Meeting of the Central Valley Flood Protection Board
June 24, 2011

Staff Report – Informational Briefing

California Department of Parks and Recreation
Singh Unit Restoration Project, Butte County

1.0 – ITEM

To brief the Board on California Department of Parks and Recreation proposal to restore a 43-acre parcel (Singh Unit) by removing berms, removing non-native vegetation and replacing with riparian vegetation and native grasses within the Sacramento River Designated Floodway on the left (east) bank of the Sacramento River in Butte County (see permit application, Attachment B).

2.0 – APPLICANT

California Department of Parks and Recreation (CA State Parks).

3.0 – LOCATION

The project is located in the Sacramento River designated Floodway west of Chico and south of Sacramento Avenue just north of the Mud Creek Boat Launch Ramp on the Sacramento River in Butte County. (See Figures 1 & 2, Attachment A).

4.0 – DESCRIPTION

The applicant proposes to restore a 43-acre parcel (Singh Unit) by removing two existing berms (east berm is approximately 1,000-feet-long by 45-feet-wide and 11-feet-high, southwest berm is approximately 300-feet-long by 25-feet-wide and 3-feet-high); remove an orchard; and plant a riparian forest and native grasses within the Designated Floodway (River Mile 194) of the left (east) bank of the Sacramento River, to establish a day-use park on the site with interpretive trails.

5.0 – PROJECT ANALYSIS

5.1 – Detailed Project Description and Objective

CA State Parks is proposing this project to provide habitat restoration and establish a day-use park on the site with interpretive trails within the Bidwell-Sacramento River State Park, west of the City of Chico, California. The main project objective is to restore natural topography and vegetation on the Singh Unit. The detailed work proposed to achieve this objective consists of the following items (see Figure 3, Attachment A):

- Removal of two man-made berms,

- Removal of a walnut orchard,
- Removal of non-native vegetation,
- Restoration of the following plant communities:

    - Valley Oak Riparian Forest (18.9 acres)
    - Mixed Riparian Forest (6.1 acres)
    - Cottonwood Riparian Forest (3 acres)
    - Grassland Buffer (3.2 acres)
    - Flow-through meadow (2.3 acres)

Because the Singh Unit is located near the confluence of the Sacramento River, Big Chico Creek and Mud Creek, this site is a candidate for restoration. However due to this confluence, the site is also sensitive to potential hydraulic changes resulting from a restoration project. The protection and restoration of habitat on this parcel would aid in the recovery of special status species, rehabilitate natural processes along the river, and improve water quality.

The proposed project area is owned and managed by CA State Parks as a walnut orchard at this time. The applicant is requesting a change in existing land use from this walnut orchard to riparian habitat as a public Bidwell-Sacramento River State Park system day-use recreation area with interpretive trails. The project is located in-between the 20-year and 100-year Sacramento River Designated Floodways (see Figure 4, Attachment A).

5.2 – Hydraulic Analysis

The project's hydraulic consultant, Ayres Associates, Inc., under the direction of Mr. Thomas W. Smith, PE, GE, performed two-dimensional (2D) hydraulic modeling on the proposed project, and summarized their results in their report, Hydraulic Analysis for Flood Neutrality on the Nicolaus and Singh Properties, May 30, 2008. The Nature Conservancy (TNC) through the Sacramento River Projects office in Chico, California, funded the modeling with Mr. Ryan Luster of TNC overseeing the effort.

The 2D modeling tool used was the RMA-2D program, maintained and distributed by the US Army Corps of Engineers (USACE), and modified by Ayres Associates. For model running efficiency, the boundary limits for this proposed project's model were constrained to river mile (RM) 191 to RM 196.5, as shown in Figure 1, Attachment D.

The applicant used a 170,000 cfs maximum design flow from the January 1955 flood for the Sacramento River in the submitted calculations. This is significantly less than the State's designated floodway design flow of 260,000 cfs for the 100 year event from Hamilton City to Big Chico Creek. The design flow for the 20 year event is 230,000 cfs based on the 1958 flood at Ord Ferry. No flow data from the 1995 event was available for Big Chico Creek and Mud Creek, so simulated flows of 7,500 cfs and 15,000 cfs respectively were used. The model was also modified with 2006 land use data.

The existing condition model simulated the 1955 flood flow using post-January 1995 topography and 2006 land uses. By using 2006 land use assumptions the model does not show the actual hydraulic changes the floodway has experienced due to forestation of the State Park parcels in this location. The 20 year floodway was adopted in 1968 when the downstream parcel was a cultivated field. Today in 2011, the parcel is owned by State Parks and is a dense riparian forest. The submitted model does not show the cumulative effect forestation of the State Park parcels has had on increased water surface elevation on the other side of the river and increase velocities in the Sacramento River leading to scour. CVFPB staff has also requested the applicant provide the standard deviation of the hydraulic model results to document the range of the model's accuracy for this sensitive confluence area of the Sacramento River.

The proposed condition model simulated the impacts of potential land use changes from the existing walnut orchard to mostly riparian forest with a grassland buffer along the north edge of the property, and a flow-through meadow along an existing swale near the west quarter of the property, and removing berms on the Singh property. Calibrations were performed on the previous two studies using this 2D model, one for the initial J-levee project near Hamilton City to a historical flood flow, and again for the USACE project using a more recent flow event. The model used for this proposed project's analysis is the latest version after the calibration was performed.

Staff's review of the model results concluded the following:

- The water surface elevation (WSE) differential between the existing and proposed project conditions is not apparent because the model does not use the 1968 floodway land use for the adjacent downstream parcel as the baseline condition for the floodway (see Figure 2, Attachment D).
- Water velocity in the proposed flow-through meadow increases 2.0 feet/sec (ft/s), however given a low 1 ft/s existing velocity condition, and planned vegetation, the resulting velocity of 3.0 ft/s will not create harmful effects and is not considered erosive for grass cover (see Figure 3, Attachment D).
- The proposed condition model shows a slight increase in water velocities in the grass buffer and berm removal areas of 0.5 ft/s and 0.7 ft/s respectively (see Figure 4, Attachment D). The berm removal also slightly reduces velocity on the east bank of the Sacramento River next to the project site.
- The flows in the Sacramento River just south of this proposed project reach velocities of up to 9 feet per second. This is considered to be a "hydraulic hot spot" that can cause erosive conditions within the river and river banks. The maximum permissible channel velocity for a sand channel is 4 feet per second to avoid significant scouring. Scouring can erode the riverbank road and deposit damaging sand on downstream agriculture field.

At the request of TNC, Ayres Associates, with the help of Mr. Smith, also performed a sedimentation and erosion analysis for the proposed project based on a further review of the May 30, 2008 report. Staff's review of this analysis concluded the following:

- Changes to hydraulic velocities are contained within the Singh Unit, except for small reductions downstream along the east bank of the Sacramento River, and along Mud Creek adjacent to the site.
- Since there are no measurable changes to water velocity and flow depth for property to the north, no changes in sedimentation or erosion are predicted.
- Existing velocities are approximately 2 ft/s or less, so some deposition may already be occurring on the proposed project site.
- Proposed project velocities are not slower than existing velocities; therefore no new areas of deposition are anticipated.
- There is no change in the depth of flooding for the Singh parcel and on adjoining parcels.
- It is likely that the existing riparian forest downstream of the Singh parcel (Peterson Addition) has some control over the overall floodplain hydraulics of the area.

CVFPB staff also requested the applicant provide the standard deviation of the hydraulic model results to document the range of the model's accuracy.

5.3 – Geotechnical Analysis

This area of the Sacramento River Designated Floodway does not have any flood control project features associated with it, nor does the proposed project plan to construct any such features. Therefore a geotechnical analysis was not performed.

5.4 – Permit Application History & Project Protests

CA State Parks originally submitted an encroachment permit application with the Central Valley Flood Protection Board (CVFPB) in 2008. However changes in legislation affecting how the CVFPB operates caused a re-submittal of the application by CA State Parks in September 2009. An additional information request was made in to CA State Parks in November 2009, and this information was received in December 2009 to be evaluated for completeness. In February 2010 the project was considered complete for permit evaluation and a USACE transmittal was sent in late February 2010. The adjacent property owners were notified of the proposed project in early March 2010. After this notification, the CVFPB received seven protest letters with concerns on flood control in late March 2010 (see Attachment E). Most of the protesters note the potential of increased flooding, sediment deposition and erosion resulting from conversion of the existing walnut orchard to riparian habitat. Some protesters cited the example of the Peterson Addition, which reverted to uncontrolled non-native species growth upon an area which was previously an orchard. Without proper vegetative plant management, undesirable plants may have created a physical barrier to historic flood conveyance patterns upon the Peterson Addition, which can cause some of the flood related impacts noted by the protesters in their letters. In short, these local landowners do not wish to see these same impacts repeated at the Singh Unit.

CVFPB sent an additional permit application information request to CA State Parks on March 9, 2010. CA State Parks responded with the additional information on April 20, 2010. A second USACE transmittal was submitted by CVFPB on July 13, 2010 for Army Corps staff review to reflect new information submitted by CA State Parks.

As part of a continued CEQA review of the proposed project and the protests received, the CVFPB requested CA State Parks to address the issues and concerns presented by the protesters in an addendum to the final EIR (see Attachment F). This was to provide clear documentation that the requirements of CEQA had been met for the proposed permit. The addendum was prepared by CA State Parks and CVFPB forwarded it to all of the seven protesters, including Butte County, in mid-January 2011. The CVFPB received only one response from a protester regarding the addendum and its contents in February 2011.

CVFPB staff notified CA State Parks that per Title 23 regulations, an endorsement from the local maintaining agency, which is Butte County in this case, would be needed in order for the Board to make an informed decision. Staff members from the CVFPB, CA State Parks, TNC and Butte County met on February 17, 2011 in Butte County to review specific Butte County concerns with the proposed project. On February 18, 2011, CA State Parks requested an endorsement from Butte County for the proposed project. The Butte County Board of Supervisors met on March 15, 2011 and voted unanimously against endorsement of the proposed project (see Attachment G).

As a matter of record, the CA State Parks has prepared, or has contracted with others to prepare, the following plans and reports which document the proposed land management plans and project impacts for the proposed Singh Unit restoration project:

- The Addendum to the Final EIR addressing protesters concerns.
- Maintenance and Monitoring Plan for the Singh Orchard Restoration.
- Hydraulic Analysis for Flood Neutrality on the Nicolaus and Singh Properties.
- Singh Restoration Sedimentation Review and Analysis.
- Riparian Habitat Restoration Design and Management Plan – Singh Unit.
- Long Term Maintenance Plan.

CVFPB staff is satisfied with the maintenance, monitoring and vegetation management plans submitted for this proposed project to insure proper long term maintenance. However, CVFPB staff is not convinced that CA State Parks has the funding mechanisms in place to implement maintenance in perpetuity.

5.5 – Additional Staff Analysis

CVFPB staff conducted a site visit with CA State Parks and TNC staff on December 14, 2010. Upon inspection of the existing swale on the Singh property in the walnut orchard, which is proposed to become a flow-through meadow as part of the restoration, it was observed this same swale continues through the Peterson Addition and ends at CA State Parks boat ramp at Mud Creek (see Attachment H). Because the Peterson

Addition segment of this swale was greatly overgrown, CVFPB staff advised CA State Parks that maintaining this swale's hydraulic capacity through the Peterson Addition would be in CA State Parks best interest not only for their maintenance efforts on the Peterson Addition, but for the proposed Singh Unit Restoration Project as well. CA State Parks did clear out the swale on the Peterson Addition for approximately 100 feet in on each end of the swale before the end of 2010 (see photos 1 thru 12, Attachment A).

CVFPB staff has researched the history of the Peterson Addition. The property was originally purchased by John Bidwell in 1849 and 1851. In 1901, the property became part of a farming subdivision. By 1937, most of the property was farmed with grain (see Attachment X, Figure YY). According to Rodney Peterson, non-irrigated crops were farmed here until 1981. At that time an almond orchard was installed complete with a well and drip irrigation system. By 1985, flooding had damaged and destroyed much of the irrigation system. Mr. Peterson then abandoned the orchard due to the frequency of flooding from the Sacramento River. Over the next 5 years portions of the orchard were removed. The land remained undisturbed until 1998 when CA State Parks acquired the property from Mr. Peterson.

Staff also discovered that in February of 2000, Sacramento River Partners prepared a Vegetation Management Plan for the Peterson Addition (VMP), which discussed several options for establishing habitat restoration at this site, along with the permitting requirements from various regulatory agencies. In the CVFPB permit section of this discussion, it is mentioned that a hydraulic analysis of any adverse project impacts prepared by a registered engineer in the State of California may be required, as part of the permitting process and project evaluation. The Topography and Hydrology sections of the VMP both mention the existing shallow swale that cuts through the property approximately parallel to and 350 feet east of River Road; and that significant water continues to flow through this swale as high water recedes in this area.

In August 2000, MBK Engineers, on behalf of CA State Parks, sent a letter to Butte County requesting approval of a proposed vegetation enhancement project for the Peterson Addition, citing the VMP from Sacramento River Partners, as the reference document for maintaining the proposed vegetation. The VMP restoration plans proposed between 9,500 to 9,700 plants depending on the particular habitat restoration alternative to be chosen by CA State Parks.

Mr. Stuart Edell of Butte County responded to MBK in November 2000 citing concerns of potential impacts to flooding from the proposed project and the lack of a long-term maintenance guarantee from CA State Parks to properly maintain proposed vegetation. Butte County did not issue a permit for this proposed work; nor did the CVFPB, since no application for any of the planting alternatives described in the VMP were submitted by CA State Parks to the CVFPB. However, some restoration plantings (approximately 45 trees) by CA State Parks were planted within the Peterson Addition without a permit from either Butte County or the CVFPB. From CVFPB staff observations of this site, it appears not much in the way of channel vegetation maintenance has occurred over the

years since dense growth of non-native vegetation now exists on the site.

If an application was submitted to the CVFPB for the habitat restoration plantings on the Peterson Addition, the standard process for evaluating a restoration project permit application would require a hydraulic analysis to show adverse impacts from a proposed restoration project on any part the State's Adopted Plan of Flood Control. The VMP's proposed planting alternatives comprising of 9,500 to 9,700 plants for the Peterson Addition would have triggered such an analysis. It is also likely such an analysis would have also recognized the significance of the existing swale and historic flood routing in the area. The hydraulic analysis may have made recommendations to keep the existing Peterson Addition swale functioning as the one of the main drainage components for this parcel, and to prudently place restoration plants away from this area.

CVFPB staff discovered the patchwork of CA State Park projects within the Bidwell-Sacramento River State Park, however no such comprehensive park planning document exists for the entire park showing a final proposed boundary. Currently the park is split in half by agriculture parcels under private ownership. The Singh Unit is only one segment of a larger park. CVFPB staff and the public cannot adequately assess the overall merits of the Bidwell-Sacramento River State Park or its impacts on the State's flood control system because a comprehensive plan for the entire park was not submitted.

The forestation of the Bidwell-Sacramento River State Park is contributing to projected high velocities for the Sacramento River in this area. The hydraulic model showed a peak velocity of 9.0 feet per second (FPS) for the Sacramento River channel at this location. The following table provides the maximum mean channel velocities to prevent scour for materials found in this area of the Sacramento River:

Material	**Max. Mean Channel Velocity (FPS)**
Fine Sand	2.0
Coarse Sand	4.0
Sandy Silt	2.0

This high river velocity will continue to erode the east bank of the Sacramento River, thereby damaging the asphalt River Road which jeopardizes public infrastructure and emergency service access after flood waters recede. It will also result in channel scouring which will deposit sand on downstream farmlands and other flood channels.

CVFPB staff recommends a comprehensive park plan should be developed for the Bidwell-Sacramento River State Park. However this is a recommendation for future overall park planning, and not a code requirement or reason for denial of the application.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- A 208.10 comment letter was received from the USACE on December 16, 2010 (see Attachment I for letter). This letter indicates that the USACE has no objections to the project as long as flood conveyance is not impacted. The USACE has also responded that they have received a copy of the operation and maintenance plans submitted by the CVFPB per letter condition "b".

- In a March 2, 2011 letter, the Butte County Board of Supervisors, representing the local maintaining agency for the project area, Butte County, did not endorse this project for the following reasons (see Attachment J for letter):

    - The conversion of prime agricultural land to a non-agricultural use.
    - The uncertainty of annual maintenance funding from the CA State Parks to maintain any of the proposed land use changes to insure flood neutrality as designed.

Therefore, no project support has been expressed by the local maintaining agency, which is Butte County in this case, for this proposed project.

Michael Crump, Director of the Butte County Department of Public Works, has requested that the Board direct CA State Parks to forward the permit application to Butte County for consideration. CVFPB staff informed Mr. Crump and all other interested parties this project would be heard by the Board as an informational briefing at the June 24, 2011 Board meeting.

7.0 – PROPOSED CEQA FINDINGS

The Department of Parks and Recreation, as the lead agency, adopted the Draft Environmental Impact Report (DEIR) (SCH No. 2007082160, January 2008), and the Final Environmental Impact Report (FEIR) (SCH No. 2007082160, September 2008, Addendum January 2011) on the Bidwell-Sacramento River State Park, Habitat Restoration and Outdoor Recreation Facilities Development Project, and determined that the project would not have a significant effect on the environment. The Department of Parks and Recreation filed a Notice of Determination with the State Clearinghouse on October 16, 2008. These documents including the Mitigation Monitoring and Reporting Program and project design may be viewed or downloaded from the Central Valley Flood Protection Board website at http://www.cvfpb.ca.gov/meetings/2011/06-24-2011.cfm agenda.cfm under a link for this agenda item.

The Board will act as the responsible agency when the Board considers this project for approval or denial.

8.0 – STAFF CONCERNS REGARDING THE PROPOSED PROJECT

CA State Parks has requested a continuance in order to hire a facilitator to address the concerns raised by the protestors and Butte County. CVFPB staff concurs with this

approach and therefore supports the request for continuance of the hearing. However, CVFPB staff has expressed additional concerns to CA State Parks regarding the project as it is currently proposed. As described above, CA State Parks has not obtained a permit for the Peterson Unit, and has not provided CVFPB staff with all of the information that it needs to conduct a thorough analysis of the project.

CVFPB staff concluded the proposed Singh Unit Restoration Project; as a single, stand alone riparian restoration project, is a potentially good project for the Sacramento River system. However, because it is part of the overall Bidwell-Sacramento River State Park with adjacent agricultural land uses, it is staff's opinion the hydraulic deficiencies identified must be corrected by considering revised restoration planting palettes to better fit into the existing area land uses within the area as they are managed today. This opinion is supported by research into this proposed project's permit application history and its hydraulic connectivity to the Peterson Addition, which lacks proper vegetation management.

For the above reasons, CVFPB staff has developed the following suggestions for CA State Parks to consider at this time:

1. Submit a comprehensive Plan for the Bidwell-Sacramento River State park that encompasses both the Singh Unit and Peterson Addition for possible habitat restoration and to maintain the historical drainage patterns in this area of the Sacramento River flood plain.

2. The applicant's hydraulic analysis should ensure that any restoration works planned at Singh do not worsen existing hydraulic velocities or reduce channel conveyance in areas identified as "hot spots" in modeling Sacramento River flood flows immediately south of the project.

3. Continue the flow-through meadow concept from the Singh Unit through the Peterson Addition until it would discharge into Mud Creek.

4. Consider using a revised planting palette which reduces woody plants and contains species more compatible with overland sheet flow of flood water.

5. Provide continuous overflow channels for the Sacramento River and Mud Creek that are kept clear as horse paths or meadows with outlets that discharge back to the main river in a revised plan.

6. Consider managing the orchard in such a way as to allow natural reversion to riparian habitat without the expense and hydraulic impact of dense plantings.

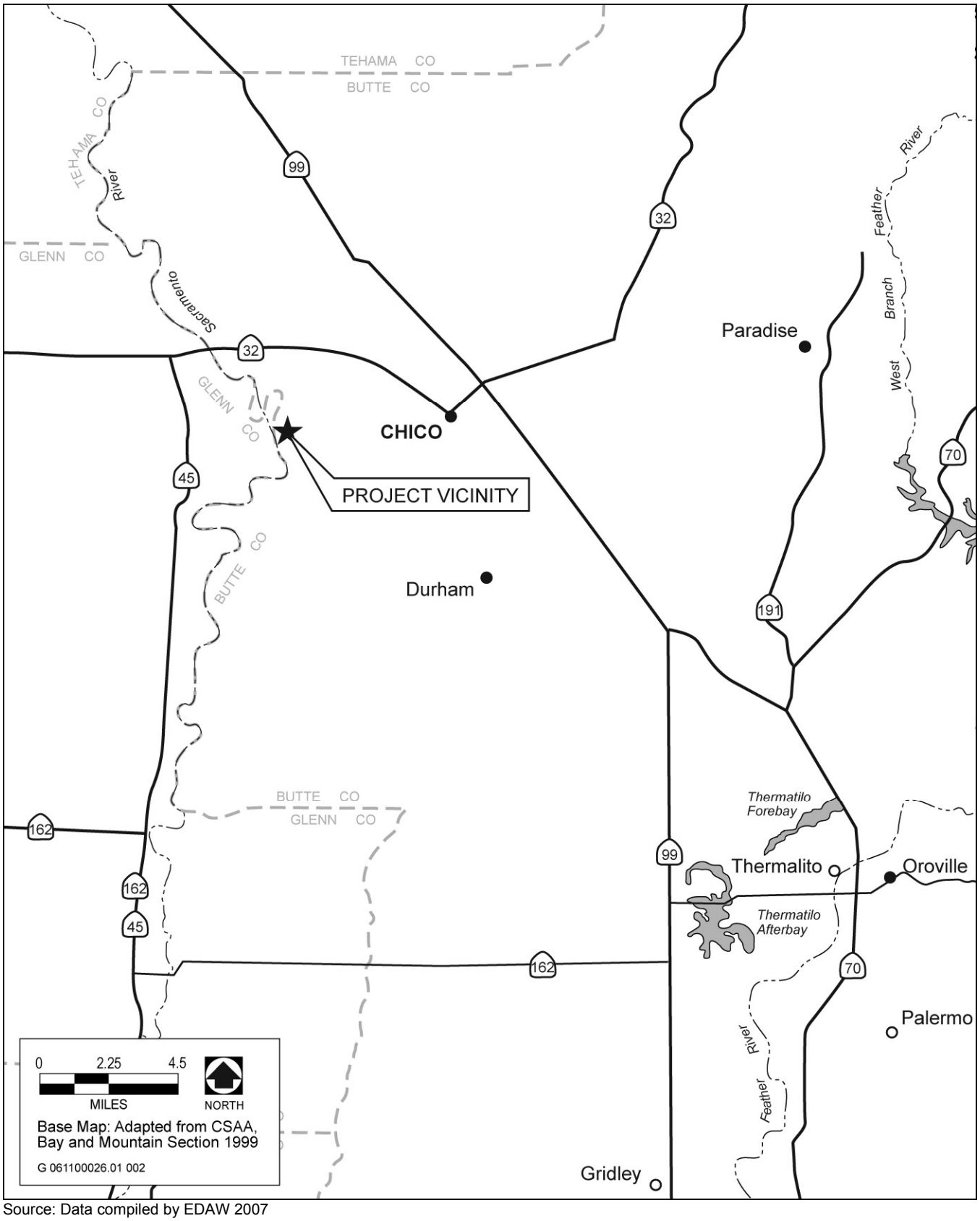
7. Establish a dedicated CA State Parks funding line item to fully maintain these restoration projects until the restoration vegetation is fully established. After that, actively maintain the flow-through meadow to ensure area hydraulics function as designed in a well planned overall Singh Unit / Peterson Addition project.

8. Continue to work collaboratively with neighboring landowners and Butte County with a goal of achieving a project which is acceptable to everyone. The facilitated public meetings, which CA State Parks plans to conduct, are an excellent step in obtaining project acceptance.

10.0 – LIST OF ATTACHMENTS

A. Location Maps and Photos
B. Permit Application No. 18576
C. Resolution No. 11-30
D. Hydraulic figures
E. Protest letters
F. January 2011 Addendum
G. Butte County Agenda Item 3.20
H. Peterson Swale Suggestion
I. Vegetation Management Plan Swale Diagram

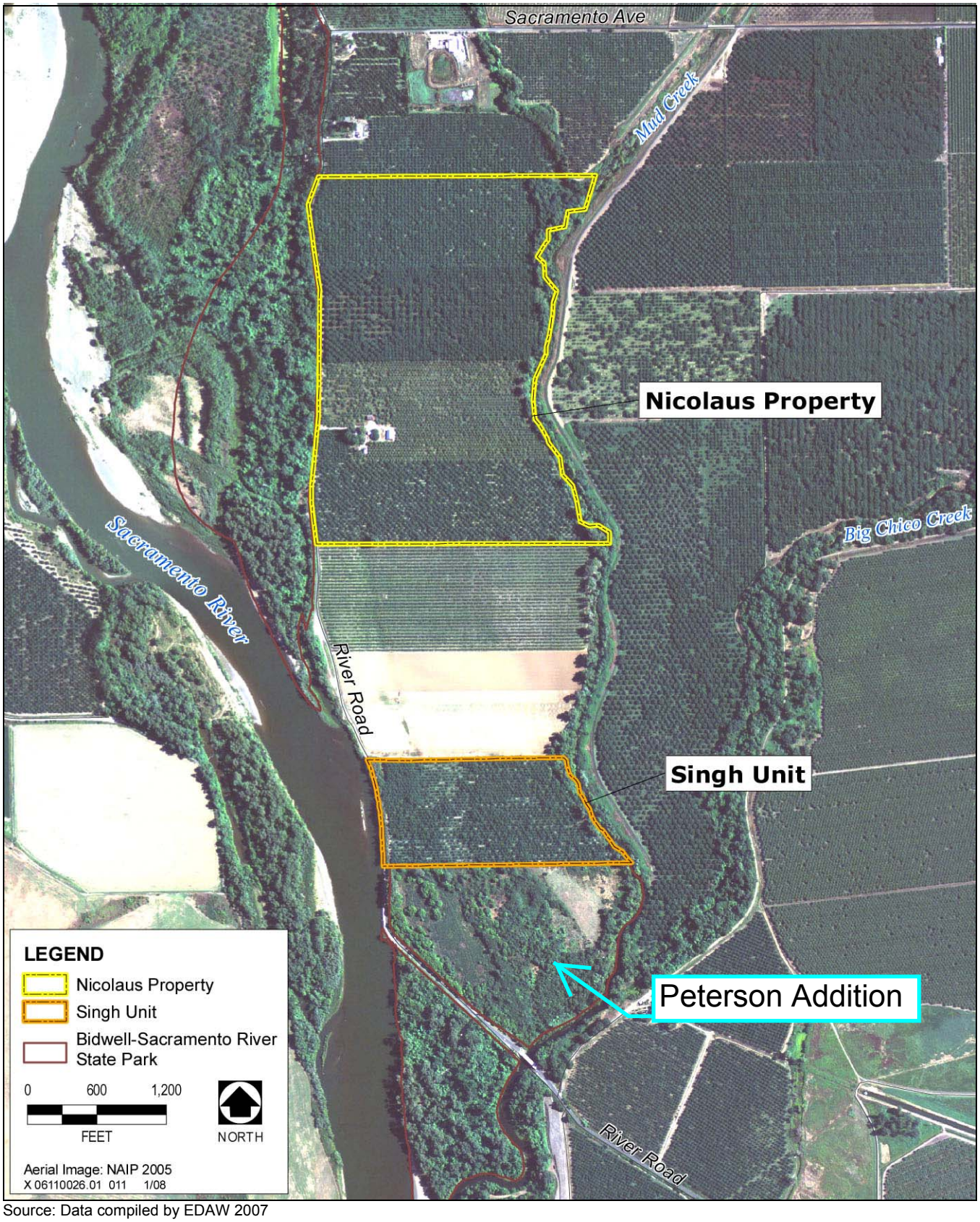
Design/Overall Review:	Jon Tice, P.E.
Environmental Review:	James Herota
Document Review:	Mitra Emami, P.E. / Curt Taras, P.E. Eric Butler, P.E. / Len Marino, P.E.



Source: Data compiled by EDAW 2007

Project Vicinity Map

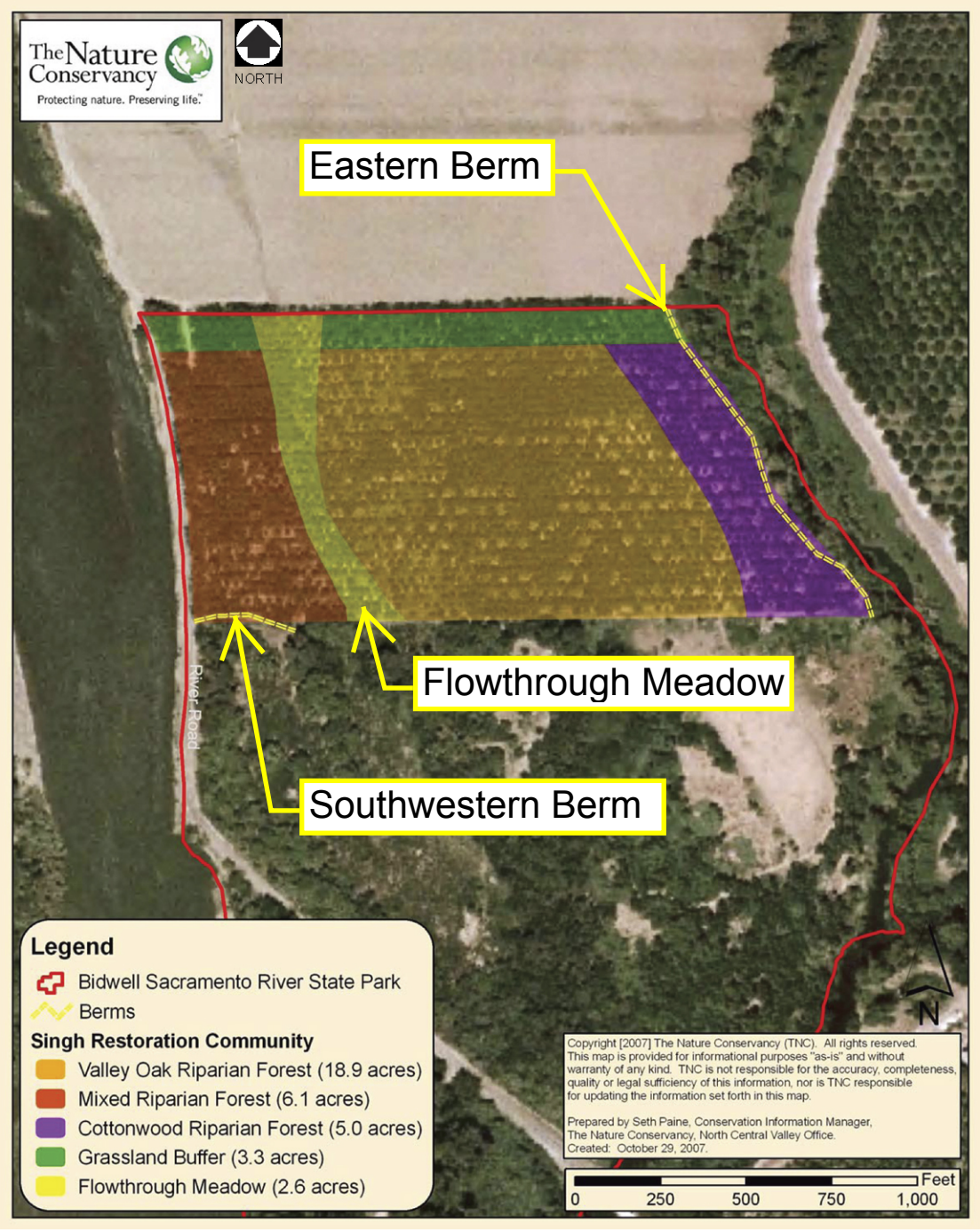
Figure 1



Source: Data compiled by EDAW 2007

Project Location Map

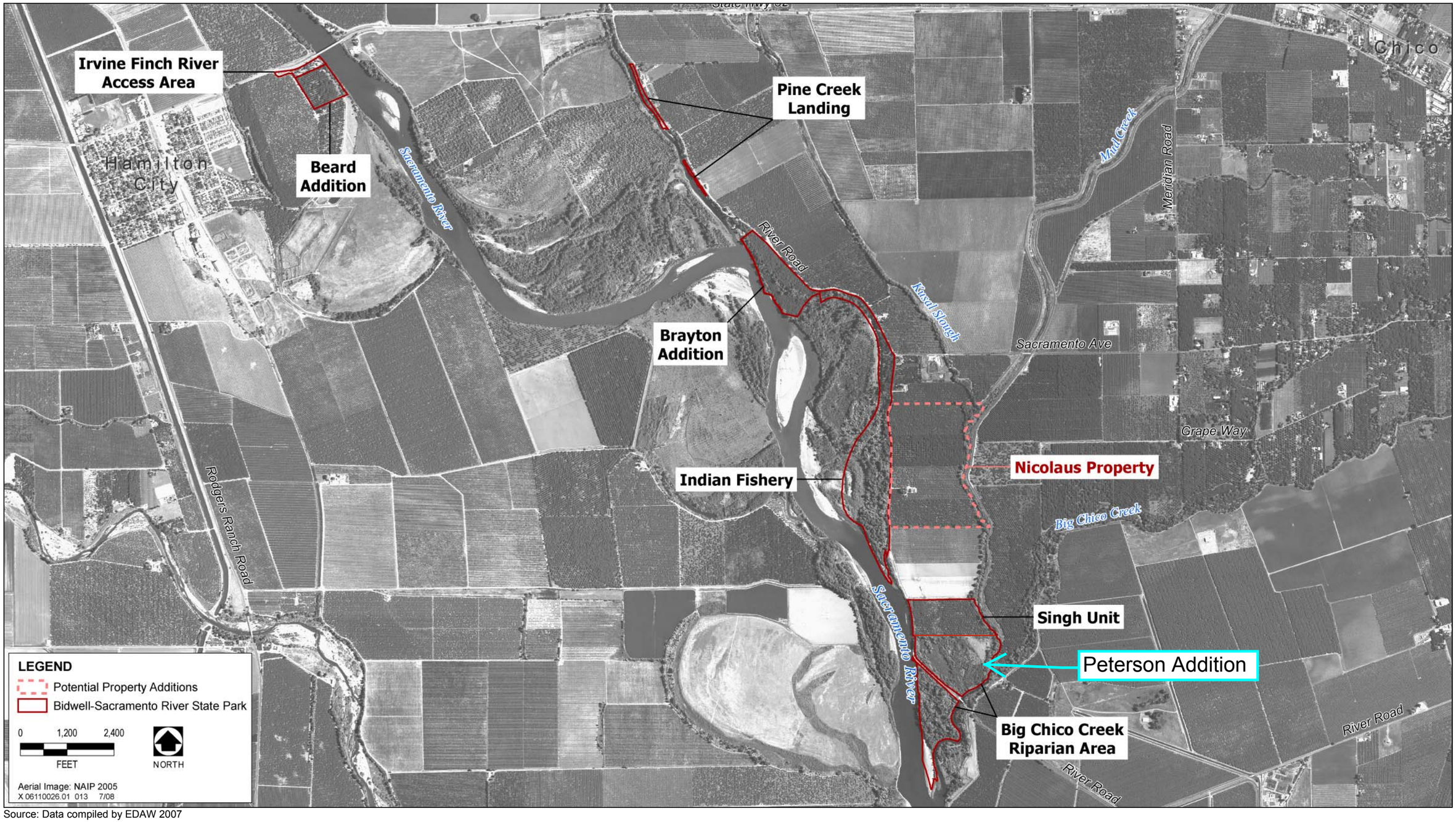
Figure 2



Note: Proposed tree rows in the restoration forests are planned to be parallel to the Sacramento River, and spaced 30 feet apart.

Source: The Nature Conservancy 2007

Proposed Singh Unit Restoration Plan Figure 3



Source: Data compiled by EDAW 2007

Bidwell-Sacramento River State Park Sub-Units

Figure 4


Attachment A
Photo 1; looking south at southwest berm proposed to be removed, 12/14/2010.


Attachment A
Photo 2; looking south along eastern berm proposed to be removed, 12/14/2010.


Attachment A
Photo 3; looking north along eastern berm proposed to be removed, 12/14/2010.

Photo 4; looking west near south Singh property border. Note puddles in existing swale / proposed flowthrough meadow location, 12/14/2010.

Photo 5; looking south near south Singh property border. Note puddles in existing swale / proposed flowthrough meadow location, 12/14/2010.

Photo 6; looking north along existing swale within the Singh property. Note puddles in existing swale / proposed flowthrough meadow location, 12/14/2010.

Attachment A

Photo 7; looking west near north Singh property border. Note puddles in existing swale / proposed flowthrough meadow location, 12/14/2010.

Attachment A

Photo 8; looking south near west Singh property border along River Road, 12/14/2010.


Attachment A
Photo 9; looking north near west Singh property border along River Road, 12/14/2010.


Attachment A
Photo 10; looking south down the boat ramp on the Peterson Addition at Big Chico Creek, 12/14/2010.

Attachment A

Photo 11; prior to DPR's December 20, 2010 project to clear the Peterson Addition swale, looking south from the Singh Unit.

Attachment A

Photo 12; after DPR's December 20, 2010 project to clear the Peterson Addition swale, looking south from the Singh Unit.

State of California | DEPARTMENT OF WATER RESOURCES
CENTRAL VALLEY FLOOD PROTECTION BOARD | California Natural Resources Agency

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT

Application No. -18576
(For Office Use Only)

1. Description of proposed work:
The California Department of Parks and Recreation (State Parks) is proposing to implement the Bidwell-Sacramento River State Park (BSRSP) Habitat Restoration and Outdoor Recreation Facilities Development Project on a 43-acre parcel known as the "Singh Unit." Habitat restoration would include removal of two existing berms and nonnative vegetation (the parcel is in walnut production), and planting of riparian vegetation and native grasses. The proposed recreational facilities include the creation of new trails aligned to connect with existing and proposed trails and facilities within the BSRSP.

2. Location: Butte County, in Section N/A,
Township: 21 (N) (S), Range 1 (W), M. D. B. & M.

3. California Department of Parks and Recreation (Name of Applicant) of 525 Esplanade (Address)

Chico	California	95926	530 895-4304
City	State	Zip Code	Telephone Number

530 895-6699
Fax Number

4. Endorsement: (of Reclamation District)
We, the Trustees of _____
Name and District Number

approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form ☐ Conditions Attached ☐ No Conditions

Trustee _____ Date _____ Trustee _____ Date _____

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If add ional space is required, list names and addresses on back of the application form or an attached sheet.

Mr. Larry Mendonca Laura E. Mendonca Revocable Trust	3437 Chico River Road, Chico, CA	95928
Name	Address	Zip Code
Mr. John Nock	4033 Ord Ferry Road Chico, CA	95928

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6. Has an environmental determination been made of the proposed work under the California Environmental Quality Act of 1970? ☒ Yes ☐ No ☐ Pending

If yes or pending, give the name and address of the lead agency and State Clearinghouse Number:

California Department of Parks and Recreation
Northern Buttes District/Valley Sector
Denise Reichenberg, Sector Superintendent
525 Esplanade
Chico. CA 95926

SCH No. 2007082160

7. When is the project scheduled for construction? 2010, funding dependent

8. Please check exhibits accompanying this application.

   A. ☒ Map showing the location of the proposed work.

   B. ☒ Drawings showing plan and elevation views of the proposed work, scale, materials of construction, etc.

   C. ☒ Drawings showing the cross section dimensions and elevations of levees, berms, stream banks, flood plain, low flow, etc.

   D. ☒ Drawings showing the profile elevations of levees, berms, flood plain, low flow, etc.

   E. ☒ Photograph depicting the project site.

9. Is the applicant acting for the owner of the proposed works? ☐ Yes ☒ No

If yes, the name, address and telephone number of the owner is

X _____ 9/30/09
Signature of Applicant Date

For additional information:

Project contact:

Denise Reichenberg
Sector Superintendent
Northern Buttes District/Valley Sector
525 Esplanade
Chico, California 95926
(530) 895-4304
Fax (530) 895-6699

ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE FOR APPLICATIONS FOR RECLAMATION BOARD ENCROACHMENT PERMITS

This environmental assessment questionnaire must be completed for all Reclamation Board applications. Please provide an explanation where requested. Incomplete answers may result in delays in processing permit applications. Failure to complete the questionnaire may result in rejection of the application.

1. Has an environmental assessment or initial study been made or is one being made by a local or State permitting agency in accordance with the California Environmental Quality Act?

   ☒ Yes ☐ No If yes, identify the Lead Agency, type of document prepared or which will be prepared, and the State Clearinghouse Number:

   Lead Agency: California Dept. of Parks and Recreation

   Enivironmental Impact Report (SCH# 2007082160). See Attachment 9 (Draft and Final EIR).

2. Will the project require certification, authorization or issuance of a permit by any local, State or federal environmental control agency?

   ☐ Yes ☒ No List all other governmental permits or approvals necessary for this project or use, including U.S. Army Corps of Engineer' 404and Section 10 permits, State Water Quality Certification, Department of Fish and Game 1600 agreement, etc. Attach copies of all applicable permits.

   Please see Attachment 1for information on regulatory agency permits.

3. Give the name and address of the owner of the property on which the project or use is located. Please submit a copy of your current Title Report (Grant Deed), if your proposed project includes a private residence.

   California Department of Parks and Recreation

   Northern Buttes District

   400 Glen Dr.

   Oroville, CA 95966

4. Will the project or use require issuance of a variance or conditional use permit by a city or county?

   ☐ Yes ☒ No Explain:

5. Is the project or use currently operating under an existing use permit issued by a local agency?

   ☐ Yes ☒ No Explain:

6. Describe all types of vegetation growing on the project site, including trees, brush, grass, etc.

   The 43-acre Singh Unit is mostly planted in walnuts (34-acres), ranging in age from one-year replants to ten-year old trees. There is a row of non-native eucalpytus trees along River Road. Riparian vegetation on the eastern boundary of the site includes Fremont cottonwood and one or more species of willow (typically Goodding's black willow). The understory vegetation is dense and typically includes seedlings and saplings of shade tolerant species such as California box elder and Oregon ash, as well as cottonwood and willow seedlings and saplings. Vines such as California wild grape are also common.

7. Describe what type of wildlife or fish may use the project site or adjoining areas for habitat, food source, nesting sites, source of water, etc.

   Common wildlife species that may use the project site orchard include American robin, European starling, gopher snake, western gray squirrel, and black rat (Rattus rattus). Wildlife common to nearby row crop habitats include killdeer, red-tailed hawk, house finch, western fence lizard, desert cottontail, and California vole. The riparian habitats adjacent to the project site are expected to support black phoebe (Sayornis nigricans), western woodpewee (Contopus sordidulus), black headed grosbeak, spotted towhee, Pacific chorus frog, common garter snake, western ground squirrel, and racoon.

8. Has the Department of Fish and Game, U.S. Fish and Wildlife Service, or National Marine Fisheries Service been consulted relative to the existence of, or impacts to, threatened or endangered species on or near the project site?

   ☐ Yes ☒ No Explain:

   Based on surveys in support of the EIR (Attachment 9; SCH # 2007082160) and project planning, the proposed project is not expected to have impacts to threatened or endangered species. Species that could be in the project area include raptors and other nesting birds and the valley elderberry longhorn beetle. Measures to avoid impacts to these species have been included in the EIR.

9. Will the project or use significantly change present uses of the project area?

   ☒ Yes ☐ No Explain:

   The project will result in the change of the present agriculutral use of the site to riparian habitat restoration (Attachment 2), open space and recreational use (Attachment 3, Exhibit 5). The Singh Unit is owned by State Parks and considered a sub-unit ofpart of BSRSP. The riparian habitat restoration and construction of unpaved, non-motorized trails will restore the natural/historical topography and vegetation of the site and will provide additional outdoor recreational opportunities in the Park such as hiking and picnicking.

10. Will the project result in changes to scenic views or existing recreational opportunities?

    ☒ Yes ☐ No Explain:

    Restoration of native riparian habitat will result in a change from walnut orchard to a mix of riparian communities, which would generally be considered an improvement to the viewshed, or possibly considered a neutral change. Project implementation will temporarily degrate the visual character while the orchard is removed and the project is planted/constructed. However, riparian habitat will be maintained for 3-years and will mature to appear natural and undisturbed (Attachment 2). Further, the project will expand open space and recreational opportunities in BSRSP (Attachment 3, Exhibit 5).

11. Will the project result in the discharge of silt or other materials into a body of water?

    ☐ Yes ☒ No Explain:

    All site grading and earthwork is expected to be contained on the project site and any excess material will be hauled off-site to an appropriate storage facility.

12. Will the project involve the application, use, or disposal of hazardous materials?

☐ Yes ☒ No If yes, list the types of materials, proposed use, and disposal plan. Provide copies of all applicable hazardous material handling plans.

13. Will construction activities or the completed project generate significant amounts of noise?

☐ Yes ☒ No Explain:

In accordance with Guideline AO-3.3-3 of the County General Plan, State Parks will ensure that its contractors would comply with Butte County's noise control requirements for construction activity as described in the EIR. Additionally, as discussed in the EIR, construction and operational noise (including traffic) from the completed project are expected to be below the County's "normally acceptable" 24-hour day-night standard (Ldn) of 60 dBA for low-density residential land uses.

14. Will construction activities or the completed project generate significant amounts of dust, ash, smoke, fumes, or odors?

☐ Yes ☒ No Explain:

15. Will the project activities or uses involve the burning of brush, trees, or construction materials, etc?

☐ Yes ☒ No Explain, and identify safety and air pollution control measures:

Walnut and eucalyptus trees will be chipped and hauled off site.

16. Will the project affect existing agricultural uses or result in the loss of existing agricultural lands?

☒ Yes ☐ No Explain:

The project site is currently in agricultural production (walnut orchard); land use will change to restored riparian habitat and recreation facilities. This change is considered to be a less-than-significant effect on agricultural production because the project would neither be irreversible nor cause serious degradation or elimination of the physical or natural conditions that provide the site's values for farming.

17. Have any other projects similar to the proposed project been planned or completed in the same general area as the proposed project?

☒ Yes ☐ No Explain and identify any other similar projects:

As described in the EIR, three projects with similar goals are planned to occur in the study area in the reasonably foreseeable future: Hamilton City project (replace an existing flood control levee with a setback levee and habitat restoration); Sacramento River-Chico Landing Subreach Habitat Restoration Project; and habitat restoration and recreation facilities development at the Sacramento River Access at Pine Creek Project within BSRSP.

18. Will the project have the potential to encourage, facilitate, or allow additional or new growth or development?

☐ Yes ☒ No Explain:

The project would occur on State Parks' property and be managed by State Parks as part of BSRSP, consistent with the BSRSP General Plan. The project would not involve construction of housing nor the extension of public service facilities, utilities or development of a service area. The project would not be served by public sewer or water connections; rather BSRSP uses and would continue to use onsite groundwater wells, septic systems, and vault toilets. The limited number/type of jobs for construction are anticipated to be filled using the existing local employment pool and existing available housing in the region would accommodate workers.

19. Will materials be excavated from the floodplain?

☒ Yes ☐ No If yes, please answer the remaining questions.

THE REMAINING QUESTIONS MUST ONLY BE ANSWERED IF THE ANSWER TO QUESTION NO. 19 WAS "YES". IF THE ANSWER TO QUESTION NO. 19 WAS "NO", YOU DO NOT NEED TO COMPLETE THE REMAINING QUESTIONS.

A. What is the volume of material to be excavated?

Annually one - time Total 14,000 cu yd

B. What types of materials will be excavated?

Native soils previously used to construct an unpermited approximate 1,000 foot berm along the East property boundary parallel to Mud Creek and another approximate 300 foot berm along the southwest property boundary. The previous private landowners constructed these berms in the 1960s and 1970s with silt deposited in the Singh orchard from floods. Quantity of material is estimated to be approximately 10,000 cubic yards (East berm) and 4,000 cubic yards (Southwest berm), for an approximate total of 14,000 cubic yards respectively. See Attachment 7 which includes locations, x-sections, and elevations of berm material to be removed.

C. Will the project site include processing and stockpiling of material on site?

☐ Yes ☒ No Explain:

Excavated soil will be hauled off site to an approved location.

D. What method and equipment will be used to excavate material?

Excavated soil will be hauled off site to an approved location.

E. What is the water source for the project?

Existing agricultural well.

F. How will waste materials wash water, debris, and sediment be disposed of?

Best management practices will be implented, as discussed in the Final EIR, to prevent erosion and run-off from the site during excavation and restoration development activities.

G. What is the proposed end land use for the project site?

Natural habitat with hiking trails for public use.

H. Has a reclamation plan been prepared for this site in accordance with the Surface Mining and Reclamation Act of 1975?

☐ Yes ☒ No If yes, please attach a copy.

ATTACHMENT 1

Discussion of Regulatory Permits for the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project

The California Department of Parks and Recreation (State Parks), with planning assistance from The Nature Conservancy (TNC), is proposing to implement the Bidwell-Sacramento River State Park (BSRSP) Habitat Restoration and Outdoor Recreation Facilities Development Project in Butte County, California. The proposed project includes restoration of riparian habitat and creation of recreational trails in a portion of the BSRSP, the "Singh Unit," that is currently in walnut orchard.

A discussion of regulatory permits and permitting status for the proposed project is provided below in support of an encroachment permit from the Central Valley Flood Protection Board.

Clean Water Act Section 404 – Department of the Army Permit

State Parks is not seeking a Department of the Army permit because no discharge of dredged or fill materials is anticipated to wetlands or other waters of the United States. The project site is entirely within active walnut orchard and no wetlands were seen during biological surveys in support of the Environmental Impact Report (EIR). Likewise, waters of the United States in the project vicinity include Mud Creek, Big Chico Creek and the Sacramento River; the project activities are planned away from the banks of the river and creek. No earthmoving, plantings, or recreation facilities development would occur near/on the bed or banks of these waterways. Therefore, no discharge of dredged or fill materials would occur within these waters.

Clean Water Act Section 401 – Water Quality Certification

Under Section 401 of the Clean Water Act, water quality certification from the state is required for discharges of dredged or fill materials to waters of the United States. Because the proposed project is not anticipating the discharge of dredged or fill materials to wetlands and other waters of the United States, State Parks is not seeking a Department of the Army permit under Section 404 of the Clean Water Act. Therefore, State Parks is not seeking water quality certification under Section 401 of the Clean Water Act.

California Fish and Game Code Section 1602 – Lake or Streambed Alteration Agreement

A Lake or Streambed Alteration Agreement, pursuant to Section 1602 of the California Fish and Game Code is required when an action would alter or modify the bed, banks, or channel or adjacent riparian vegetation of a lake, river, or stream. State Parks is not seeking a Lake or Streambed Alteration Agreement because the proposed project activities would not alter or modify the bed, bank, or channel of Mud Creek, Big Chico Creek or the Sacramento River. Existing riparian vegetation adjacent to these waters would not be affected. The project proposes to restore riparian habitat within the project site, which is currently a walnut orchard, thus enhancing and creating a net benefit to riparian habitat in the floodplain.

Endangered Species Act and California Endangered Species Act Compliance

Based on the EIR, the proposed project is not anticipated to significantly affect federal or state threatened or endangered species. The project proposes to implement avoidance and minimization measures to avoid adversely affecting threatened and endangered species such that consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Game are not required.

HYDRAULIC MODEL ANALYSIS

For

PROPOSED

Bidwell–Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project – Singh Unit

Hydraulic Model Used for Evaluating the Singh Unit Project

The 2-dimensional hydraulic modeling tool used for this project was the RMA-2V program, maintained and distributed by the USACE and modified by Ayres Associates. The program has been used extensively for similar projects on the Sacramento River and has proven to be an effective model for representing river flow conditions. The Surface-Water Modeling System (SMS) version 9.2 pre- and post-processor was used to develop the model geometry file and to view model results.

Purpose and Scope

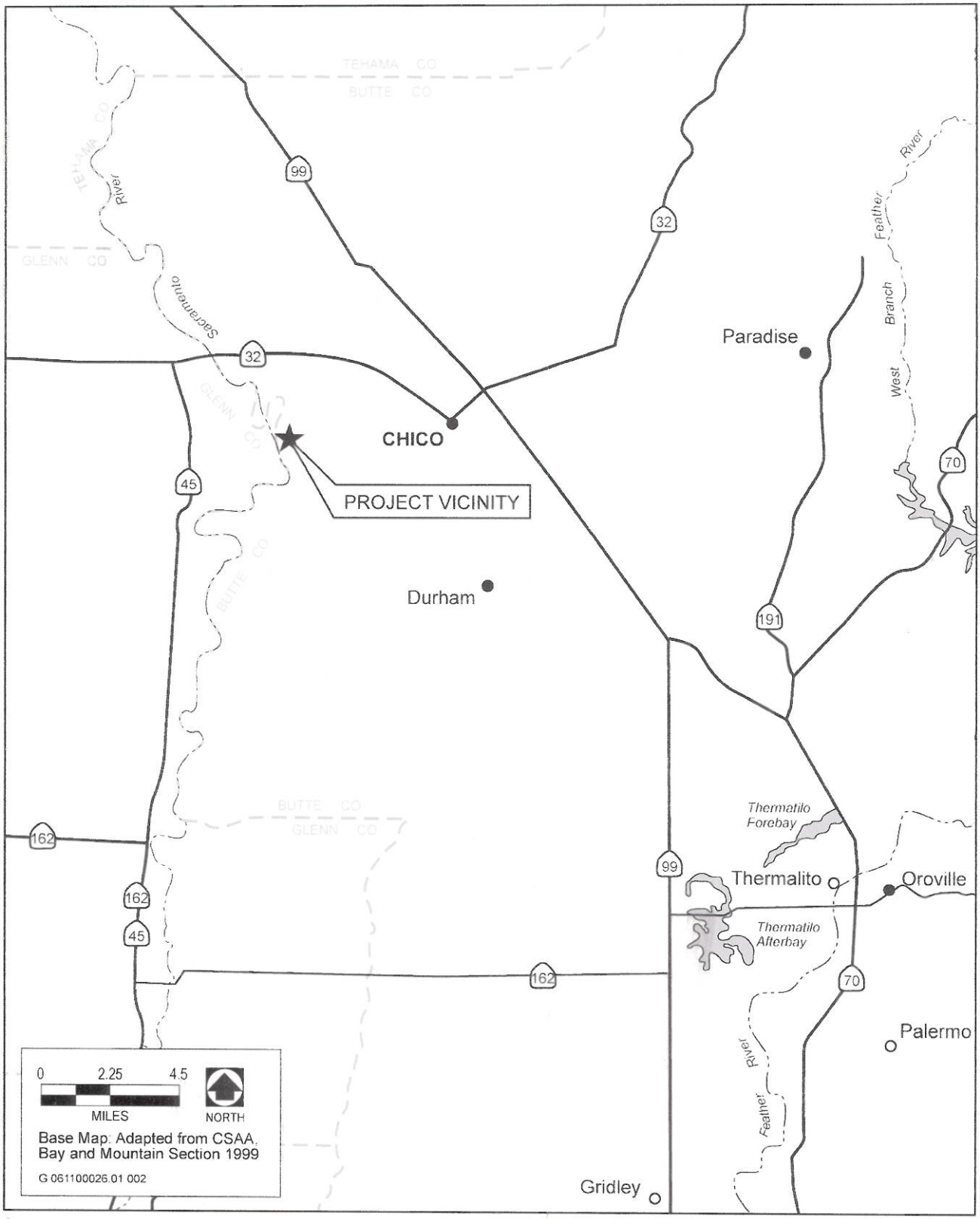
The purpose of this project was to use an existing two-dimensional hydraulic model to evaluate the hydraulic effects of habitat restoration and berm removal. This modeling was initially developed and calibrated for the J-levee project. The model was the extended and re-calibrated for the U.S. Army Corps of Engineers project (USACE). For more efficiency in running the model, the limits were reduced to RM 191 to 196.5. The project was accomplished as laid out in the scope items listed below:

- Develop and calibrate the 2-D hydraulic model to the 1995 Flood Event with the updated land use map (2006). Based on the previous 2-D hydraulic model developed by Ayres Associates in 2002, the updated model was modified with 2006 year land use.

- Develop an existing condition hydraulic model – This hydraulic model simulated the 1995 flood flow using post-January 1995 topography, river configuration and 2006 land use.

- Proposed alternative hydraulic model run – This hydraulic simulation analyzed the impacts of the potential land use changes and the removal of berms on two parcels in conservation ownership in the reach between RM 194 and RM 195.

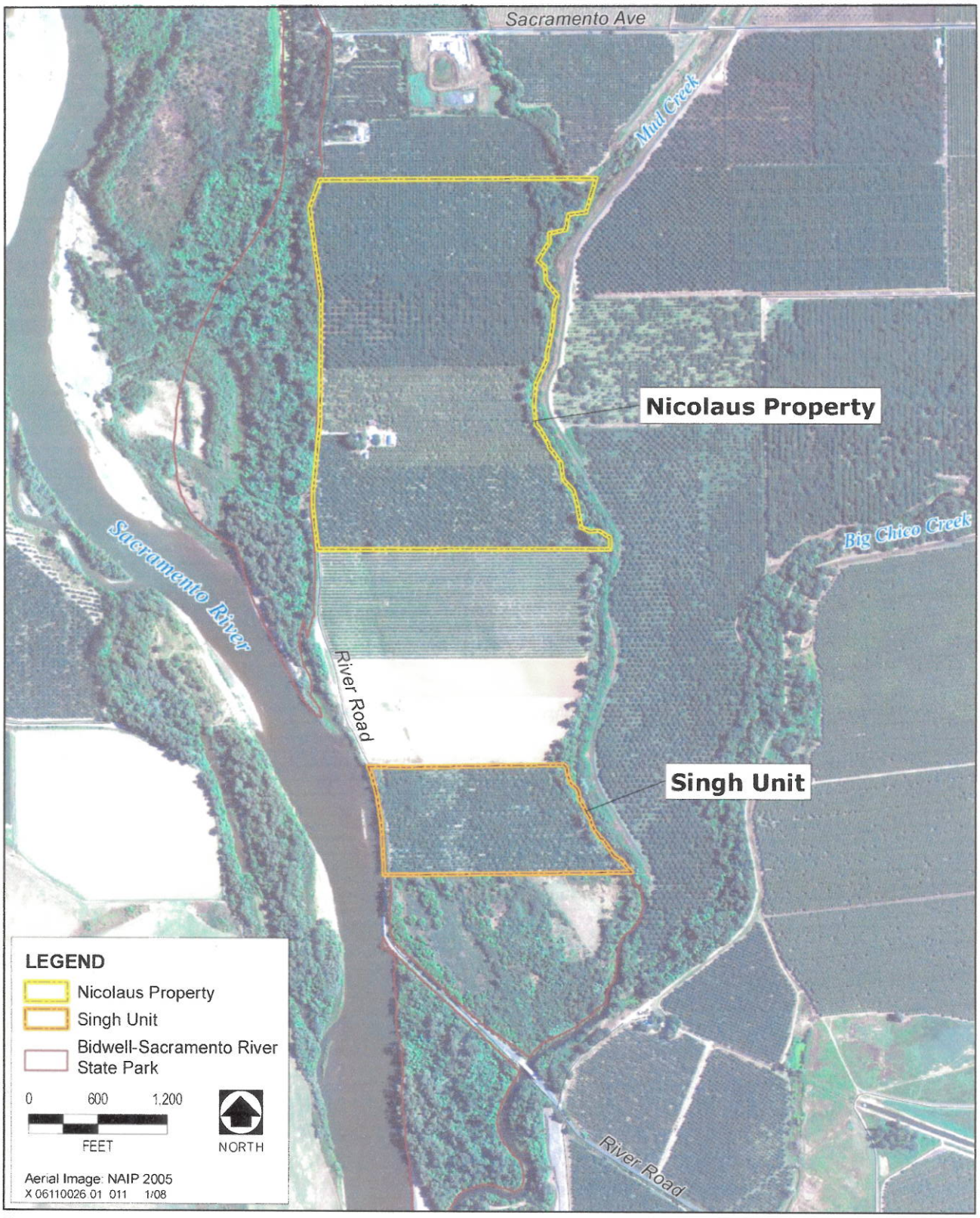
Please refer to the full hydraulic model report titled FINAL Nicolaus and Singh Restoration Hydraulic Model_May 2008 (Ayres Associates 2008) for complete model analyses.



Source: Data compiled by EDAW 2007

Project Vicinity Map

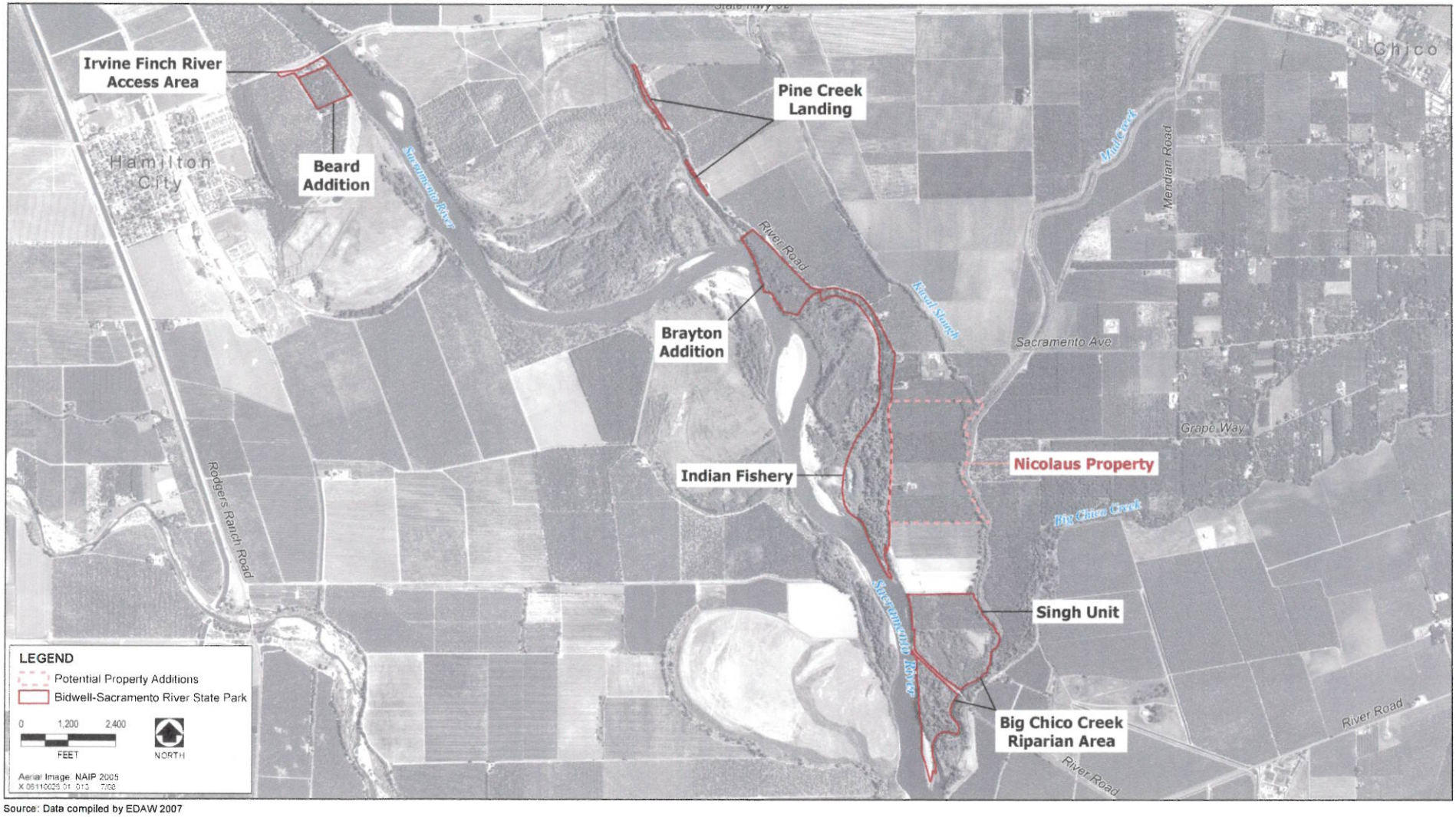
Exhibit 1



Source: Data compiled by EDAW 2007

Aerial Photograph of the Project Site

Exhibit 2

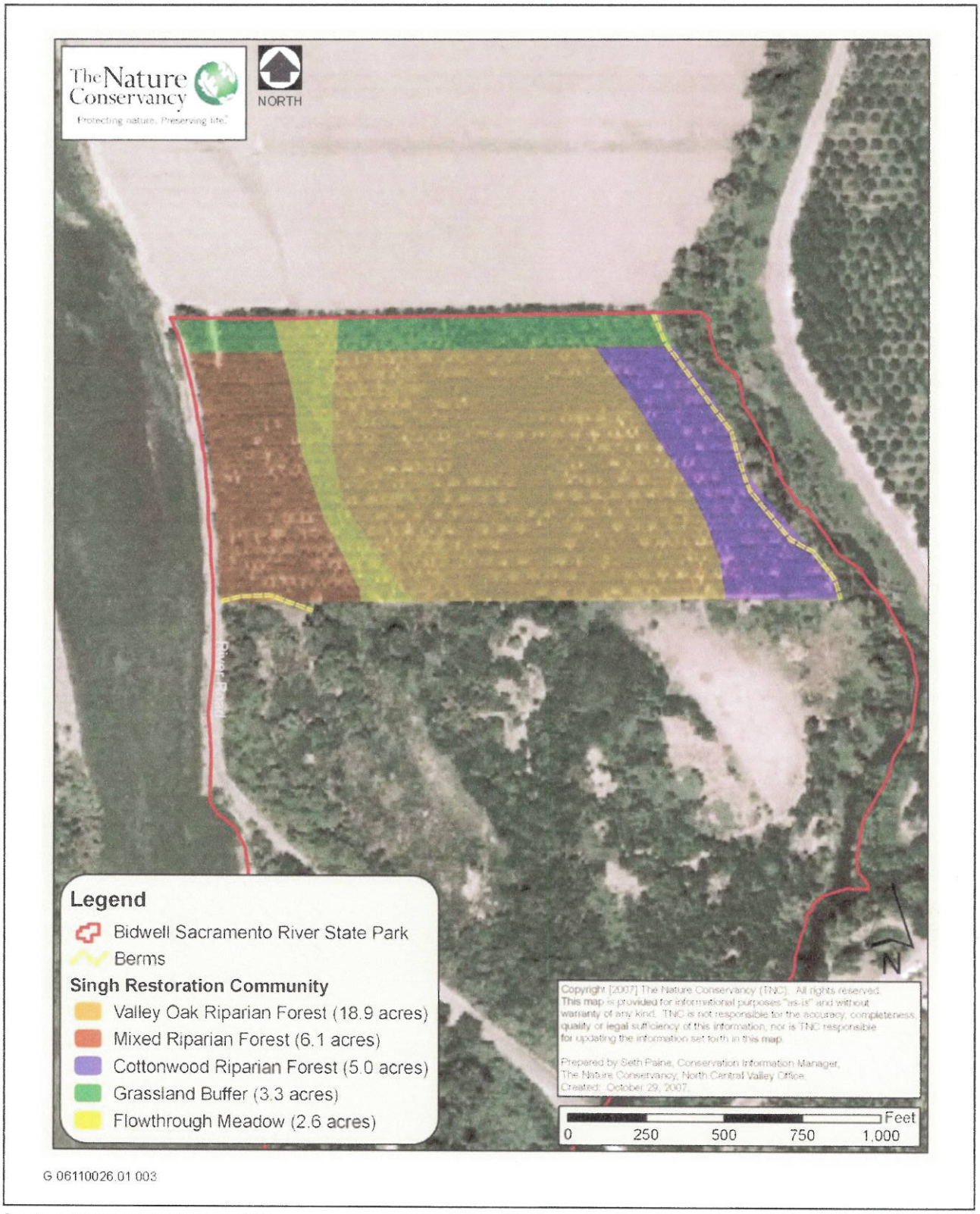


Source: Data compiled by EDAW 2007

BSRSP Subunits

Exhibit 3

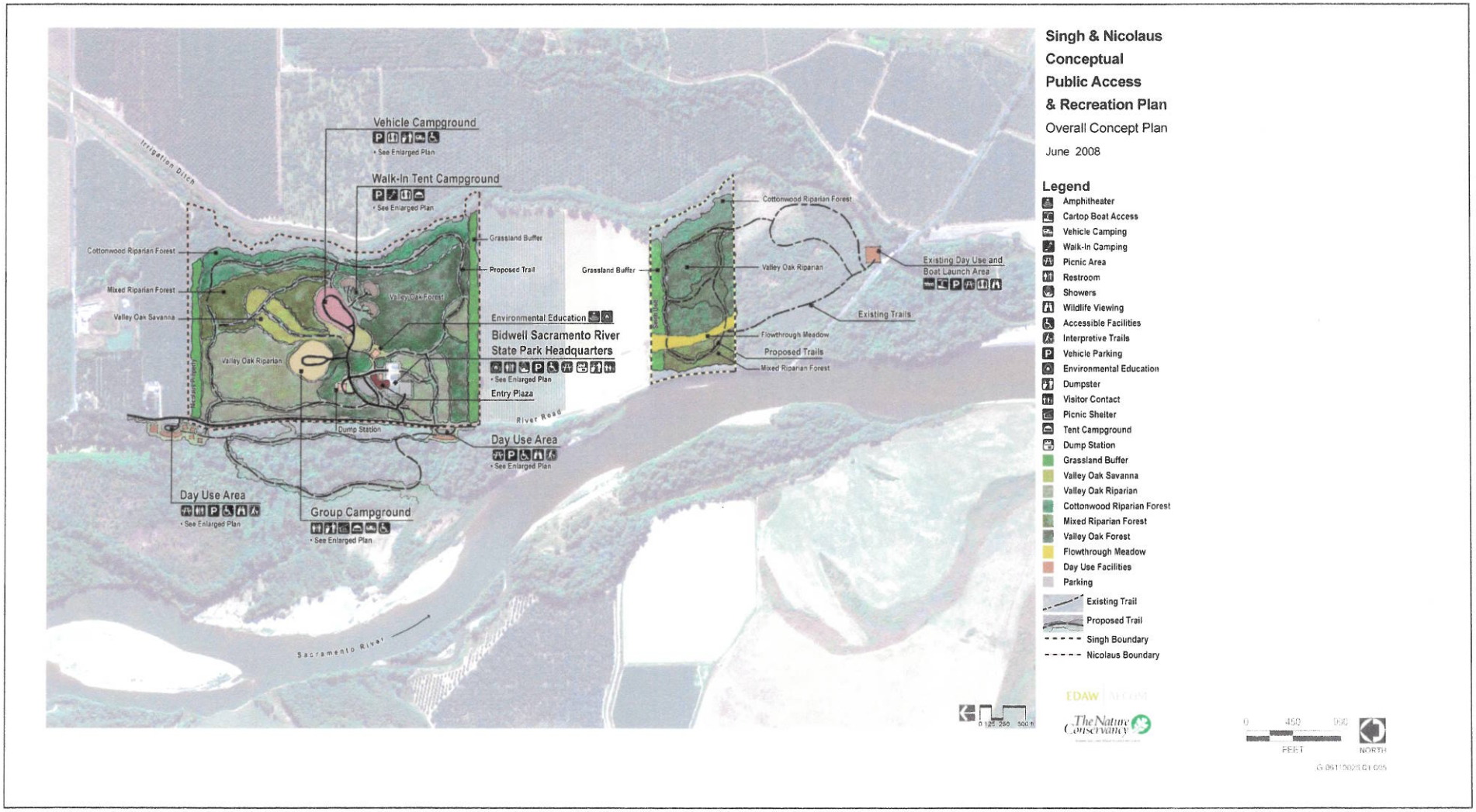
Attachment B



Source: The Nature Conservancy 2007

Singh Unit Restoration Communities

Exhibit 4



Source: EDAW 2007

Singh and Nicolaus Conceptual Public Access and Restoration Plan

Exhibit 5

Attachment B

State of California – Resources Agency
DEPARTMENT OF PARKS AND RECREATION

NOTICE OF DETERMINATION

To: State Clearinghouse
Office of Planning and Research
1400 Tenth Street, Room 222
P.O. Box 3044
Sacramento, California 95812-3044

From: Department of Parks and Recreation
Northern Buttes District
400 Glen Dr.
Oroville, CA 95966

SUBJECT: Filing of Notice of Determination, in compliance with §21108 of the Public Resources Code

Project Title: Bidwell-Sacramento River State Park, Habitat Restoration and Outdoor Recreation Facilities Development Project

State Clearinghouse Number: 2007082160

Contact Person: Denise Reichenberg **Phone:** (530) 895-4304

Project Location: Bidwell-Sacramento River State Park, Butte County, California

Project Description:
State Parks, with planning assistance from The Nature Conservancy (TNC), is proposing to implement the project on two parcels known as the Singh Unit and Nicolaus property (collectively known as the project site) along the Sacramento River within and adjacent to Bidwell-Sacramento River State Park (BSRSP or Park), west of the City of Chico in Butte County, California. The Singh Unit is owned by State Parks and located within BSRSP. The Nicolaus property is currently owned by TNC, but would be transferred to State Parks, as part of the proposed project, prior to implementation of habitat restoration activities and recreation facilities development. After transfer of the Nicolaus property to State Parks, the current BSRSP headquarters (located in the Indian Fisheries subunit) would be relocated to the existing farm complex on the Nicolaus property, which is on higher, less frequently flooded ground than the current headquarters location. Both the Singh Unit and Nicolaus property are currently in agricultural production (walnut and/or almond orchards). There is a Williamson Act contract on the Nicolaus property. Prior to habitat restoration or recreation facilities development on the Nicolaus property, the contract will either be phased out, amended or a new contract will be executed, which allows for such uses.

Habitat Restoration
The first project objective is to restore natural topography and vegetation on the Singh Unit and natural vegetation on the Nicolaus property. This includes the removal of two human-made berms on the Singh Unit; the removal of orchards from both properties; the removal of nonnative vegetation (including eucalyptus trees on the Singh Unit adjacent to River Road); and restoration of the following natural communities:

- cottonwood mixed riparian forest,
- valley oak savannah,
- mixed riparian forest,
- valley oak riparian forest, and
- native grasslands.

The Singh Unit and Nicolaus property present a unique opportunity for habitat restoration because they are located near the confluence of the Sacramento River, Big Chico Creek, and Mud Creek. The protection and restoration of habitat on these two parcels will aid in the recovery of special-status species, rehabilitate natural processes along the river, protect and restore riparian habitat, and improve water quality.

Outdoor Recreation Facilities Development
The second project objective is to develop outdoor recreation facilities on both the Nicolaus property and the Singh Unit. The inclusion of the Nicolaus property within BSRSP, and restoration of the Nicolaus property and the Singh Unit, presents an opportunity to enhance and expand the Park's recreational and public access opportunities. Therefore, the project will include the creation of new trails on both properties, aligned to connect with existing and proposed trails and facilities within the Park. It will also result in the construction of new day-use and overnight camping facilities on the Nicolaus property. The Park headquarters will be

relocated to the existing farm complex on the Nicolaus property, which is on higher, less frequently flooded ground compared to the current headquarters location. By expanding outdoor recreation facilities and restoring habitat at BSRSP, this project will increase public accessibility to the middle reach of the Sacramento River, while providing more habitats for riparian plant species and river-dependent wildlife.

The California Department of Parks and Recreation has approved this project and has made the following determinations:

1. ☒ The project will not have a significant effect on the environment.
   ☐ The project will have a significant effect on the environment.
2. ☐ A Negative Declaration was prepared and adopted, pursuant to the provisions of the California Environmental Quality Act (CEQA).
   ☒ A Final Environmental Impact Report has been completed in compliance with CEQA, and has been presented to the decision-making body of this Department for its independent review and consideration of the information, prior to approval of the project
3. Mitigation measures ☒ were ☐ were not made conditions of project approval.
4. A Mitigation, Monitoring, and Reporting Plan ☒ was ☐ was not prepared for this project.
5. A Statement of Overriding Considerations ☐ was ☒ was not adopted for this project
6. Findings ☒ were ☐ were not made on environmental effects of the project

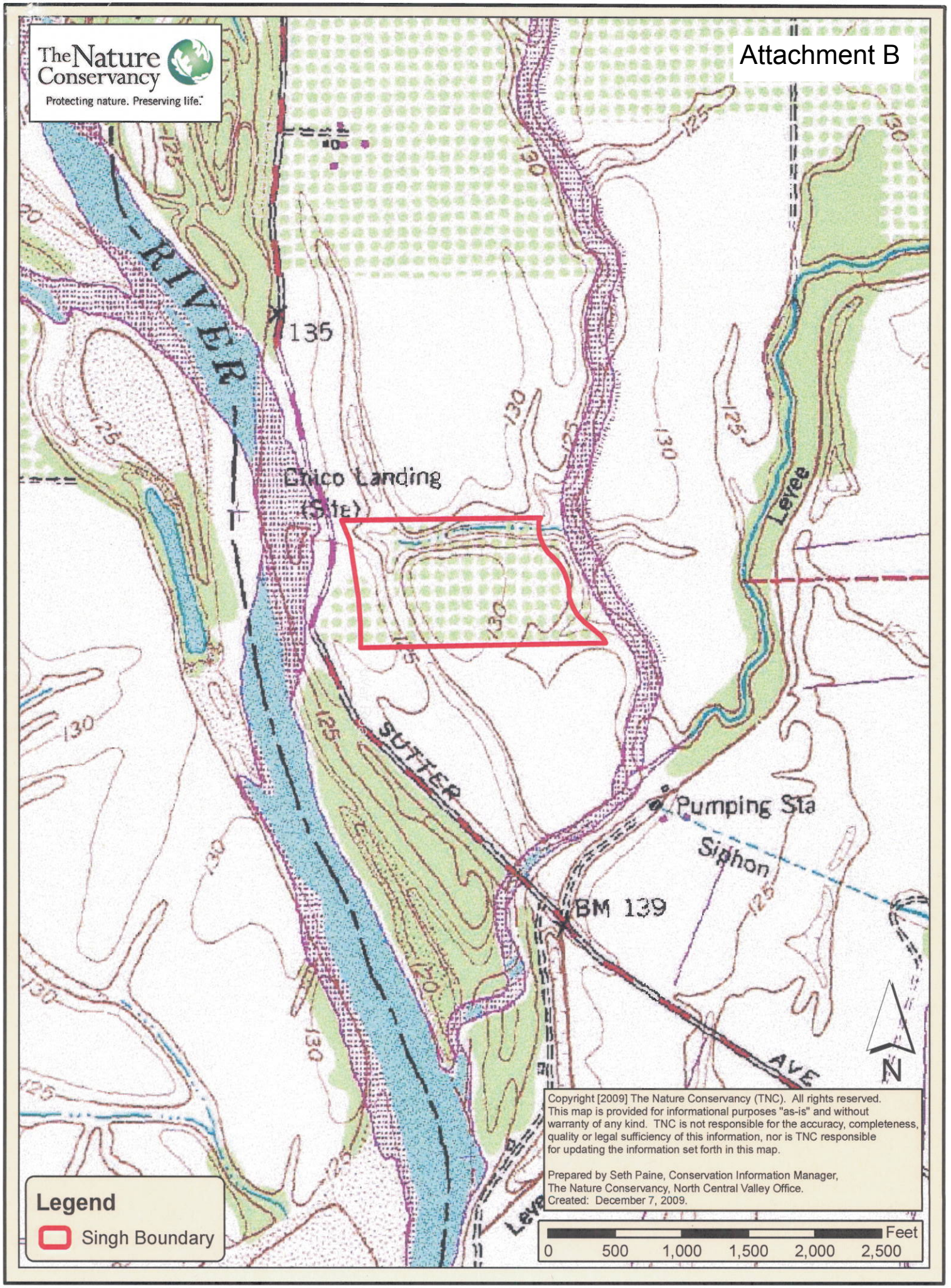
The Environmental Impact Report and record of project approval may be examined at the California Department of Parks and Recreation, Valley Sector Office, located at 525 The Esplanade, Chico California 95926.

Theodore L. Jackson Jr.

Theodore L Jackson Jr., Deputy Director
Park Operations

10-14-08
Date

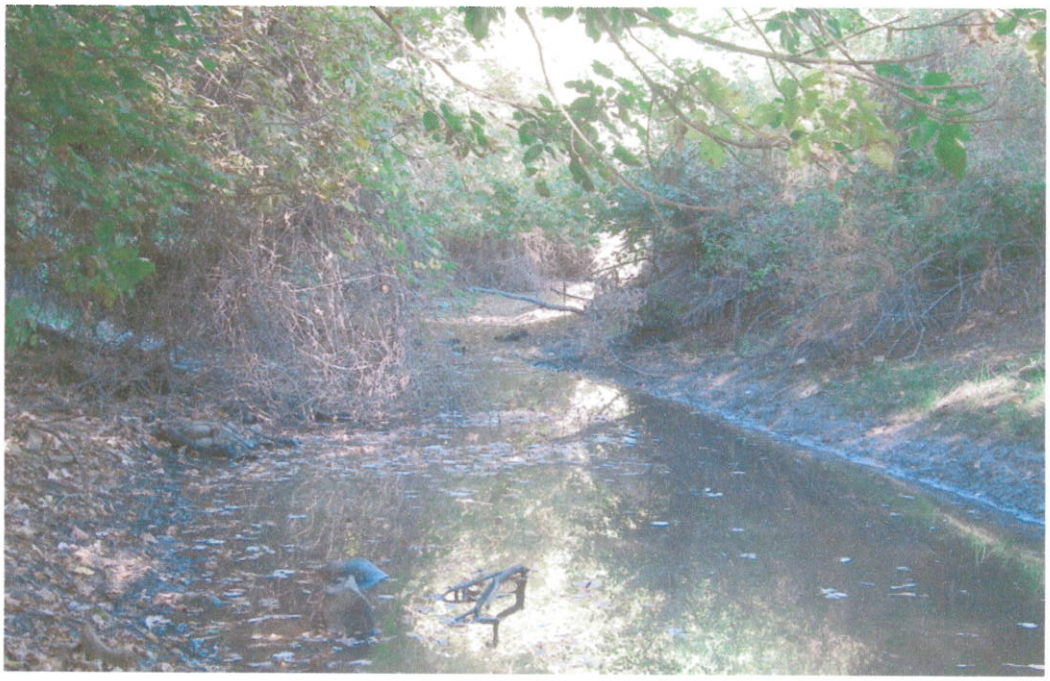
RECEIVED
OCT 16 2008
STATE CLEARING HOUSE


The Nature Conservancy
Protecting nature. Preserving life.
Attachment B
RIVER
135
Chico Landing
(Site)
Levee
SUTTER
Pumping Sta
Siphon
BM 139
AVE
N
Legend
Singh Boundary
Copyright [2009] The Nature Conservancy (TNC). All rights reserved.
This map is provided for informational purposes "as-is" and without warranty of any kind. TNC is not responsible for the accuracy, completeness, quality or legal sufficiency of this information, nor is TNC responsible for updating the information set forth in this map.
Prepared by Seth Paine, Conservation Information Manager,
The Nature Conservancy, North Central Valley Office.
Created: December 7, 2009.
Feet
0
500
1,000
1,500
2,000
2,500

View (looking north) of the Singh Unit walnut orchard.

View (facing south) of berm at the southwest border of the Singh Unit. Note that the proposed project calls for removal of the berm.

View (facing east) of the berm at the southwest border of the Singh Unit. Note that the proposed project calls for removal of the berm.



View (facing north) of Mud Creek at the eastern border of the Singh Unit.

View (facing northwest) of River Road and the Sacramento River on the western border of the Singh Unit.

View (facing southwest) of River Road and the Sacramento River on the western border of the Singh Unit.

Attachment B

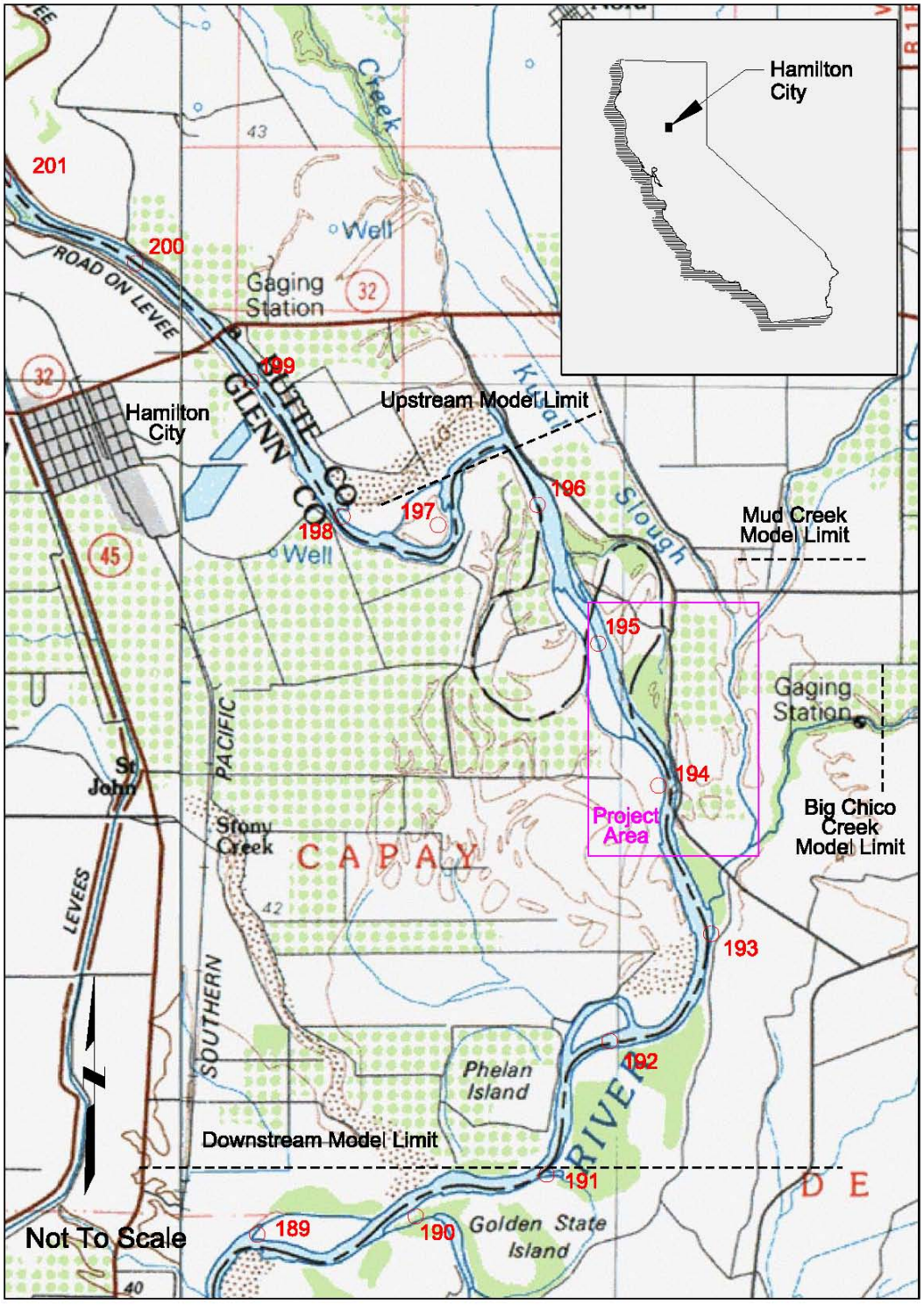


Figure 1: Model Location Map showing project area

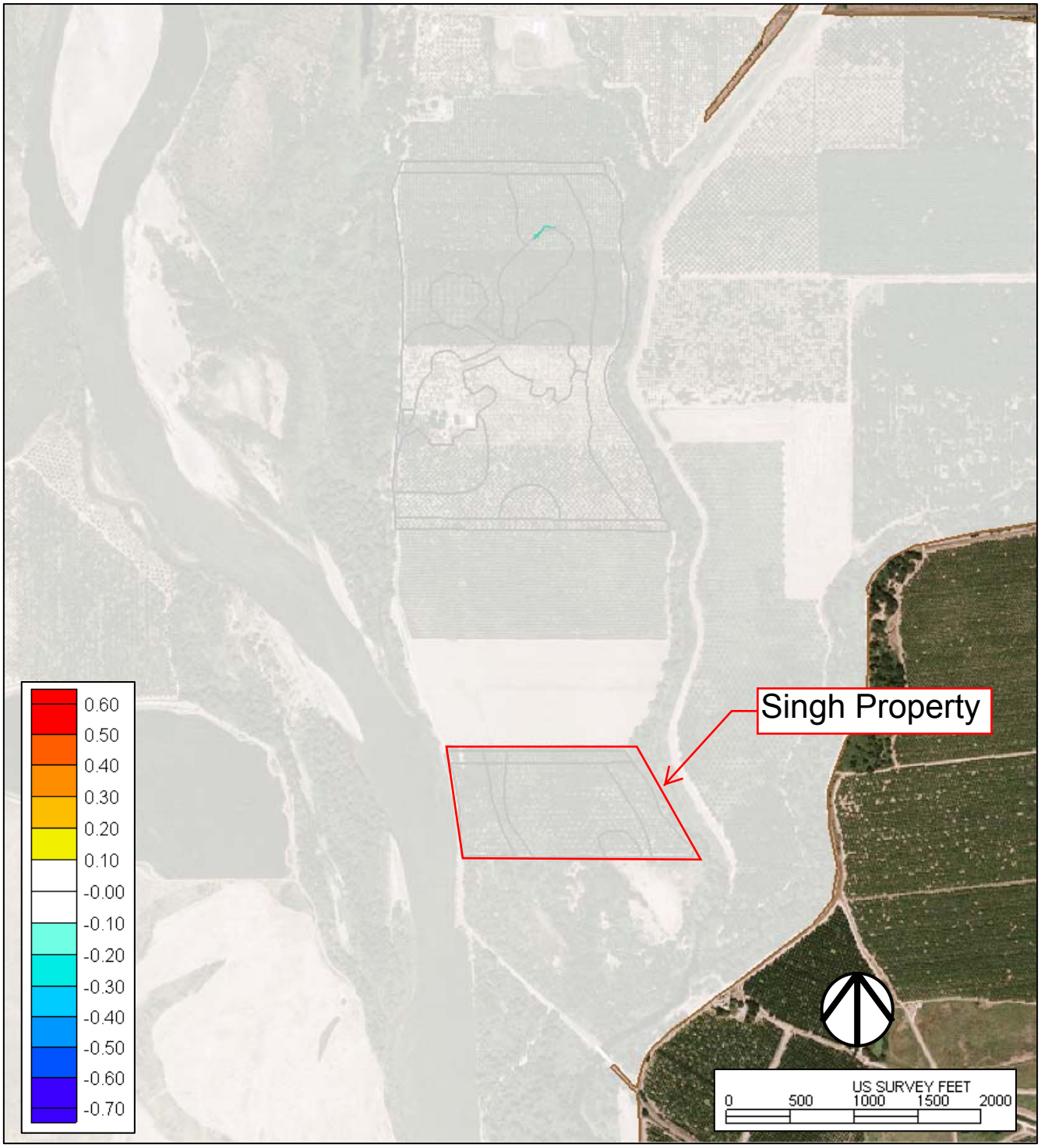


Figure 2: **Water Surface Elevation Differential – Restoration to Existing**

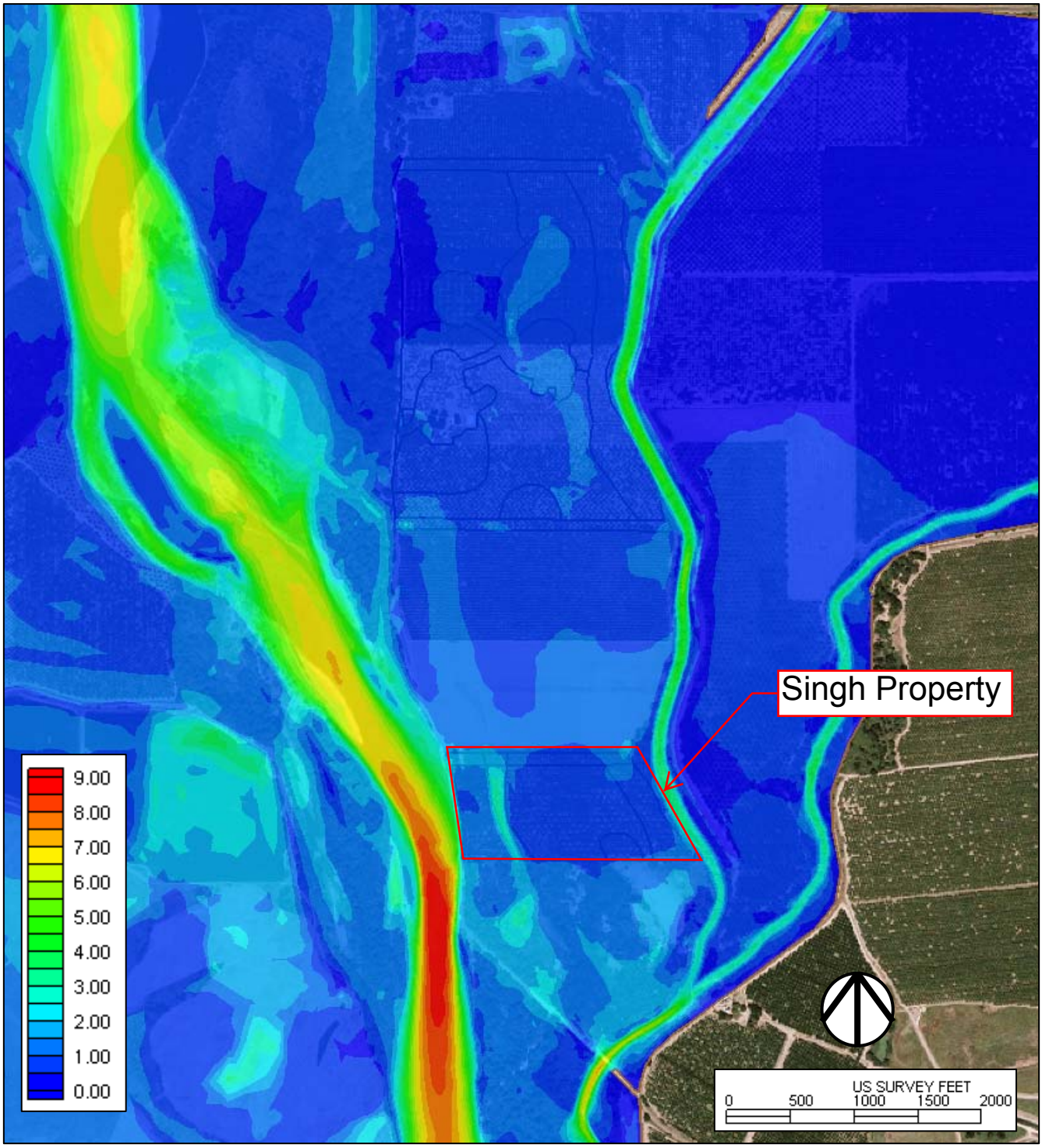


Figure 3: **Restoration Conditions Velocity**

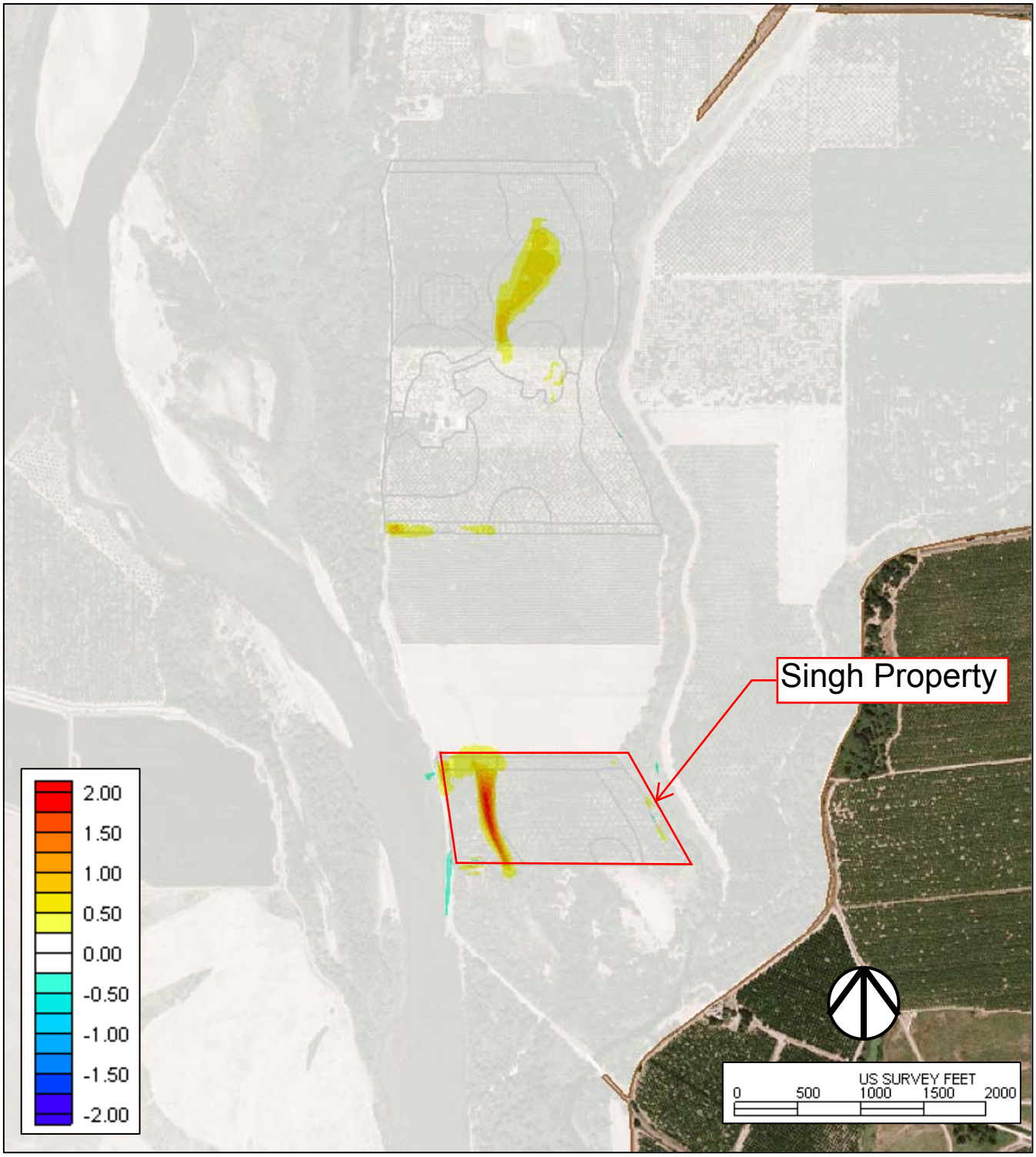


Figure 4: **Velocity Differential – Restoration to Existing**

M & T CHICO RANCH • 3964 CHICO RIVER ROAD • CHICO • CALIFORNIA 95928 • (530) 342-2954 • FAX (530) 342-4138

Attachment D

3-21-2010

Jon Yego, Chief
Floodway Protection Section
Division of Flood Management, DWR
Re: application # 18576 BD

Dear Mr. Yego,

This is being written regarding the application the CVFPB to restore a 43 acre parcel to riparian vegetation at Sacramento River mile 194, on the east bank of the river. I have specific comments on the project that relate to flood control issues on the M&T Ranch. The ranch has a levee on Big Chico Creek-left that protects the ranch when the Sacramento River is at flood stage. Big Chico Creek's confluence with the Sacramento River is at RM 193. The USACE will soon be completing a Sacramento River Flood Control Project at Hamilton City which constructs a 7 mile set-back levee with the south end of the levee terminating at RM 192.5. This set back levee will restrict the Sacramento River Flood flows into a tighter area in the vicinity of the proposed riparian vegetation planting project at RM 194. The restoration project is adjacent to Big Chico Creek, M&T Ranch, and our Big Chico Creek Levee. If the 43 acre area is planted to riparian vegetation, over time it will fill in and become very dense and serve as a silt trap. The USACE set-back levee and the proposed restored area will eventually serve as a restriction to Sacramento River flood flows which will put additional pressure on my Big Chico Creek Levee and may cause it to fail. There are other parcels north of this 43 acres that the State Park either owns or is reported to have designs to own, that would further exacerbate our flood flow problem in the event they are someday also restored with riparian vegetation. This in combination with the USACE set-back levee could prove to be a disaster to this ranch.
This letter is my protest to this proposed riparian restoration planting if I can not be assured that someday there will not be consequences to the integrity of our Big Chico Creek Levee. May I suggest that this area be maintained as a grassland. I have enclosed a map of the new USACE set back levee.

Sincerely,

Les Heringer, Jr.

cc Paul Minasian
cc Jeff Meith

FARM DOLLARS AT WORK

Attachment D

- Alternative 6 -
Intermediate Setback Upstream of Hwy 32 \ Locally Developed Setback Downstream of Hwy 32

Hamilton City
Flood Damage Reduction and Ecosystem Restoration, CA

map created September 25, 2003

Attachment D

Clint Maderos Backhoe
Clint Maderos
12102 River Road
Chico, CA 95973

Central Valley Flood Protection Board
Jon Yego
Floodway Protection Section
Division of Flood Management
3310 El Camino Ave. Rm LL40
Sacramento, CA 95821
(916) 574-0609

March 20, 2010

PROTEST OF APPLICATION 18576 BD

In response to the plan to restore a 43-acre parcel (Singh Unit) by removing two existing "berms" and nonnative vegetation, and planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east) bank of the Sacramento River, I protest this application.

I have lived and farmed walnuts for the past 24 years at 12102 River Road, upstream from the location (Section 2, T21N, R1W, MDB&M) of the proposed project. This project of the California Department of Parks and Recreation is clearly and directly oppositional to the interests of all of the neighboring farmers who succeed in their work due to the flood management infrastructure that has been constructed in the vicinity, for example, the adjacent levee. The health of our agriculture depends on minimizing the effects of flooding on our orchards and fields. The Park Department plan to alter the terrain at the above location amounts to putting a plug into to a system that has developed over decades to deal with seasonal flooding which occurs from numerous sources.

I protest the planting of vegetation in this location. This action is contrary to the interests of all of the farmers in this area. The California Department of Parks and Recreation is premature in their attempts to reclaim this area. Their plans to convert historical agricultural use land within the Butte County Green Line to a recreational use constitutes an unacceptable nuisance to the farmers who are working to make a living here.

Sincerely Yours,

Clint Maderos

Clint Maderos
530.514.8665

MINASIAN, SPRUANCE,
MEITH, SOARES &
SEXTON, LLP

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A Partnership Including Professional Corporations

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OROVILLE, CALIFORNIA 95965-1679

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WILLIAM H. SPRUANCE,
Of Counsel

MICHAEL V. SEXTON,
Of Counsel

TELEPHONE:
(530) 533-2885

FACSIMILE:
(530) 533-0197

Attachment D

March 19, 2010

Jon Yego, Chief
Floodway Protection Section
Division of Flood Management
Central Valley Flood Protection Board
State of California
3310 El Camino Avenue, Room LL40
Sacramento, California 95821

Re: Department of Parks & Recreation Application No. 18576 BD to restore a 43-acre parcel (Singh Unit) by removing two existing berms and nonnative vegetation and planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east) bank of the Sacramento River, west of Chico, South of Sacramento Avenue, Section 2, T21N, R1W, M.D.B.& M. (Sacramento River, Butte County)

Ladies & Gentlemen:

The Laura E. Mendonca Revocable Trust received a copy of your notification of March 9, 2010 as an adjacent landowner regarding the Department of Parks & Recreation's Application No. 18576 BD for the removal of berms and nonnative vegetation and a replanting within the designated floodway on the East bank of the Sacramento River. The Sacramento River Reclamation District in which these lands are located has never received notice of the Application made.

We would appreciate it if you would take each of the following steps regarding the Application

1. Attached you will find letters from 2000 through 2008 of the Sacramento River Reclamation District through this office to the Department of Parks & Recreation requesting consultation and an opportunity to review and work with them in regard to development of any grading, leveling or habitat restoration plan. Willingness to divulge specific land and vegetation changes has never occurred. We would appreciate it if you

would provide a full copy of those letters and of this letter to each of the Members of the Central Valley Flood Protection Board, because we believe they reflect three (3) principle themes:

A. When local interests step forward to work in providing a system for review of grading and land elevation or vegetation changes, and work in cooperation with the County and former Reclamation Board, as Sacramento River Reclamation District has done and continues to be willing to do, issues can be resolved. As your board members review this packet of correspondence and our efforts to deal with the State of California in regard to its plans, hopefully the board members will ask the questions:

(1) How can we approve this project when at every stage, the Department of Parks & Recreation refuses to communicate and specify exactly what they intend to do? How can we turn the Nature Conservancy as a contractor and Parks & Recreation loose, when over eight (8) years there have been repeated attempts by the local interests to work with the Department Parks & Recreation that have been rebuffed and responded to with non-definitive responses;

(2) Mike Peterson of your Board staff indicates that your board is requesting additional plans, profiles and specifications of the vegetation which is actually to be installed. We have been asking for this same information repeatedly, including the enclosed March 17, 2008 letter relating to the CEQA process and have received no specific plans for the Singh or Nicholas properties. The Department of Parks & Recreation is going to induce a drainage and flood-protection disaster because they refuse to work with the parties who know this area and know its flow characteristics. The only question is whether the Reclamation Board is going to be a party to this disaster.

(3) In 2000, Butte County and the Reclamation Board entered into a Memorandum resolving litigation which contemplated the formation of the Sacramento River Reclamation District and its involvement at the basic level to reduce load upon the County and the Reclamation Board and to provide an interface with landowners so they would understand the importance of choosing crops or vegetation and

choosing leveling or grading plans which would allow for maintenance of the existing flow functions of this land which is often flooded, either from Mud Slough or from the Sacramento River. The landowners within the area work with the Sacramento River Reclamation District and Butte County before they make changes. We have an agency of the State of California – the Department of Parks & Recreation – that is now proposing to remove berms, to plant vegetation in an area which has been open and undulating and has easily taken care of flows from each direction, and they cannot communicate with either the neighbors, the Sacramento River Reclamation District, Butte County, nor apparently can they supply the information to the Reclamation Board because they are "the State". Public funds are so limited that we cannot afford this attitude. Your Board can correct this situation.

(4) This is a matter which should be taken off of the Agenda of the Central Valley Flood Protection Board until such time as the Department of Parks & Recreation has fully explored and elucidated its plan for the Singh property and the adjacent Nicholas property with Sacramento River Reclamation District and Butte County. If we are being unreasonable or obstructionist in the opinion of your staff, the Flood Protection Board can then place the matter back on your Agenda. At this point, however, it is obvious that the Department of Parks & Recreation and perhaps the Nature Conservancy, who wishes to be employed by the State, are attempting to run over the locals and – we believe – the Central Valley Flood Protection Board as well, by its vagueness and uncertainty. The exact role of the Nature Conservancy in this stonewalling is unknown to us at this time.

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

- dictated but not read; signed in writers' absence to avoid delay -

By: Paul R. Minasian /s/
PAUL R. MINASIAN

PRM:dd
Enclosures: Correspondence 2000 through 2008
cc w/enclosures: Board of Trustees, Sacramento River Reclamation District
S:\Denise\Sacrec\Central Valley Flood Conservation Board.1.wpd

Attachment D

MINASIAN, SPRUANCE, BABER, MEITH, SOARES & SEXTON, LLP
ATTORNEYS AT LAW
(A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS)
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PAUL JACKSON MINASIAN, 1933-1981
DAVID H. MINASIAN, RET. 1989

pminasian@minasianlaw.com

FILE COPY

October 3, 2000

Stuart Edell, Manager
Land Development Division
Butte County Public Works Department
7 County Center Drive
Oroville, California 95965

Rob McKenzie and Neil H. McCabe
Assistant County Counsel
County of Butte
25 County Center Drive
Oroville, California 95965

Re: Development Permit, Department of Parks & Recreation, for the Peterson Addition to the Bidwell-Sacramento River State Park

Ladies and Gentlemen:

A very productive meeting was held with Woody Elliott of the Department of Parks & Recreation and the Board of Directors of Sacramento River Reclamation District ("SRRD") on October 2, 2000. As you know, both the County and the SRRD are feeling their way along in regard to the Development Permit process. The fact that the first Development Permit to come before the Butte County and the SRRD involve an intensive revegetation proposal by the Department of Parks & Recreation makes the effort even more important and demands logical treatment.

We believe that as a result of the meeting and discussion that there was a substantial recognition on the part of the Department of Parks & Recreation, which recognition of course pre-existed the meetings, that the planting of intensive vegetation in low lying areas could result in blockage and structural changes in flood elevations and the retention and lack of drainage of flood waters in Mud Creek upon the decline in river levels in the Sacramento River.

The Board of Directors and the Department of Parks & Recreation recognize that not all vegetative developments, including agricultural developments, will involve these potential impacts, nor will all revegetation plans have the potential of being equivalent to structural impediments to flood flows or drainage. Mr. Elliott indicated that if the SRRD would suggest alternatives, the prospect of obtaining a Permit from Butte County might well be advantageous compared to going through the Reclamation Board. After extensive discussion, the SRRD agreed that if a Development Permit Application was made by the Department of Parks & Recreation to the County of Butte (in which Permit they may reserve any claims that no permitting authority exists because it is difficult to show the flood and drainage changes as a result of intensive revegetation work resulting in a structure or levee equivalent), and if that Permit showed the maintenance of at least 100 yards (300 feet) of open space Savannah development instead of the planting of trees, bushes and Himalayan blackberry bushes in the low-lying areas of Fields 1, 2 and 3 so that water may leave Mud Creek near the Northeast corner of the Singh property and the Peterson Addition, and proceed during drainage phases in which the level of the Sacramento River is dropping across the Peterson Addition towards the Sacramento River, that with the other mitigation measures proposed by the SRRD and the existing plan of the Department of Parks & Recreation, that no significant detrimental impact will arise as a result of flood or drainage characteristics.

This 300' wide area need not be in one open swath (which of course would be preferable), and the Department of Parks & Recreation may locate it in two or three parallel areas in the low points of its existing property. One excellent portion of this plan is that there is no intent to provide for extensive leveling or contouring of the property to change the drainage pattern in an unnatural way.

We believe, therefore, that the Department of Parks & Recreation will shortly be asking that you issue a Permit based upon the CEQA process and the Development Plan alternatives. Although the density of planting is extremely high in those areas in which planting will occur, the above change should be located in a fashion in which little impact will occur on adjoining agricultural lands to change either the flooding pattern or the drainage pattern after floods.

As soon as you have received the Application for Permit, we would appreciate receiving a copy of it to conform that this change which was discussed has been included. The District will be happy to review the plan and the hydrologic work of Mr. Countryman, and report to the County our recommendations, thus reducing the investment of time by the County. We will notify the surrounding landowners and incorporate their views.

The issuance of a Permit by Butte County is in fact a betterment and improvement upon the conditions faced by the Department of Parks & Recreation. If Parks & Recreation were required to submit this matter to the Reclamation Board, it seems unlikely that they could get their project moving this fall and winter when the planting conditions will be ideal.

We commend the Department of Parks & Recreation and Mr. Elliott for their cooperative attitude, and look forward to receiving a copy of the Permit Application with this modification so that we may send a final letter of approval on behalf of the Reclamation District and aid the County in processing so that there is no duplication of effort.

Very truly yours,

MINASIAN, SPRUANCE, BABER,
MEITH, SOARES & SEXTON, LLP

By: _____
PAUL R. MINASIAN

PRM:df
cc: Boar d of Directors, SRRD
Woody Elliott, State of California Department of Parks & Recreation

Attachment D

LETTER OF PROTEST

Mendonca Orchards, Inc.
3685 Chico River Road
Chico, CA 95928
Ph (530) 342-4771 Fax (530) 893-3274

March 25, 2010

Central Valley Flood Control Board
3310 El Camino Avenue Room LL40
Sacramento, CA 95821

Attention: Central Valley Flood Control Board

I am writing this "Letter of Protest" to you in response to a letter from the Central Valley Flood Control Board pertaining to an application for proposed land activities by the California Department of Parks and Recreation. We own and operate farm land north (up stream) from the proposed land project. The project description is to restore a 43 acre (Singh Unit) by removing two existing berms and nonnative (agricultural) vegetation and planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east) bank of the Sacramento River. The location of this proposed land application is West of Chico and South of Sacramento Avenue Section 2, T21N, R1W, MDB&M (Sacramento River, Butte County).

The type of vegetation and other property changes that is being proposed for this location will eventually lead to increased sediment deposits from flood water in the project property as well as a denser plant habitat which will in result cause increased flooding on up-stream properties including our land just north of Sacramento Avenue. This increased flooding will make our land less farmable as a result of increased disease pressure from increased flooding on our existing orchard. Increased flooding will also negatively impact public roads and residences in the area. Depending on the degree of changes, the proposed modifications could make our farm land less usable and restrict its uses for crop thus reducing its value.

Again we strongly appose as stated in this Letter of Protest the requested land changes listed above for the reasons stated on the land which the California Department of Parks and Recreation has filed an application.

Sincerely,

Steven Mendonca

Steven Mendonca
Chief Financial Officer

Attachment D

Laura E. Mendonca Revocable Trust
3437 Chico River Road
Chico, CA 95928

March 17, 2010

Central Valley Flood Protection Board
3310 El Camino Avenue, Room LL40
Sacramento, CA 95821

SUBJECT: PROTEST

I am totally opposed to the project that California Department of Parks and Recreation is applying for a permit to perform works on property known as the Singh Unit located on the designated floodway (River Mile 194) of the left bank of the Sacramento River.

The removal of the man made berms could allow good drainage flow, by not allowing water to back-up. But the removal of producing walnut trees and replacing with riparian vegetation and native grasses will only create a huge problem for my land.

The 'natural habit' will slow the flow of water causing it to be redirected as debris builds up and large amounts of silt are deposited. Since my land is open farmland, water that is redirected will take the path of least resistance, flowing across my land causing extreme erosion to my property and loss of income for myself.

For a direct example of what will happen to the Singh Unit if this permit is allowed, take a look at the Peterson Unit on the south side of the Singh Unit. This was planted with riparian vegetation 'natural habitat'. As the debris and silt built up on the Peterson Unit, it also filled the existing sloughs causing water began to back up and stand on both properties to the north of the Peterson Unit. This is the direct result of not maintaining the natural drain sloughs. I am asking that this permit be denied.

I ask that if you have any questions please direct them to my son Larry Mendonca (contact information below) as he is my spokesperson and will be happy to speak on my behalf regarding my concerns on this matter.

Sincerely,

Laura E. Mendonca
Farmer/Property owner

Larry Mendonca
654 Reavis Avenue
Chico, CA 95928
530-228-7625
530-342-7625

Attachment D

John J. Nock
4033 Ord Ferry Road
Chico, CA 95928

March 28, 2010

Central Valley Flood Protection Board
3310 El Camino Ave, Rm LL40
Sacramento, CA 95821

RE: Application No. 18576 BD
Protest based on flood control concerns

I am writing in protest to the proposed changes to the Singh Unit to riparian vegetation and native grasses. I do not protest the removal of the existing berms.

As a neighboring property owner, I object to the creation of new property uses that will create obstructions to flood flows that divert waters onto my property and to that of other farmers who wish to continue in production agriculture.

The application refers to the existing walnut orchard as "nonnative vegetation". The use of the this field as a walnut orchard requires the trees to be maintained in a certain way that, as a consequence, allows increased water flow during flood events. The walnut tree orchard canopy must be pruned with enough clearance to allow tractors and other orchard equipment to pass underneath. Also, major silt accumulations must be removed in order for orchard operations to proceed. These practices are in contrast with what will occur with "native vegetation". The native vegetation will not be maintained. The vegetation canopy will be low to the ground with no clearance. Silt accumulations will be allowed and go unmitigated. The result is the hydrological roughness will increase over time as native vegetation creates a physical barrier to flows. The native vegetation will catch brush and debris from upstream and further constrict flows. Silt laden flood waters will slow in this area due to the increased hydrological roughness and thereby raise the level of the property over time. The increase in property elevation will necessarily shift flood flows to surrounding properties and will destroy the current drainage patterns which allows surface water to drain off from agricultural properties to the north (the Mendonca properties).

The result of this project will be increase flooding to neighboring farming operations and the destruction of the current drainage pattern that allows the Mendonca property to drain. The increased flood flows will be felt both as increased velocity of flood flows (due to the creation of increased hydrological roughness on the Singh Unit) and increased duration of flood events (due to the destruction of the natural drain patterns across the Singh Unit). Neither of these consequences should be allowed.

The property immediately to the South of the Singh Unit is known as the Peterson Unit and is now part of State Parks. It was restored to riparian vegetation and is creating a

physical barrier to flood flows. The Peterson Unit demonstrates that flood flows become restricted, silt accumulates and land levels rise, and that eventually neighboring property owners received increased flooding due to this type of land use change. The addition of the Singh Unit to the physical barrier created by the Peterson Unit will create increased flooding conditions which will marginalize surround farming property, potentially to the point of becoming un-economic.

As a neighboring property owner and on behalf of my neighbors, I ask you to consider this application carefully in view of the proposed change in land use and how it will be maintained and act in a way that maximizes flow across the Singh Unit. Please do not allow the California Department of Parks and Recreation to harm the surrounding lands. Please deny the request to transform this property to another piece of un-maintained riparian vegetation that will create addition flooding in this critical drainage area.

John J. Nock

BOARD OF SUPERVISORS

ADMINISTRATION CENTER
25 COUNTY CENTER DRIVE - OROVILLE, CALIFORNIA 95965
TELEPHONE: (530) 538-7224

BILL CONNELLY, CHAIR
First District

JANE DOLAN
Second District

MAUREEN KIRK
Third District

STEVE LAMBERT
Fourth District

KIM K. YAMAGUCHI
Fifth District

March 24, 2010

Jon Yego, Chief
Floodway Protection Section
Division of Flood Management
Central Valley Flood Protection Board
3310 El Camino Ave., Rm. LL40
Sacramento, CA 95821

RE: Application to Remove Two Berms Near Proposed Sacramento-Bidwell State Park

Mr. Yego,

On March 23, 2010, the County learned that the California Department of Parks and Recreation (CDPR) sent an application to the Central Valley Flood Protection Board (CVFPB) for the project as described below:

Description: To restore a 43-acre parcel (Singh Unit) by removing two existing berms and nonnative vegetation and planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east bank of the Sacramento River

Location: The project is located west of Chico and south of Sacramento Avenue. Section 2, T21N, R1W, MDB&M (Sacramento River, Butte County)

Letters from CVFPB sent to adjacent property owners, dated March 9, 2010, gave them 20 days to protest the project or the matter may be approved on the CVFPB's consent agenda.

The area in question pertains to the proposed Sacramento-Bidwell State Park. Butte County has previously sent a letter of opposition to this project and sent a delegation to Sacramento to oppose it. The County also sent a lengthy response to the State's Environmental Impact Report on the project. Nonetheless, neither CDPR nor CVFPB notified the County on the application by CDPR.

The deadline to comment of the application was March 29, 2010. However, the County found out

about the application on March 23, 2010. The County's engineer needs time to study the application to analyze any environmental impacts and/or the flooding impacts to Butte County. Therefore, the Butte County Board of Supervisors requests an extension of the comment period of no less than 30 days.

Sincerely,

Bill Connelly

Bill Connelly, Chair
Butte County Board of Supervisors

cc: Butte County Board of Supervisors
Stuart Edell, Deputy Director, Butte County Public Works Department

Enclosure

John J. Nock
4033 Ord Ferry Road
Chico, CA 95928

March 28, 2010

Central Valley Flood Protection Board
3310 El Camino Ave, Rm LL40
Sacramento, CA 95821

RE: Application No. 18576 BD
Protest based on flood control concerns

I am writing in protest to the proposed changes to the Singh Unit to riparian vegetation and native grasses. I do not protest the removal of the existing berms.

As a neighboring property owner, I object to the creation of new property uses that will create obstructions to flood flows that divert waters onto my property and to that of other farmers who wish to continue in production agriculture.

The application refers to the existing walnut orchard as "nonnative vegetation". The use of the this field as a walnut orchard requires the trees to be maintained in a certain way that, as a consequence, allows increased water flow during flood events. The walnut tree orchard canopy must be pruned with enough clearance to allow tractors and other orchard equipment to pass underneath. Also, major silt accumulations must be removed in order for orchard operations to proceed. These practices are in contrast with what will occur with "native vegetation". The native vegetation will not be maintained. The vegetation canopy will be low to the ground with no clearance. Silt accumulations will be allowed and go unmitigated. The result is the hydrological roughness will increase over time as native vegetation creates a physical barrier to flows. The native vegetation will catch brush and debris from upstream and further constrict flows. Silt laden flood waters will slow in this area due to the increased hydrological roughness and thereby raise the level of the property over time. The increase in property elevation will necessarily shift flood flows to surrounding properties and will destroy the current drainage patterns which allows surface water to drain off from agricultural properties to the north (the Mendonca properties).

The result of this project will be increase flooding to neighboring farming operations and the destruction of the current drainage pattern that allows the Mendonca property to drain. The increased flood flows will be felt both as increased velocity of flood flows (due to the creation of increased hydrological roughness on the Singh Unit) and increased duration of flood events (due to the destruction of the natural drain patterns across the Singh Unit). Neither of these consequences should be allowed.

The property immediately to the South of the Singh Unit is known as the Peterson Unit and is now part of State Parks. It was restored to riparian vegetation and is creating a

physical barrier to flood flows. The Peterson Unit demonstrates that flood flows become restricted, silt accumulates and land levels rise, and that eventually neighboring property owners received increased flooding due to this type of land use change. The addition of the Singh Unit to the physical barrier created by the Peterson Unit will create increased flooding conditions which will marginalize surround farming property, potentially to the point of becoming un-economic.

As a neighboring property owner and on behalf of my neighbors, I ask you to consider this application carefully in view of the proposed change in land use and how it will be maintained and act in a way that maximizes flow across the Singh Unit. Please do not allow the California Department of Parks and Recreation to harm the surrounding lands. Please deny the request to transform this property to another piece of un-maintained riparian vegetation that will create addition flooding in this critical drainage area.

John J. Nock

Attachment E

ADDENDUM

to the **Final Environmental Impact Report**
Bidwell-Sacramento River State Park Habitat Restoration
and Outdoor Recreation Facilities Development

Prepared for the Central Valley Flood Protection Board
Evidentiary Hearing on the Encroachment Permit
Application for Riparian Habitat Restoration on the Singh
Unit of the Bidwell-Sacramento River State Park

January 2011

Submitted by
CA State Parks
Northern Buttes District
400 Glen Drive
Oroville, CA 95966
Lwestrup@parks.ca.gov
530 538-2213
530 538-2244 (fax)
www.parks.ca.gov

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Introduction

The California Department of Parks and Recreation (State Parks) with planning assistance from The Nature Conservancy (TNC) proposes to implement the restoration of the Singh Unit, a 43-acre parcel included in the Bidwell-Sacramento River State Park. The Final Environmental Impact Report for the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project (SCH#2007082160) dated September 17, 2008 included the development of recreation facilities and restoration of riparian habitat on two properties, the Nicolas property, the Singh Unit. California State Parks owns the Singh unit and the Nicolas property is owned by TNC and will be transferred to State Parks as part of the proposed project prior to habitat restoration activities and recreation facilities development on that property. The restoration of the Nicolas property is not included with the Encroachment Permit request since restoration and development of the property is delayed until the expiration of a Williamson Act contract in 2018.

The restored Singh property is planned to provide both environmental and public outdoor recreational opportunities. The parcel will be restored with native habitat (see attached Revised Planting Plan and will include unpaved, interpretive trails. The Draft Environmental Impact Report was prepared following well-attended public information and scoping meeting. The Central Valley Flood Protection Board (CVFPB) was identified as a Responsible Agency and was included in the distribution and review of the Draft EIR.

The Draft EIR was released for public review and filed with the State Clearinghouse on January 31, 2008. The public review process included multiple meetings with surrounding landowners and local agencies and a public hearing in Chico on February 19, 2008. Thirteen written comments were received to the Draft EIR and addressed in the Final EIR. As a result of the public input that was received, substantial changes were made to the project design that was incorporated into the Final EIR. The Notice of Determination was filed with the State Clearinghouse on October 16, 2008.

In late 2009, funding was secured for the restoration construction of the Singh property. In July 2009, an application was filed for an encroachment permit (#18576 BD) and notices were sent to surrounding property owners by CVFPB staff in March 2010. Seven letters were received in response to that notice. These letters largely restated concerns that had previously been raised during the public review process and that had been addressed in the Final EIR. Subsequent discussions with Central Valley Flood Protection Board staff led to the agreement that an Addendum to the Final EIR, as specified in CEQA Guidelines Section 15164 is the appropriate method to summarize the concerns expressed in these letters and to demonstrate how the concerns are addressed in the Final EIR. Accordingly, this Addendum was prepared by State Parks to provide clear documentation to the Central Valley Flood Protection Board that the requirements of

the California Environmental Quality Act had been met for the proposed encroachment permit. As noted in the Final EIR, the restoration required an encroachment permit from the Central Valley Flood Protection Board.

California State CEQA Guidelines Section 15164 provides specific guidance regarding the use of an Addendum to an Environmental Impact Report that has been previously certified by the Lead Agency. That guidance is provided below.

15164. Addendum to an EIR or Negative Declaration:

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

1 Hydraulic Analysis of the Singh Unit Restoration

A complete hydraulic analysis was prepared for the Singh Unit restoration as part of the Final EIR. Ayres Associates with Tom Smith as the project manager prepared the analysis, titled Hydraulic Analysis for Flood Neutrality on the Nicholaus and Singh Properties – Sacramento River, Mud Creek and Big Chico Creek - May 30, 2008. The hydraulic analysis is included in its entirety in Appendix C. The Hydraulic Analysis uses a 2-dimensional hydraulic model that was developed by Ayres Associates for the area surrounding the Nicolaus and Sing restoration areas. Ayres was chosen for the work because they had the most extensive experience modeling the Sacramento River including significant work for the Army Corps of Engineers and the Department of Water Resources as part of the nearby Hamilton City setback levee project.

As requested by Butte County and others the original Hydraulic Analysis was expanded to consider the impacts of the proposed habitat restoration on flows from Mud Creek and Big Chico Creek as well as the Sacramento River in the Final EIR. The model was calibrated with the best available flood flow information and evaluated the proposed vegetation communities at their full growth, consistent with remnant riparian vegetation in the area. The hydraulic analysis report provides complete information related to any changes in the velocity and depth of flood flows. The hydraulic analysis was included in the Final EIR and shared with Butte County and other interested local landowners and policy decision makers.

The hydraulic analysis determined that the proposed restoration would not have a negative impact on the flood control system and the surrounding properties. The specific conclusions of the analysis related to the Singh Unit are as follows:

- The meadow flow-through in the Singh property causes a 2.0 ft/s increase, however given the low existing conditions velocities (1.0 ft/s) and planned vegetation, a resultant velocity of 3.0 ft/s will not create any harmful effects at this location.
- The hydraulic model shows very little change in water surface elevation. There are no increases in water surface as a result of this restoration.

In summary, the hydraulic analyses demonstrated that the flow-through meadow area would provide capacity to accept flood flows that compensates for the increase in roughness resulting from the full growth of the riparian forest. As a result it was determined that the Singh Unit restoration will not increase flood flow levels or cause changes in flood flow velocity that result in erosion or deposition impacts on surrounding properties. The Hydraulic Analysis is provided in Attachment A

2. Supplemental Sedimentation Analysis of the Singh Unit Restoration

The hydraulic analysis contained in the Final EIR and included as Appendix C of this Addendum documents that the restoration will not reduce the flow rate or the velocity of flood flows and therefore increased sedimentation will not occur. Tom Smith of RiverSmith Engineering prepared expanded technical interpretation of the Hydraulic Analysis results related to sedimentation. Mr. Smith was the project manager for the Hydraulic Analysis while with Ayres Associates. This analysis is provided in Appendix D.

3. Encroachment Permit Application Comment Letters and References to the Final EIR

In response to notices of the encroachment permit application for the Singh Unit habitat restoration that were sent by the Central Valley Flood Protection Board to area landowners and agencies the CVFPB received seven letters protesting the proposed habitat restoration. These letters are provided in their entirety as Attachment A. The letters raised concerns that had previously been addressed. This section of the Addendum identifies the potential impacts of the proposed restoration that are raised in each letter and indicates how these concerns are addressed in the Final EIR.

a. Letter from Laura E. Mendonca Revocable Trust dated March 17, 2010

- Removal of the existing berms is a positive action. Author's note: there are two berms located on the Singh parcel. The East Berm is parallel to River Road and is at average 11' feet high. The Southwest Berm is much smaller and averages 3' feet in height.

  Removal of the berms was discussed in the Draft EIR and was fully addressed in the Final EIR. Removal of the berms was incorporated in the hydraulic analysis in the Final EIR and considered as part of that analysis. The removal of the berms is noted in Section 3.4.2 and Exhibit 3.7 of the Final EIR and in the response to Draft EIR comments. It is noted that the berm on the east side of the site along Mud Creek was not included in the Army Corps of Engineers plan for flood protection along Mud Creek at the request of local landowners and the Reclamation Board. The berm to be removed from the Singh Unit is therefore an unpermitted structure on the floodplain. Inputs received during the public meeting process from local landowners also supported the removal of the berms.

- Restoration will slow and redirect the flow of floodwater causing erosion

  This concern was raised during the review of the Draft EIR and was fully addressed in the Final EIR. The hydraulic analysis and discussion in section 4.3.3 of the Final EIR documents that the restoration of the Singh Unit will not result in slowing or redirecting the flow of floodwaters. Common Response 6 to Draft EIR comments throughout the FEIR also addresses this concern in detail citing information from the hydraulic analysis.

- Restoration of the Peterson Unit cited as an example of potential problems

  This concern was addressed during the Draft EIR review although it relates to an area that is not a part of the proposed restoration or the proposed encroachment permit. A portion of the Peterson Unit, which lies to the south of the Singh Unit, was restored to riparian habitat in 2005-06. Neighboring landowners indicated that they feel that vegetation on that property limits the flow of floodwaters. A site analysis indicates, however, that the vegetation that may limit the flow is remnant riparian vegetation and was not part of the restoration on the Peterson Unit. Nonetheless, the California State Parks initiated a project in December of 2010 to remove natural vegetation in the subject area and increase the ability of the area to carry flood flows.

  It is also important to note that, unlike the remnant riparian vegetation on the Peterson Unit, the restoration of the Singh Unit will include a grassland flow-through corridor along the existing swale that crosses the property. State Parks will annually maintain this corridor as an open flow-through area. As demonstrated in the hydraulic analysis this flow-through area will accept flood flows such that there will not be a restriction to flood flows following restoration. See Appendix C, hydraulic analysis, for evidence to support this.

b. Letter from Paul Minasian dated March 19, 2010 (attachment letter from Paul Minasian dated October 3, 2000)

- State Parks has not divulged specific land and vegetation changes and refuses to communicate what they intend to do

  The plans for the restoration and recreation improvements on the Singh Unit as well as the Nicolaus property were the subject of multiple public meetings attended by many local landowners and other interested parties. State Parks met with interested parties and made changes to these plans as a result of inputs received. The land use and restoration plans were a part of the Draft EIR and are included in the Final EIR. The respondent attended at least one of the public information meetings where the plans were reviewed and provided a seven-page comment to the Draft EIR that is included in the Final EIR as Comment L3. DPR has clearly informed and engaged interested parties as to their plan for land and vegetation changes. A summary of outreach activities on this project is included in Appendix E.

- Restoration will induce drainage and flood protection impacts

  This concern was raised during the review of the Draft EIR and was fully addressed in the Final EIR. The hydraulic analysis and Section 4.3.3 of the

Final EIR document that the restoration of the Singh Unit will not result in slowing or redirecting the flow of floodwaters. Common Response 6 to Draft EIR comments also addresses this concern in detail citing information from the hydraulic analysis.

- The attached letter of October 3, 2000 cited concerns with the previous restoration of the Peterson tract and requested a 300-foot wide flow through area

  This concern was raised during the review of the Draft EIR although it relates to an area that is not a part of the proposed restoration or the proposed encroachment permit. A portion of the Peterson Unit, which lies to the south of the Singh Unit and is near the boat ramp, was restored to riparian habitat in 2005-06. Neighboring landowners indicated that they believe vegetation on that property limits the flow of floodwaters. A site analysis indicates, however, that the vegetation that may limit the flow is remnant riparian vegetation that was not a part of the restoration on the Peterson Unit. Nonetheless, the Department of Parks and Recreation initiated a project in December of 2010 to remove natural vegetation in the subject area and increase the ability of the area to carry flood flows.

  It is also important to note that, unlike the remnant riparian vegetation on the Peterson Unit, the restoration of the Singh Unit will include a grassland flow-through corridor along the existing swale that crosses the property. This corridor will be continually maintained as an open flow-through area by State Parks. As demonstrated in the Hydraulic Analysis this flow-through area will accept flood flows such that there will not be a restriction to flood flows following restoration.

c. Letter from Clint Maderos Backhoe dated March 20, 2010

- The proposed restoration will alter terrain and plug the flood control system in the area

  This concern was raised during the review of the Draft EIR and was fully addressed in the Final EIR. The hydraulic analysis and Section 4.3.3 of the Final EIR document that the restoration of the Singh Unit will not result in slowing or redirecting the flow of floodwaters. Common Response 6 to Draft EIR comments also addresses this concern in detail citing information from the hydraulic analysis.

- Converting agricultural use to recreational use constitutes an unacceptable nuisance

  This concern was raised during the review of the Draft EIR and was fully addressed in the Final EIR. Section 4.2.4 f the Final EIR addresses the

potential impacts of the change from agriculture to riparian habitat and recreation uses.

d. Letter from Les Herringer Jr. dated March 21, 2010

- The proposed Hamilton City setback levee will restrict flood flows in the vicinity of the proposed restoration

  This concern was raised during the review of the Draft EIR and was fully addressed in the Final EIR. The hydraulic analysis and Section 4.3.3 of the Final EIR document that the restoration of the Singh Unit will not result in slowing or redirecting the flow of floodwaters. Common Response 6 to Draft EIR comments also addresses this concern in detail citing information from the hydraulic analysis.

- The restoration area will become a silt trap

  The hydraulic analysis documents that the restoration will not reduce the flow rate or the velocity of flood flows so that increased sedimentation will not occur. The Sedimentation Analysis contained in Appendix D of this Addendum provides further technical interpretation of the Hydraulic Analysis results related to this point, concluding that there are no measurable changes in velocity or flow depth and therefore no changes to the existing erosion and sedimentation patterns are anticipated.

- The proposed Hamilton City setback levee and the proposed restoration will restrict flood flows and put pressure on the Big Chico Creek Levee

  This concern related to the proposed restoration raising flood levels was discussed during the review of the Draft EIR and was fully addressed in the Final EIR through the hydraulic analysis and related references. While not a part of this proposed restoration or the proposed encroachment permit, the Hamilton City setback levee project proposes to build a levee located approximately 1.5 miles west of the Singh Unit. As part of the development of plans for this project, the Army Corps of Engineers, in coordination with the Department of Water Resources, developed a two-dimensional hydraulic model for the project area. They then modeled the effects of the proposed levee for the 1, 2, 5, 10, 25, 50, 100, 200 and 500-year flood flows. A key purpose for this modeling was to ensure that the new levee would be setback sufficiently so that it would not result in higher flood levels on the east, Butte County, side of the River. Therefore that levee, if funded and constructed, will not raise flood levels or put additional pressure on the privately owned Big Chico Creek levee.

  The hydraulic analysis that is in the Final EIR and contained in Appendix C of this Addendum documents that the proposed restoration will not

increase flood levels in the area and therefore it will not raise flood levels at the Big Chico Creek levee or put additional pressure on the levee.

e. Letter from Butte County Board of Supervisors dated March 24, 2010

- Butte County previously opposed the project

  The concerns of Butte County were raised during the review of the Draft EIR and are addressed in the Final EIR in Responses to Draft EIR Comments, L1. Butte County initially indicated concerns with the potential impact of the two restoration projects (Nicolaus and Singh) on flood flows and expressed a particular concern with a proposed RV campground on the Nicolaus property. In response, State Parks removed the RV campground from the plan. State Parks staff also met with County representatives twice in 2010 and reviewed the overall plan, the restoration plan for the Singh Unit, and the hydraulic analysis.

- More time is required to analyze any environmental impacts and/or flooding impacts to Butte County

  The comment, on March 24, 2010, indicated that more time was required for review of potential environmental and/or flooding impacts and requested an additional comment period of no less than 30 days. Subsequent comments from Butte County have not been received. The comment does not raise any new environmental issues that were not adequately considered in the Final EIR.

f. Letter from Mendonca Orchards Inc. dated March 25, 2010

- The proposed restoration will lead to increased sediment deposits and increased flooding on upstream properties

  The hydraulic analysis documents that the restoration will not reduce the flow rate or the velocity of flood flows so that increased sedimentation will not occur. The grass flow through area on the Singh Unit was included per requests from the upstream neighboring property owners. The Sedimentation Analysis contained in Section 2 of this Addendum provides further technical interpretation of the Hydraulic Analysis results related to this point, concluding that there are no measurable changes in velocity or flow depth and therefore no changes to the existing erosion and sedimentation patterns are anticipated.

g. Letter from John Nock dated March 28, 2010

- The removal of the existing berms is not protested

  This consideration was raised during the review of the Draft EIR and was fully addressed in the Final EIR. Removal of the berms was noted the hydraulic analysis in the Final EIR and considered as part of that analysis. The removal of the berms is noted in Section 3.4.2 and Exhibit 3.7 of the

Final EIR and in the response to Draft EIR comments L3-3 it is noted that the berm on the east side of the site along Mud Creek was not included in the Army Corps of Engineers plan for flood protection along Mud Creek at the request of local land owners and the Reclamation Board and is therefore an unpermitted structure on the floodplain. Inputs received during the public meeting process from local landowners also supported the removal of the berms.

- Siltation will redirect flood flows on surrounding properties, increase the velocity of flood flows and increase the duration of flooding

  The hydraulic analysis documents that the restoration will not reduce the flow rate or the velocity of flood flows so that increased sedimentation will not occur. The sedimentation analysis contained in Appendix D of this Addendum provides further technical interpretation of the Hydraulic Analysis results related to this point, concluding that there are no measurable changes in velocity or flow depth and therefore no changes to the existing erosion and sedimentation patterns are anticipated.

- Restoration of the Peterson Unit cited as an example of creating a physical barrier to flood flows

  This concern was raised during the review of the Draft EIR although it relates to an area that is not a part of the proposed restoration or the proposed encroachment permit. A portion of the Peterson Unit, which lies to the south of the Singh Unit, was restored to riparian habitat in 2005-06. Neighboring landowners have indicated that they feel that vegetation on that property limits the flow of floodwaters. A site analysis indicates, however, that the vegetation that may limit the flow is remnant riparian vegetation that was not a part of the restoration on the Peterson Unit. Nonetheless, the Department of Parks and Recreation initiated a project in December of 2010 to remove natural vegetation in the subject area and increase the ability of the area to carry flood flows.

  It is also important to note that, unlike the remnant riparian vegetation on the Peterson Unit, the restoration of the Singh Unit will include a grassland flow-through corridor along the existing swale that crosses the property. State Parks will continually maintain this corridor as an open flow-through area. As demonstrated in the Hydraulic Analysis this flow-through area will accept flood flows such that there will not be a restriction to flood flows following restoration.

4. Revised Restoration Planting Plan Eliminating Rose and Blackberry

At the request of Central Valley Flood Protection Board staff, two plants, which have thorns, was eliminated from the planting mix in the restoration plan for the Singh

Unit. Additionally, the distance between the planting rows was increased from 16 feet to 30 feet. The Revised restoration-planting plan is included as Appendix F.

5. Maintenance and Monitoring Plan for the Singh Orchard Restoration

The hydraulic analysis contained in the Final EIR and in Appendix C of this Addendum documented that the proposed restoration at full growth will not restrict the flow of floodwaters. The restoration plan for the Singh Unit includes a flow-through meadow area that will be planted to native grass species. This flow-through area is important to the continued accommodation of flood flows following restoration and, therefore, State Parks will perform annual maintenance to ensure that area stays open and free of woody vegetation and flood- debris. The following Maintenance and Monitoring Plan for the Singh Orchard Restoration details the actions that State Parks will take to maintain this area.

6. Findings Related to CEQA Guidelines Section 15162

This Addendum provides an analysis of the comments that were received by the Central Valley Flood Protection Board relative to the encroachment permit application for the proposed habitat restoration of the Singh Unit. This analysis has address each comment and conclude that the comments do not raise potentially significant environmental impacts that were not adequately addressed in the Final EIR. Accordingly, it is recommended that a subsequent EIR is not required and it is recommended that the following findings be adopted in accordance with the provisions of Section 15162 of the State CEQA Guidelines.

A. Substantial changes have not been proposed in the project which will require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

B. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects

C. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Final EIR was certified, has not been identified that shows any of the following:

   1. The project will have one or more significant effects not discussed in the Final EIR;

2. Significant effects previously examined will be substantially more severe than shown in the Final EIR;

3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

4. Mitigation measures or alternatives which are considerably different from those analyzed in the Final EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Attachment A

Maintenance and Monitoring Plan for the Singh Orchard Restoration Bidwell-Sacramento River State Park

The management of California's State Park System is guided by the State Constitution, the applicable codes of California Law, proclamations, executive orders, the California Code of Regulations (CCR), Department Notices and policies of the California State Park and Recreation Commission. The State legislature provides annual funding allocations to this Department for its operation and maintenance.

The 43-acre Singh Orchard parcel is a restoration project located within the Bidwell-Sacramento River State Park at river mile 194. The property coincides with other units within the Bidwell-Sacramento River State Park in terms of access, recreational uses, facilities, operation and maintenance. The maintenance and operation for this new unit shall coincide with all current operations executed by the Department of Parks and Recreation and implemented by the Northern Buttes District.

Maintenance funding is provided by the Northern Buttes District's annual operations budget as well as potential funding earmarked under Natural Resource maintenance provided by the Department's Natural Resources Division.

The maintenance of the Singh parcel related to the accommodation of flood flows will focus on the Grassland buffer zone and the Flow through Meadow areas. This focus will ensure that the site can accommodate flood flows consistent with the Hydraulic Analysis for Flood Neutrality on the Nicholaus and Singh Properties – Sacramento River, Mud Creek and Big Chico Creek dated May 30, 2008. The two-dimensional hydraulic model cited in that Analysis was calibrated against actual flood flow records to ensure that the model accurately reflected existing conditions. The model also incorporated Manning's Roughness Coefficients for the proposed restoration planting areas that represent those vegetation communities at full growth, comparable to other remnant riparian areas in the area covered by the model. Accordingly, no unusual maintenance activities are required for the riparian forest area in the restoration. The grassland areas, the northern Grasslands Buffer Zone and the Flow through Meadow will, however, is specifically maintained by the Department to ensure that they remain open, free of woody vegetation and able to accommodate flood flows as described in the Hydraulic Analysis.

Preparation for flood events shall be initiated at first indication of flood potential from the Sacramento River, Mud Creek and Big Chico Creek, or by November 1st of each year, which ever occurs first. Staff will visually inspect the area when weather patterns indicate flood potential. This flood preparation stage coincides with the stage at which Butte County Public Works closes River Road, which provides access to the project site.

Consistent with the Department's Operation Manual, the following is a summary of operation and maintenance procedures to be implemented immediately upon the commencement of restoration at the Singh parcel with specific instructions relating to preparation for flood events:

- Maintenance staff will mow the 3.3-acre northern Grasslands Buffer Zone and the 2.6 acre Flow through Meadow annually. They will mow the Northern meadow area and the grassland buffer area prior to flood season to provide an unobstructed flow through. At the reopening of the facility after flood season, woody debris will be removed and disposed of properly off-site and outside the designated floodway.

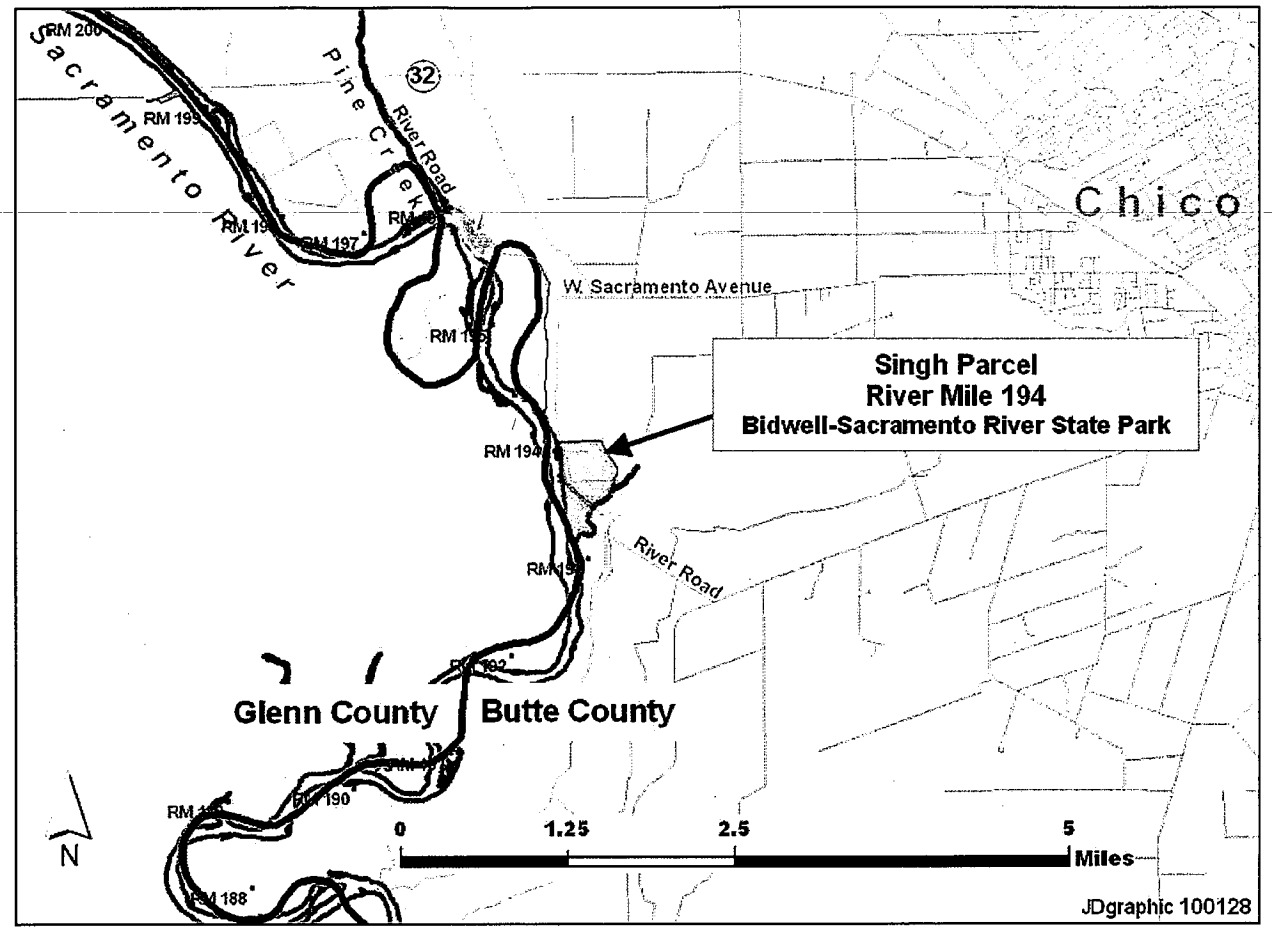
- Visual inspection of the site will be performed at the first indication of flood potential or before November 1st of each year, which ever occurs first to ensure removal of all trash and woody debris from the project site. All trash and debris shall be disposed outside of the designated floodway. This is consistent with the current maintenance operation for Bidwell-Sacramento River State Park.

- Unpaved interpretive trails will be maintained to be clear from vegetative debris, weeds, and trash after each high water event. Occasional re-grading by hand may be necessary to maintain original grades and comply with the Americans with Disabilities Act. The construction and maintenance of State Park trails are governed by the parameters within the State Parks Trail Handbook, which describes grade, base materials, tread width and trail height clearance and erosion control.

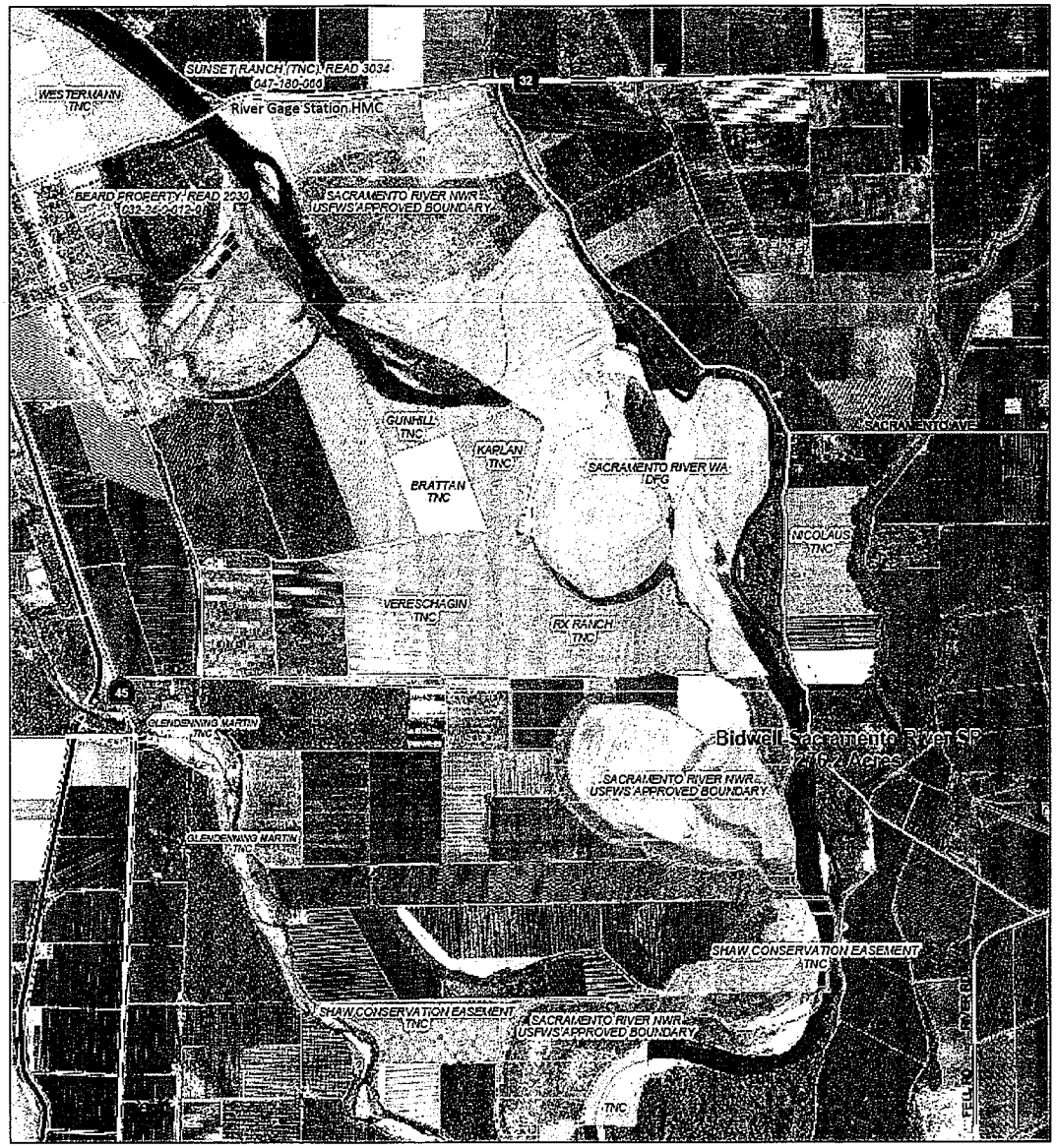
- No buildings are planned for the Singh Unit. Concrete trash receptacles will be available. For flood preparation, all trash and plastic receptacle liners will be removed from the site at the first indication of flood potential. Once the park unit is reopened after flood season, maintenance staff will remove debris as necessary and prepare facilities for operation. Significant amounts of flood debris shall be disposed of outside the designated floodway at an approved location.

- All fire protection measures will conform to the Department's Fire Management Policy and an approved wildfire management plan (DPR Operations Manual 0300 NATURAL RESOURCES SECTION 0313.2 – FIRE MANAGEMENT)

Location Map
Singh Parcel River Mile 194
Bidwell-Sacramento River State Park

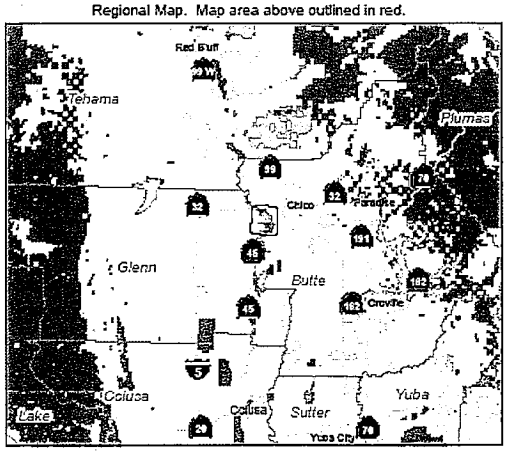


Bidwell-Sacramento River State Park



Miles
0 0.3 0.6 0.9 1.2 1.5
1 inch equals 0.5 miles

Regional Map. Map area above outlined in red.



Miles
0 10 20 30 40
1 inch equals 20 miles

Main Map Legend

- State Park Boundary
- State Park Subunit Boundary
- USFWS Approved NWR Boundary
- California Department of Fish and Game (DFG)
- The Nature Conservancy (TNC)
- United States Fish and Wildlife Service (USFWS)
- Sunset Ranch (TNC), READ 3034
- Beard Property, READ 2030

Regional Map Legend

- State Parks
- Federal
- Other State
- Local
- Land Trusts
- Conservation Easements
- Major Roads
- Counties
- Urban Areas

Aerial Imagery: National Agricultural Imagery Program, 2005. 1 meter resolution.
Topo Maps: USGS 1:24,000, and 1:100,000 scale series.
Public and Conservation Lands: GreenInfo 2008, and Vestra, 2005.
Beard and Sunset Ranch Properties: READs 2030, 3034.

Acreage is shown along with unit name for State Parks, and other Public and Conservation Lands. These values are calculated based on Geographic Information Systems, and may differ from county assessor maps.

Calif. Dept. of Parks and Recreation
Planning Division
April, 2008

0313.1.2 Natural Resource Restoration Projects

Lands acquired for the State Park System are often ecologically degraded from previous uses, requiring their restoration to conditions that allow healing and recovery. In addition, lands that have been under the Department's management may have become degraded due to the lack of adequate resources to maintain them in a healthy condition. Such lands may be degraded to an extent that their recovery cannot be accomplished within the support-based maintenance program. Restoration of these resources is often addressed through restoration projects that meet specific objectives and are accomplished within specific timeframes.

0313.1.2.1 Natural Heritage Stewardship Program

The Natural Heritage Stewardship Program, initiated in 1984, is a bond-funded program specifically for the protection, restoration and enhancement of natural heritage resources within the State Park System. The program consists of many individual projects involving the direct management of the resource rather than its engineered protection, focusing on ecological rather than construction approaches. The program also does not include projects that are plans, studies, or data collection other than as part of project work involving direct action to a resource.

Projects are expected to resolve a problem or to reduce it to a point where it can be managed through support budget means. Projects are not for ongoing or recurring resource maintenance needs.

Natural Heritage Stewardship Program projects typically have one or more of the following objectives:

- Remove or control exotic organisms in natural areas;
- Revegetate natural areas;
- Correct excessive erosion that threatens natural systems and scenic features by restoring natural conditions;
- Reintroduce organisms extirpated from a natural system or area;
- Protect, restore, or enhance critical natural communities or rare, threatened, or endangered species and their habitats;
- Restore natural processes such as tidal action or flooding when such processes can be accomplished by a short-term corrective action.

Stewardship projects are often multi-year in scope but are designed and funded in annual phases. Projects typically compete on a statewide basis and are selected from the Department's Park Infrastructure Database (PID).

0313.2 Fire Management

Wildland fire, whether human-caused or naturally ignited, may contribute to or hinder the achievement of park management objectives. Therefore, park fire management programs will be designed to meet park resource management objectives while ensuring that firefighter and public safety are not compromised.

0313.2.1 Wildfire Management

The Department manages unwanted wildland fires to protect people, property, and the natural, cultural and scenic resources of the park system. Although lightning-caused fires and burning by Native Americans occurred for thousands of years in many California ecosystems, present day unplanned fires can have deleterious effects on natural resources due to unnatural buildups of combustible vegetation. However, fire suppression activities, such as bulldozer fire control lines, can sometimes have greater adverse impacts on park resource values than the fire itself.

The Department's goal is to prevent all unplanned human-caused fires on its lands. Given that some unplanned fires will occur, both lightning-caused and human-caused, it becomes the Department's responsibility to protect human life, and to minimize damage to park facilities and resources from wildfires and from all suppression activities.

Management actions for wildland fires on Department lands involve pre-fire planning, fuel (vegetation) management, public safety measures, fire control support, post-fire evaluation and rehabilitation.

0313.2.1.1 Wildfire Management Planning

The Department can best protect its facilities, natural and cultural resources, and personnel and visitors by maintaining a park unit wildfire management plan that provides park staff and appropriate fire suppression personnel with important information on park infrastructure, resources values, and general suppression tactics before a wildfire occurs. The format for unit wildfire management plans can be found in the Natural Resources Handbook.

A park unit's wildfire management plan, when approved by the Department of Parks and Recreation and the Department of Forestry and Fire Protection (CDF) or its agent, is designated as the local fire protection agreement for the park unit.

Since most of the firefighters on a large conflagration are unaware of the Department's ownership, land management objectives and resource concerns, park staff should describe these concerns directly to the appropriate firefighting staff during these emergencies. This combination of planning and on-the-ground communication during a wildfire incident can be highly effective in preventing unnecessary damage to park resources and facilities. It can also facilitate rapid repair of damage to parklands.

0313.2.1.1.1 Wildfire Management Planning Policy

It is the policy of the Department that each Department-operated unit that may experience wildland fires will have a wildfire management plan providing requisite information for managing wildfire events, such as the locations of sensitive park resources, facilities, water supplies and existing roads. Wildfire management plans will be reviewed by designated headquarters staff and approved by the District Superintendent.

0313.2.1.2 Vegetation Management and Fuel Modification

The Department maintains wildland properties in order to preserve the natural, cultural, and scenic features for the people of California. Many of these native ecosystems contain plants that can become flammable under specific environmental conditions of high wind, high temperature and low humidity. These ecosystems inevitably burn either from natural or human causes. Buildings constructed adjacent to park units in the wildland-urban interface zone are at risk from wildland fires. There are three principal causes of ignition of structures in this zone.

The first cause involves the ignition of accumulations of ignitable materials on, under, or next to the structure, which, in turn, ignite decking or enter attics through soffit vents. This material can be ignited via ground fires or aerial flaming brands. This threat can be eliminated by removing all flammable debris that has accumulated on or under the building, clearing the vegetation that is within 30 feet of the building, and screening all openings to the attic or under the structure.

The second cause involves aerial flaming brands, which land directly on flammable surfaces of the structure. These brands can originate from wildfires

over one half-mile away from the structure. Buildings that are constructed to strict codes of ignition-resistive materials are at very low risk of ignition from flaming brands.

The third cause is severe radiant/convective heat of burning material near the structure which can: 1) ignite the sides of the building, 2) break the windows, allowing burning embers into the interior of the building, 3) ignite the interior furnishings through the windows, or 4) burn/deform the window casings causing the windows to slip out.

Fire modeling, analysis of past wildland-urban interface zone fires, and experiments to determine the ignitability of structures have confirmed that even the radiant/convective heat of extreme flaming fronts poses low risk to any structure which is 130 feet or more distant, especially if that structure conforms to strict interface fire codes of ignitability, and window strength and reflectivity.

The Department routinely receives requests/demands from outside entities to clear wildland vegetation on Department lands in order to:

1. Reduce the threat of wildfire to private property;
2. Reduce fire insurance costs to private landowners;
3. Comply with strict local ordinances; and
4. Mitigate the threat of liability for maintaining a dangerous condition.

Department lands have also been subjected to trespass and encroachment by persons illegally attempting to modify the vegetation. Modifying ecosystems on park properties for the purpose of protecting adjacent private structures from wildland fire can significantly degrade park values and in some cases adversely impact populations of threatened endangered species and cultural resources.

0313.2.1.2.1 Flammable Vegetation/Fuel Modification Policy

It is the Department's policy to prohibit the construction and maintenance of firebreaks, fuelbreaks, and other fuel modification zones on Department lands, except when:

a. Required by state law to clear around its structures/facilities;
b. Previous legal commitments have been made to allow the creation and maintenance of fuel modification areas;
c. It is critical to the protection of life or park resources; or
d. Park vegetation 130 horizontal feet from a non-Department habitable structure is capable of generating sufficient radiant/convective heat when burning under Red Flag Warning conditions to ignite the habitable structure.

All identified and approved fuel modification zones will be described in the unit wildfire management plan and will be constructed and maintained to the Department's standards (refer to Natural Resources Handbook). All proposed fuel modification projects must be reviewed for environmental impacts (see DOM Chapter 0600, Environmental Review). All other areas previously modified for fire protection purposes but not meeting the above exceptions will be returned to natural conditions.

Fuel modification proposed by CDF and in keeping with Local Operating Plans will be carried out by CDF only after review and approval by the District Superintendent, in keeping with Department Policy. In those circumstances, CDF is to ensure all necessary permits, CEQA, and other requirements are met prior to proceeding with such work.

The Department will actively participate in the local land use decision process to prevent conflicts with this policy. DPR 181, Wildfire Protection, should be used as a template to convey the Department's objectives when corresponding with local landowners and regulatory and permitting entities.

0313.2.1.3 Closure of Fire-Damaged Areas

All or a portion of a park unit may be closed when an unwanted wildland fire is threatening or burns on Department lands (see DOM Chapter 1100, Visitor Safety). Areas of a park unit, which have burned, will remain closed until appropriate Department staff have inspected the area and rectified any public safety, property or resource protection issues.

0313.2.1.4 Reporting

Written reports and maps are needed to maintain a history of fires affecting each Department park unit. This is useful information for ecosystem research and future prescribed fire and wildfire management planning efforts. For large conflagrations, Incident Action Plans, status reports, and maps are very important de-briefing information and aid in the identification of resource damage in need of repair.

Each unwanted wildland fire that burns on, or threatens, Department lands, regardless of origin, will be recorded on a DPR 385, Public Safety Report with a completed DPR 385A, Public Safety Report Supplemental - Natural Hazards, Wildfires. In addition, a prescribed fire/wildland fire summary should be completed for each wildland fire. For reporting purposes, this does not include fires burning solely in vehicles, structures, or refuse.

Attachment B

Letters Responding to the Notice of the Encroachment Permit Application from the Central Valley Flood Protection Board

M & T CHICO RANCH • 3964 CHICO RIVER ROAD • CHICO • CALIFORNIA 95928 • (530) 342-2954 • FAX (530) 342-4138

M&T

3-21-2010

Jon Yego, Chief
Floodway Protection Section
Division of Flood Management, DWR
Re: application # 18576 BD

Dear Mr. Yego,

This is being written regarding the application the CVFPB to restore a 43 acre parcel to riparian vegetation at Sacramento River mile 194, on the east bank of the river. I have specific comments on the project that relate to flood control issues on the M&T Ranch. The ranch has a levee on Big Chico Creek-left that protects the ranch when the Sacramento River is at flood stage. Big Chico Creek's confluence with the Sacramento River is at RM 193. The USACE will soon be completing a Sacramento River Flood Control Project at Hamilton City which constructs a 7 mile set-back levee with the south end of the levee terminating at RM 192.5. This set back levee will restrict the Sacramento River Flood flows into a tighter area in the vicinity of the proposed riparian vegetation planting project at RM 194. The restoration project is adjacent to Big Chico Creek, M&T Ranch, and our Big Chico Creek Levee. If the 43 acre area is planted to riparian vegetation, over time it will fill in and become very dense and serve as a silt trap. The USACE set-back levee and the proposed restored area will eventually serve as a restriction to Sacramento River flood flows which will put additional pressure on my Big Chico Creek Levee and may cause it to fail. There are other parcels north of this 43 acres that the State Park either owns or is reported to have designs to own, that would further exacerbate our flood flow problem in the event they are someday also restored with riparian vegetation. This in combination with the USACE set-back levee could prove to be a disaster to this ranch.
This letter is my protest to this proposed riparian restoration planting if I can not be assured that someday there will not be consequences to the integrity of our Big Chico Creek Levee. May I suggest that this area be maintained as a grassland. I have enclosed a map of the new USACE set back levee.

Sincerely,

Les Heringer, Jr.

cc Paul Minasian
cc Jeff Meith

FARM DOLLARS AT WORK

- Alternative 6 -
Intermediate Setback Upstream of Hwy 32 \ Locally Developed Setback Downstream of Hwy 32

Hamilton City
Flood Damage Reduction and Ecosystem Restoration, CA

map created September 25, 2003

Clint Maderos Backhoe
Clint Maderos
12102 River Road
Chico, CA 95973

Central Valley Flood Protection Board
Jon Yego
Floodway Protection Section
Division of Flood Management
3310 El Camino Ave. Rm LL40
Sacramento, CA 95821
(916) 574-0609

March 20, 2010

PROTEST OF APPLICATION 18576 BD

In response to the plan to restore a 43-acre parcel (Singh Unit) by removing two existing "berms" and nonnative vegetation, and planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east) bank of the Sacramento River, I protest this application.

I have lived and farmed walnuts for the past 24 years at 12102 River Road, upstream from the location (Section 2, T21N, R1W, MDB&M) of the proposed project. This project of the California Department of Parks and Recreation is clearly and directly oppositional to the interests of all of the neighboring farmers who succeed in their work due to the flood management infrastructure that has been constructed in the vicinity, for example, the adjacent levee. The health of our agriculture depends on minimizing the effects of flooding on our orchards and fields. The Park Department plan to alter the terrain at the above location amounts to putting a plug into to a system that has developed over decades to deal with seasonal flooding which occurs from numerous sources.

I protest the planting of vegetation in this location. This action is contrary to the interests of all of the farmers in this area. The California Department of Parks and Recreation is premature in their attempts to reclaim this area. Their plans to convert historical agricultural use land within the Butte County Green Line to a recreational use constitutes an unacceptable nuisance to the farmers who are working to make a living here.

Sincerely Yours,

Clint Maderos
530.514.8665

MINASIAN, SPRUANCE, MEITH, SOARES & SEXTON, LLP

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MICHAEL V. SEXTON,
Of Counsel

TELEPHONE:
(530) 533-2885

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March 19, 2010

Jon Yego, Chief
Floodway Protection Section
Division of Flood Management
Central Valley Flood Protection Board
State of California
3310 El Camino Avenue, Room LL40
Sacramento, California 95821

Re: Department of Parks & Recreation Application No. 18576 BD to restore a 43-acre parcel (Singh Unit) by removing two existing berms and nonnative vegetation and planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east) bank of the Sacramento River, west of Chico, South of Sacramento Avenue, Section 2, T21N, R1W, M.D.B.& M. (Sacramento River, Butte County)

Ladies & Gentlemen:

The Laura E. Mendonca Revocable Trust received a copy of your notification of March 9, 2010 as an adjacent landowner regarding the Department of Parks & Recreation's Application No. 18576 BD for the removal of berms and nonnative vegetation and a replanting within the designated floodway on the East bank of the Sacramento River. The Sacramento River Reclamation District in which these lands are located has never received notice of the Application made.

We would appreciate it if you would take each of the following steps regarding the Application

1. Attached you will find letters from 2000 through 2008 of the Sacramento River Reclamation District through this office to the Department of Parks & Recreation requesting consultation and an opportunity to review and work with them in regard to development of any grading, leveling or habitat restoration plan. Willingness to divulge specific land and vegetation changes has never occurred. We would appreciate it if you

would provide a full copy of those letters and of this letter to each of the Members of the Central Valley Flood Protection Board, because we believe they reflect three (3) principle themes:

A. When local interests step forward to work in providing a system for review of grading and land elevation or vegetation changes, and work in cooperation with the County and former Reclamation Board, as Sacramento River Reclamation District has done and continues to be willing to do, issues can be resolved. As your board members review this packet of correspondence and our efforts to deal with the State of California in regard to its plans, hopefully the board members will ask the questions:

(1) How can we approve this project when at every stage, the Department of Parks & Recreation refuses to communicate and specify exactly what they intend to do? How can we turn the Nature Conservancy as a contractor and Parks & Recreation loose, when over eight (8) years there have been repeated attempts by the local interests to work with the Department Parks & Recreation that have been rebuffed and responded to with non-definitive responses;

(2) Mike Peterson of your Board staff indicates that your board is requesting additional plans, profiles and specifications of the vegetation which is actually to be installed. We have been asking for this same information repeatedly, including the enclosed March 17, 2008 letter relating to the CEQA process and have received no specific plans for the Singh or Nicholas properties. The Department of Parks & Recreation is going to induce a drainage and flood-protection disaster because they refuse to work with the parties who know this area and know its flow characteristics. The only question is whether the Reclamation Board is going to be a party to this disaster.

(3) In 2000, Butte County and the Reclamation Board entered into a Memorandum resolving litigation which contemplated the formation of the Sacramento River Reclamation District and its involvement at the basic level to reduce load upon the County and the Reclamation Board and to provide an interface with landowners so they would understand the importance of choosing crops or vegetation and

choosing leveling or grading plans which would allow for maintenance of the existing flow functions of this land which is often flooded, either from Mud Slough or from the Sacramento River. The landowners within the area work with the Sacramento River Reclamation District and Butte County before they make changes. We have an agency of the State of California – the Department of Parks & Recreation – that is now proposing to remove berms, to plant vegetation in an area which has been open and undulating and has easily taken care of flows from each direction, and they cannot communicate with either the neighbors, the Sacramento River Reclamation District, Butte County, nor apparently can they supply the information to the Reclamation Board because they are "the State". Public funds are so limited that we cannot afford this attitude. Your Board can correct this situation.

(4) This is a matter which should be taken off of the Agenda of the Central Valley Flood Protection Board until such time as the Department of Parks & Recreation has fully explored and elucidated its plan for the Singh property and the adjacent Nicholas property with Sacramento River Reclamation District and Butte County. If we are being unreasonable or obstructionist in the opinion of your staff, the Flood Protection Board can then place the matter back on your Agenda. At this point, however, it is obvious that the Department of Parks & Recreation and perhaps the Nature Conservancy, who wishes to be employed by the State, are attempting to run over the locals and – we believe – the Central Valley Flood Protection Board as well, by its vagueness and uncertainty. The exact role of the Nature Conservancy in this stonewalling is unknown to us at this time.

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

- dictated but not read; signed in writers' absence to avoid delay -

By: _____
PAUL R. MINASIAN

PRM:dd
Enclosures: Correspondence 2000 through 2008
cc w/enclosures: Board of Trustees, Sacramento River Reclamation District
S:\Denise\Sacrec\Central Valley Flood Conservation Board.1.wpd

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WILLIAM H. BABER III, INC.
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LISA A. GRIGG

PAUL JACKSON MINASIAN, 1933-1981
DAVID H. MINASIAN, RET. 1989

pminasian@minasianlaw.com

October 3, 2000

Stuart Edell, Manager
Land Development Division
Butte County Public Works Department
7 County Center Drive
Oroville, California 95965

Rob McKenzie and Neil H. McCabe
Assistant County Counsel
County of Butte
25 County Center Drive
Oroville, California 95965

Re: Development Permit, Department of Parks & Recreation, for the Peterson Addition to the Bidwell-Sacramento River State Park

Ladies and Gentlemen:

A very productive meeting was held with Woody Elliott of the Department of Parks & Recreation and the Board of Directors of Sacramento River Reclamation District ("SRRD") on October 2, 2000. As you know, both the County and the SRRD are feeling their way along in regard to the Development Permit process. The fact that the first Development Permit to come before the Butte County and the SRRD involve an intensive revegetation proposal by the Department of Parks & Recreation makes the effort even more important and demands logical treatment.

We believe that as a result of the meeting and discussion that there was a substantial recognition on the part of the Department of Parks & Recreation, which recognition of course pre-existed the meetings, that the planting of intensive vegetation in low lying areas could result in blockage and structural changes in flood elevations and the retention and lack of drainage of flood waters in Mud Creek upon the decline in river levels in the Sacramento River.

The Board of Directors and the Department of Parks & Recreation recognize that not all vegetative developments, including agricultural developments, will involve these potential impacts, nor will all revegetation plans have the potential of being equivalent to structural impediments to flood flows or drainage. Mr. Elliott indicated that if the SRRD would suggest alternatives, the prospect of obtaining a Permit from Butte County might well be advantageous compared to going through the Reclamation Board. After extensive discussion, the SRRD agreed that if a Development Permit Application was made by the Department of Parks & Recreation to the County of Butte (in which Permit they may reserve any claims that no permitting authority exists because it is difficult to show the flood and drainage changes as a result of intensive revegetation work resulting in a structure or levee equivalent), and if that Permit showed the maintenance of at least 100 yards (300 feet) of open space Savannah development instead of the planting of trees, bushes and Himalayan blackberry bushes in the low-lying areas of Fields 1, 2 and 3 so that water may leave Mud Creek near the Northeast corner of the Singh property and the Peterson Addition, and proceed during drainage phases in which the level of the Sacramento River is dropping across the Peterson Addition towards the Sacramento River, that with the other mitigation measures proposed by the SRRD and the existing plan of the Department of Parks & Recreation, that no significant detrimental impact will arise as a result of flood or drainage characteristics.

This 300' wide area need not be in one open swath (which of course would be preferable), and the Department of Parks & Recreation may locate it in two or three parallel areas in the low points of its existing property. One excellent portion of this plan is that there is no intent to provide for extensive leveling or contouring of the property to change the drainage pattern in an unnatural way.

We believe, therefore, that the Department of Parks & Recreation will shortly be asking that you issue a Permit based upon the CEQA process and the Development Plan alternatives. Although the density of planting is extremely high in those areas in which planting will occur, the above change should be located in a fashion in which little impact will occur on adjoining agricultural lands to change either the flooding pattern or the drainage pattern after floods.

As soon as you have received the Application for Permit, we would appreciate receiving a copy of it to conform that this change which was discussed has been included. The District will be happy to review the plan and the hydrologic work of Mr. Countryman, and report to the County our recommendations, thus reducing the investment of time by the County. We will notify the surrounding landowners and incorporate their views.

The issuance of a Permit by Butte County is in fact a betterment and improvement upon the conditions faced by the Department of Parks & Recreation. If Parks & Recreation were required to submit this matter to the Reclamation Board, it seems unlikely that they could get their project moving this fall and winter when the planting conditions will be ideal.

We commend the Department of Parks & Recreation and Mr. Elliott for their cooperative attitude, and look forward to receiving a copy of the Permit Application with this modification so that we may send a final letter of approval on behalf of the Reclamation District and aid the County in processing so that there is no duplication of effort.

Very truly yours,

MINASIAN, SPRUANCE, BABER,
MEITH, SOARES & SEXTON, LLP

By: _____
PAUL R. MINASIAN

PRM:df
cc: Boar d of Directors, SRRD
Woody Elliott, State of California Department of Parks & Recreation

LETTER OF PROTEST

Mendonca Orchards, Inc.
3685 Chico River Road
Chico, CA 95928
Ph (530) 342-4771 Fax (530) 893-3274

March 25, 2010

Central Valley Flood Control Board
3310 El Camino Avenue Room LL40
Sacramento, CA 95821

Attention: Central Valley Flood Control Board

I am writing this "Letter of Protest" to you in response to a letter from the Central Valley Flood Control Board pertaining to an application for proposed land activities by the California Department of Parks and Recreation. We own and operate farm land north (up stream) from the proposed land project. The project description is to restore a 43 acre (Singh Unit) by removing two existing berms and nonnative (agricultural) vegetation and planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east) bank of the Sacramento River. The location of this proposed land application is West of Chico and South of Sacramento Avenue Section 2, T21N, R1W, MDB&M (Sacramento River, Butte County).

The type of vegetation and other property changes that is being proposed for this location will eventually lead to increased sediment deposits from flood water in the project property as well as a denser plant habitat which will in result cause increased flooding on up-stream properties including our land just north of Sacramento Avenue. This increased flooding will make our land less farmable as a result of increased disease pressure from increased flooding on our existing orchard. Increased flooding will also negatively impact public roads and residences in the area. Depending on the degree of changes, the proposed modifications could make our farm land less usable and restrict its uses for crop thus reducing its value.

Again we strongly appose as stated in this Letter of Protest the requested land changes listed above for the reasons stated on the land which the California Department of Parks and Recreation has filed an application.

Sincerely,

Steven Mendonca
Chief Financial Officer

Laura E. Mendonca Revocable Trust
3437 Chico River Road
Chico, CA 95928

March 17, 2010

Central Valley Flood Protection Board
3310 El Camino Avenue, Room LL40
Sacramento, CA 95821

SUBJECT: PROTEST

I am totally opposed to the project that California Department of Parks and Recreation is applying for a permit to perform works on property known as the Singh Unit located on the designated floodway (River Mile 194) of the left bank of the Sacramento River.

The removal of the man made berms could allow good drainage flow, by not allowing water to back-up. But the removal of producing walnut trees and replacing with riparian vegetation and native grasses will only create a huge problem for my land.

The 'natural habit' will slow the flow of water causing it to be redirected as debris builds up and large amounts of silt are deposited. Since my land is open farmland, water that is redirected will take the path of least resistance, flowing across my land causing extreme erosion to my property and loss of income for myself.

For a direct example of what will happen to the Singh Unit if this permit is allowed, take a look at the Peterson Unit on the south side of the Singh Unit. This was planted with riparian vegetation 'natural habitat'. As the debris and silt built up on the Peterson Unit, it also filled the existing sloughs causing water began to back up and stand on both properties to the north of the Peterson Unit. This is the direct result of not maintaining the natural drain sloughs. I am asking that this permit be denied.

I ask that if you have any questions please direct them to my son Larry Mendonca (contact information below) as he is my spokesperson and will be happy to speak on my behalf regarding my concerns on this matter.

Sincerely,

Laura E. Mendonca
Farmer/Property owner

Larry Mendonca
654 Reavis Avenue
Chico, CA 95928
530-228-7625
530-342-7625

John J. Nock
4033 Ord Ferry Road
Chico, CA 95928

March 28, 2010

Central Valley Flood Protection Board
3310 El Camino Ave, Rm LL40
Sacramento, CA 95821

RE: Application No. 18576 BD
Protest based on flood control concerns

I am writing in protest to the proposed changes to the Singh Unit to riparian vegetation and native grasses. I do not protest the removal of the existing berms.

As a neighboring property owner, I object to the creation of new property uses that will create obstructions to flood flows that divert waters onto my property and to that of other farmers who wish to continue in production agriculture.

The application refers to the existing walnut orchard as "nonnative vegetation". The use of the this field as a walnut orchard requires the trees to be maintained in a certain way that, as a consequence, allows increased water flow during flood events. The walnut tree orchard canopy must be pruned with enough clearance to allow tractors and other orchard equipment to pass underneath. Also, major silt accumulations must be removed in order for orchard operations to proceed. These practices are in contrast with what will occur with "native vegetation". The native vegetation will not be maintained. The vegetation canopy will be low to the ground with no clearance. Silt accumulations will be allowed and go unmitigated. The result is the hydrological roughness will increase over time as native vegetation creates a physical barrier to flows. The native vegetation will catch brush and debris from upstream and further constrict flows. Silt laden flood waters will slow in this area due to the increased hydrological roughness and thereby raise the level of the property over time. The increase in property elevation will necessarily shift flood flows to surrounding properties and will destroy the current drainage patterns which allows surface water to drain off from agricultural properties to the north (the Mendonca properties).

The result of this project will be increase flooding to neighboring farming operations and the destruction of the current drainage pattern that allows the Mendonca property to drain. The increased flood flows will be felt both as increased velocity of flood flows (due to the creation of increased hydrological roughness on the Singh Unit) and increased duration of flood events (due to the destruction of the natural drain patterns across the Singh Unit). Neither of these consequences should be allowed.

The property immediately to the South of the Singh Unit is known as the Peterson Unit and is now part of State Parks. It was restored to riparian vegetation and is creating a

physical barrier to flood flows. The Peterson Unit demonstrates that flood flows become restricted, silt accumulates and land levels rise, and that eventually neighboring property owners received increased flooding due to this type of land use change. The addition of the Singh Unit to the physical barrier created by the Peterson Unit will create increased flooding conditions which will marginalize surround farming property, potentially to the point of becoming un-economic.

As a neighboring property owner and on behalf of my neighbors, I ask you to consider this application carefully in view of the proposed change in land use and how it will be maintained and act in a way that maximizes flow across the Singh Unit. Please do not allow the California Department of Parks and Recreation to harm the surrounding lands. Please deny the request to transform this property to another piece of un-maintained riparian vegetation that will create addition flooding in this critical drainage area.

John J. Nock

BOARD OF SUPERVISORS

ADMINISTRATION CENTER
25 COUNTY CENTER DRIVE - OROVILLE, CALIFORNIA 95965
TELEPHONE: (530) 538-7224

BILL CONNELLY, CHAIR
First District

JANE DOLAN
Second District

MAUREEN KIRK
Third District

STEVE LAMBERT
Fourth District

KIM K. YAMAGUCHI
Fifth District

March 24, 2010

Jon Yego, Chief
Floodway Protection Section
Division of Flood Management
Central Valley Flood Protection Board
3310 El Camino Ave., Rm. LL40
Sacramento, CA 95821

RE: Application to Remove Two Berms Near Proposed Sacramento-Bidwell State Park

Mr. Yego,

On March 23, 2010, the County learned that the California Department of Parks and Recreation (CDPR) sent an application to the Central Valley Flood Protection Board (CVFPB) for the project as described below:

> *Description: To restore a 43-acre parcel (Singh Unit) by removing two existing berms and nonnative vegetation and planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east bank of the Sacramento River*
>
> *Location: The project is located west of Chico and south of Sacramento Avenue. Section 2, T21N, R1W, MDB&M (Sacramento River, Butte County)*

Letters from CVFPB sent to adjacent property owners, dated March 9, 2010, gave them 20 days to protest the project or the matter may be approved on the CVFPB's consent agenda.

The area in question pertains to the proposed Sacramento-Bidwell State Park. Butte County has previously sent a letter of opposition to this project and sent a delegation to Sacramento to oppose it. The County also sent a lengthy response to the State's Environmental Impact Report on the project. Nonetheless, neither CDPR nor CVFPB notified the County on the application by CDPR.

The deadline to comment of the application was March 29, 2010. However, the County found out

about the application on March 23, 2010. The County's engineer needs time to study the application to analyze any environmental impacts and/or the flooding impacts to Butte County. Therefore, the Butte County Board of Supervisors requests an extension of the comment period of no less than 30 days.

Sincerely,

Bill Connelly

Bill Connelly, Chair
Butte County Board of Supervisors

cc: Butte County Board of Supervisors
Stuart Edell, Deputy Director, Butte County Public Works Department

Enclosure

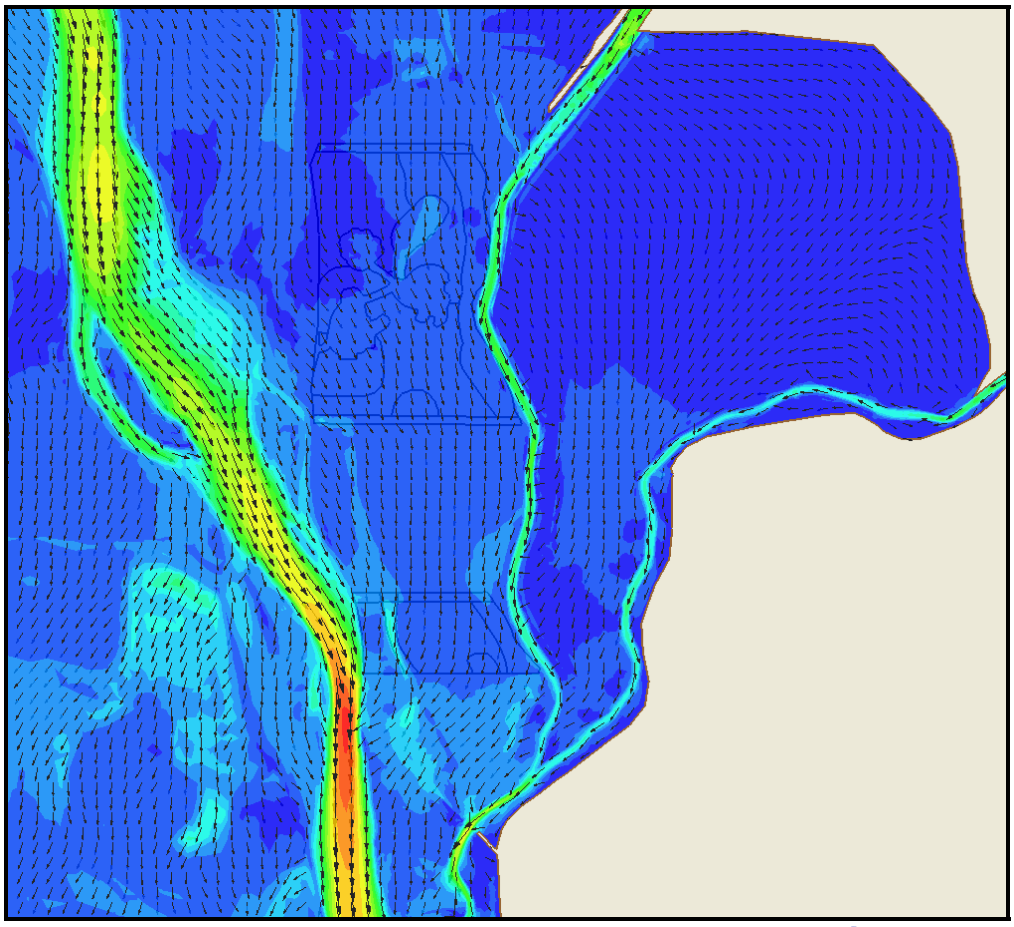
Attachment C

Hydraulic Analysis for Flood Neutrality on the Nicolaus and Singh Properties, Sacramento River, Mud Creek, and Big Chico Creek, May 30, 2008, Prepared for The Nature Conservancy by Ayers Associates

HYDRAULIC ANALYSIS FOR FLOOD NEUTRALITY ON THE NICOLAUS AND SINGH PROPERTIES

SACRAMENTO RIVER, MUD CREEK, AND BIG CHICO CREEK

May 30, 2008



Prepared For:

The Nature Conservancy
Protecting nature. Preserving life.

REGISTERED PROFESSIONAL ENGINEER
THOMAS WESLEY SMITH
No. 20,525
exp. 09.30.09
CIVIL
STATE OF CALIFORNIA

AYRES ASSOCIATES

HYDRAULIC ANALYSIS FOR FLOOD NEUTRALITY ON THE NICOLAUS AND SINGH PROPERTIES

SACRAMENTO RIVER, MUD CREEK, AND BIG CHICO CREEK

May 30, 2008

Prepared For:

The Nature Conservancy
Protecting nature. Preserving life.

500 Main Street
Chico, California 95928

Prepared By:

AYRES ASSOCIATES

2150 River Plaza Drive, Suite 330
Sacramento, CA 95833
(916) 563-7700

Ayres Associates Project Number: 33-0577.00

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1.0 INTRODUCTION

1.1 General

This report summarizes the findings of a 2-dimensional hydraulic analysis on the Sacramento River from approximate river mile (RM) 191 to RM 196.5 and includes Big Chico Creek and Mud Creek, as shown in Figure 1. This report was prepared to assist The Nature Conservancy (TNC) in analyzing of the hydraulic effects of riparian restoration and the removal of small berms along Mud Creek within the Sacramento River floodplain.

To determine the hydraulic effects of these changes on the floodplain of the river, an existing 2-dimensional (2D) hydraulic model was modified and used. The previous two-dimensional model was developed for TNC to analyze levee setback options and restoration (Ayres Associates, 2002). Then new model included the tributary flows of Mud Creek and Big Chico Creek.

The riparian restoration areas and the berms are located on the left side of the Sacramento River floodplain at approximately RM 194 – 195 as shown in **Figure 2**. In Figure 2, the land use change areas are outlined, and the yellow lines show the locations of the berms. The project area consists of two areas, the northern area is known as the Nicolaus Planting Zone, and the southern area is the Singh Planting Zone.

1.2 Purpose and Scope

The purpose of this project was to use an existing two-dimensional hydraulic model to evaluate the hydraulic effects of habitat restoration and berm removal. This modeling was initially developed and calibrated for the J-levee project. The model was the extended and re-calibrated for the U.S. Army Corps of Engineers project (USACE). For more efficiency in running the model, the limits were reduced to RM 191 to 196.5, as shown in Figure 1. The project was accomplished as laid out in the scope items listed below.

- Develop and calibrate the 2-D hydraulic model to the 1995 Flood Event with the updated land use map (2006). Based on the previous 2-D hydraulic model developed by Ayres Associates in 2002, the updated model was modified with 2006 year land use.

- Develop an existing condition hydraulic model – This hydraulic model simulated the 1995 flood flow using post-January 1995 topography, river configuration and 2006 land use.

- Proposed alternative hydraulic model run – This hydraulic simulation analyzed the impacts of the potential land use changes and the removal of berms on two parcels in conservation ownership in the reach between RM 194 and RM 195.

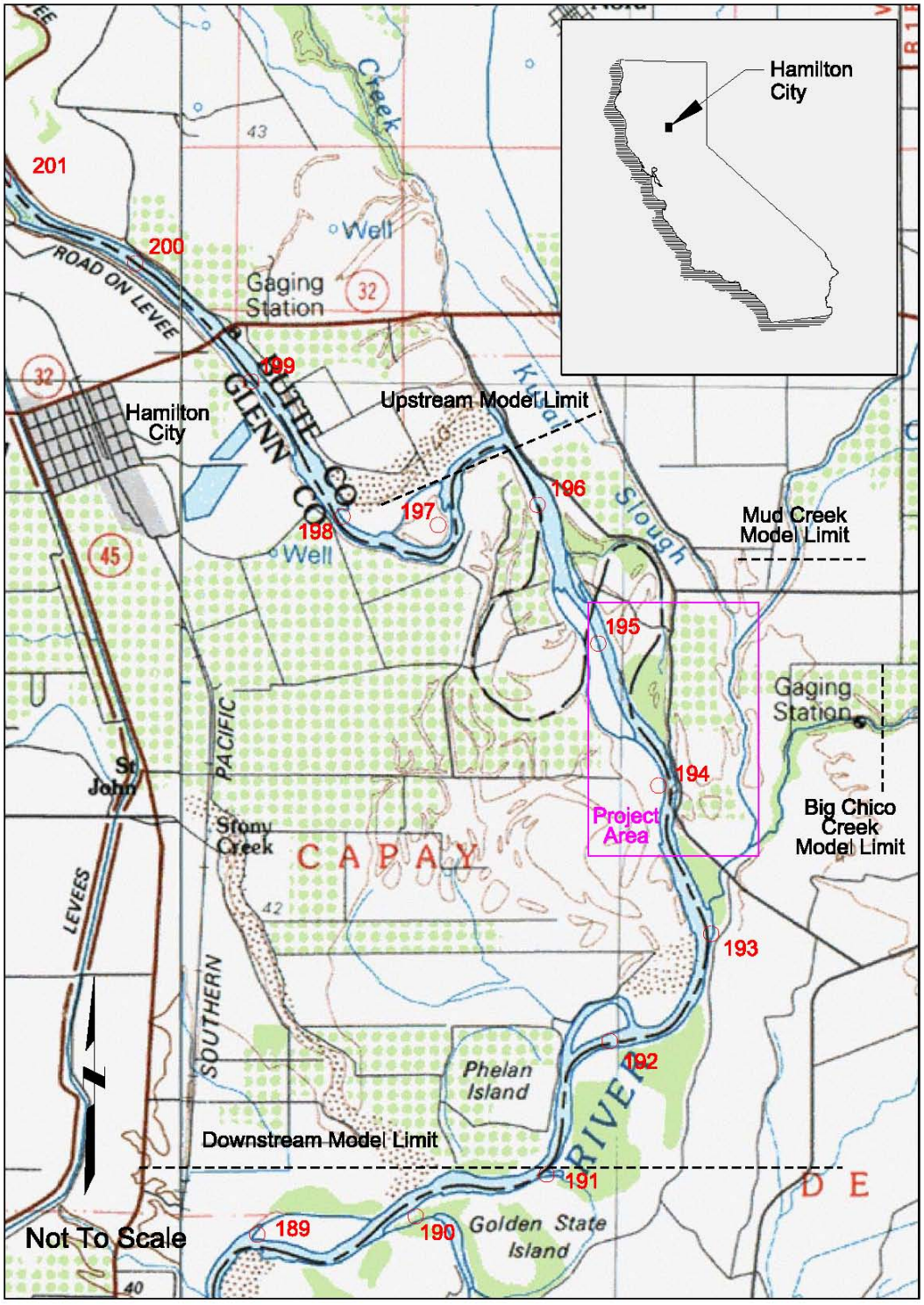


Figure 1. Location Map showing project area

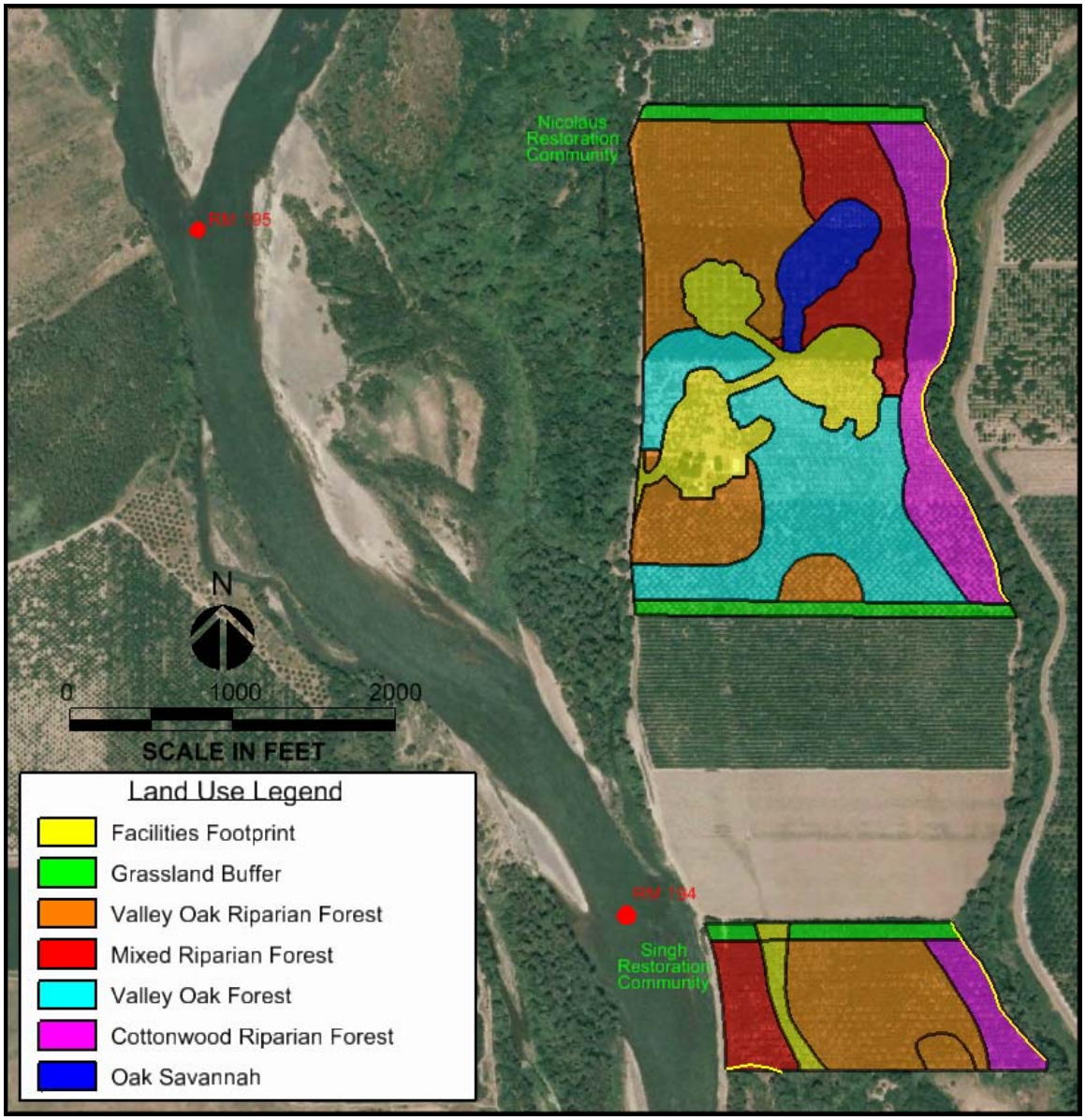


Figure 2. Project Area showing Proposed Habitat Restoration Communities

1.3 Acknowledgements

This analysis was authorized by The Nature Conservancy (TNC) through the Sacramento River Projects office in Chico, California. The point of contact for TNC is Mr. Ryan Luster in Chico, California. The hydraulic modeling was conducted by the Sacramento office of Ayres Associates under the direction of Mr. Thomas W. Smith, PE, GE.

2.0 TWO-DIMENSIONAL HYDRAULIC MODEL RUNS

2.1 Existing Condition

The existing condition hydraulic model represents the land use in 2006 (based on aerials developed by the U.S. Department of Agriculture) and the river configuration that existed following the 1995 flood events. The existing conditions land use in the project area is shown in **Figure 3**. The model uses the topographic mapping data developed for USACE following the 1997 flood event. This run will serve as a baseline for comparison to the with-project condition.

2.2 With-Project Condition

The with-project condition model incorporates proposed land use changes within two conservation ownership parcels (see **Figure 4**). In the Nicolaus Planting Zone, the land is currently covered by orchard, and will be converted to campground and forest, with a grassland buffer for the with-project condition. In the Singh Planting Zone, the proposed land use change is from orchard to mostly riparian forest, with a grass buffer at the north edge, and a meadow flow through. The rest of the model has the same land use for both the existing condition and the with-project condition.

The with-project condition model also removes the berms along the right bank of the Mud Creek, in the Sacramento River floodplain near RM 194, and the southern boundary of the Singh property. These berms are shown in Figure 2. The sizes and locations of berms were field verified by Ayres Associates in May 2007.

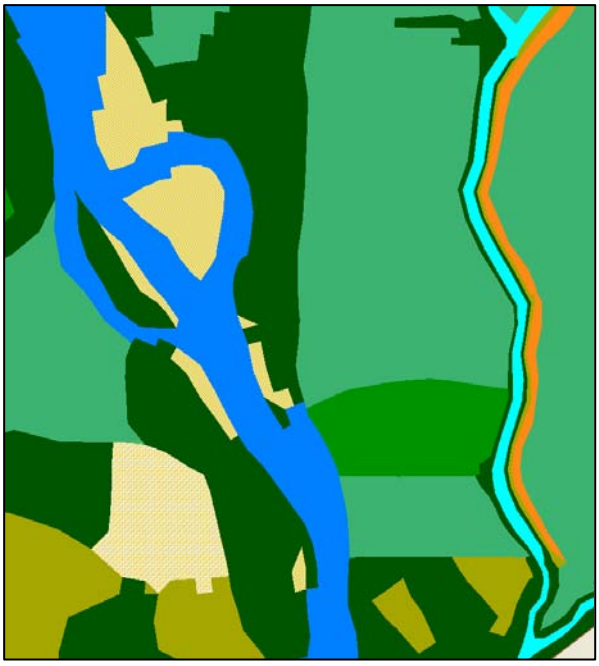


Figure 3. Existing Conditions Land Use

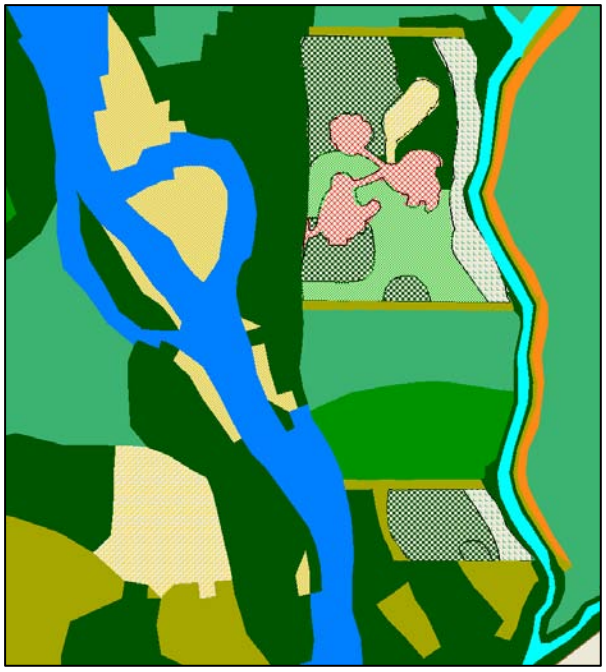


Figure 4. With-Project Land Use

3.0 HYDRAULIC MODELING

3.1 General

The 2-dimensional hydraulic modeling tool used for this project was the RMA-2V program, maintained and distributed by the USACE and modified by Ayres Associates. The program has been used extensively for similar projects on the Sacramento River and has proven to be an effective model for representing river flow conditions. The Surface-Water Modeling System (SMS) version 9.2 pre- and post-processor was used to develop the model geometry file and to view model results.

3.2 Model development

The geometric definition of the project reach is given in the form of a finite element network of triangular and quadrilateral elements, known as a mesh, as shown in **Figure 5**. The elements were sized and oriented to represent hydraulic features, breaklines, structures, and topographic changes. Each element contains corner and mid-side nodes, which represent points in space (X, Y, Z) and define the topography of the project reach. These nodes were laid out using topographic mapping and aerial photography as a reference for element size and orientation. Elevation values were assigned to the nodes using a digital terrain model of the river reach.

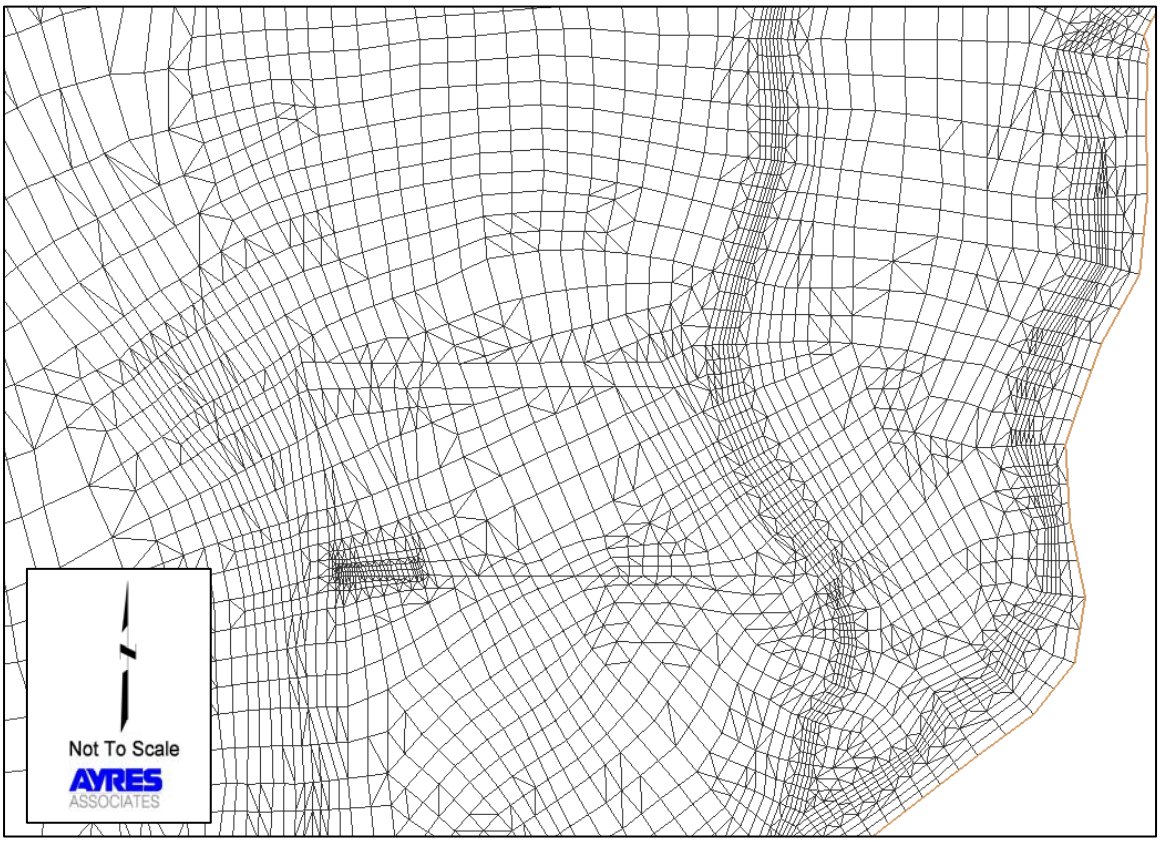


Figure 5. Plan view of the Finite Element Mesh

3.3 Material Roughness

Material types were assigned to each element based on land use and roughness characteristics. The land uses are represented in the model by Manning's roughness coefficients. The material types were assigned to each of the elements in the finite element mesh using 2006 aerial photograph. A field visit was also made to confirm land usage. For each material type, a Manning's roughness coefficient (n value) was assigned to represent a roughness type. These values were determined primarily from the previous modeling effort, and originally were derived using standard engineering protocols and references. Material types and corresponding Manning's n values used in the model are listed in **Table 1**. The land uses for the existing and with-project condition is shown in Figures 3 and 4. The material roughness of the campground is between Valley Oak Woodland and Scrub. Therefore, the Manning's n value of campground is determined as the average n of those two materials.

Table 1. Manning's Roughness Coefficients

Landscape Description	Manning's Roughness Coefficients
Levee/Road	0.025
Main Channel	0.035
Cultivated Field	0.035
Pasture/Grassland	0.035
Creek Bed	0.035
Pine Creek Bed	0.035
Sand/Gravel	0.04
Stony Creek Bed	0.04
Savannah	0.05
Scrub	0.10
Orchard	0.15
Forest/Riparian	0.16
Buildings/Structures	0.20
Valley Oak Woodland	0.12
Valley Oak Savanna	0.05
Valley Oak Riparian Forest	0.15
Cottonwood Riparian Forest	0.16
Campground	0.11

3.4 Boundary Conditions

The hydraulic model for this study extends from River Mile (RM) 196.5 at the upstream end to RM 191 at the downstream end, with the lower 3 miles on both Mud Creek and Big Chico Creek as shown in Figure 1. The RMA-2 program requires input parameters for the upstream and downstream ends of the model.

The upstream flow data used for this model was the peak flow data from the January 1995 flood event, published by USGS, of 170,000 cfs. For Mud and Big Chico Creek, flow data from the 1995 event was not available, so the channel design flows were simulated. The design flow on Mud Creek was 15,000 cfs and on Big Chico Creek, it was 7,000 cfs.

Downstream water surface elevation boundary conditions were referenced from previous 2-dimensional modeling conducted for the Butte Basin reach of the Sacramento River. The water surface elevation assigned to the downstream end of the model was 130.5 ft

3.5 Calibration

Two calibrations were performed by the previous studies, one for the initial J-levee project to a historic flood flow and again for the USACE project to a more recent flow event. The model used in this project is the latest version after calibration.

4.0 HYDRAULIC MODELING RESULTS

The velocity contours for the existing condition and the with-project condition are shown in **Figures 6** and **7**, respectively. The velocity differential plot is shown in **Figure 8**. The velocity differential equals the existing condition values subtracting from the with-project condition values. The velocity contours show that the velocity is between 0.0 ft/s and 3.5 ft/s in the project areas for both the existing condition and the with-project condition.

For the with-project condition, the land use change causes slight velocity increases. The largest velocity increase is 2.0 ft/s and is located in the meadow flow through passage in the Singh property. The existing velocity in that area is roughly 1.0 ft/s, and as long as the passageway remains vegetated, this increase should not have any harmful effects. There are increases adjacent to Mud Creek of up to 0. 5 ft/s (from 0.5 ft/s to 1.0 ft/s). The grass buffers cause an increase on the west side of the properties, with the greatest increase being 1.2 ft/s (from 1.0 ft/s to 2.2 ft/s) at the southern end of the Nicolaus Community. The removal of the berm from the Singh property causes an increase in that area of up to 0.7 ft/s (from 0.7 ft/s to 1.4 ft/s) and also slightly reduces the velocity on the east bank of the Sacramento River adjacent to the site. Velocity vector plots for existing and with project condition are shown in **Figures 9** and **10**. These do not show any significant change in the flow path of the river and floodplain.

The water depth plots for the existing condition and the with-project condition are shown in **Figure 11** and **12**, respectively. The water surface differential plot is shown in **Figure 13**. The water surface elevation differential shows no increases within either the Nicolaus or the Singh Planting Zone. A decrease of 0.10 ft occurs at the top of the Oak Savannah planting within the Nicolaus Community.

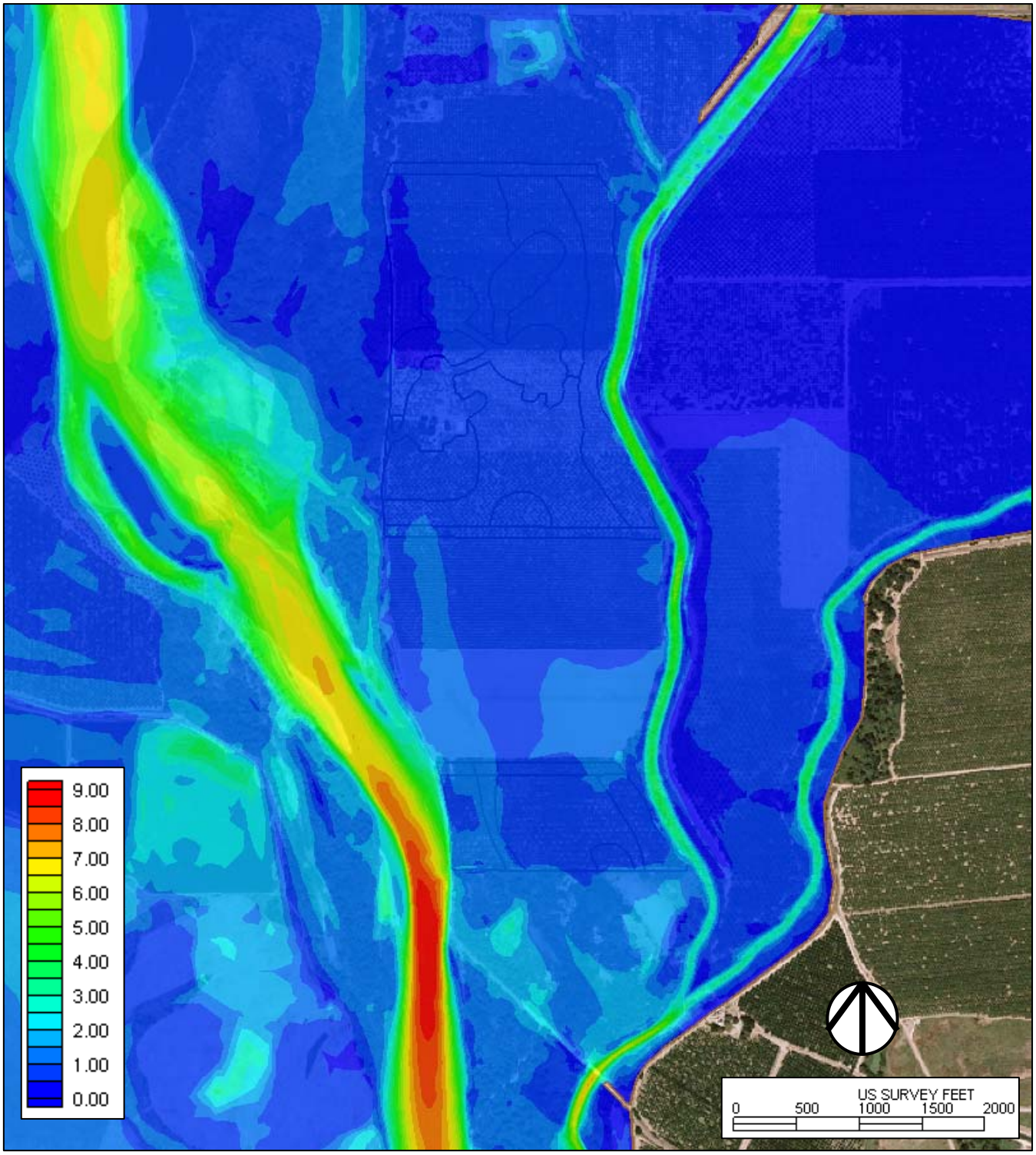


Figure 6. Existing Conditions Velocity

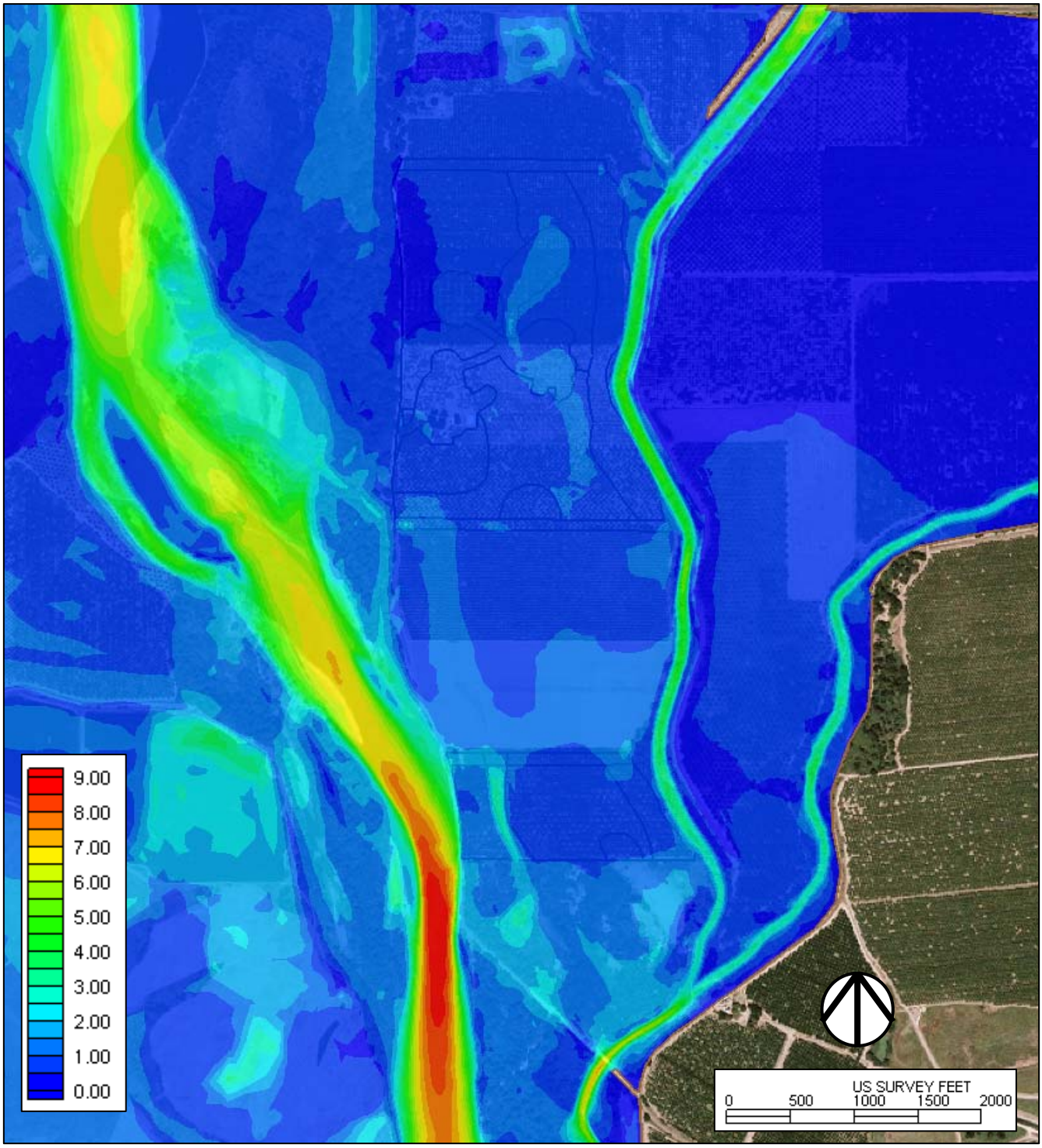


Figure 7. Restoration Conditions Velocity

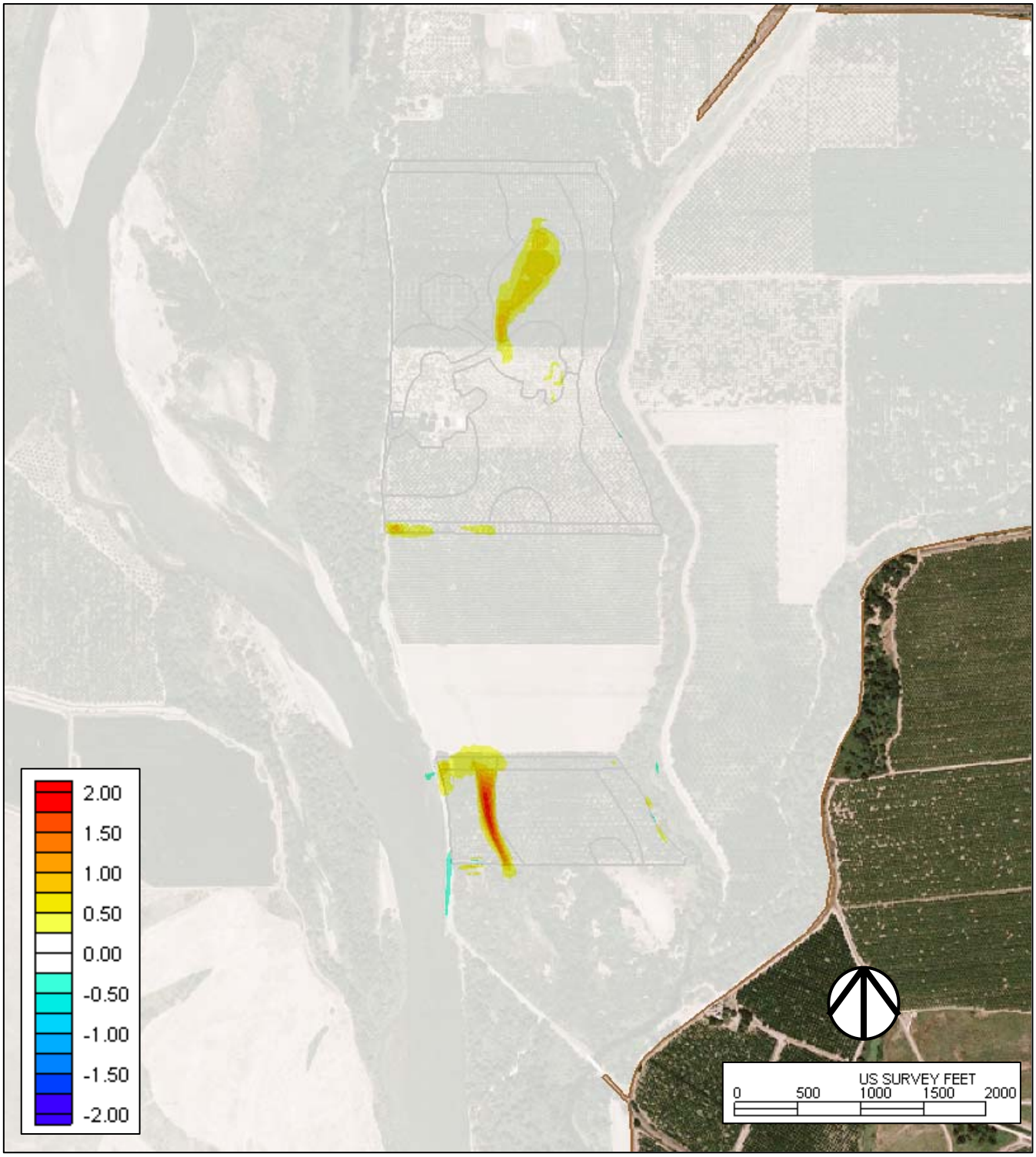


Figure 8. Velocity Differential – Restoration to Existing

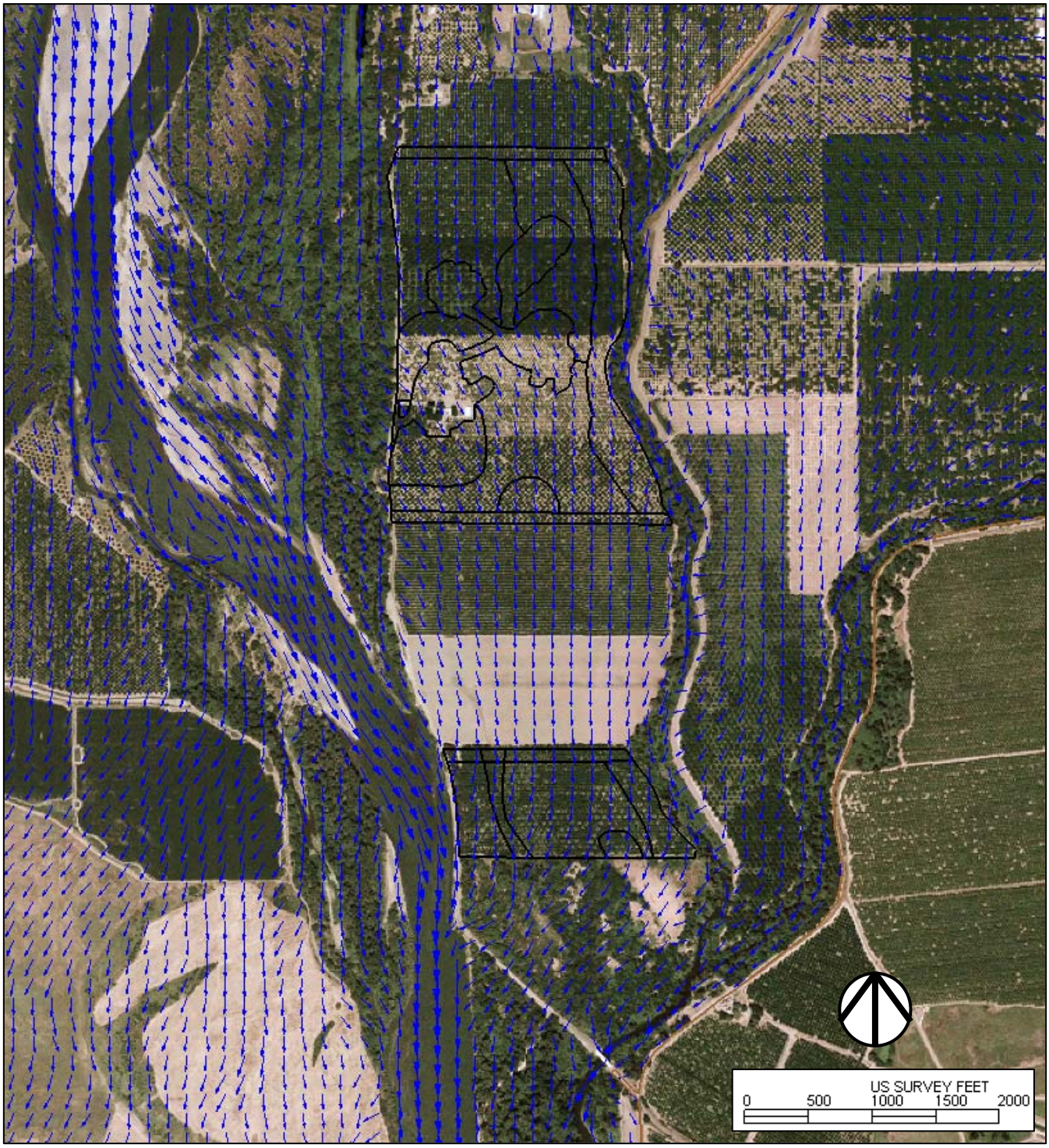


Figure 9. Existing Conditions Velocity Vectors

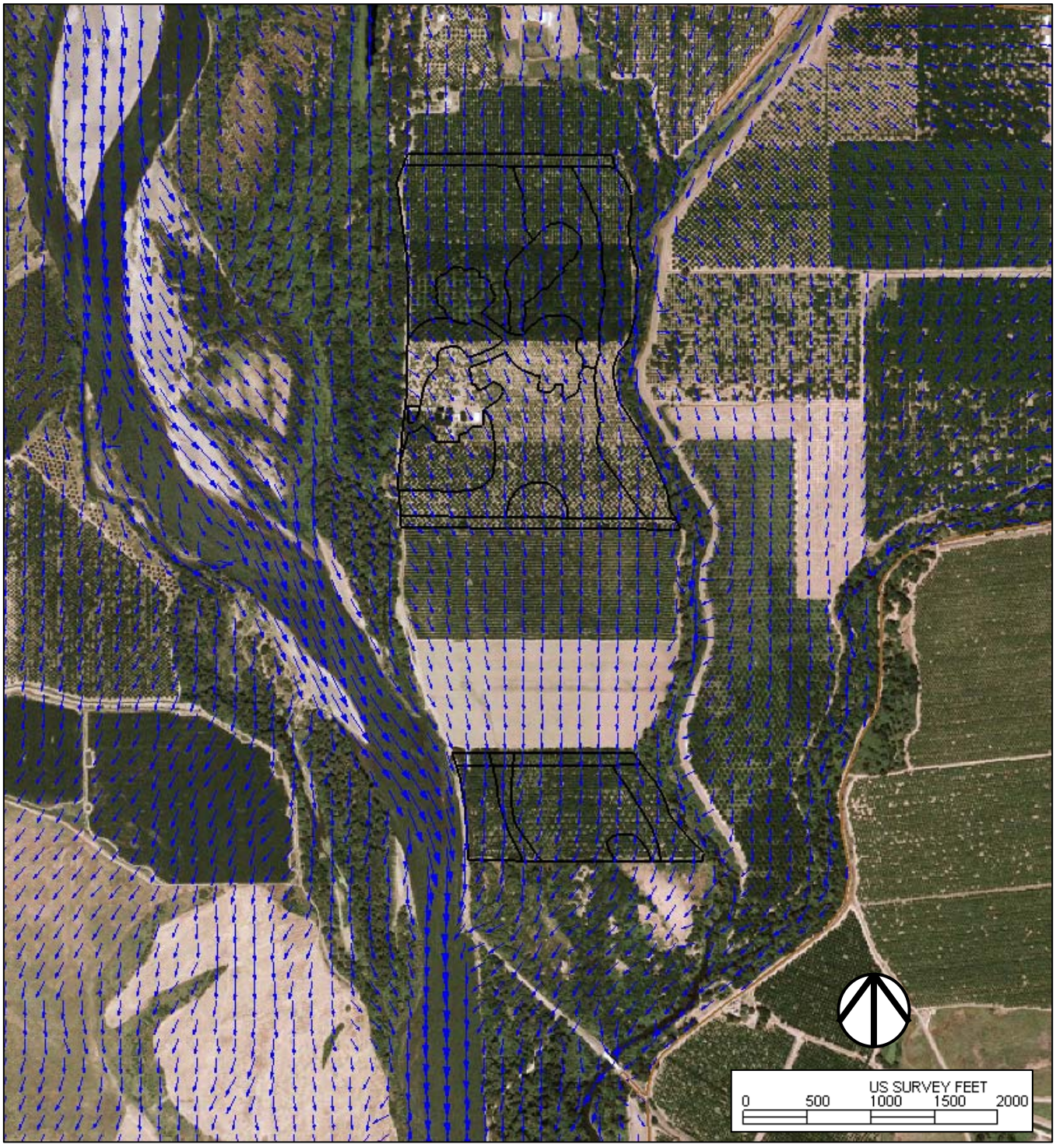


Figure 10. Restoration Conditions Velocity Vectors

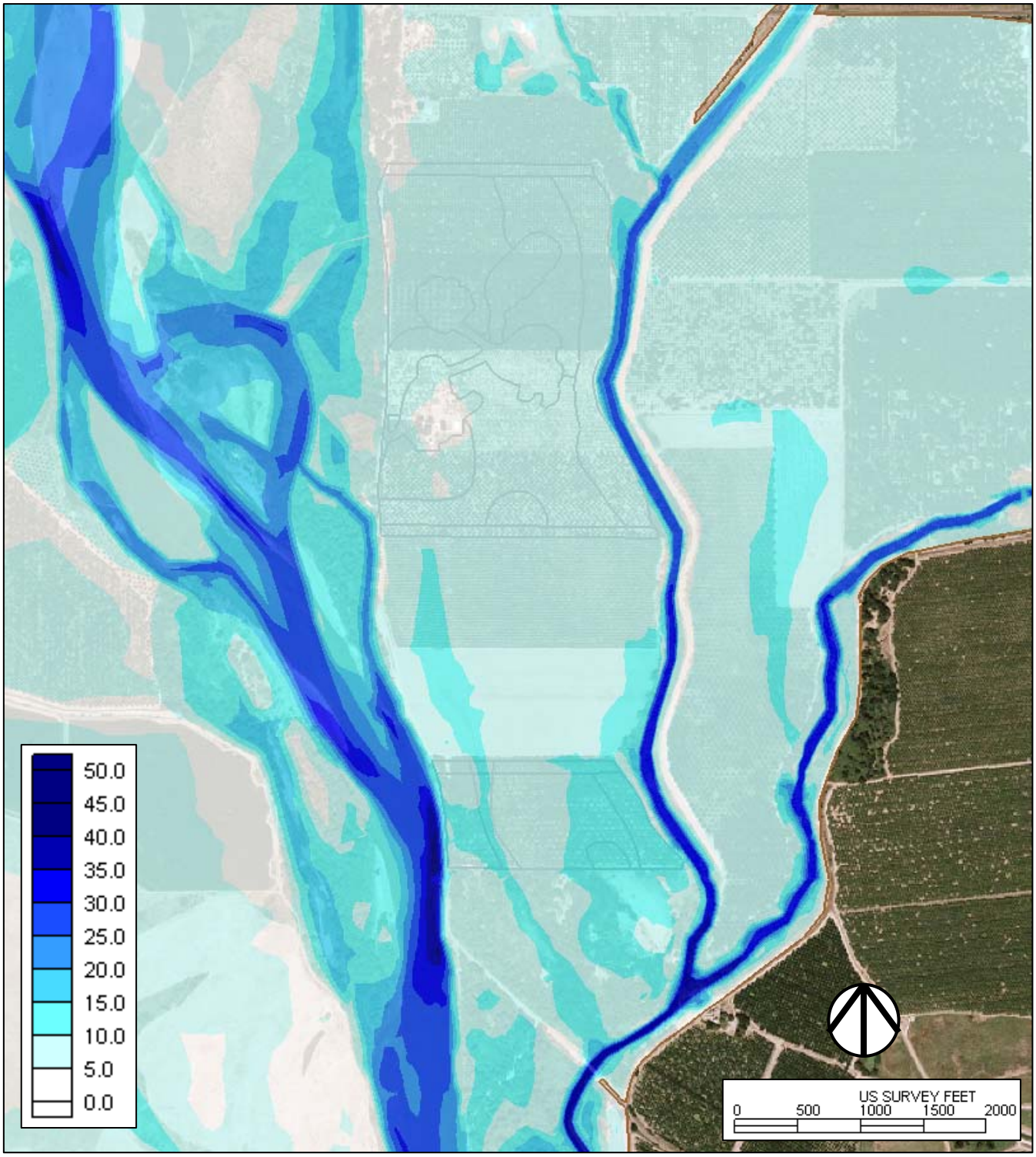


Figure 11. Existing Conditions Water Depth

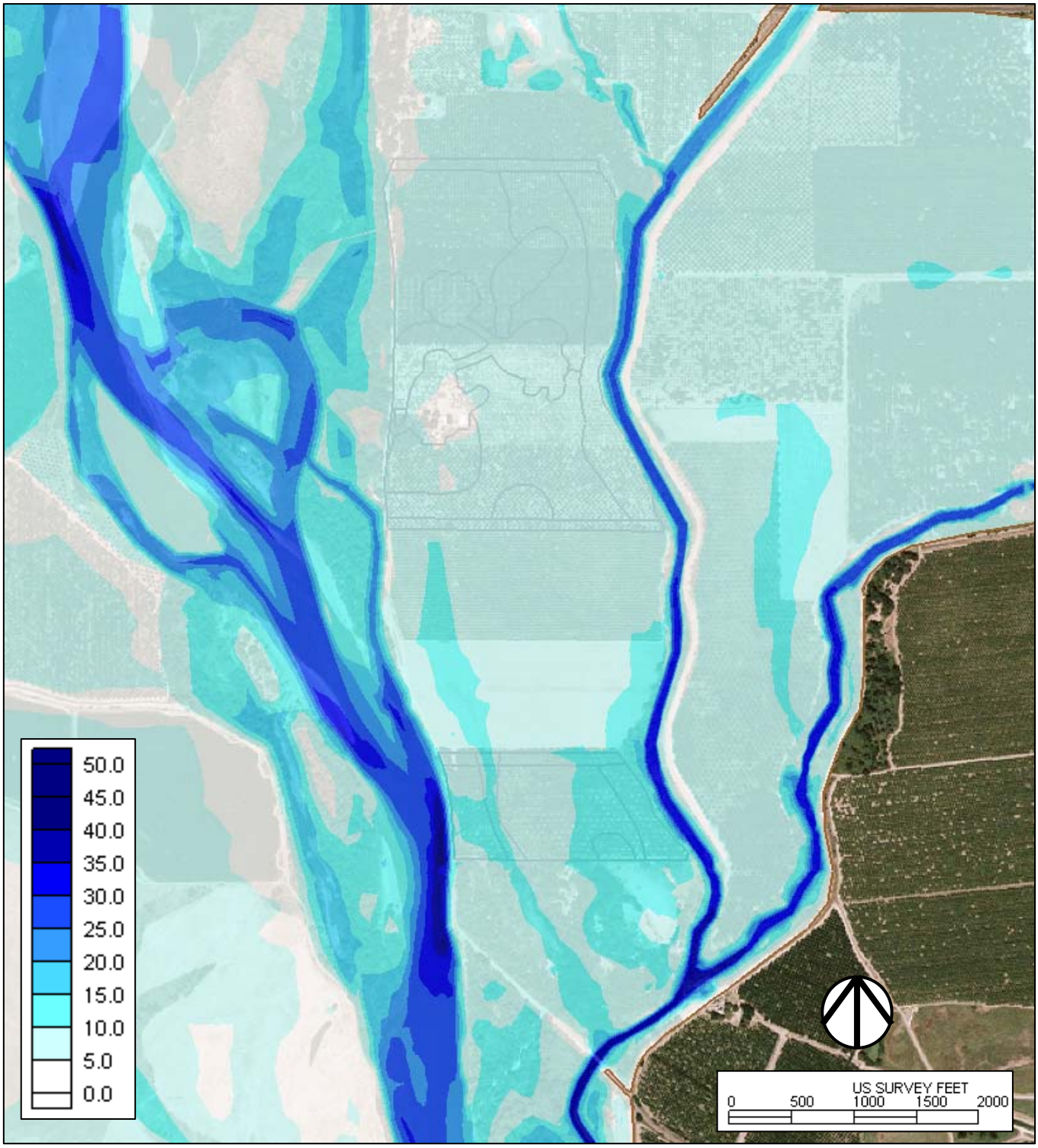


Figure 12. Restoration Conditions Water Depth

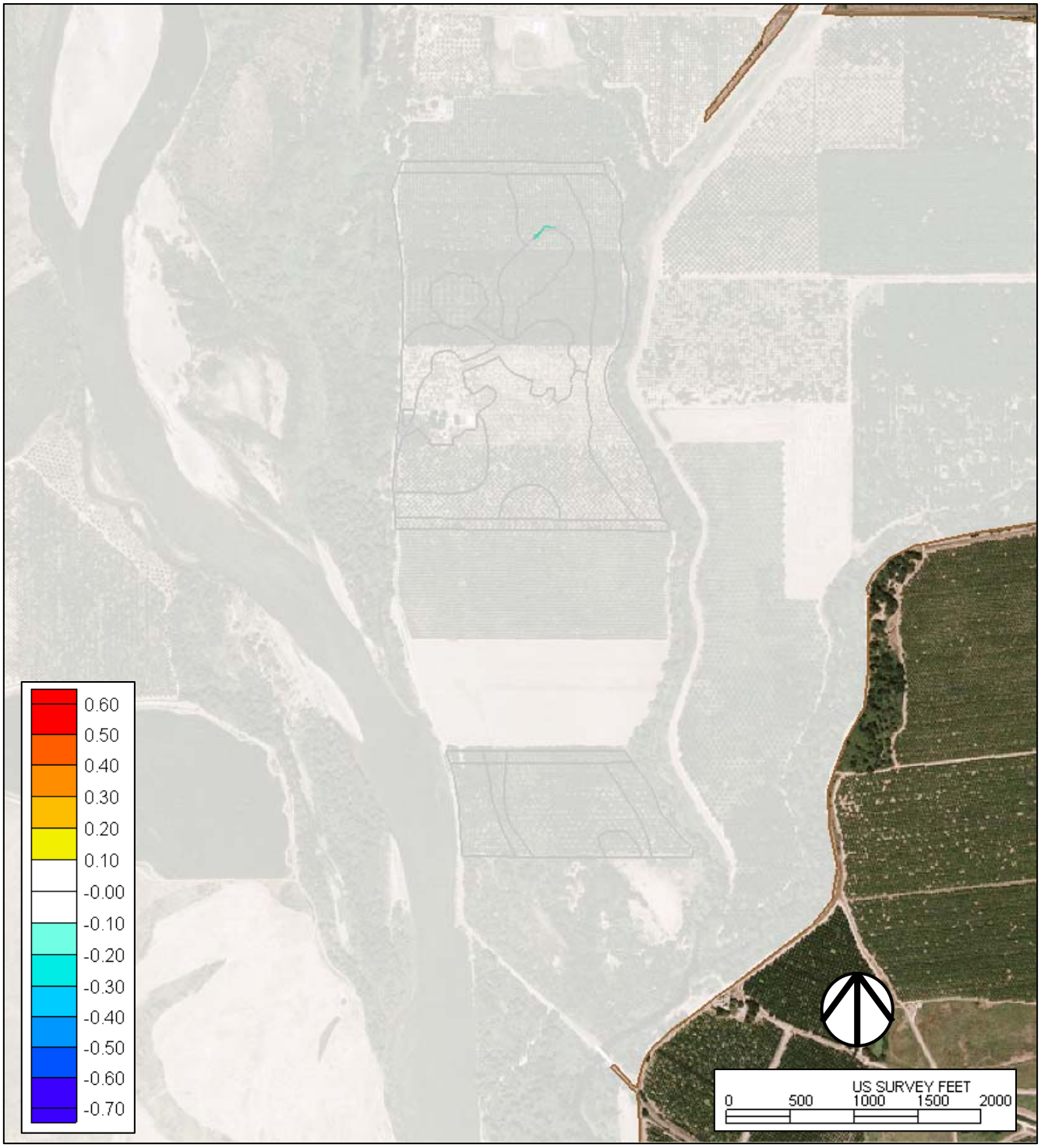


Figure 13. Water Surface Elevation Differential – Restoration to Existing

5.0 CONCLUSIONS

Based on the analysis performed and results presented in this report, we offer the following conclusions.

- The meadow flow-through in the Singh property causes a 2.0 ft/s increase, however given the low existing conditions velocities (1.0 ft/s) and planned vegetation, a resultant velocity of 3.0 ft/s will not create any harmful effects at this location.

- The with-project condition model shows a slight increase in velocities in the oak savannah area, campground area, grass buffers, and the locations of berm removals. These are considered less than significant and should cause no erosion problems.

- The hydraulic model shows very little change in water surface elevation. There are no increases in water surface as a result of this restoration. There is a small section of decrease of about 0.1ft in the Nicolaus Planting Zone.

6.0 REFERENCES

Ayres Associates, Two-Dimensional Hydraulic Modeling of The Upper Sacramento River, RM 194.0 To RM 202.0 Including Riparian Restoration, Two Setback Levee Alternatives, And East Levee Removal. Glenn and Butte Counties, California, 2002.

U.S. Department of Agriculture, 2006, Sacramento River Aerial Imagery

Attachment D

Sedimentation Analysis – Supplemental documentation

RiverSmith ENGINEERING

MEMORANDUM

To: Gregg Werner, Senior Project Director – Central Valley and Mountains

From: Thomas W. Smith, PE, GE

Date: January 5, 2011

Re: Singh Restoration Sedimentation Review and Analysis

REGISTERED PROFESSIONAL ENGINEER THOMAS WEST SMITH No. 20,525 exp 09.30.11 CIVIL STATE OF CALIFORNIA

Project Scope

This review of the proposed restoration on the Singh Unit of the Bidwell-Sacramento River State Park was requested by the Chico office of The Nature Conservancy as a follow-up to a previous hydraulic modeling report prepared by Ayres Associates in May, 2008. That report summarized the findings of 2-dimensional hydraulic modeling and contained graphical outputs showing where changes in vegetation and land use would be and how that would affect flow paths, velocities and water depths.

However that report did not address, in detail, whether or not there would be changes in sedimentation and erosion patterns as a result of the proposed project on the Singh Unit. Since the 2008 hydraulic modeling report was released, neighbors to this Unit have voiced concerns that there may be changes in sediment and erosion patterns created by the proposed Singh project.

The excerpt below is from a letter sent by Medonca Orchards, Inc (March 25, 2010), located to the north of the Singh Unit which expresses a concern that the proposed land use changes will cause increased flooding on their parcel:

> The type of vegetation and other property changes that is being proposed for this location will eventually lead to increased sediment deposits from flood water in the project property as well as a denser plant habitat which will in result cause increased flooding on up-stream properties including our land just north of Sacramento Avenue. This increased flooding will make our land less farmable as a result of increased disease pressure from increased flooding on our existing orchard. Increased flooding will also negatively impact public roads and residences in the area. Depending on the degree of changes, the proposed modifications could make our farm land less usable and restrict its uses for crop thus reducing its value.

RiverSmith Engineering Inc
1004 Corporate Way, Sacramento, CA 95831
Voice (916) 395.4455, Fax (916) 395.4401

The following excerpt from a letter representing the Laura E. Mendonca Revocable Trust (March 17, 2010) expresses concerns that increased sedimentation on the Singh parcel will cause erosion on the upstream parcel:

> The 'natural habit' will slow the flow of water causing it to be redirected as debris builds up and large amounts of silt are deposited. Since my land is open farmland, water that is redirected will take the path of least resistance, flowing across my land causing extreme erosion to my property and loss of income for myself.

Hydraulic Modeling Results

The results in the hydraulic modeling report showed very little change in velocity and water depth over the area modeled as shown in the figures that follow from the 2008 Ayres Report.

Making the project 'flood neutral" was by design. In developing the final configuration for the proposed planting on the site, an iterative process was used and the layout was revised until a configuration was developed that contained any hydraulic changes to the project parcel. This was done by mimicking existing vegetation roughnesses as nearly as possible (within the hydraulic model) and then making additional adjustments to the planting scheme where needed to make sure no off-site impacts resulted.

The roughnesses used in the hydraulic modeling process have come from a previously calibrated, 2-dimensional model performed for the US Army, Corps of Engineers for the proposed setback levee at Hamilton City.

The values for Riparian Forest and the Cottonwood Riparian Forest are slightly higher than that for orchard and an open area of grassland was added to maintain the overall flow capacity through the site and neutral floodplain hydraulics on adjoining parcels.

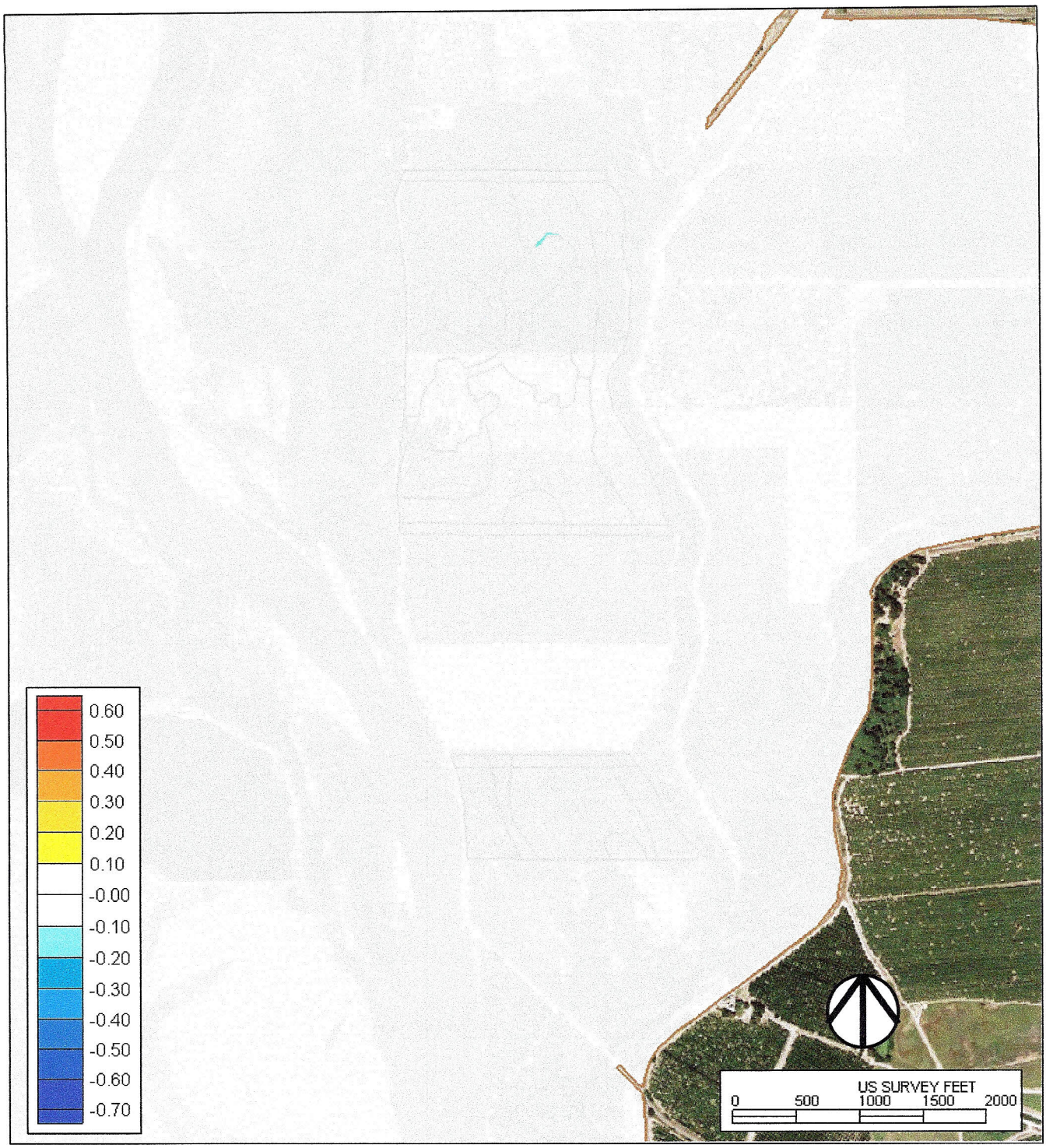
The largest change is within the grassland area of the Singh Unit and the differential velocity figure shows an increase of up to 2 fps for this area. This makes the new velocity over the grassed area approximately 3 fps which is not considered erosive for grass cover.

Effects on Sedimentation and Erosion

Issues of sedimentation and erosion are directly related to floodplain velocities, therefore any changes to the existing erosion and sedimentation patterns would be the direct result of changes in velocity and, to a lesser extent, flow depths. A review of the differential velocities plot shows negligible change on any of the adjoining parcels. There are some changes within the Singh parcel primarily within the grassed corridor where there is an increase of +2.0 fps (total velocity of approximately 3.0 fps).

For the most part, existing velocities within this floodplain area are less than 2 fps and in the existing condition some areas of deposition are expected to occur. This will remain the same for the proposed plan.

There are no measurable changes in flood depth on the floodplain for the before and after conditions, so no changes are expected in sediment transport in this area in relationship to flow depth.



Water Depth Differential – Restoration to Existing (Figure 8, p.10, Ayres, 2008)

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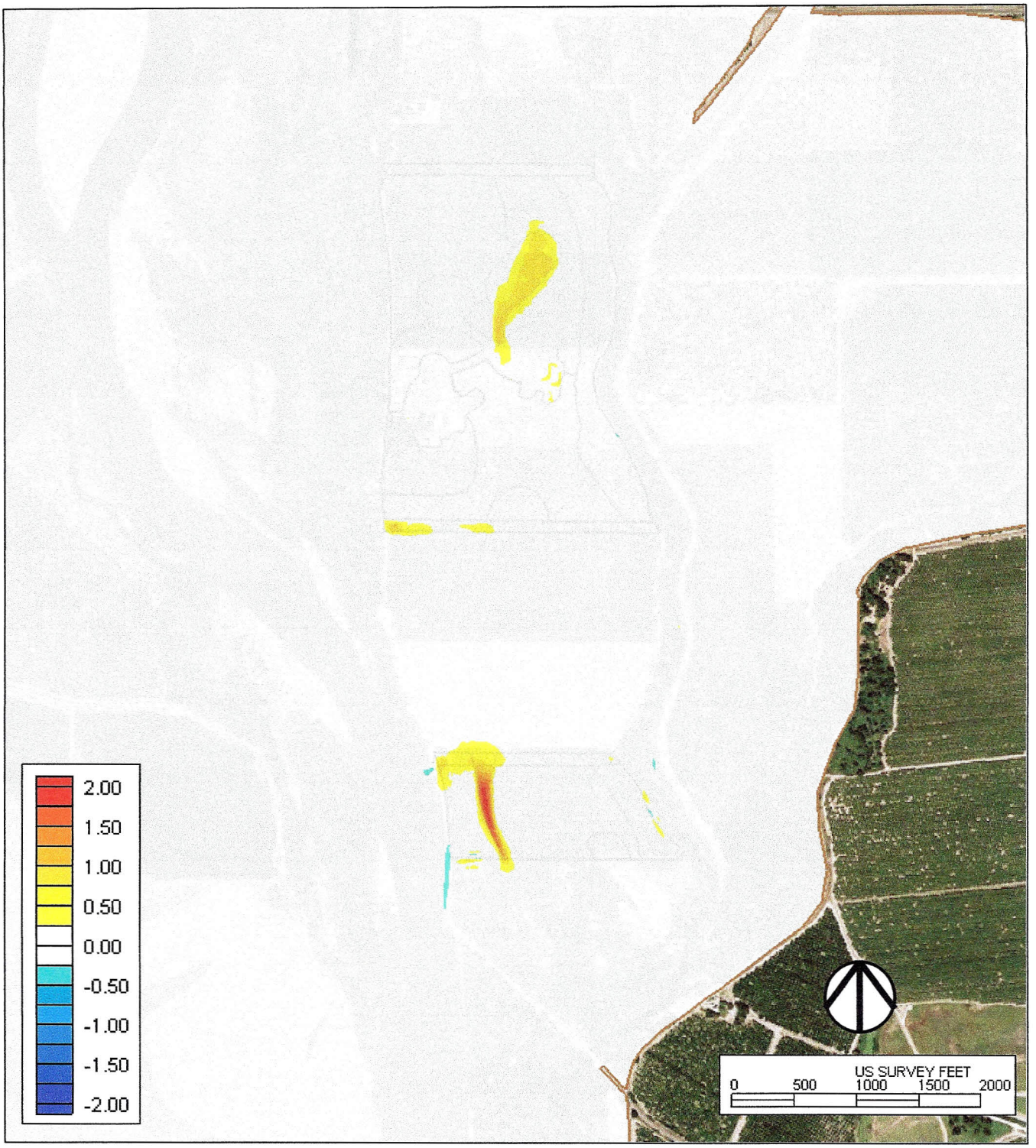
Voice (916) 395.4455, Fax (916) 395.4401



Velocity Differential – Restoration to Existing (Figure13, p.15, Ayres, 2008)

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Conclusions

Based on a further review of the hydraulic modeling results from the Ayres 2008 Report, I offer the following conclusions:

1. Most all changes to hydraulics (velocities) within the floodplain are contained on the Singh parcel, with the exception of a small reduction along the riverbank area downstream of the site and a small reduction along Mud Creek adjacent to the site.

2. Since there are no measureable changes in velocity or flow depth for the parcel immediately north of the Singh parcel (Mendonca property), no changes to the existing erosion and sedimentation patterns are predicted.

3. Overall floodplain velocities in the project area are slow (approximately 2 fps or less) in the existing condition and as a result, some deposition may be occurring in the presently. This is not expected to change for the proposed restoration condition.

4. The increased velocity within the grassland corridor on the Singh Unit raises the total velocity to approximately 3 fps within this area and this is not considered erosive for grass cover.

5. Since there are no major reductions in velocities, no new areas of deposition are anticipated.

6. There is no change in the depth of flooding on adjoining parcels.

7. It is likely that the existing riparian forest downstream of the Singh parcel (Peterson Unit) has some control over the overall floodplain hydraulics on the parcels of concern.

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Attachment E

Summary of Outreach Activities
For Grant ERP-02D-P16D to The Nature Conservancy

Summary of Outreach Activities for grant ERP-02D-P16D to TNC

The following is a summary of outreach activities that were conducted in 2007 and 2008. All outreach activities were conducted within the context of preparing the Environmental Impact Report to comply with CEQA. During this process, TNC and the California Department of Parks and Recreation shared information on hydraulic modeling results, habitat restoration plans, and recreation plans with neighbors of the project area as well as interested agencies. Feedback given to TNC and State Parks during public meetings and in one-on-one meetings was incorporated into the overall planning process to produce final versions of the hydraulic modeling report, restoration plans, and recreation plans.

Outreach activities are divided into two timeframes: 1. pre-award and 2. post-award. Pre-award outreach was conducted by TNC during the development of the original CALFED proposal in summer 2001 while post-award outreach was conducted in 2007 and 2008 during the development of the Task 2 and Task 3 deliverables.

1. Pre-Award Outreach

August 10, 2001: Presentation to the Sacramento River Reclamation District Board of Directors

TNC presented the original CALFED proposal on August 10, 2001 to the Sacramento River Reclamation District Board of Directors meeting, and included local landowners in attendance. Michael Madden, Butte County Emergency Services Officer, was present on August 10, 2001, when TNC introduced this proposal to the Sacramento River Reclamation District Board of Directors.

Butte County Supervisor and SRCA Board member, Jane Dolan, was notified of the original proposal submission.

August 16, 2001 and September 19, 2001: Presentation to the Sacramento River Conservation Area Forum Technical Advisory Committee

The proposal was also presented at the SRCA's Technical Advisory Committee meeting on August 16, 2001 and again on September 19, 2001. In addition, TNC provided an update in the SRCA Notes sent to approximately 650 individuals and organizations. TNC attends SRCA Board and sub-committee meetings and will continue to give regular updates to the SRCA Board and interested SRCA stakeholders through these meetings and the SRCA Notes.

August 23, 2001: Presentation to the Sacramento River Conservation Area Forum Board of Directors

The original CALFED proposal was presented at the August 23, 2001, Sacramento River Conservation Area Forum (SRCAF) Board of Directors meeting.

August 27, 2001: Stakeholder meeting at TNC office.
The CALFED proposal was discussed at a stakeholder meeting held on August 27, 2001. All landowners in the project area were invited and numerous landowners and other interested parties were in attendance. Local organizations represented at the stakeholder meeting include Sacramento River Preservation Trust and Big Chico Creek Watershed Alliance.

2. Post-Award Outreach

August 2007: Notice of Preparation and Final Project Description distributed
The EIR Notice of Preparation (NOP) and final project description was filed with the State Clearinghouse and postcards were mailed to interested parties informing them of the NOP and project description availability.

September 19, 2007: Public Scoping Meeting
A public scoping meeting was held at the California Department of Parks and Recreation Headquarters in Chico on September 19, 2007. At this meeting, a conceptual plan for the Nicolaus and Singh properties was presented and comments from the public were received. Approximately 30 people attended the meeting.

October 10, 2007: TNC and State Parks meets with neighbors to the south of Nicolaus and north of Singh properties
TNC and State Parks met with members of the Mendonca family at the Nicolaus property to discuss their concerns regarding the restoration design for the properties.

January 31, 2008 – March 17, 2008: Distribution and Comment Period for Public Draft EIR
On January 31, 2008, State Parks distributed to public agencies and the general public the Draft EIR pursuant to CEQA for the proposed project. A 45-day public-review period, as required by Section 15105 of the State CEQA Guidelines, was provided on the Draft EIR that ended on March 17, 2008. A notice of availability was mailed to approximately 45 individuals and agencies along with hard copies sent to approximately 15 individuals and agencies.

In addition, hard copies of the DEIR and the Park Plan were available for review at the following locations:

California Department of Parks and Recreation
525 Esplanade
Chico, California 95926
(530) 895-4304

Chico Branch of the Butte County Library
1108 Sherman Avenue
Chico, California 95926

Oroville Branch of the Butte County Library
1820 Mitchell Avenue
Oroville, California 95966

Colusa County Free Library
738 Market Street
Colusa, California 95932

Princeton Branch Library
232 Prince Street
Princeton, California 95970

Tehama County Library
645 Madison Street
Red Bluff, California 96080

Scotty's Landing
12609 River Road
Chico, California 95973

California State Parks Website: http://www.parks.ca.gov/

Thirteen letters providing comments on the document were received by March 17, 2008.

February 19, 2008: Public Hearing on Draft EIR
Consistent with Section 15202 of the State CEQA Guidelines, a public hearing was held by State Parks on February 19, 2008 from 6:30 p.m. to 8:30 p.m. at the Bidwell Mansion SHP Visitor Center located at 525 The Esplanade, Chico, CA 95926, during which time agencies and the public were given the opportunity to provide oral and written comments on the Draft EIR. At this meeting, TNC presented results from the hydraulic modeling as well as the restoration and recreation planning process.

State Parks received thirteen letters providing comments on the Draft EIR in addition to comments received at the Public Hearing. The written and oral comments received on the Draft EIR and the responses to those comments are provided in Chapter 8 of the EIR. All comment letters were reproduced in their entirety and oral comments provided during the public-hearing were summarized. Each comment is followed by a response to the comment, with the focus of the response being on substantive environmental issues.

March 4, 2008: TNC and State Parks presents proposed project to the Sacramento River Conservation Area Forum
TNC and State Parks presented the draft hydraulic modeling report, restoration plans, and recreation plans to the Sacramento River Conservation Area Forum's Technical Advisory Committee.

July 3, 2008: TNC meets with Butte County Department of Public Works
TNC met with Stuart Edell, Butte County Deputy Director of Public Works to discuss results of the draft hydraulic modeling report. Based on feedback from Butte County, TNC conducted another round of modeling.

August 20, 2008: TNC meets with Butte County Department of Public Works
TNC met with Stuart Edell, Butte County Deputy Director of Public Works and Steve Troester, To discuss issues concerning the Williamson Act contract for the Nicolaus property and a proposed timeline for restoring both the Nicolaus and Singh properties.

September 17, 2008: Final EIR Distributed to interested parties and published at the State Clearinghouse (SHC# 2007082160).

October 17, 2008: EIR Certified
The Final EIR was certified by the Department of Parks and Recreation on October 17, 2008 when they filed a Notice of Determination to the State Clearinghouse. This triggered a 30-day period during which time interested parties could contest the findings of the Final EIR. All individuals and agencies who commented on the Public Draft EIR are notified of this step.

November 17, 2008: EIR Completed
The Final EIR was not contested during the 30-day contest period and therefore was completed on November 17, 2008.

Attachment F

Revised Singh Planting Plan

Revised Singh Planting Plan

Notes:
1. All rows are spaced 30ft apart.
2. Tree rows will be parallel to the direction of overbank flow as indicated on the attached map.

Valley Oak Riparian Forest (VORF)

Phase 1 - Manual Planting

Density (plant by row)	11' x 30'
Emitter Density per Acre	132
Acres	18.9
Target Planting Date	Spring, Project Year 2
Total Locations	2,495
Total Plants	4,615

Canopy Structure	Species		Frequency	Total
Overstory	*Platanus racemosa*	Western sycamore	19%	474
	Quercus lobata	Valley oak	35%	873
Midstory	*Acer negundo*	Box elder	10%	249
	Fraxinus latifolia	Oregon ash	10%	249
Understory	*Baccharus pilularis*	Coyote brush	6%	150
	Toxicodendron diversilobum	Poison oak	5%	125
			85%	2121
Herbaceous	*Carex barbarae*	Santa Barbara sedge	40%	998
	Muhlenbergia rigens	Deergrass	10%	249
Forbs	*Artemisia douglasiana*	Mugwort	10%	249
	Euthamia ocidentalis	California goldenrod	10%	249
	Urtica dioecia	Hoary nettle	5%	125
	Oenothera hookeri	Primrose	5%	125
Vines	*Aristolochia californica*	California pipevine	13%	324
	Clematis ligusticifolia	Clematis	5%	125
	Vitis californica	California grape	2%	50
			100%	2495

Mixed Riparian Forest (MRF)

Phase 1 - Manual Planting

Density (plant by row)	11' x 30'
Emitter Density per Acre	132
Acres	6.1
Target Planting Date	Spring, Project Year 2
Total Locations	805
Total Plants	1,151

Canopy Structure	Species		Frequency	Total
Overstory	*Platanus racemosa*	Western sycamore	22%	177
	Populus fremontii	Fremont cottonwood	14%	113
	Quercus lobata	Valley oak	12%	97
Midstory	*Acer negundo*	Box elder	12%	97
	Baccharis salicifolia	Mule fat	6%	48
	Fraxinus latifolia	Oregon ash	10%	81
	Salix gooddingii	Goodding's willow	5%	40
	Salix lasiolepis	Arroyo willow	5%	40
Understory shrubs	*Baccharus pilularis*	Coyote brush	2%	16
	Toxicodendron diversilobum	Poison oak	5%	40
			93%	749
Herbaceous	*Carex barbarae*	Santa Barbara sedge	20%	161
	Muhlenbergia rigens	Deergrass	5%	40
Forbs	*Artemisia douglasiana*	Mugwort	10%	81
	Euthamia ocidentalis	California goldenrod	5%	40
	Urtica dioecia	Hoary nettle	3%	24
	Oenothera hookeri	Primrose	2%	16
Vines	*Aristolochia californica*	California pipevine	2%	16
	Clematis ligusticifolia	Clematis	2%	16
	Vitis californica	California grape	1%	8
			50%	403

Cottonwood Riparian Forest (CWRF)

Phase 1 - Manual Planting

Density (plant by row)	11' x 30'
Emitter Density per Acre	132
Acres	5
Target Planting Date	Spring, Project Year 2
Total Locations	660
Total Plants	891

Canopy Structure	Species		Frequency	Total
Overstory	*Platanus racemosa*	Western sycamore	18%	119
	Populus fremontii	Fremont cottonwood	23%	152
	Quercus lobata	Valley oak	12%	79
Midstory	*Acer negundo*	Box elder	4%	26
	Alnus rhombifolia	White alder	2%	13
	Baccharis salicifolia	Mule fat	5%	33
	Fraxinus latifolia	Oregon ash	5%	33
	Salix gooddingii	Goodding's willow	5%	33
	Salix lasiolepis	Arroyo willow	4%	26
Understory	*Baccharus pilularis*	Coyote brush	2%	13
	Toxicodendron diversilobum	Poison oak	5%	33
			85%	561
Herbaceous	*Carex barbarae*	Santa Barbara sedge	20%	132
	Carex praegracilis	Slender sedge	5%	33
	Muhlenbergia rigens	Deergrass	2%	13
Forbs	*Artemisia douglasiana*	Mugwort	4%	26
	Urtica dioecia	Hoary nettle	10%	66
Vines	*Aristolochia californica*	California pipevine	5%	33
	Clematis ligusticifolia	Clematis	3%	20
	Vitis californica	California grape	1%	7
			50%	330

Extracted Figure 10 from the Final Nicolaus and Singh Hydraulic Model Report (Ayres Associates, 2008). Figure 10 indicates direction of overland flow with restoration conditions.

Figure 10. Restoration Conditions Velocity Vectors

Singh restoration communities showing direction of tree rows parallel with direction of overland flow indicated in Figure 10 on the previous page.

BUTTE COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL

CLERK OF THE BOARD USE ONLY

MEETING DATE:

AGENDA ITEM: Attachment F

AGENDA TITLE: RESPONSE TO LETTER FROM STATE PARKS AND RECREATION REGARDING HABITAT RESTORATION ON SINGH PARCEL

DEPARTMENT: PUBLIC WORKS	DATE: 03/01/11	MEETING DATE REQUESTED: 03/15/11
CONTACT: MIKE CRUMP	PHONE: 538-7681	REGULAR _____ CONSENT X

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION:

The Central Valley Flood Protection Board is requiring the State Department of Parks and Recreation to request a letter of endorsement from Butte County for the Riparian Habitat Restoration on the Singh Unit of the Bidwell-Sacramento River State Park.

Staff is recommending the Board approve a letter not endorsing the proposed project. Please see attached Report to Board for additional details.

Requested Action

Approve the proposed letter to the Central Valley Flood Protection Board stating the County's non-endorsement of the proposed encroachment permit application for Riparian Habitat Restoration on the Singh Unit of the Bidwell-Sacramento River State Park.

AGENDA ITEM SUBMITTALS REQUIRE THE ORIGINAL (1) AND TWELVE (12) COPIES

ATTACH EXPLANATORY MEMORANDUM AND OTHER BACKGROUND INFORMATION AS NECESSARY

Budgetary Impact: Yes _____ No _____
If yes, complete Budgetary Impact Worksheet on back
Budget Transfer Requested: Yes _____ No _____
If yes, complete Budget Transfer Request Worksheet on back.
(Deadline is one business day prior to normal agenda deadline.)
Will Proposal Require an Agreement: Yes ____ No _____
Auditor-Controller's Number (if required): _____
County Counsel's Approval: Yes ____ No _____
Will Proposal Require Additional Personnel: Yes ___ No ___
Number of Permanent: _____ Temp _____
Extra Help _____

CAO OFFICE USE ONLY

Administrative Office Review _____

Administrative Office Staff Contact ____

4/5/s Vote Required: Yes: ___ No: ____

Date Received by Clerk of the Board:

_____

revious Board Action Date: _____ Additional Information Attached: Yes ___ No ___
Describe: _____

Rev. 2003

SPECIAL INSTRUCTIONS TO CLERK

Attachment F

Number of originals required to be returned to Department: _____

Please Note** Department is responsible for returning contract to contractor. Clerk of the Board returns completed Auditor's copy ONLY.

Requested Board Action:

Ordinance Required ___ Resolution Required ___ Minute Order Required ___ For Information Only ___

BUDGETARY IMPACT WORKSHEET

Current Year Estimated Cost/Funding Source

Estimated Cost $

Amount Budgeted $
(Budget Unit Number: _____)
(Fund Name: _____)
(Fund Number: _____)

Source of Additional Funds Requested

Contingencies $
(Fund Name: _____)
(Fund Number: _____)

Unanticipated Revenue $
(Source: _____)
(Rev. Code: _____)

Other Transfer(s)
1. Complete worksheet below
2. Deadline is one business day prior To normal agenda deadline

Additional Requested $ _____ Total Source of Funds $ _____

Annualized cost $ _____ if also planned for next year.

Budget Transfer Authorized By Administrative Office

Board Action Required for B-Transfer? Yes ___ No ___

_____ _____
Authorized Signature Date

BUDGET TRANSFER REQUEST WORKSHEET

Transfer Request:

	AMOUNT		LINE ITEM	LINE ITEM
Transfer	$ _____	(No Cents)	From _____	To _____
Transfer	$ _____	(No Cents)	From _____	To _____
ansfer	$ _____	(No Cents)	From _____	To _____
Transfer	$ _____	(No Cents)	From _____	To _____

Report to Board
Response to Letter dated February 18, 2011
from the California State Department of Parks and Recreation

Background

On March 11, 2008, the Board of Supervisors approved a letter to the California State Department of Parks and Recreation stating strong objections to the proposed Bidwell-Sacramento River State Park, Habitat Restoration and Outdoor Recreation Facilities Development Project (State Project).

The proposed State Project was for two (2) parcels as follows:

- The 43 acre Singh parcel was proposed for habitat restoration only.
- The 120 +/- acre Nicolaus parcel proposed habitat restoration and an RV and tent campground.

I have attached a copy of the Board's March 11, 2008, letter (Attachment 1) for your reference as well as an exhibit map of the proposed project.

Discussion

We have been told by the State that they have revised the State Project on the Nicolaus parcel by removing the RV and tent campground. At this point in time, the Nicolaus parcel of the proposed State Project is not moving forward.

However, the Singh parcel habitat restoration portion of the State Project is moving forward and has applied to the Central Valley Flood Protection Board (CVFPB) for a permit to work within the Sacramento River flood plain.

The CVFPB is requiring State Parks and Recreation to request a letter of endorsement from Butte County. On February 18, 2011, State Parks and Recreation sent a letter requesting Butte County to endorse the Singh Unit Restoration Project at Bidwell-Sacramento River State Park (Attachment 2).

There are two (2) significant objections contained in the Board's March 11, 2008, letter that applies to both the Singh and Nicolaus parcels. These are:

1) The loss or conversion of prime agriculture lands to non agriculture uses.

2) No apparent guarantee or financial commitment that the proposed habitat restoration would be maintained to the level anticipated by the Hydraulic Analysis for the project's Flood Neutrality Study.

Objection #1

The Boards objection to the loss or conversion of prime agriculture lands to non agricultural uses is found in our County General Plan and is summarized as follows:

Butte County GP 2030 Land Use designation for the Singh parcel is Agriculture.

GP 2030's **Goal AG-2**, states the following: Protect Butte County's Agricultural lands from conversion to non-agricultural uses.

GP 2030 has policies on conversion of agricultural lands to urban uses, but is silent on the conversion to habitat restoration.

Objection #2

The State Project completed a Hydraulic Analysis for Flood Neutrality on the Nicolaus and Singh Properties which demonstrates that if the project is planted and maintained as proposed, it will be flood neutral and not have an adverse impact on adjacent properties. Staff agrees with this analysis.

The California State Department of Parks and Recreation is responsible for the Maintenance and Monitoring Plan for the Singh Orchard Restoration Project which states that maintenance funding is provided by the Northern Buttes District's annual operation budget.

Staff is concerned that the State Parks and Recreation's annual operations budget will be reduced as a result of the States budget problems and that maintenance will be one of the items reduced or eliminated in order to meet the reduced budget.

CVFPB staff provided the County with three options to respond to State Parks request to endorse the State Project.

- Endorse the project
- Endorse the project with conditions
- Not endorse the project

CVFPB staff was clear that they would provide the County's response, including any proposed conditions to their Board for the permit hearing; however, the CVFPB Board would make an independent decision based on all the facts and testimony.

Based on GP 2030's Goal AG-2 and the Board of Supervisors' March 11, 2008 letter objecting to the Nicolaus and Singh parcels conversion from agriculture to non-agriculture (habitat conversion), staff is recommending the Board send the proposed letter (Attachment 3) stating that the County does not endorse the proposed State Project.

Recommended Action

Approve the proposed letter to the Central Valley Flood Protection Board stating the County's non-endorsement of the proposed encroachment permit application for Riparian Habitat Restoration on the Singh Unit of the Bidwell-Sacramento River State Park.

BOARD OF SUPERVISORS

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March 2, 2011

Laura Westrup
District Service Manager
State of California – Dept. of Parks and Recreation
Northern Buttes District
400 Glen Drive
Oroville, CA 95966

Dear Ms. Westrup:

This letter is in response to your letter dated February 18, 2011 requesting the Butte County Board of Supervisors provide your agency a letter of endorsement for the Singh Unit Restoration Project at Bidwell-Sacramento River State Park.

As you are aware, on March 11, 2008, this Board submitted a letter expressing its strong objection to the proposed Bidwell-Sacramento River State Parks project. These objections for the Riparian Habitat Restoration of the Singh Unit include the loss or conversion of prime agriculture lands and the lack of a permanent financial commitment to maintain the proposed project to the level anticipated by the Hydraulic Analysis Flood Neutrality Study.

The Butte County Board of Supervisors continues to have an objection to the conversion of these prime agricultural lands to a non-agricultural use. In addition, we are still very concerned that the proposed projects flood neutrality maintenance relies on the State Parks and Recreation Department's annual operating budget which is subject to budget reductions, especially during this ongoing State budget crisis.

Therefore the Butte County Board of Supervisors does not endorse the proposed Riparian Habitat Restoration on the Singh Unit of the Bidwell-Sacramento River State Park.

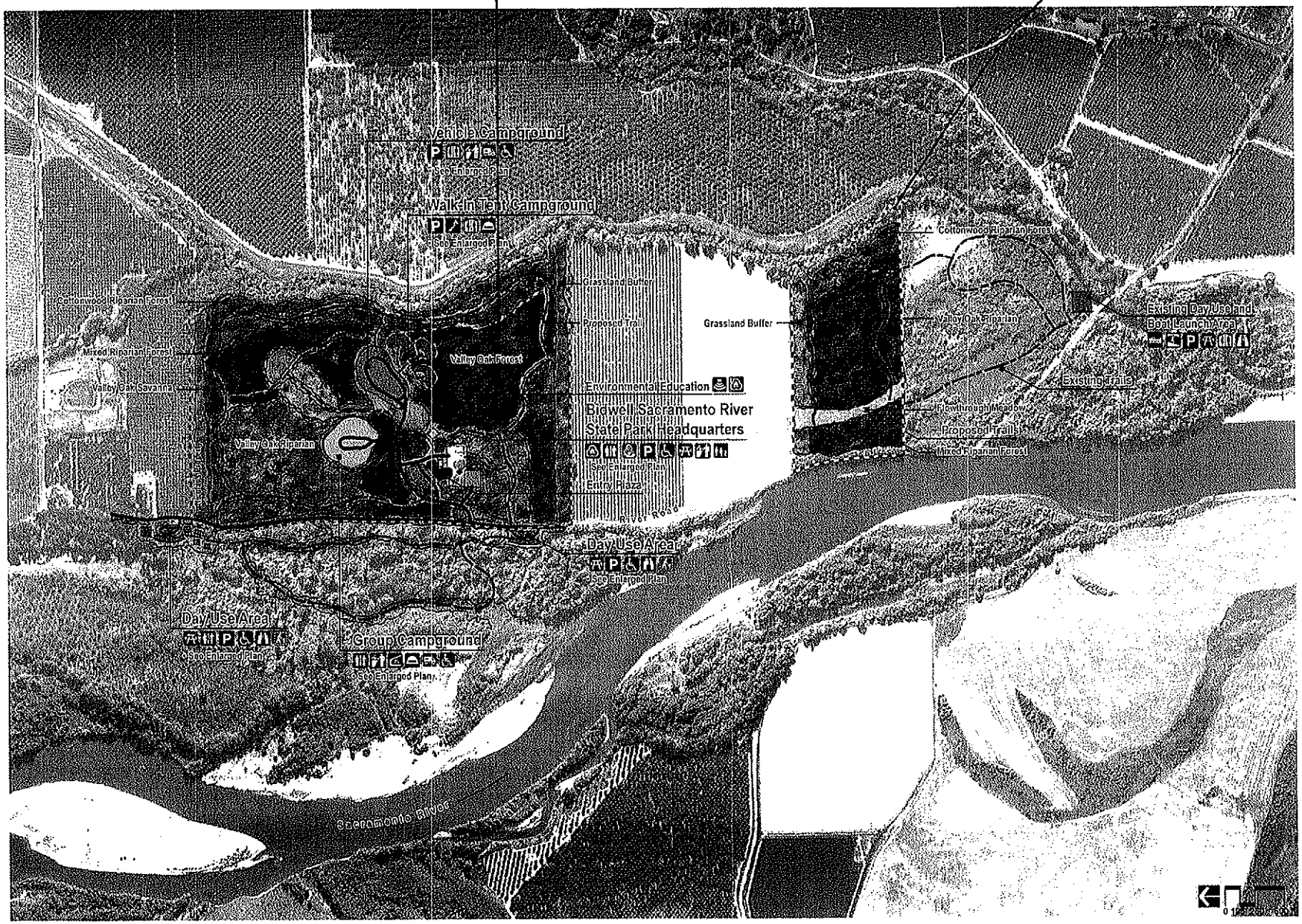
Sincerely,

Steve Lambert, Chair
Butte County Board of Supervisors

cc: John Tice, CVFPB

NICOLAUS PARCEL

SINGH PARCEL



Singh & Nicolaus Conceptual Public Access & Recreation Plan

Overall Concept Plan

August 2008

Legend

- Amphitheater
- Cartop Boat Access
- Vehicle Camping
- Walk-In Camping
- Picnic Area
- Restroom
- Showers
- Wildlife Viewing
- Accessible Facilities
- Interpretive Trails
- Vehicle Parking
- Environmental Education
- Dumpster
- Visitor Contact
- Picnic Shelter
- Tent Campground
- Grassland Buffer
- Valley Oak Savanna
- Valley Oak Riparian
- Cottonwood Riparian Forest
- Mixed Riparian Forest
- Valley Oak Forest
- Flowthrough Meadow
- Day Use Facilities
- Parking
- Existing Trail
- Proposed Trail
- Singh Boundary
- Nicolaus Boundary

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March 11, 2008

Denise Reichenberg
Sector Superintendent
California Department of Parks and Recreation
Northern Buttes District/Valley Sector
525 Esplanade
Chico, California 95926

Re: **California Department of Parks and Recreation, Draft Environmental Impact Report, Bidwell-Sacramento River State Park, Habitat Restoration and Outdoor Recreation Facilities Development Project, Butte County, California (SCH No. 2007082160)**

Dear Ms. Reichenberg:

The Butte County Board of Supervisors is writing to you to state its strong objection to the proposed Bidwell-Sacramento River State Park project and to notify the State that sufficient notice was not received by the Butte County Board of Supervisors, the representative for all environmental and project notices for the County. In fact, no notice was received by the Board of Supervisors; the project and the Draft EIR were brought to the Board's and staffs' attention inadvertently through the noticing by staff from the Sacramento River Conservation Area Forum. The failure to consult with and provide adequate notice to the County for comments is a violation of Public Resources Code Sections 21104, 21153 and CEQA Guideline Section 15086.

Butte County finds the proposed project to be completely inappropriate for the proposed location and incompatible with surrounding agricultural properties. The County is extremely concerned with several aspects of the proposed project and contends that the process, procedures, and erroneous factual data used for a baseline with respect to the Draft EIR submitted by the California State Parks Department does not meet the requirements of the California Environmental Quality Act (CEQA). The County's concerns include, but are not limited to, a complete disregard for local land use policies, development in a flood plain, inundation of sewage disposal systems in flood events, compatibility with agricultural operations, additional requests for assistance/response from Sheriff and Fire personnel and control of long term camping. The County provides the following comments and concerns with respect to the Draft EIR for the above referenced project, despite the limited time staff had for review:

DEPARTMENT OF DEVELOPMENT SERVICES COMMENTS:
The analysis of the regulatory setting in numerous sections of the Draft EIR fails to mention or consider applicable goals, policies and programs of the adopted Butte County General Plan. Specifically, the Draft EIR fails to consider the following:

A. **Noise** – Discussion on noise, one of the effects found not to be significant and eliminated from further analysis in the Draft EIR, includes reference to a Butte County General Plan Standard but fails to disclose or analyze the effect against adopted policies. Butte County Noise Element Policy 5 states "[c]ontrol recreation activities that have the potential to cause objectionable noise." The Sheriff's Department has commented (see below) that similar recreational facilities have resulted in noise complaints and demand for law enforcement services.

B. **Safety** – The following findings, policies and implementations from the Safety Element of the Butte County General Plan must be considered in assessing and mitigating potential impacts, including:

- 2.1 Policy – Encourage adequate fire protection services in all areas of population growth and high recreation use.
- 2.1 Implementation – Identify present and future limits of adequate fire protection services. Guide development to those areas through zoning and development review processes.
- Finding 4 – Fire protection facilities are marginal in some areas of the County.

C. **Agricultural Resources** - Section 4.1, Agriculture, of the Draft EIR, in its analysis of the regulatory setting acknowledges just one policy of the many goals, policies, and programs contained in the Agricultural Element of the Butte County General Plan. An understanding of Butte County's regulatory setting, as expressed through the General Plan and Butte County Code, are key to determining the significance of the impacts of the proposed project on conversion of agricultural lands. The Butte County Agricultural Commissioner has submitted comments on the impacts of the proposed project on agriculture and the loss of prime agricultural lands (see below). The Commissioner's comments, together with an understanding of the regulatory setting, make it clear that the proposed project will result in the significant and unavoidable impact of conversion of prime agricultural lands to non-agricultural uses.

Relevant goals, policies and programs from the Agricultural Element of the Butte County General Plan include the following:

- Program 2.3 – "Where development approval, other than residential, is proposed on lot(s) adjacent to an agricultural operation or Orchard and Field Crops land use category, the Zoning Ordinance shall require a natural or man-made buffer between the development and agricultural land use. The buffer shall be totally on the lot(s) where development is proposed. A buffer could be a topographic feature, a substantial tree stand, a water course or similarly defined feature. Agricultural uses may be permitted in the buffer area. This program does not apply to additions and remodeling to legally existing development." Butte County has codified the requirement for agricultural buffer setbacks (Butte County Code §24-286) and generally requires a structural setback distance of 300 feet from all property lines. The setback must be provided on the project property, not on adjacent properties.
- Program 2.8 – "New residences and/or conversion of agricultural land to non-agricultural land shall only occur when full mitigation of impacts to the extent under law are provided

including, but not limited to, roads, drainage, schools, fire protection, law enforcement, recreation, sewage, and lighting."

- Program 2.9 – "Continue to support the Chico Greenline policies." These policies provide "[i]t shall be the policy of Butte County to conserve and protect for Agricultural Use the lands of the Chico Area that are situated on the Agricultural Side of the Chico Area Greenline." (Butte County General Plan Land Use Element LUE-83).

- Goal 3 – "Support the management of agricultural lands in an efficient, economical manner, with minimal conflict from non-agricultural uses."
    - Policy 3.1 – "Apply the County's *Right to Farm* Ordinance to all non-agricultural land use approvals, including building permits, within or adjacent to designated agricultural areas." The Ordinance declares it is the policy of the County "to conserve, protect, enhance, and encourage agricultural operations on agricultural land within the unincorporated area of the County" and limits the ability to consider agricultural uses as nuisances.

D. Conversion of Agricultural Lands

- **Draft EIR 4.2.4 IMPACT ANALYSIS** (page 4.2-4)
4.2-a Change of Land Use from Agricultural Land to Restored Native Riparian Habitat and Developed Recreational Facilities. *The proposed project would restore agricultural acreage to native riparian habitat and develop outdoor recreation facilities, effectively removing the land from agricultural production. However, the proposed project would neither be irreversible nor cause serious degradation or elimination of the physical or natural conditions that provide the site's values for farming. The proposed project would not stop or hinder the agricultural practices that occur on neighboring properties. This impact is considered* ***less than significant.***

Comment:
The above analysis suggests that the permanent infrastructure of several miles of paved roads, paved walkways, drainage facilities, water and sewage facilities, bathrooms, offices, maintenance buildings, paved parking lots, an amphitheatre, etc. as described in detail in Appendix D Recreational Facilities, including RV Campground, Vehicle Campground, Walk-in Tent Campground, State Park Headquarters are somehow impermanent.

Following this rationale, if a developer were to pave over 70 acres of Prime Farmland, this would not constitute a loss of farmland because the paving "could" be torn up. The State is suggesting that the extensive facilities proposed on this site will be torn up. If that is the case, the project description must include a full reclamation plan, including funding mechanism to achieve the goal of eventually returning this land to its current Prime Agricultural state. Lacking such a plan, the County contends that the land would be irreversibly lost to as a prime agricultural land resource.

- **Page 4.2-6 of the Draft EIR states:**
"Similarly, the term "urban and built up land" is also used in the California DOC's FMMP. The proposed habitat restoration and outdoor recreation facilities do not fit this definition of

urban and built-up land. Therefore, the planned uses do not qualify as "conversion" to development."

Comment:
This statement makes an erroneous leap in logic, reasoning that if the physical changes resulting from this project that irreversibly remove lands from agricultural production are not strictly "urban" in nature, no conversion has taken place. This same logic would lead the State to conclude that it would be possible to engage in normal farming operations on the land thus converted by this project to RV Campground, Vehicle Campground, Walk-in Tent Campground, and State Park Headquarters. The Draft EIR incorrectly concludes that the development of extensive infrastructure to allow the proposed project would not have an adverse physical impact in conversion of agricultural lands as the project does not comprise urban and built-up land."

- **Draft EIR Page 4.2-4**
As the EIR accurately cites from Appendix G of the State CEQA Guidelines, a lead agency should determine that a project would cause potentially significant environmental impacts. As cited from the "Agriculture Resources" section of the Appendix G, a lead agency should determine that significant environmental impacts to agricultural resources will result from a project when the project would:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Important Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use;
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract; or
3. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Important Farmland, to non-agricultural use.

Comment:
This project would convert at least 163 acres designated Prime Farmland from high producing agriculture to a non-agricultural, recreational use.

The proposed non-agricultural, recreational use is in conflict with existing Butte County Agricultural 40-acre minimum zoning designation. Under that local jurisdiction zoning designation, the proposed non-agricultural, recreational uses are not allowed.

This project would result in irreversible changes to the environment on this site that would attract numerous sensitive human receptor tourists and recreational users to the general area, which is exclusively used for intensive agricultural production. Normal and customary agricultural practices employ chemical products that are highly toxic to human sensitive receptors. The imposition of these sensitive human receptors into a zone of intensive agricultural production will result in regulatory restrictions on the normal and customary agricultural practices that can be used in commercial agricultural production. This is likely to result in agricultural operations in the lands adjacent to the project becoming economically unviable for agricultural production. It is reasonable to conclude that this will likely result in the cessation of agricultural operations. It is reasonable to conclude that, once farming

operations are no longer economically viable, pressures on land to convert to urban and industrial/commercial uses increases, resulting in the eventual loss of Prime Farmland.

- **Page 4.2-7 of the Draft EIR states:**
  *"**Indirect Conversion of Agricultural Land.** As described above, the proposed habitat restoration and recreational facilities are non-urban uses that would be protective of and compatible with adjacent agricultural land. Additionally, the project would not include the extension of utility lines or new utility connections, which would potentially open new development pressures.*

  However, during the scoping process for this project, neighboring private agricultural landowners expressed concerns regarding indirect effects of the project on their land. The project has considered and incorporated measures to avoid indirect impacts to neighboring agricultural lands as follows."

Comment:
This section of the EIR inaccurately characterizes the proposed development as "non-urban" in nature and impacts. The physical changes resulting from this project are similar in nature and resulting impacts to "urban" uses. This project would impose the urban-like structures necessary for an RV Campground, Vehicle Campground, Walk-in Tent Campground, and State Park Headquarters on an area which currently has none of these impacts. The EIR has inaccurately concluded that this extensive development of urban-like infrastructure to allow this new use would not have significant and irreversible impacts on the site and surrounding agricultural uses.

As discussed above, this project would result in irreversible changes to the environment on this site that would attract numerous sensitive human receptor tourists and recreational users to the general area, which is exclusively used for intensive agricultural production. Normal and customary agricultural practices employ chemical products that are highly toxic to human sensitive receptors. The imposition of these sensitive human receptors into a zone of intensive agricultural production will result in regulatory restrictions on the normal and customary agricultural practices that can be used in commercial agricultural production. This is likely to result in agricultural operations in the lands adjacent to the project becoming economically unviable for agricultural production. It is reasonable to conclude that this will likely result in the cessation of agricultural operations. It is reasonable to conclude that, once farming operations are no longer economically viable, pressures on land to convert to urban and industrial/commercial uses increases, resulting in the eventual loss of Prime Farmland.

The EIR inaccurately states that: "The project has considered and incorporated measures to avoid indirect impacts to neighboring agricultural lands as follows." No mitigation measures of any kind are provided the Section 4.2 of the EIR. The EIR does not identify any mitigation measures to address the loss of prime agricultural land and to mitigate impacts to surrounding agricultural land, which the County has detailed above.

E. Impact to Lands under Williamson Act Contract

- Draft EIR Page 4.2-10:

Land Use Compatibility with Agriculture and Williamson Act Contracts. *The proposed habitat restoration and outdoor recreational uses at the project site would be compatible with surrounding agriculture land uses, based on existing federal and state laws and programs for farmland protection. As described in Impact 4.2-a, the Federal FPPA indicates that non-agricultural uses are urban uses, which detract from agricultural land values in the rating system, while "non-urban uses," which create or protect agricultural land values, include non-paved parks and recreational areas. Based on the characteristics of the proposed habitat restoration and outdoor recreation facilities, the project would qualify as non-urban uses, which the FPPA considers to be protective of and compatible with agricultural values. The Williamson Act also contains numerous provisions that recognize the compatibility between agricultural and recreation/open space uses. The definitions included in the statute are the first indication of such compatibility. It defines an "agricultural preserve" as an area devoted to agricultural use, recreational use, open space use, or any combination thereof (California Government Code Section 51201(d)). Also, "recreational use" is defined as the use of the land in its agricultural or natural state by the public, with or without charge, for a range of listed uses, including, but not limited to walking, hiking, picnicking, camping, swimming, boating, fishing, and other outdoor sports (California Government Code Section 51201(n)). Finally, "compatible use" is defined as any use determined to be compatible with the agricultural, recreational, or open space use of the land within the preserve (California Government Code Section 51201(e)). The habitat restoration and recreational facilities proposed are considered compatible with agriculture and therefore should have no significant adverse effects on neighboring farmland production. Furthermore, per the goals and guidelines under Park Plan Overall Goal AO-4, State Parks has incorporated design features (e.g., grassland buffers) into the habitat restoration and recreation facility plans to minimize land use incompatibilities and has/will coordinate with public and private landowners in the project vicinity to minimize land use conflicts. Park Plan guidelines also address fire protection and law enforcement at the Park (see Chapter 3, "Description of the Proposed Project") to minimize incompatibilities with active agricultural operations on adjacent properties.*

The definitions described above are reinforced in Section 52105 of the Williamson Act, which states that land devoted to recreational use...may be included within an agricultural preserve (California Government Code Section 51205). In outlining the purpose of the Williamson Act, the statute states that the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest (California Government Code Section 51220(c)); there is no reference to other non-urban uses, such as low-intensity rural outdoor recreation, such as those that result from the proposed project. The clearest evidence for compatibility between agriculture and the habitat restoration and recreational facilities proposed at the project site are found in the principles of compatibility presented in Section 51238.1 of the statute. It states that uses approved on contracted lands, such as those proposed for the project site, will not significantly compromise the long-term agricultural capability of the subject contracted parcel in agricultural preserves (California Government Code Section 51238.1(a)(1)). The proposed project, and goals and guidelines of the Park Plan, strive to maintain physical conditions of the land that create resource values, including future agricultural and open space capabilities. Therefore, the habitat restoration and recreational facilities proposed are considered compatible with surrounding agriculture land

use this impact is considered ***less than significant.***

Comment:

The EIR has inaccurately assessed the nature of the proposed development as being "non-urban" in nature. As previously discussed, this project clearly does not "create or protect agricultural land values". To the contrary, this project results in the complete elimination of agriculture on the site and negative impacts on the ability of surrounding agricultural producers to engage in farming. As previously discussed, it is reasonable to conclude that, once farming operations are no longer economically viable, pressures on land to convert to urban and industrial/commercial uses increases, resulting in the eventual loss of Prime Farmland.

The EIR inaccurately describes the Williamson Act, its regulatory structure, its implementation, and the impacts that this project will have on land subject to Williamson Act contract. The Williamson Act program is a locally administered program, subject to State regulations. The Williamson Act contract on the subject land is between the County of Butte and the current landowner. The operative regulations regarding Williamson Act contracts in Butte County is the January 23, 2007 Resolution 07- 021 of the Board of Supervisors of the County of Butte, Exhibit A (copy here attached). The proposed project has not complied with the regulatory setting detailed in those rules and procedures that provide for Butte County's discretionary consideration of the conversion of Williamson Act-contract land to an alternate use. Neither the State of California nor the landowner has consulted with the Butte County Williamson Act Advisory Committee regarding this project, nor does the project or Draft EIR reference or address the local regulations of Butte County which govern the implementation of the Williamson Act in Butte County. Butte County's local regulations (Butte County Resolution 07- 021, Exhibit) are fully consistent with State Williamson Act enabling statutes. While Section California Government Code Section 52105 of the Williamson Act does allow the local jurisdiction to determine if a recreational use may be included within an agricultural preserve, no such action has been requested by the landowner.

PUBLIC WORKS COMMENTS:

In conformance with Federal Emergency Management Agency criteria, Butte County has adopted specific requirements for development within a designated flood plain (Article IV of Chapter 26 of the Butte County Code). These Code requirements were enacted to protect the public health and safety as well as any new structures. The requirements include flood proofing or elevating the lowest floor of structures above the base flood elevation (BFE) and protection of water and sewage disposal systems.

A. The Draft EIR (Appendix D) indicates that structures will be elevated approximately 1 foot above grade to provide for improved flood protection, while the Hydrologic analysis (Appendix B) indicates the flood depth between 2' and 10'. There is no indication that the proposed structures (showers; bathrooms; Headquarters; entry plaza; and RV electrical, water and sewer hookups) and their contents will be protected from flooding.

B. There is insufficient information to determine if the sewerage disposal systems will be appropriately placed outside the 10-year flood plain or properly engineered to prevent infiltration of floodwaters into the systems or prevent contamination of the floodwaters from the systems. A sample concern being the design of a shower system that will not allow infiltration or contamination when it is under 1' to 9' of floodwaters.

C. The Flood Neutral Hydraulic Analysis contained in Appendix B, makes the following assumptions: The project is located on the Sacramento River between River Mile (RM) 193.5 (near Big Chico Creek) and RM 195 (near West Sacramento Avenue; Hydraulic Analysis Section 3.4 indicates the simulated flows used are 170,000 cfs for the Sacramento River and 15,000 cfs from Stony Creek (enters the Sacramento River near RM 190 downstream of the project); the two river gages in this area are Hamilton City near RM 199.5 and Ord Ferry near RM 184. These assumptions do not appear to accurately model the project.

- The analysis notes that the project will remove berms from the west side of the Sycamore Mud Creek facility but fails to address the over 20,000 cfs in flows coming in below the Hamilton City gage and impacting the project from Pine Creek, Rock Creek, Sycamore Mud Creek, Lindo Channel and Big Chico Creek.
- The analysis assumes flood waters will flow through the project and does not address the backwater effects when the Sacramento River is high and the flows from Pine Creek, Rock Creek, Sycamore Mud Creek, Lindo Channel and Big Chico Creek need to develop head in order to flow into the River. The flood plain shown in their analysis does not conform to the FEMA flood plain or actual flooding in the area since it magically stops at the east (left) bank of Sycamore Mud Creek instead of flooding a large area north of Big Chico Creek and east of Sycamore Mud Creek. This area is subject to frequent flooding.
- The analysis indicates an almost constant water depth in the before and after conditions, but fails to note that most of the campground area, including all the roads, is being elevated a minimum of 1' to protect from flooding. Since they do not show water surface elevations in their report, either the water depth is consistent and the water surface is 1' higher or the water surface is consistent and they are showing 1' too much depth.

D. The project plan contained in Appendix D indicates both sites will have trails for bicycle and pedestrian use but these sites are separated by two privately owned properties currently in agricultural uses. There is no trail connecting the sites forcing the public out onto a very narrow River Road, which has no paved shoulders or bike lanes. At a minimum the Project should construct a path or trail separate from the County maintained River Road to provide for public safety.

E. The County road that provides access to the proposed project area, River Road, is a very narrow, winding County roadway that may not be able to accommodate the large recreational vehicles that would be attracted to the proposed project.

AGRICULTURE COMMISSIONER COMMENTS:

The Project proposes to convert prime agricultural land to non-agricultural use. Existing farming practices on the site will cease, orchards will be removed, substantial non-agricultural infrastructure will be put in place, and the site will be developed to facilitate the permanent occupation of the land by the general public for recreational use. Specific concerns are as follows:

A. There are commercial agricultural operations, under pesticide permit, on three boundaries of the project site. Impacts and mitigation measures concerning these operations are not adequately addressed in the Draft EIR.

B. In Section 4.2 – Agricultural Resources (4.2.1 and 4.2.2), the Draft EIR relies on a number of procedural and regulatory technicalities found in Federal and State farmland protection policies to

justify conversion and development of this prime agricultural land. There are no clearly stated conclusions, but there are many equivocations and implied, vaguely conclusive, statements. A detailed examination of the language in this section is necessary and could not be done in the short timeframe given the Agricultural Commissioner's Office for review.

C. The Draft EIR acknowledges the site to be prime agricultural land but defaults to a variety of questionable land use definitions and terminology in an attempt to persuade reviewers that the project is not actually converting productive prime agricultural land to non-agricultural use.

D. Overall, the Draft EIR demonstrates a lack of acknowledgement regarding the impacts that the proposed change in land use will impose on the surrounding agricultural properties and the possible health and safety risks the users of the proposed facility will be exposed to. The project proposes to convert 163 acres of prime agricultural land to non-agricultural use. The land in question is squarely positioned in the County General Plan and designated and zoned as commercial agriculture. The Draft EIR fails to propose any mitigation measures in the Agricultural Resources Section. In short, the impacts to agricultural resources are understated and not adequately addressed.

E. The conclusions in the Impact Analysis (Section 4.2.4) appear to be flawed. The conclusions are heavily biased to the benefit of the proposed project and a detailed examination of these statements is necessary.

F. The proposed project ignores Butte County's Right to Farm Ordinance (Butte County Code §35-2(b)) as described above.

According to *Laurel Heights Improvement Assn. V. Regents of University of California (1988)*, "An EIR is intended to alert the public and its responsible officials to environmental changes caused by an environment altering project; additionally it is also intended to demonstrate to an apprehensive citizenry that the agency has in fact analyzed the implications of its actions...." Based upon the above observations, the Agricultural Commissioner finds the Draft EIR to be grossly inadequate and finds that it fails to meet the fundamental legislative intent embodied by CEQA.

PUBLIC HEALTH COMMENTS:

A. **Sewage:** Sewage disposal for the outdoor recreation facility is proposed to be provided by vault privies and a new septic system with leach field. Both the vault privies and septic system are located within a flood zone.

The flood frequency anticipated in the recreation area is once every 2 to 4 years, with a depth of water during flood events anticipated being between 2 and 8 feet, and with a flow velocity of 1 to 1.5 feet/second. Therefore, it is anticipated that the vault privies and septic system will be threatened with inundation by floodwater at regular intervals of roughly every 2 to 4 years.

Sewage should be disposed of in a manner that prevents its discharge from entering waters of the State of California. The proposal lacks detail regarding the design of the RV hookups, the RV dump station, and the proposed septic system. In addition, the proposal includes no analysis of the adequacy of the existing farm septic system that is proposed to be used by the office. These design details are especially important due to the environmental sensitivity of the project site.

Vault privies have significant potential to threaten public health and water quality during flood events. Locating vault privies and discharging wastewater systems in areas prone to regular flooding is not appropriate. Although design considerations such as bulkheading and elevating the facilities so as to remain above the floodplain can partially mitigate concerns about groundwater inundation, the height and velocity of floodwater projected for this project make such mitigations impractical.

Likewise, best management practices dictate that discharging wastewater systems should not be located within areas prone to flooding. Although Butte County Code §26-26 requires all sewage disposal systems within a 10-year flood plain to be designed by an engineer, even engineered systems can be damaged by floodwaters and result in discharge of untreated or under-treated wastewater directly to surface and groundwaters.

B. **Potable Water:** The proposal states the intent to utilize two existing agricultural wells as the potable water source for the recreation area. The State Division of Drinking Water, Environmental Management, will regulate the water source for this project, which will serve the public. The construction standards for potable water wells to serve the public are such that it is likely that the existing agricultural wells will not be satisfactory for this purpose.

C. **Hazardous Materials:** The proposed project includes storage of hazardous materials at the new Park headquarters on the Nicolaus property in a location subject to routine flooding. This may result in release of hazardous materials to surface water in a flood event, an impact which may exceed the threshold of significance discussed in Appendix G of State CEQA Guidelines.

The project will require submittal of a Hazardous Materials Release Response Plan to Butte County Environmental Health if it involves storage or handling of hazardous materials in quantities:

(1) Equal to, or greater than, a total weight of 500 pounds or a total volume of 55 gallons.
(2) Equal to, or greater than, 200 cubic feet at standard temperature and pressure, if the substance is compressed gas.

SHERIFF'S COMMENTS:

The Sheriff has concerns regarding the Draft EIR and the proposed project. On page 3-23, "Law Enforcement," the Draft EIR indicates "Law enforcement services are provided concurrently by State Parks and local law enforcement agencies, namely the Butte County Sheriff's Office for the portion of the BSRSP in Butte County. Park security is the primary responsibility of the Park Ranger serving the Park." The Sheriff has extreme concerns for public safety at the proposed project due to the growing budget challenges at the State-level and the fact that the State has been unable to provide adequate law enforcement resources at other State projects that lie within Butte County.

A. Based upon the County's experience with other recreational areas, such as the Department of Water Resources' Lake Oroville Project and PG&E's DeSabla-Centerville Project, it is predicted that this project will result in increased law enforcement calls for service due to the number of visitors that will be using the campground, day use areas, nature trails, and river access points. Based upon historic call types at other similar projects, the calls will most likely include thefts and vandalisms, assaults, river rescues, traffic related issues, and drug and alcohol offenses. Given the

current level of staffing in the Sheriff's Department, response to these additional calls will reduce the Department's ability to handle its current call volume.

B. Additionally, the Sheriff's Department has concerns that the proposed recreational and camping use will conflict with the nearby agricultural use, resulting in increased law enforcement calls for service to handle trespassing, vandalism, and loud noise complaints. Based upon the County experience with other recreational areas, such as the Oroville Wildlife Area, there is potential for local gang members to frequent the area and use the area for meetings and parties.

C. Other criminal justice related impacts on the County are not discussed or addressed. The drain on County resources does not end once a call is responded to and an arrest made. The arrestees are then held in the County jail (at County cost), prosecuted by the County District Attorney (at County cost), defended by the County Public Defender (at County cost), and sentencing reports and follow-up for the State Court are provided by the County Probation Department (at County cost). These additional criminal justice costs are also incurred by the County if a law enforcement agency other than the County Sheriff makes an arrest, including State law enforcement.

FIRE DEPARTMENT COMMENTS:

A. The Draft EIR, on page 3-23, states that the closest fire station is Station 43. The County closed Station 43 in 2000; the site is now occupied by Chico Station 6. The closest fire station and the first due engine, through an automatic aid agreement between Butte County and the City of Chico, would be Chico Station 6 located at 2544 State Route 32. For multiple engine responses, County Stations 41 (13871 Hwy 99, Chico)), 42 (10 Frontier Circle, Chico), and 44 (2334 Fair Street, Chico) would respond respectively. Response times from the various stations are as follows: Chico Station 6 (approximately 6 minutes 15 seconds), County Station 41 (approximately 9 minutes 11 seconds), County Station 42 (approximately 12 minutes 6 seconds), and County Station 44 (approximately 14 minutes 41 seconds). Butte County is statutorily responsible for fire, life and safety incidents at the site due to its location in the Local Responsibility Area. Historic data for the past three (3) years indicates there have been approximately 45 calls over the three-year period in the Scotty's Boat Landing and Hwy 32/River Road area. The County anticipates that number to rise if the project is approved as proposed.

B. The Draft EIR, on page 3-23, discusses implementation of Park Plan Goals and Guidelines. Missing in the discussion is mention of vegetation management that will lessen the danger and impact of fires if they occur. The plan states that it will return the project area to a historically natural state, including annual grasses, oaks and some brush species that are all more fire prone than the orchards currently in the project area.

C. The roads within the park appear to be wide enough for emergency equipment, though the Fire Department is concerned about the turning radius and the single point for ingress and egress. The Department suggests that an exit road be added as part of the proposed project.

D. The increased vehicle traffic and foot traffic within the park area will increase the demands for EMS, rescue, Haz-mat, and fire suppression. Due to the travel time for local fire and rescue resources to respond, State Park employees should be trained on how to use an Automated Electronic Defibrillator (AED) and have one on site.

E. Due to the location and the close proximity of the Sacramento River an emergency road access to the river should be considered for water rescues.

OTHER COMMENTS:

In addition to County staffs' concerns, the County has received communications from the general public that should be addressed. Two of the communications are attached and, in summary, include:

A. Concerns that the State has stated that it can only review the environmental impacts caused by its project to its property and that the State will not take into consideration the impact upon the county, neighboring properties, residences and farming operations. *The County is very concerned if such statements have been made since they would be in violation of the California Environmental Quality Act.*

B. Concerns that the hydrology reports are not accurate. *Once again, the County has concerns that if the facts are incorrect the analysis is flawed.*

C. Restoration of areas back to riparian habitat may cause roadway erosion that does not currently exist.

D. There will be an increase in traffic on a roadway that is already less than two lanes with no shoulder and is commonly used by cyclists thereby increasing the probability of vehicle vs. pedestrian accidents that the Butte County Sheriff's Office and Fire Department will have to contend with. In order to mitigate this impact, the Project would have to widen the roadway and add striping with dedicated pedestrian crossings and speed control signage.

E. There is no safe river access anywhere near the proposed campground.

F. The proposed campground and walking trails are situated with two privately owned parcels in between them. There may be an increase in trespass calls to the Sheriff's Department.

G. The State has confirmed that the proposed park area floods on an annual basis. It does not seem concerned with the impact of storm water contamination or what will happen to all of their structures and waste when the flood waters carries them downstream onto private property or County roads. The cleanup costs will be left for the property owners and the County.

H. Concerns regarding the impact on existing agricultural uses that mirror the concerns stated earlier by the Agricultural Commissioner.

I. The State of California is proposing a development that defies the principal of the Greenline and is in conflict with the Butte County General Plan.

J. The State is proposing a project that would not be allowed if proposed by a private landowner; a proposal for a revenue-generating campground. If a private individual wanted to put an RV park on a parcel zoned AG 40 on the west side of the Greenline, they would not be able to.

K. The fact that this project is even being considered, given the current proposal to shut down an existing facility only 15 minutes away (Woodson Bridge State Park) and the totally inappropriate location of this new facility is puzzling. Why would the State invest the resources and funds to build a new facility, when it is proposing closing others throughout the State?

In conclusion, based upon the specific goal of the California Environmental Quality Act (CEQA) "for California's public agencies to identify the significant environmental effects of their actions and either a) avoid those significant environmental effects, where feasible or b) mitigate those significant environmental effects, where feasible," the County finds the Draft EIR to be completely inadequate because it contains inaccurate information and ignores major environmental impacts. The California State Parks' website states

"the California Environmental Quality Act is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible." The California State Parks' fails to meet the requirements of CEQA in its Draft Environmental Impact Report on the proposed project. **Please provide any response to this letter and all future notices to: Butte County Board of Supervisors, 25 County Center Drive, Oroville, CA 95965.**

Thank you for your consideration in this matter. Brian Haddix, Chief Administrative Officer, will be contacting you to further discuss the County's concerns, due to the fact that the County did not receive notice of the public hearing held in February 2008 on this issue. If you would like to contact Mr. Haddix directly, he can be reached at (530) 538-7224.

Sincerely,

Curt Josiassen
Chair, Butte County Board of Supervisors

cc: Brian Haddix, Butte County Chief Administrative Officer
Bruce Alpert, County Counsel
Tim Snellings, Butte County Department of Development Services
Henri Brachais, Cal Fire/Butte County Fire Department
Phyllis Murdock, Butte County Public Health Department
Mike Crump, Butte County Public Works Department
Richard Price, Agricultural Commissioner
Perry Reniff, Butte County Sheriff
Governor Arnold Schwarzenegger
Mike Chrisman, Secretary, State Resources Agency
Ruth Coleman, Director, California State Parks
Stephanie K. Meeks, Executive Director, The Nature Conservancy
Cynthia Bryant, Director, The Governor's Office of Planning and Research

Enclosed:

- E-mail from Justin and Jamee Mendonca to Supervisor Dolan and Mr. Crump (2/29/08)
- Letter from Clint Maderos to Supervisor Dolan (2/24/08)
- Letter from the Butte County Farm Bureau (9/25/07)
- Butte County Resolution 07-021, Williamson Act Exhibit A

State of California • Natural Resources Agency
Edmund G. Brown, Jr., *Governor*

DEPARTMENT OF PARKS AND RECREATION
Ruth Coleman, *Director*
Northern Buttes District
400 Glen Drive
Oroville, CA 95966

February 18, 2011

Michael Crump
Director
Butte County Department of Public Works
7 County Center
Oroville, CA 95965-3397

Dear Mr. Crump:

CA State Parks (CSP) has applied for an encroachment permit (attached) from the Central Valley Flood Protection Board (CVFPB). Per California Code of Regulation Title 23, Article 3. Application Procedures #7 Endorsement by Maintaining Agency I would like to request a letter of endorsement for the Singh Unit Restoration Project at Bidwell-Sacramento River State Park.

I have attached the letter dated February 17, 2011 from the CVFPB to CSP which advises CSP that this endorsement is needed to proceed with our application.

Please send this letter to CSP, Northern Buttes District at 400 Glen Drive, Oroville, CA 95966 Attn: Laura Westrup.

At our meeting on February 17, 2011 between CVFPB, CSP and Butte County it appeared that you have the information related to the project. Please give Laura Westrup call if you need any further information or have any questions.

Sincerely,

Marilyn Linkem
District Superintendent

Cc: John Tice, CVFPB
Laura Westrup

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY EDMUND G. BROWN JR., GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD
3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682

February 17, 2011

Ms. Laura Westrup
District Service Manager
State of California – Dept. of Parks & Recreation
Northern Buttes District
525 Esplanade
Chico, CA 95926

SUBJECT: **Permit Application No. 18576, Singh Unit Restoration Project, Bidwell-Sacramento River State Park**

Dear Ms. Westrup:

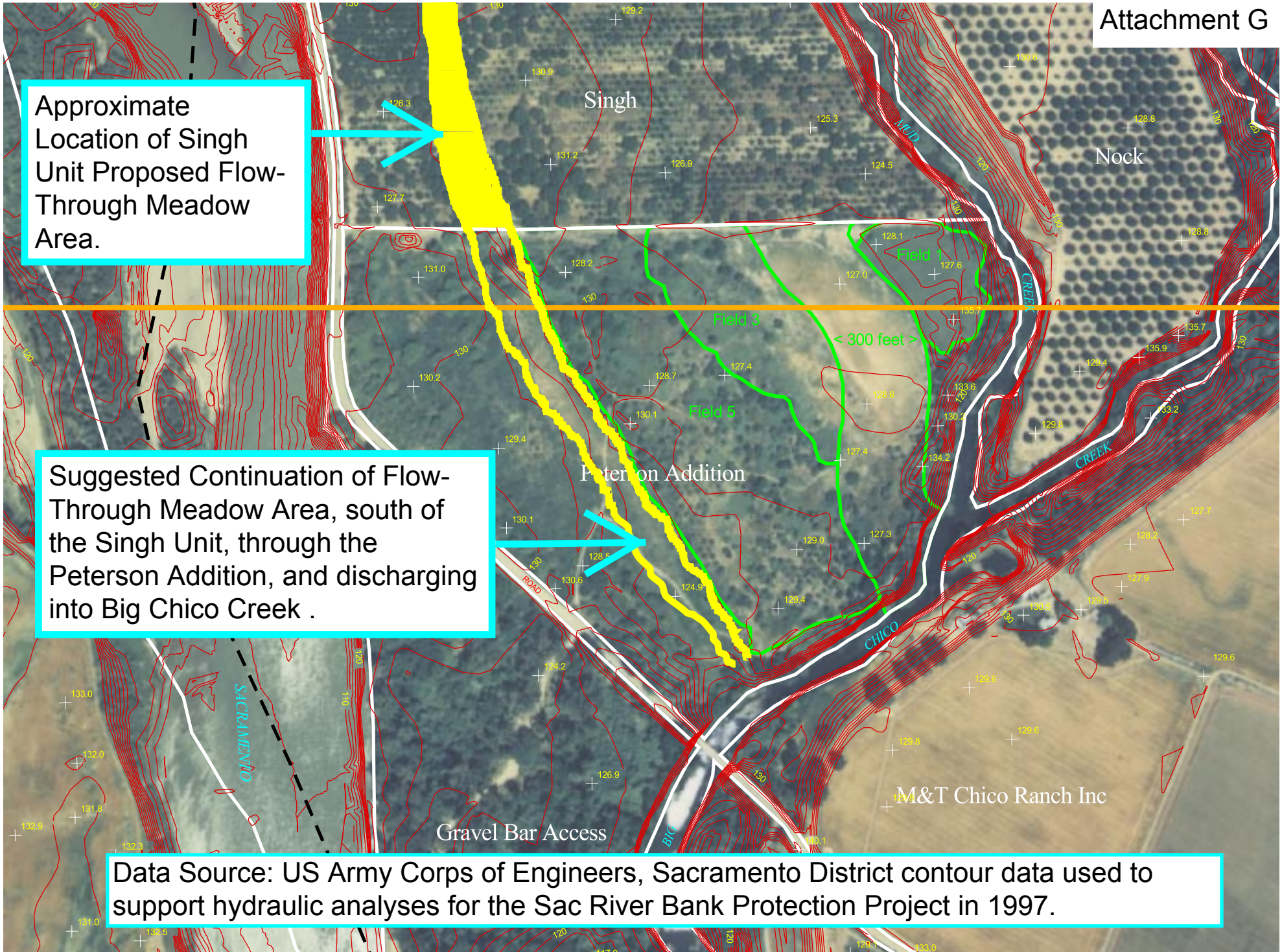
The Central Valley Flood Protection Board (CVFPB) staff has reviewed the correspondence related to Permit Application No. 18576, along with the Memorandum of Agreement (MOA) between Butte County and The Reclamation Board (now the CVFPB) dated January 4, 2000. Based on our regulations, all applicants are required to seek an endorsement from local maintaining agencies prior to submitting an application to the Board (please see excerpt from Title 23 below). Butte County will be considered a maintaining agency for the Singh Unit Restoration Project application. If you have not already done so, please submit this restoration project application to them for a 30-day review with a request for an endorsement.

California Code or Regulations Title 23
Article 3. Application Procedures
§ 7. Endorsement by Maintaining Agency.

(a) Prior to submitting an encroachment permit application to the board, the application must be endorsed by the agency responsible for maintenance of levees within the area of the proposed work, such as a reclamation district, drainage district, flood control district, levee district, state, county, or city. Endorsement or denial of the application by the maintaining agency does not preclude the board from either approving or denying the application. If endorsement by the maintaining agency is declined or is unreasonably delayed, the application may be submitted to the board for consideration, along with a satisfactory explanation for lack of an endorsement.
(b) For the purpose of this section "endorsement" means conceptual plan approval, which may include recommended permit conditions of the local maintaining agency.
(c) Applicants shall be advised by the board that permission for an encroachment may also be required from the local maintaining agency.
NOTE: Authority cited: Section 8571, Water Code. Reference: Sections 8370, 8708, 8710 and 12642, Water Code.

Upon notification from the applicant that the 30-day review period for the local maintaining agency endorsement has expired, Board staff will schedule this application for an evidentiary hearing where the applicant and other parties can testify in support or against this application.

Attachment G



Data Source: US Army Corps of Engineers, Sacramento District contour data used to support hydraulic analyses for the Sac River Bank Protection Project in 1997.

Attachment H

Figure 5. Field delineations and soil test pit locations of the Peterson Addition.

Attachment I

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

REPLY TO
ATTENTION OF

Flood Protection and Navigation Section (18576)

DEC 16 2010

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

Dear Mr. Punia:

We have reviewed a permit application by the California Department of Parks and Recreation (application number 18576). These plans includes restoring a 43 acre parcel (Singh Unit) by removing two existing berms (east berm is approximately 1,000 feet long by 45 feet wide and 11 feet high, southwest berm is approximately 300 feet long by 25 feet wide and 3 feet high); removing nonnative vegetation, planting riparian vegetation and native grasses within the designated floodway (River Mile 194) of the left (east) bank of the Sacramento River. The project is located west of Chico and south of Sacramento Avenue, at 39.7102°N 121.9406°W NAD83 in Butte 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 the proposed work shall not be performed during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.

b. That an operation and maintenance plan shall be developed and provided to the Central Valley Flood Protection Board for approval prior to planting (with a copy to the Sacramento District of the U.S. Army Corps of Engineers). The plan shall ensure that the proposed plantings will not grow uncontrolled and will not impact the existing hydraulic conditions of the Flood Risk Reduction Project.

c. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

d. That in the event trees and brush are cleared, they shall be properly disposed of by either complete burning or complete removal outside the limits of the project right-of-way.

e. That the proposed berm removal areas shall be worked uniformly with no holes or high spots.

f. That the proposed work shall not change the streamflow velocity in such a way that might cause damage to the existing waterside levee slope or reduce the channel flow velocity.

There is not enough information provided to determine if there is a permit action under Section 10 and/or Section 404. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Division, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA, 95821.

Sincerely,

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

Attachment J

BOARD OF SUPERVISORS

ADMINISTRATION CENTER
25 COUNTY CENTER DRIVE - OROVILLE, CALIFORNIA 95965
TELEPHONE: (530) 538-7224

March 2, 2011

Laura Westrup
District Service Manager
State of California – Dept. of Parks and Recreation
Northern Buttes District
400 Glen Drive
Oroville, CA 95966

Dear Ms. Westrup:

This letter is in response to your letter dated February 18, 2011 requesting the Butte County Board of Supervisors provide your agency a letter of endorsement for the Singh Unit Restoration Project at Bidwell-Sacramento River State Park.

As you are aware, on March 11, 2008, this Board submitted a letter expressing its strong objection to the proposed Bidwell-Sacramento River State Parks project. These objections for the Riparian Habitat Restoration of the Singh Unit include the loss or conversion of prime agriculture lands and the lack of a permanent financial commitment to maintain the proposed project to the level anticipated by the Hydraulic Analysis Flood Neutrality Study.

The Butte County Board of Supervisors continues to have an objection to the conversion of these prime agricultural lands to a non-agricultural use. In addition, we are still very concerned that the proposed projects flood neutrality maintenance relies on the State Parks and Recreation Department's annual operating budget which is subject to budget reductions, especially during this ongoing State budget crisis.

Therefore the Butte County Board of Supervisors does not endorse the proposed Riparian Habitat Restoration on the Singh Unit of the Bidwell-Sacramento River State Park.

Sincerely,

Steve Lambert, Chair
Butte County Board of Supervisors

cc: John Tice, CVFPB