

Staff Report

for the Board of Directors' Meeting of June 26, 2024

TO: Board of Directors

FROM: Adrian Schneider, PE, Senior Engineer
Doug Roderick, PE, Director of Engineering

DATE: June 26, 2024

SUBJECT: **Combie Ophir II & III Siphon Replacement Project (No. 2645)**
Consideration of Adoption of Mitigated Negative Declaration and
Approval of the Project

ENGINEERING

RECOMMENDATION:

Conduct a Public Hearing; after hearing testimony, consider adopting Resolution No. 2024-25 - Adopting a Mitigated Negative Declaration, Approve the Mitigation, Monitoring, and Reporting Program for the Project, and Approve the Combie Ophir II & III Siphon Replacement Project (Project), and authorize the General Manager to execute the necessary documents.

BACKGROUND:

The Orr Creek, Dry Creek, and Rock Creek siphons that transport raw water for the Combie Ophir II and III canals, are in poor condition and have reached the end of their useful lives. The siphons are steel pipes over 50 years old, requiring replacement and upsizing for future and emergency flows.

NID prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse [SCH] No. 2024040082) for the Project that was distributed to responsible agencies and the public for a 30-day comment period, beginning on April 3, 2024, and concluding on May 3, 2024.

Staff held an evening online and public scoping meeting on April 24, 2024, at the NID main office. The meeting was facilitated by NID staff and the environmental consultant, ECORP Consulting, Inc. One member of the public attended the online meeting.

The District received two comment letters in response to the public circulation of the Draft IS/MND. The commenters were the California State Department of Fish & Wildlife and the Central Valley Regional Water Quality Control Board.

The Final IS/MND responded to the written comments received as required by CEQA. The Final IS/MND was revised based on the NID's response to the public comments.

The Final IS/MND includes 22 mitigation measures:

- Biological Resources (10)
- Cultural Resources (1)
- Geology and Soils Resources (1)
- Hazards and Hazardous Materials Mitigation Measures (2)
- Hydrology and Water Quality Mitigation Measures (1)
- Best Management Practices (7)

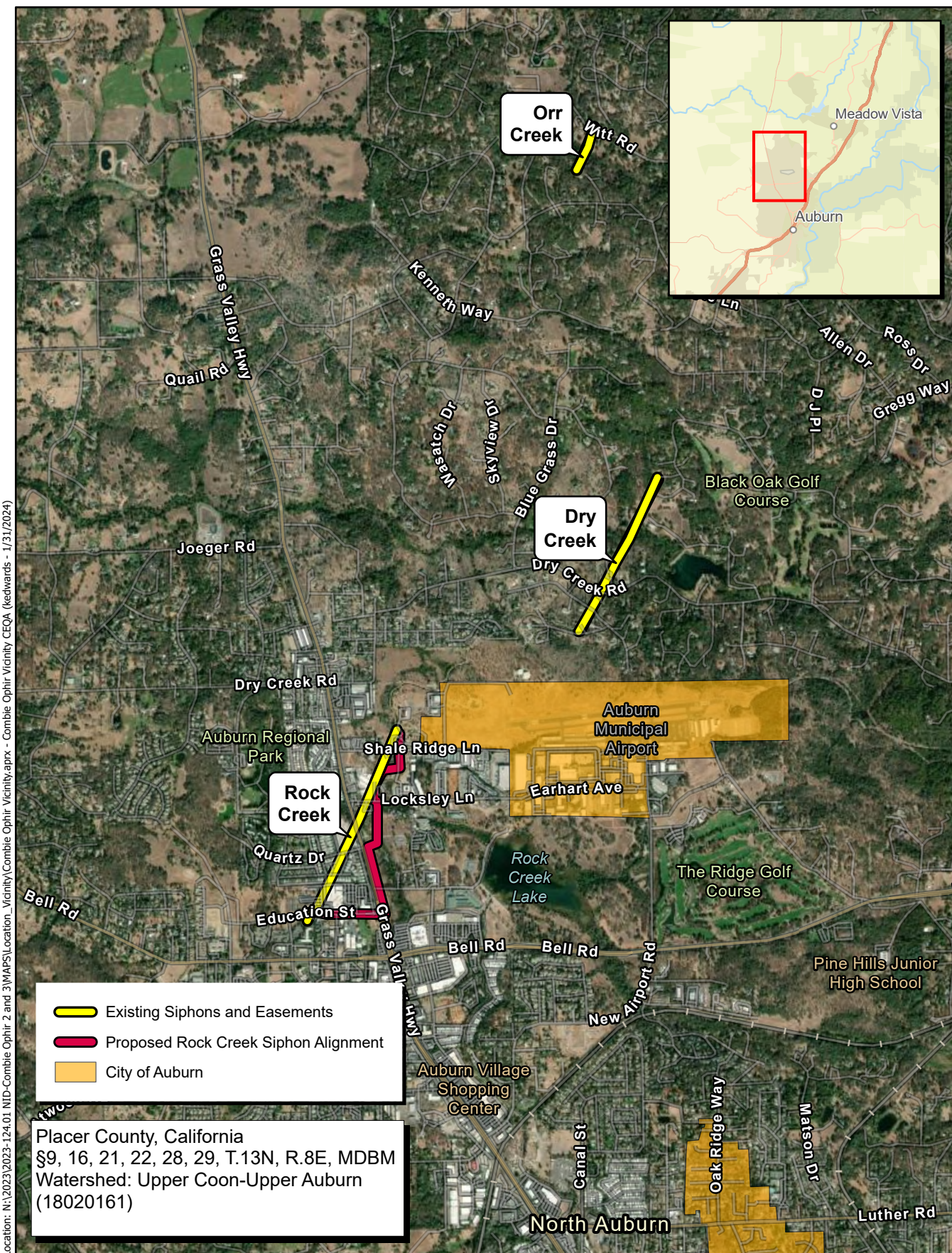
A Notice of Public hearing for the Board of Director's Consideration of Adoption of a Mitigated Negative Declaration, Approval of the Mitigation, Monitoring, and Reporting Program for the Project, and Approval of the Combie Ophir II & III Siphon Replacement Project was published in the Auburn Journal on June 12, 2024, and the Lincoln News Messenger and the Union newspapers on June 14, 2024. Notice of the hearing was also mailed to property owners in the project vicinity on June 12, 2024

Staff recommends that the Board adopt the Combie Ophir II & III Siphon Replacement Project IS/MND.

BUDGETARY IMPACT:

The cost for permitting support, field studies, environmental mitigation, and monitoring is \$94,075 and is within the 2024 budget for this project. Permit costs are not included in the figure. These costs were approved by the Board on April 24, 2024 (Agenda Item 4H) as part of Task Order No. 3.

- ATTACHMENTS:**
- Project Vicinity Map
 - Resolution No. 2024-25
 - Notice of Determination
 - Mitigation Monitoring and Reporting Program
 - Statement of Findings



Location: N:\2023\2023-124.01 NID-Combie Ophir 2 and 3\MAPS\Location_Vicinity\Combie Ophir_Vicinity.aprx - Combie Ophir_Vicinity_CEOA (kewwards - 1/31/2024)

- Existing Siphons and Easements
- Proposed Rock Creek Siphon Alignment
- City of Auburn

Placer County, California
 §9, 16, 21, 22, 28, 29, T.13N, R.8E, MDBM
 Watershed: Upper Coon-Upper Auburn
 (18020161)

Map Date: 1/31/2024
 Sources: Esri

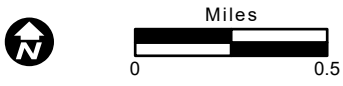


Figure 1-1. Project Vicinity

2023-124.01 NID-Combie Ophir 2 and 3



RESOLUTION NO. 2024-25

OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

ADOPTING A MITIGATED NEGATIVE DECLARATION, APPROVING THE MITIGATION, MONITORING, AND REPORTING PROGRAM, AND APPROVAL OF THE COMBIE OPHIR II & III SIPHON REPLACEMENT PROJECT (No. 2645)

WHEREAS, Nevada Irrigation District (“District”) has undertaken the review of a project to replace the existing 36-inch pipe for the Orr Creek Siphon, Dry Creek Siphon, and Rock Creek Siphon, with 42-inch and 48-inch diameter pipe (the “Project”); and

WHEREAS, the California Environmental Quality Act of 1970 (“CEQA”) requires state, local, and other agencies to evaluate or reduce, when feasible, the significant environmental impacts of their respective projects; and

WHEREAS, the District’s Engineering staff has prepared a Preliminary Review and Initial Study (“Initial Study”) for the proposed Project in accordance with the requirements of CEQA; and

WHEREAS, on April 3, 2024, a Notice of Intent to Adopt a Mitigated Negative Declaration for the Project was published in the Auburn Journal newspaper; and

WHEREAS, a Notice of Consideration of Adoption of Mitigated Negative Declaration for the Project was published in the Auburn Journal on June 12, 2024, and in the Lincoln News Messenger and the Union newspapers on June 14, 2024, giving notice of the time and place of a public hearing on the Project; and

WHEREAS, on June 26, 2024, following a public hearing on the Mitigated Negative Declaration for the Project, the Board of Directors of the Nevada Irrigation District approved the adoption of the Mitigated Negative Declaration for the Project as presented; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Nevada Irrigation District that it does find as follows:

1. The above recitals are true and correct.
2. Based on its review of the whole record before it, including the Initial Study, presentations of Staff, and the public comments, both written and oral, received in response to its Notice of Intent, the Board finds that there is no substantial evidence of record that the project will have a significant effect on the environment and that the Mitigated Negative Declaration represents the independent judgment and analysis of the District.

3. Mitigation measures are made a condition for approval of the Project and the Board hereby adopts the mitigation measures which it has either required in the Project or made a condition of approval to mitigate or avoid significant environmental impacts.
4. The documents that constitute the record of proceedings upon which the decision of the Board is based are located at the offices of the Nevada Irrigation District, 1036 West Main Street, Grass Valley, California, and the Secretary to the Board is the custodian thereof.
5. The Board of Directors hereby approves the Project.
6. The Board Secretary is hereby authorized to file a Notice of Determination, a copy of which is attached as Exhibit "A", with the Office of the County Clerk, Placer County, and the State Clearinghouse.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 26th day of June 2024, by the following vote:

AYES:	Directors:
NOES:	Directors:
ABSENT:	Directors:
ABSTAINS:	Directors:

President of the Board of Directors

Attest:

Secretary to the Board of Directors

NOTICE OF DETERMINATION**TO:**Office of Planning and Research
1400 10th Street
Sacramento, California 95814**FROM:**Nevada Irrigation District
1036 West Main Street
Grass Valley, California 95945**SUBJECT:**

Filing of Notice of Determination in compliance with Section 21108 of the Public Resources Code

PROJECT TITLE:

Combie and Ophir 2&3 Siphon Replacement Project

State Clearinghouse Number

2024040082

Contact Person

Adrian Schneider

Telephone Number

530-271-6839

Project Approval

The Nevada Irrigation District (NID) adopted the Initial Study/Mitigated Negative Declaration and approved the Combie and Ophir 2&3 Siphon Replacement Project on June 26, 2024.

Project Location

The Project Site is located in Placer County, in the North Auburn area, primarily east of Highway 49 and north of Bell Road with siphon crossings of Orr Creek, Dry Creek and Rock Creek. The Project corresponds to a portion of Sections 9, 16, 21, 22, 28, and 29, Township 13 North, Range 8 East (Mount Diablo Base and Meridian) of the "Auburn, California" 7.5-minute quadrangle and is located within the Upper Coon-Upper Auburn Watershed (Hydrologic Unit Code [HUC] #18020161).

Summary Project Description

The Combie and Ophir 2&3 Siphon Replacement Project (Project) involves the replacement of three existing underground siphon pipelines. These siphons are each over fifty years old, are nearing the end of their useful life, and require resizing to address approved future flow needs. The siphons are part of NID's Combie & Ophir 2 and 3 raw water delivery system.

NID, as the Lead Agency, has approved the above-described Project and has made the following determinations:

There is no substantial evidence that the Proposed Project will have a significant effect on the environment.

In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration for the Proposed Project was prepared. The Mitigated Negative Declaration has been adopted by NID, which is the Lead Agency for the Proposed Project. The Mitigated Negative Declaration and

record of project approval may be examined at the following website:
<https://www.nidwater.com/combie-and-ophir-siphons-2-3-replacement-project>.

Mitigation measures were required to be made a condition of approval of the Proposed Project;

A Statement of Overriding Considerations was not required to be adopted for the Proposed Project;
and

A Mitigation Monitoring and Reporting Plan was adopted for the Proposed Project.

This is to certify that the Final Initial Study/Mitigated Negative Declaration including comments and responses, the mitigation monitoring and reporting plan, and record of Project approval is available to the general public at: <https://www.nidwater.com/combie-and-ophir-siphons-2-3-replacement-project>.

Doug Roderick, P.E. Director of Engineering
Nevada Irrigation District

Date

Date Received for Filing at OPR: _____

NOTICE OF DETERMINATION

TO:

FROM:

Office of Planning and Research
1400 10th Street
Sacramento, California 95814

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

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Jennifer Hanson, General Manager
Nevada Irrigation District

Date

Date Received for Filing at OPR: _____

**Table 5-1
 Combie and Ophir 2&3 Siphon Replacement Project
 Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
Biological Resources					
<p>BIO-1: Conduct Special Status Plant Surveys. The following shall be implemented to minimize potential impacts to special-status plants:</p> <ul style="list-style-type: none"> Where feasible, Project-related activities shall be restricted to previously developed or disturbed areas to avoid disturbance of habitats that may support special-status plants. The Project impact limits shall be clearly demarcated prior to construction and all workers shall be made aware of the impact limits and avoided areas. No work shall occur outside of the Project impact limits. All vehicles and equipment shall be restricted to the Project impact limits or existing designated access roads and staging areas. If suitable habitat for special-status plants cannot be avoided, the applicant shall perform special-status plant surveys according to CDFW, CNPS, and USFWS protocols (CDFW 2018a; CNPS 2001; USFWS 2000). Surveys shall be conducted throughout all suitable habitat within the Project footprint and a 50-foot buffer, where accessible, to address potential direct and indirect impacts of the Project. Surveys shall be conducted by a qualified biologist and timed according to the identifiable period for target species (typically the blooming period). To the extent feasible, known reference populations will be visited prior 	<p>Action: Conduct special status plant surveys.</p> <p>Timing: Prior to ground disturbance.</p>	<p>Construction Manager / Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>CDFW, if special-status plants are found</p>	

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>to surveys to confirm target species are evident and identifiable at the time of the survey.</p> <ul style="list-style-type: none"> • If no special-status plants are found, no further measures pertaining to special-status plants are necessary. • If special-status plants are identified onsite, the Project shall be modified to the extent feasible to prevent disturbance or loss of special-status plants. No-disturbance buffers shall be established around sensitive plant populations to be preserved in or adjacent to the Project Area. A 50-foot buffer should be maintained between project activities and sensitive plant populations, unless otherwise determined by a qualified biologist. Buffer distances may vary between species depending on listing status, rarity, and other factors. Buffer areas will be clearly demarcated in the field, and no construction or ground-disturbing activities will occur within the boundaries of the delineated area. • If a special-status plant species is found and avoidance is not feasible, additional measures may be developed in consultation with CDFW, USFWS and/or the CEQA Lead Agency. These measures may include restoration or permanent preservation of habitat for the special-status plant species or translocation (via seed collection and/or transplantation) from planned impact areas to unaffected suitable habitat. • If a state or federally listed threatened or endangered plant or a plant that is a candidate for state listing is found onsite, the applicant shall consult with CDFW and/or USFWS, as applicable, to determine appropriate avoidance and minimization measures. If the plants cannot be avoided, an incidental take permit and compensatory mitigation may be required. 					

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BIO-2: Conduct Preconstruction Surveys for Crotch’s Bumble Bee and if Found Implement Avoidance Measures</p> <p>The following measures are recommended to minimize potential impacts to Crotch’s bumble bee:</p> <ul style="list-style-type: none"> • If the Crotch’s bumble bee is no longer a Candidate or formally Listed species under the California ESA at the time ground-disturbing activities occur, then no additional protection measures are proposed for the species. • Because Crotch’s bumble bee nest locations are chosen on an annual basis and the site provides nesting habitat, a CDFW-approved Crotch’s bumble bee biologist shall conduct three weekly preconstruction nesting surveys with focus on detecting active nesting colonies with the third and final survey conducted within 24-hours immediately prior to ground disturbing activities that are scheduled to occur during the flight season (February through October). Surveys shall be completed at a minimum of one person-hour of searching per three acres of suitable habitat during suitable weather conditions (sustained winds less than 8 miles per hour, mostly sunny to full sun, temperatures between 65 and 90°F) at an appropriate time of day for detection (at least an hour after sunrise and at least two hours before sunset, though ideally between 9am-1pm). If no nests are found but the species is present, a full-time qualified biological monitor shall be present during initial vegetation or ground disturbing activities that are scheduled to occur during the queen flight period (February through March), colony active period (March through September), and/or gyne flight period 	<p>Action: Preconstruction surveys for the Crotch’s Bumble Bee.</p> <p>Timing: Prior to Construction.</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>CDFW, if Crotch Bumble Bee is detected.</p>	

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>(September through October). The Crotch’s bumble bee biologist shall immediately notify CDFW of the detection as further coordination may be required to avoid or mitigate certain impacts. If an active Crotch’s bumble bee nest is detected, an appropriate no disturbance buffer zone (including foraging resources and flight corridors essential for supporting the colony) shall be established around the nest to reduce the risk of disturbance or accidental take and the designated biologist shall coordinate with CDFW to determine if an Incidental Take Permit under Section 2081 of the California ESA will be required. Nest avoidance buffers may be removed at the completion of the flight season and/or once the qualified Crotch’s bumble bee biologist deems the nesting colony is no longer active and CDFW agrees with the determination.</p> <ul style="list-style-type: none"> • If initial grading is phased or delayed for any reason, the 24-hour preconstruction nesting survey will be repeated prior to ground-disturbing activities that are scheduled to occur during the same flight season (February through October). Three preconstruction Crotch’s bumble bee nesting surveys shall be required in subsequent years of construction whenever vegetation and ground disturbing activities are scheduled to occur during the flight season (February through October) if nesting habitat is still present or has re-established and will be affected. 					
<p>BIO-3: Conduct Preconstruction Surveys for California Red-Legged Frog and Foothill Yellow-Legged Frog</p>	<p>Action: Preconstruction surveys for the California Red-Legged</p>	<p>Construction Manager / Project Biologists</p>	<p>Construction Manager/ Project Biologists</p>	<p>CDFW and USFWS, if California Red-Legged Frog and Foothill</p>	

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>The following measures are recommended to minimize potential impacts to California red-legged frog and foothill yellow-legged frog:</p> <ul style="list-style-type: none"> • A qualified biologist shall conduct a preconstruction survey for California red-legged frog and foothill yellow-legged frog within all suitable habitat in the Project work area 48 hours prior to the start of ground- or vegetation-disturbing activities. The biologist will search for all life stages during this survey. If either species are found, the qualified biologist will notify CDFW immediately and consult on appropriate actions to be taken before construction begins. The survey will occur within a minimum of 500 feet upstream and downstream of Project Activities, where accessible. • Preconstruction surveys shall occur during at least one visual encounter survey period. A qualified biologist will search for all life stages during this survey. • If either species are found, the qualified biologist will notify CDFW and USFWS immediately. Work will not begin until consultation with CDFW and USFWS has determined appropriate avoidance and minimization measures and consult on appropriate actions to be taken before construction begins. • A CESA Incidental Take Permit (ITP) will be obtained if the preconstruction survey results indicate that the Project has a potential to take FYLF or other CESA-listed species. • A biological monitor shall be present when activities occur within 100 feet of suitable habitat for either California red-legged frog or foothill yellow-legged frog. 	<p>Frog and Foothill Yellow-Legged Frog.</p> <p>Timing: Prior to construction.</p>	<p>Initials</p> <hr/> <p>Date</p>	<p>Initials</p> <hr/> <p>Date</p>	<p>Yellow-Legged Frog are detected.</p>	

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BIO-4: Conduct Preconstruction Survey for Sensitive Reptiles -Blainville’s horned lizard</p> <p>A qualified biologist shall determine if the Project Area contains suitable habitat for Blainville’s horned lizard. If suitable habitat is identified within the Project Area, a biologist will conduct surveys for Blainville’s horned lizard 48-hours prior to construction in areas of potential habitat. The surveys shall be conducted at the appropriate time of day to detect Blainville’s horned lizard. If Blainville’s horned lizard is found, a plan will be prepared, in consultation with CDFW, to potentially collect and relocate individual(s) to suitable habitat outside the Project Area.</p>	<p>Action: Preconstruction survey for the Blainville’s Horned Lizard.</p> <p>Timing: Prior to construction.</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>CDFW, if Blainville’s horned lizard is detected.</p>	
<p>BIO-5: Conduct Pre-Construction Northwestern Pond Turtle Surveys</p> <ul style="list-style-type: none"> • A Qualified Biologist will conduct a pre-construction northwestern pond turtle within 48 hours prior to the initiation of construction activities. The survey will occur within a minimum of 500 feet upstream and downstream of Project Activities, where accessible. • A qualified biologist will survey immediately prior to ground disturbing activities in suitable habitat. • If northwestern pond turtle is found, consultation with CDFW shall be required and a Qualified Biologist will develop and submit a relocation plan for northwestern pond turtle. 	<p>Action: Preconstruction survey for the Northwestern Pond Turtle.</p> <p>Timing: Prior to construction (only during nesting season).</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p>	<p>CDFW, if the Northwestern Pond Turtle is detected.</p>	

Combie and Ophir 2&3 Siphon Replacement Project
Final Mitigated Negative Declaration and Response to Comments

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<ul style="list-style-type: none"> If no special status reptiles are detected during surveys, no further measures are needed. 		Date	Date		
<p>BIO-6: Conduct Pre-Construction Nesting Bird Surveys and if Found Implement Avoidance Measures</p> <p>The following measures are recommended to avoid or minimize potential effect to special-status birds and other birds protected under the MBTA (and their nests):</p> <ul style="list-style-type: none"> To the extent feasible, vegetation removal activities shall commence during the nonbreeding season (typically October 1 through January 31, as determined by a qualified biologist). No Project activity with potential to disturb nesting birds shall begin during the nesting season (typically February 1 through September 30, as determined by a qualified biologist) unless the following surveys are completed by a qualified wildlife biologist: <p>California Black Rail</p> <ul style="list-style-type: none"> A qualified biologist shall conduct a habitat assessment for California black rail. The survey shall be conducted within the entire Project footprint and a 500-foot buffer. If suitable habitat is found within 500 feet of the Project work area, a qualified biologist shall conduct a preconstruction California black rail survey sometime between March 15 and May 15 of the year in which ground disturbance activities commence. A minimum of four surveys shall be conducted. If suitable habitat and the species was identified, the additional survey dates will be 	<p>Action: Preconstruction bird survey.</p> <p>Timing: Prior to construction (only during nesting season).</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>CDFW and USFWS if nest is found.</p>	

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>spaced at least 10 days apart and will cover the time period from the date of the first survey through the end of June to early July. Surveys shall be conducted using survey protocol based on the methods used in Richmond et al. (2008) or other guidance agreed upon by the applicant and CDFW. If active nests are located during the preconstruction surveys, CDFW shall be notified. The nests shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has determined that the young have fledged and are independent of the nest. Monitoring of occupied nests shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed.</p> <p>Tricolored Blackbird</p> <ul style="list-style-type: none"> • Within 30 days prior to construction, a qualified wildlife biologist shall survey for nesting tricolored blackbirds within the Project work area and a 500-foot radius. If active nests are located during the preconstruction surveys, CDFW shall be notified. The nests shall be designated a sensitive area and protected by an avoidance buffer of 500 feet, or as otherwise determined in coordination with CDFW. The avoidance buffer shall be maintained until a qualified biologist has determined that the young have fledged and are independent of the nest. Monitoring of occupied nests shall be conducted by a qualified biologist during construction activities, and avoidance buffers may be adjusted if any agitated behavior by the nesting birds is observed. 					

Combie and Ophir 2&3 Siphon Replacement Project
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Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>Other Special-Status Birds and Migratory Bird Treaty Act-Protected Birds</p> <ul style="list-style-type: none"> During the nesting season, a preconstruction nesting bird survey shall be conducted within 14 days prior to the commencement of Project-related activities to identify active nests that could be impacted by construction. The preconstruction nesting bird survey shall include accessible areas within 500 feet of the Project boundaries for raptors and 100 feet for other birds protected under the MBTA. If active nests are found, a no-disturbance buffer shall be established around the nest. A qualified biologist, in consultation with the CDFW, shall establish a buffer distance. The buffer shall be maintained until the nestlings have fledged, to be determined by a qualified biologist. No further measures are necessary once the young are independent of the nest or the nest is otherwise no longer occupied. 					
<p>BIO-7: Survey for Special Status Bats and if Found Implement Avoidance Measures</p> <p>To avoid and minimize significant impacts to special-status bats or roosting colonies, the following measures shall be implemented:</p> <ul style="list-style-type: none"> At least 30 days prior to initiation of Project activities, a bat habitat assessment shall be conducted by a qualified bat biologist to examine trees and structures for suitable bat roosting habitat. High-quality habitat features (e.g., large tree cavities, basal hollows, loose or peeling bark, 	<p>Action: Preconstruction bat survey.</p> <p>Timing: Prior to construction</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p>	<p>Construction Manager/ Project Biologists</p> <hr/> <p>Initials</p>	<p>CDFW if suitable bat roosting habitat is found.</p>	

Combie and Ophir 2&3 Siphon Replacement Project
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Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>abandoned structures) will be identified and the area around the features searched for bats and bat sign (i.e., guano, staining, culled insect parts).</p> <ul style="list-style-type: none"> • If suitable bat roosting habitat is identified, the feature shall be avoided and protected in place to the extent feasible. A buffer area shall be established around the roost site to minimize disturbance of roosting bats. The size of the buffer area will be determined in consultation with CDFW. • If suitable trees or structures cannot be avoided, removal shall be timed to occur outside of the maternity roosting season (generally April 1 to August 31) and only when nighttime low temperature are above 45°F and rainfall is less than 1/2 inch in 24 hours. • Trees with identified bat roosting habitat shall be removed using a two-phase removal process conducted over two consecutive days. On the first day, tree limbs and branches will be removed, using chainsaws only. Removal will avoid limbs with cavities, cracks, crevices, or deep bark fissures. On the second day, the remainder of the tree will be removed. • Standing dead trees or snags with habitat features should be removed over a single day by gently lowering the tree or snag to the ground. The tree or snag shall be left undisturbed onsite for the next 48 hours. • Removal and trimming of trees with potential roosting habitat shall be conducted in the presence of a biological monitor. <p>If removal/modification of a suitable tree or structure must occur during the maternity season, a qualified bat biologist shall conduct a focused emergence survey(s)</p>		Date	Date		

Combie and Ophir 2&3 Siphon Replacement Project
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<p>within 48 hours of scheduled work. If a maternity roost is located, whether solitary or colonial, that roost will remain undisturbed until after the maternity season or a qualified biological monitor has determined the roost is no longer active.</p>					
<p>BIO-8: Restore all Temporarily Disturbed Riparian Habitat and Compensate for Temporal Loss.</p> <p>All riparian areas subject to temporary construction disturbance shall be restored by NID and its contractor in accordance with a post construction Erosion Control and Riparian Habitat Restoration Plan (ECRHRP). The ECRHRP shall be prepared by a qualified biologist, address all temporarily disturbed areas, and shall be reviewed and approved by CDFW as part of the CDFW Section 1602 permit process. The ECRHRP shall address the following:</p> <ul style="list-style-type: none"> • Temporary erosion control. Measures for water quality protection shall be addressed as needed (such as silt fencing and/or coir rolls). • Specifications for native riparian plant densities. The ECRHRP shall address planting densities, species composition, and survivorship, based on characteristics of the existing impacted habitat. • Temporal Loss. The ECRHRP shall include a compensation strategy for temporal loss. This may be accomplished by either: 1) establishing riparian vegetation on currently unvegetated creek banks affected by the project and 	<p>Action: Restoring disturbed riparian habitat</p> <p>Timing: Post Construction</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

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<p>enhancement of existing riparian habitat through removal of nonnative species, where appropriate; or, 2) purchase of CDFW approved mitigation credits.</p> <ul style="list-style-type: none"> • Monitoring and Reporting. Monitoring protocol, including a schedule for delivery of annual reports shall be addressed. Monitoring of restoration habitat shall occur for a minimum of three (3) years from installation, or until the success criteria identified in the approved mitigation plan has been met. • Performance Standards. Ecological performance standards for plantings, including the acceptable amount of dead woody vegetation gaps and bare ground, and survivorship shall be addressed in the ECRHRP. • Corrective measures. Should performance standards not be met, the ECRHRP shall allow for the purchase of riparian mitigation credits in an amount agreed to by CDFW as an alternative to meeting the prescribed success criteria. <p>Responsible Parties. Responsible parties for preparation of monitoring reports, and for verifying success or prescribing implementation or corrective actions shall be addressed in the ECRHRP.</p>					
<p>BIO-9: Obtain the necessary permits and Implement the Required Conditions. Prior to the start of construction activities, NID will obtain all necessary regulatory permits for this Project. These permits are expected to include a CWA Section 401 Water Quality Certification from the RWQCB, a CWA Section 402</p>	<p>Action: Obtaining all required regulatory permits.</p> <p>Timing: Prior to construction.</p>	<p>Construction Manager/Project Biologists</p>	<p>Construction Manager/Project Biologists</p>		

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<p>NPDES Compliance Permit from the State Water Resources Control Board, a CWA Section 404 from the USACE, and a Fish and Game Code Section 1602 Streambed Alteration Agreement from the CDFW. The Project shall implement all the BMPs, and Mitigation Measures identified in the issued permits.</p>		<p>Initials</p> <hr/> <p>Date</p>	<p>Initials</p> <hr/> <p>Date</p>		
<p>BIO-10: Comply with the Placer County Tree Preservation Article</p> <p>To the extent feasible, Project construction shall avoid ground or vegetation disturbance within the dripline of protected trees subject to the Placer County Tree Preservation Article. If protected trees are to be impacted by Project activities the appropriate tree permits shall be obtained prior to initiation of impacting activities.</p>	<p>Action: Comply with Placer County Tree Preservation Requirements</p> <p>Timing: Prior and during construction</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager/Project Biologists</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
Cultural Resources					
<p>CUL-1: Stop Work in the Event of Unanticipated Discovery of Potential Cultural Resources and/or Human Remains and Evaluate the Find</p> <p>If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ul style="list-style-type: none"> • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined by CEQA or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead 	<p>Action: Implement unanticipated discoveries protocol.</p> <p>Timing: Ongoing and as needed during construction activities.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

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<p>agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.</p> <ul style="list-style-type: none"> If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Placer County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have 					

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been completed to their satisfaction.					
Geology and Soils					
<p>PALEO-1: Discovery of Unknown Resources</p> <p>If any paleontological resources (i.e., fossils) are found during Project construction, construction shall be halted immediately in the subject area and the area shall be isolated using orange or yellow fencing until NID is notified and the area is cleared for future work. A qualified paleontologist shall be retained to evaluate the find and recommend appropriate treatment of the inadvertently discovered paleontological resources. If NID resumes work in a location where paleontological remains have been discovered and cleared, NID will have a paleontologist onsite to confirm that no additional paleontological resources are in the area.</p>	<p>Action:</p> <p>Implement operator training.</p> <p>Suspend work in the area of discovery.</p> <p>Notify Forefront, DGS, and Qualified Paleontologist in the event of a discovery.</p> <p>Implement appropriate treatment of found materials.</p> <p>Timing:</p> <p>Ongoing and as needed during construction activities.</p>	<p>Project Paleontologist, Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

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Hazards and Hazardous Materials					
<p>HAZ-1: Proper Handling of Hazardous Materials</p> <p>Construction documents shall identify materials that are considered hazardous. The Project contractor shall be required to develop a Health and Safety Plan that addresses release prevention measures; employee training, notification, and evacuation procedures; and emergency response protocols and cleanup procedures. The contractor will comply with the California Occupational Safety and Health Administration (Cal-OSHA) standards for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention. Cal-OSHA requirements can be found in California Labor Code, Division 5, Chapter 2.5.</p>	<p>Action:</p> <p>Proper handling of hazardous materials</p> <p>Timing:</p> <p>Ongoing and as needed during construction activities.</p>	Construction Manager	Construction Manager / NID		
		Initials	Initials		
		Date	Date		
<p>HAZ-2: Naturally Occurring Asbestos (NOA) Dust Control</p> <p>Should construction activities expose ultramafic rock, water support, in the form of a water truck or mobile storage tank, shall be used in regular intervals to keep the open earth area wet and dust free. Proper signage noting the possibility of NOA and required PPE shall be posted in the area. PPE including coveralls and respirators shall be worn by all workers in the area. These</p>	<p>Action:</p> <p>Provide dust control measures if expose ultramafic rock.</p> <p>Timing:</p> <p>Ongoing and as needed during construction activities.</p>	Construction Manager	Construction Manager / NID		
		Initials	Initials		

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<p>procedures shall be followed as long as ultramafic rock is exposed and can be suspended once it has been reburied with soil.</p>		<p>_____</p> <p>Date</p>	<p>_____</p> <p>Date</p>		
<p>Hydrology and Water Quality</p>					
<p>HYD-1: Avoid and Minimize Disturbance of Surface Water/Creek Project Areas and Associated Aquatic Habitat and Restore all Temporary Disturbed Areas</p> <p>To the extent possible, NID and the contractor shall minimize impacts to surface waters and associated aquatic habitat by implementing the following:</p> <ul style="list-style-type: none"> • During construction NID and its contractor shall ensure the following: <ul style="list-style-type: none"> a. All heavy equipment shall be properly maintained by the contractor to prevent leaks of materials that if introduced into water could be deleterious to aquatic life. All heavy equipment shall be checked for leaks prior to operation within fifty feet of any flowing surface water. b. Vehicles that aren't required to be onsite shall be parked or stored within designated staging areas. 	<p>Action:</p> <p>Avoidance and minimize disturbance of surface water/creek project areas and restore disturbed areas.</p> <p>Timing:</p> <p>Ongoing and as needed during construction activities. Post construction activities.</p>	<p>Construction Manager</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>	<p>Construction Manager / NID</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>		

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<p>c. Sediment fences shall be installed and maintained in appropriate locations to reduce the introduction of sediment into surface waters.</p> <p>d. Any overburden material to be temporarily stored onsite shall be stabilized to prevent sediment transport.</p> <p>e. Construction debris/waste shall be picked up daily and properly stored onsite or disposed of offsite.</p>					
Best Management Practices (BMPs)					
<p>BMP-1: Conduct Environmental Awareness Training for Construction Personnel</p> <p>Before any work occurs in the Project Area, including grading, a Qualified Biologist will conduct mandatory contractor/worker awareness training. The awareness training will be provided to all construction personnel to brief them on the need to avoid impacts on biological resources and the penalties for non-compliance. If new construction personnel are added to the Project, NID will ensure that the personnel receive training from the biologist before starting work.</p>	<p>Action: Conduct Environmental Awareness Training for Construction Personnel.</p> <p>Timing: Prior to construction.</p>	Construction Manager	Construction Manager / NID		
		Initials	Initials		
		Date	Date		

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<p>BMP-2: Install Construction Barrier Fencing to Protect Environmentally Sensitive Areas</p> <p>The Project contractor will install orange construction barrier fencing to identify site limits and environmentally sensitive areas. The fencing will be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). Environmentally sensitive areas in and adjacent to the construction area comprise mixed riparian forest, native oak trees greater than 4 inches diameter at breast height (DBH), wetland drainages, and any trees that support migratory bird or raptor nests. Prior to construction, a resource specialist shall identify the locations for barrier fencing and will place stakes around the ESAs to indicate these locations. The fencing will be installed by the contractor prior to construction activities and maintained by the contractor throughout the construction period. The following note will be included in the construction plans:</p> <p>“The contractor’s attention is directed to the areas designated as “environmentally sensitive areas” on the Project Site. These areas are protected, and no entry by the contractor for any purpose will be allowed unless specifically authorized in writing by the NID project manager.”</p>	<p>Action: Install Construction Barrier Fencing to Protect Environmentally Sensitive Areas.</p> <p>Timing: Prior to construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Mitigation Measure	Implementation Actions and Timing	Implementation Responsibility	Responsibility for Oversight of Compliance/ Verification	Agency Coordination	Comments
<p>BMP-3: Avoid and Minimize Disturbance of Orr Creek, Dry Creek, Rock Creek and Other Aquatic Habitats and Restore all Temporarily Disturbed Areas</p> <p>To the extent possible, the NID and its contractor will minimize impacts to <i>Orr Creek, Dry Creek, Rock Creek and other Aquatic Habitats</i> by implementing the following:</p> <p>Contract specifications will include the following BMPs, where applicable, to reduce erosion during construction:</p> <ol style="list-style-type: none"> a. Prior to construction, the contractor shall develop and implement a spill prevention and countermeasure plan. This plan shall be developed consistent with applicable SWPPP requirements and address best management practices for: construction equipment and materials; staging areas; fuels, lubricants, and solvents; and use of sediment fences/erosion control for temporarily disturbed areas. b. Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life must be prevented from contaminating the soil or entering surface waters; and c. Prior to the start of construction activities, the Project limits in proximity to riparian/riverine 	<p>Action: Avoid and minimize disturbance of Orr Creek, Dry Creek, Rock Creek and other aquatic habitats and restore all temporary disturbed areas.</p> <p>Timing: During and post construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

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<p>habitats will be marked with high visibility Environmentally Sensitive Area fencing or staking to ensure construction will not further encroach into waters or any other biologically sensitive resources detected during pre-construction surveys. The Project biologist throughout construction will periodically inspect the Environmentally Sensitive Area to ensure sensitive locations remain undisturbed.</p> <p>d. During construction, water diversion measures (e.g., sheet piles, sandbags or coffer dams) will be utilized to prevent water from entering the work area.</p> <p>e. After construction, all temporarily disturbed work areas will be stabilized and restored. This will include application of NID’s standard erosion control seed mix and installation of erosion and sediment controls consistent with the Project’s approved SWPPP.</p> <p>f. All equipment maintenance materials (e.g., oils, grease, lubricants, antifreeze, and similar materials) will be stored offsite.</p>					

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<p>BMP-4: Minimize Potential for the Long-Term Loss of Riparian Habitat</p> <p>To the extent possible, the NID will minimize the potential for the long-term loss of riparian vegetation by trimming vegetation rather than removing entire shrubs. Shrubs that need to be trimmed will be cut at least one foot above ground level to leave the root systems intact and allow for more rapid regeneration. Cutting will be limited to the minimum area necessary within the construction zone. To the greatest extent feasible, disturbance or removal of vegetation will be minimized. Vegetation removal will occur using hand tools (e.g., clippers, chain saw), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation will be removed out of the riparian/stream zone. If tree removal is needed, the Project will comply with the Placer County Woodland Conservation Program (Chapter 19.50) and any applicable mitigation requirements from the issued environmental permits.</p>	<p>Action: Minimize potential for the long-term loss of riparian habitat.</p> <p>Timing: During and post construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

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<p>BMP-5: Avoid the Introduction or Spread of Noxious Weeds in the Project Area</p> <p>To avoid the introduction or spread of noxious weeds into previously uninfected areas (especially within the riparian communities), NID will revegetate disturbed areas immediately after construction is complete using certified weed-free native and nonnative mixes.</p>	<p>Action: Avoid the introduction or spread of noxious weeds in the project area.</p> <p>Timing: During and post construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		
<p>BMP-6: Prepare and Implement a Fire Suppression and Control Plan</p> <p>NID will require the contractor to develop and implement a fire control plan to reduce the risk of fires during construction. The fire prevention and control plan will include requirements for onsite extinguishers; roles and responsibilities of NID, the contractor; specification for fire suppression equipment and other critical fire prevention and suppression items.</p>	<p>Action: Prepare and Implement a Fire Suppression and Control Plan.</p> <p>Timing: Prior to construction.</p>	<p>Construction Manager</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Construction Manager / NID</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		
<p>BMP-7: Prepare and Implement a Construction Traffic Management Plan</p>	<p>Action:</p>	<p>Construction Manager</p>	<p>Construction Manager / NID</p>		

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<p>NID will require the contractor to prepare a Construction Traffic Management Plan in accordance with Placer County requirements and professional engineering standards prior to construction. The Traffic Management Plan shall specifically address the proposed Rock Creek Siphon crossing of Highway 49 and the following: adequate provisions for protection of the traveling public; emergency service access; the need for temporary traffic controls (signage/flaggers); and maintenance of private property driveway access. All traffic controls, including equipment and personnel requirements, shall be consistent with the current State of California Manual of Traffic Controls for Construction and Maintenance Work Areas.</p>	<p>Prepare and Implement a Construction Traffic Management Plan.</p> <p>Timing: Prior to construction.</p>	<p>Initials</p> <hr/> <p>Date</p>	<p>Initials</p> <hr/> <p>Date</p>		

To be signed when all mitigation measures have been completed:

California Department of General Services

Signature

Printed Name

Date

**FINAL MITIGATED NEGATIVE DECLARATION
COMBIE AND OPHIR 2&3 SIPHON REPLACEMENT PROJECT**

Lead Agency: Nevada Irrigation District

Project Proponent: Nevada Irrigation District

Project Location:

The Project Site is located in Placer County, in the North Auburn area, primarily east of Highway 49 and north of Bell Road with siphon crossings of Orr Creek, Dry Creek and Rock Creek. The Project corresponds to a portion of Sections 9, 16, 21, 22, 28, and 29, Township 13 North, Range 8 East (Mount Diablo Base and Meridian) of the "Auburn, California" 7.5-minute quadrangle and is located within the Upper Coon-Upper Auburn Watershed (HUC #18020161).

Summary Project Description:

The Combie and Ophir 2&3 Siphon Replacement Project (Project) involves the replacement of three existing underground siphon pipelines. These siphons are each over fifty years old, are nearing the end of their useful life, and require resizing to address approved future flow needs. The siphons are part of NID's Combie & Ophir 2 and 3 raw water delivery system.

Finding:

Based on the information contained in the attached Initial Study, the State finds that there would not be a significant effect on the environment because the mitigation measures described herein would be incorporated as part of the Proposed Project.

Public Review Period: April 3, 2024 through May 3, 2024