

Central Valley Flood Protection Board

Executive Officer Delegation Report

Original Posting Date: February 2, 2021

Number of Applications Scheduled: 2

Application Number: 19555

Applicant: City of Modesto

Location Description: The project is located within the Dryden Park Golf Course, approximately 0.75 miles downstream of the Highway 99 crossing of the Tuolumne River.

County: Stanislaus

Stream: Tuolumne River

Project Description: To install/bury approximately 84 feet of 6-inch diameter PVC pipeline and approximately 1445 feet of 18-inch diameter PVC pipeline; To construct a new underground pump station (Grinder Pump Station) with an electrical control panel, all on the right (northwest) bank of the Tuolumne River Designated Floodway. This work is part of the larger River Trunk Realignment Shackelford Pump Station Project.

LMA Endorsement: Designated Floodway - Tuolumne River

California Environmental Quality Act (CEQA) Finding: The Central Valley Flood Protection Board (Board), as a responsible agency under CEQA, has reviewed the Draft and Final Wastewater Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2013082006, October 2019), the Mitigation Monitoring and Reporting Program (MMRP), and the Statement of Overriding Considerations, prepared by the lead agency, City of Modesto. The City of Modesto's proposed project is covered by the Draft and Final Wastewater EIR. These documents, including project design, are available for review in hard copy at the Board and the City of Modesto's offices.

The City of Modesto determined that the project would not have a significant effect on the environment and filed a Notice of Determination with the SCH on August 4, 2020. The City of Modesto incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the City of Modesto's Wastewater EIR and MMRP, address impacts to aesthetics and visual resources, air quality, biological resource, cultural paleontological, tribal cultural resources, hydrology and water quality, noise and vibration, population and housing, and cumulative impacts. These mitigation measures are within the responsibility and jurisdiction of the City of Modesto and have been adopted by the City of Modesto. The Draft and Final EIR found less than significant impacts with mitigation under hydrology for flood related impacts resulting from the River Trunk Realignment Shakelford Pump Station Project: Dryden Gold Course project.

The Board, as a responsible agency, is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve (CEQA Guidelines § 15096(g); Public Resources Code § 21002.1(d)). Here, the Board's action is limited to approving an encroachment permit for work associated with the River Trunk Realignment Shakelford Pump Station Project: Dryden Gold Course, and the Board's jurisdiction is limited to imposing conditions or mitigation related to effects on the State Plan of Flood Control.

In accordance with CEQA Guidelines § 15096, Board staff independently reviewed the City of Modesto's Draft and Final Wastewater EIR, MMRP, and Statement of Overriding Considerations and finds these environmental documents prepared by the lead agency adequately address hydrology impacts, including potential flood risk, for the Board's approval of Permit No. 19555 to authorize the project as proposed, which is within the Board's jurisdiction as it relates to effects on the State's flood control system.

The Board, as a responsible agency, is required to make findings for each significant effect of the project (CEQA Guidelines § 15096(h) and § 15091). However, the Draft and Final Wastewater EIR identified less than significant impacts to flood risk, which is the only resource area within the Board's jurisdiction. The project will not adversely impact the State Plan of Flood Control. Based on staff's review of the Wastewater EIR there is no substantial evidence to support a fair argument that the project will result in significant impacts related to flood risk within the Board's jurisdiction. According to the Wastewater EIR, the proposed project results in less than significant impacts related to flood risk, which is the only resource area within the Board's jurisdiction; therefore, the Board's approval of the encroachment permit does not require additional findings unrelated to flood risk under CEQA Guidelines § 15096(h), nor is the consideration of alternatives required. In accordance with CEQA Guidelines § 15096(f) and (g), staff recommends that the Board make responsible agency findings that approval of Permit No. 19555 will not result in any significant adverse impacts related to flood risk, and no additional mitigation measures within the Board's jurisdiction are required.

The documents and other materials which constitute the record of the Board's administrative record are in the custody of the Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Suite 170, Sacramento, California 95821.

Application Number: 19569

Applicant: Turlock Irrigation District

Location Description: The project is located approximately 670 feet south of the La Grange Diversion Dam at river mile 51.7, and about one mile east of the town of La Grange.

County: Stanislaus

Stream: Tuolumne River

Project Description: To resurface approximately 3,000 feet of an existing bedrock sluice channel with shotcrete and to install a diversion structure on the left (east) bank of the Tuolumne River Designated Floodway. The proposed diversion structure includes installing eighty (80) linear feet of a 54-inch diameter rubber gasketed reinforced concrete pipe with reinforced concrete inlet and discharge structures. This structure will connect the upstream portion of the tailrace channel to the main river channel. The work will also include the installation of a temporary river cofferdam.

LMA Endorsement: Not Available

CEQA Finding: The Central Valley Flood Protection Board (Board), as a responsible agency under CEQA, has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2020080551, August 2020), and the Mitigation Monitoring and Reporting Program (MMRP) for La Grange Sluice and Tailrace Channel improvement Project, prepared by the lead agency, Turlock Irrigation District (TID). These documents, including project design, are available for review in hard copy at the Board and the TID's offices.

The TID determined that the La Grange Sluice and Tailrace Channel Improvement Project would not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on November 24, 2020. The TID made revisions to the project and/or incorporated mandatory mitigation measures into the project plans to avoid or mitigate such impacts to a point where no significant adverse impacts will

occur. These mitigation measures are included in the TID's IS/MND and address impacts to biological resources, cultural resources. The mitigation measures are further described in the TID's adopted IS/MND.

The Board, as a responsible agency, is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve (CEQA Guidelines § 15096(g); Public Resources Code § 21002.1(d)). The Board's responsibility under CEQA is limited to imposing conditions or mitigation related to effects on the State Plan of Flood Control. In accordance with CEQA Guidelines § 15096, Board staff independently reviewed the TID's IS/MND, and finds the environmental documents prepared by the lead agency adequately address hydrology impacts, including potential flood risk, for the CVFPB Executive Officer's approval of Permit No. 19569 to authorize work to resurface approximately 3,000 feet of an existing bedrock sluice channel with shotcrete and to install a diversion structure on the left (east) bank of the Tuolumne River Designated Floodway, which is within the Board's responsibility as it relates to effects on the State's flood control system. The IS/MND conclusions related to flood risk are further supported by the hydraulic blockage analysis relied upon by Board staff, which confirms that the work to sluice channel and installation of the diversion structure will result in less than significant hydraulic impacts. In accordance with CEQA Guidelines § 15096(f) and (g), staff recommends that the CVFPB Executive Officer make responsible agency findings that approval of Permit No. 19569 will not result in any significant adverse impacts related to flood risk. The project will not adversely impact the State Plan of Flood Control; therefore, no additional mitigation measures within the Board's jurisdiction are required.

The documents and other materials which constitute the record of the Board's proceedings in this matter are in the custody of the Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Suite 170, Sacramento, California 95821.