MONTHLY BOARD MEETING

PLACE: West Sacramento Chamber of Commerce Meeting Room
       1420 Merkley Avenue, Suite 6
       West Sacramento, CA

DATE: Thursday, September 8, 2011

TIME: 10:30 AM

Meeting Agenda

1. Agenda Approval
2. Public Comment
3. August 11, 2011 Minutes
5. Consideration and Adoption of Resolution 11-09-01 Certifying the CHP Academy EIP Utility Pole Relocation Addendum to the West Sacramento Levee Improvement Program 408 Permission Environmental Impact Statement / Impact Report, Findings of Fact and Statement of Overriding Considerations, and Mitigation and Monitoring & Reporting Plan for the CHP Academy and The Rivers Early Implementation Projects
6. WSAFCA Project Updates
7. Informational Items
8. Adjourn

** In accordance to the Brown Act, any documents related to agenda items that are made available to the Board before the meeting will be available for review by the public at 1420 Merkley Ave., Suite 4, West Sacramento, CA 95691, 8:00 am to 4:00 pm, Monday through Friday.**
MEETING DATE: September 8, 2011

SUBJECT:
CONSIDERATION AND ADOPTION OF RESOLUTION 11-09-01 CERTIFYING THE CHP ACADEMY EIP UTILITY POLE RELOCATION ADDENDUM TO THE WEST SACRAMENTO LEVEE IMPROVEMENTS PROGRAM 408 PERMISSION ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT, FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING & REPORTING PLAN FOR THE CHP ACADEMY AND THE RIVERS EARLY IMPLEMENTATION PROJECTS

INITIATED OR REQUESTED BY: [ ] JPA Board [ ] Staff [ ] Other

REPORT COORDINATED OR PREPARED BY:
John Powderly, Associate Planner

[ ] Yes [ ] No

ATTACHMENT INFORMATION DIRECTION ACTION

OBJECTIVE
Obtain the JPA Board's certification of the CHP Academy Utility Pole Relocation Addendum addressing the relocation of utility poles at the CHP Academy Early Implementation Project (EIP).

RECOMMENDED ACTION
It is respectfully recommended that the WSAFCA Board adopt Resolution 11-09-01 (Attachment 1), and by doing so:

- Find that the CHP Academy EIP Utility Pole Relocation Addendum to the West Sacramento Levee Improvements Program 408 Permission Environmental Impact Statement/Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring & Reporting Plan (EIS/EIR) for the CHP Academy and The Rivers Early Implementation Projects (EIPs) complies with the California Environmental Quality Act (CEQA), CEQA Guidelines, and all other applicable laws and regulations; and
- Find that the Board of Directors of the JPA has reviewed and considered the minor refinements to the CHP Academy EIP and the CHP EIP Utility Pole Relocation Addendum to the EIS/EIR for the EIPs; and
- Find that the CHP Academy EIP Utility Pole Relocation Addendum to the EIS/EIR for the EIPs reflects WSAFCA's independent judgment and analysis as the lead agency under the California Environmental Quality Act; and
- Find that the public health, safety, and general welfare warrant the certification of the Addendum to the EIS/EIR, Findings of Fact and Statement of Overriding Considerations, and Mitigation Monitoring & Reporting Plan for the EIPs; and
- Certify the CHP Academy EIP Utility Pole Relocation Addendum.
- Ratify the approval of the CHP Academy and The Rivers Early Implementation Projects (the "Project").

BACKGROUND
The Final EIS/EIR for the CHP Academy and The Rivers EIPs (SCH No. 2007102130) was released on February 18, 2011. The WSAFCA Board certified the EIS/EIR and adopted the Findings of Fact and Statement of Overriding Considerations as well as the Mitigation Monitoring & Reporting Plan on March 10, 2011. Also on March 10, 2011, the WSAFCA Board approved the Project. Since certification of the Final EIS/EIR, a minor project refinement has occurred.
The project includes a landward shift of the levee prism. This landward shift results in an existing electrical line & utility poles – currently adjacent to the landside levee toe and owned & operated by Pacific Gas & Electric (PG&E) – falling within a zone that the US Army Corps of Engineers (USACE) and the Central Valley Flood Protection Board (CVFPB) require to be free from utilities and other structures. To comply with USACE and CVFPB standards, PG&E will relocate its electrical line and utility poles 12 feet south of the existing location.

The relocation of the electrical line and utility poles is minor project refinement that was not described and analyzed in the EIS/EIR. An addendum to the previously-certified EIS/EIR has been prepared (Exhibit A of Attachment 1) to address the potential environmental impacts of the minor refinement (i.e. pole relocation) to the CHP Academy EIP. The addendum complies with CEQA, CEQA Guidelines, and all other applicable laws and regulations.

**ANALYSIS**
The relocation places the utility line closer to existing trees. To comply with California Public Utilities Commission safety standards for clearance around overhead utility lines, 32 trees will need to be removed and an additional 10 trees will need to be trimmed. The trees to be removed and trimmed are ornamental landscape trees that were planted as a screen for the CHP property. WSAFCA and PG&E representatives have coordinated with CHP representatives to secure permission to remove these trees and provide an appropriate replacement for them.

The Addendum analyzes the possible environmental impacts of the utility line relocation including disruption to public utility service, impacts to riparian habitat, and impacts to protected trees. The results of the analysis and the record as a whole indicate that the impacts associated with the utility relocation would not result in either significant new environmental effects or a substantial increase in previously identified significant effects of the project necessitating the preparation of a subsequent EIS/EIR or supplement to the EIS/EIR. The impacts of this project refinement would be the same as those analyzed in the previously certified EIS/EIR.

Pursuant to CEQA, addendums to EIRs need not be circulated for public review, but must be attached to the EIR and considered by the decision-making body. If the Board certifies the Addendum and ratifies the Project approval, a Notice of Determination will be filed with Yolo County.

**Alternatives**
The Board may elect not to certify the Addendum at this time; however, such action could delay flood protection improvements for the city.

**Coordination and Review**
The utility pole relocation has been coordinated with the US Army Corps of Engineers, California Department of Fish & Game, California Highway Patrol Academy, and Pacific Gas & Electric Company.

**Budget/Cost Impact**
The cost for preparing the Addendum was approximately $5,000. PG&E is paying to relocate their electrical line and utility poles.

To replace the CHP Academy’s landscape screen, staff estimates the cost will be about $20,000 for design and construction documents; and about $200,000 for landscape construction. The CHP Academy has agreed to assume the costs of tree maintenance and irrigation. The contract for preparing the design and construction documents will be submitted to the WSAFCA Board. Staff anticipates the contract will be submitted to the Board at its regularly scheduled meeting in October, 2011.

**ATTACHMENTS**
1. Resolution 11-09-01, with Exhibit:
A. ADDENDUM TO CERTIFIED ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT

The EIR/EIS, Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plans are available at the WSAFCA office. They are also available on the internet at:

http://www.cityofwestsacramento.org/city/flood/final_eis_eir/default.asp; and
RESOLUTION 11-09-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY (“WSAFCA”) CERTIFYING THE CHP ACADEMY EARLY IMPLEMENTATION PROJECT (EIP) UTILITY POLE RELOCATION ADDENDUM TO THE WEST SACRAMENTO LEVEE IMPROVEMENTS PROGRAM 408 PERMISSION ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (“EIS/EIR”), FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING & REPORTING PLAN FOR THE CHP ACADEMY AND THE RIVERS EARLY IMPLEMENTATION PROJECTS

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

WHEREAS, on March 10, 2011, WSAFCA certified the WEST SACRAMENTO LEVEE IMPROVEMENTS PROGRAM 408 PERMISSION ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (“EIS/EIR”), FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING & REPORTING PLAN FOR THE CHP ACADEMY AND THE RIVERS EARLY IMPLEMENTATION PROJECTS (SCH No. 2007102130) (WSAFCA Resolution 11-3-1); and

WHEREAS, on March 10, 2011, WSAFCA approved the CHP Academy and The Rivers Early Implementation Projects (the “Project”); and

WHEREAS, since certification of the EIS/EIR, minor refinements have been made to the CHP Academy Early Implementation Project requiring the relocation of existing utility poles; and

WHEREAS, the project refinements have been evaluated and found to not cause significant new environmental effects or a substantial increase in previously identified significant effects of the project necessitating the preparation of a subsequent EIS/EIR or supplement to the EIS/EIR; and

WHEREAS, WSAFCA has had an addendum to the previous EIS/EIR prepared, which complies with the California Environmental Quality Act (“CEQA”), CEQA Guidelines, and all other applicable laws and regulations; and

WHEREAS, the Board of Directors of WSAFCA has reviewed and considered the minor refinements to the CHP Academy EIP and the addendum to the EIS/EIR;

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

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

Section 2: the addendum to the EIS/EIR reflects WSAFCA’s independent judgment and analysis.
Section 3: WSAFCA hereby finds that the public health, safety, and general welfare warrant the certification of the addendum to the EIS/EIR.

Section 4: WSAFCA hereby certifies the CHP Academy EIP Utility Pole Relocation Addendum (Exhibit A) to the WEST SACRAMENTO LEVEE IMPROVEMENTS PROGRAM 408 PERMISSION ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (“EIS/EIR”), FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING & REPORTING PLAN FOR THE CHP ACADEMY AND THE RIVERS EARLY IMPLEMENTATION PROJECTS (SCH No. 2007102130).

Section 5: WSAFCA hereby ratifies the approval of the Project.

PASSED AND ADOPTED by the Board of Directors of WSAFCA this 8th day of September, 2011, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  

__________________________
William Denton, President

ATTEST:  
APPROVED AS TO FORM:

__________________________  __________________________
Kenneth A. Ruzich, General Manager  WSAFCA Attorney
James Day, Jr.
ADDENDUM TO CERTIFIED ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT

September 8, 2011

CEQA Lead Agency: West Sacramento Area Flood Control Agency
1110 West Capitol Avenue
West Sacramento, CA 95691

Contact: John Powderly
Telephone: 916-617-4850

NEPA Lead Agency (for purposes of 408 Permission): U.S. Army Corps of Engineers, Sacramento District
1325 J Street, 10th Floor
Sacramento, CA 95814-2922

Contact: John Suazo
Telephone: 916-557-6719

Project Title: West Sacramento Levee Improvements Program - CHP Academy and The Rivers Early Implementation Projects

Project Location (nearest town): West Sacramento, Yolo County, California

Project Background: The West Sacramento Area Flood Control Agency (WSAFCA) is a Joint Powers Authority created in 1994 through a joint exercise of powers agreement by the City of West Sacramento, Reclamation District 900 (RD 900), and Reclamation District 537 (RD 537) to coordinate the planning and construction of flood protection facilities and to finance the local share of flood control projects. WSAFCA is proposing levee improvements under the California Department of Water Resources’ (DWR’s) Early Implementation Project (EIP) program at two sites: the CHP Academy EIP and The Rivers EIP. WSAFCA is also the lead agency under the California Environmental Quality Act (CEQA). The EIPs would alter Federal project levees. The U.S. Army Corps of Engineers (USACE) has authority over alteration to Federal project levees pursuant to Section 14 of the Rivers and Harbors Acts of 1899 (33 USC 408). That authority is commonly referred to as “Section 408 approval” and USACE must comply with the National Environmental Policy Act (NEPA) in granting such permission.

The CHP Academy and The Rivers EIPs were analyzed in one environmental impact statement/environmental impact report (EIS/EIR), with project- and site-specific description and analyses. This addendum addresses minor refinements to the CHP Academy EIP.

Original Project Description: The CHP Academy EIP is needed to bring deficient levee sections up to standards to achieve the project objectives. Deficiencies at the site include through-seepage, geometry, and under-seepage, along with short reaches of instability. To address these deficiencies, the CHP Academy EIP consists of a combination of a slurry cutoff wall and slope flattening. The slurry cutoff wall would vary in depths from 25 to 80 feet deep below the degrade elevation. To address geometry deficiencies the waterside slope would be flattened to a 3:1 slope, shifting the levee prism 10 to 20 feet landward.
Previously Certified EIR: An EIS/EIR was prepared to evaluate potential project effects and was circulated for public review (SCH No. 2007102130). WSAFCA certified the Final EIR in March 2011.

Refinements to the Project: Since certification of the Final EIR, minor project refinements have occurred based on development of the design from the 30%- to 100%-level, and based on a subsequent determination that support poles for an existing overhead electric transmission line owned and operated by Pacific Gas & Electric (PG&E) (currently adjacent to the landside levee toe) do not comply with utility placement standards of the USACE and the Central Valley Flood Protection Board (CVFPB). The project includes a landward shift of the levee prism which results in these utility poles falling within a zone that is required to be free from utilities and other structures. Specific project refinements are listed below:

- de-energizing the power lines and removing the power poles that run approximately two-thirds the length of the project site (approximately 4,000 feet) adjacent to the landside toe of the levee; and
- placement of new power poles and power lines approximately 12 feet to the south of the existing location (outside of the levee prism).

The adjacent California Highway Patrol Academy (CHP) has a fence that runs the length of its property adjacent the project site. The re-location of the utility line requires the removal and trimming of trees on both the project site side of the fence and on the south side of the fence within the CHP property. WSAFCA and PG&E representatives have coordinated with CHP representatives to secure permission to remove trees located on CHP property. All of these trees are located on the landside of the levee outside of the bed, bank, or channel of Sacramento Bypass and adjacent Sacramento River. Figure 1 depicts the location of the existing power pole lines, the relocated power poles, areas of trees proposed for removal and/or trimming, and proposed areas for replacement tree plantings. The trees to be removed are landscape trees planted as a screen for the CHP property, and some are native oaks. Trees to be trimmed include 6 redwoods, 2 alders, and 2 sycamores (non-native). Trees to be removed are presented in Table 1.

<table>
<thead>
<tr>
<th>Table 1. Trees to be Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Common Name/Species (total of species)</strong></td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td>Redwood/Sequoia sempervirens (1)</td>
</tr>
<tr>
<td>Alders/Alnus spp. (5)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Sycamore (non-native)/Platanus spp. (6)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Live Oak/Quercus wislizenii (8)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Valley oak/Quercus lobata (2)</td>
</tr>
<tr>
<td>Tree Species</td>
</tr>
<tr>
<td>------------------------------------</td>
</tr>
<tr>
<td>Oak (non-native)/ <em>Quercus</em> spp.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Zelkova/Zelkova spp.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Liquidambar/Liquidambar <em>styraciflua</em></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Total No. of Trees Removed</strong></td>
</tr>
</tbody>
</table>

Effect PUB-1 of the utilities and public services section of the EIS/EIR for the CHP Academy EIP notes that construction of the project may result in the relocation of utility infrastructure, which could result in temporary loss of service. Mitigation Measure PUB-MM-2 provides measures to avoid and minimize damages and loss of utility service during construction.

Effects VEG-1 and VEG-3 of the vegetation and wetlands section of the EIS/EIR for the CHP Academy EIP indicates that there would be no loss of riparian trees or trees protected under the City of West Sacramento Tree Preservation Ordinance as a result of project construction. These effects statements and significance conclusions would not change as a result of the inclusion of the utility line relocation for the following reasons.

- The trees to be removed or trimmed would not be considered riparian habitat because (a) they do not fall within a bed, channel, or bank of any river, stream, or lake nor would their removal result in the deposit or disposal of debris, waste, or other material where it may pass into any river, stream, or lake (California Fish and Game Code section 1602[a]), and (b) within the leveed system of the Central Valley, riparian habitat has been generally defined to include the area to the waterside of the levee crown (measured from the hingepoint of the crown). These trees do not fall within that area.

- The City of West Sacramento municipal code outlines the City’s tree preservation ordinance and tree permitting process (Title 8, Chapter 8.24 Tree Preservation, Section 8.24.080). The City Manager or his designee, make determinations as to whether or not a permit is required. In this case, the City Manager has deemed that the trees do not require a permit for removal and/or trimming.

Therefore, the impacts associated with the utility relocation would not result in new significant impacts (construction- or operation-related) for these or other resource topics. The impacts of this project refinement would be the same as those analyzed in the previously certified EIS/EIR.

Notwithstanding these determinations, the trees proposed for removal do provide screening for the neighboring CHP Academy and its operations. To compensate for the loss of screening, WSAFCA will provide for replanting on a tree-for-tree basis. Areas proposed for replanting are depicted in Figure 1. The specifics of the replanting plan including tree species, placement, sizing, irrigation, and maintenance will be coordinated with CHP Academy representatives to ensure replacement plantings will adequately replace the affected functions.

**Findings:** The refinements to the project are considered minor technical changes. Pursuant to Section 15164 (e) of the State CEQA Guidelines and Council on Environmental Quality NEPA Regulations (40 C.F.R. 15029[c][1]), in considering the record as a whole, there is no substantial
evidence that the refinements to the project design will cause significant new environmental effects or a substantial increase in previously identified significant effects of the project necessitating the preparation of a subsequent EIR or supplement to the EIS/EIR. As such, this addendum to the EIS/EIR is the appropriate environmental documentation.
Figure 1. CHP Academy EIP
Power Line Relocation