

Central Valley Flood Protection Board

Executive Officer Delegation Report

Posting Date: August 10th, 2022

Meeting Date: August 26th, 2022

Number of Applications Scheduled: 13

Application Number: 1271-1 (Posted 07/18/2022)

Applicant: Kelly Walubengo

Location Description: On the river side of the levee on the left bank of the Feather River at a location about 3.0 miles upstream from Verona, R.D. No. 1001, Sutter County

County: Sutter

Stream: Feather River

Project Description: This is a “name change” permit only 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. 1271 that was issued to Thos. J. and Inez Johnston on May 24, 1948, for the approval of plans for the construction of a residence, with pump house and appurtenances, on a mound on the river side of the levee on the left bank of the Feather River.

LMA: 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: 17806-1 (Posted 07/18/2022)

Applicant: Pacific Gas and Electric Co.

Location Description: The project is located in Marysville, east of Highway 70, along the right (north) bank of the Yuba River at landside and waterside points in the proximity of the terminus of 4th Street at the levee

County: Yuba

Stream: Yuba River

Project Description: To relocate the Smartville-Marysville 60 kV and Pease-Marysville-Harter 60kV electric transmission lines with overhead distribution lines along the waterside embankment of the right (north) bank of the Yuba River as part of Phase 2B of the USACE Marysville Ring Levee Project. Work includes installing twelve distribution poles (4 temporary), removing seven distribution poles, replacing five distribution poles, and permitting our existing transmission poles along with overhead electrical facilities.

LMA Endorsement: Marysville Levee District

CEQA Finding: The Board, as a lead agency under CEQA, and the USACE, as a lead agency under NEPA, prepared the following documents:

- Yuba River Basin, California Project –MRL Improvements Project EA/IS/MND (SCH) No. 20100024001, April 2010) and MMRP;
- The MRL Phases 2A South and 2C Supplemental EA/IS/MND (SCH No. 2010024001, January 2018) and Supplement to the MMRP (2018 Phases 2AS and 2C Supplemental EA/IS/MND);
- The MRL Phase 2B and 3 Project Supplemental EA/IS/MND (SCH No. 20100024001, July 2019) and Supplement to the MMRP;
- MRL Phase 2B and 3 Utility Relocation Draft and Final Supplemental EA/IS/MND (SCH No. 20100024001, February 2021) (2021 Phases 2B and 3 Utility Supplemental IS/MND), and Supplement to the MMRP;
- August 2021 Addendum to the 2018 Phases 2AS and 2C Supplemental EA/IS/MND and the 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND (2021 Addendum to 2018 and 2021 Supplemental EA/IS/MND's).
- November 2021 Addendum to the 2021 Phases 2 B and 3 Utility Supplemental EA/IS/MND (2021 Addendum to 2021 Supplemental EA/IS/MND)

The Draft and Final 2021 Phases 2B and 3 Utility Supplemental IS/MND, the 2021 Addendum to 2018 and 2021 Supplemental EA/IS/MND's, as well as the November 2021 Addendum to the 2021 Supplemental EA/IS/MND's considered the environmental impacts and required mitigation measures for the Projects proposed under Permit No. 17806-1. The Board determined that the project described in the Final 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND would not have a significant effect on the environment and approved the project and Resolution 2021-03 adopting the 2021 Phases 2B and 3 Utility Supplemental IS/MND, and Supplement to the MMRP for the Project. The Board filed a Notice of Determination with the State Clearinghouse on February 26, 2021. The Board's environmental analysis within the Final 2021 Phases 2B and 3 Utility Supplemental IS/MND concluded that utility relocations could have potentially significant impacts on greenhouse gases, public utilities, water resources and water quality, special status species, air quality, vegetation and wildlife, cultural resources, and agriculture and prime and unique farmland, but the avoidance and mitigation measures included in the 2010 MRL Project EA/IS/MND, 2019 Phases 2B and 3 Supplemental EA/IS/MND, and the recently approved 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND would avoid or reduce these impacts to less than significant levels. Board staff finds that Permit No. 17806-1 described herein is consistent with the 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND and subsequent addendums and would result in no new adverse environmental impacts, and that no new mitigation measures are required pursuant to CEQA Guidelines Section 15162. 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: 12577-2

Applicant: Davendra Singh

Location Description: Located on the waterward side of the levee (Garden Highway), on the left bank of Sacramento River approximately 1/2 kilometer (0.3 mile) upstream from Elkhorn Boulevard. Section 26, T. 10 N., R. 3 E., M.D.B.&M. (Reclamation District No. 1000) Sacramento River, Sacramento County.

County: Sacramento

Stream: Sacramento River

Project Description: This is a "name change" permit only 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. 12577 and 12577-A that was issued to Don Barata and Matthew & Lisa

Korn for the approval of plans for the construction of a single-family dwelling with domestic water well, septic system, leach fields, a detached garage, driveway supported on poles, retaining wall, and a shop/ garage on the waterside levee on the left bank of the Sacramento River.

LMA Endorsement: Reclamation District 1000

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: 19380-1

Applicant: CRP/PDC Tidewater Owner, LLC

Location Description: The project is located southwest of Stockton Metropolitan Airport, 1.9 miles west of State Route 99, and 0.8 mile northeast of East French Camp Road (Weber Slough)

County: San Joaquin

Stream: French Camp Slough

Project Description: This is a “name change” permit only 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. 19380 that was issued to Armoto Partners LLCB for the approval of plans to construct a storm-water outfall structure in the Littlejohns Creek-South Branch.

LMA Endorsement: N/A

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: 19522

Applicant: HAPPY ORCHARDS INC

Location Description: The building is located within the Sacramento River Designated Floodway, along the left (east) floodplain, approximately 2.5 miles east of Hamilton City.

County: Butte

Stream: Sacramento River

Project Description: To authorize an existing 50 foot by 20 foot agricultural building. To approve building foundation and slab-on-grade repairs. Improvements include new roof trusses, new metal roof and siding panels.

LMA Endorsement: Butte County Public Works

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 an existing agricultural building. Minor alterations to the structure including foundation improvements, slab-on-grade repairs, new roof trusses, new metal roof, and side paneling have already been implemented to meet current standards of public health and safety. 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: 19552-1

Applicant: DPML Arch Road, LLC

Location Description: The project is located approximately 2 miles east of the intersection of CA Highway 99 and Arch Road, southeast of the City of Stockton

County: San Joaquin

Stream: Littlejohns Creek

Project Description: This is a “name change” permit only 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. 19552 that was issued to ET Stockton Owner LLC on November 9, 2021, for work that "consists installation of two (2) 18-inch diameter storm drain pipes, approximately 14 feet from the top bank, and outfall structure; installation of a 48-inch diameter storm drain pipe crossing approximately 10 feet below the channel; installation of two (2) 4 feet by 10 feet box culverts at the east entrance of Austin Road; modification of an existing box culvert, and associated channel widening along Austin Road; and removal of two (2) dilapidated farm road crossings and placing riprap along the banks of North Littlejones Creek-South Branch, also known as Weber Slough."

LMA Endorsement: San Joaquin County Flood Control and Water Conservation District

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: 19608

Applicant: Argo Stacey H. Argo Cynthia R C/P

Location Description: The project is located approximately 1.6 miles northeast of the community of Butte City, within Area E of the Butte Basin.

County: Glenn

Stream: Butte Basin

Project Description: To authorize the following existing encroachments: An 87 foot long, 50 foot wide, and 14 foot high barn with roof mounted solar modifications; a 37 foot long, 30 foot wide, and 21 foot high shed; a 39 foot long, 35 foot wide, and 18 foot high shed; all located on an agricultural parcel within the Butte Basin.

LMA Endorsement: Levee District 3

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: 19616

Applicant: Shane Hughes

Location Description: The project is located approximately 0.6 miles upstream of the Interstate 5 crossing over the Sacramento River, north of the City of Anderson.

County: Shasta

Stream: Sacramento River

Project Description: To construct access driveway, swimming pool and gazebo on the left (east) bank of the Sacramento River at 6600 Riverland Drive, Shasta County APN: 055-380-048, and 6598 Riverland Drive, Shasta County APN: 055-380-049.

LMA Endorsement: N/A

CEQA Finding: Board staff has determined the project is exempt from CEQA under the Class 4, Minor Alterations to Land categorical exemption (CEQA Guidelines § 15304) because the proposed activity consists of the construction of a driveway. The project is also exempt under the Class 3, New Construction or Conversion of Small Structures categorical exemption (CEQA Guidelines § 15303) because the proposed activity consists of the construction of accessory structures including a swimming pool and gazebo. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

Application Number: 19617

Applicant: California Water Service Company/City of Chico

Location Description: The project is located where Norte Dame Blvd approaches Little Chico Creek, along the eastern limits of the City of Chico.

County: Butte

Stream: Little Chico Creek

Project Description: To extend an existing 12-inch diameter ductile iron pipe water main under the low water channel of Little Chico Creek by jack-and-bore technique.

LMA Endorsement: Maintenance Area 5

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the Meriam Park Draft and Final EIR (SCH No. 200572045, March 2007), and the Mitigation Monitoring and Reporting Program (MMRP) and Statement of Overriding Considerations, prepared by the lead agency, City of Chico (City). The proposed work to extend an existing 12-inch diameter ductile iron pipe water main under the low water channel of Little Chico Creek by jack-and-bore technique is covered by the EIR.

The City determined that the project will have a significant effect on the environment and filed a NOD with the State Clearinghouse and the Butte County Clerk Recorder on June 20, 2007, and again on June 8, 2021 (SCH No. 2005072045). The City incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the City's Final EIR and MMRP, address impacts to aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, public services, recreation, transportation and circulation, and utilities with mitigation measures. These mitigation measures are within the responsibility and jurisdiction of the City and have been adopted by the City. The Draft and Final EIR found less than significant impacts under hydrology for flood related impacts associated with the water main extension under the low water channel of Little Chico Creek.

In accordance with CEQA Guidelines § 15096(f), Board staff independently reviewed and considered the City's Draft and Final EIR, MMRP, and Statement of Overriding Considerations which supports the Board's approval of Permit No. 19617 to authorize work to extend an existing 12-inch diameter ductile iron pipe water main under the low water channel of Little Chico Creek 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 EIR identified less than significant impacts to flood risk. Based on staff's review of the 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. 19617 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'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: 19676

Applicant: SMUD

Location Description: The project is located approximately 670 feet northwest of the intersection of Richards Boulevard and Sunbeam Avenue in Sacramento County, California.

County: Sacramento

Stream: American River

Project Description: To authorize a 10-pole pole line constructed by the Sacramento Municipal Utility District (SMUD) prior to the adoption of the State Plan of Flood Control. The poles are a combination of wood and steel poles set at the toe of the levee.

LMA Endorsement: American River Flood Control District

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 utility poles. 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: 19678

Applicant: Reclamation District No 2062

Location Description: The project is located approximately 0.74 miles northwest of the intersection of W Stewart Road and S Paradise Avenue in San Joaquin County, California.

County: San Joaquin

Stream: Old River

Project Description: To authorize an existing 20" diameter steel irrigation pipe, 2" steel conduit, 11'x11' concrete pump structure, wooden gangway with guardrails, and 9'x9' metal pump house.

LMA Endorsement: N/A

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 facilities, including: an irrigation pipe, steel conduit, concrete pump structure, wooden gangway, and metal pump house. 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: 3284-2

Applicant: Odysseus Farms, LP

Location Description: Feather River West Bank of Feather River (Left Bank)

County: Sutter

Stream: Feather River

Project Description: The project includes replacing an existing pump structure and electrical service and stairs, previously authorized under Permit 3284-1, installation of two 14-foot conical fish screens on the waterside of the Feather River right (west) bank, approximately 0.48 miles north of Highway 99. These repairs are necessary due to modification of the pipes (from through to up and over) the levee, authorized under Permit 3284, to accommodate an emergency repair project under PL 84-99 (Site 0521-41) that was completed in late 2020. The work may cover the installation of coffer dams to provide temporary irrigation until pump/intake repairs are completed.

LMA Endorsement: Maintenance Area 3

CEQA Finding: A state of emergency was proclaimed to exist within 49 California counties by Governor Edmund G. Brown, Jr. on January 23, 2017, due to storms that swept across California beginning in January 2017. The project will complete the repair work previously initiated to flood damaged levees in disaster-stricken areas caused by the storm events in which the state of emergency was proclaimed and is therefore exempt from CEQA under Section 15269(a), Emergency Projects, statutory exemption (CEQA Guidelines § 15269).

In addition, Board staff has determined that the project is exempt from CEQA under the Class 1, Existing Facilities; Class 2, Replacement or Reconstruction; and Class 3 New Construction or Conversion of Small Structures, categorical exemptions (CEQA Guidelines §§ 15301, 15302, and 15303), because the activity consists of a minor alteration of an existing private structure in addition to the replacement and reconstruction of an existing structure where the new structure will be located on the same site and be substantially the same capacity and purpose. The project also involves the construction of new, small facilities and structures. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

Application Number: 7636-1

Applicant: Pump House Ranches

Location Description: Left bank levee of Steamboat Slough approximately 1-1/2 miles downstream from Poverty Road.

County: Sacramento

Stream: Steamboat Slough

Project Description: This is a “name change” permit only 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. 7636 that was issued to Frank Gwerder for the approval of plans to replace pump and place electrical line through left bank levee of Steamboat Slough approximately 1-1/2 miles downstream from Poverty Road.

LMA Endorsement: Reclamation District 3

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)).