency medical services, police protection, schools, or libraries.	LTS	NA	LTS
Recreation			
Impact 4.16-1 Implementation of the proposed Project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	NI	NA	NI
Impact 4.16-2 Implementation of the proposed Project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	NI	NA	NI
Impact 4.16-3 Result in a considerable contribution to cumulative impacts on recreation.	NI	NA	NI
Transportation			
Impact 4.17-1 Implementation of the proposed Project would conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities.	LTS	NA	LTS

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Impact 4.17-2 Implementation of the proposed Project would result in a significant increase in vehicle miles traveled (VMT).	LTS	NA	LTS
Impact 4.17-3 Implementation of the proposed Project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	NA	LTS
Impact 4.17-4 Implementation of the proposed Project would result in inadequate emergency access.	S	**TRANS-1: Emergency Evacuations** All construction activities and truck traffic on area roadways shall cease during an event requiring emergency evacuations in Sutter or Yuba counties. *Timing/Implementation: This measure shall be printed on plans and implemented at all times during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.*	LTS
Impact 4.17-5 Result in a considerable contribution to cumulative impacts on transportation.	LTS	NA	LTS
Tribal Cultural Resources			
Impact 4.18-1 Implementation of the proposed Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource.	S	**TCR-1: Geoarchaeological Profiling** After a Section 408 permit is obtained from the USACE, the tribe and project archaeologist shall expose and document the soil profiles within or adjacent to the levee prism. These profiles shall be exposed by equipment under the direction of a qualified geoarchaeologist in three to ten locations along the levee using auger tests or trenching, all of which would be monitored by tribal monitors. The location of these profiles shall be selected by the Tribe from areas within the Project Area that are approved for ground disturbance. The results of these tests shall inform the levels and locations of slow degrade and focused monitoring (TCR-4 and 6). If the geoarchaeological profiling does not reveal any evidence of cultural deposits, the slow degrade may not be necessary. The exposed soil may be retained on-site and may be reburied, at tribal request.	LTS

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		Timing/Implementation: Prior to construction. *Monitoring/Enforcement: SBFCA.* **TCR-2: Develop a Burial Treatment Agreement** In the event of the identification of Native American human remains and UAIC has been designated Most Likely Descendant (MLD) by the NAHC, SBFCA will develop a Burial Treatment Agreement (BTA) in consultation with the UAIC. The BTA will govern the disposition and treatment of all human remains, objects, and soil disturbed or removed from the Project Area. The BTA shall include provisions for reburial as close as possible to the original location from which they were obtained. Scientific handling, or testing will only be conducted if the tribe consents to such handling or testing and the USACE and SHPO do not object to such treatment. *Timing/Implementation: This measure shall be developed prior to construction.* *Monitoring/Enforcement: SBFCA.* **TCR-3: Cultural Sensitivity Training** All personnel involved in Project construction, including field consultants and construction workers, are required to undergo cultural resources and TCRs sensitivity and awareness training program through development and implementation of a Worker Environmental Awareness Program (WEAP). The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. SBFCA shall invite a Native American representative from interested culturally affiliated Native American tribes to participate. The WEAP shall be conducted before any Project-related construction activities begin at the Project location. The WEAP will include relevant information regarding sensitive cultural resources and TCRs, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and TCRs that could be located at the Project Site and will outline what to do and who to contact if any potential cultural resources or TCRs are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native	

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		Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented prior to construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **TCR-4: Tribal Monitoring** All ground disturbing activity or activity that has the potential to disturb TCRs shall be monitored by a qualified tribal monitor representing a consulting tribe. This includes any fence installation, staging work, clearing and grubbing, and levee degrade. The monitor must be given a minimum of 7 days' notice of the opportunity to be present during these activities and may coordinate closely with the archaeological monitor, to observe work activities, and assist in ensuring that sensitive TCRs are not adversely affected. The monitor shall be given a reasonable opportunity to inspect soil and other material as work proceeds to assist in determining if resources significant to the tribes are present. If a potential tribal resource is identified by the monitor, they may pause or redirect work temporarily in order to closely inspect the potential discovery. If the tribe cannot recommend a monitor or if the tribal monitor does not report at the scheduled time, all work may continue as long as the specified notice of 7 days was provided. Recovery of cultural items, reburial preparation, and reburial shall also be conducted by Tribal Monitors. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **TCR-5: Discoveries** Any potential TCRs observed in any location will be subject to the decision process in CUL-2 and subsequent consultation between the monitoring tribe and the lead agencies to evaluate and, if necessary, treat the discovery of the satisfaction of the lead agencies.	

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		If the discovery includes human remains, then the procedures in TCR-7 shall apply. If the discovery is determined to not be a tribal cultural resources by UAIC but is determined by the consulting archaeologist or SBFCA to be a non-tribal cultural or archaeological resource, them the consulting archaeologist shall follow the procedures therein and as generally described in CUL-2 without further involvement by the tribal monitors or tribe(s). SBFCA shall consult with USACE on appropriate treatment. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **TCR-6: Slow Degrade** Based on the results of geoarchaeological profiling in TCR-1 and other relevant information, UAIC shall select various locations along the Project totaling not more than 1,500 linear feet along the levee to undergo a "slow degrade" of the upper third of the levee prior to construction of the cutoff wall. In the areas of slow degrade, the excavator shall use a bucket with a flat blade (no teeth) under the observation of a tribal monitor to remove soil in 4 to 6-inch lifts (depths) to allow for examination by monitors. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented during construction excavation activities in the Project Area.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **TCR-7: Human Remains** In the event that suspected Native American human remains in any state of decomposition or skeletal completeness are found during Project activities, SBFCA shall immediately halt ground disturbing activity at that location and within a 100-foot radius and contact the County Coroner. The Coroner shall ensure that notification is provided to the NAHC as required by California Health & Safety Code § 7050.5 and PRC § 5097.98(a). Health and Safety Code Section 7050.5 establishes the authority of the County Coroner regarding the discovery of human remains and the role of the NAHC if the coroner determines that the remains are that of a Native American. PRC § 5097.98 provides the notification process used by the NAHC for the discovery of	

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		Native American human remains, descendants, and also provides guidance for the appropriate and dignified disposition of human remains and associated grave goods. If UAIC is identified as the Most Likely Descendent by the NAHC, then the procedures in the Burial Treatment Agreement (Mitigation Measure TCR-2) between the UAIC and SBFCA shall be followed. *Timing/Implementation: This measure shall be printed on construction plan sets and implemented during construction.* *Monitoring/Enforcement: SBFCA and Project construction lead.* **TCR-8: Recovery, Treatment Storage and Reburial of Native American Cultural Items and Soils** SBFCA shall provide a locking storage cabinet within a work trailer for storage of cultural items. If there is a large volume of cultural items and upon Tribal request, SBFCA shall provide a secure, climate controlled, trailer. The tribe and tribal monitors shall control access to the secure storage area. SBFCA shall provide on-site locations for the secure storage of cultural or burial soils. These locations shall be subject to Tribal approval. SBFCA shall take action to protect soil piles from erosion, looting, or vehicular traffic, upon Tribal request. Tribal Monitors shall recover cultural items from the Project Area, record the recovered cultural items, and the recovered cultural items in secure location on-site. Burial or cultural soils in large quantities shall be stockpiled in a designated area. Monitors from the UAIC will conduct the burial recovery, repatriation, and reburial of any human remains, burial goods, and soils from the Project site for which UAIC is the designated MLD. These monitors will be in addition to those observing construction activities. SBFCA will coordinate with the tribe to designate a repatriation area to accommodate reburial of human remains, burial offerings, cultural items and cultural or burial soils from the Project Site. Repatriation and reburial shall occur prior to the completion of the Project.	

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		Timing/Implementation: This measure shall be printed on construction plan sets and implemented during construction. *Monitoring/Enforcement: SBFCA and Project construction lead.* **TCR-9: Documentation of Finds** All TCRs encountered during construction shall be documented in a report prepared in coordination with the UAIC as well as by completing a Department of Parks Recreation Form 523 and submitting it to the Northeast Information Center (NEIC) of the California Historical Resources Information System (CHRIS) in Chico, California. UAIC shall have the opportunity to review and revise these documents. UAIC shall be invited to prepare a chapter or confidential appendix for the report and may invoice for the costs of preparing such report under a consulting agreement with SBFCA. *Timing/Implementation: This measure shall be implemented within 6 months of the completion of construction and reburial.* *Monitoring/Enforcement: SBFCA.* **TCR-10 Mitigation** Tribes shall recommend for lead agency approval appropriate and commensurate mitigation based on adverse effects or impacts to Tribal Cultural Resources, including cumulative effects. SBFCA shall be responsible for coordinating the funding for recommended mitigation no later than 1 year following the completion of the project.	
Impact 4.18-2 Result in a considerable contribution to cumulative impacts on TCRs.	S	Implementation of Mitigation Measures **TCR-1 through TCR-8** will be required.	LTS
Utilities and Service Systems			
Impact 4.19-1 Implementation of the proposed Project would require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications	NI	NA	NI

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facilities, the construction or relocation of which would cause significant environmental effects.			
Impact 4.19-2 Implementation of the proposed Project would not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.	LTS	NA	LTS
Impact 4.19-3 Implementation of the proposed Project would result in a determination by the wastewater treatment provider which serves or may serve the Project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	NI	NA	NI
Impact 4.19-4 Implementation of the proposed Project would generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	LTS	NA	LTS
Impact 4.19-5 Implementation of the proposed Project would fail to comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.	LTS	NA	LTS
Impact 4.19-6 Implementation of the proposed Project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	LTS	NA	LTS

Table ES-1. Summary of Impacts and Mitigation Measures			
Impact	**Level of Significance Without Mitigation**	**Mitigation Measure**	**Resulting Level of Significance**
NI = No Impact, LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable, LLC = Less than Cumulatively Considerable, CC = Cumulatively Considerable, NA = Not applicable			
Impact 4.19-7 Implementation of the proposed Project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	LTS	NA	LTS
Impact 4.19-8 Result in a considerable contribution to cumulative impacts on water and wastewater services.	LTS	NA	LTS
Impact 4.19-9 Result in a considerable contribution to cumulative impacts on solid waste generation.	LTS	NA	LTS
Impact 4.19-10 Result in a considerable contribution to cumulative impacts on groundwater supply.	LTS	NA	LTS
Wildfire			
Impact 4.20-1 Implementation of the proposed Project would impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	LTS	NA	LTS
Impact 4.20-2 Implementation of the proposed Project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.	LTS	NA	LTS
Impact 4.20-3 Implementation of the proposed Project would expose project occupants to pollutant concentrations from a wildfire or exacerbate wildfire risks and the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.	LTS	NA	LTS
Impact 4.20-4 Implementation of the proposed Project would require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water	NI	NA	NI

Table ES-1. Summary of Impacts and Mitigation Measures			
Impact	**Level of Significance Without Mitigation**	**Mitigation Measure**	**Resulting Level of Significance**
NI = No Impact, LTS = Less than Significant, S = Significant, SU = Significant and Unavoidable, LLC = Less than Cumulatively Considerable, CC = Cumulatively Considerable, NA = Not applicable			
sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.			
Impact 4.20-5 Implementation of the proposed Project would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.	LTS	NA	LTS
Impact 4.20-6 Result in a considerable contribution to cumulative impacts on wildfire management.	LTS	NA	LTS

1.0 INTRODUCTION

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The Sutter Butte Flood Control Agency (SBFCA) is the lead agency for the environmental review of the proposed Tudor Flood Risk Reduction Project (Proposed Project, Project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and implementation of the proposed project, as well as responds to comments received on the Draft Environmental Report (DEIR).

1.1 Background and Purpose of the EIR

Overview of CEQA Requirements for Preparation of an EIR

SBFCA, serving as the lead agency, has prepared this EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed project. As set forth in the provisions of CEQA and implementing regulations, public agencies are charged with the duty to consider the environmental impacts of proposed development and to minimize these impacts where feasible while conducting an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

State CEQA Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Public agencies with discretionary authority are required to consider the information in the EIR, along with any other relevant information, in making decisions on the project.

CEQA requires the preparation of an environmental impact report prior to approving any project that may have a significant effect on the environment. For the purposes of CEQA, the term *project* refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the Proposed Project, SBFCA determined that the Proposed Project is a project within the definition of CEQA, and therefore released a Notice of Preparation of the Draft EIR (DEIR) on January 6, 2023.

Draft Environmental Impact Report

SBFCA circulated the DEIR on May 9, 2023 (DEIR, State Clearinghouse (SCH) #2023010087) to responsible agencies and the public for a 45-day public review period, which ended on July 3, 2023. The DEIR contained a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives. The DEIR was provided to interested public agencies and the public and was made available for review at SBFCA offices and on SBFCA's website. One virtual public meeting was held on June 7, 2023, to receive comments on the DEIR.

Final EIR

This document responds to the three written comment letters received on the DEIR, as required by CEQA. This document also contains minor edits to the DEIR, which are included in Section 3.0, Minor Revisions to the DEIR, all within the Tribal Cultural Resources section of the DEIR. For clarity, the entire updated TCR section is included in the FEIR in Section 4.0, Revised DEIR Sections. All other DEIR sections are unchanged and are included in the FEIR by reference. This document constitutes the FEIR.

Certification of the Final EIR/Project Consideration

SBFCA will review and consider the FEIR. If SBFCA finds that the FEIR is *adequate and complete*, SBFCA may certify the FEIR. The rule of adequacy generally holds that the EIR can be certified if (1) it shows a good faith effort at full disclosure of environmental information, and (2) it provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, SBFCA may take action to adopt, revise, or reject the Proposed Project. A decision to approve the Proposed Project would be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and Section 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a MMRP to describe measures that have been adopted or made a condition of Project approval in order to mitigate or avoid significant effects on the environment.

1.2 Intended Use of the EIR

This EIR is intended to evaluate the environmental impacts of the Tudor Flood Risk Reduction Project. In its final form, this EIR will be used by SBFCA in considering approval of the Proposed Project. In accordance with CEQA Guidelines § 15126, the EIR will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the Project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

SBFCA

The EIR is intended to be used by SBFCA as a tool in evaluating the Proposed Project's environmental impacts and can be further used to modify, approve, or deny approval of the Proposed Project based on the analysis provided in the EIR. A description of any requested entitlements and subsequent approvals associated with approval and implementation of the Proposed Project are described in Section 2.0, Project Description, of the DEIR.

Known Trustee and Responsible Agencies

For the purpose of CEQA, the term *trustee agency* means a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. In CEQA, the term *responsible agency* includes all public agencies other than the lead agency that may have approval authority in some regard associated with the Proposed Project. Interested agencies may have a general interest in the proposal with respect to issues germane to their organization. The following

agencies have been identified as potential responsible, trustee, or interested agencies with direct or indirect interest in the Project:

- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board (RWQCB)
- Central Valley Flood Protection Board
- Feather River Air Quality Management District (FRAQMD)
- Sutter County Development Services Department
- State Water Resources Control Board (SWRCB)
- U.S. Fish and Wildlife Service (USFWS)
- U.S. Army Corps of Engineers (USACE)

SBFCA also consulted with the United Auburn Indian Community (UAIC) on a government-to-government level throughout the preparation and release of the DEIR.

1.3 Organization and Scope of the Final EIR

This document is organized in the following manner:

Section ES – Executive Summary

Section ES includes an updated Executive Summary that provides a brief project description and presents a summary table of probably environmental effects of the Project.

Section 1.0 – Introduction

Section 1.0 provides an overview of the EIR process to date and what the FEIR is required to contain.

Section 2.0 – Comments and Responses to Comments on the DEIR

Section 2.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those written comments made on the DEIR.

Section 3.0 – Minor Revisions to the DEIR

Section 3.0 provides a list of minor edits made to the DEIR as a result of comments received and other staff-initiated changes.

Section 4.0 – Revised DEIR Section

Section 4.0 provides the complete revised Tribal Cultural Resources section, as edited to address comments from the United Auburn Indian Community.

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2.0 RESPONSES TO COMMENTS IN THE DRAFT EIR

2.1 Letters and Responses

Comment letters were received via email from UAIC, FRAQMD, and the Sutter County Development Services Department. The comments included in these letters are individually addressed below. Revisions to the document are included in Section 2.5 Minor Revisions of this FEIR.

Comment Letter A (via email): United Auburn Indian Community of the Auburn Rancheria

From: Melodi McAdams, UAIC
Sent: Wednesday, May 31, 2023 5:12:58 PM
To: Brian Marks, ECORP; Michael Bessettem, SBFCA
Cc: Anna Starkey; Anna Cheng; Rebecca Allen; Josef Fore; Brian Guth, UAIC
Subject: Tudor Levee NOA/DEIR

Hi Brian and Michael,

I have reviewed the draft EIR, and had the following comments to the DEIR:

- **Comment A-1, Survey -** Thank you for including that a UAIC representative was present during survey, that type of information is helpful. I believe a UAIC representative was also present for the canine survey, please update the DEIR to reflect that as well.
- **Comment A-2, Tribal Cultural Resources/Section 4.18** – Please update this section to include a table listing the two TCRs that UAIC identified and their eligibility. During consultation, UAIC identified the villages of Ollas and Yokul as two TCRs within the project area (see attached). We'd like to work with you to update the confidential inventory to include the boundaries and significance of these sites, based on UAIC's traditional knowledge, the pedestrian survey and canine surveys. This does mean that the DEIR/EIR will need to be updated to reflect that TCRs *are* present, not just potentially present.
- **Comment A-3, Mitigation Measures/MMRP** – we had sent over our preferred language back on 4/21. It looks like you incorporated it into your DEIR (thank you!). Were there any of our changes that you didn't incorporate? I know that we had a bit of back and forth on the equipment requirements for the controlled degrade.

Please include our comments in your administrative record, thank you.

Melodi McAdams
Tribal Heritage Manager
Tribal Historic Preservation Department
United Auburn Indian Community of the Auburn Rancheria
www.auburnrancheria.com
https://auburnrancheria.com/programs-services/tribal-preservation
10720 Indian Hill Road
Auburn, CA 95603

Letter A: Melodi McAdams, Tribal Heritage Manager, Tribal Historic Preservation Department, United Auburn Indian Community of the Auburn Rancheria

Response A-1:

The DEIR was updated to make it clear that UAIC was present during all phases of onsite cultural resources investigations.

Response A-2:

The DEIR and the inventory report were updated to show Ollas and Yokul as two TCRs within the Project Area. The DEIR was updated to include a table listing the two TCRs that UAIC identified and their eligibility, and language was added to reflect that TCRs are present, not just potentially present

Response A-3:

Minor wording changes were made in the DEIR to be more fitting for the CEQA document. The 6-foot excavator bucket width requirement was removed from the controlled degrade statement, because the availability of that specific size of bucket cannot be guaranteed. The flat bladed bucket remains, as does the requirement of an excavator.

Letter B: Feather River Air Quality Management District (FRAQMD)

Serving Sutter and Yuba Counties

541 Washington Avenue
Yuba City, CA 95991
(530) 634-7659
FAX (530) 634-7660
www.fraqmd.org

Christopher D. Brown, AICP
Air Pollution Control Officer

July 3, 2023

Michael Bessette
Executive Director
Sutter Butte Flood Control Agency
P.O. Box M
Yuba City, CA 95992

Re: Tudor Flood Risk Reduction Project

Dear Michael Bessette,

The Feather River Air Quality Management District (District) appreciates the opportunity to review and comment on the project referenced above.

Comment B-1: The District would like to notify the applicant that during construction phase to adhere to District Rule 3.16 which states that the developer or contractor are required to control dust emissions from earth moving activities, handling, or storage activity from leaving the project site. I have included FRAQMD recommended construction phase mitigation measures and a copy of the fugitive dust control plan form. Please submit a fugitive dust control plan to the District prior to the start of work for review and approval.

Comment B-2: Mitigation measure AIR-1 states the project applicant and/or its contractor shall require that all project off-road equipment used in construction activities be CARB Tier 4 Certified. Can the project proponent and/or contractor provide FRAQMD with an equipment list for the proposed project? Also, can I receive a copy of the non-mitigated and mitigated equipment data entered into the Roadway Emissions Construction Model (RECM version 9.0.1) used in tables 4.3-5 and 4.3-6?

Comment B-3: Some special considerations for construction phase of this project may include compliance with state regulations prohibiting the excessive idling of on-road and off-road diesel-fueled vehicles and ensuring that all portable engines greater than 50 horsepower be registered with the California Air Resources Board or obtain a District permit. For information on obtaining a District permit, please contact Mr. Wyllyam Escobedo, Air Quality Engineer, at (530) 634-7659 ext 212.

Comment B-4: It should be noted that any materials including vegetation and structures being removed from the project site must be disposed of properly. Materials and/or structures being removed from the project site must not be burned. The District has also attached a list of local and state regulations applicable to development that each project must adhere to in addition to any mitigation measures proposed to reduce construction or operational air quality impacts.

If you need any further assistance, please contact me at (530) 634-7659 x209. Air District staff will be available to assist the project proponent or lead agency as needed.

Sincerely,

Peter Angelonides
Air Quality Planner

Enclosures: FRAQMD Construction Phase Mitigation Measures; Fugitive Dust Control Plan; Rules and Regulations Statement
File: Chron
ISR

FRAQMD Construction Phase Mitigation Measures

1. The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
2. Utilize existing power sources (e.g., line power) or clean fuel generators rather than temporary power generators.
3. Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
4. All grading operations on a project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
5. Work areas shall be watered or treated with Dust Suppressants as necessary to prevent fugitive dust violations.
6. An operational water truck should be available at all times. Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts. Travel time to water sources should be considered and additional trucks used if needed.
7. Onsite dirt piles or other stockpiled material should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
8. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
9. Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all-inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.
10. To prevent track-out, wheel washers should be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
11. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
12. Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or Caltrans and to reduce vehicle dust emissions.
13. Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
14. Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.

15. The proponent shall assemble a comprehensive inventory list (i.e. make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project and apply the following mitigation measure:

    > The project shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 5 percent ROG reduction, 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction. A Construction Mitigation Calculator (MS Excel) may be downloaded from the SMAQMD web site to perform the fleet average evaluation http://www.airquality.org/ceqa/index.shtml . Acceptable options for reducing emissions may include use of late model engines (Tier 4), CARB Approved low-emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), after-treatment products, voluntary offsite mitigation projects, provide funds for air district offsite mitigation projects, and/or other options as they become available. The District should be contacted to discuss alternative measures.

    The results of the Construction Mitigation Calculator shall be submitted and approved by the District PRIOR TO BEGINNING WORK. The project shall provide a monthly summary of heavy-duty off-road equipment usage to the District throughout the construction of the project.

16. The Lead Agency may also contribute to the FRAQMD's Off-Site Mitigation Program to reduce project emissions to less than significant. The lead agency should include contribution to the off-site mitigation program as a mitigation measure in its environmental analysis. The lead agency will need to compile a list of all emission sources and consult with the FRAQMD staff to implement this mitigation measure. The project will need to track emissions generated from equipment and vehicles throughout the project phase that is estimated to exceed the threshold (for example, if construction phase exceed the threshold, then track emissions from off-road, portable, and on-road equipment and vehicles). Please consult with the FRAQMD for more information on contributing to an Off-Site Mitigation Program.

FRAQMD Rules & Regulations Statement: New Development

The following statement is recommended as standard condition of approval or construction document language for **all** development projects within Feather River Air Quality Management District (FRAQMD). All projects are subject to FRAQMD rules in effect at the time of construction. A complete listing of current rules is available at www.fraqmd.org or by calling 530-634-7659. Specific rules that may relate to construction activities or building design may include, but are not limited to:

Regulation IV: Stationary Emission Sources Permit System and Registration. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from FRAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or internal combustion engine should contact the FRAQMD early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower are required to have a FRAQMD permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a permit include, but are not limited to fumigation chambers, gasoline tanks and dispensing, spray booths, and operations that generate airborne particulate emissions.

Rule 3.0: Visible Emissions. A person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringleman Chart.

Rule 3.15: Architectural Coatings. The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

Rule 3.16: Fugitive Dust. The developer or contractor is required to control dust emissions from earth moving activities, storage or any other construction activity to prevent airborne dust from leaving the project site.

Rule 3.17: Wood Burning Devices. This rule requires newly installed wood burning devices meet emission standards. Wood burning fireplaces are prohibited unless they meet emission standards.

Rule 3.23: Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters. This rule requires all newly purchased or installed units 75,000 Btu/hr up to 1 million Btu/hr meet emission limits.

Rule 7.10: Indirect Source Fee. An applicant for a building permit shall pay fees to the FRAQMD based on number of units (residential) or square footage of the building and associated parking (commercial and industrial).

Disposal by Burning: Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.

Feather River Air Quality Management District
Fugitive Dust Control Plan

This plan, upon signature and submittal to the FRAQMD, will serve as an approved Fugitive Dust Control Plan to be implemented at the designated site. This plan must be submitted by the project proponent and received at the air district prior to start of work.

The approved plan serves as an acknowledgment by the project proponent of their duty to address state and local laws governing fugitive dust emissions and the potential for first offense issuance of a Notice of Violation by the air district where violations are substantiated by District staff. This plan (along with standard mitigation measures for all projects and best available mitigation measures where applicable) shall be made available to the contractors and construction superintendent on the project site.

- Site Location: _____
- Project Type (circle all that apply): Residential Commercial Industrial Transportation
- List of responsible persons:

  Company:_____

  Office (name, title, address, phone): _____

  _____

  Field (name, title, phone): _____

- Projected Start and End Dates: _____
  (Day/Month/Year)

Project Proponent: _____ _____
Printed Name Company/Phone

By signing this document I acknowledge that I have read the FRAQMD Rules and Regulations Statement: New Development, which includes state and local fugitive dust emission laws. I understand that it is my responsibility as the project proponent to ensure that appropriate materials and instructions are available to site employees to implement fugitive dust mitigation measures appropriate for each development phase of this project in order to ensure compliance.

I further acknowledge that it is my responsibility to ensure that site employees are made formally aware of fugitive dust control laws, requirements, and available mitigation techniques, and that appropriate measures are to be implemented at the site as necessary to prevent fugitive dust violations.

Signature: _____ Name: _____

Title: _____ Date: _____

_____FRAQMD – Modified 2/23/2016 _____

Please Submit to: FRAQMD, 541 Washington Avenue, Yuba City, CA 95991 Attn: Planning
Phone: 530-634-7659 x210 FAX: 530-634-7660 Email: planning@fraqmd.org

A- 1

In addition, other State or Federal rules and regulations may be applicable to construction phases of development projects, including:

California Health and Safety Code (HSC) section 41700. Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

HSC section 41701. Except as otherwise provided in Section 41704, or Article 2 (commencing with Section 41800) of this chapter other than Section 41812, or Article 2 (commencing with Section 42350) of Chapter 4, no person shall discharge into the atmosphere from any source whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is: (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

California Vehicle Code section 23114 regarding transportation of material on roads and highways.

California Code of Regulations Title 13 Chapter 10 section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Limits idling time to 5 minutes for on-road heavy duty diesel trucks.

California Code of Regulations Title 13 Chapter 9 Article 4.8 section 2449: Regulation for In-Use Off-Road Diesel Vehicles. Limits idling time to 5 minutes.

California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93105: Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations.

California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93106: Asbestos ATCM for Surfacing Applications.

Asbestos NESHAP. Prior to demolition of existing structures, an asbestos evaluation must be completed in accordance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations. Section 61.145 requires written notification of demolition operations. Asbestos NESHAP Demolition/Renovation Notification Form can be downloaded at http://www.arb.ca.gov/enf/asbestos/asbestosform.pdf. This notification should be typewritten and postmarked or delivered no later than ten (10) days prior to the beginning of the asbestos demolition or removal activity. Please submit the original form to USEPA and a copy each to California Air Resources Board (CARB) and the District at the addresses below:

U.S. EPA
Attn: Asbestos NESHAP Program
75 Hawthorne Street
San Francisco, CA 94105

CARB, Compliance Division
Attn: Asbestos NESHAP Program
P.O. Box 2815
Sacramento, CA 95814

FRAQMD
Attn: Karla Sanders
541 Washington Avenue
Yuba City, CA 95991

Letter B: Peter Angelonides, Air Quality Planner, FRAQMD

Response B-1:

This comment does not raise any specific CEQA issue with the Draft EIR, and is noted here for the consideration of decision-makers. It is further noted that Page 4.3-10 of the Draft EIR states that developers or contractors are required to control dust emissions from earth moving or any other construction-related activities to prevent airborne dust from leaving a Project Site. Developers and/or contractors must take every reasonable precaution not to cause or allow the emissions of fugitive dust from being airborne beyond the property line from which the emission originates, from any construction, handling or storage activity, or any wrecking, excavation, grading, clearing of land or solid waste disposal operation. Rule 3.16 is enforced through the requirement of preparation of a Fugitive Dust Control Plan, which identifies the dust suppression measures to be employed.

Response B-2:

This comment does not raise any specific CEQA issue with the Draft EIR, and is noted here for the consideration of decision-makers. The Roadway Emissions Construction Model files have been assembled and sent to the FRAQMD.

Response B-3:

This comment does not raise any specific CEQA issue with the Draft EIR, and is noted here for the consideration of decision-makers.

Response B-4:

This comment does not raise any specific CEQA issue with the Draft EIR, and is noted here for the consideration of decision-makers.

Letter C: Sutter County Development Services Department (via email)

From: Neal Hay, Sutter County
Sent: Wednesday, July 5, 2023 1:51 PM
To: Michael Bessette, SBFCA
Cc: Guadalupe Rivera, Sutter County
Subject: Tudor Flood Risk Reduction Project - county road impact

Hi Michael,

Comment C-1: [In our] review of the Draft EIR for the Tudor Flood Risk Reduction Project, [w]e noted the 4,750 expected loads to import material on Sacramento Ave west of SR 99 (Section 3.5, Construction Details), and we were surprised that it had a Less Than Significant impact. We realize the importance of this project and we appreciate your efforts to utilize Sacramento Ave east of SR 99 for fleet construction vehicles only. Thanks to your intervention, DWR cost-shared in the reconstruction of that segment and we're concerned that the western portion of Sacramento Ave will require the same work after this project is completed, plus it will need ongoing maintenance during the project. I've included a portion of our Ordinance Code that addresses road impacts from construction hauling for your review. As the project documents progress, we'd be happy to discuss how we can mitigate impacts to the roadway.

Thanks

Neal Hay, PE

County of Sutter | Director of
Development Services 1130 Civic
Center Blvd Yuba City CA 95993

(530) 822-7400 | (530) 681-6964 cell | www.suttercounty.org

-

Sutter County Development Services Department provides excellent customer services while facilitating investment and growth in the County and maintaining standards to foster a desirable community that enhances the quality of life and protects the health, safety, and general welfare of residents, business owners and visitors.

SUTTER COUNTY

DEVELOPMENT SERVICES DEPARTMENT

Building Inspection
Code Enforcement
Engineering/Water Resources
Environmental Health
Planning
Road Maintenance

SUTTER COUNTY ORDINANCE

1137-090 - CONSTRUCTION HAULING

The Development Services Department Director may impose conditions and/or requirements upon persons who engage in the short-term, intensive hauling of loads exceeding 14,000 pounds, with a cumulative total haul of greater than 1,000 tons within a 90-day period, for construction purposes. Such requirements, including use fees and/or repair and restoration work, may be imposed upon that person or persons to mitigate the impact on local County Roads and may be included as a requirement in a grading permit, use permit, surface mining permit, or other County or State permit; or as a mitigation measure under the California Environmental Quality Act. If such requirement is not included in a County grading, use, or other County permit, the person or persons shall obtain a separate permit from the Development Services Department Director. Fees for such permits shall be set, from time to time, by resolution of the Board of Supervisors.

([1059] Ord. 1585, Sec. 2, May 28, 2013)

1130 Civic Center Boulevard, Suite A • Yuba City, CA 95993 • (530) 822-7400
www.suttercounty.org

Letter C: Neal Hay, PE, County of Sutter | Director of Development Services

Response C-1:

Comment C-1 raises concern about potential damage to the roadway that would be used for construction vehicle access to the Proposed Project Site.

Damage to roadways by construction vehicles is not an impact criterion for Transportation under the CEQA Guidelines. However, SBFCA will implement the County's conditions recommended by the Development Services Department per Sutter County Ordinance 1137-090.

3.0 MINOR REVISIONS TO THE DRAFT EIR

This section describes minor edits to the Draft EIR, all regarding the Tribal Cultural Resources section. These modifications resulted from responses to comments received during the Draft EIR public review period. There were no staff-initiated changes.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and strikeout for deleted text).

3.1 Minor Changes and Edits to the Draft EIR

Section 4.18.3.2 Methods of Analysis

The 5th and 6th paragraphs of Section 4.18.3.2 has been revised as follows:

The UAIC responded with a request to consult on the Project on July 7, 2022. The first AB 52 meeting between UAIC and SBFCA occurred on August 16, 2022, with a second meeting on December 13, 2022. As part of these meetings, the UAIC stated that ~~they~~ there were ~~not aware of any TCRs within the Project Area; however, the Project Area is near~~ two village sites near the Project Area. Since portions of the Project Area are within the 0.5-mile minimum boundary distance of village activity, the tribe identified two TCRs within the Project Area. ~~And, b~~Based on observations during the field visit, the tribe requested a survey by a canine forensics team, as well as geoarchaeological trenching in addition to compensating tribal monitors onsite during ground disturbance.

On July 26, 2022, the UAIC accompanied the archaeologist during the pedestrian survey. Based on the material observed by the tribal monitor, the UAIC identified a couple areas of concern where there is a higher likelihood of tribal deposits, which occurred within the 0.5-mile minimum boundary distance of village activity, and within the areas identified as ~~, however, they did not identify an area as a~~ TCRs.

Section 4.18.3.3 Tribal Cultural Resources

The last paragraph of this section, with the subheading "Tribal Consultation Results," has been revised as follows:

Tribal Consultation Results

The UAIC, a culturally affiliated tribe, has provided information to SBFCA that indicates the project could have a significant effect on TCRs that may be unearthed during ground disturbing activities, and this would be considered a significant impact. Therefore, mitigation measures are required to reduce the impact to ~~unknown~~ TCRs to less than significant.

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4.0 REVISED DEIR SECTIONS

Section 4.0 includes the one section of the DEIR, Section 4.18, Tribal Cultural Resources, that has been revised as a result of addressing comments submitted by the United Auburn Indian Community of the Auburn Rancheria.

4.18 TRIBAL CULTURAL RESOURCES

This section of the EIR describes the existing environment and regulatory framework necessary to evaluate potential impacts on tribal cultural resources (TCRs) from the Project, and potential Project-specific and cumulative impacts on TCRs that could result from the Project. A TCR is a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

The following analysis of the potential environmental impacts related to TCRs is derived primarily from the following sources:

- California NAHC Sacred Lands File Search, January 3, 2019;
- Archaeological Inventory Report for the Tudor Flood Risk Reduction Project (ECORP 2023b);
- Ethnographic overviews of the Nisenan (Beals 1933; Kroeber 1925; Littlejohn 1928; Wilson and Towne, 1978); and
- Confidential tribal consultation record under SBFCA's tribal consultation policy and AB 52.

4.18.1 Environmental Setting

4.18.1.1 Ethnographic History and Cultural Context

The following ethnographic history (or ethnohistory) is provided for context of TCRs inside the Project Area and does not constitute a comprehensive or diachronic ethnographic overview of Native American culture in and around the Project Area.

The Project Area is in the territory occupied by the Penutian-speaking Nisenan. Nisenan traditionally inhabit the drainages of the Yuba, Bear, and American rivers, and the lower reaches of the Feather River, extending from the eastern banks of the Sacramento River on the west to the mid to high elevations of the western flank of the Sierra Nevada to the east. They are culturally affiliated with the area surrounding the current city of Oroville on the north to a few miles south of the American River in the south. The Sacramento River is the western boundary, and in the east, it extended to a general area located within a few miles of Lake Tahoe. The descendants of traditional Nisenan, including the UAIC, continue to reside in the region and retain many of the traditional lifeways that were described by ethnographers, as summarized below.

The basic social and economic group for the traditional Nisenan is the family or household unit. The nuclear or extended family forms a corporate unit. In pre-contact times, basic units were combined into distinct village or hamlet groups, each largely composed of relatives in the same extended family. Individual populations of Valley Nisenan were as large as 500 persons at contact, while foothill and mountain groups ranged between 100 and 300 persons.

Traditional, pre-contact Nisenan groups practiced seasonal migration, a subsistence strategy involving moving from one area or elevation to another to harvest plants, fish, and hunt game across different ecosystems that were in relatively close proximity to each other. Most of the year, traditional Nisenan

usually lived in permanent villages located below about 2,500 feet that generally had a southern exposure, were surrounded by an open area, and were located above but close to watercourses. The rather large uninhabited region between the 3,000-foot contour and the summit of the Sierra Nevada was considered open ground that was only used by communities living along its edge. Permanent villages in the foothills and mountains were usually located on high ground between rivers. Valley villages were also usually located on raised areas to avoid flooding. Studies indicate that at one time there were settlements located on every small stream within Nisenan territory, but permanent villages were not located in steep, dark, narrow canyons of large rivers, or at altitudes where deep snows persisted throughout the winter. In fact, permanent occupation sites above 3,500 feet were only located in protected valleys. Village sites along the Feather River were common, with natural high ground being favored for occupation. Many of these areas of high ground were incorporated into the levees that now flank each side of the river.

The Spanish arrived on the central California coast in 1769. The first known occupation by European-Americans was marked by American and Hudson Bay Company fur trappers in the late 1820s establishing camps in Nisenan territories. In 1833, a deadly epidemic (probably malaria) swept through the Sacramento Valley and had a devastating effect on Nisenan populations. Entire villages were lost, and many surviving Nisenan retreated into the hills. An estimated 75 percent of their population was wiped out, and only a handful were left to face the gold miners and settlers who were soon to follow. Captain John Sutter settled in Nisenan territory in 1839, and through force and persuasion he coerced most of the remaining Valley Nisenan to be on peaceful terms. The discovery of gold, however, led to their territory being overrun within a matter of a few years, forcing the Nisenan to abandon their villages and homes along the rivers. James Marshal's 1848 gold discovery was in the middle of Nisenan territory, and thousands of miners were soon living in the area. As Europeans flooded Northern California after 1849 and mining methods changed, the assistance of the native population was less relied upon, and they were viewed as an obstacle to settlement of land. This dynamic led to widespread killing, destruction, and persecution of the Nisenan and their culture. The survivors were relegated to working in agriculture, logging, ranching, or domestic pursuits. A native culture resurgence occurred around 1870 with influence from the Ghost Dance revival, but by the 1890s the movement had all but ended in dissolution. By the Great Depression, it was said that no living Nisenan could remember a time before European contact.

Despite enduring over a century of adversity and hardship, descendants of the pre-contact Nisenan exist in thriving communities today. They are members of modern society and many still practice traditional Nisenan customs. Their ties to the village sites along the Feather River are still strong, and drive the historic preservation programs of descendent communities such as UAIC.

4.18.2 Regulatory Setting

Relevant federal, state, and local laws and regulations pertaining to cultural resources are discussed below.

4.18.2.1 Federal

National Historic Preservation Act

The NHPA requires that the federal government list significant historic resources on the NRHP, which is the nation's master inventory of known historic resources. The NRHP is administered by the NPS and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or traditional cultural significance at the national, state, or local level. The act defines the responsibilities of federal agencies to protect and preserve historic properties found eligible for or listed in the NRHP. Sections 106 and 110 include specific provisions for the identification and evaluation of these properties for inclusion in the NRHP, such as consulting with interested parties that often include local Native American tribes.

Through amendments to the NRHP in 1992 and their implementing regulations, federal responsibilities under Section 106 for consultations with interested parties, and especially Native American tribes, were expanded. The result has been a more focused effort by federal agencies to involve interested parties in identifying historic properties of cultural significance and, if warranted, in considering effects that may result from a federal undertaking. Traditional Cultural Properties (TCPs) are more often identified as resources during these consultation efforts.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant historic resources. However, properties under 50 years of age that are of exceptional importance or are contributors to a historic district can also be included in the NRHP. In 1990, National Register Bulletin 38 presented guidelines for evaluating traditional cultural significance as a kind of cultural significance for which historic properties can be found eligible for inclusion in the NRHP using established criteria (Parker and King 1990, revised in 1992 and 1998). The process for considering TCPs is situated within the framework of the NRHP as the preservation of tangible cultural properties that have historical and ongoing significance to living communities, as evidenced in their traditional cultural practices, values, beliefs, and identity.

The criteria for listing in the NRHP include resources that:

a) are associated with events that have made a significant contribution to the broad patterns of history;

b) are associated with the lives of persons significant in our past;

c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d) have yielded or may likely yield information important in prehistory or history.

Additionally, the NRHP guidelines describe a type of cultural significance for which properties may be eligible for inclusion in the NRHP. A property with traditional cultural significance will be found eligible for the NRHP because it is associated with cultural practices or beliefs of a living community that:

a) are rooted in that community's history, and

b) are important in maintaining the continuity of the cultural identity of the community.

This type of significance is grounded in the cultural patterns of thought and behavior of a living community, and refers specifically to the association between their cultural traditions and a historic property.

4.18.2.2 State

Assembly Bill 52

In 2015, AB 52 amended CEQA to require that: 1) a lead agency provide notice to those California Native American tribes that requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the PRC defines California Native American tribes as "a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004." This includes both federally and non-federally recognized tribes.

Section 21074(a) of the PRC defines TCRs for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are any of the following:

    a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
    b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
    c. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies provide tribes that requested notification an opportunity to consult at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures.

In accordance with Section 21082.3(c)(1) of the PRC, "… information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with subdivision (r) of Section 6254 of, and Section 6254.10 of, the Government Code, and subdivision (d) of Section 15120 of Title 14 of the CCR, without the prior consent of the tribe that provided the information." Therefore, the details of tribal consultation summarized herein are provided in a confidential administrative record and not available for public disclosure without written permission from the tribes.

4.18.2.3 Local

Sutter Butte Flood Control Agency

On May 13, 2015, SBFCA adopted a tribal consultation policy with four key desired outcomes:

1. SBFCA will ensure that agency staff meet with applicable tribal chairs or leaders and recognize that, as governments, tribes have the right to be treated with appropriate respect and dignity, in accordance with principles of self-determination.
2. SBFCA will reach out, through designated points of contact, to involve tribes in collaborative processes designed to ensure information exchange, consideration of disparate viewpoints before and during decision making, and utilize fair and impartial dispute resolution mechanisms.
3. SBFCA will search for ways to involve tribes in programs, projects and other activities that build economic capacity and foster abilities to manage tribal resources while preserving cultural identities.
4. SBFCA will act to fulfill obligations to preserve and protect trust resources, comply with applicable state and federal laws, and ensure reasonable access to sacred sites in accordance with published and easily accessible guidance.

On April 20, 2016, SBFCA amended the tribal consultation policy to add specific procedures for bi-lateral government-to-government consultation between SBFCA and UAIC, specifically.

County of Sutter

The following goals and policies of the 2019 Sutter County General Plan Policy Document (Sutter County 2019) are applicable to TCRs:

Goal ER 8.5: *Consultation. Consult with the appropriate organizations and individuals early in the development process (e.g., Information Centers of the California Historical Resources*

Information System, Native American Heritage Commission, and Native American groups and individuals) to minimize potential impacts to cultural resources.

4.18.3 Environmental Impacts and Mitigation Measures

This section describes potential impacts TCRs that could result from implementation of the Project. The section also recommends mitigation measures as needed to reduce impacts to less than significant.

4.18.3.1 Thresholds of Significance

Based on the CEQA Guidelines Appendix G: Items XVII (a) and (b) of the CEQA Guidelines, TCR impacts are considered to be significant if a project would cause a substantial adverse change in the significance of a TCR, defined in PRC Section 21074. The CEQA lead agency makes this determination based on the expert opinion of culturally affiliated consulting tribes.

4.18.3.2 Methods of Analysis

Tribal Consultation Under SBFCA's Consultation Policy

On June 6, 2022, SBFCA sent project notification letters to UAIC, Yocha Dehe Wintun Nation, Mechoopda Indian Tribe, and Mooretown Rancheria of Maidu Indians. The notifications included information about the Proposed Project and requested a response within 30 days.

On June 24, 2022, the Yocha Dehe Wintun Nation responded and declined consultation, referring SBFCA to UAIC. On July 7, 2022, UAIC responded to accept the opportunity to consult and send a Tribal Representative to attend the field survey. A summary of consultation with UAIC is provided below. No other tribes responded to the opportunity to consult.

Tribal Consultation Under AB 52

At the time SBFCA was ready to initiate CEQA review, it had received written requests to receive project notices from two California Native American Tribes that identified themselves as being traditionally and culturally affiliated with the lands subject to SBFCA jurisdiction: the UAIC of Auburn Rancheria and the Torrez Martinez Desert Cahuilla Indians. In 2016, the Torrez Martinez Desert Cahuilla Indians rescinded their general AB 52 notification request to defer to tribes closer to the SBFCA's areas of operation. Correspondence with UAIC is summarized below.

On July 5, 2022, SBFCA determined that it had a complete Project description and it was ready to begin review under CEQA. The SBFCA uploaded the letter with an invitation to consult on the Project to UAIC's portal and received confirmation of delivery. SBFCA requested responses to the offer to consult within 30 days of the receipt of the letter.

The UAIC responded with a request to consult on the Project on July 7, 2022. The first AB 52 meeting between UAIC and SBFCA occurred on August 16, 2022 with a second meeting on December 13, 2022. As part of these meetings, the UAIC stated that they were two TCRs overlapping with the Project Area. Based on observations during the field visit, the UAIC Tribal Representatives requested a survey by a canine forensics team, geoarchaeological trenching and professional tribal monitors during ground disturbance.

On July 26, 2022, UAIC Representative Melodi McAdams (Tribal Heritage Specialist) accompanied the archaeologist during the pedestrian survey. The Tribal Representative identified soil deposits, features and objects associated with the TCRs and recommended that additional soils, features and objects were likely present.

The canine survey occurred on October 17 and 18, 2022. The survey identified several areas where cemetery features associated with the two TCRs are present; however, due to restrictions by the USACE, trenching may not occur until a Section 408 permit is issued. Consultation is ongoing and will be concluded before the adoption of this environmental document.

The UAIC sent an email to SBFCA on July 31, 2023 stating that AB 52 consultation is closed.

4.18.3.3 Tribal Cultural Resources

Information about potential impacts to TCRs was drawn from: 1) the results of a search of the Sacred Lands File of the NAHC; 2) existing ethnohistory information about pre-contact lifeways and settlement patterns; 3) information on archaeological site records obtained from surveys of the Project Area and the California Historical Resource Information System; 4) Canine Forensic Survey and 5) the tribal consultation record under AB 52 and SBFCA's tribal consultation policy for the Project.

Sacred Lands File Search

A search of the NAHC Sacred Lands File was requested on January 2, 2019. The NAHC responded on January 3, 2019 that the sacred lands file search was negative, meaning no sacred lands have been previously recorded within the Project Area.

Ethnographic History & Contemporary Information

The ethnohistorical information reviewed for the Project, including ethnographic maps (Wilson and Towne 1978) lists the nearest Native American villages as *Yokol* and *Ol'-las*. These villages are shown as being on the opposite side of the Feather River in 1910, but within less than 0.5 mile of the Project Area. UAIC Tribal representatives have also identified two TCRs within the Project Area. The village name for these TCRs is in the confidential appendices.

Archaeological Site Records

The entire Project Area was subjected to an archaeological survey and records search review, and no Native American site had been previously mapped within its boundaries. In addition, approximately 40 percent of the area within a 0.5-mile radius surrounding the Project Area has been subject to cultural surveys, resulting in one Native American archaeological site having been previously recorded in the vicinity. As a result of the field survey, ECORP observed and recorded three isolated pre-contact milling rocks (ISO-TL-01, -02, and -03), and the tribal monitor noted multiple items of cultural interest within the APE (identified by the tribe as worry stones, fire-cracked rock, charm stones, or utilized tools). The forensic canine survey identified multiple locations along the levee that correspond with observed artifacts. A visual inspection of the scent locations did not reveal evidence of human remains on the surface.

Tribal Consultation Results

The UAIC, a culturally affiliated tribe, has stated that the project will have a significant effect on TCRs that may be unearthed during ground disturbing activities and this would be considered a significant impact. Therefore, mitigation measures are required to reduce the impact to TCRs to less than significant.

4.18.3.4 Project Impacts and Mitigation Measures

Impact 4.18-1: Implementation of the Proposed Project would cause a substantial adverse change in the significance of a Tribal Cultural Resource. Impact Determination: *less than significant with mitigation incorporated*.

Threshold:	*Would cause a substantial adverse change in the significance of a Tribal Cultural Resource.*

The Project would have a significant impact on a TCR if it were to result in a substantial adverse change by way of physical demolition, destruction, relocation, or alteration of TCRs discovered during ground disturbing activities. As discussed in the Cultural Resources Report (ECORP 2023), the Proposed Project will involve the reconstruction of a 1.8-mile segment of the Feather River West Levee. The possibility exists that TCRs will be inadvertently excavated during degrade and cutoff wall excavation. In addition, according to the review of maps and records, the proximity of the Project Area to major water resources, AB 52 consultation with the UAIC, and the fact that buried pre-contact resources are known to exist within 0.5 mile of the Project Area, indicate a high potential for the presence of previously undiscovered buried pre-contact archaeological deposits at the Project Area, including additional potential TCRs. The presence of alluvium in and around the Project Area further suggests that there remains a potential for deeply buried pre-contact resources to be uncovered during ground-disturbing activities. Without mitigation, impacts associated with inadvertent discovery of TCRs would be adverse and significant.

Further subsurface exploration, such as geoarchaeological trenching, cannot be performed prior to project approval because of the prerequisite permitting requirements, which require CEQA approval; however, this EIR concludes that TCRs are present, and that pre-construction trenching (as part of implementing mitigation measures for TCRs) will inform the level and location of tribal monitoring and slow degrade during construction. Therefore, implementation of Mitigation Measures TCR-1 through TCR-10 is required to ensure proper treatment of any inadvertently discovered TCRs.

Mitigation Measures

Implementation of Mitigation Measures TCR-1 through TCR-10 will be required.

TCR-1: **Geoarchaeological Profiling.** After a Section 408 permit is obtained from the USACE, the tribe and project archaeologist shall expose and document the soil profiles within or adjacent to the levee prism. These profiles shall be exposed by equipment under the direction of a qualified geoarchaeologist in three to ten locations along the levee using auger tests or trenching, all of which would be monitored by tribal monitors. The location of these profiles shall be selected by the Tribe from areas within the Project Area that are approved for ground disturbance. The results of these tests shall inform the levels and

locations of slow degrade and focused monitoring (TCR-4 and 6). If the geoarchaeological profiling does not reveal any evidence of cultural deposits, the slow degrade may not be necessary. The exposed soil may be retained on-site and may be reburied, at tribal request.

Timing/Implementation: *Prior to construction.*

Monitoring/Enforcement: *SBFCA.*

TCR-2: **Develop a Burial Treatment Agreement.** In the event of the identification of Native American human remains and UAIC has been designated Most Likely Descendant (MLD) by the NAHC, SBFCA will develop a Burial Treatment Agreement (BTA) in consultation with the UAIC. The BTA will govern the disposition and treatment of all human remains, objects, and soil disturbed or removed from the Project Area. The BTA shall include provisions for reburial as close as possible to the original location from which they were obtained. Scientific handling, or testing will only be conducted if the tribe consents to such handling or testing and the USACE and SHPO do not object to such treatment.

Timing/Implementation: *This measure shall be developed prior to construction.*

Monitoring/Enforcement: *SBFCA.*

TCR-3: **Cultural Sensitivity Training.** All personnel involved in Project construction, including field consultants and construction workers, are required to undergo cultural resources and TCRs sensitivity and awareness training program through development and implementation of a Worker Environmental Awareness Program (WEAP). The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. SBFCA shall invite a Native American representative from interested culturally affiliated Native American tribes to participate. The WEAP shall be conducted before any Project-related construction activities begin at the Project location. The WEAP will include relevant information regarding sensitive cultural resources and TCRs, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and TCRs that could be located at the Project Site and will outline what to do and who to contact if any potential cultural resources or TCRs are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.

Timing/Implementation: *This measure shall be printed on construction plan sets and implemented prior to construction.*

Monitoring/Enforcement: *SBFCA and Project construction lead.*

TCR-4: **Tribal Monitoring.** All ground disturbing activity or activity that has the potential to disturb TCRs shall be monitored by a qualified tribal monitor representing a consulting tribe. This includes any fence installation, staging work, clearing and grubbing, and levee degrade. The monitor must be given a minimum of 7 days' notice of the opportunity to be present during these activities and may coordinate closely with the archaeological monitor, to observe work activities, and assist in ensuring that sensitive TCRs are not adversely affected. The monitor shall be given a reasonable opportunity to inspect soil and other material as work proceeds to assist in determining if resources significant to the tribes are present. If a potential tribal resource is identified by the monitor, they may pause or redirect work temporarily in order to closely inspect the potential discovery. If the tribe cannot recommend a monitor or if the tribal monitor does not report at the scheduled time, all work may continue as long as the specified notice of 7 days was provided.

Recovery of cultural items, reburial preparation, and reburial shall also be conducted by Tribal Monitors.

Timing/Implementation: *This measure shall be printed on construction plan sets and implemented during construction.*

Monitoring/Enforcement: *SBFCA and Project construction lead.*

TCR-5: **Discoveries.** Any potential TCRs observed in any location will be subject to the decision process in CUL-2 and subsequent consultation between the monitoring tribe and the lead agencies to evaluate and, if necessary, treat the discovery of the satisfaction of the lead agencies.

If the discovery includes human remains, then the procedures in TCR-7 shall apply. If the discovery is determined to not be a tribal cultural resources by UAIC but is determined by the consulting archaeologist or SBFCA to be a non-tribal cultural or archaeological resource, them the consulting archaeologist shall follow the procedures therein and as generally described in CUL-2 without further involvement by the tribal monitors or tribe(s). SBFCA shall consult with USACE on appropriate treatment.

Timing/Implementation: *This measure shall be printed on construction plan sets and implemented during construction.*

Monitoring/Enforcement: *SBFCA and Project construction lead.*

TCR-6: **Slow Degrade.** Based on the results of geoarchaeological profiling in TCR-1 and other relevant information, UAIC shall select various locations along the Project totaling not more than 1,500 linear feet along the levee to undergo a "slow degrade" of the upper third of the levee prior to construction of the cutoff wall. In the areas of slow degrade, the excavator shall use a bucket with a flat blade (no teeth) under the observation of a tribal monitor to remove soil in 4 to 6-inch lifts (depths) to allow for examination by monitors.

Timing/Implementation: *This measure shall be printed on construction plan sets and implemented during construction excavation activities in the Project Area.*

Monitoring/Enforcement: *SBFCA and Project construction lead.*

TCR-7: **Human Remains.** In the event that suspected Native American human remains in any state of decomposition or skeletal completeness are found during Project activities, SBFCA shall immediately halt ground disturbing activity at that location and within a 100-foot radius and contact the County Coroner. The Coroner shall ensure that notification is provided to the NAHC as required by California Health & Safety Code § 7050.5 and PRC § 5097.98(a). Health and Safety Code Section 7050.5 establishes the authority of the County Coroner regarding the discovery of human remains and the role of the NAHC if the coroner determines that the remains are that of a Native American. PRC § 5097.98 provides the notification process used by the NAHC for the discovery of Native American human remains, descendants, and also provides guidance for the appropriate and dignified disposition of human remains and associated grave goods. If UAIC is identified as the Most Likely Descendent by the NAHC, then the procedures in the Burial Treatment Agreement (Mitigation Measure TCR-2) between the UAIC and SBFCA shall be followed.

Timing/Implementation: *This measure shall be printed on construction plan sets and implemented during construction.*

Monitoring/Enforcement: *SBFCA and Project construction lead.*

TCR-8: **Recovery, Treatment Storage and Reburial of Native American Cultural Items and Soils.** SBFCA shall provide a locking storage cabinet within a work trailer for storage of cultural items. If there is a large volume of cultural items and upon Tribal request, SBFCA shall provide a secure, climate controlled, trailer. The tribe and tribal monitors shall control access to the secure storage area.

SBFCA shall provide on-site locations for the secure storage of cultural or burial soils. These locations shall be subject to Tribal approval. SBFCA shall take action to protect soil piles from erosion, looting, or vehicular traffic, upon Tribal request.

Tribal Monitors shall recover cultural items from the Project Area, record the recovered cultural items, and the recovered cultural items in secure location on-site.

Burial or cultural soils in large quantities shall be stockpiled in a designated area.

Monitors from the UAIC will conduct the burial recovery, repatriation, and reburial of any human remains, burial goods, and soils from the Project site for which UAIC is the designated MLD. These monitors will be in addition to those observing construction activities.

SBFCA will coordinate with the tribe to designate a repatriation area to accommodate reburial of human remains, burial offerings, cultural items and cultural or burial soils from the Project Site. Repatriation and reburial shall occur prior to the completion of the Project.

Timing/Implementation: *This measure shall be printed on construction plan sets and implemented during construction.*

Monitoring/Enforcement: *SBFCA and Project construction lead.*

TCR-9: **Documentation of Finds.** All TCRs encountered during construction shall be documented in a report prepared in coordination with the UAIC as well as by completing a Department of Parks Recreation Form 523 and submitting it to the Northeast Information Center (NEIC) of the California Historical Resources Information System (CHRIS) in Chico, California. UAIC shall have the opportunity to review and revise these documents.

UAIC shall be invited to prepare a chapter or confidential appendix for the report and may invoice for the costs of preparing such report under a consulting agreement with SBFCA.

Timing/Implementation: *This measure shall be implemented within 6 months of the completion of construction and reburial.*

Monitoring/Enforcement: *SBFCA.*

TCR-10: **Mitigation.** Tribes shall recommend for lead agency approval appropriate and commensurate mitigation based on adverse effects or impacts to Tribal Cultural Resources, including cumulative effects. SBFCA shall be responsible for coordinating the funding for recommended mitigation no later than 1 year following the completion of the project.

4.18.4 Cumulative Impacts

4.18.4.1 Cumulative Setting

The cumulative setting associated with the Proposed Project includes proposed, planned, and other reasonably foreseeable projects. The Existing Setting subsection provides an overview of TCRs and the pre-contact history of the region.

4.18.4.2 Cumulative Impacts and Mitigation Measures

Impact 4.18-2: Result in a considerable contribution to cumulative impacts on TCRs. Impact Determination: *less than significant with mitigation incorporated.*

Threshold:	*Would result in a substantial adverse change in the significance of a Tribal Cultural Resource in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas.*

Other known upcoming projects within the vicinity of the Proposed Project are identified below. The Yuba City Boat Ramp Sediment Removal Project Phase 2, which proposes dredging by SBFCA to remove sediment that has accumulated in portions of the Feather River near the confluence of the Feather and Yuba Rivers in Yuba City several miles upstream of the Project site, will move forward when the project receives funding. The SBEL Critical Repairs, located several miles north of the TFRRP site along the Sutter Bypass, will consist of critical levee repairs to approximately 5.2 miles of the SBEL. The SBEL project is likely to be implemented in 2026, ideally after the conclusion of the Proposed Project. In addition, the Lower Sutter Bypass Anadromous Fish Habitat Restoration is an ongoing planning effort that seeks to identify floodplain habitat restoration options that improve rearing conditions for juvenile salmonids and engage the local community in their protection. Based on current available schedules, no construction activity would occur during the timeline of the Proposed Project.

Development of the Proposed Project in combination with other projects located along the Feather River would increase the potential for impacts to known and previously unknown archaeological resources that could contribute to the loss of such resources in California. All future projects would be required to follow existing state and federal law or other agency regulations and policies, although projects that do not require discretionary approval may not be subject to the same level of evaluation and thus, result in impacts to TCRs. Therefore, cumulative impacts from the Proposed Project, along with adjacent development, would be significant. However, development within the vicinity would be subject to mitigation measures, which would reduce some of the Project's potential impacts on previously unknown TCRs and human remains to less than significant. Consequently, the incremental effects of the Proposed Project, after mitigation, would not be cumulatively considerable with respect to previously unknown TCRs and human remains. With the implementation of Mitigation Measures TCR-1 through 8, the Project's potentially significant impacts on TCRs present would not be a cumulatively significant contribution to such impacts regionally.

Mitigation Measures

Implementation of Mitigation Measures TCR-1 through TCR-8 will be required.

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MITIGATION MONITORING AND REPORTING PROGRAM

Tudor Flood Risk Reduction Project

Final Environmental Impact Report

State Clearinghouse #2023010087

August 2023

PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report prepared for the **Tudor Flood Risk Reduction Project** concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Environmental Impact Report concluded that the impacts from implementation of the project would be less than significant.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
Aesthetics			
AES-1: Lighting. To the maximum extent feasible, Project lighting shall be directed and shielded to focus illumination on the desired areas only and avoid directing light into adjacent areas.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
AES-2: Implement a Community Outreach Program. SBFCA will provide advance public notification to permanent residents located adjacent to the project regarding planned construction activities, including activities that must be performed at night or on weekends. Mail and, where feasible, emails to adjacent residents shall be sent notifying them of unavoidable nighttime or weekend construction activities each year prior to construction.	SBFCA and Project construction lead		Implemented at all times during construction
Implementation of mitigation measures **AES-1** and **AES-2** would be required.	SBFCA and Project construction lead	These measures shall be printed on construction plan sets	Implemented at all times during construction
Air Quality			
Implementation of mitigation measure **AIR-1** will be required, as below.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
AIR-1: CARB Tier 4 Certified Equipment. The Project applicant and/or its contractor shall require that all Project off-road equipment used during construction activities be CARB Tier 4	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
Certified, as set forth in Section 2423 of Title 13 of the CCR, and Part 89 of Title 40 of the Code of Federal Regulations (CFR). The Project applicant and/or its contractor shall require that all Project haul trucks entering and leaving the Project Site are Model Year 2010 or newer			
Implementation of mitigation measure **AIR-1** will be required, as above.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Biological Resources			
BIO-1: BMPs. The Project will implement erosion control measures and Best Management Practices (BMPs) to reduce the potential for sediment or pollutants at the Project site. Measures shall include: • Erosion control measures will be placed between aquatic resources, and the outer edge of the staging areas, within an area identified with highly visible markers (e.g., construction fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification and erosion control measures will be properly maintained until construction is completed and the soils have been stabilized. • Fiber rolls used for erosion control will be certified by the California Department of	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
Food and Agriculture as weed free. • Seed mixtures applied for erosion control will not contain California Invasive Plant Council designated invasive species (http://cal-ipc.org/) and will be composed of native species appropriate for the site. • Trash generated onsite will be promptly and properly removed from the site. • Any fueling in the upland portion of the Project Area will use appropriate secondary containment techniques to prevent spills. A qualified biologist will conduct a mandatory Worker Environmental Awareness Program for all contractors, work crews, and any onsite personnel on the potential for special status species to occur on the Project site. The training will provide an overview of habitat and characteristics of the species, the need to avoid certain areas, and the possible penalties for non-compliance.			
PLANT-1: Preconstruction Floristic Surveys. Preconstruction floristic surveys shall be conducted for any areas of vegetation removal in the Project Area with the potential to support habitat for Boggs-lake hedge hyssop, woolly-rose mallow, Sanford's arrowhead, or Suisun marsh aster. The area of ground disturbance and a 25-foot buffer would be surveyed by a qualified biologist during the appropriate blooming period prior to the start of Project activities. If no special status species are found during the	SBFCA and Project construction lead	Any avoided areas will be printed on construction plan sets	Preconstruction floristic surveys shall be conducted prior to construction. Special-status plant locations shall be avoided at all times during construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
preconstruction surveys, no further measures are necessary. If surveys identify any special-status plants, the Project Proponent shall identify them with flagging and avoid them with a 25-foot no-disturbance buffer during Project activities. If this avoidance is not feasible, the Project Proponent shall consult with CDFW to determine whether alternative avoidance measures that are equally protective are possible.			
FISH-1: To avoid and minimize potential adverse effects to listed and special status fish species, the following shall be implemented: • Minimize the removal of riparian and aquatic vegetation. • Deploy measures, as practicable, to reduce sediment resuspension such as a turbidity curtain. • In-water Project activities will require de-watering of surrounding area (if water is present), and a fish rescue/relocation effort completed by a qualified fisheries biologist. • A qualified fisheries biologist should perform a fish exclusion from the in-water construction footprint using seines, if necessary. If the Project requires pouring concrete, avoid allowing wet uncured concrete to contact surface water, and conduct water quality monitoring to	SBFCA and Project construction lead	Any avoided areas will be printed on construction plan sets and avoidance implemented at all times during construction	This measure shall be implemented during any in-water construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
ensure that the wet concrete is not affecting the pH of the surface water.			
NPT-1: Conduct a pre-construction survey for northwestern pond turtles and their nests 48 hours prior to construction activities. Any northwestern pond turtle individuals discovered in the Project work area immediately prior to or during Project activities shall be allowed to move out of the work area of their own volition. If this is not feasible, they shall be captured by a qualified wildlife biologist and relocated out of harm's way to the nearest suitable habitat at least 100 feet from the Project work area where they were found.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Surveys shall be conducted within 48 hours prior to construction.
GGS-1: Prior to the start of ground-disturbing activities in areas considered potential habitat for giant garter snake, a qualified biologist shall conduct a preconstruction survey. This survey shall be conducted within 48 hours prior to the start of ground disturbing activities. If a giant garter snake is found, the biologist shall allow the animal to leave on its own volition. Coverage from USFWS under Sections 7 or 10 of the ESA will be required for any impacts to giant garter snake and/or their habitat. In addition, take coverage from CDFW under Section 2081 of the California Fish and Game Code will be required	SBFCA and Project construction lead	Coverage under USFWS Section 7, and CDFW Section 2081 shall be obtained prior to the start of construction. This measure shall be printed on construction plan sets	Surveys shall be conducted within 48 hours prior to construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
for any impacts to giant garter snake and/or its habitat.			
BIRD-1: Nesting Birds. To protect nesting birds, no Project activity shall begin from February 1 through August 31 unless the following surveys are completed by a qualified wildlife biologist. Separate surveys and avoidance requirements are listed below for all nesting birds and raptors, including bald eagle, and Swainson's hawk. • All Nesting Birds (Non-raptors) – If Project construction begins during February 1 through August 31, a qualified biologist will perform a preconstruction nesting bird survey within 7 days prior to construction (or less if recommended by CDFW), within the Project work area and a 100-foot radius. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. • Raptors – If Project construction begins during February 1 through August 31, a qualified biologist will perform a preconstruction nesting raptor survey within 7 days prior to construction (or less if recommended by CDFW), within the	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Prior to and during construction

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
Project work area and a 500-foot radius. If any active raptor nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. • Burrowing Owl – A qualified wildlife biologist shall survey for burrowing owl within the Project work area and a 250-foot radius of the Project work area within 7 days prior to starting Project activities. Surveys shall be conducted at appropriate times (dawn or dusk) to maximize detection. If any occupied burrows are observed, these burrows shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW. Consult with CDFW to develop avoidance and minimization measures, which could include preparing and implementing a passive relocation plan. • Swainson's Hawk – If Project construction begins during March 1 through August 31, a qualified biologist will perform a preconstruction nesting Swainson's hawk survey within 7 days prior to construction (or less if recommended by CDFW), within			

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
the Project work area and a 0.25-mile radius. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. To protect potentially nesting yellow-billed cuckoo, the following is recommended: • To encourage yellow-billed cuckoos to choose nesting sites away from construction activities, crews will make every effort possible to begin construction activities within 500 feet of suitable habitat before the start of the breeding season (i.e., before May 31). • If construction activities occur during the yellow-billed cuckoo nesting season (June 1 to September 30) and if it is anticipated that construction-related disturbances within 500 feet of suitable habitat cannot be avoided, protocol surveys for yellow-billed cuckoo will be conducted. Surveys will follow the latest version of A Natural History Summary and Survey Protocol for the Western Distinct Population Segment of the Yellow-billed Cuckoo (Halterman et al. 2016).			

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
• Biologists will coordinate with the USFWS and CDFW prior to conducting surveys. Survey methods and results will be reported to the USFWS and CDFW at the conclusion of the surveys. If cuckoos are detected during surveys, the nest or general location, will be mapped by the biologists and a 500-foot buffer will be established, or other distance as approved by the USFWS and CDFW, no-disturbance buffer between construction activities and the area identified. The no-disturbance buffer will be maintained until it has been determined by a qualified biologist that young have fledged or the nest is no longer active. If removal of vegetation identified as suitable habitat is proposed, consultation with USFWS may be required. Through the CWA Section 404 and/or 408 Permit, request the USACE initiate ESA Section 7 Consultation with USFWS, if necessary, on the Project effects to ESA-listed yellow-billed cuckoo.			
MAM-1: A qualified biologist will conduct a bat habitat assessment for suitable roosting habitat prior to any construction activities. The habitat assessment should be conducted at least one year prior to the initiation of construction activities. If no suitable roosting habitat is identified, no further measures are necessary. If suitable	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Habitat assessment shall be conducted within one year prior to construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
roosting habitat and/or signs of bat use is identified during the assessment, the roosting habitat should be avoided to the extent possible, and the following shall be implemented: If suitable roosting habitat and/or signs of bat use is identified in a tree or other habitat structure that much be removed, a qualified biologist shall prepare a Bat Management Plan for CDFW's review. The Plan shall identify methods for determining occupation of the roosting habitat by special-status bats (e.g., acoustic monitoring, evening emergence surveys). If an active bat roost is found, a plan for passive exclusion of bats from the roost will be prepared for CDFW's review. Exclusion shall be scheduled either (1) between approximately March 1 (or when evening temperatures are above 45 degrees Fahrenheit [°F] and rainfall less than 0.5 inch in 24 hours occurs) and April 15, prior to parturition of pups; or (2) between September 1 and October 15 (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than 0.5 inch in 24 hours). The qualified biologist shall monitor the roost prior to exclusion to confirm that it does not support a maternity colony. If a maternity colony is or may be present, the roost shall be avoided until it is no longer active, or until the qualified biologist can confirm that no maternity colony is present.			

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
RIP-1: A Streambed Alteration Agreement (SAA), pursuant to Section 1602 of the California Fish and Game Code, must be obtained for any activity that will impact riparian habitats and/or bed and bank features. Minimization measures will be developed during consultation with CDFW as part of the SAA agreement process to ensure protections for affected fish and wildlife resources. If applicable, compensatory mitigation may be required for removal of riparian vegetation.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	The SAA from CDFW shall be obtained prior to construction.
WTR-1: To avoid or minimize anticipated short-term adverse effects to Waters of the U.S., the following shall be implemented: • The removal and replacement of the outfall has potential to discharge into Waters of the U.S., a Nation-Wide Permit (NWP), potentially NWP 3, under Section 404 of the federal CWA must be obtained from USACE. The impacts from such actions are expected to be mostly temporary, with minimal, if any, permanent impacts to aquatic resources. • A Water Quality Certification or waiver pursuant to Section 401 of the CWA, as issued by RWQCB, must be obtained for Section 404 permit actions. Waste Discharge Requirement for dredge and fill in Waters of the State under the Porter-Cologne	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Permit authorizations from the USACE and RWQCB shall be obtained prior to construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
Water Control Act as issued by RWQCB must be obtained for impacts to waters of the state.			
Cultural Resources			
CUL-1: Archaeological Monitoring. Prior to and during ground-disturbing construction, SBFCA will take the following actions in the event of inadvertent discovery of cultural resources. • All ground-disturbing work will be monitored by a qualified professional archaeologist. The monitors' tasks will include observing the active excavation of materials, as well as periodically checking excavated substrate and ensuring the respectful and culturally-appropriate treatment of finds. The monitor will be provided sufficient workspace and an unobstructed view of excavations. SBFCA will authorize the archaeological monitor to pause construction within an area up to 100 feet radius, through the construction manager, periodically as needed for a closer examination of exposed sediments and/or artifacts and the monitor shall implement CUL-2, if necessary. The monitor will record their daily observations on a standard field form. The requirements for a monitor should be inclusive of all day and night construction activity	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
that has the potential to result in ground disturbance. Ground-disturbing activity is defined herein as any activities that have the potential to disturb soil beyond that which was reasonably visible to archaeologists during the pre-Project pedestrian survey. This includes initial vegetation removal; grading; trenching; if such activity will bring soil to the surface, excavation for below-ground utility installation or foundation work; and any other below-ground activities. Monitoring is not necessary for backfilling of previously excavated areas, levee reconstruction, or for any aboveground Project activity that does not include ground disturbance. Monitoring shall be documented daily with photographs and logs and the results compiled in a report submitted by the qualified archaeological monitor at the conclusion of monitoring activities.			
CUL-2: Post-Review Discoveries. The monitoring archaeologist shall be responsible for taking into account any Tribal recommendations when making the following decisions. • If the monitoring archaeologist determines that the find is not a cultural resource (such as water-worn cobbles or accumulations of natural materials), no additional action is necessary. Should Tribal representatives desire to take possession of those materials, they may do so as long as the possession is documented by the	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
archaeological monitor and as long as removal has been approved in writing by the property owner; however, taking possession does not obligate SBFCA or the USACE to provide financial support for storing, processing, or reburying materials that are not cultural resources. Until a determination is made by the monitoring archaeologist about whether or not the find is subject to further consideration under CEQA and Section 106, Tribal representatives shall not remove or take possession of materials or objects observed. • If the find is determined by the monitoring archaeologist to be redeposited material that lacks primary context, is discovered only in the excavated soils, spoil piles, or stockpiles, or is otherwise not in its original context or place of deposition and does not contain human remains, this discovery is not potentially eligible for the NRHP or CRHR. The archaeological monitor will assign a temporary field number, take a photograph, record its location with a Global Positioning System receiver, and describe the constituents in field notes. If the redeposited find is associated with European or non-Native American culture, the find may be left in place or discarded in order to not interfere with Project activities.			

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
If the find is associated with Native American culture, following consultation with the lead agencies, should Tribal representatives desire to take possession of those materials or act in any manner consistent with the Tribal cultural resources treatment plan, they may do so as long as the possession is documented by the archaeological monitor and as long as permission has been granted in writing by the property owner. However, taking possession does not obligate SBFCA or the USACE to provide financial support for storing, processing, or reburying materials that are not eligible for the NRHP or CRHR. If the find was made in spoil piles and stockpiles, the material may be reused by the Project and returned to the levee and will not be subject to screening; however, tribal representatives may take possession of any items found in spoils as long as doing so does not interfere with the Project activities. • If a Tribal representative disagrees with the determination by the monitoring archaeologist that a discovery is either not a cultural resource or represents a redeposit, no material collection may occur by any party, and the Tribal Historic Preservation Officer (THPO) of the dissenting tribe shall notify the USACE and			

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
SBFCA within 48 hours of discovery. All timelines specified in 36 CFR 800.13(b) shall be applied in the event of an archaeological discovery. The USACE will review information submitted by the THPO and communicate its decision to the THPO and SHPO, in accordance with 36 CFR 800.13(b). If the contractor denies the request to stop work at that location during the appeal process (see above), and if the USACE determines that the find does represent an historic property, the USACE and SBFCA will take into consideration the post-discovery impacts to the resource when determining the scope of the effort required to resolve any adverse effect. If the find is determined by the monitoring archaeologist to be in original context (in original place of deposition) and does not contain human remains, and that it constitutes a resource that could not have been discovered prior to construction, the USACE and SBFCA shall consult on appropriate treatment, in consultation with Tribal representatives, pursuant to 36 CFR Section 800.13(b) and CEQA, respectively.			

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
Geology & Soils			
GEO-1: Unanticipated Discovery of Paleontological Resources. If paleontological or other geologically sensitive resources are identified during any phase of Project development, the construction manager shall cease operation at the site of the discovery and immediately notify SBFCA. SBFCA shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the SBFCA shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, Project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project site while mitigation for paleontological resources is carried out.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Hazards and Hazardous Materials			
HAZ-1: Avoid Feather River. Vehicles shall be moved away from the Feather River prior to refueling and lubrication, as well as for conducting repairs, if feasible. Staging and	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
storage areas for equipment, materials, fuels, and lubricants and solvents shall be located well away from the top of bank and riparian areas. Stationary equipment such as motors, pumps, generators, compressors, and welders located within or adjacent to Waters of the State shall be positioned over drip-pans. Debris, refuse, oil, gasoline or diesel fuel, or other petroleum products, or any other substances that could be hazardous to aquatic life resulting from Project activities shall be prevented from contaminating the soil and/or entering Waters of the State. Absorbent materials designated for spill containment shall be used for all activities performed in or within 50 feet of a watercourse that involve use of hazardous materials to be used for spill response and cleanup in the event of an accidental spill.			
Noise			
NOI-1: Haul Truck Hours. The Project applicant and/or its contractor shall limit all Project construction haul trucks, including delivery trucks, to the daytime hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. All Project haul truck traffic on Sundays and holidays shall generally be prohibited unless permission has been applied for and granted by the County.	SBFCA and Project construction lead		Implemented at all times during construction

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
Transportation			
TRANS-1: Emergency Evacuations. All construction activities and truck traffic on area roadways shall cease during an event requiring emergency evacuations in Sutter or Yuba counties.	SBFCA and Project construction lead	This measure shall be printed on construction plan sets	Implemented at all times during construction
Tribal Cultural Resources			
TCR-1: Geoarchaeological Profiling. After a Section 408 permit is obtained from the USACE, the tribe and project archaeologist shall expose and document the soil profiles within or adjacent to the levee prism. These profiles shall be exposed by equipment under the direction of a qualified geoarchaeologist in three to ten locations along the levee using auger tests or trenching, all of which would be monitored by tribal monitors. The location of these profiles shall be selected by the Tribe from areas within the Project Area that are approved for ground disturbance. The results of these tests shall inform the levels and locations of slow degrade and focused monitoring (TCR-4 and 6). If the geoarchaeological profiling does not reveal any evidence of cultural deposits, the slow degrade may not be necessary. The exposed soil may be retained on-site and may be reburied, at tribal request.	SBFCA		Prior to construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
TCR-2: Develop a Burial Treatment Agreement. In the event of the identification of Native American human remains and UAIC has been designated Most Likely Descendant (MLD) by the NAHC, SBFCA will develop a Burial Treatment Agreement (BTA) in consultation with the UAIC. The BTA will govern the disposition and treatment of all human remains, objects, and soil disturbed or removed from the Project Area. The BTA shall include provisions for reburial as close as possible to the original location from which they were obtained. Scientific handling, or testing will only be conducted if the tribe consents to such handling or testing and the USACE and SHPO do not object to such treatment.	SBFCA		Prior to construction.
TCR-3: Cultural Sensitivity Training. All personnel involved in Project construction, including field consultants and construction workers, are required to undergo cultural resources and TCRs sensitivity and awareness training program through development and implementation of a Worker Environmental Awareness Program (WEAP). The WEAP will be developed in coordination with an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology, as well as culturally affiliated Native American tribes. SBFCA shall invite a Native American representative from interested culturally affiliated Native American tribes to participate.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	Prior to and during construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
The WEAP shall be conducted before any Project-related construction activities begin at the Project location. The WEAP will include relevant information regarding sensitive cultural resources and TCRs, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and TCRs that could be located at the Project Site and will outline what to do and who to contact if any potential cultural resources or TCRs are encountered. The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values.			
TCR-4: Tribal Monitoring. All ground disturbing activity or activity that has the potential to disturb TCRs shall be monitored by a qualified tribal monitor representing a consulting tribe. This includes any fence installation, staging work, clearing and grubbing, and levee degrade. The monitor must be given a minimum of 7 days' notice of the opportunity to be present during these activities and may coordinate closely with the archaeological monitor, to observe work activities, and assist in ensuring that sensitive TCRs are not adversely affected. The monitor shall	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	Prior to and during construction.

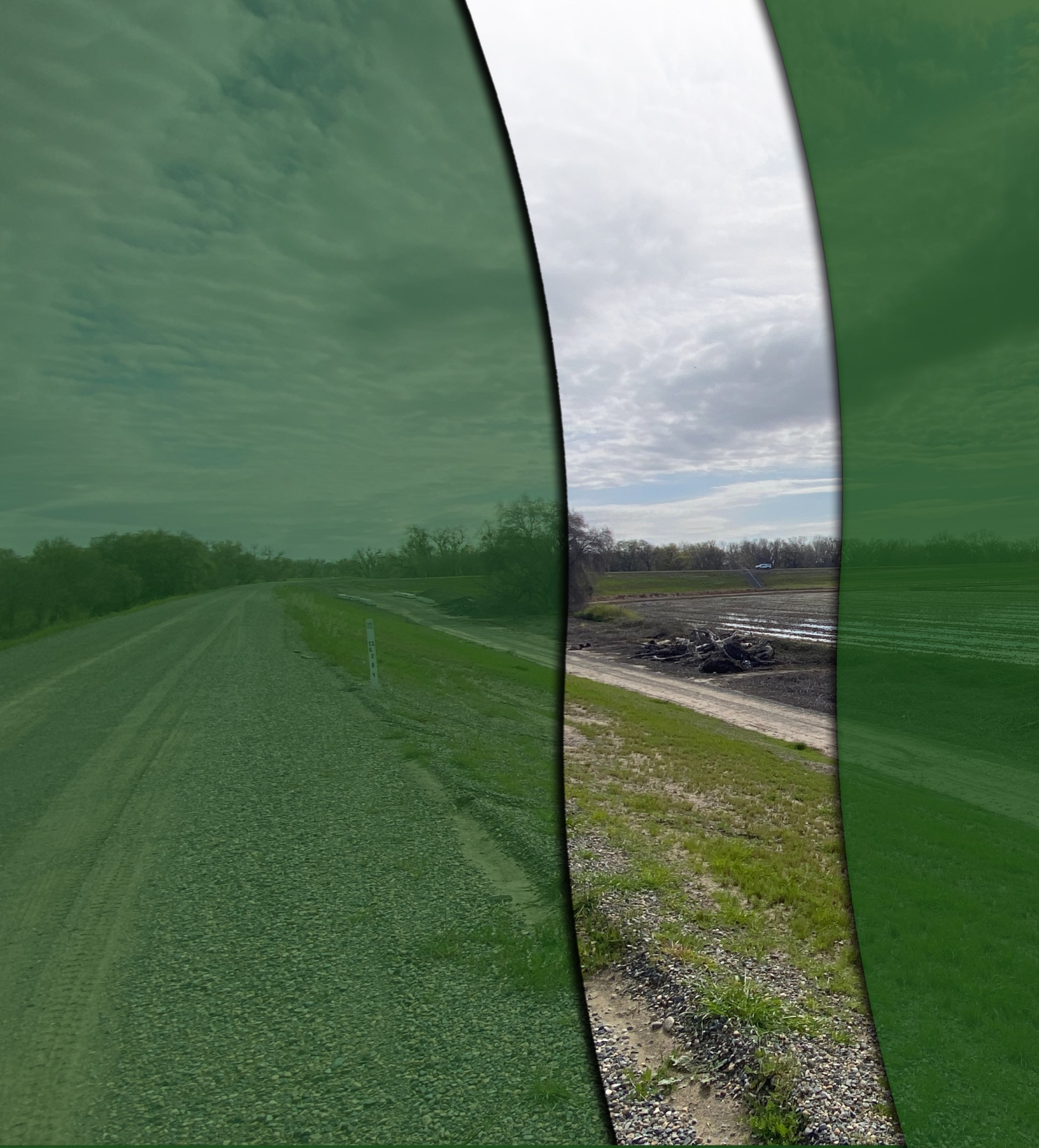
MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
be given a reasonable opportunity to inspect soil and other material as work proceeds to assist in determining if resources significant to the tribes are present. If a potential tribal resource is identified by the monitor, they may pause or redirect work temporarily in order to closely inspect the potential discovery. If the tribe cannot recommend a monitor or if the tribal monitor does not report at the scheduled time, all work may continue as long as the specified notice of 7 days was provided. Recovery of cultural items, reburial preparation, and reburial shall also be conducted by Tribal Monitors.			
TCR-5: Discoveries. Any potential TCRs observed in any location will be subject to the decision process in CUL-2 and subsequent consultation between the monitoring tribe and the lead agencies to evaluate and, if necessary, treat the discovery of the satisfaction of the lead agencies. If the discovery includes human remains, then the procedures in TCR-7 shall apply. If the discovery is determined to not be a tribal cultural resources by UAIC but is determined by the consulting archaeologist or SBFCA to be a non-tribal cultural or archaeological resource, them the consulting archaeologist shall follow the procedures therein and as generally described in CUL-2 without	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	Prior to construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
further involvement by the tribal monitors or tribe(s). SBFCA shall consult with USACE on appropriate treatment.			
TCR-6: Slow Degrade. Based on the results of geoarchaeological profiling in TCR-1 and other relevant information, UAIC shall select various locations along the Project totaling not more than 1,500 linear feet along the levee to undergo a "slow degrade" of the upper third of the levee prior to construction of the cutoff wall. In the areas of slow degrade, the excavator shall use a bucket no wider than 6 feet with a flat blade (no teeth) under the observation of a tribal monitor to remove soil in 4 to 6-inch lifts (depths) to allow for examination by monitors.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	During construction excavation activities.
TCR-7: Human Remains. In the event that suspected Native American human remains in any state of decomposition or skeletal completeness are found during Project activities, SBFCA shall immediately halt ground disturbing activity at that location and within a 100-foot radius and contact the County Coroner. The Coroner shall ensure that notification is provided to the NAHC as required by California Health & Safety Code § 7050.5 and PRC § 5097.98(a). Health and Safety Code Section 7050.5 establishes the authority of the County Coroner regarding the discovery of human remains and the role of the NAHC if the coroner determines that the remains are that of a Native	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	During construction activities.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
American. PRC § 5097.98 provides the notification process used by the NAHC for the discovery of Native American human remains, descendants, and also provides guidance for the appropriate and dignified disposition of human remains and associated grave goods. If UAIC is identified as the Most Likely Descendent by the NAHC, then the procedures in the Burial Treatment Agreement (Mitigation Measure TCR-2) between the UAIC and SBFCA shall be followed.			
TCR-8: Recovery, Treatment Storage and Reburial of Native American Cultural Items and Soils. SBFCA shall provide a locking storage cabinet within a work trailer for storage of cultural items. If there is a large volume of cultural items and upon Tribal request, SBFCA shall provide a secure, climate controlled, trailer. The tribe and tribal monitors shall control access to the secure storage area. SBFCA shall provide on-site locations for the secure storage of cultural or burial soils. These locations shall be subject to Tribal approval. SBFCA shall take action to protect soil piles from erosion, looting, or vehicular traffic, upon Tribal request. Tribal Monitors shall recover cultural items from the Project Area, record the recovered cultural items, and the recovered cultural items in secure location on-site.	SBFCA and Project construction lead.	This measure shall be printed on construction plan sets	During construction.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
Burial or cultural soils in large quantities shall be stockpiled in a designated area. Monitors from the UAIC will conduct the burial recovery, repatriation, and reburial of any human remains, burial goods, and soils from the Project site for which UAIC is the designated MLD. These monitors will be in addition to those observing construction activities. SBFCA will coordinate with the tribe to designate a repatriation area to accommodate reburial of human remains, burial offerings, cultural items and cultural or burial soils from the Project Site. Repatriation and reburial shall occur prior to the completion of the Project.			
TCR-9: Documentation of Finds All TCRs encountered during construction shall be documented in a report prepared in coordination with the UAIC as well as by completing a Department of Parks Recreation Form 523 and submitting it to the Northeast Information Center (NEIC) of the California Historical Resources Information System (CHRIS) in Chico, California. UAIC shall have the opportunity to review and revise these documents. UAIC shall be invited to prepare a chapter or confidential appendix for the report and may invoice for the costs of preparing such report under a consulting agreement with SBFCA.	SBFCA		Implemented within 6 months of the completion of construction and reburial.

MITIGATION MONITORING AND REPORTING PROGRAM Documentation of Compliance [Lead Agency/Construction Contractor Responsibility]			
MITIGATION	**Oversight Responsibility**	**Mitigation Actions/Reports**	**Monitoring Timing or Schedule**
TCR-10 Mitigation Tribes shall recommend for lead agency approval appropriate and commensurate mitigation based on adverse effects or impacts to Tribal Cultural Resources, including cumulative effects. SBFCA shall be responsible for coordinating the funding for recommended mitigation no later than 1 year following the completion of the project.			



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