#### AGENDA SPECIAL BOARD MEETING OF RECLAMATION DISTRICT 900

#### APRIL 10, 2024

#### Martha Guerrero, President

Norma Alcala, Trustee Quirina Orozco, Trustee Verna Sulpizio Hull, Trustee Dawnte Early, Trustee

Blake Johnson, General Manager/Secretary Erin McGillian, Assistant General Manager Greg Fabun, Interim Assistant General Manager Ralph Nevis, District Attorney

# The meeting will be held at City Hall, City Council Chambers, 1110 West Capitol Avenue, West Sacramento

5:30 PM CALL TO ORDER

#### **GENERAL ADMINISTRATION – PART I**

- 1A. PRESENTATIONS BY THE PUBLIC ON MATTERS NOT ON THE AGENDA WITHIN THE JURISDICTION OF THE DISTRICT. THE AGENCY IS PROHIBITED BY LAW FROM DISCUSSING ISSUES NOT ON THE AGENDA BROUGHT TO THEM AT THIS TIME.
- 1B. MONTHLY/YTD REVENUE AND EXPENSES

#### **CONSENT AGENDA – PART II**

2. CONSIDERATION TO ENDORSE THE CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT FOR THE PROPOSED PHASE 6 LANDSCAPING PROJECT BY SMART GROWTH INVESTORS II, LLC AT THE CORNER OF MILL AND RIVERFRONT STREETS

**Comment:** This item seeks Board approval to endorse the Landscaping and Paving Phase 6 Project along Mill and Riverfront Streets. This project is adjacent to the Sacramento River and within jurisdiction of the Central Valley Flood Protection Board (CVFPB). As part of the CVFPB's permit process, an endorsement from the local maintaining agency (RD 900) is requested.

3. CONSIDERATION OF A DEPARTMENT OF WATER RESOURCES FLOWAGE EASEMENT OVER RD 900 PROPERTY

**Comment:** This item seeks Board approval to grant a flowage easement over RD 900 lands to the State of California Department of Water Resources and to execute an easement and to take all other actions as may be reasonably required to carry out the conveyance of the flowage easement to DWR

4. CONSIDERATION OF ENCROACHMENT PERMIT FOR MALONEY ODIN A JOINT VENTURE

**Comment:** This item seeks Board approval for this encroachment permit for Maloney Odin A Joint Venture (MOAJV) to discharge groundwater into RD 900's drainage system for the Yolo Bypass East Levee North Project.

5. CONSIDERATION OF APPROVAL OF THE FEBRUARY 21, 2024 BOARD MEETING MINUTES

#### REGULAR AGENDA – PART III

6. ESTABLISH A BUDGET COMMITTEE FOR THE REVIEW OF THE 2024/25 BUDGET

**Comment:** This item seeks to establish a Budget Committee consisting of two Board members and the General Manager for the 2024/25 Budget.

Agenda 4-10-24 RD 900 Board Meeting Page 2

- 5. GENERAL MANAGER UPDATES
- 6. TRUSTEE COMMENTS
- 7. Adjourn

I, Blake Johnson, General Manager/Secretary, declare under penalty of perjury that the foregoing agenda for the April 10, 2024 meeting of Reclamation District 900 was posted on April 5, 2024, at the rear entrance of the City of West Sacramento City Hall, 1110 West Capitol Avenue, West Sacramento, CA and at the office of Reclamation District 900, 889 Drever Street, West Sacramento, CA, and was available for public review.

Blake Johnson, General Manager/Secretary Reclamation District 900

All public materials related to an item on this agenda submitted to the District after distribution of the agenda packet are available for public inspection on the District's website at: <u>www.rd900.org</u>. Any document provided at the meeting by staff will also be available to the public. Any document provided at the meeting by the public will be available the next business day following the meeting.

## Reclamation District 900 July '23 - Feb '24 Financials

	Current FY as of Jan '24	Feb '24	Total
Revenue			
4000 Assessments	2,656,906	-	2,656,906
4010 WSAFCA	846,465	-	846,465
4020 Interest Income	142,634	-	142,634
4100 Funding Agreements	12,338	-	12,338
4111 RD 811 Power Reimbursement	15,989	-	15,989
4200 Miscellaneous	-	163	163
4300 Retiree Healthcare	4,252	-	4,252
Total Revenue	3,678,584	163	3,678,747
Expenditures			
5000 Administrative	172,760	20,794	193,554
5200 Labor & Related	427,606	64,047	491,653
5400 Operations & Maintenance	169,930	45,704	215,634
6000 Repair Replacements & Rehab	496,108	169,740	665,848
Total Expenditures	1,266,404	300,285	1,566,689
Change in Fund Balances	2,412,180	(300,122)	2,112,058

For Management Use Only - Accrual

#### RD 900 BOARD MEETING RECLAMATION DISTRICT 900 February 21, 2024 Minutes

The Regular Board meeting was called to order at 5:36 PM by President Guerrero. Also in attendance at the meeting were: Trustees Alcala and Orozco, General Manager Johnson, Interim Assistant General Manager Fabun, and District Counsel Nevis.

#### **GENERAL ADMINISTRATION – PART I**

Entry No. 1

Heard General Administration Functions as follows:

- A. Presentations by the public on matters not on the agenda within the jurisdiction of the District. The Agency is prohibited by law from discussing issues not on the agenda brought to them at this time. NA
- B. Monthly/YTD Revenue and expenses reported as shown in Board Packet.

#### **CONSENT AGENDA – PART II**

<u>Entry No. 2</u> - Consideration Of Encroachment Permit for David Vierra – Mow Seepage Berm along the Southport Seepage Berms.

Entry No. 3 - Consideration of approval of the January 17, 2024 meeting minutes.

MOTION: Orozco	SECOND: Alcala	AYES: Alcala, Orozco, Guerrero
NOES: None	ABSTAIN: None	ABSENT: Sulpizio Hull, Early

The consent agenda passed 3-0, by roll call vote.

#### **REGULAR AGENDA – PART III**

<u>Entry No. 4 -</u> Consideration to Approve the Reclamation District 900 Annual Financial Audit Reports for Fiscal Year Ended June 30, 2023.

GM Johnson introduced Mary Ann Cropper with Cropper Accounting. Cropper Accounting is the District's Auditor. Ms. Cropper provided the following information. Two draft reports; audited financial statements and required communication document. For the Financial statements, this was a clean audit opinion (auditor find that the statements are presented fairly and consistent with accounting principles) and the financial statements are presented in accordance with generally accepted accounting principles (GAAP). A second audit opinion looks at compliance matters, nothing out of place. Recommendations from last year's audit were addressed with the exception of written policy and procedures. Ms. Cropper noted that management was working on this.

GASB 34 (Governmental Accounting Standards No. 34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Agencies) presentation - healthy net position, \$27 million in equity (property and equipment) with very little liability.

The District's other post-employment benefits (OPEB) or retirement, has a very small liability, close to break even.

No capital outlay (nothing budgeted for capital improvements), District had to repair building roof, sewer, purchase additional construction equipment but with the District's investment income of \$500k, on balance the District was ahead by \$40k.

Reclamation District 900 February 21, 2024 Board Meeting Minutes Page 2

Communication Document - Ms. Cropper stated this was a textbook audit, a few minor (8) adjustments, the team worked well together.

MOTION: Orozco	SECOND: Alcala	AYES: Alcala, Orozco, Guerrero
NOES: None	ABSTAIN: None	ABSENT: Sulpizio Hull, Early

The consent agenda passed 3-0, by roll call vote.

<u>Entry No. 5 –</u> General Manager Updates (provided in Board Packet, below are the highlights) GM Johnson has interviewed 5 candidates for the Assistant General Manager position. Should make a decision with the next week or so.

Several storms have come through in January and February. All systems have been running as expected. District has not experienced any issues from these storms. Coordinating with County OES. No concerns at this time.

Still working with Dept. of Fish and Wildlife (DFW) to discuss permit requirements. District Staff and consultants are countering mitigation requirements and have invited DFW to visit the site in person so that they understand the project better. Tree mitigation is one of the major sticking points. DFW wants the District to mitigate non-native trees and the same ratio as native trees.

DFW should respond to the District by mid-February.

Construction of Blacker Canal proposed for summer 2024.

Staff met with USACE, CVFPB, and DWR for the repair of the slip outs along the landside of the Deep Water Ship Channel caused by winter storms in January 2023. The USACE plans to have the repairs done by November 2024 under the PL 84-99 program. Bi-weekly meetings have been scheduled to keep District apprised of progress.

Staff working with FEMA/Cal-OES for disaster declaration from winter 2022/23.

#### WSAFCA

The Yolo Bypass East Levee, South Project is complete.

<u>Yolo Bypass East Levee North (YBEL-N) Project – Odin (\$9.5M)</u>:. The contractor is preparing submittals, including the construction schedule, and has indicated that construction would begin in the spring. Staff has had some preliminary discussion/ coordination with the contractor regarding staging areas, dewatering locations, haul routes and City-required permits.

<u>Sacramento River North Levee (SRNL) Design</u>: The Corps held the design kickoff meeting for SRNL on August 10. SRNL is being broken up into 4 design/contract efforts. 30% design deliverable is scheduled June 2024 for the first of four contracts.

GEOTECH: Release of the Geotechnical Basis of Design has been delayed due to new Corps criteria and they have requested additional geotechnical borings. Borings are expected to occur in 2024 post flood season and will be conducted by the Sacramento District.

ENVIRONMENTAL SITE ASSESSMENT: A preliminary evaluation of the Sacramento River West North Levee, including a database search for contaminated properties, site walk and review of permitting and construction records. The results indicate that where there has been an illegal release, the site has been remediated or is being remediated.

Stone Lock Preliminary Engineering and Design

Reclamation District 900 February 21, 2024 Board Meeting Minutes Page 3

The Design Charrette was held Sep 28 to discuss potential alternatives to the General Re-Evaluation Report recommendation for the Stone Lock reach and to select a recommended alternative to move forward with for design. The recommended alternative consists of a bulkhead wall constructed west of the Eastern Sector Gate (final location TBD). The recommended alternative was reviewed and approved by the District Office of Council and the Change Management Board so has been fully approved. Design for this reach is scheduled to start in July.

GM Johnson noted that the March 2024 Board meeting will be cancelled (vacation).

#### Enty No. 6 - Trustee Comments

President Guerrero asked about the storm that came in the previous weekend. GM Johnson stated that the District held up well, staff did come in due to the winds but no issues.

Entry No. 7 – Adjourn

The meeting adjourned at 5:53 PM.

MOTION: Orozco SECOND: Alcala NOES: None ABSTAIN: None AYES: Orozco, Alcala, Guerrero ABSENT: Sulpizio Hull, Early

The agenda item passed 3-0, by roll call vote.

Blake Johnson, General Manager/Secretary Reclamation District 900

#### RECLAMATION DISTRICT 900

		AGENDA REFURI
MEETING DATE: April 10, 2024		ITEM # 2
SUBJECT:		
	ORSE THE CENTRAL VALLEY FLOOD PRO T FOR THE PROPOSED PHASE 6 LANDSC STORS II, LLC AT THE CORNER OF MILL A STREETS	APING PROJECT
INITIATED OR REQUESTED BY:	REPORT COORDINATED OR PRE	PARED BY:
[] Council [X] Staff	Blake Johnson, General Manager	
[] Other		
ATTACHMENT [X] Yes [] No	[] Information [] Direction	[X] Action

#### **OBJECTIVE**

The objective of this report is to obtain the Reclamation District 900 (District) Board of Trustees (Board) approval to endorse the Central Valley Flood Projection Board (CVFPB) encroachment permit for the proposed Phase 6 Landscaping Project by Smart Growth Investors II, LLC (Developer) at the corner of Mill and Riverfront Streets.

#### **RECOMMENDED ACTION**

Staff respectfully recommends that the Board endorse Smart Growth Investors II, LLC encroachment permit for the CVFPB.

#### BACKGROUND

The Phase 6 development proposal includes a 260-unit apartment building as well as a mixed-use amenity building; these buildings are located just south of the Barn at the corner of Mill and Riverfront Streets within the City of West Sacramento's Bridge District. Landscaping for this project includes plants, boulders, lighting, synthetic turf, stairs and asphalt and concrete paving.

This project will be abutting the Sacramento-San Joaquin Drainage District (Sacramento River flood control project) which is overseen by the CVFPB.

The City has established a "no build line" along this portion of the Sacramento River so that any new construction would not impact the ability of the CVFPB, the USACE, WSAFCA, or RD 900 to improve the flood control features and operations and maintenance along this stretch of the Sacramento River.

The CVFPB has determined that the building is outside its jurisdiction or the "no build line" but the landscaping plan is within the jurisdiction of the CVFPB.

#### ANALYSIS

RD 900 has jurisdiction over the operations and maintenance corridor along the Sacramento River in this location. This project does not interfere with the District's operations and maintenance. The landowner will be responsible for the maintenance of this landscaped area through agreements with the City of West Sacramento. The landscaped area would be consistent with the landscaping that has occurred within the Bridge District.

#### Alternatives

Staff recommends the Board approve and sign the endorsement for this project.

Secondary alternative is to reject this endorsement. This alternative is not recommended. This would require the Developer to re-evaluate their landscaping plans.

#### Coordination and Review

This report was prepared in coordination with District counsel.

Endorsement Phase 6 Project for CVFPB April 10, 2024 Page 2

<u>Budget/Cost Impact</u> There is no cost to the District.

### **ATTACHMENT**

Application CVFPB Encroachment Permit (Form 3615) CVFPB Conditions by RD 900 Environmental Assessment for CVFPB (Form 3615A) Landscape Plan Site Plan

#### APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT

Application No.

(For Office Use Only)

1. Description of proposed work being specific to include all items that will be covered under the issued permit.

The proposed improvements will include the emergency vehicles access (EVA) road that will also serve as entrance to the river embankment for flood fighting equipment and personnel. The project also includes landscaping work in the setback area as shown on the attached plans and profiles.

Township:       T8N       (N) (S), Range:       R4E       (E) (W), M. D. B. & M.         Latitude:       38.573931°       Longitude:       -121.514957°       Designated Floodway:       M/A         APN:       058-350-047       .       APN:       058-350-047       .       APN:       058-350-047         3.       Randy Koss, President Name of Applicant / Land Owner       of       Smart Growth Invetors II, LLC Address       .         1530 J Street, Sacramento City       CA       95814       (415) 730-1890         3.       Mame of Applicant's Representative       of       Wood Rodgers Inc         Vitage       Of       Vood Rodgers Inc       Company         3301 C Street, Sacramento City       CA       95816       (916)870-0770         3301 C Street, Sacramento City       CA       95816       (916)870-0770         State       95816       (916)870-0770       Telephone Numbicant's Representative         State       95816       (916)870-0770       Telephone Numbicant's Representative         State       12 p Code       (916)870-0770       Telephone Numbicant's Representative         City       State       95816       (916)870-0770       Enditional Company         301 C Street, Sacrament of the proposed project from the Local Maintainin	2.	Project Location:	Yolo		County, in Sectio	n <u>Mount Diablo</u>
Stream:       Sacramento River       , Levee :       Project       Designated         APN:       058-350-047       of       Smart Growth Invetors II, LLC         3.       Randy Koss, President       of       Smart Growth Invetors II, LLC         Name of Applicant / Land Owner       of       Smart Growth Invetors II, LLC         1530 J Street, Sacramento       CA       95814       (415) 730-1890         City       State       2ip Code       randy@fulcrumproperty.com         E-mail       4. Jay Punia       of       Wood Rodgers Inc         Name of Applicant's Representative       Company       Company         3301 C Street, Sacramento       CA       95816       (916)870-0770         City       State       95816       (916)870-0770         Telephone Numbo       jpunia@woodrodgers.com       E-mail         5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):       we, the Trustees of RD 900       approve this plan, subject to the following con         Name of LMA       Conditions listed on back of this form       Conditions Attached       No Conditions		Township:	T8N		-	(E)
Stream:       Sacramento River       , Levee :       Project       Floodway:       N/A         APN:       058-350-047		Latitude:	38.573931°	Longitude:	<u>-121.514957°</u>	
3. Randy Koss, President Name of Applicant / Land Owner       of       Smart Growth Invetors II, LLC Address         1530 J Street, Sacramento City       CA       95814 Zip Code       (415) 730-1890 Telephone N         4. Jay Punia       of       Wood Rodgers Inc       randy@fulcrumproperty.com E-mail         3. Ame of Applicant's Representative       Company         3301 C Street, Sacramento City       CA       95816         2ip Code       (916)870-0770 Telephone Numb         3301 C Street, Sacramento       CA       95816         City       State       2ip Code         1       State       2ip Code         1       State       2ip Code         1       Date       Trustee		Stream:	Sacramento River	, Levee :	Project	
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City       State       Zip Code       Telephone N         randy@fulcrumproperty.com         E-mail         4. Jay Punia       of       Wood Rodgers Inc         Name of Applicant's Representative       Company         3301 C Street, Sacramento       CA       95816       (916)870-0770         City       State       95816       (916)870-0770         City       State       95816       (916)870-0770         City       State       95816       (916)870-0770         City       State       95816       (916)870-0770         State       95816       (916)870-0770       Telephone Number         Jpunia@woodrodgers.com       Image: Conditions Comment       Image: Comment         5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):       Image: Conditions Isteed on back of this form       approve this plan, subject to the following con         Name of LMA       Image: Conditions Attached       Image: No Conditions         Trustee       Date       Trustee			Name of Applicant / Land Owr	ner		Address
City       State       Zip Code       Telephone N         randy@fulcrumproperty.com         E-mail         4. Jay Punia       of       Wood Rodgers Inc         Name of Applicant's Representative       Company         3301 C Street, Sacramento       CA       95816       (916)870-0770         City       State       95816       (916)870-0770         City       State       95816       (916)870-0770         City       State       95816       (916)870-0770         City       State       95816       (916)870-0770         State       95816       (916)870-0770       Telephone Number         Jpunia@woodrodgers.com       Image: Conditions Comment       Image: Comment         5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):       Image: Conditions Isteed on back of this form       approve this plan, subject to the following con         Name of LMA       Image: Conditions Attached       Image: No Conditions         Trustee       Date       Trustee	1530 J	Street, Sacr	amento CA		95814	(415) 730-1890
A. Jay Punia       of       Wood Rodgers Inc         Name of Applicant's Representative       Company         3301 C Street, Sacramento       CA       95816       (916)870-0770         City       State       95816       (916)870-0770         Trustee       Date       Trustee				State	Zip Code	Telephone Number
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Name of Applicant's Representative       Company         3301 C Street, Sacramento       CA       95816       (916)870-0770         City       State       Zip Code       Image: State       Image: State						
3301 C Street, Sacramento City       CA       95816       (916)870-0770 Telephone Number jpunia@woodrodgers.com E-mail         5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):       Prove this plan, subject to the following con Name of LMA         We, the Trustees of RD 900 Name of LMA       approve this plan, subject to the following con Name of LMA         Conditions listed on back of this form       Conditions Attached       No Conditions	4	Jay Punia			of Wood Rodgers Ir	าด
City       State       Zip Code       Telephone Numbric         jpunia@woodrodgers.com       jpunia@woodrodgers.com       E-mail         5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):       We, the Trustees of RD 900       approve this plan, subject to the following con         Name of LMA       Conditions listed on back of this form       Conditions Attached       No Conditions	··· <u>-</u>	E	Name of Applicant's Representa	ative		Company
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We, the Trustees of RD 900 approve this plan, subject to the following con Name of LMA Conditions listed on back of this form Conditions Attached No Conditions						E-mail
Name of LMA         Conditions listed on back of this form         Conditions Attached         No Conditions         Trustee         Date         Trustee	5. E	Endorsemen	t of the proposed project fror	n the Local M	aintaining Agency (LMA	):
Trustee Date Trustee	We	e, the Trustee	es of <u>RD 900</u> Name o	f LMA	approve this p	plan, subject to the following conditions:
		Conditic	ons listed on back of this form	n 🔽 Co	onditions Attached	No Conditions
Terreter Data	Trus	stee	· ·	Date	Trustee	Date
Trustee Date Trustee	Trus	stee		Date	Trustee	Date

#### APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT

6. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

Name	Address	Zip Code
See attached		
<b>1</b>		
7. Has an environmental determination beer Act of 1970?	n made of the proposed work under the Califorr	nia Environmental Quality
If yes or pending, give the name and address	of the lead agency and State Clearinghouse N	lumber:
Fulcrum Property Development Environmental	I Impact Report	
SCH No. SCH 2008072024		
8. When is the project scheduled for construct	ction? 2024-25	
9. Please check exhibits accompanying this a	application.	
A. 🔽 Regional and vicinity maps showin	ng the location of the proposed work.	
B. 🗹 Drawings showing plan view(s) of	the proposed work to include map scale.	
<ul> <li>C.  Drawings showing the cross section banks, flood plain,</li> </ul>	on dimensions and elevations (vertical datum?)	of levees, berms, stream
D. 🔽 Drawings showing the profile eleve	ations (vertical datum?) of levees, berms, flood	plain, low flow, etc.
E. 🔽 A minimum of four photographs de	epicting the project site.	
	Randy Ko	4/3/2024
	Signature of Applicant	Date

Date

Include any additional information:



**RECLAMATION DISTRICT 900** 

Post Office Box 673 West Sacramento, CA 95691 PH: (916) 371-1483 • <u>email: admin@rd900.org</u>

DATE: April 10, 2024

TO: Central Valley Flood Protection Board

Subject: Proposed Landscaping and Paving, Phase 6 Project by Smart Growth Investors II, LLC located in West Sacramento, CA

RD 900 has the following conditions to be included on the Central Valley Flood Protection Board Encroachment Permit for Phase 6 Development Project:

- 1. A copy of the final Central Valley Flood Protection Board Permit shall be provided to RD 900 upon approval of the permit by the CVFPB Board.
- 2. All the work endorsed by this permit shall be in accordance with the plan and profiles shared with the RD 900.
- 3. If the Project changes and creates new or different conditions, RD 900 has the right to review and approve or reject this conditional endorsement.
- 4. RD 900 shall be notified five (5) workings day prior to any construction activities. Notice shall be sent to admin@rd900.org.
- 5. To the fullest extent permitted by law, permittee shall indemnify, hold and save the District harmless of and from any liability which may be incurred through injury to person or damage to property arising out of or connected with the construction or installation of the encroachment above described, and from any such liability arising out of or in connected with the maintenance and operation of such encroachment, except where responsibility for maintenance thereof is accepted by the District in writing.
- 6. The project site shall be restored to the condition that existed prior to or better than commencement of work, except for such improvements as are approved in this permit.
- 7. Permittee shall acquire no easement or property right in or to the property or right of way of the District by virtue of this permit and the District does not hereby relinquish any right or title therein.
- 8. Except as herein otherwise provided, all cost of maintenance, repair and replacement of the encroachment above described shall be borne by permittee. Permittee shall, whenever instructed by the District to do so, repair, replace or relocate such encroachment in the manner prescribed by the District whenever the District shall determine that such repair, replacement or relocation is required in the interest of the District. Any such repair, replacement or relocation ordered by the District that is: (a) not completed by the permittee within thirty (30) days after written notice has been given by the District of such required repair, replacement or relocation; or (b) in the case of repair, replacement, or relocation that cannot be completed within thirty (30) days of the

written notice and then diligently brought to completion by permittee without unnecessary delay, may be performed by the District, at permittee's expense and permittee shall promptly reimburse the District for such repair, replacement or relocation.

- 9. If the permitted encroachment causes physical damage to the District's facilities, real property, or improvements, or otherwise interferes with the District's ongoing maintenance and operation of its reclamation facilities, the permittee shall, whenever instructed by the District to do so, repair, replace or rectify in the manner prescribed by the District such damage or interference at the permittee's sole expense. Any such repair, replacement or other work ordered by the District that is: (a) not completed by the permittee within thirty (30) days after written notice has been given by the District of such required repair, replacement or other work; or (b) in the case of repair, replacement, or other work that cannot be completed within thirty (30) days despite permittee's diligent efforts, is not initiated within thirty (30) days of written notice and then diligently brought to completion by permittee without unnecessary delay, may be performed by the District, at permittee's expense and permittee shall promptly reimburse the District for such repair, replacement or other work.
- 10. The District reserves the right of access to the portion of its easement and right of way above described for such maintenance, repairs or alterations of the District facilities or of the facilities described above as may be required for reclamation purposes. The District shall not be responsible for any damage done to surface improvements of permittee whether herein permitted or otherwise where necessary as part of the ordinary and necessary access to or exercise of its easement and right of way for reclamation purposes and need not replace any paving, concrete or other improvement required to be removed or disturbed in the process of such maintenance, repair or alteration. Permittee shall reimburse the District for any increased cost of such access occasioned by the improvements of Permittee described herein.
- 11. Permittee may make no alteration or improvement of any portion of the District's easement and right of way not specifically herein permitted nor alter or remove any portion of the encroachment or improvement herein described without further permit from the District.
- 12. Permittee shall obtain and maintain in force throughout the period of construction a comprehensive general liability policy in a combined single limit of not less than \$1,000,000.00 covering construction activities undertaken by or for Permittee hereunder and shall name Reclamation District 900 as an additional insured.

13. Upon completion of the project, the permittee shall submit as-built plans to: Reclamation District 900, 889 Drever Street, West Sacramento CA, 95691, or such other address as the District shall designate in writing to the permittee.

Please feel free to contact me at my office phone number 916-371-1483 or cell 916-204-6869 or by email at BJohnson@rd900.org.

Sincerely,

Blake Johnson, PE General Manager Reclamation District 900

#### ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE FOR APPLICATIONS FOR CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMITS

This environmental assessment questionnaire must be completed for all Central Valley Flood Protection Board applications. Please provide an explanation where requested. Incomplete answers may result in delays in processing permit applications. Failure to complete the questionnaire may result in rejection of the application.

1. Has an environmental assessment or initial study been made or is one being made by a local or State permitting agency in accordance with the California Environmental Quality Act? Ves

If yes, identify the Lead Agency, type of document prepared or which will be prepared, and the State Clearinghouse Number:

The City of West Sacramento as the lead agency under CEQA approved the Fulcrum Property Development Environmental Impact Report in February 2009 (SCH 2006012082) and the Supplemental EIR for the Bridge District Specific Plan Amendments in October 2009 (SCH 2008072024). The proposed emergency vehicles access and landscaping work are consistent with the uses analyzed in the certified EIRs. Please see the attached plans and profile for details of the proposed work.

2. Will the project require certification, authorization or issuance of a permit by any local, State or federal environmental control agency? 🗹 Yes 🔲 No

List all other governmental permits or approvals necessary for this project or use, including U.S. Army Corps of Engineers' 404 and Section 10 permits, State Water Quality Certification, Department of Fish and Game 1600 agreement, etc. Attach copies of all applicable permits.

The project area is under the USACE/CVFPB jurisdiction, therefore, the following permits may be needed:

 Section 408 permission from the USACE; 2) Central Valley Flood Protection Board Encroachment Permit;
 Biological Assessment and Section 107 Consultations and 4) Cultural Resources Assessment and Section 106 Consultations

3. Give the name and address of the owner of the property on which the project or use is located. Please submit a copy of your current Title Report (Grant Deed), if your proposed project includes a private residence.

Smart Growth Investors II, LP 1530 J Street, No. 200 Sacramento, CA 95814

4. Will the project or use require issuance of a variance or conditional use permit by a city or county?

5. Is the project or use currently operating under an existing use permit issued by a local agency?

☐ Yes ☑ No Explain:

# ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE FOR APPLICATIONS FOR CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMITS

6. Describe all types of vegetation growing on the project site, including trees, brush, grass, etc.

The proposed project site is barren land with couple of trees and native grasses.

7. Describe what type of wildlife or fish may use the project site or adjoining areas for habitat, food source, nesting sites, source of water, etc.

While no special status species have been observed on the site, the certified EIR considered potential impacts to valley elderberry longhorn beetle, as well as impacts to potential nesting habitat for Swainson's hawk and raptors. The EIR identified mitigation measures to reduce the identified impacts to a less-than-significant level, and those measures would continue to apply to project construction.

8. Has the Department of Fish and Game, U.S. Fish and Wildlife Service, or National Marine Fisheries Service been consulted relative to the existence of, or impacts to, threatened or endangered species on or near the project site?

🗹 Yes 🗌 No

Explain:

U.S. Fish and Wildlife Service and California Department of Fish and Wildlife were consulted during the EIR preparation process and the mitigation measures included in the EIR follow recommended agency guidelines. The proposed work is completely outside the channel and away from the river bank.

9. Will the project or use significantly change present uses of the project area?

🗌 Yes 🛛 🗹 No

Explain:

An access road for emergency vehicles will be constructed. The project also includes landscaping work in the area as shown on the attached plans and profiles.

10. Will the project result in changes to scenic views or existing recreational opportunities?

$\checkmark$	Yes	[	No

Explain:

The certified EIR considered whether the project would result in impacts on scenic vistas and concluded that there would be minimal opportunity for project development to affect or obscure views of scenic vistas located outside the project site, and concluded the impact would be less than significant and did not require mitigation. The project site does not include any existing recreational opportunities.

11. Will the project result in the discharge of silt or other materials into a body of water?

☐ Yes ☑ No Explain:

#### ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE FOR APPLICATIONS FOR CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMITS

12.	. Will the project involve the application, use, or disposal of hazardous materials? $\square$ Yes $\square$	] No
	If yes, list the types of materials, proposed use, and disposal plan. Provide copies of all applical material handling plans.	ble hazardous

13. Will construction activities or the completed project generate significant amounts of noise?

🗹 Yes 🗌 No

Explain:

Construction activities would be in accordance with City permit and standard specifications. The certified EIR concluded that construction would generate noise levels that exceed the standards in the City's Noise Ordinance and would result in an increase in ambient noise levels at sensitive receptors. The EIR included mitigation measures to reduce these impacts that will continue to apply to the project, but concluded a significant impact.

14. Will construction activities or the completed project generate significant amounts of dust, ash, smoke, fumes, or odors?

🗸 Yes	🗌 No
-------	------

Explain:

The proposed project may result in the generation of short-term construction-related fugitive dust and construction equipment exhaust emissions of a temporary and transitory nature. Nonetheless, the certified EIR included mitigation measures in accordance with Yolo-Solano Air Quality Management District recommendations to reduce emissions and control fugitive dust that would continue to apply to the project, but concluded significant impact.

15. Will the project activities or uses involve the burning of brush, trees, or construction materials, etc?

🗌 Yes	🗹 No	
-------	------	--

Explain, and identify safety and air pollution control measures:

16. Will the project affect existing agricultural uses or result in the loss of existing agricultural lands?

#### ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE FOR APPLICATIONS FOR CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMITS

17. Have any other projects similar to the proposed project been planned or completed in the same general area as the proposed project?

✓ Yes No No

Explain and identify any other similar projects:

Similar projects have been built in the area over the past decade consistent with the Specific Plan and EIRs for this area.

18. Will the project have the potential to encourage, facilitate, or allow additional or new growth or development? No No

2 Yes

Explain:

The proposed project will provide needed amenities for the already approved projects, but it will not add new growth or development.

19. Will materials be excavated from the floodplain? 🗌 Yes 🗹 No If yes, please answer the remaining questions.

#### THE REMAINING QUESTIONS MUST ONLY BE ANSWERED IF THE ANSWER TO QUESTION NO. 19 WAS "YES". IF THE ANSWER TO QUESTION NO. 19 WAS "NO", YOU DO NOT NEED TO COMPLETE THE REMAINING QUESTIONS.

- A. What is the volume of material to be excavated? Annually \_\_\_\_\_ Total \_\_\_\_\_
- B. What types of materials will be excavated?

C. Will the project site include processing and stockpiling of material on site? Yes No Explain:

D. What method and equipment will be used to excavate material?

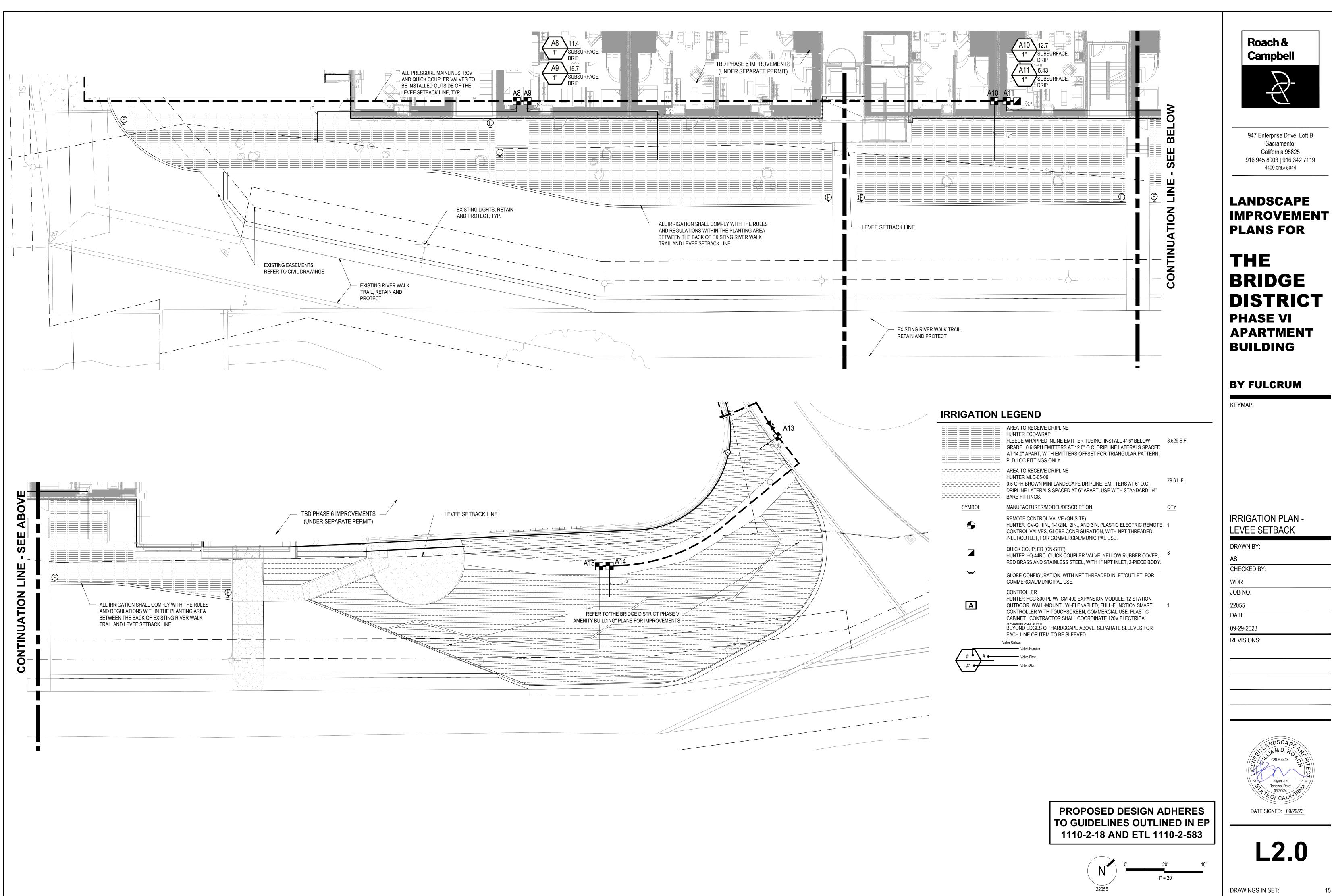
# ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE FOR APPLICATIONS FOR CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMITS

E. What is the water source for the project?

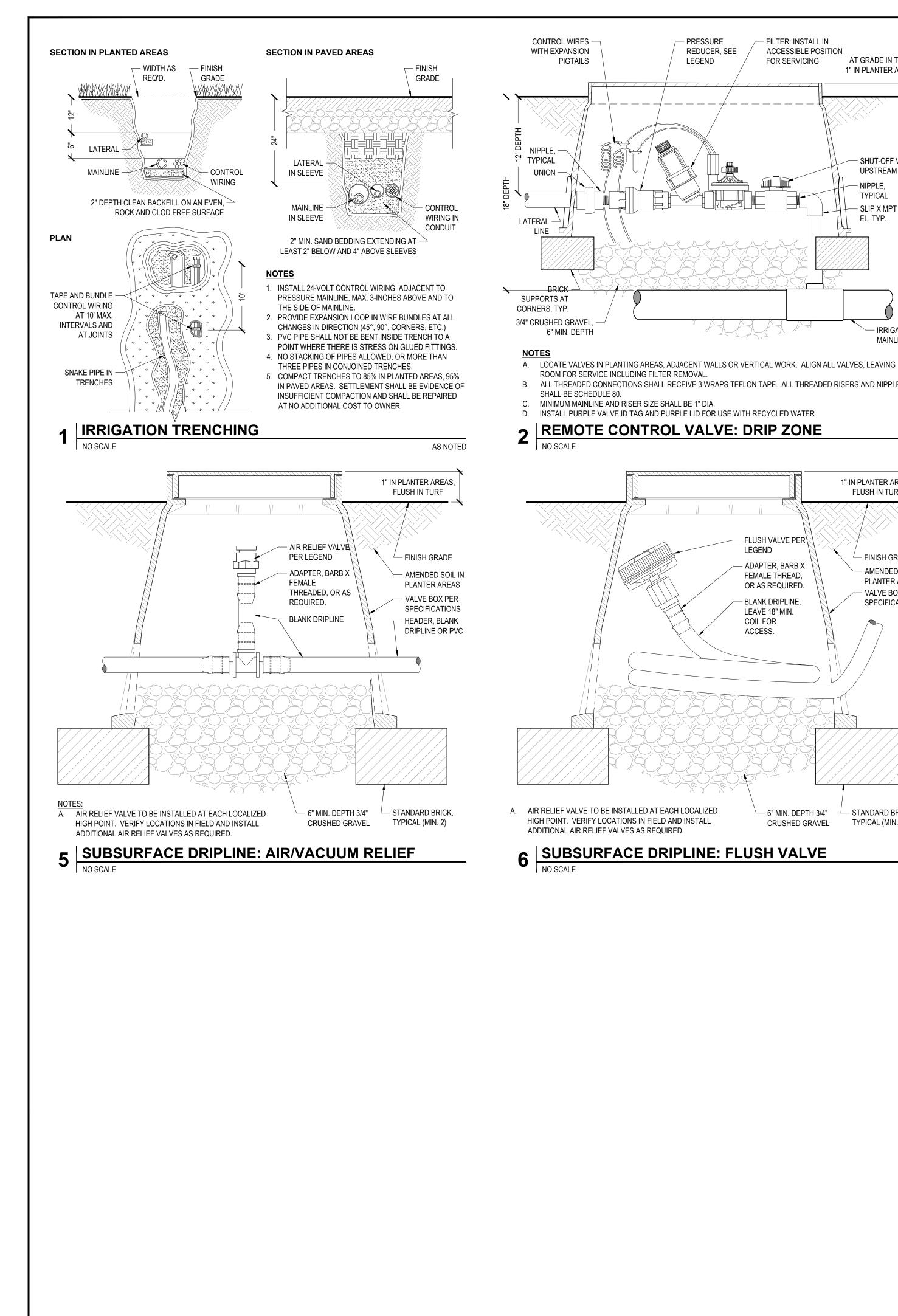
F. How will waste materials wash water, debris, and sediment be disposed of?

G. What is the proposed end land use for the project site?

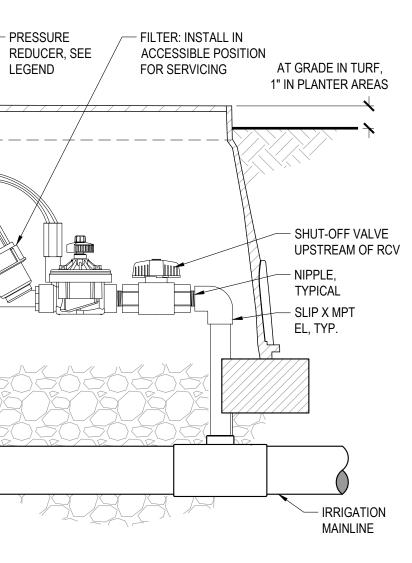
- H. Has a reclamation plan been prepared for this site in accordance with the Surface Mining and Reclamation Act of 1975?
  - Yes No If yes, please attach a copy.



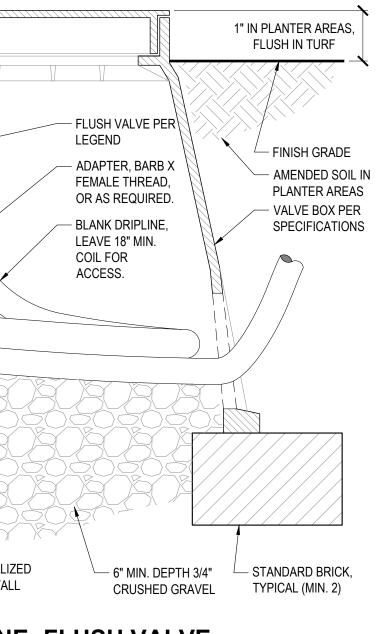
© 2023 ROACH CAMPBELL, INC. ALL RIGHTS RESERVED. THIS WORK MAY NOT BE REPRODUCED OR USED, IN WHOLE OR IN PART, WITHOUT THE EXPRESS WRITTEN PERMISSION OF ROACH CAMPBELL, INC. SEPTEMBER 29 2023 22055B Irrigation-Apartment.dwg



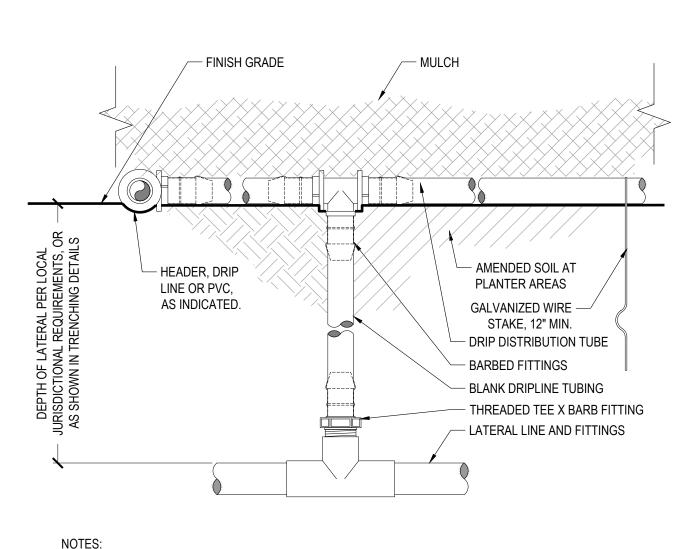
© 2023 ROACH CAMPBELL, INC. ALL RIGHTS RESERVED. THIS WORK MAY NOT BE REPRODUCED OR USED, IN WHOLE OR IN PART, WITHOUT THE EXPRESS WRITTEN PERMISSION OF ROACH CAMPBELL, INC. SEPTEMBER 29 2023 22055



B. ALL THREADED CONNECTIONS SHALL RECEIVE 3 WRAPS TEFLON TAPE. ALL THREADED RISERS AND NIPPLES

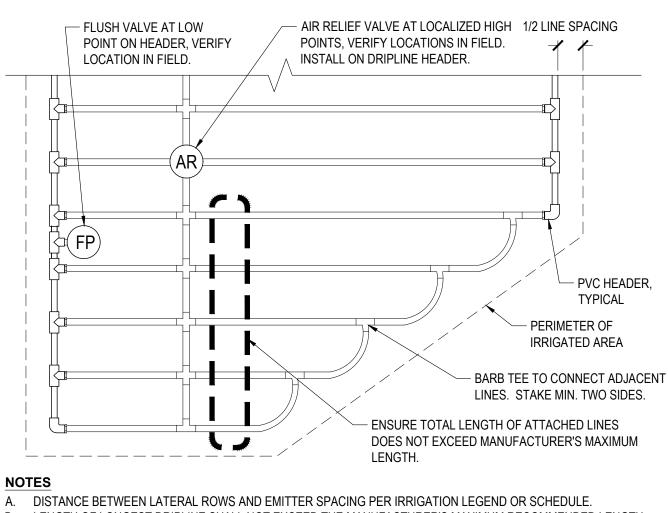






PLACE STAKES EVERY THREE FEET IN SAND, FOUR FEET IN LOAM, AND FIVE FEET IN CLAY. AT FITTINGS WHERE THERE IS A CHANGE OF DIRECTION SUCH AS TEES OR ELBOWS, USE STAKES ON EACH LEG OF THE CHANGE OF DIRECTION.

# 3 POINT-SOURCE DRIP: LATERAL CONNECTION NO SCALE



LENGTH OF LONGEST DRIPLINE SHALL NOT EXCEED THE MANUFACTURER'S MAXIMUM RECOMMENDED LENGTH. AIR RELIEF VALVE TO BE INSTALLED AT EACH LOCALIZED HIGH POINT. VERIFY LOCATIONS IN FIELD AND INSTALL

ADDITIONAL AIR RELIEF VALVES AS REQUIRED. DO NOT ALLOW THE INLET PRESSURE TO EXCEED 50 PSI. INSTALL PRESSURE REDUCERS AT THE CONTROL D VALVE IF REQUIRED.

## SUBSURFACE DRIPLINE: IRREGULAR ENDS NO SCALE

	1/2 LINE SPACING	PVC EXHAUST HEADER, TYP. AT ENDS AIR RELIEF VALVE AT LOCALIZED HIGH POINT	PVC SUPPLY MANIFOLI (LATERAL FROM VALVE LATERAL TO DRIPLIN CONNECTION, TYP	E
		LOW BLANK DRIPLI		
ΝΟΤ	POINT OF HEAD			IRRIGATED AREA
А. В. С.	DISTANCE BETWEEN LATERAL RC LENGTH OF LONGEST DRIPLINE S AIR RELIEF VALVE TO BE INSTALL ADDITIONAL AIR RELIEF VALVES A	HALL NOT EXCEED THE MANUI ED AT EACH LOCALIZED HIGH	FACTURER'S MAXIMUM REC	COMMENDED LENGTH.
D.	DO NOT ALLOW THE INLET PRESS VALVE IF REQUIRED.		ALL PRESSURE REDUCERS	AT THE CONTROL

## **SUBSURFACE DRIPLINE: END FEED**

NO SCALE

Campbell R 947 Enterprise Drive, Loft B Sacramento, California 95825 916.945.8003 | 916.342.7119 4409 CRLA 5044 LANDSCAPE **IMPROVEMENT PLANS FOR** THE BRIDGE DISTRICT **PHASE VI APARTMENT** BUILDING **BY FULCRUM** KEYMAP:

**Roach &** 

## **IRRIGATION SUPPORT -**LEVEE SETBACK

DRAWN BY:

AS CHECKED BY:

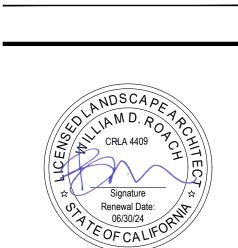
WDR

JOB NO.

22055

DATE

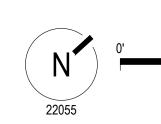
09-29-2023 **REVISIONS**:

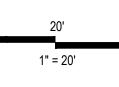


DATE SIGNED: 09/29/23

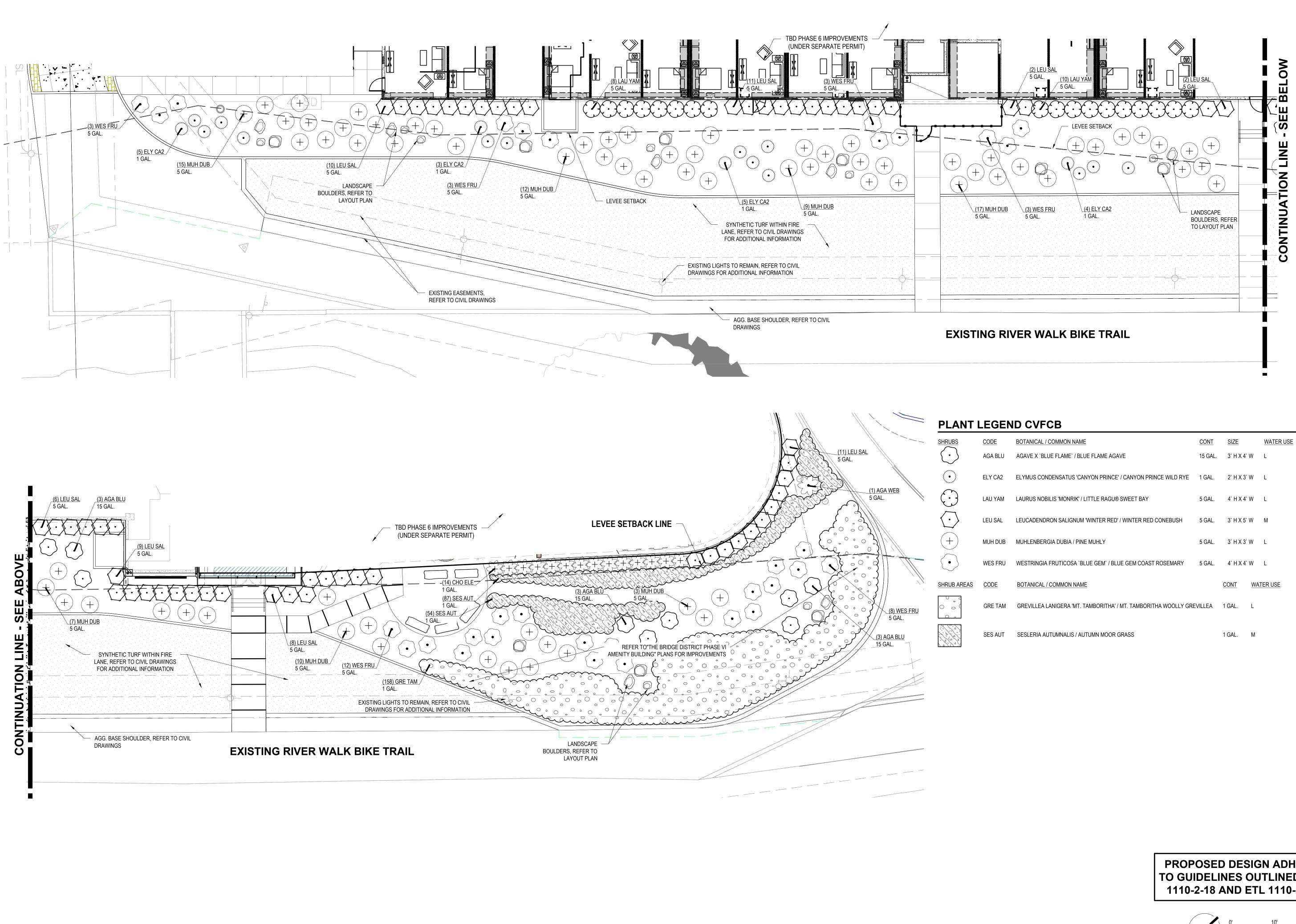
L2.

PROPOSED DESIGN ADHERES
<b>O GUIDELINES OUTLINED IN EP</b>
1110-2-18 AND ETL 1110-2-583





DRAWINGS IN SET:



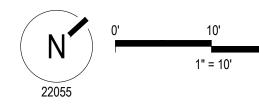
OTANICAL / COMMON NAME	CONT	SIZE	WATER USE	QTY
GAVE X `BLUE FLAME` / BLUE FLAME AGAVE	15 GAL.	3` H X 4` W	L	3
LYMUS CONDENSATUS 'CANYON PRINCE' / CANYON PRINCE WILD RYE	1 GAL.	2` H X 3` W	L	17
AURUS NOBILIS 'MONRIK' / LITTLE RAGU® SWEET BAY	5 GAL.	4` H X 4` W	L	18
EUCADENDRON SALIGNUM 'WINTER RED' / WINTER RED CONEBUSH	5 GAL.	3` H X 5` W	Μ	40
UHLENBERGIA DUBIA / PINE MUHLY	5 GAL.	3` H X 3` W	L	60
/ESTRINGIA FRUTICOSA `BLUE GEM` / BLUE GEM COAST ROSEMARY	5 GAL.	4` H X 4` W	L	12
OTANICAL / COMMON NAME		<u>CONT</u> <u>V</u>	VATER USE	
GREVILLEA LANIGERA 'MT. TAMBORITHA' / MT. TAMBORITHA WOOLLY GRE	VILLEA	1 GAL. L		
SESLERIA AUTUMNALIS / AUTUMN MOOR GRASS		1 GAL. N	1	

# Campbell R 947 Enterprise Drive, Loft B Sacramento, California 95825 916.945.8003 | 916.342.7119 4409 CRLA 5044 LANDSCAPE IMPROVEMENT **PLANS FOR** THE BRIDGE DISTRICT **PHASE VI** APARTMENT BUILDING **BY FULCRUM** KEYMAP: PLANTNG PLAN LEVEE SETBACK DRAWN BY: AS CHECKED BY: WDR JOB NO. 22055 DATE 09-29-2023 **REVISIONS:** Signature Signature Renewal Date: OF CALIFO DATE SIGNED: 09/29/23

**Roach &** 



# PROPOSED DESIGN ADHERES TO GUIDELINES OUTLINED IN EP 1110-2-18 AND ETL 1110-2-583



DRAWINGS IN SET:

15 **D** 

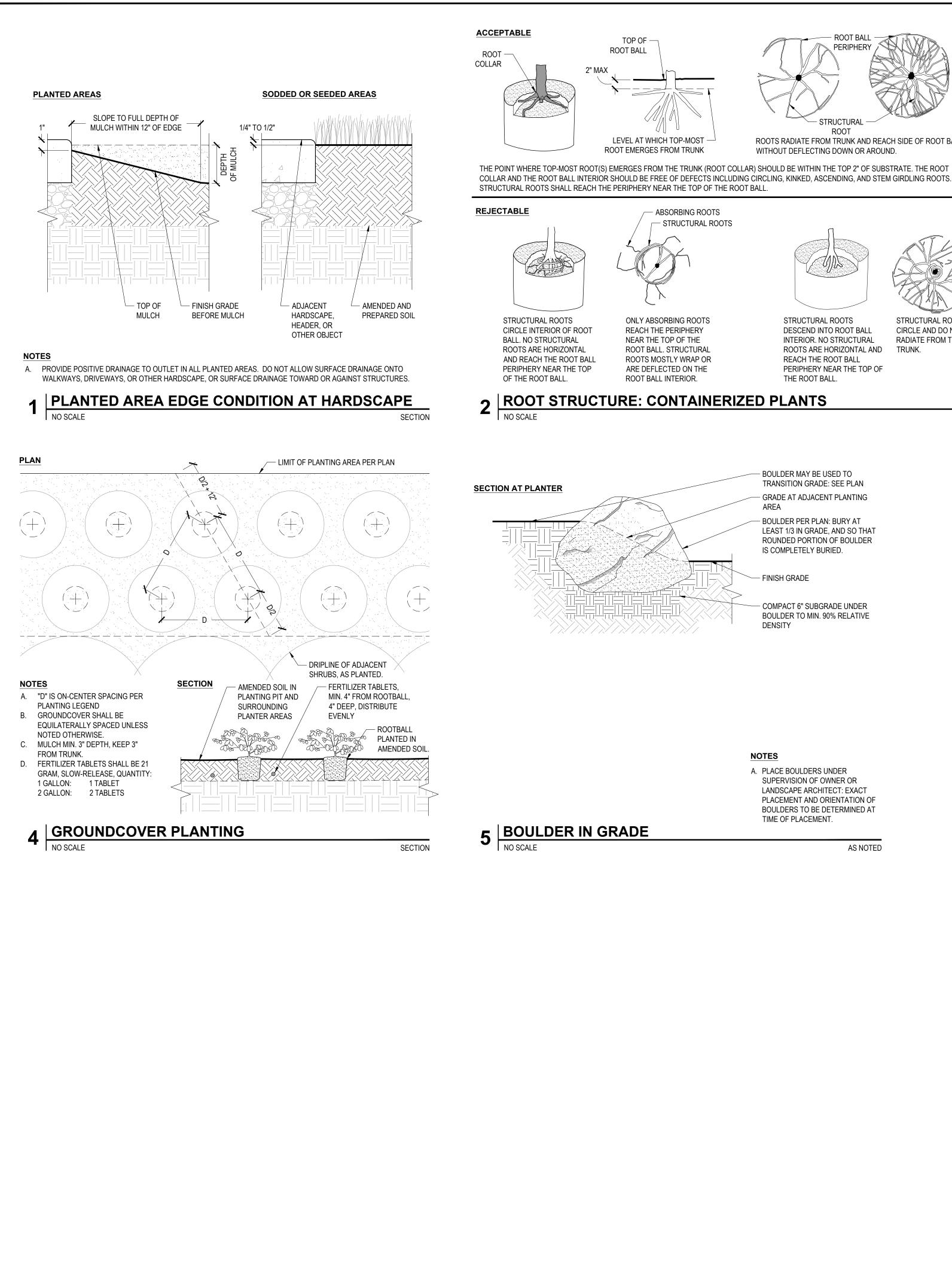
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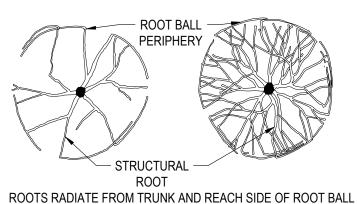
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WITHOUT DEFLECTING DOWN OR AROUND.

STRUCTURAL ROOTS

CIRCLE AND DO NOT

RADIATE FROM THE

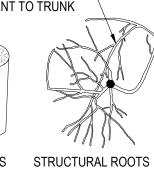
AS NOTED

## NOTES

- A. OBSERVATIONS OF ROOTS SHALL OCCUR PRIOR TO ACCEPTANCE. ROOTS AND SUBSTRATE MAY BE REMOVED DURING THE OBSERVATION PROCESS; SUBSTRATE/SOIL SHALL BE REPLACED AFTER OBSERVATION HAS BEEN COMPLETED.
- SMALL ROOTS (1/4" OR LESS) THAT GROW AROUND, UP, OR DOWN THE ROOT BALL PERIPHERY ARE CONSIDERED A NORMAL CONDITION IN CONTAINER PRODUCTION AND ARE ACCEPTABLE HOWEVER THEY SHOULD BE ELIMINATED AT THE TIME OF PLANTING. ROOTS ON THE PERIPHERY MAY BE REMOVED AT THE TIME OF PLANTING.
- SEE SPECIFICATIONS (IF PROVIDED) FOR OBSERVATION PROCESS AND REQUIREMENTS. D. PRIOR TO PLANTING, SOIL SHALL BE REMOVED FROM THE TOP OF
- THE ROOT BALL AS REQUIRED TO EXPOSE THE ROOT FLARE.

**ROOTS GROWING -**TANGENT TO TRUNK

STRUCTURAL ROOTS PRIMARILY GROW TO ONE SIDE.



MISSING FROM ONE SIDE, AND/OR GROW TANGENT TO TRUNK.

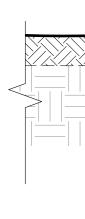
AS NOTED



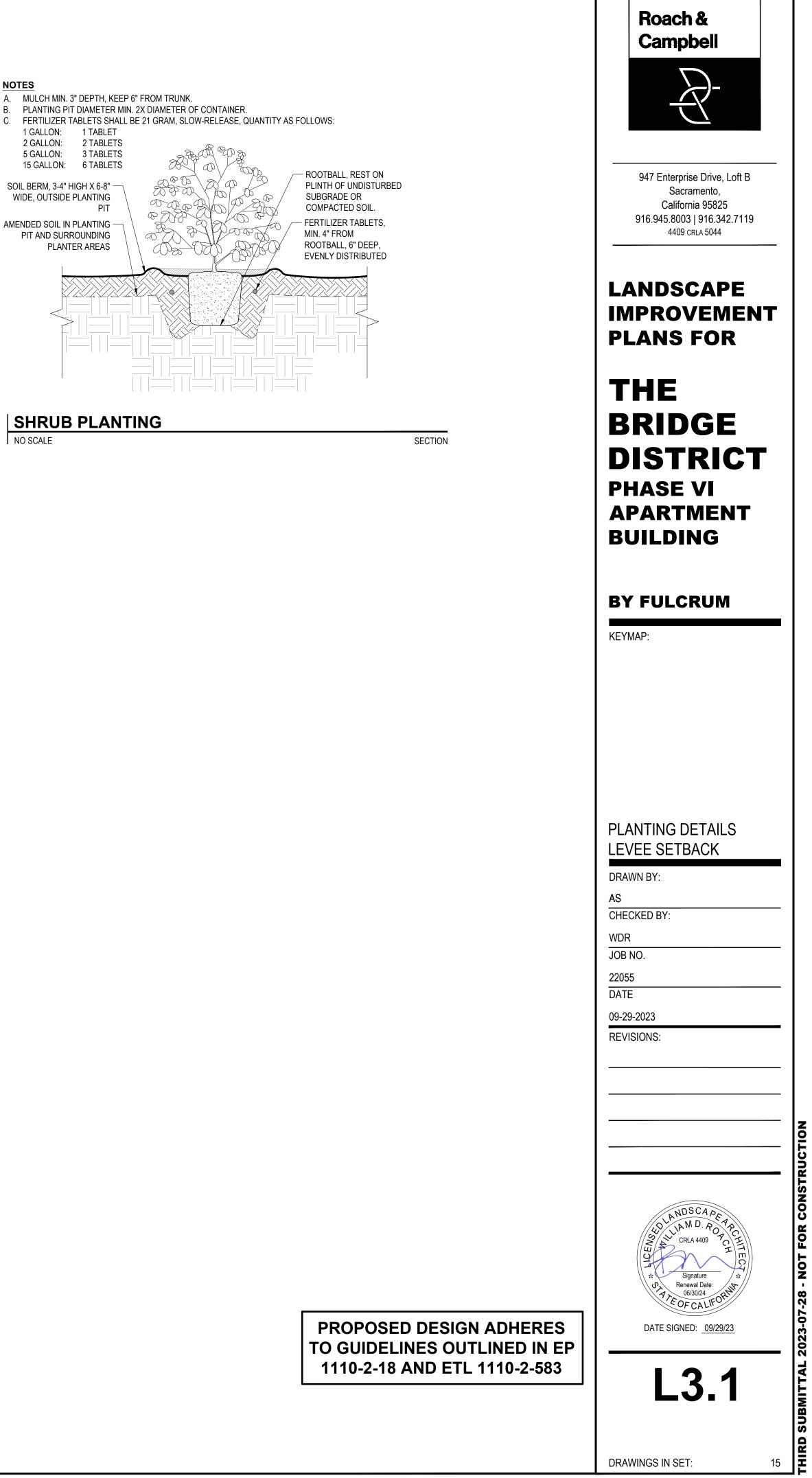
1 GALLON: 1 TABLET 2 TABLETS 2 GALLON: 5 GALLON: 3 TABLETS 15 GALLON: 6 TABLETS

SOIL BERM, 3-4" HIGH X 6-8" -WIDE, OUTSIDE PLANTING

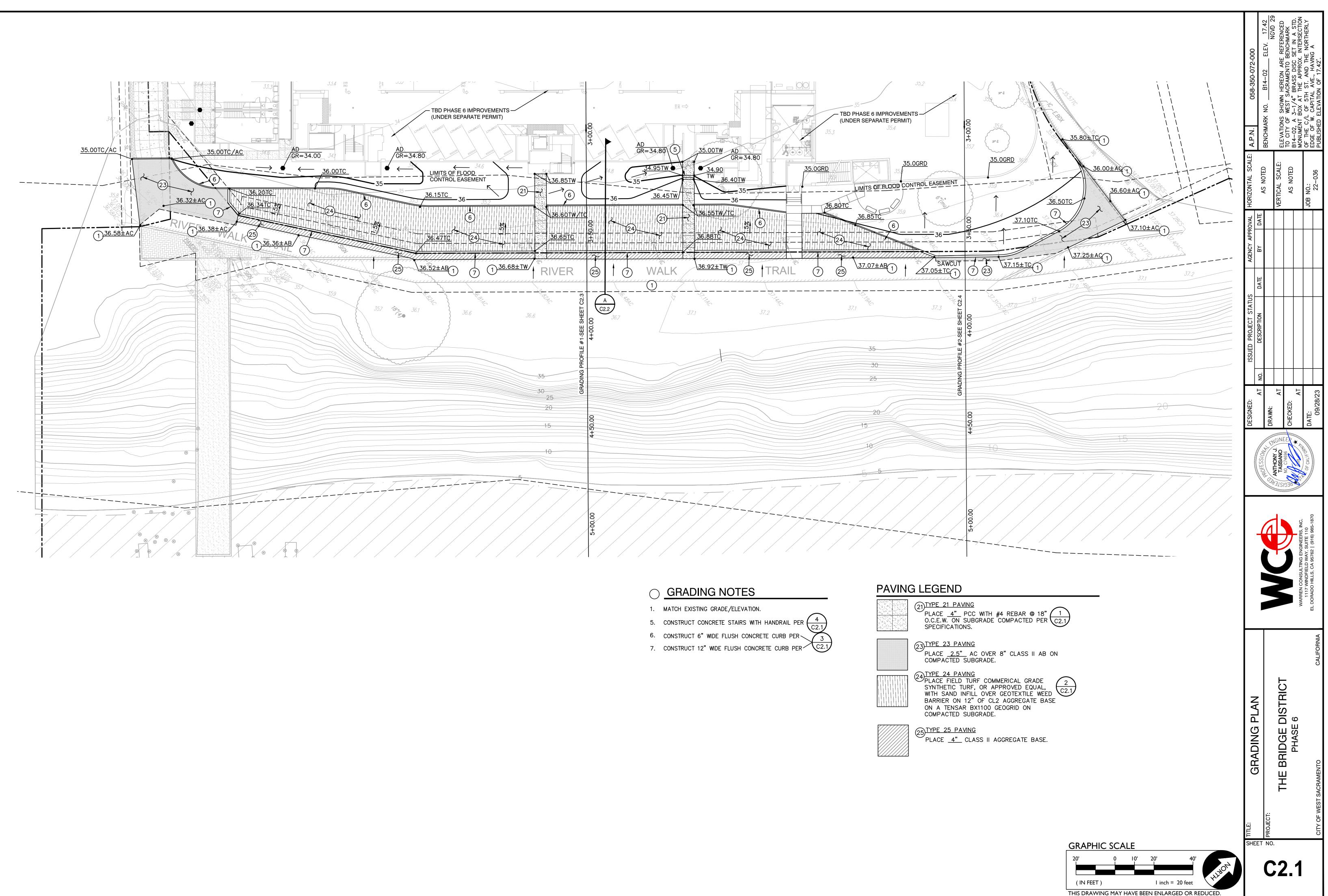
AMENDED SOIL IN PLANTING -PIT AND SURROUNDING PLANTER AREAS



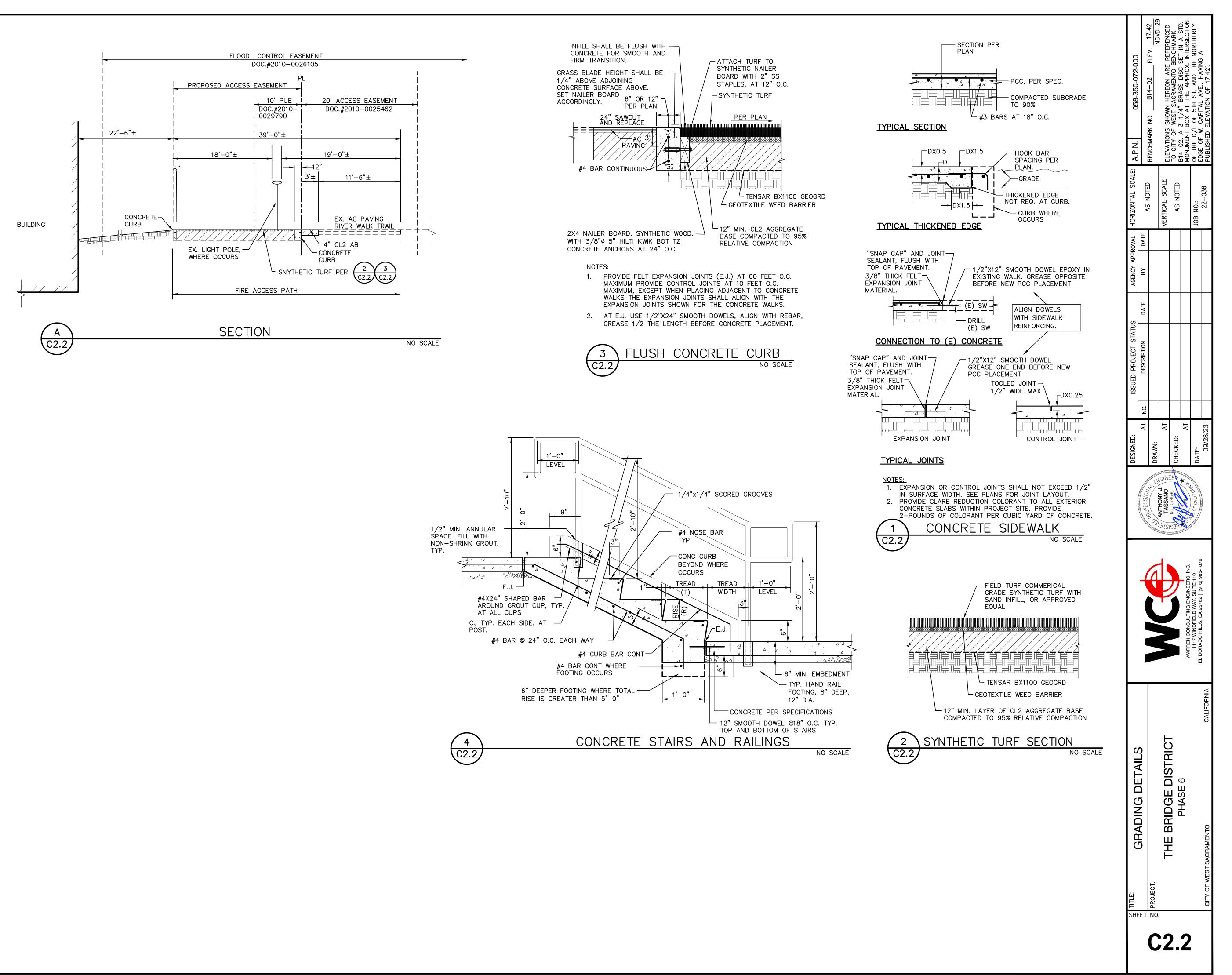
3 SHRUB PLANTING NO SCALE

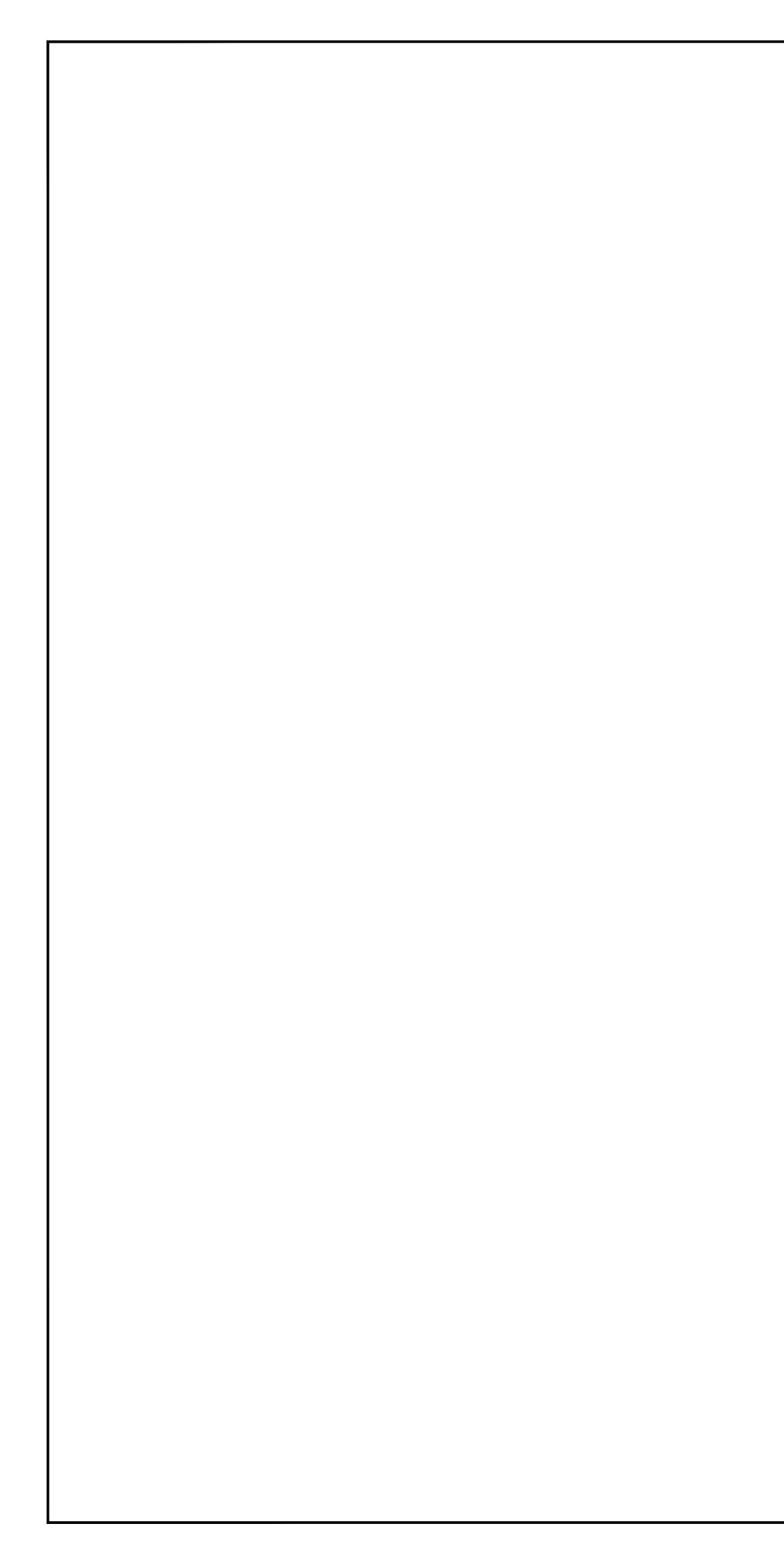


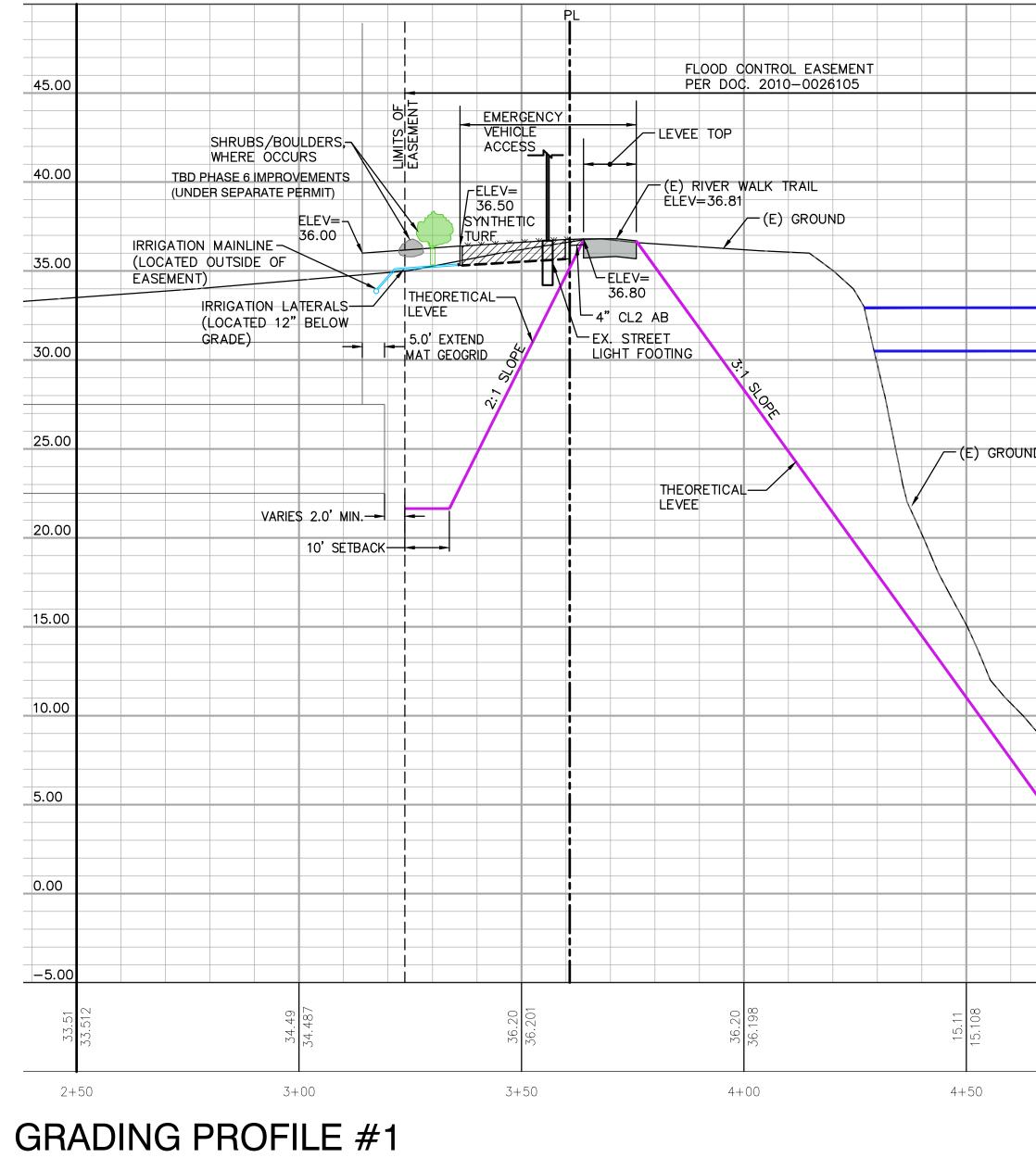
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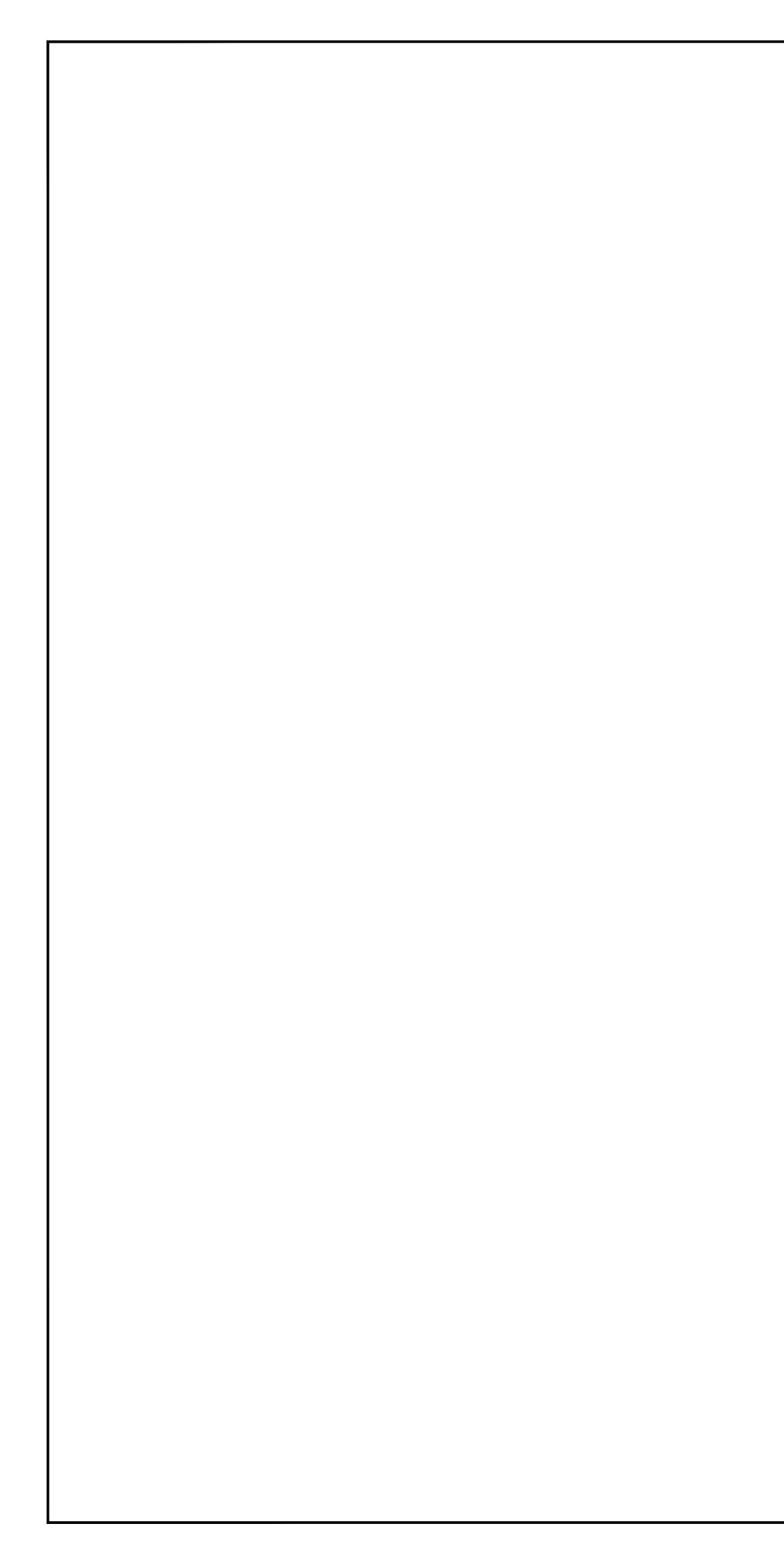


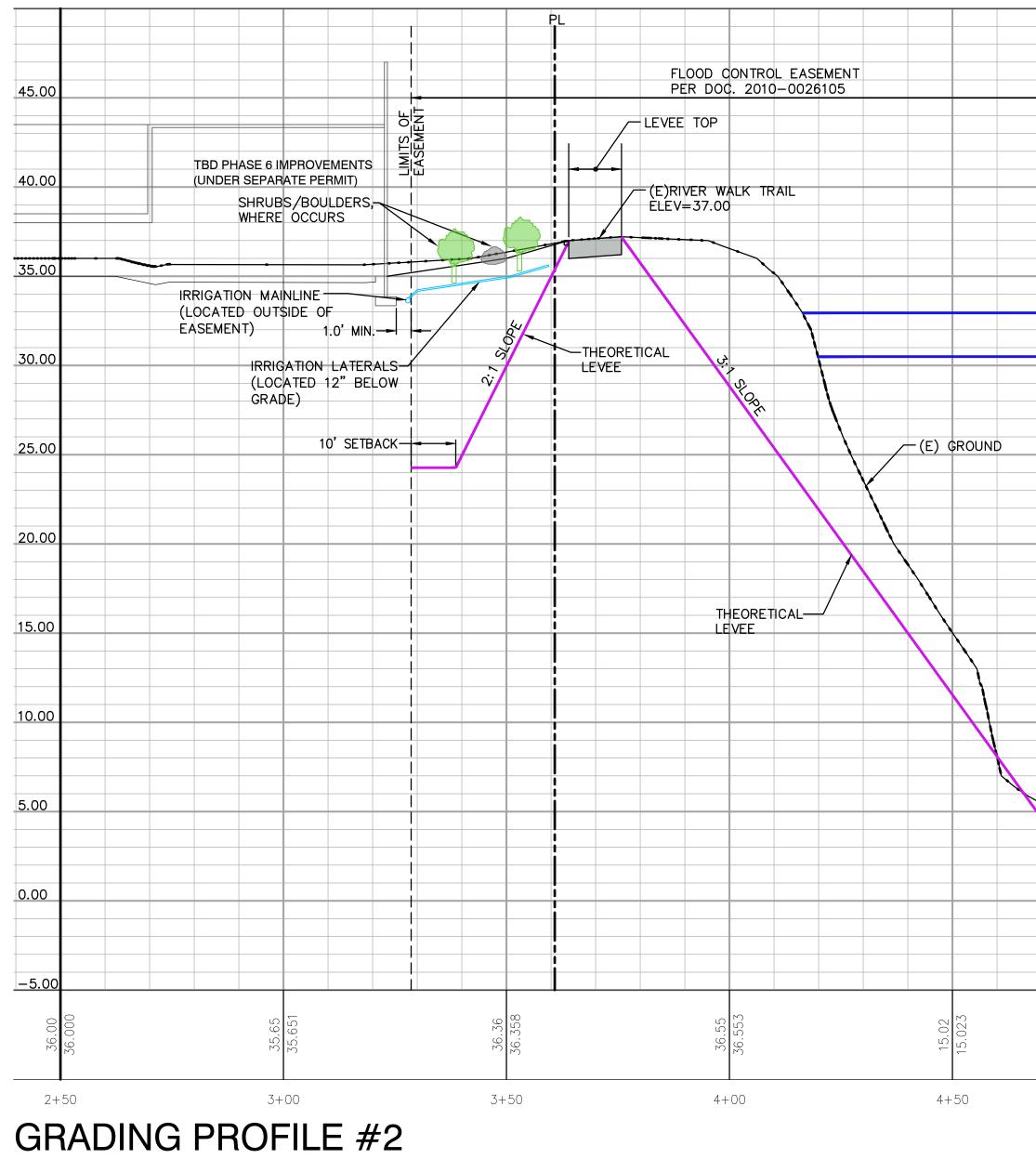




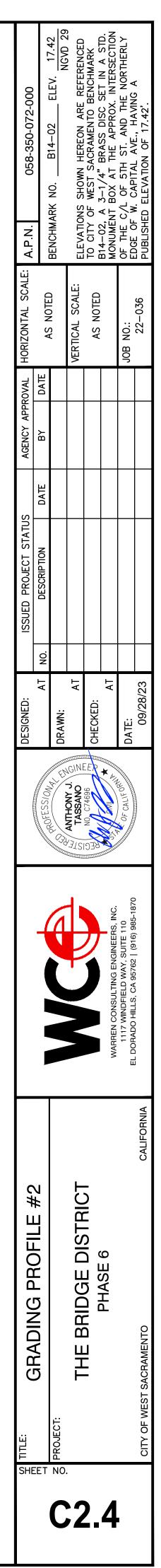
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AGENCY APPROVAL HORIZONTAL SCALE: A.P.N. 058-350-072-000		Device BENCHMARK NO. B14-02 ELEV. 17.42 NGVD 29	VERTICAL SCALE: ELEVATIONS SHOWN HEREON ARE REFERENCED	AS NOTED TO CITY OF WEST SACRAMENTO BENCHMARK	MONUMENT BOX AT THE APPROX. INTERSECTION	JOB NO.: OF THE C/L OF 5TH ST. AND THE NORTHERLY	22-036 EUBLISHED ELEVATION OF 17.42'.	
ISSUED PROJECT STATUS	NO. DESCRIPTION DATE BY DATE							
WARREN CONSULTING ENGINEERS, INC. 1117 WINDFIELD WAY, SUITE 110 EL DORADO HILLS, CA 95762 ] (916) 985-1870 09/28/23 09/28/23								
		PROJECT:			PHASE 0		CITY OF WEST SACRAMENTO	
SHE	ET	NO.		2	3	)		





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		E	LEV=4	.4'						
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<b>RECLAMATION D</b>	ISTRICT 900			AGENDA REPORT
MEETING DATE:	April 10, 2024			ITEM #
SUE	BJECT:			
RD 900		OF A DEPARTMENT C EASEMENT OVER RD		CES FLOWAGE
INITIATED OR RE	EQUESTED BY:	REPORT C	OORDINATED OR P	REPARED BY:
[] Council [	[X] Staff	Blake Johns	son, General Manage	r
[] Other				
ATTACHMENT	[X]Yes []No	[] Information	[] Direction	[X] Action

#### **OBJECTIVE**

The objective of this report is to provide the Reclamation District 900 (RD 900/District) Board of Trustees (Board) sufficient information to approve a flowage easement in favor of the State Department of Water Resources (DWR) over RD 900 property (APN 046-260-008).

#### **RECOMMENDED ACTION**

Staff respectfully recommends that the Board approve the DWR flowage easement and to execute an easement in substantially the form attached hereto as "Flowage Easement Deed and Legal Description", and to take all other actions as may be reasonably required to carry out the conveyance of the flowage easement to DWR.

#### BACKGROUND

In May 2009, the WSAFCA Board authorized the purchase of 4300 South River Road (APN 046-260-008) from Joan Washburn for \$230,000. The Board action also included transfer of the property to RD 900 for levee maintenance and future levee improvements, access, and recreation. At the time, DWR was developing the rules and guidelines for Early Implementation Projects (EIP) and WSAFCA was evaluating project alternatives for the West Sacramento Levee Improvement Program. Once the EIP was launched by DWR, WSAFCA applied and entered into a design funding agreement and subsequently, a construction funding agreement for Southport Levee Improvement Project (SLIP).

This property was incorporated into the SLIP and is presently divided between the floodplain restoration area and the remnant levee, just upstream from a project inlet, south of Davis Road (see attached image). Part of the property is planted with willows, cottonwoods, and tules, and the other portion is the remnant of South River Road. In accordance with the DWR/WSAFCA Construction Funding Agreement, WSAFCA is required to transfer an easement to the state for flood fighting, rehabilitation, and maintenance once the project is completed. Because this parcel is located waterward of the Southport setback levee, it is considered to be in the recaptured floodplain. DWR requests a flowage easement for all of the parcels in the recaptured floodplain (between the new setback levee and the Sacramento River).

#### **ANALYSIS**

To close out the SLIP and complete the required property conveyance process to the State DWR, a flowage easement is needed over the former 4300 South River Road property owned by RD 900. The flowage easement allows the State to: construct, reconstruct, fence and plant trees and shrubs for project purposes; it also allows for the removal and replacement, repair, maintenance, and operation of flood control works. It allows for the removal of obstructions, the ability for flood fighting, to flow waters and materials, and place or otherwise deposit sediment or other material; and allows for the removal of accreted materials.

As stated above, portions of the RD 900 property are part of the mitigation area for the project and the other portion is the remnant levee. DWR invested over \$160 million into the SLIP and understands the value of the SLIP and the mitigation that was created as one of the project elements and therefore it is unlikely that DWR would destroy or remove vegetation from the mitigation area unless necessary for flood fighting. Granting the flowage easement will not affect RD 900's operations and maintenance activities of the SLIP nor affect the mitigation values of the planted vegetation in the affected restoration area.

RD 900 Flowage Easement April 10, 2024 Page 2

#### **Alternatives**

It is recommended that the Board grant the flowage easement to DWR as part of the Southport Early Implementation Project and authorize the District's General Manager to execute an easement in substantially the form attached hereto as "Flowage Easement Deed and Legal Description", and to take all other actions as may be reasonably required to carry out the conveyance of the flowage easement to DWR. The Board could choose not to grant the flowage easement. This alternative is not recommended as the flowage easement is required by the state and a necessary step for WSAFCA to close out the SLIP.

#### **Coordination and Review**

This report was prepared by the RD 900 General Manager, WSAFCA, and reviewed by District Counsel.

#### Budget/Cost Impact

There is no direct budget or cost impact associated with this item.

#### **ATTACHMENT**

- 1. RD 900 property image
- 2. Flowage Easement Deed and Legal Description

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:

#### DEPARTMENT OF WATER RESOURCES

Division of Engineering Real Estate Branch 715 P Street, 4th Floor, Mailbox #5 Sacramento, CA 95814

No Fee Pursuant to Gov't Code § 6103 No Documentary Transfer Tax per R&T Code § 11922 - Governmental Acquisition No Recording Fee Per Gov't Code § 27383

SPACE ABOVE THE LINE FOR RECORDER'S USE



(INDIVIDUAL)

Project WSAFCA SACRAMENTO RIVER SOUTHPORT EARLY IMPLEMENTATION PROJECT

Parcel No. 14662

**RECLAMATION DISTRICT 900**, organized, existing and acting pursuant to the

laws of the State of California, hereinafter referred to as "GRANTOR", GRANTS to

the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and

through THE CENTRAL VALLEY FLOOD PROTECTION BOARD of the State of

California, a public agency, exclusive perpetual rights of way and easements in the

hereinafter described real property situated in the County of Yolo, State of

California, described in Exhibits "A" and "B", for any present or future flood control

project to:

1. Clear and remove from said flood control works any and all natural or artificial obstructions, improvements, trees, and vegetation necessary for construction, operation, maintenance, repair, reconstruction, and emergency flood fight.

2. Flow waters and materials and by said flow erode.

3. Place or deposit earth, debris, sediment, or other material.

4. Excavate and remove earth, debris, sediment, or other material, including that placed or deposited as above.

5. Locate or relocate roads and public utility facilities by Grantee or others.

6. Restrict the rights of the Grantor, his successors and assigns, without limitations, to explore, extract, remove, drill, mine, or operate through the surface or upper 100 feet of the subsurface in exercise of the Grantor's interest in any minerals, including oil and gas.

7. Restrict any use by others which may interfere with any of the uses listed herein or any use necessary or incidental thereto.

#### State of California Pa The Resources Agency Department of Water Resources THE CENTRAL VALLEY FLOOD PROTECTION BOARD

Grantor, for himself, his successors and assigns, hereby waives any claims for any and all damages which will accrue to the remaining property of grantor by reason of its severance from that portion granted herein and the construction of the improvement in the manner presently proposed.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this \_\_\_\_\_\_day of, \_\_\_\_\_, 20\_\_\_\_.

Martha Guerrero (President) Reclamation District 900

[CORPORATE SEAL]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

SS

STATE OF CALIFORNIA }

County of \_\_\_\_\_

-----

On \_\_\_\_\_, 20 \_\_\_\_, before me, \_\_\_\_\_

personally appeared \_\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

[SEAL]

#### (CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

This is To Certify That the real property or interests therein described in the within deed to the SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT, acting by and through The Central Valley Flood Protection Board of the State of California, a public agency, is hereby accepted on behalf of the grantee.

Dated\_\_\_\_\_, 20 \_\_\_\_.

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

Ву \_\_\_\_\_

Linus A. Paulus Manager, Acquisition and Appraisal Section DEPARTMENT OF WATER RESOURCES

## EXHIBIT "A" LEGAL DESCRIPTION

All that property situate in the State of California, County of Yolo, City of West Sacramento, being a portion of the lands described in that certain QUITCLAIM DEED to Reclamation District No. 900, recorded April 8, 2010 as DOC-2010-0009335-00, Official Records of Yolo County, more particularly described as follows:

**COMMENCING** at a buttonhead marking the northwest corner of Swamp Lands Survey 300, as shown on that certain PARCEL MAP NO. 4829, recorded March 27, 2006 in Book 2006 of Parcel Maps, Page 62-63, Official Records of Yolo County, which bears North 58°34'36" East 13,548.48 feet from that certain National Geodetic Survey Marker designated "HPGN D CA 03 BG";

thence along the westerly line of said Swamp Lands Survey 300, South 15°00'49" East 66.00 feet to the northwest corner of Swamp Lands Survey 372 as shown on said Parcel Map;

thence along the northerly line of said Swamp Lands Survey 372, South 81°19'49" East 828.77 feet to the northwest corner of PARCEL TWO as described in that certain TRUSTEE'S DEED, recorded January 8, 2010 as DOC-2010-0000543-00, Official Records of Yolo County, TRUE POINT OF BEGINNING;

thence along the westerly line of said PARCEL TWO the following two (2) courses:

1) South 53°42'49" East 1,865.93 feet;

2) South 53°56'49" East 1,290.32 feet to the TRUE POINT OF BEGINNING;

thence from said **TRUE POINT OF BEGINNING** and continuing along said westerly line of PARCEL TWO South 53°56'49" East 462.95 feet to the ordinary high water line which was located by topographic surveys along the Sacramento River and derived from published National Oceanic and Atmospheric Administration (NOAA) Tidal Datum 9416174, Sacramento River, Epoch 1983-2001;

thence along said ordinary high water line the following two (2) courses:

- 1) South 76°28'17" West 147.90 feet;
- South 77°52'42" West 135.88 feet to a point on the westerly line of said QUITCLAIM DEED;

thence along the westerly line of said QUITCLAIM DEED North 16°13'19" West 349.51 feet to said TRUE POINT OF BEGINNING.

Containing 49,749 square feet or 1.14 acres, more or less.

The basis of bearings for this description is based upon the California Coordinate System of 1983, CCS83(2011), Zone II, Epoch 2010.00, in accordance with the California Public Resources Code §§ 8801-8819. Said bearings are based locally upon fieldobserved ties to the following NGS stations: "HPGN D CA 03 BG" and "Z 585 RESET", having a bearing of North 31°26'15" East 28040.26 feet. All distances cited herein are grid distances in US Survey Feet. Divide grid distances by the combined scale factor of 0.99996000 to obtain ground level distances.

All as shown on **Exhibit** B, attached hereto and by this reference made a part hereof.

End of Description

Prepared by me or under my direction:

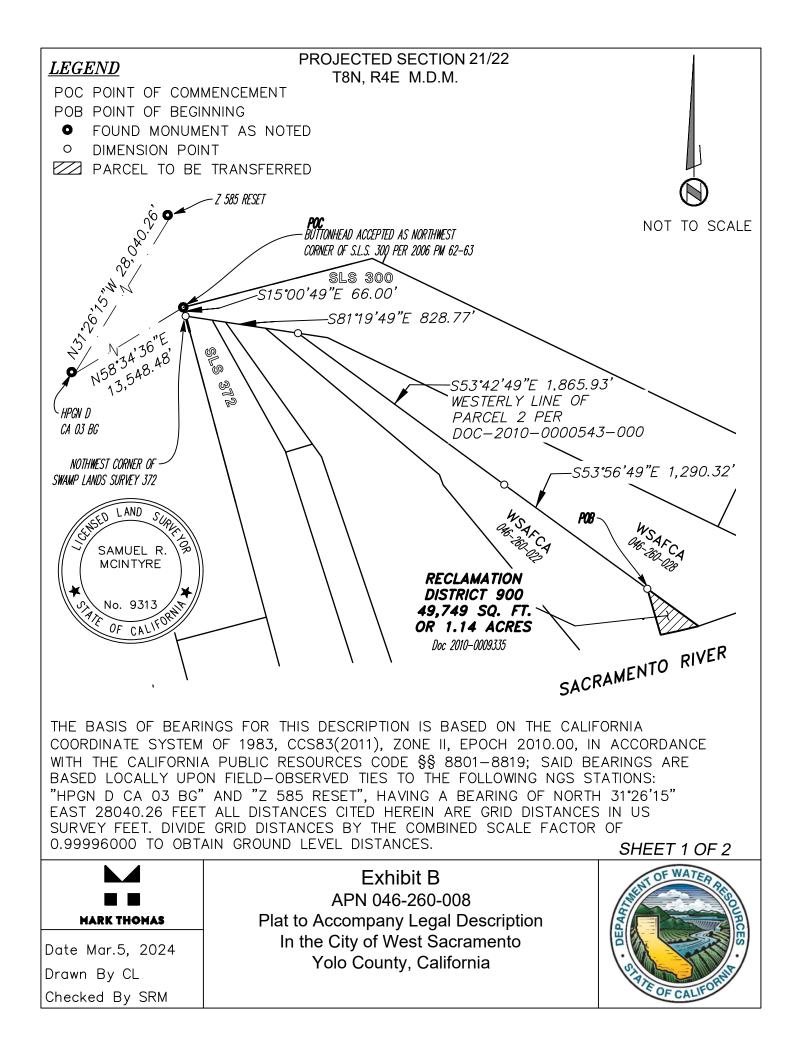
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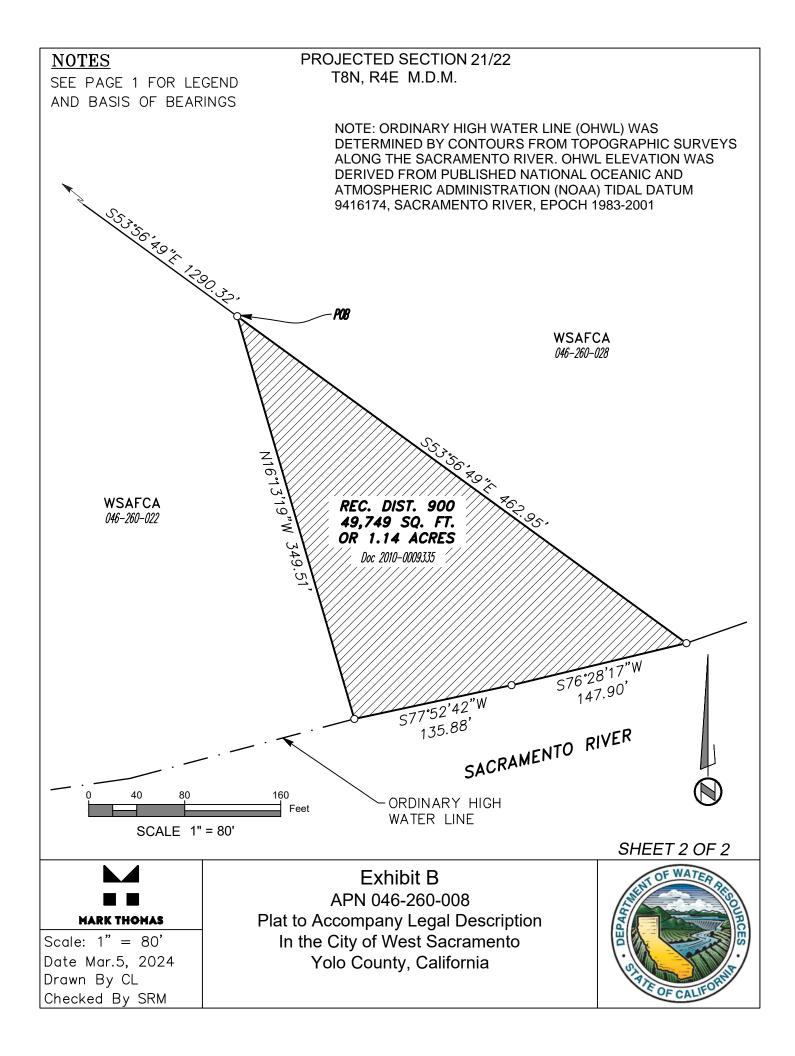
Sam McIntyre, LS 9313

February 27, 2024

Date







RECLAMATION DISTRICT	900			AGENDA REPOR
MEETING DATE: April 10	, 2024			ITEM # 4
SUBJECT: CONSIDERA	TION OF ENC	ROACHMENT PERM (MOAJ)		N A JOINT VENTURE
INITIATED OR REQUESTE	ED BY:	REPORT C	OORDINATED OR P	REPARED BY:
[] Council [X] Staf	F	Blake Johns	son, General Manage	r
[] Other				
ATTACHMENT [X] Yes	[] No	[] Information	[] Direction	[X] Action

#### **OBJECTIVE**

The objective of this report is to obtain Reclamation District 900 (District) Board of Trustees (Board) approval for an encroachment permit for Maloney Odin A Joint Venture (MOAJV).

#### **RECOMMENDED ACTION**

Staff respectfully recommends that the Board approve this encroachment permit.

#### BACKGROUND

MOAJV is the contractor selected to construct the US Army Corps of Engineer's (USACE) Yolo Bypass East Levee – North Project. As part of this project, MOAJV will need to dewater for the installation of RD 900's new pump station.

The encroachment permit is the District's standard form and provides protection to the District from liability and requires the permittee to have \$1 million insurance and is indemnifying the District against loss. The USACE also requires insurance for this project.

#### ANALYSIS

RD 900 staff has reviewed MOAJV's plans for dewatering a required trench for the placement of a new storm drain (seepage pipe). Discharging this groundwater into RD 900's drainage facility is the quickest and most practical method for dewatering and expediting this portion of the construction project.

#### Alternatives

Staff recommends the Board approve this encroachment permit to allow MOAJV to discharge groundwater into RD 900's existing storm drain facilities.

Secondary alternative is to reject this encroachment. This alternative is not recommended. MOAJV would need to pump water over the levee which may require additional permits and potentially delay the project.

Coordination and Review

This report was prepared in coordination with District Counsel.

<u>Budget/Cost Impact</u> There is no cost to the District.

ATTACHMENT Permit Application 2024-02

## **APPLICATION**

Name of Applicant: Maloney Odin A Joint Venture (MOAJV)

Mailing Address: 74 Digital Dr, Suite 6, Novato, CA

Phone Number: 916-706-9594

mzayed@odinenv.com Email:

Application is hereby made to the Trustees of Reclamation District 900 for permission to encroach on the District easement as follows: (Describe the work to be done, attach plans and drawings as necessary)

MOAJV will be discharging groundwater produced by the excavation of a new Wet

Well for the proposed Pump Station. The ground water will be pumped from installed

draw-down wells into RD900's RCP subdrain and into the existing Racetrack pump

station.

The easement referred to above is located as follows: The Racetrack pump station on W Capital

Ave, West Sacramento, CA

Nearest cross streets	W Capital Ave	and	Northport Dr	
We anticipate the work	to start on or about	5/30/24		(date)

We anticipate the work to start on or about

Respectfully submitted,

Maloney Odin A Joint Venture (MOAJV)

74 Digital Dr, Suite 6, Novato, CA

(address)

(date)

3/6/24 Date:

To the Reclamation District 900 Board of Trustees, the above application for an encroachment permit is referred to you for consideration,

General Manager, Reclamation District 900

April 4, 2024 Date:

## **PERMIT #** 2024-02

To Maloney Odin A Joint Venture:

Permission is hereby granted to encroach upon an easement or right of way of Reclamation District 900, herein called District, in the following manner:

This permit is granted upon the following conditions which, by acceptance of this permit, permittee agrees to perform:

1. This permit shall be cancelled and void unless the work contemplated hereunder is initiated within 90 days from the date of issuance and diligently prosecuted to completion.

2. Written Notice will be given to the District at least three (3) days prior to commencement of the work above described. Notice shall be sent to bjohnson@rd900.org.

3. The permittee shall indicate his acceptance of this permit and the terms and conditions thereof, by executing the form of acceptance on one copy of this permit and returning it to the District.

4. The permittee shall fully comply with each and every recommendation and requirement set forth herein as well as in the report from the District's Engineer regarding the encroachment above described.

5. This permit does not grant a right to use or construct works on land owned by others.

6. This permit does not establish any precedent with respect to any other application received by the District.

7. To the fullest extent permitted by law, permittee shall indemnify, hold and save the District harmless of and from any liability which may be incurred through injury to person or damage to property arising out of or connected with the construction or installation of the encroachment above described, and from any such liability arising out of or in connected with the maintenance and operation of such encroachment, except where responsibility for maintenance thereof is accepted by the District in writing.

8. If the encroachment above described constitutes the replacement of an open ditch or canal of the District with a covered pipe or conduit, then the pipe or conduit so installed (shall) (shall not) become the property of the District.

9. The project site shall be restored to the condition that existed prior to commencement of work, accept for such improvements as are approved in this permit.

10. Permittee shall acquire no easement or property right in or to the property or right of way of the District by virtue of this permit and the District does not hereby relinquish any right or title therein.

11. Except as herein otherwise provided, all cost of maintenance, repair and replacement of the encroachment above described shall be borne by permittee. Permittee shall, whenever instructed by the District to do so, repair, replace or relocate such encroachment in the manner prescribed by the District whenever the District shall determine that such repair, replacement or relocation is required in the interest of the District. Any such repair, replacement or relocation ordered by the District that is: (a) not completed by the permittee within thirty (30) days after written notice has been given by the District of such required repair, replacement or relocation; or (b) in the case of repair, replacement, or relocation that cannot be completed within thirty (30) days despite permittee's diligent efforts, is not initiated within thirty (30) days of the written notice and then diligently brought to completion by permittee without unnecessary delay,

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may be performed by the District, at permittee's expense and permittee shall promptly reimburse the District for such repair, replacement or relocation.

12. If the permitted encroachment causes physical damage to the District's facilities, real property, or improvements, or otherwise interferes with the District's ongoing maintenance and operation of its reclamation facilities, the permittee shall, whenever instructed by the District to do so, repair, replace or rectify in the manner prescribed by the District such damage or interference at the permittee's sole expense. Any such repair, replacement or other work ordered by the District that is: (a) not completed by the permittee within thirty (30) days after written notice has been given by the District of such required repair, replacement or other work; or (b) in the case of repair, replacement, or other work that cannot be completed within thirty (30) days despite permittee's diligent efforts, is not initiated within thirty (30) days of written notice and then diligently brought to completion by permittee without unnecessary delay, may be performed by the District, at permittee's expense and permittee shall promptly reimburse the District for such repair, replacement or other work.

13. Permittee shall, promptly on the expiration or other termination of this permit, cause to be removed the encumbrance or encroachment above described and shall return the property of the District to the condition existing prior to the issuance of the permit.

14. The District reserves the right of access to the portion of its easement and right of way above described for such maintenance, repairs or alterations of the District facilities or of the facilities described above as may be required for reclamation purposes. The District shall not be responsible for any damage done to surface improvements of permittee whether herein permitted or otherwise where necessary as part of the ordinary and necessary access to or exercise of its easement and right of way for reclamation purposes and need not replace any paving, concrete or other improvement required to be removed or disturbed in the process of such maintenance, repair or alteration. Permittee shall reimburse the District for any increased cost of such access occasioned by the improvements of permittee described herein.

15. Permittee may make no alteration or improvement of any portion of the District's easement and right of way not specifically herein permitted nor alter or remove any portion of the encroachment or improvement herein described without further permit from the District.

16. Permittee shall obtain and maintain in force throughout the period of construction a comprehensive general liability policy in a combined single limit of not less than \$1,000,000.00 covering construction activities undertaken by or for Permittee hereunder and shall name Reclamation District 900 as an additional insured.

17. This permit is revocable in whole or part by the District on thirty (30) days written notice to permittee when such revocation is determined by the Board of Trustees to be necessary for District purposes.

18. Upon failure of permittee to conform to any of the covenants and conditions herein specified this permit shall, at the option of the District, cease and terminate and the District may remove encroachment or improvement above described together with any appurtenances thereto located with the easement and right of way of the District and permittee shall promptly pay to the District all costs and expenses incurred in such removal.

19. If the project or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the District, at the permittee's or successor's cost and expense.

20. Upon completion of the project, the permittee shall submit as-built plans to: Reclamation District 900, 889 Drever Street, West Sacramento CA, 95691, or such other address as the District shall designate in writing to the permittee.

21. See attached Special conditions if box checked.

## **PERMIT #** 2024-02

Dated: , 20\_\_\_\_

**Reclamation District 900** 

By:\_\_\_\_\_

Reclamation District 900

#### ACCEPTANCE

Permittee hereby accepts the above permit and agrees to comply with all of the requirements thereof.

Dated: , 20\_\_\_\_

By:

Permittee

## **General Manager Update**



#### April 2024

**ADMINISTRATION/FINANCE** 

Please welcome Erin McGillian, Assistant General Manager!

Prior to joining Reclamation District 900, Erin McGillian served 22 years collectively as a Combat Flight Medic and Flight Medic Instructor/Evaluator in the U.S. Air Force & Air National Guard. During this time, she completed her B/S in Business Management and began her studies to achieve her MBA.

Erin comes to RD900 with a diverse business background, to include small business ownership, business and clinical development, human resource management, Lean Six Sigma (making businesses more profitable and leaner), and Scrum Master certifications (Project Management betterments). She lives by the mantra, "Work hard, so you can play harder."

Erin is a foodie at heart and enjoys spending time entertaining with her family and friends, baking, and is always up for an adventure!

Staff working on Work Place Violence Prevention Plan required by July 2024.

#### **OPERATION AND MAINTENANCE**

#### LEVEE/DRAINAGE/PUMP MAINTENANCE

Several storms have come through in March and April. All systems have been running as expected. The District did experience a few issues with pump stations. The Touchstone pump station had a control module short causing a pump to run non-stop. Touchstone Lake was drained a significant amount. District has replaced module and sensors that read depth of water. Thanks to the City for their assistance.

The Main Pump Station had a short circuit with one pump. District is still trouble shooting. Main pump station has backup pumps, only one pump down.

#### PROJECTS

#### **Blacker Canal Bank Stabilization Project**

Still working with Dept. of Fish and Wildlife (DFW) to discuss permit requirements. District Staff and consultants countered mitigation requirements and have invited DFW to visit the site in person so that they understand the project better. Tree mitigation is still a major sticking point. DFW wants the District to mitigate non-native trees and the same ratio as native trees.

DFW should respond to the District by mid-April.

Construction of Blacker Canal proposed for summer 2024. This will now be a two year project.

#### PERIODIC LEVEE INSPECTIONS

#### DWR/USACE

Staff met with USACE, CVFPB, and DWR for the repair of the slip outs along the landside of the Deep Water Ship Channel caused by winter storms in January 2023. The USACE plans to have the repairs done by November 2024 under the PL 84-99 program. Bi-weekly meetings have been scheduled to keep District apprised of progress.

EMERGENCY PREPAREDNESS

#### April 2024

#### FEMA/Cal-OES

FEMA and District staff have completed analysis for debris cleanup and electrical and fuel overages for the pump stations. Damages to the Main Canal and the eastern portion of Blacker Canal are being reviewed.

COORDINATION WITH OTHER PROJECTS

#### **DWR/Central Valley Flood Protection Board**

**COORDINATION WITH OTHER AGENCIES** 

#### **CITY OF WEST SACRAMENTO**

Met with Fire District to discuss upcoming fire season and maintaining properties under District jurisdiction.

#### WEST SACRAMENTO AREA FLOOD CONTROL AGENCY/USACE - SEE ATTACHED

#### FUTURE

May 15, 2024 – RD 900 Board Meeting 5:30 pm May 16, 2024 – WSAFCA Board Meeting 9:30 am

#### WEST SACRAMENTO PROJECT

#### WSAFCA Completed Projects (pre-federal authorization)

Between 2008 and 2019 the WSAFCA partnered with the State DWR to completed four Early Implementation Projects:

- I Street- completed 2008, cost \$3.3 million
- Rivers- completed 2011, cost \$21.4 million
- CHP Academy/Yolo Bypass- completed 2011, cost \$11.5 million
- Southport- completed 2019, cost \$175 million

In total, approximately \$210 million invested in advance of congressional appropriations.

#### Federal Appropriations and New Construction Start

Pre-2022, the West Sacramento Project received \$3.9 million in Pre-Construction, Engineering and Design (PED) funds.

In 2022, the Project received a New Construction Start and \$25.288 million

Subsequently, the Project received:

- \$72.313 million in 2023
- \$52.758 million in 2024

Total appropriations for the Project to date: \$154.3 million

The President's 2025 budget contains \$42.36 million for the Project.

#### US Army Corps of Engineers as Project Lead

#### **Projects Constructed or in Construction**

The USACE led and completed construction of YBEL-South in 2023

The YBEL-North Construction contract was awarded in 2023 and is expected to begin construction in May 2024.

(WSAFCA led and completed design for the Yolo Bypass East Levee (YBEL) Project in 2019, in advance of the construction new start/funding and provided two construction packages to the Corps, YBEL-South and YBEL-North.)

### US Army Corps of Engineers as Project Lead

### **Projects in Design**

(WSAFCA provided PED support to the USACE by providing Surveying and Geotechnical Investigations for the first three segments of Sacramento River North Levee. This effort began in advance of the construction new start/funding in order to keep the overall Project schedule from slipping.)

Sacramento River North Levee (SRNL) – Segment 3 (between Brodrick Boat Ramp and Tower Bridge) is in design.

Projects in investigation

- SRNL segments 1 and 2 (from Sacramento Weir to Boat ramp). Design to start summer 2024.
- SRNL erosion evaluation. One or more design packages will start late 2024 or early 2025
- Stone Lock. Design to start late summer 2024.

By 2025, there will likely be five project segments in design to address levee rehabilitation and erosion deficiencies.

### Support for the President's 2025 Budget

The President's Budget includes \$43.46 million construction funding for the West Sacramento Project.

WSAFCA also supports the budget request of \$600k for the Yolo Bypass Comprehensive Study.