# APPENDIX A

Project Scoping

## STATE OF CALIFORNIA – THE RESOURCES AGENCY

### DEPARTMENT OF PARKS AND RECREATION

# NOTICE OF PREPARATION

**To**: State Clearinghouse, Responsible and Trustee Agencies, Interested Individuals

**Subject**: Notice of Preparation of an Environmental Impact Report for the **Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project**

**Lead Agency:** California Department of Parks and Recreation
Northern Service Center
One Capitol Mall, Suite 500
Sacramento, CA 95814
Contact: Gary Waldron

**Consultant**: EDAW, Inc.
2022 J Street
Sacramento, CA 95811
Contact: Curtis Alling, Vance Howard

The California Department of Parks and Recreation (Department), as the Lead Agency, will prepare a project level Environmental Impact Report (EIR) for the Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project (proposed project). We would like to know the views of interested persons, organizations, and agencies as to the scope and content of the information to be included and analyzed in the EIR. Agencies should comment on the elements of the environmental information that are relevant to their statutory responsibilities in connection with the proposed project.

The project description, location, and possible environmental effects (to the extent known) are contained in this Notice of Preparation (NOP).

Written comments should be submitted at the earliest possible date, but no later than 5:00 pm on September 28, 2007 to Denise Reichenberg, Sector Superintendent, California State Parks, at the address shown below. Responses should include the name of a contact person at your agency.

Mrs. Denise Reichenberg
Superintendent - Valley Sector
California State Parks
525 Esplanade
Chico, California 95926
(530) 895-4304

A planning workshop and EIR scoping meeting has been scheduled to give the public an opportunity to comment on the scope, focus, and content of the proposed project. The meeting will be held at 6:00 pm on September 19, 2007 at Bidwell Mansion SHP Visitor Center located at 525 The Esplanade, Chico CA 95926.

## PROJECT TITLE

Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project

## PROJECT LOCATION

The project site includes the Singh Unit and Nicolaus property. These two non-contiguous parcels are depicted on the USGS Ord Ferry, California USGS 7.5 minute topographic map, within the unsurveyed portions of Township 22 North, Range 1 West (Exhibit 1, USGS 7.5-Minute Topographic Map). The project site, located along the east bank of the Sacramento River, is adjacent to Mud Creek just upstream of the confluences of Big Chico Creek and Mud Creek, and of Big Chico Creek and the Sacramento River. The Singh Unit is part of the Big Chico Creek Riparian Area subunit of the Bidwell-Sacramento River State Park (BSRSP). The Nicolaus property is located north of the Big Chico Creek Riparian Area subunit and immediately east of the Indian Fishery subunit of the BSRSP.

Access to the Singh Unit and Nicolaus property is provided by River Road, which runs in a north-south alignment along properties located on the eastern bank of the Sacramento River. West Sacramento Avenue intersects with River Road, thereby linking the downtown Chico area to the Singh Unit, Nicolaus property, and BSRSP. In addition, Chico River Road is the other primary roadway that provides access to River Road from Chico. Refer to Exhibit 2, Project Site Access.

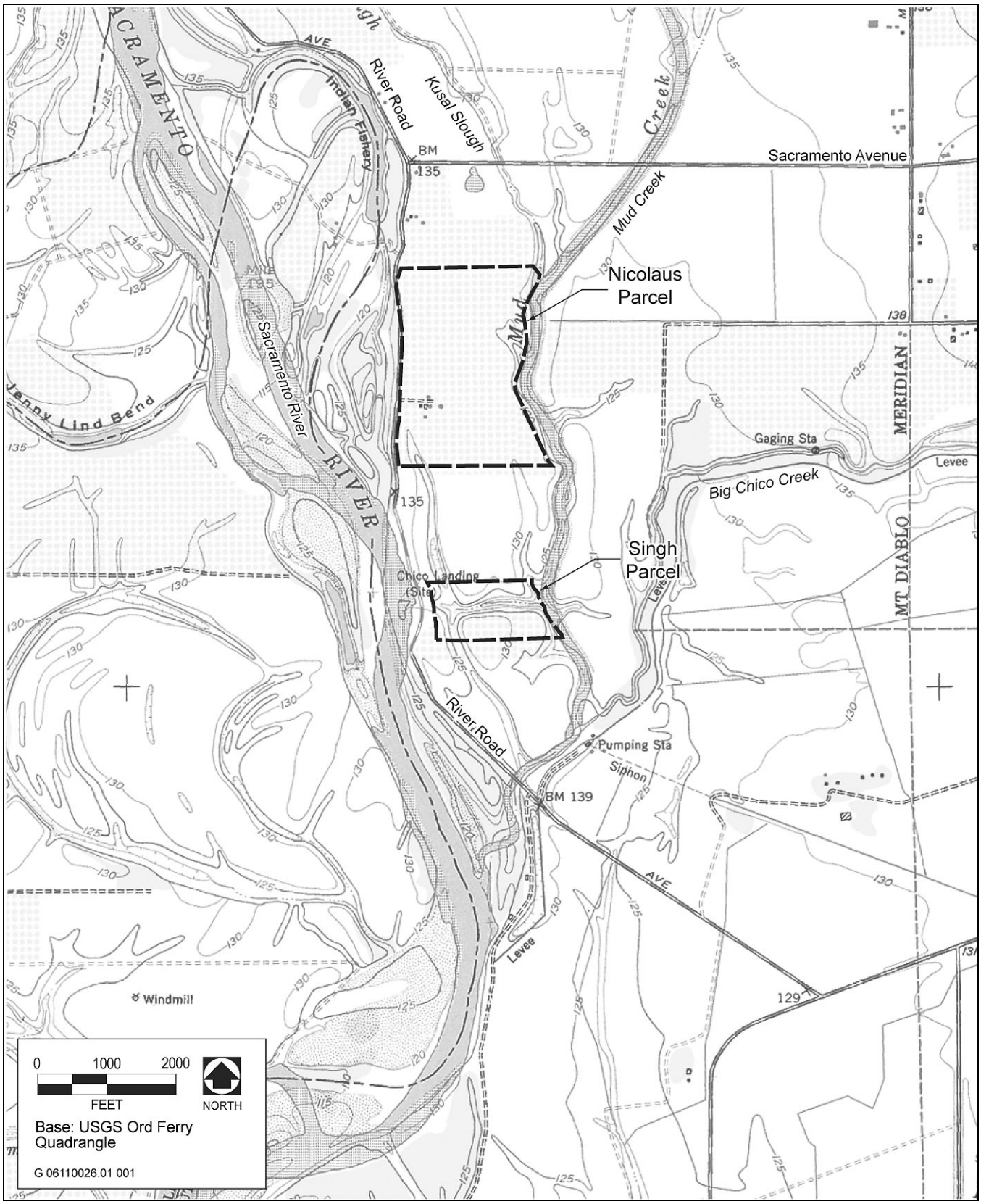
## PROJECT DESCRIPTION

The Nature Conservancy (TNC), in collaboration with the Department, is proposing to implement a habitat restoration and outdoor recreation facility development project on two parcels known as the Singh Unit and Nicolaus property (collectively, the Singh and Nicolaus Project, or project site) along the Sacramento River within and adjacent to BSRSP, west of the City of Chico in Butte County, California (Exhibit 3, Project Vicinity). The Singh Unit is owned by the Department and located within BSRSP. The Nicolaus property is currently owned by TNC, but would be transferred to the Department, as part of the proposed project, prior to implementation of habitat restoration activities or development of outdoor recreational facilities. It is located immediately adjacent to the Indian Fisheries subunit of BSRSP. Both the Singh Unit and Nicolaus property are currently in agricultural production (walnut and/or almond orchards).

The first project objective is to restore natural topography and vegetation on the Singh Unit and Nicolaus property. This includes the removal of two human made berms on the Singh Unit; the removal of non-native vegetation, including eucalyptus on the Singh Unit adjacent to River Road.; and, restoration of the following natural communities on both parcels:

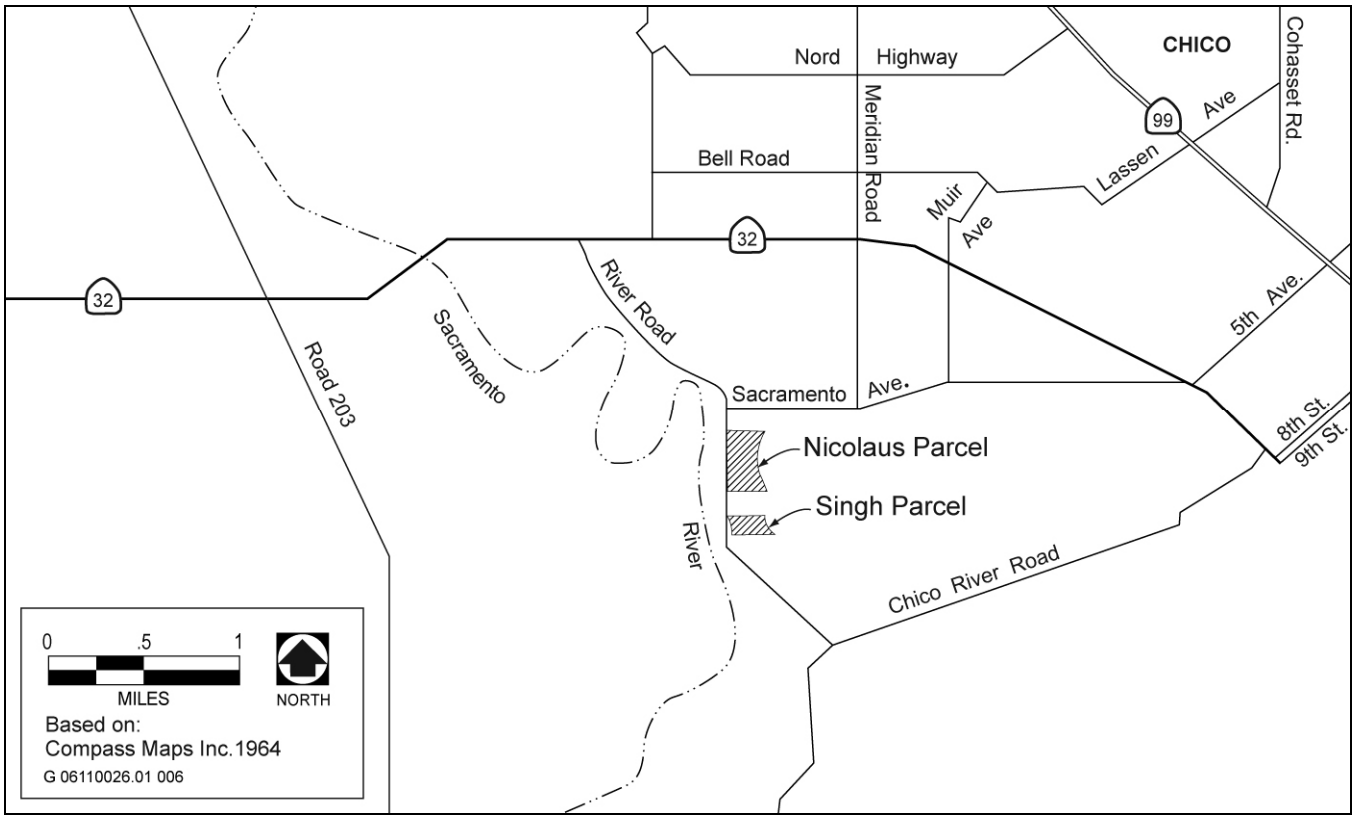
- cottonwood mixed riparian forest,
- valley oak savannah,
- mixed riparian forest,
- valley oak riparian forest, and
- native grasslands.

The Singh Unit and Nicolaus property present a unique opportunity for habitat restoration because they are located at the confluence of the Sacramento River, Big Chico Creek, and Mud Creek (Exhibit 4, Aerial Photo of the Project Site). The protection and restoration of habitat on these two parcels would aid in the recovery of special-status species, rehabilitate natural processes along the river, protect and restore riparian habitat, and improve water quality. The primary terrestrial and avian wildlife special-status species that would benefit from restoration of the project site include western yellow-billed cuckoo, Swainson's hawk, least Bell's vireo, and valley elderberry longhorn beetle (VELB). Several special-status fish species, including Chinook salmon, green sturgeon, and steelhead trout, would also benefit. The proposed project would add approximately 150 acres of restored riparian habitat to the existing 2,887 acres of protected and restored habitat along the Sacramento River between river mile (RM) 199 and RM 193.




Source: Adapted by EDAW in 2007

**USGS 7.5-Minute Topographic Map** **Exhibit 1**



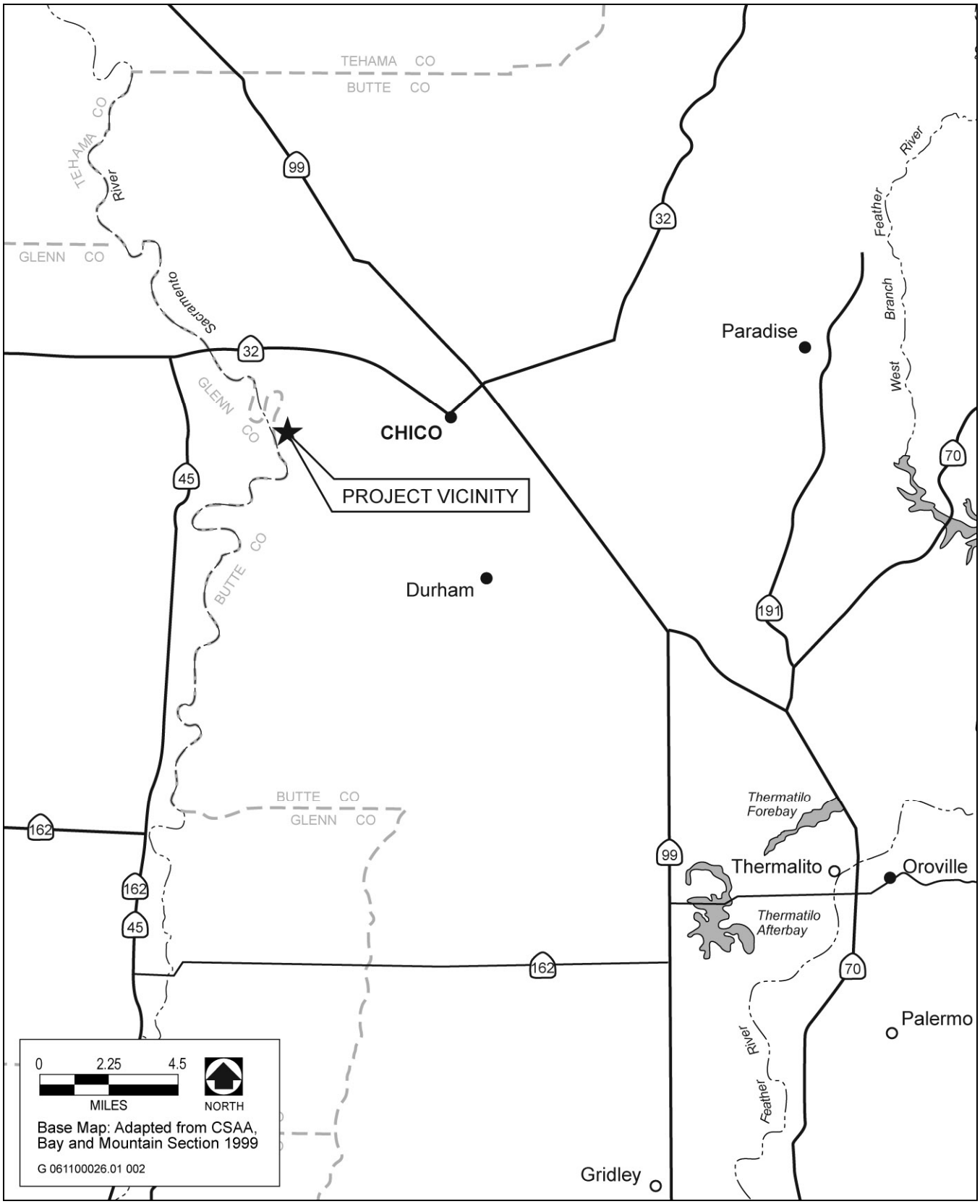

Source: Adapted by EDAW in 2007

**Project Site Access** **Exhibit 2**

The second project objective includes the transfer of ownership of the Nicolaus property from TNC to the Department and development of outdoor recreation facilities on both the Nicolaus property and the Singh Unit. The property would become part of BSRSP prior to implementation of habitat restoration activities or outdoor recreation facilities development. The inclusion of the Nicolaus property within BSRSP, and restoration of the Nicolaus property and the Singh Unit, would present an opportunity to enhance and expand the Park's recreational and public access opportunities through new and expanded trails, new day and overnight facilities, and visitor-service enhancement. It would also enable a more efficient location for the BSRSP headquarters facilities. Therefore, in conjunction with restoration activities, the proposed project would include creation and expansion of public outdoor recreation facilities. New trails would be created on both properties that would be aligned to connect with existing and proposed trails and facilities within the Park. New day-use and overnight camping facilities would be constructed on the Nicolaus property. The Park headquarters would be relocated to the existing farm buildings on the Nicolaus property, which are on higher, less frequently flooded ground compared to the current headquarters location. By expanding outdoor recreation facilities and restoring habitat at BSRSP, this project would increase public accessibility and opportunities to the middle reaches of the Sacramento River, while providing more habitat for riparian and river-dependent wildlife and plant species.

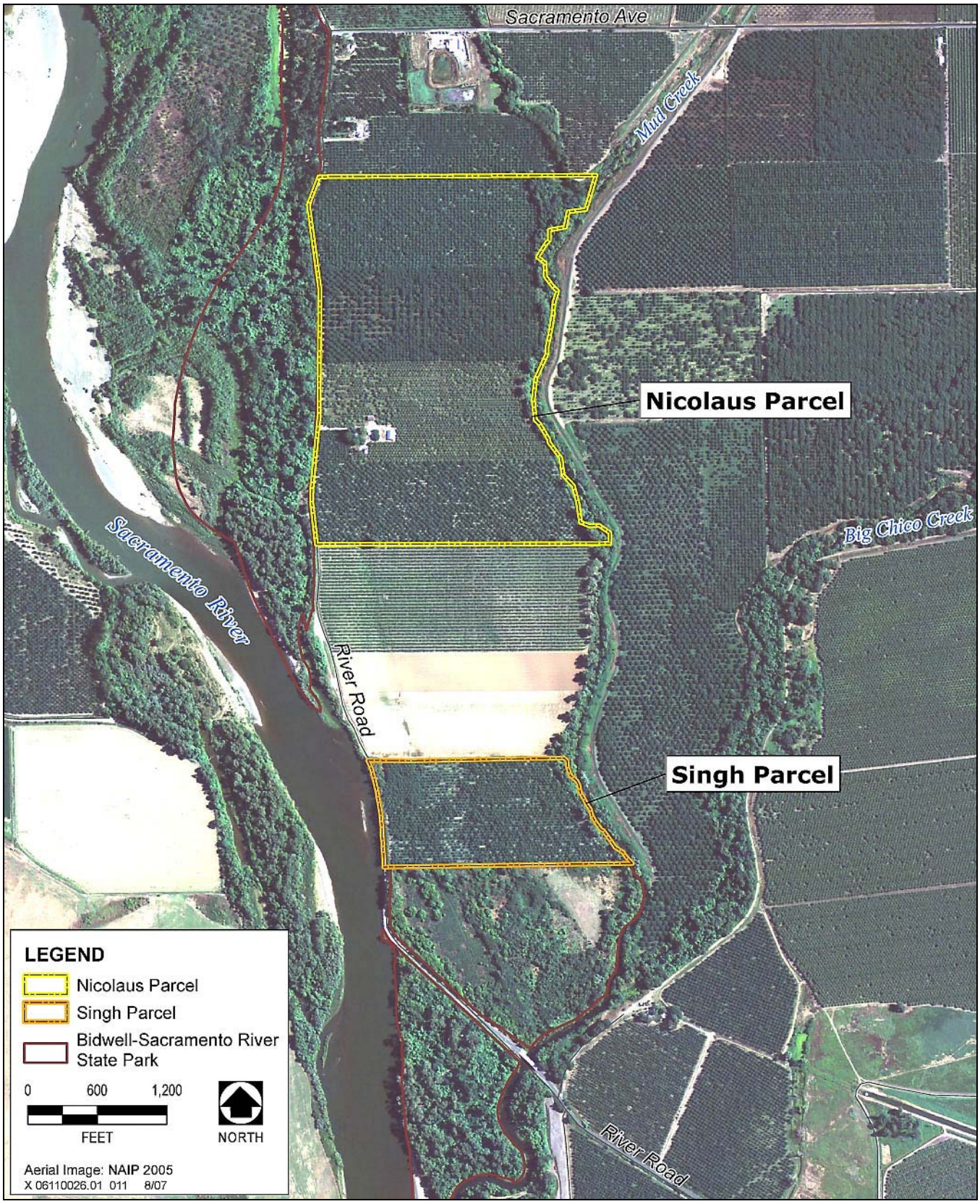
## Tiering From the BSRSP General Plan EIR

State CEQA Guidelines Section 15152 allows the use of analysis of general matters contained in a general plan EIR with later EIRs on narrower projects. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan to a site-specific EIR, as is the case with the proposed project. Because the project would be implemented by the Department and would include the addition of the Nicolaus property to BSRSP, it is appropriate to use the tiering process for the environmental analysis from the BSRSP General Plan EIR to this




Source: Adapted by EDAW in 2007

**Project Vicinity** **Exhibit 3**




Source: Adapted by EDAW in 2007

**Aerial Photograph of the Project Site** **Exhibit 4**

project-level EIR. The BSRSP General Plan EIR was prepared to serve as the programmatic environmental document to be referenced in implementing future actions included in the General Plan. The proposed project is consistent with the actions included in the General Plan.

## Issues to Be Addressed In the EIR

The EIR for the proposed project will evaluate the potential adverse and beneficial environmental impacts of implementing the proposed project during both construction and operation of the facilities. The document will also evaluate the cumulative impacts of implementing the proposed project in conjunction with other related past, present, and probable future projects.

Based on preliminary considerations of the elements of the proposed project and review of the BSRSP General Plan EIR, some of the issues will be addressed in detail in the EIR and some will reference analysis in the BSRSP General Plan EIR. Potential environmental effects that will likely be analyzed in detail in the EIR include:

- **Agriculture.** The proposed project would involve the conversion of farmland designated as "Irrigated Farmland" to non-agricultural uses.
- **Biological Resources.** Implementing the proposed project could result in the degradation of individual special-status species and/or habitats for special-status plant, wildlife, or fish species.
- **Cultural Resources.** Implementing the proposed project could damage or destroy unidentified cultural or Paleontological resources during project construction or other associated ground-disturbing activities.
- **Hazards and Hazardous Materials.** Implementing the proposed project could involve construction activities that could result in the temporary release of hazardous substances, such as oil, into soil or water, or exposure to hazardous materials that could be present at the project site.
- **Hydrology and Water Quality.** Implementing the proposed project would involve changes in vegetation types and construction of outdoor recreation facilities within the floodplain of the Sacramento River.

Potential environmental impacts that will likely be addressed by tiering from the BSRSP General Plan EIR, include: aesthetics, air quality, geology and soils, noise, transportation and traffic, and utilities and service systems.

Environmental issues not anticipated to be analyzed in the EIR, include: land use and planning, mineral resources, population and housing, public services, and recreation.

## Intended Uses of the EIR

The Department and the Parks and Recreation Commission will use the EIR to consider the environmental effects, mitigation measures, and alternatives, when reviewing the proposed project for approval. The EIR will serve as the State's CEQA compliance document for implementation of the proposed project.

By: _____

**Signature:** _____

**Title:**_____

**Date:**_____

# Comment Letters

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

**DEPARTMENT OF WATER RESOURCES**
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791

September 6, 2007

Gary Waldron
California Department of Parks and Recreation
One Capitol Mall, Suite 500
Sacramento, California 95814

Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project
State Clearinghouse (SCH) Number: 2007082160

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at http://recbd.ca.gov/. Please be advised that your county office also has copies of the Board's designated floodways for your review. 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.

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,

Christopher Huitt
Staff Environmental Scientist
Floodway Protection Section

Enclosure

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

# Encroachment Permits Fact Sheet

## Basis for 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.

## Area of 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.

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 additional flood risk to third parties that may 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 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 of 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.

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.

# Bidwell-Sacramento River State Park
# Habitat Restoration and Outdoor Recreation Facilities Development Project
## CEQA SCOPING COMMENTS

*(please hand in or mail back by September 28, 2007)*

**Name:** Laura E Mendonca
**Organization (if any):** Property owner
**Address (optional) :** 3437 Chico River Road
**City, State, Zip:** Chico, CA 95928

The California Department of Parks and Recreation (Department) is preparing an Environmental Impact Report (EIR) for Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project. The Department invites you to provide specific comments on the scope of issues or topics to be addressed in the Draft EIR.

Thank you!

**Comments**

Place 300'-500' foot setback on State Parks side of the land, planting grass habitat only.

Drain sloughs, cleaning them out and maintain them through State Parks property as needed.

If fences are to be installed, they should be one cable only, as to not restrict water flow.

State Parks should patrol properties 24 hours a day.

Burms on Mud Creek behind Singh property should be removed.

Habitat planted should not restrict the flow of water.

A complete survey done for property lines.

MINASIAN, SPRUANCE,
MEITH, SOARES &
SEXTON, LLP

ATTORNEYS AT LAW
A Partnership Including Professional Corporations

1681 BIRD STREET
P.O. BOX 1679
OROVILLE, CALIFORNIA 95965-1679

Writer's email: pminasian@minasianlaw.com

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JEFFREY A. MEITH
M. ANTHONY SOARES
DAVID J. STEFFENSON
DUSTIN C. COOPER

WILLIAM H. SPRUANCE,
Of Counsel

MICHAEL V. SEXTON,
Of Counsel

TELEPHONE:
(530) 533-2885

FACSIMILE:
(530) 533-0197

September 21, 2007

Denise Reichenberg
Superintendent, Valley Sector
California State Parks
525 Esplanade
Chico, California 95926

Re: Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project

Dear Ms. Reichenberg:

This letter is being sent on behalf of the Sacramento River Reclamation District.

You have provided Notice of preparation of an Environmental Impact Report for the Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project, a proposed Project.

This project involves substantial proposed revegetation and replanting of existing agricultural land planted to orchards and providing for passage of flood waters with little or no restriction.

Enclosed you will find letters dated October 3, 2000, a copy of which went to the State of California Department of Parks & Recreation, our letter of April 13, 2005 regarding the Nicholas property, a letter of December 29, 2005 to the California Department of Parks and Recreation relative to the Big Chico Creek Access, a letter dated December 2, 2005 relating to a Draft Mitigated Negative Declaration, and a letter of September 5, 2006 to Katherine Tobias of the California Department of Parks & Recreation in regard to a boat ramp project which had the potential to change the direction and flow pattern during flood events. In each letter we point out that lands in

these areas are in a critical area for flooding, and that planting or maintenance of vegetation can redirect floodwaters. In each letter we ask that your Agency work with the Sacramento River Reclamation District to avoid such an effect and to design your work so that flows will not be changed.

After initial optimism that this Agency of the State of California would in fact comply with the California Environmental Quality Act and comply with its duties not to attempt to plant vegetation and maintain artificial barriers to flood flow upon lands which are now developed to orchard purposes and which are acquired by the State of California, the Sacramento River Reclamation District is tired of writing to you and asking that you comply with your duties under CEQA to consult with responsible agencies and your duties under the Regulations adopted by the County of Butte which the Sacramento River Reclamation District and the County of Butte are vested with the powers to enforce, relating to this floodway. It is the simplest thing in the world to simply enter into an agreement with the SRRD that you will not block the current capacity existing between the trees of farmed walnut orchards and open space vegetation under the guise of creating a riparian forest that will re-divert or change the flow pattern of flood events. It is also the simplest thing in the world to provide us with the information so that we can determine whether an exemption from a permit requirement should be granted by the County of Butte.

We now have notice that yet another CEQA process is to begin. How can alternatives even be outlined without your understanding what flowways must be maintained without vegetative blockage?

Nevertheless, your Agency apparently does not understand that the consultation requirement and the Floodplain Regulations in this area are critical to the maintenance of existing farming operations, and that the proposal to write a full EIR in regard to "restoring riparian habitat" without first consulting with the Responsible Agencies in regard to maintaining flood flow patterns and flood passage capacity is a violation of law. This time, if you spend public monies purporting to employ someone to write an EIR and any of those monies are expended prior to the time you have consulted with and developed the specific plan in regard to revegetation, including maintaining hydraulic capacity and debris-catching capacity so that flood patterns will not be changed as a result of the conversion of use of these properties, we will have no choice but to commence legal action to call the attention of the State Clearinghouse to the violation of State law by your Agency and to seek recovery of all monies which are expended with any consultant on the basis that those funds were wasted and utilized in a fashion and for purposes not authorized under the law.

State agencies are not supposed to wear down other local public agencies by ignoring them. You may have unlimited public funds through the ill-advised bond measures approved by voters, and you and the Nature Conservancy may develop your plans and schemes without regard to the requirements of law, but the law requires that action and steps not be taken until all environmental consequences have been examined, and that those actions and steps not be taken prior to the examination, consultation and consideration with Responsible Local Public Agencies such as the Sacramento River Reclamation District. We have been waiting for seven (7) years. It is not likely that we will wait much longer.

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By: _____
PAUL R. MINASIAN
Acting Secretary
SACRAMENTO RIVER RECLAMATION DISTRICT

PRM:df
Enclosures
cc w/w enclosures: Board of Trustees, Sacramento River Reclamation District
S:\Denise\Sacrec\State Parks CA, Bidwell St Pk Habitat Restoration Project.1.wpd

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JESSICA H. PHILLIPS
LISA A. GRIGG

PAUL JACKSON MINASIAN, 1933-1981
DAVID H. MINASIAN, RET. 1989

pminasian@minasianlaw.com

FILE COPY

October 3, 2000

Stuart Edell, Manager
Land Development Division
Butte County Public Works Department
7 County Center Drive
Oroville, California 95965

Rob McKenzie and Neil H. McCabe
Assistant County Counsel
County of Butte
25 County Center Drive
Oroville, California 95965

Re: Development Permit, Department of Parks & Recreation, for the Peterson Addition to the Bidwell-Sacramento River State Park

Ladies and Gentlemen:

A very productive meeting was held with Woody Elliott of the Department of Parks & Recreation and the Board of Directors of Sacramento River Reclamation District ("SRRD") on October 2, 2000. As you know, both the County and the SRRD are feeling their way along in regard to the Development Permit process. The fact that the first Development Permit to come before the Butte County and the SRRD involve an intensive revegetation proposal by the Department of Parks & Recreation makes the effort even more important and demands logical treatment.

We believe that as a result of the meeting and discussion that there was a substantial recognition on the part of the Department of Parks & Recreation, which recognition of course pre-existed the meetings, that the planting of intensive vegetation in low lying areas could result in blockage and structural changes in flood elevations and the retention and lack of drainage of flood waters in Mud Creek upon the decline in river levels in the Sacramento River.

The Board of Directors and the Department of Parks & Recreation recognize that not all vegetative developments, including agricultural developments, will involve these potential impacts, nor will all revegetation plans have the potential of being equivalent to structural impediments to flood flows or drainage. Mr. Elliott indicated that if the SRRD would suggest alternatives, the prospect of obtaining a Permit from Butte County might well be advantageous compared to going through the Reclamation Board. After extensive discussion, the SRRD agreed that if a Development Permit Application was made by the Department of Parks & Recreation to the County of Butte (in which Permit they may reserve any claims that no permitting authority exists because it is difficult to show the flood and drainage changes as a result of intensive revegetation work resulting in a structure or levee equivalent), and if that Permit showed the maintenance of at least 100 yards (300 feet) of open space Savannah development instead of the planting of trees, bushes and Himalayan blackberry bushes in the low-lying areas of Fields 1, 2 and 3 so that water may leave Mud Creek near the Northeast corner of the Singh property and the Peterson Addition, and proceed during drainage phases in which the level of the Sacramento River is dropping across the Peterson Addition towards the Sacramento River, that with the other mitigation measures proposed by the SRRD and the existing plan of the Department of Parks & Recreation, that no significant detrimental impact will arise as a result of flood or drainage characteristics.

This 300' wide area need not be in one open swath (which of course would be preferable), and the Department of Parks & Recreation may locate it in two or three parallel areas in the low points of its existing property. One excellent portion of this plan is that there is no intent to provide for extensive leveling or contouring of the property to change the drainage pattern in an unnatural way.

We believe, therefore, that the Department of Parks & Recreation will shortly be asking that you issue a Permit based upon the CEQA process and the Development Plan alternatives. Although the density of planting is extremely high in those areas in which planting will occur, the above change should be located in a fashion in which little impact will occur on adjoining agricultural lands to change either the flooding pattern or the drainage pattern after floods.

As soon as you have received the Application for Permit, we would appreciate receiving a copy of it to conform that this change which was discussed has been included. The District will be happy to review the plan and the hydrologic work of Mr. Countryman, and report to the County our recommendations, thus reducing the investment of time by the County. We will notify the surrounding landowners and incorporate their views.

The issuance of a Permit by Butte County is in fact a betterment and improvement upon the conditions faced by the Department of Parks & Recreation. If Parks & Recreation were required to submit this matter to the Reclamation Board, it seems unlikely that they could get their project moving this fall and winter when the planting conditions will be ideal.

---

We commend the Department of Parks & Recreation and Mr. Elliott for their cooperative attitude, and look forward to receiving a copy of the Permit Application with this modification so that we may send a final letter of approval on behalf of the Reclamation District and aid the County in processing so that there is no duplication of effort.

Very truly yours,

MINASIAN, SPRUANCE, BABER,
MEITH, SOARES & SEXTON, LLP

By: _____
PAUL R. MINASIAN

PRM:df
cc: Boar d of Directors, SRRD
Woody Elliott, State of California Department of Parks & Recreation

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MEITH, SOARES &
SEXTON, LLP

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FILE COPY

December 29, 2005

California Department of Parks & Recreation
Acquisition and Development Division
Attn: Gail Sevrens
Associate Park & Recreation Specialist
One Capitol Mall, Ste 500
Sacramento, California 95814

Re: Response to Comments, Draft Initial Study/Mitigated Negative Declaration
Big Chico Creek Access to Sacramento River, Draft IS/MND
Bidwell-Sacramento River State Park

Dear Ms. Sevrens:

In your response of December 15, 2005 to our letter regarding the Draft Initial Study/Mitigated Negative Declaration on the Big Chico Creek Access to Sacramento River Project in the Bidwell-Sacramento River State Park, in your response to Comment No. 1 you state:

> "Per the Public Resources Code §21069, a 'Responsible Agency' means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.
>
> "The proposed project site does not fall within the jurisdiction of the SRRD, therefore the SRRD does not have responsibility to approve the approve the project, and SRRD is not a Responsible Agency for this Project."

You are in error. The Sacramento River Reclamation District's jurisdiction includes all of the land includes all of what you refer to as the "Peterson Addition" boundary, and it includes to the centerline of Mud Creek and Big Chico Creek to its confluence to the Sacramento River. The SRRD is responsible for monitoring that land improvements or changes do not modify the flow

of flood waters or waters returning after escaping the Sacramento River or Mud Slough within the whole of this area, including the area where you propose the parking lot and boat ramp be constructed.

CEQA requires that you not divide a project into small increments and thence claim that there is no significant environmental impact. In this instance we wrote to you in 2000 and include a Resolution of the SRRD making clear that the installation of improvements (in that case, revegetation of the Peterson Tract) could have a significant impact upon flood flows and upon erosion upon adjoining properties in which parties are continuing to attempt to farm. You have never completed that Environmental Impact Report for the overall Peterson annex project or property. Instead, now you are apparently attempting to piecemeal the project by installing a parking lot and boat ramp.

You sent to us a copy of Joe Countryman's report in regard to the proposed planting and revegetation, but you do not include any report from Mr. Countryman or his firm in regard to the potential impacts of the parking lot and boat ramp. Mr. Countryman proposed a very general solution to the problem, which was that a 300' wide corridor for drainage and passage of flood waters be maintained on the property. He did not limit that corridor to the area fronting Mud Creek. The corridor area should extend through Mud Creek to Big Chico Creek and to the Sacramento River. Your proposed boat ramp and parking area is right in the middle of the 300' corridor, which corridor is important for the drainage of flood water and their return rapidly to the Sacramento River when flood levels decline.

It may well be that your boat ramp and parking lot will have no impact in catching debris or diverting flood water flows. However, it is a construction, does have the potential to raise flood water levels or groundwater levels 3 feet or more which, under the Regulations being administered by the SRRD requires either a waiver or permit to be issued by the SRRD.

We think if the Department of Parks & Recreation would stop sparring about this matter and instead recognize that the SRRD has a valid and important purpose and interest in the area, that we could resolve this matter. First, please do not send us an aerial photographs that pre-dates the Chico River Road bridge replacement. The bridge has been replaced and we need to assure there is sufficient flood flow capacity within the area from the confluence of Mud Creek through Big Chico Creek to return flood waters which have escaped the main channel of the Sacramento River in an orderly manner. We and you need to review the vegetation within the 300-foot corridor area to assure that there will not be cumulative impacts. A photograph which shows vegetation 5 years ago does not help. Secondly, Mr. Countryman is well known to us and respected. We suggest that you have Mr. Countryman update his information on a current aerial photo in regard to whether or not the Peterson Addition 300' Flood Plain Clearance Program has been maintained, and whether or not waters flowing overland will be able to return to Big Chico

Creek through the area of the parking lot and boat ramp without substantial damage to them, and without diversion or directing those flows in a fashion that erosion will occur. It is obvious from the aerial photograph that flood waters currently return to Big Chico Creek in this proposed parking lot and boat ramp area, flowing from northwest to southeast. In addition, we do not know why you have drawn the 300' flood corridor as extending in a fashion in which the water would be channeled into the narrow area of Big Chico Creek. The 300' flood corridor is to extend in a Westerly direction along the boundary of Big Chico Creek on the Peterson addition property, and in exactly the area of the parking lot and boat ramp.

The parking lot and boat ramp area in fact may be totally compatible with this 300' clearance area and our requirements to preserve the means of flood flows entering and exiting the area, but at this point, without more information and an adequate environmental study we cannot waive the requirements for an application and processing of a permit under Butte County Regulations by this District. We call to your attention that monetary fines and a misdemeanor can exist if the requirements of the regulations are not met. It seems a shame that these issues might arise because your agency will not communicate with the SRRD.

We look forward to hearing from you.

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By: _____
PAUL R. MINASIAN

PRM:df
cc: Board of Trustees, Sacramento River Reclamation District
Stuart Edell, Butte County Planning Commission
S:\Denise\Sacrec\CA Dept of Parks & Rec.2.wpd

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FILE COPY

December 2, 2005

California Department of Parks & Recreation
Acquisition and Development Division
Attn: Matt Teague, Project Manager
400 Glen Drive
Oroville, California 95966-9222

California Department of Parks & Recreation
Acquisition & Planning Division
Northern Service Center
One Capitol Mall, Ste 500
Sacramento, California 95814

Re: Draft Initial Study/Mitigated Negative Declaration
Big Chico Creek Access to Sacramento River, Draft IS/MND
Bidwell-Sacramento River State Park

Ladies & Gentlemen:

The Sacramento River Reclamation District is a California Reclamation District which includes the area you are describing in the above-entitled Project within its boundaries. The SRRD is a Responsible Public Agency as defined in California Environmental Quality Act.

The Sacramento River Reclamation District previously sent comments to your General Plan - Draft EIR, State Clearinghouse Project 200-3022113. We pointed out in those comments that you had not performed the consultation required with responsible public agencies before preparing a draft environmental document, be it an Environmental Impact Report or an Initial Statement and Negative Declaration. We also pointed out that

there are potentially significant impacts arising from flood flows and diversion of flood flows because of the removal of orchards and the attempt to revegetate those areas with dense vegetation.

The current project involves substantial elevation change and the construction of improvements. This area is part of an area subject to flooding. It is essential to maintaining open space uses, such as agricultural productive uses, that improvements not be installed and vegetation not be allowed to grow in such a fashion that flood water will be diverted, cause erosion, or cause saturation of the soil and delayed drainage after flood events. Our District is involved in assuring that land changes conform to the plan and experience of the District and its landowners and minimize flood effects.

We are indeed disappointed that you did not consult with us prior to commencement of drafting of this document as is required under CEQA. It may well be that after examination, we will conclude that no flood impacts or flow changes will occur under your Plan. However, we do not know that at this point and cannot determine it from your Environmental Impact Statement.

An Environmental Impact Statement and Mitigated Negative Declaration that does not comply with the Responsible Public Agency consultation requirement contained within Title 14, Division 6, Chapter 3 of the California Administrative Code is unlawful. We suggest that you immediately provide us with the following information:

1. A topographical map showing the current contours of the area to be developed in much more detail than the USGS map contained within your Draft IS/MND.

2. Please show us a site map in which we can see exactly what elevation changes are anticipated to occur and what density of vegetation will exist. This area is subject to a rule that if a grading change of more than two feet (2') is proposed, it is subject to a review process.

3. Currently the area consists of largely open space with periodic tree banding. There is no information in regard to the effect on rising and declining flood conditions in the changes you propose. This is essential to include within your description of environmental impacts or the potential of environmental impacts. It is especially

important that a flow pattern during declining flood levels in the Sacramento River through grassland areas be maintained so that upslope agricultural lands will quickly drain, allowing the trees and root structure to desaturate. We cannot tell what clearing and maintenance of the vegetation you propose to maintain those flowage patterns from north to south, and from north and east to the west. Particularly, we can see two flow areas on the aerial photographs extending from north to south which appear to have been cleared and maintained to provide flow areas in winter and spring flow conditions where flood or inundation flows can be dewatered from the orchards to the west and north. It is essential that those be maintained in an open condition.

We must say that we are disturbed by the idea that you may be moving forward with an initial study and mitigated negative declaration without completing your description of environmental impacts in conformance with the flood plane regulations and the General Plan that will assure that flood flow patterns within this area will be maintained and that agricultural uses of adjoining and upslope lands will also be maintained because flood flows will not be disrupted. The device that "it's just a boat ramp and some parking spaces" will not work. We expect you to stop the processing until the Responsible Agency Consultation can fully occur, and of course we hope that your plan will turn out not to have any significant impacts. However, because governmental entities are required to comply with these Rules, a hurry to spend public monies is not an excuse.

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By: _____
PAUL R. MINASIAN

PRM:df
cc: Board of Trustees, Sacramento River Reclamation District
S:\Denise\Sacrec\CA Dept of Parks & Rec.1.wpd

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FILE COPY

FAXED 09/05/06

September 5, 2006

*VIA FAX: (916) 653-1819 (16 pgs.)*

Katherine Tobias
California Department of Parks & Recreation
One Capitol Mall, Ste 500
Sacramento, CA 95814

**Re: Big Chico Creek Access to Sacramento River**
**Bidwell-Sacramento River State Park**
**Our client: Sacramento River Reclamation District**

Dear Ms. Tobias:

Attached you will find a copy of the Agreement between the County of Butte and Reclamation Board providing for regulation of the area previously proposed to be included within the designated floodway to be administered by the Reclamation Board. Please note paragraph 15 which refers to the formation of the Sacramento River Reclamation District and its role in working with and advising the County in regard to implementation of its regulatory authority.

As we previously discussed with you, the plans of the Department of Parks and Recreation for the boat ramp area may well be totally adequate. The problem is that the Department of Parks and Recreation has not shared with the Sacramento River Reclamation District and therefore, we cannot advise the County of Butte in regard to whether or not a permit is required for the vegetation changes and re-leveling or re-contouring of the adjacent land. As long as the natural flow pattern during flood events is not changed in any substantial way and as the land change or vegetation changes proposed do not form a "levee" by involving a cut or fill greater than three feet or a raising of the natural ground level more than three feet and a change in the drainage pattern, we believe that we can advise the County of Butte Public Works

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Department that either no permit or grading plan approval is required under the delegation to the Sacramento River Reclamation District memorialized in the enclosed contract.

On the other hand, and I do know that we have come to this point, if the Department of Parks and Recreation believes that it can simply make vegetative plantings or changes in the ground surface and improvements which may have an effect upon redirecting flood flows, without approval of either the County of Butte or the Sacramento River Reclamation District, which is the eyes and ears of the County of Butte in regard to this zone, we strongly disagree.

May we please hear from you, so that we may move your projects along.

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By_____
PAUL R. MINASIAN

PRM/vlh
Enclosure
cc: Sacramento River Reclamation District
Board of Trustees Members

Department of Public Works
County of Butte

NOV 0 9 1999
404

INTER-DEPARTMENTAL MEMORANDUM

OFFICE OF BUTTE COUNTY COUNSEL

TO: Board of Supervisors

BY: Neil H. McCabe, Assistant County Counsel NM

SUBJECT: Sacramento River Floodplain, Memorandum of Agreement with State Reclamation Board

DATE: November 3, 1999

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On October 15, 1999, The Reclamation Board formally approved amendments to the Memorandum of Agreement Concerning Floodplain Management ("MOA"), which was originally entered into in 1995. The amended MOA, which is attached to this memorandum, is now being submitted to your Board for approval. Your Board conceptually approved the principal amendments on June 22, 1999, and the only amendments proposed since then are minor. The discussion below contains further information regarding the MOA and the proposed amendments. A copy of the original MOA is being submitted to the Clerk of the Board so that it will be readily available for public review; please advise if you would also like a copy of the original MOA.

**1. MOA History**

In November 1995 the County and The Reclamation Board entered into the original MOA. The MOA was the culmination of negotiations commencing in 1988 when The Reclamation Board adopted a 100 year floodway along the Sacramento River. Property owners in the area affected expressed concern regarding the potential effect of the State floodway regulations. The County threatened to commence litigation challenging the adoption of the floodway and alleging non-compliance with the California Environmental Quality Act. The MOA averted litigation.

**2. MOA Provisions re Regulations and Local District**

One of the requirements of the original MOA was for the County to adopt levee regulations. That requirement has been met. The MOA also contemplated that upon formation of a local reclamation district, the MOA would be assigned to that district, which would assume the County's regulatory function. Formation of the local district, namely, the Sacramento River Reclamation District, has now been approved; however, as discussed below, The Reclamation Board is not agreeing at this time to assign the MOA and the County's regulatory function to the District and has proposed amendments in this regard.

**3. MOA Amendments**

The proposed amendments are discussed below. The amendments are all incorporated into the new MOA, which will supersede and replace the original MOA. The principal amendments are discussed in subsections A through D below. The other amendments are listed and discussed in subsection E, which refers to each paragraph of the new MOA. Please note that the new MOA contains "Recitals" in numbered paragraphs on pages 1 and 2 and "Text" in numbered paragraphs on pages 2 through 7.

A. Construction of homes.

As we previously reported to you in June of this year, The Reclamation Board had proposed an amendment to the MOA to prohibit the construction of homes in Zone II. However, The Reclamation Board has dropped this proposal. The amended MOA now provides that the County will administer Zone II pursuant to its FEMA NFIP

requirements, which allow homes to be built if flood hazard prevention standards are adhered to. See MOA Text, Paragraph 1 A.

B. Jurisdiction of 20 year floodway.
By May 1998, The Reclamation Board and County staffs had agreed it was desirable to amend the MOA to clarify boundary issues and make it clear that the Reclamation Board would continue to enforce its 20 year floodway regulations even after the adoption of County levee regulations. This was necessary, since the County regulations would apply only in Zone II, which lay to the east of the 20 year floodway, and would not apply within the 20 year floodway itself. The Reclamation Board has approved this amendment. See MOA Text, Paragraph 2.

C. Jurisdiction of "A" and "B" levees.
The amended MOA also provides that The Reclamation Board will retain jurisdiction over portions of the "A" and "B" levees which are outside the 20 year floodway, north of Highway 32 and south of Nord Gianella Road. See MOA Text, Paragraph 6 B.

D. Role of Sacramento River Reclamation District.
Formation of the Sacramento River Reclamation District is acknowledged, but the County shall not delegate its regulatory responsibility to the District without the approval of The Reclamation Board, which is not being given at this time. However, the County may allow the District to have an advisory role to the County in exercising its regulatory authority. See MOA Text, Paragraph 15.

E. List of amendments.

"Recitals" amendments.
Paragraph 1. Clarified to correctly refer to the County's FEMA and Special Building Permit Zone II regulations in existence when original MOA entered into.

Paragraph 2. No change.

Paragraph 3. Amended to reflect that the area subject to the MOA is Zone II, which does not include The Reclamation Board's 20- year designated floodway.

"Text" amendments.
Paragraph 1. Clarified and updated to correctly refer to the current adopted County flood protection regulations and to the procedure followed for adoption of the levee regulations.

Paragraph 2. Updated to reflect that the County has adopted levee regulations, as required by the original MOA. Amended to provide that The Reclamation Board will retain jurisdiction over the 20-year designated floodway.

Paragraph 3. Definition of "permit" amended to included *all* entitlements (not just *discretionary* entitlements) required by Butte County Code Chapter 26, Articles IV and V. Amended to require the County to: submit to The Reclamation Board CEQA documents associated with projects in Zone II; send copies of levee permit applications to the Glenn County Department of Public Works and the Tehama County Flood Control and Water Conservation District; and notify The Reclamation Board if the County intends to issue a permit which requires a variance to the County's floodplain regulations.

Paragraph 4. No change.

Paragraphs 5 and 6 B. Updated to reflect that on the date the County adopted levee regulations for Zone II, namely on July 13, 1999, the 100-year designated floodway within Butte County was deemed rescinded and would be

formally rescinded by The Reclamation Board at its next regular meeting after the County approves the amended MOA. (Portions of the "A" and "B" levees north of Highway 32 and south of Nord Gianella Road, which are within the 100-year floodway, will, however, still be regulated by The Reclamation Board.)

Paragraph 6 A. No change.

Paragraph 7. References to Butte County Code provisions corrected and updated.

Paragraph 8. No change.

Paragraph 9. Both the original MOA and the new MOA contain language requiring The Reclamation Board to conduct annual inspections. However, the new MOA makes the following amendment as indicated with ~~strikeouts~~ and underlining, stating that the purpose of the inspections is to determine whether: "...any encroachments have been permitted, exempted, or otherwise exist that would cause ~~a substantial~~ an obstruction to flood flows." The paragraph is also amended to add requirements: that The Reclamation Board notify Glenn County and Butte County Public Works Departments and the Tehama County Flood Control and Water Conservation District prior to the annual inspections; and that the inspection results be presented to The Reclamation Board at its next regular meeting after completion of the inspection report.

Paragraph 10. The paragraph numbered 10 in the original MOA (which dealt with the procedures to be followed in the event The Reclamation Board was dissatisfied with the content of the County's regulatory procedures) has been deleted.

Paragraph 10 in the amended MOA is the same as Paragraph 11 of the original MOA.

Paragraph 11 in the amended MOA is based upon Paragraph 12 of the original MOA. The cross references in it have been changed to reflect the renumbering which has occurred due to the deletion of Paragraph 10 of the original MOA. In addition, a provision has been added providing that the amended MOA shall supersede and replace the original MOA.

Paragraph 12 in the amended MOA is the same as Paragraph 13 of the original MOA, except for a renumbered cross reference.

Paragraph 13 in the amended MOA is the same as Paragraph 14 of the original MOA.

Paragraph 14 in the amended MOA is the same as Paragraph 15 of the original MOA, except that the name and address of the General Manager for The Reclamation Board have been updated. Note: the FAX number specified for the Public Works Director needs to be corrected to: (530) 538-7683.

Paragraph 15. Replaces paragraph 16 of the original MOA. Acknowledges formation of the Sacramento River Reclamation District but provides that the County shall not delegate its regulatory responsibility to the District without the approval of The Reclamation Board. Provides that the County may allow the District "to have an advisory role to County in County's exercise or its regulatory authority under this Agreement."

**Action requested:**

Approve the amended Memorandum of Agreement Concerning Floodplain Management and authorize the Chair to sign.

MEMORANDUM OF AGREEMENT
CONCERNING FLOODPLAIN MANAGEMENT

This Memorandum of Agreement is entered into as of _____, 1999 between the County of Butte, State of California (County), and The Reclamation Board, State of California (Board), concerning the management of certain areas that are subject to flooding located within the geographic limits of the County and within the jurisdiction of the Board.

RECITALS

1. County Floodwaters Protection. County has the authority to regulate land uses and to perform floodplain management. Pursuant to that authority, County participates in the National Flood Insurance Program (NFIP) of the Federal Emergency Management Agency (FEMA). To implement that participation, County had adopted a series of ordinances which are codified at Butte County Code, Chapter 26, Article IV. County had also adopted Butte County Code, Section 26-4.1, providing for protection from floodwaters in an unincorporated area of the County adjacent to and east of the Sacramento River, known as Special Building Permit Zone No. II (Zone II). A map showing that area is attached as Exhibit A and incorporated by this reference.

2. Reclamation Board Floodway Designation. Board has the authority pursuant to Section 8609 of the California Water Code and Title 23 of the California Code of Regulations to designate floodways within its geographic area of jurisdiction, which includes the County of Butte. The Board in 1974 adopted a designated floodway on the Sacramento River within Butte, Glenn, and Tehama Counties, the boundaries for which were the limits of the 20-year flood event (Board 20-year designated floodway). The Board in 1988 adopted a designated floodway on the Sacramento River within Butte, Glenn, and Tehama Counties, the boundaries for which were based on an engineering study, conducted by the Board, of the limits of the 100-year flood event (Board 100-year designated floodway). The boundaries of the 100-year designated floodway were larger than and included the boundaries of the 20-year designated floodway. County has challenged the Board's 1988 action. The attached map, Exhibit B, shows the Board's 20-year and 100-year designated floodways and is incorporated by this reference. The boundaries of Board's said 100-year designated floodway are similar and in some instances identical to the boundaries of the County's Zone II.

3. County and Reclamation Board Objective. County and Board share the objective of having a single entity exercise floodplain management authority in the area within the limits of the County's Zone II, and outside the boundary of the Board's 20-year designated floodway in order to most effectively control encroachments into the floodplain and provide the most efficient attempt to prevent unnecessary injury to persons and flood damage to property caused by alteration of land conditions.

TEXT

1. County Administration of Zone II: Regulatory Procedures.

A. Content of Regulatory Procedures. County will continue to administer Zone II pursuant to the provisions of Article IV of Chapter 26 of the Butte County Code and will meet or exceed the requirements of the NFIP. In administering Zone II, the County has also adopted and codified at Butte County Code, Chapter 26, Article V, regulatory procedures, including an appeal procedure, which include the review of permit applications, the grant or denial of permits for the construction of new levees, and the enforcement of regulatory procedures for existing levees. Said procedures repealed and replaced Butte County Code, 26-4.1. As used in this Agreement, the word "levee" excludes all of the following:

(1) building pads of any height;

(2) crop checks, ditch banks or ditch pads, that are less than three feet in height above natural ground; and

(3) private road fills or embankments, including driveways, that meet all of the following conditions: (a) are less than one-quarter mile in length; (b) are less than three feet in height above natural ground; and (c) do not impede the flow of a natural watercourse or constructed overflow channel associated with a natural watercourse.

The County's regulatory procedures attempt to assure that substantial obstructions to or adverse effects on floodflows within Zone II are avoided. The regulatory procedures identify a method of administering areas of flood depths of greater than one foot within Zone II. The regulatory procedures call for Board staff to comment upon permit applications and enforcement procedures.

B. Process for Review and Approval of Regulatory Procedures. Board staff provided assistance to County staff, on County's request, in drafting the content of the regulatory procedures. County did, at least thirty (30) days prior to giving notice of its intent to adopt the regulatory procedures, provide the Board staff with a copy of the proposed regulatory procedures. Board staff notified County in writing of Board staff's comments, with a statement of reasons and suggested revisions. Such comments were considered in good faith by County prior to taking action on the proposed regulatory procedures.

2. County Adoption of Regulatory Procedures: Continuing Board Jurisdiction. Notwithstanding the County's adoption of regulatory procedures, the Board will continue to exercise jurisdiction over encroachments within the Board's 20-year designated floodway, based on the Board's Regulations (California Code of Regulations Title 23). The County will direct any individual seeking a County permit to construct, repair, remove, or otherwise alter any structure within the 20-year designated floodway to the Board to obtain a permit.

3. Permit Applications. For purposes of this Agreement, the term "permit" means an entitlement to use for which express County approval, or an exemption from approval, is required and to which Butte County Code Chapter 26, Articles IV and V, apply. All applications for permits within Zone II, including applications for County projects, will be forwarded via facsimile and first class mail to the Board as provided in paragraph 14 of this Agreement for comments not less than ten (10) working days before the County acts either to approve or deny the application. County will also send Board all California Environmental Quality Act (CEQA) documents associated with proposed projects within Building Zone II. The CEQA documents will be sent to the Board at the beginning of the public comment period. Environmental documents will be sent to the Board in a timely fashion. County will also send copies of permit applications for levees to the Department of Public Works of Glenn County and to the Tehama County Flood Control and Water Conservation District. Board will cooperate with County in reviewing permit applications and making comments and recommendations to County. Comments and recommendations shall be limited to the issues of consistency with FEMA floodplain management criteria, as set forth in the County Code, and with sound floodplain management practice. In order to be considered by County, all comments and recommendations must be received by County within ten (10) working days of being sent to Board by facsimile. If a permit is issued in response to the application, a copy of the permit will be forwarded to the Board for its information. The decision to grant or deny a permit shall be made solely by the County. County will inform the Board in writing of its intent to issue a permit which requires a variance to County's floodplain

regulations at least 30 days prior to the issuance of the permit.

4. Approval of Agreement. Board will consider approval of this Agreement by formal action at a noticed open meeting of the Board. If Board fails to approve this Agreement at such a meeting, then County may proceed with any cause(s) of action against the Board concerning which the Board has previously agreed to waive the statute of limitations. Board's approval of this Agreement is a waiver of the statute of limitations until the events in paragraph (5) take place.

5. Rescission of Butte County Portion of 100-Year Designated Floodway. Effective on the date the County adopted Butte County Code Chapter 26, Article V, as specified in Paragraph 1. of this Agreement, namely on July 13, 1999, that portion of the Board's 100-year designated floodway that lies within Butte County shall be deemed rescinded and of no further effect, except as provided in paragraph 6(B) of this Agreement. In addition, except as provided in paragraph 6(B) of this Agreement, Board shall formally rescind the 100-year designated floodway within Butte County at the next regular meeting of the Board after the date on which County approves this Agreement. On the date of Board's formal rescission, the County will be deemed to have waived any cause(s) of action against the Board and the State of California arising out of the Board's adoption in 1988 of the 100-year designated floodway.

6. Remaining Designated Floodways.

A. Nothing in this Agreement shall affect the validity or enforceability of either (1) those portions of Board's 100-year designated floodway that lie within Glenn or Tehama Counties, or (2) those portions of the Board's 20-year designated floodway within Glenn and Tehama Counties. Board will continue to enforce those portions of the Board's 100-year designated floodway and 20-year designated floodway that lie within Glenn and Tehama Counties. Board reserves the right to enter into agreements with Glenn and Tehama Counties that provide terms similar to those in this Agreement, delegating its authority to them to enforce these designated floodways within their respective jurisdictions.

B. Board will not enforce those portions of Board's 100-year designated floodway that lie within Butte County north of Big Chico Creek, except as provided in this paragraph, 6(B). Nothing in this Agreement shall affect the validity of those portions of the Board's 20-year designated floodway within Butte County. Board will continue to enforce those portions of the Board's 20-year designated floodway that lie within Butte County. Notwithstanding any other provision of this Agreement, the Board will retain jurisdiction over all

portions of the "A" and "B" levees located in Butte County, north of Highway 32 and south of Nord Gianella Road, that fall outside the boundary of the 20-year designated floodway as shown on the attached map, Exhibit C, incorporated by this reference and within the boundary of the 100-year designated floodway.

7. Amendments to Chapter 26, Articles IV and V of the Butte County Code. At such time as the County intends to amend Chapter 26, Articles IV and V, of the Butte County Code, to otherwise amend the Butte County Code concerning floodplain management, or to change the land use or zoning classification or the boundaries of Zone II (through changes to zoning ordinances, the general plan or otherwise), County will provide not less than thirty (30) days notice in writing to the Board of the first public hearing at which any of the above actions are to be considered by the County Board of Supervisors, the County Planning Commission, the County Advisory Agency, or any other body or commission under the control of the County Supervisors. The Board may make recommendations to the County and the County will consider the Board's position in making decisions. The County is not required to discuss with the Board any amendment to its ordinances or the County Code that is required by FEMA pursuant to the NFIP, but the County will provide the notice stated above of any such proposed amendment.

8. Notification of Intended Activity Within Zone II. In the event that the County learns that a district, or State or federal agency intends to conduct some activity within Zone II that could have an impact on floodplain management, and the County believes it may be without jurisdiction to regulate that activity or for other reasons does not intend to regulate that activity, County will timely notify the Board of the activity and the County's intent not to regulate the activity. In that event, notwithstanding provisions to the contrary in this Agreement that the Board will not exercise its jurisdiction or otherwise assert its authority or the applicability of its rules and regulations within Zone II, the Board may exercise its jurisdiction under Water Code Section 8710 to require an application for an encroachment permit from the Board.

9. Annual Inspection of Area Within Zone II. The Board will conduct an annual inspection of the area within Zone II in order to determine whether any encroachments have been permitted, exempted, or otherwise exist that would cause an obstruction to floodflows. Board will notify County in advance of the date, time, and starting location of the inspection. Board will also notify Glenn County Public Works, Tehama County Flood Control and Water Conservation District, and Butte County Public Works of the date, time, and starting location of the inspection. County has the right and is encouraged to participate. Board staff will prepare a brief written inspection report documenting each

annual inspection within thirty (30) days of such inspection and will present the results of that report to the Board at its next regular meeting after completion of the report. The report will be in the form of a letter to the County Director of Public Works. A copy of each report will be provided to the Department of Water Resources' Northern District and Statewide FEMA Coordinator, for use in their program of Community Assistance Visits.

10. Informal Dispute Resolution. In the event that any dispute arises over the terms or implementation of this Agreement, Board staff will refer the issue to the Board General Manager, and County staff will refer the issue to the Director of Public Works. Those individuals will make a good faith attempt at informal resolution. The attempt will include a clear identification of the significant facts, the issue on which the parties differ, and the perceived obstacles to resolution. If that does not resolve the issue, then the issue will be referred to the County Counsel and Board Counsel who will, at a minimum, discuss the issue by telephone. In no event shall a dispute over the terms of implementation of this Agreement be referred to the County Board of Supervisors or The Reclamation Board for action prior to compliance with the above-stated steps toward informal resolution.

11. Effective Date. This Agreement is effective upon the date of last execution by the parties. The term of the Agreement is from its effective date until terminated pursuant to paragraphs 10 and 12. Upon the effective date of this Agreement, it is mutually agreed that it shall supersede and replace the Memorandum of Agreement Concerning Floodplain Management dated November 17, 1995.

12. Termination. This Agreement may be terminated by either party at any time and for any reason after compliance with paragraph 10 and upon thirty (30) days written notice of proposed formal action at a public meeting by the party who has given notice of termination.

13. Amendment. This Agreement may be amended at any time by mutual consent of the parties.

14. Notices. Written notices pursuant to this Agreement shall be given to the following:

For the County:

Director of Public Works
7 County Center Drive
Oroville, California 95965
Fax: (530) 538-2140

AND:

Director of Development Services
7 County Center Drive
Oroville, California 95965
Fax: (530) 538-7785

For the Board:

Peter D. Rabbon, General Manager
The Reclamation Board
1416 Ninth Street, Room 1601
Sacramento, California 95814
Fax: (916) 653-5805

15. **Formation of Sacramento River Reclamation District.** The parties acknowledge formation of the Sacramento River Reclamation District; however, Butte County shall not delegate its responsibility for regulating floodplain management within building Zone II, under the terms of this Agreement, to said District without the approval of the Board. County may, at its discretion, allow said Reclamation District to have an advisory role to County in County's exercise of its regulatory authority under this Agreement.

APPROVED:

Board of Supervisors
County of Butte

By _____
Jane Dolan, Chair

Dated _____

APPROVED AS TO FORM:

By _____
Neil H. McCabe
Assistant County Counsel
County of Butte

APPROVED:

The Reclamation Board
State of California

By _____
Barbara LeVake, President

Dated _____

APPROVED AS TO FORM:

By _____
Claire Priestley LeFlore
Legal Counsel
The Reclamation Board

SUBSTITUTE SHEET FOR
EXHIBIT "A" TO
FLOODPLAIN MANAGEMENT AGREEMENT

Exhibit "A" to the Memorandum of Agreement Concerning Floodplain Management between The Reclamation Board and The County of Butte, dated _____, is a blueline map showing the County's Special Building Permit Zone No. II as a shaded area superimposed on the U.S. Army Corps of Engineers' 1960 map of floodway limits on the Sacramento River, Corps file No. 50-10-3638.

Originals of Exhibit "A" are on file: with the original Agreement in the Records Management unit of the Department of Water Resources in Sacramento; and with the Butte County Department of Public Works in Oroville.

# SACRAMENTO RIVER RECLAMATION DISTRICT

2020 Esplanade
Post Office Box 257
Chico, California 95927-0257
(530) 891-1493

Bill Waggershauser, President • Shirley Lewis, Vice President
Richard Wright, Treasurer • Peter D. Peterson
Jim Paiva • Roy Roney • Donald O'Dell
Paul R. Minasian, Acting Secretary & District Counsel
(P. O. Box 1679, Oroville, California 95965 (530) 533-2885 • fax (530) 533-0197)


April 13, 2005

FILE COPY

The Nature Conservancy
500 Main Street, Suite B
Chico, California 95928

*Via facsimile* (530) 342-0257

Bidwell River State Park
12104 River Road
Chico, California 95926

Re: Acquisition of George Nicholas property

Ladies & Gentlemen:

We have been informed by George Nicholas that you are moving forward in regard to the acquisition of his property. As we have repeatedly asked, we believe that a plan for vegetation maintenance and management which will continue to allow these properties to serve as flood overflow and passage areas is an essential condition for their acquisition to avoid environmental impacts. The Sacramento River Reclamation District stands ready to meet with you and discuss this subject and to develop a plan in a recordable form which will provide the greatest assurance that these properties as well as the neighboring properties will not be damaged as a result of termination as farming properties either immediately or in the future.

Very truly yours,

SACRAMENTO RIVER RECLAMATION DISTRICT

_____

Board of Directors
By PAUL R. MINASIAN, Acting Secretary

PRM:df
cc: Board of Trustees, Sacramento River Reclamation District
S:\Denise\Sacrec\Nature Conservancy.1.wpd

**BUTTE COUNTY FARM BUREAU**
*Serving Agriculture For More Than 80 Years*

September 25, 2007

Mrs. Denise Reichenberg
Superintendant – Valley Sector
California State Parks
525 Esplanade
Chico, California 95926

Dear Mrs. Reichenberg,

The Butte County Farm Bureau (BCFB) would like to submit the following comments for the proposed Bidwell-Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Project (Project).

It is the opinion of the BCFB that state, local and federal agencies should not acquire agricultural land for the purpose of fish, wildlife, and habitat protection or public recreation. Furthermore we also believe the definition of "recreational activities" as defined under the California Land Conservation Act (Williamson Act), should exclude uses that result in the cessation of agricultural pursuits on contracted land or that have negative impacts on adjacent agricultural lands.

According to the Butte County Department of Development Services, a significant portion of the Project is currently listed under the Williamson Act. Again, it is the opinion of the BCFB that Williamson Act contracted land should not be acquired by a government entity or joint powers authority to expand parks or wildlife refuges. These uses are incompatible with the continued agricultural use of surrounding agricultural properties.

Additionally it should be noted that according to the Butte County Right to Farm Ordinance (35-2(b)), "Where nonagricultural land uses extend onto agricultural land or exist side by side with agricultural operations, agricultural operations are frequently the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail their operations and many others are discouraged from making investments in improvements to their operations, all to the detriment of adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of this chapter to reduce the loss to the county of its agricultural resources by limiting the circumstances under which properly conducted agricultural operations on agricultural land may be considered a nuisance."

As a result of the above comments, it is the opinion of the BCFB that the Project would not benefit the proposed area location and will only create a negative impact to the economic viability of the surrounding agricultural properties.

Should you require further explanation of the above comments, please contact us at (530) 533-1473 or at buttecfb@sbcglobal.net. We thank you for the opportunity to comment on this proposed project.

2580 Feather River Boulevard • Oroville, California 95965 • (530) 533-1473 • Fax: (530) 533-6508 • Email: buttecfb@sbcglobal.net

Sincerely,

Colleen Aguiar
Executive Director

**Reichenberg, Denise**

**From:** Lisa Mendonca [lisalinguisa04@yahoo.com]
**Sent:** Thursday, September 27, 2007 9:44 PM
**To:** Reichenberg, Denise
**Subject:** Bidwell-Sacramento River State Park

**Name:** Don Mendonca
**Organization:** Mendonca Orchards Inc.
**Address:** 3685 Chico River Road
**City, State, Zip:** Chico, CA 95928
-I own the property on the conner of West Sacramento and River Road (North of West Sac, East of River Road)

**Comments:**
1. More ground and tree squirrel problems.
2. More beaver problems (as many as 50 trees lost in one year).
3. Deer eating on newly planted trees has been getting worse and will get even worse with the proposed project.
4. Fencing field is not an option due to flooding.
5. Drainage of flood water will be worse with Nicholaus and Singh planted for habitat. The Singh property and property to the south which is supposed to drain into Big Chico Creek has built up with silt over the years. This has caused water to stay in the fields rather than drain to the creek. This causes more problems for crops grown there not to mention mosquito breeding (thus causing West Nile issues).

Don't let your dream ride pass you by. Make it a reality with Yahoo! Autos.

## Reichenberg, Denise

**From:** Jacqueline Matthews [JMatthews@waterboards.ca.gov]
**Sent:** Friday, September 28, 2007 9:18 AM
**To:** Reichenberg, Denise
**Cc:** Suzanne.Enslow@edaw.com; rluster@TNC.ORG; Mary Randall; Scott Zaitz
**Subject:** Re: NOP

Denise-

Thank you for the information yesterday. The Reigional Water Board is interested in the discharge of wastewater to land. My understanding is that there will be wastewater from toilets, showers, and an RV dump station. Will there be a vehicle wash area, maintenance/shop area, and/or fish cleaning station that will contribute to wastewater flows? The documents did not specify the method(s) of treatment for the wastewater and how it will be disposed of (i.e. leachfield, etc.). The documents you sent yesterday make reference in the Utilities Section to a wastewater treatment plant; what does this mean? Our office is interested in the types of wastewater streams, the volumes of the flows, and the treatment and disposal of the wastewater. The Regional Water Board has regulatory oversight of domestic wastewater once flows reach a certain daily amount. If it is determined that the Regional Water Board is the regulatory authority for the project, you will need to obtain Waste Discharge Requirements (WDR) from our office. To obtain WDRs, you must submit an application called a Report of Waste Discharge (ROWD) to our office. Please note that the discharge of wastewater to the surface shall not occur until WDRs are adopted, and statutorily the Regional Board has 140 days to issue WDRs once a ROWD, deemed complete by the Regional Board, is received.

The project may also need a construction storm water permit and/or a 401 certification; the contact person for these two items is Scott Zaitz (530) 224-4784.

Construction Storm Water Permit
Based on the project description, it appears that grading and/or other soil disturbing activities may occur. In order to protect water quality during construction, appropriate storm water pollution control measures must be implemented. If construction activities result in a land disturbance of one or more acres, the project will need to be covered under the General Construction Storm Water Permit (Order No. 99-08-DWQ). The permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction activities. The SWPPP is used to identify potential pollutants (such as sediment and earthen materials, chemicals, building materials, etc.) and to describe best management practices that will be utilized to eliminate or reduce those pollutants from entering surface waters. The Construction Storm Water Permit can be obtained from the Regional Water Quality Control Board (Regional Board) office or website: www.waterboards.ca.gov/stormwtr/construction.html. For more information on the Construction Storm Water Permit, please contact Scott Zaitz at (530) 224-4784.

Army Corps of Engineers and State Water Quality Certification The proposed project may require a §404 permit from the U.S. Army Corps of Engineers and §401 Water Quality Certification from the Regional Board. The Federal §404 Permit is required for activities involving a discharge (such as fill or dredged material) to waters of the United States. "Waters" include wetlands, riparian zones, streambeds, rivers, lakes, and oceans. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. These projects also require a water quality certification (per §401 of the Clean Water Act) verifying that the project will not violate state water quality standards. If required, the §404 permit and water quality certification must be obtained prior to site disturbance. The Army Corps of Engineers contact for Butte County is Mr. Brian Vierria (916) 557-7728. An application for the §401 Water Quality Certification is available from our office or website: www.waterboards.ca.gov/centralvalley/programs/WaterQualityCert.

Please include myself on correspondence regarding the project. If you have any questions regarding the above info, please give me a call and we can discuss it in further detail. Good luck with the project.

Jacqueline M. Matthews
Environmental Scientist
Regional Water Quality Control Board, Redding
(530) 224-3249

>>> "Reichenberg, Denise" <dreichenberg@parks.ca.gov> 9/27/2007 10:00 AM
>>> >>>
Hi Jacqueline,

Here is the document I spoke of on the phone today. Remember it is a concept of the project and will likely change in design as we gather more information on the site. I have copied this email to Ryan Luster from The Nature Conservancy. TNC still owns the Nicolaus parcel and has plans to give it to State Parks in the near future.

We are still in the comment stage of the public review process. I look forward to receiving your comments on the project from the Regional Water Control Boards perspective. We will review the comments and include the information in the next phase of our EIR review process.
Another public meeting will be held when our studies and document have been completed.

I have also copied Susanne Enslow from EDAW who is the project leader with our document preparation.

Thank you for your phone call,

Denise Reichenberg

Sector Superintendent I

Northern Buttes District/Valley Sector

California State Parks

Phone (530) 895-4304

Fax (530) 895-6699

## Reichenberg, Denise

**From:** John Merz [jmerz@sacrivertrust.org]

**Sent:** Friday, September 28, 2007 3:54 PM

**To:** Reichenberg, Denise

**Cc:** Foster, Robert; Fehling, Mike; Elliott, Woody; Gregg Werner; beverley anderson-abbs

**Subject:** B-SRSP Habitat Restoration Project

Hi, Denise:

In regards to the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project, the Trust would like to add to our scoping comments the following:

1) That the potential need to reroute River Road so that it is set back further from the Sacramento River be addressed, with Butte County Public Works a key player in that discussion; and,

2) That the Draft Environmental Assessment/Initial Study for the M&T Chico Ranch/Llano Seco Rancho Pumping Plant Maintenance of Channel Alignment River Mile 192.5 dated August, 2007, be incorporated into the environmental analysis as appropriate ( see #1 above ).

Should you have any questions, please don't hesitate to ask.

Sincerely,

John Merz
President
Sacramento River Preservation Trust
P.O. Box 5366
Chico, CA 95927
(530) 345-1865
jmerz@sacrivertrust.org

**DEPARTMENT OF TRANSPORTATION**
DISTRICT 3
703 B STREET
P. O. BOX 911
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4025
FAX (530) 741-5346
TTY (530) 741-4509

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September 24, 2007

07BUT0049
Bidwell- Sacramento River State Park: Habitat Restoration and Outdoor Recreation Facilities Development Plan
Notice of Preparation (NOP)
SCH 2007082160

Ms. Denise Reichenberg
Superintendent- Valley Sector
California State Parks
525 Esplanade
Chico, CA 95926

Dear Ms. Reichenberg,

Thank you for the opportunity to review the Notice of Preparation (NOP) for the Bidwell- Sacramento River State Park (BSRSP): Habitat Restoration and Outdoor Recreation Facilities Development Plan. The proposed project is to implement the development plan mentioned above for two parcels. One parcel, the "Singh Unit," is an existing part of the BSRSP and the second, "Nicolaus," is a parcel that is being transferred from The Nature Conservancy to the BSRSP. The recreation facility project will involve the creation and expansion of hiking and camping facilities.

Please forward additional information for us to review that includes the number of additional campsites and the extent of new facilities that will be developed.

If you have any questions regarding these comments, please contact Matt Friedman, Local Development/ Inter-Governmental Review Coordinator, at (530) 741-4004.

Sincerely,

SUKHVINDER (SUE) TAKHAR, CHIEF
Office of Transportation Planning-North

# Responses to Scoping Comments

# A RESPONSES TO SCOPING COMMENTS

Numerous environmental issues were identified during the scoping process for the proposed Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project. The issues raised during the scoping period have been addressed by incorporating appropriate measures into the project description or have been addressed in the analysis of environmental effects in the Draft EIR. The table below provides a full list of the scoping comments provided on the project and a description of how each comment was addressed in this EIR.

| Scoping Comments and Responses | | |
|---|---|---|
| | Scoping Comment | How it has Been Addressed in the EIR |
| 1 | The proposed grassland buffers in the habitat restoration plans, between restored areas and adjacent private agricultural lands, should be greater than 100 feet. The adjacent private land owners feel the buffer should be at least 300–500 feet. | The proposed grassland buffer, as discussed in Chapter 3, "Description of the Proposed Project," and illustrated in Exhibits 3-7 and 3-8, would be approximately 100-feet wide and would be maintained by State Parks. The grassland buffers would be mowed at least biannually to prevent woody species establishment.<br>The proposed habitat restoration plans do not include planting any threatened or endangered plant species. Therefore, a large grassland buffer is unnecessary to prevent encroachment of such species onto private property. Additionally a large grassland buffer is unnecessary to protect the restoration area from spray-drift from adjacent agricultural activities. Furthermore, open grass areas may provide habitat for pests such as California ground squirrel, California vole, and lygus bug (aka western tarnish bug) as opposed to closed canopy riparian habitats (e.g., riparian forests) (Colusa Pest and Regulatory Effects Study; EDAW 2007). Therefore, the proposed grassland buffers in the habitat restoration plans would remain approximately 100 feet wide. |
| 2 | There is a slough that runs through the Singh Unit, which is currently silted in and backing up water onto the private property to the north. The berms on the Singh Unit were from past clearing of the slough, which no longer occurs. The private land owner to the north is concerned about riparian forest habitat in the slough area because of the potential to back up water onto their property. The neighboring private land owner would prefer to see an open grassland area in the slough to allow for the flow of water through the project site. | The proposed habitat restoration plans, discussed in Chapter 3, "Description of the Proposed Project, illustrated in Exhibits 3-7 and 3-8, and discussed in greater detail in Appendix C, were developed based on the Flood Neutral Hydraulic Analysis for the Nicolaus property and Singh Unit (Appendix B) as well as input from the private land owner. Due to the private land owner's concerns regarding the slough on the Singh Unit, an additional Hydraulic Model run was completed in November 2007. Based on the modeling results, the restoration plans for the Singh Unit were revised to provide a flow-through area. This final plan is reflected throughout this DEIR. |
| 3 | The land owner of the parcel between the Singh Unit and Nicolaus property believes that removal of the berm near Mud Creek would be beneficial for drainage of the project site and their property. | The proposed habitat restoration plans, discussed in Chapter 3, "Description of the Proposed Project, illustrated in Exhibits 3-7 and 3-8, and discussed in greater detail in Appendix C, include removal of the berm near Mud Creek on the Singh Unit. |

| Scoping Comments and Responses | | |
|---|---|---|
| | Scoping Comment | How it has Been Addressed in the EIR |
| 4 | Topography and groundwater need to be considered in the restoration plans and in the hydrologic analyses. | The proposed habitat restoration plans, discussed in Chapter 3, "Description of the Proposed Project, illustrated in Exhibits 3-7 and 3-8, and discussed in greater detail in Appendix C, were developed based on the Flood Neutral Hydraulic Analysis for the Nicolaus property and Singh Unit (Appendix B). The hydraulic analysis and the restoration plans took into account topography and groundwater, and appropriate vegetation for the soil and groundwater conditions have been chosen for the project. |
| 5 | Will the project sites be fenced? The adjacent private land owners would like a fence to discourage trespassing and make the park boundary clear, but want to ensure that the fence is designed to not capture or back up debris during flood events. | The project sites would not be fenced. However, the boundaries between the project site, which would be part of State Park's BSRSP, and private property would be clearly posted, consistent with Guideline AO-1.1-2 and AO-4.4-1 of the Park Plan. Additionally, the proposed trails on the Nicolaus property and Singh Unit would be no closer than 100 feet from private property boundaries. |
| 6 | Neighboring private land owners are concerned about pests and invasive species negatively impacting their agricultural production (such as black walnut volunteers bringing walnut husk fly, squirrels and rodents, deer, mosquitoes, and beaver). | An approximately 100-foot grassland buffer is planned at the northern and southern boundaries of the Nicolaus property as well as at the northern boundary of the Singh Unit, where the project site is directly adjacent to private agricultural land. The grassland buffer would be mowed at least biannually to discourage encroachment of brush and tree species. However, open grass areas may provide habitat for pests such as California ground squirrel, California vole, and lygus bug (aka western tarnish bug) as opposed to closed canopy riparian habitats (e.g., riparian forests) (Colusa Pest and Regulatory Effects Study; EDAW 2007). Therefore, the proposed grassland buffers in the habitat restoration plans would not be greater than approximately 100 feet wide. |
| 7 | Neighboring private land owners are concerned about people trespassing on their properties from the project sites. | The boundaries between the project site, which would be part of State Park's BSRSP, and private property would be clearly posted, consistent with Guideline AO-1.1-2 and AO-4.4-1 of the Park Plan. Additionally, the proposed trails and recreational facilities on the Nicolaus property and Singh Unit would be no closer than 100 feet from private property boundaries. Furthermore, as part of BSRSP, the project site would be managed and maintained consistent with the Park Plan goals and guidelines, including coordinating with public and private landowners in the project vicinity to minimize land use conflicts (Park Plan Overall Goal AO-4). |
| 8 | The hydrologic model used to analyze the proposed project should be peer reviewed to ensure accuracy. | The Flood Neutral Hydraulic Analysis for the Nicolaus property and Singh Unit is included as Appendix B of this DEIR. Independent review of this analysis occurred during preparation of Section 4.3, "Hydrology, Water Quality, and River Geomorphology," of this DEIR (by EDAW Inc.). In addition, the hydraulic analysis may be further reviewed during the mandatory DEIR public and agency review period. |
| 9 | The EIR should provide a detailed project description, including all on/offsite project elements. | Please see Chapter 3, "Description of the Proposed Project," for the detailed project description. Additional information on the hydraulic modeling, the restoration plans, and the recreation facilities plans is also provided in Appendices B, C, and D of this DEIR. |

| Scoping Comments and Responses | | |
|---|---|---|
| | Scoping Comment | How it has Been Addressed in the EIR |
| 10 | The EIR should describe surrounding land ownerships in the project area. | Surrounding land ownership is discussed in Chapter 3, "Description of the Proposed Project," and illustrated in Exhibit 3-6. |
| 11 | The EIR should adequately analyze the potential impacts to wildlife due to the project, including the potential impacts of trails (e.g., habitat fragmentation) and increased human use and activities in the natural areas. | Please see Section 4.4, "Biological Resources," which analyzes the potential project effects on vegetation, wildlife, and fisheries. |
| 12 | The EIR should identify cumulative projects and analyze the potential cumulative impacts of the project in combination with other projects planned upstream and downstream (i.e., place the project in the context of what is occurring in the region). | Please see Chapter 5, "Cumulative Impacts," which identifies cumulative projects and analyzes potential cumulative effects associated with the proposed project and cumulative projects. |
| 13 | The EIR should include a description of the Memorandum of Understanding (MOU) between State Parks, U.S. Fish and Wildlife Service, and the California Department of Fish and Game, established in 2001. | Please see Section 4.2.2, "Agricultural Resources, Regulatory Setting," for a description of the Memorandum of Understanding (MOU) between State Parks, U.S. Fish and Wildlife Service, and the California Department of Fish and Game established in 2001. It applies to lands within the Sacramento River National Wildlife Refuge (SRNWR) (owned by USFWS), Sacramento River Wildlife Area (SRWA) (owned by DFG) and State Parks, and includes future property acquisitions. The MOU formally documents the agreement between these public land management agencies to manage, monitor, restore and enhance lands managed for fish, wildlife and plants along the Sacramento River in Tehama, Butte, Glenn, and Colusa counties. It also prevents duplicative land management and property acquisition efforts. |
| 14 | The EIR should include a description of all of the key players related to habitat restoration and management. | Please see Section 3.3.1, "Local and Regional Conservation Planning," in Chapter 3, "Description of the Proposed Project." |
| 15 | Will the recreational and camping facilities be raised? How much ground disturbance/movement will be required? | Please see "Public Access and Outdoor Recreation Specifications" in Chapter 3, "Description of the Proposed Project." The proposed project would involve the removal of human made berms (Exhibit 3-7) on the Singh Unit and grading to match the natural topography after removal of the orchards on both the Singh Unit and the Nicolaus property. The recreation facilities would be placed on raised pads as necessary. |
| 16 | Who will pay for the costs of implementing the project and for upkeep/law enforcement of the project sites? | Please see "Law Enforcement" in Chapter 3, "Description of the Proposed Project." Law enforcement services are provided concurrently by State Parks and local law enforcement agencies, namely Butte County Sheriff Department for the portion of BSRSP in Butte County. Park security is the primary responsibility of the Park Ranger serving the Park. |
| 17 | Are there 24 hour patrols of the Bidwell-Sacramento River State Park? | There are not 24-hour patrols in BSRSP, but there is a 24-hour call-in line. |

| Scoping Comments and Responses | | |
|---|---|---|
| | Scoping Comment | How it has Been Addressed in the EIR |
| 18 | There is concern about illegal use of park facilities. | Please see "Law Enforcement" in Chapter 3, "Description of the Proposed Project." Consistent with the Park Plan Goal AO-4.4, State Parks will work with private landowners in proximity to BSRSP to minimize conflicts associated with the mixed public and private land ownership in the area. |
| 19 | Can State Parks rangers enforce the law on private property? | Yes, State Parks rangers can and will enforce the law on private property as necessary. |
| 20 | Will the campsites be pay campsites? | Yes, the campsites would be pay campsites. Campers would check in/out with the ranger, and the ranger would monitor the campsites. |
| 21 | Will there be proper fire protection and controls on the project sites? | Yes, please see "Fire Protection" in Chapter 3, "Description of the Proposed Project." |
| 22 | How will the restrooms and dump station be designed to avoid leaking and contaminating adjacent properties, especially during flood events? | Please see "Public Access and Outdoor Recreation Specifications" in Chapter 3, "Description of the Proposed Project." The existing septic system/leachfield would be used to service the relocated Park headquarters, which is above normal flood stage. A new septic system/leachfield would be installed to service the combination restroom/shower building. Vault toilets and RV dump station could be sealed when necessary and would be pumped by a local contractor. |
| 23 | Will the ground water wells on the properties be abandoned? | The existing ground water wells on the Singh Unit and Nicolaus property would be utilized for irrigation of the habitat restoration (for three years) and used for the recreation facilities and relocated Park headquarter until they are no longer useable. At such time, they would be abandoned per State and Butte County regulations. |
| 24 | Are there Williamson Act Contracts on the properties? If so, what is the process for cancellation? | Yes, there is a Williamson Act Contract for the Nicolaus parcel. There is no contract for the Singh Unit. Please see Section 4.2, "Agricultural Resources," of this DEIR for a discussion of the Williamson Act, the process for ending an existing contract, and an analysis of the project-related agricultural impacts. |
| 25 | Has there been a survey of the property lines for the two project sites? | No, a formal survey of the project site property lines has not been completed. |
| 26 | There is an above ground fuel tank, not an underground fuel tank on the Nicolaus property. This needs to be addressed in the environmental document. | Please see Section 4.1, "Issues Tiered from the General Plan EIR," for a discussion of hazards and hazardous materials. Phase I Hazardous Materials Site Assessments were completed for both the Nicolaus property and the Singh Unit, which found that site conditions do not warrant further investigation. |
| 27 | Concern that if cottonwoods are planted or grow on the project sites, they may encroach on Mud Creek and impede flow. | The proposed restoration plans do not include any activities in or on the banks of Mud Creek. There are existing cottonwoods in the surrounding remnant forests, which would remain. It is the responsibility of the Department of Water Resources to maintain Mud Creek conveyance. |
| 28 | The environmental document needs to address the potential increase in traffic and impacts to River Road due to the proposed project. | Please see Section 4.1, "Issues Tiered from the General Plan EIR," for a discussion of potential project impacts related to traffic and circulation. |
| 29 | How would issues between State Parks and neighboring land owners be resolved? | Consistent with Park Plan Goal AO-4.4, State Parks will work with private landowners in proximity to the Park to minimize |

| Scoping Comments and Responses | | |
|---|---|---|
| | Scoping Comment | How it has Been Addressed in the EIR |
| | | conflicts associated with the mixed public and private land ownership pattern in the area. This includes following Guidelines AO-4.4-1 through 3 to delineate Park boundaries, review proposed facilities in the context of adjacent land uses, and implementing resource enhancement in a manner that takes into consideration adjacent land uses. |
| 30 | Permits may be necessary from the Regional Water Quality Control Board. | State Parks will coordinate with the Regional Water Quality Control Board regarding potential approvals/permits for the proposed project as necessary. |
| 31 | Will there be additional opportunities to provide input/review of the project? | Please see Section 1.6, "Public Review Process," of this DEIR. This DEIR is being circulated for public review and comment for a period of 45 days and a public hearing is being held. |
| 32 | The public requested to have thorough and easily accessible public notices about the project, environmental documents, and opportunities for public comment. It was recommended that notices be provided on the State Parks website, the TNC website, SRCAF, and in local publications in both Butte and Glenn counties. | Notices regarding availability of the DEIR for public/agency review will be provided through the State Clearinghouse, the State Parks website, the Chico Enterprise Record (and other news papers as appropriate), and email notification to SRCAF. In addition, please see Section 1.6, "Public Review Process," of this DEIR regarding availability of the DEIR for review and the public/agency review period. |
| 33 | Who makes the final decision to approve or deny the project? | Please see Section 1.5, "Agency Roles and Responsibilities," of this DEIR. State Parks is the lead agency for the project. State Parks has the principal responsibility for approving and carrying out the project and for ensuring that the requirements of CEQA have been met. After the EIR public-review process is complete, the Director of State Parks is the party responsible for certifying that the EIR adequately evaluates the impacts of the project. The Director also has the authority to either approve or reject the project. |
| 34 | The public requested to have hard copies of the Draft EIR available in addition to an online version and CDs. | Please see Section 1.6, "Public Review Process," of this DEIR for a list of locations where hard copies and online versions of the document are available for review. |
| 35 | Request to coordinate project plans with the Sacramento River Reclamation District to address flood control issues. | The Notice of Preparation of the DEIR for the proposed project was sent to Butte County, the Sacramento River Reclamation District, and the Central Valley Flood Protection Board (CVFPB). In addition, the Notice of Availability of the DEIR for public review is also being sent to Butte County, the Sacramento River Reclamation District, and the CVFBPB, providing the agencies the opportunity to comment on the DEIR. The proposed habitat restoration plans and outdoor recreation facilities are discussed in Chapter 3, "Description of the Proposed Project, illustrated in Exhibits 3-7 and 3-8, and discussed in greater detail in Appendices C and D. In addition, the Flood Neutral Hydraulic Analysis for the Nicolaus property and Singh Unit, which was prepared to inform the habitat restoration planning, is included in Appendix B and the results are discussed in Section 4.3 of this DEIR.<br><br>State Parks will contact the Sacramento River Reclamation District and discuss the proposed project. However, State Parks will submit additional project information/ materials (e.g., permit applications), as necessary, to the CVFPB for the |

| Scoping Comments and Responses | |
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| Scoping Comment | How it has Been Addressed in the EIR |
| | following reasons.<br><br>CVFPB's duties are mandated by the legislature in Water Code Sec. 8520 et. seq. In particular, Water Code Sections 8533 and 8534, establish CVFPB's jurisdiction in regard to flood protection along the banks of the Sacramento River. As the state arm and trustee over floodways and the protection of the main river systems, the CVFPB has jurisdiction to receive and review and approve those plans which affect its territory.<br><br>A Memorandum of Agreement (MOA) dated November 3, 1999, between Butte County and the State Reclamation Board (now CVFPB) delegated regulatory authority for flood control in the proposed project area to Butte County. However, the MOA states that Butte County cannot delegate its regulatory responsibility to the Sacramento River Reclamation District without the approval of the CVFPB, which has not been granted (see MOA text, Section D and Section 15). Additionally, per Section 8 of the MOA, when Butte County learns of a proposed action that it may be without jurisdiction to regulate, the County will notify the CVFPB. In that event, CVFPB may exercise its jurisdiction under Water Code 8710 to require an application for an encroachment permit.<br><br>State Parks, as a state agency, is not subject to local or county policies or regulations. As described above, the MOA recognizes this situation (i.e. the County does not have jurisdiction over a state agency), and therefore, the County can request that the CVFPB assume jurisdiction. |