No other business shall be conducted at this meeting. The public shall have an opportunity to address the Authority only with respect to items set forth in this agenda. Each individual or group will be limited to no more than five minutes. Prior to this time, speakers are requested to fill out a “Request to Speak” card and submit it to the Clerk of the Board.

I  **ROLL CALL** – Directors Atwal, Brown, Crippen, Griego, Nicoletti

II  **ACTION ITEMS**

   A.  Approve Addendum to Yuba Goldfields 200-year Flood Protection Project Final Environmental Impact Report and authorize staff to execute and file Notice of Determination in compliance with the California Environmental Quality Act.

   B.  Approve meeting minutes of September 15, 29, and October 6, 2015.

III  **ADJOURN**

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, the County Library at 303 Second Street, Marysville, and [www.trlia.org](http://www.trlia.org). 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 Americans 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.
TO: Three Rivers Levee Improvement Authority Board  
FROM: Paul Brunner, Executive Director  
       Andrea Clark, Agency Counsel  
SUBJECT: Addendum to the Yuba Goldfields 200-Year Flood Protection Project

**Recommended Action:**
Staff recommends that the Three Rivers Levee Improvement Authority Board (Board) adopt the attached Addendum to the Yuba Goldfields 200-Year Flood Protection Project (Project) Final Environmental Impact Report (EIR) and authorize TRLIA staff to sign and file the attached Notice of Determination (NOD) in compliance with the California Environmental Quality Act (CEQA).

**Background:**
TRLIA approved the Project to provide a 200-year flood risk reduction solution that will prevent flood waters from flowing through the Goldfields and flanking the State Plan of Flood Control (“SPFC”). TRLIA has analyzed the residual flood risk associated with the Goldfields and identified a risk of flooding from the Goldfields for floods more frequent than the 100-year flood. TRLIA’s analysis revealed that the Yuba River is actively eroding the south bank tailings mound. The analysis also shows that landform changes within the Goldfields created through historic gold dredge mining operations have affected flow paths within the Goldfields and made it easier for flood water to flow through the Goldfields and exit into the RD 784 service area. As a result, areas that were thought to have 200-year protection are still at risk, and it is possible that flood waters will flow through the Goldfields and flank SPFC facilities.

Accordingly, the Project aims to expeditiously reduce flood risk by constructing an embankment just south of the Goldfields that would prevent Yuba River flood flows during a 200-year flood event from flowing through the Goldfields and flanking the SPFC.

On September 15, 2015, TRLIA adopted Resolution #2015-04, certifying the EIR for the Project and Resolution #2015-05, adopting a Mitigation Monitoring and Reporting Program (MMRP) and approving the Project.

**Discussion:**
Following consultation with the United Auburn Indian Community, TRLIA agreed to consider minor changes to clarify and strengthen the effectiveness of Mitigation Measures 3.6-2a and 3.6-2b, with corresponding changes to the MMRP. TRLIA has prepared an Addendum to the EIR to
examine the potential environmental effects of the proposed changes to Mitigation Measures 3.6-2a and 3.6-2b and corresponding changes to the MMRP.

The Addendum concludes that the changed Mitigation Measures 3.6-2a and 3.6-2b would continue to reduce any identified potentially significant impact associated with disturbance to unknown archaeological resources, human remains, and historical resources under the Project to a less-than-significant level because they would avoid or minimize adverse impacts on such discoveries made before or during construction and would ensure that mitigation would occur for those cultural resources considered to be eligible for listing on the CRHR and considered Historical Resources for the purpose of CEQA. Accordingly, the changes:

- would not result in any new significant environmental effects,
- would not substantially increase the severity of previously identified effects,
- would not result in mitigation measures or alternatives previously found to be infeasible becoming feasible, or
- would not result in availability/implementation of mitigation measures or alternatives that are considerably different from those analyzed in the previous document that would substantially reduce one or more significant effects on the environment

As discussed in the Addendum, the proposed modifications to Mitigation Measures 3.6-2a and 3.6-2b are minor changes and do not trigger the need for a subsequent or supplemental EIR; the changes clarify and strengthen the effectiveness of Mitigation Measures 3.6-2a and 3.6-2b in the certified EIR. Therefore, the preparation of a subsequent or supplemental EIR, as defined by CEQA, is not warranted and an addendum is the appropriate environmental document.

**Fiscal Impact:**
There is no fiscal impact of this action.

**Attachments:**

1. Addendum, October 2015 to the Final Yuba Goldfields 200-Year Flood Protection Project EIR
2. Proposed Notice of Determination
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## ACRONYMS AND OTHER ABBREVIATIONS

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<td>Institute for Canine Forensics</td>
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<tr>
<td>MLD</td>
<td>Most Likely Descendent</td>
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1 INTRODUCTION

In compliance with the California Environmental Quality Act (CEQA), the Three Rivers Levee Improvement Authority (TRLIA), as lead agency, prepared an Environmental Impact Report (EIR) describing the environmental effects that would be caused by the Yuba Goldfields 200-Year Flood Protection Project (Project). On September 15, 2015, TRLIA adopted Resolution #2015-04, certifying the EIR for the Project and Resolution #2015-05, adopting a Mitigation Monitoring and Reporting Program (MMRP) and approving Alternative 4 as the Project.

Following consultation with the United Auburn Indian Community, TRLIA agreed to consider adopting certain amendments to Mitigation Measures 3.6-2a and 3.6-2b with corresponding changes to the MMRP. TRLIA has prepared this addendum to the EIR to examine the potential environmental effects of the proposed changes to Mitigation Measures 3.6-2a and 3.6-2b, and corresponding changes to the MMRP. If TRLIA determines that another alternative, other than Alternative 4, is preferable, TRLIA will consult with UAIC and other interested Native American Tribes (defined herein as Tribes identified by the California Native American Heritage Commission for this project area and who have expressed interest in the project) on associated cultural resources prior to determining the type of environmental document required and prior to the public hearing on adoption of a different alternative.

CEQA Guidelines Section 15164 describes when an addendum to a previously certified EIR is required. A lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred (CEQA Guidelines Section 15164(a)). When an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
   
   (A) the project will have one or more significant effects not discussed in the previous EIR;

   (B) significant effects previously examined will be substantially more severe than shown in the previous EIR;

   (C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or
(D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the changes do not meet these criteria, then an addendum, pursuant to CEQA Guidelines Section 15164, can be prepared if only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation (CEQA Guidelines Section 15163[a][2]). As discussed in Section 3, “Environmental Impacts,” below, the proposed modifications to Mitigation Measures 3.6-2a and 3.6-2b are minor changes and do not trigger the need for a subsequent or supplemental EIR; the changes clarify and strengthen the effectiveness of Mitigation Measures 3.6-2a and 3.6-2b in the certified EIR. Therefore, the preparation of a subsequent or supplemental EIR, as defined by CEQA, is not warranted and an addendum is the appropriate environmental document.

2 PROPOSED CHANGES

TRLIA proposes minor changes to Mitigation Measures 3.6-2a and 3.6-2b shown below in underline/strikeout. These mitigation measures, as changed, shall be incorporated into the MMRP for the approved Project (Alternative 4) and implemented by TRLIA and its construction contractor(s) prior to both in-fill and ground-disturbing construction activities and following discovery of cultural resources or human remains.

Mitigation Measure 3.6-2a: Perform Additional Cultural Resources Inventory.

Once TRLIA is in possession of the property either through fee ownership or legal possession, whichever comes first, TRLIA will implement the following measures to reduce effects of the Project alternatives on unknown archaeological sites:

- Prior to ground-disturbing construction, a geoarchaeologist in culturally sensitive areas, not limited to but including those identified by interested Native American Tribes (defined herein as Tribes identified by the California Native American Heritage Commission for this project area and who have expressed interest in the project), no ground-disturbing activities, such as archaeological testing, in-fill, ground-disturbing construction, minor earth-moving activities, or any other form of ground-disturbing activities, will be conducted until after a consultant who meets the Secretary of the Interior’s Professional Qualifications Standards and who has expertise in geoarchaeological studies will have conducted a geoarchaeological study of the APE for each Project Area (the area in which the project may have direct physical effects on the environment, including cultural resources). The geoarchaeologist will include review of relevant background information, such as geotechnical reports, geological and soil maps, levee construction plans, and previous archaeological/cultural studies, to assess the archaeological sensitivity and relative preservation potential for buried archaeological deposits to occur in different parts of the Project Area, and evaluation of the nature and extent of project-related earth disturbances in areas where the sensitivity for buried sites, including any potentially disturbed buried sites, appears to be elevated. If they are available, the archaeologists conducting the geoarchaeological study will review any existing cores from geotechnical borings in the presence of paid Native American Monitors and include the analyses in their geoarchaeological report.
If the findings of the geoarchaeological study described above suggest there may be Holocene age soils that are sensitive for archaeological materials, and taking into consideration information and recommendations provided by interested Native American Tribes and the geoarchaeologist, geophysical studies such as ground-penetrating radar may be conducted.

The archaeologists conducting the geoarchaeological study will consult with interested Native American Tribes both prior to conducting the study and prior to completing the draft of their geoarchaeological report. Interested Native American Tribes will be provided drafts of the scope of work and the draft and draft final technical reports for comment. Any comments and recommendations made by interested Native American Tribes will be documented in the project record. Paid monitors from interested Native American Tribes will accompany the team during survey work, and the archaeologist conducting the study shall document Native American monitor comments in their survey records. Recordation of Native American resources will be conducted in a respectful manner consistent with the behaviors identified by the Native American Monitor.

Interested Native American Tribes will be provided the draft and draft final survey report for comment. Any comments and recommendations from interested Native American Tribes will be documented in the project record and integrated into the report. For any recommendations made by interested Native American Tribes which are not incorporated into the report, a justification for why the recommendation was not followed will be provided in the report.

Minor ground-disturbing activities including but not limited to installation of fencing, soil tests, ground-water test bores, and geotechnical bores, may be conducted in locations outside of identified culturally sensitive areas prior to conducting the studies identified above. Culturally sensitive areas include but may not be limited to areas identified as culturally sensitive on maps provided by interested Native American Tribes and those areas that may be determined to be sensitive as a result of technical archaeological studies conducted in compliance with the mitigation measures identified in this document.

Once the geoarchaeological study is complete, a professional cultural resources specialists (an archaeologist and historian meeting the Secretary of the Interior’s Professional Qualifications Standards for their specialty) will complete an inventory of a pedestrian survey of the Project Area to identify archaeological and historical resources within the APE Project Area consistent with the Secretary of Interior’s Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register [FR] 44716–44740). A pedestrian survey will be conducted, to the extent feasible, at a time of year that has acceptable ground visibility. Paid Native American Monitors from interested Native American Tribes will accompany the archaeologists during survey work to assist in identifying known and unknown resources. Prior to initiation of the survey, the archaeologists will meet with the paid Native American monitors and the Tribal representatives from interested Native American Tribes to discuss and agree on survey procedures, protocols, dispute resolution and behaviors in the presence of Tribal cultural resources. Also prior to the survey, the archaeologists will provide interested Native American Tribes with copies of existing cultural resources reports and other existing data such as CHRIS requests and records, with the exception of confidential information provided by other Native American Tribes. The surveyors will walk transects spaced no more than ±10 meters apart. During the survey, the archaeologists will record all resources, including features, isolates, and
previously recorded sites, as necessary and will document any recommendations made by interested Native American Tribes. All resources, including archaeological sites, cultural landscapes, historical structures and buildings, historical engineering features, and cultural resources with significance to Native American communities will be documented in accordance with state and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the Advisory Council on Historic Preservation’s (ACHP) Native American Traditional Cultural Landscapes Action Plan for further guidance. Recordation of historic structures, buildings, objects, and sites shall be prepared accomplished by using the California Department of Parks and Recreation (DPR) 523 Site Record forms. Prior to preparation of the draft report, interested Native American Tribes will be invited to meet with the cultural resources specialists who will prepare the report to discuss the views of the Tribe on resource descriptions and significance. Interested Native American Tribes will be provided a reasonable period of time to comment on all draft and draft final forms and cultural reports and will be provided final reports for its records. Any comments and recommendations made by interested Native American Tribes will be documented in the project record. For any recommendations made by interested Native American Tribes and not incorporated into the report, a justification for why the recommendation was not followed will be provided in the report. All reports, site location information, and other information confidential pursuant to state and federal law, and that are identified by interested Native American Tribes as confidential, will be treated as confidential information by TRLIA.

► Native American representatives. All previously known and recorded resources will be delineated. Both the horizontal and the vertical extent of the cultural resources area will be determined and demarcated. The delineation will test for the presence and absence of cultural material, and then map the full extent of the cultural site without damaging its integrity or context. First, the horizontal extent will be determined. If cultural resources are found, the test program will close the unit and continue to define the horizontal extent until no resources are observed and a sterile unit is noted. At that time, a geoarchaeological and archaeological study will be conducted that will include keyholing the cultural resource area to determine its vertical extent. The site boundary will be recorded using GPS and the site boundary will be flagged to include a 100-foot buffer.

► Concerning scientific handling, testing, or field or laboratory analysis of archaeological sites and materials, TRLIA will consult with interested Native American Tribes and USACE to identify an acceptable procedure. TRLIA will assume for the purposes of this Project that National Historic Preservation Act Section 106 consultation will be approached in a manner consistent with the Advisory Council on Historic Preservation letter dated March 31, 2015, regarding resolution of adverse effects in the Feather River West Levee Project matter. However, TRLIA is not the lead agency for Section 106 compliance. TRLIA, as the lead CEQA agency, will not require scientific handling, testing, or field or laboratory analysis, and will consider various types of mitigation including non-traditional approaches to treatment and will recognize the state policy in Public Resources Code Section 5097.991 that Native American remains and grave goods shall be repatriated.
Native American human remains, associated grave goods and items associated with Native American human remains that are subject to California Public Resources Code Section 5097.98 (see below) will not be subjected to scientific analysis, handling, testing or field or laboratory analysis without written consent from the Most Likely Descendant. If human remains are present, treatment shall conform to the requirements of state law under California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.87, unless the discovery occurs on federal land. TRLIA agrees to comply with other related state laws, including Public Resources Code Section 5097.9 (see below).

**PRC 5097.98:**

Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. (b) Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants’ preferences for treatment. (1) The descendants’ preferences for treatment may include the following: (A) The nondestructive removal and analysis of human remains and items associated with Native American human remains. (B) Preservation of Native American human remains and associated items in place. (C) Relinquishment of Native American human remains and associated items to the descendants for treatment. (D) Other culturally appropriate treatment. (2) The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the project area, providing a basis for additional treatment measures. (c) For the purposes of this section, “conferral” or “discuss and confer” means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties’ cultural values, and where feasible, seeking agreement. Each party shall recognize the other’s needs and concerns for confidentiality of information provided to the other. (d)(1) Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness. (2) Any items associated with the human remains that are placed or buried with the Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains. (e) Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails
to provide measures acceptable to the landowner, the landowner or his or her authorized
representative shall reinter the human remains and items associated with Native American
human remains with appropriate dignity on the property in a location not subject to further and
future subsurface disturbance. To protect these sites, the landowner shall do one or more of the
following: (1) Record the site with the commission or the appropriate Information Center.
(2) Utilize an open-space or conservation zoning designation or easement. (3) Record a
document with the county in which the property is located. The document shall be titled “Notice
of Reinterment of Native American Remains” and shall include a legal description of the
property, the name of the owner of the property, and the owner's acknowledged signature, in
addition to any other information required by this section. The document shall be indexed as a
notice under the name of the owner. (f) Upon the discovery of multiple Native American human
remains during a ground disturbing land development activity, the landowner may agree that
additional conferral with the descendants is necessary to consider culturally appropriate
treatment of multiple Native American human remains. Culturally appropriate treatment of the
discovery may be ascertained from a review of the site utilizing cultural and archaeological
standards. Where the parties are unable to agree on the appropriate treatment measures the
human remains and items associated and buried with Native American human remains shall be
reinterred with appropriate dignity, pursuant to subdivision (e).

**PRC 5097.9:**

No public agency, and no private party using or occupying public property, or operating on
public property, under a public license, permit, grant, lease, or contract made on or after July 1,
1977, shall in any manner whatsoever interfere with the free expression or exercise of Native
American religion as provided in the United States Constitution and the California Constitution;
nor shall any such agency or party cause severe or irreparable damage to any Native American
sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on
public property, except on a clear and convincing showing that the public interest and necessity
so require. The provisions of this chapter shall be enforced by the commission, pursuant to
Sections 5097.94 and 5097.97.

**PRC 5097.94:**

The commission shall have the following powers and duties:

(a) To identify and catalog places of special religious or social significance to Native Americans,
and known graves and cemeteries of Native Americans on private lands. The identification and
cataloguing of known graves and cemeteries shall be completed on or before January 1, 1984.
The commission shall notify landowners on whose property such graves and cemeteries are
determined to exist, and shall identify the Native American group most likely descended from
those Native Americans who may be interred on the property.

(b) To make recommendations relative to Native American sacred places that are located on
private lands, are inaccessible to Native Americans, and have cultural significance to Native
Americans for acquisition by the state or other public agencies for the purpose of facilitating or
assuring access thereto by Native Americans.
(c) To make recommendations to the Legislature relative to procedures that will voluntarily encourage private property owners to preserve and protect sacred places in a natural state and to allow appropriate access to Native American religionists for ceremonial or spiritual activities.

(d) To appoint necessary clerical staff.

(e) To accept grants or donations, real or in kind, to carry out the purposes of this chapter and the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code).

(f) To make recommendations to the Director of Parks and Recreation and the California Arts Council relative to the California State Indian Museum and other Indian matters touched upon by department programs.

(g) To bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, pursuant to Section 5097.97. If the court finds that severe and irreparable damage will occur or that appropriate access will be denied, and appropriate mitigation measures are not available, it shall issue an injunction, unless it finds, on clear and convincing evidence, that the public interest and necessity require otherwise. The Attorney General shall represent the commission and the state in litigation concerning affairs of the commission, unless the Attorney General has determined to represent the agency against whom the commission’s action is directed, in which case the commission shall be authorized to employ other counsel. In an action to enforce this subdivision the commission shall introduce evidence showing that a cemetery, place, site, or shrine has been historically regarded as a sacred or sanctified place by Native American people and represents a place of unique historical and cultural significance to an Indian tribe or community.

(h) To request and utilize the advice and service of all federal, state, local, and regional agencies, including for purposes of carrying out the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 [commencing with Section 8010] of Part 2 of Division 7 of the Health and Safety Code).

(i) To assist Native Americans in obtaining appropriate access to sacred places that are located on public lands for ceremonial or spiritual activities.

(j) To assist state agencies in any negotiations with agencies of the federal government for the protection of Native American sacred places that are located on federal lands.

(k) (1) To mediate, upon application of either of the parties, disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

(k) (2) The agreements shall provide protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction and provide for sensitive treatment and
disposition of Native American burials, skeletal remains, and associated grave goods consistent
with the planned use of, or the approved project on, the land.

(l) To assist interested landowners in developing agreements with appropriate Native American
groups for treating or disposing, with appropriate dignity, of the human remains and any items
associated with Native American burials.

(m) To provide each California Native American tribe, as defined in Section 21073, on or before
July 1, 2016, with a list of all public agencies that may be a lead agency pursuant to Division 13
(commencing with Section 21000) within the geographic area with which the tribe is traditionally
and culturally affiliated, the contact information of those public agencies, and information on
how the tribe may request the public agency to notify the tribe of projects within the jurisdiction
of those public agencies for the purposes of requesting consultation pursuant to Section
21080.3.1.

(n) (1) To assume the powers and duties of the former Repatriation Oversight Commission and
meet, when necessary and at least quarterly, to perform the following duties:

(A) Order the repatriation of human remains and cultural items in accordance with the act.

(B) Establish mediation procedures and, upon the application of the parties involved, mediate
disputes among tribes and museums and agencies relating to the disposition of human remains
and cultural items. The commission shall have the power of subpoena for purposes of discovery
and may impose civil penalties against any agency or museum that intentionally or willfully fails
to comply with the act. Members of the commission and commission staff shall receive training in
mediation for purposes of this subparagraph. The commission may delegate its responsibility to
mediate disputes to a certified mediator or commission staff.

(C) Establish and maintain an Internet Web site for communication among tribes and museums
and agencies.

(D) Upon the request of tribes or museums and agencies, analyze and make decisions regarding
providing financial assistance to aid in specific repatriation activities.

(E) Make recommendations to the Legislature to assist tribes in obtaining the dedication of
appropriate state lands for the purposes of reinterment of human remains and cultural items.

(F) (i) Prepare and submit to the Legislature an annual report detailing commission activities,
disbursement of funds, and dispute resolutions relating to the repatriation activities under the act.

(F) (ii) A report submitted to the Legislature pursuant to this subparagraph shall be submitted in
compliance with Section 9795 of the Government Code.

(G) Refer any known noncompliance with the federal Native American Graves Protection and
Repatriation Act (25 U.S.C. Sec. 3001 et seq.) to the United States Attorney General and the
Secretary of the Interior.
(H) Impose administrative civil penalties pursuant to Section 8029 of the Health and Safety Code against an agency or museum that is determined by the commission to have violated the act.

(I) Establish those rules and regulations the commission determines to be necessary for the administration of the act.

(2) For purposes of this subdivision, the following terms have the following meanings:

(A) “Act” means the California Native American Graves Protection and Repatriation Act (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code).

(B) “Tribe” means a “California Indian tribe” as that term is used in the act.

PRC 5097.97:

In the event that any Native American organization, tribe, group, or individual advises the commission that a proposed action by a public agency may cause severe or irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, or may bar appropriate access thereto by Native Americans, the commission shall conduct an investigation as to the effect of the proposed action. Where the commission finds, after a public hearing, that the proposed action would result in such damage or interference, the commission may recommend mitigation measures for consideration by the public agency proposing to take such action. If the public agency fails to accept the mitigation measures, and if the commission finds that the proposed action would do severe and irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, the commission may ask the Attorney General to take appropriate legal action pursuant to subdivision (g) of Section 5097.94.

► TRLIA will provide interested Native American Tribes with all project-related cultural resources reports. This includes survey, inventory, testing, and excavation reports; a complete copy of the North Central Information Center (NCIC) records search; any site records or reports that were generated by the NCIC record search and request; the NCIC invoice and the NCIC summary letter; and copies of any and all correspondence between TRLIA and the California Native American Heritage Commission, California Office of Historic Preservation, and Advisory Council on Historic Preservation.

► Interested Native American Tribes will be provided reasonable time to review and comment on the draft and draft final reports. Any comments made by interested Native American Tribes will be documented in the project record, and recommended revisions will be considered for inclusion in the final reports. For any recommendations made by interested Native American Tribes which are not incorporated into the report, a justification for why the recommendation was not followed will be provided in the report. Records of all Native American consultation conducted under CEQA will be confidentially provided to the lead Federal agency responsible for compliance with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act.
Native American Representatives from interested Native American Tribes will be provided an opportunity to review and comment on the cultural resource identification efforts, evaluation, and of effects, analysis. Following the completion of identification efforts, a field review will be conducted with avoidance and design alternatives, and mitigation analysis. The Native American representatives, if requested, will be allowed to review and comment on these analyses. Should any Native American cultural resources be encountered, TRLIA will take into consideration comments and concerns of interested Native Americans. These comments and recommendations will be documented in the project reports and in the resource records. For any recommendations made by interested Native American Tribes which are not adopted by TRLIA, a justification for why the recommendation was not followed will be provided in the report.

TRLIA’s qualified archaeologist will prepare a report describing the identification efforts and the results of the cultural resources study. Using the results of the geoarchaeological study, pedestrian survey, and Native American consultation, TRLIA may choose to conduct the following and/or implement Mitigation Measure 3.6-2b below:

- Native American Representatives from interested Native American Tribes act as a representative of their Tribal government and must be consulted before any cultural studies or ground-disturbing activities begin.

- Native American Monitors from interested Native American Tribes act as cultural stewards in the field or lab to preserve and protect the Tribe’s cultural interests, and shall be scheduled during each phase of cultural resources work, including but not limited to field checks, survey, testing, excavation, and recovery work; and during construction-related activities, including geotechnical work, topsoil removal (stripping or grubbing), grading, trenching, backfilling, installation of underground infrastructure, levee build, installation of slurry ponds, and closeout activities.

- Both Native American Representatives and Native American Monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted, or slowed if such sites or objects are identified within the direct impact area; however, only a Native American Representative can recommend appropriate treatment of such sites or objects.

TRLIA’s qualified cultural resources specialists will prepare a report describing the consultation, identification, and inventory efforts as well as the results of the cultural resources study. Any Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines shall also be identified during inventory efforts. The report format and content will be consistent with the California Office of Historic Preservation Archaeological Resources Management Reports.
guidelines as may be amended. The report text will include a detailed summary of Native American consultation including an integrated discussion of comments and recommendations made by interested Native American Tribes. Pursuant to the California Register of Historic Resources (CRHR), TRLIA is committed to working with interested, culturally-affiliated Native American Tribes to identify and inventory any and all traditional cultural resources or historical resources that may qualify for listing in the CRHR including traditional cultural properties and cultural landscapes using methods consistent with state and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the ACHP’s Native American Traditional Cultural Landscapes Action Plan for further guidance. If such resources are identified during the inventory, TRLIA will retain an ethnographer to evaluate and assess any potential direct, indirect, or cumulative impacts resulting from the proposed Project. That evaluation shall include information provided by Native American Monitors during identification and inventory efforts and relevant information provided by Native American Representatives during or through meetings, site visits, written correspondence, or telephone correspondence. Any information that is identified as confidential by a Native American Representative or Monitor shall be separated into a confidential appendix that would be available only on a confidential basis to the Tribe providing the information and any state or federal agencies or courts with jurisdiction.

► TRLIA will implement Mitigation Measure 3.6-2b and will take the following actions depending on the results of the geoarchaeological study, the geophysical study (if implemented based on geoarchaeological information and recommendations made by interested Native American Tribes), the pedestrian archaeological and Native American survey (conducted to the extent feasible, at a time of year that has acceptable ground visibility), the field review, the archaeological report, and all Native American consultation:

- If the investigations described above identify sensitive areas within the Project Area, qualified archaeologists may conduct subsurface excavations in portions of the Project Area that are covered by dense vegetation or relatively recent fill. The use of any resources are encountered during these excavations, Extended Phase 1 excavations may be conducted to assess resource boundaries to reduce the chances that cultural resources would be identified during construction disturbed during construction. Paid Native American monitors from interested Native American Tribes will accompany the archaeologist during these excavations to identify and recommend appropriate treatment for cultural resources.

- If the research suggests there may be Holocene age soils that are sensitive for archaeological materials, the geoarchaeologist may work with representatives and/or monitors from interested Native American Tribes and archaeologists to prepare an excavation test plan to assess the potential for subsurface cultural deposits.
- If geophysical testing or other studies, analysis, or information suggests that there may be human remains detection through, burials, or cultural features present, the use of trained dogs is geophysicist will work with Native American representatives from interested Native American Tribes and the archaeologists to prepare and implement a non-invasive tool test plan to assess the potential for locating culturally sensitive subsurface human remains and cultural deposits.

- Based on the results of all studies and sensitivity analyses conducted by cultural resources specialists and on recommendations from interested Native American Tribes, TRLIA or and its representative may will consult with the Institute for Canine Forensics (ICF) or a similar organization to determine if a canine forensic survey of the APE Project Area is feasible and potentially useful. If the ICF recommends that a canine forensic survey is possible, feasible and would be potentially useful, such a survey will be conducted.

- Additional investigative techniques such as ground-penetrating radar may be helpful in identifying buried cultural materials. TRLIA, in consultation with the Most Likely Descendent (MLD) to be identified by the California Native American Heritage Commission (NAHC), will also develop a Burial Avoidance and Recovery Plan to be implemented if human remains or burial objects are observed during the cultural resources investigations. If human remains are discovered during these activities, TRLIA and the contractors will coordinate with the local county coroner and NAHC to make the determinations and perform the management steps prescribed in state law including California Health and Safety Code Section 7050.5 (see below) and California PRC Section 5097.98 (quoted above).

**California Health and Safety Code Section 7050.5:**

(a) Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code or to any person authorized to implement Section 5097.98 of the Public Resources Code.

(b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
(c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

- If identification efforts result in identification of sites considered to be religious, sacred, or ceremonial, TRLIA and interested Native American Tribes will consult on access by interested Native American Tribes to such sites in a way that is consistent with levee construction, operation, maintenance, and safety requirements.

Mitigation Measure 3.6-2b: Implement Unanticipated Construction-Related Inadvertent Discovery Plan and Perform Cultural Resources Awareness Training.

TRLIA and its construction contractor(s) will implement the following measures to reduce effects of the Project alternatives on unknown archaeological sites:

- Prior to ground-disturbing construction, TRLIA will include a construction-related inadvertent discovery plan in the construction contractor’s contract conditions, of which must be finalized and approved before both in-fill and ground-disturbing construction activities begin. The construction-related inadvertent discovery plan will require the construction contractor, incorporating to take the following actions to be taken in the event of the inadvertent discovery of if cultural resources including but not limited to such as bone, shell, artifacts, human remains, or historic period structural features, architectural elements, bottles, ceramics, bricks, etc. are discovered after in-fill or ground-disturbing construction activities begin:

  - In the event of a potential archaeological resources discovery, including, but not limited to, specific cultural resources, articulated or disarticulated human remains are discovered by Native American sites identified within the project site boundary during additional consultation with Monitors, Native American Tribes Representatives, qualified cultural resources specialists or other Project personnel during construction activities, work will cease in the immediate vicinity of the find, based on the apparent distribution of cultural resources if no, whether or not a monitor is present. A qualified archaeologist cultural resources specialist and representatives and monitors from interested Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

  - No construction activities will occur within 100 feet of an area under a stop work order. TRLIA will honor all reasonable requests by a Native American Monitor or Native American Representative to stop work in a specified area for 48 hours, or until Native American Representatives have provided a reasonable path for work to resume, whichever occurs first.

  - Paid Native American monitors from interested Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading, or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources.
Following a finding that the discovery represents a potential historical or cultural resource, a delineation of the resource will be conducted according to industry-standard methods by an archaeologist who meets the Secretary of Interior’s Standards for a Professional Archaeologist will delineate the resource according to industry-standard methods taking into consideration recommendations and findings of interested Native American Monitors or Tribal Representatives. Recordation of Native American resources will be conducted in a respectful manner consistent with the behaviors identified by the Native American Monitor. The delineation will expose, identify and map the full extent of the site. Geoarchaeological and archaeological site methods will be consistent with those described in MM 3.6-2a. The site boundary will be recorded using GPS and the site boundary will be flagged to include a 50-100-foot buffer.

Avoidance and preservation in place is the preferred manner of mitigating impacts to an archaeological site, a cultural resource and may be accomplished by several means, including planning construction to avoid archaeological sites; incorporation of sites within parks, green-space, green space, or other open space; covering archaeological sites, or, deeding a site into a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of historical cultural resources will be reviewed between TRLIA, interested Native American Tribes, and the appropriate agencies in light of factors such as costs, logistics, technological feasibility, design, technology, and social, cultural, and environmental considerations and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources, or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives will be allowed to review and comment on these analyses and shall have the opportunity to meet with TRLIA and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.

If the site/resource can be avoided, the construction contractor(s) and maintenance personnel, with paid monitors from interested Native American Tribes present, will install protective fencing prior to the start of construction in the vicinity of the site and outside the site boundary, including the buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during construction all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area.” Representatives from interested Native American Tribes and TRLIA will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties, and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (Guidelines for Evaluating and Documenting Rural Historic Landscapes), Bulletin 36 (Guidelines for Evaluating and Registering Archaeological Properties), and Bulletin 38 (Guidelines for Evaluating and Documenting Traditional Cultural Properties); National Park Service Preservation Brief 36 (Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes) and using the ACHP’s Native American Traditional Cultural Landscapes
**Action Plan** for further guidance. Use of temporary and permanent forms of protective fencing will be determined in consultation with Tribal Representatives from interested Native American Tribes.

- If preservation in place using **appropriate covering or capping** is the selected approach, the construction contractor(s) and maintenance personnel will install geotechnical fabric as a protective cover to the surface of the siteresources and then cap or cover the siteresource with a layer of local or certified clean soil prior to building on. A copy of the site clean soil certificate will be provided to interested Native American Tribes before a resource is capped or covered. The layer of soil will be thick enough that construction activities will not penetrate the protective cap and/or otherwise disturb the siteresource. An archaeologist who meets the Secretary of Interior’s Standards for a Professional Archaeologist must be present during installation of the protective barrier and capping of the site and a Native American monitor must be present during installation of any protective barrier and capping of a resource. Representatives and monitors from interested Native American Tribes will also be invited and allowed to attend the installation and capping. Both temporary and permanent forms of resource capping will be determined in consultation with interested Native Americans. The limits of the area to be capped will be demarcated in the field by a Native American Monitor in consultation with a TRLIA representative and cultural resources specialists.

- If avoidance is infeasible, a Treatment Plan that documents the research approach and methods identifies how identified properties that have been determined to be eligible for archaeological data recovery the CRHR or the National Register of Historic Places (NRHP) will be treated under CEQA shall be prepared and implemented in consultation with TRLIA and interested Native American representatives (if the resources are prehistoric or Native American in nature). In all cases, treatment will be carried out with dignity and respect. Interested Native American Tribes will be consulted on the research approach, methods and whether burial or data recovery or alternate mitigation is culturally-appropriate for the find. Alternative mitigation will be considered for cultural resources instead of burial and archaeological data recovery, curation, testing, and analysis. Work may proceed on other parts of the Project Area while treatment is being carried out to the extent it does not interfere with respectful treatment.

- TRLIA and the MLD will implement the Burial Avoidance and Recovery Plan developed as a part of Mitigation Measure 3.6-2a if human remains or burial objects are observed during construction. If human remains are discovered as part of the find during these activities, TRLIA and the contractors will coordinate with the local county coroner and NAHC to make the determinations and perform the management steps prescribed in California Health and Safety Code Section 7050.5 and California PRC Section 5097.98 (both quoted above).

- For any treatment and plans, TRLIA will assume for the purposes of this Project that National Historic Preservation Act Section 106 consultation will be approached in a manner consistent with the Advisory Council on Historic Preservation letter dated March 31, 2015, regarding resolution of adverse effects in the Feather River West Levee Project matter. However, TRLIA is not the lead agency for Section 106 compliance. TRLIA, as the lead CEQA agency, will not require scientific handling, testing, or field or laboratory analysis, and will consider various types
of mitigation including non-traditional approaches to treatment and will recognize the state policy in Public Resources Code Section 5097.991 that Native American remains and grave goods shall be repatriated.

► A consultant and construction worker cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed and in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with a qualified archaeologist cultural resources specialists and representatives and monitors from interested Native American Tribes after the cultural resources studies are completed but before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive archaeological resources, including applicable regulations and protocols for avoidance and consequences for violations of State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for sites that have the potential to be located within the project site boundary and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors consistent with Native American Tribal values.

► Following completion of major construction activities, TRLIA and its consultant, in consultation with interested Native American Tribal Representatives, will prepare a report that documents what, if any, cultural resources or human remains were discovered during project implementation, how impacts to each resource (whether discovered during construction or during inventory and consultation) were avoided or what treatment was instituted, the condition of each resource after project implementation, recommendations for how additional impacts can be avoided, and recommendations for management of each resource. Interested Native American Tribes will be provided reasonable time to review and comment on the draft and draft final confidential report. Any comments made by interested Native American Tribes will be documented in the project record, and recommended revisions will be considered for inclusion in the final reports. For any recommendations made by interested Native American Tribes which are not incorporated into the report, a justification for why the recommendation was not followed will be provided in the report.

3 ENVIRONMENTAL IMPACTS

Implementing the changed Mitigation Measures 3.6-2a and 3.6-2b presented above would continue to reduce any identified potentially significant impact associated with disturbance to unknown archaeological resources, human remains, and historical resources under the Project to a less-than-significant level because they would avoid or minimize adverse impacts on such discoveries made before or during construction and would ensure that mitigation would occur for those cultural resources considered to be eligible for listing on the CRHR and considered Historical Resources for the purpose of CEQA. The changes themselves would not trigger any of the criteria specified in CEQA Guidelines Sections 15162 and 15164 described in Section 1, “Introduction,” above that would result in the need to prepare another EIR. Furthermore, the changes to the mitigation measures clarify and strengthen the effectiveness of the mitigation measures to reduce any potentially significant impact to cultural resources to a less-than-significant level.
4 CONCLUSION

Based on the analysis of the proposed changes to Mitigation Measures 3.6-2a and 3.6-2b, and corresponding changes to the MMRP, there will be no new significant environmental impacts not previously disclosed in the EIR, nor substantial increases in the severity of any previously identified significant effects, nor do the changes to these mitigation measures constitute substantial changes to the Project. Moreover, pursuant to CEQA Guidelines Section 15164, “none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.” Therefore, pursuant to CEQA Guidelines Sections 15162 and 15164, an addendum to the previously certified EIR is the appropriate environmental document for TRLIA’s consideration of the proposed changes. Furthermore, the changes to the mitigation measures clarify and strengthen the effectiveness of the mitigation measures to reduce any potentially significant impact to cultural resources to a less-than-significant level.

5 REFERENCES


TRLIA. See Three Rivers Levee Improvement Authority.
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Notice of Determination

To:
☑ Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

☑ County Clerk
County of: Yuba
Address: 915 8th Street, Suite 107
Marysville, CA 95901

From:
Public Agency: TRLIA
Address: 1114 Yuba Street, Suite 218
Marysville, CA 95901
Contact: Paul Brunner, Executive Director
Phone: 530/749-7841

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2014062045

Project Title: Addendum to Yuba Goldfields 200-Year Flood Protection Project

Project Applicant: Three Rivers Levee Improvement Authority (TRLIA)

Project Location (include county): Yuba County

Project Description:

TRLIA is revising Mitigation Measures (MM) 3.6-2a (Perform Additional Cultural Resources Inventory) and 3.6-2b (Implement Construction-Related Unanticipated Discovery Plan and Perform Cultural Resources Awareness Training), to clarify and strengthen the effectiveness of these MM. MM 3.6-2a is amended to add detail to previously-approved measures to inventory cultural resources, including performance of a geoaarchaeological study and pedestrian survey and documentation of the results of those efforts. MM 3.6-2b is amended to add detail to previously-approved measures to reduce any effects of the Project on unknown archaeological sites, including an inadvertent discovery plan, delineation of resources discovered, development of a treatment plan where avoidance is infeasible, and implementation of a cultural resources awareness program. The mitigation measure amendments were agreed to by TRLIA following consultation with an interested Native American Tribes. The revisions would not trigger any of the criteria specified in CEQA Guidelines Sections 15162 and 15164 because they would continue to reduce any identified potentially significant impact associated with disturbance to unknown archaeological resources, human remains, and historical resources to a less-than-significant level.

This is to advise that the Three Rivers Levee Improvement Authority (Lead Agency or Responsible Agency) has approved the above described project on October 13, 2015 and has made the following determinations regarding the above described project:

1. The project [X] will □ will not] have a significant effect on the environment.
2. ☑ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   □ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were □ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was □ was not] adopted for this project.
5. A statement of Overriding Considerations [X] was □ was not] adopted for this project.
6. Findings [X] were □ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
Yuba County Library, 303 Second Street, Marysville, CA 95901, and at www.trlia.org

Signature (Public Agency): ________________________________ Title: Executive Assistant, TRLIA

Date: ________________________________ Date Received for filing at OPR: ________________________________

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011
A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 2:18 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Sarbdeep Atwal, Rick Brown, Jerry Crippen, Mary Jane Griego, and John Nicoletti. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Secretary/Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

I  **ROLL CALL** – Directors Atwal, Brown, Crippen, Griego, Nicoletti – All Present

II  **PUBLIC COMMUNICATIONS**: None.

III  **CONSENT AGENDA**: Matters listed are considered to be routine and can be enacted by one motion.

MOTION: Move to approve  
MOVED: John Nicoletti  
SECOND: Rick Brown  
AYES: Sarbdeep Atwal, Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti  
NOES: None  
ABSTAIN: None  
ABSENT: None

A. Approve minutes of the meetings of July 14 and August 4, 2015. Approved.

IV  **ACTION ITEMS**

A. Public Hearing - Hold public hearing and adopt resolution certifying the Final Environmental Impact Report for the Yuba Goldfields 200-year Flood Protection Project and directing staff to file Notice of Determination pursuant to California Environmental Quality Act; and adopt resolution adopting findings, approving mitigation monitoring and reporting plan, and approving Yuba Goldfields 200-year Flood Protection Project. Project Manager Andrea Shepard, AECOM, provided a PowerPoint presentation recapping the following:

- Project Objectives
- Purpose of EIR
- Four Alternatives Evaluated
- Public Review Process
- Native American Communications
- Preferred Alternative – Alternative Four
- Significant and Unavoidable Impact of Alternative Four
  - Aesthetics
  - Agriculture
  - Air Quality and Noise (construction related)

Counsel Andrea Clark recapped the findings and statement of overriding considerations, mitigation monitoring and reporting plan and responded to inquiries.

Executive Director Paul Brunner provided additional information on local costs, timelines for agreements and moving forward.
MOTION: Move to open public hearing  
MOVED: John Nicoletti  SECOND: Sarbdeep Atwal  
AYES: Sarbdeep Atwal, Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti  
NOES: None  ABSTAIN: None  ABSENT: None

The following individuals spoke:
- Mr. Jesse Yang
- Ms. Terrie Robinson
- Mr. Jason Camp
- Ms. Melodi McAdams
- Mr. Brian Guth
- Ms. Courtney Coyle
- Mr. Marcos Guerrero

MOTION: Move to close public hearing  
MOVED:  John Nicoletti  SECOND: Jerry Crippen  
AYES: Sarbdeep Atwal, Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti  
NOES: None  ABSTAIN: None  ABSENT: None

The Board recessed at 3:36 p.m. and reconvened at 4:04 p.m. with all present.

Ms. Clark responded to public comments regarding the following and responded to Board inquiries:
- Access to land
- Mitigation measures regarding cultural resources
- Communications and correspondence with Tribes
- Possession definition

Mr. Brunner responded to Board inquiries.

MOTION: Move to adopt resolution certifying the Final Environmental Impact Report (EIR) for the Yuba Goldfields 200-year Flood Protection Project and directing staff to file Notice of Determination pursuant to California Environmental Quality Act  
MOVED:  John Nicoletti  SECOND: Jerry Crippen  
AYES: Sarbdeep Atwal, Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti  
NOES: None  ABSTAIN: None  ABSENT: None

Adopted Resolution No. 2015-4, which is on file in TRLIA Resolution Book No. 9.

MOTION: Move to adopt resolution adopting findings, approving mitigation monitoring and reporting plan, and approving Yuba Goldfields 200-year Flood Protection Project, and approving Alternative 4 as described in Final EIR for implementation  
MOVED:  John Nicoletti  SECOND: Sarbdeep Atwal  
AYES: Sarbdeep Atwal, Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti  
NOES: None  ABSTAIN: None  ABSENT: None

Adopted Resolution No. 2015-5, which is on file in TRLIA Resolution Book No. 9.
V BOARD AND STAFF MEMBER REPORTS

Chair Griego: Flood Management Association Conference September 8 – 10, 2015

Executive Director Paul Brunner:
- Tour of projects held September 16, 2015
- 100-year project encroachment permit received
- Flood Management Association Conference September 8 – 10, 2015

VI ADJOURN: 4:46 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 (TRLIA) was held on the above date, commencing at 2:04 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Sarbdeep Atwal, Rick Brown, Mary Jane Griego, and John Nicoletti. Director Jerry Crippen was absent. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Secretary/Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

I  **ROLL CALL** – Directors Atwal, Brown, Crippen, Griego, Nicoletti – Director Crippen absent.

II  **CLOSED SESSION**: The Board retired into closed session at 2:04 p.m. and returned at 3:27 p.m. with all present as above.


III  **ADJOURN**: 3:28 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 (TRLIA) was held on the above date, commencing at 3:30 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Mary Jane Griego, and John Nicoletti. Director Sardeep Atwal absent. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Secretary/Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

I ROLL CALL – Directors Atwal, Brown, Crippen, Griego, Nicoletti – Director Atwal absent.

II CLOSED SESSION: The Board retired into closed session at 3:31 p.m. and returned at 4:08 p.m. with all present as indicated above. There was no announcement.

A. Conference with Legal Counsel Pursuant to Government Code 54956.9(d)(2) Anticipated Litigation – One Case (Certification of Final EIR September 15th) No report.

III ADJOURN: 4:08 p.m.

________________________________________
Chair

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

________________________________________
Approved: __________________________