MITIGATED NEGATIVE DECLARATION
SIERRA FOOTHILL CONSERVANCY
BEAN CREEK MEADOW RESTORATION PROJECT

PURSUANT TO THE TITLE 14, CALIFORNIA CODE OF REGULATIONS SECTION 15000, et seq.

PROJECT TITLE: Bean Creek Meadow Restoration Project

LEAD AGENCY: Central Valley Regional Water Quality Control Board

APPLICANT: Sierra Foothill Conservancy

PROJECT DESCRIPTION:

The Sierra Foothill Conservancy will restore the hydrologic function of the channel and floodplain system of Bean Creek and its associated wet meadow within Bean Creek Preserve. The project will employ a technique that constructs a series of earth plugs to fill a gullied channel and raise the local water table, while redirecting flow from the existing incised channel into a stable channel, with reduced dimensions, that is connected with a broad floodplain during annual peak flow events. Restoration will consist of excavating eight borrow areas (ponds) to construct 12 plugs within a gully that is approximately 3500 feet long, over approximately 9.6 acres. It will also eliminate seven active headcuts on the mainstream, tributaries, and remnant channels. The project area is being monitored before and after restoration for greenhouse gas emissions, soil carbon sequestration, groundwater levels, and vegetation.

PROJECT LOCATION:

The project is located on the Bean Creek Preserve off of Fiske Road, approximately 1.5 miles northwest of Greeley Hill, CA in Mariposa County.

MITIGATION MEASURES:

This subsection includes the full text of project-specific mitigation measures identified in the Initial Study/Proposed Mitigated Negative Declaration.

Mitigation Measures to Protect Aesthetics (Section I):

See Mitigation Measures SOIL-2 and 4-6 under Mitigation Measures to Protect Geology and Soils below.

Mitigation Measures to Protect Air Quality (Section III):

AIR-1. All areas (including unpaved roads) with vehicle traffic will be watered as necessary for stabilization of dust emissions. Care will be taken to avoid excessive watering that could cause a discharge to surface waters.

AIR-2. On-site vehicle speeds will be limited to 15 miles per hour on unpaved surfaces.

AIR-3. Inactive soil stockpiles will be watered or covered during windy conditions.

AIR-4. Disturbed areas will be revegetated as per Mitigation Measure BIO 5-6. If immediate permanent re-vegetation is impractical due to factors such as poor seasonal timing, then temporary measures such as adequate covering with mulch will be implemented.

AIR-5. Construction activities will comply with EPA air quality standards on dust and condensed fumes, so that emissions do not exceed hourly levels as regulated per processing weight.

Mitigation Measures to Protect Biological Resources (Section IV):

BIO-1. Avoid or Minimize Impacts to Pallid Bats. Removal of trees shall occur between October 1st and May 31st when pallid bats would not be maternally roosting. If trees cannot be removed outside of the pallid bats maternal roosting season, then pre-construction surveys for maternal bat roosts shall be conducted in areas containing possible habitat within 30 days prior to tree removal. Any trees being used as maternal roosts must be avoided until a qualified biologist has determined the bats have abandoned the trees.

BIO-2. Avoid or Minimize Impacts to Threatened, Endangered, Sensitive, or Special-Status Wildlife and Plant Species. Any detection of threatened, endangered, sensitive, or special-status wildlife species or of nests, roost sites, and other areas of concentrated use of these species, before or during project implementation will be reported to a professional biologist for consultation and instruction on appropriate protection measures.

BIO-3. Implement Limited Operating Period (LOP) to avoid disturbances to breeding activities and habitat of special-status wildlife species, LOPs will be implemented around nests, roost sites, and other areas of concentrated use by these species, if present. A LOP constitutes a period during which project activities will not occur and is enforced in project implementation contracts.

BIO-4. Minimize ground and vegetation disturbance. Ground and vegetation disturbance will be minimized during implementation of the proposed action. Activities will be confined to designated marked access routes and well-marked project work sites. There will be a project manager or representative on site at all times during work within the floodplain or stream channels. The contractor will be instructed on the importance of avoiding disturbance of anything not necessary to meet project goals. Use planned disturbance sites as access routes where possible. Plan access routes carefully.

BIO-5. Mulch and revegetate disturbed areas. Soils lacking adequate ground cover because of exposure or other disturbances caused by the proposed action will be mulched with available forest materials such as pine needles, tree bark, and branches; or with imported mulch such as certified weed-free straw or tub-ground wood chips. In addition, areas denuded during construction will be actively revegetated. To ensure fastest possible site stabilization any disturbed sites will be treated for erosion control and re-vegetated as the work is done, and such measures will continue as construction of each site is completed. The

stabilization measures will include transplanting vegetation that is excavated as a result of construction work, mulching bare areas as the work is complete, seeding native species as recommended by our botanist, monitoring for soil stability and re-vegetation success, and taking other appropriate actions to meet the goals of site rehabilitation.

BIO-6. Control noxious and invasive weeds. Measures to control the introduction and spread of noxious weeds in the action area will be implemented during project implementation. The management requirements incorporated into the proposed action are designed to reduce the risk of noxious weed invasion from a moderate to a low level by using prevention measures to mitigate the risks.

CDFW-1. *Golden Eagle*: No Project-related activities shall be completed from February 1 through August 31 unless a qualified biologist conducts visual surveys for nesting activity of golden eagle within a ½-mile radius of the Project site no more than two (2) weeks before Project activity begins. Surveys shall be conducted at appropriate nesting times and concentrate on suitable nesting structures. If active eagle nests are found, no Project activities shall occur within ½-mile of the Project site until after the breeding season has ended or a qualified biologist has determined and California Department of Fish and Wildlife (CDFW) has confirmed in writing that the young have fledged and are no longer dependent on parental care or the nest for survival.

CDFW-2. *Great Gray Owl*: No Project-related activities shall be completed from March 1 through July 15 unless a qualified biologist surveys for nesting activity of great grey owl within a ½-mile radius of the Project site no more than two (2) weeks before construction begins. The survey shall follow the guidelines set forth in the Survey Protocol for the Great Gray Owl in the Sierra Nevada of California (Beck T.W., and J. Winter; May, 2000), Section 4. Surveying, Subsection a.Calls: If active great gray owl nests are found, no Project activities shall occur until after the breeding season has ended or a qualified biologist has determined that the young have fledged and are no longer dependent on parental care or the nest for survival.

CDFW-3. *Willow Flycatcher:* If project activity is scheduled to occur from April 1 through August 31, Permittee shall survey riparian habitat areas for willow flycatcher nesting activity within a 500-foot radius of the defined work area no more than two (2) weeks before Project activity begins. The survey shall follow the methodology set forth in the Willow Flycatcher Survey Protocol for California. If any active nests are found, Permittee shall protect nests and nest trees with a minimum 500-foot buffer until young have fledged and are no longer reliant on the nest site or parental care, as determined by a qualified biologist and confirmed in writing by CDFW.

CDFW-4. *Northern Goshawk and Spotted Owl*: No Project-related activities shall be completed from March 15 through August 15 unless a qualified biologist conducts protocol-level surveys for nesting activity of northern goshawk and spotted owl within a ½-mile radius of the Project site no more than two (2) weeks before construction begins. Surveys shall be conducted at appropriate nesting times and concentrate on mature trees. If active nests are found, these nests and nest trees shall be designated an Environmentally Sensitive Area (ESA) and

protected with a minimum quarter-mile buffer until the young have fledged and are no longer reliant on the nest site or parental care.

CDFW-5. *Western Pond Turtle*: Any western pond turtles discovered at the site immediately prior to or during Project activities shall be allowed to move out of the area on their own volition. If this is not feasible, they shall be captured by a qualified biologist and relocated out of harm's way to the nearest suitable habitat immediately upstream or downstream from the Project site.

Mitigation Measures to Protect Cultural Resources (Section V):

CUL-1. Locate restoration activities and equipment access routes to avoid direct impacts to known cultural resources.

CUL-2. If the design of the proposed project is altered or changed, additional review by the Francis Heritage Resources staff will be required. Furthermore, if any previously unrecorded cultural resources are discovered during this action, all project-related activities must cease immediately and the consultation process as outlined in Section 800.13 of the Advisory Council on Historic Preservation's regulations 36 CFR 800 must be initiated.

Mitigation Measures to Protect Geology and Soils (Section VII):

SOIL-1. Limit timing of activities. Watershed restoration activities will occur between June 1 and October 31 each year to avoid the period of highest rainfall, stream flows, and erosion potential. During periods of inclement weather, operations will be shut down until stream flows are sufficiently low and soil/channel conditions are sufficiently dry and stable to allow for construction to continue without the threat of substantial soil compaction, erosion, sedimentation, and offsite sediment transport.

SOIL-2. Stabilize construction spoils and topsoil. Earthen spoils generated during the construction will be temporarily stockpiled in stable areas located outside of subject wetlands and floodplain areas or immediately used in streambed plugs. Due to the nature of the work and locations of the proposed disturbances, there would be only very short periods of time when material from construction areas would be at risk from entering the active stream channel during a precipitation event and only a small percentage of any site would be in a location where this is a risk. Topsoil will be staged adjacent to the proposed plug where it will be used. The topsoil will be removed from the area to be excavated and placed in a stable location where it will not enter the active channel. The plug will be constructed with the subsoil materials as it is excavated from the pond sites and then the topsoil will be placed on top of the plug. The plug material will be excavated and placed at the same time and so will not be staged.

Pine needles, straw wattles, silt fences, or hay bales will be installed around the base of temporary stockpiles to intercept runoff and sediment draining from the stockpiles. If necessary, the stockpiles will be further stabilized by mulching them with available forest materials or an appropriate geotextile material. Although no unused construction spoils are anticipated, any spoils not used

during construction will be hauled offsite and deposited in stable areas once construction is complete.

After completion, permanent BMPs would be installed where needed. Permanent BMPs include re-vegetation, mulching with native or imported weed-free materials, and use of erosion control fabric to protect bare areas until revegetation in completed. The work will be planned when five days or more of good weather is predicted. In the case of unpredicted weather, temporary BMPs will be installed to protect the construction area. If unexpected weather, including thundershowers etc., comes in, straw wattles, silt fences, or hay bales will be installed around the base of temporary stockpiles to intercept runoff and sediment draining from the stockpiles. If necessary, the stockpiles will be further stabilized by mulching them with available forest materials or covering them with an appropriate plastic or geotextile material.

SOIL-3. Implement erosion and sediment control BMPs on temporarily delayed project elements. Appropriate erosion and sediment control BMPs will be applied to all disturbed ground during temporary construction delays caused by inclement weather or other circumstances. Measures applied will vary with conditions, but will include (1) the placement of readily available mulch materials (e.g., pine needles, branches, coarse woody debris) and/or imported mulch materials (e.g., certified weed-free rice straw) to protect disturbed surfaces from raindrop impact, reduce runoff velocity, and reduce erosion, and (2) the installation of straw wattles, silt fences, and/or straw/hay bales to reduce runoff velocity and intercept sediment.

SOIL-4. Minimize ground and vegetation disturbance. Ground and vegetation disturbance will be minimized and disturbed areas will be rehabilitated as quickly as possible during implementation of the proposed action. To minimize disturbance, each project area will be carefully laid out including all access routes, boundaries for equipment will be flagged out, equipment operators will be instructed on the expectation to minimize impacts, and the project manager will be on site at all times while stream work is occurring. There will also be a project manager or representative on site at all times during work within the flood plain. The contractor and all on-site personnel will be trained on the importance of not disturbing anything not necessary to meet project goals.

SOIL-5. Mulch and revegetate disturbed areas. Soils lacking adequate ground cover because of exposure or other disturbances caused by the proposed action will be mulched with available forest materials such as pine needles, tree bark, and branches; or with imported mulch such as certified weed-free straw or tub-ground wood chips. In addition, areas denuded during construction will be actively revegetated. To ensure fastest possible site stabilization any disturbed sites will be treated for erosion control and re-vegetated as the work is done, and such measures will continue as construction of each site is completed. The stabilization measures will include transplanting vegetation that is excavated as a result of construction work, mulching bare areas as the work is complete, seeding native species as recommended by our botanist, monitoring for soil stability and re-vegetation success, and taking other appropriate actions to meet the goals of site rehabilitation.

SOIL-6. Decommission abandoned staging areas. Equipment staging areas used during construction and abandoned as a result of the proposed work will be restored to natural conditions by loosening or scarifying the soil, seeding or planting with native species, and mulching with native and/or weed-free material.

Mitigation Measures to Protect Hazards and Hazardous Materials:

HAZ-1. Properly dispose of wastes and petroleum products. Wastes and petroleum products used during construction will be collected and removed from the project site in accordance with the Resource Conservation and Recovery Act regulations and federal Occupational Safety and Health Administration (OSHA) standards.

HAZ-2. Remediate contaminated Soil. If contaminated soil and/or groundwater is encountered, or if suspected contamination is encountered during project construction, work will be halted in the area, and the type and extent of the contamination will be identified. A qualified professional, in consultation with the appropriate federal, state, and/or local regulatory agencies, will then develop an appropriate method to remediate the contamination.

HAZ-3. Prevent discharges of hazardous substances from refueling and maintenance. All equipment refueling and maintenance activities will occur outside wetlands and flood plain areas to minimize the potential to negatively affect water quality. Equipment will be required to be in good operational condition (e.g., no leaky hoses, etc.), with daily inspections to check for new leaks.

HAZ-4. Contain spills. Plumas Corporation will have spill containment materials onsite. Materials kept on site will be properly packaged and contained and spills will be immediately cleaned up. Strict onsite handling rules will be implemented to minimize spills and keep potentially contaminated materials out of the drainage waterways.

HAZ-5. Keep fire tools onsite. Fire extinguishers and tools shall be required onsite during project activities.

HAZ- 6. Monitor fire weather. Daily monitoring of fire weather and U.S. Forest Service Fire Activity Level will occur during construction. If certain thresholds are reached, construction will be shut down.

Mitigation Measures to Protect Hydrology and Water Quality:

HYDRO-1. Prevent discharges of hazardous substances from refueling and maintenance. All equipment refueling and maintenance activities will occur outside wetlands and flood plain areas to minimize the potential to negatively affect water quality.

HYDRO-2. Control sediment and revegetate within wetlands and flood plains. Ground disturbance will be minimized and confined to the marked project area. All disturbed areas will be mulched with native material or weed-free straw (e.g., rice straw) and seeded with native species. Where needed, excavation sites will have perimeter containment installed around the site's lower perimeter to contain any eroded material. Native vegetation such as willows and sedges would be

transplanted if they need to be removed as part of the project. All disturbed areas will be revegetated with approved native vegetation.

HYDRO-3. Stabilize subject stream banks. Stream banks on the top plug where the stream will be diverted and any plug that will be exposed to flowing water will be stabilized and protected from erosion using a combination of structural and biotechnical methods. The specific methods used will vary depending on site conditions, but at a minimum will include one or more of the following: adjustment of stream bank slopes; installation of rock slope protection (rip-rap); installation of biodegradable erosion control blankets; installation of willow wattles (live fascines); and/or the use of pole cuttings, container stock, and seed collected from local sources to reestablish native stream zone vegetation.

HYDRO-4. Achieve zero discharge during in channel excavation work. The goal during in channel excavation is zero discharge. Most of the proposed excavation work will occur within the channel to be obliterated. In a few cases excavation will occur within those areas which will receive flow during the following runoff season. The following practices will be used to achieve zero discharge: (1) wherever possible, delay activities until flow has ceased or is at lowest flow; (2) if flow is present, convey flow around the construction site and discharge in a stable upland location; (3) install a coffer dam below the site to trap sediment and detain any turbid water; (4) dispose of any sediment from behind the dam in a stable upland location; and (5) remove turbid water by pumping and sprinkling it in an upland location and manner to allow infiltration into the soil.

HYDRO-5. Contain spills. Strict onsite handling rules will be implemented to minimize spills and keep potentially contaminated materials out of the drainage waterways.

HYDRO-6. Limit staging of materials and equipment. Staging of materials and equipment will be limited to existing disturbed areas outside of wetlands and flood plain areas, where soils are already compacted and vegetation has been cleared. No new disturbance will be created for staging and stockpile areas, and no trees or other vegetation will be removed. Following project completion, these areas will be tilled, seeded, and mulched.

Monitoring & Reporting

Monitoring will be conducted to determine if the project is meeting its objectives. Numerous surveys and pre-project monitoring have been conducted within the meadow and stream channel, including survey cross-sections, groundwater, vegetation composition, species survey, presence of headcuts and carbon sequestration/greenhouse gas emissions. Additional monitoring would take place during and two years post-construction to document the effectiveness of the project.

During construction, Plumas Corporation staff would be on-site continuously, and responsible for ensuring that Best Management Practices are followed, mitigations measures are implemented, and water quality leaving the project area is sampled as specified by the California Regional Water Quality Control Board. Once the project is completed, a report on construction will be sent to the funding agency and to any permitting agencies that require it. The report will outline how environmental protection requirements were met.

FINDING:

Based on the Initial Study prepared for the project, the California Regional Water Quality Control Board, Central Valley Region, has determined that potential project impacts on the environment would be mitigated to a less than significant level through incorporation of mitigation measures and therefore, the preparation of an Environmental Impact Report is not required.

California Regional Water Quality Control Board
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LONNIE WASS Date
Supervising Engineer