RESOLUTION NO. 2021-27

OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

CERTIFY THE ADEQUACY OF AND ADOPTING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING STATEMENT OF FINDINGS, APPROVING THE PROJECT AND MITIGATION MONITORING AND REPORTING PROGRAM – HEMPHILL DIVERSION STRUCTURE PROJECT

WHEREAS, Nevada Irrigation District ("District") has undertaken the review of a project to eliminate the impediment to the passage of migrating anadromous fish species that spawn in Auburn Ravine upstream of the Hemphill Diversion Structure while still maintaining water deliveries to customers currently served by Hemphill Canal (the "Project"); and

WHEREAS, the California Environmental Quality Act of 1970 ("CEQA") requires state, local, and other agencies to evaluate or reduce, when feasible, the significant environmental impacts of their respective projects; and

WHEREAS, the District's staff has prepared an Initial Study and Final Environmental Impact Report (Final EIR) for the proposed Project in accordance with the requirements of CEQA; and

WHEREAS, on September 3, 2020, a Notice of Preparation of the Draft EIR was filed with The Office of Planning and Research, trustee and responsible agencies, and nearby property owners of the availability of the Initial Study, intent to prepare an EIR, and upcoming scoping meeting to solicit input. Notification of the public meeting was published in The Auburn Journal, The Lincoln Messenger, and The Union newspaper, advising of the time and place of the public meeting; and

WHEREAS, on September 21, 2020, the District held a public scoping meeting. During this meeting, the public was presented an overview of the Project, including the purpose and need of the project, description of the Project and current Project alternatives; and

WHEREAS, a Notice of Availability for public review was issued notifying responsible agencies, trustee agencies, and other interested parties of the availability of the Draft EIR, (State Clearinghouse # 2020090032). The Draft EIR was available for public review from April 1, 2021, through May 17, 2021. The District received six comment letters; and

WHEREAS, at the close of the public comment period for the Draft EIR, the District responded to written comments that were received and incorporated changes as appropriate into the Draft EIR; and

WHEREAS, a Final EIR was prepared and made available on the District's website. Notification of the Final EIR availability and public hearing date, time, and location was sent to the commenting parties, nearby property owners, responsible agencies, trustee agencies, and interested parties; and

WHEREAS, in accordance with CEQA and the CEQA guidelines, responses to the comments of public agencies were provided not less than 10 days prior to the date set for the Board's certification of the Final EIR; and

WHEREAS, the Final EIR responds to all substantive written comments received as required by CEQA and includes revisions made to the Draft EIR. The Final EIR identifies significant environmental impacts of the Project, identifies feasible mitigation measures to reduce most of the impact to less than significant level, and identifies some impact which cannot be mitigated to less than significant level; and

WHEREAS, the Board of Directors has considered the record of these proceedings, including the Final EIR, and following a public hearing on the certification of adequacy of the Final EIR for the Project, the Board of Directors of the Nevada Irrigation District approved the adoption of the proposed Final EIR for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Nevada Irrigation District that it does find as follows:

1. The above recitals are true and correct.

2. The Final EIR has been completed in compliance with CEQA.

3. The Final EIR was presented to the Board of Directors and reflects the District's Board of Directors' independent judgment and analysis. The Board of Directors reviewed and considered the information contained within and documents making up the record of proceedings and the information contained.

4. The Board of Directors adopts the Statement of Findings attached hereto as Exhibit A.

5. The Board of Directors approves Alternative 2 described in the Final EIR as the "Project".

6. Mitigation measures are made a condition for approval of the Project, and the Board hereby adopts the mitigation measures which it has either required in the Project or made a condition of approval to mitigate or avoid significant environmental impacts.

7. The documents which constitute the record of proceedings upon which the decision of the Board is based are located at the offices of Nevada Irrigation District, 1036 West Main Street, Grass Valley, California, and the Secretary to the Board is the custodian thereof.

8. The Final EIR is hereby certified as complete and adopted by the Board of Directors.

9. The Board of Directors hereby approves the Project.

10. The Board Secretary and Staff are hereby authorized to prepare and file a Notice of Determination for the approved Project with the Office of the County Clerk, Placer County, and State Clearinghouse.

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 28th day of July 2021, by the following vote:

AYES: Directors: Heck, Hull, Johansen, Peters, Bierwagen
NOES: Directors: None
ABSENT: Directors: None
ABSTAINS: Directors: None

Chris Bierwagen
President of the Board of Directors

Attest:

Kris Stepanian
Secretary to the Board of Directors

EXHIBIT "A"

FINDINGS OF FACT

HEMPHILL DIVERSION STRUCTURE PROJECT

State Clearinghouse Number
2020090032

Lead Agency:

Nevada Irrigation District

July 2021

Findings of Fact

Hemphill Diversion Structure Project

SCH#2020090032

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List of Acronyms and Abbreviations

BMP	Best Management Practices
CCV	California Central Valley
CDFW	California Department of Fish & Wildlife
CEQA	California Environmental Quality Act
DPS	Distinct Population Segment
EFH	Essential Fish Habitat
EIR	Environmental Impact Report
ESA	Environmentally Sensitive Areas
GHG	Greenhouse Gas

IS	Initial Study
MMRP	Mitigation Monitoring and Reporting Plan
NID	Nevada Irrigation District
NOA	Notice of Availability
NOP	Notice of Preparation (of an EIR)
PCCP	Placer County Conservation Program
PRC	Public Resources Code
RWQCB	Regional Water Quality Control Board
SCH	State Clearinghouse
SWPPP	Storm Water Pollution Prevention Plan
VELB	Valley Elderberry Longhorn Beetle
USFWS	United States Fish & Wildlife Service
HCP	Habitat Conservation Plan
NCCP	Natural Community Conservation Plan
TAC	Toxic Air Contaminant
MBTA	Migratory Bird Treaty Act
NMFS	National Marine Fisheries Service
USACE	U.S. Army Corps of Engineers
UAIC	United Auburn Indian Community
NHC	Northwest Hydrologic Consultants

Proposed Project or Project – Hemphill Diversion Structure Project

INTRODUCTION:

State CEQA Guidelines Section 15091(a) provides that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified, which identifies one or more significant environmental effects of the Project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. These findings explain the disposition of each of the significant effects, including those that will be less than significant with mitigation, and the reasons why the project alternatives are infeasible. The findings must be supported by substantial evidence in the record.

For purposes of Section 15091, the documents and other materials that constitute the record of proceedings upon which the Nevada Irrigation District (NID) Board of Directors based its decision are held by NID at its business office at 1036 West Main Street, Grass Valley, California 95945.

There are three possible findings under Section 15091(a). The public agency must make one or more of these findings for each significant effect. The third finding must be made when rejecting any of the alternatives analyzed in the EIR.

The Section 15091(a) findings are:

1) Changes or alterations have been required in or incorporated into the Project, which avoids or substantially lessens the significant environmental effect as identified in the Final EIR.

2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can, and should be adopted by such other agency.

3) Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

PROJECT DESCRIPTION:

The Hemphill Diversion Structure is located within Auburn Ravine (Ravine) east of the City of Lincoln, in Placer County.

The existing structure diverts water from Auburn Ravine into the Hemphill Canal located south of the Ravine for delivery to NID's raw-water customers during irrigation season (mid-April through mid-October). This requires the seasonal installation of three-foot flashboards on top of the diversion structure in order to facilitate flow into the Hemphill Canal, located just upstream of the diversion structure along the south bank of Auburn Ravine.

Hemphill Diversion has historically presented an impediment to the passage of migrating anadromous fish species that spawn in Auburn Ravine upstream of the diversion.

To eliminate the impediment and maintain service to existing customers, NID completed an environmental review of potential alternatives for the Hemphill Diversion Structure Project (Project):

Alternative 1 - Riverbank Infiltration Gallery Alternative: Includes the removal of the diversion structure, site stabilization, and construction of a subterranean riverbank infiltration structure and pipeline connection to Hemphill Canal.

Alternative 2 - Fish Passage Alternative: Includes the removal of the diversion structure, site stabilization, construction of a nature-like roughen rock ramp instream fish passage, installation of a fish screen, and improvements to a portion of the Hemphill Canal.

Alternative 3 - Pipeline Alternative: Includes the removal of the diversion structure, site stabilization, and installation of the majority of the pipeline within roadway right-of-way (ROW) from the NID Placer Yard facility to the Hemphill Canal near the existing diversion structure.

A detailed description of each alternative is provided in the Draft EIR Section 2.4 and is hereby incorporated by reference.

PROJECT OBJECTIVES:

The Project objectives are as follows:

1) Provide for passage for anadromous fish at Hemphill Diversion Structure through elimination or modification of the existing structure.

2) Provide for a project that limits operational and maintenance activities within Auburn Ravine.

3) Maintain NID's water rights (pre- and post-1914) within Auburn Ravine.

4) Continue to provide raw water deliveries via the Hemphill Canal.

5) Minimize or eliminate fish passage into Hemphill Canal.

6) Provide for a project that reduces the risk of further upstream erosion.

7) Provide a project that is economically feasible to implement, operate, and maintain.

PROCEDURAL FINDINGS:

NID prepared a Notice of Preparation (NOP) of an EIR and Initial Study (IS) for the Project that was distributed to responsible agencies and the public for a 30-day comment period, beginning on September 3, 2020, and concluding on October 5, 2020. Along with the NOP, the Hemphill Diversion Structure Project Initial Study (State Clearinghouse [SCH] # 2020090032) was circulated by NID for the 30-day scoping period. The NOP was sent to the State Clearinghouse, responsible agencies, interested parties and organizations, and property owners and individuals that could have an interest in the Project. The NOP and IS were available on the Project website at www.nidwater.com. The availability of the NOP and the scoping meeting was advertised in The Lincoln Messenger, The Auburn Journal, and The Union. The NOP was also posted at Placer County.

On September 21, 2020, NID held an online scoping meeting from 4:00 P.M. to 6:00 P.M. in order to allow early public/agency input and comments about the Project, Initial Study, and future environmental review. The scoping meeting was attended by 28 members of the public and agencies, as well as NID staff and their environmental consultant, ECORP Consulting, Inc. A list of scoping meeting verbal comments and responses was included in the Draft EIR.

NID completed and distributed a Draft EIR for a 45-day review and comment period on April 1, 2021. The review and comment period ended on May 17, 2021. The Draft EIR was sent to the State Clearinghouse (SCH), and the Notice of Availability (NOA) was sent to responsible agencies and all interested parties. The availability of the Draft EIR was advertised in The Lincoln News Messenger, The Auburn Journal, and The Union. The NOA was also posted at Placer County. The Draft EIR was made available for review on the project website at www.nidwater.com.

The Final EIR contains responses to the comments that were received, including a summary of each comment and the complete comment letter. Based on the comments received, edits were made to the Draft EIR as set forth in Section 3 of the Final EIR. Responses to agency comments were provided to each commenting agency by July 13, 2021.

RECORD OF PROCEEDINGS:

In accordance with CEQA Public Resources Code (PRC) Section 21167.6(e), the record of proceedings for NID's decision on the proposed Hemphill Diversion Structure Project includes, without limitation, the following documents:

- The NOP and all other public notices issued by NID in conjunction with the scoping period for the Project;
- All comments submitted by agencies and members of the public during the scoping comment period on the NOP;
- The Draft EIR for the Project and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- Responses to agency comments on the Draft EIR provided to each commenting agency;
- The Final EIR for the Project, including comments received on the Draft EIR, and responses to those comments and appendices;
- Documents cited or referenced in the Draft and Final EIRs;
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project (Attachment A to these Findings);
- All findings and resolutions adopted by NID in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by NID, consultants to NID, or responsible or trustee agencies with respect to the NID's compliance with the requirements of CEQA and with respect to the NID's action on the Project;
- All documents submitted to NID by other public agencies or members of the public in connection with the Project, up through final consideration of project approval;
- Any minutes and/or verbatim transcripts of all public meetings held by NID in connection with the Project;

- Any documentary or other evidence submitted to NID at such public meetings;
- Any other materials required for the record of proceedings by PRC Section 21167.6, subdivision (e).

The documents constituting the record of proceedings are available for public review at:

Nevada Irrigation District
1036 W. Main Street
Grass Valley, CA 95945

FINDINGS REQUIRED UNDER CEQA:

An Initial Study was completed for the Proposed Project. As a result of the Initial Study analysis, NID determined that an EIR-level of analysis was required for specific impact areas. Those areas include air quality, biological resources, cultural resources, geology and soils (paleontological resources), greenhouse gas and climate change, hydrology and water quality, noise, tribal resources, and utilities (water supply).

Below are NID's findings with respect to the environmental impacts of the project pursuant to the requirements of PRC Section 21081, and CEQA Guidelines Sections 15091 and 15097. The Final EIR – consisting of the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR -- are hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project.

The EIR evaluates three project alternatives at an equal level of analysis. Implementation of the measures will be undertaken directly by NID, or will be made a specification of the contracts to be entered into for engineering, construction, and other services related to completing the proposed project. Where implementation is NID's responsibility, it will be completed under the direction of NID staff, with oversight from the Board of Directors. Where the measure will be implemented by a contractor, NID's project engineer, and construction inspectors will ensure that the contractor implements the applicable mitigation measures.

Less Than Significant Impacts and Areas of No Impact

This finding applies to the following impacts evaluated in the Final EIR and determined to result in "no impact," or determined to be "less than significant."

Air Quality 3.2

- Impact 3.2.1: The proposed Project could conflict with or obstruct implementation of an applicable air quality plan (No Impact)
- Impact 3.2.2: Implementation of the proposed Project could result in a cumulatively considerable net increase of a criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors) (Less Than Significant)

- Impact 3.2.3: Implementation of the proposed Project could expose sensitive receptors to substantial pollutant concentrations (i.e., carbon monoxide hot spots or TACs) (Less than Significant)
- Impact 3.2.4: Implementation of the Proposed Project could result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (No Impact)
- Impact 3.2.5: Cumulative Air Quality Impacts (Less than Considerable Contribution to Cumulative Impact)

Biological Resources

- Impact 3.3-4: The Project could affect wildlife movement and/or migration (Less than Significant for Alternatives 1 and 2)
- Impact 3.3-6**:** The Project could conflict with HCPs, NCCPs, or other conservation plans (Less than Significant)

Cultural Resources

- Impact 3.4.4: Cumulative Impacts to Cultural Resources (Less than Considerable Contribution to Cumulative Impact)

Energy Consumption

- Impact 3.5.1: Implementation of the proposed Project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (Less than Significant)
- Impact 3.5.2: Implementation of the proposed Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (No Impact)
- Impact 3.5.3: Cumulative Energy Impacts (Less than Considerable Contribution to Cumulative Impact)

Geology, Soils, and Paleontology

- Impact 3.6.1: The proposed project could result in soil erosion or the loss of top soil (Less than Significant)
- Impact 3.6.3: Cumulative Geology, Soils and Paleontological Resources Impacts (Less than Considerable Contribution to Cumulative Impact)

Greenhouse Gas (GHG) Emissions

- Impact 3.7.1: Implementation of the proposed Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment (Less than Significant)
- Impact 3.7.2: Implementation of the proposed Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (No Impact)
- Impact 3.7-3: Cumulative Greenhouse Gas Emissions Impacts (Less than Considerable Contribution to Cumulative Impact)

Hydrology and Water Quality

- Impact 3.8-1: The proposed Project could adversely affect water quality during construction by increasing the concentration of pollutants in surface runoff from the Project site (Less than Significant)
- Impact 3.8-3: Implementation of Alternative 3 would divert existing and future stream flow in Auburn Ravine at the Gold Hill diversion for delivery at Hemphill Canal and could reduce groundwater recharge along the reach of Auburn Ravine between Gold Hill and the Hemphill Canal diversion sites (Less than Significant)
- Impact 3.8-4: Stream channel downcutting due to the Project could affect groundwater well production upstream of the Hemphill Diversion site (Less than Significant)
- Impact 3.8-5: Cumulative Hydrology and Water Resources (Less than Considerable Contribution to Cumulative Impact)

Noise

- Impact 3.9.2: Implementation of the Proposed Project could generate excessive groundborne vibration or groundborne noise levels. (Less than Significant)
- Impact 3.9.3: Cumulative Noise Impacts (Less than Considerable Contribution to Cumulative Impact)

Tribal Resources

- Impact 3.8.2: Cumulative Impacts to Tribal Cultural Resources (Less than Considerable Contribution to Cumulative Impact)

Significant or Potentially Significant Impacts Mitigated to Less-Than-Significant Level

The following significant and potentially significant environmental impacts of the project are being mitigated to a less-than-significant level and are set out below. Pursuant to PRC Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), as to each impact, NID, based on the evidence in the record before it, and exercising its independent judgment, finds that changes or alterations incorporated into the project by means of conditions or otherwise, mitigate, avoid, or substantially lessen to a level of insignificance these significant and potentially significant environmental impacts of the project. The basis for the finding for each impact is set forth below.

When making the findings required in subdivision (1), the agency shall also adopt a program for reporting on or monitoring the changes required in the project to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

Impact 3.3-1: Project Construction Activities Could Adversely Affect, Either Directly or Through Habitat Modifications, Species Identified as a Candidate, Sensitive, or Special-Status Wildlife Species in Local or Regional Plans, Policies or Regulations, or by the California Department of Fish and Wildlife or U.S. Fish And Wildlife Service. (Alternative 1 and 2 discussion)

Finding:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure BIO-1* would protect water quality and minimize sedimentation runoff in wetlands and non-wetland waters, by complying with all construction site Best Management Practices (BPM) specified in the Storm Water Pollution Prevention Plan (SWPPP) (if required), and any other permit conditions, to minimize introduction of construction related contaminants and mobilization of sediments into wetlands and non-wet-land waters in, and adjacent to the Project Area. The Project may require a Section 404 Permit from the US Army Corps of Engineers, a Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board (RWQCB), and/or Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW), which will contain BMPs and water quality measures to ensure the protection of water quality. These permit conditions and BMPs shall also be implemented.

Implementation of *Mitigation Measure BIO-2* would install fencing and/or flagging to protect sensitive biological resources to exclude and prohibit construction activities within the fenced or flagged area. This work would be conducted prior to construction along the perimeter of the work area where adjacent to Environmentally Sensitive Areas (ESAs) (e.g., adjacent riparian areas and any special-status species habitat, and/or active bird nests that may be identified during per-construction surveys). The final construction plans will show the locations where fencing will be installed. The plans also will define the fencing installation procedure. The fencing will be maintained throughout the duration of the construction period. If the fencing is removed, damaged, or otherwise compromised during the construction period, construction activities will cease until the fencing is repaired or replaced. The project's special provisions package will provide clear language regarding acceptable fencing material and prohibited construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within ESAs. All temporary fencing will be removed upon completion of construction.

Implementation of *Mitigation Measure BIO-3* would provide mandatory environmental awareness training for all construction personnel provided by a qualified biologist familiar with the resources in the area, that would occur prior to any construction activity within the project limits, including equipment staging, grading, and tree and/or vegetation removal. The environmental awareness training will brief contractors and subcontractors on the need to avoid effects on sensitive biological resources adjacent to construction areas and the penalties for non-compliance with applicable state and federal laws and permit requirements. The biologist will inform all construction personnel about the life history and habitat requirements of special-status species with potential for occurrence onsite, the importance of maintaining habitat, and the terms and conditions of any permit, Biological Opinion, or other authorizing document (e.g. letter of concurrence) that may be prepared for the project. The environmental training will also cover general restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive biological resources during project construction.

Implementation of *Mitigation Measure BIO-4* would require a qualified biologist to conduct preconstruction surveys for western spadefoot in areas of potential habitat that would be impacted by the Project. The surveys shall be conducted at the appropriate time of year to detect western spadefoot, generally the breeding season, according to methods approved by CDFW. If western spadefoot is found in habitat that will be eliminated or made unsuitable for western spadefoot, then a plan will be prepared, in consultation with CDFW, to collect and relocate adult and larval western spadefoot and egg masses to suitable habitat that will be preserved in perpetuity.

Implementation of *Mitigation Measure BIO-5* would require Section 7 consultation with USFWS for valley elderberry longhorn beetle (VELB), and implement required mitigation as outlined in the mitigation measure (see section Draft EIR 3.3-51.) If elderberry shrubs are determined present by a preconstruction survey, conducted by a biologist qualified for elderberry shrubs, mitigation measures would be implemented via the standard Corps Section 404 permitting process or through the Placer County Conservation Program (PCCP). If no elderberry shrubs are present, no further mitigation is required. Because VELB is a PCCP covered species, mitigation for this species could also be accomplished via the PCCP.

Should the Project participate in the PCCP, and programmatic permits are available for use as a mitigation strategy, the following PCCP Species Conditions could be implemented as an alternative mechanism for avoiding, minimizing, and mitigating potential Project impacts to PCCP covered special-status species and their habitats (for the full text of PCCP minimization measures see Draft EIR Appendix 3.3-A, Attachment F: PCCP Measures and Conditions): The Project applicants shall comply with PCCP AMM Species Condition 8 for VELB (PCCP Section 6.3.5.13) incorporated by reference.

Implementation of *Mitigation Measure BIO-6* would require a preconstruction survey for sensitive reptiles, Blainville's horned lizard, by a qualified biologist in areas of potential habitat that would be eliminated by the Project or subject to ground disturbance due to construction access and staging. The surveys shall be conducted at the appropriate time of day to detect Blainville's horned lizard. If Blainville's horned lizard is found in habitat that will be eliminated or made unsuitable for Blainville's horned lizard, then a plan will be prepared, in consultation with CDFW, to potentially collect and relocate individual(s) to suitable habitat that will be preserved in perpetuity.

Implementation of *Mitigation Measure BIO-7* would require a preconstruction survey for northwestern pond turtle within 24-hours prior to the initiation of construction activities and retain a qualified biologist to survey immediately prior to ground-disturbing activities in suitable habitat. If northwestern pond turtle is found, consultation with CDFW shall be required, as well as the development of a relocation plan for northwestern pond turtle encountered during construction.

If no special status reptiles are detected during surveys, no further measures are needed.

Because the western pond turtle is a PCCP covered species, mitigation for this species could be accomplished via the standard permit process, or via the PCCP as further discussed below.

Should the Project participate in the PCCP and programmatic permits are available for use as a mitigation strategy, the following PCCP Species Conditions could be implemented as an alternative mechanism for avoiding, minimizing, and mitigating potential Project impacts to PCCP covered special-status species and their habitats (for the full text of PCCP minimization measures

see Draft EIR Appendix 3.3-A, Attachment F: PCCP Measures and Conditions): The Project applicant shall comply with PCCP AMM Species Condition 6 for western pond turtle (PCCP Section 6.3.5.11).

Implementation of *Mitigation Measure BIO-8* would require a survey for Swainson's hawk and other protected raptor nests and protect nesting activity. Surveys will be conducted for nesting sites and measures implemented according to the construction activities time-period, and implementation of buffers as outlined in the mitigation measure as to not adversely affect nesting Swainson's hawks and other raptors, until the young have fledged as determined by a qualified biologist.

Because Swainson's hawk is a PCCP covered species, mitigation for this species could also be accomplished via the PCCP as further discussed below.

Should the Project participate in the PCCP and programmatic permits are available for use as a mitigation strategy, the following PCCP Species Conditions could be implemented as an alternative mechanism for avoiding, minimizing, and mitigating potential Project impacts to PCCP covered special-status species and their habitats (for the full text of PCCP minimization measures see Draft EIR Appendix 3.3-A, Attachment F: PCCP Measures and Conditions): The Project applicant shall comply with PCCP Avoidance and *Minimization Measure (AMM)* Species Condition 1 for Swainson's hawk (PCCP Section 6.3.5.6; Attachment F). Swainson's hawk surveys will be conducted according to PCCP Section 6.3.5.6.1, and if an occupied nest is identified, minimization measures according to PCCP Section 6.3.5.6.2 must be adopted and PCCP Section 6.3.5.6.3 if construction monitoring is required.

Implementation of *Mitigation Measure BIO-9* would require a survey for western burrowing owl and Protect Nesting Activity before ground-disturbing activities by a qualified biologist per CDFW protocols. The mitigation measure outlines a procedure to adhere to for both non-occupied and occupied burrows, based on the time of year found, including consultation with CDFW and protective buffers. If no burrows are found, then no further mitigation is required. If burrows are found, the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report, or the most recent CDFW protocols are required.

The Western burrowing owl is a PCCP covered species; therefore, mitigation for this species could also be accomplished via the PCCP as further discussed below:

Should the Project participate in the PCCP and programmatic permits are available for use as a mitigation strategy, the following PCCP Species Conditions could be implemented as an alternative mechanism for avoiding, minimizing, and mitigating potential Project impacts to PCCP covered special-status species and their habitats (for the full text of PCCP minimization measures see Draft EIR Appendix 3.3-A, Attachment F: PCCP Measures and Conditions): Burrowing owl surveys will be conducted according to PCCP Section 6.3.5.8.1. If a burrowing owl, or evidence of presence at or near a burrow entrance is found to occur within 250 feet of the Project, applicable measures in PCCP Section 6.3.5.8.2 shall be implemented, and PCCP Section 6.3.5.8.3 if construction monitoring is required.

Implementation of *Mitigation Measure BIO-10* requires a preconstruction Survey for tricolored blackbird and Protect Nesting Activity to avoid or minimize the potential for loss of tricolored blackbird nesting colonies and other nesting birds. Mitigation includes provision for removal of

vegetation during nonbreeding season and breeding season as well as avoidance and/or buffer and observation measures if active nest are located through consultation with CDFW.

Because tricolored blackbird is a PCCP covered species, mitigation for this species could also be accomplished via the PCCP as further discussed below.

Should the Project participate in the PCCP and programmatic permits are available for use as a mitigation strategy, the following PCCP Species Conditions could be implemented as an alternative mechanism for avoiding, minimizing, and mitigating potential Project impacts to PCCP covered special-status species and their habitats (for the full text of PCCP minimization measures see Draft EIR Appendix 3.3-A, Attachment F: PCCP Measures and Conditions): The Project applicant shall comply with PCCP AMM Species Condition 4 for Tricolored Blackbird (PCCP Section 6.3.5.9; tricolored blackbird surveys will be conducted according to PCCP Section 6.3.5.9.1, and applicable measures in PCCP Section 6.3.5.9.2 will be implemented if a tricolored blackbird nesting colony is found, and PCCP Section 6.3.5.9.3 implemented if construction monitoring is required.

Implementation of *Mitigation Measure BIO-11* requires a preconstruction survey for white-tailed kite, Cooper's hawk and Other Protected Raptors and Protect Nesting Activity. The mitigation has provisions for vegetation removal, buffer area for nesting raptors with CDFW consultation and limits to tree removal to avoid or minimize impacts to nesting raptors.

Implementation of *Mitigation Measure BIO-12* requires a preconstruction survey for Nuttall's woodpecker, loggerhead shrike, yellow-billed magpie, oak titmouse, wrentit, song sparrow, and other MBTA-Protected Birds and Protect Nesting Activity. The mitigation measure also includes provisions for vegetation removal and buffer areas for active nests with CDFW consultation to avoid or minimize impacts.

Implementation of *Mitigation Measure BIO-13* requires a habitat assessment and preconstruction survey for Townsend's big-eared bat and western red bat and Protect Nesting Activity. The mitigation measure has provisions for vegetation removal, and exclusion of bats from roosting sites when not avoidable, with CDFW consultation to avoid, or minimize impacts.

Implementation of *Mitigation Measure BIO-14* would require a plan prior to construction for fish exclusion, and fish rescue and relocation approved by the National Marine Fisheries Service (NMFS), Essential Fish Habitat (EFH) and CDFW, and that the plan be implemented during construction. The fish rescue and relocation effort shall be conducted by qualified fisheries biologists during the dewatering process to minimize the potential injury or death of juvenile steelhead, lamprey, or other fish and aquatic species potentially stranded in isolated pools during dewatering of the Project site.

Because Central Valley Steelhead and Central Valley Fall-/Late Fall-run chinook are PCCP covered species, mitigation for these species could also be accomplished via the PCCP as further discussed below under implementation of *Mitigation Measure BIO-16*.

Implementation of *Mitigation Measure BIO-15* Conduct Section 7, and Magnuson-Stevens Act Consultation with NMFS for CCV DPS Steelhead, and EFH for Pacific Salmon, and Implement Required Mitigation prior to initiation of construction, either through the Corps Section 404 permitting process, or through the PCCP, and shall comply with all terms and conditions of the

consultation. The mitigation measure includes provisions to reduce the likelihood of take of CCV DPS Steelhead, designated critical habitat for CCV DPS steelhead, and EFH for Chinook salmon.

Because Central Valley Steelhead and Central Valley Fall-/Late Fall-run Chinook salmon are PCCP covered species, mitigation for these species could also be accomplished via the PCCP as further discussed below under *Mitigation Measure BIO-16.*

Implementation of *Mitigation Measure BIO-16* requires that prior to construction that a visual survey be conducted for suitability for and presence of spawning fish within the Project footprint. If spawning activity by special-status fish is observed during this survey, a plan will be prepared, in consultation with CDFW and NMFS to minimize, avoid, or mitigate for disturbance to spawning fish and/or incubating eggs.

If no spawning activity by special-status fish is observed during the survey, no further measures are needed.

Because Central Valley Steelhead and Central Valley Fall-/Late Fall-run Chinook Salmon are PCCP covered species, mitigation for these species could also be accomplished via the PCCP as further discussed below.

Should the Project participate in the PCCP and programmatic permits are available for use as a mitigation strategy, the following PCCP Species Conditions could be implemented as an alternative mechanism for avoiding, minimizing, and mitigating potential Project impacts to PCCP covered special-status species and their habitats (for the full text of PCCP minimization measures see Draft EIR Appendix 3.3-A, Attachment F: PCCP Measures and Conditions): The Project applicants shall comply with PCCP AMM Species Condition 7 for Central Valley steelhead and Central Valley fall-/late fall-run chinook salmon (PCCP Section 6.3.5.12).

Implementation of *Mitigation Measure BIO-17* requires that a focused special-status plant survey shall be performed prior to construction ground disturbance. Project site shall be identified to the taxonomic level necessary to determine species status. The mitigation measure includes provisions to avoid special-status plants identified if possible. When unable to avoid, consultation with the appropriate state or federal agency to develop a plan to compensate for the loss of any special-status plants found, if any, through preserving or enhancing existing onsite populations, creation of offsite population, or transplantation.

Implementation of project design measures and *Mitigation Measures BIO-1* through *BIO-17* would effectively reduce potential impacts and would result in less than significant impacts on all potentially occurring special-status wildlife species.

The measures would allow for detection of sensitive species prior to ground disturbing activities and implementation of impact avoidance measures. Early detection allows for either establishment of avoidance buffers, or safe exclusion of such species from the construction area, significantly reducing any risk of wildlife conflict with equipment and personnel, which poses the greatest threat of mortality. For these reasons, the potential impacts of project construction on all special-status wildlife species is considered less than significant with mitigation incorporated.

Impact 3.3-2: The Project Could Affect Riparian Habitat or Sensitive Natural Communities

Finding:

Changes or alterations have been required in, or incorporated into the project, which avoid, or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure BIO-18* would require that NID purchase habitat credits at an agency approved mitigation bank to ensure no net loss of riparian functions and values. The area for compensation will be confirmed during review of final engineering drawings and may be modified during the CDFW Section 1602 permitting process that will dictate the ultimate compensation.

All areas subject to temporary construction disturbance shall be restored in accordance with a post construction Erosion Control and Habitat Restoration Plan (ECHRP) prepared by a qualified biologist and developed as part of the CDFG Streambed Alteration Agreement process.

Because fish passage improvements for the Project site are identified in the PCCP/CARP the above mitigation could also be fulfilled via the PCCP In-Lieu Fee program if NID participates in the PCCP.

Impact 3.3-3: The Project Would Require Construction and Fill Within Waters of the U.S. and Waters of the State (Alternative 1 and 2 Discussion)

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure BIO-19* would require NID to obtain authorization from U.S. Army Corp of Engineers (USACE) and RWQCB prior to discharging any dredged or fill materials into any waters of the U.S. Since the waters of the U.S. are likely also waters of the state, the 401 Water Quality Certification will authorize fill to waters of the state, specific impact avoidance, minimization, and/or compensation measures shall be developed, and implemented as part of the Section 404 Permit, to ensure no-net-loss of wetland function and values with final mitigation requirements are developed in consultation with USACE, which may include purchase of mitigation credits at an USACE-approved mitigation bank, and/or NID responsible mitigation at an off-site mitigation property, or participation in the PCCP In-Lieu fee program.

Impact 3.3-3: The Project Would Require Construction and Fill Within Waters of the U.S. and Waters of the State (Alternative 3 Discussion)

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure BIO-19* would require NID to obtain authorization from USACE and RWQCB prior to discharging any dredged or fill materials into any waters of the U.S. Since the waters of the U.S. are likely also waters of the State, the 401 Water Quality Certification will authorize fill to waters of the State. Specific impact avoidance, minimization, and/or compensation measures shall be developed, and implemented as part of the Section 404 Permit to ensure no-net-loss of wetland function and values, with final mitigation requirements developed in consultation with USACE, which may include the purchase of mitigation credits at an USACE-approved mitigation bank, and/or NID responsible mitigation at an off-site mitigation property, or participation in the PCCP In Lieu fee program.

Implementation of *Mitigation Measure BIO-20* would require NID to survey and protect Pipeline Alignment Staging Area Environmentally Sensitive Resources consistent with *Mitigation Measures BIO-1* and *BIO-2*. If there are temporary impacts related to staging in wetlands, these areas shall be restored following construction consistent with *Mitigation Measure BIO-19*.

Impact 3.3-5: The Project Would Not Conflict With Local Policies and Ordinances Associated With Protection of Biological Resources

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid, or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure BIO-21* would require NID to avoid tree removal to the maximum extent feasible. When the Project requires removal of tree protected by County Article, NID will obtain a tree permit and implement all conditions outline. An equivalent mitigation is to be consistent with the PCCP requirement if NID participates.

Impact 3.4.1: Potential for Impacts to Historical Resources

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure CUL-1* would require NID to Protect known Historical Resources as Environmentally Sensitive Areas through avoidances, temporary exclusionary fencing, and documentation.

Implementation of *Mitigation Measure CUL-2* would require Cultural Resources Awareness Training for all personnel involved in ground-disturbing activities prior to construction commencing. The program will outline the requirement for confidentiality and culturally appropriate treatment of cultural resources.

Implementation of *Mitigation Measure CUL-3* would require a monitor present for Ground Disturbing activities near identified and specified resources and designated environmentally sensitive area, with all other areas requiring periodic spot-checking. If subsurface deposits believed to be cultural or human in origin are discovered during construction by the monitor, all work must halt within 100 feet of the discovery to evaluate the significance of the find in coordination with the Tribal Monitor. If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.

Impact 3.4.2: Potential for Impacts to Archaeological Resources

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure CUL-1* would require NID to Protect known Historical Resources as Environmentally Sensitive Areas through avoidances, temporary exclusionary fencing, and documentation.

Implementation of *Mitigation Measure CUL-2* would require Cultural Resources Awareness Training for all personnel involved in ground-disturbing activities prior to construction commencing. The program will outline the requirement for confidentiality and culturally appropriate treatment of cultural resources.

Implementation of *Mitigation measure CUL-3* would require a Monitor present for Ground Disturbing activities near identified and specified resources and designated environmentally sensitive area, with all other areas requiring periodic spot-checking. If subsurface deposits believed to be cultural or human in origin are discovered during construction by the monitor, all work must halt within 100 feet of the discovery to evaluate the significance of the find in coordination with the Tribal Monitor. If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.

Impact 3.4.3: Potential for Impacts to Human Remains

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid, or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

There are no known human remains in the area. Implementation of *Mitigation Measure CUL-4* requires that construction activity stop if human remains or remains that are potentially human are detected. Provisions in the mitigation measure require that the coroner be contacted to determine if the remains are Native American and not a result of a crime. Work cannot resume

within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

Impact 3.6.2: The Project Could Directly Impact a Unique Paleontological Resource During Excavation Activities

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid, or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

There are no known paleontological resources in the project area. Implementation of *Mitigation Measure PALEO-1* would require construction activity to stop if paleontological or other geologically sensitive resources are identified during any phase of project development so that a qualified paleontologist can evaluate the find and to prescribe mitigation measures to reduce impacts to a less than significant level.

Impact 3.8-2: The Project Would Alter Flow Conditions in Auburn Ravine by Removing Hemphill Diversion and Constructing New Diversion Facilities to Service Hemphill Canal, Which Could Result in Increased Erosion and/or Siltation Within the Ravine

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure HYD/WQ-1* requires that the project design engineer will develop bank stabilization measures as appropriate to minimize the anticipated effects of increased channel incision and channel widening with specific measures identified and detailed during the final project design as well as the limits.

Impact 3.9.1: The Proposed Project Could Result in Short-Term Construction Generated Noise in Excess of City or County Standards

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation Measure NOI-1* would prohibit use of all heavy-duty construction equipment shall be prohibited during all Project construction occurring between 7:00 a.m. and 8:00 a.m. on Saturdays. Additionally, implementation of *Mitigation Measure NOI-2* restricts Project material deliveries and material export hauling during 7:00 a.m. and 8:00 a.m. on Saturdays, to the extent feasible.

Impact 3.10.1: Impacts to Tribal Cultural Resources

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

Implementation of *Mitigation measure TCR-1* requires a brochure and an in-field training program for all personnel involved in ground-disturbing activities developed and disseminated by a UAIC tribal representative prior to construction. The program will underscore the requirement for confidentiality and culturally appropriate treatment and respect of any finding of significance to Native Americans, and behaviors consistent with Native American tribal values. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training. This mitigation measure shall be carried out in coordination with *Mitigation Measure CUL-2*. Additionally, with the implementation of *Mitigation Measure TCR-2*, would install exclusion fencing for identified resources. A tribal monitor shall also be present for all ground disturbing for all areas of soil newly disturbed, excavated, or dredged during the current Project to monitor activities for the preservation of exclusion fencing throughout the project and unanticipated discovery of a TCR, and carried out conjunction with *Mitigation Measure CUL-3.*

Significant and Unavoidable Impacts

The following significant and potentially significant environmental impacts of the project are associated with Alternative 3, and have been determined unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The mitigation measures identified below that will reduce these impacts, but not to less-than-significant levels.

Impact 3.3-1: Project Construction Activities Could Adversely Affect, Either Directly, or Through Habitat Modifications, Species Identified as a Candidate, Sensitive, or Special-Status Wildlife Species in Local, or Regional Plans, Policies or Regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Alternative 3 Discussion)

Finding:

Changes or alterations have been required in, or incorporated into, the project, which avoid, or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale:

As part of the project NID will implement *Mitigation Measures BIO-1* through *BIO-17* to mitigate through education, avoidance, survey of habitat and species, and/or participation in mitigation banking to reduce impacts to less than significant as discussed in the section above. This would also apply to Alternative 3 except for impacts on special status fish species. Alternative 3 would cause a reduction of flows of 6 cfs - 8 cfs in the 4.5-mile reach between the Gold Hill Diversion Dam, and the Hemphill Canal intake during the irrigation season. This would represent a substantial reduction of instream flows in drier years. The range of effects that could occur under

such substantial flow reductions include decreased rearing habitat quantity and quality, increased stream temperatures, increased potential for low-flow barriers (e.g., shallow riffles or dry reaches), reduced food availability, dewatering of fish redds and associated egg desiccation, conversion to habitats that favor non-native fish, and increased susceptibility to predation. This would cause an associated reduction in rearing juvenile Chinook salmon, steelhead, and Pacific-lamprey habitat quantity, and quality, relative to existing conditions. Because no feasible mitigation is available, this is a ***significant unavoidable impact*** on rearing juvenile Chinook salmon, steelhead, and Pacific lamprey habitat within this reach.

Impact 3.3-4: The Project Could Affect Wildlife Movement and/or Migration (Alternative 3 Discussion)

Finding:

Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.

Rationale:

Alternative 3 would cause a reduction of flows of 6 cfs - 8 cfs in the 4.5-mile reach between the Gold Hill Diversion Dam and the Hemphill Canal intake during the irrigation season. This would represent a substantial reduction of instream flows in drier years. The range of effects that could occur under such substantial flow reductions include decreased rearing habitat quantity and quality, increased stream temperatures, increased potential for low-flow barriers (e.g., shallow riffles or dry reaches), reduced food availability, dewatering of fish redds and associated egg desiccation, conversion to habitats that favor non-native fish, and increased susceptibility to predation. This would cause an associated reduction in rearing juvenile Chinook salmon, steelhead, and Pacific lamprey habitat, quantity and quality relative to existing conditions. Because no feasible mitigation is available, this is a ***significant unavoidable impact*** on rearing juvenile Chinook salmon, steelhead, and Pacific lamprey habitat within this reach.

FINDINGS REGARDING PROJECT ALTERNATIVES

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Where a lead agency has determined that even after the adoption of all feasible mitigation measures, a project, as proposed, will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project (City of Del Mar v. City of

San Diego (1982) 133 Cal.App.3d 401, 417.) "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Ibid; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible, or if the alternative does not meet the objectives of the project.

All of the environmental impacts associated with the project would be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings, with the exception of Impact 3.3-1 (Project construction activities could adversely affect sensitive or special status wildlife) and Impact 3.3-4 (The Project could affect wildlife movement and/or migration) for Alternative 3.

The CEQA Guidelines specify that an Environmental Impact Report (EIR) must describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic project objectives (Guidelines §15126.6(a)). The alternatives analysis must focus on alternatives that are capable of avoiding or substantially lessening the significant adverse impacts caused by the project (Guidelines §15126.6(c)), and alternatives to the "whole of the project" rather than the project's component parts. Not every potentially feasible alternative need be considered; rather, the relevant test is whether a "reasonable range" of feasible alternatives is considered for that particular project (Guidelines §15126.6(a)).

Alternatives Considered But Rejected

The "No Project" alternative, which considers impacts that would occur if existing conditions continue, must be considered (Guidelines §15126.6(e)).

The ***No Project Alternative*** would not meet all the of the Project objectives. The existing Hemphill Diversion structure would remain in place, which would continue to be an impediment to fish passage migration in that portion of Auburn Ravine. Additionally, diversions from Auburn Ravine to Hemphill Canal would remain unscreened. Diversions would still be managed by flashboards, requiring operation and maintenance activities in the ravine. The potential for upstream erosion remains when flashboards are in place and unpredicted early and late season heavy rains occur. Due the deteriorated condition of the diversion structure, future repairs and replacement are expected. Therefore, the no project alternative is rejected from consideration.

Alternative 3, Pipeline Alternative, includes the removal of the diversion structure, site stabilization, and installation of a pipeline within the roadway right-of-way (ROW) from the NID Placer Yard facility to the Hemphill Canal near the existing diversion structure. Alternative 3 would remove the impediment to the fish migration while maintaining service to the customers on Hemphill Canal; thereby on the surface meeting all the Project Objectives. However, the alternative would cause a reduction of flows of 6 cfs - 8 cfs in the 4.5-mile reach between the Gold Hill Diversion Dam, and the Hemphill Canal intake during the irrigation season. During a drier year this would be a substantial reduction of instream flows. This potentially would negatively affect rearing habitat quantity and quality, stream temperatures, and food availability. The reduction of flows also would have the potential to increased low-flow barriers (e.g., shallow

riffles or dry reaches), cause dewatering of fish redds and associated egg desiccation, convert habitats that favor non-native fish, and increase susceptibility to predation. Overall, this has the potential to cause an associated reduction in rearing juvenile Chinook salmon, steelhead, and Pacific-lamprey habitat quantity, and quality, relative to existing conditions. There is no feasible mitigation thus the impact to rearing juvenile Chinook salmon, steelhead, and Pacific lamprey habitat within this reach is significant unavoidable impact. Therefore, Alternative 3 is rejected from further consideration.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 2, rough rock-ramp fish passage, would replace the existing diversion structure with a more stable grade control structure. Based on the hydraulic analysis completed by Balance Hydrologics (Draft EIR Appendix 3.8) and evaluations by NHC (Draft EIR Appendix 3.8), lowering its crest by two feet would provide better sediment continuity, allowing impounded sediments upstream to deposit downstream, thus reversing some of the effects of channel incision and possibly providing suitable instream fish spawning habitat. Per NHC conclusions, lowering the crest height by two feet would also have minimal erosion effects upstream while also relieving the lateral stress that is promoting the meander bend upstream. Additionally, that the elevation gain of 3.9 feet would be the least exhausting option for migrating fish compared to all of the other alternatives presented in this report.

Mitigation Monitoring and Reporting Program

Hemphill Diversion Structure Project

State Clearinghouse Number

2020090032

Lead Agency:

Nevada Irrigation District

July 2021

Prepared by:

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ENVIRONMENTAL CONSULTANTS

SECTION 1.0 SECTION 1.0 INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA), the Nevada Irrigation District (NID), serving as Lead Agency, prepared an Environmental Impact Report (EIR) for the Hemphill Diversion Structure Project. The EIR identifies adverse impacts related to the construction and operation of the Project and lists mitigation measures that would reduce or avoid these impacts. The EIR evaluates three project alternatives at an equal level of analysis.

Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A MMRP is required for the proposed project, because the EIR identified potentially significant adverse impacts related to project construction and operation, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur with the selection and approval of the proposed project by NID.

1.1 Purpose of the Mitigation Monitoring and Reporting Program

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the each of the proposed project alternatives evaluated in the EIR, as required. The MMRP may be modified by NID during project implementation, as necessary, in response to changing conditions or other project refinements. Table 1-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the EIR. Unless otherwise indicated, each of the mitigation measures would be applied to any of the three alternatives addressed in the EIR.

1.2 Roles and Responsibilities

NID as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

1.3 Mitigation Monitoring and Reporting Plan

The column categories identified in the MMRP table (Table 1-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.

- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure, and provides space for verification initials and date.
- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation, and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
- **Outside Agency Coordination** – this column lists any agencies with which NID may coordinate for implementation of the mitigation measure.
- **Comments** – this column provides space for written comments, if necessary.

Table 1-1. Hemphill Diversion Structure Project - Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
BIO-1 ***Protect Water Quality and Minimize Sedimentation Runoff in Wetlands and Non-Wetland Waters (applies to all alternatives)*** The Project will comply with all construction site BMPs specified in the Storm Water Pollution Prevention Plan (if required), and any other permit conditions to minimize the introduction of construction-related contaminants and mobilization of sediment in wetlands and non-wetland waters in and adjacent to the Project Study Area. These BMPs will address soil stabilization, sediment control, wind erosion control, vehicle tracking control, non-stormwater management, and waste management practices. The BMPs will be based on the best conventional and best available technology. The Project may require a Section 404 Permit from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification from the Central Valley RWQCB and/or a Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife, which will contain BMPs and water quality measures to ensure the protection of water quality. These permit conditions and BMPs shall also be implemented as part of the project.	**Activity**: Implementation of BMPs **Timing**: Prior to and during construction **Frequency**: During constrcution	**Project Construction Lead** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with USACE, RWQCB, CDFW	
BIO-2 ***Install Fencing and/or Flagging to Protect Sensitive Biological Resources (applies to all alternatives)*** Prior to construction, the Project contractor will install high-visibility orange construction fencing and/or flagging, as appropriate, along the perimeter of the work area where adjacent to Environmentally Sensitive Areas (ESAs) (e.g., adjacent riparian areas and any special-status species habitat and/or active bird nests that may be identified during per-construction surveys). The NID will ensure that the final construction plans show the locations where fencing will be installed. The plans also will define the fencing installation procedure. The NID or contractor (at the discretion of the NID) will ensure that fencing is maintained throughout the duration of the construction period. If the fencing is removed, damaged, or otherwise compromised during the construction period, construction activities will cease until the fencing is repaired or replaced. The project's special provisions	**Activity**: Temporary fencing **Timing**: Prior to and during construction activity. **Frequency**: During construction.	**Project Construction Lead** Initials Date	**Nevada Irrigation District** Initials Date		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
package will provide clear language regarding acceptable fencing material and prohibited construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within ESAs. All temporary fencing will be removed upon completion of construction.					
BIO-3 ***Conduct Environmental Awareness Training for Construction Personnel (applies to all alternatives)*** Before any work occurs within the project limits, including equipment staging, grading, and tree and/or vegetation removal (clear and grub), the Project will retain a qualified biologist (familiar with the resources in the area) to conduct a mandatory contractor/worker environmental awareness training for construction personnel. The awareness training will be provided to all construction personnel (contractors and subcontractors) prior to beginning construction to brief them on the need to avoid effects on sensitive biological resources adjacent to construction areas and the penalties for not complying with applicable state and federal laws and permit requirements. The biologist will inform all construction personnel about the life history and habitat requirements of special-status species with potential for occurrence onsite, the importance of maintaining habitat, and the terms and conditions of any permit, Biological Opinion or other authorizing document (e.g. letter of concurrence) that may be prepared for the project. The environmental training will also cover general restrictions and guidelines that must be followed by all construction personnel to reduce or avoid effects on sensitive biological resources during project construction.	**Activity**: Awareness training. **Timiing**: Prior to any construction or land clearing activities. **Frequency:** Once or as needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date		
BIO-4 ***Conduct Preconstruction Surveys for Western Spadefoot (applies to all alternatives)*** A qualified biologist shall conduct surveys for western spadefoot in areas of potential habitat that would be impacted by the Project. The surveys shall be conducted at the appropriate time of year to detect western spadefoot, generally the breeding season, according to methods approved by CDFW. If western spadefoot is found in habitat that will be eliminated or made unsuitable for western spadefoot, then a plan will be prepared, in	**Activity**: Western spadefoot survey. **Timing**: Prior to construction. **Frequency**:	**Project Biologist** Initials	**Nevada Irrigation District** Initials	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
consultation with CDFW, to collect and relocate adult and larval western spadefoot and egg masses to suitable habitat that will be preserved in perpetuity.	As required.	Date	Date		
BIO-5 ***Conduct Section 7 Consultation with USFWS for Elderberry Long Horn Beetle and Implement Required Mitigation (applies to all alternatives)*** The following shall be implemented, either through the standard Corps Section 404 permitting process or through the PCCP, to minimize potential impacts to VELB: • If elderberry shrubs would be removed or if construction ground disturbance would occur within 100 feet of an elderberry shrub, an evaluation using the 2017 USFWS guidance entitled USFWS 2017 Framework for Assessing Impacts to the VELB shall be conducted to determine the appropriate mitigation needs to minimize impacts to VELB and its host shrub. • Section 7 consultation would take place with USFWS to establish mitigation, avoidance, and/or minimization measures as part of the Section 404 permitting process. • A preconstruction survey shall be conducted by a qualified biologist in all riverine/riparian habitat within 165 feet of Project disturbance areas before any construction activity. The surveys shall be conducted according to the protocol outlined in USFWS Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017c) (Framework). If elderberry shrubs are not present, no further mitigation is necessary. If elderberry shrubs are located 165 feet or more from project activities, direct or indirect impacts are not expected. Shrubs shall be protected during construction by establishing and maintaining a high visibility fence at least 165 feet from the drip line of each elderberry shrub. If elderberry shrubs can be retained within the project footprint, project activities may occur up to 20 feet from the dripline of elderberry shrubs if precautions are implemented to minimize the potential for indirect impacts. An avoidance area shall be established at least 20 feet from the drip line of an elderberry shrub for any activities that may damage the	**Activity**: Elderberry survey **Timing**: Prior to construction. **Frequency**: As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with USWFS, USACE	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
elderberry shrub (e.g., construction staging, trenching, access road construction, canal modifications and instream and near stream improvements). The project proponent will implement avoidance and minimization measures specified in the USFWS Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017c). As much as feasible, all activities that could occur within 165 feet of an elderberry shrub shall be conducted outside of the flight season of the valley elderberry longhorn beetle (March - July). Herbicides shall not be used within the drip line of the shrub. Insecticides shall not be used within 100 feet of an elderberry shrub. All chemicals shall be applied using a backpack sprayer or similar direct application method. Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August - February) and shall avoid damaging the elderberry. Final design shall include realignment of the southern access road to avoid direct impact to elderberry shrubs. If any elderberry shrubs cannot be avoided according to the USFWS 2017 Framework, the Project proponent shall compensate for the loss of valley elderberry longhorn beetle habitat by purchasing appropriate credits at an agency approved mitigation bank, or through participation in the PCCP, if it has been adopted and is available for Project participation. If trimming elderberry shrubs is proposed, trimming shall be conducted between November and February and shall not result in the removal of elderberry branches that are ≥ one inch in diameter. If trimming results in removing branches that are ≥ one inch in diameter, the project proponent shall mitigate for the loss of the valley elderberry beetle habitat via the standard permit process consistent with the USFWS 2017 Framework, or via the PCCP (should NID opt for and the PCA grant PCCP coverage to the Project). The project proponent shall comply with ESA and consult with USFWS and will compensate for the unavoidable loss of elderberry shrubs according to USFWS 2017 Framework. The Framework uses presence or absence of exit holes, and whether the affected elderberry shrubs are in riparian habitat to determine the number of elderberry seedlings or cuttings					

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
and associated riparian vegetation that would need to be planted as compensatory mitigation for affected valley elderberry longhorn beetle habitat. Compensatory mitigation may include purchasing credits at a USFWS-approved conservation bank, providing onsite mitigation, or establishing and protecting habitat for valley elderberry longhorn beetle as follows: 1. For elderberry shrubs in riparian habitat: • For each shrub that is trimmed, the Project proponent shall purchase two credits at a USFWS-approved bank. • For each shrub that is removed, the entire shrub may be transplanted to a USFWS- approved location in addition to the purchase of two credits. 2. For elderberry shrubs in non-riparian habitat: • The project proponent shall purchase one credit at a USFWS-approved bank for each shrub that will be trimmed if exit holes have been found in any shrub on or within 165 feet of the project area. • If no exit holes are present and the shrub is not in riparian habitat, no further action is required. If the shrub will be completely removed by the activity, the entire shrub shall be transplanted to a USFWS-approved location in addition to a purchase of one credit. Because VELB is a PCCP covered species, mitigation for this species could also be accomplished via the PCCP.					
BIO-6 ***Conduct Preconstruction Survey for Sensitive Reptiles – Blainville's horned lizard (applies to all alternatives)*** A qualified biologist shall conduct surveys for Blainville's horned lizard in areas of potential habitat that would be eliminated by the Project or subject to ground disturbance due to construction access and staging. The surveys shall be conducted at the appropriate time of day to detect Blainville's horned lizard. If Blainville's horned lizard is found in habitat that will be eliminated or made unsuitable for Blainville's horned lizard, then a plan will be prepared, in consultation with CDFW, to potentially collect and relocate individual(s) to suitable habitat that will be preserved in perpetuity.	**Activity:** Blainville's horned lizard survey. **Timing:** Prior to construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
BIO-7 ***Conduct Preconstruction Northwestern Pond Turtle Surveys (applies to all alternatives)*** Conduct a pre-construction northwestern pond turtle survey within 24 hours prior to the initiation of construction activities and retain a qualified biologist to survey immediately prior to ground-disturbing activities in suitable habitat. If northwestern pond turtle is found, consultation with CDFW shall be required, as well as the development of a relocation plan for northwestern pond turtle encountered during construction. If no special status reptiles are detected during surveys, no further measures are needed. Because the western pond turtle is a PCCP covered species, mitigation for this species could be accomplished via the standard permit process, or via the PCCP as further discussed below.	**Activity**: Northwestern pond turtle survey. **Timing:** Prior to construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	
BIO-8 ***Survey for Swainson's Hawk and Other Protected Raptor Nests and Protect Nesting Activity (applies to all alternatives)*** For ground-disturbing activities with potential to affect Swainson's hawk and other raptor nests, or remove Swainson's hawk foraging habitat, the Project proponent shall consult with CDFW with respect to the following measures proposed to mitigate for habitat removal and potential nest disturbance. As part of the consultation, the Project proponent may seek take authorization under Section 2081 of the Fish and Game Code. The following measures will be implemented and are intended to avoid, minimize, and fully mitigate impacts to Swainson's hawk, as well as other raptors: • For construction activities that would occur within 0.25 mile of a known or likely Swainson's hawk nest site, the Applicant shall attempt to initiate construction activities before nest initiation phase (i.e., before March 1). Depending on the timing, regularity, and intensity of construction activity, construction in the area before nest initiation may discourage a Swainson's hawk pair from using that site and eliminate the need to implement further nest-protection measures, such as buffers and limited construction operating periods around active	**Activity**: Raptor survey. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
nests. Other measures that could be used to deter establishment of nests (e.g., reflective striping or decoys) may be used before the breeding season in areas planned for active construction. However, deployment of nest deterrents does not guarantee success. If breeding raptors establish an active nest site, as evidenced by nest building, egg laying, incubation, or other nesting behavior, near the construction area, they shall not be harassed or deterred from continuing with their normal breeding activities. • For Project activities, including tree removal, that begin between March 1 and September 15, qualified biologists shall conduct preconstruction surveys for Swainson's hawk and other nesting raptors and to identify active nests on and within 0.5 mile of the Project site. The surveys shall be conducted before the beginning of any construction activities between March 1 and September 15, following the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000). • Impacts to nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Project activity shall not commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. CDFW guidelines recommend implementation of 0.25-mile-wide buffer for Swainson's hawk and 500 feet for other raptors, but the size of the buffer may be adjusted if a qualified biologist and the Applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities shall be required if the activity has potential to adversely affect the nest. • Trees shall not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.					

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
Because Swainson's hawk is a PCCP covered species, mitigation for this species could also be accomplished via the PCCP as further discussed below.					
BIO-9 ***Survey for Western Burrowing Owl and Protect Nesting Activity (applies to all alternatives)*** Before ground-disturbing activities, the following measures shall be implemented. • The Applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 1,500 feet of areas subject to disturbance (only with landowner permission where this would include private property). Surveys shall be conducted before the start of construction activities and in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012) or the most recent CDFW protocols. • If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to CDFW and no further mitigation will be required. • If an active burrow is found during the nonbreeding season (September 1 through January 31), the Applicant shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of CDFW's 2012 Staff Report. Burrowing owls shall not be excluded from occupied burrows until the Project's burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a plan for creation, maintenance, and monitoring of artificial burrows in suitable habitat proximate to the burrows to be destroyed, that provide substitute burrows for displaced owls. • If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the	**Activity:** Western burrowing owl survey. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level disturbance as outlined in the CDFW Staff Report (CDFG 2012) or the most recent CDFW protocols. The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented to ensure burrowing owls are not detrimentally affected. Once the fledglings are capable of independent survival, the owls can be evicted, and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report or the most recent CDFW protocols. Because Western burrowing owl is a PCCP covered species, mitigation for this species could also be accomplished via the PCCP as further discussed below.					
BIO-10 ***Survey for Tricolored Blackbird and Protect Nesting Activity (applies to all alternatives)*** The following measures shall be implemented to avoid or minimize loss of active tricolored blackbird nests: To minimize the potential for loss of tricolored blackbird nesting colonies and other nesting birds, vegetation removal activities shall commence during the nonbreeding season (September 1-January 31) to the extent feasible. If all suitable nesting habitat is removed during the nonbreeding season, no further mitigation would be required. Before removal of any vegetation within potential nesting habitat between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting tricolored blackbirds (colonies). The surveys shall be conducted no more than 14 days before construction commences and include all suitable nesting habitat located within 1,300 feet of Project work areas, equipment access routes, and staging areas (with landowner permission or including those areas visible from the Project footprint and/or public roads) to ensure that all active nesting colonies adjacent to the Project footprint are identified and avoided during Project implementation. If no active nests or tricolored blackbird colonies are found during focused surveys, no	**Activity**: Tricolored blackbird owl survey. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify CDFW. If necessary, modifications to the Project design to avoid removal of occupied habitat while still achieving Project objectives shall be evaluated and implemented to the extent feasible. If avoidance is not feasible or conflicts with Project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest colony is no longer active. These recommended buffer areas may be reduced or expanded through consultation with CDFW. Monitoring of all occupied nests shall be conducted by a qualified biologist during construction activities to adjust the 100-foot buffer if agitated behavior by the nesting bird is observed. Because Tricolored blackbird is a PCCP covered species, mitigation for this species could also be accomplished via the PCCP as further discussed below.					
BIO-11 ***Survey for White-tailed Kite, Cooper's Hawk and Other Protected Raptors and Protect Nesting Activity (applies to all alternatives)*** For construction and other ground-disturbing activities with potential to affect white-tailed kite, Cooper's hawk, or other raptor nests (e.g., activities proposed to occur in or within 500 feet of suitable habitat), the following measures shall be implemented to prevent potential impacts to active raptor nests. • For Project activities, including tree and other vegetation removal, that begin between February 1 and September 15, qualified biologists shall conduct preconstruction surveys for white-tailed kite and Cooper's hawk and to identify active nests on and within 500 feet of the Project site. The surveys shall be conducted before the beginning of any construction activities between February 1 and September 15. • Impacts to nesting raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Project activity shall not commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely	**Activity:** Raptor survey. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
result in nest abandonment. CDFW guidelines recommend implementation of a 500-foot-wide buffer for these raptor species, but the size of the buffer may be adjusted if a qualified biologist and the Project proponent, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities shall be required if the activity has potential to adversely affect the nest. • Trees shall not be removed during the breeding season for nesting raptors unless a survey by a qualified biologist verifies that there is not an active nest in the tree.					
BIO-12 ***Survey for Nuttall's Woodpecker, Loggerhead Shrike, Yellow-Billed Magpie, Oak Titmouse, Wrentit, Song Sparrow and other MBTA-Protected Birds and Protect Nesting Activity (applies to all alternatives)*** Before any ground-disturbing Project activities begin, a qualified biologist will identify potential habitat for nesting Nuttall's woodpecker, loggerhead shrike, yellow-billed magpie, oak titmouse, wrentit, and song sparrow, and other bird species protected under the MBTA in areas that could be affected by construction during the breeding season (February 1—August 31). To the extent feasible, construction-related vegetation removal shall occur outside the nesting season. If vegetation removal or other disturbance related to construction is required during the nesting season, focused surveys for active nests of special-status birds will be conducted before and within 14 days of initiating construction. A qualified biologist will conduct preconstruction surveys to identify active nests that could be affected. The appropriate area to be surveyed and timing of the survey may vary depending on the activity and species that could be affected. If no active nests are found during focused surveys, no further action under this measure will be required. If an active loggerhead shrike, song sparrow, grasshopper sparrow, or other special-status bird nest is located during the preconstruction surveys, the biologist will notify CDFW. If necessary, modifications to the Project design to avoid removal of occupied habitat while still achieving Project objectives will be evaluated and	**Activity**: MBTA-Protected birds survey. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
implemented to the extent feasible. If avoidance is not feasible, construction will be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest is no longer active. These recommended buffer areas may be reduced or expanded through consultation with CDFW. Monitoring of all occupied nests shall be conducted by a qualified biologist during construction activities to adjust the 100-foot buffer if agitated behavior by the nesting bird is observed.					
BIO-13 ***Survey for Townsend's big-eared bat and western red bat and Protect Nesting Activity (applies to all alternatives)*** The following measures shall be implemented to avoid or minimize impacts to roosting bats: <u>Habitat Assessment</u>: A qualified biologist will conduct a bat habitat assessment for suitable bat roosting habitat for bat species including Townsend's big-eared bat and western red bat prior to any construction activities. The habitat assessment should be conducted at least one year prior to the initiation of construction activities. If no suitable roosting habitat is identified, no further measures are necessary. If suitable roosting habitat and/or signs of bat use is identified during the assessment, the roosting habitat should be avoided to the extent possible. <u>Bat Management Plan</u>: If the habitat assessment surveys reveal potential bat roosting habitat within the project, a Bat Management Plan that will include avoidance and minimization measures to reduce impacts to roosting bats shall be prepared and consultation with CDFW initiated prior to the commencement of construction activities. The Project-specific Bat Management Plan may include any of the following as necessary and appropriate based on the findings of the habitat assessment: emergence and/or pre-construction surveys for roosting bats including acoustic monitoring, roost removal timing and methodology, no-disturbance buffers, passive exclusion of bats, and/or species-specific replacement structures.	**Activity**: Bat survey. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
BIO-14 ***Conduct Fish Rescue and Relocation (applies to all alternatives)*** Prior to initiation of construction, a fish exclusion, rescue, and relocation plan shall be prepared and approved by NMFS and CDFW and implemented during construction. The plan shall identify the methods, equipment, fish protection measures, and release location(s) for all fish collected during dewatering of the site. The fish rescue and relocation effort shall be conducted by qualified fisheries biologists during the dewatering process to minimize the potential injury or death of juvenile steelhead, lamprey, or other fish and aquatic species potentially stranded in isolated pools during dewatering of the Project site. Because Central Valley Steelhead and Central Valley Fall-/Late Fall-run chinook are PCCP covered species, mitigation for these species could also be accomplished via the PCCP as further discussed below.	**Activity**: Fish rescue and relocation. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Fisheries Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with NMFS and CDFW	
BIO-15 ***Conduct Section 7 and Magnuson-Stevens Act Consultation with NMFS for CCV DPS Steelhead and EFH for Pacific Salmon and Implement Required Mitigation (applies to all alternatives)*** Prior to initiation of construction, the Project will be required to undergo ESA and MSA consultation with NMFS, either through the Corps Section 404 permitting process or through the PCCP and shall comply with all terms and conditions of the consultation. Conservation measures to reduce the likelihood of take of CCV DPS steelhead, designated critical habitat for CCV DPS steelhead, and EFH for Chinook salmon may include, but are not limited to: • Conduct all in-channel work during the June 15 – October 15 in-water work window. • Conduct worker environmental awareness training. • Conduct fish exclusion, rescue, and relocation efforts during dewatering activities. All dewatering pumps and the intake to the canal diversion pipe will be fitted with fish screens meeting NMFS fish screen criteria. Because Central Valley Steelhead and Central Valley Fall-/Late Fall-run chinook Salmon are PCCP covered species,	**Activity**: ESA and MSA consultation with NMFS. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Coordination with NMFS	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
mitigation for these species could also be accomplished via the PCCP as further discussed below.					
BIO-16 ***Conduct Preconstruction Survey for Spawning Fish (applies to all alternatives)*** Prior to construction, a qualified fisheries biologist shall conduct a visual survey of the Project Area to determine the suitability for and presence of special-status fish spawning activity within the Project footprint. If spawning activity by special-status fish is observed during this survey, a plan will be prepared, in consultation with CDFW and NMFS (for anadromous salmonids only) to minimize, avoid, or mitigate for disturbance to spawning fish and/or incubating eggs. If no spawning activity by special-status fish is observed during the survey, no further measures are needed. Because Central Valley Steelhead and Central Valley Fall-/Late Fall-run chinook Salmon are PCCP covered species, mitigation for these species could also be accomplished via the PCCP as further discussed below.	**Activity**: Visual survey of the Project Area to determine the suitability for and presence of special-status fish spawning activity. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Fisheries Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with NMFS and CDFW	
BIO-17 ***Conduct Preconstruction Survey for Sensitive Plant Species (applies to all alternatives)*** Focused special-status plant surveys shall be performed prior to construction ground disturbance. The survey guidelines, at a minimum, shall require the following: • All plant species encountered on the Project site shall be identified to the taxonomic level necessary to determine species status. • The surveys shall be conducted no more than five years prior and no later than the blooming period immediately preceding the approval of a grading or improvement plan or any ground-disturbing activities, including grubbing or clearing. If special-status plants are identified on the Project site, the NID shall implement the following measures to mitigate the potential loss of special-status plant species: 1. Avoid special-status plant occurrences through Project design to the extent technically feasible and appropriate. Avoidance shall be deemed technically feasible and appropriate if the habitat occupied by special-status plants may be preserved onsite while	**Activity**: Special-status plant surveys. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with USFWS and CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
still obtaining the Project purpose and objectives and if the preserved habitat features could reasonably be expected to continue to function as suitable habitat for special-status plants following Project implementation. 2. If, after examining all feasible means to avoid impacts to potential special-status plant species habitat through Project site planning and design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate State or federal agency charged with the protection of the subject species. 3. Notify CDFW, as required by the California NPPA, if any special-status plants are found on the Project site. Notify the USFWS if any plant species listed under the federal ESA are found. 4. Develop a mitigation and monitoring plan to compensate for the loss of special-status plant species found during preconstruction surveys, if any. The mitigation and monitoring plan shall be submitted to CDFW or USFWS, as appropriate depending on species status, for review and comment. Placer County as the CEQA lead agency shall consult with these entities, as appropriate depending on species status, before approval of the plan to determine the appropriate mitigation measures for impacts on any special-status plant population. Mitigation measures may include preserving and enhancing existing onsite populations, creation of offsite populations on Project mitigation sites through seed collection or transplantation, and/or preserving occupied habitat offsite in sufficient quantities to offset loss of occupied habitat or individuals. 5. If transplantation is part of the mitigation plan, the plan shall include a description and map of mitigation sites, details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements, and sources of funding to purchase, manage, and preserve the sites. The following performance standards shall be applied:					

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
i. The extent of occupied area and the flower density in compensatory reestablished populations shall be equal to or greater than the affected occupied habitat and shall be self-producing. Re-established populations shall be considered self-producing when: 1. plants re-establish annually for a minimum of five years with no human intervention, such as supplemental seeding; and 2. re-established habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types. 6. If offsite mitigation includes dedication of conservation easements, purchase of mitigation credits, or other offsite conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, and other details, as appropriate to target the preservation of long-term viable populations.					
Alternative Mitigation for PCCP Covered Species Should the Project participate in the PCCP and programmatic permits are available for use as a mitigation strategy, the following PCCP Species Conditions could be implemented as an alternative mechanism for avoiding, minimizing, and mitigating potential Project impacts to PCCP covered special-status species and their habitats (for the full text of PCCP minimization measures see DEIR Appendix 3.3-A, Attachment F: PCCP Measures and Conditions): <u>Species Condition 1. Swainson's Hawk</u> The Project applicant shall comply with PCCP Avoidance and Minimization Measure (AMM) Species Condition 1 for Swainson's Hawk (PCCP Section 6.3.5.6; Attachment F). Swainson's hawk surveys will be conducted according to PCCP Section 6.3.5.6.1 and if an occupied nest is identified, minimization measures according to PCCP Section 6.3.5.6.2 must be adopted, and PCCP Section 6.3.5.6.3 if construction monitoring is required. <u>Species Condition 3. Western Burrowing Owl</u>	**Activity**: Possible PCCP mitigations **Timing:** As required by PCCP **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date	Coordination with PCCP	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
The Project applicant shall comply with PCCP AMM Species Condition 3 for Western Burrowing Owl (PCCP Section 6.3.5.8). Burrowing owl surveys will be conducted according to PCCP Section 6.3.5.8.1. If a burrowing owl or evidence of presence at or near a burrow entrance is found to occur within 250 feet of the Project, applicable measures in PCCP Section 6.3.5.8.2 shall be implemented, and PCCP Section 6.3.5.8.3 if construction monitoring is required. <u>Species Condition 4. Tricolored Blackbird</u> The Project applicant shall comply with PCCP AMM Species Condition 4 for Tricolored Blackbird (PCCP Section 6.3.5.9; Tricolored blackbird surveys will be conducted according to PCCP Section 6.3.5.9.1 and applicable measures in PCCP Section 6.3.5.9.2 will be implemented if a tricolored blackbird nesting colony is found and PCCP Section 6.3.5.9.3 implemented if construction monitoring is required. <u>Species Condition 6. California Western Pond Turtle</u> The Project applicant shall comply with PCCP AMM Species Condition 6 for western pond turtle (PCCP Section 6.3.5.11). <u>Species Condition 7. Central Valley Steelhead and Central Valley Fall-/Late Fall-run chinook Salmon</u> The Project applicants shall comply with PCCP AMM Species Condition 7 for Central Valley steelhead and Central Valley fall-/late fall-run chinook salmon (PCCP Section 6.3.5.12). <u>Species Condition 8. Valley Elderberry Longhorn Beetle</u> The Project applicants shall comply with PCCP AMM Species Condition 8 for VELB (PCCP Section 6.3.5.13).					
BIO-18 ***Compensate for the Loss of Riparian Habitat and Restore Temporary Disturbed Areas (applies to all alternatives)*** To compensate for the total permanent loss of riparian habitat communities, prior to construction NID shall purchase habitat credits at an agency approved mitigation bank to ensure no net loss of riparian functions and values. To account for temporal loss, the Project will purchase riparian credits at a 3:1 ratio. The final mitigation ratio and acreage will be confirmed during review of final engineering drawings and may be modified during the CDFW Section 1602	**Activity**: Purchase of habitat credits. Timing**:** Prior to and following construction. **Frequency:** As needed.	**Nevada Irrigation District** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with CDFW	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
permitting process (if actual increase or decrease) which will dictate the ultimate compensation. NID shall provide written evidence to the resource agencies that compensation has been established through the purchase of mitigation credits. All areas subject to temporary construction disturbance shall be restored in accordance with a post construction Erosion Control and Habitat Restoration Plan (ECHRP). The ECHRP shall address all temporarily disturbed areas, be prepared by a qualified biologist and developed as part of the CDFG Streambed Alteration Agreement process and shall be reviewed and approved by CDFG prior to implementation. Because fish passage improvements for the Project site are identified in the PCCP/CARP, should NID request and the PCA grant Special Entity Status to NID, Project permitting, and the above mitigation, could also be fulfilled via the PCCP In-Lieu Fee program.					
BIO-19 ***Compensate for the Permanent Loss of Waters of the United States/Waters of the State and Restore Temporary Disturbed Areas (applies to all alternatives)*** Authorization to fill waters of the U.S. under the Section 404 and 401 of the federal CWA (Section 404 Permit and Section 401 Water Quality Certification) shall be obtained from USACE and RWQCB prior to discharging any dredged or fill materials into any waters of the U.S. Since the waters of the U.S. are likely also waters of the State, the 401 Water Quality Certification will authorize fill to waters of the State. Specific impact avoidance, minimization, and/or compensation measures shall be developed and implemented as part of the Section 404 Permit to ensure no-net-loss of wetland function and values. To facilitate such authorization, an application for a Section 404 Permit and an application for a 401 Water Quality Certification for the Project shall be prepared and submitted to USACE and RWQCB and will include direct, avoided, and preserved acreages to Waters of the U.S. Mitigation for impacts to Waters of the U.S. would consist of a minimum of a 1:1 replacement ratio for direct impacts; however final mitigation requirements shall be developed in consultation with USACE. These measures may include:	**Activity**: Purchase of mitigation credits. **Timing:** Prior to and following construction. **Frequency:** As needed.	**Nevada Irrigation District** Initials Date	**Nevada Irrigation District** Initials Date	Possible coordination with USACE, RWQCB	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
Purchase of mitigation credits at an USACE-approved mitigation bank; and/or Permittee-responsible mitigation (e.g., preservation and creation) at an off-site mitigation property or Participation in the PCCP In Lieu fee program.					
BIO-20 ***Survey and Protect Pipeline Alignment Staging Area Environmentally Sensitive Resources (applies to Alternative 3 only)*** All road segment pipeline alignment staging areas shall be surveyed by a qualified biologist for sensitive biological resources prior to use. Should any sensitive biological resources be identified within proposed staging areas, they shall be protected consistent with Mitigation Measures BIO-1 and BIO-2. Should the Project require temporary impacts to staging area wetlands, these areas shall be restored following construction consistent with Mitigation Measure BIO-19.	**Activity:** Biological survey. **Timing:** Prior to use. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date		
BIO-21 ***Obtain a Placer County Tree Permit (applies to all alternatives)*** Tree removal shall be avoided to the maximum extent feasible. Should the Project require removal of trees protected by County Article, NID shall submit a tree permit application to Placer County and implement all conditions outlined in the final tree permit issued to the Project or implement equivalent mitigation consistent with PCCP requirements.	**Activity:** Biological survey. **Timing:** Prior to use. **Frequency:** As needed.	**Project Biologist** Initials Date	**Nevada Irrigation District** Initials Date		
CUL-1 ***Protect Historical Resources as Environmentally Sensitive Areas*** All known Historical Resources shall be avoided by the Project through a combination of project design and establishment of Environmentally Sensitive Areas under the direction of a qualified professional archaeologist, as follows. Resources TCE-1/2, HD-009, HD-012, P-31-1693, P-31-1694, and P-31-1696 shall be designated Environmentally Sensitive Areas prior to construction activities. High-visibility	**Activity:** Provide protect barriers for identified resources. **Timing:** Prior to and during construction.	**Cultual Consultant** Initials	**Nevada Irrigation District** Initials		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
temporary exclusionary fencing shall be installed surrounding the known boundaries of these sites, plus a 5-meter (approximately 16 foot) buffer, as shown on the *confidential* Environmentally Sensitive Area Fencing map on file with NID. No ground-disturbing activities shall be allowed within the exclusionary fencing. Additionally, resources P-31-1691, HD-006, HD-008, HD-010, HD-005, HD-007, P-31-5897, HD-011, and HD-013 will be avoided by all project activity. These measures will be documented by the archaeological monitor (Mitigation Measure CUL-3) and tribal monitor (Mitigation Measure TCR 2), and forwarded to NID as proof of compliance. This ESA fence installation and documentation is to be carried out in coordination with Mitigation Measure TCR-2. If preferred alternative does not overlap or occur adjacent to the location of resource cited herein, the ESA and avoidance measures for those resources can be omitted.	**Frequency:** As needed.	Date	Date		
CUL-2 ***Cultural Resources Awareness Training*** A consultant and construction worker cultural resources awareness brochure and an in-field training program for all personnel involved in ground-disturbing activities will be developed and disseminated by a cultural resources professional to all operators of ground-disturbing equipment prior to construction commencing. The program will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources located in, or have the potential to be located in the project area and will outline the communication protocols in the event of the discovery of any potential cultural resources or artifacts during ground-disturbing activities (as outlined in MM CUL-1, MM-CUL-3, and MM-CUL-4). The program will outline the requirement for confidentiality and culturally appropriate treatment of cultural resources. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training. A copy of the form shall be provided to NID as proof of compliance. This training is to be carried out in coordination with Mitigation Measure TCR-1.	**Activity:** Awareness training. **Timing:** Prior to construction. **Frequency:** As needed.	**Cultual Consultant** Initials Date	**Nevada Irrigation District** Initials Date		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
CUL-3 ***Monitor Ground Disturbance and Stop Work if Cultural Resources or Remains are Detected*** Ground-disturbing activities in the Project Area shall be monitored by an archaeological monitor under the supervision of a qualified professional archaeologist who meets the Secretary of the Interior's (SOI) Professional Qualification Standards for prehistoric and historic archaeology. The archaeological monitor will be preset to observe and assist in the installation of ESA fencing around resources TCE-1/2, HD-009, HD-012, P-31-1693, P-31-1694, and P-31-1696 and provide documentation of the implementation. The archaeological monitor will be present for ground disturbing activity within 100 feet of resource HD-010, and within 200 feet of the ESA zones for TCE-1/2, HD-009, HD-012, P-31-1693, P-31-1694, and P-31-1696. The monitor shall also be present for all ground disturbing activity in the Hemphill Canal Study Area and Near and Instream Improvements Study Area. All other ground-disturbing activity in other areas of the project will be spot-checked daily by the archaeological monitor at the outset of the project, after which the frequency of monitoring checks in these areas may be re-assessed based on the observations and professional judgement of the SOI-qualified archaeologist. If subsurface deposits believed to be cultural or human in origin are discovered during construction by the monitor, all work must halt within 100 feet of the discovery. The monitoring archaeologist will evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, in communication and coordination with the tribal monitor, using professional judgment. The following notifications shall apply, depending on the nature of the find: • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify NID and the on-site tribal monitor. NID, the	**Activity:** Cutural resources monitoring. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Archaeologist** Initials Date	**Nevada Irrigation District** Initials Date		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
archaeologist, and UAIC shall consult on a finding of eligibility. If the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines, appropriate treatment measures will be implemented. Work may not resume within the no-work radius until NID, through consultation as appropriate, determines that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to its satisfaction. This mitigation measure will be carried out in concert with MM TCR-2. If preferred alternative does not overlap or occur adjacent to the location of resource cited herein, avoidance measures and monitoring for those resources can be omitted.					
CUL-4 ***Stop Work if Human Remains Detected*** If construction activity encounters human remains, or remains that are potentially human, the contractor shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the Placer County Coroner (as per § 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, then the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, and after the mediation process with NAHC is carried out, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property	**Activity:** Cutural resources monitoring. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Construction Lead** Initials Date	**Nevada Irrigation District** Initials Date	Possibly County Cororner and NAHC	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.					
PALEO-1 ***Discovery of Unknown Paleontological Resources*** If paleontological or other geologically sensitive resources are identified during any phase of project development, the construction manager shall cease operation at the site of the discovery and immediately notify the NID. The NID shall retain a qualified paleontologist to evaluate the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, NID shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	**Activity:** Paleontological resources monitoring. **Timing:** During construction. **Frequency:** As needed.	**Project Paleontologist** Initials Date	**Nevada Irrigation District** Initials Date		
HYD/WQ-1 ***Bank Stabilization Measures*** Following selection of the preferred project alternative and initiation of final project design, the project design engineer will develop bank stabilization measures as appropriate to minimize the anticipated effects of increased channel incision and channel widening. Specific measures to address the geomorphic impacts will be identified and detailed during final project design. The specific measures will be developed using hydraulic models of the post-project condition as grading limits and features of the selected Project alternative are refined. Measures needed within the upstream 200 feet of the existing dam will likely be incorporated during the dam removal construction with the coffer dam in place. Features further upstream may be installed at the time of dam removal, or as part of an adaptive management program. The adaptive management approach would address locations where some initial erosion may be tolerable but would intervene if erosion progresses beyond established thresholds. The criteria for adaptive management would be coordinated with	**Activity:** Bank stabilization. **Timing:** Prior to and during construction. **Frequency:** As needed.	**Project Construction Lead** Initials Date	**Nevada Irrigation District** Initials Date		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
landowners, fisheries agencies, and other interested parties on approaches that minimize risk to landowner, resource impacts, and cost. Measures may include upstream flow deflection structures such as log groynes or engineered log jams, key in rock bank protection, or regrading/planting the bank lines and channel to be employed at the time of dam removal if either Alternative 1 or 3 is selected as the proposed project. Measures likely to be required for Alternative 2 would include the placement of flow deflections structures on the right bank upstream of the fish passage structure, and at the toe of the existing rock riprap on the right bank upstream of the existing diversion to be stabilize the channel adjacent to the fish passage structure to prevent undercutting.					
NOI-1 ***Equipment Use*** The use of all heavy-duty construction equipment shall be prohibited during all Project construction occurring between 7:00 a.m. and 8:00 a.m. on Saturdays.	**Activity:** Noise control. **Timing:** During construction. **Frequency:** As needed.	**Project Construction Lead** Initials Date	**Nevada Irrigation District** Initials Date		
NOI-2 ***Imports and Exports*** All Project material deliveries and material export hauling during all Project construction shall be restricted during 7:00 a.m. and 8:00 a.m. on Saturdays, to the extent feasible.	**Activity:** Noise control. **Timing:** During construction. **Frequency:** As needed.	**Project Construction Lead** Initials Date	**Nevada Irrigation District** Initials Date		
TCR-1 ***Worker Awareness Training***	**Activity:** Awareness training.	**UAIC Tribal Representative**	**Nevada Irrigation District**		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
A consultant and construction worker tribal cultural resources awareness brochure and in-field training program for all personnel involved in ground-disturbing activities will be developed and disseminated by a UAIC tribal representative to all operators of ground-disturbing equipment prior to construction commencing. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker tribal cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located in the project area and will outline the communication protocols in the event of the discovery of any potential tribal cultural resources or artifacts are encountered during ground-disturbing activity. The program will underscore the requirement for confidentiality and culturally appropriate treatment and respect of any find of significance to Native Americans, and behaviors consistent with Native American tribal values. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training. A copy of the form shall be provided to NID as proof of compliance. This mitigation measures shall be carried out in coordination with MM CUL-2.	**Timing:** Prior to construction. **Frequency:** As needed.	Initials Date	Initials Date		
TCR-2 ***Monitor Ground Disturbance, Installation of ESA fencing, and Stop Work if Tribal Cultural Resources or Human Remains are Detected*** Resources TCE-1/2, HD-009, HD-012, P-31-1693, P-31-1694, and P-31-1696 shall be designated Environmentally Sensitive Areas prior to construction activities with high-visibility temporary exclusionary fencing installed surrounding the known boundaries of these sites, plus a 5 meter (approximately 16 foot) buffer, as shown on the *confidential* Environmentally Sensitive Area Fencing map on file with NID. No ground-disturbing activities shall be allowed within the exclusionary fencing. A tribal representative from UAIC shall be present to observe the installation of ESA fencing around these resources. The tribal monitor will be present for ground disturbing activity within 200 feet of the ESA zones for TCE-1/2, HD-009, HD-	**Activity**: Tribal cutural resources monitoring. **Timing:** Prior to construction. **Frequency:** As needed.	**UAIC Tribal Representative** Initials Date	**Nevada Irrigation District** Initials Date		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
012, P-31-1693, P-31-1694, and P-31-1696. The tribal monitor shall also be present for all ground disturbing activity in the Hemphill Canal Study Area and Near and Instream Improvements Study Area. The tribal monitor shall also be present for all ground disturbing activity within the Project Area at the outset of the project, after which the frequency of monitoring in areas deemed less sensitive for TCRs may be re-assessed based on the observations and judgment of the UAIC tribal monitor. Ground disturbing activity includes all areas of soil newly disturbed, excavated, or dredged during the current Project. Placement of imported fill soils, movement of previously monitored soils, or placement and movement of non-soil material such as concrete need not be monitored. If subsurface deposits believed to be cultural or human in origin are discovered during construction by the monitor, all work must halt within 100 feet of the discovery. The UAIC tribal monitor will work with the onsite archaeologist to evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, in communication and coordination with the archaeologist, using professional judgment. The following notifications shall apply, depending on the nature of the find: • If the tribal representative determines that the find does not represent a TCR, work may resume following the procedures outlined in CUL-3. • If the tribal monitor determines the find represents a TCR, as defined in Section 21074, he or she shall immediately notify NID and the on-site archaeologist, and the parties shall consult on appropriate treatment measures. Work may not resume within the no-work radius until NID, through consultation as appropriate, determines that the find either: 1) is not a TCR under CEQA, as defined in Section 21074(a) of the Public Resources Code; or 2) that the treatment measures have been completed to its satisfaction. • In the event of an unanticipated discovery of a TCR, culturally appropriate treatment by the tribal monitor may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not					

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
be subject to future impacts. • An onsite location to securely store the discovered items shall be provided by NID that may include a lock box, locking drawer, or cabinet. The tribal monitor shall have access to the secure storage. • This mitigation measure will be carried out in concert with MM CUL-3.					

To be signed when all mitigation measures have been completed:

Nevada Irrigation District

Signature

Title

Printed Name

Date

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