

**Meeting of the Central Valley Flood Protection Board
May 26, 2011**

Staff Report – Encroachment Permit

**Shasta Ranch, LLC
Shasta Ranch Aggregate Project, Shasta County**

1.0 – ITEM

Consider approval of Permit No. 18017 (Attachment B)

2.0 – APPLICANT

Shasta Ranch, LLC

3.0 – LOCATION

The project is located within Shasta County in the Sacramento River Designated Floodway approximately two miles upstream of the Balls Ferry Bridge; see Attachment(s) A 1 thru 5

4.0 – DESCRIPTION

The applicant proposes to excavate approximately 834,000 tons of material from within the Sacramento River Designated Floodway and backfill the resulting excavation prior to the flood season each year the project is in operation.

5.0 – PROJECT ANALYSIS

The area to be mined within the Sacramento River Designated Floodway is approximately 375 feet wide by 2,500 feet long (21.5 acres) by 20 feet deep which equals approximately 556,000 cubic yards of material. This mining operation will be accomplished over a period of 2-1/2 years. The entire borrow operation includes excavating approximately 12 million tons of material from approximately 268 acres (246.5 acres of which lies outside of the designated floodway) over a period of approximately 30 years.

5.1 – HYDRAULIC ANALYSIS

Any void created by removal of material from the floodway shall be backfilled with overburden/spoils from adjacent mining operations outside the floodway prior to the flood season each year that material is mined. Since the void created by mining will be backfilled with overburden/spoils from adjacent operations and compacted to densities equal to adjacent undisturbed material and contoured to pre mining conditions a hydraulic analysis is not required.

5.2 – GEOTECHNICAL ANALYSIS

A geotechnical analysis is not called for as there are no project works in the vicinity of this project.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

- The U.S. Army Corps of Engineers 208.10 comment letter has been received for this application and will be incorporated into the permit as Exhibit A. It should be noted that the original application description was for a project located both within and outside the Sacramento River Designated Floodway and the U.S. Army Corps response addresses the entire project, not just the portion within the Sacramento River Designated Floodway.
- There is no maintaining agency.

7.0 – PROPOSED CEQA FINDINGS

Board staff has prepared the following CEQA Findings:

The Board, acting as a responsible agency under CEQA, has independently reviewed the Draft Environmental Impact Report (DEIR, July 2006, SCH No. 2005102134), Final Environmental Impact Report (FEIR, March 2007), and Shasta County Resolution 2007-052 (which includes a Statement of Facts, Findings, and Mitigation Measures, Statement of Overriding Considerations, and Mitigation Monitoring Program) for the Shasta Ranch Mining and Reclamation Plan prepared by the lead agency, the County

of Shasta. These documents, including project design and County resolutions, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2011/5-26-2011.cfm> under a link for this agenda item.

7.1 – Impacts that can be Mitigated

The following are the significant impacts and the mitigation measures to reduce them to less than significant:

- **Aesthetics and Visual Resources:** All mining material shall be stored at least 200 feet away from the natural waterway unless screened by a berm and/or vegetation to be screened from off-site views. Additionally, all lighting on site shall meet the Illuminating Engineering Society of North America requirements for reduction/illuminations of light trespass as set forth in Recommended Practice Manual.
- **Earth Resources:** Implement erosion control and slope stability measures, including storm water runoff control systems, hydro seeding, and timing vegetative clearing to avoid the rainy season.
- **Hydrology and Water Quality:** Surface runoff generated within the proposed mining operation area will be prevented from discharging into the river.
- **Biological Resources:** Prior to construction, conduct a biological resources education program for construction crews and enforce construction restrictions. Conduct preconstruction surveys for fox sedge, northwestern pond turtle, California red-legged frog, ring-tailed cats, protected bird species and nesting raptors. The project proponent will retain a biologist inspect buffer area fences around blue elderberry shrubs and other sensitive biological resources. Invasive plant species will be controlled with annual monitoring and manual eradication for two years.
- **Air Quality:** Fugitive dust and emissions during construction will be controlled with best available mitigation measures so that the amount of such dust and emissions are reduced, as required by Shasta County Air Quality Management District and the Department of Resource Management. The project proponent will develop and implement a fugitive dust control plan and reduce on-site mobile-source emissions during mining operational period.
- **Noise:** Mining equipment shall be maintained and equipped with noise control devices in accordance with manufacturer specifications. The project proponent will

construct a sound barrier to shield nearby residential dwellings from line-of-sight to nearby mining operations.

- **Hazards and Hazardous Materials:** The project proponent will include trenches and exclusion fencing around stockpiles containing hazardous materials that could potentially result in an adverse impact to both public and environmental health within the vicinity of the mining and reclamation activities. The project proponent will also consult with the Shasta Mosquito and Vector Control District in designing and developing the settling basins to minimize habitat for mosquito breeding. To address the potential impact of wild land fire, the project proponent will comply with the standard requirements and recommendations of the Shasta County Fire Department.
- **Cultural Resources:** Ground disturbing project activity should not be conducted within the boundaries of registered site CA-SHA-779. Work shall be stopped in affected areas if new cultural or paleontological resources are discovered during project construction and appropriate measures will be implemented. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards and CEQA Guidelines, Section 15064.5.
- **Transportation and Circulation:** The project proponent will require that all haul trucks entering or leaving the quarry not operate in the morning at the same time as the local school buses and avoid the Bowman/Interstate 5 north bound off-ramp intersection to avoid traffic conflicts. In addition, the project proponent shall contribute a pro-rata share of the improvements at this intersection.

Based on its independent review of the DEIR, FEIR, Addendum, and the Shasta County Resolution 2007-52, the Board finds that for each of the significant impacts described above, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. Moreover, such changes or alterations are within the responsibility and jurisdiction of another public agency, the County of Shasta, and such changes have been adopted by that agency.

7.2 – Significant Unavoidable Adverse Impacts of the Project

- The conversion of existing agricultural land, Prime Farmland, and Farmland of Statewide Importance to mineral resource extraction.

- Increased PM₁₀ concentrations at nearby sensitive receptors that would exceed state or federal standards.
- Predicted airborne concentrations of diesel exhaust particulate matter that would result in predicted cancer risks that would exceed applicable standards.
- Increase in haul truck traffic along area roadways that could exceed applicable cancer risk thresholds at nearby sensitive receptors.
- The proposed project could contribute, on a cumulative basis, to increased emissions of ozone precursors and particulate matter, thereby exacerbating the existing exceedance of state ambient air quality standards for ozone and respirable particulate matter.
- The proposed project and cumulative projects could combine to increase emission levels of mobile and fugitive source particulate matter at nearby sensitive receptors that would exceed applicable standards.
- During temperature inversions and windy conditions, predicted onsite operational noise levels would result in noticeable increases in ambient noise levels at nearby receptors that would exceed County noise standards.
- Noticeable increase in traffic noise that exceed the County's noise standard of 60dBA L_{dn}/CNEL (Community Noise Equivalent Level) at receptors located along proposed truck routes.
- The future cumulative traffic noise level as a result of increased traffic noise levels that could potentially exceed the County's noise standards of 60dBA CNEL/L_{dn} at some receptors located along truck haul routes.

The Board further finds that none of the significant unavoidable adverse impacts of the project are within the Board's jurisdiction. The Board also finds that the specific economic, legal, social, technological or other benefits of the project, as listed above, outweigh the unavoidable adverse environmental effects, which are thus considered to be "acceptable."

7.3 – Statement of Overriding Considerations

The County of Shasta adopted Resolution 2007-052 including the Statement of Overriding Considerations. The Board concurs with this Statement.

The Board has independently considered the significant and unavoidable environmental impacts of the proposed project. The Board has also considered the benefits of the project. The proposed project will provide opportunities within the County to accommodate the General Plan Agricultural and Mineral Resource Land Use designation; provide opportunities for the County to expand mineral resources available for future growth and development in the southern portion of the County; reduce environmentally adverse impacts to incompatible land uses in densely populated areas of the County; and ensure site reclamation activities to provide usable land that will enhance biological diversity and sustainable agricultural production. The Board finds that economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects of the project, and the adverse environmental effects are considered acceptable when these benefits of the project are considered.

The documents and other materials which constitute the record of the Central Valley Flood Board's proceedings in this matter are in the custody of Jay Punia, Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Rm. 151, Sacramento, California 95821.

8.0 – SECTION 8610.5 CONSIDERATIONS

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

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

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

This project does not have any significant impact on the State Plan of Flood Control as the project does not impair structural or hydraulic functions of the system.

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

There are no foreseeable and/or projected events that would impact this project.

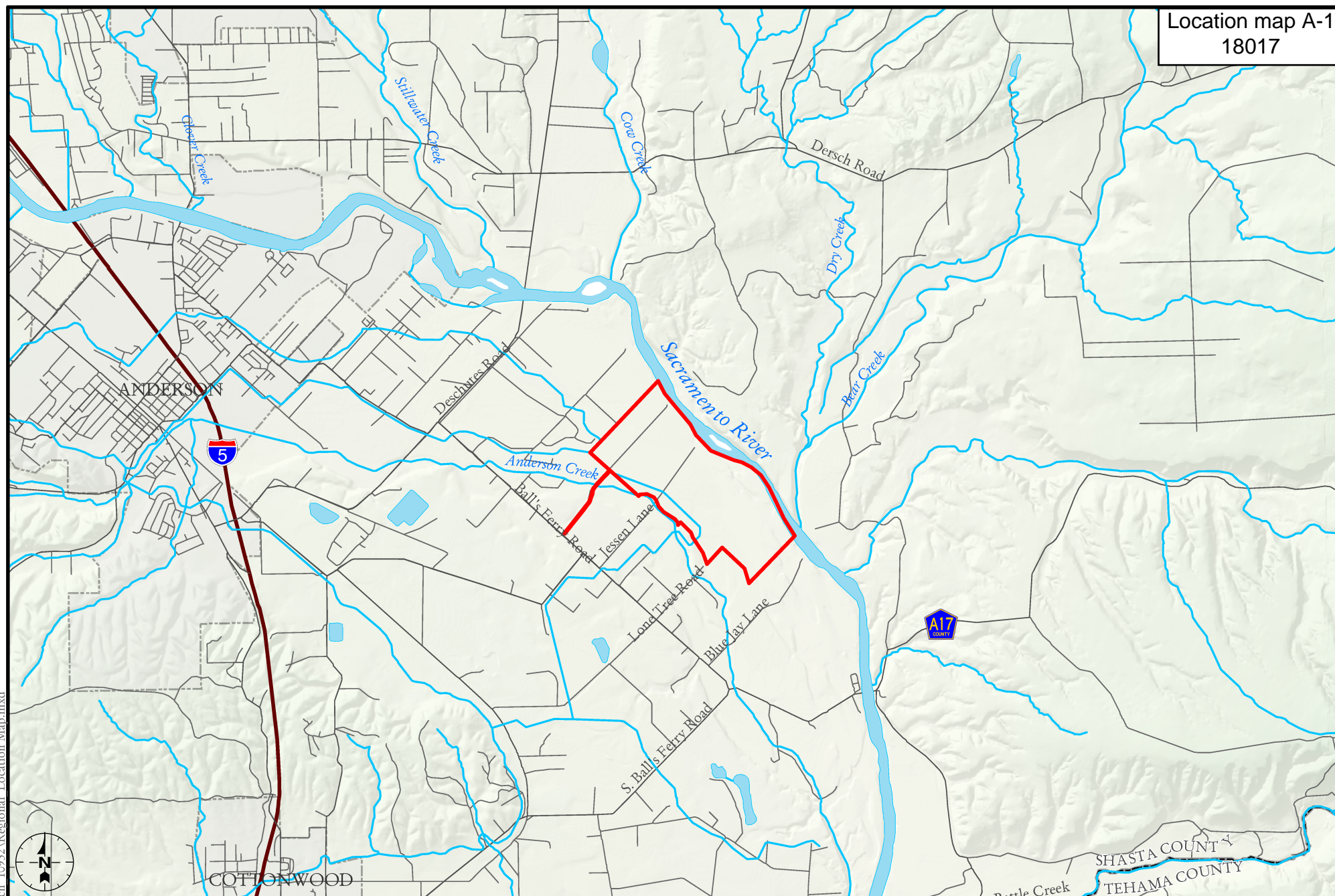
9.0 – STAFF RECOMMENDATION

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

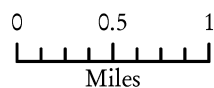
10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18017

Design Review:	Sterling Sorenson
Environmental Review:	Andrea Mauro
Document Review:	Mitra Emami P.E., Curt Taras, P.E. Len Marino P.E.



Source: SDS Engineering, Project Boundary, Nov. 2004; CADFG, County Boundaries, July 2004; US Census Bureau, City Boundaries, July 2000; USGS, Hydrology Dec. 1998; ESRI, Highways and Roads, June 1999; and EIP Associates GIS Program, Dec. 8, 2004.



1 inch equals 1 mile

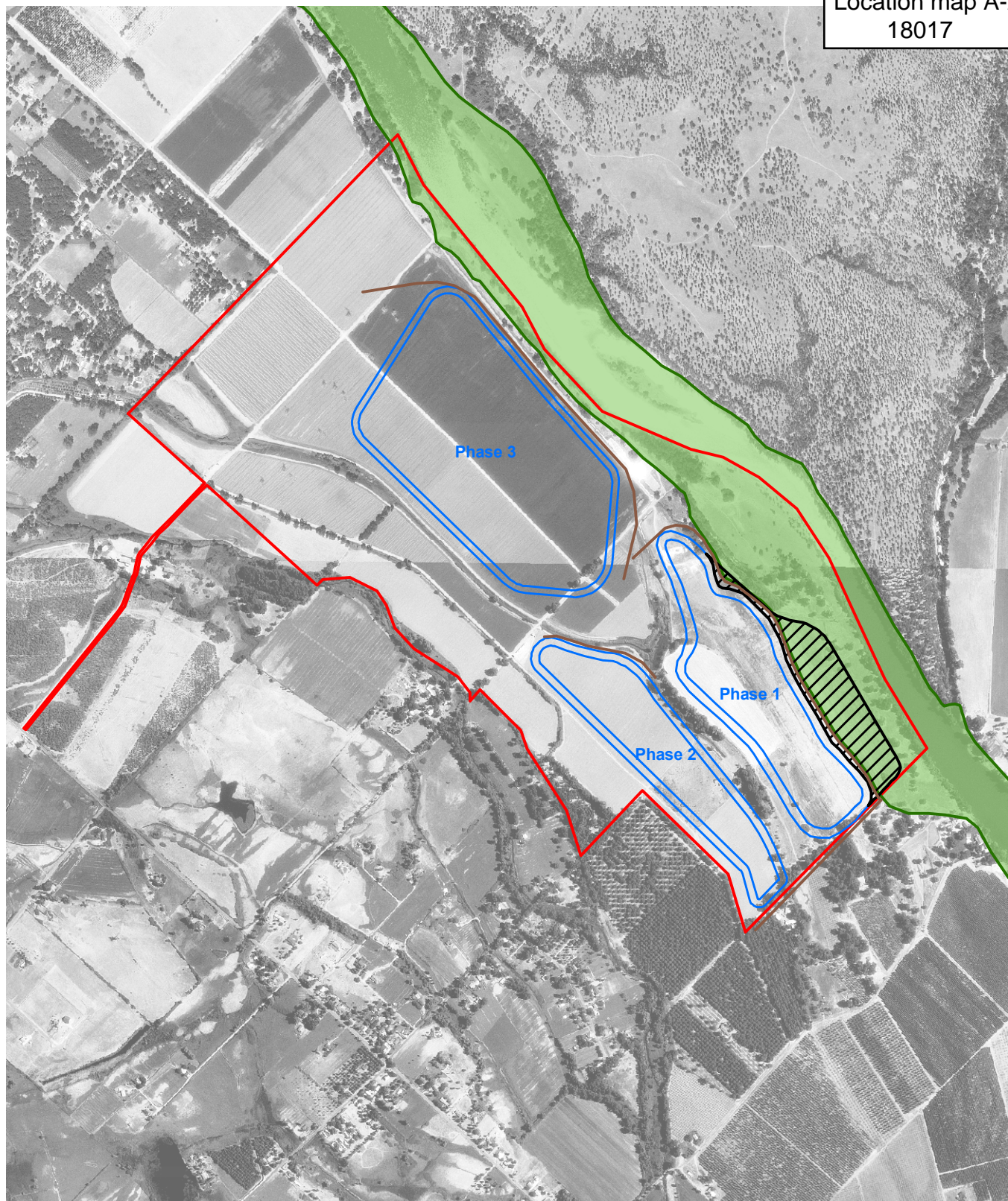


Project Boundary

FIGURE 2 PROJECT LOCATION

Shasta Ranch Mining
and Reclamation Plan

Project # - 10932-00



- Levee (Proposed)
- Encroachment Boundary
- Current Mine Area Phase Boundary
- Project Boundary
- Area to Be Added as Approved in Use Permit and EIR



0 750 1,500 3,000 Feet



FIGURE 2
FLOODWAY BOUNDARY
SHASTA RANCH
ANDERSON, CALIFORNIA

Aerial photo A-3
showing area of borrow
in upper right corner



Borrow area.

Aerial photo A-4 showing
showing borrow area



Borrow area.

Aerial photo A-5 showing
showing borrow area



Borrow area.

DRAFT

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

PERMIT NO. 18017 BD

This Permit is issued to:

Shasta Ranch, LLC
PO Box 493416
Redding, California 96049-3416

To excavate approximately 834,000 tons of material from approximately 21.5 acres over a period of about 2-1/2 years along the right (west) bank of the Sacramento River Designated Floodway. The entire borrow operation includes excavating approximately 12 million tons of material from approximately 268 acres (246.5 acres of which lies outside of the designated floodway) over a period of about 30 years. The project is located three miles east of Anderson (Section 21, T30N, R3W, MDB&M, Sacramento River, Shasta County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection

Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18017 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee is responsible for all liability associated with all construction, operation, maintenance and reclamation activities associated with the herein permitted project and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assignees (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

FIFTEEN: The mitigation measures approved by the CEQA lead agency and the permittee are found in the Mitigation Monitoring and Reporting Plan (MMRP) and adopted by the CEQA lead agency. The permittee shall implement all such mitigation measures as allowed by law under CEQA Guidelines, Title 14, California Code of Regulations Sections 15000 - 15387 and the Shasta Ranch Aggregates Project Mining and Reclamation Plan as approved by Shasta County.

SIXTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SEVENTEEN: No work of any kind shall be done within the Sacramento River Designated Foodway during the flood season from November 1st to April 15th without prior written approval of the Central Valley Flood Protection Board.

EIGHTEEN: A temporary bench mark, set to a known datum, shall be placed at the project site prior to and maintained throughout all mining activities authorized by this permit.

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

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

TWENTY-ONE: The perimeter of the borrow area shall be permanently marked so as to be readily identifiable by any/all government agents exercising their regulatory authority relevant to the herein permitted operation.

TWENTY-TWO: The borrow area shall be no lower than the bottom of the adjacent low-water channel of the adjacent riverbed.

TWENTY-THREE: Riparian vegetation within 100 feet of the edge of the streambank shall be retained in its natural state, and no mineral extraction shall be permitted within this area. If any riparian vegetation is removed, it shall be replaced under a replanting program approved by the Central Valley Flood Protection Board.

TWENTY-FOUR: No excavation shall be made or remain in the floodway during the flood season from November 1st to April 15th. Prior to November 1st of each year that this permit is valid, the permittee shall backfill the voids created by the herein permitted mining activity and compact said fill material to a density equal to or greater than the density of adjacent undisturbed material within the floodway.

TWENTY-FIVE: Backfill shall not contain any reinforcing steel, floatable materials, asphalt or other petroleum-based products.

TWENTY-SIX: The permittee shall arrange for an inspector from the Department of Water Resources to perform a site inspection after all backfill operations are completed prior to November 1st of each year that material has been removed from the floodway. For the scheduling of an inspector, contact the Department of Water Resources at telephone number (916) 574-0609 at least 10 working days prior to November 1st.

TWENTY-SEVEN: All debris generated by this project shall be properly disposed of outside the Sacramento River Designated Floodway.

TWENTY-EIGHT: The permittee shall maintain the herein permitted project within the utilized area in the manner required and as requested by any authorized representative of the Department of Water Resources or any other agency responsible for floodway maintenance.

TWENTY-NINE: Five years from the effective date of this permit and at the end of each subsequent five-year period, for as long as the work herein approved shall continue, the Department of Water Resources will make an inspection and review of permittee's operation and submit an evaluation

report to the Central Valley Flood Protection Board. Should this review produce evidence that the work as approved in this permit is adversely affecting the functioning of the designated floodway, the permittee will be required, within 30 days after receipt of notification, to make any necessary corrections at his expense. If permittee does not comply with the Department's request, the Department of Water Resources will perform said work and bill permittee for its services. This periodic evaluation could result in imposing new terms and conditions that may affect the approved plan of work.

THIRTY: In the event that it is necessary to terminate this permit under violation of any Special Condition contained herein, the permittee will receive a 90-day advance notice of the termination date.

THIRTY-ONE: If periodic inspections reveal that a borrow operation will adversely affect flood control, additional permit conditions may be imposed or the permit may be revoked.

THIRTY-TWO: In the event that erosion and/or scouring injurious to the floodway occurs at or adjacent to the herein permitted project, the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion and/or scouring.

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

THIRTY-FOUR: The permittee may be required, at permittee's cost and expense, to terminate, alter, or modify all and/or any part of the herein permitted operations if termination, alteration and/or modification is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

THIRTY-FIVE: The permittee shall comply with all conditions set forth in the comment letter from the U.S. Army Corps of Engineers dated November 13, 2007, which is attached to this permit as Exhibit A and is incorporated by reference.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

NOV 13 2007

Flood Protection and Navigation Section (18017)

Mr. Jay Punia, General Manager
The Reclamation Board
State of California
3310 El Camino Ave., Rm. LL40
Sacramento, California 95821

Dear Mr. Punia:

We have reviewed an application for a permit by Shasta Ranch, LLC (Reclamation Board Number 18017). This project includes excavating approximately 12 million tons of material (400,000 annually) over 30 years from 268-acres on the right (west) bank designated floodway of the Sacramento River. This project is located three miles east of Anderson in Section 21, Township 30 North, Range 3 West, M.D.B. & M. Survey, Shasta County, California.

The District Engineer has no objection to approval of this application by your Board from a flood control standpoint subject to the following conditions:

- a. That no material shall be stockpiled within the river flowage area during flood season November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That drainage from the excavation area shall be sloped to drain towards the channel.
- c. That the proposed excavation shall not change the stream flow velocity in such a way that might cause damage to the existing bank nor reduce the channel flow capacity and is done in a uniform manner which is free of depressions.

A Section 10 and/or Section 404 permit has been issued for this work.

If you have any questions concerning our comments on this permit application, please contact Ms. Meegan Nagy at (916) 557-7257 or Mr. Robert Murakami at (916) 557-6738.

Sincerely,

A handwritten signature in cursive script, reading "Michael D. Mahoney".

Michael D. Mahoney, P.E.
Chief, Construction-Operations Division

CF:

DWR, Mr. Jeremy Arrich, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Ave., Suite LL30, Sacramento, CA 95821