

CENTRAL VALLEY FLOOD PROTECTION BOARD

EXECUTIVE OFFICER'S REPORT

October 27, 2017



ENVIRONMENTAL SERVICES AND LAND MANAGEMENT BRANCH

Status Report and Work Activities

- **USACE Coordination**

- USACE staff presented the categorical permission effort at the September 22, 2017 Board Meeting. Board staff assisted the USACE Flood Protection and Navigation Section with a Programmatic Environmental Assessment pursuant to the National Environmental Policy Act to address environmental effects of various types of minor alteration actions proposed as categorical permissions. Categorical permissions will simplify the Section 408 review process for minor alterations reviewed and approved at the District level. The USACE Sacramento District released the Public Notice for the Categorical Permission for Section 408 Requests on September 18, 2017. The final comment period ended on October 18, 2017. The USACE is anticipating the categorical permission process to be in place at the beginning of 2018.

- **Lower Elkhorn Basin Levee Setback Project**

- Board Staff received the third Administrative Draft of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) from DWR and will be providing back check review to DWR by December 11, 2017. In addition, Board staff is participating in the Project Delivery Team meetings for early and ongoing coordination for design and environmental planning activities. Board staff will continue to provide updates on the activities surrounding the project planning activities.

- **USACE PL 84-99 Levee Rehabilitation**

- Board staff filed a CEQA Notice of Exemption using a Statutory Exemption for a Declared Emergency for the PL 84-99 Levee Rehabilitation work within the Sacramento. USACE has prioritized 16 PL 84-99 eligible sites to be constructed in the Sacramento basin this year, with another 35 eligible sites to be constructed next year. USACE is currently prioritizing 18 PL 84-99 eligible sites in the San Joaquin basin that may be constructed this year.

- **Yolo Bypass Core BiOp Planning**

- Board staff attended the Yolo Bypass Core BiOp Planning Meeting on October 5, 2017. The Bureau of Reclamation (BOR) is the lead agency in accordance with NEPA and DWR is the lead agency in accordance with CEQA in preparing the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Draft EIS/EIR. Staff will be working DWR and BOR to identify issues related to permitting and consistency with

the CVFPP. A Draft EIS/EIR will be released in November 2017 for public comment. A Final EIS/EIR is expected to be released in October 2018.

- **Western Pacific Interceptor Canal Culvert Replacement Project**

- Board staff conducted a site visit to the Western Pacific Interceptor Canal Culvert Replacement Project (Project) location on October 6, 2017. Board engineering staff is updating the project plans in order to be compliant with the Title 23 rewrites. The Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Project will be updated once the revised project description is received from engineering staff. Staff will present the IS/MND for certification by the Board at a future Board Meeting. In addition to certification of the IS/MND, staff will be requesting that the Board consider adoption of the Mitigation Monitoring and Reporting Plan and approve the Project. Once the Board has certified the IS/MND and approved the project, staff will work to secure the necessary permits for construction of the Project. The Project will likely occur during the 2018 construction season.

- **Feather River Habitat Conservation Plan EIS/EIR**

- Board staff attended the Feather River Habitat Conservation Plan EIS/EIR Meeting on October 3, 2017. The consultant preparing the draft HCP provided an update and stated that a draft of the HCP should be available on December 1, 2017, for internal agency review. An update on AB 52 compliance was provided and a discussion followed on any necessary refinements to the list of discretionary actions.

- **Marysville Ring Levee Project**

- At the September 22, 2017 Board Meeting, DWR staff presented an update on the Marysville Ring Levee (MRL) Improvement Project. This summary was intended to provide more detailed information on the environmental and CEQA related actions for the remaining MRL project phases.

The MRL project is a 3-party Project Partnership Agreement between U.S. Army Corps of Engineers (USACE), Central Valley Flood Protection Board (CVFPB), and the Marysville Levee District (MLD). USACE, CVFPB, and MLD are proposing levee improvements to address under seepage, through seepage, and embankment stability for the ring levee around Marysville.

An Environmental Assessment/Initial Study (EA/IS) from 2010 evaluated the potential effects of the proposed design including the design refinements since the 1999 originally authorized project. The resulting Mitigated Negative Declaration was adopted by the CVFPB. Since 2010, additional changes to the project design and schedule have occurred. The project is now being constructed in more phases than proposed in the 2010 EA/IS. Specifically Phase 2 from the 2010 EA/IS, is now four separate phases; Phase 2A (North and South), 2B and 2C. In order to maintain project schedule, supplemental environmental and other documents are also being

addressed in a phased approach. Phase 2A-North is set to proceed to construction in summer of 2018. An addendum is being created to document changes resulting from air quality impacts and will be ready for approval by the CVFPB, or delegated authority, prior to the start of construction.

Phase 2A-South is currently scheduled to begin construction in 2019, with Phase 2C starting in 2020. Based on the design modifications and refinements, impacts to multiple resources are expected to change from the analysis used in the 2010 EA/IS. DWR environmental staff, in coordination with USACE staff, will analyze these impacts and additional mitigation measures will be documented, as needed, in a supplemental EA/IS that is currently being drafted by the USACE. The document is anticipated to be presented to the CVFPB in early 2018.

Phase 3 is anticipated to begin construction in 2021, with Phase 2B and Phase 4B starting construction in 2022. At this time it is unclear if the impacts to resources will be significantly different from the 2010 EA/IS. When appropriate, additional supplemental documentation will be prepared by USACE and DWR environmental staff.

RIGHT-OF-WAY AND REAL ESTATE SUPPORT

Status Report and Work Activities

****Indicates new activity this month**

- **Sacramento-San Joaquin Drainage District (SSJDD) Leases:** Below is a summary of completed and recommended activities to the SSJDD leases:
 - Work is ongoing with DWR Fiscal Staff to ensure lessees make lease payments in a timely manner.
 - Work is ongoing fielding lessee calls regarding a variety of property issues.
 - Work is ongoing with the State Lands Commission (SLC) to create a system whereby the scope of work of the interagency agreement between the CVFPB and the SLC to administer the SSJDD oil and gas leases is maximized to the benefit of the CVFPB and Board Staff.
 - Work is ongoing to renew the Hogback Island bank protection lease number PRC 3300.9 with the SLC.
 - Work is ongoing to renew a General Lease with the California State Lands Commission for the use of State Sovereign Land, for a Protected Structure, located in the Sacramento River, Georgiana Slough, Steamboat Slough, Sutter Slough, Feather River, American River, and Cache Slough in Yolo County.
 - Work is ongoing to determine best option for obtaining current fair market value for SSJDD leases, to obtain updated maps and exhibits for SSJDD leased properties, to obtain a legal review of relevant Water Code of SSJDD lease public bid process to ensure proper procedures are followed in lease renewal process, and to prepare SSJDD lease renewals.
 - Work is ongoing to convert out-of-date SSJDD land surveyor drawings and tracings to aerial picture shape files of existing SSJDD leased parcels.

- **Real Property Conveyances:** *real estate transactions resulting from CVFPB approved permits.*
 - Work is ongoing to acquire flood control levee easements or licenses as a special condition of the following Permits:
 - No. 18313 for WSAFCA, West Sacramento, CA
 - No. 18257 for Atlas Tract RD-2126, Stockton, CA
 - No. 17858 for Mossdale Marina, Lathrop, CA
 - No. 15178-1 Marysville WWTP easement
 - No. 14455 License Renewal for gas line in Sutter Bypass for CRC

- **Right of Way and Real Estate Support Activities**

- Work is ongoing to provide real estate support services in conjunction with the geodetic branch for all CVFPB Staff in the form of verifying existing SSJDD flood control property rights and providing exhibits.

- **Other Miscellaneous Activities**

- Work is ongoing to review a legal description from Sutter County for Sacramento Avenue across the Sutter Bypass; the County is perfecting their roadway rights for a new road alignment. The County's land surveyor is drafting a legal description.
- Work is ongoing to acquire a parcel in fee from the American River Flood Control District (ARFCD) on La Rivera Drive at Howe Avenue on the left bank of the American River for the primary use of establishing a staging area to support emergency flood fights; ARFCD will be responsible for the O&M of the parcel. ARFCD's land surveyor is drafting a legal description.
- Negotiations are ongoing to acquire an easement from the City of Sacramento for a water line in the Garden Highway levee near Orchard Lane and for an existing water line the City recently acquired. The City is working to provide the necessary legal description documents for staff's review.
- Geodetic Branch staff is preparing legal descriptions on flowage easements that will be acquired from the USACE for the Three Amigos project in Stanislaus County by quitclaim deeds.
- Working with Board Staff, USBR Staff & USFWS Staff to provide access on to an SSJDD Parcel for the Sutter National Wildlife Refuge Lift Station Project.
- Coordinating with Caltrans, DWR Geodetic Branch Staff, and Board Permitting Staff on two Caltrans Hwy widening projects (Highways 20 and 99); Caltrans is seeking access onto SSJDD parcels for construction for replacing the Wadsworth Canal Bridge on Hwy 20. The Hwy 99 widening project has already been completed. Caltrans is seeking to acquire portions of fee owned SSJDD parcels for these two projects. Currently, Caltrans is working with Board Permitting Staff to acquire the necessary Permits. Senior ROW Agent is working with Caltrans staff to provide Caltrans temporary access during construction pending the permanent acquisition of an easement of flood control rights.
- Working with Western Area Power Administration (WAPA) and Sacramento Municipal Utility District (SMUD) to provide access to approximately a dozen SSJDD parcels in Sutter County to perform studies for an environmental review for the purposes of creating an EIR/EIS for options to install a new transmission line across these parcels. The studies are estimated to take three (3) years to complete.
- **Provided SSJDD property rights information to DWR's Public Affairs Office and

Sutter Maintenance Yard's Superintendent for private citizen inquiry regarding SSJDD parcels adjacent to DFW's Nelson Slough Wildlife Area.

- **Working with the Madera County Sheriff to resolve trespassing issues on SSJDD parcels in Madera County along the Fresno River.
- **Sent written interrogatories to the City of Lathrop regarding a Parcel Map of a proposed Richland Communities commerce center adjacent to SSJDD property and the San Joaquin River.