

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific: _____

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project: _____

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt: _____

Lead Agency _____

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Jacob Vander Meulen Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

**NOTICE OF EXEMPTION ATTACHMENT
SUPPLEMENTAL INFORMATION AND CONSISTENCY FINDINGS FOR
CLASS 6 CATEGORICAL EXEMPTION
YUBA WATER AGENCY
JACK SLOUGH FLOW GAUGING STATION PROJECT**

PROJECT PURPOSE

Yuba Water Agency (YWA) is currently implementing its Measurement Improvement Plan (MIP), which has a goal of providing increased surface water monitoring to support water management by YWA and its member units. A key component of the MIP to better monitor surface water inflow and outflow at key locations within YWA's service area, such as Jack Slough, to aide in planning and implementing tailwater and spillage recovery and reuse. The purpose of this project is to construct a water level sensor and associated infrastructure on Jack Slough to assist in flow monitoring.

PROJECT DESCRIPTION

The flow gauge would be constructed directly on the earthen bridge approach fill of the old Highway 70 bridge (demolished in 2021) and adjacent to the Reclamation District 10 levee (**Figure 1**). Construction of the flow gauge would include the following components:

1. Approximately 140-feet of buried 2-inch ridged metal conduit extending from the top of the old bridge approach fill to the bank of Jack Slough. The conduit would daylight just above the ordinary high-water mark and be surface mounted for 10-feet until it terminates at the toe of Jack Slough.
 - a. Approximately 7.5 cubic yards of soil would be temporarily excavated from a trench (8-inch wide) for placement of the cable and conduit extending from the remote terminal unit to the Jack Slough bank.
 - b. Conduit cover depth is 24-inches. Conduit will be encased in 4 cubic yards of sand cement slurry to 12-inches and then backfilled with native trench spoil material to match the existing surface.
 - c. The conduit will house low-pressure air tubing necessary for proper operation of the water level sensing methods (bubbler pressure sensor system).
2. One small electrical enclosure mounted directly to a 3'x3'x6" concrete slab will serve as a remote terminal unit (RTU).
 - a. The RTU consists of a small datalogger, radio telemetry equipment, battery power supply and solar charge controls all housed in the enclosure.
 - b. The RTU would be installed at the top of the old bridge approach fill, just before the grade break.
 - c. The RTU enclosure is designed to match existing YWA monitoring sites (**Figure 7**).
3. One solar panel and radio antenna mounted to the top of a 2" diameter steel post Total installed height will be approximately 15-feet from the ground surface.

4. A small 3-foot by 3-foot concrete pad is proposed to facilitate operator access. The pad would be located at the crown of the old bridge approach fill approximately 10' from the grade break.
 - a. The pad foundation would consist of compacted native material.
 - b. Approximately 0.2 cubic yards of native bridge approach fill material would be removed for construction of the pad.
 - c. The concrete pad would be composed of 0.2 cubic yards of concrete located at the same elevation as the top of the old bridge approach fill.
5. A 6-inch wide and 8-foot-tall staff gauge will be mounted on a vertical section of steel angle iron driven into the low water channel at the channel toe.

The total area of disturbance for the project site is approximately 109 square feet (0.0025 acres) with an additional 500 square feet to be used for staging. The work will occur in previously disturbed areas and will not convert native habitat. In-water work would be limited to hand-mounting the above-ground portion of the conduit and hand-driving the steel angle iron in the riverbed for staff gauge mounting. Construction of the flow gauge station is estimated to require no more than five (5) working days. Construction is anticipated to begin as soon as environmental approvals and permits are obtained and within the aquatic and giant garter snake work windows (i.e., June 1 through October 1).

Construction equipment is expected to include work trucks, a mini excavator for trenching and excavating for the RTU footing, and a concrete truck or towable concrete mixer. The existing levee-top roadway and old bridge approach fill would be used for staging of equipment and materials. The portion of roadways used for staging areas would be limited to 500 square feet adjacent to the project site.

After completion of the improvements the inspection schedule includes monthly site visits to take flow measurements and inspect the equipment.

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

The CEQA Class 6 Categorical Exemption (CEQA Guidelines Section 15301, *Information Collection*) is applicable to projects that consist of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. The project purpose and proposed construction activities are consistent with the CEQA Class 6 Categorical Exemption. The project would consist of basic data collection by the Yuba Water Agency as part of a larger study on water management. This section presents information on the existing conditions of environmental resources at the project site, and summarizes evaluations of the potential project-related environmental effects, and thus provides further support for the applicability of a Class 6 Categorical Exemption to the proposed project.

YWA prepared a biological assessment (BA) for the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) to assess potential project-related effects to federally-listed species under the Endangered Species Act and designated habitat under the Magnuson-Stevens Act (*Biological Assessment and Essential Fish Habitat Assessment for the Jack Slough Gauging Station Project*, Robertson-Bryan, Inc., April 2022). The BA found that the proposed project would have no

significant impacts on any federally listed species. Of the species considered in the BA, the only listed species with high potential to occur is giant garter snake (*Thamnophis gigas*). With the avoidance and minimization measures, including preconstruction surveys, the project would not cause significant impacts to giant garter snake. There are seven additional special status species that may occur in the project area (Table 1). The remainder of this discussion will focus on potential impacts to these seven special status species, as well as birds protected under the Migratory Bird Treaty Act (MBTA) which are not federally-listed and thus were not considered in the BA.

Table 1: Special status species with potential to occur in the project area

| Taxon | Scientific Name | Common Name | Status | Habitat | Potential to Occur |
|---------------|---------------------------------|-------------------------------------|----------------|--|--|
| Birds | <i>Riparia riparia</i> | bank swallow | CT; BLM-S; | Riparian scrub, riparian woodland. Colonial nester, requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, or ocean. | Low; Banks adjacent to Jack Slough are not composed of fine-textured sandy soils, thus the project area provides only marginal nesting habitat. |
| | <i>Buteo swainsoni</i> | Swainson's hawk | CT; BLM-S; BCC | Nests in riparian forest and scattered trees; forages in grasslands and agricultural fields. | Low; No trees for nesting are located within the project area. Suitable foraging habitat occurs within the project area but is considered marginal. |
| | <i>Agelaius tricolor</i> | tricolored blackbird | CT; BLM-S; BCC | Nests in dense cattails and tules, riparian scrub, grain crops, and other low dense vegetation; forages in grasslands and agricultural fields. | Low; No dense vegetation for nesting is present. Suitable foraging habitat occurs within the project area but is considered marginal. |
| | <i>Melospiza melodia</i> | song sparrow ("Modesto" population) | CSC; S3 | Nests and forages primarily in emergent marsh, riparian scrub, and early successional riparian forest habitats in the north-central portion of the Central Valley; infrequently in mature riparian forest and sparsely vegetated ditches and levees. | Low; Sparsely vegetated riparian habitat is present within the project area but is considered marginal. |
| Invertebrates | <i>Linderiella occidentalis</i> | California linderiella | S2 | Vernal pools, including a wide range of sizes and depths. | None; No vernal pools are present in the project area. |

| | | | | | |
|---|--|--------------------|----------|--|--|
| Plants | <i>Monardella venosa</i> | veiny monardella | S1; 1B.1 | Usually in heavy clay within cismontane woodland, valley and foothill grassland. Blooms May—July. | None ; Plant survey found none present. |
| | <i>Astragalus tener var. ferrisiae</i> | Ferris' milk-vetch | S1; 1B.1 | Vernally moist meadows and subalkaline flats on overflow land in the Central Valley; usually seen in dry, adobe soil. Blooms March—June. | None ; No meadows or subalkaline flats found within the project area and plant survey found none present. |
| <p>CNDDDB California Natural Diversity Database; CDFW California Department of Fish and Wildlife</p> <p>CSC Species of special concern listing by CDFW CT Threatened under California Endangered Species Act BCC Bird of Conservation Concern listing by U.S. Fish and Wildlife BLM-S Bureau of Land Management Sensitive Species</p> <p>S1 Critically Imperiled ranking by CNDDDB S2 Imperiled ranking by CNDDDB S3 Vulnerable ranking by CNDDDB 1B.1 Rare Plant Seriously Threatened in CA and Elsewhere ranking by CNDDDB</p> <p>Source: CNDDDB 2022</p> | | | | | |

The project site is located on a manmade earthen levee which constitutes low-quality disturbed habitat (see Figures 2-6). Vegetation within the project sites is minimal and consists primarily of non-native grasses. Due to the lack of vegetation present, species that require dense vegetation for nesting such as tricolored blackbird, song sparrow “Modesto” population, Swainson’s hawk, and other nesting raptors protected under MBTA, are not likely to nest within the project area. The nearest suitable nesting trees are located approximately 100 feet east of the project site. There would not be a significant amount of noise generated during project activities, thus surrounding areas with potential nesting sites would not be disturbed. The project site contains minimal foraging habitat, and adjacent agricultural lands provide more preferred foraging habitat for listed bird species, therefore it is unlikely that any listed birds use the project site for foraging.

Another special-status species with potential to occur in the project area is the bank swallow. The bank swallow is a colonial nester that has known nest sites along the steep vertical banks of the Feather River, approximately 1 mile from the project site. Within the project site, Jack Slough does not contain steep vertical banks that could provide potential nesting habitat, thus there is a low potential for the species to occur.

If work that has the potential to impact nesting birds commences between February 1 and August 31 (during the nesting season), a pre-construction nest survey for bank swallow, tricolored blackbirds, white-tailed kite, Swainson’s hawk, and other migratory birds would be completed by a qualified biologist. If active nests (i.e., presence of eggs and/or chicks) are observed in areas that could be directly or indirectly disturbed (including noise disturbance), a temporary, species-appropriate no-disturbance buffer zone will be created around the nest sufficient to reasonably expect that breeding would not be disrupted. No work will occur inside the buffer zone.

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

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

There are no vernal pools located in the project area (*Aquatic Resource Delineation Report for the Yuba Water Agency Jack Slough Gauging Station Project*, Natural Investigations Company, Inc., April 2022). As such, vernal pool species such as California linderiella do not occur in the project area. A vegetation survey of the project area did not identify any Ferris' milk-vetch or veiny monardella in the project area, nor is any suitable habitat present in the project area, thus these listed plant species would not occur in the project area (Natural Investigations Company, Inc 2022).

The potential for project-related activities (i.e., spills, accidental discharges, run-off) to adversely affect aquatic species downstream of the project site is negligible for several reasons: (1) construction would be short-term lasting 4-5 days, (2) best management practices and conservation measures would be implemented to minimize the potential for spills of construction-related materials, (3) brief in-water work would not significantly impact water quality and thus would not impact aquatic resources downstream. Consequently, the potential for project-related activities to adversely affect aquatic species, including special-status species, downstream of project site are discountable.

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

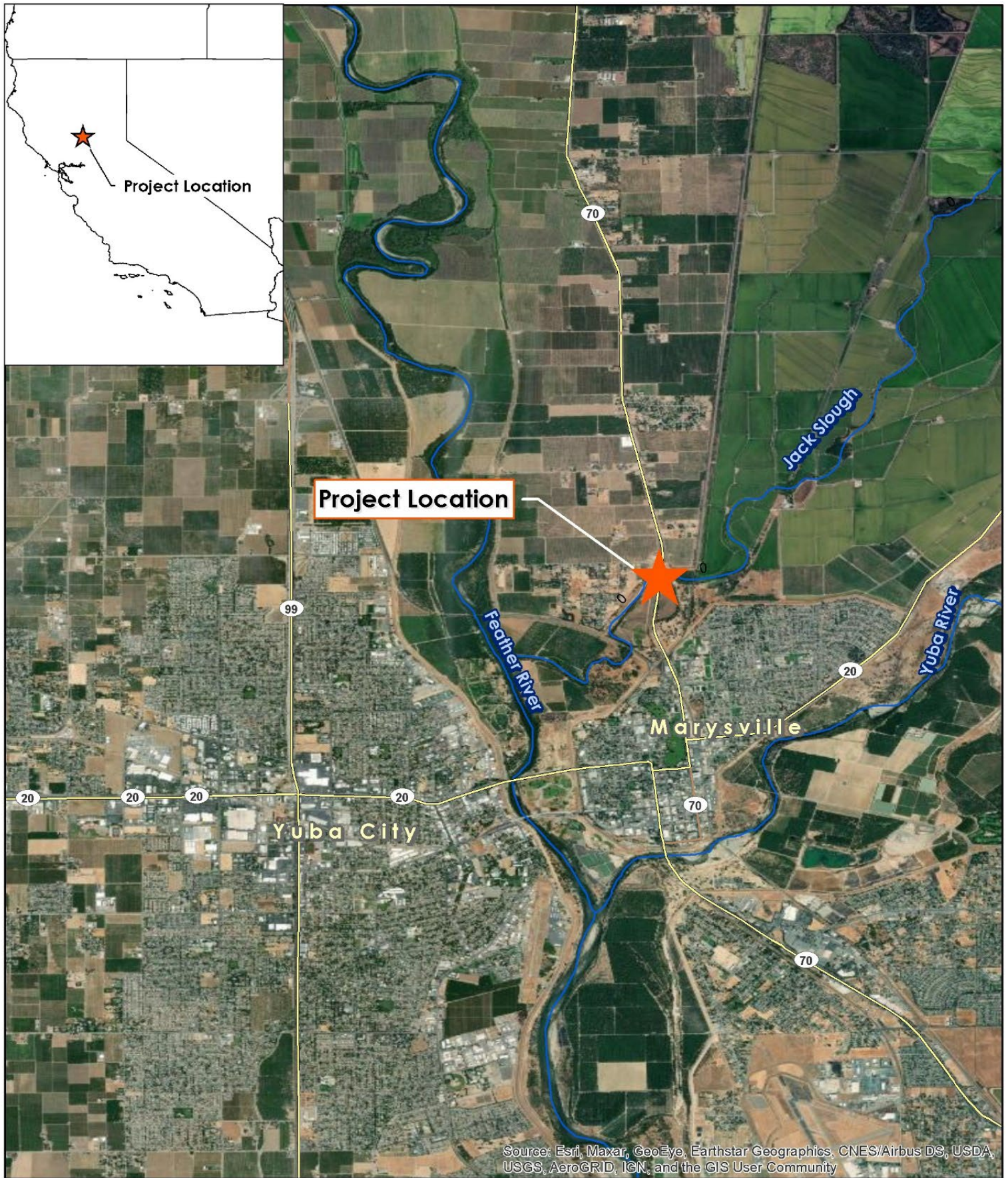


Figure 1. Jack Slough flow gauge project location regional map.



Figure 2. Site photo facing north looking at the old earthen bridge abutment. RTU will be mounted at top of slope.



Figure 3. Site photo facing west looking at Jack Slough bank on the left and old earthen bridge abutment slope on the right.



Figure 4. Site photo from top of old earthen bridge abutment facing south. RTU will be mounted at top of slope shown in foreground and conduit will extend down the bank and into Jack Slough shown in background.



Figure 5. Site photo facing northeast looking at the project site from under the new highway 70 bridge.



Figure 6. Site photo from top of RD 10 levee facing east, project site is on other side of highway 70 bridge.



Figure 7. Example of a typical constructed RTU enclosure with an antenna/solar panel mast.