MINUTE ITEM 22

W 24249

Garibay

DENY APPLICATION FOR RECREATIONAL PIER PERMIT

Calendar Item 22 was presented by Lance Kiley, Chief of the Land Management Division, concerning application to build a 10' x 20' patio deck and a 8' x 65' floating dock in Sutter Slough, Sacramento County.

Department of Fish and Game is opposed to the project because of its precedent setting nature; i.e. this is the first development on this section of Sutter Slough. The project is designated "natural area", which is established to perpetuate the public trust; protect wildlife habitat, etc. The slough serves as habitat and migratory route for Chinook Salmon which is on the state and federal threatened species list.

Department of Waterways is also opposed to the project as presently designed because of traffic concerns on the slough.

Commissioner Tucker had concerns about when the building process actually started. Mr. Chaddock advised it was sometime in 1989.

Commissioner Tucker also voiced concern about the various agencies. For instance, Mr. Chaddock seemed to have the approval of the Corp of Engineers yet Fish and Game still had concerns about the project.

After considerable discussion the Commission voted 3-0 to defer the Calendar Item for one month in order to give Mr. Chaddock time to work out his difficulties with Fish and Game.

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CALENDAR ITEM

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08/12/91
W 24249
Garibay
Graber

DENY APPLICATION FOR RECREATIONAL PIER PERMIT

APPLICANT:

Randy Chadock
P. O. Box 485
2080 Sutter Island Road
Courtland, California 95615

AREA, TYPE LAND AND LOCATION:

State tide and submerged lands located on the east level in Sutter Slough, approximately two (2) miles west of the town of Courtland, Sacramento County (Exhibit "A").

LAND USE:

The Applicant seeks authorization of the construction of a 10-foot by 20-foot patio deck supported by four ten-inch wood pilings and steel "I" beams holding a wooden deck and an 8-foot by 65-foot floating dock held by ten-inch wood pilings driven into Sutter Slough and connected by a movable gangway to the levee. Three three-foot square concrete blocks anchor the "I" beams for the deck at the levee. A portion of the project has already been constructed.

AB 884:

09/27/91

OTHER PERTINENT INFORMATION:

1. The project site and nearby environment of Sutter Slough consists of natural riparian vegetation including bankside shrubs and tall overstory trees. Grasses and small herbaceous weeds and shrubs cover the streambanks in open areas and in the densely vegetated areas. This vegetation grows along the lower portions of the levees down to water's edge. Portions of the levee on the east side have been cleared by the local Reclamation District to approximately 15 feet from the levee crown downslope. Vegetation on the west levee

(ADDED pgs. 357-357.35)

grows to within ten feet of Waukeena Road which runs along the west levee crown from Netherlands Road, south several miles. Much of the levee is densely vegetated. Reclamation district procedure involves mowing of the open areas to keep down weeds. No chemical sprays are employed and total clearing of shrubs is avoided to protect the levees from erosion. Vegetation has been cleared from the project site from the levee crown, down to the slough and approximately 20 feet to either side of the project. Riprap has been installed along the waterside foot of the levees.

The slough channel in this area is approximately 200 feet wide and is well trafficked according to the State Department of Boating and Waterways. The structure was under construction when the Applicant was notified of his trespass on State sovereign land.

The following is a chronology of events relating to the application:

1) A notice was sent to the Applicant on November 14, 1988 by staff of the Title Unit.

2) A reminder letter was sent by Land Management staff to the Applicant on February 8, 1989 regarding the application.

3) A second reminder was sent by staff on October 16 1989 regarding the lack of receipt of an application.

4) A third reminder was sent November 2,1989.

5) An application was received from Applicant on November 15, 1989.

6) An incomplete letter requesting additional information was sent on December 14 with another reminder sent January 2, 1990.

7) In addition to this early correspondence, the Department of Boating and Waterways sent a letter December 1, 1988 advising the project proponents of possible problems with the project design which would adversely affect boating traffic flow in this portion of the slough. The Department recommended either the installation of a boat lift or total redesign of the project.

8) A site survey was conducted by Commission staff to determine the extent of construction activities associated with the project. The support pilings, concrete footings, steel deck beams and floating dock were installed at time of the notification of trespass. Mr. Chadock was subsequently contacted by staff of the Division of Environmental Planning and Management to review what had been done on the project and to discuss details of the environmental process.

9) A follow-up letter discussing these items was sent to the Applicant on February 2, 1990 under Alan Scott's signature. On March 12, 1990, Mr. Chadock sent a letter to Commission staff summarizing the project from his perspective.

10) An Initial Study was circulated on November 22, 1990 to reviewing agencies.

11) A comment from Sacramento County, dated December 3, 1990, was received which advised the Applicant to obtain a Conditional Use Permit, Variance or Site Use Approval from the County.

12) The project application was determined to be complete on December 31, 1990.

13) On January 3, 1991 staff sent a copy of the letter to the Applicant notifying him of the required permit/variance.

14) A second reminder was sent on March 1, 1991. The processing of the Initial Study was suspended until the county permit was submitted to the Commission.

15) A copy of the county approval was received by staff on April 9, 1991.

16) On April 11, 1991, a tentative draft Negative Declaration was circulated for review and comment with a declaration that the final environmental documentation would be determined after the staff's receipt of comments from Responsible and Trustee agencies.

17) In late April, staff received a telephone call from Maury Fjelstad of the Department of Fish and Game, who expressed serious concerns about a pier being built in Sutter Slough. A site survey was done on May 1, 1991 to verify that the pier in question was that of the Applicant. Upon being advised that this was the case, DFG indicated that comments

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on the environmental analysis of the project would be forthcoming.

18) A comment letter from the DFG was received dated May 16, 1991 (Exhibit"D-2"). The response summarized several major impacts, both existing and potential, of the pier with which Fish and Game had concerns. The comments focus on the project location in a "Natural Area" as designated in the Delta Master Recreation Plan (DMRP,California 1976) and the Sacramento County Zoning Code,Ch 35, Article 8. This designation was established to "...perpetuate the public trust; to protect wildlife habitat, existing vegetation and remnants of waterways history; to retain areas having solitude and wilderness-like features; and may be used for nonintensive recreation".

The area also contains Shaded Riverine Aquatic Cover (SRAC), a United States Fish and Wildlife Service classification of habitat type consisting of natural materials including living and dead vegetation which serves as shade, escape cover, substrate and food for wildlife and fish. The slough serves as habitat and migratory route for chinook salmon and the State-listed endangered and federally-listed threatened winter-run chinook salmon (Oncorhynchus tshawytscha) which depend upon SRAC in juvenile salmon development.

The U.S. Fish and Wildlife Service estimates that since 1972, 41 percent of SRAC habitat along Sutter Slough has been lost. The project is the only large scale construction of its kind along the slough. Fish and Game believes that approval of this project could be precedent setting and could encourage future projects which could further affect the area's sensitive resources. The DFG recommends denial of the application and removal of that portion of the project already constructed.

19) 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 and partially constructed, is inconsistent with the use classification assigned to Sutter Slough under the Significant Lands Inventory. The land classification for the affected area under the Inventory is Class B, Limited Use, i.e., "areas in which one or more closely related dominent significant environmental values is present. Limited use <u>compatible</u> with and <u>non-consumptive</u> of such

values may be permitted" (emphasis added). Based on the substantial evidence in the record, staff belies that such inconsistency cannot be remedied through either mitigation or alteration of the project. Commission staff therefore recommend, pursuant to the requirements of Section 2954 of Title 2, Division 3, Chapter 1, Cal. Code Regs., denial of the application, the removal of that portion of the project already constructed, and restoration of the site to its original natural condition at the expense of the Applicant.

EXHIBITS:

A. Location Map
B. Site Map
C. Initial Study/Consultation; Tentative Negative Declaration
D. Letters of Comment
   1. County of Sacramento
   2. Department of Fish and Game
   3. Department of Boating and Waterways

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT IT HAS PREPARED AND CIRCULATED PROPOSED ENVIRONMENTAL DOCUMENTATION 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 HAS CAUSED SIGNIFICANT IMPACTS ON THE ENVIRONMENT AND ON THE PUBLIC TRUST RESOURCES IDENTIFIED WITHIN SUTTER SLOUGH AND WOULD CAUSE ADDITIONAL IMPACTS IF ALLOWED TO BE COMPLETED AND REMAIN;

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 AND PARTIALLY CONSTRUCTED, IS INCONSISTENT WITH THE USE CLASSIFICATION ASSIGNED TO SUTTER 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 AS IT IS CURRENTLY ON FILE IN THE COMMISSION'S OFFICE IN SACRAMENTO (W 24249); AND

7. AUTHORIZE STAFF, STAFF COUNSEL, AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUED OCCUPATION OF SOVEREIGN LANDS, TO REMOVE THE EXISTING IMPROVEMENTS, TO RESTORE THE SITE TO ITS NATURAL CONDITION, AND TO COLLECT ALL COSTS THE STATE INCURS IN REPOSSESSING SUCH LANDS, TOGETHER WITH ANY OTHER LEGAL OR EQUITABLE REMEDIES THAT MAY BE APPROPRIATE OR NECESSARY, INCLUDING, BUT NOT LIMITED TO, THE COST OF REMOVING THE EXISTING UNPERMITTED IMPROVEMENT AND SITE RESTORATION.

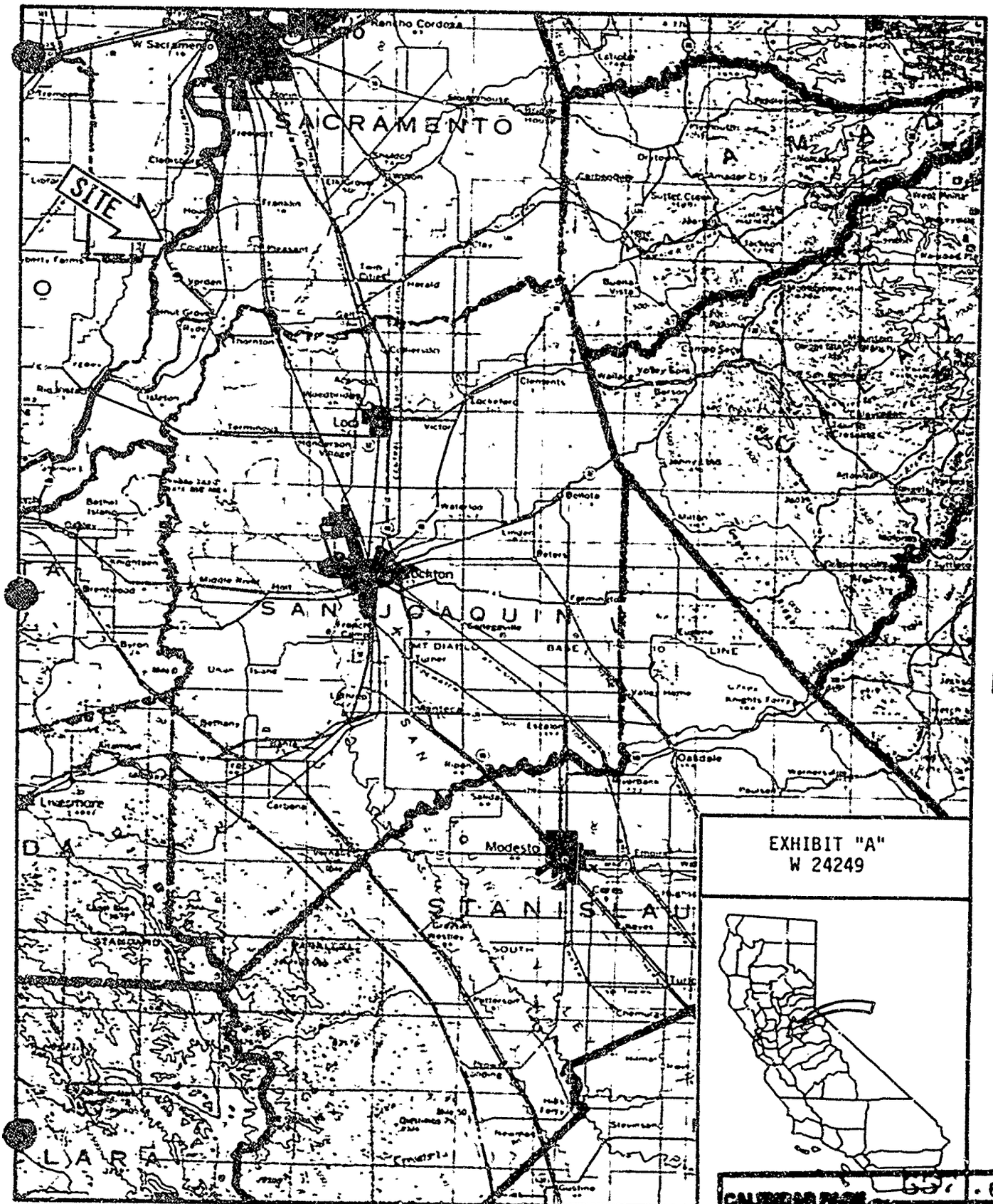

EXHIBIT "A"
W 24249

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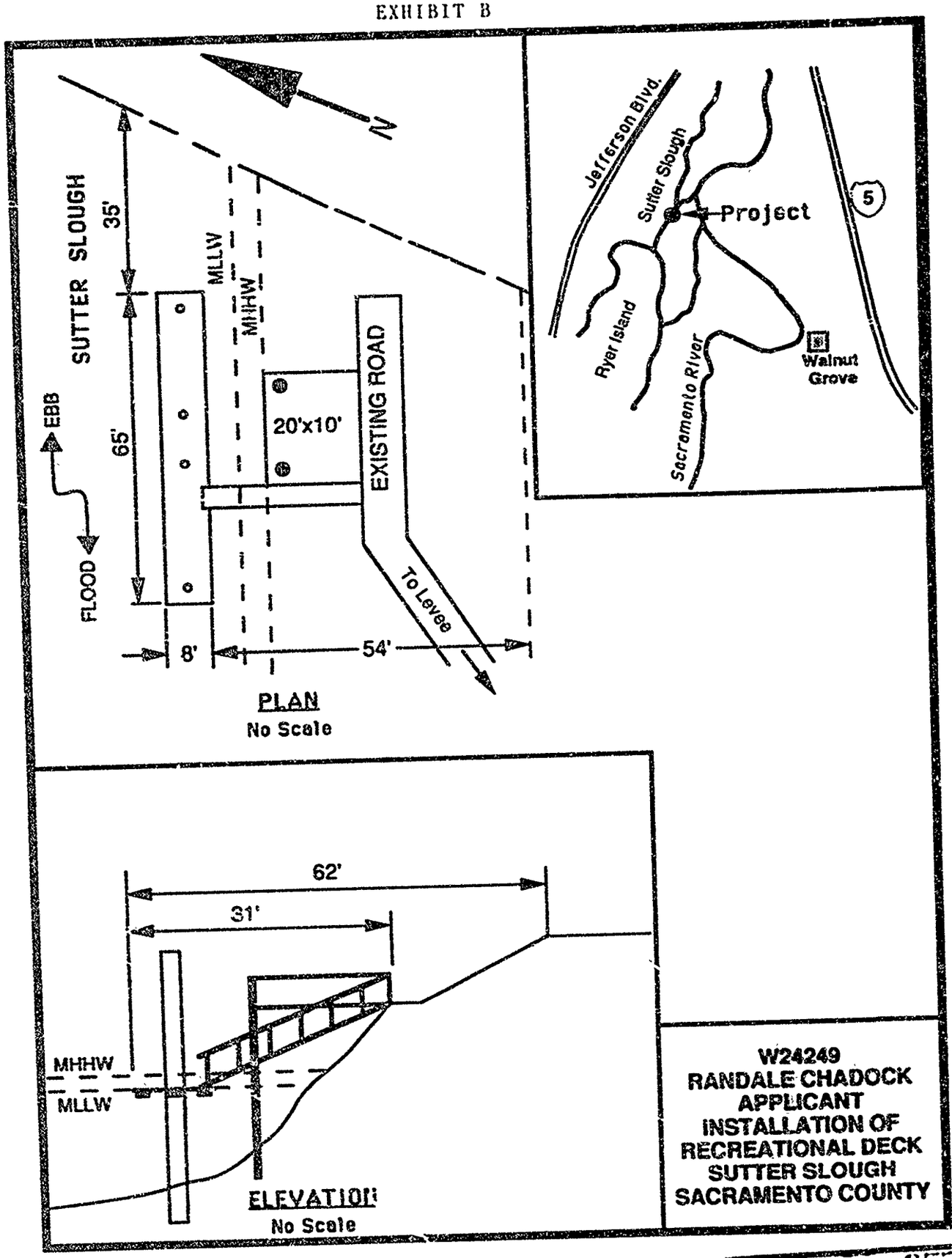
EXHIBIT B



W24249
RANDALE CHADOCK
APPLICANT
INSTALLATION OF
RECREATIONAL DECK
SUTTER SLOUGH
SACRAMENTO COUNTY

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EXHIBIT C

STATE OF CALIFORNIA

STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
JESSE R. HUFF, *Director of Finance*

GEORGE DEUKMEJIAN, *Governor*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer

November 22, 1990

File: W 24249

TO: INTERESTED PARTIES

SUBJECT: CHADOCK RECREATIONAL DECK/BOAT DOCK INITIAL STUDY

The State Lands Commission is the Lead Agency for the purpose of the California Environmental Quality Act for the proposed project described below and 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 December 22, 1990.

If you have any questions or need additional information, please call (916) 323-7209.

Project Title:	Chadock Recreational Deck/Boat Dock
Project Proponent:	Randy and Danielle Chadock
Project Location:	Sutter Slough, APN 142-001-002, near Courtland, Sacramento County.
Project Description:	Authorize construction of a 10-foot by 20-foot deck and an 8-foot by 65-foot floating dock connected by a moveable gangway.

JACQUES GRABER
Division of Environmental
Planning and Management

Attachment

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STATE LANDS COMMISSION

ENVIRONMENTAL IMPACT ASSESSMENT CHECKLIST – PART II

Form 13.20 (7/82)

File Ref.: W 24249

I. BACKGROUND INFORMATION

A Applicant: Randy and Danielle Chadock
P.O. Box 485
Courtland, CA 95615

B. Checklist Date: 10 /24 / 90

C. Contact Person: Jacques A. Graber

Telephone: (916) 323-7209

D Purpose: Construct a platform and floating dock.

E Location: Sutter Slough, Sacramento County.

F Description Use a floating pile driver to install six 12 inch ± wood pilings. Install a 20 ft. by 10 ft. deck of approximately 12 inch steel stringers covered with wooden decking. An 8 ft. wide by 65 foot long floating dock will be con[illegible]cted waterward of

G [illegible] the fixed deck, attached by a gangway.

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

A. *Earth.* Will the proposal result in:

	Yes	Maybe	No
1. Unstable earth conditions or changes in geologic substructures?			X
2. Disruptions, displacements, compaction, or overcovering of the soil?		X	
3. Change in topography or ground surface relief features?	X		
4. The destruction, covering, or modification of any unique geologic or physical features?			X
5. Any increase in wind or water erosion of soils, either on or off the site?		X	
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 la[illegible]			
7. Exposure of all people or property to geologic hazards such as earthquake, landslid[illegible] ground failure, or similar hazards?			X

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	Yes	Maybe	No
B. *Air.* Will the proposal result in:			
1. Substantial air emmissions 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?	☐	☐	☒
C. *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? During construction	☐	☐	☒
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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	Yes	Maybe	No
J. *Risk of Upset.* Does the proposal result in			
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?	☐	☐	☒
2. Possible interference with emergency response plan or an emergency evacuation plan?	☐	☐	☒
K. *Population.* Will the proposal result in:			
1. The alteration, distribution, density, or growth rate of the human population of the area?	☐	☐	☒
L. *Housing.* Will the proposal result in:			
1. Affecting existing housing, or create a demand for additional housing?	☐	☐	☒
M. *Transportation/Circulation.* Will the proposal result in:			
1. Generation of substantial additional vehicular movement?	☐	☐	☒
2. Affecting existing parking facilities, or create a demand for new parking?	☐	☐	☒
3. Substantial impact upon existing transportation systems?	☐	☐	☒
4. Alterations to present patterns of circulation or movement of people and/or goods?	☐	☐	☒
5. Alterations to waterborne, rail, or air traffic?	☒	☐	☐
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	☐	☐	☒
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?	☐	☐	☒
2. Police protection?	☐	☐	☒
3. Schools?	☐	☐	☒
4. Parks and other recreational facilities?	☐	☐	☒
5. Maintenance of public facilities, including roads?	☐	☐	☒
6. Other governmental services?	☐	☐	☒
O. *Energy.* Will the proposal result in:			
1. Use of substantial amounts of fuel or energy?	☐	☐	☒
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?	☐	☐	☒
P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
1. Power or natural gas?	☐	☐	☒
2. Communication systems?	☐	☐	☒
3. Water?	☐	☐	☒
4. Sewer or septic tanks?	☐	☐	☒
5. Storm water drainage?	☐	☐	☒
6. Solid waste and disposal?	☐	☐	☒
Q. *Human Health.* Will the proposal result in:			
1. Creation of any health hazard or potential health hazard (excluding mental health)?	☐	☐	☒
2. Exposure of people to potential health hazards?	☐	☐	☒
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?	☒	☐	☐
S. *Recreation.* Will the proposal result in:			
1. An impact upon the quality or quantity of existing recreational opportunities? Water boating			

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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?	☐	☐	[X]
2. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	☐	☐	[X]
3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐	[X]
4. Will the proposal restrict existing religious or sacred uses within the potential impact area?	☐	☐	[X]

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?	☐	☐	[X]
2. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals?	☐	☐	[X]
3. Does the project have impacts which are individually limited, but cumulatively considerable?	☐	☐	[X]
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	[X]

III. DISCUSSION OF ENVIRONMENTAL EVALUATION *(See Comments Attached)*

IV. PRELIMINARY DETERMINATION

On the basis of this initial evaluation:

☐ 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.

[X] Determination to be made upon receipt of comments.

Date: 11 / 02 / 90

For the State Lands Commission

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Form 13.20 (7/82)

DISCUSSION OF ENVIRONMENTAL EVALUATION

A.2. Disruptions

The project involves the driving of six wood pilings along the bank of Sutter Slough with installation of a steel supported deck and attached gangway and a floating dock.

A bench is excavated and levelled from the waterward side of the levee approximately 10 ft. in width and approximately 25 ft. in length. An access road is cleared and cut into the waterward side of the levee to furnish access to the dock. Additionally, three large concrete blocks approximately 3 ft. on a side are installed on the bench. Soil removal is required for these activities.

Construction activity will cause partial compaction of soil in the project area, due to vehicle activities and worker movements. The structure covers the soil at the shoreward end on the levee. The excavations and compactions of the soil are small and should not have a significant impact on the site.

A.3. Topography

The project requires the removal of a portion of the levee slope for construction of an access road and excavation for a bench upon which are situated three large concrete blocks serving as footings for the deck.

This excavation will permanently alter the slope profile of the waterward side of the levee. The road creates a 30 foot long cut from the deck to the crown of the levee. With the road bed approximately eight feet in width.

A twenty-five by eight foot bench has been cut in the bank of the levee. This feature alters the slope profile. It is above MHHW of the channel and should not have an impact on the levee's performance during normal water heights. It might impact levee strength during excess flooding.

A.5. Erosion

The cutting into the levee slopes creates several small extreme slopes along the access road and the bench cut. These faces, if not revegetated could promote some minor erosion of the slopes. The access road, if not surfaced properly to inhibit runoff could cause some erosion during heavy rains.

The levee slope appears to be more or less in its original state of construction and profile.

The lower slope of the levee, under the deck, shows signs of erosion and evidence of riprap but this appears to be

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unrelated to the project.

B.1. Emissions

The use of power equipment for excavation and pile driver will create some temporary air emissions. The project is located in a slough remote from neighbors or any urban centers. The generation of these emissions will be short lived; only during the excavation and installation of the pilings. The final work will be conducted with hand and electric power tools.

B.2. Odors

The excavation and pile driving operations will create the episodes of greatest emissions and objectionable odors. These odors will be noticeable only in the project area. The site is located in a small slough one mile west of the town of Courtland. This project will not create significant amounts of odors of a duration to adversely affect potential receptors.

Future boat traffic will be the only source of odors once the project is complete.

C.5. Discharge Turbidity

The project involves the use of a powered pile driver for the six pilings to support the deck and dock. Turbidity may result from the pile driving operations. This will occur only during the driving operations. Water quality should return to pre-project conditions when all pilings are installed.

Some turbidity may be created when the larger vessel is maneuvering to be moored or during departure. This propeller generated turbidity would be temporary, occurring during the operation of the engines.

D.1. Diversity

The construction of the deck will impact a small area of grassy slope upon which the access road and the footings of the deck are installed. The road cut involves a side cut on the uphill slope and a minor area of burial in which grass may be removed. An eight foot by 25 foot area along the upper deck is also affected.

Unless these areas are treated with surface pavements, the grass will reseed and grow on the denuded soil.

Shrubbery under the deck will not be affected by the construction. The presence of the deck may shade out these shrubs, prohibiting their continued growth. Sunlight would only reach them in the late afternoon.

Shrubs including wild blackberry and poison oak to either side of the project will not be affected. The project will keep plants from growing into the open area which could occur in a no project situation.

E.1. Diversity

Animal life may be impacted by the presence of this project. The construction activity could disturb local resident animal life through excessive noise, human activity, and vibrations created by pile driving.

The completed project itself may create an impact on animal life in the immediate vicinity. Use of the dock by the owners might keep less tolerant wildlife from inhabiting the area. The presence of the structure might effectively remove that area of the levee and bank from habitation by wildlife.

The structure will prohibit growth of bank vegetation which could afford cover and habitat for future animal populations on shore, thus reducing variety of resident species.

The structure could serve as a substitute for overhanging streambank vegetation which is frequently used by fish as cover. This project would not serve effectively for bird populations which would prefer stream bank vegetation for cover and food source.

E.4. Habitat

The project requires the removal and continued absence of streambank type vegetation and overstory trees. The structure also removes some grassland environment for the footings on shore. This removal of these vegetation communities causes a deterioration in the local riparian environment. Vegetation includes oak, cottonwood, poison oak and wild blackberry.

Removal or prevention of riparian vegetation growth will cause a local impact on animal diversity in the area. The structure creates a gap in the continuity of the streambank vegetation which interrupts the free movement of riparian animal populations using the protective cover on that bank.

Removal of riparian vegetation may influence shorezone shelter for small fish that occupy shorezone waters. Lack of cover for shade, protection, and accompanying food may influence certain fish populations there. The new dock might afford a substitute shelter for these fish or it might afford shelter for a different fish in tradeoff for another species.

The project site is identified in the Delta Master Plan as a "natural area", limiting development activities.

F.1. Increased Noise

The project could impact the area with an increase in noise levels. Installation of the pilings and subsequent construction will require use of a powered pile driver and construction equipment. Noise levels will increase during the construction phase. This noise will cease upon completion of the project.

The pier is intended for use by the owners for sunbathing, recreation and moorage of boats. With its increased use, the noise levels could rise if the boats are occasionally worked on and during arrivals and departures, engine noise would occur. Noise from play activities would be present where there was none before. This noise would be restricted to the immediate site.

F.2. Extreme Noise

The project phase would create loud episodes of noise; the pile driving and construction phases particularly.

Except for occasional engine noise of arriving or departing boats, noise levels are not expected to reach excessive levels. The channel is open to water skiing so some periods of excessive noise are possible along the channel.

G.1. Light

The project could involve night time use for recreational purposes. Lighting at the deck, dock or from boats could impact the area. These impacts could be viewed from the opposite bank and for several yards adjacent to the project site. Impacts will be local.

H.1. Land Use

The project will create a minor impact in land use, going from non-use to a recreational private use. The presence of the dock will create a relatively marked impact on the site compared to the area's natural condition before.

M.5. Traffic

The project may create an impact on water traffic movements within that part of Sutter Slough. The channel at this point is approximately 200 feet wide. The project is located on the east bank.

The east half of the channel (Sacramento County) is regulated by county boating ordinance which restricts it to "no waterskiing". There are no speed or wake restrictions in this waterway. The west part of the channel is under Yolo County jurisdiction which does not have a skiing restriction

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on this channel; however, state law requires that boats passing within 200 feet of a pier must slow to 5 M.P.H. which precludes waterskiing at this site. This will force waterskiers to stop within 200 feet of the pier and ride in the boat until they are past the pier. Passing boats must also obey the 5 M.P.H. speed limit.

The mooring of a large boat at the dock will create a navigational impact on passing boat traffic in general, requiring a possible reduced speed for safety.

R.1. Vistas

The presence of the structure and moored boats will create a noticeable impact upon the view within the immediate vicinity of the pier.

The platform and dock are placed on the waterward side of the east levee of Sutter Slough. It is highly visible from Waukeena Road located on the west bank of Sutter Slough. this will create an impact on viewing by boating public in Sutter Slough and traffic on Waukeena Road which is accessible to the public. If the structure is furnished with lighting this impact will be significant to both land traffic on Waukeena Road and passing boating traffic in Sutter Slough.

S.1. Recreation

The project will have an impact upon recreation in this part of Sutter Slough. The site is located on a narrow channel which allows limited movement for boating traffic. The project will impact waterskiing by prohibiting legally skiing past the platform and pier within 200 feet. Boating speed must be reduced to 5 M.P.H. which impacts the boating speed in general. When present, the larger 45 foot moored boat may affect navigational visibility at that location further requiring reduced speeds by boating traffic. The Delta Master Plan designates the slough as a "natural", being "limited use" area.

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