

Central Valley Flood Protection Board

Executive Officer Delegation Report

Posting Date: September 12th, 2022

Meeting Date: September 23rd, 2022

Number of Applications Scheduled: 8

Application Number: 13742-1

Applicant: Patrick & Julieanne Hinrichsen

Location Description: The project is located in Sacramento, west of Riverside Boulevard at 949 Piedmont Drive. (Section 22, T8N, R4E, MDB&M, Maintenance Area 9, Sacramento River, Sacramento County).

County: Sacramento

Stream: Sacramento River

Project Description: This is a "name change" permit only that includes conditions that are consistent with current flood control standards and policies of the Central Valley Flood Protection Board. This permit supersedes Permit 13742 GM (Revised) issued to Mrs. Corrine R. Peron on July 17, 1995, to authorize wood stairs on the landward and waterward levee slopes, seven existing redwood trees on the landward levee slope, a guest house and see-through fence at the landward toe of the left bank levee of the Sacramento River.

LMA Endorsement: Maintenance Area 9

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: 14205-1

Applicant: Patrick & Julieanne Hinrichsen

Location Description: The project is located in Sacramento, west of Riverside Boulevard at 949 Piedmont Drive. (Section 22, T8N, R4E, MDB&M, Maintenance Area 9, Sacramento River, Sacramento County).

County: Sacramento

Stream: Sacramento River

Project Description: This is a "name change" permit only, authorizing an existing floating boat dock anchored by existing three pilings and includes conditions that are consistent with current flood control standards and policies of the Central Valley Flood Protection Board. This permit supersedes

Permit No. 14205 GM that was issued to Mr. William Peron on September 8, 1987, for a floating boat dock anchored by three pilings on the left bank of the Sacramento River.

LMA Endorsement: Maintenance Area 9

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: 17812-1

Applicant: Patrick & Julieanne Hinrichsen

Location Description: The project is located in Sacramento, west of Riverside Boulevard at 949 Piedmont Drive. (Section 22, T8N, R4E, MDB&M, Maintenance Area 9, Sacramento River, Sacramento County).

County: Sacramento

Stream: Sacramento River

Project Description: This is a “name change” permit only, authorizing the existing multiple species of ornamental plants and groundcover on the landside slope, wood steps, flagstone, and 3/4 inch diameter PVC pipe (buried 6 inches) with 8 sprinklers on waterside slope and includes conditions that are consistent with current flood control standards and policies of the Central Valley Flood Protection Board. This permit supersedes Permit No. 17812 GM that was issued to Janey John on February 28, 2005, to plant multiple species of ornamental plants and groundcover on the landside slope and to authorize Bermuda grass, wood steps, flagstone, and 3/4 inch diameter PVC pipe (buried 6 inches) with 8 sprinklers on waterside slope of left (east) bank levee of Sacramento River.

LMA Endorsement: Maintenance Area 9

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: 19674

Applicant: California Department of Transportation

Location Description: The project is located along the left (south) bank of the Mokelumne River, where interstate 5 crosses over the Mokelumne River, approximately 10.9 miles south of the City of Elk Grove.

County: Stanislaus

Stream: Mokelumne River

Project Description: To plant approximately 0.39 acres of riparian trees to mitigate for the loss of riparian vegetation cleared for the Mokelumne River Bridge Retrofit Project.

LMA Endorsement: Reclamation District 348

CEQA Finding: Board staff has determined the project is exempt from CEQA under the Class 33, Small Habitat Restoration Projects, categorical exemption (CEQA Guidelines § 15333) because the proposed activity consists of the restoration of a disturbed area less than five acres with native plant species. The project is also exempt under the Class 4, Minor Alterations to Land, categorical exemption (CEQA Guidelines § 15304) because the proposed activity consists of minor public alterations in the condition of land which does not involve the removal of healthy, mature, scenic trees. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

Application Number: 767-1

Applicant: Pacific Gas & Electric

Location Description: The project is located approximately 112 feet north of State Highway 20 bridge crossing over the Sacramento River, east of the town of Meridian.

County: Colusa

Stream: Sacramento River

Project Description: To install a 4-inch diameter steel gas distribution pipe approximately 50 feet below the left (east) and right (west) bank levees and channel of the Sacramento River by horizontal directional drilling. The existing single 4-inch diameter and two 3-inch diameter pipes located on the levee slopes and within the channel will be removed, and the levee slopes and the area landside of the levee will be backfilled. In addition, pipeline crossing signs will be removed and replaced; and existing valve boxes located on the waterside shoulders of both levees and riprap located along the edge of the channel will be removed. This project also includes placing riprap on the waterside slope, which is considered a maintenance activity and doesn't require USACE, Section 408 review.

LMA Endorsement: Reclamation District 70

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the PG&E Replacement of DFM-0630/R-1385 Across the Sacramento River Project Draft and the Final Initial Study/Mitigated Negative Declaration/Negative Declaration (IS/MND) (State Clearinghouse No. 2022060045), and the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, California State Lands Commission. The proposed work to replace gas distribution pipes is covered by the IS/MND. The California State Lands Commission determined that the project will not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse and the Colusa County Clerk/Recorder on August 24, 2022. The California State Lands Commission incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the California State Lands Commission's IS/MND and MMRP, address impacts to Aesthetics, Biological Resources, Cultural Resources, Geology, Soils, and Paleontological Resources, Hazardous Materials, Hydrology and Water Quality, Noise, Recreation, Transportation. These mitigation measures are within the responsibility and jurisdiction of the California State Lands Commission and have been adopted by the California State Lands Commission. The IS/MND found less than significant impacts with mitigation under hydrology for flood-related impacts associated with replacing the gas distribution pipes within the levee of the Sacramento River.

In accordance with CEQA Guidelines § 15096(f), Board staff considered the California State Lands Commission's IS/MND, which supports the Board's approval of Permit No. 767-1 to authorize work to

replace the gas distribution pipes 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.

According to the discussion within the IS/MND, the proposed replacement of the gas distribution pipes results 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 Board make responsible agency findings that approval of Permit No. 767-1 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 California State Lands Commission 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: 9351-1

Applicant: Diana Haussmann

Location Description: The pipe is located approximately 0.3 miles north of the Hwy 20 Bridge crossing the Sutter Colusa County line, west of Meridian

County: Colusa

Stream: Sacramento River

Project Description: To authorize existing 30-inch corrugated metal pipe through the levee with slip lined 18-inch-diameter mortar-lined steel pipe and grouted annulus, a slide gate on the waterside headwall, a 30-inch standpipe and butterfly valve at landside toe at Levee Mile 40.89 (Historic 41.39). The pipe was previously authorized under Permit No. 9351 Automatic Board Order (ABO) and noted in USACE Operations and Maintenance Manual Unit 131 Page 5 and USACE As-Builts Drawing No. 50-4-2545 Sheet No. 2 (station 2173+00).

LMA Endorsement: Sacramento River West Side Levee 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 facilities. These facilities were previously authorized under Automatic Board Order (ABO) 9351 and referenced in USACE Operation and Maintenance, Unit 131, Page 5 and USACE As-Builts Drawing No. 50-4-2545 Sheet No. 2 (station 2173+00). No expansion of existing or former use will occur. This is an administrative change to ABO 9351 to reflect current and existing facilities subject to the property owner. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

Application Number: 19683

Applicant: SMUD

Location Description: 5871 Garden Highway

County: Sacramento

Stream: Sacramento River

Project Description: To authorize installation of a 4-inch conduit through the levee and towards the waterside with work that consist of a backhoe trench totaling 337 feet in length and a horticulture trench totaling in 23 feet in length; remove one (1) existing 3-inch conduit going through the levee; install one (1) new utility pole, one (1) new pull box, and guy wire located 12-feet from the edge of pavement on the landside of the levee; replace one (1) existing utility pole beyond the waterside toe of the levee; remove one (1) utility pole beyond the waterside toe of the levee; install one (1) new pull box on the driveway; install three (3) new traffic pull box beyond the waterside toe of the levee; replace one (1) traffic pull box beyond the waterside toe of the levee; and remove one (1) existing secondary box beyond the waterside toe of the levee.

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 (EIR) (State Clearinghouse No. 2009112025, October 2010) the Mitigation Monitoring and Reporting Program (MMRP), and Statement of Overriding Considerations, prepared by the lead agency, the Sacramento Area Flood Control Agency (SAFCA).

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.

The Board previously approved construction of the NLIP Phase 4b Landside Improvements Project on June 26, 2016 and made appropriate CEQA findings for significant and unavoidable environmental impacts for the NLIP, Phase 4b Project as further described in its previously adopted Resolution 2016-13. The Board finds that the proposed relocation, replacement and addition of electrical equipment is within the scope of the previously adopted Program EIR and therefore constitutes a subsequent activity to the EIR. The Board further finds that no new environmental effects could occur and no new mitigation measures are required pursuant to CEQA Guidelines section 15162.

Therefore, no new environmental document is required pursuant to CEQA Guidelines section 15168. 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: 19684

Applicant: Pacific Bell Telephone dba AT&T California

Location Description: The project is located on the Garden hwy beginning at approximately 100 feet north of Farm Road and ending approximately 165 feet north of Bryte Bend Road

County: Sacramento

Stream: Sacramento River

Project Description: To approve temporary placement of ATT communication lines between Farm Road and Bryte Bend Road. The communication lines are to be attached to the existing wooden poles, previously permitted under Board Permit 19637. The scope of work does not include any underground work. This utility relocation project is required for the Natomas Basin Civil Works Project.

LMA Endorsement: Reclamation District 1000

CEQA Finding: In accordance with CEQA Guidelines § 15096(f), Board staff independently reviewed and considered SAFCA's Draft and Final EIR, MMRP, and Statement of Overriding Considerations which supports the Board's approval of Permit No. 19684 to temporarily relocate communication lines, 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.

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 Phase 4a EIR identified less than significant impacts with mitigation to flood risk. Based on staff's review of the Phase 4a 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 Board make responsible agency findings that approval of Permit No. 19684 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.