

Central Valley Flood Protection Board

Executive Officer Delegation Report

Posting Date: February 11, 2022

Meeting Date: February 25, 2022

Number of Applications Scheduled: 6

Application Number: 19485

Applicant: Paulsen White Oak Ranch L.P.

Location Description: The project is located approximately 0.4 miles north from the intersection of Worth Road and Garden Highway.

County: Sutter

Stream: Feather River

Project Description: To authorize an existing electrical conduit; To authorize the following work performed under Enforcement Case No. 2019-15536: To remove and replace a 14-inch-diameter and a 20-inch-diameter irrigation pipe through the left (east) bank of the Feather River levee. Work included replacement of positive closure butterfly valves, 3-inch Harris siphon breakers at the landside hinge, placement of rock slope protection, and installation of a 47-inch-wide stairway on the waterside slope.

This is also a “name change” permit that includes conditions that are consistent with current flood control standards and policies of the Central Valley Flood Protection Board. This permit supplements Permit No. 1388 and No. 3903. Permit No. 1388 was issued to Mrs. Maine Van Antwerp on April 8, 1949, to construct the 14-inch-diameter pipe that was replaced under the enforcement case. Permit No. 3903 was issued to White Oak Ranch on March 19, 1962, to construct the 20-inch-diameter pipe that was replaced under the enforcement case.

LMA Endorsement: Reclamation District 1001

CEQA Finding: Board staff has determined that an application to change the name of the permittee does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and thus, is not a “project” for purposes of the California Environmental Quality Act (Public Resources Code § 21065; CEQA Guidelines § 15378(a)).

Application Number: 19561

Applicant: California Department of Transportation (Caltrans)

Location Description: The project is located where the I-5 bridges cross over Paradise Cut.

County: San Joaquin

Stream: Paradise Cut

Project Description: To install a 2-inch-diameter conduit carrying fiber optic cables attached to the bridge (parallel to an existing conduit) that crosses over Paradise Cut. The cables and conduit will go to existing pull boxes on both sides of the bridge and will continue landward on both sides.

LMA Endorsement: Reclamation District No's. 2107, 2095 & 2058

CEQA Finding: Board staff has determined the project is exempt from CEQA under the Class 1, Existing Facilities categorical exemption (CEQA Guidelines § 15301) because the proposed activity consists of the installation of conduit carrying fiber optic cables attached to an existing bridge, extending between existing Caltrans pull boxes on both sides of the bridge. The project is also exempt under the Class 3, New Construction or Conversion of Small Structures categorical exemption (CEQA Guidelines § 15302) because the proposed activity consists of the installation of small new equipment and facilities in small structures. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

Application Number: 19568

Applicant: California Department of Transportation (Caltrans)

Location Description: The project is located on the right (north) bank levee of Simmerly Slough, approximately 0.1 miles south of the intersection of State Highway 70 and Laurellen Road, north of the City of Marysville

County: Yuba

Stream: Simmerly Slough

Project Description: To reconfigure and relocate the RD10 Pump Station as part of the State Highway 70 Bridge Replacement Project across Simmerly Slough. The components of the proposed project covered by this permit include installation of a new 16-inch diameter Cement Mortar Lined and Coated (CMLC) steel pipe with positive closure device and siphon breaker, installation of a new 8 feet-long by 4 feet-tall concrete outfall structure, and installation of rock revetment.

LMA Endorsement: Reclamation District 10

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the Simmerly Slough Bridge Replacement Project Draft and the Final Initial Study/Mitigated Negative Declaration/Negative Declaration (IS/MND) (State Clearinghouse No. 2016122058, December 2016), and the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, California Department of Transportation (Caltrans). The proposed work to reconfigure and relocate the RD10 Pump Station as part of the State Highway 70 Bridge Replacement Project across Simmerly Slough, including a new 16-inch diameter Cement Mortar Lined and Coated (CMLC) steel pipe with positive closure device and siphon breaker, installation of a new 8 feet-long by 4 feet-tall concrete outfall structure, and installation of rock revetment, is covered by the IS/MND. Caltrans has determined that the project will not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on December 18, 2017. Caltrans incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the Caltrans' IS/MND and MMRP, address impacts to biological resources and geology and soils. These mitigation measures are within the responsibility and jurisdiction of Caltrans and have been adopted by the Caltrans. The IS/MND found less than significant impacts with mitigation under hydrology for flood-related impacts associated with relocation of the pump station, including installation of a new 16-inch diameter Cement Mortar Lined and Coated (CMLC) steel pipe, installation of a new concrete outfall structure, and installation of rock revetment.

In accordance with CEQA Guidelines § 15096(f), Board staff considered the Caltrans IS/MND, which supports the Board's approval of Permit No. 19568 to authorize work including installation of a new 16-inch diameter Cement Mortar Lined and Coated (CMLC) steel pipe, installation of a new concrete outfall structure, and installation of rock revetment, 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 Board'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/MND related to flood risk, Board staff reviewed hydraulic analyses to determine if there will be flood impacts as a result of the project. The EA03-0H160: State Route 70 Rehabilitation P.M. 14.9-15.7 Section 408 Permit Hydraulic Study prepared by Wood Rogers, Inc (May 19, 2020) found the proposed installation of pipe and concrete outfall structure will result in a blockage of 0.03%. 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 Board make responsible agency findings that approval of Permit No. 19568 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 Caltrans 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: 19603

Applicant: Pacific Bell Telephone dba AT&T CA

Location Description: The project is located where San Juan Road crosses Garden Highway, at 38.62736°N 121.56017°W, Reclamation District 1000, Sacramento River East Levee, Sacramento County.

County: Sacramento

Stream: Sacramento River

Project Description: To authorize relocation of two (2) existing AT&T poles and cables, and install one (1) new temporary pole within the flood control right of way along the Sacramento River East Levee. Relocated poles will be on the immediate north side of San Juan Road, east of Garden Highway. The new temporary pole will be along the same alignment with the relocated poles, but on the west side of Garden Highway. This project is needed for the Natomas Basin Project.

LMA Endorsement: Reclamation District 1000

CEQA Finding:

The Board, as a responsible agency under CEQA, has reviewed the American River Watershed Common Features Project / Natomas Post-Authorization Change Report / Natomas Levee Improvement Program, Phase 4b Landside Improvements Project (NLIP Phase 4b Project) Draft and Final Environmental Impact Statement / Environmental Impact Report (EIS/EIR) (State Clearinghouse No. 2009112025, October 2010), the Mitigation Monitoring and Reporting Program (MMRP), and Statement of Overriding Considerations, prepared by the lead agency, Sacramento Area Flood Control Agency (SAFCA). The proposed work to relocate utilities is covered by the EIS/EIR. SAFCA determined that the project will have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on November 15, 2010. Where feasible, SAFCA

incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in SAFCA's Final EIS/EIR and MMRP, address impacts to air quality; agricultural resources; biological resources; cultural resources; hydrology and hydraulics; environmental justice; land use, socioeconomics, and population and housing; noise; hazards and hazardous materials; geology, soils, and mineral resources; paleontological resources; water quality; transportation and circulation; recreation; utilities and service systems; and visual resources. These mitigation measures are within the responsibility and jurisdiction of SAFCA and have been adopted by SAFCA. Significant and unavoidable impacts are associated with the following resources: agricultural resources; land use, socioeconomics, and population and housing; biological resources; cultural resources; transportation and circulation; noise; recreation; visual resources; and hazards and hazardous materials. SAFCA adopted a Statement of Overriding Considerations in the Board of Directors Resolution 2010-145. The Draft and Final EIS/EIR found a substantially reduced risk of flooding or a beneficial impact under hydrology for flood related impacts.

In accordance with CEQA Guidelines § 15096(f), Board staff independently reviewed and considered SAFCA's Draft and Final EIS/EIR, MMRP, and Statement of Overriding Considerations, which support the Board's approval of Permit No. 19603 to authorize the relocation of utilities 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). However, the Draft and Final EIS/EIR identified less than significant impacts to flood risk. Based on staff's review of the EIS/EIR, 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, 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. 19603 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 SAFCA'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: 19619

Applicant: Daniel and Rachelle Unruh JT

Location Description: The pipe is located approximately 650 feet north of the intersection of Southam Road and Ferry Road, south of Princeton.

County: Colusa

Stream: Sacramento River

Project Description: To authorize an existing 16" steel pipe through the Levee, concrete box with screw gate on the waterward end, pump house on waterward berm, concrete distribution box with flap gates

at landward toe at Levee Mile 14.28 (Historic 14.59). Pipe previously authorized under Permit No. 9460 Automatic Board Order (ABO) and noted in USACE Operations and Maintenance Manual Unit 137 Page 5 (station 754+20) and USACE As-Builts Dwg No. 50-04-2167 Sheet No. 3.

LMA Endorsement: Maintenance Area 1

CEQA Finding: Board staff has determined that the project is exempt from CEQA under the Class 1, Existing Facilities categorical exemption (CEQA Guidelines § 15301), because the activity consists of permitting existing private facilities. No expansion of existing or former use will occur. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

Application Number: 19623

Applicant: Feather River Recreation and Park District

Location Description: The project is located on the left (east) bank of the Feather River and extends approximately 1,000 feet downstream from Ord Ferry Road, under the Table Mountain Boulevard bridge, in the City of Oroville.

County: Butte

Stream: Feather River

Project Description: To construct an approximately 1,000 feet of nature trail along the left (east) bank of the Feather River. The proposed improvements include construction of 6 feet wide trail with 12-inch shoulders; an overlook area with benches and interpretive signs (panels); 24-inch-wide swale with drainage pipes and rock slope protection.

LMA Endorsement: Designated Floodway - Feather River

CEQA Finding: Board staff has determined the project is exempt from CEQA under the Class 1, Existing Facilities categorical exemption (CEQA Guidelines § 15301) because the proposed activity consists of the reconstruction and maintenance of an existing trail to meet standards of public health and safety involving negligible expansion. The project is also exempt under the Class 2, Replacement or Reconstruction categorical exemption (CEQA Guidelines § 15302) because the proposed activity consists of the rehabilitation of a deteriorated trail that will have the same purpose and capacity as the trail being replaced. The project is also exempt under the Class 4, Minor Alterations to Land categorical exemption (CEQA Guidelines §15304) because the project consists of a minor alteration in the condition of the land including installation of installation of an overlook area with benches and interpretive signs (panels), and the addition of drainage features adjacent to and underneath the existing trail. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.