

Central Valley Flood Protection Board

Executive Officer Delegation Report

Original Posting Date: July 13, 2021

Number of Applications Scheduled: 4

Application Number: 15488-1

Applicant: Ryan Bogle

Location Description: The Proposed project is located at 639 Brickyard Drive in Sacramento

County: Sacramento

Stream: Sacramento River

Project Description: To remove the existing boat dock and install a new private boat dock. This permit is also a “name change” permit and includes conditions that are consistent with current flood control standards and policies of the Central Valley Flood Protection Board. This permit supplements Permit No. 15488-Rev issued to Mr. James Tanimoto on April 22, 1997 to construct a floating boat dock secured by wooden piles, a pedestrian ramp, and raised concrete steps on the landward slope and two summer gardens (4.5 x 40.5 feet, 4.5 x 20.5 feet) within 10 feet of the levee toe on the left (east) bank levee of the Sacramento River.

LMA Endorsement: Maintenance Area 9

California Environmental Quality Act (CEQA) Finding: Board staff has determined that the project is categorically exempt from CEQA under a Class 21 Categorical Exemption (CEQA Guidelines Section 15321), covering the enforcement action by Regulatory Agencies to enforce the Board’s standard pursuant to California Code of Regulations, Title 23, Section 15 Bases for Denial of Permit Applications because the issuance of the encroachment permit would be injurious and or interfere with the successful execution, functioning, or operation of the adopted plan of flood control.

Staff Recommendation: Staff recommends denial of encroachment Permit No. 15488-1 due to potential conflict with the forthcoming USACE Erosion Control Project and also due to the interference with the successful execution, functioning, and operation of the Sacramento River Flood Control Project.

Application Number: 18050-1

Applicant: City of Sacramento

Location Description: Project Location at 400 and 450 Jibboom Street, Sacramento

County: Sacramento

Stream: Sacramento River

Project Description: Landscape improvements to the existing Robert T. Matsui Waterfront Park as part of the Powerhouse Science Center project. Improvements include installation of retaining walls for improved park access; terraced segmented gravity block seat walls along the west side of the existing Powerhouse Science Center building; updated park features that include new walkways, seated areas, donor wall, and sculpture; parking lot landscape improvements; and landscaping plantings throughout the project area.

LMA Endorsement: American River Flood Control District

California Environmental Quality Act (CEQA) Finding: The Board, as a responsible agency under CEQA, has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2010032067, March 2010), and the Mitigation Monitoring and Reporting Program (MMRP) for the Powerhouse Science Center Project, prepared by the lead agency, the City of Sacramento. The proposed work being evaluated for this encroachment permit consists of landscape improvements to the existing Robert T. Matsui Waterfront Park as part of the Powerhouse Science Center Project. The proposed work is within the project area that was evaluated in the Powerhouse Science Center Project IS/MND, and is covered within the scope of activities evaluated under the IS/MND. The City of Sacramento determined that the proposed landscape improvements will not have a significant effect on the environment, and filed a Notice of Determination with the State Clearinghouse and the Sacramento County Clerk on June 2, 2010. The City of Sacramento incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures are included in the City of Sacramento's IS/MND and MMRP, and address impacts to biological resources, cultural resources, geology and soils, hydrology and water quality (non-flood related), and noise. The mitigation measures are within the responsibility and jurisdiction of the City of Sacramento and have been adopted by the City of Sacramento. The IS/MND found less than significant impacts under hydrology for flood-related impacts resulting from the proposed landscape improvements. The IS/MND also concluded that all additional significant environmental effects of the project relating to Hydrology and Water Quality can be mitigated to a less-than-significant level. In accordance with CEQA Guidelines § 15096(f), Board staff considered the City of Sacramento's IS/MND, which supports the Board's approval of Permit No. 18050-1 to authorize work for landscape improvements. This proposed work is within the Board's jurisdiction as it relates to effects on the federal-State facilities of the State Plan of Flood Control and adopted plans of flood control for regulated streams and designated floodways. 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 Executive Officer's action is limited to approving an encroachment permit, and the Board's jurisdiction is limited to imposing conditions to mitigate or avoid impacts to the environment under its authority, specifically the State's flood control system. According to the discussion within the IS/MND, the proposed landscape improvements result in less than significant impacts related to flood risk. When considering the record as a whole, and in accordance with CEQA Guidelines Section 15096(f) and (g), staff recommends that the Executive Officer make responsible agency findings that approval of Permit No. 18050-1 will not result in any significant adverse impacts related to flood risk. The project will not adversely impact the State's flood control system; therefore, no

conditions or mitigation measures within the Board's jurisdiction are required. These documents, including project design, are available for review in hard copy at the Board and the City of Sacramento's offices. These documents which constitute the administrative record of the Board 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.

Application Number: 19564

Applicant: River Partners

Location Description: The project area encompasses approximately 285 acres of agricultural fields and remnant riparian areas along the left (west) bank of the San Joaquin River, immediately northeast of the community of Grayson.

County: Stanislaus

Stream: San Joaquin River

Project Description: To Grayson Riverbend Preserve Restoration Project proposes to enhance and restore approximately 285 acres, consisting mostly of agricultural fields, to riparian and floodplain habitat, as well as enhancing the existing 106 acres of degraded remnant riparian areas. In addition, an above ground drip irrigation system will be installed, and 600 linear feet of an existing farmer berm is proposed to be degraded to natural ground levels.

LMA Endorsement: N/A

California Environmental Quality Act (CEQA) Finding: The Board, as a responsible agency under CEQA, has reviewed the Riparian Habitat Restoration at Grayson Riverbend Preserve Initial Study/Negative Declaration (IS/ND) and Addendum to the IS/ND (SCH No. 2019129082, December 2019 and August 2020, respectively), prepared by the lead agency, Reclamation District (RD) 2092. The proposed work includes enhancing and restoring approximately 285 acres, consisting mostly of agricultural fields, to riparian and floodplain habitat, as well as enhancing the existing 106 acres of degraded remnant riparian areas. In addition, an above ground drip irrigation system will be installed, and 600 linear feet of an existing farmer berm is proposed to be degraded to natural ground levels. The proposed work is covered by the IS/ND and Addendum, and the environmental documents concluded there would be less than significant impacts under hydrology for flood related impacts resulting from the proposed project. RD 2092 determined that the proposed project will not have a significant effect on the environment, and filed a Notice of Determination with the Stanislaus Clerk-Recorder on January 28, 2020, and the State Clearinghouse on December 17, 2020. In accordance with CEQA Guidelines § 15096(f), Board staff considered RD 2092's IS/ND and Addendum, which support the Board's approval of Permit No. 19564 to authorize work to enhance and restore approximately 285 acres, consisting mostly of agricultural fields, to riparian and floodplain habitat, as well as enhancing the existing 106 acres of degraded remnant riparian areas. In addition, an above ground drip irrigation system will be installed, and 600 linear feet of an existing farmer berm is proposed to be degraded to natural ground levels. This proposed work is within the Board's jurisdiction as it relates to effects on the federal-State facilities of the State Plan of Flood Control, adopted plans of flood control, regulated streams, and designated

floodways (State's flood control system). 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 Executive Officer's action is limited to approving an encroachment permit, and the Board's jurisdiction is limited to imposing conditions to mitigate or avoid impacts to the environment under its authority, specifically the State's flood control system. In addition to the discussion within the IS/ND and Addendum related to flood risk, Board staff reviewed hydraulic analyses to determine if there will be flood impacts as a result of the project. The IS/ND and Addendum conclusions related to flood risk are further supported by the Grayson Riverbend Preserve Restoration Project Hydraulic Impact Analysis prepared by MBK Engineers in January 2020 and relied upon by Board staff, which confirm the proposed project will result in less than significant hydraulic impacts. Board staff has reviewed the hydraulic analyses, agree with the methodology and findings, and has determined that impacts to flood risk will be less than significant. When considering the record as a whole, including the hydraulic analyses, and in accordance with CEQA Guidelines Section 15096(f) and (g), staff recommends that the Executive Officer make responsible agency findings that approval of Permit No. 19564 will not result in any significant adverse impacts related to flood risk. The project will not adversely impact the State's flood control system; therefore, no conditions or mitigation measures within the Board's jurisdiction are required. The documents, including project design, are available for review in hard copy at the Board and RD 2092's offices. These documents which constitute the administrative record of the Board 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.

Application Number: 19583

Applicant: City of Modesto

Location Description: The project is located about 1,300 feet west of State Route 99 in the City of Modesto.

County: Stanislaus

Stream: Tuolumne River

Project Description: To construct an access road, a boat launch ramp, two parking lots (main and overflow), loading and staging area, and a pedestrian access trail along with picnic areas on the right (west) bank of the Tuolumne River Designated Floodway. The work also includes installation of new parking lot signs, construction of an information kiosk and project monument sign, installation of a solar pole light fixture, installation of temporary cofferdam during construction, and placement of rip rap on both sides of the boat launch.

LMA Endorsement: N/A

California Environmental Quality Act (CEQA) Finding: The Board, as a responsible agency under CEQA, has reviewed the Finding of Conformance (SCH No. 2007072023, April 2021) prepared by the lead agency, the City of Modesto. The Finding of Conformance was prepared pursuant to CEQA Guidelines Section 15177. The City of Modesto determined that project is within the

scope of the General Plan Master Environmental Impact Report (EIR) (SCH No. 2007072023) and the Tuolumne River Regional Park Master Plan EIR (SCH No. 2000022028) and no additional significant environmental effects will result from the project and no new additional mitigation measures or alternatives are required. In accordance with CEQA Section 15177(d), the City of Modesto incorporated all feasible mitigation measures appropriate to the project as set forth in the Master EIRs. These mitigation measures, identified in the Findings of Conformance, address impacts to air quality, noise, loss of sensitive wildlife and plant habitat, disturbance of archaeological/historical sites, flooding and water quality, and hazardous materials. These mitigation measures are within the responsibility and jurisdiction of the City of Modesto and have been adopted by the City of Modesto. With incorporation of mitigation measures, potential impacts to hydrology for flood related impacts resulting from the project were found to be less than significant. In accordance with CEQA Guidelines § 15096(f), Board staff independently reviewed and considered the City of Modesto's Finding of Conformance, General Plan Master EIR, and the Tuolumne River Regional Park Master Plan EIR which supports the Board's approval of Permit No. 19583 to authorize work to construct a non-motorized boat dock and associated features which is within the Board's jurisdiction as it relates to effects on the federal-State facilities of the State Plan of Flood Control and adopted plans of flood control for regulated streams and designated floodways (State's flood control system). 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 approve (CEQA Guidelines § 15096(g); Public Resources Code § 21002.1(d)). Here, the Executive Officer's action is limited to approving an encroachment permit, and the Board's jurisdiction is limited to imposing conditions to mitigate or avoid impacts to the environment under its authority, specifically 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). In addition to the determination of less than significant impacts related to flood risk within the Finding of Conformance, Board staff reviewed the hydraulic analysis to determine if there will be flood impacts as a result of the project. The Technical Memorandum of Blockage Calculations prepared by FlowWest (December, 2020) found the proposed project will result in a net decrease in the blockage area. Board staff has reviewed the hydraulic analysis, agrees with the methodology and findings, and has determined that impacts to flood risk will be less than significant. There is no substantial evidence to support a fair argument that the project will result in significant impacts related to flood risk, which is the only resource area within the Board's jurisdiction. Therefore, approving an encroachment permit does not require additional findings unrelated to flood risk under CEQA Guidelines § 15096(h), nor is the consideration of alternatives required. When considering the record as a whole, including the hydraulic analysis, and in accordance with CEQA Guidelines § 15096(f) and (g), staff recommends that the Executive Officer make responsible agency findings that approval of Permit No. 19583 will not result in any significant adverse impacts related to flood risk. The project will not adversely impact the State's flood control system; therefore, no conditions or mitigation measures within the Board's jurisdiction are required. These documents, including project design, are available for review in hard copy at the Board and the City of Modesto's offices. These documents, which constitute the administrative record of the Board in this matter, are in the custody of the

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