

# **Central Valley Flood Protection Board**

## **Executive Officer Delegation Report**

Posting Date: March 10th, 2022

Number of Applications Scheduled: 6

### **Application Number: 11112-1**

Applicant: Reclamation District No. 341

Location Description: The project is located on the left (east) bank levee of the Sacramento River along W Sherman Island Road on Sherman Island.

County: Sacramento

Stream: Sacramento River

Project Description: To authorize the replacement of approximately 80 feet of 24-inch diameter drain pipe authorized via Board Permit No. 11112 with a positive closure valve on the waterside hinge.

LMA Endorsement: Reclamation District 341

CEQA Finding: The Board 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 repair of existing structures. The project is also exempt under the Class 2, Replacement or Reconstruction categorical exemption (CEQA Guidelines § 15302) because the proposed activity consists of the removal and replacement (in-kind) of an existing drainpipe with the same purpose and capacity. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

### **Application Number: 17678-1**

Applicant: Donald A. Murphy 10-year/12-year Residence Trust

Location Description: The project is located on the waterside levee of the Sacramento River, south of Sutterville Road at 7260 Pocket Road.

County: Sacramento

Stream: Sacramento River

Project Description: This is a “name change” permit only, authorizing an existing boat dock supported by four (4) wood pilings and gangway supported by concrete pier on the waterside slope of left (east) bank of the Sacramento River, 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. 17678 GM that was issued to Mr. Donald Murphy on April 18, 2005, to construct a 50 by 22 foot boat dock supported by four 12-inch diameter wood pilings, a 3- by 40-foot gangway supported by a concrete pier on the waterside slope of the left (east) bank of the Sacramento River.

LMA Endorsement: Maintenance Area 9

CEQA Finding: The Board 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: 19587**

Applicant: City of Sacramento

Location Description: The project is located along the left (south) bank of the American River and extends from Sutter’s Landing Park (River Mile 3.5) to the H Street Bridge (River Mile 6.5).

County: Sacramento

Stream: American River

Project Description: To construct a 2.25-mile-long Class 1 bicycle and pedestrian trail along the left (south) bank of the American River. The project also includes the construction of 1) protective structures where the trail goes under the UPRR Bridge; 2) debris shield structure on the waterside of the levee, under the UPRR bridge, near the station (STA) 101+00; 3) re-grading of waterside access ramps near STAs 112+00, 129+00, 146+70, 148+20, and 151+60; 4) construction of the new Glen Hall Access Ramp at STA 185+00; and 5) 2 inches of backfill on top of the Glen Hall Access Ramp at STA 185+00. The backfill extends for approximately 200 ft along the levee crown.

LMA Endorsement: American River Flood Control District

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the Two Rivers Trail Phase II Project, Draft and Final Environmental Impact Report (EIR) (SCH No. 2018102058, December 2019) prepared by the lead agency, City of Sacramento (City). The proposed work to construct a 2.25-mile-long Class 1 bicycle and pedestrian trail along the left (south) bank of the American River and construction of protective structures where the trail goes under the Union Pacific Railroad Bridge is covered by the EIR.

The City determined that the project will have a significant effect on the environment, and filed a Notice of Determination with the State Clearinghouse on February 2, 2020. The City revised the project and incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the City’s Final EIR, address impacts to air quality, biological resources, cultural and tribal resources, geology and soils, hydrology and water quality, hazards and hazardous materials. 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 resulting from constructing the bike trial we are permitting.

In accordance with CEQA Guidelines § 15096(f), Board staff independently reviewed and considered the City’s Draft and Final EIR, which supports the Board’s approval of Permit No. 19587 to authorize work to construct a bike trial which 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 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). In addition to the discussion within the EIR identifying less than significant impacts related to flood risk, Board staff reviewed hydraulic analyses to determine if there will be flood impacts as a result of the project. The Hydraulic Impact Evaluation of the Two Rivers Trail Phase II Project Report prepared by Cbec Eco Engineering (November 2020) found the proposed bike trail 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. 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 analyses, and in accordance with CEQA Guidelines § 15096(f) and (g), staff recommends that the Board make responsible agency findings that approval of Permit No.19587 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: 19715**

Applicant: Constellation Brands US Operations Inc

Location Description: The project is located approximately 1.39 miles upstream of the city of Hood in Sacramento County.

County: Sacramento

Stream: Sacramento River

Project Description: To authorize 130 feet of existing 8-inch diameter steel irrigation pipe crossing below the levee crown, a 1.5-inch diameter steel conduit electrical crossing below the levee crown, a 24-inch diameter concrete standpipe at the landside levee toe, a 6-foot by 6-foot concrete sump, two service power poles on the landside, and a slant irrigation pump supported with 8-inch diameter steel piles on the waterside levee slope. These existing encroachments are pursuant to as-built Drawing 50-04-2983 Sheet No. 2983/18.1 (attached) and Supplement To Standard Operation and Maintenance Manual Sacramento River Flood Control Project Unit No. 111 East Levee of Sacramento River From Freeport to Walnut Grove, Section 2-02(a).

LMA Endorsement: Maintenance Area 9

CEQA Finding: The Board 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: 19717**

Applicant: Nickel Family Farm LLC

Location Description: The project is located approximately 1000 ft south of Washington Avenue and approximately 300 ft upstream of the San Joaquin River Reach 4B structure.

County: Merced

Stream: San Joaquin River

Project Description: To install a 30-inch steel interceptor discharge pipe thorough the left bank levee of the San Joaquin River. A pre-cast outlet structure will be installed at the water side end of the pipe and outfitted with a flap gate. A 30-in butterfly shutoff valve will be installed near the waterside levee crown and an 8-in siphon breaker will be installed near the landside levee crown. With 2 ft of cover at the levee crown, the levee crown will be tapered to raise approximately 0.8ft. Riprap layer will also be added in the channel bank.

LMA Endorsement: N/A

CEQA Finding: The Board has determined the project is exempt from CEQA under the Class 3, New Construction of Small Structures categorical exemption (CEQA Guidelines §15303) because the proposed project consists of the construction of new structures including installation of a 30" pipe and outlet structure. Further, none of the exceptions to the exemption in CEQA Guidelines §15300.2 apply.

**Application Number: 19720**

Applicant: John Hancock Life Insurance Co (USA)

Location Description: located northeast of Rio Vista, approximately 750 LF north of the intersection of Snug Harbor Drive and East Ryer Road, on the right bank levee.

County: Solano

Stream: Steamboat Slough

Project Description: To authorize existing 20-inch steel pipe and 2-inch electrical conduit through the levee with pump on platform and walkway on waterside, a butterfly valve and siphon breaker on waterside shoulder, a 36-inch concrete standpipe at landside toe at Levee Mile 3.46 (Historical 3.7). The pipe was previously authorized under USACE Operations and Maintenance Manual Unit No. 105, Levees Around Ryer Island, Page 5.

LMA Endorsement: Reclamation District 501

CEQA Finding: The Board 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 20-inch steel pipe, a 2-inch electrical conduit, pump, walkway, butterfly valve, siphon breaker, and a 36-inch concrete standpipe. No expansion of existing or former use will occur. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.