

Central Valley Flood Protection Board

Executive Officer Delegation Report

Original Posting Date: December 10, 2020

Reposting Date: December 15, 2020

Number of Applications Scheduled: 3

Application Number: 19534

Applicant: BB Limited

Location Description: The project is located about 0.2 miles east of Bass Avenue and approximately 1.3 miles northeast of the City of Mendota.

County: Fresno

Stream: Fresno Slough

Project Description: To relocate an existing pump, platform, and 12-inch diameter discharge pipe on the left (east) bank of the Fresno Slough. The drainage system will be relocated from north of the Mowry Bridge to approximately 120 feet south of the bridge. The permit also authorizes this existing drainage system constructed in 1950.

LMA Endorsement: N/A

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the Mendota Pool Bypass and Reach 2B Improvement Project Draft and Final Environmental Impact Statement/Draft Environmental Impact Report (EIR) (SCH No. 2009, July 2016) (SCH No. 2009072044, January 2003), the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, California State Lands Commission (Commission) and the Mowry Bridge Replacement CEQA Addendum to the State Lands Commission Environmental Impact Report Adopted for the Mendota Pool Bypass and Reach 2B Improvements Project (A San Joaquin River Restoration Program project, (February 2020) prepared by the lead agency, City of Mendota (City), for the Mowry Bridge Replacement Project. The applicant, BB Limited, has proposed to relocate an existing pump, platform, and 12-inch diameter discharge pipe required to be relocated by the Mowry Bridge Replacement Project which is covered by the City's CEQA Addendum. The Commission determined that the project will have a significant effect on the environment, and filed a Notice of Determination with the State Clearinghouse on April 21, 2017. The Commission incorporated mandatory mitigation measures into the project plans to avoid impacts or to mitigate impacts. These mitigation measures, included in the Commission's Final EIR and MMRP, and relied upon by the City in its CEQA Addendum, address impacts to air quality, biological resources, cultural resources, geology, hazards and hazardous materials and public health, hydrology and noise. These mitigation measures are within the responsibility and jurisdiction of the Commission and have been adopted by the Commission. The Final EIR and CEQA Addendum to the EIR found less than significant impacts under hydrology for flood related impacts.

In accordance with CEQA Guidelines § 15096(f), Board staff considered the Final EIR and CEQA Addendum to the Final EIR, for the Board's approval of Permit No. 19534 to authorize work to relocate the pump, platform and pipe 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). However, the Draft and Final EIR, and CEQA Addendum identified less than significant impacts to flood risk, which is the only resource area within the Board's jurisdiction. Therefore, the Board's approval of Permit No. 19534 does not require additional findings unrelated to flood risk under CEQA Guidelines § 15096(h), nor is the consideration of alternatives required. In addition to the discussion within the Draft and Final EIR and CEQA Addendum, Board staff reviewed the hydraulic analysis to determine if there will be flood impacts as a result of the project. The Flood Impact Assessment of Proposed Mowry Bridge Replacement, Mendota, CA for the San Joaquin River Restoration Program Memorandum prepared by United States Bureau of Reclamation (February 2020) found that the Mowry Bridge Replacement Project would have a negligible hydraulic impact to Fresno Slough. Board staff also reviewed the project design for the proposed pump, platform, and pipe and determined that it would not result in a hydraulic impact to Fresno Slough as the features would be located on the landside of the bank and the discharge pipe to Fresno Slough would be located above the high water mark. When considering the record as a whole, including the hydraulic analysis and project design, and in accordance with CEQA Guideline Section 15096(f) and (g), staff recommends that the Board make responsible agency findings that approval of Permit No. 19534 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 City offices. These documents which constitute the record of the Board's proceedings 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: 19553

Applicant: California Department of Transportation

Location Description: The project is located on State Highway 132, approximately 10.3 miles east of the intersection of Maze Boulevard and Highway 99, east of the City of Modesto.

County: Stanislaus

Stream: San Joaquin River

Project Description: To remove and replace an existing 30 inch diameter corrugated metal pipe with a 30 inch diameter reinforced concrete pipe through State Highway 132 and the right (east) bank levee of the San Joaquin River.

LMA Endorsement: Reclamation District 2031

CEQA Finding: Board staff has determined the project is exempt from CEQA under the Class 2, Replacement or Reconstruction categorical exemption (CEQA Guidelines § 15302), because the proposed activity consists of removing and replacing an existing culvert with a new one. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

Application Number: 19554

Applicant: Pacific Gas and Electric

Location Description: The project is located about 0.2 miles east of Bass Avenue and approximately 1.3 miles northeast of the City of Mendota.

County: Fresno

Stream: Fresno Slough

Project Description: To relocate an existing Pacific Gas and Electric Company (PG&E) electric distribution pole on the east (left) bank of Fresno Slough; and to authorize approximately 500 feet of an existing PG&E overhead electric distribution line that crosses the Fresno Slough Floodway. The existing PG&E pole and transformer will be removed and relocated to the east side of the irrigation canal to facilitate the proposed Mowry Bridge Replacement project.

LMA Endorsement: N/A

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the Mendota Pool Bypass and Reach 2B Improvement Project Draft and Final Environmental Impact Statement/Draft Environmental Impact Report (EIR) (SCH No. 2009, July 2016) (SCH No. 2009072044, January 2003), the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, California State Lands Commission (Commission) and the Mowry Bridge Replacement CEQA Addendum to the State Lands Commission Environmental Impact Report Adopted for the Mendota Pool Bypass and Reach 2B Improvements Project (A San Joaquin River Restoration Program project, (February 2020) prepared by the lead agency, City of Mendota (City), for the Mowry Bridge Replacement Project. The applicant, Pacific Gas and Electric Company, has proposed to remove and relocate an existing electric distribution pole and transformer required to be relocated by the Mowry Bridge Replacement Project which is covered by the City's CEQA Addendum. The Commission determined that the project will have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on April 21, 2017. The Commission incorporated mandatory mitigation measures into the project plans to avoid impacts or to mitigate impacts. These mitigation measures, included in the Commission's Final EIR and MMRP, and relied upon by the City in its CEQA Addendum, address impacts to air quality, biological resources, cultural resources, geology, hazards and hazardous materials and public health, hydrology and noise. These mitigation measures are within the responsibility and jurisdiction of the Commission and have been adopted by the Commission. The Final EIR and CEQA Addendum to the EIR found less than significant impacts under hydrology for flood related impacts.

In accordance with CEQA Guidelines § 15096(f), Board staff considered the Final EIR and CEQA Addendum to the Final EIR, for the Board's approval of Permit No. 19534 to authorize work to relocate the electric distribution pole and transformer 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). However, the Draft and Final EIR, and CEQA Addendum identified less than significant impacts to flood risk, which is the only resource area within the Board's jurisdiction. Therefore, the Board's approval of Permit No. 19534 does not require additional findings unrelated to flood risk under CEQA Guidelines § 15096(h), nor is the consideration of alternatives required. In addition to the discussion within the Draft and Final EIR and CEQA Addendum, Board staff reviewed the hydraulic analysis to determine if there will be flood impacts as a result of the project. The Flood Impact Assessment of Proposed Mowry Bridge Replacement, Mendota, CA for the San Joaquin River Restoration Program Memorandum prepared by United

States Bureau of Reclamation (February 2020) found that the Mowry Bridge Replacement Project, which included utility relocations, would have a negligible hydraulic impact to Fresno Slough. When considering the record as a whole, including the hydraulic analysis, and in accordance with CEQA Guideline Section 15096(f) and (g), staff recommends that the Board make responsible agency findings that approval of Permit No. 19534 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 City offices. These documents which constitute the record of the Board's proceedings 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.