

# Central Valley Flood Protection Board

## Executive Officer Delegation Report

Posting Date: April 10th, 2022

Number of Applications Scheduled: 4

### Application Number: 19616

Applicant: Shane Hughes

Location Description: The project is located approximately 0.6 miles upstream of the Interstate 5 crossing over the Sacramento River, north of the City of Anderson.

County: Shasta

Stream: Sacramento River

Project Description: To construct a swimming pool and gazebo within the Sacramento River Designated Floodway on the left (east) bank of the Sacramento River at 6600 Riverland Drive, Shasta County APN: 055-380-048.

LMA Endorsement: N/A

CEQA Finding: The Board determined the project is exempt from CEQA under the Class 3, New Construction or Conversion of Small Structures categorical exemption (CEQA California Code of Regulations, Title 14, Section 15303) because the proposed activity consists of the construction of accessory structures including a swimming pool and gazebo. Further, none of the exceptions to the exemption in CEQA California Code of Regulations, Title 14, Section 15300.2 apply.

### Application Number: 19634

Applicant: AT&T

Location Description: AT&T to relocate the existing aerial fiber cable by installing underground conduit at Station 320+00 in the Marysville Ring Levee and installing one new pole on the waterside embankment.

County: Yuba

Stream: Yuba River

Project Description: To install a two-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 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. 2010024001, July 2019) and Supplement to the MMRP.
- MRL Phase 2B and 3 Utility Relocation Draft and Final Supplemental EA/IS/MND (SCH No. 2010024001, 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. 19634. 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 utility relocations 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. The Board finds that Permit No.19634 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: 19716**

Applicant: Pacific Gas & Electric Company

Location Description: The project is located approximately 0.6 miles upstream of the Interstate 5 crossing over the Sacramento River, north of the City of Anderson.

County: Sacramento

Stream: Georgiana Slough

Project Description: To install a 75-foot power pole, which will be hard-set in concrete 9.5 feet below the ground surface. Project activities include installing two down guy wires to the 75-foot pole, securing the two guy wires using two anchors that will be driven or screwed into the ground, installing a new pole-mounted transformer, and stringing a conductor line from an existing power pole on the landside of the levee to the 75-foot pole on the waterside of the levee. A service panel and drop line will also be installed, and the project area will be restored to pre-project conditions.

LMA Endorsement: Reclamation District 556

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the Georgiana Slough Salmonid Migratory Barrier Draft and the Final Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2021100009, March 2022), and the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, California Department of Water Resources (DWR). The proposed work to install new 75-foot power pole is covered by the IS/MND. Project activities include installing two down guy wires to the 75-foot pole, securing the two guy wires using two anchors that will be driven or screwed into the ground, installing a new pole-mounted transformer, and stringing a conductor line from an existing power pole on the landside of the levee to the 75-foot pole on the waterside of the levee. A service panel and drop line will also be installed, and the project area will be restored to pre-project conditions. DWR determined that the project will not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on March 25, 2022. DWR incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in DWR's IS/MND and MMRP, address impacts to air quality, biological resources, cultural resources, greenhouse gases and climate change, noise, and tribal cultural resources with mitigation measures. These mitigation measures are within the responsibility and jurisdiction of DWR and have been adopted by DWR. The IS/MND found less than significant impacts under hydrology for flood-related impacts associated with the power pole installation.

In accordance with CEQA California Code of Regulations, Title 14, Section 15096(f), Board staff considered DWR's IS/MND, which supports the Board's approval of Permit No. 19716 to authorize work to install the power pole 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 California Code of Regulations, Title 14, Section 15096(g); Public Resources Code Section 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.

According to the discussion within the IS/MND, the proposed power pole installation results in less than significant impacts related to flood risk. When considering the record as a whole, and in accordance with CEQA California Code of Regulations, Title 14, Section 15096(f) and (g), staff recommends that the Executive Officer make responsible agency findings that approval of Permit No. 19716 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 DWR'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: 19724**

Applicant: Shane Hughes

Location Description: The project is located approximately 0.6 miles upstream of the Interstate 5 crossing over the Sacramento River, north of the City of Anderson.

County: Shasta

Stream: Sacramento River

Project Description: To construct access driveway, swimming pool and gazebo within the Sacramento River Designated Floodway on the left (east) bank (behind the dwelling) of the Sacramento River at 6598 Riverland Drive, Shasta County APN: 055-380-049.

LMA Endorsement: N/A

CEQA Finding: The Board has determined the project is exempt from CEQA under the Class 4, Minor Alterations to Land categorical exemption (CEQA California Code of Regulations, Title 14, Section 15304) because the proposed activity consists of the construction of a driveway. The project is also exempt under the Class 3, New Construction or Conversion of Small Structures categorical exemption (CEQA California Code of Regulations, Title 14, Section 15303) because the proposed activity consists of the construction of accessory structures including a swimming pool and gazebo. Further, none of the exceptions to the exemption in CEQA California Code of Regulations, Title 14, Section 15300.2 apply.