

**Meeting of the Central Valley Flood Protection Board
June 28, 2013**

Staff Report – Encroachment Permit

**SAFCA, Natomas Levee Improvement Program
Sacramento River East Levee**

Phase 1G and 2E Drainage Swale Grading Project, Sutter County

1.0 – ITEM

Consider approval of Draft Permit No. 18159-3-3 (Attachment B).

2.0 – APPLICANT

Sacramento Area Flood Control Agency (SAFCA)

3.0 – LOCATION

The project is located at the intersection of Garden Highway and Riego Road along Reach 4A of the Sacramento River East Levee from Station 122+00 to 125+00 (see Attachment A).

4.0 – DESCRIPTION

The project is a component of the Sacramento River East Levee Phase 1G and 2E Drainage Swale Grading Project. The work proposed for coverage under this permit is within the footprint of the work conducted under previously issued Central Valley Flood Protection Board (Board) permits for the Sacramento River East Levee Phase 1B Improvement Project, Reaches 1 through 4A (Board Encroachment Permit Nos. 18159-3, 18159-3-1, and 18159-3-2).

The proposed work includes grading and placement of a 6-inch thick aggregate base roadway shoulder at the intersection of Garden Highway and Riego Road along the Sacramento River East Levee from approximately Levee Station 122+00 to 125+00 (see Attachment A and D). Construction will involve excavation of 6 inches of soil and replacement with aggregate base. The aggregate base will be graded to drain towards the drainage swale.

The following Construction Drawings are applicable to this permit (Attachment D):

- G-001, Title Sheet and Location Map
- G-008, Key Map
- C-401, Riego Road Drainage Plan
- C-406, Typical Drainage Details (2 of 2)

5.0 – PROJECT ANALYSIS

5.1 – Authority of the Board

- California Code of Regulations, Title 23, Division 1 (CCR 23), § 6, Need for a Permit
- CCR 23, § 106, Existing Encroachments within an Adopted Plan of Flood Control
- CCR 23, § 112, Streams Regulated and Nonpermissible Work Periods
- CCR 23, § 116, Borrow and Excavation Activities – Land and Channel
- CCR 23, § 120, Levees

Board staff finds that the overall design of the proposed project is in compliance with CCR 23 standards as described in Sections 5.2 and 5.3 below.

5.2 – Hydraulic Analysis

The proposed project is on the landside levee toe therefore no hydraulic analysis is required for this project. Hydraulic impacts are negligible due to grading and placement of aggregate base roadway shoulders.

5.3 – Structural and Geotechnical Analysis

Structural and geotechnical impacts are negligible due to excavation of 6-inches of soil and replacement with a 6-inch thick aggregate base roadway shoulder adjacent to the Riego Road and Garden Highway intersection. Ninety (90) cubic yards of excavated soil will be hauled off site and placed in the excess disposal Area 2 as shown on Drawing G-008.

Board staff reviewed the design plans and agrees with the applicant's conclusion that the proposed project will not result in significant adverse geotechnical impacts to the Sacramento River floodway or levees. All project work will be done in a manner that will not pose a threat to the structural integrity of the Sacramento River Flood Control Project. Earthwork will be completed in compliance with the conditions of Draft Permit No. 18159-3-3 (Attachment B) and CCR 23 Standards.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project from all pertinent agencies are shown below:

- The U.S. Army Corps of Engineers comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. Upon receipt of the letter, staff will review it to ensure conformity with the draft permit language and incorporate it into the permit by reference as Exhibit A.
- Reclamation District 1000 endorsed this application on January 23, 2013, subject to conditions, which are incorporated into the permit as Exhibit B (see Attachment B, Exhibit B).

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA findings:

The Board, acting as a responsible agency under CEQA, has independently reviewed the Program Environmental Impact Report (EIR) (SCH No. 2007062016, November 2007), Supplemental EIR (SEIR) (SCH No. 2007062016, November 2008), Mitigation Monitoring and Reporting Program (MMRP) prepared by the lead agency, SAFCA. SAFCA determined that the project would have a significant effect on the environment and adopted Resolution 09-22 dated January 29, 2009 for the Natomas Levee Improvement Program, Landside Improvements Project - Phase 2 Project prepared by the lead agency, SAFCA. These documents including project design and SAFCA resolutions may be viewed or downloaded from the Board's website at <http://www.cvpfb.ca.gov/meetings/2013/06-28-2013.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and SAFCA offices.

The Board previously approved construction of Reaches 1 through 4A of the NLIP Landside Improvements Project on March 27, 2009 through Permit No. 18159-3 and Resolution 2009-07 and made appropriate CEQA findings. The Board finds that the proposed drainage swale grading project is within the scope of the previously adopted Program EIR and SEIR and therefore constitutes a subsequent activity to the EIR and SEIR. The Board further finds that no new environmental effects could occur and no new mitigation measures are required pursuant to CEQA Guidelines section 15162.

Therefore, no new environmental document is required pursuant to CEQA Guidelines section 15168.

The documents and other materials which constitute the record of the Board's proceedings in this matter are in the custody of Jay Punia, Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Rm. 151, Sacramento, California 95821.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the facilities of the State Plan of Flood Control, and consistency of the proposed project with the Central Valley Flood Protection Plan as adopted by Board Resolution 2012-25 on June 29, 2012:

Since the proposed project does not impair the structural or hydraulic functions of the Sacramento River, the project has no adverse effect on facilities of the State Plan of Flood Control, and is consistent with the adopted 2012 Central Valley Flood Protection Plan.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

There are no foreseeable projected future events that would impact this project.

9.0 – LAND RIGHT-OF-WAY CONCRENS

The applicant is not required to acquire any new rights of way to construct the project. All work will be performed within the limits of construction of the previously permitted project (Permit Nos. 18159-3, 18159-3-1, and 18159-3-2).

10.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt Resolution 2013-13 which:

- adopts the CEQA findings,
- approves the permit in substantially the form provided, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and
- directs the Executive Officer to take the necessary actions to execute the permit and all related documents, and file a Notice of Determination with the State Clearinghouse.

11.0 – LIST OF ATTACHMENTS

A. Vicinity and Location Maps

B. Draft Permit No. 18159-3-3

- Exhibit A: USACE Comment Letter (placeholder)
- Exhibit B: RD 1000 Endorsement

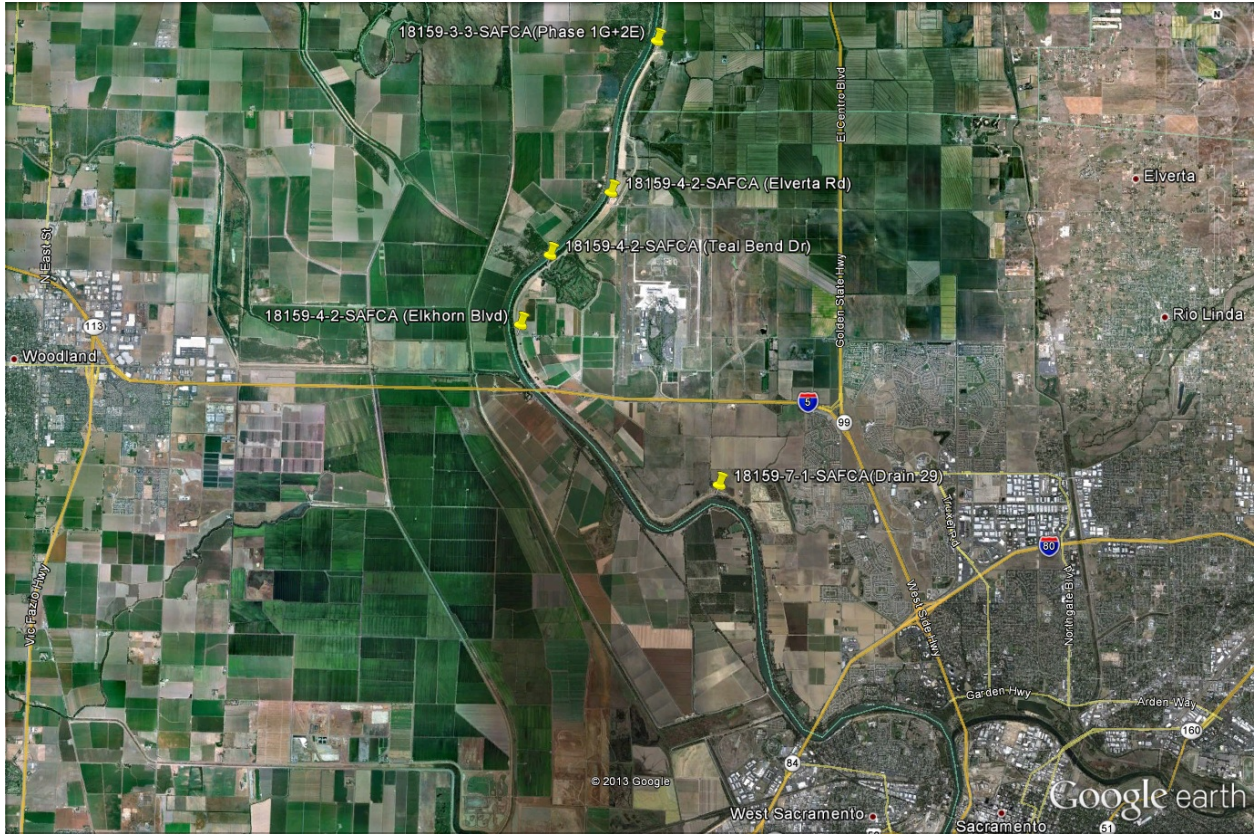
C. Board Resolution No. 2013-13

D. Drainage Plan

Technical Review:	Sungho Lee, Engineer
Environmental Review:	Andrea Mauro, Environmental Scientist
Document Review:	David R. Williams, PE, Projects Section Chief
	Eric Butler, PE, Projects and Environmental Branch Chief
	Len Marino, PE, Chief Engineer

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ATTACHMENT A – VICINITY AND LOCATION MAPS



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STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18159-3-3 BD

This Permit is issued to:

Sacramento Area Flood Control Agency (SAFCA)
1007 7th Street, 7th Floor
Sacramento, California 95814

The project is a component of SAFCA's Sacramento River East Levee, Phase 1G and 2E Drainage Swale Grading Project. The work is to grade and place a 6-inch thick aggregate base roadway shoulder at the intersection of Garden Highway and Riego Road, along the crown of the Sacramento River East Levee.

The project is located at the intersection of Garden Highway and Riego Road, along the Sacramento River East Levee, in Reach 4A of the Natomas Levee Improvement Project (Section 36, T11N, R3E, MDB&M, Reclamation District 1000, Sacramento River, Sutter County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18159-3-3 BD

LIABILITIES / INDEMNIFICATION

THIRTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

FIFTEEN: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

EASEMENT, LICENSE OR TEMPORARY ENTRY PERMIT

SIXTEEN: If the construction project extends onto land owned in fee and/or easement by the Sacramento and San Joaquin Drainage District acting by and through the Central Valley Flood Protection Board (hereafter Board), the permittee should secure an easement, license, or temporary entry permit from the Board prior to commencement of work. Contact Angelica Aguilar at (916) 653-5782.

PERMITTING AND AGENCY CONDITIONS

SEVENTEEN: The permittee shall comply with all conditions set forth in the letter from the Department of Army (U.S. Army Corps of Engineers, Sacramento District) dated xxxx , which is attached to this permit as Exhibit A and is incorporated by reference.

EIGHTEEN: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

NINETEEN: The permittee shall comply with all conditions set forth in the letter from Reclamation District 1000 dated January 23, 2013, which is attached to this permit as Exhibit B and is incorporated by reference.

PRE-CONSTRUCTION

TWENTY: The permittee shall contact the Board by telephone at (916) 574-0609, and the Board's Construction Supervisor at (916) 574-2646 to schedule a preconstruction conference. Failure to do so at least 20 working days prior to start of work may result in delay of the project.

TWENTY-ONE: The permittee shall contact the U. S. Army Corps of Engineers regarding inspection of the project during construction as the proposed work is an alteration to an existing federal flood control project that will be incorporated into the Sacramento River Flood Control Project, a facility of the State Plan of Flood Control.

TWENTY-TWO: The permittee shall provide construction supervision and inspection services acceptable to the Board.

CONSTRUCTION

TWENTY-THREE: All work approved by this permit shall be in accordance with the submitted four drawings (Drawings G-001, G-008, C-401, and C-406). No other drawings will be considered under this permit. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

TWENTY-FOUR: No excavation shall be made or remain in the levee section during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-FIVE: No material stockpiles, temporary buildings, or equipment shall remain in the floodway during the flood season from November 1 to April 15.

TWENTY-SIX: Excavations below the design flood plane and within the levee section or within fifty (50) feet of the projected waterward and landward levee slopes shall have side slopes no steeper than 1 horizontal to 1 vertical. Flatter slopes may be required to ensure stability of the excavation.

TWENTY-SEVEN: The fill surface areas shall be graded to direct drainage away from the toe of the levee.

VEGETATION / ENVIRONMENTAL MITIGATION

TWENTY-EIGHT: The mitigation measures approved by the CEQA lead agency and the permittee are found in its Mitigation Monitoring and Reporting Program adopted by the CEQA lead agency. The permittee shall implement all such mitigation measures.

CONSTRUCTION COMPLETION

TWENTY-NINE: Upon completion of the project, the permittee shall submit a final completion letter and as-built drawings to the Central Valley Flood Protection Board, 3310 El Camino Avenue, Suite 151, Sacramento, California 95821 and Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.

OPERATIONS AND MAINTENANCE

THIRTY: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

THIRTY-ONE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by an authorized representative of the Central Valley Flood Protection Board, Department of Water Resources, or any other agency responsible for maintenance.

THIRTY-TWO: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

PROJECT ABANDONMENT, CHANGE IN PLAN OF FLOOD CONTROL

THIRTY-THREE: If the project, or any portion thereof, is to be abandoned in the future, the permittee shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's cost and expense.

THIRTY-FOUR: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central

Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Flood Protection and Navigation Section

SAMPLE

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Mr. Punia:

The Corps' comment letter for this encroachment permit application is anticipated soon.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,

A handwritten signature in black ink, appearing to read "Meegan G. Nagy".

Meegan G. Nagy, P.E.
Chief, Flood Protection and Navigation Section

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ATTACHMENT B, EXHIBIT B - LETTER OF ENDORSEMENT

State of California

DEPARTMENT OF WATER RESOURCES
CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD
ENCROACHMENT PERMIT

Application No. _____
(For Office Use Only)

1. Description of proposed work:

The project, known as the "Sacramento River East Levee Phase 1G and 2E Drainage Swale Grading Project, Contract 4155", it is a component of the Natomas Levee Improvement Program. The work proposed for coverage under this permit includes grading and placement of a 6" thick aggregate base roadway shoulder at the intersection of Garden Highway and Riego Road, along the Sacramento River East Levee. See Attachment A for additional information.

2. Location: Sutter County, in Section See Attachment A,

Township: See Attachment A (N) (S), Range See Attachment A (W), M. D. B. & M.

3. Sacramento Area Flood Control Agency of 1007 7th Street, 7th Floor
Name of Applicant Address

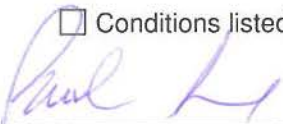
Sacramento CA 95814 (916) 874-7606
City State Zip Code Telephone Number
(916) 874-8289
Fax Number

4. Endorsement: (of Reclamation District)

We, the Trustees of _____ Reclamation District No. 1000
Name and District Number

approve this plan, subject to the following conditions:

- Conditions listed on back of this form Conditions Attached No Conditions

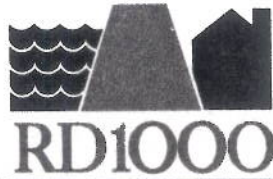

Trustee

01/23/2013
Date

Trustee Date

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

See Attachment A
Name Address Zip Code



RECLAMATION
DISTRICT 1000

Permit Conditions

Permit Application No. 18159-3-3

Location: Sacramento River (East Levee) Phase 1G and 2E Drainage Swale
Grading Project Contract 4155 SAFCA Natomas Levee
Improvement Project (Approx RM 74.7 to RM 70.0)

Applicant: Sacramento Area Flood Control Agency (SAFCA)

Description: AB Placement Riego Road and Sacramento River Levee

CONDITIONS:

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee until accepted by the District or transferred to Sacramento County.
2. Permittee shall obtain all necessary permits and regulatory approvals for the proposed work.
3. Permittee shall coordinate with the District in the preparation of the project plans and specifications and with any modifications thereto. District shall review and approve final plans and specifications prior to construction and shall also review and approve all proposed modifications to the approved project plans and specifications prior to their construction. Field fitting improvements shall be approved by the District in the field.
4. Work on the levee or within the Sacramento River shall be done outside of the flood season (November 1 to April 15) unless otherwise approved by the Central Valley Flood Protection Board and the District.
5. Permittee shall acquire necessary right of way for the improvements and convey said rights to the District for operation and maintenance of the flood control features the District is to operate and maintain to the satisfaction of the District.
6. Permittee shall restore the levee, access roads, gates, fences and other associated flood control facilities to the satisfaction of the District upon completion of the work or prior to flood season.

7. In event of an emergency, Permittee shall immediately restore the levee and access to the satisfaction of the District.

Resolution No. 2010-02

WHEREAS, Reclamation District No. 1000 (District) operates and maintains levees under the authority of the California Central Valley Flood Protection Board (CCVFPB) and the California Water Code; and

WHEREAS, the CCVFPB and Title 23 of the California Water Code require any encroachment on or adjacent to the levee or within the designated floodway have an encroachment permit be issued by the CCVFPB with appropriate conditions to insure they do not impede or impair the operations and maintenance of the flood control system; and

WHEREAS, such permit applications are reviewed and endorsed by the local maintaining agency responsible for the operations and maintenance of the levee system where the encroachment is proposed and allows for conditions to be included in the permits to address issues including, but not limited to, operations, maintenance, public safety and flood emergency response; and

WHEREAS, endorsement of the permit applications for levees surrounding the Natomas basin are the purview of the District and various actions through the years by past District Boards have granted authority to the General Manager to endorse permit applications; and

WHEREAS, the Board desires to enumerate a clear policy on how future permit applications are to be reviewed and endorsed by the District

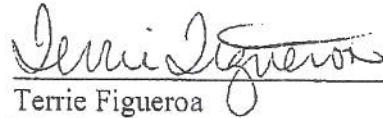
NOW, THEREFORE BE IT RESOLVED:

The Reclamation District No. 1000 Board of Trustees desires to delegate their authority to endorse encroachment permit applications to the District General Manager for routine encroachments and those which do not involve District policy issues. A determination as to which permits will be endorsed by the General Manager shall be left to his or her judgment, provided however, that all such endorsements shall be presented to the Board of Trustees at the next scheduled Board meeting.

Those permit applications which are not routine in nature, present policy issues or are likely to be controversial shall be brought to the Board for consideration and action at which time the Board may delegate signature authority to the General Manager if approved. This will include all permit applications where the General Manager is recommending denial to the California Central Valley Flood Protection Board.

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No, 1000, hereby certify that the foregoing Resolution 2010-02 was duly adopted by the Board of Trustees of Reclamation District No, 1000 at a regular meeting held January 8, 2010 and made a part of the minutes thereof.

A handwritten signature in cursive script, reading "Terrie Figueroa", is written over a horizontal line.

Terrie Figueroa
District Secretary

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**STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD**

RESOLUTION NO. 2013-13

**FINDINGS AND DECISION AUTHORIZING ISSUANCE OF
ENCROACHMENT PERMIT NO. 18159-3-3**

**SACRAMENTO AREA FLOOD CONTROL AGENCY
SACRAMENTO RIVER EAST LEVEE, REACHES 1 THROUGH 4A
DRAINAGE SWALE GRADING PROJECT, SACRAMENTO COUNTY**

WHEREAS, the Sacramento Area Flood Control Agency (SAFCA) proposed the Natomas Levee Improvement Program (NLIP), a comprehensive flood risk reduction program designed to provide a “200-year” level of protection to the Natomas Basin, and;

WHEREAS, the Central Valley Flood Protection Board (Board) approved Permit No. 18159-3 and made findings pursuant to the California Environmental Quality Act (CEQA) at the March 27, 2009 meeting for SAFCA’s Sacramento River East Levee (SREL), NLIP Landside Improvements Project, Phase 2 Project to construct a combination of seepage cutoff wall, adjacent levee, seepage berm, surface draining structures, relief wells and other related structures along Reaches 1 through 4A by SAFCA designation of the existing left (east) bank levee of the Sacramento River; and

WHEREAS, the Board approved Permit No. 18159-3-1 and made additional findings pursuant to CEQA at the June 19, 2009 meeting for the SAFCA NLIP, Landside Improvements Project, Phase 2 Project to construct a combination of soil-bentonite seepage cutoff wall, adjacent levee, seepage berm, surface drainage structures, pumping plant discharge pipelines, swale drains and grading work preparatory to construction of a new pumping plant to be built in the future along adjacent Reach 4B by SAFCA designation of the existing left (east) bank levee of the Sacramento River; and

WHEREAS, the Board approved Permit No. 18159-3-2 and made additional findings pursuant to CEQA at the December 2, 2012 meeting for the SAFCA NLIP, Landside Improvements Project, Phase 2 Project to construct a combination of soil-bentonite seepage cutoff wall, adjacent levee, seepage berm, surface drainage structures, pumping plant discharge pipelines, swale drains and grading work preparatory to construction of a new pumping plant to be built in the future along adjacent Reach 4B by SAFCA designation of the existing left (east) bank levee of the Sacramento River; and

WHEREAS, SAFCA submitted Application 18159-3-3 to the Board on February 6, 2013 to grade and place 6-inch thick aggregate base drainage swale at the intersection of Riego Road and Garden Highway, along the crown of the Sacramento River East Levee, in Sutter County. This drainage swale work is a minor appurtenant component of the NLIP project; and

WHEREAS, SAFCA as lead agency under the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* (“CEQA”) prepared a Program Environmental Impact Report (EIR) on the Natomas Levee Improvement Program (NLIP) Landside Improvements Project, Phase 2 Project, (SCH No. 2007062016, November 2007); including a Supplemental EIR (SEIR) (SCH No. 2007062016, November 2008), and a Mitigation Monitoring Reporting Program (MMRP) (incorporated herein by reference and available at Board or SAFCA offices); and

WHEREAS, on January 29, 2009, SAFCA approved Resolution 09-22 for the Natomas Levee Improvement Program Landside Improvements Project, Phase 2 Project, the MMRP, the SEIR, and approved findings and a statement of overriding considerations pursuant to the CEQA Guidelines (incorporated herein by reference); and

WHEREAS, SAFCA analyzed the grading and drainage improvements within Reaches 1 through 4A in the EIR, SEIR, and MMRP; and

WHEREAS, on January 23, 2013, Reclamation District 1000 endorsed Application 18159-3-3; and

WHEREAS, the U.S. Army Corps of Engineers (USACE) approval has not been received for Permit Application No. 18159-3-3. Board staff anticipates the USACE approval of the project, subject to conditions, and upon receipt of the approval letter, staff will review to ensure conformity with the permit language and incorporate it into Permit 18159-3-3; and

WHEREAS, Board staff completed a technical review of Permit Application No. 18159-3-3; and

WHEREAS, the Board conducted a public hearing on June 28, 2013 on Permit Application No. 18159-3-3 and has reviewed the reports of its staff, the documents and correspondence in its files, and the environmental documents prepared by SAFCA.

NOW, THEREFORE, BE IT RESOLVED THAT,

Findings of Fact

1. The Board hereby adopts as findings the facts set forth in the Staff Report.
2. The Board has reviewed all Attachments, Exhibits, Figures, and References listed in the Staff Report.

CEQA Findings

3. The Board, as a responsible agency, has independently reviewed the analyses in the Program EIR on the NLIP Landside Improvements Project - Phase 2 Project, (SCH No. 2007062016,

November 2007); the SEIR (SCH No. 2007062016, November 2008), the MMRP on the NLIP Landside Improvements Project - Phase 2 Project, and the SAFCA findings, and has reached its own conclusions regarding them.

4. The Board finds that the proposed drainage swales are within the scope of the previously adopted Program EIR and SEIR and therefore constitute a subsequent activity to the EIR and SEIR. The Board further finds that no new environmental effects could occur and no new mitigation measures are required pursuant to CEQA Guidelines section 15162. Therefore, no new environmental document is required pursuant to CEQA Guidelines section 15168.
5. **Custodian of Record.** The custodian of the CEQA record for the Board is its Executive Officer, Jay Punia, at the Board offices at 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

Considerations pursuant to Water Code section 8610.5

6. **Evidence Admitted into the Record.** The Board has considered all the evidence presented in this matter, including the original Application for Permit No. 18159-3-3 and technical documentation provided by SAFCA on the NLIP, Landside Improvements Project, Phase 2 Project, past and present Staff Reports and attachments, the original Environmental Impact Report on the Natomas Levee Improvement Program, Landside Improvements Project - Phase 2 Project (Draft and Final Versions), SAFCA Resolution 09-22 including findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program.

The custodian of the file is Executive Officer Jay Punia at the Central Valley Flood Protection Board, 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

7. **Best Available Science.** In making its findings, the Board has used the best available science relating to the issues presented by all parties and the design is in compliance with these standards.
8. **Effects on Facilities of the State Plan of Flood Control.** This project has no adverse effects on facilities of the State Plan of Flood Control, and is consistent with the adopted 2012 Central Valley Flood Protection Plan.
9. **Effects of Reasonably Projected Future Events.** There are no other foreseeable projected future events that would impact this project.

Other Findings/Conclusions regarding Issuance of the Permit

10. Based on the foregoing and particularly on the evidence that the condition of the existing Natomas levees, prior to the beginning of construction of the NLIP Landside Improvements Project, posed an unacceptable risk to life and property, the Board finds and concludes that the issuance of Encroachment Permit No. 18159-3-3 for construction of the drainage swale grading project is in the public interest.

11. This resolution shall constitute the written decision of the Board in the matter of Permit No. 18159-3-3.

Approval of Encroachment Permit No. 18159-3-3

12. Based on the foregoing the Central Valley Flood Protection Board hereby approves issuance of Encroachment Permit No. 18159-3-3 in substantially the form provided as Staff Report Attachment B, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions.

13. The Board directs the Executive Officer to take the necessary actions to prepare and execute Encroachment Permit No. 18159-3-3 and all related documents, and to prepare and file a Notice of Determination pursuant to CEQA for the drainage swale grading project, minor appurtenant components of the Natomas Levee Improvement Program, Landside Improvements Project - Phase 2 Project.

PASSED AND ADOPTED by vote of the Board on _____, 2013

William H. Edgar
President

Jane Dolan
Secretary

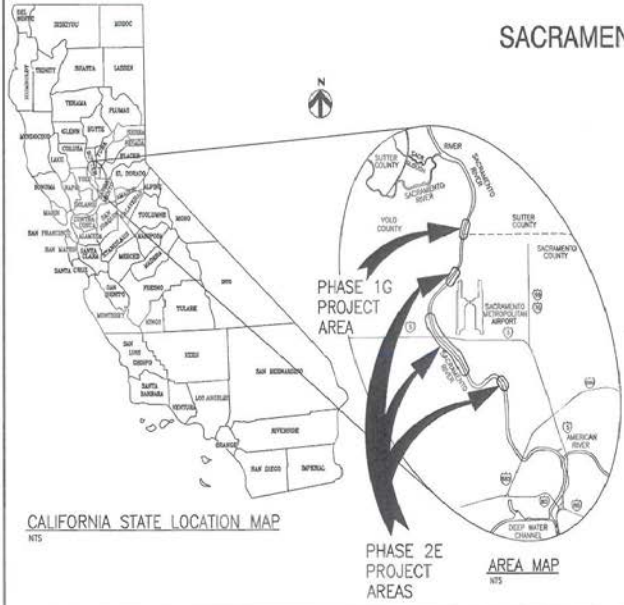
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18159-7-3

SACRAMENTO AREA FLOOD CONTROL AGENCY
 PROJECT PLANS FOR CONSTRUCTION OF
NATOMAS LEVEE IMPROVEMENT PROGRAM
 SACRAMENTO RIVER EAST LEVEE
 PHASE 1G AND 2E IMPROVEMENT PROJECT

VOLUME 2

SACRAMENTO RIVER EAST LEVEE PHASE 1G AND 2E DRAINAGE SWALE GRADING PROJECT

SACRAMENTO AND SUTTER COUNTIES, CALIFORNIA



CONFORMED SET

ACCEPTED BY: *Paul T. Devereux* DATE: 10/22/2012
 Paul T. Devereux, PE
 District Engineer
 Reclamation District No. 1000

ISSUED FOR CONSTRUCTION
 SUBMITTED FOR APPROVAL BY: *John A. Bassett* DATE: 10/22/2012
 John A. Bassett, PE
 Director Of Engineering
 Design Construction Maintenance
 Sacramento Area Flood Control Agency
 APPROVED BY: *Richard M. Johnson* DATE: 10/22/2012
 Richard M. Johnson, PE
 Executive Director
 Sacramento Area Flood Control Agency

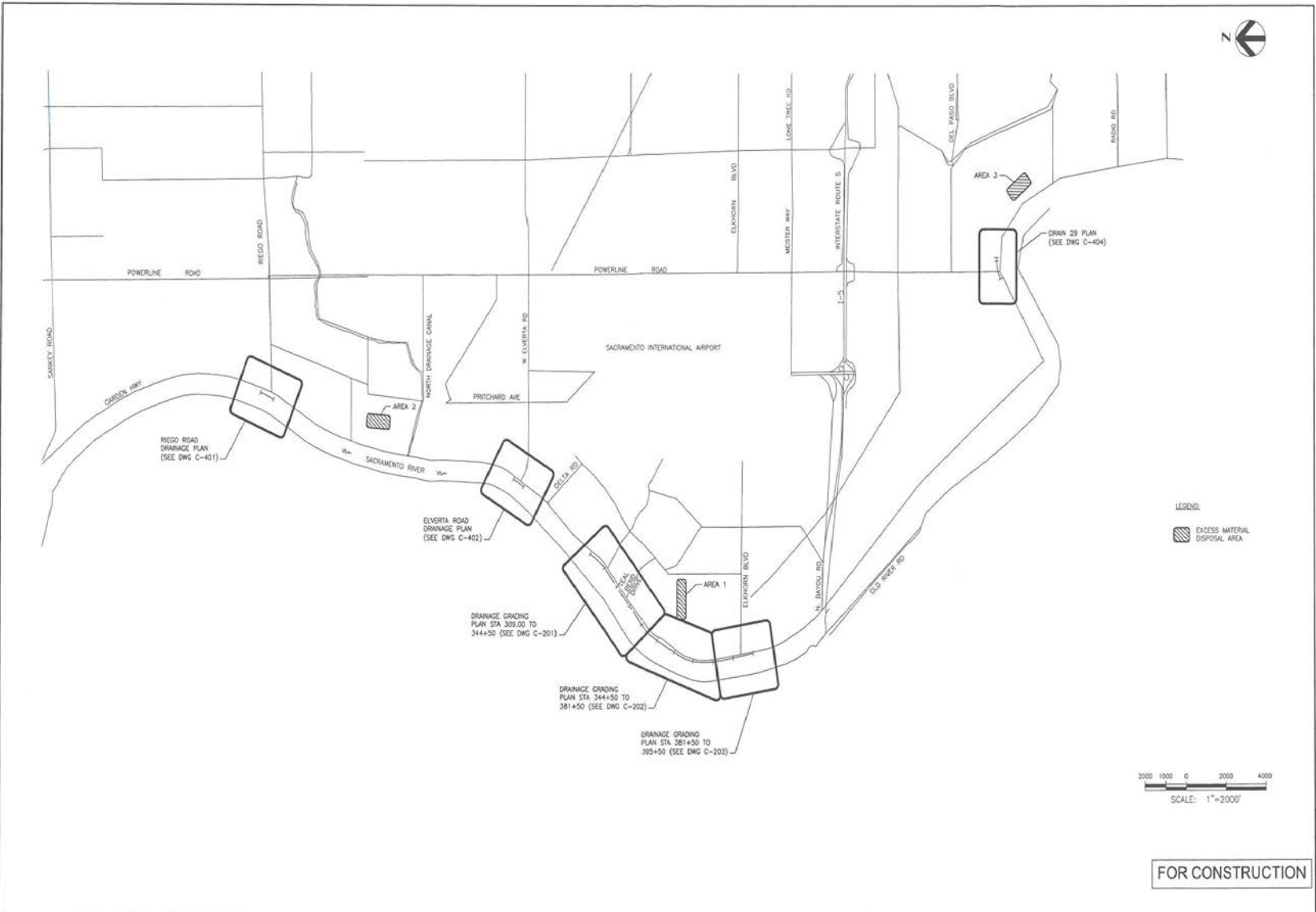
CONTRACT NO. 4155
 APPROVED ON: October 18, 2012 BY: SAFCO BOARD OF DIRECTORS
 RESOLUTION NO: 2012-132 *Debra Russell*
 CLERK OF THE BOARD

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DESIGNED BY: B. JOHNSON DRAWN BY: E. COLUCCI/L. RODRIGUEZ IN CHARGE: B. JOHNSON PROJECT/OC MANAGERS: C. VERANEC/J. MACK DATE: 10/05/12								VERIFY SCALES BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLISTS 1"=100'	
VOL 2: SREL PHASE 1G AND 2E IMPROVEMENT PLANS TITLE SHEET AND LOCATION MAP				DRAWING NO. SHEET G-001 1					
0	10/25/12	EJC	AJ	BJ	CONFORMED SET				
REV.	DATE	BY	CHK.	APPR.	DESCRIPTION	REV.	DATE	BY	CHK.

ATTACHMENT D - DRAINAGE PLAN

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FOR CONSTRUCTION

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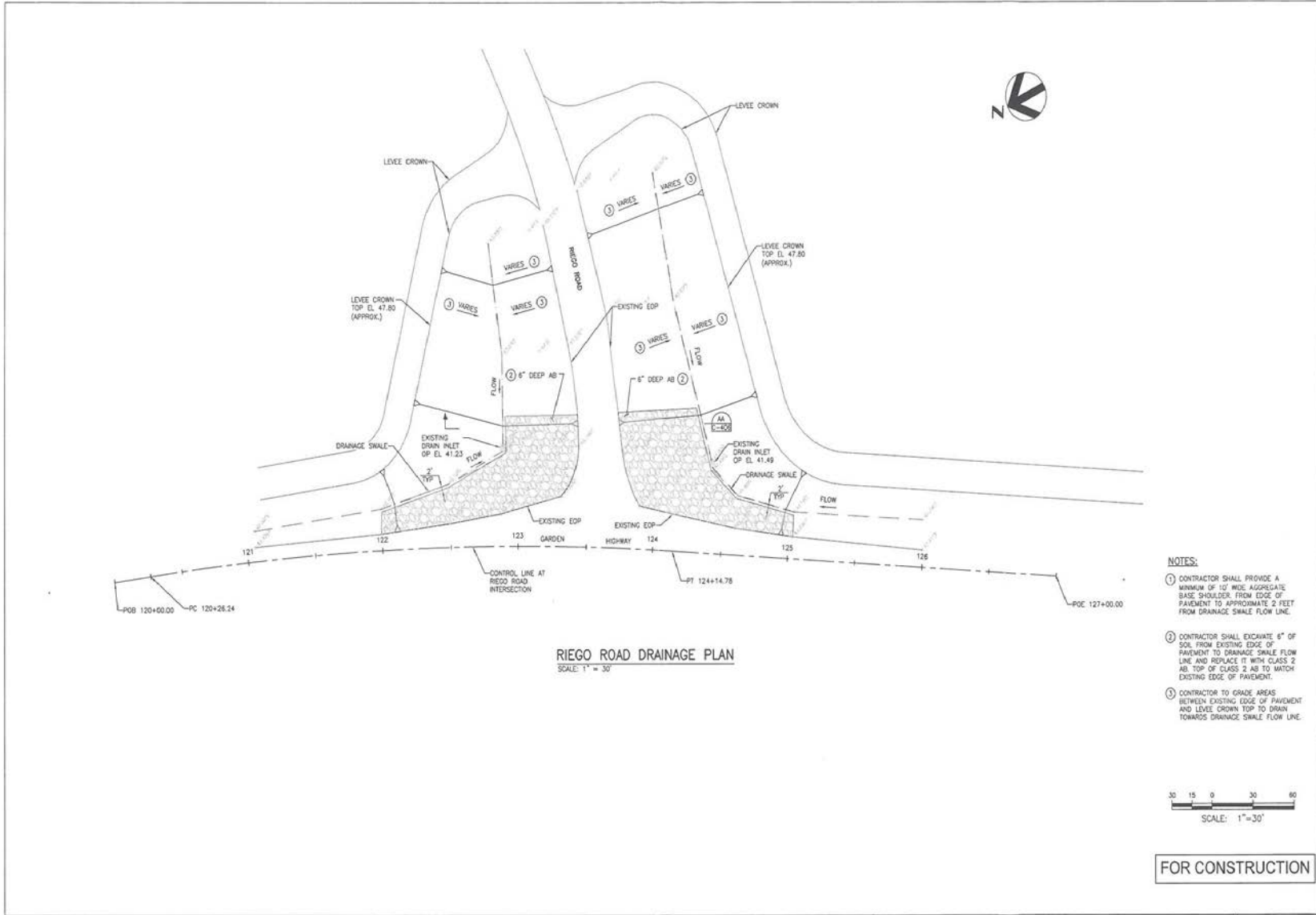
DESIGNED BY:
S. JOHNSON
DRAWN BY:
L. RODRIGUEZ
IN CHARGE:
S. JOHNSON
PROJECT/QC MANAGERS:
C. KRIVANEK/J. MACK
DATE:
10/05/12



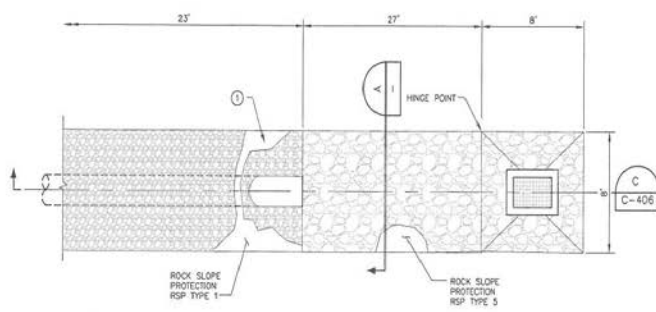
HR HDR Engineering Inc.
235 Van Pelt Rd., Suite 300
Folsom, CA 95630

SAFCA
VOL 3: SREL PHASE 2D IMPROVEMENT PLANS
KEY MAP

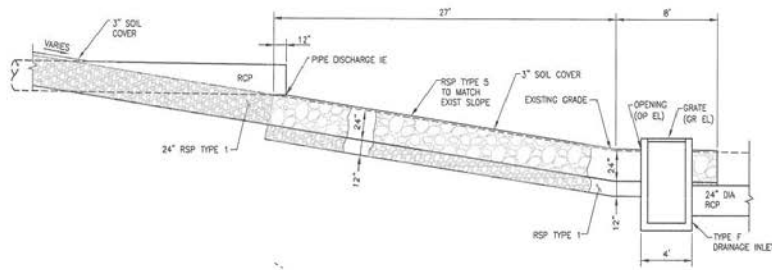
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ADJUST SCALES FOR
REDUCED PLOTS.
DATE: 10/1/12
DRAWING NO. SHEET
G-008 8



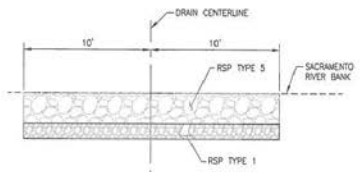
				DESIGNED BY: B. JOHNSON DRAWN BY: L. RODRIGUEZ/E. COLCHAND IN CHARGE: B. JOHNSON PROJECT/JOB MANAGERS: C. ADVANED, J. MACK DATE: 10/05/12				HDR Engineering Inc. 2365 Vineland Rd. Suite 300 Folsom, CA 95630				SAFCA VOL 2: SREL PHASE 1G AND 2E IMPROVEMENT PLANS RIEGO ROAD DRAINAGE PLAN				VERIFY SCALES BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES FOR REDUCED PLOTS SCALE: 1" = 30' DRAWING NO. SHEET C-401 13			
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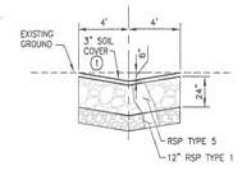
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SCALE: 1"=4'



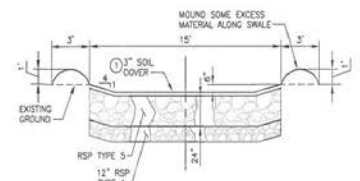
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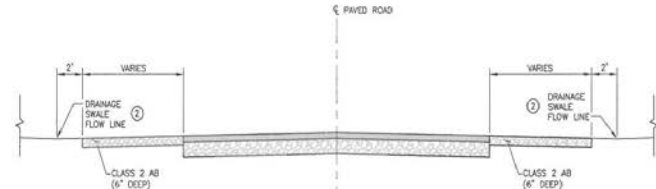
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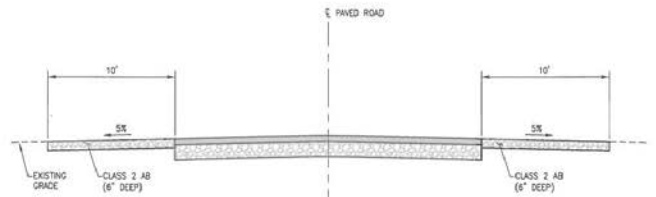
SECTION A
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SECTION B
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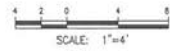


SECTION AA
NTS



SECTION BB
NTS

- NOTES:
- CONTRACTOR SHALL APPLY STRAW & TACKIFIER ON 3' SOIL COVER, PER PROJECT SPECIFICATIONS.
 - CONTRACTOR SHALL EXCAVATE 6" OF SOIL FROM EXISTING EDGE OF PAVEMENT TO DRAINAGE SWALE FLOW LINE AND REPLACE IT WITH CLASS 2 AB. TOP OF CLASS 2 AB TO MATCH EXISTING EDGE OF PAVEMENT AND DRAINAGE SWALE FLOW LINE.



FOR CONSTRUCTION

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REV.	DATE	BY	CHK.	APPR.	DESCRIPTION	REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
10	10/05/12	EJC	AG	BJ	CONFORMED SET						

DESIGNED BY:
B. JOHNSON

DRAWN BY:
E. COLCHAGO/L. RODRIGUEZ

IN CHARGE:
B. JOHNSON

PROJECT/QC MANAGERS:
C. ARRANZ/2. MACK

DATE:
10/05/12

HDR Engineering Inc.
2385 Iron Pointe Pl. Suite 300
Folsom, CA 95630

SAFCA

VOL 2: SREL PHASE 1G AND 2E IMPROVEMENT PLANS

TYPICAL DRAINAGE DETAILS
(2 OF 2)

VERIFY SCALES
BAR IS ONE INCH ON
ORIGINAL DRAWING.
ADJUST SCALES FOR
REDUCED PLOTS

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