DRAFT INITIAL STUDY / MITIGATED NEGATIVE DECLARATION SICARD FLAT PIPELINE UPGRADE PROJECT
BROWNS VALLEY IRRIGATION DISTRICT

Project title:	Sicard Flat Pipeline Upgrade Project
Lead agency name and address:	Browns Valley Irrigation District, 9370 Browns Valley School Road, P.O. Box 6, Browns Valley, CA 95918
Contact person and phone:	Mark Sayers, 530-743-5703
Project sponsor's name and address:	Browns Valley Irrigation District, 9370 Browns Valley School Road, P.O. Box 6, Browns Valley, CA 95918
Project Location:	Within and near the existing Sicard Flat Ditch (see below for more detail)
General Plan Designation:	Agricultural/Rural Residential
Zoning District:	Agricultural/Rural Residential – 05 (A/RR05)
Present Use and Development:	Agricultural/Rural Residential
Surrounding Uses/Zoning:	Agricultural/Rural Residential

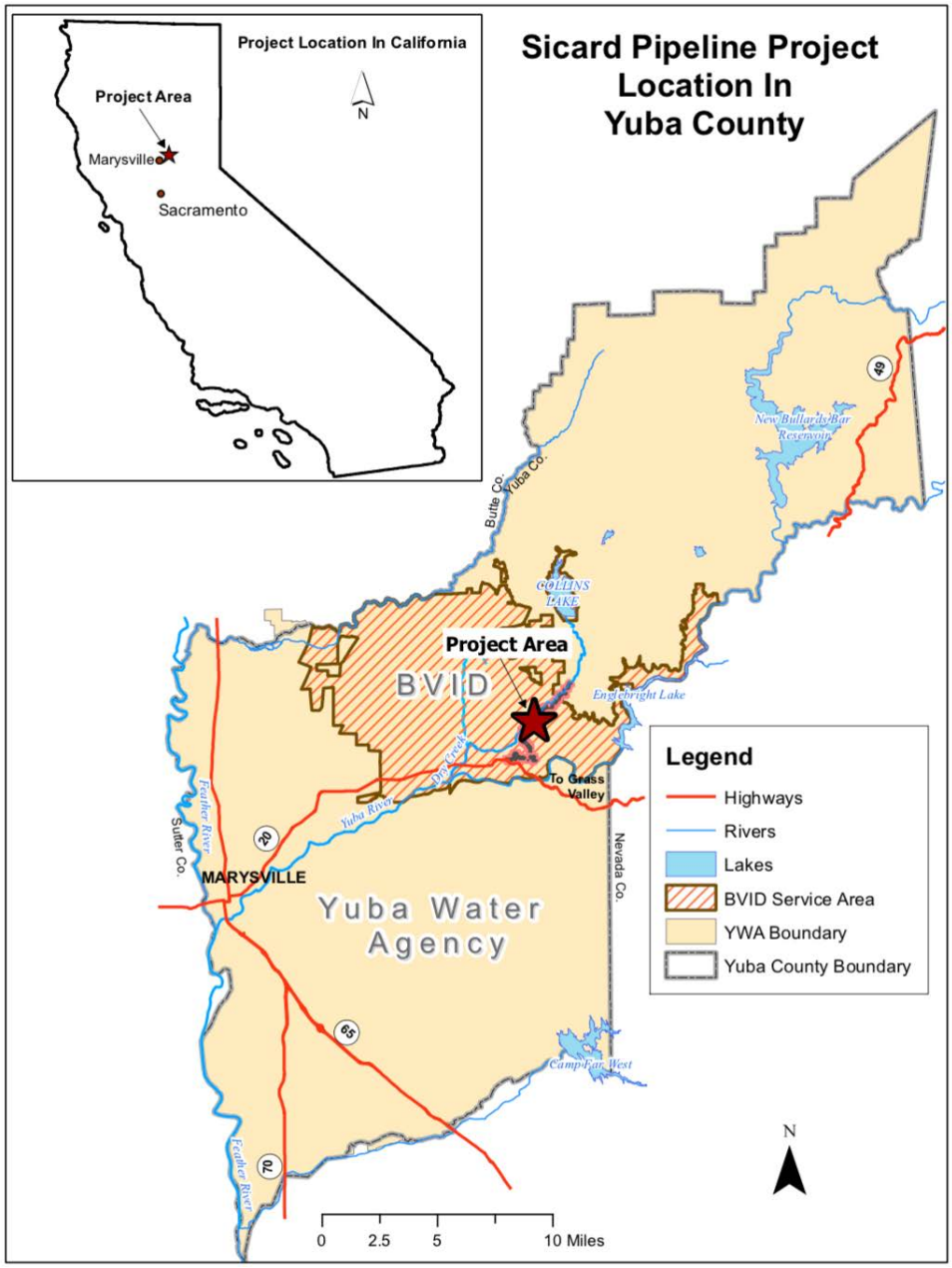
Introduction and Project Purpose:

The proposed Sicard Flat Pipeline Upgrade Project ("Project"), located within the BVID service area approximately 55 miles north of Sacramento, California, will convert a 9.3-mile open water conveyance ditch, which is comprised of many failing and porous sections, to 9.6 miles of high-density polyethylene (HDPE) pipeline. Replacing the leaky Sicard Flat Ditch with a closed pipeline system will conserve approximately 2,880 acre-feet of irrigation water each year, equivalent to six percent of the usable storage capacity of Collins Lake, the reservoir from which BVID draws the supply for this system. These water savings are significant for the Browns Valley Irrigation District ("BVID") because its water supplies are susceptible to drought due to the relatively small size of the reservoir and the fact that it is entirely dependent on rainfall. The Project will also enable BVID to avoid a major risk associated with the current ditch alignment. The Sicard Flat Ditch passes through a very narrow, unreinforced tunnel that is extremely susceptible to collapse. A collapse of this tunnel would be catastrophic, cutting off service to over 100 customers and potentially requiring millions of dollars and many years to repair. The Project proposes to abandon the tunnel with a new alignment that will eliminate this risk altogether. The Project will therefore improve water system efficiency and water supply reliability for BVID and its customers, and will enable the District to avoid the risks and costs associated with a potential collapse of the Sicard Tunnel. The Project's duration is estimated to be three to five years.

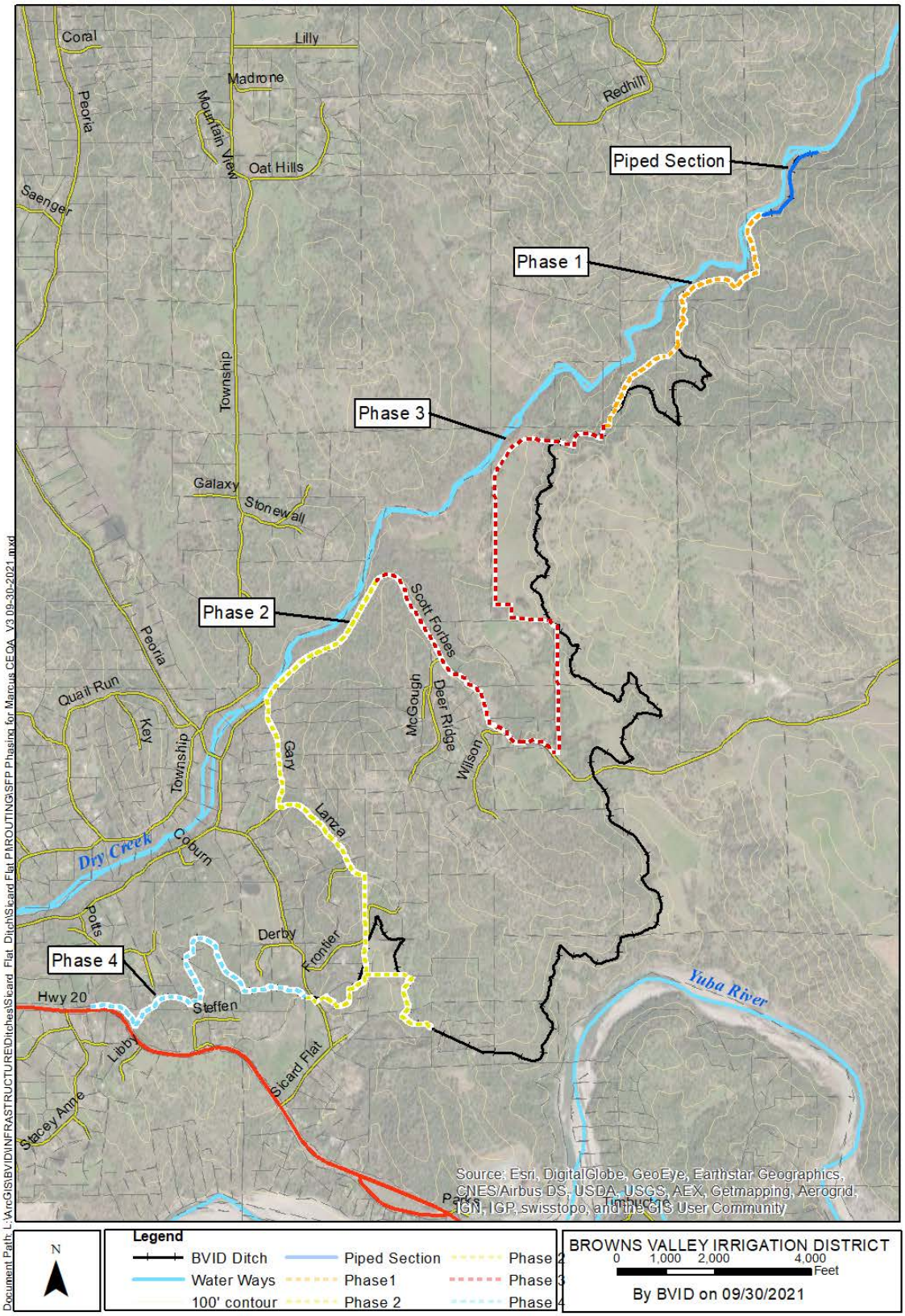
Project Location:

The proposed Project is located within the BVID service area, 12 miles northeast of the City of Marysville and 55 miles north of the City of Sacramento. The BVID service area encompasses approximately 55,000 acres. The latitude of the project is 39.254300 (39° 15'15.48"); the longitude is -121.344546 (-121° 20' 40.365").

The proposed pipeline will extend approximately 9.6 miles in length, generally located along a portion of the existing Sicard Flat Ditch, as well as various roadways that are located along, and off of, Scott Forbes Road, north of State Route 20, and east of the community of Browns Valley, in Yuba County, California.



Sicard Flat Pipeline Alignment and Project Phases



Technical Project Description and Background:

The Project will convert 9.3 miles of failing open, earthen water conveyance ditch to 9.6 miles of HDPE pipeline in a more preferred alignment. When completed, the Project will result in an annual water savings of approximately 2,880 acre-feet, which is equivalent to 6% of the usable storage in Collins Lake. The Sicard Flat Ditch is BVID's longest and most problematic conveyance system. Constructed in the 1850s, the head of the Sicard Flat Ditch begins at Dry Creek 4 miles below the Virginia Ranch Dam (Collins Lake) and extends 9.3 miles through much of Browns Valley to Highway 20 near Peoria Road. Much of its length is constructed directly into blasted rock, making it extremely porous and susceptible to leaks. The Project will replace the porous, leaky ditch with durable HDPE pipe. While the Project is a massive undertaking for BVID because of its length and cost, it is not technically complicated. The Project will be constructed entirely by BVID staff or a qualified contractor in several phases outside of BVID's irrigation season. The HDPE pipe will be delivered in 20- to 30-foot sections and fused onsite to create one continuous length. The pipe will be attached to existing infrastructure with fittings. The entire pipeline will be buried underground.

Phase Descriptions

A phased approach was developed for the construction of the Project that includes 4 Phases:

- Phase 1 consists of installing approximately 6,900 lineal feet of 48-inch HDPE pipe and appurtenances. The proposed alignment connects to the end of the established pipeline and follows the ditch line for approximately 4,500 feet before leaving the ditch and following a cross-country alignment for approximately 900 feet before following an existing driveway for approximately 1000 feet to an unimproved road. Approximately 200 feet follows the unimproved road back to the ditch, and continues in the ditch approximately 300 feet more to the end of the Phase 1 portion of the Project as currently planned and scheduled. Returning the pipe to the existing ditch at the end of in this phase is required for continued service through the ditch until Phase 4 is complete.

- Phase 2 consists of approximately 100 feet of 48-inch HDPE pipe, 11,800 feet of 42-inch pipe, 150 feet of 36-inch pipe, 1,100 feet of 10-inch pipe, and 1,750 feet of 8-inch pipe for a total phase length of 14,900 lineal feet. The proposed alignment for Phase 2 begins at the planned terminus of Phase 3 and follows Yuba County roadways for approximately 2,300 feet along Scott Forbes Road, onto Gary Drive, and then Lanza Lane. It will then go 400 feet up an undeveloped road/utility easement before turning and traveling approximately 1,500 feet cross-country, crossing Frontier Trail and returning to the ditch. The alignment then follows the ditch for approximately 2,500 feet until it reaches the siphon at Sicard Flat Road where it will cross the road to the siphon on the other side, which will be the beginning of Phase 4. Phase 2 also contains a 10-inch branch line that will tee off from the pipeline, travel approximately 1,100 feet cross-country and return to the ditch upstream of the 42-inch pipe already installed where it will tee to several existing customers through the existing ditch.

- Phase 3 consists of approximately 13,050 feet of 48-inch HDPE pipe and approximately 860 feet of 42-inch pipe for a total phase length of 13,910 lineal feet. The proposed alignment for Phase 3 begins at the tie-in point from Phase 1 and follows the ditch approximately 1,450 feet before following a westerly cross-country alignment for approximately 1,600 feet. This alignment avoids a conifer planting and proceeds due east crossing a portion of the ditch for a short distance before heading south across

Porter Creek, and then following Scott Forbes Road to the north and west approximately 5,550 lineal feet, using the existing road easement via encroachment permit agreement with Yuba County. Phase 3 ends and ties in at the beginning of Phase 2, approximately 3,500 feet from Gary Drive.

- Phase 4 will consist of approximately 7,300 lineal feet of 36-inch HDPE pipe that is proposed to be constructed entirely within the ditch alignment from Sicard Flat Road (terminus of Phase 2) to the end of the existing Sicard Flat Ditch near Highway 20 and plumbed to an existing distribution line.

Public Involvement Process:

Public disclosure and dialogue are priorities under CEQA. State CEQA Guidelines Sections 15073 and 15105(b) require that the lead agency designate a circulation period during which other agencies and the public can provide comments on the IS/MND and potential impacts of the proposed Project. Accordingly, BVID is circulating this document for a 30-day public and agency review period. The beginning and ending dates of the comment period are identified in the Notice of Intent that BVID will publish and post to start the circulation period.

Comments on this IS/MND can be submitted by mail or email to the following contact:

Mark Sayers
Browns Valley Irrigation District
P.O. Box 6
Browns Valley, CA 95918
Email: mark@bvid.org

All comments received before 5:00 p.m. on the date identified for closure of the public comment period in the Notice of Intent will be considered by BVID during its deliberations on whether to approve the Proposed Project. Public comments also will be received at the public hearing the BVID Board of Directors will conduct before considering whether to adopt the MND and approve the Project.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The Project could potentially result in one or more of the following environmental effects.

[ ] Aesthetics	[ ] Agricultural Resources	[X] Air Quality
[X] Biological Resources	[X] Cultural Resources	[X] Geology/Soils
[X] Hazardous Materials	[ ] Greenhouse Gas	[ ] Hydrology/Water Quality
[ ] Land Use/Planning	[ ] Mineral Resources	[ ] Noise
[ ] Population/Housing	[ ] Public Services	[ ] Recreation
[ ] Transportation/Traffic	[ ] Utilities/Service Systems	[ ] Wildfire
[ ] Energy	[X] Tribal Cultural Resources	
[X] Mandatory Findings of Significance		

On the basis of this initial evaluation:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

Signature of preparer, Marcus H. Bole
Principal, Marcus H. Bole & Associates

Date

Secretary of the Board
Browns Valley Irrigation District

Date

PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with California Environmental Quality Act (CEQA) Guidelines Section 15063, to determine if the Project as proposed may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
2) All answers must take account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4) "Negative Declaration: Less than significant with mitigation incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
    a) Earlier Analysis Used. Identify and state where they are available for review.
    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impact to less than significant.

Responsible and Trustee Agencies:

California Environmental Quality Act (CEQA) defines a responsible agency as a "public agency, other than the lead agency, which has responsibility for carrying out or approving a project" (Public Resource Code [PRC] Section 21069). A trustee agency is a "state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California" (PRC Section 21070). For the proposed Project, the California Department of Fish and Wildlife, North Central Region, is considered a trustee agency. Responsible parties for the Proposed Project are the Central Valley Regional Water Quality Control Board and the Feather River Air Quality Management District.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. AESTHETICS Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Setting:

The California Scenic Highway Program, a provision of the Streets and Highways Code, functions to preserve and enhance the natural beauty of California (California Department of Transportation [Caltrans] 2018). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways. The nearest designated scenic highway is State Route (SR) 20, at Skillman Flat Campground, Nevada City, approximately 45 miles northeast of the project area (Caltrans 2019). The proposed Project is located in a rural area of Yuba County. Scenic vistas in the project vicinity generally consist of views of rice fields and grazing land, and the post-Project condition will not materially change the existing views. The only portion of the Project that may be visible to the public would a small portion of construction near State Route 20. The remainder of the project consists of the underground installation of HDPE pipe within and near the existing alignment of the open ditch segments of the Sicard Flat Ditch. Excavation activities will result in the temporary removal of non-native grasses and forbs within the construction zone when pipe is installed outside of the ditch. Plant life, lawns, and other features will be protected. The pipe that is buried will be backfilled and returned to native condition. Those portions of the ditch that will be abandoned will be quitclaimed to owners for use or backfilled and returned to native condition.

Discussion:

a) **No impact**. Scenic vistas in the project vicinity generally consist of views of blue oak woodlands and fields and annual grasslands used for grazing. The proposed Project will not result in a substantial adverse effect on a scenic vista. The General Plan Background Paper lists scenic stream corridor features occurring in Yuba County as: the Feather, Yuba, and Bear Rivers, and Honcut Creek. A small portion of the project area is located approximately one mile from the Yuba River and over ten miles from the other scenic stream corridors. There are no scenic vistas present along the pipeline alignment.

b) **No impact.** There will be no impacts to scenic resources including, but not limited to trees, rock outcroppings, and historic buildings within the project area or its surroundings. The Archaeological Inventory Survey Report does not list any historic structures in the vicinity of the proposed Project. There are no rock outcroppings or unique trees within the project area. The project area is predominately previously-disturbed agricultural grazing land. When completed, the Project will be entirely underground.

c) **Less than significant impact.** The proposed Project will not substantially degrade the existing visual character or quality of the project area or its surroundings because it mainly consists of previously disturbed agricultural grazing land. Because the Project consists of the installation of underground pipeline, visual impacts associated with the Project are temporary and therefore expected to be minimal. While installation of the underground pipeline will require a twenty- to fifty-foot wide construction zone over the centerline of the pipeline route that is not within the existing Sicard Flat Ditch, this will create only a temporary degradation of the visual character of the area. No long-term effects are anticipated. No heritage or other protected trees will be removed for the alignment area outside of the Sicard Flat Ditch.

d) **No Impact.** The proposed Project would be conducted during daytime hours; no nighttime construction is proposed. No temporary or permanent lighting is proposed. There would be no effect on nighttime views. The proposed Project will not create any new source of substantial light or glare which would adversely affect day or nighttime views in the area. The proposed

Project does not include additional lighting sources and will not result in new sources of nighttime lighting.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURAL AND FORESTRY RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would this project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest land use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Setting:

According to the California Department of Conservation (CDOC), no land within or adjacent to the project area is classified as Important Farmland. The Project is located in a rural area of Yuba County, dominated by pastureland uses consisting primarily of cattle grazing. The project area transverses blue oak-foothill pine woodlands consisting of blue oak, coast live oak, valley oak, California buckeye, ceanothus and manzanita species.

Discussion:

a) **No Impact.** Because the majority of the pipeline will be installed within the existing Sicard Flat Ditch alignment, the Project will not affect agricultural grazing land. Once the "overland" segments are installed, the area will be reseeded and return to existing conditions. The proposed Project not result in the conversion of any important farmlands.

b) **No impact**. The Project involves the placement of pipeline within the existing Sicard Flat Ditch and adjacent non-native grasslands and oak woodlands. The project area is designated Rural Community by the Yuba County General Plan. The surrounding project zoning is "A/RR" Agricultural/Rural Residential. The proposed Project is consistent with the General Plan and zoning. The affected lands are not under Williamson Act contracts, as Yuba County has not established a Williamson Act ordinance.

c) **No impact.** The proposed Project does not involve any activities that would result in a rezoning or loss of a Timberland Preservation Zone. The long-term use of the project area will remain as grazing land.

d) **No impact.** The project area is not located in an area containing forest land. No conversion of forests would occur as a result of the Project.

e) **No impact.** The project area is predominately foothill woodlands and is not used to grow any crops nor does it have forest lands. Nothing related to the Project will lead to the conversion of any type of farmland to non-agricultural use or conversion of forest land to non-forest use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of, the applicable air quality plan?	☐	☐	**X**	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	**X**	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	**X**	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	**X**	☐

Setting:

The Project is located in a rural area of rolling hills where the Sierra foothills meet the floor of California's Central Valley. The nearest city is Marysville, approximately twelve miles to the southwest of the Project. Other notable sources of pollutants in the area include Highway 20, and Beale Air Force Base, located approximately eight miles to the south.

Air quality is determined primarily by the type and quantity of contaminants emitted into the atmosphere. State and federal criteria pollutant emission standards have been established for six pollutants: carbon monoxide (CO), ozone (O_3), particulate matter (PM10, particulate matter 10 microns in diameter of less) and PM2.5 (particulate matter 2.5 microns in diameter of less), nitrogen dioxide (NO_2), sulfur dioxide (SO_2) and lead (Pb). Yuba County has been designated a non-attainment for both ozone and PM10 by the ARB.

The air quality management agencies with jurisdiction over Yuba County include the U.S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), and the Feather River Air Quality Management District (FRAQMD). The FRAQMD is responsible for enforcing state and federal emission standards, and develops and enforces air quality regulations for non-vehicular sources, issues permits, participates in air quality planning, and operates a regional air-quality monitoring network.

Discussion:

a) **Less than significant impact**. The Project is located within the Northern Sacramento Valley Planning Area 2012 Air Quality Attainment Plan. In 2010, an update to the 1994 Air Quality Attainment Plan was prepared for the Northern Sacramento Valley Air Basin (NSVAB), which includes Yuba County. The plan proposes rules and regulations that would limit the amount of certain emissions in accordance with the 1994 State Implementation Plan (SIP). The 2010 update summarizes the feasible control measure adoption status of each air district in the NSVAB, including the Feather River Air Quality Management District (FRAQMD). The 2010 update was adopted by the FRAQMD, and construction proposed by the Project would be required to comply with its provisions.

The Air Quality Attainment Plan also deals with emissions from mobile sources, primarily motor vehicles and construction equipment with internal combustion engines. Data in the Plan, which was incorporated in the SIP, are based on the most currently available growth and control data. As is stated in the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. The Project will not conflict with the implementation of this or any applicable air quality plan because it will not generate emissions of the regulated constituents in greater daily volumes than permitted.

b) **Less than significant impact.** Construction activities associated with the Project will result in temporary increases in airborne particles in the form of dust and heavy equipment exhaust. Although there will be a temporary increase in airborne particulates and emissions, no long-term impacts to air quality are anticipated once the Project is completed. Temporary impacts are expected to be less than significant with best management practices (BMPs) incorporated and will not significantly contribute to any air quality violations in the County. The California Air Resources Board provides information on the attainment status of counties regarding ambient

air quality standards for certain pollutants, as established by the federal and/or state government. As of 2004, Yuba County is in non-attainment status for State and national (one-hour) air quality standards for ozone, and State standards for particulate matter less than 10 microns in diameter (PM_{10}).

As discussed above in Section A, under the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM_{10}. ROG and NOx are ingredients for ozone. Total project emissions are spread out of several years resulting in a less than significant impact on air quality. The proposed Project does not result in any new development or have an operational emissions phase and would not contribute substantially to the existing non-attainment status for ozone and PM_{10}.

c) **Less than significant with mitigation incorporated**. The Project is located primarily within agricultural grazing lands with few sensitive receptors identified. However, small portions of the existing Sicard Flat Ditch are located within privately-owned pasture land adjacent to rural residential properties. Residents and cattle could potentially be impacted by temporary pollutant concentrations resulting from construction activities. In order to reduce potential impacts to these sensitive receptors, mitigation measures outlined in MM 3-01 shall be implemented.

d) **Less than significant impact.** The Project would not generate significant odors considered objectionable. Furthermore, the Project is located in a rural area, and as noted above, any odors generated by the Project would be temporary and consistent with odors emitted from the surrounding rural residences.

MM 3-01. The following mitigation measures, which comply with FRAQMD's Best Management Practices, shall be implemented to avoid or minimize the potential adverse effects to air quality.

1) All grading operations on the Project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the project boundaries despite implementation of all feasible dust control measures.

2) Construction sites shall be watered as directed by the Browns Valley Irrigation District or Air Quality Management District staff and as necessary to prevent fugitive dust violations.

3) Reestablish ground cover on the construction site as soon as possible and prior to final inspections, through seeding and watering.

4) Construction equipment exhaust emissions shall not exceed FRAQMD regulations.

5) The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.

6) Limit idling time to 5 minutes.

7) No open burning of removed vegetation during grading operations. Vegetative material should be properly disposed of in according with County regulations.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	X	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	X	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	X	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	X	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	X

Setting: Several reconnaissance-level Biological Resource Assessments (BRA) were conducted by Marcus H. Bole & Associates, a USFWS approved biological consulting firm, during the May 2018 to June 2020 time period. The purpose of these assessments was to characterize existing conditions and assess the Project's potential to support special-status species. The impact analysis was based on the results of these assessments. The only wetland feature that will be impacted by the proposed Project is the underground pipeline crossing of Porter Creek, an ephemeral drainage.

The Project Area is within the Sacramento Valley geographic sub-region of the California Floristic Province. Browns Valley Irrigation District has a Mediterranean climate characterized by hot, dry summers and mild, rainy winters. Data collected at a weather station located in the Browns Valley area (at the UC Sierra Foothill Research Extension Center and operated by USDA) shows that annual precipitation generally ranges from 9 to 52 inches. Average annual

precipitation is 28 inches. Annual precipitation occurs almost exclusively as rainfall, and mostly from October through May. Mean monthly minimum air temperatures are typically in the high 30s and low 40s F during November through March. Mean maximum air temperatures are around 90º F during July and August. Recorded extremes are 14º F and 109º F, respectively (UC, 2007).

Discussion:

a) **Less than significant with mitigation incorporated.** The Project is located in the foothills of the Sierra Nevada Mountains. Habitat types inside and along the pipeline route consist of annual grasslands, sparse seasonal wetlands along ephemeral drainages, and blue oak-foothill pine woodlands. There are several features within the project area that classify as Waters of the United States and Other Waters of the United States. Waters of the United States are defined as seasonal wetlands, fresh emergent wetlands, and other water features that exhibit positive indicators for the three wetland parameters of hydrophytic vegetation, hydric soils and wetland hydrology. Other Waters of the United States are defined as seasonal or perennial water bodies, including lakes, stream channels, ephemeral and intermittent drainages, ponds, and other surface water features, that exhibit an ordinary high-water mark but lack positive indicators for one or more of the three wetland parameters (hydrophytic vegetation, hydric soil, and wetland hydrology).

A Biological Inventory Report, which assessed the potential for significant impacts to special-status species, was prepared for the proposed Project by Marcus H. Bole & Associates (MHBA) in February of 2020. As indicated in the Biological Inventory Report, MHBA compiled a list of special status plant and animal species from the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and the California Native Plant Society to determine what biological and plant species may be affected by the Project. In addition to the wildlife surveys, a general botanical survey and habitat evaluation for rare plant botanical species was conducted by MHBA during May of 2020.

The botanical survey was conducted within the blooming period for all plants identified under the USFWS, CNDDB and CNPS species lists. Species of special interest that were identified by CNDDB within a five-mile radius of the Project Area included Ahart's dwarf rush and dwarf downingia. There was no vernal pools or suitable wetlands within the Project Area that could support Ahart's dwarf rush or dwarf downingia. There was also no suitable habitat identified within the Project Area that could support species identified under the USFWS and CNPS lists, or CNDDB. There were no observations of plant species of special interest or other rare, endangered or threatened plant species during the surveys. But because this is a phased project over three to five years, the following mitigation measure is proposed for plant species to lower the potential of impact to less than significant.

MM 4-01. The following mitigation measures shall be implemented to avoid or minimize the potential for adverse effects on special status plant and wildlife species:

Prior to any vegetation removal or ground disturbing activities, focused surveys shall be conducted to reconfirm the absence of rare plants which have the potential to occur in the project area. Surveys shall be conducted in accordance with CDFG *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered plants and Natural Communities*. These guidelines require rare plant surveys to be conducted at the proper time of year when rare or endangered species are both "evident" and identifiable. Field surveys shall be scheduled to coincide with known blooming periods, and/or during periods of physiological

development that are necessary to identify the plant species of concern. If no rare plants are found within the project area, then the project will not have any impacts to these species and no additional mitigation measures are necessary.

If focused surveys indicate that rare plants are present within the project area, then BVID shall evaluate the feasibility of reconfiguring the Project's design in order to avoid or minimize impacts to rare plants. In addition to avoiding direct impacts to any identified rare plants, potential indirect, project construction, and project operation impacts shall be minimized to the maximum extent feasible through means including, but not limited to, the installation of protective fencing and environmentally sensitive area signage. Additionally, a Worker Environmental Awareness Program (WEAP) shall be implemented to educate construction workers about the presence of special-status species or other sensitive resources, including special status plants and wildlife in and near the project area, and to instruct them on proper avoidance, required measures and practices for protecting biological resources and contacts and procedures in case species are injured or encountered during construction.

MHBA prepared the following table of special status plant and wildlife species that have the potential to occur within the project area and is composed of special-status plant and wildlife species within the USGS "Honcut, Loma Rica, Oregon House, Smartville, Browns Valley, and Yuba City" 7.5 minute quadrangles. Species lists reviewed, and which are incorporated in the following table, include the USFWS Sacramento office species list, and the CNDDB. Species that have the potential to occur within the project area are based on suitable habitat within it, CNDDB occurrences within a five-mile radius of the project area and observations made during biological surveys. Not all species listed within the following table have the potential to occur within the project area based on unsuitable habitat and/or lack of recorded observations within a five-mile radius of the project area.

Table 1. Listed and Proposed Species Potentially Occurring or Known to Occur in the Sicard Flat Pipeline Upgrade Project Area

Common Name *(Scientific Name)*	**Status** Fed/State/ CNPS	**General Habitat Description**	**SURVEY PERIOD**	**Potential to Occur Onsite**
INVERTEBRATES				
California linderiella *(Linderiella occidentalis)*	_/S2S3/_	Vernal pools, swales, and ephemeral freshwater habitat.	November - April	Absent -there is no suitable habitat in or near the Project Area.
Conservancy fairy shrimp *(Branchinecta conservatio)*	FE/_/_	Moderately turbid, deep, cool-water vernal pool.	November - April	Absent -there is no suitable habitat in or near the Project Area.
Valley elderberry longhorn beetle *(Desmocerus californicus dimorphus)*	FT/_/_	Blue elderberry shrubs usually associated with riparian areas.	Any Season	Absent -there is no suitable habitat in or near the Project Area.
Vernal pool	FT/_/_	Moderately turbid, deep, cool-	November - April	Absent -there is no

Common Name *(Scientific Name)*	**Status** Fed/State/ CNPS	**General Habitat Description**	**SURVEY PERIOD**	**Potential to Occur Onsite**
fairy shrimp *(Branchinecta lynchi)*		water vernal pool.		suitable habitat in or near the Project Area.
Vernal pool tadpole shrimp *(Lepidurus packardi)*	FE/_/_	Vernal pools, swales, and ephemeral freshwater habitat.	November - April	Absent -there is no suitable habitat in or near the Project Area.
REPTILES AND AMPHIBIANS				
Northwestern pond turtle *(Emys marmorata marmorata)*	_/SSC/_	Artificial ponds, pond margins, back waters of rivers, and sloughs vegetated by heavy riparian and/or emergent vegetation and basking areas.	April-September	Absent. The Project will cross Porter Creek, however, the creek is an ephemeral drainage and is unsuitable habitat.
California red-legged frog *(Rana draytonii)*	FT/SSC/_	Quiet pools of streams, marshes and occasionally ponds. (sea level - 4,500 ft. elevation)	April-September	Absent - the Project will cross Porter Creek, however, the creek is an ephemeral drainage and is unsuitable habitat.
Giant garter snake *(Thamnophis gigas)*	FT/ST/_	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes ponds, sloughs, small lakes, and there associated uplands. (sea level - 400 ft. elevation)	April-October	Absent -there is no suitable habitat in or near the Project Area.
FISH				
Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha)*	FT/ST/_	Sacramento River and its tributaries.	N/A	Absent- there is no suitable habitat in or near the Project Area.
Central Valley steelhead *(Oncorhynchus mykiss)*	FT/_/_	Sacramento and San Joaquin Rivers and their tributaries.	N/A	Absent- there is no suitable habitat in or near the Project Area.
Delta smelt (*Hypomesus transpacificus)*	FT/SE/_	Sacramento-San Joaquin Estuary	N/A	Absent- there is no suitable habitat in or near the Project Area.

Common Name *(Scientific Name)*	**Status** Fed/State/ CNPS	General Habitat Description	SURVEY PERIOD	Potential to Occur Onsite
Green sturgeon *(Acipenser medirostris)*	FT/_/_	Spawning habitat in Sacramento, Klamath and Rogue Rivers.	N/A	Absent- there is no suitable habitat in or near the Project Area.
Sacramento River winter-run Chinook salmon *(Oncorhynchus tshawytscha)*	FE/SE/_	Sacramento River	N/A	Absent- there is no suitable habitat in or near the Project Area.
BIRDS				
Bald eagle *Haliaeetus leucocephalus*	MBTA/SE/_	Coast, large lakes and river systems, with open forests with large trees and snags.	Nest (February – August); winter CV (October – February)	Absent- there is no suitable habitat in or near the Project Area.
Bank swallow *(Riparia riparia)*	MBTA/ST/_	Along water ways with sharply cut banks made up of brittle soils.	May - July	Absent- there is no suitable habitat in or near the Project Area.
Western burrowing owl *(Athene cunicularia)*	MBTA/SSC/ –	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation.	February - August	Low Potential – scattered California ground squirrel burrows onsite represent marginal habitat.
California black rail *(Laterallus jamaicensis coturniculus)*	MBTA/ST/_	Salt marsh, shallow freshwater marsh, wet meadows, and flooded grassy vegetation in California, primary found in coastal and Bay-Delta communities, but also in Sierran foothills	March – September (breeding)	Low Potential - there is marginal suitable marsh/fresh emergent wetland habitat within the Project Area. There are CNDDB observations within a one mile radius of the Project Area
Grasshopper sparrow *(Ammodramus savannarum)*	MBTA/SSC/ _	Avoids grasslands with patchy bare ground. Avoids grasslands with extensive shrub cover; removal of grass cover by grazing often detrimental	May -August	Absent- there is no suitable habitat in or near the Project Area.
Long-eared owl *(Asio otus)*	MBTA/SSC/ –	Frequents dense, riparian and live oak thickets near meadow edges, and nearby woodland and forest habitats.	May -August	Absent- there is no suitable habitat in or near the Project Area

Common Name *(Scientific Name)*	**Status** Fed/State/ CNPS	**General Habitat Description**	**SURVEY PERIOD**	**Potential to Occur Onsite**
Swainson's hawk *(Buteo swainsoni)*	MBTA/ST/_	Open grasslands and shrub lands.	March -August	Potential – larger trees onsite represent potential nesting habitat.
Tri-colored black bird *(Agelaius tricolor)*	MBTA/SSC/ _	Marshes and swamps, agricultural irrigation ditches, blackberry brambles and grasslands	March -August	Low potential -there are scattered blackberry brambles within and near the Project Area with CNDDB occurrences within a five mile radius
Western yellow-billed cuckoo *(Coccyzus americanus occidentalis)*	FC/SE/_	Open woodlands, riparian areas, orchards and moist, overgrown thickets	June 15 – August 15	Absent- there is no suitable habitat in or near the Project Area
MAMMALS				
Hoary bat *(Lariurus cinereus)*	None	Roost in large to medium sized trees with dense foliage.	April- September	Absent- there is no suitable habitat in or near the Project Area
Western red bat *(Lasiurus blossevillii)*	_/SSC/_	Roosting habitat includes riparian forests associated with cottonwoods and sycamores, oak woodlands and occasionally orchards adjacent to stream systems.	April- September	Absent- there is no suitable habitat in or near the Project Area
Yuma myotis *(Myotis yumanensis)*	None	Roosts in buildings, small crevices, bridges and occasionally old swallow nests. Prefers open woodland habitat and is commonly associated with water.	April- September	Absent- there is no suitable habitat in or near the Project Area

CODE DESIGNATIONS

FE = Federally-listed Endangered
FT = Federally-listed Threatened
FC = Federal Candidate Species
BCC = Federal Bird of Conservation Concern
MBTA = Protected by the federal Migratory Bird Treaty Act
SE = State-listed Endangered
ST = State-listed Threatened
SR = State-listed Rare
SSC = State Species of Special Concern
S1 = State Critically Imperiled
S2 = State Imperiled
S3 = State Vulnerable
S4 = State Apparently Secure
SSC = CDFW Species of Special Concern
FP =CDFW Fully Protected Species
SNC = CDFW Sensitive Natural Community

A = Species Absent
P = Species Present
HA = Habitat Absent
HP = Habitat Present
CH = Critical Habitat
MH = Marginal Habitat
CNPS 1B = Rare or Endangered in California or elsewhere
CNPS 2 = Rare or Endangered in California, more common elsewhere
CNPS 3 = More information is needed
CNPS 4 = Plants with limited distribution
0.1 =Seriously Threatened
0.2 = Fairly Threatened
0.3 = Not very Threatened

MM 4-02. The following are recommended avoidance and minimization measures. Construction activities should begin outside of the avian breeding season (September 1 – February 28) so as to avoid potential impacts to nesting tri-colored blackbirds or from deterring tri-colored blackbirds from potentially nesting within or near the project area. If project activities cannot commence prior to the avian breeding season (March 1 – August 31) than a pre-construction survey for tri-colored blackbird nesting colonies shall be conducted no later than 15 days prior to the start of construction activities by an approved biologist in portions of the project area where suitable tri-colored nesting habitat occurs. If a tri-colored blackbird nesting colony is observed within 250 feet of the project area, then Browns Valley Irrigation District will be notified, additional avoidance and minimization measures will be implemented, and Browns Valley Irrigation District will consult with CDFW for further guidance. If for any reason construction stops for a period of 10 days or longer within the avian breeding season, an additional tri-colored blackbird nesting colony survey shall be conducted 15 days prior to the continuation of construction activities.

MM 4-03. The following are recommended avoidance and minimization measures for western burrowing owls. Construction should begin outside of the avian breeding season to avoid impacts to western burrowing owls and/or deter western burrowing owls from occupying the area with or surrounding the project area. If construction begins during the avian breeding season, then a pre-construction survey for western burrowing owls will be conducted by a qualified biologist no later than 15 days prior to the start of construction activities.

The survey area will consist of all areas within the project area that have suitable habitat and accessible areas 150 meters (approximately 500 ft.) outside of the project area that have suitable habitat. If burrowing owls are observed within 150 meters of the project area, then Browns Valley Irrigation District will be contacted no later than two days following the survey and avoidance and minimization measures will be implemented as recommended by a qualified biologist. If burrowing owls are observed within the project area, then Browns Valley Irrigation District will be contacted no later than two days following the survey and the District will consult with CDFW for further guidance.

MM 4-04. The following are avoidance and minimization measures for California avian species of special concern and species protected under the MBTA and the CFWC. Any vegetation removal and/or ground disturbance activities should begin during the avian non-breeding (September 1 – February 28) season so as to avoid and minimize impacts to avian species. If construction is to begin within the avian breeding season (March 1 – August 31), then a migratory bird and raptor survey shall be conducted within the project area by a qualified biologist. A qualified biologist shall: (1) conduct a survey for all birds protected by the MBTA and CFWC no later than 15 days prior to construction activities; (2) map all nests located within 250 feet of construction areas; and (3) develop buffer zones around active nests as recommended by a qualified biologist. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored at least twice per week and a report submitted to the Browns Valley Irrigation District monthly. If construction activities stop for more than 10 days, then another migratory bird and raptor survey shall be conducted no later than 15 days prior to the continuation of construction activities. All disturbed areas that will not receive permanent fill will receive a native grass seed mixture or in-kind vegetation after construction is completed. All staging and construction activity will be limited to designated areas within the project area and designated routes for construction equipment shall be established in order to limit disturbance to the surrounding area.

MM 4-05. The following measures shall be implemented to avoid or minimize the potential for adverse effects on the California black rail. Appropriate BMP's shall be implemented to protect water quality and minimize the potential for erosion and sedimentation into waters of the United States. If construction activities during February 15 through June 20 cannot be avoided, the following measure shall be implemented. Prior to any construction activities during the period of February 15 through June 30, a pre-construction survey will be conducted. If California Black Rails are observed in the project area, CDFW shall be consulted to develop measures to avoid take of California black rail and to minimize the potential for other adverse effects on the species. Construction shall be implemented in accordance with the measures developed in cooperation with the CDFW. These measures may include, but are not limited to, seasonal restrictions on construction activities, pre-construction surveys, and biological monitoring and reporting.

b) **Less than significant with mitigation incorporated**. The proposed pipeline will cross Porter Creek, which supports a limited amount of scrub riparian habitat, a sensitive natural community as identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife (CDFW) and/or the U.S. Fish and Wildlife Service (USFWS). Prior to impacts to Porter Creek, appropriate permits will be obtained from federal and state regulatory agencies. **Mitigation Measure MM 4-06** will ensure that impacts are less than significant.

c) **Less than significant with mitigation incorporated**. The only impacts to potential wetlands or Waters of the United States would occur during the crossing of Porter Creek. Porter Creek is an ephemeral drainage. Prior to impacts to Porter Creek, appropriate notifications and permits will be obtained from federal and state regulatory agencies. **Mitigation Measure MM 4-06** will ensure that impacts are less than significant.

MM 4-06. The following measures shall be implemented to avoid or minimize the potential for adverse effects on waters of the United States.

- Prior to crossing Porter Creek, a wetland delineation and biological assessment will be forwarded to all federal and state regulatory agencies for their review and permitting procedures.
- Erosion control measures shall be implemented during construction of the Project. Such provisions include the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which describes and illustrates placement of best management practices (BMPs) within the project area.

Erosion control measures to be included in the SWPPP or otherwise required to be implemented include the following:

- To the maximum extent practicable, activities that increase the erosion potential in the project area shall be restricted to the relatively dry summer and early fall period to minimize the potential for rainfall events to transport sediment to surface water features. If these activities must take place during the late fall, winter, or spring, then erosion and sediment control structures shall be in place and operational at the end of each construction day.

- Areas where vegetation needs to be removed shall be identified in advance of ground disturbance and limited to only those areas that have been approved by BVID.

- Within 10 days of completion of construction in those areas where subsequent ground disturbance will not occur for 10 calendar days or more, weed-free mulch shall be applied to disturbed areas to reduce the potential for short-term erosion. Prior to a rain event or when there is a greater than 50 percent possibility of rain within the next 24 hours, as forecasted by the National Weather Service, weed-free mulch shall be applied to all exposed areas at the completion of the day's activities. Soils shall not be left exposed during the rainy season.

- Suitable BMPs, such as silt fences, straw wattles, or catch basins, shall be placed below all construction activities at the edge of surface water features to intercept sediment before it reaches the waterway. These structures shall be installed prior to any clearing or grading activities.

- If spoil sites are used, they shall be located such that they do not drain directly into a surface water feature (to the maximum extent practicable). If a spoil site drains into a surface water feature, catch basins shall be constructed to intercept sediment before it reaches the feature. Spoil sites shall be graded and vegetated to reduce the potential for erosion.

- Sediment control measures shall be in place prior to the onset of the rainy season and shall be monitored and maintained in good working condition until disturbed areas have been re-vegetated.

Construction specifications shall include the following measures to reduce potential impacts on vegetation and aquatic habitat resources in the project area associated with accidental spills of pollutants (e.g., fuel, oil, grease):

- A site-specific spill prevention plan shall be implemented for potentially hazardous materials. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface water features.

- Equipment and hazardous materials shall be stored a minimum of 50 feet away from surface water features.

Vehicles and equipment used during construction shall receive proper and timely maintenance to reduce the potential for mechanical breakdowns leading to a spill of materials. Maintenance and fueling shall be conducted in an area at least 50 feet away from all Project water features or within an adequate fueling containment area.

d) **Less than significant impact.** The Project consists of an underground pipeline, which will create a number of temporary construction impacts. While scattered use by deer was observed during the field surveys, it is not anticipated that the Project will have significant impacts to deer or other animal migration as the pipeline will be placed underground.

e) **No impact.** There are no significant conflicts with any local policies or ordinances protecting biological resources. Only a small number of native and non-native trees will be removed when the pipeline is moved outside the existing ditch alignment. Impacts to oak woodlands will be less than significant.

f) **No impact.** There are no significant conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plans because none exist. Although Yuba and Sutter County jointly have begun discussions for a proposed HCP/NCCP, this plan has not yet been adopted nor is adoption anticipated in the near future due to delays in the planning process.

5. CULTURAL RESOURCES Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Setting:

Sites identified within the Project Area were evaluated for significance in relation to CEQA significance criteria. Historical resources per CEQA are defined as buildings, sites, structures, objects, or districts, each of which may have historical, architectural, archaeological, cultural, or scientific significance. CEQA requires that, if a project results in an effect that may cause a substantial adverse change in the significance of a historical resource, alternative plans or mitigations measures must be considered; however, only significant historical resources need to be addressed.

In addition, CEQA further distinguishes between archaeological sites that meet the definition of a significant historical resource, and "unique archaeological resources." An archaeological resource is considered "unique" (Section 21083.2(g)) when the resource not merely adds to the body of knowledge, but when there is a high probability that the resource also:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In the present case, two resources have been identified as being within, or immediately adjacent to the area of potential effects (APE). Both resources have been subjected to previous recordation and evaluation for significance and eligibility, and both were recommended not eligible for inclusion in the National Register of Historic Places (NRHP) due to lack of integrity. One previously undocumented resource (the Smith Ditch) was also identified with the APE. This resource was subjected to California Register of Historical Resources (CRHR) eligibility evaluations and was determined not eligible for inclusion in the CRHR.

Based on the specific findings made under Cultural Resources Survey and Cultural Inventory, no significant historical resources or unique archaeological resources are present within the project area and no significant historical resources/unique archaeological resources will be affected by the undertaking, as presently proposed.

Field work was undertaken during the March 2018 to January 2020 time period by Sean Michael Jensen, M.A. Mr. Jensen is a professional archaeologist and professional historian, with 28 years' experience in archaeology and history, who meets the Secretary of Interior's Standards for Professional Qualification, as demonstrated in his listing on the California Historical Resources Information System list of qualified archaeologists and historians. No special problems were encountered during fieldwork, and all survey objectives have been satisfactorily achieved.

Discussion:

a) **Less than significant impact**. According to the Information Center's records, a total of nine (9) resources have been documented within, adjacent, or within 1/8th mile of the APE. An intensive-level pedestrian survey of the entire APE successfully relocated all the previously recorded resources, and further determined that only two of the previously recorded resources (P-58-219 and P-58-278) are actually located within the APE. Furthermore, one previously undocumented resource (the Smith Ditch) was identified within the APE. All three resources

were subjected to California Register of Historical Resources (CRHR) eligibility evaluations, and all three were recommended not eligible for inclusion on the CRHR

b) **Less than significant with mitigation incorporated**. No archaeological resources within the APE were recommended for inclusion on the CRHR. However, the records search provided by the North Central Information Center identified the area as having a moderate-to-high potential for prehistoric-or ethnohistoric-period Native American sites in the area. Because the Project requires altering the natural ground surface, and because subsurface findings cannot be determined prior to ground disturbance, the possibility remains that archaeological sites now buried or obscured by vegetation would be exposed and damaged during construction activities. Damage to, or destruction of, such resources is considered a potentially significant impact. Implementation of **Mitigation Measure 5-01** would reduce this impact to a less than significant level.

c) **Less than significant with mitigation incorporated.** Interred human remains are not known to be located within or near the Project Area; thus, no significant impacts are anticipated. However, it is possible that construction activities could result in the inadvertent discovery of remains during construction activities. This potential impact could potentially be significant. The impact will be reduced to a **less than significant** level with the implementation of **Mitigation Measure 5-02**.

The following mitigation measures would reduce impacts to cultural resources to a less than significant level:

MM 5-01. Implement a plan to address the inadvertent discovery of buried cultural resources. The project manager will take the following steps during Project construction. The project manager shall require that if cultural resources—such as chipped or ground stone, midden deposits, historic debris, building foundations, human bone, or paleontological resources—are inadvertently discovered during ground-disturbing activities, the construction crews will stop all work in that area and within 100 feet of the find until a qualified archaeologist or paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with BVID and other appropriate agencies. Should any artifacts be discovered, and their disposition be necessary, the project manager shall consult with culturally affiliated Native Americans.

MM 5-02. Implement a plan to address the discovery of human remains.

The project manager will take the following steps during construction activities. If remains of Native American origin are discovered during project construction, it will be necessary to comply with state laws concerning the disposition of Native American burials, which fall under the jurisdiction of the NAHC of California (Public Resources Code). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

1. The Yuba County Coroner has been informed and has determined that no investigation of the cause of death is required.

2. If the Corner determines or has reason to believe that the remains are of Native American origin, then the Corner must contact BVID and the NAHC within

48 hours to inform them of that determination.

3. After being informed by the Corner, the NAHC shall identify and notify the most likely descendent. The most likely descendant then will then make a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98. The most likely descendant may request to make a site inspection and BVID will provide access to the site for an inspection as soon as possible.

4. If the NAHC has been unable to identify a descendent or the descendent fails to make a recommendation within 48 hours after being notified by the commission, the BVID may rebury the remains with appropriate dignity outside the project area in accordance with Public Resources Code section 5097.98(e).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. ENERGY Would the Project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	X	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	X	☐

Discussion:

b) **Less Than Significant Impact.** The proposed Project would involve in installation of HDPE pipe within and near the current alignment of the Sicard Flat Ditch. Project-related construction activities would comply with all local, state and federal requirements for control of air pollutant emissions and reduction of greenhouse gas emissions. Operations and maintenance of the proposed Project would not involve additional consumption of energy resources beyond existing conditions. Therefore, the proposed Project would have a less than significant impact on energy resources.

b) **Less Than Significant Impact.** As stated in item (as) above, project-related construction activities would comply will all local, state and federal requirements for control of air pollutant emissions and reduction of greenhouse gas emissions, and no additional consumption of energy would result from operational activities. Therefore, the proposed Project would have a less than significant impact related to state or local plans for renewable energy or energy efficiency.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GEOLOGY AND SOILS Would the Project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zone Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☒	☐	☐

Setting:

On-site soils, as described in the *Soil Survey of Yuba County, California* (published by the USDA Natural Resources Conservation Service), are predominantly Sobrante-Auburn complex 3–8 percent slopes. This soil unit is on hills, toe slopes and side slopes. This unit contains components of Argonaut, Timbuctoo and rock outcrops. These soils are not listed as “hydric” and except for the bed and banks of Porter Creek, no hydric soils were observed within the project area.

Discussion:

a)

i) **Less than significant impact**. Yuba County 2030 General Plan describes the potential for seismic activity potential within Yuba County as being relatively low and it is not located within a highly active fault zone. No Alquist-Priolo Earthquake Fault Zones are located within the County. The faults that are located within Yuba County are primarily inactive and consist of the Foothills Fault System, running south-southeastward near Loma Rica, Browns Valley and Smartsville. Faults within the Foothill Fault System include Prairie Creek Fault Zone, the Spenceville Fault, and the Swain Ravine Fault.

ii) **Less than significant impact**. Within Yuba County, the Swain Ravine Lineament of the Foothills Fault system is considered a continuation of the Cleveland Hill Fault, the source of the 1975 Oroville earthquake. The Foothill Fault System has not yet been classified as active, and special seismic zoning was determined not to be necessary by the California Division of Mines and Geology. While special seismic zoning was not determined to be necessary, the Foothill Fault system is considered capable of seismic activity. In addition, the County may experience ground shaking from faults outside the County.

iii) **No impact**. Ground failures, such as differential compaction, seismic settlement and liquefaction, occur mainly in areas that have fine-grained soils and clay. The project area sub-surface materials do not consist of fine-grained soils and that the project area has a very low liquefaction probability.

iv) **No impact**. Landslides are most likely to form when the ground is sloped. The proposed pipeline installation would take place over relatively flat topography which is not prone to landslides.

b) **Less than significant impact.** The Project would require temporary disruption of soils, including excavation, stockpiling, and replacement of soils. Soils in the project area have a moderate-to-high level of erosion hazard, especially where vegetation is removed. As part of the construction process, mitigation measures outlined in the Air Quality section and the Hydrology section have incorporated erosion control measures to avoid or minimize potential erosion for excavated, stockpiled and replacement soils.

c) **No impact**. The Project would not be subject to significant hazards associated with landslides, lateral spreading, liquefaction, or collapse. Activities that would cause subsidence include groundwater pumping and natural gas extraction. There are no wells in the Project vicinity. The Project would not result in an increased demand for water. Water usage associated with the Project would not significantly draw down aquifers in the area to a level that would cause subsidence.

d**) No impact**. The project area is not located on soils that are considered expansive and would not create a substantial risk to life or property. The Yuba County 2030 General Plan confirms that there are not expansive soils located near the project area.

e) **No impact.** No housing or development requiring the installation or utilization of septic tanks or wastewater disposal systems is proposed with this Project.

f) **Less Than Significant with Mitigation Incorporated**. As described in the Cultural Resources Inventory Survey prepared by the Genesis Society and Mitigation Measures MM 5-01 and MM 5-02, the project has been designed to avoid all unique paleontological resources, sites, and unique geological features.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. GREENHOUSE GAS EMISSIONS Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Setting:

The Project is located in a rural area of rolling hills where the Sierra foothills meet the floor of California's Central Valley. The nearest city is Marysville, approximately twelve miles to the southwest of the Project. Other notable sources of pollutants in the area include Highway 20, and Beale Air Force Base, approximately eight miles to the south.

Discussion:

a) **Less than significant impact**. Global Warming is a public health and environmental concern around the world. The predominant opinion within the scientific community is that global warming is currently occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of "greenhouse gases" (GHG).

In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce greenhouse gas emissions in California. Greenhouse gases, as defined under AB32, include carbon dioxide, methane, nitrous oxide, hydro-fluorocarbons, perfluorocarbons, and sulfur hexafluoride. AB32 required the California Air Resources Board (ARB), the State agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve greenhouse gas emissions equivalent to statewide levels in 1990 by 2020. However, to date, no threshold has been established for what would constitute a cumulatively significant increase in greenhouse gases for individual development projects.

There will be indirect emissions as a result of construction-related activities such as emissions from equipment exhaust. The Yuba County 2030 General Plan's Public Health & Safety Section Policy HS6.1 requires that all new development implement emissions control measures recommended by FRAQMD for all construction-related activities (i.e. construction, grading, excavation, and demolition), to the maximum extent feasible. As a requirement of the issuance of any building or construction-related permit, the Yuba County Building Department requires that the applicant comply with all FRAQMD dust and emission control measures. Compliance with standard best management practices outlined in the Air Quality Section will ensure compliance with FRAQMD dust and emission control measures.

b) **No impact**. A project is deemed inconsistent with air quality and greenhouse gas (GHG) reduction plans if it would result in population and/or employment growth that exceeds growth estimates included in the applicable air quality plan, in turn, would generate emissions not accounted for in the applicable quality plan budget. Therefore, projects need to be evaluated to determine whether they would generate growth rates included in the relevant air quality and GHG reduction plans. The Project involves undergrounding the open ditch segments of the Sicard Flat Ditch. Therefore, the Project would be consistent with local plans for growth, traffic, and air quality and would have a less than significant impact to GHG emissions. Additionally, Yuba County is currently updating its Uniform Development Code, which will include a Climate Action Plan that will address Greenhouse Gas Emissions; however, there is no plan in place at this time. The Project is consistent with the Air Quality & Climate Change policies within the Public Health & Safety Section of the 2030 General Plan therefore, the Project does not conflict with any applicable plan, policy or regulation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HAZARDS/HAZARDOUS MATERIALS Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	X	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	X	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	X	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	X
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	X

Setting:

The California Environmental Protection Agency (CalEPA) has been granted primary responsibility by USEPA for administering and enforcing hazardous materials management plans within California. CalEPA defines a hazardous material as a material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released (26 California Code of Regulations [CCR] 25501).

CalEPA delegates responsibility for many of its programs to local governments through certification as a Certified Unified Program Agency (CUPA). A CUPA is responsible for implementing a unified hazardous materials and hazardous waste management program. As the designated CUPA for Yuba County, the Environmental Health Department of Yuba County is responsible for performing all assessments of environmental contamination and/or human exposure, providing oversight of cleanup activity, and coordinating with the lead state agency having cleanup jurisdiction. Browns Valley Irrigation District is the lead agency for the Project and coordinates and complies with the requirements of the Yuba County Health Department. As discussed in the section "Hydrology and Water Quality", a project that would disturb one acre or more of soil must obtain coverage under General Permit Order 2010-0014-DWQ. Coverage under General Permit requires the implementation of a SWPPP. A SWPPP includes plans for erosion and sediment control and complies with the County's grading ordinance and BMPs.

Discussion:

a, c) **Less than significant with mitigation incorporated.** The Project would not directly generate or involve the routine transfer or disposal of a significant amount of hazardous materials. Construction of the underground pipeline will involve ground disturbance that could potentially expose previously unknown sources of contaminants. Additionally, construction activities will involve small quantities of commonly used materials such as fuels and oils to operate construction equipment. Because of their limited quantity, these materials would present a minor hazard, and only if spillage occurs. Standard spill prevention and control measures will be maintained by the contractor. Use of these materials would cease once Project construction is completed. Any potentially contaminated areas, if encountered during Project construction, will be evaluated by a qualified hazardous material specialist in the context of applicable local, state, and federal regulations governing hazardous waste. The impact will be reduced to a less than significant level with implementation of Mitigation Measure **MM 9-01**.

MM 9-01. Construction specifications shall include the following measures to reduce potential impacts in the Project Area associated with accidental spills of pollutants (e.g., fuel, oil, grease):

- A site-specific spill prevention plan shall be implemented for potentially hazardous materials. The plan shall include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching surface water features.

- Equipment and hazardous materials shall be stored a minimum of 50 feet away from surface water features.

- Vehicles and equipment used during construction shall receive proper and timely maintenance to reduce the potential for mechanical breakdowns leading to a spill of

materials. Maintenance and fueling shall be conducted in an area at least 50 feet away from waterways and the Sicard Flat Ditch or within an adequate fueling containment area.

b) **Less than significant with mitigation incorporated**. As noted in a) above, a less than significant amount of hazardous materials would be used and removed by construction equipment during construction. Spills of these materials could potentially occur, and **MM 9-01** would ensure that impacts from spills would be limited and not a significant risk to the environment.

d) **No impact.** The project area is not located on or near a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. According to the Department of Toxic Substances Control, the Project is not located on or near a Federal Superfund Site, a State Response Site, a Voluntary Cleanup Site, or a School Clean-up Site. The Project is located northeast of Beale Air Force Base (BAFB) which has a Land Use Compatibility Plan that was adopted on March 17, 2011.

e) **No impact.** The Project will not result in a safety hazard for people residing or working in the project area of an airport land use plan, or within two miles of a public airport or public use airport or a private airstrip. A review of the California Airports List, and the San Francisco Sectional Aeronautical Chart, reveals that there are no public or private airstrips within two miles of the project area. Project activities are limited to the immediate area of the Sicard Flat Ditch with the exception of several adjacent "overland" routes. There will be no impact to emergency access to the project site.

f) **No impact.** The County is currently developing a Pre-Disaster Multi-Hazard Mitigation Plan (MHMP), in accordance with the Disaster Mitigation Act of 2000, to develop activities and procedures to reduce the risk of loss of life and property damage resulting from natural and man-made hazards and disasters. The 2030 General Plan contains safety and seismic safety policies. The Project is not expected to have an impact on any of the County's emergency response plans or policies as a detour will be maintained for both residents and emergency response vehicles in case of an event. The Project does not propose any development that would have to evacuate and would not interfere with an emergency evacuation of the area.

g) **No impact**. The Project does not propose any development, and as such it will not expose people or structures to wildland fires. All heavy equipment used during the construction of the Project will be mandated to possess fire extinguishers and all construction personal training to use the fire extinguishers.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. HYDROLOGY AND WATER QUALITY Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	**X**	☐
b) Substantially decrease ground water supplies or	☐	☐	☐	**X**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	X	☐
i) result in substantial erosion or siltation on- or off-site;	☐	☐	X	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	X
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	X
iv) impede or redirect flood flows?	☐	☐	☐	X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	X

Setting:

The Project is located in a rural area of rolling hills where the Sierra foothills meet the floor of California's Central Valley. The Project involves the installation of HDPE pipeline in and near the current Sicard Flat Ditch. Trenching will impact one seasonal drainage (Porter Creek) that flows into Dry Creek.

Discussion:

a) **Less than significant.** The Project will not violate any water quality standards or waste discharge requirements. The Project involves a certain amount of excavation, stockpiling, and movement of soil. Such soil disturbance carries with it the risk of unintended discharges into nearby seasonal and/or ephemeral drainages. Such discharges would be prevented, however, through the use of Best Management Practices (BMP). The Project may result in ground disturbance equal to or greater than one acre in size and would then be within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB), which develops and enforces water quality objectives and implementation plans that safeguard the quality of water resources in its region. Prior to construction of a project greater than one acre, the RWQCB requires a project applicant to file for a National Pollution Discharge Elimination System (NPDES) General Permit. The General Permit process requires the project applicant to 1) notify

the State, 2) prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), and 3) to monitor the effectiveness of the plan. The following mitigation shall be incorporated into the project's construction activities and stormwater runoff design to offset the potential for siltation (erosion) and other potential water quality impacts.

b) **No impact**. The Project will not significantly interfere with groundwater recharge, alter the existing drainage pattern including through the alteration of the course of a stream or river, or create substantial additional sources of polluted runoff. Thus, the Project will have no additional impact on groundwater supplies, runoff, or other impacts on water quality. There is no a development component to the Project.

c) **Less than significant impact**.

(i) Construction activities for the Project would involve excavation within and near the Sicard Flat Ditch. Exposure of subsurface soils during the rainy season could result in erosion and siltation of runoff. All construction activities would be conducted in compliance with the County's standards and applicable State Water Resources Control Board (SWRCB) requirements, including preparation of a SWPPP, which would prevent runoff from causing substantial erosion or siltation on- or off-site. Therefore, the impact of the Project related to erosion or siltation would be less than significant.

(ii) As previously described, the primary focus of the Project is the encasing of the Sicard Flat Ditch. The project area is within a rural setting that requires efficient control of surface runoff to prevent flooding. The proposed piping of the Sicard Flat Ditch will not affect efficient stormwater flows during storm events and will not result in erosion or siltation. No impact.

(iii) The Project will not impact stormwater drainage capacity. No impact.

(iv) The proposed construction plan would not substantially alter the existing drainage pattern of the site or area. The natural drainage pattern of the area will not be altered in terms of changing drainage channels/paths. BVID is also required to file a NPDES General Construction Storm Water Permit. The NPDES General Construction Permit process requires the Project sponsor to 1) notify the State, 2) prepare and implement a SWPPP, and 3) monitor the effectiveness of the plan. The SWPPP identifies pollutants that may be generated at the construction site, including sediment, earthen material, chemicals, and building materials. The SWPPP also describes best management practices that the Project will employ to eliminate or reduce contamination of surface waters. Implementation of the conditions of the NPDES General Construction Permit would control potential erosion problems. No Impact.

d) **Less than significant impact.** The project area is not at risk for tsunami, and the area is not adjacent to a body of water that could experience seiche. The contractor would be required to obtain a permit from the Central Valley RWQCB detailing a plan to control any spills that occur during construction. The plan would describe the construction activities to be performed, BMPs that would be implemented and inspection and monitoring activities that would be conducted. Compliance with state and local regulations and implementation of a SWPPP would result in a less than significant impact.

e**) No Impact**. As previously stated, the Project involves the encasement of the Sicard Flat Ditch to facilitate the improvement of water quality within the pipeline and to increase water supply reliability and conservation. All construction activities would be conducted in compliance with Yuba County standards, including the preparation of a SWPPP with a monitoring program

and a Spill Prevention Control and Countermeasures Plan. No additional use of groundwater would be required for construction or operation of the Project. Therefore, the Project would have no impact on water quality control plans and sustainable groundwater management plans. No Impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. LAND USE AND PLANNING Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Discussion:

a) **No impact.** The Project will not physically divide an established community, as the project area is currently undeveloped grazing land. The Project would not physically divide an established community.

b) **No impact.** The Project will occur within existing BVID easements except where the route is required to move across privately owned land (for which BVID will require new easements), or are in County road easements with County encroachment permit permissions. BVID will secure agreements and eventually easements on private land where indicated. Land use on private properties is generally subject to the Yuba County General Plan and Zoning Ordinance. However, installation of the pipeline on BVID easements are not subject to local land use regulations. Therefore, Project will not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. MINERAL RESOURCES Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion:

a-b) **No impact.** The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or the loss of availability of a locally-important mineral resources recovery site delineated on a local general plan, specific plan or other land use plan. The Yuba County General Plan and State California Division of Mines and Geology Special publication 132 do not list the project area as having any substantial mineral deposits of a significant or substantial nature, nor is the site located in the vicinity of any existing surface mines. The Project is expected to have no impact on mineral resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. NOISE				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within two miles of public airport or public use airport, would expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting:

The Project Area lies within Yuba County and is subject to noise requirements established by the County. The project area is generally rural, with grazing being the predominant land use. The Project would begin within and along existing (and new) BVID easements containing the current Sicard Flat Ditch. The primary noise producers in the project area consist of construction activities, and vehicles traveling to and from the project area. These activities will occur during the day as there will be no night-time construction. A major existing noise source are the occasional aircraft flying overhead from Beale Air Force Base. Noise-sensitive land uses near the project area consist of a scattered number of rural single-family residences.

Discussion:

a) **Less than significant impact.** Noise impacts associated with the Project construction would result in temporary increases in ambient noise levels, especially during trenching activities. Equipment used to install the pipeline may include front loaders, flatbed trucks, boom trucks, rigging and mechanic trucks, air compressors and generators, small-wheeled cranes, excavators, dump trucks, HDPE fusion machine, rock screening buckets, and crew trucks. Two types of noise are associated with construction activities: intermittent and continuous.

Intermittent noise is noise that lasts for 30 minutes or less; continuous noise lasts for more than 30 minutes. The Yuba County 2030 General Plan contains recommended ambient allowable noise level objectives. The plan recommends a maximum allowable ambient noise level of 60 dB in daytime and 45dB in evening hours. Temporary construction noise associated with Project construction would be minimal and be conducted solely during daylight hours. During construction, noise levels are expected to remain well below these thresholds of significance. After construction is complete, noise levels will drop to existing levels. Impacts would be less than significant.

b) **No impact.** The Project will not expose persons to, or generate excessive groundborne vibrations. Groundborne vibrations are typically below the threshold or perception when the activity is more than about 50 feet from the receiver. Vibration from these activities will be short-term and will end when construction is completed. Primary sources of groundborne vibrations include heavy vehicle traffic on roadways and railroad traffic. There are no railroad tracks near the project area. Traffic on roadways in the area would include very few heavy vehicles, as no land uses that may require them are in the vicinity.

c) **No impact**. The project area is not located within an airport zone. The nearest airport to the project area is the Beale AFB, which is 8 miles away. The existing and future land use will not change as a result of this Project and the Project would not expose people residing or working in the project area to excessive noise levels. The project area is not located within the vicinity of a private airstrip.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. POPULATION AND HOUSING Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting:

Yuba County is located on the edge of California's Central Valley, with portions of the County covering the Valley floor and the Sierra foothills. The County is primarily rural in nature. The Project is located in a rural area of the lower foothills and transverses land utilized mainly for cattle grazing.

Discussion:

a) **No impact**. The Project does not include the construction of homes or any infrastructure that would be required to foster population growth near the Project Area; therefore, there would be no increase in population.

b) **No impact**. The Project does not include the demolition of any housing. Therefore it would not displace any housing or people and would not require the construction of replacement housing.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
(i) Fire protection?	☐	☐	☐	☒
(ii) Police protection?	☐	☐	☐	☒
(iii) Schools?	☐	☐	☐	☒
(iv) Parks?	☐	☐	☐	☒
(v) Other public facilities?	☐	☐	☐	☒

Discussion:

(i) **No impact**. The Project does not include the construction of any housing or land uses that would require a change or increase in fire protection. There would be no impact on fire protection services.

(ii) **No impact**. The Yuba County Sheriff's Department would continue to provide law enforcement services to the project area and the California Highway Patrol will respond in the event of a vehicle accident. The Project does not include the construction of any housing or land uses that would result in a change or increase in the demand for law enforcement.

(iii) **No impact**. The Project does not include the construction of any housing and would not generate any students. The project would not increase the demand on school districts.

(iv) **No impact.** The Project does not include the construction of housing and would not generate an increased demand for parks.

(v) **No impact**. Other public facilities that are typically affected by development projects include the Yuba County Library and County roads. However, since there is no development proposed by the Project, there would be no increased demand for these services. The temporary traffic generated by construction activities would not generate any additional roadway maintenance.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting:

The Project is located between one and ten miles north of the Yuba River. There are two parks along the Yuba River: Hammon Grove Park is a County park located approximately three miles southeast of the Project, and Sycamore RV Park and Campground is a County Park approximately four miles southeast of the Project. Across the Yuba River and to the south and west are the Yuba Gold Fields, portions of which are owned by BLM and available to the public for recreational use. The Yuba River is used by fishermen and for low-impact recreational activities such as swimming and kayaking.

Discussion:

a-b) **No impact.** The Project consists of pipeline installation and does not include the construction of any housing. It therefore would not increase the demand for parks or recreational facilities. The Project also does not include the construction of any new recreational facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
17. TRANSPORTATION Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒

Setting:

Access to the project area is mostly off-road and via local unpaved roads near the Sicard Flat Ditch. Construction equipment will be staged over several years for a few months at a time, and most vehicles and equipment can be moved on private roads and cross-county along the project alignment.

Discussion:

a) **No Impact.** The majority of the construction equipment (trenching for pipelines outside the Sicard Flat Ditch) will be staged within the Project's construction zone along the Sicard Flat Ditch, which will minimize trips on State and County roadways. The project would not conflict with a plan, ordinance or policy addressing transit, roadway, bicycle or pedestrian facilities.

b) **No impact**. CEQA Guidelines section 15064.3 addressing travel that exceeds an applicable threshold of significance. The Project will not result in significant congestion of pertinent roadways. The Project is located with five miles of the District's office and maintenance yard, where all equipment and materials that are not staged on the Project route will be housed. Access between the yard and project area is via Highway 20 and Scott Forbes Road, neither of which are considered congested. BVID's on-going operation of the Project will not cause the service standards of any of the affected roadways to be exceeded. No Impact.

c) **Less Than Significant Impact**. There may be a temporary increase in roadway hazards (along Highway 20 and Scott Forbes Road) as a result of construction equipment making left-hand turns. However, most of the equipment will be staged on the Project route, which will limit the number of trips on the publicly traveled roadways. The Project does not involve hazardous geometric features such as sharp curves or dangerous intersections. The Project will not conflict with farm equipment and will have a less than significant impact on roadway traffic.

d) **No impact.** The Project will not result in an increase in population or concentration of people and so emergency access will not be impacted. No Impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
18. TRIBAL CULTURAL RESOURCES				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of size and scope of the landscape, scared place, or object with cultural value to a California Native American tribe, and that is:				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☒	☐	☐
(ii) A resource determined by the lead agency, in its	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subsection (c) of the Public Resources Code Section 5024.1. In applying the criterial set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				

Setting:

Consultation was undertaken with the Native American Heritage Commission (NAHC) concerning sacred land listings for the project area. An information request letter was delivered to the NAHC on September 16, 2019. The NAHC responded on September 24, 2019, indicating that a search of the Sacred Lands File was negative. The consultation list from the NAHC included several points of contact. Letters were delivered to all points of contact on October 27, 2019, and all those contacted were requested to supply any information they might have concerning prehistoric sites or traditional use areas within, adjacent or near the project area. To date, no responses have been received from the contacted parties.

Discussion:

a,i) **Less than significant impact with mitigation.** According to the Information Center's records, a total of nine resources have been documented within, adjacent, or within 1/8th mile of the APE. An intensive-level pedestrian survey of the entire APE successfully relocated all the previously recorded resources, and further determined that only two of the previously recorded resources (P-58-219 and P-58-278) are actually located within the APE. Furthermore, one previously undocumented resource (the Smith Ditch) was identified within the APE. All three resources were subjected to California Register of Historical Resources (CRHR) eligibility evaluations, and all three were recommended not eligible for inclusion on the CRHR. A caveat to the identified resources is site P-58-103, which represents a prehistoric and historic-era site recorded at the intersection of Peoria Road and Sicard Flat Road. Because cultural material has been observed and recorded both north and south of Peoria Road, and east and west of Sicard Flat Road, but not within the APE, it is recommended that any ground disturbance within 200 feet of the intersection of Peoria Road and Sicard Flat Road be conducted while in the presence of a qualified archaeologist. **Mitigation Measure 5-01** and **Mitigation Measure 5-02** will ensure that impacts will be less than significant with mitigation incorporated.

a,ii) **Less than significant impact with mitigation.** Consultation was undertaken with the Native American Heritage Commission (NAHC) concerning sacred land listings for the project area. An information request letter was delivered to the NAHC on September 16, 2019. The NAHC responded on September 24, 2019, indicating that a search of the Sacred Lands File was negative. The consultation list from the NAHC included several points of contact. Letters were delivered to all points of contact on October 27, 2019, and all those contacted were requested to supply any information they might have concerning prehistoric sites or traditional use areas within, adjacent or near the project area. To date, no responses have been received from the contacted parties. **Mitigation Measure 5-01** and **Mitigation Measure 5-02** will ensure that impacts will be less than significant with mitigation incorporated.

19. UTILITIES AND SERVICE SYSTEMS
Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it had adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting:

The project consists of the underground installation of HDPE pipe within and near the existing alignment of the open ditch segments of the Sicard Flat Ditch. There are no unusual requirements that would adversely affect public utilities or services.

Discussion:

a-c) **No impact.** The Project does not require hook-up to wastewater or domestic water facilities. There are no stormwater facilities that will be impacted by the Project construction activities because the majority of the Project occurs in rural agricultural (grazing) land. As a result, no expansion of existing or new utility services or construction of new facilities will be required by the Project. No impact on water, wastewater, or stormwater drainage facilities is anticipated.

(d, e) **Less Than Significant Impact**. The Project will require a small amount of solid waste disposal as part of the construction process. However, the impacts will be temporary with no solid waste requirements after construction activities, and will not have a significant impact on the capacity of the landfill where the wastes will be disposed of. All material for disposal resulting from the Project's construction activities will be disposed of in compliance with federal, state, and local statutes and regulations. No impact is anticipated.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
20. WILDFIRE				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Discussion:

a-d) No Impact. The California Department of Forestry and Fire Protection (CAL FIRE) has classified Browns Valley as a Local Responsibility Area – Unzoned with regard to fire hazard severity (CAL FIRE 2007). In 2008, CAL FIRE determined that Yuba County has no Very High Fire Hazard Severity Zones (CAL FIRE 2008). Therefore, the question in this section "WILDFIRE" of the Environmental Checklist does not apply and the Project would have no impact related to very high fire hazard severity zone. The Project involves encasing an existing open irrigation ditch by undergrounding various segments of the pipeline when the pipeline exits the irrigation ditch and proceeds overland. The construction of this Project will not expose people or structures to significant risks including downslope or downstream flooding or landslides as a result of runoff, post-fire instability or drainage changes.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
21 MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Where impacts may be created in regard to items **a, b** and **c**, any such impacts are temporary and will be reduced to less than significant by the Incorporation of the mitigation measures and best management practices recommended in this document. Any possible incremental effects of the Project would not be cumulatively considerable when viewed in connection with any past, current and probable future projects identified in the vicinity of the Project.

a) **Less than significant with mitigation incorporated**. As discussed in the Biological and Cultural Resources sections, construction associated with the Project could potentially have impacts on cultural resources, and to special status plant and wildlife species as discussed in both sections. Proposed mitigation measures would lessen the impact this Project would have on both cultural and biological resources to less than significant. Refer to **Mitigation Measures MM 4-01** through **4-06** and **MM 5-01** through **MM 5-03.**

b) **Less than significant with mitigation incorporated**. Construction of the Project, in combination with other proposed projects in the adjacent area, may contribute to biological, cultural resource and hazardous materials disposal impacts that are cumulatively considerable. However, with the proposed Project mitigation measures (**MM 4-01** through **MM 4-06**, **MM 5-01** through **5-03**, and **MM 9-01**), the Project would not have cumulatively significant impacts.

c) **Less than significant with mitigation incorporated**. Due to the nature and size of the Project, no substantial adverse effects on humans are expected. The Project would not emit substantial amounts of air pollutants or hazardous materials. The Project would not expose residents to flooding. The one potential human health effect identified as a result of Project implementation were minor construction-related impacts, mainly dust that could temporarily

affect the few scattered residences near the project area. These effects are temporary in nature and subject to Feather River Air Quality Management District's Standard Best Management Practice and mitigation measures (**MM 3-1**). With the identified Best Management Procedures and mitigation measures to handle hazardous materials (**MM 9-01**) in place, environmental effects on human beings, either directly or indirectly, would be mitigated to less than significant.

22. References

1. Yuba County 2030 General Plan. AECOM. June 2011
2. Yuba County 2030 General Plan Final Environmental Impact Report. AECOM. June 2011.
3. Yuba County. County of Yuba Title XII Zoning Ordinance. 2006.
4. Yuba County Important Farmland Map 2010. California Department of Conservation.
5. Yuba County Improvement Standards.
6. State of California Hazardous Waste and Substance site "Cortese" list
7. Yuba County 2008-2013 Housing Element. AECOM. Dec. 2010
8. Browns Valley Irrigation, District Biological Assessment Sicard Flat Ditch Upgrade Project, August 2021. Marcus H. Bole & Associates.
9. CAL FIRE. 2007. Draft Fire Hazard Severity Zones in LRA – Yuba County, Fire and Resource Assessment Program.
10. Brown Valley Irrigation District, Cultural Resources Inventory Survey, Sicard Flat Pipeline Upgrade Project, Sean Michael Jensen, M.A. August 4, 2021.
11. California Department of Transportation. 2018. Scenic Highways –Frequently Asked Questions. Available at: dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways/lap-liv-i-scenic-highways-faq2.
12. California Department of Transportation. 2019. California Scenic Highway Program – ArcGIS Map. Available at: www.arcgis.com/home/webmap/viewer.html? 26 use Existing=1&layers=f0259b1ad0fe4093a5604c9b838a486a&layerId=0.
13. California Department of Conservation. 2017. Yolo County Important Farmland 2016. Published July 2017. Available at: www.conservation.ca.gov/dlrp/fmmp/Pages/Yolo.aspx.

23. Permits and Regulatory Approvals

The table below provides a preliminary list of potential permits or regulatory approvals that may be required for the Project. Note that in some cases Project notification to appropriate permitting agency is sufficient. BVID will secure all required permits before construction begins on the applicable phase of the Project requiring any permits.

Approving Agency	Required Permit/Approval	Required for:
CA Department of Fish and Wildlife	Section 1602, Streambed Alteration Agreement	Porter Creek Crossing
Regional Water Quality Control Board	NPDES, Section 401 Permit	Stormwater discharges associated with construction activity. Porter Creek Crossing
United States Army Corps of Engineers	Notification of Project, Section 404 Permit	Porter Creek Crossing

24. Recommendations

On the basis of the Initial Study, staff recommends the following:

_____ Finds that the Proposed Project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration ("ND") be prepared.

__X__ Finds that although the Proposed Project could have a significant effect on the environment there will not be a significant effect in this case because the mitigation measures incorporated will successfully mitigate the potentially significant impacts. Staff recommends the preparation of a Mitigated ND.

_____ Finds that the Proposed Project MAY have a significant effect on the environment, and recommends that an Environmental Impact Report ("EIR") be prepared.

_____ Finds from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

__X___With Public Hearing ____ Without Public Hearing

Previous Document: None

Signed: _____Date:_____