

Findings of Fact and Statement of Overriding Considerations by the Three Rivers Levee Improvement Authority Related to the Certification of the Final Environmental Impact Report for the Yuba Goldfields 200-Year Flood Protection Project

I. INTRODUCTION

TRLIA is proposing the Yuba Goldfields 200-Year Flood Protection Project (“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”). To protect human health and safety and prevent adverse effects on property and the regional economy, TRLIA was formed as a joint powers authority in 2004 through a joint exercise of powers agreement between the County of Yuba and Reclamation District No. 784 (“RD 784”) to finance and construct levee improvements in south Yuba County.

In the early 1900s, the California Debris Commission (“CDC”) constructed embankments near the Goldfields along both sides of the Yuba River’s active main channel to control the river’s location. Dredging companies continued to construct other embankments out of dredge tailings along the south side of the Yuba River using similar methods as they dredged the Goldfields for gold. While these embankments have served to keep the Yuba River in its current location through the years, they have been eroded and modified and are not continuous, with gaps or low places in these mounds that allow Yuba River flows to enter the Goldfields during high river discharges and allow water at high elevations in the Goldfields to drain back into the Yuba River. The U.S. Army Corps of Engineers (“USACE”) took over the responsibilities of the CDC in 1986, when the CDC was abolished. USACE does not consider the historic CDC dredge tailing mounds to be flood risk reduction facilities and does not actively monitor or maintain these structures.

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 slow 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 is being advanced by TRLIA to expeditiously reduce flood risk by constructing a levee 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. The purpose of these Findings of Fact (“Findings”) is to comply with the requirements of the California Environmental Quality Act (“CEQA”) related to a public entity’s approval and certification of an Environmental Impact Report (“EIR”). Specifically, these Findings represent the TRLIA Board of Director’s conclusions about the Project’s significant impacts on the environment.

II. ENVIRONMENTAL REVIEW OF THE PROJECT

TRLIA, as lead agency pursuant to Section 15050 of the CEQA Guidelines, has completed the Yuba Goldfields 200-Year Flood Protection Project EIR (State Clearinghouse No. 2014062045) under Public Resources Code §§21000 *et seq.* and the CEQA Guidelines, Cal. Code Regs. Tit. 14, §1500 *et seq.* (collectively, “CEQA”). An EIR was prepared for the Project to analyze the environmental effects of the Project. The Final EIR consists of the March 2015 Draft EIR and the August 2015 Final EIR.

TRLIA conducted a thorough public information program during the environmental review process. A Notice of Preparation (NOP) of an EIR for the Project, including the initial study, was distributed to the California State Clearinghouse and other potentially interested parties on June 12, 2014. The release of the NOP initiated a 30-day public comment period that ended on July 14, 2014. During the public review period, two public scoping meetings were held in Marysville on June 23, 2014, to receive agency and public comments regarding the scope of the environmental analysis for the EIR. Comments on the NOP were received from state agencies, regional and local governmental agencies, regional authorities, and other non-governmental organizations. TRLIA considered the comments received in refining the scope of analysis for the EIR.

The Draft EIR was subsequently released in March 2015, and comments were accepted on the Draft EIR over a 45-day review period pursuant to CEQA Guidelines §15105. The review period closed on April 24, 2015. In addition to public meetings on the scope of the EIR, interactions with the public included public informational meetings on the Draft EIR on April 6, 2015 in Marysville. Listed below are the various public meetings that have been held during this process. At these meetings/hearings, TRLIA provided information about the Project, the potential environmental impacts and the CEQA review process. At each meeting, members of the public had the opportunity to ask questions, convey their concerns or express support for the Project.

Public Meetings Held During the CEQA Process

Date	Event
June 23, 2014	Scoping Meetings (2), Marysville
April 6, 2015	Public Information Meetings on the Draft EIR (2), Marysville

Comments were received outside of the public comment period by letter dated August 12, 2015 from the United Auburn Indian Community (“UAIC”). Although not required under CEQA to respond to these comments, TRLIA responded to these comments by letter date September 3, 2015.

III. DESCRIPTION OF THE PROPOSED ACTION

General Description

TRLIA's goal is to provide a 200-year flood risk reduction solution by 2025 that will prevent flood waters from flowing through the Goldfields and flanking the SPFC. A 200-year flood is a flood that has a 0.5% chance of occurring in any given year, also referred to as a 0.5% annual exceedance probability (AEP).

The project being approved by the TRLIA Board is described as Alternative 4 in the Draft EIR and would involve constructing a setback levee using standard levee material south of the Goldfields that would intercept flood flows from the Goldfields and redirect them to the Yuba River Floodplain west of the Goldfields. The project has been optimized to avoid and minimize environmental effects.

Project Objectives

The following objectives provide additional detail in support of the project purpose above.

- Provide a solution that is cost effective and can be implemented by 2025.
- Provide a solution that is sustainable for the long term.
- Minimize impacts on aggregate mining operations by avoiding areas of future mining operations, by being compatible with future mining operations, or by being capable of modification to be compatible with future mining operations.
- Minimize impacts on gold dredging operations by avoiding areas of future dredging operations, by being compatible with future dredging operations, or by being capable of modification to be compatible with future dredging operations.
- Minimize impacts on environmental resources.
- Provide environmental benefits, if feasible.

IV. GENERAL FINDINGS

A. Certification of the Final EIR

In accordance with CEQA, in adopting these Findings, the TRLIA Board of Directors certifies that the Final EIR has been completed in compliance with CEQA and that it was presented to the Board of Directors, which reviewed and considered the information in the Final EIR prior to certifying the Final EIR and approving the Project. By these Findings, the Board of Directors ratifies and adopts the Findings and conclusions of the Final EIR as set forth in these Findings. The Final EIR and these Findings represent the independent judgment and analysis of the Board of Directors.

The Final EIR concludes that certain impacts of the levee project described as Alternative 4 are potentially significant but can be mitigated to a less than significant level with the implementation of recommended mitigation measures, while certain impacts will remain

significant even after all feasible mitigation measures are implemented. General Findings are set forth in this Section IV. Findings regarding potentially significant impacts that can be mitigated to a less than significant level are set forth in Section V. Further Findings regarding impacts that will remain significant after all feasible mitigation is employed are set forth in Section VI; findings regarding alternatives are set forth in Section VII; findings regarding cumulative impacts are set forth in Section VIII; and Section IX contains the Statement of Overriding Considerations.

B. Changes to the Draft EIR

The Draft EIR has been the subject of review and comment by the public and responsible agencies prior to the adoption of these Findings. In the course of responding to comments received during the public review and comment period for the Draft EIR, certain portions of the Draft EIR have been modified and some new information obtained after the Draft EIR was released for public review has been added. None of this information has revealed the existence of: (1) a significant new environmental impact that would result from the Project or an adopted mitigation measure; (2) a substantial increase in the severity of an environmental impact; (3) a feasible project alternative or mitigation measure not adopted that is considerably different from others analyzed in the Draft EIR that would clearly lessen the significant environmental impacts of the Project; or (4) information that indicates that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. TRLIA finds that the changes and modifications made to the Draft EIR after the Draft EIR was circulated for public review and comment do not collectively or individually constitute significant new information within the meaning of Public Resources Code §21092.1 and CEQA Guidelines §15088.5.

C. Evidentiary Basis for Findings

These Findings are based upon substantial evidence in the entire record before the TRLIA Board of Directors. The references to the Draft EIR and Final EIR set forth in the Findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these Findings.

D. Findings Regarding Mitigation Measures

1. **Mitigation Measures Adopted.** Except as otherwise noted, the mitigation measures herein referenced are those identified in the Final EIR and adopted by the Board of Directors as set forth in the Mitigation Monitoring and Reporting Plan (MMRP).

2. **Impacts After Implementation of Mitigation Measures.** Except as otherwise stated in these Findings, in accordance with CEQA Guidelines §15092, the Board of Directors finds that environmental effects of the Project will not be significant or will be mitigated to a less-than-significant level by the adopted mitigation measures. TRLIA has substantially lessened or eliminated all significant environmental effects where feasible. The Board of Directors has determined that any remaining significant effects on the environment that are found to be unavoidable under CEQA Guidelines §15091 are acceptable due to overriding considerations as described in CEQA Guidelines §15093. These overriding considerations consist of specific environmental, economic, legal, social, technological, and other benefits of the Project, which

justify approval of the Project and outweigh the significant and unavoidable adverse environmental effects of the Project, as more fully stated in Section IX (Statement of Overriding Considerations). Except as otherwise stated in these Findings, the Board of Directors finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not analyzed in the Draft EIR.

E. Location and Custodian of Records

Pursuant to Public Resource Code §15091, TRLIA is the custodian of the documents and other material that constitute the record of proceedings upon which the decision is based, and such documents and other materials are located at TRLIA's offices, 1114 Yuba Street, Suite 218, Marysville, CA 95901. A copy of the Final EIR is also available for review at the TRLIA website (www.trlia.org) and at the Yuba County Library, Marysville Branch, 303 Second Street, Marysville, CA 95901.

V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT AND SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE WITH MITIGATION MEASURES

The following Findings are made with respect to potentially significant and significant environmental effects analyzed in the Final EIR. The Draft EIR identified the following potential impacts on the environment that are deemed to be potentially significant or significant, but will have less than significant impacts with the implementation of feasible mitigation measures.

Public Resources Code § 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects, unless the public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The Board of Directors hereby finds, pursuant to the Public Resources Code §21081 and CEQA Guidelines §§15091-15093, that with regard to each of the following potentially significant and significant impacts identified in the Final EIR, that changes or alterations have been required in or incorporated into the proposed project that avoid or lessen the potentially significant impacts and significant impacts identified in the Draft EIR to levels below the thresholds of significance identified in the Draft EIR. These mitigation measures are set forth in the Mitigation Monitoring

and Reporting Plan proposed for adoption by TRLIA. Specific findings of TRLIA for each category of such impacts are set forth in detail below.

B. Biological Resources

1. Impact 3.5-1 Fill and/or Degradation of Federally Protected Waters of the United States

- a. Potential Impact: The Project would result in fill of portions of the Yuba-Brophy Canal, which may qualify for federal protection, and could result in direct fill or indirect effects on seasonal wetlands that could be present in grasslands in the eastern portion of the Project footprint. This potential impact is discussed in the Draft EIR at pages 3.5-47 and 3.5-48.
- b. Impact Prior to Mitigation. Potentially significant.
- c. Mitigation Measure. The Project will incorporate Mitigation Measure 3.5-1, which will minimize and compensate for the loss of federally protected wetlands. TRLIA and its construction contractors will map and quantify the acreage of all jurisdictional habitats on the project site, implement best management practices during installation and maintenance of scour protection elements, obtain necessary permits from USACE where impacts on waters of the United States cannot be avoided, and replace or restore unavoidable permanent fill on a “no-net-loss” basis. TRLIA will implement this mitigation measure before the start of any activities in the Yuba River or ground-disturbing activities in or adjacent to wetlands in grasslands of the eastern portion of the Project footprint
- d. Findings. Because the Project will minimize impacts on vernal pools or seasonal wetlands and ensure that compensation on a no-net-loss basis will occur for the filling of wetlands and other waters of the United States before construction begins, the impact of the Project on federally protected waters of the United States will be less than significant.
- e. Conclusion. The impact of the Project on federally Protected waters of the United States is less than significant.

2. Impact 3.5-2 Loss of Sensitive Habitats

- a. Potential Impact. Construction of the Project will result in the loss of up to approximately 13 acres of riparian habitat, and has the potential to adversely affect hardpan vernal pools. This potential impact is discussed in the Draft EIR at pages 3.5-51 and 3.5-52.

- b. Impact Prior to Mitigation. Potentially significant.
- c. Mitigation Measure. The Project will incorporate Mitigation Measure 3.5-2, which will minimize and compensate for the loss of riparian and vernal pool habitats. Impacts on riparian habitat will be avoided or minimized where feasible, and unavoidable impacts on riparian habitat will be compensated for with in-kind replacement by vegetation type at a 1:1 replacement ratio based on the acreage removed. Similarly, non-jurisdictional vernal pools will be compensated at a 1:1 replacement ratio. Finally, a mitigation plan will be prepared and implemented detailing how the loss of riparian and vernal pool habitats that cannot be avoided will be compensated and will list responsible parties for long-term management, conservation easement holders, and long-term management requirements as appropriate to ensure long-term viability.
- d. Findings. Because TRILIA will avoid impacts to riparian habitats and vernal pools where feasible, and because such impacted habitats will be either restored or compensated at a 1:1 ratio, any remaining impact after mitigation will be less than significant.
- e. Conclusion: Implementation of the Project will have a less than significant impact with respect to the loss of sensitive riparian and vernal pool habitats.

3. Impact 3.5-3 Loss of Special Status Plants

- a. Potential Impact. Construction of the project would remove up to approximately 35 acres of undisturbed grassland habitat that could support vernal pools and associated special status plants. This potential impact is discussed in the Draft EIR at pages 3.5-54 and 3.5-55.
- b. Impact Prior to Mitigation. Potentially significant.
- c. Mitigation Measure. The Project will incorporate Mitigation Measure 3.5-3, which requires the implementation of a worker environmental awareness program and surveys to determine whether special-status plants exist on the project site. If special status plants are detected, impacts will be avoided if feasible. If direct loss of special-status plants cannot be avoided, a mitigation and monitoring plan will be developed and implemented to minimize loss. The mitigation and monitoring plan will seek to relocate those special-status plants that cannot be avoided or establish a new population of such plants that can be protected from future removal.

- d. Findings. Because TRLIA will avoid impacts to special status plants if avoidance is feasible, and will relocate or reestablish a new population of such plants where avoidance is infeasible, any remaining impact after mitigation will be less than significant.
- e. Conclusion: The Project will have a less-than-significant impact with respect to the loss of special-status plants.

4. Impact 3.5-6 Loss of Valley Elderberry Longhorn Beetle Individuals and Their Habitat

- a. Potential Impact. Construction of the Project could result in direct removal of, and indirect effects on, up to 140 elderberry shrubs that provide suitable habitat for valley elderberry longhorn beetle, which could therefore result in the loss of these federally listed beetles and their habitat. This potential impact is discussed in the Draft EIR at pages 3.5-62 and 3.5-63.
- b. Impact Prior to Mitigation. Potentially significant.
- c. Mitigation Measure. The Project will incorporate Mitigation Measure 3.5-6. Elderberry shrub surveys will be conducted in accordance with USFWS requirements. Where feasible, impacts to such shrubs will be avoided or minimized, and a buffer fence constructed around such shrubs adjacent to the construction site. If removing elderberry shrubs cannot be avoided, TRLIA will consult with USFWS and develop an appropriate and feasible mitigation plan. Such a plan may include transplantation of existing shrubs and planting additional seeds or cuttings off-site, or purchasing mitigation credits at a USFWS-approved mitigation bank.
- d. Findings. By avoiding impacts to elderberry shrubs and/or relocating such shrubs where avoidance is infeasible, any remaining impact to valley elderberry longhorn beetle individuals and their habitat will be less than significant after mitigation.
- e. Conclusion: The Project will have a less-than-significant impact on valley elderberry longhorn beetle individuals and their habitat.

5. Impact 3.5-7 Potential Loss of Vernal Pool Branchiopod Species and Their Habitat

- a. Potential Impact. The direct fill or indirect effects on vernal pools and other seasonal wetlands that provide habitat for various shrimp species could result in loss of federally listed branchiopod species and their habitat. This potential impact is discussed in the Draft EIR at pages 3.5-65 and 3.5-66.

- b. Impact Prior to Mitigation. Potentially significant.
- c. Mitigation Measures. The Project will incorporate Mitigation Measure 3.5-7. If a survey by a qualified biologist determines that suitable habitat for vernal pool branchiopods exists in the Project Area, impacts will be avoided wherever feasible. If avoidance of such habitat is not feasible, TRLIA will obtain technical assistance from USFWS regarding the minimization of adverse impacts on federally listed brachiopods. If necessary, TRLIA will obtain an incidental take permit. If such a permit is required, TRLIA will develop an appropriate and feasible mitigation plan subject to USFWS's approval. Such a mitigation plan will may include creating suitable habitat at an on- or off-site location, or purchasing mitigation credits at a USFWS-approved mitigation bank.
- d. With the application of Mitigation Measure 3.5-7, construction of the Project will minimize adverse impacts on suitable habitat and compensate for the loss of occupied habitat through preservation and/or creation of vernal pool branchiopod habitat. Accordingly, any remaining impact to federally-listed branchiopods will be less than significant after mitigation.
- e. Conclusion: The Project will have a less-than-significant impact on vernal pool branchiopod species and their habitat.

6. Impact 3.5-8 Potential Mortality of Pacific Pond Turtle Individuals and Loss of Giant Garter Snakes and Their Habitat

- a. Potential Impact. Construction of the Project would require fill of approximately 6 acres of several irrigation canals. It is not known whether individual pond turtles or giant garter snakes are present in the canal segments to be filled, but such fill would likely result in mortality of any individuals present. This potential impact is discussed in the Draft EIR at page 3.5-69.
- b. Impact Prior to Mitigation. Potentially significant.
- c. Mitigation Measure. The Project will incorporate Mitigation Measures 3.5-8a and 3.5-8b. A qualified biologist will survey the Project area for Pacific pond turtles in suitable aquatic habitats to be filled by project construction. If pond turtles are found, they will be moved to suitable habitat that will not be affected by project construction as close to the area from which they are removed. High visibility fencing will be erected to protect giant garter snake habitat before construction begins, and construction activity within 200 feet of suitable aquatic habitat for giant garter snake will occur between May 1 and October 1. Aquatic habitat

for the garter snake that is dewatered will remain dry for at least 15 consecutive days after April 15, and if complete dewatering is not possible, potential snake prey will be removed to the extent possible. A qualified biologist will conduct surveys for giant garter snakes within 24 hours before onsite project activities begin, and no snakes observed during the pre-construction survey or construction activities will be harassed, harmed or killed. The biologist will notify USFWS and CDFW immediately if a giant garter snake is found on-site, and will monitor all construction activities in areas of suitable giant garter snake habitat to ensure that avoidance and minimization measures are properly implemented. The biological monitor will be empowered to stop construction activities that threaten to cause unanticipated take of giant garter snake.

- d. Findings. Because the implementation of Mitigation Measures 3.5-8a and 3.5-8b will minimize the potential mortality of both the Pacific pond turtle and the giant garter snake by moving pond turtles to suitable habitat outside the construction area, removing suitable aquatic snake habitat from the Project Area, and stopping work when giant garter snake are encountered in the Project Area, the impact of the Project on Pacific pond turtles and giant garter snakes will be less than significant after mitigation.
- e. Conclusion: The Project will have a less-than-significant impact on mortality of Pacific pond turtles, giant garter snakes, and their habitat.

7. Impact 3.5-9 Potential Loss of Burrowing Owl Individuals from Destruction of Occupied Burrows and Nest Disturbance

- a. Potential Impact: Construction of the Project could result in disturbance of burrows and loss of habitat with potential to support burrows occupied by burrowing owl, a California species of special concern. If occupied burrows are destroyed, a direct loss of burrowing owl individuals could occur. If active nests are disturbed, the indirect loss of burrowing owl individuals could result. This potential impact is discussed in the Draft EIR at page 3.5-72.
- b. Impact Prior to Mitigation. Potentially significant.
- c. Mitigation Measure. The Project will incorporate Mitigation Measure 3.5-9. Pursuant to this mitigation measure, a qualified biologist will conduct pre-construction surveys for burrowing owls in areas of suitable habitat within 1,500 feet of areas that will be disturbed during construction. If occupied burrows are found

during the non-breeding season, TRLIA will consult with CDFW regarding protective buffers to be established around the burrow and maintained throughout construction. If owls cannot be adequately protected with a buffer, a burrowing owl exclusion and relocation plan will be developed and implemented in consultation with CDFW. Occupied burrows found during the breeding season will be provided with a protective buffer until a qualified biologist determines that either the birds have not begun laying eggs or that juveniles from occupied burrows are capable of independent survival. Nest burrows will be preserved when feasible, and if a nest burrow cannot be preserved, the owls will be relocated in accordance with a CDFW-approved exclusion and relocation plan once the fledglings become capable of independent survival.

- d. Findings. The impact of the Project on burrowing owl individuals will be less than significant after mitigation because Mitigation Measure 3.5-9 will minimize disturbance of occupied burrows and relocate affected owls where disturbance is unavoidable.
- e. Conclusion: The Project's impact on burrowing owls is less than significant.

8. Impact 3.5-10 Loss or Disturbance of Active Nests of Swainson's Hawk, White-Tailed Kite, Northern Harrier, and Other Raptors

- a. Potential Impact: Construction of the Project will remove suitable nest trees present in some areas of riparian habitat, which could result in direct loss of active raptor nests if tree removal were to occur during nesting season. Disturbance of nests in adjacent trees could result in nest abandonment by adults and mortality of chicks and eggs. Approximately 35 acres of annual grassland habitat that provides potential nesting habitat for northern harrier would be removed from the eastern end of the Project footprint. Direct and indirect failure of active raptor nests could also occur during after Project completion due to operations and maintenance ("O&M") activities. This potential impact is discussed in the Draft EIR at page 3.5-75.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: The Project will incorporate Mitigation Measure 3.5-10. Pursuant to this mitigation measure, vegetation removal mapped as riparian and grassland will be conducted outside of the raptor nesting season to the extent feasible. If project activity is scheduled to occur during the raptor nesting season, surveys for nesting raptors will be conducted. Nesting raptor surveys will also be conducted before the start of project

construction to identify active nests on the project site and in the vicinity. At least one survey will be conducted no more than 14 days before construction begins. Surveys for Swainson's hawk nests will include all accessible areas of suitable nesting habitat within 0.25 mile of the project site. If active nests are identified, buffers will be established to avoid nest failure resulting from project activities. Project activities will not commence within the buffer areas unless reducing the buffer would not result in abandonment, until the young have fledged or the nest is no longer active.

- d. Findings: Because incorporation of this mitigation measure will minimize potential for disturbance of active nests and avoid loss of individuals, this impact will be less than significant after mitigation.
- e. Conclusion: The Project will have a less-than-significant impact on Swainson's hawk, White-Tailed Kite, Northern Harrier, and other raptors.

9. Impact 3.5-11 Loss or Disturbance of Active Nests of Loggerhead Shrike, Yellow-Breasted Chat, Tricolored Blackbird, Grasshopper Sparrow, and Modesto Song Sparrow

- a. Potential Impact: Construction of the Project will result in loss of approximately 13 acres of potential nesting habitat for loggerhead shrike, yellow-breasted chat, tricolored blackbird, grasshopper sparrow, and Modesto song sparrow. Construction activities could also result in direct loss or indirect disturbance of active nests of these special-status birds. This potential impact is discussed in the Draft EIR at page 3.5-78.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: Mitigation Measure 3.5-11 will be incorporated into the Project. Vegetation removal will be conducted outside of nesting season where feasible. If project activity is scheduled to occur during the nesting season focused surveys will be conducted for tricolored blackbird nests within 1000 feet of areas of project disturbance, and for other special status species within 500 feet of areas of project disturbance. If active nests are found, an appropriate buffer will be determined by the biologist, depending on site conditions and potential disturbance levels. All construction activities will be excluded from the buffer until the nest is no longer active and fledglings are no longer dependent on the nesting area.

- d. Findings: Incorporating Mitigation Measure 3.5-11 would reduce the potentially significant impact on loggerhead shrike, yellow-breasted chat, tricolored blackbird, grasshopper sparrow, and Modesto Song Sparrow to a less than significant level because it would minimize disturbance of active nests and avoid direct loss of individuals.
- e. Conclusion: The Project's impact on loggerhead shrike, yellow-breasted chat, tricolored blackbird, grasshopper sparrow, and Modesto Song Sparrow is less than significant.

10. Impact 3.5-14 Conflicts with Local Policies or Ordinances

- a. Potential Impact: Construction of the Project would affect riparian and wetland areas. Action NR5.1 of the Yuba County 2030 General Plan requires delineation of aquatic features that could be affected by a proposed project, and Action NR5.3 requires implementation of buffers to protect wetland and riparian habitats. Because a wetland delineation has not been completed and no buffers are prescribed as part of the project description, construction of the Project would conflict with Actions NR5.1 and NR5.3 of the Yuba County 2030 General Plan. This potential impact is discussed in the Draft EIR at pages 3.5-84 and 3.5-85.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measures: The Project will incorporate Mitigation Measure 3.5-14, which requires the implementation of Mitigation Measures 3.5-1 and 3.5-2. Mitigation Measure 3.5-1 involves mapping and quantifying the acreage of all wetlands on the Project site, subject to verification by USACE. Mitigation Measures 3.5-2 involves minimizing the impacts on nearby riparian and wetland habitats, including the installation of buffers where feasible.
- d. Findings: Because implementation of Mitigation Measure 3.5-14 requires the completion of a wetland delineation and verification by USACE and minimizes impacts on nearby riparian and wetland habitats, the potentially significant impact of the Project on conflicts with general plan policy would be reduced to a less-than-significant level.
- e. Conclusion: The Project's impact on conflicts with local policies or ordinances is less than significant.

C. Cultural Resources

1. Impact 3.6-2 Potential Disturbance to Unknown Archaeological Sites, Human Remains, and Historic Resources

- a. Potential Impact: Construction of the Project requires ground-disturbing activities that may impact previously unknown prehistoric sites, historical archaeological sites, human remains, or historic resources within the proposed construction footprint. Although the extensive previous disturbance of the Project site makes it unlikely that such resources will be encountered during implementation of the Project, there is limited potential for the Project to encounter archaeological sites and human remains during construction due to the sensitivity of floodplains adjacent to the Yuba River. This potential impact is discussed in the Draft EIR at pages 3.6-16.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measures: The Project will incorporate Mitigation Measures 3.6-2a and 3.6-2b. Measure 3.6-2a requires TRLIA to employ a geoarchaeologist to conduct a study of the Area of Potential Effects for the Project. Once the study is complete, a professional cultural resources specialist must complete an inventory of archaeological and historical resources within the area of potential effects. Native American representatives will be given an opportunity to review and comment on the cultural resource identification efforts, evaluation, and effects analysis. Native American representatives will be given the opportunity to express their comments and concerns regarding the status of cultural resources in the Project area. Using the results of the survey and inventory, TRLIA may employ qualified archaeologists to conduct subsurface excavations to reduce the chances that cultural resources will be identified during construction. TRLIA may also consult with the Institute for Canine Forensics or a similar organization to determine if a canine forensic survey is possible, or use ground-penetrating radar to help identify buried cultural materials. Mitigation Measure 3.6-2b requires TRLIA to include an inadvertent discovery plan in the contract conditions of the construction contractor to be followed in the event of the inadvertent discovery of cultural resources, including human remains. The plan will require work to cease in the immediate vicinity of the inadvertent discovery of cultural resources pending an archaeologist's assessment of the significance of the find. If the discovery is found to represent a potential historical resource, it will be delineated by a qualified archaeologist and the site boundary flagged to include a 50-foot buffer. Cultural resources will be preserved in place whenever feasible. If avoidance is infeasible, a Treatment Plan will be implemented by TRLIA, and in consultation with appropriate Native American representatives if applicable. If human remains are discovered as a part of the find, TRLIA and its contractors will coordinate with the county coroner

and the Native American Heritage Commission to comply with Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. A worker cultural resources awareness program will be developed and conducted for all personnel involved in project implementation before construction activities begin on the project site.

- d. Findings: Because implementation of Mitigation Measures 3.6-2a and 3.6-2b will avoid or minimize adverse impacts on previously undiscovered cultural resources in the project area and would ensure that mitigation will occur for sites that cannot be avoided and are eligible for listing on the California Register of Historic Resources, the potentially significant impact of the Project on unknown archaeological sites, human remains, and historic resources would be reduced to a less-than-significant level.
- e. Conclusion: The Project's impact on unknown archaeological sites, human remains, and historic resources is less than significant.

D. Geology, Soils, Minerals, and Paleontological Resources

1. Impact 3.7-1 Risks to People and Structures Caused by Strong Seismic Ground Shaking

- a. Potential Impact: Although the project area is located in an area of generally low seismic activity, proposed facilities could be subject to seismic ground shaking from an earthquake along active faults near Lake Oroville or in the Coast Ranges. Geotechnical studies and engineering designs for the proposed facilities have not yet been prepared. This potential impact is discussed at page 3.7-24 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.7-1 into the Project. This measure requires TRLIA to prepare a site-specific geotechnical report for 200-year protection before the start of ground-disturbing activities, implement appropriate recommendations, and design and construct Project facilities in accordance with USACE guidelines.
- d. Findings: Incorporation of Mitigation Measure 3.7-1 would reduce the potentially significant impact of strong ground shaking on the Project by requiring that the design recommendations of a geotechnical engineer to reduce damage from seismic events be incorporated into proposed facilities according to USACE guidelines.

- e. Conclusion: The Project's impacts as they relate to strong seismic ground shaking are less than significant.

2. Impact 3.7-2 Seismically Induced Risks to People and Structures Caused by Liquefaction

- a. Potential Impact: The liquefaction potential in the Project area can only be determined after study of the distance of seismic sources, the type and consistency of soils, and the depth to groundwater by a geotechnical engineer. The necessary liquefaction study has not yet been performed. This potential impact is discussed at page 3.7-26 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.7-2 into the Project. Measure 3.7-2 requires TRLIA to prepare a site specific geotechnical report for the 200-Year Project, implement appropriate recommendations, and design and construct Project facilities in accordance with USACE guidelines before the start of ground-disturbing activities.
- d. Findings: Incorporation of Mitigation Measure 3.7-2 will reduce the potentially significant impact of possible damage from liquefaction to a less-than-significant level because the Project will be designed to avoid liquefaction risks identified by geotechnical analysis.
- e. Conclusion: The Project's impacts as they relate to liquefaction are less than significant.

3. Impact 3.7-3 Erosion Hazards from Project Construction and O&M

- a. Potential Impact: Construction activities would involve grading and movement of earth, which would subject the soils to wind and water erosion hazards. The Project's levee/seepage berm would be subject to water erosion during flood stages and to seepage risks. Engineering designs for the Project have not yet been prepared. Temporary disturbance of soil associated with construction could expose disturbed areas to erosion due to wind or rainfall events. Without proper design and engineering, erosion during the O&M phase could result in eventual levee failure. This potential impact is discussed at pages 3.7-28 and 3.7-29 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measures: TRLIA will implement Mitigation Measures 3.7-3a and 3.7-3b as a part of the Project. Mitigation Measure 3.7-

3a requires TRLIA and its contractors to prepare a storm water pollution prevention plan (SWPPP) and to implement best management practices to reduce erosion hazards from project construction and O&M. Mitigation Measure 3.7-3b requires TRLIA to design, engineer and construct the proposed levee and seepage berm in accordance with USACE guidelines to mitigate the risk of seepage, erosion, and eventual failure.

- d. Findings: Implementing Mitigation Measures 3.7-3a and 3.7-3b will reduce the potentially significant impact of erosion related to construction and O&M to less than significant because: (a) the proposed facilities would be engineered, designed and constructed in accordance with USACE standards; and (b) because following a SWPPP with best management practices will prevent and control soil erosion from construction areas.
- e. Conclusion: The Project's impacts on erosion hazards from project construction and O&M are less than significant.

4. Impact 3.7-4 Potential Geologic Hazards from Construction in Unstable Soils

- a. Potential Impact: Although the Project's levee and seepage berm would be constructed on top of the relatively stable Pleistocene Riverbank Formation and Pliocene Laguna Formation, the materials that will be used to construct the levee and seepage berm would be obtained from a nearby stockpile area and from the Goldfields where feasible. The levee and seepage berm have not yet been designed or engineered; slope stability analyses have not been performed; and the stockpile area has not yet been identified. The potential impacts of the project on geologic hazards from construction in unstable soils are discussed at pages 3.7-30 and 3.7-31 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will implement mitigation measure 3.7-4 as a part of the Project. Mitigation Measure 3.7-4 requires TRLIA to prepare a site-specific geotechnical report, implement appropriate recommendations, and design and construct the Project in accordance with USACE guidelines.
- d. Findings: Incorporation of Mitigation Measure 3.7-4 as a part of the Project will reduce the Project's impact on potential geologic hazards from construction in unstable soils to a less than significant level because the Project will be designed to avoid any unstable soil risks identified by geotechnical analysis.

- e. Conclusion: Potential impacts of the Project due to potential geologic hazards from construction in unstable soils will be less than significant.

5. Impact 3.7-5 Potential Geologic Hazards from Construction in Expansive Soils

- a. Potential Impact: Approximately 110 acres of the levee and seepage berm would be constructed in soils with a moderate shrink-swell potential. Furthermore, the materials that would be used to construct the levee and seepage berm have not yet been identified. The levee and seepage berm have not yet been fully designed. Thus, geologic hazards from construction in expansive soils may occur. This impact is discussed at page 3.7-32 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will implement Mitigation Measure 3.7-5 as a part of the Project. Mitigation Measure 3.7-5 requires TRLIA to prepare a site-specific geotechnical report, implement appropriate recommendations, and design and construct the Project in accordance with USACE guidelines.
- d. Findings: Incorporating Mitigation Measure 3.7-5 would reduce the potentially significant impact of possible damage from construction in expansive soils to less than significant because the Project will be designed to avoid any expansive soil risks identified by geotechnical analysis.
- e. Conclusion: Potential impacts of the Project due to potential geologic hazards from construction in expansive soils will be less than significant.

6. Impact 3.7-7 Possible Damage to or Destruction of Previously Unknown Unique Paleontological Resources During Construction-Related Activities

- a. Potential Impact: Portions of the Project site are underlain by paleontologically sensitive rock formations, so construction activities associated with implementing the Project could damage or destroy previously unknown, unique paleontological resources. This impact is discussed at page 3.7-38 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.7-7 as a part of the Project. Accordingly, TRLIA will retain a

qualified paleontologist to train Project construction personnel regarding the possibility of encountering fossils during construction. If paleontological resources are discovered during earthmoving activities, the construction crew will cease work in the vicinity of the find and notify the Yuba County Community Development and Services Agency. TRLIA will then retain a paleontologist to prepare a recovery plan, and will follow recommendations in the recovery plan that TRLIA determines to be necessary and feasible before construction resumes.

- d. Findings: The potentially significant impact of the Project on paleontological resources would be reduced to a less-than-significant level because Mitigation Measure 3.7-7 requires TRLIA to train its construction personnel regarding the unanticipated discovery of paleontological resources, stop work if paleontological resources are discovered, assess the significance of the find, and prepare and implement a recovery plan as necessary.
- e. Conclusion: The potential impact of the Project on paleontological resources is less than significant.

E. Hazards and Hazardous Materials

1. Impact 3.9-1 Potential Hazards from Accidental Release of Hazardous Materials into the Environment or Through the Routine Transport, Use, or Disposal of Hazardous Materials

- a. Potential Impact: Handling, transport, and use of hazardous materials during construction and O&M activities could expose the environment to hazardous materials such as fuels, oils, and lubricants from accidental spills. This impact is discussed at page 3.9-10 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.9-1 as a part of the Project. Mitigation Measure 3.9-1 requires TRLIA to prepare and implement a SWPPP that includes a spill prevention, control and countermeasure plan. The SWPPP would also identify the types of materials used for equipment operation, identify emergency procedures for responding to hazardous spills, and provide measures to prevent and clean up hazardous materials and waste spills.
- d. Findings: Incorporation of Mitigation Measure 3.9-1 as a part of the Project would reduce the potentially significant impact from accidental spill or exposure to hazardous materials to a less-than-

significant level by requiring TRLIA to prepare and follow an SWPPP that encompasses both spill prevention and clean-up.

- e. Conclusion: The Project's impact on the environment from the use of hazardous materials during construction and O&M activities is less than significant.

2. Impact 3.9-2 Potential Exposure of Employees and Residents to Existing Hazardous Materials, Including Those on the Cortese List

- a. Potential Impact: Activities associated with Teichert Aggregates' mining operations in the Project area could conflict with construction and O&M activities, resulting in hazardous conditions or the release of hazardous materials into the environment. This impact is discussed at page 3.9-13 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will implement Mitigation Measure 3.9-2 as a part of the Project. The Measure requires TRLIA to coordinate its construction activities with Teichert Aggregates before such activities occur to avoid any potential hazards from conflicts with field equipment, ongoing mining activities, or potential accidental releases of hazardous materials.
- d. Findings: TRLIA's implementation of Mitigation Measure 3.9-2 would reduce the potentially significant impact from exposure to hazardous materials and equipment during Project construction to a less-than-significant level because TRLIA would coordinate with Teichert Aggregates so that construction activities do not interfere with mining activities in a way that exposes workers and the environment to hazardous conditions and materials.
- e. Conclusion: The potential impact of the Project as it relates to the exposure of employees and residents to existing hazardous materials is less than significant.

F. Hydrology and Water Quality

1. Impact 3.10-1 Potential for Violation of Water Quality Standards or Waste Discharge Requirements, or Substantial Degradation of Water Quality

- a. Potential Impact: Earthmoving activities associated with borrow source excavation, transportation, and placement of clay soil at the new levee could temporarily impair water quality if disturbed soil is allowed to enter into receiving waters. The potential impacts of

the Project on water quality and water quality standards are discussed at pages 3.10-15 and 3.10-16 of the Draft EIR.

- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.10-1 as a part of the Project. This mitigation measure requires TRLIA to obtain coverage under the NPDES Construction General Permit from the State Water Resources Control Board. It further requires TRLIA to prepare and implement an appropriate SWPPP to prevent and control pollution and to minimize and control runoff and erosion. The SWPPP will also include Best Management Practices that specify practices to be implemented during Project construction that will prevent and control pollution and erosion.
- d. Findings: By incorporating Mitigation Measure 3.10-1 as a part of the Project, the Project's impacts on water quality would be reduced to a less-than-significant level because a SWPPP would be prepared and implemented consistent with NPDES permit requirements that would reduce and control pollution and minimize erosion.
- e. Conclusion: The Project's impact on water quality and water quality standards will be less than significant.

2. Impact 3.10-2 Potential for Substantial Alteration of Existing Drainage Pattern in a Manner that Would Result in Substantial On- or Off-Site Erosion or Siltation

- a. Potential Impact: Implementation of the Project would intercept flood flows from the Goldfields and redirect them to the Yuba River floodplain west of the Goldfields. Construction activities could cause erosion and siltation on the waterside and landside of the levee. Since implementation of the Project would realign an existing irrigation canal along the length of a new levee, construction could also cause erosion and siltation within the canal and deposit sediment on nearby agricultural land. The potential impacts of the Project on existing drainage patterns are discussed on pages 3.10-19 and 3.10-20 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will implement Mitigation Measure 3.10-2 as a part of the Project. This mitigation measure requires TRLIA to obtain coverage under the NPDES Construction General Permit from the State Water Resources Control Board. It further requires TRLIA to prepare and implement an appropriate SWPPP

that includes best management practices to avoid on- or off-site erosion consistent with NPDES permit requirements.

- d. Findings: Incorporation of Mitigation Measure 3.10-2 as a part of the Project will reduce the potential impacts of the Project with respect to erosion and siltation to a less-than-significant level because a SWPPP and best management practices would be prepared and implemented consistent with permit requirements that would minimize erosion.
- e. Conclusion: The Project's impacts on erosion and siltation due to altered drainage patterns will be less than significant.

3. Impact 3.10-4 Potential Creation or Contribution of Runoff Water That Would Exceed the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Substantial Additional Sources of Polluted Runoff

- a. Potential Impact: Direct and indirect discharges associated with ground-disturbing construction activities could cause surface water to become contaminated. The potential impacts of the Project with respect to polluted runoff are discussed on pages 3.10-22 to 3.10-24 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.10-1 as a part of the Project. This mitigation measure requires TRLIA to obtain coverage under the NPDES Construction General Permit from the State Water Resources Control Board. It further requires TRLIA to prepare and implement an appropriate SWPPP to prevent and control pollution and to minimize and control runoff and erosion. The SWPPP will also include Best Management Practices that specify practices to be implemented during Project construction that will prevent and control pollution and erosion.
- d. Findings: Incorporation of Mitigation Measure 3.10-1 as a part of the Project will reduce the potential impacts of the Project with respect to polluted runoff to a less-than-significant level because a SWPPP and best management practices would be prepared and implemented consistent with permit requirements that would reduce and control pollution.
- e. Conclusion: The Project's impacts on erosion and siltation due to altered drainage patterns will be less than significant.

G. Transportation and Traffic

1. Impact 3.14-1 Increase in Traffic Volumes along Designated Roadways in the Project Area

- a. Potential Impact: Construction activities for the implementation of the Project could substantially increase traffic on Hammonton-Smartville Road, Hammonton Road, and Brophy Road. The potential impacts of the Project on traffic volumes along designated roadways in the Project area is discussed at pages 3.14-8 and 3.14-9 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will implement Mitigation Measure 3.14-1 as a part of the Project. This measure requires TRLIA and its contractors to determine the number of truck trips required for construction activities. TRLIA and/or its contractors will prepare and implement a plan to manage construction-related traffic to the extent feasible, and to avoid and minimize potential traffic hazards on local roadways during construction.
- d. Findings: Implementing Mitigation Measure 3.14-1 would reduce the potentially significant impact of the Project on traffic volumes to a less-than-significant level because an appropriate traffic management plan will be developed and implemented to ensure acceptable traffic flow and minimize traffic congestion to avoid reducing an affected roadway's Level of Service to the maximum extent feasible.
- e. Conclusion: The Project's impact on traffic volumes along designated roadways in the Project area will be less than significant.

2. Impact 3.14-2 Potential for Increased Emergency Response Times or Inadequate Emergency Access

- a. Potential Impact: Construction activities for the Project could substantially increase traffic on Hammonton-Smartville Road, Hammonton Road, and Brophy Road, potentially affecting emergency response times. The potential impacts of the Project on emergency response times and access is discussed at page 3.14-12 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.14-2 as a part of the Project. This measure requires TRLIA and

its contractors to determine the number of truck trips required for construction activities. TRLIA will also prepare and implement a plan to manage construction-related traffic to the extent feasible, and to avoid and minimize potential traffic hazards on local roadways during construction.

- d. Findings: Because TRLIA would provide methods of access and routes around construction so that emergency access is maintained and emergency personnel are notified throughout the term of each construction season, the implementation of Mitigation Measure 3.14-2 will reduce the impact of Project construction to a less-than-significant level.
- e. Conclusion: The Project's impact on emergency response times and emergency access will be less than significant.

3. Impact 3.14-3 Decreased Performance or Safety of Alternative Modes of Transportation

- a. Potential Impact: Construction activities for the Project could substantially increase traffic on Hammonton-Smartville Road, Hammonton Road, and Brophy Road, potentially affecting alternative modes of transportation. The potential impact of the Project on alternative modes of transportation is discussed at page 3.14-14 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.14-3 as part of the Project. This measure requires TRLIA's construction contractors to post signs showing bicycle or pedestrian routes and facilities that can be used during construction activities at least 10 days prior to the start of construction. Furthermore, Yuba County will provide similar notice to the transit operators at least 10 days before the start of construction activities.
- d. Findings: Because Yuba County and the construction contractors must provide detour signs indicating alternate routes that could be used by users of alternative modes of transportation, the potentially significant effects of the Project on alternative modes of transportation would be reduced to a less-than-significant level.
- e. Conclusion: The Project's impact on alternative modes of transportation will be less than significant.

H. Utilities and Public Services

1. Impact 3.15-1 Potential Temporary Disruption of Irrigation Water Supply

- a. Potential Impact: The Project would require relocating more than two miles of the Yuba-Brophy Canal, along with construction of an irrigation crossing and a road crossing. These elements of the Project could result in substantial temporary interruptions to the irrigation water supply. The impact of the Project on irrigation water supply is discussed at page 3.15-4 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will implement Mitigation Measure 3.15-1 as part of the Project. This measure requires TRLIA and its primary contractor for engineering design and construction to coordinate with the irrigation water provider that operates the Yuba-Brophy Canal to minimize the potential for interruptions in irrigation water supply before and during construction activities.
- d. Findings: Implementation of Mitigation Measure 3.15-1 would reduce the impact of the Project on irrigation water supply by minimizing any disruption in irrigation water deliveries through coordination with landowners and water supply purveyors, completing planned modifications of irrigation infrastructure outside the irrigation season when feasible, and compensating irrigators for any such disruptions if necessary and feasible.
- e. Conclusion: The Project's impact on irrigation water supply deliveries will be less than significant.

VI. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS ON THE ENVIRONMENT

A. Aesthetics

1. Impact 3.2-3 Substantial Degradation of Existing Visual Character or Quality of the Site and Surroundings

- a. Potential Impact: The Project would degrade the area's existing visual character because local residents' and travelers' existing views to the north toward the Goldfields and orchards near the Goldfields would be partially or completely replaced by views of a monolithic levee. This impact is discussed at pages 3.2-18 and 3.2-19 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.

- c. Mitigation Measure: No feasible mitigation is available to reduce the potentially significant impact on visual character and quality of the Project to a less than significant level. Major vegetation on the new levee could partially reduce this impact but major vegetation would not be allowed on the levee under existing levee standards.
- d. Findings: Because there is no feasible mitigation measure to reduce the Project's impact on the existing visual character or quality of the site and surroundings, this impact is considered significant and unavoidable.
- e. Conclusion: The impact of the Project with respect to the existing visual character or quality of the site and surroundings is significant and unavoidable.

B. Agriculture and Forestry Resources

1. Impact 3.3-1 Conversion of Important Farmland to Nonagricultural Uses

- a. Potential Impact: Construction of the engineered levee would directly and permanently convert 68 acres of Prime Farmland and 33 acres of Unique Farmland to nonagricultural use. This impact is discussed at pages 3.3-9 and 3.3-10 of the Draft EIR.
- b. Impact Prior to Mitigation: Significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.3-1 as part of the Project. This measure requires TRLIA to conserve the upper two feet of soil from farmland affected by the construction footprint for redistribution to other agricultural lands nearby where practicable and feasible. It also commits TRLIA to acquiring agricultural conservation easements in Yuba County at a 1:1 ratio.
- d. Findings: Because no new farmland would be made available and the productivity of existing farmland would not be improved even after incorporation of the above mitigation measure, this impact is considered significant and unavoidable.
- e. Conclusion: The impact of the Project with respect to Important Farmland conversion is significant and unavoidable.

C. Air Quality

1. Impact 3.4-1 Conflict with the Applicable Air Quality Plan

- a. Potential Impact: Construction of the Project would exceed the Feather River Air Quality Management District's (FRAQMD) regional thresholds of significance, so construction activities would impede implementation of the applicable air quality plan. This impact is discussed at pages 3.4-16 and 3.4-17 of the Draft EIR.
- b. Impact Prior to Mitigation: Significant.
- c. Mitigation Measures: TRLIA will implement Mitigation Measures 3.4-1a, 3.4-1b, and 3.4-1c as part of the Project. Mitigation Measure 3.4-1a involves implementing FRAQMD's Standard Mitigation Measures. Mitigation Measure 3.4-1b requires TRLIA to implement FRAQMD's best available mitigation measures for fugitive dust to reduce emissions below FRAQMD thresholds. Mitigation Measure 3.4-1c requires TRLIA to use off-road construction vehicles with Tier 3 engines if available.
- d. Findings: Although implementing Mitigation Measures 3.4-1a and 3.4-1b would reduce construction related PM₁₀ emissions to the maximum extent reasonably possible, construction of the Project would continue to generate maximum daily PM₁₀ emissions that exceed FRAQMD thresholds of significance. Although implementing Mitigation Measure 3.4-1c would reduce NO_x emissions associate with Project construction, such emissions would still exceed FRAQMD's threshold of significance. No other feasible mitigation measures exist. Accordingly, this impact is considered significant and unavoidable.
- e. Conclusion: The impact of the Project with respect to conflicts with the applicable air quality plan is significant and unavoidable.

2. Impact 3.4-2 Substantial Contribution to Existing or Projected Air Quality Violations

- a. Potential Impact: Construction of the Project will exceed FRAQMD's regional thresholds of significance for NO_x and PM₁₀ emissions and could therefore potentially contribute to an existing or projected air quality violation. This impact is discussed at page 3.4-27 of the Draft EIR.
- b. Impact Prior to Mitigation: Significant.
- c. Mitigation Measures: TRLIA will implement Mitigation Measure 3.4-2 as part of the Project. Mitigation Measure 3.4-2 commits TRLIA to implementing FRAQMD's Standard Mitigation Measures, FRAQMD's best available mitigation measures for fugitive dust, and using off-road construction vehicles with Tier 3 engines if available.

- d. Findings: Although implementing Mitigation Measure 3.4-2 would reduce construction related emissions to the maximum extent reasonably possible, construction of the Project would continue to generate emissions that exceed FRAQMD thresholds of significance. No other feasible mitigation measures exist to further reduce this impact. Accordingly, this impact is considered significant and unavoidable.
- e. Conclusion: The impact of the Project with respect to existing or projected air quality violations is significant and unavoidable.

D. Geology, Soils, Minerals, and Paleontological Resources

1. Impact 3.7-6 Loss of Availability of Regionally or Locally Important Deposits of Known Mineral Resources

- a. Potential Impact: The Project would result in a loss of access to known aggregate resources and processing at the Teichert Marysville Plant and on adjacent land owned by Teichert where aggregate and mineral deposits are present. This impact is discussed at pages 3.7-35 and 3.7-36 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant
- c. Mitigation Measure: TRLIA will implement Mitigation Measure 3.7-6 as part of the Project. To implement this measure, TRLIA will work with Teichert to determine if there are feasible measures to allow mineral resources underneath the levee to be extracted in the future. If so, TRLIA will implement feasible measures to allow future mining to occur within the levee alignment.
- d. Findings: Because it is currently unclear if Mitigation Measure 3.7-6 would reduce the significant impact of the Project related to loss of mineral resources to a less than significant level, this impact is considered potentially significant and unavoidable and treated as a significant and unavoidable impact under CEQA.
- e. Conclusion: The impact of the Project with respect to the loss of availability of regionally or locally important deposits of known mineral resources is potentially significant and unavoidable.

E. Noise

1. Impact 3.12-1 Exposure of Persons to or Generation of Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance, or in Other Applicable Local, State, or Federal Standards

- a. Potential Impact: Implementation of the Project would result in increased transportation noise from hauling levee material and could degrade the noise environment at residences adjacent to Brophy Road and Hammonton-Smartville Road. This impact is discussed at pages 3.12-18 and 3.12-19 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will implement Mitigation Measure 3.12-1 as a part of the Project. This measure requires TRLIA and its construction contractors to develop and implement a plan to avoid and minimize the use of heavily loaded trucks near residential streets when feasible.
- d. Findings: Although Mitigation Measure 3.12-1 would reduce the potentially significant impact related to noise from trucks during construction, it may not reduce exterior noise levels to applicable daytime standards to a less-than significant level due to the proximity of some residences to roadways along the haul route and the infeasibility of using other routes to avoid residences during construction. There are no other haul routes that could be used to minimize noise impacts to less-than-significant levels.. Accordingly, this impact is potentially significant and unavoidable and is treated as significant and unavoidable under CEQA.
- e. Conclusion: The impact of the Project with respect to the generation of noise levels in excess of standards established by Yuba County is potentially significant and unavoidable.

2. Impact 3.12-2 Exposure of Persons to or Generation of Excessive Groundborne Vibration or Groundborne Noise Levels

- a. Potential Impact: Residential structures within 135 feet of Brophy Road and Hammonton Smartville Road could experience groundborne noise and vibration levels in excess of the Federal Transit Authority's 72 vibration decibels standard due to haul truck traffic associated with the Project. This impact is discussed at pages 3.12-21 and 3.12-22 of the Draft EIR
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will implement Mitigation Measure 3.12-2 as part of the Project. This measure requires TRLIA to prepare and implement a plan to avoid and minimize noise levels along residential streets during truck hauling when feasible.
- d. Findings: Although implementing Mitigation Measure 3.12-2 would reduce the potentially significant impact related to

groundborne vibration and noise from haul trucks during construction, it may not reduce groundborne vibration and noise to a less than significant level at all times. The feasibility of mitigating truck haul traffic-related vibration and noise to acceptable levels is limited due to the proximity of noise-sensitive receptors to roadways along the haul route during construction. There are no other haul routes that could be used to minimize noise impacts to less-than-significant levels. Accordingly, this impact would be significant and avoidable.

- e. Conclusion: The impact of the Project with respect to the exposure of persons to generation of excessive groundborne vibration or groundborne noise levels is significant and unavoidable.

3. Impact 3.12-3 Substantial Temporary or Periodic Increase in Ambient Noise Levels in the Project Vicinity above Levels Existing without the Project

- a. Potential Impact: Construction of the Project would be expected to result in an increase in ambient noise levels in the project vicinity above levels existing without the project at residential uses along haul truck routes. This impact is discussed at page 3.12-25 of the Draft EIR.
- b. Impact Prior to Mitigation: Potentially significant.
- c. Mitigation Measure: TRLIA will incorporate Mitigation Measure 3.12-3 as part of the Project. This measure requires TRLIA to prepare and implement a plan to avoid and minimize the use of residential streets during truck hauling when feasible.
- d. Findings: Implementing Mitigation Measure 3.12-3 would reduce the impacts related to increases in ambient noise from haul trucks during construction, but this reduction may not result in a less than significant impact due to the proximity of noise-sensitive receptors to roadways along the haul route during construction. There are no other haul routes that could be used to minimize noise impacts to less-than-significant levels. Accordingly, this impact would be significant and avoidable.
- e. Conclusion: The impact of the Project with respect to the substantial temporary increase in ambient noise levels in the project vicinity is significant and unavoidable.

VII. FINDINGS REGARDING ALTERNATIVES

CEQA requires that an EIR evaluate a reasonable range of alternatives to a project, or to the location of a project, which: (1) offer substantial environmental advantages over the project

proposal, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. (CEQA Guidelines, § 15126.6(a).) An EIR must only evaluate reasonable alternatives to a project which could feasibly attain most of the basic project objectives, and evaluate the comparative merits of the alternatives. In all cases, the consideration of alternatives is to be judged against a "rule of reason" (CEQA Guidelines, § 15126.6(f).) The lead agency is also required to analyze the "no project" alternative to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the project

TRLIA established and applied seven screening criteria to qualitatively evaluate potential project alternatives. Alternatives that met most of the screening criteria below were carried through for full analysis in the EIR, while those that failed to meet most of the criteria were screened out from further evaluation.

Screening Criteria:

- Provide a 200-year flood risk reduction solution that will prevent flood waters from flowing through the Goldfields and flanking the SPFC.
- Provide a solution that is cost effective and can be implemented by 2025.
- Provide a solution that is sustainable for the long term.
- Minimize impacts on aggregate mining operations by avoiding areas of future mining operations, by being compatible with future mining operations, or by being capable of modification to be compatible with future mining operations.
- Minimize impacts on gold dredging operations by avoiding areas of future dredging operations, by being compatible with future dredging operations, or by being capable of modification to be compatible with future dredging operations.
- Minimize impacts on environmental resources.
- Provide environmental benefits, if feasible.

Alternatives Considered and Dismissed from Further Consideration

During the scoping process, TRLIA identified a preliminary range of alternatives for review before selecting alternatives for detailed examination in the Draft EIR. During that process, TRLIA initially identified and considered the following project alternatives, but eliminated these alternatives from further consideration based on their inability to meet the screening criteria listed above, failure to reduce significant environmental effects, or infeasibility. A brief explanation for the exclusion of these alternatives from in-depth analysis is provided in the Draft EIR section 2.9.

Alternatives Considered in the EIR

In accordance with CEQA Guidelines § 15126.6, TRLIA developed a reasonable range of alternatives for analysis in the Draft EIR (see Draft EIR, Chapter 2 and Final EIR, Chapter 2). This process involved assessing the basic feasibility of various types of measures and generally evaluating their ability to meet the screening criteria provided above.

TRLIA designated Alternative 1 as the Proposed Project in the Draft EIR. However, TRLIA evaluated all four alternatives at an equal level of detail in the Draft EIR so that it could ultimately select any of the four project alternatives for implementation as the Proposed Project based on the results of the valuation, public input during the environmental review process, and information from its concurrent feasibility study. TRLIA determined in the Final EIR that Alternative 4 is the preferred alternative and therefore intends to select Alternative 4 for implementation as the Project.

A separate feasibility study, the *Goldfields Flood Risk Reduction Feasibility Study*, offers a thorough review of the feasibility of the alternatives analyzed in the EIR, including analysis of the non-environmental aspects of which alternative makes the most sense and is most feasible. The *Goldfields Flood Risk Reduction Feasibility Study* is attached as Appendix A to the FEIR.

The EIR described and analyzed the following reasonable range of alternatives:

No Project Alternative

A. Description: Under CEQA, the No-Project Alternative normally continues the existing baseline conditions at the project site at the time the notice of preparation (NOP) was issued (June 12, 2014) (Appendix A) and includes what would be reasonably expected to occur in the foreseeable future if the Proposed Project were not approved. Therefore, under this alternative, a protection solution to address the 200-year flood risk associated with the Goldfields would not be constructed. A 100-year flood risk reduction solution likely would be built in accordance with the Proposed Project described in the Initial Study/Mitigated Negative Declaration for the Yuba Goldfields 100-Year Flood Protection Project, but the flood risk from the 200-year event would continue.

B. Environmental Analysis: The No-Project Alternative would result in few significant and unavoidable impacts identified for the action alternatives under normal conditions; however, there is a substantially higher risk of flooding under the No-Project Alternative compared to that under any action alternative. Flood risk analyses show that, in any given year, there is a substantially increased chance of a major flood under the No-Project Alternative compared to an action alternative. A flood would cause many more significant and avoidable impacts than any of the action alternatives and is the scenario that produces most of the significant and unavoidable impacts as shown below.

C. Finding: Specific economic, legal, social, technological, or other considerations make the alternative identified in the Final EIR infeasible. The No-Project Alternative would not meet the project purpose or objectives as described in Section ES.2, “Project Objectives,” because it would not prevent Yuba River flood flows during a 200-year flood event from flowing through the Goldfields and flanking the SPFC and therefore would not reduce the flood risk to properties in the RD 784 and TRLIA assessment districts

D. Facts in Support of Finding: Because the 100-year solution would not protect the RD 784 and TRLIA assessment districts from flooding during a 200-year event, the No-Project Alternative would decrease the flood inundation benefits associated with the TRLIA 200-Year Flood Protection Program. The continued flood risk would require the mapping of residual flood plains, limit future development, and increase reliance on flood insurance to manage this residual risk.

Alternative 1

A. Description: Alternative 1, 100-Year Project Enlargement, would be an embankment constructed by reshaping existing dredge tailing mounds within the Goldfields and divided into three distinct segments totaling approximately 9.0 miles in length and encompassing approximately 331 acres. The embankment, including all three segments, would have a crest elevation ranging from 100 feet North American Vertical Datum of 1988 (NAVD 88) at the downstream end of the alignment to 189 feet NAVD 88 on the upstream end, which is 3 feet above the 200-year WSE in the Goldfields. The embankment would also include a 16-foot-wide compacted surface patrol road along the crest to allow for maintenance and regular periodic inspections.

The first segment is unique to Alternative 1 and would follow the alignment of the proposed 100-year embankment. This alignment would begin at the northern terminus of the Upper Yuba Levee Improvement Project (UYLIP), where the current SPFC ends, and extend directly east and then turn northeast. This first segment would be approximately 2.8 miles long and encompass approximately 109 acres.

The second segment of Alternative 1 would connect directly to the eastern end of the first segment of Alternative 1. It would continue generally eastward from there and terminate just west of YCWA's Yuba-Brophy Canal. This segment is common to alternatives 1 and 2 and is hereafter referred to as the Central Common Segment. The Central Common Segment would be approximately 2.5 miles long and encompass approximately 89 acres.

The third segment of Alternative 1 would not be physically connected to the rest of the Alternative 1 footprint. This segment, which borders the Yuba River, would begin just west of the Yuba-Brophy Canal intake north of Daguerre Point Dam ("DPD") and extend northeast to the northeastern corner of the Goldfields. This disconnected segment, which is common to alternatives 1, 2, and 3, is referred to hereafter as the Northeast Common Segment. The Northeast Common Segment would be approximately 3.7 miles long and encompass approximately 133 acres. Hydraulic evaluations have determined that the overlap between the embankment west of the Yuba-Brophy Canal and the Northeast Common Segment embankment is adequate to prevent 200-year breached flows from traveling through and exiting the Goldfields.

B. Environmental Analysis: Along with Alternative 2, Alternative 1 would result in the fewest significant and unavoidable impacts of the Project Alternatives analyzed in the EIR. Nevertheless, this alternative would still result in significant and unavoidable impacts to air quality and mineral resources, and in fact has the highest acreage of total disturbed area of any of the alternatives (see Draft EIR, Table 2-2).

C. Finding: Alternative 1 does not fulfill as many of the project objectives as Alternative 4 does, and due to legal, economic and practical considerations, Alternative 1 is a less feasible alternative.

D. Facts in Support of Finding: The State of California has indicated that it will not fund the implementation of this alternative, making it nearly impossible for it to be implemented by 2025. Alternative 1 thus fails to meet the key project objective of implementation by 2025. Moreover, as described in the *Goldfields Flood Risk Reduction Feasibility Study*, it may be difficult or impossible to negotiate an agreement with mining companies within the Goldfields that would allow an embankment to remain in place over the long-term. Because Alternative 1 will be constructed on both private lands and lands owned by the U.S. Army Corps of Engineers (“USACE”), and a license granted by USACE could be revocable, there is uncertainty associated with long-term sustainability of this alternative. Alternative 1 would also have the greatest impact on future aggregate mining operations in the Goldfields by reducing the amount of aggregate that can be mined by Western Aggregates during Phase 3 of that mining company’s plans.

Alternative 2 (Environmentally Superior Alternative)

A. Description: This alignment would also be located in the Goldfields and would be constructed with the same materials and geometry as for Alternative 1. This embankment would total approximately 8.8 miles in length and encompass approximately 318 acres, including the Central and Northeast Common Segments (see Figure 4). The embankment would also include a 16-foot-wide compacted surface patrol road along the crest to allow for regular maintenance and periodic inspections. The westernmost segment of Alternative 2 would occupy approximately 95 acres and would begin at the northern terminus of the UYLIP in approximately the same location as Alternative 1, but would extend north along the western boundary of the Goldfields and then northeastward for approximately 2.6 miles before connecting with the western terminus of the Central Common Segment. Hydraulic evaluations have determined that the overlap between the embankment west of the Yuba-Brophy Canal and the Northeast Common Segment embankment is adequate to prevent 200-year breached flows from traveling through and exiting the Goldfields.

B. Environmental Analysis: Of all the Project Alternatives analyzed in the EIR, Alternative 2 would result in the least impacts on riparian, riverine, and other open water habitat; would affect the least amount of area identified for current or future gold mining; and along with Alternative 1, would result in the fewest significant and unavoidable impacts. Accordingly, this alternative is the Environmentally Preferred Alternative. Implementation of Alternative 2, however, would still result in significant and unavoidable impacts to air quality and mineral resources.

C. Finding: Alternative 2 does not fulfill as many of the project objectives as Alternative 4 does, and due to legal, economic and practical considerations, Alternative 2 is a less feasible alternative.

D. Facts in Support of Finding: The State of California has indicated that it will not fund the implementation of this alternative, making it nearly impossible for it to be implemented by 2025.

Alternative 2 thus fails to meet the key project objective of implementation by 2025. Moreover, as described in the *Goldfields Flood Risk Reduction Feasibility Study*, it may be difficult or impossible to negotiate an agreement with mining companies within the Goldfields that would allow an embankment to remain in place over the long-term. Because Alternative 2 will be constructed on both private lands and lands owned by USACE, and a license granted by USACE could be revocable, there is uncertainty associated with long-term sustainability of this alternative.

Alternative 3

A. Description: Alternative 3 has been divided into two segments, including the Northeast Common Segment. The total length of the embankment would be approximately 9.1 miles, and would encompass approximately 291 acres (see Figure 4). The embankment would be constructed with the same materials and geometry as described for alternatives 1 and 2, and would also include a 16-foot-wide compacted surface patrol road along the crest to allow for regular maintenance and periodic inspections. The westernmost segment would enlarge the south bank tailings mounds along the Yuba River south of DPD. This segment would occupy approximately 158 acres and extend from the north end of Dantoni Road, where it meets the Yuba River for approximately 5.4 miles, to a point just west of the Yuba-Brophy Canal. The Northeast Common Segment would be the second segment of this alternative. Hydraulic evaluations have determined that the overlap between the embankment west of the Yuba-Brophy Canal and the Northeast Common Segment embankment is adequate to prevent 200-year breached flows from traveling through and exiting the Goldfields.

Alternative 3 would require scour protection elements in two locations, as shown in Figure 4, along the waterside of the south bank mounds. The scour protection would be installed by clearing the scour protection footprint and then half-burying engineered logjam structures in the riverbank. These structures would consist of large logs fastened together with galvanized cable and could offer refuge and protection to migrating young fish. Implementing Alternative 3 would also require filling a portion of an existing waterway, known as Waterway 13, and realigning it to create a new discharge location so that the 200-year embankment could continue farther upstream along the Yuba River's south bank (see Figure 4). After high-water events, Waterway 13 returns seepage flows that migrate into the upper Goldfields to the Yuba River. The realignment of Waterway 13 would involve clearing and excavating through high ground (see Work Area A, Figure 4) to connect an existing channel to ponds upstream of the existing Waterway 13 connection; and clearing and placing a fish barrier at the channel's mouth (see Work Area B, Figure 4), which would serve as the new Waterway 13 discharge location. The fish barrier would prevent fish from straying into the waterway and becoming trapped in the Goldfields during low-flow periods, and would consist of wire gabion structures filled with cobbles. The cobbles would be procured from nearby dredge mounds by sieving the mounds for appropriately sized cobbles.

Alternative 3 would meet the project objective of providing a 200-year flood risk reduction solution and prevent flood flows from the Goldfields from flanking the SPFC.

B. Environmental Analysis: Alternative 3 would also best meet the project objective of causing minimal impacts to mining operations and along with Alternative 4, would provide more

environmental benefits (i.e., provision of fish barrier and bank protection) than Alternatives 1 and 2. However, Alternative 3 would still result in significant and unavoidable impacts on air quality and mineral resources.

C. Finding: Alternative 3 does not fulfill as many of the project objectives as Alternative 4 does, and due to legal, economic and practical considerations, Alternative 3 is a less feasible alternative.

D. Facts in Support of Finding: The State of California has indicated that it will not fund the implementation of this alternative, making it nearly impossible for it to be implemented by 2025. Alternative 3 thus fails to meet the key project objective of implementation by 2025. As described in the *Goldfields Flood Risk Reduction Feasibility Study*, because Alternative 3 will be constructed on both private lands and lands owned by USACE, and a license granted by USACE could be revocable, there is uncertainty associated with long-term sustainability of this alternative.

Alternative 4 (Preferred Project)

A. Description: Alternative 4 involves constructing a levee using standard levee material. It would be set back from the Yuba River and lie just south of the Goldfields, and would intercept flood flows from the Goldfields and redirect them to the Yuba River Floodplain, west of the Goldfields. The Alternative 4 footprint would be approximately 3.5 miles long and encompass approximately 199 acres. It would begin at the northern terminus of the Upper Yuba Levee Improvement Project (“UYLIP”), just south of where Alternatives 1 and 2 would connect with the existing levee, and extend directly east along the southern border of the Goldfields and property owned by Teichert Construction. It would then run northeast along the north side of Hammonton-Smartville Road before terminating east of Doolittle Drive (see Figure 4). The levee would have a 20-foot-wide crest, 3:1 waterside (north side) and landside (south side) slopes, and a 5-foot-high by 300-foot-wide seepage berm at the landside toe to address seepage and stability issues. A compacted surface patrol road, approximately 16 feet wide, would also be included along the crest of the levee.

Implementing Alternative 4 would involve relocating or realigning portions of two irrigation canals and constructing an irrigation crossing and two road crossings at the access road to the Teichert Aggregate Processing Facility at Hammonton Road. A local irrigation canal currently runs along the south side of the Goldfields parallel to the southwestern border of the Goldfields. At the west end of the Alternative 4 alignment, approximately 12,400 linear feet of this canal would be relocated to the landside toe of the seepage berm on the south side of the proposed levee (see Figure 4). This canal would be 6 feet deep and have a 10-foot bottom width and 3:1 side slopes. At the eastern end of the Alternative 4 alignment, approximately 1,500 linear feet of the Yuba-Brophy Canal would be realigned to the waterside of the proposed levee to maintain canal connection. This realigned canal segment would be 10 feet deep and have a 40-foot bottom width and 3:1 side slopes.

Where the proposed levee would cross the Teichert Facility access road and Hammonton Road, these sections of roadway would be replaced by ramps up and over the levee with asphalt roadways on top of the ramps. The roadway crossings would consist of aggregate base and

asphalt and would be 24 feet wide with 4-foot-wide rock shoulders. The irrigation canal that parallels the road in this location would be replaced by a culvert through the base of the levee. The culvert would be composed of a 96-inch reinforced concrete pipe with shutoff gates at each end of the pipe that could be closed during flood events.

B. Environmental Analysis: Alternative 4 would reduce the significant impacts of Alternative 1 with respect to the total disturbed area, and specifically would result in a lower impacted acreage for riparian habitat, other open water habitat, mixed oak woodland, and gold mining (see Draft EIR, Table 2-2). However, Alternative 4 would result in the greatest number of significant and unavoidable impacts; these impacts are in the resource areas of aesthetics, agriculture, air quality, minerals, and noise. However, the EIR's analysis of the Project's impacts was conservative, and thus many of the impacts treated as significant and unavoidable are *potentially* significant and unavoidable when implemented, and could result in no impact or a less-than-significant impact.

C. Finding: Despite the significant and unavoidable impacts associated with Alternative 4, it constitutes the Preferred Project because it meets more core project objectives than any other alternative, and it is the only one for which the State of California has conditionally granted funding.

D. Facts in Support of Finding: Alternative 4 can best meet the most project objectives, as described in the *Goldfields Flood Risk Reduction Feasibility Study*. For example, Alternative 4 is most likely to be implemented by 2025 because the State of California has indicated that it is most likely to fund Alternative 4. Due to its location outside the Goldfields, implementation of Alternative 4 does not require agreements with mining companies or a revocable license from the federal government; Alternative 4 therefore best meets the project objective of being sustainable for the long term. Finally, Alternative 4 preserves more opportunities for environmental restoration and avoidance of erosion because it is set back from the Yuba River. It therefore provides the best opportunity for the Project to provide environmental benefits.

VIII. FINDINGS REGARDING CUMULATIVE IMPACTS

A. Cumulative Impact Analysis

CEQA Guidelines section 15130 provides the framework for analysis of cumulative impacts associated with implementation of a project. A discussion of cumulative impacts includes the combination of significant and less than significant project-related impacts and all levels of impacts from other related past, present, and reasonably foreseeable future projects. Consistent with these requirements, cumulative impacts are discussed in Chapter 3 of the Draft EIR.

The EIR's cumulative impacts discussion includes the following list of related past, present, and reasonably foreseeable future projects, including other TRLIA flood protection projects, projects affecting fish and wildlife that use the proposed project area, and relevant land use plans:

- Yuba River Levee Repair Project
- Upper Yuba Levee Improvement Project

- Feather-Bear River Setback Levee
- Feather River Levee Repair Project
- Feather River Erosion Site 2 Repair Project
- Bear River and Western Pacific Interceptor Canal Levee Improvement Project
- Western Aggregates Amended Reclamation Plan
- Kino Aggregates Dantoni Sand and Gravel Pit
- Cal-Sierra Gold Mining Operations
- Teichert Aggregates Marysville Project
- Daguerre Point Dam Hydropower Project
- Daguerre Point Dam Fish Passage Improvement Project
- Biological Opinion on USACE Operation and Maintenance of Englebright and Daguerre Point Dams
- Lower Yuba River Accord
- East Linda Specific Plan
- Olivehurst Avenue Specific Plan
- North Arboga Study Area
- Plumas Lake Specific Plan
- Country Club Estates
- Bear River Development

Without mitigation, the Project is anticipated to cause a cumulatively considerable incremental contribution to a significant cumulative impact, in combination with the related projects listed above, in the following areas:

- Agriculture
- Air Quality
- Mineral Resources
- Noise

After all feasible mitigation measures were applied, a cumulatively considerable incremental contribution to a significant cumulative impact, in combination with the related projects listed above, would occur only to agriculture, air quality, mineral resources, and noise. Therefore, these are significant and unavoidable cumulative impacts.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. TRLIA proposes to approve the Project despite certain significant and unavoidable adverse impacts identified in the Yuba Goldfields 200-Year Flood Protection Project EIR.

A. Impacts of the Project

As detailed in this Findings document and in the EIR, the EIR concludes that the Project will have significant and unavoidable direct and/or indirect impacts in the following resource areas: aesthetics, agriculture resources, air quality, mineral resources, and noise.

The EIR also concludes that the Project will make cumulatively considerable incremental contributions to significant cumulative impacts, due to their combination with related past, present, and reasonably foreseeable future projects listed in Chapter 3 of the Draft EIR in the following resource areas: agriculture, air quality, mineral resources, and noise.

B. Environmental Commitments and Mitigation Measures

The mitigation measures incorporated into the EIR and the Mitigation Monitoring and Reporting Program demonstrate a commitment by the Board to avoid, minimize, and compensate for environmental impacts of the Project. Mitigation measures incorporated into the Project, and discussed in the Mitigation Monitoring and Reporting Program, include the following:

Agriculture and Forestry Resources

- Mitigation Measure 3.3-1: Minimize Important Farmland Conversion to the Extent Practicable and Feasible

Air Quality

- Mitigation Measure 3.4-1a: Implement FRAQMD Standard Mitigation Measures during Project Construction
- Mitigation Measure 3.4-1b: Implement FRAQMD Best-Available Mitigation Measures during Project Construction
- Mitigation Measure 3.4-1c: Use Tier 3 Construction Equipment

Biological Resources

- Mitigation Measure 3.5-1 Minimize and Compensate for Loss of Federally Protected Wetlands
- Mitigation Measure 3.5-2: Minimize and Compensate for Loss of Riparian and Vernal Pool Habitats
- Mitigation Measure 3.5-3: Minimize Potential Loss of Special-Status Plants
- Mitigation Measure 3.5-6 Minimize and Compensate for Removal of Elderberry Shrubs
- Mitigation Measure 3.5-7: Minimize and Compensate for Loss of Vernal Pool Branchiopods
- Mitigation Measure 3.5-8a: Minimize Potential for Mortality of Pacific Pond Turtle
- Mitigation Measure 3.5-8b: Minimize Potential for Mortality of Giant Garter Snake
- Mitigation Measure 3.5-9: Minimize Disturbance of Occupied Burrows and Avoid Loss of Burrowing Owls
- Mitigation Measure 3.5-10: Minimize Disturbance of Active Raptor nests and Avoid Take of Individuals
- Mitigation Measure 3.5-11: Minimize Disturbance of Active Nests of Special-Status Species and Avoid Direct Take of Nests
- Mitigation Measure 3.5-11: Implement, as Applicable, Mitigation Measures 3.5-1 and 3.5-2

Cultural Resources

- Mitigation Measure 3.6-2a: Perform Additional Cultural Resources Inventory
- Mitigation Measure 3.6-2b: Implement Unanticipated Discovery Plan and Perform Cultural Resources Awareness Training

Geology, Soils, Minerals, and Paleontological Resources

- Mitigation Measure 3.7-1: Prepare Site-Specific Geotechnical Report for 200-Year Protection, Implement Appropriate Recommendations, and Design and Construct Facilities in Compliance with USACE Guidelines
- Mitigation Measure 3.7-2: Implement Mitigation Measure 3.7-1

- Mitigation Measure 3.7-3a: Implement Mitigation Measure 3.10-1
- Mitigation Measure 3.7-3b: Engineer, Design, and Construct Proposed Facilities According to USACE Guidelines
- Mitigation Measure 3.7-4: Implement Mitigation Measure 3.7-1
- Mitigation Measure 3.7-5: Implement Mitigation Measure 3.7-1
- Mitigation Measure 3.7-6: Work with Mining Interests to Determine Method to Allow Continued Mining with in the Embankment Levee Alignment
- Mitigation Measure 3.7-7: Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan as Required

Hazards and Hazardous Materials

- Mitigation Measure 3.9-2: Coordinate the Timing and Location of Project Construction Activities with Western Aggregates, Kino Aggregates, Cal-Sierra, and Teichert

Hydrology and Water Quality

- Mitigation Measure 3.10-1: Prepare a Storm Water Pollution Prevention Plan and Implement Best Management Practices

Noise

- Mitigation Measure 3.12-1: Prepare and Implement a Plan to Avoid and Minimize Residential Streets during Truck Hauling when Feasible

Transportation and Traffic

- Mitigation Measure 3.14-1: Prepare and Implement a Traffic Management Plan
- Mitigation Measure 3.14-3: Post Detour Notices for Affected Transit, Bicycle, or Pedestrian Facilities

Utilities and Public Service

- Mitigation Measure 3.15-1: Coordinate with Irrigation Water Provider

C. Benefits of the Project

The Project will enhance public safety in the RD 784 service area by ensuring that Goldfields flood flows do not outflank the SPFC in the event of a 200-Year flood event.

TRLIA has proposed the Project to address risks associated with flood waters flowing through the Goldfields and flanking SPFC facilities, and to reduce flood risk to human health and safety, and the threat of a flood event to the regional economy. Specifically, the Project has the following benefits:

- Protects existing populations and minimizes exposure to flooding for agricultural commodities, industrial uses, infrastructure use, and other property.
- Reduces flood risk from the Goldfields toward a target of 200-year.
- Constructs a project as soon as possible to reduce flood risk as quickly as possible.
- Constructs a project that is economically, environmentally, politically and socially acceptable.
- Facilitates compatibility with the Central Valley Flood Protection Plan (“CVFPP”) such that proposed activities would have “no regrets” and would not be inconsistent with any future plans.
- Facilitates compatibility with recreation and restoration goals in the planning area.

The Board hereby finds that any remaining significant effects on the environment found to be unavoidable as described in these Findings are acceptable due to overriding concerns as described above.

D. Conclusion

Having reduced the effects of the proposed Project by adopting mitigation measures, and balanced the benefits of the proposed Project against the Project’s potential significant and unavoidable adverse impacts, the TRLIA Board of Directors hereby determines that the specific overriding economic, legal, social, technological, or other benefits of the proposed Project outweigh the potential significant and unavoidable adverse effects on the environment.