



**FINAL ENVIRONMENTAL
IMPACT REPORT**

**FOR THE
FEATHER RIVER
LEVEE REPAIR PROJECT**

**AN ELEMENT OF THE
YUBA-FEATHER SUPPLEMENTAL
FLOOD CONTROL PROJECT**

STATE CLEARINGHOUSE NO. 2006062071

PREPARED FOR

**THREE RIVERS LEVEE
IMPROVEMENT AUTHORITY**

PREPARED BY

**EDAW
FLOOD CONTROL STUDY TEAM**

November 2006

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APPENDIX

A	DEIR Public Meeting
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1.1 PURPOSE OF THIS DOCUMENT AND OVERVIEW OF THE DEIR PUBLIC REVIEW PROCESS

On August 4, 2006, the Three Rivers Levee Improvement Authority (TRLIA) distributed to public agencies and the general public the draft environmental impact report (DEIR) on the Feather River Levee Repair Project (FRLRP). The DEIR was prepared on behalf of TRLIA in accordance with the requirements of the California Environmental Quality Act (CEQA) Statutes (Public Resources Code [PRC] Sections 21000 et seq.) and the State CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations). TRLIA is the lead agency for CEQA compliance. TRLIA is a joint powers authority composed of Yuba County and Reclamation District (RD) 784 that was formed to address funding and implementation of levee repairs for the RD 784 area.

In accordance with the CEQA Statutes (PRC Section 21092) and Section 15087 of the State CEQA Guidelines, public notice of the DEIR and the beginning of the public review period was provided by TRLIA through publication of an announcement in the Marysville Appeal-Democrat in the August 3, 2006 edition of its daily newspaper. In accordance with Section 15105(a) of the State CEQA Guidelines, TRLIA provided a 45-day public review period for the DEIR, ending on September 18, 2006.

The public notice published in the Marysville Appeal-Democrat included details on how to obtain copies of the DEIR, how to provide comments on the document, and announced the public meeting for the DEIR, which was held on September 6, 2006 at the Yuba County Government Center in Marysville. Additional notification methods were also used, including mailing of approximately 100 copies of the Notice of Availability (NOA) to potentially affected landowners, posting of the NOA at the Yuba County clerk's office, mailing over 150 copies of the DEIR on compact disc (CD) with a paper copy of the executive summary to various agencies and individuals, and mailing approximately 10 copies of the full DEIR in paper copy to various agencies and individuals. The NOA included information on how to obtain and comment on the DEIR, as well as an announcement of the DEIR public meeting. The DEIR itself includes a description of the public review process in Chapter 2, "Introduction," which provides an announcement of the September 6 public meeting. As a courtesy to the public, a second public meeting announcement was published in the Sunday, August 27, 2006, edition of the Marysville Appeal-Democrat.

At the public meeting on the DEIR, TRLIA and members of the project team presented an overview of the project alternatives, conclusions of the DEIR, and ways to provide comments on the DEIR. Project team members were available following the presentation to answer questions and provide additional information on the project. Various methods for providing comments on the DEIR, either verbally or in writing, were available to participants at the meeting. Appendix A, "DEIR Public Meeting," includes a transcript of the meeting.

According to State CEQA Guidelines Section 15088, a lead agency must evaluate comments on environmental issues that it receives from persons who reviewed a DEIR on a project and must

prepare written responses to comments that raise significant environmental issues. The written response must describe the disposition of significant environmental issues raised, and there must be good faith, reasoned analysis in the responses. TRLIA received five comment letters on the DEIR during the 45-day public comment period and two additional letters after the close of the comment period. All seven comment letters are addressed in this final EIR (FEIR).

This FEIR has been prepared to respond to the comments received by TRLIA that address significant environmental issues related to the DEIR, in accordance with Sections 15088 and 15132 of the State CEQA Guidelines. According to State CEQA Guidelines Section 15089, the lead agency must prepare a FEIR prior to approving a project. The contents of an FEIR are specified in Section 15132 of the State CEQA Guidelines.

This document consists of the following chapters:

- Chapter 1, “Introduction,” describes the purpose of this document, provides an overview of the public review process, summarizes the project background purpose and alternatives, provides the anticipated project timeline, and summarizes operation and maintenance actions.
- Chapter 2, “Comments and Responses to Comments on the Draft EIR,” reproduces the comment letters received by TRLIA on the DEIR and provides responses to those comments.
- Chapter 3, “Corrections and Updates to the Draft EIR,” lists modifications to the DEIR made in response to the comments received. These modifications do not change any of the impact conclusions stated in the DEIR.
- Chapter 4, “References,” lists the sources cited in this document.
- Chapter 5, “Document Preparers,” lists the individuals who contributed to the preparation of this document.

This document and the DEIR together constitute the FEIR for the FRLRP. The DEIR is hereby incorporated into this document by reference.

1.2 PROJECT BACKGROUND AND DEVELOPMENT

Catastrophic floods have occurred in Yuba County since the mid-1800s. In response to the most recent severe flood event in 1997, the Yuba County Water Agency (YCWA) initiated a seven-phase program of flood control studies to identify methods to achieve a higher level of protection, particularly for the areas in RD 784 that had been subject to flooding several times in the past. The goal of this effort was to substantially improve the flood protection that would be provided by other major related flood control efforts by the U.S. Army Corps of Engineers (Corps), the California Department of Water Resources (DWR), and YCWA. As part of this effort, YCWA identified and evaluated 33 potential methods for Yuba County to meet all or a portion of its identified flood protection objectives. These methods represent a comprehensive range of available technology.

Following the passage of the Costa-Machado Water Act of 2000 (Water Act of 2000) by California voters, YCWA's flood control study team turned the focus of its seven-phase study to those measures that could be achieved within the budget provisions of the Water Act of 2000, which provided for a total of \$90 million in bond funds targeted for the Yuba-Feather River basin. This effort, funded through Water Act of 2000 grant monies, is the Yuba-Feather Supplemental Flood Control Project (Y-FSFCP). Of the \$90 million, \$70 million was targeted for planning, design, and construction work and \$20 million was targeted for environmental mitigation and enhancement. As part of the Y-FSFCP studies, YCWA prepared a feasibility study and a DEIR, which was released in October 2003 (Yuba County Water Agency 2003a and 2003b). The feasibility study evaluated combinations of three primary flood control elements, including a setback of the left (east) bank levee of the Feather River between Shanghai Bend and the Bear River.

The Y-FSFCP Feather River levee setback was proposed for two segments, which were referred to as the Above Star Bend (ASB) and Below Star Bend (BSB) levee setbacks. The ASB levee setback was proposed to extend approximately 5.2 miles along the Feather River, from southwest of the Yuba County Airport to 1 mile downstream of Star Bend. The BSB levee setback was proposed to extend approximately 3.4 miles, from 1 mile downstream of the ASB levee setback to 2,000 feet upstream of the confluence with the Bear River. It was assumed that the levee setbacks evaluated in the Y-FSFCP would include a habitat restoration component in the expanded floodway area, combined with some continuing agricultural uses. The FEIR for the Y-FSFCP was certified and the program of elements approved by the YCWA Board in March 2004. The levee setback component of the project that is the subject of the DEIR prepared for this project—the FRLRP—is a modification of the ASB levee setback that was previously proposed and evaluated in the Y-FSFCP EIR. The Y-FSFCP program EIR and this EIR on the FRLRP support the 2003 feasibility study discussed above.

1.3 SUMMARY DESCRIPTION OF THE PROJECT PURPOSE AND OBJECTIVES

The purpose of the proposed FRLRP is to correct deficiencies in the left (east) bank levees of the Feather and lower Yuba Rivers, and consequently to improve flood protection for the RD 784 area in Yuba County. The overall objectives of the project are:

- to secure flood protection for at least a flood event with a 0.5% (or 1-in-200) annual chance of exceedance,
- to help secure Federal Emergency Management Agency (FEMA) accreditation of the subject reaches of levee,
- to avoid increasing downstream flow and stage during peak-flow conditions,
- to achieve these objectives as soon as possible, and
- to incorporate environmental mitigation as appropriate.

These objectives are consistent with the requirements in Section 15124(b) of the State CEQA Guidelines and were used in the development and assessment of project alternatives.

1.4 SUMMARY DESCRIPTION OF THE PROJECT ALTERNATIVES

The proposed FRLRP is an element of the Y-FSFCP that would address identified deficiencies in the left bank levees of the Yuba and Feather Rivers, and consequently would improve flood protection for the RD 784 area of Yuba County. Ongoing engineering and technical feasibility studies have resulted in development of three project alternatives to meet the project objectives:

- Alternative 1—The Levee Strengthening Alternative. Under this alternative, levee repair and strengthening activities would be completed along the entire length of FRLRP project Segments 1, 2, and 3 (Figure 2-3 in Chapter 2, “Introduction” of the FRLRP DEIR). Establishment of soil borrow areas and construction of a detention basin would be required. Implementation of Alternative 1 would involve removing existing RD 784 Pump Station No. 3 and installing a new pump station farther east of the Feather River levee, which would correct seepage deficiencies related to the existing pump station.
- Alternative 2—The Levee Strengthening and ASB Setback Levee Alternative. Under this alternative, levee repair and strengthening activities would be completed along project Segments 1 and 3. Repair and strengthening activities in these segments would be the same as for Alternative 1. In project Segment 2, a setback levee would be constructed roughly following the ASB setback levee alignment identified in the Y-FSFCP EIR. Establishment of soil borrow areas and construction of a detention basin would be required. A pump station to replace Pump Station No. 3 would be installed on the east side of the new setback levee.
- Alternative 3—The Levee Strengthening and Intermediate Setback Levee Alternative. Under this alternative, the same levee repair and strengthening activities described for Alternatives 1 and 2 would be conducted in project Segments 1 and 3. In Segment 2 a modified setback levee alignment would be used with a portion of the setback levee located farther to the west than the ASB setback levee alignment. This alignment would allow less land to be placed in the new floodway than under Alternative 2. The general design, construction, and operational characteristics of an intermediate setback levee under Alternative 3 would be same as for the ASB setback levee under Alternative 2. A pump station to replace Pump Station No. 3 would be installed on the east side of the new setback levee.

The proposed FRLRP consists of implementation of one of these three potential alternatives, each evaluated at an equal level of detail in the DEIR. These alternatives are described in detail in Chapter 4, “Description of the Proposed Project,” of the FRLRP DEIR.

Land uses in the levee setback area under Alternatives 2 and 3 could consist of agricultural operations and/or habitat restoration activities that would be compatible with flood control objectives. However, no specific plans for habitat restoration in the setback area are proposed at this time.

The FRLRP DEIR also evaluated the No-Project Alternative, in accordance with the requirements of Section 15126.6(e) of the State CEQA Guidelines.

The State CEQA Guidelines call for identification of an environmentally superior alternative and specify that “if the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among other alternatives.” However, there are a number of interconnected as well as opposing factors to consider when evaluating the various FRLRP alternatives, which result in no clear environmentally superior alternative. These factors include:

- minimizing environmental effects,
- providing flood protection to the RD 784 area,
- the potential for providing more regional flood protection benefits,
- effects on lands and landowners that might be included in a levee setback area, and
- potential beneficial environmental effects associated with creating a levee setback area.

As part of the process to select a preferred alternative, TRLIA will ultimately weigh such things as the various gradients of flood protection and associated increased or decreased risks to life and property against the variety of types and extents of environmental effects associated with each alternative.

1.5 TIMELINE FOR PROJECT IMPLEMENTATION

The TRLIA Board of Directors is expected to make a decision on certifying the EIR and approving a project alternative at its meeting on November 14, 2006. If TRLIA decides to approve the project, it will request a permit from The Reclamation Board later in November or in December 2006. Bonds would be sold after this date to finance the local share of the project costs. TRLIA anticipates that negotiations with landowners for land acquisition would begin in 2006 and would be finalized by fall 2007.

Assuming that the project is approved, completion of project-level environmental compliance, detailed engineering design, equipment procurement, permitting, design review and approval, and construction for the three project segments are anticipated to take place over 3 years, ending in winter 2008. The anticipated activities and their durations are summarized below. The information provided below applies to all project alternatives unless otherwise noted.

Sufficient detailed engineering to allow the start of construction in project Segments 1 and 3 is expected to be completed in early 2007, while sufficient detailed engineering to allow the start of construction in Segment 2 is expected to be completed in late 2007. It is assumed that federal, state, and local permitting and National Environmental Policy Act reviews would be completed concurrently with detailed design activities (see Chapter 2, “Introduction,” of the FRLRP DEIR for a list of the permits and authorizations that are likely to be required).

It is assumed that contractor selection would take place soon after the approval of final detailed design packages (i.e., one set of detailed designs for Segments 1 and 3 and a second set of detailed designs for Segment 2). It is also expected that acquisition of right-of-way (e.g., temporary construction rights-of-way, right-of-way for a setback levee if Alternatives 2 or 3 are selected) would begin after certification of all CEQA documents for the project and could take up to approximately 15 months in some locations. Acquisition could proceed concurrent with the completion and approval of the final detailed design and contractor selection.

Completion of these preconstruction activities for all project segments is expected to take a total of approximately 20 months, although preconstruction activities for Segments 1 and 3 could be completed well before such activities for project Segment 2.

For project Segments 1 and 3, a construction period of about 6 months is anticipated for levee repair and strengthening under the three project alternatives, beginning in May 2007. Schedule highlights would include workforce and equipment mobilization and setting up construction sites, installation of a slurry cutoff wall, construction of seepage/stability berms, relocation of utilities as necessary, and installation of relief wells. For project Segment 2, a construction period of about 8 months is anticipated for levee repair and strengthening under Alternative 1 (no setback levee), beginning in March 2008. The extended construction period within project Segment 2 reflects the added construction component of correcting erosion sites along the existing levee. Otherwise, the schedule highlights would be similar to those described for project Segments 1 and 3.

Selection of either Alternative 2 or 3 would involve construction of a setback levee in project Segment 2. The construction sequence for either the ASB setback levee or the intermediate setback levee would be similar, and construction would occur over two seasons beginning in August 2007 and ending in winter 2008. Most construction activities would take place in the spring, summer, and fall months. Schedule highlights in project Segment 2 for either Alternative 2 or 3 would include preparation of a setback levee foundation and construction of a setback levee embankment. The location of the setback levee would vary depending on the alternative selected. Installation of a slurry cutoff wall would be necessary following preparation of the new setback levee foundation.

1.6 OPERATION AND MAINTENANCE

The ASB setback levee under Alternative 2 or the intermediate setback levee under Alternative 3 would entirely replace the corresponding existing Feather River levee as a project levee in the Sacramento River Flood Control Project. The State of California, through the Sacramento–San Joaquin Drainage District, would obtain an easement that would allow the construction, operation, and maintenance of the setback levee. Existing levee segments that would be repaired under the FRLRP would remain under the existing easements for operation and maintenance.

As is the current practice, landowners would be assessed fees for levee operation and maintenance, which would be performed by RD 784 under the supervision of DWR. The only substantial difference between the operation and maintenance of the repaired levee segments and/or the new setback levee and current practice would be that the proposed preliminary design for each alternative includes the use of relief wells. It is assumed that seepage from the wells would be removed by the relocated Pump Station No. 3. RD 784 could contract out the well maintenance or perform it with its own forces.

If Alternative 2 or Alternative 3 is implemented, TRLIA may acquire land through fee-title or obtain flowage easements. Ownership of properties in the levee setback area that are acquired by TRLIA for project implementation and are not part of the setback levee footprint could be transferred to a resource agency or land conservancy for future management. Special operations and maintenance plans would need to be prepared and implemented to ensure the long-term

maintenance of any habitat areas, and to ensure they do not conflict with the flood control function of the levee setback area. Similarly, if lands in the levee setback area are retained in agricultural production, agricultural operation plans would need to be developed and implemented to ensure that ongoing agricultural activities do not conflict with the flood control function of the levee setback area.

CHAPTER 2

COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

TRLIA received several comment letters on the draft environmental impact report (DEIR) during the public comment period. The following table lists the commenters and the dates of the letters. Each letter and individual comment has been assigned a letter/number designation for cross-referencing. No comments were received at the public meeting on September 6, 2006. Appendix A, "DEIR Public Meeting," includes a transcript of the meeting.

The comment letters received on the DEIR, and the responses to the significant environmental issues raised, follow the table. Also included at the end of this chapter are two letters from the State Clearinghouse. The first letter acknowledges that TRLIA has complied with the State Clearinghouse DEIR review requirements. The second letter transmits comment letters received following the close of the comment period on September 18, 2006. All comment letters received, including those received after the close of the comment period, are addressed in this FEIR.

List of Commenters/Letters			
Designation	Commenter	Date of Letter	Comment Number
A	Alessandro Amaglio, Environmental Officer, Federal Emergency Management Agency	September 8, 2006	A-1 through A-4
B	Kevin Roukey, Chief, Central California/Nevada Section, U.S. Army Corps of Engineers	September 25, 2006	B-1 and B-2
C	William A. Davis, Chief, Office of Planning – North, California Department of Transportation	September 5, 2006	C-1 and C-2
D	Al Vargas, Staff Environmental Scientist, Floodway Protection Section, California Department of Water Resources	September 1, 2006	D-1
E	Mike Mirmazaheri, Chief, Floodway Protection Section, California Department of Water Resources	September 20, 2006	E-1
F	Dennis O'Bryant, Program Manager – Williamson Act Program, California Department of Conservation	September 1, 2006	F-1 through F-4
G	Thomas W. Eres, Attorney at Law	September 18, 2006	G-1 through G-15



FEMA

September 8, 2006

Paul G. Brunner, P.E.
Executive Director
Three Rivers Levee Improvement Authority
915 Eight Street, Suite 115
Marysville, CA 95901

Re: August 2006 Draft Environmental Impact Report (DEIR) for the Feather River Levee Repair Project

Dear Mr. Brunner:

This is in response to your request for comments on the above referenced document you recently submitted to the Federal Emergency Management Agency (FEMA) for review.

In order to better understand the following comments, please note that on August 4, 2006, FEMA provided Yuba County (unincorporated areas) with a preliminary Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) proposing base flood elevations and wider Special Flood Hazard Areas (SFHAs), which are mapped high hazard areas that would be inundated by flooding having a 1% chance of being equaled or exceeded in a given year.

The wider high hazard areas are based on a study performed along portions of the Feather River and its tributaries by the U.S. Army Corps of Engineers, Sacramento District, under contract to the California Department of Water Resources. They determined that the levee systems along the restudied reaches do not meet the mapping criteria found in Title 44 of the Code of Federal Regulations, Section 65.10. Therefore, floodprone areas landward of the levee systems are proposed to be included as SFHAs.

FEMA held mapping coordination meetings with Yuba County and the California Department of Water Resources in Marysville, Calif., on April 27, 2006, and August 14, 2006, to discuss and answer questions on the ongoing revision to the county's FIRM and FIS. In this regard, those interested in discussing with FEMA the preliminary FIRM or FIS for Yuba County can contact Mr. Eric Simmons, Map Modernization Engineer for FEMA Region IX, at (510) 627-7029.

The project itself is to establish a higher level of flood protection for areas behind the levees and to have that protection recognized by FEMA on future Flood Insurance Rate Maps for Yuba County.

www.fema.gov

A-1

A general concern upon first reading of the DEIR is a lack of discussion of the FEMA map revision process and the responsibilities of communities that participate in the National Flood Insurance Program. Participating communities must provide technical flood hazard data to FEMA when development in the floodplain causes changes to Base (1% annual chance) Flood Elevations (BFEs). The DEIR contains a list of Federal regulatory agencies that will have a role in the project, and FEMA is not listed. Please refer back to my initial paragraph which summarizes the map revision process in progress. While FEMA is not a regulatory agency, the flood map revision is playing a key role in the project.

A-2

Chapter 5.3, Draft EIR, Water Resources and River Geomorphology, ASB Impacts 5-3-c and 5-3-d, discuss changes in hydrology due to the project, both upstream and downstream of the project area. Effects of the proposed project may not impact existing conditions (1% annual chance flood elevations) and therefore may not require a map revision. The purpose of the project is to protect areas behind the levees, which are currently showing Zone C in Yuba County, but now is proposed to be a Zone A due to flooding from the Feather River. A Letter of Map Revision (LOMR) or a Physical Map Revision (PMR) may be required because there will be BFEs published along the Feather River. This chapter in the Draft EIR does refer to hydrology analyses and flow rates.

The documentation submitted to FEMA in support of the LOMR or PMR due to development in the floodplain must take into account the effects of the proposed project upon the upstream and downstream levees on both sides of the river. To facilitate the LOMR or PMR process, communities often request a conditional LOMR from FEMA. A conditional LOMR is a letter from FEMA commenting on whether a proposed project would meet minimum NFIP standards. A conditional LOMR also describes the changes in 1% annual chance water-surface elevations due to a proposed project.

A-3

The DEIR documentation discusses effects to the Yuba County (left) side of the Feather River and concludes that the effects are either beneficial, or less than significant. The Three Rivers Levee Improvement Authority (TRLIA) must understand that any development done on this project has a potential effect on the Sutter County (right) side of the river also. There is no indication that the effects of this project on the Sutter County side have been studied.

While it is not FEMA's responsibility to dissect a California Environmental Quality Act (CEQA) document, we request that you edit the entire document in accordance with our comments, the actual flood hazards in the affected area, and FEMA's specific role in the process to avoid misconceptions and false expectations. Following are two editing examples:

A-4

1. Draft EIR, Executive Summary, Ch.1 Summary, 1.2 Description of the Project Alternatives:

Change the bullet point from: *"To help secure FEMA certification of the subject reaches of the levee,"* to *"To help secure FEMA accreditation of the subject reaches of the levee."*

With the explanation that FEMA **does not certify levees**, FEMA accredits levees that are recognized in flood hazard mapping activities. The builder or operator of a levee can certify that it meets the FEMA mapping criteria of 44 Code of Federal Regulations (CFR) Section 65.10.


2. Draft EIR, Purpose-Need, 3.2.3. second paragraph et sequitur:

"In 1993, following the initiation of the System Evaluation Project and the Yuba River Basin Project, and before the most recent devastating flood (in 1997), Yuba County had approved the Plumas Lake Specific Plan, which provides for a 12,000-home development on 5,200 acres in the southern portion of the RD 784 area. Development was initiated in the Plumas Lake Specific Plan area in 2002. The results of the 2003 Corps floodplain mapping study indicate that the people and property in the RD 784 area, including homes that had already been built in the Plumas Lake Specific Plan area before the release of the Corps study, are subject to a much higher flood risk than previously believed. Without levee improvements that ~~meet FEMA criteria~~ FEMA can accredit as providing protection against the one percent (1%) annual chance flood, FEMA may ~~issue~~ publish new Flood Insurance Rate Maps (FIRMs) panels for the RD 784 area. Once the FIRM panels are ~~issued~~ published, flood insurance rates for the area ~~would~~ may increase and carrying flood insurance would become mandatory. The ongoing economic development of the county could be jeopardized.

To avoid having RD 784 mapped into the FEMA 100-year floodplain, ~~the RD 784 levees will need to be certified as meeting current FEMA criteria~~ the district will need to submit to FEMA data showing that the levees meet the criteria for mapping behind levee areas which is found in Vol. 44, Code of Federal Regulations § 65.10. Consequently, YCWA, RD 784, and Yuba County, in consultation with many landowners and developers in the south county, elected to move aggressively on a program for evaluating options for achieving FEMA certification of the RD 784 levees. One step was the formation of the Three Rivers Levee Improvement Authority (TRLIA), a joint powers authority composed of Yuba County and RD 784 that was formed to address funding and implementation of levee repairs for the RD 784 area."

I will be glad to offer my comments to a new Draft or an interim document if you deem appropriate. If you should require any additional clarification or desire to discuss these comments in more detail, please feel free to contact me at (510) 627-7284 or by email at Alessandro.Amaglio@dhs.gov.

Sincerely,



Alessandro Amaglio
Environmental Officer

A-4
Cont'd

COMMENTER A

ALESSANDRO AMAGLIO, FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Response A-1

TRLIA concurs with the summary of past events provided in the comment letter.

Response A-2

Chapter 2, “Introduction,” of the DEIR has been revised to include text that further describes the role of FEMA in the project. See the DEIR text modifications in Chapter 3 of this document, “Corrections and Updates to the Draft EIR.”

Response A-3

TRLIA and/or Reclamation District 784 (RD 784) will coordinate with FEMA as appropriate regarding a Letter of Map Revision (LOMR), a conditional LOMR, and/or a Physical Map Revision (PMR). Note that these federal authorization processes do not have a nexus with project approval under CEQA, and the comment as it relates to LOMRs and PMRs does not refer to the analysis or conclusions in the DEIR.

The commenter questions whether the DEIR evaluates the effects of the proposed project on levees on the Sutter County side (right or west side) of the Feather River. Impacts ASB-5.3-c and IS-5.3-c from the DEIR evaluate the effects of reduced flood stage elevations upstream of the Above Star Bend (ASB) Setback Levee and Intermediate Setback Levee alternatives respectively. In both cases, the beneficial effects of reduced upstream flood-stage elevations resulting from construction of a setback levee would benefit both sides of the river. By default, if flood stage elevations are reduced in a river, those reductions occur along both river shorelines (whether natural shorelines or levees). There is not a need in the DEIR to expressly identify that this benefit applies to levees on both the left and right sides of the river.

Similarly, the slight increases in flood stage elevations downstream of the setback levee identified under Impacts ASB-5.3-d and IS-5.3-d must occur on both sides of the river. There is not a need to expressly identify that these increases occur on both the Yuba County side of the Feather River and the Sutter County side. As identified in the DEIR, increases in downstream flood stage elevation associated with the two setback levee alternatives would range from 0.02 foot (0.24 inch) to 0.08 foot (0.96 inch) depending on the alternative and severity of the flood event (1-in-100 annual exceedance probability [AEP] or 1-in-200 AEP). These increases would only occur in the Feather River segment between the downstream end of the setback levee and the Bear River. Below the Bear River there would be no measurable increase in flood stage elevation.

As identified in the DEIR, the stage for the design flow would remain below the project design stage (1957 profile) for the entire Feather River reach downstream of the setback levee, even with the increases identified by the hydraulic modeling. Again, this implicitly applies to both sides of the river. In addition, implementation of the planned Forecast-Coordinated Operations

(F-CO) of Lake Oroville and New Bullards Bar Reservoirs included as part of the Yuba-Feather Supplemental Flood Control Project (Y-FSFCP) would further reduce the minor increases in downstream flood-stage elevations identified in the hydraulic modeling. For these reasons, under the two setback levee alternatives, the potential impact on flood hydrology associated with the anticipated minor increases in downstream flood-stage elevations is considered less than significant. This conclusion applies to both the Yuba County and Sutter County sides of the Feather River.

Impacts ASB-5.3-j and IS-5.3-j evaluate the potential for alterations in water velocities, depths, and geomorphic processes resulting from the levee setback alternatives to adversely affect levees upstream, downstream, and within the setback area. The impact analysis is based on the results of the *Geomorphic Assessment of Project Alternatives for Feather River Levee Improvements Between the Bear and Yuba Rivers*, prepared by PWA Associates Ltd. (PWA) and included in Appendix C of the DEIR. As identified in the PWA report and the discussions of Impacts ASB-5.3-j and IS-5.3-j, both the right and left banks of the Feather River are considered in the analysis. Therefore, the potential for alterations in water velocities, depths, and geomorphic processes resulting from the levee setback alternatives to affect levees on the Sutter County side of the Feather River is evaluated in the DEIR.

Alternative 1, The Levee Strengthening Alternative, does not alter the location of existing levees and therefore would not change flood stage elevations, water velocities, water depths, or geomorphic process relative to existing conditions. Therefore, this alternative would not have the potential to affect Feather River levees on either side of the river via these mechanisms.

Response A-4

The text edits suggested by the commenter have been incorporated into the EIR. See the DEIR text modifications in Chapter 3 of this document, “Corrections and Updates to the Draft EIR.”



REPLY TO
ATTENTION OF

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

September 25, 2006

RECEIVED

SEP 29 2006

TRIA

Regulatory Branch (200600693)

Paul Brunner
Three Rivers Levee Improvement Authority
915 8th Street, Suite 115
Marysville, California 95901-5273

Dear Mr. Brunner:

We are responding to your August 3, 2006 request for comments on the Yuba-Feather Supplemental Flood Control Project. This project is located at Latitude 038° 58' 47.2", Longitude 121° 35' 12.4", in the New Helvetia Land Grant, near Olivehurst, in Yuba County, California.

B-1

The objective of the Yuba-Feather Supplemental Flood Control Project is to provide 200-year flood protection to southern Yuba County. This level of flood protection could not be achieved without providing 165 year flood protection to the same area through the construction of the Feather-Bear WPIC Levee Improvement Project. We believe that the Yuba-Feather Supplemental Flood Control Project and Feather-Bear-WPIC Levee Improvement Project together may have significant impacts to the aquatic environment, food and fiber production, agricultural lands, and dramatically increase development pressure in southern Yuba County. Therefore, there is a potential that an environmental impact statement (EIS) may be required to adequately address the cumulative impacts and affects to public interest factors associated with the Yuba-Feather Supplemental Flood Control Project and Feather Bear-WPIC Levee Improvement Project.

B-2

Please refer to identification number 200600693 in any correspondence concerning this project. If you have any questions, please contact Andrea Jones at our Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email Andrea.L.Jones@usace.army.mil, or telephone 916-557-7745. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

Kevin Ronkey
Chief, Central California/Nevada Section

COMMENTER B

KEVIN ROUKEY, U.S. ARMY CORPS OF ENGINEERS

Response B-1

It is noted that the letter from the U.S. Army Corps of Engineers (Corps) refers to the Yuba-Feather Supplemental Flood Control Project (Y-FSFCP), which was subject to an environmental review process that included preparation of a DEIR in October 2003. The final EIR (FEIR) for the Y-FSFCP was certified and the program of elements approved by the Yuba County Water Agency (YCWA) Board in March 2004. The project that is the subject of this current EIR—the FRLRP—is an element of the Y-FSFCP.

Although various flood control projects are referenced in the comment letter, the FRLRP is not mentioned. However, because the letter states it is “responding to your August 3, 2006 request for comments...,” and the release date for the FRLRP DEIR was August 3, 2006, it is assumed that the comments submitted by the Corps are intended to apply to the FRLRP DEIR. Also, it is noted that the September 25, 2006, letter from the Corps was submitted following the close of the DEIR comment period, which ended on September 18.

Response B-2

It is noted that the commenter seems to be referring to three flood control projects that have previously undergone environmental review and approval:

- **Y-FSFCP** – The EIR for this project addressed a program of flood control elements, as discussed above.
- **Bear River and Western Pacific Interceptor Canal (WPIC) Levee Improvements Project** – This project as approved entails repairs and improvements to the upper Bear River, Yuba River, and WPIC levees, and completion of various related improvements to provide protection from a 200-year flood event (not to achieve 165-year flood protection, as the commenter suggests).
- **Feather-Bear Rivers Levee Setback Project (F-BRLSP)** – This project as approved involves setting back the right bank levee of the lower Bear River from the confluence with the Feather River, where the alignment ties in with the existing Feather River levee below RD 784 Pump Station No. 2, to approximately 1,400 feet southwest of State Route (SR) 70.

The various projects undertaken by TRLIA in the RD 784 area, including the FRLRP, are being planned, designed, and implemented to achieve a 200-year level of flood protection, which is expected to result in FEMA accreditation of the subject reaches of levee and to avoid having the RD 784 area mapped in the 100-year floodplain.

The EIRs prepared for the projects listed above, and the present EIR prepared for the FRLRP, have addressed potentially significant impacts on the aquatic environment and agricultural lands

(and therefore indirectly, food and fiber production), which are discussed throughout the applicable sections of the respective EIRs. Implementation of all feasible mitigation measures is required to reduce the severity of significant impacts. Furthermore, growth-inducing impacts, which address development pressure, have been addressed in accordance with the requirements of CEQA. (Refer to Section 7.1 of the FRLRP DEIR, “Growth-Inducing Effects.”)

Due to the potential for significant impacts in these areas, the commenter suggests there is potential that an environmental impact statement (EIS), pursuant to the National Environmental Policy Act (NEPA), may be required “to adequately address the cumulative impacts and affects to public interest factors associated with the Yuba-Feather Supplemental Flood Control Project and Feather Bear-WPIC Levee Improvement Project.” Many of the elements associated with the Y-FSFCP, the Bear River and WPIC Levee Improvements Project, and the F-BRLSP are either complete or under construction, and to date, the Corps has not determined that an EIS is required. Whether an EIS is needed to support necessary authorizations from the Corps for the FRLRP is not a CEQA issue and is not pertinent to the analysis or conclusions in the FRLRP DEIR. Ultimately, as federal lead agency, the Corps has authority to determine whether an EIS is needed to support Corps authorizations for the FRLRP. However, it is the position of TRLIA that because the only Corps actions would involve the issuance of resource-oriented regulatory permits of a rather limited scale and “certification” of the adequacy of levee design, an EIS for the FRLRP is not merited nor should it be required. In addition, an EIS has not been needed for past YCWA and TRLIA projects with similar types and intensities of impacts.

If the Corps determines that an EIS is required, it is important to note that the current EIR prepared for the FRLRP was prepared using a format that could be used extensively to support EIS preparation. The FRLRP EIR evaluates three alternatives at an equal level of detail, an approach similar to that required for preparation of an EIS. Furthermore, the analysis prepared for the present FRLRP EIR is based on a comprehensive project description, which is designed to achieve the project objectives as presented in the introductory chapters of the EIR. The comprehensive project description provides the basis for an equally comprehensive analysis of project effects that generally exceeds the requirements of NEPA. The current EIR also includes a thorough analysis of cumulative and growth-inducing impacts that could also be applied to a NEPA evaluation. Thus, while TRLIA contends that an EIS should not be required for the FRLRP, most of the information that would otherwise be contained in an EIS is available for review in the present EIR.

SL
DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
P. O. BOX 911
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4025
FAX (530) 741-4825
TTY (530) 741-4309



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September 5, 2006

06YUB0040
03YUB70/PM 00.00 -02.00
ND DEIR SCH #2006062071
Feather River Levee Improvement

Paul Brunner, Executive Director
Three Rivers Levee Improvement Authority
915 8th Street, Ste. 115
Marysville, CA 95901-5273

Dear Mr. Brunner:

Thank you for the opportunity to review and comment on the Negative Declaration Draft Environmental Impact Report (DEIR) for the above mentioned project. The project proposes to increase flood protection in the Reclamation District (RD) 784 area of Yuba County. RD 784 is bounded by the Yuba River on the north, the Feather River on the west, the Bear River on the south, and the Western Pacific Interceptor Canal on the east. The project would address identified deficiencies in the Feather River levee, and would make related improvements to the Yuba River levee near its confluence with the Feather River. Our comments are as follows:

A project of this size is expected to have traffic impacts to the State Highway adjacent to the project. Of primary concern is the Plumas-Arboga at-grade intersection which is the closest access to the construction site off SR 70 for segment 2. Currently, during the AM peak, the northbound left turn lane into Plumas-Arboga Road stacks up. With the additional trucks generated by the Levee repair, it may become a safety concern, especially with traffic coming down the vertical crest just south of the intersection. The eastbound left turn movement onto Northbound State Route 70 may generate safety concerns as well. Due to a heavy southbound through movement during the PM peak, it may cause impatient drivers to take unnecessary risks to cross the intersection. We strongly recommend that construction truck traffic be rerouted to either the Feather River Blvd at-grade intersection, south of the Plumas-Arboga Road intersection, or the Feather River Blvd Interchange, north of the Plumas-Arboga Road intersection.

Caltrans should be included in the coordination of truck routes as well as the coordination of a traffic safety plan. This safety plan must be approved by Caltrans prior to initiation of the

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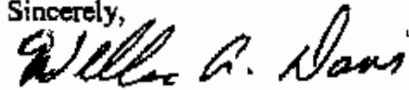
Paul Brunner
July 10, 2006
Page 2 of 2

construction related activities. In addition, Caltrans should also be included in the development of any traffic management plan that may be necessary where state facilities are involved.

C-2
Cont'd

If you have questions or need additional information, please contact Susan Zanchi, Yuba and Sutter Counties IGR Coordinator, at (530) 741-4199 or e-mail at Susan_Zanchi@dot.ca.gov.

Sincerely,



WILLIAM A. DAVIS, Chief
Office of Planning - North

cc: Scott Morgan, State Clearinghouse
Kevin Mallen, Yuba County Public Works Department
Mike Lee, Yuba County Public Works Department

"Caltrans improves mobility across California"

COMMENTER C

WILLIAM A. DAVIS, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response C-1

Section 5.11 of the DEIR, “Transportation and Circulation,” includes Mitigation Measure LS-5.11-b, which addresses limiting the potential for construction-related traffic hazards on Feather River Boulevard and other local roadways. Part “a” of Mitigation Measure LS-5.11-b specifically addresses development and implementation of a traffic safety plan by TRLIA and its construction contractor in coordination with the County and Caltrans. This process would address measures to avoid creation of traffic hazards on local roadways and along SR 70, including the intersection of Plumas-Arboga Road and SR 70. During coordination with Caltrans as part of development of the traffic safety plan, TRLIA shall ensure the construction contractor specifically discusses with Caltrans methods to minimize potential safety hazards at the Plumas-Arboga road/SR 70 at-grade intersection, including limiting construction traffic (time and/or volume of use, types of vehicles using the intersection) and routing construction traffic to avoid the intersection.

Note that the requirements of Mitigation Measure LS-5.11-b are repeated in Mitigation Measures ASB-5.11-b and IS-5.11-b. Therefore, the same mitigation actions would be implemented under any of the project alternatives.

Response C-2

As discussed under Response C-1, Mitigation Measure LS-5.11-b (and consequently Mitigation Measures ASB-5.11-b and IS-5.11-b) requires coordination with Caltrans during preparation of the traffic safety plan. TRLIA shall ensure that the construction contractor specifically addresses identification of truck routes during coordination with Caltrans. There shall also be coordination with Caltrans if additional plans (e.g., traffic management plan) are developed involving state facilities where Caltrans has jurisdiction. TRLIA and/or the construction contractor shall seek approval from Caltrans on plans and activities where Caltrans has authority to provide such approval.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653 5791

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SEP 05 2006

TRIASEP 11 2006
AB

Paul Brunner
Attn: Three Rivers Levee Improvement Authority
Government Center
915 Eighth Street, Suite 115
Marysville, California 95901-5273

Notice of Preparation of a Draft Environmental Impact Report on the Feather River
Levee Repair Project
State Clearinghouse (SCH) Number: 2006062071

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests a potential encroachment on an Adopted Plan of Flood Control. If indeed your project encroaches on an adopted flood control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The enclosed Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

D-1

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

Handwritten signature of Al Vargas in black ink.

Al Vargas
Staff Environmental Scientist
Floodway Protection Section

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

Enclosure

Fact Sheet

Reclamation Board Encroachment Permit Application Process

Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board [CCR Title 23 Section 6(c)].

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the

August 25, 2006

additional flood risk to third parties that may be caused by the project.

Additional information may be requested in support of the technical review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not be limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a "responsible agency" within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the "lead agency" [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

August 25, 2006

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

August 25, 2006

COMMENTER D

AL VARGAS, CALIFORNIA DEPARTMENT OF WATER RESOURCES, FLOODWAY PROTECTION SECTION

Response D-1

It is noted that the subject line of the comment letter refers to the Notice of Preparation (NOP) for the FRLRP EIR, which was issued on June 13, 2006. The end of the EIR scoping period associated with the NOP was July 14, 2006. Because the comment letter was received by TRLIA within the comment period for the DEIR (received on September 5, 2006), it is assumed to be applicable to the DEIR.

The commenter refers to the “limited project description.” The project description provided in the DEIR is complete and comprehensive, comprised of over 40 pages of text and five figures. The content and level of detail in the project description is in accordance with the requirements of Section 15124 of the State CEQA Guidelines. It is true that the project description provided in the NOP was a condensed version of the project description that was subsequently presented in the DEIR. However, as stated above, it is assumed that the comment letter is in reference to the DEIR and not the NOP.

The commenter describes the requirement to obtain an encroachment permit from The Reclamation Board prior to initiation of a project that could encroach on the flood management system or an adopted flood control plan. A full range of permitting and consultation requirements that are anticipated prior to commencement of work on the project are identified in the DEIR in Section 2.7.2, “Responsible Agencies.” An encroachment permit from The Reclamation Board is specifically identified in this section. The role of the California Department of Water Resources (DWR) and The Reclamation Board in regulating the construction, maintenance, protection, and modification flood control facilities is further described in Section 5.3, “Water Resources and Geomorphology.”

Implementation of any of the three project alternatives evaluated in the DEIR would involve excavation and construction activities within areas that are under the jurisdiction of The Reclamation Board. The TRLIA Board of Directors is expected to make a decision on certifying the FRLRP EIR and approving a project alternative at its meeting on November 14, 2006. If TRLIA decides to approve the project, it will begin coordination with The Reclamation Board staff regarding specific permit requirements later in November.

DEPARTMENT OF WATER RESOURCES

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SACRAMENTO, CA 942360001
(916) 653-5791



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STATE CLEARING HOUSE

September 20, 2006

Paul Brunner
Three Rivers Levee Improvement Authority (TRLIA)
Government Center
915 8th Street, Suite 115
Marysville, California 95901-5273

*Clear
9-18-06
later*

Feather River Levee Repair Project
State Clearinghouse (SCH) Number: 2006062071

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests a potential encroachment on an Adopted Plan of Flood Control. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

E-1

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

Mike Mirmazaheri, Chief
Floodway Protection Section

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

COMMENTER E

MIKE MIRMAZAHARI, CALIFORNIA DEPARTMENT OF WATER RESOURCES, FLOODWAY PROTECTION SECTION

Response E-1

The comments presented in this letter from DWR (Letter E) duplicate those presented in the letter dated September 1, 2006 by DWR (Letter D). Refer to Response D-1 above. No new information is presented in Letter E; therefore, no additional response is necessary. Also, it is noted that this comment letter is dated September 20, 2006, following the close of the DEIR comment period on September 18.



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

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TELETYPE UNIT

September 1, 2006

VIA FACSIMILE (530) 749-7312

Mr. Pat Brunner
 Three Rivers Levee Improvement Authority
 Government Center
 915 5th Street, Ste. 115
 Marysville, CA 95901

Subject: SCH#2006062071 – Draft Environmental Impact Report for the
 Feather River Levee Repair Project, Yuba County

Dear Mr. Brunner:

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act, California Farmland Conservancy Program, and other agricultural land conservation programs.

The Three Rivers Levee Improvement Authority (TRLIA) is a joint powers authority composed of Yuba County and Reclamation District 784. A draft environmental impact report (DEIR) has been prepared on the TRLIA's behalf so that improvements to the levees along the Feather River can be implemented. The project is comprised of three areas on the east side of the river in need of repair: two sites located upstream and downstream of Star Bend, and one site extending from the Yuba County Airport heading upstream to the railroad crossing adjacent to the State Route 70 bridge. Three alternatives are evaluated within the scope of the DEIR. Construction of a detention basin would be required for each alternative. Two alternatives involve construction of setback levees, establishment of borrow sites and replacement of pumps. One alternative would be limited to levee strengthening.

In all of the alternatives, conversion of agricultural land is involved. Acreages vary with each Alternative. Alternative 1 would convert approximately 180 acres of farmland, while Alternative 2 would convert 1,600 acres, and Alternative 3 would convert up to 1,300 acres. These acreages are privately owned and are currently under cultivation. The document indicates that continued farming operations might be feasible in many parts of the setback areas. It further indicates that although no specific plans for habitat restoration are proposed at this time, the potential for restoring habitat is not excluded from consideration. Special operations and maintenance plans would need to be prepared and implemented to ensure the

*The Department of Conservation's mission is to protect Californians and their environment by:
 Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;
 Conserving California's farmland; and Saving energy and resources through recycling.*

long-term maintenance of any agricultural and/or habitat areas and to ensure that such areas would not conflict with the flood control function of the setback levee area.

We offer the following comments:

The document briefly mentions use of the Land Evaluation Site Assessment (LESA) model. Was the model used to determine level of significance of impacts to agricultural resources? If the model was used, please include the analysis in the Appendices. If the model was not used, please note that we encourage its use. The model provides a consistent tool for determining level of significance of impacts associated with projects affecting agricultural resources.

F-1

The possibility or (undetermined) feasibility of continued agricultural practices as presented in the document does not directly address the necessity to mitigate for the potential loss of farmland. We suggest that a more definitive discussion be included that clearly indicates whether agricultural practices would be continued, or if the setback areas currently under cultivation are to be converted to habitat. If the setback areas are to be in wildlife-friendly agriculture, it should be stated as such. A description of how the land within the setback areas will be managed and monitored should be included in the final document as well.

F-2

The document alludes to the possibility of establishing an agricultural easement to mitigate for the conversion. The Department encourages the establishment of an agricultural easement, and we would be pleased to assist in this effort. Mitigation using 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 land conservation easements. These organizations include land trusts and conservancies. Information on agricultural conservation easements is available on the Department's website at: <http://www.consrv.ca.gov/dlrp/CFCP/index.htm>.

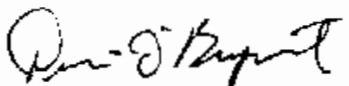
F-3

The document does not contain a discussion pertaining to the potential for growth-inducing impacts that may be associated with the proposed project. The final document should provide a discussion that addresses the potential for urban development once the proposed level of flood protection is accomplished.

F-4

We understand and support the necessity of providing adequate structural and nonstructural flood protection to farmlands and communities, and we thank you for the opportunity to provide comment. Please do not hesitate to contact Jeannie Blakeslee at (916) 323-4943 if you need assistance or have questions regarding this comment letter.

Sincerely,



Dennis O'Bryant
Program Manager
Williamson Act Program

COMMENTER F

DENNIS O'BRYANT, CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF LAND RESOURCE PROTECTION

Response F-1

The Land Evaluation and Site Assessment (LESA) model was not used to determine the level of significance of impacts on agricultural resources from implementation of the FRLRP. As discussed in Section 5.1 of the DEIR, "Land Use," the analysis of impacts on farmland is based on the Farmland Mapping and Monitoring Program (FMMP), which is administered by the Division of Land Resource Protection of the California Department of Conservation (DOC). Data collected and maintained for the program are used to rate agricultural land according to soil quality and irrigation status. The severity of the impact on agricultural resources that would result from conversion of agricultural land was determined in the DEIR based on the relative acreage of Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) that would be affected. This approach provides a consistent and quantifiable method for evaluating impacts on farmland for a variety of types of projects in California, including the FRLRP. Appendix G of the State CEQA Guidelines also includes impact assessment criteria related to the conversion of Important Farmland:

"Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?"

Given the fact that large amounts of Important Farmland are actively cultivated in the project area, use of the LESA model to characterize impacts on agricultural resources would not change the impact conclusions already provided in the DEIR. Conversion of agricultural land in the project area to nonagricultural uses would still be a significant impact.

Response F-2

The commenter asks for a more definitive discussion that clearly indicates whether agricultural practices would be continued within the levee setback area or whether the portions of the setback area currently under cultivation would be converted to habitat. It is noted that this comment pertains only to Alternatives 2 and 3, as Alternative 1 does not include a levee setback area. The DEIR states that land uses in the levee setback area under Alternatives 2 and 3 could consist of agricultural operations and/or habitat restoration activities that would be compatible with flood control objectives.

Provision of the specific details requested by the commenter regarding potential future land uses in the Alternative 2/Alternative 3 levee setback areas is not necessary to adequately assess potential impacts on the environment under CEQA. Habitat restoration in the setback area is not identified as a method to mitigate project impacts on biological resources. Therefore, there is no need to describe the extent, type, or feasibility of habitat restoration activities to ensure compliance with mitigation requirements. Moreover, to ensure that potential project impacts on

agricultural resources are not underestimated, the DEIR conservatively assumes that the entire levee setback area would be restored to native habitat. Thus, the DEIR provides a conservative analysis of potential impacts. If agricultural operations were to continue in the setback area, the magnitude of impacts on agricultural land would be less than presented in the DEIR. However, the impact would remain significant because some Important Farmland would still be lost under the footprint of the setback levee and in the proposed detention basin.

The DEIR proposes mitigation for the potential conversion of Important Farmland to other uses. Mitigation measures (ASB-5.1-b and IS-5.1-b) are proposed that would preserve the agricultural productivity of Important Farmland to the extent feasible if Alternative 2 or Alternative 3 is selected, thus minimizing the environmental impact. These mitigation measures would reduce potential impacts of a levee setback on Important Farmland, including indirect effects that may lead to the discontinuation of farming on some lands; however, they would not reduce the impact of converting Important Farmland to a levee and detention basin, and of the possible loss of farming opportunities on other farmland acreage, to a less-than-significant level. Further discussion regarding mitigation for the conversion of Important Farmland to other uses is provided in Response F-3 below.

The DEIR also indicates that the increased flood protection provided by the proposed project would benefit existing farmland in the RD 784 area by reducing the likelihood of flooding and the associated adverse effects on farming operations during and after flood events. However, this benefit is not specifically identified as a mitigation measure in the DEIR, as it is simply a positive outcome of the proposed project.

To determine with specificity the type and extent of agricultural and habitat restoration activities that might ultimately occur in the levee setback area under Alternatives 2 and 3 would require dedication of a significant amount of time and resources. For example:

- Various studies and coordination with existing landowners and potential agricultural operators would be required to determine the type and location of ongoing agricultural activities that would be physically and economically feasible in the setback area.
- Detailed assessments of existing land and soil conditions and modeling of projected future conditions would be required to determine locations suitable for habitat restoration and to develop successful habitat restoration plans.
- Funding sources for habitat restoration would need to be identified. The extent of available funding would be one of the factors determining the acreage where habitat restoration might be considered.

A preferred alternative has not yet been selected for the FRLRP. The TRLIA Board of Directors could ultimately approve any of the described alternatives, including Alternative 1 – The Levee Strengthening Alternative, which does not include a setback levee. Because of this uncertainty, it would be inappropriate at this time to devote the resources necessary to determine the location and extent of agricultural and habitat restoration activities that might take place in a setback area created by either Alternative 2 or Alternative 3. To determine with specificity the type and extent of agricultural and habitat restoration activities that might ultimately occur in the levee setback

area under Alternatives 2 and 3 would essentially require final project design and completion of negotiations with landowners, which is inappropriate before completion of environmental review, selection of an alternative, and project approval. For these same reasons, it would not be appropriate at this time to fulfill the commenter's requests to clearly indicate whether agricultural practices would continue in the levee setback area, and whether lands in the setback area would be restored to native habitat; to identify whether the setback area would be in wildlife-friendly agriculture; or to describe how the lands in the setback area would be managed and monitored. Instead, the DEIR assumes a worst-case scenario of total conversion of Important Farmland within the setback area, and identifies mitigation to reduce the effects of conversion where feasible. Under the significance thresholds set forth in Appendix G of the State CEQA Guidelines and adopted in the DEIR, the loss of any Important Farmland is significant; therefore, the DEIR correctly identifies the impact as significant and unavoidable.

Response F-3

The commenter suggests at the beginning of this comment that the DEIR alludes to the possibility of establishing an agricultural easement to mitigate the conversion of agricultural land. In fact, no mention of this possibility is made in Section 5.1 of the DEIR, "Land Use," or elsewhere in the document.

The comment encourages the establishment of agricultural conservation easements as a method to mitigate the impact of conversion of agricultural land. This mitigation approach is premised on the assumption that conversion of agricultural land to other uses can be compensated for by setting aside other agricultural land at another location and ensuring that development of such land will not be allowed. However, the establishment of agricultural conservation easements does not have a strong correlation to the nature of the impact in question, which is the conversion of agricultural land.

The conversion of agricultural land to other uses takes the agricultural land out of production. The establishment of an agricultural conservation easement does not create new farmland, does not put new farmland into production, and does not increase the productivity of existing farmland. Agricultural conservation easements may also be placed on lands that are not exposed to development pressure and would continue in agricultural production regardless of whether the easement were in place, thereby providing little benefit related to the protection of farmland. An agricultural conservation easement also may not ensure that farmland under the easement stays in production. Lands under the easement could lie fallow indefinitely. The agricultural easement simply ensures that existing cultivated farmland is not converted to another use. Therefore, the impact of conversion of agricultural land in one location is not avoided, minimized, rectified, or reduced by establishment of agricultural conservation easements elsewhere (see Section 15370 of the State CEQA Guidelines for discussion of these terms as they apply to the definition of mitigation). It can be argued that establishing agricultural easements achieves a slight mitigation benefit by compensating for the impact, but the mitigation benefit is not sufficient to reduce a significant impact to a less-than-significant level.

The concept of establishing agricultural conservation easements to mitigate conversion of agricultural land is applied at times to conversions of agricultural land to developed land. In these cases, the affected lands are considered permanently converted to some other use, with no realistic

potential for reuse as agricultural lands in the foreseeable future. The application of urban development materials to the land and the loss of air and rain exposure to the soil is known to physically change the qualities of the soil that make it useful for agricultural purposes. These types of effects could potentially be attributed to the conversion of approximately 245 acres of Important Farmland to setback levee under FRLRP Alternatives 2 and 3. Construction of the setback levee would require modification of the soil for the levee foundation and installation of slurry cutoff walls where needed. Placing the levee embankment over the modified foundation soils could have similar effects on agricultural soils as urban development. However, the vast majority of the Important Farmland that could be “converted” under Alternatives 2 and 3 (up to approximately 1,045 acres under Alternative 2 and up to approximately 720 acres under Alternative 3) would remain undeveloped, as habitat or fallow lands within the levee setback area created by these alternatives.

Adoption of Alternative 2 or Alternative 3 does not require the restoration of habitat in the levee setback area. If Alternative 2 or Alternative 3 is approved and implemented, determinations regarding if/where habitat restoration might occur will be made at a later date (see Response F-2 above). The habitat that might be restored in the setback area is not tied to mitigation commitments or other factors that might require protection of the land in perpetuity as habitat. Therefore, it is conceivable that at least a portion of the land in the levee setback area that might be converted to habitat (either intentionally or as a result of lying fallow for an extended period) could be made available for agricultural production again some time in the future. Thus, there is a limited nexus between the vast majority of potential impacts on Important Farmland under Alternatives 2 and 3 and a requirement for acquisition of agricultural conservation easements. Furthermore, it would seem disproportionate to require permanent easements to offset what may be temporary effects on agricultural productivity in the levee setback area.

In determining whether a mitigation measure is feasible, a lead agency weighs various factors, including among them economic and environmental costs and benefits. In contrast to the limited compensatory benefit created by the potential establishment of agricultural easements, in the case of the FRLRP, the acquisition of such easements could be very costly. Although TRLIA has not developed cost estimates for acquiring agricultural easements, it is certain that purchase of agricultural conservation easements would cost several thousand dollars per acre. Taking a “worst-case” approach, the FRLRP DEIR estimates conversion of Important Farmland ranging from 180 acres (Alternative 1) to more than 1,300 acres (assuming the maximum potential impact under Alternative 2). Costs associated with the purchase of conservation easements at a 1:1 ratio (1 acre of easement for each acre of conversion) for these impacts would range in the millions of dollars. TRLIA is a public agency formed and financed exclusively for the purpose of providing flood protection in Yuba County. The cost of flood protection in the project area, including all elements of the FRLRP, will exceed \$200 million, the majority of which is being paid for by the development community, which is passing such costs on to existing and future residents of Yuba County. Purchase of agricultural conservation easements by TRLIA would create a financial burden that would divert funds from the agency’s primary purpose of providing flood protection.

Given the conditions described above, TRLIA does not believe that it is appropriate or necessary to acquire agricultural conservation easements to mitigate impacts on Important Farmland identified in the FRLRP EIR. First, there is not a significant nexus between the nature of the impact (potential change in use of Important Farmland with a relatively limited conversion of Important

Farmland for flood control facilities) and the limited compensatory benefits associated with establishing agricultural conservation easements. Second, given the relatively high cost of acquiring agricultural conservation easements and the limited benefit, the use of agricultural easements as a mitigation measure does not meet standards for rough proportionality (see Section 15126.4[a][4][B] of the State CEQA Guidelines). Although establishing an agricultural easement may be a potential mechanism to partially mitigate impacts on farmland from certain development projects, TRILIA does not consider it a viable, cost effective, or feasible method of mitigating agricultural impacts related to the FRLRP.

Mitigation Measures LS-5.1-b, ASB-5.1-b, and IS-5.1-b in the DEIR provide detailed actions to minimize losses of farmland or to preserve agricultural productivity on existing farmland to the extent feasible. These measures reduce the magnitude of the effects on farmland in a manner that is roughly proportionate to the level of impact that could occur, consistent with the guidance provided under Section 15126.4(a)(4) of the State CEQA Guidelines. In addition, as stated above in Response F-2, implementation of the FRLRP would benefit existing farmland in the RD 784 area by reducing the incidence of flooding and the associated adverse effects on farming operations during and after flood events. In the long term, this benefit would increase the overall productivity of agricultural lands in south Yuba County by minimizing crop losses from flooding. However, this benefit is not specifically identified as a mitigation measure in the DEIR, as it is simply a positive outcome of the proposed project. The increased flood protection provided by the project would likely do more to benefit agricultural lands in the region than would establishment of agricultural conservation easements in a limited area.

Response F-4

The commenter states that the DEIR does not contain a discussion of growth-inducing impacts. A detailed discussion of potential growth-inducing effects of the project is provided in Chapter 7, “Other CEQA-Required Sections,” under Section 7.1, “Growth-Inducing Effects.” This section of the document provides a description of how the flood control projects in this part of Yuba County, including the FRLRP, would remove an obstacle to growth once completed, and summarizes the nature of the environmental effects that are directly related to planned development projects in the area. In addition, Chapter 6 of the DEIR, “Cumulative Impacts,” describes the combined effects of past, current, and reasonably foreseeable future projects in the area. This chapter of the DEIR includes planned future projects that could move forward as a result, in part, of the successful completion of the FRLRP and other flood control projects in the region.

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September 18, 2006

Paul Brunner
ATTN: Three Rivers Levee
Improvement Authority
Government Center
915 Eighth Street, Suite 115
Marysville, CA 95901-5273

RE: Comments
DEIR-FRLRP

Dear Mr. Brunner:

I represent Hofman Ranch, a California general partnership, Emma Hofman and Frances Hofman. Please incorporate the comments in my letter of July 14, 2006, relating to the NOP, as part of the present comments regarding the DEIR-FRLRP.

1. The FRLRP is inextricably tied to the U. S. Army Corps of Engineers jurisdiction. Consequently, this DEIR should be processed in conjunction with NEPA as a combined EIR/EIS. As stated at Page 2-15, the proposed project involves the modification of a federal levee, and specifically will entail the requirement for a Section 408 permit. The Section 408 permit process is not discussed in this DEIR. Failure to integrate the CEQA/NEPA process at this time will likely result in wasted efforts/resources and a piecemeal evaluation.
2. If the notion is that a set-back levee might be constructed as a virtual permanent "back-up levee," if no federal project is undertaken, then it should be analyzed as a separate Alternative.
3. The DEIR needs to address the entire flood control system designed as part of the Sacramento River Flood Control Project. The FRLRP needs to be placed in the context of an integrated flood control/protection system to ensure impacts are analyzed in proper context for statewide, regional, sub-regional, and areawide perspective. Chapter 3 needs to be expanded and encompass how the purpose, need, and development will fit in a comprehensive flood control/protection system. This project is bigger than RD 784. Once again,

G-1

G-2

G-3

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| <p>request is made for a copy of the Sacramento River Flood Control Project, including the Bear River Levee System, in order to more adequately respond to this DEIR.</p> | <p>G-3
Cont'd</p> |
| <p>4. FEMA released a Flood Insurance Study, Yuba County, California, including new preliminary 100-year flood-plain maps, dated August 4, 2006. This information needs to be evaluated in the DEIR. Additionally, the issue of "100" and "200" year protection impacts on health and safety needs to be adequately discussed and analyzed.</p> | <p>G-4</p> |
| <p>5. The U. S. Army Corps of Engineers and the California Department of Water Resources have re-energized their respective levee inspection programs. The most recent inspection criteria and reports of those agencies should be included in the DEIR.</p> | <p>G-5</p> |
| <p>6. The subject of levee performance issues is not adequately addressed. Questions of underseepage and through seepage risks need to be broadened and issues of freeboard, erosion, closure devices, levee penetrations, internal drainage, and operations and maintenance need to be expanded.</p> | <p>G-6</p> |
| <p>7. The impact of the Bear River and Dry Creek modifications need to be addressed in the context of the modifications to the WPIC, Bear River set-back and Olivehurst Detention Basin. Have the impacts of high peak flow, storm event duration, channel capacity, cubic feet per second and weight been adequately reviewed in the context of the confluence of the Yuba on the Feather and the Bear relating to significant back flow? Of particular concern are the storm event impacts on tributaries such as Reeds Creek, Hutchison Creek, Best Slough, Dry Creek, Yankee Slough, and the WPIC.</p> | <p>G-7</p> |
| <p>8. The Level of Design Detail and Preliminary Geotechnical Evaluation Sections (Pg. 4-7 and 4-8) need to be more adequately addressed in the context of the <u>Project</u> DEIR. There is too much deferral throughout the DEIR of the environmental impact to a later "detailed design process."</p> | <p>G-8</p> |
| <p>9. Is a "2D" model reliable for purposes of the this DEIR?</p> | <p>G-9</p> |
| <p>10. The summary statements at Pg. 5.3-28 and 5.3-29 are too vague and over-broad relating to assumptions as to who, what, when, and where will state and local districts address "these project deficiencies."</p> | <p>G-10</p> |
| <p>11. The summary statements at Pg. 5.3-33 and 5.3-34 are too vague and over-broad relating to impacts on local drainage. Of critical concern is the issue of the direction and volume of flows from drainage with respect to local flooding from normal surface run-off and storm-water runoff.</p> | <p>G-11</p> |

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| <p>12. The issue of land development - creation of impervious surfaces needs to be expanded. No reference is made to Wheatland and its Updated General Plan that will directly impact surface run-off and storm run-off. Detention and/or retention basins have pumps that will directly impact the duration of peak flows and adversely impact both upstream and downstream properties, including impact on back-flow.</p> | G-12 |
| <p>13. Of major concern is the impact of improving only one side of a levee. The issue of impacts whether by "sheer stresses," shifting currents/scouring effect, or other components of pushing underseepage, through seepage, or erosion onto the opposite levee needs to be addressed as part of a "system impact" analysis.</p> | G-13 |
| <p>14. The RD 784 boundaries, with Yuba River to the north, Feather River to the west, Bear River to the south, and WPIC to the east, creates a significant issue of emergency evacuation routes in the event of levee failure or overtopping. This issue should be analyzed as part of the evaluation of alternatives.</p> | G-14 |
| <p>15. Much of the properties relating to Alternatives 2 and 3 are in private ownership. Between 1200 acres and 1600 acres will be impacted. The issue of feasibility of alternatives in the context of eminent domain need to be addressed. The potential adoption of a "Resolution of Necessity" may impact the analysis of alternatives.</p> | G-15 |

Thank you for the opportunity to comment.

Very truly yours,



Thomas W. Fres

cc: Hofman Ranch
 Emma Hofman
 Frances Hofman

COMMENTER G

THOMAS W. ERES, ATTORNEY AT LAW

Response G-1

Contrary to the statements in the comment, the DEIR acknowledges in several locations the role of the Corps in project authorization and implementation. In particular see pages 2-6, 2-9, 2-13, and 2-14 in Chapter 2, “Introduction,” and pages 4-5, 4-23, and 4-24 in Chapter 4, “Description of the Proposed Project.”

Regarding the potential need for a joint EIR/EIS, federal agencies with a role in funding, authorizing, and/or permitting the project, including the Corps, will decide the form for any potential future NEPA compliance documentation. As federal lead agency, the Corps has authority to determine whether an EIS or another form of NEPA compliance is needed to support Corps authorization for the FRLRP. However, TRLIA anticipates that the Corps will determine that an EIS is not required. For example, several flood control projects in the RD 784 area are either complete or under construction, and to date, the Corps has not required the preparation of an EIS. These projects have had environmental impacts of similar type and intensity as those associated with the FRLRP. It is the position of TRLIA that because the only Corps actions involve the issuance of resource oriented regulatory permits of a rather limited scale, as well as “certification” of the adequacy of the levee design, an EIS for the FRLRP is not merited, nor should it be required.

The current EIR does not limit a federal lead agency’s discretion in preparing an EIS or other NEPA documentation (e.g., an environmental assessment [EA] and/or finding of no significant impact [FONSI]). However, if the Corps or another federal agency determines that an EIS is required, the current EIR prepared for the FRLRP was prepared using a format that could be used extensively to support EIS preparation. The FRLRP EIR evaluates three alternatives at an equal level of detail, an approach similar to that required for preparation of an EIS. Furthermore, the analysis prepared for the present FRLRP EIR is based on a comprehensive project description, which is designed to achieve the project objectives as presented in the introductory chapters of the EIR. The comprehensive project description provides the basis for an equally comprehensive analysis of project effects that generally exceeds the requirements of NEPA. The current EIR also includes a thorough analysis of cumulative and growth-inducing impacts that could also be applied to a NEPA evaluation. Thus, while TRLIA contends that an EIS should not be required for the FRLRP, most of the information that would otherwise be contained in an EIS is available for review in the present EIR.

Response G-2

The concept of a “backup levee” is described on page 4-5 of the DEIR. As stated in this discussion, “Until Corps authorization to remove the existing levee is received, it is possible that the existing levee in Segment 2 could be *temporarily retained* [emphasis added] in its current condition in addition to a setback levee being constructed. In this case, the setback levee would more appropriately be described as a “backup levee,” as it would provide a second level of flood

protection behind the existing levee.” As identified in the DEIR, TRLIA does not intend a setback levee to serve as a permanent backup levee. The discussion on page 4-5 only describes a potential temporary circumstance that would be dependant on the timing of state and federal authorizations for project activities. Evaluating the “backup levee” concept as a separate CEQA alternative is not warranted, in part because it would have all of the environmental effects of the proposed setback levee alignments without creating the hydrological benefits of a setback levee.

Response G-3

The commenter generally suggests that the proposed FRLRP is being designed and evaluated without consideration for its place in the planning and regulatory framework that encompasses the regional flood control system, which has been formed over decades by the Corps, DWR, The Reclamation Board, and at the local level by entities such as the Yuba County Water Agency and RD 784. To the contrary, the FRLRP has been designed based on careful study of the regional flood control system, and the subject EIR has been subject to review by federal and state agencies with direct roles in permitting the project.

The discussion under Section 2.4 of the FRLRP DEIR, “Project Consistency with Regional Flood and Floodplain Management Efforts,” summarizes two major efforts over the past several years that have produced recommendations for regional flood and floodplain management activities in California. In 2002, efforts by the California Floodplain Management Task Force resulted in preparation of a report recommending implementation of floodplain management strategies designed to reduce flood losses and maximize the benefits of floodplains (California Floodplain Management Task Force 2002). Also in 2002, the Corps and The Reclamation Board prepared a comprehensive study that proposed a set of guiding principles to govern implementation of projects that would result in modifications to the Sacramento or San Joaquin River flood control systems (U.S. Army Corps of Engineers and State of California Reclamation Board 2002). The FRLRP has been designed to be consistent with these federal and state regional flood management efforts.

Section 5.3 of the DEIR, “Water Resources and River Geomorphology,” includes a discussion of regulatory requirements for flood safety. Section 5.3.1 describes the Sacramento River Flood Control Project (SRFCP), which is a joint federal-state project that included development of a flood control plan for the Feather and Yuba Rivers. As described on pages 5.3-1 and 5.3-2 of the DEIR, “project” levees in California must meet standards for design and construction specified by the Corps in Engineering Manual 1110-2-1913 (U.S. Army Corps of Engineers 2000). The Reclamation Board enforces standards for the construction, maintenance, and protection of flood control facilities in the Central Valley. DWR oversees levee operation and maintenance. The FRLRP has been designed to be in compliance with all applicable standards, programs, and practices of the local, state, and federal agencies with responsibilities related to the SRFCP. Furthermore, federal and state agencies have reviewed the EIR and will be responsible for overseeing the permitting and certifying this flood control project.

The FRLRP has also been subject to review and scrutiny of numerous stakeholder groups, as discussed under Section 2.4.3, “Project Consistency.” Refer also to Chapter 9 of the DEIR, “Consultation and Coordination,” for a discussion of ongoing efforts by TRLIA (and previously

by YCWA) to engage the local community, stakeholders, and federal, state, and local agencies with interests and responsibilities in identifying solutions to flooding in the RD 784 area.

As discussed under Response B-1, the FRLRP is an element of the Y-FSFCP, which was subject to an environmental review process that included preparation of a programmatic DEIR in October 2003. The FEIR for the Y-FSFCP was certified and the program of elements approved by the YCWA Board in March 2004. The roles of agencies and entities that share responsibilities for flood control in the Yuba-Feather River system are described in further detail in the Y-FSFCP programmatic DEIR (Yuba County Water Agency 2003b).

Response G-4

Section 3.2.3 of the DEIR, “Flood Risks Along the Bear River and Western Pacific Interceptor Canal” describes the potential for FEMA to issue new Flood Insurance Rate Maps for the RD 784 area (see page 3-4). The potential for having the RD 784 area mapped in the 100-year floodplain is part of the motivation for implementation of the FRLRP and various YCWA, RD 784, and TRLIA projects in the RD 784 area. As stated on page 3-4 of the DEIR:

“To avoid having RD 784 mapped into the FEMA 100-year floodplain, the RD 784 levees will need to be certified [note that the term “certified” has been changed to “accredited” in response to Comment Letter A from FEMA] as meeting current FEMA criteria. Consequently, YCWA, RD 784, and Yuba County, in consultation with many landowners and developers in the south county, elected to move aggressively on a program for evaluating options for achieving FEMA certification [note that the term “certification” has been changed to “accreditation” in response to Comment Letter A from FEMA] of RD 784 levees. One step was the formation of the Three Rivers Levee Improvement Authority (TRLIA), a joint powers authority composed of Yuba County and RD 784 that was formed to address funding and implementation of levee repairs for RD 784.”

As identified in Section 3.1 of the DEIR, “Project Purpose and Objectives,” one of the overall FRLRP project objectives is “to help secure FEMA certification [term changed to accreditation based in response to Comment Letter A] of the subject levee reaches.” The release of the preliminary 100-year floodplain maps by FEMA, referenced by the commenter, only further verifies the need for the FRLRP anticipated in the DEIR. These preliminary maps do not alter the analysis or conclusions in the DEIR.

The commenter states in the last sentence of the comment that “Additionally, the issue of ‘100’ and ‘200’ year protection impacts on health and safety needs to be adequately discussed and analyzed.” However, the comment does not identify where the analysis in the DEIR might be deficient or provide evidence that existing analyses related to health and safety are inadequate. Various health and safety issues are addressed throughout the DEIR, including Section 5.2, “Geology, Soils, and Mineral Resources” (seismic safety); Section 5.3, “Water Resources and River Geomorphology” (flood safety, hazardous materials); Section 5.11, “Transportation” (emergency vehicle access); and Section 5.12, “Public Services, Utilities, and Service Systems” (emergency vehicle access).

The DEIR does not address differences in project effects if 100-year flood protection were provided rather than 200-year protection because the TRLIA Board has established that providing 200-year flood protection is one of the overall project objectives for the FRLRP. As identified on page 3-1 of the DEIR, an objective of the FRLRP is “to secure flood protection for at least a flood event with a 0.5% (or 1-in-200) annual chance of exceedance.” This project objective was adopted, in part, because of an expectation of The Reclamation Board, identified based on extensive coordination with the Board, that flood control projects in the RD 784 area would provide 200-year flood protection. A modified project, or project alternative, providing 100-year flood protection would neither meet the project objective specifically identified in the DEIR or the expectations of The Reclamation Board. In addition, if the FRLRP alternative were designed to provide 100-year flood protection, the physical project features would not differ substantially from the proposed project other than including levees with slightly different dimensions or design characteristics (e.g., depth and extent of slurry cutoff walls, size and number of stability berms, number of relief wells). Providing 100-year flood protection rather than 200-year protection would not avoid any significant impacts identified in the DEIR for the proposed project alternatives.

Response G-5

The commenter suggests that the most recent levee inspection criteria and reports from the Corps and DWR should be included in the DEIR. However, the commenter does not identify what the most recent criteria and reports might be, or identify references to older or out of date criteria or reports in the DEIR. Contrary to the comment, the most recent and applicable levee inspection criteria and reports are referenced in the DEIR.

As discussed in Section 4.1.2 of the DEIR, “General Levee Design Criteria,” levees addressed in the FRLRP would be designed and constructed in accordance with standards and guidelines required by The Reclamation Board and the Corps. These standards and guidelines address inspection issues such as patrol road characteristics, inspection trenches, and access/inspection easements. As stated in Section 4.6.3 of the DEIR, “Operation and Maintenance,” levee operation and maintenance “would be performed by RD 784 under the supervision of DWR.”

Design, construction, operation, and maintenance of FRLRP levees will be conducted in close coordination with DWR, The Reclamation Board, and the Corps. Any applicable agency regulations, guidelines, or criteria in affect at the time the levees are designed and subjected to approval and certification/accreditation would be implemented. Any recent updates to existing agency inspection criteria or reports would not alter the analysis or conclusions in the FRLRP EIR.

Response G-6

The commenter suggests that levee performance issues are not adequately addressed in the DEIR, but gives no indication of where the information provided in the DEIR is inadequate.

Section 4.1.2 beginning on page 4-5 of the DEIR, “General Levee Design Criteria,” describes state and federal standards and criteria that are applicable to levee design in general. The first paragraph under Section 4.1.2 describes applicable regulatory standards for the Corps and The

Reclamation Board for levee design and construction. Additional prescriptive standards are described for minimum levee cross-sectional dimensions, construction material types, and compaction levels. The second paragraph under Section 4.1.2 states:

“These requirements provide the basis for the design of the setback levee in FRLRP Segment 2 included in project Alternatives 2 and 3 (i.e., the ASB setback levee alignment and the intermediate setback levee alignment). Where these requirements can be applied to the existing Feather River and Yuba River levees in the project area, compliance or noncompliance with these requirements forms the basis for identifying needed repairs to levee segments to be improved in place under project Alternatives 1, 2, and 3.”

It is important to note that the FRLRP is being designed to be consistent with applicable state and federal laws, regulations, and guidelines for levee design and construction. These include laws, regulations, and guidelines pertinent to underseepage, through-seepage, freeboard, erosion, closure devices, levee penetrations, internal drainage, operations, and maintenance. Levees included in any of the three FRLRP alternatives would meet performance standards required by the Corps, DWR, The Reclamation Board, RD 784, and other agencies with jurisdiction over the design, construction, operation, and maintenance of the levees.

Section 4.1.3 of the DEIR, “Level of Design Detail,” includes the following statements: “The general levee design criteria described above form the basis of the preliminary project design.” “The structural features of the proposed levee repairs and of the setback levee included in Alternatives 2 and 3 have been developed to a level of detail sufficient for a complete ‘project-level’ environmental analysis.” This approach is consistent with Section 15124 of the State CEQA Guidelines addressing requirements for a complete and adequate project description. Also see Response G-8 below.

Further discussion under Section 4.1.3 of the DEIR acknowledges that the preliminary design concepts are based on conservative assumptions pending collection and analysis of additional data. Section 4.1.3 also includes this statement: “Additional field data would be obtained during detailed design, which would include review by a Board of Senior Consultants (BOSC).” (See the full discussions under Sections 4.1.2, 4.1.3, and 4.1.4 on pages 4-5, 4-6, 4-7, and 4-8 of the DEIR.) See also the discussion at the beginning of Section 5.3 of the DEIR, “Water Resources and River Geomorphology,” which addresses the responsibilities of agencies for the system of “project” levees within the SRFCP, including those that are the subject of this EIR. Also see Response G-3 above.

The impact analyses throughout the DEIR are based on a complete and comprehensive project description. The corresponding mitigation measures for potentially-significant impacts are conservative to account for the preliminary nature of geotechnical data for the project. The mitigation measures are also designed to be flexible enough to encompass a range of conditions.

Response G-7

A hydraulic and hydrologic analysis was prepared by MBK Engineers to assess the effects of each of the FRLRP alternatives on upstream and downstream flow volumes and water surface profiles during flood events. This analysis is reproduced in Appendix B of the DEIR and was

used to support the assessment of hydraulic and hydrologic impacts in the DEIR. As described on page 1 and shown in Figure 1 of the analysis (to be identified in the remainder of this response as “Appendix B”), the hydraulic model encompasses the Feather River between Oroville Dam to the north and the confluence with the Sacramento River in the south, a portion of the Sacramento River, and tributaries feeding the Feather River including Honcut Creek, the Yuba River, and the Bear River. Tributaries to the Bear River, including Dry Creek, Yankee Slough, and the WPIC, are also included. Storm event parameters used in the model are based on model inflows developed by the Corps (see page 6 of Appendix B).

Although modeling results were generated for a variety of flood events, the hydraulic and hydrologic analysis in Appendix B focuses on project effects during the 1-in-100 and 1-in-200 AEP events. During these peak flows, data are provided on flow volumes and elevations of the post-project flood stage. As identified on page 10 of Appendix B and page 5.3-29 of the DEIR, FRLRP Alternative 1 retains the existing levee configuration in the project area, and in effect, represents a continuation of existing conditions. Therefore, implementation of Alternative 1 would not alter existing conditions relative to hydraulics, hydrology, flood stage elevations, flood stage flow volumes, weight of water passing through waterways, channel capacity, or other factors.

Impacts ASB-5.3-c and IS-5.3-c in the DEIR evaluate the effects on flood hydrology upstream of the ASB Setback Levee (Alternative 2) and Intermediate Setback Levee (Alternative 3) respectively. In both cases, the presence of a setback levee results in reduced flood stage elevations upstream of Star Bend in the range of 1.0 to 1.6 feet depending on the severity of the flood event (1-in-100 AEP or 1-in-200 AEP) and the project alternative. These reductions in flood stage elevations would result in a beneficial effect relative to hydraulics, hydrology, flood stage flow volumes, weight of water passing through waterways, channel capacity, and other factors. These benefits extend to the confluence with the Yuba River and upstream into the Yuba River channel (see Tables 7 and 8 in Appendix B).

Impacts ASB-5.3-d and IS-5.3-d, addressing Alternative 2 and Alternative 3 respectively, evaluate the effects of these alternatives on flood hydrology downstream of the setback area. As identified in the DEIR, increases in downstream flood stage elevation associated with the two setback levee alternatives would range from 0.02 foot (0.24 inch) to 0.08 foot (0.96 inch) depending on the alternative and severity of the flood event (1-in-100 AEP or 1-in-200 AEP). These increases would only occur in the Feather River segment between the downstream end of the setback levee and the Bear River. Below the Bear River there would be no measurable increase in flood stage elevation. As shown in Tables 9 and 10 in Appendix B, increases in downstream flood flow volumes would range from 0.02% to 0.62% depending on the alternative and severity of the flood event.

As identified in the DEIR, the stage for the design flow would remain below the project design stage (1957 profile) for the entire Feather River reach downstream of the setback levee, even with the increases identified by the hydraulic modeling. In addition, implementation of the planned F-CO of Lake Oroville and New Bullards Bar Reservoirs included as part of the Y-FSFCP would further reduce the minor increases in downstream flood-stage elevations identified in the hydraulic modeling. For these reasons, under the two setback levee alternatives, the potential impact on flood hydrology associated with the anticipated minor increases in

downstream flood-stage elevations is considered less than significant. This less-than-significant conclusion would apply to all areas related to flood stage elevations, including weight of water on levees and potential to generate backflow where rivers converge.

Response G-8

Section 15124 of the State CEQA Guidelines addresses the required contents for a project description in an EIR, and this section of the guidelines opens with the statement: “The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.” The guidelines further specify that a project description shall contain: “A general description of the project’s technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.” (State CEQA Guidelines Section 15124[c]).

The "general description" requirement is consistent with other CEQA mandates to make an EIR a user-friendly document. Section 15004 of the State CEQA Guidelines addresses the importance of determining the right time to address CEQA compliance for a project, and provides that an EIR should be prepared as early as feasible in the planning process to enable environmental considerations to be integrated into project conceptualization, design, and planning (State CEQA Guidelines Section 15004[b]). In other words, the State CEQA Guidelines allow for some flexibility in the content and scope of a project description, so that the process for evaluating the environmental effects of the project can influence detailed project design and planning necessary for project implementation. The primary requirement is that the level of detail in a project description in an EIR provides sufficient information to understand the significant adverse environmental impacts of the project.

To balance the above principles with the goal of providing sufficient information in an EIR to understand and control significant adverse impacts, CEQA provides that mitigation measures tailored to the general details of a project may specify performance standards that would mitigate the significant effect of the project and that may be accomplished in more than one specified way (State CEQA Guidelines Section 15126.4[a][1][B]). As long as performance standards are enforceable (e.g., through implementation of a Mitigation Monitoring and Reporting Program), CEQA recognizes that mitigation measures may encompass a range of actions. In other words, CEQA acknowledges and expects that all the details of a project may not be available when an EIR is prepared. Therefore, mitigation measures do not need to focus exclusively on specific modifications to the project description, but can be based on general performance standards that can be applied across a range of potential specific project implementation approaches.

Where appropriate, the FRLRP DEIR has been prepared consistent with this approach. For example, Section 5.5 of the DEIR, “Terrestrial Biological Resources,” specifies thresholds of significance and mitigation measures that are based, in part, on performance standards of the California Department of Fish and Game and the U.S. Fish and Wildlife Service. Particular mitigation measures are designed to avoid, minimize, or reduce potential impacts to sensitive habitats and special-status plants, and to protect wildlife species that are expected to occur in the project area. These mitigation measures would be applicable throughout implementation of the

FRLRP, and the adequacy or applicability of these measures is not contingent upon the final engineering design specifications of this project.

The commenter states that, “There is too much deferral throughout the DEIR of the *environmental impact* [emphasis added] to a later detailed design process.” It is important to note that no impact conclusion presented in the FRLRP DEIR was deferred to a later time. On the contrary, the discussions of impacts throughout the document carefully describe the anticipated impacts based on current engineering design criteria, hydrologic data, and geotechnical studies. Furthermore, the mitigation measures that are proposed to reduce the effects of significant environmental impacts are detailed, comprehensive, in compliance with current agency requirements and standards, and provide enforceable performance standards.

Based on this information, the conclusion in Section 4.1.3 of the DEIR, “Preliminary Geotechnical Evaluation” stating “The structural features of the proposed levee repairs and of the setback levee included in Alternatives 2 and 3 have been developed to a level of detail sufficient for a complete ‘project-level’ environmental analysis,” is considered correct and accurate.

Response G-9

Hydraulic effects of the ASB setback levee and intermediate setback levee alignments proposed for project Segment 2 of the FRLRP were evaluated based on modeling results of the Hydrologic Engineering Center-River Analysis System (HEC-RAS) model, which was developed by the Corps for the Lower Feather River Floodplain Mapping Study and calibrated by the Corps to the January 1997 flood event. HEC-RAS is capable of modeling subcritical, supercritical, and mixed-flow regime water-surface profiles. The basic computational procedure is based on the solution of the one-dimensional energy equation. The HEC-RAS model was refined and recalibrated by MBK Engineers to better reflect anticipated FRLRP project conditions for Alternative 2 or Alternative 3. Refer to Appendix B of the DEIR, “Hydraulic and Hydrologic Analysis,” for further explanation. HEC-RAS is considered to be a state-of-the-art model that has provided a reliable basis for the analysis of impacts contained in the FRLRP EIR. An appropriate 2D model, calibrated to local conditions, could similarly function as a reliable model for purposes of the DEIR.

Response G-10

The comment relates to a description of the hydraulic modeling “Without Project” condition provided at the bottom of page 5.3-28 and the top of page 5.3-29 in the DEIR. In the modeling, the flood control system was assumed to match existing conditions, with the exception of “a few locations along the Bear River and Yankee Slough where data show that the levees are below the 1957 design criteria.” It was assumed in the hydraulic modeling that in these locations the levees met the 1957 design profile (although at this time they do not) because by law the state and local districts responsible for these levees must restore them to the specified design elevations. A similar description of this assumption methodology is provided on page 8 of Appendix B.

This approach to the existing condition was used to ensure that simulations of hydraulic impacts from the FRLRP project were not underestimated. The hydraulic model assumes levee failure only by overtopping. This is a conservative approach in that it ensures maximum water volumes

remain in the river channels during flood events. In reality, levees in some areas could potentially breach before being overtopped, allowing flood waters to leave the river system and reducing flood stage elevations downstream. If portions of the Bear River and Yankee Slough levees that do not meet 1957 design profiles were assumed to remain in this state in the hydraulic model, they would be more prone to overtopping and levee failure in the model. Therefore, the hydraulic model could produce artificially low flood stage elevations downstream of these areas, and impacts attributable to the FRLRP could be underrepresented.

However, because by law the state and local districts responsible for the levee segments in question must restore them to the specified design elevations, it is reasonable to assume that restoration of these levee segments will occur within the life of the FRLRP. Therefore, it is appropriate for the hydraulic model to incorporate this condition into assumptions regarding the existing condition. This approach ensures that the hydraulic model includes maximum flows in the flood control system, and therefore is more sensitive to any potential increases in flows that might be attributable the FRLRP.

Response G-11

The commenter refers to the discussion of Impact ASB-5.3-b on pages 5.3-33 and 5.3-34 of the DEIR. This discussion relates to the potential impact the ASB Setback Levee alternative would have on local surface water and stormwater runoff patterns. The commenter characterizes this discussion as “summary statements.” This characterization is incorrect. The discussion of Impact ASB-5.3-b provides a description of the alternative’s potential affects on local drainage that sufficiently explains the nature of the impact, assesses the severity of the impact, and complies with the requirements of Sections 15126 and 15126.2 of the State CEQA Guidelines relating to the consideration and discussion of environmental impacts.

Impact ASB-5.3-b identifies that as part of this alternative “relocating drainage features and modifying the direction or volume of flows in parts of the drainage system could cause or exacerbate local flooding from normal surface runoff or stormwater runoff, this impact would be significant.” This conclusion appears to be consistent with the concerns expressed by the commenter. Because the impact is considered significant in the DEIR, the addition of more detailed information further describing the project effects would not alter the impact conclusion.

Mitigation Measure ASB-5.3-b provides performance criteria to ensure the ASB setback levee does not adversely affect local drainage conditions. The mitigation measure calls for relocation or modification of existing drainage facilities “and construction of new facilities, as needed, to ensure *equivalent functioning of the system* [emphasis added] during and after construction of the setback levee.” The mitigation measure also requires that TRILIA “consider the continuing and proposed uses of the levee setback area and shall incorporate appropriate drainage requirements for those uses to *prevent any unintended flooding from stormwater runoff* [emphasis added].” Section 15097 of the State CEQA Guidelines requires TRILIA to adopt and implement a Mitigation Monitoring and Reporting Program (MMRP) to ensure that mitigation measures identified in the DEIR are implemented. If a setback levee alternative is adopted by TRILIA, the commenter’s concerns regarding local flooding from surface runoff and stormwater runoff would be addressed via implementation of mitigation measures included in the DEIR and assurances regarding implementation of these measures included in CEQA’s requirement for an MMRP.

Response G-12

The commenter suggests that the cumulative impacts analysis for the FRLRP did not consider the combined effects of surface runoff and stormwater runoff from nearby communities that contribute to stormwater flows in the Yuba River basin. In particular, the commenter states that the FRLRP EIR did not address the impacts of anticipated surface water runoff from planned development in the City of Wheatland General Plan (City of Wheatland 2006). It is important to note that local jurisdictions are required to address the impacts of development on storm drainage and flood control systems to avoid effects that could lead to localized flooding or that could contribute to regional flood effects during severe storm events. For example, the City of Wheatland General Plan includes several policies that address stormwater management:

- **Policy 5.E.1.** The City shall prepare a Storm Drainage Master Plan and Flood Protection Master Plan to assure adequate protection for residents and property.
- **Policy 5.E.2.** The City shall encourage project designs that minimize drainage concentrations and impervious coverage.
- **Policy 5.E.3.** The City shall prohibit grading activities during the rainy season, unless adequately mitigated, to avoid sedimentation of storm drainage facilities.
- **Policy 5.E.5.** The City shall require projects that have significant impacts on the quantity and quality of surface water runoff to incorporate mitigation measures for impacts related to urban runoff.
- **Policy 5.E.9.** The City shall require detention storage with measured release to ensure that the capacity of downstream creeks and sloughs will not be exceeded. To ensure downstream capacity is not exceeded, the following measures will be applied:
 - a. outflow to creeks and sloughs shall be monitored and controlled to avoid exceeding downstream channel capacities, and
 - b. storage facilities shall be coordinated and managed to prevent problems caused by timing of storage outflows.
- **Policy 5.E.10.** The City shall require the preparation of watershed drainage plans for proposed developments. These plans shall define needed drainage improvements and estimate construction costs for these improvements.

The General Plan identifies Implementation Program 5.9, which requires the City of Wheatland to “prepare and adopt a Stormwater and Flood Protection Ordinance to implement the updated Storm Drainage and Flood Protection Master Plan to address stormwater runoff and flood protection.” This implementation measure is targeted for the current year, 2006–2007 (City of Wheatland 2006).

These policies in the Wheatland General Plan support the cumulative impact conclusion on page 6-27 in the DEIR regarding increased runoff due to increased impervious surfaces from development.

“However, these developments are required to mitigate these increases in runoff through the construction and operation of detention basins. Any increase in runoff volumes from these developments that reaches the surrounding rivers during storm events would be a minor incremental contribution to river flows and would not result in a significant cumulative impact.”

Therefore, although regional development may result in a cumulative increase in impervious surface, and a related increase in stormwater runoff potential, mitigation requirements for individual projects would prevent a substantial cumulative increase in stormwater flows into the nearby river systems. No significant cumulative adverse effect on flood control systems would occur. This conclusion is supported by information included in Section 5.3 of the DEIR, “Water Resources and River Geomorphology.” The SRFCP includes Corps-specified design capacities for channels in the project area (page 5.3-13 of the DEIR). During severe storm events, the contribution of runoff to the Yuba River basin from pumping and other uncontrolled runoff is negligible when compared to the volume of water that the system is designed to handle. Therefore, not only are local jurisdictions required to mitigate the impacts of development on storm drainage and flood control systems, the effects of pumping during severe storm events do not result in cumulatively considerable contributions to the system.

Response G-13

The commenter questions whether the DEIR evaluates the effects of the proposed project on levees on the Sutter County side (right or west side) of the Feather River. Impacts ASB-5.3-c and IS-5.3-c evaluate the effects of reduced flood stage elevations upstream of the ASB Setback Levee and Intermediate Setback Levee alternatives respectively. In both cases, the beneficial effects of reduced upstream flood stage elevations resulting from construction of a setback levee would benefit both sides of the river. By default, if flood stage elevations are reduced in a river, those reductions occur along both river shorelines (whether natural shorelines or levees). There is not a need in the DEIR to expressly identify that this benefit applies to levees on both the left and right sides of the river.

Similarly, the slight increases in flood stage elevations downstream of the setback levee identified under Impacts ASB-5.3-d and IS-5.3-d must occur on both sides of the river. There is not a need to expressly identify that these increases occur on both the Yuba County side of the Feather River and the Sutter County side. As identified in the DEIR, increases in downstream flood-stage elevation associated with the two setback levee alternatives would range from 0.02 foot (0.24 inch) to 0.08 foot (0.96 inch) depending on the alternative and severity of the flood event (1-in-100 AEP or 1-in-200 AEP). These increases would only occur in the Feather River segment between the downstream end of the setback levee and the Bear River. Below the Bear River there would be no measurable increase in flood stage elevation.

As identified in the DEIR, the stage for the design flow would remain below the project design stage (1957 profile) for the entire Feather River reach downstream of the setback levee, even with the increases identified by the hydraulic modeling. Again, this implicitly applies to both sides of the river. In addition, implementation of the planned F-CO of Lake Oroville and New Bullards Bar Reservoirs included as part of the Y-FSFCP would further reduce the minor increases in downstream flood stage elevations identified in the hydraulic modeling. For these

reasons, under the two setback levee alternatives, the potential impact on flood hydrology associated with the anticipated minor increases in downstream flood-stage elevations is considered less than significant. This conclusion applies to both the Yuba County and Sutter County sides of the Feather River. Any minor increases in flood stage elevations associated with Alternatives 2 and 3 also would not be sufficient to alter underseepage or through-seepage on Feather River levees on either the Yuba County or Sutter County sides of the river.

Impacts ASB-5.3-j and IS-5.3-j evaluate the potential for alterations in water velocities, depths, currents, sheer stresses, and geomorphic processes (e.g., scouring effects, erosion) resulting from the levee setback alternatives to adversely affect levees upstream, downstream, and within the setback area. The impact analysis is based on the results of the *Geomorphic Assessment of Project Alternatives for Feather River Levee Improvements Between the Bear and Yuba Rivers*, prepared by PWA Associates Ltd. (PWA) and included in Appendix C of the DEIR. As identified in the PWA report and the discussions of Impacts ASB-5.3-j and IS-5.3-j, both the right and left banks of the Feather River are considered in the analysis. Therefore, the potential for alterations in water velocities, depths, currents, sheer stresses, and geomorphic processes (e.g., scouring effects, erosion) resulting from the levee setback alternatives to affect levees on the Sutter County side of the Feather River is evaluated in the DEIR.

Alternative 1, The Levee Strengthening Alternative, does not alter the location of existing levees and therefore would not change flood stage elevations, water velocities, water depths, currents, sheer stresses, or geomorphic process relative to existing conditions. Therefore, this alternative would not have the potential to affect Feather River levees on either side of the river via these mechanisms.

Response G-14

None of the FRLRP alternatives would alter or impede any established emergency evacuation routes used in the event of levee failure or overtopping. Residents or businesses on the river side of the setback levee under Alternatives 2 and 3 would be relocated out of the setback area. Therefore, the setback levee would not create an impediment to evacuation of people in the setback area. None of the FRLRP alternatives include development of any residents, businesses, or other facilities that would place additional people in the RD 784 area. Therefore, the project would not result in additional people that might require emergency evacuation. All FRLRP alternatives would improve flood protection in the RD 784 area. Therefore, the project would reduce the frequency of flood events and minimize the need to utilize emergency evacuation routes in the event of a levee failure or overtopping. Consideration of emergency evacuation routes would not affect the evaluation of alternatives in the DEIR and does not need to be addressed further.

Response G-15

CEQA Guidelines Section 15126.6(a) states that an EIR “must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.” Note that the guidelines call for “potentially feasible alternatives.” CEQA does not require an unequivocal confirmation that each alternative considered in an EIR could be

feasibly implemented; in fact, it is common that all aspects of an alternative that relate to the determination of feasibility are not known until after completion of the EIR..

The commenter identifies eminent domain and a “Resolution of Necessity” as issues that should be considered regarding the feasibility of the Alternatives 2 and 3, both of which involve the construction of a setback levee. If Alternative 2 or Alternative 3 were selected by TRLIA, appropriate compensation would be negotiated with landowners affected by the setback levee and the placement of lands in the setback area. Where appropriate compensation could not be negotiated, eminent domain could be used as a means to allow TRLIA to acquire lands necessary for project implementation.

Use of eminent domain requires a Resolution of Necessity. A Resolution of Necessity must include a declaration that the governing body of the public entity (in this case the TRLIA Board) has found and determined that the proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury (California Code of Civil Procedure Section 1245.230[c]). Alternatives 2 and 3 provide regional flood control benefits by reducing upstream flood stage elevations in the Feather and Yuba Rivers, including portions of the rivers passing through the urbanized Marysville/Yuba City area (see Section 5.3 of the DEIR, “Water Resources and River Geomorphology”). These benefits are not provided by Alternative 1, which does not include a setback levee. Therefore, a reasonable argument can be made that Alternatives 2 and 3 provide the greatest public good with the least private injury, and land acquisition via eminent domain could be achieved if necessary.

Looking strictly at feasibility of these alternatives relative to eminent domain and a Resolution of Necessity, these alternatives would be considered “potentially feasible” per the requirements of CEQA. Although further evaluation may ultimately identify one or both of these alternatives as infeasible based on cost, effects of land acquisition on schedule, or other factors, there is no indication at this time that these alternatives should not continue to be considered in the FRLRP EIR.



Arnold Schwarzenegger
Governor

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



Sean Walsh
Director

September 19, 2006

RECEIVED

SEP 25 2006

TRLIA

Paul Brunner
Three Rivers Levee Improvement Authority
Government Center
915 8th Street, Suite 115
Marysville, CA 95901-5273

Subject: Feather River Levee Repair Project
SCH#: 2006062071

Dear Paul Brunner:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 18, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Sent to
Sean
Rick
Brian
9/15



Arnold Schwarzenegger
Governor

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



Sean Walsh
Director

RECEIVED

SEP 29 2006

TRIA

September 28, 2006

Paul Brunner
Three Rivers Levee Improvement Authority
Government Center
915 8th Street, Suite 115
Marysville, CA 95901-5273

Subject: Feather River Levee Repair Project
SCH#: 2006062071

Dear Paul Brunner:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on September 18, 2006. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2006062071) when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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Feather River Levee Repair Project

SCH Number: 2006062071

Type: EIR - Draft EIR

Project Description

TRLIA is proposing the Feather River Levee Repair Project, an element of the Yuba-Feather Supplemental Flood Control Project, to improve protection in the Reclamation District (RD) 784 area of Yuba County. RD 784 is bounded by the Yuba River on the north, the Feather River on the west, the Bear River on the south, and the Western Pacific Interceptor Canal on the east. The project would address identified deficiencies of the Feather River levee, and would make related improvements to the Yuba River levee near its confluence with the Feather River. It would strengthen the existing Feather River left (east) bank levee from Project Levee Mile (PLM) 13.3 to PLM 17.1 and from PLM 23.6 to PLM 25.0. It would also strengthen the existing Yuba River left (south) bank levee from the confluence with the Feather River (PLM 0.0) upstream to PLM 17.1. Portions of the Feather River left bank levee between PLM 17.1 and PLM 23.6 would be either strengthened in its current location or set back to one of two possible alignment scenarios.

Project Lead Agency

Three Rivers Levee Improvement Authority

Contact Information

Primary Contact:

Paul Brunner
Three Rivers Levee Improvement Authority
(530) 749-5679
Government Center
915 8th Street, Suite 115
Marysville, CA 95901-5273

Project Location

County: Yuba
City: Marysville, Yuba City
Region:
Cross Streets: State Route 70 / Feather River Boulevard
Parcel No:
Township: 13-15N
Range: 3E, 4E
Section: Multip
Base: MDBM
Other Location Info:

Proximity To

Highways: 70
Airports: Yuba County Airport
Railways: Western Pacific
Waterways: Yuba and Feather Rivers
Schools: Alicia Intermediate and Notre Dame HS
Land Use: Valley Agriculture, Exclusive Agricultural

Development Type

Other

Local ActionOther Action

Project Issues

Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Cumulative Effects, Drainage/Absorption, Flood Plain/Flood Geologic/Seismic, Growth Inducing, Landuse, Noise, Public Services, Recreation/Parks, Soil Erosion/Compaction/Grading, Toxic/Haz Traffic/Circulation, Vegetation, Water Quality, Wetland/Riparian, Wildlife, Aesthetic/Visual

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Commission; Office of Historic Preservation; Office of Emergency Services; Department of Fish and Game, Region 2; **Department of Resources**; Department of Conservation; California Highway Patrol; **Caltrans, District 3**; Caltrans, Division of Aeronautics; Reclamation Lands Commission

Date Received: 8/3/2006 **Start of Review:** 8/4/2006 **End of Review:** 9/18/2006

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This chapter lists editorial text corrections to the draft environmental impact report (DEIR). The listed changes are being made in response to comments on the DEIR. These changes do not alter any of the analysis or conclusions presented in the DEIR. Text deletions are shown with ~~striketrough~~, and additions are shown with double underline.

**3.1 CHANGES TO THE DEIR IN RESPONSE TO COMMENTS FROM FEMA –
COMMENT LETTER A**

Chapter 2 of the DEIR, “Introduction,” provides listings and descriptions of agency roles and responsibilities for the project. In the comment letter submitted by FEMA, the agency commented that FEMA was not listed as one of the agencies that have a role in the project. In response to Comment A-2, Section 2.7.3 near the bottom of page 2-14 has been revised to describe the role of FEMA:

2.7.3 FEDERAL AGENCIES WITH PERMITTING/APPROVAL AUTHORITY

- U.S. Army Corps of Engineers: Permitting under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for discharge of fill into waters of the United States or work in, on, or under navigable waters of the United States; approval of project levee modifications/setback and setback levee design; federal lead agency for the Yuba River Basin Project, which could incorporate the FRLRP as an element
- U.S. Fish and Wildlife Service: Federal Endangered Species Act (ESA) consultation and incidental take authorization
- National Marine Fisheries Service: ESA consultation and possible incidental take authorization
- Federal Emergency Management Agency: accreditation of FRLRP levees as providing protection against the 1% annual chance flood as part of flood hazard mapping activities. Refer to Chapter 3, “Project Purpose, Need, and Development,” for further discussion of FEMA’s participation in flood hazard mapping activities, and the process followed by local jurisdictions to meet FEMA mapping criteria, in accordance with Title 44 of the Code of Federal Regulations (CFR) Section 65.10.

In the comment letter submitted by FEMA, the agency clarified that FEMA does not certify levees, rather, FEMA accredits levees that are recognized in flood hazard mapping activities. In response to Comment A-4, several changes have been made to various chapters and sections of the DEIR to correctly reflect FEMA’s floodplain management responsibilities:

The second bulleted point under Section 1.2 on page 1-1 in Chapter 1, “Summary,” is modified as follows:

The purpose of the proposed FRLRP is to correct deficiencies in the left (east) bank levees of the Feather and lower Yuba Rivers, and consequently to improve flood protection for the RD 784 area in Yuba County. The overall objectives of the project are:

- to secure flood protection for at least a flood event with a 0.5% (or 1-in-200) annual chance of exceedance,
- to help secure Federal Emergency Management Agency (FEMA) ~~certification~~accreditation of the subject reaches of levee,
- to avoid increasing downstream flow and stage during peak-flow conditions,
- to achieve these objectives as soon as possible, and
- to incorporate environmental mitigation as appropriate.

The fourth and fifth paragraphs under Section 2.2 on page 2-2 in Chapter 2, “Introduction,” are modified as follows:

In 2003, while YCWA was finishing its first level of Y-FSFCP studies of a select group of flood control elements, the U.S. Army Corps of Engineers (Corps) in a separate effort identified several deficiencies in the Bear River and WPIC levees that prevent these levees from meeting the Federal Emergency Management Agency (FEMA) requirements for accreditation ~~criteria~~for the purpose of providing protection from a 100-year flood event. In addition, it was found that a 2,800-foot stretch of the Yuba River levee on the upstream side of State Route (SR) 70 does not meet slope stability requirements.

Since 2003, various studies have been completed by Reclamation District (RD) 784, YCWA, TRLIA, the Corps, and others to determine necessary actions for RD 784 levees to meet current FEMA ~~criteria~~accreditation requirements. Based on the results of these studies, flood control improvements were planned to be implemented in several phases. Priority was given to implementing improvements to the Yuba River levee above SR 70 (Phase 1); improvements to the upper Bear River, WPIC, and Yuba River levees, and the Olivehurst detention basin (Phase 2); and construction of a setback levee along the lower Bear River, tying into the Feather River levee just below Clark Slough (Phase 3). These projects are either completed or under construction. In November 2004, the EIR for the Feather-Bear Rivers Levee Setback Project (F-BRLSP) (Phase 3) was certified and construction was initiated in 2005. This project precludes the need to improve the Feather River left bank levee below Pump Station No. 2.

The second paragraph and the second bulleted point under Section 3.1 on page 3-1 in Chapter 3, “Project Purpose, Need, and Development,” are modified as follows:

The primary purpose of the proposed project is to correct identified deficiencies in the left bank levees of the Feather and Yuba Rivers, and consequently to improve flood

protection for the RD 784 area of Yuba County. To a large extent, levee deficiencies in the project area relate to the potential for water to seep under (underseepage) and through (through-seepage) the levee soils during flood events, potentially leading to levee failure. The project design objectives focus on measures to bring the levees into compliance with Federal Emergency Management Agency (FEMA) geotechnical ~~certification~~ requirements for underseepage or through-seepage, as well as engineering and design standards of the State of California Reclamation Board (The Reclamation Board) and the U.S. Army Corps of Engineers (Corps). The proposed project is also intended to address areas along the Feather River levee where erosion of the levee is a concern. These specific project design objectives are consistent with the following overall project objectives:

- ▶ to secure flood protection for at least a flood event with a 0.5% (or 1-in-200) annual chance of exceedance,
- ▶ to help secure FEMA ~~certification~~accreditation of the subject reaches of levee,
- ▶ to avoid increasing downstream flow and stage during peak-flow conditions,
- ▶ to achieve these objectives as soon as possible, and
- ▶ to incorporate environmental mitigation as appropriate.

The four paragraphs under Section 3.2.3 beginning at the bottom of page 3-3 and continuing on page 3-4 in Chapter 3 are modified as follows:

In May 2003, while YCWA was completing this first level of Y-FSFCP studies, the Corps, in a separate draft floodplain mapping study for DWR on the Feather River and its tributaries, identified several deficiencies in freeboard on the Bear River and WPIC levees that prevent these levees from meeting the FEMA ~~criteria~~accreditation requirements for protecting RD 784 from a “100-year” flood event. (The top of the levee must be at least 3 feet higher than the 100-year event.) This information was unexpected by Yuba County officials because the 1998 Corps Yuba River Basin study did not recommend any work for the Bear River and WPIC levees to achieve a 200-year level of protection for the RD 784 area. In addition, it was found that a 2,800-foot stretch of the Yuba River levee on the upstream side of State Route (SR) 70 did not meet slope stability requirements. These issues were seen as a major setback to the long-term plan to increase the level of flood protection to a 200-year and eventually greater level of protection.

In 1993, following the initiation of the System Evaluation Project and the Yuba River Basin Project, and before the most recent devastating flood (in 1997), Yuba County had approved the Plumas Lake Specific Plan, which provides for a 12,000-home development on 5,200 acres in the southern portion of the RD 784 area. Development was initiated in the Plumas Lake Specific Plan area in 2002. The results of the 2003 Corps floodplain mapping study indicate that the people and property in the RD 784 area, including homes that had already been built in the Plumas Lake Specific Plan area before the release of the Corps study, are subject to a much higher flood risk than previously believed. Without levee improvements that ~~meet FEMA criteria~~can be accredited as providing protection against

the 1% annual chance flood, FEMA may ~~issue~~ publish new Flood Insurance Rate Maps (FIRMs) ~~panels~~ for the RD 784 area. Once the FIRMs ~~panels~~ are ~~issued~~ published, flood insurance rates for the area ~~would~~ may increase and carrying flood insurance would become mandatory. The ongoing economic development of the county could be jeopardized.

To avoid having RD 784 mapped into the FEMA 100-year floodplain, the ~~RD 784 levees~~ district will need to ~~be certified as meeting current~~ submit to FEMA criteria ~~data~~ showing that the levees meet the criteria for mapping behind levee areas, in accordance with the requirements contained in 44 CFR 65.10. Consequently, YCWA, RD 784, and Yuba County, in consultation with many landowners and developers in the south county, elected to move aggressively on a program for evaluating options for achieving FEMA certification of the RD 784 levees. One step was the formation of the Three Rivers Levee Improvement Authority (TRLIA), a joint powers authority composed of Yuba County and RD 784 that was formed to address funding and implementation of levee repairs for the RD 784 area.

RD 784 first completed a Problem Identification Study to determine the magnitude of the repair effort necessary to achieve FEMA certification and a higher level of protection on the WPIC and Bear River levees. A geotechnical engineering report was prepared in November 2003 that identified significant geotechnical problems with the levee foundations along most of the Bear River levee and several reaches of the WPIC levee. Areas of concern with regard to erosion were also identified. Subsequently, a more in-depth engineering study was initiated to develop design alternatives to meet the study objectives and develop plans and specifications for some of the selected construction elements that compose the resulting FEMA ~~certification~~ levee accreditation program. These construction elements—which are in different stages of planning and implementation—have been addressed in ongoing studies completed by RD 784, TRLIA, and others. Priority was given to these construction elements, which are all part of the Y-FSFCP:

The second paragraph under Section 4.1.1 on page 4-1 in Chapter 4, “Description of the Proposed Project,” is modified as follows:

An analysis of the Feather River levee was performed by Kleinfelder and is described in *Problem Identification Report, TRLIA Phase 4 Feather River and Yuba River Left Bank Levees, Reclamation District No. 784 (PIR)* (Kleinfelder 2006). The PIR addresses the Feather River left (east) bank levee from approximately Project Levee Mile (PLM) 13.3 near RD 784 Pump Station No. 2 to the beginning of the Yuba River left (south) bank levee at approximately PLM 26.1, and the Yuba River left bank levee from PLM 0.0 to PLM 0.3 (Figure 4-1, “FRLRP Project Features”). The purpose of the analysis described in the PIR was to perform a feasibility-level evaluation of subsurface geotechnical conditions and levee conditions in accordance with Federal Emergency Management Agency (FEMA) requirements. The conclusions of the PIR indicate that portions of the subject levee do not currently meet FEMA geotechnical ~~certification~~ requirements for through-seepage or underseepage.

The first paragraph under Section 4.2.2 on page 4-9 in Chapter 4 is modified as follows:

An analysis of the Feather and Yuba River levees was performed by Kleinfelder and is described in the PIR (Kleinfelder 2006). The PIR addresses the Feather River left bank levee from approximately PLM 13.3 (near Pump Station No. 2) to the beginning of the Yuba River left bank levee at approximately PLM 26.1, and the Yuba River left bank levee from PLM 0.0 to PLM 0.3. The purpose of the analysis described in the PIR was to perform a feasibility-level evaluation of subsurface geotechnical conditions and levee conditions in accordance with FEMA requirements. The PIR indicates that portions of the subject levee do not currently meet FEMA geotechnical ~~certification~~ requirements for through-seepage or underseepage.

The paragraph under the subsection, “Levee Standards and Maintenance,” at the bottom of page 5.2-1 in Section 5.2, “Geology, Soils, and Mineral Resources,” is modified as follows:

The Federal Emergency Management Agency (FEMA) also has oversight over flood control levees through the agency’s levee ~~certification~~accreditation program. For levees to be ~~certified~~accredited by FEMA as providing 100-year protection, evidence must be provided that adequate design and operation and maintenance systems are in place to provide reasonable assurance that protection exists from a base flood (1% or 100-year flood). Specific requirements pertaining to the amount of freeboard, closure devices, embankment protection from floods, embankment and foundation stability, settlement, interior drainage, operation plans, and maintenance plans are contained in 44 CFR 65.10.

The two paragraphs under the subsection, “Overview of Flood Protection Efforts and Planned Development in the RD 784 Area,” at the top of page 7-3 in Chapter 7, “Other CEQA-Required Sections,” are modified as follows:

In 1993, following the initiation of the System Evaluation Project and the Yuba River Basin Project, and before the floods of 1997, Yuba County (County) had approved the Plumas Lake Specific Plan, which provides for a 12,000-home development on 5,200 acres in the southern portion of the RD 784 area. A few years before, the County had also approved the smaller East Linda Specific Plan adjacent to Yuba Community College, north of Olivehurst. Construction of the Plumas Lake and East Linda developments began in 2002. However, the results of a Corps floodplain mapping study completed in 2003 indicates that the people and property in the RD 784 area, including homes that had already been built in the Plumas Lake Specific Plan area before the release of the Corps study, are subject to a much higher flood risk than previously believed. Without levee improvements that meet Federal Emergency Management Agency (FEMA) ~~criteria~~accreditation requirements, FEMA could ~~issue~~publish new Flood Insurance Rate Maps (FIRM) panels for the RD 784 area.

To avoid having RD 784 mapped into the FEMA 100-year floodplain, YCWA, RD 784, and the County, in consultation with many landowners and developers in the south county, elected to move aggressively on a program for achieving FEMA ~~certification~~accreditation of the RD 784 levees. As a result of this program, various levee

repair/improvement projects and other flood protection projects have been completed, are under way, or are being studied in the RD 784 area, including the FRLRP.

The first full paragraph on page 8-4 under Section 8.2.2 in Chapter 8, “Alternatives,” is modified as follows:

More recently, a Problem Identification Report (PIR) prepared for TRLIA (Kleinfelder 2006) addressed the condition of the Feather River left bank levee from Project Levee Mile (PLM) 13.3 (just south of Pump Station No. 2) to the beginning of the Yuba River left bank levee at PLM 26.1, and the Yuba River left bank levee from PLM 0.0 (beginning of the levee) to PLM 0.3, and from PLM 2.2 to PLM 6.1. The purpose of the PIR was to perform a feasibility-level evaluation of subsurface geotechnical conditions and levee conditions in accordance with the requirements of the Federal Emergency Management Agency (FEMA). The PIR concluded that portions of the subject levees do not currently meet FEMA’s geotechnical ~~certification~~ requirements for through-seepage (water seeping through levee soils) and underseepage (water seeping under levee soils) during flood events.

The third full paragraph and the second bulleted point on page 8-4 under Section 8.2.2 are modified as follows:

Development of the FRLRP was initiated in response to levee deficiencies identified in the various available studies. The primary purpose of the FRLRP is to correct identified deficiencies in the left bank levees of the Feather and Yuba Rivers, and consequently to improve flood protection for the RD 784 area of Yuba County. The project design objectives focus on measures to bring the levees into compliance with FEMA’s geotechnical ~~certification~~ requirements for underseepage and through-seepage, as well as engineering standards for the State of California Reclamation Board (The Reclamation Board) and the Corps. The objectives of the FRLRP, as identified previously in Section 3.1, “Project Purpose and Objectives,” are:

- to secure flood protection for at least a flood event with a 0.5% (or 1-in-200) annual chance of exceedance,
- to help secure FEMA ~~certification~~ accreditation of the subject reaches of levee,
- to avoid increasing downstream flow and stage during peak-flow conditions,
- to achieve these objectives as soon as possible, and
- to incorporate environmental mitigation as appropriate.

The first paragraph at the top of page 8-18 under Section 8.5 is modified as follows:

From the perspective of purely minimizing effects on the existing environment, the No-Project Alternative would be the superior alternative because it would result in no changes in the existing condition. However, the No-Project Alternative would result in no improvements to flood protection facilities in the project area and would perpetuate the

existing risks for levee failure, flooding, and related adverse effects on the environment, people, and property. The No- Project Alternative would not meet key project objectives of securing flood protection for at least the 1-in-200 year event and securing FEMA ~~certification~~accreditation of the subject levee reaches (see Section 8.2.2, “Feather River Levee Repair Project”). This alternative would have no direct effects on property owners in the area, but also would not provide them the flood protection benefits inherent in Alternatives 1, 2, and 3. The No-Project Alternative also would not provide potential beneficial effects related to fisheries, biological resources, water resources, and air quality associated with Alternatives 2 and 3.

- California Floodplain Management Task Force. 2002 (December). *California Floodplain Management Task Force Final Recommendations Report*. Sacramento, CA.
- Kleinfelder, Inc. 2006 (February 20). *Problem Identification Report, TRLIA Phase 4 Feather River and Yuba River Left Bank Levees, Reclamation District No. 784*. Sacramento, CA.
- U.S. Army Corps of Engineers. 2000 (April 30). *Engineering and Design—Design and Construction of Levees*. Engineering Manual EM 1110-2-1913. Washington, DC.
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- Wheatland, City of. 2006 (July 11). *Wheatland General Plan Policy Document, Part II*. Prepared by Mintier & Associates et al. Sacramento, CA.
- Yuba County Water Agency. 2003a (May). *Report on Feasibility, Yuba-Feather Supplemental Flood Control Project*. Marysville, CA. Prepared by Flood Control Study Team.
- Yuba County Water Agency. 2003b (October). *Draft Environmental Impact Report for the Yuba-Feather Supplemental Flood Control Project*. Marysville, CA. State Clearinghouse #2001072062. Prepared by EDAW, Jones & Stokes, and Flood Control Study Team.

The draft environmental impact report (DEIR) and final EIR (FEIR) for the Feather River Levee Repair Project were prepared by EDAW in cooperation with the other members of the flood control study team. See Chapter 11 of the DEIR for a list of contributors to that document. The following individuals contributed to this FEIR:

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APPENDIX A

DEIR Public Meeting

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Public Meeting on the Draft EIR for the Feather River Levee Repair Project
 Sign-In Sheet
 Wednesday, September 6, 2006
 6:30–8:30 p.m.

Please list your name, any agency or organization you represent, mailing address, and telephone number or e-mail address.

Name	Organization	Mailing Address	Telephone Number or E-Mail Address
Richard E. Webb	TRLIA TRD 784	256 Anderson Ave Marysville, CA 95901	530-742-5609 rwebb@suscceid.net 530-749-5679 pbrunner@cq.yuba.ca.us
Paul Brunner	TRLIA		

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Feather River Levee Repair Project
Draft EIR Public Meeting
Three Rivers Levee Improvement Authority
Wednesday, September 6th, 2006

6:30 P.M. CONDENSED TRANSCRIPT

Yuba County Government Center
915 8th Street, Suite 109
Marysville, CA 95901

- SPEAKERS: PAUL BRUNNER - Executive Director TRLIA
RIC REINHARDT - Program Manager
SEAN BECHTA - Senior Project Manager EDAW, INC.

Meeting Reported by:
SHERYL DIRKS, CSR NO. 3513
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1100 Butte House Road
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1 MR. BRUNNER: Okay. Let's go ahead and start. We
 2 definitely have seating so, you know, you might want to pull
 3 forward. I think that screen works a little bit better than
 4 this screen for focusing.

5 I'd like to welcome everyone here. I'm Paul Brunner
 6 the Executive Director of Three Rivers and tonight we have
 7 the draft EIR public meeting where we're going to have a
 8 chance to describe what the project is and then move forward
 9 and have forms to get comments from the public and there is
 10 an opportunity for that.

11 So I already went kind of through the purpose of the
 12 meeting is to do the overview of the project. We'll
 13 summarize the findings and then receive comments from the
 14 public.

15 I do want to introduce at least one person in the
 16 audience, Richard Webb who is the Chair of the Three Rivers
 17 Levee Improvement Authority and also the Chair of RD 784.
 18 So Richard. (Applause)

19 All right. Let me talk a little bit about our
 20 project and put it in context for what we have done so far.
 21 This is a map of our area for Three Rivers and we're right
 22 up here in Marysville right now for the public meeting. The
 23 area that Three Rivers and RD 784 really focuses on is down
 24 in the South Yuba County area in here. Plumas Lake is right
 25 around in this area in here. Olivehurst is right there.

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1 which ends in the end of October time period. We just
 2 started the project up here on the Yuba River. The work
 3 started last Friday and working full bore to complete that
 4 levee work this construction season, too, hopefully.

5 The purpose why we're here tonight is to talk about
 6 the stretch of levee from the Yuba down to the Bear along
 7 through here which is the Feather River Project. And that's
 8 about a 12-13 mile reach of river levees that we'll be
 9 improving over the next couple of years.

10 There is a couple alternatives that we're looking
 11 at. The two ends in here will be strengthened in place, the
 12 current existing levee; but this area right in through here
 13 there is a couple options that we're looking at, either
 14 strengthening in place the levee here or building what we
 15 call a setback levee that will pull a brand new levee back
 16 or build a brand new levee back and get rid of this levee
 17 here to allow the river to flow wider and freer and has many
 18 different types of improvements associated with it. Does
 19 include acquiring land and is more expensive. So the
 20 decision on that is still pending. That's really, the
 21 Feather River is what we're focusing on tonight.

22 And the types of things that we're looking at for
 23 the project is to correct deficiencies in the Feather and
 24 Yuba River, particularly the left bank and, consequently, to
 25 improve the flood protection of the RD 784 area of Yuba

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1 Linda is there.

2 We have a four-phase project that we're working on,
 3 started on 2004 and our goal is to complete the four phases
 4 by 2008.

5 The work has been done in the very first phase is
 6 here in the Yuba. Where we did the little red line in here
 7 first. That was where we had a break in the levee in the
 8 '80s that we have fixed. We're now working on Phase 2 to
 9 improve the Yuba through here which is also essentially done
 10 now on the Yuba. A little bit more on the seepage berm that
 11 we have to do in the Caltrans area. Working on the Western
 12 Pacific Interceptor Canal through here this summer. A lot
 13 of work going on along here on Highway 70. The Bear River
 14 right through here is really a fantastic story where we're
 15 building a setback levee, a brand new levee. Hopefully,
 16 we'll have a ribbon cutting for that in the October time
 17 frame, early October with dignitaries coming out and
 18 celebrating that levee being completed.

19 There is like a 600-acre environmental restoration
 20 project that's going to begin in the early September time
 21 period in this area and then extend over a year or two to
 22 complete that. That's also a very good story from our
 23 perspective.

24 This levee in purple, the Bear River the green areas
 25 here and here should be completed this construction season

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1 County.

2 Then you can see the project objectives that we have
 3 here. Providing 200-year flood protection. Help secure
 4 FEMA which is important for Yuba County. And then you can
 5 read the other things that are listed here on the project.

6 What I'm going to do now for the sake of the evening
 7 is to turn the meeting over to Ric Reinhardt who will talk
 8 about the project overview, and then right after Ric I think
 9 Sean Bechta is coming up to talk about the project and
 10 explain how we're going to obtain public comments and move
 11 forward.

12 So Ric.

13 MR. REINHARDT: The project area is the Feather
 14 River from Highway 70 down to the Bear River. So here it is
 15 the reach of the Feather on the upstream end and then when
 16 we just completed the Bear River setback levee on the
 17 southern end. The project levee has been broken up into
 18 three segments for study purposes. Segment one is from the
 19 downstream end to Star Bend. Segment two is from Star Bend
 20 to just downstream of Shanghai Bend, and then segment three
 21 is upstream to Highway 70.

22 There are three alternatives evaluated in the draft
 23 EIR. Levee repairs in segment one and three are strengthen
 24 in place type alternatives, and then the alternatives vary
 25 in project segment two as we looked at two forms for two

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1 different alignments for a setback levee and then an
 2 alternative to strengthen the existing levee in place.
 3 The alternatives we looked at for repair for
 4 strengthen in place are a slurry wall through the top of the
 5 levee or a stability or seepage berm on the landside toe
 6 with relief wells.
 7 Project segment number two we looked at
 8 strengthening the existing levee in place and then we looked
 9 at the above, what we call the ASB is the above Star Bend
 10 setback and then the intermediate setback which is -- starts
 11 at the same upstream location. I'm sorry. At -- it takes
 12 less of a footprint. It's a smaller setback.
 13 Setback levee design would be an embankment section
 14 with an inspection trench; or if we have foundation
 15 problems, it would include a slurry wall through the
 16 foundation of the levee.
 17 We're looking at the potential land uses in the
 18 project area. The area could be remained in agriculture or
 19 it could be a mix of habitat and habitat restoration
 20 depending on how the project is funded and what the input we
 21 receive from the landowners are. We don't have a specific
 22 proposal for the land use at this time.
 23 From a construction schedule perspective, our goal
 24 is to go to construction on segments one and three in 2007.
 25 We're in the process of design currently. For segment two

1 and select a preferred alternative, and this EIR can support
 2 adoption of any one of the three alternatives.
 3 In our alternatives analysis I talk about a more
 4 qualitative level of analysis. CEQA requires that we also
 5 look at a no project alternative which we did which is
 6 basically doing nothing, and that will come up in discussion
 7 a little bit later.
 8 We really looked at a full range of environmental
 9 issue areas in the EIR. There was very little that was
 10 taken out or wouldn't, didn't apply to this project amongst
 11 the areas that we normally see in an EIR. These are all
 12 listed here ranging from land use to terrestrial biological
 13 resources to paleontological resources, fossils and such.
 14 Amongst these issue areas that we evaluated all
 15 except three of them had some level of significant impact.
 16 So some impact that exceeded the significance criteria and
 17 it was considered substantial adverse effect on the
 18 environment.
 19 Of those areas that have a significant impact after
 20 mitigation there were only three remaining areas that had
 21 impacts that could not be reduced to a less-than-significant
 22 level. In these areas land use had two issues, one related
 23 to the conversion of important farmland under all the
 24 alternatives whether that be under a setback levee or
 25 associated with a detention basin or seepage berms in a --

1 we'll be doing design and permitting in 2007 and early 2008
 2 and then construction 2008.
 3 With that I'll turn it over to Sean to talk about
 4 the EIR.
 5 MR. BECHTA: Thank you. Thank you, Ric. I'm going
 6 to go through a quick summary of the EIR findings as the
 7 main purpose of this meeting is to allow an opportunity to
 8 provide comments on the EIR.
 9 First a general EIR CEQA overview. The purposes of
 10 an Environmental Impact Report are to evaluate a project,
 11 inform the public and the decision-makers of the project's
 12 environmental effects, identify mitigation measures to
 13 minimize those effects so it can clear significant. Also
 14 identify impacts that cannot be mitigated or avoided.
 15 Quick summary on what a significant impact the key
 16 elements are it's a substantial effect. It's an adverse
 17 effect and it's an effect on the physical environment.
 18 In the EIR, typically in an EIR one preferred
 19 alternative is looked at at a high level of detail and then
 20 the remaining alternatives are looked at in a more
 21 comparative level. In this particular instance we looked at
 22 all three of the alternatives that Ric and Paul talked about
 23 at an equal level of detail. This will allow the TRLIA
 24 board at some point after the EIR is complete to take the
 25 information in the EIR and information from other sources

1 on levee strengthening. There was some level of farmland
 2 conversion to non-agricultural use which was considered a
 3 significant and unavoidable impact.
 4 The second one, the zoning inconsistency was really
 5 just a paper impact. We took a pretty conservative approach
 6 to how we looked at impacts. In this case potentially for a
 7 period if a setback levee is built, the County zoning would
 8 allow construction of structures there. Obviously, you
 9 couldn't have structures built in the setback areas so that
 10 conflict could go on for a certain amount of time until the
 11 County changes its zoning code. It's a very conservative
 12 approach and even though it's a paper impact, we identified
 13 in the EIR.
 14 Air quality construction emissions are going to
 15 exceed the Air Quality Management District de minimis
 16 standards or their standards for what's significant in
 17 handling a project of this size and scope, not earth moving
 18 but there is not a way to minimize that. And the noise
 19 there is going to be construction noise. We wanted to leave
 20 the option open if there is a need under extreme
 21 circumstances for nighttime construction which could violate
 22 noise ordinance standards, we identified that as a
 23 significant and unavoidable impact.
 24 This slide has a lot of numbers but really the key
 25 point that I wanted to identify in this slide is that there

1 was not one clearly environmentally superior alternative.
 2 CEQA requires to identify an environmentally superior
 3 alternative. This looks at the numbers of the impacts. As
 4 you can see, alternative 1 has 16 significant impacts, three
 5 that are significant and unavoidable. Those are less than
 6 under alternatives 2 and 3 which really have the same
 7 impacts. That difference is primarily related to the fact
 8 alternative 1 doesn't have a setback levee.
 9 When you construct a setback levee and you have that
 10 setback area you end up with some impacts that you wouldn't
 11 otherwise, such as potential for fish stranding. It would
 12 not flood and some other biological resources impacts. And
 13 then the significance and unavoidable the extra one is
 14 related to that inconsistency between the County zoning
 15 allowing developer buildings in the setback area and that
 16 not being a feasible flood control activity.
 17 So the alternatives 2 and 3 really the impacts
 18 aren't that different, little bit higher than alternative 1.
 19 But in the EIR the conclusion that we came down to is
 20 depending on what your priorities are, there is a great
 21 difference in these. There could be a great difference in
 22 these alternatives as far as what's environmentally
 23 superior. If you want to maximize your regional flood
 24 control benefits by having the largest setback area
 25 possible, alternative 2 would be superior. If you wanted to

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1 increase flood protection but minimize changes in the
 2 existing land uses, alternative 1 might be superior. If you
 3 wanted to have the minimal effect on the environment and the
 4 minimal change from existing conditions, you would select
 5 the no project alternative, but then you gain no flood
 6 control benefits and the RD 784 area remains under the same
 7 flood risks that it's under today.
 8 So depending on your priorities, some of the
 9 alternatives are far superior to others, clearly superior
 10 but from a pure environmental perspective we didn't identify
 11 one environmentally superior alternative.
 12 Going over the public review steps up to this point
 13 and in the future there was a notice of preparation issued
 14 in June. And after that a public scoping meeting later in
 15 June. They released the draft EIR last month in the
 16 beginning of August. Tonight is the public comment meeting
 17 on the draft EIR. The public comment period closes
 18 September 18th. The standard 45-day public comment period
 19 from release of the draft EIR.
 20 After that period ends we'll begin responding to
 21 comments and preparing the final EIR which will go into the
 22 fall, and then also sometime in the fall we'll complete the
 23 final EIR, send that out for review and a decision on
 24 approval of the project and selection of an alternative will
 25 be made.

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1 So we're here tonight to provide comments on the
 2 EIR. This small prestigious group. How to do that. We
 3 have several options available tonight. You can provide
 4 oral comments directly to the court reporter after this
 5 presentation is done. You can come up here and talk to the
 6 reporter; or if you prefer to talk to her someplace else, we
 7 can move to wherever you feel is most appropriate. You can
 8 either talk directly to her or we can transcribe a
 9 conversation if you'd like to have a conversation with any
 10 member of the project team here and have that transcribed
 11 into the record.
 12 You can provide written comments on comment cards
 13 that we have at the back table and we have over at this
 14 table over here. We also have a laptop set up there if you
 15 prefer to type in comments rather than write them here. You
 16 can also mail in comments. The address is there to Paul
 17 Brunner. It's the same address that's in the draft EIR.
 18 Mail or fax those in or e-mail any comments. If you do
 19 e-mail in those comments, we ask you provide them in a Word
 20 format. There is some directions there. We can go over
 21 those later if you like.
 22 Providing comments tonight doesn't preclude also
 23 providing additional comments in a letter later on just as
 24 long as all the comments are received by end of day
 25 September 18th.

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1 As far as suggestions on providing comments, what
 2 we're really looking for is information on the analysis and
 3 conclusions in the draft EIR. What any comments you have on
 4 the analysis methods that we used, our conclusions, the way
 5 we did the analysis. Anything having to do with the draft
 6 EIR and that will be -- those types of comments will be
 7 responded to in the final EIR in writing.
 8 So whether you provide the comments to the court
 9 reporter, provide them in writing here, provide them in
 10 writing later, comments related to the draft EIR will be
 11 responded to in the final EIR.
 12 There is an additional area where comments are
 13 appreciated. This isn't a typical CEQA issue but we'd like
 14 information on the merits of the various project
 15 alternatives. Those aren't necessarily something we would
 16 respond to in the final EIR. Not a requirement of CEQA.
 17 But since the opportunity is there that we can look at three
 18 alternatives at an equal level of detail and the EIR can be
 19 used to support the TRILIA decision to adopt any one of those
 20 alternatives. Any information that you provide on
 21 preferences would be considered by TRILIA when making that
 22 decision.
 23 So that's it for the presentation. Also I see many
 24 members of the project team are here. If you have any
 25 questions or would like to have any discussions with any

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1 member of the project team, we're available to do that.
2 Those discussions, I will just say, would not be part of a
3 CEQA EIR record, would not necessarily be responded to in
4 the EIR. Those for record-keeping purposes we need to have
5 come in through the court reporter or written through one of
6 the mechanisms provided. Thank you very much.

7 (pause in proceedings)

8 MR. BECHTA: Paul Brunner directly asked the two
9 members of the public present whether they would like to
10 provide comments at the meeting and both declined. Public
11 comment meeting was closed.

12 (Meeting concluded at 7:36 p.m.)
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1 REPORTER'S CERTIFICATE
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5 STATE OF CALIFORNIA)
6 COUNTY OF YUBA)
7

8 I do hereby certify that the foregoing
9 transcript, consisting of _____ pages hereof, was taken by
10 me in shorthand at the time of the proceedings in the
11 above-entitled matter, and that the foregoing is a full,
12 true and correct transcription of the proceedings held at
13 said time.
14

15 Dated _____, 2006.
16
17
18

19 _____
20 SHERYL DIRKS,
21 Certified Shorthand Reporter
22 CSR No. 3513
23
24
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