Meeting of the Central Valley Flood Protection Board
September 19, 2008

Draft Staff Report
DWR Floodway Protection Section

Item

Consider approval of Permit No. 18374 (Attachment A) to plant native trees, shrubs and grasses within the designated floodway on the right (west) bank of the Sacramento River.

Applicant

Robert Ginno

Location

The project is located east of Corning and approximately 3 miles downstream of the Woodson Bridge. (Sacramento River, Tehama County, see Attachment B).

Description

To plant approximately 87 acres with native trees, shrubs and grasses within the designated floodway on the right (west) bank of the Sacramento River.

Discussion

The project consists of restoring 87 acres of habitat at the confluence of Jewett Creek and the Sacramento River (RM 214). The project is located on private property and is funded by a grant from the Wildlife Conservation Board. Plantings will produce four riparian communities; 1) Mixed Riparian Forest, 2) Valley Oak Riparian Forest, 3) Jewett Creek Waterway, and 4) grassland. There will be no Elderberry plants established in this habitat restoration project. Hydraulic impacts from the project were shown to be insignificant.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.

- There is no non-federal endorsing agency for this project.

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The Department of Fish and Game, Wildlife Conservation Board (WCB), as lead agency under CEQA, approved the project (Jewett Creek Riparian Habitat Restoration, SCH #2007028167) on February 16, 2007 and determined that the project was categorically exempt under Class 4, Minor Alterations to Land, Section 15304.

The Board, acting as a responsible agency under CEQA, has reviewed the WCB determination and has independently determined that the project is exempt from CEQA under a Class 4, Section 15304 exemption.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

   The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

   The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

   This project has negligible effects on the State Plan of Flood Control.

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

   None.

Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

List of Attachments

A. Permit
B. Location map and photo

Attachment A

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18374 BD

This Permit is issued to:

Robert Ginno
2990 Highway 32, Suite 1770
Chico, California 95973

To plant approximately 87 acres with native trees, shrubs and grasses within the designated floodway on the right (west) bank of the Sacramento River. The project is located east of Corning and approximately 3 miles downstream of the Woodson Bridge (Section 3, T23N, R2W, MDB&M, Sacramento River, Tehama County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____ _____
Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

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

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18374 BD

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

FOURTEEN: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof shall not be held liable for damage(s) to the herein permitted project resulting from release(s) of water from resevoirs, flood fight, operation, maintenance, inspection, or emergency repair.

FIFTEEN: The permittee is responsible for all liability associated with construction, operation, and/or maintenance of the herein permitted project and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof from any liability or claim(s) of liability associated therewith.

SIXTEEN: The permittee shall be responsible for repair of any damage(s) to the floodway due to construction, operation and/or maintenance of the herein permitted encroachment(s).

SEVENTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

EIGHTEEN: No elderberries shall be planted at this site.

NINETEEN: No work of any kind shall be done within the floodway during the flood season from

November 1st to April 15th without the express written consent of the Central Valley Flood Protection Board.

TWENTY: Stockpiled material and/or equipment shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY-ONE: Cleared trees and brush generated as a result of this project shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY-TWO: Trees shall not be planted within 30 feet of the river bankbank.

TWENTY-THREE: Tree rows shall be parallel to the direction of the overbank flow. The minimum row spacing shall be 16 feet and the minimum spacing of trees within a row shall be 8 feet.

TWENTY-FOUR: Areas where plantings are lost to erosion shall not be replanted without written approval of the Central Valley Flood Protection Board.

TWENTY-FIVE: If the plantings result in an adverse hydraulic impact, the permittee will provide appropriate mitigation.

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter or relocate all of or any part of the permitted plantings(s) if removal, alteration, or relocation is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove, alter or relocate the plantings(s) at the permittee's expense.

TWENTY-EIGHT: Should the riparian plantings need to be removed, the applicant shall provide an acceptable mitigation site, and fund the removal of both the existing plantings and the new plantings at the mitigation site.

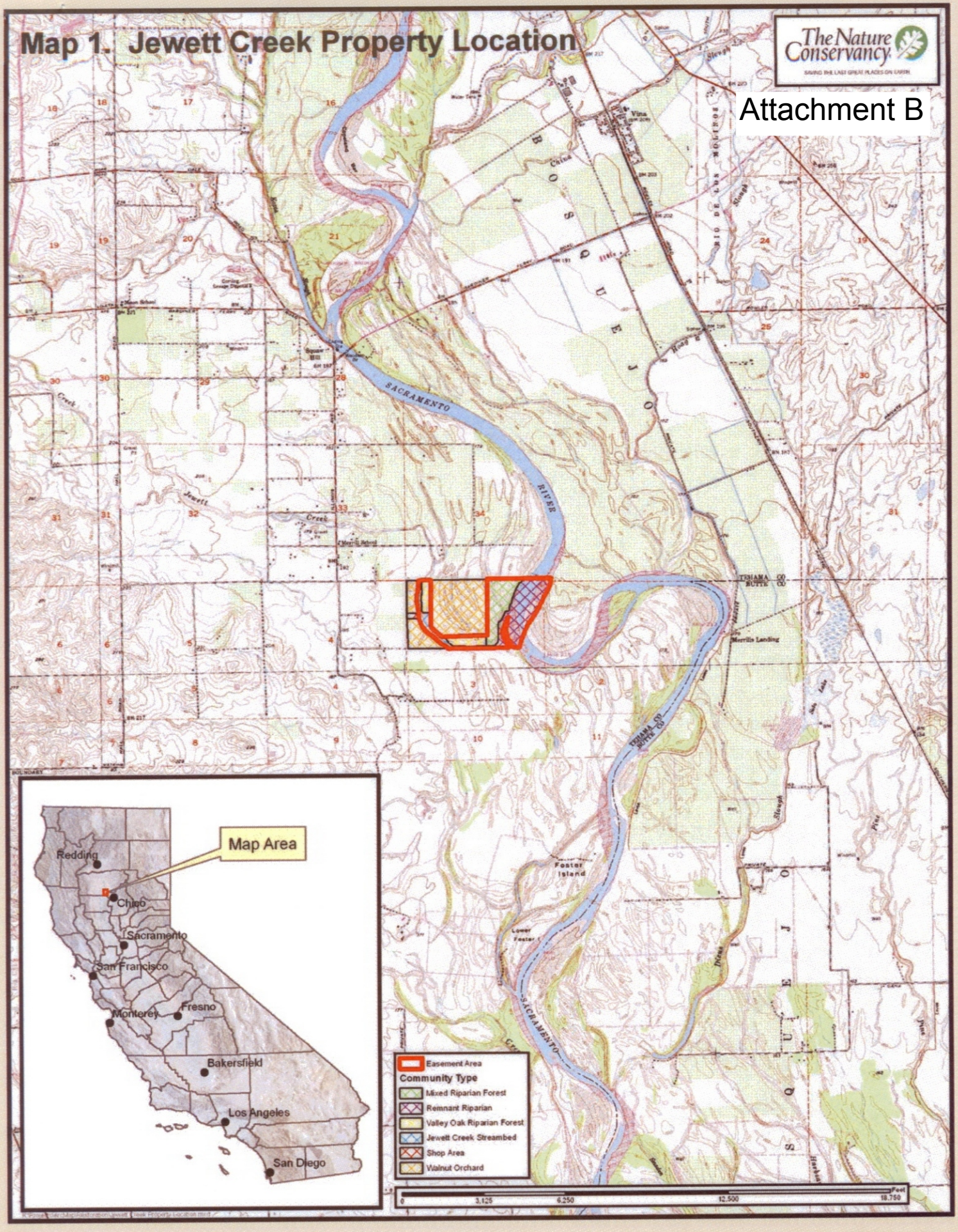
TWENTY-NINE: If the plantings, or any portion thereof, are to be abandoned in the future, the permittee or successor shall abandon the plantings under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

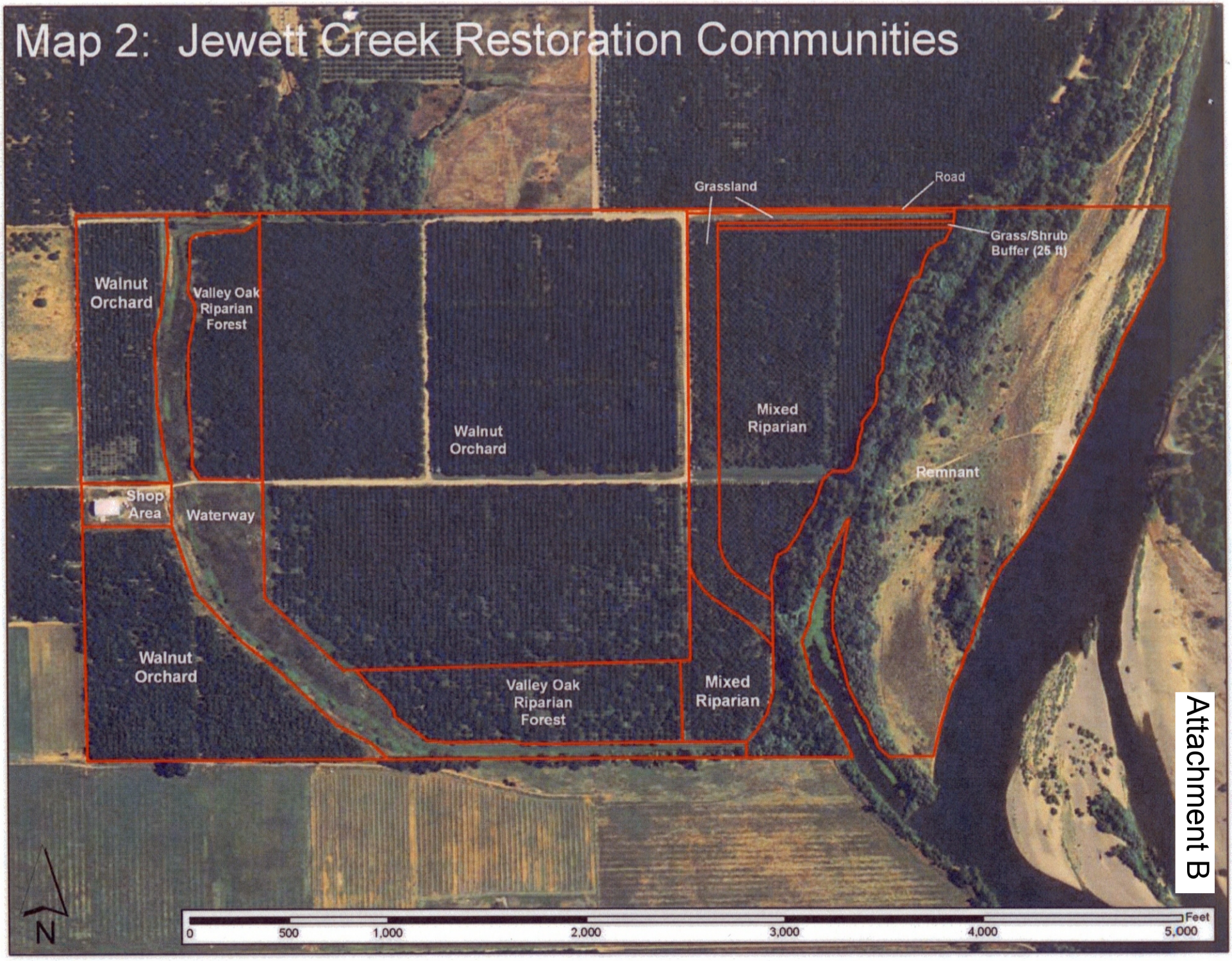
THIRTY: A letter from the Department of the Army dated August XX, 2008 is attached to this permit as Exhibit A is in reference to this project.

Map 1. Jewett Creek Property Location

The Nature Conservancy
SAVING THE LAST GREAT PLACES ON EARTH

Attachment B





Attachment B