Print Form

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Sierra County Clerk
100 Courthouse Sq.
Downieville, CA 95936

From: (Public Agency): Yuba County Water Agency
1220 F St
Marysville, CA 95901
(Address)

Project Title: North Yuba River Rotary Screw Trap Feasibility Study

Project Applicant: Yuba County Water Agency

Project Location - Specific:

Rocky Rest Campground (39.51239, -120.97726); Goodyears Bar (39.54275, -120.87771)

Project Location - City: Downieville Project Location - County: Sierra

Description of Nature, Purpose and Beneficiaries of Project:

The Yuba Reintroduction Working Group (YRWG), of which Yuba County Water Agency (YCWA) is a stakeholder, is currently investigating the biological, technical, and financial feasibility of reintroducing spring-run Chinook salmon to the North Yuba River. This Project is one component of the larger investigation with the specific objective to conduct site-specific testing of rotary screw traps (RST) to determine if this method of fish capture is appropriate as a juvenile salmon collection method compared with other alternatives.

Name of Public Agency Approving Project: Yuba County Water Agency

Name of Person or Agency Carrying Out Project: FISHBIO, Inc.

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 6; Section 15306, Information Collection
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Class 6 Categorical Exemption (CEQA Guidelines Section 15306, Information Collection) is used for projects that consist of basic data collection, research, experimental management, and resource evaluation activities which do not results in a serious or major disturbance to an environmental resource, including those purposes for gathering information as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. As this study is being used to collect data on the capability of a rotary screw trap to capture outmigrant juvenile salmonids and will have minimal impact to the species or their habitat, it would meet the criteria for this Categorical Exemption.

Lead Agency
Contact Person: Jacob Vander Meulen Area Code/Telephone/Extension: (530) 443-7412

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ▪ Yes No

Signature: Jacob Vander Meulen Date: 08-01-2023 Title: Environmental Manager

▪ Signed by Lead Agency ▪ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Filed in County Clerk's Office of
County of Sierra

Heather Foster
County Clerk-Recorder

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FISHBIO

Notice of Exemption Attachment
Supplemental Information and Consistency Findings for
Class 6 Categorical Exemption -
North Yuba River Rotary Screw Trap Feasibility Study

Purpose

The Yuba Reintroduction Working Group (YRWG) is a collaborative workgroup focused on investigating the biological, technical, and financial feasibility of reintroducing spring–run Chinook salmon (*Oncorhynchus tshawytscha)* to historical spawning habitat in the upper Yuba River Watershed. YRWG efforts have focused specifically on assessing spring-run Chinook salmon reintroduction potential of the North Yuba River upstream of New Bullard's Bar Reservoir. During the ongoing YRWG process, rotary screw trap (RST) operation has been suggested as a low-cost collection alternative for collecting outmigrant juvenile salmonids, although numerous questions need to be addressed to determine the actual feasibility of utilizing RSTs in the North Yuba River. The objective of this component of the Pilot Program is to identify appropriate techniques and methodologies to capture outmigrant juvenile salmon and for this component of the Pilot Program specifically, determine whether RSTs could capture juvenile salmon from the North Yuba River to be released in the lower Yuba River such that sufficient numbers of adults return to accomplish the YRWG objectives. Therefore, FISHBIO, contracted through the Yuba County Water Agency (YCWA), proposes to implement RST site testing and evaluation in the North Yuba River during fall 2023 through spring 2024 using funds from the Wildlife Conservation Board Drought Relief Grant.

As specified in the WCB Drought Relief Grant, FISHBIO will conduct RST site testing and evaluation and complete all deliverables consistent with those specified in the grant, including:

- Deployment of up to three RSTs on the North Yuba River and documentation of deployment including photos and process shall be included in the data report deliverable.
- A data report describing locations, logistics, methods, and results. The report would include a description of physical and operational limitations and considerations, characterization of hydrological constraints and sampling effectiveness, documentation of public interactions, and results of site testing evaluations in terms of the efficacy of RSTs as an effective juvenile collection methodology for the North Yuba River.

Location

The Proposed Project is located in Sierra County on the North Yuba River and activities will occur at two separate sites: Rocky Rest Campground (39.51239, -120.97726) and just upstream of Goodyears Bar, along Old Toll Bridge Road (39.54275, -120.87771). An overall location map can be seen in Figure 1 and aerial imagery of the sampling sites are included in Figures 2 and 3.

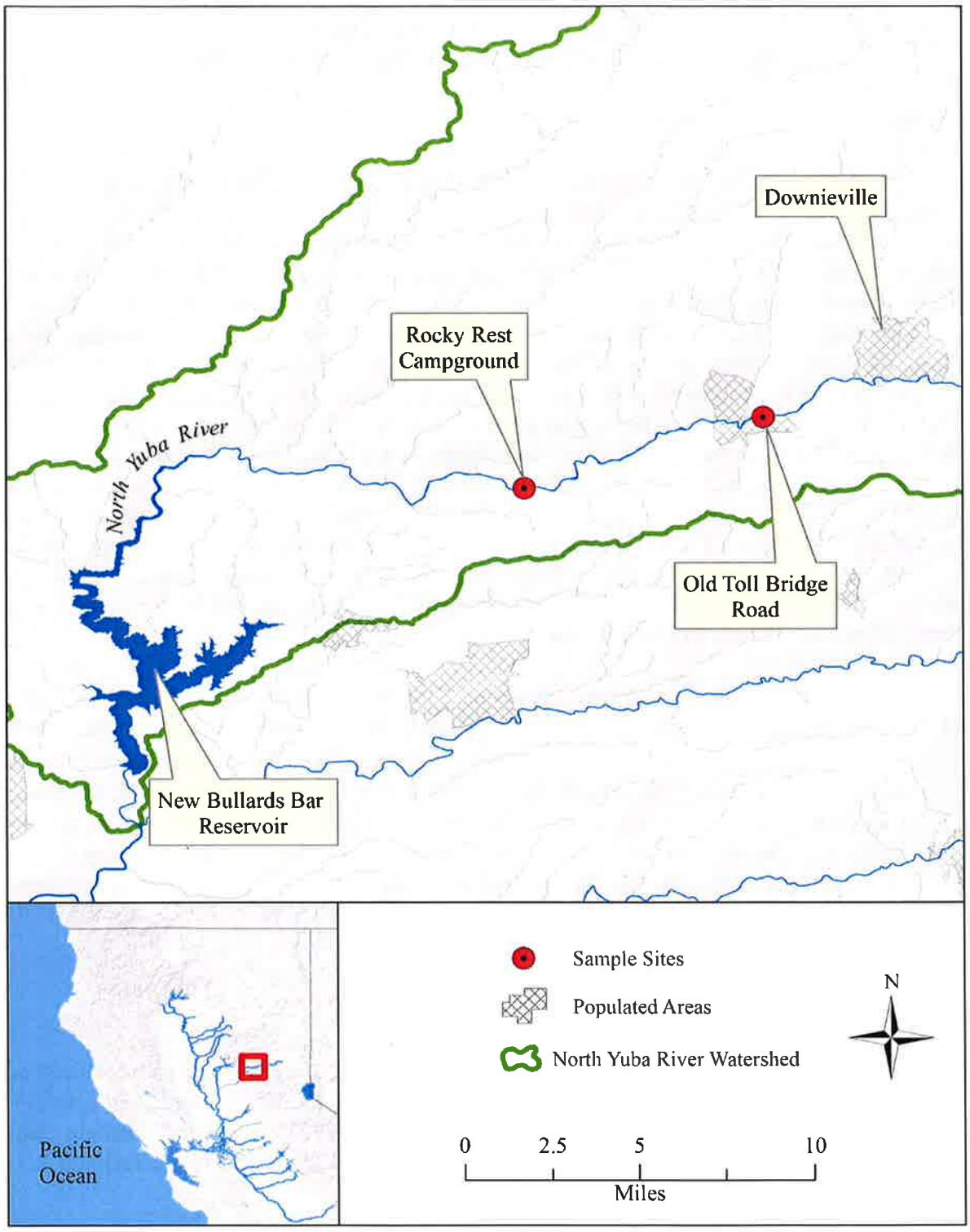

Figure 1. Overall map of the project area.

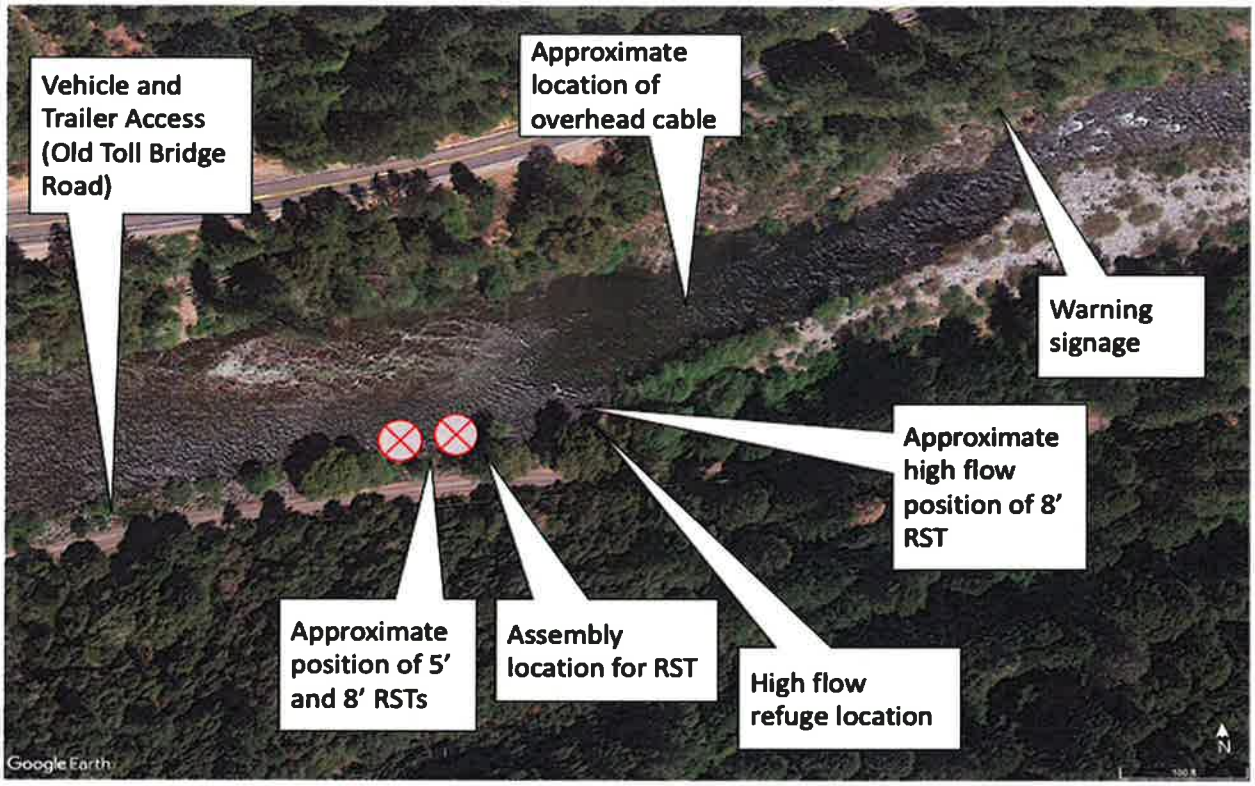

Figure 2. Map of Old Toll Bridge Road RST site and important site details for installation and operations. All locations are approximate and subject to change. Imagery was taken on May 11, 2021, when discharge was 543 cfs (imagery from Google Earth).

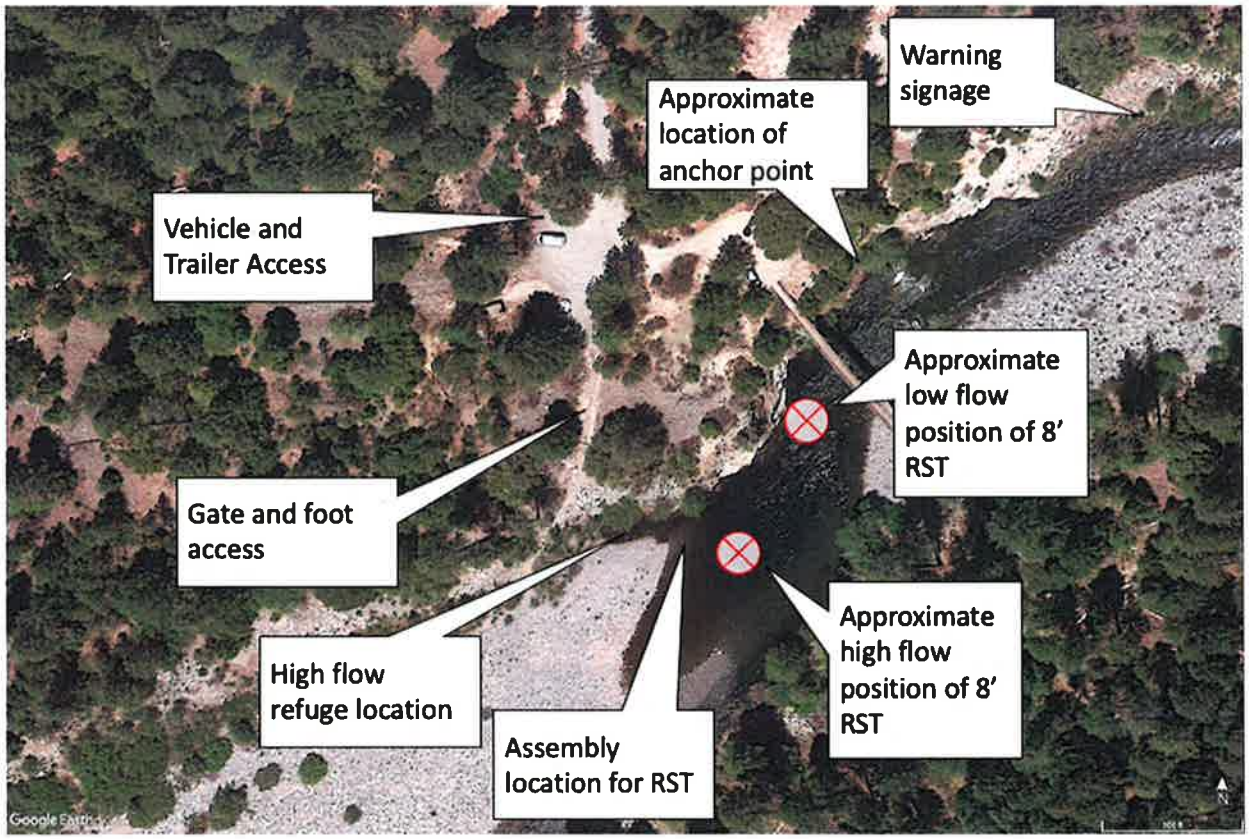

Figure 3. Map of the Rocky Rest Campground RST site and important site details for installation and operations. All locations are approximate and subject to change. Imagery was taken on May 11, 2021, when discharge was 543 cfs (imagery from Google Earth).

Project Description

During winter of 2022, two potential sites for RST site testing and evaluation were identified as having suitable characteristics for safe and effective RST operation. These are located at Rocky Rest Campground (Figure 3) and just upstream of Goodyears Bar, along Old Toll Bridge Road (Figure 2). Further evaluation and testing at these identified locations are needed to select and determine the feasibility in relation to trap operations, study objectives, and public interaction.

Physical field testing of the RSTs is focused on determining the range of flows that can effectively be sampled in consideration of crew and public safety, trap performance, debris loading, and other operational constraints. Data on site-specific velocities, using an Acoustic Doppler Current Profiler, will be collected and is expected to inform the identification of safe and effective discharge levels that RSTs can be operated in. In the event that discharge levels result in site-specific water velocities that are deemed unsafe, the RST may be moved slightly upstream or downstream to maintain operation in a safer location. If no such location is available, any evaluation will not be carried out, the cone will be raised, and the RST will be stowed in the pre-determined refuge location for the site.

Protocols will be developed specifying field testing activities and data collection procedures. Since no trapping of fish will occur during the RST performance evaluations (i.e., no screen on the livebox will be installed), other types of data will be collected and described in detail in the protocol. In addition, it is not necessary to continuously operate the RSTs. Rather, a range of discrete flow levels will be targeted, and once a specific flow is sampled, it may not need to be further sampled for the pilot investigation. Preliminary discussions have identified up to 26 discrete flow levels for this evaluation process. These were based on the flow exceedance curve from the Goodyears Bar gauging station and would involve conducting RST testing at least once in each flow bin (e.g., from 100 – 200 cfs, 200 – 300 cfs, and so on) until the upper flow threshold is established based on trap performance and/or safety concerns. However, this type of monitoring approach may be more well suited to the spring months during which flows are mainly driven by snowmelt but not for the fall and winter months.

Field Testing Timing – RST testing and evaluation would periodically occur from October 1, 2023, to May 31, 2024. The period for testing was selected to match the life history of spring-run Chinook salmon for extant populations of spring-run Chinook salmon in the Central Valley.

Sampling Timeframe

Start: October 1 **End:** May 31

October 1 - May 31 – The RSTs will be opportunistically operated during this sampling time frame to test their capability to sample across a wide range of flows as described above. In total, the traps are not anticipated to sample more than three to four weeks in total during the described sampling timeframe.

Basic RST Installation and Operation Plan

A single RST will be intermittently operated at each of two locations (Rocky Rest Campground and Old Toll Bridge Road) in the North Yuba River. To reduce potential impacts to the streambed when launching the trap, the cone, pontoons, A-frame, and other components will be de-trailered and carried/rolled into the stream by hand. Assembling the RST is easily accomplished using hand tools (e.g., come-alongs, wrenches, screw drivers, etc.) and may be completed within several days using a crew of four to five. However, at one of the locations, a boom truck may be used to deploy and retrieve the trap from an existing road (Old Toll Bridge Road). This is the preferred option as it will be a safer and more efficient method for deployment and retrieval. To maintain the desired position of the RST in the stream, an overhead cable will be installed anywhere from 150 to 600 feet upstream of the RST, depending on the site. Leader cables will extend from the overhead cable and be attached to each pontoon. The overhead cable is installed by utilizing existing trees, or other suitable anchor points, at the site. Prior to installation, trees will be examined for adequate health and have a protective covering placed around the anchoring point. The overhead cable will wrap around the tree and no anchoring will be inserted into the tree. The overhead cable will be a minimum of eight feet above the water surface at the highest flow of record and provide free passage underneath for boats and debris at all flow levels. Alternatively, a single cable along one side of the river can be used in cases where an overhead cable installation method is not possible. A back-up cable attached to the downstream side of the trap will also be secured to the bank in the event the overhead cable fails to prevent the RST from being washed downstream. Additional equipment may be needed due to site-specific requirements.

We anticipate that activities conducted as part of this study will have less than significant impacts to the species and habitat present in the project areas. In addition to hand-carrying RST components, jute mat or coir logs will be utilized at the point of entry to the stream to reduce potential erosion caused by the crew entering the stream during installation and maintenance activities.

During testing operations, a screen will not be installed on the downstream end of the livebox, thereby allowing aquatic species to pass freely and eliminating the potential of direct take via capture and handling. Any take will be indirect, via disturbance or re-routing of the fish should it travel through the cone. Effects to fish or other organisms would be short in duration and unlikely to cause injury. The pontoons attached to the RST allow the trap to float freely on the water's surface so anticipated effects to the streambed are limited to some trampling as crews approach the trap for maintenance or during its initial placement during installation. Sites and associated RSTs may be visited multiple times daily by crews of two or three.

Equipment for Installation and Site Access Considerations

FISHBIO, Inc. has over a decade of experience installing and operating RSTs throughout California including in the San Joaquin and Salinas watersheds. Our installation method minimizes impacts to habitat by limiting the need to install components using construction elements. To reduce impacts to the streambed when launching the trap, the cone, pontoons, A-frame, and other

components will be de-trailered and carried into the stream by hand. Assembling the RST is easily accomplished using hand tools.

Field staff will access the site using already established roads on United States Forest Service (USFS) Lands. A USFS Standard Form 299 (Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property) has been submitted for the Proposed Project. This was submitted to the USFS on June 7, 2023.

Site Restoration and Mitigation

The RST installation process requires no construction, no vegetation removal, or alteration of the environment. Field staff will take care to limit any trampling or damage to vegetation in the area. Coir logs and or jute mats will be utilized along the riverbank at both sites to reduce erosion impacts from the crew entering and exiting the river during maintenance checks. All equipment will be removed, and the site will be inspected for cleanliness upon completion of the study period.

Potential Project-Related Environmental Effects and Applicability of a Categorical Exemption to the Proposed Project

The CEQA Class 6 Categorical Exemption (CEQA Guidelines Section 15306, *Information Collection*) is used for projects that consist of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource, including those purposes for gathering information as part of a study leading to an action which a public agency has not yet approved, adopted, or funded. Generally, this class is for the most part non-physical, but it also includes such activities as test borings; soil, water, and vegetation sampling, and materials testing in facilities and structures.

A Categorical Exemption may not be used for projects where there is potential to significantly affect the environment. This section presents information on the existing conditions of environmental resources at the project site and summarizes evaluations of the potential project-related environmental effects to support the determination that the project will not result in significant effects to the environment.

Environmental safety was considered to ensure that the installation, retrieval, and/or operation of RSTs, associated trapping infrastructure, and/or routine maintenance of the RSTs would not result in negative impacts on sensitive animals or their habitats. Two readily accessible database was used to determine the potential presence of special status species, in addition to the generally understood ranges of some species, including USFWS's Information for Planning and Conservation (IPaC) website and CDFW's California Natural Diversity Database (CNDDB). A description of sensitive amphibians, reptiles, mammals, birds, and/or plants potentially in the areas adjacent to the potential sites (i.e., largely limited to the North Yuba River between New Bullard's Bar Reservoir and Sierra City) is provided in Table 1.

Table 1. Sensitive species that may occur in the Project Area based on searches on the USFWS's Information for Planning and Conservation website and CDFW's California Natural Diversity Database.

Common Name; Listing Status[1]	Species Name	Habitat	Potential to Occur
Foothill yellow-legged frog; ST	*Rana boylii*	Rocky streams in a variety of habitats in the Coast Ranges from the Oregon border to the Transverse Mountains in Los Angeles County.	Low; Suitable habitat present but Considered marginal.
Sierra Nevada yellow-legged frog; FE, ST	*Rana sierrae*	Generally, the Sierra Nevada yellow-legged frog is encountered in high elevation lakes and streams from 1,370-3,660 m (~4,500-12,000 ft) in the Sierra Nevada range Species is highly aquatic, but use of aquatic habitats may vary across its range.	Low; Suitable habitat present but species prefer lower velocity ponding areas or lakes versus higher velocity rivers and streams.
California red-legged frog; SSC	*Rana draytonni*	Quiet pools of streams, marshes, and occasionally ponds. Found primarily in coastal drainages of central California, from Marin County, California, south to northern Baja California, Mexico.	Low; Suitable habitat present but species prefer lower velocity ponding areas versus higher velocity rivers and streams.
Sierra newt; SSC	*Taricha torosa sierrae*	Inhabits grey pine-blue oak, and ponderosa pine communities. Better adapted to and more likely to breed in faster-flowing water. Found up to about 6,500 ft. (2000 m.)	High; Suitable habitat is present.
Western pond turtle; SSC	*Actinemys marmorata*	Permanent or nearly permanent water bodies in various habitats, including: ponds, marshes, rivers, streams, and ditches.	High; Suitable habitat is present.
Sierra Nevada red fox; FE, ST	*Vulpes vulpes necator*	Occurs in a wide range of remote, high-elevation alpine and subalpine habitats, including meadows; dense, mature forest; talus; and fell fields.	Low; Suitable habitat present, but project areas primarily instream with minimal disturbance to terrestrial habitats.
Bald eagle; FEA	*Haliaeetus leucocephalus*	Requires large bodies of water, or free-flowing rivers with abundant fish adjacent snags or other perches. Nests in large, old-growth, or dominant live tree with open branchwork.	High; Suitable nesting habitat is present.
Black-throated gray warbler; FBCC	*Denroica nigrescens*	Dry, open woodlands and brushy understory of forests in foothills and mountains throughout much of California. Nests in shrubs, saplings, or low in tree 2-15 feet above ground.	High; Suitable nesting habitat is present.
California gull; FBCC	*Larus californicus*	Occurs on levees in inland lakes and rivers. They forage in any open area where they can find food including garbage dumps, scrublands, pastures, orchards, meadows, and farms.	Low; Species has a wide and varied range, but unlikely to occur in project area.

Table 1, continued.

Common Name; Listing Status[1]	Species Name	Habitat	Potential to Occur
Cassin's finch; FBCC	*Carpodacus cassinii*	A variety of coniferous forest types over a broad elevational range. Prefers tall trees in open, montane coniferous forests with nearby grassy meadows for foraging. Nests in tall conifers.	Low; Suitable habitat is present but is considered marginal.
Evening grosbeak; FBCC	*Coccothraustes vespertinus*	Winter in forests and feed in both deciduous and coniferous trees, often at higher elevations. Breed in spruce-fir, pine-oak, pinyon- juniper, and aspen forests.	Low; Suitable habitat present, but project areas primarily instream with minimal disturbance to terrestrial habitats.
Golden eagle; FEA	*Aquila chrysaetos*	Grasslands, deserts, savannahs, and early successional stages of forest and shrub habitats. Breeding season is late January through August.	Low; Suitable habitat is present but considered marginal.
Lewis's woodpecker; FBCC	*Melanerpes lewis*	Open oak savannahs, broken deciduous, and coniferous habitats. Nests in cavities of snag or dead parts of live trees.	High; Suitable nesting habitat is present.
Olive-sided flycatcher; FBCC	*Contopus cooperi*	Primarily in montane conifer forests where tall trees overlook canyons, meadows, lakes, or other open terrain. Nests in mixed conifer, montane hardwood-conifer, Douglass-fir, redwood, red fire, and lodgepole pine.	High; Suitable nesting habitat is present.
Wrentit; FBCC	*Chamaea fasciata*	Prefers dense stands of chaparral. Sometimes found in sparse or open conifers or other woodlands with a heavy shrub understory. Nests in dense shrubs.	Low; Suitable habitat is present but considered marginal.

[1] Listing status: F = Federal, S = State, T = Threatened, E = Endangered, SSC = Species of Special Concern; EA = Eagle Act; BCC = Bird of Conservation Concern

As previously discussed, the project occurs at two sites, Rocky Rest Campground (39.51239, -120.97726) and just upstream of Goodyears Bar, along Old Toll Bridge Road (39.54275, -120.87771), with both occurring in undeveloped areas in and immediately along the North Yuba River.

Vegetation available at both sites include shrub/scrub species like sandbar willow (*Salix exigua*) and manzanita (*Arctostaphylos spp.)* and mixed coniferous trees. Importantly, this project utilizes a minimal terrestrial footprint and there will be no disturbance of the vegetation in the project areas. Any sensitive species observed in the area will be surrounded by ESA fencing and occluded from the work area. As rotary screw trap installation will rely on roughly four to five field staff members and hand tools, there should be minimal effects to terrestrial wildlife in the work areas and limited to mild disturbances such as a startle response.

The primary work area occurs in stream in the North Yuba River. As such, anticipated effects of the project would be expected to only affect aquatic species. Notably, there are no known special status fish species that occur within the project areas. However, Lahontan cutthroat trout (*Oncorhynchus clarkia henshawi*) was included in the results of the USFWS IPaC search but was excluded from Table 1 as no current habitat exists. There are four potential ESA listed amphibians (*Rana boylii, R. sierrae, R. draytonni,* and *Taricha torosa sierrae)* and one semi-aquatic reptile (*Actinemys marmorata)* that may occur within the project areas. While not the direct intent of FISHBIO biologists during the site selection and evaluation surveys conducted during September and December 2022, no representatives of these species were observed in the project areas. Further, observations of these species in the project area as documented in the CNDDB are limited and there have been no recent observations reported therein.

Based on our installation and operations methodology, we anticipate this feasibility analysis will have less than significant impacts to the species and habitat present in the project areas. In addition to hand carrying RST components, jute mat or coir logged will be utilized at the point of entry to the stream to reduce erosion pressures from the crew entering the stream during installation and maintenance activities. A livebox will not be installed during the feasibility study, thereby eliminating the direct potential of take to aquatic species, other than disturbance or harassment. No pruning of vegetation will occur in order to facilitate site access and all efforts will be made to avoid any trampling of vegetation. The pontoons attached to the RST allow the trap to float freely on the water's surface so anticipated effects to the streambed would be limited to some trampling as crews approach the trap for maintenance or during its initial placement during installation. Photos of components, installation, and examples of FISHBIO operated RSTs are presented in Figures 4-8.

After several discussions with CDFW staff, it was determined that our potential impacts to habitat and streambed in the project areas did not necessitate the need to acquire a CDFW 1602 permit for Lake and Streambed Alteration. However, due to the potential interactions of the rotary screw trap with aquatic species it was agreed that a CDFW Scientific Collection Permit (SCP) would be required. The file number for this SCP is S-183400003-23080-001 and was approved on May 31, 2023 (Expires May 30, 2026).

The following provides information regarding potential exceptions defined under the CEQA Guidelines, Section 15300.2 that, if triggered, might bar the proposed project from being exempt from CEQA compliance. Database searches were conducted using the California Department of Toxic Substances Control ENVIROSTOR list of hazardous waste sites (i.e., Cortese list), State Water Resources Control Board GeoTracker list of designated waste sites, and U.S. Environmental Protection Agency National Priorities List of Superfund hazardous waste cleanup sites, with the results indicating that the project site is not within, or near, any designated site with known hazards on any list compiled pursuant to Section 65962.5 of the Government Code. The project site also is not located adjacent to, or visible from, any designated state or federal scenic highway.

Figure 4. Components of the RST ready to be assembled. Note that technicians are hand carrying components and assembling them instream.

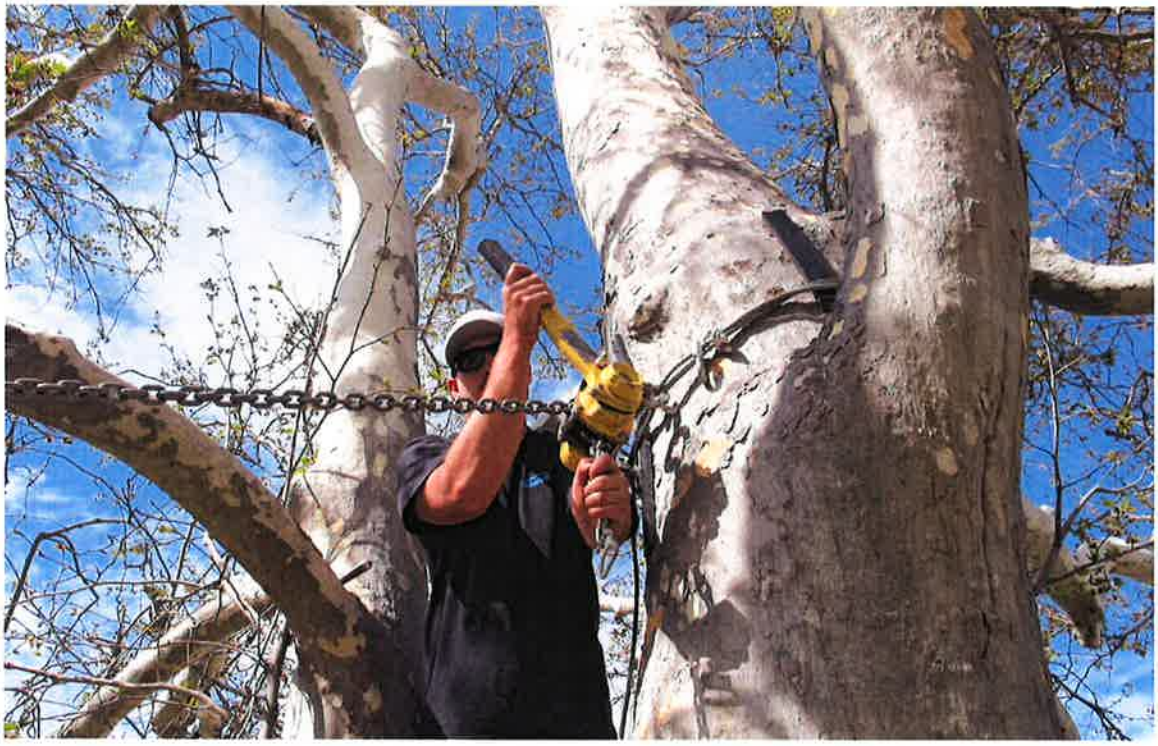

Figure 5. FISHBIO technician installing the overhead cable using a come-along. Notice the cable is wrapped around the tree with no physical installation.

Figure 6. The Oakdale RST (Stanislaus River, RM 40) with cone lowered into "fishing position."

Figure 7. The Shelton Road RST (Calaveras River, RM 26) in fishing position. The overhead cable is seen at the top of the photo with safety sign featured. The leader cables from the RST are clearly flagged.

Figure 8. The Waterford RST (Tuolumne River, RM 30). Shows the overhead cable suspended between two trees. Again, leader cables are clearly marked with flagging and buoys.