

**BEFORE THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
OF THE COUNTY OF YUBA**

**IN RE:**

)  
) **RESOLUTION 06-10**

**RESOLUTION TO ADOPT THE INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION (IS/MND)  
FOR THE YUBA RIVER LEVEE REPAIR PROJECT  
(PHASE 4)**

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WHEREAS, the Three Rivers Levee Improvement Authority (TRLIA) proposed the Yuba River Levee Repair Project (Project) to bring deficient levee sections up to standards to achieve certifiable 100-year flood protection. Specifically, most of the reach from the Union Pacific Railroad (UPRR) to Simpson Lane, along the left levee of the Yuba River, has issues related to seepage. Also, the reach of the river from the UPRR to State Route 70 (SR 70) does not have adequate freeboard to provide the desired level of flood protection. Additionally, modifications to the levee's waterside slope are necessary to meet the Army Corps of Engineers (Corps) specification of having a slope no steeper than 3:1 (horizontal:vertical). The flood control improvements would therefore include under-seepage flood protection, construction of a 200-year flood event freeboard, and contouring the levee slope to Corps specifications.

WHEREAS, TRLIA, acting as the CEQA Lead Agency, prepared an IS/MND that was published on June 9th, 2006 and circulated for a 32-day public review period beginning June 9th and ending July 10th, 2006 to analyze the environmental impacts of the above mentioned Project. This was undertaken in

accordance with Section 15073 of the California Environmental Quality Act (CEQA) Guidelines.

WHEREAS, TRLIA distributed the IS/MND on June 09, 2006, to the State Clearinghouse for a 30-day review period.

WHEREAS, TRLIA found that the Project will not have a significant effect on the environment and that the attached IS/MND identifies one or more potentially significant effects on the environment for which the applicant has made or agrees to make revisions that clearly mitigate the effects to a less-than-significant level. The TRLIA further found no substantial evidence that the Project may have a significant effect on the environment, and that the Project is not located on a listed toxic site.

WHEREAS, the TRLIA addressed in the IS/MND the construction of a slurry cutoff wall and a 380-foot-long seepage berm, the raising the height of a levee segment by 0.4 feet to meet freeboard requirements, and the addition of 18-inch-diameter riprap in a layer 3 feet thick for erosion protection.

WHEREAS, TRLIA received four comments pertaining to the IS/MND in one letter from the California Department of Transportation (Cal Trans), in which no new environmental issues were identified. Cal Trans recommended mitigation measures that were incorporated into the Mitigation and Monitoring Program (MMP) to be considered during implementation of the Project.

WHEREAS, the TRLIA Board of Directors must adopt the IS/MND in order to begin implementation of the Project.

NOW, THEREFORE, BE IT IS RESOLVED BY THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AS FOLLOWS:

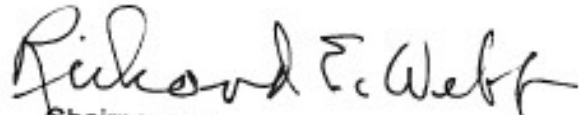
1. The foregoing recitals are true and correct.
2. The IS/MND (SCH#2006062037) for the Project was prepared in accordance with CEQA.
3. The MMP and the mitigation measures contained therein are appropriate for the actions proposed in the IS/MND.
4. The TRLIA Board of Directors authorizes and directs TRLIA staff to prepare and file a CEQA Notice of Determination within 5 working days following the date of adoption of this Resolution with the County Clerk of the County of Yuba and with the State of California.
5. By adopting this Resolution, the actions of the IS/MND are hereby adopted, and the MMP is approved.
6. The TRLIA hereby authorizes staff to file a Notice of Determination pursuant to 14 C.C.R. Section 15075 along with any necessary fees.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Three Rivers Levee Improvement Authority, on the 18<sup>th</sup> day of July 2006, by the following vote:

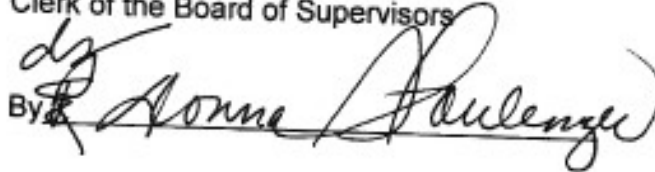
AYES: Directors Brown, Griego, Logue, Webb

NOES: None

ABSENT: None

  
Chairperson

ATTEST: DONNA STOTTEMEYER  
Clerk of the Board of Supervisors

By 

APPROVED AS TO FORM



DANIEL G. MONTGOMERY,  
County Counsel

# Mitigation Monitoring Plan - Yuba River Levee Repair Project (Phase 4) Initial Study

The Three Rivers Levee Improvement Authority (TRLIA), as the lead agency under the California Environmental Quality Act (CEQA), has developed this mitigation monitoring plan (MMP) for the Yuba River Levee Repair Project (Phase 4) Initial Study. This MMP is designed to ensure that the mitigation measures identified in the environmental impact report for the project are implemented. The MMP addresses the mitigation measures that TRLIA is responsible for implementing.

The following table represents the MMP. For each mitigation measure, Table 1 identifies:

- the description of the measure,
- the type of action,
- the implementation schedule, and
- the implementing party.

Table 1. Mitigation and Monitoring Plan - Yuba River Levee Repair Project (Phase 4)

| Description of Measure   | Type of Action                    | Implementation Schedule          | Party Responsible for Implementation/ Verification |
|--|-----------------------------------|----------------------------------|--|
| <b>AESTHETICS</b>  |                                   |                                  |  |
| None   |                                   |                                  |  |
| <b>AGRICULTURAL RESOURCES</b>  |                                   |                                  |  |
| None   |                                   |                                  |  |
| <b>AIR QUALITY</b>   |                                   |                                  |  |
| Implement feasible control measures for construction emissions of fugitive dust.   | CEQA-triggered mitigation measure | Prior to and during construction | Contractor/TRLIA                                   |
| TRLIA will prepare and implement a fugitive dust control plan and submit it to FRAQMD for approval.  | CEQA-triggered mitigation measure | Prior to and during construction | Contractor/TRLIA                                   |
| <b>BIOLOGICAL RESOURCES</b>  |                                   |                                  |  |
| <b>Valley Elderberry Longhorn Beetle</b>   |                                   |                                  |  |
| Perform preconstruction and postconstruction surveys for elderberry shrubs.  | CEQA-triggered mitigation measure | Prior to construction            | Contractor/TRLIA                                   |
| Avoid disturbance to valley elderberry longhorn beetle by establishing and maintaining, to the maximum extent feasible, a 20-foot (or wider) buffer around elderberry plants identified as suitable habitat.   | CEQA-triggered mitigation measure | Prior to and during construction | Contractor/TRLIA                                   |
| Fence and flag all buffer areas and place signs every 50 feet along the edge of the avoidance area. The signs will be clearly readable from a distance of 20 feet and must be maintained for the duration of the construction period. The signs will display the following information: "This area is habitat for the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the | CEQA-triggered mitigation measure | Prior to construction            | Contractor/TRLIA                                   |

Table 1. Continued

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| Description of Measure   | Type of Action                    | Implementation Schedule | Party Responsible for Implementation/ Verification |
|--|-----------------------------------|-------------------------|--|
| <p>ESA, as amended. Violators are subject to prosecution, fines, and imprisonment.”</p>  |                                   |                         |  |
| <p>Train construction personnel to recognize elderberry shrubs and to determine the presence of valley elderberry longhorn beetle from exit holes on stems. All construction personnel will receive USFWS-approved environmental awareness training before beginning work at construction sites.</p>   | CEQA-triggered mitigation measure | Prior to construction   | Contractor/TRLJA                                   |
| <p>Compensate for the loss and potential take by transplanting the elderberry shrubs that cannot be avoided to a USFWS-approved conservation area. Transplanting must comply with USFWS-approved transplanting procedure, as defined in the conservation guidelines for valley elderberry longhorn beetle.</p>   | CEQA-triggered mitigation measure | During construction     | Contractor/TRLJA                                   |
| <p>Elderberry plants, including transplants and mitigation plantings, must be replaced and protected in perpetuity in a conservation area that is approved by USFWS. The level of replacement will range from 1:1 to 8:1, depending on the affected shrub's location, stem diameter, and the presence or absence of exit holes, as defined in the conservation guidelines for valley elderberry longhorn beetle. Site-specific mitigation ratios may be determined by USFWS on the basis of overall habitat value and location of habitat within the proposed project area. The elderberry compensation plantings will be incorporated into an on-site mitigation area or an off-site mitigation area, or valley elderberry longhorn beetle mitigation credits may be purchased from a USFWS-approved mitigation bank.</p> | CEQA-triggered mitigation measure | After construction      | Contractor/TRLJA                                   |
| <p><b>Swainson's Hawk</b></p>  |                                   |                         |  |
| <p>Preconstruction surveys for Swainson's hawk will be conducted at and adjacent to all locations to be disturbed by implementation of the proposed project to ensure that</p>   | CEQA-triggered mitigation measure | Prior to construction   | Contractor/TRLJA                                   |

Table 1. Continued

| Description of Measure   | Type of Action                    | Implementation Schedule   | Party Responsible for Implementation/ Verification |
|--|-----------------------------------|---|--|
| this species is not nesting in these locations.  |                                   |   |  |
| To the greatest extent practicable, major construction activities that would occur within 1/2 mile of an active Swainson's hawk nest will be avoided during the breeding season.             | CEQA-triggered mitigation measure | During construction, only if construction would affect protected tree resources | Contractor/TRLJA                                   |
| Protective fencing will be used to protect nesting habitat outside the construction and maintenance areas.   | CEQA-triggered mitigation measure | Prior to construction   | Contractor/TRLJA                                   |
| Removal of all woody and herbaceous vegetation from the proposed construction areas would occur during the nonbreeding season (September 1–February 1) to minimize effects on nesting birds. | CEQA-triggered mitigation measure | Prior to construction   | Contractor   |
| In the event nesting or roosting raptors are identified, TRLJA will coordinate with the DFG to identify measures to ensure raptors are not adversely affected.                               | Environmental commitment          | Prior to and during construction  | Contractor/TRLJA                                   |
| <b>CULTURAL RESOURCES</b>  |                                   |   |  |
| Stop work and assess significance in the event cultural resources are unearthed during construction  | Environmental commitment          | During construction   | Contractor/TRLJA                                   |
| <b>GEOLOGY AND SOILS</b>   |                                   |   |  |
| Contractor will prepare and implement a Storm Water Pollution Prevention Plan.   | Environmental commitment          | Prior to and during construction  | Contractor/TRLJA                                   |
| <b>HAZARDOUS MATERIALS</b>   |                                   |   |  |
| The Contractor will maintain areas subject to construction activities clear of combustible natural materials to the extent feasible.   | CEQA-triggered mitigation measure | Prior to and during construction  | Contractor/TRLJA                                   |



Table 1. Continued

| Description of Measure  | Type of Action                    | Implementation Schedule          | Party Responsible for Implementation/ Verification |
|---|-----------------------------------|----------------------------------|--|
| The Contractor will equip any construction equipment that normally includes a spark arrester with an arrester in good working order.  | CEQA-triggered mitigation measure | Prior to and during construction | Contractor/TRLIA                                   |
| <b>HYDROLOGY AND WATER QUALITY</b>  |                                   |                                  |  |
| None  |                                   |                                  |  |
| <b>LAND USE AND PLANNING</b>  |                                   |                                  |  |
| None  |                                   |                                  |  |
| <b>MINERAL RESOURCES</b>  |                                   |                                  |  |
| None  |                                   |                                  |  |
| <b>NOISE</b>  |                                   |                                  |  |
| The Contractor and TRLIA will prepare and implement a Noise Reduction Plan. Measures that can be used to limit noise may include, but are not limited to:   | Environmental commitment          | During construction              | Contractor/TRLIA                                   |
| <ul style="list-style-type: none"> <li>• locating equipment as far as practical from noise-sensitive uses,</li> <li>• using sound control devices such as mufflers on equipment,</li> <li>• using equipment that is quieter than standard equipment,</li> <li>• using noise-reducing enclosures around noise-generating equipment,</li> <li>• using the most noise-generating equipment within</li> </ul> |                                   |                                  |  |

Table 1. Continued

| Description of Measure   | Type of Action | Implementation Schedule | Party Responsible for Implementation/ Verification |
|--|----------------|-------------------------|--|
| <p>periods of lower reception sensitivity, 7 a.m. to 10 p.m. when feasible, and</p> <ul style="list-style-type: none"> <li>the construction contractor will employ noise-reducing construction practices with an objective of ensuring noise from construction does not exceed 55db from 7 a.m. to 10 p.m. and 50db from 10 p.m. to 7 a.m.</li> </ul> <p>The construction contractor will prepare a detailed noise control plan based on the construction methods proposed. This plan will identify specific measurements that will be taken to ensure compliance with the noise limits specified above. The noise control plan will be reviewed and approved by TRLIA before any noise-generating construction activity begins.</p> |                |                         |  |
| <p>TRLIA will notify residences within 500 feet of the construction areas of the construction schedule in writing, prior to construction. TRLIA will designate a noise disturbance coordinator who will be responsible for responding to complaints regarding construction noise. The coordinator will determine the cause of the complaint and will ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the noise disturbance coordinator will be conspicuously posted on construction site fences and will be included in the written notification of the construction schedule sent nearby residents in the identified range.</p>  |                |                         |  |

**POPULATION AND HOUSING**

None

**PUBLIC SERVICES**

Table 1. Continued

| Description of Measure  | Type of Action           | Implementation Schedule          | Party Responsible for Implementation/ Verification |
|---|--------------------------|----------------------------------|--|
| None  |                          |                                  |  |
| <b>RECREATION</b>   |                          |                                  |  |
| <p>TRLJA shall ensure that the Contractor posts notice of construction activities and intended days of access closure at least 10 days in advance of the closure.</p>   | Environmental commitment | Prior to construction            | Contractor/TRLJA                                   |
| <p>TRLJA will also designate a construction coordinator who will be responsible for responding to complaints regarding construction activities, such as noise. The coordinator will determine the cause of the complaint and ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the construction coordinator will be conspicuously posted on construction site fences and included in the written notification of the construction schedule sent to nearby residents in the identified range.</p>   | Environmental commitment | During construction              | Contractor/TRLJA                                   |
| <b>TRANSPORTATION/TRAFFIC</b>   |                          |                                  |  |
| <p>The TRLJA, in coordination with relevant City and County public works departments, will develop and implement traffic control plan(s) for the proposed project.</p> <p>A traffic control plan describes the methods of traffic control to be used during construction. All on-street construction traffic would be required to comply with the local jurisdiction's standard construction specifications. The plan will reduce the effects of construction on the roadway system in the project area throughout the construction period. Construction contractors will follow the standard construction specifications of affected jurisdictions and obtain the appropriate encroachment permits, if required. The</p> | Environmental Commitment | Prior to and during construction | Contractor/TRLJA                                   |

Table 1. Continued

| Description of Measure  | Type of Action | Implementation Schedule | Party Responsible for Implementation/ Verification |
|---|----------------|-------------------------|--|
| <p>conditions of the encroachment permit will be incorporated into the construction contract and will be enforced by the agency that issues the encroachment permit.</p>  |                |                         |  |
| <p>The traffic control plan should include, but not limited to, the following actions:</p>  |                |                         |  |
| <ul style="list-style-type: none"> <li>• posting of signs at Simpson Lane north and south of the site to warn drivers and pedestrians of work. All signs posted in the area will conform with County guidelines and Caltrans guidelines (if applicable);</li> </ul>   |                |                         |  |
| <ul style="list-style-type: none"> <li>• coordinate with the County on any lane or road closures, if needed to construct improvements;</li> </ul>   |                |                         |  |
| <ul style="list-style-type: none"> <li>• provide alternative routes (detours), as necessary, to route local traffic around roadway construction;</li> </ul>   |                |                         |  |
| <ul style="list-style-type: none"> <li>• provide notification of any road closures to residents within 500 feet of construction;</li> </ul>   |                |                         |  |
| <ul style="list-style-type: none"> <li>• maintain safe pedestrian and bicyclist access in or around the construction areas at all times;</li> </ul>   |                |                         |  |
| <ul style="list-style-type: none"> <li>• Secure construction areas as required by the applicable jurisdiction to prevent pedestrians and bicyclists from entering the work site, and all stationary equipment will be located as far away as possible from areas where bicyclists and pedestrians are present.</li> </ul> |                |                         |  |
| <ul style="list-style-type: none"> <li>• repair or restore the road right-of-way to its original condition upon completion of the work for which an encroachment permit was issued; and</li> </ul>  |                |                         |  |
| <ul style="list-style-type: none"> <li>• consult with emergency service providers and develop an emergency access plan for emergency vehicles access in and adjacent to the construction zone.</li> </ul>   |                |                         |  |

Table 1. Continued

| Description of Measure  | Type of Action                           | Implementation Schedule                 | Party Responsible for Implementation/ Verification |
|---|--|---|--|
| <p>TRLJA will consider incorporating the following measures as recommended by Caltrans:</p> <ul style="list-style-type: none"> <li>hauling trucks should run during non-peak hours as much as possible;</li> <li>alternate routes to the North Beale road off-ramp should be developed. Feather River Boulevard off-ramp is an alternative route that should be considered. If the North Beale off-ramp must be used without an alternative route, then manual traffic control will be necessary. An officer will need to be assigned to direct traffic at the end of the ramp to allow the trucks to go through and to prevent stacking on the ramp and SR 70 mainline; and</li> <li>Caltrans should be included in the coordination of truck routes.</li> </ul> | <p>CEQA-triggered mitigation measure</p> | <p>Prior to construction</p>            | <p>Contractor/TRLJA</p>                            |
| <p>The Contractor will coordinate truck routes and construction activities with the appropriate City and County departments and restore roadways damaged by construction activities to preexisting conditions.</p>  | <p>CEQA-triggered mitigation measure</p> | <p>After construction</p>               | <p>Contractor/TRLJA</p>                            |
| <p>The TRLJA will assess damage to roadways used during construction and will repair all potholes, fractures, or other damages.</p> <p>The TRLJA will notify and consult with emergency service providers to maintain emergency access and facilitate the passage of emergency vehicles on city streets.</p>  | <p>CEQA-triggered mitigation measure</p> | <p>Prior to and during construction</p> | <p>Contractor/TRLJA</p>                            |
| <p><b>UTILITIES AND SERVICE SYSTEMS</b></p>   |  |   |  |
| <p>None</p>   |  |   |  |