Meeting of the Central Valley Flood Protection Board July 24, 2015

Staff Report

Yolo County Placement of Woody Instream Material, Yolo County

<u>1.0 – ITEM</u>

Consider Central Valley Flood Protection Board (Board) approval to place approximately 65 linear feet of instream woody material (IWM) in two clusters (Attachment A) by draft Permit No. 18313-2-2 (Attachment B).

2.0 - APPLICANT

West Sacramento Area Flood Control Agency (WSAFCA)

3.0 - PROJECT LOCATION

The project is located along the base of the right (south) bank of the Sacramento River, north of Riverbank Road and Todhunter Avenue in the city of West Sacramento (approximate population 48,750 per the 2010 Census) in Yolo County (Attachment A).

4.0 - PROJECT DESCRIPTION

WSAFCA is proposing to place two clusters instream woody material as required by the National Marine Fisheries Service (NMFS) permit, and pursuant to Section 404 of the Clean Water Act of 1972 (Permit reference number: SPK-2009-01642). The clusters would consist of 6 to 12 trees or tree segments oriented to create a mix of branches, roots and trunks to provide habitat for fish species. Each cluster See Attachment C for project design drawings.

<u>5.0 – AUTHORITY OF THE BOARD</u>

California Water Code § 8534, 8590 – 8610.5, and 8700 – 8710

Title 23:

• § 6 – Need for a Permit

- § 108 Existing Encroachments
- § 112 Streams Regulated and Nonpermissible Work Periods
- § 121 Erosion Control
- § 128 Vegetation

<u>6.0 – AGENCY COMMENTS AND ENDORSEMENTS</u>

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

- The U.S. Army Corps of Engineers (USACE) decision letter <u>was received</u> on July XX, 2015 and indicated that the USACE District Engineer has no objection to the project, subject to conditions. This letter has been incorporated into the permit as Exhibit A.
- The Department of Water Resources, Maintenance Area #4 endorsed this project on March 4, 2015 without conditions.

7.0 – PROJECT ANALYSIS

7.1 – Project Background

In May of 2012 WSAFCA staff observed that erosion had occurred as a result construction of its "The Rivers Phase 1" Early Implementation Project completed in December 2011. Although erosion repairs of this nature are considered maintenance by Board and USACE staffs, the proposed instream work triggered the need for IWM mitigation as required by NMFS. The required placement of 65-feet of IWM is not considered maintenance, and therefore triggers the need for a Board permit.

The project proposes to install two clusters of IWM on top of a riprap bench. The IWM would be anchored by cabling the clusters to three-foot diameter boulders embedded in the riprap. Approximately ten boulders would be used for each cluster. Approximately half of each boulder will be buried in the rock toe (Attachment C).

7.2 – Hydraulic Summary

A blockage calculation was conducted for the IWM. It was determined that the proposed erosion repair project is estimated to block 0.89 percent of the channel cross sectional area at the repair site. Since this is less than the one (1) percent USACE guidance threshold, a more detailed hydraulic analysis is not required.

7.3 – Geotechnical Summary

No geotechnical summary is required to evaluate this application.

8.0 - CEQA ANALYSIS

Board staff has prepared the following California Environmental Quality Act (CEQA) determination:

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared pursuant to CEQA by WSAFCA acting as lead agency. The Board considered and adopted responsible agency findings on July 25, 2014 through Board Resolution No. 2014-26 (Attachment D) for the The Rivers Erosion Site Project (State Clearinghouse No. 2014032085).

The Board staff has determined that the Board's prior CEQA findings regarding the project are still valid and that this activity was covered in the original project description. The Board staff have also determined that the proposed project is within the scope of the previously certified IS/MND, that no new environmental effects could occur, and that no new mitigation measures are required as a result of this project. Therefore no new environmental documents are required pursuant to CEQA Guidelines section 15162.

9.0 - CALIFORNIA WATER CODE SECTION 8610.5 CONSIDERATIONS

- Evidence that the Board admits into its record from any party, federal, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:
 - The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.
- The best available science related to the scientific issues presented by the executive officer, legal counsel, the Department of Water Resources, or other parties that raise credible scientific issues:
 - The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.
- Effects of the decision on the facilities of the State Plan of Flood Control (SPFC), and consistency of the proposed project with the Central Valley Flood Protection Plan (CVFPP) as adopted by Board Resolution 2012-25 on June 29, 2012:

This project has no adverse effect on facilities of the SPFC, and is consistent with the CVFPP and current Title 23 standards because the proposed project is expected to cause no increase in water surface elevation, no substantial increase in channel velocities, and no adverse geotechnical impacts to Sacramento River levees or channel, or any SPFC facilities.

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

There are no foreseeable projected future events that would impact this project.

<u>10.0 – STAFF RECOMMENDATION</u>

Staff recommends that the Board:

Approve:

draft Encroachment Permit No. 18313-2-2 in substantially the form provided; and

Direct:

• the Executive officer to take the necessary actions to execute the permit.

11.0 - LIST OF ATTACHMENTS

A – Project Map and Photo

B – Draft Permit No. 18313-2-2

Exhibit A: USACE 408 Decision Letter

C – Project Drawings

D – Board Resolution 2014-26

Prepared By: Ilene Wellman-Barbree, PE, Senior Engineer, Projects and Environmental Branch

Environmental Review: Andrea Buckley, Senior Environmental Scientist (Specialist)

Staff Report Review: Nancy Moricz, PE, Senior Engineer, Projects and Environmental Branch

Eric Butler, PE, Supervising Engineer, Projects and Environmental Branch Chief

Len Marino, PE, Chief Engineer

Nicole Rinke, Deputy Attorney General Leslie Gallagher, Acting Executive Officer

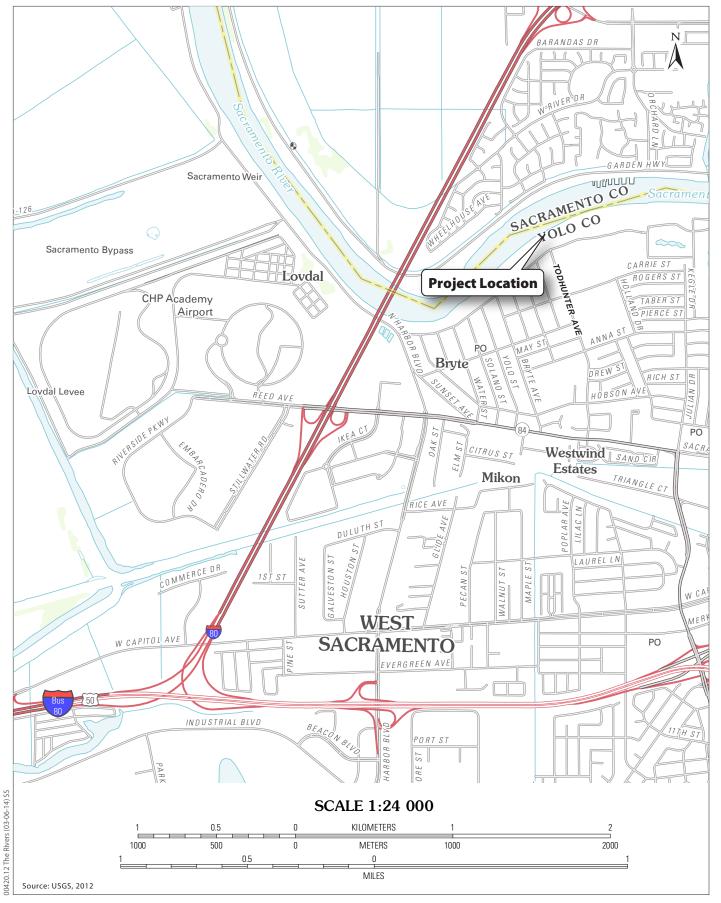




Figure 1 Project Location

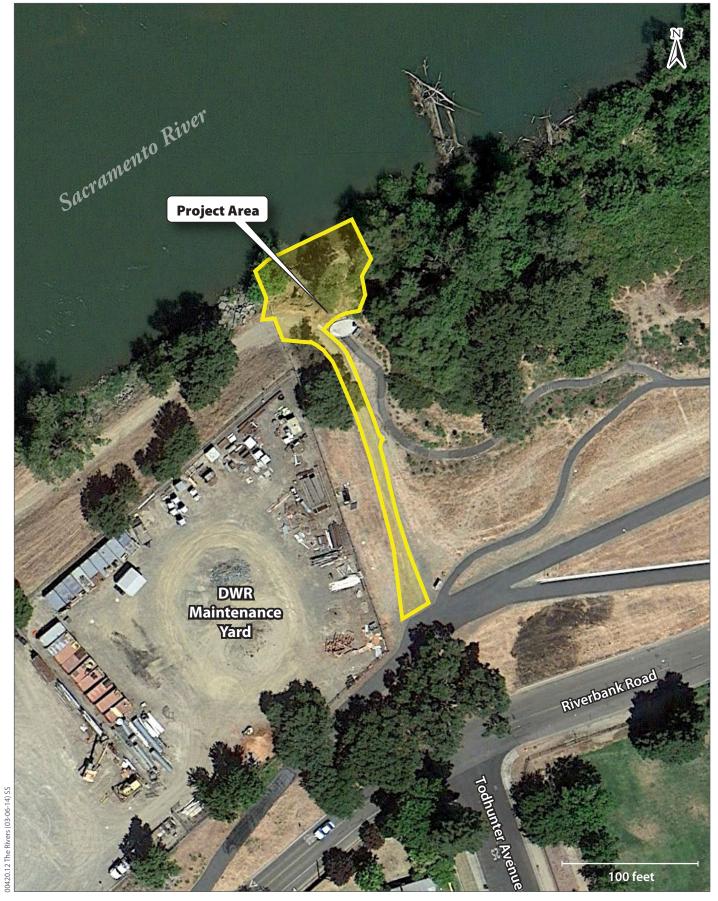




Figure 2 Project Area

DRAFT

STATE OF CALIFORNIA THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18313-2-2 BD

This Permit is issued to:

West Sacramento Area Flood Control Agency 1110 West Capitol Avenue West Sacramento, California 95691

To place 65 linear feet of instream woody material in two clusters as required by the National Marine Fisheries Service permit, as part of the USACE 404 Clean Water Act permit. Each cluster, consisting of six to twelve trees or tree segments, will be anchored by cabling the material to three-foot diameter boulders embedded in the rock toe.

The project is located along the right (south) bank of the Sacramento River, north of Riverbank Road and Todhunter Avenue in the City of West Sacramento. (Section 27, T9N, 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)

Dated:	 	
	Executive Officer	

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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. 18313-2-2 BD

LIABILITY AND INDEMNIFICATION

THIRTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board (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 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.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the 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.

FIFTEEN: The Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

AGENCY CONDITIONS

SIXTEEN: The permittee shall comply with all conditions set forth in the letter from the U.S. Army Corps of Engineers District Engineer dated July XX, 2015, which is attached to this permit as Exhibit A and is incorporated by reference.

SEVENTEEN: The permittee agrees to incur all costs for compliance with local, State, and Federal permitting. If any conditions issued by other agencies conflict with any of the conditions of this permit, then the permittee shall resolve conflicts between any of the terms and conditions that agencies might impose under the laws and regulations it administers and enforces.

EIGHTEEN: If the permittee does not comply with the conditions of the permit and enforcement by the Board is required, the permittee shall be responsible for bearing all costs associated with the enforcement action, including reasonable attorney's fees. Permittee acknowledges that State law allows the imposition of fines in enforcement matters.

PRE-CONSTRUCTION

NINETEEN: The permittee shall contact the Board by telephone at (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 20 working days prior to start of work may result in delay of the project.

TWENTY: Prior to commencement of work, the permittee shall create a photo record, including associated descriptions of project conditions. The photo record shall be certified (signed and stamped) by a licensed land surveyor or licensed civil engineer registered in the State of California and submitted to the Board within thirty (30) calendar days of beginning the project.

TWENTY-ONE: The permittee shall provide construction supervision and inspection services acceptable to the Board.

CONSTRUCTION

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

TWENTY-THREE: All addenda and contract change orders made to the approved plans and / or specifications by the permittee after Board approval of this permit shall be submitted to the Board's Chief Engineer for review and approval prior to incorporation into the permitted project. The submittal shall include all supplemental plans, specifications, and necessary supporting geotechnical, hydrology and hydraulics, or other technical analyses. The Board shall acknowledge receipt of the addendum or change submittal in writing within ten (10) working days of receipt, and shall work with the permittee to review and respond to the request as quickly as possible. Time is of the essence. The Board may request additional information as needed and will seek comment from the U.S. Army Corps of Engineers and / or local maintaining agencies when necessary. The Board will provide written notification to the permittee if the review period is likely to exceed forty five (45) calendar days.

Upon approval of submitted documents the permit shall be revised, if needed, prior to construction related to the proposed changes.

TWENTY-FOUR: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Board, and shall be removed after completion of the project.

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

VEGETATION / ENVIRONMENTAL MITIGATION

TWENTY-SIX: The permittee will be responsible for securing any necessary permits incidental to habitat manipulation and restoration work completed in the flood control project, and will provide any biological surveying, monitoring, and reporting needed to satisfy those permits.

TWENTY-SEVEN: Areas where plantings are lost to erosion may be replanted to the level of plantings in the approved project plans and specifications.

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

TWENTY-NINE: If any feature of the project adversely impacts the successful execution, functioning, maintenance, or operation of facilities of the Sacramento River Flood Control Project, the permittee must either remove the feature, or mitigate for the adverse impact of the feature at the permittee's expense after approval of the proposed mitigations by the Board. If the permittee does not comply, the Board may modify or remove the feature at the permittee's expense.

POST-CONSTRUCTION

THIRTY: Except with respect to the activities expressly allowed under this permit, the work area shall be restored to the condition that existed prior to start of work.

THIRTY-ONE: Any damage to the levee 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-TWO: All debris generated by this project shall be disposed of outside the floodway.

THIRTY-THREE: Within 120 days of completion of the project, the permittee shall submit to the Board and DWR a mylar copy of as-built drawings, stamped and signed by a licensed civil engineer registered in the State of California, certifying the work was performed and inspected in accordance with the Board permit conditions and submitted drawings and specifications.

OPERATIONS AND MAINTENANCE

THIRTY-FOUR: The permittee shall be responsible for repair of any damages to the channel, banks, levees, and floodway due to construction, operation, or maintenance of the proposed project.

THIRTY-FIVE: The permittee shall maintain the permitted encroachment(s) within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance.

THIRTY-SIX: If erosion occurs adjacent to the permitted encroachment(s), the permittee shall repair the eroded areas and place adequate mitigation on the affected areas to prevent further erosion.

THIRTY-SEVEN: At the request of either the permittee or the Board, the permittee and the Board shall conduct joint inspections of the project site to assess the integrity and operation of the project, and to assess and respond to any adverse impacts on the floodway or adjacent properties.

PROJECT ABANDONMENT, CHANGE IN PLAN OF FLOOD CONTROL

THIRTY-EIGHT: If the project, or any portion thereof, is to be abandoned in the future, the permittee shall abandon the project under direction of the Board, at the permittee's cost and expense.

THIRTY-NINE: 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 implementation of the Central Valley Flood Protection Plan or other future flood control plan or project, or if damaged by any cause. If the permittee does not comply, the Board may perform this work at the permittee's expense.

END OF CONDITIONS

ATTACHMENT C- Project Drawings 27 27 BASELINE - 1/2"DIAMETER GALVANIZED WIRE ROPE, TYP (SEE INSTALLATION NOTES) LOCATED MINIMUM 2' FROM CUT END OF IN-STREAM WOOD PIECE 2" STAPLE OVER WIRE ROPE WHERE PRACTICAL 20 | 20 - IN-STREAM WOODY MATERIAL WIRE ROPE WRAPPED AROUND WOOD PIECE WHERE WOOD IS 4" DIAMETER OR LARGER, TYP SACRAMENTO RIVER 15 WINTER/SPRING 11.7' 10 SUMMER/FALL 7.0' CABLE CLAMPS ON WIRE ROPE INSTALLED NEW WRAP AROUND IN-STREAM WOODY MATERIAL (TYPICAL AT ALL WRAPS) 3' DIAMETER BOULDER WITH EYE BOLT SEE DETAIL - CABLE CLAMPS NEAR EYE BOLTS, TYP 1 C-08 <u>SECTION — DEBRIS INSTALLATION DETAIL</u>
1" = 2' West Sacramento Area Flood Control Agency M. VECCHIO Levee Improvement Program HORIZONTAL DATUM IS THE CALIFORNIA COORDINATE Early Implementation Project **DETAILS** M. VECCHIO The Rivers Phase 1 Erosion Control SYSTEM, ZONE 2 (NAD 83) C 74275 VERTICAL DATUM IS NAVD 88 12/20/13 ACC RH MJV MJV A ISSUED FOR BIDS R. HAYNES DECEMBER 2013 007436-101209-141 Resp. Engr. EL NAVD 88 = Χ C-09 EL NGVD 29+2.6' 01C-009 EC.dwg A. COLLINS AS NOTED

STATE OF CALIFORNIA THE RESOURCES AGENCY CENTRAL VALLEY FLOOD PROTECTION BOARD

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. <u>Custodian of Record</u>. 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	PASSED AND ADOPTED by vote of the Board on	Juli	1 25	, 2014
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Ency Celistor William H. Edgar President

Jane Dolan Secretary