MINUTE ITEM
01

WORK ORDER:W 24249
CALENDAR DATE: 08/21/96
NEGOTIATOR: L. Burks

RONALD AND TERRY L. BRAZELL AND WILLODEAN BROWN (APPLICANT)

PULLED PRIOR TO COMMISSION MEETING
Item attached

CALENDAR ITEM

C01

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PULLED PRIOR TO COMMISSION MEETING

CALENDAR ITEM
C01

A 8

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08/21/96
W 24249
L.Burks

RECREATIONAL PIER LEASE

APPLICANT:

Ronald and Terry L. Brazell
and Willodean Brown
203 Louisiana
Vallejo, California 94590

AREA, TYPE LAND AND LOCATION:

A 0.03-acre parcel, more or less, of tide and submerged land located in Sutter Slough near the Town of Courtland (APN 142-0010-002), Sacramento County.

LAND USE:

Floating dock with moveable gangway and platform.

PROPOSED LEASE TERMS:

Lease period:

Ten years beginning July 1, 1996.

Consideration:

No monetary consideration pursuant to Public Resources Code Section 6503.5.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

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STATUTORY AND OTHER REFERENCES:

A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

09/05/96

OTHER PERTINENT INFORMATION:

1. The staff of the State Lands Commission prepared and circulated a proposed Negative Declaration, ND 539, State Clearinghouse No. 90021155,(April 11, 1991), for this project. On May 16, 1991, the California Department of Fish and Game commented that the project might have an adverse impact on heavily shaded riverine aquatic habitat. On August 12, 1991, Commission staff recommended to the Commission that the project be denied based upon the comments received. The State Lands Commission, however, chose not to deny the project and allowed the project proponent time to resolve remaining issues with the California Department of Fish and Game.

   Between 1991 and 1996, the applicant, in consultation with the Department of Fish and Game, revised the project several times. The first revision proposed removal of the floating dock. A second revision included a freshwater intake pump. Sometime between 1991 and the present, the applicant installed the floating dock.

   On April 30, 1996, the California Department of Fish and Game, Region II office, issued a memorandum indicating that they do not have adequate data to oppose the continued existence of the dock/pump structure. The memo further indicated that the construction of the structure was performed in accordance with applicable Fish and Game Code requirements.

   Since the Department of Fish and Game's objections to the project have been withdrawn, staff recommends the issuance of the proposed lease.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15025), the staff prepared a Proposed Negative Declaration identified as ND 539, State Clearinghouse No. 90021155, (April 11, 1991). Such Proposed Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA.

   Based upon the Initial Study, the Proposed Negative Declaration, and the comments received in response thereto and subsequently on April 30, 1996, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b).

APPROVALS OBTAINED:

California Department of Fish and Game, U.S. Army Corps of Engineers, County of Sacramento,(California Department of Boating and Waterways, U. S. Fish and Wildlife Service) and the State Reclamation Board.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

A. Land Description
B. Location Map
C. Negative Declaration, ND 539 (SCH 90021155)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. CERTIFY THAT A NEGATIVE DECLARATION, ND 539, STATE CLEARINGHOUSE NO. 90021155, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE NEGATIVE DECLARATION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

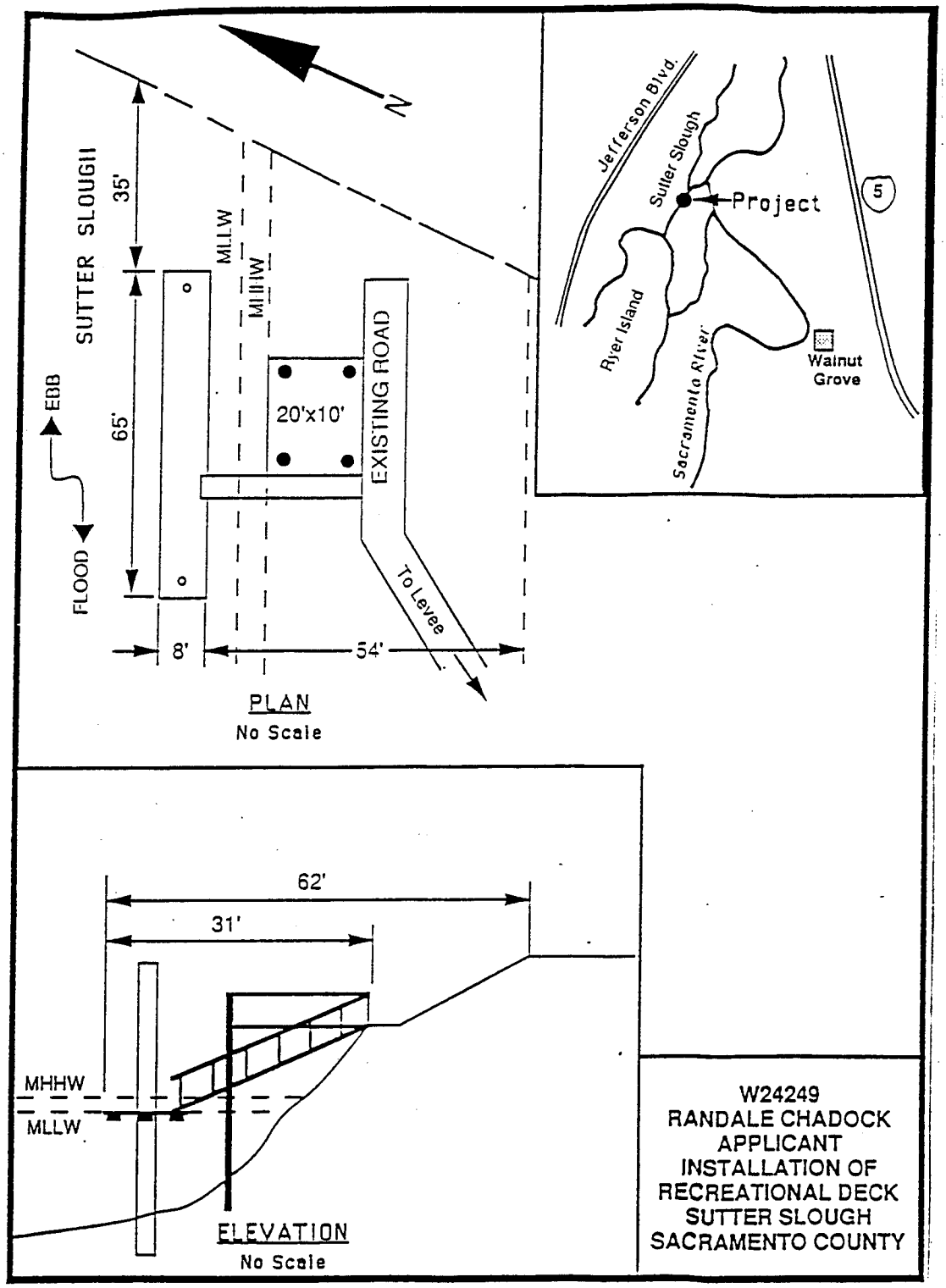
SIGNIFICANT LANDS INVENTORY FINDING:

1. FIND THAT THIS ACTIVITIY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE ISSUANCE TO RONALD AND TERRY BRAZELL AND WILLODEAN BROWN OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JULY 1, 1996; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; FOR AN 8 FT. X 65 FT. FLOATING DOCK WITH MOVEABLE GANGWAY AND 10 FT. X 20 FT. PLATFORM; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Area to be leased lies directly beneath docks, and walkway, plus a necessary use area 10 feet in width in front of proposed dock. EXCEPTING THEREFROM any portion lying above the ordinary high water mark.



This exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

EXHIBIT "A"

CALENDAR PAGE

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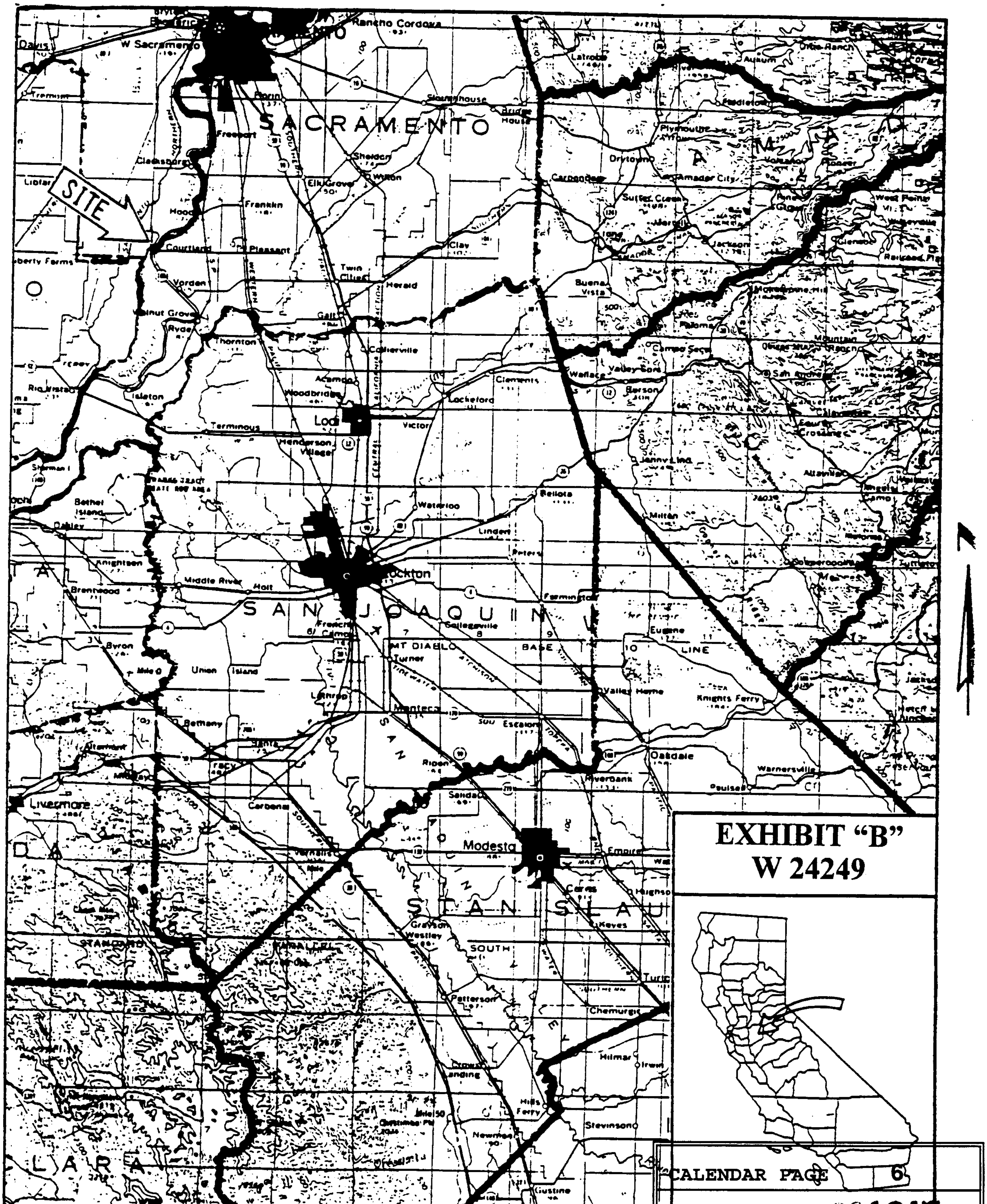

EXHIBIT "B"
W 24249

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EXHBIT "C"

STATE OF CALIFORNIA

PETE WILSON, *Governor*

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 11, 1991
File Ref.: W 24249
EIR ND: 539

NOTICE OF PUBLIC REVIEW OF A NEGATIVE DECLARATION
(SECTION 15073 CFR)

A Negative Declaration has been prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission Regulations (Section 2901 et seq., Title 2, California Code Regulations) for a project currently being processed by the staff of the State Lands Commission.

The document is attached for your review. Comments should be addressed to the State Lands Commission office shown above with attention to the undersigned. All comments must be received by May 15, 1991.

Should you have any questions or need additional information, please call the undersigned at (916) 323-7209.

JACQUES GRABER
Division of Environmental
Planning and Management

Attachment

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STATE OF CALIFORNIA

PETE WILSON, *Governor*

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

PROPOSED NEGATIVE DECLARATION

EIR ND: 539

File: W 24249

SCH No.: 90021155

Project Title:	Chadock Recreational Deck/Boat Dock
Proponent:	Randy and Danielle Chadock
Project Location:	APN 142-001-002, Sutter Slough, near Courtland, Sacramento County.
Project Description:	Authorize construction of a 10 foot by 20 foot deck and 8 foot by 65 foot floating dock connected by a moveable gangway.
Contact Person:	Jacques Graber Telephone: 916/323-7209

This document is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq., Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, California Code Regulations), and the State Lands Commission regulations (Section 2901 et seq., Title 2, California Code Regulations).

Based upon the attached Initial Study, it has been found that:

/ X / this project will not have a significant effect on the environment.

/ ___ / mitigation measures included in the project will avoid potentially significant effects.

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 constructed waterward of the fixed deck, attached by a gangway.

G. ~~XXXXXXXXXXXX~~

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 lake?			X
7. Exposure of all people or property to geologic hazards such as earthquakes, landslides, mudslides, 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?		X	
2. The creation of objectionable odors?		X	
3. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?			X
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?			X
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?			X
3. Alterations to the course or flow of flood waters?			X
4. Change in the amount of surface water in any water body?			X
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		X	
6. Alteration of the direction or rate of flow of ground waters?			X
7. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?			X
8. Substantial reduction in the amount of water otherwise available for public water supplies?			X
9. Exposure of people or property to water-related hazards such as flooding or tidal waves?			X
10. Significant changes in the temperature, flow or chemical content of surface thermal springs?			X
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)?		X	
2. Reduction of the numbers of any unique, rare or endangered species of plants?			X
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?			X
4. Reduction in acreage of any agricultural crop?			X
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)?		X	
2. Reduction of the numbers of any unique, rare or endangered species of animals?			X
3. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?			X
4. Deterioration to existing fish or wildlife habitat?		X	
F. *Noise.* Will the proposal result in:			
1. Increase in existing noise levels?	X		
2. Exposure of people to severe noise levels?		X	
G. *Light and Glare.* Will the proposal result in:			
1. The production of new light or glare?		X	
H. *Land Use.* Will the proposal result in:			
1. A substantial alteration of the present or planned land use of an area?		X	
I. *Natural Resources.* Will the proposal result in:			
1. Increase in the rate of use of any natural resources?			X
2. Substantial depletion of any nonrenewable resources?			X

	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?			X
2. Possible interference with emergency response plan or an emergency evacuation plan?			X
K. *Population.* Will the proposal result in:			
1. The alteration, distribution, density, or growth rate of the human population of the area?			X
L. *Housing.* Will the proposal result in:			
1. Affecting existing housing, or create a demand for additional housing?			X
M. *Transportation/Circulation.* Will the proposal result in:			
1. Generation of substantial additional vehicular movement?			X
2. Affecting existing parking facilities, or create a demand for new parking?			X
3. Substantial impact upon existing transportation systems?			X
4. Alterations to present patterns of circulation or movement of people and/or goods?			X
5. Alterations to waterborne, rail, or air traffic?	X		
6. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?			X
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?			X
2. Police protection?			X
3. Schools?			X
4. Parks and other recreational facilities?			X
5. Maintenance of public facilities, including roads?			X
6. Other governmental services?			X
O. *Energy.* Will the proposal result in:			
1. Use of substantial amounts of fuel or energy?			X
2. Substantial increase in demand upon existing sources of energy, or require the development of new sources?			X
P. *Utilities.* Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
1. Power or natural gas?			X
2. Communication systems?			X
3. Water?			X
4. Sewer or septic tanks?			X
5. Storm water drainage?			X
6. Solid waste and disposal?			X
Q. *Human Health.* Will the proposal result in:			
1. Creation of any health hazard or potential health hazard (excluding mental health)?			X
2. Exposure of people to potential health hazards?			X
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?	X		
S. *Recreation.* Will the proposal result in:			
1. An impact upon the quality or quantity of existing recreational opportunities? ~~Waterskiing, slow~~ boating			

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	Yes	Maybe	No
T. *Cultural Resources.*			
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 requied.

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

Date: 11 / 02 / 90

For the State Lands Commission

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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

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

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.

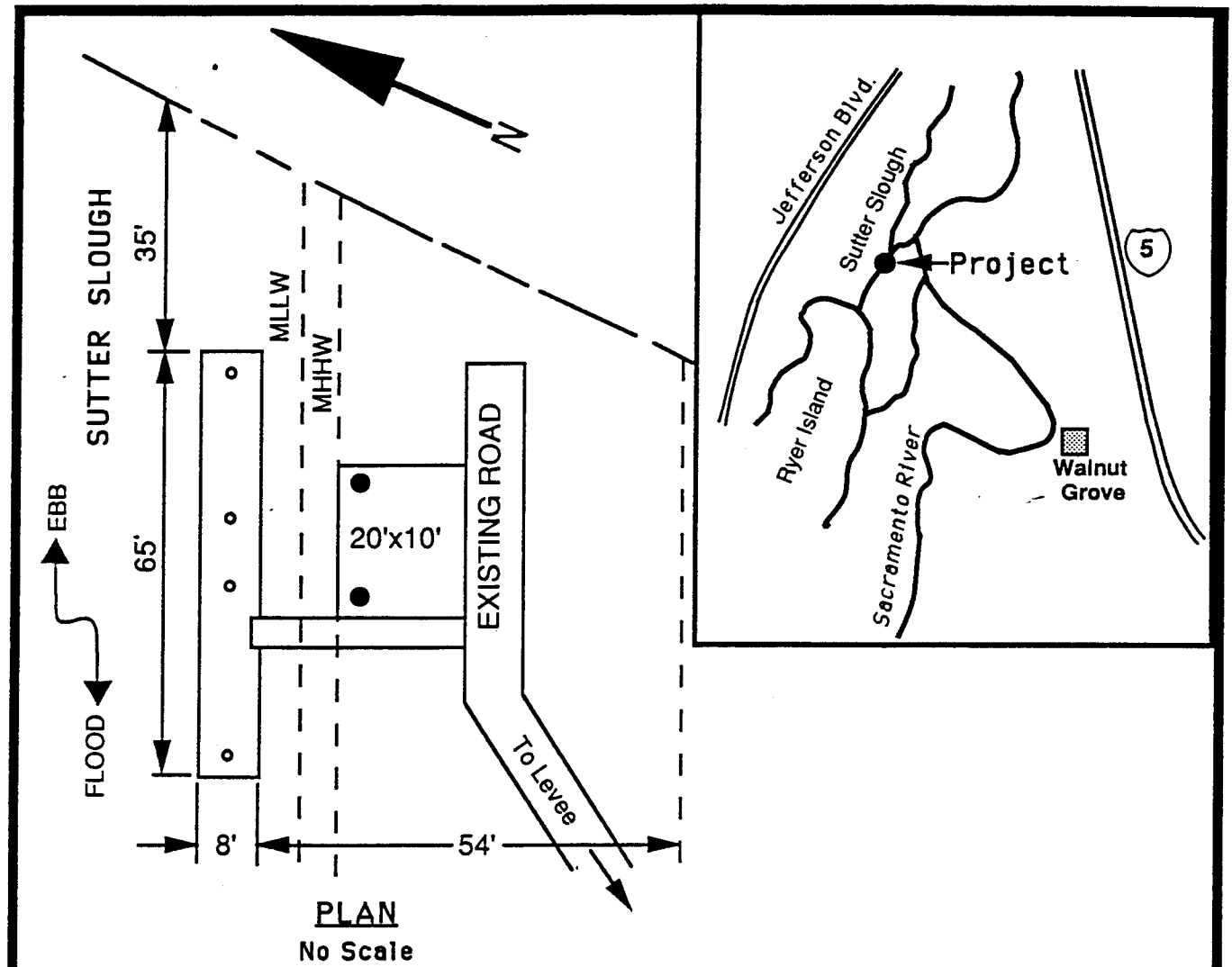
R.1. Vistas

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

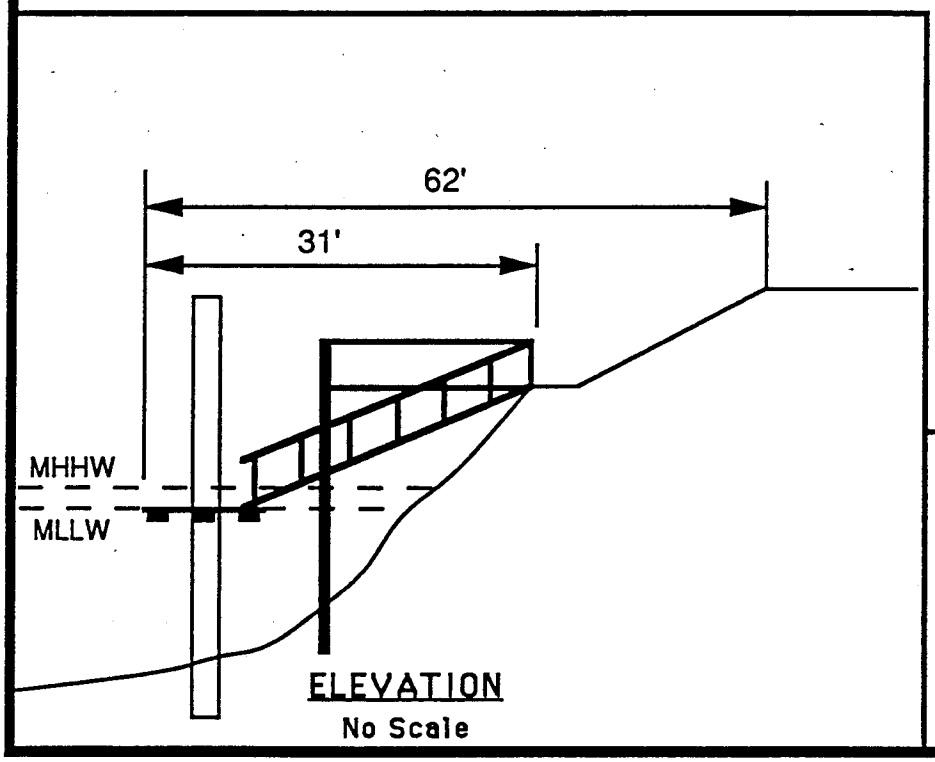
The platform and dock are placed on the waterward side of the east levee of Sutter Slough. It is highly visible from Waukeena Road located on the west bank of Sutter Slough. this will create an impact on viewing by boating public in Sutter Slough and traffic on Waukeena Road which is accessible to the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



PLAN
No Scale



ELEVATION
No Scale

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

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