

Central Valley Flood Protection Board Package

RESOLUTION # 2013 11

Final EA/IS: Adopt Mitigated Negative Declaration

for the

Sacramento River Flood Control System
Evaluation – Phase III
Mid Valley Contract Area 3
Levee Reconstruction Project

Consent Agenda: Item 4D
Meeting Date: July 26, 2013

Kyle Bickler, PE, GE, PMP
Project Manager
USACE / CVFPB Projects Section
Federal Programs Branch
Flood Projects Office

Board Package Contents:

1. Staff Report

- Attachment A: Mid Valley Project Area Map
- Attachment B: Area 3 Site Locations Map
- Attachment C: Executed Finding of No Significant Impact (FONSI)
- Attachment D: Resolution No. 2013 11

2. PowerPoint Presentation

Note: a web link is provided in the staff report for accessing the Final EA/IS, Mitigated Negative Declaration, Findings, and Mitigation Monitoring and Reporting Plan.

**Meeting of the Central Valley Flood Protection Board
July 26, 2013**

STAFF REPORT

**EA/IS – Proposed Mitigated Negative Declaration
Sacramento River Flood Control System Evaluation – Phase III
Mid-Valley Contract Area 3 Project
Yolo County, California**

1.0 – BOARD ACTION

Consider approval of Resolution No. 2013-11 to:

1. Adopt the Mitigated Negative Declaration, Findings, and Mitigation Monitoring and Reporting Plan for the Mid-Valley Contract Area 3 Project; and
2. Approve the design refinements for the Mid-Valley Contract Area 3 Project and delegate authority to the Executive Officer to execute the Notice of Determination.

2.0 – PROJECT SPONSORS

Federal: U.S. Army Corps of Engineers, Sacramento District
State: The Central Valley Flood Protection Board (Board)
Local: Knights Landing Ridge Drainage District (Sites 12, 12A, and 13)
Yolo County Service Area 6 (Sites 9, 10, and 11)

3.0 – PROJECT LOCATION

The Sacramento River Flood Control System Evaluation – Phase III, Mid-Valley, Contract Area 3 Project is located near Knights Landing in east Yolo County, approximately 26 miles northwest of Sacramento, California.

Contract Area 3 includes levee reconstruction Sites 9, 10, and 11 planned along the Sacramento River, and Sites 12, 12A, and 13 are planned along the Knights Landing Ridge Cut (KLRC) drainage canal. Refer to the Mid-Valley Project Area Map (Attachment A) and the Area 3 Site Location Map (Attachment B).

4.0 – PROJECT DESCRIPTION

The Central Valley Flood Protection Board (Board) and the Department of the Army, through the U.S. Army Corps of Engineers (USACE), entered into a Project Cooperation Agreement (PCA) on April 4, 2000, for the Mid-Valley Area Phase III, Contract Areas 2,

3, & 4 Levee Reconstruction Project. The costs are shared at a ratio of 75 percent federal and 25 percent non-federal.

4.1 – Mid-Valley Area Phase III – History and Background

The storms of February 1986 severely affected northern California with record or near record flows in many rivers and streams, after which USACE conducted a system-wide analysis of the Sacramento River Flood Control Project (SRFCP) to upgrade to current design standards. Mid-Valley Area Phase III is a component of the authorized SRFCP and is divided into four separable elements: Contract Area 1 - RD 1500 (construction completed in 1999); Contract Area 2 - RD 1001 (future project); Contract Area 3 - Knights Landing (current/subject project); and Contract Area 4 - Elkhorn (future project). In 1996, USACE approved the Mid-Valley Area, Phase III Design Memorandum (DM), which recommended 30 levee reconstruction sites within the four contract areas.

From December 1997 to January 1998, northern California experienced widespread destructive floods. The U.S. Congress directed USACE to re-evaluate the Mid-Valley sites and to evaluate additional potential sites for reconstruction. These actions resulted in design refinements and supplemental environmental studies.

Due to limited federal funding, USACE decided to complete designs and environmental documents for Contract Area 3 as the first separable element.

4.2 – Current Project: Contract Area 3

This Staff Report and subject Resolution pertain to Contract Area 3, which includes levee reconstruction Sites 9, 10, 11, 12, 12A, and 13. Contract Area 3 has been further subdivided into two phases.

The first phase will repair Sites 12, 12A, and 13, which will be funded by the State's Early Implementation Program (EIP), and slated for construction during the summer of 2014. It involves reconstructing the levee crown and landside slopes to 3H:1V with non expansive soil along approximately 3.4 miles of the existing levee, constructing stability berms, relocating irrigation ditches, and replacing two pump stations along the east side of the KLRC drainage canal.

The second phase has completed plans and specifications for installing slurry cutoff walls on the existing levee at Sites 9, 10, and 11 along the west side of the Sacramento River between river miles 85 and 90. USACE continues to request funding for this phase, but federal funding for construction is not currently available.

When both phases are completed, the integrity of the SRFCP will be improved significantly by reducing the potential for levee failure due to erosion and seepage under or through the levees for Contract Area 3.

4.3 – Future Contract Areas

Site-specific environmental studies for Contract Area 2 (RD 1001) and Contract Area 4 (Elkhorn) remain to be completed, depending on the availability of federal funds.

5.0 – PROJECT ANALYSIS

This Staff Report and subject Resolution pertain to the Board adopting the Mitigated Negative Declaration, Findings, and Mitigation Monitoring and Reporting Plan (MMRP), and filing the Notice of Determination for Contract Area 3, as required under the California Environmental Quality Act (CEQA). This process will allow the Board to approve the design refinements identified below.

5.1 – Contract Area 3, Design Refinements

The original 1996 USACE Design Memorandum identified levee reconstruction site locations based on observations of past performance during the 1986 flood fight activities. After the 1997/98 floods, additional levee system performance evaluations and subsurface geotechnical explorations were performed, and resulted in design refinements that are now incorporated into the final plans and specifications.

Site	1996 Design Memorandum Proposed Levee Remediation	Current Project Remediation w/ Final Plans and Specifications
9	Landside seepage stability berm 7 ft. high with a 5 ft. deep toe drain (700 lineal ft.)	Shallow cutoff wall (793 lineal ft.)
10	Landside seepage stability berm with a toe drain 5 ft. deep or slurry cut off wall 20 ft. deep (500 to 900 lineal ft.)	Shallow cutoff wall (878 lineal ft.)
11	Landside seepage stability berm 6 ft. high, no toe drain (2000 lineal ft.)	Shallow cutoff wall (2,400 lineal ft.) Deep cutoff wall (3,155 lineal ft.)
12	Landside slope flattening/stabilization, backfill and relocate existing irrigation ditch 35 ft. from toe (11,500 lineal ft.)	Reconstruct levee crown and landside slope to 3H:1V with non expansive soil, build landside stability berm 4 ft. high and 28 ft. wide, and relocate irrigation ditch 15 ft. landside of the new berm (14,100 lineal ft.)
12A	Lime treatment and stabilization of landside slope and crown (4,500 lineal ft.)	Reconstruct levee crown and landside slope to 3H:1V with non expansive soil, and build landside stability berm 4ft. high and 28 ft. wide (2,100 lineal ft.)
13	Lime treatment and stabilization of landside slope and crown, backfill and relocate existing irrigation ditch 35 ft. from toe (2,000 lineal ft.)	Reconstruct levee crown and landside slope to 3H:1V with non expansive soil, build landside stability berm 4 ft. high and 28 ft. wide, and relocate irrigation ditch 15 ft. landside of the new berm (2,000 lineal ft.)

5.2 – Environmental Documents Available for Review

The project environmental documents (Executed Finding of No Significant Impact (FONSI), Mitigated Negative Declaration and Findings, Final EA/IS, and Mitigation Monitoring and Reporting Plan) may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2013/07-26-2013> under a link for this agenda item. The documents are also available for review in hard copy at the Board and DWR offices.

5.3 – Environmental Assessment/Initial Study

CEQA regulations require a new Environmental Assessment/Initial Study (EA/IS) for a project when design changes occur and/or significant time has passed, which may affect environmental impacts.

Three previous environmental documents are relevant to this latest joint NEPA/CEQA EA/IS for the Sacramento River Flood Control System Evaluation Phase III, Mid-Valley, Contract Area 3 (State Clearinghouse No. 2011028193). The latest EA/IS tiers off of the Sacramento River Flood Control System Evaluation, Phase II-V, Programmatic Environmental Impact Statement/Environmental Impact Report (EIS/EIR), dated May 1992. Two EA/IS reports were written previously for the project area; one in 1996 and the other in 1999. The 1996 document addressed construction of 30 restoration sites, analyzed the effects of the project on environmental resources, and proposed mitigation measures. The 1999 document addressed 12 of the 30 restoration sites, analyzed the environmental changes, and proposed mitigation measures.

This 2013 EA/IS evaluated the environmental effects of reconstruction at six sites (9, 10, 11, 12, 12A, and 13) located 26 miles northwest of Sacramento, downstream of Knights Landing in Yolo County. The resource topics that were analyzed for potential adverse effects included vegetation and wildlife, special status species, air quality, traffic and cultural resources. All other resource topics were determined not to have additional significant effects as a result of the proposed refinements beyond those already discussed in the previous EIS/EIR and EA/IS documents.

The EA/IS was circulated for a 30-day public and agency review from August 3, 2012, to September 4, 2012. During public review, the EA/IS was posted on the Board and USACE websites, and comments from the resource agencies and the public were solicited. Five comments were received and were incorporated into the Final EA/IS. The Final EA/IS was submitted to the U.S. Fish and Wildlife Service (USFWS), California State Historic Preservation Office, and the local reclamation districts located within the project area.

Formal Section 7 consultation with USFWS occurred regarding potential impacts on the Valley Elderberry Longhorn Beetle (VELB) and giant garter snake (GGS). All potential adverse effects to the VELB or GGS or their habitat would be mitigated to less than significant by implementing the mitigation measures found in the MMRP. These include

scheduling construction activities to avoid adverse environmental effects. A draft Fish and Wildlife Coordination Act Report (CAR) was prepared by USFWS, and the recommendations from the CAR were considered and incorporated into the Final EA/IS.

5.4 – Previous Board Actions

February 16, 1990	Approved nonfederal sponsorship for the Sacramento River Flood Control Investigation Project, Phases II through V
March 11, 1993	Certified that the Board had been presented with the programmatic EIR for Phases II through V and had reviewed and considered the PEIR. The Board also certified that the PEIR had been completed in compliance with the California Environmental Quality Act.
October 12, 1999	The Board issued a Notice of Determination of the Supplemental Initial Study and Negative Declaration for the proposed reconstruction of 12 sites within the Sacramento River Flood Control System Evaluation Phase III, Mid-Valley Project.
December 17, 1999	The Board approved Resolution No. 99-21 adopting the Mitigated Negative Declaration and Mitigation Monitoring Plan, and project modifications as set forth in the Supplemental Environmental Assessment/Supplemental Initial Study.
January 21, 2000	Approved Resolution No. 00-01 and thereby approved the Project Cooperation Agreement and related local project cooperation agreements for the Mid-Valley Project, Areas 2, 3, and 4.

5.5– Project Benefits

With adoption of the Mitigated Negative Declaration, Findings, and Mitigation Monitoring and Reporting Plan, and execution of the Notice of Determination, the Mid-Valley Contract Area 3 levee reconstruction project can be completed as planned, and will result in:

- Flood protection for the Knights Landing basin will increase from a 19-year level of protection to a 56-year level of protection
- Area levees will be restored to the USACE 1957 Design Profile

5.6 – Staff Analysis

Due to additional flood performance data available after the 1997/98 floods, the design refinements for the Mid-Valley Contract Area 3 Project appear to be necessary improvements from the initial remediation proposed in the 1996 Design Memorandum.

The Board's adoption of the EA/IS – Mitigated Negative Declaration and a subsequent Notice of Determination would satisfy CEQA requirements. If the Board does not adopt the environmental documents, the Mid-Valley Contract Area 3 Project could be susceptible to legal challenges from the public or other local, State, and federal agencies.

The EA/IS determined the proposed project refinements could have adverse effects on environmental resources. Design and mitigation recommendations from USFWS were incorporated into the Final EA/IS. Implementation of mitigation measures as provided in the MMRP will reduce these adverse effects to less than significant.

A NEPA Finding of No Significant Impact (FONSI) was signed on April 18, 2013, by the District Commander of the U. S. Army Corps of Engineers (Attachment C).

6.0 – PROJECT AUTHORIZATIONS

Federal: Flood Control Act of 1917, 1928, and 1941; the Rivers and Harbors Act of 1937; Energy and Water Development Appropriation Act for 1987 (Public Law 99-591)

State: California Water Code Sections 8617, 12648, 12657

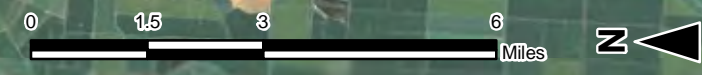
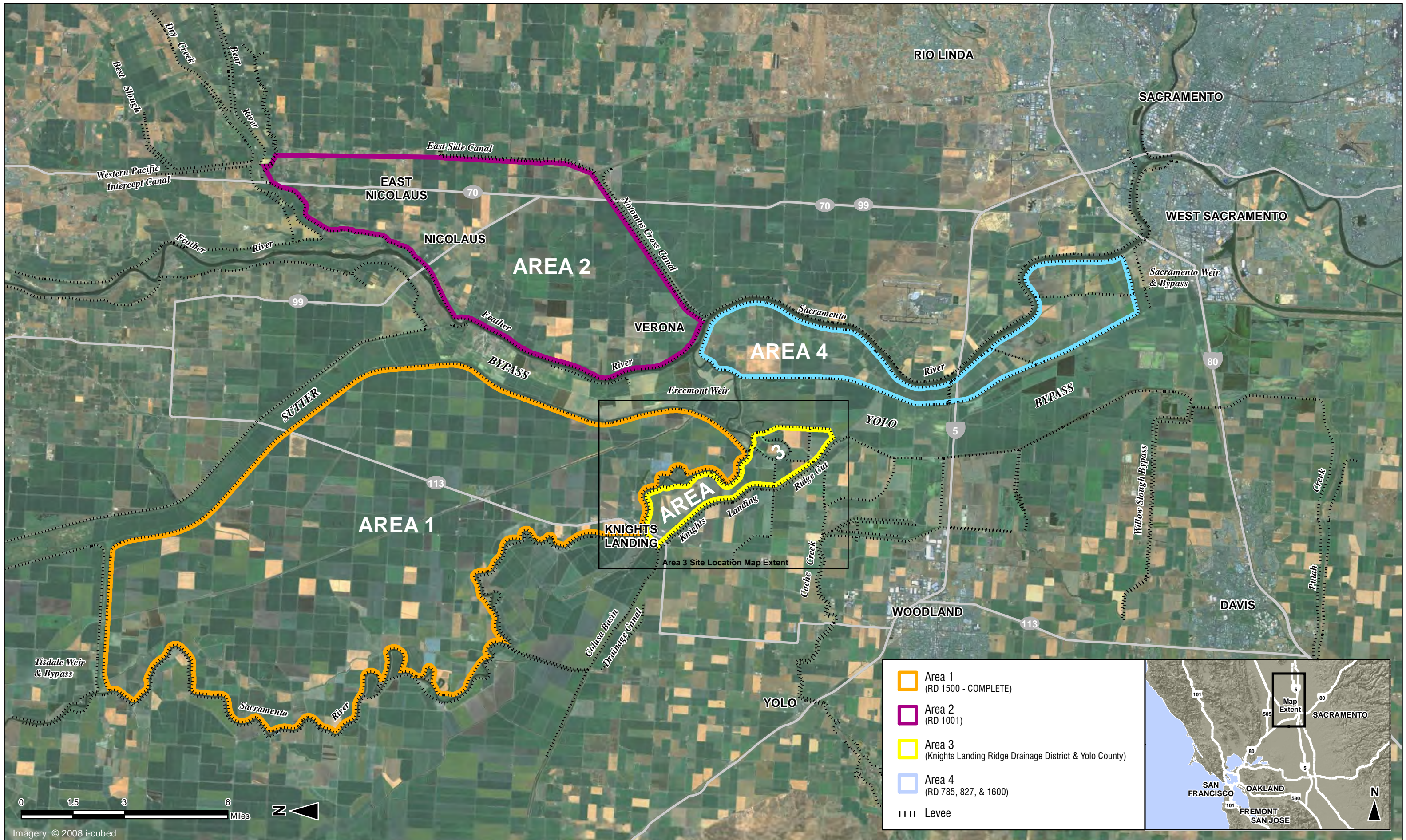
7.0 – STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 2013-11 (Attachment D) to:

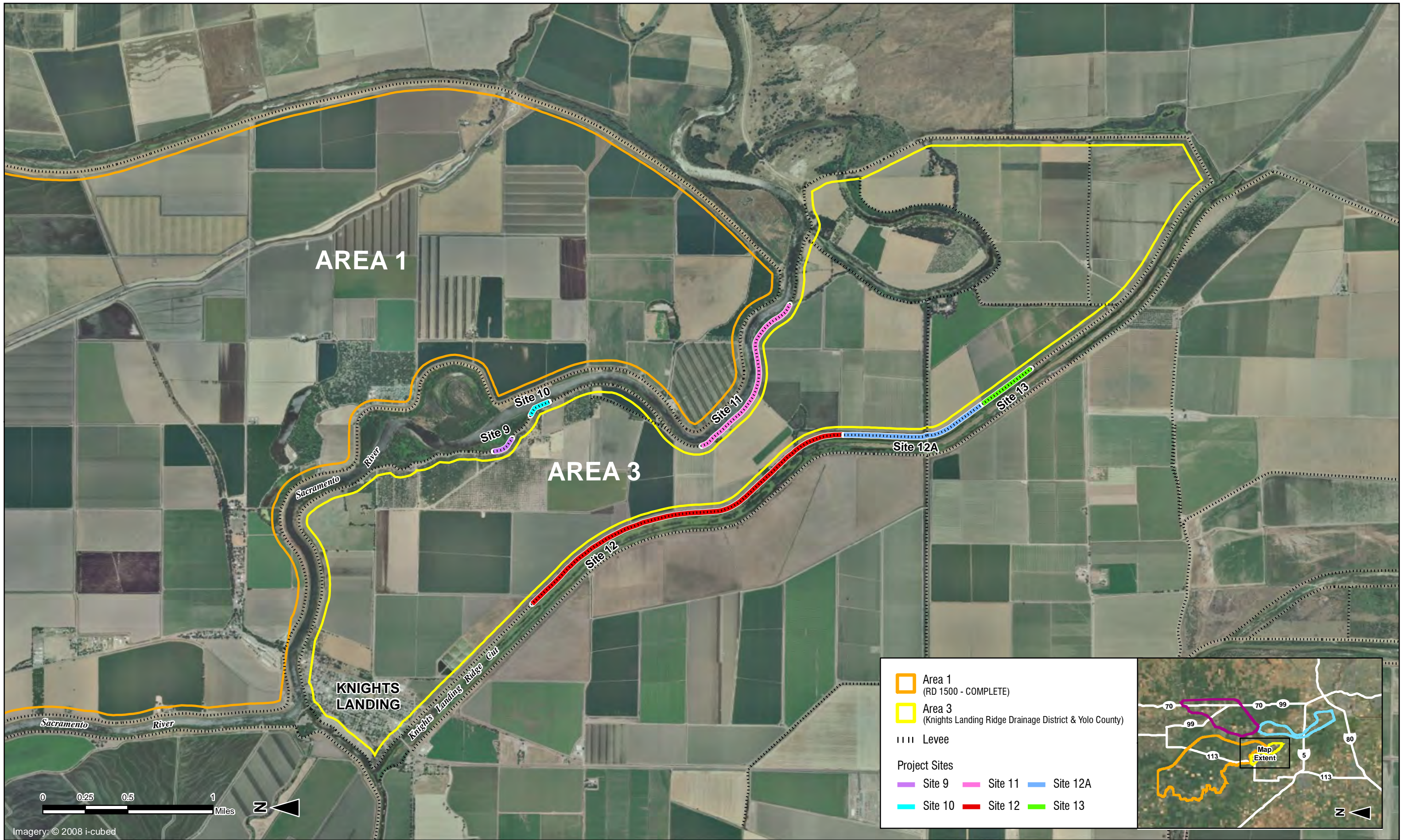
1. Adopt the Mitigated Negative Declaration, Findings, and Mitigation Monitoring and Reporting Plan for the Mid-Valley Contract Area 3 Project; and;
2. Approve the design refinements for the Mid-Valley Contract Area 3 Project and delegate authority to the Executive Officer to execute the Notice of Determination.

8.0 – LIST OF ATTACHMENTS

- A. Mid-Valley Project Area Map
- B. Area 3 Site Location Map
- C. Executed Finding of No Significant Impact (FONSI)
- D. Resolution 2013-11



Imagery: © 2008 i-cubed



Area 1
 (RD 1500 - COMPLETE)

Area 3
 (Knights Landing Ridge Drainage District & Yolo County)

- - - - - Levee

Project Sites

 Site 9	 Site 11	 Site 12A
 Site 10	 Site 12	 Site 13

Imagery: © 2008 i-cubed

Area 3 Site Locations

FINDING OF NO SIGNIFICANT IMPACT
Sacramento River Flood Control System Evaluation
Phase III, Mid-Valley, Contract Area 3, Yolo County, California

I have reviewed and evaluated the information in the Environmental Assessment/Initial Study (EA/IS) for the Sacramento River Flood Control System Evaluation, Phase III, Mid-Valley, Contract Area 3, in Yolo County, California. This EA/IS tiers off the Programmatic Environmental Impact Statement/Environmental Impact Report for the System Evaluation completed by the Corps in May of 1992.

The proposed project includes the following features: (1) installing slurry cutoff walls on the existing levee at three sites along the west side of the Sacramento River, between river mile 70 and 118 (2) remediating the existing levee at three sites along the east side of the Knights Landing Ridge Cut (KLRC). These levees are features of the Sacramento River Flood Control Project (SRFCP). The work would help to maintain the integrity of the SRFCP by reducing the potential for erosion and failure due to seepage under or through the levees at sites 9, 10, and 11 as well as levee instability at sites 12, 12A, and 13.

The possible consequences of the work described in the EA/IS have been evaluated with consideration given to environmental, social, economic, and cultural resources. Potential adverse effects would be avoided, minimized, or reduced to less than significant effects to vegetation and wildlife, special status species, water quality and wetlands, and traffic by implementing best management practices and mitigation measures as discussed in the EA/IS. The loss of riparian vegetation would be compensated onsite by planting similar vegetation, and potential take of the Federally-listed valley elderberry longhorn beetle and giant garter snake would be avoided by complying with all Terms and Conditions in the U.S. Fish and Wildlife Service's reinitiated Biological Opinion issued on October 5, 2012, and further amended on March 25, 2013.

Based on my review of the EA/IS and my knowledge of the project area, I am convinced that the proposed project is a logical and desirable alternative. Furthermore, I have determined that the project would have no significant effects on the environment. All construction will be implemented in compliance with applicable Federal, State, and local laws and regulations. Based on the results of the environmental evaluation and completion of interagency coordination, I have determined that the EA/IS and Finding of No Significant Impact provide adequate documentation and that no further environmental document is required.

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Date

William J. Leady, P.E.
 Colonel, U.S. Army
 District Commander

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

RESOLUTION NUMBER 2013-11

SACRAMENTO RIVER FLOOD CONTROL SYSTEM EVALUATION – PHASE III
MID-VALLEY CONTRACT AREA 3 PROJECT
YOLO COUNTY, CALIFORNIA

WHEREAS, the Sacramento River Flood Control Project was authorized by Congress in the Flood Control Acts of 1917, 1928, and 1941, as well as the Rivers and Harbors Act of 1937; and

WHEREAS, the Sacramento River Flood Control System Evaluation – Phase III, Mid-Valley Contract Area 3 Project, herein referred to as the “Project,” is a component of the Sacramento River Flood Control Project; and

WHEREAS, California Water Code Sections 8617 and 12648 authorize the State of California to cooperate on the Sacramento River Flood Control Project, and authorize the Central Valley Flood Protection Board, formerly the Reclamation Board, to give satisfactory assurances to the United States Department of the Army that the required local cooperation will be furnished by the State in connection with the Project; and

WHEREAS, after flooding and levee failures during the winter of 1986, Congress directed the U.S. Army Corps of Engineers to conduct a system-wide evaluation of the Sacramento River and its tributaries with authority granted by the Energy and Water Development Appropriation Act for 1987 (Public Law 99-591); and

WHEREAS, in May 1992, the U.S. Army Corps of Engineers prepared the *Sacramento River Flood Control System Evaluation, Phase II-V, Programmatic Environmental Impact Statement/Environmental Impact Report*; and

WHEREAS, in March 1996, the U.S. Army Corps of Engineers prepared the *Sacramento River Flood Control System Evaluation, Phase III, Mid-Valley Area, Environmental Assessment/Initial Study*, which described 30 project restoration sites, impacts on environmental resources, and proposed mitigation; and

WHEREAS, in June 1996, the U.S. Army Corps of Engineers completed the *Sacramento Flood Control Project, California, Mid-Valley Area, Phase III, Design Memorandum*, which proposed site-specific levee remediation work in the Phase III area; and

WHEREAS, after the 1997 flood event, the U.S. Army Corps of Engineers prepared a *Supplemental Environmental Assessment/Initial Study, Sacramento River Flood Control System Evaluation, Phase III - Mid-Valley Area*, dated November 1999, with proposed

project changes, impacts on environmental resources, and mitigation; and

WHEREAS, on April 4, 2000, the Central Valley Flood Protection Board executed a Project Cooperation Agreement with the U.S. Army Corps of Engineers for the construction of the Project; and

WHEREAS, the U.S. Army Corps of Engineers and the Central Valley Flood Protection Board determined that, due to design refinements and environmental NEPA and CEQA compliance requirements, a new site-specific Environmental Assessment/Initial Study was required; and

WHEREAS, the U.S. Army Corps of Engineers and the Central Valley Flood Protection Board circulated the joint NEPA/CEQA Draft Environmental Assessment/Initial Study for the Sacramento River Flood Control System Evaluation Phase III, Mid-Valley, Contract Area 3, with a Finding of No Significant Impact and Mitigated Negative Declaration for a 30-day agency and public review beginning on August 3, 2012, and responses to comments received have been incorporated into the Final Environmental Assessment/Initial Study; and

WHEREAS, in April 2013, the U.S. Army Corps of Engineers completed the Final Environmental Assessment/Initial Study for the Sacramento River Flood Control System Evaluation Phase III, Mid-Valley, Contract Area 3 incorporating by reference the 1992 Programmatic Environmental Impact Statement/Environmental Impact Report, 1996 Environmental Assessment/Initial Study, and 1999 Environmental Assessment/Initial Study; and

WHEREAS, a NEPA Finding of No Significant Impact (FONSI) was signed on April 18, 2013, by the District Commander of the U. S. Army Corps of Engineers.

NOW, THEREFORE, LET IT BE RESOLVED that the Central Valley Flood Protection Board:

1. Has considered the Final EA/IS and finds that on the basis of the whole record, including comments received on the draft EA/IS and mitigation measures that have been included in the Project, there is no substantial evidence that the proposed Project will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board; and

- 2. Adopts the Mitigated Negative Declaration, Findings, and Mitigation Monitoring and Reporting Plan for the Mid-Valley Contract Area 3 Project; and
- 3. Approves the design refinements for the Mid-Valley Contract Area 3 Project and delegates authority to the Executive Officer to execute the Notice of Determination.

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

BY: _____
William H. Edgar
President

Date: _____

BY: _____
Jane Dolan
Secretary

Date: _____

Approved as to Legal Form and Sufficiency

Jeremy Goldberg
Staff Attorney