

Central Valley Flood Protection Board

Executive Officer Delegation Report

Posting Date: March 10th, 2022

Meeting Date: March 25th, 2022

Number of Applications Scheduled: 8

Application Number: 19477-1

Applicant: California Department of Water Resources

Location Description: The Lookout Slough Tidal Habitat Restoration and Flood Improvements Project is located within the legal Delta in the Lower Yolo Bypass, west of Liberty Island and northeast of Cache Slough.

County: Solano

Stream: Yolo Bypass

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. 19477-1 that was issued to Ecosystem Investment Partners on August 6, 2021 to authorize the Lookout Slough Tidal Habitat Restoration and Flood Improvements Project which includes 2.9 miles of a new setback levee along Duck Slough and Liberty Island Road, a levee breach and degrade on the Yolo Bypass levee, levee improvements along the Cache/Hass Slough levee, and restoration work for 3,164 acres of upland, tidal, and floodplain habitat.

LMA Endorsement: Reclamation District 2098

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: 19629

Applicant: Hospice of San Joaquin

Location Description: The project is located approximately 350 feet southwest of the West Essex Street and Barrymore Street Intersection in the City of Stockton.

County: San Joaquin

Stream: Calaveras River

Project Description: To remove approximately 460 feet of ornamental fencing from the Calaveras River levee toe and reinstate the encroachment 15 feet from the landside levee toe.

LMA Endorsement: San Joaquin County Flood Control and Water Conservation 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 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: 19631

Applicant: T-Mobile/Sprint

Location Description: The project is located in the floodway near Ramirez Street opposite 8th Street and along the landside toe from Blue Street to Buchanan Street

County: Yuba

Stream: Yuba River

Project Description: To place existing aerial cable from Station 301+40 to Station 320+00 in a new underground two-inch pipe as part of the Marysville Ring Levee federal project.

LMA Endorsement: Marysville Levee District

CEQA Finding: The Board, as a lead agency under the California Environmental Quality Act, and the United States Army Corps of Engineers, as a lead agency under the National Environmental Policy Act, prepared the following documents: Yuba River Basin, California Project – Marysville Ring Levee (MRL) Improvements Project Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND) (State Clearinghouse (SCH) No. 20100024001, April 2010) and Mitigated Monitoring and Reporting Program (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 and the August 2021 Addendum to the 2018 and 2021 Supplemental EA/IS/MND's as well as the November 2021 Addendum to the 2021 Supplemental EA/IS/MND considered the environmental impacts and required mitigation measures for the project proposed under Permit No. 19631. 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 the project could have potentially significant impacts on greenhouses 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 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. 19631 described herein is consistent with the 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND and the Addendum to the 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND 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: 19632

Applicant: AT&T

Location Description: The project is located east of Ramirez Street near Blue Street along the right bank levee of the Yuba River and includes work on the embankments and floodway embankment.

County: Yuba

Stream: Yuba River

Project Description: AT&T will relocate existing aerial fiber cable by installing four joint poles, removing three poles, permitting an existing pole, and installing underground conduit and appurtenant facilities near Station 304+00 with Comcast and Sprint.

LMA Endorsement: N/A

CEQA Finding: The Board, as a lead agency under the California Environmental Quality Act, and the United States Army Corps of Engineers, as a lead agency under the National Environmental Policy Act, prepared the following documents: Yuba River Basin, California Project – Marysville Ring Levee (MRL) Improvements Project Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND) (State Clearinghouse (SCH) No. 20100024001, April 2010) and Mitigated Monitoring and Reporting Program (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 and the August 2021 Addendum to the 2018 and 2021 Supplemental EA/IS/MND's as well as the November 2021 Addendum to the 2021 Supplemental EA/IS/MND considered the environmental impacts and required mitigation measures for the project proposed under Permit No. 19632. 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 the project could have potentially significant impacts on greenhouses 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 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. 19632 described herein is consistent with the 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND and the Addendum to the 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND 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: 19633

Applicant: Comcast

Location Description: Located along Phase 2B near station 262+00 and 264+00, on the landside near the O&M road, 180 feet in length adjacent to the levee toe.

County: Yuba

Stream: Yuba River

Project Description: To relocate overhead utility lines underground in two, two-inch, plastic conduits placed in a 360-ft trench with a vault at each end in Phase 2B of the Marysville Ring Levee Project, from Station 262+00 to 264+00 along the levee, and continuing along Chestnut Street.

LMA Endorsement: Marysville Levee District

CEQA Finding: The Board, as a lead agency under the California Environmental Quality Act, and the United States Army Corps of Engineers, as a lead agency under the National Environmental Policy Act, prepared the following documents:

- Yuba River Basin, California Project – Marysville Ring Levee (MRL) Improvements Project Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND) (State Clearinghouse (SCH) No. 20100024001, April 2010) and Mitigated Monitoring and Reporting Program (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 and the August 2021 Addendum to the 2018 and 2021 Supplemental EA/IS/MND's as well as the November 2021 Addendum to the 2021 Supplemental EA/IS/MND considered the environmental impacts and required mitigation measures for the project proposed under Permit No. 19633. 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 the project could have potentially significant impacts on greenhouses 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 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. 19633 described herein is consistent with

the 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND and the Addendum to the 2021 Phases 2B and 3 Utility Supplemental EA/IS/MND 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: 19635

Applicant: Southern California Edison Company

Location Description: The proposed project is located along State Route 245, crossing Yokohl Creek, near the City of Woodlake in Tulare County, at Caltrans Post Mile 1.39, between coordinates 36.34632, -119.11673 and 36.34708, -119.11667.

County: Tulare

Stream: Yokohl River

Project Description: To relocate two Southern California Edison (SCE) power poles approximately 90 feet away from the existing poles. The SCE facilities attached to these poles are the 66kV overhead transmission lines, 12 kV overhead distribution lines, fault return conductor, anchors, and associated SCE facilities.

LMA Endorsement: N/A

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the Woodlake Bridge Replacement Draft and the Final Initial Study/Mitigated Negative Declaration/Negative Declaration (IS/MND) (State Clearinghouse No. 201821039, April 2019), and the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, California Department of Transportation. The proposed relocation of power poles is covered by the IS/MND. The California Department of Transportation determined that the project will not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on May 3, 2019. The California Department of Transportation incorporated avoidance and minimization measures into the project plans to avoid or mitigate impacts. These measures, included in the California Department of Transportation IS/MND, address impacts to biological resources. These avoidance and minimization measures are within the responsibility and jurisdiction of the California Department of Transportation and have been adopted by the California Department of Transportation. The IS/MND found less than significant impacts with mitigation under hydrology for flood-related impacts associated with relocation of power poles covered by the Board permit application.

In accordance with CEQA Guidelines § 15096(f), Board staff considered the California Department of Transportation's IS/MND, which supports the Board's approval of Permit No.19635 to authorize work to relocation of power poles 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.

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 Final Hydraulic Report for Yokohl Creek Bridge prepared by Caltrans (November 2020) found there will not be an increase to water surface elevation between existing and proposed conditions. Board staff have reviewed the

hydraulic analysis, agree with the methodology and findings, and have determined that impacts to flood risk will be less than significant. 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 Executive Officer make responsible agency findings that approval of Permit No.19635 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 Department of Transportation'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: 19636

Applicant: Frontier Communications

Location Description: To replace two 30-foot high poles on the south and north side of the Yokohl Creek to install the communication line about 25 feet above the top of the bank for the Woodlake Bridge replacement project located on State Route 245 near Woodlake.

County: Yuba

Stream: Yuba River

Project Description: To install a 2-inch duct of buried cable through the levee and a new utility pole as part of the Marysville Ring Levee project Phase 3 Segment C.

LMA Endorsement: N/A

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the Woodlake Bridge Replacement Draft and the Final Initial Study/Mitigated Negative Declaration/Negative Declaration (IS/MND) (State Clearinghouse No. 201821039, April 2019), and the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, California Department of Transportation. The proposed replacement of utility poles is covered by the IS/MND. The California Department of Transportation determined that the project will not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on May 3, 2019. The California Department of Transportation incorporated avoidance and minimization measures into the project plans to avoid or mitigate impacts. These measures, included in the California Department of Transportation IS/MND, address impacts to biological resources. These avoidance and minimization measures are within the responsibility and jurisdiction of the California Department of Transportation and have been adopted by the California Department of Transportation. The IS/MND found less than significant impacts with mitigation under hydrology for flood-related impacts associated with replacement of utility poles covered by the Board permit application.

In accordance with CEQA Guidelines § 15096(f), Board staff considered the California Department of Transportation's IS/MND, which supports the Board's approval of Permit No.19636 to authorize replacement of utility poles 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. 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 Final Hydraulic Report for Yokohl Creek Bridge prepared by Caltrans (November 2020) found there will not be an increase to water surface elevation between existing and proposed conditions. Board staff have reviewed the hydraulic analysis, agree with the methodology and findings, and have determined that impacts to flood risk will be less than significant. 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 Executive Officer make responsible agency findings that approval of Permit No.19636 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 Department of Transportation'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: 6263-1

Applicant: KKC, LLC

Location Description: The encroachments are located on the right (west) bank levee of the Sacramento River, approximately 6.2 miles upstream of the Colusa Bridge across the Sacramento River, north of the City of Colusa.

County: Colusa

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. 6263 that was issued to Mr. Charles W. Tuttle, Jr. on October 3, 1968 to install irrigation pipe, pump, and electrical service through right bank levee of Sacramento River north of Hamilton Bend.

LMA Endorsement: Maintenance Area 1

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: 19637 (POSTED 03/21/2022)

Applicant: SMUD

Location Description: The project is located along the Garden Highway beginning at approximately 100' north of Farm Road and ending at the east side of Gateway Oaks Drive.

County: Sacramento

Stream: Sacramento River

Project Description: To authorize 54 new utility poles and 9 replace-in poles from Garden Highway levees. This work is being done in advance of proposed levee work by Sacramento Area Flood Control Agency and the US Army Corps of Engineers.

LMA Endorsement: Reclamation District 1000

CEQA Finding: The Board, as a responsible agency under CEQA, has reviewed the Natomas Levee Improvement Program Phase 4a Landslide Improvements Project Environmental Impact Report (Phase 4a EIR) (State Clearinghouse No. 2009032097, November 2009), 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 Landside Improvements Project on September 23, 2010 and made appropriate CEQA findings. The Board finds that the proposed relocation, replacement, and addition of overhead 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.