

Appendix B.2

**Supplemental Scoping Report—May 2013**

---





## Memorandum

<b>Date:</b>	May 9, 2013
<b>To:</b>	Tanis Toland U.S. Army Corps of Engineers, Sacramento District 1325 J Street Sacramento, CA 95814  John Powderly City of West Sacramento 1110 West Capitol Avenue West Sacramento, CA 95691
<b>Cc:</b>	Ric Reinhardt, MBK Engineers; Derek Larsen, MBK Engineers; Michael Vecchio, HDR; Lucy Eidam Crocker, Crocker & Crocker; Christine Braziel, Crocker & Crocker; Ken Ruzich, WSAFCA
<b>From:</b>	Jennifer Rogers, ICF Community Affairs Specialist  Megan Smith, ICF Southport EIR Senior Project Manager
<b>Subject:</b>	<b>Southport Sacramento River EIP Supplemental Scoping Report</b>

## Introduction

To comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (USACE) and the West Sacramento Area Flood Control Agency (WSAFCA) are preparing a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Southport Sacramento River Early Implementation Project (Southport EIP). The EIS/EIR will analyze and disclose the potential effects the Southport EIP may have on the natural and human environment and identify mitigation measures and alternatives to avoid significant effects. USACE is the lead agency under NEPA, and WSAFCA is the project proponent and lead agency under CEQA. While WSAFCA is proposing the Southport EIP, USACE approval is needed for alterations to Federal levees under Section 14 of the Rivers and Harbors Act; discharge of dredge or fill materials into jurisdictional waters of the United States under Section 404 of the Clean Water Act; and activities in navigable waters under Section 10 of the Rivers and Harbors Act.

In summer 2011, WSAFCA and USACE issued a Notice of Preparation (NOP) and Notice of Intent (NOI), respectively, to prepare the joint EIS/EIR. A 30-day comment period was opened and two scoping meetings were held. Since then, WSAFCA has expanded the Southport EIP study area to include additional soil borrow sites that may be needed to construct the Southport EIP and a

modified roadway alignment. The expanded study area includes the area of flood risk-reduction measure construction; roadway construction and/or relocation; and potential soil borrow sites. Because WSAFCA has increased the study area, a second 30-day comment period was held from March 8, 2013 to April 8, 2013 to solicit additional comments inclusive of the additional borrow sites. After considering all comments received during both scoping periods, WSAFCA and USACE will complete and release the draft EIS/EIR, available for public review in summer 2013. This document summarizes the re-scoping process and comments received in 2013.

## Noticing

### Notice of Preparation/Intent

In compliance with the requirements set forth in CEQA, WSAFCA, as the lead agency, prepared a Supplemental NOP. The Supplemental NOP contained a brief description of the proposed project; probable environmental effects; the date, time and place of the public scoping meetings; and contact information. The Supplemental NOP solicited participation in determining the scope of the EIS/EIR. On March 8, 2013, the Supplemental NOP was sent to Responsible and Trustee Agencies and involved federal agencies and parties previously requesting notice in writing. In advance of that, on the afternoon of March 7, the Supplemental NOP was filed with the State Clearinghouse. The comment period was March 8 to April 8, 2013. Similarly, to comply with the National Environmental Policy Act, an NOI was published in the *Federal Register* on March 15, 2013 to notice the scoping meetings, comment period, and supplemental study area to the project. It can be viewed online at <http://www.gpo.gov/fdsys/pkg/FR-2013-03-15/html/2013-05928.htm>.

### Mailings

WSAFCA mailed approximately 2,135 abbreviated versions of the Supplemental NOP to stakeholders, namely landowners, on March 13, 2013 to make them aware of the re-scoping effort and invite them to the scoping meeting on March 28, 2013. Invitations were sent to all properties within 500 feet of the project site, including borrow areas, and within 100 feet of a proposed haul routes. Approximately 230 invitations were returned by the postal service because of an erroneous address, vacant residence, or related causes.

### Website

WSAFCA posted language on the City's flood management web page at [http://www.cityofwestsacramento.org/city/flood/southport\\_eip/](http://www.cityofwestsacramento.org/city/flood/southport_eip/) in advance of the meeting. The meeting materials presented at the meeting will be posted on this web page in spring 2013 to serve as a public record of the event.

## Legal Notices

Legal notices briefly introducing the lead agencies, the proposed Southport EIP and additional study area, and publicizing the scoping meeting were published in the *West Sacramento News-Ledger* and *The West Sacramento Press* on March 8, 2013. The *West Sacramento News-Ledger* and *West Sacramento Press* reach local residents, as these are two news outlets that report on local events specific to the City of West Sacramento.

Attachment A contains copies of the following documents.

- Supplemental NOP (including resource agency mailing list)
- Revised NOI
- Meeting invitation flier mailed in hard copy
- *West Sacramento News-Ledger* and *West Sacramento Press* notices

## Public Meetings

One public scoping meeting was held to inform the public of the proposed Southport EIP, the expanded study areas added since scoping in 2011 that will be analyzed in the EIS/EIR, and provide an opportunity for input on the range of alternatives, environmental effects, and any issues of concern. The meeting was held on March 28, 2013 at West Sacramento City Hall, in the Galleria Room from 5:30 to 7:30 p.m. The meeting time was chosen to accommodate schedules of public agency representatives and the general public, including residents and business owners.

A 20-minute informal presentation was given at approximately 6:00 p.m. to briefly introduce the proposed project, project objectives, schedule, potential alternatives, and environmental compliance, and the need for an additional scoping process.

The meeting was open house-style in which attendees could read and view the information about the Southport EIP, the additional study area, and interact with project staff, including WSAFCA, USACE, the City, MBK and HDR Engineering staff, and ICF environmental consulting staff.

Nearly 30 graphic display boards were available for attendees to view. The boards described and illustrated the West Sacramento Levee Improvements Program history and the Southport EIP's purpose, need and objectives, original and expanded study areas, levee deficiencies and potential improvements, environmental considerations, and the NEPA/CEQA process. Project staff were stationed at the display boards to provide additional detail or answer any questions.

A prepared fact sheet was available for attendees to take with them. The fact sheet provided an overview of the Southport EIP and its objectives, the original and expanded study area, and the environmental compliance process.

Comment cards were offered so that meeting attendees could provide feedback on the proposed project. These cards could be filled out during the meeting and given to a project team member or

filled out after the meeting and sent to either USACE or WSAFCA by April 8, 2013. Attachment B contains copies of the following materials.

- Display boards
- Fact sheet
- Comment card

A total of 12 people attended the meeting. Eighteen comments were received during the comment period. Three comments were received 2 days after scoping period closed, but will still be considered in the development of the EIS/EIR. Below is a summary of recurring topics expressed in the written comments. Attachment C contains all written comments received during the scoping period.

- Potential damage/impacts to residential structures and acquisition
- Potential damage to public utilities present in the project area
- Floodplain mapping
- Disclosure and legality of mitigation banking
- Potential impacts of the USACE vegetation policy
- Potential impacts to wildlife resources from construction and USACE vegetation policy
- Concerns related to groundwater levels and quality and hydrology
- Concerns related to traffic impacts/hours of construction/dust
- Potential public levee access and recreation impacts
- Potential public utilities impacts/relocation
- Potential impacts to and mitigation for agricultural lands

## Next Steps and Recommendations

The comments received during the scoping period will assist in determining the issues to be evaluated in detail in the EIS/EIR. Alternatives developed based on the scoping process will be analyzed, and a draft EIS/EIR will be developed. Upon the release of the draft EIS/EIR in summer 2013, the public will have 45 days to comment on the document. Additionally, at least one public meeting will be held so the public and agencies can learn more about the draft EIS/EIR, ask questions regarding the analysis, and provide comments. At these meetings, the alternatives will be presented and explained.

Once the public comment period on the draft EIS/EIR has concluded, USACE and WSAFCA will consider and respond to all comments and prepare a final EIS/EIR. USACE and WSAFCA will consider all written comments in deciding which alternative(s) to select and implement. USACE and WSAFCA will document that selection in a record of decision (for NEPA), no sooner than 30 days following publication of the Final EIS/EIR, and in a notice of determination (for CEQA). USACE and

WSAFCA will continue its outreach efforts related to the draft EIS/EIR, and separately, WSAFCA will continue its outreach efforts to landowners and other stakeholders through its cooperation with Crocker & Crocker.

###



## Attachment A

---

- Supplemental Notice of Preparation (including resource agency mailing list)
- Revised NOI
- Meeting invitation flier mailed in hard copy
- *West Sacramento News-Ledger* and *West Sacramento Press* notices



## Notice of Preparation

---

To: State Clearinghouse, Responsible Agencies,  
Trustee Agencies, Interested Parties From: West Sacramento Area Flood Control Agency  
(Agency) (Agency)  
See Distribution List 1110 West Capitol Avenue  
(Address) West Sacramento, CA 95691  
(Address)

**Subject: Supplemental Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project**

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk–reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. On August 26, 2011, WSAFCA issued a Notice of Preparation (NOP) for the EIP and undertook a 30-day public comment period. Since that time, WSAFCA has expanded the EIP study area to include additional soil borrow sites that may be employed to provide borrow material needed to construct the EIP. The study area, shown in Figure 1, encompasses the area of levee risk-reduction measure construction along the river corridor, roadway construction and/or relocation, and potential soil borrow sites. The construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Deep Water Ship Channel; and south of the South Cross Levee.

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as providing opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE), acting as the Federal lead agency under the National Environmental Policy Act (NEPA), and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), have determined that a project-level Environmental Impact Statement/Environmental Impact Report (EIS/EIR) should be prepared for the project.

**Responsible and Trustee Agencies**

Responsible and trustee agencies under CEQA may include City of West Sacramento, Yolo County, California Department of Fish and Wildlife, California Department of Water Resources, Central Valley Flood Protection Board, California Regional Water Quality Control Board, State Lands Commission, and California Department of Parks and Recreation.

**Public and Agency Input**

USACE and WSAFCA are requesting your input on the scope and content of the Southport Sacramento River EIP EIS/EIR. All interested parties are invited to comment for a period of 30 days, beginning Friday, March 8, 2013. Please send comments by e mail or standard mail to a contact below by 5 p.m., Monday, April 8, 2013.

Megan Smith, Project Manager  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814  
Email: megan.smith@icfi.com

**or**

Ms. Tanis Toland  
U.S. Army Corps of Engineers, Sacramento District  
Delta Programs Integration & Ecosystem  
Restoration  
1325 J Street  
Sacramento, CA 95814  
Email: tanis.j.toland@usace.army.mil

If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

The public can meet with lead agency representatives and provide written comments at a public scoping meeting to be held March 28, 2013 at 5:30 p.m. at the City of West Sacramento City Hall Galleria Room, 1110 W. Capitol Ave., West Sacramento, CA 95691. The presentation will begin at 6 p.m.

The attachment includes supplemental information for the proposed Southport Sacramento River EIP.

Date:

3/7/13

Signature:

John F. Powell

Title:

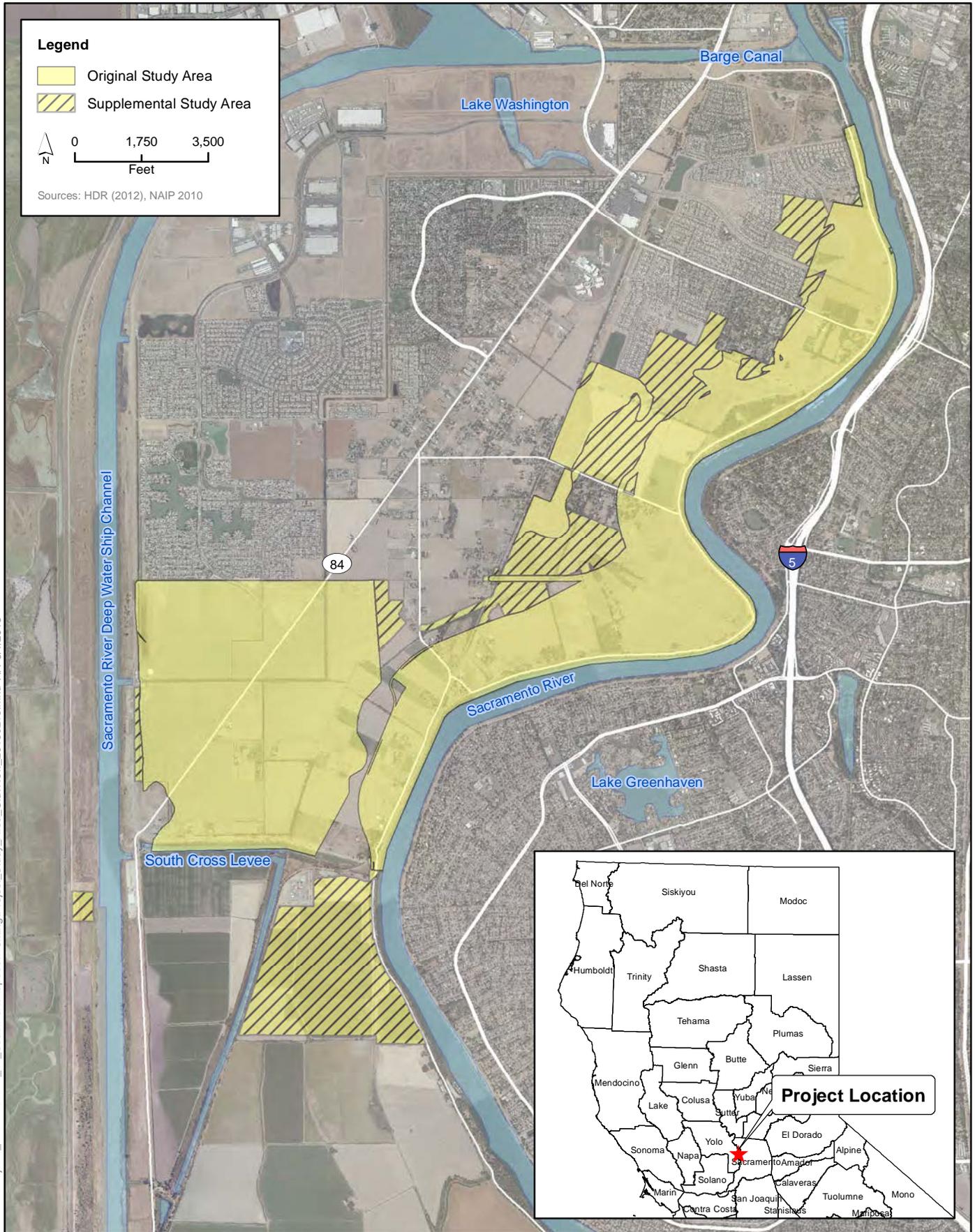
Associate Planner, City of West Sacramento

Telephone:

(916) 617-4645

*Reference:* California Code of Regulations, Title 14, (State CEQA Guidelines) Sections 15082(a), 15103, 15375.

Path: K:\Projects\_1\HDR\00071\_11\_SouthPort\mapdoc\Working\Project\_Study\_Area\_01dxNew\_20130215.mxd AA\_3/1/2013



**Figure 1**  
**EIP Study Area**



**Attachment to Supplemental Notice of Preparation**  
Environmental Impact Statement/Environmental Impact Report  
Additional Information

**Location of Project Study Area:**

As introduced in the Supplemental Notice of Preparation, the West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk–reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. On August 26, 2011, WSAFCA issued a Notice of Preparation (NOP) for the EIP and undertook a 30-day public comment period. Since that time, WSAFCA has expanded the EIP study area to include additional soil borrow sites that may be employed to provide borrow material needed to construct the EIP. The study area, shown in Figure 1, encompasses the area of levee risk-reduction measure construction along the river corridor, roadway construction and/or relocation, and potential soil borrow sites. The construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Deep Water Ship Channel; and south of the South Cross Levee.

**Project Purpose and Lead Agencies:**

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as provide opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE) will act as the Federal lead agency under the National Environmental Policy Act (NEPA). WSAFCA will act as lead agency under the California Environmental Quality Act (CEQA). As such, WSAFCA has principal responsibility for carrying out and approving the project. The agencies have determined that a project-level Environmental Impact Statement/Environmental Impact Report (EIS/EIR) should be prepared for the project.

USACE has three potential actions associated with WSAFCA's proposed project:

- under 33 United States Code, Section 408 (Section 408), the Chief of Engineers may grant permission to alter an existing flood control structure if it is not injurious to the public interest and does not impair the usefulness of such work;
- under Section 404 of the Clean Water Act, the District Engineer may permit the discharge of dredged or fill material into waters of the United States if the discharge meets the requirements for the Environmental Protection Agency's 404 (b)(1) guidelines and is not contrary to the public interest; and
- under Section 10 of the Rivers and Harbors Act, the District Engineer may permit activities that do not affect navigable waters.

WSAFCA is requesting such permissions in order to implement the project. The project must comply with NEPA to acquire these permissions. This project would continue work undertaken by WSAFCA for the I Street Bridge EIP (constructed in 2008), The Rivers and CHP Academy EIPs (constructed from 2011 to 2012), and a separate effort led by USACE and the Central Valley Flood Protection Board at the Barge Canal in West Sacramento under the Sacramento River Bank Protection Project.

**Project Description:**

The EIS/EIR will analyze the possible environmental effects of combining a variety of flood risk-reduction measures to address known levee deficiencies. The flood risk-reduction measures considered in the EIS/EIR may include:

- slope flattening of the existing levee,
- use of seepage berms located to the land side of the levee,
- rock slope protection located to the water side of the levee,
- setback levees and/or adjacent levees located landward of the existing levee,
- relief wells, and
- slurry cut-off walls.

The EIS/EIR will consider the environmental impacts of other foreseeable project elements and mitigation measures located in the study area. Foreseeable construction and maintenance of such flood protection measures likely would include, but not be limited to:

- use of neighboring roadways for project ingress and egress;
- creation of temporary access roads;
- construction of new roadways, including elevated spans;
- resurfacing and/or relocation of existing roadways;
- removal of vegetation adjacent to the riverfront;
- extraction of soil from identified borrow sites;
- disposal of excess soil at identified disposal sites; and
- relocation of public and private utilities.

The project will also be defined to include ecosystem restoration, such as shallow water and riparian habitat creation, planting and revegetation, and similar features. Recreation features will also be analyzed, such as trails, wayfinding and interpretive signs; and associated amenities.

**Environmental Factors Potentially Affected:**

The environmental factors checked below would potentially be affected by the proposed project (i.e., the project would involve at least one impact that is a “Potentially Significant Impact”). There may also be one or more mandatory findings of significance, as defined by CEQA Guidelines Section 15065.

X	Agriculture Resources	X	Air Quality	X	Cultural Resources
X	Fish and Aquatic Resources	X	Flood Management/ Geomorphic Conditions	X	Geology, Seismicity, Soils and Mineral Resources
X	Mineral Resources	X	Land Use/Planning	X	Noise
X	Population/Housing	X	Public Services	X	Recreation
X	Socioeconomics, Environmental Justice, and Community Effects	X	Transportation and Navigation	X	Utilities and Public Services
X	Vegetation and Wetlands	X	Visual Resources	X	Water Quality and Groundwater Resources
X	Wildlife				

**Attachment to Notice of Preparation**  
Environmental Impact Statement/Environmental Impact Report  
Distribution List

**Government Agencies**

Bureau of Indian Affairs  
Pacific Regional Office  
Environmental Compliance Department  
2800 Cottage Way  
Sacramento, CA 95825

Bureau of Reclamation  
Mid-Pacific Region  
2800 Cottage Way  
Sacramento CA 95825

California Department of Fish and Game  
Jeff Drogensen  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670

California Department of Conservation  
Rebecca Salazar  
801 K Street, MS-24-02  
Sacramento, CA 95814

California Department of Fish and Wildlife, Region 2  
Paul Hofmann  
402 S Merrill Ave  
Willows, CA 95988

California Department of Fish and Wildlife, Region 3  
Scott Wilson  
7329 Silverado Trail  
Napa, CA 94558

California Department of Fish Wildlife, Water Branch  
Gina Ford  
830 S Street  
Sacramento, CA 95811

California Department of Parks and Recreation  
Bob Baxter  
PO Box 942896  
Sacramento, CA 94296-0001

California Department of Transportation, District 3  
Kendall Schinke  
2983 Gateway Oaks Blvd., Suite 100  
Sacramento, CA 95833

California Department of Water Resources  
Elizabeth Bryson  
3464 El Camino Avenue, Suite 201  
Sacramento, CA 95821

California Department of Water Resources  
Kristin Ford  
3464 El Camino Avenue, Suite 200  
Sacramento, CA 95821

Central Valley Flood Protection Board  
James Herota  
3310 El Camino Ave. Room 151  
Sacramento, CA 95821

Central Valley Regional Water Quality Control Board  
CEQA Compliance Division  
11020 Sun Center Dr, #200  
Rancho Cordova, CA 95670

Central Valley Regional Water Quality Control Board  
Greg Vaughn  
11020 Sun Center Dr, #200  
Rancho Cordova, CA 95670

City of Sacramento  
Planning Director  
915 I Street, New City Hall, 3rd Floor  
Sacramento, CA 95814

Colusa County  
Director  
220 12th Street  
Colusa, CA 95932

Delta Protection Commission  
Alex Westhoff  
PO Box 530  
Walnut Grove, CA 95690

Department of Boating and Waterways  
David Johnson  
2000 Evergreen Street, Suite 100  
Sacramento, CA 95815-3888

Department of General Services, Real Estate Division  
Shirley Bramham  
707 3rd Street, Suite 505  
West Sacramento, CA 95605

Federal Highway Administration  
NEPA/CEQA Compliance Dept.  
1200 New Jersey Ave., SE  
Washington, DC 20590

FEMA Region IX, Federal Emergency Management  
Donna Meyer, Deputy Regional Environmental Officer  
111 Broadway, Ste. 1200  
Oakland, CA 94607

National Marine Fisheries Service  
Mike Hendrick  
650 Capitol Mall, Suite 8-300  
Sacramento, CA 95814

Native American Heritage Commission  
Debbie Pilus Treadway  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

Office of Historic Preservation  
Milford Wayne Donaldson  
1416 9th Street, Room 1442-7  
Sacramento, CA 95814

Pacific Gas and Electric Company  
Meredith Williams  
350 Salem Street  
Chico, CA 95928

Sacramento Air Quality Management District  
Karen Huss  
1947 Galileo Ct., Ste. 103  
Davis, CA 95616

Sacramento Area Flood Control Agency  
Tim Washburn  
1007 7th Street, 7th Floor  
Sacramento, CA 95814

Sacramento County Planning and Community  
Development Agency  
Director  
827 7th Street, Room 230  
Sacramento, CA 95814

Sacramento National Wildlife Refuge Complex  
Environmental Compliance Dept.  
752 County Road 99W  
Willows, CA 95988

Sacramento Regional County Sanitation District  
Sharon Seargent  
10545 Armstrong Ave.  
Mather, CA 95655

Sierra Northern Railway  
President  
341 Industrial Way  
Woodland, CA 95776

Solano County  
Director of Public Works and Planning  
601 Texas Street  
Fairfield, Ca 94533

State Clearinghouse, Office of Planning & Research  
1400 10th Street, Rm 121  
Sacramento, CA 95814

State Lands Commission,  
Environmental Management Division  
Cy Oggins, Division Chief  
100 Howe Ave, Suite 100 South  
Sacramento, CA 95825

Sutter County Public Works Department  
Director of Public Works  
1130 Civic Center Blvd.  
Yuba City, CA 95993

U.S. Army Corps of Engineers, Sacramento District  
Tanis Toland, Attn: Delta Programs Integration &  
Ecosystem Restoration  
1325 J Street  
Sacramento, CA 95814

U.S. Department of the Interior, Office of  
Environmental Policy and Compliance  
Patricia Sanderson Port,  
Regional Environmental Officer  
1111 Jackson Street, Suite 520  
Oakland, CA 94607

U.S. Environmental Protection Agency  
Connell Dunning  
75 Hawthorne Street  
San Francisco, CA 94105

U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825

USDA Natural Resources Conservation Service  
221 W. Court Street  
Woodland, CA 95695

Washington Unified School District  
Scott Lantsberger, Assistant Superintendent  
930 Westacre Road  
Sacramento, CA 95691

Yolo County Agricultural Commission  
70 Cottonwood Street  
Woodland, CA 95695

Yolo County Environmental Health  
Bruce Sarazin, Chief  
137 N. Cottonwood St., Ste. 2400  
Woodland, CA 95695

Yolo County Planning Department  
Planning Director  
292 West Beamer Street  
Woodland, CA 95695

Yolo County Transit Authority  
350 Industrial Way  
Woodland, CA 95776

Yolo Habitat JPA  
Maria Wong, Executive Director  
120 West Main Street, Suite C  
Woodland, CA 95695

Yolo Solano Air Quality Management District  
Matt Jones  
1947 Galileo Court, Suite 103  
Davis, CA 95616

### **Non-Governmental Organizations**

American Rivers  
John Cain, Director, California Flood Management  
244 Lake Drive  
Kensington, CA 94708

California Farm Bureau Federation  
Environmental Compliance Department  
2300 River Plaza Drive  
Sacramento, CA 95833

Center for Biological Diversity  
351 California Street, Suite 600  
San Francisco, CA 94104

Defenders of Wildlife  
Kim Delfino, California Program Director  
1303 J Street, Suite 270  
Sacramento, CA 95814

Family Water Alliance  
P.O. Box 365  
Maxwell, CA 95955

Friends of the River  
Ronald Stork, Senior Policy Advocate  
1418 20th Street, Suite 100  
Sacramento, CA 95811

Friends of the Swainson's Hawk  
Judith Lamare, President  
915 L Street, Suite C-425  
Sacramento, CA 95814

Habitat 2020 Sacramento County  
Attn: Chairperson  
909 12th Street, Suite 100  
Sacramento CA 95814

Sacramento Area Bicycle Advocates  
Jordan Lang  
909 12th Street, Suite 116  
Sacramento, CA 95814

Sacramento River Preservation Trust  
PO Box 5366  
Chico, CA 95927

Sacramento Valley Landowners Association  
PO Box 3014  
Sacramento, CA 95812

Sierra Club  
Terry Davis  
801 K Street, Suite 2700  
Sacramento, CA 95814

Sierra Club Motherlode Chapter  
Tony Loftin, Chair, Sacramento Group  
801 K Street, Suite 2700  
Sacramento, CA 95814

Sierra Club-Yolano Group  
Pamela Nieberg and Carolyn Hinshaw,  
Chairperson  
3010 Loyola Drive  
Davis, CA 95618

The California Central Valley Flood Control  
Association  
910 K Street, Suite 310  
Sacramento, CA 95814

The Nature Conservancy  
2015 J Street, Suite 103  
Sacramento, CA 95814

The Northern California Water Association  
455 Capitol Mall # 335  
Sacramento, CA 95814-4496

Tuleyome  
Andrew Fulks  
607 North Street  
Woodland, CA 95695

Yolo Audubon Society  
Chad Roberts, Conservation Chairman  
P.O. Box 886  
Davis, CA 95617

**Individuals**

David Sanders

Forecast Land Investment LLC

Jeralyn and William Wingfield

Linda Pacheco

Seecon Financial and Construction Co.

Yokoyama Aya Irreversible Living Trust

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****Acquisition of Items for Which Federal Prison Industries Has a Significant Market Share**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice.

**SUMMARY:** DoD is publishing the annual list of product categories for which the Federal Prison Industries' share of the DoD Market is greater than five percent.

**DATES:** *Effective Date:* April 5, 2013.

**FOR FURTHER INFORMATION CONTACT:** Sheila Harris, telephone 703-614-1254.

**SUPPLEMENTARY INFORMATION:****Background**

On November 19, 2009, a final rule was published at 74 FR 59914 which amended the Defense Federal Acquisition Regulation Supplement (DFARS) 208.6, to implement Section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008, Public Law 110-181. Section 827 changed DoD competition requirements for purchases from Federal Prison Industries, Inc. (FPI) by requiring DoD to publish an annual list of product categories for which FPI's share of the DoD market was greater than five percent, based on the most recent fiscal year data available. Product categories on the current list, and the products within each identified product category, must be procured using competitive or fair opportunity procedures in accordance with Defense Federal Acquisition Regulation Supplement (DFARS) 208.602-70.

This notification provides an updated list of FPI product categories exceeding five percent of the DoD market, based on Fiscal Year 2012 data obtained from the Federal Procurement Data System. An identical list is also found in the Director, Defense Procurement and Acquisition Policy (DPAP) memorandum dated March 7, 2013. (The DPAP memorandum with the current list of product categories for which FPI has a significant market share is posted at: <http://www.acq.osd.mil/dpap/policy/policyvault/USA007579-12-DPAP.pdf>).

Accordingly, the updated product categories to be competed effective April 5, 2013, are:

- 5220 (Inspection Gages and Precision Layout Tools)
- 5335 (Metal Screening)
- 7210 (Household Furnishings)
- 7230 Draperies, Awnings, and Shades
- 8405 (Outerwear, Men's)

- 8415 (Clothing, Special Purpose)
- 8465 (Individual Equipment)
- 9905 (Signs, Advertising Displays and Identification Plates)

The statute, as implemented also requires DoD to:

(1) Include FPI in the solicitation process for items for which FPI's share of the DoD market is greater than five percent; a timely offer from FPI must be considered; and award procedures must be followed in accordance with existing policy at Federal Acquisition Regulation (FAR) 8.602(a)(4)(ii) through (v).

(2) Continue to be make acquisitions, in accordance with FAR Subpart 8.6., for items from product categories for which FPI does not have a significant market share. FAR 8.602 requires agencies to conduct market research and make a written comparability determination, at the discretion of the contracting officer. Competitive or fair opportunity procedures are appropriate if the FPI product is not comparable in terms of price, quality, or time of delivery.

(3) Section 827 allows modification of the published list if DoD subsequently determines that new data requires adding or omitting a product category from the list.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. 2013-06091 Filed 3-14-13; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****Revised Notice of Intent To Prepare a joint Environmental Impact Statement/ Environmental Impact Report for the Southport Sacramento River Early Implementation Project, West Sacramento, CA**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers; DoD.

**ACTION:** Notice of Intent.

**SUMMARY:** This notice is a revision of the Notice of Intent published August 26, 2011 (76 FR 53423). Pursuant to the National Environmental Policy Act of 1969, as amended, and the California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (USACE) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), and Section 404 of the Clean Water Act (33 U.S.C. 1344), for the proposed Southport Sacramento

River Early Implementation Project (EIP), sponsored by the West Sacramento Area Flood Control Agency (WSAFCA). Figures of the project area can be viewed at <http://www.cityofwestsacramento.org/city/flood>. WSAFCA is planning the Southport Sacramento River EIP to implement flood-risk management measures along the Sacramento River South Levee in the City of West Sacramento, Yolo County, CA. Since publication of the 2011 Notice of Intent, WSAFCA has expanded the study area to include additional potential soil borrow sites. Material from these borrow sites may be used as part of project construction. The potential construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Sacramento Deep Water Ship Channel; and south of the South Cross Levee. In order to implement the project, the sponsor must receive permission from USACE to alter the Federal project under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408 or, Section 408). USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. The project would bring the levee up to current Federal and state levee design standards, and provide some opportunities for ecosystem restoration and public recreation. USACE, acting as the federal lead agency under NEPA, and WSAFCA, acting as the state lead agency under the CEQA in coordination with the Central Valley Flood Protection Board, have determined that an EIS/EIR should be prepared to describe alternatives, potential environmental effects, and mitigation measures.

**DATES:** Written comments regarding the scope of the environmental analysis should be received by April 8, 2013.

**ADDRESSES:** Written comments concerning this study and requests to be included on the Southport Sacramento River Early Implementation Project mailing list should be submitted to Ms. Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814.

**FOR FURTHER INFORMATION CONTACT:** Ms. Tanis Toland via telephone at (916)

557-6717, email: [Tanis.J.Toland@usace.army.mil](mailto:Tanis.J.Toland@usace.army.mil) or regular mail at (see **ADDRESSES**).

**SUPPLEMENTARY INFORMATION:**

1. *Proposed Action.* WSAFCA is proposing a project along the Sacramento River west levee under the California Department of Water Resources' Early Implementation Program to expeditiously complete flood-risk reduction measures. Known as the Southport Sacramento River EIP, the project proposes implementation of flood-risk reduction measures along a 6-mile long reach between the Barge Canal downstream to the South Cross Levee. Improvements to the levee would address through-seepage, under-seepage, and embankment instability (e.g., overly steepened slopes). As part of the project, an EIS/EIR is being prepared. USACE has authority under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), over alterations to federal flood control project levees and any such alterations as proposed by WSAFCA are subject to approval by USACE. USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. Under Section 10 of the Rivers and Harbors Act, the District Engineer may permit activities which do not affect navigable waters. Due to these authorities, USACE is the lead agency for the EIS pursuant to NEPA. WSAFCA is the lead agency for the EIR according to CEQA as the public agency that has the principal responsibility for carrying out and approving the project.

2. *Alternatives.* The EIS/EIR will consider several alternatives for reducing flood damage. Each alternative analyzed during the investigation will consist of a combination of several measures to reduce the risk of flooding. These measures include, but are not limited to, installing slurry cutoff walls, constructing seepage or stability berms, relief wells, rock slope protection, slope flattening, and potential new levee alignments (setback or adjacent levees).

3. *Scoping Process.*

a. Public scoping meetings were held on September 15, 2011, to present information to the public and receive comments from the public on the project. An additional public scoping meeting will be held to present an overview of changes to the scope of the EIS/EIR since publication of the 2011 Notice of Intent, and to afford all interested parties with an opportunity to provide comments regarding the scope of analysis and potential alternatives. A

public scoping meeting will be held on March 28, 2013, at 5:30 p.m. at the City of West Sacramento City Hall Galleria Room, 1110 W. Capitol Ave., West Sacramento, CA 95691. The presentation will begin at 6:00 p.m. Scoping comments previously submitted following publication of the original August 26, 2011, Notice of Intent are still valid and need not be resubmitted.

b. Potentially significant issues to be analyzed in depth in the EIS/EIR include effects on hydraulics, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, aesthetics, cultural resources, recreation, land use, fisheries, agricultural resources, water quality, air quality, transportation, and socioeconomic; and cumulative effects of related projects in the study area.

c. USACE is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act. USACE is also coordinating with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act.

d. A 45-day public review period will be provided for all interested parties, individuals, and agencies to review and comment on the draft EIS/EIR. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS/EIR circulation.

4. *Availability.* The draft EIS/EIR is currently scheduled to be available for public review and comment in Summer 2013.

Dated: March 7, 2013.

**William J. Leady,**

*Colonel, U.S. Army, District Commander.*

[FR Doc. 2013-05928 Filed 3-14-13; 8:45 am]

**BILLING CODE 3720-58-P**

**DEPARTMENT OF EDUCATION**

**List of Correspondence From July 1, 2012, Through September 30, 2012**

**AGENCY:** Office of Special Education and Rehabilitative Services; Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Secretary is publishing the following list of correspondence from the U.S. Department of Education (Department) to individuals during the previous quarter. The correspondence describes the Department's interpretations of the Individuals with

Disabilities Education Act (IDEA) or the regulations that implement the IDEA. This list and the letters or other documents described in this list, with personally identifiable information redacted, as appropriate, can be found at: <http://www2.ed.gov/policy/speced/guid/idea/index.html>.

**FOR FURTHER INFORMATION CONTACT:** Jill Harris or Mary Louise Dirrigl. Telephone: (202) 245-7372.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you can call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of this list and the letters or other documents described in this list in an accessible format (e.g., braille, large print, audiotope, or compact disc) by contacting Jill Harris or Mary Louise Dirrigl at (202) 245-7372.

**SUPPLEMENTARY INFORMATION:** The following list identifies correspondence from the Department issued from July 1, 2012, through September 30, 2012.

Under section 607(f) of the IDEA, the Secretary is required to publish this list quarterly in the **Federal Register**. The list includes those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, and it may also include letters and other documents that the Department believes will assist the public in understanding the requirements of the law. The list identifies the date and topic of each letter, and it provides summary information, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

**Part B—Assistance for Education of All Children With Disabilities**

*Section 612—State Eligibility*

Topic Addressed: Children in Private Schools

○ Letter dated August 8, 2012, to Missoula County Public Schools Superintendent Alex P. Apostle, regarding how a local educational agency (LEA) can meet equitable services requirements for parentally-placed private school children with disabilities if student enrollment changes during the school year.

*Section 613—Local Educational Agency Eligibility*

Topic Addressed: Maintenance of Effort

○ Letter dated August 20, 2012, to Beth Swedeen, Lynn Breedlove, and Maureen Ryan, co-chairs of the Survival

# Learn About Updates to the Southport Sacramento River Early Implementation Project!

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento in Yolo County, CA. In summer 2011, WSAFCA issued a Notice of Preparation (NOP) to prepare an environmental impact statement/report (EIS/R) for the EIP. Since then, WSAFCA has expanded the EIP study area to include additional soil borrow sites that may be needed to construct levee improvements. The expanded study area includes the area of levee risk-reduction measure construction, roadway construction and/or relocation, and potential soil borrow sites (see map). WSAFCA is now issuing a supplemental NOP to include the expanded study area.

The EIP would bring the levee up to current standard with Federal and state flood protection criteria, as well as provide opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE) is the Federal lead agency under the National Environmental Policy Act and WSAFCA is the lead agency under the California Environmental Quality Act.

## Public and Agency Input

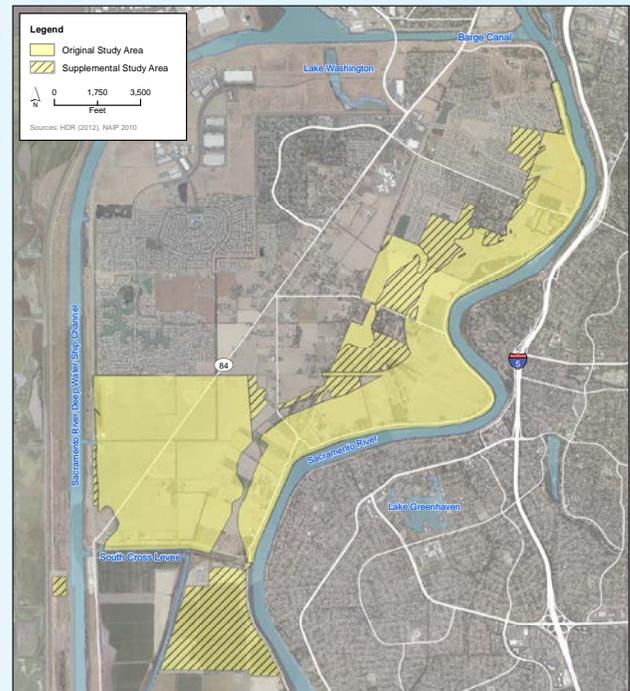
USACE and WSAFCA are requesting your input on the scope and content of the EIS/R for the EIP. All interested parties are invited to comment between Friday, March 8, 2013 and Monday, April 8, 2013. All comments must be received by Monday, April 8, 2013 at 5 p.m.

**Date: Thursday, March 28, 2013**

**Time: 5:30 p.m. – 7:30 p.m.**

**Place: West Sacramento City Hall Galleria**  
1110 West Capitol Avenue  
West Sacramento, CA 95691

A presentation will begin at 6 p.m.



If you cannot attend the meeting, you can learn more by visiting [www.cityofwestsacramento.org/city/flood/southport\\_eip/](http://www.cityofwestsacramento.org/city/flood/southport_eip/).

In addition to providing your input at the meeting, you can send or email your comments to:

### Megan Smith, Project Manager

ICF International, 630 K Street, Suite 400  
Sacramento, CA 95814  
[megan.smith@icfi.com](mailto:megan.smith@icfi.com)

or

### Ms. Tanis Toland

U.S. Army Corps of Engineers, Sacramento District Delta Programs Integration & Ecosystem Restoration  
1325 J Street, Sacramento, CA 95814  
[tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil)



US Army Corps  
of Engineers  
Sacramento District





## **Supplemental Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project**

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. On August 26, 2011, WSAFCA issued a Notice of Preparation (NOP) for the EIP and undertook a 30-day public comment period. Since that time, WSAFCA has expanded the EIP study area to include additional soil borrow sites that may be employed to provide borrow material needed to construct the EIP. The study area encompasses the area of levee risk-reduction measure construction along the river corridor, roadway construction and/or relocation, and potential soil borrow sites. The construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Deep Water Ship Channel; and south of the South Cross Levee.

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as providing opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE), acting as the Federal lead agency under the National Environmental Policy Act (NEPA), and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), determined that a project-level Environmental Impact Statement/Environmental Impact Report (EIS/EIR) should be prepared for the project.

**Comments Solicited.** USACE and WSAFCA are requesting your input on the scope and content of the Southport Sacramento River EIP EIS/EIR. All interested parties are invited to comment for a period of 30 days, beginning Friday, March 8, 2013. Please send comments by e mail or standard mail to a contact below by 5 p.m., Monday, April 8, 2013.

The public can meet with lead agency representatives and provide written comments at a public scoping meeting to be held March 28, 2013 at 5:30 p.m. at the City of West Sacramento City Hall Galleria Room, 1110 W. Capitol Ave., West Sacramento, CA 95691. A presentation will begin at 6 p.m.

If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

Megan Smith, Project Manager  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814  
Email: megan.smith@icfi.com

or

Ms. Tanis Toland  
U.S. Army Corps of Engineers, Sacramento District  
Delta Programs Integration & Ecosystem Restoration  
1325 J Street  
Sacramento, CA 95814  
Email: tanis.j.toland@usace.army.mil



## **Attachment B**

---

- Display boards
- Fact sheet
- Comment card





Welcome to the  
Southport Sacramento River  
Early Implementation Project  
Supplemental Scoping Meeting

March 28, 2013

# West Sacramento Levee Improvements Program Purpose & the Southport Sacramento River Early Implementation Project

In 2007 the West Sacramento Area Flood Control Agency (WSAFCA) initiated the West Sacramento Levee Improvements Program (WSLIP) to reduce the risk of a catastrophic flood event in West Sacramento. The City of West Sacramento, as part of WSAFCA, and in collaboration with the California Department of Water Resources, embarked on a comprehensive evaluation of the levees protecting the city to determine deficiencies and develop treatments. As the agency with authority over jurisdictional waters of the United States and alterations to Federal levees, the U.S. Army Corps of Engineers (USACE) acts as the lead agency as it relates to the Federal environmental review process. Based on findings of the levee evaluation, the objectives of the WSLIP are to:

- Achieve a minimum of “200-year” level of flood protection for the City of West Sacramento in line with Federal and state flood protection criteria;
- Construct levee improvements as soon as possible to reduce flood risk;
- Construct levee improvements that are politically, socially, and environmentally acceptable; and
- Provide recreational and open space elements for the city that are compatible with flood improvement measures.

WSAFCA is proposing the Southport Sacramento River Early Implementation Project (Southport EIP) to implement flood risk-reduction measures along approximately 6 miles of the Sacramento River South Levee. This is the fourth levee flood risk management project (following the I-Street Bridge, CHP Academy, and The Rivers projects) under the WSLIP and would address under-and through-seepage, erosion, and slope instability. The Southport EIP may also provide opportunities for ecosystem restoration and public recreation. The Southport EIP would bring the levee up to current standard with Federal and state flood risk-reduction criteria.

In 2011, WSAFCA and USACE issued a Notice of Preparation and Notice of Intent, respectively, to prepare a joint environmental impact statement/environmental impact report (EIS/EIR) for the Southport EIP and held a 30-day comment period. Since then, WSAFCA has expanded the Southport EIP study area to include additional soil borrow sites that may be needed to construct the Southport EIP and a modified roadway alignment. Because WSAFCA increased the study area, a second 30-day comment period is now being held to solicit additional comments on the Southport EIP that are inclusive of the expanded study area. After considering all comments received during both scoping periods, WSAFCA and USACE will complete and release the draft EIS/EIR, available for public review in summer 2013.

**West Sacramento Area Flood Control Agency (WSAFCA)** is a Joint Powers Authority created in 1994 to coordinate planning and construction of flood protection facilities within its boundaries and to finance the local share of flood control projects. Member agencies of WSAFCA are the City of West Sacramento, Reclamation District 900, and Reclamation District 537.

**USACE** approval is needed for alterations to Federal levees under Section 14 of the Rivers and Harbors Act; discharge of dredge or fill materials into jurisdictional waters of the United States under Section 404 of the Clean Water Act; and activities in navigable waters under Section 10 of The Rivers and Harbors Act.



# How Did We Get Here?

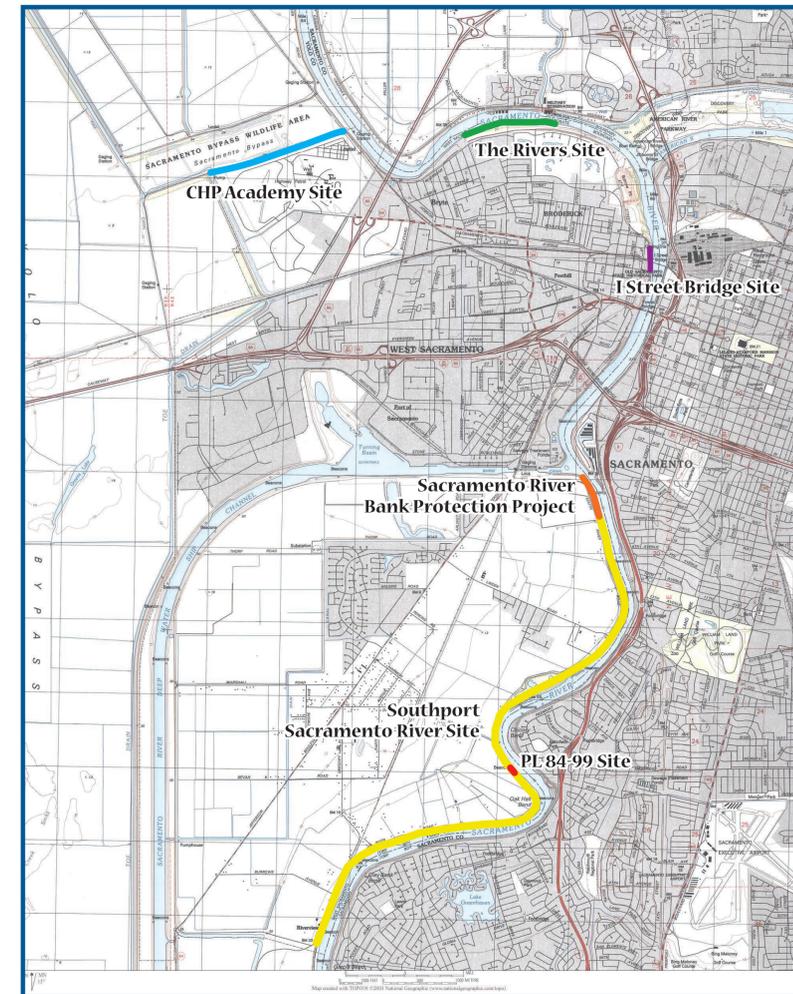
Over the past decades, there have been several flood risk evaluations and risk management efforts in the city of West Sacramento.

- 1986-1987:** Significant rainfall event occurs in Sacramento region; U.S. Army Corps of Engineers (USACE) recommends significant flood risk management efforts in West Sacramento.
- 1987-1990:** City obtains Federal funding and authorization for two levee flood risk-reduction projects.
- 1990-1993:** Sacramento Urban Levee Reconstruction Project completes building of stability berm along the Sacramento River in Southport. Costs were \$9 million; local share was \$800,000.
- 1994:** West Sacramento Flood Control Agency (WSAFCA) is created to coordinate, fund, and construct major flood risk-reduction projects, and spearhead West Sacramento-area flood risk management effort.
- 1997:** Significant rainfall event occurs in Sacramento region and levees sustain damage.
- 1999-2002:** USACE's West Sacramento Project strengthened five miles of levees adjacent to the Sacramento and Yolo bypasses. Costs were approximately \$32.1 million; local share was \$3.6 million.
- 2005:** USACE issues new levee design standards.
- 2006:** State performs critical erosion repairs on three sites in West Sacramento.
- 2006:** WSAFCA, in collaboration with California Department of Water Resources, embarks on comprehensive evaluation of levees.
- 2007:** WSAFCA proposes the West Sacramento Levee Improvements Program (WSLIP). This is a comprehensive program to bring the city's levees up to current standards.
- 2007:** USACE constructs a seepage berm at Davis Road and South River Road under Public Law 84-99.
- 2008:** The I Street Bridge early implementation project (EIP) is constructed under WSLIP after USACE approved Section 408 permission requested by WSAFCA. The Rivers and CHP Academy EIPs are proposed.
- 2009/2010:** A joint USACE and WSAFCA environmental scoping meeting is held for the WSLIP, including The Rivers and CHP Academy EIPs. The WSLIP Draft EIS/EIR is released.
- Winter 2010:** USACE begins construction on a setback levee project along the west bank of the Sacramento River south of the Stone Locks, as part of the Sacramento River Bank Protection Project. Anticipated completion is fall 2013.
- Summer 2010:** WSAFCA and USACE begin planning the Southport Sacramento River EIP (Southport EIP).
- Mid-2011:** The Rivers and CHP Academy EIPs complete environmental review and are constructed.
- Summer 2011:** The environmental review process for the Southport EIP is initiated. Initial public scoping is held.
- March 2013:** The Southport EIP study area is expanded to include additional borrow sites. A second round of public scoping is conducted.

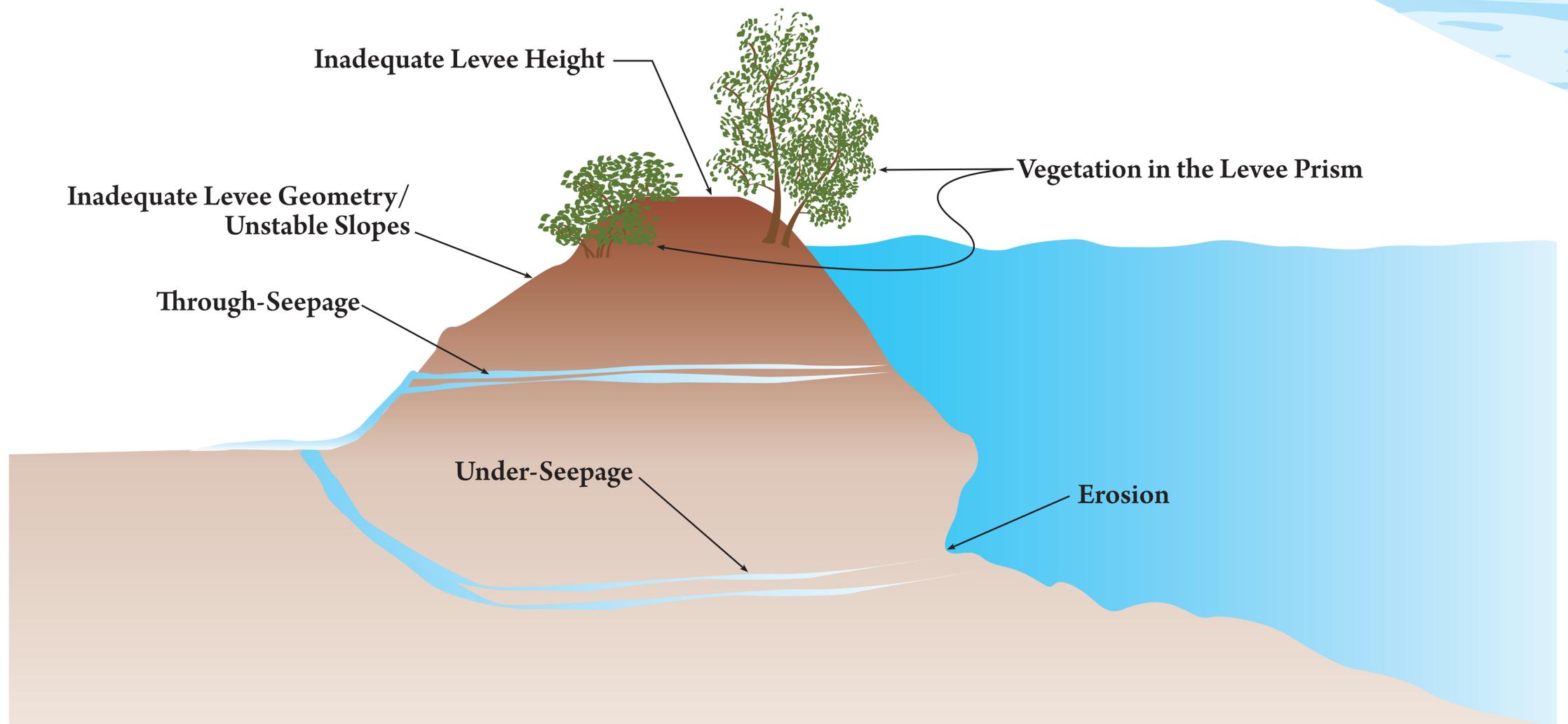
# West Sacramento Area Levee Projects

During the past 10 years, several key flood risk management projects have been initiated or constructed by various government agencies or agency partnerships in the city of West Sacramento. Below is a list of major projects that are in the planning stage, under construction or that have been constructed.

- **I Street Bridge Site.** Construction of the I Street Bridge Early Implementation Project (EIP) was completed in November 2008. The treatment consisted of a 475-foot-long slurry wall approximately 37 feet in depth to correct seepage deficiencies. The City's Riverwalk extension project commenced soon after construction was completed.
- **CHP Academy Site.** Construction of the CHP Academy EIP was completed in 2011. This EIP treated 6,500 feet of levee along the Sacramento Bypass to address through-seepage, under-seepage, and levee geometry and instability.
- **The Rivers Site.** Construction of The Rivers EIP was completed in 2011. This EIP treated approximately 3,000 feet of the Sacramento River North Levee, just north of the confluence of the Sacramento and American rivers, to address levee geometry, stability, and under-seepage.
- **Southport Sacramento River Site.** The Southport Sacramento River EIP, if constructed, would implement flood risk-reduction measures along 6 miles of the levee along the west bank of the Sacramento River. It would address under-and through-seepage, erosion, and slope instability. The draft environmental impact statement/environmental impact report for this EIP will be released in summer 2013.
- **Sacramento River Bank Protection Project.** Construction on this project began in December 2010, including implementation of a setback levee along the west bank of the Sacramento River, just south of the Stone Locks. This effort is led by the U.S. Army Corps of Engineers under the Sacramento River Bank Protection Project, separate from the efforts of the West Sacramento Area Flood Control Agency. The scheduled completion date is fall 2013.

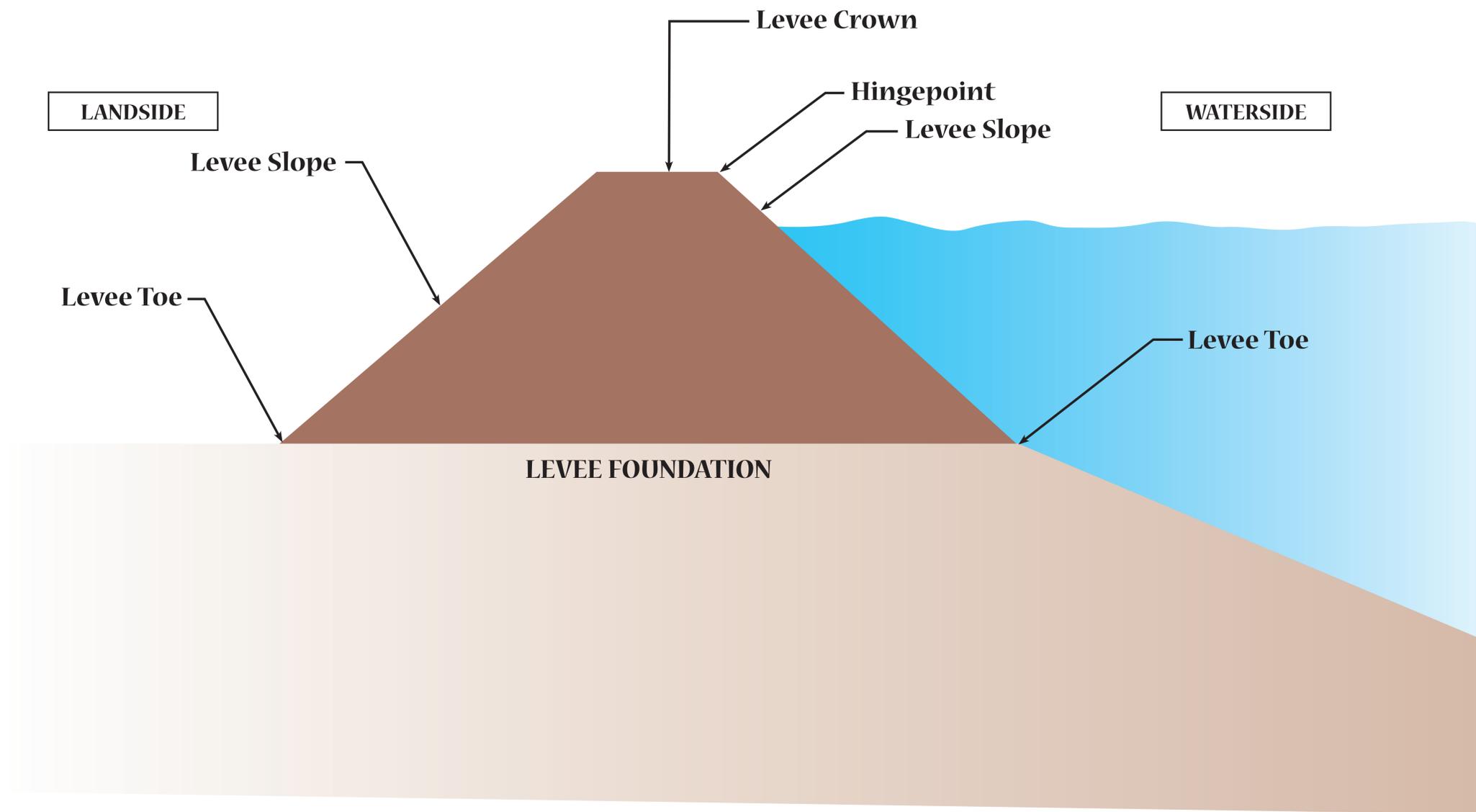


# Typical Levee Deficiencies



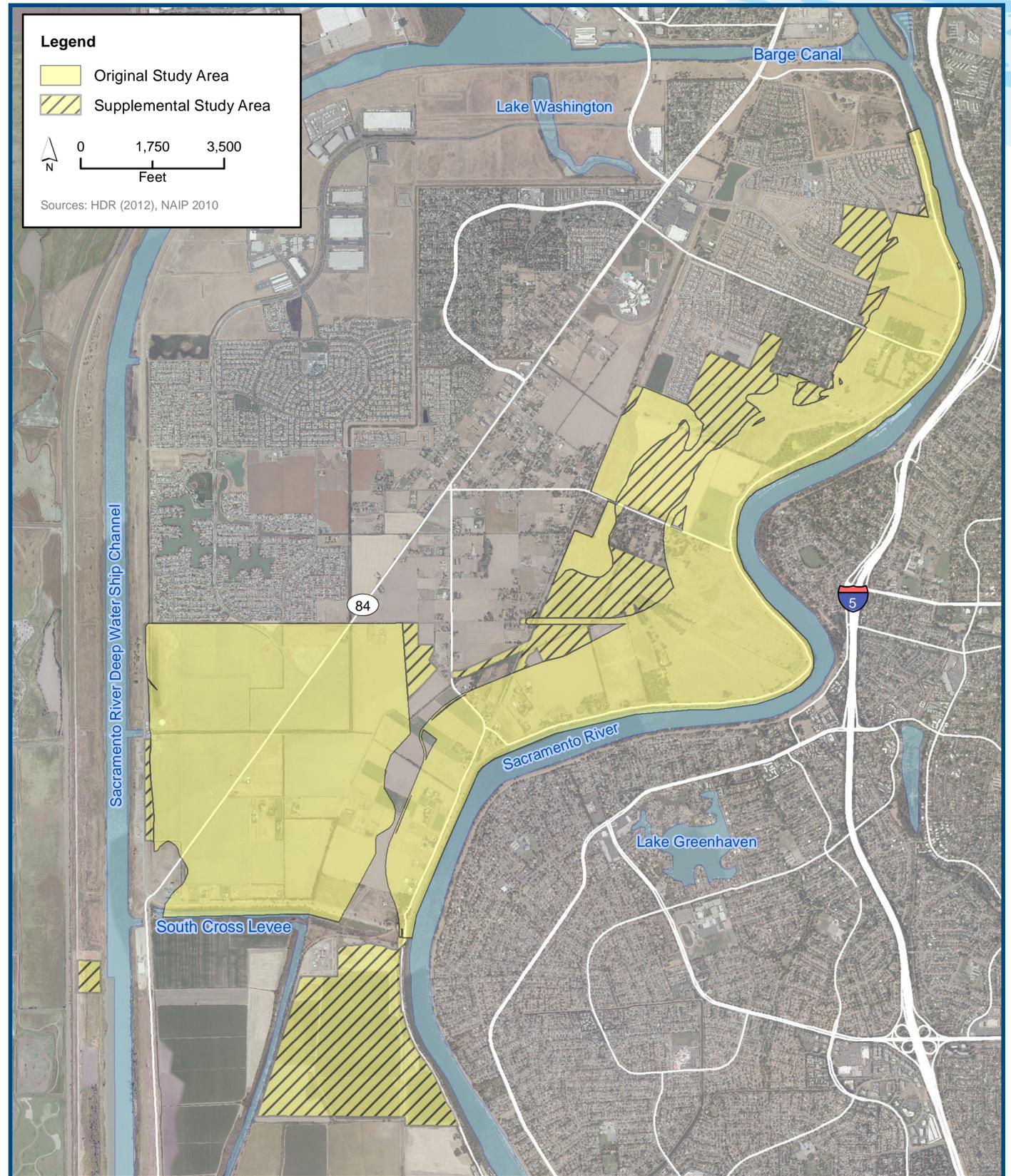
- **Inadequate Levee Geometry/Unstable Slopes** – irregular or overly steep slopes compromise the levee structure
- **Inadequate levee height** – levee height may be too low relative to predicted water levels
- **Vegetation in the levee prism** – can lead to levee instability and hinder levee monitoring and maintenance
- **Erosion** – water flow, wakes and waves, remove soil material, damaging the levee
- **Seepage**

# An "Inside Look" at a Levee



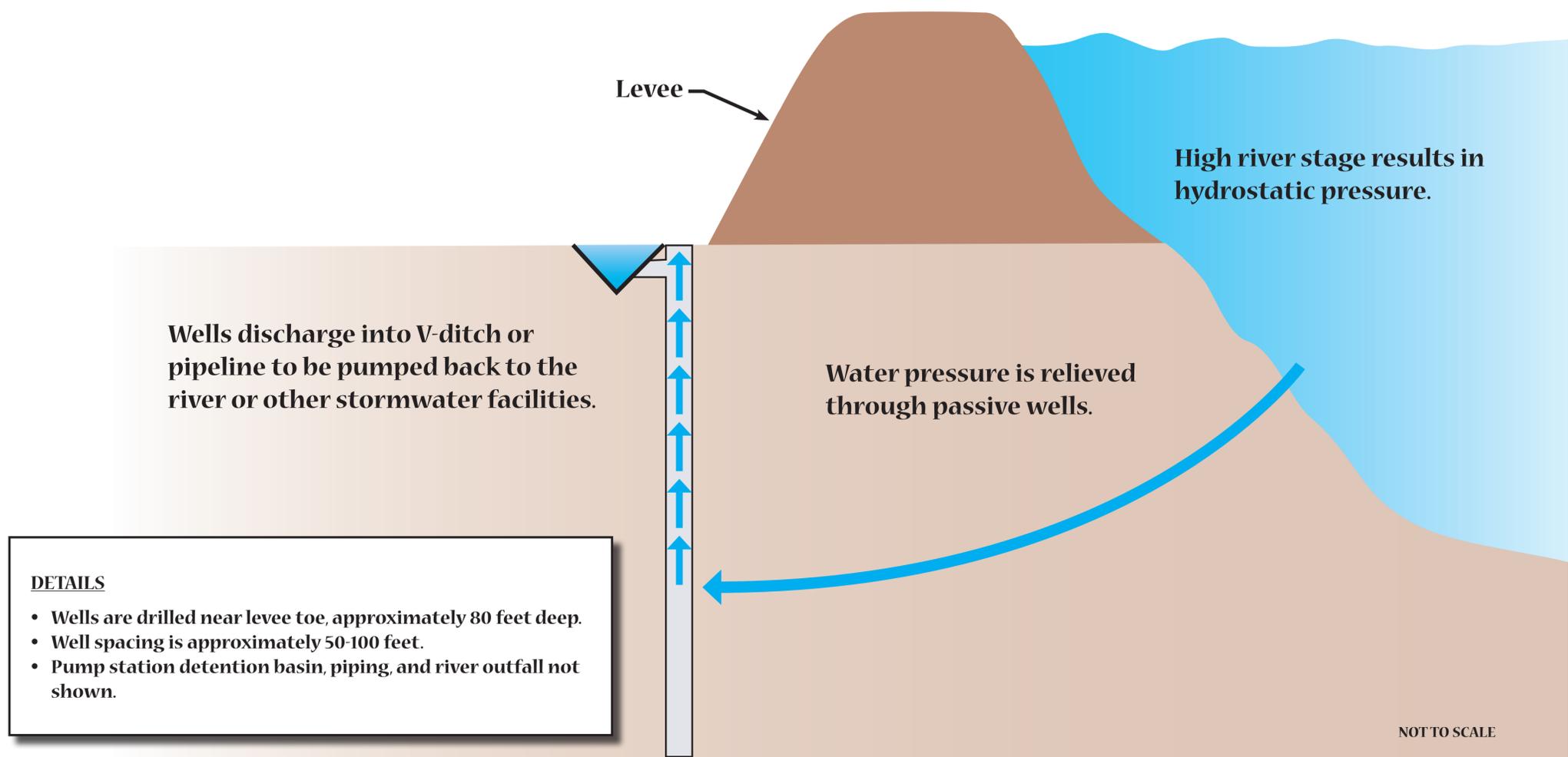
# The Expanded EIP Study Area

Since the initiation of the Southport Sacramento River Early Implementation Project (EIP) in 2011, the West Sacramento Area Flood Control Agency expanded the study area to include additional soil borrow sites that may be needed to construct the EIP. The expanded study area includes the area of levee risk-reduction measure construction, roadway construction and/or relocation, and potential soil borrow sites. The map at right illustrates both the original and supplemental study areas.



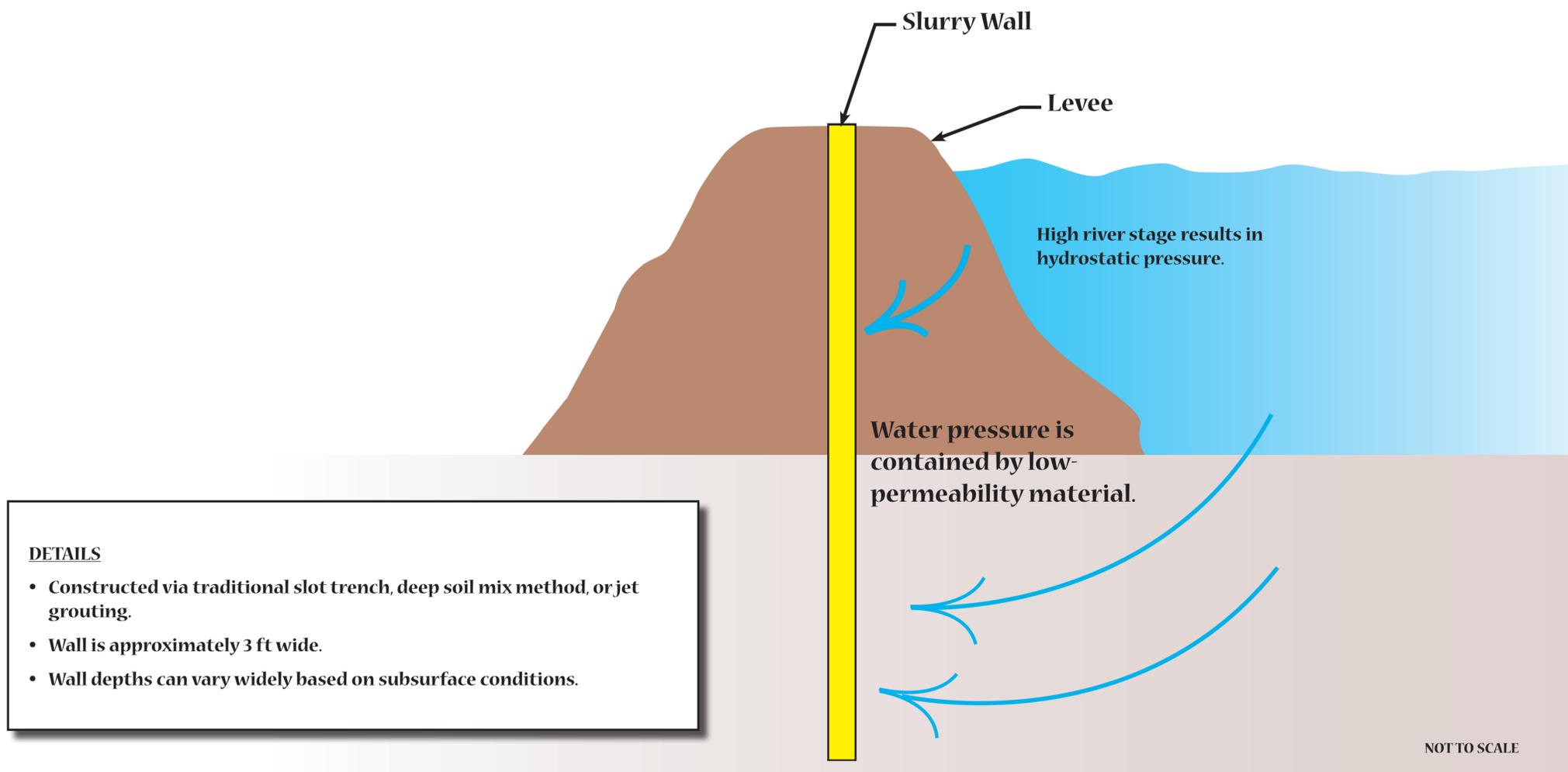
# Relief Wells

**Concept:** Water pressure is relieved via passive wells, which direct water discharge into a collection system.



# Slurry Cutoff Wall

**Concept:** Water pressure is contained and dispersed by a low-permeability wall constructed within the levee cross section.

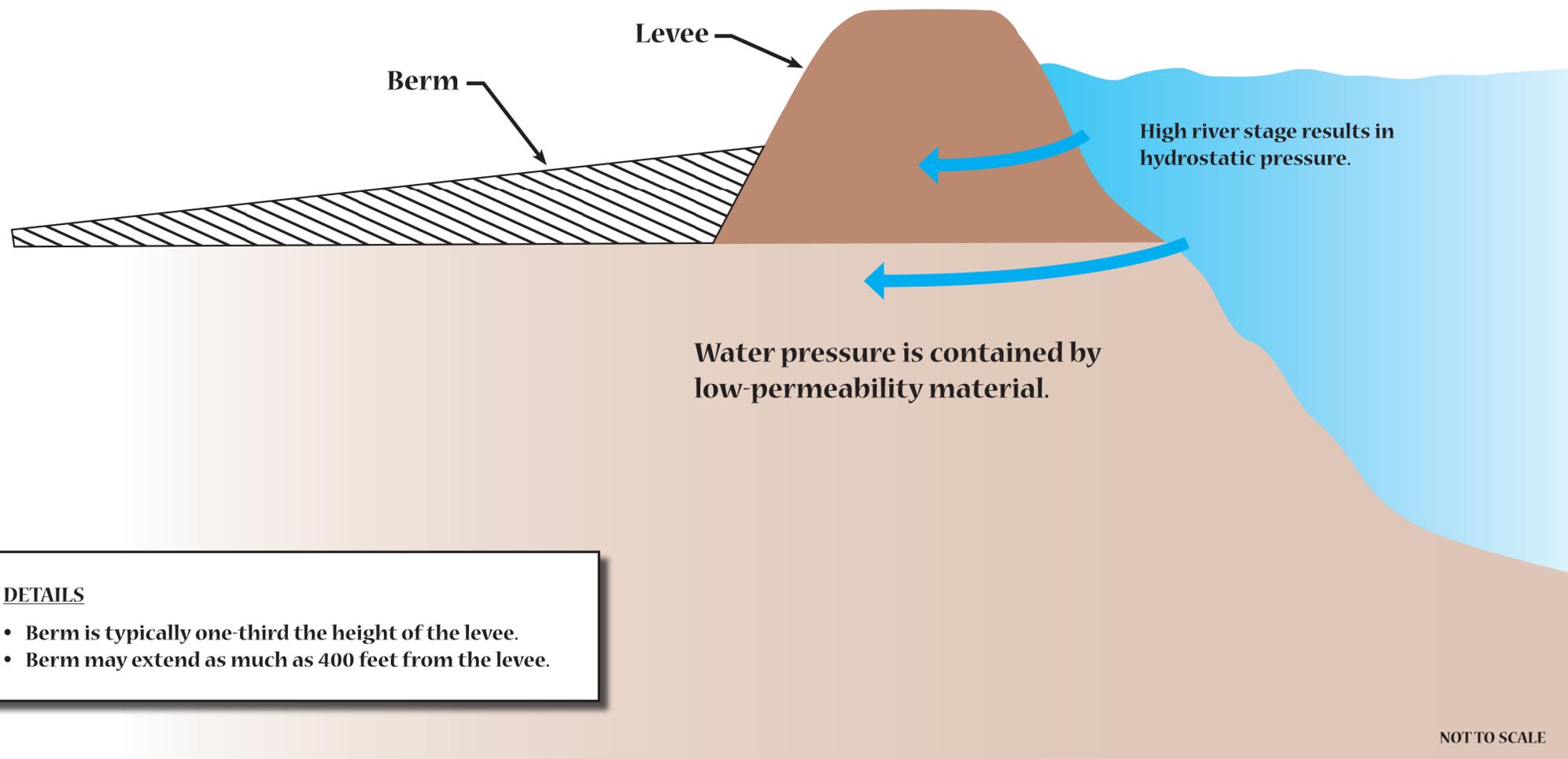


## DETAILS

- Constructed via traditional slot trench, deep soil mix method, or jet grouting.
- Wall is approximately 3 ft wide.
- Wall depths can vary widely based on subsurface conditions.

# Seepage Berm

**Concept:** Water pressure is contained and dispersed by a thickened soil layer.

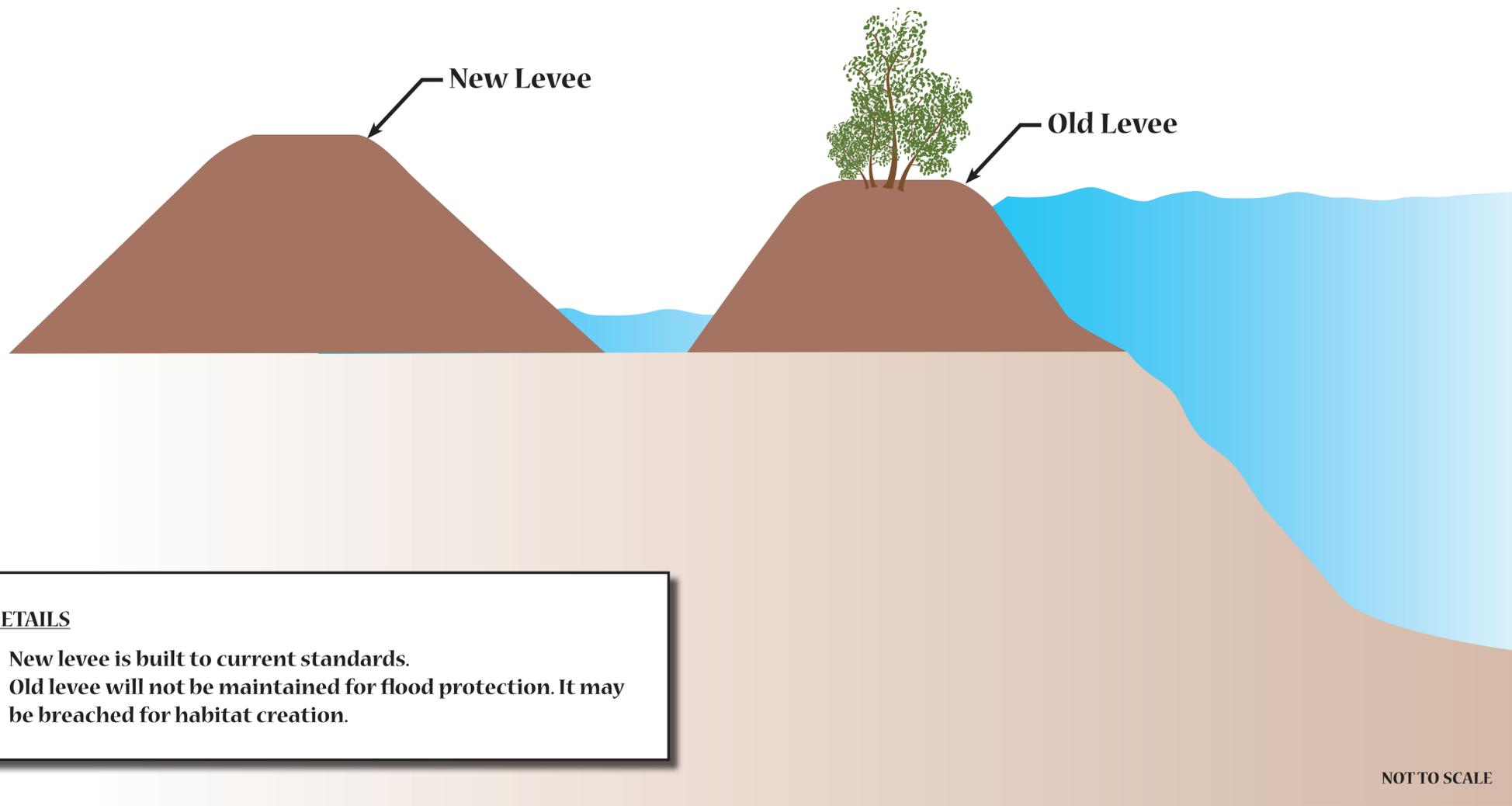


## DETAILS

- Berm is typically one-third the height of the levee.
- Berm may extend as much as 400 feet from the levee.

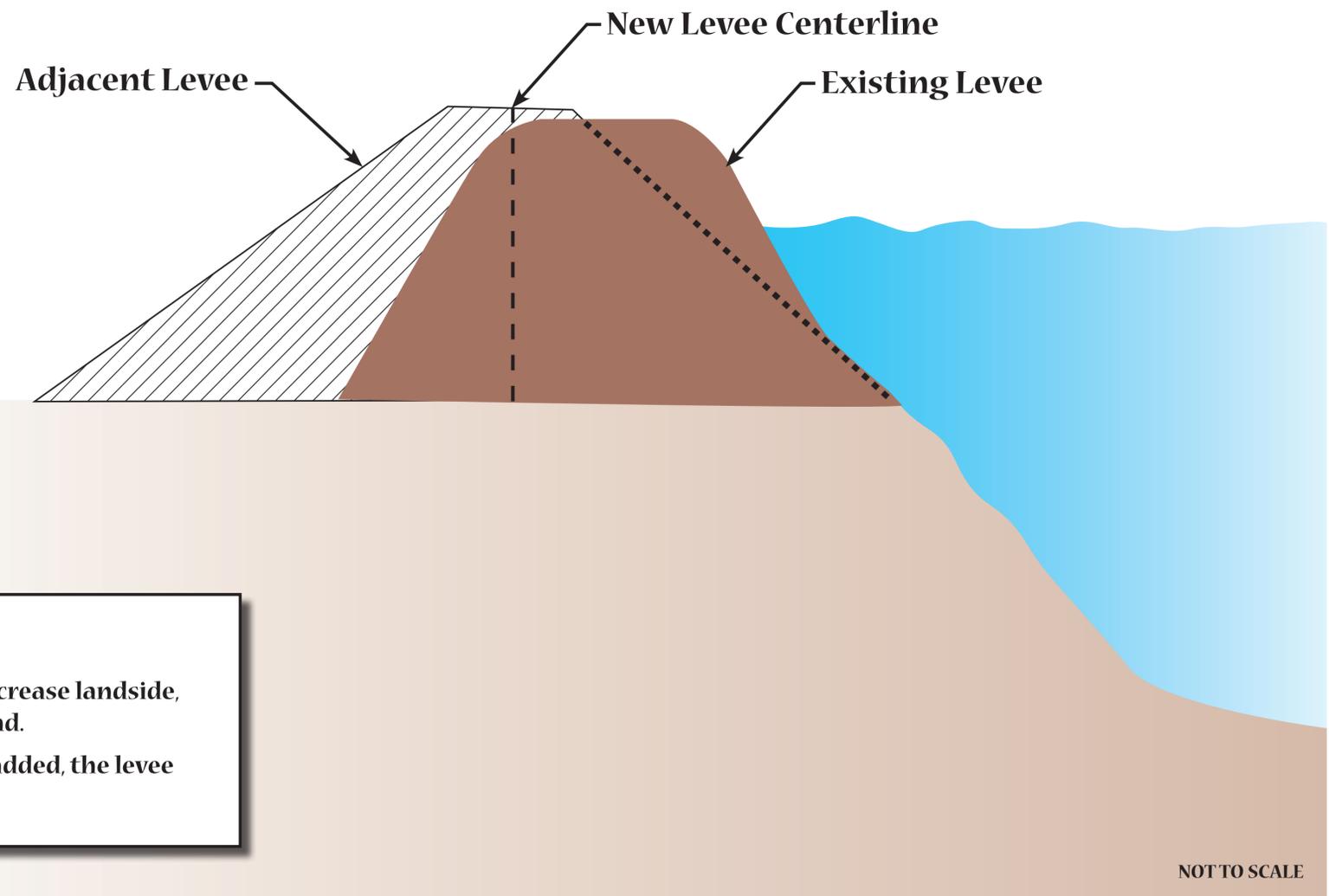
# Setback Levee

**Concept:** A new levee is built toward the landside of an existing levee where the existing levee is not readily repairable or where more flooding capacity is desired.



# Adjacent Levee

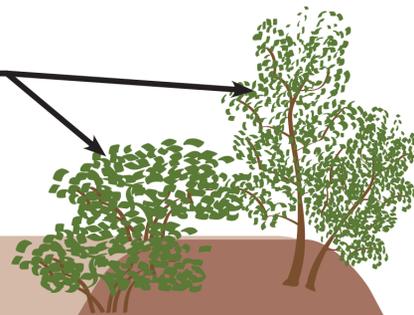
**Concept:** A new embankment strengthens the existing levee and enlarges the slopes.



# Vegetation Removal

**Concept:** Vegetation within the levee prism may inhibit levee maintenance, visibility, and performance.

Vegetation within the levee prism may be removed.



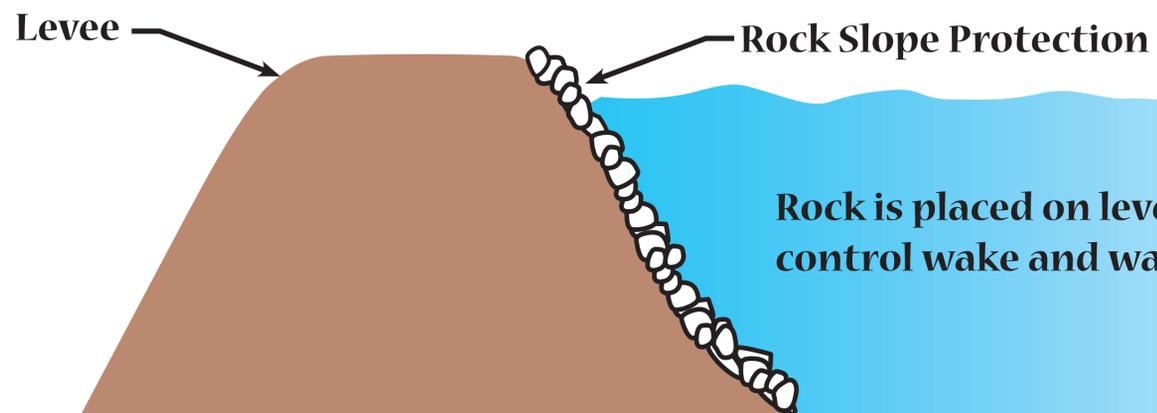
## DETAILS

- Under the No Action Alternative, vegetation may be removed within the project area to comply with USACE policy
- Vegetation may also be removed to increase levee visibility for maintenance purposes and to facilitate placement of rock slope protection

NOT TO SCALE

# Rock Slope Protection

**Concept:** Water-side erosion is prevented by placement of rock.



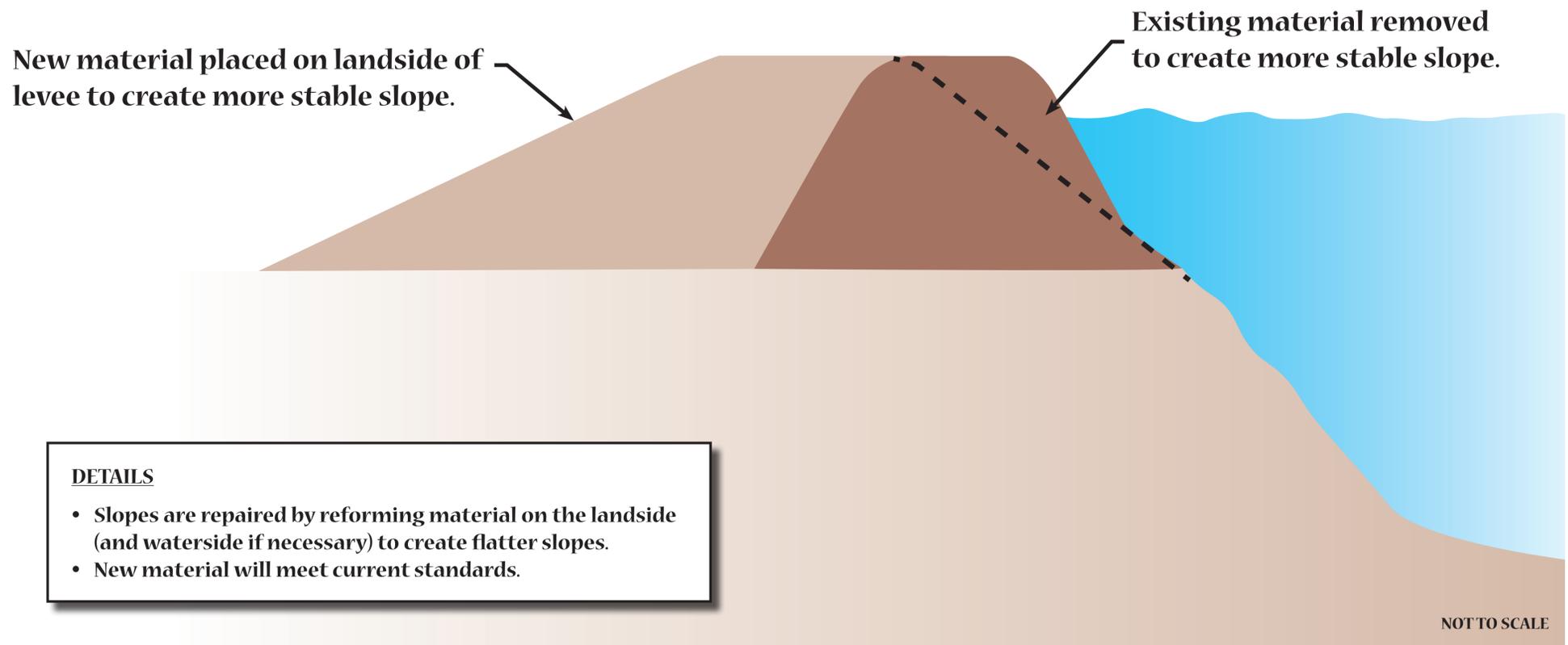
Rock is placed on levee slope to control wake and wave action.

## DETAILS

- Rock is typically 8 to 18 inches in diameter, placed in a 12 to 24-inch layer.
- Rock could be covered by soil and/or non-woody vegetation.

# Slope Flattening

**Concept:** Flatter slopes are more stable and less susceptible to erosion.



# About NEPA and CEQA

The purpose of the National Environmental Policy Act (NEPA) is to include environmental consideration into Federal agency planning and action. It also ensures that a proposed activity's potential effects on both the natural and built environments are analyzed and disclosed to the public. This information is presented in an Environmental Impact Statement (EIS). NEPA serves to inform Federal agencies' planning and actions.

Similarly, the California Environmental Quality Act (CEQA) requires the preparation of an Environmental Impact Report (EIR) for non-exempt projects where there is substantial evidence that the project may cause a significant environmental impact. EIRs disclose the effects of the project to agencies and the public and serve as a decision-making aid for governing bodies.

While the West Sacramento Area Flood Control Agency is proposing the project, U.S. Army Corps of Engineers' approval is needed for alterations to Federal levees under Section 14 of the Rivers and Harbors Act; discharge of dredge or fill materials into jurisdictional waters of the United States under Section 404 of the Clean Water Act; and activities in navigable waters under Section 10 of The Rivers and Harbors Act. Therefore, compliance with both NEPA and CEQA is required.

A joint EIS/EIR is often prepared when there is both Federal and state agency interest in an activity, or when a state agency needs permission to perform an action under Federal jurisdiction, as is the case with the Southport Sacramento River Early Implementation Project (Southport EIP). The development of the Draft EIS/EIR is underway for the Southport EIP and will be released in summer 2013.

# About the Scoping Process

Scoping is a process used to inform the public of a proposed activity and help shape the scope of an environmental impact statement/environmental impact report (EIS/EIR). During the scoping process lead agencies solicit public input regarding the issues, impacts, and alternatives to be addressed in the EIS/EIR.

Scoping can be particularly informative in a flood risk-reduction project because the local residents could have knowledge about the performance of a levee that the agencies are unaware of, such as locations of under-seepage, boils, or areas of general poor levee performance.

Comments received from scoping will inform the development of the project alternatives; define the environment and resources potentially affected by the alternative implementation; and analyze the resulting effects. The affected environment broadly includes physical, biological, social, and economic topic areas. Direct and indirect effects of project construction and long-term operations and maintenance are identified and analyzed. The effects of not implementing the project, called the No Action Alternative, are also analyzed.

When the project was initiated in 2011, a 30-day comment period on the scope of the EIS/EIR was opened, and two scoping meetings were held. Since then, the West Sacramento Area Flood Control Agency (WSAFCA) has expanded the Southport Sacramento River Early Implementation Project (Southport EIP) study area to include additional soil borrow sites that may be needed to construct the Southport EIP and a modified roadway alignment. The expanded study area includes the area of flood risk-reduction measure construction; roadway construction and/or relocation; and potential soil borrow sites. A second 30-day comment period is now being held, from March 8, 2013, to April 8, 2013, to solicit additional comments that are inclusive of the expanded study area. After considering all comments received during both scoping periods, WSAFCA and the U.S. Army Corps of Engineers will complete and release the draft EIS/EIR, available for public review in summer 2013.

# Ecosystem Restoration Opportunities & Mitigation

While the highest priority of the Southport Sacramento River Early Implementation Project (Southport EIP) is to implement flood risk-reduction measures, the project would also allow the West Sacramento Area Flood Control Agency (WSAFCA) to partially or fully mitigate many of the project's environmental impacts onsite. In addition, it may provide an opportunity for restoration of historic habitat within the project area.

## Potential Habitat Restoration Activities

The goal of restoration design is to create self-sustaining, high-value habitats. As part of the Southport EIP, habitat would be created to replace that which may be lost during construction; this minimum level of habitat creation is required under the National Environmental Policy Act and California Environmental Quality Act and is considered mitigation. Where space within the project area is available, additional restoration could be undertaken that would restore habitat to historical conditions. Likely objectives for habitat mitigation and restoration include:

- Mitigation for temporary and permanent impacts on protected land cover types
- Mitigation for temporary and permanent impacts to special-status species and potential habitat for these species
- Restoration of portions of the historic Sacramento River floodplain through construction of a setback levee
- Restoration of riparian and oak woodland habitat on the restored floodplain
- Restoration of grasslands on the restored floodplain, setback levee, seepage berm, and other disturbed areas

Alternatives 2, 4, and 5, which primarily use a setback levee, include an expanded wildlife habitat restoration element through the use of offset floodplain areas. This term refers to the expanded floodway on the waterside of the proposed setback levee. Project activities in this area would include borrow excavation, grading, and floodplain and habitat restoration. The offset floodplain area mitigates the losses of existing habitat values due to project effects, as well as maximizes the potential habitat value in the Sacramento River floodplain. The amount of onsite habitat mitigation and restoration that could be implemented would depend on the alternative selected.

# Recreation Opportunities

The highest priority of the Southport Sacramento River Early Implementation Project is to implement flood risk-reduction measures. However, where it is compatible with those measures and operations, the West Sacramento Area Flood Control Agency (WSAFCA) is considering recreation improvements on, adjacent to, or near the levee.

South River Road, which runs atop the levee, provides easy access to the river and serves as a gateway to many recreational settings. Most of the levee supports a mature riparian forest that is attractive to recreationists. The scenic quality of the road and relatively light traffic make it a popular corridor for pedestrians, joggers, equestrians, cyclists, and anglers accessing the river.

WSAFCA seeks to improve conditions, accessibility, and maintenance of recreation sites along the levee. The current recreational uses listed above may be enhanced by adding parking or staging areas, seating along the corridor, picnic areas, and adventure play areas.

Ease of maintenance and increased accessibility are the two criteria that will be primarily used to evaluate implementation of enhanced recreation options. Recreation features proposed as part of each flood risk-reduction measure will be defined through the design and environmental processes and will be available for public review and comment when the draft environmental impact statement/environmental impact report is released in summer 2013.

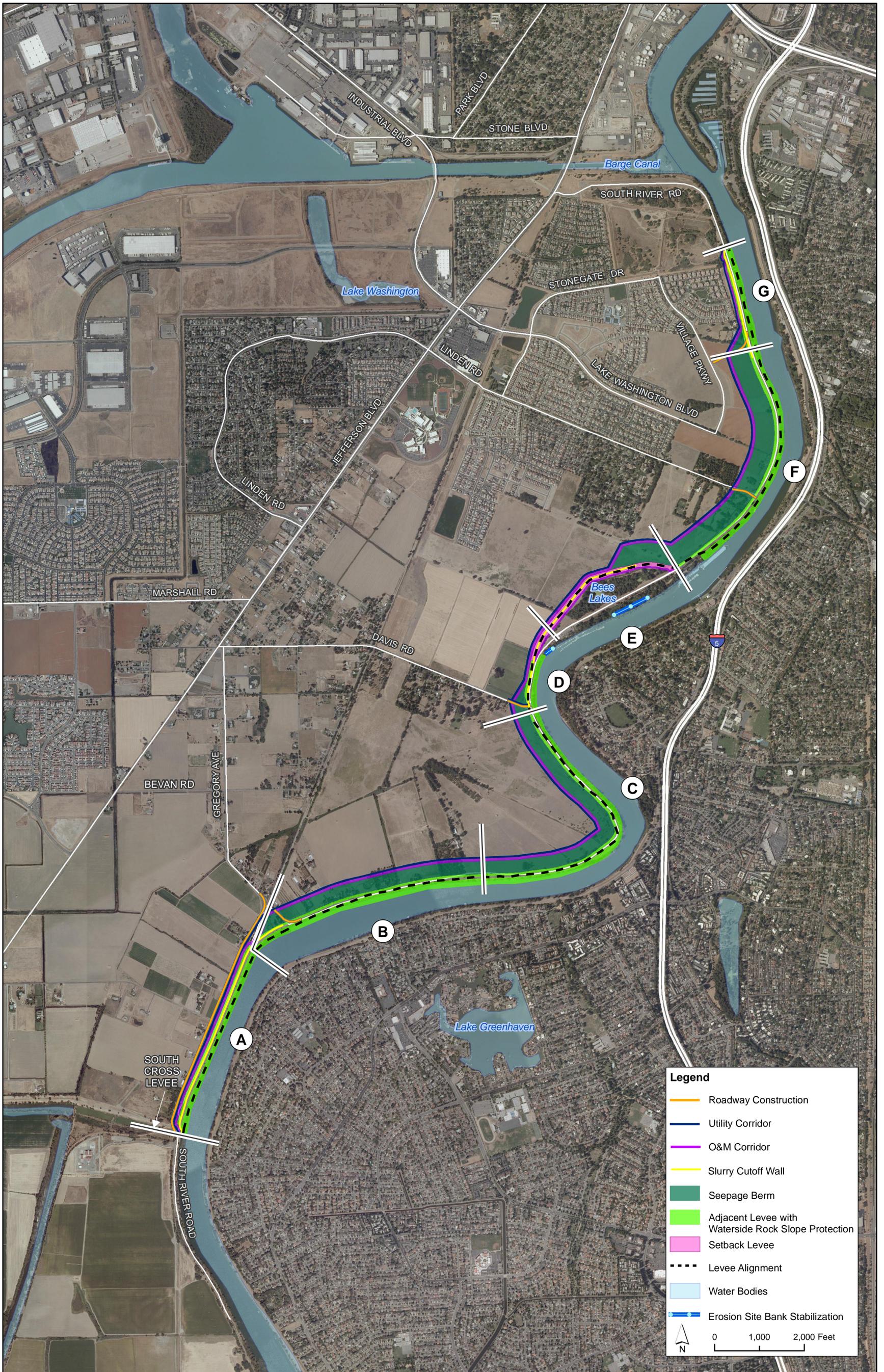
# Potential Environmental Issues

Implementation of the proposed Southport Sacramento River Early Implementation Project would likely affect both the natural and built environments. The effects will be evaluated and disclosed in the environmental impact statement/environmental impact report (EIS/EIR). Resources analyzed in the EIS/EIR will include, but are not limited to:

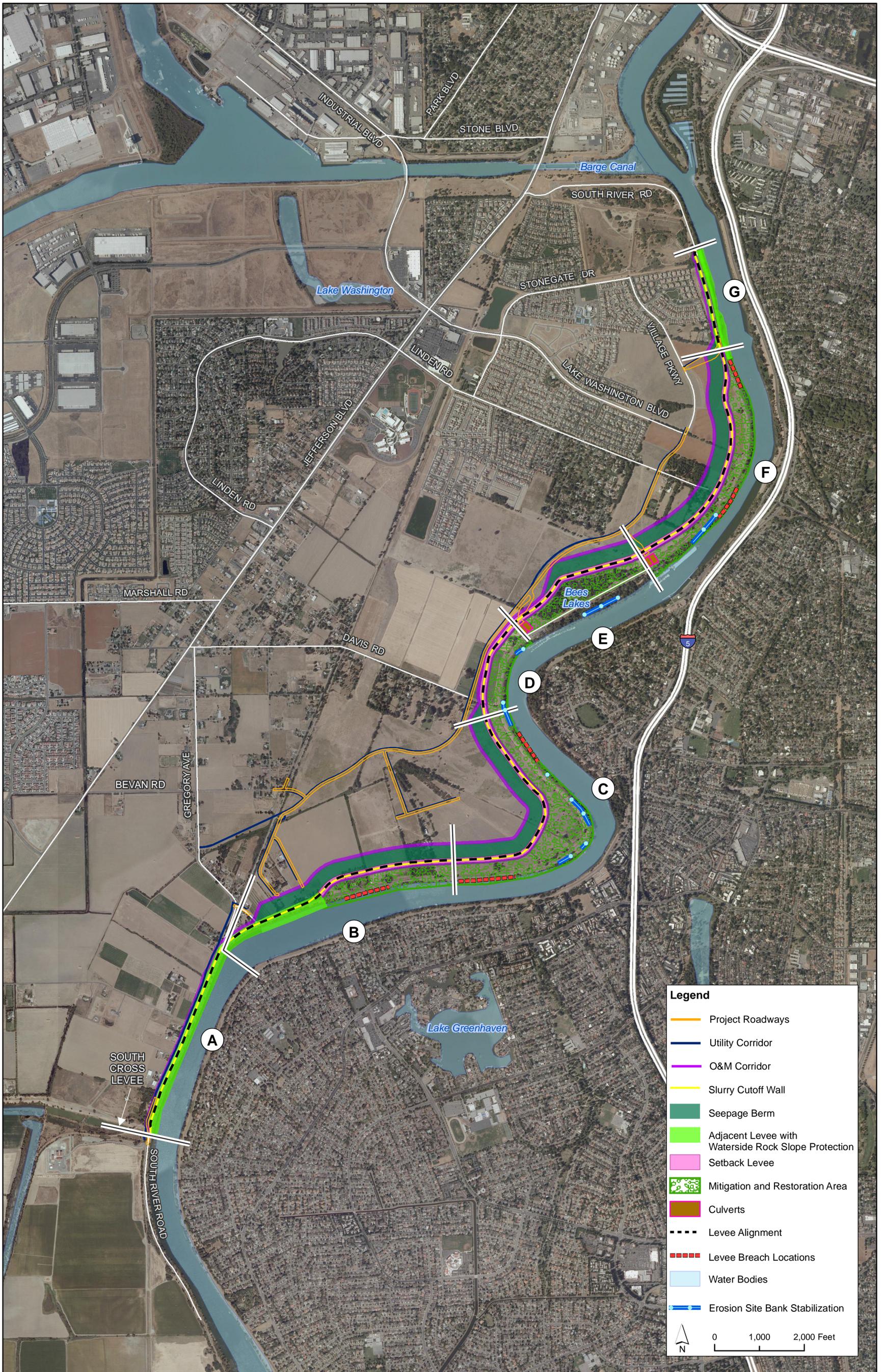
- **Aesthetics**
- **Biological resources**
- **Hazards and hazardous materials**
- **Socioeconomics & Environmental justice**
- **Agriculture**
- **Population & housing**
- **Cultural resources**
- **Mineral resources**
- **Hydrology/water quality**
- **Public services**
- **Transportation/traffic**
- **Air quality**
- **Geology & soils**
- **Land use/planning**
- **Recreation**
- **Noise**
- **Utilities/service systems**



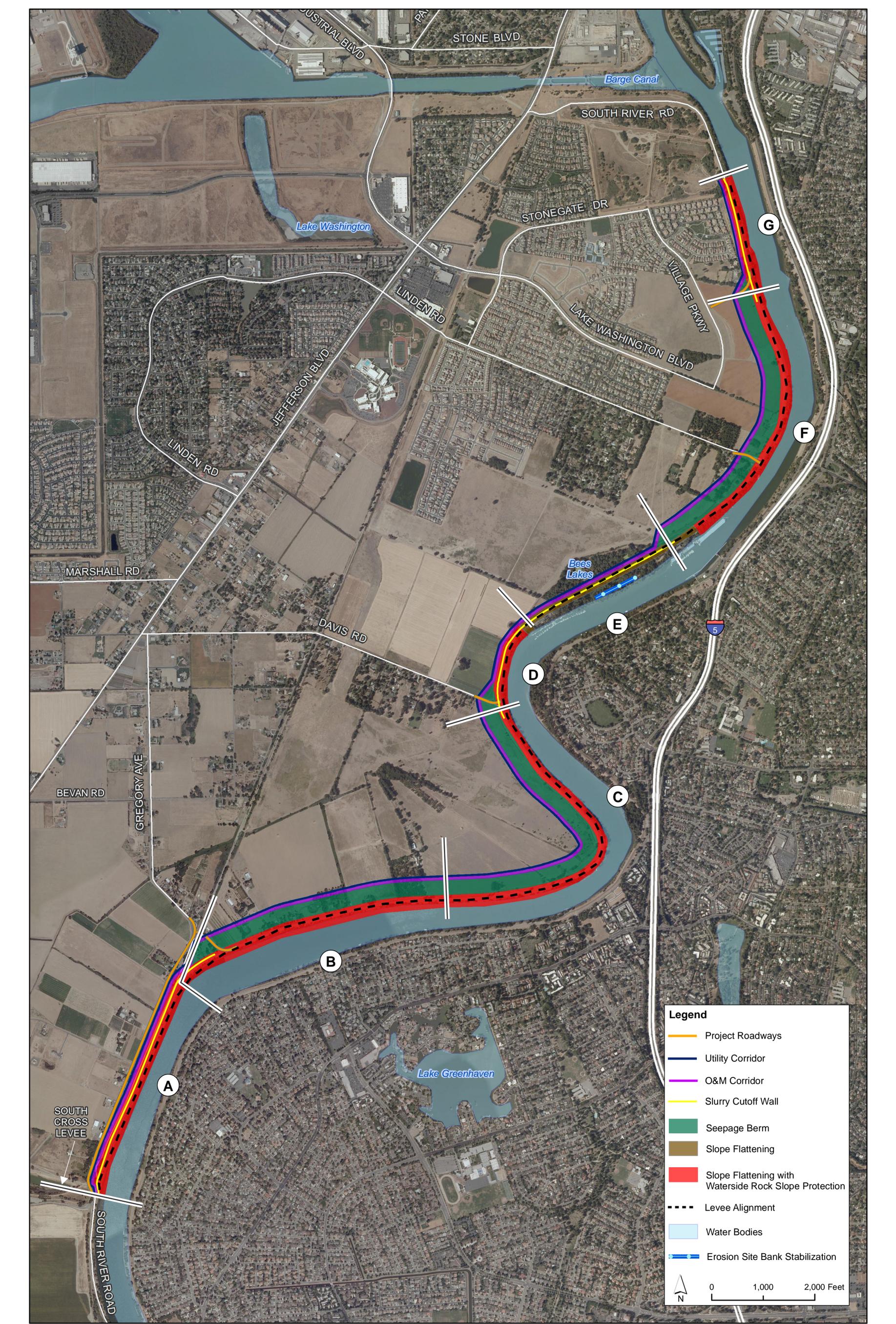
*On South River Road, looking east and across the river toward Sacramento's Little Pocket neighborhood. This levee stretch is included in the 6 miles proposed for upgrades under the Southport Sacramento River EIP.*



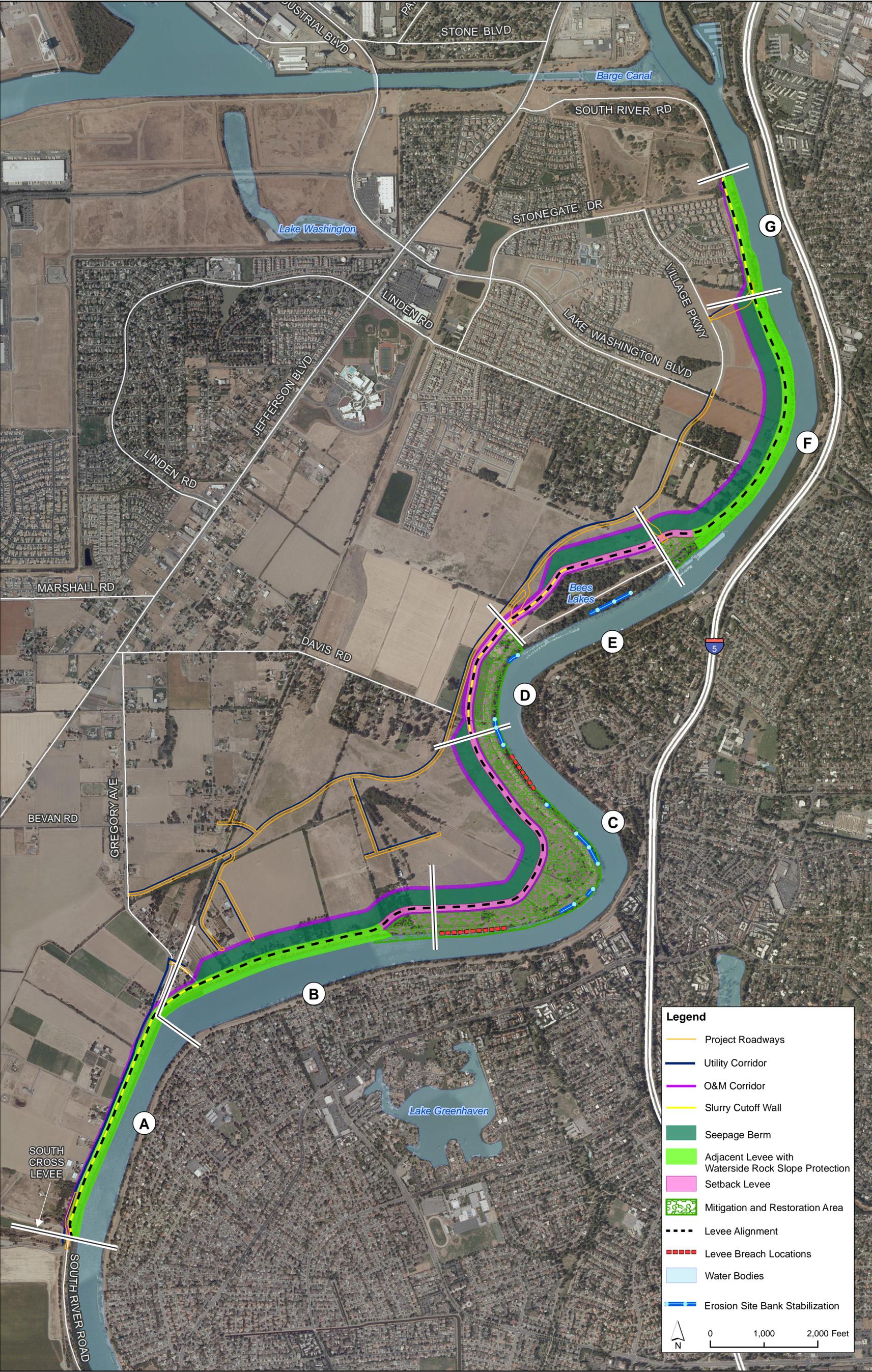
Southport Early Implementation Project Post-Construction Conditions - Alternative 1



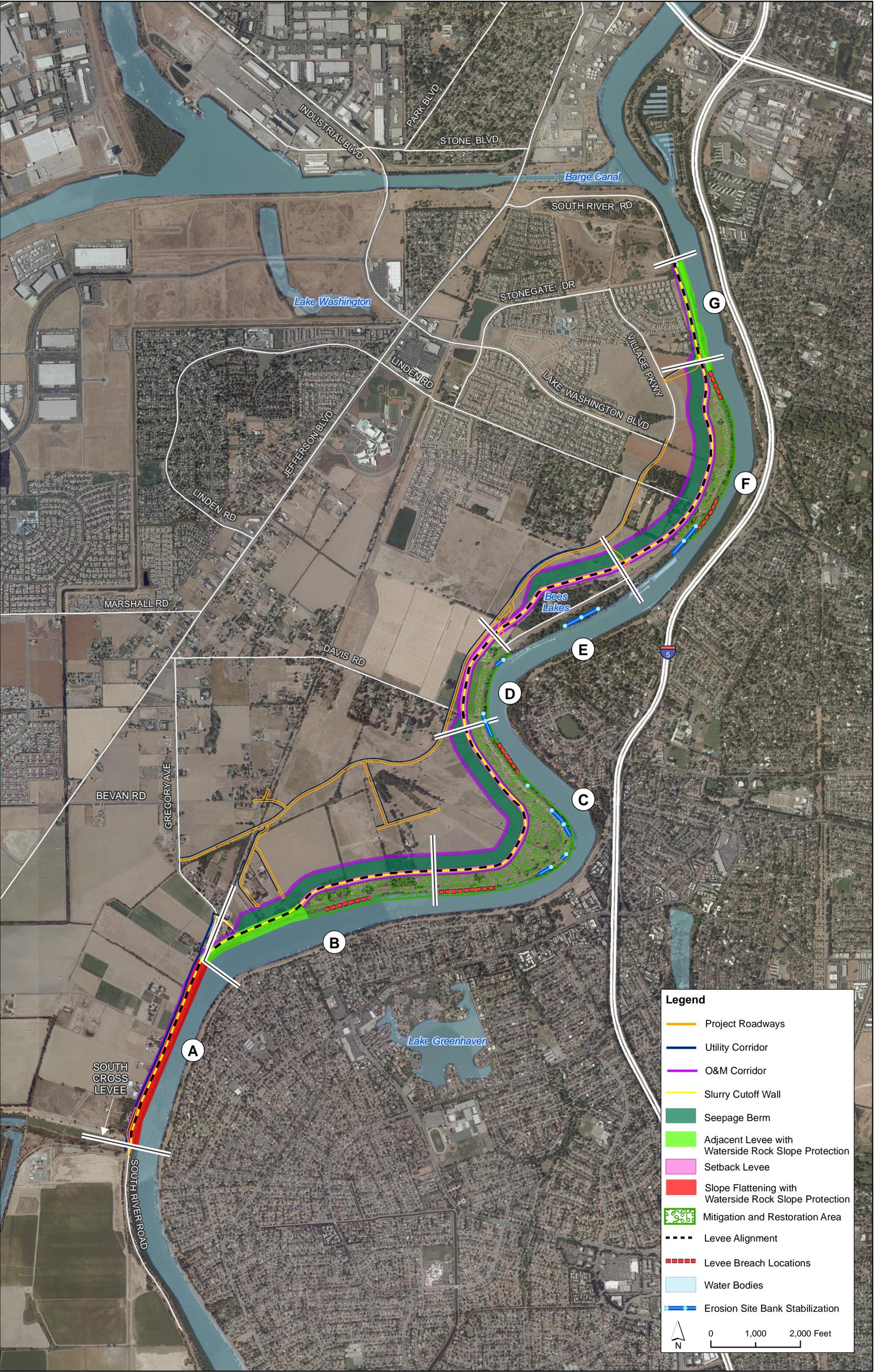
Southport Early Implementation Project Post-Construction Conditions - Alternative 2



Southport Early Implementation Project Post-Construction Conditions - Alternative 3



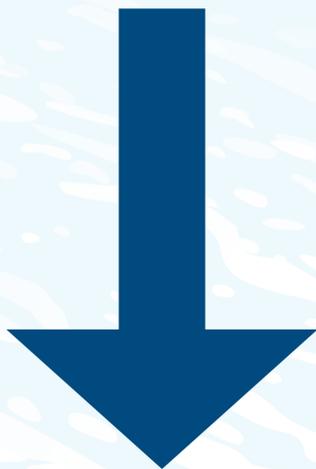
Southport Early Implementation Project Post-Construction Conditions - Alternative 4



Southport Early Implementation Project Post-Construction Conditions - Alternative 5

# Comments?

Thank you for your interest in  
this public safety project.  
Please provide us with your  
input on the content of the  
Environmental Impact Statement/  
Environmental Impact Report here.





# The Southport Sacramento River Early Implementation Project

## Environmental Review Process Fact Sheet

### About the Project

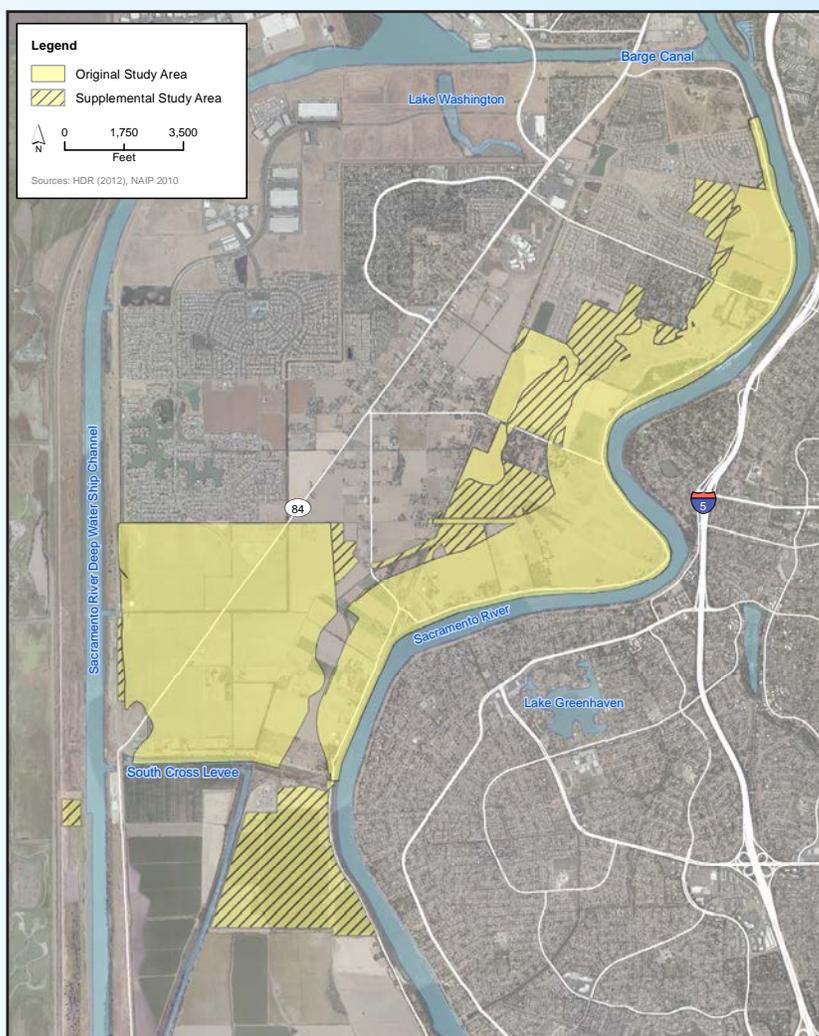
The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (Southport EIP) to implement flood risk-reduction measures along approximately 6 miles of the Sacramento River South Levee. The Southport EIP is the fourth levee risk-management project (following the I-Street Bridge, CHP Academy, and The Rivers projects) under the West Sacramento Levee Improvement Program (WSLIP). The WSLIP is a city-wide comprehensive flood risk-management program initiated in 2007.

Construction of the Southport EIP would bring the levee up to current standard with Federal and state flood risk-reduction criteria, addressing the under- and through-seepage, erosion, and slope instability that hinder the levee's performance. The Southport EIP may also provide opportunities for ecosystem restoration and public recreation.

### The Environmental Process

To comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), a joint environmental impact statement/environmental impact report (EIS/EIR) is being developed. The U.S. Army Corps of Engineers (USACE) is the Federal lead agency under NEPA, and WSAFCA is the lead agency under CEQA. While WSAFCA is proposing the Southport EIP, USACE approval is needed for alterations to Federal levees under Section 14 of the Rivers and Harbors Act; discharge of dredge or fill materials into jurisdictional waters of the United States under Section 404 of the Clean Water Act; and activities in navigable waters under Section 10 of the Rivers and Harbors Act.

The EIS/EIR will describe the proposed Southport EIP alternatives, including the Applicant Preferred Alternative, and analyze the potential impacts and mitigation measures associated with each alternative. Potential impacts on resources—including aesthetics, soils, flood management, wildlife, vegetation, noise, recreation, and traffic—will be evaluated in the EIS/EIR.



## Establishing the Scope of the EIS/EIR

In summer 2011, WSAFCA and USACE issued a Notice of Preparation (NOP) and Notice of Intent (NOI), respectively, to prepare a joint EIS/EIR for the Southport EIP. A 30-day comment period was opened, and two scoping meetings were held. Since then, WSAFCA has expanded the Southport EIP study area to include additional soil borrow sites that may be needed to construct the Southport EIP and a modified roadway alignment. The expanded study area includes the area of flood risk-reduction measure construction; roadway construction and/or relocation; and potential soil borrow sites (see map). Because WSAFCA has increased the study area, a second 30-day comment period is now being held, from March 8, 2013, to April 8, 2013, to solicit additional comments on the Southport EIP that are inclusive of the additional borrow sites. After considering all comments received during both scoping periods, WSAFCA and USACE will complete and release the Draft EIS/EIR, available for public review in summer 2013.

## EIP Alternatives

Five alternatives are being considered. The priority of each alternative is to reduce flood risk, but each also provides varying opportunities for ecosystem restoration and recreation. Each alternative is a combination of two or more of the following flood-risk reduction measures:

- Levee slope flattening
- Setback levee
- Adjacent levee
- Seepage berms on the land side of the levee
- Rock slope protection on the water side
- Slurry cut-off walls

## EIP Status

The Southport EIP is currently in the environmental effects review and mitigation development phase. The environmental, design, and program management teams will work collaboratively to determine the feasibility of the alternatives, ensuring they provide a level of flood risk-reduction that meets current standards, is cost effective, and limits the short- and long-term adverse impacts to the environment. Construction is scheduled to begin in 2014.

## For More Information

For more information about public input opportunities, the environmental process, and other flood-risk management projects in the city, visit [www.cityofwestsacramento.org/city/flood/southport\\_eip/](http://www.cityofwestsacramento.org/city/flood/southport_eip/).

## We Want Your Input

If you would like to comment on the content of the EIS/EIR, please submit comments to the individuals below. All comments must be received by 5 p.m. on April 8, 2013.

Megan Smith, Project Manager  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814  
[megan.smith@icfi.com](mailto:megan.smith@icfi.com)

Tanis Toland  
U.S. Army Corps of Engineers, Sacramento District  
Delta Programs Integration & Ecosystem Restoration  
1325 J Street, Sacramento, CA 95814  
[tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil)



US Army Corps  
of Engineers<sup>®</sup>  
Sacramento District







**The Southport Sacramento River  
Early Implementation Project  
Supplemental Scoping**

.....  
PLEASE FOLD ALONG THIS LINE FOR MAILING

**West Sacramento Area Flood Control Agency  
c/o Ms. Megan Smith  
630 K Street, Suite 400  
Sacramento, CA 95814**

**PLACE  
POSTAGE  
HERE**

**West Sacramento Area Flood Control Agency  
c/o Ms. Megan Smith  
630 K Street, Suite 400  
Sacramento, CA 95814**

## Attachment C

---

- Written comments received



**CALIFORNIA STATE LANDS COMMISSION**

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



**JENNIFER LUCCHESI**, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
California Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-1890**  
**Contact FAX: (916) 574-1885**

April 8, 2013

File Ref: SCH # 2011082069

Megan Smith  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814

**Subject: Supplemental Notice of Preparation (SNOP) for an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Southport Sacramento River Early Implementation Project (EIP), Yolo County**

Dear Ms. Smith:

The California State Lands Commission (CSLC) staff has reviewed the subject SNOP for an EIS/EIR for the Southport Sacramento River EIP (Project), which is being prepared by the West Sacramento Area Flood Control Agency (WSAFCA) and the U.S. Army Corps of Engineers (USACE). WSAFCA issued an NOP for the Project on August 26, 2011 (2011 NOP), but has since expanded the EIP study area to include additional potential soil borrow sites for the Project activities. WSAFCA, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), and the USACE, as the primary federal permitting agency, is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The CSLC will act as a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

#### **CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Flood protection measures to be considered in the EIS/EIR appear to include the possibility of work waterward of the ordinary high water mark of the Sacramento River, which is State-owned sovereign land under the jurisdiction of the CSLC. A lease and formal authorization for the use of sovereign land will be required from the CSLC for any portion of the Project encroaching on State-owned lands. Please contact Ninette Lee at the contact information at the end of this letter for questions on leasing.

### **Project Description**

As described in the SNOP, WSAFCA proposes to implement flood risk-reduction measures on the uplands and along the west bank of the Sacramento River in West Sacramento. The Project would meet WSAFCA's objectives as follows:

- Bring the levee up to standard with Federal and State flood protection criteria; and
- Provide opportunities for ecosystem restoration and public recreation.

CSLC staff understands that the Project could include some or all of the following components:

- Slope flattening of the existing levee;
- Use of seepage berms located to the land side of the levee,
- Rock slope protection located the water side of the levee;
- Setback levees and/or adjacent levees located landward of the existing levee;
- Relief wells; and
- Slurry cut-off wells.

Secondary activities that support these primary Project components could include:

- Use of neighboring roadways for Project ingress and egress;
- Creation of temporary access roads;
- Construction of new roadways, including elevated spans;
- Resurfacing and/or relocation of existing roadways;
- Removal of vegetation adjacent to the riverfront;
- Extraction of soil from identified borrow sites;

- Disposal of excess soil at identified disposal sites; and
- Relocation of public utilities.

### Environmental Review

CSLC staff requests that the following potential impacts be analyzed in the EIS/EIR.

#### General Comments

1. Project Description: From the SNOP, it appears that the EIS/EIR will analyze a variety of flood control methods, some or all of which would be integrated into the Project's final design. A thorough and complete Project Description should be included in the EIS/EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives for all of the methods under consideration. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material borrow or disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the need for subsequent environmental analysis.
2. Adequate Mitigation: To avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines § 15126.4, subd. (b)).<sup>1</sup>

#### Biological Resources

3. Vegetation Removal: Since the release of the 2011 NOP, "removal of vegetation adjacent to the riverfront" has been added as a potential secondary activity to support the Project's primary objectives (SNOP, p. 2). Please note that on August 14, 2012, the CSLC approved a resolution (staff report and resolution attached) in support of House of Representatives Bill (H.R.) 5831, reintroduced in January, 2013 as H.R. 399, which would "[direct] the Secretary of the Army to undertake a comprehensive review of the [USACE] policy guidelines on vegetation management for levees in order to determine whether current federal policy is appropriate for all regions of the United States" (Levee Revegetation Act). The resolution, which supports the bill's efforts to revisit the USACE's variance process to incorporate regional stakeholders and provide for regional variability, notes that the removal of already dwindling riparian vegetation in

---

<sup>1</sup> The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

California “has the potential to severely limit, if not extinguish, the public’s ability to access, use and enjoy the State’s public trust lands.” (8/14/2012 Calendar Item #100.)

In consideration of the controversy surrounding implementation of the USACE’s vegetation policy, “*Process for Requesting a Variance From Vegetation Standards for Levees and Floodwalls--75 Fed. Reg. 6364-68*” and the associated Engineer Technical Letter (ETL) 1110-2-571 “*Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures*” adopted April 10, 2009, including a lawsuit involving the California Department of Fish and Wildlife (CDFW),<sup>2</sup> CSLC staff requests that the EIS/EIR include the following:

- A summary of the USACE’s current policy and variance process, as well as a discussion of critiques and suggestions of California state agencies and stakeholders, notably the California Department of Water Resources and CDFW;
  - Analysis of the potential impacts on both riparian habitat and special status species that rely on or benefit from such habitat, such as Swainson’s hawk, which is known to nest along the Sacramento River, and native salmonid species;
  - Consideration and discussion of alternatives to the Project that would minimize or eliminate proposed vegetation removal (State CEQA Guidelines, § 15126.6); and
  - Evaluation of the potential cumulatively considerable impacts of Project-related levee vegetation removal, in the context of potential, “reasonably foreseeable” flood system-wide implementation of the USACE’s vegetation policy (State CEQA Guidelines, § 15130).
4. Sensitive Species: WSAFCA should conduct queries of the CDFW California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service’s (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. Additionally, WSAFCA should consult early in the process with appropriate CDFW and USFWS staffs to identify species of concern. For example, the Sacramento River is known to provide habitat for delta smelt, Chinook Salmon, and steelhead, all of which are listed under the State and/or Federal Endangered Species Acts. These species could be impacted by loss of habitat or habitat complexity, increased siltation, increased scour and erosion, or stranding during installation or removal of cofferdams. The loss of natural, shaded streamside fish habitat that contains riffles, natural woody debris, and other complex features due to the placement of rip rap or other unnatural bank stabilization should be evaluated and minimization or mitigation measures developed. The State-listed Swainson’s hawk, if present in the Project area, could be impacted by tree removal and construction-related

---

<sup>2</sup> See *Friends of the River, et al. v. United States Army Corps of Engineers, et al.*

disturbance. The EIS/EIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify feasible mitigation measures, such as restricting work during certain time periods, establishing buffers, and restoring or compensating for lost habitat.

5. Invasive and Non-native Species: One of the major stressors in Sacramento-San Joaquin Delta system (Delta) is introduced species. Therefore, the EIS/EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via hull biofouling, wherein marine and aquatic organism attach to and accumulate on the hull and other submerged parts of a vessel. If the analysis in the EIS/EIR finds potentially significant AIS impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring a certain degree of hull-cleaning from contractors. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <http://www.dfg.ca.gov/invasives/>).

In addition, in light of the recent decline of native pelagic organisms and in order to protect at-risk fish species, the EIS/EIR should examine if any elements of the Project (e.g., changes in bankside vegetative cover) would favor non-native fisheries within the Delta.

6. Construction Noise: The EIS/EIR should also evaluate noise and vibration impacts on fish and birds from construction, restoration or flood control activities in the water, on the levees, and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries). Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

### Climate Change

7. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by section 15064.4 of the State CEQA Guidelines should be included in the EIS/EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs estimated to result from construction and ultimate build-out of the Project, as well as any loss of carbon dioxide sequestration potential from removed riparian vegetation, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce or minimize them. The analysis should pay particular attention to the possibility of cumulative impacts of GHG emissions.

### Cultural Resources

8. Submerged Resources: The EIS/EIR should evaluate the possibility of submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database, available at <http://shipwrecks.slc.ca.gov>, that can assist with this analysis. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant.
9. Title to Resources: The EIS/EIR should mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. Mitigation measures should be developed to address any submerged cultural resources that may be affected by the proposed Project and any unanticipated discoveries during the Project's construction. CSLC staff requests that WSAFCA and/or USACE consult with CSLC staff, should any cultural resources be discovered during construction of the proposed Project.

### Hydrology and Water Quality

10. Dredging and Construction Disturbance: The EIS/EIR should disclose and analyze the Project's potential to adversely affect water quality. Such impacts are likely to include increased turbidity and sedimentation from dredging, fill, and other in-water construction work, and potential pollution from worksite spills or mobilization of pollutants from the dredged soils. For any effects found to be potentially significant, the EIS/EIR should identify feasible mitigation measures, such as use of turbidity curtains, which would avoid or lessen such effects.

### Recreation

11. Public Access: As public access and recreation on State lands are key concerns of the Public Trust, CSLC staff requests that the EIS/EIR analyze the Project's short-term and long-term impacts on recreation resources, both during construction and for the life of the Project. Although the State CEQA Guidelines Appendix G Checklist only explicitly addresses impacts related to increased use of existing parks or construction of new parks or recreational facilities, CSLC staff requests that the EIS/EIR also consider the effects that the Project and its construction may have on the public's ability to access, enjoy, and recreate in and along the Sacramento River. Any significant impacts will require mitigation measures that either minimize or reduce the impacts or otherwise compensate visitors; measures could include post-construction restoration and/or revegetation of recreation and access areas, installation of temporary or permanent alternate river access points, creation of clearly marked detours, etc.

Thank you for the opportunity to comment on the SNOP for the Project. As a trustee and potentially responsible agency, the CSLC will need to rely on the Final EIS/EIR for the issuance of any new lease as specified above and, therefore, we request that you consider our comments during preparation of the EIS/EIR. Please send additional information on the Project to the CSLC staff listed below as plans become finalized.

Please send copies of future Project-related documents or refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at [Sarah.Sugar@slc.ca.gov](mailto:Sarah.Sugar@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869, or via email at [Ninette.Lee@slc.ca.gov](mailto:Ninette.Lee@slc.ca.gov).

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

#### References

Levee Vegetation Review Act of 2013, H. 399, 113<sup>th</sup> Cong., 1<sup>st</sup> Sess. (2013).

#### Attachments

8/14/2012, Calendar Item #100  
8/14/2012, Calendar Item #100, Exhibit A

cc: Office of Planning and Research  
Ninette Lee, LMD, CSLC  
Sarah Sugar, DEPM, CSLC  
Pam Griggs, DEPM, CSLC  
Eric Milstein, DEPM, CSLC

CALENDAR ITEM  
**C100**

A Federal

08/14/12

S Federal

S. Pemberton

**CONSIDER SUPPORTING FEDERAL LEGISLATION THAT WOULD ENACT THE  
LEVEE VEGETATION REVIEW ACT OF 2012, WHICH WOULD REQUIRE THE  
UNITED STATES ARMY CORPS OF ENGINEERS TO ADOPT A REGIONAL  
VARIANCE POLICY FOR VEGETATION ON LEVEES**

**INTRODUCTION:**

State Lands Commission staff has been reviewing various legislative proposals introduced in the 112th Congress that involve lands under the Commission's jurisdiction. This report describes the proposed Levee Vegetation Review Act of 2012 (House Bill 5831 – Matsui) and proposes a Resolution for the Commission to consider adopting in support of this bill.

**LEGISLATIVE PROPOSAL:**

**House Bill 5831 (Matsui): The Levee Vegetation Review Act of 2012**

**SUMMARY AND BILL DESCRIPTION:**

House Bill 5831 would require the United States Army Corps of Engineers (Corps) to adopt a regional variance policy for vegetation on levees, instead of the Corps' uniform national policy. The bill would require the Secretary of the Army, in consultation with interested federal agencies, state and local governments, tribes, nongovernmental organizations and the public, to undertake a comprehensive review of the Corps' policy guidelines on vegetation management for levees. In conducting the review, the Secretary would be required to study the guidelines in view of: 1) the varied interests and responsibilities in managing flood risks, including the need to provide the greatest levee safety benefit with limited resources; 2) preserving, protecting, and enhancing natural resources, including the potential benefit that vegetation on levees can have in providing habitat for species of concern; 3) protecting the rights of Native Americans pursuant to treaties and statutes; and, 4) any other factors the Secretary considers appropriate.

## CALENDAR ITEM NO. C100 (CONT'D)

In conducting the review, the Secretary would also be required to consider factors that promote and allow for variances from the national guidelines on a regional or watershed basis, including soil conditions, hydrologic factors, levee performance history, vegetation patterns and characteristics, and environmental resources. Corps Regional Integration Teams would be required to recommend to the Chief of Engineers vegetation management policies for levees that are consistent with state and federal laws.

As part of the review, the Secretary would be required to solicit and consider the views of the National Academy of Engineering, which must be made publicly available and included in supporting materials issued in connection with the revised guidelines authorized by this bill.

The Secretary would be authorized to revise the Corps' levee management guidelines two years after the date of enactment of this bill, consistent with the results of the review. The revised guidelines would be required to provide a practical process for approving regional or watershed variances from the national guidelines, reflecting consideration of measures to maximize public safety, regional climatic variations, environmental quality, implementation challenges, and allocation of responsibilities.

### **BACKGROUND:**

California's Central Valley Flood Control System includes approximately 1,600 miles of levees, with trees, brush and other woody vegetation growing on most of them. Ever since the system was turned over the State to operate, vegetation has been encouraged, protected, or introduced by the Corps on many levees.

In the aftermath of Hurricane Katrina, the Corps undertook a review of their levee standards to improve public safety. As part of that process, they adopted a new vegetation management policy requiring the removal of all woody vegetation over 2 inches in diameter from levees throughout the nation; unless a special variance is approved. This policy was adopted even though an Interagency Performance Task Force Report concluded that the flooding in New Orleans from Hurricane Katrina was caused by engineering and construction failures of the levees. Woody vegetation was not cited as a cause of levee failure.

In April 2010, the California Department of Water Resources (DWR) and the California Department of Fish and Game (DFG) submitted comments on the process for requesting a variance from the Corps' vegetation standards for levees. The Departments noted that proposed requirements for a variance are so stringent and ambiguous that variances are unlikely to be issued. Further, their comments expressed the importance of coordinating public safety improvements with protection of the unique and irreplaceable fisheries and wildlife habitats associated with the Central Valley Flood Protection System. They further expressed their view that the Corps' policy will reduce public safety in California, result in extensive and unnecessary environmental and

## CALENDAR ITEM NO. C100 (CONT'D)

ecosystem destruction, and remove the Corps' responsibility to assist state and local levee maintenance agencies in ensuring the integrity of California's levee system.

Accordingly, DWR and DFG have requested that the Corps cease implementation of its new policy and instead collaborate with California representatives and interested stakeholders to develop and adopt a practical regional variance process consistent with the 2009 Central Valley Flood System Improvement Framework, with the following features:

- Provide a regional approach that addresses the unique setting and history of the Sacramento, San Joaquin, and Delta levee systems.
- Provide the opportunity to allow well-managed, woody vegetation on all levee slopes, as determined by the variance, and not foreclose vegetation options on all but the lower 1/3 waterside of levees.
- Provide clear guidance on the level of detail needed for a variance, how that detail will be evaluated, and an appeal procedure should the Corps and the local sponsor disagree on the outcome of the process.
- Initiate consultation under the Endangered Species Act and complete a National Environmental Policy Act analysis.

House Bill 5831 is consistent with DWR and DFG's approach and proposed solution. It also addresses concerns voiced by a wide range of stakeholders concerning application of the Corps' policy in California, including it having the unintended consequence of actually increasing flood risks and that it would be devastating to the salmon, steelhead and other species in the Central Valley listed under the State and Federal Endangered Species Acts.

### **OTHER PERTINENT INFORMATION:**

Many of the federal levees in California that are subject to the Corps' levee maintenance policy are either on or adjacent to public trust lands under the jurisdiction of the Commission. According to DWR and DFG, the implementation of the Corps' vegetation removal policy will require the removal of dwindling riparian habitat, which will likely have a devastating effect on the species that depend on this unique habitat, including endangered species such as the Chinook salmon, Central Valley steelhead, Western yellow-billed cuckoo and the Swainson hawk – all public trust resources under the Commission's jurisdiction. The removal of vegetation also has the potential to severely limit, if not extinguish, the public's ability to access, use and enjoy the State's public trust lands.

House Bill 5831 is a bipartisan bill, cosponsored by 30 members of the California congressional delegation. It was introduced on May 11, 2012 and referred to the House Transportation and Infrastructure Committee. To date, no hearings have been set.

CALENDAR ITEM NO. C100 (CONT'D)

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

1. Adopt the Resolution in support of House Bill 5831 attached hereto as Exhibit A.

## EXHIBIT A

### RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION SUPPORTING H.R. 5831, THE 'LEVEE VEGETATION REVIEW ACT OF 2012,' WHICH WOULD DIRECT THE SECRETARY OF THE ARMY TO UNDERTAKE A COMPREHENSIVE REVIEW OF THE U.S. ARMY CORPS OF ENGINEERS' POLICY GUIDELINES ON VEGETATION MANAGEMENT FOR LEVEES

**WHEREAS**, the California State Lands Commission serves the people of California by providing stewardship of the lands, waterways, and resources entrusted to its care through economic development, protection, preservation, and restoration; and,

**WHEREAS**, pursuant to the Public Trust Doctrine, tide and submerged lands, including lands underlying non-tidal navigable waterways are owned by the states and are held in trust for the benefit of the public, and these public trust lands are to be used to promote the public's interest in water dependent or water oriented activities including, but not limited to, water related commerce, navigation, fisheries, environmental preservation and water related recreation; and,

**WHEREAS**, the Public Trust Doctrine and California's Constitution establish the right of the public to access and use public trust lands, as well as establish the public's right to fish on public trust lands; and,

**WHEREAS**, through its management of public trust lands, the Commission has the duty to protect these lands and the living resources therein for the purposes of preserving and continuously assuring the public's ability to access, use, and enjoy public trust lands and the resources inhabiting these lands and waters; and,

**WHEREAS**, California's Central Valley Flood Control System includes approximately 1,600 miles of levees, many of which are located on or adjacent to state sovereign lands, with trees, brush and other woody vegetation growing on most of them; and,

**WHEREAS**, ever since the Central Valley Flood Control System was turned over the State to operate, vegetation has been encouraged, protected, or introduced by the U.S. Army Corps of Engineers on many levees, much of which was intended to preserve habitat while improving levee stability; and,

**WHEREAS**, in the aftermath of Hurricane Katrina, the U.S. Army Corps of Engineers undertook a review of their levee standards to improve public safety, and as part of that process, they adopted a new vegetation management policy requiring the removal of all woody vegetation over 2 inches in diameter from levees throughout the nation; unless a special variance is approved; and,

**WHEREAS**, over the past several years, the California Department of Fish and Game and the California Department of Water Resources, along with other interested parties, have had many discussions and exchanged many letters with the U.S. Army Corps of Engineers requesting that the Corps reconsider their vegetation removal policy and engage in a cooperative effort to address levee reliability issues; and,

**WHEREAS**, H.R. 5831, which is a bipartisan effort, would direct the Secretary of the Army to undertake a comprehensive review, in consultation with federal agencies, state and local governments, tribes, nongovernmental organizations and the public, of the U.S. Army Corps of Engineers' policy guidelines on vegetation management for levees; and,

**WHEREAS**, H.R. 5831 would require the U.S. Army Corps of Engineers to examine its vegetation policy and its impact on public safety, regional climatic variations, environmental quality, implementation challenges, use the best available science, and adapt levee policy towards the needs of local communities; and,

**WHEREAS**, H.R. 5831 would authorize the Secretary of the Army to revise the U.S. Army Corps of Engineers' levee management guidelines, consistent with the results of its comprehensive review, and the revised guidelines would be required to provide a practical process for approving regional or watershed variances from the Corps' guidelines, reflecting consideration of measures to maximize public safety, regional climatic variations, environmental quality, implementation challenges, and allocation of responsibilities; and,

**WHEREAS**, the Commission believes that the enactment of H.R. 5831 would considerably protect and enhance the public trust lands either on or adjacent to the federal levees in California that are subject to the U.S. Army Corps of Engineers' levee maintenance policy; now, therefore, be it

**RESOLVED BY THE CALIFORNIA STATE LANDS COMMISSION** that it supports H.R. 5831 (Matsui), the 'Levee Vegetation Review Act of 2012', that would require the Secretary of the Army to undertake a comprehensive review of the U.S. Army Corps of Engineers' policy guidelines on vegetation management for levees and would require the U.S. Army Corps of Engineers to move to regional variances with input from the state and local entities that are most familiar with the unique challenges facing each area; and be it further

**RESOLVED**, that the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.



# County of Yolo

## PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo  
DIRECTOR

292 West Beamer Street  
Woodland, CA 95695-2598  
(530) 666-8775 FAX (530) 666-8156  
www.yolocounty.org

April 8, 2013

Megan Smith, Project Manager  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814

**Re: Supplemental Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project**

Dear Ms. Smith,

The purpose of this letter is to provide comments in *response to the above referenced Supplemental Notice of Preparation for the Southport Sacramento River Early Implementation Project (EIP)*. The project consists of implementing flood risk-reduction measures along the Sacramento River South Levee in the City of West Sacramento. On August 26, 2011, the West Sacramento Area Flood Control Agency (WSAFCA) issued a Notice of Preparation for the EIP and undertook a 30-day public comment period. Since that time, WSAFCA has expanded the EIP study area to include additional borrow sites that may be employed to provide borrow material needed to construct the EIP, including two sites located immediately south of the City of West Sacramento in unincorporated Yolo County. The County has reviewed the Notice of Preparation and offers the following comments:

**Agricultural Mining Permit**

Pursuant to the County's Agricultural Surface Mining and Reclamation Ordinance (Title 10, Chapter 8 of the Yolo County Code), the mining of agricultural soils (in unincorporated Yolo County) for use in the improvement of flood control facilities would require an Agricultural Surface Mining Permit from the County, which is a discretionary action. This permit should be included on the list of Permits and Approvals Required in the EIS/EIR.

**Reasonable Foreseeable Projects**

The County has been contacted about a potential project involving mining of soil on the same parcel included as one of the potential borrow sites for the EIP (the larger of the two parcels located in the unincorporated county—located immediately south of the City of West Sacramento and adjacent to the Sacramento Regional County Sanitation District (SRCSD) South River Pump Station). This site was listed as a possible borrow site in the SRCSD Flood Protection Project EIR, which was certified by the SRCSD Board in September 2012. Although the County has not yet received an application for an Agricultural Surface Mining Permit for this site, it is reasonably foreseeable that this project may move forward, which could limit the amount of soil available for the EIP project, and should therefore be included in your analysis.

### Biological Resource Impacts

The excavation and removal of agricultural soils on the unincorporated borrow site parcel may result in the elimination of existing biological resources, including Swainson's hawk foraging habitat and riparian habitat. The biological resources analysis in the EIS/EIR should include detailed discussion on this issue and incorporate mitigation measures as appropriate. If it is determined that the removal of agricultural land will result in the loss of Swainson's hawk habitat, the applicant may be required to mitigate for such loss in accordance with the provisions in the Yolo Natural Heritage Program (YNHP) joint powers agreement.

### Reclamation Unincorporated Borrow Site Parcel

The permanent removal of agricultural land is a significant issue that has local and regional consequences. The County's Agricultural Conservation Easement Program requires 1:1 mitigation for permanent conversion or removal of agricultural land. The EIS/EIR should identify the intended reclaimed use of unincorporated borrow site parcel and include mitigation measures as appropriate.

### Impacts to County Roads

The EIS/EIR should thoroughly analyze truck haul route(s) and incorporate mitigation if significant impacts to County roads are determined. Depending on the haul route(s) selected, the County may require WSAFCA to apply for transportation permits for project related hauling on County roads. Additionally, encroachment permits will also be required for any work within the County right-of-way, including South River Road.

### Greenhouse Gas Emissions

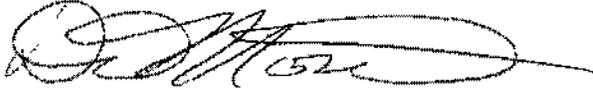
Although the unincorporated borrow site parcel is located within a reasonable distance to the project site, it is expected that truck trips will generate a substantial amount of greenhouse gas emissions. It is suggested that the EIS/EIR include a discussion of greenhouse gas emissions generated by the project and the effect they will have, if any, on global climate change. Appropriate mitigation measures to reduce greenhouse gas emissions due to truck hauling should be addressed in the EIS/EIR.

### Flood Hazard Development Permit

The proposed borrow sites located in unincorporated Yolo County are within Flood Zone A and Flood Zone AE as designated on the Federal Emergency Management Agency's Flood Zone Map (Nos. 06113C0640G, 06113C0645G, 06113C0730G, and 06113C0735G) for Yolo County, dated June 18, 2010, and have been identified as areas subject to inundation by the 1-percent-annual-chance flood event. The County Floodplain Administrator is responsible for enforcing the Flood Damage Prevention Ordinance (Title 8, Chapter 3 of the Yolo County Code), which implements the State Model Flood Ordinance. This program regulates all projects located within a floodplain, regardless of whether the County is a lead agency, to ensure they are in compliance with the National Flood Insurance Program. In order to ensure that the borrow activities and the implementation of EIP will not adversely divert flood water or increase flooding on nearby properties and the surrounding area, WSAFCA is required to submit an application for a Flood Hazard Development Permit with the County well in advance of construction. As such, the Flood Hazard Development Permit should be included on the list of Permits and Approvals Required in the EIS/EIR.

The County appreciates the opportunity to comment on this Supplemental Notice of Preparation. If you have any questions about the items addressed in this letter, please contact Jeff Anderson, Associate Planner, by e-mail at [jeff.anderson@yolocounty.org](mailto:jeff.anderson@yolocounty.org) or by phone at (530) 666-8036.

Sincerely,

A handwritten signature in black ink, appearing to read "D Morrison", with a long horizontal flourish extending to the right.

David Morrison, Assistant Director  
Yolo County Planning and Public Works Department



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5500  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



April 8, 2013

Ms. Megan Smith, Project Manager  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814

Dear Ms. Smith:

Subject: Southport Sacramento River Early Implementation Project, Supplemental Notice of Preparation of an Environmental Impact Report/Environmental Impact Statement, SCH #2011082069, City of West Sacramento, Yolo County

The California Department of Fish and Wildlife (CDFW) has reviewed the Supplemental Notice of Preparation (NOP) of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Southport Sacramento River Early Implementation Project (EIP). CDFW is providing comments on the Supplemental NOP as a Trustee Agency and Responsible Agency. As Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. CDFW is also considered a Responsible Agency if a project would require a discretionary approval, such as a California Endangered Species Act (CESA) Permit or a Lake and Streambed Alteration Agreement (LSAA).

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River EIP to implement flood risk-reduction measures along the Sacramento River South Levee in the City of West Sacramento, Yolo County. The project would bring the levee up to standard with federal and state flood protection criteria and provide opportunity for ecosystem restoration and public recreation. The supplemental NOP provides an expanded EIP study area to include additional soil borrow sites that may be used to provide borrow material for construction of the EIP.

#### **General Comments**

Please provide a complete assessment in the EIR/EIS (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project, including impacts downstream of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380).

Ms. Megan Smith  
April 8, 2013  
Page 2

### **Lake and Streambed Alteration Agreement**

CDFW may require an LSAA, pursuant to Fish and Game Code Section 1600 et seq., with the District for the proposed project-related activities within or near the Sacramento River. An LSAA is required for any activity that will divert or obstruct the natural flow, change the bed, channel, or bank including associated riparian or wetland/marsh resources, use material from the stream/channel bed, or substantially adversely affect fish and wildlife resources. Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the project. Therefore, the CEQA document must specify impacts, mitigation measures, and include a mitigation monitoring and reporting program.

### **California Endangered Species Act**

Please be advised that a CESA Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation. If the project will or has the potential to impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

If you have any questions, please contact Ms. Crystal Spurr, Senior Environmental Scientist, at (209) 948-3777; or Mr. Jim Starr, Environmental Program Manager, at (209) 941-1944.

Sincerely,



Scott Wilson  
Acting Regional Manager  
Bay Delta Region

cc: State Clearinghouse

---

**Sent:** Friday, March 08, 2013 01:29 PM  
**To:** [dhazoff@sbcglobal.net](mailto:dhazoff@sbcglobal.net) <[dhazoff@sbcglobal.net](mailto:dhazoff@sbcglobal.net)>  
**Cc:** [Tanis.J.Toland@usace.army.mil](mailto:Tanis.J.Toland@usace.army.mil) <[Tanis.J.Toland@usace.army.mil](mailto:Tanis.J.Toland@usace.army.mil)>  
**Subject:** Re: Scoping for EIS/EIP for Southport Early Implementation Project

Dear Mr. Harzoff,

Your scoping comment has been received and will be reviewed and considered by the lead agencies. Thank you for your interest in the Southport Sacramento River Levee project.

Sincerely,  
Megan Smith  
Sr. Project Manager

---

**From:** David Harzoff [<mailto:dhazoff@sbcglobal.net>]  
**Sent:** Friday, March 08, 2013 12:55 PM  
**To:** Smith, Megan  
**Cc:** [tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil) <[tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil)>  
**Subject:** Scoping for EIS/EIP for Southport Early Implementation Project

Hello:

Please consider the potential environmental impacts of public access along the rebuilt levees constructed in the Southport area. As a resident of West Sacramento I am among many who would like the opportunity for public access maximized. That includes pedestrian, bicycles, equestrians and some parking for vehicles.

Thank you,

Dave Harzoff  
*AICP, MBA, EDFP*

**DH Consulting**

*Planning | Redevelopment | Economic Development  
Serving the Public and Private Sectors*

916-371-0444 work

916-764-8646 cell

[dhazoff@sbcglobal.net](mailto:dhazoff@sbcglobal.net)

**DELTA PROTECTION COMMISSION**

2101 Stone Blvd., Suite 210  
 West Sacramento, CA 95691  
 Phone (916) 375-4800 / FAX (916) 376-3962  
 Home Page: [www.delta.ca.gov](http://www.delta.ca.gov)



*Contra Costa County Board of Supervisors*

April 8, 2013

*Sacramento County Board of Supervisors*

John Powderly  
 I/C of West Sacramento Area Flood Control Agency  
 1110 West Capitol Avenue, 2<sup>nd</sup> Floor  
 West Sacramento, CA 95691

*San Joaquin County Board of Supervisors*

Subject: Southport Sacramento River Early Implementation Project  
 (SCH # 2011082069)

*Solano County Board of Supervisors*

Dear Mr. Powderly:

*Yolo County Board of Supervisors*

Delta Protection Commission (Commission) staff have reviewed the Notice of Preparation (NOP) for the Southport Sacramento River Early Implementation Project Draft Environmental Impact Report and are providing these advisory comments. Although the project lies outside of the Primary Zone of the Delta, it still has the capability to affect resources of the Delta's Primary Zone environment.

*Cities of Contra Costa and Solano Counties*

Commission staff had provided a comment letter on this NOP in August 2011 (attached) and these comments remain relevant. Since the NOP was released in 2011, the study area has expanded to include additional soil borrow sites that may be employed to provide borrow material needed to construct the project. If this project will have any negative impacts on the Delta's agricultural, environmental, or recreational resources, than the possible impacts and proposed mitigation measures should be identified in the EIR.

*Cities of Sacramento and Yolo Counties*

*Cities of San Joaquin County*

*Central Delta Reclamation Districts*

*North Delta Reclamation Districts*

*South Delta Reclamation Districts*

Additionally, in 2012, Commission staff began the blueprint planning process for the Great California Delta Trail in Sacramento, San Joaquin and Yolo Counties. This process is pursuant to SB 1556 (Torlakson), which directed the Commission to develop and adopt a plan for a regional recreational corridor, which will extend throughout the five Delta Counties, and link to the San Francisco Bay Trail and Sacramento River Trails. The NOP mentions opportunities for providing public recreation. Coordination with the Commission's Delta Trail planning process would be useful in order to potentially link this project's recreation site(s) to a regional trail system, thus potentially increasing visibility and usage of the site(s).

*Business, Transportation and Housing*

*Department of Food and Agriculture*

*Natural Resources Agency*

Thank you for this opportunity to provide input. Please contact the Commission office at (916) 375-4800 if you have any questions.

*State Lands Commission*

Sincerely,

Michael Machado  
 Executive Director

att.: August 2011 Comment Letter

Atch

**DELTA PROTECTION COMMISSION**

14215 RIVER ROAD  
P.O. BOX 530  
WALNUT GROVE, CA 95690  
Phone (916) 776-2290 / FAX (916) 776-2293  
Home Page: [www.delta.ca.gov](http://www.delta.ca.gov)

 COPY



*Contra Costa County Board of Supervisors*

*Sacramento County Board of Supervisors*

*San Joaquin County Board of Supervisors*

*Solano County Board of Supervisors*

*Yolo County Board of Supervisors*

*Cities of San Joaquin County*

*Cities of Contra Costa and Solano Counties*

*Cities of Sacramento and Yolo Counties*

*Central Delta Reclamation Districts*

*North Delta Reclamation Districts*

*South Delta Reclamation Districts*

*Business, Transportation and Housing*

*Department of Food and Agriculture*

*Natural Resources Agency*

*State Lands Commission*

August 22, 2011

Megan Smith, ICF International  
I/C of West Sacramento Area Flood Control Agency  
630 K Street, Suite 400  
Sacramento, CA 95814

Subject: Southport Sacramento River Early Implementation Project  
(SCH#: 2011082069)

Dear Ms. Smith:

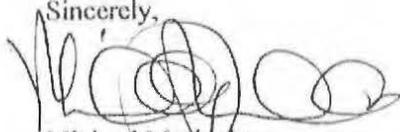
The staff of the Delta Protection Commission (Commission) has reviewed the Notice of Preparation (NOP) for the Southport Sacramento River Early Implementation Project draft Environmental Impact Report (EIR) and are providing these advisory comments. Although the project lies outside of the Primary Zone of the Delta, it still has the capability to affect resources of the Delta's Primary Zone environment.

The implementation of flood risk-reduction measures is consistent with the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan); which includes a goal of supporting the improvement, emergency repair, and long-term maintenance of Delta levees and channels. The Management Plan also includes a policy to support programs to make cost-effective levee investments in order to preserve the economy and character of the Delta.

The NOP also mentions that ecosystem restoration and public recreation opportunities would occur through this project. Ecosystem restoration and public recreation projects are generally consistent with goals and policies of the Management Plan, as long as the projects remain compatible with Delta agricultural practices. If the project will have any possible impact on Delta agricultural, these possible impacts and any proposed mitigation measures should be identified in the EIR.

Thank you for the opportunity to provide input. Commission staff looks forward to reviewing the full EIR/EIS. Please contact the Commission office at (916) 776-2290 if you have any questions about the comments provided.

Sincerely,



Michael Machado  
Executive Director

cc: State Clearinghouse in the Office of Planning and Research

FEMA

U.S. Department of Homeland Security  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA. 94607-4052



FEMA

March 18, 2013

Megan Smith, Project Manager  
ICF International  
630 K Street, Suite 400  
Sacramento, California 95814

Dear Ms. Smith:

This is in response to your request for comments on Notice of Preparation, Supplemental Notice of Preparation Environmental Impact Statement/Environmental Impact Report for Southport Sacramento River Early Implementation Project in West Sacramento, Yolo County, California.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Yolo (Community Number 060423), Maps revised May 16, 2012; and City of West Sacramento (Community Number 060728), Maps dated January 19, 1995. Please note that the City of West Sacramento, Yolo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Megan Smith, Project Manager  
Page 2  
March 18, 2013

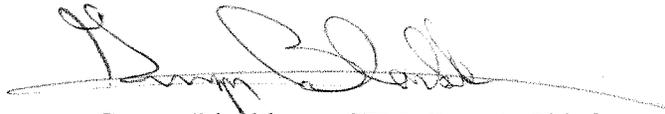
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The West Sacramento floodplain manager can be reached by calling Martin Tuttle, City Manager, at (916) 617-4500. The Yolo County floodplain manager can be reached by calling Lonell Butler, Building Official, at (530) 666-8803.

If you have any questions or concerns, please do not hesitate to call Robert Durrin of the Mitigation staff at (510) 627-7057.

Sincerely,



Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

cc:

Martin Tuttle, City Manager, West Sacramento

Lonell Butler, Building Official, Yolo County

Ray Lee, WREA, State of California, Department of Water Resources, North Central Region  
Office

Robert Durrin, NFIP Planner, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



717 K Street, Suite 529  
Sacramento, Ca. 95814  
916-447-4956  
[www.swainsonshawk.org](http://www.swainsonshawk.org)

---

April 5, 2013

Ms. Tanis Toland  
U.S. Army Corps of Engineers, Sacramento District  
Delta Programs Integration & Ecosystem Restoration  
1325 J Street  
Sacramento, CA 95814

Copy to:  
West Sacramento Flood Control Agency  
ATTN: John Powderly  
1110 West Capitol Avenue  
West Sacramento, CA 95691

**Comments on the Supplemental Notice of Preparation of an EIR/EIS for the Southport Sacramento River Early Implementation Project (City of West Sacramento)**

Dear Ms. Toland and Mr. Powderly,

Friends of the Swainson's Hawk is an IRC 501(c)(3) nonprofit corporation dedicated to promoting public awareness and understanding of the Swainson's Hawk and to the protection and restoration of the Swainson's Hawk and its habitat in California. We previously commented on the Draft EIS/EIS of the West Sacramento Levee Improvements Program, by letter dated August 2, 2010.

Our comments on the Supplemental NOP for the EIR/EIS for Southport levee project follow:

**1. Corps vegetation removal policy**

We understand that it will be necessary to remove some trees to allow construction of the levees. However, we are very concerned about the detrimental effects of removal of additional trees simply to comply with the discredited Corps of Engineers policy which claims that trees can cause levee failure and therefore should be removed from levees and the area near the base of levees. The Corps policy has been thoroughly discredited by the California Department of Fish and Wildlife (formerly Fish and Game), the U.S. Fish and Wildlife Service, and independent scientists expert on flood protection in the Central Valley.

The project should be designed to remove as few trees as possible. The EIR/EIS should address the detrimental impacts of tree removal to biological and recreational values.

The EIR/EIS should specifically identify those proposed removals of trees and other vegetation which would be undertaken to comply with the Corps policy but otherwise would be unnecessary for this project, and assess the impacts of such tree and vegetation removals. The decision-makers and public are entitled to know the effects upon the environment of the Corps tree and vegetation removal policy as applied to the Southport area.

## **2. Swainson's Hawks**

The Swainson's Hawk is listed as threatened specie under the California Endangered Species Act. The bulk of the Central Valley population of Swainson's Hawk nests in Yolo, Sacramento, Solano, and San Joaquin Counties – all counties which are undergoing major urban expansion. California's Swainson's Hawks migrate to Mexico and southward for the winter. The Swainson's Hawk is known for its fidelity to its nesting territory and existing nests, which is why the loss of existing nest trees is a significant environmental impact upon the Swainson's Hawk.

Attached as Exhibit A is a map "Swainson's Hawk Nesting Distribution, Yolo County, 2007," published by the Yolo Natural Heritage Program, which shows a substantial concentration of Swainson's Hawk nests in Yolo County, including the Study Area of this Supplemental NOP. More recent documentation may be obtained from the California Department of Fish and Wildlife. The Natural Diversity Database (NDDB) is notoriously incomplete and should not be relied on as an exclusive source of information.

A complete survey for Swainson's Hawk nests should be undertaken throughout the entire Study Area, and adjacent land, during the Swainson's Hawk nesting season. The survey protocols established by the Swainson's Hawk Technical Advisory Committee, and recommended by CDFW should be used. A complete current survey would likely show more nests than on the 2007 nest map (Exhibit A). Loss of foraging habitat due to urban development and vineyard conversions in Sacramento and San Joaquin Counties, the Clarksburg area, and elsewhere in the region may have pushed more of the regional Swainson's Hawk population into the Southport area.

Swainson's Hawk nest trees should not be removed. The EIR/EIS should disclose any nest trees that would be removed by the project. Loss of Swainson's Hawk nest trees as a result of the project should be fully mitigated by planting multiple replacement oaks or cottonwoods as close as possible to the site of the former nest tree, and stewarded and monitored for the appropriate number of years.

There are many large trees, both single and in groves, within the Study Area, including the large area inland from the proposed levee project. These large trees are potential Swainson's Hawk nest habitat, and are presently used by multiple other species. Removal of these trees can and should be avoided, whether for the levee project or for the borrow pits, equipment staging areas, roads, or other infrastructure associated with the construction of the project. The EIR/EIS should

identify any trees that would be removed by the project. Removed trees should be replaced with plantings of similar species as close as feasible to the site of the removed trees.

The Study Area encompasses large areas of grassland which are foraging habitat for Swainson's Hawk. Some of these lands will be used to excavate borrow for the levee project. The EIR/EIS should identify the site of potential borrow pits, disclose the biological values that would be impacted by the excavation of borrow, identify temporal loss of foraging habitat, and specify how the borrow sites will be restored. If borrow sites will be restored to something other than grassland (such as wetland or managed marsh), then the loss of Swainson's Hawk foraging habitat due to the excavation should be mitigated at the standard Yolo County mitigation ratio of 1 acre of Swainson's Hawk foraging habitat preserved by conservation easement or fee title for each acre lost due to excavation of soil and restoration to a different land use not compatible with Swainson's Hawk foraging. There should also be mitigation in place to offset the temporary loss of foraging habitat.

### **3. Disturbance and Destruction of Riparian Habitat Within the Study Area.**

There are existing canals, old borrow pits, and other ponds throughout the Study Area. These ponds, canals, and wetlands are lined with riparian vegetation and trees and may support numerous riparian species. An adequate EIR/EIS for the project would include a biological study of all of these areas to determine what plants, wildlife, and other biological values are present. The presence of the Giant Garter Snake, listed as threatened under the Federal Endangered Species Act, is possible in the canals and possibly in some of the ponds.

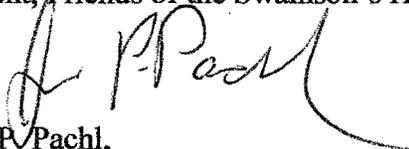
The EIR/EIS should show how the project will avoid impacting these ponds, canals, and wetlands. There is plenty of land available for borrow pits that would not impact existing riparian and wetland values of these areas. The Study Area includes linear flooded borrow pits lined with dense riparian vegetation and trees which parallels the south side of the cross-levee between the Sacramento River and ship channel, and a canal running southward from the cross levee which is lined with riparian vegetation and trees which merit further study and protection.

Thank you for the opportunity to comment.

Respectfully submitted,



Judith L. Lamare,  
President, Friends of the Swainson's Hawk, Inc.



James P. Pachl,  
Legal Counsel, Friends of the Friends of the Swainson's Hawk, Inc.

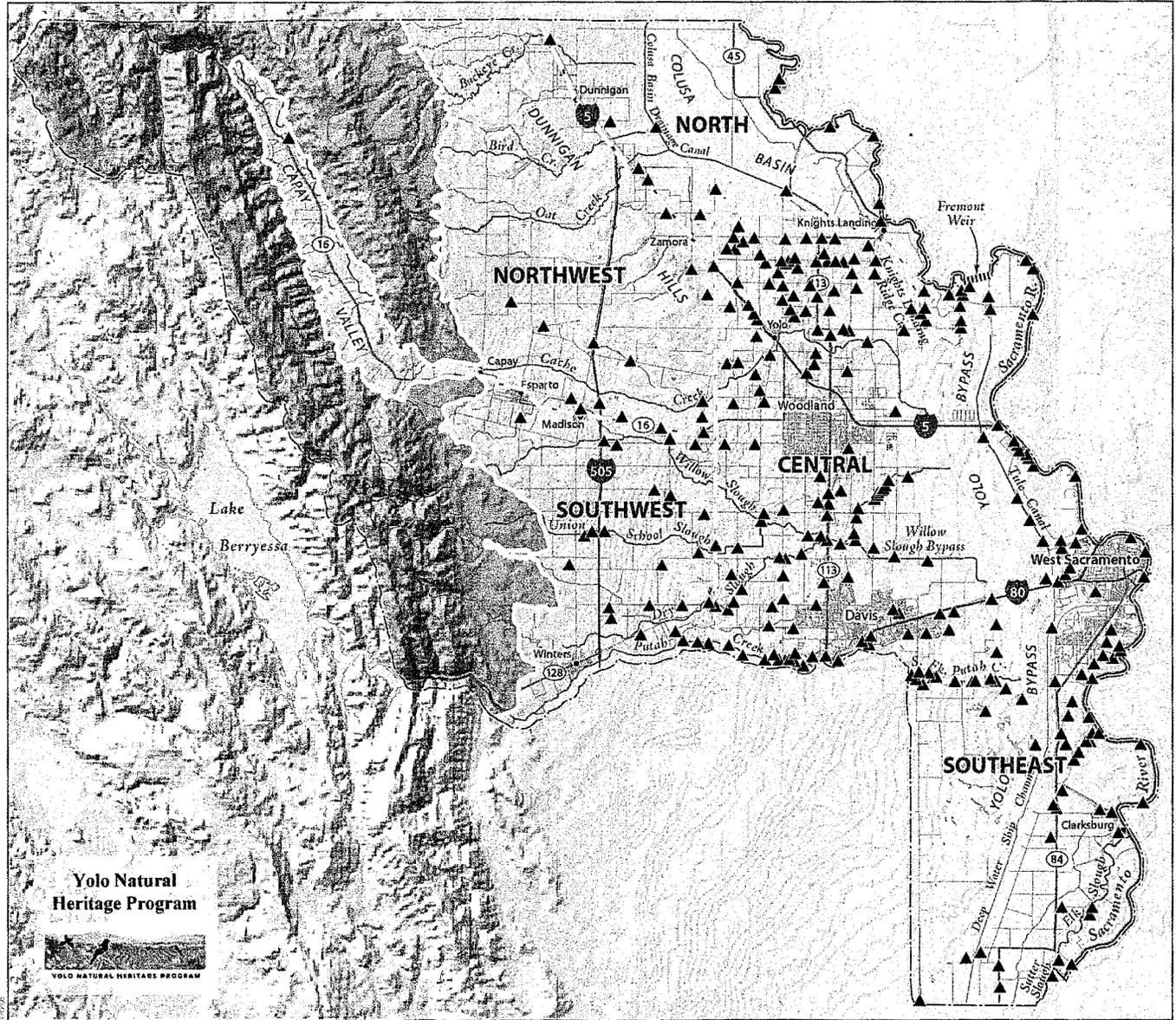
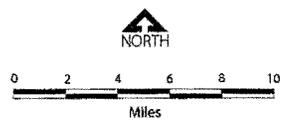


Figure 6-1  
Swainson's Hawk Nesting Distribution,  
Yolo County, California, 2007

- LEGEND**
- Yolo County Boundary
  - Study Area Boundary
  - Survey Unit Boundary
  - ▭ Outside Study Area
  - ▲ 2007 Swainson's Hawk Nesting Territory



Date: Jan 21, 2008

Technology Associates  
aerial photography

Yolo Natural  
Heritage Program



(A)

# The Southport Sacramento River Early Implementation Project Supplemental Scoping



## Comment Card

Name: JOHN GABRI Date: 3/1/13  
Telephone: 916-371-4812 Email: JBG11839@YAHTOO.COM  
Affiliation: RESIDENT ON GREGORY AVE Title (if applicable): -  
Street Address: 4250 GREGORY AVE N.G  
City: WEAVER State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write in the space below legibly.

For your convenience, you may take this self-addressed card home, fill it out, and fold it in half and mail it. You may also send comments via email to Megan Smith at [megan.smith@icfi.com](mailto:megan.smith@icfi.com) or Tanis Toland at [tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil). **All comments must be received or postmarked by April 8, 2013.**

- Megan Smith, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814
- Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Delta Programs Integration & Ecosystem Restoration, 1325 J Street Sacramento, CA 95814

I NEED TO HAVE A 1 ON 1 MEETING ABOUT  
THE PROPOSED LOOP ROAD EXTENSION ONTO  
GREGORY AVE  
FEEL FREE TO CALL ME AT ANY TIME

JOHN B GABRI JBG

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-2380 FAX: (916) 574-0682



April 10, 2013

Mr. John Powderly  
I/C of West Sacramento Area Flood Control Agency  
1110 West Capitol Avenue, 2nd Floor  
West Sacramento, California 95691

Subject: Southport Sacramento River Early Implementation  
SCH Number: 2011082069  
Document Type: Notice of Preparation

Dear Mr. Powderly:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located adjacent to or within the Sacramento River and Deep Water Ship Channel which is under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection, and flood fight procedures (CCR Section 131).

Mr. John Powderly  
April 10, 2013  
Page 2 of 2

Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and State agency requirements for on-site mitigation within the floodway.

Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The project should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvpfb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways can be viewed on the Central Valley Flood Protection Board's website at <http://gis.bam.water.ca.gov/bam/>.

If you have any questions, please contact me by phone at (916) 574-0651, or via email at [jherota@water.ca.gov](mailto:jherota@water.ca.gov).

Sincerely,



James Herota  
Staff Environmental Scientist  
Projects and Environmental Branch

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, California 95814

---

----- Original Message -----

From: [stargazer525@surewest.net](mailto:stargazer525@surewest.net) [<mailto:stargazer525@surewest.net>]

Sent: Wednesday, April 03, 2013 06:24 PM

To: Smith, Megan; [tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil) <[tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil)>

Subject: Southport EIP Supplemental Scoping Comment Card

Good afternoon Megan and Janis,

Thank you for answering my questions and talking to me at the Public and Agency Input meeting on March 28th.

I pasted my comment card information below and also attached my contact information and comments in a MS Word document that I attached.

Thank you for acknowledging my concerns.

Lucille Pacheco  
916-647-6661  
916-203-9257

The Southport Sacramento River Early Implementation Project Supplemental Scoping-Comment Card

Name: Lucille Pacheco

Date: 4/3/2012

Telephone: 916-647-6661

Email: [stargazer525@surewest.net](mailto:stargazer525@surewest.net)

Affiliation:

Title (if applicable)

Street Address: 9148 Laguna Center Circle

City: Elk Grove

State: California

Zip: 95758

Major Concerns

Hazards Due to Major Construction/Chevron Gasoline Pipe Contractor error during evasive construction work to a levee could lead to catastrophic consequences. For example, slurry cut-off walls through the levee seem more dangerous to the levee than rock slope protection on the waterside of the levee. Also, a Chevron gasoline line runs through many residents' properties not far from levee construction. Careless employees damaging underground pipes would not only negatively impact the environment, but they would also endanger the public by weakening or severely damaging the levee. What safeguards does the city have to guard against contractor or employee error?

Water Level, Water Quality and the Effects on Wells Historically, construction in the area decreased the successful operation of residents' wells, residents' only water supply for homes and irrigation. This major construction project surpasses any other construction project in the past. For example, the recent sewage construction and housing developments in the area required residents to immediately pay substantial amounts of money to drill deeper wells to

secure their water supply. How will the city help property owners if the levee construction negatively impacts residents' water supply?

#### An Increase in Crime

Up until about 1990 the people living in the area designated as Section B in your Statement/Report experienced very little crime. Levee upgrades eliminated and replaced trees, shrubs and other plant life with rock. The introduction of signs restricting access to fishing spots eliminated the presence of local people along the banks of the river. Local residents knew the people using the levee areas. With no visible presence of law enforcement along this vast area residents relied on this unofficial neighborhood watch. The levee between the two trestles became a point where criminals could uninterruptedly scope out people's property to burglarize farms and houses. Adding recreational areas for the general public allows more opportunities for criminals to stake out property by blending in with others using the new recreational areas. In addition to burglary we must always expect the possibility of vandalism or even terrorism. As Southport continues to develop and the population increases the Section B levee area becomes a bigger target. Will the city increase law enforcement along the levees?

#### Access to Property/Increase of Traffic

A long levee construction period will make it difficult for residents to get to and from their property. Some residents depend on access for private business such as selling or transporting produce. After the completion recreational areas will increase traffic on country roads currently unsuitable for the increased traffic. Will the city develop roads to maintain residents' easy access and to handle the additional traffic?

#### Declining Property Values

If residents need to sell property during the long levee construction period they will face much lower property values particularly in the construction zones. Property owners will see a worse decline in values than what they've seen due to the housing crisis. How will the city monitor the appearances of the construction zones over the years?

# The Southport Sacramento River Early Implementation Project Supplemental Scoping-Comment Card

Name: Lucille Pacheco

Date: 4/3/2012

Telephone: 916-647-6661

Email: [stargazer525@surewest.net](mailto:stargazer525@surewest.net)

Affiliation:

Title (if applicable)

Street Address: 9148 Laguna Center Circle

City: Elk Grove

State: California

Zip: 95758

## Major Concerns

### Hazards Due to Major Construction/Chevron Gasoline Pipe

Contractor error during evasive construction work to a levee could lead to catastrophic consequences. For example, slurry cut-off walls through the levee seem more dangerous to the levee than rock slope protection on the waterside of the levee. Also, a Chevron gasoline line runs through many residents' properties not far from levee construction. Careless employees damaging underground pipes would not only negatively impact the environment, but they would also endanger the public by weakening or severely damaging the levee. What safeguards does the city have to guard against contractor or employee error?

### Water Level, Water Quality and the Effects on Wells

Historically, construction in the area decreased the successful operation of residents' wells, residents' only water supply for homes and irrigation. This major construction project surpasses any other construction project in the past. For example, the recent sewage construction and housing developments in the area required residents to immediately pay substantial amounts of money to drill deeper wells to secure their water supply. How will the city help property owners if the levee construction negatively impacts residents' water supply?

### An Increase in Crime

Up until about 1990 the people living in the area designated as Section B in your Statement/Report experienced very little crime. Levee upgrades eliminated and replaced trees, shrubs and other plant life with rock. The introduction of signs restricting access to fishing spots eliminated the presence of local people along the banks of the river. Local residents knew the people using the levee areas. With no visible presence of law enforcement along this vast area residents relied on this unofficial neighborhood watch. The levee between the two trestles became a point where criminals could uninterruptedly scope out people's property to burglarize farms and houses. Adding recreational areas for the general public allows more opportunities for criminals to stake out property by blending in with others using the new recreational areas. In addition to burglary we must always expect the possibility of vandalism or even terrorism. As Southport continues to develop and the population increases the Section B levee area becomes a bigger target. Will the city increase law enforcement along the levees?

### Access to Property/Increase of Traffic

A long levee construction period will make it difficult for residents to get to and from their property. Some residents depend on access for private business such as selling or transporting produce. After the completion recreational areas will increase traffic on country roads currently unsuitable for the increased traffic. Will the city develop roads to maintain residents' easy access and to handle the additional traffic?

### Declining Property Values

If residents need to sell property during the long levee construction period they will face much lower property values particularly in the construction zones. Property owners will see a worse decline in values than what they've seen due to the housing crisis. How will the city monitor the appearances of the construction zones over the years?



**MILLER STARR  
REGALIA**

1331 N. California Blvd. T 925 935 9400  
Fifth Floor F 925 933 4126  
Walnut Creek, CA 94596 www.msrlegal.com

Wilson F. Wendt

April 8, 2013

**VIA EMAIL AND FEDERAL EXPRESS**

Megan Smith, Project Manager (megan.smith@icfi.com)  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814

Tanis Toland (tanis.j.toland@usace.army.mil)  
U. S. Army Corps of Engineers, Sacramento District  
Delta Programs Integration and Ecosystem Restoration  
1325 J Street  
Sacramento, CA 95814

Re: Seecon Financial and Construction Co., Inc.; Comments on Supplemental  
Notice of Preparation and Scope of Environmental Review for Southport  
Sacramento Early Implementation Project

Dear Ms. Smith and Ms. Toland:

Miller Starr Regalia represents Seecon Financial and Construction Co., Inc. ("Seecon") in its ownership and operation of property that would be affected by the Southport Sacramento River Early Implementation Project ("Southport Project"). We are in receipt of the Supplemental Notice of Preparation ("Supplemental NOP") of an Environmental Impact Statement/Environmental Impact Report ("EIR/EIS") for the Southport Project, dated March 7, 2013, whereby the U.S. Army Corps of Engineers ("Corps") and West Sacramento Area Flood Control Agency ("WSAFCA") have requested input on the scope and content of the EIR/EIS. This letter is a response to that request and is submitted in accord with the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").

Seecon has numerous concerns about the Southport Project, as it threatens to upset longstanding land use policies and goals adopted by the City of West Sacramento ("City"), and has the potential to cause numerous impacts to the local environment, including health risks to local residents and other sensitive receptors. Accordingly, Seecon urges the Corps and WSAFCA to consider each of the issues identified in this letter as these agencies undertake preparation of the EIR/EIS.

Seecon has developed this list of issues based on publicly available details about the Southport Project, and reserves its right to submit further public comment as the CEQA and NEPA processes develop.

**I. PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING.**

The Southport Project, at first blush, may not appear to have many constituent components, consisting predominantly of the construction of levees and the excavation of borrow sites. However, the fragility of the surrounding environment and presence of unique resources within and nearby the project footprint will require that the EIR/EIS's project description and environmental setting sections be very detailed.

**II. REQUEST TO REMOVE SEECON PROPERTY FROM ADDITIONAL STUDY AREA.**

We have indicated the extent of the Seecon Property on the enclosed copy of Figure 1 that was attached to the Supplemental NOP. As you can see, it constitutes a significant amount of property within Segment F of the Southport Project. Seecon has informed WSAFCA on numerous occasions that they will not consent to the taking of their property for what we consider unnecessary and excessive flood control improvements and further informed them that they will not consent to sell WSAFCA any borrow material from the Seecon Property. WSAFCA officials have advised Seecon that they will acquire borrow materials only from willing sellers. Given that context, we are amazed that the Supplemental NOP includes approximately a third of the Seecon Property (designated by hatching in Figure 1) as a part of the Additional Study Area, the announced purpose of which is mainly to analyze the impacts generated by additional soil borrow sites that may be employed to provide borrow material needed to construct the Southport Project. The hatched area indicated on Figure 1 on the Seecon Property as an "additional soil borrow site" is one in which vesting tentative maps have been approved; final maps have been filed and are being processed for residential development; some residential structures have been and are continuing to be built; extensive subdivision infrastructure has been constructed; and the entitlements for development are covered by an existing and valid development agreement.

If WSAFCA's statements are valid, there is absolutely no potential that borrow material will be taken from the hatched area shown on the Seecon Property. For that reason, we request that you amend and revise Figure 1 to delete that portion of the Seecon Property indicated by hatching from the property defined as Additional Study Area. Any continued attempt to assess and analyze impacts upon this portion of the Seecon Property, as outlined in the Supplemental NOP, will provide no useful or meaningful information (since Seecon has said on many prior occasions and reiterates their determination not to sell any borrow material to WSAFCA or any other agency) and will simply guarantee continued strong

opposition throughout the EIS/EIR process. We urge you to acknowledge that the portion of the Seecon Property affected by the Supplemental NOP will not be the subject of further analysis and is being deleted from the Additional Study Area.

### **III. ANALYSIS OF DRASTIC AND UNNECESSARY IMPACTS UPON PRIVATE PROPERTY.**

The Southport Project, no matter how it is finally designed and implemented, will have significant adverse impacts upon private property. The currently designated preferred alternative for flood control improvements on the Seecon Property is a setback levee with seepage berm. This alternative is the most destructive of private property and the one with the most unnecessarily large take of private property.

WSAFCA consultants originally advocated an adjacent levee as the preferred alternative. On behalf of our clients, we have submitted to WSAFCA and its Board literally thousands of words of materials advocating the use of the adjacent levee alternative on the Seecon Property. This would greatly reduce the amount of private property that was required for acquisition and would vastly reduce the amount of borrow materials required. The implementation of the adjacent levee alternative would also significantly lessen the amount of environmental damage. All of the environmental impacts upon private property need to be carefully analyzed and mitigation measures must be set out.

While the EIS/EIR is not concerned with the legality of a proposed take of private property, you are charged with conducting an accurate and complete analysis of environmental impacts upon private property as well as the Sacramento River. Seecon has advocated the adjacent levee alternative as a means of reducing impacts and will challenge judicially any attempt to take the excessive and unnecessary amounts of private property that will be required for the setback levee alternative, if that alternative is ultimately selected.

### **IV. ANALYSIS REGARDING IMPACTS ON AGRICULTURAL RESOURCES.**

Maps published by the State of California Department of Conservation demonstrate the Southport Project study area, as depicted in Figure 1 of the Supplemental NOP (including both the "Original Study Area" and the "Supplemental Study Area," collectively referred to herein as the "Project site"), encompasses lands designated as Prime Farmland and Farmland of Local Importance. At least some of the Project site is designated for agricultural production in the City's General Plan and Zoning Ordinance, and aerial satellite maps show such areas and additional lands that comprise the Project site may be operated as farms. Accordingly, the EIS/EIR must quantify the acreage of agricultural lands that will be impacted and lost by the Southport Project, and

analyze the effects on such lands of constructing levees, excavating borrow sites, and disposing of soil on disposal sites. You must set out appropriate mitigation measures to address these impacts upon agricultural lands to address these impacts, including the requirement to purchase additional agriculturally committed land to replace the lost agricultural land.

**V. ANALYSIS REGARDING VISUAL RESOURCES.**

The Southport Project would appear to entail the excavation of significant amounts of open space/agricultural lands, if not the great majority of such lands within the Southport area of the City. Additional lands appear to serve as the site of borrow and disposal of soils. In light of these activities, impacts to visual resources would occur on a temporary basis during construction and, depending on whether and how the restoration of land comprises part of the project, permanent impacts could occur.

**VI. ANALYSIS REGARDING IMPACTS ON HYDROLOGY, WATER QUALITY, AND GROUNDWATER RESOURCES.**

The Supplemental NOP provided that the Southport Project construction area would extend along the west bank of the Sacramento River for approximately six miles. Given the width of the levee along this alignment, which potentially could extend hundreds of feet inland, it can be anticipated the Southport Project will involve a momentous amount of earthwork in the immediate proximity of the Sacramento River. Moreover, it appears various borrow sites are sited within proximity of the Sacramento River Deep Water Ship Channel. Soil erosion and sedimentation can be anticipated at significant levels, especially given it is anticipated the project would involve the removal of riverfront vegetation and placement of riprap or other rock slope protection along the shoreline. Additionally, impacts upon drainage patterns, hydrology, water quality and groundwater must be analyzed. Of particular concern are the impacts caused by the implementation of the setback levee alternative which will require enormous amounts of borrow material (as evidenced by the need for this Supplemental NOP). One of the primary sources of borrow material will be extensive excavation of property on the river side of the setback levee. The groundwater is very high in these locations and this can only result in ponding and the creation of corresponding ongoing environmental problems including vector control and other impacts injurious to public health and safety.

**VII. ANALYSIS REGARDING IMPACTS ON FISH AND AQUATIC RESOURCES; VEGETATION AND WETLANDS; AND WILDLIFE.**

The Southport Project has the potential to significantly impact fish and aquatic resources; vegetation and wetlands; and wildlife, wildlife habitats, and

migration corridors. Accordingly, analysis in the EIR/EIS of these various impacts is required.

**VIII. ANALYSIS REGARDING GEOLOGY, SEISMICITY, AND FLOOD MANAGEMENT.**

The Southport Project would involve the deconstruction and construction of a levee during what potentially may be an extended duration. During this timeframe, it is possible that a significant seismic event may occur, or a significant flooding event may occur. The EIR/EIS should contemplate and address whether lands within the City will be adequately protected during the period of project construction.

It also appears that the Southport Project may entail the excavation of fields and other open space area that may have been subject to subsidence in the past, and which lies near an area waterway. The EIS/EIR should evaluate the wisdom of extracting substantial materials in such areas, including dangers posed to nearby, newly constructed levees, and whether such excavation will leave borrow sites undevelopable in the future.

**IX. ANALYSIS REGARDING IMPACTS ON TRANSPORTATION AND NAVIGATION.**

The Southport Project potentially would affect traffic and circulation in a number of ways, all of which impacts must be fully analyzed.

**X. ANALYSIS REGARDING NOISE IMPACTS.**

The Southport Project potentially would affect the local noise environment in a number of ways: To adequately analyze noise impacts, the EIR/EIS must identify all appropriate sensitive receptors in the Southport Area, the City at large, Yolo County, Solano County, Sacramento County, and the City of Sacramento. The EIR/EIS also must identify sources of noise by specifying both their location and magnitude, such as by providing expected equipment lists and studies demonstrating average and maximum noise levels associated with the operation of said equipment. Finally, the EIR/EIS must, using the above information, evaluate each of the above impacts under appropriate temporal scenarios, such as under existing, short-term, and long-term scenarios. If the analysis discloses there is an existing, substandard condition to which the project will contribute, a special threshold of significance must be developed for such impacts. (*See Gray, supra*, 167 Cal.App.4th at 1122-1123.)

**XI. ANALYSIS REGARDING AIR QUALITY IMPACTS.**

The Southport Project entails an extensive amount of earthwork, which will cause the emission of significant amounts of air pollutants. Such sources will include, without limitation: excavators, graders, bulldozers, and other on-site construction equipment; portable auxiliary equipment; diesel trucks associated with the delivery of materials and soils; diesel trucks associated with the removal of solid waste; trips associated with construction workers and other off-site trips; paving activities; and dust associated with on- and off-site vehicle trips and activities.

In addition to direct impacts of the Southport Project's excavation and levee construction activities, the project would displace planned uses (e.g., residential and commercial uses). The construction and operation of these displaced uses also have the potential to result in air quality impacts that necessitate evaluation.

**XII. ANALYSIS REGARDING CULTURAL RESOURCES.**

The Southport Project would disrupt substantial amounts of soil that could contain prehistoric, historic, and archaeological artifacts, as well as Native American human remains. In addition, the Project site appears to contain numerous City landmarks, including without limitation the Heritage Oak Park Site, Redwood Park, Linden South/Paik North Site, the Clarksburg Branch Line Trail, Eagle Point Park, Lake View Park, Bridgeway Lakes, Bridgeway Lakes Community Park, and Valley Oak Grove. (See, e.g., City of West Sacramento Landmarks; see General Plan Background Document, p. VII-16.) The impacts of excavation, construction, and other project activities on each affected resource must be disclosed in the EIR/EIS.

**XIII. ANALYSIS REGARDING UTILITIES AND PUBLIC SERVICES.**

The EIR/EIS should evaluate all issues regarding utilities and public services.

**XIV. ANALYSIS REGARDING LAND USE/PLANNING;  
POPULATION/HOUSING; RECREATION; AND  
SOCIOECONOMICS, ENVIRONMENTAL JUSTICE, AND  
COMMUNITY EFFECTS.**

The Southport Project has the potential to upset a number of longstanding land use policies, and the EIR/EIS should take careful account of the project's consistency with the City's General Plan and other applicable land use documents.

Megan Smith, Project Manager  
Tanis Toland  
April 8, 2013  
Page 7

## XV. SCOPE OF ALTERNATIVES ANALYSIS

The EIR/EIS must identify a reasonable range of project alternatives, focusing on alternatives to the proposed Southport Project that eliminate or reduce significant environmental impacts. The EIR/EIS need not discuss alternatives that are infeasible but, if an alternative is determined to be infeasible, the EIR/EIS should identify the reasons for this determination and provide evidence supporting it. For instance, if an alternative is determined to not be economically feasible, detailed financial data should be provided evidencing this conclusion.

Here, the EIR/EIS should discuss, in detail, various construction alternatives to the proposed Southport Project, which appears to contemplate construction of setback levees within most, if not all, of the Project site. Alternative construction methods to be studied in detail should include the use of adjacent levees with cutoff walls and/or a seepage berm in each of the Project site segments.

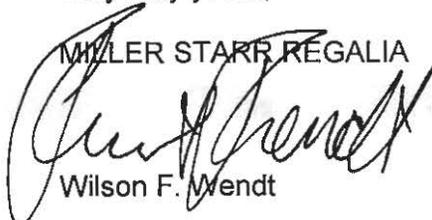
In section III of this letter we have discussed the enormous difference in severity of impacts upon private property caused by the setback levee alternative as opposed to the adjacent levee alternative, which we have and continue to advocate. The EIR/EIS needs to examine the difference in environmental impacts caused to private property by each alternative and contrast needed mitigation measures to allow an informed decision as to the ultimately determined preferred alternative for flood protection improvements.

\* \* \*

Seecon appreciates the opportunity to provide input on the scope of the Southport Project EIS/EIR, and participating in future review and comment of the document ultimately prepared by the Corps and WSAFCA. If you have any questions or concerns, please do not hesitate to contact me at 925.935.9400.

Very truly yours,

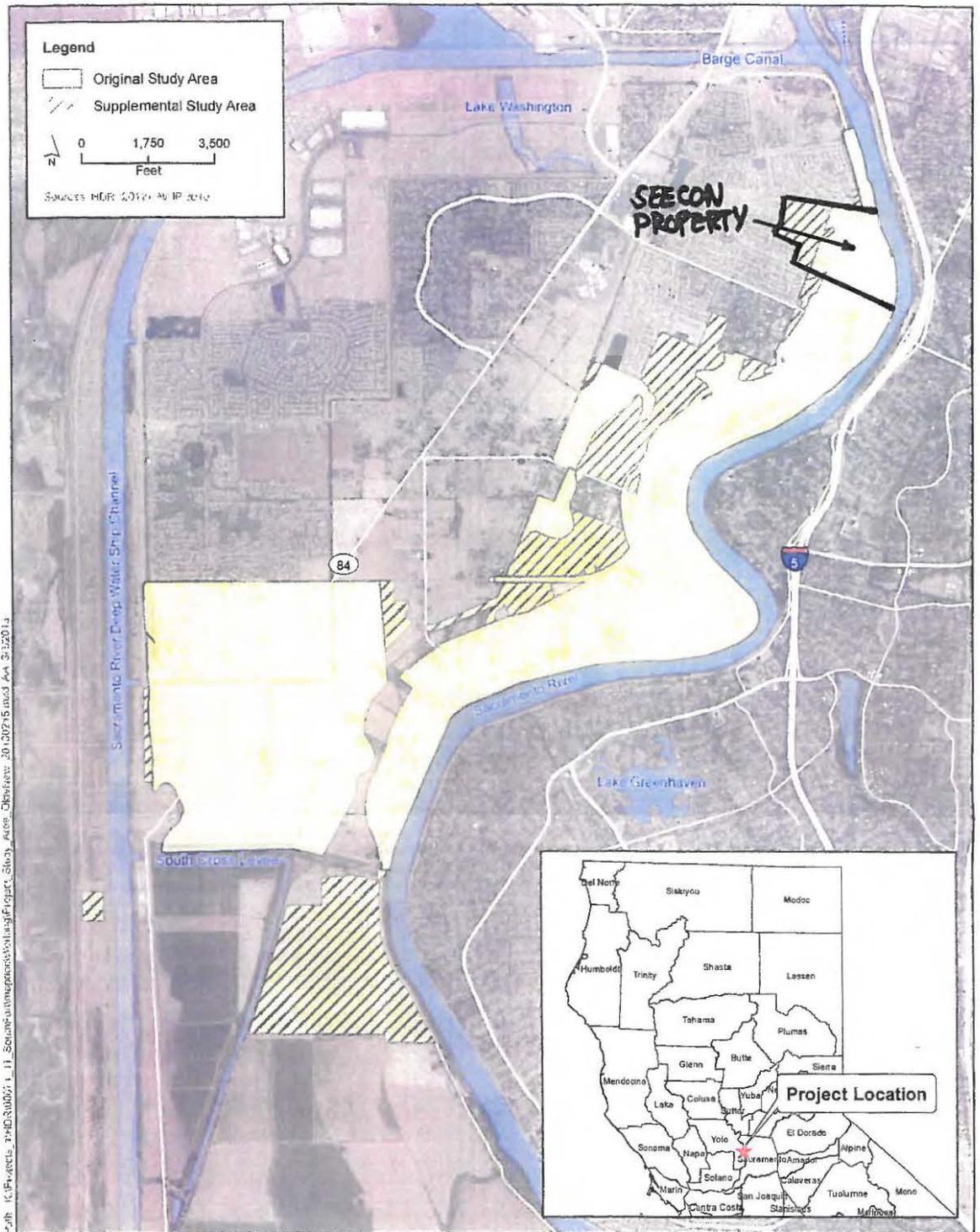
MILLER STARR REGALIA



Wilson F. Wendt

WFW:SRM/kii

cc: Kenneth Ruzich  
Ralph Nevis  
WSAFCA Board Members  
Lori Clamurro Chew - DWR  
Clients



Path: K:\Projects\340500071\_11\_SouthernImplements\Bidding\Project\_Study\_Areas\_Overview\_20120715.mxd AA 3/22/14

Figure 1  
EIP Study Area



**MILLER STARR  
REGALIA**

1331 N. California Blvd.  
Fifth Floor  
Walnut Creek, CA 94596

T 925 935 9400  
F 925 933 4126  
www.msrlgal.com

Wilson F. Wendt

April 8, 2013

**VIA EMAIL AND FEDERAL EXPRESS**

Megan Smith, Project Manager (megan.smith@icfi.com)  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814

Tanis Toland (tanis.j.toland@usace.army.mil)  
U. S. Army Corps of Engineers, Sacramento District  
Delta Programs Integration and Ecosystem Restoration  
1325 J Street  
Sacramento, CA 95814

Re: Forecast Land Investment, LLC; Request for Removal of Property From  
Additional Study Area Under Supplemental Notice of Preparation

Dear Ms. Smith and Ms. Toland:

Our office represents Forecast Land Investment, LLC ("Forecast"). We also represent Seecon Financial and Construction Co., Inc. ("Seecon"). On behalf of Seecon we are contemporaneously submitting comments on the Supplemental Notice of Preparation and requesting that the Seecon property designated on Figure 1 of the Supplemental NOP be deleted and removed from the area of additional study. We are reiterating that request on behalf of Forecast in connection with a small, approximately ten-acre parcel of real property located within Segment F of the Southport Early Implementation Project Reach and indicated on the map attached hereto (the "Forecast Property").

In our comment letter filed on behalf of Seecon, we noted that Seecon has opposed the selection of the setback levee alternative as the preferred alternative for flood control improvements on the Seecon property and has refused and will continue to refuse to sell borrow material to WSAFCA or any other agency. WSAFCA officials have informed us that they will not acquire borrow materials except from ready and willing sellers.

The purpose of this letter is to request that you modify Figure 1 to the Supplemental NOP and delete the Forecast Property from the additional study area to be looked as a possible additional soil borrow site (see attachment). There is absolutely no possibility that Forecast will sell borrow material to anyone and the enunciated

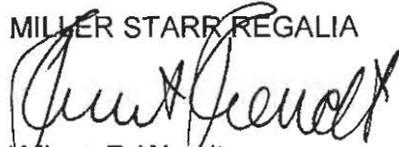
Megan Smith, Project Manager  
Tanis Toland  
April 8, 2013  
Page 2

policy of WSAFCA makes clear that there is no possibility the borrow material will be taken from the Forecast Property.

We therefore request that you acknowledge this letter and remove the Forecast Property from any further consideration under the Supplemental NOP or the ongoing EIR/EIS.

Very truly yours,

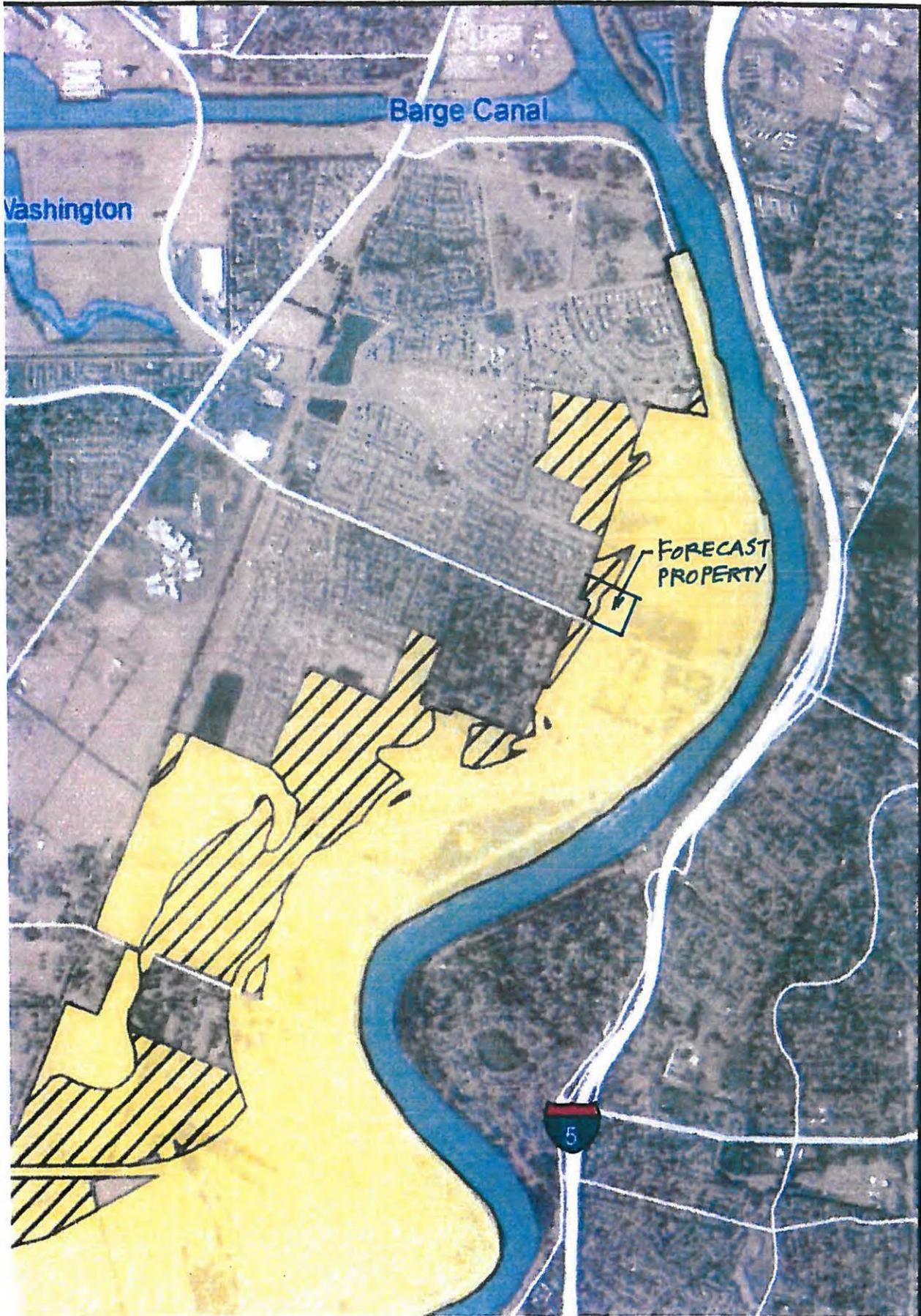
MILLER STARR REGALIA



Wilson F. Wendt

WFW:jj

cc: Kenneth Ruzich  
Ralph Nevis  
WSAFCA Board Members  
Lori Clamurro Chew – DWR  
Clients



Barge Canal

Washington

FORECAST  
PROPERTY

5



**MILLER STARR  
REGALIA**

1331 N. California Blvd.  
Fifth Floor  
Walnut Creek, CA 94598

T 925 935 9400  
F 925 933 4126  
www.msrllegal.com

Wilson F. Wendt  
wilson.wendt@msrllegal.com

April 11, 2013

**VIA U.S. MAIL AND EMAIL**

President William Denton and  
Members of the Board  
Board of Directors  
West Sacramento Area Flood Control Agency  
1110 West Capitol Avenue, 2nd Floor  
West Sacramento, CA 95691

Re: Objections to Creation of the West Sacramento Flood Plain Mitigation  
Bank; Southport Early Implementation Plan

Honorable President Denton and Members of the Board:

As you are aware, our office represents Seecon Financial and Construction Co., Inc. ("Seecon"), the owners of real property in Segment F of the Southport Early Implementation Project ("Southport EIP"). For over a year we have been involved in reviewing and commenting upon actions of WSAFCA in designing and implementing the Southport EIP. Our comments are voluminous and have touched on a number of issues in the processing including our perceived lack of transparency in the process. We are surprised and shocked that after literally tens of thousands of words of reports and commentary presented to the Board and the public by WSAFCA staff and consultants, to our knowledge, the words "Flood Plain Mitigation Bank" have never appeared in any public discussion or in response to the Public Records Act requests we have filed on behalf of our client with WSAFCA until the Flood Protection Progress Report for April 1, 2013 attached to your agenda for your meeting of April 11, 2013, as Item No. 9, just posted. That innocuous statement appears on page 3 of the Flood Protection Progress Report and reads as follows:

"DWR released its preliminary funding recommendations to direct Proposition 1(e) funding to flood management projects and activities in support of the Central Valley Flood Protection Plan (CVFPP) in Conservation Strategy. WSAFCA's titled 'State of California West Sacramento Flood Plain Mitigation Bank' has been initially recommended for approximately five million dollars in funding."

President William Denton and  
Members of the Board  
April 11, 2013  
Page 2

The original consultant's recommendation to the Board for the preferred alternative for flood control improvements in Segment F was an Adjacent Levee. In May, 2012, WSAFCA staff and consultants cited a "Value Engineering Report" as the reason that the setback levee should be selected as the preferred alternative in Segment F to proceed to 65% design completion, despite failing to report back to the Board on the advantages and disadvantages of a Setback Levee in Segment F, an analysis that was supposed to look at "technical feasibility, regulatory acceptability, constructability, long term maintenance issues (and) impacts to the community. . .". This recommendation was adopted by the Board despite the fact that the Setback Levee is several million dollars more expensive than the Adjacent Levee and the alternative requiring the most borrow material and the one which is the most injurious to private property. One of the reasons advanced for the Board's choice was that WSAFCA could extract millions of dollars more from the State if the Setback Levee were selected, thus making the ultimate cost to WSAFCA lower than their share if the Adjacent Levee alternative were selected.

We have pointed out on many occasions that under principles of Eminent Domain law, WSAFCA is limited to taking only that amount of private property necessary to effect the purpose of the take; that being the construction of flood protection improvements. Nowhere in all the materials prepared and presented to the Board was there an explanation that WSAFCA proposed to create a "Flood Plain Mitigation Bank", an enterprise that would be imposed upon private property owned by West Sacramento businesses and residents and would produce extra mitigation credits that would be sold for use by the State of California to offset environmental impacts of other projects in other locations throughout the State of California totally unrelated to the Southport E.I.P. This creation of a Mitigation Bank enterprise on the back of West Sacramento property owners for the benefit of other governmental and, perhaps, private interests, is inequitable, improper and beyond the legal authority of WSAFCA. We urge the Board to direct staff to immediately begin an investigation of how this Application for funding of a Mitigation Bank was developed and the unauthorized Application filed with the Department of Water Resources (see Exhibit B). That investigation should focus, among other things, upon why no public discussion was held at any time as to the creation of such a Mitigation Bank enterprise.

**Applications Filed With the State of California Department of Water**

**Resources:** We just became aware of the proposed creation of a Mitigation Bank when our research was triggered by the Flood Protection Progress Report posted with today's agenda.

On December 13, 2012 the Board adopted Resolution 12-12-01, a copy of which is attached as Exhibit A, which, in part, "approved the filing of an application to the Department of Water Resources for grant funding under the Central Valley Flood System Conservation Framework and Strategy Program to fund the construction of habitat in the Southport Sacramento River Early Implementation Project Setback

President William Denton and  
Members of the Board  
April 11, 2013  
Page 3

Area". Nothing in the resolution referenced the creation of a "Flood Plain Mitigation Bank" enterprise with "for sale" mitigation credits created, to be sold to mitigate impacts of other projects of other agencies or private persons outside of the Southport area and totally unrelated to the Southport Early Implementation Plan. The public was not made aware that a "Mitigation Bank" would be created involving the setback area on private property for mitigation of impacts caused by projects in remote areas of the state.

On January 7, 2013, WSAFCA staff submitted an Application to DWR for the West Sacramento Flood Plain Mitigation Bank Work Plan, Schedule and Budget, a copy of which is attached as Exhibit B, seeking funding from the \$25,000,000 available. That application was clearly for an unauthorized "Flood Plain Mitigation Bank Proposal". Again, nothing in any of the discussion before the Board or the documentation leading up to this submittal had ever referenced the creation of a Mitigation Bank. It is our opinion that Resolution No. 12-12-01 did not authorize the filing by staff of an Application for the creation of a Mitigation Bank and the action of WSAFCA to create and implement such a Mitigation Bank would be beyond the powers of the staff member filing the application and the Agency under their Joint Powers Agreement. These unauthorized actions should be immediately and thoroughly investigated. We are enclosing a legal memorandum setting out the legal reasoning supporting our opinion as Exhibit C.

The Application filed by staff on behalf of the Board with DWR acknowledges that creation of the Mitigation Bank by WSAFCA would be at the periphery of the Agency's powers and subject to "some uncertainties and constraints" The Application states as follows:

"As a flood risk reduction agency, WSAFCA has limited financial and political ability for habitat restoration beyond that required for project mitigation associated with the Southport EIP. WSAFCA will partner with the state to identify responsible parties for land ownership, bank ownership and operations and maintenance, given that the majority of the mitigation credits will be utilized by the state. Further, WSAFCA and the state will need to work closely together on the financial details of the project to ensure that the interests of both agencies are met."

The creation of a Mitigation Bank by WSAFCA is beyond the scope of the Agency's powers. The resolution adopted by the Board authorizing the filing of the Application with DWR does not authorize the filing of an application for a Mitigation Bank with "for sale" mitigation credits. We have obtained a copy of the Department of the Army Corps of Engineers' permit application dated January, 2013, filed by WSAFCA. In that application there is a general description of the flood control

President William Denton and  
Members of the Board  
April 11, 2013  
Page 4

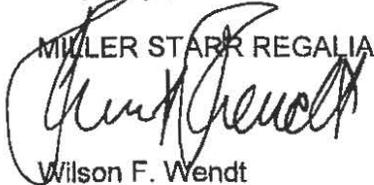
improvements and the fact that certain of the setback areas would be used for fish and wildlife habitat restoration. Nowhere in the application is it stated that a Mitigation Bank enterprise will be created with mitigation credits to be sold for projects outside of the Southport area.

**Conclusion:** The creation of a Mitigation Bank enterprise by WSAFCA and its continuing maintenance into the future is well beyond its authority under the Joint Powers Agreement or applicable law. The mitigation of impacts for just the Southport EIP on site are more clearly within the Agency's powers and authority. We urge the Agency to commence an investigation of why the concept of the Mitigation Bank enterprise was not clearly and transparently disclosed to the public and why the Application was submitted without proper Board authorization. We urge the Board to withdraw the Application to DWR to avoid further complications to the already difficult process of building needed levees in the Southport area, which complications may delay the approval of the environmental documents and cause the Agency to miss applicable Federal and State funding windows.

It is shameful that WSAFCA would attempt to create this Mitigation Bank enterprise by unnecessarily displacing families from their homes and taking exorbitant and unnecessary amounts of private property for a commercial enterprise which could generate millions of dollars of profit from sale of credits for projects totally unrelated to Southport. At least we now understand why WSAFCA switched positions leading to the 65% design stage, abandoned the Adjacent Levee alternative, while advancing the more lucrative Setback Levee alternative.

Very truly yours,

MILLER STARR REGALIA



Wilson F. Wendt

WFW:jj

cc: Mr. Kenneth Ruzich  
Mr. Ralph Nevis  
Ms. Alicia E. Kirchner, USACE  
Mr. Thomas D. Karvonen, USACE  
Mr. Marc A. Fugler, USACE  
Ms. Tanis Toland, USACE  
Ms. Megan Smith, ICF  
Mr. Mark Cowin, Director, DWR  
Ms. Cathy Crothers, Chief Legal Counsel, DWR  
Ms. Lori Clamurro Chew, DWR  
Clients

Resolution 12-12-01

RESOLUTION OF BOARD OF DIRECTORS OF THE  
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY  
APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE CENTRAL VALLEY FLOOD  
SYSTEM CONSERVATION FRAMEWORK AND STRATEGY PROGRAM UNDER THE DISASTER  
PREPAREDNESS AND FLOOD PREVENTION BOND ACT OF 2006 (Proposition 1E)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the Department of Water Resources has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Department of Water Resources require a resolution certifying the approval of application(s) by the Applicants governing board before submission of application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

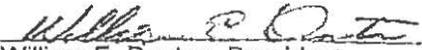
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Sacramento Area Flood Control Agency.

1. Approves the filing of an application to the Department of Water Resources for grant funding under the Central Valley Flood System Conservation Framework and Strategy Program to fund the construction of habitat in the Southport Sacramento River Early Implementation Project setback area,
2. Certifies that Applicant understands the assurances and certification in the application; and,
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code, and,
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act* (CEQA), legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction all applicable permits will have been obtained; and,
6. Appoints the General Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

PASSED AND ADOPTED by the West Sacramento Area Flood Control Agency on this 13<sup>th</sup> day of December, 2012, by the following vote.

EXHIBIT A

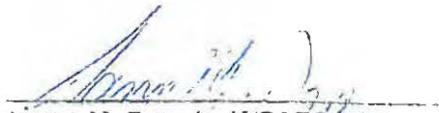
AYES: Denton, Kristoff, Ramas  
NOES: none  
ABSTAIN: none  
ABSENT: none

  
\_\_\_\_\_  
William E. Denton, President

ATTEST:

  
\_\_\_\_\_  
Kenneth A. Ruzich, General Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
James M. Day, Jr., WSAFCA Attorney



Ground Water Basin	Sacramento Valley-Yolo
Hydrologic Region	Sacramento River
Watershed	

**Legislative Information**

Assembly District	4th Assembly District *
Senate District	3rd Senate District *
US Congressional District	District 5 (CA) *

**Project Information**

Project Name: State of California West Sacramento

Implementing Organization	West Sacramento Area Flood Control Agency
Secondary Implementing Organization	MBK Engineers
Proposed Start Date	2/28/2013
Proposed End Date	7/6/2018
Project Scope	The scope of work for the project will be to design, entitle, implement, maintain, and monitor the proposed Bank project

Project Description	<p>The Bank project would create a mitigation and conservation bank that would yield approximately 120 riparian floodplain and endangered species conservation credits, and has the potential to create approximately 21,000 linear feet of restored and enhanced shaded riverine aquatic (SRA)/channel margin habitat available as mitigation credits on a per-linear foot basis. The Bank would be partially utilized by WSAFCA to fulfill mitigation that will be obligated to the Southport EIP project, but will have substantial remaining credits for use by the State for future project impacts resulting from implementation of the Central Valley Flood Protection Plan (CVFPP). The Southport EIP project reach extends approximately 5.6 miles from the termination of the USACE Sacramento River Bank Protection Project at River Mile 57.2R south to the South Cross Levee (Figure 1). The Southport EIP project will be constructed using a combination of methods to create a system of new levees or reinforced existing levees. Portions of the new levee segments will be constructed 400' to 1000' away from the Sacramento River channel to create a setback area. The Bank will be</p>
---------------------	---



	<p>developed in the setback area for approximately four miles along the Sacramento River (Figures 2 and 3). The setback area will be excavated down to an elevation of between +7.0' and +10.0' NAVD88 and the excavated material will be utilized in constructing portions of the new flood control features. A low-flow swale will be excavated within the restored floodplain at approximately +7.0' NAVD88 to provide access to the vegetated floodplain terrace and a drainage point back to the main river channel to minimize the potential for fish stranding during flood water recession. The existing Sacramento River levee will be degraded and breached in places in order to create full hydrologic connectivity between the setback area and the main river channel.</p>
Project Objective	
<p><b>Project Benefits Information</b></p>	

Project Objective

**Budget**

Other Contribution	0
Local Contribution	0
Federal Contribution	0
Inkind Contribution	0
Amount Requested	5000000
Total Project Cost	5000000

**Geographic Information**

Latitude DD(+/-)	38	MM 31	SS 52
Longitude DD(+/-)	121	MM 31	SS 54

Longitude/Latitude Clarification

Location

County Yolo Ground Water Basin Sacramento Valley-Yolo Hydrologic Region Sacramento River WaterShed

**Legislative Information**

--	--

Assembly District	4th Assembly District
Senate District	3rd Senate District
US Congressional District	District 5 (CA)

## Section : General Project Information

This section contains seventeen general questions about the proposal that all applicants are required to answer.

### G1 - Applicant Contact Information

Provide contact information (name, organization, address, phone number, and e-mail address) for the individual who would be the primary contact regarding the grant proposal.

If the Project Lead organization is a local government, nonprofit, or consortium, attach a resolution from the appropriate applicant organization authorizing the Applicant to sign a funding agreement on its behalf.

West Sacramento Area Flood Control Agency 1110 West Capital Avenue, West Sacramento, CA 95691 Attn: Kenneth Ruzich Title: General Manager Telephone: 916-606-6435 email address: wsrd@pacbell.net

### G2 - Key Cooperators

Provide contact information (name, organization, address, phone number, and e-mail address) for any (sub)contractors, advisors, or other technical personnel identified as being necessary for successful completion of the project ("Key Cooperators").

Attach a resume for each person identified as a "Key Cooperator".

Carl Jensen ICF International 630 K Street Suite 400 Sacramento, CA 95814 Telephone: 916-231-7668 email address: carl.jensen@icfi.com Derek Larsen MBK Engineers 1771 Tribute Way, Suite A Sacramento, CA 95815 Telephone: 916-456-4400 email address: larsen@mbkengineers.com Chris Bowles cbec ecoengineering 2544 Industrial Blvd West Sacramento, CA 95691 Telephone: 916-231-6052 email address: c.bowles@cbeoeng.com

### G3 - Project Title

Give your project a short title.

State of California West Sacramento Floodplain Mitigation Bank

### G4 - Project Location

List all the counties and/or cities in which project activities would occur under this proposal.

In addition, list all river systems, and approximate locations (in river miles, if applicable), on which project activities would occur under this proposal.

City of West Sacramento, Yolo County Sacramento River Miles 52.8 to 57.2

### G5 - Current Zoning and Land Use

**Describe the current zoning and land use for the parcel(s) that are the subject of this proposal.**

**If there is a likelihood of zoning or general plan changes for the property in the next year (e.g., a General Plan update is in process, or a zoning code amendment is or will soon be proposed), provide a brief explanation of the expected changes.**

The land use in the proposed mitigation reserve is currently identified for future urban development in the City of West Sacramento General Plan. The zoning varies depending on location from low, medium, and high density residential, water front development, public open space, and recreation.

#### **G6 - Description of Parcel(s)**

**Give the size of the property (in acres) that is the subject of this proposal, and briefly describe the natural resources on the property currently.**

**In addition, identify the approximate size (in acres and/or linear feet) of the project's footprint on the property.**

**Provide information about any surveys that have been conducted on the property, including biological, archaeological, pipeline/transmission, topographical, etc.**

The project footprint is approximately 120 acres. The following surveys and studies have been completed to date: 1. Baseline topographic surveys; existing utility surveys and mapping; bathymetric surveys; hydraulic data development including Acoustic Doppler Current Profile (ADCP flow and velocity) measurements and river stages for model calibration purposes; geomorphic data development including suspended and bedload sediment transport measurements; and erosion assessments along the river bank of the Sacramento River through the project reach. 2. Extensive geotechnical investigations, including numerous boreholes and soils tests in the setback area and existing levee, to characterize geologic conditions including underseepage issues. 3. Assessment of biological and ecological conditions along the riverbank and setback area, including identification of sensitive species. 4. Hydrodynamic and sediment transport modeling to identify system-wide and localized impacts of levee setback alternatives, and potential mitigation options. 5. Property surveys and investigations. 6. Optimization of setback grading to provide material for levee construction and identification of additional borrow material sites. 7. Development of preliminary erosion control measures for the setback area, the new Southport EIP levee, and the remnant riverbank of the Sacramento River, including biotechnical bank stabilization measures. 8. Development of 65% design level plans, specifications and cost opinions for the Southport EIP. 9. Preparation of the Southport EIP draft EIS/EIR for public review and preliminary regulatory permitting applications.

#### **G7 - Landowner(s)**

**Identify all recorded legal rights on the property, including but not limited to ownership titles, easements, liens or other encumbrances for the property that is the subject of this proposal.**

Land will be purchased as part of the Early Implementation Project being advanced by WSAFCA in partnership with the State of California. For purposes of this project it can be assumed that the property for the mitigation bank will be held by WSAFCA of the Sacramento-San Joaquin Drainage District prior to initiation of the project.

#### **G8 - Holder(s) of Water and Mineral Rights, and Rights of Way**

**Rights of Way (ROWs) and possible implications for land management.**

To verify that any water rights necessary to implement the project have been obtained, indicate the basis and source of those rights.

Not applicable

**G9 - Landowner(s) Willingness to Participate**

If the property is in private ownership, is there a legally binding agreement with the landowner that would allow habitat to be developed and sustained into perpetuity on the parcel? If so, attach a copy of the agreement.

Also, if the property is in private ownership, is there an agreement with or written authorization from the owner that DWR or its multi-agency group can visit the site for reconnaissance level visits? If so, attach a copy of the agreement/authorization.

Not applicable

**G10 - Project Description**

Describe your project and explain how it will advance the goals of ecological enhancement while providing mitigation for future work at State Plan of Flood Control (SPFC) facilities.

Attach a detailed description of the project and clearly indicate which portions are proposed for DWR's bond funding. The project description should include, at a minimum:

- the goals and objectives of the project;
- the activities that will be undertaken under this proposal to achieve the project objectives;
- relationships to other projects or activities that may benefit from implementation of this project, as well as any existing mitigation obligations of these projects or activities, if known;
- the approximate timelines for deliverables associated with this proposal; and
- a brief description, including approximate timelines and expected deliverables, of any future phases that would result in full implementation of the project, if applicable.

*Refer to the Work Plan, Budget, & Schedule: Grantee Guidance document.*

Attach a Scope of Work – Task Outline describing the work to be performed for each task, as well as the deliverables (see Table 1).

Attach a Schedule (see Table 4).

Attach location maps, designs, color photographs, or other information that describes the project.

The State of California West Sacramento Floodplain Restoration Bank (Bank) is the final phase of the Southport Early Implementation Project (EIP) (Southport EIP), which is a proposed multi-objective flood control project for the City of West Sacramento that advances the primary goals of achieving a minimum level of 200-year flood protection, providing flood-compatible recreational opportunities, and habitat restoration when economically feasible. The Bank project would create a mitigation and conservation bank that would yield approximately 120 riparian floodplain and endangered species conservation credits, and has the potential to create approximately 21,000 linear feet of restored and enhanced shaded riverine aquatic (SRA)/channel margin habitat available as mitigation credits on a per-linear foot basis. The Bank would be partially utilized by WSAFCA to fulfill mitigation that will be obligated to the Southport EIP project, but will have substantial remaining credits for use by the State for future project impacts resulting from implementation of the Central Valley Flood Protection Plan (CVFPP). The Southport EIP project reach extends approximately 5.6 miles from the termination of the USACE Sacramento River Bank Protection

Project at River Mile 57.2R south to the South Cross Levee (Figure 1). The Southport EIP project will be constructed using a combination of construction techniques to create a system of new levees or reinforced existing levees. Portions of the new levee segments will be constructed 400' to 1000' away from the Sacramento River channel to create a setback area. The Bank will be developed in the setback area for approximately four miles along the Sacramento River (Figures 2 and 3). The setback area will be excavated down to an elevation of between +7.0' and +10.0' NAVD88 and the excavated material will be utilized in constructing portions of the new flood control features. A low-flow swale will be excavated within the restored floodplain at approximately +7.0' NAVD88 to provide access to the vegetated floodplain terrace and a drainage point back to the main river channel to minimize the potential for fish stranding during flood water recession. The existing Sacramento River levee will be degraded to a lower elevation or completely breached in places in order to create full hydrologic connectivity between the setback area and the main river channel. The restoration objectives developed for the Bank include provide compensatory mitigation credits for impacts to protected land cover types and to special-status species and potential habitat for these species; restoring portions of the historic Sacramento River floodplain (i.e., waters of the United States); restoring riparian and oak woodland habitat on the restored floodplain that will create continuous habitat corridors for wildlife movement; designing habitat features to minimize future maintenance obligations (e.g., reduce opportunities for sediment and debris accumulation); and designing floodplain planting and vegetation management schemes to avoid undesirable hydraulic and sediment transport impacts to the setback levee and offset area.

#### **G11 - Habitat Connectivity**

**If the property is located near any protected habitat areas or high-quality habitat types, describe these areas/habitat types and indicate their proximity (in linear miles) to the project site.**

**Attach map(s) showing the location of nearby habitat and conserved areas.**

The project site is surrounded by developed areas of single-family residences, active and fallow agricultural lands, and the Sacramento River. The proximity of the project site to the Sacramento River and length of frontage along the river channel provides an excellent opportunity to restore a portion of the historic Sacramento River floodplain and recreate some of the historic functions and values that were lost when the river was channelized. Existing riparian habitat in the project area and immediate vicinity consists of a narrow, discontinuous band on the water side of the Sacramento River levee. This riparian strip provides limited shaded riverine aquatic (SRA) habitat. Large areas of cultivated and fallow agricultural land occur directly adjacent to the project area. These areas could provide foraging habitat for raptors including Swainson's hawk.

#### **G12 - Benefits to Sensitive Habitats and/or Species**

**Describe any benefits that are expected to accrue to fish, wildlife, or plant species listed as threatened, endangered, of special concern, or otherwise protected by law, as well as any benefits to sensitive habitats on which these species depend, as a result of this project.**

**Indicate the specific amounts of mitigation/compensation areas (if known) that would result from implementation of this project and could be applied to future work at State Plan of Flood Control facilities.**

The proposed project will create riparian floodplain and off-channel refugia habitat for native fish, including Chinook salmon (*Oncorhynchus tshawytscha*) and Sacramento splittail (*Pogonichthys macrolepidotus*), and to a limited extent Central Valley steelhead (*Oncorhynchus mykiss*). Floodplains are now recognized as major contributors to aquatic production and species diversity in large river systems where native fish species have evolved specific adaptations to exploit these

variable but highly productive habitats. Floodplains can greatly expand the quantity and quality of habitat available to juvenile salmon, splittail and other fishes during seasonal inundation periods. After young salmon have dispersed from spawning areas, the distribution and abundance of young salmon is determined largely by their preferences for shallow water and low water velocities, which in large rivers are found mostly along channel margins, floodplains, and other off-channel habitats. Floodplain habitat is extremely limited along the Lower Sacramento River. It is generally assumed that the number or biomass of fish and other organisms that can be supported by a habitat is directly proportional to the area of suitable habitat. Larger floodplains may also enhance growth and survival of rearing juveniles by increasing the amount of living space, reducing competition for food, and reducing potential encounters with predators. Floodplain area may also affect the productivity of river-floodplain systems by affecting hydraulic residence time, water temperature, and inputs of organic matter, plankton, and invertebrates from the floodplain into river channels (Ahearn et al. 2006). Floodplains can greatly expand the quantity and quality of habitat available to juvenile salmon, splittail and other fishes during seasonal inundation periods. After young salmon have dispersed from spawning areas, the distribution and abundance of young salmon is determined largely by their preferences for shallow water and low water velocities, which in large rivers are found mostly along channel margins, floodplains, and other off-channel habitats (Beechie et al. 2005, Lestelle et al. 2005). The Swainson's hawk is a state-listed threatened species. Swainson's hawks are summer residents in the study area. The nesting season extends from approximately early March through August. In the Central Valley, Swainson's hawks nest occur primarily in riparian areas adjacent to agricultural fields or pastures, although isolated trees or roadside trees are sometimes used (California Department of Fish and Game 1994). Swainson's hawks nest in mature trees; the preferred tree species are valley oak, cottonwood, willows, sycamores, and walnuts. Nest sites typically are located in the vicinity of suitable foraging areas. The primary foraging areas for Swainson's hawk are open agricultural and pasture lands (California Department of Fish and Game 1994).

### G13 - Project Support and/or Opposition

Describe the outreach that has been conducted to date for this project.

Characterize the level of support for this project among nearby landowners and local interests, entities, and organizations.

Describe any known opposition to the project.

WSAFCA has taken a proactive, transparent approach throughout all stages of the Southport Sacramento River Early Implementation Project. WSAFCA has kept the West Sacramento community informed about their role to ensure the community at large is safe from flooding. The agency simultaneously stresses their commitment to ensure the least damage to private property owners as possible as part of the levee improvement project. Private property owners and at-large residents alike have received updates throughout the process and at key project milestones through public meetings, small group meetings, one-on-one meetings, media relations, mailers, utility bill inserts, community presentations and additional outreach channels. Many community members have expressed their support of the project as a result of the outreach to nearby property owners, stakeholders, community members and the public. Organizations including the West Sacramento Chamber of Commerce, community leaders and business owners have endorsed and supported the project, citing the need for levee improvements in the south area of the city and city-wide. While the most impacted property owners expressed their desire for a different project alternative, many have also expressed appreciation for the transparent process WSAFCA has employed since the beginning. By the end of preliminary design, the property owner representative's attorney said she had never worked with a public agency more committed to working with residents than West

Sacramento.? Her comments were a result of the significant number of public meetings, community meetings and one-on-one meetings. Several homes slated to be removed have been saved due to property owner outreach and continual dialog between the owners, WSAFCA and the project's design team. Some of the property owners who formerly opposed the project are now working with WSAFCA on new transportation alternatives and seem to be working productively with staff on solutions. Formal public comment will be secured and considered through the NEPA/CEQA process and some affected property owners will likely oppose the extent of setback levee currently identified in the preferred project alternative. WSAFCA has received letters of opposition from some of the affected property owners related to the extent of setback currently identified in the preferred project alternative. Overall WSAFCA believes that there is general support from the community for the project.

#### **G14 - Status of Permits and Documents**

**Briefly describe the permits and environmental document that will be applicable to your project, and the status of obtaining those permits and preparing those documents.**

**Include information about possible permitting obstacles for getting the project implemented such that it provides advancement for future work at SPFC facilities (this could include conflict with an existing easement or revocability of existing permits).**

Implementing the Bank project will require compliance with several local, state, and federal regulatory processes. The following is a list of the anticipated approvals that will be needed: CEQA/NEPA Compliance Clean Water Act Section 404 Compliance (Section 404) Federal Endangered Species Act (Section 7) National Historic Preservation Act Section 106 Documentation Fish and Wildlife Coordination Act Support California Endangered Species Act (Section 2081) California State Fish and Game Code (Section 1602) Clean Water Act Section 402 Compliance Clean Water Act Section 401 Compliance Central Valley Flood Protection Board (CVFPB) Encroachment Permit (Title 23) Yolo County Grading Permit For the purposes of this submittal it has been assumed that all regulatory approvals would be obtained separate from those required for the Southport EIP. If bond funding could be secured in early 2013, many efficiencies in the permitting process could be realized by including the Bank project in the Southport EIP regulatory permit applications.

#### **G15 - Funding Requested**

*Refer to the Work Plan, Budget, & Schedule: Grantee Guidance document.*

**Attach a Task Budget (see Table 2). Indicate within the budget sheet how much bond money is being requested from DWR, and how much money or in-kind service is being provided by the Applicant, Key Cooperators, and other partnering entities. (If in-kind services or resources are being provided, estimate their monetary value.)**

Last Uploaded Attachments: FESSRO Budget.pdf

#### **G16 - Estimates of Costs for Future Phases**

*Refer to the Work Plan, Budget, & Schedule: Grantee Guidance document.*

**If this project is anticipated to have subsequent phases, attach a Task Budget (see Table 2) and indicate within the table the needs (activities and deliverables) and approximate costs of the future phases needed for the project to be fully implemented in the future.**

**(If this project does not include future phases, indicate this as your response and proceed to Question G17.)**

Last Uploaded Attachments: NA.pdf

### **G17 - Management and Maintenance Responsibilities**

**Identify who will be responsible for management and maintenance of the constructed project during the establishment phase, and identify who will be responsible for long-term management and maintenance.**

**Identify the amount of endowment that will be used to fund the long-term management of the project, and the source of those funds.**

**If the proposal is for a mitigation bank for which the applicant entity will be responsible for all management and maintenance, as well as the endowment, indicate that in your response and identify the amount of the endowment.**

As a flood risk reduction agency, WSAFCA has limited financial and political ability for habitat restoration beyond that required for project mitigation associated with the Southport EIP. WSAFCA will partner with the State to identify responsible parties for land ownership, bank ownership, and operations and maintenance, given that the majority of the mitigation credits will be utilized by the State. Further, WSAFCA and the State will need to work closely together on the financial details of the project to ensure that the interests of both agencies are met.

## **Section : Advance Mitigation ("IRT" and/or "Other Mechanisms")**

DWR is interested in creating mitigation banks with regulatory agencies participating on the Interagency Review Team (IRT) as the signatories, and to provide advance mitigation credits for sensitive habitats and species that are expected to be impacted by future SPFC projects, including but not limited to:

- Riparian forest and shrub-scrub (e.g., mitigation for implementation of Life Cycle Management)
  - Shaded riverine aquatic (SRA) areas
  - Channel margin and floodplain areas
- Salmon and steelhead; green sturgeon (mitigation for impacts to habitat from alterations to SPFC facilities)

Please refer to Table 1 of the PSP for the list of species and natural communities targeted by this PSP.

If your proposal is to create a mitigation bank in accordance with the existing Interagency Review Team (IRT) mitigation banking process, answer questions AM1 through AM4. If your proposal is to formulate "umbrella" banking instruments or other mechanisms, answer questions AM5 through AM7.

### **AM1 - Land Control (privately-owned lands)**

Describe whether acquisition from willing sellers of private lands will be through fee title or conservation easement.

- If acquisition will be through fee title, note that and proceed to the next question (AM2).
- If acquisition will be through conservation easement, provide an answer (Yes/No) to the following three questions:
  - o Is there a legally binding agreement with the landowner that would allow habitat to be developed on the parcel?
  - o Is the conservation easement already recorded?
  - o Is the conservation easement under development? (If Yes, explain the status of the recording of the conservation easement and provide an expected timeline.)

Acquisition of land for the Southport EIP and Bank projects will be done through fee title.

### **AM2 - IRT Mitigation Banking Enabling Instrument Checklist**

Completion of specific activities (refer to the Mitigation Banking Enabling Instrument checklist currently utilized by the Interagency Review Team (IRT), provided as Attachment B1 to the PSP on the website) is currently required by regulatory agencies for the establishment of a mitigation or conservation bank.

For this PSP, DWR is soliciting proposals that will serve as 'advance mitigation' for SPFC facilities' evaluation, repair, reconstruction, or replacement projects; therefore, habitat and/or species credits at the bank site may be determined at a later date in light of future permit needs of the individual facilities (a situation sometimes referred to as a "turn-key" or "single-user" mitigation bank.)

Describe which specific component(s) of these IRT requirements are being proposed as part of this project.

All components of the IRT bank enabling instrument checklist will be prepared or secured as part of this project. This will include: 1. BEI 2. Location maps 3. Service area maps and description 4. Development plan 5. Bank management and operation documents 6. Real estate records and assurances 7. Bank crediting and credit transfers 8. Phase 1 Environmental Site Assessment 9. Biological resources survey 10. Wetland delienation verification letter 11. Cultural, historical, archaeological and Native American resources information 12. Other documents and permits

### **AM3 - Land Improvement (State or federal lands)**

If the proposal is to establish a bank site on real property that is already under the control of a State or federal agency, describe which specific component(s) of the IRT requirements are being proposed as part of this project (refer to the Mitigation Banking Enabling Instrument checklist provided as Attachment B1 to the PSP on the website).

not applicable

### **AM4 - DFG Mitigation Policy on Publicly Owned and Conserved Lands**

If the proposal is to establish a bank site on real property that is already under the control of a State or federal agency and/or was acquired for conservation purposes, and if the California Department of Fish and Game (DFG) is one of the regulatory agencies that would be a signatory for the development and use of mitigation credits, please check the box to indicate that you have read and understand DFG's new policy for mitigation on publicly owned and conserved lands (included as Attachment B2 to the PSP on the website).

### AM5 - Umbrella Bank Development

Indicate whether you would like your proposal to be considered for inclusion under one or more umbrella mitigation banking instruments by listing any and all species (refer to Table 1) or vegetation communities (riparian forest and shrub scrub, shaded riverine aquatic, and/or channel margin and floodplain) that would benefit from your project. *Note that funding for such a project or activity will be contingent upon approval by the relevant regulatory agencies that the project meets the mitigation requirements for inclusion in an umbrella mitigation bank in the future, including but not limited to long-term management and funding assurances.*

not applicable

### AM6 - DFG Mitigation Policy on Publicly Owned and Conserved Lands

If you answered Question AM5 (Umbrella Bank Development) and your proposal is to establish an umbrella bank site on real property that is already under the control of a State or federal agency and/or was acquired for conservation purposes, and if the California Department of Fish and Game (DFG) is one of the regulatory agencies that would be a signatory for the development and use of mitigation credits, please check the box to indicate that you have read and understand DFG's new policy for mitigation on publicly owned and conserved lands (included as Attachment B2 to the PSP on the website).

a)  I have read and understand the DFG policy.

### AM7 - Other Proposed Mitigation Mechanisms

If Applicants feel they cannot or may not need to meet IRT requirements described in Attachment B1, they are encouraged to identify potential alternatives that can provide equivalent information for consideration by applicable regulatory agencies outside of the IRT process. Describe those alternatives here. *Note that funding for such a project or activity will be contingent upon the relevant regulatory agencies' approval of these alternatives as functionally equivalent to the information required by the IRT, such that they can formally become a signatory for the development and use of mitigation credits in permit negotiations on SPFC projects.*

not applicable

## Section : Additional Application Questions

This tab includes additional questions that the PET will use to evaluate your proposal.

### Q1 - Significant Impacts under CEQA

List any potentially significant impacts the proposed project could result in. If available, list mitigation measures that have been incorporated into the proposal.

There may be significant impacts regarding air quality and sensitive biological resources. For air quality impacts, mitigation measures to reduce emissions from construction equipment and a fugitive dust control plan may be required. For impacts to sensitive biological resources, construction work windows, pre-construction clearance surveys, exclusion devices, and biological monitoring during project implementation may be required.

### Q2 - List of required permits

List the required permits and provide an implementation plan for their procurement.

The following is a list of the anticipated regulatory permits and approvals needed for implementation of the Bank project: CEQA/NEPA Compliance Clean Water Act Section 404 Compliance (Section 404) Federal Endangered Species Act (Section 7) National Historic Preservation Act Section 106 Documentation Fish and Wildlife Coordination Act Support California Endangered Species Act (Section 2081) California State Fish and Game Code (Section 1602) Clean Water Act Section 402 Compliance Clean Water Act Section 401 Compliance Central Valley Flood Protection Board (CVFPB) Encroachment Permit (Title 23) Yolo County Grading Permit WSAFCA will establish communication, in coordination with DWR or its designee, with the resource and regulatory entities. The purpose of communication at this stage is to ensure that regulatory triggers and approval pathways are identified early, a spirit of cooperation is established, and agency feedback is integrated into the project design to facilitate a smooth process and fair outcome for WSAFCA relative to permit conditions. It is intended that communication at this stage will be informal and preparatory for formal pre-application meetings. The communication will focus on agency preferences for analytical methods and documentation standards, with the overall intent of establishing constructive rapport for the project and WSAFCA, as well as determining pathways among variable permit parameters (such as for Clean Water Act [CWA] Section 404). WSAFCA will apply the information and agency communication to develop a permitting strategy, detailed workplan, and schedule. The workplan and schedule will prioritize the permits as individual tasks based on duration of document preparation time, elements common and essential to multiple permit applications, agency processing time, design milestones, and additional data needs, reflecting the dependencies between permits. This task will also include coordination with the design and modeling consultant as well as the lead for the CEQA document. WSAFCA will provide feedback on the design and CEQA document relative to likely permit conditions and to ensure avoidance and minimization of environmental effects or permitting challenges. Finally, this task will include a cultural resources record search from the county information center and a search of the California Native Diversity Database for special-status species.

### **Q3 - Property Acquired or Restored used for Mitigation**

**Will any of the property acquired or restored with this grant funding be used to meet mitigation requirements for another project? (Yes or No)**

**If yes, please indicate the number of acres and the specific project(s) for which the property to be acquired or restored would provide mitigation.**

Yes, it is anticipated that between 20 and 30 of the credits from the Bank project will be assigned to the Southport EIP as project mitigation.

### **Q4 - Project Acquisition and Easement Description**

**Provide a description of how the property improvements or acquired property interests funded by the grant will be conserved in perpetuity, either by a recorded conservation easement, deed restriction or similar limitation to fee title held and enforced by an unidentified third party, or other mechanism acceptable to the State. Upon project implementation, it must be in first position ahead of any recorded mortgage or lien on the property unless this requirement is waived by the State.**

The Bank project site will be located in a California state designated floodway which will restrict future activities on the site. As a flood risk reduction agency, WSAFCA has limited financial and political ability for habitat restoration beyond that required for project mitigation associated with the Southport EIP. WSAFCA will partner with the State to identify responsible parties for land ownership, bank ownership, and operations and maintenance, given that the majority of the mitigation credits will be utilized by the State. Further, WSAFCA and the State will need to work closely together on the financial details of the project to ensure that the interests of both agencies are met.

## Section : Attachments

The following items will be uploaded onto the application as attachments. All attachments must be kept under the 50MB maximum allowed on the BMS/GRanTS, so it may be necessary for applicants to submit the attachments as separate files (up to five files may be uploaded per question, or to zip them prior to uploading. Also, BMS/GRanTS requires the file name to be less than 50 characters in length.

### Attachment 1 - Signature Page

Download the Signature Page from DWR's CVFS Conservation Framework and Strategy website. Upload a scanned version onto the BMS/GRanTS and send by mail, delivery service, or hand carry an original (wet signature) signed form with hard copy of the proposal to the physical address noted in your invitation letter.

Last Uploaded Attachments: Signature Page.pdf

### Attachment 2 (see Question G1) - Resolution

Download the resolution from DWR's CVFS Conservation Framework and Strategy website. Attach a resolution from the applicant organization's governing board authorizing submittal of a grant application, indicating their intent to accept the grant if awarded, and authorizing specific individuals to sign the funding agreement on behalf of each applicant organization.

Last Uploaded Attachments: Signed Res. 12-12-01.pdf

### Attachment 3 (see Question G2) - Resumes for Key Cooperators

Provide a resume (up to 2 pages) for each identified Key Cooperator.

Last Uploaded Attachments: Carl Jensen resume.pdf,Derek Larsen resume.pdf,Chris Bowles resume.pdf

### Attachment 4 (see Question G9) - Landowner Agreements

If applicable, attach (1) a copy of any agreement authorizing creation of habitat on a private parcel; and (2) written authorization to access the project site for reconnaissance purposes.

Last Uploaded Attachments: NA.pdf

### Attachment 5 (see Question G10) - Project Description; Scope of Work; Schedule

Attach a detailed description of the project and clearly indicate which portions are proposed for DWR's bond funding. The project description should include, at a minimum:

- the goals and objectives of the project;
- the activities that will be undertaken under this proposal to achieve the project objectives;
- relationships to other projects or activities that may benefit from implementation of this project, as well as any existing mitigation obligations of these projects or activities, if known;
- the approximate timelines for deliverables associated with this proposal; and
- a brief description, including approximate timelines and expected deliverables, of any future phases that would result in full implementation of the project, if applicable.

**Scope of Work-Task Outline** - Refer to the document *Work Plan, Budget, & Schedule: Grantee Guidance* from DWR's CVFS Conservation Framework and Strategy website. Use the example provided (Table 1) to create a Scope of Work – Task Outline, and upload it to BMS.

**Schedule** – Refer to the document *Work Plan, Budget, & Schedule: Grantee Guidance* from DWR's CVFS Conservation Framework and Strategy website. Use the example provided (Table 4) to create a Schedule, and upload it to BMS.

Last Uploaded Attachments: Southport FESSRO Final Proposal Scope.pdf

#### Attachment 6 (see Questions G10 and G11) - Project Drawings and Sketches; Maps

**Project Drawings and Sketches** – Provide location maps, designs, drawings, color photographs, or other information that describes the project features.

**Project Location/Site/Vicinity Map** – Provide a map and/or diagrams depicting locations of nearby conservation properties and projects in relation to the project site.

Last Uploaded Attachments: Figures 1-3.pdf

#### Attachment 7 (see Question G15) - Task Budget

Refer to the document *Work Plan, Budget, & Schedule: Grantee Guidance* from DWR's CVFS Conservation Framework and Strategy website. Use the example provided (Table 2) to create a Task Budget that reflects the contents of the Scope of Work-Task Outline submitted in Attachment 5, and upload it to BMS. Make sure the task budget includes all costs for developing agreements with regulatory agencies, and long-term maintenance costs for the site as well as flood maintenance costs.

Last Uploaded Attachments: FESSRO Budget.pdf

#### Attachment 8 (see Question G16) - Task Budget for Potential Future Phases

Refer to the document *Work Plan, Budget, & Schedule: Grantee Guidance* from DWR's CVFS Conservation Framework and Strategy website. If applicable to your project, use the example provided (Table 2) to create a Task Budget reflecting expected costs of future phases that will need to occur to bring this project to completion.

Last Uploaded Attachments: NA.pdf

## **West Sacramento Area Flood Control Agency (WSAFCA)**

**1110 West Capitol Avenue  
West Sacramento, CA 95691**

**Authorized Representative: Kenneth A. Ruzich  
WSAFCA General Manager**

**Phone: (916) 371-1483**

**Fax: (916) 371-1494**

**[wsrd@pacbell.net](mailto:wsrd@pacbell.net)**

**Primary Contacts**

**Paul Dirksen**

**City of West Sacramento**

**Phone: (916) 617-4560**

**Fax: (916) 371-0845**

**[pauld@cityofwestsacramento.org](mailto:pauld@cityofwestsacramento.org)**

**January 7, 2013**

### **Submittal to:**

Lori Clamurro Chew

Department of Water Resources

FloodSAFE Environmental Stewardship and Statewide Resources Office

901 P Street, Room 411A

Sacramento, California 95814

### **Submittal includes:**

- 2 copies of the West Sacramento Area Flood Control Agency's State of California West Sacramento Floodplain Mitigation Bank Work Plan, Schedule, and Budget

California Department of Water Resources  
Central Valley Flood System Conservation Framework and Strategy  
Grant Application Form  
November 2012

**Applicant Signature Page**

Applicant: West Sacramento Area Flood Control Agency

Project Title: State of California West Sacramento Floodplain Mitigation Bank

By signing below, the official declares the following:

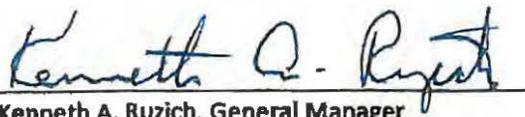
The truthfulness of all representations in the proposal;

The individual signing the form has the legal authority to submit the proposal on behalf of the applicant, and the applicant has the legal authority to enter into a contract with the State;

There is no pending litigation that may impact the financial condition of the applicant or its ability to complete the proposed project;

The individual signing the form waives any and all rights to privacy and confidentiality of the proposal; [Note: DWR will keep confidential sensitive information related to property negotiations or legal proceedings to the extent allowed under public information disclosure laws.]

The applicant will comply with all terms and conditions identified in the Central Valley Flood System Conservation Framework and Strategy Guidelines, PSP, and future Funding Agreement if selected for funding.



Kenneth A. Ruzich, General Manager  
West Sacramento Area Flood Control Agency

1/7/13

Date

**STATE OF CALIFORNIA WEST SACRAMENTO  
FLOODPLAIN MITIGATION BANK  
WORK PLAN, SCHEDULE, AND BUDGET**

Submitted By:  
West Sacramento Area Flood Control Agency

Submitted On:  
January 7, 2013

Prepared by:



# TABLE OF CONTENTS

Project Information .....	1
Southport Early Implementation Project (Southport EIP) .....	1
West Sacramento Floodplain Mitigation Bank (Bank Project) .....	1
Technical Approach for the Bank Project .....	3
Integration of the Southport EIP and Bank Project .....	5
Project Objectives .....	5
Project Constraints .....	6
Figures .....	7
Tasks – Scope of Work .....	7
Task 1.0 Project Management .....	7
Task 2.0 Right of Way and Lands .....	8
Task 3.0 Preparation of Mitigation Bank Documents .....	9
Task 4.0 Environmental Permitting and Compliance .....	10
Task 5.0 Conceptual Designs .....	15
Task 6.0 Detailed Design .....	16
Task 7.0 Construction .....	18
Task 8.0 Habitat Performance Monitoring and Adaptive Management .....	21
Schedule and Budget .....	23
Schedule .....	24
Budget .....	25
Benefit Cost Ratio .....	26

## PROJECT INFORMATION

The State of California West Sacramento Floodplain Restoration Bank (Bank) project would create a mitigation and conservation bank that would yield approximately 120 riparian floodplain and endangered species conservation credits, and has the potential to create approximately 21,000 linear feet of restored and enhanced shaded riverine aquatic (SRA)/channel margin habitat available as mitigation credits on a per-linear foot basis. Specifically, the proposed Bank project would create riparian floodplain and off-channel refugia habitat for native fish, including Chinook salmon and Sacramento splittail, and to a limited extent, Central Valley steelhead. The West Sacramento Area Flood Control Agency (WSAFCA) would partially utilize the Bank to fulfill mitigation that will be obligated to the Southport Early Implementation Project (Southport EIP), but substantial credits will remain for use by the State to mitigate for future project impacts resulting from implementation of the Central Valley Flood Protection Plan (CVFPP).

### Southport Early Implementation Project (Southport EIP)

The Bank project represents the final phase of the Southport EIP, which is a proposed multi-objective flood control project for the City of West Sacramento that advances the primary goal of achieving a minimum level of 200-year flood protection and when compatible providing recreational opportunities, and restoring habitat and floodplain values when economically feasible. The Southport EIP reach extends approximately 5.6 miles from the termination of the U.S. Army Corps of Engineers' (USACE's) Sacramento River Bank Protection Project at River Mile 57.2 south to the South Cross Levee (Figure 1). While the Southport EIP is still undergoing environmental and public review pursuant to NEPA and CEQA, the currently identified preferred alternative would create a new setback levee and reinforce existing levees. The new levee segment would be constructed between 400 and 1,000 feet away from the Sacramento River channel to create a new setback floodplain area.

A setback levee has a number of extended floodplain management benefits, including a reduction in operations and maintenance (O&M) for levees and capital costs to mitigate for erosion. Additionally, a fully engineered levee section will better withstand seismic events, further reducing O&M and future capital investments. An important threshold criterion for all flood risk reduction projects is ensuring that no significant adverse system-wide hydraulic impacts result from a project. WSAFCA has performed extensive hydraulic and geomorphic modeling of the proposed setback levee and the results to date indicate that the levee improvements, including restoration of the setback area, would not result in significant adverse hydraulic impacts. Accordingly, WSAFCA is proposing the Bank project to improve floodplain values and recreation opportunities while maintaining a sustainable flood risk reduction system.

### West Sacramento Floodplain Mitigation Bank (Bank Project)

The Bank project would be developed in the setback area of the Southport EIP. It would extend approximately four miles along the Sacramento River and vary in width between 400 and 1,000 feet (Figures 2 and 3). Design of the Bank project in the setback area would be initiated once the Southport EIP 65% design and the public review period for the EIS/EIR are underway, which is expected in early 2013. Based on designs for the Southport EIP, which are currently being finalized, it is anticipated that much of the setback area would be excavated down to a floodplain elevation of approximately 10.0' NAVD88 and the excavated material would be

utilized in constructing portions of the new flood control features. A low-flow swale would be excavated within the restored floodplain with an invert elevation at approximately +7.0' NAVD88 to provide access to the vegetated floodplain terrace and a drainage point back to the main river channel, which would minimize the potential for fish stranding during flood water recession. The existing Sacramento River levee would be excavated to a lower elevation or completely breached in places to create effective hydrologic connectivity between the restored floodplain and the main river channel.

Seasonal inundation of the floodplain, including restored riparian, woodland, and grassland habitats, would provide seasonal rearing habitat for juvenile salmonids. After young salmon have dispersed from spawning areas, their distribution and abundance is determined largely by their preferences for shallow water and low water velocities, which in large rivers are found mostly along channel margins, floodplains, and other off-channel habitats. Based on a habitat suitability index (HSI) developed for juvenile salmonids by ICF International, the restored floodplain is likely to provide optimal or near-optimal rearing habitat for juvenile salmonids. Floodplain and riparian habitat inundation may also benefit other native fishes, including Sacramento splittail and steelhead trout.

Existing SRA habitat/channel margin in the Southport EIP project area is limited to a narrow, discontinuous band of riparian vegetation on the Sacramento River levee and at isolated locations in the levee setback area. The primary area for restoring SRA/channel margin habitat would be focused along the existing riverbank of the Sacramento River. The existing levee is positioned along the top of the riverbank. Implementation of the Southport EIP would set back the new levee and the existing levee would be partially or entirely degraded along the riverbank. Removing the existing levee from the riverbank will allow substantial lengths of channel margin to be enhanced with riparian vegetation, slope flattening, and in-stream habitat structures. Riparian scrub and cottonwood forest habitat may be established on portions of the restored and/or lowered floodplain relatively close to the Sacramento River and would be subject to recurrent inundation. Riparian shrub habitat would include several willow species, buttonbush, and seedlings of other native riparian species. Cottonwood forest habitat would be subject to recurrent flooding and would include an overstory of cottonwood, sycamore, willow, box elder and Oregon ash. Understory riparian species such as California grape and California blackberry would be included in both planting palettes to provide diversity in vegetative structure. Elderberry shrubs may be included in the restoration design if they would not conflict with managing the flood control features. Current project designs call for sections of the existing levee to be stabilized with biotechnical treatments to minimize bank erosion in critical areas. These erosion treatments be modified with additional plantings and habitat structures such as root wads or engineered log jams to maximize benefits to aquatic species.

Between the riverbank and the new setback levee alignment, a system of swales will be designed that will form the primary riparian and aquatic habitat corridors and provide floodplain drainage of the setback area. Substantial aquatic-to-terrestrial transition "edge" habitat would be created along these swales. In addition, topographic heterogeneity will be incorporated into the project design grading plans that will allow for a mosaic of seasonal wetland, riparian wetland, and riparian upland habitats. Seasonal wetland areas will be enhanced with wetland vegetation, while riparian upland habitats will include a variety of willow-scrub, cottonwood forest, and oak woodland plantings.

Finally, other enhancements may be incorporated, such as the inclusion of large woody material (root wads/engineered log jams) to provide for additional flow diversity and habitat refugia valuable for aquatic habitats in the setback area.

Ultimately, it is anticipated that implementation of the Bank Project could yield up to approximately 120 riparian floodplain and endangered species conservation credits and approximately 21,000 linear feet of restored and enhanced SRA/channel margin habitat available as mitigation credits on a per-linear foot basis. WSAFCA would partially utilize these credits to fulfill mitigation obligations resulting from the Southport EIP, but substantial credits would remain available.

A Bank Enabling Agreement (BEI) will be prepared for the Bank project and will serve as the agreement between the bank sponsor and the appropriate natural resource agencies "regarding the establishment, use, operation, and maintenance of the Bank" to compensate for unavoidable impacts on, and conserve and protect, waters of the U.S., endangered species, and other protected habitat.

Commercially available riparian habitat credits sell for approximately \$100,000 to \$150,000 per credit acre, and native fish conservation credits sell for between \$75,000 and \$180,000 per credit acre. The pricing of each credit type is dependent on location, availability, and entitlement and construction costs.

## Technical Approach for the Bank Project

During planning and design of the Southport EIP, WSAFCA analyzed several project alternatives including multiple setback levee lengths and setback widths (i.e., distance the levee was setback from the existing levee). Through this process, WSAFCA has identified an alignment that best meets the flood risk and recreation objectives while also providing for floodplain and habitat restoration opportunities. This alignment is presented in the 65% design that is scheduled for release in January 2013.

Design of the Bank project in the setback area would be initiated once the Southport EIP 65% design and the public review period for the EIS/EIR are underway, which is expected in early 2013. WSAFCA has assembled a multidisciplinary team of experts in levee design, hydraulic modeling, mitigation bank design, and geomorphology. This multidisciplinary team's approach is to integrate hydraulic modeling with geomorphic interpretation to maximize restoration benefits while balancing flood objectives. The approach utilizes the two-dimensional, hydrodynamic and morphological model MIKE21C to develop a geomorphically-based analytical tool for assessing the timing, duration, location, depth, and flow direction of floodplain inundation under existing and setback conditions for a 12-mile reach of the Sacramento River. An improved understanding of the timing, extent, frequency, depth, and duration of floodplain inundation is achieved using this approach and this information is extremely valuable in developing restoration designs that will maximize seasonal benefits to aquatic species.

The technical approach for the Bank project will consider eco-hydrologic criteria presented in Table 1.

Table 1. Summary of Eco-hydrologic Criteria and Flows for State of California West Sacramento Floodplain Mitigation Bank

Species	Season	Duration	Interannual Frequency	Flow (cfs)	Approximate Recurrence Interval (years)	Approximate Water Surface Elevation (NAVD 88 – ft) within Offset
Sacramento Splittail <sup>1</sup>	Mar-Apr	>3 weeks	1 out of 3 years <sup>2</sup>	33,500	1.05	10.5
Sacramento Splittail <sup>1</sup>	criteria as above		2 out of 3 years <sup>2</sup>	18,100	0.6	7
Juvenile Chinook Salmon <sup>3</sup>	Dec-May	>2 weeks <sup>4</sup>	1 out of 3 years <sup>5</sup>	70,100	1.9	20
Juvenile Chinook Salmon	criteria as above		2 out of 3 years <sup>5</sup>	32,100	1.05	10.4

Notes:

<sup>1</sup> Unless noted otherwise, the evaluation/design criteria for Sacramento splittail are based on Moyle et al. (2004).

<sup>2</sup> Sacramento splittail populations are expected to benefit from increasing frequency of appropriate habitat conditions on floodplains.

<sup>3</sup> Unless noted otherwise, the evaluation/design criteria for Chinook salmon are based on Moyle (2002).

<sup>4</sup> Floodplain benefits for juvenile Chinook salmon increase with increasing duration of floodplain inundation in winter and spring (Sommer et al. 2001); inundation periods of two weeks are considered a minimum duration for juveniles to establish residency and experience enhanced growth on floodplain.

<sup>5</sup> Chinook salmon populations are expected to benefit from increasing frequency of appropriate habitat conditions on floodplains.

To date, the following elements leading to 65% design (currently under internal review) have been completed.

- Baseline topographic surveys; existing utility surveys and mapping; bathymetric surveys; hydraulic data development including Acoustic Doppler Current Profile (ADCP – flow and velocity) measurements and river stages for model calibration purposes; geomorphic data development including suspended and bedload sediment transport measurements; and erosion assessments along the river bank of the Sacramento River through the project reach.
- Extensive geotechnical investigations, including numerous boreholes and soils tests in the setback area and existing levee, to characterize geologic conditions including underseepage issues.
- Assessment of biological and ecological conditions along the riverbank and setback area, including identification of sensitive species.
- Hydrodynamic and sediment transport modeling to identify system-wide and localized impacts of levee setback alternatives, and potential mitigation options.



- Property surveys and investigations.
- Optimization of setback grading to provide material for levee construction and identification of additional borrow material sites.
- Development of geotechnical designs for the new levee, including seepage berms and cutoff walls.
- Development of preliminary erosion control measures for the setback area, the new levee, and the remnant riverbank of the Sacramento River, including biotechnical bank stabilization measures.
- Development of 65% design level plans, specifications and cost opinions, including the Design Documentation Report (DDR).
- Preparation of the Southport EIP draft EIS/EIR for public review and preliminary regulatory permitting applications.

## Integration of the Southport EIP and Bank Project

Given the integrated nature of the Southport EIP and Bank project, opportunities exist to achieve efficiencies during both design and construction of the projects if conducted concurrently. These could include, for example, design of the floodplain terrace in the setback area, demonstration of the hydraulic feasibility, permitting, and equipment mobilization, among other activities. If the efforts are conducted in parallel, the FESSRO-funded portions of the Bank project would focus on fine grading, plans and specifications, construction of habitat related features, and post-construction monitoring and establishment. An addendum to the Southport EIP would likely be required to secure NEPA/CEQA compliance.

Costs for flood risk reduction components with no nexus to development of the mitigation bank or that solely benefit the flood risk reduction project will be funded through the EIP. WSAFCA will perform all land acquisition required for the Bank project under the State EIP program.

## Project Objectives

The Bank project would be developed in the Southport EIP setback area for approximately four miles along the Sacramento River. The Bank would bank would yield approximately 120 riparian floodplain and endangered species conservation credits, and has the potential to create up to approximately 21,000 linear feet of restored and enhanced shaded riverine aquatic (SRA)/channel margin habitat available as mitigation credits on a per-linear foot basis. The objectives listed below are based on maximizing the value of the habitat area. The restoration objectives developed for the Bank include:

- Provide compensatory mitigation credits for impacts on protected land cover types and on special-status species and potential habitat for these species.
- Conduct channel margin habitat/SRA enhancement and preservation activities using biotechnical methods.
- Enhance setback ecological values using topographic and vegetation/habitat heterogeneity.

- Restore portions of the historic Sacramento River floodplain (i.e., waters of the United States).
- Restore riparian and oak woodland habitat on the exposed floodplain that will create continuous habitat corridors for wildlife movement.
- Design habitat features to minimize future maintenance obligations (e.g., reduce opportunities for sediment and debris accumulation).
- Design floodplain planting and vegetation management schemes to avoid undesirable hydraulic and sediment transport impacts on the setback levee and setback area.

The preliminary target habitats to be restored were identified based on an evaluation of the current extent and condition of riparian and upland habitat, the historical conditions of the Sacramento River floodplain and its associated habitat values, the post-project floodplain conditions, and a review of similar projects in the region.

Enhancement and preservation of existing channel margin habitat/SRA will be done on a limited basis in order to work within the budget framework of the FESSRO grant solicitation and create marketable credits comparable to what exists in the commercial market. There is opportunity to carry out more extensive channel margin habitat restoration actions for specific clients or restoration plans (e.g., the proposed Bay Delta Conservation Plan's Biological Goals and Objectives), but implementation of those actions would be subject to unique partnerships with the appropriate public entities and are beyond the scope of the grant solicitation and this proposal.

## Project Constraints

Because this project is associated with the Southport EIP and would be implemented by the WSAFCA, the project is being proposed in a context of some uncertainties and constraints. WSAFCA's primary mission is to reduce flood risk for the City of West Sacramento while seeking to maximize recreation opportunities for its residents. The Southport EIP presents an opportunity to achieve this mission and improve environmental floodplain values. Mandatory to the success of the Southport EIP is a hydraulically neutral and sustainable flood project. To the extent that this is achieved, WSAFCA is open to participating in the Bank project. WSAFCA believes the goals of the Southport EIP and Bank project can be balanced for an overall improvement to the flood system and the environment for the benefit of the State, WSAFCA, and the City of West Sacramento. Specific constraints, such as setback area resilience to Sacramento River channel migration caused by failure of erosion control measures, operation and maintenance agreements, and perhaps others, will need to be fully identified and considered during design and implementation of the Bank project.

As a flood risk reduction agency, WSAFCA has limited financial and political ability for habitat restoration beyond that required for project mitigation associated with the Southport EIP. WSAFCA will partner with the State to identify responsible parties for land ownership, bank ownership, and operations and maintenance, given that the majority of the mitigation credits will be utilized by the State. Further, WSAFCA and the State will need to work closely together on the financial details of the project to ensure that the interests of both agencies are met.

## Figures

The pages below present figures of the following:

Figure 1 – State of California West Sacramento Flood Mitigation Bank Location Map

Figure 2 – State of California West Sacramento Flood Mitigation Bank Concept Plan

Figure 3 – State of California West Sacramento Flood Mitigation Bank Typical Section

## TASKS – SCOPE OF WORK

### Task 1.0 Project Management

WSAFCA and team will carry out project management duties including management of the scope, schedule, and budget and communication with agencies and stakeholders. Lastly, WSAFCA will work with the State on administration of the FESSRO grant.

#### Task 1.1 Project Management

Perform project management duties to ensure the project operates within approved scopes, schedule, and budget and in accordance with all applicable rules, regulations, and laws. Typical duties associated with project management include regular communication with the team, subcontractors, agencies, and stakeholders; preparing for and attending meetings; schedule monitoring and maintenance; scope and budget monitoring; and various written correspondence and product development.

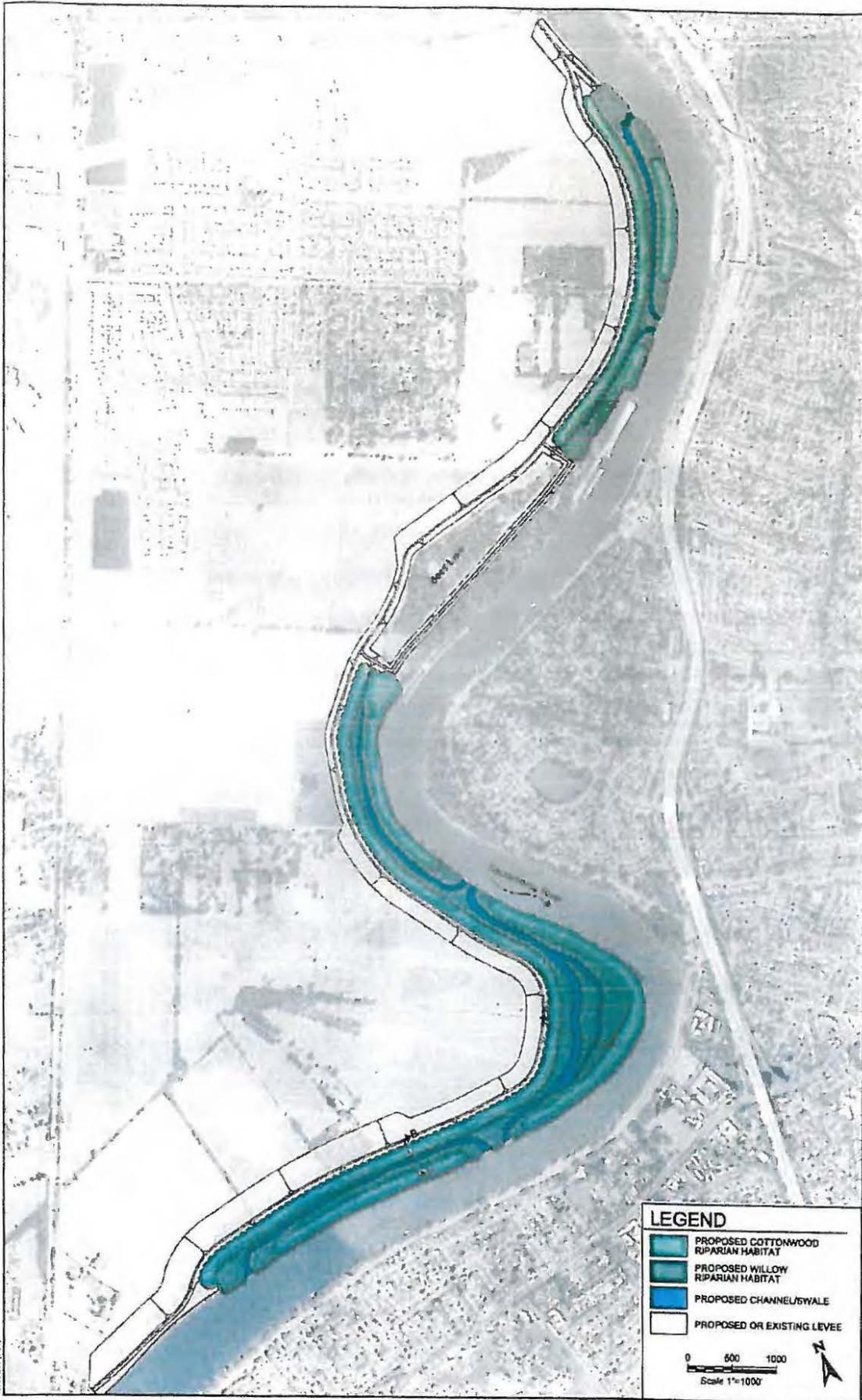
Because this project is dependent upon the Southport EIP, which is already underway, solicitation of additional contractors would not be necessary for the planning and design. However, scopes of work for contractors already under contract would require modification. Scopes of work would be prepared by the contractors and submitted to WSAFCA for review. New scopes of work will be awarded if fair and reasonable. Construction contracts for preparation of the site would likely be included in the Southport EIP construction contract and would be obtained in accordance with EIP guidelines. For construction, a separate contractor specializing in environmental restoration would be hired for installation of vegetation and associated light infrastructure.

Meetings would occur frequently during design development and would continue during construction, although the participants would change from design to construction phases. Frequent conference calls also would be part of the management process.

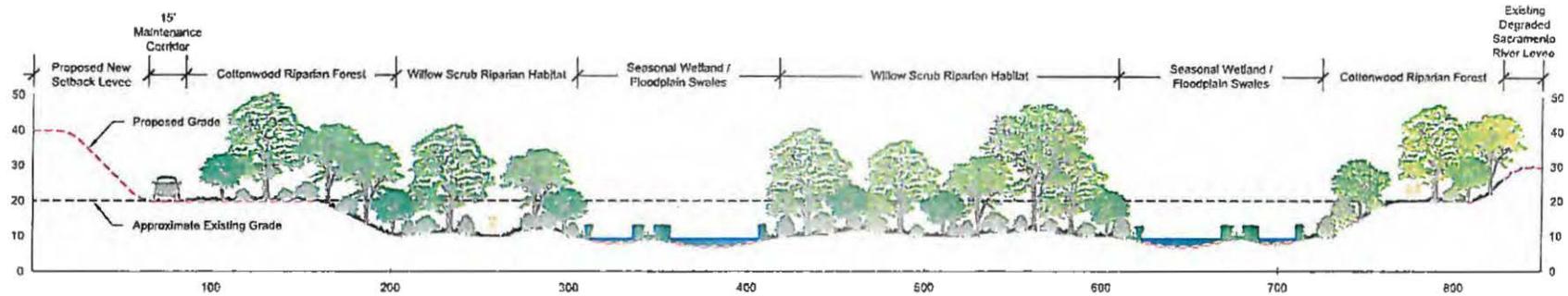
#### Deliverables

- Meeting agendas and minutes
- Schedule updates
- Written correspondence
- Memoranda and other written documentation

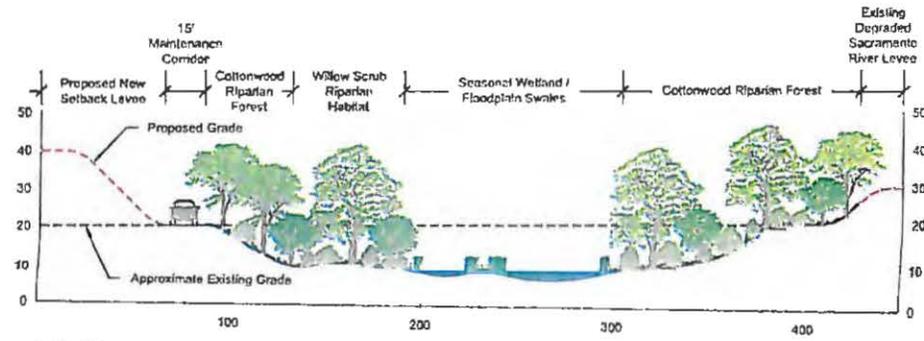




**Figure 2**  
State of California West Sacramento Floodplain Mitigation Bank  
Concept Plan



Section A-A  
 Horizontal Scale: 1" = 60'  
 Vertical Scale Exaggerated 2x  
 Vertical Datum: NAVD 88



Section B-B  
 Horizontal Scale: 1" = 60'  
 Vertical Scale Exaggerated 2x  
 Vertical Datum: NAVD 88

SECTION 03211.0



Figure 3  
 State of California West Sacramento Floodplain Mitigation Bank  
 Typical Sections

## Task 1.2 Grant Administration

Beyond typical project management duties, grant administration services would be required for this grant to ensure it is administered appropriately and within applicable rules, regulations, and laws. This task would include communicating with DWR related to the grant itself (as opposed to the project); preparation of quarterly reports and deliverables; preparation of electronic reports, email and phone correspondence related to the grant; and other necessary tasks.

### Deliverables

- Quarterly reports
- Electronic reports
- Invoices, written correspondence
- Memoranda and other written documentation

## Task 2.0 Right of Way and Lands

Land and easement acquisitions will be carried out under the Southport EIP, as specified in the Southport EIP funding agreement with DWR. The lands, easements, and rights-of-way necessary for construction, operations and maintenance, including those rights required for the flood management structures, temporary construction areas, mitigation sites, borrow sites, spoil sites, access/haul routes, staging areas, private utility relocations; and providing relocation assistance for qualified occupants of acquired property, as required by state and federal statutes, rules and regulations, will be determined as part of the Southport EIP. This will be accomplished with a Project Real Estate Plan that includes such details as a narrative description of the real estate requirements with a breakdown of the estimate of total acreage to be acquired; type of real property interests to be acquired; and cost projections of eligible real estate project costs, including crop damages and loss of good will. The Project Real Estate Plan will be prepared and submitted to DWR for review and approval as part of the Southport EIP.

### Task 2.1 Appraisal Activities

Right of way appraisals will be carried out under the Southport EIP and meet the standards set forth in the EIP program. Activities will include surveys, map development for existing lands, easements, and utilities, plat and legal descriptions, site assessments, right of entry, appraisal services, independent appraisal reviews, and coordination with landowners and agencies.

### Deliverables

- Draft and final appraisals
- Independent review certifications

### Task 2.2 Acquisition Activities

Acquisition will be carried out under the Southport EIP and meet the standards set forth in the EIP program. Activities will include development of contracts, conveyance documents and escrow instructions; meeting with property owners to explain appraisal, contracts, maps,

exhibits or other acquisition-related documents and convey documents until acceptance or impasse is reached; and land acquisition (purchase).

WSAFCA will also provide relocation assistance to affected residential and commercial property owners. Relocation assistance will consist of property owner interviews, site visits, and developing a relocation package specific to each displace. WSAFCA will develop a relocation plan that will conform to the Uniform Relocation Act and that meets DWR requirements.

#### Deliverables

- Settlements
- Parcel diaries
- Contracts
- Deeds
- Other correspondence including impasse memoranda
- Relocation plan

### Task 3.0 Preparation of Mitigation Bank Documents

A BEI will be prepared for the Bank project and will provide all the necessary legal agreements, project background, and operations, monitoring, and maintenance protocols for the project.

#### Task 3.1 Preparation of Mitigation Bank Prospectus

As part of the mitigation bank approval process, a detailed prospectus for the Bank project will be prepared for review and approval by the appropriate Interagency Review Team (IRT). This prospectus will be used to quantify and assess the merits of the mitigation bank concept at the project site. The prospectus will contain the following information.

- General description of the Bank site.
- Design methodology and rationale.
- Proposed service area.
- Proposed crediting and release schedule.
- Monitoring and contingency plans.
- Site-specific conservation and management agreement outlining financial assurances and proposed long-term management of the site.
- Long term conservation mechanism.

The completed prospectus will be reviewed by the IRT and will serve as the basis for assigning credit value to the restoration actions in the setback area and for preparation of the BEI.

#### Deliverable

- Mitigation Bank Prospectus

### Task 3.2 Preparation of Bank Enabling Instrument

The BEI will serve as the legal agreement between the bank sponsor and resource agencies for operation and management of the mitigation bank. The BEI will contain all of the contents of the prospectus but in greater detail, plus the following:

- Recitals and legal agreement
- Bank operation information
- Reporting requirements
- Responsibilities of the bank owner and IRT
- Other provisions
- Appendices, including:
  - Interim and Long-term management plans
  - Real estate records and assurances
  - Credit table, credit purchase agreement, and credit transfer template
  - Phase I Environmental Site Assessment
  - Appropriate resource surveys

#### Deliverable

- Bank Enabling Instrument

### Task 4.0 Environmental Permitting and Compliance

Implementing the Bank project will require compliance with several local, state, and federal regulatory processes. The following sub-tasks outline the regulatory permitting and environmental review processes that will be completed as part of the project development.

#### Task 4.1 Initial Site Assessment

WSAFCA will perform an initial site assessment of the Bank site to document existing physical and ecological conditions and collect information that will support the planning, permitting and design tasks. The project team will conduct an initial site assessment to characterize the general site features; existing vegetation and habitat; existing hydrology, hydrodynamics, and geomorphology; and presence of special-status species.

In addition to in-the-field assessments, the site assessment will be supported by existing data, models, studies, and reports developed during the Southport EIP or other relevant efforts.

#### Deliverable

- Initial Site Assessment Report

#### Task 4.2 CEQA/NEPA Compliance

WSAFCA and USACE are currently developing an environmental document for the Southport EIP but, due to scheduling constraints, the document may not include all relevant information for

adequate environmental analysis of the Bank project. To achieve the necessary CEQA/NEPA compliance, WSAFCA will prepare a supplemental environmental document to accompany the existing Southport EIP EIS/EIR. The purpose of this supplemental document will be to provide additional information and analysis on project features and actions that may not have been covered in the original Southport EIP environmental document.

Activities for CEQA/NEPA compliance will require significant coordination with several State and Federal agencies, as well as with the public and stakeholders. Public noticing and meetings will be required and will require support activities.

#### Deliverable

- Administrative drafts and final CEQA/NEPA documents.
- Supporting documents such as public notices and response to comments

#### Task 4.3 Clean Water Act Section 404 Compliance (Section 404)

WSAFCA will work with USACE and other appropriate agencies to obtain the necessary Section 404 approvals. Under Section 404 of the CWA, a permit or Letter of Permission (LOP) is required from USACE for the placement of dredged or fill material into waters of the United States, including wetlands. Most of the Bank site is located within the ordinary high water mark of the Sacramento River and thus falls under Section 404 jurisdiction, necessitating this permit from USACE. Coordination with USACE will determine whether a Nationwide 27, LOP, or Individual Permit is the most advantageous pathway.

WSAFCA will coordinate with USACE throughout the process to seek appropriate compliance documentation. Documentation will include, at a minimum, a wetland delineation, report, and map; preparation of habitat mitigation plan; and preparation of draft and final permit applications. In addition to product-driven activities, WSAFCA will attend meetings and participate in conference calls as necessary.

Because implementation of the Bank project will likely affect sensitive resources or habitats, WSAFCA will need to prepare a Mitigation and Monitoring Proposal (MMP) detailing impacts and the proposed compensatory mitigation. The MMP will be prepared according to Corps Guidelines and the Final Mitigation Rule and will include, but not be limited to, the following:

- List of responsible parties.
- WSAFCA project description (i.e. the project requiring mitigation).
- Discussion of site characteristics including existing wetlands and other waters, and other sensitive resources occurring in the Bank project area.
- Discussion of functions of existing resources.
- Description of the proposed compensatory mitigation (most likely self-mitigating with credits from the Bank project).

#### Deliverables

- Draft and final wetland delineations
- Draft and permit applications

- Draft and final MMP
- USACE Section 404 approval

#### Task 4.4 Federal Endangered Species Act (Section 7)

The project is proposed in an area known to have the potential for species and their habitat protected under the Federal Endangered Species Act (ESA), Migratory Bird Treaty Act, and Magnuson-Stevens Act, as administered by USFWS for terrestrial and certain aquatic species and NMFS for aquatic species. ESA compliance is required for USACE authorization.

WSAFCA will conduct a search of existing records and will conduct field surveys (e.g., botanical and elderberry survey, giant garter snake survey, Swainson's hawk and other raptor survey, bat survey) of the project area to assess potentially affected biological resources, supported by information on file from the prior programmatic document and other projects.

WSAFCA will coordinate with the USACE, USFWS, NMFS, and DFG throughout the process to seek a biological opinion (BO) from each Federal agency and the corresponding state agency. WSAFCA will prepare a biological assessment (BA) that will include descriptions of the proposed action, suitable or occupied habitat that may be directly and indirectly affected, the manner in which the action may affect listed species or critical habitat, and proposed measures to minimize or avoid adverse effects. The BA for NMFS will also include an Essential Fish Habitat assessment pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. The BAs are intended to provide incidental take coverage.

WSAFCA will work with the USACE and other appropriate agencies to facilitate and conduct ESA consultation including attendance at and preparation for meetings, preparation of BAs and other documents as necessary, and other activities needed to support ESA consultation.

##### Deliverables

- Survey reports and technical documents
- Draft and final BAs
- BO/Letter of Concurrence

#### Task 4.5 National Historic Preservation Act Section 106 Documentation

The project is proposed in areas known to have the potential for cultural resources that are listed or are potentially eligible for listing on the National Register of Historic Places, and are therefore protected under the federal National Historic Preservation Act (NHPA), Section 106. NHPA compliance is required prior to the issuance of a Section 404 permit. The project areas are also known to have the potential for resources that are of interest to Native Americans.

WSAFCA will conduct a records search and reconnaissance-level cultural resources surveys at each site in addition to conducting a field inventory and consulting with interested parties.

##### Deliverables

- Draft and final NHPA letter of concurrence request and supporting documents
- Letter from SHPO

#### Task 4.6 Fish and Wildlife Coordination Act Support

This task entails support to USACE and USFWS to prepare the Fish and Wildlife Coordination Act Report (CAR). WSAFCA will prepare and provide necessary information to USFWS and NMFS, via USACE, in support of those agencies' preparation of a CAR. WSAFCA will attend field and office meetings and conference calls, as necessary.

##### Deliverables

- Supporting documentation as requested
- CAR

#### Task 4.7 California Endangered Species Act (Section 2081)

The project area potentially contains species and their habitat that are protected under the California Endangered Species Act (CESA), as administered by DFG, and an incidental take permit (ITP) will be necessary. WSAFCA will work with DFG and other appropriate agencies to facilitate and conduct ESA consultation, including attendance at and preparation for meetings, preparation of documents as necessary, and any other activities needed to support consultation.

##### Deliverable

- Incidental take permit

#### Task 4.8 California State Fish and Game Code (Section 1602)

A streambed alteration agreement, in compliance with Section 1602 of the California Fish and Game Code, is required when projects will substantially divert, obstruct, or change the natural flow of a river, stream or lake; substantially change the bed, channel, bank of a river, stream, or lake; or use material from a streambed. The planting activities within the Bank site and any improvements to the Sacramento River channel margin will require this agreement. WSAFCA will work with DFG and other appropriate agencies to facilitate a streambed alteration agreement, including attendance at and preparation for meetings, preparation of documents as necessary to support an agreement, and other activities as necessary.

WSAFCA will prepare and submit the application package, describing the project features; construction period; construction methods; impacts on vegetation, fish, and wildlife; and the proposed monitoring plan. WSAFCA will coordinate with DFG throughout the process to seek appropriate compliance documentation. To support the application, WSAFCA will conduct an arborist survey.

##### Deliverables

- Draft and final permit applications
- Section 1602 permit

#### Task 4.9 Clean Water Act Section 402 Compliance

Under Section 402 of the CWA, a Storm Water Pollution Prevention Plan (SWPPP) is required to obtain coverage under the state General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) (General Permit),

issued by the State Water Resources Control Board (SWRCB). For reference, the General Permit represents a substantial expansion of the previous general permit and entails a more detailed SWPPP and rigorous site monitoring and reporting to the SWRCB.

WSAFCA will work with the SWRCB and other appropriate agencies to prepare a SWPPP and obtain a Section 402 permit. Activities would include attendance at and preparation for meetings, preparation of documents as necessary to support the SWPPP and permit, field visits and records searches, and other activities as necessary.

#### Deliverables

- SWPPP
- Section 401 permit coverage

#### Task 4.10 Clean Water Act Section 401 Compliance

CWA, Section 401, requires that the discharge of dredged or fill material into waters of the United States, including wetlands, does not violate state water quality standards. As required by Section 404 of the CWA, water quality certification from the Regional Water Quality Control Board (RWQCB) must be obtained for permit compliance. WSAFCA will compile the necessary information and submit a complete certification package to RWQCB. WSAFCA will coordinate with the RWQCB throughout the process to seek appropriate compliance documentation.

#### Deliverables

- Draft and final request for certification
- Certification by RWQCB.

#### Task 4.11 Central Valley Flood Protection Board (CVFPB) Encroachment Permit (Title 23)

The Bank site is within the Sacramento River floodplain, a California state-designated floodway, and has the potential to affect flood flow conveyance; therefore, a floodway encroachment permit from the CVFPB will be necessary. WSAFCA will work with staff at the CVFPB to develop and process an encroachment permit application. Activities would include attendance at and preparation for meetings; preparation of permit application backed up by hydraulic modeling of the proposed habitat enhancements and other documents necessary to support hearing and approval of the permit; and other activities as necessary.

#### Deliverables

- Encroachment permit application
- Encroachment permit

#### Task 4.12 Yolo County Grading Permit

A Yolo County grading permit will be required for the project because it is anticipated that more than 1 acre of ground will be disturbed during fine grading of the Bank site, plant installation, and enhancement of the Sacramento River channel margin. WSAFCA will work with staff at Yolo County to develop and process the necessary documents in support of the permit.

Activities would include attendance and preparation for meetings, preparation of permit application and other documents necessary to support the permit, and other activities as necessary.

#### Deliverable

- Yolo County grading permit

### Task 5.0 Conceptual Designs

The team will update existing preliminary sketches of the Bank site to reflect current site conditions and the initial site assessment, and develop detailed conceptual designs for restoration site features. The concept design will focus on two primary areas: SRA, or channel margin habitat, and floodplain habitat. This will include preparing plan view concepts and illustrative cross-sections, along with supporting descriptions, approximate acreages, and typical restoration costs.

#### Task 5.1 Physical Concept Design

Using information from the Southport EIP and the initial site assessment, WSAFCA will develop a physical concept design for ecological enhancement. Using data and models described above under *Technical Approach for the Bank Project*, the preliminary design will be enhanced to incorporate substantial topographic heterogeneity and other features that will support a diverse mosaic of natural habitats. Enhancements for the transitional "edge" habitat will be analyzed using hydrodynamic and sediment transport models to ascertain design parameters such as water surface elevation, velocity, and shear stress over a range of flows. These parameters will inform planting design such that appropriate vegetation is installed at different elevations. Velocity and shear stress will inform the vegetation design so that vegetation is resistant to shearing forces, and maximize the designs' longevity through resistance to erosive forces. Modeling will also be used to indicate potential areas of sediment accretion and scour.

Similarly, modeling tools will be utilized to predict floodplain inundation area, depth, frequency, timing and duration for a variety of floodplain setback elevations. This analysis combined with habitat evaluation criteria will help inform the selection of vegetation, whether riparian, wetland or upland, for proposed planting palettes. Construction elevation grades will be established that create topographic heterogeneity in order to establish a mosaic of habitats. Potential impacts on flood conveyance will be ascertained by modeling the vegetative roughness of the proposed planting palettes developed through other tasks.

#### Deliverables

- Concept sketches, including typical sections, profiles, and plans for incorporation into final design.
- Technical memorandum providing details of modeling analysis, as support documentation.

## Task 5.2 Ecological Concept Design

In combination with the physical design elements described in the previous task, WSAFCA will develop an ecological concept design to support habitat enhancements that will benefit an extensive, successful mitigation bank. The main elements of the ecological concept design will include development of habitat evaluation criteria that relate physical modeling predictions to the ecological requirements of a variety of target species, and planting palettes for a mosaic of habitats.

### Deliverables

- Habitat evaluation criteria and planting palettes for incorporation into the concept designs.

## Task 6.0 Detailed Design

Based on plan view concepts, illustrative cross-sections, supporting descriptions, approximate acreages, and typical restoration costs developed during conceptual design, the team will develop 65%, 90%, and 100% designs and cost estimates, and conduct appropriate reviews of these documents.

### Task 6.1 65% Plans, Specifications, Design Memoranda, and Cost Estimates

This task entails preparing construction drawings and specifications for revegetation, habitat enhancement, and fine grading of the setback area at a 65% level. WSAFCA will develop detailed construction drawings and specifications that are based on concept drawings for enhancement described under Task 5, and the full Southport EIP construction drawing package. The 65% setback construction drawings will include site preparation plans, planting plans for the setback area habitats, irrigation plans, erosion control plans, and construction detail sheets. If needed, implementation phasing will be included on the plans. Written specifications will be prepared to accompany the construction drawings in a format consistent with the larger Southport EIP.

The conceptual plans will be modified to incorporate updated topographic data, if available. The drawings will be updated to conform to local agency drafting standards.

Coordination with existing utility owners will be required and utility locations will be identified and marked on the plans; however, it is not anticipated that utility relocation or replacement will be required.

Grading plans, including base bid items only, and additive bid items if required, will be produced for the 65% submittal. Following preparation of the 65% grading plans, earthwork volume estimates will be produced based on the grading plans and other construction quantities will be estimated. Cost estimates will be prepared based on these quantities.

Based on the estimated volume of excess material, if any, grading plans will be developed for local placement of excess excavated material, preferably onsite. Coordination will be undertaken with the stakeholder groups to determine the requirements and constraints to onsite soil placement. The plans will include haul roads and stockpile layouts. The grading plans will balance multiple project objectives, including preservation of land proposed for other habitats and flood conveyance.



A third party constructability review will take place once the 65% construction drawings are complete.

#### Deliverables

- 65% setback construction drawing set.
- Written specifications.
- Cost estimates.

#### Task 6.2 Partial 90% Plans, Specifications, Design Memoranda, and Cost Estimates

Upon receipt of comments on the 65% design documents and following team meetings and regulatory agency review, WSAFCA will prepare a partial 90% design document set allowing for several iterations for review and development of certain project features without preparation of an entire construction document iteration. Stand-alone exhibits and construction drawing sheets will be accompanied by written memoranda describing design rationale and background. Updated construction quantity estimates will also be submitted to the client for use in preparing the cost estimate.

A third party constructability review will take place once the 90% complete plan sheets and exhibits are complete.

#### Deliverables

- 90% setback construction drawing set
- Written specifications
- Cost estimates.

#### Task 6.3 100% Plans, Specifications, Design Memoranda, and Cost Estimates

Final signed and stamped plans and specifications will be submitted to the client for use as bidding documents. All drawings and specifications will be stamped by a California-licensed landscape architect and civil engineer.

In addition, construction documents will be completed and compiled (including preparation of Division 0 documents) to produce a complete bid package with the preparation of the construction schedule.

#### Deliverables

- Stamped and signed plans
- Specifications
- Cost estimate
- Bid package
- Construction schedule

## Task 7.0 Construction

### Task 7.1 Bidding

Upon completion of the design documentation, the bidding process will begin. The following elements will be involved with the bidding process.

- Prepare bid documents
- Advertise project
- Award project construction

A bid document package will be prepared for distribution during the construction bidding process. Once the bid package is prepared, the project will be advertised to solicit restoration contractors to submit proposals on the project. The advertisement will include general information about the project and the bidding schedule.

A mandatory pre-bid meeting will be held at which the bid package will be distributed to prospective contractors. The bid package will include a specific date by which contractors will be required to submit their proposals. During the bidding process, bidders' questions will be answered or addenda distributed to clarify information in the bid package.

Once project bids have been submitted, contractor submittals will be reviewed and a summary will be prepared to compare the submittals. WSAFCA and DWR will review this summary and select a contractor.

#### Deliverables

- Bid notice
- Award notices

### Task 7.2 Construction Management

Construction management will occur daily during construction. This will involve the following elements.

- Construction contract administration, including review of work plans, schedules, budgets, and cash flow projections; evaluation of value engineering proposals; evaluation of change orders; and review of invoices for progress payment.
- Preparation of a daily log of construction activities.
- Take photographs to document site conditions, construction progress.
- Conduct weekly progress meetings with the contractor and prepare progress reports.
- Manage the construction schedule.
- Conduct preconstruction biological surveys, special-status species worker awareness training, and construction monitoring for sensitive biological resources during construction.

- Conduct cultural resource surveys, training, and construction monitoring near known cultural resources.
- Coordinate approval of and oversee implementation of design changes.
- Cost management associated with construction of the approved plans and specifications.
- Coordinate construction activities with DWR and USACE staff to communicate issues of concern, provide required information, and respond to questions.
- Review and processing of contractor submittals and requests for information (RFIs).
- Construction inspections to ensure that contractors' work is performed in accordance with construction plans and specifications, and is consistent with the intent of the design.
- Quality assurance (QA) testing to ensure compliance with the requirements of contract documents, and review of the effectiveness and adequacy of the contractor's quality control (QC) program.
- Implement start-up, closeout and acceptance procedures for the systematic, orderly and timely completion, acceptance, and transfer of facilities constructed, as well as contract closeout.
- Prepare a construction summary report that will include a summary of the project history, problems encountered and resolutions made, summary of major changes, summary of bid and final project costs, QA and QC testing results, photographs depicting construction work, and project record drawings.

#### Deliverables

- Meeting agendas and minutes.
- Memoranda; construction schedules.
- Change orders, logs, reports, and other documentation.

### Task 7.3 Project Construction

Project construction includes preconstruction and construction activities. Preconstruction activities include preconstruction surveys for special status species, mobilization, and site preparation. Preconstruction surveys will document the presence or absence of special-status species. Once the surveys are complete, appropriate mitigation measures will be taken to protect the resources present, and the methods and findings of the surveys will be documented and submitted to the appropriate resource agencies.

Once preconstruction surveys have been completed, the contractor will mobilize equipment and do the following.

- Establish construction access.
- Installation of erosion control measures.
- Set up the equipment and material staging area(s).

- Establish a construction water source (if needed).
- Install of exclusion fencing.
- Demolition and/or clearing and grubbing.

Construction of the Bank project will begin with fine grading of the setback area (major grading will be conducted as part of the Southport EIP) in compliance with the construction documents and any earthworks measures associated with the SRA/channel margin elements. This will involve grading the channel margin slope to create inset terraces at a flatter profile, installation of instream woody material, and placement of vegetated rock reinforcement as required. Following this, the irrigation system for the restoration plantings will be installed. Once the irrigation system is installed and confirmed to be working per the construction drawings, the plantings will be installed, including container plants or pole cuttings.

Once all planting and irrigation installation activities are complete, the site will be stabilized with the application of an appropriate restoration seed mix and/or other erosion control measures.

As-built record drawings of the completed project will be prepared once all construction activities have been completed and the completed project has been accepted by DWR or its designee.

#### Deliverables

- Documentation of SWPPP implementation
- As-built records
- Construction completion report
- Photographs

#### Task 7.4 Environmental Compliance

During construction, WSAFCA and team will conduct environmental compliance activities associated with permits obtained. Examples include special-status species surveys and monitoring, preparation of monitoring reports to resource agencies, and worker awareness training. These activities will be ongoing and subject to the requirements of the appropriate resource agencies. Progress reports (weekly, post construction) will be prepared as needed.

#### Deliverables

- Status and monitoring reports

#### Task 7.5 Labor Compliance

Labor compliance is planned to be completed by the Department of Industrial Relations under Labor Code section 1771.3. If Proposition 84 funding is utilized, then WSAFCA will adopt and enforce a certified Labor Compliance Program by soliciting quotes from a labor compliance monitoring company, executing an agreement with the most competitive company, and registering with the Department of Industrial Relations Compliance Monitoring Unit. The budget will assume the cost to be 0.25% of the total construction cost.

Deliverable

- Payment or service agreement

## Task 8.0 Habitat Performance Monitoring and Adaptive Management

Annual performance monitoring for adaptive management will be conducted for the restored floodplain and SRA/channel margin habitat.

### Task 8.1 Riparian Habitat Monitoring

Per the requirements of an accepted BEI and resource agency approvals, performance of the riparian plantings will be monitored annually for the first 10 years following construction and will consist of the following.

- Vegetation monitoring conducted in accordance with the methodology developed by the California Native Plant Society, which includes collection of data along transects or within quadrats, as appropriate to the habitat type.
- Documentation of hydrological conditions, animal species observed or detected, integrity of signage and other general conditions, and corrective measures that may be appropriate to ensure relevant success criteria.
- Initial establishment of photo documentation locations and collection of photographic data.

An annual monitoring report documenting the annual performance-monitoring effort will be prepared for submittal to the appropriate resource agencies. The annual report will contain the maintenance activities conducted the previous year, monitoring methods, results from the annual vegetation monitoring, photos from the designated photo stations, wildlife observations/detections, and detailed information on efforts to remove exotic vegetation. In addition, each annual report will include qualitative field information and a summary of the documentation of the planting area conditions.

Deliverables

- Ten annual monitoring reports

### Task 8.2 Shaded Riverine Habitat/Channel Margin Habitat Monitoring

Per the requirements of the BEI and resource agency approvals, performance of the SRA/channel margin habitat will be monitored annually for the first 10 years following construction and will consist of the following.

- Vegetation monitoring conducted in accordance with the methodology developed by the California Native Plant Society, which includes collection of data along transects or within quadrats, as appropriate to the habitat type.

- Qualitative and quantitative monitoring of the physical structure of the channel margin habitat, including persistence of instream woody material installation, recruitment of additional woody material, and performance of rock reinforcement.
- Documentation of hydrological conditions, animal species observed or detected, integrity of signage, and other general conditions, and corrective measures that may be appropriate to ensure relevant success criteria.
- Initial establishment of photo documentation locations and collection of photographic data.

An annual monitoring report documenting the annual performance-monitoring effort will be prepared for submittal to the appropriate resource agencies. The annual report will contain the maintenance activities conducted the previous year, monitoring methods, results from the annual vegetation and instream material monitoring, photos from the designated photo stations, wildlife observations/detections, and detailed information on the efforts to remove exotic vegetation. In addition, each annual report will include qualitative field information and the summary of the documentation of the planting area conditions.

#### Deliverables

- Ten annual monitoring reports

#### Task 8.3 Riparian Habitat Establishment

Riparian habitat within the setback area will be maintained for three years following construction. Maintenance activities will include replacing dead plants, removing flood debris and trash, maintaining the irrigation system, and repairing areas of erosion. Site inspections of the plants and irrigation system will take place weekly during the spring and summer months. During the fall and winter, site inspections will take place every two weeks or after the recession of floodwaters following storm events. An annual maintenance report will be prepared and submitted to DWR or its designee at the end of each year.

#### Deliverables

- Three annual maintenance reports

#### Task 8.4 Shaded Riverine Habitat/Channel Margin Habitat Monitoring

SRA/channel margin habitat along the Sacramento River will be maintained for three years following construction. Maintenance activities will include replacing dead plants, removing flood debris and trash, maintaining the irrigation system, and repairing areas of erosion. Site inspections of the plants and irrigation system will take place weekly during the spring and summer months. During the fall and winter, site inspections will take place every two weeks or after the recession of floodwaters following storm events. An annual maintenance report will be prepared in conjunction with the activities in Task 8.3 and submitted to DWR or its designee at the end of each year.

#### Deliverables

- Three annual maintenance reports

### Task 8.5 Geomorphology/Sedimentation Monitoring

Setback area habitats will be monitored for sedimentation. This will consist of installing sediment plates within the setback area and establishing monitoring transects at key locations, such as through swales. These will be monitored yearly after inundation of the setback area. The purpose of this monitoring is to establish the spatial and vertical extents of sediment accretion. It will also establish if drainage swales are becoming blocked or excessive sedimentation of vegetation plantings is occurring.

#### Deliverables

- An annual monitoring report will be produced and submitted to appropriate resource agencies for the first three years after construction.

### Task 8.6 Long-term Operations and Maintenance

Once short-term establishment of the Bank has taken place, all habitat performance objectives have been met, and all of the credits assigned, the Bank closure plan will be implemented and long-term operations and maintenance of the Bank site will commence. This will consist of annual site inspections and qualitative observations of the habitat. Vegetation coverage will be measured every 10 years via aerial photograph interpretation of canopy coverage. Annual monitoring inspection reports will be prepared and submitted to the appropriate resource agencies.

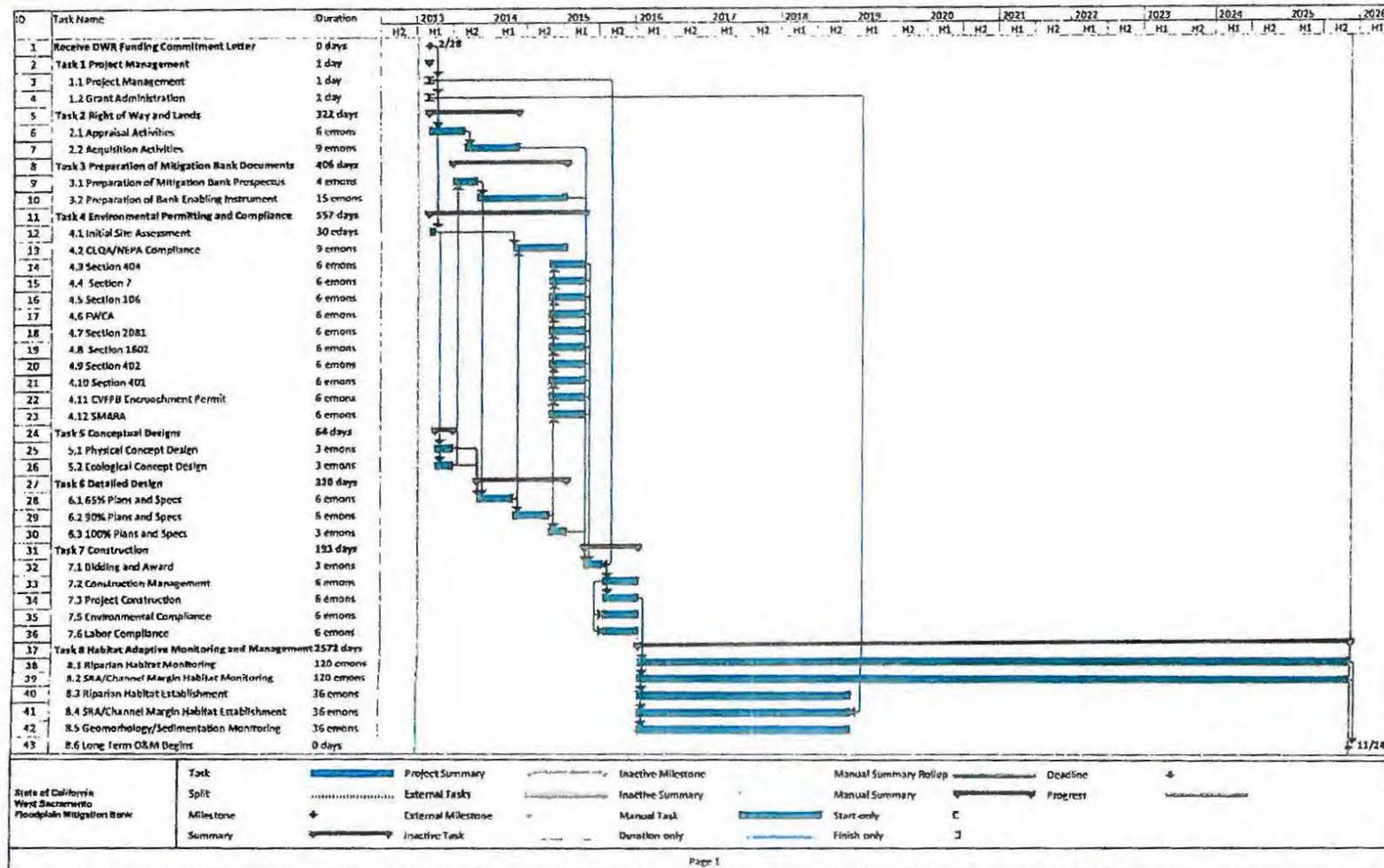
#### Deliverables

- Annual monitoring reports

## SCHEDULE AND BUDGET

The scope of work submitted with this Work Plan assumes that the Bank Project is a stand-alone project, and depicts the costs if it were implemented independently of (i.e., after) the Southport EIP. For schedule purposes however, it has been assumed that the projects are implemented in tandem, and that construction of the Bank project would follow completion of the levee.

Schedule



## Budget

The budget below assumes that land acquisition will be completed as part of the Southport EIP. Table 8.1 shows a detailed breakdown of the projected investment required to complete the Bank project. The table also provides an estimate of the total investment required from WSAFCA, DWR EIP, and FESSRO.

Table 8.1: High Level Budget

Project Role	MBK Cost Subtotal	ICF Cost Subtotal	cbe Cost Subtotal	Local Agency Cost Subtotal	Contractor	Project Total TOTAL	State EIP	State FESSRO	WSAFCA
<b>Task 1: Project Management</b>									
Subtotal Task 1	\$ 50,890	\$ 22,200	\$ 14,720	\$ 16,500	\$ -	\$ 104,310		\$ 104,310	
<b>Task 2: Right of Way Acquisition</b>									
Subtotal Task 2	-	\$ -	\$ -	\$ 11,866,000	\$ -	\$ 11,866,000	\$ 8,306,200		\$ 3,559,800
<b>Task 3: Preparation of Mitigation Bank Documents</b>									
Subtotal Task 3	-	\$ 212,650	\$ 2,560	\$ -	\$ -	\$ 215,210		\$ 215,210	
<b>Task 4: Environmental Permitting and Compliance</b>									
Subtotal Task 4	-	\$ 218,240	\$ 20,800	\$ -	\$ -	\$ 239,040		\$ 239,040	
<b>Task 5: Conceptual Design</b>									
Subtotal Task 5	-	\$ 40,840	\$ 87,600	\$ -	\$ -	\$ 128,440		\$ 128,440	
<b>Task 6: Detailed Design</b>									
Subtotal Task 6	-	\$ 108,500	\$ 157,360	\$ -	\$ -	\$ 265,860		\$ 265,860	
<b>Task 7: Construction</b>									
Subtotal Task 7	-	\$ 68,820	\$ 56,160	\$ -	\$ 2,414,646	\$ 2,539,626		\$ 2,539,626	
<b>Task 8: Habitat Establishment and Monitoring</b>									
Subtotal Task 8	-	\$ 162,300	\$ 93,040	\$ 350,000	\$ 600,000	\$ 1,205,340		\$ 855,340	\$ 350,000
<b>SUBTOTAL COSTS</b>	\$ 50,890	\$ 833,550	\$ 432,240	\$ 12,232,500	\$ 3,014,646	\$ 16,563,826	\$ 8,306,200	\$ 4,347,826	\$ 3,909,800
15% Contingency	\$ 7,634	\$ 125,033	\$ 64,836	\$ 1,834,875	\$ 452,197	\$ 2,484,574	\$ 1,245,930	\$ 652,174	\$ 586,470
<b>Total</b>	\$ 58,524	\$ 958,583	\$ 497,076	\$ 14,067,375	\$ 3,466,843	\$ 19,048,400	\$ 9,552,130	\$ 5,000,000	\$ 4,496,270

## Benefit Cost Ratio

Given the integrated nature of this multi-objective flood protection and mitigation bank project many assumptions were required in determining the Benefit Cost Ratio (BCR). Determining the benefit cost ratio for the Bank project is dependent on the assumed market value of the future habitat. Complicating the determination of the BCR for the Bank project is allocation of Southport EIP investments. Many of the investments required to complete the Southport EIP have a strong nexus to the Bank project. For purposes of this analysis land costs in the setback area are included part of the total Bank project. Determining the value of the SRA habitat in this location is difficult given that limited opportunities exist along the Sacramento River main channel to perform the quality of channel margin habitat improvements that can be achieved at this site. Commercially available riparian habitat credits sell for approximately \$100,000 to \$150,000 per credit acre, and native fish conservation credits sell for between \$75,000 and \$180,000 per credit acre. Lower quality SRA habitat can be purchased for about \$250/LF but given the high quality habitat that would be achievable at this site it was assumed that the credit value could be as high as \$500 per linear. The value of the SRA habitat may be low if it is assumed that in order to achieve the same habitat value that an equivalent project would need to construct an expensive adjacent or setback levee along the Sacramento River. Table 8.2 shows a range of BCR's between 1.2 to 1.7 given the assumptions described above. If the land costs associated with the Bank project were fully allocated to the Southport EIP flood project the BCR could be as high as 6.4 assuming the upper habitat credit values.

Table 8.2: Benefit Cost Ratio Range

Habitat Value Created	Quantity	Middle Credit Value		Upper Credit Value	
		Per Credit	Total	Per Credit	Total
Riparian Habitat (acres)	120	\$150,000	\$18,000,000	\$180,000	\$21,600,000
SRA/Channel Margin Habitat (linear feet)	21,000	\$250	\$5,250,000	\$500	\$10,500,000
Total Benefits	-	-	\$23,250,000	-	\$32,100,000
Projected Cost including ROW	-	-	\$19,048,400	-	\$19,048,400
Approximate Benefit Cost Ratio	-	-	1.2	-	1.7

**California Department of Water Resources  
Central Valley Flood System Conservation Framework and Strategy  
Grant Application Form  
November 2012**

**Applicant Signature Page**

Applicant: West Sacramento Area Flood Control Agency

Project Title: State of California West Sacramento Floodplain Mitigation Bank

By signing below, the official declares the following:

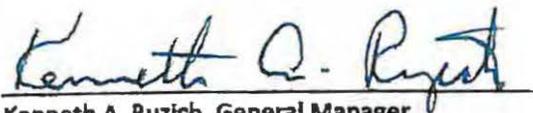
The truthfulness of all representations in the proposal;

The individual signing the form has the legal authority to submit the proposal on behalf of the applicant, and the applicant has the legal authority to enter into a contract with the State;

There is no pending litigation that may impact the financial condition of the applicant or its ability to complete the proposed project;

The individual signing the form waives any and all rights to privacy and confidentiality of the proposal; [Note: DWR will keep confidential sensitive information related to property negotiations or legal proceedings to the extent allowed under public information disclosure laws.]

The applicant will comply with all terms and conditions identified in the Central Valley Flood System Conservation Framework and Strategy Guidelines, PSP, and future Funding Agreement if selected for funding.



Kenneth A. Ruzich, General Manager  
West Sacramento Area Flood Control Agency

1/7/13

Date

Resolution 12-12-01

RESOLUTION OF BOARD OF DIRECTORS OF THE  
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY  
APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE CENTRAL VALLEY FLOOD  
SYSTEM CONSERVATION FRAMEWORK AND STRATEGY PROGRAM UNDER THE DISASTER  
PREPAREDNESS AND FLOOD PREVENTION BOND ACT OF 2006 (Proposition 1E)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above, and

WHEREAS, the Department of Water Resources has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Department of Water Resources require a resolution certifying the approval of application(s) by the Applicants governing board before submission of application(s) to the State; and

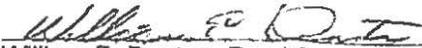
WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Sacramento Area Flood Control Agency.

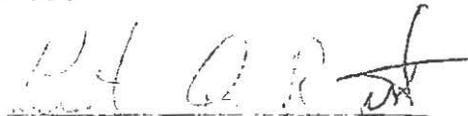
1. Approves the filing of an application to the Department of Water Resources for grant funding under the Central Valley Flood System Conservation Framework and Strategy Program to fund the construction of habitat in the Southport Sacramento River Early Implementation Project setback area,
2. Certifies that Applicant understands the assurances and certification in the application; and,
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and,
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code, and,
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act* (CEQA), legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction all applicable permits will have been obtained; and,
6. Appoints the General Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

PASSED AND ADOPTED by the West Sacramento Area Flood Control Agency on this 13<sup>th</sup> day of December, 2012, by the following vote:

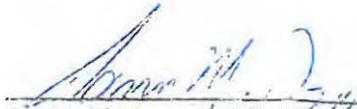
AYES: Denton, Kristoff, Ramas  
NOES: none  
ABSTAIN: none  
ABSENT: none

  
\_\_\_\_\_  
William E. Denton, President

ATTEST:

  
\_\_\_\_\_  
Kenneth A. Ruzich, General Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
James M. Day, Jr., WSAF CA Attorney



## MEMORANDUM

TO: Wilson Wendt  
FROM: Sean Marciniak  
RE: Legal Authority of West Sacramento Area Flood Control Agency to  
Apply for and Construct and Implement a Mitigation Bank  
DATE: April 10, 2013

---

West Sacramento Area Flood Control Agency ("WSAFCA") does not have the authority to apply for or to construct and operate a Mitigation Bank. There exist three separate grounds that preclude the agency's pursuit of such a project: (1) state law that specifically enumerates the powers and authorities of WSAFCA do not permit such an activity; (2) the Joint Exercise of Powers Agreement forming the WSAFCA does not authorize the agency to create or operate a Mitigation Bank; and (3) WSAFCA's constituent members are not authorized to create or operate a Mitigation Bank, precluding WSAFCA from doing so.

**A. The Joint Exercise of Powers Act, insofar as it specifically addresses the authorities of WSAFCA, do not permit the creation or operation of a Mitigation Bank.** The authority of WSAFCA is set forth in Government Code section 6523, a provision of the Joint Exercise of Powers Act (Government Code section 6500 et seq.) Section 6523 grants the agency (1) the "authority to accomplish the purposes and projects necessary to achieve and maintain at least a 200-year level of flood protection" on the Sacramento River for the City of West Sacramento; (2) the ability to "exercise the authority granted to reclamation districts under Part 7 ... and Part 8 ... of Division 15 of the Water Code for the purposes of Sections 12670.2, 12670.3, and 12760.4 of the Water Code," which essentially involves the financing of a certain federal project using assessments and bonds; and (3) the power to create indebtedness and levy assessments to repay that indebtedness in order to finance the same federal project. In essence, three authorities are enumerated under section 6523, none of which authorize the construction or authorization of a Mitigation Bank.

First, section 6523 empowers WSAFCA to "accomplish the purposes and projects *necessary* to achieve and maintain at least a 200-year level of flood protection" for the benefit of the City of West Sacramento. (Emph. added.) Such an authorization should be construed narrowly. In *Beckwith v. County of Stanislaus* (1959) 175 Cal.App.2d 40, 49, the third district court of appeal — the appellate court setting precedential law over the jurisdictions within which WSAFCA operates — held that, in exercising functions under the Joint Exercise of Powers Act, an agency "must be directly concerned with the work to be performed." (See also 83 Ops.Cal.Atty.Gen. 82.) Neither the construction nor operation of a Mitigation Bank is "directly concerned" with the provision of 200-year flood

protections, much less “necessary” for the achievement and maintenance of such protection. After all, the creation and maintenance of a Mitigation Bank easily can, and usually does, function independently of the construction and operation of levees and other methods of flood control.

The second power conferred by section 6523, which contemplates certain activities performed by reclamation districts, is more specific. Specifically, this statute empowers WSAFCA to levy assessments and issue bonds for purposes of implementing a flood protection project specifically contemplated under section 101(4) of the Water Resources Development Act of 1992. (Water Code §§ 12670.2, 12670.3, 12670.4, 51200 et seq., 52100 et seq.; see Pub. Law 102-580) Aside from the fact that the construction and operation of a Mitigation Bank qualifies as neither the levy of an assessment nor the issuance of a bond, we have reviewed engineering reports prepared for the aforementioned federal flood protection project, and these documents do not contemplate a Mitigation Bank component.

The third authority conferred by section 6523 involves the right of WSAFCA to “create indebtedness and thereafter continue to levy special assessments to repay that indebtedness” in order to finance the aforementioned federal flood protection project, pursuant to the Improvement Act of 1911 and the Municipal Improvement Act of 1913. This authority, insofar as it contemplates the implementation of a federal project that does not include a Mitigation Bank, and insofar as it contemplates the accrual of debt to finance this project, is irrelevant.

WSAFCA does not possess the authority to create habitat and sell mitigation credits pursuant to section 6523. In fact, given the statute specifically enumerates certain financing mechanisms for implementing specific flood control projects, section 6523 would appear to expressly preclude WSAFCA from engaging in other financing schemes.

**B. Joint Exercise of Powers Agreement forming the WSAFCA does not authorize it to create or operate a Mitigation Bank.** Even assuming that the authorities of section 6523 are not inclusive, and that WSAFCA has authorities in addition to those enumerated in that statute, the law would prohibit WSAFCA from undertaking a Mitigation Bank project.

With regard to joint power authorities in general, such an agency “shall possess the common power specified in the agreement [forming it] and may exercise it in the manner or according to the method provided in the agreement.” (Government Code section 6508.) The agreement creating WSAFCA, the “West Sacramento Flood Control Agency Joint Exercise of Powers Agreement” dated July 20, 1994 (“JPA”), recognizes only that the parties to the WSAFCA have the power to “acquire and construct Works for the purpose of controlling and conserving waters for the protection of life and property that would or could be damaged by being inundated by still or flowing water.” (JPA, p. 1.) The term “Works” specifically is defined to mean “dams, water courses, drainage channels, conduits, ditches, canals, pumping plants, levees, buildings, and other structures” used to control floodwaters. (JPA, p.3) In discussing the power of WSAFCA to implement projects, the agreement specifies the “Agency’s Projects are intended to consist of developing, designing, acquiring, and constructing Works and Facilities<sup>1</sup> as well as

---

<sup>1</sup> Per the JPA, “Facilities” means “any Works financed, acquired, or constructed by the Agency.” (JPA, p.3.)

funding (including local cost shares of federal projects) of the same, required to attain interim 100-year and at least 200-year ultimate flood protection.” (JPA, p. 9.)

In summary, the JPA only authorizes WSAFCA to develop flood protection projects that are “required” to attain “at least 200-year ultimate food protection,” reflecting the narrow scope of section 6523. A Mitigation Bank is by no means a prerequisite to implementing a flood protection project, and thus its development lies outside the jurisdiction of WSAFCA.

**C. WSAFCA’s constituent members are not authorized to create or operate a Mitigation Bank, precluding WSAFCA from doing so.** Regardless of what the JPA says, WSAFCA could not create or operate a Mitigation Bank because at least some of its constituent members, Reclamation District No. 900 and Reclamation District No. 537, do not have the authority to undertake such a project.

Pursuant to the Joint Exercise of Powers Act, if “authorized by their legislative or other government bodies, two or more public agencies by agreement may jointly exercise *any power common to the contracting parties ....*” (Gov. Code § 6508 [emph. added].) Essentially, a joint power authority may not exercise a power that all constituent members do not share.

Here, (at least) the two reclamation districts that form WSAFCA have limited authorities, where such authorities do not include the power to create or operate a Mitigation Bank. Reclamation districts may be formed “for the reclamation of any land within any city” that is subject to overflow or incursions from the tide of inland waters. (Water Code § 50110.) In implementing any “reclamation works,” state law defines this term to mean “such public works and equipment as are necessary for the unwatering, watering, or irrigation of district lands and other district operations.” (Water Code § 50013.) Because the establishment and operation of a Mitigation Bank is not “necessary” for the unwatering, watering, or irrigation of district land, a reclamation district does not have the authority to undertake that type of development project.

\* \* \*

In summary, WSAFCA is operating outside its legal authorities insofar as it may apply for monies to create or operate a Mitigation Bank. The statute that specifically speaks to WSAFCA’s authorities in the Joint Exercise of Powers Act authorizes only those activities “necessary” to achieve certain standards of flood control. Moreover, the agreement forming WSAFCA, no doubt contemplating this legality, authorizes only those flood control projects “required” to attain certain standards of flood protection. Finally, at least two of WSAFCA’s constituent members do not have the power to develop a Mitigation Bank, since these reclamation districts are empowered only to pursue those projects “necessary” to the reclamation of land, where the concept of reclamation is limited to the watering, unwatering, or irrigation of land, and does not include the creation of habitat, much less the sale of mitigation credits.

WSAFCA has overstepped its authorities, and must withdraw any application it has submitted for monies that would finance the design, creation, or operation of a Mitigation Bank.

---

**From:** Smith, Megan  
**Sent:** Thursday, March 14, 2013 2:36 PM  
**To:** 'Hogan, Phil - NRCS, Woodland, CA'; [tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil)  
**Subject:** RE: Southport Sacramento River EIP NOP

Mr. Hogan,

Attached is the layer requested; we were able to easily digitize it for you. Please note that this outline represents the expected limit of direct effects, including noise, vibration, traffic and other effects that can occur away from the direct construction area. It is not intended to represent a construction footprint or an area of disturbance. Likewise, though several areas of potential borrow are identified, the project would utilize only a small fraction of each identified parcel, and many parcels would not be impacted at all.

Please give me a call at any time if I can be of assistance.

Take care,  
Megan Smith

**MEGAN S. SMITH, J.D.** | Sr. Project Manager | 916.231.7677 | [megan.smith@icfi.com](mailto:megan.smith@icfi.com)  
**ICF INTERNATIONAL** | 630 K Street, Suite 400, Sacramento, CA 95814 | [icfi.com](http://icfi.com)

---

**From:** Hogan, Phil - NRCS, Woodland, CA [<mailto:Phil.Hogan@ca.usda.gov>]  
**Sent:** Thursday, March 14, 2013 10:20 AM  
**To:** Smith, Megan; [tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil)  
**Subject:** Southport Sacramento River EIP NOP

I was wondering if you could send me a GIS generated shape file from Figure 1 (EIP Study Area) so that I can make comments on the project.

Thanks

**PHIL HOGAN**  
District Conservationist  
USDA Natural Resources Conservation Service  
221 West Court Street, Suite 1

Woodland, CA 95695  
(530) 662-2037 X 111 (Voice)  
(530) 662-4876 (FAX)  
[phil.hogan@ca.usda.gov](mailto:phil.hogan@ca.usda.gov)



This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

---

**From:** Hogan, Phil - NRCS, Woodland, CA [<mailto:Phil.Hogan@ca.usda.gov>]  
**Sent:** Monday, March 18, 2013 1:01 PM  
**To:** Smith, Megan; [tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil)  
**Subject:** Southport Sacramento River Early Implementation Report

Attached are some maps that I made up for the project area.

My main concern from the information that I have so far is the potential impact on farming in the area.

**PHIL HOGAN**  
District Conservationist  
USDA Natural Resources Conservation Service  
221 West Court Street, Suite 1  
Woodland, CA 95695  
\_\_\_\_\_  
(530) 662-2037 X 111 (Voice)  
(530) 662-4876 (FAX)  
[phil.hogan@ca.usda.gov](mailto:phil.hogan@ca.usda.gov)  
\_\_\_\_\_



This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

# Soils Inventory Report



ARMY CORPS OF ENGINEERS

Map Unit Symbol	Map Unit Name	Prime Farmland Indicator	Acres	Percent
La	Lang sandy loam	Prime farmland if irrigated and drained	124.8	6%
Lb	Lang sandy loam, deep	Prime farmland if irrigated and drained	123.7	6%
Ld	Lang silt loam	Prime farmland if irrigated and drained	180.3	9%
Ma	Made land	Not prime farmland	2.5	0%
Mn	Merritt silty clay loam, deep	Prime farmland if irrigated and drained	0.3	0%
Rk	Riz loam	Not prime farmland	1.7	0%
Sa	Sacramento silty clay loam	Prime farmland if irrigated and drained	552.5	26%
So	Sycamore silt loam	Prime farmland if irrigated and drained	450.3	22%
Te	Tyndall very fine sandy loam, deep	Prime farmland if irrigated and drained	5.2	0%
	Valdez silt	Prime farmland if		

Vb	loam, deep	irrigated and drained	302.1	14%
W	Water	Not prime farmland	65.5	3%
Wa	Willows silty clay loam	Farmland of statewide importance	232.5	11%
Yb	Yolo silty clay loam	Prime farmland if irrigated	51.1	2%
Total:			2092.5	100%

Prime  
Farmland  
Total:           0   0%

## Soils Inventory Report

### ARMY CORPS OF ENGINEERS

Map Unit Symbol	Map Unit Name	Prime Farmland Indicator	Acres	Percent
La	Lang sandy loam	Prime farmland if irrigated and drained	34.4	5%
Lb	Lang sandy loam, deep	Prime farmland if irrigated and drained	100.4	15%
Ld	Lang silt loam	Prime farmland if irrigated and drained	120.8	18%
Ma	Made land	Not prime farmland	18	3%
Mk	Merritt silty clay loam	Prime farmland if irrigated and drained	108.4	16%
Mn	Merritt silty clay loam, deep	Prime farmland if irrigated and drained	59.9	9%
Mp	Merritt complex, saline-alkali	Farmland of statewide importance	11.8	2%
Rk	Riz loam	Not prime farmland	0	0%
Sa	Sacramento silty clay loam	Prime farmland if irrigated and drained	54.3	8%
So	Sycamore silt loam	Prime farmland if irrigated	59.3	9%

		and drained		
Tb	Tyndall very fine sandy loam	Prime farmland if irrigated and drained	23.2	3%
Te	Tyndall very fine sandy loam, deep	Prime farmland if irrigated and drained	21	3%
Vb	Valdez silt loam, deep	Prime farmland if irrigated and drained	58.4	9%
W	Water	Not prime farmland	2.5	0%
Wa	Willows silty clay loam	Farmland of statewide importance	0.4	0%
Yb	Yolo silty clay loam	Prime farmland if irrigated	0	0%

Total: 672.8

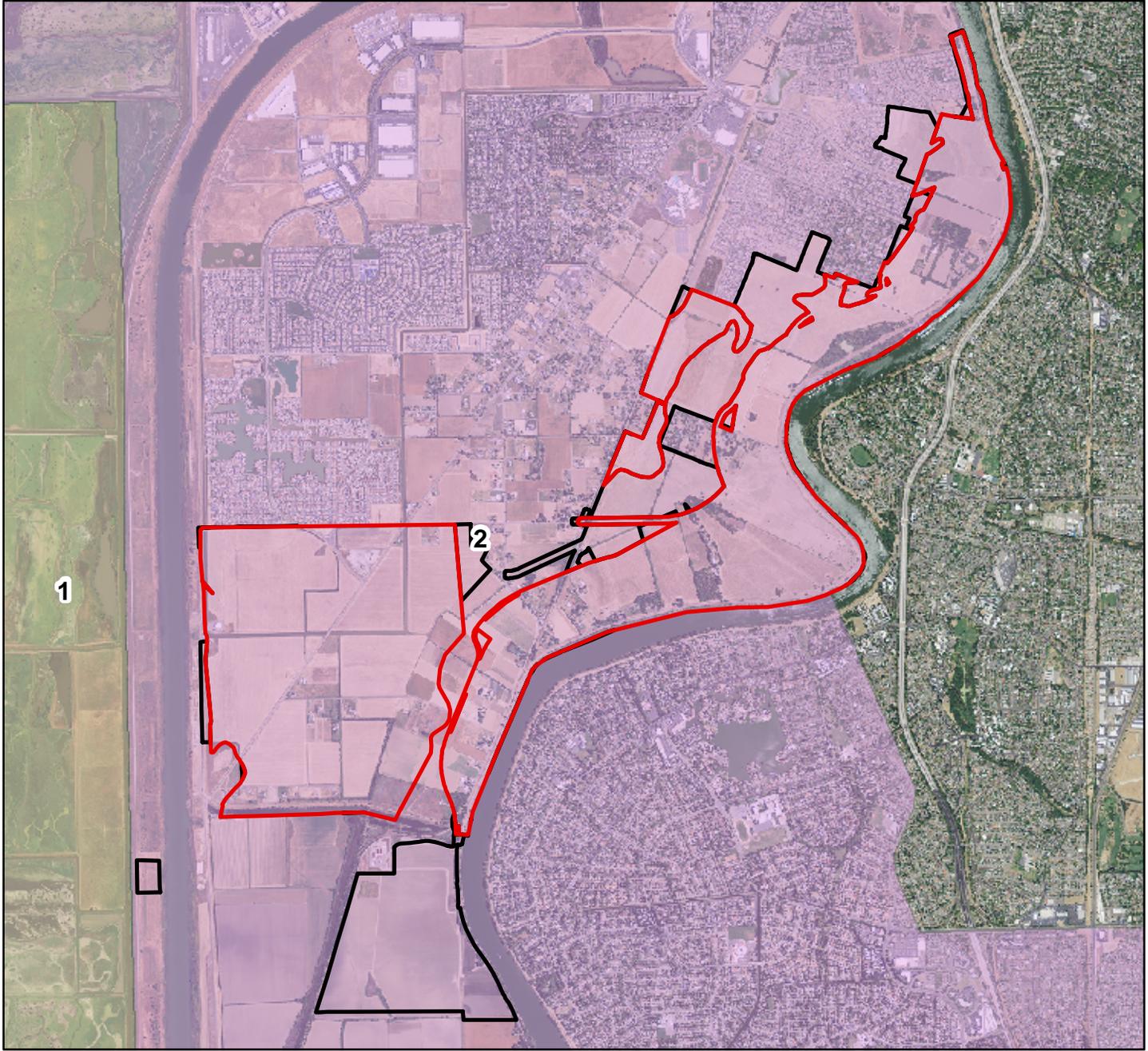
100%

Prime  
Farmland  
Total: 0 0%

**Southport Sacramento River Early Implementation Report**

Customer(s): ARMY CORPS OF ENGINEERS  
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT  
**Approximate Acres: 2765.3**  
**ORIGINAL AND SUPPLEMENTAL STUDY AREA**

Field Office: WOODLAND SERVICE CENTER  
Agency: USDA Natural Resources Conservation Service  
Assisted By: PHIL HOGAN  
State and County: CA, YOLO



**Legend**

-  Original Study Area
-  Supplemental Study Area

**Delta Zones**

**ZONE**

-  2
-  1



# SOILS MAP

Date: 3/18/2013

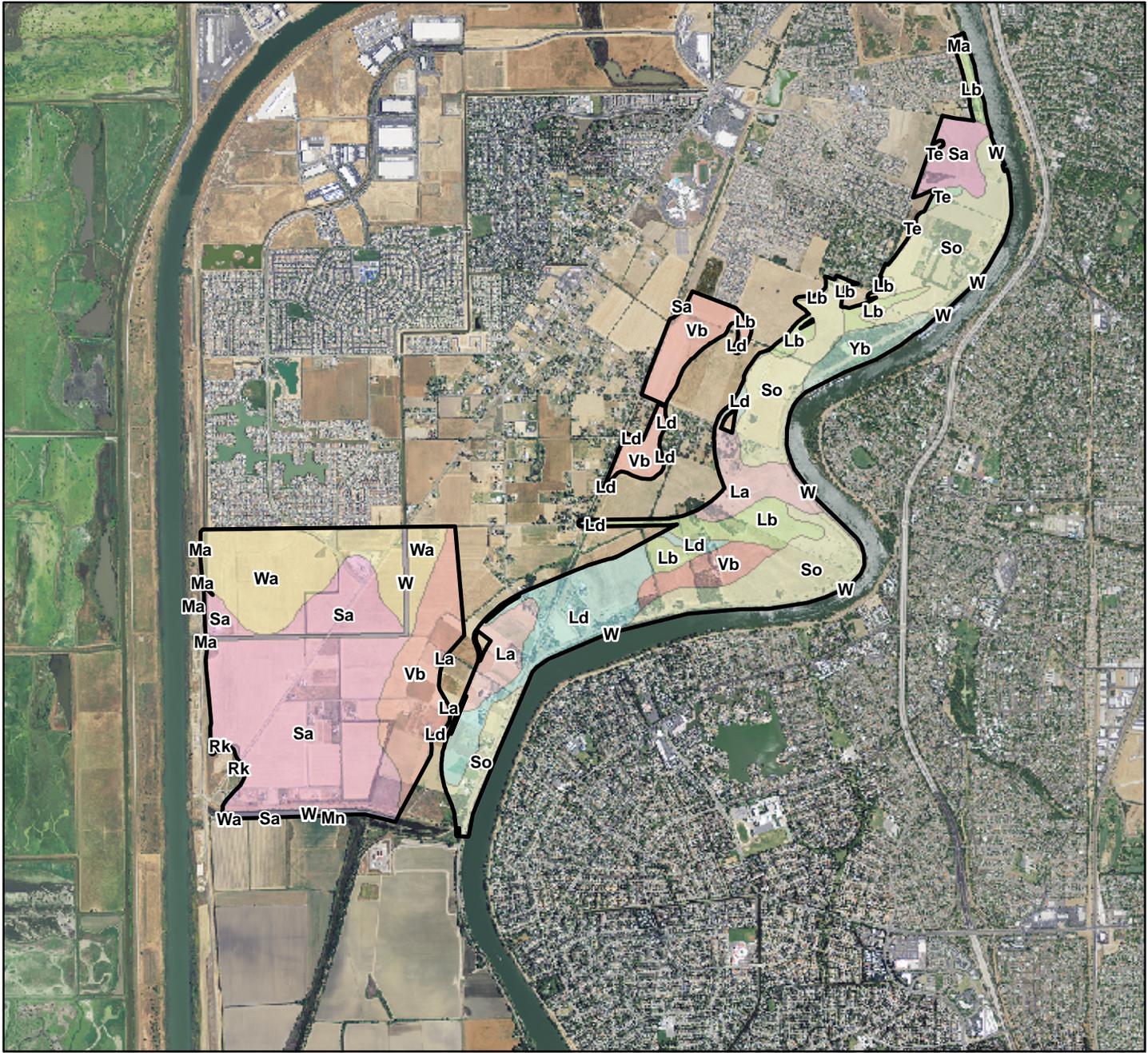
## Southport Sacramento River Early Implementation Report

Customer(s): ARMY CORPS OF ENGINEERS  
 District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT

Field Office: WOODLAND SERVICE CENTER  
 Agency: USDA Natural Resources Conservation Service

Approximate Acres: 2092.5  
 ORIGINAL STUDY AREA

Assisted By: PHIL HOGAN  
 State and County: CA, YOLO



**Legend**

- |                           |                                   |                             |  |
|---------------------------|-----------------------------------|-----------------------------|--|
| Original Study Area       | <b>Soils Map</b>                  | Ma, Made land               | Te, Tyndall very fine sandy loam, deep |
| musym, muname             | Mn, Merritt silty clay loam, deep | Vb, Valdez silt loam, deep  | W, Water                               |
| La, Lang sandy loam       | Rk, Riz loam                      | Wa, Willows silty clay loam |  |
| Lb, Lang sandy loam, deep | Sa, Sacramento silty clay loam    | Yb, Yolo silty clay loam    |  |
| Ld, Lang silt loam        | So, Sycamore silt loam            |                             |  |

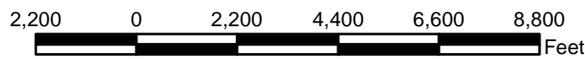
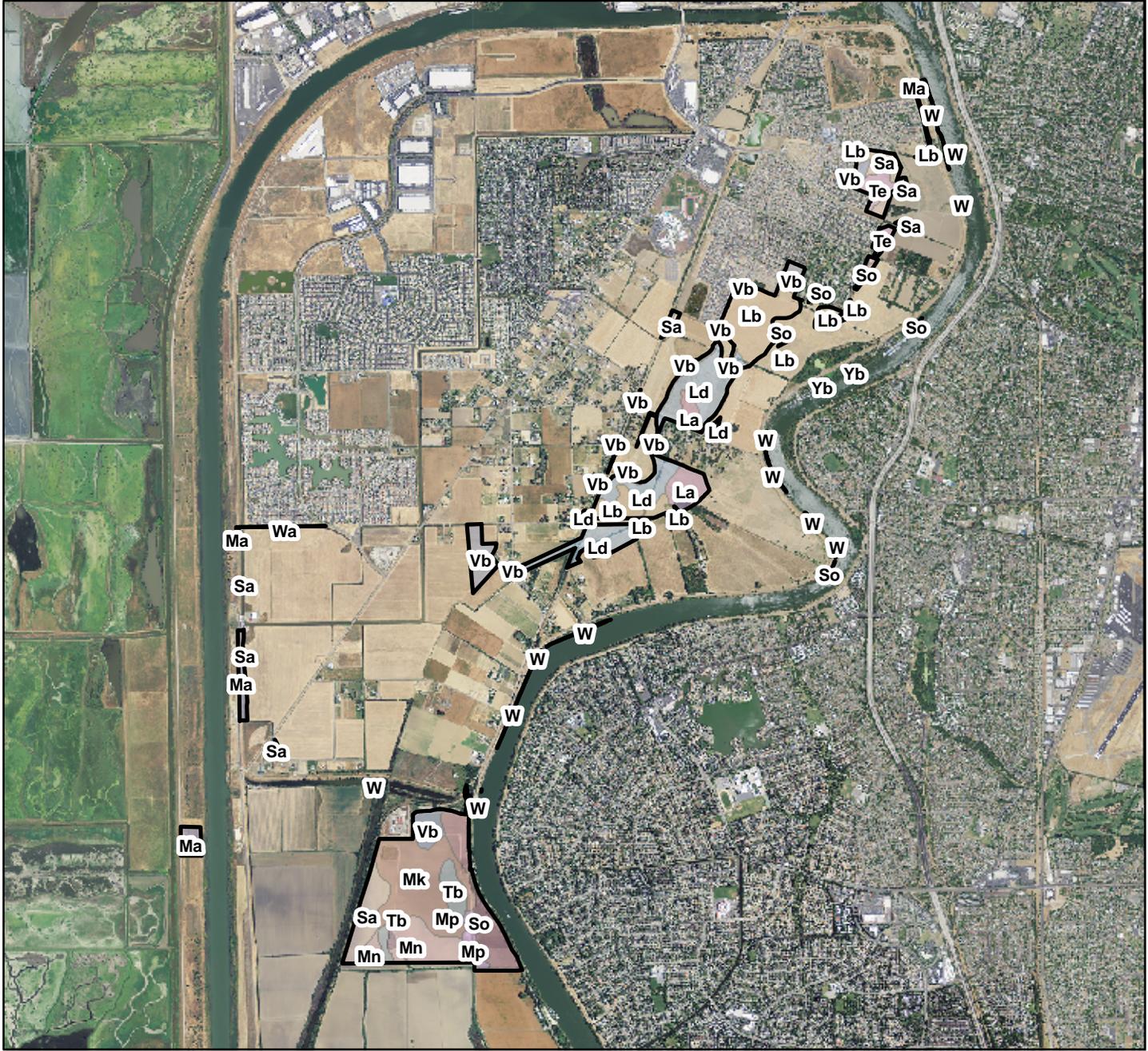
# SOILS MAP

Date: 3/18/2013

## Southport Sacramento River Early Implementation Report

Customer(s): ARMY CORPS OF ENGINEERS  
 District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT  
 Approximate Acres: 672.8  
**SUPPLEMENTAL STUDY AREA**

Field Office: WOODLAND SERVICE CENTER  
 Agency: USDA Natural Resources Conservation Service  
 Assisted By: PHIL HOGAN  
 State and County: CA, YOLO



**Legend**

Supplemental Study Area

**Soils Map**

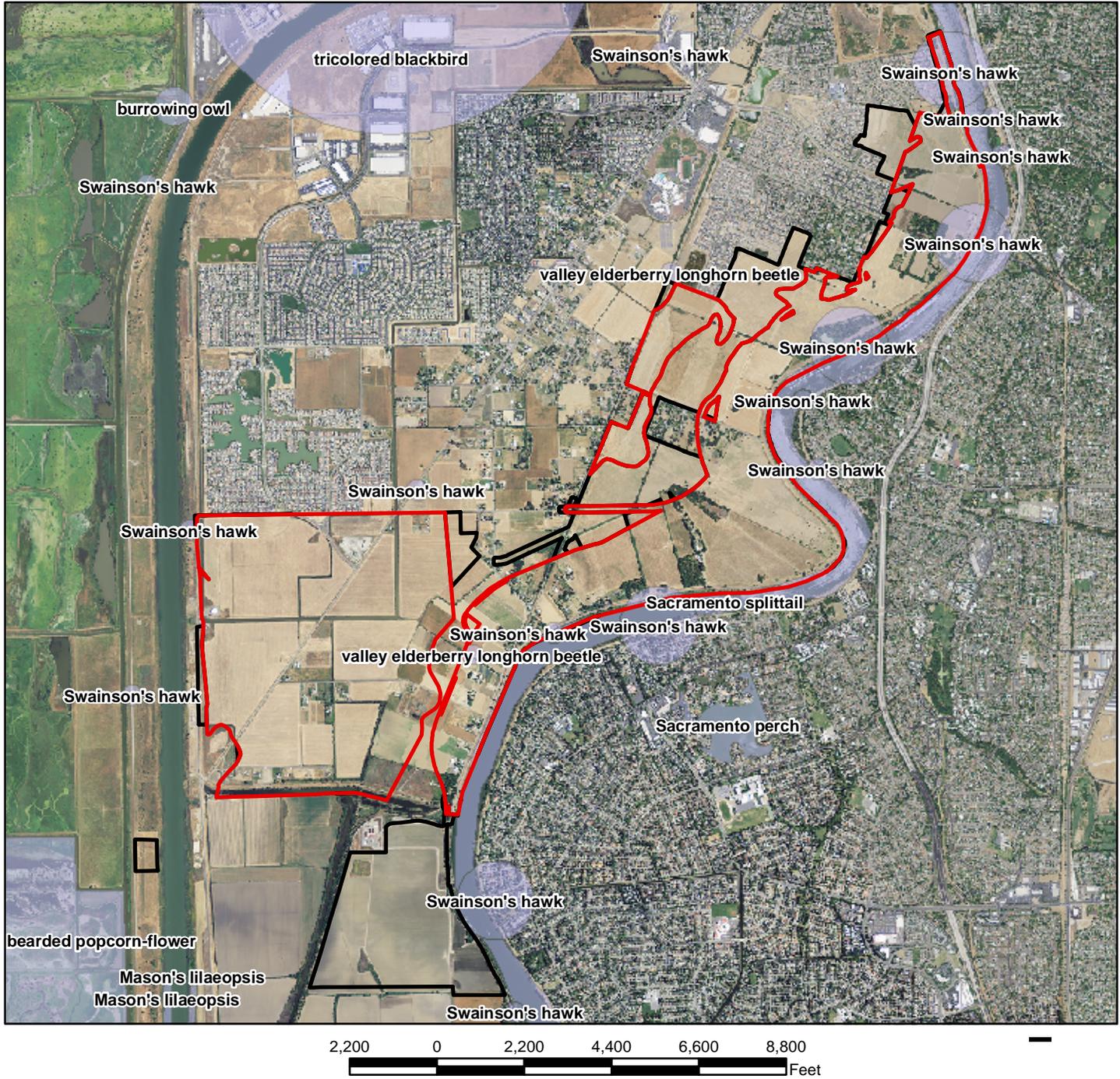
**musym, muname**

- |                           |                                    |  |
|---------------------------|------------------------------------|--|
| La, Lang sandy loam       | Mn, Merritt silty clay loam, deep  | Tb, Tyndall very fine sandy loam       |
| Lb, Lang sandy loam, deep | Mp, Merritt complex, saline-alkali | Te, Tyndall very fine sandy loam, deep |
| Ld, Lang silt loam        | Rk, Riz loam                       | Vb, Valdez silt loam, deep             |
| Ma, Made land             | Sa, Sacramento silty clay loam     | W, Water                               |
|                           | So, Sycamore silt loam             | Wa, Willows silty clay loam            |
|                           |                                    | Yb, Yolo silty clay loam               |

**Southport Sacramento River Early Implementation Report**

Customer(s): ARMY CORPS OF ENGINEERS  
 District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT  
**Approximate Acres: 2765.3**  
**ORIGINAL AND SUPPLEMENTAL STUDY AREA**

Field Office: WOODLAND SERVICE CENTER  
 Agency: USDA Natural Resources Conservation Service  
 Assisted By: PHIL HOGAN  
 State and County: CA, YOLO



**Legend**

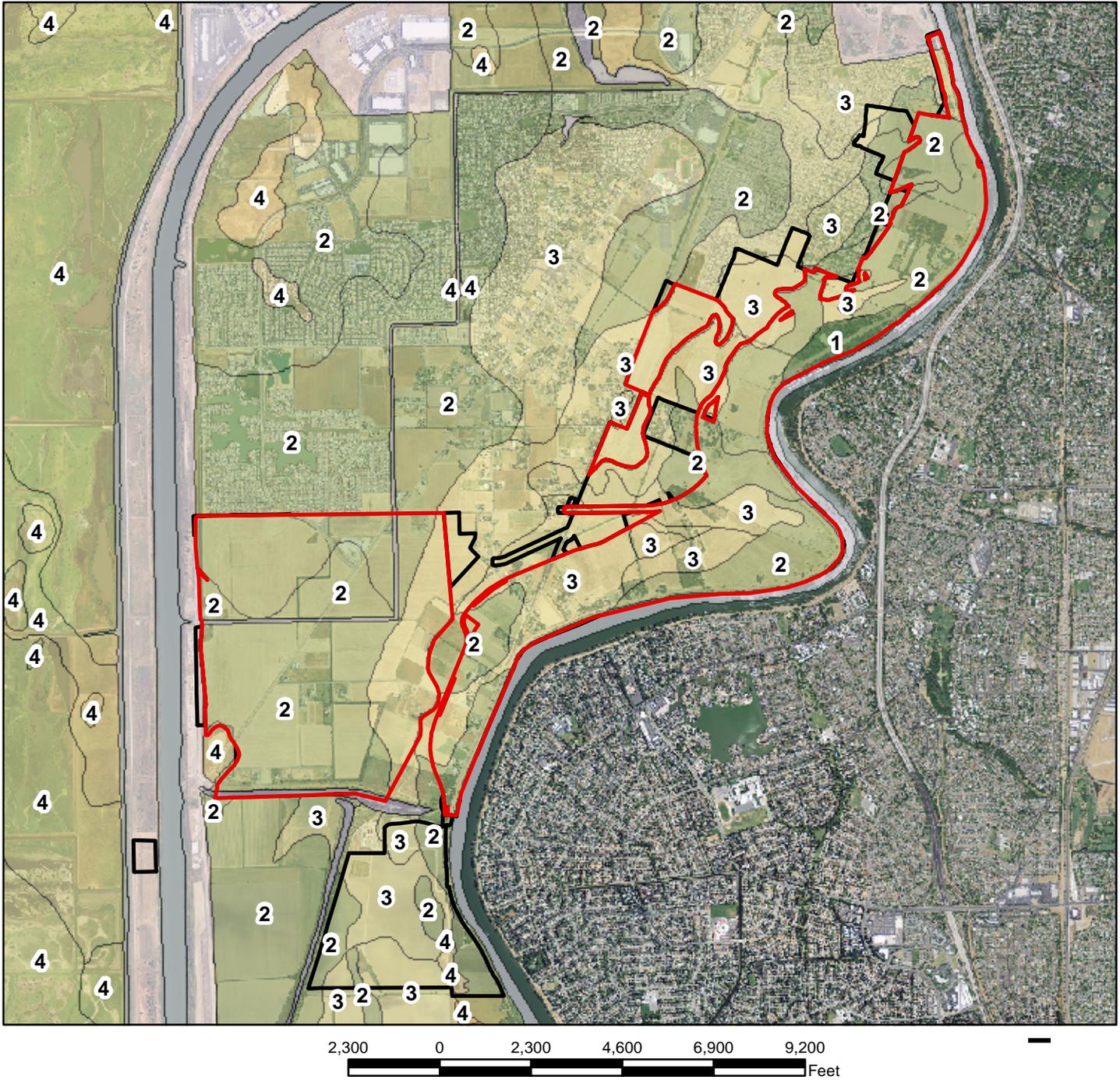
- Original Study Area
- Supplemental Study Area
- <all other values>

**DATA:**  
 CA Dept. of Conservation  
 CA Department of Fish and Wildlife  
 California Natural Diversity Database

**Southport Sacramento River Early Implementation Report**

Customer(s): ARMY CORPS OF ENGINEERS  
 District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT  
 Approximate Acres: 2765.3  
 ORIGINAL AND SUPPLEMENTAL STUDY AREA

Field Office: WOODLAND SERVICE CENTER  
 Agency: USDA Natural Resources Conservation Service  
 Assisted By: PHIL HOGAN  
 State and County: CA, YOLO



**Legend**

- |  |  |  |
|--|--|--|
| <span style="border: 2px solid red; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Original Study Area       | <b>Irrigated Capability Class</b>  | <span style="background-color: #f4b084; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Capability Class - V       |
| <span style="border: 2px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Supplemental Study Area | <span style="background-color: #4682b4; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Capability Class - I   | <span style="background-color: #c08060; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Capability Class - VI      |
|  | <span style="background-color: #90ee90; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Capability Class - II  | <span style="background-color: #a52a2a; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Capability Class - VII     |
|  | <span style="background-color: #ffff00; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Capability Class - III | <span style="background-color: #d8bfd8; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Capability Class - VIII    |
|  | <span style="background-color: #f0e68c; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Capability Class - IV  | <span style="background-color: #f0f0f0; border: 1px solid black; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Not rated or not available |

---

**From:** Armstrong, Robert (SDA) [<mailto:armstrongro@sacsewer.com>]  
**Sent:** Wednesday, April 03, 2013 05:27 PM  
**To:** Smith, Megan  
**Subject:** Southport EIP NOP/EIR - SRCSD Response

Good Afternoon Megan,

Please find the attached response letter from SRCSD in regards to the above-mentioned project; a hard copy of the letter will be mailed to your attention.

Best Regards,

Robb

**Robb Armstrong**

***Policy & Planning - SRCSD Development Services***

Sacramento Regional County Sanitation District

10060 Goethe Road

Sacramento, CA 95827

Phone: (916) 876-6104

 Please consider the environment before printing this email.

---

**EMAIL DISCLAIMER:**

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by other than the intended recipient is strictly prohibited.

If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

---



**Main Office**

**10060 Goethe Road**  
**Sacramento, CA 95827-3553**  
**Tele: [916] 876-6000**  
**Fax: [916] 876-6160**

April 3, 2013  
Ms. Megan Smith  
ICF International  
630 K Street, Suite 400  
Sacramento, CA 95814

**Sacramento Regional Wastewater  
Treatment Plant**

**8521 Laguna Station Road**  
**Elk Grove, CA 95758-9550**  
**Tele: [916] 875-9000**  
**Fax: [916] 875-9068**

Subject: **Supplemental Notice of Preparation (NOP) of an  
Environmental Impact Statement/Environmental  
Impact Report for the Southport Sacramento River  
Early Implementation Program**

**Board of Directors  
Representing:**

- County of Sacramento
- County of Yolo
- City of Citrus Heights
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Sacramento
- City of West Sacramento

Dear Ms. Smith:

Sacramento Regional County Sanitation District (SRCSD) has reviewed the supplemental NOP of an EIS/EIR for the Southport Sacramento River Early Implementation Project (Southport EIP) and has the following comments.

As stated within the NOP, the Southport EIP proposes to implement flood risk-reduction measures along the Sacramento River's South Levee within the City of West Sacramento (City); the proposed project would bring the existing levee up to standard with Federal and state flood protection criteria.

SRCSD has the South River Pump Station (SRPS), 66-inch Yolo Force Main, 120-inch Southport Gravity Sewer and associated easements and access roads located within the proposed projects study area.

SRCSD is currently in the final design stages for the South River Pump Station Flood Protection Project, which will utilize soil from borrow sites of neighboring parcels of the SRPS; close coordination between the West Sacramento Area Flood Control Agency (WSAFCA) and SRCSD should occur in order to avoid any potential conflict in regards to soil acquisition for both projects.

The potential removal and/or addition of ground cover over existing SRCSD facilities may require that SRCSD facilities be raised and/or lowered to meet the finished project grade; load mitigation may also be required for areas where additional loads are placed over SRCSD facilities.

- Stan Dean  
*District Engineer*
- Ruben Robles  
*Director of Operations*
- Prabhakar Somavarapu  
*Director of Policy & Planning*
- Karen Stoyanowski  
*Director of Internal Services*
- Joseph Maestretti  
*Chief Financial Officer*
- Claudia Goss  
*Public Affairs Manager*

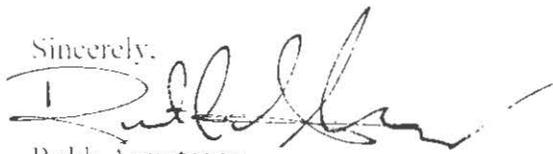
Ms. Megan Smith  
April 3, 2013  
Page 2

Other areas of concern for SRCSD are as follows:

- All weather access to SRCSD facilities and pipelines for the purpose of operation and maintenance activities pre post construction.
- Improvements proposed to be constructed within existing SRCSD easements that may prohibit the intended use of said easements.
- Potential concerns for any fill placed or removed over SRCSD pipelines.
- Stockpiling or placement of spoils and construction equipment within SRCSD easements.
- Potential construction haul-routes that cross SRCSD pipelines.
- Borrow site excavation in the vicinity of SRCSD pipelines and facilities, including the South River Pump Station Flood Protection Project.
- Coordination of construction activities for the SRCSD South River Pump Station Flood Protection Project and the Southport EIP.
- Borrow site activities located south of the City's South Cross Levee and their relation to the Sacramento River Levee and the potential for increased river seepage.

If you have any questions regarding this letter, please feel free to contact me at (916) 876-6104 or by e-mail at [armstrongro@sacsewer.com](mailto:armstrongro@sacsewer.com).

Sincerely,



Robb Armstrong  
Sacramento Regional County Sanitation District

RA:ra (ra)

cc: Sharon Sargeant – SRCSD  
Scott Mueller – SRCSD  
Kyle Frazier – SRCSD

# The Southport Sacramento River Early Implementation Project Supplemental Scoping

**WSAFCA**  
West Sacramento Area Flood Control Agency



## Comment Card

Name: Steve + Pam Gould Date: \_\_\_\_\_

Telephone: 372-4042 Email: pamela.gould@myway.com

Affiliation: \_\_\_\_\_ Title (if applicable): \_\_\_\_\_

Street Address: 4395 Gregory Ave.

City: W. Sacto State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write in the space below legibly.

For your convenience, you may take this self-addressed card home, fill it out, and fold it in half and mail it. You may also send comments via email to Megan Smith at [megan.smith@icfi.com](mailto:megan.smith@icfi.com) or Tanis Toland at [tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil). **All comments must be received or postmarked by April 8, 2013.**

- Megan Smith, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814
- Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Delta Programs Integration & Ecosystem Restoration, 1325 J Street Sacramento, CA 95814

Environmental Concerns:

1. Dirt + DUST / Air Quality
2. Vibration from any trucks, equipments, etc.
3. Damage to concrete, pool and/or house
4. Water quality due to well existing
5. Livestock and/or pets
6. Noise
7. Traffic from construction project
8. Hours of construction / weekdays / weekends

# The Southport Sacramento River Early Implementation Project Supplemental Scoping



## Comment Card

Name: Sandra Winters Date: 3/28/13

Telephone: 916-681-3634 Email: julkev@aol.com

Affiliation: \_\_\_\_\_ Title (if applicable): \_\_\_\_\_

Street Address: 8791 Silverberg Ave

City: Elk Grove State: CA Zip: 95624

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write in the space below legibly.

For your convenience, you may take this self-addressed card home, fill it out, and fold it in half and mail it. You may also send comments via email to Megan Smith at [megan.smith@icfi.com](mailto:megan.smith@icfi.com) or Tanis Toland at [tanis.j.toland@usace.army.mil](mailto:tanis.j.toland@usace.army.mil). **All comments must be received or postmarked by April 8, 2013.**

- Megan Smith, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814
- Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Delta Programs Integration & Ecosystem Restoration, 1325 J Street Sacramento, CA 95814

Actual property concern is at 2055 Davis Rd

Will this project have ~~any~~ <sup>an</sup> effect

on the ground water level & thus the

well at 2055 Davis Rd. The current

well is not a deep well. Also the

impact on the traffic on Davis Rd,

currently a country road

