

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 115191
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."

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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.

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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 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

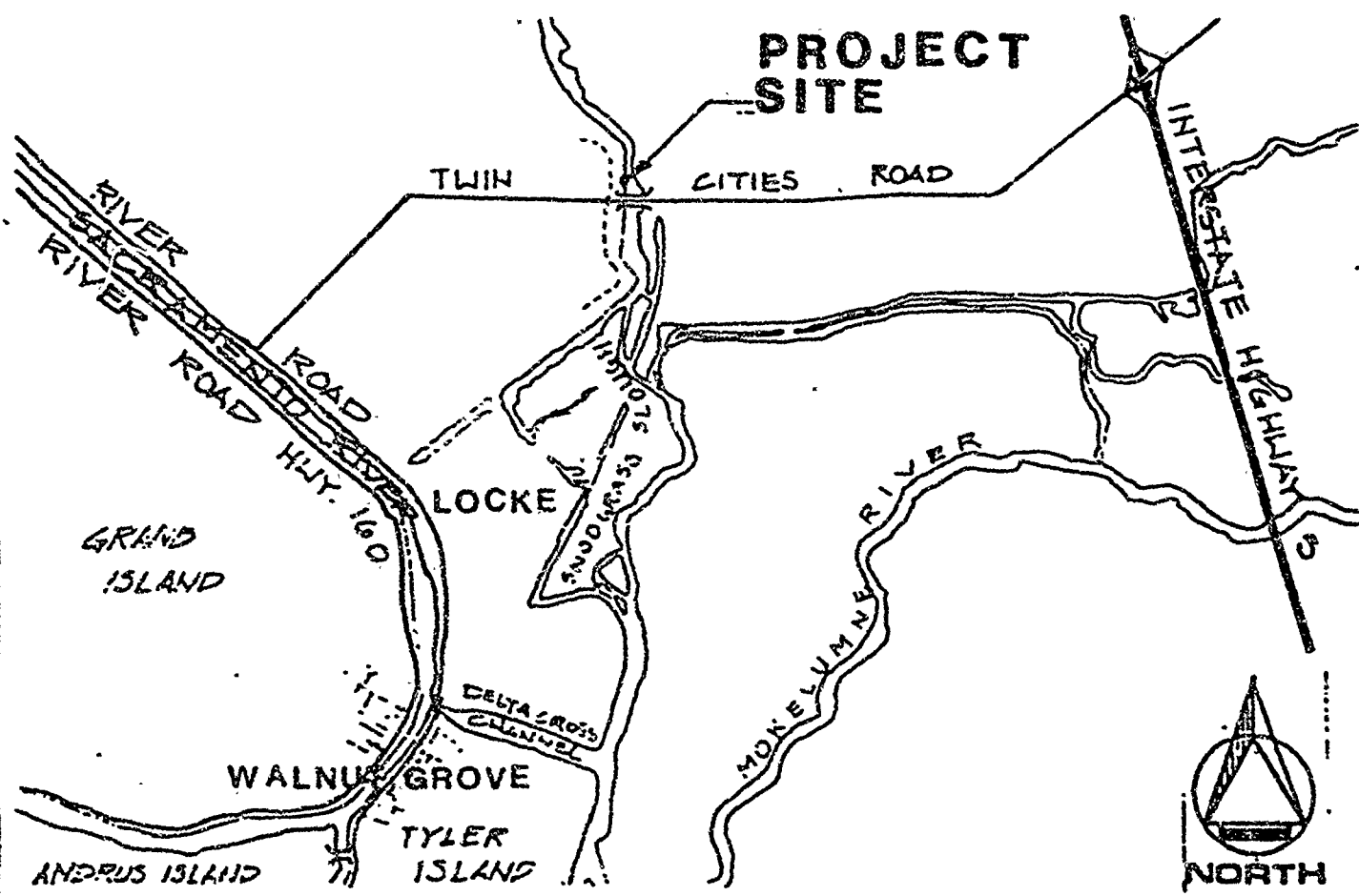
IT IS RECOMMENDED THAT THE COMMISSION:

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.

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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).

<p>ADJACENT PROPERTY UPSTREAM: ESPERANZA ENTERPRISES P.O. BOX "C" COURTLAND, CA 95615 DOWNSTREAM: R.H. VOLZ 4816 CRESTWOOD WAY SACRAMENTO, CA 95822</p>	<p>ASSESSORS PARCEL 146-0070-0085 APPLICANT MERRILL-JOHNSON VINEYARDS 295 W. JAHANT ROAD ACAMFD, CA 95220</p>
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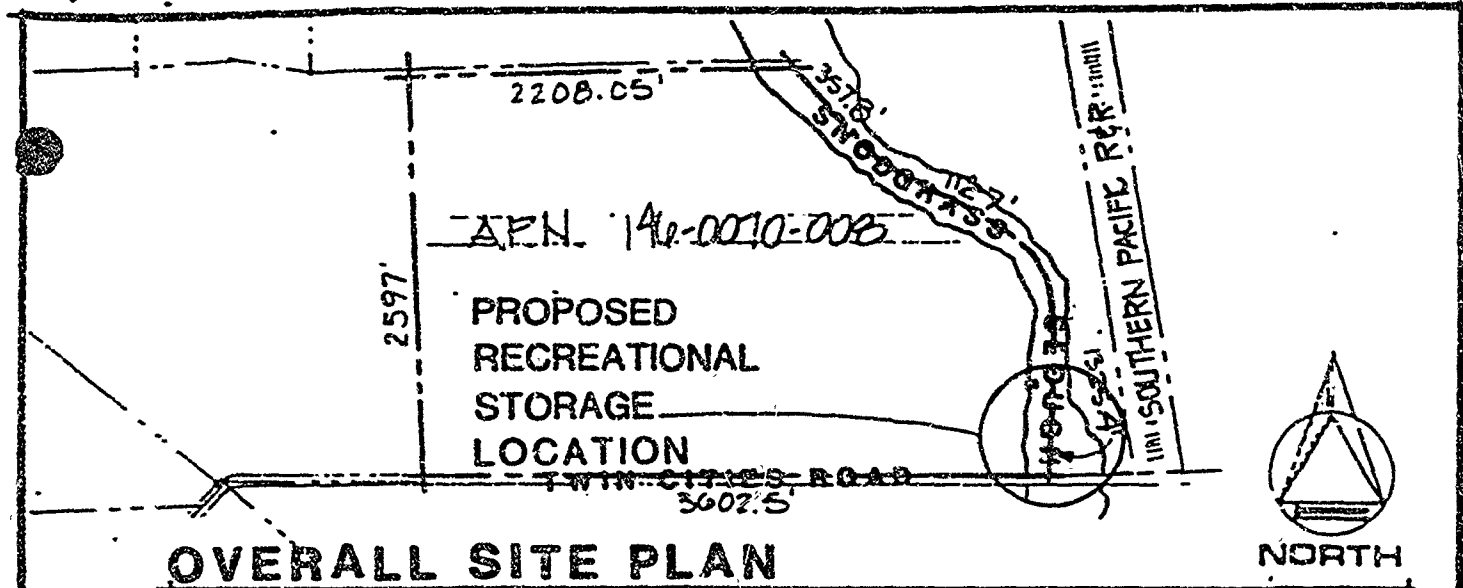


LOCATION MAP

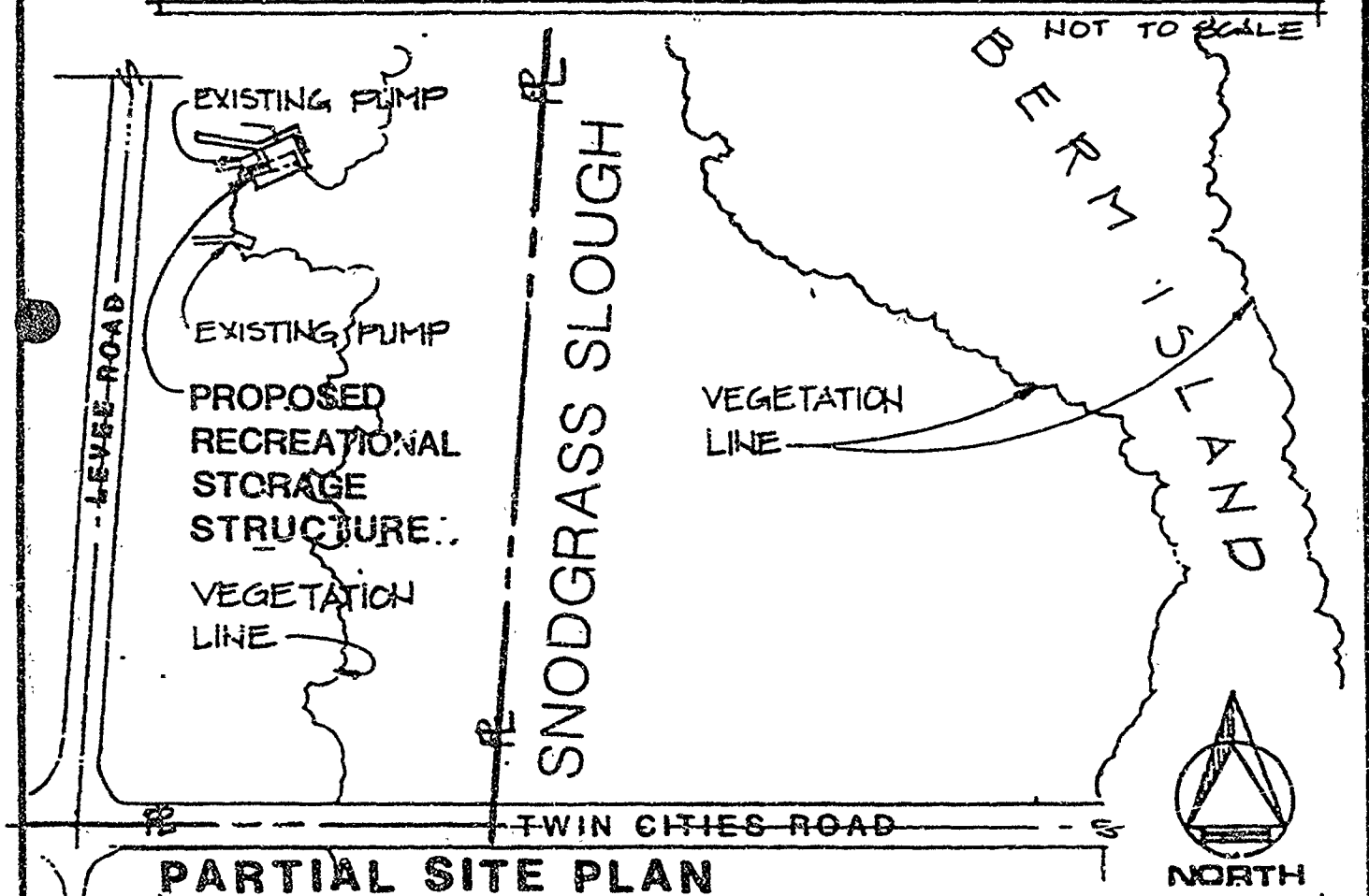
NOT TO SCALE

<p>018776-1181</p> <p>PROJECT</p> <p>ARCH: 857</p>	<p>PROJECT: PRIVATE RECREATIONAL STORAGE LOCATION: TWIN CITIES RD. AT SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.</p>	<p>DATE: 3/23/90 DATUM: N.G.V.D.</p>	<p>SHT. 1 OF 4</p>
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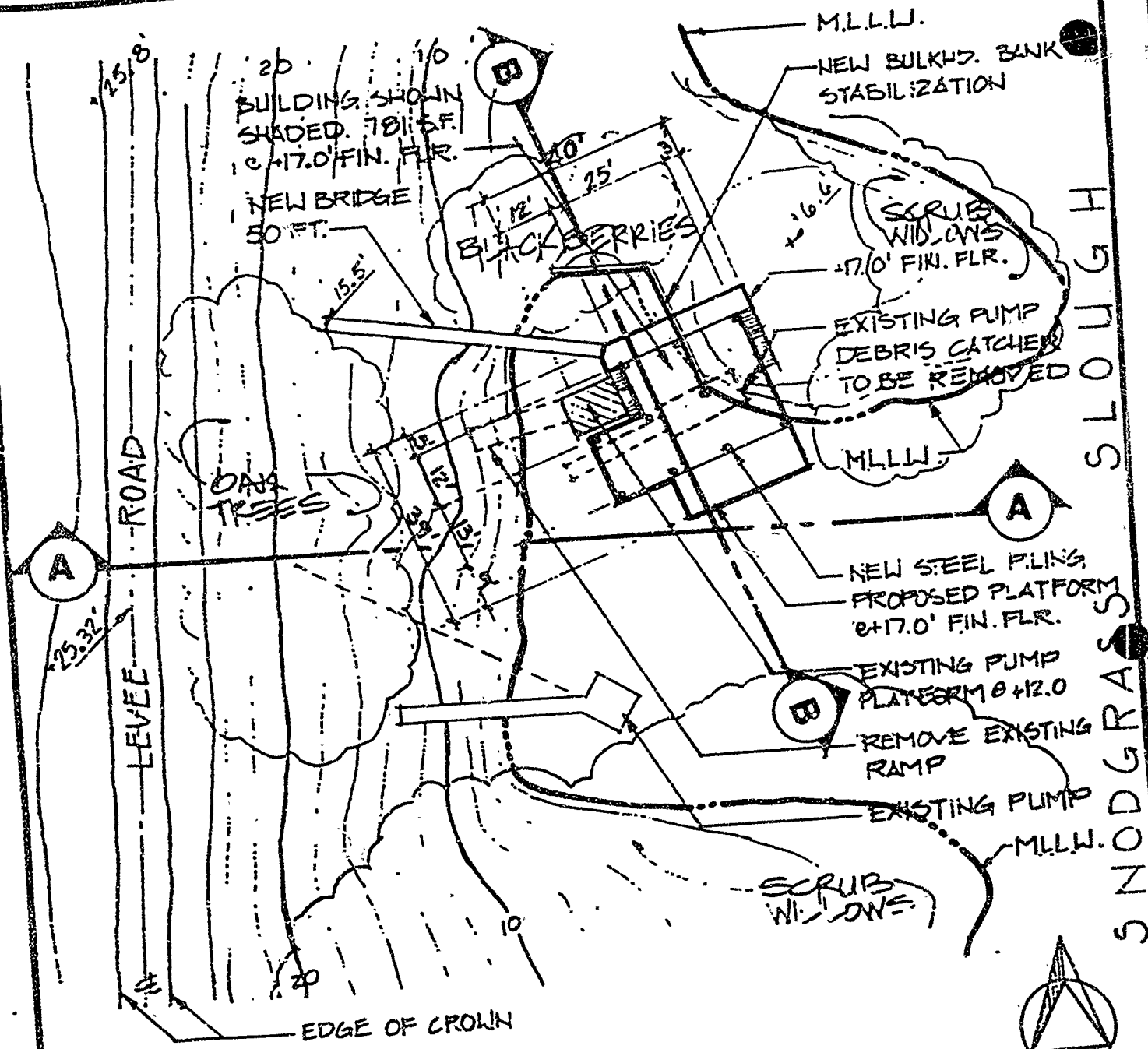
OVERALL SITE PLAN



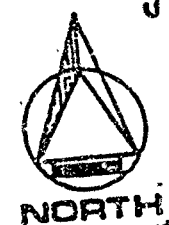
PARTIAL SITE PLAN

	5157761151 ARCHITECT	PROJECT: PRIVATE RECREATIONAL STORAGE	DATE: 3/23/90	SHT. 2 OF 4
	ARCHITECT	LOCATION: TWIN CITIES RD. AT	DATUM:	
	SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.			

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**DETAILED SITE PLAN
AT UPPER LEVEL PLATFORM**



SCALE: 1"=30'

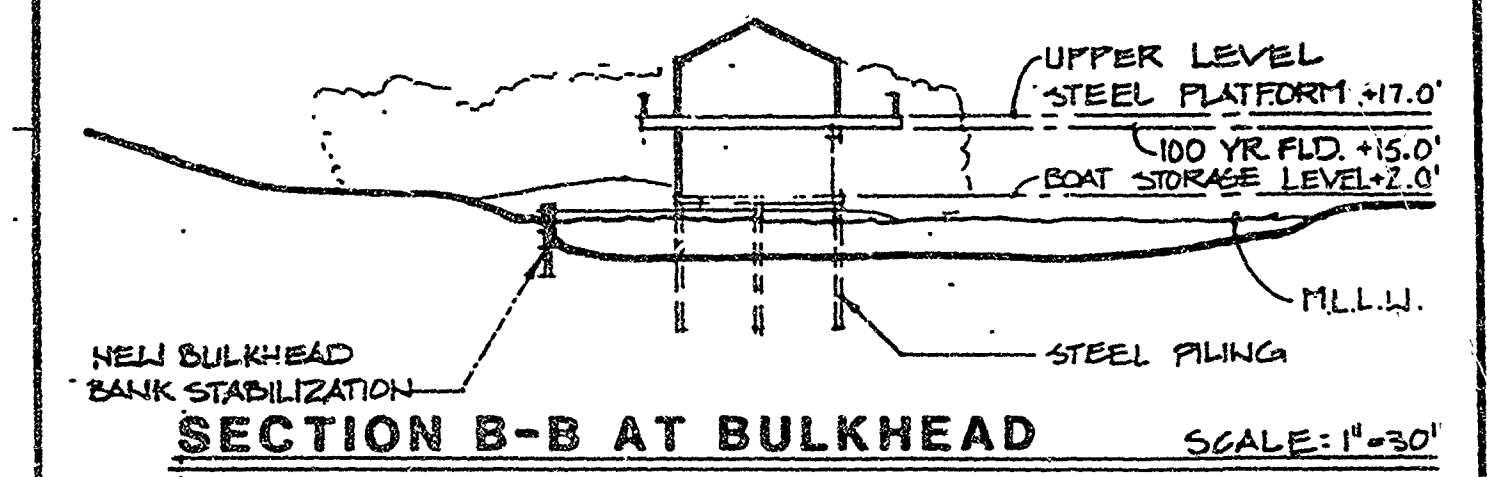
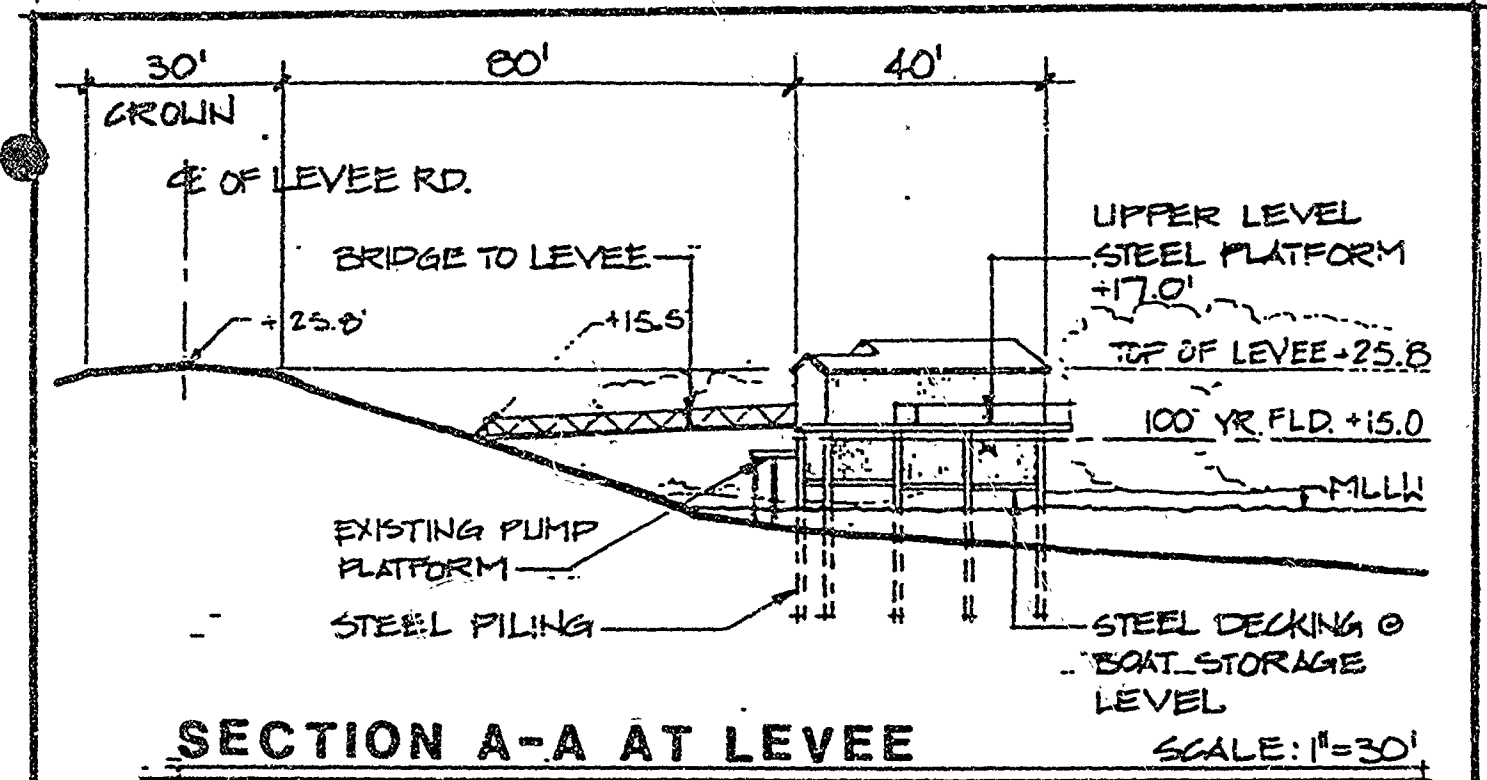
DM
 018776-1101
 ARCHITECT
 1000 10th St. • Walnut Creek, CA 94590

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

DATE:
 3/23/90
DATUM:
 N.G.V.D.

SHT.
 3
 OF
 4

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	918778-1181 SCALE: LEVEE AND ARCHITECT P.O. Box 183 • Yuba City, CA 95980	PROJECT: PRIVATE RECREATIONAL STORAGE LOCATION: TWIN CITIES RD. AT DATUM: SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.	DATE: 3/23/90 DATUM: N.G.V.D.	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, failure, or similar hazards?

Yes Maybe No

Grid of checkboxes for Yes, Maybe, No corresponding to items 1-7.

MINUTE PAGE stamp with handwritten numbers 13 and 201.

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?

- 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 ...
- | | | | |
|--|-------------------------------------|--------------------------|--------------------------|
| 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
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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.

Merrill-Johnson
Vineyards Initial Study
W 24573

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 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.

Merrill-Johnson
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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.

Merrill-Johnson
Vineyards Initial Study
W 24573

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.

Merrill-Johnson
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W 24573

- 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 area 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.

Merrill-Johnson
Vineyards Initial Study
W 24573

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.

Merrill-Johnson
Vineyards Initial Study
W 24573

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.

RECEIVED

JUN 15 1990

GILBERT LABRIE, AIA
ARCHITECT

June 13, 1990

Gilbert Labrie, AIA, Architect
P.O. Box 183
Walnut Grove, CA 95690

RE: RECORD SEARCH FOR A PRIVATE RECREATIONAL STORAGE BUILDING ON
SNODGRASS SLOUGH (CORP OF ENGINEER NO. 199000294), SACRAMENTO
COUNTY.

Dear Mr. Labrie:

In response to your request of May 9, 1990 a record search for
the above project location (USGS Bruceville 7.5' quad. T6N R4E
Unsectioned) has been completed with the following results:

PREHISTORIC RESOURCES: No previously recorded sites are located
within or adjacent to the project area. There are however, three
such sites (CA-SAC-76, 91 and 92) located one mile of the project
location. CA-SAC-76 was noted as one of the largest village
sites in the area when recorded in 1934, while CA-Sac-91 and 92
were recorded as small villages during the same year. None of
these sites will be impacted by this project.

HISTORIC RESOURCES: No historic archeological sites have been
recorded within at least two miles of the project area. A review
of the listed references mentions no landmarks or other major
historic features within over one mile of the subject parcel.

PREVIOUS ARCHEOLOGICAL INVESTIGATIONS: According to our records
no portion of the project has been previously surveyed for
archeological sites. The nearest survey is within one mile
(Gerry 1983: see map).

SENSITIVITY AND RECOMMENDATION: Based upon the above information
the sensitivity for this general area is considered to be fairly
high. However, in view of the fact that most of this project is
going to be built over water on pilings no archeological field
survey work is recommended.

If any historic glass, ceramics, metal, nails, etc., or
prehistoric artifacts such as arrowheads (projectile points),
beads, mortars, or human bone are found during construction
activities, work should be stopped pending on-site inspection by
a qualified archeologist. This professional will be able to
assess the find and determine whether any mitigation measures are

CALENDAR PAGE 136.24
MINUTE PAGE 2232

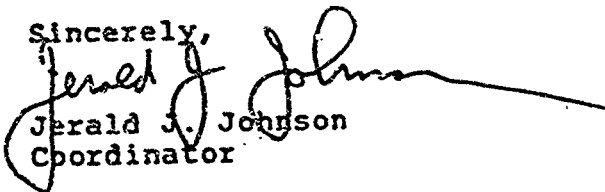
June 13, 1990
G. Labrie
Pg. 2

necessary. If this occurs, copies of any records or reports should be submitted to this office so that our files will be up-to-date.

LITERATURE SEARCH: The following official records and maps for archeological sites and surveys in Sacramento County were reviewed: The National Register of Historic Places - Listed Properties and Determined Eligible Properties - (1988, Computer Listing 1966 through 3-10-88 by National Park Service), the California Inventory of Historic Resources (1976), California Points of Historical Interest (Dept. of Parks and Recreation listing 1987 and updates), California Historical Landmarks (1982 and updates), Gold Districts of California (1979), California Gold Camps (1975), California Place Names (1969), and Historic Spots in California (1966).

As indicated on the attached agreement form the charge for this record search is \$60.00. Payment instructions are included at the bottom of the form. Please sign where indicated and return the YELLOW copy with your payment check. Thank you.

Sincerely,


Jerald J. Johnson
Coordinator

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MINUTE PAGE	2233

NORTH CENTRAL INFORMATION CENTER
CALIFORNIA ARCHEOLOGICAL INVENTORY

Record Search Number _____

County Sac

In Co-operation with:

State of California - The Resources Agency
Department of Parks and Recreation
Historic Preservation Office

AGREEMENT TO CONFIDENTIALITY AND RECORD SEARCH STATEMENT

I, the undersigned, have been granted access to the Archeological Site Record data at the North Central Information Center at California State University, Sacramento, 6000 "J" Street, Sacramento, CA 95819 for the purpose of:

academic research project planning other _____

I fully understand the confidential nature of the information contained in these records, and I agree to respect that confidentiality.

I will attempt to ensure that specific site location is not distributed in public documents or made available to unauthorized individuals within my institution or agency. I also understand that prior written consent of the Information Center Coordinator or State Historic Preservation Officer is required for any exceptions to the above stipulations.

Furthermore, I agree to forward to the appropriate Information Center, no later than 30 days after completion of field reconnaissance and investigation, any preliminary reports and complete site records for any sites that are identified. I also agree to forward to the appropriate Information Center or Centers all subsequent reports on the identified sites.

I understand that failure to comply with any aspect of the above agreement is grounds for denial of subsequent access to the archeological site data.

This agreement is based on State access policy.

Gilbert Labrie
Signature of Researcher

6/15/90
Date

Printed name of researcher Gilbert Labrie

Phone 915-776-1161

Firm Gilbert Labrie, AEA, Architect

Address P.O. Box 183

City Walnut Grove

Zip 95690

Method of contact: Phone _____ In person _____ Letter Date/Time May 15, 1990

Title of Project or Research Snodgrass Slough Private Recreational Storage Building

Corp of Engineer No. 199000294

Contact person/agency for which work conducted Phyllis Petras, Regulatory Branch U.S. Army Corps of Engineers 650 Capitol Mall, Sacramento CA. 95814

Address 650 Capitol Mall, Sacramento CA, 95814

Phone _____

USGS Quad(s) consulted Bruceville

Site record(s) consulted CA-SAC-76, 91 and 92

Site record(s) copied None

Reports/manuscripts consulted Gerry 1983

Reports/manuscripts copied None

Archivist Jerald Jay Johnson

Date May 13, 1990

No. of Hours 1

Use Fee charged 60.00

Xerox Fee charged 0

Total Fee charged 60.00

BILLING STATEMENT:

(Payment Instructions)

Make check payable to: **HORNET FOUNDATION**

Forward to: Information Center, Department of Anthropology
California State University, Sacramento
6000 J Street, Sacramento, CA 95819

CALENDAR PAGE 134.26
MINUTE PAGE 223+

ADJACENT PROPERTY

UPSTREAM:

ESPERANZA ENTERPRISES
P.O. BOX 211
COURTLAND, CA 95615

DOWNSTREAM:

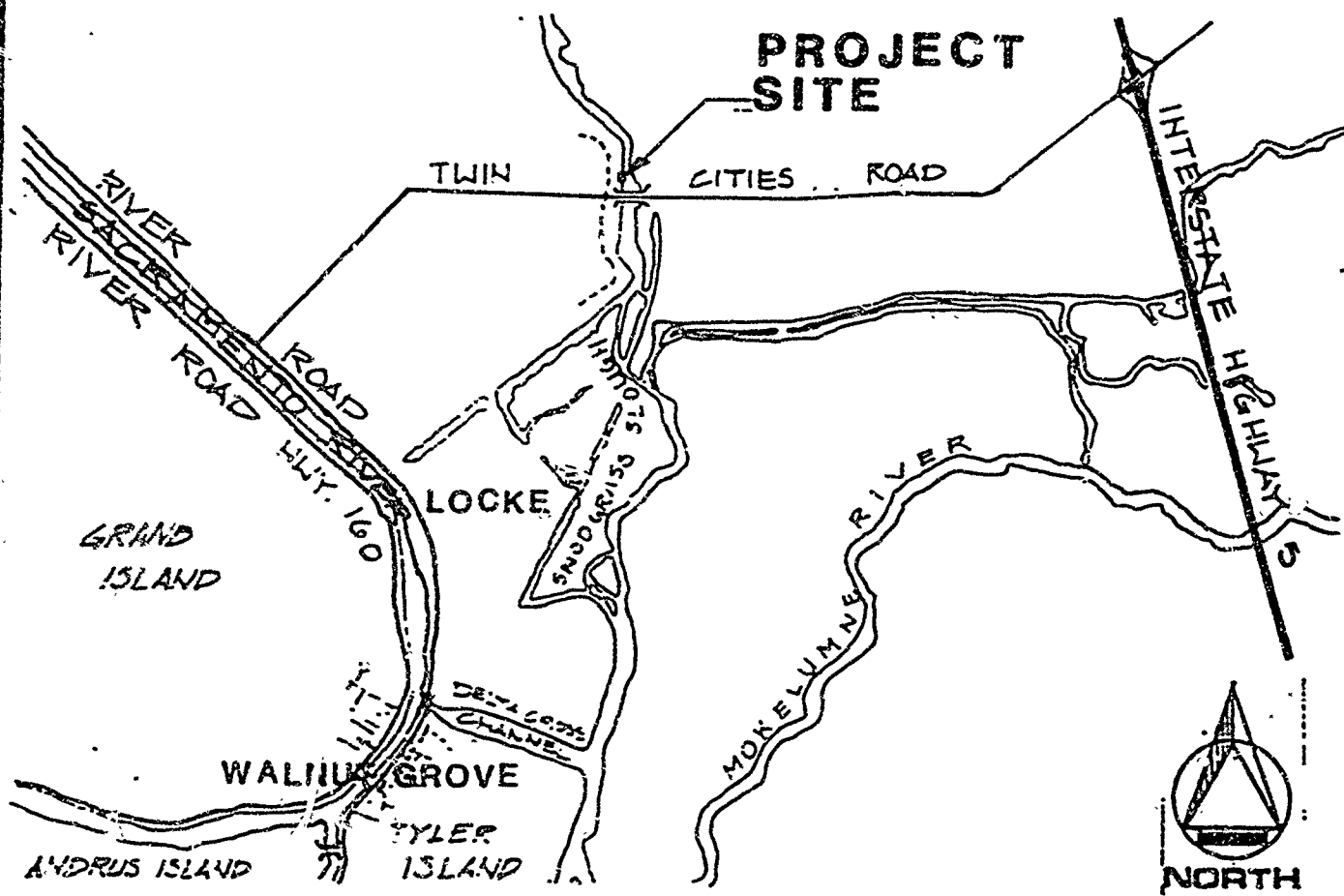
R.H. VOLZ
4816 CRESTWOOD WAY
SACRAMENTO, CA 95822

ASSESSORS PARCEL

~~146-0070-008~~

APPLICANT

MERRILL-JOHNSON VINEYARDS
295 W. JAHANT ROAD
ACAMFD, CA 95220



LOCATION MAP

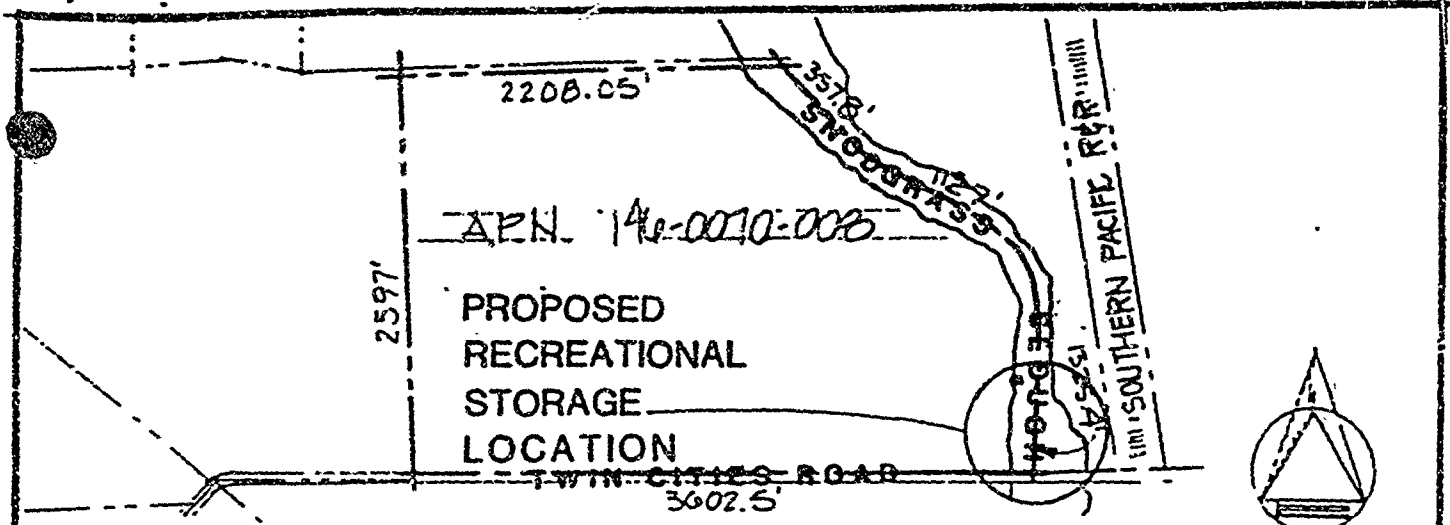
NOT TO SCALE

LOT
015778-1181
COURTNEY LEON, AIA
ARCHITECT
PO Box 182 • Walnut Grove, CA 95690

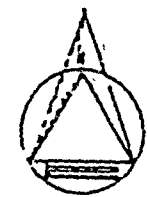
PROJECT: PRIVATE RECREATIONAL STORAGE
DATE: 3/23/90
LOCATION: TWIN CITIES RD. AT DATUM:
 SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.

SHT. 1 OF 4

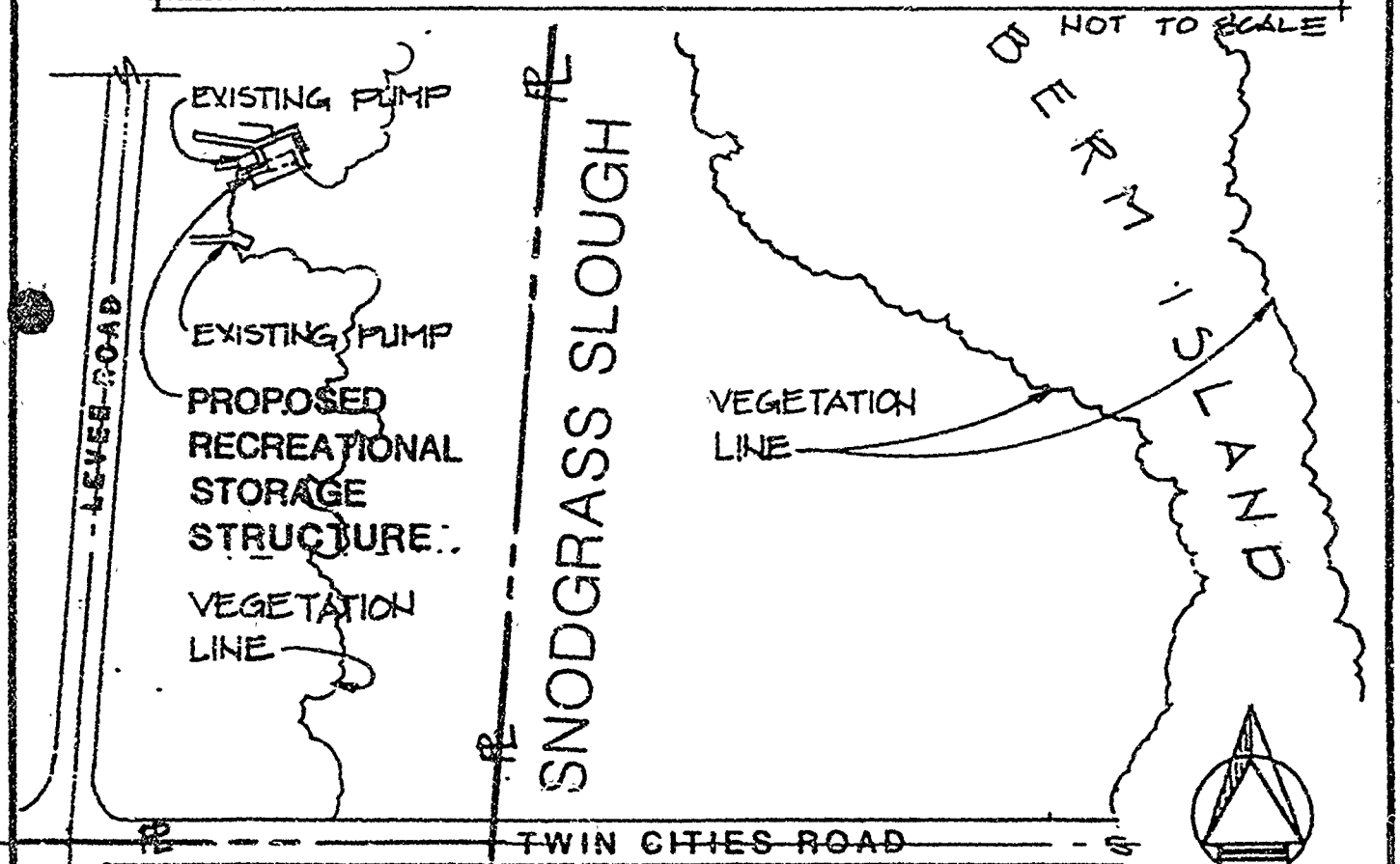
CALENDAR PAGE 134.27
 MINUTE PAGE 2003



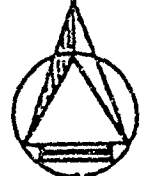
OVERALL SITE PLAN



NORTH



PARTIAL SITE PLAN



NORTH

CFI

916 776-1181

GRANGE LANE 214

ARCHITECT

P.O. Box 182 • Walnut Creek, CA 94590

PROJECT: PRIVATE RECREATIONAL STORAGE

DATE: 3/23/90

LOCATION: TWIN CITIES RD. AT DATUM:

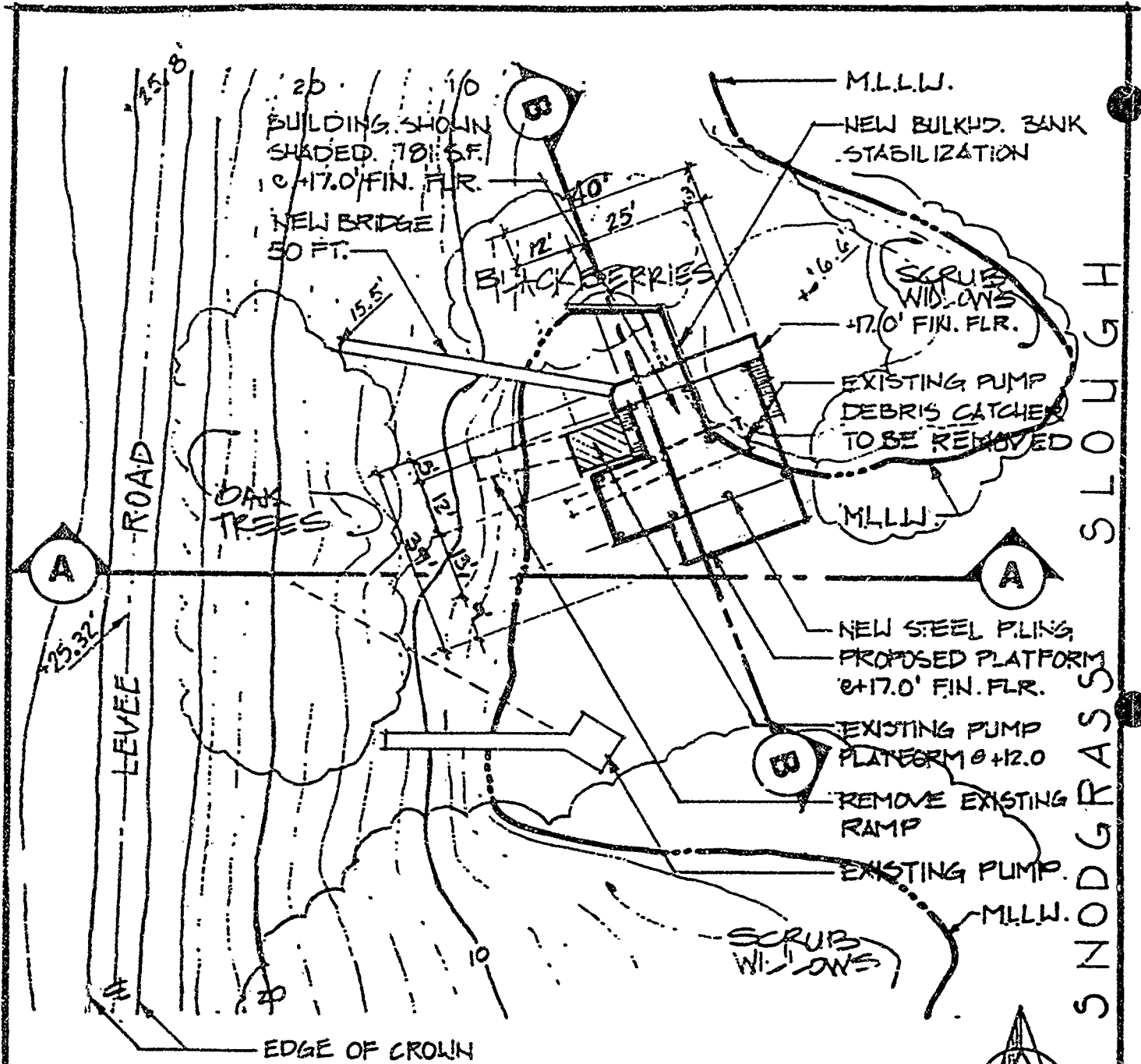
SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.

SCALE: 1" = 160'

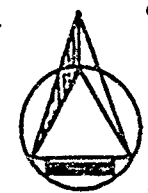
SHT. 2 OF 4

CALENDAR PAGE 134.28

MINUTE PAGE 2255



**DETAILED SITE PLAN
AT UPPER LEVEL PLATFORM**



NORTH

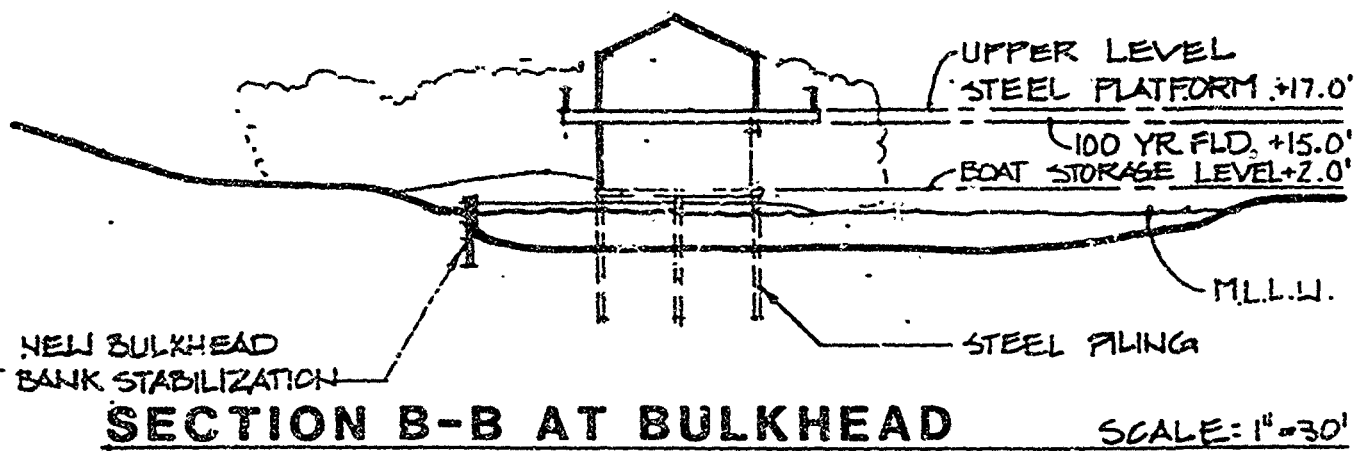
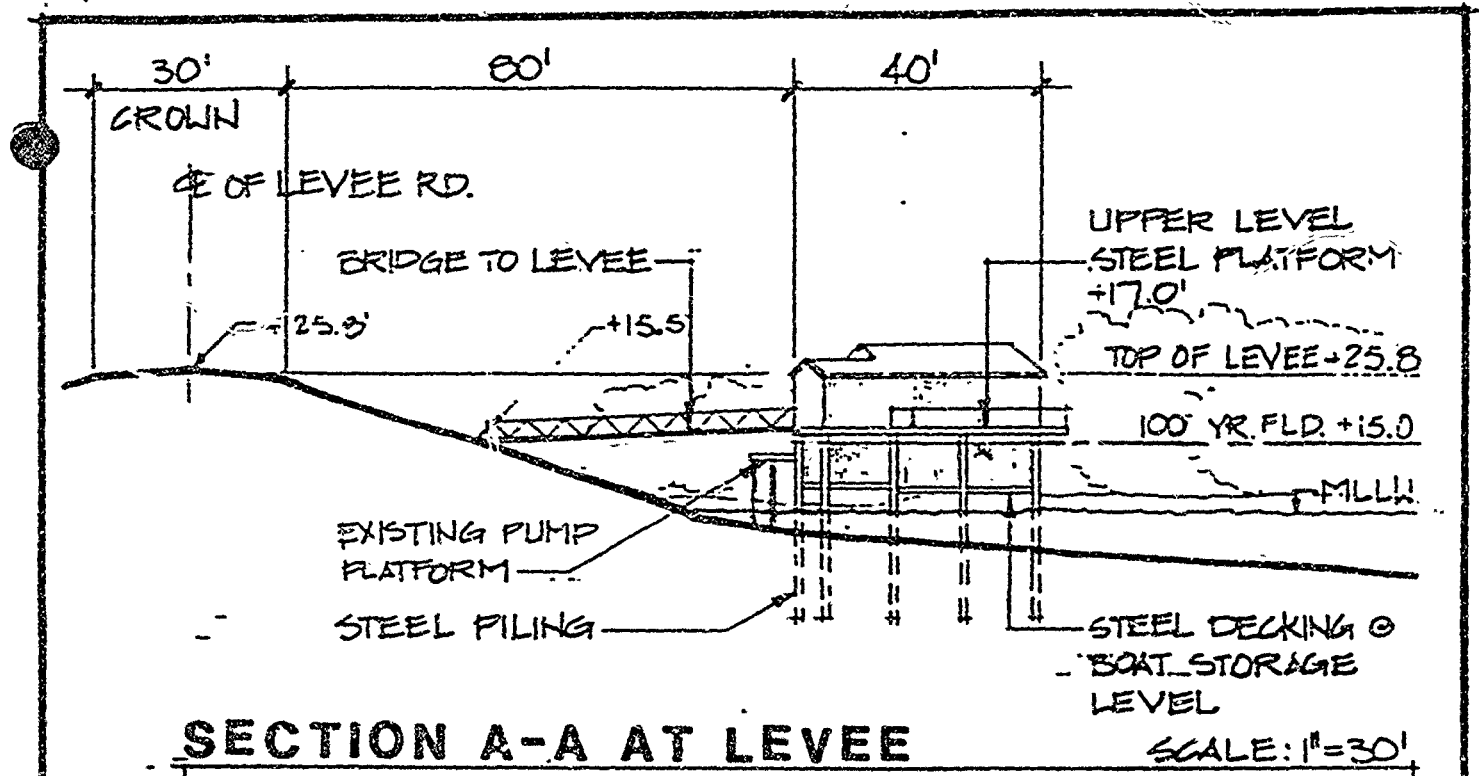
SCALE: 1" = 30'

DFI
 818 778-1181
 CHUCK LEONG, AIA
 ARCHITECT
 PO Box 100 • Yuba City, CA 95920

PROJECT: PRIVATE RECREATIONAL STORAGE
DATE: 3/23/90
LOCATION: TWIN CITIES RD. AT DATUM:
 SNODGRASS SLOUGH, SACRAMENTO CO., CA N.G.V.D.

SHT.
3
 OF
4

CALENDAR PAGE: 134.29
 MINUTE PAGE: 2607



RTI
 916.778.1181
 GROUP LEADER, AIA
 ARCHITECT
 PG. No. 103 • WOODBINE CA 95680

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
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 4

CONSOLIDAR PAGE 134.36
DATE PAGE 2203



EXHIBIT "D"

COUNTY OF SACRAMENTO
DEPARTMENT OF ENVIRONMENTAL REVIEW
AND ASSESSMENT

ALCIDES FREITAS
ENVIRONMENTAL COORDINATOR

Ms. Judy Brown
Division of Environmental Planning
State Lands Commission
1807 13th Street
Sacramento, California 95814

April 20, 1991

Subject: MERRILL-JOHNSON VINEYARDS' PROPOSAL TO CONSTRUCT A STORAGE BUILDING FOR SKI BOATS AND RECREATIONAL EQUIPMENT ON APN 146-0070-008 (File Reference Number: W 24573; State Clearinghouse Number: 91042024)

Dear Ms. Brown,

Thank you for the opportunity to comment upon the Merrill-Johnson Vineyards' project. As your Initial Study indicates, the subject project may have the potential to cause significant adverse environmental impacts upon threatened or endangered species, specifically the Swainson's Hawk, the Tricolored Blackbird, the Valley Elderberry Longhorn Beetle, the Giant Garter Snake, the Delta Tule Pea, and the California Hibiscus. Additional assessments of these potential impacts should be undertaken as part of the environmental review process. If additional assessments indicate that impacts are likely to be significant, an Environmental Impact Report should be prepared. If you prepare an EIR, please include this office on the mailing list for the Notice of Preparation, and on the distribution lists for the Draft and Final EIRs.

The project site is located within an area which is subject to special property regulation. The Delta Waterways (DW) Land Use Zone applies to properties, within the unincorporated area of Sacramento County, which are located along the Sacramento River and along other waterways within the Sacramento-San Joaquin River Delta. Specifically, the regulations apply to the waterway, itself, and to the waterside berm and levee area which extends to: the top of the waterside of the levee; or the water's edge at mean low water levels; or, as otherwise indicated on the comprehensive zoning plans of Sacramento County.

Property owners who wish to develop their property need to consult with staff of the County Planning and Community Development Department before undertaking any project. Staff of that department will be able to advise the project proponent of all regulations which apply to their project site. Some uses, as listed in Section 235-142 of the County Zoning Code, are permitted within the

14K zone. Others (Section 235-143) require issuance of a Conditional Use Permit before the proposed activity can be undertaken. Some uses are prohibited altogether. I have enclosed a copy of pertinent sections of the County Zoning Code for your information.

I would recommend that you inform the owners of Merrill-Johnson Vineyards of the need to contact the county in order to determine what county requirements, if any, apply to the subject project. Failure to do so may delay, or prevent, project implementation.

If you have any additional questions regarding zoning requirements, or land use policies applicable to the subject property, please contact Robert Sherry (Use Permit process) at 440-6200.

Sincerely,



Alcides Freitas
Environmental Coordinator

cc. Robert Sherry, Principal Planner
Sacramento County Planning and Community Development Department

CALENDAR PAGE 13-132
DATE PAGE 22-90

DW DELTA WATERWAYS
LAND USE ZONE.

235-140. PURPOSE. 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":

- (a) To preserve and enhance the waterways and their immediate environment consistent with the County's General Plan.
- (b) To ensure the compatibility of land uses along the river and waterways and land adjacent to the river and waterways.
- (c) To provide a process to promote and ensure the compatibility of development by examination of individual development proposals.

235-140.5. DEFINITIONS. The following definitions apply to the provisions contained in this Article:

- (a) NATURAL AREAS. 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."
- (b) SCENIC AREAS. As used in this zone, "Scenic Areas" are those waterways or portions of waterways, which are of a lesser ecological or natural value than "Natural Areas" or have the potential for enhancement of such values, but which can support a wider range of active recreational activities without adverse environmental impact. Such areas shall be indicated on the comprehensive zoning plan as "DW-S."
- (c) RESTRICTED AREAS. As used in this zone, "Restricted Areas" are those portions of waterways which are restricted for through navigation by existing docks, marinas, or other development, or are located adjacent to the Delta urban communities; but are located such that expansion of such facilities or additions of similar water-oriented facilities will be compatible with the purpose and standards of this zone. Restricted areas shall be indicated on the comprehensive zoning plan as "DW-R."
- (d) MLLW. MLLW as used in this Article, shall mean "Mean Lower Low Water."

235-141. BOUNDARIES. These regulations shall apply to those waterways of the Delta and the waterside berm and levee area extending to the top of the waterside of the levee or to the water's edge at mean lower low water or as otherwise indicated by a DW on the comprehensive zoning plans of Sacramento County.

235-142. PERMITTED USES AND ACTIVITIES. The following uses shall be permitted in the DW zone:

- (a) Repair or replacement of existing conforming water-dependent facilities. Repair of legal nonconforming water dependent facilities as provided in Title I, Chapter 20.
- (b) Agricultural uses and minor accessory structures for facilities, including but not limited to pumps, drains, and fences. This does not include agricultural-related industry.
- (c) Floating structures for permanent human habitation when moored in an approved marina.
- (d) Removal of grass, brush, dead or downed trees.
- (e) Removal of vegetation determined as noxious weeds by the County Agricultural Commission.
- (f) Removal of junk, debris, or obstructions.
- (g) Any action required to eliminate an immediate safety hazard or to insure the safety of persons or property.
- (h) Camping, group use, and certain other uses allowed within park facilities will be subject only to permits issued by the operating agency.
- (i) Property owners' personal recreational uses.

235-143. CONDITIONAL USES. Notwithstanding any other Section or Table of this Code, the following water dependent uses are permitted upon issuance of a conditional use permit by the appropriate authority.

- (a) Boat launches
- (b) Water recreation equipment rentals and sales.
- (c) Snack bar outside existing marinas incidental to a park, boat launch or other water-oriented use.
- (d) Tackle Shops.
- (e) Parks, including boat launching, overnight camping and picnicking, travel trailer and recreation vehicles.
- (f) Boat rentals and sales outside an existing marina.
- (g) Industrial facilities for the shipping and receiving of raw or processed materials by water.
- (h) Restaurants.

(continued)

- (i) Existing structures for human habitation which are not anchored permanently in the waterway.
- (j) Marine supplies.
- (k) Boat harbors, marinas, and incidental accessory uses.
- (l) Commercial docks and piers.
- (m) Other similar water dependent uses.
- (n) Expansion of existing marinas.
- (o) Commercial boat docks, swim floats, fishing piers.
- (p) Gas and boat service at existing marinas and docks.

235-144. PROHIBITED USES. The following uses and activities are expressly prohibited:

- (a) Permanent moorage or anchorage of a houseboat or other vessel used for human habitation, except within an approved marina. Existing houseboat owners may apply for a conditional use permit as provided in this Code to qualify an existing houseboat anchorage as a lawful non-conforming use.
- (b) The mooring or anchoring of a houseboat for a period exceeding one day within two (2) miles of the intake for a domestic water supply.
- (c) The establishment of any project such as marinas, commercial piers and docks, boat sheds and other commercial facilities such as restaurants in any area shown on the comprehensive zoning plan as a "NATURAL AREA".
- (d) The release of any polluting material, debris, junk, abandoned vehicles and similar materials into any waterway.
- (e) The location of any industrial and non water oriented commercial facilities within any area shown on a comprehensive zoning plan as a "SCENIC AREA".
- (f) Septic tanks used as a sewage disposal system for any use on any parcels located within this zone, except on residential lots created prior to November 30, 1972.
- (g) The storage of hazardous materials including, but not limited to, herbicides, pesticides, explosives, and similar materials in an area not protected from flooding.
- (h) Storage of a recreational vehicles(s) for a period exceeding 180 days in any one-year period.

235-145. SITE PLAN REVIEW. The following uses are authorized as permitted uses upon site plan review by the Director of the Planning and Community Development Department, as set forth in this section:

(continued)

- (a) Single family dwellings, including mobilehomes which meet the compatibility criteria set forth in Section 110-98(b).
- (b) Guest homes and accessory buildings and structures.
- (c) Boat docks, swim floats, fishing piers associated with residential uses.

Any application for any use listed above shall be reviewed by the Director for compliance with the provisions of this Code. The Director shall, within ten (10) days after receipt of any application, refer the application to the Environmental Coordinator for environmental review. If it is determined by the Environmental Coordinator that an EXEMPTION is appropriate for the project, the Director will, within ten (10) days after the environmental determination, review the application to determine whether the proposed use, building, or other construction meets the development standards of the DW zone. The Director may require, in addition to standard application information, any or all of the information required for conditional use permits as provided in Article 3, Chapter 10, Title I.

If a Negative Declaration or EIR is required by the Environmental Coordinator, or, in the opinion of the Director, the proposed development will not meet the requirement of the DW zone, the application shall be disapproved and the applicant advised thereof within five (5) days. The Director's decision is not subject to an appeal. The applicant's sole recourse to the Director's decision is to apply for a conditional use permit as provided in Article 3, Chapter 10, Title I.

235-146. DELETED (by SZC 79-28)

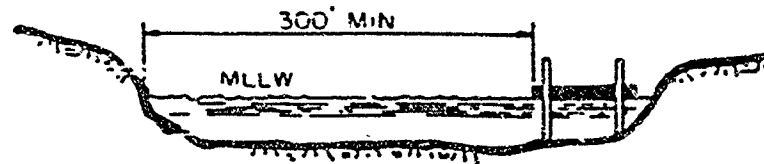
235-147. LOCATION OF STRUCTURES. Structures may be located within RESTRICTED AREAS as indicated on the zoning maps when extensions into the waterways do not exceed one-third of the horizontal distance across the waterway and an unrestricted navigation channel of not less than one hundred feet is maintained.

Structures located in all other areas of the waterways must maintain an unrestricted navigation channel of not less than 100 feet and adhere to the most restrictive of the following standards:

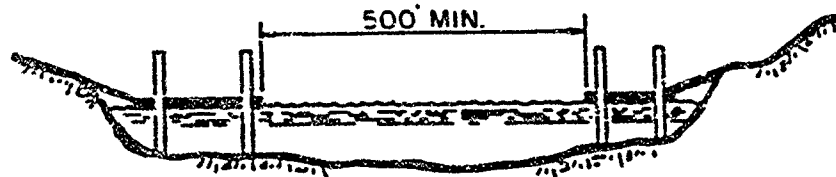
- (a) Extensions shall not exceed more than 200 feet at mean lower low water (MLLW) for commercial and public facilities.
- (b) Extensions shall not exceed more than 100 feet at MLLW or to the line of existing adjacent structure in areas of intensive shoreline development, for private facilities.
- (c) Extensions shall not exceed more than one-third of the horizontal distance across the waterway.

(continued)

- (c) 300 feet of clearance between the project and the undeveloped opposite bank, assuming the opposite bank is not to be developed.



- (e) 500 feet of clearance between the project and any development along the opposite bank.



- (f) 700 feet of clearance between the project and the undeveloped opposite bank, when development of the opposite bank is physically possible and is zoned for development.
- (g) Private docks and fishing piers will be permitted that do not extend more than 40 feet into the river at MLLW no more than 50 feet along the shoreline after securing all applicable Federal and State permits. Joint use of private docks by adjoining residents, not to exceed 10 berths, shall be encouraged when appropriate. Maximum length of 50 feet along the shoreline will be waived for joint-use docks.
- (1) Swimming floats will be permitted that are capable of being removed from the floodway during the flood season.
- (2) Docks and swim floats should be located where the waterway exceeds 500 feet in width and through navigation and activities such as water skiing will not be impeded. These requirements may be waived in areas where Specific Development Standards or speed and wake zones are established.
- (3) Where it is not possible for a dock or swim float to be located on both sides of the waterway, consideration may be given when the waterway is a maximum width of 300 feet.

235-148. LOT AREA. Each lot in the DW zone shall have a net lot area of not less than 20,000 square feet. If neither a public water supply nor a public sewerage facility is in use, the net lot area for each lot shall be not less than one (1) acre.

235-149. LOT WIDTH. Each lot in the DW zone shall have a minimum width of seventy-five (75) feet.

235-150. SETBACKS.

- (a) FRONT. The minimum setback from the levee to any structure shall be ten (10) feet measured towards the waterway from the toe of the levee.
- (b) SIDE YARD. There shall be a side yard in the DW zone on each side of all buildings or structures of not less than twenty (20) feet.

235-151. BUILDING PAD REQUIREMENTS.

- (a) The type of fill for the pad is to be approved by the County Health Agency.
- (b) Trees exceeding 9 inches in diameter may not be removed except when located in an area needed for the building pad.

235-151.5. ELEVATION AND FLOODPROOFING REQUIREMENTS. All structures and improvements, if within the floodway or the 100-year floodplain, shall comply with elevation requirements pursuant to the Sacramento County Water Agency Drainage Ordinance and regulations adopted pursuant thereto.

235-152. CREATION OF ADDITIONAL LOTS. When creating new lots within 100-year floodplain areas by parcel map or subdivision map, approval will be required by the Board of Supervisors, and additional standards must be met as follows:

- (a) Minimum lot size is one (1) acre net. Sewage disposal by septic tank and leach lines is not permitted, and other methods of sewage disposal must be approved by the Health Agency and/or Central Valley Regional Water Quality Control Board prior to approval by the Board of Supervisors.
- (b) The location of the structures, the area subject to fill, trees, wildlife habitats to be removed, and access drives must be shown on the map and approved by the Board.
- (c) If the proposal is located in an area shown as a recreation category on any plan approved by the Board of Supervisors, the Board must consider a report from the Parks and Recreation Department prior to taking action on the tentative maps.
- (d) A minimum depth of 150 feet from the toe of the levee to the top of the bank will be required.

235-153. PARKING. Parking will be as required in Title III, Chapter 30 of the Zoning Code.

235-154. SIGNS. Signs and permitted advertising devices may be erected subject to the development standards of Title III, Chapter 35. Where specific conditions of the use permit are less or more restrictive than the development standards, the condition shall apply.

235-155. SPECIAL CONSIDERATIONS. The appropriate authority in the consideration of a use permit filed pursuant to Section 235-143 and the Director in the site plan review pursuant to Section 235-145 shall, in addition to any requirements imposed by law, give due consideration to the following in the analysis of any application:

- (a) For commercial or industrial uses.
 - (1) The adequacy of parking, landscaping and vehicular access.
 - (2) The convenience of off-street parking, and the lighting thereof.
 - (3) Health Department acceptance of pump-out facilities, holding tanks and other sewage facilities. Septic tank systems are not permitted for commercial uses.
 - (4) Availability of potable water as required by the Health Agency.
 - (5) Public access to the waterway(s).
 - (6) Flood hazards.
 - (7) The measures proposed to reduce the impact of any loss of vegetation and fowl or animal habitats.
- (b) For recreational facilities or uses.
 - (1) Whether the proposed use is available to the general public.
 - (2) The compatibility with the waterway environs.
 - (3) The mitigation measures such as fences and screen planting to mutually protect recreation uses and residential uses from each other.
 - (4) Any recreational use other than commercial recreational use shall not be approved until the same has been approved by the Director of the Parks and Recreation Department.
 - (5) Flood hazards.

(continued)

(c) For all uses.

- (1) The location and anchorage of any private docks, piers, floats, and swimming.
- (2) The location, size and lighting of any signs.
- (3) Flood hazards.
- (4) The adequacy of flood warning and evacuation plans.

235-156. WRITTEN FINDINGS: No site plan or conditional use permit application shall be approved until the Director or granting authority, as the case may be, shall find that the use, structure or facility will not significantly:

- (1) Limit the diversity of public uses appropriate in the waterway.
- (2) Result in a substantial adverse environmental impact to natural habitats.
- (3) Impede the natural flow of the channel.
- (4) Adversely affect the stability of the levee or lands adjacent to the waterway or formation of sandbars or shoals.
- (5) Create a safety or navigation hazard.
- (6) Cause increased flood heights.
- (7) Cause additional threats to public safety.
- (8) Reduce the ecological or scenic values of an existing or approved State or local ecological preserve or wildlife management area.
- (9) Cause excessive disturbance, dredging, filling or bulkheading to the shoreline, and be incompatible with the existing natural and man-made features.

235-157. CONDITIONAL FINDINGS. When a granting authority is considering an appeal or a variance to the standards contained herein, the following findings must be made in addition to the findings outlined above:

- (a) That a public need is demonstrated. In determining public needs, the services provided the boating public and the residents of the adjacent community as well as providing access to points of historical significance shall be given primary consideration.
- (b) That no feasible alternative location exists.
- (c) That an environmental document has been accepted as adequate and adequate mitigation of any identified adverse impact is provided.

235-158. CONDITIONS. In addition to the provisions of Section 110-34 of the Sacramento Zoning Code, the granting authority may require and specify the following conditions:

- (a) Removal of debris, abandoned structures, other hazards.
- (b) Installation of boating regulation signs.
- (c) Compatibility of the project with existing structures and natural features.

Memorandum

To : Ms. Judy Brown
 State Lands Commission
 Division of Environmental
 Planning and Management
 1807 13th Street
 Sacramento, California 95814-9990

Date : May 17, 1991

From : Department of Fish and Game - Region 2

Subject: Merrill-Johnson Vineyards Recreational Structure, Snodgrass Slough,
 Sacramento County

We have reviewed the initial study for the subject project which is a two-level, elevated recreational storage building in an 11 steel-piling grid adjacent to an existing agricultural pump structure. The project also comprises a new steel bridge to connect the recreational structure to the levee above the flood plain and 70 linear feet of sheet steel bulkhead with some 50 cubic yards of fill placed behind the bulkhead.

As noted in the initial study, the project area is in a reach of Snodgrass Slough which has been identified as "Natural Area" in the Delta Master Recreation Plan (DMRP) (California 1976). The DMRP defined Natural Areas as "Those waterways, or portions of waterways and abutting lands, including levees, exhibiting scenic, ecological, or natural values of statewide significance." The DMRP further noted that "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 nonintensive recreation." It must be mentioned that throughout the Delta, only a small portion of the total waterways, at the time of the DMRP publication, was deemed suitable by the amount of remaining natural features or other criteria for the "Natural Area" designation.

As viewed from the Twin Cities Road Bridge no other structure is now present in Snodgrass slough. The area is much the same as in 1976, when the DMRP was published by the Resources Agency. This project will be a "first" in the degradation of the area.

The natural banks and vegetation along Snodgrass Slough in the project vicinity is important habitat for a wide range of aquatic and terrestrial animals. Termed Shaded Riverine Aquatic Cover (SRAC) by the U.S. Fish and Wildlife Service, this unique and valuable habitat is becoming increasingly scarce in the Delta and throughout the entire Central Valley (DeHaven 1989). To the extent that the subject project removes natural features such as this it will have adverse impacts upon fish and wildlife.

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Ms. Judy Brown
May 17, 1991
Page Two

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 subject project will have adverse impacts upon natural resources of the Delta. We recommend that a Draft Environmental Impact Report (EIR) be prepared pursuant to the California Environmental Quality Act.

This project will have an impact to fish and/or wildlife habitat. Assessment fees under Public Resources Code Section 21089 and as defined by Fish and Game Code section 711.4 is necessary. fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Thank you for the opportunity to review this document. We look forward to reviewing the Draft EIR. Please contact Mr. Maury Fjelstad, Fishery Biologist, or Mr. Patrick O'Brien, Fisheries Management Supervisor, telephone (916) 355-7090.

Sincerely,


James D. Messersmith
Regional Manager

Attachment

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REFERENCES

- California Resources Agency. 1976. Sacramento-San Joaquin Delta Master Recreation Plan, Updated and Revised Edition of the 1973 Report. The Delta Master Recreation Plan Task Force, Office of the Secretary, Resources Agency, 1416 Ninth Street, Sacramento, California 95814.
- DaHaven, Richard D. 1989. Distribution, extent, replaceability and relative values to fish and wildlife of shaded riverine aquatic cover of the Lower Sacramento River, California; Part I: 1987-88 Study Results and Recommendations. U.S. Fish and Wildlife Service. Division of Ecological Services, 2800 Cottage Way, Room E-1803, Sacramento, California 95825



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Fish and Wildlife Enhancement
Sacramento Field Office
2800 Cottage Way, Room E-1803
Sacramento, California 95825-1846

In Reply Refer To:
1-1-91-TA-512

June 5, 1991

Ms. Judy Brown
Division of Environmental Planning and Management
California State Lands Commission
1807 13th Street
Sacramento, California 95814

Subject: Species List for Proposed Merrill-Johnson Vineyards Elevated
Re-creational Storage Building, Snodgrass Slough, Sacramento Co.

Dear Ms. Brown:

The attached list replies to your letter of April 5, 1991, requesting information on listed and proposed endangered and threatened species that may occur within the proposed planning area (Attachment A). Some pertinent information concerning the distribution, life history, habitat requirements, and published references for the listed species is also attached.

Information and maps concerning candidate species in California are available from the California Natural Diversity Data Base, a program of the California Department of Fish and Game. Address your request to: Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814 [(916) 324-0562]. You should also request additional information from the Chief, California Department of Fish and Game, Non-Game Heritage Program (916) 324-8348.

All listed species identified in Attachment A are fully protected under the mandates of the Endangered Species Act (Act), as amended. Section 9 of the Act and its implementing regulations prohibit the "take" of a federally listed wildlife species. Take is defined by the Act "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such wildlife species. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR § 17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding, or carrying out of this project, then initiation of formal consultation between that agency and the Service pursuant to Section 7 of the Act is required if it is determined that the proposed project may affect a federally listed species. Such consultation would result in a biological opinion that addresses anticipated effects of the project to listed and proposed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and federally listed species may be taken as

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part of the project, then an "incidental take" permit pursuant to Section 10(a) of the Act should be obtained. The Service may issue such a permit upon completion by the permit applicant of a satisfactory conservation plan for the listed species that would be affected by the project.

Because federally listed species may be found in the project area, we recommend that surveys for them be undertaken by qualified biologists during or prior to the environmental review process. We also recommend that surveys be undertaken for the candidate species included in Attachment A. The results of these surveys should be published in any environmental documents prepared for this project.

Should these surveys determine that federally listed species occur in the area and are likely to be affected by the proposed project, the Service recommends that the project proponent, in consultation with this office and the California Department of Fish and Game, develop a plan that mitigates for the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. The mitigation plan also should be included in the environmental document.

We also recommend addressing adverse impacts to candidate species. One of the benefits of considering these species early in the planning process is that by exploring alternatives, it may be possible to avoid conflicts that could develop, should a candidate species become listed before the project is complete.

Because the Service was petitioned to list the delta smelt, it is possible that this species will be listed in the near future. We recommend that the boat shed be built between July and November to avoid adverse effects to the delta smelt. Because water diversion pumps were identified, all pumps must be screened to comply with the California Department of Fish and Game Code Sections 1600, 5900 and 6100. The water approach velocity at the screen must be less than 0.33 feet per second.

For questions concerning the threatened winter-run chinook salmon, please contact Jim Lecky, Endangered Species Coordinator, at the National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, or call him at (213) 514-6664 or FTS 795-6664.

We appreciate your concern for endangered species. If you have further questions, please call Peggie Kohl of my office at (916) 978-4866.

Sincerely,

Wayne S. White
Field Supervisor

Attachments

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ATTACHMENT A

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND
CANDIDATE SPECIES THAT MAY OCCUR IN THE AREA OF THE PROPOSED
MERRILL-JOHNSON VINEYARDS TWO-LEVEL ELEVATED RECREATIONAL STORAGE BUILDING
WITH A STEEL BRIDGE CONNECTING TO THE LEVEE, SNODGRASS SLOUGH UPSTREAM
FROM TWIN CITIES ROAD, SACRAMENTO COUNTY, CALIFORNIA
(1-1-91-TA-512, JUNE 5, 1991)

Listed Species

Fish
winter-run chinook salmon, *Oncorhynchus tshawytscha* (T)

Candidate Species

Fish
Sacramento splittail, *Pogonichthys macrolepidotus* (2)
delta smelt, *Hypomesus transpacificus* (1)

Amphibian
California tiger salamander, *Ambystoma tigrinum californiense* (2)

Reptiles
giant garter snake, *Thamnophis gigas* (1R)

Birds
tricolored blackbird, *Agelaius tricolor* (2)

Plants
Suisun aster, *Aster chilensis* var. *lentus* (2)
California hibiscus, *Hibiscus californicus* (2)
delta tule-pea, *Lathyrus jepsonii* ssp. *jepsonii* (2)
Mason's lilaeopsis, *Lilaeopsis masonii* (2)

(E)--Endangered (T)--Threatened (CH)--Critical Habitat
(1)--Category 1: Taxa for which the Fish and Wildlife Service has sufficient
biological information to support a proposal to list as endangered or
threatened.
(2)--Category 2: Taxa for which existing information indicated may warrant
listing, but for which substantial biological information to support a
proposed rule is lacking.
(1R)--Recommended for Category 1 status.
(2R)--Recommended for Category 2 status.
(*)--Possibly extinct.