

**Meeting of the Central Valley Flood Protection Board
September 27, 2013**

Staff Report – Encroachment Permit

**Three Rivers Levee Improvement Authority
Erosion Protection Berm, Yuba County**

1.0 – ITEM

Consider approval of Permit No. 18869 (Attachment B)

2.0 – APPLICANT

Three Rivers Levee Improvement Authority

3.0 – LOCATION

The project is located south of Olivehurst along the landside levee slope of the Feather River East Levee.

(Feather River, Yuba County, see Attachment A)

4.0 – DESCRIPTION

Applicant proposes to construct an erosion protection berm along the landside levee slope of the Feather River East Levee Unit 2 of Reclamation District 784. The berm will be 15-feet-wide, 3.5-feet-high and will extend for 700-linear-feet from Levee Mile 11.10 to Levee Mile 11.23.

5.0 – PROJECT ANALYSIS

This project is being proposed to reinforce the 2004 work completed by the Corps of Engineers (Site 7 Extension) that included dewatering wells, piezometers and seepage berm from approximately Levee Mile 9.63 to 11.23. New through levee seepage criterion established by the Department of Water Resources 2011 Urban Levee Design Criteria (Section 7.4.1 Landside Slope Stability) requires the installation of a 700-foot

long landside levee slope erosion protection berm to remediate the through levee seepage potential.

5.1 – Hydraulic Analysis

A hydraulic analysis is not needed as all of the work is on the landside of the levee.

5.2 – Geotechnical Analysis

After completion of the 2008 Feather River Levee Repair Project that involved the east bank levee it was determined that a landside levee slope erosion protection berm was required on this 700-foot-long levee section. The Urban Levee Evaluation program that was recently completed by the Department of Water Resources identified a potential through seepage problem at Reclamation District No. 784, Unit 2, Levee Mile 11.16, due to a silty sand lens in the levee cross section. A soil-cement-bentonite cutoff wall was installed in 2008 by TRLIA from Levee Mile 11.23 to 11.83 approximately 200-feet upstream from the proposed site. In addition a geotechnical exploration was conducted in 2013 by DWR approximately 500-feet downstream from the proposed site did not show the same silty sand lens. Therefore the reach of remediation was identified to be 700-feet long.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Reclamation District 784 has endorsed this project with conditions that are incorporated into the permit as Exhibit A.
- The U.S. Army Corps of Engineers 208.10 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 to ensure conformity with the permit language and incorporate it into the permit as 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 Draft Environmental Impact Report (DEIR) (August 2006); Final EIR (FEIR) (SCH No. 2006062071, November 2006); Supplemental EIR, Mitigation Monitoring and Reporting Plan (MMRP), and TRLIA Resolution 2007-04 for the Feather River Levee Repair Project prepared by the lead agency TRLIA. These documents including project design and TRLIA resolution may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2013/09-27-2013.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and TRLIA offices.

The Board previously approved construction of Segment 1 of the Feather River Levee Repair Project on February 6, 2007 through Permit No. 18170 and Resolution 2007-04 and made appropriate CEQA findings. The Board finds that the proposed seepage berm is within the scope of the previously adopted 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.

The documents and other materials which constitute the record of the Central Valley Flood 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 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.

This project improves on the State Plan of Flood Control and is consistent with the 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 will be no effects to the proposed project from reasonable projected future events.

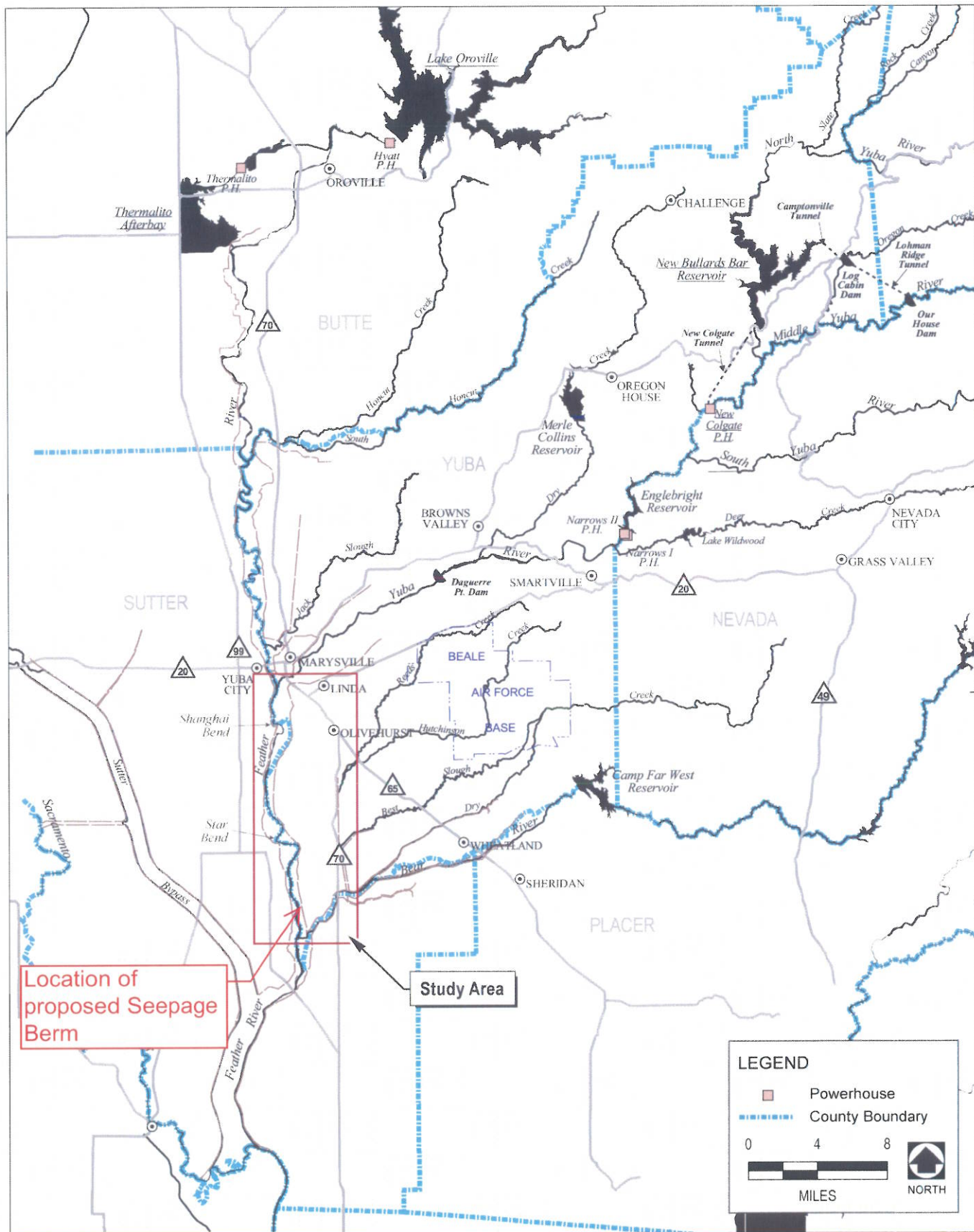
9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA findings and Resolution 2013-22, approve the permit, 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 direct staff to file a Notice of Determination with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and photos
- B. Draft Permit No. 18869
- C. Project Drawing
- D. Resolution 2013-22

Design Review:	Steve Dawson
Geotechnical Review:	Steve Dawson
Environmental Review:	James Herota/Andrea Mauro
Document Review:	Gary Lemon P.E. / Len Marino P.E.



SAND SEAM REMEDIATION SEEPAGE BERM

Regional Setting

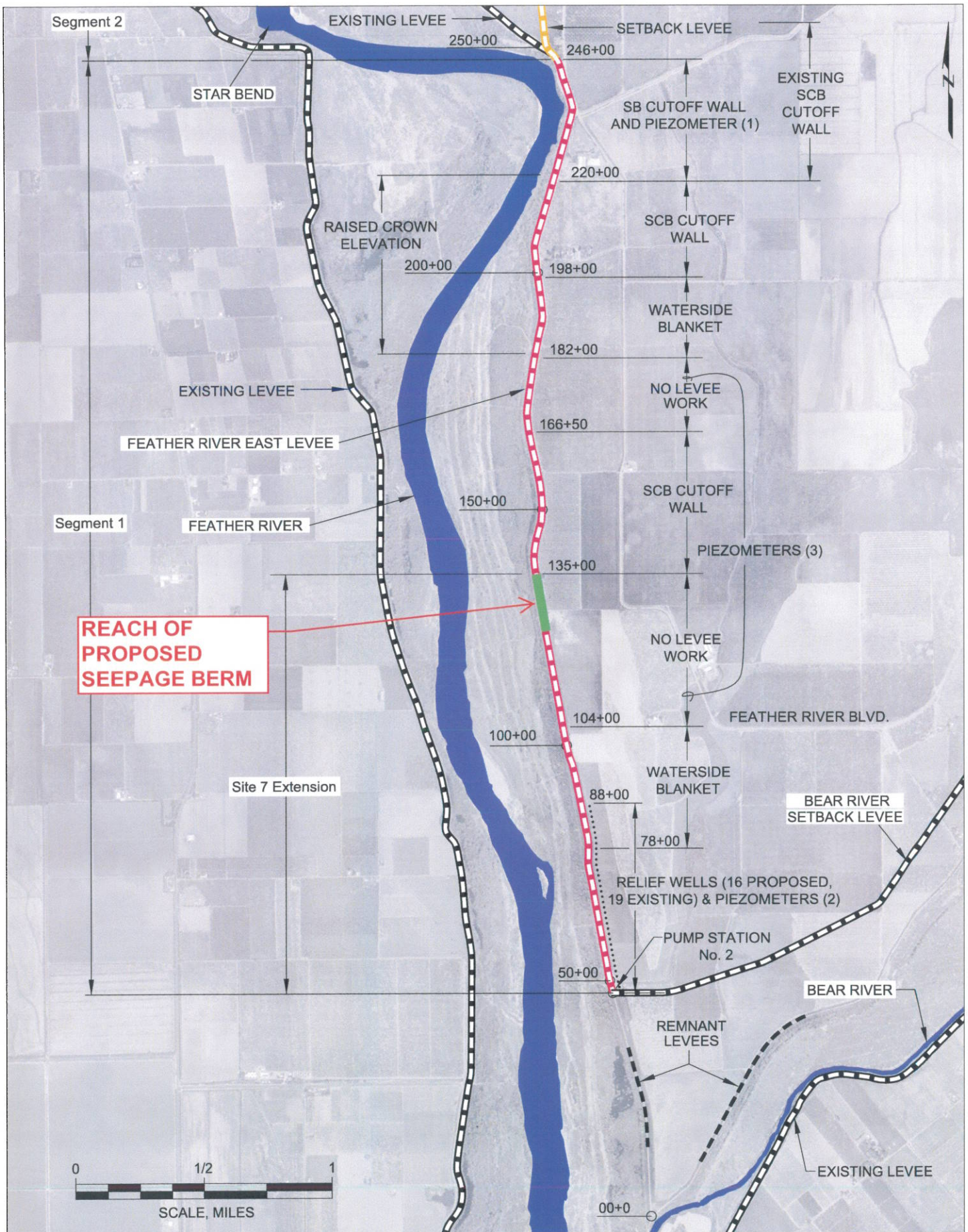
Sources: Yuba Count Water Agency; GEI 2004

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

114 Yuba Street, Suite 218
Marysville, CA 95901

May 2007

Figure 1



PHASE 4 FEATHER RIVER LEVEE REPAIR - SEGMENT 1

Figure 2



A. Feather East Levee Landside Station 133+00 – Looking North December 2012



B. Feather East Levee Landside Station 133+00 – Looking North December 2012



C. Feather East Levee Landside Station 133+00 – Looking South December 2012



D. Feather East Levee Landside Station 100+00 – Looking North August 2010

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

PERMIT NO. 18869 BD

This Permit is issued to:

Three Rivers Levee Improvement Authority
114 Yuba Street, Suite 218
Marysville, California 95901

To construct an erosion protection berm along the landside levee slope of the Feather River East Levee Unit 2 of Reclamation District 784. The berm will be 15-foot-wide, 3.5-foot-high and will extend for 700-linear-feet from Levee Mile 11.10 to Levee Mile 11.23. Approximately 2,000 cubic yards of material will be placed in the berm. South of Olivehurst along the landside levee slope of the Feather River East Levee Unit 2 (Section 13, T13N, R3E, MDB&M, Reclamation District 784, Feather River, Yuba 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. 18869 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. 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.

FOURTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, Reclamation District No. 784 or any other agency responsible for maintenance.

FIFTEEN: Upon receipt of a signed copy of the issued (not approved only) permit the permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SIXTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 784 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: 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.

EIGHTEEN: 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.

NINETEEN: 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.

TWENTY: 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.

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

TWENTY-TWO: No construction work of any kind shall be done during the flood season from November 1 to April 15th without prior approval of the Central Valley Flood Protection Board.

TWENTY-THREE: At all times during construction, at least one lane of the levee crown roadway shall be kept clear for vehicular access.

TWENTY-FOUR: Backfill material for excavations shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

TWENTY-FIVE: The project site shall be restored to at least the condition that existed prior to commencement of work.

TWENTY-SIX: The permittee shall replant or reseed the levee slopes to restore sod, grass, or other non-woody ground covers if damaged during project work.

TWENTY-SEVEN: 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 the existing Federal Flood Control Project that will be incorporated into the Lower San Joaquin River Flood Control Project, an adopted plan of flood control.

TWENTY-EIGHT: The stability of the levee shall be maintained at all times during construction.

TWENTY-NINE: By acceptance of this permit, the permittee acknowledges the authority of the Central Valley Flood Protection Board to regulate all future encroachments along this levee reach including those that may encroach upon alterations approved by this permit prior to incorporation into the federal Lower San Joaquin River Flood Control Project by the Corps of Engineers.

THIRTY: All addendums or other changes made to the submitted documents by the permittee after issuance of this permit are subject to submittal and review for approval by the Central Valley Flood Protection Board prior to incorporation into the permitted project. Upon review and approval of any new submitted documents the permit shall be revised, if needed, prior to construction related to the proposed changes. The Central Valley Flood Protection Board shall have up to 90 days after receipt of any documents, plans, drawings, and specifications for the review process. The Central Valley Flood Protection Board and/or the Department of Water Resources may extend this review period by written notification.

THIRTY-ONE: Any damage to the access ramps or levee crown roadway that will be used for access to this project shall be promptly repaired to the condition that existed prior to this project.

THIRTY-TWO: Within 120 days of completion of the project, the permittee shall submit to the Central Valley Flood Protection Board proposed revisions to the Corps of Engineers, Supplement to Standard Operation and Maintenance Manual, Sacramento River Flood Control Project, Unit 145, Part 1 and associated "as-built" drawings for system alterations approved by this permit that are to be incorporated into the federal Sacramento River Flood Control Project.

THIRTY-THREE: No structures, equipment or materials shall be allowed on the berm (except maintenance equipment) and the berm area shall be strictly limited to only flood control use under Federal, State, and local government guidelines.

THIRTY-FOUR: The permittee shall comply with all conditions set forth in the letter from Reclamation District No. 784 dated 05-07, 2013, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-FIVE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated September XX, 2013, which is attached to this permit as Exhibit B and is incorporated by reference.

THIRTY-SIX: Any additional encroachment(s) in the floodway, on or in the levee section and within 10 feet of the landward levee toe will require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

**APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD
ENCROACHMENT PERMIT**

Application No. _____
(For Office Use Only)

1. Description of proposed work being specific to include all items that will be covered under the issued permit.

Construction of an erosion protection berm along the landside levee toe of the Feather River East Levee (Unit 2) of Reclamation District 784. Berm will be 15 feet wide, 3.5 feet high and will extend for 700 feet from Levee Mile (LM) 11.10 to LM 11.23. Approximately 2,000 cubic yards of material will be placed in the berm.

2. Project

Location: South of Marysville in Yuba County, in Section Section 13
(N) (E)
Township: 13 N (S), Range: 3 E (W), M. D. B. & M.
Latitude: 38° 58' 37.61" N Longitude: 121° 34' 46.74" W
Stream: Feather River, Levee: East Levee Designated Floodway: Feather
APN: 016120005 & 016120008

3. Three Rivers Levee Improvement Authority of 114 Yuba Street, Suite 218
Name of Applicant / Land Owner Address

Marysville California 95901 530-749-7841
City State Zip Code Telephone Number
PBrunner@co.yuba.ca.us
E-mail

4. Larry Dacus of MBK Engineers
Name of Applicant's Representative Company

Sacramento California 95815 (916) 437-7515
City State Zip Code Telephone Number
dacus@mbkengineers.com
E-mail

5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):

We, the Trustees of Reclamation District 784 approve this plan, subject to the following conditions:
Name of LMA

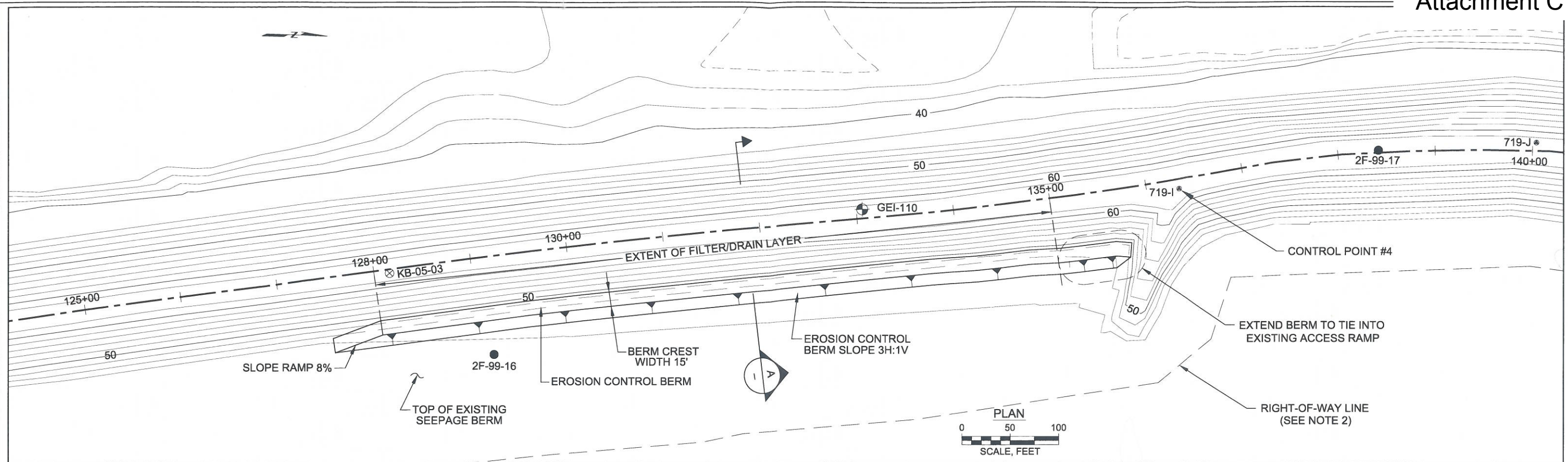
Conditions listed on back of this form Conditions Attached No Conditions

Mark Brown 5/7/13
Trustee Date Trustee Date

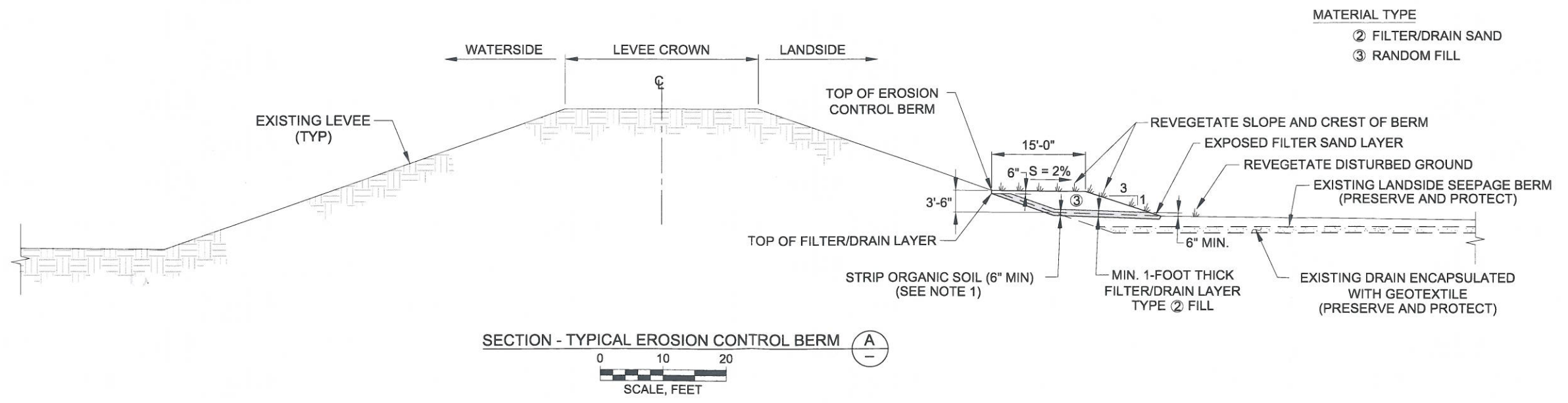
Trustee Date Trustee Date

Reclamation District No. 784 has the following conditions to be included on the Central Valley Flood Protection Board Encroachment Permit. The conditions are as follows:

- All improvements shall meet or exceed Central Valley Flood Protection Board Title 23, Department of Water Resources, DWR Urban Levee Design Criteria, FEMA, and U.S Army Corps of Engineers Standards and requirements.
- All work endorsed by this permit shall be in accordance with the submitted drawings and specifications. No further work, other than approved by this permit, shall be done in the area without prior endorsement of Reclamation District No. 784.
- A copy of operation and maintenance manual shall be provided to Reclamation District No. 784 upon completion of the work. The O&M manual shall include provisions for annual inspection which meet or exceed the CVFPB, DWR, USACE, and RD 784 standards. The results of the annual inspection shall be provided to RD 784 no prior to November 1 each year.
- The encroachment permit shall include a provision that the permittee shall be required to remove or alter all or any part of the herein permitted project if removal or alteration 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 or successor does not comply, RD 784, USACE, and/or the CVFPB may remove or modify the herein permitted project at the permittee's expense.
- 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 and maintenance of the flood control project to interfere, the permittee shall be required, at permittee's or successor's sole cost and expense, to modify or remove the permitted encroachment(s).
- If the project or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project, at the permittee's or successor's sole cost and expense.
- A set of As-Built Mylar plans and specifications shall be provided to Reclamation District No. 784 upon completion of the work.
- A copy of the final Central Valley Flood Protection Board Permit shall be provided to Reclamation District No. 784 prior to any work.
- Reclamation District No. 784 shall be notified five (5) working days prior to any construction activities.



- NOTES**
- EXCAVATION BEYOND ORGANIC SOIL PROHIBITED.
 - ACCESS TO SITE SHALL BE INSIDE THE EXISTING RIGHT-OF-WAY VIA THE EXISTING LEVEE, LANDSIDE RAMPS AT STATION 136 AND PUMP STATION NO. 2, AND ESTABLISHED TOE ACCESS CORRIDOR ALONG LANDSIDE TOE OF LEVEE AND/OR BERM. ACCESS INTO, THROUGH, OR ACROSS PRIVATE PROPERTY BEYOND (EAST OF) THE TOE ACCESS CORRIDOR SHALL NOT BE ALLOWED.



NO.	DATE	ISSUE/REVISION	DES	DRN	CH	APP
-	05-24-13	ISSUE FOR BID	MP	PM	DW	AP

GEI Consultants
 180 Grand Ave. Suite 1410
 Oakland, CA 94612
 510-350-2900

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
 Government Center
 915 Eighth Street, Suite 115
 Marysville, CA 95901-5273
 GEI Project 05011-5

PHASE 4 FEATHER RIVER LEVEE REPAIR PROJECT
 Reclamation District No. 784
 Yuba County, California
SEGMENT 1 EROSION CONTROL BERM
 PLAN AND SECTION
 STA 128+00 TO 135+00

DWG. NO. **C-30**

C-30 (STA 128 TO 135) 04/25/07 PYM

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STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2013-22

FINDINGS AND DECISION AUTHORIZING ISSUANCE OF
ENCROACHMENT PERMIT NO. 18869
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY (TRLIA)
FEATHER RIVER REPAIR PROJECT

WHEREAS, TRLIA is remediating seepage existing on the landside levee slope in Feather River Segment 1 as part of the Feather River Levee Repair Project; and

WHEREAS, TRLIA as lead agency under the California Environmental Quality Act, Public Resources Code sections 21000 et seq. (“CEQA”) prepared an Environmental Impact Report (EIR); Supplemental Environmental EIR (SEIR); and Mitigation Monitoring Reporting Plan (MMRP) on the Feather River Levee Repair Project (“EIR”) (incorporated herein by reference and available at the Central Valley Flood Protection Board offices or TRLIA office); and

WHEREAS, TRLIA, as lead agency, certified the EIR, adopted mitigation measures and a Mitigation Monitoring Reporting Plan (“MMRP”) (incorporated herein by reference and available at the Central Valley Flood Protection Board or at TRLIA), approved findings and a statement of overriding considerations pursuant to CEQA and the CEQA Guidelines (incorporated herein by reference); and approved the Project as identified in Alternative 2 of the EIR; and

WHEREAS, the Draft EIR (State Clearinghouse (SCH) No. 2006062071) was published on August 3, 2006, for a 45-day public review period that ended on September 18, 2006; and

WHEREAS, On February 6, 2007, TRLIA approved Resolution 2007-04 for the Feather River Levee Repair Project, the EIR, the MMRP and approved findings and a Statement of Overriding Considerations pursuant to the CEQA Guidelines (incorporated herein by reference); and

WHEREAS, On November 2006 the Final EIR (FEIR) was published and on February 6, 2007, the Board of TRLIA certified the Final EIR, made CEQA Findings adopting the Mitigation Monitoring and Reporting Program (MMRP), a Statement of Overriding Considerations; and filed a Notice of Determination with the State Clearinghouse on February 8, 2007; and

WHEREAS, the Central Valley Flood Protection Board (Board) approved Encroachment Permit No. 18170 and made findings pursuant to CEQA at the June 8, 2007 meeting for TRLIA to construct the Feather River Levee Repair Project to restore the integrity of Sacramento River Flood Control Project levees by constructing cutoff walls, stability berms, waterside blankets, and relief wells on the left (east) bank levee of the Feather River; and restoring the levee crown

elevations on the left (south) bank levee of Yuba River and on the left (east) bank levee of the Feather River; and

WHEREAS, TRLIA as part of the Feather River Levee Repair Project submitted Application No. 18869 to the Central Valley Flood Protection Board (Board) on May 15, 2013 to construct an erosion protection berm along the landside levee toe of the Feather River East Levee Unit 2 of Reclamation District 784. The berm will be 15 feet wide, 3.5 feet high and will extend for 700 feet from Levee Mile (LM) 11.10 to LM 11.23; and

WHEREAS, TRLIA analyzed installation of the proposed erosion protection berm as part of the Feather River Levee Repair Project EIR, SEIR and the MMRP; and

WHEREAS, Board staff completed a technical review of the Feather River Levee Repair Project proposed under Encroachment Permit Application No. 18869; and

WHEREAS, Board staff's technical review concluded that the designs of this project are in accordance with current Board and USACE standards, and will result in no adverse hydraulic or geotechnical impacts to the channel of the Feather River; and

WHEREAS, TRLIA analyzed installation of the proposed erosion protection berm as part of the Feather River Levee Repair Project in the EIR, SEIR, and MMRP; and

WHEREAS, Board staff completed a technical review of the Feather River Levee Repair Project facilities proposed under Encroachment Permit Application No. 18869; and

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 Draft Environmental Impact Report (DEIR) (SCH No. 2006062071, August 2006) and the FEIR (SCH No. 2006062071, November 2006) and SEIR on the Feather River Levee Repair Project which includes the proposed seepage berm submitted by TRLIA, and has reached its own conclusions regarding them.
4. The Board finds that the proposed seepage berm is within the scope of the previously adopted 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.

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 application for Encroachment Permit No. 18869 and all supporting technical documentation provided by TRLIA on the Feather River Levee Repair Project, the Staff Report and attachments, the EIR (Draft and Final Versions), and TRLIA Resolution 2007-04 including findings, Statement of Overriding Considerations, 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. The accepted industry standards for the work proposed under this permit as regulated by California Code of Regulations, Title 23 have been applied to the review of this permit.
8. **Effects on State Plan of Flood Control.** This proposed project would result in no adverse effects on facilities of the State Plan of Flood Control and is consistent with the Central Valley Flood Protection Plan as adopted by Board Resolution 2012-25 on June 29, 2012.
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 the benefits of the project, including increasing the level of flood protection for Yuba County, the Board finds and concludes that the issuance of Encroachment Permit No. 18869 for the Feather River Levee Repair Project seepage berm is in the public interest.
11. This resolution shall constitute the written decision of the Board in the matter of Encroachment Permit No. 18869.

Approval of Encroachment Permit No. 18869.

12. Based on the foregoing, the Central Valley Flood Protection Board hereby approves Resolution No. 2013-22 which:

- adopts the CEQA findings,
- approves issuance of Encroachment Permit No. 18869 in substantially the form provided as Staff Report Attachment C, and
- directs the Executive Officer to take the necessary actions to execute the permit, and file a Notice of Determination with the State Clearinghouse.

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

William H. Edgar
President

Jane Dolan
Secretary