

**Meeting of the Central Valley Flood Protection Board
March 25, 2011**

Staff Report

**Approval and Execution of Project Cooperation Agreement Amendment No.1
between the Central Valley Flood Protection Board and the U.S. Army Corps of
Engineers for the West Sacramento Levee Repair Project and Adoption of the
Mitigated Negative Declaration, Mitigation and Monitoring Plan, and the Findings
for the Project**

Item Approval and Execution of resolution 11-07 for:

- Adoption of the Mitigated Negative Declaration (MND), Mitigation and Monitoring Plan, Findings, and Approval of the West Sacramento Project - North Reach Levee Repair.
- The Project Cooperation Agreement (PCA) Amendment No.1 between the Central Valley Flood Protection Board and the U.S. Army Corps of Engineers for the West Sacramento Levee Repair Project.
- The Local Project Cooperation Agreement (LPCA) Amendment No.2 between the Central Valley Flood Protection Board and the West Sacramento Joint Powers Authority (WSJPA) for the West Sacramento Project - North Reach Levee Repair Project.

The total Project Cost was modified by the Energy and Water Development Appropriation Act of 2010, Public Law 111-85, Section 118; increasing the total project amount from "\$21,500,000" to "\$53,040,000." This change requires the approval of the attached PCA Amendment 1 and the LPCA Amendment 2 which increases the total project cost to "\$53,040,000" to allow release of CVFPB and WSJPA funds.

Location

The West Sacramento North Reach Levee Repair Project (Project) is located on the the left (east) bank of the Yolo Bypass levee in West Sacramento, Yolo County, California (Plate 1). The North Reach of the Yolo Bypass levee extends north-northeast from the I-80 Yolo Causeway parallel to West Capitol Avenue with the Yolo County Bikeway running in between (Plate 2).

History

In 1992, the US Army Corps of Engineers (Corps) finalized the Sacramento Metropolitan Area, California Feasibility Report and Environmental Impact Statement/Environmental Impact Report (EIS/EIR). This study examined the need for further flood control in the Sacramento area, outside of the area examined as a part of

the American River Watershed study. This study focused on the levees protecting the city of West Sacramento from the Sacramento River, Yolo Bypass, Sacramento Bypass, and the Port of Sacramento/Sacramento Deep Water Ship Channel. Eventually, the Sacramento Metropolitan Area Feasibility Study became known as the West Sacramento Project.

The authorized West Sacramento Project consisted of raising more than one mile of the Sacramento Bypass levee by up to five feet, and raising the Yolo Bypass levee by up to 5.5 feet. Primary construction on the project originally occurred in 1998.

Soon after a flood event that occurred in early January 2006, during which the water level peaked at approximately 10 feet below the levee crest, two slumps were discovered in the Yolo Bypass levee. Both slumps are located on the left (east) bank of the Yolo Bypass levee, and were the result of high water in the Yolo Bypass saturating and destabilizing the levee slopes over the course of the high water event. The North Reach slump is upstream of Interstate 80 (I-80), while the South Reach slump was downstream of I-80. The South Reach slump was repaired in October 2009.

If the proposed action is not constructed, the existing Yolo Bypass levee will be ineffective in protecting adjacent areas of West Sacramento from flooding during high water events. Future high water or flood events may cause additional levee movement, which may lead to failure of the levee embankments (DWR, 2007). Constructing the proposed action will stabilize the landside levee slope to prevent future slumps in this location, thus protecting the city of West Sacramento from potential failure in future flood events.

Description

The Corps and the Central Valley Flood Protection Board (CVFPB) propose to repair a slump in the landside levee slope along the left (east) bank of the Yolo Bypass levee in West Sacramento, Yolo County, California (Plate 1). In order to repair the slump and resolve additional seepage and stability flaws, the Corps proposes to excavate the existing embankment soil from landward of the levee centerline, and reconstruct the levee with new material. A component of the design proposes to construct a sand and gravel drainage layer in the levee, which will feed internal seepage flow into a drainage pipe at the landside levee toe. The pipe will flow to an existing pump station at the northeast end of the project area.

Prior CEQA/NEPA Actions and Current Determinations:

The following documents are pertinent to the history of this project and the Development of this Environmental Assessment/Initial Study (EA/IS). These documents contain background information on environmental resources and related effects to past actions in and around the vicinity of the project area. Each document is briefly described below:

- The *Sacramento Metropolitan Area, California, Feasibility Report and Environmental Impact Statement/Environmental Impact Report* was completed in 1992, and was the original basis of the West Sacramento Project. The Record of Decision for the project was signed on March 20, 1992.
- The West Sacramento Project *Design Memorandum and Environmental Assessment/Initial Study* was completed in May 1995. This document supported the effort to raise 4.9 miles of existing levees in West Sacramento, including 3.9 miles on the Yolo Bypass.
- An *Environmental Assessment* was completed in July 1997, under the authority of Public Law 84-99, for levee rehabilitation along the Sacramento River between West Sacramento and Clarksburg.
- An *Environmental Assessment* was completed in September 1998 for levee rehabilitation along the east levee of the Yolo Bypass under the authority of Public Law 84-99.
- The *Final Environmental Assessment/Initial Study, West Sacramento Project* was completed in August 1999, for design changes to the east levee of the Yolo Bypass, the south levee of the Sacramento Bypass, the Sacramento Bypass, and the Union Pacific Railroad crossing on the Yolo Bypass between reach B and C.
- The *Final Environmental Assessment/Initial Study, West Sacramento Project, South Reach Levee Repair* was completed in April 2009, for repair of a slump in the South Reach levee of the Yolo Bypass.

The USACE and Board staff has prepared the following CEQA determination:

This EA/IS:

- (1) describes the existing environmental resources in the project area;
- (2) evaluates the effects and significance of the alternatives (including the proposed action) on the resources; and
- (3) proposes measures to avoid, minimize, or mitigate any adverse effects to a less-than-significant level.

This EA/IS is in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), and provides full disclosure of the effects of the proposed action. The Corps is the lead agency for NEPA compliance, and the CVFPB is the lead agency for CEQA compliance.

The District Engineer, commander of the Sacramento District, must decide whether or not the proposed action qualifies for a Finding of No Significant Impact (FONSI) under NEPA or whether an Environmental Impact Statement must be prepared.

In addition, the Central Valley Flood Protection Board must decide if the proposed action qualifies for a Mitigated Negative Declaration under CEQA or whether an Environmental Impact Report must be prepared.

Staff Comments and Endorsements:

- The USACE legal counsel and the DWR counsel have reviewed the Project Cooperation Agreement Amendment 1 and request that it be executed with the CVFPB.
- The WSJPA legal counsel and the DWR counsel have reviewed the Local Project Cooperation Agreement Amendment 2, and request that it be executed with the CVFPB.
- Adopt the Mitigated Negative Declaration, Mitigation and Monitoring Plan, Findings, and Approve the West Sacramento Project – North Reach Levee Repair. The EA/IS and MND has been reviewed by staff, public and resource agencies. Comments have been incorporated in the final EA/IS.

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 Project Cooperation Agreements 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.

In considering this Agreement, the CVFPB has used the best available science relating to the issues presented by all parties. On the important issue of hydraulic impacts, will result in a better engineered levee with no adverse upstream or downstream hydraulic impacts.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has positive effects on the State Plan of Flood Control as it results in a better-constructed levee system for the Yolo Bypass and will contribute to provide

the Central Valley Flood Protection Plan's goal of 200-year protection for urban areas.

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

The impacts of hydrology, climate, and development are specifically addressed in the project planning, design and environmental documentation and have addressed and will continue to address these concerns through public comment periods and agency reviews. Negative impacts have been mitigated as a result of this process.

Staff Recommendation

Staff recommends that the CVFPB authorize Board President Carter to take the necessary actions to execute attached Resolution 11-07 to approve the Project Cooperation Agreement Amendment 1, Local Project Cooperation Agreement Amendment 2, adopt the Mitigated Negative Declaration, Mitigation and Monitoring Plan, Findings, and approve the West Sacramento Project – North Reach Levee Repair.

List of Attachments

- A. Construction Site Location Map – Plate 1 and Plate 2
- B. Summary of changes to the Final EA/IS
- C. Mitigated Negative Declaration and Findings
- D. Mitigation and Monitoring Plan
- E. Project Cooperation Agreement Amendment 1
- F. Local Project Cooperation Agreement Amendment 2
- G. CVFPB Resolution 11-07

Plate 1 – Vicinity Map

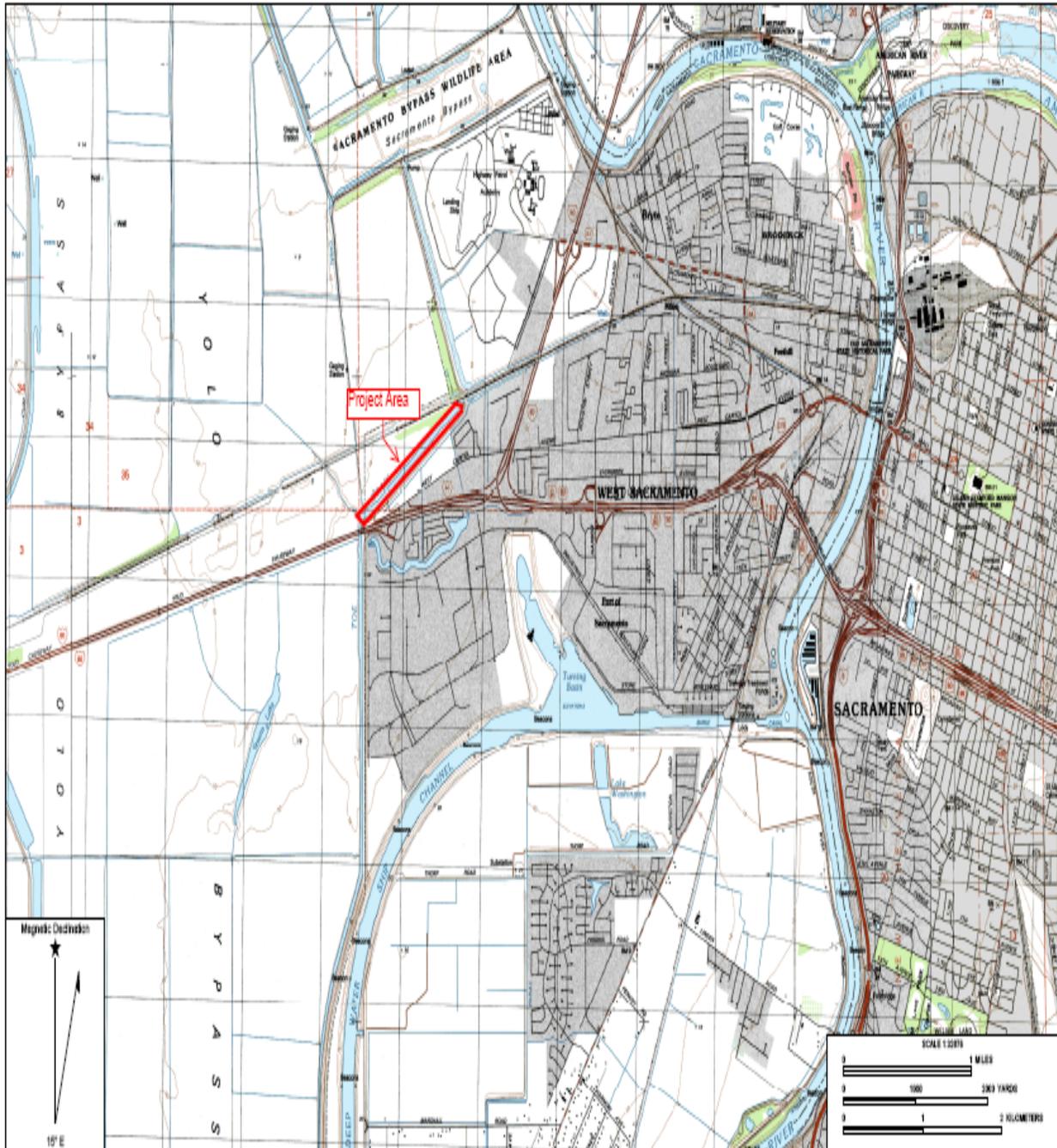


Plate 2 – Project Vicinity Map



Summary of Changes to the EA/IS

Section Appendices, Page iv

Added Appendix H – Public Comments and Responses

Old Text, Section 2.3.3, Page 7

While removing the excavated material and delivering the new borrow material, trucks would enter the project area from the West Capitol Avenue levee access point. A temporary ramp would be constructed to create a smoother transition for haul trucks between the access road and the levee toe road. The haul trucks would deliver and load all material traveling east to west on the landside levee toe road. The trucks would return to the levee crown via an existing ramp at the west end of the project area and cross over the Yolo Bypass levee to the waterside toe road, which provides access under I-80. The trucks would return to the levee crown in the South Reach area and exit via Lake Drive. A temporary berm would be constructed to provide the appropriate turning radius for the trucks on the crown of South Reach levee. The haul route can be seen on Plate 3.

New Text, Section 2.3.3, Page 7

There are two potential haul routes associated with removing the excavated material and delivering the new borrow material. In both scenarios, trucks would enter the project area from the West Capitol Avenue levee access point. A temporary ramp would be constructed to create a smoother transition for haul trucks between the access road and the levee toe road. The haul trucks would deliver and load all material traveling east to west on the landside levee toe road. The trucks would return to the levee crown via an existing ramp at the west end of the project area and cross over the Yolo Bypass levee to the waterside toe road, which provides access under I-80.

The trucks would return to the levee crown in the South Reach area and exit via one of two locations. The most likely exit point would be at the south end of the South Reach area, via Channel Drive (Route A on Plate 3). A temporary ramp would be constructed, connecting the haul trucks from the levee crown to the termination of Channel Drive. The trucks would then return to I-80 via Enterprise Boulevard.

The alternative exit scenario for the haul trucks would be via Lake Drive (Route B on Plate 3). In this scenario, a temporary berm would be constructed to elongate the levee crown in order to provide the appropriate turning radius for the trucks on the crown of South Reach levee. These potential haul routes can be seen on Plate 3.

Added text to Section 3.9.2, Page 46

The Corps' received SHPO's concurrence with the determination of no adverse effects on January 21, 2011.

Changed text Section 3.2.2, Page 15
(Changes Underscored)

Three large willow trees and two small oak trees would be removed during project construction to allow for the space needed to install the new drainage features.

Additional text to 3.2.2, Table 2, Page 15
(Additional Tree No. 4 and 5)

Table 2. Trees Affected by Project Construction.

Tree No.	Species	Diameter (inches)
1	Willow	41
2	Willow	22
3	Willow	96
4	Oak	18
5	Oak	8

Changes to text, Section 3.2.2, Page 16
(Changes are made by Strikethrough and underscoring)

Additionally, the removal of the ~~willow trees~~ would permanently remove shelter and nesting habitat.

Changes to Text Section 3.2.2, Page 16
(Changes are made by Strikethrough and underscoring)

Mitigation required for the loss of wetland vegetation and the loss of ~~the willow trees~~ would be coordinated with the U.S. Fish and Wildlife Service (USFWS) ~~and~~ the California Department of Fish and Game (CDFG), and the city of West Sacramento prior to project construction.

Additional Mitigation measure, Section 3.7.3, Page 41

- Haul trucks on I-80 and US-50/Business 80 would be limited to periods of time outside of peak traffic hours in order to offset any potential traffic effects. Peak traffic hours are considered to be from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m, Monday through Friday.

Section 5.1, Page 56
(Changes are underlined)

National Historic Preservation Act of 1966, as amended. Full Compliance. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of a proposed undertaking on properties that have been determined to be eligible for listing in, or are listed in, the National Register of Historic Places. There is one property in the project area that is eligible for listing in the National Register of Historic Places, the Yolo Bypass Levee. A letter to the SHPO asking for their concurrence with a finding of no adverse effects to historic properties, in accordance with 36 CFR 800.4(d)(1)(i), was sent on January 25, 2011. SHPO's concurrence was received on January 31, 2011. In addition, a letter was sent to one Federally-recognized tribe inviting them to comment on the project. Correspondence associated with cultural resources can be found in Appendix G.

Additional Text Section 6.0, Page 57
(Changes are underlined)

The draft EA/IS was circulated for 30 days to agencies, organizations, and individuals who have an interest in the proposed action. A copy of the draft EA/IS was posted on the Corps website, made available for viewing at local public libraries, and was available by mail upon request. All comments received will be considered and incorporated into the final EA/IS, as appropriate (Appendix H). This project has been coordinated with all relevant government resource agencies including USFWS, SHPO, CDFG, and the CVFPB.

Changes to Text, Section 7.0, Page 57
(Changes are underlined)

Based on the information in this EA/IS, the West Sacramento Project, North Reach repair would have no significant adverse effects on the quality of the human environment. The BMPs and other measures proposed in the EA/IS are sufficient to reduce potential effects to less than significant. The proposed project meets the definition of a FONSI and Mitigated Negative Declaration, and therefore, an EIS/EIR is not necessary.

Appendix D – Planning Aid Letter

The US Fish and Wildlife Service has submitted one supplemental planning aid letter and will be submitting another supplemental planning aid letter in the near future. Both supplemental planning aid letters will be incorporated into Appendix D to address additional compensation for the removal of trees not covered under the original footprint.

Appendix E – Air Quality – Road Construction Emissions Model, Version 6.3.2

The Construction Equipment Inventory was added to the Appendix E as requested by Yolo Solano Air Quality Management District to show how emissions generated from the project were calculated.

**MITIGATED NEGATIVE DECLARATION
WEST SACRAMENTO PROJECT
NORTH REACH LEVEE REPAIR**

Project Description

The Project consists of a 2,000 linear foot long slump repair on the landside of the levee and will replace the drainage system to address seepage and stability flaws.

Project Location

The North Reach Levee Repair Project (Project) is located in the Central Valley of California in Yolo County. The Project area is located on the left bank of the Yolo Bypass in West Sacramento (Plate 1 of EA/IS), and it extends north-northeast from the I-80 Yolo Causeway parallel to West Capitol Avenue, with the Yolo County Bikeway running in between (Plate 2 of EA/IS).

Summarized in this Mitigated Negative Declaration and further discussed in the attached EA/IS are the mitigation measures, Best Management Practices (BMPs), conservation measures and other means by which the expected and unexpected potential significant impacts are reduced to less than significant.

The following resources have been considered in detail for potential significant impacts.

Vegetation and Wildlife

Vegetation

Project construction and removal of the existing drainage ditch will result in the permanent loss of:

- 0.5 acres of grassland,
- 0.5 acres of seasonal wetland, and
- Several trees

Mitigation required for the loss of seasonal wetland vegetation and the loss of several trees at a site to be named will be coordinated by U.S. Army Corps of Engineers (Corps) with U.S. Fish & Wildlife Service (USFWS), the California Department of Fish & Game (CDFG), and the City of West Sacramento's Tree Mitigation Program prior to project construction. Mitigation measures will follow the recommendations provided by USFWS as outlined in the Fish and Wildlife Coordination Act Planning Aid Letter and the City of West Sacramento's Tree Mitigation Program Tree Ordinance to minimize effects on vegetation to less than significant.

Grasses will be reseeded by the contractor with native grasses and monitored by the Corps until an 85% vegetation cover is achieved or until May 1 of the year following reseeded.

Wildlife

The following mitigation measures will be implemented by the contractor and confirmed by the Corps prior to the initiation of construction activity to avoid potential significant effects on migratory birds or potential migratory bird habitat and mitigate to less than significant.

- The removal (clearing and grubbing) of potential nesting habitat during the non-nesting season.

If the removal of potential nesting habitat must be done during the nesting season, then:

- A qualified biologist shall be retained by the contractor to conduct a pre-construction survey of all habitats suitable for use by nesting migratory birds within the project area or within 350 feet of the project boundary as allowable. The pre-construction survey shall be performed no more than 14 days prior to the commencement of clearing and grubbing activities.

If active nests are found during the pre-construction survey:

- The contractor shall contact USFWS to establish a buffer around the nest tree. The buffer zone will be marked with flagging, construction lathe, or other means to establish the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season.

If removing the active nest is deemed necessary:

- The contractor shall be responsible for obtaining a Migratory Bird Treaty Act permit to take individual birds (50 CFR parts 13 and 21). Otherwise, no construction activity will be conducted within this zone during the nesting season or until such time that the biologist determines that the nest is no longer active.

Special-Status Species

Construction of the Project will have an effect on habitat for Giant Garter Snake (GGS). Additionally, there is the potential for effects to Swainson's hawk and burrowing owl. All potential minimization measures will be coordinated with USFWS and CDFG and incorporated into the project's plans and specifications prior to construction.

Minimization measures implemented during construction include, but are not limited to, the measures listed below.

Swainson's Hawk

Prior to construction, the Corps will conduct surveys to determine the presence of nesting Swainson's hawks within one-half mile of the project area. These surveys will conform to the Swainson's Hawk Technical Advisory Committee Guidelines (CDFG, 2000). A one-quarter mile buffer will be established, and shall any active nests be located within that buffer, CDFG shall be consulted and additional avoidance measures will be implemented. This process is expected to reduce potential effects to Swainson's hawks to less than significant.

Burrowing Owl

Prior to construction, the Corps will conduct surveys to determine the presence of burrowing owls within one-half mile of the project area. Should an active nest be located, a buffer zone will be established around the nest, consultation with CDFG shall occur, and additional avoidance measures will be implemented, as necessary. This process is expected to reduce potential effects to burrowing owls to less than significant.

Giant Garter Snake

The Project will have a temporary effect on approximately 10 acres of Giant Garter Snake (GGS) upland habitat. Section 7 consultation has been initiated with USFWS and it is anticipated that a Biological Opinion will be issued. This area will be restored to pre-project conditions following project completion. Additionally, the following measures will be implemented, as applicable, to further avoid any adverse effects to the snake or its habitat:

- Construction activity will be confined to the GGS active period, from May 1 to October 1.
- Prior to construction activities, a qualified biologist will instruct all construction personnel in worker awareness training to include information on the identification of GGS and their habitat.
- A GGS survey will be conducted 24 hours prior to construction in potential habitat. Should there be any interruption in work for greater than two weeks, a biologist will survey the project area again no later than 24 hours prior to the restart of work.
- Clearing activities shall be confined to the minimal area necessary to facilitate construction activities. A USFWS-approved biologist will be on site during any clearing or grubbing of wetland vegetation.
- Each morning prior to use, equipment shall be inspected to ensure that no snakes have sought refuge in or around the equipment.
- Speed limits will be limited to 20 miles an hour.
- Disturbed areas will be restored to pre-project conditions.

- If a GGS is encountered during construction, activities will cease until either the snake moves out of harm's way on its own, or capture and relocation has been completed by a USFWS-approved biologist. Any incidental take will be reported to USFWS immediately by telephone at (916) 414-6600.

Implementation of the above-listed mitigation and minimization measures will reduce the effects on GGS to less than significant.

Air Quality

The resulting effects to air quality will be temporary, and estimated modeling shows that the outputs will be below the Environmental Protection Agency's General *de minimus* thresholds and the Yolo-Solano Air Quality Management District's (YSAQMD) thresholds. The following BMPs and reduction measures taken from the YSAQMD's Handbook will be implemented by the contractor during project construction to further reduce the effects to air quality and ensure that the proposed project's effects to air quality will be less than significant.

- Maintain properly functioning emission control devices on all vehicles and equipment.
- Limit idling time for commercial vehicles, including delivery and construction vehicles, to no more than five minutes. Shut off equipment when not in use.
- Keep tires properly inflated.
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.
- Limit vehicle speeds on unpaved roads to 15 miles per hour.
- All construction sites, haul routes, and staging areas will be watered at least twice daily. Frequency shall be based on the type of operation, soil, and wind exposure during construction.
- Haul trucks will maintain at least two feet of freeboard.
- All haul trucks will be covered while hauling any soil or other loose materials.
- Revegetate or pave areas cleared by construction in a timely manner after construction is completed in order to control fugitive dust.

Climate Change

Climate Change impacts from greenhouse gases (GHGs) are considered to be less than significant. The following measures will be considered by the contractor as possible BMPs to further reduce GHG emissions associated with the project:

- Improve fuel efficiency from construction equipment by minimizing idling time either by shutting equipment off when not in use or reducing the time of idling to no more than three minutes.

- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.
- Train equipment operators in proper use of equipment.
- Use the proper size of equipment for the job.
- Use equipment with new technologies.
- Use alternative fuels for generators at construction sites such as propane or solar, or use electrical power.
- Use a CARB-approved low carbon fuel for construction equipment.
- Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction worker commutes.
- Develop a plan to efficiently use water for adequate dust control.

Water Quality and Resources

The Project will disturb more than one acre. The contractor shall obtain a National Pollution Discharge Elimination System (NPDES) permit from the Central Valley Regional Water Quality Control Board (CVRWQCB). The permit will require the contractor to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify BMPs to implement. In addition to the SWPPP measures, the following BMPs will be incorporated into the project by the contractor to avoid or minimize any adverse effects to surface waters caused by construction activities to less than significant:

- Implement appropriate measures to prevent debris, soil, rock, or other material from entering the water. Use a water truck, or other appropriate measures, to control dust on haul roads and construction areas.
- Properly dispose of oil or other liquids.
- Fuel and maintain vehicles in a specified area that is designated to capture spills. This area cannot be near any ditch, stream, or other bodies of water.
- Fuel and hazardous materials cannot be stored on site.
- Inspect and maintain vehicles to prevent the dripping of oil or other fluids.
- Schedule construction to avoid the rainy season as much as possible. Ground disturbance activities associated with this project are anticipated to begin in the summer of 2011. If rains are forecasted during construction, additional erosion and sedimentation control measures will be implemented. Inspect all erosion control measures before, during, and after any rain events.
- Revegetate disturbed areas in a timely manner to control erosion.

Traffic and Circulation

The Contractor shall coordinate all road usage of public roads with the City of West Sacramento or other responsible agencies. Increases in traffic are short-term and will return to current conditions after completion of construction. This plan will include the following measures and reduce potential impacts to less than significant:

- Construction vehicles will not be permitted to block any roadways or driveways.
- Access will be provided for emergency vehicles at all times.
- Signs and flagmen will be used, as needed, to alert motorists, bicyclists, and pedestrians to the presence of haul trucks and construction vehicles at all access points. This will be particularly necessary at the West Capitol Avenue levee access point, and at the Yolo County Bikeway.
- Obey all speed limits, traffic laws, and transportation regulations during construction. Construction vehicles will not exceed 15 miles per hour on unpaved levee roads.
- Construction employee parking will be restricted to the designated staging areas.
- Closure of levee roads, construction sites, and public access areas for construction use will be clearly fenced and delineated with appropriate closure signage.
- The contractor shall be required to repair any roads damaged by construction.
- Haul trucks on I-80 and US-50/Business 80 would be limited to periods of time outside of peak traffic hours in order to offset any potential traffic effects. Peak traffic hours are considered to be from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m., Monday through Friday.

Recreation

Construction activities are not expected to impact recreation. However, the possibility exists for short-term, temporary and limited potential impacts to the bikeway. The possibility exists that if any equipment is too large to fit through the formal access points, then the Bikeway may be used to access the project area. The following mitigation measures will be implemented by the contractor, as needed, to reduce project-related effects to recreation and reduce potential effects to recreation to less than significant:

- Signs and flagmen will be used, as needed, to alert bicyclists and pedestrians to the presence of haul trucks and construction vehicles at the Yolo County Bikeway.
- Construction employee parking will be restricted to the designated staging areas.
- Closure of levee roads, construction sites, and public access areas for construction use will be clearly fenced and delineated with appropriate closure signage prior to the start of construction.
- The contractor shall be required to repair any damage to the Bikeway caused by construction.

Cultural Resources

Should any potentially significant cultural resources be discovered, compliance with 36 CFR 800.13(b), "Discoveries without prior planning," will be implemented. Data recovery

or other mitigation measures might be necessary to mitigate adverse effects to significant properties. The Corps will confirm compliance with the National Historic Preservation Act (NHPA), Historic and Archaeological Resources Protection Act, and Protection of Historic Properties to reduce potential impacts to unanticipated discoveries to a less than significant level. A concurrence letter was sent to the State Historic Preservation Officer and the Corps received a no adverse effects determination.

Additionally, to avoid impacts to any potential cultural resources, the contractor will implement the following BMPs:

- Construction staff shall be briefed on procedures for handling the unexpected discovery of archeological resources and human remains prior to undertaking project activities.
- In the unlikely event that cultural resources were encountered within the project area during ground-disturbing activities, all work in the area of the find shall stop until a qualified archaeologist has documented and evaluated the resource for eligibility for the National Register of Historic Places (NRHP), in compliance with Section 106 of the NHPA.
- California law, like Federal law, protects Native American burials, skeletal remains, and associated grave goods and provides for the sensitive treatment and disposition of those remains. Section 7070.5(b) of the California Health and Safety Code specifies the protocol that must be followed in the event that human remains are discovered either by archeological investigation or by project activities on State and private lands.

With the implementation of the above BMPs, the Project will not result in significant effects to cultural resources.

Cumulative Impacts

Air Quality

Construction of the North Reach levee repair has the potential to overlap with construction of the West Sacramento Levee Improvement Project, Early Implementation Program projects, the Sacramento River Bank Protection Project setback levee construction, as well as the Harbor Boulevard, West Capitol Avenue, and Bride District local projects. These concurrent construction activities could have a significant cumulative effect on air quality by increasing emissions of criteria pollutants above CEQA thresholds for air quality emissions and *de minimus* thresholds. To address these potential cumulative effects, the Corps will:

- Coordinate the scheduling and sequence of construction activities with the city of West Sacramento and YSAQMD. For example, should activities such as excavation occur simultaneously for multiple projects in the area, the agencies

will stagger the work in order to comply with the thresholds, reducing the potential for adverse cumulative effects.

Coordination on this level will reduce any potential cumulative air quality effects to less than significant.

Climate Change

If these construction projects are implemented concurrently, the combined cumulative effects could be above reporting requirements for GHG emissions resulting in temporary, adverse cumulative effects on climate change. To address these potential cumulative effects, the Corps will:

- Coordinate the scheduling and sequence of construction activities with the city of West Sacramento and YSAQMD. For example, should activities such as excavation occur simultaneously for multiple projects in the area, the agencies will stagger the work in order to comply with the thresholds, reducing the potential for adverse cumulative effects.

Coordination on this level will reduce any potential cumulative air quality effects to less than significant.

Findings

Based on the information in the Environmental Assessment and Initial Study for the West Sacramento North Levee Repair Project and in the entire record, the Central Valley Flood Protection Board finds that although the Project could have a significant impact on the environment, mitigation measures have been incorporated into the Project that reduce these impacts to less than significant.

By: _____
Benjamin F. Carter
President

Date: _____

By: _____
Francis Hodgkins
Secretary

Date: _____

MITIGATION AND MONITORING PLAN
WEST SACRAMENTO PROJECT
NORTH REACH LEVEE REPAIR PROJECT

The Environmental Assessment/Initial Study (EA/IS) recognizes potentially significant environmental impacts requiring mitigation. The following mitigation measures will reduce those environmental impacts to less than significant:

Vegetation

Adverse impacts to vegetation will be mitigated by the US Army Corps of Engineers (Corps) through post construction revegetation and monitoring. To mitigate for the loss of seasonal wetlands and the removal of trees from the site, the Corps will coordinate efforts with the US Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), and the city of West Sacramento's tree mitigation program. This mitigation will follow the mitigation requirements outlined in the Fish and Wildlife Coordination Act, planning aid letter, provided within Appendix D of the attached EA/IS and Mitigated Negative Declaration (MND) as well as the city of West Sacramento's tree mitigation program's tree ordinance requirements.

Wildlife

In order to avoid impacts to nesting birds, potential nesting habitat will be removed during the non-nesting season. However, if it is necessary to remove nesting habitat during the nesting season, the contractor will retain a qualified biologist to conduct pre-construction surveys. If active nests are found, the contractor will contact USFWS to establish a buffer around the nesting tree. Construction personnel shall be notified of the existence of the buffer zone and will avoid entering the buffer zone during nesting season. If the removal of an active nest is necessary, the contractor shall be responsible for obtaining an Migratory Bird Treaty Act (MBTA) permit to take individual birds. Otherwise, no construction activity can be conducted within the zone during nesting season until the biologist determines that the nest is no longer active.

Special Status Species

Swainson's Hawk

Adverse impacts to the Swainson's hawk will be mitigated by implementing conservation measures approved by the CDFG, as described in the EA/IS and MND. The Corps will conduct surveys and will ensure that the contractor is implementing mitigation measures in consultation with CDFG during construction, if nests are found in the vicinity.

Giant Garter Snake

Adverse impacts to the Giant Garter snake will be mitigated by implementing conservation measures approved by the USFWS as described in the EA/IS and MND. The Corps is responsible for ensuring the implementation of these measures by the contractor during construction.

Burrowing Owls

The Corps is responsible for conducting surveys and the contractor is responsible for implementing avoidance measures in consultation with CDFG during construction as described in the EA/IS and MND, if nests are found during construction.

Air Quality

Adverse impacts to air quality will be mitigated to less than significant by requiring the construction contractor to adhere to construction measures described in the EA/IS and MND. The construction measures will be included in the plans and specs prepared by the Corps.

Water Quality and Water Resources

Adverse impacts to water quality and water resources from erosion relating to construction activities will be mitigated by requiring the contractor to implement the necessary permit requirements from the Central Valley Regional Water Quality Control Board National Pollution Discharge Elimination System permit, Storm Water Pollution Prevention Plan, and Best Management Practices (BMPs) as described in the EA/IS and MND. These measures will be included in the plans and specs prepared by the Corps.

Traffic and Circulation

The Corps will require that the contractor incorporate mitigation measures described in the EA/IS into the construction plans. The contractor will coordinate a traffic control plan with the city of West Sacramento and responsible agencies for the usage of public roads.

Recreation

The contractor will implement mitigation measures described in the attached EA/IS and MND.

Cultural Resources

Adverse impacts to cultural resources will be mitigated by the Corps through the compliance with agencies and by the contractor through the implementation of BMPs as described in the EA/IS and MND.

Cumulative Impacts

Cumulative adverse impacts to Air quality and Climate Change will be mitigated by the Corps through the use of scheduling and coordination of construction activities with the City of West Sacramento and Yolo Solano Quality Air Management District as described in the attached EA/IS and MND.

By: _____ Date: _____
Benjamin F. Carter
President

By: _____ Date: _____
Francis Hodgkins
Secretary

AMENDMENT NUMBER 1
TO THE
PROJECT COOPERATION AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
THE STATE OF CALIFORNIA
FOR CONSTRUCTION OF THE
WEST SACRAMENTO, CALIFORNIA PROJECT

THIS AMENDMENT is entered into this _____ day of _____, 2011, by and between the Department of the Army (hereinafter the "Government"), represented by the District Engineer for the U.S. Army Engineer District, Sacramento, and the State of California (hereinafter the "State"), represented by the President of the Central Valley Flood Protection Board, "CVFPB", (hereinafter the "Local Sponsor").

WITNESSETH, THAT:

WHEREAS, construction of the West Sacramento, California project was authorized by Section 101(4) of the Water Resources Development Act of 1992, Public Law 102-580, (hereinafter the "Project");

WHEREAS, the Government and the Local Sponsor entered into a Project Cooperation Agreement for construction of the Project on May 17, 1996 (hereinafter the "Agreement");

WHEREAS, the Project was modified by Section 118 of the Energy and Water Development Appropriation Act of 2010, Public Law 111-85;

WHEREAS, Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, specifies the cost-sharing requirements applicable to the Project;

WHEREAS, pursuant to California Water Code, Section 8550, all duties and corresponding funding, together with all necessary positions, of the Reclamation Board were transferred to the Central Valley Flood Protection Board ("CVFPB") as it was reconstituted effective January 1, 2008;

WHEREAS, the Government and Non-Federal Sponsors have the full authority and capability to enter into this Amendment; and

WHEREAS, the Government and the Non-Federal Sponsors, in connection with this Agreement, desire to foster a partnering strategy and a working relationship between

the Government and the Non-Federal Sponsors through a mutually developed formal strategy of commitment and communication embodied herein, which creates an environment where trust and teamwork prevent disputes, foster a cooperative bond between the Government and the Non-Federal Sponsors, and facilitate the successful implementation of the Project.

NOW, THEREFORE, the Government and the Local Sponsor agree to amend the Agreement as follows:

1. FIRST PARAGRAPH

Reference to the Reclamation Board represented by its President is stricken and replaced with reference to the Central Valley Flood Protection Board represented by its President.

2. ARTICLE VI – METHOD OF PAYMENT

Article VI is amended by the following changes:

a. Paragraph A. is amended by replacing the amount “\$21,500,000” with the amount “\$53,040,000,” and by replacing the amount “\$2,430,000” with the amount “\$14,685,000.”

3. ARTICLE XIX – SECTION 902 PROJECT COST LIMITS

This paragraph is amended by replacing the amount “\$23,320,000” with the amount “\$53,040,000” and by replacing the date, “October 1, 1995” with the date, “October 1, 2009.”

4. ARTICLE XVI – NOTICES

Paragraph A. is amended by striking

“State of California
The Reclamation Board
1416 Ninth Street, Room 1148
Sacramento, CA 95814-5594”

and replacing it with the following:

“Central Valley Flood Protection Board,
Executive Officer,
3310 El Camino Ave., Room 151
Sacramento, CA 95821”

6. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this amendment to the Agreement, which shall become effective upon the date it is signed by the authorized representative of the Government.

THE DEPARTMENT OF THE ARMY

THE STATE OF CALIFORNIA
Represented by the Central Valley
Flood Protection Board

BY: _____
Ms. Jo-Ellen Darcy
Assistant Secretary of
The Army (Civil Works)

BY: _____
Benjamin F. Carter, President
Central Valley Flood Protection
Board

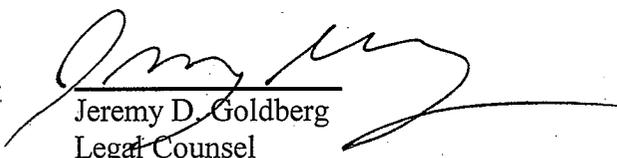
DATE: _____

DATE: _____

CERTIFICATE OF AUTHORITY

I, JEREMY GOLDBERG do hereby certify that I am the principal legal officer of the Central Valley Flood Protection Board ("Board) for this project, acting on behalf of the State of California, that the Board is a legally constituted public body with full authority and legal capability to perform the terms of Amendment Number 1 to the Project Cooperation Agreement Between The Department of The Army and The State of California for Construction of the West Sacramento, California Project , and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, as required by Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended (42 U.S.C. Section 1962d-5b), and that the persons who have executed this Amendment on behalf of the State of California, acting by and through the Central Valley Flood Protection Board, have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification on this 15th
day of March 2010.


Jeremy D. Goldberg
Legal Counsel
State of California, Department of Water Resources

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

BY: _____
Benjamin F. Carter, President

Central Valley Flood Protection Board

DATE: _____

Schedule and Cost Change Request (SACCR)

Alternate Eng. Form 5040-1-R

Project: West Sacramento Authorized Project, West Sacramento, CA		SACCR #2
		Date 1 March, 2011
From CESPK-PM-C	To CESPK-DD	Project Manager Name Michelle Kuhl Phone <u>557-7619</u> Signature _____ Date _____
Section I - Request		
<p>Description of Change Request: Cost and schedule increases due to levee stability problems which were exhibited in flood events in 2006. This has resulted in seepage during periods of high water and precipitation.</p> <p>Justification for Change: Levee slumps have occurred in two places during the flood events of 2006. A repair was done on the first slump, Contract C, in the summer of 2009 and a second slump needs to be repaired during the summer of 2011. The levee fix for Contract C was to replace unsuitable levee fill material. The repair work that needs to be done for Contract D will be to replace unsuitable levee fill material and to install drainage.</p>		
Section II - Impact Assessment		
Organization	Description	
CESPK, CESPK-PD, CESPK-ED, CESPK-CO, CESPK-RE, CESPK-PM	Project cost increased by \$19,580,000 and schedule extended to 30 September, 2012.	

Section III - Project Manager's Evaluation	
Category	Impact
Cost	Resources Required
Schedule	Increased cost for ED, PD, PM, RE and CO.
Manpower	Optimum schedule reflects construction of final slump summer, 2011.
N/A	
Section IV - Coordination with Partner	
Partner's Position and Acknowledgement:	
Non-Federal and local sponsors supports the continuation of the West Sacramento Authorized Project	
Signature _____ Date _____	
Section V - PRB Action & Resolution	
CESPK-PM-C Recommendation and Signature	
Chief, Civil Works Branch	
Signature _____ Date _____	
District PRB Recommendation	Reason
<input type="checkbox"/> Approval	
<input type="checkbox"/> Approval with Modifications	
<input type="checkbox"/> Disapproval	
<input type="checkbox"/> Returned to PM w/o Action	
<input type="checkbox"/> Referred to Division	

AMENDMENT NUMBER 2
TO THE
LOCAL PROJECT COOPERATION AGREEMENT
BETWEEN
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
AND
THE STATE OF CALIFORNIA
FOR CONSTRUCTION OF THE
WEST SACRAMENTO, CALIFORNIA PROJECT

THIS AMENDMENT is entered into this _____ day of _____, 2011, by and between the Department of the Army (hereinafter the "Government"), represented by the State of California (hereinafter the "State"), represented by the President of the Central Valley Flood Protection Board, "CVFPB", (hereinafter the Board") and West Sacramento Area Flood Control Agency (JPA), a Joint Powers Agency comprised of the City of West Sacramento, Reclamation District 537 and Reclamation District 900,

WITNESSETH, THAT:

WHEREAS, construction of the West Sacramento, California project was authorized by the Water Resources Development Act of 1992, Public Law 102-580, Section 101(4) (hereinafter the "Project");

WHEREAS, the Government and the Local Sponsor entered into a Project Cooperation Agreement for construction of the Project on May 17, 1996 (hereinafter the "PCA");

WHEREAS, the State and West Sacramento Area Flood Control Agency entered into a Local Project Cooperation Agreement dated May 17, 1996, as amended by Amendment Number 1 dated February 3, 2000 (hereinafter the "Agreement");

WHEREAS, the Project was modified by the Energy and Water Development Appropriation Act of 2010, Public Law 111-85, Section 118;

WHEREAS, Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, specifies the cost-sharing requirements applicable to the Project;

WHEREAS, pursuant to California Water Code, Section 8550, all duties and corresponding funding, together with all necessary positions, of the Reclamation Board were transferred to the Central Valley Flood Protection Board ("CVFPB") as it was reconstituted effective January 1, 2008;

WHEREAS, The Board has agreed to serve as the nonfederal sponsor of the Project on the condition that the Locals provide the Board with the assurances specified in this Agreement that they will contribute their share of the nonfederal costs of the Project; will be responsible for operation, maintenance, repair, replacement, and Rehabilitation of the Project upon its completion; and will hold and save the Government, the State, and the Board free from all claims and damages arising from the construction, operation, maintenance, repair, replacement, and rehabilitation of the Project; the Local Sponsor proposes to accelerate provision to the Government of all or a portion of its required contribution of funds, for immediate use by the Government for construction of the Project;

WHEREAS, The Board's obligations as nonfederal sponsor of the Project are set forth in the PCA executed for this Project between the Board and the Government. For purposes of this Agreement, the term "Project" shall mean the Project as defined in Article I.A of the PCA.

WHEREAS, the "Board" and West Sacramento Area Flood Control Agency (JPA), a Joint Powers Agency comprised of the City of West Sacramento, Reclamation District 537, Reclamation District 900, have the full authority and capability to enter into this Amendment; and

WHEREAS, the Government and the Non-Federal Sponsors, in connection with this Agreement, desire to foster a partnering strategy and a working relationship between the Government and the Non-Federal Sponsors through a mutually developed formal strategy of commitment and communication embodied herein, which creates an environment where trust and teamwork prevent disputes, foster a cooperative bond between the Government and the Non-Federal Sponsors, and facilitate the successful implementation of the Project.

WHEREAS, the high water event of January 2006 caused failure of levee geotechnical integrity of the West Sacramento Project; this project will repair and restore the north reach of the Project.

NOW, THEREFORE, the "Board" and West Sacramento Area Flood Control Agency (JPA), a Joint Powers Agency comprised of the City of West Sacramento, Reclamation District 537 and Reclamation District 900 agree to amend the Agreement as follows:

1. FIRST PARAGRAPH

Reference to the Reclamation Board represented by its President is stricken and replaced with reference to the Central Valley Flood Protection Board represented by its President.

2. TABLE 1

Table 1 is amended by the following changes:

- a. Total Project Cost Federal and Non Federal. is amended by replacing the amount "\$21,500,000" with the amount "\$53,040,000," and by replacing the

total Non Federal Cost \$2,430,000 with\$13,260,000

Table 2 is amended by the following changes:

- a. Total Project Cost Federal and Non Federal. is amended by replacing the amount "\$21,500,000" with the amount "\$53,040,000," and by replacing the total Non Federal Cost \$2,430,000 with\$13,260,000

Table 3 is amended by the following changes:

- a. Total Project Cost Federal and Non Federal. is amended by replacing the amount "\$21,500,000" with the amount "\$53,040,000," and by replacing the total Non Federal Cost \$2,430,000 with\$13,260,000

Table 4 is amended by the following changes:

- A. State Share is amended by replacing the amount "\$5,300,000" with the amount "\$9, 282, 000," and by replacing the WSJPA Cost \$1,590,000 with \$3,978,000

3. SECTION III

Paragraph E subsection 2 is amended by striking

"State of California
The Reclamation Board
1416 Ninth Street, Room 1148
Sacramento, CA 95814-5594"

and replacing it with the following:

"Central Valley Flood Protection Board,
Executive Officer,
3310 El Camino Ave., Room 151
Sacramento, CA 95821"

4. SECTION XII NOTICES

First Paragraph is amended by striking

"State of California
The Reclamation Board
1416 Ninth Street, Room 1148
Sacramento, CA 95814-5594"

and replacing it with the following:

“Central Valley Flood Protection Board,
Executive Officer,
3310 El Camino Ave., Room 151
Sacramento, CA 95821”

5. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this amendment to the Agreement, which shall become effective upon the date it is signed by the authorized representative of the Government.

THE CENTRAL VALLEY FLOOD PROTECTION BOARD OF THE STATE OF CALIFORNIA

By: _____
Benjamin F. Carter
President
Central Valley Flood Protection Board

WEST SACRAMENTO AREA FLOOD CONTROL AGENCY

By: William E. Denton
William E. Denton
President of the Board
West Sacramento Area Flood Control Agency

Approved for legal form and sufficiency

Jeremy Goldberg
Staff Counsel
Central Valley Flood Protection Board

Approved for legal form and sufficiency

James M. Day Jr.
James M. Day Jr.
Board Counsel
West Sacramento Area Flood Control Agency

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

RESOLUTION 11-07

WHEREAS, construction of the West Sacramento Project, California was authorized by the Water Resources Development Act of 1992, Public Law 102-580, and the California Water Code, Section 12670.2 (Stats. 1993, Ch1107, Section 2); and

WHEREAS, Water Code Section 12648 authorizes the State of California to cooperate with the federal government on the Sacramento River Flood Control Project; and

WHEREAS, on May 17, 1996, the Board executed a Project Cooperation Agreement with the U.S. Army Corps of Engineers for construction of the West Sacramento Project (authorized as Sacramento Metro Area); and

WHEREAS, on May 17, 1996 the Board executed a Local Project Cooperation Agreement with the West Sacramento Joint Powers Authority, comprised of Reclamation District No. 537, Reclamation District No. 900, and the City of West Sacramento, hereafter "Locals"; and

WHEREAS, the floods of January 2006 prompted a repair of the north levee due to slumping; and

WHEREAS, the total project funding was increased by the Energy and Water Development Appropriation Act of 2010, Public Law 111-85, Section 118 from \$21,500,000 to \$53,040,000, and

WHEREAS, an Amendment to the Project Cooperation Agreement is required in order to increase the total project cost from \$21,500,000 to \$53,040,000 and subsequently release the Board's share of the increased funds; and

WHEREAS, an Amendment to the Local Project Cooperation Agreement is necessary to reflect the increase in total project costs from \$21,500,000 to \$53,040,000, increase the State share from \$5,300,000 to \$9,282,000, and increase the Locals share from \$1,590,000 to \$3,978,000.

WHEREAS, construction is scheduled to begin in the Summer of 2011 and thus time is of the essence in approving these Amendments; and

WHEREAS, the Corps and the Board circulated a draft Environmental Assessment/Initial Study (EA/IS) with a draft Finding of No Significant Impact and Mitigated Negative Declaration (MND) for a 30-day agency and public review beginning on February 4, 2011; and

WHEREAS, the Public review period ended on March 5, 2011, and all comments received have been addressed in the Final EA/IS, MND and Mitigation and Monitoring Plan.

WHEREAS, The Board has reviewed the information in the EA/IS and in the draft Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Board:

1. Finds that based on the whole record there is no substantial evidence that the project will have a significant effect on the environment, that the Mitigated Negative Declaration reflects the Board's independent judgment and analysis, and that the Board:

- a) Adopt the Mitigated Negative Declaration
- b) Adopt the Mitigation Monitoring Plan
- c) Approves the West Sacramento Project - North Reach Levee Repair; and

2. Approves Amendment No.1 to the Project Cooperation Agreement between the Department of the Army and the Central Valley Flood Protection Board of the State of California for the West Sacramento, California Project; and

3. Approves Amendment No. 2 to the Local Project Cooperation Agreement between the Central Valley Flood Protection Board of the State of California and the West Sacramento Area Flood Control Agency.

4. Delegates to the Board President the authority to execute the Agreement Amendments in substantially the form attached hereto.

By: _____ Date: _____
Benjamin F. Carter
President

By: _____ Date: _____
Francis Hodgkins
Secretary

Approved as to Legal Form and Sufficiency

By: _____ Date: _____
Jeremy Goldberg
Staff Counsel