

MINUTE ITEM
This Calendar Item No. 47
was approved as Minute Item
No. 47 by the State Lands
Commission by a vote of 3
to 0 at its 7/15/91
meeting.

CALENDAR ITEM

A 5
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47

07/15/91
W 24573
Maricle
J. Brown

DENY APPLICATION FOR GENERAL PERMIT - RECREATIONAL USE

APPLICANT:

Merrill-Johnson Vineyards
1298 W. Jahant Road
Acampo, California

AREA, TYPE LAND AND LOCATION:

State tide and submerged lands within Snodgrass Slough,
upstream from the Twin Cities Road bridge, near Walnut
Grove, Sacramento County (Exhibit "A").

LAND USE:

The Applicant proposes to construct a two-story private,
recreational, storage structure on pilings connected to the
levee by a 50-foot bridge and construction of a bulkhead for
bank stabilization (Exhibit "B").

The existing vegetation on the levee consists of berry vines
and willow shrubs. Oak trees are present in the vicinity.
The Applicant owns and operates a vineyard on the landward
side of the levee. A portion of the Applicant's property is
also maintained as a wetland.

The Delta Master Recreation Plan, State Resources Agency,
September 1976 (updated and revised edition of 1973 Report)
embodies a series of "Delta Waterways Classifications".
Snodgrass Slough is within a "natural area" classification.
A natural area is defined as:

"Those waterways or portions of waterways and adjoining
lands, including levees, exhibiting scenic, ecological,
or natural values of statewide significance. These
areas should be preserved to perpetuate the Public
Trust; to protect wildlife habitat; existing
vegetation, and remnants of the waterways history; to
retain areas having solitude and wilderness-like
features; and may be used for nonintrusive recreation."

CALENDAR ITEM NO. 47 (CONT'D)

As used in this definition, "statewide significance" means "that area has such a high environmental value that it could be a candidate for acquisition as a state or federal park, preserve, reserve or wildlife management area".

No other recreational structures exist within this area of the Snodgrass Slough.

AB 884:
12/02/91

OTHER PERTINENT INFORMATION:

1. The application was received by staff of the State Lands Commission on April 30, 1990.
2. A letter was sent to the Applicant's agent, Gilbert Labrie, on July 2, 1990 indicating an EIR would be required due to the project's proposed location in an environmentally sensitive and undeveloped area of the Delta.
3. A Reimbursement Agreement requesting a deposit of \$45,000 for the preparation of an EIR was sent July 3, 1990.
4. In the Fall of 1990, staff met with the Applicant's agent, Gilbert Labrie, to discuss the need for the preparation of an EIR for the proposed project. Staff indicated at this meeting that staff of the Department of Fish and Game, the agency which nominated Snodgrass Slough for inclusion in the Commission's "Inventory of Unconveyed State School Lands and Tide and Submerged Lands Possessing Significant Environmental Values (Significant Lands Inventory)", indicated that the entire slough was within one of the Delta's last natural habitat areas which has a history of sightings of numerous threatened and endangered plant and animal species. Mr. Labrie indicated that his client did not wish to pay for an EIR, but would be better able to understand the environmental impacts associated with the proposed project if an Initial Study was prepared and circulated through the State Clearinghouse to receive comments from other Responsible and Trustee agencies.
5. A revised Reimbursement Agreement was then sent to the Applicant in October 1990. This agreement addressed

only the costs associated with the preparation and circulation of an Initial Study.

6. On December 3, 1990, the Applicant formally withdrew his application and reapplied it to allow staff sufficient time to obtain the necessary data and information to prepare and circulate the subject Initial Study.
7. On April 5, 1991, an Initial Study/Early Consultation was circulated through the State Clearinghouse with a 30-day review period (Exhibit "C"). The Initial Study incorporated a printout of the endangered species sightings within the area from the Department of Fish and Game's Natural Diversity Data Base and a records search and recommendations from the North Central Information Center concerning potential impacts to archaeological resources.
8. Comments were received from the County of Sacramento, the California Department of Fish and Game (DFG), and the United States Department of the Interior - Fish and Wildlife Service (USFWS) (Exhibit "D").
9. In summary, the comments received from the Department of Fish and Game indicated that this proposed project is located in an area classified as "natural" by the Delta Master Recreation Plan (1976, Resources Agency) and contains "Shaded Riverine Aquatic Cover", a USFWS classification of a significant habitat type which is becoming increasingly scarce in the Delta and the entirety of the Central Valley (1989 USFWS study). The scarcity and importance of these habitat type is also established in the Commission's "Delta-Estuary, California's Inland Coast, a Public Trust Report, 1991" at pages 87-88.

The DFG states: "We are of the opinion that this project would be incompatible with existing natural values and the public trust values, which would include recreational fishing and boating. We believe that this project would also be precedent setting. Future additional projects of any scale would be more difficult to deny."

The County of Sacramento regulates land uses within the Delta under their DW Delta Waterways Land Use Zone.

Under the zoning code of the County, "The DW Delta Waterways Land Use Zone is designed to regulate property in the unincorporated area of the County along the Sacramento River and along the waterways in the area commonly known as the 'Delta area'."

Under the regulations of this land use zone, "natural areas" are defined as follows:

"As used in this zone, 'natural areas' are those waterways or portions of waterways exhibiting significant scenic, ecological, historical, or natural values that should be preserved to protect wildlife habitat, existing vegetation, and remnants of the waterways' history. Such areas shall be indicated on the comprehensive zoning plan as 'DW-N'."

The County's zoning code also defines "prohibited uses". Among the uses and activities expressly prohibited is the following:

"The establishment of any project such as marinas, commercial piers and docks, boat sleds, and other commercial facilities such as restaurants in any area shown on the comprehensive zoning plan as a 'natural area'." (emphasis added)

The County of Sacramento and the U.S. Fish and Wildlife Service both indicate that biological surveys and consultation would be required in accordance with the California and Federal Endangered Species Acts. All respondents recommended the preparation of an EIR.

10. Staff met with two of the three property owners and Mr. Gilbert Labrie on Wednesday, June 12, 1991, to discuss the comments received on the Initial Study/Preliminary Consultation and indicated that staff's tentative recommendation to the Commission would be to deny the application in its present form.

The Applicant indicated that if an EIR was required, the project "would be priced out of existence". The Applicant also expressed concern about the erosion from the water turbulence caused by his agricultural pump which would continue to jeopardize the condition of the levee at this location.

Staff recommended that the Applicant submit a revised project description which would include the proposed bank protection project only, and to submit the same project description to the State Reclamation Board for their consideration.

Upon conclusion of the meeting with the Applicants and their agent, the Applicant expressed uncertainty as to their decision on the total project.

11. This proposed activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370 et seq.

The Department of Fish and Game nominated Snodgrass Slough for inclusion in the Commission's Significant Lands Inventory. The following excerpts have been taken from the Department's description and listing of the areas identified significant environmental values:

- A. "...the last remaining large contiguous remnant of the original Delta Wilderness.";
- B. "A unique ecosystem with virgin riparian habitat.";
- C. "An extremely popular houseboat and summer recreation area.";
- D. "The entire area abounds with animal and bird life including over 100 species of birds. Excellent habitat for the Giant Garter Snake". (listed species - elaboration added)

Snodgrass Slough is classified in the Significant Lands Inventory as Class B - Limited Use: "Areas in which one or more closely related dominant, significant environmental values is present. Limited use compatible with and non-consumptive of such values may be permitted." (emphasis added)

The Commission's "Regulations Protecting Environmentally Significant Lands" are contained in Title 2, Division 3, Chapter 1, California Code Regulations, Section 2954 of Article 11 provides, in part:

"In order to provide permanent protection to environmentally significant values, projects must be designed to be consistent with the use classifications assigned under the Significant Lands Inventory.... If such consistency cannot be accomplished through mitigation or alteration of the project, the project must be denied." (emphasis added)

Based upon the staff's consultation with the persons nominating such lands (DFG) the information developed and comments received by the Commission through the CEQA review process, it is staff's opinion that the project, as submitted, is inconsistent with the use classification assigned to Snodgrass Slough under the Significant Lands Inventory and that such inconsistency cannot be satisfactorily remedied through mitigation or alteration of the project.

EXHIBITS:

- A. Site Map
- B. Construction Plans
- C. Initial Study/Consultation
- D. Letters of Comment
 - 1. County of Sacramento
 - 2. Department of Fish and Game
 - 3. United States Fish and Wildlife Service

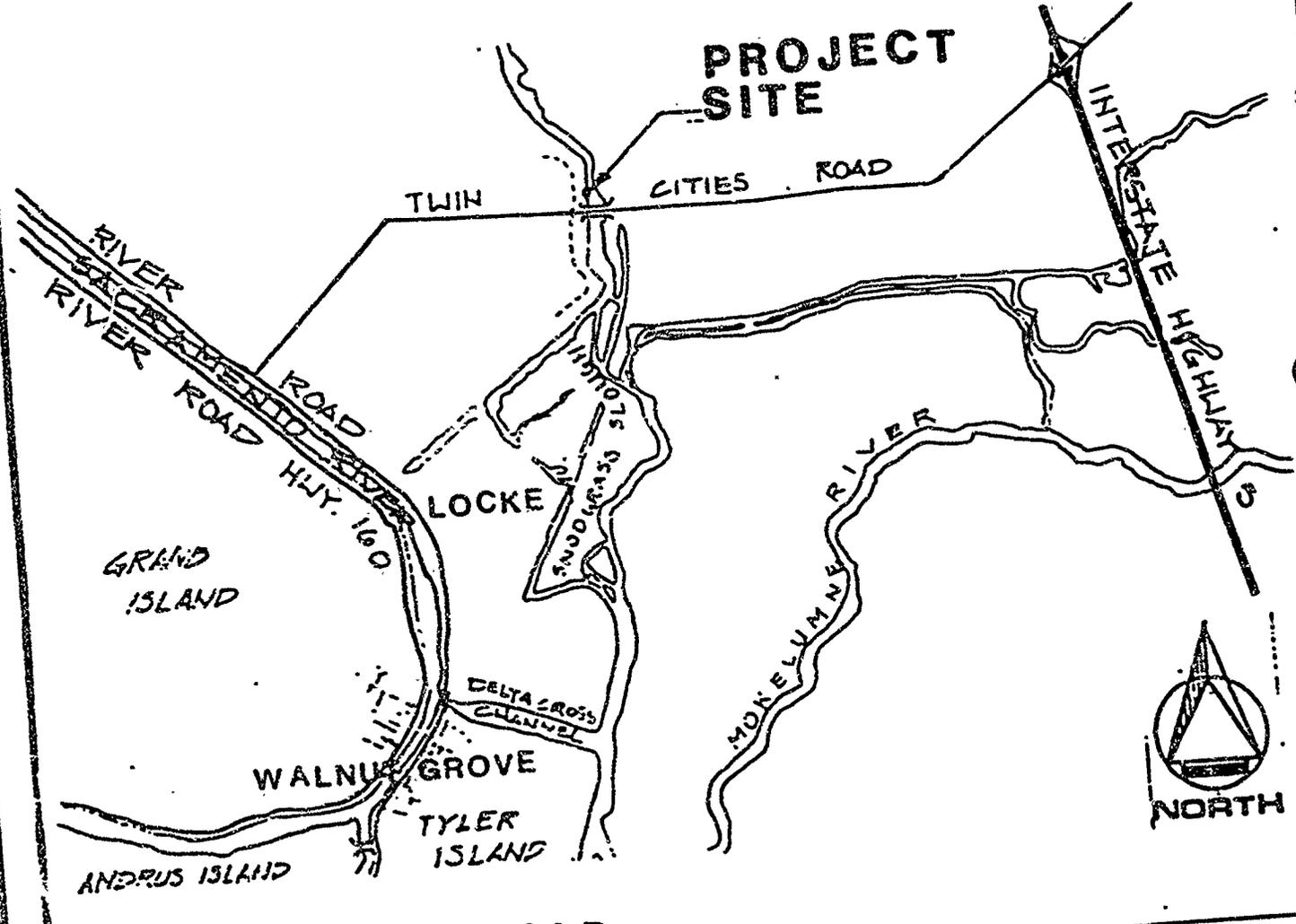
IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT IT HAS PREPARED AND CIRCULATED AN INITIAL STUDY/CONSULTATION UNDER THE PROVISIONS OF THE CEQA FOR THE PROPOSED PROJECT AND HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN AND THE COMMENTS RECEIVED THERETO.
2. FIND THAT THE PROPOSED PROJECT INVOLVES LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370 ET SEQ. - INVENTORY OF UNCONVEYED STATE LANDS AND TIDE AND SUBMERGED LANDS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES, DECEMBER 1, 1975 (SIGNIFICANT LANDS INVENTORY).
3. FIND THAT THERE IS SUBSTANTIAL EVIDENCE IN THE RECORD THAT THE PROPOSED PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND ON THE PUBLIC TRUST RESOURCES IDENTIFIED WITHIN SNODGRASS SLOUGH.

4. FIND, BASED ON THE COMMISSION'S CONSULTATION WITH THE DEPARTMENT OF FISH AND GAME, WHICH NOMINATED SUCH LANDS UNDER P.R.C. 6370, AND ON THE INFORMATION RECEIVED BY THE COMMISSION IN THE CEQA PROCESS, THAT THE PROJECT, AS SUBMITTED IN INCONSISTENT WITH THE USE CLASSIFICATION ASSIGNED TO SNODGRASS SLOUGH UNDER THE SIGNIFICANT LANDS INVENTORY AND THAT SUCH INCONSISTENCY CANNOT BE SATISFACTORILY REMEDIED THROUGH MITIGATION OR ALTERATION OF THE PROJECT.
5. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO P.R.C. 21080(b)(5) AND 14 CAL. CODE REGS. 15270, PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.
6. DENY THE APPLICATION OF MERRILL-JOHNSON VINEYARDS AS IT IS CURRENTLY FILED IN THE COMMISSION'S OFFICE IN SACRAMENTO (W 24573).

EXHIBIT "A"

<p>ADJACENT PROPERTY</p> <p>UPSTREAM: ESPERANZA ENTERPRISES P.O. BOX "C" COURTLAND, CA 95615</p> <p>DOWNSTREAM: R.H. VOLZ 4816 CRESTWOOD WAY SACRAMENTO, CA 95822</p>	<p>ASSESSORS PARCEL</p> <p>146-0070-008</p> <p>APPLICANT MERRILL-JOHNSON VINEYARDS 2915 W. JAHANT ROAD ACAMPO, CA 95220</p>
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LOCATION MAP

NOT TO SCALE

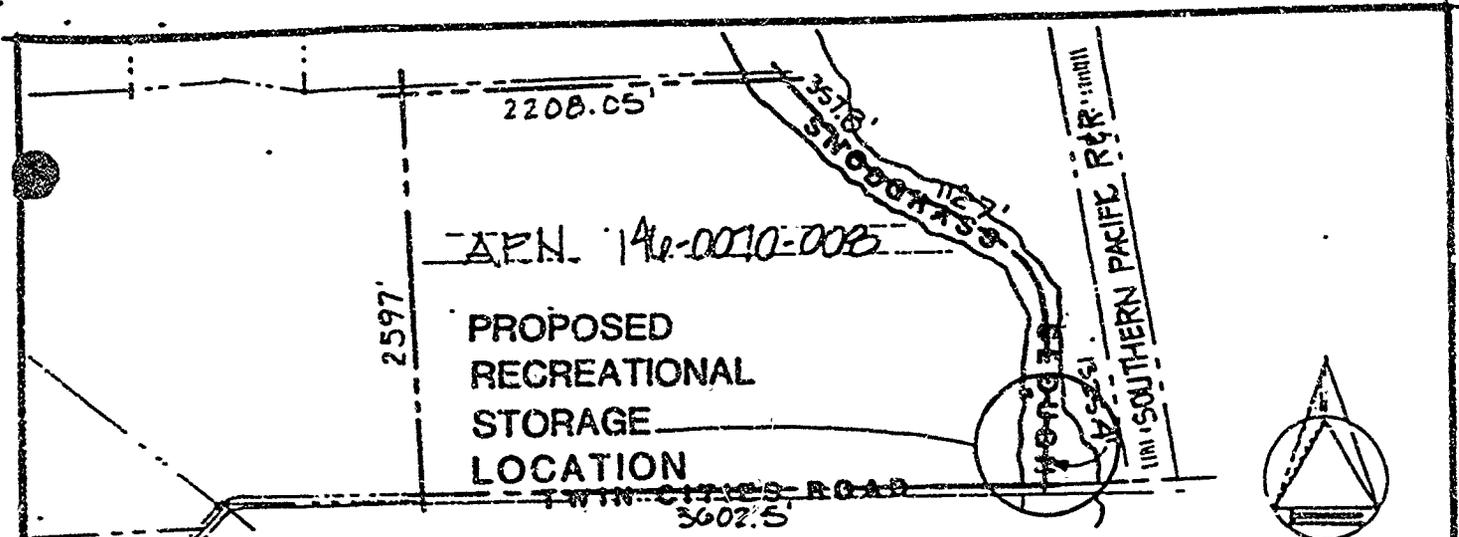
018778-181
 ARCHITECT
 P.O. Box 188 • Mendocino, CA 95520

PROJECT: PRIVATE RECREATIONAL STORAGE
LOCATION: TWIN CITIES RD. AT DATUM:
 SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.

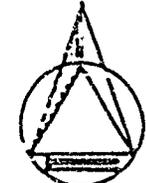
DATE: 3/23/90

SHT. 1 OF 4

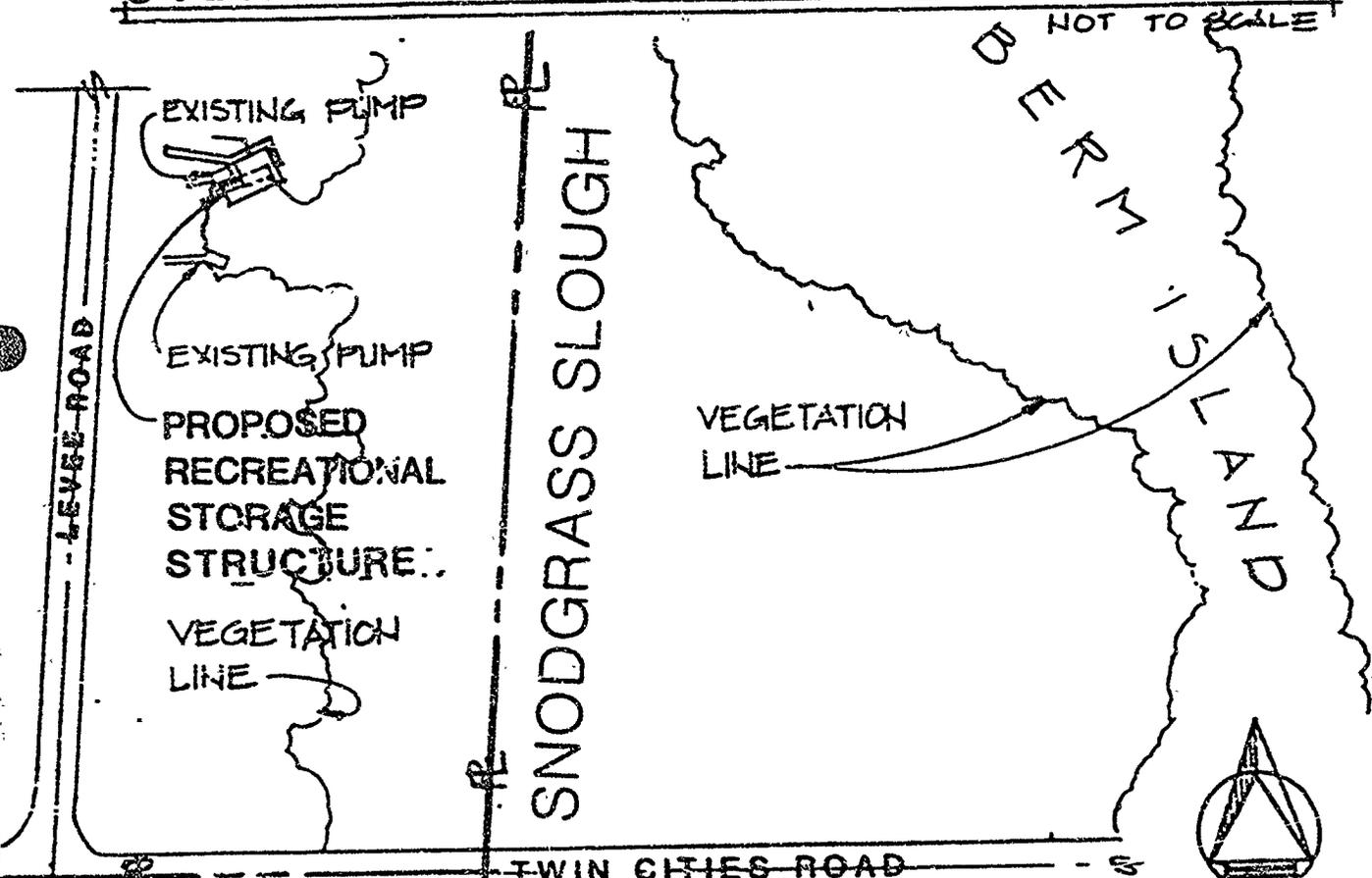
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OVERALL SITE PLAN



NORTH



PARTIAL SITE PLAN



NORTH

SCALE: 1" = 160'

5'87761151

ARCHITECT

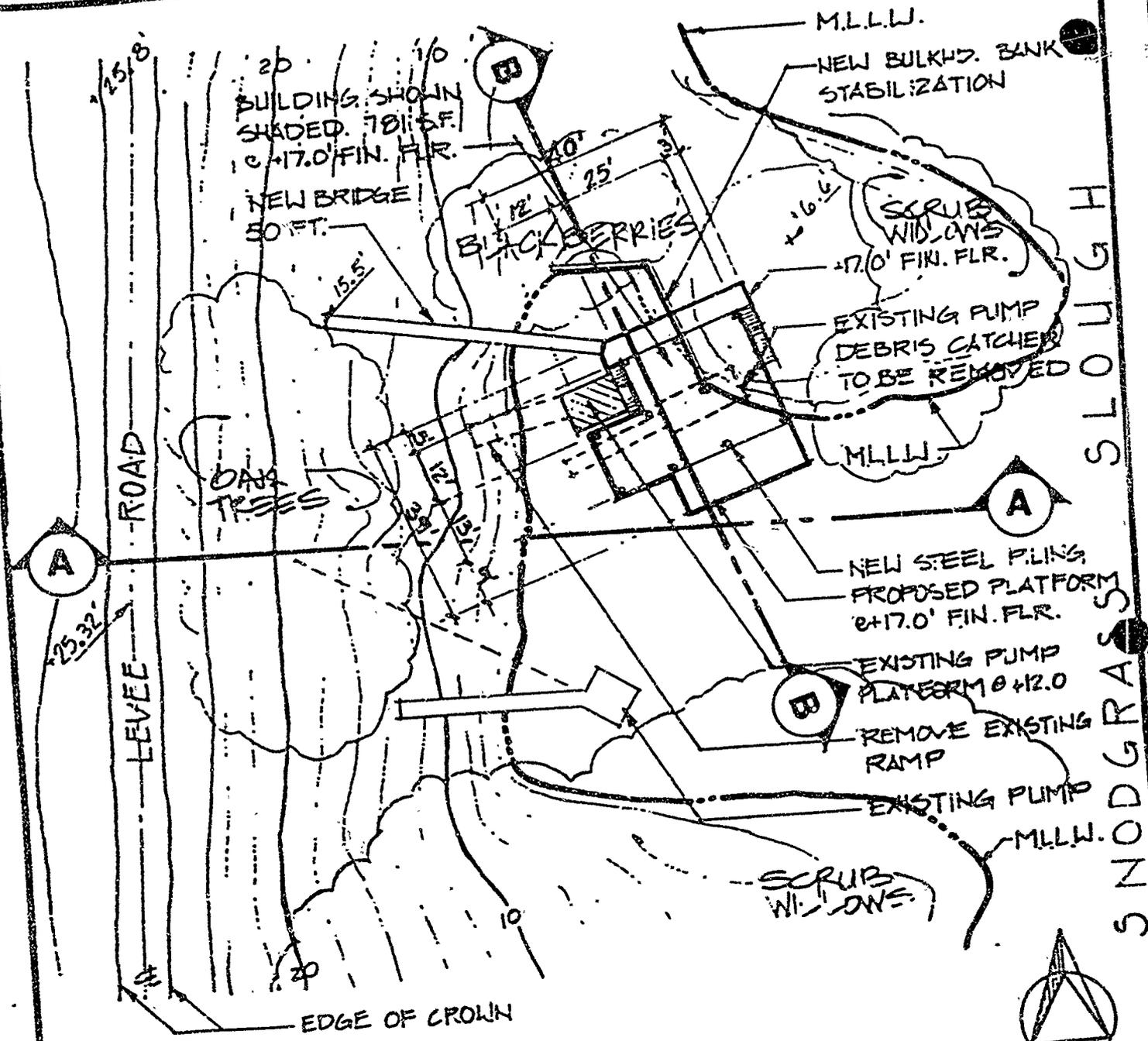
PROJECT: PRIVATE RECREATIONAL STORAGE

LOCATION: TWIN CITIES RD. AT SNODGRASS SLOUGH, SACRAMENTO CO, CA

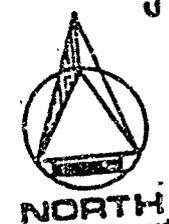
DATE: 3/23/90

DATUM: N.G.V.D.

SKT. 2 OF 4



**DETAILED SITE PLAN
AT UPPER LEVEL PLATFORM**



SCALE: 1" = 30'

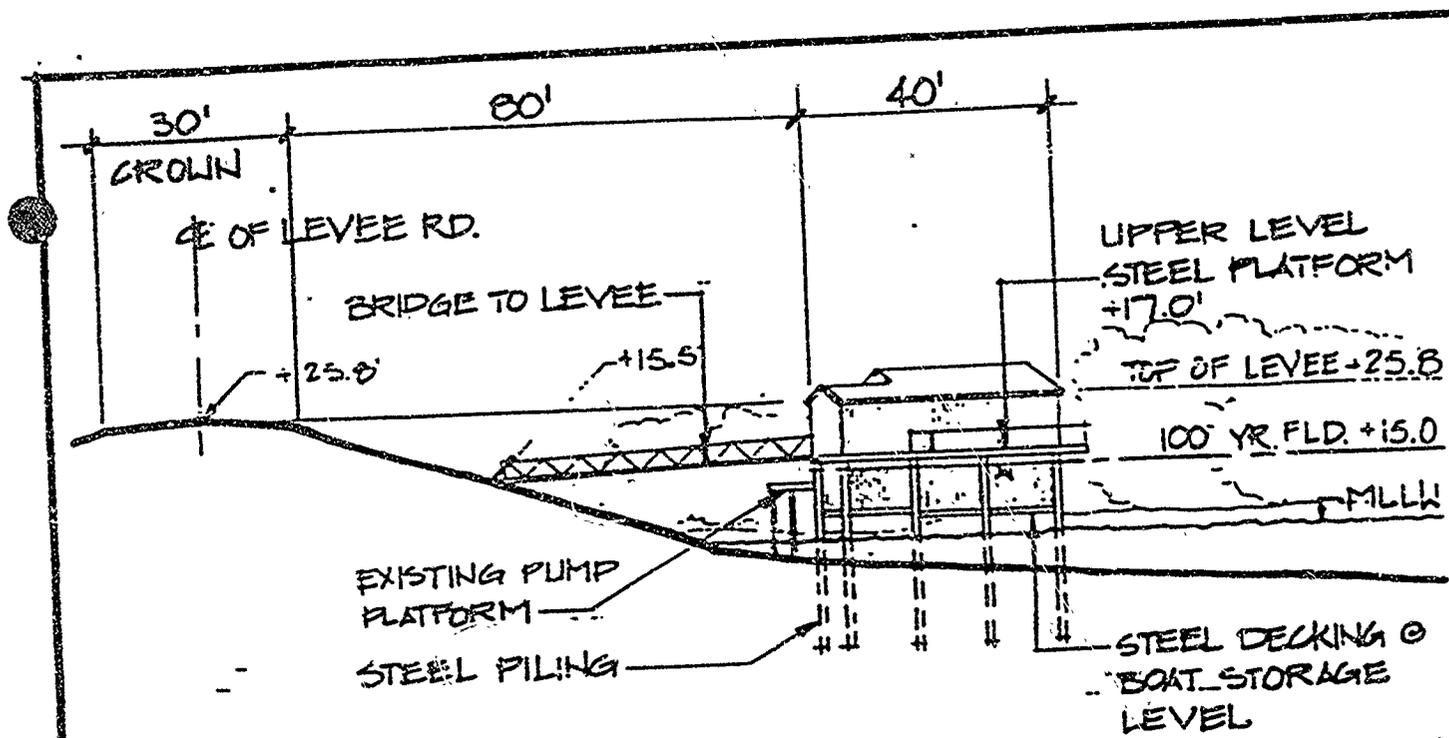
DM
 018775-1101
 PROJECT
 2000
 2000
 2000

PROJECT:
 PRIVATE RECREATIONAL STORAGE
LOCATION:
 TWIN CITIES RD. AT DATUM:
 SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.

DATE:
 3/23/90

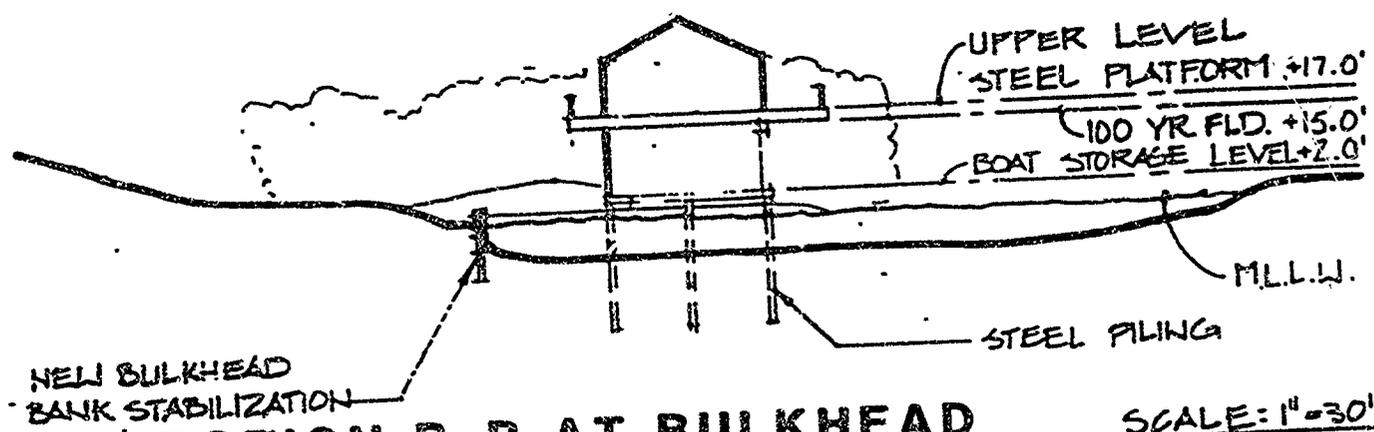
SHT.
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SECTION A-A AT LEVEE

SCALE: 1"=30'



SECTION B-B AT BULKHEAD

SCALE: 1"=30'

ATI
 318 778-1181
 ARCHITECT
 1000 N. MARKET ST. SACRAMENTO, CA 95833

PROJECT: PRIVATE RECREATIONAL STORAGE
 LOCATION: TWIN CITIES RD. AT DATUM:
 SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.

DATE: 3/23/90

SHT. 4 OF 4

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STATE LANDS COMMISSION

LEO T. McCARTHY, Lieutenant Governor
 GRAY DAVIS, Controller
 THOMAS W. HAYES, Director of Finance

EXECUTIVE OFFICE
 1807 - 13th Street
 Sacramento, CA 95814

CHARLES WARREN
 Executive Officer

April 5, 1991

File Ref.: W 24573

TO: ALL INTERESTED PARTIES

SUBJECT: MERRILL-JOHNSON VINEYARDS RECREATIONAL STRUCTURE

The State Lands Commission is the Lead Agency for the purpose of the California Environmental Quality Act for the proposed project in the attached Initial Study.

We request your position as to whether an Environmental Impact Report (EIR) or a Negative Declaration (ND) should be prepared for this project. Comments must be addressed to the State Lands Commission office shown above, with attention to the undersigned by May 5, 1991.

If you have any questions or need additional information, please call (916) 324-4715.

Project Title: Merrill-Johnson Vineyards Recreational Structure

Project Proponent: Merrill-Johnson Vineyards

Project Location: Snodgrass Slough, RM 4.5 upstream from the Twin Cities Road, adjacent to APN: 146-070-08, Sacramento County.

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**Project
Description:**

This project proposes construction of a two-level, elevated recreational storage building on an 11 steel-piling grid adjacent to an existing agricultural pump structure, which was constructed sometime in the early 1940's. A new steel bridge will connect the recreational structure to the levee above the flood plain. A new sheet steel (70 linear feet) bulkhead will be installed near the recreational structure to stabilize the cove banks and reduce the erosion caused by pump turbulence from the intake of water from the slough. Approximately 50 c.y. of fill will be placed behind the bulkhead. The existing pump debris catcher and access bridge would be removed.

Vegetation on the levee consists of berry vines with willow shrubs. Oak trees are also located in the vicinity. The upland areas surrounding the slough are primarily used for agricultural purposes.

Judy Brown

JUDY BROWN
Division of Environmental
Planning and Management

Attachments

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST - PART II

Form 13-20 (7/82)

File Ref.: W 24573

I. BACKGROUND INFORMATION

A. Applicant: Merrill-Johnson Vineyards
c/o Gil Labrie
P.O. Box 183
Walnut Grove, CA 95690

B. Checklist Date: 10 / 25 / 90

C. Contact Person: Judy Brown
Telephone: (916) 324-4715

D. Purpose: To provide secure storage in summer for ski boats and recreation equipment
belonging to the property owners.

E. Location: Snodgrass Slough, T5N, R43, Sect. 13 MDM adjacent to APN: 146-070-08, RM 4.5
upstream from Twin Cities Road.

F. Description: See attached.

G. Persons Contacted:

Jerry Mensch
Environmental Services
Department of Fish and Game
(916) 355-7030

Regional Water Quality Control Board
(916) 361-5600

II. ENVIRONMENTAL IMPACTS. (Explain all "yes" and "maybe" answers).

A. Earth. Will the proposal result in:

- 1. Unstable earth conditions or changes in geologic substructures?
2. Disruptions, displacements, compaction, or overcovering of the soil?
3. Change in topography or ground surface relief features?
4. The destruction, covering, or modification of any unique geologic or physical features?
5. Any increase in wind or water erosion of soils, either on or off the site?
6. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet, or lake?
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, or similar hazards?

Yes Maybe No

Grid of checkboxes for Yes, Maybe, No corresponding to the list items.

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B. *Air*. Will the proposal result in:

Yes Maybe No

- 1. Substantial air emissions or deterioration of ambient air quality?
- 2. The creation of objectionable odors?
- 3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

Water. Will the proposal result in:

- 1. Changes in the currents, or the course or direction of water movements, in either marine or fresh waters?
- 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?
- 3. Alterations to the course or flow of flood waters?
- 4. Change in the amount of surface water in any water body?
- 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?
- 6. Alteration of the direction or rate of flow of ground waters?
- 7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?
- 8. Substantial reduction in the amount of water otherwise available for public water supplies?
- 9. Exposure of people or property to water-related hazards such as flooding or tidal waves?
- 10. Significant changes in the temperature, flow or chemical content of surface thermal springs?

D. *Plant Life*. Will the proposal result in:

- 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?
- 2. Reduction of the numbers of any unique, rare or endangered species of plants?
- 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
- 4. Reduction in acreage of any agricultural crop?

E. *Animal Life*. Will the proposal result in:

- 1. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, or insects)?
- 2. Reduction of the numbers of any unique, rare or endangered species of animals?
- 3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
- 4. Deterioration to existing fish or wildlife habitat?

F. *Noise*. Will the proposal result in:

- 1. Increase in existing noise levels?
- 2. Exposure of people to severe noise levels?

G. *Light and Glare*. Will the proposal result in:

- 1. The production of new light or glare?

H. *Land Use*. Will the proposal result in:

- 1. A substantial alteration of the present or planned land use of an area?

I. *Natural Resources*. Will the proposal result in:

- 1. Increase in the rate of use of any natural resources?
- 2. Substantial depletion of any nonrenewable resources?

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- J. *Risk of Upset.* Does the proposal result in:
- | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|
| | Yes | Maybe | No |
| 1. A risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Possible interference with emergency response plan or an emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- K. *Population.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. The alteration, distribution, density, or growth rate of the human population of the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- L. *Housing.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Affecting existing housing, or create a demand for additional housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|
- M. *Transportation/Circulation.* Will the proposal result in:
- | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 1. Generation of substantial additional vehicular movement? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Affecting existing parking facilities, or create a demand for new parking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Substantial impact upon existing transportation systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Alterations to present patterns of circulation or movement of people and/or goods? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Alterations to waterborne, rail, or air traffic? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- N. *Public Services.* Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:
- | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|
| 1. Fire protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Parks and other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Other governmental services? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- O. *Energy.* Will the proposal result in:
- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| 1. Use of substantial amounts of fuel or energy? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Substantial increase in demand upon existing sources of energy, or require the development of new sources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:
- | | | | |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Communication systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Sewer or septic tanks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Solid waste and disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- Q. *Human Health.* Will the proposal result in:
- | | | | |
|--|--------------------------|--------------------------|-------------------------------------|
| 1. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Exposure of people to potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- R. *Aesthetics.* Will the proposal result in:
- | | | | |
|--|-------------------------------------|--------------------------|--------------------------|
| 1. The obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|-------------------------------------|--------------------------|--------------------------|
- S. *Recreation.* Will the proposal result in:
- | | | | |
|---|-------------------------------------|--------------------------|--------------------------|
| 1. An impact upon the quality or quantity of existing recreational opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|-------------------------------------|--------------------------|--------------------------|

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T. Cultural Resources.

- | | | | |
|---|--------------------------|--------------------------|-------------------------------------|
| | Yes | Maybe | No |
| 1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archeological site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Will the proposal restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

U. Mandatory Findings of Significance.

- | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|
| 1. Does the project have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Does the project have impacts which are individually limited, but cumulatively considerable? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. DISCUSSION OF ENVIRONMENTAL EVALUATION (See Comments Attached)

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation: **an Initial Study has been prepared.**

I find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **NEGATIVE DECLARATION** will be prepared.

I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

Date: 04 / 03 / 91

Judy Brown
For the State Lands Commission

CALENDAR PAGE 134.16
MINUTE PAGE Form 137B21
2004

MERRILL-JOHNSON VINEYARDS
RECREATIONAL STRUCTURE
INITIAL STUDY

W 24573

A. Earth

1. The proposed structure would not create unstable earth conditions, as it does not involve grading the existing surface contours.
2. A portion of the existing berm will be covered with approximately 50 cubic yards of imported fill to support a 70 l.f. sheet pile bulkhead which has been proposed to prevent erosion and will require compaction.
3. This project does not involve grading. However, 50 cubic yards of fill will be deposited on the upland bank of the slough for the construction of a bulkhead to prevent continued erosion from the turbulence caused from the pump extraction. The fill will require compaction to blend with the existing berm.
4. This proposal will not destruct, cover, or modify any unique geological feature.
5. There are two existing agricultural pumps causing turbulence in the cove during the extraction of water which is eroding the cove bank. An "L" shaped bulkhead 3' x 4' x 20' and 3' x 4' x 30' is proposed to reduce this occurrence. The piling which will support the bulkhead will be placed above the existing Mean Low Water line.
6. The proposed structure is an open piling structure which will not cause a change in the deposition or erosion of beach sands or modify the channel of a river or stream.
7. This project is not proposed in a geologically sensitive area.

B. Air

1.-3.

This structure will have the capability of providing shelter for one, possibly two recreational boats. No air emissions, objectionable odors, or the alteration of existing air movement will occur as a result of this project.

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C. Water

1. See A5 above
2. Drainage patterns from surface runoff will change with the placement of this structure.
3. The open piling construction of this structure will not alter the flow of flood waters.
- 4./5. This proposal does not include discharge of any kind into the waters of the slough.
- 6./7. This project does not include drilling for or extraction of water or construction activities which would affect existing aquifers.
8. The existing agricultural pump does extract water from the slough to irrigate a vineyard located beyond the levee on the upland. This pumping action has created turbulence within the cove area, creating a bank stabilization problem.
9. The recreational structure has been designed to be elevated above the 100-year flood plain. The structure and its support are proposed to be located above and in the existing waterway between the levees supporting the Snodgrass Slough. The proposed second story of this recreational structure would house recreational equipment. The structure's supports would be constructed within the floodplain which would indirectly subject the structure and its contents to possible flood conditions.
10. This project does not involve any activity related to surface thermal springs.

D. Plant Life

1. The berm area on which the proposed bulkhead is to be placed contains native grasses and willow. Some vegetation would be cleared prior to the placement of 50 cubic yards of fill to be placed for the proposed 70 l.f. of bulkhead. The fill would create an area devoid of vegetation.

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2. The applicant has conducted a search from the Department of Fish and Game's Natural Diversity Data Base. Threatened or endangered species found within the Bradshaw quad sheet in which this proposal is located are the Delta Tule Pea and California Hibiscus. All sitings identified have been located in other areas of Snodgrass Slough. The existing vegetation within the project and its vicinity includes native grasses, weeds, blackberries and scrub willows. The project area has not been specifically surveyed for the existence of the above-mentioned endangered species.
3. No landscaping is proposed.
4. This construction site is not located within an agricultural crop land.

E. Animal Life

- 1./4. The existing agricultural pump causes turbulence during extraction of water which may affect the native fish species. Some native vegetation will be cleared prior to the placement of 50 cubic yards of fill material for the proposed bulkhead, which may affect animal habitat.
2. The Department of Fish and Game Natural Diversity Data Base has been searched for recordings of threatened or endangered animals. The Swainson's Hawk, Tricolored Blackbird, Giant Garter Snake, and Valley Elderberry Longhorn Beetle have been sited within the U.S.G.S. quadrangle upon which this proposal is located. The construction area has not been surveyed for the existence of any of the above species. The proposed construction activities may affect the circulation patterns and habitat areas of animals located within this vicinity. The night lighting proposed may also have an affect on nocturnal animals within the vicinity.
3. The recreational structure will not be habitable. Its purpose is for recreational boating and storage.

F. Noise

1. Elevated noise levels will occur during the brief period required to drive the steel piles for the structural support. This activity may displace fish and wildlife from their habitats within the project vicinity.
2. The placement of eleven steel piles in the slough bed will create a temporary sound disturbance which will not likely exceed that which occurs on the adjacent upland agricultural area, or from the nearby upstream bridge crossing.

G. Light and Glare

1. Low-level exterior illumination is proposed for security and safety. This could include as many as six low wattage fixtures strategically placed around the structure and on the access bridge. Some, but not all, will be photo-cell controlled, with the remainder being switch or motion-detector controlled. Two lighting fixtures will remain on continuously during night time hours. At present, there are no continuous project night time illumination at the site. The closest night time illumination occurs at the Twin Cities Bridge which is located within site of this proposed project. As mentioned above, the proposed lighting may affect nocturnal animals.

H. Land Use

1. The existing use of the area has served an agricultural pumping basin for a number of years as well as a family picnic area, water ski base, and boat anchorage. The area is designated a "natural area" within the September, 1976 Delta Master Recreation Plan. This proposal will intensify the uses of this natural area.

I. Natural Resources

1. The existing agricultural pumps extracts water from Snodgrass Slough periodically to irrigate an adjacent vineyard.
2. This proposed project does not include substantial use or consumption of any petroleum products, or other non-renewable natural resources.

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- J. Risk of Upset
1. The recreational structure is designed to be located on pilings which will elevate it above the flood plain.
 2. This proposal will not interfere with any emergency response or evacuation plan.
- K. Population
1. The proposed structure will not provide areas for human habitat.
- L. Housing
1. The proposed structure will not be used for housing, nor cause the need for additional housing in the area.
- M. Transportation
1. This proposal is a water-oriented recreational structure which will not create additional vehicular movement beyond that which exists within the are of the upland vineyard.
 2. This proposal involves the construction of a private recreational boating and storage structure which will not create a demand for additional parking in the area.
 3. This proposal will not generate substantial vehicular movement nor require the construction of any new roadways.
 4. This proposal will allow the upland owner and their guests greater accessibility to the Slough from their property, which would preclude other members of the public from any past or future enjoyment of this area.
 5. Previous navigational recreation is unknown at this location, other than applicant's prior use. Construction of the recreational structure will discourage any prior recreational use of the public to this area.
 6. This proposal will not increase traffic hazards to motor vehicles, bicyclists or pedestrians.

N. Public Services

1./2.

Few waterward structures exist in this vicinity of the Slough. The recreational structure will be within the service areas of the Courtland Fire District and the Sacramento County Sheriff.

3.-6.

This proposed structure will not have an effect on schools, park and recreational facilities, or the maintenance of public facilities, including roads or other governmental services.

O. Energy

1. This proposal will require the use or demand upon substantial amounts of fuel or energy. Please refer to discussion in I-2, above.

P. Utilities

1.-6.

This proposal does not involve the construction of a habitable structure involving the need for substantial alteration to, or need for, new utility systems.

R. Aesthetics

1. The proposed structure will be visible from Twin Cities Road Bridge and is proposed to be located in an area where no other waterward structures exist.

S. Recreation

3. Placement of the proposed structure will discourage other boating recreationists who may have used this area previously.

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T. Cultural Resources

1.-4.

The North Central Information Center was contacted for a records search for known cultural resources sites within the vicinity of this project. No historical archaeological sites have been recorded within at least two miles of the project area. No archaeological field survey work was recommended. (Report dated June 13, 1990, attached)

U. Mandatory Findings of Significance

- 1-2. Maybe. This project is proposed in an area where no other recreational structures exist within a naturally vegetated area of the Delta. The security lighting proposed on the structure may disturb nocturnal wildlife and thereby displace them from surrounding habitat.
3. No. There are no other known existing or proposed recreational facilities within the vicinity to which this proposed project would contribute cumulative effects on the environment.
4. No. This proposal would not cause substantial adverse effects on human beings, directly or indirectly.