

**Meeting of the Central Valley Flood Protection Board
March 28, 2014**

Staff Report – Resolution 2014-04

**Department of Water Resources
Small Erosion Repair Program**

Responsible Agency Findings

1.0 – ITEM

Department of Water Resources (DWR) has circulated the Draft Program Environmental Impact Report and Final Program Environmental Impacts Reports for the Small Erosion Repair Program (SERP) pursuant to California Environmental Quality Act (CEQA). Staff is requesting the Board to consider approval of Resolution 2014-04 (Attachment A) which would adopt the responsible agency findings for SERP pursuant to CEQA and the previously adopted Board Resolution 2012-20 (Attachment B).

2.0 – PROJECT PROPONENT

DWR, Division of Flood Management
Interagency Flood Management Collaborative Program

3.0 – LOCATIONS

The Five-Year Pilot Program, previously approved by Board Resolution 2012-20 will consider small erosion repairs in the following State-maintained leveed channels and bypasses:

- Butte Creek
- Cache Creek
- Cherokee Canal
- Colusa Bypass
- Colusa Main Drain
- East and West Interceptor Canals
- Feather River
- Putah Creek
- Sacramento Bypass

- Sacramento River
- Sutter Bypass
- Tisdale Bypass
- Wadsworth Canal
- Willow Slough Bypass
- Yolo Bypass

4.0 – APPLICABLE LAWS AND REGULATIONS

The Program Environmental Impact Report prepared by the Lead Agency, DWR, was completed in full compliance with CEQA (Public Resources Code Sections 21000 et. seq.) and the CEQA Guidelines (Title 14 California Code of Regulation Section 15000 et. seq.).

5.0 – PAST BOARD ACTIONS

On April 27, 2012, the Board adopted Resolution 2012-20 (Attachment B) which the Board conceptually agreed to allowing of specific operation and maintenance activities designed and constructed within the scope of a proposed SERP without the Board encroachment permits, and provided direction to Board staff to continue developing and implementing Five-Year Pilot Program with DWR.

Additionally, Resolution 2012-20 directed Board staff to prepare Responsible Agency comments when DWR's Draft Program Environmental Impact Report (DPEIR) was circulated, and to prepare responsible agency findings for Board adoption upon DWR's completion of the Final Program Environmental Impact Report (FPEIR). Board staff provided responsible agency comments on DWR's Draft Program Environmental Impact Report on May 3, 2013 (Attachment C). This staff report and associated Resolution 2014-04 describe and memorialize the Board's adoption of responsible agency findings pursuant to CEQA on DWR's Final Program Environmental Impact Report.

6.0 – PAST CEQA ACTIONS

DWR filed a Notice of Preparation pursuant to the California Environmental Quality Act with the State Clearinghouse (No. 2009112088) on November 25, 2009.

Board staff provided comment letters to DWR on December 16, 2009 and May 10, 2010, respectively, citing CCR 23 § 6 and § 131 regarding the potential need for Board encroachment permits, and detailed vegetation planting drawings.

DWR submitted the DPEIR to the Office of Planning and Research on March 19, 2013 for circulation to those public agencies that have jurisdiction with respect to the project. The 45-day public comment period began on March 20, 2013 and ended on May 3, 2013. Board staff submitted a responsible agency comment letter on the DPEIR pursuant to CEQA on May 3, 2013 (Attachment C), as directed by adopted Resolution 2012-20.

Following the closure of the DPEIR public comment period, all public comments received during the comment period, all DWR written responses to significant environmental points raised in those comments, and additional information added by DWR were incorporated into DPEIR to produce the Final Program Environmental Impact Report on January 28, 2014.

DWR, as CEQA lead agency, determined that the project would not have a significant effect on the environment on February 13, 2014, and subsequently filed a Notice of Determination on February 14, 2014 with the State Clearinghouse.

7.0 – CEQA FINDINGS

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

The Board, as a responsible agency under CEQA, has reviewed Draft Program Environmental Impact Report (DPEIR) (SCH Number: 2009112088, March 2013), Final Program Environmental Impact Report (FPEIR) (January 2014) and Mitigation Monitoring and Reporting Program (MMRP) for the Small Erosion Repair Program prepared by the lead agency, DWR. These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2014/03-28-2014.cfm> under a link for this agenda item. These documents are also available for review in hard copy at Board and DWR offices.

DWR determined that the project would not have a significant effect on the environment on February 13, 2014 and subsequently filed a Notice of Determination on February 14, 2014 with the State Clearinghouse. Board staff finds that although any individually proposed project could have a potentially significant effect on the environment, there will

not be a significant effect due to the approval of SERP because revisions to the individual projects will be made by or agreed to by the DWR. DWR has incorporated mandatory mitigation measures into the SERP for inclusion within individual 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 DWR's MMRP and address impacts to air quality, cultural resources, and noise. The description of the mitigation measures are further described in the adopted DPEIR and FPEIR.

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 – STAFF RECOMMENDATION

Board Staff recommends that the Board approve Resolution 2014-04 to:

- adopt the responsible agency CEQA findings,
- and direct the Executive Officer to take the necessary actions to file a Notice of Determination with the State Clearinghouse.

9.0 – LIST OF ATTACHMENTS

- A. Resolution 2014-04
- B. Previously adopted Resolution 2012-20
- C. Board comment letter on DPEIR

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|-----------------------|---|
| Document Preparation: | Andrea Buckley, Environmental Scientist |
| Document Guidance: | Eric Butler, Supervising Engineer |
| Document Review: | Len Marino, Chief Engineer |
| Legal Review: | Leslie Gallagher, Board Chief Counsel |

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

RESOLUTION NO. 2014-04

DEPARTMENT OF WATER RESOURCES
SMALL EROSION REPAIR PROGRAM
FIVE-YEAR PILOT PROJECT

WHEREAS, the Central Valley Flood Protection Board (Board), in support of the Department of Water Resources (DWR), approved Resolution 2012-20 on April 27, 2012 to act as a State partner in the Small Erosion Repair Program (SERP); and

WHEREAS, pursuant to Resolution 2012-20, the Board deemed all SERP program activities to be operations and maintenance activities not requiring Board encroachment permits; and

WHEREAS, pursuant to Resolution 2012-20, the Board directed Board staff to assist DWR to finalize the SERP Manual, including geotechnical and hydraulic analysis review procedures, long-term vegetation maintenance procedures, and SERP member agency and public notifications procedures; and

WHEREAS, all SERP approval agencies (including the Board) are participating in the five-year pilot program with the understanding that they will evaluate all proposed SERP site repairs, and can determine to reject individual sites that they believe do not qualify for repair under SERP, and notify DWR of the determination and the reasons the agency made the determination; and

WHEREAS, DWR filed a Notice of Preparation pursuant to the California Environmental Quality Act (CEQA) with the State Clearinghouse (SCH No. 2009112088) on November 25, 2009; and

WHEREAS, DWR as lead agency under the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* (CEQA) prepared a Draft Program Environmental Impact Report (DPEIR) (SCH No. 2009112088, March 2013); and

WHEREAS, DWR released a Notice of Completion initiating a 45-day public comment period on March 20, 2013, and ending on May 3, 2013; and

WHEREAS, pursuant to Resolution 2012-20, Board staff submitted Responsible Agency comments on May 3, 2013 on DWR's Draft Program Environmental Impact Report; and

WHEREAS, Following the closure of the DPEIR public comment period, all public comments received during the comment period, all DWR written responses to significant environmental points raised in those comments, and additional information added by DWR were incorporated into DPEIR to produce the Final Program Environmental Impact Report on January 28, 2014; and

WHEREAS, DWR determined that the project would not have a significant effect on the environment on February 13, 2014, and subsequently filed a Notice of Determination on February 14, with the State Clearinghouse.

NOW, THEREFORE, BE IT RESOLVED THAT:

CEQA Findings.

1. The Board, as a responsible agency under CEQA, has reviewed Draft Program Environmental Impact Report (SCH Number: 2009112088, March 2013), Final Program Environmental Impact Report (FPEIR) (January 2014) and Mitigation Monitoring and Reporting Program (MMRP) for the Small Erosion Repair Program prepared by the lead agency, DWR, and has reached its own conclusions regarding them.
2. Board staff finds that although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by DWR.
3. DWR 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 DWR's MMRP and address impacts to air quality, cultural resources, and noise. The description of the mitigation measures are further described in the adopted DPEIR and FPEIR.
4. The Board, after consideration of the DPEIR (March 2013), FPEIR (December 2013), and MMRP on the SERP, adopts the analysis and findings which are relevant to the project.
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.

Board Actions

The Central Valley Flood Protection Board:

6. Adopts the Responsible Agency findings pursuant to CEQA;
7. Directs the Executive Officer to take the necessary actions to prepare and file a Notice of Determination pursuant to CEQA for the Small Erosion Repair Program.
8. Reaffirms its prior directions to Board staff, pursuant to Resolution 2012-20:
 - a. To review annual SERP repair proposals, and to determine (A) whether or not each SERP site has been designed according to the Manual, (B) that geotechnical design issues have been considered, (C) that there are no adverse hydraulic impacts, (D) that long-term vegetation management actions have been addressed, and (E) that annual noticing of SERP member agencies and the public is carried out, all in conformance with the SERP Manual;
 - b. Delegates to the Chief Engineer the authority to execute documents necessary to authorize or reject proposed sites for SERP pilot program repairs consistent with this resolution;
 - c. Directs Board staff to provide an annual report to the Board on the SERP pilot program, including a detailed listing of annually proposed and authorized (or denied) SERP sites, at a regular monthly Board meeting as soon as practical after the Chief Engineer's annual determination has been provided to DWR.

PASSED AND ADOPTED by vote of the Board on _____, 2014

William Edgar
President

Jane Dolan
Secretary

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

RESOLUTION NO. 2012-20

DEPARTMENT OF WATER RESOURCES
SMALL EROSION REPAIR PROGRAM
FIVE-YEAR PILOT PROJECT

WHEREAS, the Central Valley Flood Protection Board (Board) has given assurances to the U.S. Army Corps of Engineers that the State will maintain and operate federal flood control works in accordance with federal law pursuant to California Water Code (CWC) § 8708; and

WHEREAS, the Department of Water Resources (DWR) has responsibilities to maintain portions of the Sacramento River Flood Control Project (SRFCP) pursuant to CWC § 8361 and § 12878, et seq.; and

WHEREAS, Code of Federal Regulations, Title 33 (CFR 33) – Navigation and Navigable Water, Chapter II – Corps of Engineers, War Department, Part 208 – Flood Control Regulations, Maintenance and Operation of Flood Control Works, § 208.10 (b) Levees (1) Maintenance states, *“The Superintendent shall provide at all times such maintenance as may be required to insure serviceability of the structure in time of flood. Measures shall be taken to promote the growth of sod, exterminate burrowing animals, and to provide for routine mowing of the grass and weeds, removal of wild growth and drift deposits, and repair of damage caused by erosion or other forces. Where practicable, measures shall be taken to retard bank erosion by planting of willows or other suitable growth on areas riverward of the levees.”*; and

WHEREAS, the U.S. Army Corps of Engineers (USACE), Standard Operations and Maintenance (O&M) Manual for the Sacramento River Flood Control Project, § 4.02. Maintenance, page 10 states, *“Applicable portions of the Flood Control Regulations, paragraph 208.10(b)(1), pertaining to maintenance are quoted as follows: “(b) Levees – (1) Maintenance. The Superintendent shall provide at all times such maintenance as may be required to insure serviceability of the structure at the time of flood. Measures shall be taken to promote the growth of sod, exterminate burrowing animals, and to provide for routine mowing of the grass and weeds, removal of wild growth and drift deposits, and repair of damage caused by erosion or other forces. Where practicable, measures shall be taken to retard bank erosion by planting of willows or other suitable growth on areas riverward of the levees.”*; and

WHEREAS, the O&M Manual for the SRFCP, § 4.05. Special Instructions, (b)(1), page 13 states, *“The Superintendent shall provide for clearing of brush, trees, and other wild growth from the levee crown and slopes. Brush and small trees may be retained on the waterward slope where desirable for the prevention of erosion and wave wash.”*; and

WHEREAS, California Code of Regulations, Title 23, (CCR 23), § 3, Intent states, *The regulations are also intended to comply with the board's obligations to the U.S. Army Corps of Engineers pursuant to numerous assurance agreements, Corps Operation and Maintenance Manuals, and 33 C.F.R. section 208.10.; and*

WHEREAS, CCR 23, § 4, Definitions states, *"Maintenance activities" means any work required to retain or maintain the intended functions of flood control facilities and of existing encroachments. Maintenance activities include but are not limited to mowing, tree and brush trimming and removal, revetment restoration, rodent control, spraying, painting, coating, patching, burning, and similar works; but does not include any significant excavation or any excavation during flood season. Maintenance activities of public agencies to maintain the designated level of function of flood control facilities within their jurisdiction are authorized and defined by Water Code sections 8361, 8370 and 12642. Note: CWC sections 8370 and 12642 apply to local (non-State) maintaining agencies.; and*

WHEREAS, CCR 23, § 6(a), Need for a Permit states, *Every proposal or plan of work, including the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment or works of any kind, and including the planting, excavation, or removal of vegetation, and any repair or maintenance that involves cutting into the levee, wholly or in part within any area for which there is an adopted plan of flood control, must be approved by the board prior to commencement of work.; and*

WHEREAS, CCR 23, § 6(d), Need for a Permit states, *Permits are not required for maintenance activities as defined in article 2, section 4 of this title; and*

WHEREAS, after review of the statutes (in particular CFR 33, § 208.10 and the Standard O&M Manual for the SRFCP) Board staff has concluded that the Board's regulations as stated in CCR 23, § 6(a) were not intended to require an encroachment permit to plant vegetation that was included as a component of routine maintenance activities; and

WHEREAS, DWR created the Interagency Flood Management Collaborative Program (Collaborative) to facilitate cooperative actions to more effectively manage flood control projects in the Sacramento and San Joaquin River Basins within the Central Valley; and

WHEREAS, on January 17, 2007 a Small Erosion Repair Program (SERP) subcommittee (Subcommittee) was formed at the direction of the Collaborative; and

WHEREAS, the Subcommittee consists of federal and State resource and regulatory agency representatives and Board staff who have collaborated with DWR Flood Maintenance Office to develop a process and criteria for SERP repairs; and

WHEREAS, the SERP was developed to address long-term project delays of as much as several years due in part to the multiple layers of agency authorizations and levels of interagency coordination required for small erosion repair projects, and to develop more efficient means of

ATTACHMENT B

environmental permitting small erosion repairs on levees in a timely manner to prevent these sites from deteriorating into larger and more costly repair sites; and

WHEREAS, the SERP would provide a streamlined program for DWR to identify, obtain regulatory authorization for, and construct small levee repairs on levees maintained by DWR within the SRFCP area; and

WHEREAS, the Subcommittee is near completion of the planning phase of a proposed five (5)-year pilot program that would repair up to fifteen (15) sites per year throughout approximately 300 miles of leveed channels and bypasses maintained by DWR pursuant to CWC section 8361 within the Sacramento River Flood Control Project, including:

- Butte Creek
- Cache Creek (from Yolo Bypass to the upstream limit of SRFCP levees)
- Cherokee Canal
- Colusa Bypass
- Colusa Main Drain (northern portion depicted on Staff Report, Attachment C)
- East and West Interceptor Canals
- Feather River (portions depicted on Staff Report, Attachment C)
- Putah Creek
- Sacramento Bypass
- Sacramento River (portions depicted on Staff Report, Attachment C)
- Sutter Bypass (portions depicted on Staff Report, Attachment C)
- Tisdale Bypass
- Wadsworth Canal
- Willow Slough Bypass
- Yolo Bypass (portions depicted on Staff Report, Attachment C); and

WHEREAS, the Subcommittee is developing the SERP Manual (Manual), currently in draft form, which will provide the general guidelines under which the program will operate; and

WHEREAS, Board staff has worked closely with DWR geotechnical staff to review and resolve issues related to the geotechnical aspects of the design templates described in the draft SERP Manual. Board staff concerns have been sufficiently addressed and support staff's recommendation to move forward as a pilot program partner; and

WHEREAS, Board staff has worked closely with DWR hydraulic modeling staff to resolve concerns about the potential for adverse hydraulic impacts due to the proposed vegetation plantings described in the draft SERP Manual design templates. Board staff concerns have been sufficiently addressed and support staff's recommendation to move forward as a pilot program partner; and

WHEREAS, vegetation installed and maintained under the SERP program would be done so in a manner consistent with the vegetation management strategy proposed in the 2012 Public Draft Central Valley Flood Protection Plan (CVFPP); and

WHEREAS, in the event subsequent erosion occurs at a SERP site, and the vegetation that was planted in the area waterside of the Vegetation Management Zone (VMZ) defined in the CVFPP Conservation Framework (Attachment 2 of Staff Report Attachment B) is lost due to this erosion, the subsequent repair to the site would use a similar design and would replace, at a 1:1 ratio, the lost vegetation; and

WHEREAS, in the event that the SERP vegetation grows to extend upslope and into the VMZ, that portion extending into the VMZ will be subject to DWR's continuing program of routine annual levee maintenance in accordance with the applicable USACE standard O&M manuals and the vegetation management strategy defined in the CVFPP; and

WHEREAS, in the event that SERP vegetation waterside of the VMZ, but outside of the area that is twenty (20) feet from the waterside levee hinge point, grows to impede flow, visibility and accessibility for inspections, or maintenance and flood fight operations, DWR will coordinate with the environmental resource agencies on the best method to correct these impedances; and

WHEREAS, all SERP approval agencies (including the Board) are participating in the five-year pilot program with the understanding that they will evaluate all proposed SERP site repairs, and can determine to reject individual sites that they believe do not qualify for repair under SERP, and notify DWR of the determination and the reasons the agency made the determination; and

WHEREAS, DWR filed a Notice of Preparation pursuant to the California Environmental Quality Act (CEQA) with the State Clearinghouse (Number 2009112088) on November 25, 2009; and

WHEREAS, upon completion of the Manual, DWR will prepare and circulate a Draft Program Environmental Impact Report to solicit public comments pursuant to CEQA on the SERP program; and

WHEREAS, after the five-year pilot period, the Collaborative will evaluate the program's success and, if warranted, the SERP may be expanded in the future to include sites repaired by the local maintaining agencies throughout the Sacramento-San Joaquin Drainage District; and

WHEREAS, while the operation and maintenance activities proposed to repair individual SERP sites are generally not the subject of Board review and approval, Board staff does provide oversight for and authorization of maintenance activities from time to time. Due to the unique nature of the SERP program, and to provide an appropriate level of Board oversight, this Resolution seeks direction from the Board to not only provide direction to Board staff, but to inform DWR as to the Board's intent to participate in the SERP program as a State partner.

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

1. Deems all SERP program activities to be operations and maintenance activities not requiring Board encroachment permits;

ATTACHMENT B

2. Directs Board staff to assist DWR as necessary to finalize the SERP Manual, including geotechnical and hydraulic analysis review procedures, long-term vegetation maintenance procedures, and SERP member agency and public notification procedures;
3. Directs Board staff to prepare Responsible Agency comments pursuant to CEQA when DWR's Draft Program Environmental Impact Report is circulated;
4. Directs Board staff to prepare appropriate Responsible Agency findings pursuant to CEQA for Board approval when DWR's Final Program Environmental Impact Report is circulated;
5. Directs Board staff to review annual SERP repair proposals, and to determine (A) whether or not each SERP site has been designed according to the Manual, (B) that geotechnical design issues have been considered, (C) that there are no adverse hydraulic impacts, (D) that long-term vegetation management actions have been addressed, and (E) that annual noticing of SERP member agencies and the public is carried out, all in conformance with the SERP Manual;
6. Delegates to the Chief Engineer the authority to execute documents necessary to authorize or reject proposed sites for SERP pilot program repairs consistent with this resolution;
7. Directs Board staff to provide an annual report to the Board on the SERP pilot program, including a detailed listing of annually proposed and authorized (or denied) SERP sites, at a regular monthly Board meeting as soon as practical after the Chief Engineer's annual determination has been provided to DWR.

PASSED AND ADOPTED by vote of the Board on April 27, 2012

William H. Edgar
William Edgar
President

Jane Dolan
Jane Dolan
Secretary

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CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



May 3, 2013

Mr. Jeff Schuette
Maintenance Environmental Support Branch
Division of Flood Management
Department of Water Resources
3310 El Camino Ave, Suite 140
Sacramento, California 95821

Subject: Draft Program Environmental Impact Report Small Erosion Repair Program
SCH: 2013032050

Dear Mr. Schuette:

The Central Valley Flood Protection Board (Board) is responsible for flood safety within California and maintains the integrity of the existing flood control system and designated floodways through the Board's regulatory authority. Construction and maintenance projects within the jurisdiction of the Board are required to meet standards for the construction, maintenance, and protection of adopted plans of flood control that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (Title 23 CCR), Section 2). Working with the Department of Water Resources (DWR) early in the process for implementing the proposed five (5) year Small Erosion Repair Program (SERP) pilot program will provide a streamlined program for DWR to complete maintenance for levees maintained by DWR.

Board staff has reviewed the Draft Program Environmental Impact Report (DPEIR) for the Small Erosion Repair Program (SERP) and provides the following comments:

The DPEIR should include the Board as an approval agency prior to implementing SERP projects. According to the DPEIR page S - 6, "DWR would notify the applicable permitting agencies—USACE, USFWS, NMFS, CDFW, and RWQCB—of the proposed small erosion repair projects by bundling and submitting the required notification materials for up to 15 projects to the agencies as a package each spring (by June 1)."

On April 27, 2012 the Board approved Resolution 2012-20 (enclosed) for the SERP, which identifies the Board as an approval agency for the SERP in the following finding "SERP approval agencies (including the Board) are participating in the five-year pilot program with the understanding that they will evaluate all proposed SERP site repairs, and can determine to reject individual sites that they believe do not qualify for repair under the SERP, and notify DWR of the determination and the reasons the agency made the determination." The Regulatory Setting, p. 3.6 - 9 should also be revised to show the Board's approval process for the SERP.

Mr. Jeff Schuette
May 3, 2013
Page 2 of 2

Mitigation measures should be included for the SERP hydrology impacts. According to Table S-2 Environmental Impacts and Mitigation Measures for the Proposed Project, no mitigation measures for hydrology were identified.

According to the Board approved Resolution 2012-20 for the SERP, "WHEREAS, vegetation installed and maintained under the SERP program would be done so in a manner consistent with the vegetation management strategy proposed in the 2012 Public Draft Central Valley Flood Protection Plan (CVFPP)."

Board staff has worked closely with DWR hydraulic modeling staff to resolve concerns about the potential for adverse hydraulic impacts due to the proposed vegetation plantings described in the draft SERP Manual design templates. Board staff concerns have been sufficiently addressed to move forward as a pilot program partner. Implementing mitigation measures that include conducting the SERP program consistent with the vegetation management strategy proposed in the 2012 Public Draft CVFPP and consistent with DWR hydraulic modeling of the SERP would support the determination showing "NI" (no impact level of significance after mitigation).

Thank you for your consideration of these comments. If you have any questions, please contact Mr. Len Marino, Chief Engineer, by phone at (916) 574-0698, or via e-mail at Len.Marino@water.ca.gov.

Sincerely,



Jay S. Punia
Executive Officer

Enclosure

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

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

RESOLUTION NO. 2012-20

DEPARTMENT OF WATER RESOURCES
SMALL EROSION REPAIR PROGRAM
FIVE-YEAR PILOT PROJECT

WHEREAS, the Central Valley Flood Protection Board (Board) has given assurances to the U.S. Army Corps of Engineers that the State will maintain and operate federal flood control works in accordance with federal law pursuant to California Water Code (CWC) § 8708; and

WHEREAS, the Department of Water Resources (DWR) has responsibilities to maintain portions of the Sacramento River Flood Control Project (SRFCP) pursuant to CWC § 8361 and § 12878, et seq.; and

WHEREAS, Code of Federal Regulations, Title 33 (CFR 33) – Navigation and Navigable Water, Chapter II – Corps of Engineers, War Department, Part 208 – Flood Control Regulations, Maintenance and Operation of Flood Control Works, § 208.10 (b) Levees (1) Maintenance states, *"The Superintendent shall provide at all times such maintenance as may be required to insure serviceability of the structure in time of flood. Measures shall be taken to promote the growth of sod, exterminate burrowing animals, and to provide for routine mowing of the grass and weeds, removal of wild growth and drift deposits, and repair of damage caused by erosion or other forces. Where practicable, measures shall be taken to retard bank erosion by planting of willows or other suitable growth on areas riverward of the levees."*; and

WHEREAS, the U.S. Army Corps of Engineers (USACE), Standard Operations and Maintenance (O&M) Manual for the Sacramento River Flood Control Project, § 4.02, Maintenance, page 10 states, *"Applicable portions of the Flood Control Regulations, paragraph 208.10(b)(1), pertaining to maintenance are quoted as follows: "(b) Levees – (1) Maintenance. The Superintendent shall provide at all times such maintenance as may be required to insure serviceability of the structure at the time of flood. Measures shall be taken to promote the growth of sod, exterminate burrowing animals and to provide for routine mowing of the grass and weeds, removal of wild growth and drift deposits, and repair of damage caused by erosion or other forces. Where practicable, measures shall be taken to retard bank erosion by planting of willows or other suitable growth on areas riverward of the levees."*; and

WHEREAS, the O&M Manual for the SRFCP, § 4.05, Special Instructions, (b)(1), page 13 states, *"The Superintendent shall provide for clearing of brush, trees, and other wild growth from the levee crown and slopes. Brush and small trees may be retained on the waterward slope where desirable for the prevention of erosion and wave wash."*; and

environmental permitting small erosion repairs on levees in a timely manner to prevent these sites from deteriorating into larger and more costly repair sites; and

WHEREAS, the SERP would provide a streamlined program for DWR to identify, obtain regulatory authorization for, and construct small levee repairs on levees maintained by DWR within the SRFCP area; and

WHEREAS, the Subcommittee is near completion of the planning phase of a proposed five (5)-year pilot program that would repair up to fifteen (15) sites per year throughout approximately 300 miles of leveed channels and bypasses maintained by DWR pursuant to CWC section 8361 within the Sacramento River Flood Control Project, including:

- Butte Creek
- Cache Creek (from Yolo Bypass to the upstream limit of SRFCP levees)
- Cherokee Canal
- Colusa Bypass
- Colusa Main Drain (northern portion depicted on Staff Report, Attachment C)
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- Sutter Bypass (portions depicted on Staff Report, Attachment C)
- Tisdale Bypass
- Wadsworth Canal
- Willow Slough Bypass
- Yolo Bypass (portions depicted on Staff Report, Attachment C); and

WHEREAS, the Subcommittee is developing the SERP Manual (Manual), currently in draft form, which will provide the general guidelines under which the program will operate; and

WHEREAS, Board staff has worked closely with DWR geotechnical staff to review and resolve issues related to the geotechnical aspects of the design templates described in the draft SERP Manual. Board staff concerns have been sufficiently addressed and support staff's recommendation to move forward as a pilot program partner; and

WHEREAS, Board staff has worked closely with DWR hydraulic modeling staff to resolve concerns about the potential for adverse hydraulic impacts due to the proposed vegetation plantings described in the draft SERP Manual design templates. Board staff concerns have been sufficiently addressed and support staff's recommendation to move forward as a pilot program partner; and

WHEREAS, vegetation installed and maintained under the SERP program would be done so in a manner consistent with the vegetation management strategy proposed in the 2012 Public Draft Central Valley Flood Protection Plan (CVFPP); and

2. Directs Board staff to assist DWR as necessary to finalize the SERP Manual, including geotechnical and hydraulic analysis review procedures, long-term vegetation maintenance procedures, and SERP member agency and public notification procedures;
3. Directs Board staff to prepare Responsible Agency comments pursuant to CEQA when DWR's Draft Program Environmental Impact Report is circulated;
4. Directs Board staff to prepare appropriate Responsible Agency findings pursuant to CEQA for Board approval when DWR's Final Program Environmental Impact Report is circulated;
5. Directs Board staff to review annual SERP repair proposals, and to determine (A) whether or not each SERP site has been designed according to the Manual, (B) that geotechnical design issues have been considered, (C) that there are no adverse hydraulic impacts, (D) that long-term vegetation management actions have been addressed, and (E) that annual noticing of SERP member agencies and the public is carried out, all in conformance with the SERP Manual;
6. Delegates to the Chief Engineer the authority to execute documents necessary to authorize or reject proposed sites for SERP pilot program repairs consistent with this resolution;
7. Directs Board staff to provide an annual report to the Board on the SERP pilot program, including a detailed listing of annually proposed and authorized (or denied) SERP sites, at a regular monthly Board meeting as soon as practical after the Chief Engineer's annual determination has been provided to DWR.

PASSED AND ADOPTED by vote of the Board on April 27, 2012

William H. Edgar
 William Edgar
 President

Jane Nolan
 Jane Nolan
 Secretary

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