

CENTRAL VALLEY FLOOD PROTECTION BOARD

EXECUTIVE OFFICER'S REPORT

August 25, 2023



ENVIRONMENTAL AND LAND MANAGEMENT DIVISION

Status Report and Work Activities

Environmental Services Section

1.0 Delta Levee Habitat Advisory Committee (DLHAC) Meeting

Staff attended the monthly DLHAC meeting held on August 4, 2023, via online conferencing. A summary of the meeting is provided below:

Thomas Zuckerman proposed that a Delta Benefits Fund that is managed by local agencies would help supplement the available funds to address flood improvements, as well as water quality issues. Availability of funds is a growing concern among DLHAC members as the funding for the Department of Water Resources' (DWR) Subventions Program is variable from Fiscal Year (FY) 24/25 and beyond. The program is currently funded through FY 23/24, with annual Budget Change Proposals being submitted annually after.

Department of Water Resources (DWR) Delta Emergency Operations:

DWR staff have closed out Delta Flood Emergency Response Grant Program – Round 1 agreements; Round 2 is 50% complete; Round 3 some work agreements are almost ready to execute, while others are still in development.

DWR Delta Levees Program (DLP):

The Special Flood Control Projects Project Solicitation Package (PSP) has received an influx of Prop 1 funds totally approximately \$27 million. DWR staff is discussing how to include those funds in the current PSP. Full proposals have been evaluated and scored.

Subventions work agreements for FY 23/24 have been mailed to participating Reclamation Districts in late July. DWR staff are working on processing invoices and payment requests on special projects.

The Delta Ecosystem Enhancement (DEE) has received \$2 million for advanced mitigation planning for the Delta Levees Program. A portion of those funds will be going towards the Grizzly Slough Floodplain Project.

The advanced waterside mitigation program is currently drafting a strategic plan. The planning group have identified a number of potential sites which are being screened for priority. DLHAC members suggested that a spending plan should be drafted for the funds received. California Department of Fish and Wildlife (CDFW) staff would like to see different opportunities prioritized, such as Twitchell Island, because there are more biologically beneficial sites that would meet the program's mitigation requirements.

California Department of Fish and Wildlife:

CDFW staff reviewed a draft Scope of Work for Part 1 at New Hope for the setback levee construction project component.

CDFW and DWR met to discuss waterside enhancement site at Bethel Island and habitat enhancement sites on Woodward Island. A site visit is scheduled for August 9th for Woodward Island.

CDFW staff are working towards re-establishment of Beford and Medford Island's mitigation sites post-fire, establish a new AB360 program waterside mitigation site, establishing a conservation easement and endowment on Phase 2 site of the Grizzly Slough Floodplain Project, and working on finalizing habitat assessments for several Reclamation Districts.

District Engineers' Update:

District Engineers are concerned with the rising cost of levee maintenance and having to truncate their levee maintenance projects due to the extended nesting bird season restrictions implemented by CDFW. KSN suggested that potential exceptions to the shortened season need to be explored.

MBK is working on emergency repairs on Van Sickle Island to address a levee breach which includes dewatering the interior of the island.

2.0 Delta Levee MOU Working Group

Staff attended the Delta Levees MOU Working Group meeting on August 10, 2023. The meeting is summarized below.

DWR is synthesizing data that was garnered from anyone doing levee work in the Delta over the past four fiscal years and conducting a data gap analysis. These findings will be published in a report which will also include an overview of the Subventions Program at a high level and highlight a few restoration projects. DWR anticipates presenting this report to the Delta Stewardship Council (DSC) this fall.

As part of the Delta Adapts initiative DSC staff are working with DWR modelers to align their flood modeling hydrology and the modeling that was done for the Central Valley Flood Protection Plan Update. DSC is further refining the adaptation strategies based on

the input received at the most recent Stakeholder Working Group meeting. These strategies will be reviewed by the Delta Adapts focus groups in September.

DSC is continuing to reach out to Cal OES to determine the status of the FEMA/Cal OES MOU. DSC received comments from the Office of Administrative Law (OAL) during their Delta Levee Investment Strategy Tool rule-making process. OAL was requesting an update on previous supposed commitments that the State made to bring levees up to State Hazard Mitigation Plan standards in exchange for assurances of federal emergency response funding.

3.0 Delta Plan Interagency Implementation Committee (DPIIC) Restoration Subcommittee Meeting

Staff attended the DPIIC Restoration Subcommittee Meeting on August 16, 2023. The meeting is summarized below.

State Water Resources Control Board staff provided a high-level overview of the Statewide Restoration General Order and Program Environmental Impact Report (PEIR). The General Order provides a Section 401 Water Quality Certification and waste discharge requirements on projects that are considered eligible (e.g., establishment, restoration, and enhancement of tidal, subtidal, and freshwater wetlands). All projects must meet the State Water Board's definition of a restoration project that would result in a net increase in aquatic or riparian resource area functions. By utilizing the State Water Board's PEIR for CEQA coverage applicants have seen a savings on their overall project timeline. There are currently 20 permitted projects statewide with five or six in review.

DWR staff provided an update on DWR's habitat restoration efforts in the Delta and Suisun Marsh. DWR is planning on the creation of 2,800 acres of non-tidal wetland, 18,500 acres of floodplain restoration, 14,000 acres of tidal and subtidal habitat, and 1,600 acres of riparian and upland habitat by the year 2030. Project highlights included the Fremont Weir & Big Notch, Upper & Lower Elkhorn, Lookout Slough, Prospect Island, Little Egbert Tract, Dutch Slough, Chipps Island, Grizzly Slough and McCormack Williamson Tract. DWR noted that they have contracted with the Sacramento Area Flood Control Agency and Yolo County to develop a locally preferred alternative in the development of the U.S. Army Corps of Engineers (USACE) Comprehensive Study in reference to the Upper Elkhorn area.

Delta Conservancy and DWR staff jointly presented a summary of several meetings which occurred in June and July where in State agency representatives met to discuss Delta funding needs for the next 10 years. Their estimates were broken down into three categories: project specific funding needs, program funding needs, and Delta flood protection funding needs. Multi-benefit setback levees were identified as an essential need for the Delta in which these stakeholders estimated a need of \$700,000,000 over the next ten years.

4.0 USACE/Board Sponsored Flood Risk Reduction Projects

Staff met with DWR's Flood Projects Branch (FPB) environmental staff by video conferencing on July 21, 2023. In addition to the meeting the following activities occurred during the reporting period:

American River Watershed Common Features, Water Resources Development Act of 2016 (ARCF 2016) Project

- ***Comprehensive Subsequent Environmental Impact Statement (EIS)/Environmental Impact Report (EIR)***—The proposed Project evaluates the environmental impacts of design refinements due to changes in engineering design, expansion of footprint and compensatory habitat mitigation described in the ARCF 2016 General Reevaluation Report (GRR). Design refinements are proposed for the following project components: (1) American River North Streams, Reach I; (2) Magpie Creek Project; (3) American River Erosion Contracts 3B, 4A, and 4B; (4) Sacramento River Erosion Contract 3; (5) American River Mitigation Site; (6) Sacramento River Mitigation Site; and (7) installation of a Piezometer data collection Network.

Board staff began coordinating with DWR FPB staff on review of the Draft of the Subsequent EIS/EIR. The Subsequent EIS/EIR is anticipated to circulate for public review beginning in December 2023.

- ***American River Contract 4A*** – The American River Contract 4A (ARC4) Project proposes to construct an armored berm approximately 100 feet wide on the water side of the levee near River Mile 2.0 and upstream of Jedediah Smith Memorial Bike Trail's undercrossing of the California State Route (SR) 160 bridges.

Board staff began coordinating with DWR FPB staff on a Notice of Exemption (NOE) for Geotechnical, Environmental, Archeological, Topographic, and Utility Surveys for the American River Contract 4A project.

- ***American River Contract 2*** – The American River Contract 2 (ARC2) Project proposes to reduce the risk of levee failure due to erosion and improve fish and wildlife habitat by installing approximately 8,148-feet of levee erosion protection, a riparian planting bench and in-stream woody material along the American River. The ARC2 Project also includes reconstruction of the Campus Commons Golf Course and construction of three off-site habitat restoration sites for mitigation (Arden Pond near the existing William B. Pond Recreation Area and two areas at Rossmoor Bar) within the American River Parkway. The Supplemental EIS/EIR for the ARC2 Project was certified and the project was approved by the Board on September 24, 2021.

Board staff coordinated with DWR FPB staff on an Addendum to the ARC2 Supplemental EIS/EIR. The purpose of the addendum to the previously certified SEIS/SEIR for the ARC2 Project is to disclose the amendments to the project. Specifically, the addendum considers the potential environmental impacts of using a new staging area within the project footprint located with Site 2-2 between Guy West Bridge and Howe Avenue in Sacramento. The Board's Executive Officer approved the addendum on July 25, 2023.

Board staff began coordinating with DWR FPB staff on a NOE to conduct a Parallel Seismic Test next to the H-Street Bridge to determine pier depth as part of a stability analysis. The information collected will support the construction of the ARC2 Project.

5.0 Encroachment Permitting Assistance: Pre-Application Meetings

Staff attended four pre-application meetings during this reporting period. The meetings are summarized below.

- On August 2nd, 2023, staff attended a pre-application meeting for the Insignia / LS Power, Collinsville Substation Project (PAM2023100). The project proposes to construct a power transmission utility line along the Sacramento River in the Delta. Approximately four miles of submarine cable will be placed underneath and across the Sacramento River, and a substation is proposed to be installed on the North bank. The California Public Utilities Commission will be the lead agency for CEQA.
- On August 2nd, 2023, staff attended a pre-application meeting for the G-Ranch Groundwater Recharge Project (PAM2023111). The project proposes to divert excess water from Bear Creek during high water events to existing wetland features to support habitat restoration and groundwater recharge. Board staff requested a hydraulic study to determine the effects the project under a 100- year flood event. The applicant has not prepared a CEQA environmental document, however the applicant anticipates that the project meets the criteria for existing groundwater and restoration CEQA Categorical Exemptions.
- On August 2nd, 2023, staff attended a pre-application meeting for the Pock Lane Subdivision Improvements Project (PAM2023113). The project proposes to install utilities underneath Duck Creek as well as a residential subdivision located within 30 feet of top of bank. USACE 408 staff requested a Biological Resources Assessment and a Section 106 Cultural Resources Report. The applicant prepared a CEQA Initial Study/Mitigated Negative Declaration for the project and a Notice of Determination has been filed with the State Clearinghouse.
- On August 3, 2023, staff attended a Regulatory 404 pre-application meeting for the Daguerre Fishway Project (PAM2023114) in Yuba County. The purpose of the project is to construct a nature-like fishway to improve fish passage around the

Daguerre Point Dam and modernize its water intake structures. This project is in its early conceptual stage of development. Geotechnical borings are planned to support project design; a CEQA Initial Study/Mitigated Negative Declaration is being prepared for the borings due to the presence of several documented tribal cultural resources. A Section 408 Permission will not be required per USACE staff, but an encroachment permit will be required as the project falls within a Designated Floodway. Yuba County Water Agency will be in contact with Board Permitting Section Chief to discuss the borings investigation further.

6.0 CEQA Compliance

- Five Notices of Exemption (NOEs) and Four Notices of Determination (NODs) were filed with the State Clearinghouse (SCH) for encroachment permit issuance.
- Five no project findings were made related to a name change.
- Two no project findings were made related to a Board administrative action.
- One CEQA Addendum was approved for the American River Watershed Common Features 2016 American River Contract 2 Project.

Land Management Section
Sacramento and San Joaquin Drainage District (SSJDD)

1.0 Flood Risk Reduction Projects

American River Common Features 2016 Flood Risk Management Project

- *Sacramento River Erosion Contract 4*
 - *Tree Removal* - DWR real estate staff, on behalf of the Board, executed a Partial Real Estate Certification Package to allow the USACE contractor access to perform vegetation and tree clearing in Sacramento County.
 - *Construction* - DWR real estate staff, on behalf of the Board, executed a Partial Real Estate Certification Package to allow the USACE contractor to access and perform levee repair construction and onsite mitigation activities in Sacramento County

Lower Elkhorn Basin Levee Setback Project - DWR real estate staff, on behalf of the Board, executed an Agreement for Alteration of Owner's Facilities between the Central Valley Flood Protection Board and AT&T for the purpose of relocation of AT&T's fiber optic communications line in Yolo County.

Lower San Joaquin River California Project

Ten Mile Slough Reach 30L, Amendment 1 - DWR real estate staff, on behalf of the Board, executed a Partial Real Estate Certification Package to allow the USACE contractor to have access to the levee slopes for the purpose of clearing trees and excess vegetation, and the removal of blue elderberry shrubs to be transplanted offsite in anticipation of future construction work.

Deferred Maintenance Project, 2021-DMP-NA03-01

DWR real estate staff, on behalf of the Board, executed four (4) Temporary Entry Permits between the SSJDD and private landowners for access to perform construction activities in Butte County.