

**CALENDAR ITEM
C27**

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08/09/16
W 26956
R. Collins

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Central California Irrigation District

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the San Joaquin River, near the city of Dos Palos, Fresno and Madera Counties.

AUTHORIZED USE:

Construction, use and maintenance of a 36-inch-diameter reinforced concrete water pipeline.

LEASE TERM:

10 years, beginning August 9, 2016.

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. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. Lessee shall provide a pipeline burial survey upon project completion to establish a baseline for future depth of cover and erosion monitoring purposes.
3. Lessee shall provide as-built drawings showing the pipeline's horizontal alignment and vertical profile. If the as-built location falls outside the Lease Premises as described in the lease, Lessee shall prepare a revised land description for Lessor's review. Revised Exhibits, if any, shall be incorporated into the lease and shall

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supersede corresponding Exhibits upon review and written approval by Commission staff under a requested Delegation of Authority (see Authorization section).

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, and 6301; California Code of Regulations, title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

The Red Top area of Madera County relies heavily on deep well pumping, which has caused local subsidence. Since 2008, the area near Red Top has subsided over 6 feet. Madera Irrigation District and Chowchilla Water District desire to maximize the beneficial use of their water supplies by performing a 10-year transfer to the Red Top area. Madera Irrigation District and Chowchilla Water District are proposing to sell surplus surface water to landowners in the Red Top area to decrease the area's reliability on deep aquifer pumping and abate subsidence. The goal is to annually transfer up to 10,000 acre-feet of surface water supplies to the Red Top area.

Madera Irrigation District and Chowchilla Water District will convey surplus water to the Poso Canal, located in Fresno County, which is owned and operated by the Applicant. The Applicant has filed an application for a lease to construct, use, and maintain the pipeline from the Poso Canal under the San Joaquin River to the Red Top area. The Applicant is authorized to use the upland in Madera County adjacent to the lease premises. The Red Top Conveyance Project Water Year 2016-2026 Transfer and Exchange Project (Project) includes excavating a trench for the pipeline and maintaining a minimum cover of 6 feet over the pipeline. The construction schedule will be coordinated with the U.S. Bureau of Reclamation's San Joaquin River Restoration flows so that construction will not take place when flows in the river are present. Pursuant to the adopted Mitigated Negative Declaration and associated Mitigation Monitoring Program, the Project, when the mitigation measures are implemented will not have a significant impact on riverine habitat.

The proposed lease is limited to a 10-year term and does not grant the lessee exclusive rights to the lease premises. The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon.

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The proposed lease activities and uses do not substantially interfere with Public Trust uses because the pipeline will not be constructed when water flows in the San Joaquin River are present. Upon completion of the Project the pipeline will be located below the bed of the river and therefore will not interfere with navigation or recreational uses on the river when water is present.

For all the reasons above, Commission staff believes that, on balance, the issuance of this lease of public land, by a public agency, for a public benefit is consistent with the common law Public Trust Doctrine, will not substantially interfere with the Public Trust needs at this location, at this time and for the foreseeable term of the proposed lease, and is in the State's best interests.

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.
2. A Mitigated Negative Declaration, State Clearinghouse No. 2016021011 was prepared by Central California Irrigation District and adopted on May 25, 2016 for this Project. The California State Lands Commission staff has reviewed and considered the information contained therein.

A Mitigation Monitoring Program was adopted by the Central California Irrigation District on May 25, 2016.

3. 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 California Environmental Quality Act (CEQA) review process, it is staff's opinion that the Project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Department of Fish and Wildlife
Central Valley Flood Protection Board
Central Valley Regional Water Quality Control Board

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FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2016021011 and a Mitigation Monitoring Program were prepared by Central California Irrigation District and adopted on May 25, 2016 for this Project and that the Commission has reviewed and considered the information contained therein.

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

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease for the new pipeline will not substantially interfere with Public Trust needs and values at this location at this time, 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.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to Central California Irrigation District beginning August 9, 2016, for a term of 10 years, for the construction, use and maintenance of a 36-inch-diameter reinforced concrete water pipeline, as described in Exhibit A and as shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds

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such action to be in the State's best interests; liability insurance in an amount no less than \$1,000,000 per occurrence.

2. Authorize the Executive Officer or her designee to replace Exhibit A and B in the lease, upon review of as-built plans, if the as-built location of the new pipeline falls outside the lease premises as described in the lease.

EXHIBIT A
LAND DESCRIPTION

W 26956

A strip of sovereign land 80.00 feet wide within the bed of the San Joaquin River situate in Section 34, Township 10 South, Range 13 East, Mount Diablo Base & Meridian, within the Counties of Fresno and Madera, State of California, the centerline of said strip being more particularly described as follows:

COMMENCING at the northeast corner of said Section 34, thence South $00^{\circ} 14' 04''$ West, along the east line of said Section 34 to the east quarter corner of said Section 34, thence North $78^{\circ} 07' 14''$ West, a distance of 123.06 feet to the **TRUE POINT OF BEGINNING**; thence

- 1) North $88^{\circ} 37' 30''$ West, a distance of 349.68 feet to the beginning of a tangent curve concave southerly and having a radius of 916.00 feet; thence
- 2) westerly, along the arc of said tangent curve, through a central angle of $8^{\circ} 53' 56''$, an arc distance of 142.27 feet (chord: South $86^{\circ} 55' 32''$ West, 142.13 feet); thence
- 3) South $82^{\circ} 28' 33''$ West, a distance of 8.07 feet to the terminus of said centerline.

EXCEPTING THEREFROM any portions of said strip lying above the low water marks of the San Joaquin River.

END OF DESCRIPTION



Date
Signed 9/14/16

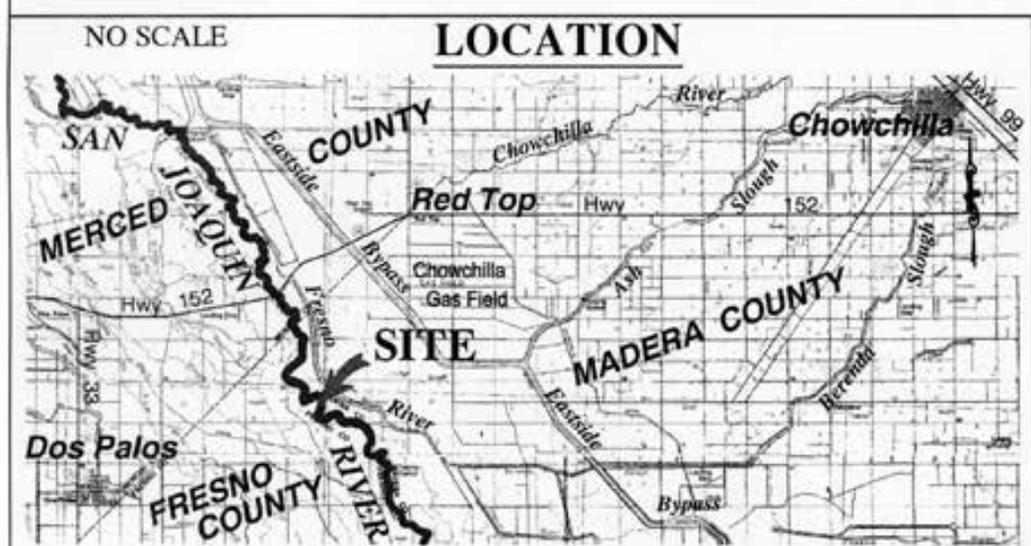
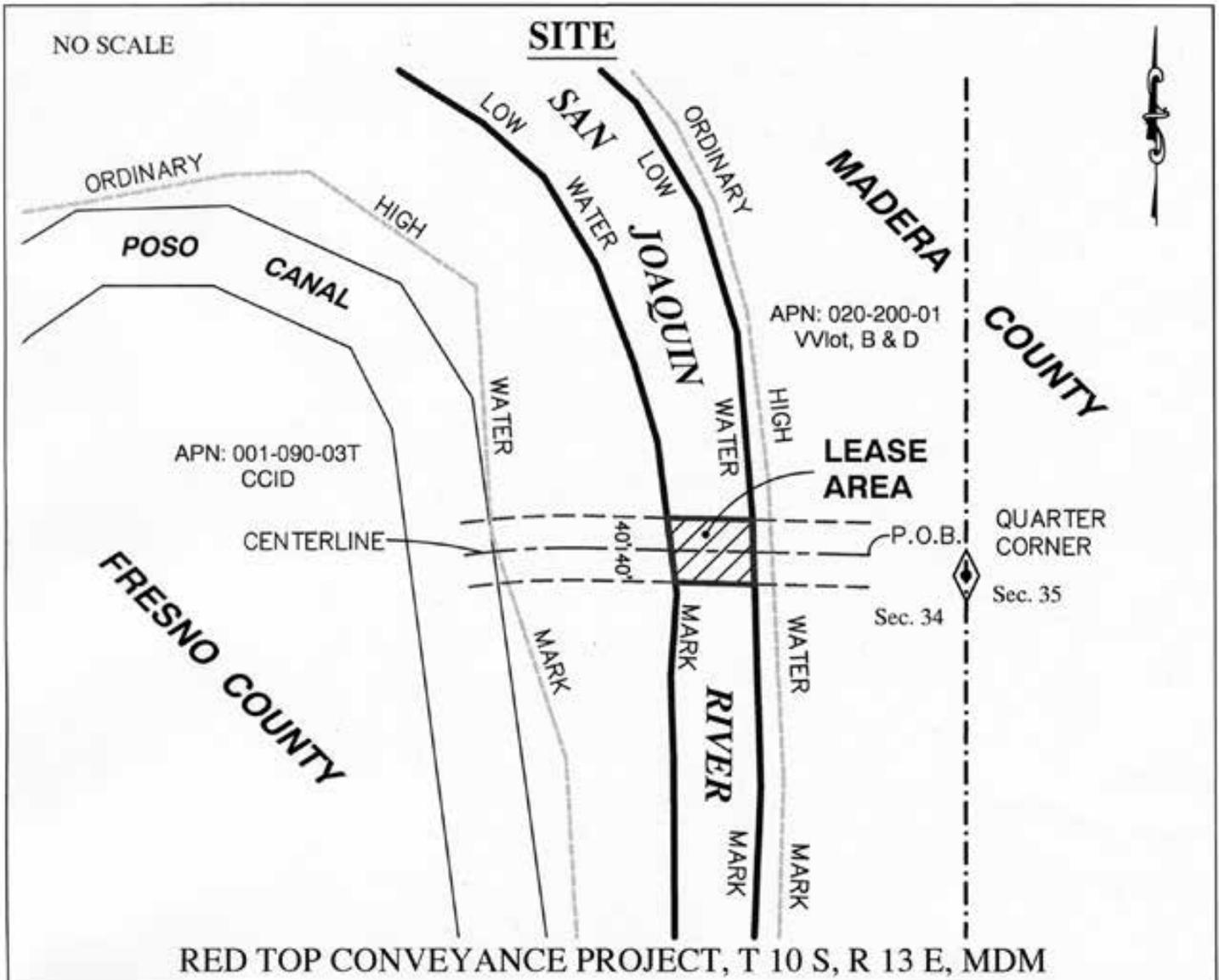


Exhibit B

W 26956

CENTRAL CALIFORNIA IRRIGATION DISTRICT

GENERAL LEASE - PUBLIC AGENCY USE

Fresno & Madera Counties



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

**RED TOP CONVEYANCE PROJECT WATER YEAR 2016-2026 TRANSFER AND
EXCHANGE PROJECT**

(W 26956, State Clearinghouse No. 2016021011)

The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Red Top Conveyance Project Water Year 2016-2026 Transfer and Exchange Project (Project). The CEQA lead agency for the Project is the Central California Irrigation District (District). The Project is on sovereign lands within the channel of the San Joaquin River. The lease being considered by the Commission involves construction of a concrete pipeline and the deposit of excavated material on identified sovereign land within the channel of the San Joaquin River.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures 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:¹

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 adopted an MND; State Clearinghouse No. 2016021011, 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 mitigation measures and Project commitments occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures and Project commitments listed in Table C-1 below. The full text of each mitigation measure and Project commitment, 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 mitigation measures and Project commitments adopted by the Commission that differ substantially from those adopted by the lead agency would be listed in Table C-1. There are no

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

changes to the lead agency proposed Mitigation Measures or Project commitments for this MMP.

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

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
Biological Resources		
Potential Impacts to migratory bird nests	Biological-1 (see pages 2-3 of Attachment C-1)	None
Potential Impacts to Burrowing Owl (<i>Athene cunicularia</i>)	Biological-2 (see pages 13-5 of Attachment C-1)	None
Protection of San Joaquin Kit Fox (<i>Vulpes macrotis mutica</i>)	Biological-3 (see pages 5-9 of Attachment C-1)	None
Impacts to riparian and sensitive habitats	Biological-4 (see pages 9-10 of Attachment C-1)	None
Preparation and implementation of erosion control plan	Biological-5 (see pages 10 11 of Attachment C-1)	None
Biological Resources Commitments		None
Cultural Resources		
Impacts to undiscovered cultural material	Cultural-1 (see pages 12-13 of Attachment C-1)	None
Impacts to Paleontological resources	Cultural-2 (see page 14 of Attachment C-1)	None
Impacts as a result of human remains discovery	Cultural-3 (see page 15 of Attachment C-1)	None
Geology and Soils		
Geology and Soils Commitments		None
Water Resources		
Water Resources Commitments		None
Additional		
Additional Commitments		None

² See Attachment C-1 for the full text of each MM and Project commitment taken from the MMP prepared by the CEQA lead agency.

ATTACHMENT C-1
Mitigation Monitoring Program Adopted by the
Central California Irrigation District

Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings in the Environmental Assessment/Initial Study (EA/IS) for the Red Top Conveyance Project Water Year 2016-2026 Transfer and Exchange (proposed Action/Project). The MMRP lists mitigation measures recommended for the proposed Project and identifies monitoring and reporting requirements and responsible parties.

Table 1 presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, Bio-1 would be the second mitigation measure identified in the Biological Resources analysis of the EA/IS.

The first column of **Table 1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of which the monitoring of the mitigation measure should occur. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is properly implemented. The last columns will be used by Central California Irrigation District as a check-off tool to ensure that individual mitigation measures have been complied with and monitored.

Table 1. Mitigation Measure/Condition of Approval

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
Biological Resources							
<p>Mitigation Measure Biological - 1: In order to minimize construction disturbance to migratory bird nests, the applicant will implement one or more of the following measure(s) as necessary, prior to project construction:</p> <ul style="list-style-type: none"> • Avoidance. In order to avoid impacts to all nesting birds from construction activities, these activities will occur outside of the typical avian nesting season, or between September 1 and January 31, as feasible. If the project is constructed entirely outside of the nesting season, there will be no impacts to nesting birds, and no further mitigation is required. • Pre-construction surveys. If construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active migratory bird nests within 30 days of the onset of these activities. The survey will include the project site and surrounding lands within a radius of one half-mile for the Swainson's hawk and white-tailed kite, and a radius of 500 feet for all other avian species. • Nest Monitoring. Should any active nests be discovered in or near proposed construction zones, the biologist will monitor the nest for an eight hour daylight period during the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, all active nests will be continuously monitored to detect any behavioral changes. If 	Prior to Construction	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with Governing Entity.	Central California Irrigation District	Field survey by a qualified Biologist			

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Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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<p>behavioral changes are observed, the work causing that change will cease and CDFW and USFWS will be contacted.</p> <ul style="list-style-type: none"> Establish buffers. If monitoring of active nests by a qualified wildlife biologist is not feasible, a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around the nests of unlisted raptors will be established. Construction-free buffers will be identified on the ground with flagging, fencing, or by other easily visible means, and will be maintained until the biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. A minimum no-disturbance buffer of 0.5 miles will be delineated around active Swainson’s hawk nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If implementation of the 0.5 mile no-disturbance buffer is not feasible, coordination with CDFW and USFWS will occur prior to further construction actions. 							
<p>Mitigation Measure Biological - 2: Implementation of the following measures will reduce potential project impacts to the burrowing owl to a “less than significant level” under CEQA and a “not likely to adversely affect” level under NEPA.</p> <ul style="list-style-type: none"> Take Avoidance Surveys. A “take avoidance survey” as described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012) will be 	Prior to Construction	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as	Central California Irrigation District	Field survey by a qualified Biologist			

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>conducted by a qualified biologist for burrowing owls within 30 days of the onset of project activities involving ground disturbance or heavy equipment use. The survey area will include all suitable habitat on and within 500 feet of project impact areas, where accessible.</p> <ul style="list-style-type: none"> • Avoidance of Active Nests. If pre-construction surveys and subsequent project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are located within or near project impact areas, a 250-foot construction setback will be established around active owl nests, or alternate avoidance measures implemented in consultation with CDFW and coordination with USFWS. The buffer areas will be enclosed with temporary fencing to prevent construction equipment and workers from entering the setback area. Buffers will remain in place for the duration of the breeding season, unless otherwise arranged with CDFW. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below. • Passive Relocation of Resident Owls. During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist and approved by CDFW and coordination with USFWS. Passive relocation may include one or more of the following elements: 1) establishing a minimum 50 foot buffer around all active burrowing owl burrows, 2) removing all suitable 		recommended following coordination with the Central California Irrigation District.					

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
burrows outside the 50 foot buffer and up to 160 feet outside of the impact areas as necessary, 3) installing one-way doors on all potential owl burrows within the 50 foot buffer, 4) leaving one-way doors in place for 48 hours to ensure owls have vacated the burrows, and 5) removing the doors and excavating the remaining burrows within the 50 foot buffer.							
<p>Mitigation Measure Biological - 3. Prior to construction, the following measures adapted from the U.S. Fish and Wildlife Service 2011 Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (Appendix E of Appendix B) will be implemented:</p> <ul style="list-style-type: none"> Pre-construction Surveys. Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS Standardized Recommendations. The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) on the proposed Action/Project and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately. 	Prior to Construction	Once within 30 days of construction, unless pre-construction survey results in new recommendation for further study and mitigation. Then mitigation should occur as recommended following coordination with the Central California Irrigation District.	Central California Irrigation District	Field survey by a qualified Biologist			

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
<ul style="list-style-type: none"> • Avoidance. Should an active kit fox den be detected within or immediately adjacent to the area of work, a minimum 50-foot disturbance-free buffer will be established around the den in consultation with the USFWS and CDFW, to be maintained until a qualified biologist has determined that the den is no longer occupied. Known kit fox dens may not be destroyed until they have been vacant for a period of at least three days, as demonstrated by use of motion-triggered cameras or tracking medium, and then only after obtaining take authorization from the USFWS. • Minimization. Construction activities will be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash (Appendix E of Appendix B). In accordance with the USFWS Standard Recommendations, minimization measures include, but are not limited to: <ul style="list-style-type: none"> ○ Restriction of on-site Proposed Action/Project-related vehicle traffic to established roads, construction areas, and other designated areas, with a speed limit no greater than 15 mph; after dark, speed will be limited to 10 mph. Off-road traffic 							

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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<p>outside of designated project areas will be prohibited. Work at night will not be allowed.</p> <ul style="list-style-type: none"> ○ All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped; all excavated, steep-walled holes or trenches more than 2 feet deep will be covered with plywood or similar materials at the end of each work day. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they will be inspected for trapped animals; holes or trenches more than 8 feet deep will be covered or fenced at the end of each day. ○ Rodenticide and herbicide use will be restricted; if rodent control must be conducted, zinc phosphide will be used because of a proven lower risk to kit fox. ● <u>Employee Education Program</u>. Prior to the start of construction, the District will retain a qualified 							

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Red Top Conveyance Project Water Year 2016-2026 Transfer and Exchange, Draft IS/MND

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
<p>biologist to conduct a tailgate meeting to train all construction staff that will be involved with the project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the proposed Action/Project area; an explanation of the status of the species and its protection under the endangered species act; and a list of the measures being taken to reduce impacts to the species during project construction and implementation. The training will include a hand out with all of the training information included in it. The project manager will use this handout to train any additional construction staff, that were not in attendance at the first meeting, prior to starting work on the proposed Action/Project.</p> <ul style="list-style-type: none"> ○ All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in securely closed containers and removed at least once a week from the Project Area. ○ No pets will be permitted in the Project Area to prevent harassment, or mortality of SJKF, or destruction of dens. ○ Upon completion of the Project, all areas subject to temporary ground disturbances, including staging areas temporary roads, and borrow sites will be recontoured, if necessary, and revegetated to promote 							

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Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
restoration of the area to pre-project conditions. <ul style="list-style-type: none"> ○ SJKF sightings will be reported to CNDDDB. ○ No firearms will be allowed on the Project site. 							
<p>Mitigation Measure Biological - 4. The following measures will be implemented to mitigate any potential impacts to riparian and other sensitive habitats during construction of the project.</p> <ul style="list-style-type: none"> • Tree Survey. Prior to project construction a qualified biologist will survey all trees with a diameter at breast height (DBH) greater than 4 inches within the project impact area. During the survey the biologist will note the location, DBH, and species of each tree. Upon project completion a qualified biologist will survey the site to determine if any surveyed trees were removed. • Revegetation of Disturbed Areas. After construction, all disturbed areas will be restored to approximate pre-project conditions. The herbaceous vegetation within the river bottom and quick growing riparian shrub species (i.e. California rose and sandbar willow) that dominate the river banks are anticipated to revegetate naturally from adjacent root masses. The applicant will provide compensation for removal of riparian trees with a DBH of more than 4 inches. Replacement planting will be implemented at a ratio of 3:1 for trees with a DBH between 4-24 inches, and at a ratio of 10:1 for trees with a DBH greater than 24 inches. 	Prior to Construction and After Construction	Prior to Construction and After Construction	Central California Irrigation District	Field survey by a qualified biologist			

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Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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Species chosen for the plant palette will include native riparian trees such as valley oaks, Oregon ash and Fremont's cottonwoods. These trees will be planted as container plants and/or cuttings. If possible, cuttings will be gathered from lands fronting the San Joaquin River. All planting material will be installed in the late fall or early winter. All plantings will be monitored annually for a minimum of five years. A revegetation plan will be completed for the project which will detail the maintenance, monitoring, performance criteria and success rate for trees planted within the project site.							
<p>Mitigation Measure Biological - 5.</p> <ul style="list-style-type: none"> Preparation and implementation of erosion control plan: Prior to the onset of construction, an erosion control plan will be prepared by a qualified engineer consistent with the requirements of a General Construction Permit (an NPDES permit issued by the Regional Water Quality Control Board for Projects in which one or more acres of land are graded). Typically, specified erosion control measures must be implemented prior to the onset of the rainy season. The site must then be monitored periodically throughout the rainy season to ensure that the erosion control measures are successfully preventing onsite erosion and the concomitant deposition of sediment into jurisdictional waters. Elements of this plan would address both the potential for soil erosion and non-point source pollution. At a minimum, 	Prior to Construction	Periodically throughout construction prior to rainy season	Central California Irrigation District	Field survey by a qualified biologist.			

Mitigation Monitoring and Reporting Program
Red Top Conveyance Project Water Year 2016-2026 Transfer and Exchange, Draft IS/MND

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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<p>elements of an erosion control plan typically include the following:</p> <ol style="list-style-type: none"> 1. Protection of exposed graded slopes and/or temporary sidecast soils from sheet, rill and gully erosion. Such protection could be in the form of erosion control fabric or sheeting, straw wattles, post-construction hydromulch containing the seed of native soil-binding plants, or straw mechanically embedded in exposed soils. 2. Best management practices (BMPs) to control soil erosion and non-point source pollution. <p>Time construction to occur during the dry season: Where possible, Proposed Action/Project construction will be confined to the dry season, when the chance for significant rainfall and stormwater runoff is very low. Construction during the spring, summer, and fall will not eliminate the need to implement erosion control measures described in this mitigation measure, but will ensure that the potential for soil erosion has been minimized to the maximum extent feasible.</p>							
Biological Resources Commitments							
<p>Activities under the proposed action would occur when the Action Area is dry, and will be coordinated, with the input of the SJRRP Restoration Administrator, to occur when the potential for impacts to special status salmonids are avoided and minimized, as described by the environmental commitments in section 2.2.1.</p>	<p>Prior to construction</p>	<p>Prior to construction</p>	<p>Central California Irrigation District</p>	<p>Written approval of the SJRRP Restoration Administrator.</p>			

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
Upon completion of the Project, all areas subject to temporary ground disturbances, including staging areas, temporary roads, and borrow sites will be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.	After construction	Once after project completion	Central California Irrigation District	Verification that revegetation is complete.			
All off-road or construction equipment should be free of soil, mud (wet or dried), seeds, vegetative matter or other debris which could contain seeds in order to prevent infestations of noxious weeds in the project area.	Prior to construction	Before equipment is put on site.	Central California Irrigation District	Inspections conducted by on-site trained personnel.			
When needed for soil stabilization, use certified weed-free mulches where available, mulches with low risk of weed introduction where certified weed-free is not available, and certified weed-free seed mixes. Seed mixes will be recommended by a qualified botanist and approved by CDFW and USFWS.	Prior to Construction and After Construction	Prior to Construction and After Construction	Central California Irrigation District	Field survey by a qualified biologist			
Crushed rock, drain rock, riprap and soil fill for project activities shall be obtained from weed-free sources. Construction materials will not be stockpiled or staged on the Project site.	During construction	Prior to deliveries during construction	Central California Irrigation District	Inspections conducted by on-site trained personnel.			
Cultural Resources							
Mitigation Measure Cultural – 1. In the event that previously undetected cultural materials (i.e. prehistoric sites, historic features, isolated artifacts, and features such as concentrations of shell or glass) are discovered during construction, work in the immediate vicinity should immediately cease and be redirected to another area until a qualified archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historic archaeology inspects and assesses the find. The District shall consider further recommendations as presented by the professional and implement additional measures as necessary to protect and	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Central California Irrigation District	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent			

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
					Initials	Date	Remarks
preserve the particular resource. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. In addition, if any such historic features, isolated artifacts, or features such as concentrations of shell or glass are found on or in the sovereign land of California under the jurisdiction of the California State Lands Commission, the Commission shall be notified and allowed to inspect and assess the find as would be entitled to that resource.				with all applicable laws including CEQA.			
Mitigation Measure Cultural – 2: If during the course of project implementation, paleontological resources (i.e., fossils) are discovered, work shall be halted immediately within 50 feet of the discovery, Fresno County and Madera County shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. The District shall consider further recommendations as presented by the professional and implement additional measures as necessary to protect and preserve the particular resource. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. In addition, if any such paleontological resources (i.e. fossils) are found on or in the sovereign land of California under the jurisdiction of the California State Lands Commission, the Commission shall be notified and allowed to inspect and assess the find as would be entitled to that resource.	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Central California Irrigation District	A qualified archaeologist shall document the results of field evaluation and shall recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			

Mitigation Measure/Condition of Approval							
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<p>Mitigation Measure Cultural – 3: If human remains are uncovered, or in any other case where human remains are discovered, the Fresno or Madera County Coroner, as appropriate, is to be notified to arrange their proper treatment and disposition. If the remains are identified – on the basis of archaeological context, age, cultural associations, or biological traits – as those of a Native American, California Health and Safety Code 7050.5 and Public Resource Code 5097.98 require that the coroner notify the NAHC within 24 hour of discovery. The NAHC will then notify the most likely descendant, who may recommend treatment of the remains. In addition, if any such human remains are found on or in the sovereign land of California under the jurisdiction of the California State Lands Commission, the Commission shall be notified and allowed to inspect and assess the find as would be entitled to that resource.</p>	During Construction	Daily or as needed throughout the construction period if suspicious resources are discovered	Central California Irrigation District	A qualified archaeologist shall document the results of field evaluation and recommend further actions that shall be taken to mitigate for unique resource or human remains found, consistent with all applicable laws including CEQA.			
Geology and Soils Commitments							
<p>To further prevent water and wind erosion during the construction period, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared for the proposed Action/Project in accordance with the State Water Resources Control Board Construction General Permit Order 2009-0009-DWQ. As part of the SWPPP, the applicant would be required to provide erosion control measures to protect the topsoil. Any stockpiled soils would be watered and/or covered to prevent loss due to wind erosion as part of the SWPPP during construction.</p>	Prior to construction	Prior to and during construction	Central California Irrigation District	Preparation of the SWPPP. Inspections conducted by on-site trained personnel.			

Mitigation Measure/Condition of Approval							
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Water Resources Commitments							
Were it to rain during construction, appropriate best management practices (BMPs), such as the placement of straw mulch, silt fencing, or other activities as needed, would occur to limit turbid inputs of water into nearby water bodies. These BMPs will comply with applicable state and/or federal water quality requirements as appropriate.	During construction	During any rain event	Central California Irrigation District	Inspections conducted by on-site trained personnel during rain event			
The District will notify the Central Valley Water Board in writing seven days prior to beginning any in-water activities.	Seven days prior to any in-water activities.	One notification	Central California Irrigation District	Copy of the letter for the binder			
Except for activities permitted by the U.S. Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.	During construction	During construction	Central California Irrigation District	Inspections conducted by on-site trained personnel			
All areas disturbed by Project activities shall be protected from washout or erosion.	During construction	During construction	Central California Irrigation District	Inspections conducted by on-site trained personnel			

Mitigation Measure/Condition of Approval							
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The District will maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.	Prior to and during construction	Training prior to construction and inspections during construction	Central California Irrigation District	Inspections conducted by on-site trained personnel			
An effective combination of erosion and sediment control Best Management Practices (BMPs) shall be implemented and adequately working during all phases of construction.	During construction	As needed	Central California Irrigation District	Inspections conducted by on-site trained personnel			
All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.	After construction	After construction	Central California Irrigation District	Final inspection			
Construction within the river channel will take place when flows are not present in the channel at the Project site. The construction schedule will be coordinated with the potential release of San Joaquin River Restoration (SJRR) flows. Construction of the pipeline will not begin if SJRR flows are anticipated to reach the Project site within one week of starting construction.	Prior to construction	Prior to construction	Central California Irrigation District	Written confirmation from the SJRR Program Administrator			

Mitigation Monitoring and Reporting Program
Red Top Conveyance Project Water Year 2016-2026 Transfer and Exchange, Draft IS/MND

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
						Initials	Date
<p>Activities shall not cause in surface waters:</p> <p>(a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;</p> <p>(b) where natural turbidity is between 1 and 5 NTUs, increases exceeding 1 NTU;</p> <p>(c) where natural turbidity is between 5 and 50 NTUs, increases exceeding 20 percent;</p> <p>(d) where natural turbidity is between 50 and 100 NTUs, increases exceeding 10 NTUs;</p> <p>(e) where natural turbidity is greater than 100 NTUs, increases exceeding 10 percent.</p> <p>In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.</p>	During construction	As needed	Central California Irrigation District	Final inspection			
<p>Activities shall not cause settleable material to exceed 0.1 ml/L in surface waters as measured in surface waters downstream from the Project.</p>	During construction	As needed	Central California Irrigation District	Final inspection			
<p>Activities shall not cause the pH in surface waters to be depressed below 6.5 nor raised above 8.5.</p>	During construction	As needed	Central California Irrigation District	Final inspection			
<p>The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. The Applicant shall notify the Central Valley</p>	During construction	As needed	Central California Irrigation District	Inspections conducted by on-site trained personnel			

Mitigation Measure/Condition of Approval							
	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance		
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Water Board immediately of any spill of petroleum products or other organic or earthen materials.							
Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spreading of noxious weeds.	Prior to use of equipment	Prior to use and prior to equipment leaving	Central California Irrigation District	Inspections conducted by on-site trained personnel			
The District will notify the Central Valley Water Board immediately if any of the above conditions are violated, along with a description of measures it is taking to remedy the violation.	If needed, upon violation	If needed, upon violation	Central California Irrigation District	Written notification to Central Valley Water Board			
The District will comply with all California Department of Fish and Game Code § 1600 requirements for the Project.	Prior to and during construction	Prior to and during construction	Central California Irrigation District	Upkeep of compliance binder			
Additional Commitments							
No native or untilled land (fallow for three consecutive years or more) would be cultivated with the water involved in this action.	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			
Transferred water can only be used for Agricultural (Ag) purposes.	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			
The ultimate purpose of use is Ag and/or groundwater recharge.	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			
The transfer will be between willing sellers and willing buyers.	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			

Mitigation Measure/Condition of Approval							
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The transfer shall be limited to existing supply and will not increase overall consumptive use.	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			
The transfer for Ag water will be used on lands irrigated within the last three consecutive years.	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			
The transfer will not lead to any land conversions.	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			
The transfer shall comply with all applicable Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and Indian Trust Assets (ITA).	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			
The transfer cannot alter the flow regime of natural water bodies such as rivers, streams, creeks, ponds, pools, wetlands, etc., in order to not have a detrimental effect on fish or wildlife, or their habitats.	After construction	After construction	Central California Irrigation District	Inspection by Central California Irrigation District			