

**Meeting of the Central Valley Flood Protection Board
July 25, 2014**

Staff Report – Resolution 2014-26

**West Sacramento Area Flood Control Agency
The Rivers Erosion Site Project, Yolo County
CEQA Responsible Agency Findings**

1.0 – ITEM

West Sacramento Area Flood Control Agency (WSAFCA) has circulated the Draft Initial Study/Mitigated Negative Declaration and Final Initial Study/Mitigated Negative Declaration for “The Rivers Erosion Site Project” pursuant to requirements of the California Environmental Quality Act (CEQA). Central Valley Flood Protection Board (Board) staff is requesting the Board consider approval of Resolution 2014-26 (Attachment A) which would adopt the proposed responsible agency findings for The Rivers Erosion Site Project pursuant to CEQA and previously issued permit 18313-2 for The Rivers Phase 1 Site Early Implementation Project (EIP) (Attachment B).

2.0 – PROJECT PROPONENT

West Sacramento Area Flood Control Agency, West Sacramento Levee Improvement Program

3.0 – LOCATION

The project area is located in the city of West Sacramento along the base of the right (south) bank of the Sacramento River approximately 1.5 miles upstream from the American River outfall, and just below River Mile 62 in Yolo County. (See Attachment C)

4.0 – APPLICABLE LAWS AND REGULATIONS

The Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the Lead Agency, WSAFCA, was completed in full compliance with CEQA (Public Resources Code Sections 21000 et. seq.) and the CEQA Guidelines (Title 14 California Code of Regulations, Section 15000 et. seq.).

5.0 – PROJECT BACKGROUND

The Rivers Phase 1 EIP, completed in December 2011, included construction of a slurry cutoff wall and landside slope flattening along approximately 3,000 feet of the Sacramento River (south) right bank levee, as well as a levee patrol road, recreational trails and a scenic overlook. A concrete V-ditch drainage swale was constructed to direct sheet flows from the patrol road and pedestrian trail to the Sacramento River. The swale has energy-dissipating riprap placed at the point where it discharges above the erosion site.

In May of 2012, WSAFCA staff observed that erosion site had formed as a result of the drainage swale concentrating sheet flows from rain events to a single location along the river bank. Fluvial forces from the Sacramento River have continued to exacerbate erosion at the site, which has unraveled the riverbank face and exposed the roots of riparian vegetation, creating a vertical face along the bank. The erosion site has now migrated to within approximately 20 feet of a recreational overlook foundation, and also threatens the maintenance road and the flood control levee itself, as the site also potentially increases seepage pressure on the recently improved levee.

On July 10, 2012, the Department of Water Resources (DWR) approved inclusion of the proposed erosion repairs under the Early Implementation Program (EIP). After DWR approved the repairs as part of the Rivers Phase 1 Site EIP, WSAFCA staff directed the project environmental consultant and design engineer to begin preparation of construction documents, environmental documentation, and permitting necessary for construction. Due to the project requiring in-water work below the ordinary high water mark, it was agreed that a bio-technical solution be implemented as the preferred solution by federal and State resources permitting agencies.

WSAFCA submitted a letter requesting approval of The Rivers Phase 1 Erosion Site Project as an amendment to CVFPB Permit No. 18313-2 on May 12, 2014. Board staff has concluded the repair is inclusive of The Rivers Phase 1 Site EIP pursuant to Special Condition 59 of Permit No. 18313-2 which reads:

In the event that the permitted improvements cause levee or bank erosion injurious to the adopted plan of flood control to occur at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

After review of the final plans (Attachment D) for the erosion repair, the U.S. Army Corps of Engineers Sacramento District (USACE) concluded that the proposed

remediation project was considered maintenance (not requiring any permit) and requested that drawings showing the improvements be furnished to the USACE District Engineer after completion of the work. These drawings will be eventually included along with a description of the site in an amended Supplement to the Standard Operations and Maintenance Manual for this portion of the Sacramento River Flood Protection Project.

6.0 – CEQA FINDINGS

Board staff has prepared the following California Environmental Quality Act findings:

The Board, as a responsible agency under CEQA, has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH Number: 2014032085, March 2014), Supplemental Initial Study/Mitigated Negative Declaration (SCH Number: 2014032085, May 2014) and Mitigation Measures for The Rivers Erosion Site Project prepared by the lead agency, WSAFCA. These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2014/07-25-2014.cfm> under a link for this agenda item. These documents are also available for review in hard copy at the Board and the WSAFCA offices.

WSAFCA determined that the project would not have a significant effect on the environment, adopted Resolution 14-07-05 (Attachment E) on July 10, 2014, and subsequently filed a Notice of Determination on July 15, 2014 with the Yolo County Clerk and the State Clearinghouse. Board staff finds that although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project proponent has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures are included in the WSAFCA's IS/MND and address impacts to biological resources, cultural resources, and noise. The description of the mitigation measures are further described in the adopted IS/MND.

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 Leslie Gallagher, Acting Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Room 151, Sacramento, California 95821.

7.0 – STAFF RECOMMENDATION

Board Staff recommends that the Board approve Resolution 2014-26 (in substantially the form provided) to:

- adopt the responsible agency CEQA findings,
- and direct the Executive Officer to authorize the proposed project as maintenance required by issued permit No. 18313-2, Special Condition 59, and take the necessary actions to file a Notice of Determination with the State Clearinghouse.

8.0 – LIST OF ATTACHMENTS

- A. Draft Resolution 2014-26
- B. Previously adopted Permit 18313-2
- C. Location Maps
- D. Plans and Specifications
- E. WSAFCA Resolution 14-07-05

Document Preparation:	Andrea Buckley, Senior Environmental Scientist
Document Guidance:	Eric Butler, Supervising Engineer
Document Review:	Len Marino, Chief Engineer
Legal Review:	Leslie Gallagher, Board Chief Counsel

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

DRAFT RESOLUTION NO. 2014-26

WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
THE RIVERS EROSION SITE PROJECT, YOLO COUNTY
CEQA RESPONSIBLE AGENCY FINDINGS

WHEREAS, the West Sacramento Area Flood Control Agency (“WSAFCA”) is a Joint Powers Authority comprised of the City of West Sacramento, Reclamation District (RD) 900 and RD 537 for the purposes of constructing improvements necessary to enhance the West Sacramento Levee System, including the levees along the Sacramento Bypass and the Sacramento River; and

WHEREAS, the Central Valley Flood Protection Board (Board), in support of the West Sacramento Area Flood Control Agency (WSAFCA), approved Resolution 11-18 and permit No.18313-2 on May 27, 2011 for The Rivers Phase 1 Project to address major geotechnical concerns; and

WHEREAS, on June 30, 2011, WSAFCA awarded the construction contract for The Rivers Phase 1 Site Early Implementation Program (EIP); and

WHEREAS, in May of 2012, after construction of The Rivers Phase 1 Project was complete, WSAFCA staff observed abnormal accelerated erosion in an area adjacent to a scenic overlook, directly in line with a drainage swale that was constructed as part of the recently completed levee improvement project; and

WHEREAS, WSAFCA as lead agency under the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* (“CEQA”) prepared an Initial Study/Mitigated Negative Declaration (State Clearinghouse No. 2014032085, March 2014) on The Rivers Erosion Site Project (“IS/MND”) incorporated herein by reference and available at both Board and WSAFCA offices; and

WHEREAS, the public and agency comment period on the IS/MND was completed on June 3, 2014, and agency comments have been incorporated into the final IS/MND in accordance with CEQA Guidelines; and

WHEREAS, WSAFCA determined that the project would not have a significant effect on the environment and adopted Resolution 14-07-05 on July 10, 2014 and filed a Notice of Determination with the Yolo County Clerk and State Clearinghouse on July 15, 2014.

NOW, THEREFORE, BE IT RESOLVED THAT,

Findings of Fact

1. The Board hereby adopts as findings the facts set forth in the Staff Report for this item dated July 25, 2014.
2. The Board has reviewed all Attachments listed in the Staff Report.

CEQA Findings

3. The Board, as a responsible agency under CEQA, has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH Number: 2014032085, March 2014), Supplemental Initial Study/Mitigated Negative Declaration (SCH Number: 2014032085, May 2014) and Mitigation Measures for The Rivers Erosion Site Project prepared by the lead agency, WSAFCA, and has reached its own conclusions regarding them.
4. Board staff finds that although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by WSAFCA.
5. WSAFCA has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures are included in the WSAFCA's MMRP and address impacts to biological resources, cultural resources, and noise. The description of the mitigation measures are further described in the adopted IS/MND.
6. **Custodian of Record.** The custodian of the CEQA record for the Board is its Acting Executive Officer, Leslie Gallagher, at the Board offices at 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

Approval of Board Action:

7. Based on the foregoing, the Board approves Resolution 2014-26 which adopts Responsible Agency findings pursuant to CEQA, and
8. Directs the Executive Officer to authorize the proposed project as maintenance as required pursuant to Special Condition 59 of previously issued Permit No. 18313-2, and take the necessary actions to file a Notice of Determination with the State Clearinghouse.

PASSED AND ADOPTED by vote of the Board on _____, 2014.

William H. Edgar
President

Jane Dolan
Secretary

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

PERMIT NO. 18313-2 BD

This Permit is issued to:

West Sacramento Area Flood Control Agency
1420 Merkley Avenue
West Sacramento, California 95691

To construct approximately 0.57 linear-miles of levee on the crest of River Crest Drive Levee (STA 68+41 to 102+00) along the south bank of the Sacramento River; install a seepage cutoff wall from Station 70+77.73 to 101+24.07, ranging in depth from 90 to 135-feet deep; re-grade the landside slope to a 3:1 from Station 70+50 to 101+00; install six 4 inch diameter piezometers to a depth ranging from 23 feet to 54 feet; provide recreation features such as 262 feet of maintenance road, paved ramps, ADA parking, 3,936 feet of paved trails and bicycle/ pedestrian gates at levee station 100+25, along the right (south) bank of the Sacramento River. The project is located in West Sacramento, east of Jefferson Boulevard (Section N/A, T8N, R4E, MDB&M, Maintenance Area 4, Sacramento River, Yolo 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)

JUL 12 2011

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.

ATTACHMENT B

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. 18313-2 BD

THIRTEEN: Within three years from completion of the construction of the work authorized under this permit, the permittee shall provide the Sacramento and San Joaquin Drainage District, acting by and through the Central Valley Flood Protection Board of the State of California, a permanent easement and/or a joint use agreement granting all flood control rights upon, over and across the property that is or will be occupied by the existing or to-be-constructed levee including the area of the cutoff wall and levee raise and realignment fill areas. The easement must include the following: 1) the levee section; 2) an area ten (10) feet in width from the waterside levee toe; the area ten (10) feet in width adjacent to the existing and new landward levee toes, if the areas are not presently encumbered by a Central Valley Flood Protection Board easement. For information regarding existing Central Valley Flood Protection Board Easements, please contact Angelica Aguilar at (916) 653-5782.

FOURTEEN: No construction work within the easement or rights of way, both existing and to be provided under this permit, of flood control features, including levees and seepage berms shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

FIFTEEN: All work approved by this permit shall be in accordance with the (100%) submitted drawings and specifications and Drawing Number C105 of the 90% plan set dated February 2010 which is the Levee Piezometer Plan and Detail, 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.

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SIXTEEN: All addendums or other changes made to the submitted drawings or specifications by the permittee after issuance of this permit are subject to submittal and review for approval by the Central Valley Flood Protection Board prior to incorporation into the permitted project. Upon review and approval of any new submitted drawings or specifications the permit shall be revised, if needed, prior to construction related to the proposed changes. The Central Valley Flood Protection Board shall have up to 90 days after receipt of any documents, plans, drawings, and specifications for the review process. The Central Valley Flood Protection Board and/or the Department of Water Resources may extend this review period by written notification.

SEVENTEEN: There shall be no plantings within the project area under this permit, except that of native grasses. The permittee shall be required to apply for a separate or modified permit for any proposed plantings within the floodway.

EIGHTEEN: 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.

NINETEEN: 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.

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: All proposed recreational features and asphalt pavement on the finished levee and the recreational / pedestrian ramps and roads will be maintained in total by the City of West Sacramento.

TWENTY-TWO: The mitigation measures approved by the CEQA lead agency and the permittee are found in its Mitigation and Monitoring Reporting Program (MMRP) adopted by the CEQA lead agency. The permittee shall implement all such mitigation measures.

TWENTY-THREE: The permittee shall provide construction supervision and inspection services acceptable to the Central Valley Flood Protection Board.

TWENTY-FOUR: Prior to commencement of excavation, the permittee shall create a photo record, including associated descriptions, of the levee conditions. The photo record shall be certified (signed and stamped) by a licensed land surveyor or professional engineer, registered in the State of California, and submitted to the Central Valley Flood Protection Board within 30 days of beginning the project.

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TWENTY-FIVE: The permittee shall contact the U.S. Army Corps of Engineers regarding inspection of the project during construction as the proposed work is an alteration to the existing Federal Flood Control Project that will be incorporated into the Sacramento River Flood Control Project, an adopted plan of flood control.

TWENTY-SIX: If FEMA certification of the levee by the Corps of Engineers is being considered, the project proponent should contact the U. S. Army Corps of Engineers regarding inspection of this project during construction for FEMA certification purposes.

TWENTY-SEVEN: The stability of the levee shall be maintained at all times during construction.

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

THIRTY: The permittee shall cooperate with the Central Valley Flood Protection Board to ensure that any encroachment that must be relocated, modified or otherwise altered to accommodate construction of the improvements permitted herein are relocated, modified or otherwise altered in a manner that complies with current applicable state and federal standards. If the affected encroachment has an existing Board permit or is subject to some other applicable Board authorization, the permittee shall cooperate with the Board to ensure the permit or other authorization is appropriately amended to reflect the changed condition as shown on as-built drawings for the encroachment and the overall project. If the encroachment does not have a Board permit or other Board authorization, the permittee shall cooperate with the Board to determine whether a Board permit is required. If so, permittee shall cooperate with the Board to ensure that required permit application is made and, if granted, the permit reflects the changed condition as shown on as-built drawings for the encroachment and the overall project.

THIRTY-ONE: During demolition of the project, any and all anticipated or unanticipated conditions encountered which may impact levee integrity or flood control shall be brought to the attention of the Flood Project Inspector immediately and prior to continuation. Any encountered abandoned encroachments shall be completely removed or properly abandoned under the direction of the Department of Water Resources Inspector and the Early Implementation Project (EIP) Construction Supervisor.

THIRTY-TWO: The permittee shall be responsible for all damages due to settlement, consolidation, or heave from any construction-induced activities.

THIRTY-THREE: A profile of the levee crown roadway and access ramp that will be utilized for access to and from the borrow area shall be submitted to the Central Valley Flood Protection Board prior to commencement of construction.

THIRTY-FOUR: The haul ramps and utilized levee crown roadway shall be maintained in a manner prescribed by the authorized representative of the Department of Water Resources, or any other

agency responsible for maintenance.

THIRTY-FIVE: Any damage to the levee section, crown, roadway, or access ramps that will be utilized for access for this project shall be promptly repaired to the condition that existed prior to this project.

THIRTY-SIX: Excavations below the design flood plane and within the levee section or within fifty (50) feet of the projected waterward and landward levee slopes, excluding the cutoff wall trench, shall have side slopes no steeper than 1 horizontal to 1 vertical. Flatter slopes may be required to ensure stability of the excavation.

THIRTY-SEVEN: Fluid pressures and flow rates shall be carefully monitored and controlled to minimize the potential for hydrofracturing.

THIRTY-EIGHT: Excess bentonite or other cutoff wall fluids shall be properly disposed of outside of the floodway. The bentonite or other cutoff wall fluids shall not be used as backfill material for levee reconstruction.

THIRTY-NINE: Fill on the levee slope shall be keyed into the existing levee section with each lift.

FORTY: Fill material shall be placed only within the area indicated on the approved plans.

FORTY-ONE: All fill material shall be impervious material with a minimum of 30 percent or more passing the No. 200 sieve, a plasticity index of 8 to 30, and a liquid limit of less than 55 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material.

FORTY-TWO: Density tests by a certified soils laboratory will be required to verify compaction of backfill within the floodway and within 10 feet of the levee toes.

FORTY-THREE: The fill surface area shall be graded to direct drainage away from the toe of the levee.

FORTY-FOUR: Backfill material for excavations within the, existing and to be constructed, levee section and within ten (10) feet of the levee toes shall be placed in 4- to 6-inch layers, moisture conditioned above optimum moisture content, and compacted to a minimum of 95 percent relative compaction as measured by ASTM Method D698.

FORTY-FIVE: The slopes of the proposed levee shall be no steeper than 3 horizontal to 1 vertical on the water side and 2 horizontal to 1 vertical on the land side.

FORTY-SIX: Any pipe or conduit being reinstalled in the levee section and within fifty (50) feet of both the waterward and landward levee toes shall meet Title 23 standards.

FORTY-SEVEN: Where appropriate the new and reconstructed levee crown roadway and access ramps shall be surfaced with a minimum of 4 inches of compacted, Class 2, aggregate base (Caltrans Specification 26-1.02A).

ATTACHMENT B

FORTY-EIGHT: Aggregate base material shall be compacted to a relative compaction of not less than 95 percent per ASTM Method D1557-91, with a moisture content sufficient to obtain the required compaction.

FORTY-NINE: Revetment shall be uniformly placed and properly transitioned into the bank, levee slope, or adjacent revetment and in a manner which avoids segregation.

FIFTY: All revetment on the waterside of the levee or river bank shall be quarry stone and shall meet the design and grading requirements, as specified, in Title 23, Section 121.

FIFTY-ONE: The revetment shall not contain any reinforcing steel, floatable, or objectionable material. Asphalt or other petroleum-based products may not be used as fill or erosion protection on the levee section or within the floodway.

FIFTY-TWO: In the event existing revetment on the channel bank or levee slope is disturbed or displaced, it shall be restored to its original condition upon completion of the proposed installation.

FIFTY-THREE: The permittee shall replant or reseed the levee slopes to restore sod, grass, or other non-woody ground covers if damaged during project work.

FIFTY-FOUR: All fencing, gates and signs removed during construction of this project shall be replaced in kind and at the original locations. If it is necessary to relocate any fence, gate or sign, the permittee is required to obtain written approval from the Central Valley Flood Protection Board prior to installation at a new location.

FIFTY-FIVE: All temporary fencing, gates and signs shall be removed upon completion of the project.

FIFTY-SIX: All debris generated by this project shall be disposed of outside the floodway and off the levee section.

FIFTY-SEVEN: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water with the exception of habitat debris, which may remain.

FIFTY-EIGHT: 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, or any other agency responsible for maintenance.

FIFTY-NINE: In the event that permitted improvements cause levee or bank erosion injurious to the adopted plan of flood control to occur at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

SIXTY: Any vegetative material, living or dead, that interferes with the successful execution, functioning, maintenance, or operation of the adopted plan of flood control must be removed by the permittee at permittee's expense upon request by the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not remove such vegetation or trees upon request, the Central Valley Flood Protection Board reserves the right to remove such at the

permittee's expense.

SIXTY-ONE: Thorny plant will be removed from the planting pallet so inspections and maintenance are not impacted.

SIXTY-TWO: 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.

SIXTY-THREE: The permitted encroachment(s) shall not interfere with operation and maintenance of the current or future flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

SIXTY-FOUR: The permittee acknowledges that some portions of the levee improvements may be overbuilt to account for settlement and that upon adoption of the updated Central Valley Flood Protection Plan, the permittee shall perform a levee crown profile survey of all levee crown covered by this permit and said profile shall be compared to the levee crown profile adopted in the updated Central Valley Flood Protection Plan. The permittee shall ensure that the levee crown does not exceed the updated Central Valley Flood Protection Plan profile.

SIXTY-FIVE: According to the permittee, the improvements herein permitted will control flood flows from a storm with a probability of occurrence of 0.005 in any year (200-year protection). Permittee's design assumed that non-urban existing levees upstream of Natomas will not be raised above the current design for the Sacramento River Flood Control Project as shown on the 1957 profile. Permittee's design flow therefore, reflects upstream flood water losses from levee overtopping where the water surface elevation for the permittee's design storm exceeds the top of levee elevation shown on the 1957 profile. Permittee acknowledges that a Central Valley Flood Protection Plan will be developed, adopted, and regularly updated by the State and the plan and subsequent updates could include improvements that would change the flow and water level associated with permittee's design storm, possibly reducing the level of protection provided by the permitted improvements. Permittee agrees to participate in future modifications to the West Sacramento levees as may be required by the Central Valley Flood Protection Plan and its subsequent updates. Permittee's level of participation shall be equivalent to the level required of other local jurisdictions by the plan. Permittee further agrees that should the Plan include measures that reduce the level of protection provided by the permitted improvements, permittee shall have no basis for a claim of hydraulic impacts.

SIXTY-SIX: Upon completion of the project, the permittee shall perform a levee crown profile survey and create a photo record, including associated descriptions, of "as-built" levee conditions. The levee crown profile survey and photo record shall be certified (signed and stamped) by a licensed land surveyor or professional engineer, registered in the State of California, and submitted to the Central Valley Flood Protection Board within 120 days of project completion.

ATTACHMENT B

SIXTY-SEVEN: Within 120 days of completion of the project, the permittee shall submit to the Central Valley Flood Protection Board a certification report, stamped and signed by a professional civil engineer registered in the State of California, certifying the work was performed and inspected in accordance with the Central Valley Flood Protection Board permit conditions and submitted drawings and specifications.

SIXTY-EIGHT: Within 120 days of completion of the project, the permittee shall submit to the Central Valley Flood Protection Board proposed revision to the U.S. Army Corps of Engineers, Supplement to Standard Operation and Maintenance Manual, West Sacramento River Flood Control Project, and the associated "as-built" drawings for system alterations that are to be incorporated into the federal West Sacramento River Flood Control Project.

SIXTY-NINE: The permittee is responsible for all liability associated with damage to the permitted facilities resulting from flood fight, operation, maintenance, inspection or emergency repair and shall defend, indemnify, and hold the Central Valley Flood Protection Board, the Department of Water Resources, the State of California, and Maintenance Area 4, including their agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "agencies"), 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 agencies expressly reserve the right to supplement or take over their defense, in their sole discretion.

SEVENTY: This permit is not valid until the Central Valley Flood Protection Board has received 33 U.S.C. Section 408 approval and letter of permission from the U.S. Army Corps of Engineers (Corps). The permittee shall comply with all conditions set forth in the letter of permission from the Corps, when it is received, which shall be attached to this permit as Exhibit A and incorporated by reference.

SEVENTY-ONE: The permittee shall comply with all conditions set forth in the comments from Maintenance Area-4 dated May 10, 2011, which is attached to this permit as Exhibit B and is incorporated by reference.

SEVENTY-TWO: 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. The applicant is also required to contact the Early Implementation Project (EIP) Construction Supervisor by telephone, (916)574-2646 to initiate inspection of the work.

SEVENTY-THREE: 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.

SEVENTY-FOUR: If the permittee or successor does not comply with the conditions of the permit and an enforcement by the Central Valley Flood Protection Board is required, the permittee or successor shall be responsible for bearing all costs associated with the enforcement action, including reasonable attorney's fees.

SEVENTY-FIVE: 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

ATTACHMENT B

and Department of Water Resources, at the permittee's or successor's cost and expense.

SEVENTY-SIX: Any additional encroachment(s) in the floodway, on or in the levee section, and within ten (10) feet of the landside levee toe and berm toes, require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

SEVENTY-SEVEN: By acceptance of this permit, the permittee (West Sacramento Area Flood Control Agency) acknowledges the authority of the Central Valley Flood Protection Board to regulate all future encroachments along this levee reach, including those that may encroach upon alterations approved by this permit to incorporation into the federal West Sacramento River Flood Control Project by the U.S. Army Corps of Engineers.

SEVENTY-EIGHT: The applicant must adopt a resolution within 18 months from the date of issuance of this permit, that complies with Board Resolution No. 11-15, regarding the Board's Joint Powers Agreement (JPA) Policy, and the resolution must be to the satisfaction of the Board.

SEVENTY-NINE: Prior to construction, the applicant, West Sacramento Area Flood Control Agency (WSAFCA), shall have obtained legal possession of all property where work to be performed under this permit is located.

EIGHTY: Survey markers are to be installed to delineate easement boundaries and a GIS shapefile of the boundaries is to be provided to DWR within 120 days of construction completion.

EIGHTY-ONE: WSAFCA or the City of West Sacramento must enter into an agreement with DWR Sacramento Maintenance Yard for use of power and water throughout the project including vegetation irrigation following construction.

EIGHTY-TWO: City of West Sacramento will provide a letter to DWR assuring perpetual maintenance of vegetation within the project boundaries.

EIGHTY-THREE: A copy of this permit shall be included as an attachment to any Long-Term Management Plan for the permitted project area.

EIGHTY-FOUR: This permit shall run with the land and all conditions are binding on permittee's successors and assigns.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

CECW-P

JUN 22 2011

MEMORANDUM FOR Commander, South Pacific Division

SUBJECT: Section 408 Approval of a Flood Control Project Alteration – West Sacramento Levee Improvement Program, California Highway Patrol Academy and the Rivers, California

1. Reference CESPCK-DE Memorandum dated 5 April 2011, subject as above; subsequent CESPCK email dated 5 April 2007, transmitting package documents via email; SPD-DST email dated 18 April 2011, transmitting additional package documents, SPD-RIT email dated 11 May 2011 transmitting HQUSACE review comments and subsequent SPD-DST emails dated 10-13 June 2011 transmitting additional package documents subject as above.
2. The Section 408 permit application submitted by the Central Valley Flood Protection Board (CVFPB) for the subject alteration is approved. The alteration is for the purposes of strengthening portions of the Sacramento River Flood Control Project along the left bank levee of the Sacramento Bypass (CHP Academy Project) and the right bank levee of the Sacramento River (The Rivers Project) with Yolo County.
3. The Record of Decision specifies that the District Engineer will formulate a 33 U.S.C. 408 Letter of Permission incorporating special conditions. Please note that this letter should also include an acknowledgement to be signed by the CVFPB and the West Sacramento Area Flood Control Agency (WSAFCA) stating that they have read and understood the terms and conditions set forth in the letter, that they agree to be bound by such terms and conditions, and that they understand that such terms and conditions are enforceable in Federal court. Upon return of the copies signed by CVFPB and the WSAFCA, the District Engineer should execute the letter on behalf of the Government and provide copies to the other parties.
4. In order to ensure timely approval of future Section 408 permit requests the following requirements must be met in order to start a timely review and approval process:
 - a. The Commanders' endorsement shall not be delegated;
 - b. All submittal packages must be reviewed for completeness, compliance and endorsed for approval by SPD Division's experts including Office of Counsel prior to sending the package to the RIT for processing;
 - c. The official package transmitted to the RIT will contain a table of contents and all the pertinent package documents as required by the Section 408 guidance check list in a binder. Seven hard copies will be submitted in this format with the official request (the current requirement is 10 copies);
 - d. The draft Record of Decision (ROD) shall be submitted with the official package, and

SUBJECT: Section 408 Approval of a Flood Control Project Alteration – West Sacramento Levee Improvement Program, California Highway Patrol Academy and the Rivers, California

- e. All documents will be placed in an FTP site for easy access and reference. The documents shall be outlined in the same order as per the table of contents.
- 5. Since it is anticipated that we will have more levee alterations in the California Central Valley, we need to adequately address cumulative effects and overlapping scopes. To accomplish this, programmatic level Environmental Impact Statement are necessary to ensure a holistic approach. Subsequent levee alteration requests could then tier off of and incorporate findings documented in the master EIS by reference. Until the potential cumulative effects of numerous levee alterations and related actions in the region are described in a programmatic NEPA document we will be hesitant to approve additional 408 requests for alterations to Federal flood damage reduction projects.
- 6. Risk-based analyses as required by ER 1105-2-100 and ER 1105-2-10 must be accomplished when assessing Section 408 alterations.

FOR THE COMMANDER:



STEVEN L. STOCKTON, P.E.
Director of Civil Works



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

LETTER OF PERMISSION PURSUANT TO
33 U.S.C. §408

DESCRIPTION AND LOCATION OF AUTHORIZED WORK: That work which is described in detail in the October 2010 *West Sacramento Early Implementation Project (EIP)*, *West Sacramento, California Design Submittal* package which included (1) *Sacramento Bypass South Levee CHP Academy Site, Design Documentation Report, 100% Submittal*, (2) *The Rivers Site, Design Documentation Report, 100%*, (3) *CHP Academy Site, 100% Project Specifications*, (4) *The Rivers Site, Project Specifications*, (5) *CHP Academy Site Construction Drawings*, and (6) *The Rivers Site, Construction Drawings* and summarized below:

CHP Academy Project: combination of a slurry cutoff wall and waterside slope flattening from approximately levee mile 0.0 to 1.2. Specifically, from approximately station 18+00 to station 64+00, construction of a slurry cutoff wall, and from approximately station 2+25 to station 64+50, reshaping of the waterside slope to a 3:1 slope.

The Rivers Project: combination of a slurry cutoff wall and landside slope flattening from approximately levee mile 0.5 to 1.5. Specifically, from approximately station 71+50 to station 101+00, construction of a slurry cutoff wall; from approximately station 71+25 to station 101+50, reshaping of the existing waterside levee slope to a 3:1 slope; and from approximately station 71+25 to station 101+00, restoring of the existing landside levee slope, following installation of the cutoff wall, to existing ground contours which would provide at least a theoretical 3:1 landside slope.

NOTE: The term "you" and its derivatives, as used in this approval letter, means the Central Valley Flood Protection Board or any future transferee. The term "this office" refers to the Sacramento District of the U.S. Army Corps of Engineers. Alteration of this project must be in accordance with the following conditions:

Special Conditions:

a. This Section 408 approval does not authorize the take of any threatened or endangered species or designated critical habitat. In order to legally take a listed species, there must be a separate authorization under an Endangered Species Act (ESA) Section 10 permit, or a Biological Opinion under ESA Section 7, with incidental take provisions with which the CVFPB and WSAFCA must comply. The National Marine Fisheries Service (NMFS) Letter of Concurrence, Number 2010/06054, dated 26 January, 2011 (Encl 1) and US Fish and Wildlife Service (USFWS) Letter of Concurrence, Number 81420-2011-I-0125-1, dated March 8, 2011 (Encl 2) contains mandatory terms and conditions to implement conservation and avoidance

Letter of Permission Pursuant to 33 U.S.C. §408
Central Valley Flood Protection Board – CHP Academy Project and The Rivers Project

measures to avoid take. Permission to proceed with the project is conditional upon compliance with all of the mandatory terms and conditions associated with the Letters of Concurrence, which are incorporated herein by reference. Failure to comply with the terms and conditions would constitute an unauthorized take, and it would also constitute noncompliance with USACE's approval to proceed. The NMFS and the USFWS are the appropriate authorities to determine compliance with the terms and conditions of its Letters of Concurrence and with the ESA. The CVFPB must comply with all conditions of these Letters, including those ascribed to USACE.

b. You are required to submit a revision to the Operation and Maintenance (O&M) (33 CFR Section 208.10) Manual for this office's review within 180 days of project completion. As-Built drawings and permanent maintenance easement boundaries shall be submitted in conjunction with the draft O&M manual. Upon receipt of the draft O&M manual, this office will schedule a transfer inspection with you to verify all construction has been completed in accordance with this permission. Any features found to be deficient during that inspection will require your correction prior to the Corps acknowledging that the work was completed in accordance with this letter of permission. Construction data is required to be provided to this office for review by our Engineering Division during construction. Within 180 days of project completion, you must furnish a certification report that the work has been completed in accordance with the conditions of this permission.

c. No work may result in a discharge, including a temporary discharge, of any material into any waters of the United States, including wetlands.

d. If any cultural artifact or an unusual amount of bone, shell, or nonnative stone is uncovered during construction, work should be halted in that area so that a professionally qualified archaeologist approved by the Corps can determine the significance of the find. If human bone is uncovered, the Yolo County Coroner and the California Native American Heritage Commission (NAHC) should be contacted immediately. If human remains are discovered in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until (a) the county coroner has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin, (b) the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work regarding the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or (c) the NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission. According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052).

e. As required by the Record of Decision (Encl 4), you will follow and abide by your approved Safety Assurance Review plan dated September 23, 2009, prior to and during construction.

Letter of Permission Pursuant to 33 U.S.C. §408
Central Valley Flood Protection Board – CHP Academy Project and The Rivers Project

General Conditions:

- f. You must accept the operation and maintenance responsibility of the completed work including all vegetation management requirements specified in your O&M manual.
- g. You are responsible for continued operations and maintenance for this project during construction.
- h. Construction should be coordinated with this office. Additionally, the proposed work shall not be performed or remain during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- i. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this approval.
- j. You are required to submit to this office on a weekly basis construction records documenting field conditions.
- k. You are required to submit to this office cross-sections and a survey of the levee centerline with your as-builts. Cross-sections shall be taken every 2.5 miles or at a change in cross-section, whichever is less. Surveys shall extend from the water line to 100 feet landward of the levee toe, or seepage berm toe if present. All data shall be in GIS format (ESRI Version 9.3 or latest version) in correct projection for seamless geographic location, referenced in NAVD88 using Geoid03 and NAD83, using the relevant California State Plane Zone. Data shall also be provided in GIS ready georeferenced CADD data format as well as pdf format.
- l. To ensure there is mitigation for any increased residual flood risk, you are required to develop and submit a Floodplain Management Plan within one year of issuance of this permission that includes elements for flood information dissemination, public awareness training, flood warning and evacuation plans, emergency flood operations plan with annual exercise, dedicated evacuation resources, post-flood recovery plans. You are required to participate in and comply with applicable Federal floodplain management and flood insurance programs.

Further Information:

- a. Limits of this permission.
 - 1. This permission does not obviate the need to obtain other Federal, state or local authorizations, approvals or permissions required by law.
 - 2. This permission does not grant any property rights or exclusive privileges.
 - 3. This permission does not authorize any injury to the property or rights of others.
- b. The determination of this office to approve this action as not injurious to the public interest, nor will it impair the usefulness of the project works, was made in reliance on the information you provided.

Letter of Permission Pursuant to 33 U.S.C. §408
Central Valley Flood Protection Board – CHP Academy Project and The Rivers Project

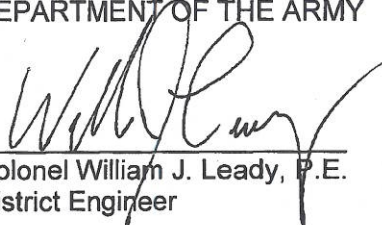
c. The Corps may reevaluate its decision on this approval at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to the following:

1. You fail to comply with the terms and conditions of this approval.
2. The information provided by you in support of your application proves to have been false, incomplete, or inaccurate. Should field conditions or future investigations require a deviation from the Final Plans, this deviation must be approved by this office through a request from the Board.
3. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

d. This approval should not be construed as an endorsement of certification for the FEMA base flood event.

e. As a condition of this approval, you agree and commit to accept the altered project for operation and maintenance and hold and save the United States free from damage due to the construction works.

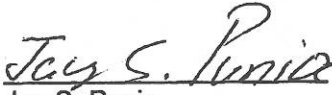
DEPARTMENT OF THE ARMY


Colonel William J. Leady, P.E.
District Engineer

1 July 2011
Date

I have read and understand the terms and conditions included in this Letter of Permission and agree to be bound by these terms and conditions, and understand that such terms and conditions are enforceable in Federal court. Nothing in this acknowledgment shall be interpreted to constitute a waiver of the State's immunity pursuant to the 11th amendment.

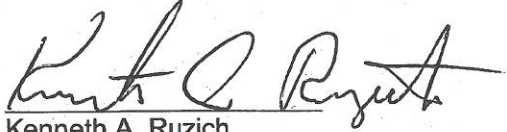
STATE OF CALIFORNIA


Jay S. Punia
Executive Officer, CVFPB

6/30/2011
Date

Letter of Permission Pursuant to 33 U.S.C. §408
Central Valley Flood Protection Board – CHP Academy Project and The Rivers Project

WEST SACRAMENTO FLOOD CONTROL AGENCY



Kenneth A. Ruzich
General Manager, WSAFCA

6/30/11
Date



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000**

**RECORD OF DECISION
SECTION 408 PERMISSION FOR THE WEST SACRAMENTO LEVEE
IMPROVEMENTS PROGRAM CALIFORNIA HIGHWAY PATROL ACADEMY AND
THE RIVERS
EARLY IMPLEMENTATION PROJECTS
YOLO COUNTY, CA**

The West Sacramento Levee Improvements Program (WSLIP), California Highway Patrol (CHP) Academy and The Rivers Early Implementation Projects (EIPs), is a flood damage reduction project proposed for construction by the West Sacramento Area Flood Control Agency (WSAFCA) as presented by the State of California Central Valley Flood Protection Board (CVFPB). Pursuant to delegated approval authority, the Director of Civil Works for the U.S. Army Corps of Engineers (USACE) may issue permission to proceed with the proposed construction pursuant to 33 U.S.C. Section 408 (33 USC 408) based on finding that the proposed alterations are not injurious to the public interest and will not impair the usefulness of the Sacramento River Flood Control Project.

The purpose of the WSLIP is to meet State standards for 200-year flood protection for the levee system surrounding the city of West Sacramento as quickly as possible. The CVFPB and WSAFCA are focusing on improving levee segments identified as having a higher risk of flooding or historical flooding concerns. For the remaining segments, the USACE is currently evaluating the Federal interest and the impacts of improving the remaining segments to address flood risk management. This evaluation is being documented in the West Sacramento Project General Reevaluation Report (GRR). If authorized by Congress, the USACE, CVFPB, and WSAFCA could implement the improvements included in the GRR.

Originally, the WSLIP Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was conceived as a programmatic document to evaluate potential improvements to the entire Federal levee system surrounding the city of West Sacramento, with the CHP Academy and The Rivers EIPs described in detail at the project level. It was evident after the release of the DEIS/EIR that the overall intent of the WSLIP was to implement a limited number of EIPs, with the GRR addressing the majority of the levee concerns. The document was restructured for release as the Final EIS/EIR (FEIS/EIR) to focus primarily on the CHP Academy and The Rivers EIPs.

The CHP Academy and The Rivers EIPs FEIS/EIR focused on two levee segments that do not currently meet Federal design criteria. Specifically, improvements at the CHP Academy site, which is approximately 6,500 feet along the left levee of the Sacramento Bypass, include correction of levee geometry, through-seepage, underseepage and levee stability. The Rivers site is approximately 4,500 feet along the right levee of the Sacramento River just north of the

confluence with the American River, and improvements would include correction of levee geometry, through-seepage, underseepage and levee stability deficiencies.

This Record of Decision (ROD) constitutes the USACE's determination to grant permission to the CVFPB for implementation of the CHP Academy and Rivers EIPs under 33 USC 408 , as defined below:

- **CHP Academy Site:** Installation of a slurry cutoff wall, waterside slope flattening and reconstruction of a landside stability berm and interior drain and toe drain system.
- **The Rivers Site:** Installation of a slurry cutoff wall and landside and waterside slope flattening.

In addition to the No-Action Alternative, the following alternatives were considered. Alternative 1 under each EIP was considered to be environmentally preferable:

CHP Academy Site

Alternative 1: (Applicant Preferred and Selected Alternative) Slurry Cutoff Wall and Waterside Slope Flattening. This alternative involves installing approximately 4,600 feet of bentonite slurry cutoff wall in depths between 25 and 80 feet. Waterside slope flattening would be implemented along the entire 6,500 foot reach. This would involve shifting the levee prism 10 to 20 feet landward and would achieve a 2.5:1 waterside slope. The existing landside stability berm, interior drain, and toe drain system would be reconstructed.

Alternative 2: Stability Berm, Interior Drain and Relief Wells. The treatments proposed under this alternative would consist of construction of an interior drain within the levee, a stability berm on the landside of the levee, and the installation of relief wells. These features would be constructed along the entire length of the 6,500 foot reach. A reinforced stability berm would replace the existing landside stability berm.

The Rivers Site

Alternative 1: (Applicant Preferred and Selected Alternative) Slurry Cutoff Wall and Landside Slope Flattening. This alternative involves installing a slurry cutoff wall along the entire 4,500 foot reach, at depths up to 135 feet, using a combination of Deep Soil Mixing and conventional slot trench methodology. Both landside and waterside slope flattening would be implemented along the entire reach to achieve a 3:1 slope on both sides of the levee.

Alternative 2: Sheet Pile Wall and Landside Slope Flattening. This alternative would consist of installing sheet piles along the entire reach alignment. The sheet piles would be installed at depths of up to 135 feet in order to address underseepage. Both landside and waterside slope flattening would be implemented along the entire reach to achieve a 2.5:1 slope on both sides of the levee.

Subsequent to USACE publishing the Notice of Availability for the FEIS/EIR in the Federal Register, USACE received two comment letters on the FEIS and also received additional correspondence from the U.S. Fish and Wildlife Service (USFWS) relating to compliance with the Fish and Wildlife Coordination Act (FWCA) and the Endangered Species Act (ESA).

The comment letters were submitted by the California Department of General Services (DGS) and the U.S. Environmental Protection Agency (EPA). The DGS letter states that paving the levee crown could enhance public access and is unacceptable. DGS had previously submitted this comment during the public review and comment period on the DEIS/EIR. Subsequent to filing the FEIS, the WSAFCA Board decided to eliminate paving on the levee crown. The EPA letter recommended that all mitigation measures be adopted in the ROD. As noted below, all mitigation measures will be addressed in the Mitigation and Monitoring Plan (MMP) and will be incorporated as special conditions into the 33 USC 408 Letter of Permission that will be executed by the District Engineer, Sacramento District, prior to commencement of work.

Pursuant to the FWCA, the USFWS completed its final Coordination Act Report (CAR) on March 9, 2011, subsequent to the Notice of Availability for the FEIS/EIR. The final CAR is substantially the same as the draft CAR which was included in the FEIS, except that USFWS reduced the recommended compensation for impacts at The Rivers Site and recommended that success criteria be established for the compensation site as well as measures to ensure the site is maintained as riparian habitat in perpetuity. These recommendations will be implemented through the MMP and the 33 USC 408 Letter of Permission.

USACE completed formal consultation with NMFS and USFWS in December 2010 and January 2011. USACE completed informal consultation for effects to giant garter snake (GGS) and valley elderberry beetle (VELB) on March 8, 2011 when USFWS issued a letter of concurrence. All protective measures proposed by USFWS for GGS and VELB are included in the FEIS, except for a measure that states: *Within 200 feet of the banks of potential GGS aquatic habitat, work will be limited to the period between May 1st and October 1st. Work is not planned in the 1.0 acre of potential upland GGS habitat during the inactive period of the GGS; however, if work becomes necessary after October 1, it will only occur with the explicit written authorization from the Service.* The requirements of the March 8, 2011 letter of concurrence will be incorporated into the 33 USC 408 Letter of Permission as a special condition along with all other mitigation requirements.

All practicable means to avoid, minimize, and mitigate adverse effects on environmental resources have been incorporated into the WSLIP and specifically, the Proposed Action, including compensation for the loss of 0.9 acres of riparian woodland habitat on the waterside of the levee at The Rivers site. The loss of the woodland acreage due to construction will be mitigated by developing 1.36 acres of woodland habitat onsite at The Rivers location. The resulting loss of 1.36 acres of annual grassland habitat values at The Rivers would be mitigated by replanting previously unvegetated areas at the CHP Academy site with native annual grasses.

A Mitigation and Monitoring Plan (MMP) and a Long-Term Management Plan (LTMP) will be prepared to guide WSAFCA and its partners as they manage the compensatory land in perpetuity. The MMP and LTMP establish specific success criteria for the habitat components,

specify remedial measures to be undertaken if success criteria are not met, and describe short- and long-term management and maintenance of the habitat lands. All practicable means to avoid or minimize environmental harm from the alternatives selected and approved herein have been adopted.

The following are further special conditions to be incorporated into the 33 USC 408 Letter of Permission: (i) the CVFPB will develop a Floodplain Management Plan that includes proactive elements for flood information dissemination, public awareness notification and training, flood warning and evacuation plans, emergency flood operations plan with annual exercise, dedicated evacuation resources and post-flood recovery plans to be submitted within one year of the issuance of the Section 408 letter of permission; (ii) the CVFPB and the WSAFCA will follow their approved Safety Assurance Review plan, dated September 23, 2009.

PERMISSION UNDER 33 U.S.C. 408

Based on my review of the 33 U.S.C. 408 recommendation package, the FEIS, the views of other Federal, state, regional, and local agencies, and input from the public, I find the recommended WSLIP CHP Academy and The Rivers EIPs to be technically adequate and not detrimental to the usefulness of the existing Federal project; to be in accordance with environmental statutes; to be without significant adverse hydraulic impacts; and to not be injurious to the public interest. Therefore, pursuant to my delegated authority under 33 U.S.C. Section 408 and subject to the above special conditions, the request for alteration of the Sacramento River Flood Control Project, the WSLIP CHP Academy and The Rivers EIPs are approved. I hereby grant permission to the CVFPB to allow WSAFCA to construct the WSLIP CHP Academy and The Rivers EIPs and to alter the Federal project.

6/22/11

Date



STEVEN L. STOCKTON
Director of Civil Works

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 PERMITApplication No. 18313-2
(For Office Use Only)

1. Description of proposed work:

The levee improvement plan includes a combination of levee reconstruction measures necessary to correct seepage, stability, levee geometry, and vegetation encroachment issues. The primary levee reconstruction measures will include installation of a seepage cutoff barrier along the upstream portions of the site, as well as levee grading, including slope flattening to correct any slope stability issues identified. Encroachments and vegetation within the project site will be removed or reconfigured, as necessary, to comply with current USACE policy. See Attachment A for more details.

2. Location: Yolo County, in Section _____
 Township: 38°36'6.45"N- (N) 121°32'11.34"W-
38°36'12.01"N (S), Range 121°31'21.59"W (W), M. D. B. & M.

3. West Sacramento Area Flood Control Agency of 1420 Merkley Avenue
 Name of Applicant Address
West Sacramento CA 95691 916-371-1483
 City State Zip Code Telephone Number
916-371-1494
 Fax Number

4. Endorsement: (of Reclamation District)

We, the Trustees of State of California Department of Water Resources Maintenance Area 4
 Name and District Number

approve this plan, subject to the following conditions:

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

Kath Egan 5/19/11
 Trustee Date Trustee Date
Chief, Flood Maintenance Office

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

See Section III of the Application

Name

Address

Zip Code

This page intentionally left blank.

ATTACHMENT C



**Figure 1-1
Project Location**

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00420.12 The Rivers (03-06-14) SS

Figure 1-2
Project Area

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WEST SACRAMENTO LEVEE IMPROVEMENT PROGRAM

EARLY IMPLEMENTATION PROJECT

THE RIVERS PHASE 1 EROSION CONTROL

SACRAMENTO RIVER NORTH WEST LEVEE:
LEVEE MILE 0.65

SHEET INDEX

- G-01 COVER SHEET
- G-02 GENERAL ABBREVIATIONS
- G-03 GENERAL LEGEND AND SYMBOLS
- G-04 GENERAL NOTES
- G-05 GENERAL NOTES
- G-06 SURVEY CONTROL AND SITE ACCESS MAP
- G-07 CONSTRUCTION LIMIT AND BASELINE ALIGNMENT

- C-01 EXISTING TOPOGRAPHY AND DEMOLITION
- C-02 CONTROL PLAN
- C-03 TYPICAL SECTIONS
- C-04 TYPICAL SECTIONS AND DETAILS
- C-05 SECTIONS
- C-06 SECTIONS
- C-07 SECTIONS
- C-08 DETAILS
- C-09 DETAILS

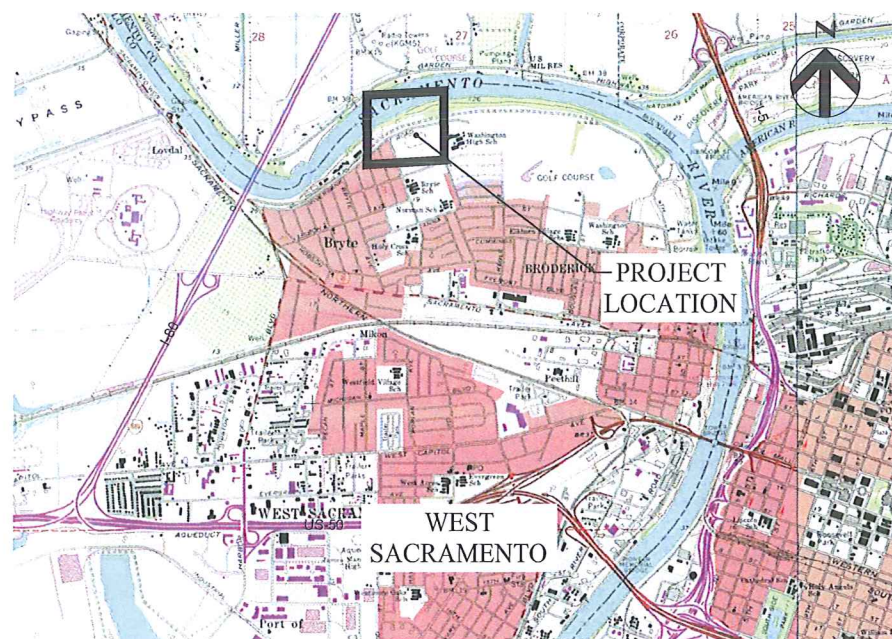
- E-01 ENVIRONMENTAL CONTROL PLAN
- E-02 DETAILS



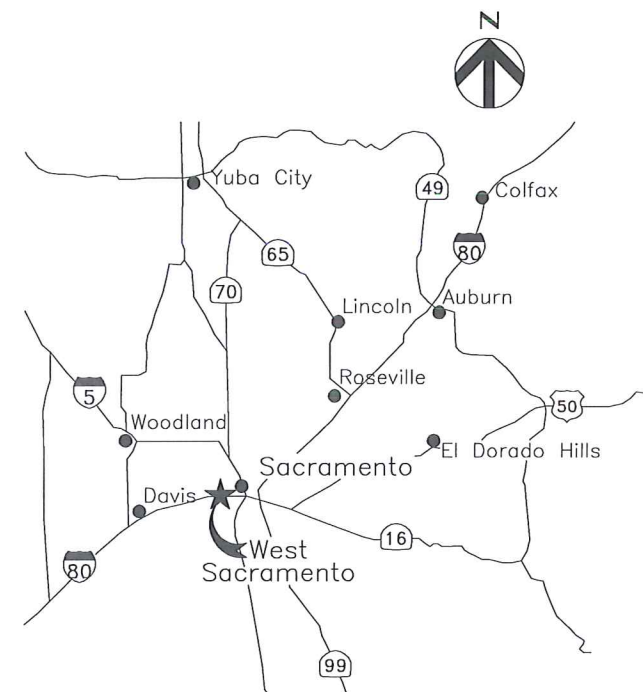
DECEMBER 2013
ISSUED FOR BID



CALIFORNIA STATE LOCATION MAP
NTS



VICINITY MAP
NOT TO SCALE



LOCATION MAP
NOT TO SCALE

SUBMITTED BY:

MICHAEL VECCHIO RCE 74275

DATE

APPROVED BY:

GREG FABUN
CITY OF WEST SACRAMENTO

DATE

KEN RUZICH
WSAFCA, GENERAL MANAGER

DATE



HDR Engineering Inc.
Folsom, CA



NOTES

THE HORIZONTAL DATUM FOR THIS DATA IN THIS DRAWING IS NAD83, CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE 2, SURVEY FEET UNITS, 1991.35 EPOCH DATE ADJUSTMENT. ALL DISTANCES AND BEARINGS SHOWN ARE GRID DISTANCES AND BEARINGS. MULTIPLY GRID DISTANCES BY 1.00006115 TO OBTAIN GROUND DISTANCES.

CONTROL POINT COORDINATES					
POINT NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION	
522	1981767.92	6696923.46	39.89	5/8" REBAR AND CAP STAMPED "KSN CONTROL" ON THE TOP OF THE LEVEE	
524	1981484.43	6697034.03	22.09	BRASS DISK STAMPED "LS 3013" IN MONUMENT BOX ON THE CENTERLINE OF FOUNTAIN DRIVE	
525	1981448.91	6697215.69	24.33	BRASS DISK STAMPED "LS 3013" IN MONUMENT BOX ON THE CENTERLINE OF FOUNTAIN DRIVE AND WEST LAKE DRIVE	

C:\pwworking\aac\00135652\01G-008.dwg
06-17-11
ACOLLINS 14:53:48

A		ISSUED FOR BIDS	12/20/13	ACC	RH	MJV	MJV
Issue No.	Description	Date	Drawn	Chkd.	Resp. Engr.	Proj. Mgr.	

HORIZONTAL DATUM IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD 83)

VERTICAL DATUM IS NAVD 88

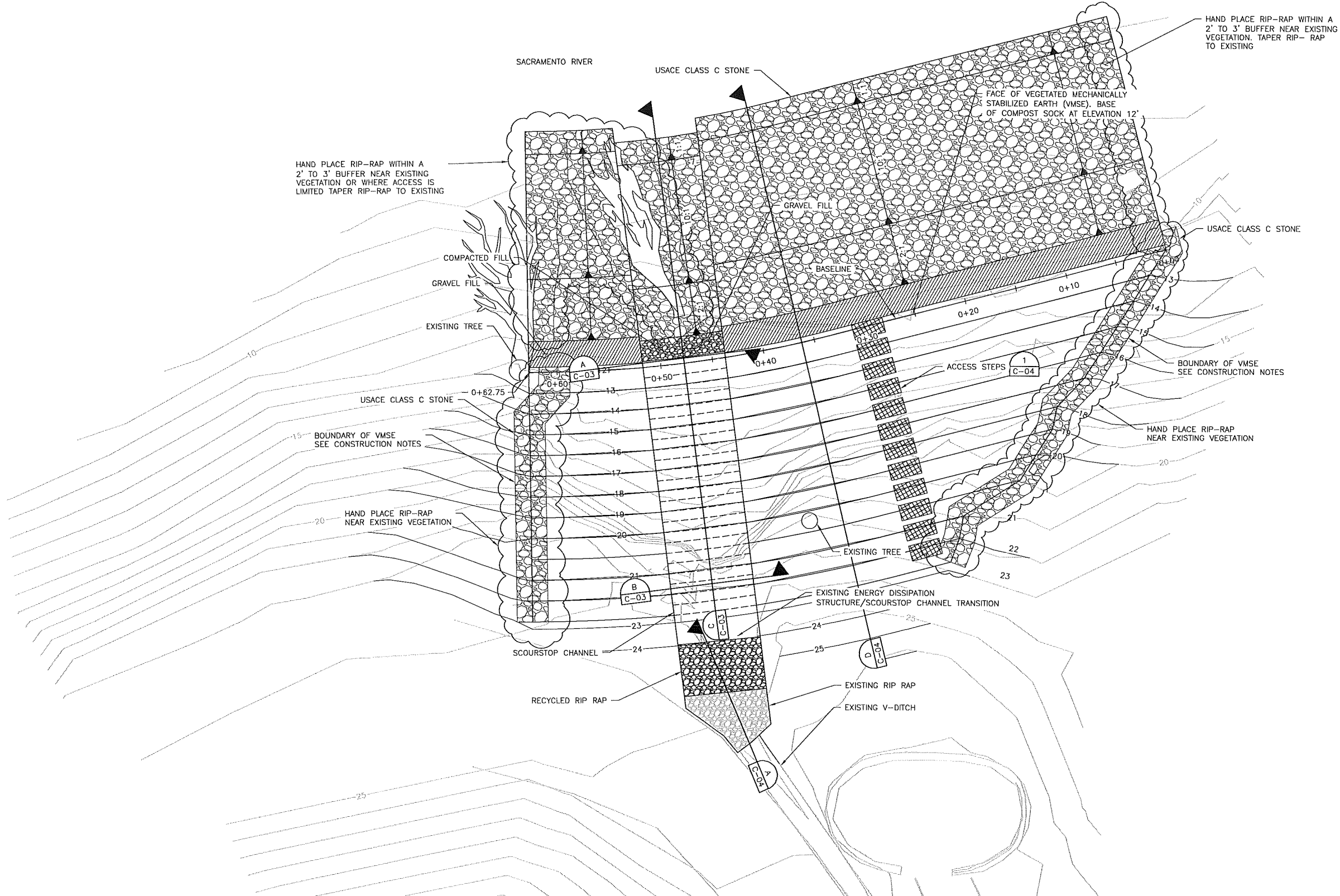
EL NAVD 88 = EL NGVD 29+2.6'



Project Manager	M. VECCHIO
Designed	M. VECCHIO
Designed	
Checked	R. HAYNES
Drawn	A. COLLINS

West Sacramento Area Flood Control Agency
Levee Improvement Program
Early Implementation Project
The Rivers Phase 1 Erosion Control

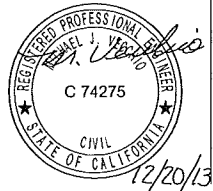
SURVEY CONTROL AND SITE ACCESS MAP			
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Drawing No.	G-06	Issue	X



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Issue No.	Description	Date	Drawn	Chkd.	Resp. Engr.	Proj. Mgr.	

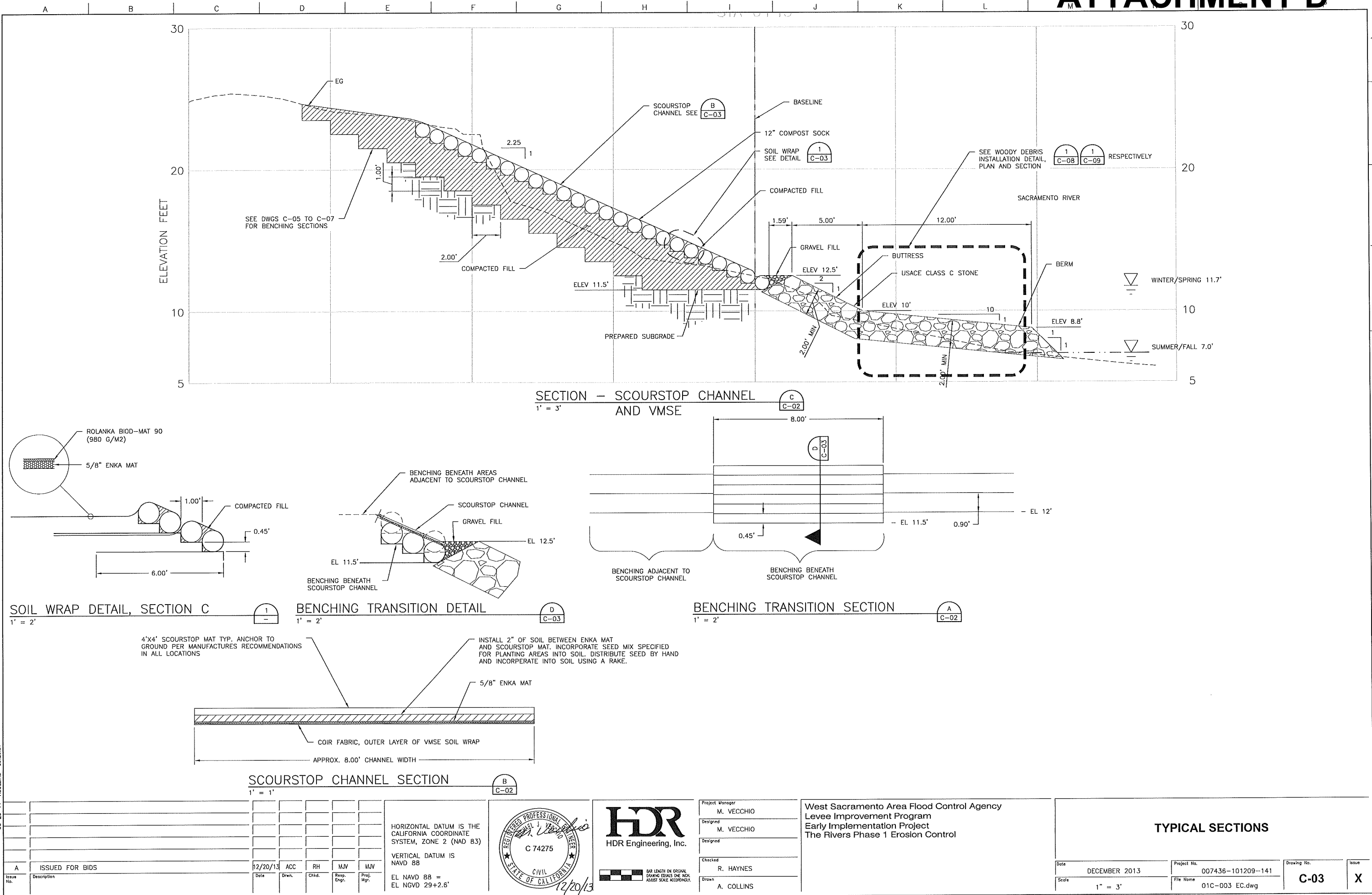
HORIZONTAL DATUM IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD 83)
VERTICAL DATUM IS NAVD 88
EL NAVD 88 =
EL NGVD 29+2.6'

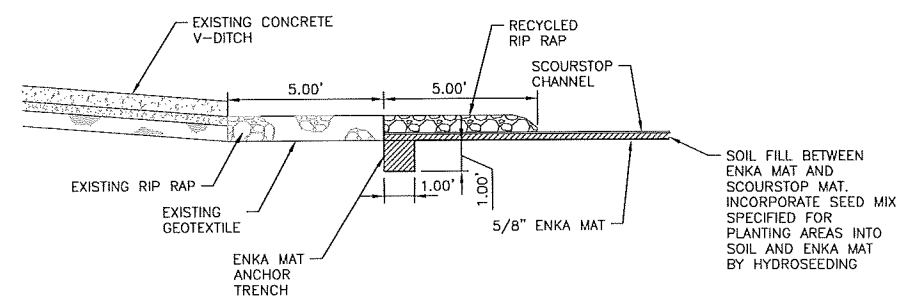


Project Manager	M. VECCHIO
Designed	M. VECCHIO
Checked	R. HAYNES
Drawn	A. COLLINS

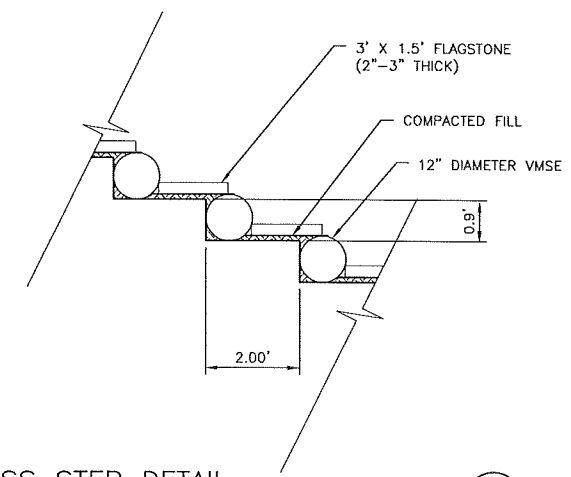
West Sacramento Area Flood Control Agency
Levee Improvement Program
Early Implementation Project
The Rivers Phase 1 Erosion Control

Date		DECEMBER 2013	Project No.	007436-101209-141	Drawing No.	C-02	Issue	X
Scale		1" = 5'	File Name		01C-002 EC.dwg			

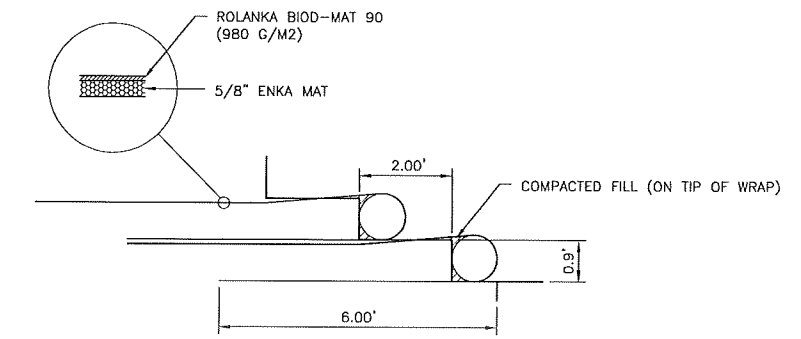




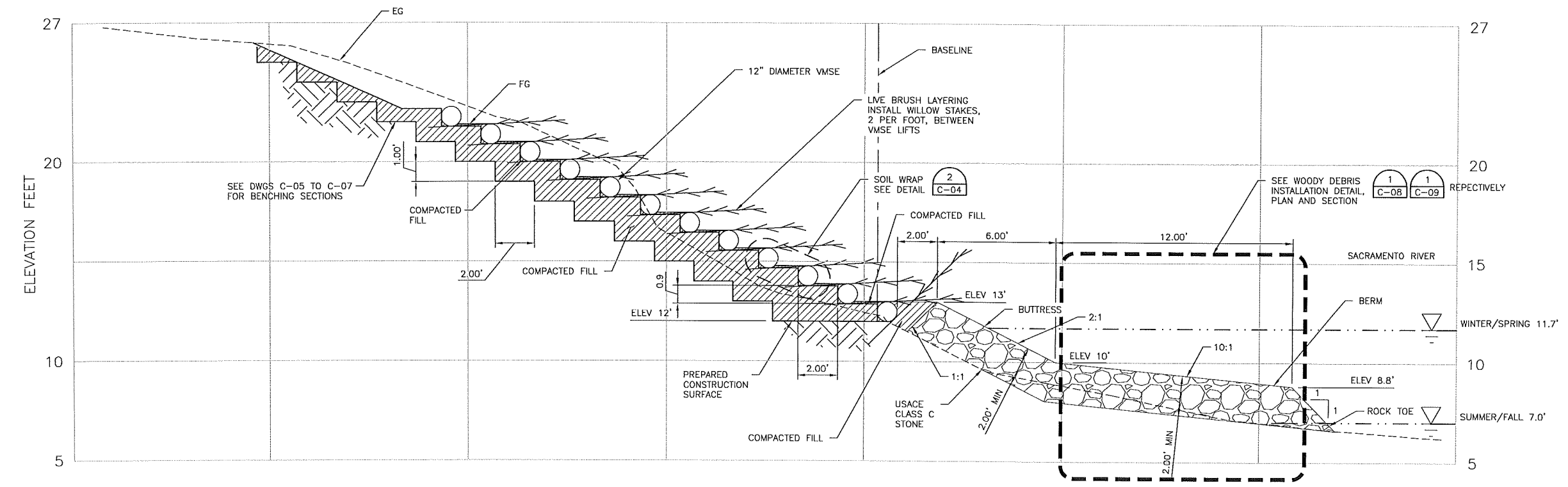
SECTION A - V-DITCH, RIP RAP, AND SCOURSTOP CHANNEL TRANSITION
1" = 3'



ACCESS STEP DETAIL
1" = 2'



SOIL WRAP DETAIL, SECTION D
1" = 2'

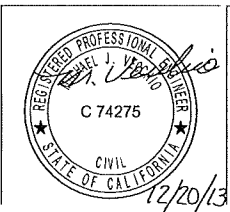


SECTION - VMSE
1" = 3'

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Issue No.	Description	Date	Drawn	Chd.	Resp. Engr.	Proj. Mgr.
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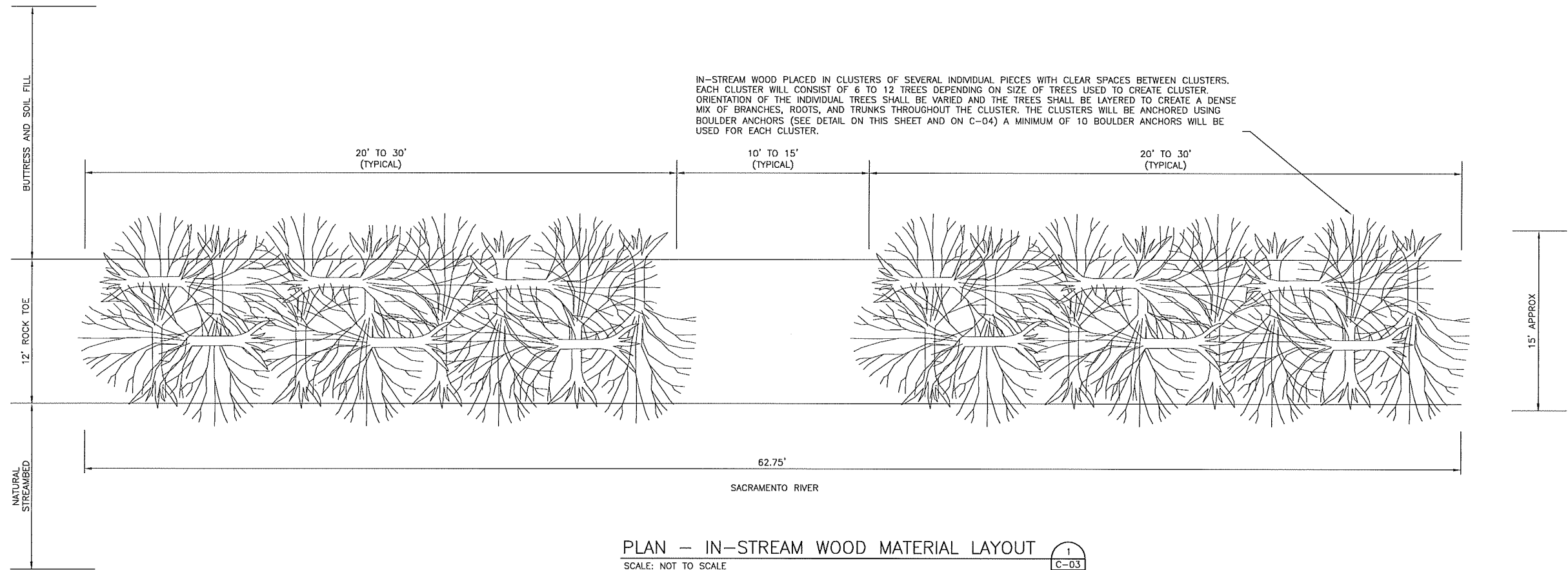
HORIZONTAL DATUM IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD 83)
VERTICAL DATUM IS NAVD 88
EL NAVD 88 =
EL NGVD 29+2.6'



Project Manager	M. VECCHIO
Designed	M. VECCHIO
Checked	R. HAYNES
Drawn	A. COLLINS

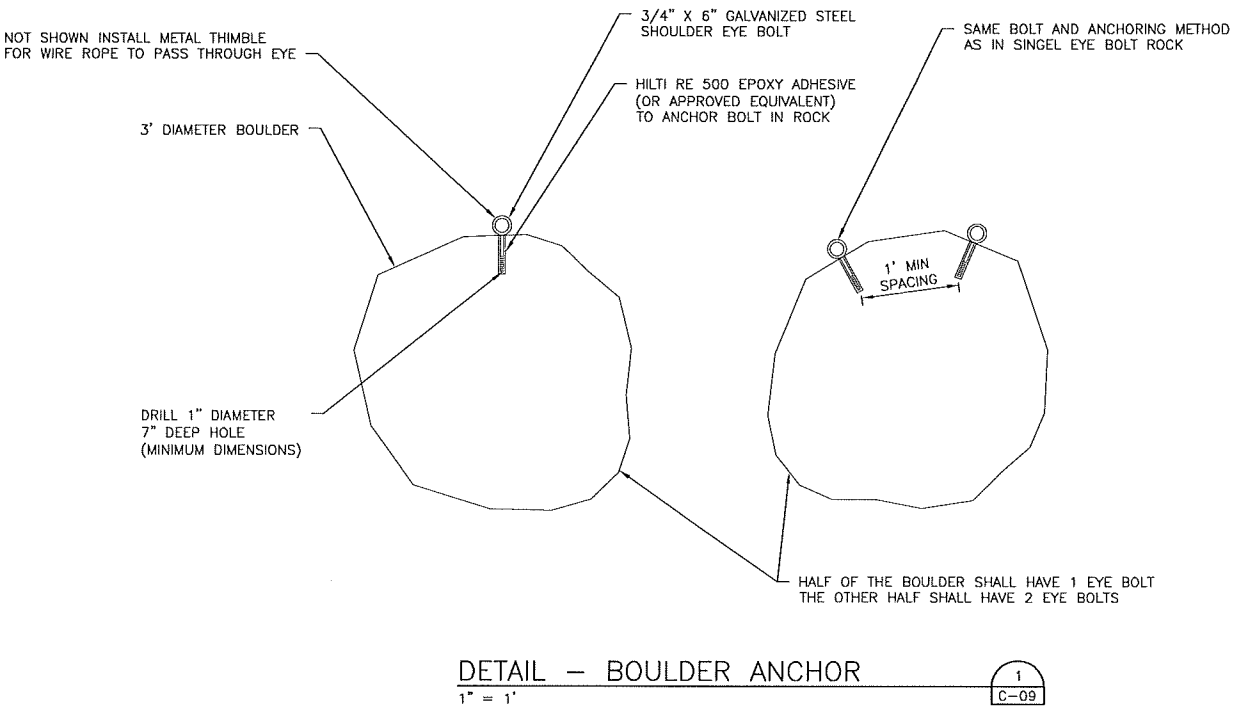
West Sacramento Area Flood Control Agency
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TYPICAL SECTIONS AND DETAILS			
Date	DECEMBER 2013	Project No.	007436-101209-141
Scale	1" = 3'	File Name	01C-004 EC.dwg
Issue		Drawing No.	C-04
			X



INSTALLATION NOTES:

1. WIRE ROPE SHALL CONNECT EACH EYE BOLT TO 2 SEPARATE PIECES OF IN-STREAM WOOD
2. EACH PIECE OF IN-STREAM WOOD SHALL BE CONNECTED, USING SEPARATE PIECES
3. A 2" LOAD GALVANIZED STEEL STAPLE SHALL BE DRIVEN INTO THE WOOD PIECE OVER THE WIRE ROPE WRAPS UNLESS THE LOCATION OF THE WRAPS MAKES INSTALLATION IMPRACTICAL. 2 CABLE CLAMPS SHALL BE PLACED ON THE WIRE ROPE NEW THE PIECE OF IN-STREAM WOOD TO HOLD THE WIRE ROPE WRAPS SNUG AGAINST THE WOOD. THE WIRE ROPE SHALL THEN BE EXTENDED TO A SECOND PIECE OF IN-STREAM WOOD AND WRAPPED 2 FULL TURNS AROUND THAT PIECE OF WOOD. A STAPLE DRIVEN INTO THE WOOD OVER THE WIRE ROPE, AND THE WIRE ROPE SECURED WITH TWO CABLE CLAMPS TO HOLD THE WRAPS SNUG AGAINST THE WOOD. THE WIRE ROPE SHALL THEN EXTEND BACK TO THE EYE BOLT AND BE SECURED TO THE OTHER LOOSE END OF THE WIRE ROPE USING TWO CABLE CLAMPS WHEN COMPLETED THE WIRE ROPE SHALL BE TIGHT TO PROVIDE A STABLE MASS THROUGHOUT THE IN-STREAM WOOD CLUSTER.
4. THE CONTRACTOR MAY SUBMIT ALTERNATE METHODS OF CONNECTION THE WIRE ROPE TO THE IN-STREAM WOOD AND BOULDER ANCHORS FOR APPROVAL BY THE CONTRACTING OFFICER. ANY ALTERNATED METHOD SHALL INCLUDE THE REDUNDANCY DESCRIBED IN NOTES 1 AND 2 ABOVE, SHALL USE WIRE ROPE THAT HAS A MINIMUM DIAMETER OF 1/2" FOR ALL CONNECTIONS TO THE BOULDER ANCHORS AND SHALL PROVIDE AN OVERALL TIGHT ANCHORED MASS OF IN-STREAM WOOD WHEN COMPLETED
5. A MINIMUM OF 10 BOULDER ANCHORS SHALL BE USED FOR EACH CLUSTER OF IN-STREAM WOOD
6. BOULDERS ANCHORS SHALL BE PARTIALLY BURIED INTO THE ROCK TOE A MINIMUM OF 1/2 OF THE BOULDER SHALL BE BURIED IN THE ROCK TOE.



DETAIL - BOULDER ANCHOR

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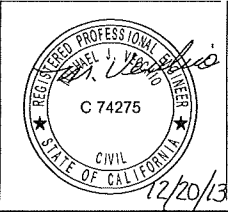
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		Date	Drawn	Chkd.	Resp. Engr.	Proj. Mgr.

HORIZONTAL DATUM IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD 83)

VERTICAL DATUM IS NAVD 88

EL NAVD 88 =

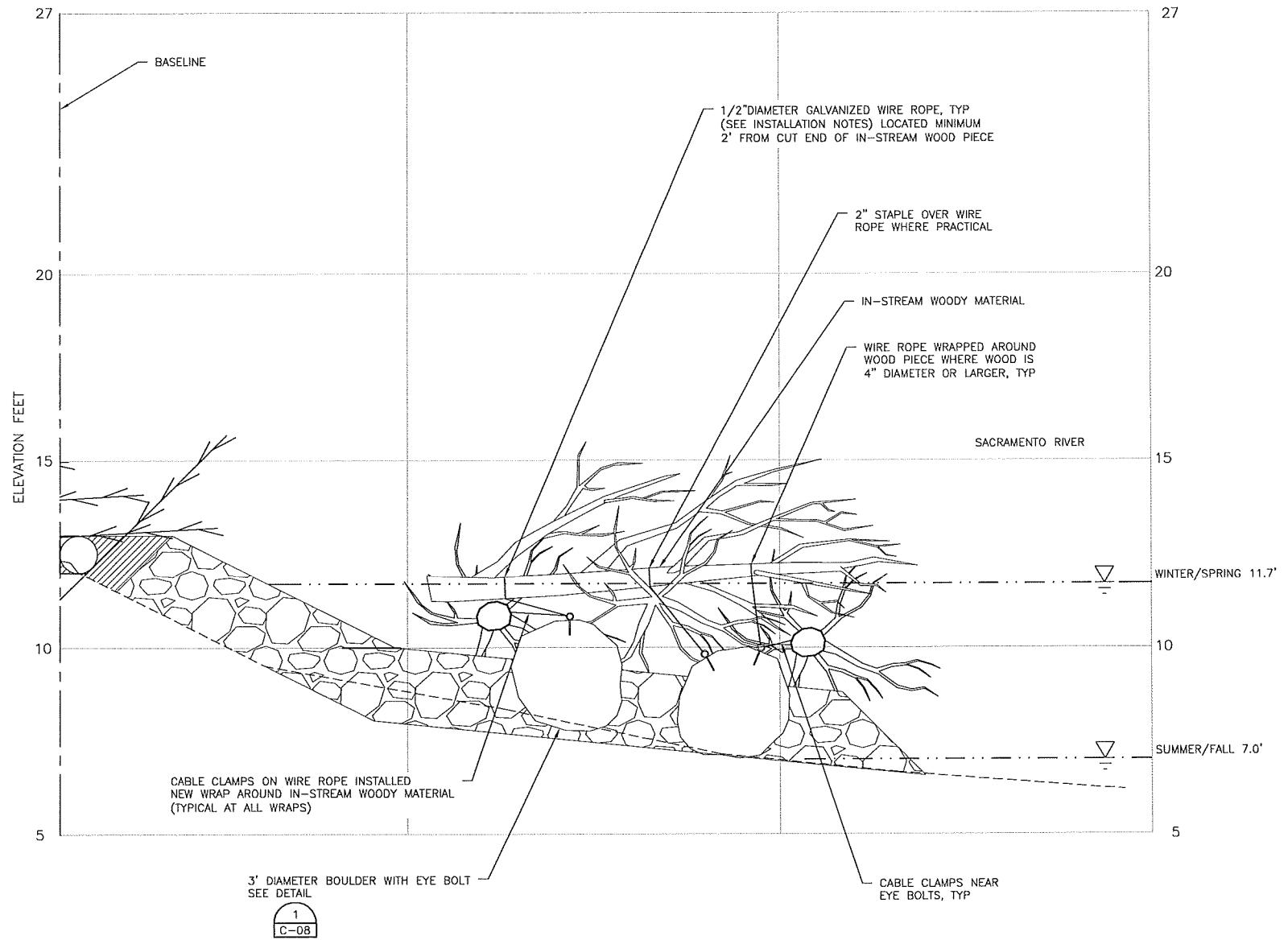
EL NGVD 29+2.6"



Project Manager	M. VECCHIO
Designed	M. VECCHIO
Designed	
Checked	R. HAYNES
Drawn	A. COLLINS

West Sacramento Area Flood Control Agency
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DETAILS			
Date	DECEMBER 2013	Project No.	007436-101209-141
Scale	AS NOTED	File Name	01C-008 EC.dwg
Drawing No.			C-08
Issue			X



SECTION — DEBRIS INSTALLATION DETAIL
1" = 2'

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A	ISSUED FOR BIDS	12/20/13	ACC	RH	MJV
Issue No.	Description	Date	Drawn	Chkd.	Resp. Engr.

HORIZONTAL DATUM IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 2 (NAD 83)

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EL NAVD 88 =

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BAR LENGTH ON ORIGINAL DRAWING EQUALS ONE INCH ADJUST SCALE ACCORDINGLY.

Project Manager
M. VECCHIO

Designed
M. VECCHIO

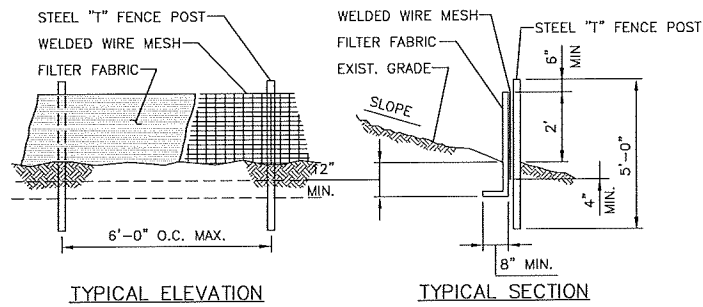
Checked
R. HAYNES

Drawn
A. COLLINS

West Sacramento Area Flood Control Agency
Levee Improvement Program
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DETAILS

Date DECEMBER 2013	Project No. 007436-101209-141	Drawing No. C-09	Issue X
Scale AS NOTED	File Name 01C-009 EC.dwg		

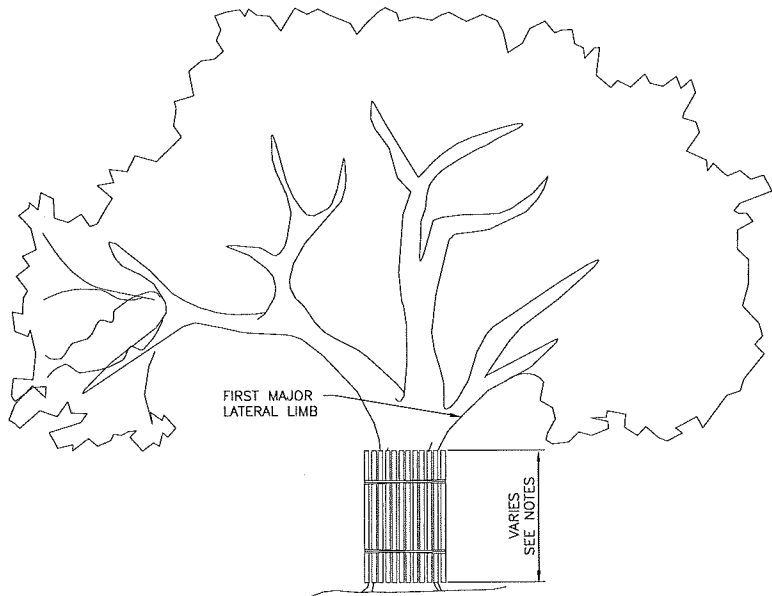


SILT FENCE NOTES:

1. CLEAR THE GROUND OF DEBRIS, ROCKS, AND PLANTS (INCLUDING GRASSES TALLER THAN 2") SO THAT A SMOOTH SURFACE CAN BE UTILIZED FOR ANCHORING THE SKIRT.
2. LAY OUT THE SILT FENCE FOLLOWING AS CLOSELY AS POSSIBLE TO THE ALIGNMENT SHOWN ON PLANS.
3. STEEL POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE. POST MUST BE EMBEDDED A MINIMUM OF TWO FEET.
4. ATTACH THE 2" X 4" 12 GAUGE WELDED WIRE MESH TO THE "T" FENCE POSTS WITH 1 1/2 GAUGE GALVANIZED "T" POST CLIPS. THE TOP OF THE WIRE MESH SHOULD BE 24" ABOVE GROUND LEVEL. VERTICAL OVERLAPS OF THE WELDED WIRE MESH SHALL BE OVERLAPPED 6" AND TIED AT LEAST SIX TIMES WITH HOG RINGS. HORIZONTAL OVERLAPS OF WIRE MESH ARE NOT ALLOWED.
5. THE TOE OF THE SILT FENCE SHALL BE TRENCHED-IN SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW. WHERE THE SILT FENCE CAN NOT BE TRENCHED-IN (E.G. PAVEMENT), WEIGHT THE FABRIC FLAP WITH WASHED GRAVEL ON UPHILL SIDE TO PREVENT FLOW UNDER THE SILT FENCE.
6. FILTER FABRIC SHALL BE SECURELY FASTENED TO THE WOVEN WIRE MESH.
7. FILTER FABRIC SPLICES SHOULD BE A MINIMUM OF 18" WIDE, ATTACHED IN AT LEAST SIX PLACES. SPLICES IN CONCENTRATED FLOW AREAS WILL NOT BE ACCEPTED.
8. INSPECTION SHALL BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
9. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES. THE SILT SHALL BE DISPOSED OF IN AN APPROVED SITE AND IN SUCH A MANNER AS TO NOT CONTRIBUTE TO ADDITIONAL SILTATION.
10. SILT FENCE SHALL BE REMOVED WHEN THE SITE IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.

SILT FENCE DETAIL

NTS

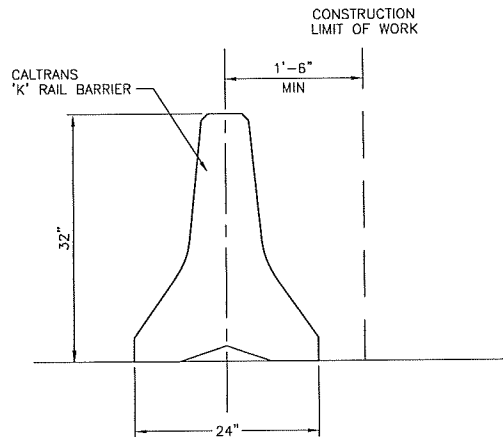


NOTES:

1. TREE PROTECTION SHOULD CONSIST OF 2-INCH THICK WOODEN SLATS BOUND SECURELY (SLATS SHALL NOT BE ALLOWED TO DIG INTO BARK). BINDING SHALL CONSIST OF FLEXIBLE NYLON STRAPPING (MAXIMUM SPACING 3FT) OR WRAPPED IN ORANGE PLASTIC FENCING. MAJOR SCAFFOLD LIMBS MAY ALSO REQUIRE PLASTIC FENCING WRAP.
2. HEIGHT OF PROTECTIVE SLATS SHOULD BE ESTABLISHED BASED ON THE DISTANCE FROM THE GROUND TO THE HEIGHT OF THE FIRST SUBSTANTIAL LATERAL LIMB EXTENDING FOR THE TRUNK, AS SHOWN ON THE TREE ARMOR DETAIL.

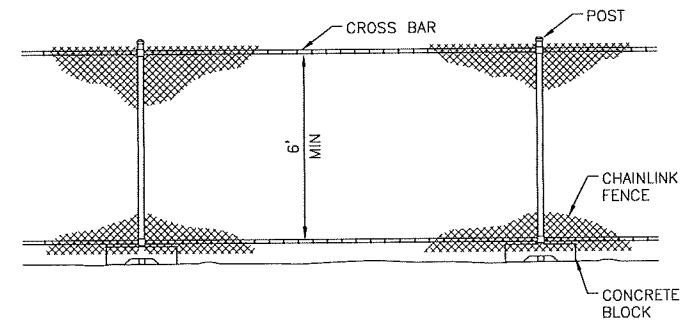
TREE ARMOR DETAIL

NTS



TEMPORARY CALTRANS 'K' RAIL BARRIER DETAIL

NTS



CHAINLINK CONSTRUCTION FENCING
(CONCRETE BLOCK FOUNDATION) DETAIL

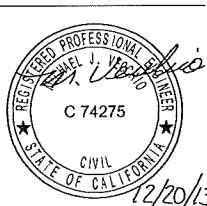
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Issue No.	Description	Date	Drawn	Chkd.	Resp. Engr.	Proj. Mgr.
A	ISSUED FOR BIDS	12/20/13	ACC	RH	MJV	MJV

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Project Manager	M. VECCHIO
Designed	M. VECCHIO
Checked	R. HAYNES
Drawn	A. COLLINS

West Sacramento Area Flood Control Agency
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DETAILS

Date	DECEMBER 2013	Project No.	007436-101209-141	Drawing No.	E-02	Issue	X
Scale	1" = 5'	File Name	01E-002 EC.dwg				

Attachment #2

RESOLUTION No. 14-07-05

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST SACRAMENTO
AREA FLOOD CONTROL AGENCY ("WSAFCA") CERTIFYING THE MITIGATED
NEGATIVE DECLARATION FOR THE RIVERS PHASE I EROSION CONTROL
PROJECT AND ADOPTING THE FINDINGS AND MITIGATION MEASURES
THEREIN IDENTIFIED**

WHEREAS, WSAFCA is a Joint Powers Authority comprised of the City of West Sacramento, Reclamation District (RD) 900 and RD 537 for the purposes of constructing the improvements necessary to enhance the West Sacramento Levee System, including the levees along the Sacramento River; and

WHEREAS, on June 30, 2011, the West Sacramento Area Flood Control Agency awarded the construction contract for the Rivers Phase I Site EIP; and

WHEREAS, in May of 2012, after construction was complete, WSAFCA staff observed some abnormal accelerated erosion in an area adjacent to the concrete overlook, directly in line with a drainage swale that was constructed as part of the recently completed project; and

WHEREAS, WSAFCA has had an Initial Study prepared which evaluates the project specific impacts of the erosion control project, and a draft Mitigated Negative Declaration was prepared; and

WHEREAS, the Mitigated Negative Declaration was circulated for comments in accordance with the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and all other applicable laws and regulations; and

WHEREAS, the public and agency comment period on the draft Mitigated Negative Declaration was completed on June 3, 2014, and agency comments have been incorporated into the final Mitigated Negative Declaration; and

WHEREAS, the Board of Directors of WSAFCA have reviewed the erosion control project and the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Sacramento Area Flood Control Agency that:

Section 1: WSAFCA hereby finds that the recitals set forth above are true and correct, and incorporate these recitals herein by reference.

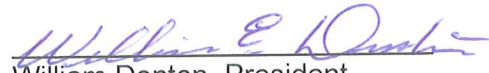
Section 2: the Mitigated Negative Declaration reflects WSAFCA's independent judgment and analysis.

Section 3: WSAFCA hereby certifies the Mitigated Negative Declaration and adopts the findings and mitigation measures therein identified.

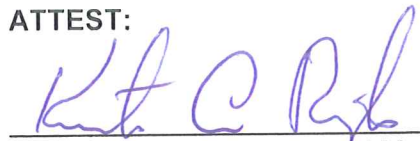
ATTACHMENT E

PASSED AND ADOPTED by the Board of Directors of WSAFCA this 10th day of July, 2014, by the following vote:

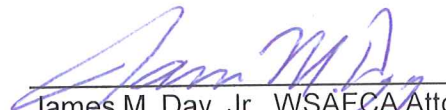
AYES: *Denton, Kristoff*
NOES: *none*
ABSTAIN: *none*
ABSENT: *Ramos*


William Denton, President

ATTEST:


Kenneth A. Ruzich, General Manager

APPROVED AS TO FORM:


James M. Day, Jr., WSAFCA Attorney


Philip A. Wright, WSAFCA Treasurer