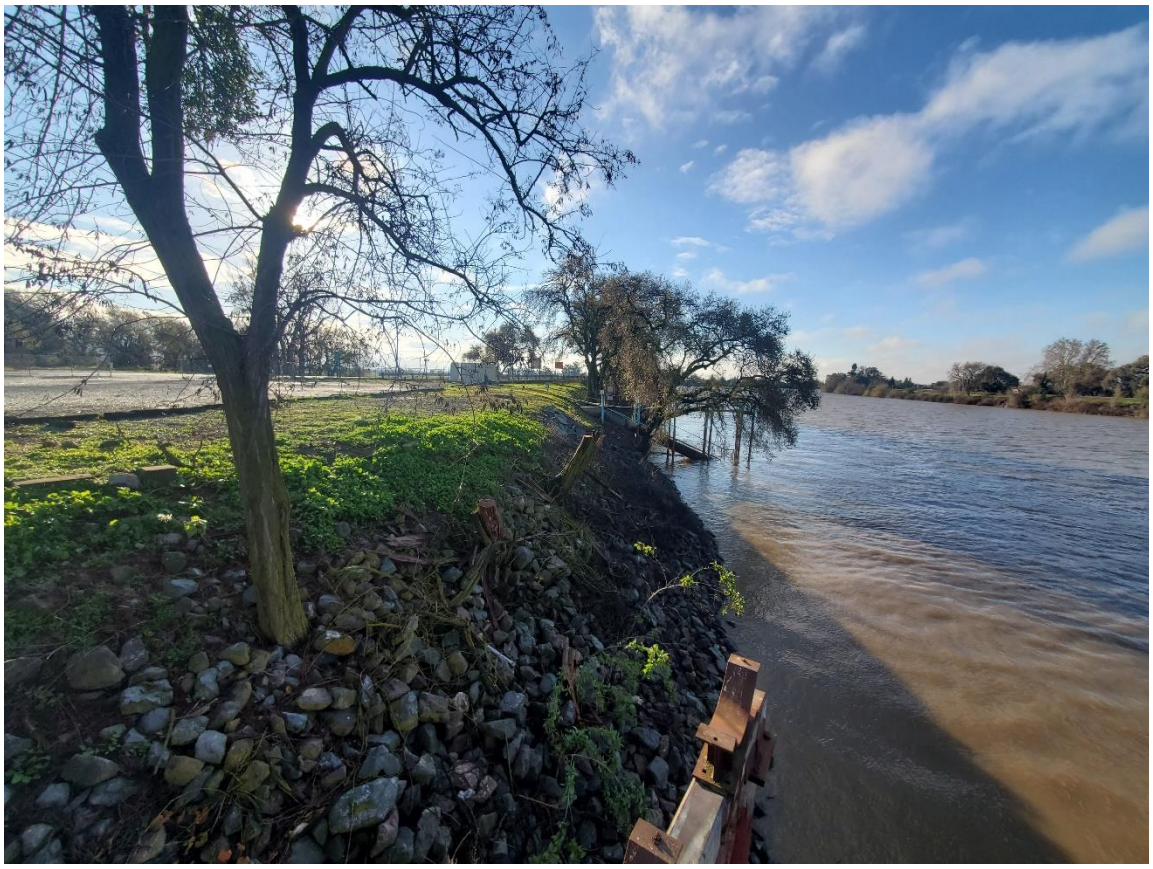
Hood Abandoned Pipes and Conduit Removal Project
State Clearinghouse No. 2022030815

Notice of Determination, Response to Comments on Initial Study/Proposed Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program

July 2022



California Department of Water Resources
1516 Ninth Street
Sacramento, CA 95814

Notice of Determination

To:
Office of Planning and Research
1400 Tenth St., Rm 113
Sacramento, CA 95814

From:
California Department of Water Resources
1516 Ninth Street
Sacramento, CA 95814
Contact: Clay Booher
Phone: 916-902-6859

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2022-03-0815
Project Title: Hood Abandoned Pipes and Conduit Removal Project
Project Applicant: California Department of Water Resources
Project Location (include county): Sacramento County
Project Description:

The Proposed Project is a 1.25-acre area comprised of a graveled levee crown, Sacramento River levee bank, and a portion of the Sacramento River. The Proposed Project involves the removal of remnant features of the abandoned fish screen testing facility. This includes removal of above- and below- ground remnant facility features, excavation of remnant pipes, septic facilities within the levee crown, levee crest and Sacramento River. Final stages consist of fill and compaction of excavated features, and recontouring and armoring (installation of rock-slope protection) of the Sacramento River levee to the contours and conditions that existed prior to the installation of the fish screen testing facility. The staging and access will be achieved by utilizing land and water entrances via SR 160 and the Sacramento River.

The Proposed Project will restore the levee to its original contour and grade prior to the installation of the facility and reduce the risk of catastrophic flooding for the people and property in the California Central Valley. The Proposed Project will also comply with the California Water Code, Division 5, Part 4, Title 23 of the California Code of Regulations Section 124. Implementation of the Proposed Project will take approximately 3 months to construct.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☐ were ☒ were not] made pursuant to the provisions of CEQA.

This is to certify that the Mitigated Negative Declaration with comments, responses and record of project approval is available to the General Public at:
https://ceqanet.opr.ca.gov/2022030815

Signature (Public Agency): Clay Booker Title: Senior Engineer, Project Manager

Date: 7/18/2022 Date Received for filing at OPR:_____

Table of Contents

1.0 Introduction

1.1 Review of the Initial Study/Mitigated Negative Declaration (IS/MND), SCH No. 2022-03-0815

Copies of the IS/MND were distributed to the Governor's Office of Planning and Research, State Clearinghouse (SCH) and the appropriate resource agencies. A Notice of Intent (NOI) and Notice of Completion (NOC) were submitted to the SCH on March 30, 2022. The IS/MND and DWR's Notice of Intent to adopt a MND were published on DWR's Public Notice webpage on March 30, 2022. A 30-day public review period began on March 30, 2022, and originally ended on April 28, 2022. On April 13, 2022, an additional NOC was submitted to the SCH extending the public review period an additional 7 days, ending on May 5, 2022. Comment letters were received from the following entity:

Date of Correspondence	Commenter
May 6 2022	Central Valley Regional Water Quality Control Board

The original letter received in the table above is located in Appendix A (Commenter Letter) and all comments are addressed in Section 2 of this document.

1.2 Preparation of this Memorandum

The comment letter was reviewed, and the responses were prepared as presented in Section 2. Based on the comments and recommendations received, minor changes and edits to the IS/MND have been identified as reflected in the Section 3, Errata. The Errata reflects minor alterations made for project improvements that would not change any of the IS/MND findings. Minor amendments identified where appropriate, including the changes to the text have been identified in Section 3, and/or incorporated into the Mitigation Monitoring and Reporting Program (MMRP) presented in Section 4. This MMRP is to be implemented by DWR to ensure significant environmental effects are avoided.

No substantive modifications to the project description were made based on the comments. There were also no substantial revisions to the IS/MND based on reviewers identifying new, avoidable significant effects. None of the edits contain changes and/or additional details that warrant the recirculation of the IS/MND because the changes do not result in any new impact not previously described and analyzed; revisions to the project do not meet the criteria for recirculation under CEQA Guidelines §15073.5.

2.0 Response to Comments

Responses to comments presented in this section are from all comments included in Appendix A. See the attached Appendix A for full comment letter from the Central Valley Regional Water Quality Control Board.

2.1 Letter: Central Valley Regional Water Quality Control Board

DWR Response to Basin Plan: The applicability of and compliance of the Proposed Project with the Basin Plan is addressed in Section 2.1.4 and 2.1.10 of the Draft IS/Proposed MND, activities would not result in the degradation of water quality conditions as in-water work is limited to the removal of eight steel-piles. As a result, turbidity would be minimal and temporary in nature.

DWR Response to Antidegradation Considerations: Potential impacts related to surface and groundwater quality from the Proposed Project are addressed in Section 1.5.2 of the Draft IS/Proposed MND. As stated in BMP-2 (Section 1.5.2) the Proposed Project will comply with the construction general permit via preparation of a stormwater pollution prevention plan (SWPPP) or by obtaining a National Pollutants Discharge Elimination System (NPDES) Low Erosivity Waiver Certification. Additionally, the Proposed Project does not include discharge of waste to high quality waters. The Proposed Project will comply with all state and local laws, regulations, policies, and ordinances, and impacts would be less than significant.

DWR Response to Construction Storm Water General Permit: Potential impacts related to surface and groundwater quality from the Proposed Project are discussed in the Section 1.5.2 of the Draft IS/Proposed MND. As stated in BMP-2 (Section 1.5.2) the Proposed Project will comply with the construction general permit via preparation of a stormwater pollution prevention plan (SWPPP) or by obtaining a National Pollutants Discharge Elimination System (NPDES) Low Erosivity Waiver Certification. The Proposed Project will comply with all state and local laws, regulations, policies, and ordinances, and impacts would be less than significant.

DWR Response to Phase I and II Municipal Separate Storm Sewer System (MS4) Permits: The Proposed Project does not include new development, as discussed in Section 1.3 of the Draft IS/Proposed MND. The intent of the Proposed Project is to restore the levee to its original contour and grade prior to the installation of the fish-screen testing facility. Potential impacts related to surface and groundwater quality from the Proposed Project are discussed in Section 1.5.2 of the Draft IS/Proposed MND. As stated in BMP-2 the Proposed Project will comply with the construction general permit via preparation of a stormwater pollution prevention plan (SWPPP) or by obtaining a National Pollutants Discharge Elimination System (NPDES) Low Erosivity Waiver Certification. If a SWPPP is required:

a) A SWPPP shall be prepared by a Qualified SWPPP Developer and implemented by a Qualified SWPPP Practitioner or Qualified SWPPP Developer.

b) A SWPPP preparation and implementation shall follow the provisions of the *California Stormwater Quality Association – 2015 Construction Best Management Practices Handbook* and SWPPP preparation manuals as well as the requirements of Order No.

2009-0009-DWQ, and associated amendments (Order No. 2010-0014-DWQ and order No. 2012-0006-DWQ), or any more recent version of the construction general permit.

The Proposed Project will comply with all state and local laws, regulations, policies, and ordinances, and impacts would be less than significant

DWR Response to Industrial Storm Water General Permit Potential impacts related to surface and groundwater quality from the Proposed Project are discussed in Section 1.5.2 of the Draft IS/Proposed MND. As stated in BMP-2 the Proposed Project will comply with the construction general permit via preparation of a stormwater pollution prevention plan (SWPPP) or by obtaining a National Pollutants Discharge Elimination System (NPDES) Low Erosivity Waiver Certification. If a SWPPP is required:

a) A SWPPP shall be prepared by a Qualified SWPPP Developer and implemented by a Qualified SWPPP Practitioner or Qualified SWPPP Developer.

b) A SWPPP preparation and implementation shall follow the provisions of the *California Stormwater Quality Association – 2015 Construction Best Management Practices Handbook* and SWPPP preparation manuals as well as the requirements of Order No. 2009-0009-DWQ, and associated amendments (Order No. 2010-0014-DWQ and order No. 2012-0006-DWQ), or any more recent version of the construction general permit.

The Proposed Project will comply with all state and local laws, regulations, policies, and ordinances, and impacts would be less than significant.

DWR Response to Clean Water Act Section 404 Permit: Permits required for the Proposed Project are discussed in Section 1.4 of the Draft IS/Proposed MND. The Department of Water Resources (DWR) is pursuant of a Section 10 of the Rivers and Harbors Act Permit, as work is located within navigable waters but does not include dredge or fill within these waters.

DWR Response to Clean Water Act Section 401 Permit – Water Quality Certification (WQC): Permits required for the Proposed Project are discussed in Section 1.4 of the Draft IS/Proposed MND. DWR is pursuant of a Clean Water Act Section 401 Water Quality Certification.

DWR Response to Waste Discharge Requirements – Discharges to Waters of the State: The Sacramento River is a Waters of the United States and is protected by the Clean Water Act (CWA). As such, the Proposed Project does not require a Waste Discharge Requirement permit.

DWR Response to Dewatering Permit: The Proposed Project activities do not include construction or groundwater dewatering to land. As such, coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085 are not required.

DWR Response to Limited Threat General NPDES Permit: The Proposed Project activities do not include construction dewatering or discharge of groundwater to Waters of the United States. As such, coverage under a National Pollutant Discharge Elimination System (NPDES) permit is not needed.

DWR Response to NPDES Permit: Potential impacts related to surface and groundwater quality from the Proposed Project are discussed in Section 1.5.2 of the Draft IS/Proposed MND. As stated in BMP-2 the Proposed Project will comply with the construction general permit via preparation of a stormwater pollution prevention plan (SWPPP) or by obtaining a National Pollutants Discharge Elimination System (NPDES) Low Erosivity Waiver Certification. The Proposed Project will comply with all state and local laws, regulations, policies, and ordinances, and impacts would be less than significant.

3.0 Errata and Text Changes

3.1 Changes to Initial Study/Mitigated Negative Declaration

Changes to Project Description text to reflect Project timeline on pages ii and iii.

> This Proposed Project will take approximately 3 months to construct and is scheduled to occur in the late summer to mid-fall ~~of 2022~~.

Changes to Mitigation Measures to reflect updates to cultural resources measures on page iv.
Mitigation Measure CUL-1.

> If any ~~suspected Tribal cultural resources (TCRs)~~ potential cultural resources are discovered during ground-disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed-upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is of Tribal Significance ~~a TCR (Public Resources Code Section 21074).~~ The Tribal representative will make recommendations for further evaluation and treatment as necessary.

Mitigation Measure CUL-2.

> A delegated representative of a consulting Tribe(s) is invited to be present and/or monitor for all activities within areas of concern/interest to that Tribe. An archaeological monitor shall be invited to be present when ground disturbance is occurring in areas that have previously been determined to be sensitive to potential archaeological resources.

3.2 Changes to Project Description

Changes to Introduction text to reflect the location of the waterside of the levee from *Section 1.5.1.4: Waterside Levee Excavation* (page 18).

> The waterside of the levee in the Proposed Project area begins at the waterside edge of the levee shoulder (hinge point) and extends down the levee slope into the Sacramento River. ~~This location is indicated by the reference line in Figure 4.~~

Changes to Introduction text to reflect use of soil-filled rockfill (SFRF) in lieu or riprap armoring on the waterside of the levee from *Section 1.5.1: Proposed Project overview* (page 7), *Section 1.5.1.1 Proposed Project Activities* (page 13);

- Reconstruction of the waterside of the levee, including recontouring and placement of fabric and ~~rip rap~~ soil-filled rockfill (SFRF) above the OHWM (Photo 5).

Section 1.5.1.1 Proposed Project Activities (page 13);

Project Feature	Temporary Impact (Acres)	Permanent Impact (Acres)	Feature Description
~~Riprap~~ soil-filled rockfill (SFRF)	-	0.0126	Placement of geotextile fabric and ~~riprap~~ SFRF to stabilize levee bank after excavation.

Section 1.5.1.6 Reconstruction (page 22).

> Additionally, ~~rock slope protection~~ SFRF will be placed along the waterside levee within the Proposed Project footprint to further reinforce the levee.
>
> Once the excavated areas of the waterside levee have been filled and compacted, the riverbank will be recontoured and armored with geotextile fabric and two to three feet of SFRF where the discharge pipe is located within the levee. The SFRF will cover approximately 550 square feet above the OHWM. The SFRF will incorporate a top cap (approximately 6 inches) of agricultural soil that will be hydroseeded and covered with coir fabric until vegetation has adequately germinated. The SFRF will be placed between 17 feet and 25 feet in elevation and will maintain a ~~1:1~~ 1.5:1 slope (Figure 5a). The rockfill will be placed from the land side via excavator. The rockfill will be obtained from a commercial supplier within 30 miles of the Proposed Project site. The ~~average size~~ minimum depth of the rockfill will be ~~two to~~ three feet with typical rock sizes of 12-18 inches in the longest dimension, ~~diameter~~ and the volume will be 50 cubic yards, which is approximately 10 truck trips. The tree stump removal (discussed in Section 1.5.1.3) will be conducted prior to SFRF placement.

Changes to Introduction text to reflect Project timeline from *Section 1.2: Background* (page 3), *Section 1.5.1: Proposed Project overview* (page 7), and *Section 2.1.21: Mandatory Findings of Significance* (page 155).

> The Proposed Project will take approximately three months to complete and is scheduled to occur late summer to mid-fall of 2022. This timeline is subject to the Proposed Project's permit approvals and may occur in subsequent years.

Changes to Introduction text to reflect Project timeline from *Section 1.5.1.9: Construction Schedule* (page 27).

The tentative construction schedule and sequencing are presented in Table 5. This timeline is subject to the Proposed Project's permit approvals and may be subject to change.

Table 1. Tentative Construction Sequence and Schedule

Activity	Duration	Start Date
Mobilization	1 week	August ~~2022~~
Excavation & Waterside	2 weeks	September ~~2022~~
Fill, Site Reconstruction	6 weeks	September ~~2022~~
Demobilization	2 days	October ~~2022~~

3.3 Changes to Biological Resources Section

Changes to text from *Section 2.1.4.2.1 Habitat Types* (Page 59).

> Within the Proposed Project area, the Sacramento River is designated critical habitat for Chinook salmon (Central Valley spring-run ESU and Sacramento River winter-run ESU), Green Sturgeon, steelhead – Central Valley DPS, and Delta Smelt (U.S. Department of the Interior Bureau of Reclamation 2017).

Changes to text from *Section 2.1.4.3.1*: Delta mudwort (*Limosella australis*), Delta tule pea (*Lathyrus jepsonii* var. *jepsonii*), Mason's lilaeopsis (*Lilaeopsis masonii*), Suisun Marsh aster (*Symphyotrichum lentum*), Woolly rose-mallow (*Hibiscus lasiocarpos* var. *occidentalis*) and *Section 2.1.4.4.1 Special Status Plants* (page 83).

> Another botanical survey will be conducted ~~in the spring of 2022~~ during the appropriate bloom period prior to construction activity for any special-status plant species in the Proposed Project area.

Changes to text from *Section 2.1.4.3.2*: Chinook Salmon Central Valley spring-run ESU and Sacramento River winter-run ESU (*Oncorhynchus tshawytscha*), Delta Smelt (*Hypomesus transpacificus*), Green Sturgeon (*Acipenser medirostris*), Longfin Smelt (*Spirinchus thaleichthys*), Sacramento Splittail (*Pogonichthys macrolepidotus*), steelhead – Central Valley DPS (Oncorhynchus mykiss irideus pop. 11), and *Section 2.1.4.4.2 Special Status Wildlife* (page 85).

> Proposed Project in-water activities would only occur during the in-water work window of August 1 to October 31, at a time when special-status fish species…

3.4 Changes to Geology and Soils Section

Changes to text to reflect use of soil-filled rockfill (SFRF) in lieu or riprap armoring on the waterside of the levee from: *Section 2.1.7.2 Discussion* (page 102);

> The levee crown will be capped with a minimum of three inches of compacted aggregate base, and the waterside of the levee will be armored with geotextile fabric and 2 to 3 feet of ~~armoring rock (riprap)~~ SFRF.

Section 2.1.7.2 Discussion (page 103).

> The Proposed Project includes removal of the facility's remnants, compaction with appropriate soils, and re-armoring with aggregate base and ~~riprap~~ SFRF.

3.5 Changes to Hydrology and Water Quality Section

Changes to text to reflect use of soil-filled rockfill (SFRF) in lieu or riprap armoring on the waterside of the levee from: *Section 2.1.10.1 Environmental Setting* (page 115);

> The abandoned facility remnants will be removed from the bank and water, and the bank will be recontoured and armored with geotextile fabric and ~~riprap~~ SFRF.

Changes to text to reflect use of soil-filled rockfill (SFRF) in lieu or riprap armoring on the waterside of the levee from: *Section 2.1.10.2 Discussion* (page 117);

> Disturbed areas along the waterside of levee bank will be recontoured and minimally armored with geotextile fabric and 2 to 3 feet of ~~riprap (or armoring rock)~~ SFRF.
>
> Areas along/near the water and waterside levee slope will be recontoured, armoring the levee slope with geotextile fabric and 2 to 3 feet of ~~riprap~~ SFRF.
>
> Areas along the waterside of the levee slope will be stabilized with geotextile fabric and 2 to 3 feet of ~~riprap~~ SFRF.

Section 2.1.10.2 Discussion (page 118).

> The removed piles and catwalk footprints will be replaced with ~~riprap~~ SFRF and/or will be stabilized.

3.6 Changes to Tribal Cultural Resources

Changes to table to reflect communication process between DWR and Tribes: *Section 2.1.18.4 Tribal Cultural Resources Inventory Methods* (pages 137 – 140).

Communication Type	Date	Individual	Recipient	Topics Discussed
Buena Vista Rancheria				
Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Mr. Ivan Senock	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Mr. Ivan Senock	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Phone Call	9/28/2021	Connor Hendricks, DWR Cultural Resources Staff	Mr. Ivan Senock	Follow up to notification letter, THPO not in office for the rest of the week
Chicken Ranch Rancheria of Me-Wuk Indians				
Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Chairperson Lloyd Mathiesen	Project purpose, location, brief description, map of project area, invitation to consult under NCRS Policy
Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Chairperson Lloyd Mathiesen	Project purpose, location, brief description, map of project area, invitation to consult under NCRS Policy
Email	8/25/2021	Chairperson Lloyd Mathiesen	Connor Hendricks	The Tribe will not be consulting at this time.
Ione Band of Miwok Indians				
Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Chairperson Sara Dutschke Setshwaelo	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Chairperson Sara Dutschke Setshwaelo	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Phone Call	9/28/2021	Connor Hendricks, DWR Cultural Resources Staff	Cultural Resources Dept	Voicemail; follow up to letter with my contact information
Nashville Enterprise Miwok-Maidu-Nishinam Tribe				
Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Chairperson Cosme Valdez	Project purpose, location, brief description, map of project area, invitation to consult under NCRS Policy

Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Chairperson Cosme Valdez	Project purpose, location, brief description, map of project area, invitation to consult under NCRS Policy
Phone Call	9/28/2021	Connor Hendricks, DWR Cultural Resources Staff	Administration	Left voicemail; follow up to letter, provided my contact info
Shingle Springs Band of Miwok Indians				
Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Chairperson Regina Cuellar	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Chairperson Regina Cuellar	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Email	9/23/2021	Unhelica Vasquez, Administrative Assistant Shingle Springs	Leah McNearney	Letter of intention to consult
Email	9/28/2021	Connor Hendricks, DWR Cultural Resources Staff	Kara Perry	Acknowledgement of intention to consult on project
Email	12/14/2021	Connor Hendricks, DWR Cultural Resources Staff	Kara Perry	Update that progress is being made to begin consultation
Email	1/11/2022	Connor Hendricks, DWR Cultural Resources Staff	Kara Perry	Sent CEQA Cultural and Tribal Cultural Chapters
Email	1/22/2022	Connor Hendricks, DWR Cultural Resources Staff	Kara Perry	Sent project description and request dates to begin consultation
Letter	6/9/2022	Anecita Agustinez, DWR Tribal Policy Advisor	Chairperson Regina Cuellar	Letter meant to inform the Tribe of the closing of AB-52 consultation. DWR will continue to update the Tribe on the project.
Email	6/9/2022	Anecita Agustinez, DWR Tribal Policy Advisor	Chairperson Regina Cuellar	Letter meant to inform the Tribe of the closing of AB-52 consultation. DWR will continue to update the Tribe on the project.
Tsi Akim Maidu				
Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Mr. Grayson Coney	Project purpose, location, brief description, map of project area, invitation to consult under NCRS Policy
Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Mr. Grayson Coney	Project purpose, location, brief description, map of project area, invitation to consult under NCRS Policy
Phone Call	9/28/2021	Connor Hendricks, DWR Cultural Resources Staff	Mr. Grayson Coney	Grayson Coney no longer holds Cultural Director position. Followed up with call to phone number listed on website, no longer in use
United Auburn Indian Community of the Auburn Rancheria				

Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Chairperson Gene Whitehouse	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Chairperson Gene Whitehouse	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Phone Call	9/28/2021	Connor Hendricks, DWR Cultural Resources Staff	Cultural Dept	Admin advised that cultural team was in the field. Left a message with my contact information
Wilton Rancheria				
Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Chairperson Jesus Tarango	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Chairperson Jesus Tarango	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Email	8/25/2021	Paramdeep Sandu, Wilton Rancheria Tribal Cultural Staff	Connor Hendricks	Response to invitation to consult. A list of materials and actions requested.
Email	9/16/2021	Connor Hendricks, DWR Cultural Resources Staff	Paramdeep Sandu	Acknowlegement of intent to consult; a more detailed response to follow
Letter	9/23/2021	Connor Hendricks, DWR Cultural Resources Staff	Paramdeep Sandu	Acknowlegement of intent to consult; a more detailed response to follow
Email	12/2/2022	Connor Hendricks, DWR Cultural Resources Staff	Paramdeep Sandu	Request to provide dates to begin consultation
Email	12/3/2022	Paramdeep Sandu, Wilton Rancheria Tribal Cultural Staff	Connor Hendricks	Dates for consulatation meeting provided
Email	12/13/2022	Connor Hendricks, DWR Cultural Resources Staff	Paramdeep Sandu	Follow up from Consultation Meeting #1. Provided tribes with CEQA Document and slides from the meeting
Email	1/27/2022	Connor Hendricks, DWR Cultural Resources Staff	Paramdeep Sandu	Request fo dates and times to begin 2nd consultation meeting
Email	1/27/2022	Paramdeep Sandu, Wilton Rancheria Tribal Cultural Staff	Connor Hendricks	Providing dates and time for second consultation meeting
Email	2/9/2022	Connor Hendricks, DWR Cultural Resources Staff	Paramdeep Sandu	Follow up from Consultation Meeting #2. Provided tribes with CEQA chapter for CR & TCR and GIS shapefiles for project
Email	3/10/2022	Connor Hendricks, DWR Cultural Resources Staff	Mariah Mayberry	Reponse to request for a 1:1 meeting to get Mariah up to date on the project
Email	4/5/2022	Connor Hendricks, DWR Cultural Resources Staff	Mariah Mayberry	Request a date for 1:1 meeting w/ Mariah

Email	5/2/2022	Mariah Mayberry, Wilton Rancheria Tribal Cultural Staff	Connor Hendricks	Response to 04/05/2022 email request for dates to 1:1 meeting
Letter	6/9/2022	Anecita Agustinez, DWR Tribal Policy Advisor	Jesus Tarango	Letter meant to inform the Tribe of the closing of AB-52 consultation. Further consultation will continue under DWR Tribal Policy
Email	6/9/2022	Anecita Agustinez, DWR Tribal Policy Advisor	Jesus Tarango	Letter meant to inform the Tribe of the closing of AB-52 consultation. Further consultation will continue under DWR Tribal Policy
Yocha Dehi Wintun Nation				
Letter	8/24/2021	Leah McNearney, Environmental Assessments & Permitting Section Manager	Chairperson Anthony Roberts	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Email	8/24/2021	Connor Hendricks, DWR Cultural Resources Staff	Chairperson Anthony Roberts	Project purpose, location, brief description, map of project area, invitation to consult under AB 52
Phone Call	9/28/2021	Connor Hendricks, DWR Cultural Resources Staff	Laverne Bill	Directed to Laverne Bill by Admin. Left voicemail with my contact information
Phone Call	9/28/2021	Connor Hendricks, DWR Cultural Resources Staff	Laverne Bill	Spoke with Laverne Bill. Yocha Dehi would not be consulting.

Section 2.1.18.5.2 Tribal Consutation Results (page 142).

Four of the Tribes contacted as part of AB 52 responded — Shingle Springs Band of Miwok Indians, United Auburn Indian Community, Wilton Rancheria, and the Yocha Dehi Wintun Nation (see Table 1, Appendix C. Tribal Consultation).

Unhelica Vasquez, Administrative Assistant, for the Shingle Springs Band of Miwok Indians, responded via email on September 23, 2021, stating that the Tribe intends to consult with DWR under AB 52 for the project and requested additional project materials. DWR acknowledged the intention to consult under AB 52 via email on September 28, 2021 and is in the process of providing requested materials to the tribe. On December 14, 2021, DWR sent an email requesting a date to begin consultation. On January 11, 2022, a copy of the Cultural Resources and Tribal Cultural Resources chapters of the Initial Study/ Mitigated Negative Declaration (IS/MND) was emailed to Site Protection Manager Kara Perry. DWR has not received any further response from Shingle Springs. On June 9, 2022, DWR sent a letter notifying Shingle Springs that consultation under AB-52 would be concluded. DWR invited Shingle Springs to continue consultation under DWR's Tribal Engagement Policy.

~~Unhelica Vasquez, Administrative Assistant for the Shingle Springs Band of Miwok Indians, responded via email on September 23, 2021, stating that the Tribe intends to consult with DWR under AB 52 for the Proposed Project and requested additional project materials. DWR acknowledged the intention to consult under AB 52 via email on September 28, 2021, and is in the process of providing the requested materials to the Tribe.~~

When contacted via phone call on September 28, 2021, administrative staff for Matthew Moore, Tribal Historic Preservation Officer with the United Auburn Indian Community, stated that the Tribe's cultural team was currently in the field and that they would pass along DWR's contact information to the Tribe's cultural team when they were back in the Tribal office.

Paramdeep Sandu, Tribal Cultural Staff with Wilton Rancheria responded via email on August 25, 2021, stating that the Tribe intends to initiate consultation with DWR. DWR staff sent an email on September 16, 2021, and a letter on September 23, 2021, to Mr. Sandu, acknowledging the Tribe's intent to consult under AB 52. The first information sharing meeting with the took place on December 13, 2021. Wilton Rancheria was provided with a copy of the Cultural Resources and Tribal Cultural Resources chapters of the Initial Study/ Mitigated Negative Declaration (IS/MND) on January 1, 2022, prior to the documents public release to provide comments and any additional input. On June 9, 2022, DWR sent a letter notifying Wilton Rancheria that consultation under AB-52 would be concluded. Consultation under DWR's Tribal Engagement with Wilton Rancheria is ongoing.

~~Paramdeep Sandu, Tribal Cultural Staff with Wilton Rancheria, responded via email on August 25, 2021, stating that the Tribe intends to initiate a consultation with DWR. DWR staff sent an email on September 16, 2021, and a letter on September 23, 2021, to Mr. Sandu, acknowledging the Tribe's intent to consult under AB 52.~~
On September 28, 2021, DWR staff spoke with Yocha Dehe Cultural Staff Laverne Bill, who informed DWR that the Tribe did not wish to consult with DWR and that their traditional territory was on the west bank of the Sacramento River, and therefore outside the Proposed Project area.

Of the three Tribes contacted under DWR's Tribal Engagement Policy, the Chicken Ranch Rancheria of Me-Wuk Indians responded via email on August 25, 2021, stating that the Tribe does not wish to consult presently.

4.0 Mitigation Monitoring and Reporting Program

4.1 Introduction

In accordance with the California Environmental Quality Act (CEQA), the California Department of Water Resources (DWR) has prepared an IS/MND that identifies adverse environmental impacts related to construction of the proposed Hood Abandoned Pipes and Conduit Removal Project (Proposed Project). The IS/MND also identifies avoidance and minimization measures (AMMs), best management practices (BMPs) and mitigation measures (MMs) that would be implemented to reduce potential significant impacts to a less-than-significant level.

Section 21081.6 of the California Public Resources Code, and Sections 15091(d) and 15097 of the State CEQA Guidelines, require public agencies "to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." A Mitigation Monitoring and Reporting Program (MMRP) is required for the Proposed Project because the IS/MND identifies potentially significant adverse impacts related to construction and implementation activities, and MMs have been identified to mitigate those impacts as well as AMMs and BMPs to ensure impacts are less-than-significant.

DWR is the Lead Agency that must adopt the MMRP for the Proposed Project. Adoption of this MMRP would occur along with approval of the Proposed Project.

4.2 Purpose of Mitigation Monitoring and Reporting Program

This MMRP has been prepared to ensure that all required AMMs, BMPs, and MMs are implemented and completed according to schedule and maintained in a satisfactory manner during construction of the Proposed Project. The MMRP may be modified by DWR during project implementation, as necessary, in response to permit conditions by regulatory and permitting agencies, changing conditions, or other refinements. **Table 1** has been prepared to assist the responsible parties in implementing the MMRP. The table identifies individual measures and practices, monitoring and mitigation timing, the person and/or agency responsible for implementing the measure, and space to confirm the implementation of the measures. Measures that are numbered, are the measures and practices identified in the IS/MND, the numbering follows the numbering sequence found in the IS/MND.

4.3 Roles and Responsibilities

DWR is responsible for taking all actions necessary to implement the measures and practices according to the specifications provided for each measure/practice and for demonstrating that the action has been successfully completed. DWR, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent as long as DWR maintains final responsibility for ensuring that the actions are taken. The responsible party for implementation of each item would identify the staff members responsible for coordinating with DWR on the MMRP.

DWR will be responsible for overall administration of the MMRP and for verifying that DWR staff members and/or the construction contractor has completed the necessary actions for each measure. DWR will designate an employee to oversee the MMRP. The designee will be charged with the following duties:

- ensure that routine inspections of the construction site are conducted by appropriate DWR staff; check plans, reports, and other documents required by the MMRP; and conduct report activities;
- serve as a liaison between DWR and other responsible agencies (where necessary), and the construction contractor regarding mitigation monitoring issues;
- complete forms and maintain reports and other records and documents generated by the MMRP; and
- coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

4.4 Mitigation Monitoring Plan

Table 1 will guide DWR in its evaluation and will be the basis for annual reporting.
The column categories identified in **Table 1** are described below:

- **Mitigation Measure/Environmental Commitment** - This column lists the AMMs, BMPs, and MMs according to the number in the IS/MND, and provides the text of the measures and practices.
- **Party Responsible for Monitoring** - This column identifies the entity responsible for complying with the requirements of the measures and practices
- **Timeframe for Implementation** - This column lists the time frame in which the measure or practice will take place.
- **Monitoring Compliance** - This column is for verifying compliance. This column should be filled in with the description of the type of action taken to verify implementation and dated and initialed by the designee, based on the documentation provided by the construction contractors, its agents (qualified individuals), or through personal verification by DWR.

Table 1 Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
3.1 Aesthetics			
None.			
3.2 Agricultural &Forest Resources			
None.			
3.3 Air Quality			
Best Management Practice (BMP)-1: Air Quality Control Plan This plan reflects DWR's Greenhouse Gas Emission Reduction Plan recommendations and the Basic Construction Emissions Control Practices (BCECP) set by the Sacramento Metro Air Quality Management District. Efforts to reduce air pollution and shall include, but not be limited to, the following: a) Fugitive dust control. Efforts to control fugitive dust include watering, applying chemical suppressants, minimizing areas of disturbance, covering surfaces, or other favorable dust control measures. Measures listed below shall be implemented as reasonable or necessary to prevent fugitive dust from leaving the worksite. a. Ensure equipment is properly maintained. b. Construct graded surfaces as early in the Proposed Project as possible. c. Limit construction vehicle speeds to no greater than 15 mph. d. Cover haul vehicles in a manner to ensure compliance with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for both public and private roads. e. Install wheel washers, track plates, or other similar methods where vehicles exit the construction site onto paved roads.	DWR	Prior to the start of and during construction as appropriate.	

f. Apply water and other dust palliatives as frequently as necessary to control fugitive dust. b) Minimize construction-related vehicle emissions. Emission measures shall include, but are not limited to: a. Compile a complete list of self-propelled off-road diesel vehicles 25 horsepower or greater equipment to be mobilized to the site, the equipment's California Air Resources Board (CARB) equipment identification number, current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation (California Code of Regulations, Title 13, sections 2449 and 2449.1), and CARB tier designation. b. Prohibit trucks and construction vehicles from idling for more than five minutes when not in use. c. Maintain all construction equipment in proper working condition and perform preventive maintenance. Required maintenance shall include, but not be limited to, compliance with all manufacturer's recommendations, proper upkeep and replacement of mufflers and filters, and maintenance of all engine and emissions systems in proper operating condition. Maintenance schedules and service requirements shall be defined and implemented for each piece of construction equipment. d. Reference and acknowledge that Best Available Control Technology will be followed, where applicable or feasible, including, but not limited to: a. Install high-pressure injectors. b. Use ultra-low-sulfur diesel fuel in			

all stationary and mobile equipment. c. Substitute electrical equipment for gas or diesel-powered equipment. d. Substitute clean natural gas (CNG)-powered vehicles. e. Substitute gasoline-powered equipment equipped with catalytic converters with electric-powered equipment. e. Implement a tire-inflation program on the worksite to ensure that equipment tires are correctly inflated. Check tire inflation when the equipment arrives on-site and every two weeks for equipment that remains on-site. Check vehicles used for hauling materials off-site weekly for correct tire inflation. Vehicles used for hauling materials off-site shall be checked at least weekly for correct tire inflation. f. Handle, load, unload, or transport materials to and on the worksite using equipment with on-road rated engines, to the extent feasible. g. Minimize the amount of construction equipment operating during any given time period. This could include scheduling construction truck trips to reduce peak emissions, adjusting time periods for the construction workday, and phasing of construction activities. h. Limit deliveries of materials and equipment to off-peak traffic congestion hours to the extent feasible. For deliveries to Proposed Project sites where the haul distance exceeds 100 miles and a heavy-duty Class 7 or Class 8 semi-truck or 53-foot or longer box-type trailer is used for hauling, a U.S. Environmental Protection Agency SmartWay			

certified truck shall be used to the maximum extent feasible. i. Ensure that all feasible efforts have been made for providing an electrical service drop to the construction site for temporary construction power. When generators must be used, alternative fuels such as propane or solar shall be used to power generators, to the extent feasible. j. Use only coatings and solvents on the Proposed Project that are consistent with the local air quality control district or air quality management district rules, CARB, and all other applicable laws and regulations.			

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
3.4 Biological Resources			
As an environmental commitment, in addition to the following AMMs, this project has been planned to correspond with work windows for special status fish. In-water work will be restricted to occur between August 1 and October 31 to minimize impacts to migrating and spawning fish.	DWR	During scheduling.	

Table 1 (continued) Summary of Mitigation Measures, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Avoidance and Minimization Measures (AMM) BIO-1: Avoid and minimize potential impacts to wildlife To minimize the potential impacts to special-status wildlife that may occur within the Proposed Project area, the following measures will be implemented: a) A qualified wildlife biologist will conduct pre-construction surveys no more than two weeks prior to the start of construction for any special-status wildlife that have the potential to occur within the project area. b) Prior to the start of construction, known sensitive areas adjacent to the project site will be marked with high-visible flagging for avoidance. c) Prior to beginning work, a Worker Environmental Awareness Program (WEAP) training will be provided by a qualified biologist. All personnel who will be at	DWR	Prior to the start of and during construction as appropriate.	

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
the worksite during construction activities are required to complete the training prior to beginning work at the site. The training will be given at or near the worksite. The WEAP training will consist of briefing sessions developed by biologists, archaeologists, and others familiar with environmental, cultural, and Tribal resources at the worksite. At a minimum, the environmental portion of the training shall include a description and discussion of the importance of avoiding impacts to special-status wildlife, the general measures that are being implemented to conserve these species as they relate to the Proposed Project and Proposed Project area, and procedures to follow should they encounter wildlife during work. A refresher WEAP training will be provided if needed to present additional topics pertaining to the above subjects. d) A biological monitor will be on-site during initial ground-disturbing activities and as needed during project construction at the discretion of the lead biologist. e) The qualified biologist shall be notified if wildlife is encountered in the Proposed Project site. Wildlife shall be given the opportunity to leave the Proposed Project site on their own accord during construction activities and construction personnel shall avoid harming wildlife within the construction site. Construction personnel shall not move, handle, or harass wildlife on site. If federally or State-listed species are observed			

Table 1 (continued)
Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing

Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
on-site, all work will halt within the immediate vicinity and the animal will be allowed to leave the Proposed Project area on their own. In the event wildlife is harmed or killed, the qualified biologist shall be notified of the incident immediately. f) Any observations of federally or State-listed species will be reported to the U.S. Fish and Wildlife Service (USFWS) and CDFW within one working day of the observation. g) Project activities shall be performed during daylight hours. h) All trash shall be properly contained, removed from the worksite, and disposed of properly to prevent attracting wildlife. i) All fueling and maintenance of vehicles or other equipment shall occur on established roads and at least 50 feet away from any on-site water feature. j) Motorized equipment will be kept clean and in good working condition and will not be left idling while not in use for more than 5 minutes. k) Absorbent materials will be available on-site. Any accidental leaks or spills will be immediately cleaned up and equipment will be checked and fixed to prevent further leaks or spills. l) Erosion control measures shall be the appropriate type for the site conditions and will not harm or entrap			

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
wildlife. No monofilament waddles will be used.			
AMM BIO-2: Avoid and minimize impacts to special-status plants To minimize the potential impacts to special-status plants that may occur within the Proposed Project area, the following measure will be implemented: A qualified biologist will conduct surveys in the appropriate seasons for any special-status plant species with the potential to occur within the project area. Surveys will follow the methods described in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (California Department of Fish and Wildlife 2018) and *CNPS Botanical Survey Guidelines* (California Native Plant Society 2001). If any special-status plants are identified, they will be flagged and avoided.	DWR	Prior to the start of construction and as appropriate.	
AMM BIO-3: Avoid and minimize impacts to nesting birds To minimize and avoid potential impacts to nesting birds (non-raptor) protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Section 3503 that may occur within the Proposed Project area, the following measures will be implemented. • If construction activities occur between February 1 to August 31, a pre-construction survey will be conducted by a qualified biologist within 500 feet of the Proposed Project area for actively nesting birds a maximum of 72 hours prior to the onset of Proposed Project activities. The qualified biologist(s) must, at a minimum, have experience conducting surveys to identify the	DWR	Prior to the start of and during construction as appropriate.	

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
specific species and associated habitat that could occur on site. • If any active nests are identified within or adjacent to the Proposed Project area, a buffer will be put in place to ensure that no-take (as defined by MBTA), and no take, possession, or needless destruction (as prohibited under the California Fish and Game Code) occurs. The dimension of the buffer zone will be determined by a qualified biologist, and will depend on the proposed activity, habitat type, and species present, in accordance with USFWS's Nationwide Conservation Measures.			

Table 1 (continued)
Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing

Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
AMM BIO-4: Avoid and minimize impacts to raptors To minimize and avoid the potential impacts on raptors that may occur within the Proposed Project area, the following measures will be implemented: a) If construction activities occur between February 1 and August 31, a pre-construction survey for actively nesting raptors will be conducted within the Proposed Project footprint and 0.5-mile buffer surrounding the Proposed Project site by a qualified biologist, a maximum of 72 hours prior to the onset of project activities. The qualified biologist(s) must, at a minimum, have experience conducting surveys to identify the specific species and associated habitat that could occur on-site. b) If any active raptor nests are identified within or adjacent to the Proposed Project site during the pre-construction survey or during work activities, a buffer will be put in place to avoid disturbance to birds as a result of Proposed Project activities. The dimension of the buffer zone will be determined by a qualified biologist, and will depend on the proposed activity, habitat type, and species present, in accordance with USFWS's Nationwide Conservation Measures. c) Actively nesting raptors will be monitored by a qualified biologist during Proposed Project activities for signs of distress or disturbance as a result of Proposed Project activities. Should the birds show signs of distress, work will cease at that location until the birds have resumed normal behavior and it is determined by the on-site biologist that work can be	DWR	Prior to the start of and during construction as appropriate.	

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
resumed.			
AMM BIO-5: Rookery Birds To minimize and avoid the potential impacts to special-status rookery birds that may occur within the Proposed Project area the following general measures will be implemented: a) A pre-activity survey for active rookeries will be conducted (during nesting season from February 1 through August 31) a maximum of 72 hours prior to the onset of soil investigation field activities. The qualified biologist(s) must, at a minimum, have experience conducting surveys to identify the specific rookery bird species and associated habitat that could occur on site. b) If any active rookeries are identified within or adjacent to the Proposed Project area, a buffer will be put in place to ensure that the birds are not disturbed during work activities. The dimension of the buffer zone will be determined by a qualified biologist, and will depend on the proposed activity, habitat type, and species present, in accordance with USFWS's Nationwide Conservation Measures.	DWR	Prior to the start of and during construction as appropriate.	

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
AMM BIO-6: Giant garter snake a) Pre-construction surveys within suitable upland habitat for giant garter snake will be conducted during the snakes' active season of May 1 through October 1. b) If giant garter snake is observed on-site, all work will halt within the immediate vicinity, and it will be allowed to leave the Proposed Project area on their own.	DWR	Prior to the start of and during construction as appropriate.	
AMM BIO-7: General Fish a) In-water activities will be limited to only being conducted during the fish work window (August 1 through October 31) to avoid impacts to sensitive fish species that have the potential to occur in the Proposed Project area.	DWR	Prior to the start of and during in-water construction.	
AMM BIO-8: Western pond turtle a) In areas with the potential for western pond turtle to occur, pre-activity presence/absence surveys for western pond turtle shall occur within 48 hours prior to the onset of project activities at the Proposed Project area. b) If western pond turtle is observed on-site, all work will halt within the immediate vicinity, and it will be allowed to leave the Proposed Project area on their own.	DWR	Prior to the start of and during construction as appropriate.	
AMM BIO-9: Special-status bat species To minimize and avoid the potential impacts to special-status bats that may occur within the project area, the following general measures will be implemented:	DWR	Prior to the start of and during construction as appropriate.	

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
a) Pre-activity roosting special-status bat surveys and an evaluation of roosting habitat suitability for bats will be conducted by a qualified biologist familiar with the species that could potentially occur within the Proposed Project area. The qualified biologist should, at a minimum, have experience conducting roosting bat surveys and be able to identify the presence of guano and urine stains. b) Any identified roosts of special-status bats will be avoided, and a buffer will be established based on on-site conditions and at the discretion of the biologist, to ensure that the roosting bats are not disturbed. If a nursery colony is identified, additional measures may be required including a larger buffer, to ensure no disturbance. Such additional measures will be determined and monitored by a qualified biologist.			
3.5 Cultural Resources			
Mitigation Measure CUL-1: Worker Response to Undiscovered Historical Resources, Archaeological Resources, and Tribal Cultural Resources Should any unexpected cultural resources be exposed during project activities, all work would temporarily stop in the immediate vicinity (e.g., 100 feet) of the find until it can be evaluated by a qualified archaeologist, defined as one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology and with expertise in California archaeology, and an appropriate plan of action can be determined in consultation with DWR. If any cultural resources are discovered during ground-	DWR	During construction activity.	

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed-upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American Tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is of Tribal Significance. The Tribal representative will make recommendations for further evaluation and treatment as necessary.			
Mitigation Measure CUL-2: Presence of Archaeological Monitor during Proposed Project activities A delegated representative of a consulting Tribe(s) is invited to be present and/or monitor for all activities within areas of concern/interest to that Tribe. An archaeological monitor shall be present when ground disturbance is occurring in areas that have previously been determined to be sensitive to potential archaeological resources. Likewise, a representative of any consulting Tribe shall be invited to be present for all activities within areas of concern/interest to that Tribe. The monitors shall have access to the removed material and excavation areas to determine if any cultural or Tribal resources are present (see Mitigation Measure CUL-1).	DWR	During construction activity.	
Mitigation Measure CUL-3: Avoidance of Potential Impacts to Undiscovered Burials Should human remains be discovered during the course of project activities, all work will stop immediately in the vicinity (e.g.,100 feet) of the finds until they can be verified. The coroner will be contacted in accordance with Health and Safety Code Section 7050.5(b). Protocol and requirements outlined in Health and Safety Code Sections 7050.5(b) and 7050.5(c) as well as Public Resources Code Section 5097.98 will be followed.	DWR	During construction activity.	

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
Mitigation Measure CUL-4: Worker Awareness to Undiscovered Historical Resources, Archaeological Resources, and Tribal Cultural Resources Prior to project construction, a qualified archaeologist in coordination with culturally affiliated California Native American Tribes shall develop a cultural resources awareness and sensitivity training program for all construction and field workers involved in project ground-disturbing activities. The program shall include a presentation that covers, at a minimum, the types of cultural resources common to the area, regulatory protections for cultural resources, and the protocol for unanticipated discovery of archaeological resources (see Mitigation Measure CUL-1). Personnel working in areas of project ground-disturbing activities shall receive the training prior to working in these areas.	DWR	Prior to the start of construction.	
3.6 Geology and Soils			
None.			
3.7 Greenhouse Gas Emissions			
BMP-6: Green House Gas Emissions According to DWR's Greenhouse Gas Emission Reduction Plan, all DWR projects shall implement the following BMPs into the project design: a) Evaluate project characteristics, including location, project workflow, site conditions, and equipment performance requirements, to determine whether specifications of the use of equipment with repowered engines, electric drive trains, or other high-efficiency technologies are appropriate and feasible for the project or specific elements of the project.	DWR	Prior to the start of and during construction as appropriate.	

Table 1 (continued)
Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing

Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
b) Evaluate the feasibility and efficacy of performing on-site material hauling with trucks equipped with on-road engines. c) Ensure that all feasible avenues have been explored for providing an electrical service drop to the construction site for temporary construction power. When generators must be used, use alternative fuels, such as propane or solar, to power generators to the maximum extent feasible. d) Evaluate the feasibility and efficacy of producing concrete on-site and specify that batch plants be set up on-site or as close to the site as possible. e) Limit deliveries of materials and equipment to the site to off-peak traffic congestion hours. f) Maintain all construction equipment in proper working condition and perform all preventative maintenance. Required maintenance includes compliance with all manufacturer's recommendations, proper upkeep and replacement of filters and mufflers, and maintenance of all engine and emissions systems in proper operating condition. Maintenance schedules shall be detailed in an air quality control plan prior to commencement of construction. g) Implement tire inflation program on job site ensure that equipment tires are correctly inflated. Check tire inflation when the equipment arrives on-site and every two weeks			

Table 1 (continued)
Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing

Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
for equipment that remains on-site. Check vehicles used for hauling materials off-site weekly for correct tire inflation. Procedures for the tire inflation program shall be documented in an air quality management plan prior to commencement of construction. h) Develop a project-specific rideshare program to encourage carpools, shuttle vans, transit passes, and secure bicycle parking for construction worker commutes. i) Use a SmartWay27 to the maximum extent feasible for deliveries to project sites, where the haul distance exceeds 100 miles and a heavy-duty Class 7 or Class 8 semi-truck, or 53-foot or longer box-type trailer, is used for hauling. j) Evaluate the feasibility of restricting all material hauling on public roadways to off-peak traffic congestion hours. During construction scheduling and execution minimize, to the extent possible, uses of public roadways that would increase traffic congestion.			
3.8 Hazards and Hazardous Materials			
Avoidance and Minimization Measure HAZ-1 a) A plan(s) (often a contractor's safety plan) with a section on hazardous materials shall be written and kept on-site that describes the hazardous materials used during project activities, and how the materials will be properly stored, used, transported, and disposed of. All hazardous materials shall be properly	Contractor	Prior to the start of and during construction as appropriate.	

Table 1 (continued)
Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing

Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
labeled and be recycled properly or disposed of at a properly licensed disposal facility. b) The contractor shall contact the local fire agency and the local certified unified program agency (CUPA) for any site-specific requirements regarding hazardous materials or hazardous waste containment or handling. c) If hazardous materials, such as oil, batteries, or paint cans, are encountered in the Proposed Project area, the contractor(s) shall carefully remove and dispose of them according to the safety plan and the spill prevention and response plan. All hazardous materials will be disposed of at a properly licensed disposal facility. d) Contact of chemicals with precipitation shall be minimized by storing chemicals in watertight containers or in a completely enclosed storage shed, with appropriate secondary containment to prevent any spillage or leakage. e) Quantities of toxic materials, such as equipment fuels and lubricants, shall be stored with secondary containment capable of containing 110 percent of the primary container(s). f) Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials shall not contact soil and not be allowed to enter surface			

Table 1 (continued)
Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing

Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
waters or the storm drainage system. g) All toxic materials, including waste disposal containers, shall be covered when they are not in use, and located as far away as possible from a direct connection to the storm drainage system or surface water. h) Sanitation facilities (e.g., portable toilets) shall be sited in a manner that avoids any direct connection to the storm drainage system or receiving water. i) Sanitation facilities shall be regularly cleaned or replaced and inspected daily for leaks and spills. j) For in-water work, positive barriers consisting of suitable type of spill-stoppage materials will be placed around the work area on the barge.			
AMM HAZ-2 Spill Prevention and Response Plan A plan(s) (often a contractor's safety plan) with a section on spill prevention and response shall be developed by the contractor and submitted to DWR before any ground-disturbing activities in order to prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water (including untreated wastewater) into channels. The following measures shall be included in the plan: a) All field personnel shall be appropriately trained in spill prevention, hazardous material control, and cleanup of accidental spills. b) Equipment and materials for cleanup of spills will be available on-site and spills and leaks shall be cleaned up immediately and disposed of according to	Contractor	Prior to the start of and during construction as appropriate.	

Table 1 (continued)
Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing

Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
guidelines stated in the spill prevention and response plan. c) Field personnel shall ensure that hazardous materials are properly handled, and natural resources are protected by all reasonable means. d) Spill prevention kits shall always be in close proximity when using hazardous materials (e.g., at crew trucks and other logical locations). All field personnel shall be advised of these locations. e) Field personnel shall routinely inspect the worksite to verify that spill prevention and response measures are properly implemented and maintained. f) Field personnel will routinely inspect the worksite to verify that the spill prevention and response plan is properly implemented and maintained. Staff will notify contractors immediately if there is a noncompliance issue and will require immediate correction of any non-compliant behavior. g) Absorbent materials will be used on small spills located on the impervious surface rather than hosing down the spill; wash waters shall not discharge to the storm drainage system or surface waters. For small spills on previous surfaces such as soils, wet materials will be excavated and properly disposed of rather than burying them. The absorbent materials will be collected and disposed of properly and promptly. As defined in 40 CFR 110, a federally reportable spill of			

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
petroleum products is the spilled quantity that: a. Violates applicable water quality standards. b. Causes a film or sheen on, or discoloration of, the water surface or adjoining shoreline. c. Causes a sludge or emulsion to be deposited beneath the surface of the water or adjoining shorelines. h) If a spill is reportable, the contractor will notify the DWR staff, and the DWR staff will take action to contact the appropriate safety and cleanup crews to ensure that the spill prevention and response plan is followed. A written description of reportable releases must be submitted to the regional board and the California Department of Toxic Substances Control (DTSC). This submittal must contain a description of the release, including the type of material and an estimate of the amount spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent and control future releases. The releases will be documented on a spill report form. i) If a significant spill has occurred, and results determine that project activities have adversely affected surface water or groundwater quality, a detailed analysis will be performed to the specifications of DTSC to identify the likely cause of contamination. This analysis will include recommendations for reducing or eliminating the source or mechanisms of contamination. Based on this analysis, the DWR or contractors will select and implement measures to control contamination, with a			

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
performance standard that surface and groundwater quality must be returned to pre-facility conditions. These measures will be subject to approval by the DWR, DTSC, and the regional board.			
AMM HAZ-3: a) Stockpiling materials, portable equipment, vehicles, and supplies, including chemicals, will be restricted to the levee crown within the Proposed Project boundary, and not stored where they could wash into sensitive habitats. b) Stockpiling materials, portable equipment, vehicles, and supplies, including chemicals, will be restricted to the levee road or within the barge.	DWR	Prior to the start of and during construction as appropriate.	
3.9 Hydrology and Water Quality			
None.			
3.10 Land Use and Planning			
None.			
3.11 Mineral Resources			
None.			
3.12 Noise			
BMP-4: Noise Abatement Plan Noise shall be minimized as much as reasonably possible. At a minimum, the following measures shall be followed, if applicable: a) Preventive maintenance including practicable methods and devices to control, prevent, and minimize noise. b) All equipment, fixed or mobile, shall be equipped with properly operating and maintained exhaust and intake	DWR	During construction as necessary.	

Table 1 (continued) Summary of AMMs/BMPs/MMs, Responsible Parties, and Timing			
Mitigation Measure/ Environmental Commitment	Party Responsible for Monitoring	Timeframe for Implementation	Monitoring Compliance (Provide Name/Date)
mufflers, consistent with manufacturers' standards. c) Locating and placing noise barriers around stationary equipment. d) Rerouting truck traffic to avoid or reduce noise impacts. e) Scheduling construction activities with the most intense noise activities to occur when ambient noise is also at a high level at that location. f) Impact tools used for construction shall be hydraulically or electrically powered whenever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. External jackets on the tools shall be used wherever feasible. Quieter procedures, such as the use of drills rather than impact tools, shall be used whenever feasible.			
3.13 Populations and Housing			
None.			
3.14 Public Services			
None.			
3.15 Recreation			
None.			
3.16 Transportation/Traffic			
None.			
3.17 Utilities and Service Systems			
None.			

5 May 2022

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COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, HOOD ABANDONED PIPES AND CONDUIT REMOVAL PROJECT, SCH#2022030815, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 30 March 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Hood Abandoned Pipes and Conduit Removal Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:
https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage

under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit/

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento