

ATTACHMENT C

CEQA DOCUMENT ADOPTION MEMO



Daniel Kim
Interim County Administrator

Office of the County Administrator
COUNTY OF YOLO

NATURAL RESOURCES DIVISION
625 Court Street, Room 202
Woodland, CA 95695
P: 530-666-8150 • F: 530-668-4029
www.yolonaturalresources.org
naturalresources@yolocounty.org

MEMORANDUM

FROM: Elisa Sabatini, Manager of Natural Resources

DATE: July 30, 2021

SUBJECT: Adoption of the Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Huff's Corner Levee Raise & Channel Reconfiguration Project

The Huff's Corner Levee Raise & Channel Reconfiguration Project, described in greater detail below, has been approved as of this date by the County Administrator's Office, Natural Resources Division.

The purpose of the project is to vertically raise a 2,700-foot stretch of the Huff's Corner levee system, which is located on the right bank of Cache Creek, upstream of Interstate 5, north of Woodland, in unincorporated Yolo County. This portion of the levee has been identified as "freeboard deficient" by the U.S. Army Corps of Engineers in their Periodic Inspection Reports.

The project will raise the levee by approximately 4.0 to 6.0 feet to meet the original 1957 design profile, which includes 3-feet of freeboard. To accomplish this required elevation, the project design includes widening the base of the levee on the landside by approximately 12 to 15 feet, which will include a revised Operations & Maintenance (O&M) easement corridor extending an additional 15 feet beyond the new landside toe of the levee.

This project also involves the removal of a vegetated island that has accumulated within the Lower Cache Creek channel adjacent to the levee. Sediment from this island will be removed and hauled off-site from the left-side secondary channel. Vegetation that is currently stabilizing the mid-channel island will also be removed. A sacrificial terrace will be constructed along the right bank, which will reduce flow velocity against the bank and the levee and direct creek flows towards the center of the channel.

Both components of the project are scheduled to be constructed concurrently in 2022. The project will also involve some pre-construction activities in 2021, such as vegetation removal, general site preparation, and utility relocations, in advance of major construction activities once proper approvals and permissions have been secured.

Adoption of the Initial Study Mitigated Negative Declaration (IS/MND) is required for the proposed project. The IS/MND has been prepared to address the environmental impacts associated with the project pursuant to the provisions of California Environmental Quality Act (CEQA).

On May 12, 2021, a "Notice of Intent" to adopt the IS/MND was distributed to interested parties and responsible local and state agencies. The IS/MND was made available for a 30-day public review period that commenced on May 12, 2021, and concluded on June 10, 2021 at 5:00 pm. A total of five comment letters were received during the public comment period. These letters, as well as responses to CEQA-related items raised within them, are provided in the attached Memorandum. The Mitigation and Monitoring Program for this project, which reduces potentially significant impacts to a less-than-significant level, is also included in the attached Memorandum.

Following approval of this project, a Notice of Determination will be filed with the County Clerk Recorder, as required by Public Resources Code §15075(e).

Per Public Resources Code §15074(b), I hereby adopt the proposed mitigated negative declaration on the basis of the whole record before me that there is no substantial evidence that the project will have a significant effect on the environment, and that the mitigated negative declaration reflects the County of Yolo's independent judgement analysis.



Elisa Sabatini, Manager
Natural Resources Division
County Administrator's Office



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MEMORANDUM

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Huff's Corner Levee Raise & Channel Reconfiguration Project
Yolo County, California
SCH #2021050214

July 29, 2021

In accordance with the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) for the Huff's Corner Levee Raise & Channel Reconfiguration Project was made available to the public and interested agencies for a 30-day review period. The review period started on May 12, 2021, and ended on June 10, 2021 at 5:00 pm.

Section 1 of this memo includes all written comments received with responses to environmental issues raised by commenters on the IS/MND. Section 2 of this memo includes a Mitigation Monitoring and Reporting Program (MMRP) for the Project. The MMRP includes all project mitigation measures, describes necessary monitoring actions, as well as the timing and frequency of the prescribed monitoring activities. CEQA requires that the lead agency must also adopt an MMRP when adopting a MND.

Comments received on the IS/MND do not indicate new significant impacts or new significant information that would require recirculation of the draft IS/MND pursuant to CEQA Guidelines Section 15073.5. Because no new significant environmental issues were raised, the County has determined that a technical memorandum would be used to summarize comments and support adoption of the public draft IS/MND.

A total of five (5) comment letters were received. The table below lists the names of the individuals, organizations, and agencies that provided comments on the IS/MND and are listed based on the date of the letter/email. The comment letters/emails are included followed by a response to the commenter.

July 29, 2021

Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

	Commenter	Date
1	PG&E (Plan Review Team, Land Management)	05/13/2021
2	Chad Roberts	05/15/2021
3	Kimble & Patricia Timothy	05/31/2021
4	CA Department of Fish and Wildlife (Gabriele Quillman)	06/03/2021
5	CA Department of Transportation (Alex Padilla)	06/10/2021

Section 1. Responses to Comments

None of the comments received required revisions to the IS/MND. However, staff would like to provide general comments to each letter.

Comment Letter 1: Pacific Gas & Electric Company
(pg. 1 of 6)



Plan Review Team
Land Management

PGEPlanReview@pge.com
8111 Bolinger Canyon Road 3370A
San Ramon, CA 94583

May 13, 2021

Casey Liebler
County of Yolo
625 Court St, Rm 202
Woodland, CA 95695

Ref: Gas and Electric Transmission and Distribution

Dear Casey Liebler,

Thank you for submitting the Huff's Corner Levee Raise & Channel Reconfiguration Project plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Comment Letter 1: Pacific Gas & Electric Company
(pg. 2 of 6)



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.
4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

Comment Letter 1: Pacific Gas & Electric Company
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wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

Comment Letter 1: Pacific Gas & Electric Company
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11. Cathodic Protection; PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Comment Letter 1: Pacific Gas & Electric Company
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Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA – NO BUILDING."
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

Comment Letter 1: Pacific Gas & Electric Company
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8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Response 1:

This letter does not raise any CEQA-related issues.

The County's Project Team is coordinating with PG&E's electric and gas divisions, as necessary, for project implementation.

Comment Letter 2: Chad Roberts
(pg. 1 of 6)

CHAD ROBERTS, PH.D.
SENIOR ECOLOGIST (ESA), SENIOR PROFESSIONAL WETLAND SCIENTIST (SWS)



15 May 2021

Casey Liebler, Natural Resources Program Coordinator
Yolo County Administrator's Office
625 Court Street, Room 202
Woodland, CA 95695
Casey.Liebler@yolocounty.org

Subject: Comments on Initial Study/Draft MND, Huff's Corner Levee Raise & Channel Reconfiguration Project

Dear Mr. Liebler,

Thank you for forwarding the Notice of Intent (NOI) regarding the county's California Environmental Quality Act (CEQA) review for the Huff's Corner Project. This site has been a source of concern for public agencies and for members of the public for quite a long time, and it's fortunate that it has re-surfaced as a county project at a time when we're all better prepared to deal with these concerns from conservation and land use planning perspectives. Having reviewed the NOI, the project description and draft plan sheets from the county's website, and the Draft Initial Study and Mitigated Negative Declaration (IS/MND), I have, essentially, two comments regarding the project and the county's review process, focused primarily on the natural environment and the biological and geomorphological aspects of the review.

1. The 'Biological Resources' Assessment Framework is Incomplete

On the whole, the assessment in the IS/MND of the proposal's effects on biological resources does largely address CEQA's mandated coverage of the project as currently defined. The assessment in Appendix C by Jim Estep, the county's biological consultant, is well-crafted and presents substantial evidence to support its conclusions, and thus the conclusions in the IS/MND. The assessment provides an adequate seasonal summary of observations identifying habitat types affected by the project. The assessment incorporates the fundamentally valid relationship between wildlife species (including sensitive species) and habitats that 'if the right habitat is there, then the species should be presumed to be there,' even if it's not observed in what are typically the short-duration studies conducted for most environmental assessments.

The IS/MND correctly describes the analytical framework for compliance with the federal Endangered Species Act and the California Natural Community Conservation Planning Act, including the fact that the adopted Yolo County Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) only addresses environmental consequences of proposed actions in the county for 12 focal species, through (in this case) the acquisition of an 'incidental take permit' from the Yolo Habitat Conservancy (YHC; Conservancy). It therefore appears that the IS/MND adequately addresses the required process for those 12 species.

The Yolo County General Plan, which governs activities by the county, incorporates a broad policy framework in the Conservation Element that addresses the county's actions on the biological environment, including several policies that are quoted on page 38 of the IS/MND, although a number of additional not-quoted policies are also relevant for implementing the General Plan with respect to this project. The HCP/NCCP was developed, in part, to assist the county in implementing the General Plan policy framework, as narrowly identified in the 'covered activities'

P.O. Box 2173 • DAVIS, CA 95617

Comment Letter 2: Chad Roberts

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Casey Liebler, Natural Resources Program Coordinator
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listed in the HCP/NCCP. However, the HCP/NCCP does not address all environmental and conservation concerns in the county that are identified in the General Plan's policy framework.

During the lengthy development period of the HCP/NCCP, the Yolo Habitat Conservancy (in which Yolo County is a member and participating decision-maker) reduced the plan's coverage to the 12 covered species and ecological processes that directly affect them, while simplifying coverage of many additional species and ecological processes in the county (for example, no fish species are addressed by the HCP/NCCP). To address the removal of these additional conservation concerns, the Conservancy participated in the development of a Resource Conservation Investment Strategy/Local Conservation Plan (RCIS/LCP) to develop a conservation framework specifically intended to encompass the entire framework specified in the remaining policies of the General Plan's Conservation Element. The RCIS/LCP was approved by the Yolo County Board of Supervisors in August of 2020, and approved by the California Department of Fish & Wildlife (CDFW) in October of 2020. The RCIS/LCP is part of a conservation framework that must also be considered by the county with respect to its approval processes, including CEQA reviews.

The RCIS is a framework for developing advanced mitigation planning approaches within the county by interested parties (which may include state agencies, non-governmental organizations, or other private entities) that are consistent with the requirements of existing California law, as identified by AB 2087. The RCIS process is mandated to incorporate the substance of other California regulations and plans, including the adopted State Wildlife Action Plan (SWAP). The LCP is a conservation framework developed for the county and surrounding areas by the Yolo Habitat Conservancy, intended specifically (among other purposes) to encompass the policy framework identified by all General Plan policies, including those not reflected in the HCP/NCCP. Under the requirements of AB 2087, the RCIS/LCP is also fully consistent with, and does not adversely affect, the content or implementation of the HCP/NCCP. The RCIS/LCP, in conjunction with the HCP/NCCP, therefore represents a fusion of local, regional, and national conservation concerns in a single planning framework; they essentially form a joint conservation planning framework for environmental resources in Yolo County that reflects all of the conservation priorities affecting Yolo County landscapes.

Neither the Biological Assessment in Appendix C nor the body of the IS/MND includes an assessment of the proposed Huff's Corner Project with respect to the RCIS/LCP framework. The Huff's Corner assessment does address factors identified in the RCIS/LCP framework that are also identified in the HCP/NCCP (e.g., the importance of the Cache Creek riparian corridor for landscape connectivity within the county), but many other elements are not covered, such as floodplain management and floodplain/riparian interactions, as well as effects on fish species and their habitats, both within and outside the project area. While such elements may or may not be applicable for the Huff's Corner Project, an assessment of the project's effect with respect to the RCIS/LCP framework should have been included in the IS/MND, as the framework is directly relevant to the implementation of the General Plan by Yolo County and the Conservancy, as well as for state agencies that will participate in or review the project, including the Department of Water Resources (DWR) and the CDFW.

2. Is the Proposed Project the Least Environmentally Damaging Alternative?

The Draft IS/MND correctly states (page 37) that the project will require review by the US Army Corps of Engineers (ACE) pursuant to section 404 of the Clean Water Act (CWA), which by law invokes a review by the California Water Boards under CWA section 401. The ACE requires that a proposed project be the least environmentally damaging alternative [CWA section 404(B)(1)]

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under a rebuttable presumption that a less-damaging alternative exists; it's the applicant's responsibility to rebut the presumption with a suitable analysis. The 'wetland procedures' adopted as policy by the State Water Resources Control Board (SWRCB) in 2020 have established a similar requirement for CWA section 401 reviews pursuant to the state's Porter-Cologne Act. While these are separate permit approval processes from the county's CEQA review, subject to their own environmental documentation requirements, the identification and consideration of alternatives that avoid or minimize environmental effects is a subject for which local (such as Yolo County) and state agency proponents (such as the DWR) are responsible pursuant to CEQA (e.g., PRC §21002; CCR §15002; many others). This is a basic substantive requirement of CEQA, and applies without respect to the use of a Negative Declaration or an Environmental Impact Report (EIR) to meet CEQA's procedural requirements.

As noted previously, the Huff's Corner site has been a concern for Yolo County decision-makers and managers, and for members of the public, for a long time. From a management perspective, and from perspectives of both a CEQA review and a conservation framework, the current project seems to be a good project, and one where the environmental consequences are well thought out and adequate mitigation is proposed. However, the fact that the site remains a concern after many years of consideration raises a question about whether the current proposal is actually the most efficient and least damaging long-term solution for the problems the site presents.



Figure 1. Regional image of the Cache Creek levee-channel system in the vicinity of the Huff's Corner project, October 2020. Note the relatively constant narrow width throughout the region and the wider zone between the levees in the project area (center of image). Flow and discharge within the channel system are continuous, and the widened zone allows flows to slow, reducing the stream's ability of transport sediment and resulting in its deposition. North is to right.

It appears to me that the sedimentation issues that continue to plague the Huff's Corner site are due in large part to the original ACE levee system design for lower Cache Creek, which is evident in the Google Earth imagery in Figure 1. Cache Creek is an entrenched channel in eastern Yolo County, resulting in part from many decades of sediment mining upstream, as well as from altered hydraulic conditions in the Sacramento River floodplain. Entrenchment essentially limits the

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access of Cache Creek to its ancestral floodplain, essentially forcing the stream system to route the majority of its winter flows, including suspended sediments, down the channel to the Cache Creek Settling Basin and the Yolo Bypass. For most of the stream reach shown in Figure 1 the entrenched stream corridor is a relatively constant width, confining the stream's discharge within a 'canyon' that's also confined by levees. This design forces the stream to move sediment in a quasi-equilibrium through the illustrated reach (i.e., the stream may locally deposit some sediment, but it will subsequently mobilize sediment at another location, and the sediment discharge at a given stage will be relatively constant throughout the reach).

In a fluvial geomorphology context, the Huff's Corner location is functionally a sediment trap. The relatively narrow channel cross-section through most of the reach in Figure 1 widens substantially at the Huff's Corner Project location, with the hydraulic effect of reducing the stream power available to maintain inflowing sediment in suspension, particularly coarser sediments in the gravel-to-sand diameter ranges. The consequence is that the Huff's Corner site inevitably accumulates sediment deposits over time. Under the hydraulic properties of the channel/levee system at present, the Huff's Corner site will accumulate sediment until the system reaches an equilibrium in which sediment deposited in the trap is equal to sediment moved out of the trap by the flowing water. Removing sediment currently present in the trap, as proposed by the current project, is a short-term fix, because the hydraulic conditions that support sediment accumulation remain, and the trap will fill with sediment again.



Figure 2. Aerial image of the Huff's Corner levee-stream system in February 2008, showing the recent removal of accumulated sediment in the upstream end of the widened zone. The widened zone functions to retain ('trap') sediments because of reduced stream power. Note retained 'island,' possibly intended to force flows to the left ('inside') streambank. North is to right.

This cycle is illustrated by the Google Earth image in Figure 2, showing the Huff's Corner location in early 2008. It's clear from this image (and from other 2008 imagery) that a project had recently removed substantial sediment from the trap (evident from historical imagery showing prior conditions), although a downstream island was left, possibly in an attempt to route channel flows toward the left streambank. Presumably

accumulated sediment was removed down to the calculated bed profile supported by the hydraulic grade line through the trap, much as is proposed in the current project (plan sheet C3). In essence, by early 2008 the sediment trap had just been prepared to receive the sediment that is being proposed for removal in the current project. Because the current project doesn't fundamentally alter the hydraulic dynamics at this location, it seems unlikely that it will result in a substantially different future dynamic, and another project will be needed in a decade or two to remove the sediment that will accumulate in the trap by then.

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Other concerns at the Huff's Corner site are related to streamflow dynamics, including the potential for erosion to occur on the right bank (the outside creek bend) and the development of a 'point bar' on the left bank. These dynamic effects are a natural consequence of fluvial geomorphology; the project does need to incorporate engineered approaches, such as those proposed by the project, to prevent or retard the erosion on the right bank, and such elements appear necessary for any other alternative solution. However, alternative project approaches that address the hydraulic issues at the site might be a more cost-effective and less environmentally damaging long-term solution. That kind of consideration is, in fact, the specific reason that the Legislature directed lead agencies to consider alternatives in the CEQA process, and the reason that the CWA and the Porter-Cologne Act require alternatives assessments.

Specifically, it's not clear why the county is not considering an alternative design (or more than one) that functionally reduces the width of the levee system at this site to match the system through the rest of the entrenched reach. In combination with appropriate engineering elements, such an alternative would remove the sediment trap that results in the point bar/island buildup in the Cache Creek channel. An alternative could include, for example, 'moving' the entrenched channel toward the left (northwest) bank, potentially reducing erosion on the right bank, making more of the right bank available for riparian habitat restoration. The current proposal already includes all of the area that would be affected by such an alternative in the project footprint (as shown in NOI Figure 2-1), and the difference between the proposed project and such an alternative is primarily in the project design and the construction and mitigation installation processes.

With respect to biological mitigation for effects of such an alternative design, widening the area restored to riparian habitat conditions in the right-bank area removed from the narrowed channel system would fully compensate for project-related effects on riparian habitat. The widened area could be restored to riparian habitat dominated by valley oaks and related native species such as California grape. Such a widened habitat 'node' along an otherwise-constrained narrow riparian corridor is an accessory mitigation element in locations where creating longer, wider riparian zones is prevented by existing development (e.g., Figure 3), an approach identified in the RCIS/LCP for enhancing the conservation values of riparian habitats in the county.

[With respect to riparian habitat elements in the proposed project, it should be noted that the preliminary design includes an ambiguity that could in itself have environmental consequences. The Planting Plan (plan sheet C10) includes a specification to install 'sandbar willow' along the constructed slope of the right bank, above the boulder line. However, the plan sheet identifies the

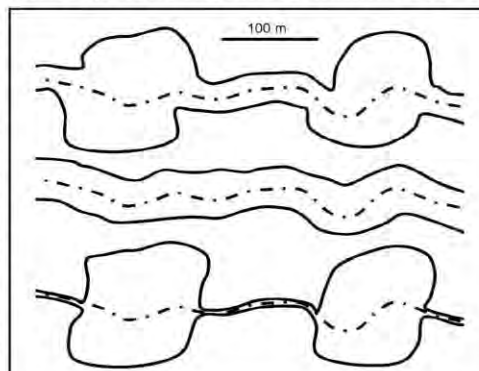


Figure 3. Schematic representation of riparian habitat management zones (inside solid lines) associated with a stream corridor (broken line). Recommended arrangement (top) includes wide (ca. 25-meter) habitat zone with ca. 100-meter 'nodes' on both banks. An alternative (center) would be a ca. 30- to 50-meter zone on both banks. If wider areas are not possible, a narrow but continuous streamside area can be combined with wider 'nodes' to provide riparian habitat connectivity. Source: Independent Science Advisors report to Yolo Habitat Conservancy for the Yolo HCP/NCCP.

July 29, 2021

Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Comment Letter 2: Chad Roberts

(pg. 6 of 6)

Casey Liebler, Natural Resources Program Coordinator
Comments on Initial Study/Draft MND, Huff's Corner Project
15 May 2021
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desired species as *Salix lasiolepis*, the species known in California as 'arroyo willow.' The species generally known as 'sandbar willow' is *S. exigua* (more commonly known as 'narrow-leaved willow;' the variant occurring in the Yolo County region is referred to 'Hind's willow,' *S. exigua* var. *hindsiana*). Ecological differences between these willow species are not trivial. Arroyo willow occurs throughout California, typically developing into a small tree; it generally occurs in floodplains and stream valleys at somewhat higher elevations than narrow-leaved willow, in approximately the context shown in plan sheet C10. Narrow-leaved willow is a smaller species which typically colonizes open sediment in active floodplain areas, where it has a tendency to enhance sediment retention. It appears likely that the designer intended that arroyo willows be installed, but the designation in plan sheet C10 needs to be clarified in any case.]

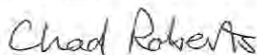
It seems likely to me that the county's consultant for the current Huff's Corner Project could provide a design for this project that might be expected both to improve conservation outcomes in the short term as well as to reduce expenses and future environmental effect to the county and its citizens in the future from the need to repeat the project indefinitely. Achieving that outcome is one identified objective of the requirement in CEQA that lead agencies identify and consider less-damaging alternatives. It's also an objective shared by the CWA and the Porter-Cologne Act to reduce overall environmental consequences of public projects that affect aquatic environments in California.

Summary and Closing

In a general sense, the county has likely met CEQA requirements in the Initial Study and Draft Mitigated NegDec for the Huff's Corner Project as proposed, at least with respect to biological resources. In future CEQA reviews, however, the county needs to incorporate a review of the elements in the now-adopted RCIS/LCP, which (in combination with the adopted HCP/NCCP) implements the policy framework in the Conservation Element of the county's General Plan.

I think that the county can improve compliance with CEQA and other state (and federal) laws with respect to identifying elements or options in county projects that seek to minimize adverse environmental effects. The General Plan clearly directs county agencies to abide by its policies for public projects. Meeting that objective means, among other things, considering ways to design and execute projects that avoid adverse effects in the long term as well as in the short term, by including a full consideration of environmental consequences in every project the county undertakes. As I've suggested above, it seems very likely to me that the currently proposed Huff's Corner Project is actually not the 'best' project that the county could pursue, either from a public infrastructure management perspective or from a perspective of what might be the best project for conserving the county's environmental resources.

Sincerely,



Chad Roberts
Conservation Ecologist

Copies: Saylor, Echiburu, May, Tengolics

Response 2:

Comment #1: The "Biological Resources" Assessment Framework is Incomplete

Although Dr. Roberts acknowledges on Page 1 that "the assessment in the IS/MND of the proposal's effects on biological resources does largely address CEQA's mandated coverage of the project as currently defined", and concludes on Page 6 "the county has likely met CEQA requirements in the Initial Study and Draft Mitigated NegDec for the Huff's Corner Project as proposed," he notes that the CEQA analysis did not address the conservation framework described in the Resource Conservation Investment Strategy/Local Conservation Plan (RCIS/LCP).

The RCIS/LCP is supplementary to the Yolo HCP/NCCP and is "intended to provide a complementary framework for future conservation efforts that includes voluntary stewardship-driven conservation, in addition to mitigation-driven conservation, to enhance the conservation benefits in Yolo County." It's designed, in part, to address possible impacts to species not covered under the Yolo HCP/NCCP and to provide a broad conservation strategy to mitigate and restore habitats and preserve landscapes.

Although not specifically referenced in the Biological Resources Assessment or IS/MND, the RCIS/LCP was reviewed to assess its applicability to the proposed project. We determined that the project either did not conflict with or was not relevant to the elements of the RCIS/LCP framework. Although vegetation will be removed in order to improve flows and maintain the integrity of the stream corridor, the natural processes will be retained and vegetation elements are expected to restore over time. All potentially occurring sensitive plant and wildlife species were addressed in the CEQA assessment and the guidance for addressing impacts and mitigation are provided through the HCP/NCCP conservation strategy.

Comment #2: Is the Proposed Project the Least Environmentally Damaging Alternative

CEQA requires an evaluation of alternatives where there are significant impacts analyzed as part of an Environmental Impact Report. Here, any potentially significant impacts are reduced to less than significant levels through the implementation of mitigation measures identified in the IS/MND. The comment has been noted by staff.

July 29, 2021

Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Comment Letter 3: Kimble & Patricia Timothy

(pg. 1 of 4)

TO: Yolo County Administrator's Office
RE: Huff's Corner Levee Raise and Channel Reconfiguration Project
Initial Study / Mitigated Negative Declaration
DATE: May 31, 2021
FROM: Kimble and Patricia Timothy
37687 County Road 18
Woodland, CA 95695

This is our initial response to the above referenced Mitigated Negative Declaration. We live on the property adjacent to and upon which this project is designed to be constructed. We are opposed to this project for many reasons as it will negatively impact the natural beauty, aesthetics, and value of this unique and historical property.

We purchased this property in 1997 from the Huff Family. They developed and constructed the existing home and barn structures in the early 1930's. Mr. Huff raised his family and maintained agricultural businesses for decades on this property. This also included raising hogs in the substantial barn on the property. We have established a show pig organization (Cache Creek Show Pigs) in the barn and have spent substantial resources to develop this program for the youth of several families. The youth participate in 4H and FFA and other local youth ag groups.

Our home is our sanctuary, and we like to share it with friends and family for occasional weddings and other charity events to support the community. Our "parking area" for these events is the maintained dirt triangle area that is shown on the "Maintenance Plan" as the STAGING AREA on Sheet C3. This parking area would be reduced to such a small area after the levee reconstruction that it would be virtually useless. Also, no permission has ever been asked for by the county or granted to use our property for a staging area for construction.

The county of Yolo issued an initial letter on October 20, 2020 stating their intent to initiate a project to repair the levee at Huff's corner and to remove excess sediment in the levee. We had already met starting in June 2020 with the county and MBK Engineers at the county's request to present levee repair alternatives. We were constantly assured that the county would present alternatives that would be acceptable to us and mitigate the potential land and tree loss resulting from this project. We have yet to receive any offer to purchase our property for this project. We are also being threatened by the County that they have the authority to remove our 150 year old olive trees without any negotiation because they exist in a maintenance right-a-way. We are also told by sources that the County is going to push this project through using eminent domain tactics regardless of our concerns or rights as landowners. We tend to believe these sources because the county has yet to present any type of offer.

Currently we own a long asphalt drive that runs parallel to County Road 18 in front of our empty home lot to the west, the barn and along our lawn to the garage at our home. This driveway is used numerous times daily by the families that maintain animals in the barn, by our renters in the apartment on our property and to access the storage and RV trailers on our property. This drive would be eliminated and

Comment Letter 3: Kimble & Patricia Timothy
(pg. 2 of 4)

replaced by one narrow and hairpin turn driveway. This will not be acceptable as the animal and RV trailers would not be able to safely enter and exit. The new levee road will be so close to the barn that the children's safety will be at risk. The children walk their animals every day and this new road will encroach on their access.

The proximity of the new levee to our barn is not only a safety and access issue. Where will the rainwater from the bank of the new levee be directed? The current plan does not address drainage issues. Rainwater will run directly into the north side of the barn.

The Project Description states that Yolo County initiated the process of forming a Maintenance Area in 2012. This was not feasible because the county has failed to maintain this levee properly over the years and now this project is required in order to pass on the future maintenance requirements to DWR. We are paying the price for the county's lack of maintenance.

This report also states that it is unknown when this levee was constructed, perhaps sometime between 1938 and 1951. If no one knows when this levee was constructed, how does the County know what the "original design height" was? This description states that the first part of this project is to raise the levee 4'-0" – 6'-0" to meet the 1957 design profile. If the county knows what the original design profile was then they must know when it was constructed. This entire premise is somewhat suspect.

We totally agree that the second part of this project, the channel cleanout, island removal and reconfiguration are absolutely necessary, and this would be supported by all local residents. The work to clean out and reconfigure this part of the channel is a direct result of the County's failure to maintain the creek and levee.

The report states that the project will be constructed in 2022 and they may initiate some pre-construction activities such as tree removal, etc in advance of the major project. We will not allow any such preconstruction activities on our property unless and until we provide permission to do so. Again, we have not even started any Real Estate activities noted in this report.

Mitigated Negative Declaration issues include:

- Unknown original levee design height discussed previously.
- Lack of negotiations with property owners on land acquisition discussed previously.
- Chapter 3 discusses Environmental Settings and Impacts. We are adamant that this project will negatively impact the aesthetics of our unique property. There is a line of olive trees that are suggested to be at least 150 years old. The line of these trees stretches all the way along County Road 98 to the east, the entire County Road 18 leading up to our home, around the Huff's Corner and along the levee down to the intersection of Roads 18 and 97A. This uninterrupted run of historical and stunning trees create an aesthetic barrier and also a sound barrier to Highway I-5 that cannot be mitigated. The report states that "Yolo County has agreed to work directly with landowners to address their concerns and reduce the impacts to the existing visual character and quality of public views of the site and its surroundings. There has been no attempt by the County to do so. The plan states merely that trees will be removed. AES-1 states that the County will commit to providing landowners with options to mitigate the loss of these trees and that the implementation of this will be no later than December 1, 2023. That is more

Comment Letter 3: Kimble & Patricia Timothy

(pg. 3 of 4)

than one year after this project is scheduled to be completed. This is totally unacceptable. An agreed upon mitigation plan must be in place prior to starting any preconstruction activities.

- Paragraph 3.4.4 discusses the mitigation efforts the County will take to protect four special status species that occur in this area. We want to ensure that any nesting Swainson's hawks or Northern Harriers will not be disturbed as a result of tree pruning or removal during the time between March 1 and August 30. Since this is the scheduled time of construction, this will be of great importance. There is a nest noted in the channel reconfiguration area during the survey by Estep Environmental Consulting.

There are numerous mitigation plans required by this section to avoid any impact to special status species. We want to know specifically what will be done on this project to comply with the AMM's referred to.

The report also goes on to state that the project will remove 14 mature valley oaks. How is this going to be mitigated? Where on the plans are these 14 oaks shown to be removed?

- Paragraph 3.5 refers to the protection of cultural resources including historic structures that are over 50 years old. There are several issues that present questions to us:
 - Are there resources on our property that are considered historical that could be destroyed as a result of this project?
 - There is mention of a Cultural Resources Report that has been prepared confidentially and we are not privy to the contents. We take exception to not being able to read this report.
 - The report references a row of 8 historic olive trees under paragraph 3.5.3. The description does not state that this row of olive trees is within a contiguous row of olive trees stretching from Road 98 to 97A along County Road 18. Furthermore, there is no drawing showing which trees these 8 are. There are clearly more than 8 trees marked for demolition. The County needs to somehow clearly define exactly which olive, oak and other trees are scheduled for removal so that we can correctly respond to the impact.
 - The report states that there is a high potential for buried cultural resources in the Project Area. The County states this will be mitigated by contractor awareness training, archeological monitoring, and project stoppages if discoveries are made during construction. Will the county hire a professional archeologist that will be present at all times during excavation?
- Paragraph 3.10.3 refers to possible impacts to ground water quality. The levee reconstruction will bring the levee substantially closer to our well which supplies water to our home, barn, rental unit, barn and landscape areas. Could this have any impact to our water source?
- Paragraph 3.13.1 states that Highway I-5 is immediately adjacent to the project and there are no sound barriers between the highway and residents. This is not true. The trees lining the levee that are scheduled to be removed provide visual and sound barriers to our home. How will this be mitigated?
- Paragraph 3.13.3 states that substantial construction noise is expected for four months from 8 am to 7 pm Monday thru Saturday. As previously discussed, we have several families coming and going all day long to care for their pigs and sheep in the barn. How will this disruption and

Comment Letter 3: Kimble & Patricia Timothy

(pg. 4 of 4)

noise for the families and animals be mitigated? These extended hours of construction will destroy the enjoyment of our property. We will not allow weekend work or work after 5 pm.

- Paragraph 3.17.2 does not take into consideration the fragile current state of the pavement on County Road 18. It is virtually falling apart, filled with potholes and will not handle the construction traffic. County Road 18 will need to be repaved in its entirety after construction is complete if this project is to move forward.
 - What is the plan for emergency vehicle access to our residences?
- Paragraph 3.18 refers to tribal cultural resources. There may be valuable tribal resources at risk during construction. We are unable to comment on this section because the county findings remain confidential.
- Paragraph 3.19.2 refers to utility relocation necessary because of the project. Our residence will require relocation of power, lighting, AT&T, water, irrigation, gas, and septic system. There is no written plan on how this will be done, so we are unable to comment on these impacts.
- Currently there is also a proposed project being put forth by the City of Woodland to erect a flood control levee (Flood Wall) to provide 200 year flood protection for the City of Woodland. Has the engineer reviewed what impacts these two projects would have on our properties if both were constructed? If this levee is raised and a flood wall constructed, the waters would overtop behind the homes on County Road 97A (as they do now) and create a flood water bypass for all the properties north of the flood wall, including ours.
- I have been advised by the CEO of the Cache Creek Conservancy that they were never contacted regarding this project. They are the non-profit organization dedicated to the restoration, preservation and education of the Cache Creek Watershed, focusing on the Lower Cache Creek where this project is located. It would seem prudent that they be contacted for any insights, creek history or information they could provide.
- Finally, Paragraph 3.21.1 states "As described in this Initial Study, the Project would not have substantial effects on Human beings, directly or indirectly." Well, the human beings living at 37687 County Road 18 completely disagree.

Response 3:

Global response to comments:

Landowners that will directly benefit from flood risk reduction should be aware that the need for levee raise to restore the original design elevation of the Huff's Corner levee was identified in the 2013 US Army Corps of Engineers Periodic Inspection Report which listed the item as "Unacceptable." Without correction of unacceptable items, the levee is ineligible for Federal Rehabilitation Assistance after a flood. Further, facilities not being adequately operated and maintained by a Local Maintaining Agency, such as Yolo County, can be taken over by the State, pursuant to California Water Code Section 12878 (maintenance areas), with costs to be paid by the beneficiaries of the maintained area. Therefore, if this project is not implemented by Yolo County prior to the expiration of DWR grant funding (December 2022), the resulting outcome is that the State of California may take over implementation of the project in order to fulfill their obligation to maintain the State Plan of Flood Control. As such, the State would directly charge beneficiaries of the project (i.e. landowners) for the actual cost, rather than the current grant funding being utilized.

Bullet #1

This comment is not CEQA-related.

Bullet #2

This comment is not CEQA-related.

Bullet #3

Land acquisition process will proceed after the IS/MND has been adopted.

Bullet #4

A total of 11 valley oak trees with diameter at breast height (dbh) between 12 and 18 inches, may be removed. These all occur within the CCRMP boundary. Two additional mature valley oak trees with dbh between 18 and 24 inches and one small valley oak tree with an approximately 12-inch dbh occur outside of the CCRMP boundary and will also be removed. Those that occur within the CCRMP boundary will be addressed through Section 6.5.8.1.1 of the HCP/NCCP and subsequent clarification and agreement with the wildlife agencies. Removal of the three trees outside of the CCRMP boundary did not constitute a significant impact pursuant to CEQA and thus no further mitigation was required.

Bullet #5

Sub-Bullet #1

The cultural resources study inventoried the cultural resources within the Project Area and did not, nor is it required to, include adjacent private property that is outside of the Project Area and not impacted by the project. The nearest cultural resources to the Timothy property are a row of ornamental olive trees planted in the levee.

Sub-Bullet #2

Cultural resources information is restricted from public distribution by state and federal law. The contents of the report cannot legally be disclosed to the public.

For instance, Sections 6253, 6254, and 6254.10 of the California Government Code authorize State agencies to exclude archaeological site information from public disclosure under the Public Records Act. In addition, the California Public Records Act (Government Code § 6250 et seq.) and California's open meeting laws (the Ralph M. Brown Act, Government Code § 54950 et seq.) protect the confidentiality of Native American cultural place information. Under Exemption 3 of the federal Freedom of Information Act (5 U.S.C. § 5), because the disclosure of cultural resources location information is prohibited by the Archaeological Resources Protection Act of 1979 (16 U.S.C. § 470hh) and Section 307103 of the National Historic Preservation Act, it is also exempted from disclosure under the Freedom of Information Act. Likewise, the Information Centers of the California Historic Resources Information System (CHRIS) maintained by the California Office of Historic Preservation (OHP) prohibit public dissemination of records search information. In compliance with these requirements, the results of this cultural resource investigation were prepared as a confidential document, which is not intended for public distribution in either paper or electronic format.

Sub-Bullet #3

The location of these olive trees is described and illustrated in the confidential Department of Parks and Recreation record attached to the confidential cultural resources report. While there may be more than eight trees proposed for removal, only the eight we identified were both historic in age and within the Project footprint. The fact that these eight are part of a longer row that will remain intact further supports the finding of a less-than-significant impact by the Project.

Sub-Bullet #4

Yes, the County will retain a professional archaeologist and tribal monitor to be present during all ground-disturbing activities.

Bullet #6

The expansion of the levee will not impact the well.

Bullet #7

Mitigation for removal of trees is included in AES-1.

Bullet #8

The IS/MND found that construction-related noises do not exceed levels that require mitigation.

Bullet #9

Emergency vehicle access will not be disrupted as only a portion of CR 18 will be replaced by the project.

Bullet #10

See response to Bullet #5, Sub-Bullet #2.

Bullet #11

This comment is not CEQA-related.

Bullet #12

Response to the concern about cumulative flooding impacts from implementation of the proposed project and the Lower Cache Creek Feasibility Study, which is also locally referred to as "Woodland Flood Risk Management Project" and colloquially as "Woodland Flood Wall":

The County incorporates, by reference, the City of Woodland's Environmental Impact Report (EIR) and Final Environmental Impact Report (FEIR). On pages 3.1-17 – 3.1-18 of the EIR, it states the following:

"Impact HYDRO-5: Impede or redirect flood flows resulting in increased inundation levels (less than significant)

The frequency of flooding in the area north of the city would not change relative to existing conditions, because the study area is already prone to flood risk, and the Proposed Project would not alter the geometry of Cache Creek (i.e., alter the pre-existing flooding regime). However, project implementation could result in increased inundation depths associated with impeding or redirecting flood flows.

The potential for increased inundation was evaluated by comparing with-project and existing conditions within the project area. Figure 3.1-5 shows the differences in water surface elevations with the inclusion of the Proposed Project elements for the 100-year flood. Figure 3.1-6 shows the differences in water surface elevations with the inclusion of the Proposed Project elements for the 200-year flood. As shown in the figures, flooding is no longer present south of the proposed levee (i.e., the city limits), thus meeting the overall project objectives of providing 200-year flood protection and obtaining FEMA certification for the City.

Although the proposed project would not cause flooding at any structures that are not already subject to flooding, modeled water surface elevations do increase in portions of the existing floodplain north of the proposed levee. In general, water surface elevations increase in areas where there are structures (for the 100-year flood) range from 0.1 to 2.0 feet. The deepest increases (up to 6.0 feet) would occur on the east end of the project area near the Cache Creek Settling Basin on UC Davis-owned agricultural lands that do not contain any structures and in the detention basin.

Structures subject to flooding under existing conditions that would be affected by this modeled increase in water surface elevation are described in Section 3.1.2.1. *Methods for Analysis, Hydraulic Modeling*. Where water surface elevation increases would affect such structures, the maximum increase is modeled to be 2.0 feet. The remaining structures within the project area (as shown on Figure 3.1-5) would experience no change from existing conditions or a decrease in water surface elevation.

As described in Chapter 2, *Project Description*, for each affected parcel, the City would work with individual landowners to develop a suite of non-structural measures tailored for each parcel to reduce flood damages and losses. These measures could include floodproofing of individual structures, subsidizing flood insurance costs, purchasing flowage easements, or confirming the adequacy of the existing flood warning system. This impact would be less than significant.”

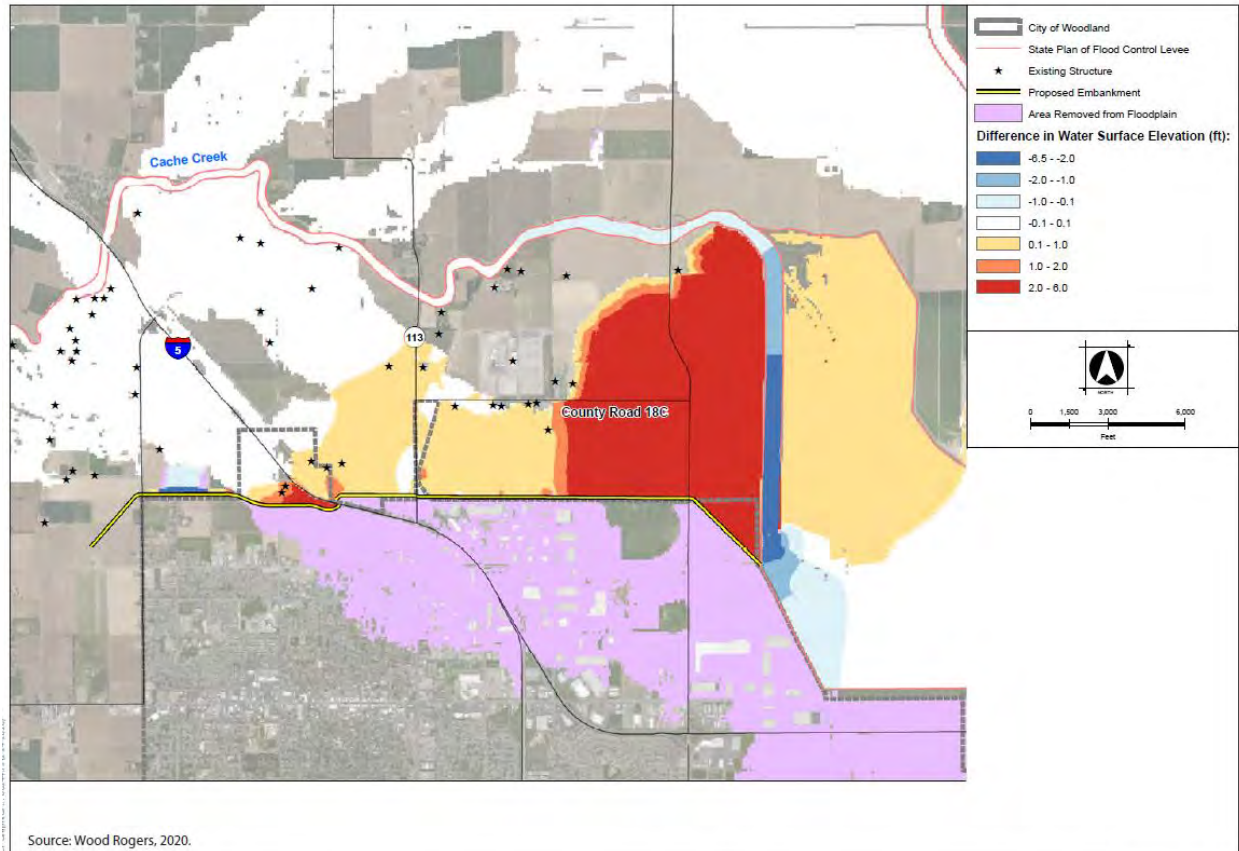


Figure 3.1-5
With Proposed Project: Difference in Flood Surface Elevation under the 100-Year Flood Event

The hydraulic modeling utilized for this analysis assumed that the Huff's Corner levee was at its designed elevation and therefore inherently includes the cumulative impact if both projects are implemented. The location of the commenter is adjacent to Cache Creek in the "white" zone, which shows a difference in water surface elevation with incorporation of the LCCFS Project as -0.1 to +0.1 feet. This does not alter the conclusion for the Huff's Corner project.

Bullet #13

This comment is not CEQA-related. However, the County has had multiple conversations with the Cache Creek Conservancy about this project in advance of the release of the CEQA document.

Bullet #14

The County thanks the commenter for reviewing the CEQA document and preparing their comments.

Comment Letter 4: CA Department of Fish and Wildlife
(pg. 1 of 4)

Casey Liebler

From: Quillman, Gabriele@Wildlife <Gabriele.Quillman@wildlife.ca.gov>
Sent: Thursday, June 3, 2021 10:42 AM
To: Casey Liebler
Cc: Wildlife R2 CEQA
Subject: CDFW's Comments on the IS/MND for the Huff's Corner Levee Raise and Channel Reconfiguration Project

Importance: High

Dear Ms. Liebler,

The California Department of Fish and Wildlife (CDFW) received and reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) from Yolo County (County) for the Huff's Corner Levee Raise and Channel Reconfiguration Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines. CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code., § 1802.) Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) CDFW also administers the California Endangered Species Act, Native Plant Protection Act, Natural Community Conservation Act, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The Project site is located in a section of Cache Creek extending approximately 2,700 feet upstream from Interstate 5, north of Woodland, in unincorporated Yolo County, California; latitude 38.721944°, longitude -121.808333°.

The proposed Project would raise a 2,700-foot section of the Cache Creek levee system by four to six feet. The base of the levee would be widened on the land side by approximately 12 to 15 feet, and the existing Operations and Maintenance easement corridor would be extended an additional 15 feet beyond the new land side toe of the levee. The portion of County Road 18 that is located on the levee crown over the western 1,100 feet of the affected section of levee would be removed and replaced, and the remaining portion of the affected section of levee would be degraded and rebuilt.

Comment Letter 4: CA Department of Fish and Wildlife
(pg. 2 of 4)

The Project would also reconfigure a portion of the Lower Cache Creek channel to control erosion and remove excess sediment. Sediment from a large sediment island that has developed in the creek would be removed and hauled off-site; vegetation stabilizing the island would be removed; and a sacrificial terrace would be constructed along the right bank to reduce flow velocity against the bank and direct flow more towards the center of the channel.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources:

1. Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP). The IS/MND lists the Avoidance and Minimization Measures (AMMs) from the Yolo HCP/NCCP that apply to the Project and identifies which of the mitigation measures incorporate aspects of each AMM. However, the IS/MND does not include the text of each AMM, requiring the reader to refer to the Yolo HCP/NCCP documents in order to understand the Project's mitigation strategy. For clarity, CDFW recommends including the text of each of the applicable AMMs. Furthermore, in cases where the wording of the Project's mitigation measures differs from that of the Yolo HCP/NCCP AMMs, CDFW recommends including a brief discussion of how the Project's mitigation measures are consistent with the Yolo HCP/NCCP AMMs.
2. Impacts on Riparian and Riverine Habitat. The Biological Resources Assessment (BRA) prepared for the Project estimates that the Project will impact approximately 0.86 acre of riverine and 4.42 acres of riparian habitat. The IS/MND states that the impacts on riparian habitat and other sensitive natural communities will be addressed through implementation of the Yolo HCP/NCCP and its incorporation of the Cache Creek Resources Management Plan. However, the IS/MND also states that the Project is exempt from the Yolo HCP/NCCP's land cover fees. It is not clear whether the County intends to mitigate for project impacts on riparian and riverine habitat by paying the Yolo HCP/NCCP's Wetland Fee (section 8.4.1.3), or if some alternate method of mitigation is proposed. The IS/MND also states that the channel reconfiguration area will be partially revegetated following removal of sediment and recontouring and stabilizing the creek banks. This implies that some impacts will be temporary in nature, but that some may be permanent. Please clarify the extent of the Project's permanent impacts on riparian and riverine habitat, if any. Please also clarify how the Project will mitigate for its impacts, both temporary and permanent, to these habitat types.
3. Revegetation of Temporarily Disturbed Habitat. The temporary disturbance of riparian habitat is expected to locally displace associated wildlife, including sensitive species, until the habitat has been restored. The BRA estimates that 14 mature valley oaks, nine mature cottonwoods, and numerous trees with diameters at breast height (dbh) under 12 inches will be removed. Removal of trees has a particularly lasting impact because it can take many years for their replacements to reach the level of maturity required to provide the same habitat values as those that were removed.

In order to minimize the impacts, CDFW recommends that any temporarily disturbed riparian areas be revegetated as soon as possible following completion of construction. If woody vegetation is removed, CDFW recommends that the trunks be cut several inches above the ground and the roots be left intact if possible, to allow re-sprouting. If the roots must be disturbed or if the vegetation is a type that does not resprout, CDFW recommends that it be replaced by planting container stock or live cuttings of locally-native riparian woody plant species. CDFW recommends that container stock and live cuttings be planted at the beginning of the rainy season to minimize the need for irrigation, and that it be monitored for a period of at least five years following planting to ensure it becomes established. Because the survival rate of planted trees is unlikely to be 100%, and to compensate for the temporal loss between the time of impact and the time when restoration areas reach maturity, CDFW recommends several replacement trees be planted for each tree removed. Areas of disturbed soil should be seeded with locally-native grass and forb seed to minimize colonization of the site by invasive

Comment Letter 4: CA Department of Fish and Wildlife
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weeds. The species selected for planting should match the native species observed in the area as much as possible. Species not observed growing in the area are less likely to succeed, as their absence may be due to a lack of habitat suitability.

4. **Nesting Birds.** Sections 3503, 3503.5, and 3513 of the Fish and Game Code protect nesting and migratory birds and birds of prey. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders *Falconiformes* or *Strigiformes* (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act.

Vegetation removal and ground-disturbing activities associated with the Project have the potential to destroy or damage birds' nests. Noise, vibrations, and disturbance from the Project may also indirectly cause nest failure by causing birds to abandon nests before their young are able to survive without parental care. To avoid Project impacts on birds' nests, eggs, and young, CDFW recommends the County retain a qualified biologist to perform a pre-construction survey prior to starting Project activities that are scheduled during the nesting season (typically between February 1 and August 31). Surveys should be conducted within ¼-mile of the Project Area for birds of prey and within 500 feet for other bird species, where possible. If an active nest is found, the qualified biologist should establish a no-disturbance buffer around the nest. The width of the buffer should be determined by the biologist based on the species, level of disturbance expected from Project activities, environmental conditions such as the presence or absence of visual barriers and/or sound barriers between the Project Area and the nest, and any other relevant details. The buffer should be maintained until the biologist determines that the nest is no longer active.

Please note that Fish and Game Code protections for nesting and migratory birds apply regardless of the time of year, and a few bird species (e.g., Anna's hummingbird) may nest during the winter and fall months. If an active nest is discovered outside of the typical nesting season, it should be avoided using the same avoidance measures that would be applied during the typical nesting season.

5. **Western Red Bat.** The IS/MND identifies the Project Area as including potential habitat for western red bat (*Lasiurus blossevillii*). Western red bats roost in foliage, often solitary, and do not require large hollow trees for roosting habitat. To minimize the risk of injuring western red bats during tree removal, CDFW recommends a two-step tree removal process in which the smaller outer branches are removed on the first day and the rest of the tree is removed on the second day. The disturbance caused by removing some of the branches on the first day encourages bats to leave the area.

If roost trees are removed during the colder months, bats may be in hibernation and unable to escape. Similarly, tree removal during the maternity season may cause injury or mortality of pups, particularly those that are too young to fly. To avoid potential impacts to both maternity colonies and hibernating bats, CDFW recommends that tree removal be scheduled either in the spring between approximately March 1 (or when evening temperatures are above 45°F) and April 15, or in fall between approximately September 1 and October 15 (or prior to evening temperatures dropping below 45°F and the onset of rainfall greater than one-half inch in 24 hours).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, CDFW requests that the County report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The

Comment Letter 4: CA Department of Fish and Wildlife
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completed form can be submitted online or mailed electronically to CNDDDB at the following email address:
CNDDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code §21092 and §21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

Thank you for the opportunity to comment on the IS/MND to assist in identifying and mitigating Project impacts on biological resources. If you have questions or would like to discuss this letter, please contact me at gabriele.quillman@wildlife.ca.gov or (916) 358-2955.

Sincerely,

Gabriele (Gabe) Quillman
She/Her
California Department of Fish and Wildlife – North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2955

[THIS EMAIL ORIGINATED FROM OUTSIDE YOLO COUNTY. PLEASE USE CAUTION AND VALIDATE THE AUTHENTICITY OF THE EMAIL PRIOR TO CLICKING ANY LINKS OR PROVIDING ANY INFORMATION. IF YOU ARE UNSURE, PLEASE CONTACT THE HELPDESK (x5000) FOR ASSISTANCE]

Response 4:

Comment #1: AMMs

Relevant AMMs are included in their entirety in the Biological Resources Assessment, an attachment to the IS/MND and in Chapter 4 of the Yolo HCP/NCCP, which is accessible online via the Yolo Habitat Conservancy's website: <https://www.yolohabitatconservancy.org/documents>.

Comment #2: Impacts on Riparian and Riverine Habitat

The project intends to follow the direction provided under the Yolo HCP/NCCP relative to projects occurring within the CCRMP boundary (refer to Section 6.5.8.1.1 and August 27, 2020, memorandum from Alexander Tengolics, Executive Director, Yolo Habitat Conservancy (Policy Clarification: Cache Creek Resource Management Plan Activities, Yolo HCP/NCCP Coverage)).

For purposes of the HCP/NCCP application procedures, all riparian impacts occurring within the channel reconfiguration area are considered permanent. Impacts to lacustrine and riverine natural community are considered temporary since the flows in the creek will be affected only during the construction period.

Comment #3: Revegetation of Temporarily Disturbed Habitat

Although revegetation will occur, all vegetation removed within the channel reconfiguration area is considered permanent. Stumps or roots will not be retained so that the channel can be reconfigured. Mitigation for removal of vegetation within the channel reconfiguration area is not required as per Section 6.5.8.1.1 of the Yolo HCP/NCCP and clarified in the August 27, 2020, memorandum.

Comment #4: Nesting Birds

It is anticipated that vegetation removal will be conducted during the non-nesting season.

Comment #5: Western Red Bat

Tree removal is anticipated to occur during the fall months and should occur within or near the specified timeframe and temperature parameters.

Comment Letter 5: CA Department of Transportation
(pg. 1 of 2)

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 3
703 B STREET | MARYSVILLE, CA 95901-5556
(530) 741-4233 | FAX (530) 741-4245 TTY 711
www.dot.ca.gov



June 10, 2021

Casey Liebler
Natural Resources Program Coordinator
Yolo County
625 Court Street, Room 202
Woodland, CA 95695

Dear Casey:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The request for review of a mitigated negative declaration for a project to raise a levee and Cache Creek channel reconfiguration in Yolo County. Based on the information received, Caltrans provides the following comments.

Right of Way/Engineering

- Caltrans is concerned that the levee project might impact the State Right of Way (ROW). Based on page 154 (Figure 3), Page 178 (figure 7), & Page 190 (figure 7) on the Initial Study-Mitigated Negative Declaration, the levee rehabilitation area is located either adjacent or within the State's Right of Way.
- The County or representative shall verify if the project will impact the State Right of Way by requesting ROW Record Maps from Caltrans by contacting: d3rwmaprequest@dot.ca.gov and have our right of way delineated.
- Any work being done on the State Right of way will need an Encroachment Permit. Please contact District 3 Encroachment Permits at: d3encpermit@dot.ca.gov

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Comment Letter 5: CA Department of Transportation
(pg. 2 of 2)

Casey Liebler, Natural Resources Program Coordinator
June 10, 2021
Page 2

- If an encroachment permit is needed, please identify any vulnerable survey monuments in the development area that will need to be preserved and/or perpetuated, as required by PE Act 6731.2 and PLS Act 8771.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development. If you have any questions regarding these comments or require additional information, please contact Nick Hernandez, Intergovernmental Review Coordinator, at (530) 634-7618 or by email at: nick.hernandez@dot.ca.gov

Sincerely,

Alex Padilla

ALEX PADILLA
Branch Chief, Transportation Planning – South
Planning, Local Assistance, and Sustainability
Caltrans District 3

"Provide a safe and reliable transportation network that serves all people and respects the environment!"

Response 5:

This letter does not raise any CEQA-related issues.

The County will submit an application for an encroachment permit following adoption of the CEQA document.

July 29, 2021

Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Section 2. Mitigation Monitoring and Reporting Program (MMRP)

Mitigation Monitoring & Reporting Program – Huff's Corner Levee Raise & Channel Reconfiguration Project				
Impact	Mitigation Measure	Enforcement & Monitoring Responsibility	Timing/ Implementation	Verification (Date & Initials)
<i>Aesthetics</i>				
<p><u>3.1.3(c)</u>: 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?</p>	<p><u>AES-1</u>: Yolo County shall commit to provide each directly impacted landowner that will experience tree removal with the options described below with a written agreement during the land acquisition process.</p> <p>(1) Landowner agrees that no "in-kind" visual replacement is required and that the tree removal(s) will result in the final aesthetic view.</p> <p>(2) Landowner agrees that Yolo County will replace each tree in its relative position outside of the new project boundary with an "in-kind" tree of their liking. Every effort will be made to install fairly mature trees in lieu of immature plantings unless the landowner prefers the latter.</p> <p>(3) Landowner agrees that Yolo County will provide another form of aesthetic feature which may include, but not be limited to, shrubs, line of ornamental hedge, and/or fencing. The cost of this Mitigation Measure shall remain relatively consistent with item #2 above, and not require Yolo County to agree to an exorbitant remedy.</p>	<p>Yolo County CAO Office</p>	<p>No later than December 1, 2023</p>	
<i>Biological Resources</i>				
<p><u>3.4.4(a)</u>: 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?</p>	<p><u>BIO-1</u>: Yolo County shall implement the relevant provisions of the Yolo HCP/NCCP and its incorporation of the Cache Creek Resources Management Plan (Section 6.5.8.1.1) to mitigate impacts on Covered Species, including valley elderberry longhorn beetle, Swainson's hawk, and white-tailed kite. The Project is exempt from HCP/NCCP land cover fees and from the compensatory mitigation described in AMM12 of the HCP/NCCP (Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle), but will benefit from the ongoing implementation of the Cache Creek Management Plan (CCRMP),</p>	<p>Yolo County CAO Office</p>	<p>Before Construction</p>	

July 29, 2021

Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Mitigation Monitoring & Reporting Program – Huff's Corner Levee Raise & Channel Reconfiguration Project				
Impact	Mitigation Measure	Enforcement & Monitoring Responsibility	Timing/ Implementation	Verification (Date & Initials)
	which is designed to protect and enhance habitat for these, and other, special-status species. AMMs that address disturbances to covered species, such as AMM 16, will apply to the Project.			
<u>3.4.4(a)</u> : 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?	<u>BIO-2</u> : Yolo County shall implement Yolo HCP/NCCP AMM16 (Minimize Take and Adverse Effects on Habitat of Swainson's Hawk and White-Tailed Kite).	Yolo County CAO Office	Before Construction	
<u>3.4.4(a)</u> : 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?	<u>BIO-3</u> : Concurrent with implementation of AMM16, Yolo County will conduct preconstruction surveys for northern harrier within the Project area and implement similar avoidance protocols or coordination with CDFW in the event active nests are found.	Yolo County CAO Office	Before Construction	
<u>3.4.4(b)</u> : 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 US Fish and Wildlife Service?	<u>BIO-4</u> : Yolo County shall implement relevant provisions of the Yolo HCP/NCCP to avoid and minimize potential impacts to covered species and other wildlife, including AMMs 3, 4, 5, 6, 7, 8, and 18. To address mitigation for impacts on riparian habitat and other sensitive natural communities that may provide habitat for covered species, the Yolo HCP/NCCP incorporates the Cache Creek Resources Management Plan (Section 6.5.8.1.1). The Project is exempt from HCP/NCCP land cover fees and from the compensatory mitigation described in AMM12 of the HCP/NCCP (Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle), but will benefit from the ongoing implementation of the CCRMP, which is designed to protect and enhance riparian habitat and other sensitive natural communities, and provide habitat for covered species, including valley elderberry longhorn beetle.	Yolo County CAO Office	Before Construction	

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Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Mitigation Monitoring & Reporting Program – Huff's Corner Levee Raise & Channel Reconfiguration Project				
Impact	Mitigation Measure	Enforcement & Monitoring Responsibility	Timing/ Implementation	Verification (Date & Initials)
<u>3.4.4(c)</u> : Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<u>BIO-5</u> : Yolo County shall implement Yolo HCP/NCCP AMM10 (Avoid and Minimize Effects on Wetlands and Waters).	Yolo County CAO Office	Before Construction	
<u>3.4.4(d)</u> : 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?	<u>BIO-6</u> : Yolo County shall implement Yolo HCP/NCCP AMM3 (Confine and Delineate Work Area).	Yolo County CAO Office	Before Construction, During Construction	
<u>3.4.4(d)</u> : 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?	<u>BIO-7</u> : Yolo County shall implement Yolo HCP/NCP AMM4 (Cover Trenches and Holes during Construction and Maintenance).	Yolo County CAO Office	During Construction	
<u>3.4.4(d)</u> : 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?	<u>BIO-8</u> : Yolo County shall implement Yolo HCP/NCCP AMM5 (Control Fugitive Dust).	Yolo County CAO Office	During Construction	
<u>3.4.4(d)</u> : 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?	<u>BIO-9</u> : Yolo County shall implement Yolo HCP/NCCP AMM6 (Conduct Worker Training).	Yolo County CAO Office	Before Construction	

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Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Mitigation Monitoring & Reporting Program – Huff's Corner Levee Raise & Channel Reconfiguration Project				
Impact	Mitigation Measure	Enforcement & Monitoring Responsibility	Timing/ Implementation	Verification (Date & Initials)
3.4.4(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?	<u>BIO-10</u> : Yolo County shall implement Yolo HCP/NCCP AMM7 (Control Nighttime Lighting of Project Construction Sites).	Yolo County CAO Office	During Construction	
3.4.4(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?	<u>BIO-11</u> : Yolo County shall implement Yolo HCP/NCCP AMM8 (Avoid and Minimize Effects of Construction Staging Areas and Temporary Work Area).	Yolo County CAO Office	Before Construction, During Construction, After Construction	
Cultural Resources				
3.5.4(b): Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<u>CUL-1: Contractor Awareness Training.</u> The County shall retain a qualified professional archaeologist to disseminate a contractor awareness training program to all construction supervisors prior to the start of construction. The program will provide information about requirements for tribal monitoring (see TCR-1) and archaeological monitoring (see CUL-2), notification procedures when potential archaeological or tribal material is discovered (as specified in CUL-3), procedures for communication between construction personnel and monitoring personnel, and information about other treatment or issues that may arise if cultural resources (including human remains) are discovered during Project construction. Subsequent training of construction personnel will be provided as needed by the tribal monitor.	Yolo County CAO Office	During Construction	
3.5.4(b): Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<u>CUL-2: Archaeological Monitoring.</u> All vegetation removal, soil excavation, and activity that has the potential to disturb more than six inches of original ground should be monitored by a qualified professional archaeologist working under the direction of a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology. The monitor must be given a minimum of 48 hours' notice of the	Yolo County CAO Office	During Construction	

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Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Mitigation Monitoring & Reporting Program – Huff's Corner Levee Raise & Channel Reconfiguration Project				
Impact	Mitigation Measure	Enforcement & Monitoring Responsibility	Timing/ Implementation	Verification (Date & Initials)
	<p>opportunity to be present during these activities, to observe work activities, and to assist in ensuring that any archaeological resources, if present, are addressed in accordance with applicable law upon discovery. The monitor must be given a reasonable opportunity to inspect soil and other material as work proceeds to assist in determining if resources are present. If potential resources are discovered, a reasonable work pause or redirection of work by the contractor may be requested until the procedures in CUL-3 are implemented. Monitoring will not occur for equipment set-up or tear-down that does not disturb the ground surface more than six inches in depth; hydroseeding; paving; placement of imported fill/gravel/rock; restoration; or backfilling of previously excavated areas that were already monitored.</p>			
<p><u>3.5.4(c)</u>: Disturb any human remains, including those interred outside of dedicated cemeteries?</p>	<p>CUL-3: Post-Review Discoveries. If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ul style="list-style-type: none"> • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the USACE and County. The agencies shall consult on a finding of eligibility, and implement appropriate treatment 	<p>Yolo County CAO Office</p>	<p>During Construction</p>	

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Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Mitigation Monitoring & Reporting Program – Huff's Corner Levee Raise & Channel Reconfiguration Project

Impact	Mitigation Measure	Enforcement & Monitoring Responsibility	Timing/ Implementation	Verification (Date & Initials)
	<p>measures, if the find is determined to be an Historical Resource under CEQA or a historic property under Section 106 NHPA. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not an Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.</p> <ul style="list-style-type: none"> If the find includes human remains, or remains that are potentially human, the Contractor shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Yolo County Coroner (as per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open 			

July 29, 2021

Huff's Corner Levee Raise & Channel Reconfiguration Project

Responses to Comments & CEQA Mitigation Monitoring and Reporting Program

Mitigation Monitoring & Reporting Program – Huff's Corner Levee Raise & Channel Reconfiguration Project

Impact	Mitigation Measure	Enforcement & Monitoring Responsibility	Timing/ Implementation	Verification (Date & Initials)
	space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.			
<i>Tribal Cultural Resources</i>				
<u>3.18.4(a,b)</u> : Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, either because it is listed or eligible for listing on the California Register of Historical Resources, or a local register, or because it is determined by the County to be so, based on agency discretion and substantial evidence?	TCR-1: Tribal Monitoring. All vegetation removal, soil excavation, and any activity that has the potential to disturb more than six inches of original ground should be monitored by a qualified tribal monitor representing a consulting tribe. The monitor must be given a minimum of 48 hours' notice of the opportunity to be present during these activities and to coordinate closely with the archaeological monitor, to observe work activities, and assist in ensuring that sensitive tribal resources are not impacted. The monitor must be given a reasonable opportunity to inspect soil and other material as work proceeds to assist in determining if resources significant to the tribes are present. If potential tribal resources are discovered, a reasonable work pause or redirection of work by the contractor may be requested. If the tribe cannot recommend a monitor or if the tribal monitor does not report at the scheduled time, then all work will continue as long as the specified notice was provided. Tribal monitoring will not occur for equipment set-up or tear-down that does not disturb the ground surface more than six inches in depth; hydroseeding; paving; placement of imported fill/gravel/rock; restoration; or backfilling of previously excavated areas that were already monitored. Excavated sediment from the river channel will not be subjected to screening; however, any observed cultural materials will be collected and treated in accordance with the unanticipated discovery measures in CUL-3.	Yolo County CAO Office	During Construction	