

CEQA FINDINGS OF FACT

and

**STATEMENT OF OVERRIDING
CONSIDERATIONS**

**OF THE DEPARTMENT OF
FISH AND GAME**

for the

LAKE DAVIS PIKE ERADICATION PROJECT

January 23, 2007

I. INTRODUCTION

The California Environmental Quality Act (Public Resources Code section 21000, *et seq.*) (CEQA) and the CEQA Guidelines (California Code of Regulations, title 14, section 15000, *et seq.*) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report (EIR) must be prepared.

The Department of Fish and Game (DFG), as lead agency, in cooperation with the United States Forest Service, Plumas National Forest (USFS), prepared a joint Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS, FEIR/EIS, or EIR/EIS) for the Lake Davis Pike Eradication Project. The EIR/EIS (State Clearinghouse No. 2005092070) consists of the January 2007 Final EIR/EIS and the January 2007 Responses to Comments. These findings, as well as the accompanying statement of overriding considerations in Section XIII, *infra*, have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these findings is to satisfy the requirements of Sections 15090, 15091, 15092, 15093, and 15097 of the CEQA Guidelines, all in connection with the approval of the Lake Davis Pike Eradication Project.

Before project approval, an EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Prior to approving a project for which an EIR has been certified, and for which the EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to Section 15091 of the CEQA Guidelines, for each identified significant impact:

- Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. The lead agency may approve a project with unavoidable adverse environmental effects only when specific economic,

legal, social, technological, or other considerations outweigh those effects. Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

II. PROJECT DESCRIPTION

A. LOCATION

The Lake Davis Pike Eradication Project location is Lake Davis, waters draining into Lake Davis that may contain pike, and a portion of Big Grizzly Creek below Grizzly Valley Dam. The project area or location comprises the area directly affected by the project, including treatment and neutralization activities. The project area is represented by the watershed of Lake Davis and the portion of Big Grizzly Creek below the dam that flows to the Middle Fork Feather River, as shown on EIR/EIS Figure 2-3, Project Area. Tributary streams to Lake Davis would be treated and the largest of these are highlighted on EIR/EIS Figure 2-3, along with proposed staging areas for both the reservoir and tributary treatments. Lake Davis is a State Water Project (SWP) reservoir located within Plumas County and the Plumas National Forest, approximately 6 miles upstream of the confluence of Big Grizzly Creek with the Middle Fork Feather River and 5 miles north of the City of Portola on State Highway 70. EIR/EIS Figure 2-1, Vicinity Map, shows the project area and a larger area within the vicinity of the project area that could be affected by the project. The relationship of the project area to the Sacramento-San Joaquin River Delta is shown on EIR/EIS Figure 2-2, Delta Map. Lake Davis drains into the Middle Fork Feather River, which terminates at Lake Oroville. From Lake Oroville, water flows into the Feather River, then into the Sacramento River, and then into the Delta. This is the path pike could take if they were to move downstream from Lake Davis.

B. PROJECT SUMMARY

After considering the environmental analysis in the EIR/EIS of the proposed Lake Davis Pike Eradication Project and the alternatives to the proposed project, public comments, and other information provided by interested state, local, and federal agencies with whom DFG coordinated and consulted, DFG approved a project to eradicate pike, a non-native, invasive species, through a chemical treatment of Lake Davis and its upper tributaries, after the Labor Day weekend (September 4) up to October 31, using predominantly the liquid rotenone formulation CFT Legumine®. The project calls for treating the reservoir at an approximate volume of 45,000-48,000 acre-feet to minimize environmental impacts and associated short-term local economic effects. The features of this project are described below. This project is essentially Alternative D in the EIR/EIS (see generally pages 2-39 to 2-41, EIR/EIS), with some modifications.

MODIFIED ALTERNATIVE D FEATURES

Treatment

Reservoir treatment volume: approximately 45,000-48,000 acre-feet (Alternative D: 48,000 acre-feet)

Drawdown: some active drawdown may be required if after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment (Alternative D: no active drawdown)

Refill: Little or no refill required. (Alternative D: no refill required)

Reservoir surface elevation: 5763.6 to 5,764 feet (Alternative D: 5,764)

Miles of stream: 28.5 to 30 (Alternative D: 30)

Approximate standing water surface area: 2,838 to 2,936 acres (Alternative D: 2,936)

Timing of Chemical Application: After September 4, 2007 (Labor Day weekend) to October 31, 2007. (Chemicals will not be brought into the area until after September 4, 2007.)

Type of Treatment

Agent: CFT Legumine® (liquid), plus gel balls using rotenone powder if necessary. (Noxfish will not be used, unless an adequate amount of CFT Legumine® cannot be obtained; in that case, the minimum amount necessary of Noxfish would be used to supplement CFT Legumine®, and only if the amount will not exceed inhalation risk thresholds.)

Estimated rotenone amount-reservoir: 15,000 to 16,000 gallons (Alternative D: 16,000 gallons)

Estimated rotenone amount-streams: 192 to 200 gallons (Alternative D: 200 gallons)

Estimated number of drip stations: 24 to 21 (Alternative D: 21)

Stream treatment assumptions: 10 cubic feet per second total streamflow per stream; drip stations every 1/2 to 2 miles travel time on main tributaries and two applications (or more, if necessary) of rotenone for stream treatments.

Access and staging

Primary reservoir staging locations: Honker Cove Boat Launch Area

Potential additional reservoir staging locations: Camp 5 Boat Launch Area, Mallard Cove Boat Launch

Stream staging locations: Indicated on Figure 2-3 of the EIR/EIS

Staging area: <5 acres

DFG reservoir access locations (ramp sites): Honker Cove, Camp 5, Mallard Cove

DFG access routes to streams and springs: General access would be by vehicle along existing roads. Other access will be by foot traffic and/or off-highway vehicles (OHVs). Use of OHVs would be determined during season prior to application, in consultation with the USFS, and consistent with applicable mitigation measures.

Routes: dependent on runoff conditions

Fossil-fueled Equipment (hours of use)

Helicopter: 0

Watercraft: 2,500

Vehicles: 6,000

Pumps (dewatering tributaries and reservoir): 12

Pumps (potential supplemental pumps to dewater reservoir) 0–2

Pumps (rotenone application): 30

Neutralization

Preferred method is to close dam outlet for a period of up to 45 days to allow the rotenone to neutralize naturally. (See Option 1, pages 2-19, 2-41 and Appendix E, EIR/EIS.) If this neutralization option is not permitted by the Central Valley Regional Water Quality Control Board (Regional Board) or is not available for other reasons, the next preferred method is Option 2 (off-stream neutralization). (See Option 2, pages 2-19, 2-20, 2-41 and Appendix E, EIR/EIS.) If this option is not permitted by the Regional Board or is not available for other reasons, the next preferred method is Option 3 (in-stream neutralization). (See Option 3, pages 2-20 and Appendix E, EIR/EIS.) If this method is not permitted by the Regional Board or is not available for other reasons, the next preferred method is Option 4 (in-stream neutralization). (See Option 4, pages 2-21 and Appendix E, EIR/EIS.)

Restocking of Trout in Lake Davis Post-Treatment

Trout would be restocked in Lake Davis as soon as possible after treatment in accordance with the Fisheries Management Plan set forth in the EIR/EIS. (See pages 2-23, Table 2.10-2, and Appendix G, EIR/EIS.)

Liberalization of Trout Bag Limit at Lake Davis Pre-Treatment

The bag limit for trout at Lake Davis prior to the treatment is proposed to be liberalized from 5 to 10 trout per day. This part of the project is subject to the approval of the Fish and Game Commission. (See Appendix K (page K-163), EIR/EIS.)

Modification of Pike Regulations Pre-Treatment

The regulations for pike are proposed to be amended to prohibit taking pike from Lake Davis and to require anglers to kill pike that are caught and return them to the reservoir. This part of the project is subject to the approval of the Fish and Game Commission.

Forensic Accountant and Real Estate Appraiser

DFG will have a forensic accountant collect economic data from willing individuals, businesses, and other entities both before and after treatment. In addition, DFG will have a real estate appraiser collect local real estate market data both before and after treatment and analyze the data in comparison to other similar markets to determine whether or to what extent the Project has affected real property values. These experts could also collect data from 1997 and thereafter to look at impacts of the 1997 treatment on those individuals, businesses, and other entities. The economic data collected by the forensic accountant and the real estate analysis will be summarized in a report and given to the State Legislature for its information in considering the policy issues of whether and how to fairly and equitably address any short-term financial impacts the Project has on local Portola area individuals, businesses, and other entities.

Economic impacts are not considered significant environmental impacts for which feasible mitigation is required under CEQA. (See CEQA Guidelines, sections 15064 and 15131; and *Lucas Valley Homeowners Association, Inc. v. County of Marin* (1991), 233 Cal.App.3d 130 (CEQA does not require lead agency to analyze potential changes in property values associated with project.)) The issues of whether and how to address these economic impacts are matters of policy for the State Legislature to determine. (See Section 12, and Appendix K (page K-12 to K-14), EIR/EIS.)

In addition, because weather and other factors beyond DFG's control could affect the reservoir volume, DFG approved a contingency plan in case something beyond DFG's control prevents the reservoir from being at a volume of at least 45,000 acre-feet at the time of the treatment. The contingency plan provides for a treatment below 45,000 acre-feet, but as close to that volume as possible; this contingency plan will be invoked only if necessary if something beyond DFG's control prevents the reservoir from being at a volume of at least 45,000 acre-feet at the time of treatment. This may result in more environmental impacts than the a treatment at 45,000-48,000 acre-feet, but as discussed below the plan falls within the decision-space of the project alternatives analyzed in the EIR/EIS and would minimize recreational and other environmental impacts and associated economic effects to the local community as much as possible under the circumstances. DFG should be able to determine whether this contingency plan will need to be invoked by late May using water level and/or volume projections from the Department of Water Resources, unless factors other than weather and snow-pack affect the reservoir level and/or volume.

CONTINGENCY PLAN FEATURES

Treatment

Reservoir treatment volume: as close to 45,000 acre-feet as possible, and no lower than 38,000 acre-feet.

Drawdown: no active drawdown; this contingency plan will only be invoked if after DWR releases made for winter/spring dam operations for control and containment and any additional releases for the project, the reservoir is less than 45,000 acre-feet at the time of treatment.

Refill: potentially 1,000 to 7,000 acre-feet, at the most

Reservoir surface elevation: potentially 5761 to 5763.6, at the most
Miles of stream: potentially 31.5 at the most
Approximate standing water surface area: potentially 2,561 at the least

Type of Treatment

Estimated rotenone amount-reservoir: potentially 12,667 to nearly 15,000 gallons
Estimated rotenone amount-streams: potentially nearly 192 to 218 gallons

All Other features

Same as Modified Alternative D

After reviewing and considering the information contained in the EIR/EIS, including but not limited to the public comments received, and in conjunction with making these findings herein, DFG hereby approves the above-described Modified Alternative D and Contingency Plan, which are hereinafter referred to as the Project.

This Project is within the parameters or decision-space of the environmental analysis of the Final EIR/EIS. This approach was discussed in *Village Laguna of Laguna Beach, Inc. v. Orange County Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028-1029 (*Laguna Beach*) (“It is not unreasonable to conclude that an alternative not discussed in an EIR could be intelligently considered by studying the adequate descriptions of the plans that are discussed”). The court in that case contemplated the power of an agency to approve an alternative that was not expressly discussed in an EIR so long as the impacts of that alternative were within the scope of impacts analyzed in the EIR. In *Laguna Beach*, the EIR analyzed a residential development proposal for 20,000 new homes, as well as alternatives: 0 homes, 7,500 homes, 10,000 homes, and 25,000 homes. The court concluded, for instance, that from the data analyzing the proposed project and the various alternatives “one could discern the vehicle miles traveled and the air quality impacts of a 16,000 home alternative.” (*Ibid.*)

This decision to choose a different water volume or a range of water volumes that differs from the water volumes specified in the Proposed Project or alternatives arose because there are uncertainties associated with the reservoir water volume in any given year due to variation in precipitation, evaporation, and other circumstances. This is because of the unpredictability of determining in any given year what the reservoir water volume will be by the time of treatment. This decision is supported by the environmental analysis provided in the Final EIR/EIS because it analyzes the environmental impacts of Alternatives C and D that cover the range of water volumes for the Project (Modified Alternative D – 45,000 to 48,000 acre-feet, and the Contingency Plan – less than but as close to 45,000 acre-feet as possible, and no less than 38,000 acre-feet). The applicable impacts and mitigations identified by the Final EIR/EIS for Alternatives C and D have been considered, and have been identified in the findings herein.

C. PROJECT OBJECTIVES

The primary objective of the Project is to:

- successfully eradicate pike from Lake Davis and its tributary waters (to re-establish the local trout fishery and prevent escape of pike from the reservoir) (See page 1-9, EIR/EIS)

The secondary objectives of the Project are to:

- carry out the project quickly to reduce the ongoing risk that pike will escape or be moved from the reservoir and spread to other waters (See page 1-10, EIR/EIS);
- use a method that has been proven to be effective in laboratory and field experiments (See page 1-10, EIR/EIS);
- use a method that is technically feasible to implement (See page 1-10, EIR/EIS);
- comply with applicable laws (See page 1-10, EIR/EIS);
- protect public health and safety (See page 1-10, EIR/EIS); and
- minimize environmental impacts (See page 1-10, EIR/EIS)

The Project is needed because efforts to control and contain the pike population in Lake Davis have been of limited value. This non-native, invasive species has devastated the local fishery and has had a subsequent negative impact on the local economy since 1999 when they reappeared after the October 1997 pike eradication project. Despite control and containment efforts since 2000, including the removal of at least 60,500 pike from the reservoir, the pike population continues to grow. If they escape, pike could cause irreversible ecological and economic harm to other areas of the state and region, including the Sacramento-San Joaquin River Delta. The threat of pike escape is increasing, as anglers are increasingly catching more pike. In May of 2006, two anglers were found moving live pike during an enforcement checkpoint. In addition, last year small pike were found for the first time near the Lake Davis spillway and the reservoir came within 27 inches of overflowing. (See pages 1-1 to 1-10, and Appendices A and I, EIR/EIS)

The CALFED Bay-Delta Program Ecosystem Restoration Program Plan has identified halting the unauthorized introduction and spread of potentially harmful non-native introduced species of fish, such as pike in Lake Davis, in the Bay-Delta and Central Valley as a strategic objective (CALFED 2000).

D. DISCRETIONARY APPROVALS

The DFG's discretionary approvals associated with the Project are the following:

- Certification of the Final EIR/EIS for the Lake Davis Pike Eradication Project
- Approval of the Project
- Issuance of a Streambed Alteration Agreement for the Project

Discretionary approvals of other agencies may be required or obtained for the Project. They are identified in Section 1 of the EIR/EIS (pages 1-26 to 1-27) and may include the following:

Agency	Permits/Approvals/Consultations
U.S. Forest Service, Plumas National Forest	Record of Decision stating EIR/EIS compliance with National Environmental Policy Act requirements, issuance of potentially two Forest Closure Orders, and issuance of a Special Use Permit
Regional Board	NPDES permit and monitoring plan
Department of Water Resources (DWR) /State Water Resources Control Board	DWR will petition SWRCB for a change in water rights permits
DWR	Encroachment Permit/Interagency Agreement
Fish and Game Commission	Trout and pike angling regulation changes; regulation regarding Fish and Game Code section 5937
State Historic Preservation Office	Section 106 NHPA consultation and MOA for management of cultural resources
CA Native American Heritage Commission	Coordination and consultation on Section 106 NHPA consultation
Northern Sierra Air Quality Management District	Air quality monitoring during project implementation to estimate air pollutant concentrations; Authority to Construct Permit
Department of Pesticide Regulation/Plumas County Agricultural Commission	Coordination with DPR and Plumas County Agricultural Commissioner regarding compliance with pesticide use laws and FIFRA
Department of Toxics Substances Control	Coordination with Safe Drinking Water and Toxic Enforcement Acts
Office of Environmental Health Hazard Assessment	Consultation on risk assessment, toxicology of active and inert ingredients of rotenone formulation used, and health and safety issues
Department of Health Services	Monitoring of wells; Section 116571 Health & Safety Code determination of “no permanent adverse impact” on drinking water quality.
CALTRANS	Encroachment Permit
US Fish & Wildlife Service	Section 7 ESA consultation for threatened and endangered species; Biological Assessment and Biological Opinion; Biological Evaluation and Management Indicator Species Report
National Marine Fisheries Service	Section 7 ESA consultation for threatened and endangered species; Biological Assessment and Biological Opinion
US Army Corps of Engineers	Clean Water Act Section 404 Permit

III. PROJECT BACKGROUND AND HISTORY

Lake Davis is a reservoir operated by the DWR for purposes of recreation, fish and wildlife enhancement, and water supply. Pike were first observed in Lake Davis in 1994. Pike are a non-native, invasive fish species that was illegally introduced to California. They have the potential to seriously impact California’s aquatic ecosystems. In 1997, the DFG conducted a pike eradication project involving the application of rotenone to Lake Davis and its upstream tributaries. After this treatment, pike were found again in Lake Davis in 1999. The origin of these pike is unknown. Genetic studies indicate that the current population is the offspring of the initial population, rather than a subsequent introduction from a different population from another location. It is unknown whether the current population 1) came from fish that survived the 1997 treatment, 2) came from pike

that were removed from Lake Davis prior to the treatment and then later reintroduced, or 3) were a second introduction of pike from the original source. Currently, Lake Davis has a thriving population of pike. (See pages S-1 to S-4, 1-1 to 1-10, EIR/EIS.)

Following the rediscovery of pike in 1999, the local community formed the Lake Davis Steering Committee, which holds meetings regularly, with participation by representatives of Federal, state, and local governmental agencies, including the DFG, to share information and address issues regarding pike in Lake Davis. This group developed a plan titled “*Managing Northern Pike at Lake Davis, A Plan for Y2000*” (referred to as the *Y2000 Plan*). This plan outlined a series of measures that might be taken to reduce the Lake Davis pike population (DFG 2000). Since 2000, many of the *Y2000 Plan*’s measures have been used to try to control and contain the pike population within the reservoir. In spite of intensive efforts, these control and containment techniques have not been effective in controlling pike numbers or reducing the chance of pike escaping Lake Davis. In December 2003, the Lake Davis Steering Committee sent a letter to Secretary for Resources Mike Chrisman requesting that the DFG research alternatives for ridding pike from the reservoir, while protecting public health and the local economy. In response, Secretary Chrisman recognized the need for the DFG to investigate safe and effective methods of ridding the State of pike. He also acknowledged that cooperation, protection of public health, and consideration of economic repercussions are important to any decision to effectively deal with the pike. (See pages S-1 to S-4, 1-1 to 1-10, EIR/EIS.)

The DFG, in compliance with CEQA issued a Notice of Preparation (NOP) September 14, 2005. The USFS published a Notice of Intent (NOI) in the Federal Register (Volume 68: Number 217) on September 14, 2005. The date of publication for both the NOP and NOI signified the opening of the scoping period which invited the public to offer comments on the project until public scoping ended on October 31, 2005. See Appendix B of the EIR/EIS for the NOP, the NOI, and the CEQA Initial Study. The project was published in the USFS Schedule of Proposed Actions in July 2006.

Four public scoping meetings on the project were held prior to preparation of this EIR/EIS. Two meetings were held on September 26, 2005, in Portola, California, at the Eastern Plumas Health Care Education Center. The first meeting began at 1:00 p.m.; the second, at 6:30 p.m. The third and fourth meetings were held in Sacramento, California, at the Radisson Hotel on September 28, 2005, at 1:00 p.m. and 6:30 p.m. Public press releases were issued to local radio, television, and print media outlets to notify the public of the meetings. Approximately 4,022 direct mailing notifications were prepared and sent to all residents of Eastern Plumas County. An additional 1,000 notices were sent to potentially interested parties including land owners, residents, various State, local, and Federal agencies along with existing DFG and USFS contacts.

These meetings were conducted to inform the public of the role they could play in the environmental review process and that their scoping comments would be considered in preparing the Draft EIR/EIS and would be published in a scoping report as part of the public record. Information concerning the project background and justification was presented as well as an overview of the Proposed Project and its potential effects, which were identified in the Initial Study. Participants were encouraged to provide verbal comments on the Proposed Project at the scoping meetings, which were recorded by a

note-taker at the meeting for the DFG and USFS. They were also invited to provide written comments. Approximately 108 individuals attended the scoping meetings in Portola, and another 39 individuals attended the meetings in Sacramento.

The public comments received are summarized in the Final Scoping Report for the Proposed Lake Davis Pike Eradication Project (February 2006) and subsequent Errata (June 2006) (Scoping Report), which is available online at: <http://www.dfg.ca.gov/northernpike> and at local DFG and USFS offices. Thirty-nine comments were received at the scoping meetings and another 123 written comments were received by U.S. mail, email, fax, or hand-delivery.

The DFG and USFS actively consulted with representatives of various interested federal, state, and local agencies in developing the Draft EIR/EIS. The Draft EIR/EIS was posted on the DFG website and distributed to the State Clearinghouse and to numerous officials, agencies, libraries, and the DFG and USFS offices. (See Sections 1.6.3 and 1.6.4, EIR/EIS.)

The Notice of Completion (NOC)/Notice of Availability (NOA) of the Draft EIR/EIS was sent to every newspaper in Plumas County published by Feather River Publishing and in several other counties where the DFG and USFS believed there might be people interested in and/or affected by the Proposed Project, e.g., fishermen and recreationists in the Delta. These newspapers included the *Stockton Record*, *Contra Costa Times* and the *Sacramento Bee*. The NOC/NOA and a newsletter explaining the Proposed Project and how and where to obtain a copy of the Draft EIR/EIS were also sent to the six counties surrounding Plumas County (Shasta, Lassen, Butte, Tehama, Sierra, and Placer) and several libraries in Plumas, Quincy, and Sacramento counties. These were also mailed to the Lake Davis mailing list including landowners in the Lake Davis watershed and residents of eastern Plumas County (a total of about 5,500 individuals). (See Section 1.6.4 and 1.6.5, EIR/EIS.)

The NOC was filed with the Office of Planning and Research, State Clearinghouse, on August 31, 2006. The NOA was issued in the Federal Register on September 1, 2006. The 45-day public comment period extended from September 1 to October 16, 2006. The DFG and USFS held four public comment hearings: two in Portola and two in Sacramento. The DFG and USFS received public comments from 103 individuals, agencies, and organizations. These comments were considered and responded to in preparing the Final EIR/EIS. (See Appendix K, EIR/EIS.)

IV. PROJECT BENEFITS

The DFG finds that the Project will benefit the local trout fishery, which has been devastated by the non-native, invasive pike. This will have an associated benefit to the local economy, although there will be short-term economic impacts. In addition, the Project will benefit the state and region. Without the Project, the pike will be allowed to persist; pike pose a serious ecological and economic threat to the state and region. If pike escape or are moved from Lake Davis, they could cause irreversible ecological and economic harm to other areas of the state and region, including the Sacramento-San Joaquin River Delta. This could result in further decline of threatened and endangered

species, the decline of other native fish species and communities, and adversely affect other fish and aquatic species. If this occurred in the Sacramento-San Joaquin River Delta, for example, this would exacerbate the currently stressed state of the Central Valley and San Francisco Bay Estuary aquatic environments. This would in turn exacerbate Delta water conflicts, adversely affecting recreational and commercial fishing, water exports, agriculture, and development. These benefits are explained in greater detail in the EIR/EIS. (See, especially, Appendices A and I, EIR/EIS.)

The Project is designed to allow DFG to move as quickly as possible to eradicate pike in a manner that protects human health and safety and minimizes environmental effects, and associated local economic impacts, to the extent possible.

V. RECORD OF PROCEEDINGS

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the DFG's decision on the Project includes the following documents:

- DFG Initial Study for Lake Davis Pike Eradication Project
- DFG Notice of Preparation, September 14, 2005
- USFS Notice of Intent, September 14, 2005
- Final Scoping Report for the Proposed Lake Davis Pike Eradication Project (February 2006) and subsequent Errata (June 2006)
- Lake Davis Pike Eradication Project Draft EIR/EIS (September 1, 2006) and all appendices thereto
- Lake Davis Pike Eradication Project Final EIR/EIS (January 2006) and all appendices thereto
- All comments submitted by public agencies and members of the public during the public comment period on the Draft EIR/EIS
- All comments and correspondence submitted to DFG with respect to the project, in addition to timely comments on the Draft EIR/EIS
- Responses to Comments on the Draft EIR/EIS
- Documents cited or referenced in the Draft EIR/EIS and Final EIR/EIS
- The Mitigation Monitoring and Reporting Program for the project
- All findings adopted by DFG for the project
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by DFG or consultants to DFG with respect to DFG's compliance with CEQA and with respect to DFG's action on the project
- Any recordings of public meetings, public workshops and public hearings held by DFG in connection with the project
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e)

The official custodian of the record is Manager, Lake Davis Pike Eradication Project, 1416 Ninth Street, Sacramento, CA 95814.

VI. FINDINGS REQUIRED BY CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such project.” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 further states that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” (See also CEQA Guidelines, sections 15901 and 15092.)

The mandate and principles enunciated in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first of such findings is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR. In their application to the project, the adopted mitigation measures are among the “changes or alterations” referenced in this finding. Other “changes and alterations” are discussed herein. The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. The third potential finding is that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR. (CEQA Guidelines, section 15091.)

As explained elsewhere in these findings, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sequoyah Hills Homeowner Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. In the process of adopting mitigation, DFG has made a determination regarding whether the mitigation proposed in the EIR/EIS is “feasible.” In some cases, modifications may have been made to the mitigation measures proposed in the EIR/EIS to update, clarify, streamline, correct, or revise those measures. Where that has occurred, these are discussed herein.

With respect to a project for which significant environmental impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the agency found the project’s benefits outweigh its unavoidable adverse environmental effects. (See Public Resources Code, section 21002; CEQA Guidelines section 15093.) In the process of considering the EIR/EIS for certification, DFG has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental effects impacts will not be reduced to a less-than-significant level with adopted mitigation, DFG has found that specific economic, social, and other considerations support approval of the Project. Those findings are reflected herein below in Section IX (Significant Effects and Mitigation Measures) and in Section XIII (Statement of Overriding Considerations).

VII. MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) was prepared for the Project, and was adopted with these findings, in accordance with CEQA Guidelines sections 15091(d) and 15097. The DFG will use the MMRP to track compliance with applicable Project mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is attached to these findings as Exhibit B. The MMRP is approved in conjunction with certification of the EIR/EIS and adoption of these findings.

Pursuant to Section 15091(d) of the CEQA Guidelines, all feasible mitigation measures that avoid or substantially lessen the significant effects of the Project and that are adopted by DFG become binding on the Project at the time of approval as requirements of the Project.

VIII. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The EIR/EIS identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the Project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other significant effects cannot be avoided or substantially lessened by the adoption of feasible mitigation measures or alternatives, and thus may be significant and unavoidable. For reasons set forth in Section XIII *infra*, however, DFG

has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the Project.

DFG's findings with respect to the Project's significant effects and mitigation measures are set forth in the EIR/EIS and these Findings include the table attached to these findings as Exhibit A (Findings Table). The findings set forth in Exhibit A are hereby incorporated by reference.

The Findings Table does not attempt to describe the full analysis of each environmental impact contained in the EIR/EIS. Instead, the Findings Table provides a summary description of each impact of the Project (Modified Alternative D and Contingency Plan), describes the applicable mitigation measures identified in the EIR/EIS and adopted by DFG (in some instances after modifications, as explained below), and states DFG's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR/EIS and associated record (described herein), and these findings hereby incorporate by reference the discussion and analysis in the EIR/EIS and record supporting DFG's determinations regarding the impacts of the Project and the mitigation measures designed to address those impacts. In making these findings, DFG adopts and incorporates in these findings the determinations and conclusions of the EIR/EIS relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The following general findings are made by DFG:

For all impacts identified as less-than-significant in the EIR/EIS, the less-than-significant impact determination is hereby confirmed by DFG based on the evidence and analysis provided in the record.

For all adopted mitigation measures, DFG hereby directs that the stated mitigation measure shall be incorporated into the MMRP. DFG finds that each such measure is appropriate and feasible, and will lessen the impact to some degree.

In analyzing the merits of the proposed project and alternatives, DFG made modifications to the original wording of some of the mitigation measures presented in the EIR/EIS. To the extent this was done, the modifications are for the purposes of clarification of the measure and implementation. These clarifications are not considered to constitute "significant new information," as that term is defined in CEQA, unless the EIR/EIS is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. CEQA Guidelines, Section 15088.5(a) provides that "significant new information" requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- (2) A substantial increase in the severity of an environmental impact result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally flawed and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.)

The DFG hereby determines based on substantial evidence in the record that the changes to the mitigation measure serve to clarify, amplify, or make insignificant modifications to an adequate EIR, and do not trigger any of these thresholds. Therefore, recirculation of the EIR/EIS (or part thereof) is not required because of these changes.

The DFG has adopted all of the mitigation measures identified in the Findings Table and also in the MMRP which is attached as Exhibit B. Some of the measures identified in the Findings Table are also within the jurisdiction and control of other agencies. To the extent of any of the mitigations are within the jurisdiction of other agencies, DFG finds those agencies can and should implement those measures within their jurisdiction and control. (See CEQA Guidelines, section 15091(a)(2).)

IX. PROJECT ALTERNATIVES

A. INTRODUCTION

Pursuant to Section 15126.6 of the CEQA Guidelines, the EIR/EIS considered a total of seven alternatives to the project. The EIR/EIS examines the proposed project and six alternatives (No Project/No Action and Alternatives A-E) to the proposed project at an equal level of detail. These project alternatives are described in detail in Section 2 of the EIR/EIS. Brief descriptions are provided here and in Section E below.

Proposed Project: Treatment of Lake Davis and tributary waters with liquid rotenone at a reservoir volume of 15,000 acre-feet

No Project/No Action: No eradication treatment of Lake Davis and tributary waters

Alternative A: Treatment of Lake Davis with powdered rotenone and liquid rotenone in tributary waters at a reservoir volume of 15,000 acre-feet

Alternative B: Treatment of Lake Davis and tributary waters with liquid rotenone at a reservoir volume of 5,000 acre-feet

Alternative C: Treatment of Lake Davis and tributary waters with liquid rotenone at a reservoir volume of 35,000 acre-feet

Alternative D: Treatment of Lake Davis and tributary waters with liquid rotenone at a reservoir volume of 48,000 acre-feet

Alternative E: Non-chemical complete dewatering treatment of Lake Davis and tributary waters

B. FEASIBILITY OF ALTERNATIVES

Section 15126.6(f) of the CEQA Guidelines provides a discussion of the factors that can be taken into account in determining the feasibility of alternatives. These factors include:

- Failure to achieve the basic objectives of the project
- Failure to avoid or substantially lessen significant environmental effects of the project
- Site suitability
- Economic viability
- Availability of infrastructure
- General plan consistency
- Limitations of other plans or regulations
- Jurisdictional boundaries
- Ability of the project proponent to reasonably acquire, control, or otherwise have access to an alternative site
- Alternatives for which effects cannot be reasonably ascertained and whose implementation is remote and speculative

Based on impacts identified in the EIR/EIS, and other reasons documented below, DFG finds that adoption and implementation of the Project as approved is the most desirable, feasible, and appropriate action and rejects the other alternatives as either less desirable or infeasible based on consideration of the relevant factors identified herein. A summary of each alternative and its relative characteristics, and documentation of DFG's findings in support of rejecting the alternative as less desirable or infeasible are provided below. (See Section D.) In summary, Alternative E is not likely to meet the primary project objective of eradicating pike because of questions raised about its feasibility, and although the Proposed Project and Alternatives A, B, and C are feasible, none of them achieves a level of environmental protection that warrants approval in lieu of the approved Project.

C. IMPACTS NOT SUBSTANTIALLY LESSENER BY MITIGATION IN THE EIR/EIS

The Project will result in the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation:

Modified Alternative D

Modified Alternative D will result in the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation:

Impact WQ-17:¹ If drawdown is required, it could result in elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments. (See Table S-5 (pages S-57 to S-62) and pages 3-30 to 3-32, 3-37 to 3-53, 3-58 to 3-59, EIR/EIS.)

Impact WQ-26:² Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-6 (pages S-63 to S-66) and pages 3-55 and 3-61, EIR/EIS.)

Impact AR-7: Treatment of Lake Davis would impact littoral invertebrate communities within the reservoir, and re-establishment may take longer than two years. (See Table S-6 (pages S-63 to S-66) and pages 7-40, 7-61, EIR/EIS.)

Impact AR-8: Treatment of Lake Davis would impact individual taxa of littoral macroinvertebrates within the reservoir, and there may be a loss of individual taxa for more than two years. (See Table S-6 (pages S-63 to S-66) and pages 7-40, 7-61, EIR/EIS.)

Impact AR-10: Impacts of treatment of tributary streams on special status macroinvertebrate species in tributary streams. (See Table S-6 (pages S-63 to S-66) and pages 7-45, 7-61, EIR/EIS.)

Impact AR-12: Treatment of tributary streams would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-6 (pages S-63 to S-66) and pages 7-46, 7-61, EIR/EIS.)

Impact AR-14: Impacts of treatment of springs and other waters on the amphibious caddisfly, *D. bethula*, if springs in which it occurs are treated. (See Table S-6 (pages S-63 to S-66) and pages 7-47, 7-61, EIR/EIS.)

Impact AR-16: Treatment of springs and other waters would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-6 (pages S-63 to S-66) and pages 7-48, 7-61, EIR/EIS.)

Impact HEH-2: Treatment of waters would have toxicity effects to littoral macroinvertebrate communities and some aquatic invertebrate populations, and

¹ Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact WQ-22). However, because some active drawdown to 45,000 acre-feet is possible, and further reductions in reservoir volume (to 38,000 acre-feet) are not likely but could occur, the impact is identified as WQ -17.

² Under Modified Alternative D, the impact is identified as that of Alternative D (Impact WQ-26). The impact under Alternative C is the same as that under Alternative D, although it is identified as WQ-21. There is no substantive difference between the impacts under Alternatives C and D. Therefore, the impact is identified as WQ-26)

the re-establishment of the affected aquatic invertebrates may take longer than two years. (See Table S-6³ (pages S-63 to S-66) and page 14-39, EIR/EIS.)

Cumulative tributary incision impacts: If drawdown is required for the project, the project could contribute to cumulative tributary incision impacts in the manner, if not the magnitude, of Alternative C. (See pages 3-32, 3-37 to 3-40, EIR/EIS.)

Cumulative surface water quality impacts: Turbidity in Lake Davis, elevated bacteria level, and increased suspended sediment turbidity and reduced dissolved oxygen in Big Grizzly Creek. (See pages 3-66, 3-58 to 3-61, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. (See pages 11-18 to 11-20, EIR/EIS.) DFG believes this mitigation will be adopted by DWR; therefore, the impact will be mitigated to a less-than-significant level. But because DFG, as lead agency for the EIR, cannot implement Mitigation Measure R-3 without the approval of DWR, DFG must identify this as a potentially significant and unavoidable impact.

Contingency Plan

The Contingency Plan will result in the following potentially significant and unavoidable impacts⁴, even with the implementation of all feasible mitigation:

Impact WQ-18: If the reservoir volume is significantly less than the normal operating volume of 45,000 acre-feet, but still deep enough to undergo thermal stratification (See Section 3.2.2.4, Anoxic Condition, EIR/EIS), anoxic reservoir conditions would develop earlier in the summer season. (See Table S-5 (pages S-57 to S-62), and pages 3-53 to 3-60, EIR/EIS.)

Impact WQ-21: Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-5 (pages S-57 to S-62) and pages 3-55, 3-60, EIR/EIS.)

³ This impact is identified in Table S-6, page S-66; however, the level of significance after mitigation is not clearly identified in this table. As such, the table is misleading, but the discussion in Section 14 is correct.

⁴ Impacts of the Project are expected to be closer to those anticipated under the EIR's analysis of Alternative D. However, because some active drawdown to 45,000 acre-feet is possible and further reductions in reservoir volume (to 38,000 acre-feet) are not likely but could occur, the impacts of the Contingency Plan include some that are identified under Alternative C. The impacts of the reservoir being at a volume of less than 45,000 acre-feet are most likely to occur as a result of natural or other, such as evaporation, and not necessarily DFG actions attributable to the project. Nevertheless, to be conservative, DFG finds that these impacts are significant and unavoidable.

Impact AR-7: Treatment of Lake Davis would impact littoral invertebrate communities within the reservoir, and re-establishment may take longer than two years. (See Table S-5 (pages S-57 to S-62) and pages 7-40, 7-60, EIR/EIS.)

Impact AR-8: Treatment of Lake Davis would impact individual taxa of littoral invertebrates within the reservoir, and there may be a loss of individual taxa for more than two years. (See Table S-5 (pages S-57 to S-62) and pages 7-40, 7-60, EIR/EIS.)

Impact AR-10: Impacts of treatment of tributary streams on special status macroinvertebrate species in tributary streams. (See Table S-5 (pages S-57 to S-62) and pages 7-45, 7-60, EIR/EIS.)

Impact AR-12: Treatment of tributary streams would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-5 (pages S-57 to S-62) and pages 7-46, 7-60, EIR/EIS.)

Impact AR-14: Impacts of treatment of springs and other waters on the amphibious caddisfly, *D. bethula*, if springs in which it occurs are treated. (See Table S-5 (pages S-57 to S-62) and pages 7-47, 7-61, EIR/EIS.)

Impact AR-16: Treatment of springs and other waters would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-5 (pages S-57 to S-62) and pages 7-47 to 7-61, EIR/EIS.)

Impact A-8: A band of bare shoreline would be visible to recreationists and the general public for up to eight months during the year treatment would occur and for an additional 2-18 months (assuming a reservoir volume of 35,000 acre-feet, which is lower than the 38,000 acre-feet minimum under the contingency plan) during refill. (See Table S-5 (pages S-57 to S-62) and pages 9-17 to 9-18, 9-21, EIR/EIS.)

Impact HEH-2: Treatment of waters would have toxicity effects to littoral macroinvertebrate communities and some aquatic invertebrate populations, and the re-establishment of the affected aquatic invertebrates may take longer than two years. (See Table S-5 (pages S-57 to S-62) and pages 14-39, 14-55, 14-56, EIR/EIS.)

Cumulative tributary incision impacts: Certain direct and cumulative tributary incision impacts. (See pages 3-32, 3-37 to 3-40, EIR/EIS.)

Cumulative surface water quality impacts: Turbidity in Lake Davis, elevated bacteria level, and increased suspended sediment turbidity and reduced dissolved oxygen in Big Grizzly Creek. (See pages 3-63 to 3-67, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. (See pages 11-18 to 11-20, EIR/EIS.) DFG believes this mitigation would be adopted by DWR; therefore, the impact would be mitigated to a less-than-significant level. But because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the approval of DWR, DFG must identify this as a potentially significant and unavoidable impact.

D. SCOPE OF NECESSARY FINDINGS AND CONSIDERATIONS FOR PROJECT ALTERNATIVES

These findings address whether the various alternatives lessen or avoid any of the significant unavoidable impacts associated with the project and consider the feasibility of each alternative. Under CEQA, “(f)feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, section 15364.) The concept of feasibility permits agency decision-makers to consider the extent to which an alternative is able to meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses desirability to the extent an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors.

The DFG finds that the range of alternatives studied in the EIR/EIS reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the proposed project’s environmental effects, while accomplishing most but not all of the project objectives. (See Section 2 and Alternatives Formulation Report, Appendix C, EIR/EIS.) Upon full evaluation, many of the alternatives initially identified were found to be capable of reducing the environmental impacts of the project. The DFG finds that the alternatives analysis is sufficient to inform the decision-maker and the public regarding the tradeoffs between the degree to which alternatives to the proposed project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder DFG’s ability to achieve its project objectives.

The DFG is free to reject any alternative that it considers undesirable from a policy standpoint, provided that such a decision reflects a reasonable balancing of various “economic, social, and other factors.” (*City of Del Mar v. City of San Diego*, (1982) 133 Cal.App.3d 401, 417. Public Resources Code, section 21002.1.) As the California Supreme Court has emphasized, “[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and its constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be

informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553, 576 (“*Goleta II*”).)

The broad definition of feasibility under CEQA recognizes by implication the inevitable need to allow agency decisionmakers to consider the policy ramifications of their actions, while requiring them generally to strive to find means to avoid or reduce significant environmental damage where reasonably possible. However, CEQA does not require DFG to limit its consideration of infeasibility to narrow definitions. Instead, feasibility encompasses policy considerations beyond merely quantitative economic calculations: “feasibility involves a balancing of various ‘economic, environmental, social, and technological factors.’” (*City of Del Mar*, 133 Cal.App 3d at 418.)

The *City of Del Mar* case stands for the proposition that, “feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors. (133 Cal.App 3d at p. 417.) Accordingly, when a reviewing court considers an agency’s determination that alternatives are “infeasible” the proper inquiry is whether the agency reasonably balanced competing environmental, economic, social, and technological considerations, and has supported its decision with substantial evidence.

Further, the agency’s findings on the feasibility of the alternatives may be supported by any “substantial evidence in the record.” (Public Resources Code, section 21081.5; CEQA Guidelines, section 15091, subd. (b); see also *Sequoyah Hills Homeowners Association v. City of Oakland*, (1993) 23 Cal.App 4th 704, 715 (in assessing the feasibility of alternatives in findings, “the agency may receive such information in whatever form it desires”).)

E. DESCRIPTION OF PROJECT ALTERNATIVES

Proposed Project

Description: Treatment of Lake Davis and tributary waters with liquid rotenone at a reservoir volume of 15,000 acre-feet

Ability to Reduce Significant Unavoidable Impacts:

The Proposed Project would not avoid any of the Project’s significant and unavoidable impacts. Additionally, under the Proposed Project, drawdown would be required and would be greater than under the Project, assuming there is any drawdown under the Project. Therefore, some significant unavoidable impacts would occur under the Proposed Project, but not the Project; some would be equivalent to the Project, and some would be greater under the Proposed Project, including the following:

Impact WQ-1: Elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments and organic deposits. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact WQ-2: At 15,000 acre-feet, the water depth in the reservoir is reduced by about 15 feet, and the surface area would be about half the area that is present during normal operating volume. Much of the remaining surface area would be less than 20 feet deep. The deeper portions of the reservoir pool (about 25 feet or greater) would still develop thermal stratification and eventually become anoxic at depth. There would be lower water volume and the majority of the drawdown would occur from the lowest release point in the dam. Therefore, anoxic reservoir condition would develop earlier in the summer than under the No Project/No Action Alternative and the Project. (See Table S-2⁵, pages S-29 to S-43, 3-53 to 3-54, EIR/EIS.)

Impact WQ-5: Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact AR-3: The impacts of the Proposed Project on the littoral macroinvertebrate community from lake lowering would be significant and unavoidable. The timeframe required for the littoral invertebrate community to reestablish itself may exceed two years. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact AR-4: The Proposed Project may result in the loss of one or more macroinvertebrate species from lake lowering, which would be a significant and unavoidable impact. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact AR-7: Treatment of Lake Davis would impact littoral invertebrate communities within the reservoir, and re-establishment may take longer than two years. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact AR-8: Treatment of Lake Davis would impact individual taxa of littoral invertebrates within the reservoir, and there may be a loss of individual taxa for more than two years. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact AR-10: Impacts of treatment of tributary streams on special status macroinvertebrate species in tributary streams. (See Table S-2 (pages S-29 to S-43) and pages 7-45, 7-61, EIR/EIS.)

Impact AR-12: Treatment of tributary streams would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

⁵ This impact is identified in Table S-2, page S-29; however, the level of significance after mitigation is not clearly identified in this table. As such, the table is misleading, but the discussion in Section 3 is correct.

Impact AR-14: Impacts of treatment of springs and other waters on the amphibious caddisfly, *D. bethula*, if springs in which it occurs are treated. (See Table S-2 (pages S-29 to S-43) and pages 7-47, 7-61, EIR/EIS.)

Impact AR-16: Treatment of springs and other waters would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact A-1: A band of bare shoreline would be visible as foreground and middleground views to recreationists and the general public for up to eight months (assuming a reservoir volume of 15,000 acre-feet) during the year treatment would occur and for an additional 5-25 months for refill. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact HEH-2: Treatment of waters would have toxicity effects to littoral macroinvertebrate communities and some aquatic invertebrate populations, and the re-establishment of the affected aquatic invertebrates may take longer than two years. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. Because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the approval of DWR this would be a potentially significant and unavoidable impact. (See Table S-2, pages S-29 to S-43, EIR/EIS.)

Ability to Meet Project Objectives:

The Proposed Project would meet the primary objective of successfully eradicating pike from Lake Davis and its tributary waters. In addition, it would meet many of the secondary objectives. It would:

- carry out the project quickly to reduce the ongoing risk that pike will escape or be moved from the reservoir and spread to other waters;
- use a method that has been proven to be effective in laboratory and field experiments;
- use a method that is technically feasible to implement;
- comply with applicable laws; and
- protect public health and safety.

However, the EIR/EIS shows that the Proposed Project would not minimize environmental impacts as well as the Project. The reservoir would be drawn down to a volume of 15,000 acre-feet; the surface elevation would be 5,749 feet. Therefore, under the Proposed Project there would only be one area on the southeast corner of the reservoir where boats could be launched. In addition, a forest closure for the protection of cultural

resources would prohibit access to Lake Davis during the period of drawdown below 45,000 acre-feet and refill to that level (potentially 25 months). During this period, recreation would be adversely affected and there would be associated local economic impacts. In addition, drawdown to 15,000 acre-feet and associated refill period would have a potential impact to domestic water supply because the intake valve for the new water treatment plant is at 5,750 feet. Drawdown to this volume would also impact the nesting gull colony on the island in Lake Davis because a land bridge becomes exposed at a volume of 36,000 acre-feet. The Proposed Project would have impacts to bald eagle; it would require a period of supplemental feeding for bald eagles. They are greater than under the Project and Alternatives C and D; and less than under Alternatives B and E; and the same as under Alternative A.

Feasibility:

There would be greater environmental effects under the Proposed Project than the Project. Feasible mitigation measures are available to mitigate significant effects that are not unavoidable. However, the Proposed Project does not minimize recreational and other environmental effects to as great a degree as the Project. As a result, the Proposed Project would have a greater short-term local economic impact. For the foregoing reasons, DFG rejects this project alternative.

No Project/No Action

Description: No eradication treatment of Lake Davis and tributaries; pike would continue to be managed under a control and containment strategy so long as they remained contained in Lake Davis. This could lead to changes in fisheries management at the reservoir. Any significant changes to fisheries management at Lake Davis would be done in cooperation with the Lake Davis Steering Committee.

Ability to Reduce Significant Unavoidable Impacts:

The No Project/No Action Alternative would avoid all of the Project's significant unavoidable impacts. However, it would result in the following other significant unavoidable impacts.

Continued existence of pike: Under the No Project/No Action Alternative eradication of pike would not occur. The continued existence of pike in Lake Davis would likely lead to the expansion of the pike population in the reservoir, and the continued decline in the trout fishery there. In addition, it would likely lead to escape of pike from Lake Davis and to the spread of pike to other areas of the state and region. This would cause irreversible ecological and economic harm to other areas of the state, including the Sacramento-San Joaquin River Delta, were pike to become established. (See, especially, Appendices A, I, EIR/EIS.)

Impacts to fish-eating terrestrial wildlife due to temporary reduction of the fish community: The No Project/No Action Alternative would adversely affect bald eagles and osprey at Lake Davis because the persistence of pike would lead to the progressive decrease in the availability of fish in Lake Davis that are prey to bald eagles and osprey. (See, especially, Appendices A, I, EIR/EIS.)

Impacts on law enforcement: The No Project/No Action Alternative would adversely affect law enforcement because there would be an increased need for law enforcement to protect against potential transport of pike from the reservoir. (See pages 13-9 to 13-10, EIR/EIS.).

Impacts on downstream water supplies: The No Project/No Action Alternative would likely result in pike escapement, and their establishment in the Delta. Potential management responses to the presence of pike in the Delta would likely entail reductions in Delta water exports. (See pages 13-11 to 13-12, EIR/EIS.)

Ability to Meet Project Objectives:

The EIR/EIS and the history of pike management at Lake Davis show that the No Project/No Action Alternative would not meet the primary objective of successfully eradicating pike from Lake Davis and its tributary waters.

Feasibility:

The No Project/No Action Alternative would fail to meet the most basic objective of the project, which is to successfully eradicate pike from Lake Davis and its tributary waters. The persistence of pike in Lake Davis would result in the continuing decline in the local trout fishery and the associated adverse local economic effects. In addition, the threat of pike escaping and spreading would persist. Their escape would cause irreversible ecological and economic harm to other areas of the state and region, including the Sacramento-San Joaquin River Delta. For the foregoing reasons, DFG rejects this project alternative.

Alternative A

Description: Treatment of Lake Davis and tributary waters with powdered rotenone at a reservoir volume of 15,000 acre-feet. This alternative has the same features as the Proposed Project except that it involves the use of powdered rotenone for treatment of Lake Davis.

Ability to Reduce Significant Unavoidable Impacts:

Alternative A would not avoid any of the Project's significant and unavoidable impacts. Under Alternative A, drawdown would be required and would be greater than under the Project, assuming there is any drawdown under the Project. Therefore, some significant unavoidable impacts would occur under the Alternative A, but not the Project; some would be equivalent to the Project, and some would be greater under the Alternative A, including the following:

Impact WQ-6: Elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments and organic deposits. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact WQ-7: At 15,000 acre-feet, the water depth in the reservoir is reduced by about 15 feet, and the surface area would be about half the area that is present during normal operating volume. Much of the remaining surface area would be

less than 20 feet deep. The deeper portions of the reservoir pool (about 25 feet or greater) would still develop thermal stratification and eventually become anoxic at depth. There would be lower water volume and the majority of the drawdown would occur from the lowest release point in the dam. Therefore, anoxic reservoir condition would develop earlier in the summer than under the No Project/No Action Alternative and the Project. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact WQ-10: Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact AR-3: The impacts of Alternative A on the littoral macroinvertebrate community from lake lowering would be significant and unavoidable. The timeframe required for the littoral invertebrate community to reestablish itself may exceed two years. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact AR-4: Alternative A may result in the loss of one or more macroinvertebrate species from lake lowering, which would be a significant and unavoidable impact. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact AR-7: Treatment of Lake Davis would impact littoral invertebrate communities within the reservoir, and re-establishment may take longer than two years. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact AR-8: Treatment of Lake Davis would impact individual taxa of littoral invertebrates within the reservoir, and there may be a loss of individual taxa for more than two years. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact AR-10: Impacts of treatment of tributary streams on special status macroinvertebrate species in tributary streams. (See Table S-3 (pages S-44 to S-49) and pages 7-45, 7-61, EIR/EIS.)

Impact AR-12: Treatment of tributary streams would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact AR-14: Impacts of treatment of springs and other waters on the amphibious caddisfly, *D. bethula*, if springs in which it occurs are treated. (See Table S-3 (pages S-44 to S-49) and pages 7-47, 7-61, EIR/EIS.)

Impact AR-16: Treatment of springs and other waters would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact A-6: A band of bare shoreline would be visible as foreground and middleground views to recreationists and the general public for up to eight months (assuming a reservoir volume of 15,000 acre-feet) during the year treatment would occur and for an additional 5-25 months for refill. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact HEH-2: Treatment of waters would have toxicity effects to littoral macroinvertebrate communities and some aquatic invertebrate populations, and the re-establishment of the affected aquatic invertebrates may take longer than two years. (See Table S-3, pages S-44 to S-49, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. Because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the approval of DWR this would be a potentially significant and unavoidable impact. (See Section 11, pages 11-14 to 11-22, EIR/EIS.) DFG believes this mitigation would be adopted by DWR; therefore, the impact would be mitigated to a less-than-significant level. But because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the approval of DWR, DFG must identify this as a potentially significant and unavoidable impact.

Ability to Meet Project Objectives:

Alternative A may meet the primary objective of successfully eradicating pike from Lake Davis and its tributary waters. In addition, it would meet many of the secondary objectives. It would:

- carry out the project quickly to reduce the ongoing risk that pike will escape or be moved from the reservoir and spread to other waters;
- use a method that has been proven to be effective in laboratory and field experiments;
- comply with applicable laws; and
- protect public health and safety.

However, powdered rotenone is not designed to spread throughout the water column like liquid rotenone. Thus it may not be as effective as the liquid formulation. In addition, the EIR/EIS shows that Alternative A would not minimize environmental impacts as well as the Project. For example, with respect to human and ecological health, the use of powdered rotenone involves potential impacts that liquid rotenone does not, such as inhalation risk to applicators that can be minimized through the use of personal protective equipment, and inhalation risk of fugitive rotenone dust that can be minimized by covered mixing (Mitigation HEH-13 and HEH-14). In addition, Alternative A has the same impacts as the Proposed Project. There would only be one area on the southeast corner of the reservoir where boats could be launched. Under Alternatives C and D, two

boat ramps are available. In addition, the reservoir would be drawn down to a volume 15,000 acre-feet; a surface elevation of 5,749 feet. Therefore, a forest closure for the protection of cultural resources would prohibit access to Lake Davis during the period of drawdown below 45,000 acre-feet and refill to that level (potentially 25 months). There would be significant impacts to recreation during this period and associated local economic impacts. In addition, drawdown to a volume of 15,000 acre-feet and associated refill period would have a potential impact to domestic water supply because the intake valve for the new water treatment plant is at 5,750 feet. Drawdown to this volume would also impact the nesting gull colony on the island in Lake Davis because a land bridge becomes exposed at a volume of 36,000 acre-feet. Alternative A would have impacts to bald eagle; it would require a period of supplemental feeding for bald eagles. These impacts associated with drawdown and refill are the same as under the Proposed Project. They are greater than under the Project and Alternatives C and D and less than under Alternatives B and E.

Feasibility:

Powdered rotenone is not designed to spread throughout the water column like liquid rotenone. Therefore, it may not be as effective as the liquid formulation. In addition, there would be greater environmental effects under Alternative A than the Project. Feasible mitigation measures are available to mitigate significant effects that are not unavoidable. However, Alternative A does not minimize recreational and other environmental effects to as great a degree as the Project. As a result, Alternative A would have a greater short-term local economic impact. For the foregoing reasons, DFG rejects this project alternative.

Alternative B

Description: Treatment of Lake Davis and tributary waters with liquid rotenone at a reservoir volume of 5,000 acre-feet

Ability to Reduce Significant Unavoidable Impacts:

Alternative B would not avoid any of the Project's significant and unavoidable impacts. Under Alternative B, drawdown would be required and would be greater than under the Project, assuming there is any drawdown under the Project. Therefore, some significant unavoidable impacts would occur under the Alternative B but not the Project, some would be equivalent to the Project, and would be greater under the Alternative B including the following:

Impact WQ-12: Elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments and organic deposits. At 5,000 acre-feet, the surface area would be about one-fifth the area that is present during normal operating volume. Therefore, the magnitude of turbidity impacts would be higher under Alternative B than under the No Project/No Action Alternative, Proposed Project, Alternative A, and the Project. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact WQ-13: Anoxic reservoir condition would develop earlier in the summer than under the No Project/No Action Alternative, Proposed Project, Alternative

A, and the Project. Anoxic conditions would not be expected to occur during the implementation phase, but would be expected during subsequent seasons before the refill level has been reached. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact WQ-16: Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact AR-4: Alternative B may result in the loss of one or more macroinvertebrate species from lake lowering, which would be a significant and unavoidable impact. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact AR-7: Treatment of Lake Davis would impact littoral invertebrate communities within the reservoir, and re-establishment may take longer than two years. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact AR-8: Treatment of Lake Davis would impact individual taxa of littoral invertebrates within the reservoir, and there may be a loss of individual taxa for more than two years. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact AR-10: Impacts of treatment of tributary streams on special status macroinvertebrate species in tributary streams. (See Table S-4 (pages S-50 to S-56) and pages 7-45, 7-61, EIR/EIS.)

Impact AR-12: Treatment of tributary streams would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact AR-14: Impacts of treatment of springs and other waters on the amphibious caddisfly, *D. bethula*, if springs in which it occurs are treated. (See Table S-4, pages S-50 to S-56, and pages 7-47, 7-61, EIR/EIS.)

Impact AR-16: Treatment of springs and other waters would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact AR-35: The impacts of Alternative B desirable fish species would be significant and unavoidable. While the Fisheries Management Plan would tend to mitigate this impact in the long term, there is a 75-percent chance that it would take longer than 2 years for the reservoir to refill. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact AR-37: Lowering of Lake Davis would impact littoral invertebrate communities and macroinvertebrate communities, and re-establishment would take longer than two years. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact TW-8: Lowering of Lake Davis would provide a land or shallow-water connection (land bridge) to the island in Lake Davis that is used as a colonial nesting site by California gulls, allowing predators access to the island when nesting gulls and chicks are highly vulnerable. (See Table S-4, pages S-50 to S-56, page 7-165, EIR/EIS.)

Impact A-7: A band of bare shoreline would be visible to recreationists and the general public for up to eight months during the year treatment would occur and for an additional 6-38 months for refill. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact HEH-2: Treatment of waters would have toxicity effects to littoral macroinvertebrate communities and some aquatic invertebrate populations, and the re-establishment of the affected aquatic invertebrates may take longer than two years. (See Table S-4, pages S-50 to S-56, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. DFG believes this mitigation would be adopted by DWR; therefore, the impact would be mitigated to a less-than-significant level. But because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the approval of DWR, DFG must identify this as a potentially significant and unavoidable impact. (See Section 11, pages 11-14 to 11-22, EIR/EIS.)

Ability to Meet Project Objectives:

Alternative B would meet the primary objective of successfully eradicating pike from Lake Davis and its tributary waters. In addition, it would meet many of the secondary objectives. It would:

- carry out the project quickly to reduce the ongoing risk that pike will escape or be moved from the reservoir and spread to other waters;
- use a method that has been proven to be effective in laboratory and field experiments;
- use a method that is technically feasible to implement;
- comply with applicable laws; and
- protect public health and safety.

However, the EIR/EIS shows that Alternative B would not minimize environmental impacts as well as the Project. This alternative would have greater impacts than the all of the action alternatives except Alternative E. Under Alternative B the reservoir would be drawn down to volume of 5,000 acre-feet; the surface water elevation would be 5,738 feet. Like the Proposed Project there would only be one area on the southeast corner of

the reservoir where boats could be launched. In addition, because the reservoir would be drawn down to 5,000 acre-feet, a forest closure for the protection of cultural resources would prohibit access to Lake Davis during the period of drawdown below 45,000 acre-feet and refill to that level (potentially 38 months). There would be significant impacts to recreation during this period and associated local economic impacts. In addition, drawdown to 5,000 acre-feet and associated refill period would have greater potential impact to domestic water supply because the intake valve for the new water treatment plant is at surface level 5,750 feet; under Alternative B the reservoir would be drawn down to 5,738 feet. In addition, under Alternative B the nesting gull colony on the island in Lake Davis would be impacted because a land bridge to the island would be exposed at reservoir volume of 36,000 acre-feet. Also as a result of the longer refill period, Alternative B would have greater impacts to bald eagle; it would require a longer period of supplemental feeding for bald eagles. These impacts of Alternative B are greater than the impacts of the Project, the Proposed Project, and Alternatives A, C, and D.

Feasibility:

There would be greater environmental effects under Alternative B than the Project and other action alternatives, except Alternative E. Feasible mitigation measures are available to mitigate significant effects that are not unavoidable. However, Alternative B does not minimize recreational and other environmental impacts to as great a degree as the Project. Therefore, Alternative B would also have a greater short-term local economic impact than the Project. For the foregoing reasons, DFG rejects this project alternative.

Alternative C

Description: Treatment of Lake Davis and tributary waters with liquid rotenone at a reservoir volume of 35,000 acre-feet

Ability to Reduce Significant Unavoidable Impacts:

Alternative C would not avoid any of the Project's significant and unavoidable impacts. Under Alternative C, drawdown would be required and would be greater than under the Project, assuming there is any drawdown under the Project. Therefore, some significant unavoidable impacts would occur under the Alternative C but not the Project, some would be equivalent to the Project, and would be greater under the Alternative C including the following:

Impact WQ-17: Elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments and organic deposits. The magnitude of turbidity impacts under Alternative C would be less than under the Proposed Project, Alternative A, and Alternative B. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact WQ-18: At 35,000 acre-feet, the volume would be larger than under the Proposed Project. Anoxic reservoir conditions would develop later in the summer than under the Proposed Project, Alternative A, and Alternative B. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact WQ-21: Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact AR-7: Treatment of Lake Davis would impact littoral invertebrate communities within the reservoir, and re-establishment may take longer than two years. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact AR-8: Treatment of Lake Davis would impact individual taxa of littoral invertebrates within the reservoir, and there may be a loss of individual taxa for more than two years. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact AR-10: Impacts of treatment of tributary streams on special status macroinvertebrate species in tributary streams. (See Table S-5, pages S-57 to S-62, and pages 7-45, 7-61, EIR/EIS.)

Impact AR-12: Treatment of tributary streams would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact AR-14: Impacts of treatment of springs and other waters on the amphibious caddisfly, *D. bethula*, if springs in which it occurs are treated. (See Table S-5 (pages S-57 to S-62) and pages 7-47, 7-61, EIR/EIS.)

Impact AR-16: Treatment of springs and other waters would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact A-8: A band of bare shoreline would be visible to recreationists and the general public for up to eight months during the year treatment would occur and for an additional 2-18 months during refill. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact HEH-2: Treatment of waters would have toxicity effects to littoral macroinvertebrate communities and some aquatic invertebrate populations, and the re-establishment of the affected aquatic invertebrates may take longer than two years. (See Table S-5, pages S-57 to S-62, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. (See Section 11, pages 11-14 to 11-22, EIR/EIS.) DFG believes this mitigation would be adopted by DWR; therefore, the impact would be mitigated to a less-than-

significant level. But because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the approval of DWR, DFG must identify this as a potentially significant and unavoidable impact.

Ability to Meet Project Objectives:

Alternative C would meet the primary objective of successfully eradicating pike from Lake Davis and its tributary waters. In addition, it would meet many of the secondary objectives. It would:

- carry out the project quickly to reduce the ongoing risk that pike will escape or be moved from the reservoir and spread to other waters;
- use a method that has been proven to be effective in laboratory and field experiments;
- use a method that is technically feasible to implement;
- comply with applicable laws; and
- protect public health and safety.

However, the EIR/EIS shows that Alternative C would not minimize environmental impacts as well as the Project. Under Alternative C the reservoir would be drawn down to a volume of 35,000 acre-feet. This would require a forest closure for the protection of cultural resources that would prohibit access to Lake Davis during the period of drawdown below 45,000 acre-feet and refill to that level (potentially 18 months). This would result in impacts to recreation for potentially 18 months, and have associated local economic impacts. Impacts to recreation under this alternative would be less than under the Proposed Project, and Alternatives A, B, and E, and greater than under Alternative D and the Project. In addition, drawdown to 35,000 acre-feet and associated refill period would have impacts to the nesting gull colony on the island in Lake Davis because a land bridge to the island becomes exposed at a reservoir volume of 36,000 acre-feet. There would also be impacts to the bald eagle that would require supplemental feeding during the period of refill. These impacts are less than they would be under the Proposed Project, Alternative A, B, and E, but they are greater than they would be under the Project and Alternative D. However, like the Project, Alternative C would minimize potential environmental impacts to domestic water supply because the intake valve for the new water treatment plant is at a surface elevation of 5,750 feet; under Alternative C, the surface water elevation is 5,759 feet. In addition, like the Project, two boat ramps would be available.

Feasibility:

There would be greater environmental effects under Alternative C than the Project. Feasible mitigation measures are available to mitigate significant effects that are not unavoidable. However, Alternative C does not minimize recreational and other environmental impacts to as great a degree as the Project. As a result, Alternative C would have a greater short-term local economic impact. For the foregoing reasons, DFG rejects this project alternative in part, and accepts it in part as a contingency plan for the Project.

DFG accepts this project alternative to a volume of 38,000 acre-feet, as a contingency plan in case something beyond DFG's control, such as natural conditions (evaporation, lack of rainfall, and the like), prevents the reservoir from being at a volume of at least 45,000 acre-feet at the time of the treatment. The contingency plan provides for treatment below a volume of 45,000 acre-feet, but as close to that level as possible. This may result in more environmental impacts than a treatment at the 45,000-48,000 acre foot level, but it will minimize recreational and other environmental impacts and associated economic effects to the local community as much as possible under the circumstances. For example, it will avoid significant impacts to the nesting gull colony. In addition, because the contingency plan calls for treatment at a reservoir volume as close to 45,000 acre-feet as possible and no lower than 38,000 acre-feet, it would minimize the period of time that a forest closure for the protection of cultural resources would prohibit access to Lake Davis during drawdown below 45,000 acre-feet and refill to that volume. It would also minimize the period of supplemental feeding for bald eagles.

DFG should be able to determine whether this contingency plan would need to be invoked by late May using water level projections from the Department of Water Resources, unless factors other than weather and snow-pack are involved.

Alternative D

Description: Treatment of Lake Davis and tributary waters with liquid rotenone at a reservoir volume of 48,000 acre-feet.

Ability to Reduce Significant Unavoidable Impacts:

Alternative D would avoid those potential significant and unavoidable impacts of the Project's Contingency Plan. They are as follows:

Impact WQ-18: Anoxic reservoir conditions would develop later in the summer than under the Proposed Project, Alternative A, Alternative B, and Alternative C. (See Table S-6, pages S-63 to S-67, 3-60, EIR/EIS.) This would not occur under Alternative D.

Impact A-8: A band of bare shoreline would be visible to recreationists and the general public for up to eight months during the year treatment would occur and for an additional 2-18 months during refill. (See Table S-6, pages S-63 to S-67, EIR/EIS.) This would not occur under Alternative D. (See page 9-22, EIR/EIS.)

(Impacts of the Project are expected to be closer to those anticipated under the EIR's analysis of Alternative D. However, because some active drawdown to 45,000 acre-feet is possible and further reductions (to a minimum of 38,000 acre-feet) in reservoir volume are not likely but could occur, the impacts of the Contingency Plan include some that are identified under Alternative C. The impacts of the reservoir being at a volume of less than 45,000 acre-feet are most likely to occur as a result of "natural conditions" such as evaporation, and not necessarily DFG actions attributable to the project. Nevertheless, to be conservative, DFG finds that these impacts of the Contingency Plan are significant and unavoidable.) (See Section C above.)

In addition, Alternative D would avoid the following potential significant and unavoidable impact of Modified Alternative D of the Project, assuming Modified Alternative D requires any drawdown:

Impact WQ-17: If drawdown is required, it could result in elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments. (Alternative D assumed that the reservoir would be managed to a volume of about 48,000 acre-feet, which is typical of normal operations, and that no drawdown would be required. (See page 3-60, EIR/EIS.) Under the Project, however, some active drawdown may be required if after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. The impacts of this drawdown would be similar in nature, although less in magnitude, for that contemplated in Impact WQ-17.)

However, like the Project, Alternative D may have the following cumulative impacts:

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. (See Section 11, pages 11-14 to 11-22, EIR/EIS.) DFG believes this mitigation would be adopted by DWR; therefore, the impact would be mitigated to a less-than-significant level. But because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the approval of DWR, DFG must identify this as a potentially significant and unavoidable impact.

Ability to Meet Project Objectives:

Alternative D would meet the primary objective of successfully eradicating pike from Lake Davis and its tributary waters. In addition, it would all of the secondary objectives. It would:

- carry out the project quickly to reduce the ongoing risk that pike will escape or be moved from the reservoir and spread to other waters;
- use a method that has been proven to be effective in laboratory and field experiments;
- use a method that is technically feasible to implement;
- comply with applicable laws;
- protect public health and safety; and
- minimize environmental impacts.

Alternative D avoids all but two significant and unavoidable impacts. In addition, because treatment would occur at a reservoir volume of 48,000 acre-feet, a forest closure

for the protection of cultural resources would not be necessary. This would avoid all recreational impacts associated with that forest closure, and avoids the associated local economic impacts. Alternative D would also minimize potential environmental impacts to domestic water supply related to the intake valve for the new water treatment plant, which requires the reservoir be at a minimum surface elevation of 5,750 feet; under Alternative D the surface elevation 5,764 feet. Alternative D also avoids impacts to the availability of existing boat ramps. In addition, Alternative D avoids impacts to the nesting gull colony on the island in Lake Davis; a land-bridge to the nesting gull colony would not be exposed when the reservoir is at volume of 48,000 acre-feet. Finally, under Alternative D impacts to bald eagles would be minimized; the period of supplemental feeding for bald eagles would be the shortest under Alternative D.

Feasibility:

Alternative D would successfully eradicate pike from Lake Davis and tributary waters. It would minimize potential recreational and other environmental impacts to the greatest degree of all of the action alternatives. As such, it would minimize to the greatest degree any associated short-term local economic impacts. However, Alternative D will not be feasible if natural and normal operational conditions result in volumes of the reservoir that are not at approximately 48,000 acre-feet at the time of treatment. Proposed modifications to Alternative D would allow for treatment at a reservoir volume below 48,000 acre feet to a volume of 45,000 acre-feet with similar environmental impacts. This would allow pike eradication to proceed even if water volumes are below 48,000 acre-feet. For the foregoing reasons, DFG accepts this project alternative in part, and approves this project alternative as modified – Modified Alternative D.

Modified Alternative D would provide for a treatment of Lake Davis and tributary waters at a volume of 45,000 to 48,000 acre-feet. This minimizes potential environmental effect to the same degree as Alternative D, and potentially allows for the use of a smaller quantity of rotenone if the reservoir volume is 45,000 acre-feet.

Modified Alternative D further minimizes potential environmental effects by limiting the chemical to be used to CFT Legumine® (liquid), plus gel balls from powder, if necessary. Noxfish will not be used, unless an adequate amount of CFT Legumine® cannot be obtained; in that case, the minimum amount necessary of Noxfish would be used and only if the amount does not exceed inhalation risk thresholds.

Modified Alternative D would also limit the treatment window to after Labor Day weekend (September 4) to October 31. Chemicals will not be brought into the area until after September 4. This will minimize pre-treatment impacts to recreation that would result from a forest closure for public health and safety. This would also minimize potential environmental effects to biological resources such as willow flycatcher and macroinvertebrates, and to downstream water supplies.

However, Modified Alternative D could result in significant unavoidable water quality impacts if drawdown is necessary. Some drawdown may be required if after DWR releases made for normal winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. In

addition, if the reservoir is above 45,000 acre-feet and below 48,000 acre-feet, the Project may involve drawing down the reservoir as close to 45,000 acre-feet as possible before treatment.

Alternative E

Description: Non-chemical complete dewatering treatment of Lake Davis and tributary waters

Ability to Reduce Significant Unavoidable Impacts:

Alternative E would avoid all toxicity effects associated with a chemical treatment of Lake Davis and its tributaries because Alternative E does not involve the use chemicals. However, it would not avoid the other following significant unavoidable effects of the Project:

Impact WQ-27: Elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments and organic deposits. (See Table S-7, pages 67-74, EIR/EIS.)

Impact WQ-28: Anoxic reservoir condition develops earlier in the summer season during refill period. (Water quality impacts would be greater than the Proposed Project, and Alternatives A, C, and D.) (See Table S-7, pages 67-74, EIR/EIS.)

Impact WQ-31: Reduced flows in Big Grizzly Creek during the dewatered period could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-7, pages 67-74, EIR/EIS.)

Impact AR-46: Impacts of reduced flow in Big Grizzly Creek below Lake Davis may result in the loss of macroinvertebrate species for more than two years. (See Table S-7, pages 67-74, EIR/EIS.)

Impact A-10: A band of bare shoreline followed by a completely exposed reservoir bed would be visible from foreground and middleground distances to recreationists and the general public for up to eight months during the year the reservoir was dewatered and for up to an additional 41 months during refill. (See Table S-7, pages 67-74, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. (See Section 11, pages 11-14 to 11-22, EIR/EIS.) DFG believes this mitigation would be adopted by DWR; therefore, the impact would be mitigated to a less-than-significant level. But because DFG, as lead agency for the EIR, could not

implement Mitigation Measure R-3 without the approval of DWR, DFG must identify this as a potentially significant and unavoidable impact.

In addition, the Alternative E would result in the following additional significant unavoidable impacts:

Impact AR-48: The re-establishment of desirable fish populations would take more than two years since Lake Davis would require up to four years to refill. (See Table S-7, pages 67-74, EIR/EIS.)

Impact AR-50: The re-establishment of macroinvertebrate communities in Lake Davis would take more than two years since Lake Davis would require up to four years to refill. (See Table S-7, pages 67-74, EIR/EIS.)

Impact AR-51: Loss of macroinvertebrate taxa for more than two years as a result of dewatering Lake Davis. (See Table S-7, pages 67-74, EIR/EIS.)

Impact AR-55: Loss of macroinvertebrate taxa for more than two years as a result of dewatering tributary streams. (See Table S-7, pages 67-74, EIR/EIS.)

Impact AR 59: Dewatering springs and other waters may result in the loss of other taxa for more than two years. (See Table S-7, pages 67-74, EIR/EIS.)

Impact R-10: Loss of recreation use at Lake Davis for up to four seasons. (See Table S-7, pages 67-74, EIR/EIS.)

Ability to Meet Project Objectives:

Alternative E would not likely meet the primary objective of successfully eradicating pike from Lake Davis and its tributary waters. Through the environmental review process, concerns were raised about the ability of this alternative to be carried out quickly. In addition, although the method of depriving fish of water has been proven to be effective in killing fish, concerns were raised about the technical feasibility of dewatering a system as complex as Lake Davis and its tributary waters, given the weather and other factors. This alternative would avoid the use of chemicals and thereby avoid chemical-related public health and safety impacts. However, it would have numerous other environmental impacts that would be at least as severe in magnitude and of much longer duration as any of the other action alternatives. Some of these would be unavoidable; others would be mitigable. They include the following:

- Impacts to surface water quality
- Impacts to groundwater wells
- Impacts to macroinvertebrate communities and individual taxa
- Impacts to desirable fish species in Lake Davis
- Impacts to recreation use at Lake Davis
- Impacts to cultural resources
- Impacts to downstream water supplies
- Impacts to public domestic waters supplies

- Impacts to bald eagles and osprey
- Impacts to nesting gull colony

Feasibility:

The technical feasibility of Alternative E is highly questionable. The reservoir and its tributaries present a complex hydrologic system that cannot easily be dewatered. Completely draining Lake Davis would be a cumbersome and time consuming process, if it can be achieved. Mitigation R-3 would pose additional constraints on dewatering. And the complete draining of the reservoir would not guarantee that all tributaries will be completely dewatered. Pike are a hardy species and are able to take refuge in small, residual pools within tributaries, which if not completely dewatered may sustain the pike until they can re-establish themselves in the Lake Davis system. All of these concerns call into question this alternative's ability to meet the most basic project objective of successfully eradicating pike from Lake Davis and tributary waters. In addition, although Alternative E avoids the use of chemicals, it has greater impacts to recreation and other environmental effects than the other action alternatives. As a result, it has greater short-term local economic impacts.

For the foregoing reasons, DFG rejects this project alternative.

F. ENVIRONMENTALLY SUPERIOR ALTERNATIVE – ALTERNATIVE D

Description: See Alternative D

Basis for Identifying Environmentally Superior Alternative:

The EIR/EIS analyzes environmental impacts of all of the alternatives to the same degree of detail. A summary of the analyses is found in Table S-1, Summary Comparison of Impacts of Alternatives. Alternative D avoids and minimizes environmental impacts the best of all of the alternatives. Alternative D avoids all but two significant and unavoidable impacts. In addition, because treatment would occur at a reservoir volume of 48,000 acre-feet, a forest closure for the protection of cultural resources would not be necessary. This would avoid all recreational impacts associated with that forest closure, and avoids the associated local economic impacts. Alternative D would also minimize potential environmental impacts to domestic water supply related to the intake valve for the new water treatment plant, which requires the reservoir be at a minimum surface elevation of 5,750 feet; under Alternative D the surface elevation 5,764 feet. Alternative D also avoids impacts to the availability of existing boat ramps. In addition, Alternative D avoids impacts to the nesting gull colony on the island in Lake Davis; a land-bridge to the nesting gull colony would not be exposed when the reservoir is at volume of 48,000 acre-feet. Finally, under Alternative D impacts to bald eagles would be minimized; the period of supplemental feeding for bald eagles would be the shortest under Alternative D.

Ability to Reduce Significant Unavoidable Impacts:

See Alternative D

Ability to Meet Project Objectives:

See Alternative D

Feasibility:

See Alternative D

G. DIFFERENCES BETWEEN THE PROJECT AND THE 1997 PIKE ERADICATION PROJECT

Although the reservoir volume for treatment under the Project is similar to that of the 1997 eradication project, there are key differences between this Project and the 1997 project. This project is better than the 1997 eradication project from both planning and technical perspectives for the following reasons, and, as a result, it has a high likelihood of success:

- Cooperation with the local Lake Davis Steering Committee
- Better cooperation with the U.S. Forest Service
- More public input and outreach
- Closer coordination with local governmental agencies
- DFG office in Portola has been working at Lake Davis and in the tributary streams for over five years.
- DFG has brought in individuals from around the state who are very familiar with large and complex stream and chemical treatments, permitting, mitigation, minimizing environmental impacts, etc
- DFG has learned from the last treatment and is applying that knowledge to current planning efforts
- DFG and USFs have jointly held public meetings and workshops to get the input and involvement of the local public in the program and to listen to their ideas and concerns on this and the past pike eradication effort
- Periodic workshops to update the public will continue
- DFG staff have conducted 2 years of surveys of the streams and the reservoir, looking at the areas to determine where additional information is needed. This is in addition to all the information the DFG staff in Portola has gathered over the last 6 years
- DFG publicly examined a wider range of options for eliminating pike than was considered in the past
- DFG plans a large network of stationary rotenone drip stations on the tributary streams
- DFG will have improved access to Lake Davis and its tributary streams due to cooperation and coordination with the USFS for the project
- DFG is putting greater resources to work on the project than the 1997 eradication project

- DFG, in cooperation and coordination with USFS, is reaching out to the interested public that have a stake in the Lake Davis area and provision of information regarding the problems caused by pike and other non-native invasive species
- DFG is planning monitoring after the treatment to document that the treatment did in fact eliminate all the pike or if it was not successful.
- DFG is planning a number of environmental monitoring activities before, during, and after the proposed treatment.
- The rotenone to be used does not contain *pipeornylbutoxide* (pbo), the chemical constituent that lingered in the reservoir for nine months after the 1997 treatment.

X. CUMULATIVE IMPACTS

The EIR/EIS included cumulative impacts analyses for the proposed project and alternatives in each of the resource sections. The cumulative impacts for the alternatives are identified in the following sections of the EIR/EIS:

- Section 3.2.2.10, Surface Water Resources
- Section 4.2.10, Groundwater Resources
- Section 5.2.9.9, Air Quality
- Section 6.2.10, Noise
- Sections 7.1.2.10 and 7.3.2.10, Biological Resources
- Section 8.2.10, Land Use and Management
- Section 9.2.10, Aesthetic Resources
- Section 10.2.10, Cultural Resources
- Section 11.2.10, Recreation Resources
- Section 12.2.10, Economic Resources
- Section 13.2.10, Public Services
- Section 14.2.12 Human & Ecological Health Concerns

These impacts are discussed above and in the table attached as Exhibit A.

XI.

XII. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

As required under CEQA, the EIR/EIS examines “significant irreversible environmental changes” that could result from the project. The use of energy resources to implement the project is identified as an effect in this category. Examples of these include gasoline and diesel fuel to power the vehicles and equipment such as fuel-powered generators used in implementing the Project. (See pages 16-5, EIR/EIS.)

XIII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, DFG's approval of the Project will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no feasible project alternatives which would mitigate or substantially lessen the impacts. Despite the occurrence of these effects, however, DFG approves the Project because, in its view, the economic, social, and other benefits of the Project will render the significant effects acceptable.

In making this Statement of Overriding Considerations in support of the findings of fact and the Project, DFG has considered information contained in the Final EIR/EIS for the project as well as the public testimony and record of proceedings in which the project was considered. DFG has balanced the Project's benefits against the unavoidable adverse impacts identified in the Final EIR/EIS. DFG hereby determines that the Project's benefits outweigh the significant unmitigated adverse impacts.

A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

As discussed herein, the Project (Modified Alternative D and Contingency Plan) will result the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation:

Modified Alternative D

Modified Alternative D will result in the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation:

Impact WQ-17: If drawdown is required, it could result in elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments. (See Table S-6 (pages S-63 to S-66) and pages 3-53, 3-60, EIR/EIS.)

Impact WQ-26: Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-6 (pages S-63 to S-66) and pages 3-55 and 3-61, EIR/EIS.)

Impact AR-7: Treatment of Lake Davis would impact littoral invertebrate communities within the reservoir, and re-establishment may take longer than two years. (See Table S-6 (pages S-63 to S-66) and pages 7-40, 7-61, EIR/EIS.)

Impact AR-8: Treatment of Lake Davis would impact individual taxa of littoral invertebrates within the reservoir, and there may be a loss of individual taxa for more than two years. (See Table S-6 (pages S-63 to S-66) and pages 7-40, 7-61, EIR/EIS.)

Impact AR-10: Impacts of treatment of tributary streams on special status macroinvertebrate species in tributary streams. (See Table S-6 (pages S-63 to S-66) and pages 7-45, 7-61, EIR/EIS.)

Impact AR-12: Treatment of tributary streams would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-6 (pages S-63 to S-66) and pages 7-46, 7-61, EIR/EIS.)

Impact AR-14: Impacts of treatment of springs and other waters on the amphibious caddisfly, *D. bethula*, if springs in which it occurs are treated. (See Table S-6 (pages S-63 to S-66) and pages 7-47, 7-61, EIR/EIS.)

Impact AR-16: Treatment of springs and other waters would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-6 (pages S-63 to S-66) and pages 7-47, 7-61, EIR/EIS.)

Impact HEH-2: Treatment of waters would have toxicity effects to littoral macroinvertebrate communities and some aquatic invertebrate populations, and the re-establishment of the affected aquatic invertebrates may take longer than two years. (See Table S-6 (pages S-63 to S-66) and pages 14-39, 14-56, EIR/EIS.)

Cumulative tributary incision impacts. If drawdown is required for the project, the project could contribute to cumulative tributary incision impacts in the manner, if not the magnitude, of Alternative C. (See pages 3-32, 3-37 to 3-40, EIR/EIS.)

Cumulative surface water quality impacts: turbidity in Lake Davis, elevated bacteria level, and increased suspended sediment turbidity and reduced dissolved oxygen in Big Grizzly Creek. (See pages 3-65, 3-56, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. (See Section 11, pages 11-14 to 11-22, EIR/EIS.) DFG believes this mitigation will be adopted by DWR; therefore, the impact will be mitigated to a less-than-significant level. But because DFG, as lead agency for the EIR, cannot implement Mitigation Measure R-3 without the approval of DWR, DFG must identify this as a potentially significant and unavoidable impact.

Contingency Plan

The Contingency Plan will result in the following potentially significant and unavoidable impacts, even with the implementation of all feasible mitigation:

Impact WQ-18: If the reservoir volume is significantly less than the normal operating volume of 45,000 acre-feet, but still deep enough to undergo thermal stratification (See Section 3.2.2.4, Anoxic Condition, EIR/EIS), anoxic reservoir

conditions would develop earlier in the summer season.⁶ (See Table S-5 (pages S-57 to S-62), pages 3-32, 3-37 to 3-40, EIR/EIS.)

Impact WQ-21: Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (See Table S-5 (pages S-57 to S-62) and pages 3-55, 3-60, EIR/EIS.)

Impact AR-7: Treatment of Lake Davis would impact littoral invertebrate communities within the reservoir, and re-establishment may take longer than two years. (See Table S-5 (pages S-57 to S-62) and pages 7-40, 7-60, EIR/EIS.)

Impact AR-8: Treatment of Lake Davis would impact individual taxa of littoral invertebrates within the reservoir, and there may be a loss of individual taxa for more than two years. (See Table S-5 (pages S-57 to S-62) and pages 7-40, 7-60, EIR/EIS.)

Impact AR-10: Impacts of treatment of tributary streams on special status macroinvertebrate species in tributary streams. (See Table S-5 (pages S-57 to S-62) and pages 7-45, 7-61, EIR/EIS.)

Impact AR-12: Treatment of tributary streams would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-5 (pages S-57 to S-62) and pages 7-46, 7-60, EIR/EIS.)

Impact AR-14: Impacts of treatment of springs and other waters on the amphibious caddisfly, *D. bethula*, if springs in which it occurs are treated. (See Table S-5 (pages S-57 to S-62) and pages 7-47, 7-61, EIR/EIS.)

Impact AR-16: Treatment of springs and other waters would impact individual taxa of macroinvertebrates, and there may be a loss of individual taxa for more than two years. (See Table S-5 (pages S-57 to S-62) and pages 7-48, 7-60, EIR/EIS.)

Impact A-8: A band of bare shoreline would be visible to recreationists and the general public for up to eight months during the year treatment would occur and for an additional 2-18 months (assuming a reservoir volume of 35,000 acre-feet, which is lower than the 38,000 acre-feet minimum under the contingency plan) during refill. (See Table S-5 (pages S-57 to S-62) and pages 9-17 to 9-18, 9-21, EIR/EIS.)

Impact HEH-2: Treatment of waters would have toxicity effects to littoral macroinvertebrate communities and some aquatic invertebrate populations, and the re-establishment of the affected aquatic invertebrates may take longer than

two years. (See Table S-5 (pages S-57 to S-62) and pages 14-39, 14-55, 14-56, EIR/EIS.)

Cumulative tributary incision impacts. Certain direct and cumulative tributary incision impacts. (See pages 3-32, 3-37 to 3-40, EIR/EIS.)

Cumulative surface water quality impacts: Turbidity in Lake Davis, elevated bacteria level, and increased suspended sediment turbidity and reduced dissolved oxygen in Big Grizzly Creek. (See pages 3-65, 3-56, EIR/EIS.)

Impact R-3: Impacts on use of Grizzly Ice Pond. Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. Because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the approval of DWR this would be a potentially significant and unavoidable impact. (See pages 11-18, 11-19, EIR/EIS.)

B. SPECIFIC FINDINGS

Project Changes to Avoid or Reduce Impacts – Changes or alterations have been made in the project, which mitigate to the most feasible degree the significant environmental effects of the project, as identified in the Final EIR/EIS. These take several forms: 1) the project has undergone changes and alterations in design between the original project proposal and alternatives and the final proposed project and alternatives, as analyzed in the Final EIR/EIS; 2) the project is modified by the final adopted mitigation measures identified in the attached Findings Table (Exhibit A) and the Mitigation Monitoring and Reporting Program (Exhibit B); and 3) the project is modified by the terms of the Streambed Alteration Agreement that has been issued for the project.

These changes are documented in the record for the project. The changes and alterations include but are not limited to the following:

Pre-Treatment Trout Stocking in Suitable Waters in Lake Davis Vicinity (Mitigation R-4)

DFG will not stock trout in Lake Davis prior to treatment; instead, DFG will stock trout in suitable waters nearby.

DFG would not stock trout in Lake Davis prior to treatment because it would not be an economical use of the resource; many of the stocked trout would die as a result of the treatment. As explained in the Fisheries Management Plan (Appendix G, EIR/EIS), the trout fishery at Lake Davis is primarily a spring and fall fishery. DFG anticipates that the fishing at Lake Davis in the spring without stocking will be comparable to previous years because there is hold-over of previously stocked fish, which make up the bulk of the spring fishery. Trout fishing in the summer is typically slow at Lake Davis because of elevated water temperatures.

In addition, planting them in Lake Davis (along with a pre-treatment liberalization of the bag limit for trout in Lake Davis – see below) would likely draw more anglers to Lake Davis, increasing angling activity, and therefore, the risk that pike are moved out of Lake Davis and spread to other waters. Instead, DFG will plant trout in appropriate numbers beginning in the spring prior to treatment in suitable waters nearby Lake Davis for the benefit of local Lake Davis area recreation. Suitable waters are those that contain trout and trout habitat, that have previously been planted with trout and are not designated wild trout waters, and that do not contain any known special status or threatened or endangered species that could be adversely affected by planted trout.

The Department will have an aggressive public outreach program to notify the angling public of these fishing opportunities in nearby, suitable waters; thus, the increase in trout in these waters is expected to be short-term. This would help to minimize and further mitigate the recreational impacts to the Lake Davis area and associated local economic impacts to the local economy that are identified in the EIR/EIS. This would also result in a higher return to the angler on the investment of the stocked trout resource.

Pre-Treatment Liberalization of Bag Limit for Trout at Lake Davis

DFG will propose that the Fish and Game Commission liberalize the bag limit for trout in Lake Davis prior to the treatment. The proposal is to liberalize the bag limit from 5 to 10. This would allow anglers to keep more of the trout that they catch in Lake Davis, and minimize the number of trout that are killed as a result of the rotenone treatment. It will also minimize the number of dead trout that could end up on the shoreline and contribute to objectionable odor impacts discussed in the EIR/EIS. It will also maximize the recreational benefit at Lake Davis while balancing the need to minimize the potential for movement of live pike.

DFG anticipates that the fishing at Lake Davis in the spring will be comparable to previous years because there is hold-over of previously stocked fish, which make up the bulk of the spring fishery.

Modification of Pike Regulation

DFG will propose that the Fish and Game Commission amend the pike regulations to require that pike be killed immediately and returned to the water, rather than be turned in to DFG. This will minimize the risk that pike are moved and spread to other waters. Given the Project, there is no longer a current need to collect the carcasses for data.

Post-Treatment Trout Stocking in Lake Davis

DFG will stock Lake Davis with trout as soon as possible after treatment of the reservoir in accordance with the Fisheries Management Plan (Appendix G, EIR/EIS).

Final Disposition of Mitigation Measures – All feasible mitigation measures have been incorporated into the project by way of adoption of the Mitigation Monitoring and Reporting Program (Exhibit B), as requirements of implementation of the Project.

Project Benefits Outweigh Unavoidable Impacts – The remaining unavoidable and irreversible impacts of the project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the project

(as described in Section IV) outweigh any significant and unavoidable or irreversible environmental impact of the project.

Balancing of Competing Goals – DFG finds that it is imperative to balance competing goals in approving the Project. Although DFG has selected Alternative D with some modifications as the Project, significant environmental impacts remain that have not been and cannot be fully mitigated. Despite some unmitigated impacts, DFG approves this Project because of the need to meet competing concerns, and/or the need to recognize economic, legal, social, technological, and other issues as factors in decision-making. Accordingly, DFG has chosen to accept significant adverse environmental impacts because to eliminate them would unduly compromise important economic, legal, social, technological, and other goals. DFG finds and determines, based on the Final EIR/EIS, testimony from the hearings, and other supporting information in the record, that the Project will provide for a positive balance of the competing goals and that the benefits to be obtained by the project outweigh the adverse environmental impacts of the project.

C. OVERRIDING CONSIDERATIONS

In DFG's judgment, the Project and its benefits outweigh its unavoidable significant effects. The following statement identifies the reasons why, in DFG's judgment, the benefits outweigh its unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, DFG would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as defined in Section V. The benefits of the Project, which outweigh the impacts of the Project, include:

- The devastation to the local trout fishery from pike will be halted (See, e.g., Appendices A, G, EIR/EIS)
- The local trout fishery will be re-established (see, e.g., Appendices A, G, EIR/EIS)
- The local economy will benefit from the halt of the devastation to the local trout fishery from pike (See, e.g., Section 12 and Appendix I, EIR/EIS)
- The local economy will benefit from the re-establishment of the local trout fishery (See, e.g., Appendix I, EIR/EIS)
- The threat of pike escaping Lake Davis will be removed (See, e.g., Appendix A, EIR/EIS)
- The aquatic ecosystems, including threatened and endangered species, of the state and region will benefit from the removal of the threat of pike escaping Lake Davis (See, e.g., Appendix A, EIR/EIS)
- The economy of the state and region will benefit from the removal of the threat of pike escaping Lake Davis (See, e.g., Section 12 and Appendix I, EIR/EIS)

D. CONCLUSION

The EIR/EIS was prepared pursuant to the CEQA Guidelines. DFG has independently determined that the EIR/EIS fully and adequately addresses the impacts and mitigations of the Project. The number of project alternatives identified and considered in the EIR/EIS meets the test of “reasonable” analysis and provides DFG with important information from which to make an informed decision. Public hearings were held in both Portola and Sacramento. Substantial evidence in the record from those hearings and other sources demonstrates various benefits and considerations including economic, legal, social, technological, and other benefits which would be achieved from implementation of the Project. DFG has balanced these project benefits and considerations against the unavoidable and irreversible environmental risks identified in the EIR/EIS and has concluded that those impacts are outweighed by the project benefits. Upon balancing the environmental risk and countervailing project benefits, DFG has concluded that the benefits that will derive from implementation of the Project outweigh those environmental risks. DFG hereby determines that the above-described project benefits override the significant and unavoidable environmental impacts of the project.

DFG adopts the mitigation measures in the Mitigation Monitoring and Reporting Program, which is attached hereto as Exhibit B and incorporated by reference into the Project, and finds that any residual or remaining effects on the environment resulting from the Project, identified as significant and unavoidable in the preceding findings of fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations.

EXHIBIT A

FINDINGS TABLE

for the

LAKE DAVIS PIKE ERADICATION PROJECT

**TABLE OF IMPACTS, MITIGATION MEASURES, AND CEQA FINDINGS OF FACT (FINDINGS TABLE)
(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))**

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	Impacts that apply only to Contingency Plan are marked with gray shading		Mitigation Measures that apply to Modified Alternative D are shaded with gray shading		
	SURFACE WATER RESOURCES				
H-7	To accomplish reservoir drawdown from approximately 45,000 acre-feet or 60,000 acre-feet beginning in January, releases to Big Grizzly Creek would result in an average daily flow of 195 cfs or less for all water years. This would result in bank erosion on Big Grizzly Creek. (LS)	H-7	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> The Project is essentially Alternative D with modifications. Alternative D, however, assumed that the reservoir would be managed to a level of about 48,000 acre-feet, which is typical of normal operations, and that no active drawdown would be required. (See page 3-60, EIR/EIS.) Under the Project Modified Alternative D, however, some active drawdown may be required if, after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the

 Less than Significant = LS Beneficial = B Significant = S Cumulative Significant = CS Significant and Unavoidable = SU Potentially Significant = PS

**TABLE OF IMPACTS, MITIGATION MEASURES, AND CEQA FINDINGS OF FACT (FINDINGS TABLE)
(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))**

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					<p>reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. The impacts of this drawdown would be similar in nature, although less in magnitude, for that contemplated for Alternative C's Impact H-7. In sum, under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact H-10). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as H-7.</p> <p><u>Note:</u> This impact assumes that drawdown for the project would occur beginning in January and drawdown would be to 35,000 acre-feet. This overestimates the impact of the project since drawdown beginning in January would not necessarily be attributable to the project. Some drawdown for the project may be required if after taking into consideration DWR releases made for winter/spring</p>

Less than Significant = LS Beneficial = B Significant = S Cumulative Significant = CS Significant and Unavoidable = SU Potentially Significant = PS

**TABLE OF IMPACTS, MITIGATION MEASURES, AND CEQA FINDINGS OF FACT (FINDINGS TABLE)
(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))**

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					dam operations for control and containment, the reservoir is anticipated to be higher than 45,000 acre-feet at the time of treatment. Regardless of this overestimation, the environmental impact is LS.
H-8	During the dewatering and refill period, there is a potential for tributary head-cutting for at least three runoff seasons. (S)	H-8	Implement Mitigation Measure H-2: If active drawdown occurs, head-cutting would be mitigated during refill by establishing a monitoring program, prior to dewatering, and implementing the program until the reservoir elevation is at or above 5,763.5 feet elevation so as to identify new or migrating head-cuts. Then, after the reservoir has refilled, any new head-cuts identified by the monitoring program would be repaired. Any substantial head-cuts or newly unstable banks, or indications of vertical channel instability should be used to define specific mitigation measures to stop head-cutting, restore bed elevations, and provide bank erosion control. The DFG may use methods currently employed by the USFS for stabilizing head-cuts and repairing bank erosion. These methods include: shaping banks and planting native	LS	<u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact H-11). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as H-8. Implementation of Mitigation Measure H-2 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a) (1).) <u>Explanation:</u> As with Impact H-7, this impact overestimates the

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**TABLE OF IMPACTS, MITIGATION MEASURES, AND CEQA FINDINGS OF FACT (FINDINGS TABLE)
(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))**

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
			<p>riparian species. Other feasible mitigation measures include armoring head-cuts with cobble-size rip-rap to create a hard-point on the channel bed, or other grade control structures such as permeable check dams to aggrade any newly identified and substantially incised reaches. The upstream and downstream geographic boundaries of responsibility for addressing new areas of bed and bank instability should be determined in consultation with the USFS, but the downstream boundary would not extend below 5,774 feet elevation, which is within the range of water surface fluctuation of the reservoir as managed by the DWR and would not be associated with a flow channel reach in many years.</p>		<p>impact of the project since drawdown, if it occurs at all under the Project, will be less than anticipated for Alternative C. Alternative D, however, assumed that the reservoir would be managed to a level of about 48,000 acre-feet, which is typical of normal operations, and that no active drawdown would be required. (See page 3-60, EIR/EIS.) Under the Project Modified Alternative D, however, some active drawdown may be required if, after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. No refill would be necessary. The Contingency Plan would be invoked only if after DWR releases made for winter/spring dam operations for control and containment and any additional releases for the project, the reservoir is less than 45,000 acre-feet at the time of treatment; no</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					active drawdown would occur under the Contingency Plan. However, although it is unlikely, the reservoir could drop to as low as 38,000 acre-feet as a result of evaporation or other reasons. Therefore, headcutting could occur under the Contingency Plan.
H-9	Cracking or buckling of boat ramps from drawdown. (No adverse impact)	H-9	N/A. There is no adverse impact; no mitigation required.	N/A	<p><u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact H-12). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as H-9. In any event, there is no adverse impact. Therefore, no mitigation is required.</p> <p><u>Explanation:</u> Alternative D, however, assumed that the reservoir would be managed to a level of about 48,000 acre-feet, which is typical of normal operations, and that no active drawdown would be required. (See page 3-60, EIR/EIS.) Under Modified Alternative D, however,</p>

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					some active drawdown may be required if, after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. The rate of drawdown would not be greater than one foot per day. (As analyzed under Alternative C, the rate of drawdown to reach 35,000 is not greater than one foot per day; therefore, there is no adverse impact. Since drawdown to reach 45,000 acre-feet, if any is required, it would be less than that to reach 35,000 acre-feet.)
	Cumulative tributary incision impacts. (CS)	H-8	Implement Mitigation Measure H-8 (H-2). (See Mitigation Measure H-2 above.)	CSU	<u>Finding:</u> The impacts of six past, present, or future projects identified in the EIR/EIS are considered to be cumulatively substantial in combination with the project. Implementation of Mitigation Measure H-8 (H-2) will reduce this impact. DFG hereby adopts this mitigation measure. However, the

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					<p>other projects' impacts in combination with the remaining project impact are considered CS. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).)</p> <p><u>Explanation:</u> Alternative D, however, assumed that the reservoir would be managed to a level of about 48,000 acre-feet, which is typical of normal operations, and that no active drawdown would be required. (See page 3-60, EIR/EIS.) Under the Project Modified Alternative D, however, some active drawdown may be required if, after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. No refill would be necessary. The Contingency Plan</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					would be invoked only if, after DWR releases made for normal winter/spring dam operations for control and containment and any additional releases for the project, the reservoir is less than 45,000 acre-feet at the time of treatment; no active drawdown would occur under the Contingency Plan. However, although it is unlikely, the reservoir could drop to as low as 38,000 acre-feet as a result of evaporation or other reasons. Therefore, headcutting could occur under the Contingency Plan.
WQ-17	Elevated turbidity resulting from erosion caused by head-cutting of tributaries and incision of reservoir sediments. (S)	WQ-17	No feasible mitigation available.	SU	<u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact WQ-22). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as WQ-17. No feasible mitigation is available. Therefore, if this impact occurs under the Project, it will be significant and unavoidable. DFG

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					<p>concludes that this impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).) <u>Explanation:</u> Alternative D, however, assumed that the reservoir would be managed to a level of about 48,000 acre-feet, which is typical of normal operations, and that no active drawdown would be required. (See page 3-60, EIR/EIS.) Under the Project Modified Alternative D, however, some active drawdown may be required if, after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. No active drawdown would occur under the Contingency Plan. However, although it is unlikely, the reservoir could drop to as low as 38,000 acre-feet as a</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					result of evaporation or other reasons. Therefore, headcutting could occur under the Contingency Plan. If it does, it is anticipated that it would only be for a short period of time. Therefore, it is not clear that elevated turbidity would result from erosion caused by head-cutting under the Project; however, this finding acknowledges the possibility that it could.
WQ-18	Anoxic reservoir condition develops earlier in summer if the reservoir volume is significantly less than the normal operating volume of 45,000 acre-feet, but still deep enough to undergo thermal stratification. (S)	WQ-18	No feasible mitigation is available.	SU	<u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact WQ-23). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as WQ-18. No feasible mitigation is available. Therefore, if this impact occurs under the Project, it will be significant and unavoidable. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					<p>Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).) <u>Explanation:</u> Alternative D, assumed that the reservoir would be managed to a level of about 48,000 acre-feet, which is typical of normal operations, and that no active drawdown would be required. (See page 3-60, EIR/EIS.) Under the Project, however, some active drawdown may be required if, after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. The impacts of this drawdown would be similar in nature, although less in magnitude, for that contemplated for Alternative C's Impact WQ-18. If active drawdown were to occur, it is not expected to reduce the reservoir volume to less than 45,000 acre-feet. However, if as a result of drawdown for the Project, the reservoir volume is</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					significantly less than normal operating volume of 45,000 acre-feet, but still deep enough to undergo thermal stratification, the impact would occur. This is unlikely; however this finding acknowledges the possibility.
WQ-19	Temporarily reduced dissolved oxygen concentrations throughout the water column caused by biological oxygen demand as a result of the decomposition of rotenone and dead fish. (LS)	WQ-19	LS; no mitigation required.	LS	<u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact WQ-24). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as WQ-19. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
WQ-20	Temporarily elevated bacterial levels associated with decomposition of dead fish. (LS)	WQ-20	LS; no mitigation required.	LS	<u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact WQ-25). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					impact is identified as WQ-20. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
WQ-21/26	Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly Creek. (S)	WQ-21/26	No feasible mitigation is available.	SU	<u>Finding:</u> No feasible mitigation is available. Therefore, if this impact occurs under the Project, it will be significant and unavoidable. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).) <u>Explanation:</u> Under Modified Alternative D, the impacts is identified as Impact WQ-26, Under the Contingency Plan, it is identified as Impact WQ-21. Both impacts are the same. No feasible mitigation is available.
	Cumulative surface water quality impacts: turbidity in Lake Davis, elevated bacteria level, and increased suspended sediment		No feasible mitigation is available.	CSU	<u>Finding:</u> The following surface water quality impacts are considered cumulatively significant: turbidity in Lake Davis combined with cattle

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	turbidity and reduced dissolved oxygen in Big Grizzly Creek (CS)				grazing and logging effects; elevated bacterial level; combined with elevated bacterial levels associated with cattle grazing; and increased suspended sediment turbidity and reduced dissolved oxygen in Big Grizzly Creek combined with effects of additional sediment and nutrient inputs from Grizzly Ranch Development Project. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).)
	GROUNDWATER RESOURCES				
G-1	Municipal water supply wells in the City of Portola draw from geochemically distinct aquifer; they would not be impacted by fluctuating reservoir levels. There is no adverse impact.	G-1	N/A. There is no adverse impact; no mitigation required.	N/A	<u>Finding:</u> There is no adverse impact. Therefore, no mitigation is required.
G-2	City of Portola wells draw from an aquifer that is distinct from Lake Davis. There is no adverse impact.	G-2	N/A. There is no adverse impact; no mitigation required.	N/A	<u>Finding:</u> There is no adverse impact. Therefore, no mitigation is required.

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G-3	No significant impacts will occur with regard to well levels in the vicinity of Lake Davis. (LS)	G-3	LS; no mitigation required. Nevertheless, well monitoring will continue. If well monitoring results indicate significant impacts, the impacts will be mitigated by providing alternative water supplies.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) Nevertheless, well monitoring will continue. If well monitoring results indicate significant impacts, the impacts will be mitigated by providing alternative water supplies. DFG hereby adopts this mitigation measure.
G-4	Groundwater quality in wells in the vicinity of Lake Davis. (LS)	G-4	LS; no mitigation required. Nevertheless, well monitoring will continue. A well monitoring program will be developed as required by and in consultation with the CA Department of Health Services and the Central Valley Regional Water Quality Control Board, and in coordination with the ongoing Plumas County Environmental Health well testing program. If well monitoring results indicate significant impacts, the effects would be mitigated by providing alternative water supplies.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) Nevertheless, well monitoring will continue. A well monitoring program will be developed as required by and in consultation with the CA Department of Health Services and the Central Valley Regional Water Quality Control Board, and in coordination with the ongoing Plumas County Environmental

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					Health well testing program. If well monitoring results indicate significant impacts, the effects would be mitigated by providing alternative water supplies. DFG hereby adopts this mitigation measure.
G-5	Neutralization Options 1, 2, 3, and 4 would have no impact on groundwater levels for wells downstream of the dam because the wells are recharged from the surrounding watershed.	G-5	N/A. There is no adverse impact; no mitigation required.	N/A	Finding: There is no adverse impact. Therefore, no mitigation is required.
G-6	Neutralization Options 1 and 2 would have no impact on groundwater quality as rotenone would be fully contained in Lake Davis or neutralized off-stream, eliminating the risk of rotenone entering groundwater.	G-6	N/A. There is no adverse impact; no mitigation required.	N/A	Finding: There is no adverse impact. Therefore, no mitigation is required. Explanation: Neutralization Option 1 is the preferred option. Whether or not rotenone can be fully contained in Lake Davis under Option 1, thereby eliminating the risk of rotenone entering groundwater, is contingent upon the approval of the State Water Resources Control Board. If the State Water Resources Control Board does not grant approval, then Neutralization

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					Option 1 will not be authorized and Neutralization Option 2 would become the preferred option. Whether or not Neutralization Option 2 would be employed would be contingent upon the approval of the Central Valley Regional Water Quality Control Board. If Neutralization Option 2 is not permitted, then another option, such as Options 3 or 4, would be employed as permitted by the Central Valley Regional Water Quality Control Board.
G-7	Neutralization Option 1 would have no impact on groundwater quality as rotenone would be fully neutralized prior to discharge to Big Grizzly Creek.	G-7	N/A. There is no adverse impact; no mitigation required.	N/A	<u>Finding:</u> There is no adverse impact. Therefore, no mitigation is required. <u>Explanation:</u> Whether or not rotenone can be fully contained in Lake Davis, thereby eliminating the risk of rotenone entering groundwater, is contingent upon the approval of the State Water Resources Control Board. If the State Water Resources Control Board does not grant approval, then Neutralization Option 1 will not be

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					authorized. Another neutralization option, such as Options 2, 3, or 4, would be employed as permitted by the Central Valley Regional Water Quality Control Board.
G-8	Neutralization Options 3 and 4 would have less than significant impacts groundwater quality in wells near Big Grizzly Creek. Concentrations of rotenone formulation constituents and potassium permanganate would be below detection levels in all wells in close proximity to Big Grizzly Creek. (LS)	G-8	LS; no mitigation required. Nevertheless, well monitoring will continue. A well monitoring program will be developed as required by and in consultation with the CA Department of Health Services and the Central Valley Regional Water Quality Control Board, and in coordination with the ongoing Plumas County Environmental Health well testing program. If well monitoring results indicate significant impacts, the effects would be mitigated by providing alternative water supplies.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) Nevertheless, well monitoring will continue. A well monitoring program will be developed as required by and in consultation with the CA Department of Health Services and the Central Valley Regional Water Quality Control Board, and in coordination with the ongoing Plumas County Environmental Health well testing program. If well monitoring results indicate significant impacts, the effects would be mitigated by providing alternative water supplies. DFG hereby adopts this mitigation measure.

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	Cumulative impacts on groundwater levels. (No cumulative impacts)		No cumulative impacts; no mitigation required.	N/A	<u>Finding:</u> There are no cumulative impacts. Therefore, no mitigation is required.
	Cumulative impacts on groundwater quality. (LS)		LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
	AIR QUALITY				
AQ-1	Exposure of sensitive receptors to substantial pollutant concentrations from the use of combustion equipment and the disturbance of soil. (LS)	AQ-1	LS; no mitigation required. However, DFG will use alternative fuels rather than traditional diesel fuel where feasible to reduce emissions, and specifically toxic emissions, from the equipment operation. This will minimize where feasible the LS impacts.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) However, DFG will use alternative fuels rather than traditional diesel fuel where feasible to reduce emissions, and specifically toxic emissions, from the equipment operation. DFG hereby adopts this mitigation measure, and finds that this will minimize the less-than-significant impacts.
AQ-2	Short-term and temporary objectionable odors affecting a	AQ-2	LS; no mitigation required. However, DFG will implement a fish removal and	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts

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	substantial number of people. (LS)		disposal plan to rapidly remove dead fish in order to minimize odor levels. In addition, a forest closure for protection of health and safety would minimize the number of people potentially exposed to objectionable odors. Each of these measures will minimize the LS impacts.		that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> Odors would be short-term and temporary, and therefore considered less-than-significant. The less-than-significant impacts will be minimized through a fish removal and disposal plan to remove dead fish as quickly as possible to minimize exposure to objectionable odors. DFG hereby adopts this minimization measure, and finds that this will minimize the less-than-significant impacts. In addition, a forest closure for the protection of health and safety would minimize the number of people potentially exposed to objectionable odors. This minimization measure is within the responsibility and jurisdiction of another public agency (USFS) and can and should be adopted by that other agency. (CEQA Guidelines, § 15091, subd. (a)(2).) DFG, as lead

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					agency for the EIR, cannot implement the forest closure for the protection of health and safety without the approval of the USFS; however, this minimization measure is not required to mitigate the impacts to a less-than-significant level.
AQ-3	Creation of particulate dust from the use of construction-type equipment and vehicles. (LS)	AQ-3	LS; no mitigation required. However, DFG will implement Northern Sierra Air Quality Management District Regulation 226, Dust Control.	LS	<p><u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> <p><u>Explanation:</u> Because of the short-term nature of the Project and the limited receptors in the area, the impact is considered less-than-significant. However, DFG will implement Northern Sierra Air Quality Management District Regulation 226, Dust Control. DFG hereby adopts this minimization measure, and finds that this will minimize the less-than-significant impact. In addition, a forest closure for protection of cultural resources</p>

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					<p>would limit the disturbance of the reservoir bed to activities considered essential to the project. A forest closure for the protection of health and safety would minimize the number of people potentially exposed to fugitive dust. In addition, it is expected that the forest closures would reduce emissions from decreased recreation activities, including off-road vehicles in the project area. These minimization measures are within the responsibility and jurisdiction of another public agency (USFS) and can and should be adopted by that other agency. (CEQA Guidelines, § 15091, subd. (a)(2).) DFG, as lead agency for the EIR, cannot implement the forest closures without the approval of the USFS; however, these minimization measures are not required to mitigate the impact to a less-than-significant level.</p>
	Cumulative impacts to air quality. (No cumulative impacts)		No cumulative impacts; no mitigation required.	N/A	<u>Finding:</u> There are no cumulative impacts. Therefore, no mitigation is

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					required.
	NOISE				
N-1	Temporary increase in noise levels near sensitive receptors from transportation and staging. (LS)	N-1	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
N-2	Operating airboats would increase local noise levels during chemical application. (S)	N-2	Implement Mitigation Measure N-2: Airboat operators would be prohibited from operating the vessels at high power. DFG shall implement feasible and appropriate measures to ensure this with written operating procedures. These measures would ensure that the proposed airboats use the lowest speed and power setting necessary for the effective application of rotenone. DFG shall respond to complaints of noise from airboat operations during rotenone application. Complaints filed with DFG and the approach used to resolve the complaint shall be reported and logged.	LS	<u>Finding:</u> Implementation of Mitigation Measure N-2 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) A forest closure for health and safety would further minimize the impacts, which are adequately mitigated by Mitigation Measure N-2. (CEQA Guidelines, § 15091, subd. (a)(2).)
N-3	Generators/engines at	N-3	Implement Mitigation Measure N-3: DFG	LS	<u>Finding:</u> Implementation of

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**TABLE OF IMPACTS, MITIGATION MEASURES, AND CEQA FINDINGS OF FACT (FINDINGS TABLE)
(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))**

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	neutralization below the dam would increase noise levels near sensitive receptors. (S)		shall properly maintain and tune engines of all pumps and maintain properly functioning mufflers on all internal combustion engines (tanker trucks) to minimize noise emissions. DFG or its designee shall respond to complaints of noise caused by neutralization station operations in accordance with mitigation measures. Complaints filed with a designee and the approach used to resolve the complaint shall be reported to DFG.		Mitigation Measure N-3 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) A forest closure for health and safety would further minimize the impacts, which are adequately mitigated by Mitigation Measure N-3. (CEQA Guidelines, § 15091, subd. (a)(2).)
	Cumulative noise impacts. (No cumulative impacts)		No cumulative impacts; no mitigation required.	N/A	<u>Finding:</u> There are no cumulative impacts. Therefore, no mitigation is required.
	BIOLOGICAL RESOURCES -- AQUATIC				
AR-38	Impacts of lowering Lake Davis on desirable fish species. (LS)	AR-38	LS; no mitigation required.	LS	<u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact AR-40). However, because

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as AR-38. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
AR-38	Impacts of lowering Lake Davis on special status macroinvertebrate species. (LS)	AR-38	LS; no mitigation required.	LS	<p><u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact AR-40). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as AR-38. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)</p> <p><u>Explanation:</u> No special status macroinvertebrate species are known or suspected to occur at Lake Davis.</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
AR-39	Impacts of lowering Lake Davis on macroinvertebrate communities. (LS)	AR-39	LS; no mitigation required.	LS	<u>Finding:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact AR-40). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as AR-39. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> No individual taxa are expected to be lost as a result of drawdown
AR-5	Impacts of treatment of Lake Davis on desirable fish species. (S)	AR-5	Implement Mitigation Measure AR-5: Implement the Fisheries Management Plan (Appendix G, EIR/EIS) to restock and restore these fisheries.	LS	<u>Finding:</u> Implementation of Mitigation Measure AR-5 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, §

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					15091, subd. (a)(1).)
AR-6	Impacts of treatment of Lake Davis on special status macroinvertebrate species. (LS)	AR-6	LS; no mitigation required.	N/A	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> No special status macroinvertebrate species are known or suspected to occur at Lake Davis.

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
AR-7	Impacts of treatment of Lake Davis on littoral invertebrate communities. (S)	AR-7	No feasible mitigation is available for impacts to littoral invertebrate communities.	SU	<u>Finding:</u> No feasible mitigation is available for impacts to littoral invertebrate communities. Therefore, if this impact occurs under the Project, it will be significant and unavoidable. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, §§ 15091, subd. (a)(3),)
	Impacts of treatment of Lake Davis on zooplankton communities. (LS)		LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
AR-8	Impacts of treatment of Lake Davis on invertebrates; loss of one or more species of invertebrates for more than two years. (S)	AR-8	No feasible mitigation is available.	SU	<u>Finding:</u> No feasible mitigation is available. Therefore, if this impact occurs under the Project, it will be significant and unavoidable. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding

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(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))**

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					Considerations. (CEQA Guidelines, §§ 15091, subd. (a)(3),)
AR-9	Impacts of treatment of tributary streams on desirable fish species. (S)	AR-9	Implement Mitigation Measure AR-9: Implement the Fisheries Management Plan (Appendix G, EIR/EIS) to restock and restore these fisheries.	LS	<u>Finding:</u> Implementation of Mitigation Measure AR-9 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)
AR-10	Impacts of treatment of tributary streams on special status invertebrate species in tributary streams (S)	AR-10	Implement Mitigation Measure AR-10: <u>AR-10a:</u> DFG will continue systematic sampling program to identify waters with special status invertebrate species prior to treatment through the winter of 2006/7. <u>AR-10b:</u> To minimize the effects of treatment on <i>D. bethula</i> , and other special status species that may be present, DFG will sample streams for pike, upstream of any fish passage barriers, before treatment. Sampling will be conducted periodically in 2006 and	SU	<u>Finding:</u> Implementation of Mitigation Measure AR-10a-AR-10e will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AR-10f, though not

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
		<p align="center">MITIGATION MEASURES</p> <p>2007 before treatment. Sampling will be done carefully to provide a high assurance that fish of any species are not present. If there is a high degree of certainty that fish are not present, DFG will not treat these waters.</p> <p><u>AR-10c:</u> In isolated waters where fish are not present and special status macroinvertebrate species are known or suspected to be present, DFG will install exclusionary fencing or other devices to prevent fish from entering these habitats subsequent to sampling, unless in DFG's determination, such devices are unlikely to be successful. This measure is intended to maintain these habitats in a fishless state, so that treatment is unnecessary and that they can be used as a source area for recolonization.</p> <p><u>AR-10d:</u> Waters where special status macroinvertebrate species are known to be present would be evaluated on a case-by-case basis. If they must be treated, the lowest effective concentration of rotenone and shortest exposure possible to affect a 100 percent kill on pike would be used. A low rotenone concentration for a short</p>		<p>needed to mitigate this impact, will be implemented by DFG where feasible.. Although DFG believes Mitigation Measure AR-10f is not needed to mitigate this impact to a less-than-significant level, it will be implemented where feasible. If under some circumstances it turns out to be infeasible, to be conservative, DFG finds that the impact, if any, will be significant and unavoidable. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, §§ 15091, subd. (a)(3),)</p> <p><u>Explanation:</u> Only one known species of special status has been identified in the project area. With regard to this species, the criterion for significance of the impact is the loss for more than two years. Measures AR-10a through AR-10e, are sufficient to mitigate any significant impact to a less-than-</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
		<p align="center">MITIGATION MEASURES</p> <p>duration should have less effect on macroinvertebrates than a high concentration and a longer duration (Whelan 2002). <u>AR-10e</u>: In waters where <i>D. bethula</i> is found, conduct treatment during September/October. During this time, <i>D. bethula</i> is in pupal stage buried in the bank and is not as sensitive to streamborn toxins. The life history and timing of the other special status macroinvertebrates that are potentially present are poorly known, and similar specifications cannot be made for these species. <u>AR-10f</u>: In waters where the density of special status species is sufficient to allow 30 or more individuals to be collected, where feasible DFG will create refugia in tanks or other suitable holding facilities for these special status macroinvertebrates. The collected individuals would be held in these refugia for the duration of the treatment and then released back to their natal environment. This mitigation measure is untested and its feasibility under the various circumstances that could be</p>		<p>significant level because AR-10e, which minimizes impact to special status species, when combined with Mitigation Measures AR-10a through AR-10d, would minimize the areas to be treated that may contain special status species. Any impacts would occur during the least sensitive life stage (pupal) of the species. In addition, these measures would protect some of the habitats where the species is likely to occur. Any areas left untreated, as well as source populations outside of the project area, will act as source populations for recolonization in the event that individuals of special status species are affected. These measures are sufficient to mitigate any significant impacts to a less-than-significant level. AR-10f is an additional measure that will provide additional mitigation, and where be implemented where feasible. However, this measure is not essential to reducing any significant impact to a level of less-than-</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
			encountered is unknown.		significant. Nevertheless, to be conservative, where the measure is not feasible, DFG has assumed that the impact, if any, will be significant and unavoidable. The significant impact and mitigation was clearly identified in the EIR. The finding made herein, which differs from the impact conclusion of the EIR, is more conservative; however, it is not significant new information.

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
AR-11	Impacts of treatment of tributary streams on macroinvertebrate communities. (LS)	AR-11	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
AR-12	Impacts of treatment of tributary streams on individual taxa of invertebrates; loss of one or more species of invertebrates for more than two years. (S)	AR-12	No feasible mitigation is available.	SU	<u>Finding:</u> No feasible mitigation is available. Therefore, if this impact occurs under the Project, it will be significant and unavoidable. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).)
AR-13	Impacts of treatment of springs and other waters on desirable fish species. (LS)	AR-13	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> Individual fish may be killed, but populations in springs and other waters are not self-supporting. After treatment, fish would be recruited to these areas

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					as they are currently, from other areas during periods of high flow.
AR-14	Impacts of treatment of springs and other waters on the amphibious caddisfly, <i>D. bethula</i> , if springs in which it occurs are treated. (S)	AR-14	<p>Implement Mitigation Measure AR-10:</p> <p><u>AR-10a:</u> DFG will continue systematic sampling program to identify waters with special status invertebrate species prior to treatment through the winter of 2006/7.</p> <p><u>AR-10b:</u> To minimize the effects of treatment on <i>D. bethula</i>, and other special status species that may be present, DFG will sample streams for pike, upstream of any fish passage barriers, before treatment. Sampling will be conducted periodically in 2006 and 2007 before treatment. Sampling will be done carefully to provide a high assurance that fish of any species are not present. If there is a high degree of certainty that fish are not present, DFG will not treat these waters.</p> <p><u>AR-10c:</u> In isolated waters where fish are not present and special status macroinvertebrate species are known or suspected to be present, DFG will install exclusionary fencing or other devices to prevent fish from entering these habitats subsequent to sampling, unless in DFG's</p>	SU	<p><u>Finding:</u> Implementation of Mitigation Measure AR-14 (AR-10a-AR-10e) will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AR-10f, though not needed to mitigate this impact, will be implemented by DFG where feasible. Although DFG believes Mitigation Measure AR-10f is not needed to mitigate this impact to a less-than-significant level, it will be implemented where feasible. If under some circumstances it turns out to be infeasible, to be conservative, DFG finds that the impact, if any, will be significant and unavoidable. DFG concludes that</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
		<p align="center">MITIGATION MEASURES</p> <p>determination, such devices are unlikely to be successful. This measure is intended to maintain these habitats in a fishless state, so that treatment is unnecessary and that they can be used as a source area for recolonization.</p> <p><u>AR-10d:</u> Waters where special status macroinvertebrate species are known to be present would be evaluated on a case-by-case basis. If they must be treated, the lowest effective concentration of rotenone and shortest exposure possible to affect a 100 percent kill on pike would be used. A low rotenone concentration for a short duration should have less effect on macroinvertebrates than a high concentration and a longer duration (Whelan 2002).</p> <p><u>AR-10e:</u> In waters where <i>D. bethula</i> is found, conduct treatment during September/October. During this time, <i>D. bethula</i> is in pupal stage buried in the bank and is not as sensitive to streamborn toxins. The life history and timing of the other special status macroinvertebrates that are potentially present are poorly known, and similar</p>		<p>the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, §§ 15091, subd. (a)(3),) <u>Explanation:</u> Only one known species of special status has been identified in the project area. With regard to this species, the criterion for significance of the impact is the loss for more than two years. Measures AR-10a through AR-10e, are sufficient to mitigate any significant impact to a less-than-significant level because AR-10e, which minimizes impact to special status species, when combined with Mitigation Measures AR-10a through AR-10d, would minimize the areas to be treated that may contain special status species. Any impacts would occur during the least sensitive life stage (pupal) of the species. In addition, these measures would protect some of the habitats where the species is likely to occur. Any areas left</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
			<p>specifications cannot be made for these species.</p> <p><u>AR-10f</u>: In waters where the density of special status species is sufficient to allow 30 or more individuals to be collected, where feasible DFG will create refugia in tanks or other suitable holding facilities for these special status macroinvertebrates. The collected individuals would be held in these refugia for the duration of the treatment and then released back to their natal environment. This mitigation measure is untested and its feasibility in various circumstances that could be encountered is unknown.</p>		<p>untreated, as well as source populations outside of the project area, will act as source populations for recolonization in the event that individuals of special status species are affected. These measures are sufficient to mitigate any significant impacts to a less-than-significant level. AR-10f is an additional measure that will provide additional mitigation, and where be implemented where feasible. However, this measure is not essential to reducing any significant impact to a level of less-than-significant. Nevertheless, to be conservative, where the measure is not feasible, DFG has assumed that the impact, if any, will be significant and unavoidable. The significant impact and mitigation was clearly identified in the EIR. The finding made herein, which differs from the impact conclusion of the EIR, is more conservative; however, it is not significant new information.</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
AR-15	Impacts of treatment of springs and other waters on spring macroinvertebrate communities. (LS)	AR-15	LS; no mitigation required. However, where feasible, DFG will create refugia in aquaria for spring macroinvertebrate communities and relocate them to their natal habitat after toxic effects have cleared. (See Mitigation Measure AR-10f.)	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) However, where feasible, DFG will create refugia in aquaria for spring macroinvertebrate communities and relocate them to their natal habitat after toxic effects have cleared. DFG hereby adopts this mitigation measure. DFG hereby adopts this mitigation measure, and finds that this will minimize the less-than-significant impact.
AR-16	Impacts of treatment of springs and other waters on individual taxa of invertebrates; loss of one or more species of invertebrates for more than two years. (S)	AR-16	No feasible mitigation is available.	SU	<u>Finding:</u> No feasible mitigation is available. Therefore, if this impact occurs under the Project, it will be significant and unavoidable. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).)
AR-17	Impacts on desirable fish species	AR-17	Implement Mitigation Measure AR-17:	LS	<u>Finding:</u> Implementation of

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	from increased flows in Big Grizzly Creek below the dam due to drawdown. (S)		DFG will restock desirable species from all year classes in Big Grizzly Creek below Lake Davis as described in the Fisheries Management Plan, Appendix G, subsequent to treatment and neutralization.		Mitigation Measure AR-17 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)
AR-18	Impacts on special status aquatic invertebrate species from increased flows in Big Grizzly Creek below the dam due to drawdown. (LS)	AR-18	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> No special status macroinvertebrate species are known or suspected to exist or potentially exist in Big Grizzly Creek downstream of Lake Davis.
AR-19	Impacts on macroinvertebrate communities from increased flows in Big Grizzly Creek below the dam due to drawdown. (LS)	AR-19	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd.

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					(a)(3), 15091.)
AR-20	Impacts on desirable fish species from neutralization of rotenone at Lake Davis outlet. (LS)	AR-20	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
AR-21	Impacts on special status aquatic invertebrate species from neutralization of rotenone at Lake Davis outlet. (No impact)	AR-21	No impact; no mitigation required.	LS	<u>Finding:</u> There is no impact. Therefore, no mitigation is required. <u>Explanation:</u> No special status invertebrate species are known or suspected to exist or potentially exist in Big Grizzly Creek downstream of Lake Davis.
AR-22	Impacts on macroinvertebrate communities from neutralization of rotenone at Lake Davis outlet (i.e., rotenone or potassium permanganate). (No impact under Neutralization Options 1 and 2) (LS under Neutralization Options 3 and 4)	AR-22	No impact under Neutralization Options 1 and 2; no mitigation required. LS under Neutralization Options 3 and 4; no mitigation required.	N/A LS	<u>Finding:</u> There is no impact. Therefore, no mitigation is required. <u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
AR-23	Overall effect of neutralization (Options 1 to 4) on desirable fish species in Big Grizzly Creek	AR-23	Implement Mitigation Measure AR-23: <u>AR-23a:</u> Mitigation AR-10e—to minimize the potential for adverse temperature	LS	<u>Finding:</u> Implementation of Mitigation Measure AR-23 will reduce this impact to a less-than-

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	below the dam. (S)		effects during flow curtailment, conduct treatment in September or October, rather than August. <u>AR-23b</u> : DFG to conduct fish rescue and relocation effort in the upper portion of Big Grizzly Creek below Grizzly Dam while the rotenone neutralization is occurring and streamflows are reduced. Fish will be rescued and relocated from the section of stream in the 400 yards immediately below the dam, as this area would receive flows of only 4-5 gpm (0.01 cfs). Additionally, biologists will monitor fish downstream of this area and relocate fish in habitat units where fish are showing signs of stress. <u>AR23c</u> : Mitigation AR-1-- Desirable fish species will be stocked following neutralization in accordance with the Fisheries Management Plan (Appendix G, EIR/EIS).		significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)
AR-24	Overall effect of neutralization (Options 1 to 4) on special status invertebrate species in Big Grizzly Creek below the dam. (LS)	AR-24	LS; no mitigation required.	LS	<u>Finding</u> : Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
AR-25	The overall effect of neutralization (Options 1 to 4) on macroinvertebrate communities in Big Grizzly Creek below the dam. (LS)	AR-25	LS; no mitigation required. However, to minimize the potential less-than-significant adverse temperature effects during flow curtailment, treatment should be conducted in September or October, rather than August.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) However, to minimize the potential less-than-significant adverse temperature effects during flow curtailment, treatment should be conducted in September or October, rather than August. DFG hereby adopts this mitigation measure, and finds that this measure will minimize the less-than-significant impact. (CEQA Guidelines, § 15091, subd. (a)(1).) <u>Explanation:</u> Under Neutralization Options 1 and 2, macroinvertebrate communities in the entire stream may be affected, but they would be expected to re-establish within two years. Under Neutralization Options 3 and 4, the affected area would be short, and re-establishment would be expected to occur within a few months.
AR-26	Impacts on desirable fish species	AR-26	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	in Middle Fork Feather River of flow effects of higher flows during drawdown and reduced flows during treatment. (LS)				measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
AR-27	Impacts on special status aquatic invertebrates in Middle Fork Feather River downstream of Big Grizzly Creek of flow effects of higher flows during drawdown and reduced flows during treatment. (LS)	AR-27	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
AR-28	Impacts on macroinvertebrates communities in Middle Fork Feather River downstream of Big Grizzly Creek of flow effects of higher flows during drawdown and reduced flows during treatment. (LS)	AR-28	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
AR-32	Impacts of accidental chemical spills on desired fish species. (LS)	AR-32	LS; no mitigation required. The Project includes a built-in mitigation for this impact which is a spill prevention and containment plan.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) The Project includes a spill prevention and containment plan that DFG will adopt to minimize

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					impacts of accidental chemical spills on desired fish species. <u>Explanation:</u> The Project includes a spill prevention and containment plan.
AR-33	Impacts of accidental chemical spills on special status aquatic invertebrates. (LS)	AR-33 (AR-32)	LS; no mitigation required. The Project includes a built-in mitigation for this impact which is a spill prevention and containment plan.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) The Project includes a spill prevention and containment plan that DFG will adopt to minimize impacts of accidental chemical spills on desired fish species. <u>Explanation:</u> The Project includes a spill prevention and containment plan.
AR-34	Impacts of accidental chemical spills on macroinvertebrate communities. (LS)	AR-34	LS; no mitigation required. The Project includes a built-in mitigation for this impact which is a spill prevention and containment plan.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) The Project includes a spill prevention and containment plan that DFG will adopt to minimize impacts of accidental chemical

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					spills on desired fish species. <u>Explanation:</u> The Project includes a spill prevention and containment plan.
	Cumulative impacts to aquatic biological resources. (No cumulative impacts)		No cumulative impacts; no mitigation required.	N/A	<u>Finding:</u> There are no cumulative impacts. Therefore, no mitigation is required.
	BIOLOGICAL RESOURCES -- WILDLIFE				
TW-1	The application of rotenone to habitats potentially occupied by mountain yellow-legged frog, foothill yellow-legged frog and northwestern pond turtle may result in mortality to individuals. (S)	TW-1	Implement Mitigation Measure TW-1: Due to the potential susceptibility of the mountain yellow-legged frog, foothill yellow-legged frog, and northwestern pond turtle to the effects of rotenone, additional surveys for these species are to be conducted in all areas of suitable habitat in tributary streams to Lake Davis that would be treated with rotenone. These surveys are to be conducted in accordance with standard protocols (DFG 2004c and DFG 2006g) during the same year of treatment and prior to the proposed application of rotenone. If any of these species are found within the proposed treatment area, a concerted effort will be made to capture as many individuals as possible beginning 2	LS	<u>Finding:</u> Implementation of Mitigation Measure TW-1 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
		<p align="center">MITIGATION MEASURES</p> <p>weeks prior to treatment. These individuals would be transported and released in suitable habitat in the immediate project area that will not be treated with rotenone, or held for release where captured, following dissipation of the rotenone. Prior to transplantation of any animals to an adjacent waterbody, amphibians at both the source and donor sites will be tested for chytrid fungus (<i>Batrachochytrium dendrobatidis</i>). If animals from Lake Davis test positive, they will not be transplanted. If the proposed recipient site tests positive, alternate recipient sites should be screened until a site is found where chytrid fungus is absent. Decisions whether to hold animals or where they are to be transplanted will be done in coordination with USFS and DFG biologists.</p>		
TW-2	Drawdown of Lake Davis could result in altered habitats used by various terrestrial wildlife species, including a reduction in the surface area of the reservoir used as foraging habitat by the bald eagle and osprey, and	TW-2 Implement Mitigation Measure TW-4d: A bald eagle supplemental feeding program would be implemented the year following rotenone treatment whereby food is made available to the eagles beginning at ice-out and extending until August 31 or as long as there is an	LS	<p><u>Finding:</u> Implementation of Mitigation Measure TW-2 (TW-4d) will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	increased predation and reduced habitat for nesting and migrating Canada geese and other waterfowl. (S)	active eagle nest at Lake Davis. Dead fish (rotenone-killed fish may be used) are to be provided to eagles at two sites within or adjacent to each active nesting territory. Several dead fish are to be placed early each morning on the ground near the shoreline or on an anchored raft floated on the water in view of a suitable eagle perch in the area where nesting or fledgling eagles have been active. Food would be provided every five out of seven days while skipping no more than one day in succession. The supplemental feeding program would continue the second (and subsequent) year(s) following treatment until reservoir levels are within 90 percent of the pre-drawdown surface area (2,554 surface acres; 37,936 acre-feet volume; 5,761 feet surface elevation) if there are two active eagle nests at the reservoir, or until 75 percent of pre-draw-down surface area (2,129 surface acres; 28,355 acre-feet volume; 5,757 feet elevation) is reached if one active eagle nest is present.		or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. CEQA Guidelines, § 15091, subd. (a)(1). <u>Explanation:</u> Alternative D, however, assumed that the reservoir would be managed to a level of about 48,000 acre-feet, which is typical of normal operations, and that no active drawdown would be required. (See page 3-60, EIR/EIS.) Under the Project Modified Alternative D, however, some active drawdown may be required if, after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. It is not clear that the impact from Modified Alternative D on habitats used by various terrestrial wildlife species would be significant; however this finding

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					acknowledges the possibility. The Contingency Plan would be invoked only if after DWR releases made for winter/spring dam operations for control and containment and any additional releases for the project, the reservoir is less than 45,000 acre-feet at the time of treatment; no active drawdown would occur under the Contingency Plan.
TW-3	The drawdown of Lake Davis to the proposed water volume level could result in a land or shallow-water connection to the island in Lake Davis that is used as a colonial nesting site by California gulls. The loss of the separation between the island and shore prior to completion of the gulls nesting period could allow predators access to the island when nesting gulls and their chicks are highly vulnerable. (S)	TW-3	Implement Mitigation Measure TW-3: To maintain a separation between the island and shore of Lake Davis and deter mammalian predators from accessing the breeding colony of California gulls, a fence, of appropriate height and mesh to exclude coyotes, will be constructed across the emerging low water connection to the island as the surface level of the reservoir reaches approximately 5,760 feet. The fence will be checked at least every third day while the waters recede to ensure that its integrity is maintained, and it will be extended as needed to reach into the water. The fence would be in place as long as gull chicks remain associated with their nests (approximately to August	NA	<u>Finding:</u> Implementation of Mitigation Measure TW-3 is not necessary. Although the Project does contemplate the possibility of some drawdown, the Project will not be implemented at reservoir volumes below 38,000 acre-feet. At that volume, the land bridge that would occur at lower volumes, triggering this impact, would not occur. Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd.

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			1). In the year(s) following treatment, the fence would continue as a barrier to prevent mammalian predators from reaching the island until there is an adequate water separation for the island (at or above approximately 5,760 feet surface elevation). If gulls do not nest by May 31 the fence would no longer be needed during that year.		(a)(3), 15091.)
TW-4	Drawdown and/or treatment of Lake Davis with rotenone would result in a temporary loss of the primary food base for bald eagles and ospreys utilizing the reservoir and may contribute to nest failure for territories associated with Lake Davis. Initiating rotenone treatment prior to September 1 may constitute disturbance to nesting eagles due to the loss of the fishery prey base. (S)	TW-4	Implement Mitigation Measure TW-4: <u>TW-4a</u> : Due to potential project-related adverse effects to a species listed as threatened under the ESA, interagency consultation with USFWS on the bald eagle would be completed prior to implementation of the project. Any and all terms and conditions that would be established by USFWS in their biological opinion would be fully implemented as part of the Project. <u>TW-4b</u> : An aggressive fish-stocking program would be implemented at Lake Davis with an emphasis on large fish to quickly restore the eagle and osprey prey base at Lake Davis to pre-treatment fish densities and size-class distribution. Stocking would be initiated in the fall following treatment of the reservoir and	LS	<u>Finding</u> : Implementation of Mitigation Measure TW-4 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
		<p align="center">MITIGATION MEASURES</p> <p>continue until pre-treatment fish densities are maintained, as indicated by results of fisherman creel surveys. <u>TW-4c</u>: If rotenone treatment occurs prior to September 1 and fledgling eagles are present at Lake Davis, a supplemental feeding program would be established whereby food is made available to the eagles until the time at which they would normally disperse. Dead fish (rotenone-killed fish may be used) are to be provided to eagles at two sites within or adjacent to each active nesting territory beginning before all dead fish are removed from the reservoir during cleanup. Several dead fish are to be placed early each morning on the ground near the shoreline or on an anchored raft floated on the water in view of a suitable eagle perch in the area where nesting or fledgling eagles have been active. Food would be provided every five out of seven days while skipping no more than one day in succession. Supplemental feeding would continue until at least September 1 and when all fledgling eagles are capable of dispersing from the area.</p>		

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		MITIGATION MEASURES		
		<p>TW-4d: A bald eagle supplemental feeding program would be implemented the year following rotenone treatment whereby food is made available to the eagles beginning at ice-out and extending until August 31 or as long as there is an active eagle nest at Lake Davis. Dead fish (rotenone-killed fish may be used) are to be provided to eagles at two sites within or adjacent to each active nesting territory. Several dead fish are to be placed early each morning on the ground near the shoreline or on an anchored raft floated on the water in view of a suitable eagle perch in the area where nesting or fledgling eagles have been active. Food would be provided every five out of seven days while skipping no more than one day in succession. The supplemental feeding program would continue the second (and subsequent) year(s) following treatment until reservoir levels are within 90 percent of the normal operating volume (2,554 surface acres; 37,936 acre-feet volume; 5,761 feet surface elevation) if there are two active eagle nests at the reservoir, or</p>		

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		<p align="center">MITIGATION MEASURES</p> <p>until 75 percent of the normal operating volume (2,129 surface acres; 28,355 acre-feet volume; 5,757 feet elevation) is reached if one active eagle nest is present. <u>TW-4e</u>: Monitoring of eagle nesting status and productivity at Lake Davis would be conducted by the DFG (or coordinated through the PNF) for a minimum of two breeding seasons following project implementation and would include one year following cessation of the supplemental feeding program, continuing until normal eagle productivity is documented.</p>		

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TW-5	The temporary loss of aquatic insects and their terrestrial forms may impact terrestrial species of insectivorous wildlife, including amphibians, reptiles, bats, and birds. The willow flycatcher is highly dependant on the aquatic-derived invertebrate prey base and suitable habitat is present in the project area. Activities related to the dewatering of streams and/or rotenone treatment may be initiated prior to September 1 and may overlap with the end of the willow flycatcher's nesting period. (S)	TW-5	Implement Mitigation Measure TW-5: If dewatering activities and/or rotenone treatment would occur prior to September 1 along tributary streams of Lake Davis where suitable willow flycatcher habitat is found, pre-treatment surveys would be completed to document the absence of nests or fledglings in the area. If nesting/fledgling birds are found, drawdown activities (e.g., piping, pumping, and/or removal of vegetation) and/or treatment of the tributary stream with rotenone where nesting/fledgling flycatchers are located will be postponed until after August 31.	LS	<u>Finding:</u> Implementation of Mitigation Measure TW-5 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)
TW-6	Activities associated with water drawdown and rotenone treatment of Lake Davis and its tributaries may cause disturbance to: bald eagles and great gray owls if these activities are initiated prior to September 1 in the vicinity of active nest-sites (e.g., Jenkins Cove area); to the goshawk if activities begin prior to September 15 within occupied	TW-6	Implement Mitigation Measure TW-6: <u>TW-6a:</u> If staging areas, located within the vicinity of Jenkins Cove (or within 0.5 mile of an occupied bald eagle primary use area or great gray owl PAC), are used prior to September 1, surveys for bald eagles and/or great gray owls will be completed to determine presence and nesting/post-nesting status. If bald eagles or great gray owls are actively using the area, an 0.5-mile (800-meter)	LS	<u>Finding:</u> Implementation of Mitigation Measure TW-6 will reduce this impact to a less-than-significant level. It will also avoid take of willow fly catcher under the California Endangered Species Act. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant

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	<p>PACs (e.g., Lightning Point vicinity); and to willow flycatchers prior to September 1 along tributary streams where suitable habitat is located. The adverse impact is significant but mitigable.</p>	<p align="center">MITIGATION MEASURES</p> <p>buffer shall be established around active bald eagle nest sites and a 0.25-mile buffer around active great gray owl nest sites (which includes the presence of post-fledging birds). These buffers will be delineated as necessary using flagging or other methods to assure that there are no major disturbances to eagles or owls associated with the project within the buffer.</p> <p><u>TW-6b</u>: If staging areas located within one mile of Lightning Point are used prior to September 15, surveys of the established northern goshawk PAC will be completed to determine presence and nesting/post-nesting status, and if occupied, to preclude project-related activities from the designated PAC, as necessary.</p> <p><u>TW-6c</u>: If dewatering activities and/or rotenone treatment would occur prior to September 1 along tributary streams of Lake Davis where suitable willow flycatcher habitat is found, pre-treatment surveys will be completed to document the absence of nests or fledglings in the area. If nesting/fledging birds are found, a 100-foot buffer shall be established</p>		<p>environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)</p> <p><u>Explanation</u>: Implementation of Mitigation Measure TW-6c specifically will avoid take of willow flycatcher under the California Endangered Species Act.</p>

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		<p align="center">MITIGATION MEASURES</p> <p>around the nest(s), within which no personnel encroachment or activity shall be allowed until after September 1 or until the monitoring biologist determines that chicks have fledged. These buffers shall be clearly delineated and maintained as necessary using flagging or other methods to assure that there are no disturbances to nesting willow flycatchers associated with the project within the buffer. The monitoring biologist shall be present when project activities necessitate proximity to the buffer area to monitor effects on nesting willow flycatchers and shall be authorized to increase the buffer to 200-feet, or a radius he/she deems necessary to avoid take of this species, if the 100-foot buffer is not sufficient to prevent noise and activity induced disturbances. These measures will avoid take of willow flycatcher under the California Endangered Species Act.</p>		
	Cumulative impacts to terrestrial wildlife. (LS)	LS; no mitigation required.	LS	Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA

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					Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> Potential cumulative impacts would primarily be short-term disturbance to wildlife; no long-term modification of terrestrial wildlife habitat would occur. Due to the limited time scale associated with the Project, the cumulative nature of projects co-occurring with the Project do not rise to the level of compromising management standards, including species viability or substantial degradation of wildlife habitat.
	BIOLOGICAL RESOURCES – BOTANICAL				
VEG-1	Temporary loss of non-sensitive terrestrial vegetation. (LS)	VEG-1	LS; no mitigation required. However, to minimize the less-than-significant impact, construction of additional access roads shall be minimized to the extent consistent with correct implementation of the project.	LS	Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) However, to minimize the less-than-significant impact, construction of additional access roads shall be minimized to the extent consistent with correct

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					implementation of the project. DFG hereby adopts this mitigation measure, and finds that the measure will minimize the less-than-significant impact.
VEG-2	Temporary loss of riparian vegetation. (S)	VEG-2	<p>Implement Mitigation Measure VEG-2:</p> <p><u>VEG-2a</u>: Access routes, stream access points, and application sites shall be flagged and DFG staff shall be instructed to use only flagged access routes.</p> <p><u>VEG-2b</u>: To the extent consistent with correct implementation of the project, access routes shall be located away from the riparian zone.</p> <p><u>VEG-2c</u>: DFG staff shall be trained to minimize impact to this vegetation during rotenone application at these sites.</p> <p><u>VEG-2d</u>: A spill prevention, containment, and clean-up plan shall be prepared and shall be implemented when the project begins in order to reduce the potential for impacts from accidental spills.</p> <p><u>VEG-2e</u>: Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be implemented. Such management practices may require buffers from 200 to 600-feet-wide around streams, where</p>	LS	<p><u>Finding</u>: Implementation of Mitigation Measure VEG-2 will reduce this impact to a less-than-significant level. It will also minimize and mitigate impacts to willow flycatcher habitat. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)</p> <p><u>Explanation</u>: Mitigation Measure VEG-2e and VEG-2f specifically minimize and mitigate impacts to willow flycatcher habitat.</p>

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		<p align="center">MITIGATION MEASURES</p> <p>direct access is not required to implement the project. For willows areas: no more than a maximum of 20 % thinning is allowed; this may be done only after August 15, and only with hand tools (such as loppers, weed whackers, hedge trimmers, etc...); and no road construction is allowed.</p> <p><u>VEG-2e</u>: Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be implemented. Such management practices may require buffers from 200 to 600-feet-wide around streams, where direct access is not required to implement the project.</p> <p><u>VEG-2f</u>: Any personnel activity within willow habitat shall be carried out such that no willows are removed and cutting or thinning of branches is minimized. To mitigate for the unavoidable impacts to willow habitat (and the associated indirect impacts to willow flycatcher -- which would not result in take under the California Endangered Species Act) related to personnel access, DFG shall replant on-site all cuttings of viable</p>		

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			diameter. Replanting areas and cutting viability will be carried out under the direction of a DFG biologist. <u>VEG-2g</u> : No litter or debris may be dumped or left within the riparian zone. Any equipment that is carried or driven within the wetted riparian zone must be checked daily for the prevention of leakage of fuel or other substances that may be deleterious to aquatic life.		
VEG-3	Temporary loss of wetland vegetation. (S)	VEG-3	Implement Mitigation Measure VEG-3: <u>VEG-3a</u> : Wetland vegetation in the vicinity of project activities that can be avoided shall be flagged and temporarily fenced to prevent accidental impacts. <u>VEG-3b</u> : DFG staff shall be trained to minimize impact to this vegetation during rotenone application at these sites. <u>VEG-3c</u> : A spill prevention, containment, and clean-up plan shall be prepared and shall be implemented when the project begins in order to reduce the potential for impacts from accidental spills. <u>VEG-3d</u> : Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be	LS	<u>Finding</u> : Implementation of Mitigation Measure VEG-3 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)

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			implemented. Such management practices may require buffers of 100 feet or more around springs, seeps, and pools where direct access is not required to implement the project.		
VEG-4	Direct adverse impacts to special status plant species. (S)	VEG-4	<p>Implement Mitigation Measure VEG-4:</p> <p><u>VEG-4a</u>: Pre-project surveys shall be conducted at all potential disturbance areas to determine the presence of any special status plant species at the project sites.</p> <p><u>VEG-4b</u>: All identified locations of special status plant species that can be avoided shall be flagged and species-appropriate buffer areas shall be fenced for avoidance prior to project implementation.</p> <p><u>VEG-4c</u>: A worker environmental awareness training shall be conducted prior to project implementation. This training shall include information on identification and avoidance measures for special status species potentially present in the project area.</p> <p><u>VEG-4d</u>: A spill prevention, containment, and clean-up plan shall be prepared before the project is implemented.</p> <p><u>VEG-4e</u>: Within the PNF, all relevant</p>	LS	<p><u>Finding</u>: Implementation of Mitigation Measure VEG-4 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)</p>

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		management practices specified in the PNF LRMP and the SNFPA shall be implemented. Such management practices may include the requirement that all areas requiring seeding or planting shall use only locally collected native seed sources, if available.		
VEG-5	Noxious weed colonization of ground disturbed by project-related actions. (S)	VEG-5 Implement Mitigation Measure VEG-5: <u>VEG-5a</u> : A worker environmental awareness training shall be conducted prior to Project implementation. This training shall include information on identification and avoidance measures for noxious weed species of concern in the project vicinity. <u>VEG-5b</u> : In areas with known infestations within areas where soil disturbance is necessary, vegetation and topsoil shall be graded and stockpiled on the side of the site, adjacent to the area from which they were stripped, in order to isolate soil that may contain noxious weed seeds. This action would reduce the potential for construction equipment to transport seeds, roots, or rhizomes from site to site. <u>VEG-5c</u> : Reclamation of disturbed areas shall be implemented immediately	LS	Finding: Implementation of Mitigation Measure VEG-5 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
		MITIGATION MEASURES		
	Cumulative impacts to botanical resources. (LS)	following construction. <u>VEG-5d</u> : Fertilizer shall not be applied to reclaimed areas with known weed infestations, since nutrients can enhance the growth of weeds. <u>VEG-5e</u> : Straw bales used for sediment barriers or mulch shall be certified weedfree. <u>VEG-5f</u> : Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be implemented. These management practices may include cleaning all off-road equipment and vehicles used for project implementation at a vehicle washing station or steam cleaning facility before the equipment and vehicles enter the project area, and cleaning all off-road equipment prior to leaving areas infested with noxious weeds.	LS	<u>Finding</u> : Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	AESTHETIC RESOURCES				
A-2	Impact of Neutralization Option 1 on aesthetics. (LS)	A-2	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
A-3	Impact of Neutralization Option 2 on aesthetics. (LS)	A-3	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
A-4	Impact of Neutralization Option 3 on aesthetics. (LS)	A-4	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
A-5	Impact of Neutralization Option 4 on aesthetics. (LS)	A-5	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
A-8	A band of shoreline would be	A-8	No feasible mitigation is available.	SU	<u>Finding:</u> This impact is not

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	visible to recreationists and the general public for up to eight months during the year treatment would occur and for an additional 2-18 months during refill. (S)				<p>expected to occur under the Project unless the Contingency Plan is implemented. If the impact occurs, no feasible mitigation is available. Therefore, if this impact occurs under the Project, it will be significant and unavoidable. DFG concludes that the remaining impact is acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).) .</p> <p><u>Explanation:</u> Alternative D, however, assumed that the reservoir would be managed to a level of about 48,000 acre-feet, which is typical of normal operations, and that no active drawdown would be required. (See page 3-60, EIR/EIS.) Under the Project Modified Alternative D, however, some active drawdown may be required if, after taking into consideration DWR releases made for winter/spring dam operations for control and containment, the</p>

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					reservoir is anticipated to be higher than 48,000 acre-feet at the time of treatment. The Contingency Plan would be invoked only if after DWR releases made for winter/spring dam operations for control and containment and any additional releases for the project, the reservoir is less than 45,000 acre-feet at the time of treatment; no drawdown would occur under the Contingency Plan. Therefore, it is not clear that this impact will occur. However, if it did, it would occur through a drawdown under Modified Alternative D; this is most like Impact A-8.
	Cumulative impacts to aesthetics. (No cumulative impact)		N/A. There is no cumulative impact; no mitigation required.	N/A	<u>Finding:</u> There is no cumulative impact. Therefore, no mitigation is required.
	LAND USE & MANAGEMENT				
LU-1	Containment of cattle in the Grizzly Valley allotment as reservoir drawdown falls below the current fence extending into Lake Davis. (S)	LU-1	Implement Mitigation Measure LU-1: DFG shall contribute materials and labor to the appropriate range allotment permittees to construct additional fencing to keep cows from moving to other pastures.	LS	<u>Finding:</u> Implementation of Mitigation Measure LU-1 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations

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					have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)
LU-2	LU-2: Overlap in project areas and traffic from the Project and Freeman Project. (S)	LU-1	Implement Mitigation Measure LU-1: <u>LU-2a</u> : DFG shall obtain a detailed work schedule from the Forest Service timber sale layout coordinator for the Freeman Creek project. The schedule will identify the treatment units and roads in which timber harvest operators will be working. <u>LU-2b</u> : The DFG shall provide or arrange for traffic control during times when there is timber harvesting along roads used by DFG crews.	LS	<u>Finding</u> : Implementation of Mitigation Measure LU-2 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)

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LU-3	Consistency with SNFPA. (No adverse impact)	LU-3	N/A. There is no adverse impact; no mitigation required.	N/A	<u>Finding:</u> There is no adverse impact. Therefore, no mitigation is required.
LU-4	Consistency with Plumas County General Plan and City of Portola General Plan. (No adverse impact)	LU-4	N/A. There is no adverse impact; no mitigation required.	N/A	<u>Finding:</u> There is no adverse impact. Therefore, no mitigation is required. <u>Explanation:</u> The proposed project is not governed by the Plumas County General Plan or the City of Portola General Plan; in any event, the project is consistent with these plans.
LU-5	Firewood collection. (LS)	LU-5	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
	Cumulative impacts to land use and management. (No cumulative impact)		N/A. There is no cumulative impact; no mitigation required.	N/A	<u>Finding:</u> There is no cumulative impact. Therefore, no mitigation is required.
	CULTURAL RESOURCES				
CR-1	Project activities in staging areas, storage areas, and tributary access areas could affect cultural resources through	CR-1	Implement Mitigation Measure CR-1: Ground disturbance shall be mitigated by avoidance. Areas to be disturbed will be surveyed prior to work in areas of	LS	<u>Finding:</u> Implementation of Mitigation Measure CR-1 will reduce this impact to a less-than significant level. DFG hereby

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	ground disturbance. (S)		potential direct effect. Any identified resources will be marked for avoidance using orange fencing and/or tape with a 10 to 15 foot buffer to protect the site from any associated activities during the treatment period, and crews will be informed of the resource.		adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)
CR-2	Extension of the boat ramp in order to allow boat access to Lake Davis as reservoir levels drop could affect cultural resources through ground disturbance. (S)	CR-2	Implement Mitigation Measure CR-2: Ground disturbance from boat ramp extension shall be mitigated by avoidance. There are three potential boat ramps for reservoir access. Once a boat ramp for reservoir access has been chosen, a qualified archaeologist shall survey any areas impacted by ramp extension. If cultural resources that are eligible for the National Register could be impacted by ramp extension, an alternate access ramp will be used.	LS	<u>Finding:</u> This impact is not expected to occur unless the contingency plan is implemented. In any event, implementation of Mitigation Measure CR-2 will reduce this impact to a less-than significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) <u>Explanation:</u> The Project will not require the extension of a boat ramp if the reservoir level does not drop below 45,000 acre-feet; this

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					impact would occur only if the reservoir drops below 45,000 acre-feet.
CR-3	The dewatering of the reservoir could potentially cause erosion to potential cultural resource sites. (S)	CR-3	Implement Mitigation Measure CR-3: Erosion shall be mitigated by monitoring, followed by agency consultations and appropriate actions. Any previously recorded sites will be located and regularly monitored during the dewatering process by a qualified archaeologist to determine if erosion due to reservoir dewatering, stream movements, or weather is impacting the sites. If cultural resources that are eligible for the National Register were being impacted by erosion, mitigation will be avoidance, protection, or full investigation, as determined by	LS	<u>Finding:</u> This impact is not expected to occur unless the contingency plan is implemented. In any event, implementation of Mitigation Measure CR-3 will reduce this impact to a less-than significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)

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			consultation with the DFG, the USFS, the State Historic Preservation Officer, and appropriate Native American tribes.		
CR-4	Impact CR-4: The effect on cultural resources from looting and vandalism of resources potentially located in the exposed lakebed is less than significant, due to enforcement of the forest closure.	CR-4	Mitigation CR-4: No mitigation is required. However, the drawdown presents an opportunity to research and study exposed areas for potential resources; which, if present, could be documented.	LS	Finding: There is no adverse impact. Therefore, no mitigation is required.
	Cumulative impacts to cultural resources. (No cumulative impact)		N/A. There is no cumulative impact; no mitigation required.	N/A	<u>Finding:</u> There is no cumulative impact. Therefore, no mitigation is required.
	RECREATION RESOURCES				
R-6	Direct impact due to loss of recreation use at Lake Davis. (S)	R-6	Implement Mitigation Measure R-6: The DFG shall implement Mitigation R-1 to promote recreation use at Lake Davis, except if the duration of the impact is anticipated to be one season, the contribution to PNF will be \$15,000. However, if the reservoir remains at or above 45,000 acre-feet after ice-out, then no contribution to PNF will be required. (Note: Mitigation Measure R-1 provides: <u>R-1a</u> : The DFG shall partner with the PNF in promoting recreation at Lake Davis by contributing \$30,000 in	LS	<u>Finding:</u> Implementation of Mitigation Measure R-6 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) <u>Explanation:</u> Under Modified

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		<p align="center">MITIGATION MEASURES</p> <p>funding to conduct a feasibility analysis for design and construction of a trail on the east side of Lake Davis. There is a plan for the PNF (Schaber, personal communication, 2006) to seek funding from a Rails-to-Trails grant for a trail around Lake Davis. Support from the DFG could accelerate implementation of this trail project, and meet latent demand for hiking and walking. In addition, the DFG shall construct and install two or three interpretive panels highlighting the biological resources of the Lake Davis area and discussing the risks of non-native invasive species. The DFG shall also construct two interpretive panels for installation along the River Walk near the City of Portola. The DFG shall also provide interpretative staff for at least the duration of the two seasons in which impacts are expected to occur to support local educational programs on the biology of the reservoir and its vicinity. <u>R-1b</u>: In addition, the DFG shall plant trout in appropriate numbers beginning in the spring prior to treatment in suitable waters nearby Lake Davis for the benefit of local Lake Davis area recreation.</p>		<p>Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact R-8). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as R-6.</p>

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		<p align="center">MITIGATION MEASURES</p> <p>Suitable waters are those that contain trout and trout habitat, that have previously been planted with trout and are not designated wild trout waters, and that do not contain any known special status or threatened or endangered species that could be adversely affected by planted trout. DFG will also promote recreation at Lake Davis by the following: (1) The rapid restocking of the reservoir with catchable trout, as described in the Fisheries Management Plan, coupled with wide media advertisement of the stocking to provide angling opportunities. (2) Publishing and widely distributing brochures, newsletters, and press releases. (3) Maintaining a website with information on the pike eradication project, fisheries management at the reservoir, and water quality monitoring results. (4) Publishing newsletters and positive-image press releases in an appropriate and timely manner during and after the treatment, to inform residents of recovery progress and to encourage visitors to the Portola, Lake Davis and surrounding area. (5) Using a wide variety of media for</p>		

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
			notifying the public of the recovery of Lake Davis – including radio announcements in Reno and Sacramento. (6) Maintaining a public office in the City of Portola with DFG staff, as well as publishing the phone numbers and email addresses of key project personnel to allow a response to questions. (7) Developing a public outreach program that includes presentations to educational institutions, conservation, environmental, civic, government and other interested and non-governmental organizations, and providing information through the media. (8) Working closely with other responsible state, local and federal agencies to provide the most accurate and timely information to a wide public.)		
R-7	Indirect adverse impact due to increased crowding and physical deterioration of recreation facilities at Frenchman Lake. (S)	R-7	Implement Mitigation Measure R-7: The DFG shall implement Mitigation R-2, except if the duration of the impact is anticipated to be one season, a temporary toilet will be provided. (Note: Mitigation R-2 provides: A permanent toilet shall be installed at the overflow campground (near Big Cove campground) at Frenchman Lake. The	LS	<u>Finding:</u> Implementation of Mitigation Measure R-7 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
			DFG shall contribute a maximum of \$15,000 for purchase and installation of this toilet. The DFG shall, in collaboration with local representatives, also prepare a brochure highlighting recreational opportunities in eastern Plumas County.)		avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) <u>Explanation:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact R-8). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as R-7.
R-3	Impacts on use of Grizzly Ice Pond. (S)	R-3	Implement Mitigation Measure R-3: Develop a reservoir operations plan (in coordination with DWR) that would restrict releases from Grizzly Valley Dam from about June 1 through August, to allow for continued normal operation of Walton's Grizzly Lodge Camp.	SU	<u>Finding:</u> Implementation of Mitigation Measure R-3 will reduce this impact to a less-than-significant level. However, those changes or alterations required to mitigate or avoid the Project's significant effects on the environment are within the responsibility and jurisdiction of another public agency (DWR), and can or should be adopted by that other agency. Because DFG, as lead agency for the EIR, could not implement Mitigation Measure R-3 without the

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					approval of DWR this would be a potentially significant and unavoidable impact. DFG concludes, however, that this remaining impact is acceptable in light of the project's benefits as set forth in DFG's Statement of Overriding Considerations(CEQA Guidelines, § 15091, subd. (a)(3).)
	Cumulative impacts to recreational resources. (No cumulative impact)		No cumulative impact; no mitigation required.	N/A	<u>Finding:</u> There is no cumulative impact. Therefore, no mitigation is required.
	PUBLIC SERVICES				
PS-16	Impacts on law enforcement. (LS)	PS-16	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
PS-17	Impacts on fire protection and emergency services. (LS)	PS-17	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> Under Modified Alternative D, impacts are expected

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					to be closer to those anticipated under the EIR's analysis of Alternative D (Impact PS-21). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as PS-17.
PS-18	Impacts on solid waste disposal. (LS)	PS-18	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact PS-22). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as PS-18..
PS-19	There is the potential for the Project to delay use of Lake Davis as a domestic water supply source for the City of Portola and GRLID by delaying	PS-19	Implement Mitigation Measure PS-4: The DFG shall, in coordination with the City of Portola and GRLID, temporarily provide replacement water supplies to community residents if needed until	LS	<u>Finding:</u> Implementation of Mitigation Measure PS-4 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore,

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	water deliveries to the new water treatment plant depending on when the water treatment plant is constructed and approved for use, and the date of the treatment and the date that the Department of Health Services determines that the reservoir is free of treatment chemical residues.		water from Lake Davis is available for domestic use by providing: (1) \$675,000 to the City of Portola to protect and supplement the City's water supplies through the development of two groundwater wells for potable water (including completion of the 6 th & Pacific well) or other measures the City may deem appropriate including, but not limited to, wellhead treatment, security of water infrastructure, and purchases of additional water; and (2) \$150,000 to GLRID to develop a well to provide potable water to GLRID. In order to ensure that replacement water supplies are available for use immediately in the event the possibility of delay results, the mitigation would be implemented prior to the realization of any actual delay, if any, because of the amount of time it would take to accomplish those measures to protect the City of Portola's and GLRID's water supply.		finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) <u>Explanation:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact PS-24). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as PS-19.
PS-20	On a temporary basis, downstream water users would be adversely affected during treatment and neutralization period as a result of reduced	PS-20	Implement Mitigation Measure PS-5: The following measures will be implemented to minimize impacts on downstream water right holders and related uses: • The DFG shall survey Big Grizzly	LS	<u>Finding:</u> Implementation of Mitigation Measure PS-5 will reduce this impact to a less-than-significant level. DFG hereby adopts this

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	water flows from Grizzly Valley Dam under the Project. (S)	<p align="center">MITIGATION MEASURES</p> <p>Creek (downstream from the dam) to identify all riparian diversions potentially affected by the project. All identified water users, including riparian and appropriated right holders, will be contacted by the DFG/DWR prior to the proposed treatment to determine the nature and amount of water diversions. In addition, all landowners downstream of Lake Davis and adjacent to Big Grizzly Creek will be informed about the proposed pike eradication effort;</p> <ul style="list-style-type: none"> • The DFG will enter into an agreement with the DWR to provide assurance that downstream parties are provided with water they are entitled to under any agreements with the DWR, and the DWR is not liable for impacts as a result of nonperformance under those water supply agreements; and • The DFG shall, in coordination with the land holders, temporarily provide alternative water sources to all water users along Big Grizzly Creek to meet existing water demands. Options may include providing trucked water to riparian users or assisting with private well pumping costs. 		<p>mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)</p> <p><u>Explanation:</u> Under Modified Alternative D, impacts are expected to be closer to those anticipated under the EIR's analysis of Alternative D (Impact PS-25). However, because it is possible that the reservoir could be as low as 38,000 acre-feet, the impact is identified as PS-20.</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
		<p align="center">MITIGATION MEASURES</p> <ul style="list-style-type: none"> • In cooperation with water right holders at or downstream from Grizzly Ice Pond, the DFG shall provide mitigation on a case-by-case basis based on the parameters of each diversion and related land uses. Options may include: <ul style="list-style-type: none"> -- Investigating the option of securing water supplies stored at Grizzly Ice Pond to help meet the requirements of downstream water right holders; however, the quantity of water stored at the Ice Pond would not likely be sufficient to meet all downstream requirements. Therefore, additional provisions will be made as needed, as described below; -- Ramelli Diversion. Temporarily provide water and/or a water equivalent to Ramelli pastures consistent with the terms of the USFS grazing permit. Options include: (1) providing partial replacement water supplies; (2) providing an alternative green pasture if available; and/or (3) providing hay and/or other supplemental feed to address the loss in pasture irrigation; -- Valberde Diversion. Temporarily accommodate for lost water supplies. 		

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			Options include: (1) providing partial replacement water supplies via stored water at Grizzly Ice Pond if the DFG can arrange such an agreement with the Grizzly Ice Pond water right holders; and/or (2) trucking in water; -- Grizzly Ranch Development Project. Temporarily accommodate the Grizzly Ranch Development Project for lost water supplies. Options include: (1) providing partial replacement water supplies via stored water at Grizzly Ice Pond if the DFG can arrange such an agreement with the Grizzly Ice Pond water right holders; and/or (2) covering the costs of pumping well water from existing wells on the Grizzly Ranch property.		
	Cumulative impacts to public services. (LS)		LS; no mitigation required.	LS	Finding: Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
	HUMAN & ECOLOGICAL HEALTH				

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
HEH-1	Toxicity effects from hazardous materials on non-target fish. (LS)	HEH-1	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> Because the restocking of trout following treatment and neutralization is part of the Project, the impacts to non-target fish species are considered less-than-significant.
HEH-2	Toxicity effects from hazardous material on non-target aquatic invertebrate species. (S) Toxicity effects from hazardous material on special status macroinvertebrate species in the reservoir. (LS) Toxicity effects from hazardous material on special status macroinvertebrate species in tributary streams and springs. (S) Toxicity effects from hazardous	HEH-2	For less than significant impacts, no mitigation is required. Implement Mitigation Measure AR-10 for significant impacts. (See description of Mitigation Measure AR-10 above.)	LS for all impacts except those on littoral macro-invertebrate communities and some aquatic invertebrate populations. SU for impacts to littoral macro-invertebrate	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) Implementation of Mitigation Measure AR-10 will reduce significant impacts, except those to littoral macroinvertebrate communities and some aquatic invertebrate populations to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	<p>material on zooplankton communities. (LS)</p> <p>Toxicity effects from hazardous material on littoral macroinvertebrate communities. (S)</p> <p>Toxicity effects from hazardous material on some aquatic invertebrate populations. (S)</p>			<p>communities and some aquatic invertebrate populations</p>	<p>or alterations have been required in, or incorporated into, the project that avoid these significant environmental effects as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).) However, for significant impacts to littoral macroinvertebrate communities and some aquatic invertebrate populations, feasible mitigation may not be available. Therefore, if these impacts occur under the Project, it will be significant and unavoidable. DFG concludes that the remaining impacts are acceptable in light of the project benefits as set forth in DFG's Statement of Overriding Considerations. (CEQA Guidelines, § 15091, subd. (a)(3).) The significant impact and mitigation was clearly identified in the EIR. The finding made herein, which differs from the impact conclusion of the EIR, is more conservative; however, it is not significant new information.</p>

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
HEH-3	Toxicity effects from hazardous materials on amphibians and reptiles. (S)	HEH-3	Implement Mitigation Measure TW-1. (See description of Mitigation Measure TW-1 above.)	LS	<u>Finding:</u> Implementation of Mitigation Measure TW-1 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)
HEH-4	Toxicity effects from hazardous materials on terrestrial and avian wildlife. (No impact)	HEH-4	No impact; no mitigation required.	N/A	<u>Finding:</u> There is no impact. Therefore, no mitigation is required.
HEH-5	Effects from dead fish on non-aquatic wildlife. (LS)	HEH-5	LS; no mitigation required beyond the requirement that fish be rapidly removed following treatment..	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> The Project includes the rapid removal of fish in accordance with a fish removal and disposal plan.
HEH-6	Toxicity effects from surface water exposure to humans. (LS)	HEH-6	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
					measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> The risk assessment shows that the potential for adverse human health impacts to humans, such as unauthorized youth, is less than significant. The Project is contingent upon approvals from USFS including the issuance of a forest closure for the protection of health and safety.
HEH-7	Toxicity effects from sediment exposure to humans. (LS)	HEH-7	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> Past monitoring, conceptual exposure modeling, and environmental fate analysis, suggest sediment exposure to rotenone formulation constituents is possible, albeit unlikely, for some youth sectors of the public. The risk

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					assessment shows that the potential for adverse human health impacts to humans, such as unauthorized youth, is less than significant. The Project is contingent upon approvals from USFS including the issuance of a forest closure for the protection of health and safety.
HEH-8	Toxicity effects from drinking water exposure via groundwater wells. (LS)	HEH-8	LS; no mitigation required.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> Past monitoring, environmental fate analysis, and conceptual exposure modeling do not indicate complete exposure to rotenone formulation and neutralization constituents is likely through drinking water obtained from groundwater wells. Therefore, this pathway for exposure was considered incomplete in risk assessment (Appendix J).
HEH-9	Toxicity effects from inhalation	HEH-9	Implement Mitigation Measure HEH-9:	LS	<u>Finding:</u> Implementation of

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	exposure. (S)		Use of the Noxfish® formulation would be balanced/combined with CFT Legumine® use that allows adequate rotenone concentrations in the water for the desired piscicide effect, but does not result in air concentrations for volatile solvent components above the health based screening levels (HBSLs) protective of human health.		Mitigation Measure HEH-9 will reduce this impact to a less-than-significant level. DFG hereby adopts this mitigation measure. DFG, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR/EIS. (CEQA Guidelines, § 15091, subd. (a)(1).)
HEH-10	Impacts to humans from odor. (LS)	HEH-10	LS; no mitigation required beyond the requirement that fish be rapidly removed following treatment and Implementation of Mitigation Measure HEH-9 as noted above.	LS	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.) <u>Explanation:</u> The Project includes the rapid removal of fish in accordance with a fish removal and disposal plan.
HEH-11	Neutralization impacts of Options 1 and 2 on human and ecological health. (No impact)	HEH-11	No impact; no mitigation required.	N/A	<u>Finding:</u> There is no impact. Therefore, no mitigation is required.
HEH-12	Neutralization impacts of Options 3 and 4 on human and ecological health. (LS)	HEH-12	LS; no mitigation required.	N/A	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub.

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					Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)
	Cumulative impacts of hazardous material. (LS)		LS; no mitigation required.	N/A	<u>Finding:</u> Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.)

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EXHIBIT B

MITIGATION MONITORING PLAN

for the

LAKE DAVIS PIKE ERADICATION PROJECT

**MITIGATION, MONITORING AND REPORTING PROGRAM
(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))**

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MONITORING TIMEFRAME AND RESPONSIBLE AGENCY
	Impacts that apply only to Contingency Plan are marked with gray shading		Mitigation Measures that apply to Modified Alternative D are shaded with gray shading		
	SURFACE WATER RESOURCES				
H-7	To accomplish reservoir drawdown from approximately 45,000 acre-feet or 60,000 acre-feet beginning in January, releases to Big Grizzly Creek would result in an average daily flow of 195 cfs or less for all water years. This would result in bank erosion on Big Grizzly Creek. (LS)	H-7	LS; no mitigation required.	LS	
H-8	During the dewatering and refill period, there is a potential for tributary head-cutting for at least three runoff seasons. (S)	H-8	Implement Mitigation Measure H-2: If active drawdown occurs, head-cutting would be mitigated during refill by establishing a monitoring program, prior to dewatering, and implementing the program until the reservoir elevation is at or above 5,763.5 feet elevation so as to identify	LS	Time Frame: Annual until reservoir elevation is at or above 5,763.5 feet elevation Agency: DFG

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			<p>new or migrating head-cuts. Then, after the reservoir has refilled, any new head-cuts identified by the monitoring program would be repaired. Any substantial head-cuts or newly unstable banks, or indications of vertical channel instability should be used to define specific mitigation measures to stop head-cutting, restore bed elevations, and provide bank erosion control. The DFG may use methods currently employed by the USFS for stabilizing head-cuts and repairing bank erosion. These methods include: shaping banks and planting native riparian species. Other feasible mitigation measures include armoring head-cuts with cobble-size rip-rap to create a hard-point on the channel bed, or other grade control structures such as</p>		

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MONITORING TIMEFRAME AND RESPONSIBLE AGENCY
			permeable check dams to aggrade any newly identified and substantially incised reaches. The upstream and downstream geographic boundaries of responsibility for addressing new areas of bed and bank instability should be determined in consultation with the USFS, but the downstream boundary would not extend below 5,774 feet elevation, which is within the range of water surface fluctuation of the reservoir as managed by the DWR and would not be associated with a flow channel reach in many years.		
H-9	Cracking or buckling of boat ramps from drawdown. (No adverse impact)	H-9	N/A. There is no adverse impact; no mitigation required.	N/A	
	Cumulative tributary incision impacts. (CS)	H-8	Implement Mitigation Measure H-8 (H-2). (See Mitigation Measure H-2 above.)	CSU	See H-8 above.
WQ-17	Elevated turbidity resulting from	WQ-17	No feasible mitigation	SU	

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MONITORING TIMEFRAME AND RESPONSIBLE AGENCY
	erosion caused by head-cutting of tributaries and incision of reservoir sediments. (S)		available.		
WQ-18	Anoxic reservoir condition develops earlier in summer if the reservoir volume is significantly less than the normal operating volume of 45,000 acre-feet, but still deep enough to undergo thermal stratification. (S)	WQ-18	No feasible mitigation is available.	SU	
WQ-19	Temporarily reduced dissolved oxygen concentrations throughout the water column caused by biological oxygen demand as a result of the decomposition of rotenone and dead fish. (LS)	WQ-19	LS; no mitigation required.	LS	
WQ-20	Temporarily elevated bacterial levels associated with decomposition of dead fish. (LS)	WQ-20	LS; no mitigation required.	LS	
WQ-21/26	Reduced flows in Big Grizzly Creek during the treatment period (under Neutralization Options 1, 2, and 3) could result in decreased dissolved oxygen concentrations and increased water temperatures in Big Grizzly	WQ-21/26	No feasible mitigation is available.	SU	

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MONITORING TIMEFRAME AND RESPONSIBLE AGENCY
	Creek. (S)				
	Cumulative surface water quality impacts: turbidity in Lake Davis, elevated bacteria level, and increased suspended sediment turbidity and reduced dissolved oxygen in Big Grizzly Creek (CS)		No feasible mitigation is available.	CSU	
	GROUNDWATER RESOURCES				
G-1	Municipal water supply wells in the City of Portola draw from geochemically distinct aquifer; they would not be impacted by fluctuating reservoir levels. There is no adverse impact.	G-1	N/A. There is no adverse impact; no mitigation required.	N/A	
G-2	City of Portola wells draw from an aquifer that is distinct from Lake Davis. There is no adverse impact.	G-2	N/A. There is no adverse impact; no mitigation required.	N/A	
G-3	No significant impacts will occur with regard to well levels in the vicinity of Lake Davis. (LS)	G-3	LS; no mitigation required. Nevertheless, well monitoring will continue. If well monitoring results indicate significant impacts, the impacts will be mitigated by providing alternative water supplies.	LS	Time Frame: Baseline: July/August 2007 Monitoring: Sept 2007 through August 2016 Agency: DFG (CDHS, Plumas County Dept. Environmental Health)

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G-4	Groundwater quality in wells in the vicinity of Lake Davis. (LS)	G-4	LS; no mitigation required. Nevertheless, well monitoring will continue. A well monitoring program will be developed as required by and in consultation with the CA Department of Health Services and the Central Valley Regional Water Quality Control Board, and in coordination with the ongoing Plumas County Environmental Health well testing program. If well monitoring results indicate significant impacts, the effects would be mitigated by providing alternative water supplies.	LS	Time Frame: Baseline: July/August 2007 Monitoring: Sept 2007 through August 2016 Agency: DFG (CDHS, Plumas County Dept. Environmental Health)
G-5	Neutralization Options 1, 2, 3, and 4 would have no impact on groundwater levels for wells downstream of the dam because the wells are recharged from the surrounding watershed.	G-5	N/A. There is no adverse impact; no mitigation required.	N/A	
G-6	Neutralization Options 1 and 2 would have no impact on	G-6	N/A. There is no adverse impact; no mitigation	N/A	

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	groundwater quality as rotenone would be fully contained in Lake Davis or neutralized off-stream, eliminating the risk of rotenone entering groundwater.		required.		
G-7	Neutralization Option 1 would have no impact on groundwater quality as rotenone would be fully neutralized prior to discharge to Big Grizzly Creek.	G-7	N/A. There is no adverse impact; no mitigation required.	N/A	
G-8	Neutralization Options 3 and 4 would have less than significant impacts groundwater quality in wells near Big Grizzly Creek. Concentrations of rotenone formulation constituents and potassium permanganate would be below detection levels in all wells in close proximity to Big Grizzly Creek. (LS)	G-8	LS; no mitigation required. Nevertheless, well monitoring will continue. A well monitoring program will be developed as required by and in consultation with the CA Department of Health Services and the Central Valley Regional Water Quality Control Board, and in coordination with the ongoing Plumas County Environmental Health well testing program. If well monitoring results indicate significant impacts, the effects would be mitigated by	LS	<u>Time Frame:</u> Baseline: July/August 2007 Monitoring: Sept 2007 through August 2016 <u>Agency:</u> DFG (CDHS, Plumas County Dept. Environmental Health)

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			providing alternative water supplies.		
	Cumulative impacts on groundwater levels. (No cumulative impacts)		No cumulative impacts; no mitigation required.	N/A	
	Cumulative impacts on groundwater quality. (LS)		LS; no mitigation required.	LS	
	AIR QUALITY				
AQ-1	Exposure of sensitive receptors to substantial pollutant concentrations from the use of combustion equipment and the disturbance of soil. (LS)	AQ-1	LS; no mitigation required. However, DFG will use alternative fuels rather than traditional diesel fuel where feasible to reduce emissions, and specifically toxic emissions, from the equipment operation. This will minimize where feasible the LS impacts.	LS	
AQ-2	Short-term and temporary objectionable odors affecting a substantial number of people. (LS)	AQ-2	LS; no mitigation required. However, DFG will implement a fish removal and disposal plan to rapidly remove dead fish in order to minimize odor levels. In addition, a forest closure for protection of health and safety would minimize the number of	LS	

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			people potentially exposed to objectionable odors. Each of these measures will minimize the LS impacts.		
AQ-3	Creation of particulate dust from the use of construction-type equipment and vehicles. (LS)	AQ-3	LS; no mitigation required. However, DFG will implement Northern Sierra Air Quality Management District Regulation 226, Dust Control.	LS	
	Cumulative impacts to air quality. (No cumulative impacts)		No cumulative impacts; no mitigation required.	N/A	
	NOISE				
N-1	Temporary increase in noise levels near sensitive receptors from transportation and staging. (LS)	N-1	LS; no mitigation required.	LS	
N-2	Operating airboats would increase local noise levels during chemical application. (S)	N-2	Implement Mitigation Measure N-2: Airboat operators would be prohibited from operating the vessels at high power. DFG shall implement feasible and appropriate measures to ensure this with written operating procedures. These measures would ensure that	LS	<u>Time Frame:</u> During reservoir rotenone application activities (some time between Sept. 5 – Oct. 31) <u>Agency:</u> DFG

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			the proposed airboats use the lowest speed and power setting necessary for the effective application of rotenone. DFG shall respond to complaints of noise from airboat operations during rotenone application. Complaints filed with DFG and the approach used to resolve the complaint shall be reported and logged.		
N-3	Generators/engines at neutralization below the dam would increase noise levels near sensitive receptors. (S)	N-3	Implement Mitigation Measure N-3: DFG shall properly maintain and tune engines of all pumps and maintain properly functioning mufflers on all internal combustion engines (tanker trucks) to minimize noise emissions. DFG or its designee shall respond to complaints of noise caused by neutralization station operations in accordance with mitigation measures. Complaints filed with a	LS	<u>Time Frame:</u> During reservoir rotenone neutralization activities (some time between Sept. 5 – Oct. 31) <u>Agency:</u> DFG

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			designee and the approach used to resolve the complaint shall be reported to DFG.		
	Cumulative noise impacts. (No cumulative impacts)		No cumulative impacts; no mitigation required.	N/A	
	BIOLOGICAL RESOURCES -- AQUATIC				
AR-38	Impacts of lowering Lake Davis on desirable fish species. (LS)	AR-38	LS; no mitigation required.	LS	
AR-38	Impacts of lowering Lake Davis on special status macroinvertebrate species. (LS)	AR-38	LS; no mitigation required.	LS	
AR-39	Impacts of lowering Lake Davis on macroinvertebrate communities. (LS)	AR-39	LS; no mitigation required.	LS	
AR-5	Impacts of treatment of Lake Davis on desirable fish species. (S)	AR-5	Implement Mitigation Measure AR-5: Implement the Fisheries Management Plan (Appendix G, EIR/EIS) to restock and restore these fisheries.	LS	<u>Time Frame:</u> After treatment and neutralization <u>Agency:</u> DFG

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AR-6	Impacts of treatment of Lake Davis on special status macroinvertebrate species. (LS)	AR-6	LS; no mitigation required.	N/A	

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AR-7	Impacts of treatment of Lake Davis on littoral invertebrate communities. (S)	AR-7	No feasible mitigation is available for impacts to littoral invertebrate communities.	SU	
	Impacts of treatment of Lake Davis on zooplankton communities. (LS)		LS; no mitigation required.	LS	
AR-8	Impacts of treatment of Lake Davis on invertebrates; loss of one or more species of invertebrates for more than two years. (S)	AR-8	No feasible mitigation is available.	SU	
AR-9	Impacts of treatment of tributary streams on desirable fish species. (S)	AR-9	Implement Mitigation Measure AR-9: Implement the Fisheries Management Plan (Appendix G, EIR/EIS) to restock and restore these fisheries.	LS	<u>Time Frame:</u> After treatment and neutralization <u>Agency:</u> DFG

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AR-10	Impacts of treatment of tributary streams on special status invertebrate species in tributary streams (S)	AR-10	<p>Implement Mitigation Measure AR-10: <u>AR-10a</u>: DFG will continue systematic sampling program to identify waters with special status invertebrate species prior to treatment through the winter of 2006/7. <u>AR-10b</u>: To minimize the effects of treatment on <i>D. bethula</i>, and other special status species that may be present, DFG will sample streams for pike, upstream of any fish passage barriers, before treatment. Sampling will be conducted periodically in 2006 and 2007 before treatment. Sampling will be done carefully to provide a high assurance that fish of any species are not present. If there is a high degree of certainty that fish are not present, DFG will not treat these waters.</p>	SU	<p><u>Time Frame</u>: AR: 10a: Winter 2006/7 AR-10b: Spring and Summer 2007 AR-10c: June – Oct. 2007 AR-10d: June – Oct. 2007 AR-10e: Sept. – Oct. 2007 AR-10f: June – Oct. 2007</p> <p><u>Agency</u>: DFG</p>

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			<p>AR-10c: In isolated waters where fish are not present and special status macroinvertebrate species are known or suspected to be present, DFG will install exclusionary fencing or other devices to prevent fish from entering these habitats subsequent to sampling, unless in DFG's determination, such devices are unlikely to be successful. This measure is intended to maintain these habitats in a fishless state, so that treatment is unnecessary and that they can be used as a source area for recolonization.</p> <p>AR-10d: Waters where special status macroinvertebrate species are known to be present would be evaluated on a case-by-case basis. If they must be treated, the lowest</p>		

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			<p>effective concentration of rotenone and shortest exposure possible to affect a 100 percent kill on pike would be used. A low rotenone concentration for a short duration should have less effect on macroinvertebrates than a high concentration and a longer duration (Whelan 2002).</p> <p>AR-10e: In waters where <i>D. bethula</i> is found, conduct treatment during September/October. During this time, <i>D. bethula</i> is in pupal stage buried in the bank and is not as sensitive to streamborn toxins. The life history and timing of the other special status macroinvertebrates that are potentially present are poorly known, and similar specifications cannot be made for these species.</p> <p>AR-10f: In waters where the</p>		

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			density of special status species is sufficient to allow 30 or more individuals to be collected, where feasible DFG will create refugia in tanks or other suitable holding facilities for these special status macroinvertebrates. The collected individuals would be held in these refugia for the duration of the treatment and then released back to their natal environment. This mitigation measure is untested and its feasibility under the various circumstances that could be encountered is unknown.		

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AR-11	Impacts of treatment of tributary streams on macroinvertebrate communities. (LS)	AR-11	LS; no mitigation required.	LS	
AR-12	Impacts of treatment of tributary streams on individual taxa of invertebrates; loss of one or more species of invertebrates for more than two years. (S)	AR-12	No feasible mitigation is available.	SU	
AR-13	Impacts of treatment of springs and other waters on desirable fish species. (LS)	AR-13	LS; no mitigation required.	LS	
AR-14	Impacts of treatment of springs and other waters on the amphibious caddisfly, <i>D. bethula</i> , if springs in which it occurs are treated. (S)	AR-14	Implement Mitigation Measure AR-10: AR-10a: DFG will continue systematic sampling program to identify waters with special status invertebrate species prior to treatment through the winter of 2006/7. AR-10b: To minimize the effects of treatment on <i>D. bethula</i> , and other special status species that may be present, DFG will sample streams for pike, upstream of any fish passage barriers,	SU	<u>Time Frame:</u> AR-14-a: through Aug. 2007 AR-14b: through Aug. 2007 AR-14c: June – Oct. 2007 AR-14d: June – Oct. 2007 AR-14e: Sept. – Oct. 2007 AR-14f: June – Oct. 2007 <u>Agency:</u> DFG

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			<p>before treatment. Sampling will be conducted periodically in 2006 and 2007 before treatment. Sampling will be done carefully to provide a high assurance that fish of any species are not present. If there is a high degree of certainty that fish are not present, DFG will not treat these waters.</p> <p><u>AR-10c</u>: In isolated waters where fish are not present and special status macroinvertebrate species are known or suspected to be present, DFG will install exclusionary fencing or other devices to prevent fish from entering these habitats subsequent to sampling, unless in DFG's determination, such devices are unlikely to be successful. This measure is intended to maintain these habitats in a fishless state, so that</p>		

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			<p>treatment is unnecessary and that they can be used as a source area for recolonization.</p> <p><u>AR-10d</u>: Waters where special status macroinvertebrate species are known to be present would be evaluated on a case-by-case basis. If they must be treated, the lowest effective concentration of rotenone and shortest exposure possible to affect a 100 percent kill on pike would be used. A low rotenone concentration for a short duration should have less effect on macroinvertebrates than a high concentration and a longer duration (Whelan 2002).</p> <p><u>AR-10e</u>: In waters where <i>D. bethula</i> is found, conduct treatment during September/October. During this time, <i>D. bethula</i> is in</p>		

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			<p>pupal stage buried in the bank and is not as sensitive to streamborn toxins. The life history and timing of the other special status macroinvertebrates that are potentially present are poorly known, and similar specifications cannot be made for these species.</p> <p><u>AR-10f</u>: In waters where the density of special status species is sufficient to allow 30 or more individuals to be collected, where feasible DFG will create refugia in tanks or other suitable holding facilities for these special status macroinvertebrates. The collected individuals would be held in these refugia for the duration of the treatment and then released back to their natal environment. This mitigation measure is untested and its feasibility in</p>		

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			various circumstances that could be encountered is unknown.		
AR-15	Impacts of treatment of springs and other waters on spring macroinvertebrate communities. (LS)	AR-15	LS; no mitigation required. However, where feasible, DFG will create refugia in aquaria for spring macroinvertebrate communities and relocate them to their natal habitat after toxic effects have cleared. (See Mitigation Measure AR-10f.)	LS	See AR-10f above.
AR-16	Impacts of treatment of springs and other waters on individual taxa of invertebrates; loss of one or more species of invertebrates for more than two years. (S)	AR-16	No feasible mitigation is available.	SU	
AR-17	Impacts on desirable fish species from increased flows in Big Grizzly Creek below the dam due to drawdown. (S)	AR-17	Implement Mitigation Measure AR-17: DFG will restock desirable species from all year classes in Big Grizzly Creek below Lake Davis as described in the Fisheries Management Plan, Appendix G, subsequent to treatment and neutralization.	LS	<u>Time Frame:</u> After treatment and neutralization <u>Agency:</u> DFG

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AR-18	Impacts on special status aquatic invertebrate species from increased flows in Big Grizzly Creek below the dam due to drawdown. (LS)	AR-18	LS; no mitigation required.	LS	
AR-19	Impacts on macroinvertebrate communities from increased flows in Big Grizzly Creek below the dam due to drawdown. (LS)	AR-19	LS; no mitigation required.	LS	
AR-20	Impacts on desirable fish species from neutralization of rotenone at Lake Davis outlet. (LS)	AR-20	LS; no mitigation required.	LS	
AR-21	Impacts on special status aquatic invertebrate species from neutralization of rotenone at Lake Davis outlet. (No impact)	AR-21	No impact; no mitigation required.	LS	
AR-22	Impacts on macroinvertebrate communities from neutralization of rotenone at Lake Davis outlet (i.e., rotenone or potassium permanganate). (No impact under Neutralization Options 1 and 2) (LS under Neutralization Options 3 and 4)	AR-22	No impact under Neutralization Options 1 and 2; no mitigation required. LS under Neutralization Options 3 and 4; no mitigation required.	N/A LS	

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AR-23	Overall effect of neutralization (Options 1 to 4) on desirable fish species in Big Grizzly Creek below the dam. (S)	AR-23	Implement Mitigation Measure AR-23: <u>AR-23a</u> : Mitigation AR-10e— to minimize the potential for adverse temperature effects during flow curtailment, conduct treatment in September or October, rather than August. <u>AR-23b</u> : DFG to conduct fish rescue and relocation effort in the upper portion of Big Grizzly Creek below Grizzly Dam while the rotenone neutralization is occurring and streamflows are reduced. Fish will be rescued and relocated from the section of stream in the 400 yards immediately below the dam, as this area would receive flows of only 4-5 gpm (0.01 cfs). Additionally, biologists will monitor fish downstream of this area and relocate fish in habitat units where fish are showing signs of stress.	LS	<u>Time Frame</u> : AR-23a: Sept. – Oct. 2007 AR-23b: before/during neutralization of rotenone AR-23c: following treatment and neutralization <u>Agency</u> : DFG DFG (reporting to CVRWQCB under AR-23a)

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			AR23c: Mitigation AR-1-- Desirable fish species will be stocked following neutralization in accordance with the Fisheries Management Plan (Appendix G, EIR/EIS).		
AR-24	Overall effect of neutralization (Options 1 to 4) on special status invertebrate species in Big Grizzly Creek below the dam. (LS)	AR-24	LS; no mitigation required.	LS	
AR-25	The overall effect of neutralization (Options 1 to 4) on macroinvertebrate communities in Big Grizzly Creek below the dam. (LS)	AR-25	LS; no mitigation required. However, to minimize the potential less-than-significant adverse temperature effects during flow curtailment, treatment should be conducted in September or October, rather than August.	LS	
AR-26	Impacts on desirable fish species in Middle Fork Feather River of flow effects of higher flows during drawdown and reduced flows during treatment. (LS)	AR-26	LS; no mitigation required.	LS	
AR-27	Impacts on special status aquatic	AR-27	LS; no mitigation required.	LS	

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(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MONITORING TIMEFRAME AND RESPONSIBLE AGENCY
	invertebrates in Middle Fork Feather River downstream of Big Grizzly Creek of flow effects of higher flows during drawdown and reduced flows during treatment. (LS)				
AR-28	Impacts on macroinvertebrates communities in Middle Fork Feather River downstream of Big Grizzly Creek of flow effects of higher flows during drawdown and reduced flows during treatment. (LS)	AR-28	LS; no mitigation required.	LS	
AR-32	Impacts of accidental chemical spills on desired fish species. (LS)	AR-32	LS; no mitigation required. The Project includes a built-in mitigation for this impact which is a spill prevention and containment plan.	LS	
AR-33	Impacts of accidental chemical spills on special status aquatic invertebrates. (LS)	AR-33 (AR-32)	LS; no mitigation required. The Project includes a built-in mitigation for this impact which is a spill prevention and containment plan.	LS	
AR-34	Impacts of accidental chemical spills on macroinvertebrate communities. (LS)	AR-34	LS; no mitigation required. The Project includes a built-in mitigation for this impact which is a spill prevention and	LS	

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			containment plan.		
	Cumulative impacts to aquatic biological resources. (No cumulative impacts)		No cumulative impacts; no mitigation required.	N/A	
	BIOLOGICAL RESOURCES -- WILDLIFE				
TW-1	The application of rotenone to habitats potentially occupied by mountain yellow-legged frog, foothill yellow-legged frog and northwestern pond turtle may result in mortality to individuals. (S)	TW-1	Implement Mitigation Measure TW-1: Due to the potential susceptibility of the mountain yellow-legged frog, foothill yellow-legged frog, and northwestern pond turtle to the effects of rotenone, additional surveys for these species are to be conducted in all areas of suitable habitat in tributary streams to Lake Davis that would be treated with rotenone. These surveys are to be conducted in accordance with standard protocols (DFG 2004c and DFG 2006g) during the same year of treatment and prior to the proposed application of rotenone. If any of these species are found within the	LS	Time Frame: April – Sept. 2007 Agency: DFG (USFS)

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			<p>proposed treatment area, a concerted effort will be made to capture as many individuals as possible beginning 2 weeks prior to treatment. These individuals would be transported and released in suitable habitat in the immediate project area that will not be treated with rotenone, or held for release where captured, following dissipation of the rotenone. Prior to transplantation of any animals to an adjacent waterbody, amphibians at both the source and donor sites will be tested for chytrid fungus (<i>Batrachochytrium dendrobatidis</i>). If animals from Lake Davis test positive, they will not be transplanted. If the proposed recipient site tests positive, alternate recipient sites should be screened until a site is found where chytrid fungus is</p>		

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			absent. Decisions whether to hold animals or where they are to be transplanted will be done in coordination with USFS and DFG biologists.		
TW-2	Drawdown of Lake Davis could result in altered habitats used by various terrestrial wildlife species, including a reduction in the surface area of the reservoir used as foraging habitat by the bald eagle and osprey, and increased predation and reduced habitat for nesting and migrating Canada geese and other waterfowl. (S)	TW-2	Implement Mitigation Measure TW-4d: A bald eagle supplemental feeding program would be implemented the year following rotenone treatment whereby food is made available to the eagles beginning at ice-out and extending until August 31 or as long as there is an active eagle nest at Lake Davis. Dead fish (rotenone-killed fish may be used) are to be provided to eagles at two sites within or adjacent to each active nesting territory. Several dead fish are to be placed early each morning on the ground near the shoreline or on an anchored raft floated on the water in view of a	LS	<u>Time Frame:</u> March 2008 – period when reservoir is above criteria <u>Agency:</u> DFG (reporting to USFWS)

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			suitable eagle perch in the area where nesting or fledgling eagles have been active. Food would be provided every five out of seven days while skipping no more than one day in succession. The supplemental feeding program would continue the second (and subsequent) year(s) following treatment until reservoir levels are within 90 percent of the pre-drawdown surface area (2,554 surface acres; 37,936 acre-feet volume; 5,761 feet surface elevation) if there are two active eagle nests at the reservoir, or until 75 percent of pre-draw-down surface area (2,129 surface acres; 28,355 acre-feet volume; 5,757 feet elevation) is reached if one active eagle nest is present.		
TW-3	The drawdown of Lake Davis to	TW-3	Implement Mitigation	NA	

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	the proposed water volume level could result in a land or shallow-water connection to the island in Lake Davis that is used as a colonial nesting site by California gulls. The loss of the separation between the island and shore prior to completion of the gulls nesting period could allow predators access to the island when nesting gulls and their chicks are highly vulnerable. (S)		Measure TW-3: To maintain a separation between the island and shore of Lake Davis and deter mammalian predators from accessing the breeding colony of California gulls, a fence, of appropriate height and mesh to exclude coyotes, will be constructed across the emerging low water connection to the island as the surface level of the reservoir reaches approximately 5,760 feet. The fence will be checked at least every third day while the waters recede to ensure that its integrity is maintained, and it will be extended as needed to reach into the water. The fence would be in place as long as gull chicks remain associated with their nests (approximately to August 1). In the year(s) following treatment, the fence would continue as a barrier to		

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			prevent mammalian predators from reaching the island until there is an adequate water separation for the island (at or above approximately 5,760 feet surface elevation). If gulls do not nest by May 31 the fence would no longer be needed during that year.		
TW-4	Drawdown and/or treatment of Lake Davis with rotenone would result in a temporary loss of the primary food base for bald eagles and ospreys utilizing the reservoir and may contribute to nest failure for territories associated with Lake Davis. Initiating rotenone treatment prior to September 1 may constitute disturbance to nesting eagles due to the loss of the fishery prey base. (S)	TW-4	Implement Mitigation Measure TW-4: <u>TW-4a</u> : Due to potential project-related adverse effects to a species listed as threatened under the ESA, interagency consultation with USFWS on the bald eagle would be completed prior to implementation of the project. Any and all terms and conditions that would be established by USFWS in their biological opinion would be fully implemented as part of the Project. <u>TW-4b</u> : An aggressive fish-stocking program would be	LS	<u>Time Frame</u> : TW-4a: Spring 2007 TW-4b: Oct. 2007 - Oct. 2008 or later depending on fish densities. TW-4c: n/a TW-4d: March 2008 – period when reservoir is above criteria TW-4e: Feb. 2007-Sept. 2009 or until normal eagle productivity is documented <u>Agency</u> : DFG (reporting to USFWS)

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			<p>implemented at Lake Davis with an emphasis on large fish to quickly restore the eagle and osprey prey base at Lake Davis to pre-treatment fish densities and size-class distribution. Stocking would be initiated in the fall following treatment of the reservoir and continue until pre-treatment fish densities are maintained, as indicated by results of fisherman creel surveys.</p> <p><u>TW-4c</u>: If rotenone treatment occurs prior to September 1 and fledgling eagles are present at Lake Davis, a supplemental feeding program would be established whereby food is made available to the eagles until the time at which they would normally disperse. Dead fish (rotenone-killed fish may be used) are to be provided to eagles at two</p>		

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			<p>sites within or adjacent to each active nesting territory beginning before all dead fish are removed from the reservoir during cleanup. Several dead fish are to be placed early each morning on the ground near the shoreline or on an anchored raft floated on the water in view of a suitable eagle perch in the area where nesting or fledgling eagles have been active. Food would be provided every five out of seven days while skipping no more than one day in succession. Supplemental feeding would continue until at least September 1 and when all fledgling eagles are capable of dispersing from the area.</p> <p><u>TW-4d</u>: A bald eagle supplemental feeding program would be implemented the year</p>		

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			<p>following rotenone treatment whereby food is made available to the eagles beginning at ice-out and extending until August 31 or as long as there is an active eagle nest at Lake Davis. Dead fish (rotenone-killed fish may be used) are to be provided to eagles at two sites within or adjacent to each active nesting territory. Several dead fish are to be placed early each morning on the ground near the shoreline or on an anchored raft floated on the water in view of a suitable eagle perch in the area where nesting or fledgling eagles have been active. Food would be provided every five out of seven days while skipping no more than one day in succession. The supplemental feeding program would continue the</p>		

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			<p>second (and subsequent) year(s) following treatment until reservoir levels are within 90 percent of the normal operating volume (2,554 surface acres; 37,936 acre-feet volume; 5,761 feet surface elevation) if there are two active eagle nests at the reservoir, or until 75 percent of the normal operating volume (2,129 surface acres; 28,355 acre-feet volume; 5,757 feet elevation) is reached if one active eagle nest is present.</p> <p><u>TW-4e</u>: Monitoring of eagle nesting status and productivity at Lake Davis would be conducted by the DFG (or coordinated through the PNF) for a minimum of two breeding seasons following project implementation and would include one year following cessation of the supplemental</p>		

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			feeding program, continuing until normal eagle productivity is documented.		
TW-5	The temporary loss of aquatic insects and their terrestrial forms may impact terrestrial species of insectivorous wildlife, including amphibians, reptiles, bats, and birds. The willow flycatcher is highly dependant on the aquatic-derived invertebrate prey base and suitable habitat is present in the project area. Activities related to the dewatering of streams and/or rotenone treatment may be initiated prior to September 1 and may overlap with the end of the willow flycatcher's nesting period. (S)	TW-5	Implement Mitigation Measure TW-5: If dewatering activities and/or rotenone treatment would occur prior to September 1 along tributary streams of Lake Davis where suitable willow flycatcher habitat is found, pre-treatment surveys would be completed to document the absence of nests or fledglings in the area. If nesting/fledgling birds are found, drawdown activities (e.g., piping, pumping, and/or removal of vegetation) and/or treatment of the tributary stream with rotenone where nesting/fledging flycatchers are located will be postponed until after August 31.	LS	Time Frame: April-Aug. 2007 Agency: DFG (USFS)
TW-6	Activities associated with water drawdown and rotenone	TW-6	Implement Mitigation Measure TW-6:	LS	Time Frame: TW-6a: April-Aug. 2007

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	<p>treatment of Lake Davis and its tributaries may cause disturbance to: bald eagles and great gray owls if these activities are initiated prior to September 1 in the vicinity of active nest-sites (e.g., Jenkins Cove area); to the goshawk if activities begin prior to September 15 within occupied PACs (e.g., Lightning Point vicinity); and to willow flycatchers prior to September 1 along tributary streams where suitable habitat is located. The adverse impact is significant but mitigable.</p>		<p><u>TW-6a</u>: If staging areas, located within the vicinity of Jenkins Cove (or within 0.5 mile of an occupied bald eagle primary use area or great gray owl PAC), are used prior to September 1, surveys for bald eagles and/or great gray owls will be completed to determine presence and nesting/post-nesting status. If bald eagles or great gray owls are actively using the area, an 0.5-mile (800-meter) buffer shall be established around active bald eagle nest sites and a 0.25-mile buffer around active great gray owl nest sites (which includes the presence of post-fledging birds). These buffers will be delineated as necessary using flagging or other methods to assure that there are no major disturbances to eagles or owls associated with the</p>		<p>TW-6b: March – Sept. 2007 TW-6c: Feb. – Sept. 2007</p> <p><u>Agency:</u> DFG (USFS) (reporting to USFWS)</p>

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			<p>project within the buffer. <u>TW-6b</u>: If staging areas located within one mile of Lightning Point are used prior to September 15, surveys of the established northern goshawk PAC will be completed to determine presence and nesting/post-nesting status, and if occupied, to preclude project-related activities from the designated PAC, as necessary. <u>TW-6c</u>: If dewatering activities and/or rotenone treatment would occur prior to September 1 along tributary streams of Lake Davis where suitable willow flycatcher habitat is found, pre-treatment surveys will be completed to document the absence of nests or fledglings in the area. If nesting/fledging birds are found, a 100-foot buffer shall be established</p>		

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			around the nest(s), within which no personnel encroachment or activity shall be allowed until after September 1 or until the monitoring biologist determines that chicks have fledged. These buffers shall be clearly delineated and maintained as necessary using flagging or other methods to assure that there are no disturbances to nesting willow flycatchers associated with the project within the buffer. The monitoring biologist shall be present when project activities necessitate proximity to the buffer area to monitor effects on nesting willow flycatchers and shall be authorized to increase the buffer to 200-feet, or a radius he/she deems necessary to avoid take of this species, if the 100-foot buffer is not		

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			sufficient to prevent noise and activity induced disturbances. These measures will avoid take of willow flycatcher under the California Endangered Species Act.		
	Cumulative impacts to terrestrial wildlife. (LS)		LS; no mitigation required.	LS	
	BIOLOGICAL RESOURCES – BOTANICAL				
VEG-1	Temporary loss of non-sensitive terrestrial vegetation. (LS)	VEG-1	LS; no mitigation required. However, to minimize the less-than-significant impact, construction of additional access roads shall be minimized to the extent consistent with correct implementation of the project.	LS	
VEG-2	Temporary loss of riparian vegetation. (S)	VEG-2	Implement Mitigation Measure VEG-2: <u>VEG-2a</u> : Access routes, stream access points, and application sites shall be flagged and DFG staff shall be instructed to use only flagged access routes.	LS	<u>Time Frame</u> : VEG-2a: Summer 2007 VEG-2b: Summer 2007 VEG-2c: Summer 2007 VEG-2d: Winter-Summer 2007 VEG-2e: Spring-Summer 2007 VEG-2f: Spring-Summer 2007

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			<p><u>VEG-2b</u>: To the extent consistent with correct implementation of the project, access routes shall be located away from the riparian zone.</p> <p><u>VEG-2c</u>: DFG staff shall be trained to minimize impact to this vegetation during rotenone application at these sites.</p> <p><u>VEG-2d</u>: A spill prevention, containment, and clean-up plan shall be prepared and shall be implemented when the project begins in order to reduce the potential for impacts from accidental spills.</p> <p><u>VEG-2e</u>: Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be implemented. Such management practices may require buffers from 200 to 600-feet-wide around streams, where direct access</p>		<p>VEG-2g: Spring-Fall 2007</p> <p>Agency: DFG (USFS, as applicable)</p>

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			<p>is not required to implement the project. For willows areas: no more than a maximum of 20 % thinning is allowed; this may be done only after August 15, and only with hand tools (such as loppers, weed whackers, hedge trimmers, etc...); and no road construction is allowed.</p> <p><u>VEG-2e</u>: Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be implemented. Such management practices may require buffers from 200 to 600-feet-wide around streams, where direct access is not required to implement the project.</p> <p><u>VEG-2f</u>: Any personnel activity within willow habitat shall be carried out such that no willows are removed and cutting or thinning of branches is minimized. To</p>		

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			mitigate for the unavoidable impacts to willow habitat (and the associated indirect impacts to willow flycatcher -- which would not result in take under the California Endangered Species Act) related to personnel access, DFG shall replant on-site all cuttings of viable diameter. Replanting areas and cutting viability will be carried out under the direction of a DFG biologist. <u>VEG-2g</u> : No litter or debris may be dumped or left within the riparian zone. Any equipment that is carried or driven within the wetted riparian zone must be checked daily for the prevention of leakage of fuel or other substances that may be deleterious to aquatic life.		
VEG-3	Temporary loss of wetland vegetation. (S)	VEG-3	Implement Mitigation Measure VEG-3: <u>VEG-3a</u> : Wetland vegetation	LS	Time Frame: VEG-3a: Summer 2007 VEG-3b: Summer-Fall 2007

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			<p>in the vicinity of project activities that can be avoided shall be flagged and temporarily fenced to prevent accidental impacts.</p> <p><u>VEG-3b</u>: DFG staff shall be trained to minimize impact to this vegetation during rotenone application at these sites.</p> <p><u>VEG-3c</u>: A spill prevention, containment, and clean-up plan shall be prepared and shall be implemented when the project begins in order to reduce the potential for impacts from accidental spills.</p> <p><u>VEG-3d</u>: Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be implemented. Such management practices may require buffers of 100 feet or more around springs, seeps, and pools where direct access is not required to</p>		<p>VEG-3c: Winter-Summer 2007 VEG-3d: Summer-Fall 2007</p> <p><u>Agency</u>: DFG (USFS, as applicable)</p>

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			implement the project.		
VEG-4	Direct adverse impacts to special status plant species. (S)	VEG-4	Implement Mitigation Measure VEG-4: <u>VEG-4a</u> : Pre-project surveys shall be conducted at all potential disturbance areas to determine the presence of any special status plant species at the project sites. <u>VEG-4b</u> : All identified locations of special status plant species that can be avoided shall be flagged and species-appropriate buffer areas shall be fenced for avoidance prior to project implementation. <u>VEG-4c</u> : A worker environmental awareness training shall be conducted prior to project implementation. This training shall include information on identification and avoidance measures for special status species potentially present in the project area.	LS	<u>Time Frame</u> : VEG-4a: Spring-Fall 2007 VEG-4b: Summer 2007 VEG-4c: Summer 2007 VEG-4d: Winter-Summer 2007 VEG-4e: Summer-Fall 2007 <u>Agency</u> : DFG/USFS

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			<p><u>VEG-4d</u>: A spill prevention, containment, and clean-up plan shall be prepared before the project is implemented.</p> <p><u>VEG-4e</u>: Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be implemented. Such management practices may include the requirement that all areas requiring seeding or planting shall use only locally collected native seed sources, if available.</p>		
VEG-5	Noxious weed colonization of ground disturbed by project-related actions. (S)	VEG-5	<p>Implement Mitigation Measure VEG-5:</p> <p><u>VEG-5a</u>: A worker environmental awareness training shall be conducted prior to Project implementation. This training shall include information on identification and avoidance measures for noxious weed species of concern in the project vicinity.</p>	LS	<p><u>Time Frame</u>:</p> <p>VEG-5a: Prior to Sept. 2007 VEG-5b: Summer 2007 VEG-5c: Fall-Winter 2007 VEG-5d: Summer-Fall 2007 VEG-5e: Spring-Fall 2007 VEG-5f: Summer-Fall 2007</p> <p><u>Agency</u>: DFG (USFS)</p>

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			<p><u>VEG-5b</u>: In areas with known infestations within areas where soil disturbance is necessary, vegetation and topsoil shall be graded and stockpiled on the side of the site, adjacent to the area from which they were stripped, in order to isolate soil that may contain noxious weed seeds. This action would reduce the potential for construction equipment to transport seeds, roots, or rhizomes from site to site.</p> <p><u>VEG-5c</u>: Reclamation of disturbed areas shall be implemented immediately following construction.</p> <p><u>VEG-5d</u>: Fertilizer shall not be applied to reclaimed areas with known weed infestations, since nutrients can enhance the growth of weeds.</p> <p><u>VEG-5e</u>: Straw bales used for sediment barriers or mulch</p>		

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			shall be certified weedfree. <u>VEG-5f</u> : Within the PNF, all relevant management practices specified in the PNF LRMP and the SNFPA shall be implemented. These management practices may include cleaning all off-road equipment and vehicles used for project implementation at a vehicle washing station or steam cleaning facility before the equipment and vehicles enter the project area, and cleaning all off-road equipment prior to leaving areas infested with noxious weeds.		
	Cumulative impacts to botanical resources. (LS)		LS; no mitigation required.	LS	
	AESTHETIC RESOURCES				
A-2	Impact of Neutralization Option 1 on aesthetics. (LS)	A-2	LS; no mitigation required.	LS	
A-3	Impact of Neutralization Option 2 on aesthetics. (LS)	A-3	LS; no mitigation required.	LS	
A-4	Impact of Neutralization Option 3	A-4	LS; no mitigation required.	LS	

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	on aesthetics. (LS)				
A-5	Impact of Neutralization Option 4 on aesthetics. (LS)	A-5	LS; no mitigation required.	LS	
A-8	A band of shoreline would be visible to recreationists and the general public for up to eight months during the year treatment would occur and for an additional 2-18 months during refill. (S)	A-8	No feasible mitigation is available.	SU	
	Cumulative impacts to aesthetics. (No cumulative impact)		N/A. There is no cumulative impact; no mitigation required.	N/A	
	LAND USE & MANAGEMENT				
LU-1	Containment of cattle in the Grizzly Valley allotment as reservoir drawdown falls below the current fence extending into Lake Davis. (S)	LU-1	Implement Mitigation Measure LU-1: DFG shall contribute materials and labor to the appropriate range allotment permittees to construct additional fencing to keep cows from moving to other pastures.	LS	Time Frame: Summer 2007 Agency: DFG (USFS)

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LU-2	LU-2: Overlap in project areas and traffic from the Project and Freeman Project. (S)	LU-2	Implement Mitigation Measure LU-1: <u>LU-2a</u> : DFG shall obtain a detailed work schedule from the Forest Service timber sale layout coordinator for the Freeman Creek project. The schedule will identify the treatment units and roads in which timber harvest operators will be working. <u>LU-2b</u> : The DFG shall provide or arrange for traffic control during times when there is timber harvesting along roads used by DFG crews.	LS	Time Frame: LU-2a: Winter-Summer 2007 LU-2b: Summer-Fall 2007 <u>Agency</u> : DFG (USFS)

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LU-3	Consistency with SNFPA. (No adverse impact)	LU-3	N/A. There is no adverse impact; no mitigation required.	N/A	
LU-4	Consistency with Plumas County General Plan and City of Portola General Plan. (No adverse impact)	LU-4	N/A. There is no adverse impact; no mitigation required.	N/A	
LU-5	Firewood collection. (LS)	LU-5	LS; no mitigation required.	LS	
	Cumulative impacts to land use and management. (No cumulative impact)		N/A. There is no cumulative impact; no mitigation required.	N/A	
	CULTURAL RESOURCES				
CR-1	Project activities in staging areas, storage areas, and tributary access areas could affect cultural resources through ground disturbance. (S)	CR-1	Implement Mitigation Measure CR-1: Ground disturbance shall be mitigated by avoidance. Areas to be disturbed will be surveyed prior to work in areas of potential direct effect. Any identified resources will be marked for avoidance using orange fencing and/or tape with a 10 to 15 foot buffer to protect the site from any associated activities during the treatment period, and	LS	Time Frame: Spring-Summer 2007 Agency: DFG (USFS) (reporting to SHPO)

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			crews will be informed of the resource.		
CR-2	Extension of the boat ramp in order to allow boat access to Lake Davis as reservoir levels drop could affect cultural resources through ground disturbance. (S)	CR-2	Implement Mitigation Measure CR-2: Ground disturbance from boat ramp extension shall be mitigated by avoidance. There are three potential boat ramps for reservoir access. Once a boat ramp for reservoir access has been chosen, a qualified archaeologist shall survey any areas impacted by ramp extension. If cultural resources that are eligible for the National Register could be impacted by ramp extension, an alternate access ramp will be used.	LS	Time Frame: Summer-Fall 2007 Agency: DFG (USFS) (reporting to SHPO)
CR-3	The dewatering of the reservoir could potentially cause erosion to potential cultural resource sites. (S)	CR-3	Implement Mitigation Measure CR-3: Erosion shall be mitigated by monitoring, followed by agency consultations and appropriate actions. Any previously recorded sites will be located and regularly monitored	LS	Time Frame: Summer-Fall 2007 Agency: DFG (USFS) (reporting to SHPO)

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			during the dewatering process by a qualified archaeologist to determine if erosion due to reservoir dewatering, stream movements, or weather is impacting the sites. If cultural resources that are eligible for the National Register were being impacted by erosion, mitigation will be avoidance, protection, or full investigation, as determined by consultation with the DFG, the USFS, the State Historic Preservation Officer, and appropriate Native American tribes.		
CR-4	Impact CR-4: The effect on cultural resources from looting and vandalism of resources potentially located in the exposed lakebed is less than significant, due to enforcement of the forest closure.	CR-4	Mitigation CR-4: No mitigation is required. However, the drawdown presents an opportunity to research and study exposed areas for potential resources; which, if present, could be documented.	LS	
	Cumulative impacts to cultural		N/A. There is no cumulative	N/A	

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	resources. (No cumulative impact)		impact; no mitigation required.		
	RECREATION RESOURCES				
R-6	Direct impact due to loss of recreation use at Lake Davis. (S)	R-6	Implement Mitigation Measure R-6: The DFG shall implement Mitigation R-1 to promote recreation use at Lake Davis, except if the duration of the impact is anticipated to be one season, the contribution to PNF will be \$15,000. However, if the reservoir remains at or above 45,000 acre-feet after ice-out, then no contribution to PNF will be required. (Note: Mitigation Measure R-1 provides: <u>R-1a</u> : The DFG shall partner with the PNF in promoting recreation at Lake Davis by contributing \$30,000 in funding to conduct a feasibility analysis for design and construction of a trail on the east side of Lake Davis. There is a plan for the PNF (Schaber, personal	LS	Time Frame: Spring 2007-Fall 2009 Agency: DFG (USFS, City of Portola)

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			communication, 2006) to seek funding from a Rails-to-Trails grant for a trail around Lake Davis. Support from the DFG could accelerate implementation of this trail project, and meet latent demand for hiking and walking. In addition, the DFG shall construct and install two or three interpretive panels highlighting the biological resources of the Lake Davis area and discussing the risks of non-native invasive species. The DFG shall also construct two interpretive panels for installation along the River Walk near the City of Portola. The DFG shall also provide interpretative staff for at least the duration of the two seasons in which impacts are expected to occur to support local educational programs on the biology of the reservoir and		

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			its vicinity. R-1b: In addition, the DFG shall plant trout in appropriate numbers beginning in the spring prior to treatment in suitable waters nearby Lake Davis for the benefit of local Lake Davis area recreation. Suitable waters are those that contain trout and trout habitat, that have previously been planted with trout and are not designated wild trout waters, and that do not contain any known special status or threatened or endangered species that could be adversely affected by planted trout. DFG will also promote recreation at Lake Davis by the following: (1) The rapid restocking of the reservoir with catchable trout, as described in the Fisheries Management Plan, coupled with wide media advertisement of the stocking		

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			to provide angling opportunities. (2) Publishing and widely distributing brochures, newsletters, and press releases. (3) Maintaining a website with information on the pike eradication project, fisheries management at the reservoir, and water quality monitoring results. (4) Publishing newsletters and positive-image press releases in an appropriate and timely manner during and after the treatment, to inform residents of recovery progress and to encourage visitors to the Portola, Lake Davis and surrounding area. (5) Using a wide variety of media for notifying the public of the recovery of Lake Davis – including radio announcements in Reno and Sacramento. (6) Maintaining a public office in the City of		

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			Portola with DFG staff, as well as publishing the phone numbers and email addresses of key project personnel to allow a response to questions. (7) Developing a public outreach program that includes presentations to educational institutions, conservation, environmental, civic, government and other interested and non-governmental organizations, and providing information through the media. (8) Working closely with other responsible state, local and federal agencies to provide the most accurate and timely information to a wide public.)		
R-7	Indirect adverse impact due to increased crowding and physical deterioration of recreation facilities at Frenchman Lake. (S)	R-7	Implement Mitigation Measure R-7: The DFG shall implement Mitigation R-2, except if the duration of the impact is anticipated to be one season, a temporary toilet will be provided. (Note:	LS	Time Frame: Summer 2007-Summer 2008 Agency: DFG (USFS)

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			Mitigation R-2 provides: A permanent toilet shall be installed at the overflow campground (near Big Cove campground) at Frenchman Lake. The DFG shall contribute a maximum of \$15,000 for purchase and installation of this toilet. The DFG shall, in collaboration with local representatives, also prepare a brochure highlighting recreational opportunities in eastern Plumas County.)		
R-3	Impacts on use of Grizzly Ice Pond. (S)	R-3	Implement Mitigation Measure R-3: Develop a reservoir operations plan (in coordination with DWR) that would restrict releases from Grizzly Valley Dam from about June 1 through August, to allow for continued normal operation of Walton's Grizzly Lodge Camp.	SU	<u>Time Frame:</u> Winter-Summer 2007 <u>Agency:</u> DWR (DFG)
	Cumulative impacts to recreational resources. (No		No cumulative impact; no mitigation required.	N/A	

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	cumulative impact)				
	PUBLIC SERVICES				
PS-16	Impacts on law enforcement. (LS)	PS-16	LS; no mitigation required.	LS	
PS-17	Impacts on fire protection and emergency services. (LS)	PS-17	LS; no mitigation required.	LS	
PS-18	Impacts on solid waste disposal. (LS)	PS-18	LS; no mitigation required.	LS	
PS-19	There is the potential for the Project to delay use of Lake Davis as a domestic water supply source for the City of Portola and GRLID by delaying water deliveries to the new water treatment plant depending on when the water treatment plant is constructed and approved for use, and the date of the treatment and the date that the Department of Health Services determines that the reservoir is free of treatment chemical residues.	PS-19	Implement Mitigation Measure PS-4: The DFG shall, in coordination with the City of Portola and GRLID, temporarily provide replacement water supplies to community residents if needed until water from Lake Davis is available for domestic use by providing: (1) \$675,000 to the City of Portola to protect and supplement the City's water supplies through the development of two groundwater wells for potable water (including completion of the 6 th & Pacific well) or other measures the City may deem	LS	<u>Time Frame:</u> 2007 (and potentially 2008) <u>Agency:</u> DFG (City of Portola, GRLID)

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			appropriate including, but not limited to, wellhead treatment, security of water infrastructure, and purchases of additional water; and (2) \$150,000 to GLRID to develop a well to provide potable water to GLRID. In order to ensure that replacement water supplies are available for use immediately in the event the possibility of delay results, the mitigation would be implemented prior to the realization of any actual delay, if any, because of the amount of time it would take to accomplish those measures to protect the City of Portola's and GLRID's water supply.		
PS-20	On a temporary basis, downstream water users would be adversely affected during treatment and neutralization period as a result of reduced	PS-20	Implement Mitigation Measure PS-5: The following measures will be implemented to minimize impacts on downstream water	LS	Time Frame: Through Summer 2007 Agency:

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	water flows from Grizzly Valley Dam under the Project. (S)		right holders and related uses: • The DFG shall survey Big Grizzly Creek (downstream from the dam) to identify all riparian diversions potentially affected by the project. All identified water users, including riparian and appropriated right holders, will be contacted by the DFG/DWR prior to the proposed treatment to determine the nature and amount of water diversions. In addition, all landowners downstream of Lake Davis and adjacent to Big Grizzly Creek will be informed about the proposed pike eradication effort; • The DFG will enter into an agreement with the DWR to provide assurance that downstream parties are provided with water they are entitled to under any		DFG (DWR)

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			<p>agreements with the DWR, and the DWR is not liable for impacts as a result of nonperformance under those water supply agreements; and</p> <ul style="list-style-type: none"> • The DFG shall, in coordination with the land holders, temporarily provide alternative water sources to all water users along Big Grizzly Creek to meet existing water demands. Options may include providing trucked water to riparian users or assisting with private well pumping costs. • In cooperation with water right holders at or downstream from Grizzly Ice Pond, the DFG shall provide mitigation on a case-by-case basis based on the parameters of each diversion and related land uses. Options may include: <p>-- Investigating the option of</p>		

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			securing water supplies stored at Grizzly Ice Pond to help meet the requirements of downstream water right holders; however, the quantity of water stored at the Ice Pond would not likely be sufficient to meet all downstream requirements. Therefore, additional provisions will be made as needed, as described below; -- Ramelli Diversion. Temporarily provide water and/or a water equivalent to Ramelli pastures consistent with the terms of the USFS grazing permit. Options include: (1) providing partial replacement water supplies; (2) providing an alternative green pasture if available; and/or (3) providing hay and/or other supplemental feed to address the loss in pasture irrigation; -- Valverde Diversion.		

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			<p>Temporarily accommodate for lost water supplies. Options include: (1) providing partial replacement water supplies via stored water at Grizzly Ice Pond if the DFG can arrange such an agreement with the Grizzly Ice Pond water right holders; and/or (2) trucking in water;</p> <p>-- Grizzly Ranch Development Project.</p> <p>Temporarily accommodate the Grizzly Ranch Development Project for lost water supplies. Options include: (1) providing partial replacement water supplies via stored water at Grizzly Ice Pond if the DFG can arrange such an agreement with the Grizzly Ice Pond water right holders; and/or (2) covering the costs of pumping well water from existing wells on the Grizzly Ranch property.</p>		

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	Cumulative impacts to public services. (LS)		LS; no mitigation required.	LS	
	HUMAN & ECOLOGICAL HEALTH				
HEH-1	Toxicity effects from hazardous materials on non-target fish. (LS)	HEH-1	LS; no mitigation required.	LS	
HEH-2	Toxicity effects from hazardous material on non-target aquatic invertebrate species. (S) Toxicity effects from hazardous material on special status macroinvertebrate species in the reservoir. (LS) Toxicity effects from hazardous material on special status macroinvertebrate species in tributary streams and springs. (S) Toxicity effects from hazardous material on zooplankton communities. (LS) Toxicity effects from hazardous material on littoral macroinvertebrate communities.	HEH-2	For less than significant impacts, no mitigation is required. Implement Mitigation Measure AR-10 for significant impacts. (See description of Mitigation Measure AR-10 above.)	LS for all impacts except those on littoral macro-invertebrate communities and some aquatic invertebrate populations. SU for impacts to littoral macro-invertebrate communities and some aquatic invertebrate	See AR-10 above.

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	(S) Toxicity effects from hazardous material on some aquatic invertebrate populations. (S)			populations	
HEH-3	Toxicity effects from hazardous materials on amphibians and reptiles. (S)	HEH-3	Implement Mitigation Measure TW-1. (See description of Mitigation Measure TW-1 above.)	LS	See TW-1 above.
HEH-4	Toxicity effects from hazardous materials on terrestrial and avian wildlife. (No impact)	HEH-4	No impact; no mitigation required.	N/A	
HEH-5	Effects from dead fish on non-aquatic wildlife. (LS)	HEH-5	LS; no mitigation required beyond the requirement that fish be rapidly removed following treatment.	LS	
HEH-6	Toxicity effects from surface water exposure to humans. (LS)	HEH-6	LS; no mitigation required.	LS	
HEH-7	Toxicity effects from sediment exposure to humans. (LS)	HEH-7	LS; no mitigation required.	LS	
HEH-8	Toxicity effects from drinking water exposure via groundwater wells. (LS)	HEH-8	LS; no mitigation required.	LS	
HEH-9	Toxicity effects from inhalation	HEH-9	Implement Mitigation	LS	

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	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MONITORING TIMEFRAME AND RESPONSIBLE AGENCY
	exposure. (S)		Measure HEH-9: Use of the Noxfish® formulation would be balanced/combined with CFT Legumine® use that allows adequate rotenone concentrations in the water for the desired piscicide effect, but does not result in air concentrations for volatile solvent components above the health based screening levels (HBSLs) protective of human health.		Time Frame: Summer-Fall 2007 Agency: DFG (Northern Sierra Air Quality Management District)
HEH-10	Impacts to humans from odor. (LS)	HEH-10	LS; no mitigation required beyond the requirement that fish be rapidly removed following treatment and Implementation of Mitigation Measure HEH-9 as noted above.	LS	See HEH-9 above.
HEH-11	Neutralization impacts of Options 1 and 2 on human and ecological health. (No impact)	HEH-11	No impact; no mitigation required.	N/A	
HEH-12	Neutralization impacts of Options 3 and 4 on human and ecological health. (LS)	HEH-12	LS; no mitigation required.	N/A	

Less than Significant = LS Beneficial = B Significant = S Cumulative Significant = CS Significant and Unavoidable = SU Potentially Significant = PS

MITIGATION, MONITORING AND REPORTING PROGRAM
(PROJECT: MODIFIED ALTERNATIVE D (45,000-48,000af) & CONTINGENCY PLAN (<45,000-38,000af))

	ENVIRONMENTAL IMPACT (SIGNIFICANCE BEFORE MITIGATION)		MITIGATION MEASURES	LEVEL OF SIGNIFICANCE AFTER MITIGATION	MITIGATION MONITORING TIMEFRAME AND RESPONSIBLE AGENCY
	Cumulative impacts of hazardous material. (LS)		LS; no mitigation required.	N/A	

Less than Significant = LS Beneficial = B Significant = S Cumulative Significant = CS Significant and Unavoidable = SU Potentially Significant = PS
