

State Water Resources Control Board

JUN 11 2013

Ms. Kris Kiehne
EN2 Resources, Inc.
P.O. Box 2260
Placerville, CA 95667

Dear Ms. Kiehne:

APPROVAL OF AMENDMENT TO THE FEATHER RIVER FISH SCREEN PROJECT WATER QUALITY CERTIFICATION; SOURCE – FEATHER RIVER; SUTTER COUNTY

The City of Yuba City (City) has requested an amendment to the water quality certification (certification) issued for the City's Feather River Fish Screen Project (Fish Screen Project). The amendment consists of a change to the work period for in-channel construction in the certification issued for the Fish Screen Project. The City requested the amendment to allow for early removal of the cofferdam used for the Fish Screen Project. The Fish Screen Project background and information related to compliance with the California Environmental Quality Act (CEQA) are provided below. The State Water Resources Control Board (State Water Board) provided public notice of the City's request for the amendment on May 9, 2013, by posting information describing the request on the Division of Water Rights' website and providing notification to interested parties. No written comments were received.

The State Water Board finds that, with the conditions and limitations it has imposed, the proposed amendment will be protective of the state water quality standards and other appropriate requirements of state law. The State Water Board hereby grants approval of the amendment to the certification issued for the City's Fish Screen Project. The modified Mitigation, Monitoring, and Reporting Plan (MMRP) sections that relate to the protection of resources within the State Water Board's purview are hereby incorporated into the amendment as Attachment 1 and supersede and replace Attachment A of the original April 2012 certification for the Fish Screen Project. Additional conditions necessary for the protection of water quality during work described in the proposed amendment are included as Attachment 2. Compliance with the terms and conditions set forth in Attachments 1 and 2 is required as a condition of approval.

PROJECT BACKGROUND

On April 17, 2012, the Executive Director of the State Water Board issued a certification for the Fish Screen Project. The Fish Screen Project is located on the west bank of the Feather River near river-mile 28, east of Yuba City and roughly 1-1/4 miles north of the State Route 20 Bridge (10th Street Bridge) in Sutter County.

The City owns and operates the Yuba City (Tierra Buena) Water Treatment Plant (WTP), which provides municipal water through an unscreened intake structure on the Feather River to a population of approximately 60,000 persons. Surface water is delivered to the WTP through an intake structure on the Feather River and a Low-Lift Pump Station (LLPS). Water is drawn through the intake structure by the LLPS, both of which are located on the Feather River approximately one mile east of the WTP.

To mitigate for potential fish entrainment, the City is replacing its un-screened intake structure with a screened intake structure. The Fish Screen Project also includes improvements to the existing road.

On May 1, 2013, the State Water Board received an application for an amendment to the certification issued for the Fish Screen Project. The original April 2012 certification incorporates the measures adopted by the City in its MMRP as Attachment A of the certification. Per the MMRP, in-channel construction is limited to a period from July 1 to October 31. The proposed amendment to the certification changes the Fish Screen Project work period to allow in-channel construction in the months of May and June of 2013 to facilitate early removal of the Fish Screen Project cofferdam. The City asserts that the early removal of the cofferdam will benefit the fisheries of the Feather River by allowing for earlier operation of the screened LLPS intake.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City is the lead agency and the State Water Board is a responsible agency for the purpose of CEQA compliance. The City adopted a mitigated negative declaration (MND) for the Fish Screen Project. On May 7, 2013, the City adopted an addendum to the MND to address changes to the Fish Screen Project, which are described in the City's application for amendment to the certification. In the addendum to the MND, the City finds that the amended work period would result in less-than-significant impacts to biological resources and bases its finding on consultation with the California Department of Fish and Wildlife and National Marine Fisheries Service (NMFS). In a letter between NMFS and the Bureau of Reclamation (BOR) dated May 30, 2013, NMFS states that "removal [of the cofferdam] is not expected to increase sediment levels to a point that could harm aquatic species," and that, based on a meeting with BOR, "the [Fish Screen] Project is unchanged except for the removal of the cofferdam outside of the [original] work window." NMFS further determined that applicable federal regulations do not require the re-initiation of formal consultation. (50 C.F.R. § 402.16 (2013).) The City filed a Notice of Determination (NOD) with the Sutter County Clerk and the State Clearinghouse on May 8, 2013.

The State Water Board has considered the City's addendum to its MND, and the environmental effects of the amended Fish Screen Project as shown therein, and reached its own conclusion to approve the City's request for an amendment subject to the following conditions. (Cal. Code Regs., tit. 14, § 15096, subds. (a), (f).)

- The State Water Board modifies the MMRP to allow in-channel construction in the months of May and June of 2013 and incorporates the MMRP, as modified, into this amendment as Attachment 1.
- The City shall comply with the measures in the modified MMRP (Attachment 1) that relate to the protection of resources within the State Water Board's purview as a condition of approval of this amendment to the certification. (Cal. Code Regs., tit. 14, § 15096, subd. (g)(1).)

- The City shall comply with the additional conditions of approval incorporated into this certification as Attachment 2. The State Water Board deems these conditions necessary for the protection of resources within the State Water Board's purview. (Ibid.)

The State Water Board conclusively presumes that the City's addendum to its MND complies with CEQA. (Cal. Code Regs., tit. 14, § 15231.) As a responsible agency, the State Water Board will file a NOD with the State Clearinghouse within five days of issuance of this amendment to the certification. (Cal. Code Regs., tit. 14, § 15096, subd. (i); see also Cal. Code Regs., tit. 14, § 15052.)

All documents and other information that constitute the public record for this amendment shall be maintained by the Division of Water Rights and shall be available for public review at the following address: State Water Board, Division of Water Rights, 1001 I Street, Sacramento, California, 95814.

If you have questions regarding this letter, please contact Mr. Michael Maher at (916) 341-5408 or by email at mmaher@waterboards.ca.gov. Written correspondence can be directed to:

State Water Resources Control Board
Division of Water Rights
Water Quality Certification Program
Attn: Mr. Michael Maher
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,


Thomas Howard
Executive Director

Attachment 1 Modified MMRP for Amendment to the Feather River Fish Screen Project Water Quality Certification

Attachment 2 Additional Conditions of Approval for Amendment to the Feather River Fish Screen Project Water Quality Certification

cc: Mr. Kevin Bradford
Senior Engineer
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

Ms. Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

cc: Continues on next page.

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cc: Mr. Kursten Sheridan
 California Department of Fish & Wildlife
 North Central Region
 1701 Nimbus Road
 Rancho Cordova, CA 95670

Ms. Lisa Grudzinski
 U.S. Army Corps of Engineers
 Redding Regulatory Office
 152 Hartnell Avenue
 Redding, CA 96002

Ms. Gretchen Umlauf
 National Marine Fisheries Service
 Central Valley Office
 650 Capitol Mall, Suite 5-100
 Sacramento, CA 95814-4708

Mr. John Kemmerer, Acting Director
 U.S. Environmental Protection Agency, Region 9
 Water Division
 75 Hawthorne Street
 San Francisco, CA 94105

Thomas Howard
 Thomas Howard
 Executive Director

Attachment 1: Modified MMRP for Amendment to the Feather River Fair Green Project Water Quality Certification
 Attachment 2: Additional Conditions of Approval for Amendment to the Feather River Fair Green Project Water Quality Certification

cc: Mr. Kevin Sheridan
 Senior Engineer
 City of Yuba City
 1201 Civic Center Boulevard
 Yuba City, CA 95993

Ms. Pamela O'Leary
 Executive Officer
 Central Valley Regional Water Quality Control Board
 11050 Sun Center Drive, Suite 300
 Rancho Cordova, CA 95670

AIR QUALITY

<p>Incorporate the following construction measures:</p> <ul style="list-style-type: none"> • apply soil stabilizers to inactive areas; • water exposed surfaces 2 times daily; • all earthmoving ceases when winds reach 20 mph; • material transported off site will be covered; • area disturbed by construction will be minimized; • reseed bare areas quickly and continuously; • stabilized roads as quickly as possible at the end of construction. • implement the FRAQMD Fugitive Dust Control Plan; • reduce oxides of nitrogen (NO_X) emissions from off-road diesel-powered; • equipment exhaust will not exceed FRAQMD Visible Emissions Limitations; • contractor is responsible for the viability of equipment; • idling time minimized to 10 minutes; • existing power sources will be used; • owner of equipment responsible to meet CARD or FRAQMD standards. 	<p>CEQA-triggered mitigation measure</p>	<p>Prior to and during construction</p>	<p>Contractor</p>	<p>Ch. 2: 7</p>
<p>The following measure is to be implemented during construction to minimize ozone precursor impacts on air quality: Implement the FRAQMD Fugitive Dust Control Plan. The proponent shall assemble a comprehensive inventory list of all heavy-duty off-road equipment that would be used an aggregate of 40 or more hours: <i>Reduce oxides of nitrogen (NO_X) emissions from off-road diesel-powered equipment;</i> Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions; contractor shall be responsible for ensuring all equipment is tuned and maintained prior to and for the duration of on-site operation; Idling time minimized to 10 minutes; and Existing power sources shall be used. Portable engines and portable engine-driven equipment used at the project work site,</p>				

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
<p>with the exception of on-road and off-road motor vehicles, may require CARB Portable Equipment Registration with the state or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with CARB or FRAQMD to determine registration and permitting requirements prior to equipment operation at the site</p>				
BIOLOGICAL RESOURCES				
TERRESTRIAL RESOURCES				
<p>Valley Elderberry Longhorn Beetle</p> <p>To ensure that any additional elderberry shrubs, besides those recorded during the 2009 surveys, are identified, a qualified biologist will perform an elderberry shrub survey before implementation of the project. The biologist will field stake the locations of elderberry shrubs and shrub clusters before construction begins.</p> <p>All surveys will be performed according the USFWS valley elderberry longhorn beetle compensation guidelines (U.S. Fish and Wildlife Service 1999). During the preconstruction and post-construction surveys, the following information will be recorded for each shrub or shrub cluster:</p> <ul style="list-style-type: none"> • the number of stems greater than 1 inch in diameter, • the number of stems less than 1 inch in diameter, • the approximate height and width of the elderberry shrub or shrub cluster; • the presence of valley elderberry longhorn beetle exit holes, and • the dominant vegetation that is associated with the elderberry shrub or shrub cluster. <p>To reduce potential impacts on elderberry shrubs and valley elderberry longhorn beetle (VELB), all elderberry shrub clusters within the riparian corridor in the vicinity of the proposed project, including the access road, will be surveyed by a qualified biologist and flagged to provide protection from construction activities.</p> <p>The City will also require that the construction contractor educate all contractors and workers at the site regarding the significance of the elderberry shrubs, the need to avoid damaging shrubs, and the possible penalties involved should the shrubs be affected.</p> <p>VELB mitigation also includes daily monitoring and weekly reporting during construction activities along the Feather River. As discussed under Environmental Commitment AQ-1, the City would also develop and implement a fugitive dust</p>	<p>CEQA-triggered mitigation measure</p>	<p>Prior to, during, and after construction</p>	<p>City</p>	<p>Ch 2:9 Ch 3:61</p>

ATTACHMENT 1 - MODIFIED MITIGATION, MONITORING, AND REPORTING PLAN (MMRP) FOR AMENDMENT TO THE FEATHER RIVER FISH SCREEN PROJECT WATER QUALITY CERTIFICATION

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
control plan and implement other best management practices (BMPs) and techniques to minimize dust in the construction area.				
<p>Raptors</p> <p>Surveys for bald eagle, Swainson’s hawk, and white-tailed kite nests will be conducted in all suitable nesting habitat within a 0.5-mile radius of the project area. Surveys for loggerhead shrike nests and tricolored blackbird colonies will be conducted in all suitable nesting habitat within 200 feet of the project area. These surveys will take place 1 week prior to the start of construction activities. Should any nesting sites for bald eagle, Swainson’s hawk, and white-tailed kite be found within a 0.5-mile radius or loggerhead shrike or tricolored blackbird nests/colonies be found within a 200-foot radius of the project area during the survey, DFG will be contacted regarding the appropriate actions to be taken (in accordance with DFG standards). Trees containing active nests (i.e., a nest currently in use) will be marked for avoidance until after the young birds have fully fledged. Open agricultural fields, grasslands, and alfalfa fields in adjacent areas identified as potential Swainson’s hawk foraging habitat should be avoided.</p>	CEQA-triggered mitigation measure	Prior to, during, after construction	City	Ch 2:9 Ch 3:65
<p>Black-Crowned Night-Heron</p> <p>Preconstruction surveys for black-crowned night-heron rookeries will be conducted at and adjacent to all locations to be disturbed by construction to ensure that this species is not nesting in these locations. Surveys will also be performed at all mitigation sites prior to implementation of the mitigation features. Preconstruction surveys will consist of surveying all potential nest sites within ¼ mile of proposed construction and mitigation sites. Surveys will be performed several times during the breeding season to avoid and minimize impacts on late-nesting birds.</p>	CEQA-triggered mitigation measure	Prior, and post construction	City	Ch 3:66
<p>Snowy Egret</p> <p>Preconstruction surveys for snowy egret rookeries will be conducted at and adjacent to all locations to be disturbed by construction to ensure that this species is not nesting in these locations.</p> <p>To the greatest extent practicable, major construction activities that will occur within ¼ mile of an active snowy egret rookery will be avoided during the breeding season. If practicable, construction activities that will result in the greatest disturbance to an active rookery will be deferred until after or as late in the breeding season as possible.</p> <p>Before the start of the nesting season, the City will remove suitable nest trees in locations where trees are scheduled for removal. Additionally, before February 15 of</p>	CEQA-triggered mitigation measure	Prior, and post construction	City	Ch 3:73

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
<p>each construction season, the City will remove all suitable nesting habitat areas where vegetation is scheduled to be cleared</p>	<p>CEQA-triggered mitigation measure</p>	<p>Prior, and post construction</p>		<p>Ch 3:94</p>
<p>Double-Crested Cormorant</p> <p>Preconstruction surveys for snowy egret rookeries will be conducted at and adjacent to all locations to be disturbed by construction to ensure that this species is not nesting in these locations. Preconstruction surveys will consist of surveying all potential nest sites within 0.25 mile of proposed construction features and mitigation sites.</p> <p>To the greatest extent practicable, major construction activities that will occur within ¼ mile of an active double-crested cormorant rookery will be avoided during the breeding season. If practicable, construction activities that will result in the greatest disturbance to an active rookery will be deferred until after or as late in the breeding season as possible.</p> <p>Before the start of the nesting season, the City will remove suitable nest trees in locations where trees are scheduled for removal. Additionally, before February 15 of each construction season, the City will remove all suitable nesting habitat areas where vegetation is scheduled to be cleared.</p>				
AQUATIC RESOURCES				
<p>Juvenile Fish</p> <p>The City’s plans for the proposed project include a fish screen that would be designed to meet DFG (2000) and NMFS (1996; 1997) requirements (e.g., 1.75 mm slot size and 03.33 fps approach velocity) to conform to salmonid fry criteria.</p>	<p>CEQA-triggered mitigation measure</p>	<p>Prior to, during, after construction</p>	<p>City</p>	<p>Ch 2:10</p>
<p>Construction-Period Limits</p> <p>With the exception of cofferdam removal in May or June 2013, in-channel construction, including riverbank and channel-bed construction below the OHWM, will be limited to the summer low-precipitation period (July 1 to October 31) to reduce the likelihood of adverse effects on fish spawning, rearing, and migration. Project construction in the channel will also be subject to the following constraints:</p> <p>Construction requiring stream dewatering, stream crossings, or work in the channel bed will not start before July 1. Upstream passage for fish will be provided through or around the construction site at all times. A cofferdam will be installed in the river to</p>	<p>Environmental Commitment</p>	<p>During construction</p>	<p>Contractor</p>	<p>Ch 2: 10</p>



Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
<p>divert streamflow around the construction area of the new fish screen. Limiting in-channel construction to the June 1 to October 31 period, excluding cofferdam removal in May or June 2013, will avoid the primary juvenile salmonid rearing and emigration period and the spawning and early rearing periods of other special-status species.</p> <p>Although restricting the construction period will not preclude effects, potential adverse effects will be minimized by implementing the proposed erosion-control measures and limiting a majority of in-water work during periods of lowest juvenile salmonid migration.</p>				
<p>Minimize Noise Impacts on Special-Status Fish Species</p> <p>Potential injury and mortality associated with pile driving will be avoided or minimized by implementing the following noise-reduction measures:</p> <p>Excluding cofferdam removal in May or June 2013, in-channel construction, including riverbank and channel-bed construction below the OHWM, will be limited to the summer low-flow period (July 1–October 31) to reduce the likelihood of adverse effects on juvenile salmonids;</p> <p>A cofferdam will be installed around the in-channel construction area, which will be dewatered before additional pile driving and/or construction activities. Once the outer sheet piling is completed, fish will not have access to the construction site, and underwater sounds produced by pile driving will be attenuated. The number and size of piles will be limited to the minimum necessary to meet the engineering and design requirements of the project;</p> <p>Vibratory hammers will be used whenever feasible; and</p> <p>The smallest pile driver and minimum force necessary will be used to complete the work.</p>	Environmental Commitment	During construction	Contractor	Ch 2, p10
<p>Avoid Stranding Impacts</p> <p>A qualified fish biologist shall be on site during the installation of cofferdams and during the cofferdam dewatering process to remove any trapped salmonids and other fish from the cofferdam. The fish will be relocated to suitable habitat upstream of the work area. Protocols for the capture, handling, and release of fish will be developed in cooperation with NMFS, DFG, and the City. Fish biologists will contact NMFS and DFG immediately if any steelhead, Chinook salmon, or green sturgeon are found dead or injured.</p>	Environmental Commitment	Prior to, during, after construction	Contractor	Ch 2, p11
<p>Performance of New Fish Screen</p> <p>The City shall evaluate the performance of the newly constructed fish screen to</p>	Environmental Commitment	Prior to construction	City	Ch 2, p11

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
<p>ensure that the fish screen and pumping plant are operated and maintained in accordance with acceptable fish screen performance criteria. The following steps shall be followed prior to full operation of the facility to ensure proper operation:</p> <p>A draft hydraulic plan will be submitted to NMFS before completion of the project. The plan shall outline in detail a proposed methodology for monitoring the performance of the fish screen to ensure the protection of juvenile salmonids, as outlined in the Guidelines for Developing Post-Construction Evaluation and Assessment Plans and Operations and Maintenance Plans (Guidelines);</p> <p>A draft operations and maintenance plan shall be developed and submitted to NMFS before operations of the pumping plant are initiated. The plan shall act as a manual for operating and maintaining the pumping plant and fish screen in accordance with the Guidelines;</p> <p>An operations and maintenance log shall be maintained by the City on a daily basis. The log shall be made available for inspection by NMFS personnel with 24 hours notice given to the City; and</p> <p>The City shall curtail diversion to the greatest extent possible when any portion of the fish screen structure is damaged or removed for maintenance or repair, which would allow unscreened fish to pass.</p>				
<p>Western Pond Turtle</p> <p>Preconstruction surveys will be conducted by a qualified biologist to determine the approximate population density of turtles in the construction areas. The City will install sheetpiles, coffer dams, or other measures to minimize sedimentation between the in-channel construction zones and adjacent waterways. This system will minimize the degradation of aquatic habitats outside the construction zone and inhibit the movement of turtles into the construction zone.</p> <p>The City will compensate for the unavoidable loss of up to 0.05 acre of riverine habitat by restoring or enhancing in-kind habitat. This compensation will restore or enhance in-kind habitat at a ratio of 2 acres for each acre affected.</p>	<p>CEQA-triggered mitigation measure</p>	<p>Prior to, during, after construction</p>	<p>City</p>	<p>Ch. 3: 76</p>
<p>Spring-Run Chinook Salmon</p> <p>The Central Valley spring-run Chinook salmon Evolutionarily Significant Unit (ESU) includes populations in the Sacramento River and its tributaries in California, including the Feather River, as well as the Feather River Hatchery spring-run Chinook program.</p> <p>To minimize the effects of SRA removal the City will restore habitat adjacent to the</p>	<p>CEQA-triggered mitigation measure</p>	<p>Prior to, during, after construction</p>	<p>City</p>	<p>Ch 3:45 Ch 7:3</p>

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
intake and/or will purchase the appropriate credits at an agency-approved mitigation bank.				
<p>Central Valley Steelhead</p> <p>Central Valley steelhead was listed as threatened under the federal Endangered Species Act (ESA) (63 FR 13347, March 19, 1998). This distinct population segment (DPS) consists of steelhead in the Sacramento and San Joaquin River basins in the Central Valley.</p> <p>To minimize the effects of SRA removal the City will restore habitat adjacent to the intake and/or will purchase the appropriate credits at an agency-approved mitigation bank.</p>	CEQA-triggered mitigation measure	Prior to, during, after construction	City	Ch 3:44 Ch 7:3
VEGETATION				
<p>Avoid and Minimize Disturbance of Valley Riverine Aquatic Habitat</p> <p>To the extent possible, the City will avoid and minimize impacts on the valley riverine aquatic habitat by minimizing the size of the in-water work areas, minimizing the removal or pruning of riparian vegetation, and by implementing the environmental commitments listed in Chapter 2.</p>	Environmental Commitment	Prior to, during, after construction	City	Ch 3:59
<p>Compensate for loss of Valley Riverine Aquatic Habitat</p> <p>The City will compensate for the permanent loss of up to 0.05 acre of valley riverine aquatic habitat caused by construction of the project at a ratio of 2 acres for each acre affected, for a total of up to 0.1 acres. The City will purchase the valley riverine aquatic habitat as mitigation credits from an approved mitigation bank in the project vicinity or compensate on site.</p>	CEQA-triggered mitigation measure	After construction	City	Ch 3:59
<p>Avoid and minimize disturbance of riparian habitat</p> <p>The following measures in the project construction conditions to minimize indirect impacts on riparian habitat and on special-status plants that may occur in this community.</p> <ul style="list-style-type: none"> The City will provide a biologist/environmental monitor. The biologist/environmental monitor will determine the location of environmentally sensitive areas in and adjacent to the project area. The biologist/environmental monitor will ensure the avoidance of all sensitive habitat areas during construction operations. The City will provide a worker environmental training program for all 	Environmental Commitment	Prior to, during and after construction	City	Ch 3:60

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
<p>construction personnel prior to the start of construction activities.</p> <ul style="list-style-type: none"> • Where feasible, construction will avoid removal of woody vegetation. • Following construction, the construction contractor will remove all trash and construction debris and implement a revegetation plan for temporarily disturbed vegetation in the construction zones. 				
<p>Compensate for temporary and permanent loss of riparian habitats</p> <p>The City will compensate for the permanent loss of up to 0.05 acre of riparian habitat associated with LLPS construction. The City will purchase the valley foothill riparian habitat as mitigation credits from an approved mitigation bank in the project vicinity or restore or enhance in-kind riparian habitat at a ratio of 2 acres for each acre affected. Revegetation will be planned and implemented prior to the removal of existing riparian vegetation.</p>	CEQA-triggered mitigation measure	Post construction	City	Ch 3:61
<p>Compensate for temporary and permanent loss of riparian habitats</p> <p>The City will compensate for the permanent loss of up to 0.05 acre of riparian habitat associated with LLPS construction. The City will purchase the valley foothill riparian habitat as mitigation credits from an approved mitigation bank in the project vicinity or restore or enhance in-kind riparian habitat at a ratio of 2 acres for each acre affected. Revegetation will be planned and implemented prior to the removal of existing riparian vegetation.</p>	CEQA-triggered mitigation measure	Post construction	City	Ch 3:61
<p>Impacts to upland cropland</p> <p>The City will design and construct the project to minimize impacts to upland cropland, and will provide monetary compensation to the land owner which may be used to restore upland cropland.</p>	Environmental Commitment		City	Ch 3:61
CULTURAL RESOURCES				
<p>If any previously unknown cultural resources are encountered during construction, necessary discovery measures will include (1) shutting down construction activities in the immediate area of a find; (2) notifying the Yuba City Cultural Resources Manager and the lead federal agency; (3) continuing work cessation for a reasonable period of time to allow professional evaluation of finds, as determined by and in consultation with the State Historic Preservation Officer; and (4) providing time and funding for professional recovery and analysis of significant archaeological and historical finds (36 Code of Federal Regulations [CFR] 800.11).</p> <p>If any prehistoric sites are discovered during construction or during further inventory</p>	CEQA-triggered mitigation measure	During construction	Contractor	Ch 2, p11

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
<p>efforts, the Native American Heritage Commission will be consulted prior to any archeological testing of such sites. Discoveries of human remains and associated artifacts during construction will be handled according to the provisions of the California Health and Safety Code, Section 7052, and the California Public Resources Code, Section 5097.99 (i.e., construction activities would cease until the Sutter County coroner is notified, and if remains are Native American, the Native American Heritage Commission would also be notified so that the most likely descendants of the remains might be identified). It should be emphasized that California statutes apply to any human remains, regardless of whether the archaeological site is severely disturbed.</p>				
TRANSPORTATION/TRAFFIC				
<p>Traffic Control Plan</p> <p>The City will develop and implement a traffic control plan to reduce construction-related effects on the local roadway system and avoid hazardous traffic and circulation patterns during the construction period. The traffic control plan will include an emergency access plan. All construction activities will follow the standard construction specifications and procedures of the appropriate jurisdictions.</p> <p>The traffic control plan will include, but not be limited to, the following actions:</p> <ul style="list-style-type: none"> • Coordinating on construction hours of operation; • Following guidelines for road closures caused by construction activities; • installing traffic control devices; • Notifying the public of temporary road, bike lane and recreational trail closures; • Providing access to driveways and private; • Monitoring road and bike lane damage; and • develop an emergency access plan for emergency vehicle access into and adjacent to the construction zone 	Environmental Commitment	Prior to construction	City	Ch 2, p12
WATER QUALITY				
<p>Stormwater Pollution Prevention Plan</p> <p>To address potential water quality impacts during construction, the City or its contractor will prepare a stormwater pollution and prevention plan (SWPPP) acceptable to the Regional Water Quality Control Board (RWQCB). The construction contractor hired by the City will be responsible for implementing the BMPs identified in the plan as well as daily monitoring and weekly reporting on the</p>		Prior to construction	City	Ch 2, p13



Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
<p>effectiveness of the measures. To minimize the mobilization of sediment to adjacent water bodies, the following BMPs will be included in the SWPPP, which will be included in the construction specifications and the project performance specifications based on standard City measures and standard dust-reduction measures:</p> <p>Final selection of BMPs will be subject to review by the City. The City will verify that a notice of intent (NOI) and a SWPPP have been filed before allowing construction to begin. The City or its agent shall perform routine inspections of the construction area to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City will notify contractors immediately if there is a noncompliance issue and will require compliance.</p>				
<p>Obtain Dewatering Permit</p> <p>Dewatering of the project area in the Feather River will likely require a General Dewatering Permit issued by the RWQCB. The RWQCB has also adopted a General Order for Dewatering and Other Low-Threat Discharges to Surface Waters (General Dewatering Permit). To obtain coverage, the City will submit an NOI and a pollution prevention and monitoring program (PPMP). The PPMP must include a description of the discharge location, discharge characteristics, primary pollutants, receiving water, treatment systems, spill prevention plans, and other measures necessary to comply with discharge limits. A representative sampling and analysis program will be prepared as part of the PPMP and implemented by the applicant, along with record keeping and quarterly reporting requirements during dewatering activities.</p>	Environmental Commitment	Prior to construction	City	Ch 2, p13
HAZARDOUS MATERIALS				
<p>A written description of reportable releases must be submitted to the Central Valley RWQCB. This submittal must contain a description of the release, including the type of material and an estimate of the amount spilled; the date of the release; an explanation of why the spill occurred; and a description of the steps taken to prevent and control future releases. The releases shall be documented on a spill report form.</p> <p>If an appreciable spill has occurred and results determine that project activities have adversely affected surface water or groundwater quality, a detailed analysis shall be performed to identify the likely cause of contamination, and recommendations shall be made for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the City and its contractors will select and implement measures to control contamination, with a performance standard that surface water</p>	Environmental Commitment	Prior to, during, after construction	Unknown	Ch 2, p14

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
<p>and/or groundwater quality must be returned to baseline conditions. These measures will be subject to approval by the City.</p> <p>Implementation of measures to avoid or minimize the effects of increased sediment input will also avoid and minimize increased input of pollutants associated with sediments (e.g., mercury) and the potential for subsequent effects on biological and human resources.</p>				
<p>Spill Prevention, Control, and Countermeasure Plan</p> <p>The City will minimize the potential for a hazardous materials release into the proposed project area by preparing or requiring the construction contractor to prepare a Spill Prevention, Control, and Countermeasures Plan (SPCCP) prior to the start of construction. The SPCCP will require approval from the State Water Board prior to implementation of the proposed project and require trained staff who are familiar with implementation of the plan requirements in case of a spill. With the implementation of the plan, the City will anticipate a less-than-significant impact from the accidental release of hazardous materials. Additionally, the SPCCP will require gas-powered generators a minimum of 100 feet from water sources to minimize the potential for spills into the Feather River. The SPCCP will be completed before any construction activities begin, and the City will review and approve the SPCCP before the onset of construction activities. The City will routinely inspect the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained. The City will notify its contractors immediately if there is a noncompliance issue and will require compliance.</p> <p>The federal reportable spill quantity for petroleum products, as defined in 40 CFR 110, is any oil spill that</p> <ul style="list-style-type: none"> • violates applicable water quality standards; • causes a film or sheen on, or discoloration of, the water surface or adjoining shoreline; or • causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines. <p>If a spill is reportable, the contractor’s superintendent will notify the City, and the City will take action to contact the appropriate safety and cleanup crews to ensure that the SPCCP is followed.</p>	<p>Environmental Commitment</p>			

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
ENVIRONMENTAL TRAINING				
<p>Environmental Training Program for Project Personnel</p> <p>The City will inform field management and construction personnel of the need to avoid and protect resources. Communication efforts will occur at preconstruction meetings so that construction personnel are aware of their responsibilities and the importance of compliance.</p> <p>Construction personnel will be educated on the types of sensitive resources located in the project area and the measures required to avoid impacts on these resources. They will attend an environmental training program before groundbreaking activities associated with the proposed project are initiated. Materials covered in the training program will include environmental rules and regulations for the proposed project and requirements for limiting activities to the construction right-of-way/footprint and avoiding demarcated sensitive resources areas.</p> <p>Training seminars will be held to educate construction supervisors and managers on</p> <ul style="list-style-type: none"> • the need for resource avoidance and protection, • construction drawing format and interpretation, • staking methods to protect resources, • the construction process, • roles and responsibilities, • project management structure and contacts, • environmental commitments, and • emergency procedures. 	Environmental Commitment	Prior to construction	City	Ch 2, p15
<p>Traffic Control Plan</p> <p>See Traffic Control Plan above.</p>		Prior to construction	City	Ch 2, p12
GEOLOGY				
<p>Erosion and sediment control plan</p> <p>The City would prepare and implement an erosion and sediment control plan as part of a SWPPP to address erosion, stormwater runoff, sediment, and other construction-related pollutants during project construction and until all areas disturbed during construction have been permanently stabilized. The specific BMPs that would be incorporated into the erosion and sediment control plan and SWPPP would be determined during the final design phase and would be prepared in accordance with</p>	Environmental commitment	Prior to, during, after construction	City	Ch. 3: 30



Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
the RWQCB Field Manual.				
VEGETATION				
<p><i>Avoid and Minimize Disturbance of Valley Riverine Aquatic Habitat</i></p> <p>To the extent possible, the City will avoid and minimize impacts on the valley riverine aquatic habitat by minimizing the size of the in-water work areas, minimizing the removal or pruning of riparian vegetation, and by implementing the environmental commitments listed in Chapter 2.</p>	Environmental Commitment	Prior to, during, after construction	City	Ch. 3: 59
<p>Compensate for loss of Valley Riverine Aquatic Habitat</p> <p>The City will compensate for the permanent loss of up to 0.05 acre of valley riverine aquatic habitat caused by construction of the project at a ratio of 2 acres for each acre affected, for a total of up to 0.1 acres. The City will purchase the valley riverine aquatic habitat as mitigation credits from an approved mitigation bank in the project vicinity or compensate on site.</p>	CEQA-triggered mitigation measure	After construction	City	Ch. 3: 59
<p>Avoid and minimize disturbance of riparian habitat</p> <p>The following measures in the project construction conditions to minimize indirect impacts on riparian habitat and on special-status plants that may occur in this community.</p> <ul style="list-style-type: none"> • The City will provide a biologist/environmental monitor. • The biologist/environmental monitor will determine the location of environmentally sensitive areas in and adjacent to the project area. • The biologist/environmental monitor will ensure the avoidance of all sensitive habitat areas during construction operations. • The City will provide a worker environmental training program for all construction personnel prior to the start of construction activities. • Where feasible, construction will avoid removal of woody vegetation. • Following construction, the construction contractor will remove all trash and construction debris and implement a revegetation plan for temporarily disturbed vegetation in the construction zones. 	CEQA-triggered mitigation measure	Prior to, after, during construction	City	Ch. 3: 60
<p>Compensate for temporary and permanent loss of riparian habitats</p> <p>The City will compensate for the permanent loss of up to 0.05 acre of riparian habitat associated with LLPS construction. The City will purchase the valley foothill</p>	CEQA-triggered mitigation measure	Post construction	City	Ch. 3: 61

ATTACHMENT 1 - MODIFIED MITIGATION, MONITORING, AND REPORTING PLAN (MMRP) FOR AMENDMENT TO THE FEATHER RIVER FISH SCREEN PROJECT WATER QUALITY CERTIFICATION

Description of Measure	Type of Action	Implementation Schedule	Party Responsible for Implementation/Verification	Location
riparian habitat as mitigation credits from an approved mitigation bank in the project vicinity or restore or enhance in-kind riparian habitat at a ratio of 2 acres for each acre affected. Revegetation will be planned and implemented prior to the removal of existing riparian vegetation.				
<p>Impacts to upland cropland</p> <p>The City will design and construct the project to minimize impacts to upland cropland according to Environmental Commitment BIO-1 and will provide monetary compensation to the land owner which may be used to restore upland cropland.</p>	Environmental Commitment		City	Ch. 3: 61



Measures the City of Yuba City identified as necessary to mitigate the impacts to water resources are marked with an arrow.

**ADDITIONAL CONDITIONS OF APPROVAL FOR AMENDMENT TO
THE FEATHER RIVER FISH SCREEN PROJECT WATER QUALITY CERTIFICATION**

As stated in the associated letter, the State Water Resources Control Board (State Water Board) approves the amendment to the water quality certification (certification) for the Feather River Fish Screen Project (Fish Screen Project) with the following additional conditions outlined below.

1. The City of Yuba City (City) must comply with the conditions set forth in the Fish Screen Project certification issued April 17, 2012. In addition the City must comply with the measures set forth in the modified Mitigation, Monitoring, and Reporting Plan (MMRP) incorporated into this certification amendment as Attachment 1.
2. The City is required to provide one week notice to Division of Water Rights staff prior to the removal of any cofferdam sheet piles.
3. The City must monitor surface water by taking samples or conducting visible inspections as follows:

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	Nephelometric Turbidity Unit	Grab	Every 4 hours during in water work
Settleable Material	Milliliter/Liter	Grab	Every 4 hours during in water work
Visible construction related pollutants	Observations	Visible Inspections	Continuous throughout the construction period

These additional surface water monitoring requirements are reasonably necessary to prevent impacts to water quality standards from construction activities permitted by the amendment and are required when the following activities occur at the Fish Screen Project site:

- A) In-water or in-cofferdam work; or
- B) Activities that are reasonably likely to cause any materials to reach surface waters or create a visible plume in surface waters.

The additional surface water monitoring shall be conducted immediately upstream and out of the influence of the Fish Screen Project and 100 feet downstream of the active work area. The City shall submit sample results to the State Water Board on a weekly basis.

Further, the City shall visibly inspect the cofferdam perimeter piping at the start and end of each construction day. Additionally, site personnel shall perform visual inspections of the cofferdam perimeter piping throughout the day and immediately notify the on-site construction lead in the event of a possible leak.

Notice of Determination

Appendix D

To:

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

County Clerk
 County of: _____
 Address: _____

From:

Public Agency: State Water Resources Control Board
 Address: Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000
 Contact: Michael Maher
 Phone: (916) 341-5408

Lead Agency (if different from above):
City of Yuba City
 Address: 1201 Civic Center Boulevard
Yuba City, CA 95993
 Contact: Kevin Bradford
 Phone: (530) 822-4786

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

State Clearinghouse Number (if submitted to State Clearinghouse): 2009112013

Project Title: Yuba City Feather River Fish Screen Work Period Amendment Project

Project Applicant: City of Yuba City

Project Location (include county): Yuba City, Sutter County, Feather River, 1.25 miles north of the 10th St. Bridge

Project Description:

The original water quality certification for the Feather River Fish Screen Project has been revised to include a change to the Mitigated Negative Declaration and the associated aquatic resource measures in the Mitigation, Monitoring, and Reporting Plan to allow for the early removal of the Project cofferdam in May and June 2013. The State Water Resources Control Board issued water quality certification in accordance with Section 401 of the Clean Water Act.

This is to advise that the State Water Resources Control Board has approved the above
(Lead Agency or Responsible Agency)

described project on 6-11-2013 and has made the following determinations regarding the above
(date)
described project.

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

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
302 Burns Drive, Yuba City, CA 95991

Signature (Public Agency): Thomas Howard Title: Executive Director

Date: 6/11/13 Date Received for filing at OPP: _____

RECEIVED

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

JUN 12 2013 revised 2011

STATE CLEARING HOUSE