

PROPOSED MITIGATED NEGATIVE DECLARATION

PROJECT: COTTAGE CREEK DAM MODIFICATION PROJECT

BRIEF PROJECT DESCRIPTION

The Proposed Project consists of removing the existing corrugated metal pipe spillway and downstream culvert, excavating a portion of the dam down to a lower elevation, and installing a large concrete box culvert that would be sized to pass all Cottage Creek flows downstream past the Cottage Creek Dam and into New Bullards Bar Reservoir (approximately 1/4 mile downstream of the Cottage Creek Dam). These actions would result in the drainage of the existing Cottage Creek Reservoir. The existing Cottage Creek Reservoir would no longer capture water, but water would continue to move through the area and the former reservoir would function as a wetland.

See attached Initial Study for a more detailed project description.

LOCATION OF PROJECT

Figure 1 and **Figure 2** below show the location of the Proposed Project. The Proposed Project is located in northeastern Yuba County, approximately 30 miles northeast of Yuba City, at an approximate elevation of 2,000 feet, within and directly adjacent to the Tahoe National Forest. The Proposed Project site is located adjacent to the Emerald Cove Marina and New Bullards Bar Dam and Reservoir.

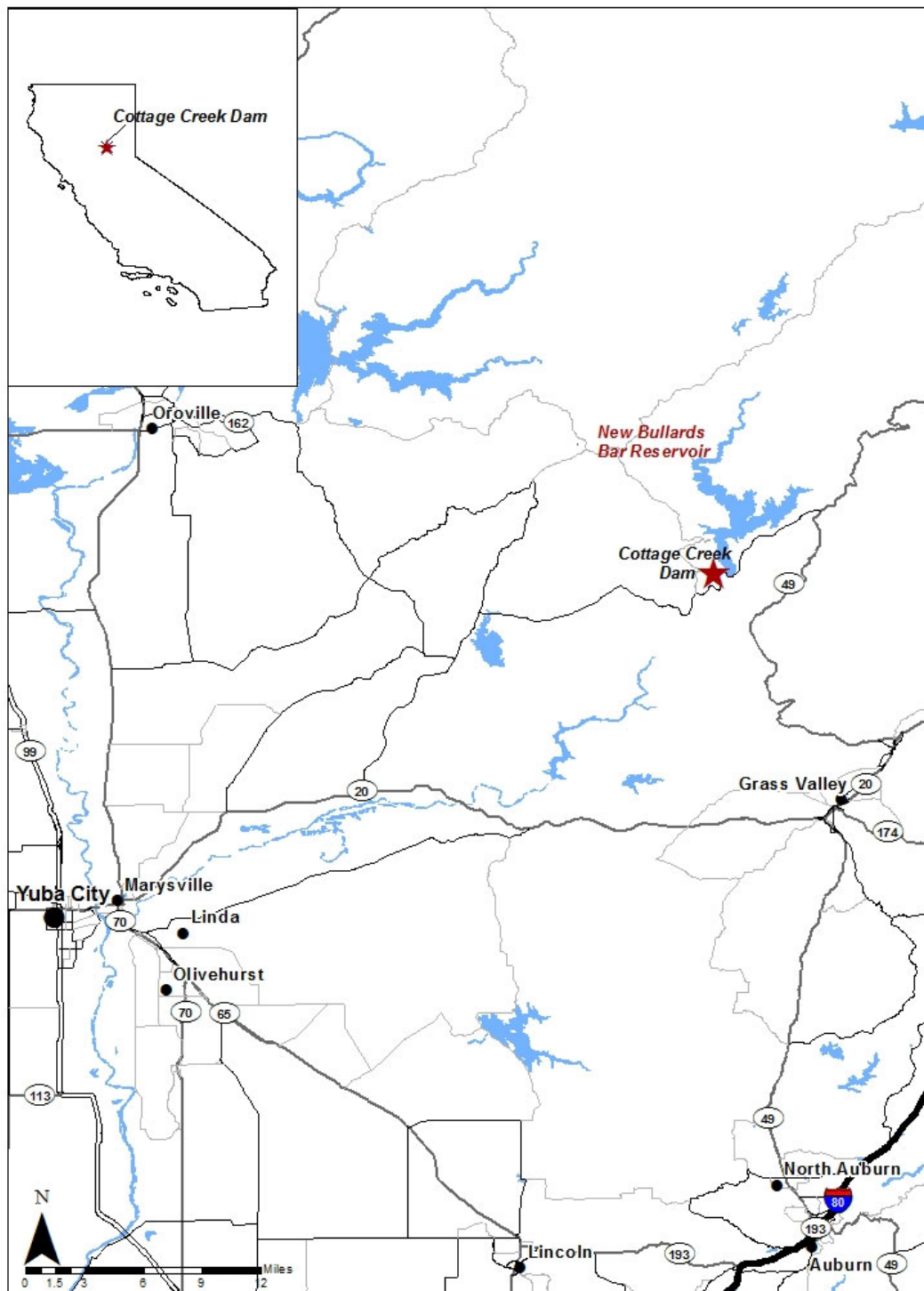


Figure 1. Cottage Creek Dam regional location map.

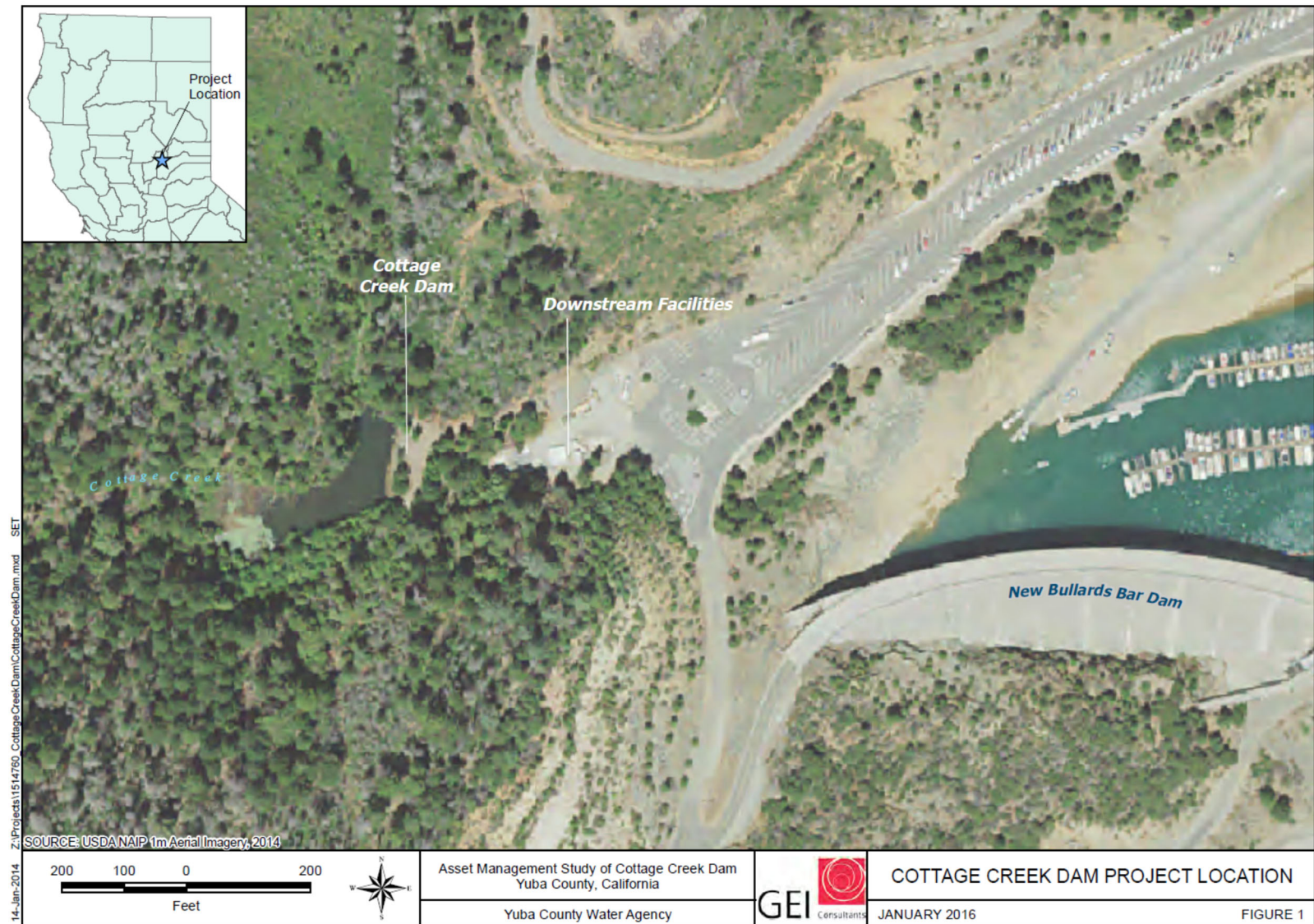


Figure 2. Cottage Creek Dam project location map

NAME AND ADDRESS OF PROJECT PROPONENT:

Yuba Water Agency (YWA), 1220 F Street, Marysville, California 95901

PROPOSED FINDINGS

An Initial Study has been prepared (attached) to assess the project's potential effects on the environment, and the significance of those effects. Based on the Initial Study, it has been determined that the project would not have any significant effects on the environment once mitigation measures are implemented. This conclusion is supported by the following findings.

1. The project would have no impact to Agriculture and Forestry Resources; Land Use/Planning; Mineral Resources; Population/Housing; and Public Services.
2. Impacts of the project were determined to be less than significant to Aesthetics; Air Quality; Energy; Geology/Soils; Greenhouse Gas Emissions; Hazards & Hazardous Materials; Hydrology/Water Quality; Recreation; Transportation; Tribal Cultural Resources; Utilities/Service Systems; and Wildfire.
3. Impacts of the project would be less than significant with incorporation of the mitigation measures to Biological Resources; Cultural Resources; and Noise.

The mitigation measures that YWA will implement to avoid or minimize potential environmental impacts are provided below. Implementation of these mitigation measures would reduce the environmental impacts of the project to a less-than-significant level.

DOCUMENTATION

The attached Initial Study documents the reasons to support the above Proposed Findings.

MITIGATION MEASURES

YWA has adopted the following Mitigation Measures for the Project.

BIOLOGICAL RESOURCES
<p>Mitigation Measure BIO-1: Special status plants.</p> <p>YWA would conduct special status plant surveys using approved CDFW/USFWS methods during the appropriate season for identification of covered and no-take plant species. If special-status plant species are found in the construction areas, YWA would implement mitigation measures to reduce impacts to less than significant levels. Thus, the effects of the Proposed Project on special-status plants could be potentially significant.</p> <p>Significance after Mitigation: Implementation of Mitigation Measure BIO-1 would reduce the project's impact to special status plants to a less than significant level.</p>

Mitigation Measure BIO-2: Avoid or minimize the loss of bald eagle nests.

YWA will implement the following measures to avoid the loss of bald eagle nests:

- A qualified biologist would conduct preconstruction surveys for bald eagles nests and hunting perches near the project site in all trees and snags greater than 15 inches in diameter at breast height. If no nests or hunting perches are found, no further mitigation is required.
- If nests are found, impacts on bald eagles would be avoided by establishing appropriate buffer zones around the nests. A 500-foot buffer zone around bald eagle nests are adequate to protect them from disturbance, but the size of the buffer may be adjusted by a qualified biologist in consultation with CDFW depending on site-specific conditions.

Significance after Mitigation: Implementation of Mitigation Measure BIO-2 would reduce the project's impact to bald eagle nests to a **less than significant** level.

Mitigation Measure BIO-3: Avoid or minimize the loss of migratory bird nests, eggs, or products.

YWA will implement the following measures to avoid the loss of the unlawful take of any migratory bird listed in 50 CFR 10, including their nests, eggs, or products.

- A qualified biologist would conduct preconstruction nest surveys within and near the project site at least two weeks before the start of construction. If no nests or are found, no further mitigation is required.
- If nests are found, effects would be avoided by establishing appropriate buffer zones around the nests. Any active non-raptor nests identified within the project area or within 300 feet of the project area may be marked with a 300-foot buffer, and the buffer area may need to be avoided by construction activities until a qualified biologist determines that the chicks have fledged. Active raptor nests within the project area or within 500 feet of the project area may be marked with a 500-foot buffer and the buffer avoided until a qualified biologist determines that the chicks have fledged. If the 300-foot buffer for non-raptor nests or 500-foot buffer for raptor nests cannot be avoided during construction of the Project, the project sponsor may retain a qualified biologist to monitor the nests on a daily basis during construction to ensure that the nests do not fail as the result of noise generated by the construction. The biological monitor may be authorized to halt construction if the construction activities cause negative effects, such as the adults abandoning the nest or chicks falling from the nest.

Significance after Mitigation: Implementation of Mitigation Measure BIO-3 would reduce the project's impact to migratory bird nests, eggs, or products to a **less than significant** level.

CULTURAL RESOURCES**Mitigation Measure CULT-1. Inadvertent discovery of historical and archaeological resources.**

YWA will implement the following measures to reduce impacts to cultural resources.

In the unlikely event that buried cultural deposits (e.g., prehistoric stone tools, milling stones, historic glass bottles, foundations, cellars, privy pits) are encountered during project implementation, all ground-disturbing activity within 50 feet of the resources shall be halted and a qualified professional archaeologist (36 CFR 61) shall be notified immediately and retained to assess the significance of the find. Construction activities could continue in other areas. If the find is determined to be significant by the qualified archaeologist (i.e., because it is determined to constitute either a historical resource or a unique archaeological resource), the archaeologist shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

Significance after Mitigation: Implementation of Mitigation Measure CULT-1 would reduce the project's impact to cultural resources to a **less than significant** level.

Mitigation Measure CULT-2. Inadvertent discovery of human remains.

YWA will implement the following measures to reduce impacts to cultural resources.

In accordance with the California Health and Safety Code, Section 7050.5, and the Public Resources Code 5097.98, regarding the discovery of human remains, if any such finds are encountered during project construction, all work within the vicinity of the find shall cease immediately, a 50-foot-wide buffer surrounding the discovery shall be established, and the YWA shall be immediately notified. The County Coroner shall be contacted immediately to examine and evaluate the find. If the coroner determines that the remains are not recent and are of Native American descent, the Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent. The Most Likely Descendent shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Significance after Mitigation: Implementation of Mitigation Measure CULT-2 would reduce the project's impact to cultural resources to a **less than significant** level.

NOISE

Mitigation Measure NZ-1. Minimize construction related noise.

YCWA and its construction constructor will implement the mitigation measure listed below, to reduce construction-related noise.

To reduce noise-related impacts to occupants of nearby noise sensitive land uses, project construction shall not occur between the hours of 10:00 p.m. and 7:00 a.m.

Significance after Mitigation: Implementation of Mitigation Measure NZ-1 would reduce the project's impact related to construction-related noise to a **less than significant** level.

Pursuant to Section 21082.1 of the California Environmental Quality Act, YWA has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the project and finds that the Initial Study and Mitigated Negative Declaration reflects the independent judgment of YWA. YWA further finds that the project mitigation measures shall be implemented as stated in the Mitigated Negative Declaration.

8/20/2020

Date



[Tim Truong, Chief Dam Safety Engineer]
Yuba Water Agency