APPENDIX A

Public Outreach and Involvement

A1 NEPA Notice of Intent

considered, including wetlands; fish and wildlife resources; cultural resources; land use; water and air quality; hazardous, toxic, and radioactive substances; threatened and endangered species; regional geology; aesthetics; environmental justice; and the general needs and welfare of the public.

The alternatives currently being considered for the DMMP include, but are not limited to: offshore disposal in the Environmental Protection Agency designated Ocean Dredged Material Disposal Site (ODMDS), nearshore disposal on the ebb tide delta, beach disposal, and upland disposal at Brandt Island. Additional beneficial uses of dredged material will also be investigated for the DMMP. The DEIS will address environmental effects of reasonable alternatives.

All private parties and Federal, State, and local agencies having an interest in the study are hereby notified of the intent to prepare a DEIS and are invited to comment at this time. A scoping letter was mailed to a standard mailing list November 26, 2007 and all comments received as a result of the scoping letter and this notice of intent will be considered in the preparation of the DMMP and DEIS.

The lead agency for this project is the U.S. Army Engineer District, Wilmington. Cooperating agency status has not be assigned to, nor requested by, any other agency.

The DEIS is being prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended, and will address the relationship of the proposed action to all other applicable Federal and State Laws and Executive Orders.

The DMMP and DEIS is currently scheduled to be available in July 2010.

Dated: March 17, 2009.

Jefferson M. Ryscavage,

Colonel, EN, Commanding.

[FR Doc. E9–6855 Filed 3–26–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Army Corps of Engineers

Notice of Intent To Prepare an Environmental Impact Statement/ Environmental Impact Report for Natomas Levee Improvement Program Phase 4a Landside Improvements Project, Sacramento, CA

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

ACTION: Notice of intent.

SUMMARY: The action being taken is preparation of an environmental impact statement/environmental impact report (EIS/EIR) for the Natomas Levee Improvement Program (NLIP) Phase 4a Landside Improvements Project (Phase 4a Project). The Corps is considering a request to issue both 408 permission to the Central Valley Flood Protection Board and 404 permit to Sacramento Area Flood Control Agency (SAFCA) for work on the NLIP. Under 33 U.S.C. 408, the Chief of Engineers may grant permission to alter an existing Federal project if it is not injurious to the public interest and does not impair the usefulness of the project. Under Section 404 of the Clean Water Act, the District Engineer permits the discharge of dredged or fill material into waters of the United States if the discharge meets the requirements of the Environmental Protection Agency's 404(b)(1) guidelines and is not contrary to the public interest. The NLIP is located in Sacramento and Sutter Counties, CA. The 408 permission is required for structural improvements to the Sacramento River east levee and the Natomas Cross Canal south levee. A 404 permit is needed for dredge and discharge of fill materials into waters of the United States resulting from levee improvements, relocation of the Riverside Canal, and development of associated habitat.

DATES: A public scoping meeting will be held on April 13, 2009 from 4:30 p.m. until 6:30 p.m. at South Natomas Community Center, Activity Room (see **ADDRESSES**). Send written comments by April 27, 2009 to (see **ADDRESSES**).

ADDRESSES: Public Scoping Meeting, South Natomas Community Center, Activity Room, 2921 Truxel Road, Sacramento, CA. Send written comments and suggestions concerning this study to Ms. Elizabeth Holland, U.S. Army Corps of Engineers, Sacramento District, Attn: Planning Division (CESPK–PD–R), 1325 J Street, Sacramento, CA 95814–2922. Requests to be placed on the mailing list should also be sent to this address.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS/EIR should be addressed to Ms. Elizabeth Holland at (916) 557–6763, e-mail *Elizabeth.g.holland@usace.army.mil* or by mail (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

1. Proposed Action. The U.S. Army Corps of Engineers is preparing an EIS/EIR to analyze the impacts of the work proposed by SAFCA to implement the NLIP Phase 4a Project. The overall purpose of the NLIP is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas. The NLIP Phase 4a Project is a component of the NLIP proposed by SAFCA to improve a portion of the Natomas Basin's perimeter levee system in Sacramento and Sutter Counties, CA.

2. Alternatives. The EIS/EIR will address an array of flood damage reduction alternatives. Alternatives analyzed during the investigation will consist of a combination of one or more flood risk reduction measures. These measures include strengthening the existing levee in place, constructing seepage berms, constructing adjacent setback levees, installing relief wells and cutoff walls, and relocating irrigation ditches.

3. Scoping Process. a. A public scoping meeting will be held on April 13, 2009 to present information to the public and to receive comments from the public. This meeting will begin a process to involve concerned individuals, and local, State, and Federal agencies with the Phase 4a Project.

b. Significant issues to be analyzed in depth in the EIS/EIR include effects on agricultural resources, land use, geology and soils, hydrology and hydraulics, water quality, biological resources (including fisheries, vegetation and wildlife resources, special-status species, and wetlands and other waters of the U.S.), cultural resources, paleontological resources, transportation and circulation, air quality, noise, visual resources, utilities and service systems, hazards and hazardous materials, socioeconomics and population and housing, and environmental justice. The EIS/EIR will also evaluate the cumulative effects of the proposed NLIP (including the past and anticipated future NLIP project phases) and other related projects in the study area.

c. The Corps is consulting with the State Historic Preservation Officer to comply with the National Historic Preservation Act, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to provide a Biological Opinion, and the U.S. Fish and Wildlife Service to provide a Fish and Wildlife Coordination Act Report.

d. A 45-day public review period will be provided for 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 scheduled to be available for public review and comment in early summer 2009.

Dated: March 16, 2009.

Thomas Chapman,

COL, EN, Commanding.

[FR Doc. E9–6862 Filed 3–26–09; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 27, 2009.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 24, 2009.

Angela C. Arrington,

Director, IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New.

Title: Impact Evaluation of Response to Intervention Strategies (Site Recruitment).

Frequency: On occassion.

Affected Public: State, local or tribal gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 505.

Burden Hours: 1,510.

Abstract: The Impact Evaluation of Response to Intervention (RtI) strategies will inform the National Assessment of IDEA 2004, and the choices of districts and schools, by estimating the differential impacts of strategies for providing Tier 2 reading instruction to at-risk first and second graders. ED has awarded a contract to MDRC (in partnership with SRI International and Survey Research Management) to conduct this study in 150 elementary schools. This initial collection involves the site recruitment. The resulting RtI project will provide information that policymakers and school administrators can use to help identify students with learning disabilities and improve instruction provided to at-risk students.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''*Browse Pending Collections*'' link and by clicking on link number 3932. When you access the information collection, click on ''*Download Attachments* '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E9–6885 Filed 3–26–09; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho National Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Laboratory. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, April 7, 2009, 8 a.m.–5 p.m.

Opportunities for public participation will be held on Tuesday, April 7, 2009, from 1:30 p.m. to 1:45 p.m. and from 3:30 p.m. to 3:45 p.m.

These times are subject to change; please contact the Federal Coordinator (below) for confirmation of times prior to the meeting.

ADDRESSES: Red Lion Hotel Canyon Springs, 1357 Blue Lakes Boulevard, Twin Falls, Idaho 83301.

FOR FURTHER INFORMATION CONTACT: Robert L. Pence, Federal Coordinator, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS–1203, Idaho Falls, ID 83415. Phone (208) 526–6518; Fax (208) 526–8789 or e-mail: *pencerl@id.doe.gov* or visit the Board's Internet home page at: *http://www.inlemcab.org*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Topics (agenda topics may change up to the day of the meeting; please contact Robert L. Pence for the most current agenda):

- Progress to Cleanup.
- Fiscal Year 2011 Budget.
- Offsite Transuranic Waste.
- New Buried Waste Approach.
- March EM SSAB Chairs Meeting Report.

Public Participation: The meeting is open to the public. The EM SSAB, Idaho National Laboratory, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Robert L. Pence at least seven days in advance of the meeting at the phone number listed above. Written

CEQA Notice of Preparation

Sacramento Area Flood Control Agency

NOTICE OF PREPARATION

To: Agencies and Interested Parties

From: Sacramento Area Flood Control Agency

Date: March 27, 2009

Subject: **Announcement of:**

1) **Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report on the Natomas Levee Improvement Program, Phase 4a Landside Improvements Project;**
2) **Public Scoping Meeting to be held on April 13, 2009; and**
3) **Scoping Comments due by April 27, 2009**

The Sacramento Area Flood Control Agency (SAFCA) intends to prepare a "joint" environmental impact statement (EIS) and environmental impact report (EIR), consistent with the National Environmental Policy Act (NEPA) (42 United States Code [USC] Section 4321 et seq.) and with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq.; see also 14 California Code of Regulations Sections 15220, 15222 [State CEQA Guidelines]), for the Natomas Levee Improvement Program (NLIP) Phase 4a Landside Improvements Project (Phase 4a Project) in the Natomas Basin in Sacramento and Sutter Counties, California. The U.S. Army Corps of Engineers (USACE), Sacramento District, will be the Federal lead agency for purposes of complying with NEPA, and SAFCA will be the state lead agency for compliance with CEQA.

In accordance with Section 15082 of the State CEQA Guidelines, SAFCA has prepared this Notice of Preparation (NOP) to inform all responsible and trustee agencies, Federal agencies taking action on the project, and interested parties that an EIS/EIR will be prepared. The purpose of an NOP is to provide sufficient information about the proposed project and its potential environmental impacts to allow the Office of Planning and Research (OPR), responsible and trustee agencies, and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIS/EIR, including the significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency, or the OPR, will need to have explored in the EIS/EIR (State CEQA Guidelines, Section 15082[b]).

The project location, description, and probable environmental effects are presented below. An initial study has not been prepared for the Phase 4a Project because the EIS/EIR will address all issue areas. The EIS/EIR will also include feasible mitigation measures and consideration of a reasonable range of alternatives to avoid or substantially reduce the proposed project's significant adverse environmental impacts.

A joint NEPA/CEQA public scoping meeting, with USACE and SAFCA representatives, will be held during the 30-day public review period to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIS/EIR. The joint scoping meeting will satisfy the meeting requirement for projects of statewide, regional, or areawide significance. (See State CEQA Guidelines, Section 15082, subd. [c].)

INTRODUCTION

CEQA specifies that a public agency must prepare an EIR on any project that it proposes to carry out or approve that may have a significant direct or indirect effect (also referred to as "significant impact") on the environment (PRC Section 21080[d]). SAFCA is proposing the NLIP Phase 4a Project, as described below, and has determined that the proposed project may have significant impacts on the environment. Therefore, acting as the lead agency for CEQA compliance, SAFCA will prepare an EIR that evaluates these significant environmental impacts.

To implement the proposed project, SAFCA is requesting permission from USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 United States Code [USC] 408, referred to as "Section 408") for alteration of Federal project levees; Section 404 of the Clean Water Act (33 USC 1344) for placement of fill into jurisdictional waters of the United States; and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) for work performed in, under, or over navigable waters, and excavation of material from or deposition of material into navigable waters. A joint EIS/EIR will be prepared to evaluate the significant environmental impacts of the proposed project, including those impacts associated with USACE's decision-making processes for Sections 408, 404, and 10.

The Phase 4a Project consists of improvements to a portion of the Natomas Basin's perimeter levee system (see **Exhibits 1** and **2** below) in Sutter and Sacramento Counties, California, and associated landscape and irrigation/drainage infrastructure modifications. SAFCA has initiated this effort in cooperation with the California Department of Water Resources and the Central Valley Flood Protection Board (together referred to as "State"), and USACE with the aim of incorporating the NLIP into the Natomas components of the Federally authorized American River Common Features Project.

The overall purpose of the NLIP is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas.

In addition to requesting permission from USACE pursuant to Sections 408, 404, and 10, as discussed above, SAFCA may also need to obtain several state, regional, and local approvals or permits to implement the Phase 4a Project: Central Valley Flood Protection Board (CVFPB) encroachment permit; California Surface Mining and Reclamation Act permit; Clean Water Act Section 401 water quality certification, Clean Water Act Section 402 National Pollutant Discharge Elimination System permit; California Fish and Game Code Section 2081 incidental take authorization; California Fish and Game Code Section 1602 streambed alteration agreement; encroachment permits from the California Department of Transportation, Sacramento County, and Sutter County; and authority to construct permits from the Sacramento Metropolitan Air Quality Management District and the Feather River Air Quality Management District.

PURPOSE OF THE NOTICE OF PREPARATION

The purposes of this notice are to:

1. briefly describe the proposed project and the anticipated content of the EIS/EIR to be prepared for the proposed project;

2. announce the public scoping meeting to facilitate public input and to be held: April 13, 2009, from 4:30 to 6:30 p.m. at South Natomas Community Center (Activity Room) in Sacramento, California; and

3. solicit input by April 27, 2009, from Federal, state, regional, and local agencies, and from interested organizations and individuals about the content and scope of the EIS/EIR, including the alternatives to be addressed and the potentially significant environmental impacts.

PROJECT BACKGROUND

The Phase 4a Landside Improvements Project is part of SAFCA's efforts to reduce the risk of flood damage in the Sacramento area, and is part of the NLIP evaluated in SAFCA's programmatic *EIR on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area* (State Clearinghouse # 2006072098). Volume II of that EIR contained a project-level evaluation of the Natomas Cross Canal South Levee Phase 1 Improvements (Phase 1 Project).

In 2007, SAFCA prepared the *EIR on the NLIP Landside Improvements Project* (2007 Landside EIR, State Clearinghouse # 2007062016), which covers the three additional phases of "landside" improvements to the levees protecting the Natomas Basin in Sacramento and Sutter Counties, including the Phase 2 Project, Phase 3 Project, and Phase 4 Project. The Phase 2 Project was analyzed at a project level and the remainder of the Landside Improvement Project (Phase 3 and Phase 4 Projects) was analyzed at a program level in the 2007 Landside EIR. On November 29, 2007, the SAFCA Board of Directors certified the EIR and approved implementation of the Phase 2 Project. Following completion of the Landside EIR, USACE prepared an EIS to meet USACE's NEPA requirements to support USACE's decisions on the permissions and permitting under Sections 408, 404, and 10. A Record of Decision was signed by USACE in January 2009. The USACE EIS also contained a project-level analysis of the Phase 2 Project and a program-level analysis of the Phase 3 and Phase 4 Projects. Since certification of the 2007 Landside EIR, SAFCA has made modifications and refinements to the design of the Phase 2 Project. A supplemental EIR (SEIR) was prepared by SAFCA to evaluate these modifications, which the SAFCA Board of Directors certified in January 2009, at which time the Board also approved the modifications to the Phase 2 Project.

The Phase 3 Project was analyzed at a project-level in the *EIS/EIR on the NLIP Phase 3 Landside Improvements Project* (Phase 3 EIS/EIR, State Clearinghouse # 2008072060), which was released for public review on February 13, 2009.

The EIS/EIR to be prepared for the Phase 4a Project (which is the subject of this notice) will evaluate the environmental impacts of the Phase 4a Project at a project level. The Phase 4a Project is one of three sub-phases of the overall Phase 4 Project that was analyzed in the 2007 Landside EIR. The Phase 4 Project was divided into sub-phases to provide the flexibility to construct this phase over more than one construction season. The Phase 4b and Phase 4c Projects will be the subject of future, separate EIS/EIRs and are not analyzed in the Phase 4a Project EIS/EIR. Each of the sub-phases has its own independent utility, can be accomplished with or without the other sub-phases, and provides additional flood risk reduction benefits to the Natomas Basin whether implemented individually or collectively.

PROJECT OBJECTIVES

The following objectives were adopted by SAFCA in connection with approval of the NLIP: (1) provide at least a 100-year level of flood protection to the Natomas Basin as quickly as possible, (2) provide "200-year" protection to the Basin over time, and (3) avoid any substantial increase in expected annual damages as new development occurs in the Basin.

The first two project objectives would reduce the residual risk of flooding sufficiently to meet the minimum requirements of Federal and state law for urban areas like the Natomas Basin. The third project objective is a long-term objective of SAFCA.

An additional project objective adopted by SAFCA in connection with the Phase 2 and Phase 3 Projects that is also applicable to the Phase 4a Project is to use flood damage reduction projects to increase the extent and connectivity of the lands in the Natomas Basin being managed to provide habitat for giant garter snake, Swainson's hawk, and other special-status species.

PROPOSED PROJECT

Key Project Elements

The Phase 4a Project includes the following major activities anticipated to begin in 2010, which will be analyzed at a project level in the Phase 4a EIS/EIR:

- **Sacramento River east levee Reaches 10–15: levee raising/rehabilitation and seepage remediation (see Exhibit 2)**—Construct an adjacent setback levee, raised in Reaches 10–11B, with cutoff walls, seepage berms, and relief wells where required to reduce seepage potential. Cutoff wall construction would take place 24-hours-per-day, 7 days-per-week during the construction period.

- **Natomas Cross Canal (NCC) south levee improvements: levee raising and seepage remediation at two locations**—At Natomas Central Mutual Water Company (NCMWC) Bennett Pump Station and Northern Main Pump Station, raise the NCC south levee, flatten levee side slopes, install cutoff walls, and modify or replace the existing pumps and motors to reflect raising the discharge pipes above the "200-year" design flood elevation. Cutoff wall construction would take place 24-hours-per-day, 7 days-per-week during the construction period.

- **Relocation of the Riverside Canal (highline irrigation canal) away from the existing Sacramento River east levee**—Extend the relocated canal upstream of Powerline Road in Reaches 11B–12B, relocate the canal west of the adjacent levee in Reaches 13–15, relocate the canal west of the adjacent levee/residences/tree groves in Reaches 15–18B, and construct a piped section in Reach 15-18B at the toe of the new adjacent levee.

- **Modifications to NCMWC Riverside Pumping Plant**—Raise and extend discharge pipes, and modify or replace the existing Riverside Pumping Plant pumps and motors to reflect raising the discharge pipes above the "200-year" design water surface. In-water construction would include use of dredge pumps to remove sediment in order to install new pumps, but no dewatering through use of a coffer dam would take place.

- **Modifications to Reclamation District (RD) 1000 Pumping Plants Nos. 3 and 5**—Raise and extend discharge pipes, replace or modify pumps and motors, and perform other seepage remediation, including relocation of the stations away from the levee to accommodate raising the discharge pipes above the "200-year" design water surface. The pipe extensions would tie into existing discharge pipes within the waterside bench. These modifications would take place above normal Sacramento River summer and fall water surface elevations; therefore, no dewatering would occur.

- **Borrow site excavation and reclamation**—Excavate earthen material at the borrow sites and then return the sites to preconstruction uses or suitable replacement habitat. For the levee and canal improvements along the Sacramento River east levee, the Fisherman's Lake Borrow Area is anticipated to be the primary source of soil borrow material for the Phase 4a Project (see **Exhibit 2**). However, additional borrow sites may be needed, including the Interstate 5 Borrow Area, the Elkhorn Borrow Area, and the Airport north bufferlands. For construction on the NCC south levee, the source of soil borrow would be the Brookfield borrow site. All of the proposed borrow areas have been the subject of previous environmental documents and, therefore, their potential impacts will be incorporated by reference, with the exception of the Fisherman's Lake Borrow Area which will be fully analyzed in the Phase 4a EIS/EIR.

- **Habitat creation and management**—Create up to 300 acres of managed seasonal and perennial marsh and agricultural upland habitat in the Fisherman's Lake Borrow Area; establish perennial native grasses on levee slopes, seepage berms, and access and maintenance areas; and establish woodlands consisting of native riparian and woodland species at locations along the landside of the Sacramento River east levee.

- **Infrastructure relocation and realignment**—Realign and relocate private irrigation and drainage infrastructure, including wells, pumps, canals, and pipes; and relocate utility infrastructure, such as power poles, as needed to accommodate the levee improvements and major canal relocations.

- **Landside vegetation removal**—In Reaches 12B–15 of the Sacramento River east levee, clear landside vegetation in a corridor up to 660 feet wide to prepare for Phase 4a Project levee and canal improvement work.

- **Right-of-way acquisition**—Acquire lands within the Phase 4a Project footprint along the Sacramento River east levee and at associated borrow sites.

- **Encroachment management**—Remove encroachments as required to meet the criteria of USACE, the Central Valley Flood Protection Board, and the Federal Emergency Management Agency.

Other Project Details

The following describes additional project details associated with the Phase 4a Project.

- **Project footprint and soil borrow requirements**—To address uncertainty in engineering design and cultural resource investigation and assess worst-case impacts from ground disturbance in a maximum potential project footprint, the Phase 4a EIS/EIR will analyze a footprint that could include both cutoff walls and 500-foot-wide seepage berms throughout Reaches 10–15 of the Sacramento River east levee. In some locations, to fully remediate seepage, a combination of shallow cutoff walls, seepage berms, and relief wells may be used. Deep cutoff walls may also be used as a seepage remediation measure. Cutoff wall construction would take place 24-hours-per-day, 7 days-per-week during the construction period. Continuing cultural investigations and refinement of engineering design are likely to produce a footprint that includes 500-foot-wide berms in only a few culturally sensitive locations, with most reaches containing either 100-foot-wide berms or deep cutoff walls. Soil borrow requirements are based on this more probable footprint and would total between 4 and 5 million cubic yards.

- **Measures to avoid residences and heritage oaks**—Where residences and heritage oak trees are located, particularly in Reaches 12B and 13–15, SAFCA would employ, to the extent feasible under levee design and seepage remediation performance requirements, measures to minimize the project footprint to avoid these resources. These measures would include reducing the width of the adjacent setback levee, seepage berms, and operations and maintenance/utility corridor and the strategic use of cutoff walls or seepage relief wells.

- **Power pole relocation**—Power poles that currently exist on the landside slope of the levee and at the landside levee toe would need to be relocated and/or rerouted to accommodate the widened levee footprint. To the extent feasible, mainline utility infrastructure, such as power poles, would be relocated beyond the landside levee toe or berms, and a secondary distribution line of poles would be relocated to the area between the existing levee and the adjacent levee. Should placement of poles be required on top of the seepage berms, either raised foundations or steel reinforced concrete piers would be constructed to prevent the poles from impacting the performance of the seepage berm. Some poles may need to be relocated to the waterside of the existing levee; however, no new power poles would be located on the waterside of the levee in the vicinity of existing waterside residences unless there is no feasible alternative for providing service to these residences. Tree pruning would likely be required in some locations to accommodate the power poles and associated wires. SAFCA would conduct the relocations in coordination with the USACE, CVFPB, and the appropriate utility companies and the construction operations.

- **Riverside Canal and pipeline alignment**—The proposed canal right-of-way would be roughly 155 feet wide, including a landside operation and maintenance corridor and embankments on each side of the channel. The bottom width of the canal would range from about 8 to 10 feet wide. To provide for stable banks, the side slopes of the canals would be 3H:1V or flatter. A patrol road with an aggregate base rock surface would be constructed on the top of the landside (eastern) embankment. Disturbed areas, aside from the lined canal and

patrol road, would be seeded following construction. In addition to the open canal, an approximately 8,500 foot long, 24- to 36-inch diameter pipeline would be constructed immediately east of the new levee footprint in Sacramento River east levee Reaches 15–18B. The Riverside pipeline would allow the relocated canal system to provide irrigation service to the parcels currently served by the Riverside Canal. Following construction, these parcels would be located between the improved levee and the relocated Riverside Canal.

- **Fisherman's Lake Complex**—The proposed project would include development of a mosaic of habitat types in the Central Fishermen's Lake Area, including managed marsh, managed agricultural upland/grassland, and woodlands. These postproject land cover types and associated management practices are proposed to offset the loss of habitat values attributable to on the NLIP improvements. This habitat complex would also help further the following SAFCA objectives for the NLIP:

  - expand the size and biological diversity of The Natomas Basin Conservancy's (TNBC's) preserve complex on the west side of Fisherman's Lake;

  - consolidate management of habitat preserve lands consistent with the Natomas Basin Habitat Conservation Plan;

  - enlarge and enhance existing giant garter snake habitat such as managed marsh, rice, and canal corridors;

  - create native perennial grasslands and preserve and manage field crops suitable for Swainson's hawk foraging; and

  - expand the size and locations of woodland corridors and groves adjacent to Swainson's hawk foraging areas.

The following describes the habitat types that would be created within the Fisherman's Lake Complex:

- **Managed Marsh**—After the completion of borrow activities, soil borrow sites in the vicinity of Fisherman's Lake would be finish graded and planted with native riparian and marsh vegetation by SAFCA to create up to 150 acres of managed seasonal and perennial marsh habitat that would benefit the giant garter snake. Marsh design and management would optimize the values of giant garter snake habitat but minimize the attraction to wildlife species considered to be potentially hazardous to aircraft approaching or departing from runways (e.g., flocks of waterfowl, starlings, pheasants). An essential component of the managed marsh would be procurement of a firm, reliable water supply and good water quality throughout the giant garter snake's active season of April–October. The marsh would be situated near to and functionally connected to TNBC's created marshes in the vicinity of Fisherman's Lake (Natomas Farms and Cummings Preserves), thereby providing for greater contiguous management areas and enhancing the overall habitat value and giant garter snake population resilience of the adjacent preserves.

- **Foraging Habitat**—To compensate for the permanent loss of foraging habitat within the foraging range of potentially impacted Swainson's hawk nest locations, SAFCA would create or preserve in perpetuity foraging habitat for Swainson's hawks and other raptors. This would be primarily achieved by the acquisition and reclamation to cropland of sites used for excavation of soil borrow material in the vicinity of Fisherman's Lake. Crop types and crop rotations would be managed to optimize the seasonal variation of prey availability for Swainson's hawks and other raptors. Foraging habitat of moderate quality would also be provided by managed grassland within the project footprint on levee slopes, berms, and maintenance setbacks.

- **Woodlands**—Woodlands consisting of native riparian and valley oak woodland species would be planted at several sites as a component of the proposed project. The sites would be located within a 100- to 200-foot-wide corridor running generally north-south along the east side of the relocated Riverside Canal.

These woodlands would be intended to provide new nesting opportunities to areas farther inland from the levees where those habitat values have been lost, and to make existing Swainson's hawk foraging habitat on interior agricultural fields more accessible. The sites would also provide connectivity between TNBC preserves, which would also create a larger contiguous area managed for Swainson's hawk than currently exists.

ALTERNATIVES TO THE PROPOSED PROJECT

Because the EIS/EIR for the Phase 4a Project is a joint NEPA/CEQA document, it will fully evaluate the environmental impacts of the Proposed Project and the following two alternatives at an equal level of detail:

- **No-Action Alternative (No-Project Alternative for purposes of CEQA)**—Under NEPA, the expected future without-project conditions; under CEQA, the existing condition at the time the NOP was published (March 27, 2009), as well as what would be reasonably expected to occur in the foreseeable future if the proposed project were not approved. The No-Action Alternative will consist of two components:

  - **No-Project Construction**—The No-Action Alternative in this analysis consists of the conditions that would likely prevail in the Natomas Basin if no action at all were taken by SAFCA, the State, or USACE to further improve the Basin's perimeter levee system beyond the accomplishments of the Sacramento Urban Levee Reconstruction Project; the North Area Local Project; and the NLIP Phase 1, Phase 2, and Phase 3 Projects. Under this scenario, key segments of this system would continue to provide less than 100-year flood protection, and the entire Natomas Basin would be permanently designated as a special flood hazard area subject to development restrictions and mandatory flood insurance requirements pursuant to the regulations of the National Flood Insurance Program. SAFCA would not provide the Natomas Basin with at least a 100-year level of flood protection by the end of 2010 and would not be able to facilitate achieving a "200-year" level of protection by the end of 2012.

  - **Potential Levee Failure**—The same conditions with respect to development within the Natomas Basin as described above for the No-Project Construction component of the No-Action Alternative would exist for the Potential Levee Failure component. Without additional improvements to the Natomas perimeter levee system, wind and wave run-up or seepage conditions could cause portions of this system to fail, triggering widespread flooding and extensive damage to the Basin's existing residential, commercial, agricultural, and industrial structures. Extensive damage to utilities, roadways, and other infrastructure systems would also likely occur. The magnitude of the flood damage would depend upon the location of the levee breach, severity of the storm, and river flows at the time of a potential levee failure.

- **Strengthen-Levee-in-Place Alternative**—All elements of the Strengthen-Levee-In-Place Alternative would be the same as described for the Proposed Action (including the "Other Project Details," described above), except for the method of levee raising and rehabilitation, the extent of levee degrade to construct cutoff walls, and the extent of encroachment removal along the Sacramento River east levee (differences from the Proposed Action are shown in italicized text):

  - **Sacramento River east levee Reaches 10–11B: levee raising and seepage remediation**—*Raise the existing levee and flatten the existing landside slope from Reach 10 through 11B,* and construct cutoff walls *within the existing levee section,* seepage berms, and relief wells where required to reduce seepage potential.

  - **Sacramento River east levee Reaches 12–15: seepage remediation**—*Widen levee crown, flatten landside slopes, construct cutoff walls within the existing levee section,* and construct seepage berms, and relief wells where required to reduce seepage potential.

- **Riverbank erosion control**—*Implement erosion control improvements along approximately 5,400 feet of river bank at the waterside toe of the Sacramento River east levee at River Miles 68.8 through 70.0 (Sites I, J, K, L, and M in Sacramento River east levee Reaches 10–11B).*

- **Waterside vegetation removal**—*In Reaches 13–15 of the Sacramento River east levee, clear waterside vegetation to meet USACE vegetation guidance criteria.*

- **Encroachment management**—*Remove substantial encroachments from the waterside and landside of the Phase 4a Project Sacramento River east levee (Reaches 10–15) to ensure that the levees can be certified as meeting the minimum requirements of the National Flood Insurance Program and USACE encroachment guidance.*

- **Project footprint and soil borrow requirements**—*The Strengthen-Levee-in-Place Alternative would have the same seepage remediation but would widen the Sacramento River east levee by approximately 30 feet less than the Proposed Action. The estimated soil borrow requirement for the Strengthen-Levee-in-Place Alternative would be approximately 4.8 million cubic yards.*

Alternatives that have already been addressed in previous environmental documents for the NLIP will be briefly summarized in the EIS/EIR for the Phase 4a Project and incorporated by reference. These alternatives include the following:

- Yolo Bypass Improvements
- Reduced Natomas Urban Levee Perimeter
- Construction of a New Setback Levee
- Raise Levee in Place with a 1,000-Foot Levee Setback in the Upper 1.4 Miles along the Sacramento River East Levee
- Construct an Adjacent Setback Levee with a 500-Foot Levee Setback in the Upper 1.4 Miles along the Sacramento River East Levee
- No SAFCA Levee Improvements—Private Levees in Natomas

PROBABLE ENVIRONMENTAL IMPACTS OF THE PHASE 4A PROJECT

The EIS/EIR will describe the direct and indirect significant environmental impacts of the Phase 4a Project. The EIS/EIR will also evaluate cumulative effects of the project when considered in conjunction with the other phases of the Landside Improvements Project and other related past, present, and reasonably foreseeable future projects, including other USACE (408 permission) and SAFCA projects.

On the basis of preliminary evaluation, programmatic environmental analyses of the Phase 4a Project in previous NEPA and CEQA documents, and relevant environmental analyses of previous project phases, USACE and SAFCA have determined that the probable environmental effects of the proposed project are as follows:

- **Agricultural Resources:** Conversion of farmland to nonagricultural use; temporary and permanent effects on agricultural productivity.
- **Land Use:** Temporary disturbance and division of an existing community and temporary disruption of commercial activities during construction.
- **Geology and Soils:** Potential for soil erosion or loss of topsoil during construction.

- **Hydrology and Hydraulics:** Minimized flood risk; potential temporary and/or permanent alteration of local drainage patterns; potential effects on groundwater recharge.

- **Water Quality:** Temporary effects on water quality during construction.

- **Biological Resources**; temporary disturbance or permanent loss of woodland habitats and wildlife corridors; temporary disturbance or permanent loss of special-status species habitats; construction disturbance or take of special-status terrestrial species, especially to Swainson's hawk and giant garter snake; and temporary disturbance or permanent loss of jurisdictional waters of the United States.

- **Fish and Aquatic Habitat:** Loss of fish or aquatic habitat through increased sedimentation and turbidity or release of contaminants during construction; and loss of shaded riverine aquatic habitat (SRA).

- **Cultural Resources:** Temporary and/or permanent disturbance of known and unknown historic or archaeological resources.

- **Paleontological Resources:** Potential disturbance of previously undiscovered fossils during earthmoving activities.

- **Transportation and Circulation:** Temporary increase in traffic and traffic hazards on local roadways during construction; temporary closure of roadways, including the Garden Highway for up to 3 months during construction of flood control improvements within the roadway (associated with the Strengthen-in-Place Alternative).

- **Air Quality:** Temporary and short-term increases in pollutant emissions associated with construction activities, including the potential overlap in construction of portions of the Phase 2 and/or Phase 3 Projects with the Phase 4a Project.

- **Noise:** Temporary and short-term increases in noise and vibration levels near sensitive receptors during construction, including the need for 24-hour-per-day, 7-days-per-week construction of the cutoff walls to ensure that construction is completed before the start of flood season.

- **Visual Resources:** Temporary and long-term changes in scenic views or visual character of the project area from the construction of project features and tree/vegetation removal.

- **Utilities and Service Systems:** Temporary disruption of irrigation supply; potential disruption of utility service from construction activities and from the relocation of power poles.

- **Hazards and Hazardous Materials:** Potential spills of hazardous materials during construction; potential exposure to hazardous materials at project sites during construction; potential for higher frequency of collisions between aircraft and wildlife at the Sacramento International Airport during construction and as a result of permanent changes in land cover; and increased exposure to wildland fire risk during construction.

- **Socioeconomics and Population, Employment, and Housing:** Potential displacement of existing housing, especially affordable housing; potential reduction in local or regional employment, and other potential socioeconomic impacts, the analysis of which is required by NEPA.

- **Environmental Justice:** Potential for disproportionately high and adverse effects on minority or low income populations, including Tribal resources, the analysis of which is required by NEPA.

- **Climate Change:** Temporary and short-term generation of greenhouse gas emissions (CO_2) from project construction, including potential overlap with construction of the Phase 2 and/or Phase 3 Projects.

- **Cumulative and Growth-Inducting Impacts:** Potential cumulatively considerable incremental contributions from Phase 4a Project impacts in the areas of agricultural resources, water quality, fisheries, biological resources, cultural resources, air quality, noise, visual resources; potential growth-inducing impacts from construction of the proposed flood-damage reduction improvements, including substantial new permanent employment opportunities, substantial short-term employment opportunities, and removal of an obstacle to additional growth and development in the Natomas Basin.

PUBLIC SCOPING MEETING

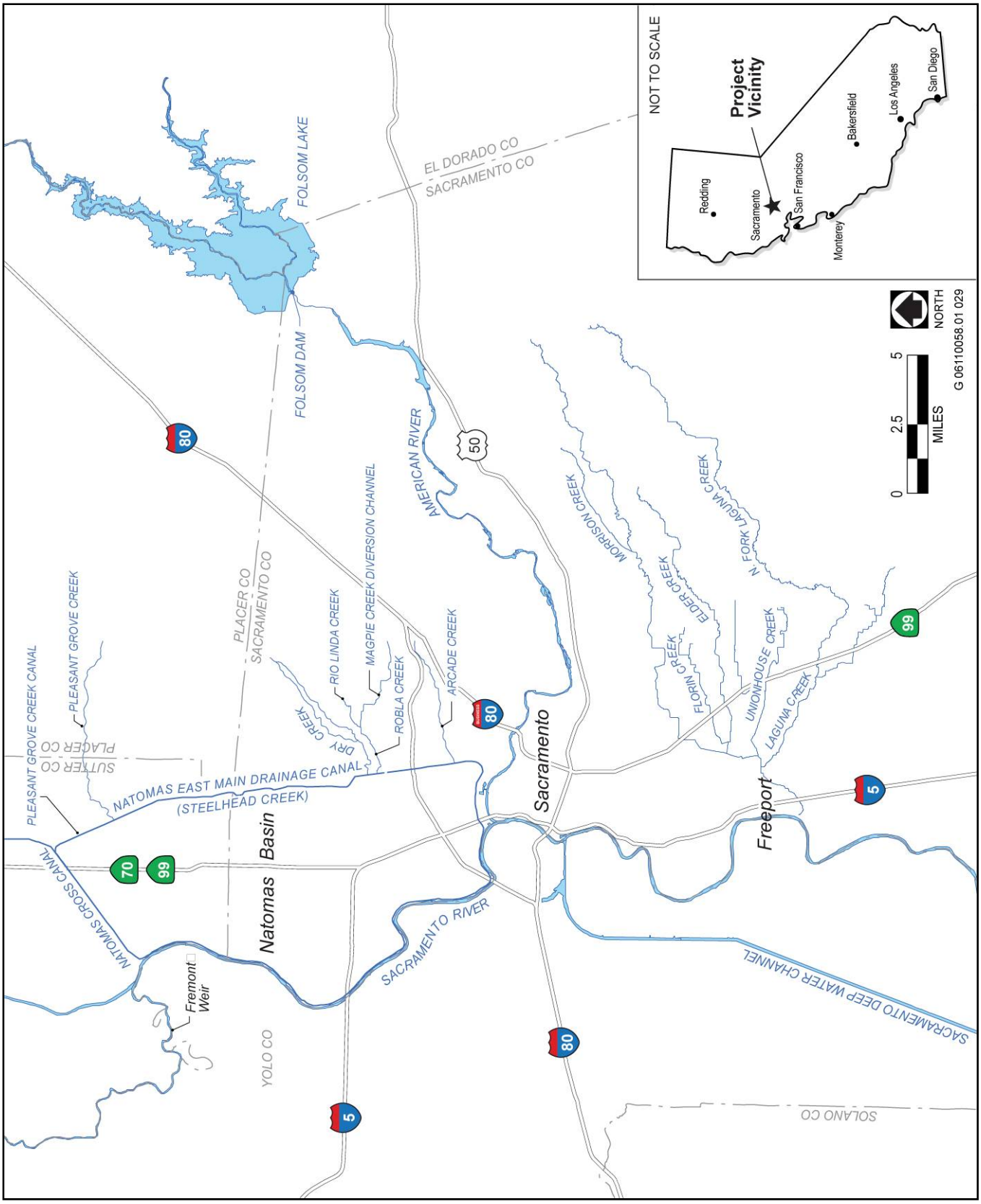
A joint EIS/EIR public scoping meeting, conducted by USACE and SAFCA, will be held to inform interested parties about the proposed project, and to obtain the views of agency representatives and the public on the scope and content of the EIS/EIR. The meeting will be held on April 13, 2009, from 4:30 to 6:30 p.m., at 2921 Truxel Road (South Natomas Community Center) in Sacramento, California.

The meeting will have an open-house format with multiple stations set up to highlight different aspects of the proposed project and the NEPA/CEQA process. Attendees will have the opportunity to ask questions and discuss the project and the EIS/EIR process with project team members and to provide oral and written comments. The meeting space is accessible to persons with disabilities. Individuals needing special assistive devices will be accommodated to the best of our ability. For more information, contact John Bassett with SAFCA at (916) 874-7606 or bassettj@saccounty.net at least 48 hours before the meeting.

PROVIDING COMMENTS ON THE NOP

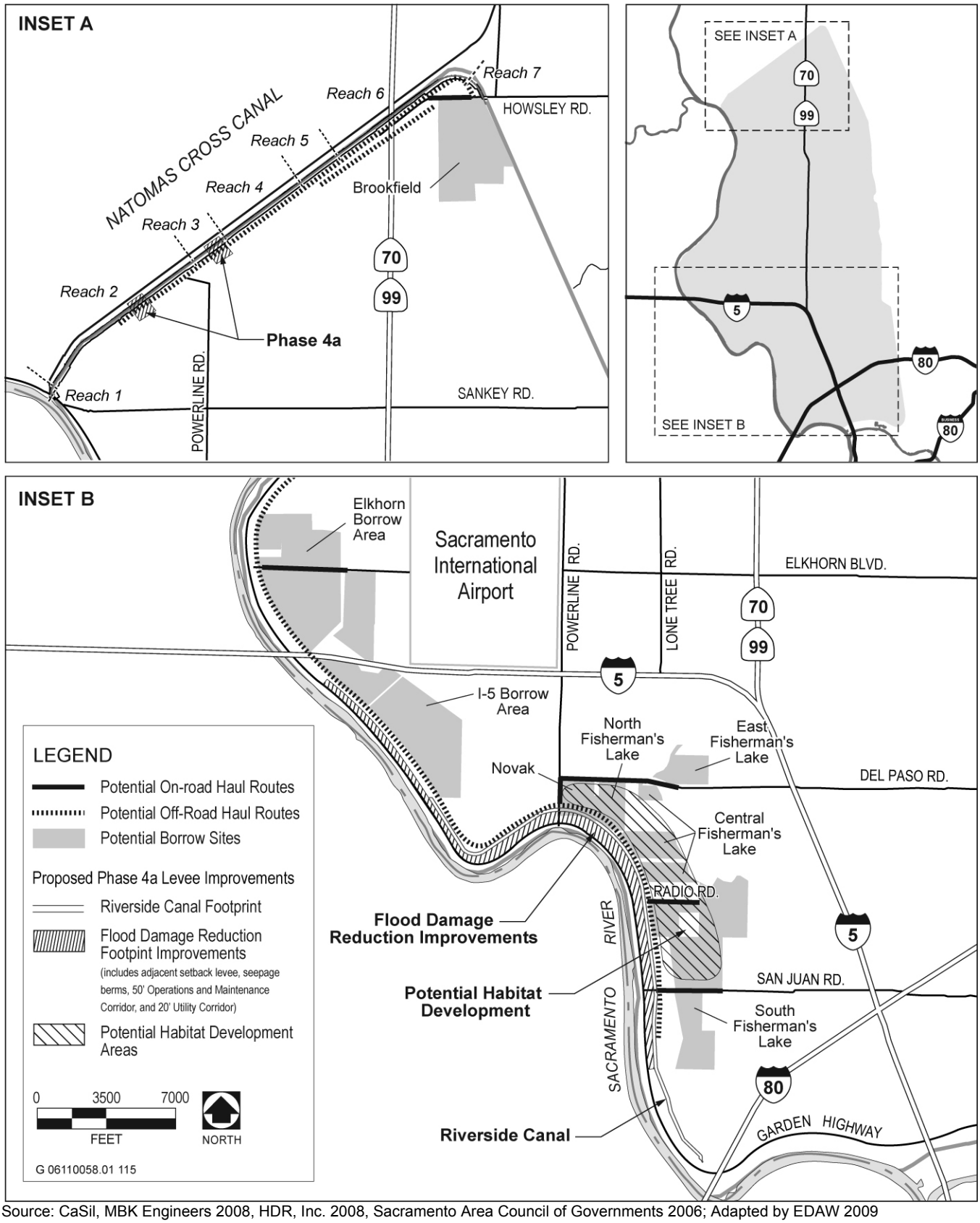
Interested parties may provide written or oral comments on the content and scope of the EIS/EIR at the public scoping meeting or may provide written comments directly to SAFCA. **Written comments must be provided to SAFCA at the earliest possible date, but must be received no later than 5 p.m. on Monday, April 27, 2009**. Agencies that will need to use the EIS/EIR when considering permits or other approvals for the proposed project should provide the name of a contact person. Comments provided by e-mail should include the name and address of the sender. Please send all written and/or e-mail comments on the NOP to:

John Bassett, P.E.
Director of Engineering
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814
Telephone: (916) 874-7606
Fax: (916) 874-8289
E-mail: bassettj@saccounty.net



Source: CaSil, Adapted by EDAW in 2007

Exhibit 1 – Regional Location Exhibit



Source: CaSil, MBK Engineers 2008, HDR, Inc. 2008, Sacramento Area Council of Governments 2006; Adapted by EDAW 2009

Exhibit 2 – Phase 4a Construction Areas

Comments Received

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

FEMA

April 1, 2009

John Bassett, P. E., Director of Engineering
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, California 95814

Dear Mr. Bassett:

This is in response to your request for comments on the Notice of Preparation of an Environmental Impact Statement/Environmental Impact Report on the Natomas Levee Improvement Program, Phase 4a Landside Improvements Project.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the Counties of Sacramento (Community Number 060272), Maps revised December 8, 2009 and Sutter (Community Number 060394), Maps revised December 2, 2008. Please note that the Counties of Sacramento and Sutter, California are participants 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.

- 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 Sacramento County floodplain manager can be reached by calling George H. Booth, Senior Civil Engineer, at (916) 874-6851. The Sutter County floodplain manager can be reached by calling Douglas Gault, Director, Department of Public Works, at (530) 822-7450.

If you have any questions or concerns, please do not hesitate to call Cynthia McKenzie for Sacramento County, at (510) 627-7190 and/or Gregor Blackburn, for Sutter County, at (510) 627-7186, of the Mitigation staff.

Sincerely,

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

cc:
George H. Booth, Senior Civil Engineer, Sacramento County
Douglas Gault, Director, Department of Public Works, Sutter County
Ray Lee, State of California, Department of Public Works, Central District
Cynthia McKenzie, Senior Floodplanner, CFM, DHS/FEMA Region IX
Gregor Blackburn, CFM, Branch Chief, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

U.S. Department of Homeland Security

United States Coast Guard

Commander
District Eleven

U.S. Coast Guard Island, Bldg 50-2
Alameda, CA 94501-5100
Staff Symbol: (dpw)
Phone: (510) 437-3514
Fax: (510) 437-5836

16591
NATOMAS Basin (0.0)
31 Jan 2008

MEMORANDUM

From: David H. Sulouff
Chief, Bridge Section

To: U.S. Army, Corps of Engineers, Sacramento District
Attn: Ms. Elizabeth Holland, Planning Division (CESPK-PD-R)

Subj: PROPOSED NATOMAS LEVEE IMPROVEMENT PROJECT, SACRAMENTO, CA

1. We have reviewed the Corps of Engineers, Federal Register Notice of intent, to prepare an Environmental Impact Statement (EIS), for the subject project. Waterways in the area are subject to tidal influence and considered navigable for bridge permitting purposes. Please include our office on the mailing list and in the NEPA scoping process.

2. Under the provisions of he General Bridge Act of 1946, the proposed location and clearances for bridges over navigable waters of the United States must be approved by the Commandant, U.S. Coast Guard prior to commencing construction of a new bridge or alteration of an existing bridge. A Bridge Permit Application Guide may be obtained via the internet at: http://www.uscg.mil/hq/g-o/g-opt/g-opt.htm

3. The applicant should be directed to contact our office for guidance on the bridge permitting and application process. Applications for bridge permits should be addressed to Commander (dpw), Eleventh Coast Guard District, Building 50-2, Coast Guard Island, Alameda, CA 94501-5100. The Bridge Permit Application must be supported by sufficient information to allow a thorough assessment of the impact of the bridge and its immediate approaches on the environment. We recommend including the proposed impacts of procedures for constructing the bridge, including cofferdams, sand islands, and falsework bents, etc., in the environmental documentation. The environmental document should also contain data on the number, size and types of vessels currently using the waterway, and the potential navigational impacts of the proposed bridge work. This information should be compared with past and projected future trends of navigation on the waterway.

4. We agree to serve as a Cooperating Agency for satisfying NEPA requirements and from a navigational standpoint. The Coast Guard should be listed in the Draft and Final Environmental Impact Statements (EIS), as a Cooperating Agency and we should be given the opportunity to review and provide comments during the NEPA process.

5. We appreciate the opportunity to comment on the project in this early stage.

#

U. S. Coast Guard/Chief of Engineers

Memorandum of Agreement

1. Purpose and Authority:

A. The Department of Transportation Act, the Act of October 15, 1966, P.L. 89-670, transferred to and vested in the Secretary of Transportation certain functions, powers and duties previously vested in the Secretary of the Army and the Chief of Engineers. By delegation of authority from the Secretary of Transportation (49 CFR 1.46(c)) the Commandant, U.S. Coast Guard, has been authorized to exercise certain of these functions, powers and duties relating to bridges and causeways conferred by:

(1) the following provision of law relating generally to drawbridge operating regulations: Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499);

(2) the following law relating generally to obstructive bridges; The Act of June 21, 1940, as amended (Truman-Hobbs Act)(54 Stat. 497; 33 U.S.C. 511 et seq.);

(3) the following laws and provisions of law to the extent that they relate generally to the location and clearances of bridges and causeways in the navigable waters of the United States:

(a) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401);

(b) The Act of March 23, 1906, as amended (34 Stat. 84; 33 U.S.C. 491 et seq.); and

(c) The General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 525 et seq.) except Sections 502(c) and 503.

B. The Secretary of the Army and The Chief of Engineers continue to be vested with broad and important authorities and responsibilities with respect to navigable waters of the United States, including, but not limited to, jurisdiction over excavation and filling, design flood flows and construction of certain structures in such waters, and the prosecution of waterway improvement projects.

C. The purposes of this agreement are:

(1) To recognize the common and mutual interest of the Chief of Engineers and the Commandant, U.S. Coast Guard, in the orderly and efficient administration of their respective responsibilities under certain federal statutes to regulate certain activities in navigable waters of the United States;

(2) To clarify the areas of jurisdiction and the responsibilities of the Corps of Engineers and the Coast Guard with respect to:

(a) the alteration of bridges;

(1) in connection with Corps of Engineers waterway improvement projects; and

(2) under the Truman-Hobbs Act;

(b) the construction, operation and maintenance of bridges and causeways as distinguished from other types of structures over or in navigable waters of the United States;

(c) the closure of waterways and the restriction of passage through or under bridges in connection with their construction, operation, maintenance and removal; and

(d) the selection of an appropriate design flood flow for flood hazard analysis of any proposed water opening.

(3) To provide for coordination and consultation on projects and activities in or affecting the navigable waters of the United States.

In furtherance of the above purposes the undersigned do agree upon the definitions, policies and procedures set forth below.

2. Alteration of Bridges in or Across Navigable Waters Within Corps of Engineers Projects:

A. The Chief of Engineers agrees to advise and consult with the Commandant on navigation projects contemplated by the Corps of Engineers which require the alteration of bridges across the waterways involved in such projects. The Chief of Engineers also agrees to include in such project proposals the costs of alterations, exclusive of betterments, of all bridges within the limits of the designated project which after consultation with the Commandant he determines to require alteration to meet the needs of existing and prospective navigation. Under this concept the federal costs would be furnished under the project.

B. The Commandant of the Coast Guard agrees to undertake all actions and assumes all responsibilities essential to the determination of navigational requirements for horizontal and vertical clearances of bridges across navigable waters necessary in connection with any navigation project by the Chief of Engineers. Further, the Commandant agrees to conduct all public proceedings necessary thereto and establish guide clearance criteria where needed for the project objectives.

3. Alteration of Bridges Under the Truman-Hobbs Act:

The Commandant of the Coast Guard acknowledges and affirms the responsibility of the Coast Guard, under the Truman-Hobbs Act, to program and fund for the alteration of bridges which, as distinct from project related alterations described in paragraph 2 herein, become unreasonable obstructions to navigation as a result of factors or changes in the character of navigation and this agreement shall in no way affect, impair or modify the powers of duties conferred by that Act.

4. Approval, Alteration and Removal of Other Bridges and Causeways:

A. General, Definitions. For purposes of this Agreement and the administration of the statutes cited in 1.A.(3) above, a "bridge" is any structure over, on or in the navigable waters of the United States which (1) is used for the passage or conveyance of persons, vehicles, commodities and other physical matter, and (2) is constructed in such a manner that either the horizontal or vertical clearance, or both, may affect the passage of vessels or boats through or under the structure. This definition includes, but is not limited to, highway bridges, railroad bridges, foot bridges, aqueducts, aerial tramways and conveyors, overhead pipelines and similar structures of like function together with their approaches, fenders, pier protection systems, appurtenances and foundations. This definition does not include aerial power transmission lines, tunnels, submerged pipelines and cables, dams, dikes, dredging and filling in, wharves, piers, breakwaters, bulkheads, jetties and similar structures and works (except as they may be integral features of a bridge and used in its construction, maintenance, operation or removal; or except when they are affixed to the bridge and will have an effect on the clearance provided by the bridge) over which jurisdiction remains with the Department of the Army and the Corps of Engineers under Sections 9 and 10 of the Act of March 3, 1899, as amended (33 U.S.C. 401 and 403). A "causeway" on both sides of the road, and which is constructed in or affects navigation, navigable waters and design flood flows.

B. Combined Structures and Appurtenances. For purposes of the Acts cited in 1.A.(3) above, a structure serving more than one purpose and having characteristics of either a bridge or causeway, as defined in 4.A., and some other structure, shall be considered as bridge or causeway when the structure in its entirety, including its appurtenances and incidental features, has or retains the predominant characteristics and purpose of a bridge or causeway. A structure shall not be considered a bridge or causeway when its primary and predominant characteristics and purpose are other than those set forth above and it meets the general definitions above only in a narrow technical sense as a result of incidental features. This interpretation is intended to minimize the number of instances which will require an applicant for a single project to secure a permit or series of permits from both the Department of Transportation and the Department of the Army for each separate feature or detail of the project when it serves, incidentally to its primary purpose, more than one purpose and has features of either a bridge or causeway and features of some other structure. However, if parts of the project are separable and can be fairly and reasonably characterized or classified in an engineering sense as separate structures, each such structure will be so treated and considered for approval by the agency having jurisdiction thereover.

C. Alteration of the Character of Bridges and Causeways. The jurisdiction of the Secretary of Transportation and the Coast Guard over bridges and causeways includes authority to approve the removal of such structures when the owners thereof desire to discontinue their use. If the owner of a bridge or causeway discontinues its use and wishes to remove or alter any part thereof in such a manner that it will lose its character as a bridge or causeway, the Coast Guard will normally require removal of the structure from the waterway in its entirety. However, if the owner of a bridge or a causeway wishes to retain it in whole or in part for use other than for operation and maintenance as a bridge or causeway, the proposed structure will be considered as coming within the jurisdiction of the Corps of Engineers. The Coast Guard will refer requests for such uses to the Corp of Engineers for consideration. The

Corps of Engineers agrees to advise the Commandant of the receipt of an application for approval of the conversion of a bridge or causeway to another structure, no residual jurisdiction over the structure will remain with the Coast Guard. However, if the Corps of Engineers does not approve the proposed conversion, then the structure remains a bridge subject to the jurisdiction of the Coast Guard.

5. Closure of Waterways and Restriction of Passage through or under Bridges:

Under the statutes cited in Section 1 of this Memorandum of Agreement, the Commandant must approve the clearances to be made available for navigation through or under bridges. It is understood that this duty and authority extends to and may be exercised in connection with the construction, alteration, operation, maintenance and removal of bridges, and includes the power to authorize the temporary restriction of passage through or under a bridge by use of falsework, piling, floating equipment, closure of draws, or any works or activities which temporarily reduce the navigation clearances and design flood flows, including closure of any or all spans of the bridge. Moreover, under the Ports and Waterways Safety Act of 1972, Public Law 92-340, 86 Stat. 424, the Commandant exercises broad powers in waterways to control vessel traffic in areas he determines to be especially hazardous and to establish safety zones or other measures for limited controls or conditional access and activity when necessary to prevent damage to or the destruction or loss of, any vessel, bridge, or other structure on or in the navigable waters of the United States. Accordingly, in the event that work in connection with the construction, alteration or repair of a bridge or causeway is of such a nature that for the protection of life and property navigation through or in the vicinity of the bridge or causeway must be temporarily prohibited, the Coast Guard may close that part of the affected waterway while such work is being performed. However, it is also clear that the Secretary of the Army and the Chief of Engineers have the authority, under Section 4 of the Act of August 18, 1894, as amended, (33 U.S.C. 1), to prescribe rules for the use, administration and navigation of the navigable waters of the United States. In recognition of that authority, and pursuant to Section 102(c) of the Ports and Waterways Safety Act, the Coast Guard will consult with the Corps of Engineers when any significant restriction of passage through or under a bridge is contemplated to be authorized or a waterway is to be temporarily closed.

6. Coordination and Cooperation Procedures.

A. District Commanders, Coast Guard Districts, shall send notices of applications for permits for bridge or causeway construction, modification, or removal to the Corps of Engineers Divisions and Districts in which the bridge or causeway is located.

B. District Engineers, Corps of Engineers, shall send notices of applications for permits for other structures or dredge and fill work to local Coast Guard District Commanders.

C. In cases where proposed structures or modifications or structures do not clearly fall within one of the classifications set forth in paragraph 4.A above, the application will be forwarded with recommendations of the reviewing officers through channels to the Chief of Engineers and the Commandant of the Coast Guard who shall, after mutual consultation, attempt to resolve the questions.

D. If the above procedures fail to produce agreement, the application will be forwarded to the Secretary of the Army and Secretary of Transportation for their determination.

E. The Chief of Engineers and the Commandant, U. S. Coast Guard, pledge themselves to mutual cooperation and consultation in making available timely information and data, seeking uniformity and consistency among field offices, and providing timely and adequate review of all matters arising in connection with the administration of their responsibilities governed by the Acts cited herein.

DATE: ---- 03/21/73 ------ SIGNED: C. R. BENDER /S/

DATE: 18 APRIL 1973 SIGNED: F. J. CLARKE /S/

NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF AND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

FACSIMILIE COVER SHEET

DATE: **June 26, 2008**

TO: **Mr. John Bassett**
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

FAX (916) 874-8289

FROM: **Jacquelyn Ramsey** Phone (916) 324-0850

(916) 323-2379 Fax: (916) 327-3430
Website: www.conservation.ca.gov/dlrp

Number of Pages (including cover): **1**

MESSAGE: **The Department of Conservation received the intends Following document on April 16, 2009:Natomas Levee Improvement Program, Phase Landside Improvements Notice of Preparation (NOP) SCH 2009032097 and intends to forward comment by COB 04/28/09. Please feel free to contact me at the telephone number noted above with any questions.**

NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

June 4, 2009

VIA FACSIMILE (916) 874-8289
Mr. John Bassett
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814

Dear Mr. Bassett:

Subject: Notice of Preparation (NOP) for the Sacramento Area Flood Control Agency Natomas Levee Improvement Program, Phase 4a Landside Improvement Projects - **SCH# 2009032097**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above NOP and offers the following recommendations for the Environmental Impact Report (EIR) with respect to the project's potential impacts on agricultural land.

The overall purpose of the Natomas Levee Improvement Program (NLIP) is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and State standards for levees protecting urban areas. The Phase 4a Project is a component of the NLIP, and consists of improvements to a portion of the Natomas Basin's perimeter levee system and associated landscape and irrigation/drainage infrastructure modifications.

The following items should be addressed in the EIR with respect to the project's potential impacts on agricultural land:

The Agricultural Setting of the Project

- Location and extent of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and other types of farmland in and adjacent to the project area.
- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values.

To help describe the full agricultural resource value of the soils on the site, the Department recommends the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely projects in the future.

Under California Code of Regulations § 15064.7, impacts on agricultural resources may be quantified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at:

http://www.consrv.ca.gov/DLRP/qh_lesa.htm

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with California Environmental Quality Act (CEQA) Guidelines §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should be conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

Other forms of mitigation may be appropriate for this project, including:

- Protecting farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use such as 20-year Farmland Security

Zone contracts (Government Code § 51296 et seq.) or 10-year Williamson Act contracts (Government Code § 51200 et seq.).

- Directing a mitigation fee to invest in supporting the commercial viability of the remaining agricultural land in the project area, County or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website. The Division's website address is:

http://www.conservation.ca.gov/dlrp/index.htm

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Williamson Act Lands

Under California Code of Regulations §15206(b)(3), a project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres. Since lands under Williamson Act contracts and/or in agricultural preserves exist in the project area, the Department recommends that the following information be provided in the Draft EIR (DEIR):

- A map detailing the location of agricultural preserves and contracted land within each preserve. The DEIR should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- A discussion of Williamson Act contracts that may be terminated in order to implement the project. The DEIR should discuss the probable impacts on nearby properties resulting from the termination of adjacent Williamson Act contracts. For example, a termination of a Williamson Act contract may have a growth-inducing impact. In other words, a termination may not only lift a barrier to development, but also result in higher property taxes, and thus, an incentive to shift to a more intensive land use, such as urban development.
- If portions of the planning area are under Williamson Act contracts (and will continue to be under contract after project implementation), the DEIR should discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code §§ 51238 - 51238.3. Otherwise, contract termination (see paragraph above) must occur prior to the initiation of the land use.
- An agricultural preserve is a zone authorized by the Williamson Act and established by the local government to designate qualified land to be placed under the Williamson Act's 10-year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Under Government Code § 51230, "An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the

effective date of any contract on land within the preserve be restricted by zoning, including appropriate minimum parcel sizes that are at a minimum consistent with this chapter, in such a way as not to be incompatible with the agricultural use of the land." Therefore, the DEIR should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.

Public Agency Land Acquisition and Williamson Act Contracts

The environmental documents indicate that the project would result in unavoidable impacts (direct and indirect) as the result of the conversion of important farmland to nonagricultural uses.

The notification provisions of the Williamson Act (Government Code §51291(b), enclosed) require an agency to notify the Director of the Department when it appears that land enrolled in a Williamson Act contract may be required for a public improvement. The notice should be mailed to Bridget Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street, MS 18-01, Sacramento, CA 95814.

Any acquisition of contracted land by a public agency must meet the requirements set forth in Government Code §§ 51290 to 51295. The property must be acquired in accordance with eminent domain law by eminent domain or in lieu of eminent domain in order to void the contract (Gov. Code §51295).

Thank you for giving us the opportunity to comment on this NOP. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Jacquelyn Ramsey, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 323-2379.

Sincerely

Dan Otis
Williamson Act Program Manager

Enclosure

cc: State Clearinghouse

Sloughhouse RCD
9701 Dino Dr., #170
Elk Grove, CA 95624

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(916) 574-1814**
Contact FAX: **(916) 574-1885**

April 8, 2009

File Ref: SCH# 2009032097

John Bassett
Sacramento Area Flood Control Agency
1007 7th Street 7th Floor
Sacramento, CA 95814

Subject: Notice of Preparation (NOP) for the Natomas Levee Improvement Program, Phase 4a Landside Improvements Project, Draft Environmental Impact Report (DEIR) Sacramento and Sutter Counties.

Dear Mr. Bassett:

Staff of the California State Lands Commission (CSLC) has reviewed the notice of preparation (NOP) for the draft environmental impact report (DEIR) and offers the following comments. Under the California Environmental Quality Act (CEQA), the Sacramento Flood Control Agency (SAFCA) is the lead agency and the CSLC is a Responsible and a Trustee Agency.

By way of background, the State acquired sovereign ownership of all tidelands, submerged lands, and beds of navigable waterways upon its admission to the United States in 1850. Known as "sovereign lands," these lands include tide and submerged lands adjacent to the entire coast, the offshore islands, and the inland bays and estuaries of the State from the ordinary high water mark to three nautical miles offshore. The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable river, sloughs, lakes, etc. The CSLC retains residual and review authority for sovereign lands legislatively granted in trust to local jurisdictions. All granted and ungranted lands are subject to the Public Trust easement, such that restrictions on the use of tide and submerged lands apply in order for the State to maintain the lands for waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The State's sovereign land interests are under the jurisdiction of the CSLC.

Please provide greenhouse gas emissions information consistent with the California Global Warming Solutions Act (AB 32) and subsequent legislation. This would include a determination of the greenhouse gases that will be emitted as a result of construction and ongoing operations and maintenance, a determination of the significance of the impact, and mitigation measures to reduce that impacts.

Depending on the final alternative selected for the Project, use of sovereign land may be involved. The use of any sovereign lands for any part of the Project requires that the applicant first obtain a lease from the Commission.

If you have any questions regarding Commission jurisdiction, please contact Mary Hays, Public Land Manager, at (916) 574-1812 or by e-mail at haysm@slc.ca.gov. If you have any questions regarding environmental issues, please contact Steven Mindt at (916) 574-1497 or by e-mail at mindts@slc.ca.gov.

Sincerely,

Gail Newton, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044
Mary Hays, CSLC
Steven Mindt, CSLC

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

March 27, 2009

To: Reviewing Agencies

Re: Natomas Levee Improvement Program, Phase 4a Landside Improvements Project
SCH# 2009032097

Attached for your review and comment is the Notice of Preparation (NOP) for the Natomas Levee Improvement Program, Phase 4a Landside Improvements 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:

John Bassett
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
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
Assistant Deputy Director & Senior Planner, State Clearinghouse

Attachments
cc: Lead Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009032097
Project Title Natomas Levee Improvement Program, Phase 4a Landside Improvements Project
Lead Agency Sacramento Area Flood Control Agency

Type NOP Notice of Preparation

Description The overall purpose of the Natomas Levee Improvement Program (NLIP) is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas. The Phase 4a Project - a component of the NLIP-consists of improvements to a portion of the Natomas Basin's perimeter levee system and associated landscape and irrigation/drainage infrastructure modifications.

Lead Agency Contact

Name John Bassett
Agency Sacramento Area Flood Control Agency
Phone (916) 874-7606 **Fax**
email
Address 1007 7th Street, 7th Floor
City Sacramento **State** CA **Zip** 95814

Project Location

County Sacramento, Sutter
City Sacramento
Region
Cross Streets Various
Lat / Long 38° 41' N / 121° 36' W
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 5, 99, 80
Airports Sacramento International
Railways
Waterways Sacramento & American Rivers, Natomas Cross Canal, Pleasant Grove Creek Canal, Natomas East Main
Schools
Land Use
Various, including flood damage reduction facilities, agriculture, residential, and public right-of-way

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

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

Date Received 03/26/2009 **Start of Review** 03/27/2009 **End of Review** 04/27/2009

Note: Blanks in data fields result from insufficient information provided by lead

NOP Distribution List

County: Sacramento, Sutter

SCH# [redacted]

Resources Agency

- [x] **Resources Agency** Nadell Gayou
- [x] **Dept. of Boating & Waterways** Mike Sotelo
- [ ] **California Coastal Commission** Elizabeth A. Fuchs
- [ ] **Colorado River Board** Gerald R. Zimmerman
- [x] **Dept. of Conservation** Rebecca Salazar
- [ ] **California Energy Commission** Dale Edwards
- [ ] **Cal Fire** Allen Robertson
- [x] **Office of Historic Preservation** Wayne Donaldson
- [x] **Dept of Parks & Recreation** Environmental Stewardship Section
- [x] **Central Valley Flood Protection Board** Jon Yego
- [ ] **S.F. Bay Conservation & Dev't. Comm.** Steve McAdam
- [x] **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
- [x] **Fish & Game Region 2** Jeff Drongesen
- [ ] **Fish & Game Region 3** Robert Floerke
- [ ] **Fish & Game Region 4** Julie Vance
- [ ] **Fish & Game Region 5** Don Chadwick Habitat Conservation Program
- [ ] **Fish & Game Region 6** Gabrina Gatchel Habitat Conservation Program
- [ ] **Fish & Game Region 6 I/M** Gabrina Getchel Inyo/Mono, Habitat Conservation Program
- [ ] **Dept. of Fish & Game M** George Isaac Marine Region

Other Departments

- [x] **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
- [x] **Office of Emergency Services** Dennis Castrillo
- [ ] **Governor's Office of Planning & Research** State Clearinghouse
- [x] **Native American Heritage Comm.** Debbie Treadway
- [ ] **Public Utilities Commission** Leo Wong
- [ ] **Santa Monica Bay Restoration** Guangyu Wang
- [x] **State Lands Commission** Marina Brand
- [ ] **Tahoe Regional Planning Agency (TRPA)** Cherry Jacques

Business, Trans & Housing

- [ ] **Caltrans - Division of Aeronautics** Sandy Hesnard
- [ ] **Caltrans - Planning** Terri Pencovic
- [x] **California Highway Patrol** Scott Loetscher 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
- [x] **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** Chris Herre

Cal EPA

Air Resources Board

- [ ] Airport Projects Jim Lerner
  - [ ] Transportation Projects Douglas Ito
  - [ ] Industrial Projects Mike Tollstrup
- [ ] **California Integrated Waste Management Board** Sue O'Leary
- [ ] **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 Resouces Control Board** Steven Herrera 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 Documen Coordinator San Francisco Bay Regio (2)
- [ ] **RWQCB 3** Central Coast Region (3)
- [ ] **RWQCB 4** Teresa Rodgers Los Angeles Region (4)
- [x] **RWQCB 5S** Central Valley Region (5)
  - [ ] **RWQCB 5F** Central Valley Regio (5) Fresno Branch Offic
  - [ ] **RWQCB 5R** Central Valley Regio (5) Redding Branch Offi e
- [ ] **RWQCB 6** Lahontan Region (6)
  - [ ] **RWQCB 6V** Lahontan Region (6) Victorville Branch O ice
- [ ] **RWQCB 7** Colorado River Basin Re on (7)
- [ ] **RWQCB 8** Santa Ana Region (8)
- [ ] **RWQCB 9** San Diego Region (9)

- [ ] **Other** _____

Last Updated on 03/24/2009

Municipal Services Agency

Department of Transportation
Michael J. Penrose, Director

Terry Schutten, County Executive
Paul J. Hahn, Agency Administrator

County of Sacramento

April 6, 2009

John Bassett
Director of Engineering
Sacramento Area Flood Control Agency
1007 Seventh Street, 7th Floor
Sacramento, CA 95814

SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS)/ENVIRONMENTAL IMPACT REPORT (EIR) ON THE NATOMAS LEVEE IMPROVEMENT PROGRAM PHASE 4A LANDSIDE IMPROVEMENTS PROJECT.

Dear Mr. Bassett:

The Sacramento County Department of Transportation (SACDOT) has reviewed the NOP for the above referenced project. We appreciate the opportunity to review this document and have the following comments to offer:

- The project proposes truck haul routes to access borrow and levee improvement sites via the County's rural roadways. As shown in Exhibit 2 – Phase 4a Construction Areas, the potential on-road haul routes are Elkhorn Blvd, Powerline Road, Del Paso Road, Radio Road and San Juan Road. The project would add significant amounts of truck traffic to these rural roads and would result in an impact to the existing pavement structure. Typically, rural area pavement sections were designed to carry low traffic volumes. The project construction truck traffic would shorten the life of the pavement section and possibly result in damage to these roadways. We would ask that the project proponent enter into a maintenance agreement with the Maintenance and Operations Section of SACDOT. This agreement shall cover the maintenance and repair of any roadway damaged by the project's construction activities.

- The proposed roadway closure and detour plans shall be coordinated with SACDOT staff.

- The project would result in a change of geometrics at the side street intersections with the Garden Highway. These roadways include Elkhorn Road, Road Power Line Road, Radio Road, and San Juan Road. The project proponent shall coordinate the proposed improvement plans with SACDOT staff.

- We are currently working with SAFCA staff to include the recreational Bike/pedestrian path in the project description of the phase 4B DEIS/DEIR. SACDOT will provide the project description for the bike/pedestrian path to the SAFCA staff in a timely manner.

- Power pole relocation shall be coordinated with SMUD and SACDOT to avoid conflicts with the intended bike/pedestrian path.

Should you have any questions, please feel free to contact me at (916) 874-6121 or Kamal Atwal at (916) 875-2844

Sincerely,

Kamal Atwal

for Dean Blank, P.E.
Principal Civil Engineer
Department of Transportation

DB:ka

c: Dan Shoeman, DOT
Matt Darrow, DOT
Kamal Atwal, DOT
Ron Vicari, DOT
Rizaldy Mananquil, DOT
Steve Hong, County Engineering
Tricia Stevens, Planning and Community Development Department

Henningsen, Sarah

From: Bassett. John (MSA) [bassettj@SacCounty.NET]
Sent: Monday, April 06, 2009 11:59 AM
To: Rader, David; Dunn, Francine; Henningsen, Sarah; Holland, Elizabeth G SPK
Subject: FW: SAFCA NLIP Phase 4a Landside Improvements - Notice of Preparation

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From: Neal Hay [mailto:NHay@co.sutter.ca.us]
Sent: Monday, April 06, 2009 11:37 AM
To: Bassett. John (MSA)
Cc: Al Sawyer
Subject: SAFCA NLIP Phase 4a Landside Improvements - Notice of Preparation

Mr. Bassett, Director of Engineering,

We would request that in the development of the EIS / EIR for the above mentioned project, please mention the existing agreement between Sutter County and SAFCA for road repairs dated August 21, 2008 as a mitigation measure.

Neal P Hay PE
Associate Civil Engineer
Sutter County
530-822-4402 Direct

From: Bassett. John (MSA)
To: Henningsen, Sarah; Rader, David; Dunn, Francine; Holland, Elizabeth G SPK; Dadey, Kathleen A SPK;
Subject: FW: Comments on Notice of Preparation(NOP) for EIR/ EIS for Phase4a Landside Improvements
Date: Friday, May 01, 2009 3:34:51 PM

-----Original Message-----
From: Ryan Moore [mailto:rtMoore@cityofsacramento.org]
Sent: Friday, May 01, 2009 7:30 AM
To: Bassett. John (MSA)
Subject: Comments on Notice of Preparation(NOP) for EIR/EIS for Phase4a Landside Improvements

Dear John,

Thank you for the opportunity to comment on SAFCA's NOP to improve the Natomas Levees along the Sacramento River. While the project scope appears to be primarily in the unincorporated area of Sacramento County. Here are the City of Sacramento Department of Transportation comments.

1. There is a proposal to close the Garden Highway for 3 months during construction. The EIR/EIS should assess the impacts to residents, businesses and emergency response. Any closure that could affect the City's portion of the Garden Highway needs to be reviewed and approved by the City.

2. The project requires haul routes on Del Paso Road and San Juan Road. The EIR/EIS should assess any noise and dust impacts of haul trucks to adjacent neighborhoods. For any haul routes on City streets, the City needs to review and approve the haul routes to minimize impacts to the community and prevent pavement and bridge damage.

Thanks again for the opportunity to review

Ryan Moore, P.E.
City of Sacramento
Department of Transportation
Funding & Project Development
(916) 808-8279

---

and permanently delete the original and any copies of this email and any attachments thereto.

RIO LINDA AND ELVERTA RECREATION AND PARK DISTRICT

810 Oak Lane, Rio Linda, CA 95673
(916)991-5929 Fax (916) 991-2892
RLEparkdistrict@rcip.com

April 21, 2009

John Bassett, P.E., Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, CA 95814

Regarding the scoping comments due by April 27, 2009 on the Natomas Levee Improvement Program, Phase 4 Landside Improvements.

A major portion of this project is within the boundaries of the Rio Linda Elverta Recreation and Park District.

The Rio Linda Elverta Recreation and Park District would very much like to be involved in the work being done within our park district boundaries in Southeast of Highway 99, North of Elkhorn Blvd.

Please continue to keep us informed so we may better represent our citizens.

Please address correspondence to:

Don Schatzel
810 Oak Lane
Rio Linda, CA 95673
Fax 916-991-2892
Dons@rcip.com
916-991-8110

Thank you.

From: Bassett. John (MSA)
To: Henningsen, Sarah; Rader, David; Dunn, Francine; Holland, Elizabeth G SPK; Dadey, Kathleen A SPK;
Subject: FW: Natomas Levee Improvement Program (Phase 4a Project) NOP
Date: Friday, May 01, 2009 4:09:55 PM

From: Walt Seifert [mailto:bikesaba@gmail.com]
Sent: Monday, April 20, 2009 5:16 PM
To: Bassett. John (MSA)
Cc: Klinker. Dan (MSA)
Subject: Natomas Levee Improvement Program (Phase 4a Project) NOP

John Bassett, Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, CA 95814

RE: Natomas Levee Improvement Program (Phase 4a Project) NOP

Dear Mr. Bassett:

Thank you for the opportunity to comment on the Notice of Preparation for the EIR/EIS on the NLIP Phase 4a Project. We are concerned with impacts of the project's construction activities on bicycle transportation and recreation along the Garden Highway in levee reaches 10 - 15 and at the access points to this important bicycle route. We understand that the project's construction activities will occur predominantly east of the existing levee with minimal traffic disruption on Garden Highway itself. We offer the following comments.

- The EIR/EIS should acknowledge that bicycle use for utilitarian transportation (e.g. commuting) and for recreation occurs on the Garden Highway in the project area.

- Impacts on bicycle transportation and recreation should be addressed as part of a strong traffic management and safety plan that includes safety and control measures, review of the plan by the Sacramento County Bicycle Coordinator, and effective signage and notification. For example, when construction is anticipated to disrupt traffic at the Garden Highway junctions with Powerline Road and San Juan Road, early noticing should be sent to local bicycle organizations for posting on their websites and effective signage about detour routes should be posted.

SABA is an award-winning nonprofit organization with more than 1400 members. We represent bicyclists. Our aim is more and safer trips by bike. We are working for a future in which bicycling for everyday transportation is common because it is safe, convenient, and desirable. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient, and least congesting form of transportation.

Thank you for considering our requests.

Yours truly,

Jordan Lang
Project Assistant

Cc: Dan Klinker, Sacramento County Bicycle Coordinator

Forwarded by:
Walt Seifert
Executive Director
Sacramento Area Bicycle Advocates (SABA)

(916) 444-6600
saba@sacbike.org
www.sacbike.org
"SABA represents bicyclists. Our aim is more and safer trips by bike."

US Army Corps of Engineers ®
Sacramento District

SAFCA
Sacramento Area Flood Control Agency

Natomas Levee Improvement Program
Phase 4a Landside Improvements Project

Public Scoping Meeting for Phase 4a EIS/EIR Comment Sheet

Comments may be submitted at the Public Scoping Meeting on April 13, 2009 or provided to the U.S. Army Corps of Engineers or the Sacramento Area Flood Control Agency **no later than 5:00 p.m. on April 27, 2009**. If sending comments, please address to:

Elizabeth Holland, Planning Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814
Telephone: (916) 557-6763
E-mail: Elizabeth.G.Holland@usace.army.mil

Or

John Bassett, Director of Engineering
Sacramento Area Flood Control Agency
1007 Seventh Street, 7th Floor
Sacramento, CA 95814
Telephone: (916) 874-7606
Fax: (916) 874-8289
E-mail: BassettJ@saccounty.net

Name: Myles Butler
Organization: Wickland Pipelines LLC
Mailing Address: PO Box 13648
Sacramento, CA 95853
E-mail: mbutler@wickland.com

Comment: Wickland Pipelines LLC is the owner and operator of a 10 mile long 12" jet fuel pipeline which supplies jet fuel to the Sacramento airport. A portion of our pipeline including a critical isolation block valve is located in reach 11B. We understand from Blake Johnson at HDR and David Rader at EDAW that improvements to the levee in 11B amount to construction of a seepage berm and the realignment of the Riverside Canal. As we currently understand the nature of this work the depth of cover above our pipeline may be decreased, heavy weight construction equipment may be operating over our pipeline and the grade at our isolation block valve may be increased by as much as 6' requiring modification of our equipment. Blake Johnson and Christopher Krivanec at HDR have both discussed these concerns with us. To date we consider our issues with the construction of the seepage berm issues that can be addressed with appropriate planning and engineering.

Please contact us if we may be of assistance.
Myles Butler
GM Wickland Pipelines LLC

916-978-2421
916-710-0287

Please use reverse side of page or use additional sheets as needed

US ARMY CORPS OF ENGINEERS
NATOMAS LEVEE IMPROVEMENT PROGRAM
PHASE 4A LANDSIDE IMPROVEMENTS PROJECT
PUBLIC SCOPING MEETING

South Natomas Community Center
2921 Truxel Road
Sacramento, CA
MONDAY, APRIL 13TH 2009 - 4:30 P.M.

---OOO---

ANGIE M. MATERAZZI, CSR 13116
_____
JAN BROWN & ASSOCIATES
CERTIFIED SHORTHAND REPORTERS
701 BATTERY STREET, 3RD FLOOR, SAN FRANCISCO, CA 94111
(415) 981-3498

P U B L I C S P E A K E R S

ED BIANCHI

---o0o---

APRIL 13TH, 2009 - MONDAY 4:30 P.M.

---O0O---

ED BIANCHI: I'm concerned about the width of the footprint south of Teal Bend Golf Course. It

turns out about 450 feet and there's woodland area and other structures that I don't believe have to be that wide to actually protect the levee. I'm still intending to farm that and I want to be able to have all the ground that's there to be able to still farm it.

Some of the slope on the east side of the irrigation ditch where they want to put managed grassland will have to be compatible with agriculture. The woodland area between the levee and the ditch is not acceptable either with a lot of different reasons and will make a habitat for squirrels and rodents. I have some real concerns about the way that's being presented. When I was originally told, it was only a slope and a ditch. Now, it's woodland habitat and maintenance roads and corridors for power lines. It's way over what they planned out for what's needed.

Concerning the borrow site, if they continue with what they got planned, they are going to put me out of business and they will have find me a new

location to farm. I'm not ready to retire for another to years, so they'll have to supplemental me.

(Whereupon, the proceedings concluded at 6:30 p.m.)

State of California)
)ss.
County of Sacramento)

I, Angie M. Materazzi, a Certified Shorthand Reporter of the State of California, do hereby certify that the foregoing proceedings were reported by me, a disinterested person, and thereafter transcribed under my direction into typewriting and is a true and correct transcription of said proceedings. I further

certify that I am not of counsel or attorney for either or any of the parties in the foregoing proceedings and caption named, nor in any way interested in the outcome of the cause named in said caption.

Dated the 27th day of April, 2009.

_____

ANGIE MATERAZZI CSR NO. 13116

US Army Corps of Engineers ®
Sacramento District

SAFCA
Sacramento Area Flood Control Agency

Natomas Levee Improvement Program
Phase 4a Landside Improvements Project

Public Scoping Meeting for Phase 4a EIS/EIR Sign-in Sheet

South Natomas Community Center
2921 Truxel Road, Sacramento, CA

Monday, April 13, 2009, 4:30–6:30 p.m.

PLEASE LIST YOUR NAME, ANY AGENCY OR ORGANIZATION YOU REPRESENT, AND E-MAIL OR MAILING ADDRESS IF YOU WOULD LIKE TO RECEIVE INFORMATION ON THIS PROJECT IN THE FUTURE	
MYLES BUTLER WICKLAND PIPELINES MBUTLER@WICKLAND.COM	KEN FRITZ 9357 Honeywood CT ORANGEVALE CA 95662 KENHFRITZ@SBCGLOBAL.NET
Ed Bianchi 7050 Marden Hy SAC CA 95831	Amy Young Cal. Dept. Water Resources ayoung@water.ca.gov
FRANCES TENNANT 2196 GARDEN HW SAC. CA 95833 francestenn@yahoo.com	Paul Devereux RD1000
KEITH SEEGMILLER 2598 GARDEN HWY SACTO, CA 95833 (916) 920-1891	
RALPH HANTS 6801 W. ELKHORN SACRAMENTO 916-925-8334	
Gibson Howell 3551 Garden Hwy Sac, CA 95834	

Congresswoman Matsui
Mayor Johnson
Councilman Dickerson, Council members.
Call Kurtis at Channel 13 Call Channel 3
Call Channel 10 Call Channel 40

Re: The treatment by SAFCA of the people on Garden Highway

SAFCA has at every public meeting assured the audience that they intend to repair the levees with as little impact as possible to the people whose lives are affected by their actions. **This is definitely not true.**

I am 67 years old and have lived in my home on Garden Highway for 56 years, since I was 11 years old. I care for 3 disabled family members who live next door. I would be happy to live there the rest of my life.

However, SAFCA intends to take my home by eminent domain. They say it is too close to the levee but there are at least 5 houses in a housing development a few hundred feet down the road that will not be taken. They did an appraisal of my home without my permission or my knowledge. They based the appraisal on square footage alone. They did not even have the correct square footage and not one of the so called comparable sales was on Garden Highway, they were in Rio Linda. Land prices are definitely different in Rio Linda than they are on Garden Highway. They did not take into consideration the price of the land, the many custom features of my home or the garden, the landscaping, the garage, the driveway, the septic tank or the well.

I gave them a notebook with estimates for the price of replacing what they are taking from me. This would enable me to stay by my disabled relatives and care for them. They have chosen to ignore this information and have offered me an amount that is not even half enough to purchase land, let alone rebuild my home and garden. They have advised me to contact an attorney to try and get enough money to replace my home. If I do so, the attorney will take one third of what they give me and I still will not have enough money to rebuild my home. **I do not want millions of dollars or a mansion; I just want them to replace what they are taking from me.**

I am hoping that people will be appalled at what they are attempting to do and will help me fight.

Sincerely,
Frances Tennant
2196 Garden Highway
Sacramento, CA 95833
(916)922-6080
francestenn@yahoo.com

US Army Corps of Engineers ®
Sacramento District

SAFCA
Sacramento Area Flood Control Agency

Natomas Levee Improvement Program
Phase 4a Landside Improvements Project

Public Scoping Meeting for Phase 4a EIS/EIR Comment Sheet

Comments may be submitted at the Public Scoping Meeting on April 13, 2009 or provided to the U.S. Army Corps of Engineers or the Sacramento Area Flood Control Agency **no later than 5:00 p.m. on April 27, 2009**. If sending comments, please address to:

Elizabeth Holland, Planning Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814
Telephone: (916) 557-6763
E-mail: Elizabeth.G.Holland@usace.army.mil

Or

John Bassett, Director of Engineering
Sacramento Area Flood Control Agency
1007 Seventh Street, 7th Floor
Sacramento, CA 95814
Telephone: (916) 874-7606
Fax: (916) 874-8289
E-mail: BassettJ@saccounty.net

Name: FRANCES TENNANT
Organization: HOME OWNER - GARDEN HW
Mailing Address: 2196 GARDEN HIGHWAY
SAC, CA 95833
E-mail: francestenn@yahoo.com

Comment: SAFCA IS taking my home by eminent domain - I've lived there 56 yrs + care for 3 handicapped relatives who live next door. - They say my house is too close to the levee but they are not taking 5 houses in a housing development that are just as close to the levee + only a short distance down the levee

They have appraised my home based on square footage alone - they don't even have the square footage correct - They have NO comparable sales on garden highway - they are in Rio Linda + land prices are tremendously different IN RIO LINDA VS GARDEN HW

They are offering me not even half enough to buy another building lot, let alone rebuild my custom home with lots of landscaping -

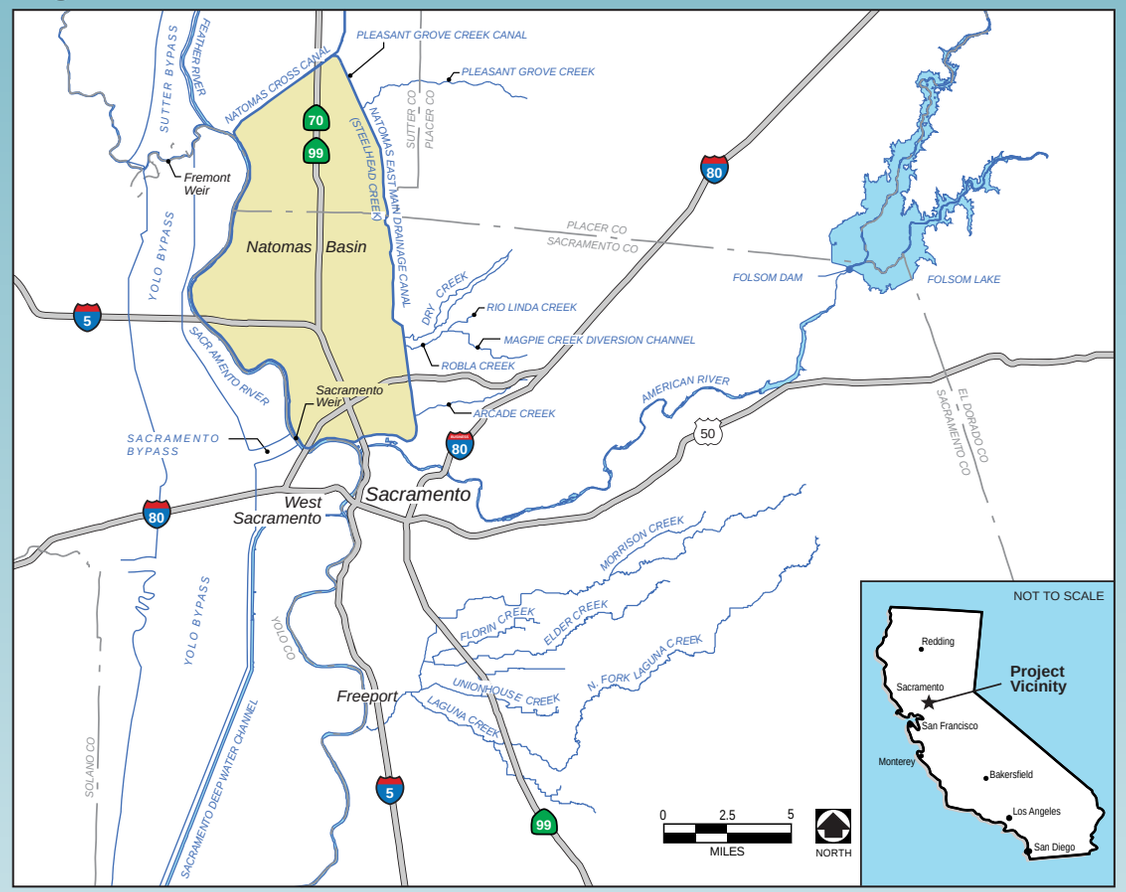
They are taking my home they need to replace it.

Please use reverse side of page or use additional sheets as needed

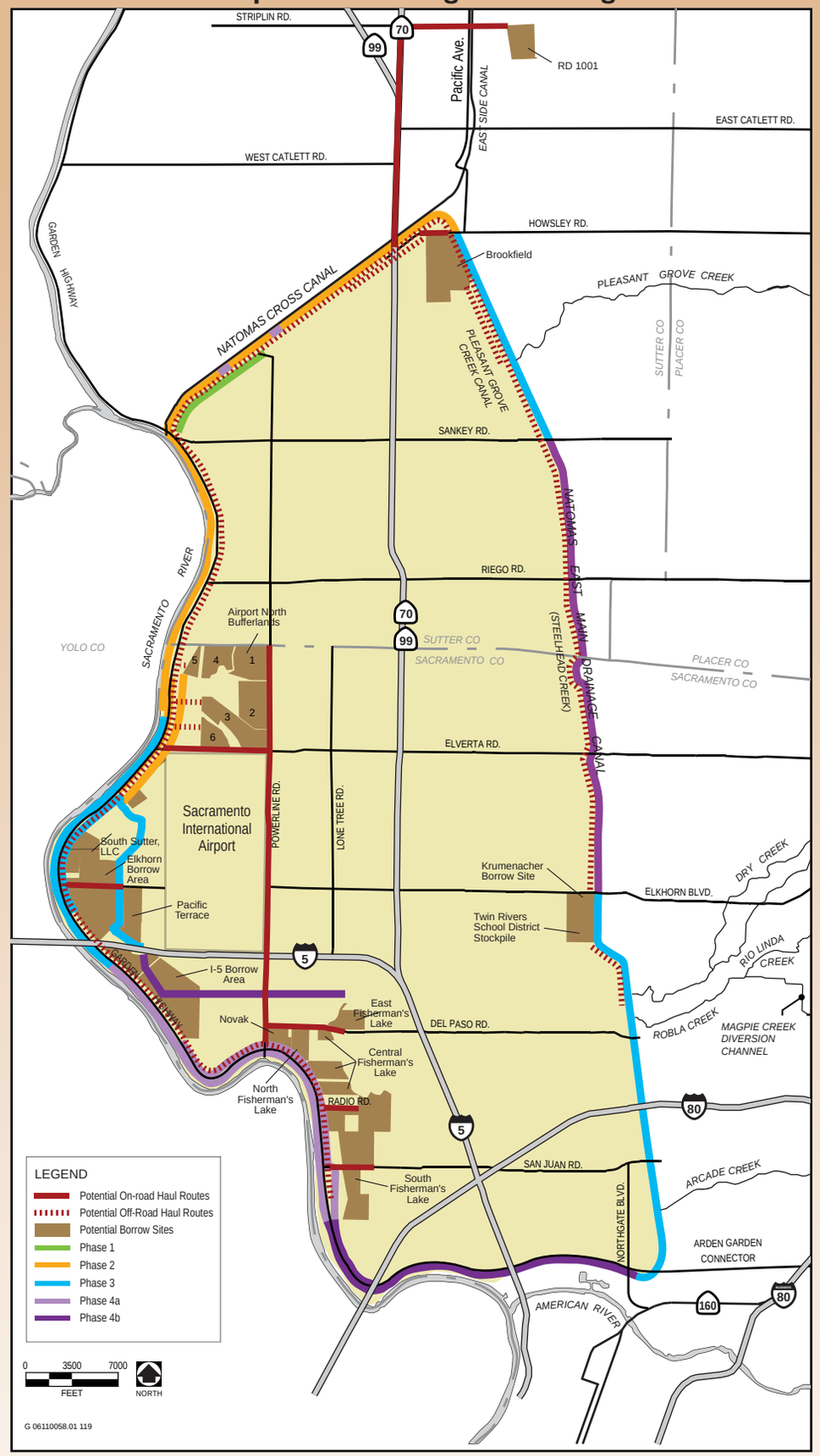
A2 Public Outreach Materials for April 13, 2009 Scoping Meeting

Station 1 – Project Location and Background

Regional Location



Natomas Levee Improvement Program Phasing



Source: CaSil, MBK 2008, HDR 2008, SACOG 2006; Adapted by EDAW 2008

Station 1a – History of the Natomas Basin Flood Damage Reduction System

Year/Timeframe	Flood Damage Reduction Project/Event
1911–1915	Natomas Basin reclaimed: levees and interior drainage constructed
1917–1967	Levees authorized as part of the SRFCP; construction on the SRFCP is initiated and completed in stages
1968	National Flood Insurance Program authorized
1978	First NFIP 100-year Flood Maps issued by FEMA
1986	Major floods lead to SRFCP system re-evaluation
1989	FEMA issues new 100-year Flood Maps encompassing most of the city of Sacramento
1990–1993	Congress provides funding for the Sacramento Urban Levee Reconstruction Project
1993–1998	SAFCA carries out the NALP
1996	Congress authorizes raise and strengthening of Sacramento River east levee and strengthening of American River north levee
1997	Major flood in SRFCP
1998	USACE certifies Natomas Basin levees for 100-year FEMA flood protection
1999	Congress authorizes raise and strengthening of the NCC south levee
1999	Post-1997 Flood Assessment recognizes underseepage as a threat
2000	USACE initiates Natomas Basin Common Features Design
2002	USACE conducts public scoping meetings
2003	USACE Levee Task Force completes development of deep underseepage criteria
2004	USACE adopts Standard Operating Procedures for Urban Levee Design
2004–2006	SAFCA evaluates Natomas Basin levees
2004	USACE initiates General Re-Evaluation of the Common Features Project
2006	USACE recommends levee decertification based on new geotechnical information and new standards
2006	SAFCA initiates the NLIP
2006	SAFCA Board of Directors certifies the EIR for the Phase 1 Project, and USACE adopts a Finding of No Significant Impact and grants permission pursuant to Section 408 for the Phase 1 Project
2007	SAFCA Board of Directors certifies the EIR for the Phase 2 Project
2008	USACE issues the Draft and Final EIS for the Phase 2 Project
2008	SAFCA completes construction of the Phase 1 Project
2009	USACE issues the Phase 2 EIS ROD, granting permission pursuant to Sections 408, 404, and 10 for the Phase 2 Project
2009	SAFCA Board of Directors certifies the Supplement to the EIR for the Phase 2 Project
2009	USACE and SAFCA issue Draft EIS/EIR for the Phase 3 Project
2009	USACE and SAFCA issue NOI and NOP for the Phase 4a Project

EIR = environmental impact report
EIS = environmental impact statement
FEMA = Federal Emergency Management Agency
NFIP = National Flood Insurance Program
NLIP = Natomas Levee Improvement Program
NLAP = North Area Local Project
NCC = Natomas Cross Canal
SAFCA = Sacramento Area Flood Control Agency
SRFCP = Sacramento River Flood Control Project
USACE = U.S. Army Corps of Engineers
ROD = record of decision
SEIR = Supplemental EIR
NOI = Notice of Intent
NOP = Notice of Preparation

Station 2 –
National Environmental Protection Act *(NEPA)* and California Environmental Quality Act *(CEQA)* Compliance

Local Funding Mechanisms Program EIR

Project EIR
NCC South Levee Phase 1 Improvements

	NEPA	CEQA			
Approved	***Phase 1*** Project EA				
ROD issued for Phase 2	***Phase 2*** Project/ ***Phase 3/4*** Program EIS	***Phase 2*** Project/ ***Phase 3/4*** Program EIR		***Phase 2*** Project Supplemental EIR	***Certified***
	Phase 3 Project EIS	***Phase 3*** Project EIR			***Final EIS and EIR under preparation***
	Phase 4a Project EIS*	***Phase 4a*** Project EIR*			***Subject of this scoping meeting***
	Phase 4b Project EIS	***Phase 4b*** Project EIR			***Future documents***
	Phase 4c Project EIS	***Phase 4c*** Project EIR			***Future documents***

* **Phase 4a EIS/EIR Process Timeline**

Issue NOP	March 27, 1009
Close of Scoping Period	April 27, 2009
Release of Public Draft EIS/EIR	Early Fall 2009
Comment period	Fall 2009
Issue Final EIS and Final EIR	Winter 2010
Certify Final EIS and Final EIR	ROD Final EIS, Certify Final EIR Late Winter 2010

"Tiering" refers to using the analysis of general matters contained in a broader EIRwith later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating on the later EIR or negative declaration solely on the issues specific to the later project (PRC 15152[a]).

Station 3 – Levee Problems and Needs

SAFCA's Project Objectives

1. Provide at least a 100-year level of flood protection to the Natomas Basin as quickly as possible
2. Provide "200-year" protection to the Basin over time

NEED FOR ACTION

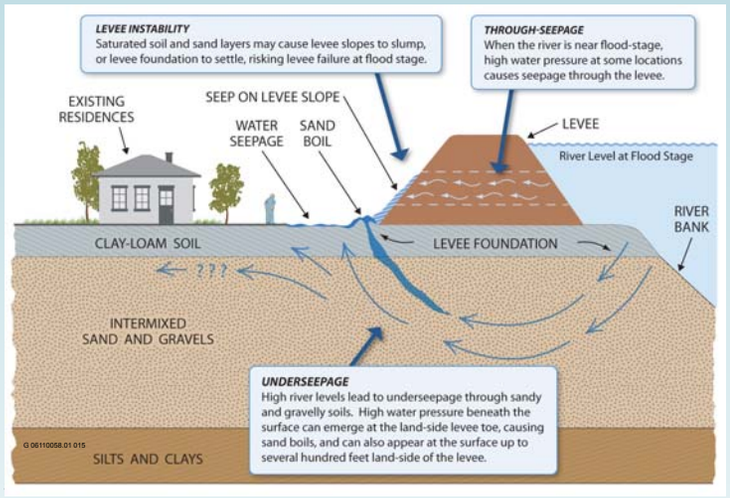
- Inadequate levee height
- Through-levee seepage and foundation underseepage with excessive hydraulic gradients
- Embankment instability, and
- Susceptibility to riverbank erosion and scour.

USACE PERMITTING REQUIRED

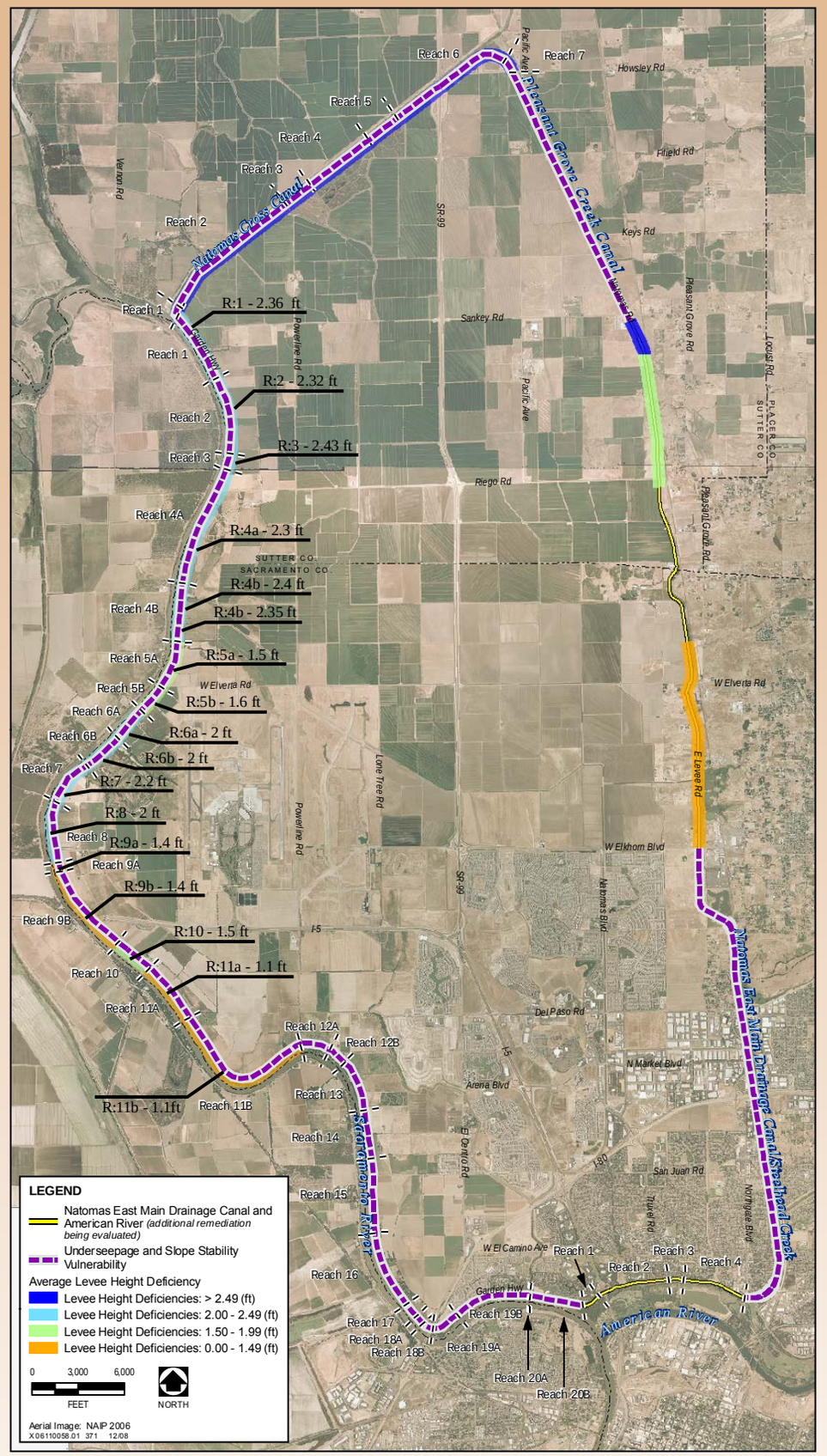
- Permission to alter Federal Project levees under Section 408 of the Rivers and Harbors Act of 1899
- Permission to place fill in jurisdictional waters of the U.S. under Section 404 of the Clean Water Act
- Permission to perform work in, under, or over navigable waters, and excavation of material from or deposition of material into navigable waters under Section 10 of the Rivers and Harbors Act of 1899

RELATIONSHIP TO THE GENERAL RE-EVALUATION (GRR) OF THE COMMON FEATURES PROJECT

- USACE initiated a general re-evaluation of the Natomas Basin elements of the Common Features Project
- This followed changes in engineering standards, to address underseep age that were not identified when Congress authorized the project in 1996 and modified the authorization in 1999
- USACE to present a GRR to Congress in 2010 likely recommending project scope and cost modifications
- The NLIP will be considered in the GRR



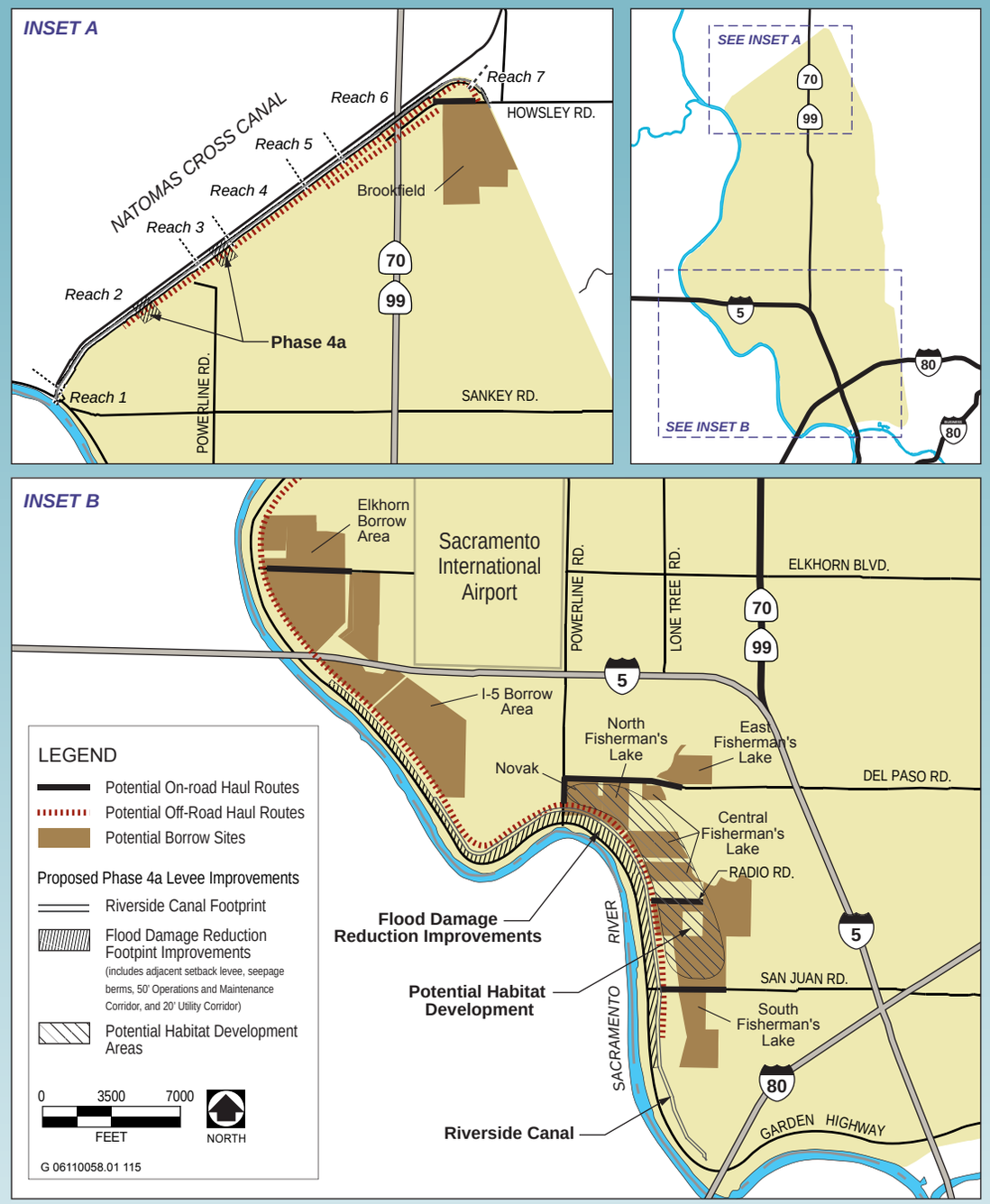
Natomas Basin Levee Deficiencies



Source: HDR 2007, Wood Rodgers 2007, SACOG 2006, EDAW 2007

Station 4 – Project Description

Phase 4a Construction Areas



Source: CaSil, MBK Engineers 2008, HDR, Inc. 2008, Sacramento Area Council of Governments 2006; Adapted by EDAW 2009

Summary of the NLIP Phase 4a Project Elements
Flood Risk Reduction Components

- Sacramento River east levee – raising and/or widening; seepage remediation
- Natomas Cross Canal south levee – raising and cutoff wall installation

IRRIGATION AND DRAINAGE COMPONENTS

- Riverside Canal relocation and extension with irrigation pipeline east of the new levee in Reaches 15-18B
- Modifications to Pumping Plants Nos. 3 and 5
- Modifications of Riverside Pumping Plant
- Modifications to Northern and Bennett Pump Stations

BORROW SITE EXCAVATION AND RECLAMATION

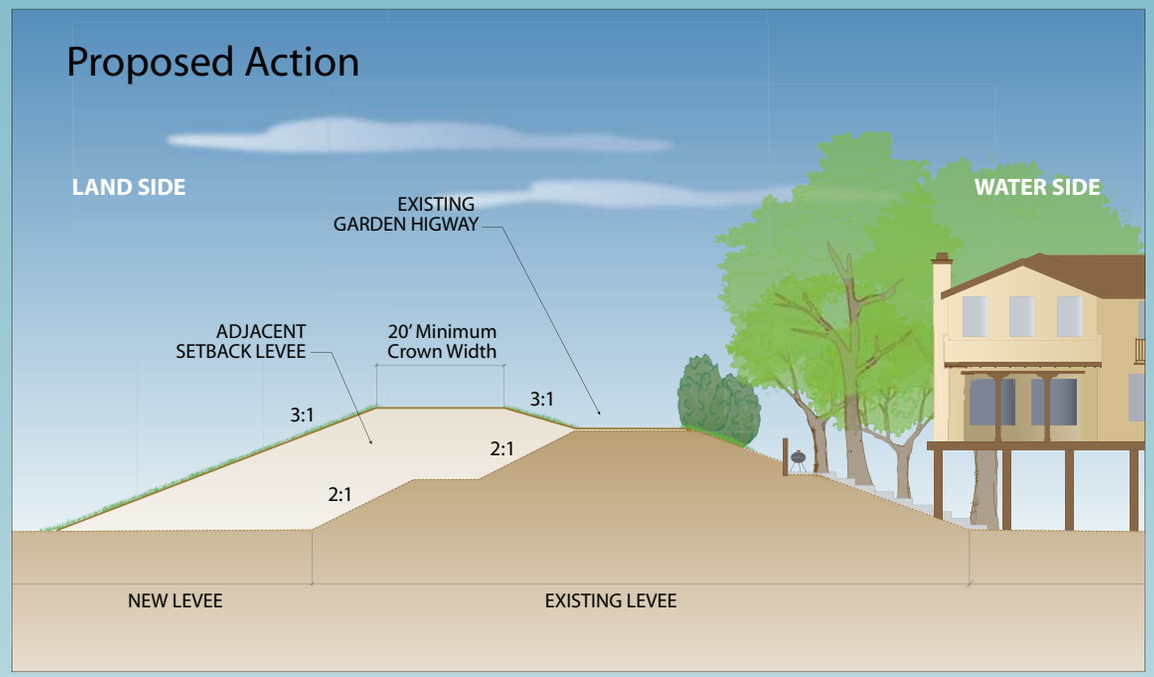
- Borrow material would be excavated from the Fisherman's Lake Area, I-5 Borrow Area and Brookfield Borrow Site
- Borrow material may be excvated from Elkhorn Borrow Area and Airport North Bufferlands
- Current land uses include: orchard, field crops, and rice cultivation
- Parcels would be returned to agricultural purposes, or converted to grasslands or managed marsh

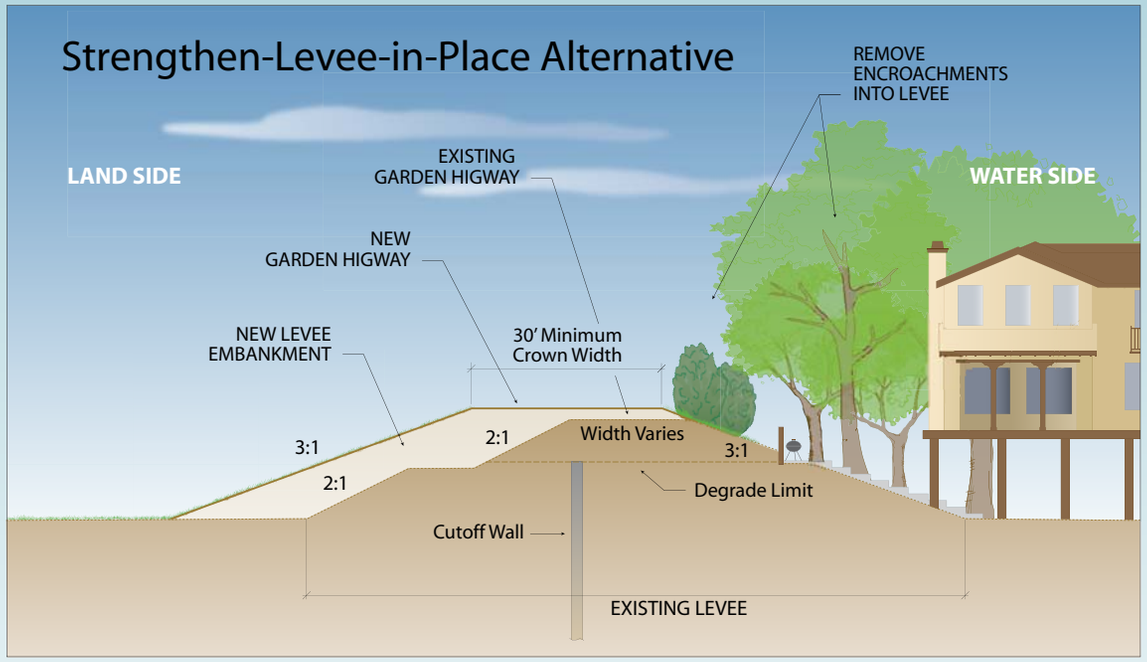
HABITAT CONSERVATION IMPROVEMENTS

- Habitat impact avoidance measures
- Habitat creation
  - Woodland
  - Marsh
  - Managed grassland
  - Agricultural uplands
- Habitat consolidation and connectivity
- Long-term management

Station 5 – Phase 4a Alternatives

Action Alternatives	No-Action Alternatives
Proposed Action	No Project Construction
Strengthen-Levee-in-Place	Potential Levee Failure

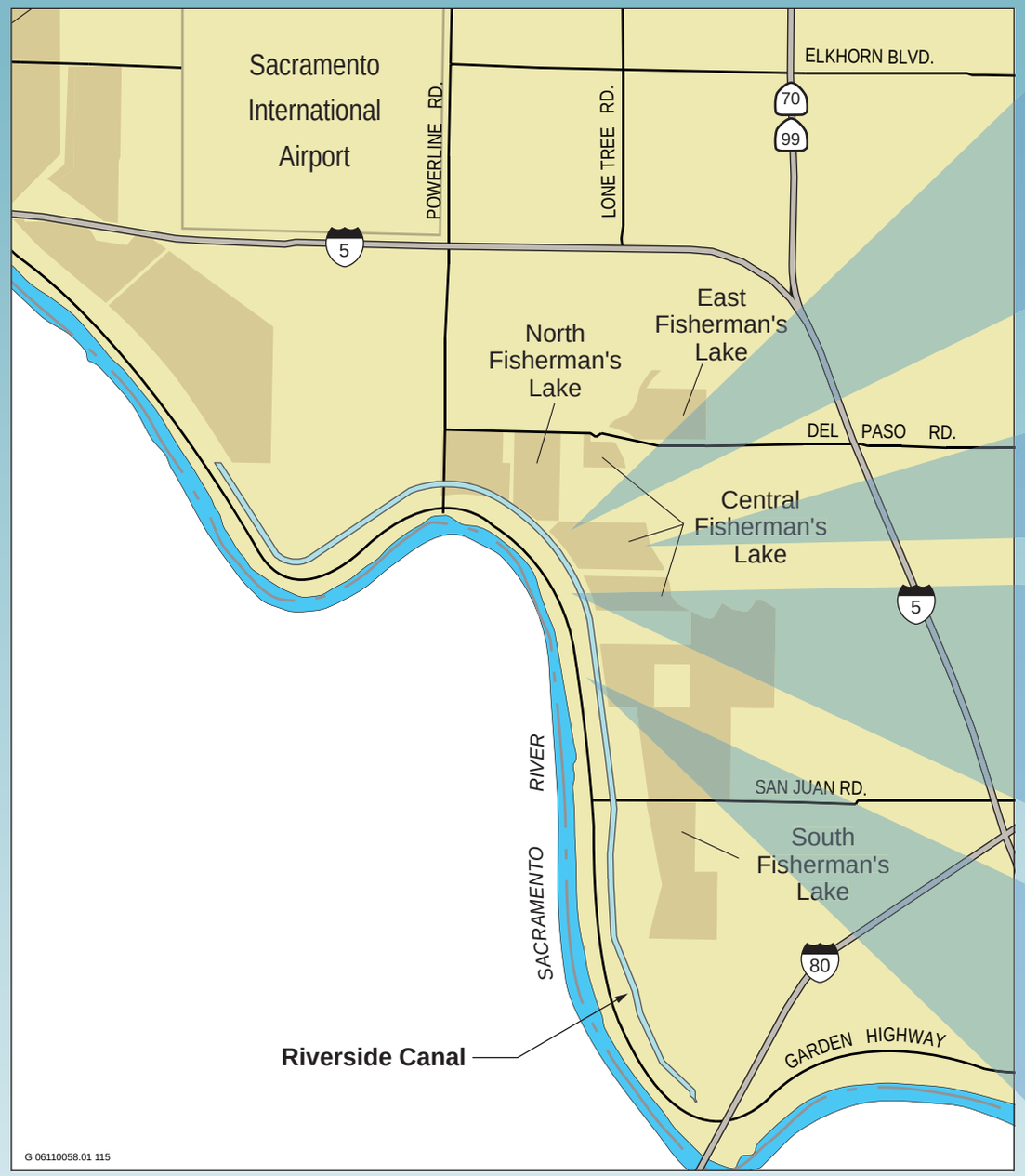




Comparison of Major Project Components of the Action Alternatives

	Proposed Action	Strengthen-Levee-in-Place Alternative
General Remediation	Construct an Adjacent Setback Levee	Raise existing levee from Reach 10-11b Widen existing levee from Reach 12-15
Riverbank Erosion Control	None	Placement of riprap in 5 locations, totaling 5,410 feet of riverbank
Waterside Vegetation Removal	1 acre	Removal of up to 21 acres of waterside vegetation from Reaches 10 to 15 to comply with USACE encroachment guidance
Garden Highway Closure	Portions of the Garden Highway south of Powerline Road may experience single-lane closures for 8 to 12 weeks	Closure of 1.5- to 2-mile segments of Garden Highway both lanes (all reaches), for approximately 8 to 12 weeks per segment

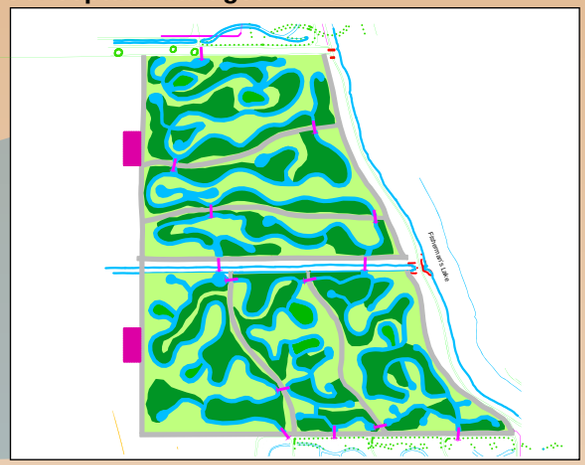
Station 6 – Natomas Levee Improvement Program Habitat Conservation Features



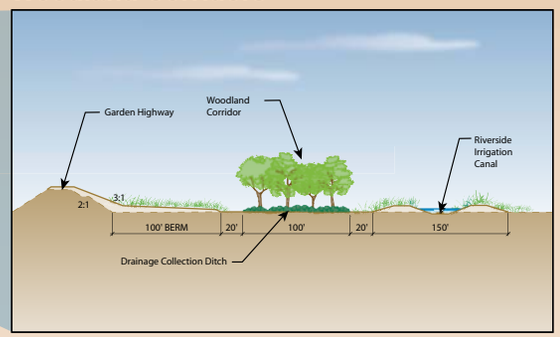
Source: CaSil, MBK Engineers 2008, HDR, Inc. 2008, Sacramento Area Council of Governments 2006; Adapted by EDAW 2009

Upland Agriculture

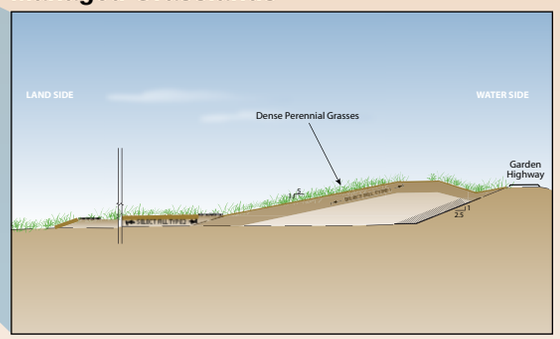
Conceptual Managed Marsh



Woodland Corridors



Managed Grasslands



Station 7 – Project Commitments

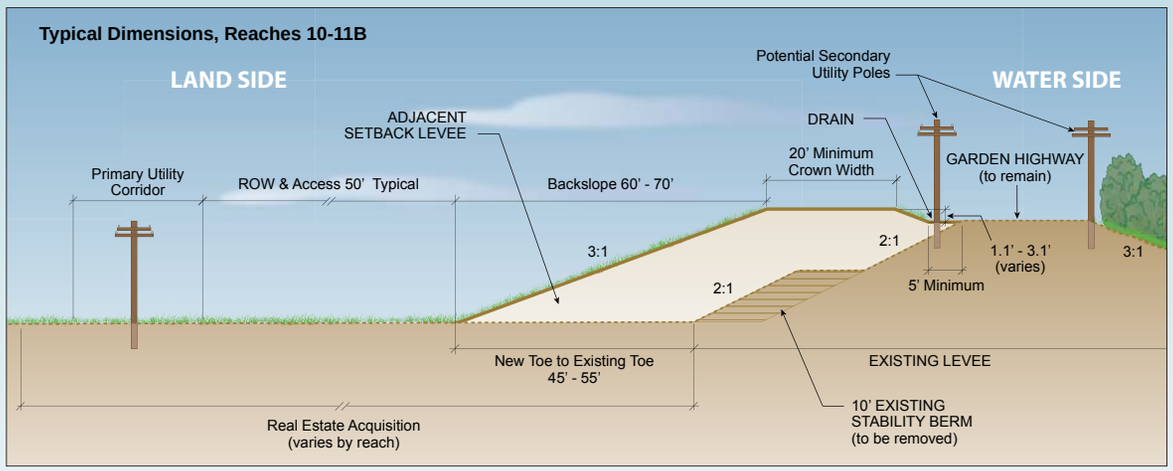
Construction Methods

Hauler and excavator on levee crown

Levee embankment grading

Construction of a slurry cutoff wall

Utility Pole Relocations



Impact Reduction Techniques

Impact	Project Commitments
Construction Noise, Dust, and Vibration	► Dust control best management practices ► Vibration monitoring ► Written notification prior to construction activity within 500 feet of homes and businesses ► Minimized traffic on Garden Highway
Traffic Management and Safety	► Implementation of traffic safety and control measures in each construction season ► City, county, and Caltrans review of traffic control plans ► Use of traffic control personnel and signage ► Point-of-contact to address public concerns about construction activity
Nuisance to Residents along Garden Highway	► Reimbursement will be provided for temporary relocation to nearby hotels for residences within 500 feet of 24-hour, 7-day construction schedules
Encrochments on Residences and Heritage Oaks	► Avoidance measures*: – Reduce width of adjacent setback levee seepage berms, and operations and maintanence/utility corridor – Use cutoff walls or seepage relief wells – Use of piped sections in place of open canals * Where feasible under levee design and seepage remediation performance requirements.

Station 8 – Probable Environmental Impacts

On the basis of preliminary evaluation, programmatic environmental analyses of the Phase 4a Project in previous NEPA and CEQA documents, and relevant environmental analyses of previous project phases, USACE and SAFCA have determined that the probable environmental effects of the proposed project are as follows:

AIR QUALITY, NOISE, TRAFFIC

- Temporary effects during construction
- Cumulative effects of combined construction phases

AGRICULTURAL LAND CONVERSION

- Conversion of farmland to nonagricultural use
- Temporary conversion during borrow operations

BIOLOGICAL RESOURCES

- Temporary and short-term disturbance or permanent loss of habitats, wildlife corridors, and special-status species
- Loss of woodland and shaded riverine aquatic habitat, and sensitive aquatic habitat

CULTURAL RESOURCES

- Temporary and/or permanent disturbance of known and unknown historic or archaeological resources

LAND USE AND PLANNING

- Land use, socioeconomics, and poulation and housing
- Environmental justice

CUMULATIVE IMPACTS

- Agricultural Resources
- Water Quality
- Fisheries
- Biological Resources
- Cultural Resources
- Air Quality
- Noise
- Visual Resources

GROWTH-INDUCING IMPACTS

- New permanent employment opportunities
- Short-term, construction-related employment opportunities
- Removal of an obstacle to additional growth and development in the Natomas Basin

A3 SAFCA and Garden Highway Settlement Agreement

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement" is made as of this 18th day of April 2008 by and between GARDEN HIGHWAY COMMUNITY ASSOCIATION, Inc., a California not-for-profit corporation ("GHCA"), and the Sacramento Area Flood Control Agency, a joint exercise of powers agency created by a Joint Exercise of Powers Agreement made pursuant to Government Code section 6500 *et seq.* ("SAFCA"). GHCA and SAFCA are referred to collectively herein as the "Parties" and each individually as a "Party."

RECITALS

A. The project at issue here is the Natomas Levee Improvement Program ("NLIP") Landside Improvements Project (the "Project"). It includes improvements to the Natomas Cross Canal south levee and the Sacramento River east levee, construction of a new Giant Garter Snake/Drainage Canal, relocation of a portion of the Natomas Mutual Water Company's Elkhorn Canal, and affiliated land recontouring and habitat creation, as more particularly described in the environmental impact report ("EIR") discussed below.

B. SAFCA is entrusted with the reduction of flood risk in the Sacramento region. It is the lead agency for the Project under the California Environmental Quality Act ("CEQA"); Public Resources Code section 21000 *et seq.*

C. GHCA is an incorporated association of landowners who reside in the "Project Area," as depicted and defined in Exhibit A hereto.

D. SAFCA analyzed a regional program of flood control improvements for the Sacramento area, which included improvements to Folsom Dam, the American River, and the South Streams Group, as well as the Natomas Levee Improvement Program (collectively the "Program"), in an Environmental Impact Report on Local Funding Mechanisms for

Comprehensive Flood Control Improvements for the Sacramento Area ("Local Funding EIR"). SAFCA certified the Local Funding EIR in February 2007. SAFCA intends for the Program to provide the Natomas Basin with at least a 100-year level of flood protection by the end of 2010 and a 200-year level of flood protection by the end of 2012.

E. SAFCA analyzed the Project, which is a part of the broader regional Program, in a separate Environmental Impact Report that is "tiered," within the meaning of CEQA, from the Local Funding EIR. The actions analyzed in the NLIP Landside EIR include land side improvements to the levee system in the Natomas Basin and related landscape modifications and drainage and infrastructure improvements, all to be undertaken between 2008 and 2010. The NLIP Landside EIR presents a project-level analysis of the 2008 construction components and a program-level analysis of the 2009-2010 elements. The 2009-2010 elements will require additional environmental review based on more detailed design plans.

F. On November 29, 2007, the SAFCA Board approved Resolution 07-105, which certified the environmental impact report prepared for the Natomas Levee Improvement Program Landside Improvements project; adopted findings and a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; and approved the Natomas Levee Improvement Program Landside Improvements Project 2008 construction projects, consisting of the "Natomas Cross Canal Phase 2 Improvement Project" and the "Sacramento River East Levee Phase 1 Improvement Project (reaches 1 through 4b)."

G. On December 19, 2007, GHCA filed a Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") in Sacramento Superior Court (Case No. 34-2007-00883632-CU-WM-GDS) against SAFCA. The Petition challenges SAFCA's approval of

the 2008 construction components and alleges that the NLIP Landside EIR does not comply with CEQA.

H. In January 2008, the United States Army Corps of Engineers ("USACE") completed a hydraulic analysis of the Natomas Basin, which found that the Natomas Basin has less than a 30-year level of flood protection.

I. On February 7, 2008, SAFCA filed its Answer to the Petition, and on February 19, 2008 SAFCA filed its Notification and Lodging of the Administrative Record. GCHA and SAFCA filed their Statements of Issues on March 7, 2008 and March 17, 2008, respectively.

J. Pursuant to stipulation of the Parties, in March 2008 GHCA and SAFCA engaged in two days of mediation. The mediation resulted in a stipulation for settlement, the majority of which is reproduced below as part of the final Settlement Agreement.

K. Accordingly, the Parties enter into this Agreement to address GHCA's concerns and allow the portion of the Project approved by Resolution 07-105 to proceed. Nevertheless, SAFCA intends to apply the design and construction practices set forth in Paragraphs 1 through 9, below, to the entirety of the Project, as applicable.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are hereby incorporated by reference, and of the mutual covenants set forth herein, and for other good and valuable consideration, the receipt and adequacy is hereby acknowledged, the Parties agree as follows:

1. Power Pole and Overhead Power Line Placement. To the extent that the main electrical power transmission lines and poles serving the Garden Highway must be relocated or replaced to accommodate the Project, the relocation or replacement shall occur east of the new

adjacent levee and in a manner that appropriately accommodates private land side improvements and properties. Existing main electrical power transmission lines and poles on the water side of the existing Garden Highway levee that do not need to be relocated or replaced to accommodate the Project may be left in place. No new main electrical power transmission lines and poles shall be installed on the water side of the Garden Highway levee.

Consistent with sound engineering practices that prioritize the following, individual service lines shall: (i) use existing configurations and facilities, and (ii) any new poles shall be placed on the land side of Garden Highway, subject to the approval of the United States Army Corps of Engineers ("USACE"), Central Valley Flood Protection Board ("CVFPB"), and any other regulatory public agencies and the utility companies.

SAFCA shall advocate power line and pole locations consistent with this provision to the USACE, CVFPB, and other regulatory agencies and utilities by way of one-time master letters, attached hereto as Exhibits B and C, approved as to form by the SAFCA Board as part of this Agreement and signed by the SAFCA Executive Director. These letters, attached as Exhibits B and C, have received the prior approval of GHCA's attorney.

If the property owner and SAFCA cannot agree on a location of an individual service line pole from among locations that are otherwise acceptable to the USACE, CVFPB, other regulatory agencies and the utility provider, SAFCA agrees to pay the cost of a referee, who is a qualified registered civil engineer and agreeable to both Parties, to decide the dispute over the location of the individual service line pole.

SAFCA agrees to provide working drawings sixty (60) days to GCHA's contact person designated pursuant to Paragraph 5, below, in advance of commencing construction of power poles and lines for which locations would be changed as part of the Project.

2. Removal of Encroachments and Existing Landscaping and Fencing. As part of this Agreement, the SAFCA Board directs the SAFCA Executive Director to write a letter, the approved form of which is attached hereto as Exhibit B, to the responsible regulatory agencies advocating SAFCA's project design, which requires minimal removal of encroachments. This letter, attached as Exhibit B, has received the prior approval of GHCA's attorney.

Once SAFCA determines that the Sacramento River east levee is certifiable for the Federal Emergency Management Agency's ("FEMA") flood protection purposes, SAFCA shall make its best efforts to get written agreement from the USACE, CVFPB, and Reclamation District 1000 ("RD1000") that no additional encroachments on the water side of the Garden Highway levee need to be removed.

3. Damage to Existing Wells, Septic Systems, Concrete Structures, etc. As part of the notice provided pursuant to Paragraph 8, below, SAFCA shall give property owners within the Project Area (see Exhibit A) an informational package, which shall have received the prior approval of Petitioner's attorney, advising the property owners that pre-project inspections of their properties are important and that SAFCA will conduct a free pre-construction inspection of the property, but only if requested by the property owner. The scope of the inspection and documentation will be determined by SAFCA in consultation with the property owner.

SAFCA will provide a copy of its February 2008 study entitled, "Evaluation of Potential Groundwater Impacts Due to Proposed Sacramento River East Levee Improvements with Emphasis on Reaches 2 & 3" to the GHCA contact person designated pursuant to Paragraph 5, below. If requested by a property owner within the Project Area, SAFCA will test the owner's domestic well water before and after Project construction for the presence of bentonite, concrete, and cement.

4. Drainage Lines. No roadside swales shall be included in the design of the new adjacent levee downstream of Power Line Road. Consistent with sound engineering practices, and subject to the approval of the USACE, CVFPB, and the Regional Water Quality Control Board ("RWQCB"), any new drainage outfall lines required by the Project shall be buried pipes, located along property lines, and drain to the river. If a property owner does not want a new drain line located along the property line, he or she may request that the drain line be placed elsewhere on his or her property.

SAFCA shall advocate the location, design, and outfall of the drain lines consistent with this provision to the USACE, CVFPB, and the RWQCB by way of one-time master letters, attached hereto as Exhibits B and D, approved as to form by the SAFCA Board as part of this Agreement and signed by the SAFCA Executive Director. These letters, attached as Exhibits B and D, have received the prior approval of GHCA's attorney.

If the property owner and SAFCA cannot agree on a location for a new drain line from among locations that are otherwise acceptable to the USACE, CVFPB, and the RWQCB, SAFCA agrees to pay the cost of a referee, who is a qualified registered civil engineer and agreeable to both parties, to decide the dispute over the location of the drain line.

5. Construction Monitoring. SAFCA agrees to cooperate with a construction monitoring committee established by GHCA to resolve reasonable complaints regarding SAFCA or its contractors' construction activities for the Projects improvements in accordance with this provision. Within fifteen (15) days of the Effective Date of this Agreement, GHCA shall notify SAFCA of the name of a contact person, who shall be a member of GHCA's construction monitoring committee, for purposes of having one contact point for communicating with SAFCA's Ombudsperson and keeping GHCA apprised of the construction schedule for the

Project pursuant to Paragraph 8, below. A complaint procedure and hierarchy shall be developed by the GHCA's contact person and SAFCA's Ombudsperson in time to be included in the informational packet referenced in Paragraph 3, above. In addition, the information packet will include SAFCA's instructions to its contractors regarding appropriate use of the Garden Highway. SAFCA agrees to resolve all complaints pertaining to dangerous activities immediately and to resolve all other reasonable complaints in an expeditious manner.

SAFCA shall prohibit the use of earth moving equipment or haul trucks on the Garden Highway in conjunction with the Project.

6. Relocation. Where a property owner occupies a residence on property to be acquired for the Project, SAFCA will allow up to twelve (12) months, rather that the statutory allowance of three (3) months, for the owner to relocate off the property. The 12 month period shall be counted from the first written offer.

7. Study of Improving Flood Conveyance in Yolo Bypass. SAFCA agrees to provide GHCA with documents prepared by SAFCA synthesizing information gathered by USACE, CVFPB, DWR, and SAFCA regarding the feasibility of increasing flood conveyance through the Yolo Bypass. SAFCA believes these documents are characteristic of the state of knowledge regarding this flood control alternative as of 2003 when these documents were prepared.

8. Construction Schedule. SAFCA will provide GHCA with a timeline for the phased completion of the Project that indicates the role of the various agencies involved in implementing or permitting the Project. SAFCA will post its construction schedule for the Project on the SAFCA website. The schedule shall be updated on a monthly basis. A hard copy of the schedule and monthly updates shall be mailed to the GHCA contact person identified in

Paragraph 5, above. In addition, SAFCA will post a "60-day notice" of Planned Construction on the SAFCA website. A hard copy of the "60-day notice" shall be mailed to the GHCA contact person identified in Paragraph 5, above. "Planned Construction" will not include construction in the event of an emergency or construction necessary to remedy a condition discovered after completion of the Project. However, SAFCA will provide whatever notice is possible under the circumstances to affected, adjacent landowners prior to any emergency or remedial work.

For property owners who request prior inspections/documentation, the inspection/documentation must be scheduled prior to the start of construction within the specified reach of the Sacramento River where Project construction will commence.

9. Bicycle Trail. The Parties agree that the new adjacent levee would provide a good opportunity for creation of a new bicycle trail along the top of the levee consistent with applicable levee operation and maintenance requirements. SAFCA is prepared to work with GHCA and other interested parties in securing funding for a feasibility analysis for this bicycle trail and, based on the results of this feasibility analysis, to secure funding for construction, operation, and maintenance of the bicycle trail.

10. Dismissal of Action. Within five (5) business days of the Effective Date, GHCA shall execute and file a Request for Entry of Dismissal with Prejudice of Case Number 34-2007-00883632-CU-WM-GDS at the Sacramento County Superior Court. The Entry of Dismissal with Prejudice shall have the effect of dismissing the Action against all of the Parties named in the Action. The Parties agree to request that the trial court, in response to said request, enter an order reserving jurisdiction to enforce the Agreement pursuant to Code of Civil Procedure section 664.6, unless the trial court, for whatever reason, will not sign the proposed order reserving jurisdiction, as described immediately below. The Parties agree to submit a proposed

order reserving jurisdiction in the trial court pursuant to a Stipulation and Order substantially in the following form:

> Petitioner/Plaintiff and Respondent/Defendant have entered into a Settlement Agreement ("the Agreement"), a copy of which is attached hereto as Exhibit 1.
>
> The Agreement includes terms anticipating that the trial court enter an order reserving jurisdiction to enforce the Agreement pursuant to Code of Civil Procedure section 664.6.
>
> THEREFORE, it is hereby STIPULATED by Petitioner/Plaintiff and Respondent/Defendant that, and Petitioner/Plaintiff and Respondent/Defendant jointly request that, this Court reserve jurisdiction to enforce the Agreement pursuant to Code of Civil Procedure section 664.6 and this written stipulation of the parties.

In the event that, for whatever reason, the trial court does not grant GHCA's request to enter the proposed order described immediately above, and thus declines to make this Agreement enforceable pursuant to Code of Civil Procedure section 664.6, the Agreement shall instead be enforceable by either party through the filing of new litigation alleging a breach of the Agreement.

11. Attorney's Fees and Costs. SAFCA shall pay, within five business (5) days after the Effective Date of this Agreement, attorney's fees and costs incurred by GHCA in connection with the litigation and settlement of this Action (Sacramento County Superior Court Case No. 34-2007-00883632-CU-WM-GDS) in the sum of $55,000.00 by check made payable to the law firm of Kenyon Yeates, LLP. If GHCA accepts this offer without change, GHCA waives any right to seek recovery of any additional money from SAFCA in connection with the dismissed claims. SAFCA shall bear its own attorney's fees and costs.

12. Mutual Release and Waiver. Except for the rights and obligations set forth in this Agreement, each Party agrees and covenants as follows:

(a) To forever release, quit and discharge the other party and its respective officers, employees, agents, and officials from any and all claims, causes of action, action, rights,

theories, contentions, demands, obligations, suits, losses, costs, expenses, attorneys' fees, liens, liabilities and indemnities of any nature whatsoever, based on contract, tort, statute, or other legal or equitable theory of recovery, whether on account of past, present or potential future liability, whether known or unknown, or any type or character whatsoever, insofar as any of the same related to or arose out of, or could have related, or could have arisen out of the dispute set forth in the foregoing Recitals to this Agreement. The Parties intend this release to apply only to the 2008 Construction Projects, which were analyzed at a project level in the NLIP Landside EIR and were approved by the SAFCA Board of Directors on November 29, 2007. The Parties do not intend the settlement agreement and this mutual release and waiver to apply to the 2009-2010 construction phase, which was analyzed at a program level in the NLIP Landside EIR and has not yet been approved by the SAFCA Board of Directors.

(b) To expressly waive any right or claim of right to assert hereafter that any claim, demand, and/or obligation has, through ignorance, oversight or error been omitted from the terms of this Agreement and further expressly waive any right or claim of right that each may have under the law under any jurisdiction to the effect that those releases herein given do not apply to unknown or unstated claims. It is the express intent of the Parties to waive any and all claims they may have against the other party hereto insofar as any of the same, directly or indirectly, relate to the Project, including any which are presently known, unsuspected, unanticipated, or undisclosed. The Parties hereto acknowledge that they are apprised of the provisions of Civil Code section 1542 which provides:

> **A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.**

Having been so apprised, each party elects to waive and does waive all rights that may be granted to them pursuant to Civil Code section 1542 and to assume all risks, known or unknown, covered by this release.

(c) Never to commence, recommence, appeal, or seek certiorari or other review by any court, state or federal, and/or other proceeding against any other party to this Agreement that is based in whole or in part upon the claims, demands, causes of action, obligations, damages and/or liabilities released by this Agreement.

13. Entire, Sole and Final Agreement. This Agreement constitutes the entire understanding between the Parties with respect to the matters set forth herein. Except as otherwise provided herein, this Agreement is intended to be the final expression of the Agreement between the Parties with respect to the subject matter of this Agreement and supersedes and fully and completely extinguishes any prior understandings or agreements by or between the Parties, whether oral or in writing.

14. Amendments. This Agreement may not be modified, supplemented, or amended, or any of its provisions waived, except in writing by the party against whom such modification, supplementation, amendment, or waiver is sought. Any modification, supplementation, amendment, or waiver that would materially affect the rights of both Parties must be signed by both Parties.

15. Warranty of Authority. Each person signing this Agreement warrants to each other party that he or she is authorized by the party on whose behalf he or she is signing to execute this Agreement and to bind such party to the terms of this Agreement.

16. Time of the Essence. Time is of the essence for this Agreement.

17. Mutual Cooperation. The Parties agree to cooperate in good faith to carry out the provisions and intent of this Agreement, including timely execution and delivery of other documents necessary to carry out its provisions. Each of the Parties shall execute and deliver to the others all such further instruments and documents, and take all other such actions, as may be reasonably necessary to carry out the terms and provisions of this Agreement and secure to the others the full and complete enjoyment of their respective rights and privileges hereunder. The Parties agree to meet and confer in good faith to try to resolve any conflicts arising under this Agreement prior to bringing any actions in court to enforce this Agreement.

18. Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, shall be finally found to be void, invalid, illegal or unenforceable by a court of competent jurisdiction, then notwithstanding such determination, such term or provision shall remain in force and effect to the extent allowable by such ruling and all other terms and provisions of this Agreement or the application of this Agreement to other situations shall remain in force and effect.

19. Agreement Admissible in Enforcement Action. The Parties agree that this Agreement is admissible in any action to enforce this Agreement. Nothing in this Agreement shall be used as an admission of any fact or matter in any other challenge.

20. Construction. This Agreement, and each of the provisions hereof, is the product of negotiations between the Parties and their respective attorneys. Each of the Parties hereto expressly acknowledges and agrees that this Agreement shall not be deemed to have been prepared by or drafted by any particular party hereto. The rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

21. Third Party Beneficiaries. Nothing in this Agreement shall be construed to confer any rights or impose any obligations upon any person or entity not a Party to this Agreement.

22. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

23. Headings and Captions. The headings and captions used in this Agreement are for convenience and ease of reference only, and are not intended to be part of the body of this Agreement, nor are they intended to be referred to in construing the provisions of this Agreement.

24. Exhibits. All exhibits referenced in this Agreement are made part of and incorporated herein.

25. Notices. All notices and other communications in connection with this Agreement shall be in writing and shall be personally delivered, sent by first class United States mail, sent by telefacsimile ("fax") with original sent by United State Postal Service or reputable overnight courier for delivery the following day, or sent by reputable overnight courier to the addresses and fax numbers set forth below. Any Party may at any time change its address or fax number for the delivery of notice upon five (5) days written notice to the other Party.

GARDEN HIGHWAY COMMUNITY ASSOCIATION:

Doug Cummings, President
Garden Highway Community Association, Inc.
1500 W. El Camino Avenue, #640
Sacramento, CA 95833

With a copy to:

Bill Yeates
Kenyon Yeates LLP
3400 Cottage Way, Suite K
Sacramento, CA 95825
Fax: (961) 609-5001

SACRAMENTO AREA FLOOD CONTROL AGENCY:

Stein Buer, Executive Director
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814
Fax: (916) 874-8289

With copies to:

Timothy N. Washburn, Agency Counsel
Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, CA 95814
Fax: (916) 874-8289

Ellen J. Garber
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102
Fax: (415) 552-5816

26. Understanding of Terms. This Agreement is executed voluntarily by each of the Parties without any duress or undue influence on the part of, or on behalf of, any of them. Each of the Parties to this Agreement has read and fully understands the meaning of each provision of this Agreement and has relied on independent advice and representation of legal counsel in entering into this Agreement.

27. Binding Effect. This Agreement and its terms shall be binding upon and inure to the benefit of the Parties hereto and their respective successors, assignees, buyers, grantees, vendees, transferees, officers, directors, principals, agents, employees, representatives, attorneys, insurers and sureties, and any others claiming through or under of having the right to claim through or under any or all of them, wherever located.

28. Equitable Relief. Each Party hereto expressly agrees that the provisions of this Agreement shall be specifically enforceable by either Party and, except as specifically provided

in Paragraphs 1, 3, and 4 of this Agreement for the payment of costs and expenses incurred in a dispute, each Party hereto waives and relinquishes all claims for damages arising from a claim based on breach of this Agreement by any other Party. In the event of breach of any term or provision of this Agreement or any duty or obligation hereunder, remedies shall be limited to bringing an action for specific performance and recovery of such costs and expenses provided for in Paragraphs 1, 3, and 4 of this Agreement.

29. Execution in Counterparts. This Agreement may be executed in counterparts, and photocopies, facsimile copies, or electronic copies of this Agreement may be used as originals. Each such counterpart, photocopy, facsimile copy, or electronic copy of this Agreement shall be deemed an original, but all of which together shall constitute one and the same instrument and shall have the same force and effect as if a single original had been executed by all Parties.

30. Settlement of Disputed Claims. The Parties hereto understand and agree that this settlement is a compromise of disputed claims, and that no Party's actions under this Agreement shall be construed as an admission of liability.

31. Effective Date. This Agreement shall become effective upon execution by all Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date and year first set forth above.

Date: 4/15/08

Garden Highway Community Association, Inc.
By Doug Cummings, President

Approved as to form and legality for GHCA:

Date: April 10, 2008

By Bill Yeates
Kenyon Yeates LLP
Attorneys for Garden Highway Community Association, Inc

Date: April 18, 2008

Sacramento Area Flood Control Agency
By Stein Buer, Executive Director

Approved as to form and legality for SAFCA:

Date: April 17, 2008

Timothy N. Washburn, Agency Counsel

Date: APRIL 15, 2008

Shute, Mihaly & Weinberger LLP
By Ellen J. Garber

Attorneys for SACRAMENTO AREA FLOOD CONTROL AGENCY

List of Exhibits

Exhibit A: Project Area Map
Exhibit B: Form-Of Letter to CVFPB and DWR
Exhibit C: Form-Of Letter to Utility Company
Exhibit D: Form-Of Letter to CVRWQCB

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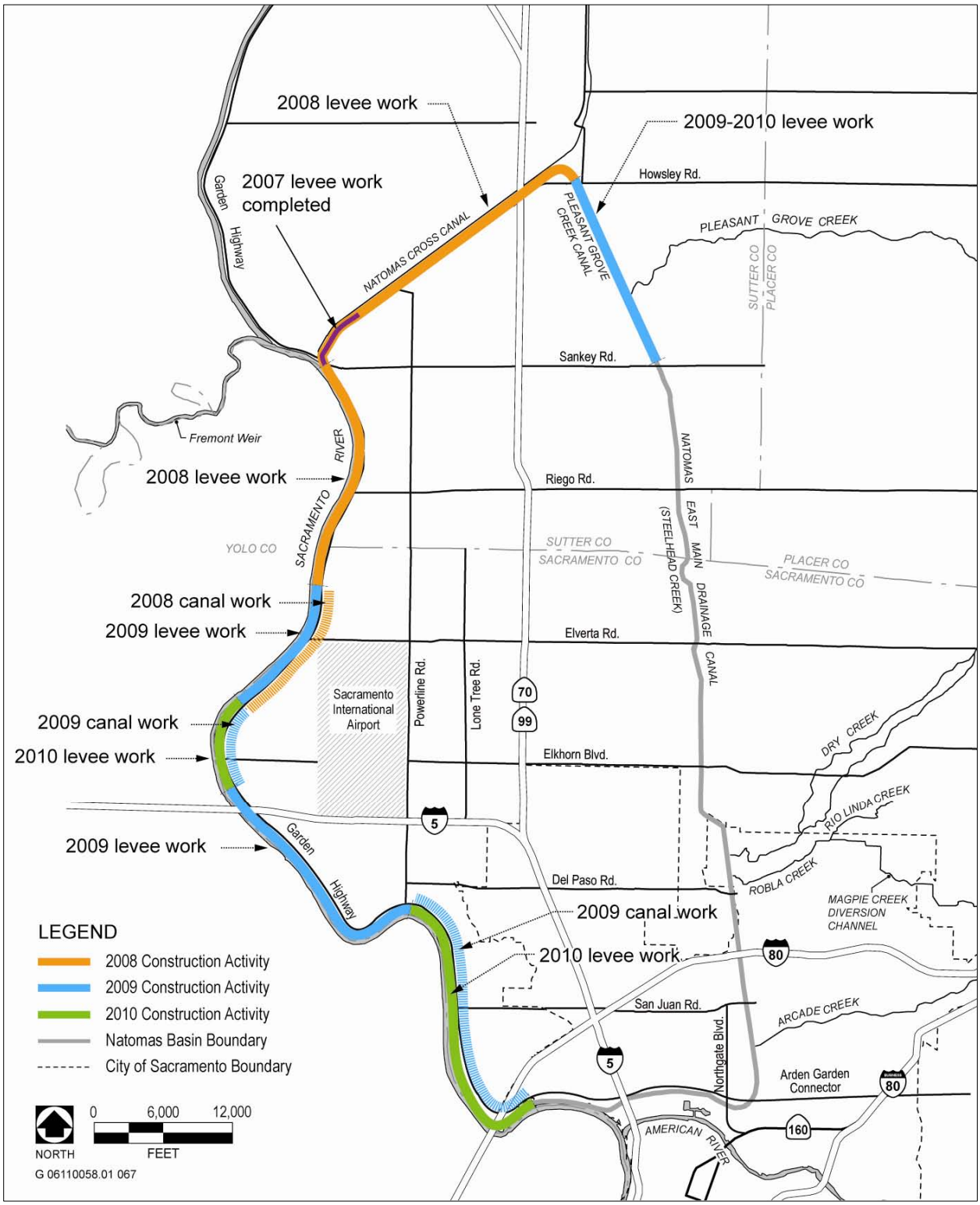
EXHIBIT A
PROJECT AREA



Source: CaSil; adapted by EDAW in 2007

NLIP Landside Improvements Project Construction Phases

EXHIBIT B
FORM-OF LETTER TO CVFPB and DWR

[SAFCA LETTERHEAD]
[Date]

Jay Punia, Executive Officer
Central Valley Flood Protection Board
P. O. Box 942836
Sacramento, CA 94236

Lester Snow, Director
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

RE: Encroachment Permit for SAFCA Natomas Levee Improvement Program Landside Improvements Project

Dear Sirs:

On March 21, 2008, the Central Valley Flood Protection Board (Board) issued Permit 18159-3 BD to SAFCA to improve portions of the Sacramento River east levee as part of the Agency's Natomas Levee Improvement Program (NLIP) Landside Improvements Project (Project). Permit condition Fourteen states that no work authorized by this permit shall be performed until the Board and the Department of Water Resources (Department) have received, reviewed and approved a complete set of final plans and specifications for the Project. In order to satisfy this condition, under separate cover SAFCA has submitted the required final plans and specifications for review and approval by the Board and the Department.

The purpose of this letter is to highlight several key features of the Project and underscore the SAFCA's commitment to ensuring that these features are incorporated into the final design. First, the final design calls for construction of a new levee adjacent to the existing Sacramento River east levee along Garden Highway. A key objective of this design is to preserve the existing Garden Highway and minimize the removal of levee encroachments located on private lands along the water side of this roadway. SAFCA intends to work closely with the Board and the Department to achieve this objective in a manner that is consistent with the Board's Supplemental Standards for Control of Residential Encroachments in Reclamation District 1000, which are found in Section 133 of Title 23 of the California Code of Regulations.

Second, in order to accommodate the Project footprint and minimize the effects of the Project on residences along the Garden Highway, the final design calls for relocation of portions of the existing main electrical transmission system, including poles and powerlines that provide electricity to these residences, into a new utility operation and maintenance corridor for which

right-of-way has been acquired east of the new adjacent levee. In addition, SAFCA has sought to avoid relocating existing secondary poles and individual service lines that link the main transmission line to the residences. To the extent that such relocations are necessary, wherever possible the new secondary poles have been located along the landside of the Garden Highway between the roadway pavement and the new adjacent levee.

Third, SAFCA has incorporated new storm water drainage facilities into the final design to offset the potential increase in storm water that would otherwise be discharged from the Garden Highway onto the private parcels occupying the water side of the levee. These drainage facilities consist of a collection swale located between the new adjacent levee and the Garden Highway, and new pipes and drainage outfall lines to drain collected storm water to the river. Where these outfalls cross private property, they are located along existing parcel boundaries in buried pipes that drain to the river [or in an alternative location selected in consultation with the property owner].

SAFCA requests that the Board and the Department approve these Project features as shown in the final design package. However, if for any reason the Board or the Department determines that the proposed location of electrical or drainage facilities is unacceptable, SAFCA requests that the Board and/or the Department identify alternative locations that would be acceptable so that affected property owners may have an opportunity to work with SAFCA in selecting from among these alternatives. Please contact us if you have any questions in this regard. We look forward to working with you to continue to improve flood protection for the Natomas Basin.

Very truly yours,

Stein M. Buer
Executive Director

cc: United States Army Corps of Engineers
Reclamation District 1000

EXHIBIT C
FORM-OF LETTER TO UTILITY COMPANY

[SAFCA LETTERHEAD]
[Date]

[Name]
[Name of Utility Company]
[Address]
[City, State ZIP]

RE: Relocation of Electrical and Telephone Utility Poles and Lines
SAFCA Natomas Levee Improvement Program Landside Improvements Project,
[Year] Construction Projects

Dear [Name]:

SAFCA has undertaken the Natomas Levee Improvement Program ("NLIP") Landside Improvements Project (“Project”) in order to provide increased flood protection to the Natomas Basin. The Project will require relocation of utility poles and lines along the levee system in order to accommodate the widened levee and related infrastructure.

Enclosed with this letter please find plans which identify SAFCA’s proposed locations for installation of new poles and lines and relocation of existing facilities to accommodate the footprint of the Project. In order to minimize the effects of the Project on Garden Highway residences, these locations have been selected so as to ensure that no new main transmission lines and poles are installed on the water side of the Garden Highway. In addition, SAFCA has sought to avoid relocating poles that support individual service lines. To the extent such relocations are necessary, wherever possible the new poles have been located on the land side of the Garden Highway.

SAFCA believes the proposed utility relocation plan is consistent with sound engineering practices and we look forward to your approval. However, if for any reason [utility provider] determines that any proposed utility pole location is unacceptable, we request that [utility provider] identify alternative locations that would be acceptable so that the affected property owners may have an opportunity to work with SAFCA in selecting from among these alternatives.

Please contact us if you have any questions or concerns. We appreciate your cooperation on this important Project to improve flood protection for the Natomas Basin.

Very truly yours,

Stein M. Buer
Executive Director

cc: United States Army Corps of Engineers
[Reclamation District 1000]
[Central Valley Flood Protection Board]

EXHIBIT D
FORM-OF LETTER TO CVRWQCB

[SAFCA LETTERHEAD]
[Date]

[Name]
Central Valley Regional Water Quality Control Board
Sacramento Main Office
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

RE: Request for Waste Discharge Requirements for Drainage Pipes and Outfalls
Natomas Levee Improvement Program
Landside Improvements Project, [Year] Construction Projects

Dear [Name]:

SAFCA has undertaken the Natomas Levee Improvement Program ("NLIP") Landside Improvements Project ("Project") in order to provide increased flood protection to the Natomas Basin. The Project will involve the construction of a new adjacent levee on the land side of the existing Sacramento River east levee along the Garden Highway. The section of the adjacent levee between the Natomas cross Canal and Powerline Road will be raised above the elevation of the existing levee. This grade difference results in a change in the drainage pattern associated with the eastern side of the roadway.

Enclosed with this letter please find SAFCA's application for waste discharge requirements associated with the new storm water drainage facilities which are proposed to offset the potential increase in storm water that would otherwise be redirected from eastern side of the Garden Highway onto the private parcels occupying the water side of the levee. These drainage facilities consist of a collection swale located between the new adjacent levee and the Garden Highway, and new pipes and drainage outfall lines to drain collected storm water to the river. In order to minimize the effects of the Project on Garden Highway residences, where these outfalls cross private property, SAFCA has sought to locate the new drainage pipes and outfalls along existing parcel boundaries in buried pipes that drain to the river [or in an alternative location approved by the property owner].

SAFCA believes that the Project and the enclosed application for waste discharge requirements are consistent with sound engineering practices, the Settlement Agreement between the Garden Highway Community Association and SAFCA, and the Porter-Cologne Water Quality Control Act. Accordingly, we request that the Regional Board approve this application. However, if for any reason the Regional Board determines that the location of any proposed new pipe or outfall line is unacceptable, we request that the Regional Board identify alternative

locations that would be acceptable so that the affected property owners may have an opportunity to work with SAFCA in selecting from among these alternatives.

Please contact us if you have any questions or concerns. We look forward to your cooperation on this important Project to improve flood protection for the Natomas Basin.

Very truly yours,

Stein M. Buer
Executive Director

cc: United States Army Corps of Engineers
Central Valley Flood Protection Board