



# **SOUTHPORT SACRAMENTO RIVER EARLY IMPLEMENTATION PROJECT FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

**STATE CLEARINGHOUSE NUMBER 2016032003**

**PREPARED FOR:**

West Sacramento Area Flood Control Agency  
1110 West Capitol Avenue  
West Sacramento, CA 95691  
Contact: Greg Fabun  
916.617.4855

**PREPARED BY:**

ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814  
Contact: Chris Elliott  
916.737.3000

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# **Introduction and Approach to the Final Subsequent EIR**

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On August 14, 2014, the West Sacramento Area Flood Control Agency (WSAFCA) Board of Directors certified the Final Environmental Impact Report (Final EIR) for the Southport Sacramento River Early Implementation Project (Southport project) (State Clearinghouse Number 2011082069). The primary purpose of the Southport project is to reduce flood risk for the entire city of West Sacramento by addressing known levee deficiencies along the Sacramento River South Levee in the Southport community of West Sacramento.

Since adoption of the Southport project, WSAFCA has identified an additional borrow site in the Southport project vicinity, referred to as the Borrow One site, that contains borrow material needed for construction of the Southport project. Inclusion of this additional site in the Southport project would comprise an additional discretionary action by WSAFCA. This action—referred to as the Borrow One project (proposed project)—would entail excavating borrow material to construct the flood risk-reduction measures proposed as part of the Southport project, as well as remediation of the site once borrow activities are complete.

Because inclusion of the Borrow One site in the Southport project was determined to comprise an additional discretionary action, WSAFCA prepared a Subsequent EIR (SEIR) to provide an opportunity for public review and comment on the proposed project and its potential environmental effects, mitigation measures, and alternatives. The Draft SEIR was released on April 11, 2016, for a 45-day public review and comment period, which ended on May 25, 2016.

Because the Final EIR analyzed the permanent and temporary effects of borrow activities on sites (like the Borrow One site) consisting of farmland, and because the proposed project would not result in an overall increase in the Southport project’s borrow activities as disclosed in the Final EIR, most of the proposed project’s effects were adequately disclosed in the Final EIR. As directed by the State CEQA Guidelines, the analysis in the Draft SEIR closely considered only new or substantially more severe significant effects not previously analyzed in the Final EIR. Accordingly, a streamlined approach to the SEIR was adopted.

The Final SEIR consists of the entirety of the Draft SEIR, with revisions shown in ~~strikeout~~ (for deletions) and underline (for insertions).



# Southport Early Implementation Project Final Subsequent EIR

## Executive Summary

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On August 14, 2014, the West Sacramento Area Flood Control Agency (WSAFCA) Board of Directors certified the Final Environmental Impact Report (Final EIR) for the Southport Sacramento River Early Implementation Project (Southport project) (State Clearinghouse Number 2011082069). The primary purpose of the Southport project is to reduce flood risk for the entire city of West Sacramento by addressing known levee deficiencies along the Sacramento River South Levee in the Southport community of West Sacramento. The project background; its purpose, needs, and objectives; and the likely environmental effects of the Southport project alternatives are described in full in the Final EIR.

## ES.1 Project Overview

### ES.1.1 Background

Successful construction of the Southport project will depend in part upon WSAFCA's ability to acquire two distinct types of borrow material, referred to as Type I and Type II. Type II borrow material is needed to construct the clay core of the new setback levees in accordance with U.S. Army Corps of Engineers design criteria. WSAFCA has determined that efficient, cost-effective construction of the flood risk-reduction measures identified in the Southport project could best be achieved through inclusion of a Type II borrow material site close to the Southport project construction area.

Since adoption of the Southport project, WSAFCA has identified an additional borrow site in the Southport project vicinity, referred to as the Borrow One site, that contains borrow material needed for construction of the Southport project. Inclusion of this additional site in the Southport project would comprise an additional discretionary action by WSAFCA. This action—referred to as the Borrow One project (proposed project)—would entail excavating borrow material to construct the flood risk-reduction measures proposed as part of the Southport project, as well as ~~remediation~~ reclamation of the site once borrow activities are complete. ~~Remediation-Reclamation~~ of the site would involve deeper excavation at the east end of the site to construct a retention pond; the excavated material from the pond would be spread across the rest of the site to restore drainage and prepare the site for agricultural use.

Inclusion of the Borrow One site in the Southport project would comprise an additional discretionary action by WSAFCA. Additionally, substantial evidence suggests that the proposed project—use of the Borrow One site—constitutes a major change in the Southport project that may result in a substantial increase in the severity of previously identified significant effects. Accordingly, WSAFCA has prepared this Subsequent EIR to provide an opportunity for public review and comment on the proposed project and its potential environmental effects, mitigation measures, and alternatives.

## 1 **ES.1.2 Objectives**

2 While Southport project design and implementation have progressed since certification of the Final  
3 EIR, WSAFCA has determined that Type II material is not readily available for extraction from any of  
4 the project-adjacent borrow sites identified in the Final EIR. Therefore, the objective of the proposed  
5 project is to provide WSAFCA's contractor with a nearby source of needed Type II borrow material  
6 that can be extracted and hauled to the Southport project site without exceeding the transportation,  
7 noise, air quality, and climate change effects described in the Final EIR.

## 8 **ES.2 Document Purpose and Structure**

### 9 **ES.2.1 Document Overview**

10 This document is subsequent to the Southport Final EIR and is intended to satisfy the requirements  
11 of the California Environmental Quality Act (CEQA) for disclosing impacts on the physical  
12 environment likely to be caused by a proposed project, as well as recommending mitigation  
13 measures to reduce such impacts. WSAFCA will use this document and related public comment in  
14 making a decision on approval or disapproval of the proposed project. This Subsequent EIR does not  
15 reconsider or open to public comment any portion of the Final EIR, which was certified by WSAFCA  
16 in 2014.

### 17 **ES.2.2 Document Structure**

18 Because the Final EIR analyzed the permanent and temporary effects of borrow activities on sites  
19 (like the Borrow One site) consisting of farmland, and because the proposed project would not  
20 result in an overall increase in the Southport project's borrow activities as disclosed in the Final EIR,  
21 most of the proposed project's effects are adequately disclosed in the Final EIR. As directed by the  
22 State CEQA Guidelines, this analysis closely considers only new or substantially more severe  
23 significant effects not previously analyzed in the Final EIR. Any new effects and mitigation measures  
24 attributable to the inclusion of the Borrow One site are described. For some resource topics, the  
25 Final EIR adequately and sufficiently describes all known or potential effects and no further  
26 discussion is provided. For resource topics warranting further discussion or clarification, a narrative  
27 or quantitative discussion of effects is presented to support the conclusion of new effects or no  
28 change in significance determination.

29 The environmental setting for the proposed project is described in Chapter 2, *Project Description*.  
30 Unless otherwise noted, the regulatory setting and the determination of effects for each resource  
31 topic analyzed is as described in the Final EIR. Any pertinent changes to the regulatory environment  
32 for new, substantially more severe, or changed effects that would result from the proposed project  
33 are presented in Section 2.1.1, *Regulatory Setting*.

34 Chapter 3 addresses resources that could undergo changed, substantially more severe, or new  
35 effects as a result of the proposed project. Through preliminary review, WSAFCA determined that  
36 the resource areas listed below would remain unchanged in terms of regulatory framework,  
37 assessment methods, determination of effects, and associated mitigation measures from the  
38 analyses presented in the Final EIR.

- 39 • Geology, Seismicity, and Soils

- 1 • Fish and Aquatic Resources
- 2 • Climate Change
- 3 • Environmental Justice, Socioeconomics, and Community Effects
- 4 • Recreation
- 5 • Utilities and Public Services

6 It was similarly determined that, although most resources would be subject to the same effects as  
7 those analyzed in the Final EIR, some resources would be subject to effects that have changed or are  
8 sufficiently sensitive to warrant further explanatory discussion. One—Land Use and Agriculture—is  
9 subject to a substantially increased significant effect due to the permanent loss of prime agricultural  
10 farmland, and one—tribal cultural resources—is subject to a new effect in light of regulatory  
11 changes since certification of the Final EIR. Accordingly, a discussion is presented for the potential  
12 changed effects for the resource topics listed below.

- 13 • Flood Risk Management and Geomorphic Conditions
- 14 • Water Quality and Groundwater Resources
- 15 • Transportation and Navigation
- 16 • Air Quality
- 17 • Noise
- 18 • Vegetation and Wetlands
- 19 • Wildlife Resources
- 20 • Land Use and Agriculture
- 21 • Visual Resources
- 22 • Public Health and Environmental Hazards
- 23 • Cultural Resources

24 In addition, Chapter 3 presents discussions of Cumulative and Growth-Inducing Effects.

## 25 **ES.3 Alternatives**

26 CEQA requires that an EIR consider a reasonable range of alternatives that would attain most of the  
27 basic project objectives while avoiding or substantially lessening the significant environmental  
28 effects of a proposed project. Analysis of a range of reasonable alternatives sharply defines the  
29 issues and allows comparison among the options. Additionally, CEQA requires analysis of a no-  
30 project alternative, which comprises the circumstances under which the project does not proceed.

31 Presently, the needed Type II borrow material is not available from another willing seller in the  
32 Southport project vicinity, making acquisition from an alternative adjacent site infeasible. Purchase  
33 of such material from a commercial source was analyzed in the Final EIR and is considered in the No  
34 Project Alternative, described below.

### 1 **ES.3.1 No Project Alternative**

2 Under the No Project Alternative, the Borrow One site would not be used as a source of borrow  
3 material for construction of the Southport project, and the project would be constructed as  
4 described in the Final EIR Refined APA. No new access road would be constructed, and the property  
5 would continue in its present capacity as prime farmland for the foreseeable future. Borrow  
6 material that would have been extracted from the Borrow One site would be obtained from  
7 commercial offsite sources located within 20 miles of the Southport project, resulting in  
8 environmental effects as described and analyzed in the Final EIR, including lengthy haul truck travel  
9 distances and associated expenditures of fuel and vehicular emissions.

### 10 **ES.3.2 Proposed Project**

11 Up to 300,000 cubic yards (cy) of Type II borrow material would be removed from the Borrow One  
12 site to support levee work associated with the Southport project. The borrow activities under the  
13 proposed project would not be additive to those evaluated in the Final EIR but rather would replace  
14 procurement of borrow material from immediately adjacent and more distant offsite sources  
15 previously analyzed. As shown in Figure 2-4, approximately 95 acres of the 114-acre property  
16 would be excavated to a maximum depth of 5 feet below existing grade, and returned during  
17 ~~restoration~~ reclamation activities to a depth of 1–2 feet below existing grade. The entire excavation  
18 area would be designed to maintain 30-foot buffers from the south property line and from Glide  
19 Lake and Lake Shangri-La and a 300-foot buffer between the western extent of excavation and  
20 Jefferson Boulevard. The 300-foot western buffer would serve as a staging/stockpile location.

21 Fill material would be placed in ditch ID-1 (which runs along the western edge of the site) to  
22 construct a temporary ditch crossing for haul road traffic between the borrow site and Jefferson  
23 Boulevard. Following completion of borrow activities, the temporary access road would be removed  
24 and a permanent access driveway would be constructed.

25 Following completion of borrow activities, a 25.5-acre pond approximately 7 feet deep would be  
26 excavated on the eastern side of the site. Excavated material from the pond would be used to backfill  
27 excavated areas on the rest of the site to roughly 1 foot below its original elevation. The stockpiled  
28 topsoil from the entire borrow area would be respread on the remainder of the excavation area to  
29 restore it to its approximate preconstruction elevation and to render it suitable for resumption of  
30 agricultural operations. The pond would remain permanently to provide irrigation and drainage for  
31 the Borrow One site.

32 The entire project, from initiation to the completion of site ~~restoration~~ reclamation, would be  
33 completed within a single construction season.

### 34 **ES.3.3 Alternative 1—Borrow One Site Without Pond**

35 Under Alternative 1, WSAFCA would not use material excavated from the pond site to return the  
36 grade of the Borrow One site to its original elevation. Instead, the Borrow One site would be graded  
37 to an elevation of 1 foot below its current grade, reducing the amount of Type II material available  
38 for removal from the Borrow One site. Approximately 95 acres of the site would be lowered by 1  
39 foot, producing approximately 152,000 cy of borrow material. This Type II material deficit would be  
40 met through acquisition of additional material from an offsite commercial source, as described  
41 under the No Project Alternative. Consequently, the pond would not be constructed, eliminating the



1 Borrow One project's substantially increased contribution to the Southport project's already  
2 significant and unavoidable Effect LU-3, Loss of Important Farmland and Agricultural Value,  
3 described in Chapter 3.

## 4 **ES.4 Project Impacts and Mitigation Measures**

5 Most of the effects disclosed in the Final EIR remain unchanged for the Borrow One project.  
6 However, one effect—LU-3: Loss of Important Farmland and Agricultural Production Value—was  
7 determined to be substantially more severe with the addition of the Borrow One site to the  
8 Southport project. However, the Final EIR determined that this effect was significant and  
9 unavoidable; consequently, the significance finding remains unchanged.

10 One new effect—CUL-5: Effects on Tribal Cultural Resources Associated with Excavation of  
11 Borrow—was identified in light of passage of Assembly Bill 52 (described in Section 2.1.1,  
12 *Regulatory Setting*) since completion of the Final EIR. This effect is discussed in detail in Chapter 3,  
13 *Affected Environment and Environmental Consequences*.

14 The impacts and mitigation measures discussed in this Subsequent EIR are listed in Table ES-1. New  
15 impacts and mitigation measures are shown in *italics*.

## 16 **ES.5 Issues of Known or Expected Controversy**

17 CEQA requires that project proponents identify issues of known controversy that have been raised  
18 in the scoping process and throughout the development of the proposed project. These issues,  
19 identified through the scoping process and public outreach, are summarized below.

- 20 • Use of an existing easement to access the proposed project.
- 21 • Permanent loss of agricultural land as a result of site reclamation activities, and the resultant  
22 loss of Swainson's hawk foraging habitat.
- 23 • Effects of excavation and construction activities on tribal cultural resources possibly present  
24 onsite.

## 25 **ES.6 Responsible and Trustee Agencies**

26 In addition to the lead agency (WSAFCA), other entities with discretionary authority or jurisdiction  
27 over resources potentially affected by the proposed project will use this Subsequent EIR in their  
28 decision-making processes. Responsible Agencies are those that may have a legal responsibility to  
29 approve the project. Trustee Agencies are those that have jurisdiction over certain resources held in  
30 trust for the people of California but do not have legal authority over approving or carrying out the  
31 project. Potential Responsible and Trustee Agencies for the proposed project are listed below.

- 32 • **Responsible Agency**
  - 33 ○ California Department of Water Resources
  - 34 ○ California Department of Fish and Wildlife

- 1           ○ Central Valley Flood Protection Board
- 2           ○ Yolo-Solano Air Quality Management District
- 3           ○ Central Valley Regional Water Quality Control Board
- 4           ○ Yolo County
- 5           ● **Trustee Agency**
- 6           ○ California Department of Fish and Wildlife

## 7 **ES.7 Effects Summary Table**

8 Table ES-1 provides a summary of effects and mitigation measures for the Borrow One project.  
9 These are discussed in Chapter 3, *Affected Environment and Environmental Consequences*. These  
10 effects and mitigation measures are carried over from the conventions used in the Final EIR, with  
11 the exception of the single new effect identified in the analysis of cultural resources. The numbering  
12 system provides a mechanism for tracking effects and mitigation measures by resource area, using  
13 an acronym for each resource (e.g., Flood Management is shorted to FM, Recreation to REC). The  
14 effects are identified, for example, as FR-1, and the mitigation measures as FR-MM-1.

15 Each effect is accompanied by a finding or conclusion, as required under CEQA, defined below.

- 16 ● **Beneficial.** This effect would provide benefit to the environment as defined for that resource.
- 17 ● **No Effect.** This effect would cause no discernible change in the environment as measured by the  
18 applicable significance criterion; therefore, no mitigation would be required.
- 19 ● **Less than Significant.** This effect would cause no substantial adverse change in the  
20 environment as measured by the applicable significance criterion; therefore, no mitigation  
21 would be required under CEQA but there may be mitigation per other environmental  
22 regulations.
- 23 ● **Significant.** This effect would cause a substantial adverse change in the physical conditions of  
24 the environment. Effects determined to be significant based on the significance criteria fall into  
25 two categories: those for which there is feasible mitigation available that would avoid or reduce  
26 the environmental effects to less-than-significant levels and those for which either there is no  
27 feasible mitigation available or for which, even with implementation of feasible mitigation  
28 measures, there would remain a significant adverse effect on the environment. Those effects  
29 that cannot be reduced to a less-than-significant level by mitigation are identified as significant  
30 and unavoidable, described below.
- 31 ● **Significant and Unavoidable.** This effect would cause a substantial adverse change in the  
32 environment that cannot be avoided or mitigated to a less-than-significant level if the project is  
33 implemented. Even if the effect finding still is considered significant with the application of  
34 mitigation, the applicant is obligated to incorporate all feasible measures to reduce the severity  
35 of the effect.

1 **Table ES-1. Summary of Effects and Mitigation Measures Relevant to the Borrow One Project**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
<b>Flood Risk Management and Geomorphic Conditions</b>				
FR-3: Alteration of Existing Drainage Pattern of Site or Area	Significant	Significant	Less than significant	FR-MM-1: Coordinate with Owners and Operators, Prepare Drainage Studies as Needed, and Remediate Effects through Project Design
<i>FR-8: Change in Under-Seepage Associated with Excavation of Borrow Material</i>	<i>Significant</i>	<i>No effect</i>	<i>Less than significant</i>	<i>FR-MM-4: Monitor Project Site for Seepage and Remediate Effects through Maintenance and Operation Activities</i>
<b>Water Quality and Groundwater Resources</b>				
WQ-2: Release of Contaminants into Adjacent Surface Water Bodies from Construction-Related Hazardous Materials	Less than Significant	Less than Significant	NA	None
WQ-3: Effects on Groundwater or Surface Water Quality Resulting from Contact with the Water Table	Significant	Significant	Less than significant	WQ-MM-1: Implement Provisions for Dewatering
<b>Transportation and Navigation</b>				
TRA-1: Temporary Increase in Traffic Volumes from Construction-Generated Traffic	Significant and unavoidable	No effect	NA	None
TRA-3: Increase in Safety Hazards Attributable to Construction-Generated Traffic	Less than significant	No effect	NA	None
TRA-4: Disruption of Alternative Transportation Modes as a Result of Temporary Road Closures	Less than significant	No effect	NA	None
<b>Air Quality</b>				
AIR-1: Conflict with or Obstruct Implementation of an Applicable Air Quality Plan	Less than significant	No effect	NA	None

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
AIR-2: Violate Any Air Quality Standard or Substantial Contribution to Existing or Projected Air Quality Violation—CEQA	Significant	No effect	Significant and unavoidable	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM10 AIR-MM-2: Implement Fugitive Dust Control Plan AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents AIR-MM-4: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Net Zero (0) for Emissions in Excess of General Conformity <i>de Minimis</i> Threshold (Where Applicable) and to Quantities below Applicable YSAQMD and SMAQMD CEQA Thresholds AIR-MM-5: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Quantities below Applicable BAAQMD CEQA Thresholds
AIR-4: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for Which the Project Region is a Non-Attainment Area under NAAQS and CAAQS	Significant	No effect	Significant and unavoidable	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM10 AIR-MM-2: Implement Fugitive Dust Control Plan AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents AIR-MM-4: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Net Zero (0) for Emissions in Excess of General Conformity <i>de Minimis</i> Threshold (Where Applicable) and to Quantities below Applicable YSAQMD and SMAQMD CEQA Thresholds AIR-MM-5: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Quantities below Applicable BAAQMD CEQA Thresholds
AIR-5: Expose Sensitive Receptors to Substantial Fugitive Dust Concentrations	No effect	Significant	Less than significant	AIR-MM-2: Implement Fugitive Dust Control Plan
AIR-6: Expose Sensitive Receptors to Substantial Diesel Particulate Matter Concentrations	No effect	Less than significant	Less than significant	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM10

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
AIR-7: Create Objectionable Odors Affecting a Substantial Number of People	Less than significant	No effect	Less than significant	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM10 AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents
<b>Noise</b>				
NOI-1: Exposure of Sensitive Receptors to Temporary Construction-Related Noise	Significant	No effect	Significant and unavoidable	NOI-MM-1: Employ Noise-Reducing Construction Practices
NOI-2: Exposure of Sensitive Receptors to Temporary Construction-Related Vibration	Significant	No effect	Significant and unavoidable	NOI-MM-2: Employ Vibration-Reducing Construction Practices
<b>Vegetation and Wetlands</b>				
VEG-2: Loss of Waters of the United States as a Result of Project Construction	Significant	Significant	Less than significant	VEG-MM-2: Install Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel VEG-MM-4: Retain a Biological Monitor VEG-MM-5: Compensate for the Loss of Waters of the United States
VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction	Significant	Significant	Less than significant	VEG-MM-2: Install Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel VEG-MM-4: Retain a Biological Monitor VEG-MM-6: Compensate for Loss of Protected Trees

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
<b>Wildlife Resources</b>				
WILD-1: Disturbance or Loss of VELBs and Their Habitat (Elderberry Shrub)	Significant	No effect	Less than significant	<p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-1: Establish a Minimum 20-Foot-Wide Buffer around the Elderberry Shrub</p> <p>WILD-MM-2: Transplant Elderberry Shrubs That Cannot Be Avoided or Implement Dust Control Measures during Construction</p> <p>WILD-MM-3: Compensate for Removal and Transplantation of VELB Habitat</p>
WILD-2: Disturbance or Loss of Western Pond Turtles and Their Habitat	Significant	Significant	Less than significant	<p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-4: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Work Area</p>
WILD-3: Disturbance or Loss of Giant Garter Snakes and Their Habitat	Significant	Significant	Less than significant	<p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-5: Install and Maintain Construction Barrier Fencing around Suitable Giant Garter Snake Habitat</p> <p>WILD-MM-6: Minimize Potential Effects on Giant Garter Snakes during Construction in Suitable Habitat</p> <p>WILD-MM-7: Compensate for Permanent Loss of Giant Garter Snake Habitat</p>

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
WILD-4: Loss of Swainson's Hawk Foraging and Nesting Habitat	Significant	No effect	Less than significant	<p>VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat</p> <p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-8: Avoid Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors and Conduct Preconstruction Nesting Bird Surveys</p> <p>WILD-MM-9: Compensate for Permanent Removal of Swainson's Hawk Foraging Habitat</p>
WILD-5: Disturbance or Loss of Western Burrowing Owl and Their Habitat	Significant	No effect	Less than significant	<p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-10: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement the 2012 California Department of Fish and Game Guidelines for Burrowing Owl Mitigation, If Necessary</p> <p>WILD-MM-11: Coordinate with Resource Agencies and Develop an Appropriate Compensation Plan for Burrowing Owl</p>
WILD-6: Loss or Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors	Significant	Significant	Less than significant	<p>VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat</p> <p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-8: Avoid Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors and Conduct Preconstruction Nesting Bird Surveys</p>

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
WILD-7: Loss or Disturbance of Bats and Bat Roosts	Significant	No effect	Less than significant	VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-12: Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measure
WILD-8: Disturbance to or Loss of Common Wildlife Species' Individuals and Their Habitats	Less than significant	Less than significant	NA	None
<b>Land Use and Agriculture</b>				
LU-3: Loss of Important Farmland and Agricultural Production Value	Significant	No effect	Significant and unavoidable	GEO-MM-1: Implement the Reclamation Actions of a Project-Specific Reclamation Plan LU-MM-1: Provide Compensatory Agricultural Land Protection <del>LU-MM-2: Avoid Important Farmland in Borrow Areas</del>
<b>Visual Resources</b>				
VIS-1: Result in Temporary Visual Effects from Construction	Significant	No effect	Significant and unavoidable	VIS-MM-1: Use Native Wildflower Species in Erosion Control Grassland Seed Mix VIS-MM-2: Develop a Soil Borrow Strategy and Site Reclamation Plan VIS-MM-3: Limit Construction near Residences to Daylight Hours
VIS-2: Adversely Affect a Scenic Vista	Significant and unavoidable	No effect	NA	None
<b>Public Health and Environmental Hazards</b>				
HAZ-6: Changes in Exposure to Mosquitoes	Less than significant	No effect	NA	None



Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
<b>Cultural Resources</b>				
CUL-2: Change in the Significance of an Archaeological Resource	Significant	No effect	Significant and unavoidable	CUL-MM-2: Complete Archaeological Inventory and Evaluation prior to Construction and Implement Treatment or Preservation for Eligible and Adversely Affected Resources CUL-MM-3: Implement Inadvertent Discovery Procedures
CUL-3: Disturbance of Native American and Historic-Period Human Remains	Significant	No effect	Significant and unavoidable	CUL-MM-4. Implement Human Remains Discovery Procedures
CUL-4: Effects on Cultural Resources Associated with Excavation of Borrow Material	Significant	No effect	Significant and unavoidable	CUL-MM-5: Implement Cultural Resource Management Protocols for Borrow Areas
<i>CUL-5: Effects on Tribal Cultural Resources Associated with Excavation of Borrow Material</i>	<i>Significant</i>	<i>No effect</i>	<i>Significant and unavoidable</i>	<i>CUL-MM-5: Implement Cultural Resource Management Protocols for Borrow Areas</i>
<u>Note: New or substantially more severe effects are shown in <i>italics</i>.</u>				

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# Acronyms and Abbreviations

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AB	Assembly Bill
BMP	best management practice
CEQA	California Environmental Quality Act
City	City of West Sacramento
CVFBP	Central Valley Flood Protection Board
cy	cubic yards
DWR	Department of Water Resources
DWSC	Deep Water Ship Channel
EIS	environmental impact statement
Final EIR	Final Environmental Impact Report
NAHC	Native American Heritage Commission
NAVD 88	North American Vertical Datum of 1988
NEPA	National Environmental Policy Act
NOP	Notice of Preparation
PRC	Public Resources Code
proposed project	Borrow One project
Refined APA	Refined Applicant Preferred Alternative
Regional San	Sacramento Regional County Sanitation District
RHA	Rivers and Harbors Act of 1899
Southport project	Southport Sacramento River Early Implementation Project
SWPPP	stormwater pollution prevention plan
TCR	Tribal Cultural Resource
USACE	U.S. Army Corps of Engineers
WSAFCA	West Sacramento Area Flood Control Agency
Yolo County ACMP	Yolo County Agricultural Conservation and Mitigation Program

# Chapter 1

## Introduction

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1  
2  
3 On August 14, 2014, the West Sacramento Area Flood Control Agency (WSAFCA) Board of Directors  
4 certified the Final Environmental Impact Report (Final EIR) for the Southport Sacramento River  
5 Early Implementation Project (Southport project) (State Clearinghouse Number 2011082069). The  
6 primary purpose of the Southport project is to reduce flood risk for the entire city of West  
7 Sacramento by addressing known levee deficiencies along the Sacramento River South Levee in the  
8 Southport community of West Sacramento. The project background; its purpose, needs, and  
9 objectives; and the likely environmental effects of the project alternatives are described in full in the  
10 Final EIR.

11 *[Note: In this document, city (lowercase) refers to the geographic area of West Sacramento, while City*  
12 *(capitalized) refers to the governmental entity of West Sacramento. The geographic area is also*  
13 *referred to as West Sacramento. WSAFCA's planning area is the area within the city limits, comprising*  
14 *both developed and undeveloped lands.]*

15 On the same date, the Board of Directors also adopted for implementation the Refined Applicant  
16 Preferred Alternative (Refined APA), as described in the Final EIR, Volume II, Chapter 6, *Revisions to*  
17 *the Applicant Preferred Alternative*. The Refined APA includes implementation of a combination of  
18 setback levees, cutoff walls, and seepage berms, as well as extraction of soil, or borrow material,  
19 from nearby open land for use in levee construction. Also included in the Refined APA are activities  
20 along the Sacramento River, such as repair of various existing erosion sites, as well as breach of the  
21 existing levee to restore an area of expanded floodplain habitat east of the new setback levees.  
22 Construction of the Southport project is expected to begin in summer 2016.

23 Since adoption of the Southport project, WSAFCA has identified an additional borrow site in the  
24 Southport project vicinity, referred to as the Borrow One site, that contains borrow material needed  
25 for construction of the Southport project. Inclusion of this additional site in the Southport project  
26 would comprise an additional discretionary action by WSAFCA. This action—referred to as the  
27 Borrow One project (proposed project)—would entail excavating borrow material to construct the  
28 flood risk-reduction measures proposed as part of the Southport project, as well as ~~remediation~~  
29 reclamation of the site once borrow activities are complete. ~~Remediation-Reclamation~~ of the site  
30 would involve deeper excavation at the east end of the site to construct a retention pond; the  
31 excavated material from the pond would be spread across the rest of the site to restore drainage and  
32 agricultural use. The study area for the proposed project is shown in Figure 1-1.

33 Substantial evidence suggests that the proposed project—use of the Borrow One site—constitutes a  
34 major change in the Southport project that may result in a substantial increase in the severity of  
35 previously identified significant effects. Therefore, WSAFCA has prepared this Subsequent EIR to  
36 provide an opportunity for public review and comment on the proposed project and its potential  
37 environmental effects, mitigation measures, and alternatives.

## 1 1.1 Document Purpose and Structure

### 2 1.1.1 Overview

3 This document is subsequent to the Southport Final EIR and is intended to satisfy the requirements  
4 of the California Environmental Quality Act (CEQA) for disclosing impacts on the physical  
5 environment likely to be caused by a proposed project, as well as recommending mitigation  
6 measures to reduce such impacts. WSAFCA will use this document and related public comment in  
7 making a decision on approval or disapproval of the proposed project. While all phases of the  
8 proposed project, including construction and operation, are evaluated in the analysis, in accordance  
9 with State CEQA Guideline 15162, this Subsequent EIR contains a focused analysis of any new  
10 significant environmental effects or any substantial increases in the severity of previously identified  
11 significant effects. Where relevant, the content and conclusions of the Final EIR are incorporated as  
12 part of this analysis. However, this Subsequent EIR does not reconsider or open to public comment  
13 any portion of the Final EIR, which was certified by WSAFCA in 2014.

### 14 1.1.2 CEQA Requirements and Lead Agency

15 The State CEQA Guidelines explain that the environmental analysis in an EIR must evaluate impacts  
16 associated with all phases of a proposed project, including construction and operation, and identify  
17 feasible mitigation measures that could minimize any potentially significant adverse impacts. These  
18 measures are to be fully enforceable through permit conditions, agreements, or other legally binding  
19 instruments (State CEQA Guidelines Section 15126.4[a]). Mitigation measures are not required for  
20 impacts that are found to be less than significant.

21 This Subsequent EIR revisits each resource topic from the Final EIR, including cumulative effects, to  
22 determine if the proposed project would result in new or substantially more severe significant  
23 effects that were not analyzed in the Final EIR. As necessary, this document updates or expands  
24 upon impact discussions in the Final EIR to evaluate inclusion of the proposed project and describes  
25 any new impacts attributable to the proposed project.

### 26 1.1.3 Terminology

27 The Southport Draft environmental impact statement (EIS)/EIR was initiated by WSAFCA and the  
28 U.S. Army Corps of Engineers (USACE) as a joint document, intended to satisfy the requirements of  
29 the National Environmental Policy Act (NEPA) and CEQA. USACE has oversight over the Southport  
30 project under the auspices of Section 14 of the Rivers and Harbors Act of 1899 (RHA) (33 USC 408)  
31 for regulation of alteration to federal works (commonly referred to as *Section 408 permission*).  
32 USACE will also exercise its decision-making authority in relation to Section 404 of the Clean Water  
33 Act for regulation of placement of dredged or fill material in waters of the United States, and Section  
34 10 of the RHA for regulation of navigable waters.

35 The two lead agencies disclosed environmental effects and recommended mitigation measures  
36 related to the proposed action and its alternatives prior to making a decision on action approval.  
37 The document was then split into a Final EIR and Final EIS prior to certification of the Final EIR by  
38 WSAFCA. In order to remain consistent with the terminology contained in the Draft EIS/EIR and  
39 Final EIR, this Subsequent EIR contains both NEPA and CEQA terminology. The terms *environmental*  
40 *consequences*, *environmental impacts*, and *environmental effects* are considered synonymous in this



1 analysis, and *effects* is used for consistency. Similarly, in general, the terms *significant* and *less than*  
 2 *significant* are used rather than *adverse* and *not adverse*.

3 Table 1-1 compares the terminology of NEPA and CEQA for common concepts.

4 **Table 1-1. Key to General NEPA and CEQA Terminology**

NEPA Term	Correlating CEQA Term
Lead agency	Lead agency
Cooperating agency	Responsible agency
Environmental impact statement (EIS)	Environmental impact report (EIR)
Record of decision	Findings
Project purpose	Project objectives
Affected environment	Environmental setting
Effect/impact	Impact

5  
 6 Technical terms used in the Subsequent EIR are typically defined in their first instance of use in the  
 7 text. A list of acronyms and abbreviations precedes this chapter.

## 8 **1.1.4 Elevation Datum Used in This Document**

9 Elevations used in this document are referenced to the North American Vertical Datum of 1988  
 10 (NAVD 88) to the greatest extent feasible.

## 11 **1.2 Project Objectives**

12 Successful construction of the Southport project will depend in part upon WSAFCA's ability to  
 13 acquire two distinct types of borrow material, referred to as Type I and Type II. Type II borrow  
 14 material is needed to construct the clay core of the new setback levees in accordance with USACE  
 15 design criteria.<sup>1</sup> WSAFCA has determined that efficient, cost-effective construction of the flood risk-  
 16 reduction measures identified in the Southport project could best be achieved through inclusion of a  
 17 Type II borrow material site close to the Southport project construction area.

18 While the Southport project design and implementation has progressed since certification of the  
 19 Final EIR, WSAFCA has determined that Type II material is not readily available for extraction from  
 20 any of the project-adjacent borrow sites identified in the Final EIR. Therefore, the objective of the  
 21 proposed project is to provide WSAFCA's contractor with a nearby source of needed Type II borrow  
 22 material that can be extracted and hauled to the Southport project site without exceeding the  
 23 transportation, noise, air quality, and climate change effects described in the Final EIR.

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<sup>1</sup> Type II borrow material consists of clayey soils—characterized by very specific parameters of liquid content, plasticity, and particle size—approved by USACE for use within the interior levee shell and the levee's central core. Soil tests commissioned by WSAFCA in 2010 and 2014 determined that the Borrow One site contains such material (Kleinfelder 2010; Blackburn Consulting 2014).

## 1.3 Project Background

The project is proposed by WSAFCA under a framework known as the West Sacramento Levee Improvement Program. To protect human health and safety and prevent adverse effects on property and its economy, the City of West Sacramento (City), as part of WSAFCA, and in partnership with the California Department of Water Resources (DWR), embarked on a comprehensive evaluation of the condition of the city's levees in 2006. The evaluation was necessary to determine the level of flood protection provided by the existing levee system, identify the magnitude and severity of deficiencies, and propose potential flood risk-reduction measures. The results of the comprehensive evaluation revealed several deficiencies necessitating implementation of flood risk-reduction measures to meet current flood protection standards.

## 1.4 Related Actions, Programs, and Planning Efforts

Actions, programs, and planning efforts related to the Southport project are also related to this proposed project and are detailed in the Final EIR.

The proposed project is related to the Southport project, in that borrow material from the proposed project would be used to construct the Southport project's flood risk-reduction measures such as setback levee and seepage berms.

## 1.5 Outreach and Coordination

### 1.5.1 Community Outreach

Community outreach efforts related to the Southport project are detailed in the Final EIR.

To initiate preparation of this Subsequent EIR, WSAFCA submitted a Notice of Preparation (NOP) to the Yolo County Clerk/Recorder and State Clearinghouse on March 1, 2016. The NOP is included in this EIR as Appendix A. The NOP was circulated by certified mail to responsible and trustee agencies, as well as any party previously requesting notice of the proposed project. Additionally, the NOP was mailed to all residents and landowners located within 500 feet of the proposed project site. No public meeting was held.

The 30-day scoping period began March 2, 2016, and ended March 31, 2016. During the scoping period, ~~8~~<sup>eight</sup> public and agency responses were received. WSAFCA reviewed and considered all public comment in preparing this Subsequent EIR.

### 1.5.2 Tribal Consultation

Tribal consultation efforts related to the Southport project are detailed in the Final EIR.

Since certification of the Final EIR, Assembly Bill (AB) 52 (Chapter 532, California Statutes of 2014) established a formal consultation process for California tribes as part of the CEQA review process and equates significant impacts on "tribal cultural resources" with significant environmental impacts (new Public Resources Code [PRC] Section 21084.2). AB 52 became law on January 1, 2015, and applies to projects that have an NOP or notice of negative declaration/mitigated negative

1 declaration filed on or after July 1, 2015. The procedural requirements of AB 52 consultation are  
2 discussed in greater detail in Chapter 2, *Project Description*.

3 The proposed project is subject to the tribal consultation procedure of AB 52, while the Southport  
4 project is not. Consistent with the requirements of AB 52, WSAFCA provided notice of the proposal  
5 project to United Auburn Indian Community and Yocha Dehe Wintun Nation, on January 20 and  
6 January 22, 2016, respectively, and invited their consultation concerning any Tribal Cultural  
7 Resources (TCRs) that may be affected by the proposed project. On February 12, 2016, the Yocha  
8 Dehe Wintun Nation confirmed its intent to participate in AB 52 consultation on the proposed  
9 project. Since that time, WSAFCA and Yocha Dehe Wintun Nation have exchanged information  
10 concerning the proposed project site, as discussed in Chapter 3, *Affected Environment and*  
11 *Environmental Consequences*. On April 5, 2016, the United Auburn Indian Community provided  
12 information concerning the proposed project site, also discussed in Chapter 3, *Affected Environment*  
13 *and Environmental Consequences*. WSAFCA and United Auburn Indian Community are continuing  
14 coordination about these resources. Presently, no TCRs are known to exist on the proposed project  
15 site; the United Auburn Indian Community has indicated that the proposed project is adjacent to a  
16 tribal cemetery and is part of a larger sacred site complex.

### 17 **1.5.3 Agency Consultation and Coordination**

18 A list of permits and other approvals required to implement the Southport project and a list of  
19 related environmental review and consultation requirements specified by federal, state, or local  
20 laws, regulations, or policies is included in the Final EIR. The same permits and approvals would  
21 pertain to the proposed project.

22 Since certification of the Final EIR, WSAFCA has continued coordination with a variety of federal,  
23 state, and local agencies to acquire needed permissions for implementation of the Southport project.

#### 24 **1.5.3.1 Responsible and Trustee Agencies**

25 This Subsequent EIR will be used by Responsible and Trustee Agencies to determine the effects of  
26 the proposed project. Responsible Agencies are those that may have a legal responsibility to  
27 approve the project. These agencies are required to rely on the Lead Agency's environmental  
28 document in acting on whatever aspect of the project requires their approval, but they must prepare  
29 and issue their own findings regarding the project (CEQA Guidelines Section 15096). Trustee  
30 Agencies are those that have jurisdiction over certain resources held in trust for the people of  
31 California but do not have legal authority over approving or carrying out the project. Potential  
32 Responsible and Trustee Agencies for the proposed project are listed in Table 1-2.

33 **Table 1-2. Potential CEQA Responsible and Trustee Agencies**

Agency	Jurisdiction
<b>Trustee Agency</b>	
California Department of Fish and Wildlife	Fish and wildlife Native plants designated as rare or endangered
<b>Responsible Agency</b>	
California Department of Water Resources	Project funding partner
California Department of Fish and Wildlife	Lake and Streambed Alteration Agreement project California Endangered Species Act

Agency	Jurisdiction
Central Valley Flood Protection Board	Levee modifications
Yolo-Solano Air Quality Management District	Air quality
Central Valley Regional Water Quality Control Board	Water quality and discharges to water bodies
Yolo County	Surface mining and reclamation activities associated with borrow

## 1.6 Required Permits and Approvals

Because borrow extraction activities are described and included in the Refined APA as adopted by WSAFCA in 2014, the list of permits and other approvals provided in the Final EIR is inclusive of those required to implement the proposed project. In addition, the following additional state and local permits and approvals not discussed in the Final EIR would likely be needed for implementation of the proposed project.

- **Caltrans Encroachment Permit**, required for use of State Route 84 as a haul road.

The California Streets and Highways Code Sections 660 to 734 grant the authority to Caltrans to permit improvements and other activities on the State's highway system rights-of-way by others. An *encroachment* is defined in Section 660 of the California Streets and Highways Code as "any tower, pole, pole line, pipe, pipeline, fence, billboard, stand or building, or any structure, object of any kind or character not particularly mentioned in the section, or special event, which is in, under, or over any portion of the State highway rights of way. *Special event* means any street festival, sidewalk sale, community sponsored activity, or community-approved activity."

Because issuance of an encroachment permit by Caltrans is not a discretionary action, Caltrans is not considered a responsible agency under CEQA.

- **Yolo County Flood Hazard Development Permit**, required for grading activities in the floodplain outside the limits of an incorporated city

In accordance with Yolo County Code Section 8-4.401, a Flood Hazard Development Permit must be obtained before any construction or other development begins within any area of special flood hazards established in Section 8-4.302. *Development* includes "any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials."

## 1.7 Issues of Known or Expected Controversy

CEQA requires that project proponents identify issues of known controversy that have been raised in the scoping process and throughout the development of the proposed project. These issues, identified through the scoping process and public outreach, are summarized below.

- Use of an existing easement to access the proposed project.
- Permanent loss of agricultural land as a result of site reclamation activities, and the resultant loss of Swainson's hawk foraging habitat.
- Effects of excavation and construction activities on TCRs possibly present onsite.

1 **1.8 References Cited**

2 Blackburn Consulting. 2014. *Technical Memorandum: Sarmento Borrow Area Evaluation, Southport*  
3 *Early Implementation Project—Project Preliminary Design*. May. Prepared for West Sacramento  
4 Area Flood Control Agency.

5 Kleinfelder, Inc. 2010. *Geotechnical Borrow Site Evaluation, Borrow Site G, SRCSD South River Pump*  
6 *Station, Flood Protection Project, Yolo County*. December 29.  
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This chapter contains the following elements.

- Existing conditions.
  - Regulatory setting.
  - Environmental setting.
- Description of the proposed project.

## 2.1 Existing Conditions

### 2.1.1 Regulatory Setting

The federal, state, and local laws, regulations, and codes that pertain to the proposed project were described in detail in the Final EIR. Only relevant changes that have been effected since the certification of the Final EIR are addressed here.

#### 2.1.1.1 Assembly Bill 52

AB 52 (Chapter 532, California Statutes of 2014) establishes a formal consultation process for California tribes as part of the CEQA review process and equates significant impacts on “tribal cultural resources” with significant environmental impacts (PRC 21084.2). AB 52 became law on January 1, 2015, and applies to projects that have a notice of preparation or notice of negative declaration/mitigated negative declaration filed on or after July 1, 2015.

According to the AB 52 statement of legislative intent, tribes may have expertise in tribal history, and “tribal knowledge about land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.” The legislative intent also makes clear that CEQA analyses must consider tribal cultural resources, including “the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.”

#### 2.1.1.2 Yolo County Agricultural Conservation and Mitigation Program

The Yolo County Agricultural Conservation and Mitigation Program (Yolo County ACMP) implements the agricultural conservation policies in the Yolo County General Plan with the purpose of protecting agricultural lands in unincorporated areas of the county. The Yolo County ACMP defines mitigation requirements for projects that may result in the conversion of agricultural lands to a predominantly nonagricultural use prior to approval of a permit or other discretionary or ministerial approval by Yolo County.

According to the Yolo County ACMP, conversion of prime farmland requires the preservation of 3 acres of agricultural lands per each acre of prime farmland converted (3:1 ratio). However, mitigation on parcels within one-quarter mile of the sphere of influence of a city are considered to

1 be in priority conservation areas and, and mitigation occurring within a priority conservation area is  
2 to be implemented at a reduced 1:1 ratio.

### 3 **2.1.1.3 Yolo County Agricultural Surface Mining and Reclamation** 4 **Ordinance**

5 Because the Final EIR did not address potential borrow sites outside the West Sacramento city  
6 limits, the Yolo County Agricultural Surface Mining and Reclamation Ordinance (Title 10 Chapter 8  
7 of the Yolo County Code of Ordinances) was not addressed. This ordinance establishes specific  
8 requirements for surface mining and reclamation activities conducted on agricultural lands under  
9 County jurisdiction. The State Mining and Geology Board reviews local ordinances to ensure that  
10 they meet the procedures established by the Surface Mining and Reclamation Act of 1975.

## 11 **2.1.2 Environmental Setting**

### 12 **2.1.2.1 Project Vicinity**

13 The proposed project, a component of the larger Southport project, is located in the vicinity of the  
14 southern portion of the Southport project area, which is described in detail in the Southport project  
15 EIR.

16 Locally, the geology of the project vicinity is defined by the depositional processes of the Sacramento  
17 River, the American River, and the Delta. The surficial geology consists primarily of modern  
18 alluvium deposited in recent geologic time (the last 10,000 years) by the Sacramento River. Typical  
19 of a fluvial geologic setting, the recent alluvium is composed predominantly of fine-grained flood  
20 deposits (silts and clays) dissected by a series of meandering, interconnected, coarse-grained  
21 channel deposits (sands and gravels) and near channel deposits (sands and silty sands).

22 The project area is located in the Sacramento Valley groundwater basin, near the northern boundary  
23 of the Solano subbasin. Groundwater quality in the Solano Subbasin is variable but is characterized  
24 as sodium bicarbonate type in the eastern area near the Sacramento River. Groundwater quality is  
25 generally considered good for both domestic and agricultural uses (California Department of Public  
26 Health 2012).

27 Most groundwater flow in the vicinity occurs within the interconnected network of coarse-grained  
28 channel and near channel deposits produced by the meandering Sacramento and American Rivers.  
29 Shallow groundwater recharge is expected where these coarse units intersect the modern  
30 Sacramento River or other surface water bodies such as the Deep Water Ship Channel (DWSC). The  
31 prevailing direction of shallow groundwater flow in the Southport area is away from the river to the  
32 west and northwest (toward the DWSC and Barge Canal), which reflects losing conditions in the  
33 river (Luhdorff & Scalmanini 2012). Shallow groundwater levels in the area vary seasonally. While  
34 groundwater elevation in the vicinity shows correlation to river stage, that correlation is less  
35 pronounced farther from the river.

36 The project area is within the Great Central Valley subdivision of the California Floristic Province in  
37 Yolo County (Baldwin 2012:41). The topography of the project area is relatively level, with  
38 elevations ranging from approximately 5 feet to 12 feet above mean sea level.



## 1 2.1.2.2 Borrow One Site

2 The Borrow One site consists of an approximately 114-acre area (plus an approximately 5-acre  
3 access easement at the northeast corner) south of the West Sacramento city limits in  
4 unincorporated Yolo County (Figure 1-1). The project site, in unincorporated Yolo County, is  
5 bordered by Lake Shangri-La and the South Cross Levee to the north, Jefferson Boulevard and the  
6 DWSC to the west, Glide Lake to the east, and agricultural lands to the south. In the Yolo County  
7 General Plan, the site's land use is designated as Agriculture. Under the California Department of  
8 Conservation's Farmland Mapping and Monitoring Program, the site is designated as Prime  
9 Farmland.

10 The Borrow One site is located west of, and adjacent to, the Sacramento Regional County Sanitation  
11 District (Regional San) South River Pump Station. Regional San also has responsibility for the 66-  
12 inch Yolo Force Main, 120-inch Southport Gravity Sewer, and their associated easements and access  
13 roads within the proposed project's boundaries.

14 Most of the site is cultivated agricultural field, typically used for row crops (Figure 2-1). In winter  
15 2015/2016, cultivated crops included broccoli, melons, lettuce, spinach, and cabbage. These areas  
16 could be transitioned to either fallow or disked/plowed conditions at other times. The fields occupy  
17 the entirety of the proposed borrow excavation area. Two 1- to 3-foot-wide agricultural ditches (ID-  
18 2 and ID-3) cross the center portion of the site from north to south, and two others, approximately  
19 10–12 feet wide, run along the western and southern edges of the site (ID-1 and ID-4, respectively).  
20 ID-2 flows south, discharging into ID-4. ID-3 flows both north and south from a high point at its  
21 center, discharging into both Lake Shangri-La and ID-4. Water that discharges to ID-4 is ultimately  
22 conveyed through ID-1 to the Reclamation District 999 pump station at the northwest corner of the  
23 property and pumped into the DWSC. Irrigation water is pumped from the DWSC using the same  
24 system.

25 Where present, wetland vegetation along the ditches in the project area consists of cattails (*Typha*  
26 *sp.*), bulrush (*Schoenoplectus sp.*), and Himalayan blackberry (*Rubus armeniacus*). These ditches also  
27 support emergent wetland vegetation, characterized primarily by tule (*Schoenoplectus acutus*),  
28 narrow-leaved cattail (*Typha angustifolia*), knotweed (*Persicaria hydropiperoides*), and  
29 monkeyflower (*Mimulus guttatus*), as well as English plantain (*Plantago lanceolata*) and dallisgrass  
30 (*Paspalum dilatatum*). Annual maintenance of ditches as part of regular agricultural practices may  
31 cause the location and extent of emergent wetland to vary (Figure 2-2).

32 A total of 32 native trees are present along ID-1 and at the ends of ID-3, comprising northern  
33 California black walnut (*Juglans hindsii*), valley oak (*Quercus lobata*), Fremont cottonwood (*Populus*  
34 *fremontii ssp. fremontii*), and black willow (*Salix gooddingii*). Tree sizes vary from 4 to 36 inches in  
35 diameter at breast height (dbh). All these trees are considered riparian trees and are regulated by  
36 CDFW. Nonnative horticultural trees planted along the access road near the residence are not  
37 protected under any regulations.

38 As disclosed in the Final EIR, agricultural ditches that contain water during summer and support  
39 emergent wetland vegetation could provide travel corridors for giant gartersnake (*Thamnophis*  
40 *gigas*); moreover, upland habitat for giant gartersnake (i.e., habitat within 200 feet of suitable  
41 aquatic habitat in Glide Lake, Lake Shangri-La, ID-1, and ID-4) is present along the entire perimeter  
42 of the project area. An ICF biologist visited the site on February 10, 2016, and confirmed that all the  
43 perimeter waterways are suitable habitat for giant gartersnake (Figure 2-3).

1 Two elderberry shrubs (*Sambucus mexicana*)—host species for valley elderberry longhorn beetle  
2 (*Desmocerus californicus dimorphus*), a species listed as threatened under the federal Endangered  
3 Species Act (ESA)—were confirmed to be present along the western and eastern site boundaries but  
4 are outside the area of direct disturbance (Figure 2-3). Several additional elderberry shrubs were  
5 previously mapped by others along Lake Shangri-La within 100 feet of the project area (County of  
6 Sacramento 2012); however, the ICF biologist could not relocate these shrubs during the February  
7 10, 2016, site visit.

8 Five rural residences are distributed along Fisher Avenue north of the South Cross Levee (i.e., more  
9 than 400 feet from the project area boundary). A horse ranch lies north of the western end of the  
10 levee at Jefferson Boulevard. Access to the project area is on a dirt road intersecting Jefferson  
11 Boulevard near the northwest corner of the property that also provides access to a rural residence  
12 adjacent to the site. This residence is more than 300 feet from the nearest corner of the project area.  
13 No utility lines are present within the borrow site boundaries.

14 Pedestrian surveys for cultural resources were conducted by ICF archaeologists in February 2016.  
15 The archaeologists detected no evidence of cultural resources in the project area.

## 16 2.2 Proposed Project

17 Up to 300,000 cubic yards (cy) of Type II borrow material would be removed from the Borrow One  
18 site to support levee work associated with the Southport project. The borrow activities under the  
19 proposed project would not be additive to those evaluated in the Final EIR but rather would replace  
20 procurement of borrow material from immediately adjacent and more distant offsite sources  
21 previously analyzed. As shown in Figure 2-4, Approximately 95 acres of the 114-acre property  
22 would be excavated to a maximum depth of 5 feet below existing grade, and returned during  
23 ~~restoration~~ reclamation activities to a depth of 1–2 feet below existing grade. Following the  
24 completion of borrow activities, an approximately 25.5-acre pond approximately 7 feet deep would  
25 be excavated on the eastern side of the site. The entire excavation area would be designed to  
26 maintain 30-foot buffers from the south property line and from Glide Lake and Lake Shangri-La and  
27 a 300-foot buffer between the western extent of excavation and Jefferson Boulevard. The 300-foot  
28 western buffer would serve as a staging/stockpile location, which would also be used for  
29 construction vehicle parking and overnight equipment storage (Figure 2-4). The entire project, from  
30 initiation to the completion of site ~~restoration~~ reclamation, is anticipated to be completed within a  
31 single construction season.

### 32 2.2.1 Borrow Construction Activities

33 At project initiation, equipment and crew mobilization access to the Borrow One site would be along  
34 an existing easement through the adjoining parcel at the northwest corner of the ~~action-project~~ area.  
35 This easement would be used for approximately 1 week to bring approximately 10 pieces of heavy  
36 equipment to the ~~action-project~~ area, where the equipment would remain for the remainder of  
37 project activities. During that period, about 10 employees per day would use the road to access the  
38 site, and would use it again during construction of the permanent access road (see *Post-Borrow*  
39 *Construction Activities* below). No haul truck traffic would use this access easement.

40 Following removal and stockpile of topsoil to a depth of 1 foot, up to 300,000 cy of Type II borrow  
41 material would be excavated and transported to nearby levee construction sites over an 8-week

1 period. Transport of the borrow material would entail an estimated total of 15,700 truck trips:  
 2 approximately 333 round trips per day, 6 days per week, using 29 trucks. During July through  
 3 October, operations would reach a peak of 375 trips per day. Each truck would have a capacity of 18  
 4 cy, for a total of 6,000 cy of material transported daily. With the exception of the approximately half-  
 5 mile segment of Jefferson Boulevard from the temporary Borrow One access road to the intersection  
 6 of Jefferson Boulevard and Armfield Avenue, the extent of the required haul route was analyzed in  
 7 Section 3.4, *Transportation and Navigation*, of the Final EIR, and is depicted in Figure 3.4-1 of the  
 8 Final EIR.

9 Borrow extraction activities would require excavation of two drainage ditches that cross the parcel  
 10 (ID-2 and ID-3). Fill material would be placed in ditch ID-1 (which runs along the western edge of  
 11 the site) to construct a temporary haul road ditch crossing. The 25-foot-wide temporary haul road  
 12 would be constructed by placing an approximately 160-foot-long, 36-inch culvert in the bottom of  
 13 ID-1 and filling the ditch with soil and riprap to form the haul road and provide erosion protection.  
 14 The temporary haul road would be angled north to facilitate ingress and egress from Jefferson  
 15 Boulevard north of the haul road intersection. The entrance from Jefferson Boulevard would be  
 16 flared and paved with asphalt concrete to prevent gravel from spreading onto Jefferson Boulevard.  
 17 Signage and traffic control would be placed at the haul road entrance. Construction activities are  
 18 shown in Figure 2-4.

19 An existing 12-inch culvert that connects ditch ID-3 to ditch ID-4, which runs along the southern  
 20 boundary of the site, would be removed during borrow activities and replaced during site  
 21 reclamation.

22 Fill and relocation of these ditches would result in the temporary and permanent impacts shown in  
 23 Table 2-1.

24 **Table 2-1. Temporary and Permanent Impacts on Waters of the United States**

Feature	Reason for Discharge	Impact Acreage		Linear Feet		Estimated Fill Quantity	
		Perm	Temp	Perm	Temp	Perm	Temp
ID-1	Access road	0.019	0.069	60	113	26 cy riprap 35 cy soil	26 cy riprap 63 cy soil
ID-2	Borrow activities		0.230		1,741		
	Culvert placement	0.001		2		12-inch culvert 4 cy riprap	
ID-3	Borrow activities		0.311		1,709		
ID-4	Culvert replacement		0.003		9		
	Culvert placement	0.001		8		12-inch culvert	
Total		0.021	0.613	70	3,572		

25  
 26 All relevant mitigation measures and environmental commitments included in the Final EIR would  
 27 be applied to the proposed project. Specifically, as discussed in the Final EIR, a stormwater pollution  
 28 prevention plan (SWPPP) would be prepared and implemented, specifying best management  
 29 practices (BMPs) to minimize erosion and protect water quality. Similarly, a hazardous materials  
 30 controls and spill prevention plan would be prepared and implemented to address the potential of  
 31 hazardous materials contaminating soils or entering waterways.

## 2.2.2 Post-Borrow Construction Activities

Following completion of borrow activities for levee construction, an approximately 26-acre pond would be excavated on the eastern side of the site (Figure 2-5). The pond would be excavated to an approximate depth of 7 feet with a flat bottom and 3:1 side slopes. Anticipated water depth would be 5 feet. An overflow weir structure would be constructed at the northwest corner of the pond and connected to the realigned ID-3 (see next paragraph) by a new ditch with 3:1 side slopes and a 3-foot bottom width. The edges of the pond would be a minimum of 30 feet from the bank of Lake Shangri-La, 30 feet from the dripline of riparian vegetation along Glide Lake, and 30 feet from the south property line. The pond would remain permanently to provide irrigation and drainage for the Borrow One site.

Excavated material from the pond would be used to backfill excavated areas on the rest of the site to roughly 1 foot below its original elevation. The stockpiled topsoil from the entire borrow area would be respread on the remainder of the excavation area to restore it to its approximate preconstruction elevation and to render it suitable for resumption of agricultural operations. Drainage ditches ID-2 and ID-3 would be reconstructed in their approximate locations (although construction of the pond would require that the northern half of ditch ID-3 be shifted westward [Figure 2-5]). Ditch ID-3 would be reconstructed and regraded to flow only south, and would be connected to ditch ID-4 with an approximately 30-foot, 12-inch-diameter culvert. Ditch ID-2 would be connected to ditch ID-4 with an approximately 43-foot, 12-inch-diameter culvert.

Following completion of borrow activities, the temporary access road would be removed and a permanent access driveway would be constructed (Figure 2-5). The permanent ramp would entail a Y configuration to facilitate access to both directions of Jefferson Boulevard: the north ramp for traffic ingress and egress to northbound Jefferson Boulevard and the south ramp for traffic to and from southbound Jefferson Boulevard. Each ramp would be 15 feet wide with AB surfacing, and each would be flared and paved with asphalt concrete. The two ramps would connect to the existing toe road and make a single crossing of ID-1. A single access gate would be placed at the entrance to the ID-1 crossing to prevent unauthorized access to the site. The width of the area of fill connecting Jefferson Boulevard to the borrow site would be reconstructed and reduced to 60 feet by removing soil and riprap and cutting the excess portions of the temporarily installed 160-foot-long 36-inch culvert. Riprap would be placed at the ends of the culvert to prevent future erosion, and the upstream and downstream banks of the ditch would be graded and restored to preproject conditions and would be seeded with native grasses.

## 2.2.3 Reclamation of Agricultural Lands

Following completion of borrow extraction and ~~restoration~~ reclamation activities, the parcel is anticipated to produce agricultural yields equal to or better than yields prior to borrow activities on a per-acre basis. Releveling of the ~~restored~~ reclaimed fields would improve irrigation and drainage. Soil analysis that would be conducted in accordance with project specifications would inform the application of soil amendments to be added prior to respreading the stockpiled topsoil on those portions of the site not excavated for the irrigation pond.

Following application of any amendments recommended but prior to respreading of the topsoil, the site would be rough graded to a slope of 0.10%, then cross ripped (two directions) to a minimum depth of 2 feet with a chiseling tool, and tilled and harrowed to break down soil clods. The stockpiled topsoil would then be evenly respread on the agricultural portion of the site. The

1 contractor would then test the topsoil to determine if further amendments are necessary. Following  
 2 application of any necessary amendments, the agricultural portion of the site would be finish graded  
 3 to a slope of 0.10% to promote irrigation and drainage and would be tilled to prepare for planting.  
 4 Side slopes and disturbed areas outside cultivated areas would be hydroseeded with native grasses.

5 In accordance with Section 10-8.413 of the Yolo County Ordinance, WSAFCA will conduct surveys  
 6 after the first two crop seasons have been completed to determine if settling has taken place. Any  
 7 portions of the project area that have settled below the field grade specified in the reclamation plan  
 8 will be releveled accordingly.

9 **2.2.4 Construction Schedule**

10 Borrow activities, including site ~~restoration~~ reclamation, would require a total of 16 weeks. All  
 11 proposed project activities would be subject to the construction days and hours restrictions  
 12 described in the Final EIR. The relative timing and sequencing of construction activities are shown  
 13 in Table 2-2.

14 **Table 2-2. Relative Timing of Construction Activities**

Activity	Days/ Week	Week																
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Surface layer removal	6	█																
Borrow excavation	6	█		█				█										
Pond excavation (dry)	6	█				█												
Pond excavation (wet)	6							█		█								
Subgrade preparation	5							█					█					
Surface layer respread	5											█		█				
Finishing	5											█						

15

16 **2.2.5 Postconstruction Operation and Maintenance**

17 Following completion of borrow and ~~restoration~~ reclamation activities, the project area would be  
 18 returned to present agricultural uses. No additional maintenance activities are anticipated.

19 **2.3 Environmental Commitments**

20 All environmental commitments enumerated in the Final EIR would remain in effect, and any  
 21 commitments relevant to the Borrow One site would be implemented accordingly.

22 **2.4 References Cited**

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10

## 3.1 Approach to Analysis

### 3.1.1 Structure and Content

Because the Final EIR analyzed the permanent and temporary effects of borrow activities on sites (like the Borrow One site) consisting of farmland, and the proposed project would not result in an overall increase in the Southport project's borrow activities, most of the proposed project's effects are adequately disclosed in the Final EIR. As directed by the CEQA guidelines, this analysis closely considers only new or substantially more severe significant effects not previously analyzed in the Final EIR. Any new effects and mitigation measures attributable to the inclusion of the Borrow One site are described. For some resource topics, the Final EIR adequately and sufficiently describes all known or potential effects and no further discussion is provided. For resource topics warranting further discussion or clarification, a narrative or quantitative discussion of effects is presented to support the conclusion of new effects and no change in significance determination.

The environmental setting for the proposed project has been described in Chapter 2, *Project Description*. Unless otherwise noted, the regulatory setting and the determination of effects for each resource topic analyzed is as described in the Final EIR. Any pertinent changes to the regulatory environment for new, substantially more severe, or changed effects that would result from the proposed project are presented in Section 2.1.1, *Regulatory Setting*.

### 3.1.2 Terminology

As described in Chapter 1, Section 1.1.3, *Terminology*, of this Subsequent EIR, the Final EIR for the Southport project began as a joint NEPA and CEQA document, and NEPA terminology was primarily used. This Subsequent EIR is a CEQA-only document. Nevertheless, for the sake of consistency, the same terminology approach is used in this Subsequent EIR as was used in the Final EIR. NEPA and CEQA terminology for common concepts are compared in Table 1-1. Important terms used in the resource sections are listed below.

- *Action area*—the area in which borrow and ~~restoration~~-reclamation activities would occur.
- *Environmental consequences, environmental impacts, and environmental effects*—terms considered synonymous; *effects* is used for consistency.
- *Significant and less than significant*—used rather than *adverse* and *not adverse* to describe the intensity of effect.

### 3.1.3 Resources with No New Effects

The resources listed below either would be unaffected by activities associated with the proposed project, or no effects beyond those previously analyzed in the Southport FEIR would result. Accordingly, no further discussion is provided in this Subsequent EIR. The regulatory framework,

1 assessment methods, determination of effects, and associated mitigation measures remains as  
2 described in the Final EIR.

- 3 • Geology, Seismicity and Soils
- 4 • Fish and Aquatic Resources
- 5 • Climate Change
- 6 • Environmental Justice, Socioeconomics and Community Effects
- 7 • Recreation
- 8 • Utilities and Public Services

## 9 **3.2 Summary of Resources and Effects**

10 This section presents a summary of the resources that would undergo substantially changed,  
11 substantially more severe, or new effects as a result of the proposed project and provides a  
12 summary table of all effects.

13 Although most resources would be subject to the same effects as those analyzed in the Final EIR,  
14 some resources would be subject to effects that have changed; alternatively, some resources are  
15 sufficiently sensitive to warrant further explanatory discussion. One—Land Use and Agriculture—is  
16 subject to a substantially increased significant effect due to the permanent loss of prime agricultural  
17 farmland, and one—Cultural Resources—is subject to a new effect in light of regulatory changes  
18 since certification of the Final EIR.

19 Each resource discussion begins with a table listing the relevant effects and mitigation measures set  
20 forth in the Final EIR. Table 3-1 lists resources analyzed in the Final EIR and indicates whether those  
21 resources have changed effects in this Subsequent EIR.



1 **Table 3-1. Status of Effects by Resource Compared to the Final EIR**

Section	Resource	Effect Findings			
		Same	Changed	Substantially More Severe	New
3.1	Flood Risk Management and Geomorphic Conditions	✓			✓
3.2	Water Quality and Groundwater Resources	✓			
3.3	Geology, Soils, Seismicity, and Mineral Resources	✓			
3.4	Transportation, and Navigation	✓			
3.5	Air Quality	✓			
3.6	Climate Change	✓			
3.7	Noise	✓			
3.8	Vegetation and Wetlands	✓			
3.9	Fish and Aquatic Resources	✓			
3.10	Wildlife	✓			
3.11	Land Use and Agriculture			✓	
3.12	Environmental Justice, Socioeconomic, and Community Effects	✓			
3.13	Visual Resources	✓			
3.14	Recreation	✓			
3.15	Utilities and Public Services	✓			
3.16	Public Health and Environmental Hazards	✓			
3.17	Cultural Resources				✓

2

3 **3.2.1 Flood Risk Management and Geomorphic Conditions**

4 The effects and mitigation measures disclosed in the Final EIR that are relevant to flood risk  
 5 management and geomorphic conditions on the Borrow One site are listed in Table 3-2. In addition  
 6 to the relevant effects disclosed in the Final EIR, a new effect has been identified as a result of  
 7 excavating borrow material near the South Cross Levee and DWSC. The new effect, FR-8: Change in  
 8 Under-Seepage Associated with Excavation of Borrow Material, is listed in Table 3-2 and described  
 9 below. Additionally, a new mitigation measure, FR-MM-4: Monitor Project Site for Seepage and  
 10 Remediate Effects through Maintenance and Operation Activities, would reduce this effect to a less-  
 11 than-significant level.

12 **Table 3-2. Flood Risk Management and Geomorphic Conditions Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
FR-3: Alteration of Existing Drainage Pattern of Site or Area	Significant	Significant	Less than significant	FR-MM-1: Coordinate with Owners and Operators, Prepare Drainage Studies as Needed, and Remediate Effects through Project Design

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
<i>FR-8: Change in Under-Seepage Associated with Excavation of Borrow Material</i>	<i>Significant</i>	<i>No effect</i>	<i>Less than significant</i>	<i>FR-MM-4: Monitor Project Site for Seepage and Remediate Effects through Maintenance and Operation Activities</i>

1

2 Implementation of the proposed project would entail the excavation and temporary fill of existing  
 3 irrigation ditches, resulting in temporary alteration of existing drainage patterns on-site. ID-1 would  
 4 be temporarily filled with a 160-foot-long 36-inch culvert during borrow activities. Following  
 5 completion of borrow activities, the culvert would be cut down to 60 feet and would remain in place  
 6 to support a permanent access road. ID-2 and ID-3 would be excavated and temporarily filled during  
 7 borrow activities. Following completion of borrow activities, these drainage ditches would be  
 8 reconstructed in their approximate locations and restored to their preproject condition, with the  
 9 exception that ID-3, which currently drains both north and south from a high center point, would be  
 10 regraded to flow from north to south. The alteration of existing drainage patterns is analyzed in  
 11 Effect FR-3 in the Final EIR. This effect was determined in the Final EIR to be significant without  
 12 mitigation and less than significant with mitigation. This determination remains the same. No  
 13 further determination or mitigation measures are proposed.

14 **Effect FR-8: Change in Under-Seepage Associated with Excavation of Borrow Material**

15 The Final EIR describes the risks to levee stability caused by under-seepage in Section 1.4.1.2,  
 16 *Under-Seepage*. To assess any potential effects of excavation on the South Cross levee and the DWSC  
 17 east levee, WSAFCA performed a seepage and stability analysis of the proposed project (Kleinfelder  
 18 2016). Seepage and stability analyses were conducted to evaluate conditions before and after initial  
 19 excavation of the borrow site and following site ~~restoration~~ reclamation, which includes excavation  
 20 of the pond.<sup>1</sup>

21 The DWSC east levee is a State-Federal Project levee maintained by Reclamation District (RD) 999,  
 22 and the South Cross Levee, maintained by RD 900, is being considered for this designation.  
 23 Therefore, the USACE design criteria thresholds for allowable seepage exit gradient and slope  
 24 stability Factor of Safety (FOS) were used as the threshold of significance for this SEIR analysis.  
 25 Analysis of existing conditions revealed that both the DWSC east levee and the South Cross Levee fail  
 26 to meet USACE seepage exit gradient criteria in one of several areas measured. Specifically, an  
 27 exceedance was measured in a ditch 60 feet from the DWSC east levee, and another at a low point 90  
 28 feet from the South Cross Levee toe, 1,050 feet from Jefferson Boulevard. All other locations  
 29 measured were found to be below the maximum average gradient criteria. Additionally, both levees  
 30 failed to meet the USACE acceptance criteria for levee stability, an FOS of at least 1.4 against slope  
 31 failure under steady-state seepage conditions for the design water surface elevation.

32 Analysis of the potential conditions resulting from the initial excavation and final ~~restoration~~  
 33 reclamation of the borrow site found that while the proposed project would result in higher average  
 34 seepage exit gradients across the area of excavation, the USACE maximum average gradient criteria

<sup>1</sup> Seepage analysis was performed using steady-state seepage conditions. Under steady-state analysis, the design water surface and resulting seepage forces are assumed to be present until the soils are fully saturated and seepage forces develop to their maximum. Because it may take weeks to months for this situation to fully develop, steady-state analysis represents a conservative approach to analysis.

1 would not be exceeded. However, although they are slight, modeled increases at the areas that  
 2 exceed USACE criteria presently—the DWSC ditch and South Cross Levee toe—result in a potentially  
 3 significant change in under-seepage conditions because existing conditions in excess of USACE  
 4 seepage exit gradient and FOS criteria could be worsened by implementation of the proposed  
 5 project. Therefore, while excavation would occur in the non-flood season when the potential for  
 6 seepage would be reduced, the proposed project could still result in a significant direct effect. The  
 7 implementation of Mitigation Measure FR-MM-4 would reduce this effect to a less-than-significant  
 8 level.

9 **Mitigation Measure FR-MM-4: Monitor Project Site for Seepage and Remediate Effects**  
 10 **through Maintenance and Operation Activities**

11 Prior to borrow excavation during occurrences of high water in the DWSC and the Sacramento  
 12 River, WSAFCA will observe the project site to determine whether seepage may be occurring at  
 13 the site or in the ditches and lakes at the site. If seepage is observed, WSAFCA will consult with  
 14 the relevant reclamation district prior to initiating excavation activities to determine if any risk  
 15 to either levee is likely in consideration of the location and severity of the seepage. Borrow  
 16 excavation will then proceed only in project areas authorized for activity by the reclamation  
 17 district.

18 Further, WSAFCA and the reclamation districts will observe borrow excavation activities for  
 19 potential seepage during occurrences of high water in the DWSC and the Sacramento River,  
 20 since localized areas of excessive gradient may occur in the excavation bottom. If seepage is  
 21 observed, WSAFCA will consult with and assist the reclamation districts in making necessary  
 22 repairs to any areas of observed seepage in accordance with the reclamation districts’ levee  
 23 operations and maintenance standards. Following project implementation, RD 900 and 999 will  
 24 continue their current practice of observation, operations, and maintenance of the levees.

25 **3.2.2 Water Quality and Groundwater Resources**

26 The effects disclosed in the Final EIR that are relevant to water quality and groundwater resources  
 27 associated with the proposed project are listed in Table 3-3.

28 **Table 3-3. Water Quality and Groundwater Resources Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
WQ-2: Release of Contaminants into Adjacent Surface Water Bodies from Construction-Related Hazardous Materials	Less than Significant	Less than Significant	NA	None
WQ-3: Effects on Groundwater or Surface Water Quality Resulting from Contact with the Water Table	Significant	Significant	Less than significant	WQ-MM-1: Implement Provisions for Dewatering

29  
 30 The potential effect of borrow activities on surface and groundwater resources is disclosed in the  
 31 Final EIR and would be unchanged for the proposed project. ~~Remediation~~ Reclamation of the

1 proposed project would include creation of a pond with a total depth of 7 feet and an expected water  
 2 depth of 5 feet. Based on geotechnical borings, groundwater in the project area could be  
 3 encountered as high as 4 feet below ground surface but is more likely to be encountered at depths of  
 4 8 feet or more (Blackburn Consulting 2014). Borrow activities are not expected to expose  
 5 groundwater; however, excavation of the pond could do so. Once groundwater is encountered  
 6 during pond construction, water is expected to rise to within 4 feet of the ground surface (Blackburn  
 7 Consulting 2014). If groundwater rises to excavated areas during pond construction, WQ-MM-1  
 8 would mitigate any effect to a less-than-significant level, as disclosed in the Final EIR. Exposure of  
 9 groundwater at the proposed pond is not expected to result in any significant impacts once  
 10 construction is complete, as the pond would be managed for irrigation purposes. No further  
 11 mitigation would be required.

### 12 **3.2.3 Transportation and Navigation**

13 The effects disclosed in the Final EIR that are relevant to transportation and navigation for the  
 14 proposed project are listed in Table 3-4.

15 **Table 3-4. Transportation and Navigation Effects**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
TRA-1: Temporary Increase in Traffic Volumes from Construction-Generated Traffic	Significant and unavoidable	No effect	NA	None
TRA-3: Increase in Safety Hazards Attributable to Construction-Generated Traffic	Less than significant	No effect	NA	None
TRA-4: Disruption of Alternative Transportation Modes as a Result of Temporary Road Closures	Less than significant	No effect	NA	None

16  
 17 Haul routes for borrow activities were identified throughout the Southport project area, including  
 18 the use of Jefferson Boulevard in the vicinity of the Borrow One site. The proposed project would  
 19 result in the use of an additional 2,100-foot segment of Jefferson Boulevard that was not evaluated  
 20 in the Final EIR. This segment extends from Jefferson Boulevard's intersection with Armfield Avenue  
 21 to the temporary access road that would be constructed in the northwest portion of the action area  
 22 to support borrow activities and then refined into a permanent access driveway following the  
 23 completion of borrow activities as described in Section 2.2.2, *Post-Borrow Construction Activities*.  
 24 Transport of borrow material would entail an estimated total of 15,700 truck trips: approximately  
 25 333 round trips per day, 6 days per week, using 29 trucks. During July through October, operations  
 26 would reach a peak of 375 trips per day. The analysis in the Final EIR indicated that Jefferson  
 27 Boulevard would carry from 669 to 3,510 haul trips per day. Consequently, because the proposed  
 28 project would not constitute additional borrow activities but rather a redistribution of borrow  
 29 source location, the peak of 375 trips per day resulting from the proposed project would not  
 30 constitute a substantial increase in this effect. Nevertheless, although WSAFCA is committed to the  
 31 development of a traffic control and road maintenance plan to reduce the effects of construction  
 32 traffic on haul routes, Effect TRA-1 was determined to be significant and unavoidable. This  
 33 determination remains the same. No mitigation measures are proposed.

## 1 3.2.4 Air Quality

2 The effects and mitigation measures disclosed in the Final EIR that are relevant to air quality in the  
3 vicinity of the proposed project are listed in Table 3-5.

4 **Table 3-5. Air Quality Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
AIR-1: Conflict with or Obstruct Implementation of an Applicable Air Quality Plan	Less than significant	No effect	NA	None
AIR-2: Violate Any Air Quality Standard or Substantial Contribution to Existing or Projected Air Quality Violation—CEQA	Significant	No effect	Significant and unavoidable	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM <sub>10</sub> AIR-MM-2: Implement Fugitive Dust Control Plan AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents AIR-MM-4: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Net Zero (0) for Emissions in Excess of General Conformity <i>de Minimis</i> Threshold (Where Applicable) and to Quantities below Applicable YSAQMD and SMAQMD CEQA Thresholds AIR-MM-5: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Quantities below Applicable BAAQMD CEQA Thresholds
AIR-4: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for Which the Project Region is a Non-Attainment Area under NAAQS and CAAQS	Significant	No effect	Significant and unavoidable	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM <sub>10</sub> AIR-MM-2: Implement Fugitive Dust Control Plan AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents AIR-MM-4: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Net Zero (0) for Emissions in Excess of General Conformity <i>de Minimis</i> Threshold (Where Applicable) and to Quantities below Applicable YSAQMD and SMAQMD CEQA Thresholds AIR-MM-5: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Quantities below Applicable BAAQMD CEQA Thresholds
AIR-5: Expose Sensitive Receptors to Substantial Fugitive Dust Concentrations	No effect	Significant	Less than significant	AIR-MM-2: Implement Fugitive Dust Control Plan

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
AIR-6: Expose Sensitive Receptors to Substantial Diesel Particulate Matter Concentrations	No effect	Less than significant	Less than significant	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM <sub>10</sub>
AIR-7: Create Objectionable Odors Affecting a Substantial Number of People	Less than significant	No effect	Less than significant	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM <sub>10</sub> AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents

1  
2 The analysis of air quality effects presented in the Final EIR considered a worst-possible scenario to  
3 ensure that all possible effects were addressed. Accordingly, the air quality effects associated with  
4 the proposed project were fully evaluated. Because the Borrow One site would replace the need to  
5 utilize offsite borrow sources that would entail greater haul distances or other adjacent borrow  
6 sites, the amount of emissions would likely be reduced from those modeled in the analysis  
7 conducted for the Southport project. Consequently, because the proposed project would not result  
8 in any increase of any pollutant, there would be no substantial increase of these previously  
9 identified effects, and no further mitigation is required.

### 10 3.2.5 Noise

11 The effects and mitigation measures disclosed in the Final EIR that are relevant to noise in the  
12 vicinity of the proposed project are listed in Table 3-6.

13 **Table 3-6. Noise Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
NOI-1: Exposure of Sensitive Receptors to Temporary Construction-Related Noise	Significant	No effect	Significant and unavoidable	NOI-MM-1: Employ Noise-Reducing Construction Practices
NOI-2: Exposure of Sensitive Receptors to Temporary Construction-Related Vibration	Significant	No effect	Significant and unavoidable	NOI-MM-2: Employ Vibration-Reducing Construction Practices

14  
15 Implementation of borrow activities could directly expose nearby residential dwellings and  
16 sensitive land uses to elevated noise levels. As disclosed in the Final EIR, noise from construction  
17 work at borrow sites could exceed West Sacramento daytime noise ordinance standards at nearby  
18 residences in West Sacramento. For the purposes of noise and vibration analysis, it was determined  
19 that construction activities could be conducted within 50–100 feet of residences or buildings and  
20 structures. Effects from exposure to construction-related noise and vibration were determined to be  
21 significant and unavoidable.

22 In the Borrow One action area, five rural residences are distributed along Fisher Avenue north of the  
23 South Cross Levee (more than 400 feet from the action area boundary). A horse ranch north of the  
24 western end of the levee at Jefferson Boulevard is more than 400 feet from the nearest borrow

1 activities and almost 400 feet from Jefferson Boulevard. A residence near the northwest corner of  
 2 the Borrow One site is more than 300 feet from the nearest corner of the action area and more than  
 3 200 feet from Jefferson Boulevard. One other residence northwest of Jefferson Boulevard near the  
 4 intersection with Armfield Avenue is nearly 300 feet from the haul route. Effects that would result  
 5 from noise and vibration at these distances, including traffic noise generated by borrow material  
 6 haul activities was analyzed and disclosed in the Final EIR. Moreover, as disclosed in Section 3.2.3,  
 7 *Transportation and Navigation*, these receptors would be exposed to substantially fewer haul truck  
 8 trips than was considered for other portions of Jefferson Boulevard in the Final EIR. Because these  
 9 sensitive receptors are at greater distances from noise and vibration sources than the analysis in the  
 10 Final EIR assumed, there would be no substantial increase in the severity of this effect. No further  
 11 determination or mitigation is required.

### 12 3.2.6 Vegetation and Wetlands

13 The effects and mitigation measures disclosed in the Final EIR that are relevant to vegetation and  
 14 wetlands on the Borrow One site are listed in Table 3-7.

15 **Table 3-7. Vegetation and Wetlands Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
VEG-2: Loss of Waters of the United States as a Result of Project Construction	Significant	Significant	Less than significant	VEG-MM-2: Install Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel VEG-MM-4: Retain a Biological Monitor VEG-MM-5: Compensate for the Loss of Waters of the United States
VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction	Significant	Significant	Less than significant	VEG-MM-2: Install Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel VEG-MM-4: Retain a Biological Monitor VEG-MM-6: Compensate for Loss of Protected Trees

16  
 17 As disclosed in Chapter 2, *Project Description*, implementation of the proposed project would result  
 18 in effects on vegetation and wetlands. Grading, borrow excavation, and reconstruction activities  
 19 would result in 0.021 acre of permanent effects and 0.613 acre of temporary effects on waters of the  
 20 United States through placement of culverts, disturbance of potentially jurisdictional ditches, and  
 21 placement of fill for the access road. The Final EIR disclosed 2.21 acres of permanent loss of

jurisdictional ditches. The 0.021 acre of permanent effects associated with the proposed project constitutes less than 0.001% of agricultural ditches in the Southport project area, and it represents an increase of less than 0.01% over the losses disclosed in the Final EIR. This permanent loss would not constitute a substantial increase in the severity of this previously identified effect. The mitigation measures set forth in the Final EIR (VEG-MM-2, VEG-MM-3, VEG-MM-4, and VEG-MM-5) would reduce this impact to a less-than-significant level, and no additional mitigation is required.

Borrow activities would result in the removal of up to 28 native trees (17 valley oaks, 5 black willows, and 6 cottonwoods). All these trees are subject to CDFW jurisdiction. Because the Refined APA analysis presented in the Final EIR anticipated removal of a total of approximately 9.76 acres of cottonwood riparian woodland, 1.22 acres of valley oak woodland, 2.17 acres of walnut riparian woodland, and 3.29 acres of riparian scrub, the addition of the tree removal associated with the proposed project would represent a negligible increase in the quantity of trees removed to implement the Southport project. Therefore, the severity of this effect would remain consistent with the effect as previously analyzed. Mitigation set forth in the Final EIR (VEG-MM-2, VEG-MM-3, VEG-MM-4, and VEG-MM-6) would reduce this impact to a less-than-significant level, and no additional mitigation is required.

### 3.2.7 Wildlife Resources

The effects and mitigation measures disclosed in the Final EIR that are relevant to wildlife resources on the Borrow One site are listed in Table 3-8.

**Table 3-8. Wildlife Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
WILD-1: Disturbance or Loss of VELBs and Their Habitat (Elderberry Shrub)	Significant	No effect	Less than significant	VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-1: Establish a Minimum 20-Foot-Wide Buffer around the Elderberry Shrub WILD-MM-2: Transplant Elderberry Shrubs That Cannot Be Avoided or Implement Dust Control Measures during Construction WILD-MM-3: Compensate for Removal and Transplantation of VELB Habitat
WILD-2: Disturbance or Loss of Western Pond Turtles and Their Habitat	Significant	Significant	Less than significant	VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-4: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Work Area



Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
WILD-3: Disturbance or Loss of Giant Garter Snakes and Their Habitat	Significant	Significant	Less than significant	<p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-5: Install and Maintain Construction Barrier Fencing around Suitable Giant Garter Snake Habitat</p> <p>WILD-MM-6: Minimize Potential Effects on Giant Garter Snakes during Construction in Suitable Habitat</p> <p>WILD-MM-7: Compensate for Permanent Loss of Giant Garter Snake Habitat</p>
WILD-4: Loss of Swainson's Hawk Foraging and Nesting Habitat	Significant	No effect	Less than significant	<p>VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat</p> <p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-8: Avoid Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors and Conduct Preconstruction Nesting Bird Surveys</p> <p>WILD-MM-9: Compensate for Permanent Removal of Swainson's Hawk Foraging Habitat</p>
WILD-5: Disturbance or Loss of Western Burrowing Owl and Their Habitat	Significant	No effect	Less than significant	<p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-10: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement the 2012 California Department of Fish and Game Guidelines for Burrowing Owl Mitigation, If Necessary</p> <p>WILD-MM-11: Coordinate with Resource Agencies and Develop an Appropriate Compensation Plan for Burrowing Owl</p>
WILD-6: Loss or Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors	Significant	Significant	Less than significant	<p>VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat</p> <p>VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</p> <p>WILD-MM-8: Avoid Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors and Conduct Preconstruction Nesting Bird Surveys</p>

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
WILD-7: Loss or Disturbance of Bats and Bat Roosts	Significant	No effect	Less than significant	VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-12: Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measure
WILD-8: Disturbance to or Loss of Common Wildlife Species' Individuals and Their Habitats	Less than significant	Less than significant	NA	None

1

2 As disclosed in Chapter 2, *Project Description*, two elderberry shrubs are present around the

3 perimeter of the project area; however, the nearest of these is nearly 100 feet from anticipated

4 borrow activities, surrounded by vegetation, and consequently would be largely protected even

5 from indirect effects. If any additional elderberry shrubs are present within the dense vegetation

6 along Lake Shangri-La, these shrubs would also be nearly 100 feet from borrow activities;

7 accordingly, it is unlikely that they would be indirectly affected. Although project activities would

8 not result in any direct effects on elderberry shrubs, mitigation set forth in the Final EIR (VEG-MM-3,

9 WILD-MM-1, WILD-MM-2, and WILD-MM-3) would reduce any potential indirect effects to a less-

10 than-significant level, and no further mitigation is required.

11 Western pond turtles could occur in Lake Shangri-La, Glide Lake, and agricultural ditches in and

12 around the project area. Direct effects on pond turtles could result from construction activities as

13 described in the Final EIR. Because conditions in the project area are consistent with those

14 throughout the Southport project area, and because these effects would not involve any permanent

15 habitat loss, these effects would not constitute a substantial increase in the severity of this

16 previously identified effect. The mitigation set forth in the Final EIR (VEG-MM-3 and WILD-MM-4)

17 would reduce this effect to a less-than-significant level, and no further mitigation is required.

18 Because borrow excavation and site ~~restoration~~ reclamation activities could temporarily affect both

19 aquatic movement habitat and upland habitat for giant gartersnakes, the potential for take exists.

20 However, this effect was analyzed in the Final EIR. Because the potential habitat that would be

21 affected by the proposed project is of similar characteristics to that described in the Final EIR,

22 effects associated with the proposed project would not constitute a substantial increase in the

23 severity of this previously identified effect. The mitigation set forth in the Final EIR (VEG-MM-3,

24 WILD-MM-5, WILD-MM-6, and WILD-MM-7) would reduce these effects to a less-than-significant

25 level, and no additional mitigation is required.

26 Construction of the 26-acre pond would result in the permanent loss of that area as foraging habitat

27 for Swainson's hawk, constituting a significant effect. Similarly, the Final EIR disclosed a permanent

28 loss of 194 acres of suitable foraging habitat. As discussed in the Final EIR, the overall Southport

29 project area contains more than 1,600 acres of suitable foraging habitat, of which the loss of 26 acres

30 would amount to less than 0.02%. While the proposed project's effects constitute a 13% increase in

31 effects on foraging habit overall when combined with those of the Southport project, effects

1 associated with the proposed project would not constitute a substantial increase in the severity of  
 2 this previously identified effect; mitigation set forth in the Final EIR (VEG-MM-1, VEG-MM-3, WILD-  
 3 MM-8, and WILD-MM-9) would reduce this effect to a less-than-significant level, and no further  
 4 mitigation is required.

5 Because the characteristics of the project area are consistent with those of other potential borrow  
 6 areas analyzed in the Final EIR, the likelihood of potential loss of habitat for or disturbance of  
 7 burrowing owls, nesting raptors or migratory birds (including Swainson’s hawks), and roosting bats  
 8 remains consistent with the effects as disclosed in the Final EIR. The mitigation set forth in the Final  
 9 EIR (VEG-MM-1, VEG-MM-3, WILD-MM-8, WILD-MM-10, WILD-MM-11, and WILD-MM-12) would  
 10 reduce these effects to a less-than-significant level, and no further mitigation is required.

11 Effects on common wildlife species and their habitat, as disclosed in the Final EIR, would be less  
 12 than significant, and no mitigation is required.

### 13 3.2.8 Land Use and Agriculture

14 The effects and mitigation measures disclosed in the Final EIR that are relevant to land use and  
 15 agriculture on the Borrow One site are listed in Table 3-9.

16 **Table 3-9. Land Use and Agriculture Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
LU-3: Loss of Important Farmland and Agricultural Production Value	Significant	No effect	Significant and unavoidable	GEO-MM-1: Implement the Reclamation Actions of a Project-Specific Reclamation Plan LU-MM-1: Provide Compensatory Agricultural Land Protection <del>LU-MM-2: Avoid Important Farmland in Borrow Areas</del>

17  
 18 The land use designations of the action area set forth by Yolo County and the California Department  
 19 of Conservation are Agriculture and Prime Farmland, respectively. The Final EIR analyzed effects on  
 20 land use that could result from implementation of the Southport project, including the extraction of  
 21 borrow from sites presently in agricultural production. The analysis in the Final EIR determined that  
 22 the Southport project would result in the permanent loss of approximately 27 acres of prime  
 23 farmland due to levee facility construction and temporarily affect up to 509 acres of prime farmland  
 24 as a result of construction and borrow activities. However, the Final EIR did not include any  
 25 permanent loss of prime farmland resulting from borrow activities; the proposed project would  
 26 result in the loss of approximately 25.5 additional acres of prime farmland as a result of  
 27 construction of the 25.5-acre pond, as the material is needed to return the remainder of the site to  
 28 original grade. The remainder of the Borrow One site (approximately 69.5 acres) would be returned  
 29 to agricultural uses following completion of borrow activities and site ~~restoration~~reclamation.

30 The analysis in the Final EIR concluded that the loss of 27 acres of prime farmland was a significant  
 31 and unavoidable effect. The loss of an additional 25.5 acres would result in a total loss of 52.5 acres  
 32 of prime farmland, a substantial increase over those effects disclosed in the Final EIR. This effect is  
 33 considered significant and unavoidable. Implementation of mitigation measures GEO-MM-1, and

1 LU-MM-1, and LU-MM-2 would reduce the severity of this effect, and the proposed project would  
 2 comply with the Yolo County ACMP (described in Section 2.1.1, *Regulatory Setting*), but the effect  
 3 would not be reduced to a less-than-significant level. The effect would remain significant and  
 4 unavoidable.

### 5 3.2.9 Visual Resources

6 The effects and mitigation measures disclosed in the Final EIR that are relevant to visual resources  
 7 in the vicinity of the proposed project are listed in Table 3-10.

8 **Table 3-10. Visual Resources Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
VIS-1: Result in Temporary Visual Effects from Construction	Significant	No effect	Significant and unavoidable	VIS-MM-1: Use Native Wildflower Species in Erosion Control Grassland Seed Mix VIS-MM-2: Develop a Soil Borrow Strategy and Site Reclamation Plan VIS-MM-3: Limit Construction near Residences to Daylight Hours
VIS-2: Adversely Affect a Scenic Vista	Significant and unavoidable	No effect	NA	None

9  
 10 The Final EIR presented a thorough analysis of effects on visual resources for the overall Southport  
 11 project. The visual effects associated with the proposed project would be similar to those disclosed  
 12 for other borrow sites analyzed in the Final EIR, including temporary visual effects from  
 13 construction activities, permanent displacement of agricultural fields, and removal of trees and  
 14 shrubs. However, because the Borrow One site has less exposure to nearby residences and roadway  
 15 travelers than do other sites evaluated in the Final EIR, there would be no substantial increase in the  
 16 severity of these previously identified effects, and no further mitigation is required.

### 17 3.2.10 Public Health and Environmental Hazards

18 The effects and mitigation measures disclosed in the Final EIR that are relevant to public health and  
 19 environmental hazards in the context of the Borrow One site are listed in Table 3-11.

20 **Table 3-11. Public Health and Environmental Hazards Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
HAZ-6: Changes in Exposure to Mosquitoes	Less than significant	No effect	NA	None

21  
 22 Construction of the pond during the ~~restoration~~ reclamation component of the proposed project  
 23 could entail an increase in the extent of breeding habitat for mosquitoes in the area. This potential  
 24 effect, as caused by the construction of the offset floodplain area, was addressed in the Final EIR  
 25 through inclusion of Environmental Commitment (EC) 2.4.21, Mosquito and Vector Control

1 Management Plan, which specifies development of a mosquito and vector control management plan  
 2 in accordance with the Sacramento-Yolo Mosquito and Vector Control District’s Mosquito Reduction  
 3 Best Management Practices manual. Because all relevant environmental commitments of the  
 4 Southport project are included in the proposed project, this EC would ensure the proposed project  
 5 would not result in a substantial increase in the severity of a previously identified effect, and no  
 6 mitigation is required.

### 7 3.2.11 Cultural Resources

8 The effects and mitigation measures disclosed in the Final EIR that are relevant to cultural resources  
 9 on the Borrow One site are listed in Table 3-12. In addition to the relevant effects disclosed in the  
 10 Final EIR, a new effect has been identified in light of AB 52 (described in Section 2.1.1, *Regulatory*  
 11 *Setting*). The new effect is listed in Table 3-12 and described below as CUL-5: Effects on Tribal  
 12 Cultural Resources Associated with Excavation of Borrow Material.

13 **Table 3-12. Cultural Resources Effects and Mitigation Measures**

Effect	Finding		With Mitigation	Mitigation Measure
	Direct	Indirect		
CUL-2: Change in the Significance of an Archaeological Resource	Significant	No effect	Significant and unavoidable	CUL-MM-2: Complete Archaeological Inventory and Evaluation prior to Construction and Implement Treatment or Preservation for Eligible and Adversely Affected Resources CUL-MM-3: Implement Inadvertent Discovery Procedures
CUL-3: Disturbance of Native American and Historic-Period Human Remains	Significant	No effect	Significant and unavoidable	CUL-MM-4. Implement Human Remains Discovery Procedures
CUL-4: Effects on Cultural Resources Associated with Excavation of Borrow Material	Significant	No effect	Significant and unavoidable	CUL-MM-5: Implement Cultural Resource Management Protocols for Borrow Areas
<i>CUL-5: Effects on Tribal Cultural Resources Associated with Excavation of Borrow Material</i>	<i>Significant</i>	<i>No effect</i>	<i>Significant and unavoidable</i>	CUL-MM-5: Implement Cultural Resource Management Protocols for Borrow Areas

14  
 15 ICF staff conducted a records search in June 2011, with an amendment to include additional borrow  
 16 sites in February ~~2013~~2016, at the Northwest Information Center of the California Historic  
 17 Resources Information System located at Sonoma State University. The research consisted of a  
 18 database search of all previously recorded sites and studies within the study area and a 0.50-mile-  
 19 wide radius around the study area. ~~Although the Borrow One site was not specifically noted in the~~  
 20 ~~area of potential affect, the additional 0.5-mile radius resulted in the Borrow One site being~~  
 21 ~~encompassed within the search area.~~ The search also consulted current listings for the National  
 22 Register of Historic Places, the California Register of Historic Resources, and pertinent historic  
 23 inventories and historic maps. No known or recorded cultural resource sites have been documented  
 24 within the Borrow One action area. ICF staff contacted the Native American Heritage Commission  
 25 (NAHC) in 2011 (for the Southport project) and 2015 (for the Village Parkway project) to request  
 26 searches of their sacred lands files to identify sacred sites or lands in the project area. Replies from

1 NAHC on September 9, 2011, and May 6, 2015, both indicated that there were no known sacred  
2 lands in their files in the vicinity of the Borrow One site. Pedestrian surveys for cultural resources in  
3 the action area were conducted by ICF archaeologists in February 2016 and GEI archaeologists on  
4 May 13, 2016. Tribal surveys were conducted by representatives of the United Auburn Indian  
5 Community on May 6, 2016. ~~The archaeologists detected no evidence of cultural resources in the~~  
6 ~~action area. As a result of the surveys, two concentrations of historic era refuse were identified. The~~  
7 ~~refuse concentrations date to the 1920s–1940s and appear to represent a lunch or gathering spot~~  
8 ~~during agricultural activities (GEI Consultants 2016). Isolated refuse dumps and scatters more than~~  
9 ~~50 years old that lack specific associations do not warrant evaluation pursuant to Stipulation IV.B of~~  
10 ~~the Programmatic Agreement (Appendix B). Therefore, these resources do not require an evaluation~~  
11 ~~to determine eligibility due to their lack of a specific association and a lack of integrity (GEI~~  
12 ~~Consultants 2016).~~

13 Ongoing coordination efforts between WSAFCA and the ~~Yocha Dehe Wintun Nation~~tribes, described  
14 in Chapter 1, *Introduction*, have not resulted in identification of any known TCRs. TCRs include  
15 resources that are listed in or determined to be eligible for listing in the California Register of  
16 Historical Resources, that are included in a qualifying local register, or that have been determined to  
17 be significant by the lead agency under criteria set out in PRC 5024.1(c). TCRs can include unique or  
18 non-unique archeological resources. While the consultation requirements of AB 52 postdate the  
19 Final EIR, the Final EIR's analysis included consideration of the region's ethnographic context, which  
20 presented information relevant to the likelihood of the presence of TCRs in the action area.

21 As disclosed in the Final EIR, excavation of borrow material has the potential to unearth previously  
22 unknown archaeological resources or human remains obscured by surface strata, causing potential  
23 damage. These effects were determined to be significant and unavoidable. Because the conditions in  
24 the action area are consistent with conditions at other potential borrow sites, this effect would not  
25 constitute a substantial increase in the severity of this previously identified effect. Implementation  
26 of Mitigation Measures CUL-MM-2, CUL-MM\_3, and CUL-MM-4 would reduce the severity of these  
27 effects, but not to a less-than-significant level. No further mitigation is available.

#### 28 **Effect CUL-5: Effects on Tribal Cultural Resources Associated with Excavation of Borrow**

29 Coordination efforts between WSAFCA and the ~~Yocha Dehe Wintun Nation~~tribes, described in  
30 Chapter 1, *Introduction*, have not resulted in identification of any known TCRs. ~~Recent information~~  
31 ~~provided by United Auburn Indian Community, described in Section 1.5.2, Tribal Consultation,~~  
32 ~~indicates that the proposed project is near a tribal cemetery and within an area that is sacred to the~~  
33 ~~Plains Miwok speaking Hulpunme and Pawenan Nisenan. The boundaries and character defining~~  
34 ~~features of these resources have not been clearly identified, and it is possible that they extend into~~  
35 ~~the project area.~~Excavation of borrow material has the potential to damage any unknown TCRs that  
36 potentially occur in the borrow areas. Damage to these resources could result in a significant and  
37 unavoidable effect. Implementation of CUL-MM-5, which WSAFCA adopted for all borrow activities  
38 as part of the Southport project, would reduce the risk of harm to TCRs. However, because TCRs by  
39 their nature may be buried with little surface manifestation, or regional in nature, such resources  
40 may be disturbed before they can be discovered. Therefore, the effect would remain significant and  
41 unavoidable. Because any disturbance could result in physical destruction or damage, potential  
42 effects on TCRs are considered to be significant and unavoidable.

## 1    **3.3    Other CEQA Considerations**

### 2    **3.3.1    Cumulative Effects**

3        Cumulative effects of the Southport project, including its borrow activities, were thoroughly  
4        analyzed in the Final EIR. Because the borrow activities under the proposed project would not be  
5        additive to those evaluated in the Final EIR but rather would replace procurement of borrow  
6        material from immediately adjacent and more distant offsite sources previously analyzed, the  
7        proposed project would not provide any new or substantially more severe cumulatively  
8        considerable contributions to any of the significant environmental effects identified in the Final EIR.

### 9    **3.3.2    Growth-Inducing Effects**

10       A thorough analysis of growth-inducing effects was presented in the Final EIR. Because the  
11       proposed project reflects only a modification of the distribution of borrow sites, it would have no  
12       implications on the growth-inducing characteristics of the overall Southport project. The Borrow  
13       One project would itself have no growth-inducing effects, because it would not facilitate residential  
14       or commercial development, would not entail introduction of any growth-inducing infrastructure,  
15       and would not remove any obstacle to growth.

## 16    **3.4    References Cited**

17       Blackburn Consulting. 2014. *Technical Memorandum: Sarmento Borrow Area Evaluation, Southport*  
18       *Early Implementation Project—Project Preliminary Design*. May. Prepared for West Sacramento  
19       Area Flood Control Agency.

20       GEI Consultants. 2016. *Borrow One Site Native American Field Survey—Southport Sacramento River*  
21       *Early Implementation Project. June 1. Memorandum from Denise Jurich, GEI Consultants, and*  
22       *Michael Delacorte, Archaeological Research Center, to West Sacramento Area Flood Control*  
23       *Agency. Rancho Cordova, CA.*

24       Kleinfelder, Inc. 2016. *Southport Borrow One Seepage and Stability Analysis, West Sacramento Flood*  
25       *Control Agency, Southport Early Implementation Project, Yolo County, California*. March 7. Letter  
26       report sent to Steve Sullivan, PE, Mead & Hunt, Sacramento, CA. Rancho Cordova, CA.  
27





## 4.1 Alternatives Development and Screening

CEQA requires that an EIR consider a reasonable range of alternatives that would attain most of the basic project objectives while avoiding or substantially lessening the significant environmental effects of a proposed project. Analysis of a range of reasonable alternatives sharply defines the issues and allows comparison among the options. Additionally, CEQA requires analysis of a no-project alternative, which comprises the circumstances under which the project does not proceed.

As described in Chapter 2, *Project Description*, the basic objective of the proposed project is to allow WSAFCA to acquire Type II borrow material from a willing seller within its funding capabilities sufficient to build the Southport project according to USACE design criteria. A feasible alternative must therefore meet this objective while avoiding or substantially lessening the significant environmental effects of a proposed project. In this instance, a potentially feasible alternative to the proposed project must address the proposed project's substantial increase in the severity of its effect on agriculture resources—specifically the permanent loss of prime farmland resulting from excavation of the pond feature.

Presently, the needed Type II borrow material is not available from another willing seller in the Southport project vicinity, making acquisition from an alternative adjacent site infeasible. Purchase of such material from a remote commercial source was analyzed in the Final EIR and is considered in the No Project Alternative, described below. Therefore, WSAFCA finds that one potentially feasible alternative to the proposed project is suitable for analysis, described below as Alternative 1—Borrow One Site Without Pond. The No Project Alternative and Alternative 1 are described and analyzed below.

## 4.2 No Project Alternative

Identification and analysis of a no project alternative is required under CEQA. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project analysis must discuss the existing conditions at the time the NOP is published, as well as what would be reasonably expected to occur in the foreseeable future if WSAFCA were not to adopt and implement the project.

Under the No Project Alternative, the Borrow One site would not be used as a source of borrow material for construction of the Southport project, and the project would be constructed as described in the Final EIR Refined APA. No new access road would be constructed, and the property would continue in its present capacity as prime farmland for the foreseeable future. Borrow material that would have been extracted from the Borrow One site would be obtained from commercial offsite sources located within 20 miles of the Southport project, resulting in environmental effects as described and analyzed in the Final EIR, including lengthy haul truck travel distances and associated expenditures of fuel and vehicular emissions.

1 As WSAFCA's use of the Borrow One site for borrow material extraction would return the majority  
2 of the site to its present condition, failure to utilize the site would not alter any other foreseeable  
3 future use of the property. Any future use outside continued agricultural production would require  
4 environmental review and possibly changes in zoning and land use designation, and any evaluation  
5 would consequently be speculative.

### 6 **4.3 Alternative 1—Borrow One Site Without Pond**

7 Under Alternative 1, WSAFCA would not use material excavated from the pond site to return the  
8 grade of the Borrow One site to its original elevation. Instead, the Borrow One site would be graded  
9 to an elevation of 1 foot below its current grade, reducing the amount of Type II material available  
10 for removal from the Borrow One site. This Type II material deficit would be met through  
11 acquisition of additional material from an offsite commercial source, as described under the No  
12 Project alternative. Consequently, the pond would not be constructed, eliminating the Borrow One  
13 project's substantially increased contribution to the Southport project's already significant and  
14 unavoidable Effect LU-3, Loss of Important Farmland and Agricultural Value, described in Chapter 3.

15 Aside from excavation of the pond and distribution of the resulting material across the Borrow One  
16 site, all borrow excavation and ~~restoration-reclamation~~ activities would remain the same as  
17 described for the proposed project. To ensure a viable finished grade, this alternative would entail  
18 excavation of less borrow material than projected in Chapter 2 for the proposed project.  
19 Approximately 95 acres of the site would be lowered by 1 foot, producing approximately 152,000 cu  
20 of borrow material. Ditches ID-2 and ID-3 would be excavated, the perimeter buffer zones would be  
21 the same as described for the proposed project, and the temporary haul and permanent access roads  
22 and associated fill of ID-1 would be the same. Because no pond would be constructed, ID-3 would  
23 not be realigned, and because the material from pond excavation would not be available for  
24 spreading over the remainder of the borrow excavation, the finished elevation would be  
25 approximately 1 foot lower than preconstruction conditions. The reconstructed ditches ID-2 and ID-  
26 3 would similarly be at a lower elevation to accommodate the lower agricultural field elevation.  
27 While Alternative 1 would reduce the severity of Effect LU-3 and the associated effects on  
28 Swainson's hawk foraging habitat, it would result in a greater number of truck trips and associated  
29 noise, air quality, and transportation-related environmental effects as disclosed in the Final EIR  
30 because borrow material that would not be extracted from the Borrow One site would have to be  
31 obtained from offsite sources at greater distances from Southport project activities. For all other  
32 resources, the severity and nature of Alternative 1's effects would be substantively similar to those  
33 of the proposed project.

### 34 **4.4 Environmental Superior Alternative**

35 Due to regional concerns over the continued cumulative loss of finite agricultural resources in the  
36 vicinity of the proposed project, WSAFCA has identified Alternative 1, which reduces the proposed  
37 project's effects on agricultural resources, as the environmentally superior alternative from among  
38 the action alternatives. The No Project Alternative would also reduce the severity of the proposed  
39 project's effects on agricultural resources.

## Comments and Responses

The Southport Sacramento River Early Implementation Project Draft Subsequent Environmental Impact Report (Draft SEIR) was circulated for public review in April 2016 for a 45-day public comment period from April 11 to May 25, 2016. To initiate this public comment period, WSAFCA circulated a Notice of Availability (NOA) (included with this Final SEIR as Appendix C) to Responsible and Trustee Agencies as defined under CEQA, involved federal agencies, and parties previously requesting information on the proposed project. The NOA was provided to the California Office of Planning and Research and the County Clerk of Yolo County on April 11, 2016. A list of NOA recipients is included in Appendix C.

In response to this outreach effort, four comment letters addressing the Draft SEIR were submitted to WSAFCA, as listed in Table 5-1 in the order in which they were received.

**Table 5-1. List of Comment Letters**

Letter #	Commenter	Organization Type
1	Robb Armstrong, Sacramento Regional County Sanitation District	Regional
2	Taro Echiburú, County Of Yolo Department of Community Services	County
3	Eric Fredericks, California Department of Transportation	State
4	Marcos Guerrero, United Auburn Indian Community	Tribal

This chapter presents the comment letters, annotated to show the classification of individual comments within each letter. Following the letter, the response to each individual comment is provided, along with an indication of any associated changes to the text, which are shown in the body of the preceding chapters in underline and ~~strikeout~~. A response has been provided for each comment received. The comments generally involved concerns about potential seepage and settling associated with borrow activities, and road and traffic considerations associated with haul truck traffic.

The comment letters and their responses follow.



**Main Office**

10060 Goethe Road  
Sacramento, CA 95827-3553  
Tel: 916.876.6000  
Fax: 916.876.6160

**Treatment Plant**

8521 Laguna Station Road  
Elk Grove, CA 95758-9550  
Tel: 916.875.9000  
Fax: 916.875.9068

**Board of Directors**

- Representing:
- County of Sacramento
  - County of Yolo
  - City of Citrus Heights
  - City of Elk Grove
  - City of Folsom
  - City of Rancho Cordova
  - City of Sacramento
  - City of West Sacramento

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*District Engineer*

Ruben Robles  
*Director of Operations*

Christoph Dobson  
*Director of Policy & Planning*

Karen Stoyanowski  
*Director of Internal Services*

Joseph Maestretti  
*Chief Financial Officer*

Claudia Goss  
*Public Affairs Manager*

[www.srcsd.com](http://www.srcsd.com)

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April 13, 2016

Ms. Megan Smith  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814

**Subject: Notice of Availability of a Draft Subsequent Environmental Impact Report for the Southport Sacramento River Early Implementation Project**

Dear Ms. Smith:

Sacramento Regional County Sanitation District (Regional San) has reviewed the subject document and has the following comments.

The provided Subsequent EIR (SEIR) is to evaluate a site known as the "Borrow One" site which was identified by the West Sacramento Area Flood Control Agency (WSAFCA) after certification of the Final EIR on August 14, 2014. Approximately 95 acres of the 119-acre property would be excavated to an average depth of 2-feet.

The proposed Borrow One site is located to the northwest of the Regional San South River Pump Station (Yolo County APN: 044 020 22). Regional San also has the 66-inch Yolo Force Main, 120-inch Southport Gravity Sewer and their associated easements and access roads located within the proposed project's boundaries.

Regional San is currently in the final design stages for the South River Pump Station Flood Protection Project, which will utilize soil from borrow sites of neighboring parcels of the SRPS. The proposed project is tentative to begin construction in 2016. Close coordination between WSAFCA and Regional San should occur in order to avoid any potential conflicts between the two projects.

The original comments provided by Regional San in a letter dated November 19, 2013 and found within the Final EIR for this project are still required.

If you have any questions regarding this letter, please feel free to contact me at (916) 876-6104 or by email: [armstrongro@sacsewer.com](mailto:armstrongro@sacsewer.com).

Sincerely,

Robb Armstrong  
Regional San Development Services & Plan Check

cc: Kyle Frazier – Regional San Engineering

# 1 Letter 1—Robb Armstrong, Sacramento Regional 2 County Sanitation District

## 3 Response to Comment 1-1

4 WSAFCA will continue to coordinate closely with Regional San to avoid any potential conflicts  
5 between the two projects.

## 6 Response to Comment 1-2

7 WSAFCA carefully considered and responded to Regional San's comments provided during public  
8 review of the Southport Draft EIR. Responses can be found in the Final EIR, Chapter 3, Regional and  
9 Local Agency Comments and Responses. WSAFCA remains committed to avoidance of Regional San  
10 facilities through interagency coordination.

## 11 Response to Comment 1-3

12 WSAFCA acknowledges the presence of key Regional San facilities located in proximity to the  
13 Borrow One site. Mitigation Measure HAZ-MM-1 addresses the presence of these facilities in  
14 potential construction areas.

### 15 **Mitigation Measure HAZ-MM-1: Coordinate and Implement Pipeline Avoidance and** 16 **Protection Measures**

17 In coordination with Chevron and SRCSD, WSAFCA will locate and mark these pipelines within  
18 any area of ground disturbance or heavy equipment operation, determining depth and  
19 condition. WSAFCA will work with Chevron and SRCSD to establish and implement pipeline  
20 protection measures to avoid damage to the pipelines and ensure future pipeline access for  
21 operation and maintenance activities is maintained. Such measures may include avoidance,  
22 protection with steel plating or other matting to cushion or distribute equipment weight, and/or  
23 encasement of the pipelines to protect against fracture.



**County of Yolo**  
**DEPARTMENT OF COMMUNITY SERVICES**

Taro Echiburú, AICP  
 DIRECTOR

**Planning & Public Works**  
 292 West Beamer Street  
 Woodland, CA 95695-2598  
 (530) 666-8775  
 FAX (530) 666-8156  
 www.yolocounty.org

**Environmental Health**  
 292 West Beamer Street  
 Woodland, CA 95695-2598  
 (530) 666-8646  
 FAX (530) 669-1448  
 www.yolocounty.org

**Integrated Waste Management**  
 44090 CR 28H  
 Woodland, CA 95776  
 (530) 666-8852  
 FAX (530) 666-8853  
 www.yolocounty.org

May 25, 2016

Megan Smith, Senior Project Manager  
 ICF International  
 630 K Street, Suite 400  
 Sacramento, CA 95814

**RE: Southport Sacramento River Early Implementation Project Draft Subsequent Environmental Impact Report**

Dear Ms. Smith:

Thank you for the opportunity to provide comments to the above referenced Subsequent Environmental Impact Report (SEIR). The SEIR analyzes the use of a new borrow material extraction site, referred to as Borrow One, for construction of the Southport Sacramento River Early Implementation Project (EIP) (Southport project). Borrow One is approximately 119 acres and located immediately south of the City of West Sacramento in unincorporated Yolo County. The site is zoned Agricultural Intensive (A-N) and has a General Plan land use designation of Agriculture (AG). Approximately 300,000 cubic yards of borrow material would be removed from Borrow One to support levee work associated with the Southport project. Following completion of borrow activities, approximately 94 acres of the site would be returned to agricultural production and approximately 25 acres converted to a permanent pond to provide irrigation and drainage for the Borrow One site.

As discussed in the County's previous comment letter on the Notice of Preparation, the borrow activities will require discretionary permits (Agricultural Surface Mining Permit and Flood Hazard Development Permit) to be approved by Yolo County. The West Sacramento Area Flood Control Agency (WSAFCA) has submitted applications for both projects (ZF#2016-0020, Agricultural Surface Mining; and ZF#2016-0019, Flood Hazard Development Permit), which are currently being processed by County staff. The County intends to rely upon the SEIR for the processing of both permits.

The County has reviewed the SEIR and offers the following comments:

- Section ES.1.1 states that Type II borrow material is needed to construct the clay core of the new setback levees in accordance with the U.S. Army Corps of Engineers design criteria, and implies that the Borrow One site possesses such material. The SEIR should define exactly what Type II borrow material is and describe the methods used to determine that the Borrow One site has such material. 1
- The terms "remediation" and "restoration" are used throughout the SEIR to describe reclamation activities. These terms should be replaced with "reclamation" to be consistent with the State of California Surface Mining and Reclamation Act (SMARA) and the County's Agricultural Surface Mining and Reclamation Ordinance (Ordinance). 2

## Letter 2

- Section 2.2.5 states that no additional maintenance activities are anticipated once the site is returned to agricultural use. Both SMARA and County Ordinance require two years of monitoring of the portion reclaimed to agricultural production. Pursuant to SMARA Regulations 3707(c), reclamation cannot be deemed complete and the financial assurance mechanism (i.e., bond) cannot be released until the productive capability of Borrow One is equivalent to or exceeds, for two consecutive crop years, that of the pre-mining condition or similar crop production in the area. Additionally, County Ordinance Section 10-8.413 requires the property to be surveyed after the first two crop seasons have been completed and releveled to the field grade specified in the reclamation plan if settling has occurred. 3
- Alternative 1 may not be feasible as described in the SEIR. Alternative 1 describes that the Borrow One site would be graded to an elevation of 1 foot below its current grade. This would remove topsoil for use other than agricultural reclamation, which is precluded by the County Ordinance. Section 10-8.432 of the County Ordinance states, "Topsoils classified as prime agricultural land shall be reserved for on-site crop reclamation. If mined areas are not proposed to be reclaimed to crop uses, then such topsoils shall be used to supplement and/or enhance the productivity of other agricultural lands. Topsoils removed from prime agricultural land shall not be used for backfill or other non-agricultural uses." Therefore, Alternative 1 would need to be amended to account for the removing, stockpiling, and replacement of one-foot of topsoil. 4

The County appreciates the opportunity to comment on this SEIR. If you have any questions regarding the items addressed in this letter, please contact Jeff Anderson, Associate Planner, by phone at (530) 666-8036, or e-mail at [jeff.anderson@yolocounty.org](mailto:jeff.anderson@yolocounty.org).

Sincerely,



Taro Echiburú, AICP  
Director

## 1 **Letter 2—Taro Echiburú, County of Yolo Department of** 2 **Community Services**

### 3 **Response to Comment 2-1**

4 A footnote defining Type II material and citing the studies conducted to identify it on the project site  
5 has been added to page 1-3 of the Final SEIR.

### 6 **Response to Comment 2-2**

7 The terms “remediation” and “restoration” have been replaced throughout the document as  
8 appropriate. In some cases the words have been retained because they were used in another context  
9 than that specified in SMARA and the County's ordinance.

### 10 **Response to Comment 2-3**

11 As specified in the Final EIR, (see page 3.3-13 of the Final EIR), Mitigation Measure GEO-MM-1 calls  
12 for implementation of project-specific reclamation plans for borrow areas. Because such a plan is a  
13 requirement of permit issuance, this mitigation measure, which also applies to the Borrow One  
14 project, adequately addresses the commenter's concern. Text regarding the ordinance was added on  
15 page 2-2 of the Final SEIR. Additionally, text was added to page 2-7 stating that WSAFCA will  
16 conduct surveys after the first two crop seasons have been completed to determine if settling has  
17 taken place.

### 18 **Response to Comment 2-4**

19 The Draft SEIR states in Section 2.2.1 (page 2-4): “Following removal and stockpile of topsoil to a  
20 depth of 1 foot ...” and addresses the remainder of the process in Section 2.2.2: “Excavated material  
21 from the pond would be used to backfill excavated areas on the rest of the site to roughly 1 foot  
22 below its original elevation. The stockpiled topsoil from the entire borrow area would be respread  
23 on the remainder of the excavation area to restore it to its approximate preconstruction elevation  
24 and to render it suitable for resumption of agricultural operations.” Accordingly, the topsoil would  
25 be used as the commenter suggests is required.



**Letter 3**

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 3 – SACRAMENTO AREA OFFICE  
 2379 GATEWAY OAKS DRIVE, STE 150 – MS 19  
 SACRAMENTO, CA 95833  
 PHONE (916) 274-0635  
 FAX (916) 263-1796  
 TTY 711



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May 25, 2016

032016-YOL-0007  
 03-YOL-84 / 15.687  
 SCH# 2011082069

Mr. Greg Fabun  
 Central Valley Regional Water Board  
 1110 West Capitol Avenue  
 West Sacramento, CA 95691

**Southport Sacramento River Early Implementation Project – Draft Subsequent  
 Environmental Impact Report (DSEIR)**

Dear Mr. Fabun:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

This project adds the Borrow One site to the already approved Southport Sacramento River levee project. The Borrow One site is located at the southwestern border of the City of West Sacramento and is directly adjacent to State Route 84.

Our comments have changed since our letter regarding the NOP of this project. We are now requesting that a dedication of the existing right of way be prepared. In the review of the permit, it was determined that the right of way in this area is by prescription and in such cases, it is our policy to seek a dedication of the existing right of way. This process will give the State defined, written rights. We would like to have the owner dedicate all of that portion contiguous to their ownership. Further information about the dedication process may be found below in the "Right of Way Dedication" section.

1

***Pavement / Traffic***

As identified by the DSEIR, this project will generate traffic congestion during construction. It is also anticipated that the project could generate settlement to the pavement structure on Highway 84.

2

*"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"*

Mr. Greg Fabun/ Central Valley Regional Water Board  
 May 25, 2016  
 Page 2

In order to fully determine the project’s impact, we request that the project sponsor identifies its soil delivery route and truck trip generation. In addition, a geotechnical report must be prepared to determine the impacts of the excavation on the highway. The proposed project must not create any settlement of the existing levee on which the highway exists. Settlement of the levee could result in failure of the pavement. We also request that a Traffic Management Plan be developed to alleviate operational impacts that increase the likelihood of collisions during construction.

**2**  
**| cont.**  
**3**  
**4**

***Hydraulics***

Excavation of material in the vicinity of State Route (SR 84, (Jefferson Blvd) must not have any adverse impact on the highway. We request that the Final SEIR address the following questions:

- What is the depth of the groundwater at the site of the proposed excavation?
- From examination of existing documents, runoff from the highway sheet flows to a ditch near the toe of slope. Is the project expected to impact sheet flow coming off the roadway?

**5**  
**6**

***Right of Way Dedication***

The items listed below are required to be included with a Right of Way dedication submittal package. Please send to:

Caltrans  
 North Region Office of Surveyors, Right of Way Engineering  
 703 B St  
 Marysville, CA 95901  
 Attn: Paul Tonn

**Required Items:**

1. A map showing the existing centerline(s) and a Right of Way line(s) with dimensions. Show the area to be dedicated on this map.
2. A copy of any record map(s) used to identify the property lines.
3. A current Preliminary Title Report on the parcel(s) from which the dedicated area is to come from (parent parcel).
4. A copy of the vesting deed for the parent parcel(s).
5. A copy of the deed/maps/documents referred to in the Preliminary Title Report.
6. When a survey is involved to establish the Right of Way / boundary lines, the filed Record of Survey/Parcel Map/Subdivision Map shall be provided, along with any pertinent field notes and closure calculations. The newly dedicated Right of Way shall be monumented, as directed by Caltrans and shall be shown on the map of record.
7. A copy of the legal description for the proposed dedication shall be provided for review. After review and approval, Caltrans will provide a grant deed form for the approved legal description (signed and sealed by a Land Surveyor). After the document has been signed by the Grantor and

*“Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California’s economy and livability”*

**Letter 3**

Mr. Greg Fabun/ Central Valley Regional Water Board  
May 25, 2016  
Page 3

notarized it must be sent back to the above office for final review. The North Region Office of Surveyors will forward the document(s) to Caltrans, Division of Right of Way for acceptance and recording of the dedication.

8. An environmental clearance document, declaring the absence of hazardous materials, shall be provided.

***Encroachment Permit***

**7**

After dedication, an encroachment permit will be required. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

Charles Laughlin  
California Department of Transportation District 3, Office of Permits  
703 B Street  
Marysville, CA 95901

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Jacob Buffenbarger, Intergovernmental Review Coordinator at (916) 236-1625 or by email at: [Jacob.Buffenbarger@dot.ca.gov](mailto:Jacob.Buffenbarger@dot.ca.gov).

Sincerely,



ERIC FREDERICKS, Chief  
Office of Transportation Planning – South Branch

c: Scott Morgan, State Clearinghouse

*"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"*

# 1 Letter 3—Eric Fredericks, California Department of 2 Transportation

## 3 Response to Comment 3-1

4 Thank you for your comment on the Draft SEIR. WSAFCA may consider the dedication of existing  
5 right-of-way once the surface mining and site reclamation activities have been completed.

## 6 Response to Comment 3-2

7 As disclosed on pages 2-4 to 2-5 in Section 2.2.1 of the Draft SEIR: “Transport of the borrow material  
8 would entail an estimated total of 15,700 truck trips: approximately 333 round trips per day, 6 days  
9 per week, using 29 trucks. During July through October, operations would reach a peak of 375 trips  
10 per day.” Moreover, effects of use of the haul route (with the exception of the half-mile segment of  
11 Jefferson Boulevard from the project access road to the intersection of Armfield Avenue) were  
12 analyzed and disclosed in Section 3.4 of the Final EIR, and the haul route is shown in Figure 3.4.1 of  
13 that document.

## 14 Response to Comment 3-3

15 This topic is addressed in the Draft SEIR under Effect FR-8: Change in Under-Seepage Associated  
16 with Excavation of Borrow Material. As stated in the impact discussion, WSAFCA performed a  
17 seepage and stability analysis. Mitigation Measure FR-MM-4: *Monitor Project Site for Seepage and*  
18 *Remediate Effects through Maintenance and Operation Activities* was developed to reduce this impact  
19 to a less-than-significant level.

## 20 Response to Comment 3-4

21 As described in Section 2.4.6, *Traffic Control and Road Maintenance Plan*, of the Southport Final EIR,  
22 WSAFCA will develop and implement a traffic control plan for the proposed project. This  
23 commitment is reiterated on page 3-6 of the Draft SEIR.

## 24 Response to Comment 3-5

25 As disclosed on page 3-6 in Section 3.2.2, *Water Quality and Groundwater Resources*, of the Draft  
26 SEIR, “groundwater in the project area could be encountered as high as 4 feet below ground surface  
27 but is more likely to be encountered at depths of 8 feet or more (Blackburn Consulting 2014).”

## 28 Response to Comment 3-6

29 The project is not expected to affect sheet flow coming off the roadway. The proposed ramps are  
30 sloped (cross sloped) to shed the sheet flow off the side of the road to the toe of slope and maintain  
31 positive flow to the adjacent ditch.

1 **Response to Comment 3-7**

2 WSAFCA has submitted an encroachment permit application to Caltrans District 3 for constructing a  
3 temporary and permanent driveway to the site based on the current property rights Caltrans  
4 possesses.

**From:** Marcos Guerrero [<mailto:mguerrero@auburnrancheria.com>]  
**Sent:** Wednesday, May 25, 2016 5:40 PM  
**To:** Fabun, Greg; Matthew Moore; Zollo, Mark; Melodi McAdams; Sullo, Dawn M (Shellie) SPK  
**Cc:** Hamilton, Charline; 'terrie.robinson@nahc.ca.gov'; Brian Guth; John Williams; Jason Camp; Danny Rey  
**Subject:** RE: SEIR, Cultural Resources Refernces

Hello Greg/Mark,  
 Please see UAIC's comments to the Southport Sacramento River Early Implementation Project, DSEIR below.

SOUTHPORT SACRAMENTO RIVER EARLY IMPLEMENTATION PROJECT  
 DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

UAIC believes that a Subsequent EIR was the correct form of EIR for project modifications but that this should have been done for the entire project. There is no Tribal Cultural Resource's section that addresses the tribes concerns or describes the confidentiality and sensitivity of on-going by-weekly consultations. There have been no alternatives discussions for any of tribal cultural resources disclosed by UAIC in the project APE, as there has been in the borrow areas. Alternatives analysis needs to be revisited and taken into full consideration for the entire project, since this has gone ignored in the Subsequent EIR and impacts to numerous tribal cultural resources and sanctified cemeteries is Significant and Unavoidable. There has also been no formal response to the May 24, 2016 letter UAIC submitted regarding the SEIR NOP. From our records search results this projects has the potential to encounter the same number of resources located during the SOUTHPORT 408, if not more. There are known resources, however, there are numerous unknown but documented sites in the Tribe's register and historical maps and archival records.

1  
2

On May 25, 2016, UAIC provided confidential information to WSFCA regarding the location of the Tribal Cultural Resources District and specific sanctified cemeteries within the District. This information provided to WSFCA and technical consultants; however, in accordance with Section 21082.3(c)(1) of the Public Resources Code, "... information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with subdivision (r) of Section 6254 of, and Section 6254.10 of, the Government Code, and subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, without the prior consent of the tribe that provided the information." Therefore, the specific information about the tribal cultural resource is not included in this SEIR, and remains within a confidential administrative record and not available for public disclosure under any circumstance.

3

Cultural Resources Mitigation Measures CUL-1 to -5: Implement Cultural Resource Management Protocols for Borrow Areas. UAIC is not in agreement with the Cultural Resource Management Protocols for Borrow Areas and project APE in general, since they were developed unilaterally and without any review or comment from the UAIC.

4

**Southport 408 project**

Given that the Southport 408 project site falls within the boundaries of the Tribal Cultural Resources District, as identified by the UAIC, it needs to be properly considered and appropriate mitigation prescribed. Furthermore, eight sites are known to exist within the project area, based on UAIC oral histories, and may exist below the area surveyed and at depth below the locations where cultural materials were found.

5

**Letter 4**

The proposed project modifications at the Southport 408 project site would alter the physical composition of the levee by introducing a new set back levee and new concrete slurry cutoff wall and fill material. Although the levee, as a whole, will not be moved, the relocation and disturbance of soils within the levee prism and its associated features would further disturb the matrix of the District, could unearth cultural deposits associated with the Tribal Cultural Resources District and could adversely impact TCRs at depths beyond that which can be monitored. This would have effects on the integrity of location, design, setting, materials, workmanship, feeling and association. However, the project modifications, if implemented, would not change the fact that the Tribal Cultural Resources District is associated with tribal culture and history. However, by disrupting the physical elements of the Tribal Cultural Resources District that create this association, the project would have an impact on its integrity of association. 6

Because the project modifications at the Southport 408 project site could have a negative effect on the integrity of location, design, setting, materials, workmanship, feeling and association of tribal cultural resources, this would be a significant and unavoidable impact. Mitigation Measures CR-MM-1 through CR-MM-3 and CR-MM-5 through CR-MM-12 will reduce the impact, but the effect is still significant. 7  
 With implementation of Mitigation Measure CR-MM-1 to 5, project effects to the borrow area and overall project APE, would remain significant and unavoidable with implementation of the proposed project modifications. However, because elements of the Tribal Cultural Resources District were not included in the FEIR, are known to exist within the borrow area and overall project APE, this effect would be more severe than as was identified in the FEIR.

**Mitigation Measure CR-MM-6: Perform Data Recovery or Alternative Mitigation to Retrieve Information Useful in Research** 8

Prior to data recovery WSFCA will prepare a brief data recovery plan or alternative mitigation plan that describes how WSFCA would retrieve the material associated with these sites that is useful in research(CEQA Guidelines § 15126.4(B)(3)(c)):

Option 1: if UAIC (for Native American sites or tribal cultural resources associated with the Tribal Cultural Resources District) or either UAIC (for Native American sites or tribal cultural resources not associated with the Tribal Cultural Resources District) agree that data recovery excavation is appropriate and, after consultation, are satisfied with the data recovery plan, or if mitigation for non-Native American archaeological sites is necessary, then the following general parameters will apply:

- Data recovery excavations will be performed to retrieve a sample of the affected portion of these sites, in order to retrieve scientifically important material. Excavation will be conducted in arbitrary levels, and material removed will be divided and screened through a combination of ¼” and 1/8” mesh screen, so as to capture both the gross cultural constituents and the finer material that can only be captured in fine mesh. Excavation will be conducted in 10-centimeter levels so that the horizontal association of different cultural materials is recorded. Removed material will be segregated by type and bagged with labels noting their horizontal and vertical location relative to an established datum point. The datum point will be recorded in the field with GPS to at least 10-centimeter horizontal and vertical accuracy.
- Faunal material (animal bone) will be segregated and studied by a qualified faunal analyst to identify the species pursued, relative abundance and diversity of different species present, and the manner in which the prey were processed by the occupants.
- Obsidian glass will be retrieved and studied through both X-ray fluorescence (a method that allows the source of the obsidian to be identified) and obsidian hydration analysis (a method that allows approximate determination of the time when the material was subject to human modification).

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- Soil samples will be retrieved, with their horizontal and vertical location recorded, for flotation analysis (a method of separating light organic material such as fine plant remains from the deposit, in order to identify plant species pursued by historic populations).
- If, in the course of data recovery excavations, it is determined that, contrary to available evidence, the resource lacks integrity, data recovery excavations will cease.
- After completion of data recovery excavations WSFCA will prepare a data recovery report and summarize the results of these studies relative to regional research questions in the data recovery report. The report will be filed with the relevant information center of the CHRIS. WSFCA will then turn over the recovered material to UAIC (for Native American sites or tribal cultural resources associated with the Tribal Cultural Resources District) or either UAIC (for Native American sites or tribal cultural resources not associated with the Tribal Cultural Resources District) for reburial or storage at an appropriate curation facility.

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Option 2: if, through consultation, UAIC (for Native American sites or tribal cultural resources associated with the Tribal Cultural Resources District) or either UAIC and another tribe (for Native American sites or tribal cultural resources not associated with the Tribal Cultural Resources District) do not support recovery or analysis of materials from tribal cultural resources, then alternative mitigation to data recovery and analysis will include any or all of the following options:

- Writing a report based on any field notes and catalog information that may have been recorded during archaeological excavations to provide a descriptive record of the archaeological deposits
- Repatriation or analysis of culturally appropriate existing collections that are currently housed in curation facilities and are available for study from other archaeological sites of comparable size and antiquity to the affected sites
- Hiring an ethnographer or other appropriate professional to work with the affected tribe(s) to evaluate the sites and project area.
- Other tribal history recordation, reproduction or form of public interpretation developed in collaboration with the affected tribe(s).

Construction will also be monitored, and discoveries made during construction will be managed.

**Effect CR-2: Potential to Disturb Unidentified or Known but not Found Archaeological Sites Given the Level of Survey Performed Before Project Approval**

9

The FEIR determined that unidentified archaeological sites may possibly exist. During prehistory, sites were formed over many millennia. When habitation ceased or flood events occurred, interrupting human occupation, these sites may have been ritually abandoned or obscured by the deposition of sediment. In addition, because of the intensity of farming activity and levee construction in the historic era, surface manifestations for prehistoric sites may have been obscured by cultivation or levee construction, leaving portions of the site below grade with little to no visible indication above ground. Geological processes may obscure historic-era sites as well.

Because these sites may contain important data useful in research, and may retain integrity to convey this data, sites that are buried and obscured may be unique archaeological resources. The FEIR determined that disturbance of buried unique archaeological resources through direct excavation associated with the preferred alternative would materially impair these resources under CEQA by disrupting scientifically useful deposits. Mitigation Measure CR-MM-1 to 5 would not ensure that these impacts would be avoided and the effects should be found to be significant and unavoidable.

The footprints of the project areas are located within previous or current floodplain and areas of agricultural cultivation. They are therefore also sensitive for archaeological sites that may be buried and obscured; for these it is possible that some archaeological sites will not be identified in advance of construction because they are buried and obscured. The



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project modifications also involve excavation in and around the levee or borrow areas, and would therefore have the same potential to disturb unidentified archaeological sites. This includes tribal cultural resources that are known but cannot be found through the survey methods employed to date. It also includes archaeological sites that are not associated with the Tribal Cultural Resources District that may be either prehistoric or historic in nature. Mitigation Measure CR-MM-1 to -05, would be implemented for the project modifications, but the effect would remain significant and unavoidable. However, for the reasons described above relevant to the Southport 408 project site falling within the boundaries of the Tribal Cultural Resources District, the effect to that portion of the modified project would be more severe and irreparable than as identified in the FEIR. This potential for post-review discoveries in the borrow area is also present for project APE. Therefore, the following mitigation measure shall apply.

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**Mitigation Measure CR-MM-7: Implement a Cultural Resources Discovery Plan, Provide Related Training to Construction Workers, and Conduct Construction Monitoring**

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WSFCA will complete the following management steps for currently inaccessible areas once rights of entry have been obtained:

In consultation with UAIC, WSFCA will complete a confidential inventory and evaluation report for cultural resources, including archaeological resources.

The work will be led or supervised by cultural resources specialists who meet the Secretary of the Interior’s professional qualification standards provided in 36 CFR Part 61 and UAIC Tribe monitors will be afforded the opportunity to participate.

All newly identified resources will be mapped and described on DPR forms in consultation with UAIC and another Tribe. Mapping will be completed by recording data points with GPS hardware through which data can be imported and managed digitally. Mapping of previously identified resources will be limited to updates of existing records where necessary to describe the current boundaries of the resource.

In consultation with UAIC, WSFCA will evaluate the eligibility of identified resources for listing on the CRHR and determine if these resources can feasibly be preserved in place, or if data recovery or alternative mitigation following Mitigation Measure CR-MM-1, above, is appropriate. The methods of preservation in place shall be considered in the order of priority provided in CEQA Guidelines § 15126.4(b)(3).

Prior to ground-disturbing construction, SOUTHPORT 408 proponents will include a cultural resources discovery plan in the contract conditions of the construction contractor, incorporating the following actions to be taken in the event of inadvertent discovery of cultural resources.

All ground disturbing work will be monitored by a qualified professional archaeologist and a tribal monitor from UAIC for ground-disturbing work in Yolo County. The monitors’ tasks will include observing the active excavation of materials, as well as periodically checking excavated substrate and ensuring the respectful and culturally-appropriate treatment of finds. The tribal monitor will be provided sufficient work space and an unobstructed view of excavations. WSFCA will authorize the tribal monitor to pause construction periodically as needed for a closer examination of exposed sediments and/or artifacts. The tribal monitor will record their daily observations on a standard field form and may take photographs of Project-related ground disturbance or activities that affect tribal resources or cultural items as needed.

In the event that potential tribal cultural items or human remains are discovered, all work at the specific location will cease immediately. The tribal monitor(s) are empowered to stop and relocate excavation activities pending further investigation by coordinating with WSFCA’s construction inspector. The tribal monitor and, if present, the on-site consulting archaeologist, will assess whether the discovery is an archaeological and/or tribal resource. If a consulting archaeologist is not present, the WSFCA employee, construction inspector, or contractor will immediately contact the WSFCA Project Manager and the consulting archaeologist.

The tribal monitor, in cooperation with the consulting archaeologist, may photograph and describe the discovery and document its location. The discovery will be analyzed to determine whether it includes Burials, Burial Soils, Burial

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Objects, tribal cultural items or whether it is a non-tribal archaeological resource. Based on this analysis, the tribal monitor will recommend one of the following procedures:

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If the tribal monitor determines that the discovery does not include Burials, Burial Soils, Burial Objects, or tribal cultural items, and if the consulting archaeologist determines that the discovery is not a non-tribal archaeological resource, then Project-related ground disturbance may continue in the location of the discovery without Tribal involvement and once unanticipated discovery measures are carried through.

If the tribal monitor determines that the discovery includes Burials, Burial Soils, Burial Objects, or tribal cultural items, a 100-foot protective buffer area will immediately be established. WSFCA, in consultation with the Tribe, will take the necessary steps to protect the discovery and WSFCA will immediately initiate consultation with the tribes on feasible alternatives. Although immediate steps will be taken to protect the discovery from further damage, such as covering the discovery with a tarp, reburial, and cordoning-off a 100-foot area around the discovery from future ground disturbance, additional steps to be taken to protect the discovery will be determined through discussion between WSFCA, USACE, SHPO, and the UAIC.

The WSFCA Project Manager will contact the USACE Archaeologist. They will consult with the Tribe and SHPO concerning the nature, significance, and extent of the discovery. The Parties will develop and implement a plan to accommodate reburial and/or modifications to project activities. Neither ground-disturbing excavations nor other, non-ground-disturbing activities may continue at the location of the discovery until the WSFCA Project Manager receives approval from USACE after the appropriate consultation between the USACE, SHPO, and affected tribe(s) has occurred.

Authorization from the USACE will take the form of an email or hard copy document. Ground-disturbing activities are defined as those that have the potential to uncover cultural resources that may not be currently visible on the surface, and include the following: major or minor grading or earthwork; new or enlarged excavation for installation of fences, gates, utility poles, or culverts; and Project activities defined as ground disturbing in the draft Project Historic Property Treatment Plan (HPTP) and confidential draft Resource Specific Treatment Plans (RSTPs). Non-ground-disturbing activities include: repaving and associated minor grading, fence, pole, or culvert replacement, when such work or replacement does not displace or expose soils determined by WSFCA and the appropriate Tribe to be composed of culturally sensitive fill material; installation of material and equipment that occurs solely above-ground; removal of project environmental and erosion control measures; equipment demobilization; and other Project closeout activities that do not displace or expose soils determined to be composed of culturally sensitive fill material. However, unusual circumstances may render the above categories inapplicable for some activities in some locations. For example, many of the activities above could be considered ground-disturbing if done near or within a known Cemetery or recorded archaeological site. If there is any question, WSFCA will consult with the appropriate Tribe prior to work occurrence.

In the event that suspected Native American human remains in any state of decomposition or skeletal completeness are found during Project activities, WSFCA shall immediately contact the applicable County Coroner. The Coroner shall ensure that notification is provided to the NAHC as required by California Health & Safety Code § 7050.5 and Public Resources Code § 5097.98(a). Health and Safety Code Section 7050.5 establishes the authority of the county coroner regarding the discovery of human remains and the role of the Native American Heritage Commission if the coroner determines that the remains are that of a Native American. Public Resources Code § 5097.98 deals with the notification process used by the Native American Heritage Commission for the discovery of Native American human remains, descendants, and also provides guidance for the appropriate and dignified disposition of human remains and associated grave goods. The procedures in the Burial Treatment Agreement (Mitigation Measure CR-8) between the UAIC and WSFCA shall be followed. In the case of another Tribe as the tribal monitor, WSFCA shall consult with the tribe on appropriate treatment.

If the discovery is determined to not be a tribal resource by the tribal monitor, but is determined by the consulting archaeologist or WSFCA to be a non-tribal cultural or archaeological resource subject to the terms of the Programmatic Agreement or any of its implementing documents, then the consulting archaeologist shall follow the procedures therein and as generally described above, without further involvement by the tribal monitor or tribe(s).

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All tribal monitor decisions about whether discoveries are tribal resources will be documented in writing. If there is a dispute about a tribal monitor’s decision, including disputes arising from WSFCA’s refusal to acknowledge or respect the tribal monitor’s decision or conflicting recommendations from tribal staff or monitors, WSFCA must consult with the tribe to confirm or reject the tribal monitor’s decision.

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If Native American human remains are discovered on Federal land, work in the immediate vicinity will cease, and WSFCA will contact the relevant representative of the Federal agency where the remains were discovered, as prescribed in 25 USC §3002(d) (NAGPRA). After notification from the relevant agency representative and treatment of the remains as required under NAGPRA and state law, work may continue. Disposition of the remains will follow the ownership priority described in NAGPRA (25 USC §3002[a]) and the March 31, 2015, letter from the Advisory Council on Historic Preservation relative to the SOUTHPORT 408.

If the discovery is an archaeological site not related to Native American culture, the Tribal Cultural Resources District, or both, then WSFCA shall consult with the USACE on appropriate treatment, which will be in general conformance with MM-CR-1.

WSFCA will develop a list of cultural resources staff who can respond to cultural resources discoveries; WSFCA, in consultation with the tribes, will also develop training materials for construction workers regarding management direction following discoveries. The staff list and training materials will be provided to the supervisory field staff. WSFCA will conduct training for construction workers that provides an overview of cultural resources identification and this mitigation measure.

**Effect CR-3: Potential to Disturb Human Remains, Including Known Tribal Cemeteries that Cannot be Found Given the Level of Survey Performed Before Project Approval**

11

The FEIR determined that the construction of levee improvements associated with preferred alternative could disturb human remains, which would be a significant effect. Mitigation Measure CR-MM-3 would reduce the severity of this effect, but it cannot guarantee that the effect would be avoided. The FEIR concluded that this would be a significant and unavoidable effect.

Although they were subjected to a pedestrian survey by professional archaeologists and tribal representatives from UAIC and another Tribe, respectively, the Southport 408 project sites are located in an area of moderate to high sensitivity for archaeological cultural remains, including burials. This is largely due to its proximity to a major water course, and the nature of historic levee construction, which was done in 1868, prior to environmental laws and regulations that required consideration of cultural resources. Therefore, even though the landscape of the project area has been modified significantly since the time that Native American villages and occupational areas were established and used, there remains the possibility that there are cultural resources or tribal cultural resources that are contained within or near the existing levee prism, which are not visible on the surface. Therefore, ground-disturbing work necessary to construct proposed levee improvements may inadvertently damage and disturb these resources before they can be discovered. In particular, levee setbacks, berms, slurry cutoff walls, which will be constructed at the Southport 408 project site, may disturb these resources at depths where the resource cannot be identified, even during monitoring. Slurry cutoff wall construction occurs through use of a bentonite mixture that obscures artifacts and cultural material, making identification infeasible or at least unlikely during monitoring of these features in particular. Therefore appropriate and dignified treatment and immediate reburial, often the only measures available, may not always be possible. Mitigation Measure CR-MM-3, as described in the 2013 FEIR and repeated below, would reduce the severity of this effect, but it cannot guarantee the effect would be avoided. Therefore, the identified effect would remain significant and unavoidable with implementation of the proposed project modifications. However, for the reasons described above relevant to the Southport 408 project site falling within the boundaries of the Tribal Cultural Resources District, the effect to that portion of the modified project would be more severe than as identified in the 2013 FEIR.

**Mitigation Measure CR-MM-8: Monitor Culturally Sensitive Areas during Construction and Follow State and Federal Laws Governing Human Remains if Such Resources Are Discovered**

12

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WSFCA will retain a qualified archaeologist and UAIC and/or another Tribe monitor(s), as applicable, to monitor areas of sensitivity for previously unidentified archaeological resources and human remains, as required under Mitigation Measure CR-MM-2. The following actions will be taken.

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If human remains are discovered as part of the deposit or in isolation, work will cease in the immediate vicinity and within the radius necessary to avoid further disturbance, and the procedures in CR-MM-2 shall apply. WSFCA, and the contractors will coordinate with the Yolo County coroner, as appropriate, and NAHC to make the determinations and perform the management steps prescribed in California Health and Safety Code §7050.5 and PRC §5097.98. This coordination requires the following steps.

- o The local county coroner will be notified so that he/she may determine if an investigation regarding the cause of death is required. If the coroner determines that the remains are of prehistoric Native American origin, the coroner will notify the NAHC.
- o Upon notification, the NAHC will identify the most likely descendant (MLD), and the MLD will be given the opportunity to provide recommendations including to reinter the remains with appropriate dignity. If the NAHC fails to identify the MLD or if the parties cannot reach agreement as to how to reinter the remains as described in PRC §5097.98(e), the landowner will reinter the remains at a location not subject to further disturbance. WSFCA will ensure the protections prescribed in PRC §5097.98(e) are performed, such as the use of conservation easements and recording of the location with the relevant county.
- o If Native American human remains are discovered on Federal land, work in the immediate vicinity will cease, and WSFCA will contact the relevant representative of the Federal agency where the remains were discovered, as prescribed in 25 USC §3002(d) (NAGPRA). After notification from the relevant agency representative and treatment of the remains as required under NAGPRA and state law, work may continue. Disposition of the remains will follow the ownership priority described in NAGPRA (25 USC §3002[a]) and the March 31, 2015, letter from the Advisory Council on Historic Preservation relative to the SOUTHPORT 408.

WSFCA will include an overview of the potential for encountering human remains and an overview of this mitigation measure in the training performed under Mitigation Measure CR-MM-2.

**Effect CR-4: Effects on Identified Tribal Cultural Resources, Including those that are Known but Cannot be Found Given the Level of Survey Performed Before Project Approval**

13

The proposed project modifications would impact a portion of the Tribal Cultural Resources District, a tribal cultural resource within the SOUTHPORT 408. The determination as to whether or not the impact will be significant depends on the aspects of the resource's integrity that convey its significance. Integrity is expressed through one or more of seven aspects defined by the CRHR, including location, design, setting, materials, workmanship, feeling, and association. The significance of the portion of the District that is located within the project area contemplated by this Supplemental EIR is conveyed through its integrity of location, association, design, setting, feeling, materials and workmanship.

- The Tribal Cultural Resources District possesses integrity of location because the District has been identified by the UAIC as being present within the project area and that location within the landscape has not changed. However, any removal of soils or other constituent elements from sacred sites, tribal cemeteries, or tribal cultural resources that are comingled within the historic levee prism would adversely affect this integrity;
- The Tribal Cultural Resources District possesses integrity of association because of its continued importance to tribal culture and history. The continued physical presence of sacred sites and tribal cemeteries maintains this integrity of association. Disturbance to the integrity of these features would adversely affect this

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integrity. For example, if tribal cemeteries are disturbed such as through the removal of burial soils, then the ability of the Tribal Cultural Resources District to convey the association of the area with traditional religious beliefs about the afterlife is diminished; 13 cont

- The Tribal Cultural Resources District possesses integrity of design because the combination of elements that create the form, plan, space, structure and style of the district are still in place, although comingled with the levee, which post-dates and may have incorporated some of these sites. The levee modifications will adversely affect this integrity because the design of sacred sites, tribal cemeteries and other tribal cultural resources will be altered by the intrusion of a slurry wall into these sites as well as by indirect effects such as vibration;
- The Tribal Cultural Resources District possesses integrity of setting. While the built environment around the district has changed, the physical environment in terms of the relationship of the Sacramento River to its tributaries and to tribal cultural resources has not changed, and this is the setting to which the UAIC ascribes significance. By further restricting the ability of water to flow into the river through the use of slurry walls, the setting is being adversely affected. Although the majority of the setting surrounding the levee has been altered by historic agriculture and development over the past century, there are some native plants that are present also as components of sacred sites, burial sites and tribal cultural resources. In many areas, the native plants that are a part of tribal cultural resources are still present. These plants are the product of millennia of careful tending and selection and represent a significant amount of traditional ecological knowledge in both their domestication and in their position on the landscape. Removal of native plants or project activities that adversely affect the health of native plants also diminish the integrity of setting;
- The Tribal Cultural Resources District possesses integrity of feeling because it is an expression of the aesthetic sense of a period of time. Taken together, the elements of the Tribal Cultural Resources District convey traditional tribal religious and spiritual beliefs. By inserting additional levee elements into this landscape that disrupt these features or by removing portions of these features, the project is diminishing this integrity, even though the post-project conditions will not be visibly different than current conditions;
- The Tribal Cultural Resources District possesses integrity of materials because the physical elements that make up Tribal Cultural Resources are still present. By inserting additional levee elements into this landscape, and by removing soil and other constituent elements from sacred sites, tribal cemeteries, and Tribal Cultural Resources the project is diminishing this integrity;
- The Tribal Cultural Resources District possesses integrity of workmanship because the Nisenan architectural knowledge that constructed these mound cemetery sites as well as other tribal cultural resources is present within the levee. Similarly the workmanship that is evident in the material culture of objects and artifacts that were left as burial offerings is also intact within these sites. By inserting a slurry wall or setback levee over or through these sacred sites, tribal cemeteries, and tribal cultural resources the levee is diminishing this integrity.

Diminishing the integrity of the Tribal Cultural Resources District has substantial consequences to the resource and to the UAIC Native American community. These include awakening sites that should be asleep, interfering with the burial traditions and practices of a community, preventing the spiritual journey through the afterlife, and other consequences. Such consequences adversely affect the spiritual and physical health of contemporary Native American communities and diminish the ability of these communities to practice their traditional religious beliefs.

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The balance of the District, outside of the project area subject to this Supplemental EIR, may retain other aspects of integrity and would be analyzed including under subsequent environmental documents for future projects, when proposed. 13  
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As a result, any project activities that have a negative effect on the characteristics of the resource that qualify it for consideration as a tribal cultural resource, which would diminish those qualities such that the resource would no longer be significant as a result, are considered to have a significant impact. As such, mitigation to lessen or avoid those significant impacts would be required. A discussion of the impacts of the project modifications to the Tribal Cultural Resources District is discussed below, relative to the two new project locations in this SEIR.

**Mitigation Measure CR-MM-9: Design Alternatives**

WSFCA will analyze and explore with the UAIC, design alternatives on all components of the Project that could avoid or lessen the potential damage to the cemeteries, burial grounds and ceremonial sites before ground-disturbing activities commence and/or begin. This may include, but is not limited to, discussions of alternatives as part of consultation meetings, providing copies of proposed project plans, and making adjustments to plans and construction methods during construction. Unforeseen discoveries of cultural resources may occur despite advance exploration, requiring the consideration of design adjustments during construction. Depending on the specific geotechnical conditions encountered during excavation activities, WSFCA will analyze and explore design modifications to the alignment and grade of these excavations to avoid or mitigate cultural resource impacts, in consultation with UAIC, including as described in the SEIR. 14

**Mitigation Measure CR-MM-10: Tribal Consultation Policy**

With and in agreement with the culturally affiliated tribes to the SOUTHPORT 408, WSFCA shall develop a tribal consultation policy. The policy shall include statements regarding the importance of pre-project planning consultation and a commitment to meaningful consultation with all applicable tribes. WSFCA shall afford UAIC an opportunity to comment on the UAIC-specific policy statement prior to its adoption by the WSFCA board of directors. 15

**Mitigation Measure CR-MM-11: Repatriate Human Remains**

WSFCA repatriated all previously excavated human remains, burial goods, and soils from the Project site for which UAIC is the designated MLD, without further scientific testing or analysis, to the UAIC, and allowed for reburial as close to the original location they were obtained. This measure also applies to any additional human remains, burial goods and burial soils which may be encountered as indicated in Mitigation Measure CR-MM-8 below. 16

**Mitigation Measure CR-MM-12: Execute Burial Treatment Agreement with UAIC**

WSFCA will execute a Burial Treatment Agreement with UAIC based on the draft agreement authored by UAIC. The Agreement will govern the disposition and treatment of all human remains, objects, and soil disturbed or removed from the project areas for which UAIC has been or is later designated as the MLD. The Burial Treatment Agreement shall include provisions for reburial without scientific handling, testing, or analysis as close as possible to the original location from which they were obtained, and will be mutually agreed-upon by both WSFCA and UAIC prior to the commencement of ground-disturbing activities associated with the proposed project modifications. 17

**Mitigation Measure CR-MM-13: Execute Cultural Resources Treatment Agreement with UAIC**

WSFCA shall execute a Cultural Resources Treatment Agreement with UAIC, which will include a tribal monitoring program for UAIC representatives to participate in all survey and ground-disturbing work performed on the SOUTHPORT 408 to which they are culturally affiliated, and which will also include a long-term management plan for the ongoing protection of the culturally sensitive resources. This Agreement shall be executed prior to ground-disturbing work commencing on the SOUTHPORT 408. 18

All ground-disturbing activities shall be monitored by an appropriate number of qualified tribal monitors. WSFCA shall provide 7 calendar days' notice to tribes of planned ground-disturbing activities. The monitors' tasks will include observing the active excavation of materials, as well as periodically checking excavated substrate and ensuring respectful and culturally-appropriate treatment. WSFCA will authorize the tribal monitor to pause construction periodically as needed for a closer examination of exposed sediments and/or artifacts. The tribal monitor will record

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their daily observations on a daily monitoring log and may take photographs of Project-related ground disturbance or activities that affect tribal resources or cultural items as needed. | 18  
 In the event that potential tribal cultural items or human remains are discovered, all work at the specific location will cease immediately. The tribal monitor is empowered to stop and relocate excavation activities pending further investigation by coordinating with WSFCA’s construction inspector. The tribal monitor and, if present, the on-site consulting archaeologist, will assess whether the discovery is an archaeological and/or tribal resource. If the determination is made that the find represents a cultural resource or tribal cultural resource, then the provisions in CR-MM-2 for unanticipated discoveries shall apply. | cont

**Mitigation Measure CR-MM-14: Ethnographic Study** | 19  
 An ethnographic study of the SOUTHPORT 408 will be conducted by an anthropologist who meets the Historic Preservation Professional Qualifications Standards for Cultural Anthropology, published by the National Park Service. Goals of the study will be to document the traditional lifeways of Native American groups with ties to the lower Sacramento River watershed and address the Tribal Cultural Resources District. The study will include, but not be limited to, interviews with tribal elders, review of existing ethnographic literature, oral histories, historic documentation, historic maps, linguistic studies, and archaeological research. The ethnography will follow the Seven Principles of the American Anthropological Association’s Statement on Ethics. UAIC and another Tribe shall be afforded an opportunity to provide input on the selection of the ethnographer, based on the ethnographer’s qualifications and ability to work with the tribes. The ethnography shall be completed and the ethnographic report finalized and distributed within 2 years of the completion of the project modifications and work authorized under this SEIR.

**Mitigation Measure CR-MM-15: Identification and Evaluation for Listing on the NRHP and CRHR** | 20  
 The tribal cultural resources portion of the SOUTHPORT 408 and the Tribal Cultural Resources District will be formally identified, recorded, and evaluated for listing on the NRHP and CRHR, considering tribal values and input. Nominations for listing will be prepared in consultation with the tribe(s) and submitted.

Swainson’s Hawk: while monitors were out surveying the borrow site they observed numerous hawks flying around foraging. This could represent a loss of Swainson’s Hawk feather gathering area. | 21

NAHC Trustee Agency: In a footnote, the SEIR states that the NAHC is not considered a trustee agency for CEQA purposes. We believe this is incorrect and should be changed; please see Public Resources Code sections 21070 and 21080.4, CEQA Guidelines section 15086 and Environmental Protection Information Center v. Johnson (1985) 170 Cal.App. 3rd 604; otherwise, please provide the authority for the asserted contrary view. | 22

Construction Workers and Private Vehicles: Since individuals would be onsite daily during construction, show in a graphic the locations where these individuals would park. How will WSFCA ensure that parking occurs in designated areas only? | 23

Possible Deficiencies: the SEIR’s air (nonattainment), traffic (failing road segments) and noise sections (exceedances near sensitive receptors); please review these accordingly. | 24

## 1 **Letter 4—Marcos Guerrero, United Auburn Indian** 2 **Community**

### 3 **Response to Comment 4-1**

4 In accordance with State CEQA Guidelines Section 15162, this Subsequent EIR is limited to analysis  
5 of proposed substantial project changes triggering further discretionary approval by the lead and  
6 responsible agencies. These substantial project changes do not affect the project area analyzed in  
7 the Southport Final EIR (referred to by the commenter as the Southport 408 Project). As WSAFCA  
8 has certified the Southport Final EIR and adopted an alternative for implementation, comments  
9 requesting modification of the Final EIR's effects findings or project alternatives are not timely. The  
10 following statements are responsive only to comments that pertain to the Subsequent EIR.

### 11 **Response to Comment 4-2**

12 WSAFCA is in receipt of a letter from UAIC dated April 5, 2016, and received April 29, 2016, with the  
13 subject "United Auburn Indian Community Comments on Notice of Preparation of a Subsequent EIR  
14 for the West Sacramento Area Flood Control Agency Southport EIP." Although the scoping period  
15 closed March 31, 2016, WSAFCA reviewed and considered the information and comments provided  
16 by UAIC in accordance with State CEQA Guidelines Section 15084(c). As the guideline directs,  
17 information provided by agencies and the public that WSAFCA found to be relevant to the  
18 Subsequent EIR was incorporated into the document. WSAFCA did not provide formal response to  
19 comments and information received during or after the scoping period.

### 20 **Response to Comment 4-3**

21 Based on tribal and archaeological surveys as well as information UAIC has provided to WSAFCA,  
22 USACE, and WSAFCA's consultants, no TCRs have been identified within the Borrow One action area.

### 23 **Response to Comment 4-4**

24 WSAFCA has engaged in cultural resource coordination efforts with UAIC since March 2016 with a  
25 specific focus on implementation of the Southport Early Implementation Project. There has been  
26 and continues to be frequent email correspondence and sharing of project and tribal cultural  
27 information. WSAFCA has standing bi-weekly coordination meetings (started April 15) with the  
28 tribe and standing agenda items that include the Borrow One Subsequent EIR. Specific to Borrow  
29 One, WSAFCA coordinated with UAIC to conduct a site survey (May 6); representatives from GEI  
30 accompanied and took field notes/pictures.

### 31 **Response to Comment 4-5**

32 The scope of the Subsequent EIR is the Borrow One action area. Based on tribal and archaeological  
33 surveys as well as information UAIC has provided to WSAFCA, USACE, and WSAFCA's consultants,  
34 no TCRs have been identified within the Borrow One action area.



## 1 **Response to Comment 4-6**

2 The scope of the Subsequent EIR is the Borrow One action area. No levees are located within the  
3 Borrow One action area. No TCRs have been identified within the Borrow One action area.

## 4 **Response to Comment 4-7**

5 Based on tribal and archaeological surveys as well as information UAIC has provided to WSAFCA,  
6 USACE, and WSAFCA's consultants, no TCRs have been identified within the Borrow One action area.

## 7 **Response to Comment 4-8**

8 No CRHR- or NRHP-eligible sites have been identified in the Borrow One action area that require  
9 data recovery or any other method of mitigation. If an eligible resource is identified, appropriate  
10 mitigation will be identified and described in a resource specific treatment plan.

## 11 **Response to Comment 4-9**

12 Effect CUL-5 in the Subsequent EIR describes the potential discovery of previously unknown TCRs in  
13 the borrow area and states that the effect would be considered significant and unavoidable,  
14 although implementation of mitigation measure CUL-MM-5 would reduce the risk of harm to TCRs.  
15 Regarding the level of survey performed before project approval, mitigation measure CUL-MM-2  
16 from the Final EIR (also referenced in the Subsequent EIR) includes conducting a complete  
17 archaeological inventory and evaluation prior to construction, as well as the treatment or  
18 preservation of eligible and adversely affected resources.

## 19 **Response to Comment 4-10**

20 This is covered under CUL-MM-2, HPMP B.6.2 and B.6.3., and Stipulation IV of the Programmatic  
21 Agreement. More specific provisions would be the subject of the monitoring plans and burial  
22 treatment plans under the Programmatic Agreement.

## 23 **Response to Comment 4-11**

24 Please see response to comment 1 above.

## 25 **Response to Comment 4-12**

26 Archaeological monitoring will be conducted as required by the Programmatic Agreement  
27 Stipulation V.B. Details regarding tribal monitoring are currently being discussed between WSAFCA  
28 and the tribes.

## 29 **Response to Comment 4-13**

30 Based on tribal and archaeological surveys as well as information UAIC has provided to WSAFCA,  
31 USACE, and WSAFCA's consultants, no TCRs have been identified within the Borrow One action area.

## 1 **Response to Comment 4-14**

2 Based on tribal and archaeological surveys as well as information UAIC has provided to WSAFCA,  
3 USACE, and WSAFCA's consultants, no TCRs have been identified within the Borrow One action area.  
4 Therefore, design alternatives are not necessary.

## 5 **Response to Comment 4-15**

6 Based on tribal and archaeological surveys as well as information UAIC has provided to WSAFCA,  
7 USACE, and WSAFCA's consultants, no TCRs or eligible archaeological resources have been  
8 identified within the Borrow One action area. Coordination between WSAFCA and the tribes is  
9 ongoing (see response to comment 4).

## 10 **Response to Comment 4-16**

11 WSAFCA has not encountered any human remains and therefore no repatriation has occurred.  
12 Details regarding the handling of any human remains that may be encountered will be documented  
13 in a burial treatment plan to be developed by WSAFCA in coordination with all geographically  
14 affiliated tribes.

## 15 **Response to Comment 4-17**

16 WSAFCA expects to develop a burial treatment plan with all geographically affiliated Native  
17 American tribes.

## 18 **Response to Comment 4-18**

19 WSAFCA expects to develop a tribal monitoring plan for all geographically affiliated Native  
20 American tribes.

## 21 **Response to Comment 4-19**

22 HPMP B.7.3.4 provides for ethnographic studies, but there are no known TCRs or other Native  
23 American resources identified in the Borrow One action area. Therefore, no mitigation is required.

## 24 **Response to Comment 4-20**

25 To date, no Native American or historic-era resources were identified in the Borrow One action area  
26 that require nomination to the CRHR or NRHP. Evaluations are addressed under HPMP B.6.3 and  
27 CUL-MM-2.

## 28 **Response to Comment 4-21**

29 While the project would result in the loss of approximately 26 acres of Swainson's hawk foraging  
30 habitat, implementation of Mitigation Measures VEG-MM-1, VEG-MM-3, and WILD-MM-9 would  
31 reduce this impact to a less-than-significant level. As set forth in the Southport Final EIR, WILD-MM-  
32 9 ensures compensatory mitigation for permanent loss of Swainson's hawk foraging habitat;

1        accordingly, this measure would also ensure that no substantial loss of potential feather gathering  
2        area would result.

### 3        **Response to Comment 4-22**

4        The lead agency has reviewed the Draft Subsequent EIR and was not able to locate the footnote  
5        referenced in the comment.

### 6        **Response to Comment 4-23**

7        Construction worker vehicles and private vehicles would be parked within the designated  
8        staging/stockpile area shown in Figure 2-4. Text has been added to Section 2.2, Proposed Project, to  
9        clarify this. Parking areas are included as part of the contractor's site plan and would be subject to  
10       WSAFCA approval.

### 11       **Response to Comment 4-24**

12       The lead agency has reviewed the air quality, traffic, and noise analyses and has determined them to  
13       be sufficient.



1 Chapter 6  
2 List of Preparers

---

3 This Subsequent EIR was prepared by ICF International at the direction of WSAFCA as the CEQA lead  
4 agency. The following individuals participated in the preparation of this Subsequent EIR.

5 **West Sacramento Area Flood Control Agency**

<b>Name</b>	<b>Education/Experience</b>	<b>Responsibility</b>
Greg Fabun	B.S. Mechanical Engineering; 25 years experience	Flood Protection Manager, City of West Sacramento
Paul Dirksen, Jr.	B.A. Latin American Studies Masters in Planning and Development	Flood Protection Manager, City of West Sacramento
Toby Wong, P.E., QSP	B.S. Civil Engineering; 30 years experience	Supervising Civil Engineer, City of West Sacramento
Ken Godleski	B.S. Civil Engineering; 14 years experience	Project Engineer, City of West Sacramento

6  
7 **ICF International**

<b>Name</b>	<b>Education/Experience</b>	<b>Responsibility</b>
Christopher Elliott	B.S. Landscape Architecture; California Licensed Landscape Architect, Certified Arborist; 21 years experience	Project Director
Megan Smith	J.D., B.A. English; 18 years experience	Project Manager
Tanya D. Matson	B.A. Environmental Studies; 12 years experience	Project Manager
Andrew Humphrey	B.A. History; 8 years experience	Project Coordinator
Sara Martin	B.A. Anthropology & German; 12 years experience	Environmental Resource Analyst
Lisa Webber	B.S. Biology, M.S. Botany; 24 years experience	Vegetation and Wetlands
Angela Alcalá	B.S. Wildlife, Fisheries, Conservation Biology; 16 years experience	Wildlife
Christian Havelaar	B.A. Anthropology; 12 years experience	Cultural Resources
David Lemon	Ph.D. candidate Public History/Historic Preservation, M.A. Public History, B.A. U.S. History; 12 years experience	Cultural Resources
Alex Angier	A.A. Computer-Aided Drafting and Design; 9 years experience	GIS technician
Teresa Giffen	M.S. Communication and Rhetoric, B.A. English; 15 years experience	Graphic designer
Larry Goral	23 years experience	Editor, technical writer

# 1 Other Contributors

<b>Name</b>	<b>Education/Experience</b>	<b>Responsibility</b>
Eric Nagy (MBK Engineers)	B.S. Civil Engineering; 19 years experience	Program Manager (consultant to WSAFCA)
Derek Larsen, P.E. (Larsen Wurzel & Associates, Inc.)	Master of Business Administration, B.S. Environmental Engineering; 16 years experience	Program Coordinator (consultant to WSAFCA)
Marieke Armstrong (Mead & Hunt)	B.S. Ecology, Behavior, and Evolution, M.S. Environmental Science; 17 years experience	Permitting Lead (consultant to WSAFCA)

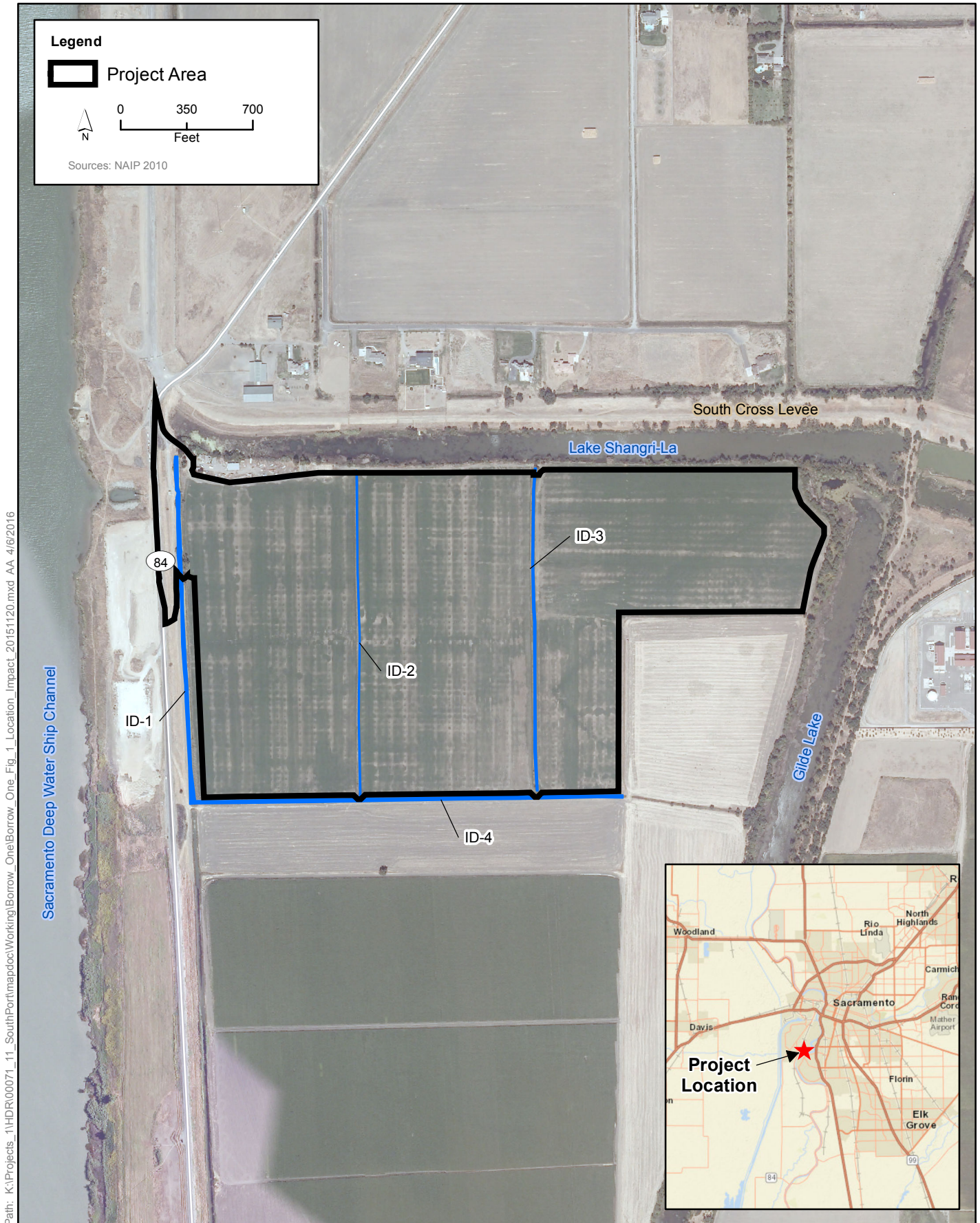
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## Figures

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**Figure 1-1**  
**Borrow One Project Location**



**Photo 1**  
Looking north from southwestern portion of project area

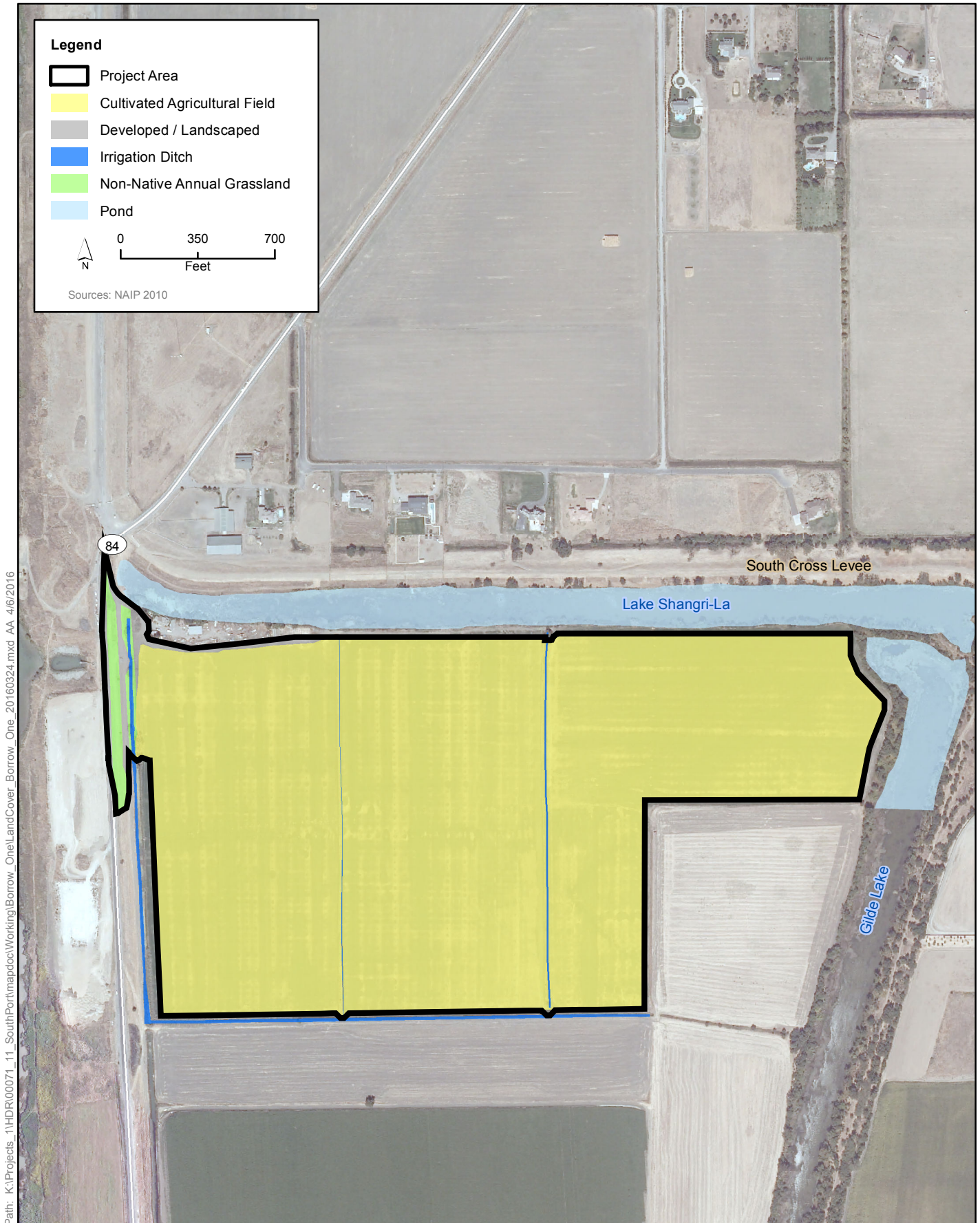


**Photo 2**  
Looking northeast from south-central edge of project area



**Photo 3**  
Looking southeast across Ditch ID-4 from south-central edge of project area

Graphics ... 00071.11 HDR Southport/Subsequent EIR TAG



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**Figure 2-2**  
**Land Cover Types**

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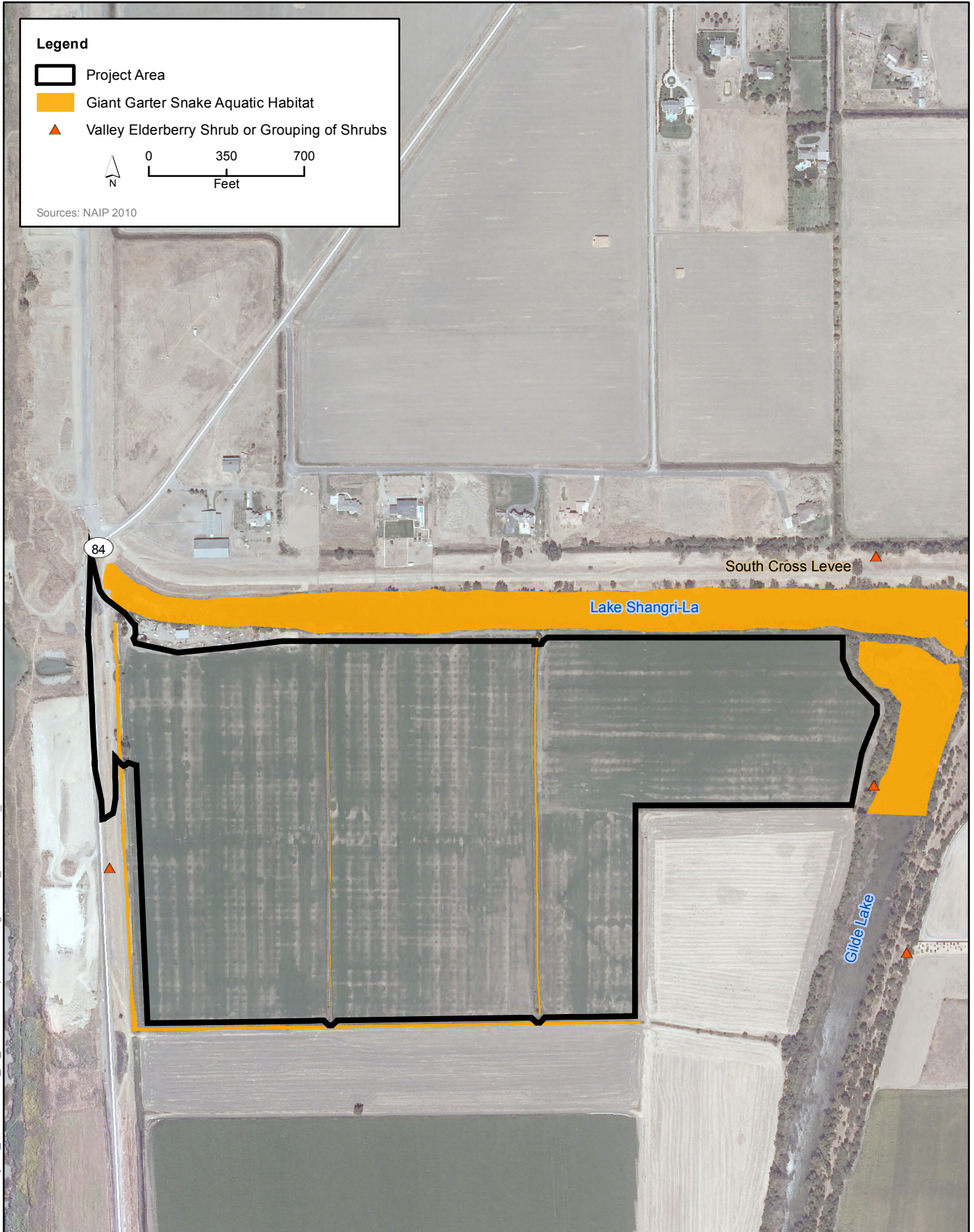
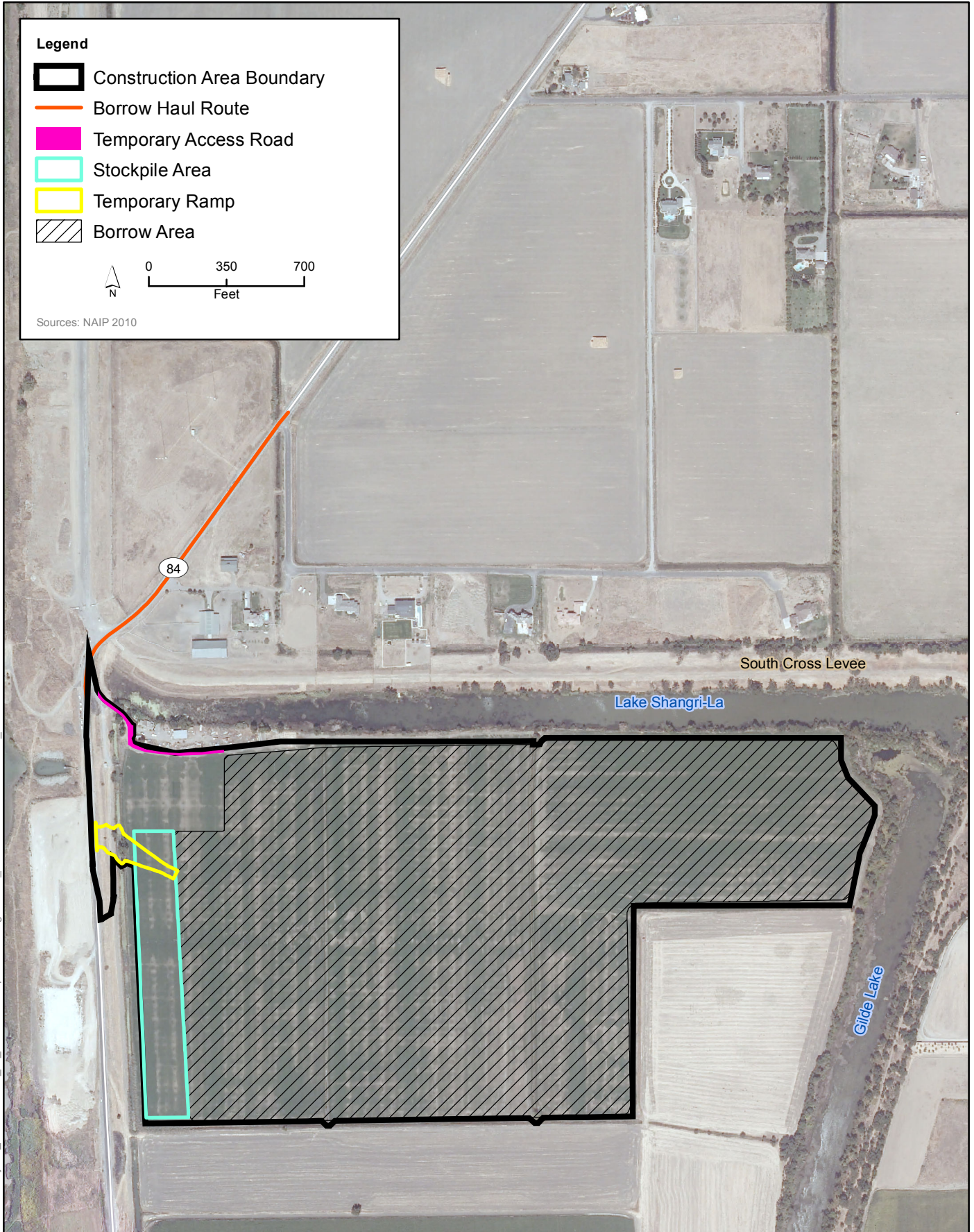
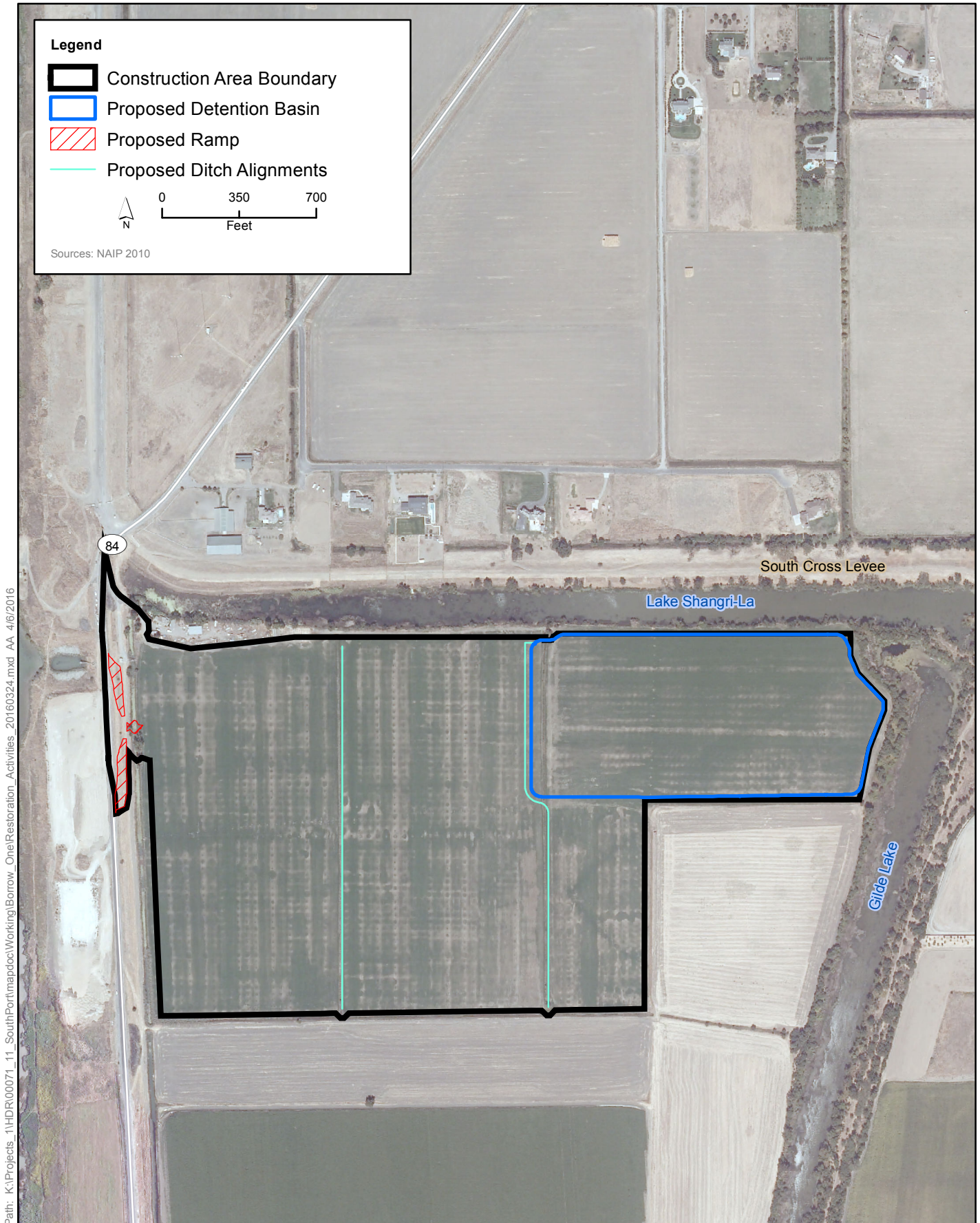


Figure 2-3  
Wildlife Locations

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**Figure 2-4**  
**Borrow One Construction Activities**



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**Figure 2-5**  
**Borrow One Restoration Activities**

Appendix A  
**Notice of Preparation**

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MAR 01 2016

YOLO COUNTY  
CLERK/RECORDER**Notice of Preparation**

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To: State Clearinghouse, Responsible Agencies,  
Trustee Agencies, Interested Parties From: West Sacramento Area Flood Control Agency  
(Agency) (Agency)

See Distribution List 1110 West Capitol Avenue  
(Address) West Sacramento, CA 95691  
(Address)

**Subject: Notice of Preparation of a Subsequent Environmental Impact Report for the Southport Sacramento River Early Implementation Project**

Through this Notice of Preparation (NOP), the West Sacramento Area Flood Control Agency (WSAFCA) is announcing preparation of a Subsequent Environmental Impact Report (SEIR) to analyze use of a new borrow material extraction site, referred to as Borrow One, for construction of the Southport Sacramento River Early Implementation Project (EIP) (Southport project). Pursuant to CEQA Guidelines Section 15162(a)(1), WSAFCA, as lead agency, has determined that extraction and use of Borrow One material represents a substantial change to the approved Southport project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**Project History and Description**

The WSAFCA Board of Directors has adopted the Southport project to implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. In compliance with the California Environmental Quality Act (CEQA), WSAFCA certified the Southport Sacramento River EIP Final EIR and approved implementation of the Southport project at the August 14, 2014, WSAFCA Board meeting. Materials relating to the Southport project, including the Final EIR, technical studies, and Board meeting minutes are available to review at WSAFCA's website, located at [http://www.cityofwestsacramento.org/city/flood/southport\\_eip/environmental\\_studies.asp](http://www.cityofwestsacramento.org/city/flood/southport_eip/environmental_studies.asp).

Since certification of the Final EIR, WSAFCA has identified the Borrow One site as containing material needed to construct the Southport project. The Borrow One project area, shown in Figure 1, is an approximately 120-acre parcel presently used for agricultural activities. Borrow One is located south of the South Cross Levee and west of southern Jefferson Boulevard in unincorporated Yolo County, California.

Up to 300,000 cubic yards (cy) of borrow material would be removed from the Borrow One site to support levee work associated with the Southport project. Approximately 95 acres of the 119-acre property would be excavated to an average depth of 2 feet. Borrow activities would require excavation of two drainage ditches that cross the parcel. A 25-foot-wide temporary haul road angled north from the site would be constructed to facilitate ingress and egress from Jefferson Boulevard north of the haul road entry.

To provide material sufficient to return the Borrow One parcel to agricultural production following the completion of borrow activities for levee construction, an approximately 25-acre pond would be excavated on the eastern portion of the site, and the excavated material used to backfill excavated areas on the remainder of the site. The permanent pond would provide irrigation and drainage for the Borrow One site. The stockpiled topsoil from the entire borrow area would be respread on the remainder of the excavation area to restore it to its approximate preconstruction elevation. Following completion of borrow activities, the temporary haul road would be removed and a permanent access driveway would be constructed.

**Probable Environmental Effects**

The certified Final EIR analyzed the effects of borrow material extraction from various similarly situated agricultural sites throughout the Southport area of West Sacramento. Thus, the SEIR will be limited to analysis of effects unique to use of the Borrow One site, which is situated immediately south of the study area considered in the Final EIR.

No new significant environmental effects are expected to result from material extraction at the Borrow One site. The SEIR will focus on the potential for a substantial increase in the severity of previously identified significant and unavoidable impacts. The significant and unavoidable impacts that will be addressed in the SEIR are expected to include the following.

- Temporary increase in traffic volumes from construction-generated traffic.
- Exposure of sensitive receptors to temporary construction-related noise and vibration.
- Permanent loss of important farmland and agricultural production value.

**Responsible and Trustee Agencies**

Responsible and trustee agencies under CEQA may include Yolo County, California Department of Fish and Wildlife, California Department of Water Resources, and Central Valley Regional Water Quality Control Board.


**Public and Agency Input**

WSAFCA is requesting your input on the scope and content of the Southport Sacramento River EIP Subsequent EIR. All interested parties are invited to comment for a period of 30 days, beginning Wednesday, March 2, 2016. Please send comments by email or standard mail to a contact below by 5 p.m., Thursday, March 31, 2016.

Megan Smith, Project Manager  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814  
Email: megan.smith@icfi.com

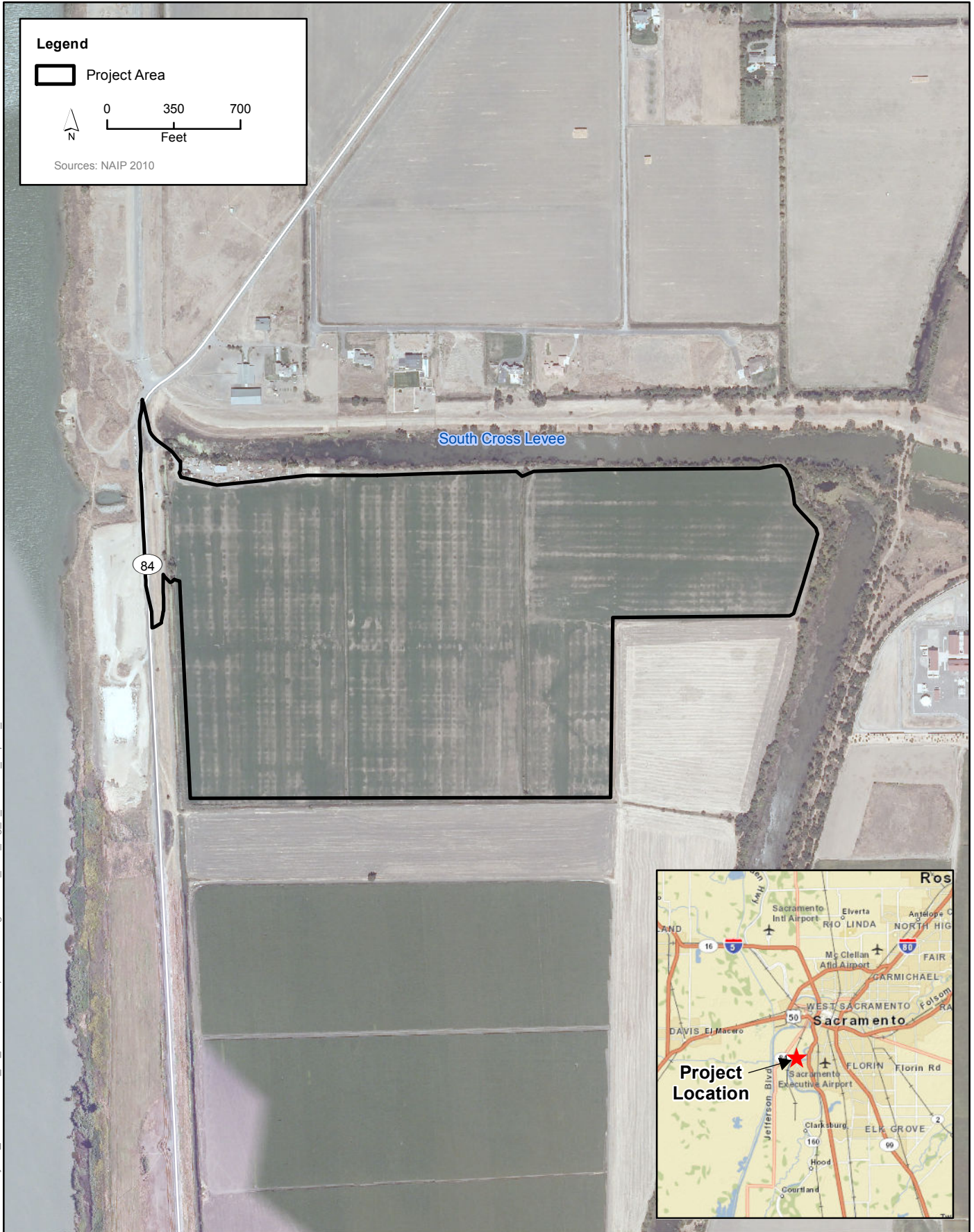
If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

Date: 3/1/16

Signature:   
Title: FLOOD PROTECTION MANAGER  
Telephone: 916-617-4855

Reference: California Code of Regulations, Title 14, (State CEQA Guidelines) Sections 15082(a), 15103, 15375.

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**Figure 1**  
**Project Location - Borrow One**



## List of Recipients

---

U.S. Fish & Wildlife Service  
Daniel Welsh  
2800 Cottage Way, Room W-2605  
Sacramento CA 95825-1846

U.S. Army Corps of Engineers  
Tanis Toland, Environmental Resources Branch  
1325 J Street  
Sacramento CA 95814-2922

California Department of Fish and Wildlife, Bay Delta  
Region  
Andrea Boertien, Environmental Scientist  
7329 Silverado Trail  
Napa CA 94558

California Dept. of Transportation, District 3  
Tracey Frost  
2379 Gateway Oaks Drive, Suite 150  
Sacramento CA 95833

California Air Resources Board  
1001 I Street  
Sacramento CA 95814

California State Lands Commission  
Cy Oggins  
100 Howe Avenue, Suite 100  
South Sacramento CA 95825-8202

California Department of Water Resources  
Kristin Ford, Division of Flood Management  
3310 El Camino Avenue, Room 120  
Sacramento CA 95821

Office of Historic Preservation  
Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100  
Sacramento CA 95816

Delta Stewardship Council  
Cindy Messer  
980 Ninth Street, Suite 1500  
Sacramento CA 95814

Central Valley Flood Protection Board  
James Herota  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

Central Valley Regional Water Quality Control Board  
Stephanie Tadlock  
11020 Sun Center Drive, #200  
Rancho Cordova CA 95670

Yocha Dehe Wintun Nation  
Mr. James Sarmento  
Cultural Resources Manager  
PO Box 18  
Brooks CA 95606

United Auburn Indian Community  
Tribal Historic Preservation Department  
Marcos Guerrero, RPA, Cultural Resources Manager  
10720 Indian Hill Rd.  
Auburn CA 95603

Yolo County  
Patrick Blacklock, Administrator  
625 Court Street, Room 202  
Woodland CA 95695

Yolo County  
Taro Echiburu, AICP, Planning and Public Works  
Director  
292 West Beamer Street  
Woodland CA 95695

Yolo County  
Oscar Villegas, District 1 Supervisor  
500 Jefferson Blvd.  
West Sacramento CA 95605

Sacramento Regional County Sanitation District  
Robb Armstrong  
10060 Goethe Road  
Sacramento CA 95827-3553

Sacramento-Yolo Mosquito Vector Control District  
Gary W. Goodman, District Manager  
1234 Fortna Avenue  
Woodland CA 95695

Yolo-Solano Air Quality Management District  
Matthew Jones  
1947 Galileo Court, Suite 103  
Davis CA 95616

Adjacent Residents, Tenants, and Property Owners  
Names and addresses available upon request

Appendix B  
**Programmatic Agreement**

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**PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S. ARMY CORPS OF ENGINEERS, WEST SACRAMENTO AREA FLOOD  
CONTROL AGENCY, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, REGARDING THE  
SOUTHPORT SACRAMENTO RIVER EARLY IMPLEMENTATION PROJECT,  
YOLO COUNTY, CALIFORNIA**

**WHEREAS**, the West Sacramento Area Flood Control Agency (WSAFCA) proposes to implement the Southport Sacramento River Early Implementation Project (Project) to construct flood risk–reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. WSFCA is an invited signatory to this agreement because the United States Army Corps of Engineers (Corps) will grant them permit for this Project. The primary purpose of the Southport project is to provide flood risk management for the entire city of West Sacramento. Secondary purposes of the Southport Project are to provide ecosystem restoration and public recreation opportunities that are compatible with flood risk–reduction measures. (For more details on the project see Attachment A: Description of the Project and Undertakings); and

**WHEREAS**, this undertaking involves levee and infrastructure alterations (See Attachment A) to the Sacramento River Flood Control Project (SRFCP) and therefore requires authorization from the Corps to modify federal levees under Section 14 of the River and Harbors Act (33 U.S.C § 408) and also requires a permit to discharge fill to waters of the United States under Section 404 of the Clean Water Act (33 U.S.C § 1344), and these actions constitute undertakings requiring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA); and

**WHEREAS**, the final identification and evaluation of historic properties will be deferred as permitted by 36 C.F.R. § 800.4[b] [2] because the project is being constructed in phases and the final design for the proposed work is not complete; and

**WHEREAS**, the State of California Central Valley Flood Protection Board (CVFPB) is the non-Federal sponsor for the Project and authorizes modifications to affected levees (California Water Code Section 8710) the CVFPB has been invited to be a Concurring Party to this Agreement; and

**WHEREAS**, this Agreement shall establish the process the Corps shall follow for compliance with 54 U.S.C. § 306108 (formerly 16 U.S.C. § 470f, referred to hereinafter as “Section 106”), taking into consideration the views of the Signatory and Concurring Parties; and

## Southport Early Implementation Project Programmatic Agreement

**WHEREAS**, the presence of levees, alluvial deposition, and other built environment features have obscured the presence of cultural resources and a full assessment of archaeological sites cannot be made in advance of construction; and

**WHEREAS**, the levees of the Sacramento River are the one known potential Historic Property within the area of potential effect (APE) that will be affected by the Project; and

**WHEREAS**, the Corps is aware that there is a high probability for buried cultural resources that may not be identified prior to construction and that also may be eligible for inclusion in the NRHP, and therefore this Agreement documents a framework for managing post-review discoveries per 36 C.F.R. § 800.13; and

**WHEREAS**, the Corps, in consultation with the State Historic Preservation Officer (SHPO), has decided to comply with Section 106 of the NHPA for the Undertaking through the execution and implementation of this Programmatic Agreement (Agreement) because the Corps cannot fully determine the effects of the Undertaking on Historic Properties [36 C.F.R. § 800.14(b)(1)(ii)], for all phases and segments of the Project at this time; and

**WHEREAS**, in accordance with 36 C.F.R. §§ 800.2(C)(2)(ii)(A), 800.3(f)(2), and 800.14(b)(2)(i), the Corps has contacted the Buena Vista Rancheria of the Me-Wuk Indians of California, the Lone Band of Miwok Indians of California, the United Auburn Indian Community of the Auburn Rancheria, the Wilton Rancheria, the Yocha Dehe Wintun Nation, and interested Native American Tribal governments and individuals to consult on the undertaking and the preparation of this Agreement; and

**WHEREAS**, the Buena Vista Rancheria of the Me-Wuk Indians of California, the Lone Band of Miwok Indians of California, and the Wilton Rancheria, have communicated with the Corps either verbally, or via correspondence that they defer to the Yocha Dehe Wintun Nation to consult on this project; and

**WHEREAS**, the Corps has consulted with the Yocha Dehe Wintun Nation and United Auburn Indian Community, invited them to be a concurring party to this Agreement, and will continue to consult with them on this undertaking; and

**WHEREAS**, the definitions set forth in 36 C.F.R. § 800.16 are incorporated herein by reference and apply throughout this Agreement; and

**WHEREAS**, the definitions for Signatory Parties set forth in 36 C.F.R. § 800.6(c)(1), and the definitions for Concurring Parties set forth in 36 C.F.R. § 800.6(c)(3), are incorporated herein by reference and apply throughout this Agreement; and

## Southport Early Implementation Project Programmatic Agreement

**WHEREAS**, in accordance with 36 C.F.R. § 800.14(b)(3), the Corps notified and invited the Advisory Council on Historic Preservation (ACHP) per 36 C.F.R. § 800.6(a)(1)(C) to participate in consultation to resolve potential adverse effects of the Project, including development of this Agreement, and the ACHP has declined to participate pursuant to 36 C.F.R. § 800.6(a)(1)(iii) in a letter dated May 9, 2013; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(4) and 36 C.F.R. § 800.14(b)(2)(ii), the Corps has notified the public of the Project and provided an opportunity for members of the public to comment on the Project and the Corps process for complying with Section 106 process as outlined in this Agreement; and

**NOW, THEREFORE**, the signatories agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on Historic Properties and to satisfy the Corps' Section 106 responsibilities for all individual aspects of the undertaking.

The Corps shall ensure that the following measures are carried out:

### **STIPULATIONS**

#### **I. Applicability and Scope, Relationship to Other Agreements**

##### **(A) Applicability and Scope**

1. This Agreement applies to all portions of the undertaking within the Area of Potential Effect (APE) developed for each phase of the Project where the undertaking could adversely affect historic properties.

##### **(B) Conflicts with Other Agreement Documents**

This Agreement does not negate or supersede any agreements governing the project area or vicinity, between Corps and Indian tribes in effect at the time the Agreement is executed, nor does it negate or supersede any agreement documents executed within the project area or vicinity between the Corps and the SHPO pursuant to 36 C.F.R. Part 800. If any agreement between the Corps and Indian Tribes or between the Corps and the SHPO in effect at the time the agreement is executed is found to be in conflict with this Agreement, the respective signatories will confer to resolve the conflict per Stipulation XV Dispute Resolution. If the resolution results in a proposed amendment to this Agreement, the provisions under Stipulation XVII. Amendments will be followed. Resource specific treatment plans will supersede the HPMP in cases where there may be conflict between the two documents.

#### **II. TIME FRAMES AND REVIEW PROCEDURES**

## Southport Early Implementation Project Programmatic Agreement

- A.** For all documents and deliverables produced in compliance with this Agreement, the Corps will have thirty (30) calendar days to review. After completing its review, the Corps shall provide a hard copy draft document via mail to the SHPO, Concurring Parties, and Native American interested parties and Tribes for review. Any written comments provided by the SHPO, Concurring Parties, and Native American interested parties and Tribes, within thirty (30) calendar days from the date of receipt, shall be considered in the revision of the document or deliverable. The Corps shall document and report the written comments received for the document or deliverable and how comments were addressed. The Corps shall provide a revised final document or deliverable to the SHPO for concurrence. The SHPO shall have thirty (30) calendar days to respond. Failure of the SHPO, Concurring Parties, and Native American interested parties and Tribes to respond within thirty (30) calendar days of any submittal shall not preclude Corps from moving to the next step in this Agreement.
- B.** Should the SHPO object to the final document or deliverable submitted for concurrence, the Corps and SHPO shall consult for a period not to exceed fifteen (15) calendar days following the receipt of the SHPO's written objection in an effort to come to agreement on the issues to which the SHPO has objected. Should the SHPO and the Corps be unable to agree on the issues to which the SHPO has objected, the SHPO and the Corps shall proceed in accordance with **Stipulation XIV (Dispute Resolution)**, below. The timeframe to consult to resolve a disagreement or objection may be extended by mutual consent of the Corps and the SHPO. WSAFCA and the Corps may combine inventory, evaluation, and findings of effect management steps in one document.
- C.** Notwithstanding the requirements in this **Stipulation II (Time Frames and Review Procedures)** or **Stipulation XIV (Dispute Resolution)**, any Signatory party may, at any time, request to meet with the other Signatories to discuss implementation of this Agreement.

### **III. AREA OF POTENTIAL EFFECTS**

The Corps will define the APE for each phase or discrete activity of the Project. WSAFCA or its contractor will prepare draft APEs for each phase or discrete activity for review and approval by the Corps. Draft phase- or activity-specific APEs will be submitted to the SHPO for review prior to completing phased inventories. Prior to activities under **Stipulation IV (Identification and Evaluation)**, the Corps shall submit to the SHPO, Concurring Parties, and Native American interested parties and Tribes a map of the APE for the current phase and a description of the Project activities occurring for that phase, in accordance with **Stipulation II (Timeframes and Review Procedures)**. Revisions to the APE will not necessitate modifications to this Agreement.

- A.** For purposes of this Agreement, the APE for each phase shall be defined to meet, at a minimum, the following criteria:

## Southport Early Implementation Project Programmatic Agreement

The APE for any segment of the levees that are being improved as part of the phase of the Project shall include the levee segment and a corridor extending not less than 150 meters from the landside toe of the levee segment.

**B.** The APE also shall include:

- (1) The extent of all Project construction and excavation activity required to construct flood control facilities and to modify irrigation and drainage infrastructure; and
- (2) Any right-of-way or easement areas necessary for of the construction, operation, and maintenance of the Project; and
- (3) All areas used for excavation of borrow material and habitat creation; and
- (4) All construction staging areas, access routes, utilities, spoil areas, and stockpiling areas.

**C.** After the APE has been defined and consulted on in accordance with this stipulation, construction or other Project activities may require revisions to the APE. If the APE is revised, the Corps shall consult on that revision in accordance with **Stipulation II (Timeframes and Review Procedures)**, and the Corps shall determine the potential for Project activities in a revised APE to affect potential Historic Properties, in accordance with the approved Historic Properties Management Plan.

## **IV. HISTORIC PROPERTIES MANAGEMENT PLAN**

WSAFCA, in consultation with the Signatories, Concurring Parties, and Native American interested parties and Tribes, shall develop a Historic Property Management Plan (HPMP), which provides the framework by which remaining identification, evaluation of eligibility, findings of effect, and resolution of adverse effect efforts to Historic Properties will occur. The HPMP shall include consideration of property types, treatment of property types, expected methodology for identification and evaluation of potential historic properties, potential templates for work plans, provisions for avoidance or protection of historic properties, and consideration for identification and treatment of human remains. The HPMP shall be appended to this Agreement (**Attachment B**) and will form the basis for any Historic Property Treatment Plans (HPTPs) that may be required for one or more phases of the Project. The HPMP shall be developed after execution of the Agreement, but before construction commences. For the overall Project and individual phases, the HPMP shall be the means for the Corps to comply with 36 C.F.R. § 800.6 and provide standardized methods for dealing with unanticipated discoveries in accordance with 36 C.F.R. § 800.13(a). The HPMP may be amended and appended to this Agreement without amending the Agreement. In the event of any conflicts between the HPMP and this Agreement, the terms of this Agreement shall take precedence.

- A. Review:** The Corps shall review the Draft HPMP before sending to the SHPO, Concurring Parties, and Native American interested parties and Tribes for review and comment pursuant to **Stipulation II (Timeframes and Review Procedures)**.
- B. Historic Property Treatment Plans:** The Corps shall consult the SHPO, pursuant to 36 C.F.R. § 800.5, when the Corps has determined that a Project activity will result in adverse effects to a Historic Property. An HPTP specific to the phase of the Project or the Historic Property will be drafted by WSAFCA or its contractor to describe how they intend to resolve adverse effects and that HPTP may be appended to the HPMP. HPTPs shall be consistent with the HPMP and may incorporate by reference historic contexts, methods, procedures, and research designs, as appropriate. When incorporating portions of the HPMP by reference, the HPTP shall at a minimum include the date of the HPMP and where the HPMP is available to be viewed.
- (1) An HPTP may address individual or multiple Historic Properties or Historic Property types. An HPTP shall stipulate those actions the Corps shall take to resolve the adverse effects of the Project on Historic Properties within the project phase or specific action specified by the HPTP. For properties eligible under criteria specified in 36 C.F.R. § 60.4 (A) through (D), mitigation other than data recovery may be considered in the treatment plan (e.g., HABS/HAER, oral history, historic markers, exhibits, interpretive brochures or publications, or other means as deemed appropriate by the signatories). In addition to the SHPO, Concurring Parties, and Native American interested parties and Tribes the Corps may invite the interested public, in accordance with **Stipulation XIII (Public Consultation and Public Notice)**, to comment on the means of mitigation, as appropriate. HPTPs shall include specifications (including content and number of copies) for publication of brochures, pamphlets or synthesis reports for distribution to the general public. The Corps shall ensure that all provisions of an HPTP are carried out as stipulated in the HPTP.
- (2) HPTPs will be submitted and reviewed in accordance with **Stipulation II (Timeframes and Review Procedures)**, except for those HPTPs developed for Historic Properties discovered during construction activities, which shall follow the review timeframes identified in **Stipulation IX (Discovery of Unknown Historic Properties)**. Circulation of an HPTP shall not include a recirculation of the HPMP.
- D. Reporting:** Reports and other data pertaining to the inventory of Historic Properties and the treatment of effects to Historic Properties will be distributed to Concurring Parties to this Agreement, Native American Tribes, and other members of the public, consistent with **Stipulation XIV (Confidentiality)** of this Agreement, unless parties have indicated that they do not want to receive a report or data.

- E. Amendments/Addendums/Revisions:** If an Historic Property type that is not covered by an existing HPTP is discovered within the APE subsequent to an initial inventory effort for a phase, or if there are previously unexpected effects to an Historic Property, and the Corps and SHPO agree that the Project may adversely affect the Historic Property, WSAFCA shall prepare an addendum to the HPTP or a new HPTP for review by the Corps. The Corps shall then submit the document to the SHPO, Concurring Parties, and Native American interested parties and Tribes for review and comment, and shall follow the provisions of **Stipulation IX (Discovery of Unknown Historic Properties)**. The HPTP may cover multiple discoveries for the same property type.
- F. Data Recovery:** When data recovery is proposed, the Corps, in consultation with the SHPO and consulting parties, shall ensure that HPTPs developed by WSAFCA or its consultant are consistent with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* and the ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" (ACHP, May 18, 1999).
- G. Final Phase Report Documenting Implementation of the Historic Properties Treatment Plan(s):** Within one year after the completion of all work for each phase of the Project, WSAFCA shall submit a Final Phase Report to the Corps documenting the results of all work prepared for that phase under the HPTPs, and the information learned from each of the Historic Properties. The Corps shall then submit the document to the SHPO, Signatory Parties, Concurring Parties, and Native American interested parties and Tribes. The submittal of the Final Phase Report shall be in accordance with **Stipulation II (Timeframes and Review Procedures)**.

## V. IDENTIFICATION AND EVALUATION

Should the HPMP not be finalized at the time that a phase of the Project may be ready to proceed to construction, WSAFCA shall notify the Corps and the Corps shall consult with the Signatory Parties before construction begins on any phase of the Project. Should the Signatory Parties agree that the work may proceed, WSAFCA and the Corps shall comply with **Stipulation V A., B., and C. (Identification and Evaluation)** and, as necessary, **Stipulation VI (Determination of Effects)**. WSAFCA shall complete any identification and evaluation, and as necessary, any evaluation of effects to Historic Properties prior to proceeding with construction. If the Signatory Parties do not agree to proceed with the phase of the Project, WSAFCA and the Corps shall follow **Stipulation XV. (Dispute Resolution)**.

- A. Identification of Potential Historic Properties:** WSAFCA will prepare an inventory of Historic Properties within the Project APE, consistent with the *Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716–44740), or for individual phases of the Project, as construction details become available.

Survey recordation shall include archaeological sites, features, historical structures and buildings, historical engineering features, landscapes, viewsheds, and traditional cultural properties (TCPs), and re-recordation of previously recorded sites, as necessary. Recordation of historic structures, buildings, objects, and sites shall be prepared using the California Department of Parks and Recreation (DPR) 523 Record forms.

**B. Property Types Exempt from Evaluation: Attachment C** to this Agreement lists the property types that the Signatories agree shall be exempt from evaluation as determined by the Corps in consultation with the SHPO. WSAFCA shall evaluate all other identified properties in accordance with **Stipulation V.C (Evaluation of Potential Historic Properties)**.

**C. Evaluation of Potential Historic Properties:** After recordation on DPR 523 Site Record forms, potential Historic Properties shall be evaluated by a qualified professional, as defined in **Stipulation VII (Qualifications)**, for their eligibility for listing in the NRHP consistent with the *Secretary of Interior's Standards for Evaluation*, 36 C.F.R. § 60.4. In accordance with **Stipulation II (Timeframes and Review Procedures)**, WSAFCA shall submit a completed inventory and evaluation for each phase of Project work.

## VI. DETERMINATION OF EFFECTS

Avoidance of adverse effects to Historic Properties is the preferred treatment approach. WSAFCA will consider redesign of Project elements in order to avoid Historic Properties and Project effects that may be adverse. However, it may not be possible to redesign the Project in order to avoid adverse effects to Historic Properties.

The Corps will apply the criteria of adverse effect, pursuant to 36 C.F.R. § 800.5(a)(1), to all Historic Properties within the APE that will be affected by the Project. WSAFCA shall prepare determinations of effects which will then be submitted to the Corps for review. The Corps shall then consult on determinations of effects in accordance with **Stipulation II (Timeframes and Review Procedures)**.

If effects to Historic Properties are determined to be adverse, **Stipulation IV.B. (Historic Property Treatment Plans)**, above, will be followed.

## VII. QUALIFICATIONS

**A. Professional Qualifications:** All technical work required for historic preservation activities implemented pursuant to this Agreement shall be carried out by or under the direct supervision of a person or persons meeting, at a minimum, the *Secretary of Interior's Professional Qualifications Standards* for archeology or history, as appropriate (48 FR 44739). "Technical work" here means all efforts to inventory, evaluate, and perform subsequent treatment such as data recovery excavation or



recordation of potential Historic Properties that is required under this Agreement. This stipulation shall not be construed to limit peer review, guidance, or editing of documents by SHPO and associated Project consultants.

**B. Historic Preservation Standards:** Historic preservation activities carried out pursuant to this Agreement shall meet the *Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44740), as well as standards and guidelines for historic preservation activities established by the SHPO. The Corps shall ensure that all reports prepared by WSAFCA pursuant to this Agreement, are consistent with 36 CFR 800.11, will be provided to the Signatories, Concurring Parties, and Native American interested parties and Tribes and are distributed in accordance with **Stipulation XIV (Confidentiality)**, and meet published standards of the California Office of Historic Preservation, specifically, *Preservation Planning Bulletin* Number 4(a), "Archaeological Resources Management Reports (ARMR): Recommended Contents and Format" (December 1989).

**C. Archeological Monitor Standards:** Archeological monitoring activities required for exploratory, construction, or construction related ground disturbing activities implemented pursuant to this Agreement shall be carried out by a person meeting, at a minimum, the *Secretary of Interior's Professional Qualifications Standards* for prehistoric or historic archaeology, as appropriate (48 FR 44739). "Archeological monitoring" here includes monitoring ground disturbing activities that have been determined by WSAFCA and the Corps to be occurring in areas potentially sensitive for Historic Properties or buried resources.

## VIII. NOTICES TO PROCEED WITH CONSTRUCTION

WSAFCA may issue Notices to Proceed for individual construction segments (**Attachment A**), defined by WSAFCA in its construction specifications, after a Historic Properties inventory has been completed [per **Stipulation IV (Historic Properties Management Plan)** or **Stipulation V (Identification and Evaluation)**], and prior to treatment of adverse effects on Historic Properties within the APE provided that:

- A.** A plan to respond to inadvertent archeological discoveries is prepared by WSAFCA, reviewed by the Corps, and approved by SHPO, prior to the commencement of Project activities anywhere in the APE for that phase of the Project; and
- B.** Project development activities do not encroach within 30 meters (100 feet) of the known boundaries of any Historic Property as determined from archeological site record forms, other documentation, or as otherwise defined in consultation with the SHPO and other parties, as appropriate; and
- C.** An archeological monitor retained by WSAFCA and meeting the professional qualifications as described in **Stipulation VII (Qualifications)**, is present during any Project activities that are anticipated to extend either vertically or horizontally into

any areas designated to be archeologically sensitive by the Corps, in consultation with SHPO, except in phases of construction for slurry walls where visual inspection of the construction area cannot be safely or feasibly accomplished.

## **IX. POST-REVIEW DISCOVERIES**

The Corps is responsible for complying with 36 C.F.R. § 800.13(a) in the event of inadvertent discoveries of Historic Properties during implementation of the Project. The HPMP will provide procedures for complying with post review and inadvertent discoveries of Historic Properties.

If the Signatory Parties agree that construction of a Project phase can begin before the HPMP is finalized and there is a discovery of an unknown Historic Property, the Corps shall follow 36 C.F.R. § 800.13(b). Additionally, the following procedures shall be followed:

- A. Workforce Training:** During implementation of Project activities, an archeologist retained by WSAFCA meeting the professional qualifications as described in **Stipulation VII (Qualifications)**, will provide training to all construction personnel, before they begin work, regarding proper procedures and conduct in the event that archeological materials are encountered during construction.
- B. Human Remains:** Treatment of human remains is governed by **Stipulation XII (Tribal Consultation and Treatment of Human Remains)**.

## **X. CURATION**

To the extent that curation is determined to be appropriate mitigation to resolve adverse effects to Historic Properties, curation shall be conducted in accordance with 36 C.F.R. § 79, except those materials identified as Native American human remains and items associated with Native American burials. Archeological items and materials from State or privately owned lands shall be maintained in accordance with 36 C.F.R. § 79 until any specified analyses are complete. Although the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. § 3001 et seq.) does not apply to this Project, as there is no federally owned or administered property within the APE and the Corps will not be curating cultural materials subject to NAGPRA, this Agreement incorporates by reference the definitions for “human remains” and “funerary objects” set forth in 43 C.F.R § 10.2(d) and those definitions shall apply to actions under this Agreement. Further treatment of human remains is addressed in **Stipulation XII (Tribal Consultation and Treatment of Human Remains)**.

## **XI. TRIBAL INVOLVEMENT**

- A.** In consultation with Native American interested parties and Tribes, WSAFCA and the Corps will make a reasonable and good-faith effort to identify Historic Properties of traditional religious and cultural importance. The Corps shall ensure that

## Southport Early Implementation Project Programmatic Agreement

consultation with Native American Tribes continues throughout the duration of the project.

- B.** In accordance with the guidance provided in National Register Bulletin 38 and Preservation Brief 36, the Corps will seek comments from all potentially interested Native American interested parties and Tribes in making determinations of NRHP eligibility for any Traditional Cultural Properties (TCPs) and Cultural Landscapes that may be historic properties. Review of documentation shall be consistent with **Stipulation II (Timeframes and Review Procedures)**.
- C.** Pursuant to 36 C.F.R. § 800.6(c)(2)-(3), the Corps shall consider requests by Native American Tribes to become Concurring Parties to this Agreement. In accordance with **Stipulation XIV (Confidentiality)**, Concurring Parties to this Agreement will receive documents produced under this Agreement, as appropriate.
- D.** Native American Tribes may choose not to sign this Agreement as a Concurring Party. Native American Tribes and individuals not acting as Concurring Parties to the Agreement will be contacted when the Corps identifies potential interest in a specific phase or action of the Project or any Native American Tribes or individuals notify the Corps of an interest in the Project. The Corps will continue to make a good faith effort to identify any Native American organizations and individuals with interest in the proposed treatment of Historic Properties. The identification effort may include contacting the Native American Heritage Commission (NAHC), using online databases, and using personal and professional knowledge. The Corps will then contact each identified organization and individual by mail, phone, email, or other appropriate method, inviting them to consult about the specific treatment of Historic Properties. If the contacted parties express interest in consultation, the Corps will proceed to consult in accordance with this stipulation. Further consultation may also be carried out through either letters of notification, public meetings, environmental assessments/environmental impact statements, site visits, and/or other method requested by a Native American interested party and Tribe. Failure of any contacted group to comment within thirty (30) calendar days shall not preclude the Corps from proceeding with the Project.
- E.** The Corps has made a reasonable and good-faith effort to ensure that Native American Tribes, acting as either Concurring Parties or those expressing interest in the project, and has invited the Tribes to participate in the implementation of the terms of this Agreement, including, but not limited to, the identification of the APE, identification of potential Historic Properties, determinations of eligibility, findings of effect, and the resolution of adverse effect for those Historic Properties. Review periods shall be consistent with **Stipulation II (Timeframes and Review Procedures)** except in situations involving unanticipated discoveries and treatment, which shall follow the review schedules of **Stipulation IX (Post Review Discoveries)**. The Corps shall ensure that all interested Native American reviewers shall receive copies of all final survey and evaluation reports.

## **XII. TRIBAL CONSULTATION AND TREATMENT OF HUMAN REMAINS**

The Project will not be constructed on federally-owned property, therefore NAGPRA would not apply. WSAFCA and landowner shall ensure that Native American human remains and grave goods encountered during the Undertaking that are located on state or private land are treated in accordance with the requirements in California State Health and Safety Code, Section 7050.5 and Public Resources Code 5097.98. The HPMP will clearly explain means of identifying human remains and associated grave goods, notification procedures, and procedures for complying with state burial laws consistent with this Agreement. Any procedures described in the HPTP regarding the handling or treatment of human remains will be coordinated with the landowner to ensure that they are consistent with Public Resources Code 5097.98. In the event that any Native American human remains or associated funerary items are identified, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be invited to advise WSAFCA and landowner(s) in the treatment of any Native American human remains and items associated with Native American burials.

## **XIII. PUBLIC CONSULTATION AND PUBLIC NOTICE**

- A.** Pursuant to 36 C.F.R. § 800.6(c)(2)-(3), the Corps will consider additional requests by interested parties to become Concurring Parties to this Agreement. Within 15 days of receiving such a request, the Corps will notify the SHPO and consult with the SHPO on the disposition of such requests. Should Corps and SHPO fail to come to agreement on such requests, Corps shall follow **Stipulation XV. Dispute Resolution**.
- B.** The interested public will be invited to provide input on the identification, evaluation, and proposed treatment of Historic Properties. This may be carried out through either letters of notification, public meetings, environmental assessment/environmental impact statements, and/or site visits. The Corps shall ensure that any comments received from members of the public are taken under consideration and incorporated where appropriate. Review periods shall be consistent with **Stipulation II (Timeframes and Review Procedures)**. In seeking input from the interested public, locations of Historic Properties will be handled in accordance with **Stipulation XIV (Confidentiality)**. In cases where the release of location information may cause harm to the Historic Property, this information will be withheld from the public in accordance with Section 304 of the NHPA (54 U.S.C. § 307103).

## **XIV. CONFIDENTIALITY**

Confidentiality regarding the nature and location of the archaeological sites and any other cultural resources discussed in this Agreement shall be limited to appropriate Corps personnel, WSAFCA personnel and its contractors, Native American tribes, the SHPO, and those parties involved in planning, reviewing and implementing this

Agreement to the extent allowed by Section 304 of the NHPA (54 U.S.C. § 307103) and the Freedom of Information Act (5 U.S.C. § 552).

## **XV. DISPUTE RESOLUTION**

- A.** Should any Signatory Party to this Agreement object in writing to any action proposed or carried out pursuant to this Agreement, the Corps will immediately notify the SHPO and the Concurring Parties of the objection and proceed to consult with the objecting party for a period of time, not to exceed thirty (30) calendar days, to resolve the objection. If the objection is resolved through consultation, the Corps may authorize the disputed action to proceed in accordance with the terms of such resolution. If the Corps determines that the objection cannot be resolved, the Corps shall forward all documentation relevant to the dispute to the ACHP. Within forty-five (45) calendar days after receipt of all pertinent documentation, the ACHP shall either:
- a. Advise the Corps that the ACHP concurs in the Corps' proposed response to the objection, whereupon the Corps will respond to the objection accordingly; or
  - b. Provide the Corps with recommendations, which the Corps shall consider in reaching a final decision regarding the objection; or
  - c. Notify the Corps that the ACHP will comment in accordance with the requirements of Section 106 of the NHPA, and proceed to comment. Any ACHP comment provided in response shall be considered by the Corps, pursuant to the requirements of Section 106 of the NHPA.
- B.** Should the ACHP not exercise one of the options under this stipulation) within forty-five (45) calendar days after receipt of all submitted pertinent documentation, the Corps' responsibilities under Section 106 of the NHPA are fulfilled upon implementation of the proposed response to the objection.
- C.** The Corps shall consider any ACHP recommendation or comment and any comments from the SHPO to this Agreement provided in accordance with this stipulation with reference only to the subject of the objection; the Corps' responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.
- D.** The Corps shall provide the SHPO with a written copy of its final decision regarding any objection addressed pursuant to this stipulation.
- E.** At any time during implementation of the measures stipulated in this Agreement should an objection pertaining to the Agreement be raised by a Concurring Party, Native American Tribe, or a member of the public, the Corps shall notify the Signatory and Concurring Parties and take the objection under consideration, consulting with the objecting party and, should the objecting party request, any of the

Signatory and Concurring Parties to this Agreement, for no longer than fifteen (15) calendar days. The Corps shall consider the objection, and in reaching its decision, will consider all comments provided by the other parties. Within fifteen (15) calendar days following closure of the comment period, the Corps will render a decision regarding the objection and respond to the objecting party. The Corps will promptly notify the other parties of its decision in writing, including a copy of the response to the objecting party. The Corps' decision regarding resolution of the objection will be final. Following issuance of its final decision, the Corps may authorize the action that was the subject of the dispute to proceed in accordance with the terms of that decision. The Corps' responsibility to carry out all other actions under this Agreement shall remain unchanged.

## **XVI. NOTICES**

- A.** All notices, demands, requests, consents, approvals or communications from all parties to this Agreement to other parties to this Agreement shall be personally delivered, sent by United States Mail, or emailed, and all parties shall be considered in receipt of the materials five (5) calendar days after deposit in the United States mail, certified and postage prepaid, return receipt requested.
- B.** Signatory and Concurring Parties agree to accept facsimiles or copies of signed documents and agree to rely upon such facsimiles or copies as if they bore original signatures.

## **XVII. AMENDMENTS, NONCOMPLIANCE, AND TERMINATION**

- A. Amendment:** Any Signatory Party to this Agreement may propose in writing to the other Signatories that the Agreement be amended, whereupon the Signatories shall consult for thirty (30) calendar days consider such amendment. The Agreement may be amended only upon written concurrence of all Signatories.

All attachments to this Agreement, and other instruments prepared pursuant to this agreement including, but not limited to, the Project's description, initial cultural resource inventory report and maps of the APE, the HPMP, HPTPs, and monitoring and discovery plans, may be individually revised or updated through consultation consistent with **Stipulation II (Timeframes and Review Procedures)** and agreement in writing of the Signatories without requiring amendment of this Agreement, unless the Signatories through such consultation decide otherwise. In accordance with **Stipulation XI (Tribal Involvement)** and **Stipulation XV (Public Consultation and Public Notice)**, the Concurring Parties, interested Native American Tribes, and interested members of the public, will receive amendments to the Project's description, initial cultural resource inventory report and maps of the APE, the HPMP, HPTPs, and monitoring and discovery plans, as appropriate, and copies of any amendment(s) to the Agreement.

**B. Termination:** Only the Signatories may terminate this Agreement. If this Agreement is not amended as provided for in **Stipulation XVII.A. (Amendment)**, or if any Signatory proposes termination of this Agreement for other reasons, the Signatory proposing termination shall notify the other Signatory in writing, explain the reasons for proposing termination, and consult with the other Signatory to seek alternatives to termination, within thirty (30) calendar days of the notification.

Should such consultation result in an agreement on an alternative to termination, the Signatories shall proceed in accordance with that agreement.

Should such consultation fail, the Signatory proposing termination may terminate this Agreement by promptly notifying the other Signatory and Concurring Parties in writing.

Beginning with the date of termination, the Corps shall ensure that until and unless a new agreement is executed for the actions covered by this Agreement, such undertakings shall be reviewed individually in accordance with 36 C.F.R. § 800.4-800.6.

**C. Duration:** This Agreement shall remain in effect for a period of ten (10) years after the date it takes effect and shall automatically expire and have no further force or effect at the end of this ten-year period unless it is terminated prior to that time. No later than ninety (90) calendar days prior to the expiration date of the Agreement, the Corps shall initiate consultation to determine if the Agreement should be allowed to expire automatically or whether it should be extended, with or without amendments, as the Signatories may determine. Unless the Signatories unanimously agree through such consultation on an alternative to automatic expiration of this Agreement, this Agreement shall automatically expire and have no further force or effect in accordance with the timetable stipulated herein.

## **XVIII. ANNUAL REPORTING**

Within thirty days after the close of every calendar year following the execution of this Agreement, WSAFCA shall provide all parties to this Agreement a summary report detailing work carried out pursuant to its terms, if any. Such report shall describe progress made implementing the terms of the Agreement as well as include any scheduling changes proposed, any problems encountered, and any disputes and objections received in WSAFCA and the Corps efforts to carry out the terms of this Agreement. The Corps shall arrange a meeting with the Signatories within 30 days after the submission of the annual report to discuss the on-going implementation of the PA.

## **XIX. EFFECTIVE DATE**

This Agreement shall take effect on the date that it has been fully executed by WSAFCA, the Corps, and the SHPO.

## Southport Early Implementation Project Programmatic Agreement

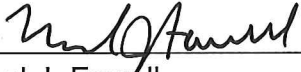
**EXECUTION** of this Agreement by WSAFCA, the Corps and the SHPO, its transmittal to the ACHP, and subsequent implementation of its terms evidence that the Corps has afforded the ACHP an opportunity to comment on the undertaking and its effects on Historic Properties, that the Corps has taken into account the effects of the undertaking on Historic Properties, and that the Corps has satisfied its responsibilities under Section 106 of the NHPA and applicable implementing regulations for all aspects of the undertaking.



**PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S. ARMY CORPS OF ENGINEERS, WEST SACRAMENTO AREA FLOOD  
CONTROL AGENCY, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, REGARDING THE  
SOUTHPORT SACRAMENTO RIVER EARLY IMPLEMENTATION PROJECT,  
YOLO COUNTY, CALIFORNIA**

**SIGNATORY PARTIES:**


**U.S. Army Corps of Engineers**

By  Date 6 Nov 2015  
Michael J. Farrell  
Colonel, U.S. Army  
District Commander

**California State Office of Historic Preservation**

By  Date 11/6/15  
for Julianne Polanco  
State Historic Preservation Officer

**West Sacramento Area Flood Control Agency**

By  Date 11/6/15  
Kenneth A. Ruzich *Kentric Jameson*  
WSAFCA General Manager

Southport Early Implementation Project Programmatic Agreement

PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S. ARMY CORPS OF ENGINEERS AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, REGARDING THE  
WEST SACRAMENTO GENERAL REEVALUATION REPORT,  
YOLO COUNTY and SOLANO COUNTIES, CALIFORNIA

**CONCURRING PARTY**

**Yocha Dehe Wintun Nation**

By \_\_\_\_\_ Date \_\_\_\_\_  
Leland Kinter  
Chairperson

Southport Early Implementation Project Programmatic Agreement

PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S. ARMY CORPS OF ENGINEERS AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, REGARDING THE  
WEST SACRAMENTO GENERAL REEVALUATION REPORT,  
YOLO COUNTY and SOLANO COUNTIES, CALIFORNIA

**CONCURRING PARTY:**

**United Auburn Indian Community**

By \_\_\_\_\_ Date \_\_\_\_\_  
Gene Whitehouse  
Chairperson

Southport Early Implementation Project Programmatic Agreement

PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S. ARMY CORPS OF ENGINEERS AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, REGARDING THE  
WEST SACRAMENTO GENERAL REEVALUATION REPORT,  
YOLO COUNTY and SOLANO COUNTIES, CALIFORNIA

**CONCURRING PARTY:**

**Central Valley Flood Protection Board**

By \_\_\_\_\_ Date \_\_\_\_\_  
Leslie Gallagher  
Executive Director

Attachment A

# Southport Sacramento River Early Implementation Project: Description of the Project and U.S. Army Corps of Engineers Undertakings

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## A.1 Introduction

This attachment provides information to support the programmatic agreement prepared to guide management of cultural resources for the Southport Sacramento River Early Implementation Project (EIP). Relevant sections include a detailed description of the proposed project and associated actions that require compliance with Section 106 of the National Historic Preservation Act (NHPA).

## A.2 Project Description

The West Sacramento Area Flood Control Agency (WSAFCA) is undertaking the Southport Sacramento River Early Implementation Project (“Southport project,” or simply “project”) to construct flood risk–reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. The primary purpose of the Southport project is to provide flood risk management for the entire city of West Sacramento. Secondary purposes of the Southport project are to provide ecosystem restoration and public recreation opportunities that are compatible with flood risk–reduction measures. The location of the project in relation to the surrounding region, and project areas where construction or borrow material excavation would occur, are depicted in Figures 1 and 2. Flood risk-reduction measures proposed for construction are depicted in Figure 2a.

The proposed project is a blend of flood risk–reduction measures that are based on their effectiveness in addressing deficiencies, compatibility with land uses, minimization of real estate acquisition, avoidance of adverse effects, and cost.

The overall project involves the following elements.

- Construction of flood risk–reduction measures, including seepage berms, slurry cutoff walls, setback levees, rock and biotechnical slope protection, and encroachment removal.
- Partial degrade of the existing levee, forming a “remnant levee”.
- Construction of offset areas using setback levees.
- Construction of breaches in the remnant levee to open up the offset areas to Sacramento River flows.
- Offset area restoration.
- Road construction.
- Drainage system modifications.

The proposed project includes a combination of setback levees, cutoff walls, and seepage berms (along with other measures) (Table 1).

**Table 1. Flood Risk-Reduction Measures by Segment**

Segment	Length (Feet)	Flood Risk-Reduction Measures
A	4429	Slurry cutoff wall
B	5711	Slurry cutoff wall Slurry cutoff wall and landside seepage berm Setback levee, slurry cutoff wall, and landside seepage berm
C	5430	Setback levee, slurry cutoff wall, and landside seepage berm Setback levee and slurry cutoff wall
D	1986	Setback levee and slurry cutoff wall
E	3292	Setback levee and slurry cutoff wall Setback levee, slurry cutoff wall, and landside seepage berm
F	5491	Setback levee, slurry cutoff wall, and landside seepage berm
G	2137	Slurry cutoff wall
<sup>1</sup> Total length of the Federal levee would be reduced to approximately 5.6 miles from its present length of 5.8 miles due to the landward alignment of the proposed setback levee		

Construction of the project would occur in more than one annual construction season, with construction of flood risk–reduction measures beginning in April of 2016, and likely finishing in 2018. Construction and restoration of the offset area would likely continue after 2018, with final remnant levee breaches constructed in 2020. Village Parkway construction and utility relocations would begin in fall of 2015. A description of expected construction activities by construction year is provided below.

### Year 1

- Village Parkway construction and utility relocation would be completed.
- The entire length of the setback levee would be started in Year 1, beginning with the foundation and working platform. Construction of the cutoff wall would follow if weather allows.

### Year 2

- The setback levee cutoff wall and remaining buildup of the setback levee would be constructed to a finished elevation of +40 feet NAVD 88.
- South River Road detour at south end of Segment A.
- Seepage berms would be constructed following completion of the setback levees.
- Segment A and the southern portion of Segment B would be degraded to an elevation of +31 feet NAVD 88, and in Segment G the levee would be degraded to an elevation of +34.5 feet NAVD 88. Cutoff walls would then be constructed in these segments, tying into the setback levee cutoff walls in Segments B and F. The levee crown in Segment A and the southern portion of Segment B would then be built back up to a finished elevation of +39 feet NAVD 88, and the levee in Segment G would be built back up to a finished elevation of +40 feet NAVD 88. The slurry cutoff wall toe would be at an elevation of -5 feet NAVD 88 through Segments A, B, C, and D; at 0 feet

NAVD 88 for Segments E, F, and the southern portion of G; and would be at -67 feet NAVD 88 for the remainder of Segment G.

- The remnant levee in Segments B, C, D, and F would be degraded to an elevation of +30 feet NAVD 88, and would have a 20-foot-wide crown.
- Offset area grading would begin.
- Erosion site repairs at C1, C2, and G3 would be constructed late in the construction season once the remnant levee has been degraded.

### **Year 3**

- Offset area grading would be completed, with the exception of the cellular berms.
- Breaches N1 and S3 would be constructed. Culverts would be installed through the remnant levee at the other breach locations to allow water to flow into, and drain out of, the offset areas during the interim condition.
- Offset area planting would begin and would continue through Year 6.

### **Year 4**

- Offset area planting would continue.

### **Year 5**

- The three remaining breaches and the offset area cellular berms would be constructed, and the southern offset area would be contoured.

### **Year 6**

- Offset area planting would be completed.

## **A.3 National Historic Preservation Act, Section 106 Undertakings**

The project requires permits and authorizations from the U.S. Army Corps of Engineers under Section 14 of the Rivers and Harbors Act (33 U.S. Code [USC] Section 408), Section 404 of the Clean Water Act (33 USC Section 1344), and Section 10 of the Rivers and Harbors Act (33 USC Section 403). Because activities authorized under these permits and approvals may affect historic properties, compliance with Section 106 of the National Historic Preservation Act (NHPA, 16 USC Section 470f) is required. The programmatic agreement, attached research design, and *Historic Property Treatment Plan* ("Plan," Attachment B), provide a means of phasing completion of Section 106 management steps for these undertakings.





Attachment B  
(To be appended)



## **Attachment C**

Property Types Exempt from Evaluation



This attachment defines categories of properties that do not warrant evaluation pursuant to Stipulation IV.B of this Agreement. Only individuals meeting the Secretary of the Interior's Professional Qualification Standards pursuant to Stipulation VII.A of this agreement are authorized to determine whether properties meet the requirements of this attachment and are therefore exempt from evaluation and consultation with SHPO. Exempted properties may be documented, if documentation is warranted, at a level commensurate with the nature of the property (e.g., DPR 523 Primary Form, Location Map, memo). The Corps Cultural Resources staff shall make any final determinations on level of documentation required under this agreement.

### **Exempt Property Type 1: Archaeological Property Types and Features**

1. Isolated prehistoric finds consisting of fewer than three items per 100 m<sup>2</sup>
2. Isolated historic finds consisting of fewer than three artifacts per 100 m<sup>2</sup> (several fragments from a single glass bottle, and similar vessels are to be counted as one artifact)
3. Refuse scatters less than 50 years old (scatters containing no material that can be dated with certainty as older than 50 years old)
4. Features less than 50 years old (those known to be less than 50 years old through map research, inscribed dates, etc.)
5. Isolated refuse dumps and scatters over 50 years old that lack specific associations
6. Isolated mining prospect pits
7. Placer mining features with no associated structural remains or archaeological deposits
8. Foundations and mapped locations of buildings or structures more than 50 years old with few or no associated artifacts or ecofacts, and with no potential for subsurface archaeological deposits

### **Exempt Property Type 2: Minor, Ubiquitous, or Fragmentary Infrastructure Elements**

The following list does not apply to properties 50 years old or older that could be potentially important, nor does it apply to properties that may contribute to the significance of larger historic properties such as districts or cultural landscapes.

### **Water Conveyance and Control Features**

- Natural bodies of water providing a water source, conveyance, or drainage
- Modified natural waterways

- Concrete-lined canals less than 50 years old and fragments of abandoned canals
- Roadside drainage ditches and secondary agricultural ditches
- Small drainage tunnels
- Flood storage basins
- Reservoirs and artificial ponds
- Levees and weirs
- Gates, valves, pumps, and other flow control devices
- Pipelines and associated control devices
- Water supply and waste disposal systems
- Rip-rap

### **Recent Transportation or Pedestrian Facilities**

- Railroad grades converted to other uses, such as roads, levees, or bike paths
- Bus shelters and benches
- Vista points and rest stops
- Bike paths, off-road vehicle trails, equestrian trails, and hiking trails
- Parking lots and driveways

### **Highway and Roadside Features**

- Isolated segments of bypassed or abandoned roads
- Retaining walls
- Highway fencing, soundwalls, guard rails, and barriers
- Drains and culverts, excluding culverts assigned a Caltrans bridge number
- Cattle crossing guards
- Roadside landscaping and associated irrigation systems
- Signs and reflectors
- Telecommunications services, including towers, poles, dishes, antennas, boxes, lines, cables, transformers, and transmission facilities
- Utility services, including towers, poles, boxes, pipes, lines, cables, and transformers
- Oil and gas pipelines and associated control devices

### **Adjacent Features**

- Fences, walls, gates, and gateposts

- Isolated rock walls and stone fences
- Telephone booths, call boxes, mailboxes, and newspaper receptacles
- Fire hydrants and alarms
- Markers, monuments, signs, and billboards
- Fragments of bypassed or demolished bridges
- Temporary roadside structures, such as seasonal vendors' stands
- Pastures, fields, crops, and orchards
- Corrals, animal pens, and dog runs
- Open space, including parks and recreational facilities
- Building and structure ruins and foundations less than 50 years old

#### **Movable or Minor Objects**

- Movable vehicles
- Stationary vehicles less than 50 years old or moved within the last 50 years
- Agricultural, industrial and commercial equipment and machinery
- Sculpture, statuary, and decorative elements less than 50 years old or moved within the last 50 years





Appendix B  
**Notice of Availability**

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## Notice of Availability

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To: State Clearinghouse, Responsible Agencies,  
Trustee Agencies, Interested Parties From: West Sacramento Area Flood Control Agency  
*(Agency)* *(Agency)*  
\_\_\_\_\_ 1110 West Capitol Avenue  
*(Address)* West Sacramento, CA 95691  
*(Address)*

**Subject: Notice of Availability of a Draft Subsequent Environmental Impact Report for the Southport Sacramento River Early Implementation Project**

The West Sacramento Area Flood Control Agency (WSAFCA) has prepared a Draft Subsequent Environmental Impact Report (SEIR) to analyze the use of a new borrow material extraction site, referred to as Borrow One, for construction of the Southport Sacramento River Early Implementation Project (EIP) (Southport project).

**Project Description and Location.** The WSAFCA Board of Directors has adopted the Southport project to implement flood risk–reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. In compliance with the California Environmental Quality Act (CEQA), WSAFCA certified the Southport project. Final EIR and approved implementation of the Southport project at the August 14, 2014, WSAFCA Board meeting. Materials relating to the Southport project, including the Final EIR, technical studies, and Board meeting minutes are available to review at WSAFCA’s website, located at [http://www.cityofwestsacramento.org/city/flood/southport\\_eip/environmental\\_studies.asp](http://www.cityofwestsacramento.org/city/flood/southport_eip/environmental_studies.asp).

Since certification of the Final EIR, WSAFCA has identified the Borrow One site as containing material needed to construct the Southport project. Borrow One is located south of the South Cross Levee and west of southern Jefferson Boulevard in unincorporated Yolo County, California. Up to 300,000 cubic yards of borrow material would be removed from the Borrow One site to support levee work associated with the Southport project. Approximately 95 acres of the 119-acre property would be excavated to an average depth of 2 feet. Borrow activities would require excavation of two drainage ditches that cross the parcel. A 25-foot-wide temporary haul road angled north from the site would be constructed to facilitate ingress and egress from Jefferson Boulevard north of the haul road entry.

To provide material sufficient to return the Borrow One parcel to agricultural production following the completion of borrow activities for levee construction, an approximately 25-acre pond would be excavated on the eastern portion of the site, and the excavated material used to backfill excavated areas on the remainder of the site. The permanent pond would provide irrigation and drainage for the Borrow One site. The stockpiled topsoil from the entire borrow area would be respread on the remainder of the excavation area to restore it to its approximate preconstruction elevation. Following completion of borrow activities, the temporary haul road would be removed and a permanent access driveway would be constructed.

No known hazardous waste sites exist in the project area.

**Significant Environmental Effects.** The certified Final EIR analyzed the effects of borrow material extraction from various similarly situated agricultural sites throughout the Southport area of West Sacramento. Thus, the Draft SEIR is limited to analysis of effects unique to use of the Borrow One site, which is situated immediately south of the study area considered in the Final EIR. Two new significant environmental effects not previously identified in the certified Final EIR are expected to result from material extraction at the Borrow One site. All effects discussed in the Draft SEIR are described in Table 1, attached.

**Comments Solicited.** You are invited to review and comment on the Draft SEIR during the public comment period, ending May 25, 2016. The Draft SEIR can be viewed online at <https://www.cityofwestsacramento.org/city/flood/>. It is also available at the Yolo County Library at 1212

Merkley Avenue, West Sacramento, and City of West Sacramento City Hall, 1110 W. Capitol Ave., West Sacramento. No public meeting is proposed for this project. Interested parties are invited to comment in writing during the comment period. Send comments to the addresses below, **postmarked no later than May 25, 2016**. If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

Megan Smith, Project Manager  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814  
Email: [megan.smith@icfi.com](mailto:megan.smith@icfi.com)

*Reference:* California Code of Regulations, Title 14, (State CEQA Guidelines) Sections 15082(a), 15103, 15375.

**Table 1. Summary of Effects and Mitigation Measures for the Borrow One Project**

Effect	Finding		Finding with Mitigation	Mitigation Measure
	Direct	Indirect		
<b>FLOOD RISK MANAGEMENT AND GEOMORPHIC CONDITIONS</b>				
FR-3: Alteration of Existing Drainage Pattern of Site or Area	Significant	Significant	Less than significant	FR-MM-1: Coordinate with Owners and Operators, Prepare Drainage Studies as Needed, and Remediate Effects through Project Design
<i>FR-8: Change in Under-seepage Associated with Excavation of Borrow Material</i>	<i>Significant</i>	<i>No effect</i>	<i>Less than significant</i>	<i>FR-MM-4: Monitor Project Site for Seepage and Remediate Effects through Maintenance and Operation Activities</i>
<b>WATER QUALITY AND GROUNDWATER RESOURCES</b>				
WQ-2: Release of Contaminants into Adjacent Surface Water Bodies from Construction-Related Hazardous Materials	Less than Significant	Less than Significant	NA	None
WQ-3: Effects on Groundwater or Surface Water Quality Resulting from Contact with the Water Table	Significant	Significant	Less than significant	WQ-MM-1: Implement Provisions for Dewatering
<b>TRANSPORTATION AND NAVIGATION</b>				
TRA-1: Temporary Increase in Traffic Volumes from Construction-Generated Traffic	Significant and unavoidable	No effect	NA	None
TRA-3: Increase in Safety Hazards Attributable to Construction-Generated Traffic	Less than significant	No effect	NA	None
TRA-4: Disruption of Alternative Transportation Modes as a Result of Temporary Road Closures	Less than significant	No effect	NA	None
<b>AIR QUALITY</b>				
AIR-1: Conflict with or Obstruct Implementation of an Applicable Air Quality Plan	Less than significant	No effect	NA	None

Effect	Finding		Finding with Mitigation	Mitigation Measure
	Direct	Indirect		
AIR-2: Violate Any Air Quality Standard or Substantial Contribution to Existing or Projected Air Quality Violation—CEQA	Significant	No effect	Significant and unavoidable	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM10 AIR-MM-2: Implement Fugitive Dust Control Plan AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents AIR-MM-4: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Net Zero (0) for Emissions in Excess of General Conformity <i>de Minimis</i> Threshold (Where Applicable) and to Quantities below Applicable YSAQMD and SMAQMD CEQA Thresholds AIR-MM-5: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Quantities below Applicable BAAQMD CEQA Thresholds
AIR-4: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for Which the Project Region is a Non-Attainment Area under NAAQS and CAAQS	Significant	No effect	Significant and unavoidable	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM10 AIR-MM-2: Implement Fugitive Dust Control Plan AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents AIR-MM-4: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Net Zero (0) for Emissions in Excess of General Conformity <i>de Minimis</i> Threshold (Where Applicable) and to Quantities below Applicable YSAQMD and SMAQMD CEQA Thresholds AIR-MM-5: Mitigate and Offset Construction-Generated NO <sub>x</sub> Emissions to Quantities below Applicable BAAQMD CEQA Thresholds
AIR-5: Expose Sensitive Receptors to Substantial Fugitive Dust Concentrations	No effect	Significant	Less than significant	AIR-MM-2: Implement Fugitive Dust Control Plan

Effect	Finding		Finding with Mitigation	Mitigation Measure
	Direct	Indirect		
AIR-6: Expose Sensitive Receptors to Substantial Diesel Particulate Matter Concentrations	No effect	Less than significant	Less than significant	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM10
AIR-7: Create Objectionable Odors Affecting a Substantial Number of People	Less than significant	No effect	Less than significant	AIR-MM-1: Implement Measures to Reduce Exhaust Emissions of NO <sub>x</sub> and PM10 AIR-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline to Residents
<b>NOISE</b>				
NOI-1: Exposure of Sensitive Receptors to Temporary Construction-Related Noise	Significant	No effect	Significant and unavoidable	NOI-MM-1: Employ Noise-Reducing Construction Practices
NOI-2: Exposure of Sensitive Receptors to Temporary Construction-Related Vibration	Significant	No effect	Significant and unavoidable	NOI-MM-2: Employ Vibration-Reducing Construction Practices
<b>VEGETATION AND WETLANDS</b>				
VEG-2: Loss of Waters of the United States as a Result of Project Construction	Significant	Significant	Less than significant	VEG-MM-2: Install Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel VEG-MM-4: Retain a Biological Monitor VEG-MM-5: Compensate for the Loss of Waters of the United States

Effect	Finding		Finding with Mitigation	Mitigation Measure
	Direct	Indirect		
VEG-3: Disturbance or Removal of Protected Trees as a Result of Project Construction	Significant	Significant	Less than significant	VEG-MM-2: Install Exclusion Fencing along the Perimeter of the Construction Work Area and Implement General Measures to Avoid Effects on Sensitive Natural Communities and Special-Status Species VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel VEG-MM-4: Retain a Biological Monitor VEG-MM-6: Compensate for Loss of Protected Trees
<b>WILDLIFE</b>				
WILD-1: Disturbance or Loss of VELBs and Their Habitat (Elderberry Shrub)	Significant	No effect	Less than significant	VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-1: Establish a Minimum 20-Foot-Wide Buffer around the Elderberry Shrub WILD-MM-2: Transplant Elderberry Shrubs That Cannot Be Avoided or Implement Dust Control Measures during Construction WILD-MM-3: Compensate for Removal and Transplantation of VELB Habitat
WILD-2: Disturbance or Loss of Western Pond Turtles and Their Habitat	Significant	Significant	Less than significant	VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-4: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Work Area



Effect	Finding		Finding with Mitigation	Mitigation Measure
	Direct	Indirect		
WILD-3: Disturbance or Loss of Giant Garter Snakes and Their Habitat	Significant	Significant	Less than significant	VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-5: Install and Maintain Construction Barrier Fencing around Suitable Giant Garter Snake Habitat WILD-MM-6: Minimize Potential Effects on Giant Garter Snakes during Construction in Suitable Habitat WILD-MM-7: Compensate for Permanent Loss of Giant Garter Snake Habitat
WILD-4: Loss of Swainson’s Hawk Foraging and Nesting Habitat	Significant	No effect	Less than significant	VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-8: Avoid Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors and Conduct Preconstruction Nesting Bird Surveys WILD-MM-9: Compensate for Permanent Removal of Swainson’s Hawk Foraging Habitat
WILD-5: Disturbance or Loss of Western Burrowing Owls and Their Habitat	Significant	No effect	Less than significant	VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-10: Conduct Preconstruction Surveys for Active Burrowing Owl Burrows and Implement the 2012 California Department of Fish and Game Guidelines for Burrowing Owl Mitigation, If Necessary WILD-MM-11: Coordinate with Resource Agencies and Develop an Appropriate Compensation Plan for Burrowing Owl

Effect	Finding		Finding with Mitigation	Mitigation Measure
	Direct	Indirect		
WILD-6: Loss or Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors	Significant	Significant	Less than significant	VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-8: Avoid Disturbance of Tree-, Shrub-, and Ground-Nesting Special-Status and Non-Special-Status Migratory Birds and Raptors and Conduct Preconstruction Nesting Bird Surveys
WILD-7: Loss or Disturbance of Bats and Bat Roosts	Significant	No effect	Less than significant	VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat VEG-MM-3: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel WILD-MM-12: Conduct Preconstruction Surveys for Roosting Bats and Implement Protective Measure
WILD-8: Disturbance to or Loss of Common Wildlife Species' Individuals and Their Habitats	Less than significant	Less than significant	NA	None
<b>LAND USE AND AGRICULTURE</b>				
LU-3: Loss of Important Farmland and Agricultural Production Value	Significant	No effect	Significant and unavoidable	GEO-MM-1: Implement the Reclamation Actions of a Project-Specific Reclamation Plan LU-MM-1: Provide Compensatory Agricultural Land Protection LU-MM-2: Avoid Important Farmland in Borrow Areas

Effect	Finding		Finding with Mitigation	Mitigation Measure
	Direct	Indirect		
<b>VISUAL RESOURCES</b>				
VIS-1: Result in Temporary Visual Effects from Construction	Significant	No effect	Significant and unavoidable	VIS-MM-1: Use Native Wildflower Species in Erosion Control Grassland Seed Mix VIS-MM-2: Develop a Soil Borrow Strategy and Site Reclamation Plan VIS-MM-3: Limit Construction near Residences to Daylight Hours
VIS-2: Adversely Affect a Scenic Vista	Significant and unavoidable	No effect	NA	None
<b>PUBLIC HEALTH AND ENVIRONMENTAL HAZARDS</b>				
HAZ-6: Changes in Exposure to Mosquitoes	Less than significant	No effect	NA	None
<b>CULTURAL RESOURCES</b>				
CUL-2: Change in the Significance of an Archaeological Resource	Significant	No effect	Significant and unavoidable	CUL-MM-2: Complete Archaeological Inventory and Evaluation prior to Construction and Implement Treatment or Preservation for Eligible and Adversely Affected Resources CUL-MM-3: Implement Inadvertent Discovery Procedures
CUL-3: Disturbance of Native American and Historic-Period Human Remains	Significant	No effect	Significant and unavoidable	CUL-MM-4: Implement Human Remains Discovery Procedures
CUL-4: Effects on Cultural Resources Associated with Excavation of Borrow Material	Significant	No effect	Significant and unavoidable	CUL-MM-5: Implement Cultural Resource Management Protocols for Borrow Areas
<i>CUL-5: Effects on Tribal Cultural Resources Associated with Excavation of Borrow Material</i>	<i>Significant</i>	<i>No effect</i>	<i>Significant and unavoidable</i>	<i>CUL-MM-5: Implement Cultural Resource Management Protocols for Borrow Areas</i>



## List of Recipients

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U.S. Fish & Wildlife Service  
Daniel Welsh  
2800 Cottage Way, Room W-2605  
Sacramento CA 95825-1846

U.S. Army Corps of Engineers  
Tanis Toland, Environmental Resources Branch  
1325 J Street  
Sacramento CA 95814-2922

California Department of Fish and Wildlife, Bay  
Delta Region  
Andrea Boertien, Environmental Scientist  
7329 Silverado Trail  
Napa CA 94558

California Dept. of Transportation, District 3  
Tracey Frost  
2379 Gateway Oaks Drive, Suite 150  
Sacramento CA 95833

California Air Resources Board  
1001 I Street  
Sacramento CA 95814

California State Lands Commission  
Cy Oggins  
100 Howe Avenue, Suite 100  
South Sacramento CA 95825-8202

California Department of Water Resources  
Kristin Ford, Division of Flood Management  
3310 El Camino Avenue, Room 120  
Sacramento CA 95821

Office of Historic Preservation  
Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100  
Sacramento CA 95816

Delta Stewardship Council  
Cindy Messer  
980 Ninth Street, Suite 1500  
Sacramento CA 95814

Central Valley Flood Protection Board  
James Herota  
3310 El Camino Avenue, Room 151  
Sacramento CA 95821

Central Valley Regional Water Quality Control Board  
Stephanie Tadlock  
11020 Sun Center Drive, #200  
Rancho Cordova CA 95670

Yocha Dehe Wintun Nation  
Mr. James Sarmento  
Cultural Resources Manager  
PO Box 18  
Brooks CA 95606

United Auburn Indian Community  
Tribal Historic Preservation Department  
Marcos Guerrero, RPA, Cultural Resources Manager  
10720 Indian Hill Rd.  
Auburn CA 95603

Yolo County  
Patrick Blacklock, Administrator  
625 Court Street, Room 202  
Woodland CA 95695

Yolo County  
Taro Echiburu, AICP, Planning and Public Works  
Director  
292 West Beamer Street  
Woodland CA 95695

Yolo County  
Oscar Villegas, District 1 Supervisor  
500 Jefferson Blvd.  
West Sacramento CA 95605

Sacramento Regional County Sanitation District  
Robb Armstrong  
10060 Goethe Road  
Sacramento CA 95827-3553

Reclamation District 999  
Jonathan Frame, District Manager  
38563 Netherlands Road  
Clarksburg, CA 95612

Sacramento-Yolo Mosquito Vector Control District  
Gary W. Goodman, District Manager  
1234 Fortna Avenue  
Woodland CA 95695

Yolo-Solano Air Quality Management District  
Matthew Jones  
1947 Galileo Court, Suite 103  
Davis CA 95616

Adjacent Residents, Tenants, and Property Owners  
Names and addresses available upon request