

Rec. NO. 06-10132022-021

ENDORSED
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OCT 13 2022

Notice of Determination

ROSE GALLO-VASQUEZ

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St., Rm 113

Sacramento, CA 95814

☒ County Clerk

County of: Colusa

Address: 546 Jay Street, Suite 200

Colusa, CA 95932

COLUSA COUNTY CLERK-RECORDER

From:

Public Agency: Sac River W Side Levee District

Address: P.O. Box 50

Grimes, CA 95950

Contact: Meegan Nagy

Phone: 530-812-6269

Lead Agency (if different from above):

Address:

Contact:

Phone:

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): 2022080630

Project Title: Grimes Floodplain Restoration and Levee Resiliency Project

Project Applicant: Sacramento River West Side Levee District

Project Location (include county): Community of Grimes, Colusa County, California

Project Description:

The Sacramento River West Side Levee District (SRWSLD), with funding from the California Department of Water Resources (DWR), is proposing this project, which would consist of constructing a 1.8-mile-long slurry cutoff wall in the existing Sacramento River West Bank Levee System (SRWBLS), encroachment remediation, waterside hardening, establishment of an operations and maintenance area, and restoration of approximately 11 acres of floodplain for salmonids. DWR investigations have

This is to advise that the Sacramento River West Side Levee District has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on October 12, 2022 and has made the following determinations regarding the above
(date)
described project.

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 final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

SRWSLD: 975 Wilson Bend Rd, Grimes, CA 95950 & Grimes Library: 240 Main St, Grimes, CA 95950

Signature (Public Agency): Meegan Nagy Title: Deputy Manager

Date: October 12, 2022 Date Received for filing at OPR: _____

Mitigated Negative Declaration

Grimes Floodplain Restoration and Levee Resiliency Project

The Sacramento River West Side Levee District (SRWSLD), acting as the California Environmental Quality Act (CEQA) lead agency and project proponent, has reviewed the proposed project described below to determine whether substantial evidence supports a finding that project implementation could have a significant effect on the environment. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land use, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Name of Project: Grimes Floodplain Restoration and Levee Resiliency Project

Project Location: The proposed project is located along approximately 1.8 miles of the Sacramento River west levee, directly adjacent to and north and south of the town of Grimes in Colusa County, California. The right (west) bank of the Sacramento River in the project area is a Sacramento River Flood Control Project (SRFCP) levee. The project area includes the levee itself, and areas on both the landside and waterside of the levee.

Project Description: SRWSLD, with funding from the California Department of Water Resources (DWR), is proposing this project, which would consist of constructing a 1.8-mile-long slurry cutoff wall in the existing Sacramento River West Bank Levee System (SRWBLS), encroachment remediation, waterside hardening, establishment of an operations and maintenance area, and restoration of approximately 11 acres of floodplain for salmonids. DWR investigations have determined that the section of the SRWBLS north and south of, and directly adjacent to, the town of Grimes in Colusa County is vulnerable to seepage. Currently, Grimes is not mapped within a Federal Emergency Management Agency (FEMA) special flood hazard area; however, FEMA has initiated a remapping process for Colusa County. Initial results indicate that without remediation of the Sacramento River levees, FEMA will model the area assuming no levees are present. The goal of the proposed project is to increase flood resiliency a 100-year level of flood protection to the town of Grimes in a manner consistent with the 2012 Central Valley Flood Protection Plan and its 2017 update, including investments in multi-benefit flood projects (e.g., improvement of salmonid habitat). The construction phase will begin once the SRWSLD secures a State or Federal implementation grant. Construction is anticipated to begin no earlier than 2024.

Findings: The attached initial study identifies one or more potentially significant effects on the environment that are listed in the table below. After consideration of the analysis contained in the initial study, SRWSLD finds that the proposed project as described above would not have a significant effect on the environment following implementation of mitigation measures described therein and listed below.

Effect	CEQA Finding	Finding with Mitigation	Mitigation Measure
3.3 Hydrology and Water Quality			
Impact HYD-1: Degradation of surface water quality	Significant	Less than Significant	Mitigation Measure HYD-MM-1: Implement a Spill Prevention, Control, and Countermeasure Plan Mitigation Measure HYD-MM-2: Implement Construction Best Management Practices

Effect	CEQA Finding	Finding with Mitigation	Mitigation Measure
			Mitigation Measure HYD-MM-3: Turbidity Monitoring
			Mitigation Measure HYD-MM-4: Implement a Bentonite Slurry Spill Contingency Plan
Impact HYD-2: Site Erosion	Significant	Less than significant	Mitigation Measure HYD-MM-1 (described above)
			Mitigation Measure HYD-MM-2 (described above)
			Mitigation Measure HYD-MM-3 (described above)

3.5 Biological Resources

Impact BIO-1: Potential mortality or disturbance of valley elderberry longhorn beetle	Significant	Less than significant	Mitigation Measure BIO-MM-1a: Conduct Mandatory Biological Resources Awareness Training Mitigation Measure BIO-MM-1b: Implement General Measures to Avoid and Minimize Effects on Sensitive Biological Resources Mitigation Measure BIO-MM-1c: Conduct Surveys for Suitable Valley Elderberry Longhorn Beetle Habitat Mitigation Measure BIO-MM-1d: Fence Elderberry Shrubs to be Protected Mitigation Measure BIO-MM-1e: Transplant Permanently Affected Elderberry Shrubs and Compensate for Loss of Valley Elderberry Longhorn Beetle and Its Habitat Mitigation Measure BIO-MM-1f: Protect Special-Status Invertebrates and Their Host and Food Plants from Herbicide and Pesticide Use
Impact BIO-2: Potential mortality or disturbance of monarch butterfly and Crotch bumble bee	Significant	Less than significant	Mitigation Measure BIO-MM-1a (described above) Mitigation Measure BIO-MM-1b (described above) Mitigation Measure BIO-MM-1f (described above) Mitigation Measure BIO-MM-16a: Protect Valley Oak Trees during Construction Mitigation Measure BIO-MM-16b: Compensate for Loss of Valley Oak Woodland Mitigation Measure BIO-MM-17a: Minimize Effects on Riparian Vegetation and Compensate for Loss of Riparian Habitat

Effect	CEQA Finding	Finding with Mitigation	Mitigation Measure
Impact BIO-3: Potential mortality or disturbance of western pond turtle	Significant	Less than significant	Mitigation Measure BIO-MM-1a (described above) Mitigation Measure BIO-MM-1b (described above) Mitigation Measure BIO-MM-3: Conduct Pre-construction Surveys for Western Pond Turtle and Monitor Construction Activities if Turtles are Observed
Impact BIO-4: Potential mortality or disturbance of and loss of suitable habitat for giant garter snake	Significant	Less than significant	Mitigation Measure BIO-MM-1a (described above) Mitigation Measure BIO-MM-1b (described above) Mitigation Measure BIO-MM-4: Avoid and Minimize Impacts on Giant Garter Snake
Impact BIO-5: Potential mortality or disturbance of and loss of suitable nesting and foraging habitat for Swainson's hawk and white-tailed kite	Significant	Less than significant	Mitigation Measure BIO-MM-1a (described above) Mitigation Measure BIO-MM-1b (described above) Mitigation Measure BIO-MM-5a: Conduct Focused Surveys for Nesting Swainson's Hawk, White-tailed Kite, and Other Raptors Prior to Construction and Implement Protective Measures during Construction Mitigation Measure BIO-MM-5b: Compensate for the Permanent Loss of Nesting Habitat for Swainson's Hawk and White-tailed Kite Mitigation Measure BIO-MM-16a (described above) Mitigation Measure BIO-MM-16b (described above) Mitigation Measure BIO-MM-17a (described above)
Impact BIO-6: Potential disturbance of western yellow-billed cuckoo	Significant	Less than significant	Mitigation Measure BIO-MM-1a (described above) Mitigation Measure BIO-MM-1b (described above) Mitigation Measure BIO-MM-5b (described above) Mitigation Measure BIO-MM-7a: Conduct Vegetation Removal during the Non-Breeding Season of Nesting Migratory Birds Mitigation Measure BIO-MM-16a (described above) Mitigation Measure BIO-MM-16b (described above)

Effect	CEQA Finding	Finding with Mitigation	Mitigation Measure
Impact BIO-7: Potential mortality or disturbance of and loss of suitable nesting and foraging habitat for special-status and non-special-status migratory birds	Significant	Less than significant	Mitigation Measure BIO-MM-17a (described above)
			Mitigation Measure BIO-MM-1a (described above)
			Mitigation Measure BIO-MM-1b (described above)
			Mitigation Measure BIO-MM-7a: Conduct Vegetation Removal during the Non-Breeding Season of Nesting Migratory Birds
			Mitigation Measure BIO-MM-7b: Conduct Pre-construction Surveys for Non-Raptor Nesting Migratory Birds and Implement Protective Measures if Found
			Mitigation Measure BIO-MM-7c: Conduct Surveys for Western Burrowing Owl Prior to Construction and Implement Avoidance and Minimization Measures if Found
			Mitigation Measure BIO-MM-16a (described above)
Impact BIO-8: Potential disturbance of greater sandhill crane and other foraging waterbirds	Less than significant	N/A	Mitigation Measure BIO-MM-16b (described above)
			Mitigation Measure BIO-MM-17a (described above)
Impact BIO-9: Potential injury, mortality, or disturbance of tree-roosting bats and removal of roosting habitat	Significant	Less than significant	N/A
Impact BIO-10: Acoustic effects on candidate, sensitive, or special-status fish species	Significant	Less than significant	Mitigation Measure BIO-MM-1a (described above)
			Mitigation Measure BIO-MM-1b (described above)
			Mitigation Measure BIO-MM-9: Conduct Surveys and Implement Protection Measures for Special-Status Bat Species Prior to Tree Trimming and Removal
			Mitigation Measure BIO-MM-16a (described above)
			Mitigation Measure BIO-MM-16b (described above)
Impact BIO-10: Acoustic effects on candidate, sensitive, or special-status fish species	Significant	Less than significant	Mitigation Measure BIO-MM-17a (described above)
			Mitigation Measure BIO-MM-10a: Implement Seasonal and Daily In- and Near-Water Work Restrictions
			Mitigation Measure BIO-MM-10b: Implement Measures to Minimize Exceedance of Interim Threshold Sound Levels during Pile Driving
Impact BIO-10: Acoustic effects on candidate, sensitive, or special-status fish species	Significant	Less than significant	Mitigation Measure BIO-MM-10c:

Effect	CEQA Finding	Finding with Mitigation	Mitigation Measure
			Develop and Implement a Hydroacoustic Monitoring Plan
Impact BIO-11: Direct mortality of candidate, sensitive, or special-status fish species	Significant	Less than significant	Mitigation Measure BIO-MM-10a (described above) Mitigation Measure BIO-MM-11: Implement Fish Exclusion Devices on Temporary Water Intakes.
Impact BIO-12: Water quality impacts on candidate, sensitive, or special-status fish species	Significant	Less than significant	Mitigation Measure BIO-MM-10a (described above) Mitigation Measure BIO-MM-12: Protect Water Quality and Prevent Erosion and Sedimentation in Drainages and Wetlands
Impact BIO-13: Loss of riparian vegetation (including SRA cover) and potential for increased water temperature	Significant	Less than significant	Mitigation Measure BIO-MM-13: Implement Onsite and Offsite Compensation Measures to Replace Riparian and SRA Cover Losses Mitigation Measure BIO-MM-17a (described above)
Impact BIO-14: Increases in aquatic habitat associated with lowered floodplain area	Less than significant	N/A	N/A
Impact BIO-15: Introduction or spread of invasive aquatic animal or plant species	Significant	Less than significant	Mitigation Measure BIO-MM-15: Prevent the Spread or Introduction of Aquatic Invasive Species
Impact BIO-16: Loss of valley oak woodland	Significant	Less than significant	Mitigation Measure BIO-MM-1a (described above) Mitigation Measure BIO-MM-1b (described above) Mitigation Measure BIO-MM-16a: Protect Valley Oak Trees during Construction Mitigation Measure BIO-MM-16b: Compensate for Loss of Valley Oak Woodland
Impact BIO-17: Loss of riparian habitat	Significant	Less than significant	Mitigation Measure BIO-MM-1a (described above) Mitigation Measure BIO-MM-1b (described above) Mitigation Measure BIO-MM-13 (described above) Mitigation Measure BIO-MM-17a: Minimize Effects on Riparian Vegetation and Compensate for Loss of Riparian Habitat Mitigation Measure BIO-MM-17b: Avoid the Introduction and Spread of Invasive Plants during Construction
Impact BIO-18: Loss of waters of the United States and waters of	Significant	Less than significant	Mitigation Measure HYD-MM-1 (described above)

Effect	CEQA Finding	Finding with Mitigation	Mitigation Measure
the state			Mitigation Measure BIO-MM-18a: Minimize and Compensate for Loss of Perennial Drainage Mitigation Measure BIO-MM-18b: Minimize and Compensate for Loss of Seasonal Wetland Mitigation Measure BIO-MM-18c: Minimize and Compensate for Loss of Ditch
Impact BIO-19: Substantial interference with the movement of any native resident or migratory fish species	Significant	Less than significant	Mitigation Measure BIO-MM-10a (described above) Mitigation Measure BIO-MM-10b (described above)
Impact BIO-20: Conflict with local policies or ordinances protecting biological resources	Significant	Less than significant	Mitigation Measure BIO-MM-16a (described above) Mitigation Measure BIO-MM-16b (described above) Mitigation Measure BIO-MM-17a (described above)
3.7 Greenhouse Gas Emissions			
Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	Significant	Less than significant	Mitigation Measure GHG-MM-1: Implement Best Management Practices to Mitigate Tree Loss and Reduce Construction Generated Greenhouse Gas Emissions
Impact GHG-2: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	Significant	Less than significant	Mitigation Measure GHG-MM-1 (described above)
3.8 Noise			
Impact NOI-1: Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies	Significant	Less than significant	Mitigation Measure NOI-MM-1: Implement Best Noise Control Practices During Construction
3.10 Cultural Resources			
Impact CUL-1: Change in the significance of an archaeological resource	Significant	Less than significant	Mitigation Measure CUL-MM-1: Implement measures to protect previously unidentified cultural resources
Impact CUL-2: Potential to disturb human remains from ground-disturbing construction activities	Significant	Less than significant	Mitigation Measure CUL-MM-2: Implement measures if construction activities inadvertently discover or disturb human remains

Effect	CEQA Finding	Finding with Mitigation	Mitigation Measure
3.11 Tribal Cultural Resources			
Impact TCR-1: Potential to cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources	Significant	Less than significant	Mitigation Measure TCR-MM-1: Implement measures to protect previously unidentified tribal cultural resources
Impact TCR-2: Potential to cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant	Significant	Less than significant	Mitigation Measure TCR-MM-1 (described above)

Public Review Period: The proposed project's Initial Study and proposed Mitigated Negative Declaration (IS/MND) was available for review and comment from August 30, 2022 to September 28, 2022. The IS/MND was available for public review at the following locations:

- SRWSLD: 975 Wilson Bend Road, Grimes, CA 95950
- Grimes Library: 240 Main Street, Grimes, CA 95950
- Online at www.rd108.org.

Public Comment: SRWSLD received one comment letter on the Draft IS/MND during the CEQA public review period. The comment letter described regulatory compliance matters that the project may need to adhere to before or during implementation and did not require any changes to the IS/MND. Therefore, no changes were made that meet the definition of "substantial revision" pursuant to CEQA Guidelines Section 15073.5.

Mitigation Monitoring and Reporting Program: A Mitigation Monitoring and Reporting Program (MMRP) is included in the Final IS/MND as Appendix G. The MMRP will be adopted upon approval of the project.

Name: Meegan Nagy

Title: Deputy Manager

Signed: 

Circulated on: August 30, 2022

Adopted on: October 12, 2022

**RESOLUTION NO. 22-08
OF THE
BOARD OF COMMISSIONERS OF
SACRAMENTO RIVER WEST SIDE LEVEE DISTRICT**

**IN THE MATTER OF: Adopting Mitigated Negative Declaration,
Approving Notice of Determination, and Giving Final Approval for the
Grimes Floodplain Restoration and Levee Resiliency Project**

WHEREAS, the Sacramento River west levee near the town of Grimes in Colusa County has experienced seepage during high water events in the Sacramento River, including high water events in 2017 and 2019; and

WHEREAS, the Sacramento River West Side Levee District ("District") plans to construct a slurry cutoff wall, encroachment remediation, waterside hardening, establishment of an operations and maintenance area, and floodplain restoration for salmonids (the "Project"); and

WHEREAS, the District is serving as the lead agency for the Project because it is the public agency that will approve and carry out the Project; and

WHEREAS, pursuant to CEQA and CEQA Guidelines Section 15063, the District, as the lead agency for the Project, conducted an initial evaluation of the potential effects of the Project on the environment (the "Initial Study"); and

WHEREAS, based on the Initial Study, the District determined that there is no substantial evidence, in light of the whole record before the agency, that the Project may have a significant effect on the environment; and

WHEREAS, pursuant to CEQA Guidelines Section 15070, based on its determination that there is no substantial evidence that the Project may have a significant effect on the environment, the District prepared a proposed Mitigated Negative Declaration for the Project; and

WHEREAS, pursuant to CEQA Guidelines Sections 15072 and 15105, the District provided a public review period for the proposed Mitigated Negative Declaration that ran from August 30, 2022 to September 28, 2022; and

WHEREAS, pursuant to CEQA Guidelines Section 15097, the District has prepared a Mitigation Monitoring & Reporting Plan for the Project; and

WHEREAS, pursuant to CEQA Guidelines Section 15074, the District has considered the Initial Study, proposed Mitigated Negative Declaration, and public comments, and finds, on the basis of the record before it, that there is no substantial evidence that the Project will have a significant effect on the environment and the Mitigated Negative Declaration reflects the District's independent judgment and analysis;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Commissioners of the Sacramento River West Side Levee District hereby adopts the final Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan prepared for the Project and approves the Project.

The documents which constitute the record of proceedings upon which the District's decision is based are located at the District's main office at 975 Wilson Bend Road, Grimes, California, and the District's General Manager is the custodian of such documents; and

The Deputy Manager and District staff are hereby instructed to execute the Notice of Determination, a copy of which is attached hereto, and are directed to file it promptly, in accordance with applicable law.


Passed and Adopted by the Board of Commissioners of Sacramento River West Side Levee District on the 12th day of October 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:


Lewis Bair, Secretary

CERTIFICATION OF DISTRICT SECRETARY

I, Lewis Bair, hereby certify that I am, and at all times mentioned herein was, the duly-elected, qualified and acting Secretary of Sacramento River West Side Levee District, organized and existing under and by virtue of the laws of the State of California; the foregoing is a full, true and correct copy of a Resolution duly adopted at a Regular Meeting of the District's Board of Commissioners held on October 12, 2022, a quorum of the members of the Board of Commissioners being present and voting in favor of the Resolution as specified above; and the Resolution has not been modified, altered, or amended.


Lewis Bair, Secretary



State of California - Department of Fish and Wildlife
**2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT**
DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

Print

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RECEIPT NUMBER:

06 — 10/13/2022 — 021

STATE CLEARINGHOUSE NUMBER (If applicable)

2022080630

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

Sacramento River West Side Levee District

LEAD AGENCY EMAIL

DATE

10/13/2022

COUNTY/STATE AGENCY OF FILING

Colusa

DOCUMENT NUMBER

N/A

PROJECT TITLE

Grimes Floodplain Restoration and Levee Resiliency Project

PROJECT APPLICANT NAME

Sacramento River West Side Levee District

PROJECT APPLICANT EMAIL

PHONE NUMBER

(530) 812-6269

PROJECT APPLICANT ADDRESS

PO Box 50

CITY

Grimes

STATE

CA

ZIP CODE

95950

PROJECT APPLICANT (Check appropriate box)

☐ Local Public Agency

☐ School District

☒ Other Special District

☐ State Agency

☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)

\$3,539.25

\$

0.00

☒ Mitigated/Negative Declaration (MND)(ND)

\$2,548.00

\$

2,548.00

☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW

\$1,203.25

\$

0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00

\$

0.00

☒ County documentary handling fee

\$

50.00

☐ Other

\$

PAYMENT METHOD:

☐ Cash

☐ Credit

☒ Check

☐ Other

TOTAL RECEIVED

\$

2,598.00

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

Morissa Lobato, Deputy Clerk