

**Meeting of the Central Valley Flood Protection Board  
April 25, 2014**

**Staff Report**

**Teichert Land Company  
Riparian Preserve/Corridor  
Sacramento County**

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**1.0 – ITEM**

Consider approval of Permit No. 18910 BD (Attachment B)

**2.0 – APPLICANT**

Teichert Land Company

**3.0 – PROJECT LOCATION**

The project is located along Morrison Creek, south of State Route 16, and east of Mayhew Road in Sacramento County (see Attachment A).

**4.0 – PROJECT DESCRIPTION**

Applicant proposes to establish a 20.98-acre creek and riparian corridor preserve along Morrison Creek by constructing berms along the northern and southern borders. The preserve boundaries will be encompassed by berms and cross sections ranging in width from 215 to 505 feet measured between inside berm toes.

The North Berm, running the length of the north side of the creek, will have one controlled culvert (comprised of a single 47-inch diameter corrugated steel arch pipe) passing through the berm and entering the creek (west culvert connection).

The South Berm, running the length of the south side of the creek, will have one controlled culvert (comprised of two 36-inch diameter steel pipes positioned side by side) passing through the berm and entering the creek (east culvert connection). Two 12-inch deep cobble beds will be constructed at the inflow and outflow locations on each culvert connection structure. Native oak trees, riparian vegetation, seasonal

wetland plants and riparian shrubs will be planted within the creek and riparian preserve. Aggregate mining will occur to the outside of the creek and riparian preserve immediately south of the South Berm.

## **5.0- AUTHORITY OF THE BOARD**

California Water Code : Sections 8534, 8590-8610.5, 8700-8710

California Code of Regulations, Title 23 (Title 23):

- \* § 6, Need for a Permit
- \* § 112, Streams regulated and Non Permissible Work Period
- \* § 116, Borrow and Excavation Activities – Land and Channel
- \* § 121, Erosion Control
- \* § 123, Pipeline, Conduits
- \* § 131, Vegetation

## **6.0 – PROJECT ANALYSIS**

The proposed project involves constructing berms to realign Morrison Creek and establish riparian habitat. The construction material will come from sand and gravel mining onsite but outside the 150-foot buffer zone around the realigned creek. To protect the mine pit continuous linear berms (20 feet wide at the crown) are to be placed on undisturbed land along the length of Morrison Creek as it runs east to west across the project property. No mining operations will occur within the realigned Morrison Creek floodway.

Due to the continuous nature of the berms and the need to preserve continuous flow of existing off-site drainage, two controlled outflow culverts will be installed through the berms. The eastern culvert will maintain hydrologic connectivity with an agricultural drainage ditch that will be re-routed to avoid mining activities.

## **6.1 – Hydraulic Analysis**

An extensive hydraulic analysis prepared by Wood Rodgers Engineering predicts that the proposed project results in no adverse hydraulic impacts either downstream or upstream of the project. Significant stream and floodplain alteration of Morrison Creek upstream and downstream of the project area (Aspen IV South) has modified and ultimately reduced the 100-year flood area on the project site with respect to current FEMA maps.

## **6.2 – Geotechnical Analysis**

A geotechnical / seepage and slope stability analysis was prepared by Geocon Consultants, Inc. to evaluate soil conditions, determine appropriate soil properties and strength parameters, and to evaluate slope stability under static and seismic conditions as part of forward planning for the project. Recommendations were made to assure stability of the slopes and floodplain embankments adjacent to Morrison Creek. The analysis concluded that there will be no adverse geotechnical conditions associated with the proposed project.

## **7.0 – AGENCY COMMENTS AND ENDORSEMENTS**

The U.S. Army Corps of Engineers (USACE) comment letter has been received for this application. The USACE District Engineer has no comments or recommendations regarding this project because the proposed work does not affect a federally constructed project. The letter is incorporated into the permit as Exhibit A.

## **8.0 – CEQA ANALYSIS**

Board staff has prepared the following California Environmental Quality Act (CEQA) determination:

The Board, acting as a responsible agency under CEQA, has independently reviewed the Draft Supplemental Environmental Impact Report (DSEIR, SCH No. 1995102057, February 2012), the Final Supplemental Environmental Impact Report (FSEIR, September 2012) and the Mitigation Monitoring and Reporting Plan (MMRP) on the Vineyard I Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment, and Zoning Agreement Amendments; and Aspen III South Reclamation Plan and Use Amendments and Aspen IV South Reclamation, Use Permit, and Zoning

Agreement Amendments Project prepared by the lead agency, Sacramento County (incorporated herein by reference and available at the Central Valley Flood Protection Board offices or Sacramento County Offices). These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvpfb.ca.gov/meetings/2014/04-25-2014.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and Sacramento County offices.

The FSEIR was prepared to address environmental impacts associated with the restoration of Morrison Creek, as well as amendments to the original use permits and reclamation plans. The existing conditional use permits and reclamation plans for Aspen III South, Aspen IV South and Vineyard I sites were each the subject of a previously certified Final Environmental Impact Report / Environmental Impact Statement entitled Morrison Creek Mining Reach (South) of Jackson Highway Project (SCH No. 95102057, July 1999). A separate set of CEQA Findings and a Statement of Overriding Considerations were adopted by Sacramento County in December 1999 at the time the existing conditional use permits and reclamation plans were approved. Those Findings and Statement of Overriding Considerations remain in effect.

Sacramento County, as the lead agency, determined that the proposed project would not have a significant effect on the environment on January 8, 2013, and filed a Notice of Determination with the Sacramento County Clerk on January 9, 2013.

Based on its independent review of the FSEIR, the Board finds that although the proposed project could have a potentially significant effect on the environment, revisions have been made to the project and/or agreed to by the project proponent that reduce the environmental impacts to less than significant. The project proponent has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures are included in the project proponent's FSEIR and address impacts to biological resources, geology and slope stability, and land use. The description of the mitigation measures are further described in the certified FSEIR.

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.

**9.0 – WATER CODE 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 at or before the meeting where this item is considered.

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 with respect to flood control.

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:

The proposed project will have no adverse effects on facilities of the State Plan of Flood Control because it is well upstream of the federal flood control project, and is consistent with the 2012 Central Valley Flood Protection Plan. Sacramento County's West Jackson Highway Master Plan is a regional plan for the area designed to establish a framework and strategy for all future area development. As a result of the project Morrison Creek will convey the 100-year flood event with three feet of freeboard. As the area continues to urbanize the level of flood protection can be increased to the 200-year level consistent with the Central Valley Flood Protection Plan and Urban Level of Protection guidelines.

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. The project has been designed to implement Sacramento County's 2030 General Plan goals and policies which embrace smart growth principles. Staff is not aware of other planning efforts or reasonably likely projects in the area in the near future that would impact this project.

## **10.0 – STAFF RECOMMENDATION**

Board staff recommends that the Board:

- adopt the CEQA findings
- approve the permit; and
- direct the Executive officer to file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

## **11.0 – LIST OF ATTACHMENTS**

- A. Location Maps
- B. Draft Permit No. 18910

Design Review:	Samuel Brandon
Environmental Review:	Andrea Buckley
Document Review:	Mitra Emami, PE; Len Marino PE; Eric Butler, PE
Legal Review	Leslie Gallagher, Chief Counsel

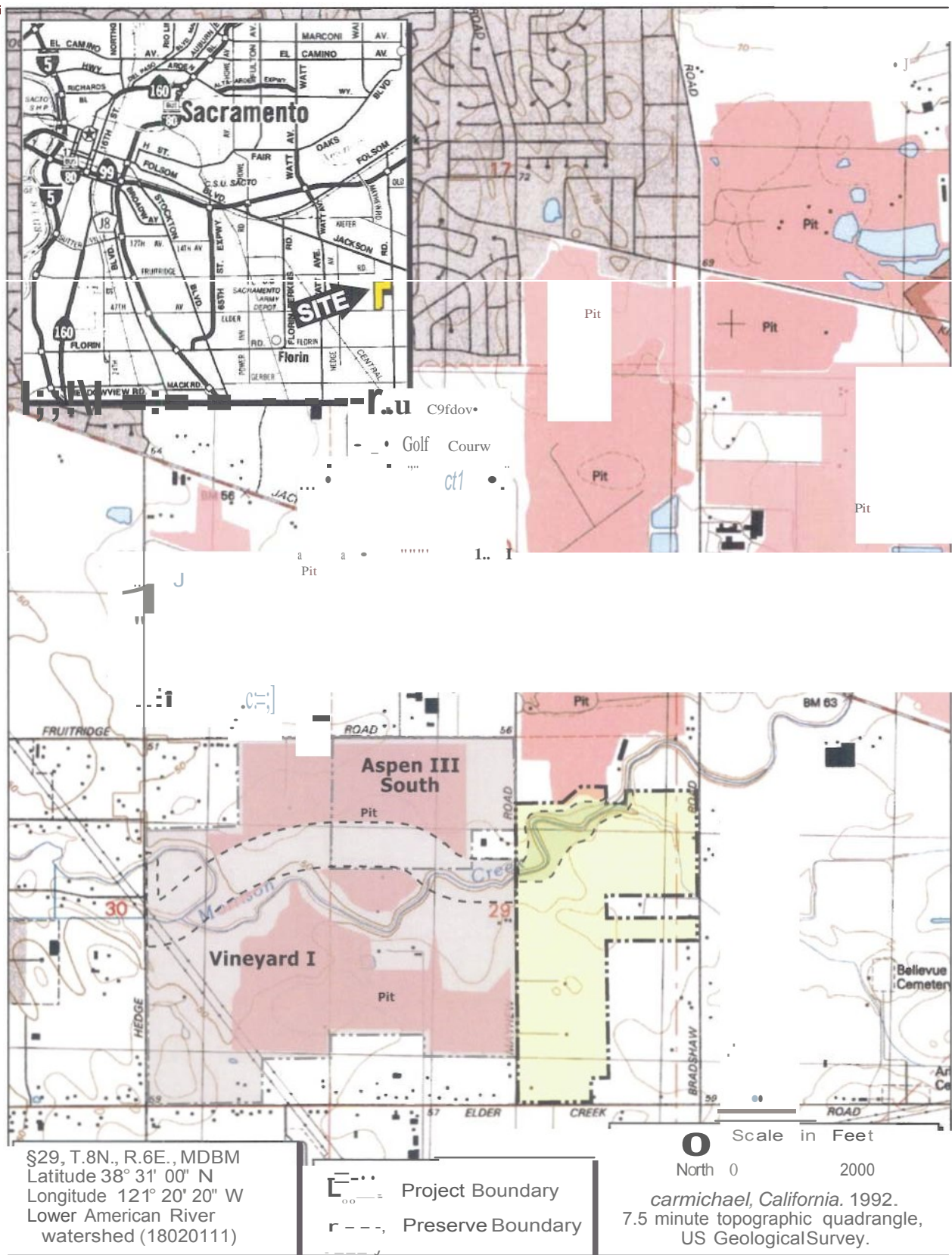
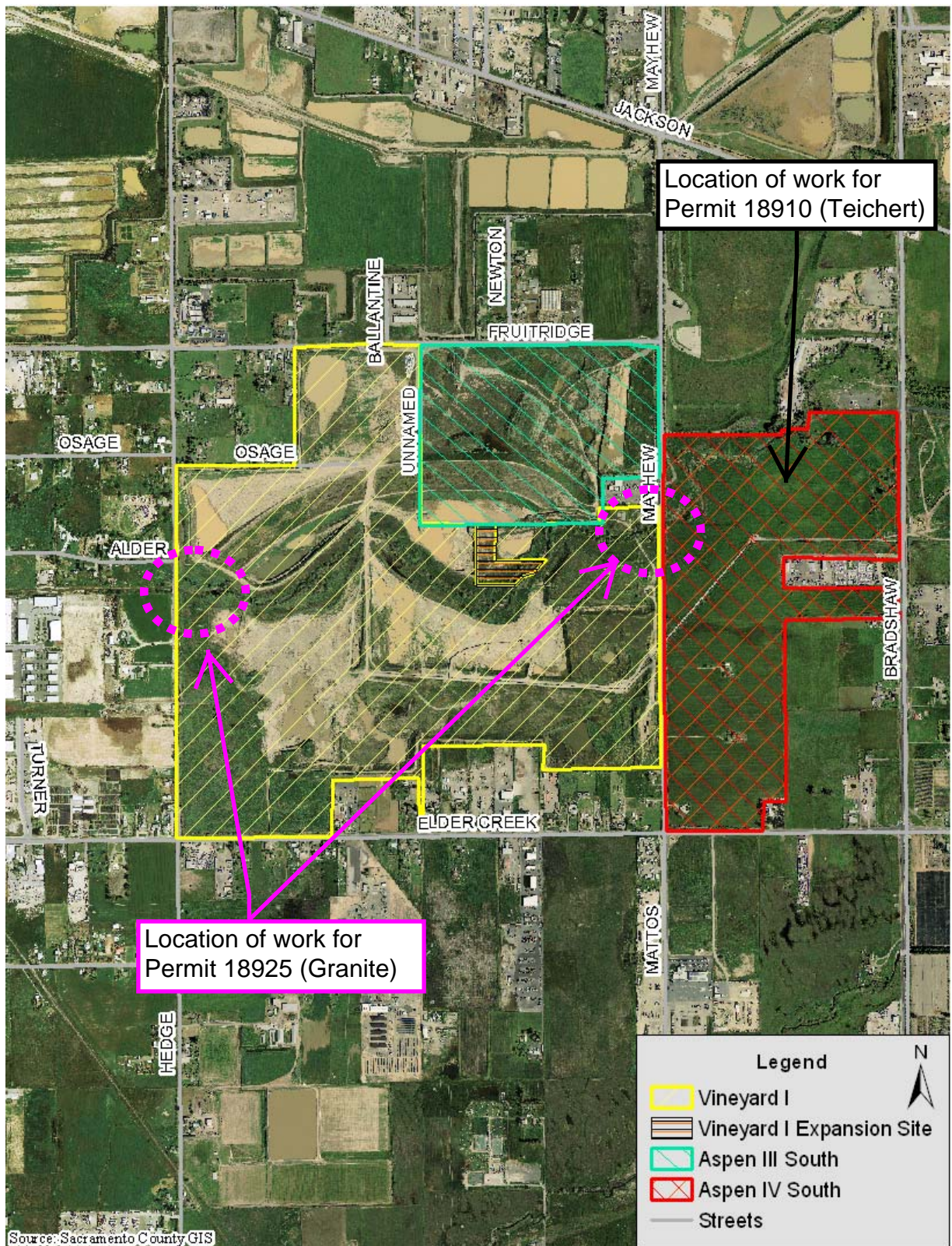


FIGURE 1. Project Site and Vicinity

2005-045 Aspen IV South



## ATTACHMENT A - Vicinity Map



**Source: Final EIR for Vineyard I, Aspen III South & Aspen IV South**



**DRAFT**

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

**PERMIT NO. 18910 BD**

**This Permit is issued to:**

Teichert Land Company  
3500 American River Drive  
Sacramento, California 95864

To establish a 20.98 acre riparian corridor/preserve which includes construction of berms along the northern and southern borders of the preserve along Morrison Creek (ASPEN IV SOUTH), a controlled outflow culvert underneath of each berm (two 36-inch diameter corrugated steel pipes on the eastern side culvert and one 71-inch by 47-inch corrugated steel arch pipe on the western side culvert); two 12-inch deep cobble beds at the inflow and outflow locations on each connection structure, to plant native oak trees and riparian vegetation and to continue aggregate mining outside of the preserve berms and proposed Morrison Creek's 100-year floodway. The project is located along Morrison Creek, south of Highway 16 and east of Mayhew Road in Sacramento County (Section 21, 28, 29, T8N, R6E, MDB&M, Morrison Creek, Sacramento 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. 18910 BD**

**THIRTEEN:** 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 (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.

**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 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.

**SIXTEEN:** 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.

SEVENTEEN: 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 or any other agency responsible for maintenance.

EIGHTEEN: Upon receipt of a signed copy of the issued 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.

NINETEEN: 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.

TWENTY: 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.

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 15 without prior approval of the Central Valley Flood Protection Board.

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

TWENTY-FOUR: If erosion occurs adjacent to the permitted encroachment(s), the permittee shall repair the eroded areas and place adequate revetment on the affected areas to prevent further erosion.

TWENTY-FIVE: All cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-SIX: If the proposed project result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

TWENTY-SEVEN: The landscaping, appurtenances, and maintenance practices shall conform to standards contained in Section 131 of the Central Valley Flood Protection Board's Regulations.

TWENTY-EIGHT: Any vegetative material, living or dead, that interferes with the successful execution, functioning, maintenance, or operation of the adopted plan of flood control must be removed by the permittee at permittee's expense upon request by the Central Valley Flood Protection Board, Department of Water Resources, or local maintaining agency. If the permittee does not remove such vegetation or trees upon request, the Central Valley Flood Protection Board reserves the right to remove such at the permittee's expense.

TWENTY-NINE: The permittee shall comply with all conditions set forth in the letter from the U.S. Army Corps of Engineers, Sacramento District dated February 21, 2014, which is attached to this permit as Exhibit A and is incorporated by reference.





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 (18910)

FEB 21 2014

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

Dear Mr. Punia:

We have reviewed a permit application by the Teichert Land Company (application number 18910). This project includes establishing a 20.98 acre riparian corridor/preserve which includes constructing berms along the northern and southern borders of the preserve, installing controlled culverts under each berm (eastern culvert is comprised of two 36-inch diameter corrugated steel pipes and western culvert is one 71-inch by 47-inch corrugated steel arch pipe); and planting native oak trees and riparian vegetation. The project is located along Morrison Creek, south of Highway 16 and east of Mayhew Road, at 38.519927°N 121.344014°W NAD83, Sacramento County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

Section 10 and/or Section 404 permits (1994-00504 and 1994-00693) have been issued for this work.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy P. Olsen", is written over the word "Sincerely,".

Randy P. Olsen  
Chief, Operations-Readiness Branch