

**Findings of Fact and Statement of Overriding Considerations  
for the  
Greenhorn Sediment Removal at Rollins Reservoir Project  
State Clearinghouse No. 2017052054  
July 2019**

*Prepared for:*

**Nevada Irrigation District**



*Prepared by:*



*With assistance from:*





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## Acronyms and Abbreviations

BAAP	Breeding Area Avoidance Plan
bhp	brake horsepower
BMP	Best Management Practice
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CRHR	California Register of Historic Resources
CWA	Clean Water Act
dBA	A-weighted decibels
DEIR	Draft Environmental Impact Report
DPM	Diesel Particulate Matter
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
FYLF	foothill yellow-legged frog
HMBP	Hazardous Materials Business Plan
HMP	Hydrologic Management Plan
$L_{eq}$	equivalent sound level
$L_{max}$	maximum sound level
LOS	level of service
MCAB	Mountain Counties Air Basin
MLD	Most Likely Descendant
NAHC	Native American Heritage Commission
NID	Nevada Irrigation District
NOAA	National Oceanic and Atmospheric Administration (
NSAQMD	Northern Sierra Air Quality Management District
OES	Office of Emergency Services

PM	particulate matter
Project or Proposed Project	Greenhorn Sediment Removal at Rollins Reservoir Project
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SHPO	State Historic Preservation Officer
SPCCP	Spill Prevention Control and Countermeasures Plan
SWPPP	Stormwater Pollution Prevention Plan
USACE	U.S. Army Corps of Engineers
WDR	Waste Discharge Requirement
WEAP	Worker Environmental Awareness Program
WOUS	Waters of the U.S.
WPT	western pond turtle
WQMP	Water Quality Monitoring Plan

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# CHAPTER 1 INTRODUCTION

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The Nevada Irrigation District (NID) has prepared an Environmental Impact Report (EIR) for the proposed Greenhorn Sediment Removal at Rollins Reservoir Project (Proposed Project or Project) and circulated it for 30-day review to obtain agency and public input on the analysis of the potential environmental effects of the Project. The EIR identified significant impacts, requiring that the lead agency determine Findings of Fact (referred to as Findings) and prepare a Statement of Overriding Consideration pursuant to California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations [CCR] § 15091). This document provides the Findings and Statement of Overriding Consideration based on analysis provided in the Draft and Final EIR.

This document includes a description of the Proposed Project and Alternatives (Chapter 2), followed by the Findings of Fact (Chapter 3) and the Statement of Overriding Considerations (Chapter 4). A summary of the statutory requirements for Findings and for the Statement of Overriding Considerations are provided below.

The Findings and the Statement of Overriding Considerations must be supported by substantial evidence in a project record. The record for the Proposed Project is available for public review at NID's main office:

**Nevada Irrigation District**  
1036 West Main Street  
Grass Valley, California 95945

## 1.1 STATUTORY REQUIREMENTS FOR FINDINGS OF FACT

CEQA Guidelines (14 California Code of Regulations [CCR] § 15091) state that no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

## **1.2 STATUTORY REQUIREMENTS FOR THE STATEMENT OF OVERRIDING CONSIDERATIONS**

In accordance with CEQA Guidelines § 15093, whenever significant effects cannot be mitigated to below a level of significance, the lead agency (NID) is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable,” in which case the lead agency must adopt a formal Statement of Overriding Considerations. The Final EIR identified one potentially significant unmitigable Project-level impact and three cumulatively considerable impacts. Specifically, the Project would result in a significant unavoidable impact associated with noise; and the Project, in combination with other past, present, and probably future projects, would result in cumulatively considerable impacts associated with air quality, noise, and transportation. Therefore, a Statement of Overriding Considerations is required.

## CHAPTER 2 PROPOSED PROJECT AND ALTERNATIVES

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### 2.1 PROPOSED PROJECT

The Project includes the annual removal of sediment from the Greenhorn Arm of Rollins Reservoir. Due to the annual migration of aggregate from Greenhorn Creek into the Project Site, the Project will be ongoing with the ultimate goal of maintaining water storage capacity in Rollins Reservoir. Ultimately, NID would like to restore historic water storage capacity in Rollins Reservoir, returning the Project Site to pre-1965 conditions (following construction of Rollins Reservoir). However, with the extent of sediment build-up and the annual migration of aggregate to the Greenhorn Arm of Rollins Reservoir, it is unlikely that NID will be able to fully restore historic water storage capacity. Three primary Project components will be implemented annually: (1) notification/mobilization; (2) sediment removal; and (3) demobilization.

1. Notification (March)/Mobilization (July, depending on reservoir water levels and flows within Greenhorn Creek)
  - Notify public of Proposed Project and Work Area restrictions.
  - Transport equipment and material to staging areas.
  - Establish Work Area boundary.
  - Initiate the Water Quality Monitoring Plan (WQMP), which requires NID to document: (1) pre-Project conditions; (2) conditions during Project implementation, including upstream, within, and downstream of the Work Area; and (3) allow for management actions to rapidly respond to any water quality issues.
2. Sediment Removal (July to late November, depending on reservoir water levels and flows within Greenhorn Creek)
  - Install a sediment barrier, consisting of interlocking steel sheet piles, from a barge to prevent further migration of sediment into Rollins Reservoir. The location of the sediment barrier may change as sediment is removed over time, and the barrier would eventually move from the main body of the reservoir into the Greenhorn Arm.
  - Re-establish access/haul road to the Work Area, including installation of bridges/culverts to allow access across Greenhorn Creek (multiple crossing may be necessary because the creek meanders through the Work Area).
  - Channelize the creek within the inundation zone of Rollins Reservoir away from the designated sediment removal area by creating a long berm and channel on one side of

the Greenhorn Arm to re-route the creek (placement of the berm and channelization of the stream may change annually depending on previous sediment removal activities completed and the extent of “new” sediment that has entered the reservoir arm during high flows).

- A valve assembly and aeration system will be installed in the existing creek bed upstream of the excavation area and will connect to the dewatering pipes/channels to allow for controlled release of water saturated with oxygen to continually flush the dewatering pipes/channels and reduce the potential for methylation of mercury. This will also reduce the potential for development of an anaerobic environment.
  - Once the creek is re-routed, install a corrugated pipe or excavate a dewatering channel parallel to the original stream channel through the berm to collect and direct subsurface water into the channelized creek bed.
  - Install dewatering pipes or excavate dewatering channels in the designated sediment removal area, parallel to the berm and running the extent of the Work Area, to facilitate draining/drying of the sediments necessary for removal and to reduce the potential for methylation of mercury. A dewatering pipe may also be placed within the dry creek channel, or the channel may be backfilled.
  - Conduct sediment removal activities by skimming dry sediment, above the water table, using scrapers, excavators, and/or front end loaders.
  - Transport material to stockpile area, and conduct soil sampling and analysis every 2,000 CY. Process sediment through various sized mesh screens to remove debris and sort. The sorted material will be loaded into dump trucks and either transported to an approved off-site processing center for disposal (fine sediment), or temporarily stockpiled at the site (larger aggregate) for commercial sale and/or use in a local mine reclamation project.
3. Demobilization (Mid-to-late November, unless dry conditions allow for a longer work period (no later than December 31))
- Remove equipment and material from the Work Area at the end of each work season, typically in November.

## **2.2 PROJECT OBJECTIVES**

The Greenhorn Sediment Removal Project objectives are as follows:

- Maintain the water storage capacity in the Greenhorn Arm of Rollins Reservoir in perpetuity by conducting annual sediment maintenance activities to remove accumulated sediments which could enter the main reservoir during high flows.

- To the extent possible, make progress in restoration of the historic water storage capacity in the Greenhorn Arm of Rollins Reservoir.
- Prevent further migration of suspended sediment from the Greenhorn Arm of Rollins Reservoir into the main body of the reservoir.
- Restore recreational opportunities in the Greenhorn Arm of Rollins Reservoir through the removal of accumulated sediment thereby increasing water depth and improving deep-water aquatic habitat and boating access.
- Economically remove and dispose of the sediment removed from the Greenhorn Arm of Rollins Reservoir.

## 2.3 PROJECT ALTERNATIVES

Public Resources Code §21002 states that public agencies should not approve project as proposed if there are feasible alternatives which would substantially lessen the significant environmental effects of the project. Pursuant to the CEQA Guidelines (14 CCR 15126.6) and, in consideration of Project objectives and potential environmental effects, the following project alternatives were selected for analysis:

- **No Project Alternative:** Under the No Project Alternative, no sediment removal activities would occur. Sediment would continue to build up in the Greenhorn Arm of Rollins Reservoir and recreational opportunities and aquatic habitat would be further degraded. In addition, lack of sediment removal would result in continued migration of suspended sediment from the Greenhorn Arm into the main body of the reservoir further reducing water storage capacity.
- **Reduced Production Alternative:** The Reduced Production Alternative would involve sediment removal operations similar to the Proposed Project, but limit the amount of material that could be exported from the site (by haul trucks) to 100,000 tons of material during the operating season (July through November). By contrast, under the Proposed Project it is estimated that up to 200,000 tons of material could be removed from the Work Area per year, depending on market demand; although a typical year (based on similar activities) would include removal of approximately 50,000 tons per year. It is assumed that 200,000 tons of material would be removed every 6<sup>th</sup> year, depending on storm events. All other components of the Proposed Project would be identical under the Reduced Production Alternative.

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## CHAPTER 3 FINDINGS OF FACT

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### 3.1 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT

Through Project scoping and environmental analysis contained in the Final EIR, it was determined that the Project would not result in effects on the environment with respect to agriculture and forestry resources, energy, geology and soils, greenhouse gas emissions, land use and planning, mineral resources, and populations and housing. No further findings are required for these subject areas. Other resource areas that have specific impacts with a less-than-significant effect or no impact are identified, by resource area, below. A summary of the reasons for this determination can be found in Chapter 3 (Environmental Analysis) and Chapter 4 (Other Considerations) of the Draft EIR and in Chapter 3 (Changes to the Draft EIR) in the Final EIR.

### 3.2 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

#### 3.2.1 Aesthetics

The Final EIR has identified no effects or less-than-significant effects for Impacts 3.1-1 (effects to scenic vistas) and 3.1-2 (damage to scenic resources). This section provides a discussion of potentially significant effects related to Impacts 3.1-3 and 3.1-4.

***Impact 3.1-3: The Project Site is visible and would result in low to moderate visual impacts to neighboring residences and recreationists.***

#### **Mitigation Measures**

- **MM-AES-1:** At the end of each workday crews will conduct Project Site housekeeping, including moving equipment and work vehicles to one of the three staging areas and will maintain work and staging areas to ensure they are orderly and free of trash and debris.
- **MM-AES-2:** Following completion of annual sediment removal activities, the following will be removed from the Work Area: dewatering pipes/channels; valve box/pond; aeration system; construction equipment and mats; bridges and culverts; Work Area closure buoy line (depending on extent of sediment removal completed); and processing plant (grizzly). During annual demobilization, construction crews will restore staging areas disturbed by Project activities to pre-mobilization condition with the exception of the haul road and creek channelization berm which will remain in place until high spring flows redistribute the material.

## **Finding**

The Project Site is visible to residential units in the vicinity of the Project, however, in general, direct views of the Project Site are limited due to vegetation and topography. While not used on an annual basis, staging of equipment and materials at Staging Area 3 (SA-3) would add a new visual element from publicly accessible vantage points at Rollins Reservoir, Greenhorn Campground and Greenhorn Campground Boat Launch. In addition, the Work Area would be visible from publicly accessible vantage points at Rollins Reservoir in the vicinity of the Greenhorn Arm. Impacts would be moderate during Project implementation (July through December) and low during all other times of the year (January through June). Mitigation Measure MM-AES-1 requires Project “housekeeping” at the end of the workday; and MM-AES-2 requires removal of equipment at the end of each work season; restoration of staging areas disturbed by Project activities (with the exception of the haul road and creek channelization berm). These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.1-4: Project lighting during fall and winter months could introduce a new light source and contribute to “sky glow”—the cumulative reduction in the quality of night-sky views.***

## **Mitigation Measures**

- **MM-AES-3:** Lighting fixtures shall be full or semi cutoff. Overall lighting levels shall be limited to that necessary to illuminate the Work Area during the later months of the year. Incandescent and mercury vapor light sources will not be used.

## **Finding**

Mitigation Measure MM-AES-3 limits the type and timing of lighting used during implementation of the Project. This measure would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.2.2 Air Quality**

The Final EIR has identified no effects or less-than-significant effects for Impacts 3.2-1 (conflict with applicable air quality plans) and 3.2-4 (emissions such as odors affecting a substantial number of people). This section provides a discussion of potentially significant effects related to Impacts 3.2-2 and 3.2-3.

***Impact 3.2-2: Without mitigation, maximum daily operational emissions would exceed the Northern Sierra Air Quality Management District (NSAQMD) Level C thresholds for particulate matter less than or equal to 10 microns in size (PM<sub>10</sub>).***

### **Mitigation Measures**

- **MM-AQ-1:** Per the requirements of the NSAQMD Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects the following mitigation will be required during project operations.
  - Temporary traffic control shall be provided during all phases of the construction to improve traffic flow as deemed appropriate by local transportation agencies and/or Caltrans.
  - Construction activities shall be scheduled to direct traffic flow to off-peak hours as much as practicable.
  - During initial grading, earth moving, or site preparation, larger projects may be required to construct a paved, coarse gravel or dust palliative treated apron, at least 100 feet in length, leading onto the paved road(s).
  - Wheels will be washed when project vehicles and/or equipment enter and/or exit onto paved streets from unpaved roads. Vehicles and/or equipment will be washed prior to each trip, if necessary.
  - During years when approximately 200,000 tons of sediment is removed, all self-propelled off-road diesel-powered equipment and vehicles greater than 25 horsepower shall be equipped with an engine meeting at least Tier 1 emission standards, and the overall fleet average shall meet Tier 2 emission standards.
- **MM-AQ-2:** As required by NSAQMD Rule 226, a Fugitive Dust Plan will be prepared for the Project that, in addition to the Standard Dust Control Plan conditions, includes site watering at least twice daily during sediment removal, sorting, and hauling activities.

### **Finding**

As shown in Tables 3.2-6 and 3.2-7 of the Draft EIR, all emissions generated by the Project are well below significance thresholds with one exception: Under the 200,000 ton removal scenario (estimated to occur every sixth year), the maximum daily emissions of PM<sub>10</sub> would be greater than 136 lbs/day, exceeding this threshold. However, as recommended by the NSAQMD *Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects*, NID will implement mitigation measures MM-AIR-1 and MM-AIR-2. Implementation of these measures will reduce PM<sub>10</sub> emissions below a level of significance. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.2-3: Project would not expose sensitive receptors to emissions from diesel particulate matter.***

### **Mitigation Measures**

- **MM-AQ-3** Owners or operators of portable equipment rated 50 brake horsepower (bhp) or greater will register the applicable equipment through the Statewide Portable Equipment Registration Program or at the local air district level, in compliance with NSAQMD, Rule 523. Proof of registration will be provided to NID prior to Project implementation.

### **Finding**

Diesel Particulate Matter (DPM) would be emitted from the off-road diesel-fueled equipment, including portable generators, and on-road heavy duty trucks used for the hauling of materials and aggregate, potentially exposing sensitive receptors to DPM. However, as described previously, with implementation of mitigation, PM<sub>10</sub> and particulate matter less than or equal to 2.5 microns in size (PM<sub>2.5</sub>) emissions (which include emissions of DPM) are below significance thresholds. Implementation of mitigation measure MM-AQ-3, which requires registration of any portable equipment (such as generators) rated 50 bhp or greater, will further ensure that sensitive receptors are not exposed to increased levels of DPM. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

## **3.2.3 Biology**

### **3.2.3.1 Aquatic Resources**

The Final EIR has identified potentially significant effects for all thresholds of significance considered for aquatic biological resources. Each of the findings for these impacts (3.3-1, 3.3-2, and 3.3-3) are described below.

***Impact 3.3-1: The Proposed Project could indirectly impact aquatic species (foothill yellow-legged frog [FYLF], Western pond turtle [WPT], fish) through increases in turbidity or release of pollutants into the stream.***

### **Mitigation Measures**

- **MM-HAZ-1:** Annually, prior to Project implementation, all contractor and subcontractor personnel shall receive training regarding the appropriate work practices necessary to effectively comply with the applicable environmental laws and regulations, including, without limitation, hazardous materials spill prevention and response measures.
- **MM-HAZ-2:** A Hazardous Materials Business Plan (HMBP) will be prepared and implemented. The HMBP will be consistent with Nevada County requirements and will

incorporate industry standard best management practices (BMPs) (e.g., Department of Water Resources' BMPs). The Plan will:

- Identify all hazardous materials.
  - Identify spill response materials.
  - Specify procedures for notification and reporting, including internal management and local agencies (e.g., fire department, Department of Environmental Health), as needed.
  - Specify measures to protect worker and public health and safety.
  - Specify measures to manage and remediate waste, as needed.
- **MM-HAZ-3:** A Spill Prevention Control and Countermeasure Plan (SPCCP) will be prepared and implemented. The SPCCP will be consistent with Nevada County requirements and will incorporate industry standard BMP (e.g., Department of Water Resources' BMPs). The Plan will:
    - Detail fuel storage areas.
    - Identify measures to limit and control fuel spills, including use of bermed storage areas, equipment inspections, fueling and refueling procedures.
    - Describe the use and placement of spill kits.
    - Specify reporting requirements in the event of a spill.
- **MM-HYD-1:** Stormwater Pollution Prevention Plan. Operator shall develop and implement a stormwater pollution prevention plan (SWPPP) in accordance with State Water Resources Control Board and Central Valley Regional Water Quality Control Board (RWQCB) requirements. The SWPPP shall specify the location, type, and maintenance requirements for best management practices (BMPs) necessary to prevent stormwater runoff from carrying construction-related pollutants. BMPs shall be implemented to address potential release of fuels, oil, and/or lubricants from operational vehicles and equipment (e.g., drip pans, secondary containment, washing stations), as well as release of fine sediment from material stockpiles (e.g., sediment barriers, soil binders). The SWPPP shall be developed and implemented by a Construction General Permit Qualified SWPPP Practitioner / Qualified SWPPP Developer and submitted to the RWQCB as part of obtaining regulatory approval for the proposed activities (i.e., the Industrial General Permit).
- **MM-HYD-2:** Water Quality Monitoring Plan. NID will prepare and implement a WQMP for the Project. The WQMP will include monitoring water quality (baseline and Project conditions) in the vicinity of the Project during implementation (setup through demobilization). The WQMP will include compliance thresholds and adaptive management to address potential water quality issues should any arise. The WQMP would

be implemented in any year, which sediment removal activities occur. The WQMP will include water quality monitoring for the following constituents:

- Water Temperature
- Dissolved Oxygen
- Turbidity
- Total Dissolved Solids
- Total Suspended Solids
- Total Mercury
- Methylmercury

To fully document baseline and Project conditions, NID will monitor water quality in Greenhorn Creek, Greenhorn Arm of Rollins Reservoir, and the main body of Rollins Reservoir. Baseline condition monitoring will be conducted prior to the initial sediment removal. Water quality monitoring compliance thresholds will be established based on consultation with the RWQCB and California Department of Fish and Wildlife (CDFW). Monitoring reports will be developed and provided to agencies during Project implementation. Sediment removal will be suspended, and agencies will be immediately notified (within 24 hours) if any constituents exceed thresholds developed through agency consultation with consideration of pre-project background levels.

### **Finding**

Several Project activities (i.e., installation of a sediment barrier, placement of a road base and maintenance/replacement of road crossings, construction of a berm, and removal of sediment) would result in ground disturbance that could result in increases in turbidity or releases of pollutants into Greenhorn Creek or Rollins Reservoir that could harm FYLF and WPT. To reduce risk of pollutants entering aquatic habitats, mitigation measure MM-HAZ-2 and MM-HAZ-3 require NID to prepare a HMBP and SPCCP to specify the hazardous materials used during Project implementation and to identify and implement procedures to prevent and respond to spills. To reduce turbidity effects, mitigation measure MM-HYD-1 requires NID to develop and implement a SWPPP to specify BMPs to prevent release of chemicals from equipment and release of fine sediment from material stockpiles. To ensure that all personnel will implement the Project consistent with the HMBP, SPCCP, and SWPPP, mitigation measure MM-HAZ-1 would require that all contractors/subcontractors attend an environmental training regarding hazardous materials spill prevention and response before initiating work activities. To reduce and avoid direct impacts to FYLF from water quality deviations, mitigation measure MM-HYD-2 would require regular water quality monitoring during Project implementation. If water quality conditions exceed compliance thresholds, all work activities will be suspended and agencies notified. Implementation

of Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-1 (continued): The Proposed Project could potentially result in direct impacts to foothill yellow-legged frogs.***

**Mitigation Measures**

- **MM-BIO-1:** Work Period and Timing: The following restrictions for work period and timing will be observed:
  - Ground-disturbing activities in the Work Area (including, but not limited to, construction of stream road crossings, modification/relocation of the stream channel, or sediment removal) will be restricted to the period between July and November, when stream flows are low and weather conditions are dry.
  - Work activities in the Project Site will be timed with awareness of precipitation forecasts and likely increases in streamflow. If the National Oceanic and Atmospheric Administration (NOAA) National Weather Service forecasts a storm event that will result in more than 1 inch of rain in a 24-hour period, sediment removal activities will cease until all reasonable erosion and stormwater pollution prevention measures (including, but not limited to, measures required in the Project SWPPP) have been implemented.
  - All work activities will be restricted to the hours between 7:00 am to 7:00 pm.
- **MM-BIO-2:** Biological Monitor. NID will submit to CDFW for approval the resumes of a qualified biologist (or biologists) who will lead implementation of aquatic and/or terrestrial surveys and monitoring required for the Project. The biological monitor(s) must have the following qualifications:
  - Academic and professional experience in biological sciences or related resource management activities;
  - Experience with construction-level biological monitoring;
  - For biologists conducting aquatic surveys and monitoring, the ability to recognize resident and native aquatic species and familiarity with their behaviors and habitats (species include, but are not limited to FYLF, WPT, and resident fish species);
  - For biologists conducting terrestrial surveys and monitoring:
    - The ability to recognize bald eagle, osprey, and other migratory birds and their nests, and familiarity with their behaviors and habitats; and
    - Familiarity with special-status species that may inhabit burrows in the Project Site.

- All biological monitors will obtain any necessary authorizations prior to handling or relocating special-status species.
- **MM-BIO-3:** Foothill Yellow-Legged Frog Breeding Surveys and Breeding Area Avoidance. A survey for FYLF (including egg masses, tadpoles, sub-adult, and adults) will be conducted by an approved biologist during the spring breeding season (e.g., April/May) prior to initiation of the Project each year. The purpose of the survey will be to determine whether and where FYLF are breeding in the Work Area. If FYLF egg masses and/or amplexing adults are found during the breeding surveys, a Breeding Area Avoidance Plan (BAAP) will be developed prior to initiation of sediment removal in the vicinity of the breeding area. The BAAP will include a description and maps/diagrams showing how the Work Area will be modified to avoid negative impacts to the breeding area(s). Modifications may include, but are not limited to, the installation of exclusionary or high visibility fencing. The BAAP will be submitted to CDFW 30 days prior to initiation of sediment removal and implemented as part of the Project.
- **MM-BIO-4:** Worker Environmental Awareness Program. Construction personnel will participate in worker environmental awareness program (WEAP) designed to minimize the potential for impacts to sensitive biological resources. Under this program, workers will be informed by a qualified biologist about the potential presence of sensitive biological resources, including special-status species and habitat, and applicable measures incorporated into the Project to avoid and protect these species and their habitats.
- **MM-BIO-5:** Delineation of Project and Environmentally Sensitive Areas. Before starting work each season, NID will clearly fence, stake, and/or flag the boundaries of the existing and new haul road, staging areas, and the Work Area within which sediment removal activities will occur. Delineation of work areas will consider avoidance and protection measures established for aquatic and terrestrial resources, including, but not limited to, breeding areas for FYLF (MM-BIO-3); special-status plants (MM-BIO-8); active bird nests and animal burrows (MM-BIO-9); and riparian vegetation (MM-BIO-10). Vehicular traffic and use of ground-based construction equipment will be confined to fenced, staked, or flagged areas. All fencing, stakes, or flags will be maintained in good condition throughout sediment removal.
- **MM-BIO-6:** Aquatic Species Pre-Construction Survey and Species Relocation. Immediately prior to initiation of ground-disturbing activities in the Work Area (including, but not limited to, construction of stream road crossings, modification/relocation of the stream channel, or sediment removal), a pre-construction survey will be conducted by an approved biologist. Native and resident aquatic species including resident fish, FYLF (all lifestages) and WPT, will be captured and immediately relocated from within the Work Area to the closest suitable aquatic habitat. Capture methods may include fish landing nets, dip nets, buckets, and by hand.

- A record will be maintained that will include the following data for each individual rescued and relocated (or as specified in CDFW permit conditions):
  - Date of Capture and Relocation
  - Method of Capture
  - Life Stage (for FYLF and WPT)
  - Life Stage, Fork Length, and Weight (for Fish)
  - Location of Relocation in Relation to the Project Site
- A letter report of the results of the survey and capture/relocation data will be provided to CDFW for review within 14 days of completion of the survey.
- **MM-BIO-7: Biological Monitor On-site with Stop Work Authorization.** An approved aquatic biologist will be responsible for monitoring activities that may result in impacts to native and resident aquatic species (i.e., relocating the stream and constructing road crossings of the stream). The biological monitor will have the authority to immediately stop any activity that may harm native or resident aquatic resources and to authorize the resumption of work once individuals have moved and/or are relocated out of harm's way. All reasonable efforts will be made to capture and move all stranded species or species otherwise in the way of harm. Capture will only be conducted by the biological monitor and may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life will be released within the closest suitable habitat outside of the work site.
- Relocations of fish and aquatic species will be recorded as described under MM-BIO-6, and submitted in a letter report to CDFW at the conclusion of each work season.

## **Finding**

Dewatering and ground-disturbing activities could potentially result in stranding, crushing, or burial of FYLF individuals, or create water quality conditions that result in direct mortality of FYLF. To reduce and avoid impacts to FYLF during the breeding season, mitigation measure MM-BIO-1 would restrict ground-disturbing activities to the designated construction areas during the low-flow period between July and November, when FYLF are not breeding. Furthermore, mitigation measure MM-BIO-2 and MM-BIO-3 requires a qualified biologist to conduct a survey for FYLF during the spring breeding season prior to initiation of the Project every year and to monitor construction activities. If breeding FYLF are identified during the surveys, a BAAP would be developed and implemented prior to initiation of sediment removal in the vicinity of the breeding area; the BAAP will include a description of how the Project will be modified to avoid negative impacts at the breeding area. To reduce and avoid impacts to FYLF during the non-breeding season, NID will implement mitigation measures MM-BIO-4 through MM-BIO-5. Mitigation measure MM-BIO-4 requires that all contractors and subcontractors attend a WEAP to inform construction personnel of avoidance and protection measures. MM-BIO-5 requires that

work areas be clearly marked and delineated to avoid Environmentally Sensitive Areas, including breeding areas for FYLF. No construction equipment or traffic will be allowed outside these designated areas. Mitigation measure MM-BIO-6 will require pre-construction surveys and relocation for all aquatic species, including FYLF, and will require a construction monitor during establishment of stream crossings and channel relocation. Mitigation measure MM-BIO-7 will require that FYLF are moved out of harm's way during construction activities, if required. To reduce and avoid direct impacts to FYLF from water quality deviations, mitigation measure MM-HYD-1 would require regular water quality monitoring during Project implementation. If water quality conditions exceed compliance thresholds, all work activities will be suspended and agencies notified. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-1 (continued): The Proposed Project could potentially result in direct impacts to western pond turtles in Greenhorn Creek.***

#### **Mitigation Measures**

- **MM-BIO-1:** See above
- **MM-BIO-4:** See above
- **MM-BIO-5:** See above
- **MM-BIO-6:** See above
- **MM-BIO-7:** See above

#### **Finding**

WPTs could potentially move into Project work areas during Project implementation, exposing them to mortality from contact with heavy equipment or burial with sediment. To avoid these impacts, NID will implement mitigation measures MM-BIO-1 and MM-BIO-4 through MM-BIO-7. Mitigation measure MM-BIO-1 will restrict work activities to the low-flow season when WPTs are less likely to be present within Greenhorn Creek. Mitigation measure MM-BIO-4 will require WEAP training for all construction personnel; mitigation measure MM-BIO-5 will restrict heavy equipment within work areas outside of Environmentally Sensitive Areas; mitigation measure MM-BIO-6 will require pre-construction surveys for aquatic species and require a construction monitor during establishment of stream crossings and channel relocation; and mitigation measure MM-BIO-7 will require that WPTs are moved out of harm's way, if required. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-1 (continued): The Proposed Project could potentially result in direct impacts to resident fish in Greenhorn Creek.***

**Mitigation Measures**

- **MM-BIO-1:** See above
- **MM-BIO-6:** See above
- **MM-BIO-7:** See above

**Finding**

Project activities could affect resident fish present with the Greenhorn Creek through stranding or contact with heavy equipment. To avoid these impacts, NID will implement mitigation measures MM-BIO-1, MM-BIO-6 and MM-BIO-7. Mitigation measure MM-BIO-1 will restrict work activities to the low-flow season when WPTs are less likely to be present within Greenhorn Creek. Mitigation measure MM-BIO-6 will require pre-construction surveys for aquatic species and require a construction monitor during establishment of stream crossings and channel relocation; and mitigation measure MM-BIO-7 will require that fish are moved out of harm's way, if required. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-2: Sediment removal activities within Greenhorn Creek within the Greenhorn Arm of Rollins Reservoir would result in effects to jurisdictional Waters of the U.S./State.***

**Mitigation Measures**

- **MM-BIO-11:** Clean Water Act Permitting. Prior to implementation of the Project, NID will obtain the appropriate permits to authorize Project activities within waters of the U.S. and state. This includes the following:
  - All proposed discharges of dredge or fill material into waters of the U.S. (WOUS) will first be authorized by the U.S. Army Corps of Engineers (USACE), pursuant to Section 404 of the Clean Water Act (CWA), and all avoidance, protection, and mitigation measures associated with Corps permits will be implemented.
  - Pursuant to Section 401 of the CWA, NID will obtain Water Quality Certification from the RWQCB for the Proposed Project. Avoidance, protection, and mitigation measures identified in this certification will be implemented.
  - Pursuant to Section 1600 of the Fish and Game Code, NID will obtain a Streambed Alteration Agreement (SAA) for the Proposed Project. Avoidance, protection, and mitigation measures identified in this SAA will be implemented.
- **MM-HYD-1:** See above

- **MM-HYD-2:** See above
- **MM-HYD-3:** Hydrologic Management Plan. NID will prepare and implement a Hydrologic Management Plan (HMP) for the Project. The HMP will include the following elements:
  - Seasonal demobilization procedures shall include, at a minimum, removal of all operational equipment located within the limits of the 100-year flood, including temporary road crossings (bridges and culverts) and dewatering pipes.
  - Annual visual incision monitoring and photo documentation shall be conducted upstream of the Work Area to ensure excessive project-induced channel incision (deepening of the channel from erosion) and avulsion (abandonment of the channel and formation of a new channel) is not occurring. This monitoring will be done in context of non-Project gravel extraction activities within the Hansen Bros. Enterprises Lease. If excessive channel incision or avulsion is occurring as a result of Project activities, then grade control measures or modification of the sediment extraction in the Work Area will be implemented.

### **Finding**

The Proposed Project could result in impacts to WOUS through altering the course of Greenhorn Creek and removing sediment. To reduce these impacts, mitigation measure MM-BIO-11 requires obtaining authorization from USACE and RWQCB under Section 404 and 401 of the CWA and from CDFW under the California Fish and Game Code Section 1600, and compliance with all permit conditions, including additional avoidance and protection measures and/or compensatory mitigation if required. Mitigation measure MM-HYD-1 will protect WOUS by requiring a SWPPP to be implemented to prevent impacts to water quality from runoff. Mitigation measure MM-HYD-2 will protect WOUS by requiring a HMBP to prevent and respond to spills of hazardous materials. Mitigation measure MM-HYD-3 will require an HMP for the Project to protect WOUS during seasonal demobilization and to annually monitor and address issues related to channel incision. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-3: Sediment removals have a low potential to affect movement of resident fish between Greenhorn Creek (upstream of the Project) and the reservoir.***

### **Mitigation Measures**

- **MM-BIO-1:** See above
- **MM-BIO-6:** See above
- **MM-BIO-7:** See above
- **MM-HYD-3:** See above

## **Finding**

Sediment removal activities have a low potential to affect movement of resident fish between Greenhorn Creek (upstream of the Project) and the reservoir. To reduce this impact, NID will implement mitigation measures MM-BIO-1, MM-BIO-6, MM-BIO-7, and MM-HYD-3. Mitigation measure MM-BIO-1 requires work to be conducted during the low-flow season when fish are less likely to be present within Greenhorn Creek. Mitigation measure MM-BIO-6 and MM-BIO-7 would require a qualified biologist to conduct pre-construction surveys and monitor the Project Site during ground-disturbing activities, and to capture and relocate stranded fish to the nearest suitable aquatic habitat. Mitigation measure MM-HYD-3 would require monitoring of channel incision to ensure that aquatic movement corridors are maintained. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.2.3.2 Terrestrial Resources**

The Final EIR has identified no effects or less-than-significant effects for Impacts 3.3-6 (movement or migration of species), 3.3-7 (conflict with local policies or ordinances), and 3.3-8 (conflicts with a Habitat Conservation Plan or Natural Community Conservation Plan). This section provides a discussion of potentially significant effects related to Impacts 3.3-4 and 3.3-5.

***Impact 3.3-4: Implementation of the Project could impact special-status plants.***

#### **Mitigation Measures**

- **MM-BIO-4:** See above
- **MM-BIO-5:** See above
- **MM-BIO-8:** Special-status Plant Surveys. Protocol-level surveys for special-status plants will be completed prior to initiation of the Project and during the appropriate blooming period for the 13 plants occurring or potentially occurring at the Project Site (refer to Table 3.3-1). This will include an early-season survey in April/May and a late-season survey in July/August. Surveys will be conducted consistent with the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If special-status plant species are found in the Project Site and could be affected by Project implementation, a protective buffer of a minimum of 25 feet (or smaller, if approved by CDFW) will be designated around the population with stakes, fence or flagging prior to the start of each construction season. No vehicular traffic or use of ground-based equipment will be permitted within the buffer. A letter report providing the results of the special-status plant surveys will be provided to CDFW prior to initiation of construction.

## **Finding**

Use of heavy equipment, establishment of new haul roads and crossings, use of Project staging areas, and excavation of sediments in the Greenhorn Arm of Rollins Reservoir could potentially trample, crush, bury, or remove special-status plants, if present. To avoid these impacts, NID will implement mitigation measures MM-BIO-4, MM-BIO-5, and MM-BIO-8. Mitigation measure MM-BIO-4 will require all contractors and subcontractors to attend a WEAP training to protect sensitive resources, including special-status plants. Mitigation measure MM-BIO-5 requires to the delineation of Project work areas to avoid Environmentally Sensitive Areas, including buffers for sensitive special-status plants, and subsequently limiting ground-based equipment to those designated work areas. MM-BIO-8 requires that protocol-level surveys for special-status plants be completed prior to Project initiation and establishment of protective buffers around any populations. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-4 (continued): Implementation of the Project could disturb nesting raptors (i.e., bald eagles and osprey) or animals that use burrows (i.e., Blainville's horned lizard, Sierra Nevada mountain beaver, and American badger).***

## **Mitigation Measures**

- **MM-BIO-9: Terrestrial Species Pre-Construction Surveys.** A pre-construction survey will be conducted by a qualified biologist to determine if there are active bird nests or burrows of special-status species including Blainville's horned lizard, Sierra Nevada mountain beaver, and American badger present in the Project Site which could be affected by the Project. The survey will be conducted no more than 30 days prior to initiation of any Project activities. The survey would include an inspection of the following:
  - Trees and other suitable nesting structures within 660-feet around the Project Site for bald eagles and within 500 feet of the Project Site for other raptors;
  - Suitable nesting habitat within 100 feet around the Project Site for other migratory and non-raptorial birds; and
  - Suitable habitat within Project Site boundaries for burrows that may potentially be used by Blainville's horned lizard, Sierra Nevada mountain beaver, and American badger.
  - The location of active nests will be recorded and an appropriate protective buffer delineated around the nest of 660 feet for bald eagle nests; 500 feet for other raptor nests; and between 25 and 100 feet for other migratory and non-raptorial birds, as appropriate based on the species, site-specific features, and the nature and extent of construction activities proposed in the vicinity of the nest. No use of ground-disturbing equipment will be permitted within the protective buffer. If NID cannot comply with these recommended buffers, reduced buffers or other site-specific avoidance and

protection measures will be developed in consultation with the appropriate resource agencies. This protective buffer does not apply to the existing osprey nest on the Drum-Bell transmission line tower (refer to Section 3.3.2.4) of the EIR.

- Animal burrows will be flagged and avoided to the degree possible. Any burrows that cannot be avoided will be inspected to determine whether they are actively inhabited. Uninhabited burrows that cannot be avoided will be collapsed by or in the presence of the biologist to avoid future occupation. If a burrow is inhabited and cannot be avoided, NID will consult with CDFW to determine alternative avoidance, protection, and/or exclusion measures. Such measures would depend on the species involved, site-specific conditions and nature and extent of work activities to be implemented near the burrow. Measures could include, but are not limited to, implementation of a protective buffer around the burrow or exclusion/evacuation and collapse of the burrow by a CDFW-approved biologist.

A letter report providing the results of the terrestrial pre-construction survey will be provided to CDFW prior to initiation of construction. The report will include (1) a map of the location of any active nests and all burrows identified, and (2) a description of buffers or other proposed avoidance and protection measures to be implemented to protect any nests or inhabited burrows that may be affected by the Project. Agreed upon buffers and/or avoidance and protection measures will be implemented as part of the Project.

### **Finding**

Bald eagles and osprey are known to nest in the on Rollins Reservoir and in the Project vicinity. In addition, burrowing animals including Blainville's horned lizard, Sierra Nevada mountain beaver, and American badger could potentially burrow in the Project Site. Project activities could result in disturbance of nesting bald eagles and osprey or disturbance of burrowing animals. To avoid impacts to nesting bald eagles or osprey, mitigation measure MM-BIO-9 requires that a qualified biologist survey for active nest trees within the nesting buffers (660 feet for bald eagle and 500 feet for osprey) of the Project Site, and if nests are found, activities that could create noise disturbance would be prohibited within the nest buffers until the young have fledged. To avoid disturbance of burrowing animals, mitigation measure MM-BIO-9 requires that a qualified biologist will survey for active burrows and establish protective buffers around occupied burrows, if necessary. If a burrow is inhabited and cannot be avoided, NID will consult with CDFW to determine alternative avoidance, protection, and/or exclusion measures. Such measures would depend on the species involved, site-specific conditions and nature and extent of work activities to be implemented near the burrow. Measures could include, but are not limited to, implementation of a protective buffer around the burrow or exclusion/evacuation and collapse of the burrow by a CDFW-approved biologist.

Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-4 (continued): Implementation of the Project could impact foraging bald eagles and osprey.***

**Mitigation Measures**

- **MM-BIO-1:** See above
- **MM-BIO-6:** See above
- **MM-BIO-7:** See above
- **MM-HYD-1:** See above
- **MM-HYD-2:** See above
- **MM-HAZ-1:** See above
- **MM-HAZ-2:** See above
- **MM-HAZ-3:** See above

**Finding**

Bald eagles and osprey are known to forage in Rollins Reservoir, and their foraging habitat could be affected by Project activities that affect water quality downstream of the Work Area. To reduce these impacts, NID will implement mitigation measures MM-BIO-1, MM-BIO-6, and MM-BIO-7; MM-HYD-1 and MM-HYD-2; and MM-HAZ-1 through MM-HAZ-3. Mitigation measures MM-BIO-1, MM-BIO-6, and MM-BIO-7 avoid and minimize impacts to fish that could reduce prey resources for bald eagle and osprey. Mitigation measures MM-HYD-1, MM-HYD-2, and MM-HAZ-1 through MM-HAZ-3 would further maintain water quality within aquatic habitats and maintain fish prey resources. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-4 (continued): Increased human presence, use of heavy equipment, and construction vehicles could potentially disturb other nesting raptors or songbirds, if present in the Project Site.***

**Mitigation Measures**

- **MM-BIO-4:** See above
- **MM-BIO-5:** See above
- **MM-BIO-9:** See above

**Finding**

Other raptors and songbirds could potentially nest in suitable forest and riparian habitats adjacent to the Project Site. Increased human presence, use of heavy equipment, and construction vehicles

could potentially disturb nesting raptors and songbirds, if present in the Project Site. To reduce these impacts, NID will implement mitigation measure MM-BIO-4, MM-BIO-5, and MM-BIO-9. These measures require WEAP training for all contractors to protect environmental resources (MM-BIO-4); limiting Project activities to designated work areas in consideration of sensitive environmental resources (MM-BIO-5); and conducting a pre-construction nesting bird survey before initiation of Project activities and establishing buffers around any active nests discovered (MM-BIO-9). Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-4 (continued): Implementation of the Project could impact foraging or roosting special-status bats.***

**Mitigation Measures**

- **MM-BIO-1:** See above
- **MM-HYD-1:** See above
- **MM-HYD-2:** See above
- **MM-HAZ-1:** See above
- **MM-HAZ-2:** See above
- **MM-HAZ-3:** See above

**Finding**

Special-status bats could potentially roost and forage in the Project vicinity. Human presence and noise from mechanical equipment could potentially result in disturbance to bats, and their foraging habitat could be affected by Project activities that affect water quality downstream of the Work Area. To reduce these impacts, NID will implement mitigation measures MM-BIO-1; MM-HYD-1 and MM-HYD-2; and MM-HAZ-1 through MM-HAZ-3. Mitigation measure MM-BIO-1 would restrict ground-disturbing activities between July and November when stream flows are low, which is also outside the breeding season for most bat species. Mitigation measures MM-HYD-1, MM-HYD-2, and MM-HAZ-1 through MM-HAZ-3 would further maintain water quality within aquatic habitats and maintain invertebrate prey resources for foraging bats. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-4 (continued): Ground disturbance associated with the Project could result in impacts to animals that use burrows including Blainville's horned lizard, Sierra Nevada mountain beaver, and American badger.***

**Mitigation Measures**

- **MM-BIO-1:** See above
- **MM-BIO-4:** See above
- **MM-BIO-5:** See above
- **MM-BIO-9:** See above

**Finding**

Burrowing animal species could be affected by ground-disturbing activities that collapse or bury occupied burrows or could experience direct mortality through vehicle collisions. To avoid and reduce these impacts, NID will implement mitigation measures MM-BIO-1, MM-BIO-4, MM-BIO-5, and MM-BIO-9. Mitigation measure MM-BIO-1 requires Project activities to be restricted to between 7:00 am and 7:00 pm, when burrowing mammals are inactive and would likely remain in their burrows. Mitigation measure MM-BIO-4 requires WEAP training for contractors on avoidance and protection measures for sensitive resources, including these species. MM-BIO-5 requires a qualified biologist be present during delineation of Project features to avoid animal burrows identified during pre-construction surveys to identify animal burrows (MM-BIO-9). Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.3-5: The project has some potential to affect riparian habitat present along the margins of Greenhorn Creek and the Greenhorn Arm of Rollins Reservoir in the Project Site.***

**Mitigation Measures**

- **MM-BIO-4:** See above
- **MM-BIO-5:** See above
- **MM-BIO-10:** Protection of Riparian Vegetation. No riparian vegetation will be removed as part of the Project. If riparian vegetation becomes established within the Project Site and may potentially be affected by Project activities, NID will establish a 25-foot-buffer around the riparian vegetation. The buffer will be flagged or fenced prior to implementation of the Project.

## **Finding**

Limited riparian habitat is present around the Project Site. To reduce impacts to riparian vegetation, NID will implement mitigation measure MM-BIO-4, MM-BIO-5, and MM-BIO-10. Mitigation measure MM-BIO-10 requires that no riparian vegetation be removed as part of the Project. Mitigation measure MM-BIO-5 requires that all sensitive habitats, including riparian habitat, be avoided during the delineation of Project work areas and a qualified biologist will ensure that the designated work areas are consistent with MM-BIO-10. Mitigation measure MM-BIO-4 requires that all contractors attend a WEAP training, which will include the location of sensitive riparian resources and buffers. Implementation of these measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.2.4 Cultural and Tribal Resources**

The Final EIR has identified no effects or less-than-significant effects for Impact 3.4-5 (substantial adverse change in the significance of a tribal cultural resource). This section provides a discussion of potentially significant effects related to Impacts 3.4-1, 3.4-2, 3.4-3, and 3.4-4.

***Impact 3.4-1: The Project could result in damage to or destruction of significant documented cultural resources.***

#### **Mitigation Measures**

- **MM-CUL-1:** Development and Implementation of a Cultural Resource Awareness Training Education Program. NID will implement a Cultural Resource Awareness Training Education Program, which will be provided to all Project personnel who may encounter and/or alter historical resources, unique archaeological properties, or tribal cultural resources, including construction supervisors and field personnel. No construction worker involved with excavation activities will conduct field operations without having participated in the Cultural Resource Awareness Training Education Program. The Program will include, at a minimum:
  - A review of archaeology, history, prehistory and Native American cultures associated with historical resources in the Project vicinity;
  - A review of applicable local, state and federal ordinances, laws and regulations pertaining to historic preservation;
  - A discussion of avoidance and minimization measures for resources that have the potential to be located on the Project Site and procedures to be followed in the event that unanticipated cultural resources are discovered during implementation of the Project;
  - A discussion of disciplinary and other actions that could be taken against persons violating historic preservation laws and NID policies;

- Distribution and review of a tribal cultural resources brochure and training video;
- A discussion of the requirement for confidentiality and culturally-appropriate treatment of any Find of Significance to Native Americans and behaviors, consistent with Native American Tribal values; and
- A statement by the construction company or applicable employer agreeing to abide by the Cultural Resource Awareness Training Education Program, NID policies, and other applicable laws and regulations.
  - The Cultural Resource Awareness Training Education Program may be conducted in concert with other environmental or safety awareness and education programs for the Project, provided that the program elements pertaining to cultural resources are provided by a qualified cultural resources specialist meeting applicable professional qualifications standards.
- **MM-CUL-2: Measures for the Protection of Cultural and Tribal Resources (Known and Inadvertent Discovery).**

Protection of Known Cultural and Tribal Resources. Prior to and during Project implementation, NID will implement the following measures to protect known cultural resources adjacent to the Project Site:

- The boundary of sites P-29-3946, P-29-3960, and P-29-3971 will be staked with construction fencing or stakes and flagging prior to Project implementation and will be monitored during Project activities to maintain the protective barrier and to report on any violations of the protected areas.
- NID will notify and invite tribal representatives to participate in pre-construction cultural site demarcation and surveys.
- An NID Qualified Professional Archaeologist will conduct monitoring during active sediment removal activities within 50 feet of P-29-3946, P-29-3960, and P-29-3971. NID Cultural Resources Policy (No. 6085.1 Discovery of Cultural Resources) will be implemented in the event of unanticipated disturbance to these sites.
- NID will notify by email the tribal representatives a minimum one week prior to active sediment removal activities for work within 50 feet of P-29-3946, P-29-3960, and P-29-3971. Tribal representatives will arrange for a tribal monitor(s), and will coordinate with NID as appropriate. If items are uncovered, the tribal monitor(s) is (are) responsible for managing, documenting, recovering, and returning any cultural items to a location acceptable to the tribe.

Inadvertent Discovery of Unknown Cultural Resources. If an inadvertent discovery of tribal cultural resources, archaeological resources, or other cultural resources/materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains,

etc.) is made during Project-related construction activities, the NID Cultural Resources Policy (No. 6085.1 Discovery of Cultural Resources) will be implemented. This policy includes a stop work order or relocation of work by the NID project manager, avoidance of the discovery by 150 feet, and coordination with a qualified archaeologist. Refer to Appendix C for the NID Policy.

- As part of this policy, the archaeologist shall determine whether the resource is potentially significant per the California Register of Historic Resources (CRHR) and develop appropriate mitigation in consultation with the NID, State Historic Preservation Officer (SHPO), and Native American Tribal Representatives to protect the integrity of the resource and ensure that no additional resources are impacted. Mitigation could include, but not necessarily be limited to preservation in-place, archival research, subsurface testing, or data recovery.

Implementation of the above mitigation measure would reduce potentially significant impacts resulting from inadvertent damage or destruction of known and unknown cultural resources during construction to a less-than-significant level.

### **Finding**

A total of seven prehistoric and historic-era cultural resources have been documented adjacent to the Project Site. Five of these cultural resources were determined not eligible for listing in the National Register of Historic Places and the CRHR<sup>1</sup>. The remaining two sites, P-29-3946 and P-29-3971, were unevaluated.

P-29-3946 is located approximately 325 feet outside of the Project Work Area where active sediment removal activities would occur. The site is also above the high water line of the reservoir. Implementation of the Project would not result in direct or indirect effects on P-29-3946.

P-29-3971 is directly adjacent to the Project Site. Portions of the site are subject to periodic submergence and/or natural erosion (eastern site boundary) as a result of fluctuating reservoir levels. In addition, there was visible erosion from recent heavy rain events. Both the fluctuating reservoir levels and recent rain events are unrelated to implementation of the Project. Implementation of the Project does have the potential to remove artifacts that have eroded from the site (eastern site boundary) and been redeposited within the reservoir. The western site boundary, where the prehistoric component is located, would not be affected by sediment removal activities as it is outside of the sediment removal Work Area.

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<sup>1</sup> During supplement tribal consultation conducting during the public comment period, an additional resource, P-29-3960, was identified by the UAIC as a Tribal Cultural Resource (May 2019). This resource is located adjacent to the Project Site. During the Yuba-Bear Hydroelectric Project relicensing effort, this isolate was recommended ineligible for inclusion in the National Register of Historic Places (NRHP).

Because P-29-3946 and P-29-3971 are located adjacent to the Project Site and not located within the Work Area, activities would not result in direct or indirect effects on the sites and the Project would have a less-than-significant impact on the unevaluated sites that may be eligible for listing in the CRHR. NID will implement mitigation measure MM-CUL-1 and MM-CUL-2 to provide further protection of potentially eligible sites. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.4-2: The Project could result in damage to or destruction of significant undocumented cultural resources.***

#### **Mitigation Measures**

- **MM-CUL-1:** See above
- **MM-CUL-2:** See above

#### **Finding**

Although the Project Site has been previously surveyed, encountering undocumented cultural resources may occur. Subsurface disturbances could potentially destroy or damage these cultural resources. If these resources were to represent “unique archaeological resources” or “historic resources” as defined by CEQA, a significant impact would occur. However, NID will implement mitigation measure MM-CUL-1 and MM-CUL-2 reducing impacts to undocumented cultural resources. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.4-3: The Project could result in damage to or destruction of human remains.***

#### **Mitigation Measures**

- **MM-CUL-3:** Unanticipated Discovery of Human Remains. In accordance with the California Health and Safety Code and NID Cultural Resources Policy (No. 6085.2 Discovery of Human Remains), if human remains are uncovered during ground-disturbing activities, all work within 150 feet of the area of the burial shall be halted. The NID project manager will be notified immediately, who in turn will notify the qualified archaeologist. The qualified archaeologist will contact the Nevada County Sheriff/Coroner to determine the nature and extent of the remains.

The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of Native American descent, the coroner must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The NAHC shall identify the most likely descendant (MLD). Once given the

permission by NID and the land owner (if different from NID), the MLD shall be allowed on-site. The MLD shall complete their inspection and make their recommendation to NID for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. MLD recommendations must be made within 48 hours of the NAHC notification to the MLD.

No additional work shall take place within the immediate vicinity of the find until the qualified archaeologist gives approval to resume work in that area. Refer to Appendix C for the NID Policy.

A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in-place, relinquishment of the remains and associated items to the descendants, or other culturally-appropriate treatment, may be discussed. AB 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the landowner shall comply with one or more of the following:

- Record the site with the NAHC or the appropriate Information Center;
- Utilize an open space or conservation zoning designation or easement; and/or
- Record a document with the county in which the property is located.

The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

## **Finding**

The inadvertent discovery of unmarked historic-era or prehistoric burials may occur during subsurface disturbances. NID will implement mitigation measure MM-CUL-3 requiring implementation of procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and Section 7052 and California Public Resources Code Section 5097. This measure would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.4-4: The Project could result in damage to or destruction of significant undocumented paleontological resources.***

#### **Mitigation Measures**

- **MM-CUL-4 Unanticipated Discovery of Paleontological Resources.** If an unanticipated discovery of paleontological materials is made during Project-related construction activities, all work within 100 feet (30 meters) of the discovery will be halted and redirected to another location. A qualified paleontologist will be notified regarding the discovery. The paleontologist shall determine whether the resource is potentially significant per the CEQA and develop appropriate mitigation to protect the integrity of the resource and ensure that no additional paleontological resources are impacted. Mitigation could include, but not necessarily be limited to preservation in-place, archival research, and specimen excavation and recovery.

#### **Finding**

Due to the geological context (metavolcanic rocks) of the Greenhorn Arm of Rollins Reservoir, it is highly unlikely that any intact paleontological resources would be encountered during the course of Project implementation. However, subsurface disturbances could potentially destroy or damage presently undiscovered paleontological resources. NID will implement mitigation measure MM-CUL-4 which defines a protocol to be followed in the case of a discovery. This measure would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.2.5 Hazardous Materials**

The Final EIR has identified no effects or less-than-significant effects for Impacts 3.7-3 (hazards within 0.25 mile of a school), 3.7-4 (projects located in a hazardous materials site), and 3.7-5 (hazards related to airports). This section provides a discussion of potentially significant effects related to Impacts 3.7-1, 3.7-2, 3.7-6, and 3.7-7.

***Impacts 3.7-1 and 3.7-2: The project could potentially create a potential hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or upset and accident conditions involving the release of hazardous materials into the environment.***

#### **Mitigation Measures**

- **MM-HAZ-1:** See above
- **MM-HAZ-2:** See above
- **MM-HAZ-3:** See above
- **MM-HAZ-4:** NID will implement the following to ensure appropriate disposal of excavated or dredged sediments:

- In order to determine acceptable reuse and/or disposal procedures, sediment shall be sampled and analyzed to assess sediment quality and identify any potential hazards to the public or environment during excavation, transportation, and reuse and/or disposal of the sediment.
- Based on the known historical environmental impacts of mining in the watershed, characterization of the sediment shall be limited to metals listed in the RWQCB General Order for Maintenance Dredging (R5-2009-0085) as the primary constituents of concern.
- Approximately one sample will be taken per 2,000 cubic yards of sediment removed.
- Results of the sediment sampling will be compared to applicable health screening levels issued by State and federal agencies that include:
  - Hazardous Waste Thresholds (Title 22 Chapter 11 of California Code of Regulations),
  - California Office of Environmental Health Hazard Assessment Human Health Screening Levels, and
  - Federal Environmental Protection Agency (EPA) Regional Screening Levels.
- Disposal/reuse of dredged sediment may be subject to waste discharge requirements (WDR), and/or a waiver of WDRs for disposal of dredge material to land.
- If sediment is to be disposed of in a landfill, no further restrictions on disposal are required, since landfills operate under their own WDR and/or National Pollutant Discharge Elimination System permits that are designed to protect water quality.
- If sediment is to be reused:
  - If concentrations exceed Hazardous Waste Thresholds, the sediment will be disposed of in accordance with relevant hazardous waste regulations.
  - If concentrations of all metals are below Hazardous Waste Thresholds, no restrictions on reuse will be implemented.
  - If concentrations of individual metals exceed Human Health Screening Levels or Regional Screening Levels, but not Hazardous Waste Thresholds, the sediment will only be reused on a site where the native soil contains equivalent or higher concentrations of these metals. That is, soil will be sampled and tested for metals for which the sediment exceeds the above thresholds at the proposed disposal/reuse site and compared to the concentrations in the sediment. If the native soil metals concentrations are higher than the sediment concentrations, the sediment can be reused/disposed of without further characterization.

## **Finding**

During implementation of the Proposed Project, hazardous materials would be used at the site. Fuel would be transported and stored on-site to power construction vehicles and equipment which also contain oils and lubricants. During Project activities, there is potential for hazardous materials to be released, including gasoline, diesel fuel, oil, hydraulic fluid, and lubricants from vehicles and other equipment. Implementation of mitigation measures that require training of all contractor and subcontractor personnel regarding applicable environmental laws and regulations (MM-HAZ-1); preparation and implementation of a HMBP (MM-HAZ-2) and a SPCCP (MM-HAZ-3) would reduce any risk associated with the transport, use, disposal, or accidental release of these substances to less-than-significant levels.

In addition, excavated, dewatered sediment will be hauled off-site for disposal/use. Based on the known historical environmental impacts of mining in the watershed, sediments could potentially contain metals that are considered hazardous to human health. A pre-Project investigation and sampling of sediments was conducted on March 4, 2019. Sediment samples, which were collected during high water conditions, were collected as grab samples from twelve locations within the Project Site. These samples were evaluated for both inorganics and organics. The total metals concentrations detected in the sediment samples were below the corresponding Total Threshold Limit Concentration values for designation of hazardous waste in California. Complete sediment sampling results are provided in Appendix E. As required by mitigation measure MM-HAZ-4, NID will continue to conduct sediment sampling throughout implementation of the Project to ensure proper disposal of excavated or dredged sediments. This measure requires sampling and analysis of the soil for metals, and comparison of the results to applicable health screening levels. The results of this analysis would indicate the appropriate disposal or use options for the sediments. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.7-6: The Project involves an increase in truck trips along public roads which could potentially affect implementation of an emergency response or evacuation plan.***

## **Mitigation Measures**

- **MM-TRA-2: Hazards Due to Truck Traffic.** NID shall develop and implement a Traffic Management Plan to minimize construction-related traffic safety hazards on the affected roadways. To the extent practicable, the Traffic Management Plan will conform to the latest edition of the California Manual on Uniform Traffic Control Devices for Temporary Traffic Control. NID shall coordinate development and implementation of this plan with the Nevada County Office of Emergency Services (OES), Caltrans and the Placer and Nevada County Public Works Departments, as appropriate. The Traffic Management Plan will include, but would not be limited to, the following elements:

- Movement of large oversized equipment and hauling of materials of oversized vehicles related to sediment barrier installation and removal shall be done by convoy using applicable roadway standards.
- Develop and implement a plan for notifications and a process for communication with affected Greenhorn Campground users and residents along affected roadways before the start of construction. Public notification will include posting of notices at NID website, Greenhorn Campground website, Placer and Nevada County Public Works Departments’ websites, Nevada County OES, notices at the Project Site, and approved private signage of construction activities. The notifications will include the construction schedule, the location and duration of activities on each roadway (e.g., which roads/lanes, access points/driveways would be blocked on which days and for how long, and alternative vehicle routes), and contact information for questions and complaints.
- Maintenance of access for vehicles in and/or adjacent to roadways affected by construction activities at all times. The contractor is, for the life of the Project, responsible for ensuring that gravel, sand, soil, and other debris from the Project Site is removed promptly from the bed and shoulders of all County roads.
- Evaluation of sight distances at three locations (intersection of the Project haul road/You Bet Road; SR 174/You Bet Road, and SR 174/Greenhorn Access Road) using design criteria from the Highway Design Manual (Caltrans 2018) and Nevada County Improvement Standards. Where deficiencies occur, NID will develop site-specific measures including, but not limited to, installing warning signs, conducting vegetation removal, cutting back slopes, or other similar measures. Measures to address sight distance deficiencies will be included in the Transportation Management Plan and provided to Nevada County for review and approval prior to implementation.

### **Finding**

To reduce impacts on the local transportation system, NID will be required to implement a Traffic Control Plan (MM-TRA-2) which will include a requirement to provide notification to administrators of police and fire stations, and ambulance service providers of the timing, location, and duration of Project activities and impacts to local roadways; and to maintain access for emergency vehicles in and/or adjacent to roadways affected by Project activities at all times. In addition, the Project will be required to adhere to adopted emergency response and evacuation plans. This measure would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.7-7: Project activities, including the use of equipment and haul trucks, introduce a potential fire risk, given the high hazard rating of the surrounding area.***

### **Mitigation Measures**

- **MM-HAZ-5:** The District will develop a Project-specific Fire Plan in consultation with the fire department. The Fire Plan will include (but is not limited to) the following:
  - Appropriate contacts and procedures to be followed in case of a fire-related emergency.
  - Vehicles will not be parked and equipment will not be placed in areas where dry vegetation could be ignited.
  - Project work and staging areas, including the stockpiles, fuel and equipment storage, the office trailer, and accessory buildings, shall be cleared of dried vegetation or other materials that could serve as fire fuel.
  - Any vehicles or equipment that normally include a spark arrester shall be equipped with an arrester in good working order.

Vehicles will be required to carry small fire extinguishers and other equipment, as required by the fire department, while traveling throughout the site.

### **Finding**

The Project is located within a high fire hazard zone. Project activities, including the use of equipment and haul trucks, introduce a potential fire risk, given the high hazard rating of the surrounding area. During the fire season, which would coincide with Project activities, this is considered a potentially significant impact. Mitigation Measure MM-HAZ-5 requires NID to develop a Project-specific Fire Plan in consultation with the fire department. The Plan will include measures to minimize the potential for ignition of fires, as well as protocols to be followed in the case that a fire occurs. This measure would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

## **3.2.6 Hydrology and Water Quality**

The Final EIR has identified no effects or less-than-significant effects for Impacts 3.8-2 (groundwater), 3.8-4 (erosion leading to off-site flooding), 3.8-5 (exceeding the capacity of existing stormwater systems), 3.8-6 (impeded or redirecting flood flows), and 3.8-7 (increased risk of pollutants from tsunami, seiche, or mudflow). This section provides a discussion of potentially significant effects related to Impacts 3.8-1, 3.8-3, and 3.8-8.

***Impact 3.8-1 and 3.8-3: The Project potentially could result in impacts to water quality associated with release of fuels, increased erosion and turbidity, and increase in the bioavailability of mercury.***

#### **Mitigation Measures**

- **MM-HYD-1:** See above
- **MM-HYD-2:** See above
- **MM-HYD-3:** See above

#### **Finding**

Equipment and fuel in the staging areas, on the haul road, and in the Work Area could result in oil and fuel pollution into Greenhorn Creek and Rollins Reservoir. Installing the sediment barrier in Rollins Reservoir and road crossings across Greenhorn Creek, and implementing activities in the Work Area (channelizing the creek, installation of dewatering pipes or excavation of dewatering channels, sediment removal, and demobilization/ removal of equipment and material at the end of the work season [typically November]) could elevate turbidity in Greenhorn Creek and Rollins Reservoir. Also, dewatering of the existing channel and adjacent sediment and sediment removal activities in the Work Area, particularly drainage of water from anoxic sediment and fluvial transport of the sediment could increase the amount of methylmercury in the Greenhorn Creek and Rollins Reservoir. Erosion during the wet season as a result of changes to the topographic structure in the Work Area (due to sediment removal during the dry season) could cause increases in turbidity in Greenhorn Creek and Rollins Reservoir. Finally, Although the Project, by removing fine sediment from the Greenhorn Arm of Rollins Reservoir, reduces the total mercury load present in the system, disturbances associated with the proposed sediment removal operations could increase the bioavailability of mercury through transport in the water column and through methylation within standing water bodies. NID will minimize the potential for impacts to water quality through implementation of mitigation measures MM-HYD-1, MM-HYD-2, and MM-HYD-3. These measures require development and implementation of a SWPPP that defines BMPs to be implemented to minimize erosion and sedimentation or release of fuels or other substances; a WQMP which includes compliance thresholds and adaptive management to address any water issues should they arise; and a HMP that requires seasonal demobilization and annual visual incision monitoring and photo documentation. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.8-8: The Project could potentially affect water quality in a manner inconsistent with the Water Quality Control Plan for the Sacramento and San Joaquin River Basins.***

#### **Mitigation Measures**

- **MM-HYD-1:** See above

- **MM-HYD-2:** See above
- **MM-HYD-3:** See above
- **MM-HAZ-1:** See above
- **MM-HAZ-2:** See above
- **MM-HAZ-3:** See above
- **MM-HAZ-4:** See above
- **MM-HAZ-5:** See above

### **Finding**

Water quality in Greenhorn Creek and Rollins Reservoir is managed by the Central Valley RWQCB under the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan). As described under Impact 3.8-1, the Project will incorporate a number of mitigation measures to ensure consistency with Basin Plan standards. These include MM-HYD-1 which requires implementing BMPs in accordance with a SWPPP, MM-HYD-2 which requires preparation and implementation of a WQMP in consultation with the RWQCB, and MM-HAZ-1 through MM-HAZ-7, which collectively ensure proper management of hazardous materials, to ensure that potential effects of the Project on water quality as a result of contamination from equipment and fuels. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.2.7 Recreation**

The Final EIR has identified no effects or less-than-significant effects for Impact 3.11-2 (expansion or construction of recreational facilities). This section provides a discussion of potentially significant effects related to Impact 3.11-1.

***Impact 3.11-1: The project could potentially increase the use of other recreational facilities on the reservoir.***

### **Mitigation Measures**

- **MM-REC-1:** The transport of equipment and materials along the Greenhorn Access Road to SA-3 shall not occur on the July 4th holiday, or during the weekends immediately preceding or following the July 4th holiday, except in emergency situations.
- **MM-REC-2:** A line of buoys and/or signage shall be placed at a distance of 200 feet around the barge during installation of the sediment barrier to prohibit boaters from entering the barrier installation Work Area. Under no circumstances shall boaters be allowed to enter the Work Area delineated by the buoy line.

## **Finding**

Construction activities associated with the Proposed Project could displace visitors to other recreation facilities during high-use periods, potentially increasing physical deterioration of those facilities. Mitigation Measure MM-REC-1 restricts truck traffic during the July 4<sup>th</sup> holiday and MM-REC-2 requires placement of buoy lines to keep boaters away from the sediment barrier installation work areas while still allowing access to the main body of the reservoir. These measures will facilitate continued use of the Greenhorn Campground, picnic area, boat launch, and associated facilities during implementation of the Project. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.2.8 Transportation**

The Final EIR has identified no effects or less-than-significant effects for Impact 3.12-2 (conflict with CEQA Guidelines §15064.3, subdivision b). This section provides a discussion of potentially significant effects related to Impact 3.12-1, 3.12-3, and 3.12-4.

***Impact 3.12-1: The Project would conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.***

#### **Mitigation Measures**

- **MM-TRA-1: County Road Maintenance.**
  - NID shall obtain from Nevada County an encroachment permit for use of SA-1.
  - NID shall obtain from Nevada County a lease agreement for long-term (half-year) use of SA-1. The lease agreement will specify maintenance, repair, and fee payment. The agreement will also include NID's obligation to maintain access through the site for local residents and to maintain an area for continued solid waste pickup.
    - If NID and Nevada County do not pursue the lease agreement for SA-1, NID will instead use SA-2 and/or portions of the existing access road.
  - NID shall pay to Nevada County all Traffic Impact Mitigation Fees required per Board Resolutions 18-206. Payment of these fees by the project applicant would ensure that the Project contributes its fair share of the cost of necessary for future improvements to the regional roadway network.
  - NID shall pay to Nevada County a reasonable tonnage fee commensurate to the Project's impacts and to other similar projects in Nevada County. The fee will be used by the County, at its discretion, to repair the roads as needed.

- Each year, prior to initiation of Phase 2 of the Project (i.e., excavation and hauling of sediments), NID shall provide to Nevada County a list of roads that will be used for the distribution of excavated materials for local sales within the County.
- Gravel, sand, soil, and other debris from the Project Site and affected roadways is promptly removed from roads and shoulders.

### **Finding**

The Project would result in increases in truck traffic on Interstate 80, State Route 174, the Greenhorn Access Road, and You Bet Road, particularly during Phase 2 of the Project, during which sediment would be removed and hauled off-site for disposal or sale. The Proposed Project would not significantly increase traffic volumes on area roadways to unacceptable LOS standards. Although the existing condition of area roadways are in good condition, over time truck loading would contribute to deterioration of road conditions on County roads used for the Project. Mitigation measure MM-TRA-1 would require that NID pay to Nevada County all Traffic Impact Mitigation Fees required per Board Resolution 18-206, and a tonnage fee commensurate to the Project's impacts and to other similar projects in Nevada County, and would provide to the County a list of roads to be used during distribution of excavated materials for local sale within the County. These fees will be used by the County, at its discretion, to repair the roads as needed. In addition, gravel, sand, soil, and other debris from the Project Site and affected roadways is promptly removed from roads and shoulders. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.12-3: The Project would potentially increase hazards due to a geometric design feature or incompatible use.***

### **Mitigation Measures**

- **MM-TRA-2:** See above

### **Finding**

As described previously, the Project would result in increased truck traffic which would create hazards related to stopping sight distances at the intersection of the Project haul road/You Bet Road; SR 174/You Bet Road, and SR 174/Greenhorn Access Road. In addition, increased truck traffic could cause conflicts between boat launch traffic and truck traffic within the Greenhorn Campground roadway has limited two-way capacity. NID will implement mitigation measure MM-TRA-2, which commits NID to performance of an analysis of sight distance at three locations (intersection of the Project haul road/You Bet Road; SR 174/You Bet Road, and SR 174/Greenhorn Access Road) using design criteria from the Highway Design Manual (Caltrans 2018) and Nevada County Improvement Standards. Where deficiencies occur, NID will develop site-specific measures including, but not limited to, installing install warning signs, convex high visibility mirrors conducting vegetation removal, cutting back slopes, or other similar measures. Measures

to address sight distance deficiencies will be included in the Transportation Management Plan and provided to Nevada County for review and approval prior to implementation..

In addition, NID proposes to use SA-1, located in a County-owned and maintained right of way, and the site is currently used to access a residence, and as a solid waste pickup area by local residents. NID's proposed use of SA-1 is therefore potentially incompatible with existing uses. In order to minimize the potential to affect the resident access and solid waste pickup function of the site, NID will implement mitigation measure MM-TRA-1, which commits NID to obtain from Nevada County an encroachment permit and a lease agreement for long-term (half-year) use of SA-1. The lease agreement will specify maintenance, repair, payment, and other applicable terms including NID's obligation to maintain access through the site for local residents and to maintain the existing solid waste pickup area of the site. If NID and Nevada County opt not to pursue the lease agreement for SA-1, NID will instead use SA-3.

These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

***Impact 3.12-5: The Project could impact emergency access as a result of increased truck use during the fire season and along You Bet Road, which does not provide adequate turnouts to allow trucks to yield to oncoming emergency vehicles.***

#### **Mitigation Measures**

- **MM-TRA-3:** NID shall notify the Nevada OES annually at least 30 days prior to commencing work. The Nevada County OES is responsible for coordinating with local fire, police, and the Nevada County Public Works Department regarding maintaining safe conditions during project implementation.

#### **Finding**

In the Project Area, SR-174 is considered a primary access route by the Nevada County OES. The Proposed Project would result in an increase in haul truck traffic on area roadways and could therefore impact emergency access. NID will implement mitigation measure MM-TRA-3, which requires notification of the OES an annually at least 30 days prior to commencing work. The Nevada County OES is responsible for coordinating with local fire, police, and the Nevada County Public Works Department regarding maintaining safe conditions during project implementation. This measure would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.2.9 Public Utilities and Services**

The Final EIR has identified no effects or less-than-significant effects to public services (Impact 3.13-1, need for new governmental or public services); and no effects or less-than-

significant effects to public utilities related to Impact 3.13-2 (relocation, expansion or construction of water, electric, gas, or telecommunications facilities), 3.13-3 (effects to water supply), and 3.13-4 (effects to wastewater treatment capacity). This section provides a discussion of potentially significant effects related to Impact 3.13-5 and 3.13-6.

***Impact 3.13-5 and 3.13-6: Solid waste generated by the Project will be disposed of consistent with federal, state, and local standards.***

#### **Mitigation Measures**

- **MM-HAZ-2:** See above
- **MM-HAZ-4:** See above

#### **Finding**

The Project will not generate hazardous waste in excess of state or local standards, or in excess of the capacity of local infrastructure. With implementation of Mitigation Measures MM-HAZ-2 (which requires development of a HMBP) and MM-HAZ-4 (which describes protocols for appropriate disposal of sediments), the Project would be implemented consistent with federal, state, and local management and reduction statutes, solid waste reduction goals. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.2.10 Wildfire**

The Final EIR has identified no effects or less-than-significant effects for Impact 3.14-4 (increased risk related to runoff, post-fire slope stability, drainage changes). This section provides a discussion of potentially significant effects related to Impact 3.14-1, 3.14-2, and 3.14-3.

***Impacts 3.14-1, 3.14-2, and 3.14-3: The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan and would not require installation of infrastructure that would exacerbate fire risk.***

#### **Mitigation Measures**

- **MM-HAZ-5:** See above
- **MM-WF-1:** In the event that the County, state, or other authorities declare a state of emergency that involves evacuation on I-80 or other routes that may be used during implementation of the Project, all non-essential operation of Project vehicles that could affect evacuation routes would cease until the evacuation is no longer in effect.

## **Finding**

Emergency response and evacuation plans for the Project Site are described in the *Emergency Operations Plan* for Nevada County and the Nevada Operational Area (Nevada County 2011). Implementation of mitigation measure MM-HAZ-5 requires NID to develop and implement a Project-specific Fire Plan, in consultation with the fire department, that would minimize the potential for fire to occur, the reducing the potential need for enactment of local emergency response or evacuation plans. Mitigation Measure MM-WF-1 requires cessation of Project-related truck traffic and would minimize the potential, during a state of emergency, for County evacuation routes to be impaired by truck traffic associated with the Proposed Project. These measures would avoid or substantially lessen the potentially significant environmental impact identified in the Final EIR.

### **3.3 SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVEL**

A significant and unavoidable effect related to noise was identified for the Project. The findings are provided below. Refer to Chapter 4 for the Statement of Overriding Considerations that outlines specific reasons to support NID's approval of the Project.

***Impact 3.10-1: The Proposed Project would generate a substantial temporary increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.***

#### **Mitigation Measures**

- **MM-NOI-1:** When purchasing or replacing equipment, NID will use backup warning devices available per current standards. To the extent feasible, the Project Site will be designed to minimize the need to operate mobile machinery in reverse causing backup warning alarms to activate. In addition, diesel generators would be equipped with silencers.
- **MM-NOI-2:** The stockpile shall be designed to minimize the need for haul trucks to back up for loading and exiting.
- **MM-NOI-3:** Signs shall be posted to limit horn use unless required for employee and public safety.
- **MM-NOI-4:** Noise minimization shall be a standard topic at operations meetings.
- **MM-NOI-5:** Construction activities shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. On Sundays and Federal holidays, no noise-generating construction activities shall be permitted.

## **Finding**

The Proposed Project would exceed the Nevada County daytime average noise level standard of 55 A-weighted decibels (dBA) equivalent sound level ( $L_{eq}$ ) and the daytime maximum noise level

standard of 75 dBA maximum sound level ( $L_{max}$ ) at several residences adjacent to the Project Site. Specifically, as shown in Table 1, below, noise levels resulting from annual sediment removal activities at various locations within the Project Site would result in exceedance of the Nevada County average daytime noise standard (55 dBA Leq) at 18 of 26 residences analyzed.

**Table 1**  
**Exceedance of County Daytime Noise Standard (55 dBA Leq)**  
**at Six Locations within the Project Site.**

Timeframe for Activities		July-August Sediment Barrier Locations			July-November Stockpile	August-November Work Area	July-November Haul Trucks	Worst Case All Sources Combined
Residence	Address	Initial	Inter.	Final				
6	16447 You Bet Road						58 (+3)	58 (+3)
9	15300 You Win Court				62 (+7)			62 (+7)
10	14641 Fifield Road				57 (+2)			57 (+2)
12	13822 Marie Lane					56 (+1)		56 (+1)
13	13801 Marie Lane					64 (+9)		64 (+9)
14	14000 Frederick Way					66 (+11)		66 (+11)
15	14097 Frederick Way					69 (+14)		69 (+14)
16	15111 You Win Court					70 (+15)		70 (+15)
17	15300 You Win Court			57 (+2)		68 (+13)		68 (+13)
18	14203 Frederick Way			57 (+2)		69 (+14)		69 (+14)
19	14278 Frederick Way							57 (+2)
20	14325 Frederick Way	57 (+2)	61 (+6)	67 (+12)		64 (+9)		67 (+12)
21	15263 You Win Court					62 (+7)		62 (+7)
22	21119 You Bet Road			56 (+1)		64 (+9)		64 (+9)
23	17615 Rollins View Drive	63 (+8)	61 (+6)			57 (+2)		63 (+8)
24	17720 Rollins View Drive	67 (+12)	63 (+8)			59 (+4)		67 (+12)
25	17841 Rollins View Drive	75 (+20)	64 (+9)	57 (+2)		62 (+7)		75 (+20)
26	17915 Rollins View Drive	70 (+15)	62 (+7)			61 (+6)		70 (+15)

In addition, as shown in Table 2 below, noise levels resulting from annual sediment removal activities at various locations within the Project Site would result in exceedance of the Nevada County average maximum noise standard (75 dBA Leq) at 2 of 26 residences analyzed.

**Table 2**  
**Exceedance of County Maximum Noise Standard (75 dBA Leq) at**  
**Six Location within the Project Site.**

Timeframe for Activities		July-August Sediment Barrier Locations			July- November Stockpile	August- November Work Area	July- November Haul Trucks	Worst Case All Sources Combined
Residence	Address	Initial	Inter.	Final				
6	16447 You Bet Road						80 (+5)	80 (+5)
25	17841 Rollins View Drive	80 (+5)						80 (+5)

Note that these levels represent the loudest average and maximum noises that would be generated during a construction day, rather than continuous ambient noise levels.

To reduce these impacts, NID will implement mitigation measures MM-NOI-1 through MM-NOI-5. These measures include: (1) when purchasing or replacing equipment, NID will use the latest, and least intrusive, backup warning devices available; and diesel generators will be equipped with silencers; (2) the Stockpile Area shall be designed to minimize the need for haul trucks to back up for loading and exiting; (3) signs shall be posted to limit horn use unless required for employee and public safety; (4) noise minimization shall be a standard topic at operations meetings; and (5) limiting construction hours. Due to the nature of the Project, with heavy equipment mobilizing within the Work Area and Staging Areas 6 days per week, the lack of setback areas that could minimize Project-generated noise, and because sensitive receptors are elevated above the Work Area and would therefore not benefit from shielding noise sources, the impact of exposure of persons to or generation of noise levels in excess of local standards would be considered significant and unavoidable with mitigation incorporated.

### 3.4 CUMULATIVE EFFECTS

The EIR identified that the Proposed Project would result in less than cumulatively considerable effects for the following resources: aesthetics, biological resources, cultural resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, recreation, public utilities and services, and wildfire. The Project would contribute to potentially cumulatively considerable effects to air quality; noise; and transportation, as described below.

#### 3.4.1 Air Quality

The Mountain Counties Air Basin (MCAB) has been designated as a federal and state nonattainment area for O<sub>3</sub> (ozone), and a state nonattainment area for PM<sub>10</sub> (coarse particulate matter). As described previously, the Proposed Project would require implementation of mitigation to reduce PM<sub>10</sub> emissions to less-than-significant levels. Collectively, the projects considered in the Final EIR would not construct permanent new emissions sources and air quality impacts would be related primarily to use of construction vehicles, including haul trucks. If implemented simultaneously, the Proposed Project together with the Bear River, Hansen Bros. Enterprises, and Blue Lead Gold Mine projects could remove up to 1,058,000 tons of material annually. While not quantified for all projects, extensive use of haul trucks would be required for the transport and disposal of these materials.

Considering that NO<sub>x</sub> emissions for the Bear River project would result in significant and unavoidable impacts to air quality; the incremental contribution of the remaining projects could potentially result in a cumulatively considerable impact to air quality in the MCAB.

### **3.4.2 Noise**

Even with implementation of mitigation, the Proposed Project would exceed the Nevada County daytime average and maximum noise level standard at several residences adjacent to the Project Site. Simultaneous operation of other projects in the Greenhorn Creek Arm, including the Hansen Bros. Enterprises and/or Blue Lead Gold Mine projects, could potentially contribute to noise impacts for noise-sensitive receivers. Noise impacts from the Hansen Bros. Enterprises and/or Blue Lead Gold Mine would only contribute small incremental effects to overall noise in the cumulative analysis area. However, noise generated from the Proposed Project alone would have a cumulatively considerable impact to noise-sensitive receivers for the reasons identified above. Therefore, noise impacts associated with implementation of the Project are considered potentially cumulatively considerable.

### **3.4.3 Transportation**

You Bet Road is a two-lane County-maintained road that would be used for hauling sediment excavated as part of the Proposed Project, the Hansen Bros. Enterprises project, and the Blue Lead Gold Mine Project. Impacts to roadway conditions from the Proposed Project alone are considered potentially significant, but would be mitigated to a less-than-significant level. However, under the potential scenario in which the three projects are implemented simultaneously and at maximum annual material removal levels (600,000 tons for Hansen Bros. Enterprises; 258,000 tons for the Blue Lead Gold Mine; and 200,000 tons for the Proposed Project) truck traffic associated with the disposal or distribution of excavated materials could result in significant impacts to both traffic levels and road conditions along You Bet Road. In addition, any hazards associated with emergency access and limited line-of-sight along the road may be exacerbated. These impacts along You Bet Road would be considered potentially cumulatively considerable.

## **3.5 FEASIBILITY OF PROJECT ALTERNATIVES**

When a lead agency has determined that, even after incorporation of mitigation, a project will result in significant environmental effects, the lead agency must – prior to approving the project – determine whether there are any project alternatives that are environmentally superior and feasible. An alternative may ultimately be deemed infeasible if it fails to fully promote the lead agency’s overarching purpose. Thus, even if a project alternative will avoid or substantially lessen the significant environmental effects of a Proposed Project, the lead agency may reject the alternative if that alternative does not achieve project objectives.

As required under CEQA Guidelines § 15126.6, NID analyzed two project alternatives, the No Project and Reduced Production Alternatives.

The No Project Alternative would not meet any of the Project objectives. This alternative would not remove accumulated sediments from the Greenhorn Arm of Rollins Reservoir and would not make progress in restoring its historic water storage capacity. Suspended sediment from the Greenhorn Arm would continue to migrate into the main body of the reservoir during high flow events further reducing water storage capacity of the reservoir. This alternative would not restore recreational opportunities and access, or reduce the total mercury in the Greenhorn Arm of Rollins Reservoir.

The Reduced Production Alternative would meet all of the Project objectives to some extent, as it would maintain the water storage capacity in the Greenhorn Arm of Rollins Reservoir through annual removal of accumulated sediments; make progress in restoring the historic water storage capacity in the Greenhorn Arm; prevent further migration of suspended sediment into the main body of the reservoir; and restore recreational opportunities and access, and improve aquatic habitat within the Greenhorn Arm. By reducing the maximum amount of sediment removed to 100,000 tons, this alternative would inhibit the timely realization of Project objectives since less sediment could be removed than under the Proposed Project.

### **3.5.1 Environmentally Superior Alternative**

The No Project Alternative would result in the least environmental impacts and would be the environmentally superior alternative. All impacts associated with the Proposed Project would be reduced under the No Project Alternative. However, the No Project Alternative fails to meet any of the Project objectives. § 15126.6(e)(2) of the CEQA Guidelines states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. In this case, the environmentally superior alternative is the Reduced Production Alternative. This alternative would limit the amount of sediment removed annually to 100,000 tons, resulting in reduced impacts in terms of air quality, GHG emissions, and transportation (vehicle miles traveled). However, noise impacts under this alternative would still be significant and unavoidable. By reducing the maximum amount of sediment removed, this alternative would inhibit the timely realization of Project objectives.

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## **CHAPTER 4**

### **STATEMENT OF OVERRIDING CONSIDERATIONS**

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CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines § 15093 a and b). The lead agency must state in writing the specific reasons, based on substantial evidence in the Final EIR, for deeming a project acceptable when significant impacts are not avoided or substantially lessened. As described in Section 3.3, the Proposed Project, even with incorporation of mitigation, would result in significant unavoidable impacts related to noise (exceedance of Nevada County noise standards). In addition, as described in Section 4.4, the Final EIR identified potentially cumulatively considerable effects related to air quality, noise, and transportation. NID finds that this impact is outweighed by the Proposed Project's benefits.

The purpose of the Proposed Project is to remove sediments that have accumulated in the Greenhorn Creek Arm of the Rollins Reservoir, resulting in a loss of an estimated 10,000 acre-feet (17%) of storage capacity. While several areas of concern were identified during the public scoping process (including traffic and road conditions; hours and days of operation; vibration and noise; and signage and notification) the majority of these concerns (with the exception of noise) were mitigated to less-than-significant levels through the CEQA process. No comments related to the noise impacts disclosed in the Draft EIR were received during the public comment period.

The benefits of the project include:

- Maintaining or increasing water storage capacity in the Greenhorn Arm of Rollins Reservoir.
- Preventing further migration of sediments from the Greenhorn Arm into the main body of the reservoir
- Restoring recreation opportunities to the Greenhorn Arm of Rollins Reservoir

Each of these benefits are discussed below.

The Rollins Reservoir is a key facility that is part of NID's Yuba-Bear Hydroelectric Project, which generates electricity for and provides 117,500 acre-feet of total water deliveries to serve 6,000 agricultural and 18,900 domestic customers in its service area. There are no alternative surface water supplies to the customers in NID's service area. Nor is groundwater pumping a reliable alternative. Recently, some of the wells relied on in the area have failed, and NID has expanded its service to provide water to those people. As demand increases over time, a greater withdrawal

from storage will occur to help meet this need. A major concern to the region's water supply is carryover storage, which if reduced will decrease the probability that NID can make the full water deliveries demanded by the region if Critically Dry Water Years or consecutive Dry Water Years occur. Removal of sediment, with the purpose of maintaining the reservoir's water storage capacity, will therefore help ensure continued water availability for a growing population within NID's service area.

Rollins Reservoir also represents an important recreation resource, with one study estimating that visitors could generate up to \$4.87 million annually in local spending (BAE Urban Economics 2019). Accumulated sediments have severely reduced water-based recreation opportunities within the Greenhorn Creek Arm of Rollins Reservoir; and would continue to expand into the reservoir if allowed to continue unabated. Removal of sediment would restore recreation opportunities in the Greenhorn Creek Arm by increasing water depth and improving deep-water aquatic habitat and boating access.

On balance, NID finds that the broader public benefit associated with the maintenance and restoration of water storage capacity and recreation opportunities in the Greenhorn Creek Arm of the Rollins Reservoir serves to override and outweigh significant and unavoidable, but intermittent and temporary, noise impacts affecting 18 residences in the vicinity of the Project Site; as well as potentially cumulatively considerable, but localized, effects associated with air quality, noise, and transportation. Therefore, pursuant to CEQA Guidelines § 15093, these adverse effects are considered acceptable.