

**CALENDAR ITEM  
C18**

A 3  
S 4

06/22/17  
W 27076  
M. Schroeder

**GENERAL LEASE – PUBLIC AGENCY USE**

**APPLICANT:**

City of Colusa

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land in the Sacramento River, adjacent to 9<sup>th</sup> and 10<sup>th</sup> Streets, city of Colusa, Colusa County.

*AUTHORIZED USE:*

Use and maintenance of an existing boat ramp not previously authorized by the Commission, and construction, use, and maintenance of a new boat ramp, boarding float, six steel guide piles, bank protection, uncovered floating boat dock, gangway and five steel pilings.

*LEASE TERM:*

25 years, beginning June 22, 2017.

*CONSIDERATION:*

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

*SPECIFIC LEASE PROVISIONS:*

1. Lessee shall place warning signage and/or buoys, clearly visible from the shore and in the water, both upstream and downstream of the construction site, to provide notice of the boat ramp construction project and to advise the public to exercise caution.
2. Construction activities in the Sacramento River may only occur between June 15 and October 15.
3. Lessee agrees to implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters," including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate. Lessee shall post

CALENDAR ITEM NO. **C18** (CONT'D)

the BMPs for “Guest Dock Users and Boaters” in prominent places within the Lease Premises. The Lessee shall provide the Commission, on the first anniversary of the Lease and every 3 years thereafter, a report on compliance with BMPs.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, and 6503.5; California Code of Regulations, title 2, sections 2000 and 2003.

**Public Trust and State’s Best Interests Analysis:**

The City of Colusa (Applicant) has applied for a General Lease – Public Agency Use for the use and maintenance of an existing boat ramp, and construction, use, and maintenance of a new boat ramp, boarding float, six steel guide piles, bank protection, uncovered floating boat dock, gangway, and five steel pilings.

The Applicant’s existing boat ramp has been in the Sacramento River for many years, but was not previously authorized by the Commission.

The littoral parcel adjacent to both the existing and proposed boat ramps is owned by the California Department of Parks and Recreation and is commonly known as the Colusa-Sacramento River State Recreation Area (SRA). The existing facilities located in the SRA, include an overnight campground, picnic sites, trailer parking, restrooms, and a boat launch for small boats. The SRA benefits many recreational users such as campers, anglers, boaters, and hikers. Fishing for salmon, sturgeon, shad, and striped bass and wildlife viewing is a major attraction of the SRA.

The existing boat ramp is unusable most of the year as the Sacramento River has moved farther away from the launch site over the past 100 years rendering the access channel, also known as Roberts Channel, silted in and dry during the majority of the year. The park facilities are currently operated by the Applicant under an agreement with the California Department of Parks and Recreation.

The proposed uncovered floating boat dock, gangway and five steel pilings will be located adjacent to the Colusa Scenic Levee Park (Park), which is downstream of the SRA. The Park is located on land owned by the Sacramento and San Joaquin Drainage District. The Park has been in place for many years. The Applicant is in the process of obtaining approval from the Sacramento and San Joaquin Drainage District for placement of the dock adjacent to the upland.

CALENDAR ITEM NO. **C18** (CONT'D)

The Project proposes to construct a new boat ramp, one boarding float, six steel guide piles, bank protection, uncovered floating boat dock, gangway, and five steel pilings. The existing boat ramp will remain in place. The lower portion of the proposed boat ramp will be pre-cast and placed in the water on top of a prepared gravel base with steel rails. Silt curtains will be used to contain any construction-related turbidity and suspended sediments. As an alternative method, the contractor may use a cofferdam around the entire ramp to allow construction in dry conditions. This work will be performed with a crane located onshore and a construction crew of four to six workers utilizing handheld power tools and a generator in addition to the crane. Fill material will be placed from the top of the slope to form the side of the ramp at Roberts Channel, with rock slope protection on the surface.

The upper portion of the ramp will be cast-in-place when water levels are low within the Sacramento River so that wet concrete will not be in contact with the river. The concrete will be trucked in from offsite to cast the ramp. The boarding float will be constructed and installed in the middle of the new boat ramp, resulting in two lanes for launching boats. The boarding float will be held in place with six steel guide piles. This work will be performed by a similar crew to the in-water work but will not require a crane. The dock will be constructed of concrete or fiberglass and will be pre-manufactured offsite. The dock will then be floated into place and secured to the five pilings. All pilings will be installed with a vibratory hammer. Work to be performed outside the Commission's leasing jurisdiction includes various updates to the SRA, including a new parking lot, resurfacing of the existing parking lot, a new access driveway, pedestrian access, fish-cleaning station, re-vegetation, signage, and utilities for a restroom to be constructed at a later date.

The project is expected to benefit Public Trust values by providing improved river access and increased recreational opportunities. The lease is limited to a 25-year term and does not grant the lessee exclusive rights to the lease premises. Upon termination of the lease, lessee may be required to remove all improvements from State land. The proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee's activities thereon. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine, will not substantially interfere with Public Trust needs at this location, at this time, or for the foreseeable term of the proposed lease, and is in the best interests of the State.

CALENDAR ITEM NO. **C18** (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, and Strategy 1.3 to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.
  
2. **Existing Boat Ramp:**  
Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).  
  
Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.
  
3. **Construction of New Facilities:**  
A Mitigated Negative Declaration, State Clearinghouse No. 2012122063, was prepared by the City of Colusa and adopted on February 2, 2013, for this project. The California State Lands Commission staff has reviewed such document.  
  
A Mitigation Monitoring Program was adopted by the City of Colusa.
  
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS REQUIRED:**

U.S. Army Corps of Engineers  
California Department of Fish and Wildlife  
Central Valley Flood Protection Board  
Central Valley Regional Water Quality Control Board  
U.S. Fish and Wildlife Service

CALENDAR ITEM NO. C18 (CONT'D)

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Best Management Practices

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Existing Boat Ramp:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

**Construction of New Facilities:**

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2012122063, and a Mitigation Monitoring Program were prepared by the City of Colusa and adopted on February 2, 2013, for this Project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impacts has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, or for the foreseeable term of the lease, and is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**SIGNIFICANT LANDS INVENTORY FINDING:**

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

CALENDAR ITEM NO. **C18** (CONT'D)

**AUTHORIZATION:**

Authorize issuance of a General Lease - Public Agency Use, to the City of Colusa beginning June 22, 2017, for a term of 25 years, for use and maintenance of an existing boat ramp, and construction, use, and maintenance of a new boat ramp, boarding float, six steel guide pilings, bank protection, uncovered floating boat dock, gangway, and five steel pilings, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right, at any time, to set a monetary rent as specified in the lease if the Commission finds such action to be in the State's best interests.

**EXHIBIT A**

**W 27076**

**LAND DESCRIPTION**

Two parcels of partially filled, and submerged lands situate in the historic, and current bed of the Sacramento River, lying adjacent to Lot 37 of Colusa Rancho, as shown on Official Government Plat approved March 19, 1860, County of Colusa, State of California, described as follows:

**PARCEL 1**

A sixty foot strip of land, the centerline of which is described as follows:

COMMENCING at the point of beginning of that parcel described in that deed recorded in Book 266, Page 352, on April 9, 1959, Official Records of said County; thence S 5°56'38" E 1,665.82 feet to a point on the centerline of an existing boat ramp, said point also being the POINT OF BEGINNING; thence along said centerline S 47°18'25" E 178.00 feet to the terminus of said strip.

The sidelines of said strip shall be prolonged or shortened so as to commence at Low Water of the right bank of the Sacramento River, and terminate at a line drawn perpendicular to the terminus of said strip.

**PARCEL 2**

COMMENCING at the point of beginning of that parcel described in that deed recorded in Book 266, Page 352, on April 9, 1959, Official Records of said County; thence S 7°47'41" E 2,835.14 feet to the POINT OF BEGINNING; thence the following eight (8) courses:

- 1) N 17°57'20" E 412.87 feet;
- 2) S 38°24'36" E 233.69 feet;
- 3) S 46°46'22" E 106.57 feet;
- 4) S 54°30'29" E 144.68 feet;
- 5) S 65°07'05" E 125.54 feet;
- 6) S 72°02'40" E 210.67 feet;
- 7) S 17°57'20" W 179.23 feet;
- 8) N 72°02'40" W 764.18 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of Low Water of the right bank of the Sacramento River.

The BASIS OF BEARINGS of this description is the same as that parcel described in that deed recorded in Book 266, Page 352, on April 9, 1959, Official Records of said County.

**END OF DESCRIPTION**

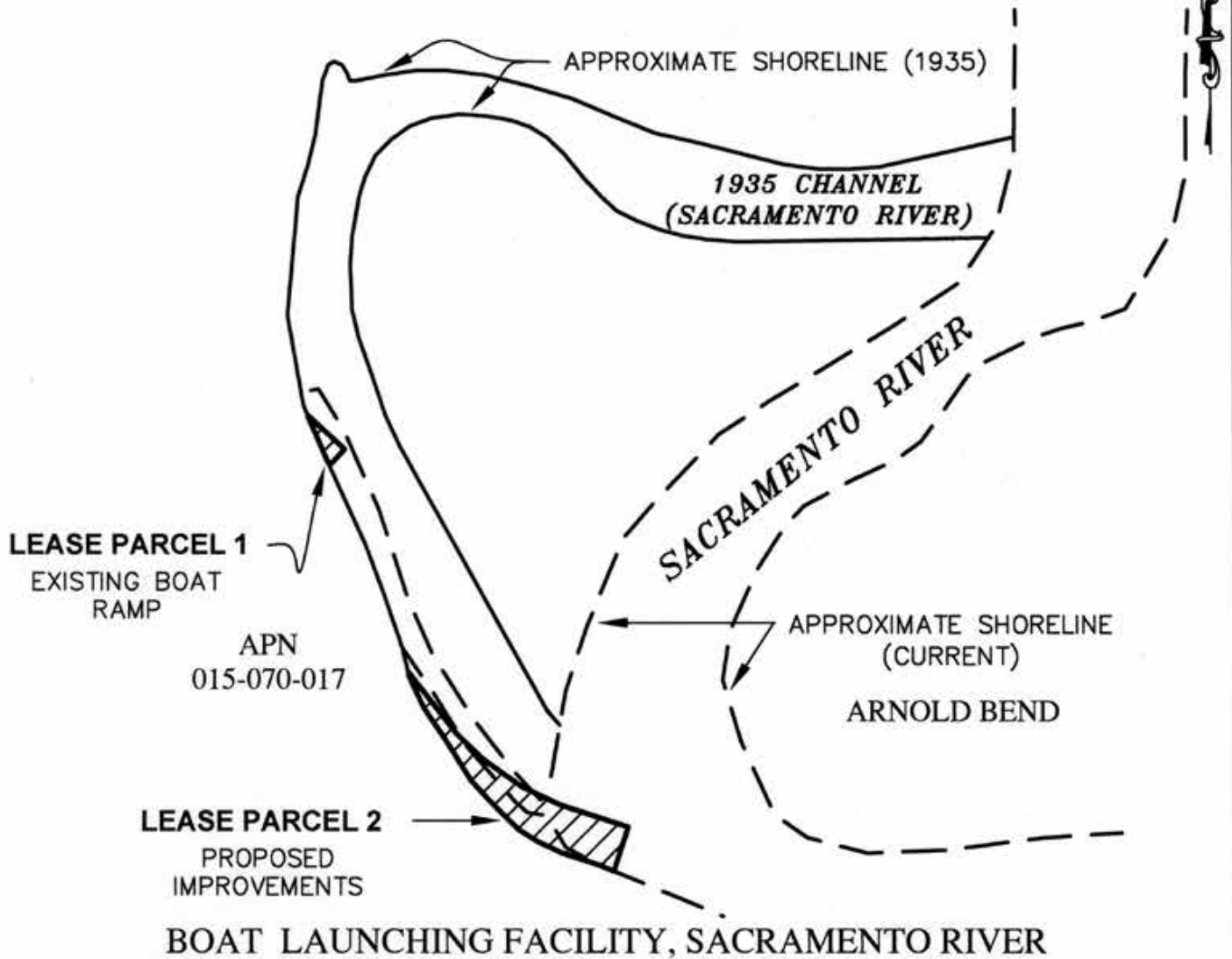
Prepared 4/10/2017 by the California State Lands Commission Boundary Unit.





NO SCALE

### SITE



NO SCALE

### LOCATION



### **Exhibit B**

W 27076  
CITY OF COLUSA  
GENERAL LEASE -  
PUBLIC AGENCY USE  
COLUSA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

**EXHIBIT C**  
**CALIFORNIA STATE LANDS COMMISSION**  
**MITIGATION MONITORING PROGRAM**  
**COLUSA BOAT LAUNCHING FACILITY**  
(W 27076, State Clearinghouse No. 2012122063)

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The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Colusa Boat Launching Facility Project (Project). The CEQA lead agency for the Project is City of Colusa

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures (MMs) for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:<sup>1</sup>

*In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency has approved an MND; State Clearinghouse No. 2012122063, and adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the MMs occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the MMs listed in Table C-1 below because they are specific to lands under Commission's jurisdiction. Because the Commission is acting as a responsible agency, the MMs apply only to the extent that they are feasible and may affect lands and resources under the Commission's jurisdiction. The full text of each MM, as set forth in the MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C. Any MMs adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

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<sup>1</sup> The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

**Table C-1. Project Impacts and Applicable Mitigation Measures**

Potential Impact	Mitigation Measure (MM) <sup>2</sup>	Difference Between Commission MMP and Lead Agency MMP
<b>Impact AIR-1.</b> Potential to generate short term increases in air quality impacts.	<b>MM AIR-1.</b> Short Term Fugitive Dust and Air Pollutants.	None
<b>Impact BIO-1.</b> Potential to have an adverse impact on special-status fish species.	<b>MM BIO-1.</b> Special Status Fish Species Avoidance, Minimization, and Consultation.	None
<b>Impact BIO-2.</b> Potential to have an adverse impact on valley elderberry longhorn beetle.	<b>MM BIO-2.</b> Valley Elderberry Longhorn Beetle Avoidance, Minimization, and Consultation.	None
<b>Impact BIO-3.</b> Potential to have an adverse impact on migratory birds.	<b>MM BIO-3.</b> Nesting and Migratory Birds Pre-Construction Survey and Avoidance.	None
<b>Impact BIO-4.</b> Potential to have an adverse impact on western pond turtle.	<b>MM BIO-4.</b> Western Pond Turtle Avoidance.	None
<b>Impact BIO-5.</b> Potential to fill jurisdictional waters of the U.S., affect water quality and alter the Sacramento River streambed.	<b>MM BIO-5.</b> Jurisdictional Waters of the U.S.	None
<b>Impact BIO-6.</b> Potential to have an adverse impact on western yellowbilled cuckoo.	<b>MM BIO-6.</b> Western Yellow-Billed Cuckoo Avoidance.	None
<b>Impact BIO-7.</b> Potential to have an adverse impact on western red bat maternity sites.	<b>MM BIO-7.</b> Western Red Bat Avoidance and Minimization.	None
<b>Impact BIO-8.</b> Potential to have an adverse impact on giant garter snake.	<b>MM BIO-8.</b> Giant Garter Snake Avoidance.	None
<b>Impact BIO-9.</b> Potential to have an adverse impact on woolly rosemallow.	<b>MM BIO-9.</b> Woolly rose-mallow avoidance and surveys.	None
<b>Impact CULT-1.</b> Discovery of and impacts to unanticipated cultural resource materials within the work area.	<b>MM CULT-1.</b> Unanticipated Discovery and Human Remains.	See below (MM CULT-1)

<sup>2</sup> See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

Potential Impact	Mitigation Measure (MM)	Difference Between Commission MMP and Lead Agency MMP
<b>Impact HYD-1.</b> Potential to significantly impact a levee and floodwater flows.	<b>MM HYD-1.</b> Central Valley Flood Protection Board Encroachment Permit.	None
<b>Impact REC-1.</b> Potential adverse physical effect on the environment from construction or expansion of recreational facilities.	The following mitigation measures apply: <b>MMs AIR-1, BIO-1 through BIO-9, CULT-1, and HYD-1.</b>	None
<b>Impact UTI-1.</b> Potential impacts from storm water runoff	The following mitigation measure applies: <b>MM BIO-5.</b>	None

**MM CULT-1** Unanticipated Discovery and Human Remains

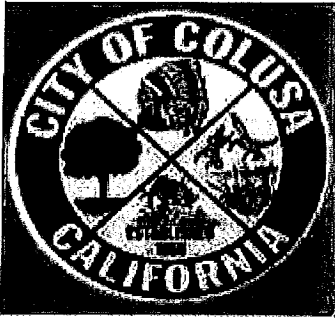
- 1) During any excavation or other substantial subsurface disturbance activities, individuals conducting the work should be advised to watch for cultural resource materials. Should any evidence of prehistoric cultural resources be observed (freshwater shells, beads, bone tool remnants or an assortment of bones, soil changes including subsurface ash lens or soil darker than surrounding soil, lithic materials such as flakes, tools or grinding rocks, etc.), or historic cultural resources (adobe foundations or walls, structures and remains with square nails, refuse deposits or bottle dumps, often associated with wells or old privies), all work should immediately cease and a qualified archaeologist must be consulted to assess the significance of the cultural materials. The discovery of archaeological, historical, and paleontological resources recovered at the Project site must be reported to the Commission, and legal title to any such archaeological, historical, and paleontological resources must be determined prior to their final disposition.
  
- 2) Pursuant to State Health and Safety Code section 7050.5, if human remains are unearthed during construction, the construction contractor must cease work within 100-feet of the discovery and notify the County Coroner. No further disturbance may occur until the Coroner, in consultation with the Native American Heritage Commission and the Colusa Indian Community Council, has made the necessary findings as to the origins and disposition pursuant to Public Resource Code §5097.98 and 5097.99 and the Native American Graves Protection and Repatriation Act (NAGPRA).

## **ATTACHMENT C-1**

**Mitigation Monitoring Program Adopted by the**

City of Colusa

# Commission Attachment C-1



## **Mitigation Monitoring and Reporting Program (with a Mitigated Negative Declaration) for the Colusa Boat Launching Facility**

Pursuant to the California Environmental Quality Act (CEQA), and to Title 14, Division 6 of the California Administrative Code (CEQA Guidelines), the City of Colusa Planning Division has completed an Initial Study of possible environmental impacts of the following-described project. And, based upon the analysis contained within the attached Initial Study, and upon the findings herein, the City of Colusa does herewith prepare, make, declare, notice and file this Mitigated Negative Declaration for following project:

**Project Title:** **Colusa Boat Launching Facility**

**Applicant's Name & Address:** **The City of Colusa Department of Planning and Building Administration  
425 Webster Street  
Colusa CA 95932**

**Project:** The project involves the redevelopment of an existing day use and boat launching facility. Proposed elements include a new, two-lane boat launch ramp, boarding floats, parking, new bathrooms, and other accessory infrastructure to support a day use area such as a fish cleaning station, signage and utilities.

**Location:** The project area involves approximately 15.5 acres of land on the west bank of the Sacramento River in the City of Colusa at river mile 144. The site is located in Within the Cachil Dehe Rancheria in proximity to Section 16 T16N R01W MDB&M, as depicted on the USGS Colusa, (39121b1) 7.5' topographic quadrangle map. The site is accessed at the north end of 10<sup>th</sup> Street.

### **Findings**

The results of the Initial Study indicate that the developments of the proposed project and operation may adversely impact aspects of air quality, biological resources, cultural resources, and hydrology. Design considerations and standard conditions of approval incorporated into the project can avoid or reduce certain potential environmental impacts. Remaining impacts can be reduced to levels that are less than significant with the implementation of mitigation measures presented in the Mitigation Monitoring and Reporting Program.

**MITIGATION MONITORING & REPORTING PROGRAM AND MITIGATED NEGATIVE DECLARATION**

**Environmental Factors Potentially Affected**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                        | <input type="checkbox"/> Hazards/Hazardous Materials        | <input type="checkbox"/> Population/Housing         |
| <input checked="" type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Public Services            |
| <input checked="" type="checkbox"/> Air Quality            | <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Biological Resources   | <input type="checkbox"/> Noise                              | <input checked="" type="checkbox"/> Utilities       |
| <input checked="" type="checkbox"/> Cultural Resources     | <input checked="" type="checkbox"/> Recreation              | <input type="checkbox"/> Mineral Resources          |
| <input type="checkbox"/> Geology/Soils                     |   | <input type="checkbox"/> Greenhouse Gas Emissions   |

*Planning Director Determination. On the basis of this initial evaluation:*


I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

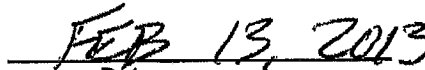
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a potentially significant impact or have a potentially significant impact unless mitigated, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because all potentially significant effects have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards and have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION** including revisions or mitigation measures that are imposed upon the proposed project. No further study is required.

  
Signature

  
Date

Bryan Stice, Senior Planner  
City of Colusa

## MITIGATION MONITORING & REPORTING PROGRAM AND MITIGATED NEGATIVE DECLARATION

### Mitigation Measures and Monitoring Program

#### **Mitigation Measure AIR-1: Short Term Fugitive Dust and Air Pollutants.**

The project has the potential to generate short term increases in air quality impacts. To minimize fugitive dust and exhaust emissions during construction activities, the following shall be included in all construction plans and documents for the project:

- a. Construction equipment shall use aqueous diesel fuel and shall be equipped with particulate traps and catalytic converters
- b. All disturbed areas, including soil piles, areas that have been graded, and unpaved roads shall be watered twice daily and when feasible, covered and enclosed.
- c. When materials are transported offsite. Loads shall be wetted and covered securely at least two feet of freeboard shall be maintained. Limit traffic speeds on unpaved roads to 15 mph and install sandbags or other erosion control measure to prevent silt runoff to public roadways from site with a slope greater than one percent.
- d. Turn off equipment not in use for more than five minutes.
- e. Curtail construction activities when the County's Air Quality Index exceeds 150 for ozone, PM<sub>2.5</sub> or PM<sub>10</sub> (or as determined by the CCAPCD's staff).
- f. Post a publicly visible sign at the construction site with the name and telephone number of the person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the CCAPCD shall also be visible
- g. Prior to operation, the city/contractor shall demonstrate that all ground surfaces are treated sufficiently to minimize fugitive dust emissions. Fugitive dust emissions are considered dust clouds caused by wind, traffic, or other disturbances to exposed ground surfaces.
- h. Exhaust emissions shall be minimized by maintaining equipment in good repair and proper tune according to the manufacturer's specifications.
- i. If construction activities occur during smog season (May-October), equipment will not be allowed to idle for long periods of time.

Timing/Implementation: Include the above measures on all grading plans, improvement plans, and during project construction.

Enforcement/Monitoring: City of Colusa Planning, CCAPCD

#### **Mitigation Measure BIO-1: Special Status Fish Species Avoidance, Minimization and Consultation.**

The project has the potential to have an adverse impact on special-status fish species. The project applicant shall do the following:

- 1) Design to avoid special status fish species, or;
- 2) Avoid potential impacts to special status fish species through such methods as fish exclusion or timing construction activities to avoid seasons when the species will not be present within the river, and;
- 3) The project applicant shall consult with the National Marine Fisheries Service to determine the level of permitting or mitigation required under the U.S. Endangered Species Act

Timing/Implementation: Prior to issuance of a grading permit, during construction activities

Enforcement/Monitoring: City of Colusa Planning Department, USFWS

#### **Mitigation Measure BIO-2: Valley Elderberry Longhorn Beetle Avoidance, Minimization and Consultation.**



## **MITIGATION MONITORING & REPORTING PROGRAM AND MITIGATED NEGATIVE DECLARATION**

The project has the potential to have an adverse impact on valley elderberry longhorn beetle. The project applicant shall initiate the following avoidance measures unless otherwise stated by the USFWS:

- 1) Design to avoid potential valley elderberry longhorn beetle (i.e. elderberry plants) via the following methods:
  - a. Complete avoidance (i.e., no adverse effects) may be assumed when a 25-foot buffer from the drip-line is established and maintained around elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level.
  - b. ESA fencing and USFWS approved signage shall be sustained around the elderberry plants throughout construction activities. Signs must be visible from 20-feet and established every 50-feet around the buffer zone.
  - c. To further minimize impacts to VELB it is recommended that all construction activities within 100-feet of elderberry shrubs be conducted after June 15th to avoid the non-disturbance period.
  - d. All dust control BMPs shall be implemented during construction such as:
    - Cover sediment piles in a timely manner with a tarp or other means of cover.
    - Use water to cover recently graded areas where construction vehicle traffic occurs to reduce the generation of dust. Do not use excess amounts of water that may cause run off into the Sacramento River or Robert's Channel.
    - Suspend grading when winds reach above 20 miles per hour
    - Cover all trucks hauling sediment to and/or from the Project site.
    - Re-vegetate or pave all disturbed areas in a timely manner and if unable to do so cover with tarps if winds over 20 miles per hour are forecasted.
  - e. There shall be no emitted light projected on elderberry shrubs past daylight hours during construction.
- 2) Or, if complete avoidance of elderberry plants is not possible, transplantation may be necessary as prescribed by the USFWS 1999 Guidelines. However, at the discretion of the USFWS, a plant that would be extremely difficult to move because of access problems may be exempted from transplantation (USFWS 1999), and;
- 3) If transplantation of elderberries is unfeasible or is outside of the transplanting period, then credits can be purchased at a USFWS certified valley elderberry longhorn beetle mitigation bank with a Service Area that accommodates the Projects location. Credits must be purchased in advance prior to the start of construction activities (Table 4). If upon the progression of construction activities it becomes unfeasible to maintain any of the above measures that constitute as complete avoidance then credits must be purchased prior to dismissal of any of the above measures that constitute as complete avoidance.

Timing/Implementation: Prior to issuance of a grading permit, during construction activities

Enforcement/Monitoring: City of Colusa Planning Department, USFWS

### **Mitigation Measure BIO-3: Nesting and Migratory Birds Pre-Construction Survey and Avoidance.**

The project has the potential to have an adverse impact on migratory birds. The project applicant shall initiate the following avoidance measures unless otherwise stated by the USFWS and/or CDFW:

- 1) If vegetation or tree removal is scheduled between September 1<sup>st</sup> and February 28<sup>th</sup>, no additional measure actions under this mitigation measure are necessary.
- 2) The project applicant shall hire a qualified avian biologist to conduct a nesting bird surveys within 15 days prior to clearing and grubbing activities that occur during the bird nesting season, which shall be specified as March 1<sup>st</sup> to August 31<sup>st</sup>. When active bird nests are recorded, a buffer area would be established in which no project-related activities that may result in disturbance will be

## **MITIGATION MONITORING & REPORTING PROGRAM AND MITIGATED NEGATIVE DECLARATION**

allowed. A qualified biologist would be consulted in order to establish a suitable buffer that is considered adequate to protect the nest from disturbance of project related activities.

Timing/Implementation: 15 days prior to clearing and grubbing activities, re-initiate if construction lapses for more than 15 days and suitable habitat is still present.

Enforcement/Monitoring: City of Colusa Planning Department, USFWS

### **Mitigation Measure BIO-4: Western Pond Turtle Avoidance.**

The project has the potential to have an adverse impact on western pond turtle. Any western pond turtles encountered within the project area during project implementation shall be immediately transported and released into a suitable aquatic habitat at least one mile upstream from the project area. Suitable habitat includes pools, ponds, and slow moving streams with abundant surrounding vegetation.

Timing/Implementation: During construction, clearing and grubbing activities

Enforcement/Monitoring: City of Colusa Planning Department, Contractor

### **Mitigation Measure BIO-5: Jurisdictional Waters of the U.S.**

The project has the potential to fill jurisdictional waters of the U.S., affect water quality and alter the Sacramento River streambed. All jurisdictional waters, that may be impacted by the project, shall be avoided during construction activities to the greatest extent practicable. To ensure the adequate mitigation of all unavoidable impacts, the following shall be required prior to construction activities and all conditions of the permits and authorizations adhered to:

- 1) The proponent shall enter into consultation with the USACE. If necessary, a §404 permit will be obtained before any filling, dredging or modification of jurisdictional waters can occur. The permit will be conditional and will contain minimization and mitigation measures developed through consultation with the USACE.
- 2) The proponent shall enter into consultation with the RWQCB. If necessary, a §401 permit will be obtained before any discharges of dredged or fill material to waters of the United States occur including wetlands and other water bodies.
- 3) Per §1600 of the California Fish and Game Code, the applicant shall enter into consultation with the DFG. If necessary, a Streambed Alteration Agreement will be obtained before in-stream construction activities commence. If required, the agreement would contain site-specific minimization and mitigation measures identified through consultation with the DFG.

Timing/Implementation: Prior to issuance of a grading permit, during construction activities and post construction (reporting)

Enforcement/Monitoring: City of Colusa Planning Department, USACE, CVRWQCB, CDFW (CDFG)

### **Mitigation Measure BIO-6: Western Yellow-Billed Cuckoo Avoidance**

The project has the potential to have an adverse impact on western yellow-billed cuckoo. The project applicant shall initiate the following avoidance measures unless otherwise stated by the CDFW:

- 1) Any vegetation removal and/or ground disturbances within the riparian strip of habitat along the south side of Robert's channel should be conducted from September 1st to June 15th before migratory western yellow-billed cuckoos arrive to begin nesting and to deter western yellow-billed cuckoos from nesting within close proximity to the Project site outside of the BSA.

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- 2) If construction activities occur from June 16th to August 31st then a western yellow-billed cuckoo survey shall be conducted by a qualified biologist to determine presence or absence of the species within the BSA and within 200 feet of the BSA in suitable habitat areas. A qualified biologist shall:
  - a. Conduct one western yellow-billed cuckoo survey following the Laymon, S.A, Draft Yellow-billed Cuckoo Survey and Monitoring Protocol for California guidelines (Guidelines) approved by CDFG. In the Guidelines it states that three surveys are needed to determine presence or absence of the species within an area. Since the habitat that has the potential to be directly or indirectly impacted by Project activities is relatively small and considered marginal habitat, it is proposed that only one survey be conducted in order to determine presence or absence of nesting western yellow-billed cuckoos.
  - b. The western yellow-billed cuckoo survey shall be conducted no later than 15 days prior to construction activities within and along Robert's Channel.
  - c. The survey shall be conducted so as to cover all riparian habitat along Robert's Channel and suitable habitat within 200 feet outside of the BSA.
  - d. If western yellow-billed cuckoos are observed within the BSA or 100 feet from the BSA then the City and CDFG will be contacted and further avoidance and minimization measures will be implemented.

Timing/Implementation: 15 days prior to clearing and grubbing activities, re-initiate if construction lapses for more than 15 days and suitable habitat is still present.

Enforcement/Monitoring: City of Colusa Planning Department, CDFW (CDFG)

### **Mitigation Measure BIO-7: Western Red Bat Avoidance and Minimization**

The project has the potential to have an adverse impact on western red bat maternity sites. The project applicant shall initiate the following avoidance measures unless otherwise stated by the CDFW:

- 1) If tree removal is scheduled between September 1<sup>st</sup> and March 31<sup>st</sup>, no additional measure actions under this mitigation measure are necessary.
- 2) If tree removal is scheduled between April 1<sup>st</sup> and August 31<sup>st</sup> (western red bat maternity time) a western red bat survey shall be conducted by a qualified biologist no later than seven (7) days prior of suitable roosting tree (i.e Fremont cottonwoods, deciduous trees with a DBH greater than 24") removal to determine if trees scheduled to be removed are occupied by western red bats. Since the western red bat is a solitary roosting species, one western red bat is considered a roost.
- 3) The western red bat survey shall incorporate all suitable roosting trees that are to be removed and suitable roosting trees within 100 feet of the construction area.
- 4) If a western red bat is observed roosting within the area where trees are to be removed or within 100 feet of the construction area, then construction activities will be halted within the 100 foot buffer of the inhabited tree until further guidance from CDFG is received.

Timing/Implementation: 15 days prior to clearing and grubbing activities, re-initiate if construction lapses for more than 15 days and suitable habitat is still present.

Enforcement/Monitoring: City of Colusa Planning Department, CDFW (CDFG)

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### **Mitigation Measure BIO-8: Giant Garter Snake Avoidance**

The project has the potential to have an adverse impact on giant garter snake.

The project applicant shall initiate the following avoidance measures unless otherwise stated by the USFWS:

- 1) A pre-construction survey shall be conducted 24 hours before any ground disturbances activities are conducted within Robert's Channel.
- 2) All vegetation within the banks of Robert's Channel shall be manually clipped to ground level and removed by hand. The vegetation removal will be conducted with the presence of an approved biologist who will monitor the area for the presence of GGS.
- 3) If GGS are found at any time during Project work, construction shall stop and the monitoring biologist shall be contacted immediately for further guidance.
- 4) Staging areas as well as fueling and maintenance activities shall be a minimum of 250 feet from riparian or aquatic habitats. The project proponent shall adhere to the standard spill prevention and clean-up plan.

Timing/Implementation:            Prior to and during construction activities

Enforcement/Monitoring:        City of Colusa Planning Department, USFWS

### **Mitigation Measure BIO-9: Woolly rose-mallow avoidance and surveys.**

The project has the potential to have an adverse impact on woolly rose-mallow. It is recommended that areas within Robert's Channel where suitable habitat for woolly rose-mallow occurs be avoided until a focused, pre-construction survey is conducted to determine presence or absence of the species. The following survey methods are recommended.

- 1) A pre-construction survey shall be conducted prior to any ground disturbing activities within Robert's Channel by a trained or qualified botanist during the appropriate survey window (June – September) for woolly rose-mallow.
- 2) The survey will be conducted following the California Natural Resource Agency, CDFG 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities guidelines.
- 3) If woolly rose-mallow is found outside of the construction footprint then fencing will be established around the plant(s) and the area will be avoided.
- 4) If woolly rose-mallow is found within the construction footprint then additional actions will be required. A report will be written following the California Natural Resource Agency, CDFG 2009 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* guidelines and submitted to the City and CDFG. Mitigation options recognized by the CNPS include:
  - a. The applicant shall design the project to avoid or minimize impacts to areas where woolly rose-mallow occurs and maintain protective elements such as, fencing and/or buffer zones around woolly rose-mallow plants prior to construction activities and throughout construction activities and/or;
  - b. The applicant will restore or preserve a designated area, which contains suitable habitat elements, within the project site to accommodate for species impacted by project activities. The restored or preserved area will use transplants, artificial propagations or seed transfers from impacted populations to populate the restored or preserved area

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using guidelines from the *California Native Plant Society Rare Plant Scientific Advisory Committee (1998) Policy On Mitigation Guidelines Regarding Impacts To Rare, Threatened, And Endangered Plants*, and/or as defined by CDFG.

Timing/Implementation: Prior to construction activities  
Enforcement/Monitoring: City of Colusa Planning Department, CDFW (CDFG)

### **Mitigation Measure CULT-1 Unanticipated Discovery and Human Remains**

There is the potential for discovery of and impacts to unanticipated cultural resource materials within the work area, therefore the following shall be implemented:

- 1) During any excavation or other substantial subsurface disturbance activities, individuals conducting the work should be advised to watch for cultural resource materials. Should any evidence of prehistoric cultural resources be observed (freshwater shells, beads, bone tool remnants or an assortment of bones, soil changes including subsurface ash lens or soil darker than surrounding soil, lithic materials such as flakes, tools or grinding rocks, etc.), or historic cultural resources (adobe foundations or walls, structures and remains with square nails, refuse deposits or bottle dumps, often associated with wells or old privies), all work should immediately cease and a qualified archaeologist must be consulted to assess the significance of the cultural materials.
- 2) Pursuant to State Health and Safety Code section 7050.5, if human remains are unearthed during construction, the construction contractor must cease work within 100-feet of the discovery and notify the County Coroner. No further disturbance may occur until the Coroner, in consultation with the Native American Heritage Commission and the Colusa Indian Community Council, has made the necessary findings as to the origins and disposition pursuant to Public Resource Code §5097.98 and 5097.99 and the Native American Graves Protection and Repatriation Act (NAGPRA).

Timing/Implementation: Disclosure statement to be reviewed and approved by the City prior to tentative map approval and shall be recorded concurrently with the Final Map  
Enforcement/Monitoring: City of Colusa Planning Department

### **Mitigation Measure HYD-1: Central Valley Flood Protection Board Encroachment Permit**

The project has the potential to significantly impact a levee and floodwater flows. Prior to final design, coordination with the Central Valley Flood Protection Board should be initiated in order to determine any potential issues or conflicts with the CVFPB's ability to issue an encroachment permit. Subsequent review of the final project design will be required by the Central Valley Flood Protection Board. Consultation and project authorization by the CVFPB will ensure that standards for construction, maintenance of flood flows and protection of the levee are met.

Timing/Implementation: Prior to final design, recorded concurrently with Final Map  
Enforcement/Monitoring: City of Colusa Planning Department, CVFPB



## EXHIBIT D

### BEST MANAGEMENT PRACTICES FOR GUEST DOCK USERS AND BOATERS

#### **Bilge Water Management**

Keep bilge area as dry as possible

Regularly check fittings, fluid lines, engine seals, and gaskets

Fix all oil and fuel leaks in a timely manner

Do not drain oil into the bilge

Fit a drain pan, if feasible, underneath the engine to collect drips and leaks

Consider the use oil-absorbent pads, even in small boats.

If a bilge contains oil, absorb as much free oil as possible with a pad. Then pump the bilge dry and wipe down the bilge and equipment. If a bilge is severely contaminated, use a pump out service. Never pull the drain plug on a boat with a bilge full of oil, especially if it is on a launch ramp.

Dispose of oil-soaked absorbents at a proper facility. Check with the marina operator for guidance.

Do not use detergents or bilge cleaners unless the bilge can be pumped into an appropriate facility.

#### **Petroleum Containment**

Fill portable fuel containers on land or on the fuel dock to reduce the chance of fuel spills into the water.

Avoid overfilling fuel tanks and attend the fuel nozzle at all times.

Perform all major engine maintenance away from surface water. Any maintenance work on an engine must be done in compliance with rules and regulations governing the marina.

Use petroleum absorption pads while fueling to catch splash back and the any drops when the nozzle is transferred back from the boat to the fuel dock.

Keep engines properly maintained for efficient fuel consumption, clean exhaust, and fuel economy. Follow all manufacturers' specifications.

Immediately report oil and fuel spills to the marina office and the U.S. Coast Guard National Response Center (Phone # 1 (800) 424-8802) and other appropriate agencies.

## **Hazardous Materials**

Improper handling of hazardous materials can cause harm to human health and the environment and can result in serious penalties and expensive cleanup costs if contaminations occur.

Hazardous wastes generated by recreational boaters are considered household hazardous waste. Dispose of household hazardous waste in properly marked containers if provided by the marina or at the nearest appropriate site.

## **Vessel Sewage**

Boaters should never pump out any holding tank in waters inside the three nautical mile limit. Always remember that it is illegal to discharge raw sewage from a vessel into U.S. waters.

Pumpout facilities should be used to dispose of stored waste whenever possible. They are fast, clean, and inexpensive.

Marine sanitation devices (MSDs) must be maintained to operate properly. Keep your disinfectant tank full, use biodegradable treatment chemicals, and follow the manufacturer's suggested maintenance program.

Do not dispose of fats, solvents, oils, emulsifiers, disinfectants, paints, poisons, phosphates, diapers, and other similar products in MSDs.

Whenever possible, use land-based rest rooms rather than onboard ones.

## **Vessel Cleaning and Maintenance**

Ask your marina manager what types of maintenance projects are allowed in the slip.

Minimize the use of soaps and detergents by washing your vessel more frequently with plain water.

Do not use cleaners that contain ingredients such as ammonia, sodium, chlorinated solvents, or lye.



Use hose nozzles that shut off when released to conserve water and reduce the runoff from boat washing.

Ventilate your space to prevent the accumulation of flammable or noxious fumes.

Use eye protection and a respirator when there is the possibility that dust and debris could damage eyes or lungs.

Remove oil, debris and clutter from your immediate work area and dispose of properly.

Avoid spills in the water of all solvents, paints and varnishes.

Carefully read labels to ensure the products are used in a manner that is safe and won't harm the environment.

Use teak cleaners sparingly and avoid spilling them or fiberglass polishers in the water.

## **Sanding and Painting**

When working in marinas, use designated sanding and painting areas. Check with the marina manager for the location and proper use of these areas.

Work indoors or under cover whenever wind can potentially blow dust and paint into the open air.

Where feasible, use environmentally friendly tools, such as vacuum sanders and grinders, to collect and trap dust. Some marinas have this equipment for rent, check with the manager.

Clean up all debris, trash, sanding dust, and paint chips immediately following any maintenance or repair activity.

Use a drop cloth beneath the hull to catch sanding dust and paint drops when working over unpaved surfaces.

When sanding or grinding hulls over a paved surface, vacuuming or sweeping loose paint particles is the preferred cleanup method. Do not hose the debris away.

Buy paints, varnishes, solvents, and thinners in sizes appropriate for the proposed work to avoid having to dispose of stale products.

When possible, use water-based paints and solvents.

Switch to longer lasting, harder, or non-toxic antifouling paint at your next haul out.

Paints, solvents, and reducers should be mixed far from the water's edge and transferred to work areas in tightly covered containers of 1 gallon or less.

Keep in mind that solvents and thinners may be used more than once by allowing the solids to settle out and draining the clean product off the top.

When in doubt about proper disposal practices, check with your marina and/or appropriate government agency.

Boaters should report any illegal discharge of boat sewage to the marina office or appropriate agency.

Boaters should use environmentally sensitive cleaning supplies that may end up in your gray water.

### **Boat Hull Cleaning and Maintenance**

Ensure hull paint is properly applied and maintained to protect the hull from fouling organisms and thus improve your boat's performance.

Wait 90 days after applying new bottom paint before underwater cleaning.

Schedule regular hull cleaning and maintenance to reduce the build up of hard marine growth and eliminate the need for hard scrubbing.

Regularly scheduled gentle cleaning will also increase the effectiveness of the antifouling hull paint and extend its useful life.

Repair paint bonding problems at haul out to avoid further chipping and flaking of paint in the water.

Use, or ask your diver to use, non-abrasive scrubbing agents, soft sponges or pieces of carpet to reduce the sloughing of paint and debris.

Boaters are encouraged to use boat hull cleaning companies and individuals that practice environmentally friendly methods.

## **Solid Waste**

Do not dump plastic or any other trash into the water.

Use the dumpsters, trash receptacles and other approved containers to dispose of garbage and other waste.