

NOTICE OF EXEMPTION ATTACHMENT
SUPPLEMENTAL INFORMATION AND CONSISTENCY FINDINGS FOR
CLASS 1 CATEGORICAL EXEMPTION
GRASSHOPPER SLOUGH LEVEE MODIFICATIONS PROJECT

PROJECT PURPOSE

Reclamation District 2103 is proposing to improve a portion of their levee along Grasshopper Slough in Yuba County, California. The Proposed Project includes the repair of waterside streambank erosion, removal and abandonment of decommissioned irrigation pipes, filling a landside ditch, and resurfacing the levee crown in order to meet standards set by FEMA. The levee improvements proposed and described below entail the modifications necessary to ensure long-term levee stability and to meet FEMA levee accreditation requirements.

LOCATION

The project site is located along Grasshopper Slough, in the City of Wheatland, Yuba County, California (**Figure 6**). Specifically, the project site is located at 39.02730° Latitude, -121.39143° Longitude, along Grasshopper Slough's south bank. This site is located within the U.S. Geological Survey (USGS) 7.5-minute Wheatland Quadrangle, at Township 14 North, Range 5 East.

PROJECT DESCRIPTION

Overview

The Proposed Project would impact a total of 0.20 acres of intermittent riverine habitat, and 0.24 acre of riparian habitat, including 0.07 acre of riverine and 0.01 acre of riparian temporary impacts for excavation, and 0.13 acre of riverine and 0.23 acre of riparian permanent impacts for placement of fill material (see **Table 1**, **Figure 7** and **Figure 8**). Work would include repair of waterside streambank erosion, including removal of non-native trees that are growing in the active channel, removal and abandonment of decommissioned irrigation pipes, filling a landside ditch, and resurfacing the levee crown.

Project construction is estimated to require no more than 60 working days and would occur during the dry season (expected to be approximately June 1 through October 1). Construction equipment is expected to include excavator, bulldozer, grader, hauler, compactor, and water truck. Existing dirt roads and the levee crown would be used for site access. Equipment and materials will be staged on an empty lot within the property just north of the slough.

The project would be implemented in the following phases, described in the sections below:

1. Mobilization
2. Pipe Removal
3. Pipe Abandonment
4. Landside Irrigation Ditch Fill
5. Levee Top Roadway
6. Erosion Repair
7. Site Demobilization

Table 1. Approximate disturbance quantities for the Grasshopper Slough Levee Modifications Project.

Habitat Type	Area (acre)	Volume of fill (cubic yards)	Activity	Impact Type
Intermittent Riverine	0.13	190 (fill ¹) 410 (RSP ²)	Erosion Repair	Permanent
	0.07	N/A (excavation only)	Erosion Repair	Temporary
Riparian	0.23	335 (fill ¹) 730 (RSP ²)	Erosion Repair	Permanent
	0.01	N/A (excavation only)	Pipe Removal	Temporary
¹ Type 2 fill material				
² Rock slope protection material				

Mobilization

Project mobilization would include all preparatory work necessary for the contractor to initiate construction activities. This work would include setting up the staging and temporary material storage areas and moving equipment and materials to the staging area. Mobilization activities also would include any necessary pre-construction surveys and installation of all applicable Best Management Practices measures.

Pipe Removal

One existing and abandoned irrigation pipe which bisects the levee would be removed at levee station 24+60. Pipe removal work would include removing existing aggregate base on the levee crown, excavating a trench at a 1.5H:1V slope down to one foot below the existing pipe, removing the pipe, backfilling the trench and restoring the levee (**Figure 1**). Excavation and backfill would occur outside of the OHWM of Grasshopper Slough.

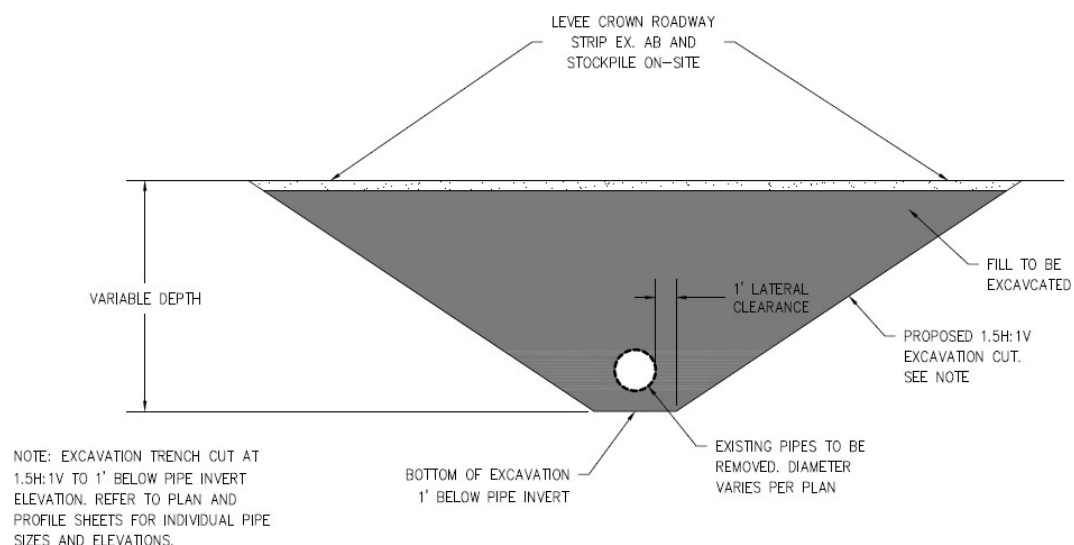


Figure 1. Cross section of proposed pipe removal excavation.

Pipe Abandonment

One existing and abandoned irrigation pipe at levee station 1+60, which bisects the levee, would be abandoned-in-place in order to avoid impacts to surrounding native oak trees (**Figure 10**).

Pipe abandonment would include clearing around the end of each pipe and constructing bulkheads.

The pipe would then be pressure grouted to fill the pipe completely. The grouting process would require approximately 10 yards of cement. The waterside end of the pipe would receive backfill to fill in the drainage channel connecting the pipe to the main channel.

Landside Irrigation Ditch Fill

A decommissioned irrigation ditch at the landside toe of the levee would be filled (**Figure 11**). Approximately 1,425 cubic yards of Type 2 fill material will be placed within the ditch segment. The surface would be finished at a minimum 2% slope to match the existing levee slope (**Figure 2**).

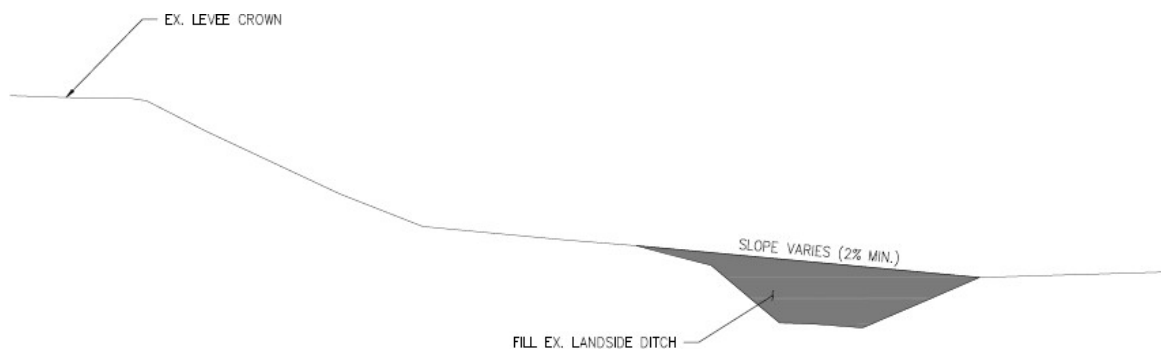


Figure 2. Cross section of proposed fill to be placed in landside irrigation ditch.

Levee Top Roadway

A new roadway would be installed on the levee crown. Construction of the roadway would include placing 2-inch thick layer of aggregate base on the levee crown (**Figure 3**). The road would be 10 feet wide and would extend 3,970 linear feet along the levee.

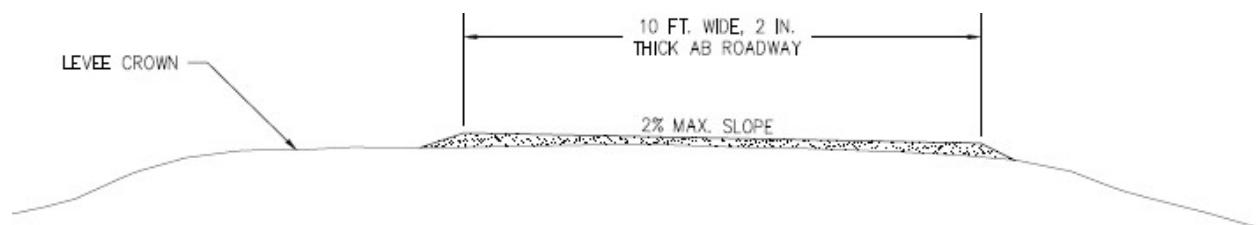


Figure 3. Cross section of proposed levee crown road.

Erosion Repair

To repair erosion and reshape the channel on the waterside levee, portions of the Grasshopper Slough levee would be graded, filled, and armored with rock slope protection (RSP). At the downstream end of the slough, between levee stations 2+00 to 4+50, the channel would be reshaped by excavation, fill, and RSP (**Figure 4**). Below the OHWM, approximately 190 cubic yards of type 2 fill material and 410 cubic yards of RSP would be placed along the levee. The RSP would be placed in an 18-inch layer at a 1.5:1 slope along the waterside of the levee from the downstream end up to the bridge at levee station 13+75 (**Figure 5**). As part of the erosion repair component, approximately 129 non-native trees will be removed from the waterside levee slope and low-flow channel to prevent future bank erosion (**Table 2** and **Figure 9**). Excavation would temporarily impact 0.07 acre of riverine habitat and placement of fill and RSP would permanently impact 0.13 acre of riverine habitat.

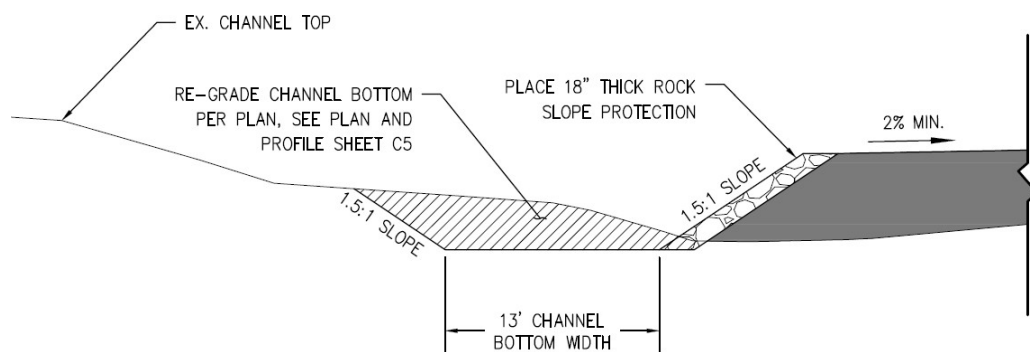


Figure 4. Cross section of excavation and fill at downstream end of slough (page C4 of Erosion Repair Plans).

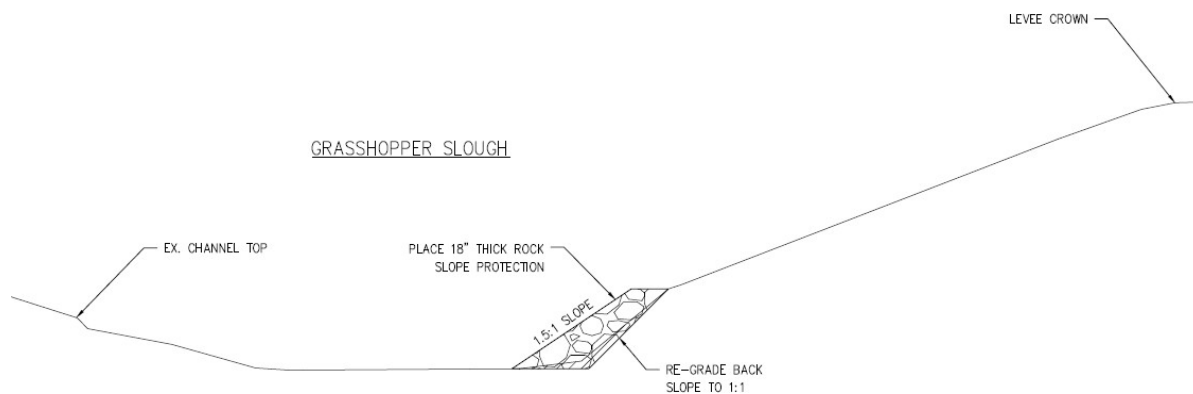


Figure 5. Cross section of typical rock slope protection placement.

Table 2. Estimated number of non-native trees, by species, to be removed for the Grasshopper Slough levee project.

Scientific Name	Common Name	DBH Range (inches)	Quantity Removed	Species Total
<i>Eucalyptus citriodora</i>	Lemon scented gum	2-20	52	92
		21-50	27	
		51-100+	13	
<i>Olea europaea</i>	Olive	2-20	29	35
		21-50	6	
<i>Juglans regia</i>	English walnut	51-100+	2	2
Total				129

Site Demobilization

Site demobilization would include removal of the construction equipment, unusable materials or other waste, structures, and associated site BMPs. The staging areas would require minimal demobilization activities since most materials would be removed from the staging areas as they are used up during project implementation. All construction related trash/debris would be removed from the site and disposed of at an approved facility. The site will be left in a neat condition similar to conditions prior to the start of construction activities.

POTENTIAL PROJECT-RELATED ENVIRONMENTAL EFFECTS AND APPLICABILITY OF A CATEGORICAL EXEMPTION TO THE PROPOSED PROJECT

The CEQA Class 1 Categorical Exemption (CEQA Guidelines Section 15301, *Existing Facilities*) is applicable to projects that consist of the maintenance, or minor alteration of existing public or private structures, facilities, or topographical features, involving negligible or no expansion of existing former use. The project purpose and proposed construction activities are consistent with the CEQA Class 1 Categorical Exemption. The project would consist of the maintenance and minor alteration of the existing Reclamation District 2103 levee along Grasshopper Slough. The purpose of the project is to improve flood control infrastructure to meet the Federal Emergency Management Agency's (FEMA) criteria for accrediting levee systems. As such, the project would not expand on the existing use of the levee.

A Categorical Exemption may not be used for projects where there is potential to significantly affect the environment. This section presents information on the existing conditions of environmental resources at the project site and summarizes evaluations of the potential project-related environmental effects to support the determination that the project will not result in significant effects to the environment.

Robertson-Bryan, Inc. prepared a biological assessment (BA) for the National Marine Fisheries Service (NMFS) to assess potential project-related effects to federally-listed species under the Endangered Species Act and designated habitat under the Magnuson-Stevens Act (*Biological Assessment and Essential Fish Habitat Assessment for the Grasshopper Slough Levee Modifications Project*, Robertson-Bryan, Inc., March 2023). Based on a search of the USFWS Information for Planning and Consultation (IPaC) database, a total of seven federally listed species were considered (**Table 3**). The

BA found that the proposed project would have no significant impacts on any federally listed species. Of the species considered in the BA, the only federally-listed species with potential to occur are Green Sturgeon southern Distinct Population Segment (DPS) (*Acipenser medirostris*), Central Valley DPS steelhead (*Oncorhynchus mykiss*), and Central Valley spring-run evolutionarily significant unit (ESU) Chinook salmon (*Oncorhynchus tshawytscha*). Because the project area provides only low quality habitat, these fish species are unlikely to occur. In addition, construction would occur in the dry season when Grasshopper Slough carries no flows, hence these fishes would not be present during construction. Given the low probability of ESA-listed fishes entering Grasshopper Slough after construction, and the absence of fishes in the project area during construction, it was determined that the project may affect but is unlikely to adversely affect southern DPS Green Sturgeon, spring-run ESU Chinook Salmon, and Central Valley DPS steelhead.

A search of the California Natural Diversity Data Base (CNDDDB) revealed eight additional special status species that may occur in the project area (Table 3). The remainder of this discussion will focus on potential impacts to these seven special status species, as well as birds protected under the Migratory Bird Treaty Act (MBTA) which are not federally-listed and thus were not considered in the BA.

Table 3. Federally listed and special status species with potential to occur in the project area

Taxon	Scientific Name	Common Name	Status			Habitat	Potential to Occur
			FESA	CESA	Other		
Fish	<i>Acipenser medirostris</i>	Southern DPS Green Sturgeon	T		S1	Marine and estuarine waters. Spawns in freshwater rivers with deep, turbulent flows and clean, hard substrate.	Low; Project site provides marginal habitat at best for these species. Occurrence is highly unlikely. BA found no adverse affects to these species.
	<i>Oncorhynchus mykiss</i>	Central Valley DPS steelhead	T			Marine and freshwater systems. Spawn in ravel-bottomed, fast flowing, well oxygenated streams.	
	<i>Oncorhynchus tshawytscha</i>	Central Valley spring-run ESU Chinook Salmon	T			Marine, freshwater, and estuarian waters. Spawn in natal streams and rivers.	
	<i>Hypomesus transpacificus</i>	Delta Smelt	T	E	S1	Estuarine environments. Spawns in freshwater tidal waters.	None; No suitable habitat is present.
Birds	<i>Riparia riparia</i>	bank swallow		T	S2	Riparian scrub, riparian woodland. Colonial nester, requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, or ocean.	Low; Grasshopper Slough contains vertical banks, however, it does not carry flow during the nesting season and represents marginal habitat.

	<i>Buteo swainsoni</i>	Swainson's hawk		T	BCC; S3	Nests in riparian forest and scattered trees; forages in grasslands and agricultural fields.	High ; Potential nesting trees present. Suitable foraging habitat occurs within the project area.
	<i>Agelaius tricolor</i>	tricolored blackbird		T	BCC; S1/S2	Nests in dense cattails and tules, riparian scrub, grain crops, and other low dense vegetation; forages in grasslands and agricultural fields.	Low ; No dense cattails or tule vegetation for nesting are present, however, suitable foraging habitat occurs near the project area in surrounding rice fields.
	<i>Melospiza melodia</i>	song sparrow ("Modesto" population)			SSC; S3	Nests and forages primarily in densely vegetated emergent marsh, riparian scrub, and early successional riparian forest habitats in the north-central portion of the Central Valley; infrequently in mature riparian forest and sparsely vegetated ditches and levees.	Low ; Riparian habitat present is sparsely vegetated and thus is considered marginal habitat.
	<i>Athene cunicularia</i>	burrowing owl			SSC; BCC; S3	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	None ; Nesting season survey was conducted and found no evidence of occupancy in squirrel burrows or culverts in the project vicinity.
Invertebrates	<i>Linderiella occidentalis</i>	California linderiella			S2/S3	Vernal pools, including a wide range of sizes and depths.	None ; No vernal pools are present in the project area.
	<i>Branchinecta conservatio</i>	Conservancy Fairy Shrimp	E		S2	Vernal pools, including a wide range of sizes and depths.	None ; No vernal pools are present in the project area.
	<i>Branchinecta lynchi</i>	Vernal Pool Fairy Shrimp	T		S3	Vernal pools, including a wide range of sizes and depths.	None ; No vernal pools are present in the project area.
	<i>Lepidurus packardii</i>	Vernal Pool Tadpole Shrimp	T		S3/S4	Vernal pools, including a wide range of sizes and depths.	None ; No vernal pools are present in the project area.

	<i>Danaus plexippus</i>	Monarch Butterfly	C		S2	A wide variety of terrestrial habitats where Milkweed plants occur.	None; No milkweed plant species occur in project vicinity.
	<i>Desmocerus californicus dimorphus</i>	Valley Elderberry Longhorn Beetle	T		S3	Riparian areas where elderberry shrubs occur.	None; No elderberry plant species occur in project vicinity.
Plants	<i>Downingia pusilla</i>	dwarf downingia			CRP; S2	Moist valley and foothill grasslands and vernal pools. Blooms March–May.	None. No moist grasslands or vernal pools present in the project area.
Reptiles	<i>Emys marmorata</i>	Western pond turtle			SSC; S3	Permanent or nearly permanent water bodies in various habitats, including ponds, marshes, rivers, streams, and ditches.	None. Flows are intermittent at best and do not provide suitable habitat.
FESA - Federal Endangered Species Act CESA - California Endangered Species Act T - threatened under FESA/CESA E - endangered under FESA/CESA C - candidate for listing under FESA							SSC - Species of special concern designation by CDFW BCC - Bird of Conservation Concern listing by USFWS S1 - State Critically Imperiled ranking by CNDDDB S2 - State Imperiled ranking by CNDDDB S3 - State Vulnerable ranking by CNDDDB S4 - State Apparently Secure ranking by CNDDDB
Source: CNDDDB 2022, USFWS IPaC 2022							

The project site is located within Grasshopper Slough, an intermittent stream channelized by a levee on the south bank with an incised channel along most of the north bank (**Figure 9**). The topography of the project area includes the Grasshopper Slough channel, the levee, and adjacent agricultural fields (**Figure 11**). Habitat types present include intermittent riverine, riparian, and agriculture fields. Land use for the surrounding region is primarily agriculture.

Aquatic habitat within the action area can be described as an intermittent slough with an average channel width of 15 feet. The slough carries intermittent flow at best during the wet season months (November to March) and is dry for the remainder of the year. As such, the project site does not provide suitable habitat for species requiring nearly permanent water such as the Western pond turtle. In addition, the slough does not flow during the bank swallow nesting season from May to July. As the bank swallow almost exclusively nests near open water, the project site does not provide suitable habitat and hence the species is unlikely to occur.

While there are vernal pools near the upstream end of Grasshopper Slough, a wetland delineation confirmed that there are no vernal pools located in the project area (Robertson-Bryan, Inc. 2022). The nearest vernal pool species occurrence is approximately 0.5 miles from the project site (CNDDDB 2022). Due to the lack of suitable habitat present, no vernal pool species would occur in the project area.

Riparian habitat within the project area has been historically modified by agricultural development and the construction of the Grasshopper Slough levee. Riparian vegetation consists of a mixture of native and non-native trees, sparse shrubs, and low-lying grasses. Tree species present include the native Valley oak (*Quercus lobata*), and non-natives Lemon scented gum (*Corymbia citriodora*), Canary

Island date palm (*Phoenix canariensis*), Olive (*Olea europaea*), and English walnut (*Juglans regia*). The native and non-native herbaceous species include poodle-dog bush (*Eriodictyon parryi*), prickly lettuce (*Lactuca serriola*), and wild oat (*Avena sativa*). Due to the lack of dense scrub vegetation, species that require dense scrub such as tricolored blackbird and song sparrow are not likely to occur. Because the obligate host plants for Monarch butterfly and Valley elderberry longhorn beetle (milkweed and elderberry respectively) are not present in the project vicinity, these species would not occur in the project area. Low-lying grasses along with squirrel burrows and culverts provided potentially suitable habitat for burrowing owl, however, a burrowing owl survey conducted by Robertson-Bryan, Inc. on February 1, 2023 found no evidence of occupancy by burrowing owls. These survey results confirm that burrowing owls are not present within the project vicinity and hence will not be impacted.

Trees present within the action area provide potentially suitable nesting habitat for Swainson's hawk. In addition, agricultural fields provide suitable foraging habitat for the hawk, and the nearest mapped occurrence of the species is approximately 2 miles from the project site (CNDDDB 2022). As such, there is high potential for Swainson's hawk to occur within the project area. In addition, other raptors protected under the Migratory Bird Treaty Act have high potential to occur. If work that has the potential to impact nesting birds commences between February 1 and August 31 (during the nesting season), a pre-construction nest survey for Swainson's hawk, and other migratory birds would be completed by a qualified biologist. If active nests (i.e., presence of eggs and/or chicks) are observed in areas that could be directly or indirectly disturbed (including noise disturbance and tree removal), a temporary, species-appropriate no-disturbance buffer zone will be created around the nest sufficient to reasonably expect that breeding would not be disrupted. No work will occur inside the buffer zone and no trees with active nests will be removed.

The size of the buffer zone will be determined by the biologist, by taking into account factors including but not limited to the following:

- Noise and human disturbance levels at the site at the time of the survey and the noise and disturbance expected during the work;
- Distance and amount of vegetation or other screening between the site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds, taking into account factors such as topography, visibility to source of disturbance, noise/vibration, nesting phase, and other case-by-case specifics.

The potential for project-related activities (i.e., spills, accidental discharges, run-off) to adversely affect aquatic species downstream of the project site is negligible as construction would occur when the slough is dry and thus would not significantly impact water quality or aquatic resources downstream. In addition, standard spill prevention, containment, and response measures would be implemented to address potential hazardous materials releases during construction and all equipment would be removed upon project completion. All permanently installed materials would be free from trash, debris, and any toxic pollutants. As such, the potential for project-related activities to adversely affect special status aquatic species downstream of the project site is discountable.

The following provides information regarding potential exceptions defined under the CEQA Guidelines, Section 15300.2 that, if triggered, might bar the proposed project from being exempt from CEQA compliance. Database searches were conducted using the California Department of Toxic Substances Control (DTSC) ENVIROSTOR list of hazardous waste sites (i.e., Cortese list), State Water Resources Control Board (SWRCB) GeoTracker list of designated waste sites, and U.S. Environmental Protection Agency (EPA) National Priorities List of Superfund hazardous waste cleanup sites, with the results indicating that the project site is not within, or near, any designated site with known hazards on any list compiled pursuant to Section 65962.5 of the Government Code. The project site also is not located adjacent to, or visible from, any designated state or federal scenic highway. Finally, the project would involve only temporary and minor disturbances at the site, and activities would occur within the footprint of previously-disturbed areas (a constructed levee), thus the minor effects would not generate or contribute to any cumulatively significant environmental impacts.



Figure 6. Grasshopper Slough Levee Modifications project location regional map.

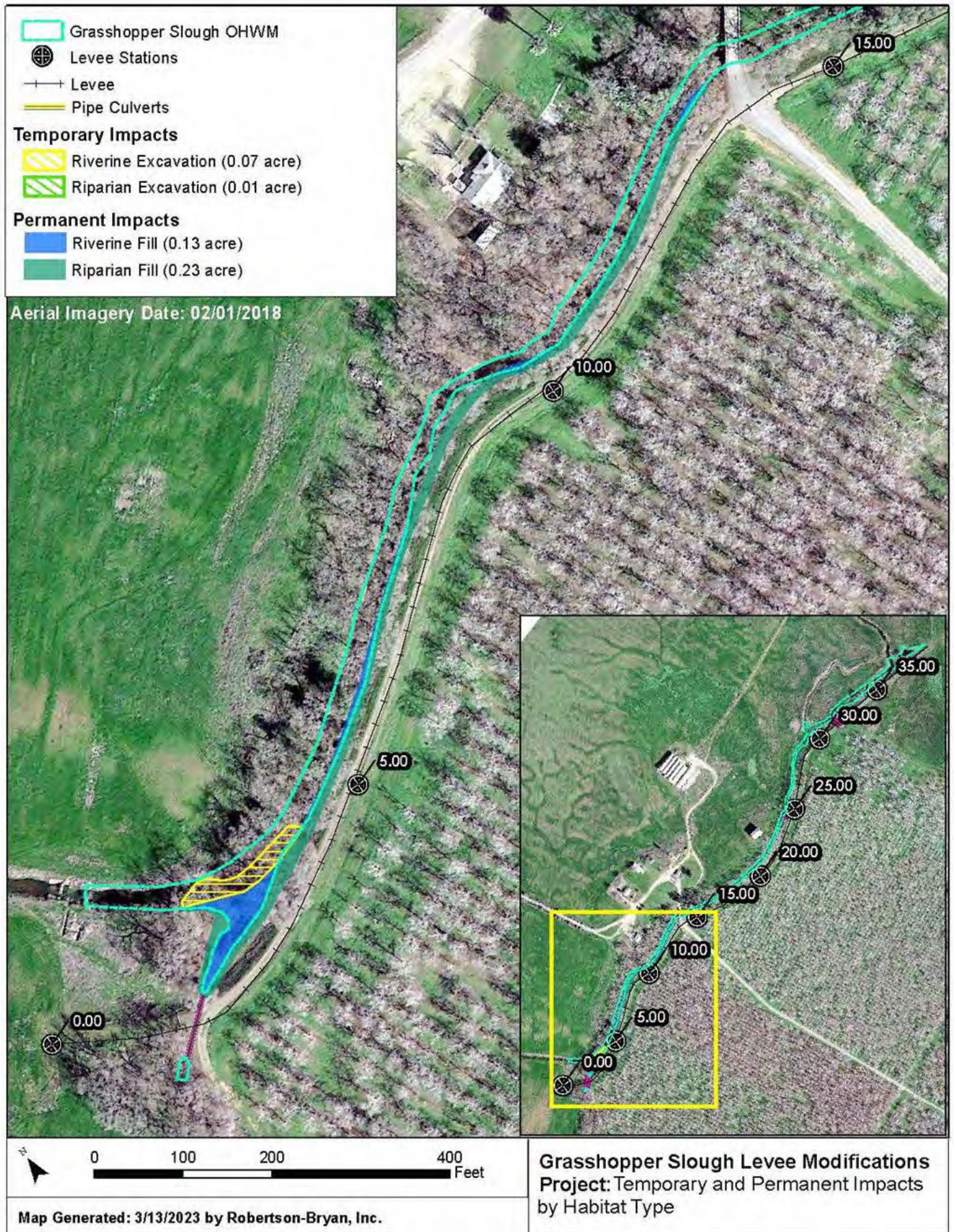


Figure 7. Grasshopper Slough downstream project map.

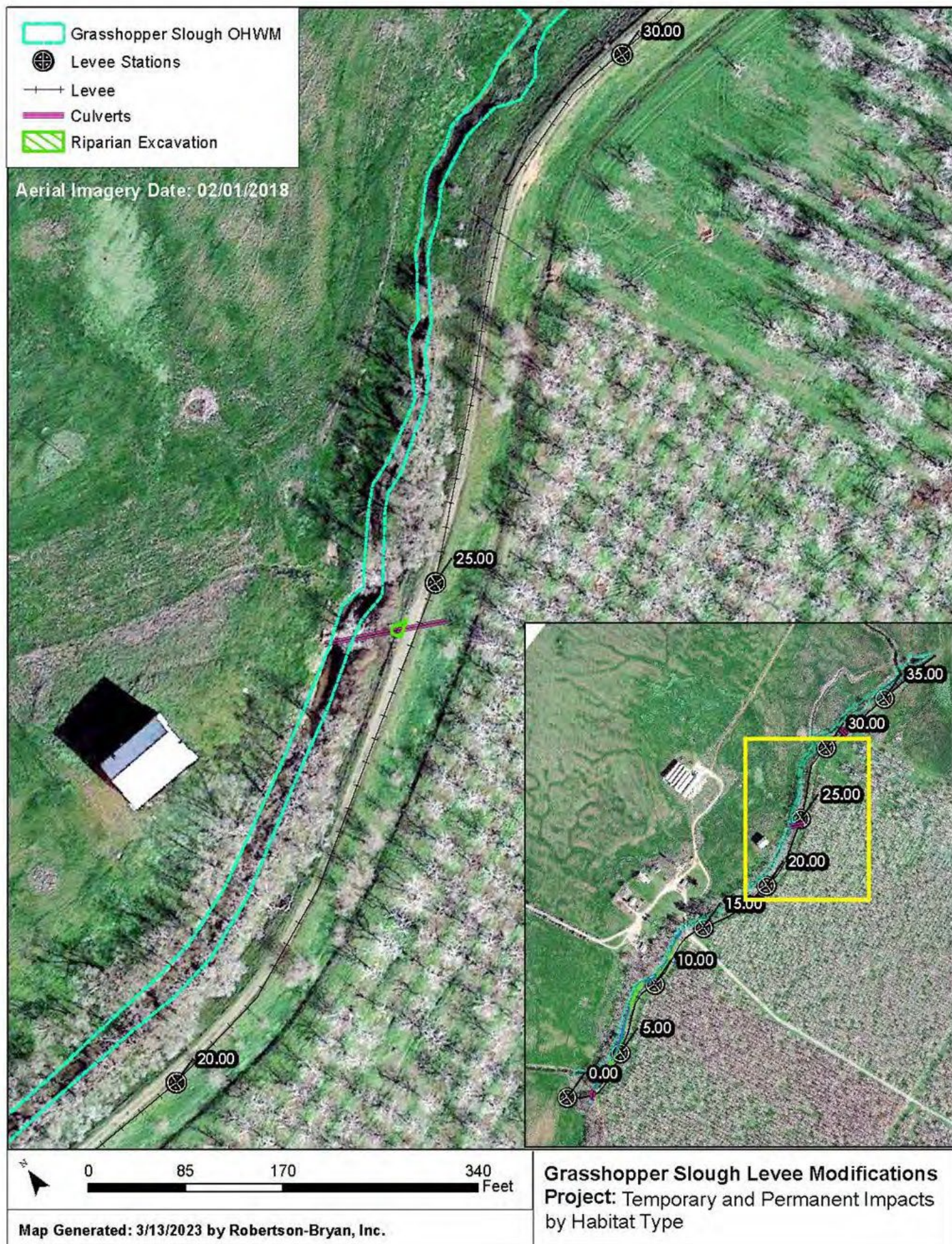


Figure 8. Grasshopper Slough upstream project map.



Figure 9. Typical view of Grasshopper Slough channel, non-native trees to be removed in the low flow channel (yellow arrows) and levee erosion repair area on the left.



Figure 10. View of a culvert pipe to be abandoned in order to preserve surrounding mature oak trees.



Figure 11. View of irrigation ditch, levee on the right, and agriculture fields to the left.