

**2.1 PURPOSE AND PREPARATION OF THIS DOCUMENT**

This document is a draft environmental impact report (DEIR) that has been prepared on behalf of the Three Rivers Levee Improvement Authority (TRLIA) to evaluate the potential environmental effects of the Feather River Levee Repair Project (FRLRP). TRLIA is a joint powers authority with the mission of advancing the flood safety of Yuba County, California. The FRLRP would improve flood protection in the Reclamation District (RD) 784 area of Yuba County, which is bounded by the Yuba, Feather, and Bear Rivers and the Western Pacific Interceptor Canal (WPIC). The project was initially considered by the Yuba County Water Agency (YCWA) as an element of the Yuba-Feather Supplemental Flood Control Project (Y-FSFCP), which YCWA initiated in 2001 using funding available through the Costa-Machado Water Act of 2000 (Water Act of 2000). As described later in this chapter, the FRLRP DEIR incorporates by reference the programmatic environmental impact report (EIR) prepared for the Y-FSFCP, which was certified by YCWA in March 2004 (Yuba County Water Agency 2004).

This DEIR has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15000 et seq.). A state or local public agency must comply with CEQA when it undertakes an activity that may cause a direct or reasonably foreseeable indirect change in the physical environment. The proposed project may cause a direct or indirect change in the environment and is therefore subject to CEQA. As specified in State CEQA Guidelines Section 15367, the public agency that has the principal responsibility for carrying out or approving a project is the lead agency for CEQA compliance.

TRLIA began the CEQA environmental review process for the FRLRP by issuing a notice of preparation (NOP) of an EIR dated June 14, 2006 (see Appendix A). A public scoping meeting was held on June 29, 2006. Comments received in response to the NOP and at the scoping meeting are included in Appendix A. Comments pertinent to the scope and content of the EIR are reflected in this document.

An EIR is an informational document used to inform public agency decision makers and the general public of any significant environmental effects of a project, identify feasible ways to minimize the significant effects, and describe reasonable alternatives to the project that can reduce environmental impacts. TRLIA, as required by CEQA, will consider the information presented in the EIR when determining whether to approve the proposed project. Other public agencies with discretionary approval authority over aspects of the project, referred to under CEQA as “responsible agencies,” will also use the EIR when deciding whether to approve or permit the project (see Section 2.7, “Agency Roles and Responsibilities”).

## 2.2 PROJECT BACKGROUND

The FRLRP is proposed to provide increased protection from flooding from the Feather and lower Yuba Rivers in Yuba County. The regional setting of the FRLRP is shown in Figure 2-1, “Regional Setting.”

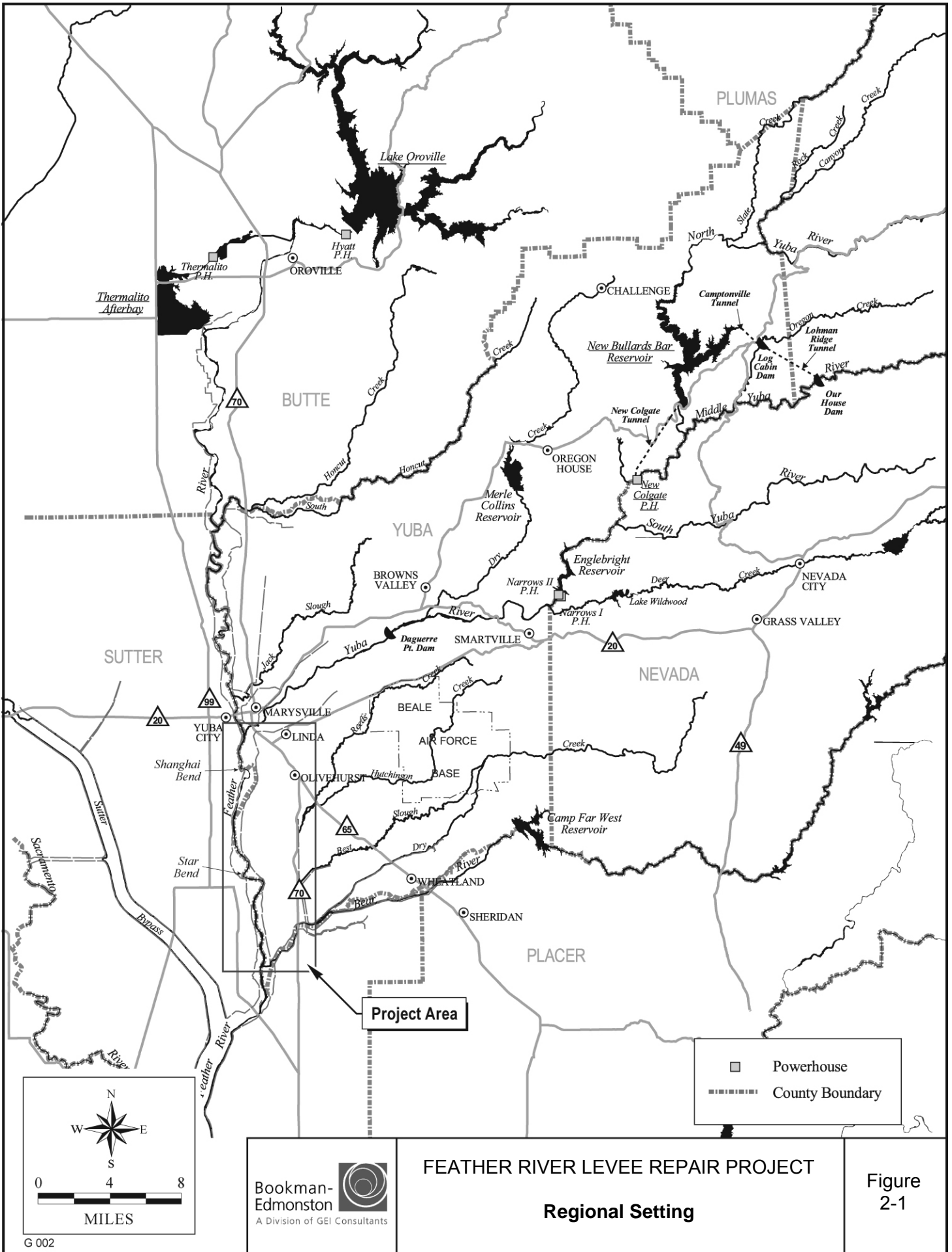
Catastrophic floods have occurred in Yuba County since the mid-1800s. Figure 2-2, “Areas Flooded in January 1997,” shows flooding during the most recent such event—the 1997 flood. Following the 1997 flood, YCWA formed a flood control study team and initiated a study of measures that could provide a higher level of protection to supplement the flood protection system for Yuba County. With passage of the Water Act of 2000, the efforts of the study team focused on those measures that could be achieved within the budget provisions of this act. This ongoing effort, funded through Water Act of 2000 grant monies, is the Y-FSFCP.

A program-level DEIR for the Y-FSFCP was completed in October 2003 (Yuba County Water Agency 2003). It evaluated three flood control elements, including a setback of the left (east) bank levee (the levee on the left side of the river when facing downstream) of the Feather River below the Yuba River. The Y-FSFCP levee setback was proposed for two segments of the Feather River (referred to as Above Star Bend and Below Star Bend) upstream of the Bear River. Most issues related to the levee setback component of the Y-FSFCP were addressed in the EIR at a project level of detail, while some issues were addressed at a general, or “programmatic,” level of detail where project description detail was not sufficient to support a more detailed analysis. The final EIR (FEIR) was completed and certified and the program of elements approved by the YCWA Board in March 2004 (Yuba County Water Agency 2004).

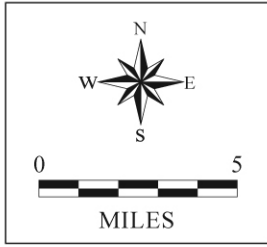
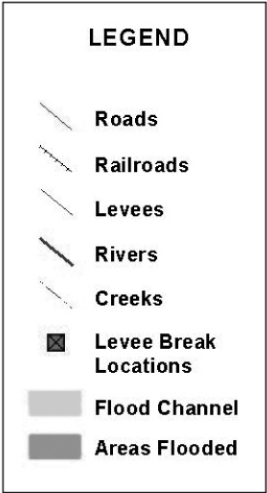
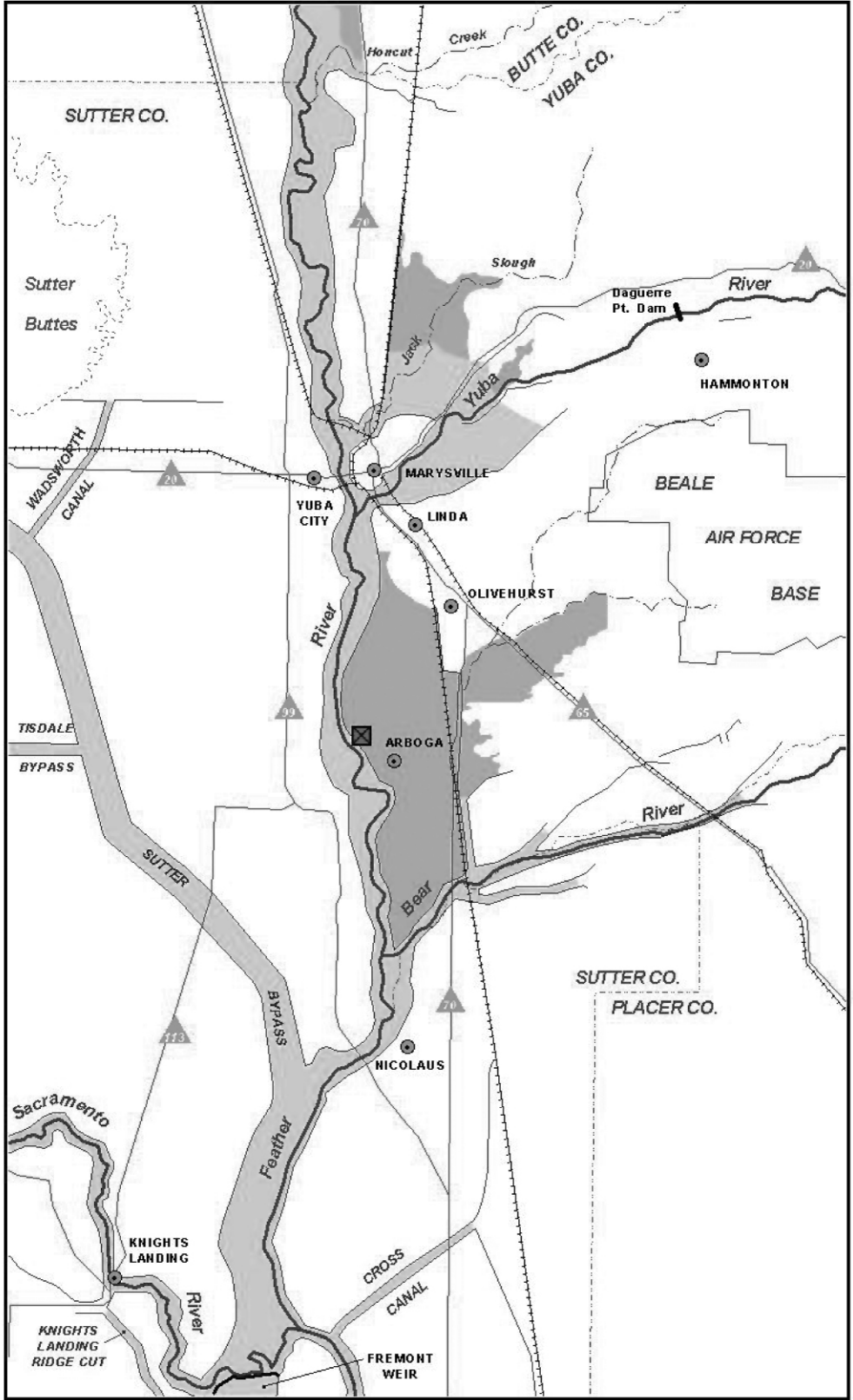
In 2003, while YCWA was finishing its first level of Y-FSFCP studies of a select group of flood control elements, the U.S. Army Corps of Engineers (Corps) in a separate effort identified several deficiencies in the Bear River and WPIC levees that prevent these levees from meeting the Federal Emergency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

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

The project that is the subject of this DEIR, the FRLRP, is a modification of the Above Star Bend (ASB) levee setback that was previously proposed and evaluated in the Y-FSFCP EIR. The FRLRP consists of repairing and strengthening the Feather River left bank levee as well as a



Source: Yuba County Water Agency 2001



small portion of the left (south) bank levee of the lower Yuba River. An alternative approach to simply repairing and strengthening the existing levee is constructing a setback levee in the central portion of the project area following a modified version of the ASB levee setback alignment. The proposed FRLRP is described in summary form below and in detail in Chapter 4, “Description of the Proposed Project.” The history and background of the FRLRP are described in detail in Chapter 3, “Project Purpose, Need, and Development.”

## **2.3 SUMMARY DESCRIPTION OF THE PROPOSED PROJECT**

The FRLRP project area is divided into three project segments, as shown in Figure 2-3, “FRLRP Project Area”:

- ▶ Project Segment 1 consists of the existing Feather River left bank levee from Project Levee Mile (PLM) 13.3 to PLM 17.1 (from approximately RD 784 Pump Station No. 2 upstream to Star Bend).
- ▶ Project Segment 2 consists of the existing Feather River left bank levee from PLM 17.1 to PLM 23.6 (from approximately Star Bend upstream to west of the Yuba County Airport).
- ▶ Project Segment 3 consists of the existing Feather River left bank levee from PLM 23.6 to PLM 26.1, and the Yuba River left bank levee from PLM 0.0 to PLM 0.3 (west of the Yuba County Airport to the railroad crossing adjacent to the SR 70 bridge).

The proposed project consists of implementation of one of three potential alternatives, each evaluated at an equal level of detail in this DEIR. Under all project alternatives, it is anticipated that the detailed design of proposed activities in project Segments 1 and 3 would be completed in 2006 and that construction would take place in 2007. For activities in Segment 2, detailed design would occur from late 2006 through 2007, and construction is expected to take place in 2007 and 2008.

### **2.3.1 ALTERNATIVE 1 – THE LEVEE STRENGTHENING ALTERNATIVE**

Under this alternative, levee repair and strengthening activities would be completed along the entire length of project Segments 1, 2, and 3. Levee repairs and strengthening would consist of various activities, including installation of slurry cutoff walls, relief wells, and stability/seepage berms and placement of buried cobble in areas where erosion of the levee embankment has been identified as a problem. RD 784 Pump Station No. 3 is located next to the existing levee (Figure 2-3). Implementation of Alternative 1 would involve removing Pump Station No. 3 and installing a new pump station east of the levee, which would correct seepage deficiencies related to the existing pump station. The capacity of Pump Station No. 3 would be increased to accommodate discharges from relief wells installed as part of levee repairs. A detention basin would also be constructed to temporarily hold relief well flows during peak discharge periods when discharge volumes could exceed the capacity of the new pump station.

### **2.3.2 ALTERNATIVE 2 – THE LEVEE STRENGTHENING AND ASB SETBACK LEVEE ALTERNATIVE**

Under this alternative, levee repair and strengthening activities would be completed along project Segments 1 and 3. Repair and strengthening activities in these segments would be the same as for Alternative 1. In project Segment 2, a setback levee would be constructed roughly following the ASB setback levee alignment identified in the Y-FSFCP EIR. Setting back the levee along this alignment would provide a new levee constructed on a more stable foundation using the latest engineering methods. Various seepage control measures would be implemented along the setback levee. These could include zoned embankments, slurry cutoff walls, seepage/stability berms, and relief wells.

Portions of the existing levee along the setback alignment would be removed to allow water to flow into and out of the new floodway/setback area (i.e., the area between the existing levee and the setback levee) during high river stages. With removal of portions of the existing levee, approximately 1,600 acres of land would become part of the new floodway/setback area (i.e., the area between the existing levee and the new setback levee). This acreage includes residences and other structures; appropriate compensation would be negotiated with affected landowners. Removal or protection of utilities and wells in the floodway/setback area would also be required, and lands in this area would be contoured and managed to prevent fish stranding as high flows recede. Land uses in the levee setback area could consist of agricultural operations and/or habitat restoration activities that do not impede the flood flow function of the setback area. No specific plans for habitat restoration in the levee setback area are proposed at this time, although this is considered a potential future use.

In addition to providing a more structurally sound levee, a setback levee would improve flood protection by expanding the floodway and, consequently, lowering water surface elevations during high-flow events. However, the decision to remove any of the existing levee is a federal decision that would be made by the Corps, and the timing of such an action is uncertain. Therefore, the new levee may function as a “backup” levee for some time until this decision is made, during which time the hydraulic benefits of a setback levee (lowering of water surface elevation) would not be realized but the backup levee would provide the desired level of protection.

Because local drainage patterns would be changed by the setback levee, implementation of this project alternative would require construction of detention basins to prevent adverse flooding effects on nearby properties. Similar to Alternative 1, a pump station to replace Pump Station No. 3 would be installed. The new pump station would be located immediately east of the new setback levee.

### **2.3.3 ALTERNATIVE 3 – THE LEVEE STRENGTHENING AND INTERMEDIATE SETBACK LEVEE ALTERNATIVE**

- ▶ FRLRP Alternative 3 is very similar to Alternative 2. The same levee repair and strengthening activities described for Alternatives 1 and 2 would be conducted in project





Segments 1 and 3. In Segment 2 a setback levee would be constructed. Approximately the southern one-third of this setback levee alignment would follow the ASB setback levee alignment identified in Alternative 2. However, in the vicinity of Anderson Avenue the setback levee would shift several hundred feet to the west of the alignment proposed under Alternative 2 (Figure 2-3). This westward shift would allow less land to be placed in the new floodway under Alternative 3 than under Alternative 2. Fewer houses, structures, and other facilities would be affected by levee construction or would need to be removed from the floodway/setback area. Approximately 1,300 acres of land would become part of the new floodway/setback area under Alternative 3.

Figure 2-3 shows a single alignment for the intermediate setback levee. However, for the portion of the intermediate setback levee that deviates from the ASB setback levee alignment, a specific route has not yet been confirmed and several options are being considered. The actual alignment could be located to the east or west of the alignment shown (as indicated by the area considered for the intermediate setback levee alignment shown in Figure 2-3). Considerations for final route selection include the suitability of underlying soil conditions for levee construction and the extent of flood control benefits (i.e., moving the alignment westward and reducing the size of the Feather River high-water channel would result in fewer flood control benefits). The route shown in Figure 2-3 and analyzed in this EIR is considered to be representative of the various options considered for the intermediate setback levee alignment.

The general design, construction, and operational characteristics of an intermediate setback levee under Alternative 3 would be same as for the ASB setback levee under Alternative 2, including land uses in the setback area, the relocation/replacement of Pump Station No. 3, and creation of detention basins. As described for Alternative 2, the setback levee could function temporarily as a “backup levee” while federal approval is sought for the removal of the existing levee in Segment 2.

## **2.4 PROJECT CONSISTENCY WITH REGIONAL FLOOD AND FLOODPLAIN MANAGEMENT EFFORTS**

As described in the Y-FSFCP DEIR, in the last several years two major efforts have produced recommendations for regional flood and floodplain management activities in California. In 2002, the California Floodplain Management Task Force released its report on floodplain management in California (California Floodplain Management Task Force 2002). During that same year, the Corps and the State of California Reclamation Board (The Reclamation Board) drafted an integrated plan for flood damage reduction and environmental restoration for the Sacramento and San Joaquin River Basins in the Sacramento and San Joaquin River Basins California Comprehensive Study (Comprehensive Study) (U.S. Army Corps of Engineers and State of California Reclamation Board 2002). Because they provide an important part of the context of flood control planning in the Central Valley, the two efforts described in the Y-FSFCP are discussed again below.

### **2.4.1 CALIFORNIA FLOODPLAIN MANAGEMENT TASK FORCE**

In 2000, Governor Davis signed Assembly Bill 1147, which recommended the creation of the California Floodplain Management Task Force. In February 2002, the governor delegated authority to the California Department of Water Resources to convene a Floodplain Management



Task Force. The newly formed task force sought to recommend floodplain management strategies designed to reduce flood losses and maximize the benefits of floodplains. The task force found that existing programs are inadequate to accomplish these goals and that time is of the essence in implementing improvements. The task force made recommendations to accomplish these goals in a report issued in December 2002 (California Floodplain Management Task Force 2002). The following recommendations are particularly relevant to the FRLRP:

- ▶ *Multiobjective Management Approach for Floodplains:* A multiobjective management approach to flood management projects should be promoted.
- ▶ *Flood Management Approaches to Ecosystem Restoration and Agricultural Conservation:* Flood management programs and projects, while providing for public safety, should maximize opportunities for agricultural conservation and ecosystem protection and restoration, where feasible.
- ▶ *Multijurisdictional Partnerships:* The state should encourage multijurisdictional partnerships when floodplain management projects are planned and implemented.
- ▶ *Proactive and Adaptive Management of Floodplains:* State and local agencies should manage floodplains proactively and adaptively by periodically adjusting to current physical and biological conditions, new scientific information, and knowledge.
- ▶ *Coordination among Agencies and Groups:* The state should encourage and create incentives for additional coordination among stakeholders.
- ▶ *Tools for Protection of Flood Compatible Land Uses:* The state should identify, develop, and support tools to protect flood-compatible land uses.

#### **2.4.2 SACRAMENTO AND SAN JOAQUIN RIVER BASINS COMPREHENSIVE STUDY**

The Comprehensive Study is a joint effort by The Reclamation Board and the Corps, in coordination with federal, state, and local agencies, and various groups and organizations in California's Central Valley. Responding to the flooding of 1997, the California Legislature and the U.S. Congress directed the Corps to develop a comprehensive plan for flood damage reduction and environmental restoration for the Sacramento and San Joaquin River Basins. This work is being performed in cooperation with The Reclamation Board.

In 2002, a draft interim report was released by the Comprehensive Study team (U.S. Army Corps of Engineers and State of California Reclamation Board 2002). The report identified the comprehensive plan as an approach to developing projects in the future to reduce damage from flooding and restore the ecosystem in the Sacramento and San Joaquin River Basins. The Comprehensive Study has proposed a set of guiding principles to govern implementation of projects that propose modifying the Sacramento or San Joaquin River flood control systems. These principles have been developed to ensure that projects proposed for implementation are consistent with the objectives established by the Corps and The Reclamation Board. The following are the Comprehensive Study's draft guiding principles:

- ▶ Recognize that public safety is the primary purpose of the flood management system.
- ▶ Promote effective floodplain management. Promote agriculture and open-space protection.
- ▶ Avoid hydraulic and hydrologic impacts.
- ▶ Plan system conveyance capacity that is compatible with all intended uses.
- ▶ Provide for sediment continuity.
- ▶ Use an ecosystem approach to restore and sustain the health, productivity, and diversity of the floodplain corridors.
- ▶ Optimize use of existing facilities.
- ▶ Integrate with the CALFED Bay-Delta Program and other programs.
- ▶ Promote multipurpose projects to improve flood management and ecosystem restoration.

The FRLRP lies in the Feather River Region of the Comprehensive Study. The draft interim report notes in the discussion of this region that:

[I]levees along the Feather, Yuba, and Bear Rivers that are already set back from the river offer greater flexibility in accommodating flood management and ecosystem restoration. There are opportunities to widen selected reaches of the floodways to reduce constrictions and increase flow capacity. Reducing floodway constrictions along the lower Feather River would improve levee reliability in the Marysville–Yuba City urban area by reducing flood stage and could increase the opportunity for riparian habitat within the floodway.

### **2.4.3 PROJECT CONSISTENCY**

The alternatives considered for the FRLRP have been designed to be consistent with federal and state flood management efforts. Applicable key recommendations and guiding principles listed above have been incorporated into one or more of the FRLRP alternatives in some form. While addressing local Yuba County needs for flood control, the FRLRP could provide opportunities for regional flood management. Although the FRLRP does not specifically include ecosystem restoration activities, habitat restoration/enhancement is identified as a potential land use in the expanded floodway area if a setback levee alternative is selected (i.e., Alternative 2 or Alternative 3). Coordination with numerous stakeholders through TRLIA participation in the Yuba-Feather Work Group (Y-FWG) has led to development of FRLRP alternatives with support from a diverse array of stakeholders. Coordination with the Corps is also ongoing, both through the Y-FWG and through separate briefings. Representatives from TRLIA have briefed The Reclamation Board on the regional benefits of ongoing flood management activities in Yuba County, including the FRLRP. By incorporating the flood and floodplain management recommendations and guidelines of federal and state agencies and seeking a broad coalition of support for the FRLRP, the local agencies have developed a proposed program that is consistent

with, and that promotes, regional flood management efforts in California, particularly in the Sacramento and San Joaquin River Basins.

## **2.5 TYPE OF EIR**

This document is a “project” EIR. There is the potential to partially tier this FRLRP EIR from the Y-FSFCP EIR, which was certified by YCWA in March 2004. The CEQA concept of “tiering,” as described in Section 15152 of the State CEQA Guidelines, refers to the analysis of environmental effects at a general level in one broad (i.e., first-tier) EIR, with subsequent (i.e., second-tier) environmental documents prepared for more defined projects. A second-tier document incorporates by reference the applicable general discussions from the broader, first-tier EIR and concentrates on the issues specific to the later project that warrant examination at a greater level of detail.

Partial tiering from the Y-FSFCP EIR (i.e., the first-tier document) is possible because the EIR evaluated the environmental effects of an ASB setback levee similar to that considered under Alternatives 2 and 3 in this FRLRP EIR (i.e., the second-tier document). However, because the FRLRP and Y-FSFCP EIRs have two different lead agencies under CEQA (TRLIA and YCWA, respectively), and because the Y-FSFCP EIR does not evaluate many of the levee strengthening components included in the FRLRP, it was determined that preparation of an independent project EIR for the FRLRP, rather than a tiered EIR, would be a clearer and more straightforward approach. However, much of the information in the Y-FSFCP EIR is still applicable to the FRLRP, and the Y-FSFCP EIR is incorporated by reference into the FRLRP EIR (see Section 2.8, “Documents Incorporated by Reference”).

## **2.6 EIR SCOPE**

Pursuant to CEQA and the State CEQA Guidelines, a lead agency may limit an EIR’s discussion of environmental effects when such effects are not considered potentially significant (Public Resources Code Section 21002.1, State CEQA Guidelines Section 15143). A determination of which impacts would be potentially significant was made for this project based on reviews of the project proposal, information presented in the Y-FSFCP EIR, preliminary feasibility studies performed for the FRLRP, and comments received during a public scoping meeting and on the NOP issued for this EIR. See Chapter 3, “Project Purpose, Need, and Development,” for a summary of the project scoping process.

It was determined that the FRLRP would not have the potential to result in significant impacts on mineral resources or on several elements related to population and housing, and that these resources would not require evaluation in this EIR. There are no known mineral resources in the project area or at other sites that could be affected by levee repairs or setback levee construction or by changes in hydrologic conditions under FRLRP implementation. The FRLRP would not involve the construction of new housing or require the addition of housing to accommodate workers. Project Alternatives 2 and 3 would result in the removal of five to 10 homes in the levee setback area. Displacement of housing is addressed in Section 5.1, “Land Use.” The project would not bring into development any areas that are not already planned and approved for development. (Note that Chapter 7, “Other CEQA-Required Sections,” includes a discussion of

growth inducement in relation to the FRLRP, including how increased flood protection provided by the project could remove an impediment to growth in the area.)

The EIR addresses potential impacts in the following resource areas:

- ▶ land use (including agricultural resources);
- ▶ geology, soils, and mineral resources;
- ▶ water resources and river geomorphology (including water quality and hazardous materials);
- ▶ fisheries;
- ▶ terrestrial biological resources;
- ▶ recreation;
- ▶ aesthetic resources;
- ▶ cultural resources;
- ▶ air quality;
- ▶ noise;
- ▶ transportation and circulation;
- ▶ public services, utilities, and service systems; and
- ▶ paleontological resources.

## **2.7 INTENDED USES OF THE EIR/AGENCY ROLES AND RESPONSIBILITIES**

This EIR will be used by TRLIA and CEQA responsible agencies to fulfill the requirements of CEQA. It will also be used as an informational document by federal agencies that could have a permitting or approval authority for the project and by other local and state agencies, including CEQA trustee agencies that may have an interest in the project.

A CEQA responsible agency is a state agency, board, or commission or any local or regional agency, other than the lead agency, that has a legal responsibility for reviewing, carrying out, or approving aspects of a project. Responsible agencies must actively participate in the lead agency's CEQA process and review the lead agency's CEQA document. This EIR will be used by responsible agencies to ensure that they have met the requirements of CEQA before deciding whether to approve or permit project elements over which they have authority.

A trustee agency is a state agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California. Trustee agencies that have jurisdiction over resources potentially affected by the FRLRP are the California Department of Fish and Game (fish and wildlife resources) and the California State Lands Commission (navigable waterways).

The agencies that may have responsibility or jurisdiction over the implementation of aspects of the proposed project are listed below.

### **2.7.1 LEAD AGENCY**

- ▶ Three Rivers Levee Improvement Authority: Overall project approval

### **2.7.2 RESPONSIBLE AGENCIES**

- ▶ California Department of Fish and Game: California Endangered Species Act consultation and potential Section 2081 incidental take authorization; Section 1602 lake and streambed alteration agreement
- ▶ California Department of Water Resources: Possible administration of funds approved through state bonds
- ▶ Central Valley Regional Water Quality Control Board (Region 5): National Pollutant Discharge Elimination System permit pursuant to Section 402 of the federal Clean Water Act; water quality certification under Section 401 of the Clean Water Act
- ▶ State of California Reclamation Board: Encroachment permit
- ▶ California State Lands Commission: Possible land use lease; approval of work in the bed of a navigable waterway
- ▶ Reclamation District 784: Approval of levee modification through The Reclamation Board permit process
- ▶ Yuba County: Use permit for grading/excavation; other possible construction authorizations/permits and zoning changes
- ▶ California Department of Transportation: Possible authorization for Yuba River work in the vicinity of SR 70

### **2.7.3 FEDERAL AGENCIES WITH PERMITTING/APPROVAL AUTHORITY**

- ▶ U.S. Army Corps of Engineers: Permitting under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for discharge of fill into waters of the United States or work in, on, or under navigable waters of the United States; approval of project levee modification/setback and setback levee design; federal lead agency for the Yuba River Basin Project, which could incorporate the FRLRP as an element
- ▶ U.S. Fish and Wildlife Service: Federal Endangered Species Act (ESA) consultation and incidental take authorization
- ▶ National Marine Fisheries Service: ESA consultation and possible incidental take authorization

### **2.7.4 OTHER AGENCIES THAT MAY USE INFORMATION IN THE EIR**

This EIR may be used for information by the following additional agencies that have responsibility for the protection of resources that could be affected by the proposed project:

- ▶ Feather River Air Quality Management District: Effects on air quality
- ▶ Native American Heritage Commission: Effects on Native American burials or artifacts

- ▶ State Office of Historic Preservation: Effects on historic and cultural resources

Compliance with the National Environmental Policy Act (NEPA) is also necessary when there is federal participation in a project; a federal discretionary permit, entitlement, or authorization or federal funding is required; or the project would occur on federal lands. Because the proposed project involves the modification of federal levees, it is expected to involve federal permitting, authorizations, and/or funding at some level. Project elements are also expected to require Corps permitting under Section 404 of the Clean Water Act. Therefore, the project is expected to require NEPA compliance, which would be undertaken separately from, but would be supported by, the CEQA review process.

## 2.8 NOTICE OF PREPARATION AND PUBLIC SCOPING

In a public involvement process that was begun by YCWA, TRLIA continues to coordinate with landowners; federal, state, and local agencies; organizations; and other parties to determine those parties' respective interests in implementing projects that are elements of the Y-FSFCP, including the FRLRP, and to guide further studies and actions. TRLIA issued an NOP on June 14, 2006, to inform public agencies and the general public of its intention to prepare an EIR on the FRLRP. The NOP initiated the public and agency scoping process and requested comments on the project alternatives and associated features. A scoping and informational meeting was held by TRLIA on June 29, 2006. The NOP and comments received on the NOP, including comments provided at the scoping meeting, are included in Appendix A. See Chapter 9, "Consultation and Coordination," for further information on public involvement.

## 2.9 DOCUMENTS INCORPORATED BY REFERENCE

In accordance with State CEQA Guidelines Section 15150, the following documents are incorporated by reference into this EIR, and relevant portions of these documents are summarized in this EIR:

- ▶ Yuba County Water Agency. 2003 (June). *Report on Feasibility, Yuba-Feather Supplemental Flood Control Project*, including supporting appendices. Marysville, CA. Prepared by Flood Control Study Team. Prepared for submittal to California Department of Water Resources, Sacramento, CA.
- ▶ Yuba County Water Agency. 2003 (October). *Draft Environmental Impact Report for the Yuba-Feather Supplemental Flood Control Project*. State Clearinghouse #2001072062. Marysville, CA. Prepared by EDAW, Jones & Stokes, and Flood Control Study Team.
- ▶ Yuba County Water Agency. 2004 (March). *Final Environmental Impact Report for the Yuba-Feather Supplemental Flood Control Project*. State Clearinghouse #2001072062. Marysville, CA. Prepared by EDAW, Jones & Stokes, and Flood Control Study Team.
- ▶ Three Rivers Levee Improvement Authority. 2004 (August). *Bear River and Western Pacific Interceptor Canal Levee Improvements Project Final Environmental Impact Report*. State Clearinghouse #2004032118. Marysville, CA. Prepared by Jones & Stokes, Sacramento, CA.
- ▶ Yuba County Water Agency and Three Rivers Levee Improvement Authority. 2004 (October). *Report on Feasibility of RD 784 Supplemental Flood Control Improvements of the*



*Yuba-Feather Supplemental Flood Control Project*. Marysville, CA. Prepared by Flood Control Study Team. Prepared for submittal to California Department of Water Resources, Sacramento, CA.

- ▶ Three Rivers Levee Improvement Authority. 2004 (September). *Draft Environmental Impact Report for the Feather Bear Rivers Levee Setback Project*. State Clearinghouse #2004072113. Marysville, CA. Prepared by EDAW and Flood Control Study Team.
- ▶ Three Rivers Levee Improvement Authority. 2004 (November). *Final Environmental Impact Report for the Feather Bear Rivers Levee Setback Project*. State Clearinghouse #2004072113. Marysville, CA. Prepared by EDAW and Flood Control Study Team.

## 2.10 ORGANIZATION OF THIS DOCUMENT

This DEIR is organized as follows:

- ▶ Chapter 1, “Summary,” provides an overview of the findings and conclusions of this EIR.
- ▶ Chapter 2, “Introduction,” provides an overview of the CEQA and EIR review process, summarizes the main features of the proposed project, outlines the scope and organization of this document, defines standard terms, and lists documents incorporated by reference.
- ▶ Chapter 3, “Project Purpose, Need, and Development,” describes the purpose of and need for the FRLRP and explains the history of the project and the development of the project concept.
- ▶ Chapter 4, “Description of the Proposed Project,” describes in detail the three project alternatives being considered and associated features.
- ▶ Chapter 5, “Environmental Analysis,” describes—for the three proposed FRLRP alternatives and for each of the topics listed above in Section 2.6, “EIR Scope”—the regulatory background; environmental setting; less-than-significant, potentially significant, significant, and beneficial environmental effects; mitigation for potentially significant and significant effects; and any effects remaining significant after mitigation.
- ▶ Chapter 6, “Cumulative Impacts,” describes the impacts of implementing the proposed FRLRP alternatives in combination with the impacts of related past, present, and reasonably foreseeable projects.
- ▶ Chapter 7, “Other CEQA-Required Sections,” discusses growth-inducement potential of the project, known areas of controversy, irreversible and irretrievable commitment of resources, and unresolved issues.
- ▶ Chapter 8, “Alternatives,” describes the alternatives that were considered but rejected for further evaluation, describes the alternatives carried forward for evaluation; compares the potential impacts of the three project alternatives evaluated in Chapter 5, “Environmental Analysis”; evaluates the No Project alternative; and discusses the “environmentally superior” alternative.

- ▶ Chapter 9, “Consultation and Coordination,” describes the public and agency involvement effort associated with the project.
- ▶ Chapter 10, “References,” lists the sources of information cited throughout the DEIR.
- ▶ Chapter 11, “Preparers of the Environmental Document,” lists the individuals who contributed to preparation of the DEIR.
- ▶ Appendices provide background information.

## 2.11 STANDARD TERMINOLOGY

The DEIR uses several standard terms as follows:

- ▶ “Yuba-Feather Supplemental Flood Control Project,” or “Y-FSFCP,” is the set of flood control elements proposed by YCWA for implementation under the budget provisions of the Water Act of 2000.
- ▶ “Feather River Levee Repair Project,” or “FRLRP,” is the proposed project, an element of the Y-FSFCP, which would entail repairing and strengthening a portion of the Feather River and lower Yuba River left bank levees, and potentially constructing a setback levee along a portion of the Feather River using one of two possible alignment scenarios. Relocating and replacing RD 784 Pump Station No. 3 and constructing detention basins are also included in the project.
- ▶ “Feather-Bear Rivers Levee Setback Project,” or “F-BRLSP,” is an element of the Y-FSFCP that entails setting back a portion of the lower Bear River levee, as well as restoring riparian and other natural habitats in the levee setback area, removing the orchard from the lower Bear River floodway, and constructing detention basins. This project is currently under construction.
- ▶ “Proposed levee setback” means either the ASB levee setback or the intermediate levee setback, as evaluated in this EIR.
- ▶ “Proposed project” means any of the three project alternatives, consisting of levee repair and strengthening or a levee setback in conjunction with levee repair and strengthening, and associated features as summarized above in Section 2.3, “Summary Description of the Proposed Project,” and described in detail in Chapter 4, “Description of the Proposed Project.” Each of the three proposed project alternatives is evaluated at an equal level of detail in this EIR.
- ▶ “Project site” refers to all locations where project activities could occur, including but not limited to levee strengthening locations, setback levee alignments, the levee setback area, soil borrow areas, detention basins, construction staging areas, and pump station relocation sites.
- ▶ “Project area” generally means the project site (as defined above), areas immediately adjacent to the project site, and areas connecting portions of the project site, such as routes between soil borrow areas and the setback levee.

- ▶ “Project vicinity” generally refers to an area that is broader than the project area, and that encompasses all the lands that would be represented on a map depicting the project site.
- ▶ “No impact” means no change from existing conditions.
- ▶ “Less-than-significant impact” means no substantial adverse change in the physical environment (no mitigation needed).
- ▶ “Potentially significant impact” means a potential effect that may cause a substantial adverse change in the environment (mitigation is recommended, because in the CEQA process potentially significant impacts are treated as if they were significant impacts).
- ▶ “Significant impact” means a substantial adverse change in the physical environment (mitigation is recommended).
- ▶ “Significant and unavoidable impact” means a substantial adverse change in the physical environment that cannot feasibly be avoided, even with the implementation of mitigation.

## **2.12 PUBLIC PARTICIPATION AND ADDITIONAL STEPS IN THE CEQA REVIEW PROCESS**

This DEIR is being distributed to interested agencies, stakeholder organizations, and individuals. This distribution ensures that interested parties have an opportunity to express their views regarding the environmental effects of the project, and to ensure that information pertinent to permits and approvals is provided to decision makers for the lead agency and CEQA responsible agencies. This document is available for review by the public during normal business hours at the office of the Yuba County Administrator at 915 Eighth Street, Suite 115, Marysville, California, as well as the Yuba County Library at 303 Second Street, Marysville, California.

The DEIR is being distributed for a 45-day review period that will end on September 18, 2006. Written comments should be sent directly to TRLIA by the close of business on September 18, 2006, at the following address:

Paul Brunner  
Attn: Three Rivers Levee Improvement Authority  
Government Center  
915 Eighth Street, Suite 115  
Marysville, CA 95901-5273  
Fax: (530) 749-7312

Comments may also be provided via e-mail to [pbrunner@co.yuba.ca.us](mailto:pbrunner@co.yuba.ca.us). If comments are provided via e-mail, please include the project title in the subject line, attach comments in MS Word format, and include the commenter’s U.S. Postal Service mailing address.

A public hearing on the DEIR will be held from 6:30 to 8:30 p.m. on September 6, 2006, in the Yuba County Government Center at 915 Eighth Street, Marysville. It is not necessary to provide testimony during the public hearing; comments on the DEIR will be accepted throughout the meeting and will be recorded at the public comment table. Comments may also be submitted throughout the comment period as described above.

Once all comments have been assembled and reviewed, responses will be prepared to address significant environmental issues that have been raised in the comments. The responses will be included in an FEIR.