CALL TO ORDER

ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today’s agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes.

CONSENT AGENDA: All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.

Approve minutes of the meeting of March 3 and 10, 2009.

ACTION ITEMS

A. Adopt resolution approving the Feather River Erosion Site 2 Repair Project Initial Study/Mitigated Negative Declaration, adopting findings, approving the project, and authorizing filing of a notice of determination.

B. Receive update from Central Valley Flood Protection Board regarding Hofman Ranch easement. (No background material)

BOARD AND STAFF MEMBERS’ REPORTS

CLOSED SESSION

Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Nordic Industries, Inc. YCSCCVED 08-0000236

ADJOURN

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, and the County Library at 303 Second Street, Marysville. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board of Directors less than 72 hours prior to the meeting are available for public inspection at Suite 109 during normal business hours.

In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.
A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 3:31 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Don L. Graham, Mary Jane Griego, and John Nicoletti. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

PUBLIC COMMUNICATIONS

Ms. Frances Hofman, Forty Mile Road, expressed concern regarding access to records for the assessment survey and use of the "assessor's records" for value of range land.

Director Nicoletti joined the meeting at 3:34 p.m.

CONSENT AGENDA

Minutes: Upon motion of Director Nicoletti, seconded by Director Crippen, and unanimously carried, the Board approved the minutes of the special meeting of February 24, 2009, as written.

ACTION ITEMS

Levee and Flood Control Facilities Assessment District: Executive Director Paul Brunner and Engineer Thomas Brightbill provided a Power Point presentation recapping the following and responded to Board inquiries:

- Levee Improvements, Remapping Status, and Certification
- Purpose and Need for Assessment District
- Increased Maintenance Requirements
- Benefit Assessment Requirements and Area
- Zone Benefit and Property Type Factors
- Rates for Property Types and Annual Cost of Living Increase
- Process for Balloting and Schedule
Counsel Scott Shapiro recapped responses to public comment from the February 17, 2009 Board workshop.

Following Board discussion, the following individuals spoke:

- Ms. Frances Hofman, Forty Mile Road
- Mr. Tom Eres, Hofman Ranch
- Mr. Robert Ledford, Deborah Lane
- Mr. Darin Gale, Yuba Sutter Chamber of Commerce
- Mr. Paul Laino, Kirkhill Drive
- Mr. Chuck Stewart, Feather River
- Ms. Brenda Peeples, Dunsmuir
- Mr. Don Rae, Athenton Way
- Mr. Mike, Olivehurst
- Mr. Carl Lindmark, Pond View Drive and Counsel for Reclamation District 784
- Mr. Iain Wallace, Rocklin
- Mr. Jeff Phinney, Plumas Lake and Reclamation District 784 Board Trustee

Following Board discussion, upon motion of Director Crippen, seconded by Director Nicoletti, and unanimously carried, the Board continued the consideration of the assessment District and public hearing Tuesday, March 10, 2009, at 6:30 p.m.

CLOSED SESSION

The Board retired into closed session at 5:07 p.m. to discuss the following:

Pending litigation pursuant to Government Code §54956.9(a) – TRLJA versus Nordic Industries, Inc. – YCSCCVE 08-0000236

Director Crippen left closed session at 5:22 p.m.

The Board returned from closed session at 5:49 p.m. with all Board and staff members present as indicated above, except Director Crippen.

There was no announcement from closed session.

BOARD AND STAFF MEMBERS' REPORTS

Executive Director Paul Brunner advised the grant application for the Yuba River project was submitted.
There being no further business to come before the Three Rivers Levee Improvement Authority, Chair Griego adjourned the meeting at 5:49 p.m.

______________________________  Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

______________________________  Approved: __________________
A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 6:31 p.m. within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Don L. Graham, and Mary Jane Griego. Director John Nicoletti was absent. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

ACTION ITEM

Levee and Flood Control Facilities Assessment District (Continued from March 3, 2009): Counsel Scott Shapiro recapped an amendment to the joint powers agreement forming Three Rivers Levee Improvement Authority. Executive Director Paul Brunner and Engineer Thomas Brightbill provided a Power Point presentation recapping the following and responded to Board inquiries:

- Levee Improvements, Remapping Status, and Certification
- Purpose and Need for Assessment District
- Increased Maintenance Requirements, Roles and Responsibilities
- Benefit Assessment Requirements and Area
- Zone Benefit and Property Type Factors
- Rates for Property Types and Annual Cost of Living Increase
- Process for Balloting and Schedule

Following Board discussion, the following individuals spoke:

- Mr. Don Schrader, Marysville
- Mr. Gary Chyinski, Olivehurst
- Mr. Darin Gale, Yuba Sutter Chamber of Commerce
- Mr. Gary Bradford, Plumas Lake and Reclamation District 784 Board Trustee
- Mr. Carl Lindmark, Pond View Drive and Counsel for Reclamation District 784
- Ms. Frances Hofman, Hofman Ranch
- Mr. Tom Eres, Hofman Ranch
Following Board discussion, upon motion of Director Crippen, seconded by Director Brown, and carried with Director Nicoletti being absent, the Board adopted Resolution No. 2009-03, which is entitled: "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS, PRELIMINARILY APPROVING ENGINEER’S REPORT, AND PROVIDING FOR NOTICE OF HEARING FOR THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY LEVEE AND FLOOD CONTROL FACILITIES ASSESSMENT DISTRICT FOR FISCAL YEAR 2009-10."

ADOPT RESOLUTION NO. 2009-03

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority, Chair Griego adjourned the meeting at 8:02 p.m.

Chair

ATTEST: DONNA STOTTMEMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

Approved: __________________________
TO: Three Rivers Levee Improvement Authority Board  
FROM: Paul Brunner, Executive Director  
        Anja Raudabaugh, Environmental Manager  
        Sean Bechta, EDAW  
SUBJECT: Feather River Erosion Site 2 Repair Project – CEQA Initial Study/Mitigated Negative Declaration  
DATE: March 17, 2009

**Recommended Action:** Board approve the proposed resolution that approves the following: 1) Feather River Erosion Site 2 Repair Project Initial Study/Mitigated Negative Declaration (IS/MND), 2) Mitigation Monitoring and Reporting Program, and 3) Resolution and Findings contained in the proposed resolution.

**Background:** The Feather River Erosion Site 2 Repair Project is located near the confluence of the Feather and Yuba Rivers, along the water side of the east Feather River levee in Yuba County, California (see attached maps, Exhibits 2-1 and 2-2). The proposed repair activities would occur in a portion of an overflow channel at the river confluence known as the “State Cut.” This levee work is needed to complete the certification of this reach of the Feather River (Segment 3). TRJJA plans on certifying this reach of the Feather River levee this fall so that FEMA can incorporate these improvements in their flood mapping process.

The State Cut was constructed in the 1930s to improve hydraulic efficiency during high-water events at the confluence of the Feather and Yuba Rivers. Erosion Site 2 reportedly had erosion problems on the levee slope prior to 1997; however, bank protection was placed in this area, and no problems were reported as a result of the extreme high water conditions experienced during the January 1997 flood. Nonetheless, the U.S. Army Corps of Engineers (USACE) has expressed concern about the potential for future erosion and scour at Erosion Site 2. USACE also noted that the Feather River’s waterside levee slope at this location lacks vegetation, and that the fine sandy soil in the levee foundation has the potential to erode during a 100-year or greater flood event. Furthermore, USACE is concerned that the bed of the State Cut has the potential to scour and move laterally, compromising the foundation of the levee. The USACE has indicated that certification of this reach of levee might not be possible if the erosion concerns are not sufficiently addressed.

A hydrologic analysis, conducted in April 2007 by MBK Engineers (2007), determined that additional scour protection would be required at the project site to reduce the potential for future scour under the 100-year flood event. Review of historic topographic data along the bed of the State Cut suggests that the rate of scour may be as high as 0.1 to 0.2 foot per year. The scour within the State Cut is episodic and substantial scour is possible in a single extreme event.
The proposed project includes theses activities: the construction of a rock slope protection layer and toe trench in the State Cut, revegetation of the levee slope, and regrading and resurfacing of an existing maintenance road along the levee toe.

- **Rock Slope Protection Layer**

To resist erosive forces, the eastern slope of the State Cut channel below the waterside levee toe would be regraded and armored with rock along an approximately 800 foot long reach. The design of the rock slope protection layer is based on the procedures outlined by USACE Manual EM 1110-2-1601, Hydraulic Design of Flood Control Channels (USACE 1994). The bank slope would be constructed at 2.5 horizontal to 1 vertical. Existing concrete rubble and native materials at Erosion Site 2 would be stockpiled within a 50-foot temporary construction easement adjacent to the construction site. A minimum layer thickness of 2 feet of rock slope would be constructed along the bank from the bottom of the toe trench (described below) to the top of the State Cut bank. Commercially supplied riprap that meets the California Department of Transportation’s (Caltrans’s) specifications for “facing riprap” and Method B placement (Caltrans Standard Specifications, Section 72-2, Rock Slope Protection) would be used. Filter fabric would be placed under the rock layer. The protection fabric would be a nonwoven geotextile (Caltrans Standard Specifications, Section 88-1.04, Rock Slope Protection Fabric).

The toe trench would be constructed by extending the revetment to a depth of 5 feet below the existing ground and placing a 10-foot-wide horizontal layer of rock within the toe trench. Excavated trench and bank materials would also be stored within the 50-foot temporary construction easement adjacent to the excavation site. Salvaged concrete rubble and native material from on-site trench excavation would be used to fill the toe trench. The concrete rubble would serve to further reduce the scour potential when flows are active in the State Cut.

- **Levee Slope Revegetation**

A portion of the waterside slope of the Feather River levee in the project area is considered susceptible to erosion during high-water events because it lacks vegetation and contains loose sandy soils. To correct this condition, revegetation of the levee slope would be implemented along an approximately 700 foot long segment.

The levee waterside slope would be scarified to a depth of 4 inches and covered with a 6-inch layer of locally imported soil. The slope surface would be seeded, then fertilized in compliance with approved specifications, and a mulch surface would be applied with TRLIA’s standard levee seed mix. Seeding would likely occur between October 1 and October 31 just before the fall rains begin. The seeded slope would be protected by a biodegradable erosion control blanket, such as those constructed of coconut fiber and jute thread. A contractor would irrigate and maintain the slope as needed to establish the specified vegetation cover.

- **Reestablishment of Maintenance Road**

Approximately 300 feet of the maintenance road along the waterside toe of the levee would be regraded and surfaced with road base to improve its drivability for maintenance vehicles. The new road surface would consist of 4 inches of imported aggregate base obtained from a local quarry (Caltrans Standard Specifications, Section 26-1.02A, Class 2 Aggregate Base).

**Discussion:** The Feather River Erosion Site 2 Repair Project qualifies as a project under the California Environmental Quality Act (CEQA), and therefore requires completion of CEQA
review prior to approval. Based on preparation of an Initial Study (IS) evaluating the environmental effects of the project, it was found that the proposed project would have significant effects on the environment related to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. With mitigation, all these significant impacts can be reduced to a less than significant level.

Because all environmental effects can be reduced to a less than significant level with mitigation, a Mitigated Negative Declaration (MND) was prepared consistent with Sections 15070 through 15073 of the State CEQA Guidelines. The IS and MND (IS/MND) were circulated for a 30 day public review period and no comments were received altering the conclusion that all impacts could be reduced to a less than significant level with mitigation. Comments on the IS/MND and responses to those comments are included in the Board’s information package.

Approval of the IS/MND and adoption of the accompanying Mitigation Monitoring and Reporting Program designed to ensure mitigation measures included in the IS/MND are implemented would adequately address CEQA compliance for the Feather River Erosion Site 2 Repair Project.

**Fiscal Impact:** The funding to do this work is within the current TRLIA funding agreements. The estimate cost for this work is approximately $500,000.

TRLIA will be submitting a request to the State to incorporate this project into the existing State EIP Feather River Segment 3 project element, which will allow the State to cost share (70%) this work.

Attachments:
1. Proposed Resolution
2. Proposed Mitigated Negative Declaration, February 2009 (not attached - on file with the Clerk of the Board)
3. Proposed **Mitigation and Monitoring Program** and supporting documents
4. Exhibit 2-1
5. Exhibit 2-2
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

RESOLUTION NUMBER ____________

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
APPROVING THE FEATHER RIVER EROSION SITE 2 REPAIR PROJECT IS/MND,
ADOPTING FINDINGS, APPROVING THE PROJECT, AND AUTHORIZING
FILING OF A NOTICE OF DETERMINATION

WHEREAS, the U.S. Army Corps of Engineers has expressed concern over the potential for
erosion and scour along a portion of the State Cut, an overflow channel at the confluence of the Feather
and Yuba Rivers, due to a lack of vegetation and the presence of fine, sandy soil in the levee foundation;

WHEREAS, a review of historical documents suggests that episodic scour has occurred within the
State Cut during flood events below the 100-year level, and substantial scour is possible in a single
extreme event;

WHEREAS, MBK Engineers conducted a hydrological analysis in April 2007 and determined that
additional scour protection would be required within the State Cut to reduce the potential for scour;

WHEREAS, the Three Rivers Levee Improvement Authority (Three Rivers) has proposed to repair
and arrange for the maintenance of a segment of the State Cut and a nearby portion of the waterside levee
surface, which together comprise the Erosion Site 2 project site;

WHEREAS, the proposed activities include constructing a rock slope protection layer and toe
trench, revegetating the levee slope, and regrading and resurfacing an existing maintenance road along the
levee toe;

WHEREAS, Three Rivers arranged for the preparation of an Initial Study/Mitigated Negative
Declaration (IS/MND) describing the project and its potential environmental impacts;

WHEREAS, the IS/MND was circulated for public review from February 6, 2009 through March 10,
2009, and four public comments were received;

WHEREAS, a mitigation monitoring program was prepared to provide for the implementation of the
mitigation measures identified in the IS/MND; and

WHEREAS, it is the professional judgment of Three Rivers' environmental consultant that the
potential impacts identified in the IS/MND would be mitigated to a less than significant level through
implementation of the mitigation monitoring program;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE THREE
RIVERS LEVEE IMPROVEMENT DISTRICT FINDS AS FOLLOWS:

1. Three Rivers has independently reviewed and analyzed the IS/MND and has considered
all of the comments received.

Attachment 1
2. The IS/MND has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and reflects the independent judgment of Three Rivers.

3. The project will have no impact on land use and planning, population and housing, public services, recreation, and utilities and service systems.

4. The project will have a less-than-significant impact on aesthetics, agricultural resources, mineral resources, and traffic and transportation.

5. With the inclusion of the proposed mitigation measures, the project will have a less-than-significant impact on air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise.

6. All mitigation measures identified in the IS/MND as feasible mitigation measures are adopted and incorporated into the project, and the mitigation monitoring program is adopted.

7. The project is approved.

8. The Executive Director of Three Rivers is authorized, on behalf of Three Rivers, to sign and directed to file with the Clerk of Yuba County a Notice of Determination for the project.

ADOPTED as a resolution of the Board of Directors of the Three Rivers Levee Improvement Authority at an adjourned meeting duly held on the 17th day of March, 2009.

_________________________  CHAIRMAN
I, Donna Stottlemyer, Secretary of the Board of Directors of Three Rivers Levee Improvement Authority, do hereby certify that the foregoing is a true and correct copy of Resolution No. ____ adopted by the Board of Directors of the Three Rivers Levee Improvement Authority, Yuba County, California, at a regular meeting thereof, held on the 17th day of March, 2009 by the following vote:

AYES:
NOES:
ABSENT:

DONNA STOTTLEMEYER, SECRETARY
| Mitigation Measure AQ-1: Implement FRAQMD-Recommended Emissions Reduction Measures, TRLIA shall ensure that the construction contractor implements the following FRAQMD-recommended emissions reduction measures (FRAQMD 2008):  
- The FRAQMD-recommended dust control plan shall be implemented, including but not limited to the following measures:  
  - All grading operations on a project should be suspended when winds exceed 20 miles per hour (mph) or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.  
  - Construction sites shall be watered as necessary to prevent fugitive dust violations.  
  - An operational water truck should be on-site at all times. Apply water to control dust as needed to prevent visible emissions violations and off-site dust impacts.  
  - On-site dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and/or water or soil stabilizers employed to reduce windblown dust emissions. If using soil stabilizers, only apply approved nontoxic soil stabilizers according to manufacturer’s specifications.  
  - 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. |
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<tr>
<th>Mitigation Measure</th>
<th>Initiation of Mitigation</th>
<th>Monitoring Frequency</th>
<th>Responsibility for Verification of Compliance</th>
<th>Performance Criteria</th>
<th>Date Compliance Completed</th>
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<tr>
<td></td>
<td>Before beginning any construction or ground-disturbing activities</td>
<td>Throughout construction period</td>
<td>Lead agency and primary construction contractor</td>
<td>FRAQMD measures are implemented such that pollutant emissions are minimized.</td>
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<td>• 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.</td>
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<td>• 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.</td>
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<td>• 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.</td>
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<td>• Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Yuba County Department of Public Works and/or the California Department of Transportation and to recuce vehicle dust emissions.</td>
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<td>• Reduce traffic speeds on all unpaved surfaces to 15 mph or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.</td>
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<td>• Reestablish ground cover on the construction site as soon as possible after project completion through seeding and watering.</td>
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<td>• Open burning shall be prohibited at the project site.</td>
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<td>No open burning of vegetative waste or other materials (e.g., trash, demolition debris) may be performed.</td>
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### Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project

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<tr>
<th>Mitigation Measure</th>
<th>Initiation of Mitigation</th>
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<td>Conducted at the project site. Vegetative waste should be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or reclaimed for other types of reuse. It is unlawful to haul waste materials offsite for disposal by open burning.</td>
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<td>- Cover all trucks hauling dirt, sand, soil, gravel, or other loose material, or maintain at least 2 feet of freeboard (minimum vertical distance between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.</td>
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<td>- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, visible Emissions limitations (40% opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service.</td>
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<td>- The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of on-site operation.</td>
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<td>- Vehicle and equipment idling times shall be limited to 5 minutes.</td>
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<td>- Existing power sources (e.g., power poles or clean fuel generators) shall be utilized rather than temporary power generators.</td>
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<td>- A traffic plan shall be developed and implemented 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. Operations affecting traffic shall be scheduled for off-peak hours. Obstruction of through-traffic lanes shall be minimized. A flag</td>
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Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project

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<td>person shall be provided as needed to guide traffic properly and ensure safety at construction sites.</td>
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<td>• Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require ARB portable equipment registration with the state or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with ARB or FRAQMD to determine registration and permitting requirements prior to equipment operation at the site.</td>
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<td>• The proponent shall assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, and 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, would achieve a project-wide fleet-average 20% NOx reduction and 45% particulate reduction compared to the most recent ARB fleet average at time of construction.</td>
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3.4 Biological Resources

Mitigation Measure Bio-1: Maintain a Minimum 20-Foot Buffer Around Elderberry Shrubs. TRLIA shall implement the following measures, based on USFWS guidelines (USFWS 1999) to reduce adverse impacts on

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<tr>
<th>Before beginning any construction or ground-disturbing activities</th>
<th>Throughout construction period</th>
<th>Lead agency, design engineer, and primary construction contractor</th>
<th>Project activities are excluded from all areas within 20 feet of the dripline of identified potential habitat for</th>
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### Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project

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| Valley elderberry longhorn beetle:  
• TRLIA shall establish and maintain a minimum buffer of 20 feet around each elderberry shrub through the duration of project construction. The 20-foot minimum distance shall be measured from the dripline of the shrub. Buffer areas shall be clearly marked in the field with brightly colored temporary construction fencing. No project activity shall occur within the buffer areas.  
• No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used in the buffer areas, or within 140 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level.  
• Following USFWS guidelines (USFWS 1999), construction crews shall be informed about the status of the beetle and the need to protect its elderberry host plant. If requested by USFWS, a qualified biologist shall monitor construction activities to ensure that the buffers remain protected throughout the construction period. | Before beginning any construction or ground-disturbing activity | Throughout construction period | Lead agency and primary construction contractor | Valley elderberry longhorn beetle, and any necessary monitoring is conducted in accordance with USFWS requirements | |
<p>| Mitigation Measure Bio-2: Develop and Implement Best Management Practices to Avoid and Minimize Impacts on Water Quality. All federal, state, and local regulations and environmental requirements regarding turbidity reduction measures shall be complied with, including the DFU streambed alteration agreement, Central Valley Regional Water Quality Control Board (RWQCB) CWA Section 401 certification, and CWA Section 404 authorization. | | | | | |
| Mitigation Measure Haz-1: Prepare a Storm Water Pollution Prevention Plan and Comply with Other Applicable Regulations. | | | | | Implement Mitigation Measure Haz-1, described below. |</p>
<table>
<thead>
<tr>
<th>Mitigation Measure Bio3: Conduct Preconstruction Surveys for Tree-Nesting Raptors. TRLIA shall implement the following measures to reduce potentially significant adverse impacts on Swainson's hawk and other common and special-status tree nesting raptors:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- If project activity is scheduled to occur during the raptor nesting season (March 1–September 15), a focused survey for raptors shall be conducted by a qualified biologist before commencement of activities to identify active nests on the project site and in the vicinity. Surveys for Swainson's hawk nests shall include all areas of suitable nesting habitat within 0.25 mile of the project site. Surveys for other raptors shall include suitable nesting habitat within 500 feet of the areas where construction would occur. If no active nests are found, no further mitigation shall be required.</td>
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<tr>
<td>- If active nests are found during the surveys, appropriate buffers shall be established to minimize impacts. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. The size of the buffers may be adjusted, depending on the project activity and stage of the nest, if a qualified biologist determines that activity within a reduced buffer would not be likely to adversely affect the adults or their young.</td>
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</table>

TRLIA shall implement the following measures to reduce potentially significant adverse impacts on burrowing owls:

- Before any ground-disturbing project-related construction activity, a focused survey for burrowing owls shall be conducted by a qualified biologist in accordance with DFG protocol (DFG 1995) to identify active burrows on and within 250 feet of each project site. The surveys shall be conducted no more than 30 days before the beginning of construction.
## Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
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<tr>
<td>If no occupied burrows are found in the survey area, the biologist shall document survey methods and findings in a letter report to DFG, and no further mitigation is required.</td>
<td>Burrowing owls: As soon as practicable after completion of the surveys and in accordance with DFG protocols</td>
<td>Burrowing owls: During activities identified under “Initiation of Mitigation”</td>
<td>Burrowing owls: Lead agency</td>
<td>Burrowing owls: Qualification biologist verifies absence of active burrowing owl burrows and submits a letter report to DFG</td>
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<td>If an occupied burrow is found, a buffer shall be established for all project-related construction activities. The buffer shall be 150 feet during the nonbreeding season (September 1–January 31) or 250 feet during the breeding season (February 1–August 31). The size of the buffer area may be adjusted if a qualified biologist and DFG determine that project-related construction activities would not be likely to have adverse effects. No project-related construction activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied, or consultations with DFG specifically allow certain construction activities to continue.</td>
<td>Burrowing owls: Before construction or ground-disturbing activities begin within the buffer area determined to be adequate by a qualified biologist, in accordance with DFG requirements</td>
<td>Burrowing owls: Throughout construction in the vicinity of occupied burrows, at a frequency determined appropriate by a qualified biologist</td>
<td>Burrowing owls: Lead agency and primary construction contractor</td>
<td>Burrowing owls: Qualified biologist monitors all construction activities in the vicinity of the buffer area(s) and/or the oraging area to ensure that project activity is excluded from protected areas while burrowing owls are present</td>
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<tr>
<td>If maintenance of acceptable buffer distances is infeasible, passive relocation techniques approved by DFG shall be used to encourage owls to move to alternative burrows outside of the project site. However, relocation efforts shall not be attempted during the burrowing owl nesting season unless a qualified biologist verifies through noninvasive methods that no eggs or chicks are in the burrow.</td>
<td>Burrowing owls: Before construction or ground-disturbing activities begin in areas where occupied burrows are identified, if relocation is approved for the site by DFG</td>
<td>Burrowing owls: During activities identified under “Initiation of Mitigation”</td>
<td>Burrowing owls: Lead agency</td>
<td>Burrowing owls: Qualified biologist prepares and submits a relocation plan to DFG, and the plan is implemented such that disturbance of occupied burrows is avoided, in accordance with DFG guidelines</td>
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</table>

**Mitigation Measure Bio-4: Obtain a Streambed Alteration Agreement from DFG.** To avoid, minimize, and mitigate impacts to land afforded protection by Section 1602 of the California Fish and Game Code, TRLLA shall obtain a Section 1602 streambed alteration agreement from DFG and shall comply with all conditions contained within the permit. | Concurrent with Section 404 and Section 404 application processes and before beginning any construction or ground-disturbing activity is streambed areas under DFG | Throughout construction period (compliance with conditions of agreement) | Lead agency, design engineer, and primary construction contractor | Section 1602 streambed alteration agreement is received from DFG, and compliance with conditions is achieved |
### Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project

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#### 3.5 Cultural Resources

**Mitigation Measure Cul1: Immediately Halt Construction Activities If Any Cultural Materials Are Discovered.** If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, flaked stone, bottle glass, ceramics, structure/building remains, etc.) is encountered during project-related construction activities, ground disturbances in the area of the find shall be halted immediately and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per the CRHR and develop appropriate mitigation. Appropriate mitigation may include no action, avoidance of the resource, and potential additional data recovery.

- **If cultural materials are discovered during ground-disturbing activities**
- **Throughout construction period**
- **Lead agency and primary construction contractor**
- **Finds of undocumented archaeological materials are reported and protected until evaluated by an archaeologist. Recommendations of qualified archaeologist are implemented**

**Mitigation Measure Cul2: Immediately Halt Construction Activities If Any Human Remains Are Discovered.** The procedures for the treatment of discovered human remains are contained in Sections 7050.5 and 7052 of the California Health and Safety Code and Section 5097 of the California Public Resources Code.

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all such activities within 75 feet of the find shall be halted immediately and TRILIA or its designated representative shall be notified. TRILIA shall immediately notify the county coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she

- **If human remains are found during ground-disturbing activities**
- **Throughout construction period**
- **Lead agency and primary construction contractor**
- **Finds of potential human remains are reported and protected until evaluated by appropriate individuals. Remains are treated in accordance with direction received from the county coroner and from the Native American Heritage Commission (NAHC) and Native American representatives as appropriate**
### Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project

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<tr>
<td>Must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code, Section 7039[c]). TRLJA’s responsibilities for acting upon notification of a discovery of Native American human remains are identified in detail in Section 5097.9 of the California Public Resources Code. TRLJA or its appointed representative and the professional archaeologist shall consult with a Most Likely Descendant (MLD) determined by the NAHC regarding the removal or preservation and avoidance of the remains and shall determine whether additional burials could be present in the vicinity. Assuming that an agreement can be reached between the MLD and TRLJA or their representative with the assistance of the archaeologist, these steps would minimize or eliminate adverse impacts on the uncovered human remains.</td>
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3.6 Geology and Soils

Mitigation Measure Haz-1: Prepare a Storm Water Pollution Prevention Plan and Comply with Other Applicable Regulations. Implement Mitigation Measure Haz-1, described below.

3.7 Hazards and Hazardous Materials

Mitigation Measure Haz-1: Prepare a Storm Water Pollution Prevention Plan and Comply with Other Applicable Regulations. Before the start of any project construction work, site grading, or excavation, TRLJA or its primary construction contractor shall prepare a SWPPP detailing measures to control soil erosion and waste discharges from construction areas and shall submit a notice of intent to the Central Valley RWQCB for stormwater discharges associated with general construction activity. Before beginning any construction or ground-disturbing activity | Throughout construction period | Lead agency, primary construction contractor, and sub contractor(s) | A storm water pollution prevention plan (SWPPP) and a notice of intent (NOI) are completed and submitted to the Central Valley Regional Water Quality Control Board (Central Valley RWQCB). All identified BMPs are...
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<td>TRLA shall require all contractors conducting construction-related work to implement the SWPPP to control soil erosion and waste discharges of other construction-related contaminants. The general contractor(s) and subcontractor(s) conducting the work shall be responsible for constructing or implementing, regularly inspecting, and maintaining the measures in good working order. The SWPPP shall identify the grading and erosion control best management practices (BMPs) and specifications that are necessary to avoid and minimize water quality impacts to the extent practicable. Standard erosion control measures (e.g., management, structural, and vegetative controls) shall be implemented for all construction activities that expose soil. Grading operations shall be conducted to eliminate direct routes for conveying potentially contaminated runoff to the Feather River. Erosion control barriers such as silt fences and mulching material shall be installed, and disturbed areas shall be reseeded with grass or other plants where necessary. The SWPPP shall contain specific measures for stabilizing soil at the construction site before the onset of the winter rainfall season. These standard erosion control measures shall be designed to reduce the potential for soil erosion and sedimentation of drainage channels. The following specific BMPs are recommended for implementation:</td>
<td>Implemented and maintained such that contaminants are isolated from drainages to the extent practicable and feasible</td>
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## Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project

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<td>sediment, and reseed cleared areas with native vegetation.</td>
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<td>• Stabilize disturbed soils at all construction sites and staging areas before the onset of the winter rainfall season.</td>
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<td>• Stabilize and protect stockpiles from exposure to erosion and flooding.</td>
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<td>The SWPPP also shall specify appropriate hazardous materials handling, storage, and spill response practices to reduce the possibility of adverse impacts from use or accidental spills or releases of contaminants. Specific measures applicable to the project include but are not limited to the following:</td>
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<td>• Develop and implement strict on-site handling rules to keep construction and maintenance materials out of waterways.</td>
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<td>• Conduct refueling and servicing of equipment and vehicles on the land side of the Feather River levee whenever possible. Only conduct refueling and servicing on the water side of the levee under extreme circumstances (e.g., vehicle or equipment breaks down and is not mobile). Leave absorbent material or drip pans underneath to contain spilled fuel during refueling and servicing. Collect any fluid drained from machinery during servicing in leakproof containers and deliver to an appropriate disposal or recycling facility.</td>
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<td>• Prevent oil or other petroleum products, or any other substances that could be hazardous to aquatic life, from contaminating the soil or entering watercourses.</td>
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<td>• Maintain spill cleanup equipment in proper working condition. Clean up all spills immediately according to the spill prevention and response plan, and immediately notify DFG and the Central Valley RWQCB of any</td>
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<td>Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project</td>
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<td><strong>Mitigation Measure</strong></td>
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<tr>
<td>Spills and cleanup procedures.</td>
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</table>
| **Mitigation Measure Haz-2: Ensure that All Employees Handling Hazardous Materials are Trained in the Safe Handling and Storage of Hazardous Materials.** Before the commencement of project construction, TRLIA or its contractor shall:  
- ensure that any employee handling hazardous materials is trained in the safe handling and storage of hazardous materials and trained to follow all applicable regulations with regard to such hazardous materials, and  
- identify staging areas where hazardous materials will be stored during construction in accordance with applicable state and federal regulations. | Before beginning any construction or ground-disturbing activity | Whenever new staff are on-site | Lead agency and primary construction contractor | All construction personnel have completed training |

### 3.8 Hydrology and Water Quality

**Mitigation Measure Haz-1: Prepare a Storm Water Pollution Prevention Plan and Comply with Other Applicable Regulations.**

Implement Mitigation Measure Haz-1, described above.

### 3.11 Noise

**Mitigation Measure Noise-1: Maintain and Equip Construction Equipment with Noise Control Devices.** Construction equipment shall be properly maintained and equipped with all feasible noise control, such as mufflers, in accordance with manufacturers’ specifications.

At initiation of construction | Throughout construction period | Lead agency and primary construction contractor | Construction equipment is properly maintained and equipped with all feasible noise control, such as mufflers, in accordance with manufacturers’ specifications |

**Mitigation Measure Noise-2: Arrange Construction Equipment Operation and Travel to Minimize Noise Levels.**

At initiation of construction | Throughout construction period | Lead agency and primary construction contractor | Noise levels at the locations of noise-sensitive receptors, |
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<tr>
<td>Disturbance to Occupied Residences. Construction equipment travel on the levee crown, the land side of the Feather River levee, landside staging/laydown areas, and public roadways shall be minimized to the extent possible and arranged to minimize disturbance to occupied residences (i.e., between 7 a.m. and 10 p.m.). To the extent feasible, the simultaneous operation of construction equipment in these areas shall be limited. Equipment not in use shall not be left idling for more than 5 minutes (note that this is consistent with FRAORD guidelines as described in Mitigation Measure AQ-1). As much as possible, construction equipment operations shall occur on the water side of the Feather River levee to maximize the use of the levee as a noise barrier.</td>
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<td>including occupied dwellings, are reduced to the extent feasible</td>
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<tr>
<td>Mitigation Measure Noise-3: Notify Potentially Affected Receptors and Respond to Public Complaints. Before construction begins, TRLIA shall provide written notification to potentially affected receptors, identifying the type, duration, and frequency of construction operations. Notification materials shall also identify a mechanism for residents to register complaints with TRLIA and Yuba County (the agency responsible for enforcement of the Yuba County Noise Ordinance) if construction noise levels are overly intrusive or construction occurs outside the permitted hours. TRLIA and/or Yuba County shall then take corrective action.</td>
<td>Before beginning any construction or ground-disturbing activity near noise-sensitive receptors</td>
<td>Whenever construction is to be implemented in the vicinity of noise-sensitive receptors</td>
<td>Lead agency</td>
<td>All residents or other building occupants in areas that could be adversely affected by construction noise have been notified</td>
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</tbody>
</table>

13
February 17, 2009

Paul Brunner
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, California 95901

Dear Mr. Brunner:

State Clearinghouse (SCH) Number: 2009022024
Feather River Erosion Site 2 Repair

Staff for the Department of Water Resources has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board (Formerly known as The Reclamation Board). The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (California Code of Regulations (CCR) Title 23, Section 2).

A Board permit is required prior to starting the work within the Board’s jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee;

- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR, Title 23, Section 6).

The permit application and CCR Title 23 regulations can be found on the Central Valley Flood Protection Board’s website at http://www.cvfbp.ca.gov/. In addition, vegetation is required to be in accordance with Section 131. Submit a vegetation plan including, but not limited to the sites, vegetation type (i.e. common and scientific name), number, planting spacing and irrigation method that will be within the project area.

If you have any questions please contact me at (916) 574-0651 or jherota@water.ca.gov.
Sincerely,

James Herota
Staff Environmental Scientist
Floodway Protection Section
Division of Flood Management

cc:

Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Jeremy Arrich, Chief
Flood Project Integrity and Inspection Branch
3310 El Camino Ave., Rm. LL30
Sacramento, CA 95821
Response to Central Valley Flood Protection Board (CVFPB) Comments on the Feather River Erosion Site 2 Initial Study/Proposed Mitigated Negative Declaration

Comments provided by James Herota, Staff Environmental Scientist, Floodway Protection Section, Division of Flood Management

Comments received via letter on February 20, 2009

The letter received from Mr. Herota indicates that a permit from the CVFPB may be needed to implement the Feather River Erosion Site 2 Repair Project.

TRLIA submitted an encroachment permit application to the CVFPB on February 24, 2009. No further response is required.
March 9, 2009

Paul Brunner
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, California 95901

Dear Mr. Brunner:

State Clearinghouse (SCH) Number: 2009022024
Mitigated Negative Declaration Feather River Erosion Site 2 Repair Project

The Central Valley Flood Protection Board (Board) is responsible for flood safety within California and maintains the integrity of the existing flood control system and designated floodways through the Board’s regulatory authority by issuing permits for encroachments. Development projects within the jurisdiction of the Board are required to meet standards for the construction, maintenance, and protection of adopted plans of flood control that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (Title 23), Section 2). Working with the Three Rivers Levee Improvement Authority staff early in the project planning will help Board staff and other interested parties to identify potential project impacts, appropriate mitigation measures, and thereby improve the safety of floodways.

Board staff has reviewed the project and provides the following comments:

The State Clearinghouse number was not shown on the Mitigated Negative Declaration. The website http://www.ceganel.ca.gov/DocDescription.asp?DocPK=629962 shows SCH Number: 2009022024.

Vegetation Mitigation Measures – The Mitigated Negative Declaration Feather River Erosion Site 2 Repair Project was reviewed for vegetation establishment and maintenance. The levee slope revegetation lists “standard levee seed mix” for revegetation (p. 2-4). The name of the plant seed included in the seed mix were not listed, therefore comments are not able to be provided on whether invasive plants will be mitigated.

Vegetation Irrigation – The Mitigated Negative Declaration Feather River Erosion Site 2 Repair Project was reviewed to determine the measures to mitigate the erosion of the levee caused by irrigation. The plans for levee slope revegetation states “a contractor would irrigate and maintain the slope as needed to establish the specified vegetation cover” (p.2-4). The method of irrigation was not provided. Vegetation irrigation is required to be accordance with Title 23, Section 131.
Mr. Brunner  
March 9, 2009  
Page 2

Thank you for your consideration of these comments. If you have any questions in this matter, please contact me at (916) 574-0651, or by e-mail at jherota@water.ca.gov.

Sincerely,

James Herota  
Staff Environmental Scientist  
Floodway Protection Section  
Division of Flood Management

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, California  95814

Dan Fua  
Supervising Engineer  
Division of Flood Management  
Central Valley Flood Protection Board
Response to Second Comment Letter from
The Central Valley Flood Protection Board (CVFPB)
on the Feather River Erosion Site 2
Initial Study/Proposed Mitigated Negative Declaration

Comments provided by James Herota, Staff Environmental Scientist,
Floodway Protection Section, Division of Flood Management

Comments received via letter on March 10, 2009

The letter received from Mr. Herota first identifies that a State Clearinghouse number
was not provided on the cover of the Initial Study/Proposed Mitigated Declaration
(IS/MND). This would be true for any IS/MND. When an IS/MND or an Initial
Study/Negative Declaration (IS/ND) is prepared for compliance with the California
Environmental Quality Act (CEQA), receipt of the IS/MND or IS/ND is the first notice
of the project that the State Clearinghouse receives. A State Clearinghouse number
cannot be received until after the IS/MND or IS/ND is complete. Therefore, the State
Clearinghouse number cannot be included on the cover of the document. It is only when
an environmental impact report (EIR) is prepared that the State Clearinghouse number is
received prior to publication of the draft EIR, and the number can be printed on the
document cover.

The next comment in the letter identifies that plant species included in Reclamation
District (RD) 784’s “standard levee seed mix” that would be used for revegetation of the
waterside levee slope are not listed. The standard levee see mix is composed of Bermuda
grass (Cynodon dactylon), California brome (Bromus carinatus Cucamonga), small
tesuc (Vulpia microstachys), creeping wild rye (Leymus triticoides), meadow barley
(Hordeum brachyantherum), California poppy (ssp. Californicav Eschsholzia), and
Tomcat clover (Californica trifolium willdenovii inoculated seed). This seed mix has
been used on numerous past projects in RD 784 approved by the CVFPB/Reclamation
Board.

The final comment in the letter points out that the IS/MND does not describe the method
of irrigation to be used as part of levee slope revegetation (if irrigation is needed) and
suggests that irrigation be in accordance with California Code of Regulations (CCR) Title
23, Section 131. Any irrigation that may be used to support revegetation of the water side
levee slope will be in accordance with CCR Title 23, Section 131.
----Original Message----
From: Susan Zanchi [mailto:susan_zanchi@dot.ca.gov]
Sent: Monday, February 23, 2009 1:46 PM
To: Brunner, Paul
Subject: SCH#2009022024, Feather River Erosion Site 2 Repair Project

Mr. Brunner:

Thank you for the opportunity to review and comment on the above mentioned project. Caltrans has no comment on this project as proposed.

----------------------------------
Susan Zanchi
Associate Transportation Planner
Caltrans District 3
Office of Transportation Planning - North
(530) 741-4199
Response to California Department of Transportation (Caltrans) Comments on the Feather River Erosion Site 2 Initial Study/Proposed Mitigated Negative Declaration

Comments provided by Susan Zanchi, Associate Transportation Planner, Caltrans District 3

Comments received via e-mail on February 23, 2009

The e-mail received from Ms. Zanchi states:

"Mr. Brunner:
Thank you for the opportunity to review and comment on the above mentioned project. Caltrans has no comment on this project as proposed."

No response is required.
March 3, 2009

Paul Brunner, P.E.
Executive Director
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, CA 95901

Re: Mitigated Negative Declaration (MND) for Feather River Erosion Site 2 Repair Project

Dear Mr. Brunner,

The Feather River Air Quality Management District (District) appreciates the opportunity to review and comment on the above referenced project. The District has reviewed the MND for impacts to air quality, and determined that the MND does not mitigate the emissions of oxides of nitrogen (NOx) below the threshold of significance of 25 lb/day.

Mitigation Measure AQ-1 includes control methods recommended by the District to reduce particulate matter pollution during construction activities. However, AQ-1 does not include measures that will achieve a 5% reduction in Reactive Organic Matter (ROG) or a 20% reduction in NOx as concluded in "Significance after Mitigation" on page 3-18.

The District recommends that the MND include mitigation measures to be implemented by the project that will reduce NOx emissions below the thresholds in order to conclude that the impact has been mitigated to a level that is less than significant. One such measure is attached for your review (Appendix E).

The District staff will be available to assist the Lead Agency or Project Applicant as needed. Please call me at (530) 634-7659 ext 210 if you have any questions.

Sincerely,

Sandra Andersson
Air Quality Planner

Enclosures: Appendix E

File: Chron
Appendix E:
Reducing ROG, NOx, & PM emissions from off-road diesel powered equipment

This mitigation measure may be used by projects to mitigate emissions of Reactive Organic Gases (ROG), Oxides of Nitrogen (NOx), and/or Particulate Matter (PM). The results of the Construction Mitigation Calculator shall be submitted and approved by the District PRIOR TO BEGINNING WORK.

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 website 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, 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.
Response to
Feather River Air Quality Management District (FRAQMD) Comments
on the Feather River Erosion Site 2
Initial Study/Proposed Mitigated Negative Declaration

Comments provided by Sondra Andersson, Air Quality Planner,

Comments received via letter on March 9, 2009

In summary, the letter received from Ms. Andersson states that “...the MND does not mitigate the emissions of oxides of nitrogen (NOx) below the threshold of significance of 25 lb/day.”; and provides additional suggested mitigation actions to further reduce NOx emissions during project construction.

Table 3.3-2, on page 3-16 of the Initial Study/Proposed Mitigated Negative (IS/MND), includes emission modeling results indicating unmitigated construction NOx emissions of 26.9 pounds per day (lbs/day). As indicated in Table 3.3-2, the FRAQMD significance threshold is 25 lbs/day. For project NOx emissions to fall below the threshold, a reduction of approximately 7.4% would be required.

Although the actions included in Mitigation Measure AQ-1 in the IS/MND focus on reducing fugitive dust and PM10 emissions, several of the actions (as listed below) would also result in reductions in NOx emissions:

- Provide temporary traffic controls as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Yuba County Department of Public Works and/or the California Department of Transportation and to reduce vehicle dust emissions.

- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40% opacity or Ringlemann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair equipment within 72 hours or remove the equipment from service.

- The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of on-site operation.

- Vehicle and equipment idling times shall be limited to 5 minutes.

- Existing power sources (e.g., power poles) or clean fuel generators shall be utilized rather than temporary power generators.

- A traffic plan shall be developed and implemented 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. Operations affecting traffic shall be scheduled for off-peak hours. Obstruction of through-traffic lanes shall be minimized. A flag person shall be provided as needed to guide traffic properly and ensure safety at construction sites.

- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require ARB portable equipment registration with the state or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with ARB or FRAQMD to determine registration and permitting requirements prior to equipment operation at the site.

With the implementation of these mitigation actions already included in Mitigation Measure AQ-1, construction emissions of NOx from the proposed project would be reduced sufficiently (i.e., more than 7.4%) to result in NOx emissions remaining below the FRAQMD threshold of 25 lbs/day. Therefore, impact AQ-1 in the IS/MND remains at a less than significant level after mitigation. However, acknowledging FRAQMD’s desire to implement all feasible mitigation to reduce air emissions, and the fact that on past projects TRLIA has implemented the mitigation actions suggested by FRAQMD in their comment letter, the suggested mitigation included in the comment letter has been included in the Mitigation Monitoring and Reporting Program (MMRP) for the Feather River Erosion Site 2 Repair Project and will be implemented as part of the project.
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
EROSION SITE 2 REPAIR PROJECT

Study Area Location

Exhibit 2-2

Attachment 5