

**Meeting of the Central Valley Flood Protection Board  
July 27, 2012**

**Staff Report – Encroachment Permit**

**Lauppe Family Trust et al.  
Irrigation System, Sutter County**

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**1.0 – ITEM**

Consider approval of Permit No. 18745 (Attachment B)

**2.0 – APPLICANT**

Lauppe Family Trust et al.

**3.0 – LOCATION**

The project is located on the left (east) bank levee of the Sacramento River, on Garden Highway approximately ¾ mile upstream of Riego Road at River Mile 77.3, Section 36, T11N, R3E, Sutter County, Reclamation District 1000 (see Attachment A)

**4.0 – DESCRIPTION**

Applicant proposes to replace the existing temporary irrigation system placed as part of the Natomas Levee Improvement Program (NLIP, SAFCA, Permit No. 18159-3).

**5.0 – PROJECT ANALYSIS**

The project includes the replacement of an existing HDEP pipe with a 10-inch diameter welded steel pipe through the levee (above the 200-year water surface elevation), and a 14-inch diameter pipe beyond the levee toe, slant pump and motor, a new pump platform with a steel operating deck, handrail, bar grating, and stairway, construction of a new concrete foundation support for piers on the waterside bench, steel support piers on the waterside levee slope, a deflecting dolphin, a new electrical service panel and conduit, and connection to the discharge pipeline over the new adjacent levee.

The piles to support the pumping plant were installed as part of NLIP under the SAFCA's Permit No. 18159-3. Also installed under the same permit was a temporary

HDPE pipe through the levee and landside piping to connect the pump to the existing irrigation system. The HDPE pipe was installed through the levee as a temporary solution to allow for levee settling. The original/existing river pump was by Board Order No. 1880 on March 1954. Applicant is requesting a permit to include the existing and the proposed facilities. The Pacific Gas and Electric Company (PG & E) is the applicant for the electrical services to the new pump.

### **5.1 – Hydraulic Analysis**

Mead & Hunt, Inc. Engineers for the applicant, performed the hydraulic blockage calculation for the proposed project showing that the project blocks less than one (1) percent of the floodway. Therefore a hydraulic analysis was not required.

### **5.2 – Geotechnical Analysis**

Geotechnical Analysis was done by SAFCA at this location; no new Geotechnical Analysis is needed.

### **5.3 – Additional Staff Analysis**

This project is addition and also modification/improvement to the existing facility and the applicant will be required to inspect all the existing pipes prior to connecting to the new ones, and replace them if the condition of the pipes was unsatisfactory.

## **6.0 – AGENCY COMMENTS AND ENDORSEMENTS**

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

- The Reclamation District 1000 has conditionally endorsed the application.
- The U.S. Army Corps of Engineers 208.10 comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it into the permit as Exhibit A.

## **7.0 – CEQA ANALYSIS**

Board staff has prepared the following CEQA Findings:

The Board, acting as a responsible agency under CEQA, has independently reviewed the Environmental Impact Report (EIR) on the Natomas Levee Improvement Program (NLIP) Landside Improvements Phase 2 Project, (SCH No. 2007062016, November 2007); including a Supplement EIR (SEIR) (SCH No. 2007062016, November 2008) and SAFCA Resolution 09-22 (which includes a Statement of Facts, Findings, and Mitigation Measures, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program) for the NLIP Landside Improvements Phase 2 Project prepared by the lead agency, the SAFCA. These documents including project design and Resolution 09-22 may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvpfb.ca.gov/meetings/2012/07-27-2012> under a link for this agenda item. The documents are also available for review in hard copy at the Board and SAFCA offices.

The significant impacts and the mitigation measures to reduce them to less than significant are adopted in the SAFCA Resolution 09-22 dated January 29, 2009 (which includes a Statement of Facts, Findings, Impacts and Mitigation Measures, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program). Based on its independent review of the EIR, SEIR and SAFCA Resolution 09-22, the Board finds that for each of the significant impacts described, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR and SEIR. Moreover, such changes or alterations are within the responsibility and jurisdictions of another public agency, the SAFCA, and such changes have been adopted by that agency.

### **7.1 – Significant Unavoidable Adverse Impacts of the Project**

The following impacts of the proposed project remain significant following adoption and implementation of the mitigation measures described in the EIR and SEIR:

**Cultural Resources** - The proposed project could potentially impact known archeological sites. To the extent feasible the project proponent will prepare and implement a Historic Properties Treatment Plan and avoid disturbance to the extent feasible.

**Noise** - The proposed project could generate noise levels that exceed the local noise standards for stationary sources at nearby receptors. To the extent feasible the project

proponent will conduct noise-reducing construction practices, prepare and implement a noise control plan, and monitor and record construction noise near sensitive receptors.

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

## **7.2 – Statement of Overriding Considerations**

The Board has independently considered the significant and unavoidable environmental impacts of the proposed project.

The Board finds that there is an immediate need to protect the people and property at risk in the project area. The Natomas Basin floodplain is occupied by over 83,000 residents and \$10 billion in damageable property. The area is presently vulnerable to flooding in a less than 100-year flood event along the Sacramento River or American River. The Natomas Basin is a deep floodplain and depending on the circumstances, flood depths in the Natomas Basin could reach life-threatening levels. The disruption in transportation that would result from a major flood would affect the Sacramento International Airport, interstate and state highways, and rail service. The health and safety benefits of the project, which would significantly reduce the risk of an uncontrolled flood in the Natomas Basin that would result in a catastrophic loss of property and threat to residents of the area, outweigh the remaining unavoidable environmental impacts.

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

## **8.0 – SECTION 8610.5 CONSIDERATIONS**

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

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

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

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

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

None.

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

None.

## **9.0 – STAFF RECOMMENDATION**

Staff recommends that the Board adopt the CEQA findings, approve Resolution 2012-36, approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and direct staff to file a Notice of Determination with the State Clearinghouse.

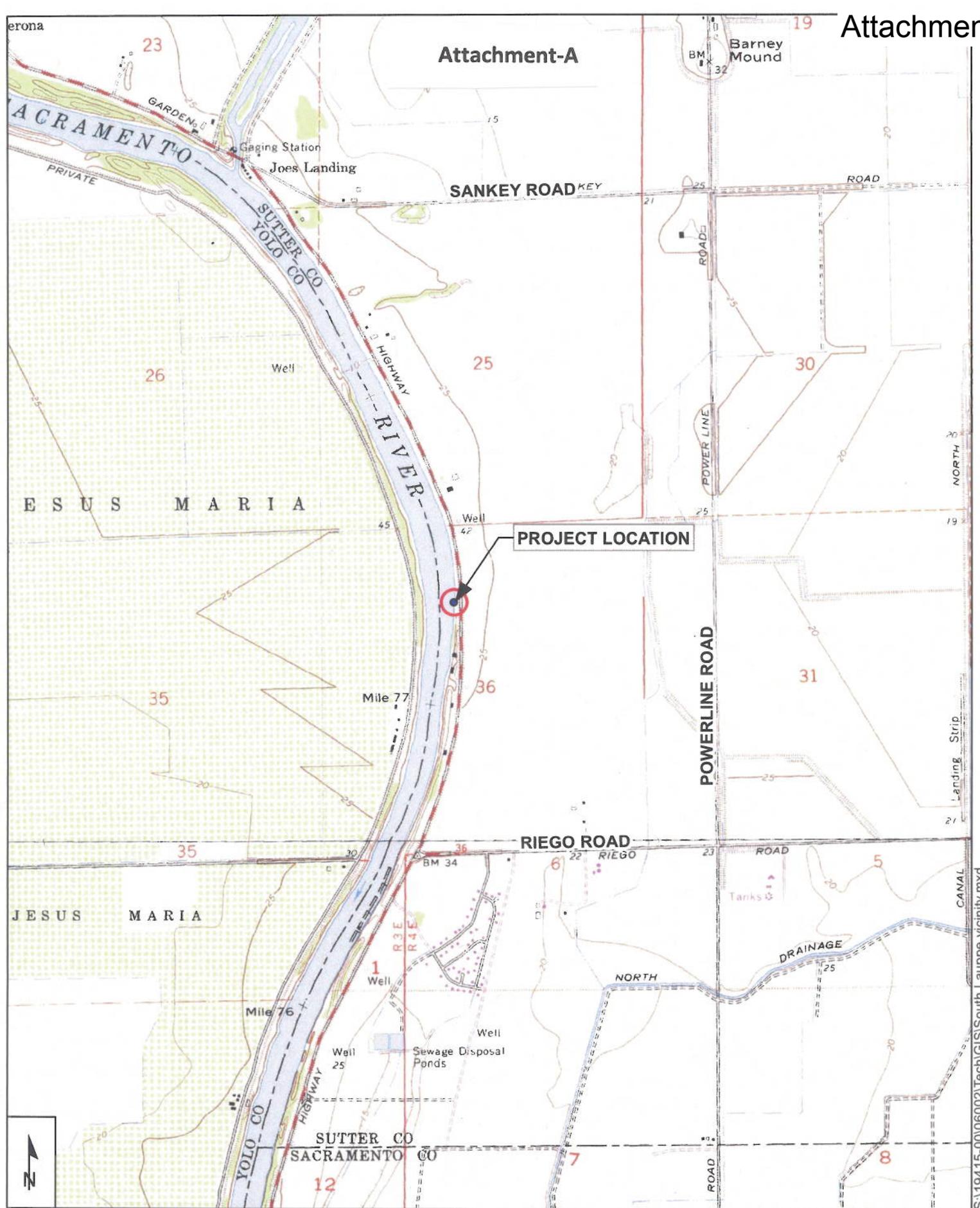
## **10.0 – LIST OF ATTACHMENTS**

- A. Location Map and Photos
- B. Draft Permit No. 18745
- C. Resolution 2012-36

Design Review:	Sam Brandon
Environmental Review:	James Herota and Andrea Mauro
Document Review:	Mitra Emami P.E., Len Marino P.E

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Attachment-A



S:\19415-00106002\Tech\GIS\South Lauppe vicinity.mxd

Project Vicinity Map

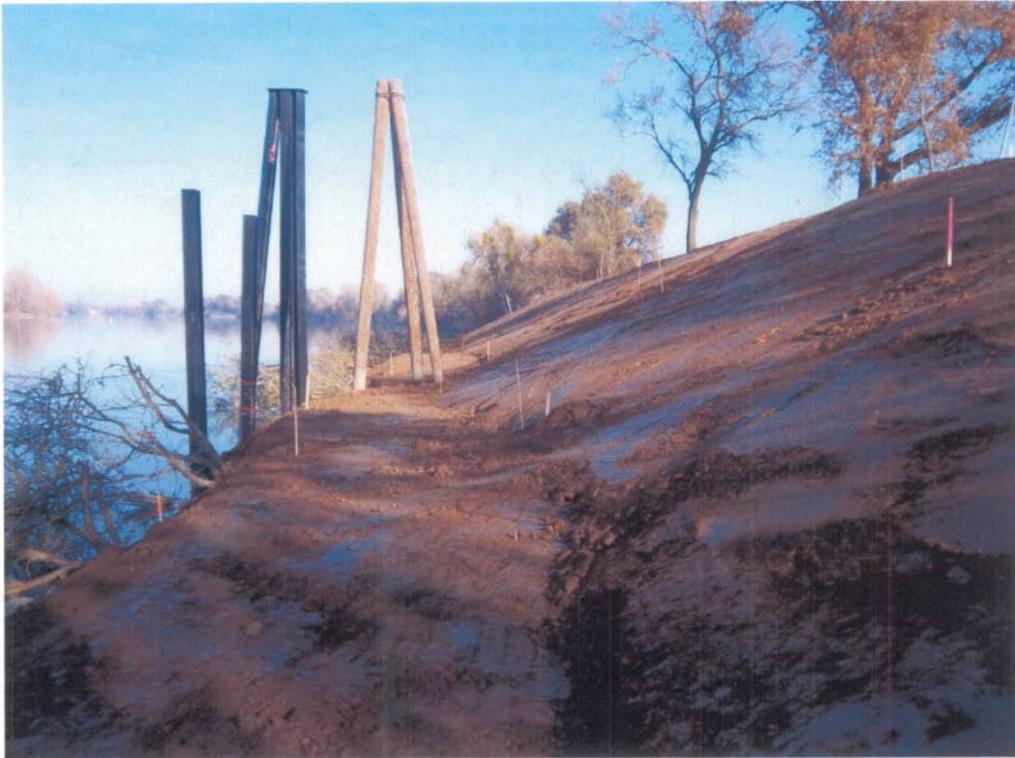
South Lauppe River Pumps (RM 77.3)

SACRAMENTO AREA FLOOD CONTROL AGENCY  
Natomas Levee Improvement Program



0 5001,000 2,000 3,000 Feet

**Lauppe South River Pump** - All photographs of Lauppe South River Pump were taken December 2011 prior to completion of the U.S. Army Corps of Engineers' Sacramento River RM 77.2L bank stabilization project.



**Photograph 1:** Lauppe South River Pump site prior to completion of USACE bank stabilization (River Mile 77.3).



**Photograph 2:** Looking west at the existing piles for the Lauppe South River Pump.



**Photograph 3:** Looking east toward Garden Highway from Lauppe South River Pump.



**Photograph 4:** Looking east toward Garden Highway from Lauppe South River Pump. Arrow points to existing discharge pipe through levee, which is the connection point for the proposed modifications to the Lauppe South River Pump.

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**DRAFT**

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

**PERMIT NO. 18745 BD**

**This Permit is issued to:**

Lauppe Family Trust et al.  
2363 Nicolaus Ave.  
Nicolaus, California 95659

To replace the existing temporary Irrigation system placed as part of the Natomas Levee Improvement Program (NLIP; SAFACA, 18159-3), which includes replacement of an existing HDPE pipe with a 10-inch diameter welded steel pipe through the levee (above 200-year water surface elevation) and a 14-inch diameter pipe beyond the levee toe, slant pump and motor, a new pump platform with a steel operating deck, handrail, bar grating, and stairway, construction of new concrete foundation support for piers on the waterside bench, steel support piers in the river, a debris deflecting dolphin, a new electrical service panel and conduit, and connection to the discharge pipeline over the new adjacent levee. The project is located in Sutter County on the left (east) bank of the Sacramento River on Garden Highway approximately 3/4 mile upstream of Riego Road at River Mile 77.3. (Section 36, T11N, R3E, MDB&M, Reclamation District 1000, Sacramento River, Sutter County).

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

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer

**GENERAL CONDITIONS:**

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

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

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

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

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

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

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

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

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

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

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

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

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18745 BD**

**THIRTEEN:** If the construction project extends onto land owned in fee and/or easement by the Sacramento and San Joaquin Drainage District acting by and through the Central Valley Flood Protection Board (Board), the permittee should secure an easement, license, or temporary entry permit from the Board prior to commencement of work. Contact Angelica Aguilar at (916) 653-5782.

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

**FIFTEEN:** The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, Reclamation District 1000 or any other agency responsible for maintenance.

**SIXTEEN:** Upon receipt of a signed copy of the issued (not approved only) permit the permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SEVENTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 1000 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

EIGHTEEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

NINETEEN: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

TWENTY: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

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

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

TWENTY-THREE: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

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

TWENTY-FIVE: Any excavations made in the levee section or within 10 feet of the levee toes shall be backfilled in 4- to 6-inch layers with impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Backfill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

TWENTY-SIX: Compaction tests by a certified soils laboratory will be required to verify compaction of backfill within the levee section or within 15 feet of the levee toe.

TWENTY-SEVEN: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from

November 1 to April 15.

TWENTY-EIGHT: At all times during construction, at least one lane of the levee crown roadway shall be kept clear for vehicular access.

TWENTY-NINE: The pipe shall be placed in the center of an open trench 2 feet wider than the diameter of the pipe or 2 times the diameter, whichever is greater.

THIRTY: The pipe shall be placed in an open cut with side slopes of 1 horizontal to 1 vertical or flatter.

THIRTY-ONE: Pipe installed in the levee section and within 10 feet of the levee toes shall be new steel and at least 10 gauge for up to 12-inch diameter and 7 gauge for up to 30-inch diameter pipe. Steel pipe shall be corrosion-proofed externally with a coating of coal-tar enamel; asphalt-saturated felt wrap; cement mortar; or PVC or polyethylene tape wrapped to a thickness of 30 mils. Steel pipe shall be corrosion-proofed internally with a continuous lining of cement mortar or asphalt.

THIRTY-TWO: The pipeline shall be tested and confirmed free of leaks by X-ray, pressure tests, or other approved methods during construction or anytime after construction upon request by the Central Valley Flood Protection Board.

THIRTY-THREE: All pipe joints within the levee section shall be butt welded or threaded.

THIRTY-FOUR: The abandoned pipes shall be removed from the levee section.

THIRTY-FIVE: In the event existing rock revetment on the levee section is disturbed or displaced during construction, it shall be restored to its preconstruction condition.

THIRTY-SIX: The project area shall be restored to at least the condition that existed prior to commencement of work.

THIRTY-SEVEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

THIRTY-EIGHT: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated \_\_\_\_\_, which is attached to this permit as Exhibit \_\_\_ and is incorporated by reference.

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2012-36

FINDINGS AND DECISION AUTHORIZING ISSUANCE OF  
ENCROACHMENT PERMIT NO. 18745, 18746  
LAUPPE FAMILY TRUST ET AL.  
IRRIGATION SYSTEM, SUTTER COUNTY

**WHEREAS**, The Central Valley Flood Protection Board at the March 27, 2009 Meeting approved Permit No. 18159-3 Sacramento Area Flood Control Agency (SAFCA) Natomas Levee Improvement Program to construct a seepage cutoff wall, construct a seepage berm varying in width, and construct a setback levee higher than existing levee, on the landside slope of the existing left (east) bank levee of the Sacramento River; and

**WHEREAS**, The Lauppe Family Trust et al. submitted Applications 18745 and 18746 to the Central Valley Flood Protection Board on March 26, 2012 to replace the existing temporary irrigation system placed as part of the Natomas Levee Improvement Program Phase II Improvements; and

**WHEREAS**, The project location for Application 18745 is located on the left (east) bank levee of the Sacramento River, on Garden Highway approximately  $\frac{3}{4}$  mile upstream of Riego Road at River Mile 77.3, Sutter County; and

**WHEREAS**, The project location for Application 18746 is located on the left (east) bank levee of the Sacramento River, on Garden Highway approximately 1.25 miles upstream of Riego Road at River Mile 77.7, Sutter County; and

**WHEREAS**, SAFCA as lead agency under the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* ("CEQA") prepared an Environmental Impact Report (EIR) on the Natomas Levee Improvement Program (NLIP) Landside Improvements Phase 2 Project, (SCH No. 2007062016, November 2007); including a Supplement EIR (SEIR) (SCH No. 2007062016, November 2008), and a Mitigation Monitoring Reporting Plan (MMRP) (incorporated herein by reference and available at the Central Valley Flood Protection Board or SAFCA offices); and

**WHEREAS**, On January 29, 2009, SAFCA approved Resolution 09-22 for the Natomas Levee Improvement Program Landside Improvements Phase 2 Project, MMRP, SEIR, approved findings and a statement of overriding considerations pursuant to the CEQA Guidelines (incorporated herein by reference); and

**WHEREAS**, on March 21, 2012, Reclamation District 1000 endorsed Application 18745; and 18746; and

**WHEREAS**, The U.S. Army Corps of Engineers (USACE) 208.10 comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it into the Permit; and

**WHEREAS**, Board staff completed a technical review of Permit Application No. 18745 and 18746; and

**WHEREAS**, the Board has conducted a public hearing on Permit Application No. 18745 and 18746 and has reviewed the Reports of its staff, the documents and correspondence in its file, and the environmental documents prepared by SAFCA.

NOW, THEREFORE, BE IT RESOLVED THAT,

**Findings of Fact.**

1. The Central Valley Flood Protection Board hereby adopts as findings the facts set forth in the Staff Report.
2. The Board has reviewed all Attachments, Exhibits, Figures, and References listed in the Staff Report.

**CEQA Findings.**

3. The Board, as a responsible agency, has independently reviewed the analyses in the EIR on the NLIP Landside Improvements Phase 2 Project, (SCH No. 2007062016, November 2007); the SEIR (SCH No. 2007062016, November 2008), MMRP on the NLIP Landside Improvements Phase 2 Project, the SAFCA findings, and has reached its own conclusions.
4. The Board, after consideration of the EIR on the NLIP Landside Improvements Phase 2 Project, (SCH No. 2007062016, November 2007); the SEIR (SCH No. 2007062016, November 2008), MMRP on the NLIP Landside Improvements Phase 2 Project, the SAFCA findings, adopts the project description, analysis, and findings which are relevant to the project.
5. **Findings Regarding Significant Impacts.** Pursuant to CEQA Guidelines sections 15096(h) and 15091, the Central Valley Flood Protection Board determines that the SAFCA findings, attached to the Staff Report, and incorporated herein by reference, summarizes the EIR and SEIR determinations regarding impacts of the modifications to the NLIP Landside

Improvements Phase 2 Project, before and after mitigation. Having reviewed the EIR and SEIR the SAFCA findings, the Board makes its findings as follows:

- a. **Findings regarding Significant and Unavoidable Impacts.** The Board finds that the NLIP Landside Improvements Phase 2 Project, may have the following significant, unavoidable impacts, as more fully described in the EIR, and SEIR and the SAFCA findings. Mitigation has been adopted for each of these impacts, although it does not reduce the impact to less than significant. The impacts and mitigation measures are set forth in more detail in the EIR, SEIR and SAFCA findings.

Cultural Resources - The proposed project could potentially impact known archeological sites. To the extent feasible the project proponent will prepare and implement a Historic Properties Treatment Plan and avoid disturbance to the extent feasible.

Noise - The proposed project could generate noise levels that exceed the local noise standards for stationary sources at nearby receptors. To the extent feasible the project proponent will conduct noise-reducing construction practices, prepare and implement a noise control plan, and monitor and record construction noise near sensitive receptors.

**Finding.** The Board finds that changes or alterations have been required in, or incorporated into, the project which substantially lessen such impacts, as set forth more fully in the SAFCA findings, but that each of the above impacts remains significant after mitigation. Such mitigation measures are within the responsibility of another agency, SAFCA, and SAFCA can and should implement the described mitigation measures. Specific economic, legal, social, technological or other considerations, make infeasible mitigation or alternatives that would have reduced these impacts to less than significant.

- b. **Findings regarding Significant Impacts that can be reduced to Less Than Significant.**

The significant impacts and the mitigation measures to reduce them to less than significant are adopted in the SAFCA approved Resolution 09-22 for the Natomas Levee Improvement Program Landside Improvements Phase 2 Project dated January 29, 2009 (which includes a Statement of Facts, Findings, Impacts and Mitigation Measures, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program). Based on its independent review of the EIR and SEIR and SAFCA Resolution 09-22, the Board finds that for each of the significant impacts described, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR and SEIR. Moreover, such changes or alterations are within the responsibility and jurisdiction of another public agency, or SAFCA, and such changes have been adopted by that agency. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less-than-significant level or avoided by incorporation of these mitigation measures into the project

6. As a responsible agency, the Central Valley Flood Protection Board has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the Project which it decides to carry out, finance, or approve. The Board confirms that it has reviewed the MMRP, and confirmed that SAFCA has adopted and committed to implementation of the measures identified therein. The Board agrees with the analysis in the MMRP and confirms that there are no feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. None of the mitigation measures in the MMRP require implementation by the Board directly, although continued implementation of the MMRP shall be made a condition of issuance of the Encroachment Permit. However, the measures in the MMRP may be modified to accommodate changed circumstances or new information not triggering the need for subsequent or supplemental analysis under CEQA Guidelines sections 15062 or 15063.
7. **Statement of Overriding Considerations.** Pursuant to CEQA Guidelines sections 15096(h) and 15093, the Board has balanced the economic, social, technological and other benefits of the Project described in Application No. 18745 and 18746, against its significant and unavoidable impacts, listed in paragraph 5(a) above, and finds that the benefits of the Project outweigh these impacts and they may, therefore, be considered “acceptable”.

The Central Valley Flood Protection Board finds that there is an immediate need to protect the people and property at risk in the project area. The Natomas Basin floodplain is occupied by over 83,000 residents and \$10 billion in damageable property. The area is presently vulnerable to flooding in a less than 100-year flood event along the Sacramento River or American River. The Natomas Basin is a deep floodplain and depending on the circumstances, flood depths in the Natomas Basin could reach life-threatening levels. The disruption in transportation that would result from a major flood would affect the Sacramento International Airport, interstate and state highways, and rail service.

The health and safety benefits of the project, which would significantly reduce the risk of an uncontrolled flood in the Natomas Basin that would result in a catastrophic loss of property and threat to residents of the area, outweigh the remaining unavoidable environmental impacts.

8. **Custodian of Record.** The custodian of the CEQA record for the Board is its Executive Officer, Jay Punia, at the Central Valley Flood Protection Board Offices at 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

### **Considerations pursuant to Water Code section 8610.5**

9. **Evidence Admitted into the Record.** The Board has considered all the evidence presented in this matter, including the original Application for Permit No. 18745 and 18746 and technical documentation provided by SAFCA on the Natomas Levee Improvement Program, Landside Improvements Project past and present Staff Reports and attachments, the original Environmental Impact Report on the Natomas Levee Improvement Program, Landside Improvements Phase 2 Project (Draft and Final Versions), SAFCA Resolution 09-22

including findings, Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program.

The custodian of the file is Executive Officer Jay Punia at the Central Valley Flood Protection Board, 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

10. **Best Available Science.** In making its findings, the Board has used the best available science relating to the issues presented by all parties and the design is in compliance with these standards.
11. **Effects on State Plan of Flood Control.** This project has no negative impacts on the State Plan of Flood Control. Both hydraulic and geotechnical impacts from the project construction are negligible.
12. **Effects of Reasonably Projected Future Events.** There are no other foreseeable projected future events that would impact this project.

**Other Findings/Conclusions regarding Issuance of the Permit.**

13. Based on the foregoing and particularly on the evidence that the condition of the existing Natomas levees poses an unacceptable risk to life and property, the Board finds and concludes that the issuance of Encroachment Permit No. 18745 and 18746 for the Lauppe Family Trust et al. irrigation system is in the public interest.
14. This resolution shall constitute the written decision of the Central Valley Flood Protection Board in the matter of Permit No. 18745 and 18746.

**Approval of Encroachment Permit No. 18745 and 18746**

15. Based on the foregoing, the Central Valley Flood Protection Board hereby conditionally approves issuance of Encroachment Permit No. 18745 and 18746 in substantially the form provided in the Staff Report for Permit No. 18745 and 18746, subject to receipt of subject to receipt of USACE comment letter indicating that the District Engineer has no objection to the project.
16. The Board directs the Executive Officer to take the necessary actions to prepare and execute Encroachment Permit No. 18745 and 18746 and all related documents and to prepare and file a Notice of Determination under the California Environmental Quality Act for the Natomas Levee Improvement Program, Landside Improvements Phase 2 Project.

PASSED AND ADOPTED by vote of the Board on \_\_\_\_\_, 2012

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Bill Edgar  
President

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Jane Dolan  
Secretary