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STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2010-10

FINDINGS AND DECISION AUTHORIZING ISSUANCE OF  
ENCROACHMENT PERMIT NO. 18159-4  
SACRAMENTO AREA FLOOD CONTROL AGENCY  
NATOMAS LEVEE IMPROVEMENT PROGRAM  
SACRAMENTO RIVER EAST LEVEE ("SREL") PHASE 2B, SACRAMENTO COUNTY

**WHEREAS**, the Sacramento Area Flood Control Agency ("SAFCA") has begun a multi-year Natomas Levee Improvement Program; 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 on the Natomas Levee Improvement Program Landside Improvements Project ("EIR") (incorporated herein by reference and available at the Central Valley Flood Protection Board offices or SAFCA offices); and

**WHEREAS**, SAFCA, as lead agency, certified the EIR, adopted mitigation measures and a Mitigation Monitoring Reporting Plan ("MMRP") (incorporated herein by reference and available at the Central Valley Flood Protection Board or at SAFCA), approved findings and a statement of overriding considerations pursuant to CEQA and the CEQA Guidelines (incorporated herein by reference); and approved the Project as identified for the REACH 5A-9B Project; and

**WHEREAS**, SAFCA submitted Application No. 18159-4 to the Central Valley Flood Protection Board on September 15, 2009 to construct approximately 4.5 linear-miles of adjacent levee on the landside slope of the existing Garden Highway Levee (Reaches 5A-9B, STA 224+00 to 468+00); installing seepage cutoff wall from STA 229+50 to 464+00, ranging in depth from 40 to 115-feet deep; constructing 300-foot seepage berm from STA 228+00 to 232+50 and from 457+00 to 464+50; constructing a 100-foot seepage berm from STA 336+80 to 353+33; constructing approximately 640 linear-feet of a reinforced concrete floodwall from STA 442+00 to 447+00; installing drainage structures and outfalls through the existing Garden Highway Levee; completing grading construction for the Reclamation District (RD) 1000 Pumping Plant No. 2 and Natomas Mutual Water Company (NMWC) Pritchard Lake Pumping Plant; removing, relocating, and replacing structures, outfalls, and appurtenances to complete interim construction, including grading, of the NMWC Elkhorn Pumping Plant; and complete private drainage improvements; and

**WHEREAS**, the geographic description of the project area is located in Sacramento approximately 5 miles downstream from the Natomas Cross Canal along the Garden Highway; and

- Geotechnical Basis of Design Report (BODR) – Kleinfelder (2010)
- Geotechnical Data Report – Kleinfelder (2010)
- Hydrology / Hydraulic Analysis – MBK Engineers

This technical review concluded that the designs for SREL Phase 2B are in accordance with Board, USACE standards, and DWR ILDC; and

**WHEREAS**, this technical review concluded that the designs of the new cutoff wall, adjacent levee, seepage berm, and surface water drainage facilities are in accordance with current Central Valley Flood Protection Board (Board) and U.S. Army Corps of Engineers (Corps) standards; and

**WHEREAS**, upon receipt of final 100% plans and specifications Board staff will review and address any final issues with SAFCA prior to issuance of the permit. If major technical issues remain Board staff will determine if the issues can be resolved without further Board consideration, or if they will require the application be brought back to the Board at a future meeting; and

**WHEREAS**, the Board has conducted a public hearing on Permit Application No. 18159-4 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 Central Valley Flood Protection Board, as a responsible agency, has independently reviewed the analyses in the Draft Environmental Impact Statement /Draft Environmental Impact Report (DEIS/DEIR) (SCH No. 2008072060, February 2009) and the FEIS/EIR (August 2009) on the Natomas Levee Improvement Program Phase 3 Landside Improvements Project submitted by SAFCA and has reached its own conclusions regarding them.

- E. Potential Damage to or Destruction of Previously Undiscovered Cultural Resources from Ground-Disturbance or Other Construction - Ground-disturbing work associated with the levee improvements could affect several prehistoric sites by disturbing interred human skeletal remains and associated grave goods. Because of the complex and stratified geomorphology of the area as well as the magnitude of the construction, implementation of all mitigation may not fully reduce impacts to a less-than-significant level. For example, buried components may not be susceptible to adequate documentation prior to intrusive work. Therefore, this impact would remain significant and unavoidable;
- F. Potential Discovery of Human Remains during Construction - The construction methods and procedures involved in the levee improvements preclude complete advance investigation for human remains, so previously unknown buried human remains may be unearthed, damaged, or destroyed during project construction and excavation of borrow. Ground-disturbing work could disinter and damage human remains. Therefore, this impact would remain significant and unavoidable;
- G. Temporary Increase in Traffic on Local Roadways - Before the start of construction in each construction season, SAFCA and its primary contractors for engineering and construction shall develop a coordinated construction traffic safety and control plan to minimize the simultaneous use of roadways by different construction contractors for material hauling and equipment delivery to the extent feasible and to avoid and minimize potential traffic hazards on local roadways during construction;
- H. Temporary Emissions - The project would result in temporary construction related emissions of reactive organic gases, nitrogen oxides, and particulate matter that could expose nearby sensitive receptors to substantial pollutant concentrations and/or substantially contribute a violation of an air quality standard;
- I. Generation of Temporary, Short-Term Construction Noise - Project levee and canal improvements could result in temporary, short-term noise levels that exceed the applicable daytime and nighttime standards for non-transportation sources, resulting in increased annoyance and/or sleep disruption to occupants of residential buildings and other sensitive receptors;
- J. Exposure of Sensitive Receptors to or Generation of Excessive Ground borne Vibration - At one residence located near the Pumping Plant No. 2 site, pile driving activities could temporarily cause vibration levels that exceed the Federal Transit Administration's (FTA's) human disturbance-based standard. Mitigation may not reduce the impact to the affected residential structure to levels below applicable standards. Therefore, this impact would remain significant and unavoidable;
- K. Short-term Exposure of Residents to Increased Traffic Noise Levels from Hauling Activity - Project construction would generate high volumes of haul truck trips on area roads, temporarily causing noise levels to exceed exterior noise standards at residential land uses and potentially resulting in temporary sleep disturbance at

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. 18159-4, 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 Nos. 18159-4 and technical documentation provided by SAFCA on SREL Phase 2B proposed improvements, past and present Staff Reports and attachments, the original Environmental Impact Report on the Natomas Levee Improvement Program Landside Improvements Project (Draft and Final Versions), SAFCA Resolution 09-059 including findings and 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. On the important issue of hydraulic impacts and the computed water surface profiles, SAFCA used the UNET one-dimensional unsteady flow model developed by the USACE for the Sacramento-San Joaquin Comprehensive Study. The model is considered by many experts as one of the best available scientific tools for the purpose of modeling river hydraulics, including flood control system simulations and water surface profile computations.

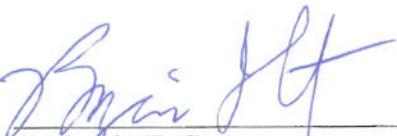
**Other Findings/Conclusions regarding Issuance of the Permit.**

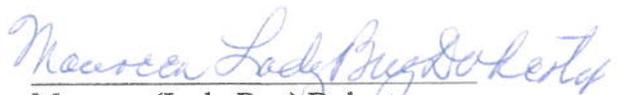
13. Based on the foregoing and particularly on the evidence that the condition of the existing Natomas levees poses an unacceptable risk to life and property, the Board finds and concludes that the issuance of Encroachment Permit No. 18159-4 for the Sacramento River East Levee Improvement Project, Reach 5A-9B 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. 18159-4.

**Approval of Encroachment Permit No. 18159-4**

15. Based on the foregoing, the Central Valley Flood Protection Board hereby approves the modifications to the NLIP relevant to the Sacramento River East Levee Phase 2B and conditionally approves issuance of Encroachment Permit No. 18159-4 in substantially the form provided as Staff Report Attachment B, subject to receipt, review and approval of final 100% plans, drawings and specifications.
16. The Board directs the Executive Officer to take the necessary actions to prepare and execute the Encroachment Permit No. 18159-4 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 Project, Sacramento River East Levee Phase 2B Improvement Project.

PASSED AND ADOPTED by vote of the Board on 23 APRIL 2010, 2009 *EBD*

  
\_\_\_\_\_  
Benjamin F. Carter  
President

  
\_\_\_\_\_  
Maureen (Lady Bug) Doherty  
Secretary

## **RESOLUTION 09-059**

Adopted by the Sacramento Area Flood Control Agency

### **CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT ON THE NATOMAS LEVEE IMPROVEMENT PROGRAM LANDSIDE IMPROVEMENTS PROJECT – PHASE 3 PROJECT; ADOPTION OF FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM; AND APPROVAL OF THE NATOMAS LEVEE IMPROVEMENT PROGRAM LANDSIDE IMPROVEMENTS PROJECT - PHASE 3 PROJECT**

WHEREAS, Section 20(c) of the SAFCA Act {Stats.1990, c. 510 (S.B.46), §1.}, finds and declares that a purpose of SAFCA is to coordinate a regional effort to finance, provide, and maintain facilities and works necessary to ensure a reasonable and prudent level of flood protection, as determined by the agency, in developed and urbanizing areas which are designated for residential, commercial, or industrial uses within its boundaries and to provide local assurances and participate in cost sharing for federal flood control projects; and

WHEREAS, Section 52 of the SAFCA Act states that SAFCA shall have as its highest priority the protection of life, property, watercourses, watersheds, and public highways within its boundaries from damage from flood and storm waters; and

WHEREAS, Section 52 of the SAFCA Act further mandates that SAFCA carry out its flood control responsibilities in ways that provide for the optimum protection of the natural environment, especially riparian habitat and natural stream channels suitable for native plant and wildlife habitat and public recreation; and

WHEREAS, the Natomas Levees Improvement Program Landside Improvements Project ("NLIP Landside Improvements Project") consists of improvements to the levee system in the Natomas Basin and related landscape modifications and drainage and infrastructure improvements to reduce the risk of flooding in a significant portion of the Sacramento metropolitan area, thereby implementing a portion of the flood control program analyzed at the program level in the Environmental Impact Report on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area (State Clearinghouse No. 2006072098) ("Local Funding EIR"); and

WHEREAS, the NLIP Landside Improvements Project was further evaluated in the Environmental Impact Report on the NLIP Landside Improvements Project (State Clearinghouse No. 2007062016) ("2007 Landside EIR"), and consists of elements that were analyzed in the 2007 Landside EIR at a project level (the "Phase 2 Project") and elements that were analyzed at a program level (the "Phase 3 Project" and the "Phase 4 Project"); and

WHEREAS, the Phase 1 Project has been completed; and

WHEREAS, the SAFCA Board of Directors certified the 2007 Landside EIR and approved the Phase 2 Project in November 2007; and

WHEREAS, modifications to the Phase 2 Project were analyzed in the Supplement to the Environmental Impact Report on the Natomas Levee Improvement

Program Landside Improvements Project – Phase 2 Project (State Clearinghouse No. 2007062016 (“Phase 2 SEIR”); and

WHEREAS, the SAFCA Board of Directors certified the Phase 2 SEIR and approved the modifications to the Phase 2 Project in January 2009; and

WHEREAS, the Phase 3 Project would involve improvements to a portion of the Natomas Basin’s perimeter levee system in Sutter and Sacramento Counties, California, and associated landscape and irrigation/drainage infrastructure modifications, with a focus on addressing underseepage, riverbank erosion, encroachment, and levee height deficiencies along 4.5 miles of the Sacramento River east levee, 3.2 miles of the Pleasant Grove Creek Canal west levee, and 6.2 miles of the Natomas East Main Drainage Canal west levee; and

WHEREAS, SAFCA has prepared an Environmental Impact Report on the Natomas Levee Improvement Program Landside Improvements Project – Phase 3 Project (State Clearinghouse No. 2008072060) (“Phase 3 Project EIR” or “EIR”); and

WHEREAS, the Phase 3 Project EIR is tiered from the Local Funding EIR and the 2007 Landside EIR; and

WHEREAS, the Phase 3 Project is fully described in Chapter 2 of the February 2009 Draft EIS/EIR, as amended by the May 2009 Final EIR; and

WHEREAS, SAFCA desires the Phase 3 Project to provide at least 100-year flood protection as quickly as possible while laying the groundwork to achieve at least “200-year” flood protection over time; to use flood control projects in the vicinity of Sacramento International Airport to facilitate better management of Airport lands that reduce hazards to aviation safety; and to use flood control projects to enhance habitat values by increasing the extent and connectivity of the lands in the Natomas Basin being managed to provide habitat for giant garter snake, Swainson’s Hawk, and other special-status species; and

WHEREAS, construction of the Phase 3 Project is scheduled to begin in late summer/fall 2009 and is expected to be completed in 2010, assuming receipt of all required environmental clearances, permits, and approvals for project implementation; and

WHEREAS, the Draft EIS/EIR describing the Phase 3 Project has been circulated for public review, comments have been received and responses issued, and a Final EIR has been prepared; and

WHEREAS, the Final EIR has been presented to the Board and the Board has reviewed and considered the information contained in the Final EIR.

NOW, THEREFORE, BE IT RESOLVED BY THE SACRAMENTO AREA FLOOD CONTROL AGENCY BOARD OF DIRECTORS:

1. The Board hereby finds the foregoing recitals to be true and correct.

2. The Board hereby certifies that the Final EIR for the Phase 3 Project has been completed in compliance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, and reflects the independent judgment and analysis of SAFCA.
3. The Board hereby adopts the Findings and Statement of Overriding Considerations for the Phase 3 Project, attached hereto as "Exhibit A," including the Statement of Overriding Considerations set forth therein.
4. The Board hereby adopts and incorporates into the Phase 3 Project all of the mitigation measures within the responsibility and jurisdiction of SAFCA that are identified in the Findings.
5. The Board hereby adopts the Mitigation Monitoring and Reporting Program for the Phase 3 Project, attached hereto as "Exhibit B."
6. The Board hereby approves the Phase 3 Project.

ON A MOTION BY Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, the foregoing resolution was passed and adopted by the Board of Directors of the Sacramento Area Flood Control Agency, this 21st day of May 2009, by the following vote, to wit:

AYES: Directors:

NOES: Directors:

ABSTAIN: Directors:

ABSENT: Directors:

\_\_\_\_\_  
Chair of the Board of Directors of the  
Sacramento Area Flood Control Agency

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Directors

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Wednesday, March 3, 2010



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## Natomas Levee Improvement Program, Phase 3 Landslide Improvements Project

**SCH Number:** 2008072060

**Document Type:** NOD - Notice of Determination

**Project Lead Agency:** Sacramento Area Flood Control Agency

### Project Description

The NLIP consists of improvements to the Natomas Basin's perimeter levee system in Sutter and Sacramento Counties, CA, and associated landscape and irrigation/drainage infrastructure modifications. The Phase 3 Landslide Improvements Project focuses on addressing undersleepage, riverbank erosion, encroachment, and levee height deficiencies along 4.5 miles of the Sacramento River east leveem 3.2 miles of the Pacific Grove Creek Canal west levee, and 6.2 miles of the Natomas East Main Drainage Canal west levee.

### Contact Information

#### Primary Contact:

John Bassett  
Sacramento Area Flood Control  
Agency  
916-874-7606  
1007 7th Street, 7th Floor  
Sacramento, CA 95814

### Project Location

County: Sacramento, Sutter  
City: Sacramento  
Region:  
Cross Streets: Various  
Latitude/Longitude: 38° 41' -" / 121° 36' -" [Map](#)  
Parcel No:  
Township:  
Range:  
Section:  
Base:  
Other Location Info:

### Determinations

This is to advise that the  Lead Agency  Responsible Agency SAFCA has approved the project described above on 5/21/2009 and has made the following determinations regarding the project described above.

1. The project  will  will not have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were  were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations  was  was not adopted for this project.
5. Findings  were  were not made pursuant to the provisions of CEQA.

Final EIR Available at: [www.safca.org/Programs\\_Natomas.html](http://www.safca.org/Programs_Natomas.html) SAFCA 1007 7th Street, 7th floor Sacramento, CA 95814

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Date Received: 5/22/2009

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