EXHIBIT A

Bryte Landfill Remediation Project
Mitigated Negative Declaration

Prepared for:

Sacramento Area Flood Control Agency

SAFCA

SCH# 2017082037

September 2017

Prepared by:

GEI Consultants

Consulting Engineers and Scientists

Bryte Landfill Remediation Project
Mitigated Negative Declaration

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Prepared for:

Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

Contact:

Dan Tibbitts
Project Manager
(916) 874-7606

Prepared by:

GEI Consultants, Inc.
2868 Prospect Park Drive, Suite 400
Sacramento, CA 95670

Contact:

Andrea Shephard, Ph.D.
Environmental Project Manager
(916) 912-4936

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Project No. 1701476

MITIGATED NEGATIVE DECLARATION

Project:	**Bryte Landfill Remediation Project**
Lead Agency:	**Sacramento Area Flood Control Agency**

PROJECT DESCRIPTION

The Bryte Landfill Remediation Project (proposed project) is proposed to satisfy the remedial action objectives for clean up the Old Bryte Landfill (Landfill) as defined in the Draft Remedial Action Plan (RAP; Geosyntec 2017a) to comply with the Comprehensive Environmental Response, Compensation, and Liability Act; its implementing regulations (40 CFR 300 et seq., National Oil and Hazardous Substances Pollution Contingency Plan referred to as the NCP); and a Voluntary Cleanup Agreement (VCA) (docket number HAS-FY 15/16-002) and Voluntary Cleanup Agreement Amendment (HAS-FY16/17-132) between the Sacramento Area Flood Control Agency (SAFCA) and the California Department of Toxic Substances Control (DTSC).

The proposed project would involve the complete removal and relocation of all waste material in the Landfill, any impacted sediment within the drainage canal on the north side of the Landfill, and native soil underlying the waste that contains constituents of concern exceeding the remedial goals. The excavated material, except for construction and demolition (C&D) debris, would be relocated to a Corrective Action Management Unit (CAMU) on contiguous property north of the Landfill that would be designed consistent with Title 27 and Title 22 Section 66264.552 of the California Code of Regulations and California Department of Toxic Substances Control's Proven Technologies and Remedies Guidance for Remediation of Metals in Soil to contain the waste and protect human health and the environment. C&D debris would be disposed at the Yolo County Central Landfill. The project would take approximately 6 months to construct.

FINDINGS

An Initial Study/proposed Mitigated Negative Declaration (IS/proposed MND) has been prepared under the California Environmental Quality Act (SAFCA 2017). The IS assessed the project's potential effects on the physical environment and the significance of those effects. Based on the IS and considering comments received on the IS/proposed MND, it has been determined that the proposed project would not have any significant adverse effects on the physical environment after implementation of mitigation measures identified in the IS and subsequently modified as presented in this MND. This conclusion is supported by the following findings:

1. The proposed project would have no impacts on public services.

2. The proposed project would have less-than-significant impacts on aesthetics, greenhouse gas emissions, minerals, noise, population and housing, and utilities and service systems.

3. The proposed project would have potentially significant impacts on agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, recreation, transportation / traffic, and tribal cultural resources but mitigation measures are proposed to avoid or reduce these effects to less-than-significant levels.

4. The proposed project, with mitigation, would not make a cumulatively considerable incremental contribution to any significant cumulative impact.

Following are the mitigation measures that would be implemented by SAFCA to avoid, minimize, rectify, reduce, eliminate, or compensate for potentially significant environmental impacts. Several mitigation measures for biological resources in the proposed MND have been modified in this MND to incorporate recommendations suggested by the California Department of Fish and Wildlife. These modifications clarified or made the proposed mitigation measures more effective. Implementation of these mitigation measures would reduce the potentially significant environmental impacts of the proposed project to less-than-significant levels.

Mitigation Measure AG-1: Place Land into a Farmland Conservation Easement in Yolo County, or Pay an In-Lieu Fee for Yolo County to Purchase a Farmland Conservation Easement.

SAFCA shall offset the loss of 4 acres of Prime Farmland through 3:1 preservation of land suitable for agricultural use within a permanent farmland conservation easement, in accordance with the Yolo County Agricultural Land Conservation and Mitigation Program (Yolo County Code Section 8-2.404). The farmland conservation easement shall be located within Yolo County. The terms of the conservation easement shall require that the land be used for agricultural purposes; other uses such as habitat plantings shall not be allowed unless the proposed agricultural use (e.g., rice farming) serves a dual purpose for both agricultural production and habitat.

Alternatively, SAFCA shall pay the in-lieu fee established by the County to purchase a farmland conservation easement consistent with the provisions of the Yolo County Agricultural Land Conservation and Mitigation Program (Yolo County Code Section 8-2.404).

Timing: Before construction.

Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure AG-2a: Rezone the CAMU Site.

Prior to initiation of construction, SAFCA shall submit an application to Yolo County to rezone the CAMU site out of the A-N intensive agricultural designation and place it into a different zoning designation such that use of the site for emplacement of treated landfill material and associated facilities (e.g., drainage improvements, groundwater monitoring wells, and security fencing) would represent a compatible land use. Construction will not begin until the new zoning designation has been approved by Yolo County.

Timing: Before project construction.

Responsibility: Sacramento Area Flood Control Agency and Yolo County.

Mitigation Measure AG-2b: Comply with California Government Code Section 51280 et seq., and Coordinate with the Landowner and Agricultural Operator.

The measures described below shall be implemented to reduce effects on the land held under a Williamson Act contract.

- The provisions of California Government Code (CGC) Section 51200 et seq. shall be implemented, which requires that prior to public entity acquisition of land in an Agricultural Preserve or Farmland Security Zone for a public improvement, the acquiring entity shall comply with the noticing procedures and make the findings required by CGC Sections 51290–51295. Yolo County and SAFCA will collaborate as needed to satisfy the notice and finding requirements, and one or the other may opt to take primary responsibility for adopting necessary findings, corresponding with the California Department of Conservation (DOC), and paying any applicable fees or other sums. These provisions include mailing a notice of the proposed cancellation (along with other materials related thereto as required by CGC Section 51291) to the Director of Conservation; and considering any comments that may be submitted by the Director of Conservation before acting on the proposed cancellation. Cancellation for public benefit requires a finding by the responsible entity that the location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve, and if the agricultural land is covered under a Williamson Act contract, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

- Acquisition of land under a Williamson Act contract by eminent domain or in lieu of eminent domain for a public improvement shall cause the Williamson Act Contract to be deemed null and void as to the land actually condemned or acquired (CGC 51295).

- SAFCA shall coordinate with Yolo County and the CAMU landowner and agricultural operator to sustain existing agricultural operations, at the landowner's and Yolo County's discretion, until the individual agricultural parcel is needed for project construction.

- Although this Initial Study evaluates a 10-acre site for the CAMU, only approximately 4 acres would actually be used for emplacement of treated landfill materials and associated facilities. Therefore, the existing Williamson Act contract on the remaining 6 acres of land shall not be cancelled.

  Timing: Before and after construction.

  Responsibility: Sacramento Area Flood Control Agency and Yolo County.

Mitigation Measure AQ-1: Implement the Yolo-Solano Air Quality Management District's Best Management Practices for Construction Emission Control, or Measures that Perform as Well as Yolo-Solano Air Quality Management District's Best Management Practices

To reduce fugitive PM dust emissions, SAFCA will require its contractor(s) to comply with the following best management practices for all project construction-related activities, including excavating the existing landfill and constructing the CAMU, where feasible:

- water all active construction areas at least twice daily;

- limit truck speed to less than 15 miles per hour when hauling soil, sand, and other loose materials;

- apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut-and-fill operations and reseeded areas;

- apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction project areas that are unused for at least 4 consecutive days), or continue watering for periods up to 14 days prior to soil stabilization;

- plant vegetative ground cover in disturbed areas as soon as possible;

- cover inactive storage piles;

- sweep streets if visible soil material is carried out from the construction site; and treat access to a distance of 100 feet from the paved road with a 6- to 12-inch layer of wood chips, mulch, or gravel;

- conduct ambient air monitoring to determine whether contaminated soils are released off-site during remedial work and to ensure compliance with State and Federal air quality regulations; and

- if dust levels cannot be controlled to below action levels with implementation of measures above, stop work until additional controls are implemented to reduce dust generation.

Timing: During construction.

Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-1a: Conduct Focused Surveys for Special-status Plants and Avoid Impacts, where Feasible.

To avoid effects of remediation activities on special-status plants, SAFCA will ensure that the following measures are implemented. If avoidance consistent with these measures cannot be achieved, SAFCA will implement the minimization and compensation measures included in Mitigation Measure BIO-1b described below.

- **Conduct Pre-construction Special-status Plant Surveys during the Blooming Periods. Prior to construction,** a qualified botanist will conduct surveys for special-status plants with potential to occur in appropriate habitat within the project footprint, specifically woolly rose-mallow and Sanford's arrowhead. The surveys will follow the most current applicable guidelines established by California Department of Fish and Wildlife (CDFW), and will be conducted at the appropriate time of year when the target species would be clearly identifiable.

- **Mark Special-status Plant Populations and Occupied Habitat in the Field for Avoidance during Construction Activities and Include a Minimum Habitat Buffer of 25 Feet.** If special-status plants are found, areas of occupied habitat will be identified. The construction contractor will avoid these areas where feasible. Temporary fencing will be installed to protect all occupied habitat located adjacent to construction areas that can be avoided. The avoidance area shall include a minimum habitat buffer of 25 feet. The buffer zone will be maintained until project activities are completed or as determined by the qualified biologist and/or CDFW, whichever is earlier. The buffer zone will be delineated with exclusionary fencing and flagging and/or signage, as appropriate. Workers will be informed during

briefings about the presence of any special-status species discovered and minimization measures.

Timing: Before and during construction.

Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-1b: If Avoiding Construction-related Effects on Special-status Plants is Infeasible, Minimize Loss of Special-status Plant Species.

If the focused surveys described above in Mitigation Measure BIO-1a have been completed and avoiding effects on special-status plant species is infeasible, SAFCA will ensure the measures described below are implemented to minimize loss of special-status plants.

- **Transplant Special-status Plants that Cannot be Avoided.** If habitat occupied by woolly rose-mallow or Sanford's arrowhead cannot be avoided during project construction, individual plants or rhizome-containing mud will be collected and translocated to an appropriate area. If translocation is not feasible, mitigation may include preserving in perpetuity other known populations of these species in the project vicinity at ratios of or greater than 1:1.

- **Develop and Implement a Mitigation Plan for Directly Affected Special-status Plants.** A mitigation plan will be prepared and implemented by SAFCA. The plan will describe short- and long-term maintenance, management, and monitoring measures designed to ensure that the appropriate habitat conditions are provided and survival of the translocated or preserved plants is maximized.

  Timing: Before, during, and after construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-2a: Conduct Focused Surveys for Elderberry Shrubs and Avoid Impacts.

To avoid effects of remediation activities on valley elderberry longhorn beetle or the beetle's host plant, SAFCA will ensure that the following measures are implemented, or alternatively, SAFCA will comply with applicable survey, mitigation, and other provisions of the conservation measures addressing valley elderberry longhorn beetle in the Yolo County Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP), if it takes effect prior to the initiation of construction. If avoidance consistent with these measures cannot be achieved, SAFCA will implement the minimization and compensation measures included in Mitigation Measure BIO-2b described below.

- **Conduct Focused Survey for Elderberry Shrubs.** Prior to construction, SAFCA will retain a qualified biologist to conduct a focused survey for elderberry shrubs within 165 feet (50 meters) of the project area. The survey will follow the U.S. Fish and Wildlife Service (USFWS) *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (USFWS 2017).

- **Implement Impact Avoidance and Minimization Measures.** If elderberry shrubs are found, SAFCA will implement feasible avoidance and minimization measures outlined in the USFWS *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (USFWS 2017), such as erecting and maintaining protective fencing, conducting worker training and construction monitoring, and restricting chemical use.

  Timing: Before, during, and after construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-2b: If Avoiding Construction-related Effects on Elderberry Shrubs is Infeasible, Minimize and, where Appropriate, Compensate for Effects on Valley Elderberry Longhorn Beetle and Loss of Habitat.

If the Yolo County HCP/NCCP has not taken effect and been fully complied with as required in Mitigation Measure BIO-2a, and if the focused surveys described in Mitigation Measure BIO-2a have been completed and avoiding direct effects on valley elderberry longhorn beetle is infeasible, SAFCA will minimize and compensate for effects of the project on valley elderberry longhorn beetle and its habitat, such that there is no net loss of habitat for the species.

- **Transplant and Compensate for Elderberry Shrubs That Cannot be Avoided.** Elderberry shrubs that cannot be avoided and require removal will be transplanted by SAFCA to a USFWS-approved area. Transplant activities will be conducted in accordance with USFWS guidelines (USFWS 2017). If elderberry shrub removal is required and the transplanted shrubs have valley elderberry longhorn beetle exit holes, compensation measures consistent with USFWS guidelines (USFWS 2017) will be implemented, including transplanting elderberry shrubs to approved areas and planting compensatory elderberry seedlings and associated native plantings in a number and area adequate to provide a minimum 1:1 ratio of impacted shrubs to compensatory plantings. Compensatory mitigation may be fulfilled through purchase of credits at a USFWS-approved mitigation bank.

- **Prepare and Implement a Mitigation Plan.** A mitigation plan consistent with success standards and monitoring requirements outlined in USFWS guidelines (2017) will be prepared and implemented by SAFCA. The mitigation plan will specify how to manage the elderberry transplant area to ensure that the appropriate habitat conditions are provided. If SAFCA does not purchase required compensatory mitigation from a bank, the plan also will specify the number of replacement elderberry shrubs and associated native plants to be established and associated success criteria; specify remedial measures to be undertaken if survival success criteria are not met; and describe short- and long-term maintenance and management.

- **Consult with USFWS, Obtain Appropriate Take Authorizations, and Implement All Conditions.** If it is determined that implementation of remediation activities would result in take of valley elderberry longhorn beetle, despite implementation of avoidance and minimization measures, SAFCA will confirm existing take authorization for the American River Common Features Project covers the remediation activities or will seek supplemental take authorization. All measures developed through consultation with USFWS will be implemented by SAFCA to mitigate adverse impacts to this species, such that there is no net loss of habitat for the species.

Timing: Before, during, and after construction.

Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-3: Minimize and, where Appropriate, Compensate for Effects on Giant Garter Snake.

SAFCA will coordinate with USFWS and CDFW to determine acceptable methods for minimizing or compensating for effects on giant garter snake, or alternatively, SAFCA will comply with applicable survey, mitigation, and other provisions of the conservation measures addressing giant garter snake in the Yolo County HCP/NCCP, if it takes effect prior to the initiation of construction. If the Yolo County HCP/NCCP has not taken effect and been fully complied with, SAFCA will ensure that the measures described below are implemented to minimize and compensate for effects of the project on giant garter snake, such that there is no net loss of habitat for the species.

- **Monitor Construction Activities Occurring in Suitable Giant Garter Snake Habitat.** If construction activities that could result in direct, adverse effects on giant garter snakes (e.g., burrow collapse, crushing) would occur during periods when giant garter snakes have a higher probability of occurring in terrestrial habitats (i.e., between October 1 and May 1 or outside this period in mornings, evenings, overnight, or when ambient air temperatures are less than approximately 75˚F or greater than approximately 90˚F), SAFCA will ensure that a qualified biologist is present. The qualified biologist will follow the requirements specified in the bullet below to ensure that giant garter snakes are protected to the maximum extent feasible during construction activities.

  Staff trained in the identification of giant garter snakes will monitor all construction occurring in aquatic habitat during the active season. When ground disturbance will occur in areas of suitable giant garter snake habitat, a qualified biologist will monitor the work. As work is conducted, the qualified biologist will visually scan work areas, equipment, and materials (e.g., excavated sediment and associated aquatic vegetation) for giant garter snakes. If a possible giant garter snake is observed, SAFCA will halt all work and follow the requirements specified in the bullet below.

- **Stop Work if a Giant Garter Snake is Observed in Construction Area and Allow Snakes to Leave the Construction Area on Their Own or Have Qualified Biologist Capture and Relocate Giant Garter Snake.** If a possible giant garter snake is observed in a construction area, SAFCA will stop work until the snake moves out of the area of construction activity and will notify a qualified biologist immediately. If possible, the snake will be allowed to leave on its own volition, and the qualified biologist will remain in the area until the biologist deems his or her presence no longer necessary to ensure that the snake is not harmed. Alternatively, with prior CDFW and USFWS approval, the qualified biologist may capture and relocate the snake to suitable habitat at least 200 feet from the construction area. SAFCA will notify CDFW and USFWS by telephone or email within 24 hours of a giant garter snake observation during construction activities. If the snake does not voluntarily leave the construction area and cannot be captured and relocated unharmed, construction activities within approximately 200 feet of the snake will stop to prevent harm to the snake, and CDFW and USFWS will be consulted to identify next steps. In that case, SAFCA will

implement the measures recommended by CDFW and USFWS before resuming construction activities in the area.

- **Conduct Initial Earth-movement Activities within Suitable Upland Habitat for Giant Garter Snake between May 1 and October 1.** When possible, SAFCA will complete ground-disturbing activities within suitable upland habitat for the giant garter snake between May 1 and October 1, the snake's active season (as feasible in combination with minimizing disturbance of nesting Swainson's hawks). Work in giant garter snake upland habitat may also occur between October 2 and November 1 or between April 1 and April 30, provided ambient air temperatures are between approximately 75ºF and 90ºF during work and maximum daily air temperatures have exceeded approximately 75ºF for at least 3 consecutive days immediately preceding work. During these periods, giant garter snakes are more likely to be active above ground. Where feasible, before construction activities occur in potentially suitable terrestrial giant garter snake habitat, SAFCA will mow areas of herbaceous vegetation surrounding planned work areas to a height of no less than 6 inches during periods when snakes are more likely to be underground (October 1 to May 1 or when ambient air temperatures are below 75ºF or above 90ºF), where and when feasible to increase visibility and the probability of giant garter snake detection during surveys and monitoring.

- **Conduct a Pre-construction Survey within Suitable Giant Garter Snake Habitat within 3 Days before Commencement of Ground-disturbing Activities.** SAFCA will ensure that a qualified biologist surveys areas of planned ground disturbance for burrows, soil cracks, and crevices that may be suitable for use by giant garter snakes when within suitable terrestrial habitat. Surveys will be completed no more than 3 days before conducting any ground-disturbing maintenance activities in terrestrial habitat potentially supporting giant garter snakes. Any identified burrows, soil cracks, crevices, or other habitat features will be marked by the qualified biologist. Disturbance of areas supporting these features will be minimized, if feasible. The construction area will be reinspected by a qualified biologist whenever a lapse in construction activity of 2 weeks or greater has occurred at any particular construction site.

- **Ensure that Suitable Giant Garter Snake Aquatic Habitat that is Dewatered Remains Dry for 15 Consecutive Days and if Not Possible, Remove Potential Snake Prey.** If applicable, SAFCA will dewater the portion of the canal from which sediment would be removed. This dewatered aquatic habitat will be kept dry for at least 15 consecutive days before excavation. If 15 consecutive days are not feasible, SAFCA will consult with both USFWS and CDFW to apply appropriate measures. If dewatering cannot remove all water, potential giant garter snake prey (e.g., fish and tadpoles) will be removed to avoid attracting giant garter snakes and other wildlife to the sediment removal area. Prior to dewatering, SAFCA will coordinate with the appropriate local reclamation district(s).

- **Restore All Suitable Giant Garter Snake Habitat Subject to Temporary Ground-disturbance to Pre-project Conditions.** After remediation activities are complete, SAFCA will ensure that all suitable giant garter snake habitat subject to temporary earth-movement, is restored to pre-project conditions. These areas will be recontoured, if appropriate, and revegetated with appropriate native plant species to promote restoration of the area to pre-project conditions or better. Appropriate methods and plant species used to revegetate such areas will be determined in consultation with USFWS and CDFW.

- **Develop and Implement a Mitigation Plan to Offset Unavoidable Loss of Habitat.** SAFCA will develop and implement an appropriate and feasible mitigation plan to compensate for potential disturbance, displacement, injury, or the mortality of individuals. The plan will be provided to USFWS and, as necessary, CDFW for approval. Compensation for direct impacts on giant garter snake habitat will include preserving, enhancing, and/or creating giant garter snake habitat at an on- or off-site location at a minimum 1:1 ratio of impacted habitat to compensatory habitat. Mitigation may be provided by purchasing credits at a USFWS-approved mitigation bank. SAFCA will implement the plan once the plan is approved by USFWS (and CDFW, as necessary).

- **Consult with USFWS and CDFW and Obtain Appropriate Take Authorizations.** If it is determined that implementation of remediation activities would result in take of giant garter snake, despite implementation of avoidance and minimization measures, SAFCA will confirm existing take authorization for the American River Common Features Project covers the remediation activities or will seek supplemental take authorization under ESA. SAFCA will also seek authorization for take of giant garter snake under CESA, if necessary. All measures developed through consultation with USFWS and CDFW will be implemented by SAFCA to mitigate adverse impacts to this species, such that there is no net loss of habitat for the species.

  Timing: Before, during, and after construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-4: Avoid and Minimize Impacts to Northwestern Pond Turtle and Its Habitats.

To avoid and minimize effects of project activities on northwestern pond turtle, SAFCA will ensure that the measures described below are implemented, or alternatively, SAFCA will comply with applicable survey, mitigation, and other provisions of the conservation measures addressing northwestern pond turtle in the Yolo County HCP/NCCP, if it takes effect prior to the initiation of construction.

- **Where Feasible, Conduct Construction Activities within Suitable Northwestern Pond Turtle Habitat Between May 1 and November 1.** Where feasible, SAFCA will conduct construction activities in aquatic habitats that potentially support northwestern pond turtles between May 1 and November 1. During this time, northwestern pond turtles are more likely to be active in aquatic habitats and can actively move to avoid maintenance activities in aquatic habitat.

- **Conduct a Pre-construction Survey for Northwestern Pond Turtles within Suitable Aquatic Habitats and Adjacent Suitable Uplands within 24 Hours of Project Disturbance and Immediately after Dewatering and Monitor Initial Ground Disturbance in Suitable Habitat.** A pre-construction survey for northwestern pond turtles within aquatic habitats and adjacent suitable uplands to be disturbed by project activities will be conducted by a qualified biologist. In aquatic habitats to be dewatered during project construction, surveys will be conducted immediately after dewatering and before any subsequent initial habitat disturbance. The biologist will also be onsite to monitor initial disturbance of suitable habitat. Elsewhere, surveys will be conducted within 24 hours before project disturbance.

- **Stop Work if Northwestern Pond Turtle Observed in Construction Area and, with CDFW Approval, Allow the Turtle to Leave the Area or Move Animal It to the Nearest Suitable Habitat Outside the Area if Found On-site.** If northwestern pond turtles are observed in a construction area, SAFCA will stop work within approximately 200 feet of the turtle, and a qualified biologist will be notified immediately. If possible, the turtle will be allowed to leave the construction area on its own and the qualified biologist will remain in the area until the biologist deems his or her presence no longer necessary to ensure that the turtle is not harmed. If the turtle does not leave the construction area, the qualified biologist may attempt to capture and relocate the turtle, unharmed and with prior CDFW approval, to suitable habitat at least 200 feet from the construction area.

  Timing: Before and during construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-5a: Conduct a Habitat Assessment and Focused Surveys for Burrowing Owls, and Avoid Impacts.

To avoid effects of remediation activities on burrowing owls, SAFCA will ensure that the following measure is implemented, or alternatively, SAFCA will comply with applicable survey, mitigation, and other provisions of the conservation measures addressing burrowing owls in the Yolo County HCP/NCCP, if it takes effect prior to the initiation of construction. If burrowing owls are detected in the construction area, and the Yolo County HCP/NCCP has not taken effect and been fully complied with, SAFCA will implement the avoidance and minimization measures included in Mitigation Measure BIO-5b described below.

- **Conduct an Assessment of Burrowing Owl Habitat Suitability in Areas Subject to Project-related Disturbance and Conduct a Focused Survey for Burrowing Owl. Prior to construction,** a qualified biologist will conduct an assessment of burrowing owl habitat suitability in areas subject to project-related disturbance. The assessment will evaluate the area subject to direct impact, as well as adjacent areas within up to 1,500 feet, depending on the potential extent of indirect impact. If suitable burrows or sign of burrowing owl presence are observed, a focused survey for burrowing owls will be conducted in areas of suitable habitat within the area of potential direct and indirect impact. The survey will be conducted in accordance with Appendix D of the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). A letter report documenting the survey methods and results will be prepared and submitted to CDFW.

  Timing: Before construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-5b: If Surveys Detect Burrowing Owl in the Project Area, Implement Measures to Avoid and Minimize Effects to Burrowing Owl and Establish Protective Buffers Around Occupied Burrows and Monitor.

If the Yolo County HCP/NCCP has not taken effect and been fully complied with as required in Mitigation Measure BIO-5a, and if the focused surveys described above in Mitigation Measure BIO-5a have been completed and burrowing owl are detected at the project site, SAFCA will

coordinate with CDFW to determine acceptable methods for avoiding and minimizing effects on this species. SAFCA will ensure that the measures described below are implemented to avoid and minimize effects of the project on burrowing owl, such that there is no direct loss of individuals of this species or project-related nest failure.

- **Consult with CDFW Regarding Best Approach to Avoid and Minimize Potential Impacts to Burrowing Owl if Active Burrows Are Observed and Implement Measures.** If any burrowing owls or active burrows are observed, SAFCA will establish a buffer based on the activity dates and the level of disturbance in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Buffers will be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. Construction activities will not occur within the established buffer and workers will avoid entering the area.

  If active burrows cannot be avoided with the minimum buffers, SAFCA will consult with CDFW to determine the best approach to avoid and minimize potential impacts. Such measures will conform to the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012) and may include modified buffers or passive relocation of owls during the non-breeding season, if it is infeasible to implement an adequate buffer. Passive relocation of owls will be conducted in accordance with an exclusion and relocation plan developed in coordination with and approved by CDFW. The relocation plan will describe methods for passive relocation of the owls, destruction of suitable burrows, and how the site will be maintained to prevent owl reoccupation.

- **Provide a Protective Buffer for Occupied Burrows during the Breeding Season and Monitor Burrows to Ensure that Project Activities do not Result in Adverse Effects on Nesting Burrowing Owls.** Burrows occupied during the breeding season (February 1 through August 31) will be provided with a protective buffer until a qualified biologist verifies through noninvasive means that either (1) the birds have not begun egg-laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer will depend on distance from the nest to area of project disturbance, type and intensity of disturbance, presence of visual buffers, and other variables that could affect susceptibility of the owls to disturbance. Monitoring will be conducted by a qualified biologist to confirm that project activity is not resulting in detectable adverse impacts on nesting burrowing owls. If such impacts are apparent, buffers will be increased as necessary to minimize impacts and potential for nest failure.

  Timing: Before and during construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-6a: Conduct Focused Surveys for Nesting Special-status Birds and Avoid Impacts.

To avoid effects of remediation activities on nesting special-status birds, SAFCA will ensure that the following measures are implemented. If avoidance consistent with these measures cannot be achieved, SAFCA will implement the minimization measures included in Mitigation Measure BIO-6b described below. If the Yolo County HCP/NCCP takes effect prior to the initiation of construction, SAFCA also will comply with applicable survey, mitigation, and other provisions

of the conservation measures addressing Swainson's hawk, white-tailed kite, and tricolored blackbird.

- **Conduct Vegetation Removal between September 16 and January 31 to the Extent Feasible.** Vegetation removal, particularly tree removal, will be conducted between September 16 and January 31, to the extent feasible, to minimize potential loss of active bird nests.

- **Conduct Pre-construction Surveys for Active Nests of Special-status Birds in Areas of Suitable Habitat before Starting Construction.** If construction activities that could affect suitable habitat for special-status birds cannot be conducted outside of the respective nesting seasons, SAFCA will complete pre-activity surveys for nesting birds. Surveys of all potential nesting habitat in the area will be conducted by a qualified biologist during the nesting season. Surveys will be conducted within suitable nesting habitat that could be affected by construction activities and will include a 500-foot buffer area (or larger area if required by established survey protocol) surrounding these areas.

  Where appropriate, pre-activity surveys will follow established survey protocols or guidelines. These protocols include the following:

  - Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015 (CDFW 2015)

  - Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000)

If no established survey protocol exists, the qualified biologist will complete surveys no more than 1 week prior to the start of the activity, or no more than 2 weeks prior to the restart of the activity after the activity has lapsed. If no nesting birds are detected during pre-activity surveys, no additional mitigation measures are required.

Timing: Before construction.

Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-6b: If Avoiding Construction-related Effects on Nesting Special-status Birds is Infeasible, Implement Minimization Measures.

If the measures described above in Mitigation Measure BIO-6a have been completed and avoiding effects on nesting special-status birds is infeasible, SAFCA will coordinate with CDFW to determine acceptable methods for minimizing effects on these species. SAFCA will ensure that the measures described below are implemented to minimize effects of the project on nesting special-status birds, such that there is no direct loss of individuals of these species or project-related nest failure.

- **Establish and Maintain Buffers Around Active Nest Sites to Avoid Nest Failure and Monitor Nest Sites to Confirm that Project Activities Are Not Adversely Affecting the Nesting Birds or Their Young.** If any active nests, or behaviors indicating active nests are present, are observed, SAFCA will establish appropriate-sized avoidance buffers around the nest sites, as determined by a qualified biologist in coordination with CDFW and/or required

by the Yolo County HCP/NCCP, to avoid nest failure resulting from project activities. The size and shape of the buffer will depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffer will be expanded if the birds are exhibiting agitated behavior, or the buffers may be adjusted (reduced) if a qualified biologist determines it would not be likely to adversely affect the nest. If required, buffers will be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffer.

Monitoring will be conducted by a qualified biologist, either continuously or periodically during work, to confirm that project activity is not resulting in detectable adverse impacts on nesting birds or their young. The qualified biologist will be empowered to stop construction activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted adverse effects on special-status wildlife (e.g., nest abandonment). If construction activities are stopped, the qualified biologist will consult with CDFW to determine appropriate measures that SAFCA will implement to avoid adverse effects.

No project activity will commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.

Timing: Before and during construction.

Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-7a: Designate, Protect, Avoid, and Monitor Riparian Habitat.

SAFCA will implement the measures described below to minimize impacts on riparian habitat.

- **Erect and Maintain High-visibility Fencing during Construction to Protect Sensitive Biological Resource Areas, Inspect Fencing Daily, and Incorporate Sensitive Habitat Information into Bid Specifications.** Before beginning remediation activities, high-visibility fencing will be erected to protect areas of sensitive biological resources that are located adjacent to construction areas, but can be avoided, from encroachment of personnel and equipment. The fencing will be inspected before the start of each work day and will be removed only when the construction within a given area is completed. Sensitive habitat information will be incorporated into project bid specifications, along with a requirement for contractors to avoid these areas.

- **Monitor Construction Activities in Sensitive Biological Resource Areas and Stop Work if Unauthorized Project Impacts Occur.** A qualified biologist will monitor all construction activities in sensitive biological resource areas to ensure that avoidance and minimization measures are being properly implemented and no unauthorized activities occur. The biological monitor will be empowered to stop construction activities that threaten to cause unanticipated and/or unauthorized project impacts. Project activity will not resume until the conflict has been resolved.

  Timing: Before and during construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-7b: Obtain and Comply with Necessary State Permits/ Authorizations and Develop and Implement a Mitigation Plan.

SAFCA will implement the measures described below to minimize, and, if necessary, compensate for loss of riparian habitat, such that there is no net loss of riparian functions and values.

- **Coordinate with Regulatory Agencies to Obtain Appropriate Permits/Authorizations and Implement Permit Conditions.** If it is determined that implementing remediation activities would result in removal of riparian habitat, despite implementation of avoidance and minimization measures, a CDFW streambed alteration agreement will be obtained under Section 1602 of the California Fish and Game Code for all work along jurisdictional canals.

- **Develop and Implement a Mitigation Plan to Compensate for Loss of Sensitive Habitats.** A riparian habitat mitigation plan resulting in no-net-loss of riparian functions and values will be prepared to compensate for loss of riparian vegetation. This mitigation plan will be developed and provided to the appropriate regulatory agencies for review and approval. The plan will detail appropriate compensation measures determined through consultation with CDFW, methods for implementation, success criteria, monitoring and reporting protocols, and contingency measures to be implemented if the initial mitigation fails. The plan will be developed in consultation with and approved by the appropriate regulatory agencies before construction activities begin in areas containing sensitive habitats. The plan will be implemented by SAFCA.

- **Implement Mitigation.** Mitigation may be accomplished through replacement, enhancement of degraded habitat, or off-site mitigation at an established mitigation bank. Any conditions of issuance of the streambed alteration agreement, including minimization and compensation measures, will be implemented as part of project implementation, such that there is no net loss of riparian functions and values.

  Timing: Before, during, and after construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-8a: Designate, Protect, Avoid, and Monitor Jurisdictional Waters.

SAFCA will implement the measures described below to minimize impacts on jurisdictional waters.

- **Delineate Jurisdictional Waters.** A formal delineation of waters of the United States will be conducted by a qualified biologist. The findings will be documented in a detailed report and submitted to USACE for verification as part of the formal Section 404 wetland delineation process.

- **Erect and Maintain High-visibility Fencing during Construction to Protect Sensitive Biological Resource Areas, Inspect Fencing Daily, and Incorporate Sensitive Habitat Information into Bid Specifications.** Before beginning remediation activities, high-visibility fencing will be erected to protect areas of sensitive biological resources that are located adjacent to construction areas, but can be avoided, from encroachment of personnel and equipment. The fencing will be inspected before the start of each work day and will be removed only when the

construction within a given area is completed. Sensitive habitat information will be incorporated into project bid specifications, along with a requirement for contractors to avoid these areas.

- **Monitor Construction Activities in Sensitive Biological Resource Areas and Stop Work if Unauthorized Project Impacts Occur.** A qualified biologist will monitor all construction activities in sensitive biological resource areas to ensure that avoidance and minimization measures are being properly implemented and no unauthorized activities occur. The biological monitor will be empowered to stop construction activities that threaten to cause unanticipated and/or unauthorized project impacts. Project activity will not resume until the conflict has been resolved.

  Timing: Before and during construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure BIO-8b: Obtain and Comply with Necessary State and Federal Permits/Authorizations.

SAFCA will implement the measures described below to obtain and comply with necessary permits, such that there is no net loss of functions and values of jurisdictional waters.

- **Obtain and Comply with CWA Section 404 Permit.** Authorization for sediment excavation and any other direct impacts on jurisdictional waters will be secured from USACE via the Section 404 permitting process before starting remediation activities. Any measures determined necessary during the 404 permitting process will be implemented, such that there is no net loss of functions and values of jurisdictional waters.

- **Obtain and Comply with CWA Section 401 Certification.** Water quality certification pursuant to Section 401 of the CWA will be obtained from the Central Valley Regional Water Quality Control Board (RWQCB) before starting remediation activities. Any measures required as part of the issuance of water quality certification will be implemented.

  Timing: Before and during construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure CUL-1: Avoid Potential Effects on Undiscovered Historical Resources and Unique Archaeological Resources.

To minimize the potential for significant impacts to undiscovered historical resources and unique archaeological resources during project-related ground-disturbing activities, SAFCA and its construction contractor(s) will implement the following measures:

- If cultural resources are discovered during project-related ground-disturbing activities, then all construction activities that may damage the discovery will stop within 100 feet of the discovery and SAFCA will be immediately notified. SAFCA will hire a qualified archaeologist to determine if the discovery is an historical resource or unique archaeological resource per CEQA. If necessary, the qualified archaeologist will develop a testing plan to determine if the discovery meets significance criteria for a historical resource or unique archaeological resource; any testing plan will not be implemented until review by SAFCA.

- If the discovery is determined not to be either an historical resource or unique archaeological resource, then construction in the area of the discovery may continue.

- If the discovery is determined to meet significance criteria, then the qualified archaeologist will develop and implement a treatment plan in consultation with SAFCA to mitigate any significant impacts to the discovery; preservation in place is the preferred mitigation measure. Work in the area of the discovery will not continue until treatment is completed.

  Timing: During construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure CUL-2: Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan, as Required.

To minimize the potential for destruction of or damage to potentially unique, scientifically important paleontological resources during earthmoving activities at the Old Bryte Landfill, SAFCA will implement the measures described below.

- Before the start of construction activities at the Old Bryte Landfill, construction personnel involved with earthmoving activities (including the site superintendent) shall be informed of the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction activities, and proper notification procedures should fossils be encountered. This worker training may either be prepared and presented by an experienced field archaeologist at the same time as construction worker education on cultural resources or prepared and presented separately by a qualified paleontologist.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall notify SAFCA and shall immediately cease work in the vicinity of the find. SAFCA shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology Guidelines (Society of Vertebrate Paleontology 1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by SAFCA to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

  Timing: Before and during construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure CUL-3: Avoid Potential Effects on Undiscovered Burials.

To minimize the potential for destruction of or damage to undiscovered burials during project-related earthmoving activities, SAFCA and its construction contractor(s) will implement the following measures:

- In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all ground-disturbing work potentially damaging excavation in the area of the burial and a 100-foot radius shall halt and the Yolo County Coroner shall be notified immediately. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The NAHC shall designate a Most Likely Descendant for the human remains. After the coroner's findings have been made, an archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeologists and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities of Yolo County for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.9.

- Native American human remains, associated grave goods, and items associated with Native American human remains that are subject to California PRC Section 5097.98 will not be subjected to scientific analysis, handling, testing, or field or laboratory analysis without written consent from the Most Likely Descendant. If human remains are present, treatment shall conform to the requirements of State law under California Health and Safety Code Section 7050.5 and PRC Section 5097.87, unless the discovery occurs on Federal land. SAFCA agrees to comply with other related State laws, including PRC Section 5097.9.

Timing: During construction.

Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure GEO-1: Prepare and Implement a Storm Water Pollution Prevention Plan or a Storm Water Management Plan and Associated Best Management Practices.

- SAFCA shall prepare and implement the appropriate Stormwater Pollution Prevention Plan (SWPPP) or Stormwater Management Plan (SWMP) to prevent and control pollution and to minimize and control runoff and erosion. The SWPPP or SWMP shall identify the activities that may cause pollutant discharge (including sediment) during storms or strong wind events and the BMPs that will be employed to control pollutant discharge. Construction techniques that will be identified and implemented to reduce the potential for runoff may include minimizing site disturbance, controlling water flow over the construction site, stabilizing bare soil, and ensuring proper site cleanup. In addition, the SWPPP or SWMP shall include an erosion control plan and BMPs that specify the erosion and sedimentation control measures to be implemented, which may include silt fences, staked straw bales/wattles, silt/sediment basins and traps, geofabric, trench plugs, terraces, water bars, soil stabilizers and re-seeding and mulching to revegetate disturbed areas. The SWPPP shall also include dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. No construction-related disturbance of surfaces shall occur between October 15 and April 15 without appropriate erosion control measures in place.

- The SWPPP or SWMP shall also include a spill prevention, control, and countermeasure plan, and applicable hazardous materials business plans, and shall identify the types of materials used

for equipment operation (including fuel and hydraulic fluids), and measures to prevent and materials available to clean up hazardous material and waste spills. The SWPPP or SWMP shall also identify emergency procedures for responding to spills.

- The BMPs presented in either document shall be clearly identified and maintained in good working condition throughout the construction process. The construction contractor shall retain a copy of the approved SWPPP or SWMP on the construction site and modify it as necessary to suit specific site conditions through amendments approved by the Central Valley RWQCB, if necessary.

  Timing: Before and during construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure HAZ-1: Consult with DTSC and Implement Corrective Measures if Excessive Moisture is Detected Beneath the CAMU.

To ensure that soil and/or groundwater contamination underneath the CAMU does not occur if excessive moisture is detected under the CAMU during the project's operational phase, SAFCA shall implement measures to confirm the source of the moisture, obtain soil and/or groundwater samples and perform laboratory testing for constituents of concern, and undertake corrective actions, as directed by DTSC. These measures may include, but are not limited to, the following actions:

- Install additional moisture detection devices below the CAMU to assess whether leakage is occurring.

- Install additional moisture detection devices in the CAMU to confirm the moisture detected in the lysimeters is coming from the CAMU.

- Obtain soil and/or groundwater samples and perform laboratory testing for constituents of concern.

- Repair the cover on the CAMU to eliminate the potential for moisture to come in contact with the waste.

- Repair the stormwater protection features to eliminate the potential for moisture to come in contact with the waste

- If a leak is confirmed, repair the liner in the CAMU to eliminate the possibility of a release.

- Install moisture removal features below the CAMU to prevent the potential for soil and groundwater contamination.

  Timing: During project operation.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure HAZ-2: Prepare and Implement a Traffic Control and Road Maintenance Plan.

- implement a plan to manage expected construction-related traffic to the extent feasible, and to avoid and minimize potential traffic congestion during project-related construction. The traffic control and road maintenance plan shall outline the phasing of activities and the use of specific routes to and from the work site locations to minimize the daily volume of traffic on individual roadways, and shall be approved by Yolo County prior to the start of construction.

- Before the start of the construction, SAFCA and/or its construction contractor(s) will also enter into maintenance agreements with Yolo County (and any other affected jurisdictions) to address maintenance and repair of affected roadways resulting from project-related truck traffic, and incorporate the agreement into the traffic control and road maintenance plan to ensure that the affected roadways are repaired to a level that is equivalent to their pre-project condition as determined by the affected jurisdiction.

The items listed below will be included, as terms of the construction contracts.

- Provide a site-specific access plan specifying the roadways on which construction workers are allowed travel to access the work sites.

- Prohibit construction workers from accessing work sites from any locations other than those specified in the plan.

- Provide 72-hour advance notification if access to driveways or private roads would be affected. Limit effects on driveway and private roadway access to working hours and provide uninterrupted access to driveways and private roads during non-work hours. If necessary, use steel plates, temporary backfill, or another accepted measure to provide access.

- Provide clearly marked bicycle detours to address bicycle route closures or if bicyclist safety would be otherwise compromised.

- Queue trucks only in areas and at times allowed by the appropriate jurisdiction.

- Post warnings about the potential presence of slow-moving vehicles.

- Use traffic control personnel when appropriate.

- Consistent with the traffic control and road maintenance plan, assess pre- and postconstruction condition of roadways identified for use by haul traffic, including repairing to pre-project conditions project-related potholes, fractures, or other damage to roadways used during construction.

Timing: Before, during, and after construction.

Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure REC-1: Prepare and Implement a Bicycle Detour Plan for On-street Bicycle Routes, and Provide Construction Period Information on Closures.

SAFCA shall implement the following measures to reduce temporary, short-term construction effects on bicycle facilities created in the project vicinity.

- Prepare and implement a bicycle detour plan for all affected on-road bicycle routes in consultation with the Yolo County Parks Department at least 10 days before the start of construction activities, as applicable. The detour plan shall include posted signs at major entry points for on-road bicycle facilities clearly indicating closure routes, roadway markings to designate temporary bike lanes, information signs to notify motorists to share the road with bicyclists, and a contact number to call for questions or concerns. SAFCA shall maintain and implement the detour plan throughout the construction period. Public information through the media and on SAFCA's website regarding detours and alternative access routes to bicycle facilities affected by project construction shall also be provided. SAFCA shall coordinate with Yolo County to make information available to the public regarding detours at least 10 days before the start of construction activities. SAFCA shall continue to provide public information regarding bicycle detours throughout the construction period.

  Timing: Before and during construction.

  Responsibility: Sacramento Area Flood Control Agency.

Mitigation Measure TCR-1: In the Event that Tribal Cultural Resources are Discovered during Construction, Implement Procedures to Evaluate Tribal Cultural Resources and Implement Avoidance and Minimization Measures to Avoid Significant Impacts.

SAFCA shall implement the following measures to reduce impacts to Tribal Cultural Resources.

- Culturally affiliated Tribes will be further consulted concerning Tribal Cultural Resources that may be impacted if these types of resources are discovered during construction. Further consultation with culturally affiliated Tribes will focus on identifying measures to avoid or minimize impacts on any such resources discovered during construction. Should a Tribal Cultural Resource be identified in the project area during construction, the following performance standards shall me met prior to continuance of construction and associated activities that may result in damage to or destruction of a Tribal Cultural Resource:
- Each identified Tribal Cultural Resource will be evaluated for California Register of Historical Resources (CRHR) eligibility through application of established eligibility criteria (California Code of Regulations 15064.636), in consultation with consulting Native American Tribes.
- If a Tribal Cultural Resource is determined to be eligible for listing on the CRHR, SAFCA will avoid damaging effects to the Tribal Cultural Resource in accordance with California PRC Section 21084.3, if feasible. If SAFCA determines that the project may cause a significant impact to a Tribal Cultural Resource, and measures are not otherwise identified in the consultation process, the following are examples of mitigation capable of avoiding or substantially lessening potential significant impacts to a Tribal Cultural Resource or alternatives that would avoid significant impacts to a Tribal Cultural Resource. These

measures may be considered to avoid or minimize significant adverse impacts and constitute the standard by which an impact conclusion of less-than-significant may be reached:

i. Avoid and preserve resources in place, including, but not limited to, planning construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

ii. Treat the resource with culturally appropriate dignity taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following:

    a. Protect the cultural character and integrity of the resource.

    b. Protect the traditional use of the resource.

    c. Protect the confidentiality of the resource.

    d. Establish permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places.

    e. Protect the resource.

Timing: Before and during construction.

Responsibility: Sacramento Area Flood Control Agency.

REFERENCES

California Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Sacramento, CA.

California Department of Fish and Wildlife. 2015. Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015. Available: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=99310&inline.

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Geosyntec Consultants, Inc. 2017a (June). Remedial Action Plan: Former Bryte Landfill, County Road 126, West Sacramento, California. Prepared for Sacramento Area Flood Control Agency. Sacramento, CA.

Sacramento Area Flood Control Agency. 2017 (August). Bryte Landfill Remediation Project Initial Study/Proposed Mitigated Negative Declaration (State Clearinghouse No. 2017082037). Prepared by GEI Consultants, Inc. Sacramento, CA.

SAFCA. *See* Sacramento Area Flood Control Agency.

Swainson's Hawk Technical Advisory Committee. 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Available at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline.

U.S. Fish and Wildlife Service. 2017. *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (Desmocerus californicus dimorphus). Sacramento Fish and Wildlife Office, Sacramento, CA.

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Society of Vertebrate Paleontology. 1996 (October 10). Conditions of Receivership for Paleontologic Salvage Collections. Final draft. *Society of Vertebrate Paleontology News Bulletin* 166:16–17.

ADOPTION OF MITIGATED NEGATIVE DECLARATION AND APPROVAL OF PROJECT

Certification by Those Responsible for Preparation of This Document. The Sacramento Area Flood Control Agency is responsible for the preparation of this Mitigated Negative Declaration and the incorporated Initial Study. I believe this document meets the requirements of the California Environmental Quality Act and provides an accurate description of the proposed project, and that the lead agency has the means and commitment to implement the project design measures that will assure the project does not have any significant, adverse effects on the physical environment. I recommend approval of this document.

_____ _____

Richard M. Johnson, Executive Director Date
Sacramento Area Flood Control Agency

*(*To be signed upon completion of the public review process and preparation of a final project approval package including consideration of all comments, if any, on the environmental document and any necessary modifications to project design measures.)*

Approval of the Project by the Lead Agency: To meet Section 21082.1 of the California Environmental Quality Act, the Sacramento Area Flood Control Agency has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the proposed project and finds that the Initial Study and Mitigated Negative Declaration reflect the independent judgment of the Sacramento Area Flood Control Agency. The lead agency finds that the project design features will be implemented as stated in the Mitigated Negative Declaration.

I hereby attest that the Board of Directors of the Sacramento Area Flood Control Agency has approved this proposed project:

_____ _____

Richard M. Johnson, Executive Director Date
Sacramento Area Flood Control Agency

*(*To be signed upon completion of the public review process and preparation of a final project approval package including consideration of all comments, if any, on the environmental document and any necessary modifications to project design measures.)*

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