

Appendix A
Scoping Reports

Appendix A.1

Scoping Report—December 2011



Memorandum

Date:	December 14, 2011
To:	John Suazo U.S. Army Corps of Engineers, Sacramento District 1325 J Street Sacramento, CA 95814 John Powderly City of West Sacramento 1110 West Capitol Avenue West Sacramento, CA 95691
Cc:	Michael Bessette, City of West Sacramento; Dave Shpak, City of West Sacramento; Ric Reinhardt, MBK Engineers; Derek Larsen, MBK Engineers; Michael Vecchio, HDR; Lucy Eidam Crocker, Crocker & Crocker; Ken Ruzich, WSAFCA
From:	Jennifer Rogers, ICF Community Affairs Specialist
Subject:	Southport EIP Scoping Meeting Summary

Introduction

To comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (USACE) and West Sacramento Area Flood Control Agency (WSAFCA) are preparing a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Southport Sacramento River Early Implementation Project (Southport EIP). The EIS/EIR will be used to analyze and disclose the potential effects the Southport EIP may have on the natural and human environment and to identify mitigation measures and alternatives to avoid significant effects. USACE is the lead agency under NEPA, and WSAFCA is the project proponent and lead agency under CEQA.

USACE and WSAFCA have been carrying out scoping activities to assist them in determining the scope, focus, and content of the EIS/EIR. USACE and WSAFCA conducted two scoping meetings for the public and interested parties on September 15, 2011. This document summarizes the scoping process and comments received.

Noticing

Notice of Preparation/Intent

In compliance with the requirements set forth in NEPA, USACE prepared a Notice of Intent (NOI) describing its intent to prepare an EIS, the proposed action, the possible alternatives, and relevant scoping meeting and contact information. The NOI was posted in the *Federal Register*, the United States Government's official noticing and reporting publication, on August 26, 2011. The official comment period for the NOI was August 26, 2011, to September 26, 2011.

In compliance with the requirements set forth in CEQA, WSAFCA prepared a Notice of Preparation (NOP). The NOP contained a brief description of the proposed project; probable environmental effects; the date, time and place of the public scoping meetings; and contact information. The NOP solicited participation in determining the scope of the EIS/EIR. On August 24, 2011, the NOP was sent to Responsible and Trustee Agencies and involved federal agencies, to the State Clearinghouse, and parties previously requesting notice in writing. The comment period on the NOP was August 24, 2011 to September 26, 2011.

Mailings

WSAFCA mailed approximately 3,500 scoping meeting invitations 2 weeks before the meeting. Of those, four invitations were to addresses outside the City of West Sacramento (City) limits. Approximately 485 invitations were returned by the postal service because of an erroneous address, vacant residence, or related cause. Invitations were sent to all properties within 500 feet of the project site, including borrow areas, and within 100 feet of a proposed haul route.

The City iLights online newsletter (www.cityilights.org), which is developed by the City, featured an article describing the Southport EIP and noted the times and date of the scoping meetings. A notice of the article's posting was emailed September 7 to nearly 700 West Sacramento residents that are in the City's database.

Fliers publicizing the scoping meetings also were handed out at a community meeting on August 18, 2011. This meeting was conducted by Crocker & Crocker, and invitees were certain landowners potentially affected by the setback alternative under consideration for the Southport EIP.

A media advisory, developed by Crocker & Crocker, was sent electronically to local media outlets to inform them of the two scoping meetings. Media outlets who received this advisory included the West Sacramento News-Ledger, West Sacramento Press and the Sacramento Bee. These publications are those which local residents and regional stakeholders read to stay informed of city and regional activities. The West Sacramento Press included the information in an article on September 7, 2011.

Website

ICF International developed language to publicize the meetings that was posted on the City's flood management Web page the week of August 22, 2011 at

http://www.cityofwestsacramento.org/city/flood/levee_improvements.asp. After the meetings, the materials presented at the meetings were posted to this Web page for public viewing and public record.

Legal Notices

Legal notices briefly introducing the lead agencies and the proposed Southport EIP and publicizing the scoping meetings were placed in the *West Sacramento News-Ledger*, *The West Sacramento Press*, and the *Sacramento Bee* newspapers on August 24, 2011. The *Sacramento Bee* was intended to reach a regional public audience, and the *West Sacramento News-Ledger* and *West Sacramento Press* were intended to reach local residents.

Appendix A contains copies of the following documents:

- Notice of Preparation (including resource agency mailing list)
- Notice of Intent
- Meeting invitation flier mailed in hard copy
- Article posted on City iLights newsletter website
- Email notice sent to City iLights subscribers
- West Sacramento News-Ledger, West Sacramento Press and Sacramento Bee public notices
- Media advisory
- Article posted in the West Sacramento Press

Public Meetings

Two public scoping meetings were held to inform the public of the proposed Southport EIP and provide an opportunity for input on the range of alternatives, environmental effects, and any issues of concern. The two meetings were held on September 15, 2011, at the West Sacramento Recreation Center in the Community Room—one from 3:30 to 5:30 p.m., and the other from 6:30 to 8:30 p.m. The meeting location was chosen because it is easily accessible for residents of the Southport community, where the proposed project would be located. The meeting times were chosen to accommodate schedules of public agency representatives and the general public, including residents and business owners.

A 25-minute presentation was given at each meeting as a brief introduction to the proposed project, project objectives, schedule, potential alternatives, and environmental compliance.

The meetings featured an open house-style component in which attendees could read and view the information about the Southport EIP and interact with project staff, including WSAFCA, USACE, the City, MBK and HDR Engineering staff, and ICF International environmental consulting staff.

Twenty-four graphic display boards were available to attendees. The boards described and illustrated the West Sacramento Levee Improvements Program history and the Southport EIP's purpose, need and objectives, study area, levee deficiencies and potential improvements, environmental considerations, the NEPA/CEQA process, and project timeline. Project staff were stationed at the display boards to provide additional detail or answer any questions.

A prepared fact sheet was available for attendees to take with them. The fact sheet provided an overview of the Southport EIP and its objectives, the study area, and the environmental compliance process.

Comment cards were offered so that meeting attendees could provide feedback on the proposed project. These cards could be filled out during the meeting and given to a project team member or filled out after the meeting and sent to either USACE or WSAFCA by September 26, 2011.

Appendix B contains copies of the following materials:

- Display boards
- PowerPoint presentation
- Fact sheet
- Comment card

A total of 81 people attended the two meetings. Forty-seven comments were received. The dominant subject of spoken comments, questions at the meetings, and written comments were concerns regarding acquisition of private property and removal of homes. There was particular focus on removal of homes to allow construction of a setback levee, based on a combination of perceptions that flood risk is not evident; WSAFCA is only pursuing setback levees because the State of California may pay a higher share of the project costs; and private homes should not be traded for the recreation and open space benefits of others. Questions related to the necessity of a setback levee and the compensation homeowners will receive if their property is acquired also were reflected in many of the comments received. Subtopics related to this included:

- Will homeowners receive market value for their homes, despite the fact that the market is very depressed?
- What type of compensation will be given for those residents who have to be temporarily relocated?
- How can the emotional connection residents have with their homes be compensated for?
- Business relocation could mean reduced revenues.

Below is a summary of other recurring themes in the written comments. Appendix C contains all written comments received during the scoping period.

- Consideration should be paid to archaeological resources in addition to water resources.
- All permits related to water quality should be obtained.

- WSAFCA should post all information about the proposed EIP on their website. This process should be very transparent.
- Opinion of recreational features proposed is generally favorable.
- There is general opposition to removing vegetation under USACE policy.
- Analysis should consider the impact the selected alternative would have on future development.
- Consideration of a slurry wall or relief well should be included.
- Traffic congestion during construction is a concern of residents.
- Apprehension was expressed about excess speed and traffic on S. River Road. This could be an opportunity to alter the road to have speed reduction features.
- Concern was evident related to construction disruptions: dust, noise, air quality, 24-hour work, staging and heavy equipment, and heavy traffic.

Next Steps and Recommendations

The comments received during the scoping period will assist in determining the issues to be evaluated in detail in the EIS/EIR. Alternatives developed based on the scoping process will be analyzed, and a draft EIS/EIR will be developed. Upon the release of the Draft EIS/EIR, the public will have 45 days to comment on the document. Additionally, at least one public meeting will be held so the public and agencies can learn more about the Draft EIS/EIR, ask questions regarding the analysis, and provide comments. At these meetings, the alternatives will be presented and explained.

Once the public comment period on the Draft EIS/EIR has concluded, USACE and WSAFCA will consider and respond to all comments and prepare a Final EIS/EIR. USACE and WSAFCA will consider all written comments in deciding which alternative(s) to select and implement. USACE and WSAFCA will document that selection in a record of decision (for NEPA), no sooner than 30 days following publication of the Final EIS/EIR, and in a notice of determination (for CEQA). Separate EIS and EIR documents may be prepared.

In response to expressed public concerns, future outreach efforts should:

- Educate landowners regarding flood risk and levee deficiencies.
- Inform landowners that all project alternatives require a footprint that goes beyond the existing levee—alternatives other than a setback levee also have features such as seepage berms or an adjacent levee that have the potential to result in loss of homes and need for property acquisition.
- Inform all landowners that all proposed alternatives and alternative selection will be based on rational, objective, data and science-driven processes defined by state and federal regulations, administered under the highest standards of professional practice and driven by WSAFCA and the City's obligations to ensure health and safety through flood risk reduction.

- Disclose the alternative screening criteria to demonstrate fairness and the full array of considerations in making a project decision.
- Inform landowners that while WSAFCA's state partner, the Department of Water Resources (DWR), may prefer the use of setback levees because of the measure's public safety and ecological benefits, the city will not implement setbacks in areas where it does not make sense to do so after considering all issues and impacts related to development, operation and maintenance.
- Highlight project benefits to the community-at-large and greater good of the city.

Appendix A Public Notification

Appendix A contains copies of the following documents:

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Notice of Intent	17
Meeting invitation flier mailed in hard copy	19
Article posted on City iLights newsletter website	20
Email notice sent to City iLights subscribers.....	23
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September 15 Environmental Scoping Meeting for Southport Levee Improvement Project	27
West Sacramento Press article	28

Notice of Preparation

To: State Clearinghouse, Responsible Agencies, Trustee Agencies, Interested Parties

(Agency)

See Distribution List

(Address)

From: West Sacramento Area Flood Control Agency

(Agency)

1110 West Capitol Avenue

(Address)

West Sacramento, CA 95691

Subject: Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. The project reach extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6.4 miles to the South Cross Levee, protecting the Southport community of West Sacramento. The 3.3-square mile study area encompasses the area of levee improvement along the river corridor and the potential soil borrow sites east and west of southern Jefferson Blvd. (Figure 1).

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as providing opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE), acting as the Federal lead agency under the National Environmental Policy Act (NEPA), and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), have determined that a project-level Environmental Impact Statement/Environmental Impact Report (EIS/EIR) should be prepared for the project.

Responsible and Trustee Agencies

Responsible and trustee agencies under CEQA may include City of West Sacramento, Yolo County, California Department of Fish and Game, California Department of Water Resources, Central Valley Flood Protection Board, California Regional Water Quality Control Board, State Lands Commission, and California Department of Parks and Recreation.

Public and Agency Input

USACE and WSAFCA are requesting your input on the scope and content of the Southport Sacramento River EIP EIS/EIR. All interested parties are invited to comment for a period of 30 days, beginning August 26, 2011. Please send comments by e mail or standard mail to a contact below by 5 p.m., Sept. 26, 2011.

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814
Email: southportcomments@icfi.com

or


Mr. John Suazo
U.S. Army Corps of Engineers, Sacramento District
Attn: Planning Division (CESPK-PD-R) 1325 J Street
Sacramento, CA 95814
john.suazo@usace.army.mil

If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

Two public scoping meetings will be held at which the public can meet with lead agency representatives and provide written comments, on September 15, 2011, at 3:30 p.m. and 6:30 p.m., at the West Sacramento Recreation Center, Community Room, 2801 Jefferson Blvd., West Sacramento, CA 95691.

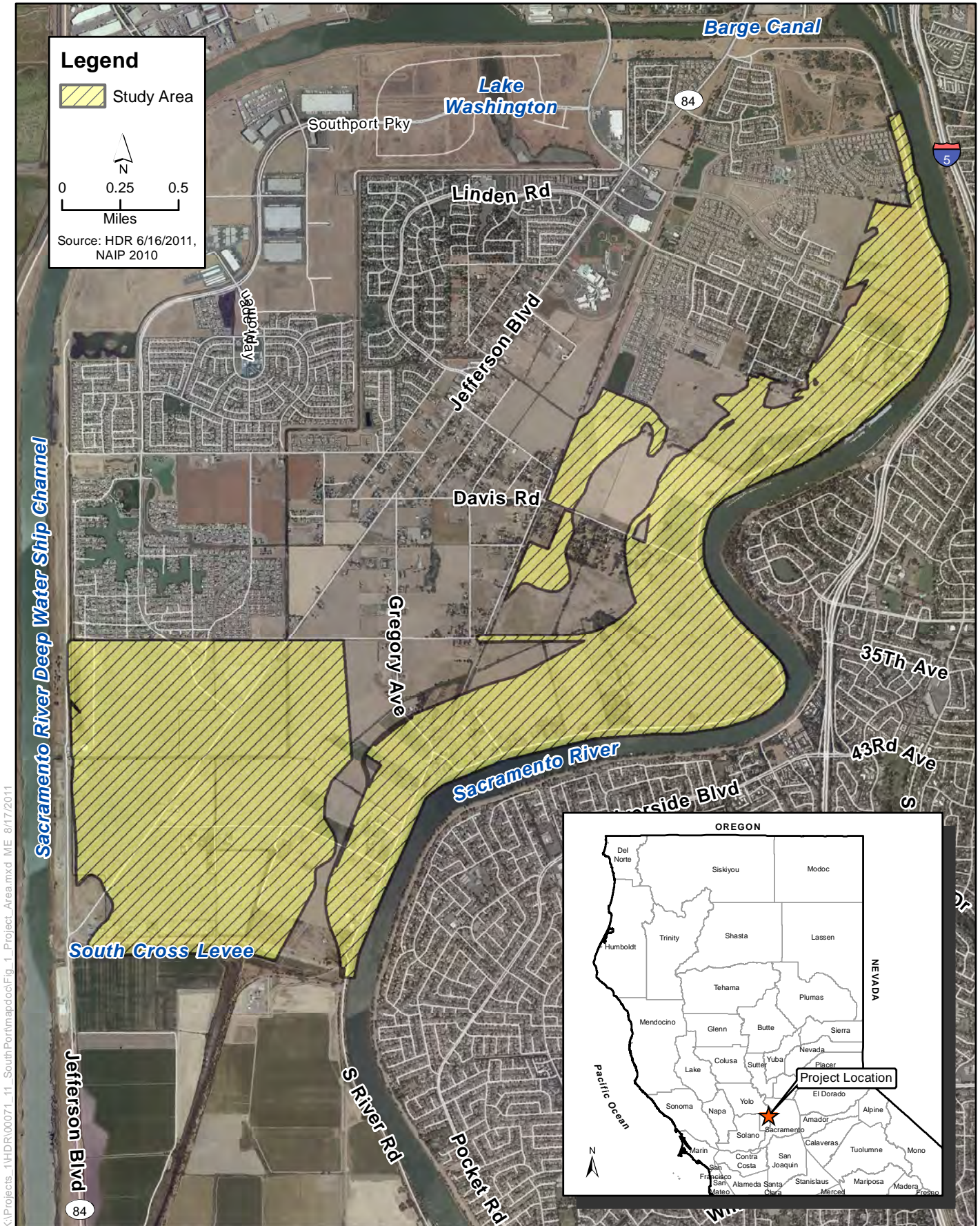
The attachment includes supplemental information for the proposed Southport Sacramento River EIP.

Date: Aug. 26, 2011

Signature: 

Title: Associate Planner, City of West Sacramento

Telephone: (916) 617-4645



K:\Projects_1\HDR\00071_11_SouthPort\mapdoc\Fig_1_Project_Area.mxd ME 8/17/2011

Figure 1
Southport Sacramento River EIP Study Area

Attachment to Notice of Preparation
Environmental Impact Statement/Environmental Impact Report
Supplemental Information

Location of Project Study Area:

As introduced in the Notice of Preparation, the West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk–reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. The project reach extends along the right bank of the Sacramento River south of the Barge Canal downstream approximately 6.4 miles to the South Cross Levee, protecting the Southport community of West Sacramento. The 3.3–square mile study area encompasses the area of levee improvement along the river corridor and the potential soil borrow sites east and west of southern Jefferson Blvd. (Figure 1).

Project Purpose and Lead Agencies:

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as provide opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE) will act as the Federal lead agency under the National Environmental Policy Act (NEPA). WSAFCA will act as lead agency under the California Environmental Quality Act (CEQA). As such, WSAFCA has principal responsibility for carrying out and approving the project. The agencies have determined that a project-level Environmental Impact Statement/Environmental Impact Report (EIS/EIR) should be prepared for the project.

USACE has three potential actions associated with WSAFCA's proposed project:

- under 33 United States Code, Section 408 (Section 408), the Chief of Engineers may grant permission to alter an existing flood control structure if it is not injurious to the public interest and does not impair the usefulness of such work;
- under Section 404 of the Clean Water Act, the District Engineer may permit the discharge of dredged or fill material into waters of the United States if the discharge meets the requirements for the Environmental Protection Agency's 404 (b)(1) guidelines and is not contrary to the public interest; and
- under Section 10 of the Rivers and Harbors Act, the District Engineer may permit activities that do not affect navigable waters.

WSAFCA is requesting such permissions in order to implement the project. The project must comply with NEPA to acquire these permissions. This project would continue work undertaken by WSAFCA for the I Street Bridge EIP (constructed in 2008), The Rivers and CHP Academy EIPs (under construction at the time of this NOP), and a separate effort led by USACE and the Central Valley Flood Protection Board at the Barge Canal in West Sacramento under the Sacramento River Bank Protection Project.

Project Description:

The EIS/EIR will analyze the possible environmental effects of combining a variety of flood protection measures to address known levee deficiencies. The flood protection measures considered in the EIS/EIR may include:

- slope flattening of the existing levee,
- use of seepage berms and/or stability berms located to the land side of the levee,
- rock slope protection located to the water side of the levee,
- setback levees and/or adjacent levees located landward of the existing levee,
- relief wells, and
- slurry cut-off walls.

The EIS/EIR will consider the environmental impacts of other foreseeable project elements and mitigation measures located in the study area. Foreseeable construction and maintenance of such flood protection measures likely would include, but not be limited to:

- use of neighboring roadways for project ingress and egress;
- creation of temporary access roads;
- construction of new roadways, including elevated spans;
- resurfacing and/or relocation of existing roadways;
- extraction of soil from identified borrow sites;
- disposal of excess soil at identified disposal sites; and
- relocation of public utilities.

The project will also be defined to include ecosystem restoration, such as levee breaches for habitat creation, planting and revegetation, and similar features. Recreation features will also be analyzed, such as trails, water access, staging areas; wayfinding and interpretive signs; and associated amenities.

Environmental Factors Potentially Affected:

The environmental factors checked below would potentially be affected by the proposed project (i.e., the project would involve at least one impact that is a “Potentially Significant Impact”).

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Socioeconomics and Environmental justice | <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems |

Attachment to Notice of Preparation
Environmental Impact Statement/Environmental Impact Report
Distribution List

Government Agencies

Bureau of Indian Affairs
Pacific Regional Office
Environmental Compliance Department
2800 Cottage Way
Sacramento, CA 95825

Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento CA 95825

California Department of Fish and Game
Jeff Drogensen
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

California Department of Conservation
Rebecca Salazar
801 K Street, MS-24-02
Sacramento, CA 95814

California Department of Fish and Game
Glenda Marsh, Senior Environmental Scientist
1416 9th Street, Floor 12
Sacramento, CA 95814

California Department of Parks and Recreation
Bob Baxter
PO Box 942896
Sacramento, CA 94296-0001

California Department of Transportation, District 3
Kendall Schinke
2983 Gateway Oaks Blvd., Suite 100
Sacramento, CA 95833

California Department of Water Resources
Division of Water Resources
PO Box 942836
Sacramento, CA 94236
Central Valley Flood Protection Board
Eric Butler
3310 El Camino Ave. Il60
Sacramento, CA 95821

Central Valley Regional Water Quality Control Board
CEQA Compliance Division
11020 Sun Center Dr, #200
Rancho Cordova, CA 95670

Central Valley Regional Water Quality Control Board
Greg Vaughn
11020 Sun Center Dr, #200
Rancho Cordova, CA 95670

City of Sacramento
Planning Director
915 I Street, New City Hall, 3rd Floor
Sacramento, CA 95814

Colusa County
Director
220 12th Street
Colusa, CA 95932

Delta Protection Commission
Alex Westhoff
PO Box 530
Walnut Grove, CA 95690

Department of Boating and Waterways
David Johnson
2000 Evergreen Street, Suite 100
Sacramento, CA 95815-3888

Department of General Services, Real Estate Division
Shirley Bramham
707 3rd Street, Suite 505
West Sacramento, CA 95605

Federal Highway Administration
NEPA/CEQA Compliance Dept.
1200 New Jersey Ave., SE
Washington, DC 20590

FEMA Region IX, Federal Emergency Management
Donna Meyer, Deputy Regional Environmental Officer
111 Broadway, Ste. 1200
Oakland, CA 94607

National Marine Fisheries Service
Mike Hendrick
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814

Native American Heritage Commission
Debbie Pilus Treadway
915 Capitol Mall, Room 364
Sacramento, CA 95814

Office of Historic Preservation
Milford Wayne Donaldson
1416 9th Street, Room 1442-7
Sacramento, CA 95814

Pacific Gas and Electric Company
Lou Norton
343 Sacramento Street
Auburn, CA 95603

Sacramento Air Quality Management District
Karen Huss
1947 Galileo Ct., Ste. 103
Davis, CA 95616

Sacramento Area Flood Control Agency
Tim Washburn
1007 7th Street, 7th Floor
Sacramento, CA 95814

Sacramento County Planning and Community
Development Agency
Director
827 7th Street, Room 230
Sacramento, CA 95814

Sacramento National Wildlife Refuge Complex
Environmental Compliance Dept.
752 County Road 99W
Willows, CA 95988

Sacramento Regional County Sanitation District
Sharon Sargent
10545 Armstrong Ave.
Mather, CA 95655

Sierra Northern Railway
President
341 Industrial Way
Woodland, CA 95776

Solano County
Director of Public Works and Planning
601 Texas Street
Fairfield, Ca 94533

State Clearinghouse, Office of Planning & Research
1400 10th Street, Rm 121
Sacramento, CA 95814

State Lands Commission,
Environmental Management Division
Cy Oggins, Division Chief
100 Howe Ave, Suite 100 South
Sacramento, CA 95825

Sutter County Public Works Department
Director of Public Works
1130 Civic Center Blvd.
Yuba City, CA 95993

U.S. Army Corps of Engineers, Sacramento District
John Suazo, Attn: Planning Division (CESPK-PD-R)
1325 J Street
Sacramento, CA 95814

U.S. Department of the Interior, Office of
Environmental Policy and Compliance
Patricia Sanderson Port, Regional Environmental
Officer
1111 Jackson Street, Suite 520
Oakland, CA 94607

U.S. Environmental Protection Agency
Connell Dunning
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

USDA Natural Resources Conservation Service
221 W. Court Street
Woodland, CA 95695

Washington Unified School District
Scott Lantsberger, Assistant Superintendent
930 Westacre Road
Sacramento, CA 95691

Yolo County Agricultural Commission
70 Cottonwood Street
Woodland, CA 95695

Yolo County Environmental Health
Bruce Sarazin, Chief
137 N. Cottonwood St., Ste. 2400
Woodland, CA 95695

Yolo County Planning Department
Planning Director
292 West Beamer Street
Woodland, CA 95695

Yolo County Transit Authority
350 Industrial Way
Woodland, CA 95776

Yolo Habitat JPA
Maria Wong, Executive Director
120 West Main Street, Suite C
Woodland, CA 95695

Yolo Solano Air Quality Management District
Matt Jones
1947 Galileo Court, Suite 103
Davis, CA 95616

Non-Governmental Organizations

American Rivers
John Cain, Director, California Flood Management
244 Lake Drive
Kensington, CA 94708

California Farm Bureau Federation
Environmental Compliance Department
2300 River Plaza Drive
Sacramento, CA 95833

Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104

Defenders of Wildlife
Kim Delfino, California Program Director
1303 J Street, Suite 270
Sacramento, CA 95814

Family Water Alliance
P.O. Box 365
Maxwell, CA 95955

Friends of the River
Ronald Stork, Senior Policy Advocate
1418 20th Street, Suite 100
Sacramento, CA 95811

Friends of the Swainson's Hawk
Judith Lamare, President
915 L Street, Suite C-425
Sacramento, CA 95814

Habitat 2020 Sacramento County
Attn: Chairperson
909 12th Street, Suite 100
Sacramento CA 95814

Sacramento Area Bicycle Advocates
Jordan Lang
909 12th Street, Suite 116
Sacramento, CA 95814

Sacramento River Preservation Trust
PO Box 5366
Chico, CA 95927

Sacramento Valley Landowners Association
PO Box 3014
Sacramento, CA 95812

Sierra Club
Terry Davis
801 K Street, Suite 2700
Sacramento, CA 95814

Sierra Club Motherlode Chapter
Tony Loftin, Chair, Sacramento Group
801 K Street, Suite 2700
Sacramento, CA 95814

Sierra Club-Yolano Group
Pamela Nieberg and Carolyn Hinshaw,
Chairperson
3010 Loyola Drive
Davis, CA 95618

The California Central Valley Flood Control
Association
910 K Street, Suite 310
Sacramento, CA 95814

The Nature Conservancy
2015 J Street, Suite 103
Sacramento, CA 95814

The Northern California Water Association
455 Capitol Mall # 335
Sacramento, CA 95814-4496

Tuleyome
Andrew Fulks
607 North Street
Woodland, CA 95695

Yolo Audubon Society
Chad Roberts, Conservation Chairman
P.O. Box 886
Davis, CA 95617

Individuals

Jeralyn and William Wingfield



Linda Pacheco



David Sanders



Act (NEPA) coverage for the proposed action.

The ROD discusses each alternative considered for the proposed action and those that are environmentally preferable. The Corps has identified an Adaptive Management Implementation Process (AMIP), with a construction ceiling of Alternative 3.5 (approximately 4,370 acres), as the selected plan. The key aspect of the AMIP is that, rather than selecting a specific acreage alternative, actions would be progressively implemented and monitored until the desired biological response of terns and plovers is attained and sustained. The Corps recognizes that alternative methods such as vegetation removal, while relatively untested, provide the potential to decrease impacts and costs, and could be incorporated if proven successful.

The FPEIS describes the potential environmental consequences of the alternatives considered in detail. During analysis, impacts of the larger alternatives (3, 2 and 1) were deemed to be moderate to high and impacts of lesser alternatives (3.5, 4 and 5) were deemed to be moderate to low. Alternative 3.5 represents a midrange of habitat available at a time when the birds were productive, and it is anticipated that biological metrics will be met before fully implementing up to Alternative 3.5. If Alternative 3.5 is fully implemented and biological metrics are not met, the Corps can consider continuing to higher acreage alternatives or other methodologies, in which case appropriate coordination and disclosure would be pursued (potential amended ROD or additional NEPA).

The AMIP allows for flexibility to provide habitat up to a point of meeting population goals, and to minimize impacts through approaches such as monitoring, redistributing acreage targets among segments if needed, avoiding sensitive resources, using less-impactful or costly construction methodologies as they become available, and avoiding over-construction of habitat.

Implementing the selected alternative will provide the most effective means for the Corps to meet its obligations, including avoiding jeopardy to the bird species, while managing the river for all authorized purposes. Risk of significant impacts to the environment appears to be low to moderate as a result of implementation of the ESH program, and numerous acres of ESH would be created, which is considered important not only to protected bird species, but to the overall ecology of the Missouri River.

Concurrently with the ROD, an errata sheet is also being made available, which provides the comments received on the Final PEIS along with the Corps response to each. Also included in the errata is an update regarding Tribal coordination and the PEIS.

2. *Document Availability.* The Final PEIS (May 2011), the ROD, the errata sheet, and an updated Final PEIS which incorporates the ROD and the errata items (August 2011), are available at: <http://www.moriverrecovery.org/mrrp/f?p=MRRP:documents>.

For more information about the Emergent Sandbar Habitat program, please visit <http://www.moriverrecovery.org> under "BiOp/Mit Efforts."

Dated: August 15, 2011.

Christopher D. Wiehl,

Acting Chief, Planning Branch, Omaha District.

[FR Doc. 2011-21894 Filed 8-25-11; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement/ Environmental Impact Report for the Section 408 Permission for the Southport Sacramento River Early Implementation Project, West Sacramento, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers; DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969, as amended, and the California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (USACE) intends to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), and Section 404 of the Clean Water Act (33 U.S.C. 1344), for the proposed Southport Sacramento River Early Implementation Project (EIP), sponsored by the West Sacramento Area Flood Control Agency (WSAFCA). Figures of the project area can be viewed at <http://www.cityofwestsacramento.org/city/flood>.

WSAFCA is planning the Southport Sacramento River EIP to implement flood-risk reduction measures along the Sacramento River South Levee in the City of West Sacramento, Yolo County, CA. The project reach extends along the

right bank of the Sacramento River south of the barge canal, downstream approximately 6.4 miles to the South Cross Levee, protecting the Southport community of West Sacramento. The 3.3-square mile study area encompasses the area of levee improvement along the river corridor and the potential soil borrow sites. In order to implement the project, the sponsor must acquire permission from USACE to alter the Federal project under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408 or, Section 408). USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. The project would bring the levee up to standard with Federal and state flood protection criteria, as well as providing opportunities for ecosystem restoration and public recreation. USACE, acting as the federal lead agency under NEPA, and WSAFCA, acting as the state lead agency under the CEQA in coordination with the Central Valley Flood Protection Board, have determined that an EIS/EIR should be prepared to describe alternatives, potential environmental effects, and mitigation measures.

DATES: Public scoping meetings will be held on Thursday, September 15, 2011 at 3:30 p.m. and 6:30 p.m. at the West Sacramento Recreation Center, 2801 Jefferson Boulevard, West Sacramento, CA. Send written comments by September 26, 2011 (see **ADDRESSES**).

ADDRESSES: Written comments and suggestions concerning the scope and content of the environmental information may be submitted to Mr. John Suazo, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814. Requests to be placed on the mailing list also should be sent to this address.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed actions and environmental review process should be addressed to John Suazo at (916) 557-6719, e-mail: john.suazo@usace.army.mil (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* WSAFCA is proposing a project along the Sacramento River west levee under the California DWR's Early Implementation Program to expeditiously complete flood-risk reduction measures. Known as the Southport Sacramento River EIP, the project proposes implementation of flood-risk reduction measures

(measures) along a 6.4-mile long reach between the barge canal downstream to the South Cross Levee. Primary deficiencies of the levee include through-seepage, under-seepage, and embankment instability (e.g., overly steepened slopes). As part of the project, an EIS/EIR is being prepared. USACE has authority under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), over alterations to federal flood control project levees and any such alterations as proposed by WSAFCA are subject to approval by USACE. USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. Under Section 10 of the Rives and Harbors Act, the District Engineer may permit activities which do not affect navigable waters. Due to these authorities, USACE is acting as the lead agency for the EIS pursuant to NEPA. WSAFCA will be acting as the lead agency for the EIR according to CEQA as the public agency that has the principal responsibility for carrying out and approving the project.

2. *Alternatives.* The EIS/EIR will consider several alternatives for reducing flood damage. Each alternative analyzed during the investigation will consist of a combination of several measures to reduce the risk of flooding. These measures include, but are not limited to, installing slurry cutoff walls, constructing seepage or stability berms, relief wells, rock slope protection, slope flattening, and potential new levee alignments (setback or adjacent levees).

3. *Scoping Process.*

a. Public scoping meetings will be held on September 15, 2011, to present information to the public and to receive comments from the public on the project. These meetings are intended to initiate the process to involve concerned individuals, and local, State, and Federal agencies.

b. Significant issues to be analyzed in depth in the environmental documents include effects on hydraulics, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, aesthetics, cultural resources, recreation, land use, fisheries, agricultural resources, water quality, air quality, transportation, and socioeconomic; and cumulative effects of related projects in the study area.

c. USACE is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered

Species Act. USACE also is coordinating with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act.

d. A 45-day public review period will be provided for individuals and agencies to review and comment on the draft environmental document. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS/EIR circulation.

4. *Availability.* The draft EIS/EIR for the Southport Sacramento River EIP is scheduled to be available for public review and comment in mid-2012.

Dated: August 17, 2011.

William J. Leady,

COL, EN, Commanding.

[FR Doc. 2011-21878 Filed 8-25-11; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Supplemental Environmental Impact Statement for the Larose to Golden Meadow Hurricane Protection Project, Post-Authorization Change Study, in Lafourche Parish, LA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE) intends to prepare a supplemental environmental impact statement (SEIS) for the Larose to Golden Meadow Hurricane Protection Project, Post-Authorization Change (PAC) Study. This project was originally authorized in 1965. Construction began in 1972 and is still underway. The PAC Study was initiated to identify and evaluate modifications needed to ensure that completion of project features, designed and constructed before development of the post-Katrina Hurricane and Storm Damage Risk Reduction System (HSDRRS) Design Guidelines, are in compliance with these new guidelines.

The subject SEIS will supplement the original environmental impact statement (EIS) prepared for the project as authorized in 1965. The Statement of Findings for the original EIS was signed on April 4, 1975. An SEIS was subsequently prepared to address proposed modifications to the authorized plan. The Record of Decision for this first SEIS was signed on May 20, 1985.

FOR FURTHER INFORMATION CONTACT:

Questions concerning the draft SEIS should be addressed to Charlene Carmack, Rock Island District, Corps of Engineers, CEMVP-PD-C, Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204-2004; telephone (309) 794-5570; fax (309) 794-5157; or be e-mail: Charlene.Carmack@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. *Authority.* This SEIS will be the second supplement to the EIS originally prepared for the Larose to Golden Meadow Hurricane Protection Project. This project was authorized by the Flood Control Act of 27 October 1965, House Document No. 184, 89th Congress (Pub. L. 89-298), which authorized the project "hurricane-flood protection at Grand Isle and Vicinity, Louisiana" to provide protection in accordance with the recommendation of the Chief of Engineers in his report entitled "Grand Isle and Vicinity, La.", and contained in House Document No. 184, Eighty-ninth Congress, 1st Session. The authorized project is a ring levee system with associated control structures that provides hurricane and storm damage risk reduction to communities located along both sides of Bayou Lafourche in Lafourche Parish, Louisiana. The overall levee system is approximately 43 miles long, extending from Larose to a point 2 miles south of Golden Meadow, Louisiana. Roughly 25,000 people live in the communities of Larose, Galliano, Cutoff, and Golden Meadow, which are located within the ring levee system.

2. *Alternatives.* Alternatives currently being evaluated in the PAC Study include: (1) Stabilize the existing levee using current criteria for still-water elevations, which would complete the project without exceeding the 1965 authorized elevation listed in the Grand Isle, Louisiana, and Vicinity General Design Memorandum (with datum adjustments), and meet the current approved design guidelines excluding the Post-Hurricane Katrina hydrology and hydraulics design guidelines; (2) modify the 1965 design to complete the project providing a level of risk reduction based on the 1965 storm surge design elevations (with datum adjustments) using the current HSDRRS Design Guidelines to include the Post-Hurricane Katrina surge models; (3) complete the existing levee system in general conformance with the previously authorized design. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives will be considered in the new SEIS. These may include

Learn More about the Latest Levee Improvement Project in the Southport Area!

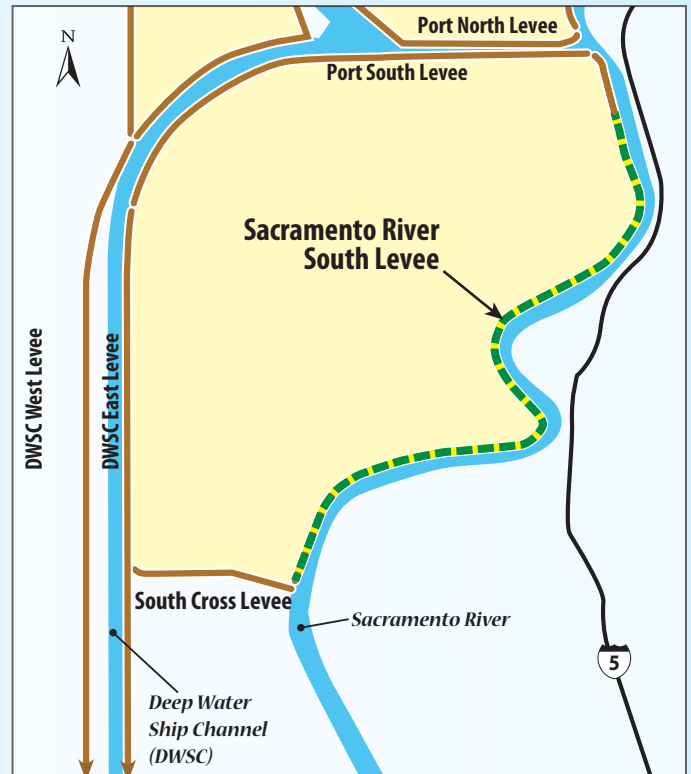
The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood-risk-reduction measures along the Sacramento River South Levee, which protects the Southport community (see map). The project would bring the levee up to Federal and state standards and provide ecosystem restoration and recreation opportunities. An Environmental Impact Statement/Environmental Impact Report (EIS/EIR) is currently underway to determine what effects the project might cause if it was constructed.

WSAFCA and their Federal partner in the EIS/EIR process, the U.S. Army Corps of Engineers, invite you to a scoping meeting to learn about and provide input on the proposed project and the content of the EIS/EIR. Scoping is a process used to inform the public of a proposed activity and provide an opportunity for you to give input on the range of alternatives, environmental effects and any issues of concern. The purposes for scoping are to share information, pose questions and reveal problems early in the environmental studies. Both scoping meetings have the same agenda and topics. A presentation about the project will be given 30 minutes after each meeting begins.

Date: Thursday, September 15, 2011

Time: First meeting is from **3:30 to 5:30 p.m.**
Second meeting is from **6:30 to 8:30 p.m.**

**Place: West Sacramento Recreation Center
Community Room
2801 Jefferson Boulevard
West Sacramento**



If you cannot attend the meetings, you can learn more by visiting <http://www.cityofwestsacramento.org/city/flood/>. In addition to providing your input at one of the meetings, you can send written comments to: Megan Smith, Project Manager, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814 **or** to Mr. John Suazo, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814.

You can also email comments to:
southportcomments@icfi.com **or** john.suazo@usace.army.mil

Comments will be accepted from August 26, 2011 through September 26, 2011.



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September 15 Environmental Scoping Meeting for Southport Levee Improvement Project

Posted on **September 1, 2011**



West Sacramento Area Flood Control Agency (WSAFCA) and the U.S. Army Corps of Engineers are hosting two public scoping meetings for residents to learn about

levee improvements in the Southport area of West Sacramento.

The two meetings will be held on Thursday, September 15th from 3:30 to 5:30 p.m. and 6:30 to 8:30 p.m. Both meetings will cover the same agenda and topics.

The project team will present three project alternatives and provide an opportunity for residents to learn about the Environmental Impact Study/Environmental Impact Report (EIS/EIR), provide input on the alternative and hear about the next steps involved in the project.

An EIS/EIR is currently underway to determine what effects the levee improvement alternatives may have if constructed. Scoping is the state-mandated process used to inform the public of a proposed project. This

process also provides an opportunity for the public to ask questions and provide input that will be included in the EIS/EIR.

The Southport Early Implementation Project (EIP) will improve nearly six miles of the Sacramento River South Levee. The project was selected for early implementation because construction can be accomplished on an accelerated timeline to promote public safety and meet stricter standards set forth by the federal government.

What: West Sacramento Southport Levee EIP EIS/EIR Scoping meetings

When: Thursday, September 15

First meeting: 3:30 to 5:30 p.m. – presentation at 4 p.m.

Second meeting: 6:30 to 8:30 p.m. – presentation at 7 p.m.

Where: West Sacramento Recreation Center

2801 Jefferson Boulevard

West Sacramento, CA 95691

Highlights:

- Learn about proposed levee alternatives
- Provide input
- Find out next steps
- Get information about the EIS/EIR

Additional Info:

For additional event details, please contact **Megan Smith** at **(916) 737-3000** or southportcomments@icfi.com

If you are unable to attend, you may learn more and submit comments by visiting www.cityofwestsacramento.org/city/flood. Public comments will be accepted until September 26, 2011.

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From: [City iLights](#)
To: [Powderly, John](#)
Subject: City iLights Update
Date: Wednesday, September 07, 2011 11:03:16 AM
Attachments: [cityilights24px.png](#)
[facebook24px.png](#)
[twitter24px.png](#)

Hello John Powderly,

City iLights Daily Update

Posted on 09/07/2011

1.) [September 15 Environmental Scoping Meeting for Southport Levee Improvement Project](#)

Thanks for your interest in the progress and events happening in the City of West Sacramento!



Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project

West Sacramento Area Flood Control Agency (WSAFCA) is proposing to undertake the Southport Sacramento River Early Implementation Project. The project would implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. The project reach extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6.4 miles to the South Cross Levee, protecting the Southport community of West Sacramento. The project would bring the levee up to standard with Federal and state flood protection criteria and provide opportunities for ecosystem restoration and public recreation. Comments solicited. The United States Army Corps of Engineers (USACE), acting as the Federal lead agency under the National Environmental Protection Act, and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), have determined that an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will be prepared for the project. As detailed in the CEQA Notice of Preparation that is available for review at <http://www.cityofwestsacramento.org/city/flood/>, USACE and WSAFCA request your input on the scope and content of the

EIS/EIR. All interested parties are invited to comment for a period of 30 days, beginning August 26, 2011. Please send comments no later than 5 p.m. on September 26, 2011, by email or standard mail to:

Ms. Megan Smith, Project Manager, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814, Email: southportcomments@icfi.com,
OR

Mr. John Suazo, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R) 1325 J Street, Sacramento, CA 95814, Email: john.suazo@usace.army.mil.

If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

Public meetings to be held. Members of the public may meet with lead agency representatives and provide written comments by attending one of two public scoping meetings to be held on September 15, 2011, at 3:30 p.m. and 6:30 p.m., at the West Sacramento Recreation Center, Community Room, 2801 Jefferson Blvd., West Sacramento, CA 95691.

Aug 24

West Sacramento Press
8-24-11

**NOTICE OF PREPARATION
OF AN ENVIRONMENTAL
IMPACT STATEMENT/
ENVIRONMENTAL IMPACT
REPORT FOR THE
SOUTHPORT
SACRAMENTO RIVER
EARLY IMPLEMENTATION
PROJECT**

West Sacramento Area Flood Control Agency (WSAFCA) is proposing to undertake the Southport Sacramento River Early Implementation Project. The project would implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. The project reach extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6.4 miles to the South Cross Levee, protecting the Southport community of West Sacramento. The project would bring the levee up to standard with Federal

and state flood protection criteria and provide opportunities for ecosystem restoration and public recreation.

Comments solicited. The United States Army Corps of Engineers (USACE), acting as the Federal lead agency under the National Environmental Protection Act, and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), have determined that an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will be prepared for the project. As detailed in the CEQA Notice of Preparation that is available for review at <http://www.cityofwestsacramento.org/city/flood/>, USACE and WSAFCA request your input on the scope and content of the EIS/EIR. All interested parties are invited to comment for a period of 30 days, beginning August 26, 2011. Please send comments no later than 5 p.m. on September 26, 2011, by email or standard mail to:

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au24

NO 480 PUBLIC NOTICE

Notice of Preparation of an Environmental Impact Statement/ Environmental Impact Report for the Southport Sacramento River Early Implementation Project

West Sacramento Area Flood Control Agency (WSAFCA) is proposing to undertake the Southport Sacramento River Early Implementation Project. The project would implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. The project reach extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6.4 miles to the South Cross Levee, protecting the Southport community of West Sacramento. The project would bring the levee up to standard with Federal and state flood protection criteria and provide opportunities for ecosystem restoration and public recreation.

Comments solicited. The United States Army Corps of Engineers (USACE), acting as the Federal lead agency under the National Environmental Protection Act, and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), have determined that an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) will be prepared for the project. As detailed in the CEQA Notice of Preparation that is available for review at <http://www.cityofwestsacramento.org/city/flood/>, USACE and WSAFCA request your input on the scope and content of the EIS/EIR. All interested parties are invited to comment for a period of 30 days, beginning August 26, 2011. Please send comments no later than 5 p.m. on September 26, 2011, by email or standard mail to:

Ms. Megan Smith, Project Manager, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814, Email: southportcomments@icfi.com, OR

Mr. John Suazo, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PDR) 1325 J Street, Sacramento, CA 95814, Email: john.suazo@usace.army.mil.

If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

Public meetings to be held. Members of the public may meet with lead agency representatives and provide written comments by attending one of two public scoping meetings to be held on September 15, 2011, at 3:30 p.m. and 6:30 p.m., at the West Sacramento Recreation Center, Community Room, 2801 Jefferson Blvd., West Sacramento, CA 95691.



For Immediate Release
September 6, 2011

Contact: Lindsey Simoncic, Crocker & Crocker
(916) 205-4374

September 15 Environmental Scoping Meeting for Southport Levee Improvement Project

West Sacramento Residents Invited to Provide Input on Alternatives

West Sacramento, Calif.- West Sacramento Area Flood Control Agency (WSAFCA) and the U.S. Army Corps of Engineers are hosting two public scoping meetings for residents to learn about levee improvements in the Southport area of West Sacramento. The two meetings will be held on Thursday, September 15 from 3:30 to 5:30 p.m. and 6:30 to 8:30 p.m. Both meetings will cover the same agenda and topics.

The project team will present three project alternatives and provide an opportunity for residents to learn about the Environmental Impact Study/Environmental Impact Report (EIS/EIR), provide input on the alternatives and hear about the next steps involved in the project.

An EIS/EIR is currently underway to determine what effects the levee improvement alternatives may have if constructed. Scoping is the state-mandated process used to inform the public of a proposed project. This process also provides an opportunity for the public to ask questions and provide input that will be included in the EIS/EIR.

The Southport Early Implementation Project (EIP) will improve nearly six miles of the Sacramento River South Levee. The project was selected for early implementation because construction can be accomplished on an accelerated timeline to promote public safety and meet stricter standards set forth by the federal government.

What West Sacramento Southport Levee EIP EIS/EIR Scoping meetings
When Thursday, September 15

First meeting: 3:30 to 5:30 p.m. – presentation at 4 p.m.
Second meeting: 6:30 to 8:30 p.m. – presentation at 7 p.m.

Where West Sacramento Recreation Center
2801 Jefferson Boulevard
West Sacramento, CA 95691

Highlights

- Learn about proposed levee alternatives
- Get information about the EIS/EIR
- Provide input
- Find out next steps

Additional Info For additional event details, please contact Megan Smith at (916) 737-3000 or southportcomments@icfi.com

If you are **unable to attend**, you may **learn more** and **submit comments** by **visiting** www.cityofwestsacramento.org/city/flood. Comments will be accepted from August 26 to September 26, 2011.

Trees - not bad for levees after all

By Carol Bogart
EDITOR

Trees or no trees? The Army Corps of Engineers' "vegetation policy" for levees has been a moving target.

When West Sac upgraded the levee by CalSTRS and the I-Street Bridge to conform to post-Hurricane Katrina FEMA standards, it installed a 'slurry' (soil-bentonite mix) wall down through 500 feet of levee, said city officials at the time.

Prior to the fix, according to federal documents, it, and much of the rest of the city's 50+ miles of levee system, could not be certified for even a 100 year flood event (a serious flood that has a 1 percent chance of happening in any given year), let alone provide the 200-year-flood protection the State of California now requires in urban areas.

On the I-Street levee, the Corps wouldn't allow anything growing on its re-graded slopes except grass. Tearing out existing vegetation, which, according to Michael Bessette, West Sacramento Flood Protection Manager, included few trees, nonetheless, "added \$120,000 to the project."

When big trees designated 'heritage' trees based on the diameter of their trunks are taken out, money has to go in a mitigation bank to buy new trees to be planted elsewhere. Southport, for example, got a lot of new saplings (15-gallon size trees) planted near housing developments such as Bridgeway Island as 'mitigation' for trees West Sac lost when the connection to Sacramento's waste water treatment plant went in, said West Sac Urban Forest Manager Dena Kirtley.

It will be awhile before such trees are big enough to support such things as hawk's nests.

When the I-Street levee was upgraded, and until a not-yet-released Corps study favorable to trees becomes official policy, it was suspected that trees and their roots weaken levees. The roots, it was suspected, were a pathway for leaks.

The Environmental Impact Report for the state's proposed site in Broderick for a new Indian Museum found that the stretch of the levee (not scheduled for upgrading) between the I Street levee upgrade and the stretch being fixed

behind The Rivers - leaks under and through it and is too short.

Right now, the levee work behind The Rivers housing development in Broderick has resulted in removing trees - 37 of them, Bessette confirms - adding "a couple hundred thousand dollars" to the cost of the levee repairs," he told the Bee, and

costing the endangered Swainson's Hawk important habitat.

The Corps' "trees" study, according to the recent story in the Sacramento Bee, found that contrary to the view that tree roots were a path for levee seepage, in fact, tree roots help hold levee dirt in place.

As yet undetermined, though, is

whether roots contribute to erosion from passing water. Also, trees at the top of levees may be a risk to levees if they topple in a wind storm, the study said.

Future levee work in Southport,

See TREES page 3

Sept. 1 been a

By Carol Bogart
EDITOR

Last week, researchers announced a break through in treatments for victims in the event of a terrorist chemical attack.

Here? In America? On our own soil?

Now we know.

Yes.

Such an attack can happen.

Efforts to prevent future attacks have included intense study of 9-11 itself.

At UC Davis, experts on al-Qaida and Osama bin Laden include UC Davis religious studies professor Flagg Miller who has studied al-Qaida's ideology before and after 9/11, as well as Osama bin Laden's leadership and the impact of his death on

Fall cl

By Carol Bogart
EDITOR

Got big stuff like tires you want to get rid of?

West Sac's fall Bulky Waste Drop-off event is scheduled for Sept. 21-24 at 540 Harbor Blvd., said West Sacramento Refuse & Recycling Division spokeswoman Paulina Rosenthal in a press release.

The event is free. Waste car

Feds give Yolo Fo

By Carol Bogart
EDITOR

WOODLAND, CA - Wednesday, August 31st Congressman Mike Thompson (CA-1) on Aug. 31 met with representatives from the Food Bank of Yolo, the local Farm Service Agency, and neigh

Yolo is loaded with Magpies!

By Carol Bogart
EDITOR

Think you see a lot of magpies in West Sac? Big flocks of them even?

Yep, you do.

Yolo County scored second only to Sacramento County when Yellow-billed Magpies were surveyed earlier this year.

Yellow-billed Magpies were observed in 24 of California's 58 counties during the recent volunteer survey sponsored by Audubon California to help support the conservation of this dynamic species, said Audubon California spokesman Garrison Frost in a press release. The survey - held June 3-6 - was the third annual effort to rally birders all around the state to venture outside in search of the Yellow-billed Magpie.

"In a lot of ways this survey is a great celebration of this California bird," said Andrea Jones, Audubon California's director of Important Bird Areas. "Even though the rain made the birds hard to find, we had more people out in the field than ever before, and even added two additional counties over last year."

About 260 volunteers submitted checklists to the survey this year, more than double the number of the first survey in 2009, Frost said. "Given that many people worked in teams, about 500 people in total participated," he added.

Popular among birders and compelling for conservationists, the Yellow-billed Magpie



PHOTO BY SONNY MENCHER

Yellow-billed Magpie photographed at the Yolo Bypass Wildlife Area during Audubon California's recent magpie count. The bird is rare elsewhere, but abundant in Yolo and Sacramento Counties.

lives only in California's Central Valley and Coastal Ranges, and may be may experiencing a comeback after major declines due to habitat loss, West Nile Virus and pesticide use, said Frost. Voters in an online poll named the Yellow-billed Magpie Audubon California's Bird of the Year for

2009, he said.

Volunteers in the June survey counted 3,200 birds across 24 counties (up from 18 counties in 2009), with the most birds counted in Sacramento, Yolo, and San Luis Obispo counties., Frost reported.

See MAGPIES page 3

WHAT'S

INSIDE

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ABOUT TOWN2

Alcohol at the West Sac pool?

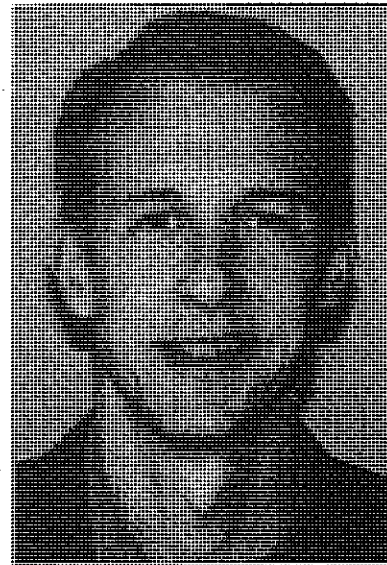
By Carol Bogart
EDITOR

located on school district property.

Learning that the cancellation

LEVEES

Continued from Page 1



Michael Bessette
West Sac Flood Manager

according to the Bee, “puts thousands of trees at risk.”

The tree study, the Bee reported, is currently undergoing internal technical review at the Corps. The levee tree research included ground penetrating radar and other tools at various levee locations, including Sacramento.

Meantime, Bessette is scheduled to make a presentation to the West Sac Chamber of Commerce from 11:45 a.m. - 1:30 p.m. Sept 15.

The West Sac Press asked Bessette to share with readers what he plans to say. The following is what he sent us:

“Levee construction is underway throughout West Sacramento on four separate projects and planning for future levee improvements in Southport is moving forward.

“In the north area of the city, the West Sacramento Area Flood Control Agency (WSAFCA) is managing two levee improvement projects: the CHP Academy and the Rivers Early Implementation Projects.

“The US Army Corps of Engineers (Corps) is also in charge of two (other) levee improvements, a slip repair of the Yolo Bypass levee north of Interstate 80 (EDITOR: According to the Federal Register, the levee was ‘bulging’

due to high water in 2006) and a new setback levee along the Sacramento River in the Southport area just south of Stone Locks.

“The projects under construction, combined with two projects already completed (the I Street Early Implementation Project and the first Yolo Bypass slip repair), will improve over three miles of levees to meet current 200-year flood standards.

“WSAFCA is presently studying the next Early Implementation Project (EIP), called the Southport Sacramento River EIP.

“At six miles (in length), the Southport EIP would improve the largest portion of the city’s levees to date. Currently in the design phase, various levee alternatives are being examined by WSAFCA that include different kinds of levee treatments, including in-place repair, adjacent levee repair, setback levees, and seepage barriers.

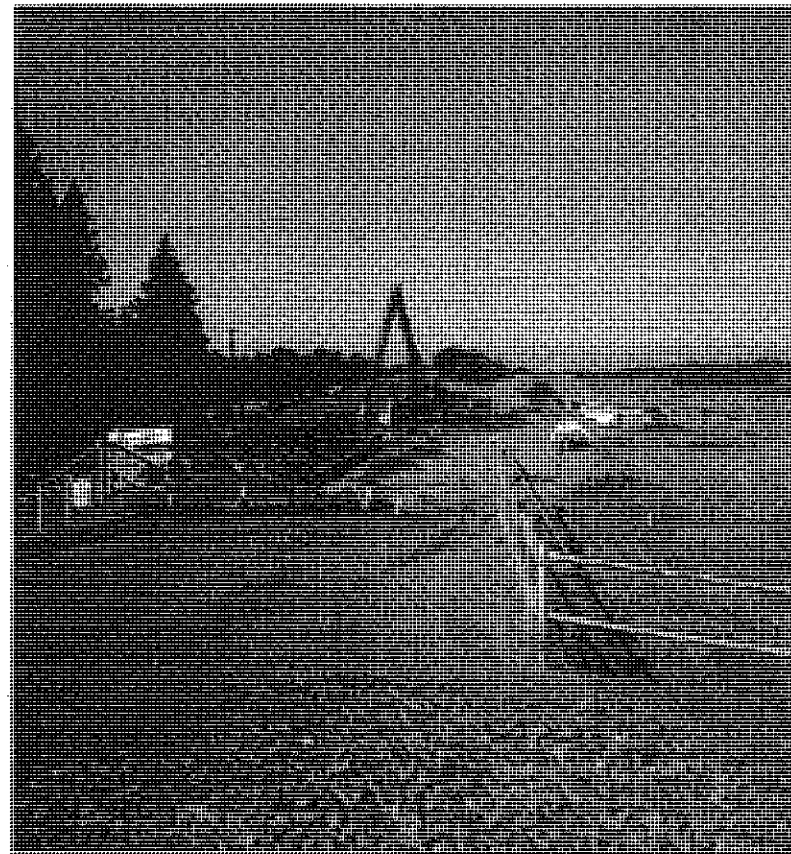
“The final design is likely to include a combination of these different methods for reducing flood risks.

“WSAFCA’s state partner, the Department of Water Resources (DWR), may offer incentives for setback levees in exchange for environmental restoration (EDITOR: ie: leaving trees and other vegetation on the existing levee undisturbed).

“However,” said Bessette, “the city will not implement setbacks in areas where it does not make sense to do so after considering all issues and impacts related to development, operation and maintenance.

“Recently, WSAFCA held a meeting with South River Road residents located between Davis Road and Gregory Avenue, where preliminary design studies indicate feasible approaches to levee improvements may affect existing homes.”

The objective of the meeting, Bessette said, was to inform property owners of the city’s emerging levee concerns at the soonest time and begin to acquaint property owners with the real estate acquisition process. (EDITOR: If it’s determined that a setback levee best



COURTESY PHOTO

West Sac levee work by the CHP Academy as preparations are made to install a slurry wall. Before a slurry wall can be constructed in an existing levee, all vegetation must be removed. Thirty seven trees were torn out recently to prepare for installing a slurry wall in the levee behind The Rivers housing development in Broderick. At least one large tree removed was home to an endangered Swainson’s Hawk.

serves the public good, ie: the broader area is best protected from a catastrophic flood by leaving existing trees in place and putting in a new levee further back from the river, – under eminent domain, the city has the right to remove ‘obstructions’ (houses) in the way of that ‘infrastructure’ (the setback levee), paying homeowners ‘fair market value for their homes.)

“After WSAFCA has selected a Preferred Project alternative,” said Bessette, “the city will engage in formal real estate acquisition proceedings with owners whose properties would be affected by the project.”

“WSAFCA’s goal is to settle all real estate acquisitions with the best

possible outcome for all parties involved.”

Bessette said that Ken Ruzich, WSAFCA General Manager and General Manager of Reclamation District 900, when asked about the meeting with property owners, Ruzich told him, “We understand how serious and sensitive this issue is for property owners along South River Road and we do not take that fact lightly.

“We are in a situation where we have to provide the highest level of flood protection as quickly and completely as possible for the entire city. Unfortunately, benefits to the whole city may come with unavoidable impacts to a few. We’re working diligently to achieve the greatest

public benefit with the least private injury.”

Bessette said WSAFCA and the Corps are hosting two public meetings on Sept. 15: 3:30 to 5:30 p.m. and 6:30 to 8:30 p.m. “The project team will present study alternatives and provide an opportunity for residents to learn about the Environmental Impact Study/Environmental Impact Report (EIS/EIR), and provide input on scope of investigations conducted to prepare the EIS/EIR,” he said. “Residents may also submit written comments by visiting www.cityofwestsacramento.org/city/flood. Comments will be accepted until Sept. 26. He added, “The Sacramento Bee published an article on Aug. 27 that reported possible changes in the USACE regulations about vegetation on levees. These changes illustrate the dynamic regulatory circumstances that govern the improvement, maintenance and funding of levees.

“WSAFCA is coordinating actively with (the Corps) so that changes in the federal guidance are integrated into WSAFCA’s program. Wherever possible, WSAFCA’s Early Implementation Program seeks to avoid or minimize the loss of trees and other important environmental and community assets.

“While the completed I Street EIP and two EIPs under construction this year required removal of trees in order to construct the levee improvements and also to comply with levee regulations, WSAFCA was able to mitigate and will continue to mitigate the loss of trees by creating and enhancing landscapes and open spaces within the city that directly benefit the community.” (EDITOR: If not the hawks.)

Bessette said West Sac “continues to coordinate with the Federal Emergency Management Agency (FEMA) on changes to the National Flood Insurance Program (NFIP) and West Sacramento’s next flood zone designation.

“The city is presently mapped as a FEMA Zone ‘X.’” (EDITOR: An

‘X’ designation means that cities so-designated must engage in flood protection ‘outreach’ programs, such as informing citizens how to obtain flood insurance, but does not impact such things as whether developers have to build houses on stilts to keep them above the flood plain.) “Last year,” Bessette continued, “FEMA suspended the national flood zone re-mapping process to revise the agency’s protocol for modeling flood plains. FEMA continues to work on the computer modeling protocol and intends to solicit public input on a new draft model sometime between the end of this year and early in 2012.

“For now, the city’s Zone ‘X’ mapping will remain and city staff will continue to closely monitor and coordinate with FEMA. City staff is also engaged in Congressional reauthorization of the NFIP with changes to FEMA Flood Zone regulations, many of which have been proposed by the city of West Sacramento. (EDITOR: Unless levees in low lying areas such as Southport meet present-day flood protection standards, without FEMA-certification, Federal Emergency Management Agency rezoning could mean a designation on flood maps that makes flood insurance premiums costly. If consumers avoid houses with high flood insurance premiums, developers won’t build them. Many experts on the economy, both national and local, say the key to America’s economic recovery is recovery in the housing market.)

Bessette said, “West Sacramento’s efforts to improve the city’s flood protection are advancing on several fronts at the same time. Flood risk reduction is the Number 1 Priority of ongoing work to improve regulations; study; design; fund and build levee improvements. Along the way, WSAFCA is dedicated to minimizing harm to private property owners and the environment, and delivering benefits to the community that complements the primary objective of flood protection.”

Appendix B
Public Meeting Materials

Appendix B contains copies of the following materials:

	On Page
Display boards	32
Power Point presentation	60
Fact sheet	69
Comment card	71



Program & Project Overview



Potential Measures



Environmental Considerations

Comments?

Thank you for your interest in
this public safety project.
Please provide us with your
input on the content of the
Environmental Impact Statement/
Environmental Impact Report here.





Welcome to the
Southport Sacramento River
Early Implementation Project
Public Scoping Meeting

September 15, 2011

West Sacramento Levee Improvements Program Purpose & the Southport Sacramento River Early Implementation Project

In 2007 the West Sacramento Area Flood Control Agency (WSAFA) initiated the West Sacramento Levee Improvements Program (WSLIP) to reduce the risk of a catastrophic flood event in West Sacramento. The City of West Sacramento, as part of WSAFA, and in collaboration with the California Department of Water Resources, embarked on a comprehensive evaluation of the levees protecting West Sacramento to determine deficiencies and develop treatment measures. As the agency with authority over alterations to Federal levees, the U.S. Army Corps of Engineers (USACE) will act as the lead agency as it relates to the Federal environmental review process. Based on findings of the levee evaluation, the objectives of the WSLIP are to:

- achieve a minimum of “200-year” level of flood protection for the City of West Sacramento in line with Federal and state flood protection criteria;
- construct levee improvements as soon as possible to reduce flood risk;
- construct levee improvements that are politically, socially, and environmentally acceptable; and
- provide recreational and open space elements for the city that are compatible with flood improvement measures.

Since 2007, three Early Implementation Projects (EIP) have been initiated within the WSLIP boundary. An EIP is a project that is implemented in advance of the overall WSLIP construction in order to address critical areas where the levee’s deficiency is well-defined and where appropriate measures to treat the levee are known. The three EIP sites initiated to-date are the I Street Bridge site (construction completed in 2008), the Rivers site (under construction) and the CHP Academy site (under construction).

Now, WSAFA is proposing a fourth EIP called the Southport Sacramento River EIP. Implementation of measures at this site will improve the levee that runs along the west bank of the Sacramento River (referred to as the Sacramento River South Levee) to enhance flood protection for the community of Southport. The EIP would improve approximately 6.4 miles of levee and would bring the levee up to Federal and state flood protection standards.

West Sacramento Area Flood Control Agency (WSAFA) is a Joint Powers Authority created in 1994 to coordinate planning and construction of flood protection facilities within its boundaries and to finance the local share of flood control projects. Member agencies of WSAFA are the City of West Sacramento, Reclamation District 900, and Reclamation District 537.

The U.S. Army Corps of Engineers (USACE) provides engineering services to the nation by planning, designing, building and operating water resources projects, including flood control projects on the Sacramento River. USACE is charged with oversight of alterations to Federal levees.



How Did We Get Here?

Over the past decades, there have been several flood protection evaluations and improvements in the City of West Sacramento.

- 1986-1987:** Significant rainfall event occurs in Sacramento region; USACE recommends significant improvements for West Sacramento flood protection.
- 1987-1990:** City obtains Federal funding and authorization for two levee improvements.
- 1990-1993:** Sacramento Urban Levee Reconstruction Project completes building of stability berm along the Sacramento River in Southport. Costs were \$9 million; local share was \$800,000.
- 1994:** WSAFCA is created to coordinate, fund and construct major flood protection improvements.
- 1997:** Significant rainfall event occurs in Sacramento region and levees sustain damage.
- 1999-2002:** USACE's West Sacramento Project strengthened five miles of levees adjacent to the Sacramento and Yolo bypasses. Costs were approximately \$32.1 million; local share was \$3.6 million.
- 2005:** USACE issues new levee design standards.
- 2006:** State performs critical erosion repairs on three sites in West Sacramento.
- 2006:** WSAFCA, in collaboration with California Department of Water Resources, embark on comprehensive evaluation of levees.
- 2007:** WSAFCA proposes the WSLIP. This is a comprehensive program to bring the city's levees up to standard.
- 2007:** USACE constructs a seepage berm at Davis Road and South River Road under Public Law 84-99.
- 2008:** The I Street Bridge EIP is constructed under WSLIP after USACE approved Section 408 permission requested by WSAFCA. The Rivers and CHP Academy EIPs are proposed.
- 2009/2010:** Joint USACE & WSAFCA environmental public scoping meeting is held for the WSLIP, including The Rivers and CHP Academy EIPs. The WSLIP draft EIS/EIR is released.
- Winter 2010:** USACE begins construction on a setback levee project along the west bank of the Sacramento River south of the Stone Locks as part of the Sacramento River Bank Protection Project. Anticipated completion is fall 2012.
- Summer 2010:** WSAFCA and USACE begin planning the Southport Sacramento EIP.
- Mid-2011:** The Rivers and CHP Academy EIPs complete environmental review and are approved for construction. Construction on the two sites begins. The environmental review process starts for Southport Sacramento River EIP in August.

West Sacramento Area Levee Projects

During the past 10 years, several key flood protection projects have been initiated or constructed by various government agencies or agency partnerships in the city of West Sacramento. Below is a list of projects that have been proposed, are in the planning stage, are under construction, or that have been constructed.

■ **I Street Bridge Site.** Construction of this EIP was completed in November 2008. The project consisted of a 475 foot-long slurry wall that is approximately 37 feet in depth. The slurry wall will protect from seepage, tree removals, and the reshaping of the levee. The project also involved removing vegetation according to the USACE standards, and relocating a major communications utility. The City's Riverwalk extension project commenced soon after construction was completed.

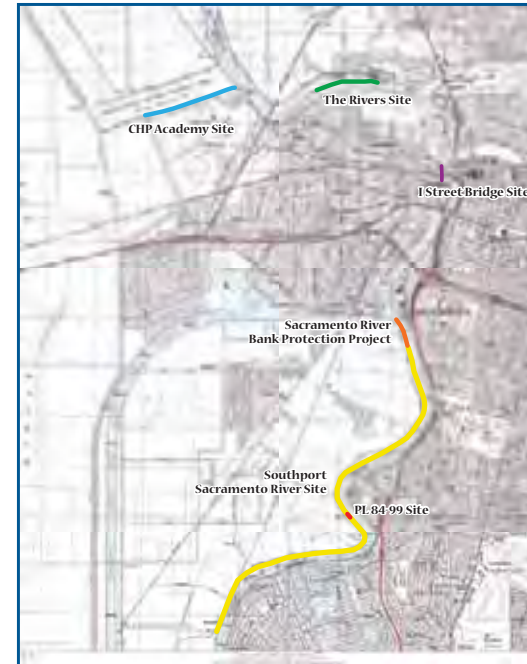
■ **CHP Academy Site.** Environmental approval for construction of this project was gained in mid-2011. This site is approximately 6,500 feet in length and is the levee that runs along the Sacramento Bypass. Deficiencies at this site concern through-seepage and levee geometry, along with areas of under-seepage and instability.

■ **The Rivers Site.** Environmental approval for construction of this project was gained in mid-2011. The Rivers EIP area is approximately 3,000 feet long and is located on the Sacramento River North Levee, just north of the confluence of the Sacramento and American rivers. Levee deficiencies at this site relate to geometry, stability, and under-seepage.

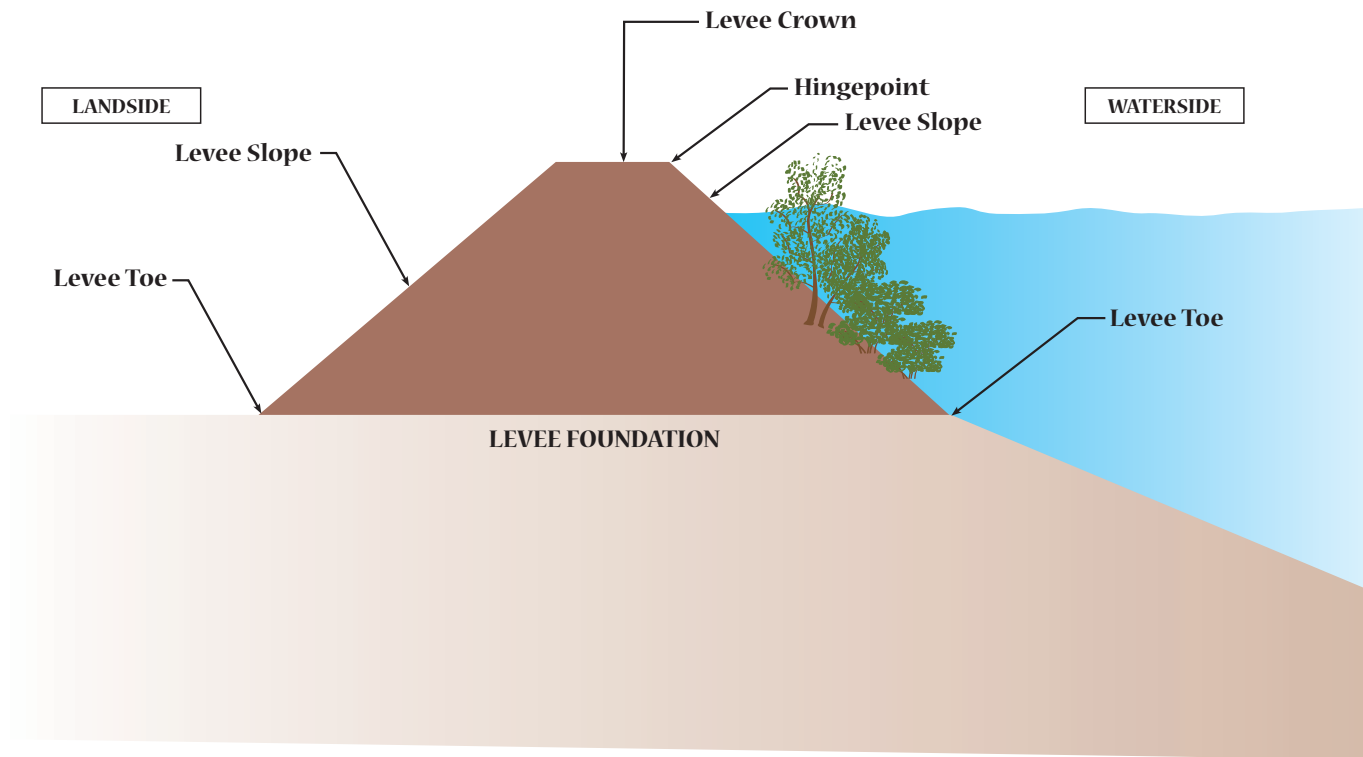
■ **Sacramento River Bank Protection Project.** Construction began in December 2010 on a setback levee project along the west bank of the Sacramento River in the Southport area, just south of the Stone Locks. This is a separate effort led not by WSAFCA, but by the USACE under the Sacramento River Bank Protection Project. The project is scheduled for completion in 2012.

■ **Southport Sacramento River Site.** This proposed site would be implemented to reduce the risk of flooding to the Southport community. Measures would be implemented along 6.4 miles of the levee along the west bank of the Sacramento River. This would bring the levee up to current Federal and state standards.

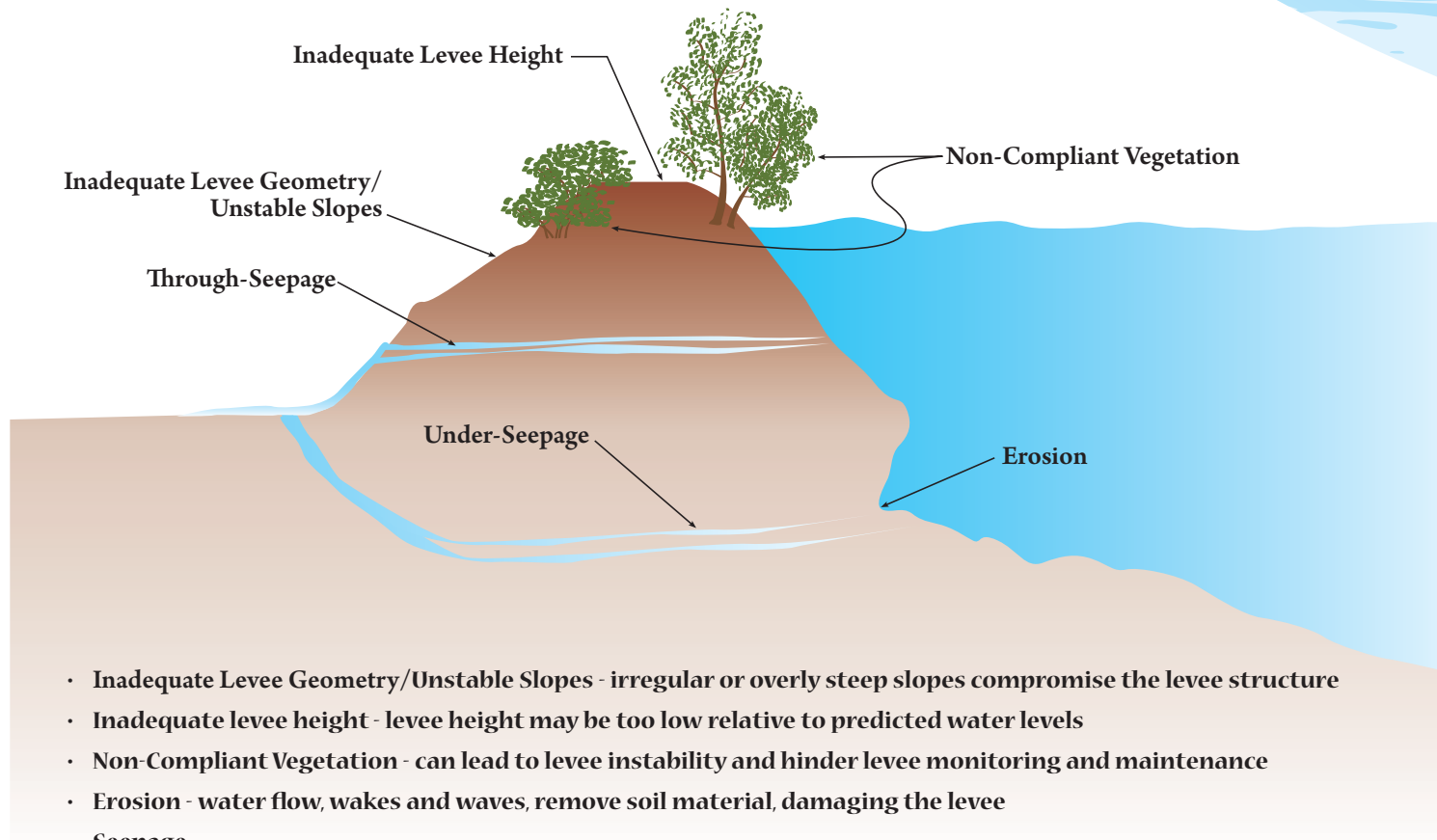
■ **Public Law 84-99.** USACE constructed a seepage berm at Davis Road in 2007 under PL 84-99. PL 84-99 establishes a fund for emergency response preparations for natural disasters. The seepage berm was constructed to fight boils caused by under-seepage.



An "Inside Look" at a Levee



Typical Levee Deficiencies



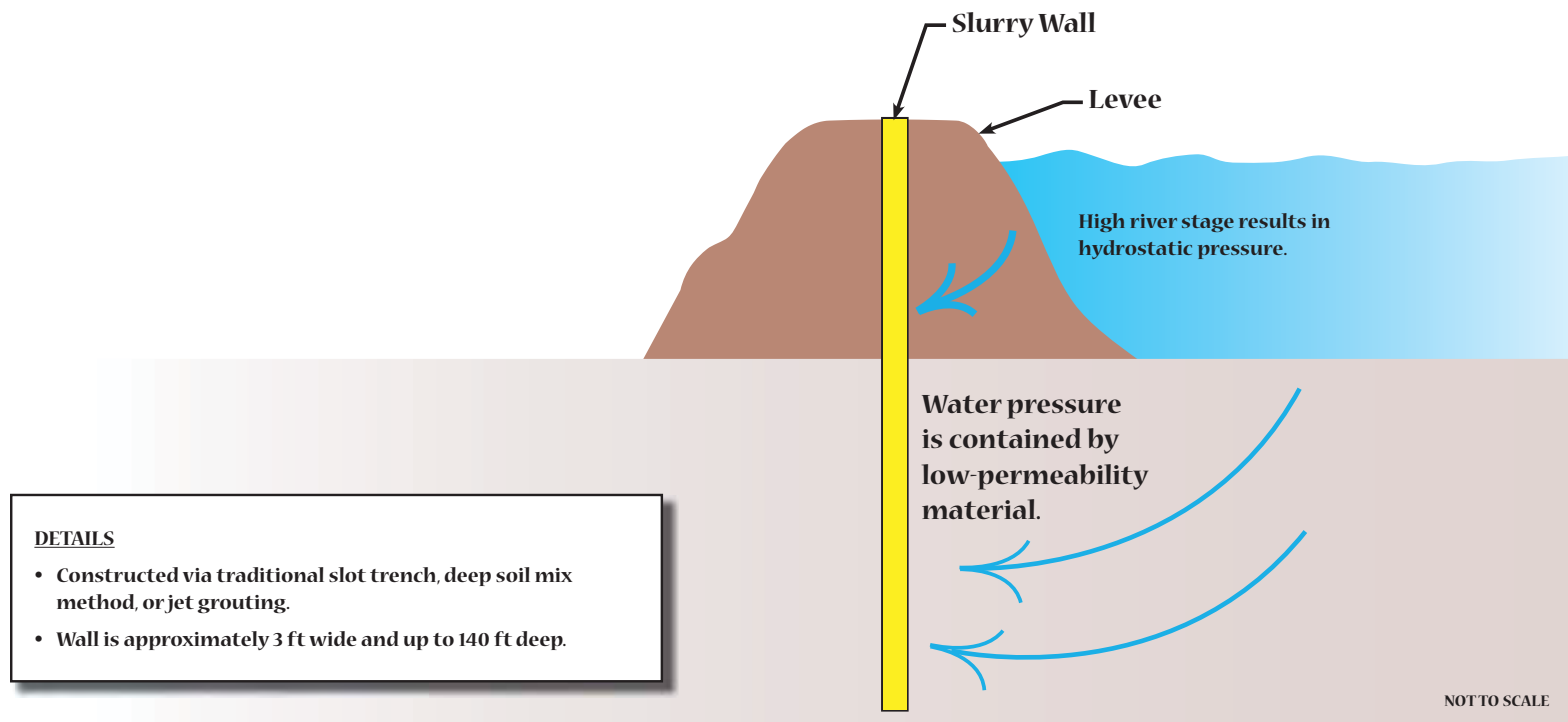


South of Davis Road on South River Road looking southeast at the waterside slope of the levee, on which the Southport Sacramento River EIP is proposed to be implemented.

Slurry Cutoff Wall

Concept:

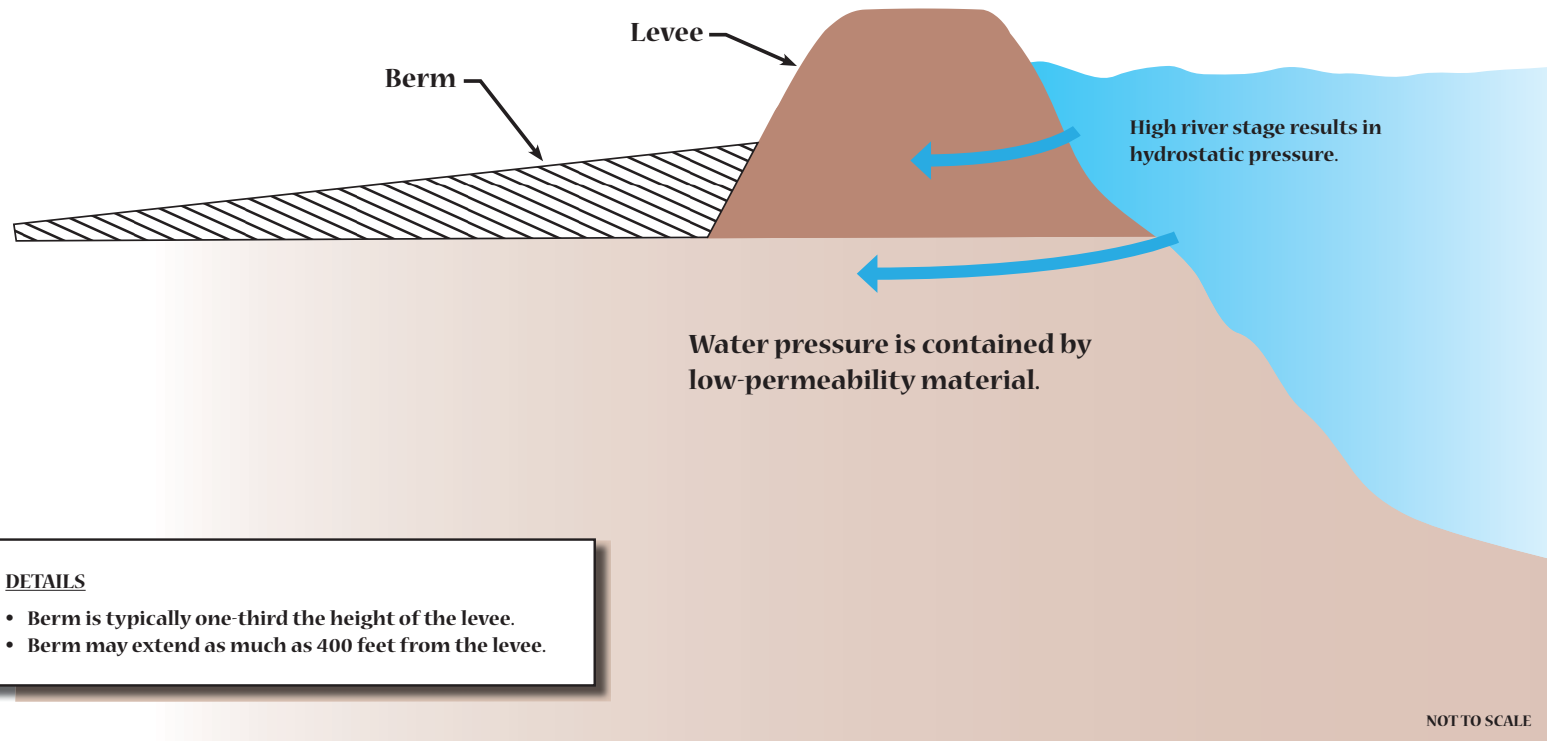
Water pressure is contained and dispersed by a low-permeability wall constructed within the levee cross section.



Seepage Berm

Concept:

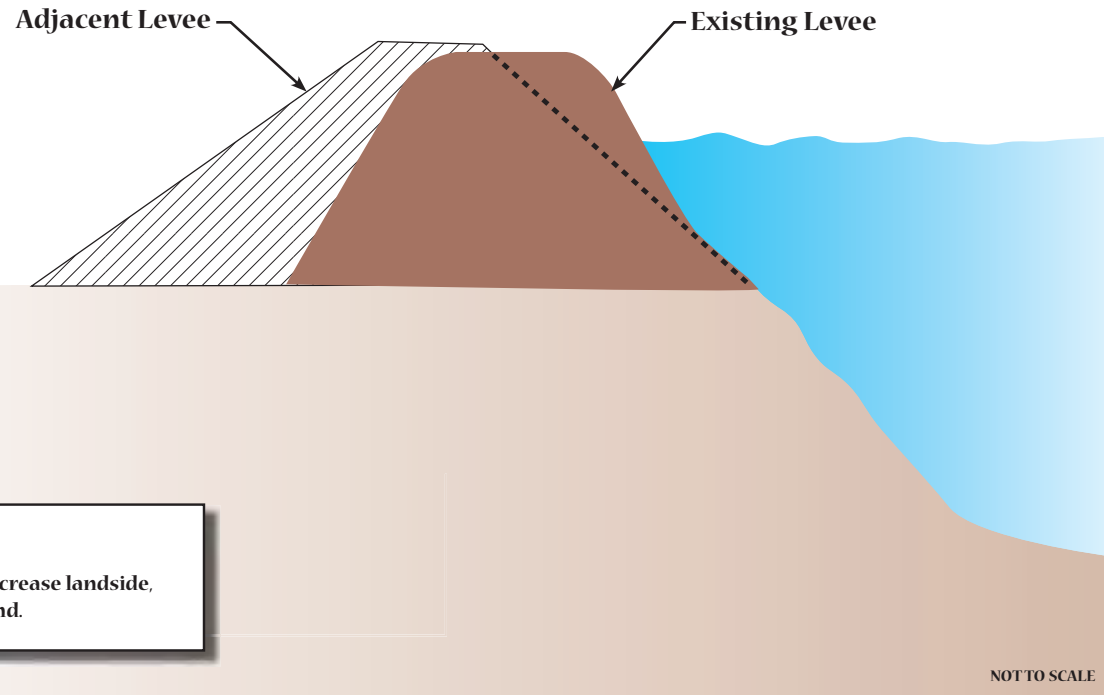
Water pressure is contained and dispersed by a thickened soil layer.



Adjacent Levee

Concept:

A new embankment strengthens the existing levee and enlarges the slopes.



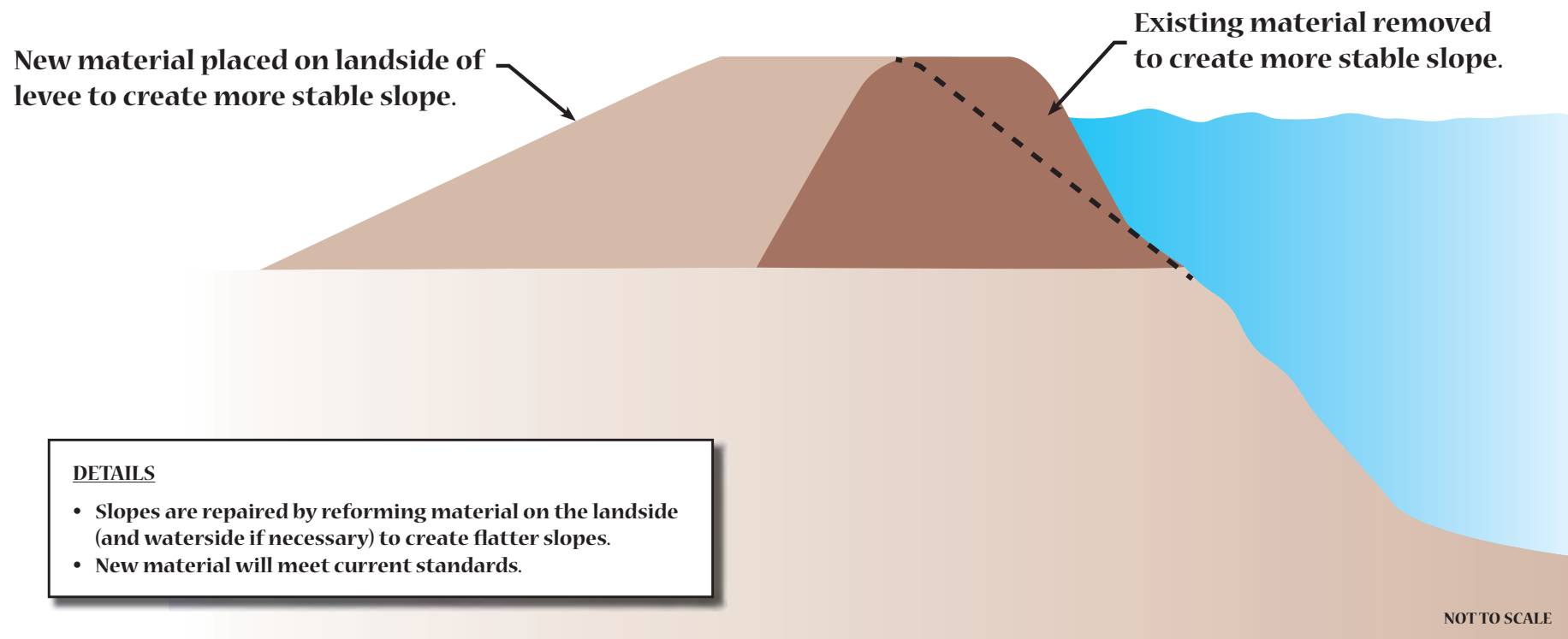
DETAILS

- The crown of the levee would increase landside, with a 3:1 slope to existing ground.

Slope Flattening

Concept:

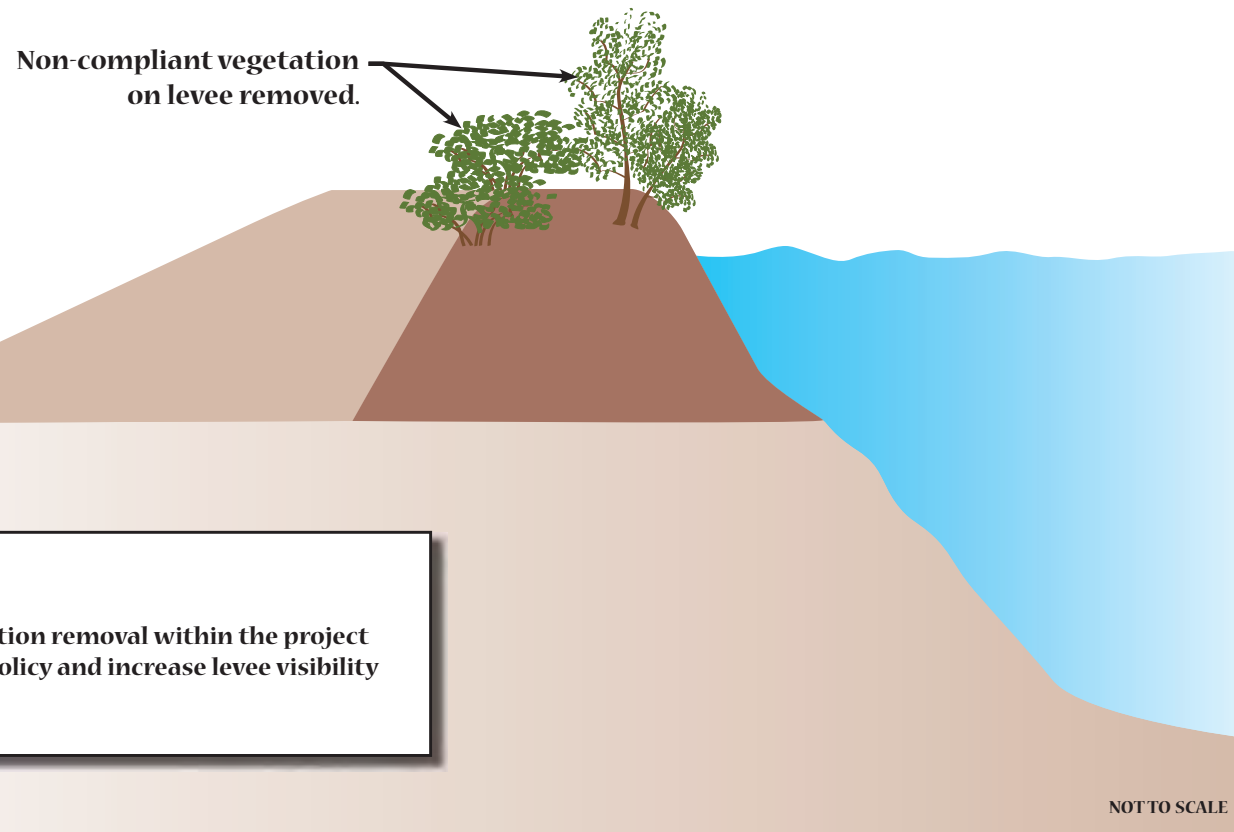
Flatter slopes are more stable and less susceptible to erosion.



Vegetation Removal

Concept:

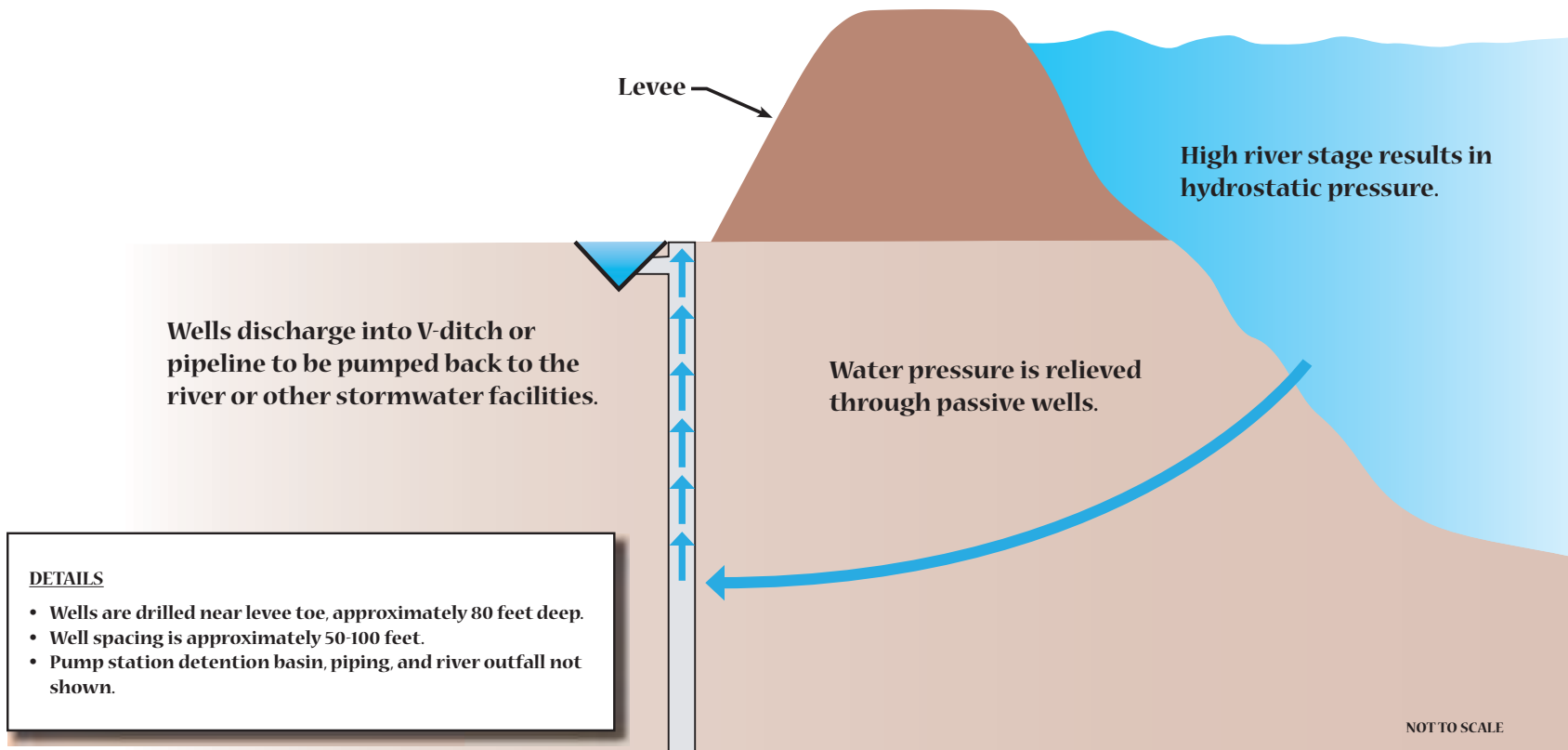
Non-compliant vegetation may inhibit levee maintenance and performance monitoring.



Relief Wells

Concept:

Water pressure is relieved via passive wells, which direct water discharge into a collection system.



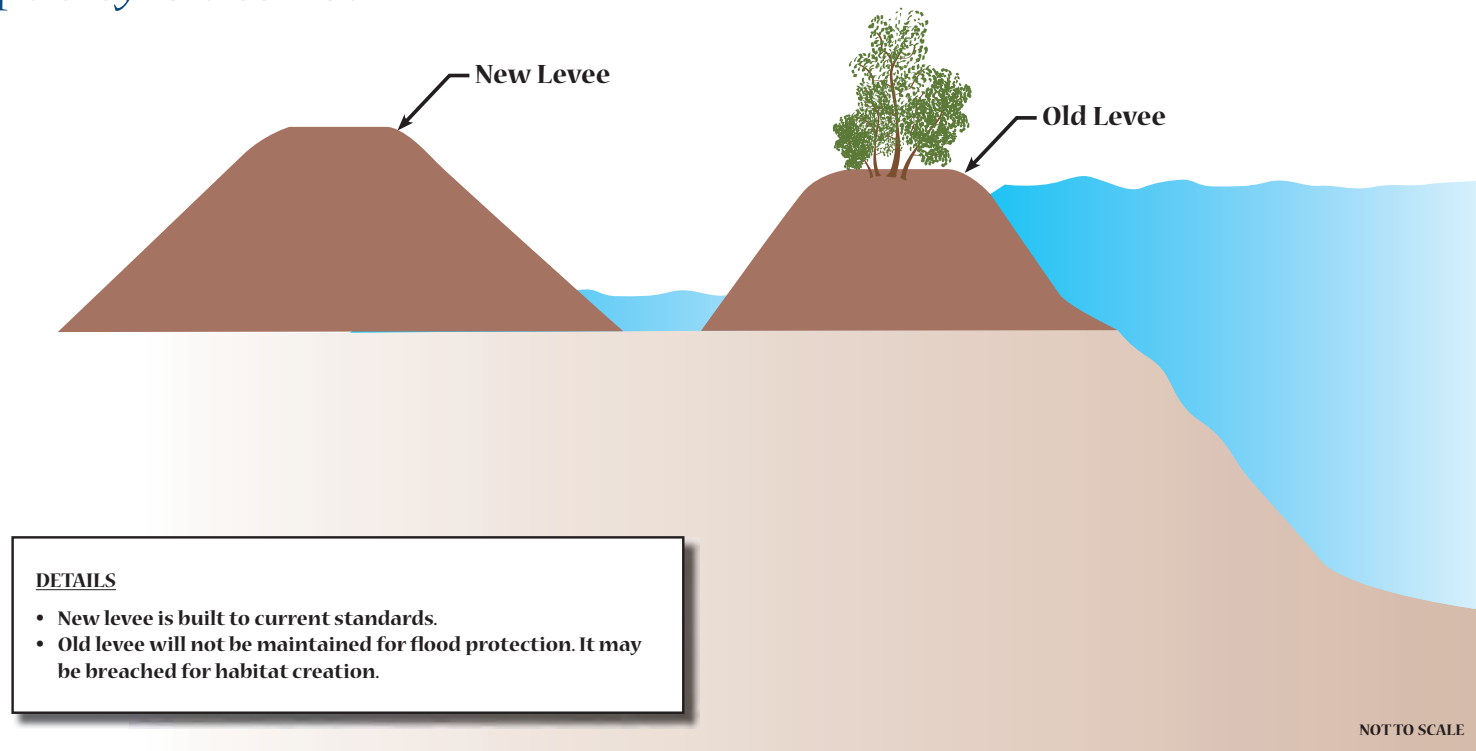
DETAILS

- Wells are drilled near levee toe, approximately 80 feet deep.
- Well spacing is approximately 50-100 feet.
- Pump station detention basin, piping, and river outfall not shown.

Setback Levee

Concept:

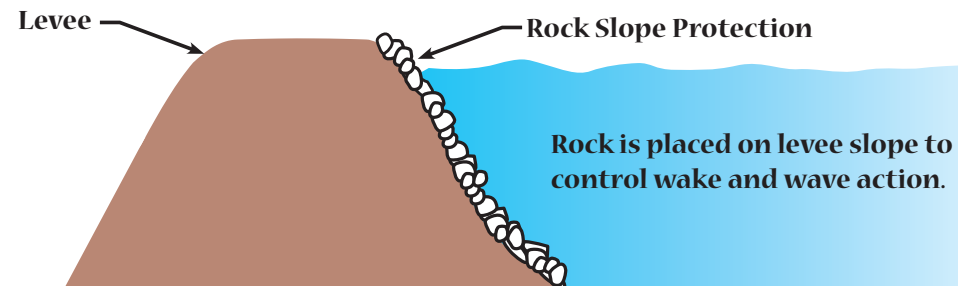
A new levee is built toward the landside of an existing levee where the existing levee is not readily repairable or where more flooding capacity is desired.



Rock Slope Protection

Concept:

Water-side erosion is prevented by placement of rock.

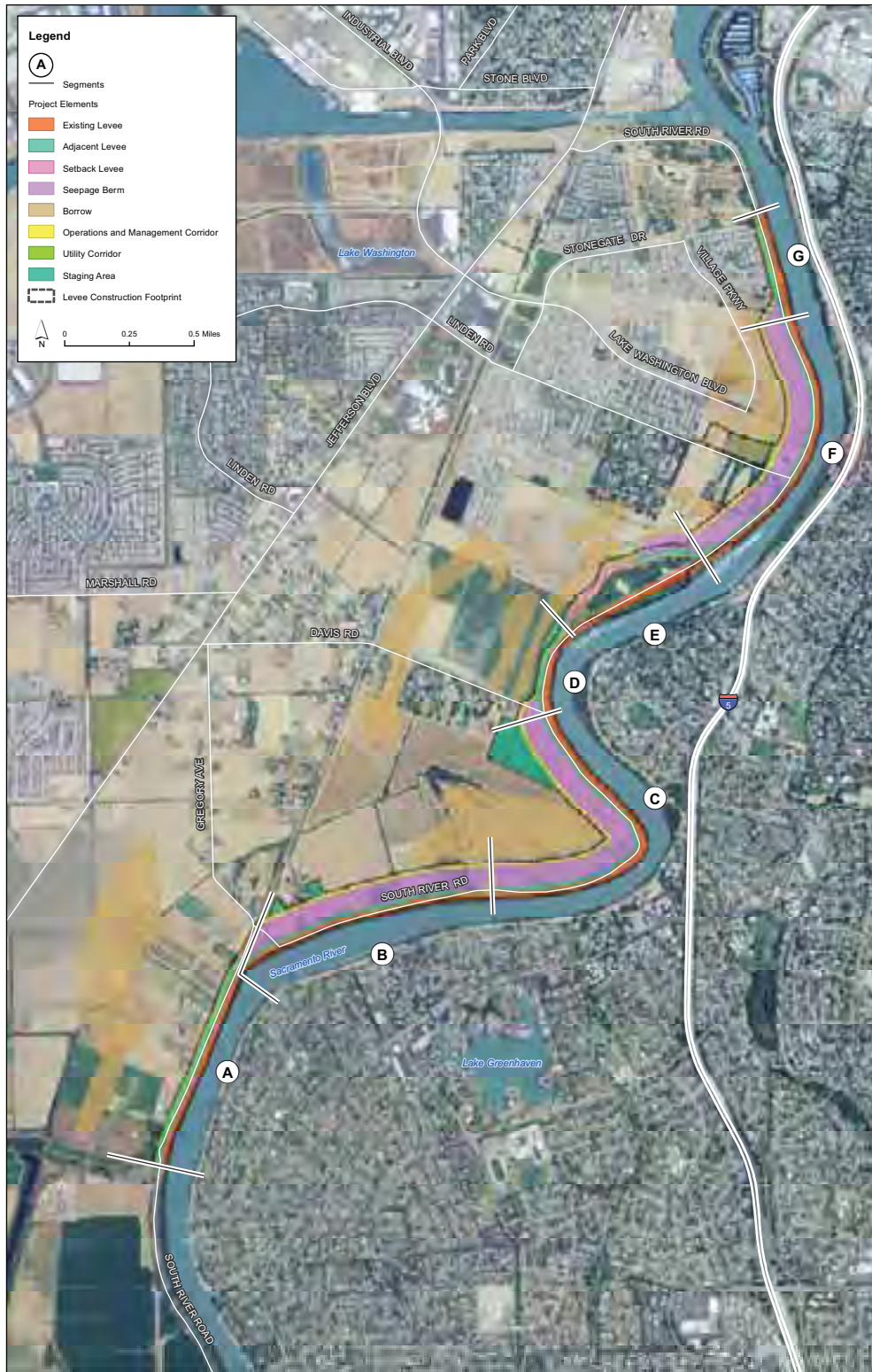


DETAILS

- Rock is typically 8 to 18 inches in diameter, placed in a 12 to 24-inch layer.
- Rock could be covered by soil and/or non-woody vegetation.

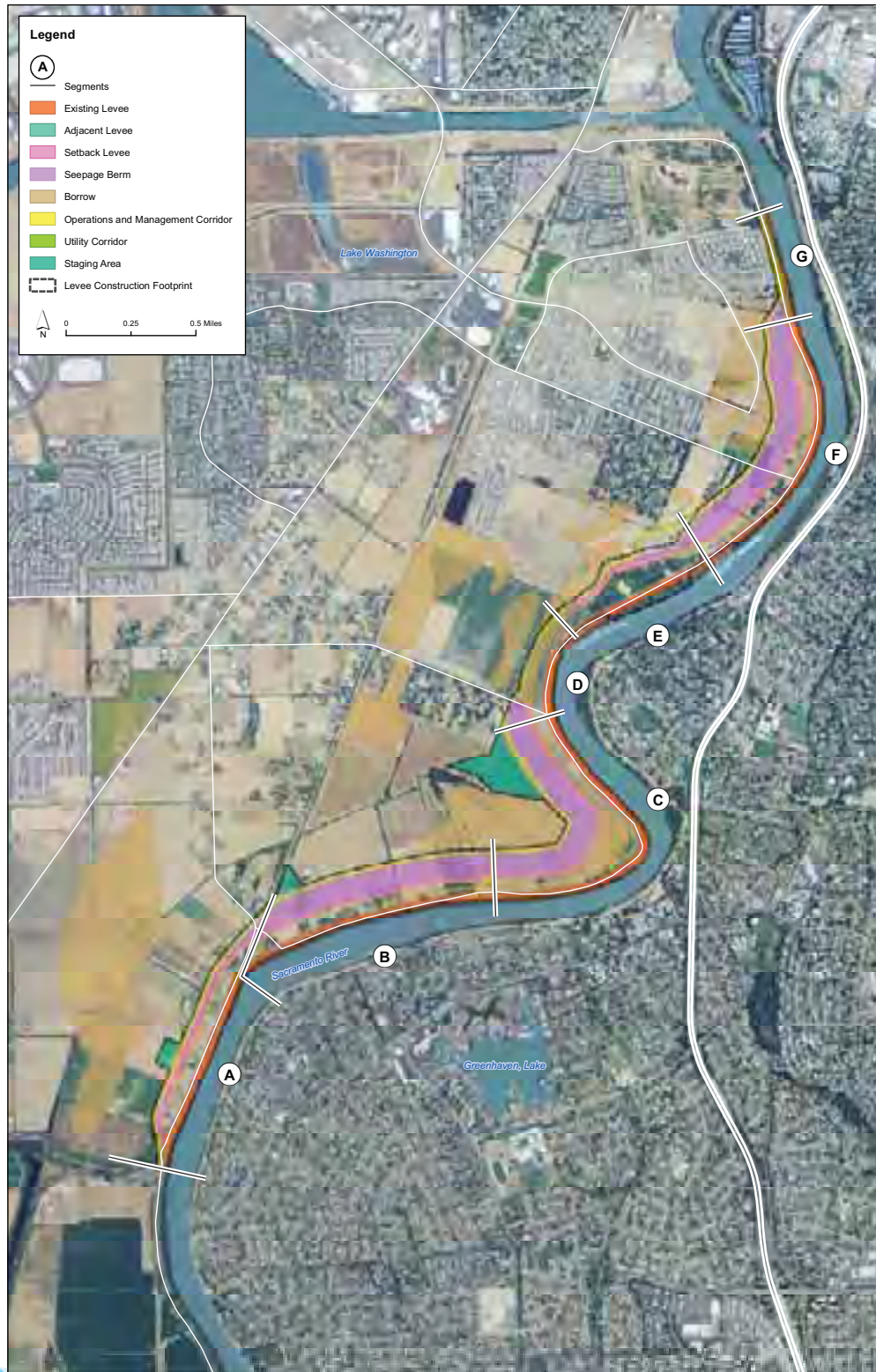
Alternative 1

Alternative 1 involves the construction of adjacent levees, while maintaining South River Road where it presently is, atop the existing levee. An adjacent levee with a cutoff wall is proposed in Segments A, D, E, and G. An adjacent levee with a landside seepage berm is proposed in Segments B, C, and F. Existing vegetation on the levee would be removed within the construction footprint.



Alternative 2

Alternative 2 involves the construction of setback levees in Segments A–F and breach and degrade of the existing levee for the purpose of historical ecosystem restoration. A setback levee with a cutoff wall is proposed in Segments A, D, and E. A setback levee with a landside seepage berm is proposed in Segments B, C, and F. An adjacent levee with a cutoff wall is proposed for Segment G. South River Road would be relocated landside of the setback levee. Portions of the existing Sacramento River levee would be removed to allow for floodplain inundation.



Alternative 3

Alternative 3 involves the contouring of the Sacramento River levee to alleviate over-steepened banks while maintaining South River Road where it presently is, atop the existing levee. A cutoff wall is proposed in Segments A, D, E, and G. A landside seepage berm is proposed in Segments B, C, and F. Existing vegetation on the levee would be removed within the construction footprint.



About NEPA and CEQA

The National Environmental Policy Act (NEPA) is a Federal law enacted to ensure a proposed activity's potential effects on both the natural and built environments are analyzed and disclosed to the public. Additionally, analysis of the activity's alternatives and development of mitigation measures to reduce effects are required.

This information is presented in an Environmental Impact Statement (EIS). Similarly, the State of California, under the California Environmental Quality Act (CEQA), requires disclosure in an Environmental Impact Report (EIR). These documents disclose the effects of an activity to agencies and the public and can serve as a decision-making aid for governing bodies.

While WSAFCA, a local agency in the state, is proposing the project, the USACE has jurisdiction over the Federal levee WSAFCA is proposing to alter. Therefore, the Southport Sacramento River EIP must comply with both NEPA and CEQA. The efficient way to comply with both laws is to develop a joint EIS/EIR.

A joint EIS/EIR is prepared when there is both Federal and state agency interest in an activity, and/or when a state agency needs permission to perform an action under Federal jurisdiction. The development of the Southport Sacramento River EIP draft joint EIS/EIR is underway and the document is scheduled for release in 2012.

About the Scoping Process

Scoping is a process used to inform the public of a proposed activity. It provides the public an opportunity to comment and share insight and local information related to the range of alternatives being analyzed, the effects of those alternatives, and/or issues of concern related to the proposed activity.

Scoping can be particularly informative in a flood risk-reduction project because the local residents could have knowledge about the performance of a levee that the agencies are unaware of, such as locations of under-seepage or boils or areas of general poor levee performance.

The comments received from public scoping will be used to inform the development of the alternatives; define the environment and resources potentially affected by the alternatives; and analyze the effects resulting from the alternatives. The affected environment broadly includes physical, biological, and social and economic topic areas. Effects of both project construction and long-term operations and maintenance are identified and analyzed.

Potential Environmental Issues

Implementation of the proposed Southport Sacramento River EIP will likely affect both the natural and built environment. The effects will be evaluated and disclosed in the EIS/EIR. Resources analyzed in the EIS/EIR will include, but are not limited to:

- **Aesthetics**
- **Biological resources**
- **Hazards and hazardous materials**
- **Socioeconomics & Environmental justice**
- **Agriculture**
- **Population & housing**
- **Cultural resources**
- **Mineral resources**
- **Hydrology/water quality**
- **Public services**
- **Transportation/traffic**
- **Air quality**
- **Geology & soils**
- **Land use/planning**
- **Recreation**
- **Noise**
- **Utilities/service systems**



Ecosystem Restoration Opportunities & Mitigation

While the highest priority of the Southport Sacramento River EIP is to increase flood protection, the project would also allow WSAFCA to partially or fully mitigate for many of the project's environmental impacts onsite. In addition, it may provide an opportunity for restoration of historical habitat within the project area.

Potential Habitat Restoration Activities

The goal of restoration design is to create self-sustaining, high-value habitats. As part of the Southport Sacramento River EIP, habitat would be created to replace that which may be lost during construction; this minimum level of habitat creation is required under NEPA and CEQA and is considered mitigation. Where space within the project area is available, additional restoration could be undertaken that would restore habitat to historical conditions. Likely objectives for habitat mitigation and restoration include:

- Mitigation for temporary and permanent impacts on protected land cover types
- Mitigation for temporary and permanent impacts to special-status species and potential habitat for these species
- Restoration of portions of the historic Sacramento River floodplain through construction of a setback levee (under Alternative 2)
- Restoration of riparian and oak woodland habitat on the restored floodplain
- Restoration of grasslands on the restored floodplain, setback levee, seepage berm, and other disturbed areas

The amount of onsite habitat mitigation and restoration that could be implemented would depend on the alternative selected. Preliminary design estimates suggest that Alternative 1 and Alternative 3 may not have sufficient project area to fully mitigate for impacts to riparian, wetland and grassland (i.e., Swainson's hawk foraging) habitats, and offsite mitigation could be required.

Alternative 2 may be largely self-mitigating because of its setback levee component, and provide opportunity for additional restoration. The floodplain could be widened considerably and the riparian corridor increased with plantings of native vegetation. Created floodplains under Alternative 2 would provide habitat not only for vegetation, but also for native fish and other species as a result of inundation in the low-lying floodplains.

Recreation Opportunities

Where it is compatible with flood risk-reduction actions and operations, WSAFCA is considering recreation and non-motorized-transport improvements on, adjacent to, or near the levee. While the highest priority of the Southport Sacramento River EIP is to increase flood protection, WSAFCA also is investigating potential recreation corridors that could provide improved or new opportunities for outdoor recreation and healthy, sustainable transport options to destinations such as parks and recreation facilities, schools, community centers, and jobs.

South River Road, which runs along the top of the levee, is the gateway to many recreational settings in the project area. Most of the levee supports a mature riparian forest that is attractive to recreationists. The roadway is presently a rural street with narrow shoulders and no designated bike lane. However, scenic quality and relatively light vehicular traffic make the route a popular bicycling corridor. The road also provides easy access to the Sacramento River bank, making fishing a common and prized recreation activity along the levee. Pedestrians, joggers, and equestrians also use South River Road.

Maintaining and increasing accessibility to these popular settings are two criteria that will be used to measure options for recreation and alternative transportation along the Sacramento River's edge. Potential recreational facilities would be available for walking, jogging, biking, and, where appropriate, equestrian use. Other recreation features may include parking or staging areas, seating, picnic areas, and adventure play areas. These features may be further developed where the recreation corridor forms the edge of a park. Improved access to the river would be evaluated at locations that are compatible with levee maintenance, floodway operations, and ecosystem functions.

Recreation features to be proposed as part of each flood risk-reduction alternative will be defined through the design and environmental processes and will be available for public review and comment when the draft EIS/EIR is released in 2012.



On South River Road, looking east and across the river toward Sacramento's Little Pocket neighborhood. This levee stretch is included in the 6.4 miles proposed for upgrades under the Southport Sacramento River EIP.

Southport Sacramento River Early Implementation Project

Environmental Impact Statement/ Environmental Impact Report

Public Scoping Meeting

U.S. Army Corps of Engineers &
West Sacramento Area Flood Control Agency

September 15, 2011

Welcome and Meeting Purpose

- Chris Elliott, Project Director with ICF International, environmental consultant for the project
- Joint Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) is being prepared per the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA)
- Opportunity to describe the project and EIS/EIR process
- Your comments are invited to inform the environmental analysis

Lead Agencies

- West Sacramento Area Flood Control Agency (WSAFCA)
 - Joint Powers Authority comprised of the City and the reclamation districts that maintain the levees around the City
 - overseeing planning and implementation of levee improvements
 - lead agency under CEQA
- U.S. Army Corps of Engineers (USACE)
 - responsible for approval of modifications to Federal flood project levees and navigable waters under the Rivers and Harbors Act
 - responsible for approval of effects to protected resources under the Clean Water Act
 - lead agency under NEPA

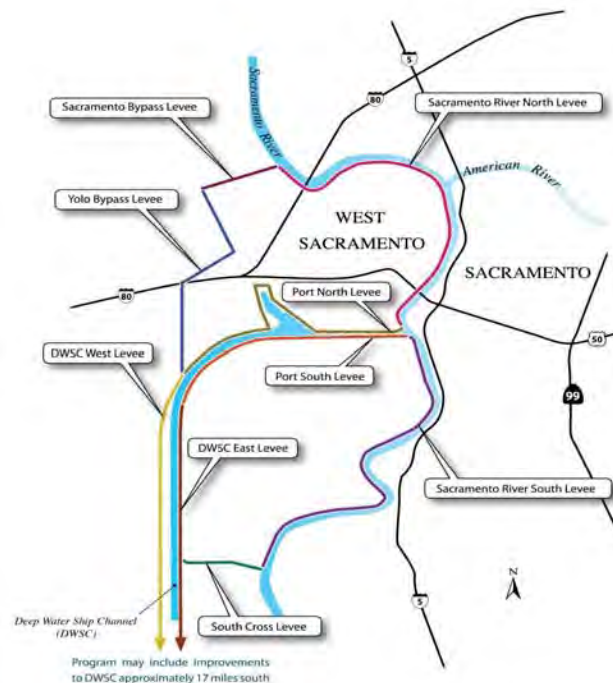
WSAFCA's Overall Goals

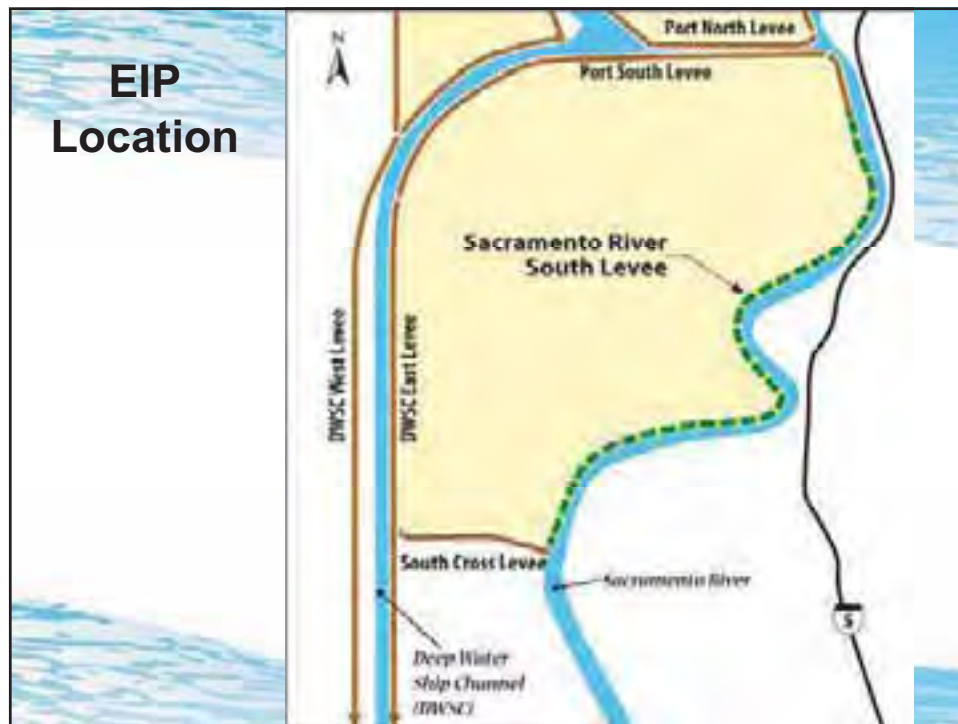
- Achieve a minimum of 200-year (an event that has a 0.5% chance of occurring in any given year) level of flood protection in more than 50 miles of City levees protecting the City
- Construct levee improvements as soon and as completely as possible to reduce flood risk
- Provide recreational and ecosystem restoration elements that are compatible with flood improvement actions

About the Southport Sacramento River EIP

- What is an Early Implementation Project (EIP)?
 - Constructed in advance of the State's Central Valley Flood Protection Plan and Federal West Sacramento Project
 - Identified as a critical need site
 - Funded through West Sacramento self-assessment and Prop's 1E and 84 in partnership with State
- EIP details
 - Address deficiencies in a 6.4-mile reach of levee protecting Southport
 - Will treat under- and through-seepage, unstable slopes, and erosion
 - Bring levee up to current Federal and State standards

WSLIP Levee Evaluation Locations





Recent Local Flood Protection Efforts

- 2005: USACE issues new levee design standards.
- 2006: State performs critical erosion repairs on three sites in West Sacramento.
- 2006: WSAFCA and CA DWR begin comprehensive evaluation of levees
- 2007: WSAFCA proposes the West Sacramento Levee Improvements Program (WSLIP).
- 2007: USACE constructs a seepage berm at Davis Road under PL84-99.
- 2008: The I Street Bridge EIP is constructed and The Rivers and CHP Academy EIPs are initiated.

continued...

- 2009/10: WSLIP Draft EIS/EIR is released.
- 2010: USACE begins construction on a setback levee project south of the Barge Canal.
- 2010: WSAFCA and USACE begin planning the Southport Sacramento River EIP.
- 2011: The Rivers and the CHP Academy EIPs complete environmental review and commence construction (in progress).

Flood Risk-Reduction Project Process

- Problem Identification – locating and scoping deficiencies
- Alternatives Analysis – matching potential improvements to address the deficiencies
- Design Development – detailed engineering and preparing plans and specifications
- Environmental Documentation – evaluating possible environmental effects from the potential risk-reduction measures
- Permitting
- Construction

Identified Levee Deficiencies

- Unstable slopes caused by inadequate levee geometry and/or deficient levee material
- Seepage (under or through the levee)
- Erosion
- Non-compliant vegetation

Possible Flood Risk-Reduction Measures

The design and environmental analysis process will analyze the impacts and feasibility of several combinations of the following measures:

- Slurry cut-off walls through the levee
- Slope flattening of the existing levee
- Setback levee landside of the existing levee
- Adjacent levee landside of the existing levee
- Seepage berms/stability berms on the landside of the levee
- Rock slope protection on the waterside of the levee
- Relief wells

Multi-Objective Benefits

- Recreation
 - Corridors for walking, jogging, biking, and, where appropriate, equestrian use
 - Other recreation features may include landscaping, benches, small picnic areas, and small play areas
- Open Space and Habitat
 - Restored areas to mitigate project effects
 - Enhancement of fish and aquatic habitat along the river's edge and wetland and upland areas on and near levees
 - Potential for areas for floodplain expansion and restoration

Environmental Documentation Process

- Solicit public input to be considered in conducting the environmental analysis
- Prepare EIS/EIR
- Circulate draft EIS/EIR for public review and comment
- Review and respond to comments and prepare final EIS/EIR
- WSAFCA adopts project and findings of fact, certifies EIR, adopts mitigation and monitoring plan, and records Notice of Determination
- USACE prepares Record of Decision

Scoping

- Project goals and objectives have been identified based on flood management deficiencies
- Measures have been identified to address those deficiencies
- Measures have been combined to comprise complete alternatives to provide the spatial context for discussing the types and extents of potential environmental and community effects
- Alternatives will continue to evolve and will be formulated for analysis in a Public Draft EIS/EIR
- Your input is desired and will be considered on the measures, alternatives, and potential effects analyzed in the EIS/EIR

Environmental Resource Issues

- | | |
|-----------------------------|---------------------------------------|
| • Aesthetics | •Socioeconomics/Environmental justice |
| • Air quality | •Cultural resources |
| • Geology and soils | •Agriculture |
| • Land use/planning | •Population and housing |
| • Recreation | •Public services |
| • Noise | •Mineral resources |
| • Utilities/public services | •Transportation/Navigation |
| • Biological resources | •Growth-inducement |
| • Hazardous materials | •Cumulative effects |

Next Steps

- Ask questions of project team members at this meeting
- Provide written comments via mailed comment card or e-mail by September 26, 2011
- Look for the draft environmental document to be released in mid-2012

The Southport Sacramento River Early Implementation Project

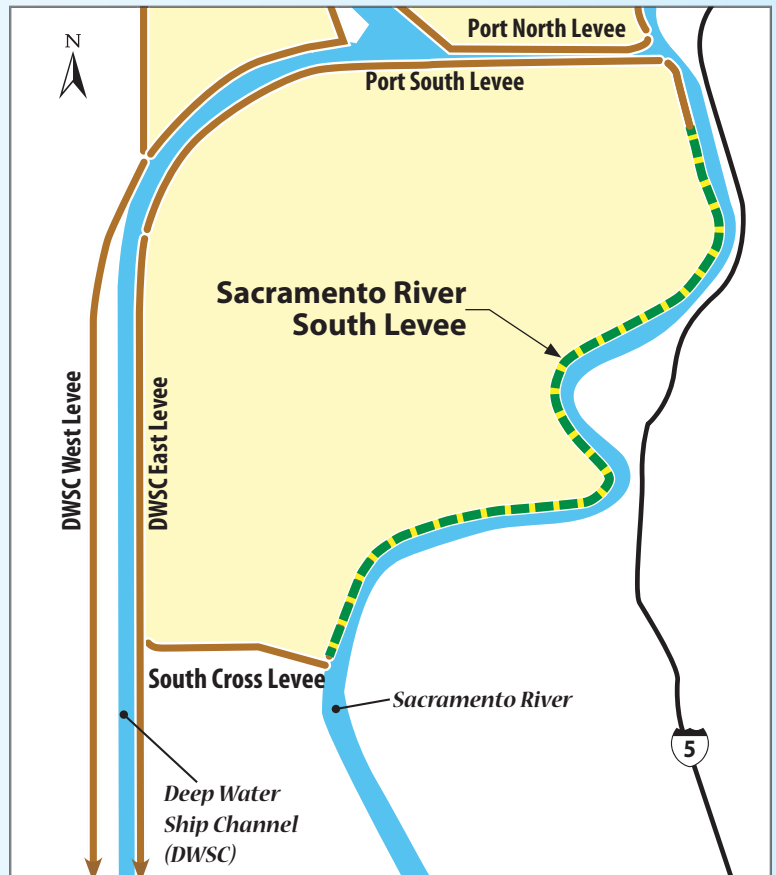
About the Project. The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk–reduction measures along the Sacramento River South Levee that protects the Southport community. WSAFCA is proposing the measures be implemented along 6 miles of the levee that runs along the west bank of the Sacramento River from the Barge Canal to the South Cross Levee. The EIP study area also encompasses potential soil borrow sites east and west of southern Jefferson Blvd. WSAFCA’s ultimate goal is to protect the lives and property of West Sacramento’s residents, employees, and visitors.

An EIP is a levee site that has been identified as having significant deficiencies. Therefore the planning, environmental, and construction processes are implemented in advance of the overall West Sacramento Levee Improvements Program (WSLIP). The WSLIP is a city-wide comprehensive flood risk-reduction program initiated in 2007. WSAFCA has selected three other EIP sites (the CHP Academy, the Rivers, and the I Street Bridge) for construction in advance of WSLIP in the past 3 years.

Construction of the Southport Sacramento River EIP would bring the levee up to standard with Federal and state flood protection criteria and improve the under- and through-seepage, erosion, and slope instability that currently hinder the levee’s performance. The EIP also would provide opportunities for ecosystem restoration and public recreation.

The Environmental Process. To comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), a joint environmental impact statement (EIS)/ environmental impact report (EIR) is being developed. This document will explain the proposed EIP alternatives, and effects and mitigation measures if the EIP is constructed. Potential impacts on resources—including aesthetics, soils, flood control, wildlife, vegetation, noise, recreation, and traffic—will be evaluated in the EIS/EIR.

To comply with NEPA, the U.S. Army Corps of Engineers (USACE) will act as the Federal lead agency, and WSAFCA will act as lead agency under CEQA. While WSAFCA is proposing the EIP, alterations to Federal levees cannot be made without approval from USACE.



EIP Alternatives. Three alternatives are being proposed. The priority of each alternative is to increase flood protection, but each also provides varying opportunities for ecosystem restoration and recreation opportunities. The alternatives are each a combination of two or more of the following flood risk–reduction measures:

- Levee slope flattening
- Setback levee and/or adjacent levee
- Relief wells
- Seepage berms/stability berms on the land side of the levee
- Rock slope protection on the water side
- Slurry cut-off walls

EIP Schedule. The EIP is currently in the environmental and alternatives design phase. Specialists have already gone out into the field, inspected the levee, and identified the levee’s deficiencies. Engineers have proposed three preliminary alternatives. The design and construction teams will work collaboratively to determine the feasibility of the alternatives, ensuring they provide a level of flood protection that meets current standards, are cost effective, and limit the short- and long-term impacts on the environment. Construction is scheduled to begin in 2013.

Selecting an Alternative. The public will have an opportunity to weigh in on the proposed alternatives during the scoping phase (August 26–September 26, 2011), and to suggest new alternatives to be considered in the Public Draft EIS/EIR. Following scoping, WSAFCA will select the alternatives that will be analyzed in the Public Draft EIS/EIR, available for public review in spring 2012.

For More Information. For more information about public input opportunities, the environmental process, and other flood risk–reduction projects in the city, visit www.cityofwestsacramento.org/city/flood.

We Want Your Input. If you would like to comment on the content of the EIS/EIR being developed for the Southport Sacramento River EIP, please submit comments to the contacts below. All comments must be received by 5 p.m. on September 26, 2011.

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814
southportcomments@icfi.com

or

Mr. John Suazo
U.S. Army Corps of Engineers, Sacramento District
Attn: Planning Division (CESPK-PD-R)
1325 J Street, Sacramento, CA 95814
john.suazo@usace.army.mil





**The Southport Sacramento River
Early Implementation Project**

.....
PLEASE FOLD ALONG THIS LINE FOR MAILING

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

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**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

Appendix C Comments Received

Appendix C contains all written comments received during the scoping period.

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Matthew Jones, Yolo-Solano Air Quality Management District	187

Commenter	Address	Organization Type	Date Received	Comment Letter Number
Scott Morgan, Office of Planning and Research	1400 10 th St. P.O. Box 3044 Sacramento CA, 95812-3044	State	8/26/11	1
James Herota, Central Valley Flood Protection Board	3310 El Camino Ave Room 151, Sacramento, CA 95821	State	9/1/11	2
Gregor Blackburn, FEMA Region IX	1111 Broadway, Suite 1200, Oakland, CA 94607	Federal	8/31/11	3
Katy Sanchez, Native American Heritage Commission	915 Capitol Mall, Room 364, Sacramento, CA 95814	State	8/30/11	4
Genevieve Sparks, Central Valley Regional Water Quality Control Board	11020 Sun Center Drive #200, Rancho Cordova, CA 95670-6114	State	9/12/11	5
Judy Ueda	<i>Not provided.</i>	Individual	9/14/11	6
Karen Kubo	559 Watercolor Lane, West Sacramento, CA 95605	Individual	9/16/11	7
Diane McCray	2590 South River Road, West Sacramento, CA 95691	Individual/ Business	9/20/11	8
Jim Colgan	2310 Cable Court, West Sacramento, CA 95691	Individual	9/20/11	9
Steve and Pam Gould	4395 Gregory Avenue, West Sacramento, CA	Individual	9/20/11	10
Robert Hughes	3079 Apache Street, West Sacramento, CA 95691	Individual	8/29/11	11
Sister Michael		Individual	9/16/11	12
David Gully	1818 Trinity Way, West Sacramento, CA 95691	Individual	9/21/11	13
Thamarah Rodgers Lacombe	4444 S River Rd, West Sacramento, CA 95691	Individual	9/26/11	14
Laurie C. Nelson	Embarcadero Realty Services LP, 1750 Creekside Oaks Drive, Suite 215, Fair Oaks, CA 95833	Individual	9/25/11	15
Richard D. Sestero	Seeno Construction Company, 4021 Port Chicago Highway, Concord, CA 94520	Individual	9/19/11	16
Phil Hogan, USDA Natural Resources Conservation Service	221 West Court Street, Suite 1, Woodland, CA 95695	Federal	8/25/11	17

Commenter	Address	Organization Type	Date Received	Comment Letter Number
Stephan Daues	2981 Rubicon Way, West Sacramento CA	Individual	8/26/11	18
Mark Zollo		Individual	9/19/11	19
John Rivett	2527 La Jolla Street, West Sacramento, CA 95691	Individual	9/18/11	20
Tony Sauer	<i>Not provided.</i>	Individual	8/26/11	21
Michael Machado, Delta Protection Commission	14215 River Road, P.O. Box 530, Walnut Grove, CA 95690	State	9/22/11	22
Christopher Lacombe	4444 South River Road, West Sacramento, CA 95691	Individual	9/20/11	23
Deeden Kimbrough	1305 Linden Road, West Sacramento, CA 95691	Individual	9/22/11	24
Bret Culbreth	4400 South River Road, West Sacramento, CA 95691	Individual	9/15/11	25
Kevin Winter	8971 Silverberry Avenue, Elk Grove, CA 95624	Individual	9/15/11	26
Rebecca Wall	2970 Bevan Road, West Sacramento, CA 95691	Individual	9/13/11	27
Terry Annesley	4400 South River Road, West Sacramento, CA 95691	Individual	9/15/11	28
Albert W. Rodgers	4440 South River Road, West Sacramento, CA 95691	Individual	9/26/11	29
Southport Homeowners (17 Residences)	Multiple addresses (See letter)	Group of Individuals	9/26/11	30
David Bennis	<i>Not provided.</i>	Individual	9/26/11	31
Kelly Magreevy	<i>Not provided.</i>	Individual	9/27/11	32
Eric Fredericks, Caltrans Dist 3	<i>Not provided.</i>	State	9/26/11	33
Kelly Catlett for Defenders of Wildlife and Ronald Stork for Friends of the River	<i>Not provided.</i>	NGO	9/26/11	34
Group of Homeowners (6 Residences)	Multiple addresses (See letter)	Group of Individuals	9/26/11	35

Commenter	Address	Organization Type	Date Received	Comment Letter Number
Philip Carson	<i>Not provided.</i>	Individual	9/26/11	36
Tom Kelly, EPA Environmental Review Office	Environmental Review Office (CED-2), U.S. EPA 75 Hawthorne Street, San Francisco, CA 94105	Federal	9/27/11	37
Michael Smith	<i>Not provided.</i>	Business	9/26/11	38
Pamela Gould	<i>Not provided.</i>	Individual	9/26/11	39
Eric Fredericks, Caltrans Dist.3	2379 Gateway Oaks Drive, Suite 150, Sacramento, CA 95833	State	9/28/11	40
Cy R. Oggins, State Lands Commission	100 Howe Avenue, Suite 100-South, Sacramento, CA 95825-8202	State	9/26/11	41
Kim McDonald	4390 South River Road, West Sacramento, CA 95691	Individual	9/23/11	42
Joyce Belli	2666 Meadowlark Circle., West Sacramento, CA 95691	Individual	9/22/11	43
Joel F MaCray, Jr.	2590 South River Road, West Sacramento, CA	Individual/ Business	9/23/11	44
Dawn Caldwell	1502 Maryland Avenue, West Sacramento, CA 95691	Individual	9/22/11	45
Jordan Lang, Sacramento Bike Advocates	909 12 th Street, Suite 116, Sacramento, CA 95814	NGO	9/8/11	46
Matthew Jones, Yolo-Solano Air Quality Management District	1947 Galileo Court, Suite 103, Davis, CA 95618	County	10/4/11	47



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Notice of Preparation

August 24, 2011

To: Reviewing Agencies
Re: Southport Sacramento River Early Implementation Project
SCH# 2011082069

Attached for your review and comment is the Notice of Preparation (NOP) for the Southport Sacramento River Early Implementation Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Megan Smith ICF International
I/C of West Sacramento Area Flood Control Agency
630 K Street, Suite 400
Sacramento, CA 95814

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2011082069
Project Title Southport Sacramento River Early Implementation Project
Lead Agency West Sacramento Area Flood Control Agency

Type **NOP** Notice of Preparation
Description Note: Review per lead

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as provide opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE) will act as the Federal lead agency under the National Environmental Policy Act (NEPA). WSAFCA will act as lead agency under the California Environmental Quality Act (CEQA).

The flood protection measures considered in the EIS/EIR may include:

- Slope flattening of the existing levee,
 - Use of seepage berms and/or stability berms located to the land side of the levee,
 - Rock slope protection located to the water side of the levee
 - Setback levees and/or adjacent levees located landward of the existing levee,
 - Relief wells, and
 - Slurry cut-off walls.
-

Lead Agency Contact

Name Megan Smith ICF International
Agency I/C of West Sacramento Area Flood Control Agency
Phone (916) 617-4645 **Fax**
email southportcomments@icfi.com
Address 630 K Street, Suite 400
City Sacramento **State** CA **Zip** 95814

Project Location

County Yolo
City
Region
Cross Streets Jefferson Blvd.
Lat / Long
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

- Highways**
 - Airports**
 - Railways**
 - Waterways**
 - Schools**
 - Land Use**
-

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Toxic/Hazardous; Water Quality; Landuse; Other Issues; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Social; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Boating and Waterways; Department of Conservation; Central Valley Flood Protection Board; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 2; Delta Protection Commission; Native American Heritage Commission; State Lands Commission; California Highway Patrol; Caltrans, District 3; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento)

Document Details Report
State Clearinghouse Data Base

Date Received 08/24/2011

Start of Review 08/24/2011

End of Review 09/26/2011

Resources Agency

- Resources Agency
Nadell Gayou
- Dept. of Boating & Waterways
Mike Sotelo
- California Coastal Commission
Elizabeth A. Fuchs
- Colorado River Board
Gerald R. Zimmerman
- Dept. of Conservation
Jonathan Martis
- California Energy Commission
Eric Knight
- Cal Fire
Allen Robertson
- Central Valley Flood Protection Board
James Herota
- Office of Historic Preservation
Ron Parsons
- Dept of Parks & Recreation
Environmental Stewardship Section
- California Department of Resources, Recycling & Recovery
Sue O'Leary
- S.F. Bay Conservation & Dev't. Comm.
Steve McAdam
- Dept. of Water Resources
Resources Agency
Nadell Gayou
- _____
Conservancy

Fish and Game

- Depart. of Fish & Game
Scott Flint
Environmental Services Division
- Fish & Game Region 1
Donald Koch

- Fish & Game Region 1E
Laurie Harnsberger
- Fish & Game Region 2
Jeff Drongesen
- Fish & Game Region 3
Charles Armor
- Fish & Game Region 4
Julie Vance
- Fish & Game Region 5
Leslie Newton-Reed
Habitat Conservation Program
- Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
- Fish & Game Region 6 I/M
Brad Henderson
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

- Food & Agriculture
Steve Shaffer
Dept. of Food and Agriculture
- Depart. of General Services
Public School Construction
- Dept. of General Services
Anna Garbeff
Environmental Services Section
- Dept. of Public Health
Bridgette Binning
Dept. of Health/Drinking Water

Independent Commissions, Boards

- Delta Protection Commission
Linda Flack
- Cal EMA (Emergency Management Agency)
Dennis Castrillo
- Governor's Office of Planning & Research
State Clearinghouse

- Native American Heritage Comm.
Debbie Treadway
- Public Utilities Commission
Leo Wong
- Santa Monica Bay Restoration
Guangyu Wang
- State Lands Commission
Cy R. Oggins
- Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

- Caltrans - Division of Aeronautics
Philip Crimmins
- Caltrans - Planning
Terri Pencovic
- California Highway Patrol
Bob Nannini
Office of Special Projects
- Housing & Community Development
CEQA Coordinator
Housing Policy Division

Dept. of Transportation

- Caltrans, District 1
Rex Jackman
- Caltrans, District 2
Marcelino Gonzalez
- Caltrans, District 3
Bruce de Terra
- Caltrans, District 4
Lisa Carboni
- Caltrans, District 5
David Murray
- Caltrans, District 6
Michael Navarro
- Caltrans, District 7
Elmer Alvarez

- Caltrans, District 8
Dan Kopulsky
- Caltrans, District 9
Gayle Rosander
- Caltrans, District 10
Tom Dumas
- Caltrans, District 11
Jacob Armstrong
- Caltrans, District 12
Marlon Regisford

Cal EPA

Air Resources Board

- Airport Projects
Jim Lerner
- Transportation Projects
Douglas Ito
- Industrial Projects
Mike Tollstrup

- State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

- State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

- State Water Resources Control Board
Phil Crader
Division of Water Rights

- Dept. of Toxic Substances Control
CEQA Tracking Center

- Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

- RWQCB 1
Cathleen Hudson
North Coast Region (1)
- RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)
- RWQCB 3
Central Coast Region (3)
- RWQCB 4
Teresa Rodgers
Los Angeles Region (4)
- RWQCB 5S
Central Valley Region (5)
- RWQCB 5F
Central Valley Region (5)
Fresno Branch Office
- RWQCB 5R
Central Valley Region (5)
Redding Branch Office
- RWQCB 6
Lahontan Region (6)
- RWQCB 6V
Lahontan Region (6)
Victorville Branch Office
- RWQCB 7
Colorado River Basin Region (7)
- RWQCB 8
Santa Ana Region (8)
- RWQCB 9
San Diego Region (9)

Other _____

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



August 30, 2011

Megan Smith
ICF International
I/C of West Sacramento Area Flood Control Agency
630 K Street, Suite 400
Sacramento, California, 95814

Subject: Response to the Notice of Preparation for the Southport Sacramento River Early Implementation Project Draft Environmental Impact Report (SCH# 2011082069)

Dear Ms. Smith:

Staff of the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

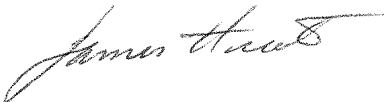
A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (CCR Section 131).

Ms. Megan Smith
August 30, 2011
Page 2 of 2

If you have any questions, please contact me at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



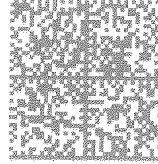
James Herota
Staff Environmental Scientist
Flood Projects Improvement Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD
3310 EL CAMINO AVENUE, ROOM 151
SACRAMENTO, CA 95821



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Megan Smith
ICF International
I/C of West Sacramento Area Flood Control
Agency
630 K Street, Suite 400
Sacramento, California 95814

9581483881 0011

U.S. Department of Homeland Security
 FEMA Region IX
 1111 Broadway, Suite 1200
 Oakland, CA. 94607-4052



FEMA

August 29, 2011

Megan Smith, Project Manager
 ICF International
 630 K Street, Suite 400
 Sacramento, California 95814

Dear Ms. Smith:

This is in response to your request for comments on the Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the City of West Sacramento (Community Number 060728), Maps dated January 19, 1995; and County of Yolo (Community Number 060423), Maps dated June 18, 2010. Please note that the City of West Sacramento, Yolo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Megan Smith, Project Manager
 Page 2
 August 29, 2011

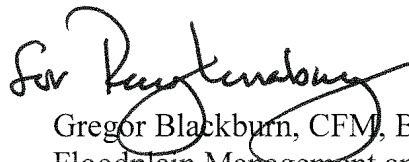
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The West Sacramento floodplain manager can be reached by calling Stephen Patek, Community Development Director, at (916) 373-5854. The Yolo County floodplain manager can be reached by calling Lonell Butler, Building Official, at (530) 666-8803.

If you have any questions or concerns, please do not hesitate to call Robert Durrin of the Mitigation staff at (510) 627-7057.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
 Floodplain Management and Insurance Branch

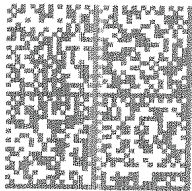
cc:

John Suazo, U. S. Army Corps of Engineers, Sacramento District
 Stephen Patek, Community Development Director, City of West Sacramento
 Lonell Butler, Building Official, Yolo County
 Ray Lee, WREA, State of California, Department of Water Resources, North Central Region
 Office
 Robert Durrin, Floodplanner, CFM, DHS/FEMA Region IX
 Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

U.S. Department of Homeland Security
Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607-4052



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*Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, California 95814*

95814K581



NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



August 30, 2011

Megan Smith ICF International
I/C of West Sacramento Area Flood Control Agency
630 K Street, Suite 400
Sacramento, CA 95814

RE: SCH# 2011082069 Southport Sacramento River Early Implementation Project; Yolo County.

Dear Ms. Smith:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

A handwritten signature in cursive script that reads "Katy Sanchez".

Katy Sanchez
Program Analyst
(916) 653-4040

cc: State Clearinghouse

Native American Contact List
Yolo County
August 30, 2011

4

Wintun Environmental Protection Agency
Dave Jones
P.O. Box 1839
Williams, CA 95987
corwepa@hotmail.com
(530) 473-3318
(530) 473-3319
(530) 473-3320 - Fax

Wintun (Patwin)

Kesner Flores
PO Box 1047
Wheatland, CA 95692
calnagpra@hotmail.com
925-586-8919

Wintun / Patwin

Yocha Dehe Wintun Nation
Marshall McKay, Chairperson
P.O. Box 18
Brooks, CA 95606
(530) 796-3400
(530) 796-2143 Fax

Wintun (Patwin)

Yocha Dehe Wintun Nation
Leland Kinter, Native Cultural Renewal Committee
P.O. Box 18
Brooks, CA 95606
lkinter@yochadehe-nsn.gov
(530) 979-6346
(530) 796-3400 - office
(530) 796-2143 Fax

Wintun (Patwin)

Cortina Band of Indians
Charlie Wright, Chairperson
PO Box 1630
Williams, CA 95987
(530) 473-3274 - Voice
(530) 473-3190 - Voice
(530) 473-3301 - Fax

Wintun / Patwin

Yocha Dehe Wintun Nation
Cynthia Clarke, Native Cultural Renewal
P.O. Box 18
Brooks, CA 95606
(530) 796-3400 - office
(530) 796-2143 Fax

Wintun (Patwin)

Cortina Band of Indians
Thelma Brafford, Tribal Administrator
P.O. Box 1630
Williams, CA 95987
rezdog37@yahoo.com
(530) 473-3274
(530) 437-3301 FAX

Wintun/Patwin

Yocha Dehe Wintun Nation
Reno Franklin, Cultural Resources Director
P.O. Box 18
Brooks, CA 95606
rfranklin@yochadehe-nsn.
(530) 979-6346
(530) 796-3400 - office
(530) 796-2143 Fax

Wintun (Patwin)

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2011082069 Southport Sacramento River Early Implementaion Project; Yolo County.

State of California
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814



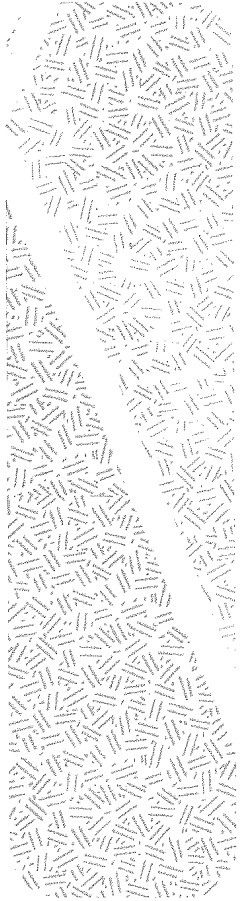
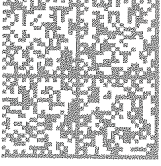
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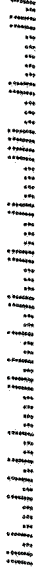
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California Regional Water Quality Control Board

Central Valley Region

Katherine Hart, Chair



11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114
(916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Matthew Rodriguez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

9 September 2011

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

CERTIFIED MAIL
7010 3090 0000 5045 4945

COMMENTS TO THE NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT, SOUTHPORT SACRAMENTO RIVER EARLY IMPLEMENTATION PROJECT, YOLO COUNTY

Pursuant to the West Sacramento Area Flood Control Agency's 26 August 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report* for the Southport Sacramento River Early Implementation Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed for the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916)557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. Water Quality Certification must be obtained prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

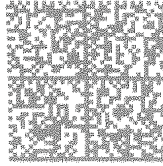
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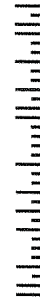
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CVRWQCB
SUITE 200
11020 SUN CENTER DR
RANCHO CORDOVA CA 95670

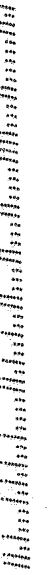


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MAILED FROM ZIP CODE 95670



Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

5561483331 001



6JudyUeda091411.txt

From: Smith, Megan
Sent: Wednesday, September 14, 2011 1:43 PM
To: Rivasplata, Robert
Subject: FW: South River Road West Sacramento (UNCLASSIFIED)

Hi Robert, please save as a Southport scoping comment.

Thanks,
Megan

-----Original Message-----

From: Suazo, John SPK [mailto:John.Suazo@usace.army.mil]
Sent: Wednesday, 14 September 2011 13:14 PM
To: Judy Ueda
Cc: Smith, Megan
Subject: RE: South River Road West Sacramento (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ms. Ueda,

Thank you for your comments. Your comments are integral to the scoping process, as well as the development of the project, and will become part of the public record. I encourage you to attend the public meetings scheduled for 3:30 and 6:30 tomorrow, September 15 at the West Sacramento Recreation Center, 2801 Jefferson Boulevard. You will have an opportunity to hear more about the project as well as ask questions of WSAFCA and technical staff, and submit additional comments. If you are unable to attend the public meeting, the project presentation will be available on the City of West Sacramento website: <http://www.cityofwestsacramento.org/city/flood/>. That information will be available after tomorrow's meetings.

Please feel free to send additional questions to Ms. Megan Smith, or myself.

Thank you.

John

-----Original Message-----

From: Judy Ueda [mailto:jueda423@aol.com]
Sent: Wednesday, September 14, 2011 12:42 PM
To: Suazo, John SPK
Subject: South River Road West Sacramento

The project to implement flood risk reduction along South River Road has serious consequences to the residents who live within a 1000 feet along the river. I suspect that this "shovel ready" project will displace my 94 year old father for the second time in his life. The first time when he lost everything in the 1940's to be placed in a relocation camp with other Japanese Americans.

However, my comments are: 1) Where is the evidence that the levee is weak on the South Road between the inlet to the Port and South Cross levee? Be specific. 2) Site the research that more or less proves that your proposal for the second levee will prevent flooding. 3) Is this proposal necessary in order to obtain federal money to employ as many people as possible due to a weak California economy? 4) Do you have to use scare tactics to get your point across? Katrina was a hurricane. New Orleans is below sea level. The levees and the pumping stations keep the water out of the city.

6JudyUeda091411.txt

Judy (Yokoyama) Ueda

Classification: UNCLASSIFIED

Caveats: NONE

The Southport Sacramento River Early Implementation Project

Comment Card



Name: Karen Kubo Date: 9/16/2011
Telephone: (916) 372-3244 Email: Ku98@aol.com
Affiliation: Richard T. Kubo Title (if applicable): father - property @ 4480 S. River Road
Street Address: 559 Watercolor Lane
City: W. Sacto State: CA Zip: 95605

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

- post questions & answers on website, so that other landowners can read
- How do you determine the cost of land that is going to be used for each property owner for the year 2013?
- Who is going to pay for homes that need to be moved or re-located on their property
- Cost of septic tank & landscaping costs - once project is done -
- How much is given to a family if they have to seek other housing costs during re-construction of the levee?
- What is the timeframe for levee repair - if it is done at each property?
- How is each property owner's property tax going to be affected during the levee repair?

The Southport Sacramento River Early Implementation Project

PLEASE FOLD ALONG THIS LINE FOR MAILING

West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

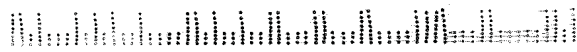
SACRAMENTO CA 958

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West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

95814-3331



The Southport Sacramento River Early Implementation Project



Comment Card

Name: DIANE MCCRAY Date: 9-20-11

Telephone: 916-371-1938 Email: _____

Affiliation: J.F. MCCRAY PLASTERING INC Title (if applicable): President

Street Address: 2590 South RIVER ROAD

City: WEST SACRAMENTO State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

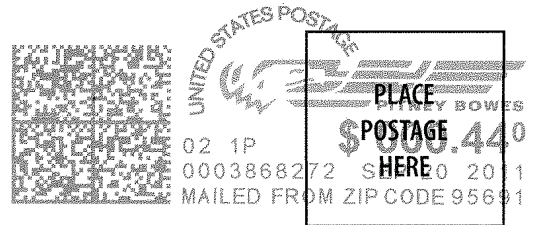
For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

I HAVE RESIDED @ 2590 S. RIVER RD SINCE 1976. IT HAS BEEN MY HOME & BUSINESS
OPERATIONS FOR OVER 35 YRS. I AND MY DECEASED HUSBAND RAISED OUR CHILDREN HERE
AND STARTED A BUSINESS OPERATION FOR A PLASTERING COMPANY, WHICH EMPLOYES OVER
A 100 EMPLOYEES. DUE TO THE LEVY RECONSTRUCTION PROJECT BY THE WSAFCA &
ARMY CORP ENGINEERS WOULD FORCE ME TO RELOCATE MY RESIDENCE & BUSINESS;
THIS COULD CAUSE ME TO LOOSE BOTH, DUE TO THE DOWNSIZE OF TODAYS
ECONOMY. THERE ARE VERY FEW PARCELS OF LAND WHICH ALLOW YOU TO OPERATE
A BUSINESS & RESIDENCE ON THE SAME PARCEL, IS WHY WE PURCHASED THESE
7 ACRES. I AM 66 YRS OLD AND A WIDOW LIVING ON A FIXED INCOME. I HAVE
NOTHING BUT MENTAL ANGUISH OVER LOSING MY HOME/BUSINESS AND MY
CHILDREN'S INHERITANCE. WE MOVED HERE KNOWING WELL OF THE POTENTIAL FOR
FLOODING. I DO NOT FEEL THE NEED TO UPROOT ME AND MY FELLOW NEIGHBORS
TO PROTECT THE WEST SACRAMENTO COMMUNITY WHO HAD FAITH WILL MOVING
INTO LOCATIONS KNOWING OF POTENTIAL FLOODING. THEY WERE INFORMED THAT THEY
WERE IN A POTENTIAL FLOOD PLAN AREA AND COULD HAVE BOUGHT ELSEWHERE.

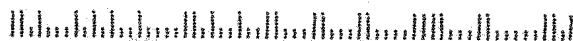
The Southport Sacramento River Early Implementation Project

PLEASE FOLD ALONG THIS LINE FOR MAILING

West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



The Southport Sacramento River Early Implementation Project



Comment Card

Name: Jim Colgan Date: 9/20/2011

Telephone: 916 6172243 Email: _____

Affiliation: _____ Title (if applicable): _____

Street Address: 2310 Cable Court

City: West Sacramento State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

It makes sense to me to spare the homes
that exist on S. River Road since there are
other options available.

Consider the emotional issues potentially
created by forcing homeowners to move - when
they don't have to be moved.

Thank you
Jim Colgan

The Southport Sacramento River Early Implementation Project

PLEASE FOLD ALONG THIS LINE FOR MAILING

West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

SACRAMENTO CA 958

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West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

95814+3531



From: pamelagould@hughes.net
To: southportcomments
Cc: john.suazo@usace.army.mil
Subject: Comments re Southport Sac River EIP
Date: Tuesday, September 20, 2011 4:55:50 PM

Re: Property address: 4395 Gregory Avenue, West Sacramento

Hello ~

We attended the Southport Sacramento River Early Implementation Project informational meeting last week and would like to offer input with regard to our property. When planning alignment or re-alignment of South River Road where it intersects Gregory Avenue at the railroad trussel, we have some concerns for the levee improvement project and the City of West Sacramento.

At the site of our property and the railroad trussel, at the most eastern portion of our property, we have noticed ongoing public activity which puts the levee improvement project and the City of West Sacramento at risk of liability. The public is accessing the railroad hiking and biking trail by climbing, riding bicycles, horses, motorcycles and quadrunners by climbing and/or riding UP AND DOWN the side of the railroad berm. We have witnessed quadrunners not successful in attempting to reach the top of the berm nearly flipping their quadrunners over backwards, including children as passengers. We have also witnessed a second quadrunner attach a chain and pull another quadrunner to the top because the second quad was unable to successfully climb the berm. As well as many individuals attempting to climb up to the top of the trussell and/or trail and falling down because it is steep.

We have also witnessed and asked to leave numerous juveniles on the trussel throwing rocks onto our property, the street where motorcycles can lose traction as they turn onto or off South River Road, and on two occasions have asked them to leave because they were shooting a gun across the roadway from on top of the railroad overcrossing. On a regular basis cars are parking on our property east of our driveway to access the trail.

The roadway also is curved at this location, and many drivers do not heed the speed limit signs and are continually skidding their tires in an attempt to maneuver the turn at this location. I (Pam) was struck by a driver who was not able to maneuver the turn, skidded through the gravel, hit my car nearly head-on, and my car ended up in the field across the street, as the driver continued to speed toward Jefferson Boulevard. The hit-and-run driver was never apprehended. This area is very confusing to drivers, and people are continually stopping at the intersection of Gregory Avenue and South River Road causing risk of a traffic accident while they attempt to figure out which direction to drive.

There has been an increased amount of truck traffic, including Raley's, semi-tractor-trailer rigs, and delivery trucks, attempting to make South River Road a shortcut, thereby avoiding I-5 traffic.

We think this project lends itself to a good opportunity for the levee improvement project and the City of West Sacramento to correct some of these problems by roadway design and possibly plugging the railroad trussel. All the recreation in this area could be accessed at marinas and boat ramps that are in existence. However

because the railroad trussel allows access in a dangerous way to the public, we are of the opinion that people will still attempt to access the hiking/biking trail if an opportunity exists.

We feel it of utmost importance that this issue is addressed so as to alleviate the levee improvement project and the City of West Sacramento's liability due to injury or death by the public having to find their own access in a dangerous place that is not meant for their use and assisting drivers in finding an easier route to maneuver the river's dangerous and winding roadways.

Please feel free to contact us if you have any further questions that we have not addressed.

Thank you,

Steve & Pam Gould
4395 Gregory Avenue
West Sacramento, CA 95691
pamelagould@hughes.net
(916)372-4042

From: [Smith, Megan](#)
To: [southportcomments](#)
Subject: FW: West Sacramento Southport Levee Improvements (UNCLASSIFIED)
Date: Tuesday, August 30, 2011 1:01:15 PM

From: Suazo, John SPK [mailto:John.Suazo@usace.army.mil]
Sent: Monday, 29 August 2011 14:44 PM
To: Smith, Megan
Cc: Turner, Claire Marie SPK
Subject: FW: West Sacramento Southport Levee Improvements (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Megan,

This is the third comment, to my knowledge, and was the only one that was addressed only to me. Please let me know if you have others, or if you have any questions. Thanks.

John

From: Rob Hughes [mailto:rob@sigmawebconsulting.com]
Sent: Monday, August 29, 2011 12:16 PM
To: Suazo, John SPK
Subject: West Sacramento Southport Levee Improvements

John Suazo,

I am a resident of Southport in West Sacramento. I received a notice about potential levee improvements in our area. I will not be able to attend the informational meetings, but I wanted you to have my feedback.

Even without seeing the plan, I can tell you that I support levee improvements to the **fullest extent possible**, even if it means greater cost, claiming more land, removing existing structures or modifying the ecosystem. Maximum protection is my greatest priority, and improved recreation will be a welcome bonus.

I understand that some agencies don't like trees and foliage on levees for various reasons, including the extra difficulty involved in inspecting levees. I believe the reasons for having trees are greater, and **I want trees**.

Thanks for receiving my feedback.

Robert Hughes

3079 Apache Street
West Sacramento, CA 95691

916 273 0638

Classification: UNCLASSIFIED
Caveats: NONE

From: addieontheriver@aol.com
To: [southportcomments](#)
Cc: john.suazo@usace.army.mil
Subject: Levee comments
Date: Friday, September 16, 2011 9:30:59 AM

12

TO: West Sacramento Area Flood Control Agency:

My comment is simple: In your considerations, PLEASE put people who live along the levee FIRST (before animals AND money).

If you do, God will bless your project - and you will succeed in keeping everyone safe in West Sacramento!

God Bless You and help you make the right decision.

THANKS A MILLION for understanding the people who live along the levee.

You should be proud of them for having such wholesome (country) values.

They certainly are an asset to the City of West Sacramento!

Gratefully,

Sister Michael

From: [David Gully](#)
To: [southportcomments](#)
Cc: john.suazo@usace.army.mil
Subject: Levee Improvement Comments
Date: Wednesday, September 21, 2011 1:19:59 PM

To whom it may concern,

I would like to stress my opinion and comments for the levee improvements. I've been a West Sacramento resident for 42 years and have grown to know several friends that live along the the levee. For some reason, these people who live in this area are highly respected people. They are down to earth citizens compared to the newcomers of the West Sacramento area. They have a high amount of respect for the area in which they live as well. Most of them have been here all of their lives from generations passed on. Some are farmers and the forefathers of this land. These are hard working tax paying citizens that have resided in West Sacramento all of their lives. I don't understand why several generations of families would have to give up their homes and or farm land that they have invested in all of these years just for an improvement of the levees.

Improving the levees is a good thing but I think it is very unfair to try and push these human beings out of their homes only because it is the cheaper way to do it. These people have children and a lot of investment in these homes. In my opinion, this beautiful land is the best part of West Sacramento to live in.

I understand that the levees need improvements but I also believe that there is a way to do it by keeping all of these families in their well deserved homes. It is obvious that West Sacramento is trying to uphold a very bright and positive persona. But by forcing people out of their homes isn't acceptable. It will only hurt and bother all of these families, not to mention all the other West Sacramento residents who have knowledge of this for years and years to come.

I also think it is very unfair to offer them a fair market price for their homes when the economy is down far more than average.

Please be more sensitive to the issue that the only way for everyone to win in this situation is to do what is right and the right thing is to keep the families in their homes so that West Sacramento remains a happy community.

It is a dream to be able to live along the River Road. Please don't destroy these dreams of our loveable River Road residents.

Thank you for allowing my input on such an important matter.

Sincerely,

David Gully
1818 Trinity Way
West Sacramento, CA 95691

916 372 7638

From: [Smith, Megan](#)
 To: [southportcomments](#)
 Subject: FW: Southport Comment (UNCLASSIFIED)
 Date: Monday, September 26, 2011 8:24:11 AM

-----Original Message-----

From: Suazo, John SPK [<mailto:John.Suazo@usace.army.mil>]
 Sent: Monday, 26 September 2011 8:01 AM
 To: Smith, Megan
 Subject: FW: Southport Comment (UNCLASSIFIED)

Classification: UNCLASSIFIED
 Caveats: NONE

In case you had not received this.

-----Original Message-----

From: Thami Rodgers [<mailto:thamirodgers@yahoo.com>]
 Sent: Sunday, September 25, 2011 7:21 PM
 To: Suazo, John SPK
 Subject: Southport Comment

Mr. Suazo - Please confirm receipt of this email.

Thamarah Rodgers Lcomb
 4444 South River Road
 West Sacramento, CA 95691

September 26, 2011

Mr. John Suazo
 U.S. Army Corps of Engineers
 Sacramento District (CESPK-PD-R)
 1325 J Street
 Sacramento, CA 95814

Re: Southport Sacramento River Early Implementation Project ("EIP")
 West Sacramento, California

I am a homeowner in Southport along the South River Road, specifically within Reach B. My immediate family members also have three additional homes along this route. My entire family has been on these lands for more than 100 years farming, raising families, and passing the land and homes on to the next generation. As has been done for several generations, a portion of this land was handed down to me, to build a home (constructed in 2004) and to raise a family. My children, ages six and eleven, will be the sixth generation to receive the land and homes upon which we currently live. We have organic gardens, horses and goats, small pets, raise chickens for eggs, raise cattle for meat, and have planted and cared for hundreds of fruit trees and more than 75 native and non-native oak trees.

On our home site, there is a vast array of wildlife that will be destroyed when ANY levee improvement is made. Snakes, gophers, hummingbirds, fox, coyote, turkey, turtles, pheasant, the list literally could go on and on. Beyond the natural life, our part of the South River Road is beautifully constructed with well-maintained homes. The traffic on weekends and holidays along our route is incredible as people drive and enjoy the scenery and

wildlife. The rural character and farming history is a draw to the area. Its charm and qualities should be preserved not destroyed as it will and can never be replaced or returned to what it is today.

It is of the utmost importance, that the impending levee improvements be constructed in a way that has the least impact to our homes, families and properties. Please know we are supportive of improving the levees, however the excessive taking of private property in a setback levee scenario as proposed in Alternative 2 is absurd. It is clear the intent is to construct setback levees because the additional funding source will be substantial with this type of improvement. Setback levees should not be the answer. They are expensive from a land acquisition perspective, require the ripping out and then replacing of habitat to the detriment of any living thing in its path, and require enormous state, federal, and local funding efforts. A setback levee is the least favorable option, as it imposes the greatest harm to the residents, farm land, cultures, future generations, and to the beauty and character of the area. It is unconscionable that a few should bear the burden when other solutions exist that still benefit the whole.

Another alternative, Alternative 2, is the combination of an adjacent levee with seepage berm. This alternative is also unfavorable as it too takes most of the homes, destroys existing habitats, and will create the same aesthetic eyesore as stated above.

With the construction of setback levees and seepage berms come situations for environmental considerations. For example, land sites used to borrow soil to construct seepage berms and/or setback levees will never be returned to their present conditions as contractors will gouge out massive areas of land and carry the soil away to construction sites. Not only will seepage berms and setback levees ravage lands and habitats, and devastate families and their future generations, but the areas surrounding the construction site will also experience, possibly 24-hours a day, substantial impacts including: disruptive noise and destructive land vibrations from construction equipment, high volume of dangerous semi-trucks and trailer traffic through neighborhoods and near schools, roadway damage as a result of increase use and heavy load weights caused by semi-truck traffic hauling routes, incapacitating construction and roadway dust, poor air quality and diesel exhaust as a result of heavy equipment and semi-trucks, long traffic delays along main thoroughfares, and dangerous or inaccessible bike paths and jogging routes.

Another alternative plan, specifically Alternative 3, that may include slope flattening with relief wells and/or slurry walls, is the least intrusive to plant, animal and most importantly, human life. This plan is the only plan to save most of the homes along Reach B. Alternative 3 should be the preferred plan as it preserves peoples' homes. If the intent of the Government is to prevent the greatest private injury while providing public safety, then Alternative 3 must be selected as the preferred plan.

Additionally in support of Alternative 3, along Reach B, there have been NO problems with the levee during high water levels. Improvements were made in 1965 and again as a part of a larger project in 1986. The levee in this section is in good shape and should not require drastic improvements that destroy the landscape and private lives.

For these reasons stated, I request Alternative 3 continue to be studied and included as a preferred alternative.

When solutions to an understood problem are only a difference between technical approaches, those solution having the least private injury, yet still accomplishing the same goal, should be the preference.

Thamarah Rodgers Lacombe

Classification: UNCLASSIFIED
Caveats: NONE

From: [Laurie Melson](#)
To: [southportcomments](#)
Subject: levee improvements
Date: Monday, September 26, 2011 10:11:27 AM

I'm writing this email in an effort to encourage the City of West Sacramento to design a levee improvement that will not affect the rural homes along the South River Road. As a lifelong resident of West Sacramento we would like to preserve this scenic drive along the river and avoid affecting the residents that have homes there currently.

Thank you for your consideration.

Laurie C. Melson

Property Manager

Embarcadero Realty Services LP

1750 Creekside Oaks Drive, Suite 215

Sacramento, California 95833

916.286.4249 direct

916.646.3245 fax

<http://www.ecp-llc.com>

From: [Dick Sestero](#)
To: [southportcomments](#)
Subject: Southport Levee Project
Date: Monday, September 19, 2011 4:11:58 PM
Attachments: [South Levee Plan.pdf](#)

I attended the presentation last week. I would like to know if you can forward me a copy of the schematic drawings which were on the boards in the rear of the room which showed the approximate footprint of the different levee improvement alternatives in the area circled on the attached plan. Thank you.

Richard D. Sestero
Project Manager
Seeno Construction Company
4021 Port Chicago Highway
Concord, CA 94520
Phone: 925-602-7235
Fax: 925-689-5979
Cell: 925-858-7999

Southport Early Implementation Project

What is the Southport Early Implementation Project?

A levee improvement project that will improve nearly six miles of the Sacramento River South Levee.

Why is WSAFCA improving levees in West Sacramento?

- To increase public safety and protect property, our city's number one priority.
- To achieve a minimum 200-year level of flood protection as required by the Central Valley Flood Protection Board.
- To ensure continuing federal and state funding assistance for levee repairs and maintenance.
- To provide recreation and open space elements for the city where practical and compatible with flood protection improvements and operations.

What are the benefits of the Southport Early Implementation Project?

- To increase public safety and protect property.
- Expanded recreational opportunities and open space conservation in West Sacramento; more details will become available as the design process progresses.

What are Early Implementation Projects (EIPs)?

EIPs are projects that accelerate remediation of the most significant levee deficiencies and most quickly reduce exposure to flood risks. WSAFCA selects, designs and builds EIPs that assure state and federal funding and regulatory assistance.

How will the community be affected by the Southport EIP?

- Most West Sacramento community members will not be directly affected by construction or operation of the Southport EIP.
- WSAFCA is currently working with property owners in the Southport area to perform environmental and engineering surveys necessary to evaluate different levee design alternatives.
- Until the most effective levee alternative is formulated, WSAFCA representatives are unable to specifically determine how community members will be inconvenienced during construction.

Southport EIP Project Map

From: [Hogan, Phil - Woodland, CA](#)
To: [southportcomments](#)
Subject: Shape files
Date: Thursday, August 25, 2011 10:01:49 AM

Ms Smith:

I was wondering if I could get the GIS shape files for the study area for the Southport Sacramento River EIP.

Thanks!

PHIL HOGAN, District Conservationist
USDA Natural Resources Conservation Service
221 West Court Street, Suite 1
Woodland, CA 95695
(530) 662-2037 X 111
(530) 662-4876 FAX
phil.hogan@ca.usda.gov

From: [sdaues](#)
To: john.suazo@usace.army.mil; [southportcomments](#)
Subject: Southport River South Levee EIP
Date: Friday, August 26, 2011 8:50:40 AM

Hello Mr. Suazo and Ms. Smith,
I have just finished reviewing the materials at the City website. I didn't see much substance that would allow for any meaningful comment. Will more project details be available at the meetings? I am not sure I can make either one, so I would appreciate access to the info. For example, I was wondering if the project involved looking at more set-back levee options where there is space to do so, possible abandonment of South River Road, and allowances for future river crossings.
I am a resident at 2981 Rubicon Way, which is about 3/4 mile from the levee at Linden Road.
Thanks for your work on this and good luck with the project.

Stephan Daues

From: [Mark Zollo](#)
To: [southportcomments](#)
Subject: Southport Sacramento River EIP
Date: Monday, September 19, 2011 8:52:39 PM

Hello,

Will the Project consider the impact of the various levee design alternatives on West Sacramento's ground water levels and, if there are changes, how those changes may effect the city's large caliper tree canopy?

Thanks!

From: [Rivett, John](#)
To: [southportcomments](#)
Cc: michaelb@cityofwestsacramento.org
Subject: Southport Sacramento River EIP Meeting Comments
Date: Sunday, September 18, 2011 9:48:18 PM

First, I commend West Sacramento's efforts to rebuild and strengthen its levees and mitigate risk for the majority of residents. It appears we're going in the right direction, unlike on the other side of the river, which is beyond our control or jurisdiction. However, a recent article I read left me feeling the levees should have been built long ago—like yesterday!!

The New York Times article *California's Next Nightmare: How a Failing Levee System Could Turn Sacramento into the Next Atlantis* (July 3, 2011) points out how vulnerable we are here. Such triggers for levee failure could come from earthquakes or super storms. Given the erratic weather patterns worldwide over the last several years this should be a major concern for us here. The article didn't even mention global climate change and how water levels are projected to rise.

In the meeting there were several home owners who may be affected by displacement and they questioned the statistical probability of a catastrophic flood, often rather scornfully. After I left the meeting it occurred to me that I should have turned the tables on them and asked if they can guarantee with 100% certainty that a catastrophic flood WILL NOT happen here. We have a history of floods here and we're at a very low elevation. Nobody likes to lose their homes, but how many homes are we looking at saving? I can't imagine it's more than two or three dozen homes on that six mile stretch. America has a long tradition of building in hazardous areas where homes should not have been built. Do we save a few homes and put thousands and thousands of other homes at risk? In this case for public safety, the interests of the greatest number overrule those of a small faction. Besides, if the levees are not rebuilt to appease a small faction, what recourse would the majority have when a catastrophic flood does occur?

Whichever form the project takes, I would like to see more recreational use, like bike paths, and habitat restoration. I also hope the Army Corps of Engineers would abide by the results of their own study and allow trees at the base of levees. The river habitat is equally important.

John Rivett
2527 La Jolla St
West Sacramento, CA 95691
Phone: 916-371-4103

John M. Rivett
Marquette University
2527 La Jolla Street
West Sacramento, CA 95691
Cell: 414-841-4210

From: [Tony Sauer](#)
To: southportcomments; john.suazo@usace.army.mil
Cc: ["tonysauer"](#)
Subject: West Sacramento Levee Wheelchair Access
Date: Friday, August 26, 2011 12:35:34 PM

I own a condo at Riva on the River in West Sacramento. My condo is adjacent to the levee and the proposed improvements. Currently there is no wheelchair access to the levee, and I am writing to be sure this issue will be remedied during the levee improvement construction. There are several others besides myself who happen to live in this complex, and we would greatly appreciate being able to enjoy the river with our friends and family.

As you probably know, Section 503 and 504 of the Federal Rehabilitation Act and Title II of the Americans with Disabilities Act require any project or program with Federal or State funding to accommodate people with disabilities. I assume that you have already addressed the access deficiencies in the required Transition Plans and have plans to place ramps up the new levee. Because the Riva on the River Condos house a large number of residents with disabilities, I hope you place a ramp near or at the complex.

I am happy to offer further thoughts or guidance and can be reached via cell at 530-913-7669.

Onward,

Tony Sauer

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
Phone (916) 776-2290 / FAX (916) 776-2293
Home Page: www.delta.ca.gov



Contra Costa County Board of Supervisors

Sacramento County Board of Supervisors

San Joaquin County Board of Supervisors

Solano County Board of Supervisors

Yolo County Board of Supervisors

Cities of San Joaquin County

Cities of Contra Costa and Solano Counties

Cities of Sacramento and Yolo Counties

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

Business, Transportation and Housing

Department of Food and Agriculture

Natural Resources Agency

State Lands Commission

August 22, 2011

Megan Smith, ICF International
I/C of West Sacramento Area Flood Control Agency
630 K Street, Suite 400
Sacramento, CA 95814

Subject: Southport Sacramento River Early Implementation Project
(SCH#: 2011082069)

Dear Ms. Smith:

The staff of the Delta Protection Commission (Commission) has reviewed the Notice of Preparation (NOP) for the Southport Sacramento River Early Implementation Project draft Environmental Impact Report (EIR) and are providing these advisory comments. Although the project lies outside of the Primary Zone of the Delta, it still has the capability to affect resources of the Delta's Primary Zone environment.

The implementation of flood risk-reduction measures is consistent with the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan); which includes a goal of supporting the improvement, emergency repair, and long-term maintenance of Delta levees and channels. The Management Plan also includes a policy to support programs to make cost-effective levee investments in order to preserve the economy and character of the Delta.

The NOP also mentions that ecosystem restoration and public recreation opportunities would occur through this project. Ecosystem restoration and public recreation projects are generally consistent with goals and policies of the Management Plan, as long as the projects remain compatible with Delta agricultural practices. If the project will have any possible impact on Delta agricultural, these possible impacts and any proposed mitigation measures should be identified in the EIR.

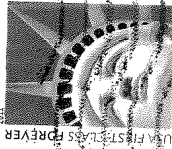
Thank you for the opportunity to provide input. Commission staff looks forward to reviewing the full EIR/EIS. Please contact the Commission office at (916) 776-2290 if you have any questions about the comments provided.

Sincerely,

Michael Machado
Executive Director

cc: State Clearinghouse in the Office of Planning and Research

STATE OF CALIFORNIA
DELTA PROTECTION COMMISSION
14215 River Road
P.O. Box 530
WALNUT GROVE, CA 95690



SACRAMENTO CA 957

22 SEP 2011 PM 4 T

Megan Smith, Project Manager
ICF International
630 K St., Suite 400
Sacramento, CA

9581473331

95814

The Southport Sacramento River Early Implementation Project



Comment Card

Name: Christopher Lacomb Date: 9/20/11

Telephone: 916 375 1952 Email: Chris.Lacomb@yahoo.com

Affiliation: resident of WS Title (if applicable): _____

Street Address: 4444 South River Rd.

City: West Sacramento State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

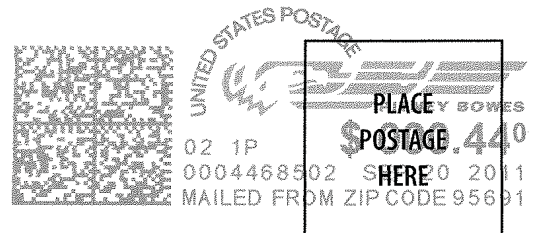
For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

Choose a levee plan that provides 200 year
flood protection that will not remove homes
along the levee no matter the cost, these
residents have lived in this community for many
years and deserve to be protected from having
their homes removed. There are plan's to protect
these homes and City needs to do the slurry
wall.

The Southport Sacramento River Early Implementation Project

PLEASE FOLD ALONG THIS LINE FOR MAILING

West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



The Southport Sacramento River Early Implementation Project

Comment Card



Name: Deeden Kimbrough Date: 9-22-11

Telephone: (916) 371-5453 Email: _____

Affiliation: Home Owner Title (if applicable): _____

Street Address: 1305 Linden Rd.

City: W. Sacto. State: CA. Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

The setback levees will destroy family homes, disrupt animal habitats (already living along the river) and destroy agricultural farms. It saddens me to think the Army Corp of Engineers and the W. Sacto. Area Flood Control Agency could even consider destroying all of these things.

I know that alternative levee improvements can be done without destroying homes & farms. I live on Linden Rd. and believe a slurry wall is being constructed north of my home. A slurry wall through the middle of the existing levee south of Linden Rd. (3ft wide & into the soil 130 feet) isn't impossible, keeping our families & wildlife in their homes. Please consider improving the levees without destroying our beautiful & peaceful country views.

THANK YOU
Deeden Kimbrough

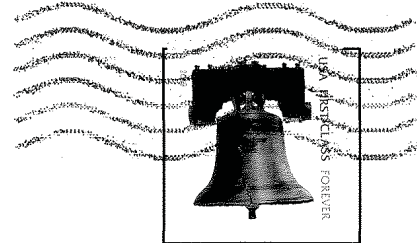
The Southport Sacramento River Early Implementation Project

PLEASE FOLD ALONG THIS LINE FOR MAILING

West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

SACRAMENTO CA 957

22 SEP 2011 PM 5 7



West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

The Southport Sacramento River Early Implementation Project



Comment Card

Name: BRET Culbreth Date: 9/15/11
 Telephone: 916 438 8300 Email: b.culbreth@calswater.com
 Affiliation: condemnee Title (if applicable): _____
 Street Address: 4400 S River Rd.
 City: W. SAC State: _____ Zip: 95601

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

① you have the option to do pure flood control but have other agendas thus unnecessary taking our house

② we will not receive "just compensation" because none would sell their property in the worst market since the great depression if they did not have to



**(The Southport Sacramento River
Early Implementation Project**

.....
PLEASE FOLD ALONG THIS LINE FOR MAILING

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

**PLACE
POSTAGE
HERE**

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

The Southport Sacramento River Early Implementation Project



Comment Card

Name: Kevin Winter Date: 9/15/11

Telephone: 916-681-3634 Email: jwk@icfi.com

Affiliation: son of landowner Title (if applicable): _____

Street Address: 8791 Silverberry Ave.

City: EJK Grove State: CA Zip: 95624

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

Instead of a seepage berm why not build a relief well? You do not have to drill that deep in that sandy soil. If seepage berm comes to close to the property on Davis Road will be useless, so you will need to buy us out. Also those lakes near the Marina are not going to go away. Davis Road can't handle all that heavy construction traffic; it is a two lane road that can fall apart easily.



**The Southport Sacramento River
Early Implementation Project**

.....
PLEASE FOLD ALONG THIS LINE FOR MAILING

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

**PLACE
POSTAGE
HERE**

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

The Southport Sacramento River Early Implementation Project



Comment Card

Name: Rebecca Wall Date: 9/13/11

Telephone: 916 372 4840 Email: RW@SQ1-STUDIO.COM

Affiliation: RESIDENT Title (if applicable): _____

Street Address: 2690 BEVAN RD

City: WEST SACRAMENTO State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

1- Can there be any modifications to the alternative options to save homes?

2- Will this mean W.SAC SIDE WILL BE SAFE FROM BEING PURPOSELY FLOODED TO SAVE SACRAMENTO SIDE? IF NECESSARY

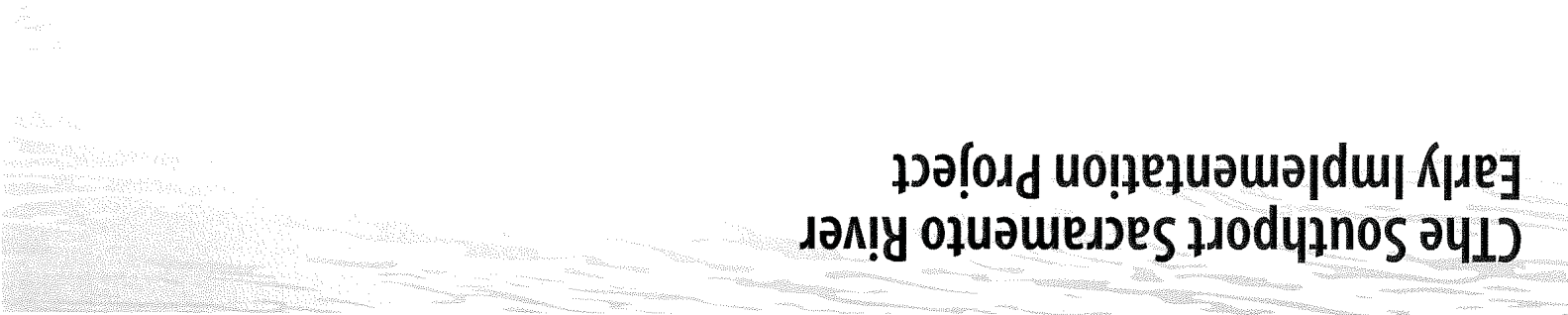
3- WHY WOULD WE NOT DO DREDGING OF THE RIVER (SPLIT COST W SAC SIDE) AS AN ALTERNATIVE OR IN ADDITION TO?

4- IF ARMY CORP HAS WAFFLED ON TREE VEGETATION ^{CRITERIA} GUIDES, WHOSE TO SAY THEY WON'T WAFFLE ON NEW CRITERIA FOR LEVEE DESIGN?

5- WHAT ABOUT EXIT STRATEGIES IF FLOOD DOES HAPPEN?
WE DON'T HAVE GOOD ESCAPE ROUTES WITH LIMITED BRIDGES AND ROADS OUT OF THE CITY?

6- I VOTE FOR SLURRY WALL TO SAVE HOMES.

Thanks!



**The Southport Sacramento River
Early Implementation Project**

PLEASE FOLD ALONG THIS LINE FOR MAILING

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

**PLACE
POSTAGE
HERE**

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

The Southport Sacramento River Early Implementation Project



Comment Card

Name: Terry Annesley Date: 9/15/11
 Telephone: 916/438 8300 Email: tcannesley@calsubro.com
 Affiliation: Victim Title (if applicable): _____
 Street Address: 4400 S. River Rd,
 City: W. Sacto State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

1. Being treated like ignorant fools.
2. No truth in planned option (you know what option is planned)
3. Not given a timeline (always vague "estimates", nothing "firm" yet)
4. Quote from Council member does not agree w/ what "info" is given in meetings.



**(The Southport Sacramento River
Early Implementation Project**

.....
PLEASE FOLD ALONG THIS LINE FOR MAILING

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

**PLACE
POSTAGE
HERE**

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

29

original sent to
John Suazo 9/26/11

Albert W. Rodgers
4440 South River Road
West Sacramento, CA 95691

September 26, 2011

Mr. John Suazo
U.S. Army Corps of Engineers
Sacramento District (CESPK-PD-R)
1325 J Street
Sacramento, CA 95814

Re: Southport Sacramento River Early Implementation Project ("EIP")
West Sacramento, California

I have lived in West Sacramento all of my life, owned a family farming corporation for more than 30 years, and supported development and improvements to the City. I am also in favor of improving the levees in Southport. However, the excessive taking of land and homes is not necessary as proposed by some of the alternatives. Plans exist to fix the levees that do not destroy families and property. Additionally, there are methods being used to fix the levees in other parts of the City that if implemented in Reach B, would save the homes. These are the improvements that can and must be done.

Alternative 3 should be the preferred choice as it saves most of the homes, however, improvements to this plan should further be made in an effort to save the remaining homes.

Current open spaces should be used to establish habitat and to create open spaces for flooding, not land currently occupied by families and homes. It appears "habitat" is more important than "humans".

Reach B has not had problems with its infrastructure EVER - I know as I have lived along this stretch all of my sixty- seven years. Reach B is stable and safe and should not require the most extreme, intrusive, and disruptive improvement plan.

"For the greater good of community" can be achieved while "causing the least private injury".

Respectfully,



Albert W. Rodgers

30

original sent to
John Suazo 9/26/11

Southport Homeowners

Terry Annesley, Vichai Arunyakasem, Cruz and Darlene Charles,
Bret Culbreth, Vachira Homsilpakul, Chris and Thami Lacomb, Kim McDonald,
Paul and Mary Palamidessi, Albert [Buck] and Judi Rodgers,
the Madeline M. Rodgers Trust Estate, Scott S. Rodgers, and Andrew and Cathy Yokoyama

September 26, 2011

Mr. John Suazo
U.S. Army Corps of Engineers
Sacramento District (CESPK-PD-R)
1325 J Street
Sacramento, CA 95814

Re: Southport Sacramento River Early Implementation Project ("EIP")
West Sacramento, California

Dear Mr. Suazo:

We are all homeowners in the Southport area of the City of West Sacramento, California and are writing to comment on the EIP following the scoping meetings held on September 15, 2011.

Here is some information about us.

- We all live on South River Road in Reach B of the proposed EIP. Two of the three proposed alternatives will cause us to lose our homes.
- We all live in West Sacramento and work in West Sacramento or run businesses in West Sacramento and we are fully committed to this community. In fact, Thami and Chris Lacomb's children are the 6th generation of the Rodgers family to live on their land. The Rodgers family has been farming land in Reach B for over 100 years.
- We support the flood control projects generally for the City of West Sacramento and each of us signed right of entry agreements permitting WSAFCA to enter on our property to conduct tests and install testing wells in furtherance of the EIP.


We strongly support Alternative 3 Modified - Segment B, Slope Flattening with Relief Wells ("Alternative 3") for the following reasons:

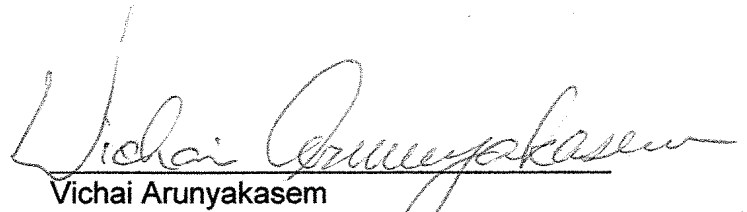
1. Alternative 3 is the only alternative which preserves most (but not all) of the homes along the Sacramento River in Reach B. The other two alternatives will take **every home but one** in this stretch of the river. Each of us is distraught at the thought of losing our home, especially when there is an alternative that will protect them.

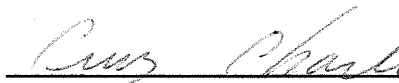
2. We believe Alternative 3 must be studied in the EIR/EIS and that if it is not, the EIR/EIS will be subject to challenge under CEQA. Alternative 3 is the least intrusive alternative, has the least impacts on citizens and results in the least "take" of land and homes. Based on these facts, it should be designated the Preferred Alternative. Further, we understand that Alternative 2 – Segment B, Setback Levee with 250-FT Seepage Berm ("Alternative 2") has been inserted largely to add mitigation land (our land and homes) to the project in a band of land between the new levee and the river in the hope of qualifying for State of California funding. Alternative 2 is not a CEQA alternative; it is nothing but a financing mechanism, at our expense. If only Alternative 2 and Alternative 1- Segment B, Adjacent Levee with 200-FT Seepage Berm ("Alternative 1") are studied in the EIR/EIS, again, we believe that the EIR/EIS will be subject to challenge under CEQA in that (i) the least intrusive alternative has not been included, (ii) Alternatives 1 and 2 fail to adequately mitigate negative impacts and (iii) Alternative 2 is not a true alternative under CEQA, but rather is a device to secure funding at the expense of huge takes of land and homes from West Sacramento citizens.
3. We believe that where there is an alternative that preserves peoples' homes, then government should adopt this alternative, rather than using eminent domain to condemn our homes and land when not absolutely necessary.
4. This is an historic area of West Sacramento and its beauty and appeal add a great deal to our community. The original Silva home, now owned by Terry Annesley and Bret Culbreth, was built in 1906 and is a cultural treasure. West Sacramentans enjoy taking Sunday drives down South River Road and the West Sacramento International Triathlon and the Sacramento Wheelmen follow this route for its country charm. The Walt Gray Charity Ride 2010 and multiple marathons, triathlons and iron man competitions have come down this road. If all the homes are removed from this stretch of the Sacramento River, an important part of West Sacramento culture and history will be lost, as well as the "flavor" and appeal of the South River Road community, to the great detriment of West Sacramento. To put this another way, West Sacramento will lose part of its history if Alternative 3 is not adopted.
5. We understand that there are no engineering barriers to Alternative 3. We have been informed that this alternative may require a slurry wall, similar in depth to that constructed for the I Street Bridge Site or the Rivers Project in the north section of West Sacramento. In fact, the federal Notice of Intent filed in the Federal Register on August 26, 2011, specifically states that the alternatives to be studied include "installing slurry cutoff walls". If the size of the take in Reach B can be reduced by using slurry walls, then we believe this needs to be studied in the EIR/EIS and not dismissed out of hand without consideration.
6. This stretch of the Sacramento River underwent major improvements in 1965 and 1986 and does not have the seepage problems which plague other locations. We understand that there is no critical necessity to do work at this location at this time, except as it has been included with other reaches which do require work.

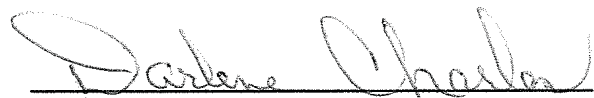
For the reasons stated above, we respectfully request that Alternative 3 continue to be studied, be included as an alternative in the EIR/EIS which the Army Corps of Engineers and WSAFCA will prepare and that it be designated the "Preferred Alternative".


Respectfully submitted,

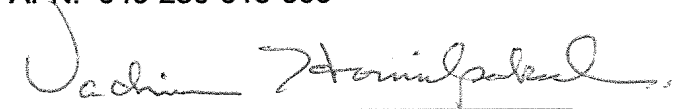

Terry Annesley
4400 South River Road
West Sacramento, CA 95691
APN: 046-230-050-000

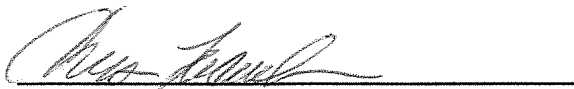

Vichai Arunyakasem
4360 South River Road
West Sacramento, CA 95691
APN: 046-250-011-000


Cruz Charles
4485 South River Road
West Sacramento, CA 95691
APN: 046-230-015-000



Darlene Charles
4485 South River Road
West Sacramento, CA 95691
APN: 046-230-015-000



Bret Culbreth
4400 South River Road
West Sacramento, CA 95691
APN: 046-230-050-000

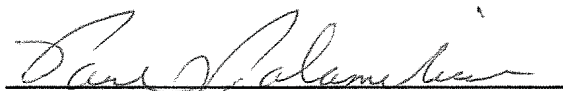

Vachira Homsilpakul
4360 South River Road
West Sacramento, CA 95691
APN: 046-250-011-000


Chris Lacombe
4444 South River Road
West Sacramento, CA 95691
APN: 046-230-057-000

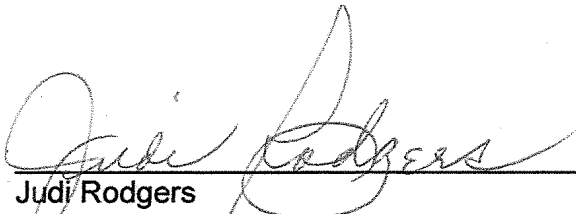

Thami Lacombe
4444 South River Road
West Sacramento, CA 95691
APN: 046-230-057-000


Kim McDonald
4390 South River Road
West Sacramento, CA 95691
APN: 046-230-053-000


Mary Palamidessi
4380 South River Road
West Sacramento, CA 95691
APN: 046-250-013-000


Paul Palamidessi
4380 South River Road
West Sacramento, CA 95691
APN: 046-250-013-000



Albert [Buck] Rodgers
4440 South River Road
West Sacramento, CA 95691
APN: 046-230-056-000



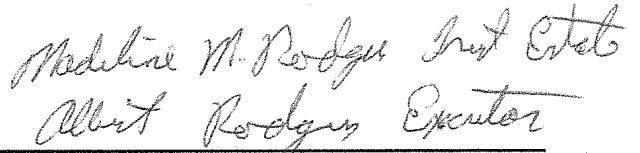
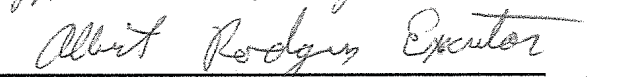
Judi Rodgers
4440 South River Road
West Sacramento, CA 95691
APN: 046-230-056-000



Andrew Yokoyama
4410 South River Road
West Sacramento, CA 95691
APN: 046-230-048-000



Scott S. Rodgers
4370 South River Road
West Sacramento, CA 95691
APN: 046-250-018-000

Madeline M. Rodgers Trust Estate
4440 South River Road
West Sacramento, CA 95691
APN: 046-260-016-000



Cathy Yokoyama
4410 South River Road
West Sacramento, CA 95691
APN: 046-230-048-000

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento

Salzberg Corp

From: [Bennis, David](#)
To: [southportcomments](#)
Subject: Levee improvements
Date: Monday, September 26, 2011 6:16:47 PM

As a West Sacramento home owner and resident my family and I do not support any measures that would not make saving existing homes a priority. The charm of West Sacramento is that there are older large properties so close to the river and downtown. When we want to take a drive/walk it is not to one of our newer neighborhoods, it is along the river road and through the older rural homes. None of our new developments can replace what these families have built and deserve to keep. Taking their homes is nothing but a selfish option that I can not believe the city is considering. We understand the improvements need to be made however not at the cost of displacing anyone....when there are other options. The reality is there would still be plenty of natural habitat around the river and the ideas/excuses for making this a community space are a sales pitch.

We are shocked and amazed by the insensitivity some of our community leaders have displayed by only supporting the belief that "these homes must go". The reality is we all know of other feasible options for this small stretch of the river that would provide the same security from future flooding/ levee breaches.

Using levee improvements as an excuse to take what these families have built over several generations so it can be redistributed to a developer under the guise of "levee improvements" would be a tragedy. Any elected official who does not support these families will lose my future votes.

Ask yourself, what is the right thing to do? If there is an option that does not take from these people something that can not be replaced why would that not be the option you choose?

Any elected official who does not support these families will lose my future votes.

The Bennis Family
916-201-7853

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From: [Kelly Magreevy](#)
To: [southportcomments](#)
Cc: john.suazo@usace.army.mil
Subject: Levee Improvements project
Date: Tuesday, September 27, 2011 6:38:36 AM
Attachments: [image003.png](#)

Hello,

I attended the meeting held on Sept. 15th regarding the levee improvement project for West Sacramento. If I hadn't known the intricate details on this project, I would have been misled regarding the impact on West Sacramento families.

The speaker was very articulate and spoke about what levee improvements would do for West Sacramento: recreation opportunities, preserving vegetation, wildlife, creating more jogging trails along the river, increasing marina access. What wasn't stated during the second meeting was the impact on West Sacramento families, some that have been here for over 100 years. These families that lived along the levies, were going to lose their homes.

As a West Sacramento real estate consultant, resident, and friend of these families I am very concerned. As of today, there are over 300 families currently in default of their mortgage, is scheduled for auction or is bank owned. These do not include residents that have missed mortgage payments and have not yet had a notice of default filed. I work with West Sacramento residents in the short sale market and know of several homeowners in this situation and I am currently helping them in short selling their home.

Current market value for these homes, which I believe the city is going to pay, is not going to be enough for some of these homeowners. We have seen a dramatic decrease in the home values in West Sac. Bridgeway Lakes homes are currently being sold between \$250k-\$450k for the properties on the lake. These homes were once worth \$600k-\$850k. What is going to happen to these homeowners along the levy road when the city pays them off and they still have a mortgage balance AND have to buy another place to live? It isn't as easy as it used to be to secure a home for purchase. To ask these homeowners, that did nothing wrong but play by the rules, to take a low payout for their homes, move their belongings, watch their homes be destroyed, and enter this volatile housing market is WRONG.

The projects that save EVERYONES' home needs to be considered and put in place. West Sacramento has already lost many residents and businesses due to the downturn of the economy. We can't lose our long term residents and they can't lose their homes and land. The army corps of engineers need to implement the option that allows EVERYONE along the River road to stay in their homes.

If you need any further information regarding market trends, analysis of homeowners in West Sac currently in foreclosure, default, etc. Please contact me! Thank you!

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From: [Eric Fredericks](#)
To: [southportcomments](#)
Cc: [Arthur Murray](#)
Subject: Request Extension for Southport Sacramento River Early Implementation Project Comments
Date: Monday, September 26, 2011 4:13:24 PM

Hello,

Caltrans would like to request an extension for comments on the NOP for the Southport Sacramento River Early Implementation Project. We anticipate being able to deliver a comment letter within the next 2-3 days if that is ok.

Thanks for your consideration,

Eric

--

Eric Fredericks
Chief, Office of Transportation Planning - South
Caltrans District 3
Sacramento Area Office
Desk (916) 274-0635
Email: eric_fredericks@dot.ca.gov



September 26, 2011

Mr. John Suazo
 U.S. Army Corps of Engineers, Sacramento District
 Attn: Planning Division (CESPK-PD-R)
 1325 J Street
 Sacramento, CA 95814

Megan Smith, Project Manager
 ICF International
 630 K Street, Ste. 400
 Sacramento, CA 95814

RE: Scoping Comments for EIS/EIR for the Southport Sacramento Early Implementation Project

Dear Mr. Suazo and Ms. Smith,

Thank you for the opportunity to provide scoping comments on WSAFCA's Southport Early Implementation Project. We understand the opportunity and the importance of the proposed levee project and share WSAFCA's interest in protecting and restoring riparian forests along the levees for both habitat and public recreation purposes.

Defenders of Wildlife (Defenders) is a national non-profit organization with a field office in Sacramento, California. Defenders is dedicated to the protection of all native wild animals and plants in their natural communities.

Friends of the River (FOR) was founded in 1973 and is dedicated to the protection, preservation, and restoration of California's rivers, streams, watersheds, and aquatic ecosystems. FOR has been involved in activities to protect and restore the Sacramento and San Joaquin Rivers and their tributaries for more than 30 years.

Our most urgent concern with the Southport Early Implementation Project is the difficult relationship it has with the Army Corps of Engineers' (Corps) Levee Vegetation Policy. We appreciate WSAFCA's obvious interest in retaining vegetation on and near its waterways—and have some understanding of the difficulties it will face attempting to reconcile the two potentially conflicting goals.

We offer these comments to help WSAFCA and the Corps adequately define the appropriate scope of the environmental review required in the EIS/EIR.

Cumulative Impacts Analysis is Required

When the Corps changed its policy to require the removal of vegetation on levees, they did not, per the requirements of NEPA, complete a programmatic EIS to analyze the

environmental implications of changing this policy. A programmatic EIS should have contained an analysis of the cumulative impacts of implementing the new vegetation removal policy nationwide. Cumulative impacts analyses are important because they provide necessary information to understand how a specific project and its impacts fit into a wider environmental picture. Because no programmatic EIS was completed, there is no baseline of environmental information for this project to tier off of and as such, it is impossible to truly and adequately understand the wider environmental implications of this project. Such analysis, by law, was required to have been done in writing in an EIS or at least an EA, but the Corps prepared no such document under NEPA prior to changing its policy on levee vegetation.

Without a programmatic evaluation and a cumulative impacts analysis, the project specific EIS/EIR will be inadequate. At a minimum, the Corps should perform a cumulative impacts analysis to assess the environmental impacts of implementing its vegetation removal policy throughout California. Preferably, the Corps will perform a programmatic EIS to evaluate the cumulative impacts of its policy nationwide. Until such a review has been completed, it is our view that any project specific EIS will be deficient and the required implementation of the vegetation removal policy is illegal.

Corps' Vegetation Removal Policy Cannot be a "Given"

The Corps posted its "Literature Review-Vegetation on Levees" prepared by the Corps' Engineer Research and Development Center on its web site on about July 26, 2011. Among the conclusions were, "Both benefits and risks of converting wooded levees to grass-covered levees, including the engineering feasibility and economic costs of such conversion, have yet to be fully investigated." (Summary, p. 16).

The Corps posted its "Initial Research into the Effects of Woody Vegetation on Levees" prepared by the Corps' Engineer Research and Development Center" on its web site on about September 8, 2011. Among the conclusions of the study was that: "Because of the extreme variability in geology, tree species, climate, and soils, the impact of trees on levees must be analyzed on a case-by-case basis." (Vol. 4, Summary at p. 29). Also, "Results indicated that a tree can increase or decrease the factor of safety with respect to slope stability depending on the location of the tree on the levee." (Id.).

Unless the Corps withdraws its guidance requiring the removal of vegetation including ETL 1110-2-571, an EIS is required to address vegetation removal including possible risks to levees and thus public safety of removal of vegetation from levees as well as other environmental consequences of vegetation removal ranging from loss of essential habitat for endangered species to destruction of the aesthetics of tree-lined rivers. Corps vegetation removal guidance including the concept of "non-compliant vegetation" cannot lawfully be accepted as a "given" because it was adopted in the absence of preparation of an EIS as set forth above.

ESA Consultation is Required

The trees and shrubs on California's levees, including those in the Southport Early Implementation Project, represent the last remaining 5% of riparian habitat left in the state. As such, even small numbers of trees and shrubs are critically important to many threatened and endangered species including Swainson's Hawk, Valley Elderberry Longhorn Beetle, and salmon and steelhead.

Section 7 of the Endangered Species Act requires agencies to consult with the appropriate wildlife agency to ensure that any action it authorizes (such as the removal of vegetation on

levees) is not likely to jeopardize the continued existence of an endangered or threatened species. The Corps failed to initiate and complete consultation with wildlife agencies, the FWS and NMFS as required by the ESA, 16 U.S.C. § 1536(a)(2), prior to requiring the removal of levee vegetation that provides habitat essential to a number of endangered species. The Corps, like all federal agencies, must comply with the regulations promulgated by the FWS and NMFS, 50 C.F.R. §402.03, which provide that “Section 7 [of the ESA] and the requirements of this part apply to all actions in which there is discretionary Federal involvement or control.”

The Corps must undertake Section 7 consultation with FWS and NMFS to determine whether there are impacts to species from the removal of vegetation on levees. Similarly, the project-specific EIS/EIR must evaluate the likely impacts to threatened and endangered species and their habitat from the various project alternatives.

Vegetation on Levees Should be Preserved

California once had vast riparian forests in the great Central Valley along the Sacramento and San Joaquin Rivers, their tributaries and in the Delta. Since the arrival of Europeans and the beginning of modern development including gold mining in the mid-nineteenth century, intensive agricultural and urban development, and enormous population growth, about 95% of the riparian forests have vanished from the Central Valley. There have also been enormous losses of riparian forest in other parts of the State ranging from the Bay Area to Southern California.

For decades the Corps has allowed, encouraged, and in many situations required the maintenance and planting of trees and shrubs on California levees. Because of the loss of about 95% of the riparian forest in California, the trees and shrubs on and within 15 feet of the levees constitute most of the remnant 5% or so of the riparian forest. This surviving remnant of the riparian forest is of critical importance as vital habitat for fish, birds, and animals including endangered species, as well as for shade, scenic beauty, aesthetics, and recreational enjoyment by residents, drivers, boaters, swimmers, fishermen, motorcyclists, bicyclists, joggers, walkers, bird watchers and other recreational users and nature enthusiasts. For example, enjoyment of the scenic beauty afforded by tree-lined rivers is close, affordable, and open to all including those residents of such cities as Sacramento and West Sacramento who would find it difficult or impossible to travel to more distant locations to experience natural outdoor scenic beauty.

It is our collective position that the Corps’ vegetation removal policy should not be implemented and that the vegetation should be allowed to remain on the levees.

Alternatives Analysis

The heart of an EIS is the alternatives analysis. WSAFCA must rigorously explore and objectively evaluate all reasonable alternatives. Preserving existing vegetation on the levees should be a top consideration for each of the alternatives proposed for evaluation. The alternatives analysis should also address whether so-called “non-compliant vegetation” enhances or imperils levee integrity and analyze the environmental consequences of denuding a levee of its trees and shrubs.

Additionally, in instances where retaining levee vegetation is not possible, the EIS/EIR should clearly explain and evaluate various options for mitigating lost vegetation. The alternatives analysis should also seek to answer the following questions: How many trees would be lost in each alternative? What impacts would the loss of habitat cause on birds, animals, and fish? Which of the impacted species are threatened or endangered and what is the best way to mitigate impacts to these species? What are the effects of lost vegetation on property values and the aesthetic and recreational values provided by the levees?

Finally, we propose the addition of a pure “fix in place” alternative. While there is too little information to endorse a specific alternative, we feel that a “fix in place” alternative would provide a necessary book-end to the analysis and yield helpful information on the relative merits of all of the alternatives being considered. The EIS/EIR should thoroughly develop a “fix in place” alternative which would save vegetation except where a site-specific case by case analysis demonstrates the need to remove a particular tree and which would also avoid some of the impacts on aesthetics and private property owners inherent in the other alternatives proposed for analysis. We think a thorough analysis of a “fix in place” alternative will help WSAFCA clearly and thoroughly articulate why whichever alternative is chosen as the preferred alternative is the superior alternative.

Additional Comment on Meeting Notice

While this is not particularly germane to the scoping of the EIS/EIR, we feel compelled to provide a word of caution. On the September 22, 2011, we received a save the date notification for the Southport EIP Environmental Agency-NGO Stakeholders meeting #3. The notice states that Item 2 on the preliminary agenda for Meeting #3 will be: “Presentation of two design alternatives that will go before the WSAFCA Board in December for authorization to proceed in the detailed design process.” We are unsure what “detailed design process” means. If the term “detailed design process” means construction-level (rather than NEPA/CEQA-alternative design level), then please note that none of the NEPA or CEQA processes ranging from scoping, to the draft EIS/EIR and public review and comment stage, or final NEPA and CEQA process have been completed. There are no draft scoping or later stage environmental documents available for review. It seems premature to narrow down the alternatives to only two this early in the process. We believe that at this time there should be a minimum of three or more reasonable alternatives to consider and evaluate, not including the always required no-project alternative.

Again, thank you for the opportunity to provide scoping comments on the Southport Early Implementation Project. We look forward to working with you to provide a robust environmental analysis and to reviewing the draft EIS/EIR.

Sincerely,



Kelly Catlett, J.D.
Defenders of Wildlife



Ronald Stork
Friends of the River

From: [NC](#)
 To: [southportcomments](#); john.suazo@usace.army.mil; kljsv@aol.com; MChase@boutinjones.com; [Heather Vierra](#)
 Subject: Southport Levee Project
 Date: Monday, September 26, 2011 9:18:40 PM

September 26, 2011

West Sacramento Area Flood Control Agency and
 Mr. John Suazo U.S. Army Corps of Engineers

To Whom It May Concern:

This letter addresses the proposal of the Southport Sacramento River Early Implementation Project and how this project will affect the owners of the homes and farm lands within this 6 mile levee area. First and foremost it was stated that all residents east of Jefferson Blvd. in the 6 mile levee area were notified by mail of the project intent. This is not true. Many residents received nothing in the mail and have no knowledge of this project.

The few notices that were mailed out gave very little time for any meaningful fact finding and informational gathering. Additionally the time given to respond with comments was extremely short. Given the fact that the loss of our homes and land are being threatened, more notice and time to evaluate this should certainly be given.

These homes and farmlands are irreplaceable. These are five generation farms and farming families. One home in particular, the old Houglan home at 4400 South River Road was built by one of these farming families in 1904.

Flood control is important. However, there are ways of doing this without taking these homes and important farmlands. Throughout the two meetings and within the few notices that were mailed out references were continually made to "habitat establishment and recreational opportunities" this project would create. Much of the proposed land to be taken from the owners of these properties is to be devoted to these uses. When have recreational pursuits and habitat become more important than fertile farmlands and the families who have toiled for generations to establish these these farms?

The levees along the American River and the levee on the Sacramento County side have been shored up and improved without taking people's homes and property. Why are we being handled differently? Is it because there are so few of us compared to those above mentioned projects? The condos just south of the locks and at the beginning of South River Road are just 80 feet from the very levee we are discussing and they are not being removed, destroyed or threatened. Why? The CHP academy along the levee north of Bryte is not being removed. Why? However, we have been informed to get ready to give up our homes and family farms. This smacks of special treatment and special interests.

We ask that more time is given to the owners of these properties to gather information. We are confident that there are ways to improve these levees without destroying some of the most important parts of West Sacramento's historical farms and homes. Make no mistake, our homes and property will not be taken from us without a fight.

All the following are in complete agreement of this letter:

- 1) Ken and Nancy Conley
4610 South River Road
West Sacramento, CA. 95691
- 2) David Vierra
4610 South River Road
West Sacramento, CA. 95691
- 3) Richard and Karen Vierra
908 Woodlake Lane
Roseville, CA. 95661
- 4) Heather Vierra
2668 Crystal Court
West Sacramento, CA. 95691
- 5) Gary Gaunt
2998 Diane Court
West Sacramento, CA. 95691
- 6) John and Karen Vierra
2515 Davis Road
West Sacramento, CA. 95691

From: [Philip Carson](#)
To: [southportcomments](#)
Subject: SPARING HOMES EVEN WITH LEVEE IMPROVEMENTS IN SOUTHPORT, WEST SAC.
Date: Monday, September 26, 2011 6:58:05 PM

As a relatively new neighbor in the Southport area of West Sacramento, I am concerned about families losing their homes and land to levee improvements. I am not against levee improvements per se as there are several options that the engineers can take that would spare EVERYONE their home. Please take these kinds of options that spare the folks their homes. Indeed, how would you feel if you were in their shoes through no fault of your own, as they are! Do the sensible thing, the reasonable alternative! Set a good example!

Regards,

Philip Carson,

West Sacramento resident

From: [Smith, Megan](#)
To: [southportcomments](#)
Subject: FW: Southport Sacramento River EIP (UNCLASSIFIED)
Date: Tuesday, September 27, 2011 8:51:32 AM
Attachments: [Southport Sac River EIP.pdf](#)
[OLD WSLIP NOI ltr.pdf](#)

-----Original Message-----

From: Suazo, John SPK [<mailto:John.Suazo@usace.army.mil>]
Sent: Tuesday, 27 September 2011 7:45 AM
To: Smith, Megan
Subject: FW: Southport Sacramento River EIP (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

-----Original Message-----

From: Kelly.ThomasP@epamail.epa.gov [<mailto:Kelly.ThomasP@epamail.epa.gov>]
Sent: Monday, September 26, 2011 5:06 PM
To: Suazo, John SPK
Subject: Southport Sacramento River EIP

John,

Here's our comments on the NOI. The second letter (our comments on the earlier NOI) is an enclosure for the first letter. Feel free to give me a call if you have questions.

Tom Kelly
Environmental Review Office (CED-2)
U.S. EPA
75 Hawthorne St.
San Francisco, Ca 94105

Phone: (415) 972-3856

Classification: UNCLASSIFIED
Caveats: NONE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 26, 2011

Mr. John Suazo
U.S. Army Corps of Engineers
Sacramento District,
Attn: Planning Division (CESPK-PD-R)
1325 J Street, Sacramento, CA 95814

Subject: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)/Draft Environmental Impact Report on the Section 408 Permission for the Southport Sacramento River Early Implementation Project (EIP), Yolo County California

Dear Mr. Suazo:

The U.S. Environmental Protection Agency (EPA) is providing comments on the Federal Register Notice published August 26, 2011 requesting comments on the subject action. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

We participated as a cooperating agency on the West Sacramento Levee Improvement Program (WSLIP), California Highway Patrol Academy and the Rivers Early Implementation Projects (EIPs). EPA appreciates the Corps cooperation on the previous project and encourages review of our comment letters on Highway Patrol and Rivers EIPs. We provide the following comments as a supplement to our earlier Notice of Intent comments, which we have enclosed with this letter.

Existing Conditions

The DEIS should clearly describe the existing conditions of the Southport Sacramento River levees. The DEIS should include the age, design elements, construction techniques, underlying geologic strata and other readily obtainable relevant information about the current levees. The DEIS should also include specific information on existing land use, the number and type of structures (both existing and if appropriate planned structures) to be protected by the levees, flood control practices, biological resources (e.g., threatened and endangered species, wetlands and riparian areas, sensitive or unique resources).

Alternatives Analysis

The DEIS should include a thorough analysis of setback levees. An estimated 95% of riparian habitat has been lost along the Sacramento River due to wood harvest, flood control, conversion to agriculture, and urban development. Setback levees offer an opportunity to restore habitat. While setback levees are not possible at many locations around West Sacramento, the Southport Sacramento Levee EIP does present this opportunity. Additionally, levees built along the edge of California rivers often overlie material that may be inappropriate for levee construction, such as

alluvial deposits. The expense of retrofitting poorly constructed and poorly located levees to meet federal and state standards may improve the financial viability of setback levees.

Addressing Residual Flood Risk

As recommended by the National Association of Flood Plain Managers, the design of levees should include improved methods of providing resiliency. Specifically, fail-resistant spillways built into levees so that when the levee design is exceeded, excess flow spills through that area, preventing catastrophic overtopping or failure of the structure.

The National Association of Flood Plain Managers also recommend communication of the residual risk behind levees on a regular basis. The communication should be an explicit component of all aspects of proposed and current levee activities. It should include notification to all property owners of the risk (e.g. notice in annual water bill, tax bill, or notice in the property deed) along with other measures such as posting signs in all land areas at risk behind the levees. All communication should clearly describe the level of protection provided by levees, that the levees may fail or be overtopped, and that the area is a floodplain, with indications of the depth of flooding when the levee fails or is overtopped. Communication to the property owners should also provide clear information on their role if an evacuation is ordered.

As recommended by the Corps, the National Association of Flood Plain Managers, and the National Association of Flood and Stormwater Agencies¹, “residual risk areas behind levees should be mapped and the purchase of flood insurance required for structures in that area.”

Cumulative Impacts

Levee projects often induce growth such as housing development. The DEIS should describe the reasonably foreseeable future land use changes and the associated impacts that will result from the additional flood protection. The document should provide an estimate of the amount of growth and the likely location.

Borrow Sources

The DEIS should describe the source for borrow material and the certification process for assuring the material is free of contaminants. Should this project occur after the Corps’ Sacramento River Deep Water Ship Channel Project, we suggest consideration of the channel’s dredged material for levee construction.

Health Impacts

In addition to the environmental health risks posed by the project, EPA encourages the Corps and project proponent to remain focused on seeking recreation opportunities for local residents. As recommended in the recent National Academy of Sciences study², the DEIS should include a description of relevant baseline health conditions for the community as well as an analysis of the project’s impacts.

¹ See <http://www.nfrmp.us/docs/FinalASFPM-NAFSMAJoinSummittRecc.pdf>

² Improving Health in the United States: The Role of Health Impact Assessment, September 2011, National Research Council of the National Academy of Sciences (Note: Appendix F summarizes Analysis of Health Effects under the National Environmental Policy Act.)

We appreciate the opportunity to review this Notice of Intent. When the DEIS is released for public review, please send one hard copy and one electronic copy to the address above (mail code: CED-2). If you have questions, please contact me at (415) 972-3856 or kelly.thomasp@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Tom Kelly". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tom Kelly
Environmental Review Office
Communities and Ecosystems Division

cc: Megan Smith, ICF International
Central Valley Flood Protection Board, Sacramento
Central Valley Regional Water Quality Control Board, Rancho Cordova
Federal Emergency Management Agency, San Francisco
U.S. Fish and Wildlife Service, Sacramento
National Marine Fisheries Service, Santa Rosa



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

February 26, 2009

Mr. Brian Buttazoni
U.S. Army Corps of Engineers
Sacramento District
Attn: Planning Division (CESPK-PD-RA)
1325 J Street
Sacramento, CA 95814-2922

Subject: Scoping Comments for 408 Permission to the Central Valley Flood Protection Board and 404 Permit to the West Sacramento Area Flood Control Agency for the West Sacramento Levee Improvements Program, Yolo and Solano Counties, California

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published January 27, 2009 requesting comments on the U.S. Army Corps of Engineers (COE) decision to prepare a programmatic and project-specific Draft Environmental Impact Statement (DEIS) for the above action. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The COE will consider granting both 408 permission to the Central Valley Flood Protection Board (CVFPB) and a 404 permit to the West Sacramento Area Flood Control Agency (WSAFCA) for their proposed West Sacramento Levee Improvements Program (WSLIP). The WSLIP would address identified levee deficiencies in order to provide a 200-year level of flood protection for the entire City of West Sacramento by improving 50 miles of levees that protect it. Recreational and open space elements that are compatible with flood improvement actions are included in the program. Three sites - CHP Academy Site, The Rivers Site, Sac Bank Extension Site - would be analyzed at a project-specific level in this DEIS.

EPA acknowledges the need for reliable flood protection for the highly urbanized West Sacramento area. We remain concerned with the residual flood risk to development in a deep floodplain protected by levees. We recommend implementing a flood safety plan, if not already in place, as part of the effort to reduce flood risks and prior to approval of additional major development. We also recommend the DEIS describe how WSAFCA and its members will ensure development does not compromise the flood-damage-and-risk-reduction achievements of the WSLIP nor constrain effective flood protection management.

We recommend the DEIS include a clear description of past, present, and proposed West Sacramento flood protection and development projects in order to place the proposed WSLIP within the context of regional land use planning and floodplain and flood control management.

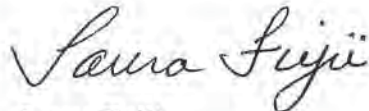
At a minimum, describe the interplay, if any, between the WSLIP and the Sacramento River Bank Protection Project, American River Water Forum Agreement, and flood control and restoration projects on the Sacramento River (e.g. Yolo Bypass, Natomas Levee Improvement Project).

We are also concerned that potential climate change may alter the intensity, timing, and volume of storm and rain events, posing additional challenges in providing reliable flood protection for the area. Other EPA concerns include effects on water quality, changes in channel alignment and hydraulics, air quality, effects on riparian and oak habitat, and potential effects on anadromous fish and other sensitive species.

It is our understanding that the methods for determining flood risk, appropriate flood protection levels, and management of levee vegetation, have been evolving over the years. The DEIS should provide a detailed description of the current Federal Emergency Management Agency (FEMA) floodplain management and insurance regulations, the FEMA and COE flood risk assessment for the West Sacramento area, and COE levee vegetation management policies.

We appreciate the opportunity to review this NOI. Detailed general scoping comments are enclosed for your information. When the DEIS is released for public review, please send one hard copy and one CD to the address above (mail code: CED-2). If you have questions, please contact me at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,



Laura Fujii
Environmental Review Office
Communities and Ecosystems Division

Enclosure: Detailed Comments

cc: Central Valley Flood Protection Board, Sacramento
Michael Bessette, West Sacramento Area Flood Control Agency
John Powderly, City of West Sacramento
Central Valley Regional Water Quality Control Board, Rancho Cordova
Federal Emergency Management Agency, San Francisco
U.S. Fish and Wildlife Service, Sacramento
National Marine Fisheries Service, Santa Rosa

EPA DETAILED SCOPING COMMENTS FOR 408 PERMISSION TO THE CENTRAL VALLEY FLOOD PROTECTION BOARD AND 404 PERMIT TO THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY FOR THE WEST SACRAMENTO LEVEE IMPROVEMENTS PROGRAM, YOLO AND SOLANO COUNTIES, CALIFORNIA, FEBRUARY 26, 2009.

National Environmental Policy Act

EPA recommends the Draft Environmental Impact Statement (DEIS) include a clear description of the basic project purpose and need, project alternatives, potential impacts to the environment, and mitigation for these impacts. Particular attention should focus on an evaluation of the environmental impacts of the proposal and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options for the decision maker and the public (40 CFR 1502.14). In addition, NEPA requires evaluation of indirect and cumulative effects which are caused by the action (40 CFR 1508.8(b) and 1508.7).

Existing Conditions

The DEIS should clearly describe the existing conditions of the levees for the City of West Sacramento. Include specific information on existing land use, flood control practices, biological resources (e.g., threatened and endangered species, wetlands and riparian areas, sensitive or unique resources), and unresolved erosion management and flood protection issues and needs.

Alternatives Analysis

We recommend consideration of ideas provided by the public and of reasonable alternatives not within the jurisdiction of the lead agency (40 CFR Section 1502.14(c)). There should be a clear discussion of how each alternative was developed and the reasons for the elimination of alternatives not evaluated in detail. We recommend developing a range of alternatives which bracket any potential bank protection and levee setback alternatives.

Cumulative Impacts

The DEIS should include a section evaluating potential cumulative impacts of all direct, indirect, and reasonably foreseeable future projects. This section should describe the process used to evaluate cumulative effects. Of specific interest would be potential cumulative impacts to special aquatic sites, air quality, water quality, water supply, anadromous fish, and threatened, endangered and sensitive species and their habitat. For instance, describe how the proposed levee improvements will affect other projects on the Sacramento River, Yolo Bypass, and Deep Water Ship Channel.

Water Quality

1. The DEIS should briefly discuss how the proposed levee improvements program will comply with State and local water quality management plans and State-adopted, EPA-approved water quality standards. Provide information on how the project will assure compliance with the State nonpoint source pollution program. EPA recommends that the project proponents fully coordinate with the appropriate Regional Water Quality Control Board to ensure protection of water quality and maintenance of beneficial uses.

2. In addition, the DEIS should fully disclose potential beneficial and/or adverse impacts to water quality, wetlands, and aquatic ecosystems. The discussion should include an evaluation of potential impacts on existing fisheries, especially the threatened and endangered Chinook salmon.

Include information on:

- The potential of the proposed project to cause beneficial and/or adverse aquatic impacts such as increased siltation and turbidity; changes in the direction of stream flow, substrate, dissolved oxygen, and temperature; and habitat deterioration.
- Critical fish habitat, especially spawning and rearing areas; and other sensitive aquatic sites such as wetlands. Outline past and potential beneficial uses of these areas, and disclose potential impacts from the proposed levee improvement activities.

3. Discuss specific monitoring programs that will be implemented before and after proposed levee improvement actions to determine potential impacts on water quality and beneficial uses, and whether maintenance and protection of water quality is being guaranteed.

Wetlands: Section 404 Comments

We recommend that the DEIS include a separate section addressing compliance with Section 404 of the Clean Water Act and potential impacts to special aquatic sites (e.g., wetlands, open water, marshes, riparian woodlands). This section should identify Section 404 Clean Water Act requirements, underlying assumptions and conclusions, and management and mitigation proposals to ensure compliance with these requirements.

EPA will review the proposed action for compliance with the Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230) [hereafter referred to as the Guidelines], promulgated pursuant to Section 404(b)(1) of the Clean Water Act (CWA). To comply with the Guidelines, the proposed actions must meet all of the following criteria:

- There is no practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem (40 CFR 230.10(a)).
- The proposed action does not violate State water quality standards, toxic effluent standards, or jeopardize the continued existence of federally listed species or their critical habitat (40 CFR 230.10(b)).
- The proposed action will not cause or contribute to significant degradation of waters of the United States, including wetlands (40 CFR 230.10(c)). Significant degradation includes loss of fish and wildlife habitat, including cumulative losses.
- All appropriate and practicable steps are taken to minimize adverse impacts on the aquatic ecosystem (i.e., mitigation) (40 CFR 230.10(d)). This includes incorporation of all appropriate and practicable compensation measures for unavoidable losses to waters of the United States, including wetlands. The DEIS should fully address the feasibility of "in-kind" habitat mitigation measures.

Mitigation

We recommend that the DEIS provide a clear and detailed description of proposed avoidance, minimization, and compensatory mitigation measures. Mitigation ratios for specific habitat types should be based upon science and recommendations from the U.S. Fish and Wildlife Service or National Marine Fisheries Service. Furthermore, the same mitigation ratios should be used for all alternatives.

Climate Change

The potential for climate change is now considered a significant possibility. Current research estimates that climate change could change the amount, timing, and intensity of rain and storm events. A significant change in the weather patterns of our region could have significant implications for water management and flood control facilities. We recommend that the DEIS include a chapter on climate change and its potential implications for flood control along the Sacramento River. For example, describe and address projected climate change effects--sea level rise, frequency of high intensity storms, amplified rain events--that could affect the Sacramento River levees and the timing or quantity of water requiring drainage to ensure an adequate level of flood protection for the City of West Sacramento.

Air Quality

The DEIS should provide a discussion of air quality standards, ambient conditions, and potential air quality impacts for the West Sacramento Levee Improvements Program. Describe the proposed construction activities and their impacts on air quality. Cumulative and indirect impacts should be fully evaluated.

Federal agencies are required by the Clean Air Act to assure that actions conform to an approved air quality implementation plan. If the proposed project area is in a nonattainment area, the COE may need to demonstrate compliance with conformity requirements of the Clean Air Act [Section 176(c)]. General Conformity Regulations can be found in 40 CFR Parts 51 and 93 (58 Federal Register, page 63214, November 30, 1993). These regulations should be examined for applicability to the proposed project.

Species Viability

The DEIS should describe measures that will be taken to protect critical wildlife habitat from potential adverse effects of the proposed levee improvement activities. The feasibility of proposed mitigation measures should be fully demonstrated.

Funding and Administration

The DEIS should provide full disclosure and discussion of funding, implementation, enforcement, and monitoring commitments, assurances, and mechanisms for the levee improvement proposal. Include a description of the current State/Federal cost-share policies. If this information (e.g., funding agreements) has been relegated to the appendices, we recommend it be summarized in the main body of the DEIS.

Environmental Justice

In keeping with Executive Order 12898, **Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (E.O. 12898), the DEIS should describe the measures taken by the COE to: 1) fully analyze the environmental effects of the proposed Federal action on minority communities, e.g. Indian Tribes, and low-income populations, and 2) present opportunities for affected communities to provide input into the NEPA process. The intent and requirements of E.O. 12898 are clearly illustrated in the President's February 11, 1994 Memorandum for the Heads of all Departments and Agencies, attached.

General Comments

1. The DEIS should describe the source for borrow material and the certification process for assuring the material is free of contaminants. Of concern is the potential for borrow material to be obtained from the Port of Sacramento dredge tailing disposal areas or other sources which may contain contaminated soils.

2. If references to previous documents are used, the DEIS should provide a summary of critical issues, assumptions and decisions complete enough to stand alone without depending upon continued referencing of the other documents.

Sun Capital, LLC
75 Malaga Cove, Suite 14
Palos Verdes Estates, CA 90274
Direct: 310-809-8898
E-mail: michaelsoffice@gmail.com

September 26, 2011

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

John Suazo
U.S. Army Corps of Engineers, Sacramento District
Attn: Planning Division (CESPK-PD-R) 1325 J Street
Sacramento, CA 95814

Re: Southport Sacramento River Early Implementation Project

Dear Megan Smith & John Suazo,

We own approximately 400 acres of the River Park project within West Sacramento. The majority of the project is within the Study Area of the Southport Sacramento River Early Implementation Project. The River Park project is a master planned community consisting of a variety of land uses including 2,280 Residential Units, Commercial, Marina, School and a Regional Park. The project is entitled, has vested rights and a signed development agreement.

We support an alternative bringing the levee up to State and Federal Standards which has the least impact to the future development of our project.

Please add us to the distribution list for the EIR and any other relevant correspondence.

Sincerely,



Michael Smith
Project Coordinator

39PamelaGould_FW Phone communication logged for case 18780_092611.txt

From: Armer, Laurel
Sent: Tuesday, September 27, 2011 4:21 PM
To: Rivasplata, Robert
Cc: Smith, Megan; Rogers, Jennifer
Subject: FW: Phone communication logged for case 18780

Hi Robert,

Could you save, label and add this comment to the NOP scoping index?

Thank you!
Laurel

-----Original Message-----

From: Powderly, John [mailto:johnp@cityofwestsacramento.org]
Sent: Tuesday, September 27, 2011 4:18 PM
To: Elliott, Christopher; Matson, Tanya; Smith, Megan; Martin, Sara; Armer, Laurel; Rogers, Jennifer
Cc: Suazo, John SPK; Shpak, Dave
Subject: FW: Phone communication logged for case 18780

FYI - scoping-esque comments.

-----Original Message-----

From: daves@cityofwestsacramento.org [mailto:daves@cityofwestsacramento.org]
Sent: Monday, September 26, 2011 6:32 PM
To: Shpak, Dave; Hansen, Peter; Powderly, John
Subject: Phone communication logged for case 18780

I talked with Ms. Gould this evening. Her concerns fall into three categories: (1) Present experiences, (2) Motor vehicle behaviors, (3) Input to the evaluation of levee improvements.

1. Present experiences include:

- Trespassers across her property going to/from the Clarksburg Branch Line Trail, including quadrunners, walkers, joggers, hikers.
- Kids throwing rocks down from the trail to the roadway, shooting from the trail across the roadway, groups of strange men hanging around on the trail.
- They are reluctant to call the Police to report problems.

2. Motor vehicle behaviors include:

- Excess speed and poor navigation by motor vehicle operators at the transition curve between Gregory and South River Road.
- Increasing truck and commute traffic on South River Road to Gregory.
- Concerns about motorcycle hazards caused by debris on the transition curve.

3. Input to the evaluation of levee improvements

- Will South River Road be on the new levee, abandoned or re-routed?
- Consider a staging facility for trail users in conjunction with levee improvements to discourage trespass across her property.

John, please convey her comments about present circumstances and input on levee consideration to the ICF team. I will convey the same content to HDR. This will close out the levee component of the inquiry, so I will transfer primary ownership back to Peter. Peter, please follow up on the motor vehicle concerns and communicate your findings with Ms. Gould. Many thanks. - Dave

For more information, click

<https://clients.comcate.com/reps/caseDetail.php?ag=103&id=401771>

DEPARTMENT OF TRANSPORTATION

DISTRICT 3—SACRAMENTO AREA OFFICE

2379 GATEWAY OAKS DRIVE, SUITE 150

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September 28, 2011

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03-YOL-84 PM 15.8

Southport Sacramento River Early Implementation Project

Notice of Preparation Environmental Impact Statement/Environmental Impact Report

Megan Smith, Project Manager

ICF International

630 K Street, Suite 400

Sacramento, CA 95814

Dear Ms. Smith,

Thank you for the opportunity to review and comment on the Notice of Preparation for the Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) for the Southport Sacramento River Early Implementation Project. The proposed project will implement flood risk-reduction measures at the proposed project site which spans the west bank of the Sacramento River beginning south of Barge Canal near the intersection of State Route (SR) 84 and South River Road to downstream approximately 6.4 miles to the South Cross Levee near the intersection of SR 84 and South Levee Access Road. The South Cross levee is to protect the Southport community from the threat of flooding. The United States Army Corps is the Federal lead agency under the National Environmental Policy Act. The West Sacramento Area Flood Control Agency is the lead agency under the California Environmental Quality Act. Our comments are as follows:

- Caltrans requests project proponents prepare a Traffic Management Plan (TMP) for the movement of materials to and from the project site during construction of the project as part of the Draft EIR. The TMP should include a schedule of material deliveries and proposed routes. Caltrans recommends that trucks avoid the use of State facilities during peak commute hours. The TMP should be circulated to Caltrans and shared with all potentially impacted jurisdictions.

Ms. Megan Smith
September 28, 2011
Page 2

- If any project related work will take place in the State Highway System's right of way, then a Caltrans encroachment permit would be required.

Please provide our office with copies of any further actions regarding this development. If you have any questions regarding these comments please contact Arthur Murray, Yolo County Inter-Governmental Review Coordinator, at (916) 274-0616.

Sincerely,



ERIC FREDERICKS, Chief
Office of Transportation Planning - South

From: [Arthur Murray](#)
To: [southportcomments](#); [Smith, Megan](#)
Cc: [Eric Fredericks](#)
Subject: Southport Sacramento River Early Implementation Project Contact
Date: Wednesday, September 28, 2011 10:53:49 AM
Attachments: [0311YOL0027 Southport SREI-project comments-nobc.pdf](#)

Dear Megan Smith/Southport Sacramento River Early Implementation Project Contact,

Thank you for the opportunity to review the Notice of Preparation (NOP) for the Southport Sacramento River Early Implementation Project Notice of Preparation of Environmental Impact Report (EIR) / Environmental Impact Study (EIS) SCH# 201182069.

Attached is a copy of our comment letter and the signed original has been mailed to your office. Please do not hesitate to contact me, Yolo County Inter-Governmental Review Coordinator at (916) 274-0616, for any questions in regards to this review.

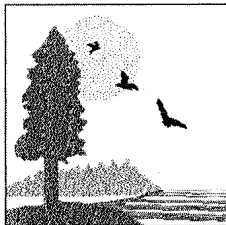
Thanks and good day,

ARTHUR MURRAY
Desk: (916) 274-0616
Fax: (916) 274-0602

Caltrans - District 3
Division of Planning and Local Assistance
Office of Transportation Planning-South
2379 Gateway Oaks Drive Ste. 150
Sacramento, CA 95833
(See attached file: 0311YOL0027 Southport SREI-project comments-nobc.pdf)

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



CURTIS L. FOSSUM, Executive Officer

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California Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

Contact FAX: (916) 574-1885

September 26, 2011

File Ref: SCH # 2011082069

Megan Smith, ICF International
I/C of West Sacramento Area Flood Control Agency
630 K Street, Suite 400
Sacramento, CA 95814

Subject: Notice of Preparation (NOP) for an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Southport Sacramento River Early Implementation Project (EIP), Yolo County

Dear Ms. Smith:

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for an EIS/EIR for the Southport Sacramento River EIP (Project), which is being prepared by the West Sacramento Area Flood Control Agency (WSAFCA) and the U.S. Army Corps of Engineers (USACE). WSAFCA, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), and the USACE, as the primary federal permitting agency, is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The CSLC will act as a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat

preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Flood protection measures to be considered in the EIS/EIR appear to include the possibility of work waterward of the ordinary high water mark of the Sacramento River, which is State-owned sovereign land under the jurisdiction of the CSLC. A lease and formal authorization for the use of sovereign land will be required from the CSLC for any portion of the project encroaching on State-owned lands.

The CSLC supports siting projects consistent with the Public Trust, such as public safety, ecosystem recreation and recreation, on State lands; however, the CSLC is also responsible for ensuring that such projects avoid or minimize impacts to other Public Trust resources and uses including but not limited to navigation and public access. In the interest of all Public Trust values of the sovereign land at the Sacramento River, CSLC staff offers the following comments and will continue to participate in the development of the EIS/EIR.

Project Description

As described in the NOP, WSAFCA proposes to implement flood risk-reduction measures on the uplands and along the west bank of the Sacramento River in West Sacramento. The Project would meet WSAFCA's objectives as follows:

- Bring the levee up to standard with Federal and State flood protection criteria; and
- Provide opportunities for ecosystem restoration and public recreation.

CSLC staff understands that the Project could include some or all of the following components:

- Slope flattening of the existing levee;
- Use of seepage berms and/or stability berms on the land side of the levee,
- Rock slope protection on the water side of the levee;
- Setback levees and/or adjacent levees located landward of the existing levee;
- Relief wells; and
- Slurry cut-off wells.

Secondary activities that support these primary Project components could include:

- Use of neighboring roadways for project ingress and egress;
- Creation of temporary access roads;

- Construction of new roadways, including elevated spans;
- Resurfacing and/or relocation of existing roadways;
- Extraction of soil from identified borrow sites;
- Disposal of excess soil at identified disposal sites; and
- Relocation of public utilities.

Environmental Review

CSLC staff requests that the following be considered in the preparation of the EIS/EIR:

Project Description

1. From the NOP, it appears that the EIS/EIR will analyze a variety of flood control methods, some or all of which would be integrated into the Project's final design. A thorough and complete Project Description should be included in the EIS/EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives for all of the methods under consideration. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material borrow or disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the need for subsequent environmental analysis.

Biological Resources

2. **Sensitive Species**: WSAFCA should conduct queries of the California Department of Fish and Game's (DFG) California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. Additionally, WSAFCA should consult early in the process with appropriate staff at DFG to identify species of concern. For example, the Sacramento River is known to provide habitat for delta smelt, Chinook Salmon, and steelhead, all of which are listed under the State and/or Federal Endangered Species Acts. These species could be impacted by loss of habitat or habitat complexity, increased siltation, or stranding during the installation or removal of cofferdams. The loss of natural, shaded streamside habitat for fish that contains riffles, natural woody debris, and other complex features due to the placement of rip rap or other unnatural bank stabilization should be evaluated and minimization or mitigation measures developed. The State-listed Swainson's hawk is also known to nest along the River, and if present in the Project area, could be impacted by tree removal and construction-related disturbance. The EIS/EIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify feasible

mitigation measures, such as restricting work during certain time periods, establishing buffers, and restoring or compensating for lost habitat.

3. Invasive Species: One of the major stressors in Sacramento-San Joaquin Delta system (Delta) is introduced species. Therefore, the EIS/EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via hull biofouling, wherein marine and aquatic organism attach to and accumulate on the hull and other submerged parts of a vessel. If the analysis in the EIS/EIR finds potentially significant AIS impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring a certain degree of hull-cleaning from contractors. The DFG's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <http://www.dfg.ca.gov/invasives/>).

In addition, in light of the recent decline of native pelagic organisms and in order to protect at-risk fish species, the EIS/EIR should examine if any elements of the Project (e.g., changes in bankside vegetative cover) would favor non-native fisheries within the Delta.

4. Construction Noise: The EIS/EIR should also evaluate noise and vibration impacts on fish and birds from construction, restoration or flood control activities in the water, on the levees, and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by DFG, USFWS, and the National Oceanographic and Atmospheric Administration's Fisheries Service (NOAA Fisheries). Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

Climate Change

5. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by section 15064.4 of the State CEQA Guidelines¹ should be included in the EIS/EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce or minimize them. The analysis should pay particular attention to the possibility of cumulative impacts of GHG emissions.

¹ The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Cultural Resources

- 6. Submerged Resources: The EIS/EIR should evaluate the possibility of submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database, available at <http://shipwrecks.slc.ca.gov>, that can assist with this analysis. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant.
- 7. Title to Resources: The EIS/EIR should mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. Mitigation measures should be developed to address any submerged cultural resources that may be affected by the proposed Project and any unanticipated discoveries during the Project's construction. CSLC staff would like to review the proposed mitigation measures and requests that WSAFCA consult with CSLC staff, should any cultural resources be discovered during construction of the proposed Project.

Hydrology and Water Quality

- 8. Dredging and Construction Disturbance: WSAFCA should disclose and analyze the Project's potential to adversely affect water quality. Such impacts are likely to include increased turbidity and sedimentation from dredging, fill, and other in-water construction work, and potential pollution from worksite spills or mobilization of pollutants from the dredged soils. For any effects found to be potentially significant, the EIS/EIR should identify feasible mitigation measures, such as use of turbidity curtains, which would avoid or lessen such effects.

Recreation

- 9. Public Access: As public access and recreation on State lands are key concerns of the Public Trust, CSLC staff requests that the EIS/EIR analyze the Project's short-term and long-term impacts on recreation resources, both during construction and for the life of the Project. Any significant impacts will require mitigation measures that either minimize or reduce the impacts or otherwise compensate visitors.

Mitigation Measures

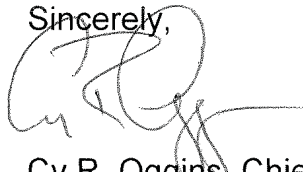
- 10. Adequate Mitigation: To avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which

may be accomplished in more than one specified way" (State CEQA Guidelines § 15126.4, subd. (b)).

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and potentially responsible agency, the CSLC will need to rely on the Final EIS/EIR for the issuance of any new lease as specified above and, therefore, we request that you consider our comments during preparation of the EIS/EIR. Please send additional information on the Project to the CSLC staff listed below as plans become finalized.

Please send copies of future Project-related documents or refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at sarah.sugar@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869, or via email at ninette.lee@slc.ca.gov

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Ninette Lee, LMD, CSLC
Sarah Sugar, DEPM, CSLC



CALIFORNIA STATE LANDS COMMISSION
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825-8202

09/26/2011

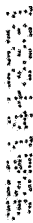
US POSTAGE

\$00.44⁰



ZIP 95825
 041L1209610

Megan Smith, ICF International
 I/C of West Sacramento Area Flood Control
 Agency
 630 K Street, Suite 400
 Sacramento, CA 95814



The Southport Sacramento River Early Implementation Project



Comment Card

Name: Kim McDonald Date: Sept 23, 2011

Telephone: 916-373-1644 Email: _____

Affiliation: Landowner Title (if applicable): _____

Street Address: 4390 S River Rd

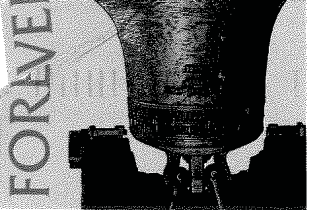
City: West Sacramento State: Ca Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

Your goal seems to be to complete this project as fast as possible with as much money as you can possibly get from government funding, I would rather it be the best long term plan. You seem to want people to feel it is 100% safe to live in a flood plane, elevation is the only safe way to go. Removing dirt from nearby to build an earthen dam makes that land unusable and creates future seepage problems. The new levee is basically an earthen dam made in a seismically active area, not a good idea. Our levees were improved within the last twenty years and already they're deemed deficient, will history repeat itself? Instead of once again rebuilding the levees, why not invest in reducing the flow of the river during rainy season. Rain water used to sit on open ground for days until it found its way into the groundwater system. Now ~~the~~ neighborhoods stand on that ground and the water is pumped immediately to the river via the sewer system. This water needs to be delayed or diverted

TAKE THE TIME TO DO THIS THE RIGHT WAY PLEASE



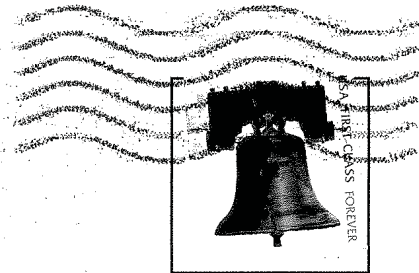
The Southport Sacramento River Early Implementation Project

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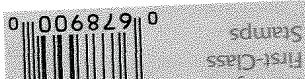
West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

SACRAMENTO CA 958

26 SEP 2011 PM 5 L



West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



The Southport Sacramento River Early Implementation Project



Comment Card

Name: JOYCE BELLI Date: 9-22-2011

Telephone: 916 371 5538 Email: _____

Affiliation: _____ Title (if applicable): _____

Street Address: 2666 MEADOWLARK CIR.

City: W. Sacto State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

I would hate to see the construction of setback levees. It would destroy the lush green land along the river, animal habitats and it would uproot the families that live there.

I believe a slurry wall is currently going in the Rivers project in the north section of W. Sacto. I don't believe homes were taken. These or properties destroyed - you are still able to enjoy the views & wild life along the river.

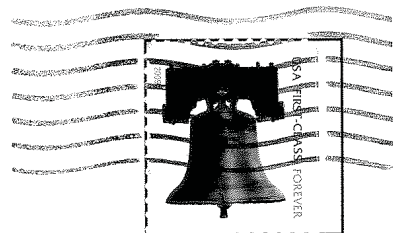
The W. Sacto, Flood Control Agency & the Army Corp of Engineers can improve our levees without destroying homes, animal habitats & our lush lands.



The Southport Sacramento River Early Implementation Project

PLEASE FOLD ALONG THIS LINE FOR MAILING

West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

The Southport Sacramento River Early Implementation Project

Comment Card

44
WSAFCA
West Sacramento Area Flood Control Agency



Name: JOEL F MCCRAY JR Date: 9-23-2011
Telephone: 916-371-1938 Email: JFMccray@STARBAND.NET
Affiliation: JFMccray PLASTERING Title (if applicable): Vice President
Street Address: 2590 South RIVER ROAD
City: WEST SACRAMENTO State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

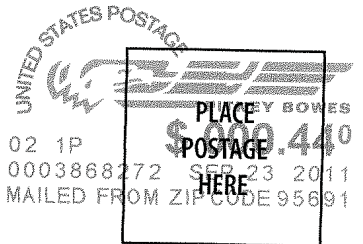
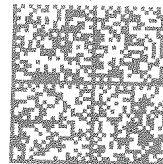
For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

I Think the levee CAN Be Fixed IN A way less Degree that WAS presented AT the meeting, I think that their should Be more Than the 3 options looked AT. I agree with Dave that the levee CAN Be fixed while the River is low, AND I ALSO Feel that you Dont have to take Ahot OF People's LAND TO Do It. You CAN EVEN Fix the River SIDE OF The levee Instead OF our SIDE. People AT the meeting were TALKING ABOUT Tree's AND Vegition AND Animal habitats like Gardner Snakes, I mean Come on ARE NOT People more important? I Would Hope So, We Are talking ~~not~~ not only ABOUT People's LAND But their life's to, we HAVE lost BLOOD on this LAND, Both my Father AND Grandma Died IN The house you Want TO TAKE, I think that should Be more Important than A tree or a Snake. We have Been Here For more than 35 Years, This house is our Home, ALSO I think the part ABOUT Future use's OF The land Was like A SLAP IN The FACE, Wanting TO MAKE Hoarse trails and Bike trails AND water parks out OF our Home IS Disrespect Full.

The Southport Sacramento River Early Implementation Project

PLEASE FOLD ALONG THIS LINE FOR MAILING

West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814

45

The Southport Sacramento River Early Implementation Project



Comment Card

Name: Dawn Caldwell Date: 9-22-11

Telephone: 916-337-3443 Email: _____

Affiliation: West Sac. Resident & Business owner Title (if applicable): Moxie Salen

Street Address: 1502 Maryland Ave

City: West Sac State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency, and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write legibly.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also send comments by email to southportcomments@icfi.com. **All comments must be postmarked by September 26, 2011.** Thank you for your interest in the Southport Sacramento River EIP.

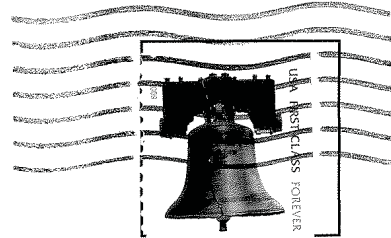
I understand we need to improve the levees in west Sacramento, what I don't like is the fact that you would want to choose a setback or seepage berms that will take families out of there homes and destroy some of our habitat. I understand that a slurry wall would leave family's in there home and would not take and destroy our habitat. we need to think about people and animals and try to save them both and secure our levees.

Thank you for your time.

The Southport Sacramento River Early Implementation Project

PLEASE FOLD ALONG THIS LINE FOR MAILING

West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814



SACRAMENTO AREA BICYCLE ADVOCATES

909 12th Street Suite 116 – Sacramento, CA 95814 – (916) 444-6600 – www.sacbike.org

September 8, 2011

John Suazo, Planning Division
US Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814
john.suazo@usace.army.mil

Subject: Notice of Preparation (NOP) for Southport Sacramento River Early Implementation Project EIS/EIR

Dear Mr. Suazo: Thank you for the opportunity to comment on the NOP for the subject project.

River Road (along the right/west bank of the Sacramento River), Gregory Ave, and Jefferson Blvd in the project study area are important routes for utilitarian and recreational bicycling. Construction of the subject project will cause significant adverse impacts to these existing bicycle routes. To mitigate this significant adverse impact, the EIS/EIR must describe adequate measures including:

- Alternative bicycle access through or adjacent to construction areas,
- Proper advance signage for any detours or route changes,
- Signage for vehicle operators (for example, “share the road” signs and pavement symbols) and maximum vehicle speed limits of 25 mph where separate bicycle lanes cannot be provided,
- Advance development of Traffic Control Plans that show traffic control measures for bicyclists with the plans reviewed and approved before construction initiation by the West Sacramento and Yolo County bicycle coordinators, and
- Advance noticing of disruptions, closures, and detours to bicycle-interest organizations in the Sacramento area.

The EIS/EIR must also address any possible impacts to the recreational corridors proposed for bicycle trail development in the West Sacramento Parks Master Plan. In the near-term future, these corridors will become critical routes for utilitarian and recreational bicycling as West Sacramento continues to grow.

SABA works to ensure that bicycling is safe, convenient, and desirable for everyday transportation. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient, and least congesting form of transportation.



SACRAMENTO AREA BICYCLE ADVOCATES

Thank you for considering our comments.

Sincerely,

Jordan Lang
Project Assistant



October 4, 2011

Mr. John Suazo
US Army Corps of Engineers, Sacramento District
Attn. Planning Division (CESPK-PD-R)
1325 J Street
Sacramento, CA 95814

Re: Notice of Preparation – EIR/EIS for Southport Sacramento River Early Implementation Project

Dear Mr. Suazo

The Yolo Solano Air Quality Management District (District) has received the Notice of Preparation (NOP) for the project referenced above, and the District would like to make the following comments:

1. The District has published a guidance document containing instructions for developing air quality analyses in CEQA documents. This document, the *Handbook for Assessing and Mitigating Air Quality Impacts* may be consulted as the lead agency assesses potential impacts from both the proposed general plan and climate action plan. The document can be found on the District's website at www.ysaqmd.org.
2. Project construction emissions would certainly have the potential to exceed the District's threshold of significance for particulate matter (PM), both from diesel exhaust and fugitive dust, reactive organic gases (ROG), and nitrogen oxides (NOx). If the normal Urbemis or CalEmod defaults are not used, a list of on and off road construction equipment with the corresponding hours of operation and miles should be provided with criteria pollutants provided in ponds per day for the construction period.
3. If the District's thresholds of significance for criteria pollutants are exceeded, then a list of mitigation measures should be included. For a list of potential mitigation measures, the District's Handbook, mentioned above, can be consulted. At a minimum, the Best Management Practices for reduction of particulate matter during construction should be implemented. The lead agency can also contact District staff to discuss possible mitigation measures.

October 4, 2011

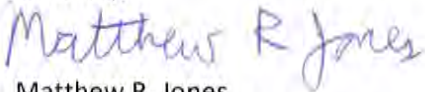
John Suazo – NOP for Southport Sacramento River Early Implementation Project

Page 2

4. The District's *Handbook for Assessing and Mitigating Air Quality Impacts* includes guidance on how to assess other potential impacts, such as carbon monoxide hotspots, odors, and impacts from toxic air contaminants (TACs). Where an analysis is appropriate, the District's guidance should be consulted.

In conclusion, the District appreciates receiving the NOP and the opportunity to discuss the recommendations presented in this letter. If you require additional information or would like to discuss the project, please contact me at (530) 757-3668 or I can be emailed at mjones@ysaqmd.org.

Sincerely,



Matthew R. Jones

Supervising Air Quality Planner

Appendix A.2

Supplemental Scoping Report—May 2013



Memorandum

Date:	May 9, 2013	
To:	Tanis Toland U.S. Army Corps of Engineers, Sacramento District 1325 J Street Sacramento, CA 95814 John Powderly City of West Sacramento 1110 West Capitol Avenue West Sacramento, CA 95691	
Cc:	Ric Reinhardt, MBK Engineers; Derek Larsen, MBK Engineers; Michael Vecchio, HDR; Lucy Eidam Crocker, Crocker & Crocker; Christine Braziel, Crocker & Crocker; Ken Ruzich, WSAFCA	
From:	Jennifer Rogers, ICF Community Affairs Specialist	Megan Smith, ICF Southport EIR Senior Project Manager
Subject:	Southport Sacramento River EIP Supplemental Scoping Report	

Introduction

To comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (USACE) and the West Sacramento Area Flood Control Agency (WSAFCA) are preparing a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Southport Sacramento River Early Implementation Project (Southport EIP). The EIS/EIR will analyze and disclose the potential effects the Southport EIP may have on the natural and human environment and identify mitigation measures and alternatives to avoid significant effects. USACE is the lead agency under NEPA, and WSAFCA is the project proponent and lead agency under CEQA. While WSAFCA is proposing the Southport EIP, USACE approval is needed for alterations to Federal levees under Section 14 of the Rivers and Harbors Act; discharge of dredge or fill materials into jurisdictional waters of the United States under Section 404 of the Clean Water Act; and activities in navigable waters under Section 10 of the Rivers and Harbors Act.

In summer 2011, WSAFCA and USACE issued a Notice of Preparation (NOP) and Notice of Intent (NOI), respectively, to prepare the joint EIS/EIR. A 30-day comment period was opened and two scoping meetings were held. Since then, WSAFCA has expanded the Southport EIP study area to include additional soil borrow sites that may be needed to construct the Southport EIP and a

modified roadway alignment. The expanded study area includes the area of flood risk-reduction measure construction; roadway construction and/or relocation; and potential soil borrow sites. Because WSAFCA has increased the study area, a second 30-day comment period was held from March 8, 2013 to April 8, 2013 to solicit additional comments inclusive of the additional borrow sites. After considering all comments received during both scoping periods, WSAFCA and USACE will complete and release the draft EIS/EIR, available for public review in summer 2013. This document summarizes the re-scoping process and comments received in 2013.

Noticing

Notice of Preparation/Intent

In compliance with the requirements set forth in CEQA, WSAFCA, as the lead agency, prepared a Supplemental NOP. The Supplemental NOP contained a brief description of the proposed project; probable environmental effects; the date, time and place of the public scoping meetings; and contact information. The Supplemental NOP solicited participation in determining the scope of the EIS/EIR. On March 8, 2013, the Supplemental NOP was sent to Responsible and Trustee Agencies and involved federal agencies and parties previously requesting notice in writing. In advance of that, on the afternoon of March 7, the Supplemental NOP was filed with the State Clearinghouse. The comment period was March 8 to April 8, 2013. Similarly, to comply with the National Environmental Policy Act, an NOI was published in the *Federal Register* on March 15, 2013 to notice the scoping meetings, comment period, and supplemental study area to the project. It can be viewed online at <http://www.gpo.gov/fdsys/pkg/FR-2013-03-15/html/2013-05928.htm>.

Mailings

WSAFCA mailed approximately 2,135 abbreviated versions of the Supplemental NOP to stakeholders, namely landowners, on March 13, 2013 to make them aware of the re-scoping effort and invite them to the scoping meeting on March 28, 2013. Invitations were sent to all properties within 500 feet of the project site, including borrow areas, and within 100 feet of a proposed haul routes. Approximately 230 invitations were returned by the postal service because of an erroneous address, vacant residence, or related causes.

Website

WSAFCA posted language on the City's flood management web page at http://www.cityofwestsacramento.org/city/flood/southport_eip/ in advance of the meeting. The meeting materials presented at the meeting will be posted on this web page in spring 2013 to serve as a public record of the event.

Legal Notices

Legal notices briefly introducing the lead agencies, the proposed Southport EIP and additional study area, and publicizing the scoping meeting were published in the *West Sacramento News-Ledger* and *The West Sacramento Press* on March 8, 2013. The *West Sacramento News-Ledger* and *West Sacramento Press* reach local residents, as these are two news outlets that report on local events specific to the City of West Sacramento.

Attachment A contains copies of the following documents.

- Supplemental NOP (including resource agency mailing list)
- Revised NOI
- Meeting invitation flier mailed in hard copy
- *West Sacramento News-Ledger* and *West Sacramento Press* notices

Public Meetings

One public scoping meeting was held to inform the public of the proposed Southport EIP, the expanded study areas added since scoping in 2011 that will be analyzed in the EIS/EIR, and provide an opportunity for input on the range of alternatives, environmental effects, and any issues of concern. The meeting was held on March 28, 2013 at West Sacramento City Hall, in the Galleria Room from 5:30 to 7:30 p.m. The meeting time was chosen to accommodate schedules of public agency representatives and the general public, including residents and business owners.

A 20-minute informal presentation was given at approximately 6:00 p.m. to briefly introduce the proposed project, project objectives, schedule, potential alternatives, and environmental compliance, and the need for an additional scoping process.

The meeting was open house-style in which attendees could read and view the information about the Southport EIP, the additional study area, and interact with project staff, including WSAFCA, USACE, the City, MBK and HDR Engineering staff, and ICF environmental consulting staff.

Nearly 30 graphic display boards were available for attendees to view. The boards described and illustrated the West Sacramento Levee Improvements Program history and the Southport EIP's purpose, need and objectives, original and expanded study areas, levee deficiencies and potential improvements, environmental considerations, and the NEPA/CEQA process. Project staff were stationed at the display boards to provide additional detail or answer any questions.

A prepared fact sheet was available for attendees to take with them. The fact sheet provided an overview of the Southport EIP and its objectives, the original and expanded study area, and the environmental compliance process.

Comment cards were offered so that meeting attendees could provide feedback on the proposed project. These cards could be filled out during the meeting and given to a project team member or

filled out after the meeting and sent to either USACE or WSAFCA by April 8, 2013. Attachment B contains copies of the following materials.

- Display boards
- Fact sheet
- Comment card

A total of 12 people attended the meeting. Eighteen comments were received during the comment period. Three comments were received 2 days after scoping period closed, but will still be considered in the development of the EIS/EIR. Below is a summary of recurring topics expressed in the written comments. Attachment C contains all written comments received during the scoping period.

- Potential damage/impacts to residential structures and acquisition
- Potential damage to public utilities present in the project area
- Floodplain mapping
- Disclosure and legality of mitigation banking
- Potential impacts of the USACE vegetation policy
- Potential impacts to wildlife resources from construction and USACE vegetation policy
- Concerns related to groundwater levels and quality and hydrology
- Concerns related to traffic impacts/hours of construction/dust
- Potential public levee access and recreation impacts
- Potential public utilities impacts/relocation
- Potential impacts to and mitigation for agricultural lands

Next Steps and Recommendations

The comments received during the scoping period will assist in determining the issues to be evaluated in detail in the EIS/EIR. Alternatives developed based on the scoping process will be analyzed, and a draft EIS/EIR will be developed. Upon the release of the draft EIS/EIR in summer 2013, the public will have 45 days to comment on the document. Additionally, at least one public meeting will be held so the public and agencies can learn more about the draft EIS/EIR, ask questions regarding the analysis, and provide comments. At these meetings, the alternatives will be presented and explained.

Once the public comment period on the draft EIS/EIR has concluded, USACE and WSAFCA will consider and respond to all comments and prepare a final EIS/EIR. USACE and WSAFCA will consider all written comments in deciding which alternative(s) to select and implement. USACE and WSAFCA will document that selection in a record of decision (for NEPA), no sooner than 30 days following publication of the Final EIS/EIR, and in a notice of determination (for CEQA). USACE and

WSAFCA will continue its outreach efforts related to the draft EIS/EIR, and separately, WSAFCA will continue its outreach efforts to landowners and other stakeholders through its cooperation with Crocker & Crocker.

###

Attachment A

- Supplemental Notice of Preparation (including resource agency mailing list)
- Revised NOI
- Meeting invitation flier mailed in hard copy
- *West Sacramento News-Ledger* and *West Sacramento Press* notices

Notice of Preparation

To: State Clearinghouse, Responsible Agencies,
Trustee Agencies, Interested Parties From: West Sacramento Area Flood Control Agency
(Agency) (Agency)
See Distribution List 1110 West Capitol Avenue
(Address) West Sacramento, CA 95691
(Address)

Subject: Supplemental Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk–reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. On August 26, 2011, WSAFCA issued a Notice of Preparation (NOP) for the EIP and undertook a 30-day public comment period. Since that time, WSAFCA has expanded the EIP study area to include additional soil borrow sites that may be employed to provide borrow material needed to construct the EIP. The study area, shown in Figure 1, encompasses the area of levee risk-reduction measure construction along the river corridor, roadway construction and/or relocation, and potential soil borrow sites. The construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Deep Water Ship Channel; and south of the South Cross Levee.

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as providing opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE), acting as the Federal lead agency under the National Environmental Policy Act (NEPA), and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), have determined that a project-level Environmental Impact Statement/Environmental Impact Report (EIS/EIR) should be prepared for the project.

Responsible and Trustee Agencies

Responsible and trustee agencies under CEQA may include City of West Sacramento, Yolo County, California Department of Fish and Wildlife, California Department of Water Resources, Central Valley Flood Protection Board, California Regional Water Quality Control Board, State Lands Commission, and California Department of Parks and Recreation.

Public and Agency Input

USACE and WSAFCA are requesting your input on the scope and content of the Southport Sacramento River EIP EIS/EIR. All interested parties are invited to comment for a period of 30 days, beginning Friday, March 8, 2013. Please send comments by e mail or standard mail to a contact below by 5 p.m., Monday, April 8, 2013.

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814
Email: megan.smith@icfi.com

or

Ms. Tanis Toland
U.S. Army Corps of Engineers, Sacramento District
Delta Programs Integration & Ecosystem
Restoration
1325 J Street
Sacramento, CA 95814
Email: tanis.j.toland@usace.army.mil

If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

The public can meet with lead agency representatives and provide written comments at a public scoping meeting to be held March 28, 2013 at 5:30 p.m. at the City of West Sacramento City Hall Galleria Room, 1110 W. Capitol Ave., West Sacramento, CA 95691. The presentation will begin at 6 p.m.

The attachment includes supplemental information for the proposed Southport Sacramento River EIP.

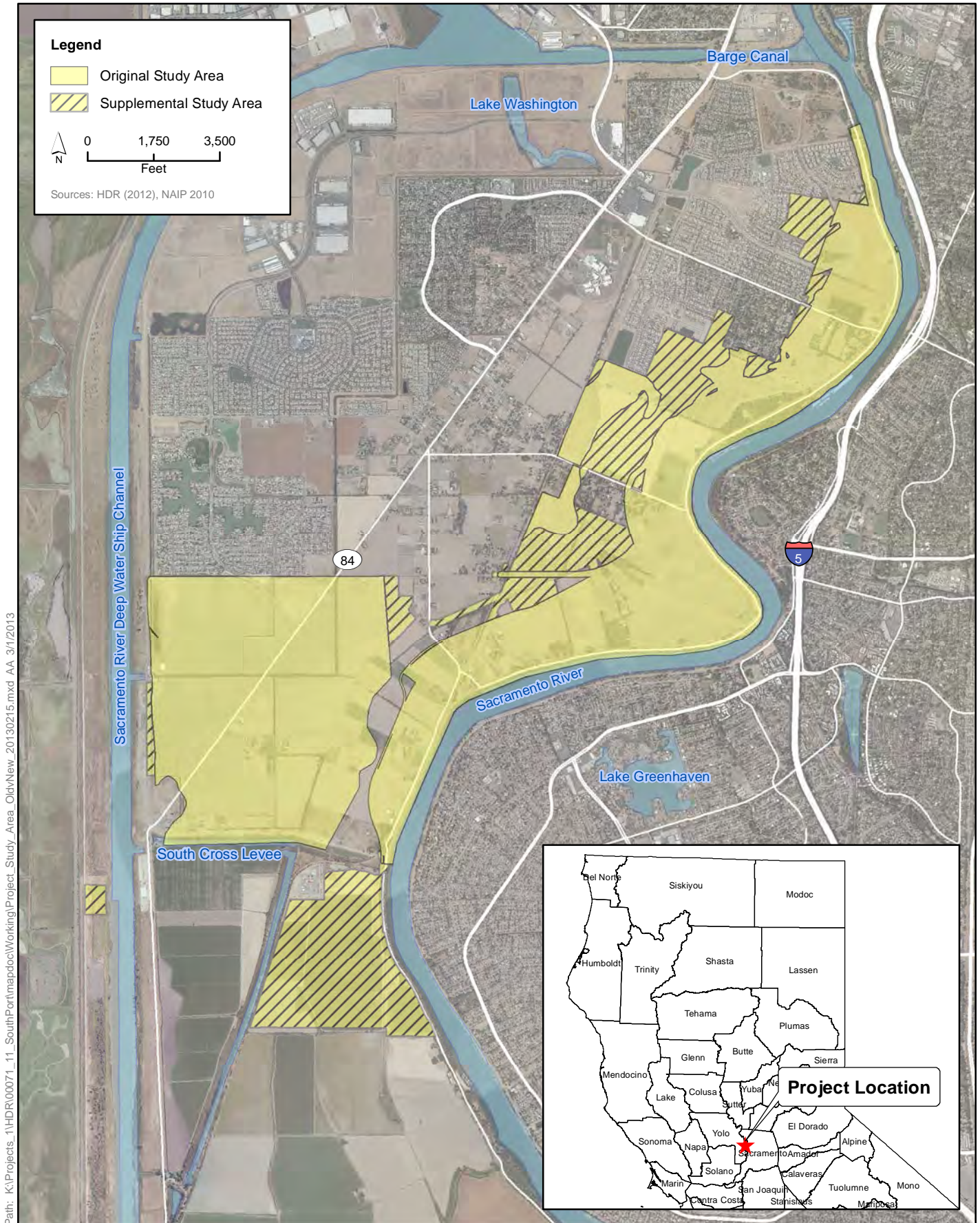
Date: 3/7/13

Signature: 

Title: Associate Planner, City of West Sacramento

Telephone: (916) 617-4645

Reference: California Code of Regulations, Title 14, (State CEQA Guidelines) Sections 15082(a), 15103, 15375.



Path: K:\Projects_1\HDR\00071_11_SouthPort\mapdoc\Working\Project_Study_Area_Old\New_20130215.mxd AA_3/1/2013

Figure 1
EIP Study Area

Attachment to Supplemental Notice of Preparation
Environmental Impact Statement/Environmental Impact Report
Additional Information

Location of Project Study Area:

As introduced in the Supplemental Notice of Preparation, the West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk–reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. On August 26, 2011, WSAFCA issued a Notice of Preparation (NOP) for the EIP and undertook a 30-day public comment period. Since that time, WSAFCA has expanded the EIP study area to include additional soil borrow sites that may be employed to provide borrow material needed to construct the EIP. The study area, shown in Figure 1, encompasses the area of levee risk-reduction measure construction along the river corridor, roadway construction and/or relocation, and potential soil borrow sites. The construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Deep Water Ship Channel; and south of the South Cross Levee.

Project Purpose and Lead Agencies:

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as provide opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE) will act as the Federal lead agency under the National Environmental Policy Act (NEPA). WSAFCA will act as lead agency under the California Environmental Quality Act (CEQA). As such, WSAFCA has principal responsibility for carrying out and approving the project. The agencies have determined that a project-level Environmental Impact Statement/Environmental Impact Report (EIS/EIR) should be prepared for the project.

USACE has three potential actions associated with WSAFCA's proposed project:

- under 33 United States Code, Section 408 (Section 408), the Chief of Engineers may grant permission to alter an existing flood control structure if it is not injurious to the public interest and does not impair the usefulness of such work;
- under Section 404 of the Clean Water Act, the District Engineer may permit the discharge of dredged or fill material into waters of the United States if the discharge meets the requirements for the Environmental Protection Agency's 404 (b)(1) guidelines and is not contrary to the public interest; and
- under Section 10 of the Rivers and Harbors Act, the District Engineer may permit activities that do not affect navigable waters.

WSAFCA is requesting such permissions in order to implement the project. The project must comply with NEPA to acquire these permissions. This project would continue work undertaken by WSAFCA for the I Street Bridge EIP (constructed in 2008), The Rivers and CHP Academy EIPs (constructed from 2011 to 2012), and a separate effort led by USACE and the Central Valley Flood Protection Board at the Barge Canal in West Sacramento under the Sacramento River Bank Protection Project.

Project Description:

The EIS/EIR will analyze the possible environmental effects of combining a variety of flood risk-reduction measures to address known levee deficiencies. The flood risk-reduction measures considered in the EIS/EIR may include:

- slope flattening of the existing levee,
- use of seepage berms located to the land side of the levee,
- rock slope protection located to the water side of the levee,
- setback levees and/or adjacent levees located landward of the existing levee,
- relief wells, and
- slurry cut-off walls.

The EIS/EIR will consider the environmental impacts of other foreseeable project elements and mitigation measures located in the study area. Foreseeable construction and maintenance of such flood protection measures likely would include, but not be limited to:

- use of neighboring roadways for project ingress and egress;
- creation of temporary access roads;
- construction of new roadways, including elevated spans;
- resurfacing and/or relocation of existing roadways;
- removal of vegetation adjacent to the riverfront;
- extraction of soil from identified borrow sites;
- disposal of excess soil at identified disposal sites; and
- relocation of public and private utilities.

The project will also be defined to include ecosystem restoration, such as shallow water and riparian habitat creation, planting and revegetation, and similar features. Recreation features will also be analyzed, such as trails, wayfinding and interpretive signs; and associated amenities.

Environmental Factors Potentially Affected:

The environmental factors checked below would potentially be affected by the proposed project (i.e., the project would involve at least one impact that is a “Potentially Significant Impact”). There may also be one or more mandatory findings of significance, as defined by CEQA Guidelines Section 15065.

X	Agriculture Resources	X	Air Quality	X	Cultural Resources
X	Fish and Aquatic Resources	X	Flood Management/ Geomorphic Conditions	X	Geology, Seismicity, Soils and Mineral Resources
X	Mineral Resources	X	Land Use/Planning	X	Noise
X	Population/Housing	X	Public Services	X	Recreation
X	Socioeconomics, Environmental Justice, and Community Effects	X	Transportation and Navigation	X	Utilities and Public Services
X	Vegetation and Wetlands	X	Visual Resources	X	Water Quality and Groundwater Resources
X	Wildlife				

Attachment to Notice of Preparation
Environmental Impact Statement/Environmental Impact Report
Distribution List

Government Agencies

Bureau of Indian Affairs
Pacific Regional Office
Environmental Compliance Department
2800 Cottage Way
Sacramento, CA 95825

Bureau of Reclamation
Mid-Pacific Region
2800 Cottage Way
Sacramento CA 95825

California Department of Fish and Game
Jeff Drogensen
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

California Department of Conservation
Rebecca Salazar
801 K Street, MS-24-02
Sacramento, CA 95814

California Department of Fish and Wildlife, Region 2
Paul Hofmann
402 S Merrill Ave
Willows, CA 95988

California Department of Fish and Wildlife, Region 3
Scott Wilson
7329 Silverado Trail
Napa, CA 94558

California Department of Fish Wildlife, Water Branch
Gina Ford
830 S Street
Sacramento, CA 95811

California Department of Parks and Recreation
Bob Baxter
PO Box 942896
Sacramento, CA 94296-0001

California Department of Transportation, District 3
Kendall Schinke
2983 Gateway Oaks Blvd., Suite 100
Sacramento, CA 95833

California Department of Water Resources
Elizabeth Bryson
3464 El Camino Avenue, Suite 201
Sacramento, CA 95821

California Department of Water Resources
Kristin Ford
3464 El Camino Avenue, Suite 200
Sacramento, CA 95821

Central Valley Flood Protection Board
James Herota
3310 El Camino Ave. Room 151
Sacramento, CA 95821

Central Valley Regional Water Quality Control Board
CEQA Compliance Division
11020 Sun Center Dr, #200
Rancho Cordova, CA 95670

Central Valley Regional Water Quality Control Board
Greg Vaughn
11020 Sun Center Dr, #200
Rancho Cordova, CA 95670

City of Sacramento
Planning Director
915 I Street, New City Hall, 3rd Floor
Sacramento, CA 95814

Colusa County
Director
220 12th Street
Colusa, CA 95932

Delta Protection Commission
Alex Westhoff
PO Box 530
Walnut Grove, CA 95690

Department of Boating and Waterways
David Johnson
2000 Evergreen Street, Suite 100
Sacramento, CA 95815-3888

Department of General Services, Real Estate Division
Shirley Bramham
707 3rd Street, Suite 505
West Sacramento, CA 95605

Federal Highway Administration
NEPA/CEQA Compliance Dept.
1200 New Jersey Ave., SE
Washington, DC 20590

FEMA Region IX, Federal Emergency Management
Donna Meyer, Deputy Regional Environmental Officer
111 Broadway, Ste. 1200
Oakland, CA 94607

National Marine Fisheries Service
Mike Hendrick
650 Capitol Mall, Suite 8-300
Sacramento, CA 95814

Native American Heritage Commission
Debbie Pilus Treadway
915 Capitol Mall, Room 364
Sacramento, CA 95814

Office of Historic Preservation
Milford Wayne Donaldson
1416 9th Street, Room 1442-7
Sacramento, CA 95814

Pacific Gas and Electric Company
Meredith Williams
350 Salem Street
Chico, CA 95928

Sacramento Air Quality Management District
Karen Huss
1947 Galileo Ct., Ste. 103
Davis, CA 95616

Sacramento Area Flood Control Agency
Tim Washburn
1007 7th Street, 7th Floor
Sacramento, CA 95814

Sacramento County Planning and Community
Development Agency
Director
827 7th Street, Room 230
Sacramento, CA 95814

Sacramento National Wildlife Refuge Complex
Environmental Compliance Dept.
752 County Road 99W
Willows, CA 95988

Sacramento Regional County Sanitation District
Sharon Seargent
10545 Armstrong Ave.
Mather, CA 95655

Sierra Northern Railway
President
341 Industrial Way
Woodland, CA 95776

Solano County
Director of Public Works and Planning
601 Texas Street
Fairfield, Ca 94533

State Clearinghouse, Office of Planning & Research
1400 10th Street, Rm 121
Sacramento, CA 95814

State Lands Commission,
Environmental Management Division
Cy Oggins, Division Chief
100 Howe Ave, Suite 100 South
Sacramento, CA 95825

Sutter County Public Works Department
Director of Public Works
1130 Civic Center Blvd.
Yuba City, CA 95993

U.S. Army Corps of Engineers, Sacramento District
Tanis Toland, Attn: Delta Programs Integration &
Ecosystem Restoration
1325 J Street
Sacramento, CA 95814

U.S. Department of the Interior, Office of
Environmental Policy and Compliance
Patricia Sanderson Port,
Regional Environmental Officer
1111 Jackson Street, Suite 520
Oakland, CA 94607

U.S. Environmental Protection Agency
Connell Dunning
75 Hawthorne Street
San Francisco, CA 94105

U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

USDA Natural Resources Conservation Service
221 W. Court Street
Woodland, CA 95695

Washington Unified School District
Scott Lantsberger, Assistant Superintendent
930 Westacre Road
Sacramento, CA 95691

Yolo County Agricultural Commission
70 Cottonwood Street
Woodland, CA 95695

Yolo County Environmental Health
Bruce Sarazin, Chief
137 N. Cottonwood St., Ste. 2400
Woodland, CA 95695

Yolo County Planning Department
Planning Director
292 West Beamer Street
Woodland, CA 95695

Yolo County Transit Authority
350 Industrial Way
Woodland, CA 95776

Yolo Habitat JPA
Maria Wong, Executive Director
120 West Main Street, Suite C
Woodland, CA 95695

Yolo Solano Air Quality Management District
Matt Jones
1947 Galileo Court, Suite 103
Davis, CA 95616

Non-Governmental Organizations

American Rivers
John Cain, Director, California Flood Management
244 Lake Drive
Kensington, CA 94708

California Farm Bureau Federation
Environmental Compliance Department
2300 River Plaza Drive
Sacramento, CA 95833

Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104

Defenders of Wildlife
Kim Delfino, California Program Director
1303 J Street, Suite 270
Sacramento, CA 95814

Family Water Alliance
P.O. Box 365
Maxwell, CA 95955

Friends of the River
Ronald Stork, Senior Policy Advocate
1418 20th Street, Suite 100
Sacramento, CA 95811

Friends of the Swainson's Hawk
Judith Lamare, President
915 L Street, Suite C-425
Sacramento, CA 95814

Habitat 2020 Sacramento County
Attn: Chairperson
909 12th Street, Suite 100
Sacramento CA 95814

Sacramento Area Bicycle Advocates
Jordan Lang
909 12th Street, Suite 116
Sacramento, CA 95814

Sacramento River Preservation Trust
PO Box 5366
Chico, CA 95927

Sacramento Valley Landowners Association
PO Box 3014
Sacramento, CA 95812

Sierra Club
Terry Davis
801 K Street, Suite 2700
Sacramento, CA 95814

Sierra Club Motherlode Chapter
Tony Loftin, Chair, Sacramento Group
801 K Street, Suite 2700
Sacramento, CA 95814

Sierra Club-Yolano Group
Pamela Nieberg and Carolyn Hinshaw,
Chairperson
3010 Loyola Drive
Davis, CA 95618

The California Central Valley Flood Control
Association
910 K Street, Suite 310
Sacramento, CA 95814

The Nature Conservancy
2015 J Street, Suite 103
Sacramento, CA 95814

The Northern California Water Association
455 Capitol Mall # 335
Sacramento, CA 95814-4496

Tuleyome
Andrew Fulks
607 North Street
Woodland, CA 95695

Yolo Audubon Society
Chad Roberts, Conservation Chairman
P.O. Box 886
Davis, CA 95617

Individuals

David Sanders

Forecast Land Investment LLC

Jeralyn and William Wingfield

Linda Pacheco

Seecon Financial and Construction Co.

Yokoyama Aya Irreversible Living Trust

DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System****Acquisition of Items for Which Federal Prison Industries Has a Significant Market Share**

AGENCY: Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD is publishing the annual list of product categories for which the Federal Prison Industries' share of the DoD Market is greater than five percent.

DATES: *Effective Date:* April 5, 2013.

FOR FURTHER INFORMATION CONTACT: Sheila Harris, telephone 703-614-1254.

SUPPLEMENTARY INFORMATION:**Background**

On November 19, 2009, a final rule was published at 74 FR 59914 which amended the Defense Federal Acquisition Regulation Supplement (DFARS) 208.6, to implement Section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008, Public Law 110-181. Section 827 changed DoD competition requirements for purchases from Federal Prison Industries, Inc. (FPI) by requiring DoD to publish an annual list of product categories for which FPI's share of the DoD market was greater than five percent, based on the most recent fiscal year data available. Product categories on the current list, and the products within each identified product category, must be procured using competitive or fair opportunity procedures in accordance with Defense Federal Acquisition Regulation Supplement (DFARS) 208.602-70.

This notification provides an updated list of FPI product categories exceeding five percent of the DoD market, based on Fiscal Year 2012 data obtained from the Federal Procurement Data System. An identical list is also found in the Director, Defense Procurement and Acquisition Policy (DPAP) memorandum dated March 7, 2013. (The DPAP memorandum with the current list of product categories for which FPI has a significant market share is posted at: <http://www.acq.osd.mil/dpap/policy/policyvault/USA007579-12-DPAP.pdf>).

Accordingly, the updated product categories to be competed effective April 5, 2013, are:

- 5220 (Inspection Gages and Precision Layout Tools)
- 5335 (Metal Screening)
- 7210 (Household Furnishings)
- 7230 Draperies, Awnings, and Shades
- 8405 (Outerwear, Men's)

- 8415 (Clothing, Special Purpose)
- 8465 (Individual Equipment)
- 9905 (Signs, Advertising Displays and Identification Plates)

The statute, as implemented also requires DoD to:

(1) Include FPI in the solicitation process for items for which FPI's share of the DoD market is greater than five percent; a timely offer from FPI must be considered; and award procedures must be followed in accordance with existing policy at Federal Acquisition Regulation (FAR) 8.602(a)(4)(ii) through (v).

(2) Continue to be make acquisitions, in accordance with FAR Subpart 8.6., for items from product categories for which FPI does not have a significant market share. FAR 8.602 requires agencies to conduct market research and make a written comparability determination, at the discretion of the contracting officer. Competitive or fair opportunity procedures are appropriate if the FPI product is not comparable in terms of price, quality, or time of delivery.

(3) Section 827 allows modification of the published list if DoD subsequently determines that new data requires adding or omitting a product category from the list.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2013-06091 Filed 3-14-13; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE**Department of the Army; Corps of Engineers****Revised Notice of Intent To Prepare a joint Environmental Impact Statement/ Environmental Impact Report for the Southport Sacramento River Early Implementation Project, West Sacramento, CA**

AGENCY: Department of the Army, U.S. Army Corps of Engineers; DoD.

ACTION: Notice of Intent.

SUMMARY: This notice is a revision of the Notice of Intent published August 26, 2011 (76 FR 53423). Pursuant to the National Environmental Policy Act of 1969, as amended, and the California Environmental Quality Act (CEQA), the U.S. Army Corps of Engineers (USACE) is preparing an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), and Section 404 of the Clean Water Act (33 U.S.C. 1344), for the proposed Southport Sacramento

River Early Implementation Project (EIP), sponsored by the West Sacramento Area Flood Control Agency (WSAFCA). Figures of the project area can be viewed at <http://www.cityofwestsacramento.org/city/flood>. WSAFCA is planning the Southport Sacramento River EIP to implement flood-risk management measures along the Sacramento River South Levee in the City of West Sacramento, Yolo County, CA. Since publication of the 2011 Notice of Intent, WSAFCA has expanded the study area to include additional potential soil borrow sites. Material from these borrow sites may be used as part of project construction. The potential construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Sacramento Deep Water Ship Channel; and south of the South Cross Levee. In order to implement the project, the sponsor must receive permission from USACE to alter the Federal project under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408 or, Section 408). USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. The project would bring the levee up to current Federal and state levee design standards, and provide some opportunities for ecosystem restoration and public recreation. USACE, acting as the federal lead agency under NEPA, and WSAFCA, acting as the state lead agency under the CEQA in coordination with the Central Valley Flood Protection Board, have determined that an EIS/EIR should be prepared to describe alternatives, potential environmental effects, and mitigation measures.

DATES: Written comments regarding the scope of the environmental analysis should be received by April 8, 2013.

ADDRESSES: Written comments concerning this study and requests to be included on the Southport Sacramento River Early Implementation Project mailing list should be submitted to Ms. Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK-PD-R), 1325 J Street, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Ms. Tanis Toland via telephone at (916)

557-6717, email: Tanis.J.Toland@usace.army.mil or regular mail at (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. *Proposed Action.* WSAFCA is proposing a project along the Sacramento River west levee under the California Department of Water Resources' Early Implementation Program to expeditiously complete flood-risk reduction measures. Known as the Southport Sacramento River EIP, the project proposes implementation of flood-risk reduction measures along a 6-mile long reach between the Barge Canal downstream to the South Cross Levee. Improvements to the levee would address through-seepage, under-seepage, and embankment instability (e.g., overly steepened slopes). As part of the project, an EIS/EIR is being prepared. USACE has authority under Section 14 of the Rivers and Harbors Act of 1899 (as amended) (33 U.S.C. 408), over alterations to federal flood control project levees and any such alterations as proposed by WSAFCA are subject to approval by USACE. USACE also has authority under Section 404 of the Clean Water Act (33 U.S.C. 1344) over activities involving the discharge of dredged or fill material to waters of the United States, which are known to be in the project area. Under Section 10 of the Rivers and Harbors Act, the District Engineer may permit activities which do not affect navigable waters. Due to these authorities, USACE is the lead agency for the EIS pursuant to NEPA. WSAFCA is the lead agency for the EIR according to CEQA as the public agency that has the principal responsibility for carrying out and approving the project.

2. *Alternatives.* The EIS/EIR will consider several alternatives for reducing flood damage. Each alternative analyzed during the investigation will consist of a combination of several measures to reduce the risk of flooding. These measures include, but are not limited to, installing slurry cutoff walls, constructing seepage or stability berms, relief wells, rock slope protection, slope flattening, and potential new levee alignments (setback or adjacent levees).

3. *Scoping Process.*

a. Public scoping meetings were held on September 15, 2011, to present information to the public and receive comments from the public on the project. An additional public scoping meeting will be held to present an overview of changes to the scope of the EIS/EIR since publication of the 2011 Notice of Intent, and to afford all interested parties with an opportunity to provide comments regarding the scope of analysis and potential alternatives. A

public scoping meeting will be held on March 28, 2013, at 5:30 p.m. at the City of West Sacramento City Hall Galleria Room, 1110 W. Capitol Ave., West Sacramento, CA 95691. The presentation will begin at 6:00 p.m. Scoping comments previously submitted following publication of the original August 26, 2011, Notice of Intent are still valid and need not be resubmitted.

b. Potentially significant issues to be analyzed in depth in the EIS/EIR include effects on hydraulics, wetlands and other waters of the U.S., vegetation and wildlife resources, special-status species, aesthetics, cultural resources, recreation, land use, fisheries, agricultural resources, water quality, air quality, transportation, and socioeconomic; and cumulative effects of related projects in the study area.

c. USACE is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, and with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act. USACE is also coordinating with the U.S. Fish and Wildlife Service to comply with the Fish and Wildlife Coordination Act.

d. A 45-day public review period will be provided for all interested parties, individuals, and agencies to review and comment on the draft EIS/EIR. All interested parties are encouraged to respond to this notice and provide a current address if they wish to be notified of the draft EIS/EIR circulation.

4. *Availability.* The draft EIS/EIR is currently scheduled to be available for public review and comment in Summer 2013.

Dated: March 7, 2013.

William J. Leady,

Colonel, U.S. Army, District Commander.

[FR Doc. 2013-05928 Filed 3-14-13; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

List of Correspondence From July 1, 2012, Through September 30, 2012

AGENCY: Office of Special Education and Rehabilitative Services; Department of Education.

ACTION: Notice.

SUMMARY: The Secretary is publishing the following list of correspondence from the U.S. Department of Education (Department) to individuals during the previous quarter. The correspondence describes the Department's interpretations of the Individuals with

Disabilities Education Act (IDEA) or the regulations that implement the IDEA. This list and the letters or other documents described in this list, with personally identifiable information redacted, as appropriate, can be found at: <http://www2.ed.gov/policy/speced/guid/idea/index.html>.

FOR FURTHER INFORMATION CONTACT: Jill Harris or Mary Louise Dirrigl. Telephone: (202) 245-7372.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you can call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain a copy of this list and the letters or other documents described in this list in an accessible format (e.g., braille, large print, audiotope, or compact disc) by contacting Jill Harris or Mary Louise Dirrigl at (202) 245-7372.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued from July 1, 2012, through September 30, 2012. Under section 607(f) of the IDEA, the Secretary is required to publish this list quarterly in the **Federal Register**. The list includes those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, and it may also include letters and other documents that the Department believes will assist the public in understanding the requirements of the law. The list identifies the date and topic of each letter, and it provides summary information, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

Part B—Assistance for Education of All Children With Disabilities

Section 612—State Eligibility

Topic Addressed: Children in Private Schools

○ Letter dated August 8, 2012, to Missoula County Public Schools Superintendent Alex P. Apostle, regarding how a local educational agency (LEA) can meet equitable services requirements for parentally-placed private school children with disabilities if student enrollment changes during the school year.

Section 613—Local Educational Agency Eligibility

Topic Addressed: Maintenance of Effort

○ Letter dated August 20, 2012, to Beth Swedeen, Lynn Breedlove, and Maureen Ryan, co-chairs of the Survival

Learn About Updates to the Southport Sacramento River Early Implementation Project!

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento in Yolo County, CA. In summer 2011, WSAFCA issued a Notice of Preparation (NOP) to prepare an environmental impact statement/report (EIS/R) for the EIP. Since then, WSAFCA has expanded the EIP study area to include additional soil borrow sites that may be needed to construct levee improvements. The expanded study area includes the area of levee risk-reduction measure construction, roadway construction and/or relocation, and potential soil borrow sites (see map). WSAFCA is now issuing a supplemental NOP to include the expanded study area.

The EIP would bring the levee up to current standard with Federal and state flood protection criteria, as well as provide opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE) is the Federal lead agency under the National Environmental Policy Act and WSAFCA is the lead agency under the California Environmental Quality Act.

Public and Agency Input

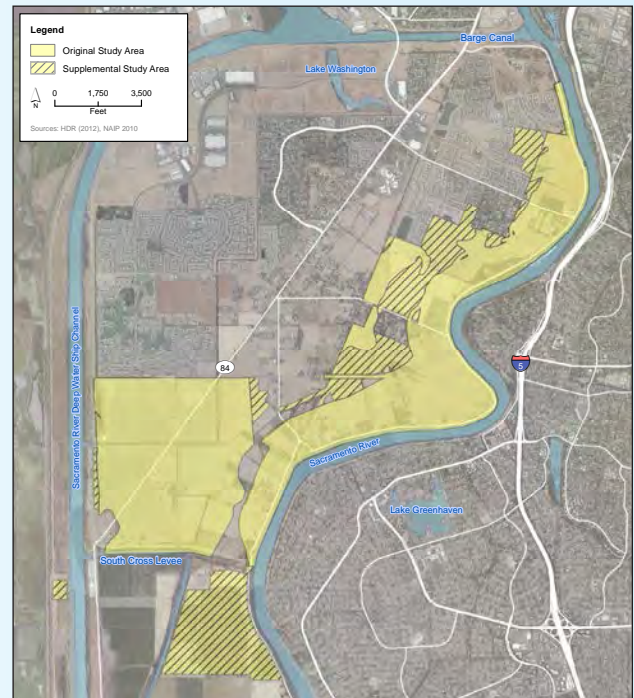
USACE and WSAFCA are requesting your input on the scope and content of the EIS/R for the EIP. All interested parties are invited to comment between Friday, March 8, 2013 and Monday, April 8, 2013. All comments must be received by Monday, April 8, 2013 at 5 p.m.

Date: Thursday, March 28, 2013

Time: 5:30 p.m. – 7:30 p.m.

Place: West Sacramento City Hall Galleria
1110 West Capitol Avenue
West Sacramento, CA 95691

A presentation will begin at 6 p.m.



If you cannot attend the meeting, you can learn more by visiting www.cityofwestsacramento.org/city/flood/southport_eip/.

In addition to providing your input at the meeting, you can send or email your comments to:

Megan Smith, Project Manager

ICF International, 630 K Street, Suite 400
Sacramento, CA 95814
megan.smith@icfi.com

or

Ms. Tanis Toland

U.S. Army Corps of Engineers, Sacramento District Delta Programs Integration & Ecosystem Restoration
1325 J Street, Sacramento, CA 95814
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US Army Corps
of Engineers
Sacramento District



Supplemental Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (EIP) to implement flood risk-reduction measures along the Sacramento River South Levee in the city of West Sacramento, Yolo County, California. On August 26, 2011, WSAFCA issued a Notice of Preparation (NOP) for the EIP and undertook a 30-day public comment period. Since that time, WSAFCA has expanded the EIP study area to include additional soil borrow sites that may be employed to provide borrow material needed to construct the EIP. The study area encompasses the area of levee risk-reduction measure construction along the river corridor, roadway construction and/or relocation, and potential soil borrow sites. The construction area extends along the right (west) bank of the Sacramento River south of the Barge Canal downstream approximately 6 miles to the South Cross Levee, adjacent to the Southport community of West Sacramento. The potential soil borrow sites are located to the east and west of southern Jefferson Blvd.; adjacent to the construction area; immediately west of the Deep Water Ship Channel; and south of the South Cross Levee.

The project would bring the levee up to standard with Federal and state flood protection criteria, as well as providing opportunities for ecosystem restoration and public recreation. The U.S. Army Corps of Engineers (USACE), acting as the Federal lead agency under the National Environmental Policy Act (NEPA), and WSAFCA, acting as lead agency under the California Environmental Quality Act (CEQA), determined that a project-level Environmental Impact Statement/Environmental Impact Report (EIS/EIR) should be prepared for the project.

Comments Solicited. USACE and WSAFCA are requesting your input on the scope and content of the Southport Sacramento River EIP EIS/EIR. All interested parties are invited to comment for a period of 30 days, beginning Friday, March 8, 2013. Please send comments by e mail or standard mail to a contact below by 5 p.m., Monday, April 8, 2013.

The public can meet with lead agency representatives and provide written comments at a public scoping meeting to be held March 28, 2013 at 5:30 p.m. at the City of West Sacramento City Hall Galleria Room, 1110 W. Capitol Ave., West Sacramento, CA 95691. A presentation will begin at 6 p.m.

If commenting on behalf of a public agency or non-governmental organization, please include the name of a contact person.

Megan Smith, Project Manager
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or

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Attachment B

- Display boards
- Fact sheet
- Comment card



Welcome to the
Southport Sacramento River
Early Implementation Project
Supplemental Scoping Meeting

March 28, 2013

West Sacramento Levee Improvements Program Purpose & the Southport Sacramento River Early Implementation Project

In 2007 the West Sacramento Area Flood Control Agency (WSAFCA) initiated the West Sacramento Levee Improvements Program (WSLIP) to reduce the risk of a catastrophic flood event in West Sacramento. The City of West Sacramento, as part of WSAFCA, and in collaboration with the California Department of Water Resources, embarked on a comprehensive evaluation of the levees protecting the city to determine deficiencies and develop treatments. As the agency with authority over jurisdictional waters of the United States and alterations to Federal levees, the U.S. Army Corps of Engineers (USACE) acts as the lead agency as it relates to the Federal environmental review process. Based on findings of the levee evaluation, the objectives of the WSLIP are to:

- Achieve a minimum of “200-year” level of flood protection for the City of West Sacramento in line with Federal and state flood protection criteria;
- Construct levee improvements as soon as possible to reduce flood risk;
- Construct levee improvements that are politically, socially, and environmentally acceptable; and
- Provide recreational and open space elements for the city that are compatible with flood improvement measures.

WSAFCA is proposing the Southport Sacramento River Early Implementation Project (Southport EIP) to implement flood risk-reduction measures along approximately 6 miles of the Sacramento River South Levee. This is the fourth levee flood risk management project (following the I-Street Bridge, CHP Academy, and The Rivers projects) under the WSLIP and would address under-and through-seepage, erosion, and slope instability. The Southport EIP may also provide opportunities for ecosystem restoration and public recreation. The Southport EIP would bring the levee up to current standard with Federal and state flood risk-reduction criteria.

In 2011, WSAFCA and USACE issued a Notice of Preparation and Notice of Intent, respectively, to prepare a joint environmental impact statement/environmental impact report (EIS/EIR) for the Southport EIP and held a 30-day comment period. Since then, WSAFCA has expanded the Southport EIP study area to include additional soil borrow sites that may be needed to construct the Southport EIP and a modified roadway alignment. Because WSAFCA increased the study area, a second 30-day comment period is now being held to solicit additional comments on the Southport EIP that are inclusive of the expanded study area. After considering all comments received during both scoping periods, WSAFCA and USACE will complete and release the draft EIS/EIR, available for public review in summer 2013.

West Sacramento Area Flood Control Agency (WSAFCA) is a Joint Powers Authority created in 1994 to coordinate planning and construction of flood protection facilities within its boundaries and to finance the local share of flood control projects. Member agencies of WSAFCA are the City of West Sacramento, Reclamation District 900, and Reclamation District 537.

USACE approval is needed for alterations to Federal levees under Section 14 of the Rivers and Harbors Act; discharge of dredge or fill materials into jurisdictional waters of the United States under Section 404 of the Clean Water Act; and activities in navigable waters under Section 10 of The Rivers and Harbors Act.



How Did We Get Here?

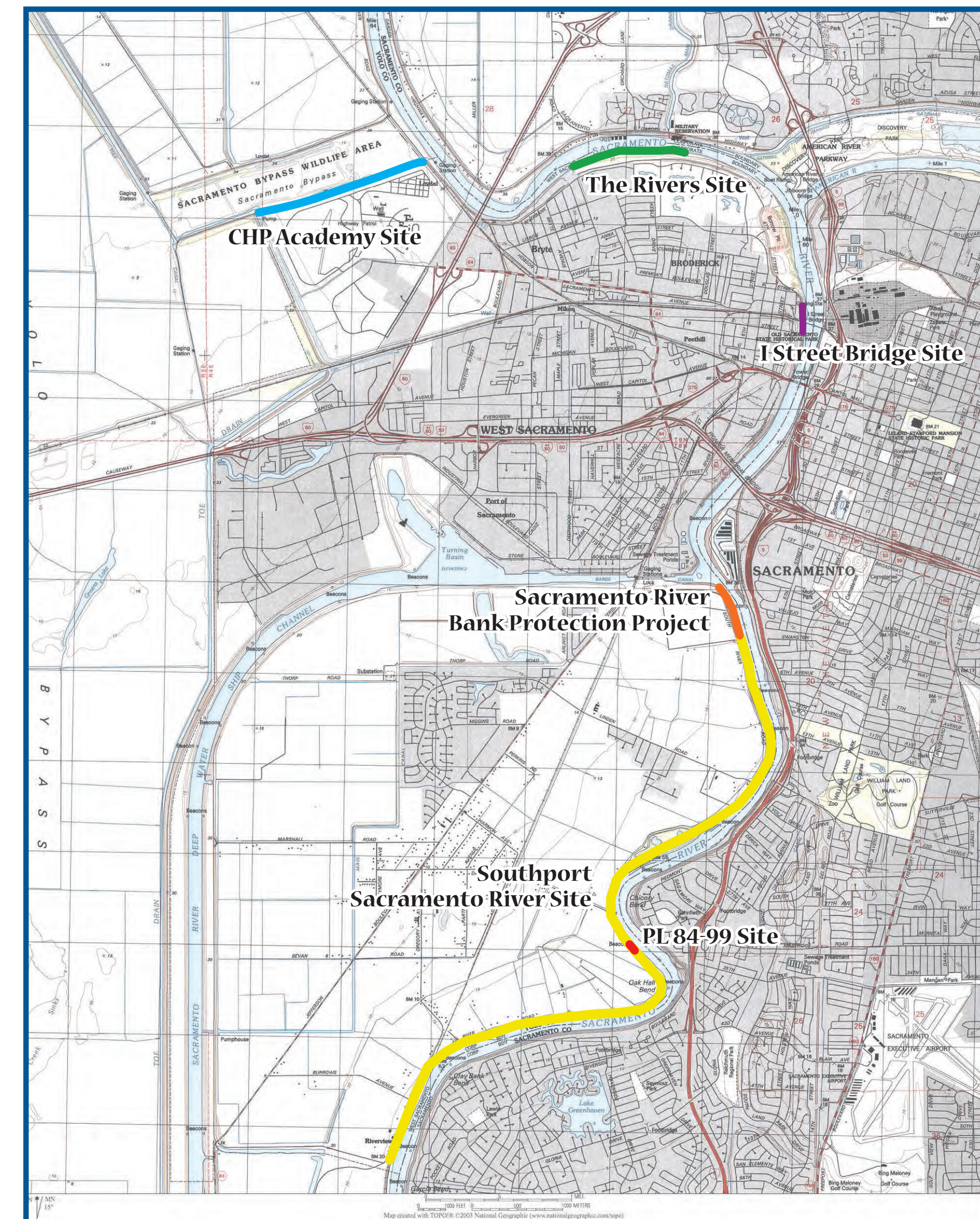
Over the past decades, there have been several flood risk evaluations and risk management efforts in the city of West Sacramento.

- 1986-1987:** Significant rainfall event occurs in Sacramento region; U.S. Army Corps of Engineers (USACE) recommends significant flood risk management efforts in West Sacramento.
- 1987-1990:** City obtains Federal funding and authorization for two levee flood risk-reduction projects.
- 1990-1993:** Sacramento Urban Levee Reconstruction Project completes building of stability berm along the Sacramento River in Southport. Costs were \$9 million; local share was \$800,000.
- 1994:** West Sacramento Flood Control Agency (WSAFCA) is created to coordinate, fund, and construct major flood risk-reduction projects, and spearhead West Sacramento-area flood risk management effort.
- 1997:** Significant rainfall event occurs in Sacramento region and levees sustain damage.
- 1999-2002:** USACE's West Sacramento Project strengthened five miles of levees adjacent to the Sacramento and Yolo bypasses. Costs were approximately \$32.1 million; local share was \$3.6 million.
- 2005:** USACE issues new levee design standards.
- 2006:** State performs critical erosion repairs on three sites in West Sacramento.
- 2006:** WSAFCA, in collaboration with California Department of Water Resources, embarks on comprehensive evaluation of levees.
- 2007:** WSAFCA proposes the West Sacramento Levee Improvements Program (WSLIP). This is a comprehensive program to bring the city's levees up to current standards.
- 2007:** USACE constructs a seepage berm at Davis Road and South River Road under Public Law 84-99.
- 2008:** The I Street Bridge early implementation project (EIP) is constructed under WSLIP after USACE approved Section 408 permission requested by WSAFCA. The Rivers and CHP Academy EIPs are proposed.
- 2009/2010:** A joint USACE and WSAFCA environmental scoping meeting is held for the WSLIP, including The Rivers and CHP Academy EIPs. The WSLIP Draft EIS/EIR is released.
- Winter 2010:** USACE begins construction on a setback levee project along the west bank of the Sacramento River south of the Stone Locks, as part of the Sacramento River Bank Protection Project. Anticipated completion is fall 2013.
- Summer 2010:** WSAFCA and USACE begin planning the Southport Sacramento River EIP (Southport EIP).
- Mid-2011:** The Rivers and CHP Academy EIPs complete environmental review and are constructed.
- Summer 2011:** The environmental review process for the Southport EIP is initiated. Initial public scoping is held.
- March 2013:** The Southport EIP study area is expanded to include additional borrow sites. A second round of public scoping is conducted.

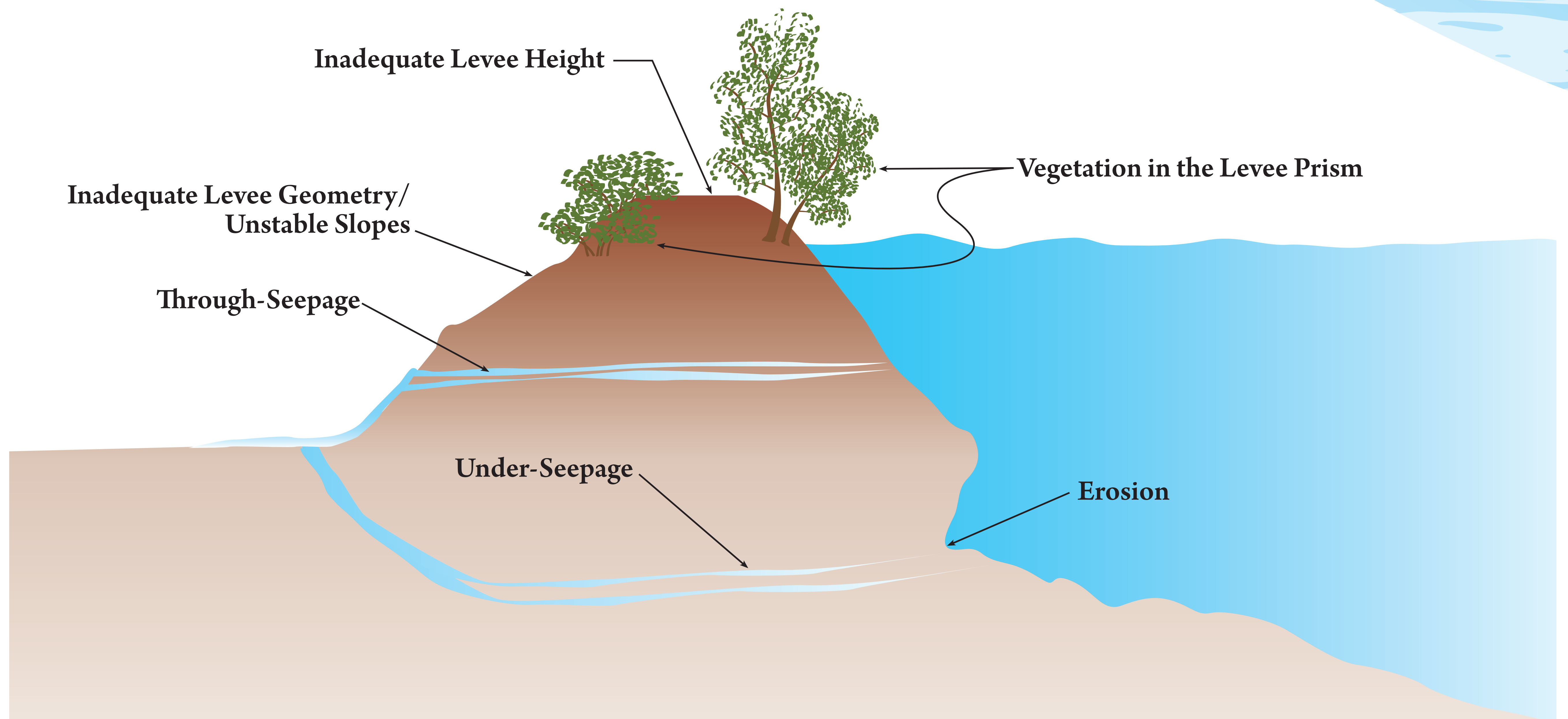
West Sacramento Area Levee Projects

During the past 10 years, several key flood risk management projects have been initiated or constructed by various government agencies or agency partnerships in the city of West Sacramento. Below is a list of major projects that are in the planning stage, under construction or that have been constructed.

- **I Street Bridge Site.** Construction of the I Street Bridge Early Implementation Project (EIP) was completed in November 2008. The treatment consisted of a 475-foot-long slurry wall approximately 37 feet in depth to correct seepage deficiencies. The City's Riverwalk extension project commenced soon after construction was completed.
- **CHP Academy Site.** Construction of the CHP Academy EIP was completed in 2011. This EIP treated 6,500 feet of levee along the Sacramento Bypass to address through-seepage, under-seepage, and levee geometry and instability.
- **The Rivers Site.** Construction of The Rivers EIP was completed in 2011. This EIP treated approximately 3,000 feet of the Sacramento River North Levee, just north of the confluence of the Sacramento and American rivers, to address levee geometry, stability, and under-seepage.
- **Southport Sacramento River Site.** The Southport Sacramento River EIP, if constructed, would implement flood risk-reduction measures along 6 miles of the levee along the west bank of the Sacramento River. It would address under- and through-seepage, erosion, and slope instability. The draft environmental impact statement/environmental impact report for this EIP will be released in summer 2013.
- **Sacramento River Bank Protection Project.** Construction on this project began in December 2010, including implementation of a setback levee along the west bank of the Sacramento River, just south of the Stone Locks. This effort is led by the U.S. Army Corps of Engineers under the Sacramento River Bank Protection Project, separate from the efforts of the West Sacramento Area Flood Control Agency. The scheduled completion date is fall 2013.

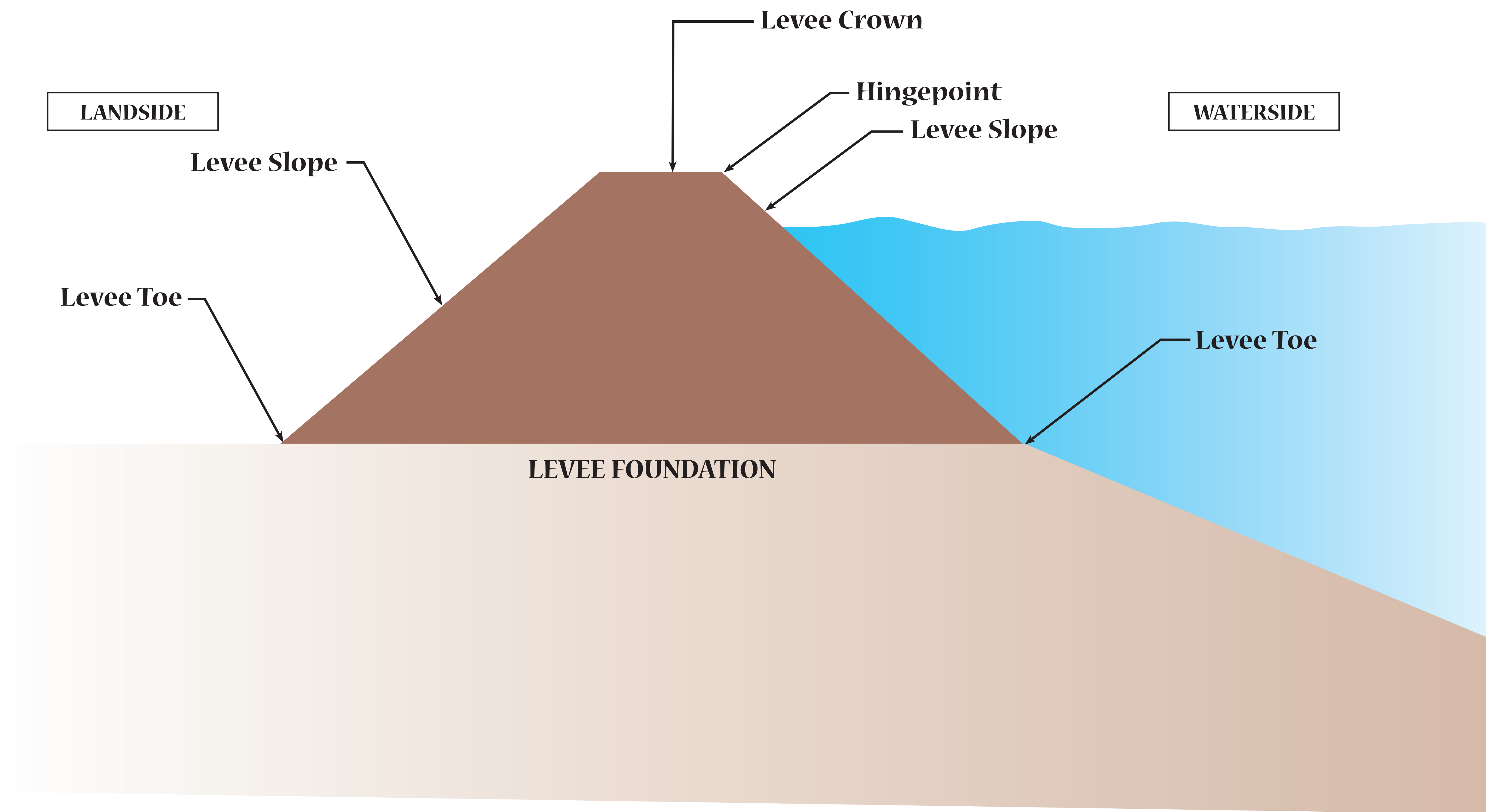


Typical Levee Deficiencies



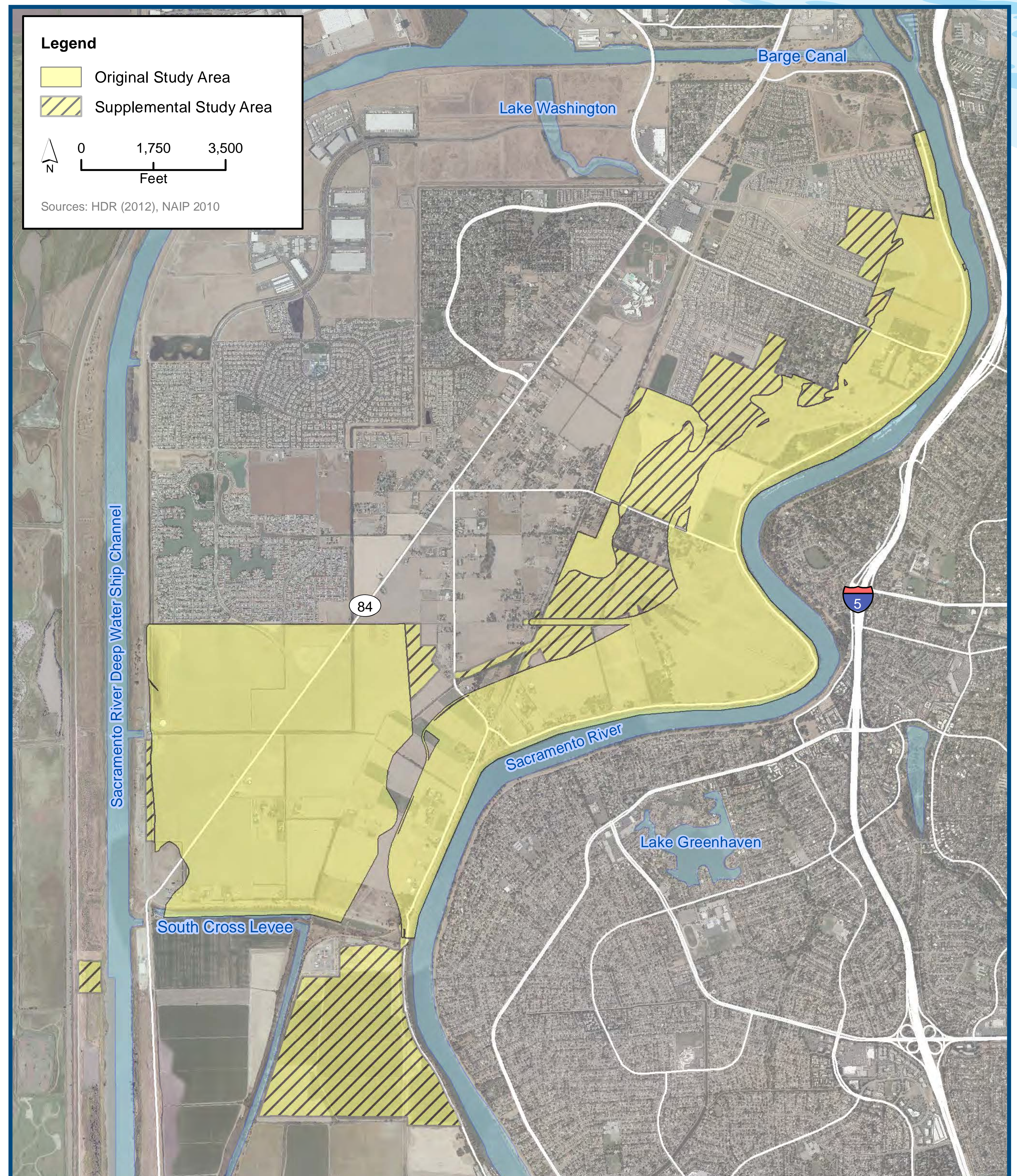
- **Inadequate Levee Geometry/Unstable Slopes** – irregular or overly steep slopes compromise the levee structure
- **Inadequate levee height** – levee height may be too low relative to predicted water levels
- **Vegetation in the levee prism** – can lead to levee instability and hinder levee monitoring and maintenance
- **Erosion** – water flow, wakes and waves, remove soil material, damaging the levee
- **Seepage**

An "Inside Look" at a Levee



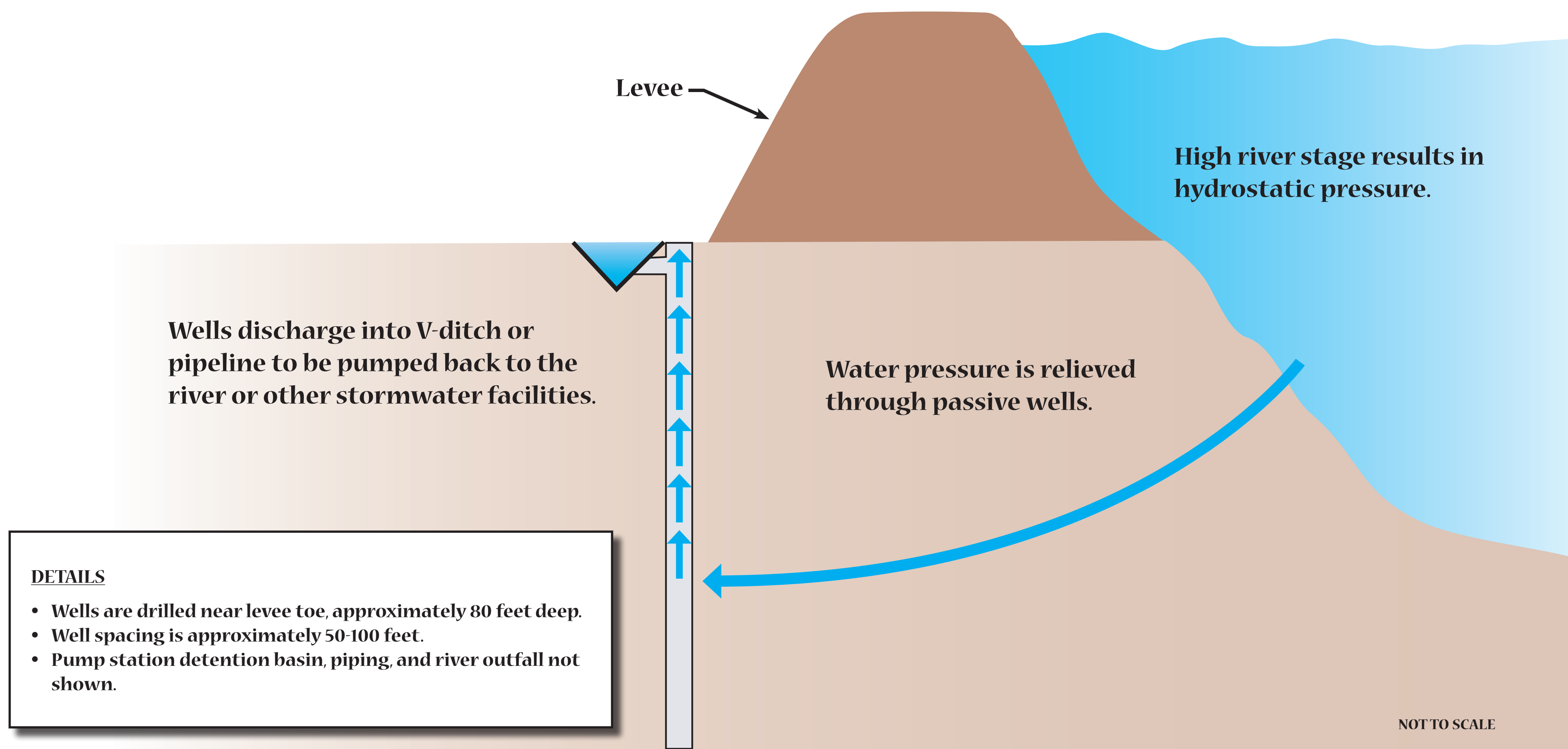
The Expanded EIP Study Area

Since the initiation of the Southport Sacramento River Early Implementation Project (EIP) in 2011, the West Sacramento Area Flood Control Agency expanded the study area to include additional soil borrow sites that may be needed to construct the EIP. The expanded study area includes the area of levee risk-reduction measure construction, roadway construction and/or relocation, and potential soil borrow sites. The map at right illustrates both the original and supplemental study areas.



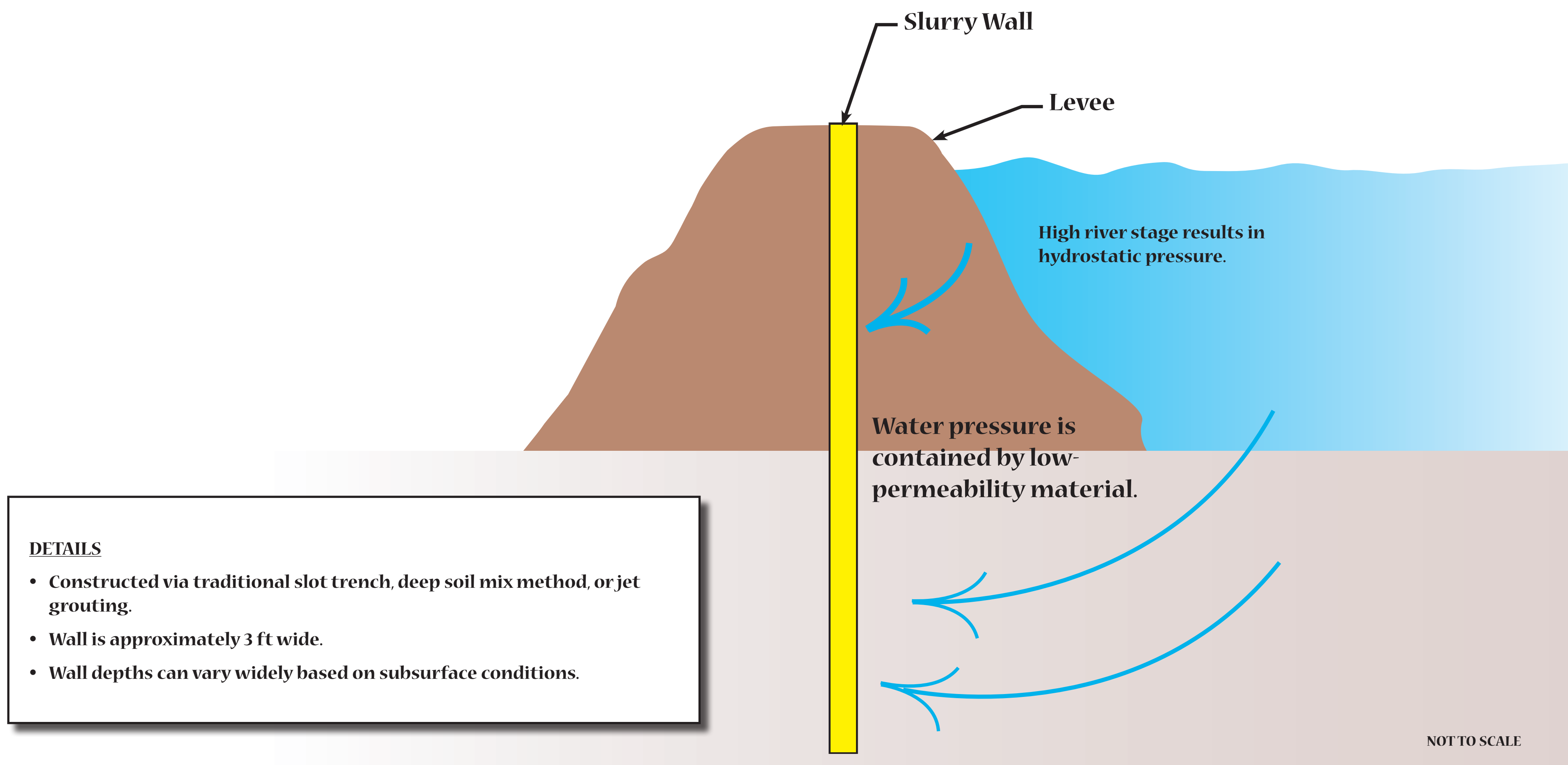
Relief Wells

Concept: Water pressure is relieved via passive wells, which direct water discharge into a collection system.



Slurry Cutoff Wall

Concept: Water pressure is contained and dispersed by a low-permeability wall constructed within the levee cross section.

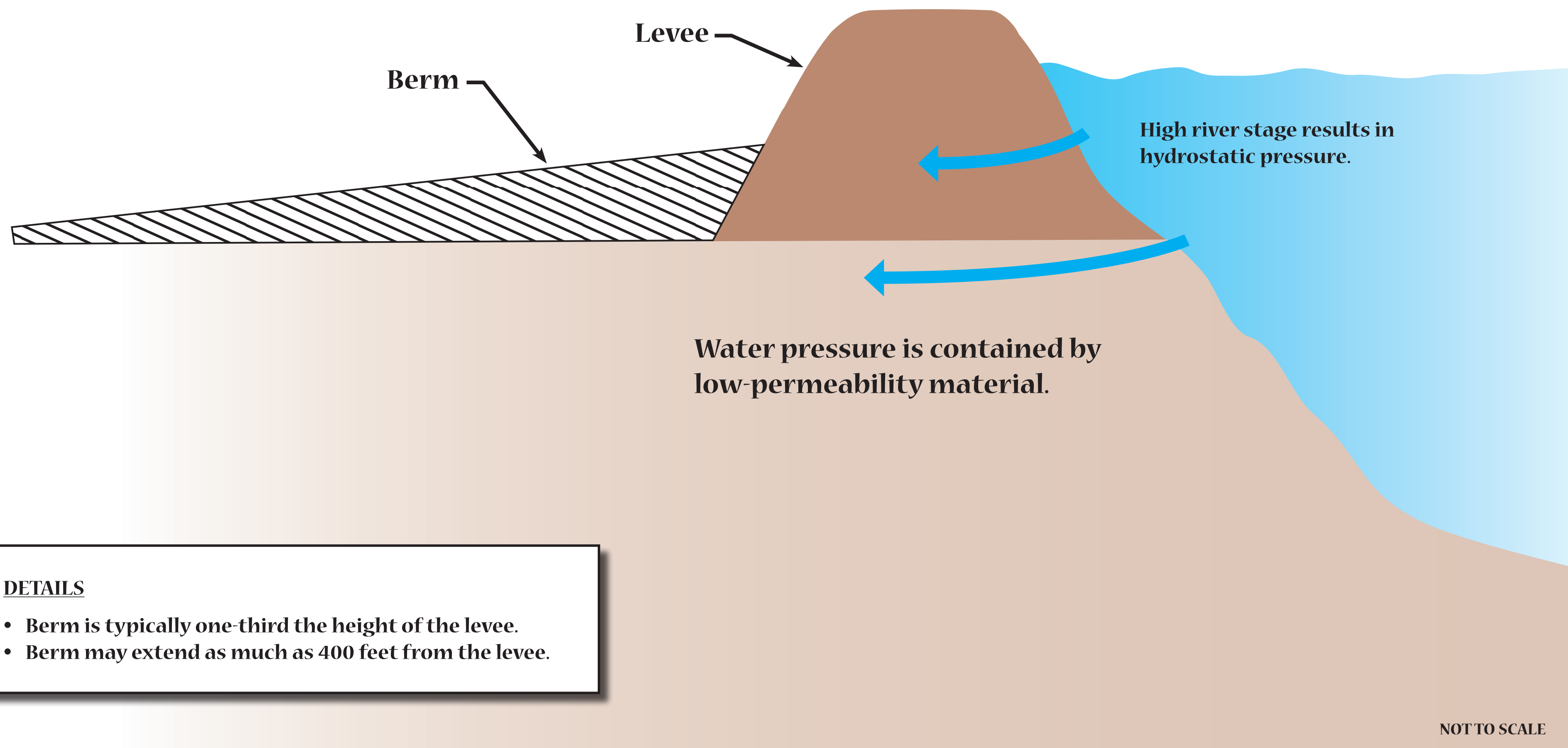


DETAILS

- Constructed via traditional slot trench, deep soil mix method, or jet grouting.
- Wall is approximately 3 ft wide.
- Wall depths can vary widely based on subsurface conditions.

Seepage Berm

Concept: Water pressure is contained and dispersed by a thickened soil layer.

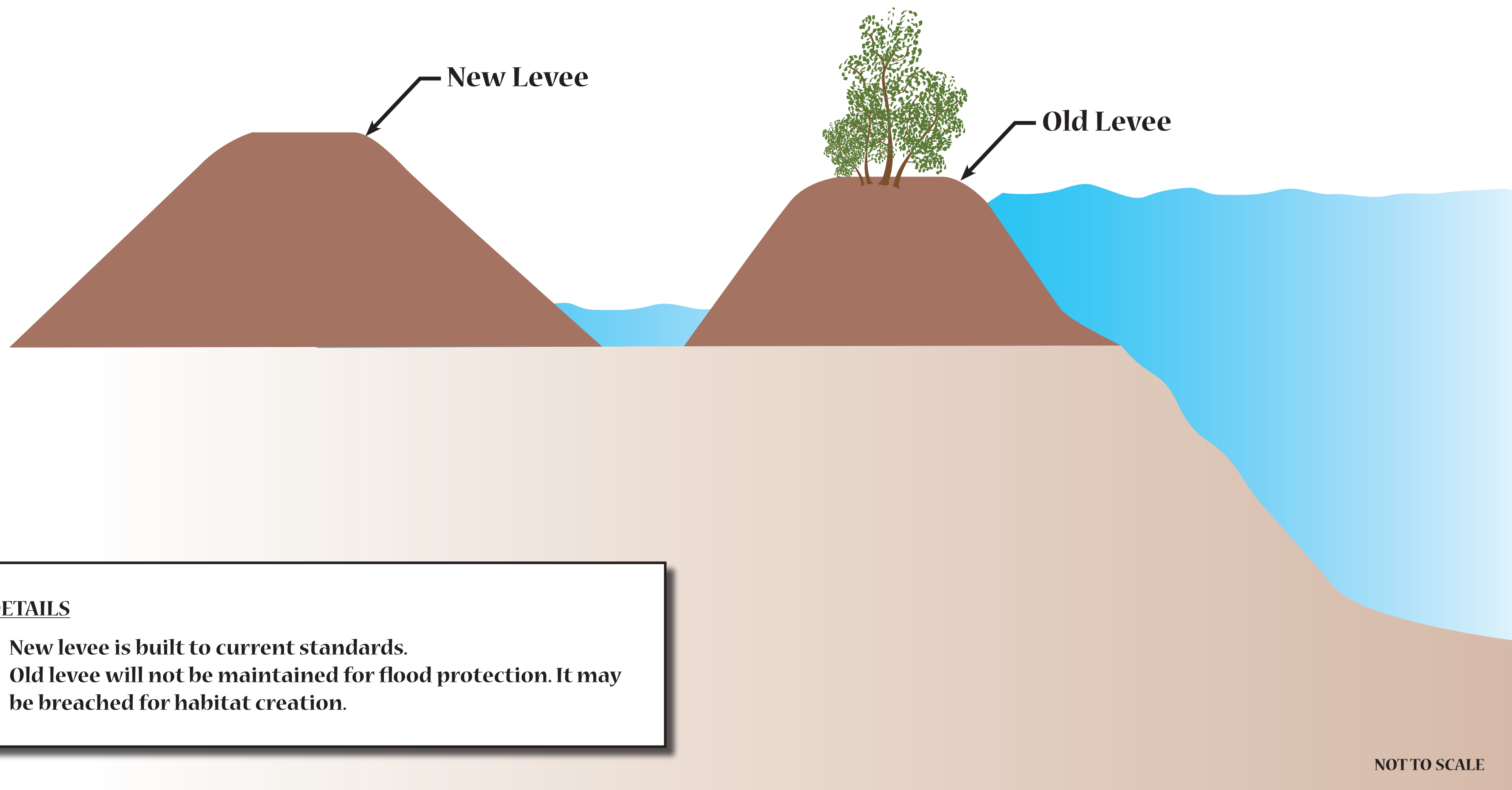


DETAILS

- Berm is typically one-third the height of the levee.
- Berm may extend as much as 400 feet from the levee.

Setback Levee

Concept: A new levee is built toward the landside of an existing levee where the existing levee is not readily repairable or where more flooding capacity is desired.



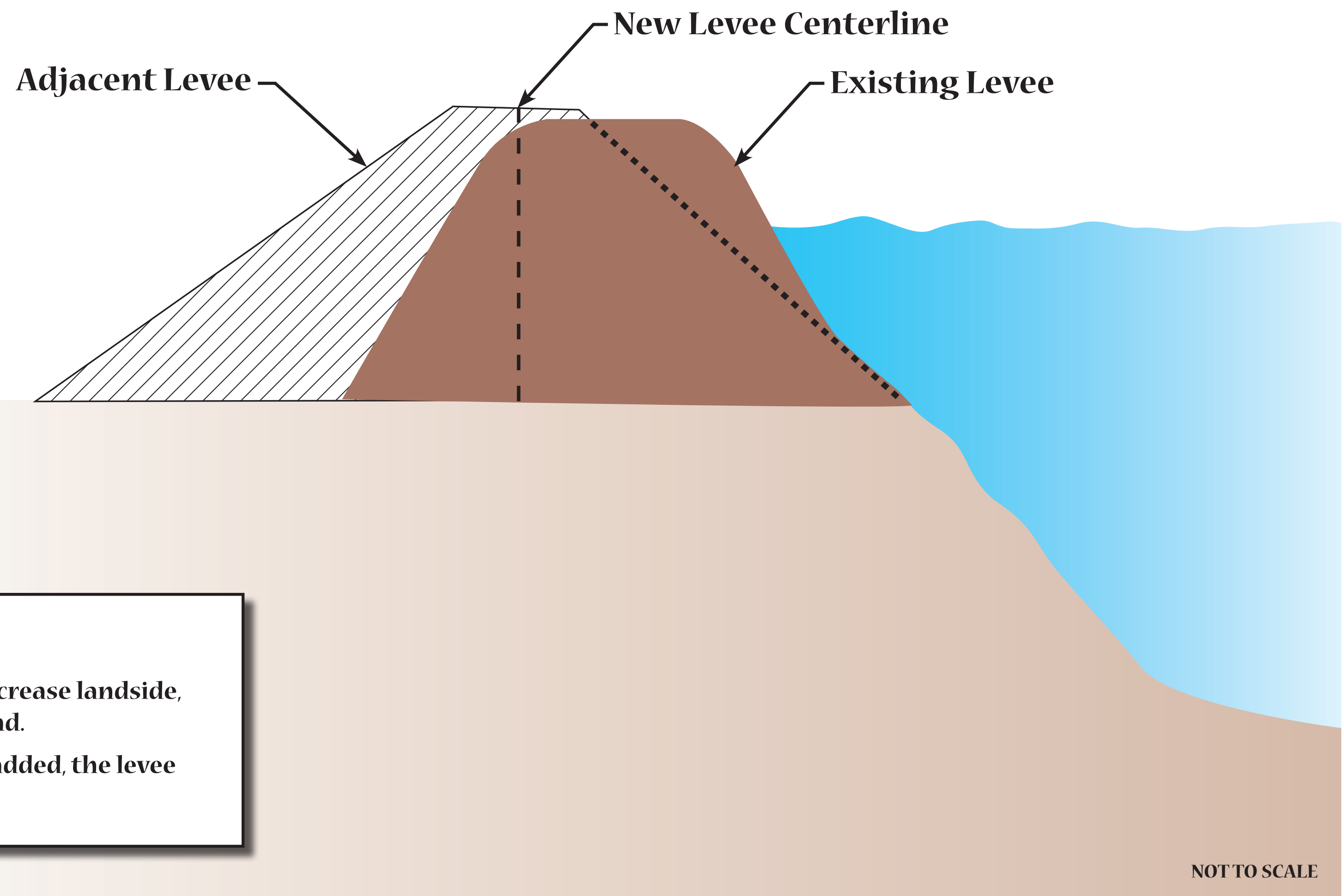
DETAILS

- New levee is built to current standards.
- Old levee will not be maintained for flood protection. It may be breached for habitat creation.

NOT TO SCALE

Adjacent Levee

Concept: A new embankment strengthens the existing levee and enlarges the slopes.



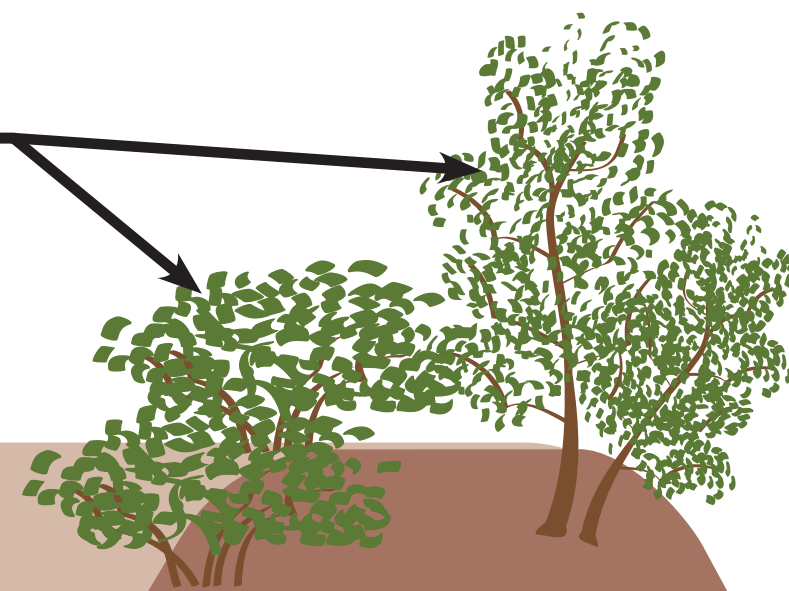
DETAILS

- The crown of the levee would increase landside, with a 3:1 slope to existing ground.
- When the new embankment is added, the levee centerline shifts landward.

Vegetation Removal

Concept: Vegetation within the levee prism may inhibit levee maintenance, visibility, and performance.

Vegetation within the levee prism may be removed.



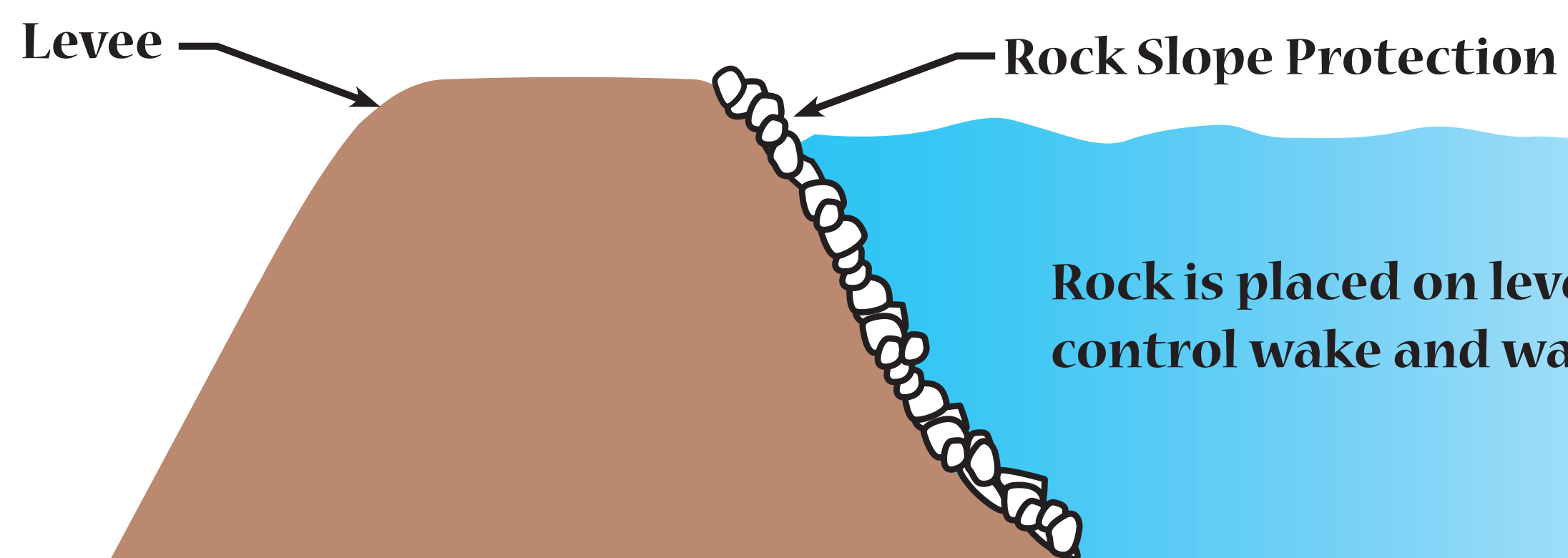
DETAILS

- Under the No Action Alternative, vegetation may be removed within the project area to comply with USACE policy
- Vegetation may also be removed to increase levee visibility for maintenance purposes and to facilitate placement of rock slope protection

NOT TO SCALE

Rock Slope Protection

Concept: Water-side erosion is prevented by placement of rock.



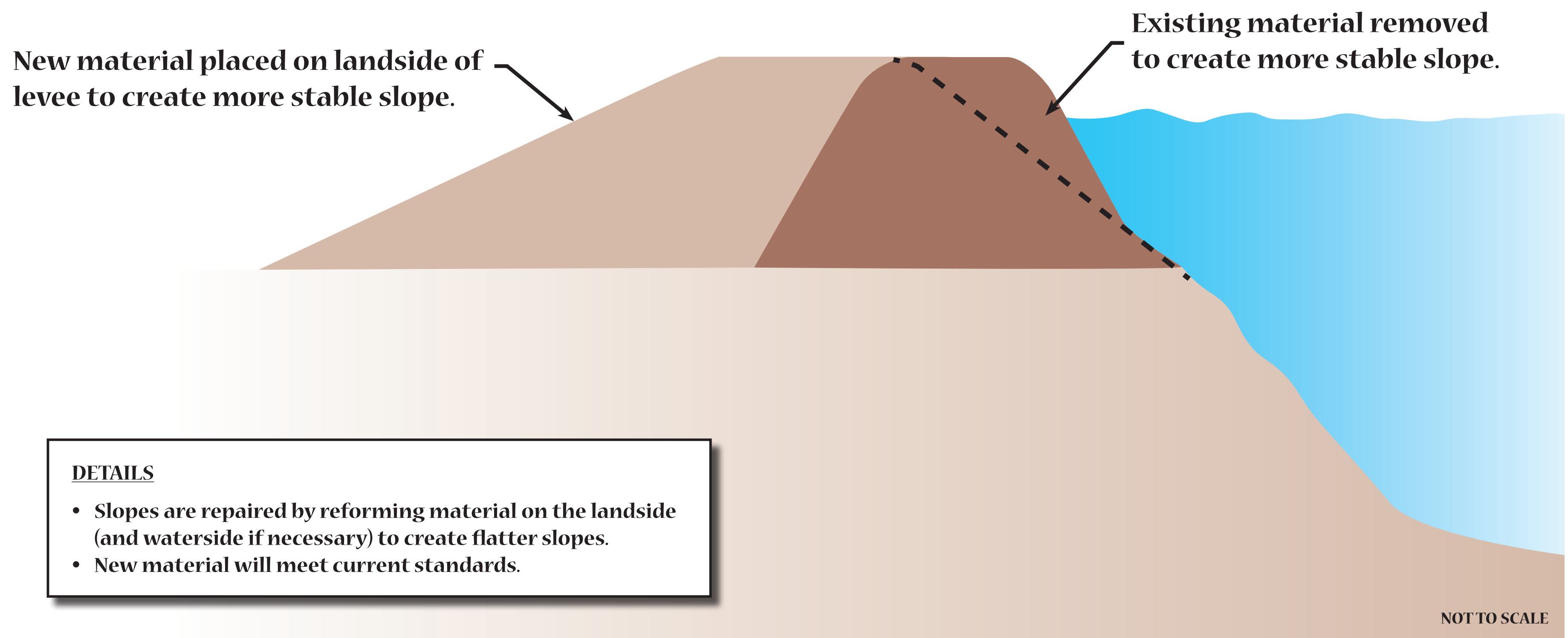
Rock is placed on levee slope to control wake and wave action.

DETAILS

- Rock is typically 8 to 18 inches in diameter, placed in a 12 to 24-inch layer.
- Rock could be covered by soil and/or non-woody vegetation.

Slope Flattening

Concept: Flatter slopes are more stable and less susceptible to erosion.



About NEPA and CEQA

The purpose of the National Environmental Policy Act (NEPA) is to include environmental consideration into Federal agency planning and action. It also ensures that a proposed activity's potential effects on both the natural and built environments are analyzed and disclosed to the public. This information is presented in an Environmental Impact Statement (EIS). NEPA serves to inform Federal agencies' planning and actions.

Similarly, the California Environmental Quality Act (CEQA) requires the preparation of an Environmental Impact Report (EIR) for non-exempt projects where there is substantial evidence that the project may cause a significant environmental impact. EIRs disclose the effects of the project to agencies and the public and serve as a decision-making aid for governing bodies.

While the West Sacramento Area Flood Control Agency is proposing the project, U.S. Army Corps of Engineers' approval is needed for alterations to Federal levees under Section 14 of the Rivers and Harbors Act; discharge of dredge or fill materials into jurisdictional waters of the United States under Section 404 of the Clean Water Act; and activities in navigable waters under Section 10 of The Rivers and Harbors Act. Therefore, compliance with both NEPA and CEQA is required.

A joint EIS/EIR is often prepared when there is both Federal and state agency interest in an activity, or when a state agency needs permission to perform an action under Federal jurisdiction, as is the case with the Southport Sacramento River Early Implementation Project (Southport EIP). The development of the Draft EIS/EIR is underway for the Southport EIP and will be released in summer 2013.

About the Scoping Process

Scoping is a process used to inform the public of a proposed activity and help shape the scope of an environmental impact statement/environmental impact report (EIS/EIR). During the scoping process lead agencies solicit public input regarding the issues, impacts, and alternatives to be addressed in the EIS/EIR.

Scoping can be particularly informative in a flood risk-reduction project because the local residents could have knowledge about the performance of a levee that the agencies are unaware of, such as locations of under-seepage, boils, or areas of general poor levee performance.

Comments received from scoping will inform the development of the project alternatives; define the environment and resources potentially affected by the alternative implementation; and analyze the resulting effects. The affected environment broadly includes physical, biological, social, and economic topic areas. Direct and indirect effects of project construction and long-term operations and maintenance are identified and analyzed. The effects of not implementing the project, called the No Action Alternative, are also analyzed.

When the project was initiated in 2011, a 30-day comment period on the scope of the EIS/EIR was opened, and two scoping meetings were held. Since then, the West Sacramento Area Flood Control Agency (WSAFCA) has expanded the Southport Sacramento River Early Implementation Project (Southport EIP) study area to include additional soil borrow sites that may be needed to construct the Southport EIP and a modified roadway alignment. The expanded study area includes the area of flood risk-reduction measure construction; roadway construction and/or relocation; and potential soil borrow sites. A second 30-day comment period is now being held, from March 8, 2013, to April 8, 2013, to solicit additional comments that are inclusive of the expanded study area. After considering all comments received during both scoping periods, WSAFCA and the U.S. Army Corps of Engineers will complete and release the draft EIS/EIR, available for public review in summer 2013.

Ecosystem Restoration Opportunities & Mitigation

While the highest priority of the Southport Sacramento River Early Implementation Project (Southport EIP) is to implement flood risk-reduction measures, the project would also allow the West Sacramento Area Flood Control Agency (WSAFCA) to partially or fully mitigate many of the project's environmental impacts onsite. In addition, it may provide an opportunity for restoration of historic habitat within the project area.

Potential Habitat Restoration Activities

The goal of restoration design is to create self-sustaining, high-value habitats. As part of the Southport EIP, habitat would be created to replace that which may be lost during construction; this minimum level of habitat creation is required under the National Environmental Policy Act and California Environmental Quality Act and is considered mitigation. Where space within the project area is available, additional restoration could be undertaken that would restore habitat to historical conditions. Likely objectives for habitat mitigation and restoration include:

- Mitigation for temporary and permanent impacts on protected land cover types
- Mitigation for temporary and permanent impacts to special-status species and potential habitat for these species
- Restoration of portions of the historic Sacramento River floodplain through construction of a setback levee
- Restoration of riparian and oak woodland habitat on the restored floodplain
- Restoration of grasslands on the restored floodplain, setback levee, seepage berm, and other disturbed areas

Alternatives 2, 4, and 5, which primarily use a setback levee, include an expanded wildlife habitat restoration element through the use of offset floodplain areas. This term refers to the expanded floodway on the waterside of the proposed setback levee. Project activities in this area would include borrow excavation, grading, and floodplain and habitat restoration. The offset floodplain area mitigates the losses of existing habitat values due to project effects, as well as maximizes the potential habitat value in the Sacramento River floodplain. The amount of onsite habitat mitigation and restoration that could be implemented would depend on the alternative selected.

Recreation Opportunities

The highest priority of the Southport Sacramento River Early Implementation Project is to implement flood risk-reduction measures. However, where it is compatible with those measures and operations, the West Sacramento Area Flood Control Agency (WSAFCA) is considering recreation improvements on, adjacent to, or near the levee.

South River Road, which runs atop the levee, provides easy access to the river and serves as a gateway to many recreational settings. Most of the levee supports a mature riparian forest that is attractive to recreationists. The scenic quality of the road and relatively light traffic make it a popular corridor for pedestrians, joggers, equestrians, cyclists, and anglers accessing the river.

WSAFCA seeks to improve conditions, accessibility, and maintenance of recreation sites along the levee. The current recreational uses listed above may be enhanced by adding parking or staging areas, seating along the corridor, picnic areas, and adventure play areas.

Ease of maintenance and increased accessibility are the two criteria that will be primarily used to evaluate implementation of enhanced recreation options. Recreation features proposed as part of each flood risk-reduction measure will be defined through the design and environmental processes and will be available for public review and comment when the draft environmental impact statement/environmental impact report is released in summer 2013.

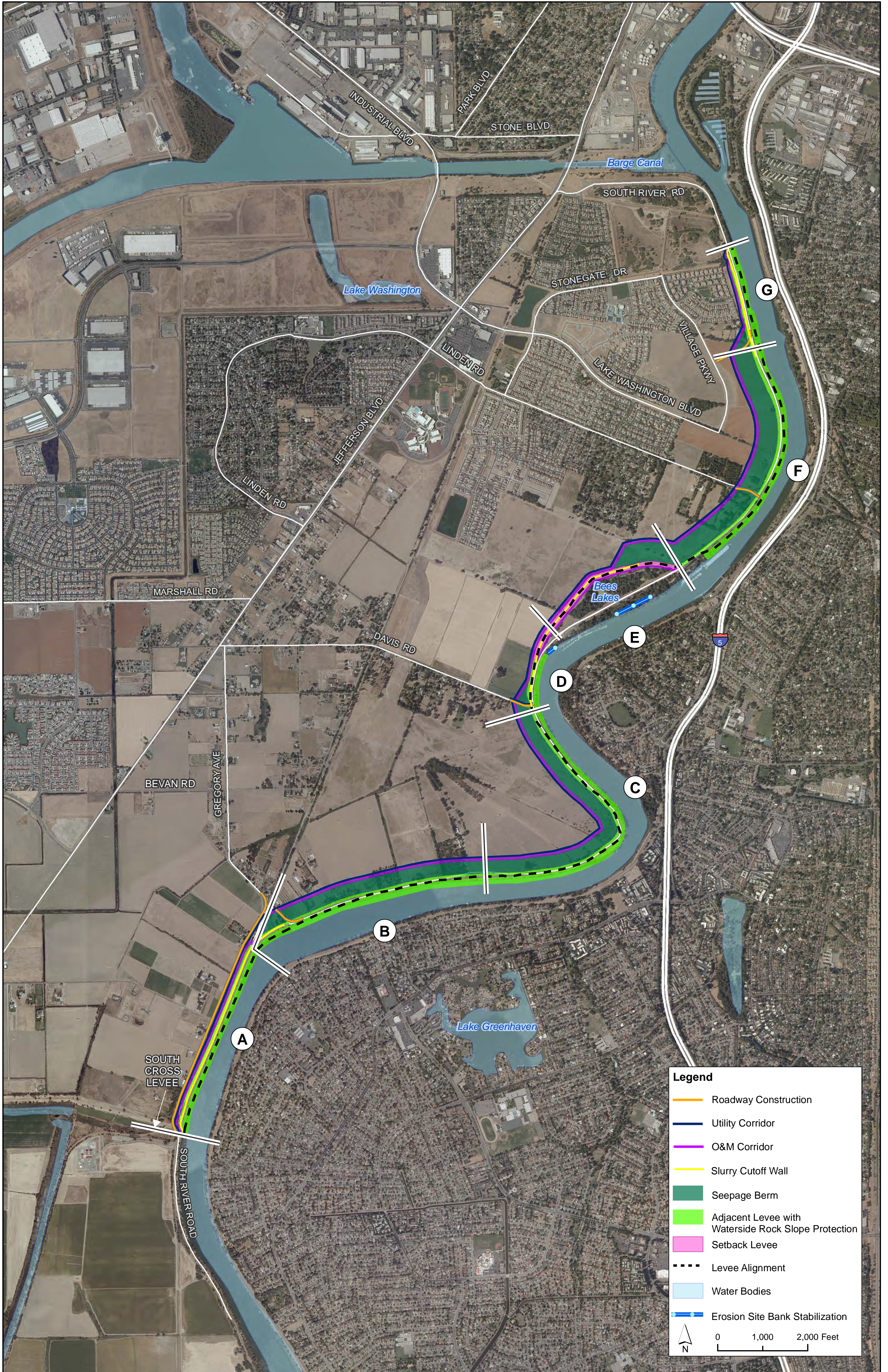
Potential Environmental Issues

Implementation of the proposed Southport Sacramento River Early Implementation Project would likely affect both the natural and built environments. The effects will be evaluated and disclosed in the environmental impact statement/environmental impact report (EIS/EIR). Resources analyzed in the EIS/EIR will include, but are not limited to:

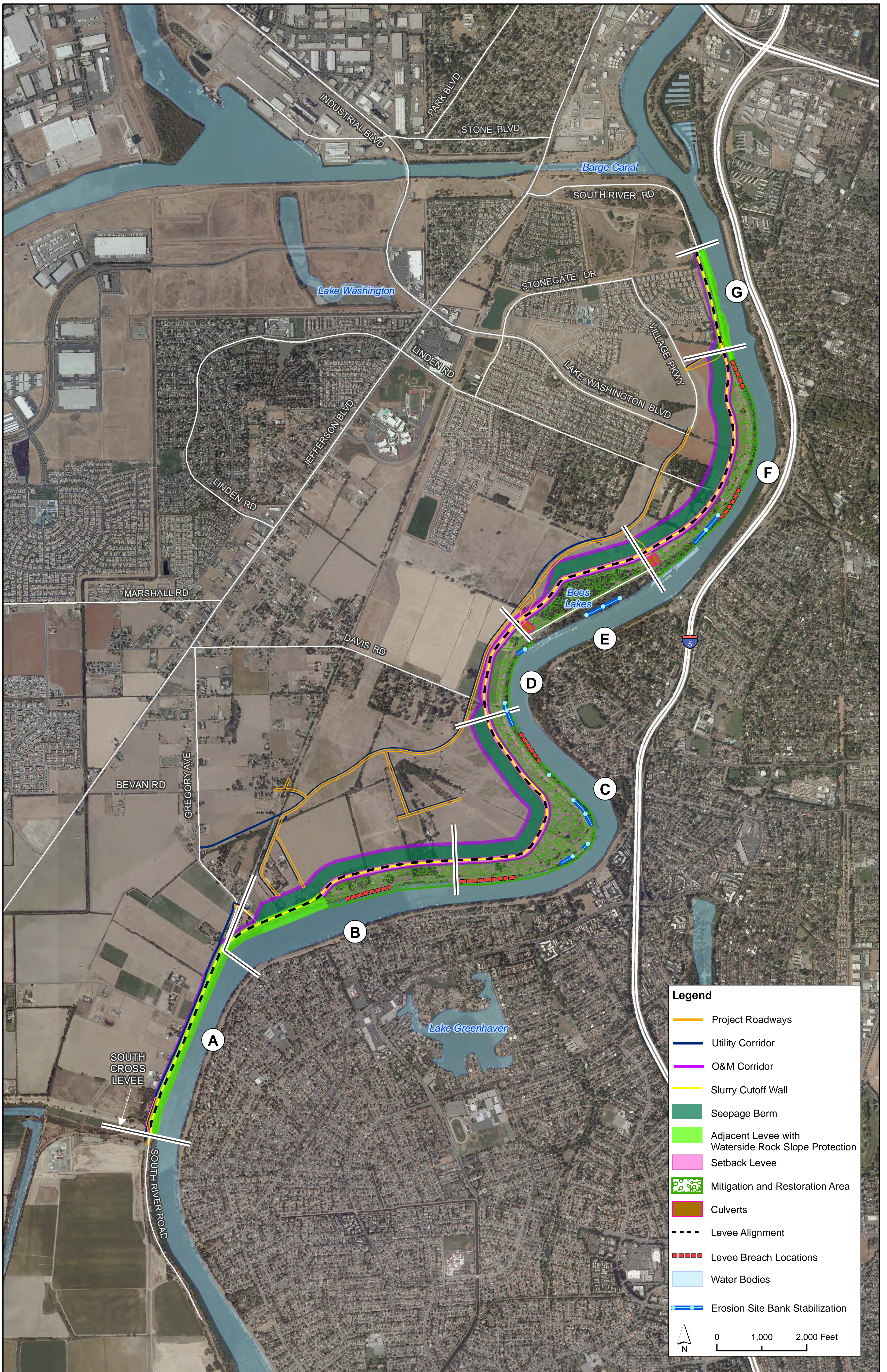
- **Aesthetics**
- **Biological resources**
- **Hazards and hazardous materials**
- **Socioeconomics & Environmental justice**
- **Agriculture**
- **Population & housing**
- **Cultural resources**
- **Mineral resources**
- **Hydrology/water quality**
- **Public services**
- **Transportation/traffic**
- **Air quality**
- **Geology & soils**
- **Land use/planning**
- **Recreation**
- **Noise**
- **Utilities/service systems**



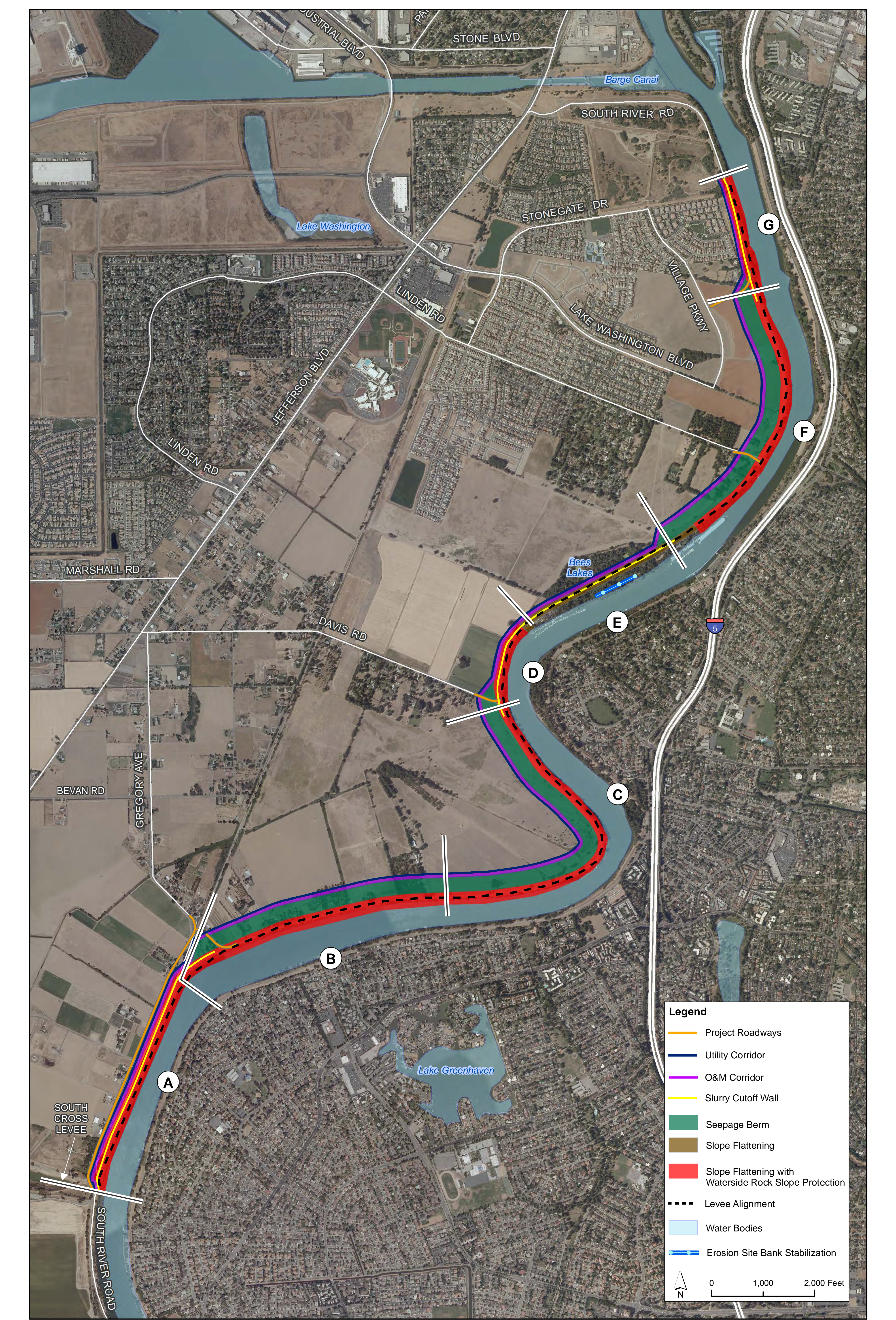
On South River Road, looking east and across the river toward Sacramento's Little Pocket neighborhood. This levee stretch is included in the 6 miles proposed for upgrades under the Southport Sacramento River EIP.



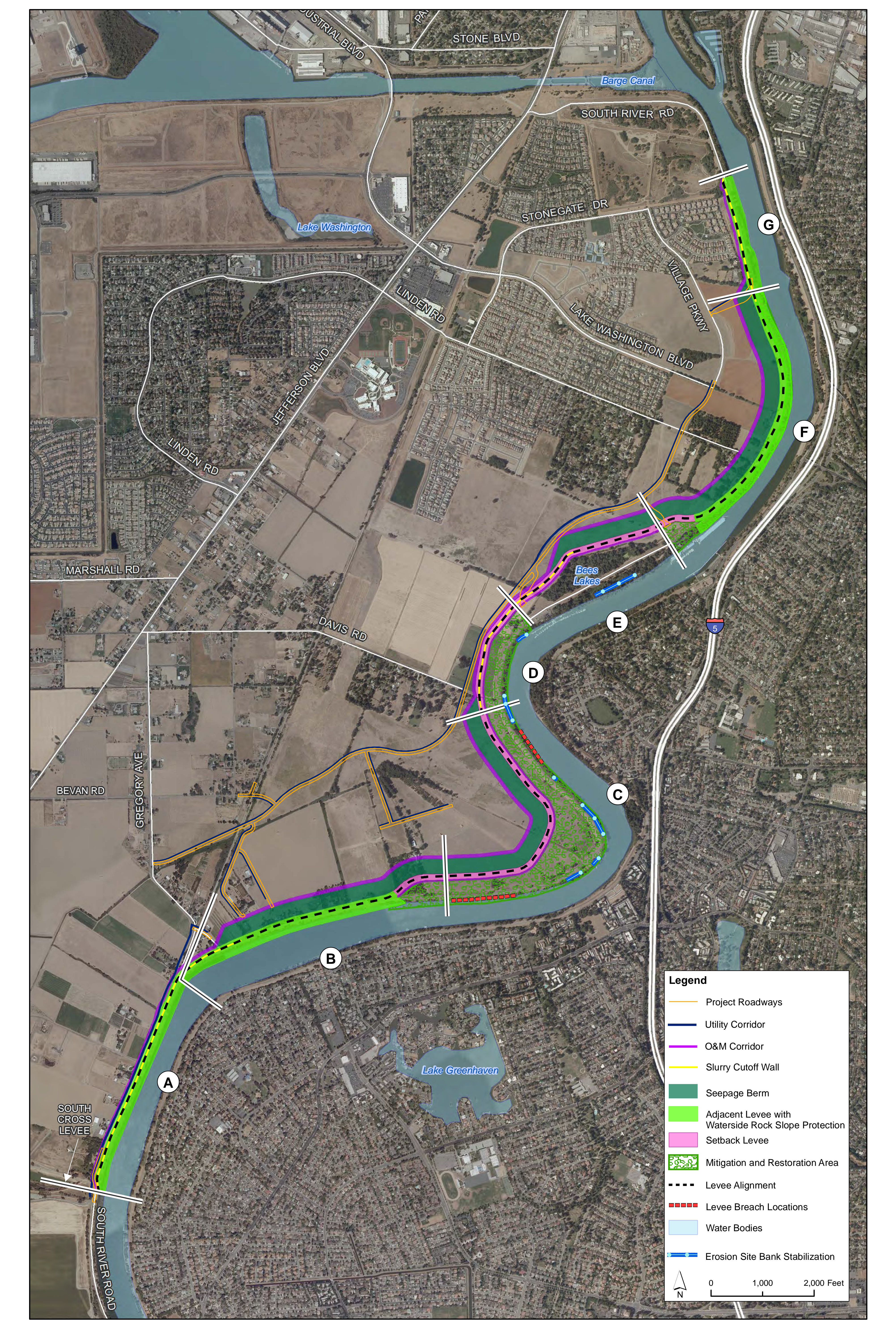
Southport Early Implementation Project Post-Construction Conditions - Alternative 1



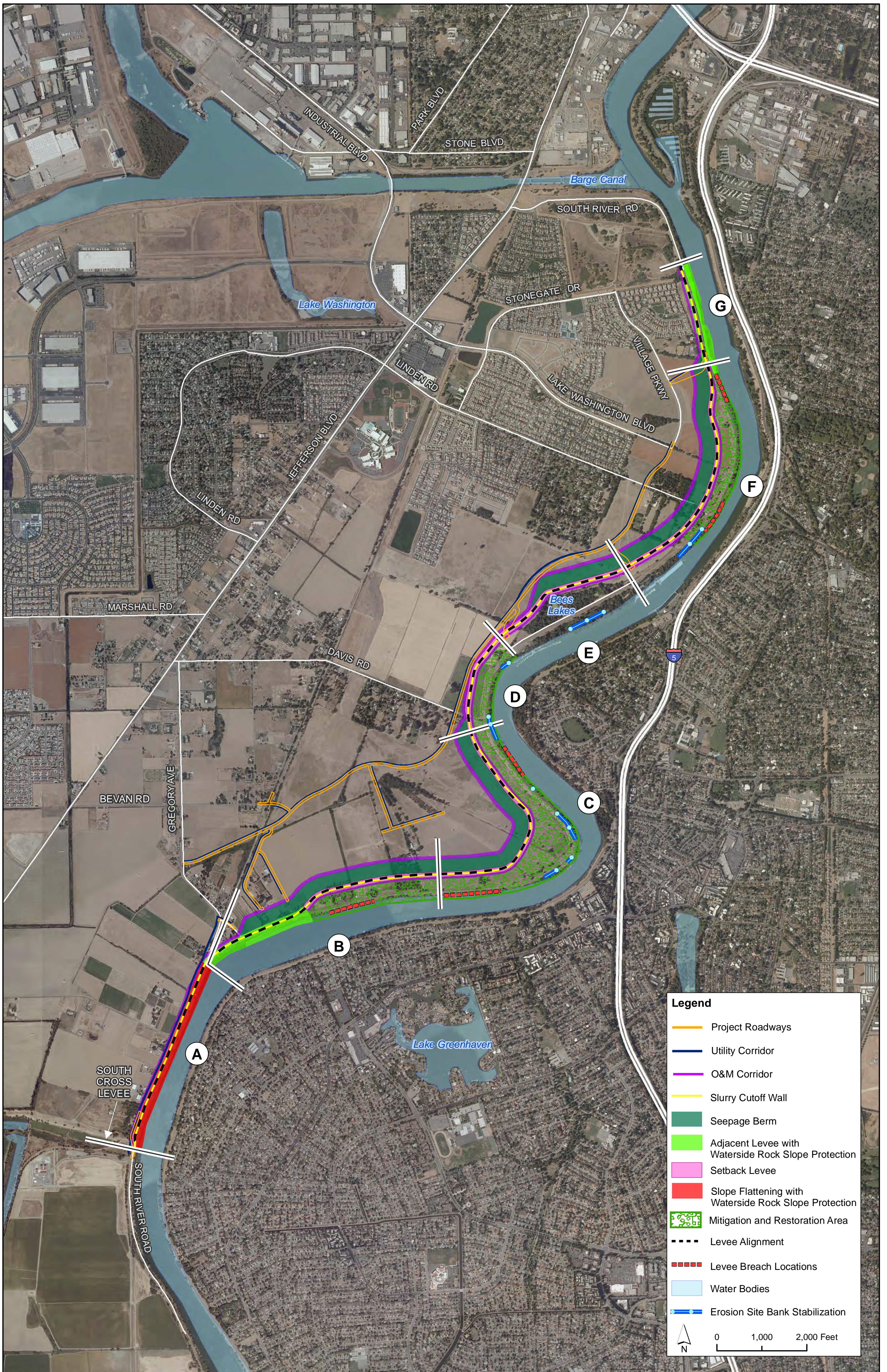
Southport Early Implementation Project Post-Construction Conditions - Alternative 2



Southport Early Implementation Project Post-Construction Conditions - Alternative 3



Southport Early Implementation Project Post-Construction Conditions - Alternative 4



Southport Early Implementation Project Post-Construction Conditions - Alternative 5

Comments?

Thank you for your interest in
this public safety project.
Please provide us with your
input on the content of the
Environmental Impact Statement/
Environmental Impact Report here.



The Southport Sacramento River Early Implementation Project

Environmental Review Process Fact Sheet

About the Project

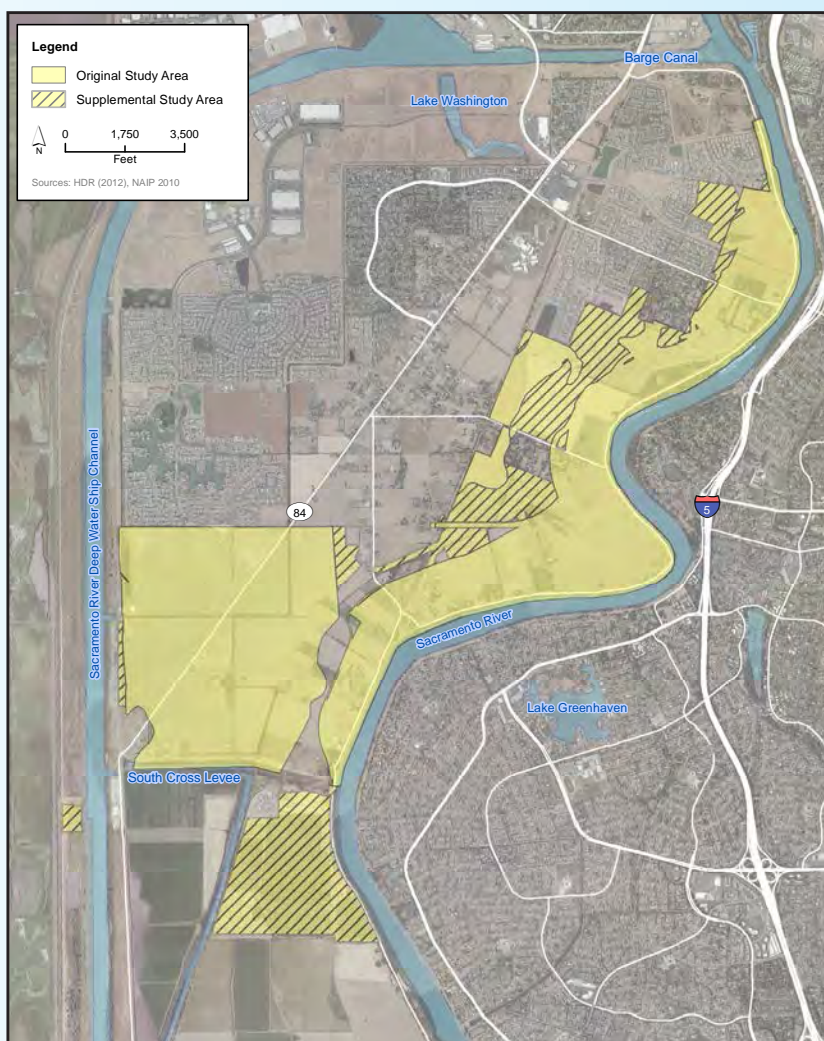
The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River Early Implementation Project (Southport EIP) to implement flood risk-reduction measures along approximately 6 miles of the Sacramento River South Levee. The Southport EIP is the fourth levee risk-management project (following the I-Street Bridge, CHP Academy, and The Rivers projects) under the West Sacramento Levee Improvement Program (WSLIP). The WSLIP is a city-wide comprehensive flood risk-management program initiated in 2007.

Construction of the Southport EIP would bring the levee up to current standard with Federal and state flood risk-reduction criteria, addressing the under- and through-seepage, erosion, and slope instability that hinder the levee's performance. The Southport EIP may also provide opportunities for ecosystem restoration and public recreation.

The Environmental Process

To comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), a joint environmental impact statement/environmental impact report (EIS/EIR) is being developed. The U.S. Army Corps of Engineers (USACE) is the Federal lead agency under NEPA, and WSAFCA is the lead agency under CEQA. While WSAFCA is proposing the Southport EIP, USACE approval is needed for alterations to Federal levees under Section 14 of the Rivers and Harbors Act; discharge of dredge or fill materials into jurisdictional waters of the United States under Section 404 of the Clean Water Act; and activities in navigable waters under Section 10 of the Rivers and Harbors Act.

The EIS/EIR will describe the proposed Southport EIP alternatives, including the Applicant Preferred Alternative, and analyze the potential impacts and mitigation measures associated with each alternative. Potential impacts on resources—including aesthetics, soils, flood management, wildlife, vegetation, noise, recreation, and traffic—will be evaluated in the EIS/EIR.



Establishing the Scope of the EIS/EIR

In summer 2011, WSAFCA and USACE issued a Notice of Preparation (NOP) and Notice of Intent (NOI), respectively, to prepare a joint EIS/EIR for the Southport EIP. A 30-day comment period was opened, and two scoping meetings were held. Since then, WSAFCA has expanded the Southport EIP study area to include additional soil borrow sites that may be needed to construct the Southport EIP and a modified roadway alignment. The expanded study area includes the area of flood risk-reduction measure construction; roadway construction and/or relocation; and potential soil borrow sites (see map). Because WSAFCA has increased the study area, a second 30-day comment period is now being held, from March 8, 2013, to April 8, 2013, to solicit additional comments on the Southport EIP that are inclusive of the additional borrow sites. After considering all comments received during both scoping periods, WSAFCA and USACE will complete and release the Draft EIS/EIR, available for public review in summer 2013.

EIP Alternatives

Five alternatives are being considered. The priority of each alternative is to reduce flood risk, but each also provides varying opportunities for ecosystem restoration and recreation. Each alternative is a combination of two or more of the following flood-risk reduction measures:

- Levee slope flattening
- Setback levee
- Adjacent levee
- Seepage berms on the land side of the levee
- Rock slope protection on the water side
- Slurry cut-off walls

EIP Status

The Southport EIP is currently in the environmental effects review and mitigation development phase. The environmental, design, and program management teams will work collaboratively to determine the feasibility of the alternatives, ensuring they provide a level of flood risk-reduction that meets current standards, is cost effective, and limits the short- and long-term adverse impacts to the environment. Construction is scheduled to begin in 2014.

For More Information

For more information about public input opportunities, the environmental process, and other flood-risk management projects in the city, visit www.cityofwestsacramento.org/city/flood/southport_eip/.


We Want Your Input

If you would like to comment on the content of the EIS/EIR, please submit comments to the individuals below. All comments must be received by 5 p.m. on April 8, 2013.

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814
megan.smith@icfi.com

Tanis Toland
U.S. Army Corps of Engineers, Sacramento District
Delta Programs Integration & Ecosystem Restoration
1325 J Street, Sacramento, CA 95814
tanis.j.toland@usace.army.mil





**The Southport Sacramento River
Early Implementation Project
Supplemental Scoping**

.....
PLEASE FOLD ALONG THIS LINE FOR MAILING

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

**PLACE
POSTAGE
HERE**

**West Sacramento Area Flood Control Agency
c/o Ms. Megan Smith
630 K Street, Suite 400
Sacramento, CA 95814**

Attachment C

- Written comments received

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

**JENNIFER LUCCHESI, Executive Officer**

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

Contact FAX: (916) 574-1885

April 8, 2013

File Ref: SCH # 2011082069

Megan Smith
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

Subject: Supplemental Notice of Preparation (SNOP) for an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Southport Sacramento River Early Implementation Project (EIP), Yolo County

Dear Ms. Smith:

The California State Lands Commission (CSLC) staff has reviewed the subject SNOP for an EIS/EIR for the Southport Sacramento River EIP (Project), which is being prepared by the West Sacramento Area Flood Control Agency (WSAFCA) and the U.S. Army Corps of Engineers (USACE). WSAFCA issued an NOP for the Project on August 26, 2011 (2011 NOP), but has since expanded the EIP study area to include additional potential soil borrow sites for the Project activities. WSAFCA, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), and the USACE, as the primary federal permitting agency, is the lead agency under the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.). The CSLC will act as a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Flood protection measures to be considered in the EIS/EIR appear to include the possibility of work waterward of the ordinary high water mark of the Sacramento River, which is State-owned sovereign land under the jurisdiction of the CSLC. A lease and formal authorization for the use of sovereign land will be required from the CSLC for any portion of the Project encroaching on State-owned lands. Please contact Ninette Lee at the contact information at the end of this letter for questions on leasing.

Project Description

As described in the SNOP, WSAFCA proposes to implement flood risk-reduction measures on the uplands and along the west bank of the Sacramento River in West Sacramento. The Project would meet WSAFCA's objectives as follows:

- Bring the levee up to standard with Federal and State flood protection criteria; and
- Provide opportunities for ecosystem restoration and public recreation.

CSLC staff understands that the Project could include some or all of the following components:

- Slope flattening of the existing levee;
- Use of seepage berms located to the land side of the levee,
- Rock slope protection located the water side of the levee;
- Setback levees and/or adjacent levees located landward of the existing levee;
- Relief wells; and
- Slurry cut-off wells.

Secondary activities that support these primary Project components could include:

- Use of neighboring roadways for Project ingress and egress;
- Creation of temporary access roads;
- Construction of new roadways, including elevated spans;
- Resurfacing and/or relocation of existing roadways;
- Removal of vegetation adjacent to the riverfront;
- Extraction of soil from identified borrow sites;

- Disposal of excess soil at identified disposal sites; and
- Relocation of public utilities.

Environmental Review

CSLC staff requests that the following potential impacts be analyzed in the EIS/EIR.

General Comments

1. Project Description: From the SNOP, it appears that the EIS/EIR will analyze a variety of flood control methods, some or all of which would be integrated into the Project's final design. A thorough and complete Project Description should be included in the EIS/EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives for all of the methods under consideration. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material borrow or disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the need for subsequent environmental analysis.
2. Adequate Mitigation: To avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines § 15126.4, subd. (b)).¹

Biological Resources

3. Vegetation Removal: Since the release of the 2011 NOP, "removal of vegetation adjacent to the riverfront" has been added as a potential secondary activity to support the Project's primary objectives (SNOP, p. 2). Please note that on August 14, 2012, the CSLC approved a resolution (staff report and resolution attached) in support of House of Representatives Bill (H.R.) 5831, reintroduced in January, 2013 as H.R. 399, which would "[direct] the Secretary of the Army to undertake a comprehensive review of the [USACE] policy guidelines on vegetation management for levees in order to determine whether current federal policy is appropriate for all regions of the United States" (Levee Revegetation Act). The resolution, which supports the bill's efforts to revisit the USACE's variance process to incorporate regional stakeholders and provide for regional variability, notes that the removal of already dwindling riparian vegetation in

¹ The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

California “has the potential to severely limit, if not extinguish, the public’s ability to access, use and enjoy the State’s public trust lands.” (8/14/2012 Calendar Item #100.)

In consideration of the controversy surrounding implementation of the USACE’s vegetation policy, “*Process for Requesting a Variance From Vegetation Standards for Levees and Floodwalls--75 Fed. Reg. 6364-68*” and the associated Engineer Technical Letter (ETL) 1110-2-571 “*Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures*” adopted April 10, 2009, including a lawsuit involving the California Department of Fish and Wildlife (CDFW),² CSLC staff requests that the EIS/EIR include the following:

- A summary of the USACE’s current policy and variance process, as well as a discussion of critiques and suggestions of California state agencies and stakeholders, notably the California Department of Water Resources and CDFW;
 - Analysis of the potential impacts on both riparian habitat and special status species that rely on or benefit from such habitat, such as Swainson’s hawk, which is known to nest along the Sacramento River, and native salmonid species;
 - Consideration and discussion of alternatives to the Project that would minimize or eliminate proposed vegetation removal (State CEQA Guidelines, § 15126.6); and
 - Evaluation of the potential cumulatively considerable impacts of Project-related levee vegetation removal, in the context of potential, “reasonably foreseeable” flood system-wide implementation of the USACE’s vegetation policy (State CEQA Guidelines, § 15130).
4. Sensitive Species: WSAFCA should conduct queries of the CDFW California Natural Diversity Database (CNDDDB) and U.S. Fish and Wildlife Service’s (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. Additionally, WSAFCA should consult early in the process with appropriate CDFW and USFWS staffs to identify species of concern. For example, the Sacramento River is known to provide habitat for delta smelt, Chinook Salmon, and steelhead, all of which are listed under the State and/or Federal Endangered Species Acts. These species could be impacted by loss of habitat or habitat complexity, increased siltation, increased scour and erosion, or stranding during installation or removal of cofferdams. The loss of natural, shaded streamside fish habitat that contains riffles, natural woody debris, and other complex features due to the placement of rip rap or other unnatural bank stabilization should be evaluated and minimization or mitigation measures developed. The State-listed Swainson’s hawk, if present in the Project area, could be impacted by tree removal and construction-related

² See *Friends of the River, et al. v. United States Army Corps of Engineers, et al.*

disturbance. The EIS/EIR should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify feasible mitigation measures, such as restricting work during certain time periods, establishing buffers, and restoring or compensating for lost habitat.

5. Invasive and Non-native Species: One of the major stressors in Sacramento-San Joaquin Delta system (Delta) is introduced species. Therefore, the EIS/EIR should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) such as the quagga mussel, or other nonindigenous, invasive species including aquatic and terrestrial plants. For example, construction boats and barges brought in from long stays at distant projects may transport new species to the Project area via hull biofouling, wherein marine and aquatic organism attach to and accumulate on the hull and other submerged parts of a vessel. If the analysis in the EIS/EIR finds potentially significant AIS impacts, possible mitigation could include contracting vessels and barges from nearby, or requiring a certain degree of hull-cleaning from contractors. The CDFW's Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at <http://www.dfg.ca.gov/invasives/>).

In addition, in light of the recent decline of native pelagic organisms and in order to protect at-risk fish species, the EIS/EIR should examine if any elements of the Project (e.g., changes in bankside vegetative cover) would favor non-native fisheries within the Delta.

6. Construction Noise: The EIS/EIR should also evaluate noise and vibration impacts on fish and birds from construction, restoration or flood control activities in the water, on the levees, and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA Fisheries). Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

Climate Change

7. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by section 15064.4 of the State CEQA Guidelines should be included in the EIS/EIR. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs estimated to result from construction and ultimate build-out of the Project, as well as any loss of carbon dioxide sequestration potential from removed riparian vegetation, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce or minimize them. The analysis should pay particular attention to the possibility of cumulative impacts of GHG emissions.

Cultural Resources

8. Submerged Resources: The EIS/EIR should evaluate the possibility of submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database, available at <http://shipwrecks.slc.ca.gov>, that can assist with this analysis. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant.
9. Title to Resources: The EIS/EIR should mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. Mitigation measures should be developed to address any submerged cultural resources that may be affected by the proposed Project and any unanticipated discoveries during the Project's construction. CSLC staff requests that WSAFCA and/or USACE consult with CSLC staff, should any cultural resources be discovered during construction of the proposed Project.

Hydrology and Water Quality

10. Dredging and Construction Disturbance: The EIS/EIR should disclose and analyze the Project's potential to adversely affect water quality. Such impacts are likely to include increased turbidity and sedimentation from dredging, fill, and other in-water construction work, and potential pollution from worksite spills or mobilization of pollutants from the dredged soils. For any effects found to be potentially significant, the EIS/EIR should identify feasible mitigation measures, such as use of turbidity curtains, which would avoid or lessen such effects.

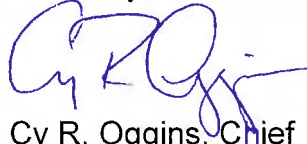
Recreation

11. Public Access: As public access and recreation on State lands are key concerns of the Public Trust, CSLC staff requests that the EIS/EIR analyze the Project's short-term and long-term impacts on recreation resources, both during construction and for the life of the Project. Although the State CEQA Guidelines Appendix G Checklist only explicitly addresses impacts related to increased use of existing parks or construction of new parks or recreational facilities, CSLC staff requests that the EIS/EIR also consider the effects that the Project and its construction may have on the public's ability to access, enjoy, and recreate in and along the Sacramento River. Any significant impacts will require mitigation measures that either minimize or reduce the impacts or otherwise compensate visitors; measures could include post-construction restoration and/or revegetation of recreation and access areas, installation of temporary or permanent alternate river access points, creation of clearly marked detours, etc.

Thank you for the opportunity to comment on the SNOP for the Project. As a trustee and potentially responsible agency, the CSLC will need to rely on the Final EIS/EIR for the issuance of any new lease as specified above and, therefore, we request that you consider our comments during preparation of the EIS/EIR. Please send additional information on the Project to the CSLC staff listed below as plans become finalized.

Please send copies of future Project-related documents or refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at Sarah.Sugar@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869, or via email at Ninette.Lee@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

References

Levee Vegetation Review Act of 2013, H. 399, 113th Cong., 1st Sess. (2013).

Attachments

8/14/2012, Calendar Item #100
8/14/2012, Calendar Item #100, Exhibit A

cc: Office of Planning and Research
Ninette Lee, LMD, CSLC
Sarah Sugar, DEPM, CSLC
Pam Griggs, DEPM, CSLC
Eric Milstein, DEPM, CSLC

CALENDAR ITEM
C100

A Federal

08/14/12

S Federal

S. Pemberton

**CONSIDER SUPPORTING FEDERAL LEGISLATION THAT WOULD ENACT THE
LEVEE VEGETATION REVIEW ACT OF 2012, WHICH WOULD REQUIRE THE
UNITED STATES ARMY CORPS OF ENGINEERS TO ADOPT A REGIONAL
VARIANCE POLICY FOR VEGETATION ON LEVEES**

INTRODUCTION:

State Lands Commission staff has been reviewing various legislative proposals introduced in the 112th Congress that involve lands under the Commission's jurisdiction. This report describes the proposed Levee Vegetation Review Act of 2012 (House Bill 5831 – Matsui) and proposes a Resolution for the Commission to consider adopting in support of this bill.

LEGISLATIVE PROPOSAL:

House Bill 5831 (Matsui): The Levee Vegetation Review Act of 2012

SUMMARY AND BILL DESCRIPTION:

House Bill 5831 would require the United States Army Corps of Engineers (Corps) to adopt a regional variance policy for vegetation on levees, instead of the Corps' uniform national policy. The bill would require the Secretary of the Army, in consultation with interested federal agencies, state and local governments, tribes, nongovernmental organizations and the public, to undertake a comprehensive review of the Corps' policy guidelines on vegetation management for levees. In conducting the review, the Secretary would be required to study the guidelines in view of: 1) the varied interests and responsibilities in managing flood risks, including the need to provide the greatest levee safety benefit with limited resources; 2) preserving, protecting, and enhancing natural resources, including the potential benefit that vegetation on levees can have in providing habitat for species of concern; 3) protecting the rights of Native Americans pursuant to treaties and statutes; and, 4) any other factors the Secretary considers appropriate.

CALENDAR ITEM NO. C100 (CONT'D)

In conducting the review, the Secretary would also be required to consider factors that promote and allow for variances from the national guidelines on a regional or watershed basis, including soil conditions, hydrologic factors, levee performance history, vegetation patterns and characteristics, and environmental resources. Corps Regional Integration Teams would be required to recommend to the Chief of Engineers vegetation management policies for levees that are consistent with state and federal laws.

As part of the review, the Secretary would be required to solicit and consider the views of the National Academy of Engineering, which must be made publicly available and included in supporting materials issued in connection with the revised guidelines authorized by this bill.

The Secretary would be authorized to revise the Corps' levee management guidelines two years after the date of enactment of this bill, consistent with the results of the review. The revised guidelines would be required to provide a practical process for approving regional or watershed variances from the national guidelines, reflecting consideration of measures to maximize public safety, regional climatic variations, environmental quality, implementation challenges, and allocation of responsibilities.

BACKGROUND:

California's Central Valley Flood Control System includes approximately 1,600 miles of levees, with trees, brush and other woody vegetation growing on most of them. Ever since the system was turned over the State to operate, vegetation has been encouraged, protected, or introduced by the Corps on many levees.

In the aftermath of Hurricane Katrina, the Corps undertook a review of their levee standards to improve public safety. As part of that process, they adopted a new vegetation management policy requiring the removal of all woody vegetation over 2 inches in diameter from levees throughout the nation; unless a special variance is approved. This policy was adopted even though an Interagency Performance Task Force Report concluded that the flooding in New Orleans from Hurricane Katrina was caused by engineering and construction failures of the levees. Woody vegetation was not cited as a cause of levee failure.

In April 2010, the California Department of Water Resources (DWR) and the California Department of Fish and Game (DFG) submitted comments on the process for requesting a variance from the Corps' vegetation standards for levees. The Departments noted that proposed requirements for a variance are so stringent and ambiguous that variances are unlikely to be issued. Further, their comments expressed the importance of coordinating public safety improvements with protection of the unique and irreplaceable fisheries and wildlife habitats associated with the Central Valley Flood Protection System. They further expressed their view that the Corps' policy will reduce public safety in California, result in extensive and unnecessary environmental and

CALENDAR ITEM NO. C100 (CONT'D)

ecosystem destruction, and remove the Corps' responsibility to assist state and local levee maintenance agencies in ensuring the integrity of California's levee system.

Accordingly, DWR and DFG have requested that the Corps cease implementation of its new policy and instead collaborate with California representatives and interested stakeholders to develop and adopt a practical regional variance process consistent with the 2009 Central Valley Flood System Improvement Framework, with the following features:

- Provide a regional approach that addresses the unique setting and history of the Sacramento, San Joaquin, and Delta levee systems.
- Provide the opportunity to allow well-managed, woody vegetation on all levee slopes, as determined by the variance, and not foreclose vegetation options on all but the lower 1/3 waterside of levees.
- Provide clear guidance on the level of detail needed for a variance, how that detail will be evaluated, and an appeal procedure should the Corps and the local sponsor disagree on the outcome of the process.
- Initiate consultation under the Endangered Species Act and complete a National Environmental Policy Act analysis.

House Bill 5831 is consistent with DWR and DFG's approach and proposed solution. It also addresses concerns voiced by a wide range of stakeholders concerning application of the Corps' policy in California, including it having the unintended consequence of actually increasing flood risks and that it would be devastating to the salmon, steelhead and other species in the Central Valley listed under the State and Federal Endangered Species Acts.

OTHER PERTINENT INFORMATION:

Many of the federal levees in California that are subject to the Corps' levee maintenance policy are either on or adjacent to public trust lands under the jurisdiction of the Commission. According to DWR and DFG, the implementation of the Corps' vegetation removal policy will require the removal of dwindling riparian habitat, which will likely have a devastating effect on the species that depend on this unique habitat, including endangered species such as the Chinook salmon, Central Valley steelhead, Western yellow-billed cuckoo and the Swainson hawk – all public trust resources under the Commission's jurisdiction. The removal of vegetation also has the potential to severely limit, if not extinguish, the public's ability to access, use and enjoy the State's public trust lands.

House Bill 5831 is a bipartisan bill, cosponsored by 30 members of the California congressional delegation. It was introduced on May 11, 2012 and referred to the House Transportation and Infrastructure Committee. To date, no hearings have been set.

CALENDAR ITEM NO. C100 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

1. Adopt the Resolution in support of House Bill 5831 attached hereto as Exhibit A.

EXHIBIT A

RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION SUPPORTING H.R. 5831, THE 'LEVEE VEGETATION REVIEW ACT OF 2012,' WHICH WOULD DIRECT THE SECRETARY OF THE ARMY TO UNDERTAKE A COMPREHENSIVE REVIEW OF THE U.S. ARMY CORPS OF ENGINEERS' POLICY GUIDELINES ON VEGETATION MANAGEMENT FOR LEVEES

WHEREAS, the California State Lands Commission serves the people of California by providing stewardship of the lands, waterways, and resources entrusted to its care through economic development, protection, preservation, and restoration; and,

WHEREAS, pursuant to the Public Trust Doctrine, tide and submerged lands, including lands underlying non-tidal navigable waterways are owned by the states and are held in trust for the benefit of the public, and these public trust lands are to be used to promote the public's interest in water dependent or water oriented activities including, but not limited to, water related commerce, navigation, fisheries, environmental preservation and water related recreation; and,

WHEREAS, the Public Trust Doctrine and California's Constitution establish the right of the public to access and use public trust lands, as well as establish the public's right to fish on public trust lands; and,

WHEREAS, through its management of public trust lands, the Commission has the duty to protect these lands and the living resources therein for the purposes of preserving and continuously assuring the public's ability to access, use, and enjoy public trust lands and the resources inhabiting these lands and waters; and,

WHEREAS, California's Central Valley Flood Control System includes approximately 1,600 miles of levees, many of which are located on or adjacent to state sovereign lands, with trees, brush and other woody vegetation growing on most of them; and,

WHEREAS, ever since the Central Valley Flood Control System was turned over the State to operate, vegetation has been encouraged, protected, or introduced by the U.S. Army Corps of Engineers on many levees, much of which was intended to preserve habitat while improving levee stability; and,

WHEREAS, in the aftermath of Hurricane Katrina, the U.S. Army Corps of Engineers undertook a review of their levee standards to improve public safety, and as part of that process, they adopted a new vegetation management policy requiring the removal of all woody vegetation over 2 inches in diameter from levees throughout the nation; unless a special variance is approved; and,

WHEREAS, over the past several years, the California Department of Fish and Game and the California Department of Water Resources, along with other interested parties, have had many discussions and exchanged many letters with the U.S. Army Corps of Engineers requesting that the Corps reconsider their vegetation removal policy and engage in a cooperative effort to address levee reliability issues; and,

WHEREAS, H.R. 5831, which is a bipartisan effort, would direct the Secretary of the Army to undertake a comprehensive review, in consultation with federal agencies, state and local governments, tribes, nongovernmental organizations and the public, of the U.S. Army Corps of Engineers' policy guidelines on vegetation management for levees; and,

WHEREAS, H.R. 5831 would require the U.S. Army Corps of Engineers to examine its vegetation policy and its impact on public safety, regional climatic variations, environmental quality, implementation challenges, use the best available science, and adapt levee policy towards the needs of local communities; and,

WHEREAS, H.R. 5831 would authorize the Secretary of the Army to revise the U.S. Army Corps of Engineers' levee management guidelines, consistent with the results of its comprehensive review, and the revised guidelines would be required to provide a practical process for approving regional or watershed variances from the Corps' guidelines, reflecting consideration of measures to maximize public safety, regional climatic variations, environmental quality, implementation challenges, and allocation of responsibilities; and,

WHEREAS, the Commission believes that the enactment of H.R. 5831 would considerably protect and enhance the public trust lands either on or adjacent to the federal levees in California that are subject to the U.S. Army Corps of Engineers' levee maintenance policy; now, therefore, be it

RESOLVED BY THE CALIFORNIA STATE LANDS COMMISSION that it supports H.R. 5831 (Matsui), the 'Levee Vegetation Review Act of 2012', that would require the Secretary of the Army to undertake a comprehensive review of the U.S. Army Corps of Engineers' policy guidelines on vegetation management for levees and would require the U.S. Army Corps of Engineers to move to regional variances with input from the state and local entities that are most familiar with the unique challenges facing each area; and be it further

RESOLVED, that the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

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April 8, 2013

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

Re: Supplemental Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report for the Southport Sacramento River Early Implementation Project

Dear Ms. Smith,

The purpose of this letter is to provide comments in *response to the above referenced Supplemental Notice of Preparation for the Southport Sacramento River Early Implementation Project (EIP)*. The project consists of implementing flood risk-reduction measures along the Sacramento River South Levee in the City of West Sacramento. On August 26, 2011, the West Sacramento Area Flood Control Agency (WSAFCA) issued a Notice of Preparation for the EIP and undertook a 30-day public comment period. Since that time, WSAFCA has expanded the EIP study area to include additional borrow sites that may be employed to provide borrow material needed to construct the EIP, including two sites located immediately south of the City of West Sacramento in unincorporated Yolo County. The County has reviewed the Notice of Preparation and offers the following comments:

Agricultural Mining Permit

Pursuant to the County's Agricultural Surface Mining and Reclamation Ordinance (Title 10, Chapter 8 of the Yolo County Code), the mining of agricultural soils (in unincorporated Yolo County) for use in the improvement of flood control facilities would require an Agricultural Surface Mining Permit from the County, which is a discretionary action. This permit should be included on the list of Permits and Approvals Required in the EIS/EIR.

Reasonable Foreseeable Projects

The County has been contacted about a potential project involving mining of soil on the same parcel included as one of the potential borrow sites for the EIP (the larger of the two parcels located in the unincorporated county—located immediately south of the City of West Sacramento and adjacent to the Sacramento Regional County Sanitation District (SRCSD) South River Pump Station). This site was listed as a possible borrow site in the SRCSD Flood Protection Project EIR, which was certified by the SRCSD Board in September 2012. Although the County has not yet received an application for an Agricultural Surface Mining Permit for this site, it is reasonably foreseeable that this project may move forward, which could limit the amount of soil available for the EIP project, and should therefore be included in your analysis.

Biological Resource Impacts

The excavation and removal of agricultural soils on the unincorporated borrow site parcel may result in the elimination of existing biological resources, including Swainson's hawk foraging habitat and riparian habitat. The biological resources analysis in the EIS/EIR should include detailed discussion on this issue and incorporate mitigation measures as appropriate. If it is determined that the removal of agricultural land will result in the loss of Swainson's hawk habitat, the applicant may be required to mitigate for such loss in accordance with the provisions in the Yolo Natural Heritage Program (YNHP) joint powers agreement.

Reclamation Unincorporated Borrow Site Parcel

The permanent removal of agricultural land is a significant issue that has local and regional consequences. The County's Agricultural Conservation Easement Program requires 1:1 mitigation for permanent conversion or removal of agricultural land. The EIS/EIR should identify the intended reclaimed use of unincorporated borrow site parcel and include mitigation measures as appropriate.

Impacts to County Roads

The EIS/EIR should thoroughly analyze truck haul route(s) and incorporate mitigation if significant impacts to County roads are determined. Depending on the haul route(s) selected, the County may require WSAFCA to apply for transportation permits for project related hauling on County roads. Additionally, encroachment permits will also be required for any work within the County right-of-way, including South River Road.

Greenhouse Gas Emissions

Although the unincorporated borrow site parcel is located within a reasonable distance to the project site, it is expected that truck trips will generate a substantial amount of greenhouse gas emissions. It is suggested that the EIS/EIR include a discussion of greenhouse gas emissions generated by the project and the effect they will have, if any, on global climate change. Appropriate mitigation measures to reduce greenhouse gas emissions due to truck hauling should be addressed in the EIS/EIR.

Flood Hazard Development Permit

The proposed borrow sites located in unincorporated Yolo County are within Flood Zone A and Flood Zone AE as designated on the Federal Emergency Management Agency's Flood Zone Map (Nos. 06113C0640G, 06113C0645G, 06113C0730G, and 06113C0735G) for Yolo County, dated June 18, 2010, and have been identified as areas subject to inundation by the 1-percent-annual-chance flood event. The County Floodplain Administrator is responsible for enforcing the Flood Damage Prevention Ordinance (Title 8, Chapter 3 of the Yolo County Code), which implements the State Model Flood Ordinance. This program regulates all projects located within a floodplain, regardless of whether the County is a lead agency, to ensure they are in compliance with the National Flood Insurance Program. In order to ensure that the borrow activities and the implementation of EIP will not adversely divert flood water or increase flooding on nearby properties and the surrounding area, WSAFCA is required to submit an application for a Flood Hazard Development Permit with the County well in advance of construction. As such, the Flood Hazard Development Permit should be included on the list of Permits and Approvals Required in the EIS/EIR.

The County appreciates the opportunity to comment on this Supplemental Notice of Preparation. If you have any questions about the items addressed in this letter, please contact Jeff Anderson, Associate Planner, by e-mail at jeff.anderson@yolocounty.org or by phone at (530) 666-8036.

Sincerely,

A handwritten signature in black ink, appearing to read "David Morrison", with a long horizontal flourish extending to the right.

David Morrison, Assistant Director
Yolo County Planning and Public Works Department



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



April 8, 2013

Ms. Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

Dear Ms. Smith:

Subject: Southport Sacramento River Early Implementation Project, Supplemental Notice of Preparation of an Environmental Impact Report/Environmental Impact Statement, SCH #2011082069, City of West Sacramento, Yolo County

The California Department of Fish and Wildlife (CDFW) has reviewed the Supplemental Notice of Preparation (NOP) of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Southport Sacramento River Early Implementation Project (EIP). CDFW is providing comments on the Supplemental NOP as a Trustee Agency and Responsible Agency. As Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. CDFW is also considered a Responsible Agency if a project would require a discretionary approval, such as a California Endangered Species Act (CESA) Permit or a Lake and Streambed Alteration Agreement (LSAA).

The West Sacramento Area Flood Control Agency (WSAFCA) is proposing the Southport Sacramento River EIP to implement flood risk-reduction measures along the Sacramento River South Levee in the City of West Sacramento, Yolo County. The project would bring the levee up to standard with federal and state flood protection criteria and provide opportunity for ecosystem restoration and public recreation. The supplemental NOP provides an expanded EIP study area to include additional soil borrow sites that may be used to provide borrow material for construction of the EIP.

General Comments

Please provide a complete assessment in the EIR/EIS (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project, including impacts downstream of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380).

Ms. Megan Smith
April 8, 2013
Page 2

Lake and Streambed Alteration Agreement

CDFW may require an LSAA, pursuant to Fish and Game Code Section 1600 et seq., with the District for the proposed project-related activities within or near the Sacramento River. An LSAA is required for any activity that will divert or obstruct the natural flow, change the bed, channel, or bank including associated riparian or wetland/marsh resources, use material from the stream/channel bed, or substantially adversely affect fish and wildlife resources. Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the project. Therefore, the CEQA document must specify impacts, mitigation measures, and include a mitigation monitoring and reporting program.

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation. If the project will or has the potential to impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

If you have any questions, please contact Ms. Crystal Spurr, Senior Environmental Scientist, at (209) 948-3777; or Mr. Jim Starr, Environmental Program Manager, at (209) 941-1944.

Sincerely,



Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

Sent: Friday, March 08, 2013 01:29 PM
To: dhazoff@sbcglobal.net <dhazoff@sbcglobal.net>
Cc: Tanis.J.Toland@usace.army.mil <Tanis.J.Toland@usace.army.mil>
Subject: Re: Scoping for EIS/EIP for Southport Early Implementation Project

Dear Mr. Harzoff,

Your scoping comment has been received and will be reviewed and considered by the lead agencies. Thank you for your interest in the Southport Sacramento River Levee project.

Sincerely,
Megan Smith
Sr. Project Manager

From: David Harzoff [<mailto:dhazoff@sbcglobal.net>]
Sent: Friday, March 08, 2013 12:55 PM
To: Smith, Megan
Cc: tanis.j.toland@usace.army.mil <tanis.j.toland@usace.army.mil>
Subject: Scoping for EIS/EIP for Southport Early Implementation Project

Hello:

Please consider the potential environmental impacts of public access along the rebuilt levees constructed in the Southport area. As a resident of West Sacramento I am among many who would like the opportunity for public access maximized. That includes pedestrian, bicycles, equestrians and some parking for vehicles.

Thank you,

Dave Harzoff
AICP, MBA, EDFP

DH Consulting

*Planning | Redevelopment | Economic Development
Serving the Public and Private Sectors*

916-371-0444 work

916-764-8646 cell

dhazoff@sbcglobal.net

DELTA PROTECTION COMMISSION

2101 Stone Blvd., Suite 210
West Sacramento, CA 95691
Phone (916) 375-4800 / FAX (916) 376-3962
Home Page: www.delta.ca.gov



Contra Costa County Board of Supervisors

April 8, 2013

Sacramento County Board of Supervisors

John Powderly
I/C of West Sacramento Area Flood Control Agency
1110 West Capitol Avenue, 2nd Floor
West Sacramento, CA 95691

San Joaquin County Board of Supervisors

Subject: Southport Sacramento River Early Implementation Project
(SCH # 2011082069)

Solano County Board of Supervisors

Dear Mr. Powderly:

Yolo County Board of Supervisors

Delta Protection Commission (Commission) staff have reviewed the Notice of Preparation (NOP) for the Southport Sacramento River Early Implementation Project Draft Environmental Impact Report and are providing these advisory comments. Although the project lies outside of the Primary Zone of the Delta, it still has the capability to affect resources of the Delta's Primary Zone environment,

Cities of Contra Costa and Solano Counties

Commission staff had provided a comment letter on this NOP in August 2011 (attached) and these comments remain relevant. Since the NOP was released in 2011, the study area has expanded to include additional soil borrow sites that may be employed to provide borrow material needed to construct the project. If this project will have any negative impacts on the Delta's agricultural, environmental, or recreational resources, than the possible impacts and proposed mitigation measures should be identified in the EIR.

Cities of Sacramento and Yolo Counties

Additionally, in 2012, Commission staff began the blueprint planning process for the Great California Delta Trail in Sacramento, San Joaquin and Yolo Counties. This process is pursuant to SB 1556 (Torlakson), which directed the Commission to develop and adopt a plan for a regional recreational corridor, which will extend throughout the five Delta Counties, and link to the San Francisco Bay Trail and Sacramento River Trails. The NOP mentions opportunities for providing public recreation. Coordination with the Commission's Delta Trail planning process would be useful in order to potentially link this project's recreation site(s) to a regional trail system, thus potentially increasing visibility and usage of the site(s).

Cities of San Joaquin County

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

Business, Transportation and Housing

Department of Food and Agriculture

Natural Resources Agency

Thank you for this opportunity to provide input. Please contact the Commission office at (916) 375-4800 if you have any questions.

State Lands Commission

Sincerely,

Michael Machado
Executive Director

att.: August 2011 Comment Letter

Atek

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
Phone (916) 776-2290 / FAX (916) 776-2293
Home Page: www.delta.ca.gov



Contra Costa County Board of Supervisors

Sacramento County Board of Supervisors

San Joaquin County Board of Supervisors

Solano County Board of Supervisors

Yolo County Board of Supervisors

Cities of San Joaquin County

Cities of Contra Costa and Solano Counties

Cities of Sacramento and Yolo Counties

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

Business, Transportation and Housing

Department of Food and Agriculture

Natural Resources Agency

State Lands Commission

August 22, 2011

Megan Smith, ICF International
I/C of West Sacramento Area Flood Control Agency
630 K Street, Suite 400
Sacramento, CA 95814

Subject: Southport Sacramento River Early Implementation Project
(SCH#: 2011082069)

Dear Ms. Smith:

The staff of the Delta Protection Commission (Commission) has reviewed the Notice of Preparation (NOP) for the Southport Sacramento River Early Implementation Project draft Environmental Impact Report (EIR) and are providing these advisory comments. Although the project lies outside of the Primary Zone of the Delta, it still has the capability to affect resources of the Delta's Primary Zone environment.

The implementation of flood risk-reduction measures is consistent with the Commission's Land Use and Resource Management Plan for the Primary Zone of the Delta (Management Plan); which includes a goal of supporting the improvement, emergency repair, and long-term maintenance of Delta levees and channels. The Management Plan also includes a policy to support programs to make cost-effective levee investments in order to preserve the economy and character of the Delta.

The NOP also mentions that ecosystem restoration and public recreation opportunities would occur through this project. Ecosystem restoration and public recreation projects are generally consistent with goals and policies of the Management Plan, as long as the projects remain compatible with Delta agricultural practices. If the project will have any possible impact on Delta agricultural, these possible impacts and any proposed mitigation measures should be identified in the EIR.

Thank you for the opportunity to provide input. Commission staff looks forward to reviewing the full EIR/EIS. Please contact the Commission office at (916) 776-2290 if you have any questions about the comments provided.

Sincerely,

Michael Machado
Executive Director

cc: State Clearinghouse in the Office of Planning and Research

FEMA

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

March 18, 2013

Megan Smith, Project Manager
ICF International
630 K Street, Suite 400
Sacramento, California 95814

Dear Ms. Smith:

This is in response to your request for comments on Notice of Preparation, Supplemental Notice of Preparation Environmental Impact Statement/Environmental Impact Report for Southport Sacramento River Early Implementation Project in West Sacramento, Yolo County, California.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Yolo (Community Number 060423), Maps revised May 16, 2012; and City of West Sacramento (Community Number 060728), Maps dated January 19, 1995. Please note that the City of West Sacramento, Yolo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Megan Smith, Project Manager
Page 2
March 18, 2013

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The West Sacramento floodplain manager can be reached by calling Martin Tuttle, City Manager, at (916) 617-4500. The Yolo County floodplain manager can be reached by calling Lonell Butler, Building Official, at (530) 666-8803.

If you have any questions or concerns, please do not hesitate to call Robert Durrin of the Mitigation staff at (510) 627-7057.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Martin Tuttle, City Manager, West Sacramento

Lonell Butler, Building Official, Yolo County

Ray Lee, WREA, State of California, Department of Water Resources, North Central Region
Office

Robert Durrin, NFIP Planner, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



717 K Street, Suite 529
Sacramento, Ca. 95814
916-447-4956
www.swainsonshawk.org

April 5, 2013

Ms. Tanis Toland
U.S. Army Corps of Engineers, Sacramento District
Delta Programs Integration & Ecosystem Restoration
1325 J Street
Sacramento, CA 95814

Copy to:
West Sacramento Flood Control Agency
ATTN: John Powderly
1110 West Capitol Avenue
West Sacramento, CA 95691

Comments on the Supplemental Notice of Preparation of an EIR/EIS for the Southport Sacramento River Early Implementation Project (City of West Sacramento)

Dear Ms. Toland and Mr. Powderly,

Friends of the Swainson's Hawk is an IRC 501(c)(3) nonprofit corporation dedicated to promoting public awareness and understanding of the Swainson's Hawk and to the protection and restoration of the Swainson's Hawk and its habitat in California. We previously commented on the Draft EIS/EIS of the West Sacramento Levee Improvements Program, by letter dated August 2, 2010.

Our comments on the Supplemental NOP for the EIR/EIS for Southport levee project follow:

1. Corps vegetation removal policy

We understand that it will be necessary to remove some trees to allow construction of the levees. However, we are very concerned about the detrimental effects of removal of additional trees simply to comply with the discredited Corps of Engineers policy which claims that trees can cause levee failure and therefore should be removed from levees and the area near the base of levees. The Corps policy has been thoroughly discredited by the California Department of Fish and Wildlife (formerly Fish and Game), the U.S. Fish and Wildlife Service, and independent scientists expert on flood protection in the Central Valley.

The project should be designed to remove as few trees as possible. The EIR/EIS should address the detrimental impacts of tree removal to biological and recreational values.

The EIR/EIS should specifically identify those proposed removals of trees and other vegetation which would be undertaken to comply with the Corps policy but otherwise would be unnecessary for this project, and assess the impacts of such tree and vegetation removals. The decision-makers and public are entitled to know the effects upon the environment of the Corps tree and vegetation removal policy as applied to the Southport area.

2. Swainson's Hawks

The Swainson's Hawk is listed as threatened specie under the California Endangered Species Act. The bulk of the Central Valley population of Swainson's Hawk nests in Yolo, Sacramento, Solano, and San Joaquin Counties – all counties which are undergoing major urban expansion. California's Swainson's Hawks migrate to Mexico and southward for the winter. The Swainson's Hawk is known for its fidelity to its nesting territory and existing nests, which is why the loss of existing nest trees is a significant environmental impact upon the Swainsons's Hawk.

Attached as Exhibit A is a map "Swainson's Hawk Nesting Distribution, Yolo County, 2007," published by the Yolo Natural Heritage Program, which shows a substantial concentration of Swainson's Hawk nests in Yolo County, including the Study Area of this Supplemental NOP. More recent documentation may be obtained from the California Department of Fish and Wildlife. The Natural Diversity Database (NDDB) is notoriously incomplete and should not be relied on as an exclusive source of information.

A complete survey for Swainson's Hawk nests should be undertaken throughout the entire Study Area, and adjacent land, during the Swainson's Hawk nesting season. The survey protocols established by the Swainson's Hawk Technical Advisory Committee, and recommended by CDFW should be used. A complete current survey would likely show more nests than on the 2007 nest map (Exhibit A). Loss of foraging habitat due to urban development and vineyard conversions in Sacramento and San Joaquin Counties, the Clarksburg area, and elsewhere in the region may have pushed more of the regional Swainson's Hawk population into the Southport area.

Swainson's Hawk nest trees should not be removed. The EIR/EIS should disclose any nest trees that would be removed by the project. Loss of Swainson's Hawk nest trees as a result of the project should be fully mitigated by planting multiple replacement oaks or cottonwoods as close as possible to the site of the former nest tree, and stewarded and monitored for the appropriate number of years.

There are many large trees, both single and in groves, within the Study Area, including the large area inland from the proposed levee project. These large trees are potential Swainson's Hawk nest habitat, and are presently used by multiple other species. Removal of these trees can and should be avoided, whether for the levee project or for the borrow pits, equipment staging areas, roads, or other infrastructure associated with the construction of the project. The EIR/EIS should

identify any trees that would be removed by the project. Removed trees should be replaced with plantings of similar species as close as feasible to the site of the removed trees.

The Study Area encompasses large areas of grassland which are foraging habitat for Swainson's Hawk. Some of these lands will be used to excavate borrow for the levee project. The EIR/EIS should identify the site of potential borrow pits, disclose the biological values that would be impacted by the excavation of borrow, identify temporal loss of foraging habitat, and specify how the borrow sites will be restored. If borrow sites will be restored to something other than grassland (such as wetland or managed marsh), then the loss of Swainson's Hawk foraging habitat due to the excavation should be mitigated at the standard Yolo County mitigation ratio of 1 acre of Swainson's Hawk foraging habitat preserved by conservation easement or fee title for each acre lost due to excavation of soil and restoration to a different land use not compatible with Swainson's Hawk foraging. There should also be mitigation in place to offset the temporary loss of foraging habitat.

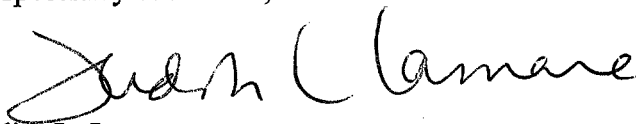
3. Disturbance and Destruction of Riparian Habitat Within the Study Area.

There are existing canals, old borrow pits, and other ponds throughout the Study Area. These ponds, canals, and wetlands are lined with riparian vegetation and trees and may support numerous riparian species. An adequate EIR/EIS for the project would include a biological study of all of these areas to determine what plants, wildlife, and other biological values are present. The presence of the Giant Garter Snake, listed as threatened under the Federal Endangered Species Act, is possible in the canals and possibly in some of the ponds.

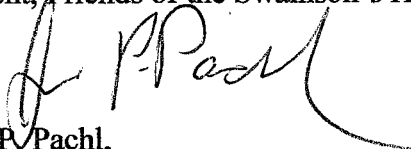
The EIR/EIS should show how the project will avoid impacting these ponds, canals, and wetlands. There is plenty of land available for borrow pits that would not impact existing riparian and wetland values of these areas. The Study Area includes linear flooded borrow pits lined with dense riparian vegetation and trees which parallels the south side of the cross-levee between the Sacramento River and ship channel, and a canal running southward from the cross levee which is lined with riparian vegetation and trees which merit further study and protection.

Thank you for the opportunity to comment.

Respectfully submitted,



Judith L. Lamare,
President, Friends of the Swainson's Hawk, Inc.



James P. Pachl,
Legal Counsel, Friends of the Friends of the Swainson's Hawk, Inc.

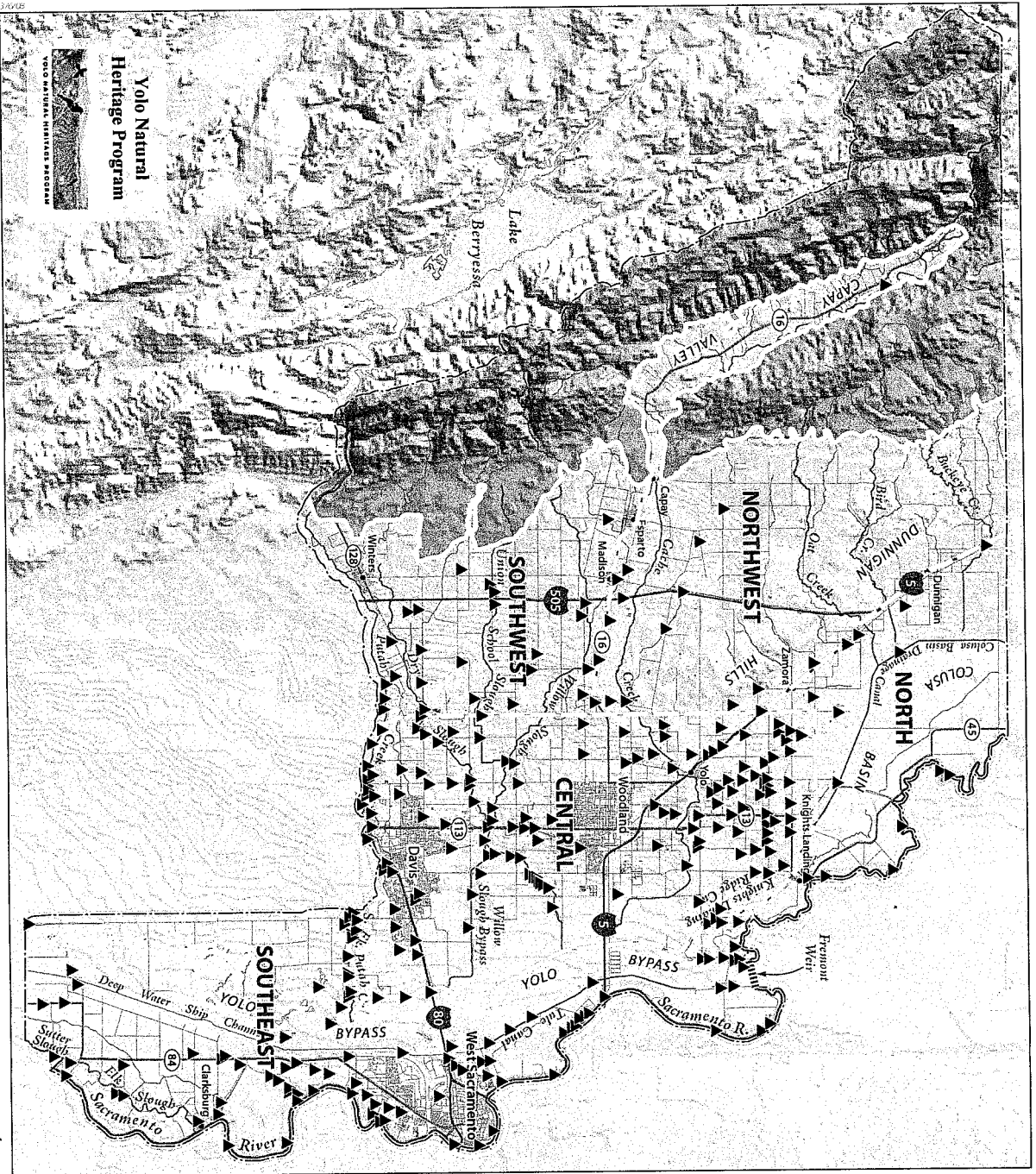
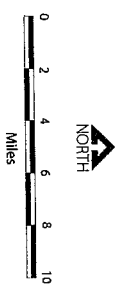


Figure 6-1
Swainson's Hawk Nesting Distribution,
Yolo County, California, 2007

- LEGEND**
- Yolo County Boundary
 - Study Area Boundary
 - Survey Unit Boundary
 - ▭ Outside Study Area
 - ▲ 2007 Swainson's Hawk Nesting Territory



Date: Jan 21, 2008

Technology Associates
INCORPORATED

A

The Southport Sacramento River Early Implementation Project Supplemental Scoping



Comment Card

Name: JOHN GABRI Date: 3/1/13

Telephone: 916-371-4812 Email: JBG11839@YAHTOO.COM

Affiliation: RESIDENT ON GREGORY AVE Title (if applicable): -

Street Address: 4250 GREGORY AVE N.C.

City: WASCO State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write in the space below legibly.

For your convenience, you may take this self-addressed card home, fill it out, and fold it in half and mail it. You may also send comments via email to Megan Smith at megan.smith@icfi.com or Tanis Toland at tanis.j.toland@usace.army.mil. **All comments must be received or postmarked by April 8, 2013.**

- Megan Smith, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814
- Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Delta Programs Integration & Ecosystem Restoration, 1325 J Street Sacramento, CA 95814

I NEED TO HAVE A 1 ON 1 MEETING ABOUT
THE PROPOSED LOOP ROAD EXTENSION ONTO
GREGORY AVE

FEEL FREE TO CALL ME AT ANY TIME

JOHN GABRI JG

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



April 10, 2013

Mr. John Powderly
I/C of West Sacramento Area Flood Control Agency
1110 West Capitol Avenue, 2nd Floor
West Sacramento, California 95691

Subject: Southport Sacramento River Early Implementation
SCH Number: 2011082069
Document Type: Notice of Preparation

Dear Mr. Powderly:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located adjacent to or within the Sacramento River and Deep Water Ship Channel which is under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection, and flood fight procedures (CCR Section 131).

Mr. John Powderly
April 10, 2013
Page 2 of 2

Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and State agency requirements for on-site mitigation within the floodway.

Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The project should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways can be viewed on the Central Valley Flood Protection Board's website at <http://gis.bam.water.ca.gov/bam/>.

If you have any questions, please contact me by phone at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Projects and Environmental Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814

----- Original Message -----

From: stargazer525@surewest.net [<mailto:stargazer525@surewest.net>]

Sent: Wednesday, April 03, 2013 06:24 PM

To: Smith, Megan; tanis.j.toland@usace.army.mil <tanis.j.toland@usace.army.mil>

Subject: Southport EIP Supplemental Scoping Comment Card

Good afternoon Megan and Janis,

Thank you for answering my questions and talking to me at the Public and Agency Input meeting on March 28th.

I pasted my comment card information below and also attached my contact information and comments in a MS Word document that I attached.

Thank you for acknowledging my concerns.

Lucille Pacheco
916-647-6661
916-203-9257

The Southport Sacramento River Early Implementation Project Supplemental Scoping-Comment Card

Name: Lucille Pacheco

Date: 4/3/2012

Telephone: 916-647-6661

Email: stargazer525@surewest.net

Affiliation:

Title (if applicable)

Street Address: 9148 Laguna Center Circle

City: Elk Grove

State: California

Zip: 95758

Major Concerns

Hazards Due to Major Construction/Chevron Gasoline Pipe Contractor error during evasive construction work to a levee could lead to catastrophic consequences. For example, slurry cut-off walls through the levee seem more dangerous to the levee than rock slope protection on the waterside of the levee. Also, a Chevron gasoline line runs through many residents' properties not far from levee construction. Careless employees damaging underground pipes would not only negatively impact the environment, but they would also endanger the public by weakening or severely damaging the levee. What safeguards does the city have to guard against contractor or employee error?

Water Level, Water Quality and the Effects on Wells Historically, construction in the area decreased the successful operation of residents' wells, residents' only water supply for homes and irrigation. This major construction project surpasses any other construction project in the past. For example, the recent sewage construction and housing developments in the area required residents to immediately pay substantial amounts of money to drill deeper wells to

secure their water supply. How will the city help property owners if the levee construction negatively impacts residents' water supply?

An Increase in Crime

Up until about 1990 the people living in the area designated as Section B in your Statement/Report experienced very little crime. Levee upgrades eliminated and replaced trees, shrubs and other plant life with rock. The introduction of signs restricting access to fishing spots eliminated the presence of local people along the banks of the river. Local residents knew the people using the levee areas. With no visible presence of law enforcement along this vast area residents relied on this unofficial neighborhood watch. The levee between the two trestles became a point where criminals could uninterruptedly scope out people's property to burglarize farms and houses. Adding recreational areas for the general public allows more opportunities for criminals to stake out property by blending in with others using the new recreational areas. In addition to burglary we must always expect the possibility of vandalism or even terrorism. As Southport continues to develop and the population increases the Section B levee area becomes a bigger target. Will the city increase law enforcement along the levees?

Access to Property/Increase of Traffic

A long levee construction period will make it difficult for residents to get to and from their property. Some residents depend on access for private business such as selling or transporting produce. After the completion recreational areas will increase traffic on country roads currently unsuitable for the increased traffic. Will the city develop roads to maintain residents' easy access and to handle the additional traffic?

Declining Property Values

If residents need to sell property during the long levee construction period they will face much lower property values particularly in the construction zones. Property owners will see a worse decline in values than what they've seen due to the housing crisis. How will the city monitor the appearances of the construction zones over the years?

The Southport Sacramento River Early Implementation Project Supplemental Scoping-Comment Card

Name: Lucille Pacheco

Date: 4/3/2012

Telephone: 916-647-6661

Email: stargazer525@surewest.net

Affiliation:

Title (if applicable)

Street Address: 9148 Laguna Center Circle

City: Elk Grove

State: California

Zip: 95758

Major Concerns

Hazards Due to Major Construction/Chevron Gasoline Pipe

Contractor error during evasive construction work to a levee could lead to catastrophic consequences. For example, slurry cut-off walls through the levee seem more dangerous to the levee than rock slope protection on the waterside of the levee. Also, a Chevron gasoline line runs through many residents' properties not far from levee construction. Careless employees damaging underground pipes would not only negatively impact the environment, but they would also endanger the public by weakening or severely damaging the levee. What safeguards does the city have to guard against contractor or employee error?

Water Level, Water Quality and the Effects on Wells

Historically, construction in the area decreased the successful operation of residents' wells, residents' only water supply for homes and irrigation. This major construction project surpasses any other construction project in the past. For example, the recent sewage construction and housing developments in the area required residents to immediately pay substantial amounts of money to drill deeper wells to secure their water supply. How will the city help property owners if the levee construction negatively impacts residents' water supply?

An Increase in Crime

Up until about 1990 the people living in the area designated as Section B in your Statement/Report experienced very little crime. Levee upgrades eliminated and replaced trees, shrubs and other plant life with rock. The introduction of signs restricting access to fishing spots eliminated the presence of local people along the banks of the river. Local residents knew the people using the levee areas. With no visible presence of law enforcement along this vast area residents relied on this unofficial neighborhood watch. The levee between the two trestles became a point where criminals could uninterruptedly scope out people's property to burglarize farms and houses. Adding recreational areas for the general public allows more opportunities for criminals to stake out property by blending in with others using the new recreational areas. In addition to burglary we must always expect the possibility of vandalism or even terrorism. As Southport continues to develop and the population increases the Section B levee area becomes a bigger target. Will the city increase law enforcement along the levees?

Access to Property/Increase of Traffic

A long levee construction period will make it difficult for residents to get to and from their property. Some residents depend on access for private business such as selling or transporting produce. After the completion recreational areas will increase traffic on country roads currently unsuitable for the increased traffic. Will the city develop roads to maintain residents' easy access and to handle the additional traffic?

Declining Property Values

If residents need to sell property during the long levee construction period they will face much lower property values particularly in the construction zones. Property owners will see a worse decline in values than what they've seen due to the housing crisis. How will the city monitor the appearances of the construction zones over the years?



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Wilson F. Wendt

April 8, 2013

VIA EMAIL AND FEDERAL EXPRESS

Megan Smith, Project Manager (megan.smith@icfi.com)
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

Tanis Toland (tanis.j.toland@usace.army.mil)
U. S. Army Corps of Engineers, Sacramento District
Delta Programs Integration and Ecosystem Restoration
1325 J Street
Sacramento, CA 95814

Re: Seecon Financial and Construction Co., Inc.; Comments on Supplemental
Notice of Preparation and Scope of Environmental Review for Southport
Sacramento Early Implementation Project

Dear Ms. Smith and Ms. Toland:

Miller Starr Regalia represents Seecon Financial and Construction Co., Inc. ("Seecon") in its ownership and operation of property that would be affected by the Southport Sacramento River Early Implementation Project ("Southport Project"). We are in receipt of the Supplemental Notice of Preparation ("Supplemental NOP") of an Environmental Impact Statement/Environmental Impact Report ("EIR/EIS") for the Southport Project, dated March 7, 2013, whereby the U.S. Army Corps of Engineers ("Corps") and West Sacramento Area Flood Control Agency ("WSAFCA") have requested input on the scope and content of the EIR/EIS. This letter is a response to that request and is submitted in accord with the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").

Seecon has numerous concerns about the Southport Project, as it threatens to upset longstanding land use policies and goals adopted by the City of West Sacramento ("City"), and has the potential to cause numerous impacts to the local environment, including health risks to local residents and other sensitive receptors. Accordingly, Seecon urges the Corps and WSAFCA to consider each of the issues identified in this letter as these agencies undertake preparation of the EIR/EIS.

Seecon has developed this list of issues based on publicly available details about the Southport Project, and reserves its right to submit further public comment as the CEQA and NEPA processes develop.

I. PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING.

The Southport Project, at first blush, may not appear to have many constituent components, consisting predominantly of the construction of levees and the excavation of borrow sites. However, the fragility of the surrounding environment and presence of unique resources within and nearby the project footprint will require that the EIR/EIS's project description and environmental setting sections be very detailed.

II. REQUEST TO REMOVE SEECON PROPERTY FROM ADDITIONAL STUDY AREA.

We have indicated the extent of the Seecon Property on the enclosed copy of Figure 1 that was attached to the Supplemental NOP. As you can see, it constitutes a significant amount of property within Segment F of the Southport Project. Seecon has informed WSAFCA on numerous occasions that they will not consent to the taking of their property for what we consider unnecessary and excessive flood control improvements and further informed them that they will not consent to sell WSAFCA any borrow material from the Seecon Property. WSAFCA officials have advised Seecon that they will acquire borrow materials only from willing sellers. Given that context, we are amazed that the Supplemental NOP includes approximately a third of the Seecon Property (designated by hatching in Figure 1) as a part of the Additional Study Area, the announced purpose of which is mainly to analyze the impacts generated by additional soil borrow sites that may be employed to provide borrow material needed to construct the Southport Project. The hatched area indicated on Figure 1 on the Seecon Property as an "additional soil borrow site" is one in which vesting tentative maps have been approved; final maps have been filed and are being processed for residential development; some residential structures have been and are continuing to be built; extensive subdivision infrastructure has been constructed; and the entitlements for development are covered by an existing and valid development agreement.

If WSAFCA's statements are valid, there is absolutely no potential that borrow material will be taken from the hatched area shown on the Seecon Property. For that reason, we request that you amend and revise Figure 1 to delete that portion of the Seecon Property indicated by hatching from the property defined as Additional Study Area. Any continued attempt to assess and analyze impacts upon this portion of the Seecon Property, as outlined in the Supplemental NOP, will provide no useful or meaningful information (since Seecon has said on many prior occasions and reiterates their determination not to sell any borrow material to WSAFCA or any other agency) and will simply guarantee continued strong

opposition throughout the EIS/EIR process. We urge you to acknowledge that the portion of the Seecon Property affected by the Supplemental NOP will not be the subject of further analysis and is being deleted from the Additional Study Area.

III. ANALYSIS OF DRASTIC AND UNNECESSARY IMPACTS UPON PRIVATE PROPERTY.

The Southport Project, no matter how it is finally designed and implemented, will have significant adverse impacts upon private property. The currently designated preferred alternative for flood control improvements on the Seecon Property is a setback levee with seepage berm. This alternative is the most destructive of private property and the one with the most unnecessarily large take of private property.

WSAFCA consultants originally advocated an adjacent levee as the preferred alternative. On behalf of our clients, we have submitted to WSAFCA and its Board literally thousands of words of materials advocating the use of the adjacent levee alternative on the Seecon Property. This would greatly reduce the amount of private property that was required for acquisition and would vastly reduce the amount of borrow materials required. The implementation of the adjacent levee alternative would also significantly lessen the amount of environmental damage. All of the environmental impacts upon private property need to be carefully analyzed and mitigation measures must be set out.

While the EIS/EIR is not concerned with the legality of a proposed take of private property, you are charged with conducting an accurate and complete analysis of environmental impacts upon private property as well as the Sacramento River. Seecon has advocated the adjacent levee alternative as a means of reducing impacts and will challenge judicially any attempt to take the excessive and unnecessary amounts of private property that will be required for the setback levee alternative, if that alternative is ultimately selected.

IV. ANALYSIS REGARDING IMPACTS ON AGRICULTURAL RESOURCES.

Maps published by the State of California Department of Conservation demonstrate the Southport Project study area, as depicted in Figure 1 of the Supplemental NOP (including both the "Original Study Area" and the "Supplemental Study Area," collectively referred to herein as the "Project site"), encompasses lands designated as Prime Farmland and Farmland of Local Importance. At least some of the Project site is designated for agricultural production in the City's General Plan and Zoning Ordinance, and aerial satellite maps show such areas and additional lands that comprise the Project site may be operated as farms. Accordingly, the EIS/EIR must quantify the acreage of agricultural lands that will be impacted and lost by the Southport Project, and

analyze the effects on such lands of constructing levees, excavating borrow sites, and disposing of soil on disposal sites. You must set out appropriate mitigation measures to address these impacts upon agricultural lands to address these impacts, including the requirement to purchase additional agriculturally committed land to replace the lost agricultural land.

V. ANALYSIS REGARDING VISUAL RESOURCES.

The Southport Project would appear to entail the excavation of significant amounts of open space/agricultural lands, if not the great majority of such lands within the Southport area of the City. Additional lands appear to serve as the site of borrow and disposal of soils. In light of these activities, impacts to visual resources would occur on a temporary basis during construction and, depending on whether and how the restoration of land comprises part of the project, permanent impacts could occur.

VI. ANALYSIS REGARDING IMPACTS ON HYDROLOGY, WATER QUALITY, AND GROUNDWATER RESOURCES.

The Supplemental NOP provided that the Southport Project construction area would extend along the west bank of the Sacramento River for approximately six miles. Given the width of the levee along this alignment, which potentially could extend hundreds of feet inland, it can be anticipated the Southport Project will involve a momentous amount of earthwork in the immediate proximity of the Sacramento River. Moreover, it appears various borrow sites are sited within proximity of the Sacramento River Deep Water Ship Channel. Soil erosion and sedimentation can be anticipated at significant levels, especially given it is anticipated the project would involve the removal of riverfront vegetation and placement of riprap or other rock slope protection along the shoreline. Additionally, impacts upon drainage patterns, hydrology, water quality and groundwater must be analyzed. Of particular concern are the impacts caused by the implementation of the setback levee alternative which will require enormous amounts of borrow material (as evidenced by the need for this Supplemental NOP). One of the primary sources of borrow material will be extensive excavation of property on the river side of the setback levee. The groundwater is very high in these locations and this can only result in ponding and the creation of corresponding ongoing environmental problems including vector control and other impacts injurious to public health and safety.

VII. ANALYSIS REGARDING IMPACTS ON FISH AND AQUATIC RESOURCES; VEGETATION AND WETLANDS; AND WILDLIFE.

The Southport Project has the potential to significantly impact fish and aquatic resources; vegetation and wetlands; and wildlife, wildlife habitats, and

migration corridors. Accordingly, analysis in the EIR/EIS of these various impacts is required.

VIII. ANALYSIS REGARDING GEOLOGY, SEISMICITY, AND FLOOD MANAGEMENT.

The Southport Project would involve the deconstruction and construction of a levee during what potentially may be an extended duration. During this timeframe, it is possible that a significant seismic event may occur, or a significant flooding event may occur. The EIR/EIS should contemplate and address whether lands within the City will be adequately protected during the period of project construction.

It also appears that the Southport Project may entail the excavation of fields and other open space area that may have been subject to subsidence in the past, and which lies near an area waterway. The EIS/EIR should evaluate the wisdom of extracting substantial materials in such areas, including dangers posed to nearby, newly constructed levees, and whether such excavation will leave borrow sites undevelopable in the future.

IX. ANALYSIS REGARDING IMPACTS ON TRANSPORTATION AND NAVIGATION.

The Southport Project potentially would affect traffic and circulation in a number of ways, all of which impacts must be fully analyzed.

X. ANALYSIS REGARDING NOISE IMPACTS.

The Southport Project potentially would affect the local noise environment in a number of ways: To adequately analyze noise impacts, the EIR/EIS must identify all appropriate sensitive receptors in the Southport Area, the City at large, Yolo County, Solano County, Sacramento County, and the City of Sacramento. The EIR/EIS also must identify sources of noise by specifying both their location and magnitude, such as by providing expected equipment lists and studies demonstrating average and maximum noise levels associated with the operation of said equipment. Finally, the EIR/EIS must, using the above information, evaluate each of the above impacts under appropriate temporal scenarios, such as under existing, short-term, and long-term scenarios. If the analysis discloses there is an existing, substandard condition to which the project will contribute, a special threshold of significance must be developed for such impacts. (See *Gray, supra*, 167 Cal.App.4th at 1122-1123.)

XI. ANALYSIS REGARDING AIR QUALITY IMPACTS.

The Southport Project entails an extensive amount of earthwork, which will cause the emission of significant amounts of air pollutants. Such sources will include, without limitation: excavators, graders, bulldozers, and other on-site construction equipment; portable auxiliary equipment; diesel trucks associated with the delivery of materials and soils; diesel trucks associated with the removal of solid waste; trips associated with construction workers and other off-site trips; paving activities; and dust associated with on- and off-site vehicle trips and activities.

In addition to direct impacts of the Southport Project's excavation and levee construction activities, the project would displace planned uses (e.g., residential and commercial uses). The construction and operation of these displaced uses also have the potential to result in air quality impacts that necessitate evaluation.

XII. ANALYSIS REGARDING CULTURAL RESOURCES.

The Southport Project would disrupt substantial amounts of soil that could contain prehistoric, historic, and archaeological artifacts, as well as Native American human remains. In addition, the Project site appears to contain numerous City landmarks, including without limitation the Heritage Oak Park Site, Redwood Park, Linden South/Paik North Site, the Clarksburg Branch Line Trail, Eagle Point Park, Lake View Park, Bridgeway Lakes, Bridgeway Lakes Community Park, and Valley Oak Grove. (See, e.g., City of West Sacramento Landmarks; see General Plan Background Document, p. VII-16.) The impacts of excavation, construction, and other project activities on each affected resource must be disclosed in the EIR/EIS.

XIII. ANALYSIS REGARDING UTILITIES AND PUBLIC SERVICES.

The EIR/EIS should evaluate all issues regarding utilities and public services.

**XIV. ANALYSIS REGARDING LAND USE/PLANNING;
POPULATION/HOUSING; RECREATION; AND
SOCIOECONOMICS, ENVIRONMENTAL JUSTICE, AND
COMMUNITY EFFECTS.**

The Southport Project has the potential to upset a number of longstanding land use policies, and the EIR/EIS should take careful account of the project's consistency with the City's General Plan and other applicable land use documents.

XV. SCOPE OF ALTERNATIVES ANALYSIS

The EIR/EIS must identify a reasonable range of project alternatives, focusing on alternatives to the proposed Southport Project that eliminate or reduce significant environmental impacts. The EIR/EIS need not discuss alternatives that are infeasible but, if an alternative is determined to be infeasible, the EIR/EIS should identify the reasons for this determination and provide evidence supporting it. For instance, if an alternative is determined to not be economically feasible, detailed financial data should be provided evidencing this conclusion.

Here, the EIR/EIS should discuss, in detail, various construction alternatives to the proposed Southport Project, which appears to contemplate construction of setback levees within most, if not all, of the Project site. Alternative construction methods to be studied in detail should include the use of adjacent levees with cutoff walls and/or a seepage berm in each of the Project site segments.

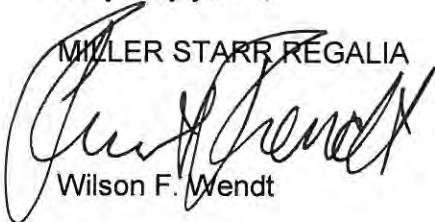
In section III of this letter we have discussed the enormous difference in severity of impacts upon private property caused by the setback levee alternative as opposed to the adjacent levee alternative, which we have and continue to advocate. The EIR/EIS needs to examine the difference in environmental impacts caused to private property by each alternative and contrast needed mitigation measures to allow an informed decision as to the ultimately determined preferred alternative for flood protection improvements.

* * *

Seecon appreciates the opportunity to provide input on the scope of the Southport Project EIS/EIR, and participating in future review and comment of the document ultimately prepared by the Corps and WSAFCA. If you have any questions or concerns, please do not hesitate to contact me at 925.935.9400.

Very truly yours,

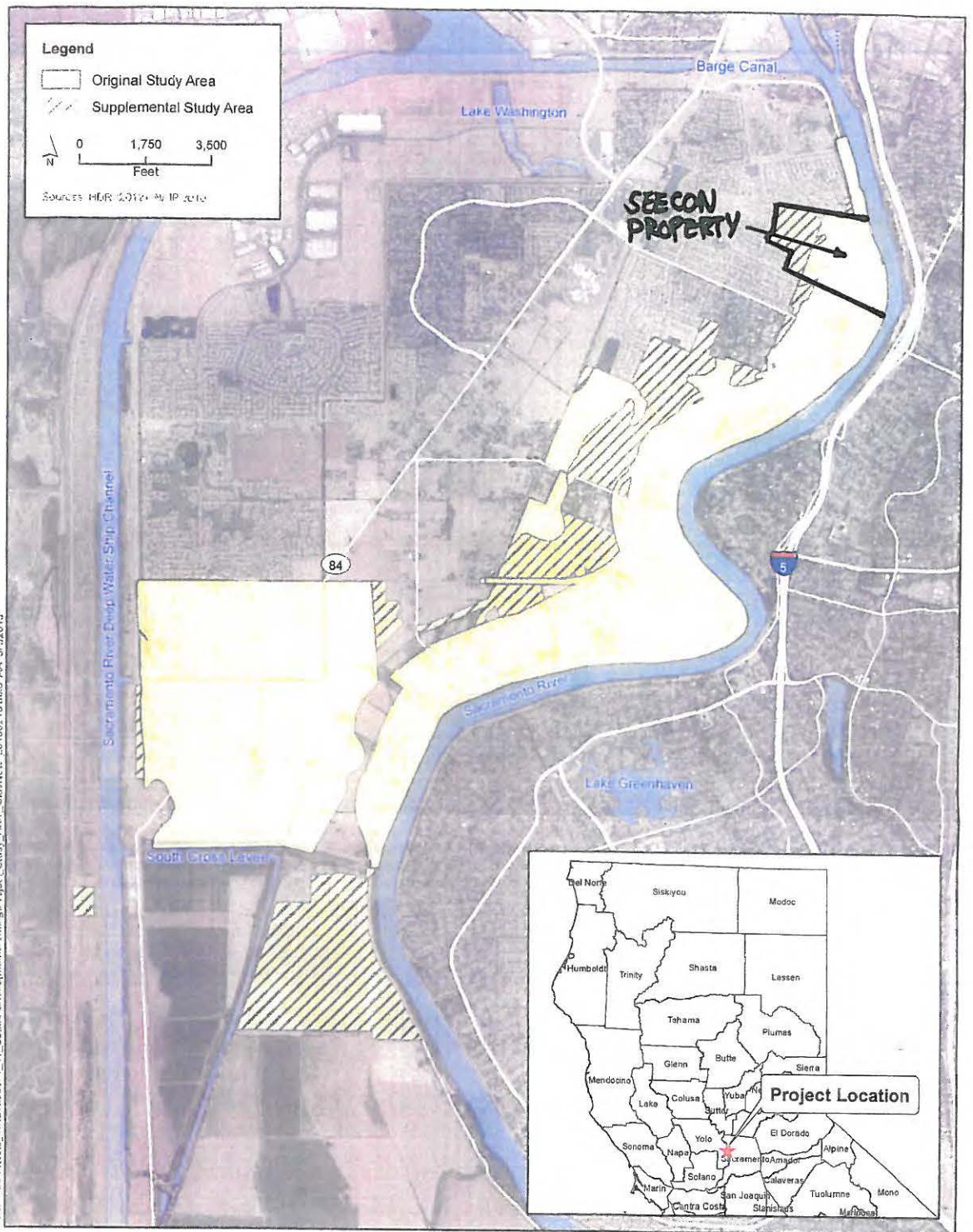
MILLER STARR REGALIA



Wilson F. Wendt

WFW:SRM/kli

cc: Kenneth Ruzich
Ralph Nevis
WSAFCA Board Members
Lori Clamurro Chew - DWR
Clients



Path: K:\Projects_1\HD\30002_1_1_SouthernWaterParticipatingProject_Study_Area_Overview_201215.mxd AA 3/20/13

Figure 1
EIP Study Area



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April 8, 2013

VIA EMAIL AND FEDERAL EXPRESS

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Sacramento, CA 95814

Tanis Toland (tanis.j.toland@usace.army.mil)
U. S. Army Corps of Engineers, Sacramento District
Delta Programs Integration and Ecosystem Restoration
1325 J Street
Sacramento, CA 95814

Re: Forecast Land Investment, LLC; Request for Removal of Property From
Additional Study Area Under Supplemental Notice of Preparation

Dear Ms. Smith and Ms. Toland:

Our office represents Forecast Land Investment, LLC ("Forecast"). We also represent Seecon Financial and Construction Co., Inc. ("Seecon"). On behalf of Seecon we are contemporaneously submitting comments on the Supplemental Notice of Preparation and requesting that the Seecon property designated on Figure 1 of the Supplemental NOP be deleted and removed from the area of additional study. We are reiterating that request on behalf of Forecast in connection with a small, approximately ten-acre parcel of real property located within Segment F of the Southport Early Implementation Project Reach and indicated on the map attached hereto (the "Forecast Property").

In our comment letter filed on behalf of Seecon, we noted that Seecon has opposed the selection of the setback levee alternative as the preferred alternative for flood control improvements on the Seecon property and has refused and will continue to refuse to sell borrow material to WSAFCA or any other agency. WSAFCA officials have informed us that they will not acquire borrow materials except from ready and willing sellers.

The purpose of this letter is to request that you modify Figure 1 to the Supplemental NOP and delete the Forecast Property from the additional study area to be looked as a possible additional soil borrow site (see attachment). There is absolutely no possibility that Forecast will sell borrow material to anyone and the enunciated

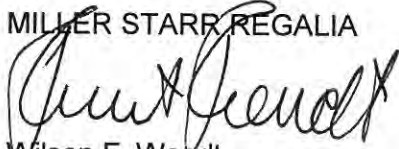
Megan Smith, Project Manager
Tanis Toland
April 8, 2013
Page 2

policy of WSAFCA makes clear that there is no possibility the borrow material will be taken from the Forecast Property.

We therefore request that you acknowledge this letter and remove the Forecast Property from any further consideration under the Supplemental NOP or the ongoing EIR/EIS.

Very truly yours,

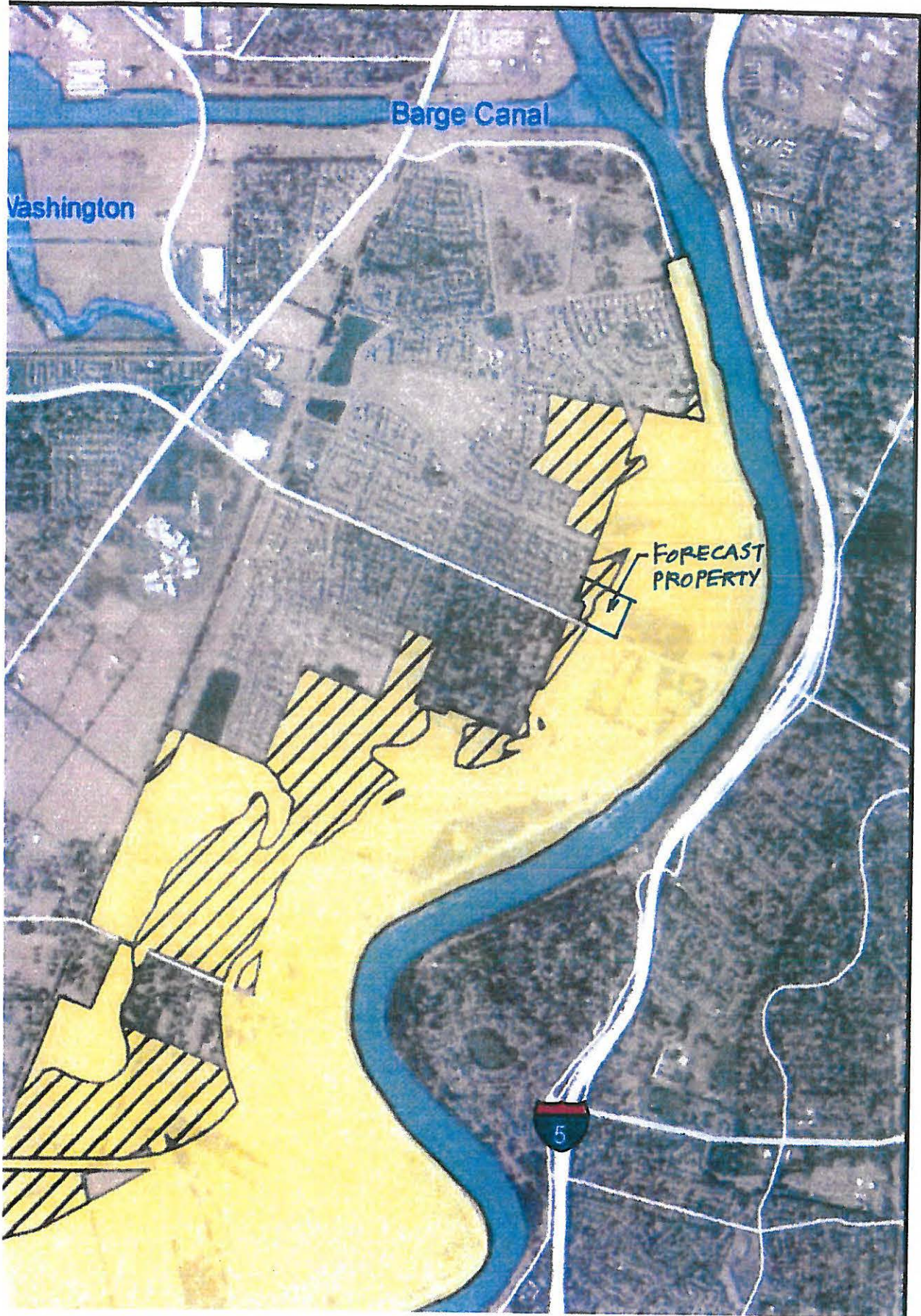
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Wilson F. Wendt

WFW:jj

cc: Kenneth Ruzich
Ralph Nevis
WSAFCA Board Members
Lori Clamurro Chew – DWR
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April 11, 2013

VIA U.S. MAIL AND EMAIL

President William Denton and
Members of the Board
Board of Directors
West Sacramento Area Flood Control Agency
1110 West Capitol Avenue, 2nd Floor
West Sacramento, CA 95691

Re: Objections to Creation of the West Sacramento Flood Plain Mitigation
Bank; Southport Early Implementation Plan

Honorable President Denton and Members of the Board:

As you are aware, our office represents Seecon Financial and Construction Co., Inc. ("Seecon"), the owners of real property in Segment F of the Southport Early Implementation Project ("Southport EIP"). For over a year we have been involved in reviewing and commenting upon actions of WSAFCA in designing and implementing the Southport EIP. Our comments are voluminous and have touched on a number of issues in the processing including our perceived lack of transparency in the process. We are surprised and shocked that after literally tens of thousands of words of reports and commentary presented to the Board and the public by WSAFCA staff and consultants, to our knowledge, the words "Flood Plain Mitigation Bank" have never appeared in any public discussion or in response to the Public Records Act requests we have filed on behalf of our client with WSAFCA until the Flood Protection Progress Report for April 1, 2013 attached to your agenda for your meeting of April 11, 2013, as Item No. 9, just posted. That innocuous statement appears on page 3 of the Flood Protection Progress Report and reads as follows:

"DWR released its preliminary funding recommendations to direct Proposition 1(e) funding to flood management projects and activities in support of the Central Valley Flood Protection Plan (CVFPP) in Conservation Strategy. WSAFCA's titled 'State of California West Sacramento Flood Plain Mitigation Bank' has been initially recommended for approximately five million dollars in funding."

President William Denton and
Members of the Board
April 11, 2013
Page 2

The original consultant's recommendation to the Board for the preferred alternative for flood control improvements in Segment F was an Adjacent Levee. In May, 2012, WSAFCA staff and consultants cited a "Value Engineering Report" as the reason that the setback levee should be selected as the preferred alternative in Segment F to proceed to 65% design completion, despite failing to report back to the Board on the advantages and disadvantages of a Setback Levee in Segment F, an analysis that was supposed to look at "technical feasibility, regulatory acceptability, constructability, long term maintenance issues (and) impacts to the community. . .". This recommendation was adopted by the Board despite the fact that the Setback Levee is several million dollars more expensive than the Adjacent Levee and the alternative requiring the most borrow material and the one which is the most injurious to private property. One of the reasons advanced for the Board's choice was that WSAFCA could extract millions of dollars more from the State if the Setback Levee were selected, thus making the ultimate cost to WSAFCA lower than their share if the Adjacent Levee alternative were selected.

We have pointed out on many occasions that under principles of Eminent Domain law, WSAFCA is limited to taking only that amount of private property necessary to effect the purpose of the take; that being the construction of flood protection improvements. Nowhere in all the materials prepared and presented to the Board was there an explanation that WSAFCA proposed to create a "Flood Plain Mitigation Bank", an enterprise that would be imposed upon private property owned by West Sacramento businesses and residents and would produce extra mitigation credits that would be sold for use by the State of California to offset environmental impacts of other projects in other locations throughout the State of California totally unrelated to the Southport E.I.P. This creation of a Mitigation Bank enterprise on the back of West Sacramento property owners for the benefit of other governmental and, perhaps, private interests, is inequitable, improper and beyond the legal authority of WSAFCA. We urge the Board to direct staff to immediately begin an investigation of how this Application for funding of a Mitigation Bank was developed and the unauthorized Application filed with the Department of Water Resources (see Exhibit B). That investigation should focus, among other things, upon why no public discussion was held at any time as to the creation of such a Mitigation Bank enterprise.

Applications Filed With the State of California Department of Water

Resources: We just became aware of the proposed creation of a Mitigation Bank when our research was triggered by the Flood Protection Progress Report posted with today's agenda.

On December 13, 2012 the Board adopted Resolution 12-12-01, a copy of which is attached as Exhibit A, which, in part, "approved the filing of an application to the Department of Water Resources for grant funding under the Central Valley Flood System Conservation Framework and Strategy Program to fund the construction of habitat in the Southport Sacramento River Early Implementation Project Setback

President William Denton and
Members of the Board
April 11, 2013
Page 3

Area". Nothing in the resolution referenced the creation of a "Flood Plain Mitigation Bank" enterprise with "for sale" mitigation credits created, to be sold to mitigate impacts of other projects of other agencies or private persons outside of the Southport area and totally unrelated to the Southport Early Implementation Plan. The public was not made aware that a "Mitigation Bank" would be created involving the setback area on private property for mitigation of impacts caused by projects in remote areas of the state.

On January 7, 2013, WSAFCA staff submitted an Application to DWR for the West Sacramento Flood Plain Mitigation Bank Work Plan, Schedule and Budget, a copy of which is attached as Exhibit B, seeking funding from the \$25,000,000 available. That application was clearly for an unauthorized "Flood Plain Mitigation Bank Proposal". Again, nothing in any of the discussion before the Board or the documentation leading up to this submittal had ever referenced the creation of a Mitigation Bank. It is our opinion that Resolution No. 12-12-01 did not authorize the filing by staff of an Application for the creation of a Mitigation Bank and the action of WSAFCA to create and implement such a Mitigation Bank would be beyond the powers of the staff member filing the application and the Agency under their Joint Powers Agreement. These unauthorized actions should be immediately and thoroughly investigated. We are enclosing a legal memorandum setting out the legal reasoning supporting our opinion as Exhibit C.

The Application filed by staff on behalf of the Board with DWR acknowledges that creation of the Mitigation Bank by WSAFCA would be at the periphery of the Agency's powers and subject to "some uncertainties and constraints". The Application states as follows:

"As a flood risk reduction agency, WSAFCA has limited financial and political ability for habitat restoration beyond that required for project mitigation associated with the Southport EIP. WSAFCA will partner with the state to identify responsible parties for land ownership, bank ownership and operations and maintenance, given that the majority of the mitigation credits will be utilized by the state. Further, WSAFCA and the state will need to work closely together on the financial details of the project to ensure that the interests of both agencies are met."

The creation of a Mitigation Bank by WSAFCA is beyond the scope of the Agency's powers. The resolution adopted by the Board authorizing the filing of the Application with DWR does not authorize the filing of an application for a Mitigation Bank with "for sale" mitigation credits. We have obtained a copy of the Department of the Army Corps of Engineers' permit application dated January, 2013, filed by WSAFCA. In that application there is a general description of the flood control

President William Denton and
Members of the Board
April 11, 2013
Page 4

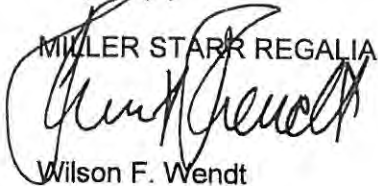
improvements and the fact that certain of the setback areas would be used for fish and wildlife habitat restoration. Nowhere in the application is it stated that a Mitigation Bank enterprise will be created with mitigation credits to be sold for projects outside of the Southport area.

Conclusion: The creation of a Mitigation Bank enterprise by WSAFCA and its continuing maintenance into the future is well beyond its authority under the Joint Powers Agreement or applicable law. The mitigation of impacts for just the Southport EIP on site are more clearly within the Agency's powers and authority. We urge the Agency to commence an investigation of why the concept of the Mitigation Bank enterprise was not clearly and transparently disclosed to the public and why the Application was submitted without proper Board authorization. We urge the Board to withdraw the Application to DWR to avoid further complications to the already difficult process of building needed levees in the Southport area, which complications may delay the approval of the environmental documents and cause the Agency to miss applicable Federal and State funding windows.

It is shameful that WSAFCA would attempt to create this Mitigation Bank enterprise by unnecessarily displacing families from their homes and taking exorbitant and unnecessary amounts of private property for a commercial enterprise which could generate millions of dollars of profit from sale of credits for projects totally unrelated to Southport. At least we now understand why WSAFCA switched positions leading to the 65% design stage, abandoned the Adjacent Levee alternative, while advancing the more lucrative Setback Levee alternative.

Very truly yours,

MILLER STARR REGALIA



Wilson F. Wendt

WFW:jj

cc: Mr. Kenneth Ruzich
Mr. Ralph Nevis
Ms. Alicia E. Kirchner, USACE
Mr. Thomas D. Karvonen, USACE
Mr. Marc A. Fugler, USACE
Ms. Tanis Toland, USACE
Ms. Megan Smith, ICF
Mr. Mark Cowin, Director, DWR
Ms. Cathy Crothers, Chief Legal Counsel, DWR
Ms. Lori Clamurro Chew, DWR
Clients

Resolution 12-12-01

RESOLUTION OF BOARD OF DIRECTORS OF THE
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE CENTRAL VALLEY FLOOD
SYSTEM CONSERVATION FRAMEWORK AND STRATEGY PROGRAM UNDER THE DISASTER
PREPAREDNESS AND FLOOD PREVENTION BOND ACT OF 2006 (Proposition 1E)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the Department of Water Resources has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Department of Water Resources require a resolution certifying the approval of application(s) by the Applicants governing board before submission of application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

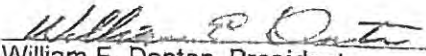
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Sacramento Area Flood Control Agency,

1. Approves the filing of an application to the Department of Water Resources for grant funding under the Central Valley Flood System Conservation Framework and Strategy Program to fund the construction of habitat in the Southport Sacramento River Early Implementation Project setback area,
2. Certifies that Applicant understands the assurances and certification in the application; and,
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and,
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code, and,
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act (CEQA)*, legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction all applicable permits will have been obtained; and,
6. Appoints the General Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

PASSED AND ADOPTED by the West Sacramento Area Flood Control Agency on this 13th day of December, 2012, by the following vote.


EXHIBIT A

AYES: Denton, Kristoff, Ramas
NOES: none
ABSTAIN: none
ABSENT: none



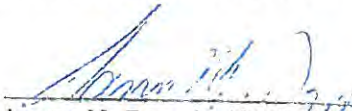
William E. Denton, President

ATTEST:



Kenneth A. Ruzich, General Manager

APPROVED AS TO FORM:



James M. Day, Jr., WSAFCA Attorney

Ground Water Basin	Sacramento Valley-Yolo
Hydrologic Region	Sacramento River
Watershed	

Legislative Information

Assembly District	4th Assembly District *
Senate District	3rd Senate District *
US Congressional District	District 5 (CA) *

Project Information

Project Name State of California West Sacram

Implementing Organization	West Sacramento Area Flood Control Agency
Secondary Implementing Organization	MBK Engineers
Proposed Start Date	2/28/2013
Proposed End Date	7/6/2018

Project Scope	The scope of work for the project will be to design, entitle, implement, maintain, and monitor the proposed Bank project
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Project Description	<p>The Bank project would create a mitigation and conservation bank that would yield approximately 120 riparian floodplain and endangered species conservation credits, and has the potential to create approximately 21,000 linear feet of restored and enhanced shaded riverine aquatic (SRA)/channel margin habitat available as mitigation credits on a per-linear foot basis. The Bank would be partially utilized by WSAFCA to fulfill mitigation that will be obligated to the Southport EIP project, but will have substantial remaining credits for use by the State for future project impacts resulting from implementation of the Central Valley Flood Protection Plan (CVFPP). The Southport EIP project reach extends approximately 5.6 miles from the termination of the USACE Sacramento River Bank Protection Project at River Mile 57.2R' south to the South Cross Levee (Figure 1). The Southport EIP project will be constructed using a combination of methods to create a system of new levees or reinforced existing levees. Portions of the new levee segments will be constructed 400' to 1000' away from the Sacramento River channel to create a setback area. The Bank will be</p>
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	<p>developed in the setback area for approximately four miles along the Sacramento River (Figures 2 and 3). The setback area will be excavated down to an elevation of between +7.0' and +10.0' NAVD88 and the excavated material will be utilized in constructing portions of the new flood control features. A low-flow swale will be excavated within the restored floodplain at approximately +7.0' NAVD88 to provide access to the vegetated floodplain terrace and a drainage point back to the main river channel to minimize the potential for fish stranding during flood water recession. The existing Sacramento River levee will be degraded and breached in places in order to create full hydrologic connectivity between the setback area and the main river channel.</p>
Project Objective	
Project Benefits Information	

Project Objective

Budget

Other Contribution	0
Local Contribution	0
Federal Contribution	0
Inkind Contribution	0
Amount Requested	5000000
Total Project Cost	5000000

Geographic Information

Latitude DD(+/-)	38	MM 31	SS 52
Longitude DD(+/-)	121	MM 31	SS 54
Longitude/Latitude Clarification	Location		
County Yolo Ground Water Basin Sacramento Valley-Yolo Hydrologic Region Sacramento River WaterShed			

Legislative Information

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Assembly District	4th Assembly District
Senate District	3rd Senate District
US Congressional District	District 5 (CA)

Section : General Project Information

This section contains seventeen general questions about the proposal that all applicants are required to answer.

G1 - Applicant Contact Information

Provide contact information (name, organization, address, phone number, and e-mail address) for the individual who would be the primary contact regarding the grant proposal.

If the Project Lead organization is a local government, nonprofit, or consortium, attach a resolution from the appropriate applicant organization authorizing the Applicant to sign a funding agreement on its behalf.

West Sacramento Area Flood Control Agency 1110 West Capital Avenue, West Sacramento, CA 95691 Attn: Kenneth Ruzich Title: General Manager Telephone: 916-606-6435 email address: wsrd@pacbell.net

G2 - Key Cooperators

Provide contact information (name, organization, address, phone number, and e-mail address) for any (sub)contractors, advisors, or other technical personnel identified as being necessary for successful completion of the project ("Key Cooperators").

Attach a resume for each person identified as a "Key Cooperator".

Carl Jensen ICF International 630 K Street Suite 400 Sacramento, CA 95814 Telephone: 916-231-7668 email address: carl.jensen@icfi.com Derek Larsen MBK Engineers 1771 Tribute Way, Suite A Sacramento, CA 95815 Telephone: 916-456-4400 email address: larsen@mbkengineers.com Chris Bowles cbec ecoengineering 2544 Industrial Blvd West Sacramento, CA 95691 Telephone: 916-231-6052 email address: c.bowles@cbeoeng.com

G3 - Project Title

Give your project a short title.

State of California West Sacramento Floodplain Mitigation Bank

G4 - Project Location

List all the counties and/or cities in which project activities would occur under this proposal.

In addition, list all river systems, and approximate locations (in river miles, if applicable), on which project activities would occur under this proposal.

City of West Sacramento, Yolo County Sacramento River Miles 52.8 to 57.2

G5 - Current Zoning and Land Use

Describe the current zoning and land use for the parcel(s) that are the subject of this proposal.

If there is a likelihood of zoning or general plan changes for the property in the next year (e.g., a General Plan update is in process, or a zoning code amendment is or will soon be proposed), provide a brief explanation of the expected changes.

The land use in the proposed mitigation reserve is currently identified for future urban development in the City of West Sacramento General Plan. The zoning varies depending on location from low, medium, and high density residential, water front development, public open space, and recreation.

G6 - Description of Parcel(s)

Give the size of the property (in acres) that is the subject of this proposal, and briefly describe the natural resources on the property currently.

In addition, identify the approximate size (in acres and/or linear feet) of the project's footprint on the property.

Provide information about any surveys that have been conducted on the property, including biological, archaeological, pipeline/transmission, topographical, etc.

The project footprint is approximately 120 acres. The following surveys and studies have been completed to date: 1. Baseline topographic surveys; existing utility surveys and mapping; bathymetric surveys; hydraulic data development including Acoustic Doppler Current Profile (ADCP flow and velocity) measurements and river stages for model calibration purposes; geomorphic data development including suspended and bedload sediment transport measurements; and erosion assessments along the river bank of the Sacramento River through the project reach. 2. Extensive geotechnical investigations, including numerous boreholes and soils tests in the setback area and existing levee, to characterize geologic conditions including underseepage issues. 3. Assessment of biological and ecological conditions along the riverbank and setback area, including identification of sensitive species. 4. Hydrodynamic and sediment transport modeling to identify system-wide and localized impacts of levee setback alternatives, and potential mitigation options. 5. Property surveys and investigations. 6. Optimization of setback grading to provide material for levee construction and identification of additional borrow material sites. 7. Development of preliminary erosion control measures for the setback area, the new Southport EIP levee, and the remnant riverbank of the Sacramento River, including biotechnical bank stabilization measures. 8. Development of 65% design level plans, specifications and cost opinions for the Southport EIP. 9. Preparation of the Southport EIP draft EIS/EIR for public review and preliminary regulatory permitting applications.

G7 - Landowner(s)

Identify all recorded legal rights on the property, including but not limited to ownership titles, easements, liens or other encumbrances for the property that is the subject of this proposal.

Land will be purchased as part of the Early Implementation Project being advanced by WSAFCA in partnership with the State of California. For purposes of this project it can be assumed that the property for the mitigation bank will be held by WSAFCA of the Sacramento-San Joaquin Drainage District prior to initiation of the project.

G8 - Holder(s) of Water and Mineral Rights, and Rights of Way

Rights of Way (ROWs) and possible implications for land management.

To verify that any water rights necessary to implement the project have been obtained, indicate the basis and source of those rights.

Not applicable

G9 - Landowner(s) Willingness to Participate

If the property is in private ownership, is there a legally binding agreement with the landowner that would allow habitat to be developed and sustained into perpetuity on the parcel? If so, attach a copy of the agreement.

Also, if the property is in private ownership, is there an agreement with or written authorization from the owner that DWR or its multi-agency group can visit the site for reconnaissance level visits? If so, attach a copy of the agreement/authorization.

Not applicable

G10 - Project Description

Describe your project and explain how it will advance the goals of ecological enhancement while providing mitigation for future work at State Plan of Flood Control (SPFC) facilities.

Attach a detailed description of the project and clearly indicate which portions are proposed for DWR's bond funding. The project description should include, at a minimum:

- the goals and objectives of the project;
- the activities that will be undertaken under this proposal to achieve the project objectives;
- relationships to other projects or activities that may benefit from implementation of this project, as well as any existing mitigation obligations of these projects or activities, if known;
- the approximate timelines for deliverables associated with this proposal; and
- a brief description, including approximate timelines and expected deliverables, of any future phases that would result in full implementation of the project, if applicable.

Refer to the Work Plan, Budget, & Schedule: Grantee Guidance document.

Attach a Scope of Work – Task Outline describing the work to be performed for each task, as well as the deliverables (see Table 1).

Attach a Schedule (see Table 4).

Attach location maps, designs, color photographs, or other information that describes the project.

The State of California West Sacramento Floodplain Restoration Bank (Bank) is the final phase of the Southport Early Implementation Project (EIP) (Southport EIP), which is a proposed multi-objective flood control project for the City of West Sacramento that advances the primary goals of achieving a minimum level of 200-year flood protection, providing flood-compatible recreational opportunities, and habitat restoration when economically feasible. The Bank project would create a mitigation and conservation bank that would yield approximately 120 riparian floodplain and endangered species conservation credits, and has the potential to create approximately 21,000 linear feet of restored and enhanced shaded riverine aquatic (SRA)/channel margin habitat available as mitigation credits on a per-linear foot basis. The Bank would be partially utilized by WSAFCA to fulfill mitigation that will be obligated to the Southport EIP project, but will have substantial remaining credits for use by the State for future project impacts resulting from implementation of the Central Valley Flood Protection Plan (CVFPP). The Southport EIP project reach extends approximately 5.6 miles from the termination of the USACE Sacramento River Bank Protection

Project at River Mile 57.2R south to the South Cross Levee (Figure 1). The Southport EIP project will be constructed using a combination of construction techniques to create a system of new levees or reinforced existing levees. Portions of the new levee segments will be constructed 400? to 1000? away from the Sacramento River channel to create a setback area. The Bank will be developed in the setback area for approximately four miles along the Sacramento River (Figures 2 and 3). The setback area will be excavated down to an elevation of between +7.0? and +10.0? NAVD88 and the excavated material will be utilized in constructing portions of the new flood control features. A low-flow swale will be excavated within the restored floodplain at approximately +7.0? NAVD88 to provide access to the vegetated floodplain terrace and a drainage point back to the main river channel to minimize the potential for fish stranding during flood water recession. The existing Sacramento River levee will be degraded to a lower elevation or completely breached in places in order to create full hydrologic connectivity between the setback area and the main river channel. The restoration objectives developed for the Bank include provide compensatory mitigation credits for impacts to protected land cover types and to special-status species and potential habitat for these species; restoring portions of the historic Sacramento River floodplain (i.e., waters of the United States); restoring riparian and oak woodland habitat on the restored floodplain that will create continuous habitat corridors for wildlife movement; designing habitat features to minimize future maintenance obligations (e.g., reduce opportunities for sediment and debris accumulation); and designing floodplain planting and vegetation management schemes to avoid undesirable hydraulic and sediment transport impacts to the setback levee and offset area.

G11 - Habitat Connectivity

If the property is located near any protected habitat areas or high-quality habitat types, describe these areas/habitat types and indicate their proximity (in linear miles) to the project site.

Attach map(s) showing the location of nearby habitat and conserved areas.

The project site is surrounded by developed areas of single-family residences, active and fallow agricultural lands, and the Sacramento River. The proximity of the project site to the Sacramento River and length of frontage along the river channel provides an excellent opportunity to restore a portion of the historic Sacramento River floodplain and recreate some of the historic functions and values that were lost when the river was channelized. Existing riparian habitat in the project area and immediate vicinity consists of a narrow, discontinuous band on the water side of the Sacramento River levee. This riparian strip provides limited shaded riverine aquatic (SRA) habitat. Large areas of cultivated and fallow agricultural land occur directly adjacent to the project area. These areas could provide foraging habitat for raptors including Swainson's hawk.

G12 - Benefits to Sensitive Habitats and/or Species

Describe any benefits that are expected to accrue to fish, wildlife, or plant species listed as threatened, endangered, of special concern, or otherwise protected by law, as well as any benefits to sensitive habitats on which these species depend, as a result of this project.

Indicate the specific amounts of mitigation/compensation areas (if known) that would result from implementation of this project and could be applied to future work at State Plan of Flood Control facilities.

The proposed project will create riparian floodplain and off-channel refugia habitat for native fish, including Chinook salmon (*Oncorhynchus tshawytscha*) and Sacramento splittail (*Pogonichthys macrolepidotus*), and to a limited extent Central Valley steelhead (*Oncorhynchus mykiss*). Floodplains are now recognized as major contributors to aquatic production and species diversity in large river systems where native fish species have evolved specific adaptations to exploit these

variable but highly productive habitats. Floodplains can greatly expand the quantity and quality of habitat available to juvenile salmon, splittail and other fishes during seasonal inundation periods. After young salmon have dispersed from spawning areas, the distribution and abundance of young salmon is determined largely by their preferences for shallow water and low water velocities, which in large rivers are found mostly along channel margins, floodplains, and other off-channel habitats. Floodplain habitat is extremely limited along the Lower Sacramento River. It is generally assumed that the number or biomass of fish and other organisms that can be supported by a habitat is directly proportional to the area of suitable habitat. Larger floodplains may also enhance growth and survival of rearing juveniles by increasing the amount of living space, reducing competition for food, and reducing potential encounters with predators. Floodplain area may also affect the productivity of river-floodplain systems by affecting hydraulic residence time, water temperature, and inputs of organic matter, plankton, and invertebrates from the floodplain into river channels (Ahearn et al. 2006). Floodplains can greatly expand the quantity and quality of habitat available to juvenile salmon, splittail and other fishes during seasonal inundation periods. After young salmon have dispersed from spawning areas, the distribution and abundance of young salmon is determined largely by their preferences for shallow water and low water velocities, which in large rivers are found mostly along channel margins, floodplains, and other off-channel habitats (Beechie et al. 2005, Lestelle et al. 2005). The Swainson's hawk is a state-listed threatened species. Swainson's hawks are summer residents in the study area. The nesting season extends from approximately early March through August. In the Central Valley, Swainson's hawks nest occur primarily in riparian areas adjacent to agricultural fields or pastures, although isolated trees or roadside trees are sometimes used (California Department of Fish and Game 1994). Swainson's hawks nest in mature trees; the preferred tree species are valley oak, cottonwood, willows, sycamores, and walnuts. Nest sites typically are located in the vicinity of suitable foraging areas. The primary foraging areas for Swainson's hawk are open agricultural and pasture lands (California Department of Fish and Game 1994).

G13 - Project Support and/or Opposition

Describe the outreach that has been conducted to date for this project.

Characterize the level of support for this project among nearby landowners and local interests, entities, and organizations.

Describe any known opposition to the project.

WSAFCA has taken a proactive, transparent approach throughout all stages of the Southport Sacramento River Early Implementation Project. WSAFCA has kept the West Sacramento community informed about their role to ensure the community at large is safe from flooding. The agency simultaneously stresses their commitment to ensure the least damage to private property owners as possible as part of the levee improvement project. Private property owners and at-large residents alike have received updates throughout the process and at key project milestones through public meetings, small group meetings, one-on-one meetings, media relations, mailers, utility bill inserts, community presentations and additional outreach channels. Many community members have expressed their support of the project as a result of the outreach to nearby property owners, stakeholders, community members and the public. Organizations including the West Sacramento Chamber of Commerce, community leaders and business owners have endorsed and supported the project, citing the need for levee improvements in the south area of the city and city-wide. While the most impacted property owners expressed their desire for a different project alternative, many have also expressed appreciation for the transparent process WSAFCA has employed since the beginning. By the end of preliminary design, the property owner representative's attorney said she had never worked with a public agency more committed to working with residents than West

Sacramento.? Her comments were a result of the significant number of public meetings, community meetings and one-on-one meetings. Several homes slated to be removed have been saved due to property owner outreach and continual dialog between the owners, WSAFCA and the project's design team. Some of the property owners who formerly opposed the project are now working with WSAFCA on new transportation alternatives and seem to be working productively with staff on solutions. Formal public comment will be secured and considered through the NEPA/CEQA process and some affected property owners will likely oppose the extent of setback levee currently identified in the preferred project alternative. WSAFCA has received letters of opposition from some of the affected property owners related to the extent of setback currently identified in the preferred project alternative. Overall WSAFCA believes that there is general support from the community for the project.

G14 - Status of Permits and Documents

Briefly describe the permits and environmental document that will be applicable to your project, and the status of obtaining those permits and preparing those documents.

Include information about possible permitting obstacles for getting the project implemented such that it provides advancement for future work at SPFC facilities (this could include conflict with an existing easement or revocability of existing permits).

Implementing the Bank project will require compliance with several local, state, and federal regulatory processes. The following is a list of the anticipated approvals that will be needed: CEQA/NEPA Compliance Clean Water Act Section 404 Compliance (Section 404) Federal Endangered Species Act (Section 7) National Historic Preservation Act Section 106 Documentation Fish and Wildlife Coordination Act Support California Endangered Species Act (Section 2081) California State Fish and Game Code (Section 1602) Clean Water Act Section 402 Compliance Clean Water Act Section 401 Compliance Central Valley Flood Protection Board (CVFPB) Encroachment Permit (Title 23) Yolo County Grading Permit For the purposes of this submittal it has been assumed that all regulatory approvals would be obtained separate from those required for the Southport EIP. If bond funding could be secured in early 2013, many efficiencies in the permitting process could be realized by including the Bank project in the Southport EIP regulatory permit applications.

G15 - Funding Requested

Refer to the Work Plan, Budget, & Schedule: Grantee Guidance document.

Attach a Task Budget (see Table 2). Indicate within the budget sheet how much bond money is being requested from DWR, and how much money or in-kind service is being provided by the Applicant, Key Cooperators, and other partnering entities. (If in-kind services or resources are being provided, estimate their monetary value.)

Last Uploaded Attachments: FESSRO Budget.pdf

G16 - Estimates of Costs for Future Phases

Refer to the Work Plan, Budget, & Schedule: Grantee Guidance document.

If this project is anticipated to have subsequent phases, attach a Task Budget (see Table 2) and indicate within the table the needs (activities and deliverables) and approximate costs of the future phases needed for the project to be fully implemented in the future.

(If this project does not include future phases, indicate this as your response and proceed to Question G17.)

Last Uploaded Attachments: NA.pdf

G17 - Management and Maintenance Responsibilities

Identify who will be responsible for management and maintenance of the constructed project during the establishment phase, and identify who will be responsible for long-term management and maintenance.

Identify the amount of endowment that will be used to fund the long-term management of the project, and the source of those funds.

If the proposal is for a mitigation bank for which the applicant entity will be responsible for all management and maintenance, as well as the endowment, indicate that in your response and identify the amount of the endowment.

As a flood risk reduction agency, WSAFCA has limited financial and political ability for habitat restoration beyond that required for project mitigation associated with the Southport EIP. WSAFCA will partner with the State to identify responsible parties for land ownership, bank ownership, and operations and maintenance, given that the majority of the mitigation credits will be utilized by the State. Further, WSAFCA and the State will need to work closely together on the financial details of the project to ensure that the interests of both agencies are met.

Section : Advance Mitigation ("IRT" and/or "Other Mechanisms")

DWR is interested in creating mitigation banks with regulatory agencies participating on the Interagency Review Team (IRT) as the signatories, and to provide advance mitigation credits for sensitive habitats and species that are expected to be impacted by future SPFC projects, including but not limited to:

- Riparian forest and shrub-scrub (e.g., mitigation for implementation of Life Cycle Management)
 - Shaded riverine aquatic (SRA) areas
 - Channel margin and floodplain areas
- Salmon and steelhead; green sturgeon (mitigation for impacts to habitat from alterations to SPFC facilities)

Please refer to Table 1 of the PSP for the list of species and natural communities targeted by this PSP.

If your proposal is to create a mitigation bank in accordance with the existing Interagency Review Team (IRT) mitigation banking process, answer questions AM1 through AM4. If your proposal is to formulate "umbrella" banking instruments or other mechanisms, answer questions AM5 through AM7.

AM1 - Land Control (privately-owned lands)

Describe whether acquisition from willing sellers of private lands will be through fee title or conservation easement.

- If acquisition will be through fee title, note that and proceed to the next question (AM2).
- If acquisition will be through conservation easement, provide an answer (Yes/No) to the following three questions:
 - o Is there a legally binding agreement with the landowner that would allow habitat to be developed on the parcel?
 - o Is the conservation easement already recorded?
 - o Is the conservation easement under development? (If Yes, explain the status of the recording of the conservation easement and provide an expected timeline.)

Acquisition of land for the Southport EIP and Bank projects will be done through fee title.

AM2 - IRT Mitigation Banking Enabling Instrument Checklist

Completion of specific activities (refer to the Mitigation Banking Enabling Instrument checklist currently utilized by the Interagency Review Team (IRT), provided as Attachment B1 to the PSP on the website) is currently required by regulatory agencies for the establishment of a mitigation or conservation bank.

For this PSP, DWR is soliciting proposals that will serve as 'advance mitigation' for SPFC facilities' evaluation, repair, reconstruction, or replacement projects; therefore, habitat and/or species credits at the bank site may be determined at a later date in light of future permit needs of the individual facilities (a situation sometimes referred to as a "turn-key" or "single-user" mitigation bank.)

Describe which specific component(s) of these IRT requirements are being proposed as part of this project.

All components of the IRT bank enabling instrument checklist will be prepared or secured as part of this project. This will include: 1. BEI 2. Location maps 3. Service area maps and description 4. Development plan 5. Bank management and operation documents 6. Real estate records and assurances 7. Bank crediting and credit transfers 8. Phase 1 Environmental Site Assessment 9. Biological resources survey 10. Wetland delienation verification letter 11. Cultural, historical, archaeological and Native American resources information 12. Other documents and permits

AM3 - Land Improvement (State or federal lands)

If the proposal is to establish a bank site on real property that is already under the control of a State or federal agency, describe which specific component(s) of the IRT requirements are being proposed as part of this project (refer to the Mitigation Banking Enabling Instrument checklist provided as Attachment B1 to the PSP on the website).

not applicable

AM4 - DFG Mitigation Policy on Publicly Owned and Conserved Lands

If the proposal is to establish a bank site on real property that is already under the control of a State or federal agency and/or was acquired for conservation purposes, and if the California Department of Fish and Game (DFG) is one of the regulatory agencies that would be a signatory for the development and use of mitigation credits, please check the box to indicate that you have read and understand DFG's new policy for mitigation on publicly owned and conserved lands (included as Attachment B2 to the PSP on the website).

AM5 - Umbrella Bank Development

Indicate whether you would like your proposal to be considered for inclusion under one or more umbrella mitigation banking instruments by listing any and all species (refer to Table 1) or vegetation communities (riparian forest and shrub scrub, shaded riverine aquatic, and/or channel margin and floodplain) that would benefit from your project. *Note that funding for such a project or activity will be contingent upon approval by the relevant regulatory agencies that the project meets the mitigation requirements for inclusion in an umbrella mitigation bank in the future, including but not limited to long-term management and funding assurances.*

not applicable

AM6 - DFG Mitigation Policy on Publicly Owned and Conserved Lands

If you answered Question AM5 (Umbrella Bank Development) and your proposal is to establish an umbrella bank site on real property that is already under the control of a State or federal agency and/or was acquired for conservation purposes, and if the California Department of Fish and Game (DFG) is one of the regulatory agencies that would be a signatory for the development and use of mitigation credits, please check the box to indicate that you have read and understand DFG's new policy for mitigation on publicly owned and conserved lands (included as Attachment B2 to the PSP on the website).

a) I have read and understand the DFG policy.

AM7 - Other Proposed Mitigation Mechanisms

If Applicants feel they cannot or may not need to meet IRT requirements described in Attachment B1, they are encouraged to identify potential alternatives that can provide equivalent information for consideration by applicable regulatory agencies outside of the IRT process. Describe those alternatives here. *Note that funding for such a project or activity will be contingent upon the relevant regulatory agencies' approval of these alternatives as functionally equivalent to the information required by the IRT, such that they can formally become a signatory for the development and use of mitigation credits in permit negotiations on SPFC projects.*

not applicable

Section : Additional Application Questions

This tab includes additional questions that the PET will use to evaluate your proposal.

Q1 - Significant Impacts under CEQA

List any potentially significant impacts the proposed project could result in. If available, list mitigation measures that have been incorporated into the proposal.

There may be significant impacts regarding air quality and sensitive biological resources. For air quality impacts, mitigation measures to reduce emissions from construction equipment and a fugitive dust control plan may be required. For impacts to sensitive biological resources, construction work windows, pre-construction clearance surveys, exclusion devices, and biological monitoring during project implementation may be required.

Q2 - List of required permits

List the required permits and provide an implementation plan for their procurement.

The following is a list of the anticipated regulatory permits and approvals needed for implementation of the Bank project: CEQA/NEPA Compliance Clean Water Act Section 404 Compliance (Section 404) Federal Endangered Species Act (Section 7) National Historic Preservation Act Section 106 Documentation Fish and Wildlife Coordination Act Support California Endangered Species Act (Section 2081) California State Fish and Game Code (Section 1602) Clean Water Act Section 402 Compliance Clean Water Act Section 401 Compliance Central Valley Flood Protection Board (CVFPB) Encroachment Permit (Title 23) Yolo County Grading Permit WSAFCA will establish communication, in coordination with DWR or its designee, with the resource and regulatory entities. The purpose of communication at this stage is to ensure that regulatory triggers and approval pathways are identified early, a spirit of cooperation is established, and agency feedback is integrated into the project design to facilitate a smooth process and fair outcome for WSAFCA relative to permit conditions. It is intended that communication at this stage will be informal and preparatory for formal pre-application meetings. The communication will focus on agency preferences for analytical methods and documentation standards, with the overall intent of establishing constructive rapport for the project and WSAFCA, as well as determining pathways among variable permit parameters (such as for Clean Water Act [CWA] Section 404). WSAFCA will apply the information and agency communication to develop a permitting strategy, detailed workplan, and schedule. The workplan and schedule will prioritize the permits as individual tasks based on duration of document preparation time, elements common and essential to multiple permit applications, agency processing time, design milestones, and additional data needs, reflecting the dependencies between permits. This task will also include coordination with the design and modeling consultant as well as the lead for the CEQA document. WSAFCA will provide feedback on the design and CEQA document relative to likely permit conditions and to ensure avoidance and minimization of environmental effects or permitting challenges. Finally, this task will include a cultural resources record search from the county information center and a search of the California Native Diversity Database for special-status species.

Q3 - Property Acquired or Restored used for Mitigation

Will any of the property acquired or restored with this grant funding be used to meet mitigation requirements for another project? (Yes or No)

If yes, please indicate the number of acres and the specific project(s) for which the property to be acquired or restored would provide mitigation.

Yes, it is anticipated that between 20 and 30 of the credits from the Bank project will be assigned to the Southport EIP as project mitigation.

Q4 - Project Acquisition and Easement Description

Provide a description of how the property improvements or acquired property interests funded by the grant will be conserved in perpetuity, either by a recorded conservation easement, deed restriction or similar limitation to fee title held and enforced by an unidentified third party, or other mechanism acceptable to the State. Upon project implementation, it must be in first position ahead of any recorded mortgage or lien on the property unless this requirement is waived by the State.

The Bank project site will be located in a California state designated floodway which will restrict future activities on the site. As a flood risk reduction agency, WSAFCA has limited financial and political ability for habitat restoration beyond that required for project mitigation associated with the Southport EIP. WSAFCA will partner with the State to identify responsible parties for land ownership, bank ownership, and operations and maintenance, given that the majority of the mitigation credits will be utilized by the State. Further, WSAFCA and the State will need to work closely together on the financial details of the project to ensure that the interests of both agencies are met.

Section : Attachments

The following items will be uploaded onto the application as attachments. All attachments must be kept under the 50MB maximum allowed on the BMS/GRanTS, so it may be necessary for applicants to submit the attachments as separate files (up to five files may be uploaded per question, or to zip them, prior to uploading. Also, BMS/GRanTS requires the file name to be less than 50 characters in length.

Attachment 1 - Signature Page

Download the Signature Page from DWR's CVFS Conservation Framework and Strategy website. Upload a scanned version onto the BMS/GRanTS and send by mail, delivery service, or hand carry an original (wet signature) signed form with hard copy of the proposal to the physical address noted in your invitation letter.

Last Uploaded Attachments: Signature Page.pdf

Attachment 2 (see Question G1) - Resolution

Download the resolution from DWR's CVFS Conservation Framework and Strategy website. Attach a resolution from the applicant organization's governing board authorizing submittal of a grant application, indicating their intent to accept the grant if awarded, and authorizing specific individuals to sign the funding agreement on behalf of each applicant organization.

Last Uploaded Attachments: Signed Res. 12-12-01.pdf

Attachment 3 (see Question G2) - Resumes for Key Cooperators

Provide a resume (up to 2 pages) for each identified Key Cooperator.

Last Uploaded Attachments: Carl Jensen resume.pdf,Derek Larsen resume.pdf,Chris Bowles resume.pdf

Attachment 4 (see Question G9) - Landowner Agreements

If applicable, attach (1) a copy of any agreement authorizing creation of habitat on a private parcel; and (2) written authorization to access the project site for reconnaissance purposes.

Last Uploaded Attachments: NA.pdf

Attachment 5 (see Question G10) - Project Description; Scope of Work; Schedule

Attach a detailed description of the project and clearly indicate which portions are proposed for DWR's bond funding. The project description should include, at a minimum:

- the goals and objectives of the project;
- the activities that will be undertaken under this proposal to achieve the project objectives;
- relationships to other projects or activities that may benefit from implementation of this project, as well as any existing mitigation obligations of these projects or activities, if known;
- the approximate timelines for deliverables associated with this proposal; and
- a brief description, including approximate timelines and expected deliverables, of any future phases that would result in full implementation of the project, if applicable.

Scope of Work-Task Outline - Refer to the document *Work Plan, Budget, & Schedule: Grantee Guidance* from DWR's CVFS Conservation Framework and Strategy website. Use the example provided (Table 1) to create a Scope of Work – Task Outline, and upload it to BMS.

Schedule – Refer to the document *Work Plan, Budget, & Schedule: Grantee Guidance* from DWR's CVFS Conservation Framework and Strategy website. Use the example provided (Table 4) to create a Schedule, and upload it to BMS.

Last Uploaded Attachments: Southport FESSRO Final Proposal Scope.pdf

Attachment 6 (see Questions G10 and G11) - Project Drawings and Sketches; Maps

Project Drawings and Sketches – Provide location maps, designs, drawings, color photographs, or other information that describes the project features.

Project Location/Site/Vicinity Map – Provide a map and/or diagrams depicting locations of nearby conservation properties and projects in relation to the project site.

Last Uploaded Attachments: Figures 1-3.pdf

Attachment 7 (see Question G15) - Task Budget

Refer to the document *Work Plan, Budget, & Schedule: Grantee Guidance* from DWR's CVFS Conservation Framework and Strategy website. Use the example provided (Table 2) to create a Task Budget that reflects the contents of the Scope of Work-Task Outline submitted in Attachment 5, and upload it to BMS. Make sure the task budget includes all costs for developing agreements with regulatory agencies, and long-term maintenance costs for the site as well as flood maintenance costs.

Last Uploaded Attachments: FESSRO Budget.pdf

Attachment 8 (see Question G16) - Task Budget for Potential Future Phases

Refer to the document *Work Plan, Budget, & Schedule: Grantee Guidance* from DWR's CVFS Conservation Framework and Strategy website. If applicable to your project, use the example provided (Table 2) to create a Task Budget reflecting expected costs of future phases that will need to occur to bring this project to completion.

Last Uploaded Attachments: NA.pdf

West Sacramento Area Flood Control Agency (WSAFCA)

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January 7, 2013

Submittal to:

Lori Clamurro Chew

Department of Water Resources

FloodSAFE Environmental Stewardship and Statewide Resources Office

901 P Street, Room 411A

Sacramento, California 95814

Submittal includes:

- 2 copies of the West Sacramento Area Flood Control Agency's State of California West Sacramento Floodplain Mitigation Bank Work Plan, Schedule, and Budget

California Department of Water Resources
Central Valley Flood System Conservation Framework and Strategy
Grant Application Form
November 2012

Applicant Signature Page

Applicant: West Sacramento Area Flood Control Agency

Project Title: State of California West Sacramento Floodplain Mitigation Bank

By signing below, the official declares the following:

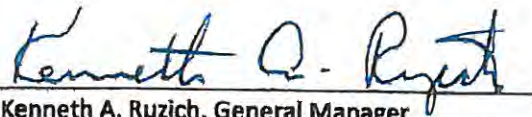
The truthfulness of all representations in the proposal;

The individual signing the form has the legal authority to submit the proposal on behalf of the applicant, and the applicant has the legal authority to enter into a contract with the State;

There is no pending litigation that may impact the financial condition of the applicant or its ability to complete the proposed project;

The individual signing the form waives any and all rights to privacy and confidentiality of the proposal; [Note: DWR will keep confidential sensitive information related to property negotiations or legal proceedings to the extent allowed under public information disclosure laws.]

The applicant will comply with all terms and conditions identified in the Central Valley Flood System Conservation Framework and Strategy Guidelines, PSP, and future Funding Agreement if selected for funding.



Kenneth A. Ruzich, General Manager
West Sacramento Area Flood Control Agency

11/7/13

Date

**STATE OF CALIFORNIA WEST SACRAMENTO
FLOODPLAIN MITIGATION BANK
WORK PLAN, SCHEDULE, AND BUDGET**

Submitted By:
West Sacramento Area Flood Control Agency

Submitted On:
January 7, 2013

Prepared by:



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PROJECT INFORMATION

The State of California West Sacramento Floodplain Restoration Bank (Bank) project would create a mitigation and conservation bank that would yield approximately 120 riparian floodplain and endangered species conservation credits, and has the potential to create approximately 21,000 linear feet of restored and enhanced shaded riverine aquatic (SRA)/channel margin habitat available as mitigation credits on a per-linear foot basis. Specifically, the proposed Bank project would create riparian floodplain and off-channel refugia habitat for native fish, including Chinook salmon and Sacramento splittail, and to a limited extent, Central Valley steelhead. The West Sacramento Area Flood Control Agency (WSAFCA) would partially utilize the Bank to fulfill mitigation that will be obligated to the Southport Early Implementation Project (Southport EIP), but substantial credits will remain for use by the State to mitigate for future project impacts resulting from implementation of the Central Valley Flood Protection Plan (CVFPP).

Southport Early Implementation Project (Southport EIP)

The Bank project represents the final phase of the Southport EIP, which is a proposed multi-objective flood control project for the City of West Sacramento that advances the primary goal of achieving a minimum level of 200-year flood protection and when compatible providing recreational opportunities, and restoring habitat and floodplain values when economically feasible. The Southport EIP reach extends approximately 5.6 miles from the termination of the U.S. Army Corps of Engineers' (USACE's) Sacramento River Bank Protection Project at River Mile 57.2 south to the South Cross Levee (Figure 1). While the Southport EIP is still undergoing environmental and public review pursuant to NEPA and CEQA, the currently identified preferred alternative would create a new setback levee and reinforce existing levees. The new levee segment would be constructed between 400 and 1,000 feet away from the Sacramento River channel to create a new setback floodplain area.

A setback levee has a number of extended floodplain management benefits, including a reduction in operations and maintenance (O&M) for levees and capital costs to mitigate for erosion. Additionally, a fully engineered levee section will better withstand seismic events, further reducing O&M and future capital investments. An important threshold criterion for all flood risk reduction projects is ensuring that no significant adverse system-wide hydraulic impacts result from a project. WSAFCA has performed extensive hydraulic and geomorphic modeling of the proposed setback levee and the results to date indicate that the levee improvements, including restoration of the setback area, would not result in significant adverse hydraulic impacts. Accordingly, WSAFCA is proposing the Bank project to improve floodplain values and recreation opportunities while maintaining a sustainable flood risk reduction system.

West Sacramento Floodplain Mitigation Bank (Bank Project)

The Bank project would be developed in the setback area of the Southport EIP. It would extend approximately four miles along the Sacramento River and vary in width between 400 and 1,000 feet (Figures 2 and 3). Design of the Bank project in the setback area would be initiated once the Southport EIP 65% design and the public review period for the EIS/EIR are underway, which is expected in early 2013. Based on designs for the Southport EIP, which are currently being finalized, it is anticipated that much of the setback area would be excavated down to a floodplain elevation of approximately 10.0' NAVD88 and the excavated material would be

utilized in constructing portions of the new flood control features. A low-flow swale would be excavated within the restored floodplain with an invert elevation at approximately +7.0' NAVD88 to provide access to the vegetated floodplain terrace and a drainage point back to the main river channel, which would minimize the potential for fish stranding during flood water recession. The existing Sacramento River levee would be excavated to a lower elevation or completely breached in places to create effective hydrologic connectivity between the restored floodplain and the main river channel.

Seasonal inundation of the floodplain, including restored riparian, woodland, and grassland habitats, would provide seasonal rearing habitat for juvenile salmonids. After young salmon have dispersed from spawning areas, their distribution and abundance is determined largely by their preferences for shallow water and low water velocities, which in large rivers are found mostly along channel margins, floodplains, and other off-channel habitats. Based on a habitat suitability index (HSI) developed for juvenile salmonids by ICF International, the restored floodplain is likely to provide optimal or near-optimal rearing habitat for juvenile salmonids. Floodplain and riparian habitat inundation may also benefit other native fishes, including Sacramento splittail and steelhead trout.

Existing SRA habitat/channel margin in the Southport EIP project area is limited to a narrow, discontinuous band of riparian vegetation on the Sacramento River levee and at isolated locations in the levee setback area. The primary area for restoring SRA/channel margin habitat would be focused along the existing riverbank of the Sacramento River. The existing levee is positioned along the top of the riverbank. Implementation of the Southport EIP would set back the new levee and the existing levee would be partially or entirely degraded along the riverbank. Removing the existing levee from the riverbank will allow substantial lengths of channel margin to be enhanced with riparian vegetation, slope flattening, and in-stream habitat structures. Riparian scrub and cottonwood forest habitat may be established on portions of the restored and/or lowered floodplain relatively close to the Sacramento River and would be subject to recurrent inundation. Riparian shrub habitat would include several willow species, buttonbush, and seedlings of other native riparian species. Cottonwood forest habitat would be subject to recurrent flooding and would include an overstory of cottonwood, sycamore, willow, box elder and Oregon ash. Understory riparian species such as California grape and California blackberry would be included in both planting palettes to provide diversity in vegetative structure. Elderberry shrubs may be included in the restoration design if they would not conflict with managing the flood control features. Current project designs call for sections of the existing levee to be stabilized with biotechnical treatments to minimize bank erosion in critical areas. These erosion treatments be modified with additional plantings and habitat structures such as root wads or engineered log jams to maximize benefits to aquatic species.

Between the riverbank and the new setback levee alignment, a system of swales will be designed that will form the primary riparian and aquatic habitat corridors and provide floodplain drainage of the setback area. Substantial aquatic-to-terrestrial transition "edge" habitat would be created along these swales. In addition, topographic heterogeneity will be incorporated into the project design grading plans that will allow for a mosaic of seasonal wetland, riparian wetland, and riparian upland habitats. Seasonal wetland areas will be enhanced with wetland vegetation, while riparian upland habitats will include a variety of willow-scrub, cottonwood forest, and oak woodland plantings.

Finally, other enhancements may be incorporated, such as the inclusion of large woody material (root wads/engineered log jams) to provide for additional flow diversity and habitat refugia valuable for aquatic habitats in the setback area.

Ultimately, it is anticipated that implementation of the Bank Project could yield up to approximately 120 riparian floodplain and endangered species conservation credits and approximately 21,000 linear feet of restored and enhanced SRA/channel margin habitat available as mitigation credits on a per-linear foot basis. WSAFCA would partially utilize these credits to fulfill mitigation obligations resulting from the Southport EIP, but substantial credits would remain available.

A Bank Enabling Agreement (BEI) will be prepared for the Bank project and will serve as the agreement between the bank sponsor and the appropriate natural resource agencies "regarding the establishment, use, operation, and maintenance of the Bank" to compensate for unavoidable impacts on, and conserve and protect, waters of the U.S., endangered species, and other protected habitat.

Commercially available riparian habitat credits sell for approximately \$100,000 to \$150,000 per credit acre, and native fish conservation credits sell for between \$75,000 and \$180,000 per credit acre. The pricing of each credit type is dependent on location, availability, and entitlement and construction costs.

Technical Approach for the Bank Project

During planning and design of the Southport EIP, WSAFCA analyzed several project alternatives including multiple setback levee lengths and setback widths (i.e., distance the levee was setback from the existing levee). Through this process, WSAFCA has identified an alignment that best meets the flood risk and recreation objectives while also providing for floodplain and habitat restoration opportunities. This alignment is presented in the 65% design that is scheduled for release in January 2013.

Design of the Bank project in the setback area would be initiated once the Southport EIP 65% design and the public review period for the EIS/EIR are underway, which is expected in early 2013. WSAFCA has assembled a multidisciplinary team of experts in levee design, hydraulic modeling, mitigation bank design, and geomorphology. This multidisciplinary team's approach is to integrate hydraulic modeling with geomorphic interpretation to maximize restoration benefits while balancing flood objectives. The approach utilizes the two-dimensional, hydrodynamic and morphological model MIKE21C to develop a geomorphically-based analytical tool for assessing the timing, duration, location, depth, and flow direction of floodplain inundation under existing and setback conditions for a 12-mile reach of the Sacramento River. An improved understanding of the timing, extent, frequency, depth, and duration of floodplain inundation is achieved using this approach and this information is extremely valuable in developing restoration designs that will maximize seasonal benefits to aquatic species.

The technical approach for the Bank project will consider eco-hydrologic criteria presented in Table 1.

Table 1. Summary of Eco-hydrologic Criteria and Flows for State of California West Sacramento Floodplain Mitigation Bank

Species	Season	Duration	Interannual Frequency	Flow (cfs)	Approximate Recurrence Interval (years)	Approximate Water Surface Elevation (NAVD 88 – ft) within Offset
Sacramento Splittail ¹	Mar-Apr	>3 weeks	1 out of 3 years ²	33,500	1.05	10.5
Sacramento Splittail ¹	criteria as above		2 out of 3 years ²	18,100	0.6	7
Juvenile Chinook Salmon ³	Dec-May	>2 weeks ⁴	1 out of 3 years ⁵	70,100	1.9	20
Juvenile Chinook Salmon	criteria as above		2 out of 3 years ⁵	32,100	1.05	10.4

Notes:

¹ Unless noted otherwise, the evaluation/design criteria for Sacramento splittail are based on Moyle et al. (2004).

² Sacramento splittail populations are expected to benefit from increasing frequency of appropriate habitat conditions on floodplains.

³ Unless noted otherwise, the evaluation/design criteria for Chinook salmon are based on Moyle (2002).

⁴ Floodplain benefits for juvenile Chinook salmon increase with increasing duration of floodplain inundation in winter and spring (Sommer et al. 2001); inundation periods of two weeks are considered a minimum duration for juveniles to establish residency and experience enhanced growth on floodplain.

⁵ Chinook salmon populations are expected to benefit from increasing frequency of appropriate habitat conditions on floodplains.

To date, the following elements leading to 65% design (currently under internal review) have been completed.

- Baseline topographic surveys; existing utility surveys and mapping; bathymetric surveys; hydraulic data development including Acoustic Doppler Current Profile (ADCP – flow and velocity) measurements and river stages for model calibration purposes; geomorphic data development including suspended and bedload sediment transport measurements; and erosion assessments along the river bank of the Sacramento River through the project reach.
- Extensive geotechnical investigations, including numerous boreholes and soils tests in the setback area and existing levee, to characterize geologic conditions including underseepage issues.
- Assessment of biological and ecological conditions along the riverbank and setback area, including identification of sensitive species.
- Hydrodynamic and sediment transport modeling to identify system-wide and localized impacts of levee setback alternatives, and potential mitigation options.

- Property surveys and investigations.
- Optimization of setback grading to provide material for levee construction and identification of additional borrow material sites.
- Development of geotechnical designs for the new levee, including seepage berms and cutoff walls.
- Development of preliminary erosion control measures for the setback area, the new levee, and the remnant riverbank of the Sacramento River, including biotechnical bank stabilization measures.
- Development of 65% design level plans, specifications and cost opinions, including the Design Documentation Report (DDR).
- Preparation of the Southport EIP draft EIS/EIR for public review and preliminary regulatory permitting applications.

Integration of the Southport EIP and Bank Project

Given the integrated nature of the Southport EIP and Bank project, opportunities exist to achieve efficiencies during both design and construction of the projects if conducted concurrently. These could include, for example, design of the floodplain terrace in the setback area, demonstration of the hydraulic feasibility, permitting, and equipment mobilization, among other activities. If the efforts are conducted in parallel, the FESSRO-funded portions of the Bank project would focus on fine grading, plans and specifications, construction of habitat related features, and post-construction monitoring and establishment. An addendum to the Southport EIP would likely be required to secure NEPA/CEQA compliance.

Costs for flood risk reduction components with no nexus to development of the mitigation bank or that solely benefit the flood risk reduction project will be funded through the EIP. WSAFCA will perform all land acquisition required for the Bank project under the State EIP program.

Project Objectives

The Bank project would be developed in the Southport EIP setback area for approximately four miles along the Sacramento River. The Bank would bank would yield approximately 120 riparian floodplain and endangered species conservation credits, and has the potential to create up to approximately 21,000 linear feet of restored and enhanced shaded riverine aquatic (SRA)/channel margin habitat available as mitigation credits on a per-linear foot basis. The objectives listed below are based on maximizing the value of the habitat area. The restoration objectives developed for the Bank include:

- Provide compensatory mitigation credits for impacts on protected land cover types and on special-status species and potential habitat for these species.
- Conduct channel margin habitat/SRA enhancement and preservation activities using biotechnical methods.
- Enhance setback ecological values using topographic and vegetation/habitat heterogeneity.

- Restore portions of the historic Sacramento River floodplain (i.e., waters of the United States).
- Restore riparian and oak woodland habitat on the exposed floodplain that will create continuous habitat corridors for wildlife movement.
- Design habitat features to minimize future maintenance obligations (e.g., reduce opportunities for sediment and debris accumulation).
- Design floodplain planting and vegetation management schemes to avoid undesirable hydraulic and sediment transport impacts on the setback levee and setback area.

The preliminary target habitats to be restored were identified based on an evaluation of the current extent and condition of riparian and upland habitat, the historical conditions of the Sacramento River floodplain and its associated habitat values, the post-project floodplain conditions, and a review of similar projects in the region.

Enhancement and preservation of existing channel margin habitat/SRA will be done on a limited basis in order to work within the budget framework of the FESSRO grant solicitation and create marketable credits comparable to what exists in the commercial market. There is opportunity to carry out more extensive channel margin habitat restoration actions for specific clients or restoration plans (e.g., the proposed Bay Delta Conservation Plan's Biological Goals and Objectives), but implementation of those actions would be subject to unique partnerships with the appropriate public entities and are beyond the scope of the grant solicitation and this proposal.

Project Constraints

Because this project is associated with the Southport EIP and would be implemented by the WSAFCA, the project is being proposed in a context of some uncertainties and constraints. WSAFCA's primary mission is to reduce flood risk for the City of West Sacramento while seeking to maximize recreation opportunities for its residents. The Southport EIP presents an opportunity to achieve this mission and improve environmental floodplain values. Mandatory to the success of the Southport EIP is a hydraulically neutral and sustainable flood project. To the extent that this is achieved, WSAFCA is open to participating in the Bank project. WSAFCA believes the goals of the Southport EIP and Bank project can be balanced for an overall improvement to the flood system and the environment for the benefit of the State, WSAFCA, and the City of West Sacramento. Specific constraints, such as setback area resilience to Sacramento River channel migration caused by failure of erosion control measures, operation and maintenance agreements, and perhaps others, will need to be fully identified and considered during design and implementation of the Bank project.

As a flood risk reduction agency, WSAFCA has limited financial and political ability for habitat restoration beyond that required for project mitigation associated with the Southport EIP. WSAFCA will partner with the State to identify responsible parties for land ownership, bank ownership, and operations and maintenance, given that the majority of the mitigation credits will be utilized by the State. Further, WSAFCA and the State will need to work closely together on the financial details of the project to ensure that the interests of both agencies are met.



Figures

The pages below present figures of the following:

Figure 1 – State of California West Sacramento Flood Mitigation Bank Location Map

Figure 2 – State of California West Sacramento Flood Mitigation Bank Concept Plan

Figure 3 – State of California West Sacramento Flood Mitigation Bank Typical Section

TASKS – SCOPE OF WORK

Task 1.0 Project Management

WSAFCA and team will carry out project management duties including management of the scope, schedule, and budget and communication with agencies and stakeholders. Lastly, WSAFCA will work with the State on administration of the FESSRO grant.

Task 1.1 Project Management

Perform project management duties to ensure the project operates within approved scopes, schedule, and budget and in accordance with all applicable rules, regulations, and laws. Typical duties associated with project management include regular communication with the team, subcontractors, agencies, and stakeholders; preparing for and attending meetings; schedule monitoring and maintenance; scope and budget monitoring; and various written correspondence and product development.

Because this project is dependent upon the Southport EIP, which is already underway, solicitation of additional contractors would not be necessary for the planning and design. However, scopes of work for contractors already under contract would require modification. Scopes of work would be prepared by the contractors and submitted to WSAFCA for review. New scopes of work will be awarded if fair and reasonable. Construction contracts for preparation of the site would likely be included in the Southport EIP construction contract and would be obtained in accordance with EIP guidelines. For construction, a separate contractor specializing in environmental restoration would be hired for installation of vegetation and associated light infrastructure.

Meetings would occur frequently during design development and would continue during construction, although the participants would change from design to construction phases. Frequent conference calls also would be part of the management process.

Deliverables

- Meeting agendas and minutes
- Schedule updates
- Written correspondence
- Memoranda and other written documentation

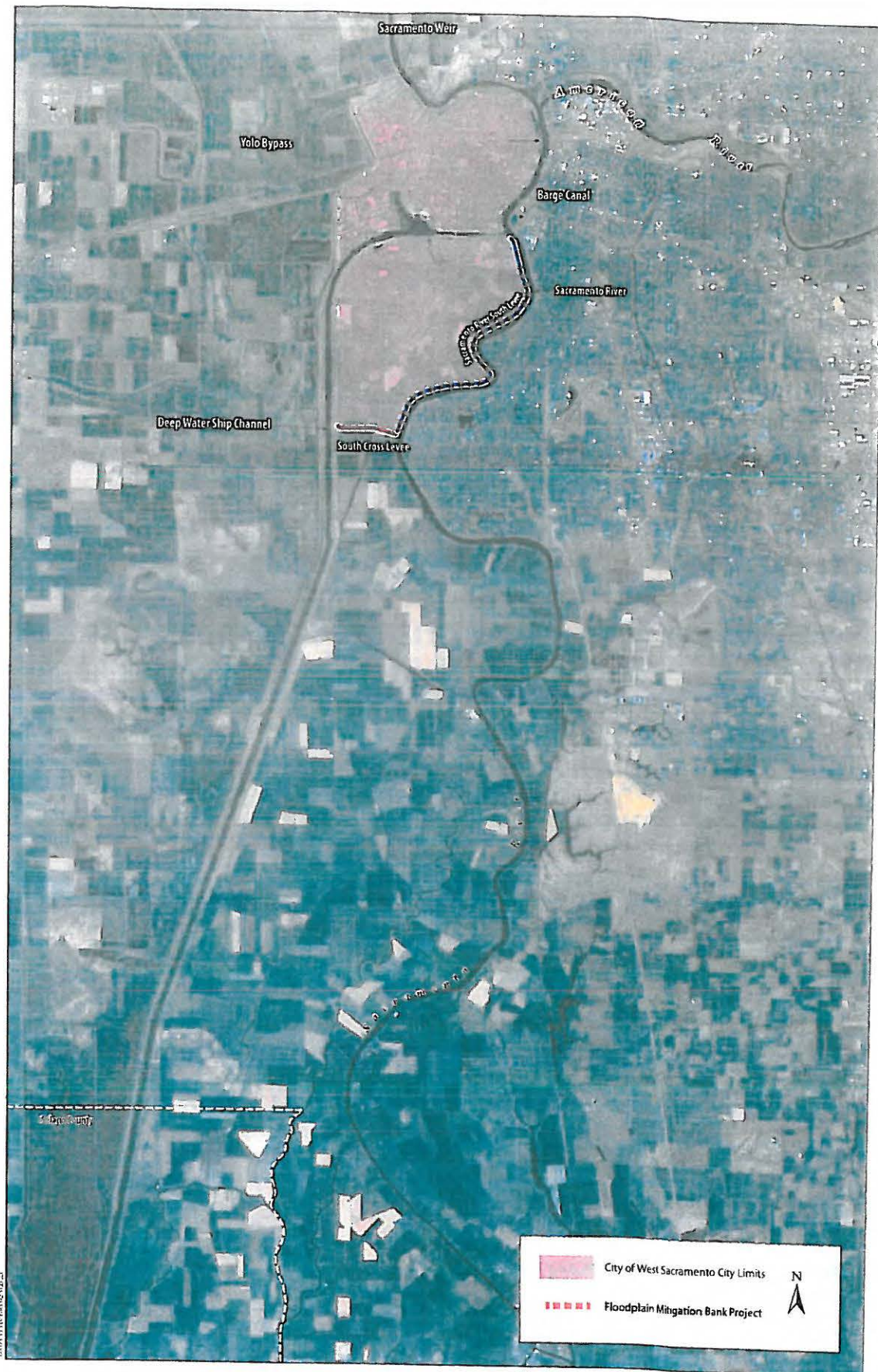
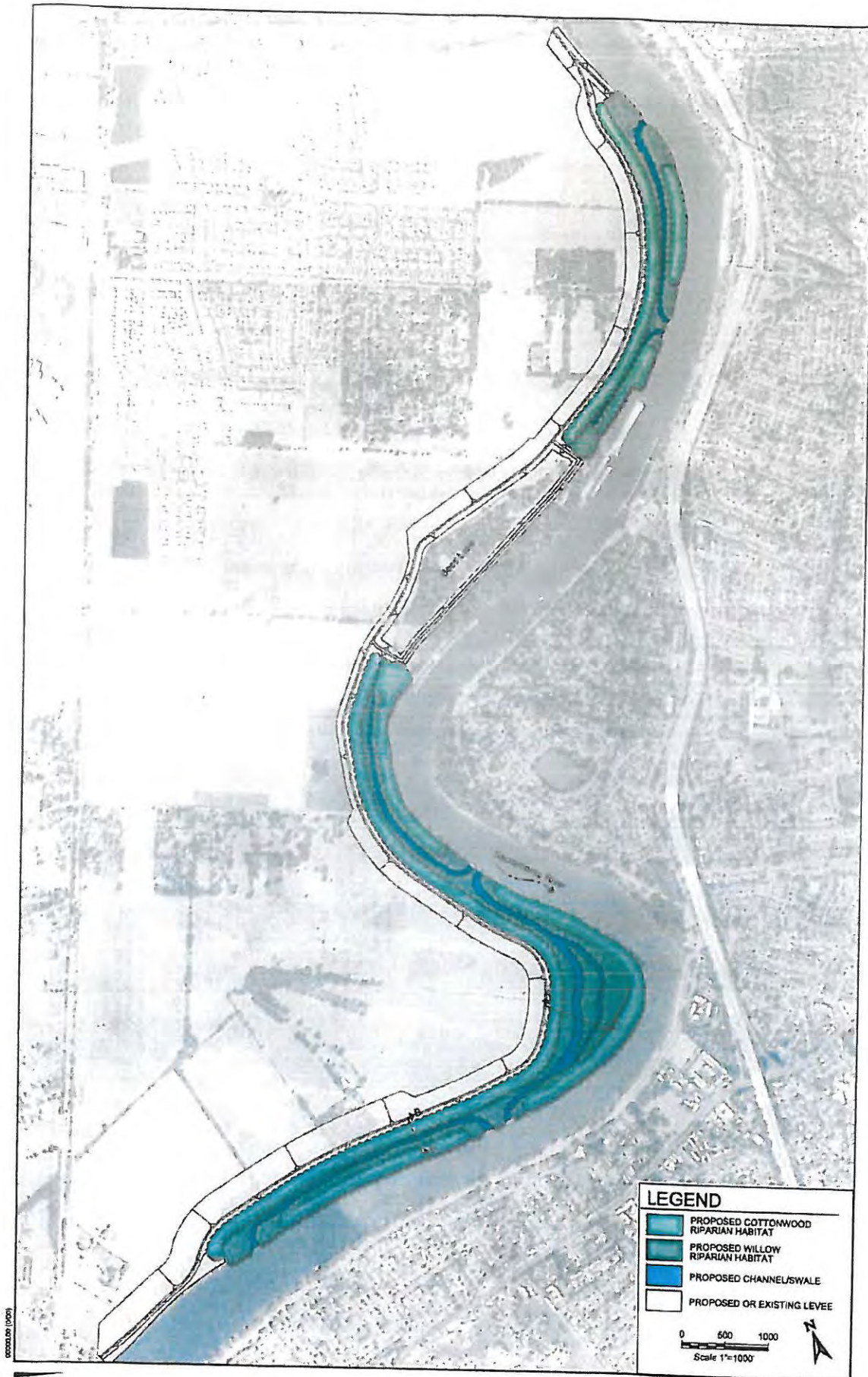


Figure 1
 State of California West Sacramento Floodplain Mitigation Bank
 Location Map



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Figure 2
State of California West Sacramento Floodplain Mitigation Bank
Concept Plan

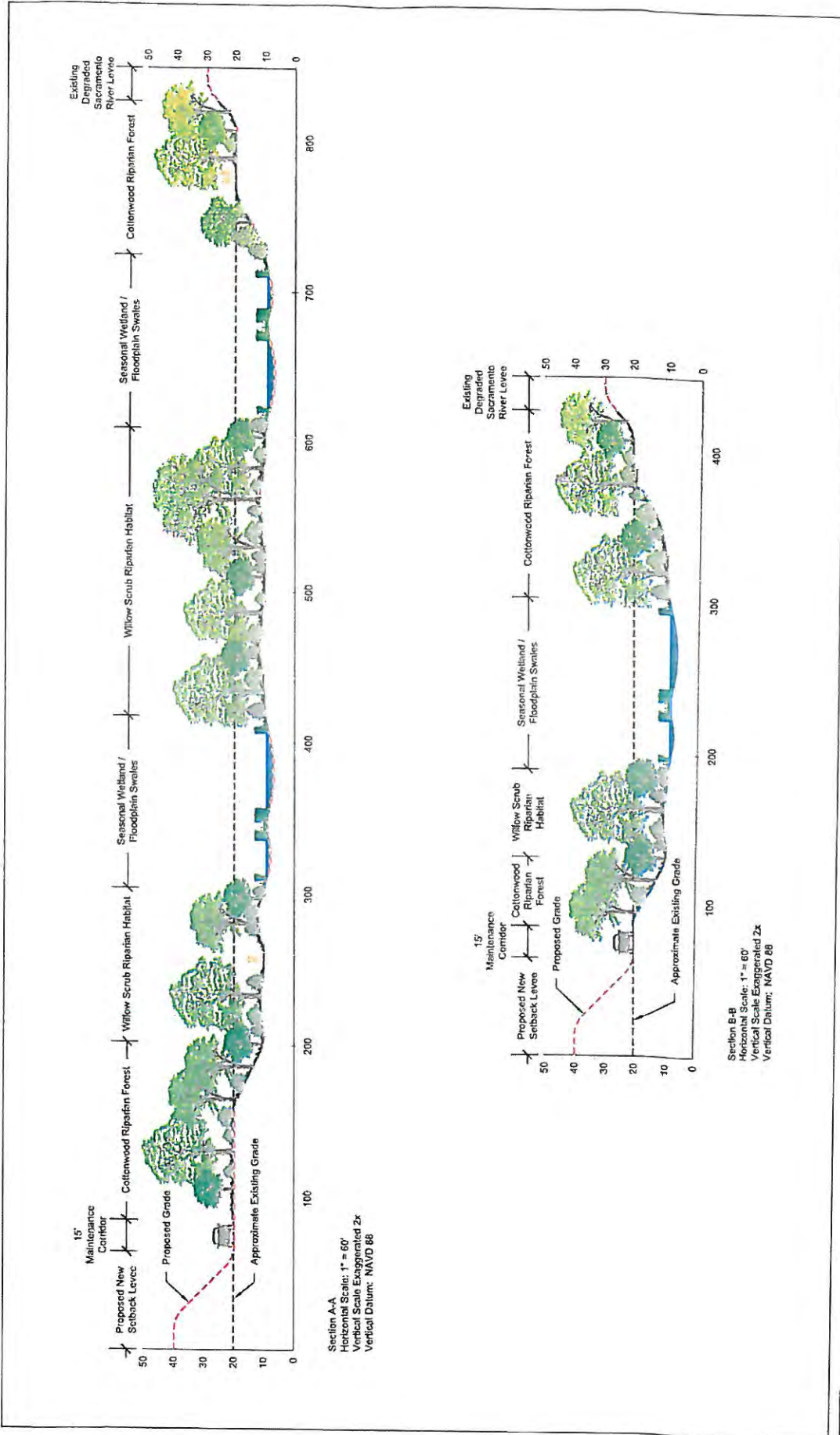


Figure 3
 State of California West Sacramento Floodplain Mitigation Bank
 Typical Sections

Task 1.2 Grant Administration

Beyond typical project management duties, grant administration services would be required for this grant to ensure it is administered appropriately and within applicable rules, regulations, and laws. This task would include communicating with DWR related to the grant itself (as opposed to the project); preparation of quarterly reports and deliverables; preparation of electronic reports, email and phone correspondence related to the grant; and other necessary tasks.

Deliverables

- Quarterly reports
- Electronic reports
- Invoices, written correspondence
- Memoranda and other written documentation

Task 2.0 Right of Way and Lands

Land and easement acquisitions will be carried out under the Southport EIP, as specified in the Southport EIP funding agreement with DWR. The lands, easements, and rights-of-way necessary for construction, operations and maintenance, including those rights required for the flood management structures, temporary construction areas, mitigation sites, borrow sites, spoil sites, access/haul routes, staging areas, private utility relocations; and providing relocation assistance for qualified occupants of acquired property, as required by state and federal statutes, rules and regulations, will be determined as part of the Southport EIP. This will be accomplished with a Project Real Estate Plan that includes such details as a narrative description of the real estate requirements with a breakdown of the estimate of total acreage to be acquired; type of real property interests to be acquired; and cost projections of eligible real estate project costs, including crop damages and loss of good will. The Project Real Estate Plan will be prepared and submitted to DWR for review and approval as part of the Southport EIP.

Task 2.1 Appraisal Activities

Right of way appraisals will be carried out under the Southport EIP and meet the standards set forth in the EIP program. Activities will include surveys, map development for existing lands, easements, and utilities, plat and legal descriptions, site assessments, right of entry, appraisal services, independent appraisal reviews, and coordination with landowners and agencies.

Deliverables

- Draft and final appraisals
- Independent review certifications

Task 2.2 Acquisition Activities

Acquisition will be carried out under the Southport EIP and meet the standards set forth in the EIP program. Activities will include development of contracts, conveyance documents and escrow instructions; meeting with property owners to explain appraisal, contracts, maps,

exhibits or other acquisition-related documents and convey documents until acceptance or impasse is reached; and land acquisition (purchase).

WSAFCA will also provide relocation assistance to affected residential and commercial property owners. Relocation assistance will consist of property owner interviews, site visits, and developing a relocation package specific to each displace. WSAFCA will develop a relocation plan that will conform to the Uniform Relocation Act and that meets DWR requirements.

Deliverables

- Settlements
- Parcel diaries
- Contracts
- Deeds
- Other correspondence including impasse memoranda
- Relocation plan

Task 3.0 Preparation of Mitigation Bank Documents

A BEI will be prepared for the Bank project and will provide all the necessary legal agreements, project background, and operations, monitoring, and maintenance protocols for the project.

Task 3.1 Preparation of Mitigation Bank Prospectus

As part of the mitigation bank approval process, a detailed prospectus for the Bank project will be prepared for review and approval by the appropriate Interagency Review Team (IRT). This prospectus will be used to quantify and assess the merits of the mitigation bank concept at the project site. The prospectus will contain the following information.

- General description of the Bank site.
- Design methodology and rationale.
- Proposed service area.
- Proposed crediting and release schedule.
- Monitoring and contingency plans.
- Site-specific conservation and management agreement outlining financial assurances and proposed long-term management of the site.
- Long term conservation mechanism.

The completed prospectus will be reviewed by the IRT and will serve as the basis for assigning credit value to the restoration actions in the setback area and for preparation of the BEI.

Deliverable

- Mitigation Bank Prospectus

Task 3.2 Preparation of Bank Enabling Instrument

The BEI will serve as the legal agreement between the bank sponsor and resource agencies for operation and management of the mitigation bank. The BEI will contain all of the contents of the prospectus but in greater detail, plus the following:

- Recitals and legal agreement
- Bank operation information
- Reporting requirements
- Responsibilities of the bank owner and IRT
- Other provisions
- Appendices, including:
 - Interim and Long-term management plans
 - Real estate records and assurances
 - Credit table, credit purchase agreement, and credit transfer template
 - Phase I Environmental Site Assessment
 - Appropriate resource surveys

Deliverable

- Bank Enabling Instrument

Task 4.0 Environmental Permitting and Compliance

Implementing the Bank project will require compliance with several local, state, and federal regulatory processes. The following sub-tasks outline the regulatory permitting and environmental review processes that will be completed as part of the project development.

Task 4.1 Initial Site Assessment

WSAFCA will perform an initial site assessment of the Bank site to document existing physical and ecological conditions and collect information that will support the planning, permitting and design tasks. The project team will conduct an initial site assessment to characterize the general site features; existing vegetation and habitat; existing hydrology, hydrodynamics, and geomorphology; and presence of special-status species.

In addition to in-the-field assessments, the site assessment will be supported by existing data, models, studies, and reports developed during the Southport EIP or other relevant efforts.

Deliverable

- Initial Site Assessment Report

Task 4.2 CEQA/NEPA Compliance

WSAFCA and USACE are currently developing an environmental document for the Southport EIP but, due to scheduling constraints, the document may not include all relevant information for



adequate environmental analysis of the Bank project. To achieve the necessary CEQA/NEPA compliance, WSAFCA will prepare a supplemental environmental document to accompany the existing Southport EIP EIS/EIR. The purpose of this supplemental document will be to provide additional information and analysis on project features and actions that may not have been covered in the original Southport EIP environmental document.

Activities for CEQA/NEPA compliance will require significant coordination with several State and Federal agencies, as well as with the public and stakeholders. Public noticing and meetings will be required and will require support activities.

Deliverable

- Administrative drafts and final CEQA/NEPA documents.
- Supporting documents such as public notices and response to comments

Task 4.3 Clean Water Act Section 404 Compliance (Section 404)

WSAFCA will work with USACE and other appropriate agencies to obtain the necessary Section 404 approvals. Under Section 404 of the CWA, a permit or Letter of Permission (LOP) is required from USACE for the placement of dredged or fill material into waters of the United States, including wetlands. Most of the Bank site is located within the ordinary high water mark of the Sacramento River and thus falls under Section 404 jurisdiction, necessitating this permit from USACE. Coordination with USACE will determine whether a Nationwide 27, LOP, or Individual Permit is the most advantageous pathway.

WSAFCA will coordinate with USACE throughout the process to seek appropriate compliance documentation. Documentation will include, at a minimum, a wetland delineation, report, and map; preparation of habitat mitigation plan; and preparation of draft and final permit applications. In addition to product-driven activities, WSAFCA will attend meetings and participate in conference calls as necessary.

Because implementation of the Bank project will likely affect sensitive resources or habitats, WSAFCA will need to prepare a Mitigation and Monitoring Proposal (MMP) detailing impacts and the proposed compensatory mitigation. The MMP will be prepared according to Corps Guidelines and the Final Mitigation Rule and will include, but not be limited to, the following:

- List of responsible parties.
- WSAFCA project description (i.e. the project requiring mitigation).
- Discussion of site characteristics including existing wetlands and other waters, and other sensitive resources occurring in the Bank project area.
- Discussion of functions of existing resources.
- Description of the proposed compensatory mitigation (most likely self-mitigating with credits from the Bank project).

Deliverables

- Draft and final wetland delineations
- Draft and permit applications

- Draft and final MMP
- USACE Section 404 approval

Task 4.4 Federal Endangered Species Act (Section 7)

The project is proposed in an area known to have the potential for species and their habitat protected under the Federal Endangered Species Act (ESA), Migratory Bird Treaty Act, and Magnuson-Stevens Act, as administered by USFWS for terrestrial and certain aquatic species and NMFS for aquatic species. ESA compliance is required for USACE authorization.

WSAFCA will conduct a search of existing records and will conduct field surveys (e.g., botanical and elderberry survey, giant garter snake survey, Swainson's hawk and other raptor survey, bat survey) of the project area to assess potentially affected biological resources, supported by information on file from the prior programmatic document and other projects.

WSAFCA will coordinate with the USACE, USFWS, NMFS, and DFG throughout the process to seek a biological opinion (BO) from each Federal agency and the corresponding state agency. WSAFCA will prepare a biological assessment (BA) that will include descriptions of the proposed action, suitable or occupied habitat that may be directly and indirectly affected, the manner in which the action may affect listed species or critical habitat, and proposed measures to minimize or avoid adverse effects. The BA for NMFS will also include an Essential Fish Habitat assessment pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. The BAs are intended to provide incidental take coverage.

WSAFCA will work with the USACE and other appropriate agencies to facilitate and conduct ESA consultation including attendance at and preparation for meetings, preparation of BAs and other documents as necessary, and other activities needed to support ESA consultation.

Deliverables

- Survey reports and technical documents
- Draft and final BAs
- BO/Letter of Concurrence

Task 4.5 National Historic Preservation Act Section 106 Documentation

The project is proposed in areas known to have the potential for cultural resources that are listed or are potentially eligible for listing on the National Register of Historic Places, and are therefore protected under the federal National Historic Preservation Act (NHPA), Section 106. NHPA compliance is required prior to the issuance of a Section 404 permit. The project areas are also known to have the potential for resources that are of interest to Native Americans.

WSAFCA will conduct a records search and reconnaissance-level cultural resources surveys at each site in addition to conducting a field inventory and consulting with interested parties.

Deliverables

- Draft and final NHPA letter of concurrence request and supporting documents
- Letter from SHPO



Task 4.6 Fish and Wildlife Coordination Act Support

This task entails support to USACE and USFWS to prepare the Fish and Wildlife Coordination Act Report (CAR). WSAFCA will prepare and provide necessary information to USFWS and NMFS, via USACE, in support of those agencies' preparation of a CAR. WSAFCA will attend field and office meetings and conference calls, as necessary.

Deliverables

- Supporting documentation as requested
- CAR

Task 4.7 California Endangered Species Act (Section 2081)

The project area potentially contains species and their habitat that are protected under the California Endangered Species Act (CESA), as administered by DFG, and an incidental take permit (ITP) will be necessary. WSAFCA will work with DFG and other appropriate agencies to facilitate and conduct ESA consultation, including attendance at and preparation for meetings, preparation of documents as necessary, and any other activities needed to support consultation.

Deliverable

- Incidental take permit

Task 4.8 California State Fish and Game Code (Section 1602)

A streambed alteration agreement, in compliance with Section 1602 of the California Fish and Game Code, is required when projects will substantially divert, obstruct, or change the natural flow of a river, stream or lake; substantially change the bed, channel, bank of a river, stream, or lake; or use material from a streambed. The planting activities within the Bank site and any improvements to the Sacramento River channel margin will require this agreement. WSAFCA will work with DFG and other appropriate agencies to facilitate a streambed alteration agreement, including attendance at and preparation for meetings, preparation of documents as necessary to support an agreement, and other activities as necessary.

WSAFCA will prepare and submit the application package, describing the project features; construction period; construction methods; impacts on vegetation, fish, and wildlife; and the proposed monitoring plan. WSAFCA will coordinate with DFG throughout the process to seek appropriate compliance documentation. To support the application, WSAFCA will conduct an arborist survey.

Deliverables

- Draft and final permit applications
- Section 1602 permit

Task 4.9 Clean Water Act Section 402 Compliance

Under Section 402 of the CWA, a Storm Water Pollution Prevention Plan (SWPPP) is required to obtain coverage under the state General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) (General Permit),

issued by the State Water Resources Control Board (SWRCB). For reference, the General Permit represents a substantial expansion of the previous general permit and entails a more detailed SWPPP and rigorous site monitoring and reporting to the SWRCB.

WSAFCA will work with the SWRCB and other appropriate agencies to prepare a SWPPP and obtain a Section 402 permit. Activities would include attendance at and preparation for meetings, preparation of documents as necessary to support the SWPPP and permit, field visits and records searches, and other activities as necessary.

Deliverables

- SWPPP
- Section 401 permit coverage

Task 4.10 Clean Water Act Section 401 Compliance

CWA, Section 401, requires that the discharge of dredged or fill material into waters of the United States, including wetlands, does not violate state water quality standards. As required by Section 404 of the CWA, water quality certification from the Regional Water Quality Control Board (RWQCB) must be obtained for permit compliance. WSAFCA will compile the necessary information and submit a complete certification package to RWQCB. WSAFCA will coordinate with the RWQCB throughout the process to seek appropriate compliance documentation.

Deliverables

- Draft and final request for certification
- Certification by RWQCB.

Task 4.11 Central Valley Flood Protection Board (CVFPB) Encroachment Permit (Title 23)

The Bank site is within the Sacramento River floodplain, a California state-designated floodway, and has the potential to affect flood flow conveyance; therefore, a floodway encroachment permit from the CVFPB will be necessary. WSAFCA will work with staff at the CVFPB to develop and process and encroachment permit application. Activities would include attendance at and preparation for meetings; preparation of permit application backed up by hydraulic modeling of the proposed habitat enhancements and other documents necessary to support hearing and approval of the permit; and other activities as necessary.

Deliverables

- Encroachment permit application
- Encroachment permit

Task 4.12 Yolo County Grading Permit

A Yolo County grading permit will be required for the project because it is anticipated that more than 1 acre of ground will be disturbed during fine grading of the Bank site, plant installation, and enhancement of the Sacramento River channel margin. WSAFCA will work with staff at Yolo County to develop and process the necessary documents in support of the permit.



Activities would include attendance and preparation for meetings, preparation of permit application and other documents necessary to support the permit, and other activities as necessary.

Deliverable

- Yolo County grading permit

Task 5.0 Conceptual Designs

The team will update existing preliminary sketches of the Bank site to reflect current site conditions and the initial site assessment, and develop detailed conceptual designs for restoration site features. The concept design will focus on two primary areas: SRA, or channel margin habitat, and floodplain habitat. This will include preparing plan view concepts and illustrative cross-sections, along with supporting descriptions, approximate acreages, and typical restoration costs.

Task 5.1 Physical Concept Design

Using information from the Southport EIP and the initial site assessment, WSAFCA will develop a physical concept design for ecological enhancement. Using data and models described above under *Technical Approach for the Bank Project*, the preliminary design will be enhanced to incorporate substantial topographic heterogeneity and other features that will support a diverse mosaic of natural habitats. Enhancements for the transitional "edge" habitat will be analyzed using hydrodynamic and sediment transport models to ascertain design parameters such as water surface elevation, velocity, and shear stress over a range of flows. These parameters will inform planting design such that appropriate vegetation is installed at different elevations. Velocity and shear stress will inform the vegetation design so that vegetation is resistant to shearing forces, and maximize the designs' longevity through resistance to erosive forces. Modeling will also be used to indicate potential areas of sediment accretion and scour.

Similarly, modeling tools will be utilized to predict floodplain inundation area, depth, frequency, timing and duration for a variety of floodplain setback elevations. This analysis combined with habitat evaluation criteria will help inform the selection of vegetation, whether riparian, wetland or upland, for proposed planting palettes. Construction elevation grades will be established that create topographic heterogeneity in order to establish a mosaic of habitats. Potential impacts on flood conveyance will be ascertained by modeling the vegetative roughness of the proposed planting palettes developed through other tasks.

Deliverables

- Concept sketches, including typical sections, profiles, and plans for incorporation into final design.
- Technical memorandum providing details of modeling analysis, as support documentation.

Task 5.2 Ecological Concept Design

In combination with the physical design elements described in the previous task, WSAFCA will develop an ecological concept design to support habitat enhancements that will benefit an extensive, successful mitigation bank. The main elements of the ecological concept design will include development of habitat evaluation criteria that relate physical modeling predictions to the ecological requirements of a variety of target species, and planting palettes for a mosaic of habitats.

Deliverables

- Habitat evaluation criteria and planting palettes for incorporation into the concept designs.

Task 6.0 Detailed Design

Based on plan view concepts, illustrative cross-sections, supporting descriptions, approximate acreages, and typical restoration costs developed during conceptual design, the team will develop 65%, 90%, and 100% designs and cost estimates, and conduct appropriate reviews of these documents.

Task 6.1 65% Plans, Specifications, Design Memoranda, and Cost Estimates

This task entails preparing construction drawings and specifications for revegetation, habitat enhancement, and fine grading of the setback area at a 65% level. WSAFCA will develop detailed construction drawings and specifications that are based on concept drawings for enhancement described under Task 5, and the full Southport EIP construction drawing package. The 65% setback construction drawings will include site preparation plans, planting plans for the setback area habitats, irrigation plans, erosion control plans, and construction detail sheets. If needed, implementation phasing will be included on the plans. Written specifications will be prepared to accompany the construction drawings in a format consistent with the larger Southport EIP.

The conceptual plans will be modified to incorporate updated topographic data, if available. The drawings will be updated to conform to local agency drafting standards.

Coordination with existing utility owners will be required and utility locations will be identified and marked on the plans; however, it is not anticipated that utility relocation or replacement will be required.

Grading plans, including base bid items only, and additive bid items if required, will be produced for the 65% submittal. Following preparation of the 65% grading plans, earthwork volume estimates will be produced based on the grading plans and other construction quantities will be estimated. Cost estimates will be prepared based on these quantities.

Based on the estimated volume of excess material, if any, grading plans will be developed for local placement of excess excavated material, preferably onsite. Coordination will be undertaken with the stakeholder groups to determine the requirements and constraints to onsite soil placement. The plans will include haul roads and stockpile layouts. The grading plans will balance multiple project objectives, including preservation of land proposed for other habitats and flood conveyance.



A third party constructability review will take place once the 65% construction drawings are complete.

Deliverables

- 65% setback construction drawing set.
- Written specifications.
- Cost estimates.

Task 6.2 Partial 90% Plans, Specifications, Design Memoranda, and Cost Estimates

Upon receipt of comments on the 65% design documents and following team meetings and regulatory agency review, WSAFCA will prepare a partial 90% design document set allowing for several iterations for review and development of certain project features without preparation of an entire construction document iteration. Stand-alone exhibits and construction drawing sheets will be accompanied by written memoranda describing design rationale and background. Updated construction quantity estimates will also be submitted to the client for use in preparing the cost estimate.

A third party constructability review will take place once the 90% complete plan sheets and exhibits are complete.

Deliverables

- 90% setback construction drawing set
- Written specifications
- Cost estimates.

Task 6.3 100% Plans, Specifications, Design Memoranda, and Cost Estimates

Final signed and stamped plans and specifications will be submitted to the client for use as bidding documents. All drawings and specifications will be stamped by a California-licensed landscape architect and civil engineer.

In addition, construction documents will be completed and compiled (including preparation of Division 0 documents) to produce a complete bid package with the preparation of the construction schedule.

Deliverables

- Stamped and signed plans
- Specifications
- Cost estimate
- Bid package
- Construction schedule

Task 7.0 Construction

Task 7.1 Bidding

Upon completion of the design documentation, the bidding process will begin. The following elements will be involved with the bidding process.

- Prepare bid documents
- Advertise project
- Award project construction

A bid document package will be prepared for distribution during the construction bidding process. Once the bid package is prepared, the project will be advertised to solicit restoration contractors to submit proposals on the project. The advertisement will include general information about the project and the bidding schedule.

A mandatory pre-bid meeting will be held at which the bid package will be distributed to prospective contractors. The bid package will include a specific date by which contractors will be required to submit their proposals. During the bidding process, bidders' questions will be answered or addenda distributed to clarify information in the bid package.

Once project bids have been submitted, contractor submittals will be reviewed and a summary will be prepared to compare the submittals. WSAFCA and DWR will review this summary and select a contractor.

Deliverables

- Bid notice
- Award notices

Task 7.2 Construction Management

Construction management will occur daily during construction. This will involve the following elements.

- Construction contract administration, including review of work plans, schedules, budgets, and cash flow projections; evaluation of value engineering proposals; evaluation of change orders; and review of invoices for progress payment.
- Preparation of a daily log of construction activities.
- Take photographs to document site conditions, construction progress.
- Conduct weekly progress meetings with the contractor and prepare progress reports.
- Manage the construction schedule.
- Conduct preconstruction biological surveys, special-status species worker awareness training, and construction monitoring for sensitive biological resources during construction.

- Conduct cultural resource surveys, training, and construction monitoring near known cultural resources.
- Coordinate approval of and oversee implementation of design changes.
- Cost management associated with construction of the approved plans and specifications.
- Coordinate construction activities with DWR and USACE staff to communicate issues of concern, provide required information, and respond to questions.
- Review and processing of contractor submittals and requests for information (RFIs).
- Construction inspections to ensure that contractors' work is performed in accordance with construction plans and specifications, and is consistent with the intent of the design.
- Quality assurance (QA) testing to ensure compliance with the requirements of contract documents, and review of the effectiveness and adequacy of the contractor's quality control (QC) program.
- Implement start-up, closeout and acceptance procedures for the systematic, orderly and timely completion, acceptance, and transfer of facilities constructed, as well as contract closeout.
- Prepare a construction summary report that will include a summary of the project history, problems encountered and resolutions made, summary of major changes, summary of bid and final project costs, QA and QC testing results, photographs depicting construction work, and project record drawings.

Deliverables

- Meeting agendas and minutes.
- Memoranda; construction schedules.
- Change orders, logs, reports, and other documentation.

Task 7.3 Project Construction

Project construction includes preconstruction and construction activities. Preconstruction activities include preconstruction surveys for special status species, mobilization, and site preparation. Preconstruction surveys will document the presence or absence of special-status species. Once the surveys are complete, appropriate mitigation measures will be taken to protect the resources present, and the methods and findings of the surveys will be documented and submitted to the appropriate resource agencies.

Once preconstruction surveys have been completed, the contractor will mobilize equipment and do the following.

- Establish construction access.
- Installation of erosion control measures.
- Set up the equipment and material staging area(s).

- Establish a construction water source (if needed).
- Install of exclusion fencing.
- Demolition and/or clearing and grubbing.

Construction of the Bank project will begin with fine grading of the setback area (major grading will be conducted as part of the Southport EIP) in compliance with the construction documents and any earthworks measures associated with the SRA/channel margin elements. This will involve grading the channel margin slope to a create inset terraces at a flatter profile, installation of instream woody material, and placement of vegetated rock reinforcement as required. Following this, the irrigation system for the restoration plantings will be installed. Once the irrigation system is installed and confirmed to be working per the construction drawings, the plantings will be installed, including container plants or pole cuttings.

Once all planting and irrigation installation activities are complete, the site will be stabilized with the application of an appropriate restoration seed mix and/or other erosion control measures.

As-built record drawings of the completed project will be prepared once all construction activities have been completed and the completed project has been accepted by DWR or its designee.

Deliverables

- Documentation of SWPPP implementation
- As-built records
- Construction completion report
- Photographs

Task 7.4 Environmental Compliance

During construction, WSAFCA and team will conduct environmental compliance activities associated with permits obtained. Examples include special-status species surveys and monitoring, preparation of monitoring reports to resource agencies, and worker awareness training. These activities will be ongoing and subject to the requirements of the appropriate resource agencies. Progress reports (weekly, post construction) will be prepared as needed.

Deliverables

- Status and monitoring reports

Task 7.5 Labor Compliance

Labor compliance is planned to be completed by the Department of Industrial Relations under Labor Code section 1771.3. If Proposition 84 funding is utilized, then WSAFCA will adopt and enforce a certified Labor Compliance Program by soliciting quotes from a labor compliance monitoring company, executing an agreement with the most competitive company, and registering with the Department of Industrial Relations Compliance Monitoring Unit. The budget will assume the cost to be 0.25% of the total construction cost.



Deliverable

- Payment or service agreement

Task 8.0 Habitat Performance Monitoring and Adaptive Management

Annual performance monitoring for adaptive management will be conducted for the restored floodplain and SRA/channel margin habitat.

Task 8.1 Riparian Habitat Monitoring

Per the requirements of an accepted BEI and resource agency approvals, performance of the riparian plantings will be monitored annually for the first 10 years following construction and will consist of the following.

- Vegetation monitoring conducted in accordance with the methodology developed by the California Native Plant Society, which includes collection of data along transects or within quadrats, as appropriate to the habitat type.
- Documentation of hydrological conditions, animal species observed or detected, integrity of signage and other general conditions, and corrective measures that may be appropriate to ensure relevant success criteria.
- Initial establishment of photo documentation locations and collection of photographic data.

An annual monitoring report documenting the annual performance-monitoring effort will be prepared for submittal to the appropriate resource agencies. The annual report will contain the maintenance activities conducted the previous year, monitoring methods, results from the annual vegetation monitoring, photos from the designated photo stations, wildlife observations/detections, and detailed information on efforts to remove exotic vegetation. In addition, each annual report will include qualitative field information and a summary of the documentation of the planting area conditions.

Deliverables

- Ten annual monitoring reports

Task 8.2 Shaded Riverine Habitat/Channel Margin Habitat Monitoring

Per the requirements of the BEI and resource agency approvals, performance of the SRA/channel margin habitat will be monitored annually for the first 10 years following construction and will consist of the following.

- Vegetation monitoring conducted in accordance with the methodology developed by the California Native Plant Society, which includes collection of data along transects or within quadrats, as appropriate to the habitat type.

- Qualitative and quantitative monitoring of the physical structure of the channel margin habitat, including persistence of instream woody material installation, recruitment of additional woody material, and performance of rock reinforcement.
- Documentation of hydrological conditions, animal species observed or detected, integrity of signage, and other general conditions, and corrective measures that may be appropriate to ensure relevant success criteria.
- Initial establishment of photo documentation locations and collection of photographic data.

An annual monitoring report documenting the annual performance-monitoring effort will be prepared for submittal to the appropriate resource agencies. The annual report will contain the maintenance activities conducted the previous year, monitoring methods, results from the annual vegetation and instream material monitoring, photos from the designated photo stations, wildlife observations/detections, and detailed information on the efforts to remove exotic vegetation. In addition, each annual report will include qualitative field information and the summary of the documentation of the planting area conditions.

Deliverables

- Ten annual monitoring reports

Task 8.3 Riparian Habitat Establishment

Riparian habitat within the setback area will be maintained for three years following construction. Maintenance activities will include replacing dead plants, removing flood debris and trash, maintaining the irrigation system, and repairing areas of erosion. Site inspections of the plants and irrigation system will take place weekly during the spring and summer months. During the fall and winter, site inspections will take place every two weeks or after the recession of floodwaters following storm events. An annual maintenance report will be prepared and submitted to DWR or its designee at the end of each year.

Deliverables

- Three annual maintenance reports

Task 8.4 Shaded Riverine Habitat/Channel Margin Habitat Monitoring

SRA/channel margin habitat along the Sacramento River will be maintained for three years following construction. Maintenance activities will include replacing dead plants, removing flood debris and trash, maintaining the irrigation system, and repairing areas of erosion. Site inspections of the plants and irrigation system will take place weekly during the spring and summer months. During the fall and winter, site inspections will take place every two weeks or after the recession of floodwaters following storm events. An annual maintenance report will be prepared in conjunction with the activities in Task 8.3 and submitted to DWR or its designee at the end of each year.

Deliverables

- Three annual maintenance reports



Task 8.5 Geomorphology/Sedimentation Monitoring

Setback area habitats will be monitored for sedimentation. This will consist of installing sediment plates within the setback area and establishing monitoring transects at key locations, such as through swales. These will be monitored yearly after inundation of the setback area. The purpose of this monitoring is to establish the spatial and vertical extents of sediment accretion. It will also establish if drainage swales are becoming blocked or excessive sedimentation of vegetation plantings is occurring.

Deliverables

- An annual monitoring report will be produced and submitted to appropriate resource agencies for the first three years after construction.

Task 8.6 Long-term Operations and Maintenance

Once short-term establishment of the Bank has taken place, all habitat performance objectives have been met, and all of the credits assigned, the Bank closure plan will be implemented and long-term operations and maintenance of the Bank site will commence. This will consist of annual site inspections and qualitative observations of the habitat. Vegetation coverage will be measured every 10 years via aerial photograph interpretation of canopy coverage. Annual monitoring inspection reports will be prepared and submitted to the appropriate resource agencies.

Deliverables

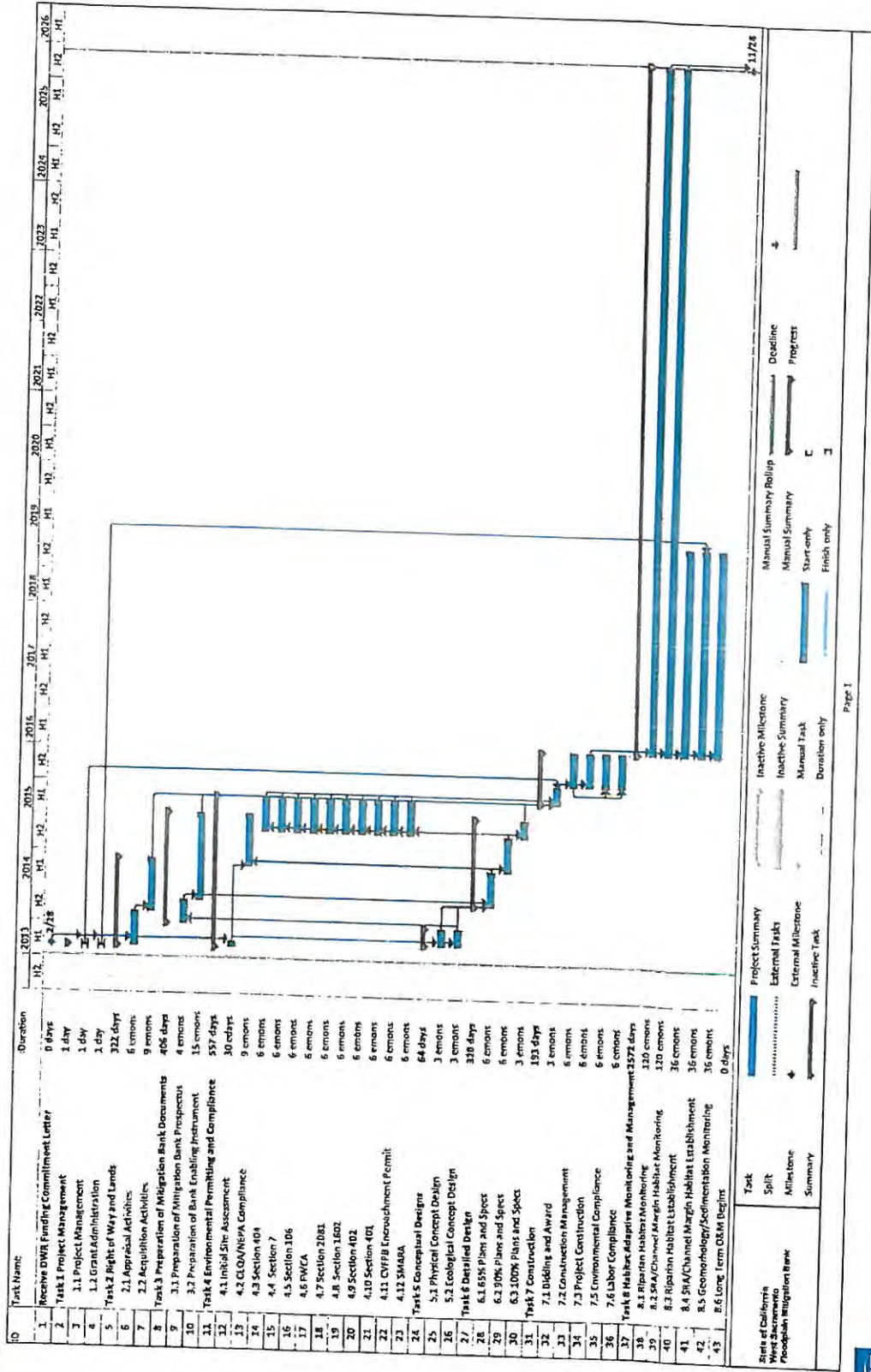
- Annual monitoring reports

SCHEDULE AND BUDGET

The scope of work submitted with this Work Plan assumes that the Bank Project is a stand-alone project, and depicts the costs if it were implemented independently of (i.e., after) the Southport EIP. For schedule purposes however, it has been assumed that the projects are implemented in tandem, and that construction of the Bank project would follow completion of the levee.

Central Valley Flood System Conservation Framework and Strategy
 Work Plan for the State of California West Sacramento Floodplain Mitigation Bank

Schedule



Budget

The budget below assumes that land acquisition will be completed as part of the Southport EIP. Table 8.1 shows a detailed breakdown of the projected investment required to complete the Bank project. The table also provides an estimate of the total investment required from WSAFCA, DWR EIP, and FESSRO.

Table 8.1: High Level Budget

Project Role	MRK Cost Subtotal	ICF Cost Subtotal	chec Cost Subtotal	Local Agency Cost Subtotal	Contractor	Project Total TOTAL	State EIP	State FESSRO	WSAFCA
Task 1: Project Management									
Subtotal Task 1	\$ 50,890	\$ 22,200	\$ 1,4720	\$ 16,300	\$ -	\$ 104,310	\$ -	\$ 104,310	
Task 2: Right of Way Acquisition									
Subtotal Task 2	-	-	-	\$ 11,866,000	\$ -	\$ 11,866,000	\$ 8,306,200	\$ -	\$ 3,559,800
Task 3: Preparation of Mitigation Bank Documents									
Subtotal Task 3	-	\$ 212,650	\$ 2,560	\$ -	\$ -	\$ 215,210	\$ -	\$ 215,210	
Task 4: Environmental Permitting and Compliance									
Subtotal Task 4	-	\$ 218,240	\$ 20,800	\$ -	\$ -	\$ 239,040	\$ -	\$ 239,040	
Task 5: Conceptual Design									
Subtotal Task 5	-	\$ 40,840	\$ 87,600	\$ -	\$ -	\$ 128,440	\$ -	\$ 128,440	
Task 6: Detailed Design									
Subtotal Task 6	-	\$ 106,500	\$ 157,360	\$ -	\$ -	\$ 263,860	\$ -	\$ 263,860	
Task 7: Construction									
Subtotal Task 7	-	\$ 66,820	\$ 56,160	\$ -	\$ 2,414,646	\$ 2,539,626	\$ -	\$ 2,539,626	
Task 8: Habitat Establishment and Monitoring									
Subtotal Task 8	-	\$ 162,300	\$ 93,040	\$ 350,000	\$ 600,000	\$ 1,205,340	\$ -	\$ 855,340	\$ 350,000
SUBTOTAL COSTS	\$ 50,890	\$ 803,550	\$ 432,240	\$ 12,232,500	\$ 3,014,646	\$ 16,563,826	\$ 8,306,200	\$ 4,347,826	\$ 3,909,800
15% Contingency	\$ 7,634	\$ 125,033	\$ 64,836	\$ 1,834,875	\$ 452,197	\$ 2,484,574	\$ 1,245,930	\$ 652,174	\$ 586,470
Total	\$ 58,524	\$ 958,583	\$ 497,076	\$ 14,067,375	\$ 3,466,843	\$ 19,048,400	\$ 9,552,130	\$ 5,000,000	\$ 4,496,270



Benefit Cost Ratio

Given the integrated nature of this multi-objective flood protection and mitigation bank project many assumptions were required in determining the Benefit Cost Ratio (BCR). Determining the benefit cost ratio for the Bank project is dependent on the assumed market value of the future habitat. Complicating the determination of the BCR for the Bank project is allocation of Southport EIP investments. Many of the investments required to complete the Southport EIP have a strong nexus to the Bank project. For purposes of this analysis land costs at the setback area are included part of the total Bank project. Determining the value of the SRA habitat in this location is difficult given that limited opportunities exist along the Sacramento River main channel to perform the quality of channel margin habitat improvements that can be achieved at this site. Commercially available riparian habitat credits sell for approximately \$100,000 to \$150,000 per credit acre, and native fish conservation credits sell for between \$75,000 and \$180,000 per credit acre. Lower quality SRA habitat can be purchased for about \$250/LF but given the high quality habitat that would be achievable at this site it was assumed that the credit value could be as high as \$500 per linear. The value of the SRA habitat may be low if it is assumed that in order to achieve the same habitat value that an equivalent project would need to construct an expensive adjacent or setback levee along the Sacramento River. Table 8.2 shows a range of BCR's between 1.2 to 1.7 given the assumptions described above. If the land costs associated with the Bank project were fully allocated to the Southport EIP flood project the BCR could be as high as 6.4 assuming the upper habitat credit values.

Table 8.2: Benefit Cost Ratio Range

Habitat Value Created	Quantity	Middle Credit Value		Upper Credit Value	
		Per Credit	Total	Per Credit	Total
Riparian Habitat (acres)	120	\$150,000	\$18,000,000	\$180,000	\$21,600,000
SRA/Channel Margin Habitat (linear feet)	21,000	\$250	\$5,250,000	\$500	\$10,500,000
Total Benefits	-	-	\$23,250,000	-	\$32,100,000
Projected Cost including ROW	-	-	\$19,048,400	-	\$19,048,400
Approximate Benefit Cost Ratio	-	-	1.2	-	1.7

California Department of Water Resources
Central Valley Flood System Conservation Framework and Strategy
Grant Application Form
November 2012

Applicant Signature Page

Applicant: West Sacramento Area Flood Control Agency

Project Title: State of California West Sacramento Floodplain Mitigation Bank

By signing below, the official declares the following:

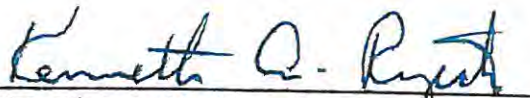
The truthfulness of all representations in the proposal;

The individual signing the form has the legal authority to submit the proposal on behalf of the applicant, and the applicant has the legal authority to enter into a contract with the State;

There is no pending litigation that may impact the financial condition of the applicant or its ability to complete the proposed project;

The individual signing the form waives any and all rights to privacy and confidentiality of the proposal; [Note: DWR will keep confidential sensitive information related to property negotiations or legal proceedings to the extent allowed under public information disclosure laws.]

The applicant will comply with all terms and conditions identified in the Central Valley Flood System Conservation Framework and Strategy Guidelines, PSP, and future Funding Agreement if selected for funding.



Kenneth A. Ruzich, General Manager
West Sacramento Area Flood Control Agency

1/7/13

Date

Resolution 12-12-01

RESOLUTION OF BOARD OF DIRECTORS OF THE
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE CENTRAL VALLEY FLOOD
SYSTEM CONSERVATION FRAMEWORK AND STRATEGY PROGRAM UNDER THE DISASTER
PREPAREDNESS AND FLOOD PREVENTION BOND ACT OF 2006 (Proposition 1E)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above, and

WHEREAS, the Department of Water Resources has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Department of Water Resources require a resolution certifying the approval of application(s) by the Applicants governing board before submission of application(s) to the State; and

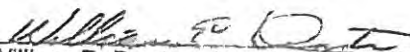
WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

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

1. Approves the filing of an application to the Department of Water Resources for grant funding under the Central Valley Flood System Conservation Framework and Strategy Program to fund the construction of habitat in the Southport Sacramento River Early Implementation Project setback area;
2. Certifies that Applicant understands the assurances and certification in the application; and,
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and,
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code, and,
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act* (CEQA), legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction all applicable permits will have been obtained; and,
6. Appoints the General Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).


PASSED AND ADOPTED by the West Sacramento Area Flood Control Agency on this 13th day of December, 2012, by the following vote:

AYES: Denton, Kristoff, Rames
NOES: none
ABSTAIN: none
ABSENT: none




William E. Denton, President

ATTEST:



Kenneth A. Ruzich, General Manager

APPROVED AS TO FORM:



James M. Day, Jr., WSAF CA Attorney



MEMORANDUM

TO: Wilson Wendt
FROM: Sean Marciniak
RE: Legal Authority of West Sacramento Area Flood Control Agency to
Apply for and Construct and Implement a Mitigation Bank
DATE: April 10, 2013

West Sacramento Area Flood Control Agency ("WSAFCA") does not have the authority to apply for or to construct and operate a Mitigation Bank. There exist three separate grounds that preclude the agency's pursuit of such a project: (1) state law that specifically enumerates the powers and authorities of WSAFCA do not permit such an activity; (2) the Joint Exercise of Powers Agreement forming the WSAFCA does not authorize the agency to create or operate a Mitigation Bank; and (3) WSAFCA's constituent members are not authorized to create or operate a Mitigation Bank, precluding WSAFCA from doing so.

A. The Joint Exercise of Powers Act, insofar as it specifically addresses the authorities of WSAFCA, do not permit the creation or operation of a Mitigation Bank. The authority of WSAFCA is set forth in Government Code section 6523, a provision of the Joint Exercise of Powers Act (Government Code section 6500 et seq.) Section 6523 grants the agency (1) the "authority to accomplish the purposes and projects necessary to achieve and maintain at least a 200-year level of flood protection" on the Sacramento River for the City of West Sacramento; (2) the ability to "exercise the authority granted to reclamation districts under Part 7 ... and Part 8 ... of Division 15 of the Water Code for the purposes of Sections 12670.2, 12670.3, and 12760.4 of the Water Code," which essentially involves the financing of a certain federal project using assessments and bonds; and (3) the power to create indebtedness and levy assessments to repay that indebtedness in order to finance the same federal project. In essence, three authorities are enumerated under section 6523, none of which authorize the construction or authorization of a Mitigation Bank.

First, section 6523 empowers WSAFCA to "accomplish the purposes and projects *necessary* to achieve and maintain at least a 200-year level of flood protection" for the benefit of the City of West Sacramento. (Emph. added.) Such an authorization should be construed narrowly. In *Beckwith v. County of Stanislaus* (1959) 175 Cal.App.2d 40, 49, the third district court of appeal — the appellate court setting precedential law over the jurisdictions within which WSAFCA operates — held that, in exercising functions under the Joint Exercise of Powers Act, an agency "must be directly concerned with the work to be performed." (See *also* 83 Ops.Cal.Atty.Gen. 82.) Neither the construction nor operation of a Mitigation Bank is "directly concerned" with the provision of 200-year flood

protections, much less “necessary” for the achievement and maintenance of such protection. After all, the creation and maintenance of a Mitigation Bank easily can, and usually does, function independently of the construction and operation of levees and other methods of flood control.

The second power conferred by section 6523, which contemplates certain activities performed by reclamation districts, is more specific. Specifically, this statute empowers WSAFCA to levy assessments and issue bonds for purposes of implementing a flood protection project specifically contemplated under section 101(4) of the Water Resources Development Act of 1992. (Water Code §§ 12670.2, 12670.3, 12670.4, 51200 et seq., 52100 et seq.; see Pub. Law 102-580) Aside from the fact that the construction and operation of a Mitigation Bank qualifies as neither the levy of an assessment nor the issuance of a bond, we have reviewed engineering reports prepared for the aforementioned federal flood protection project, and these documents do not contemplate a Mitigation Bank component.

The third authority conferred by section 6523 involves the right of WSAFCA to “create indebtedness and thereafter continue to levy special assessments to repay that indebtedness” in order to finance the aforementioned federal flood protection project, pursuant to the Improvement Act of 1911 and the Municipal Improvement Act of 1913. This authority, insofar as it contemplates the implementation of a federal project that does not include a Mitigation Bank, and insofar as it contemplates the accrual of debt to finance this project, is irrelevant.

WSAFCA does not possess the authority to create habitat and sell mitigation credits pursuant to section 6523. In fact, given the statute specifically enumerates certain financing mechanisms for implementing specific flood control projects, section 6523 would appear to expressly preclude WSAFCA from engaging in other financing schemes.

B. Joint Exercise of Powers Agreement forming the WSAFCA does not authorize it to create or operate a Mitigation Bank. Even assuming that the authorities of section 6523 are not inclusive, and that WSAFCA has authorities in addition to those enumerated in that statute, the law would prohibit WSAFCA from undertaking a Mitigation Bank project.

With regard to joint power authorities in general, such an agency “shall possess the common power specified in the agreement [forming it] and may exercise it in the manner or according to the method provided in the agreement.” (Government Code section 6508.) The agreement creating WSAFCA, the “West Sacramento Flood Control Agency Joint Exercise of Powers Agreement” dated July 20, 1994 (“JPA”), recognizes only that the parties to the WSAFCA have the power to “acquire and construct Works for the purpose of controlling and conserving waters for the protection of life and property that would or could be damaged by being inundated by still or flowing water.” (JPA, p. 1.) The term “Works” specifically is defined to mean “dams, water courses, drainage channels, conduits, ditches, canals, pumping plants, levees, buildings, and other structures” used to control floodwaters. (JPA, p.3) In discussing the power of WSAFCA to implement projects, the agreement specifies the “Agency’s Projects are intended to consist of developing, designing, acquiring, and constructing Works and Facilities¹ as well as

¹ Per the JPA, “Facilities” means “any Works financed, acquired, or constructed by the Agency.” (JPA, p.3.)

funding (including local cost shares of federal projects) of the same, required to attain interim 100-year and at least 200-year ultimate flood protection.” (JPA, p. 9.)

In summary, the JPA only authorizes WSAFCA to develop flood protection projects that are “required” to attain “at least 200-year ultimate food protection,” reflecting the narrow scope of section 6523. A Mitigation Bank is by no means a prerequisite to implementing a flood protection project, and thus its development lies outside the jurisdiction of WSAFCA.

C. WSAFCA’s constituent members are not authorized to create or operate a Mitigation Bank, precluding WSAFCA from doing so. Regardless of what the JPA says, WSAFCA could not create or operate a Mitigation Bank because at least some of its constituent members, Reclamation District No. 900 and Reclamation District No. 537, do not have the authority to undertake such a project.

Pursuant to the Joint Exercise of Powers Act, if “authorized by their legislative or other government bodies, two or more public agencies by agreement may jointly exercise *any power common to the contracting parties*” (Gov. Code § 6508 [emph. added].) Essentially, a joint power authority may not exercise a power that all constituent members do not share.

Here, (at least) the two reclamation districts that form WSAFCA have limited authorities, where such authorities do not include the power to create or operate a Mitigation Bank. Reclamation districts may be formed “for the reclamation of any land within any city” that is subject to overflow or incursions from the tide of inland waters. (Water Code § 50110.) In implementing any “reclamation works,” state law defines this term to mean “such public works and equipment as are necessary for the unwatering, watering, or irrigation of district lands and other district operations.” (Water Code § 50013.) Because the establishment and operation of a Mitigation Bank is not “necessary” for the unwatering, watering, or irrigation of district land, a reclamation district does not have the authority to undertake that type of development project.

* * *

In summary, WSAFCA is operating outside its legal authorities insofar as it may apply for monies to create or operate a Mitigation Bank. The statute that specifically speaks to WSAFCA’s authorities in the Joint Exercise of Powers Act authorizes only those activities “necessary” to achieve certain standards of flood control. Moreover, the agreement forming WSAFCA, no doubt contemplating this legality, authorizes only those flood control projects “required” to attain certain standards of flood protection. Finally, at least two of WSAFCA’s constituent members do not have the power to develop a Mitigation Bank, since these reclamation districts are empowered only to pursue those projects “necessary” to the reclamation of land, where the concept of reclamation is limited to the watering, unwatering, or irrigation of land, and does not include the creation of habitat, much less the sale of mitigation credits.

WSAFCA has overstepped its authorities, and must withdraw any application it has submitted for monies that would finance the design, creation, or operation of a Mitigation Bank.

From: Smith, Megan
Sent: Thursday, March 14, 2013 2:36 PM
To: 'Hogan, Phil - NRCS, Woodland, CA'; tanis.j.toland@usace.army.mil
Subject: RE: Southport Sacramento River EIP NOP

Mr. Hogan,

Attached is the layer requested; we were able to easily digitize it for you. Please note that this outline represents the expected limit of direct effects, including noise, vibration, traffic and other effects that can occur away from the direct construction area. It is not intended to represent a construction footprint or an area of disturbance. Likewise, though several areas of potential borrow are identified, the project would utilize only a small fraction of each identified parcel, and many parcels would not be impacted at all.

Please give me a call at any time if I can be of assistance.

Take care,
Megan Smith

MEGAN S. SMITH, J.D. | Sr. Project Manager | 916.231.7677 | megan.smith@icfi.com
ICF INTERNATIONAL | 630 K Street, Suite 400, Sacramento, CA 95814 | icfi.com

From: Hogan, Phil - NRCS, Woodland, CA [<mailto:Phil.Hogan@ca.usda.gov>]
Sent: Thursday, March 14, 2013 10:20 AM
To: Smith, Megan; tanis.j.toland@usace.army.mil
Subject: Southport Sacramento River EIP NOP

I was wondering if you could send me a GIS generated shape file from Figure 1 (EIP Study Area) so that I can make comments on the project.

Thanks

PHIL HOGAN
District Conservationist
USDA Natural Resources Conservation Service
221 West Court Street, Suite 1

Woodland, CA 95695
(530) 662-2037 X 111 (Voice)
(530) 662-4876 (FAX)
phil.hogan@ca.usda.gov



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From: Hogan, Phil - NRCS, Woodland, CA [<mailto:Phil.Hogan@ca.usda.gov>]
Sent: Monday, March 18, 2013 1:01 PM
To: Smith, Megan; tanis.j.toland@usace.army.mil
Subject: Southport Sacramento River Early Implementation Report

Attached are some maps that I made up for the project area.

My main concern from the information that I have so far is the potential impact on farming in the area.

PHIL HOGAN
District Conservationist
USDA Natural Resources Conservation Service
221 West Court Street, Suite 1
Woodland, CA 95695

(530) 662-2037 X 111 (Voice)
(530) 662-4876 (FAX)
phil.hogan@ca.usda.gov



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Soils Inventory Report



ARMY CORPS OF ENGINEERS

Map Unit Symbol	Map Unit Name	Prime Farmland Indicator	Acres	Percent
La	Lang sandy loam	Prime farmland if irrigated and drained	124.8	6%
Lb	Lang sandy loam, deep	Prime farmland if irrigated and drained	123.7	6%
Ld	Lang silt loam	Prime farmland if irrigated and drained	180.3	9%
Ma	Made land	Not prime farmland	2.5	0%
Mn	Merritt silty clay loam, deep	Prime farmland if irrigated and drained	0.3	0%
Rk	Riz loam	Not prime farmland	1.7	0%
Sa	Sacramento silty clay loam	Prime farmland if irrigated and drained	552.5	26%
So	Sycamore silt loam	Prime farmland if irrigated and drained	450.3	22%
Te	Tyndall very fine sandy loam, deep	Prime farmland if irrigated and drained	5.2	0%
	Valdez silt	Prime farmland if		

Vb	loam, deep	irrigated and drained	302.1	14%
W	Water	Not prime farmland	65.5	3%
Wa	Willows silty clay loam	Farmland of statewide importance	232.5	11%
Yb	Yolo silty clay loam	Prime farmland if irrigated	51.1	2%
Total:			2092.5	100%

Prime
Farmland
Total: 0 0%

Soils Inventory Report

ARMY CORPS OF ENGINEERS

Map Unit Symbol	Map Unit Name	Prime Farmland Indicator	Acres	Percent
La	Lang sandy loam	Prime farmland if irrigated and drained	34.4	5%
Lb	Lang sandy loam, deep	Prime farmland if irrigated and drained	100.4	15%
Ld	Lang silt loam	Prime farmland if irrigated and drained	120.8	18%
Ma	Made land	Not prime farmland	18	3%
Mk	Merritt silty clay loam	Prime farmland if irrigated and drained	108.4	16%
Mn	Merritt silty clay loam, deep	Prime farmland if irrigated and drained	59.9	9%
Mp	Merritt complex, saline-alkali	Farmland of statewide importance	11.8	2%
Rk	Riz loam	Not prime farmland	0	0%
Sa	Sacramento silty clay loam	Prime farmland if irrigated and drained	54.3	8%
So	Sycamore silt loam	Prime farmland if irrigated	59.3	9%

		and drained		
Tb	Tyndall very fine sandy loam	Prime farmland if irrigated and drained	23.2	3%
Te	Tyndall very fine sandy loam, deep	Prime farmland if irrigated and drained	21	3%
Vb	Valdez silt loam, deep	Prime farmland if irrigated and drained	58.4	9%
W	Water	Not prime farmland	2.5	0%
Wa	Willows silty clay loam	Farmland of statewide importance	0.4	0%
Yb	Yolo silty clay loam	Prime farmland if irrigated	0	0%

Total: 672.8

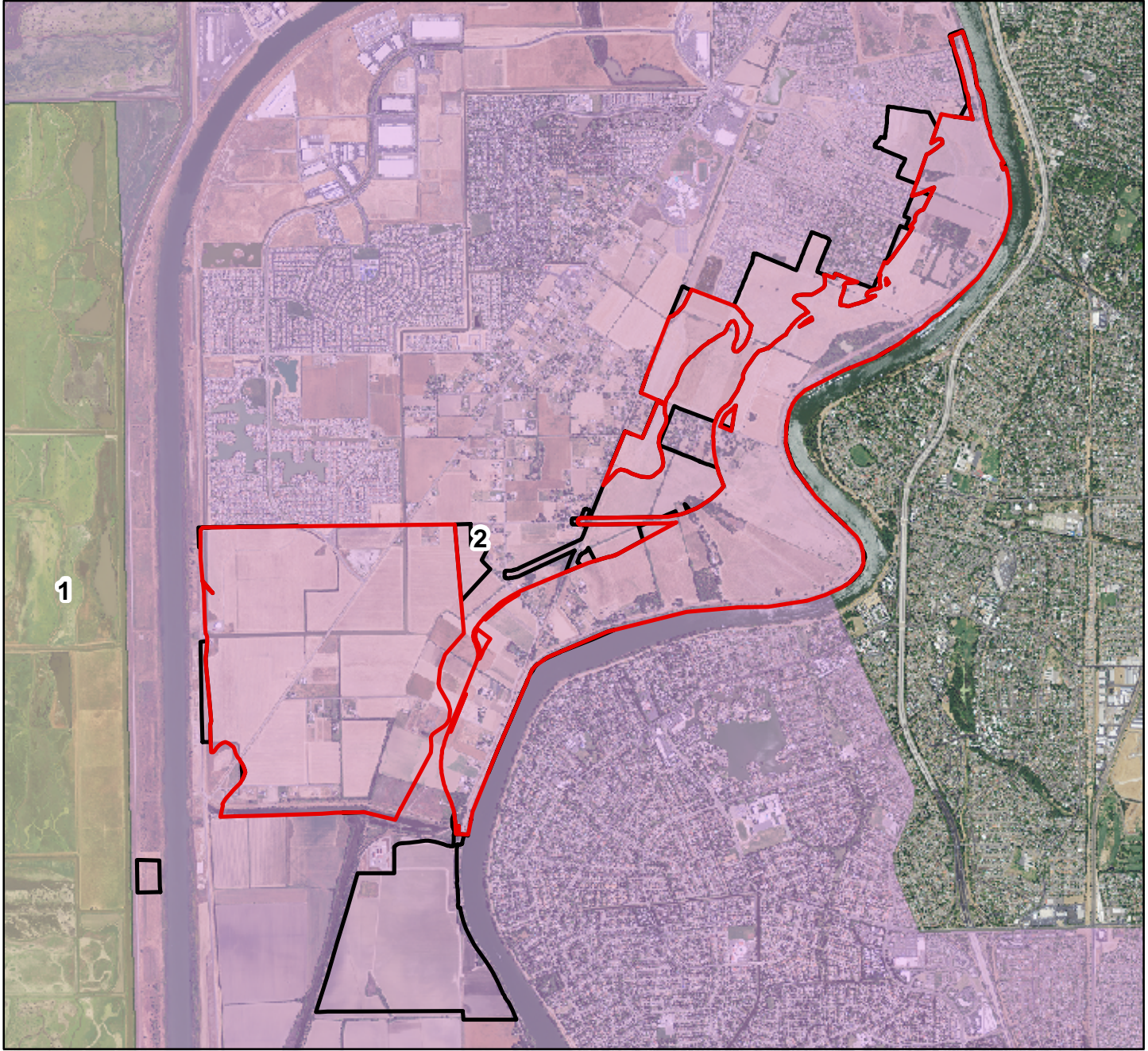
100%

Prime
Farmland
Total: 0 0%

Southport Sacramento River Early Implementation Report

Customer(s): ARMY CORPS OF ENGINEERS
District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 2765.3
ORIGINAL AND SUPPLEMENTAL STUDY AREA

Field Office: WOODLAND SERVICE CENTER
Agency: USDA Natural Resources Conservation Service
Assisted By: PHIL HOGAN
State and County: CA, YOLO



Legend

- Original Study Area
- Supplemental Study Area

Delta Zones

- ZONE
- 2
 - 1

SOILS MAP

Date: 3/18/2013

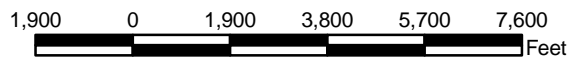
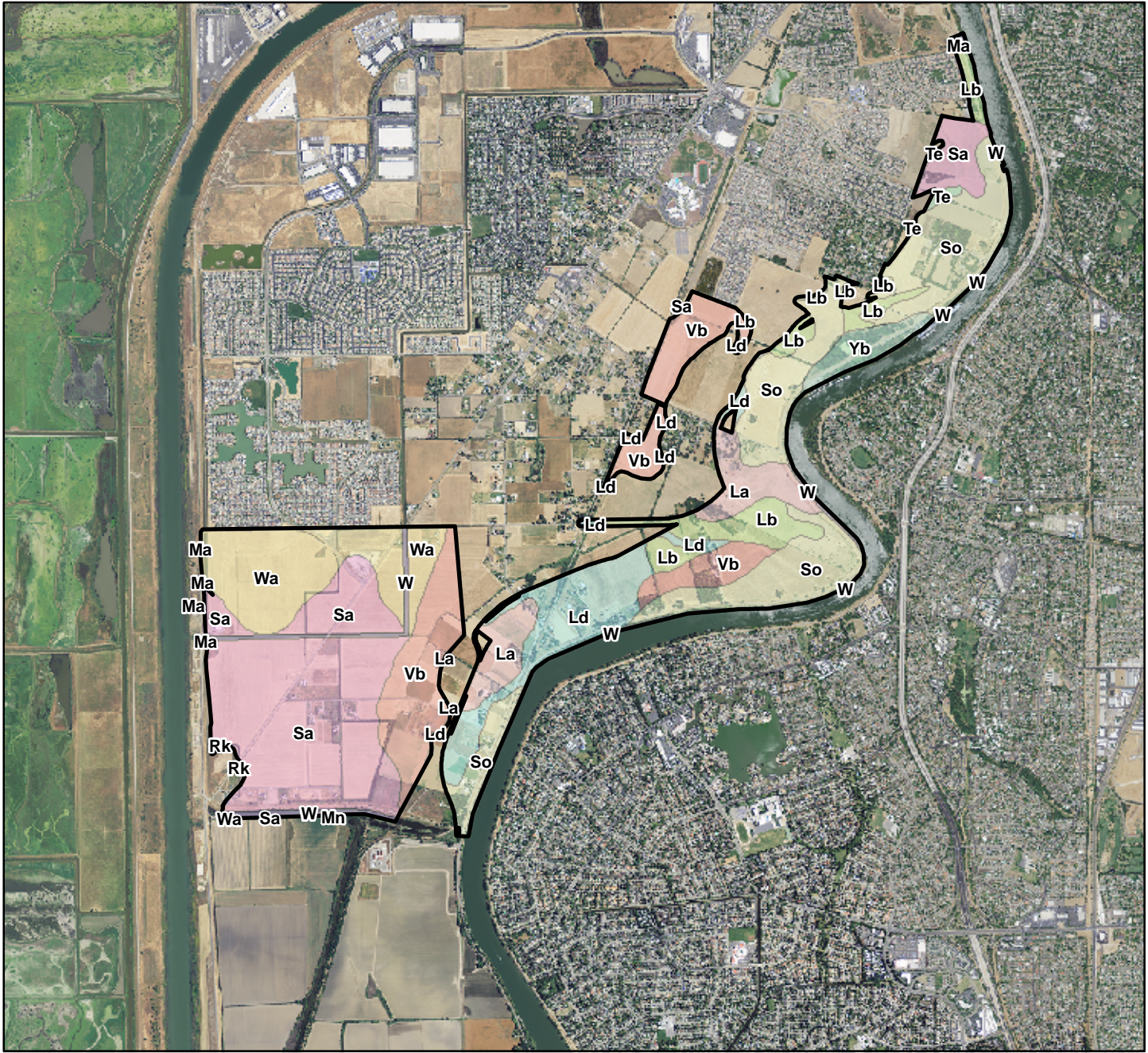
Southport Sacramento River Early Implementation Report

Customer(s): ARMY CORPS OF ENGINEERS
 District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT

Field Office: WOODLAND SERVICE CENTER
 Agency: USDA Natural Resources Conservation Service

Approximate Acres: 2092.5
 ORIGINAL STUDY AREA

Assisted By: PHIL HOGAN
 State and County: CA, YOLO



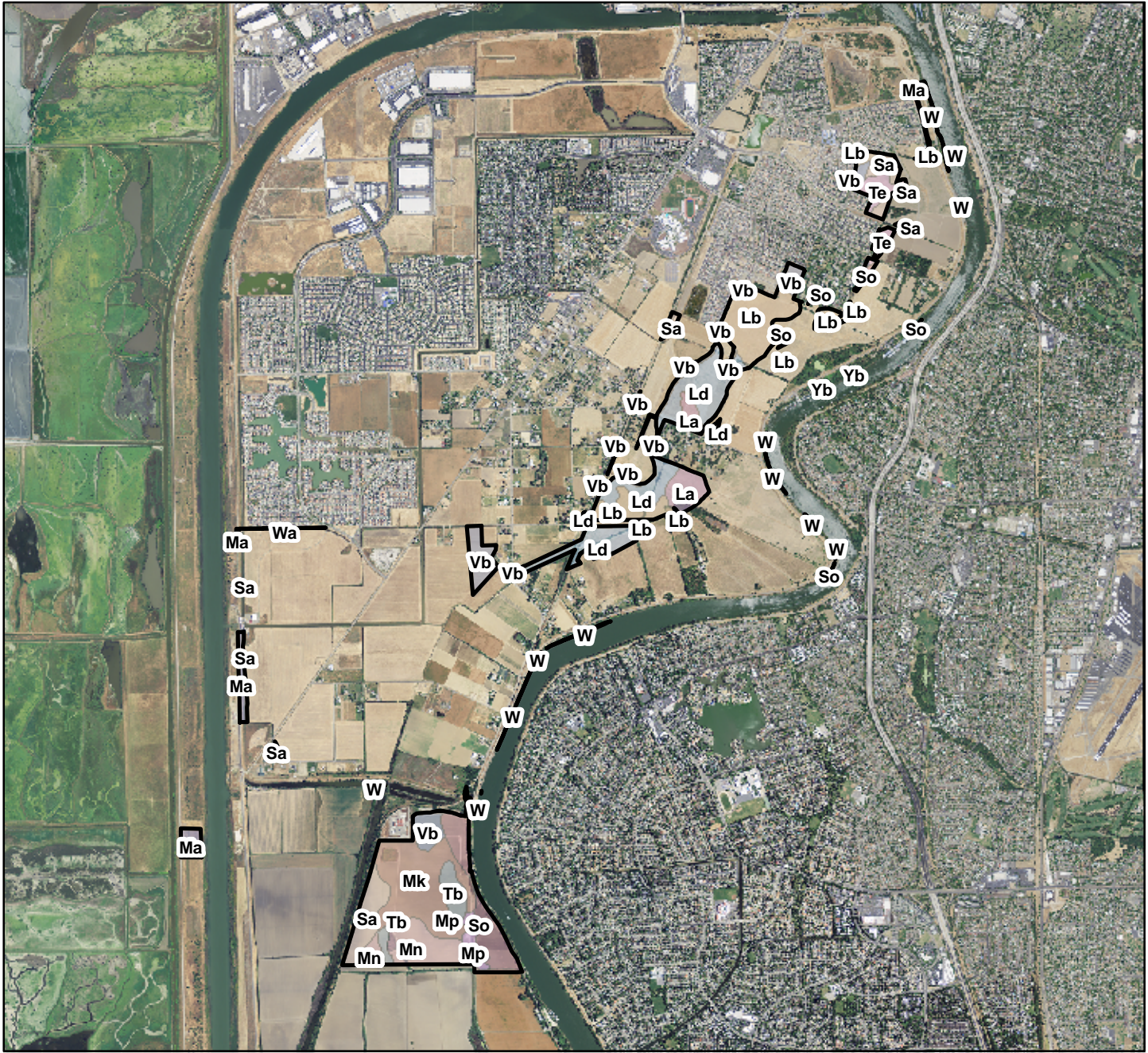
Legend

- | | | | |
|---------------------------|-----------------------------------|-----------------------------|--|
| Original Study Area | Soils Map | Ma, Made land | Te, Tyndall very fine sandy loam, deep |
| musym, muname | Mn, Merritt silty clay loam, deep | Vb, Valdez silt loam, deep | W, Water |
| La, Lang sandy loam | Rk, Riz loam | Wa, Willows silty clay loam | Yb, Yolo silty clay loam |
| Lb, Lang sandy loam, deep | Sa, Sacramento silty clay loam | | |
| Ld, Lang silt loam | So, Sycamore silt loam | | |

Southport Sacramento River Early Implementation Report

Customer(s): ARMY CORPS OF ENGINEERS
 District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
 Approximate Acres: 672.8
 SUPPLEMENTAL STUDY AREA

Field Office: WOODLAND SERVICE CENTER
 Agency: USDA Natural Resources Conservation Service
 Assisted By: PHIL HOGAN
 State and County: CA, YOLO



Legend

Supplemental Study Area

Soils Map

musym, muname

La, Lang sandy loam

Lb, Lang sandy loam, deep

Ld, Lang silt loam

Ma, Made land

Mk, Merritt silty clay loam

Mn, Merritt silty clay loam, deep

Mp, Merritt complex, saline-alkali

Rk, Riz loam

Sa, Sacramento silty clay loam

So, Sycamore silt loam

Tb, Tyndall very fine sandy loam

Te, Tyndall very fine sandy loam, deep

Vb, Valdez silt loam, deep

W, Water

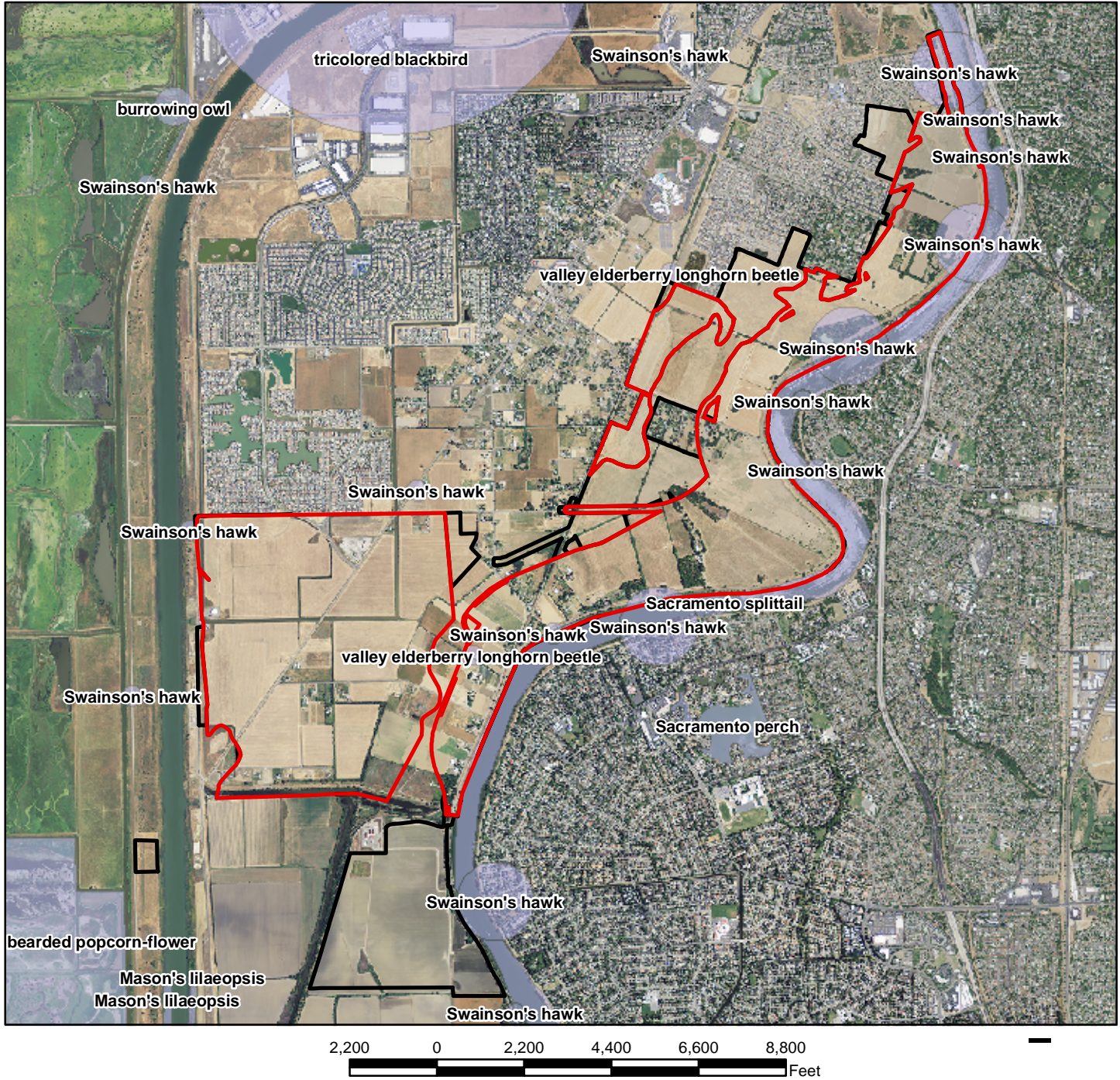
Wa, Willows silty clay loam

Yb, Yolo silty clay loam

Southport Sacramento River Early Implementation Report

Customer(s): ARMY CORPS OF ENGINEERS
 District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
Approximate Acres: 2765.3
ORIGINAL AND SUPPLEMENTAL STUDY AREA

Field Office: WOODLAND SERVICE CENTER
 Agency: USDA Natural Resources Conservation Service
 Assisted By: PHIL HOGAN
 State and County: CA, YOLO



Legend

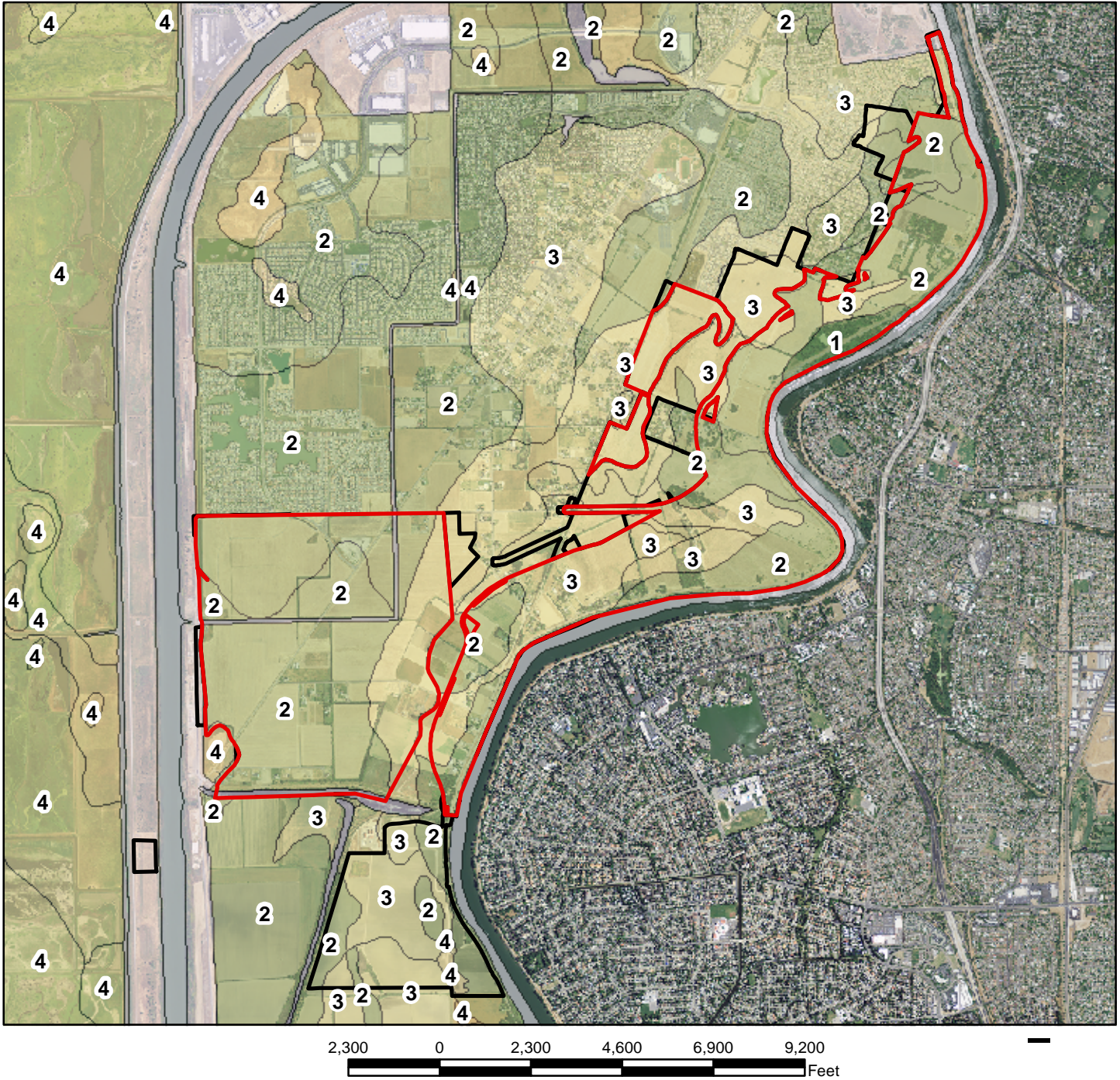
- Original Study Area
- Supplemental Study Area
- <all other values>

DATA:
 CA Dept. of Conservation
 CA Department of Fish and Wildlife
 California Natural Diversity Database

Southport Sacramento River Early Implementation Report

Customer(s): ARMY CORPS OF ENGINEERS
 District: YOLO COUNTY RESOURCE CONSERVATION DISTRICT
 Approximate Acres: 2765.3
ORIGINAL AND SUPPLEMENTAL STUDY AREA

Field Office: WOODLAND SERVICE CENTER
 Agency: USDA Natural Resources Conservation Service
 Assisted By: PHIL HOGAN
 State and County: CA, YOLO



Legend

- | | | |
|--|--|--|
| Original Study Area | Irrigated Capability Class | Capability Class - V |
| Supplemental Study Area | Capability Class - I | Capability Class - VI |
| | Capability Class - II | Capability Class - VII |
| | Capability Class - III | Capability Class - VIII |
| | Capability Class - IV | Not rated or not available |

From: Armstrong, Robert (SDA) [<mailto:armstrongro@sacsewer.com>]
Sent: Wednesday, April 03, 2013 05:27 PM
To: Smith, Megan
Subject: Southport EIP NOP/EIR - SRCSD Response

Good Afternoon Megan,

Please find the attached response letter from SRCSD in regards to the above-mentioned project; a hard copy of the letter will be mailed to your attention.

Best Regards,

Robb

Robb Armstrong

Policy & Planning - SRCSD Development Services

Sacramento Regional County Sanitation District

10060 Goethe Road

Sacramento, CA 95827

Phone: (916) 876-6104

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Main Office

10060 Goethe Road
Sacramento, CA 95827-3553
Tele: [916] 876-6000
Fax: [916] 876-6160

April 3, 2013
Ms. Megan Smith
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

**Sacramento Regional Wastewater
Treatment Plant**

8521 Laguna Station Road
Elk Grove, CA 95758-9550
Tele: [916] 875-9000
Fax: [916] 875-9068

Subject: **Supplemental Notice of Preparation (NOP) of an
Environmental Impact Statement/Environmental
Impact Report for the Southport Sacramento River
Early Implementation Program**

Dear Ms. Smith:

Sacramento Regional County Sanitation District (SRCSD) has reviewed the supplemental NOP of an EIS/EIR for the Southport Sacramento River Early Implementation Project (Southport EIP) and has the following comments.

**Board of Directors
Representing:**

- County of Sacramento
- County of Yolo
- City of Citrus Heights
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Sacramento
- City of West Sacramento

As stated within the NOP, the Southport EIP proposes to implement flood risk-reduction measures along the Sacramento River's South Levee within the City of West Sacramento (City); the proposed project would bring the existing levee up to standard with Federal and state flood protection criteria.

SRCSD has the South River Pump Station (SRPS), 66-inch Yolo Force Main, 120-inch Southport Gravity Sewer and associated easements and access roads located within the proposed projects study area.

SRCSD is currently in the final design stages for the South River Pump Station Flood Protection Project, which will utilize soil from borrow sites of neighboring parcels of the SRPS; close coordination between the West Sacramento Area Flood Control Agency (WSAFCA) and SRCSD should occur in order to avoid any potential conflict in regards to soil acquisition for both projects.

The potential removal and/or addition of ground cover over existing SRCSD facilities may require that SRCSD facilities be raised and/or lowered to meet the finished project grade; load mitigation may also be required for areas where additional loads are placed over SRCSD facilities.

- Stan Dean
District Engineer
- Ruben Robles
Director of Operations
- Prabhakar Somavarapu
Director of Policy & Planning
- Karen Stoyanowski
Director of Internal Services
- Joseph Maestretti
Chief Financial Officer
- Claudia Goss
Public Affairs Manager

F C H O L O S Y I N D I A N A W I T H I N T H E C I T Y O F W E S T S A C R A M E N T O

Ms. Megan Smith
April 3, 2013
Page 2

Other areas of concern for SRCSD are as follows:

- All weather access to SRCSD facilities and pipelines for the purpose of operation and maintenance activities pre/post construction.
- Improvements proposed to be constructed within existing SRCSD easements that may prohibit the intended use of said easements.
- Potential concerns for any fill placed or removed over SRCSD pipelines.
- Stockpiling or placement of spoils and construction equipment within SRCSD easements.
- Potential construction haul-routes that cross SRCSD pipelines.
- Borrow site excavation in the vicinity of SRCSD pipelines and facilities, including the South River Pump Station Flood Protection Project.
- Coordination of construction activities for the SRCSD South River Pump Station Flood Protection Project and the Southport EIP.
- Borrow site activities located south of the City's South Cross Levee and their relation to the Sacramento River Levee and the potential for increased river seepage.

If you have any questions regarding this letter, please feel free to contact me at (916) 876-6104 or by e-mail at armstrongro@sacsewer.com.

Sincerely,



Robb Armstrong
Sacramento Regional County Sanitation District

RA:ra (ra)

cc: Sharon Sargeant – SRCSD
Scott Mueller – SRCSD
Kyle Frazier – SRCSD

The Southport Sacramento River Early Implementation Project Supplemental Scoping

WSAFCA
West Sacramento Area Flood Control Agency



Comment Card

Name: Steve + Pam Gould Date: _____

Telephone: 372-4042 Email: pamela.gould@myway.com

Affiliation: _____ Title (if applicable): _____

Street Address: 4395 Gregory Ave.

City: W. Sacto State: CA Zip: 95691

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write in the space below legibly.

For your convenience, you may take this self-addressed card home, fill it out, and fold it in half and mail it. You may also send comments via email to Megan Smith at megan.smith@icfi.com or Tanis Toland at tanis.j.toland@usace.army.mil. **All comments must be received or postmarked by April 8, 2013.**

- Megan Smith, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814
- Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Delta Programs Integration & Ecosystem Restoration, 1325 J Street Sacramento, CA 95814

Environmental Concerns:

1. Dirt/DUST/Air Quality
2. Vibration from any trucks, equipment, etc.
3. Damage to concrete, pool and/or house
4. Water quality due to well existing
5. Livestock and/or pets
6. Noise
7. Traffic from construction project
8. Hours of construction/ weekdays/weekends

The Southport Sacramento River Early Implementation Project Supplemental Scoping



Comment Card

Name: Sandra Winters Date: 3/28/13

Telephone: 916-681-3634 Email: julkev@aol.com

Affiliation: _____ Title (if applicable): _____

Street Address: 8791 Silverberg Ave

City: Elk Grove State: CA Zip: 95624

Thank you for your interest in this flood risk-reduction effort. The West Sacramento Area Flood Control Agency and the U.S. Army Corps of Engineers value your input regarding this Early Implementation Project. Please provide us with your comments regarding the scope of the Environmental Impact Statement/ Environmental Impact Report being prepared for this project. Please write in the space below legibly.

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- Megan Smith, ICF International, 630 K Street, Suite 400, Sacramento, CA 95814
- Tanis Toland, U.S. Army Corps of Engineers, Sacramento District, Delta Programs Integration & Ecosystem Restoration, 1325 J Street Sacramento, CA 95814

Actual property concern is at 2055 Davis Rd

Will this project have ~~any~~ ^{an} effect

on the ground water level & thus the

well at 2055 Davis Rd. The current

well is not a deep well, Also the

impact on the traffic on Davis Rd,

currently a country road