

# Central Valley Flood Protection Board

## Executive Officer Delegation Report

Posting Date: June 9th, 2023

Number of Applications Scheduled: 5 6

**Application Number: 19742 (Reposted 6/29/2023)**

Applicant: California Gas Gathering, Inc.

Location Description: The project is located where Avenue 21 crosses the Eastside Bypass in the community of Chowchilla, approximately 17 miles south of the City of Merced.

County: Madera

Stream: Eastside Bypass

Project Description: To install a 3-inch diameter welded steel natural gas pipeline crossing of the Eastside Bypass by Horizontal Directional Drilling (HDD). The crossing will include safety shut off valves and leak detection equipment on each side of the Eastside Bypass.

LMA Endorsement: Lower San Joaquin Levee District

CEQA Finding: The Board has determined the project is exempt from CEQA under the Class 3, New Construction or Conversion of Small Structures categorical exemption (CEQA CCR, Title 14, Section 15303) because the proposed activity consists of the installation of a new gas extension. The project is also exempt under the Class 4, Minor Alterations to Land categorical exemption (CEQA CCR, Title 14, Section 15304) because the proposed activity consists of minor public and private alterations in the condition of land and does not involve the removal of healthy, mature, scenic trees. Further, none of the exceptions to the exemption in CEQA California Code of Regulations, Title 14, Section 15300.2 apply.

**Application Number: 13159-1**

Applicant: Bicycle Love Trust

Location Description: The project is located on the waterside levee of the Sacramento River, at 821 Yacht Court.

County: Sacramento

Stream: Sacramento River

Project Description: This is a "name change" permit only, authorizing an existing 8-foot-by-40-foot floating boat dock anchored by two concrete anchors to moor a sailboat on the left bank, a chain-link fence at the landward toe, and trees along the landward slope of the left bank levee of the Sacramento River at Chicory Bend. This permit, including its conditions, supersedes Permit No. 13159 GM (Revised) that was issued to Wayne B. Brown on May 13, 1995, for work on the left bank levee 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 (CEQA Public Resources Code Section 21065; CEQA California Code of Regulations, Title 14, Section 15378(a)).

**Application Number: 19611**

Applicant: The Larson Family Trust

Location Description: The proposed project is located on the waterside of the Unit 1 Sacramento River left (east) bank levee (Levee Mile 6.27), at 7115 Garden Highway in Sacramento.

County: Sacramento

Stream: Sacramento River

Project Description: To place a 42-foot by 27-foot pre-fabricated dock with a 24-foot by 14-foot boat slip. The dock will be anchored by (2) steel cable stays and hinge attached bridge. Aluminum planks will be used for the decking on the dock and encased foam tubs will be utilized for floatation. The dock will be accessed by a 4-foot by 60-foot aluminum bridge connecting to the upland. The bridge will be supported at the dock edge with a hinge, and encased foam tubs will be utilized for floatation at the landing so the connection bridge can float up at high water flows. Pipe piles at the landing will stabilize the bridge when it floats up. Non-water dependent uses which would generate noise, light, or glare during daylight or evening hours are not proposed.

LMA Endorsement: Reclamation District 1000

CEQA Finding: The Board has 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 a new boat dock (accessory structure). The project is also exempt 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 minor private alterations in the conditions of land, water, and/or vegetation that does not involve removal of healthy, scenic, mature trees. Further, none of the exceptions to the exemption in CEQA California Code of Regulations, Title 14, Section 15300.2 apply.

**Application Number: 19663**

Applicant: City of West Sacramento

Location Description: The project is located on the landside of the right (west) bank levee of the Sacramento River, approximately 0.22 miles east of the intersection of Village Parkway and Linden Road, in the City of West Sacramento.

County: Yolo

Stream: Sacramento River

Project Description: To construct a new an American with Disabilities Act compliant levee access ramp on the landside of the right (west) bank Southport Setback Levee of the Sacramento River.

LMA Endorsement: Reclamation District 900

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the Southport Sacramento River Early Implementation Project Draft and Final Environmental Impact Report (EIR) (SCH No. 2011082069, August 2014), and the Mitigation Monitoring and Reporting Program (MMRP) and Statement of Overriding Considerations, prepared by the lead agency, West Sacramento Flood Control Agency (WSAFCA). The proposed work to construct a new American with Disabilities Act (ADA) compliant levee access ramp on the landside of the right (west) bank of the Southport Setback Levee is covered by the EIR.

WSAFCA determined that the project will have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse and the Yolo County Clerk-Recorder on August 14, 2014. WSAFCA incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the WSAFCA's Final EIR and MMRP, address impacts to agricultural resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, utilities, and visual resources with mitigation measures. These mitigation measures are within the responsibility and jurisdiction of the City and have been adopted by WSAFCA. The Draft and Final EIR found less than significant impacts under hydrology for flood related impacts associated with/resulting from construction of the ADA access ramp.

In accordance with CEQA California Code of Regulations (CCR), Title 14, Section 15096(f), Board staff independently reviewed and considered WSAFCA's Draft and Final EIR, MMRP, and Statement of Overriding Considerations which supports the Board's approval of Permit No. 19663 to authorize work to construct an ADA access ramp 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 CCR, Title 14, Section 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.

The Board, as a responsible agency, is required to make findings for each significant effect of the project (CEQA CCR, Title 14, Section 15096(h) and 15091). However, the Draft and Final EIR identified less than significant impacts to flood risk. Based on staff's review of the EIR, 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 CCR, Title 14, Section 15096(h), nor is the consideration of alternatives required. When considering the record as a whole, and in accordance with CEQA CCR, Title 14, Section 15096(f) and (g), staff recommends that the Executive Officer make responsible agency findings that approval of Permit No. 19663 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 WSAFCA'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: 3928-1**

Applicant: Yokoi Revocable Living Trust

Location Description: The project is located in Sacramento at 907 Piedmont Dr. (Section 22, T8N, R4E, MDB&M), Maintenance Area 9, at 38.531957°N -121.526209°W, Maintenance Area 9, Sacramento River, (Sacramento County).

County: Sacramento

Stream: Sacramento River

Project Description: This is a “name change” permit only, authorizing an existing boathouse and walkway, 20-foot pole on the waterside berm, 3/4-inch conduit to the pole and waterside stairs on the left bank levee of the Sacramento River. This permit including its conditions, supersedes Permit No. 3928-A that was issued to Mr. Frank Yokoi on July 28, 1971, to transfer Board Order No. 3928 from Owen L. Perdue to Frank Yokoi, for work on the left bank levee 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 (CEQA Public Resources Code Section 21065; CEQA California Code of Regulations, Title 14, Section 15378(a)).

## **Application Number: 19735**

Applicant: AT&T

Location Description: located along the Garden Highway approximately 475 feet north-west from the intersection of Garden Highway and Bryte Bend Road to approximately 1440 ft west from the intersection of Garden Highway and Orchard Lane

County: Sacramento

Stream: Sacramento River

Project Description: To authorize three (3) temporary wooden poles 3 to 8 feet from the edge of pavement along the waterside of the Garden Highway levee, and placement of ATT overhead communication lines along the waterside slope of the Garden Highway levee between Bryte Bend Road and Orchard Lane. The communication lines are to be attached to the SMUD poles, previously permitted under Board Permit 19637. The scope of work does not include any underground work. This utility relocation project is required for the Natomas Basin Civil Works Project.

LMA Endorsement: Reclamation District 1000

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the Natomas Levee Improvement Program Phase 4b Landslide Improvements Project Environmental Impact Statement/Environmental Impact Report (Phase 4b EIS/EIR) (State Clearinghouse No. 2009112025, October 2010), the Mitigation Monitoring and Reporting Program, 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 California Code of Regulations, Title 14, Section 15096(g); CEQA Public Resources Code Section

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 approved the construction of the Natomas Levee Improvement Program Phase 4b Landslide Improvements Project, on June 24, 2016, and made appropriate CEQA findings for significant and unavoidable impacts for the Natomas Levee Improvement Program Phase 4b Landslide Improvements Project as further described in its previously adopted Resolution 2016.13. Subsequently, the Board filed a Notice of Determination with the State Clearinghouse on June 24, 2016. The Board finds that authorization of the work requested under encroachment permit 19735 is within the scope of the previously adopted Phase 4b EIS/EIR and 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 California Code of Regulations, Title 14, Section 15162. Therefore, no new environmental document is required pursuant to CEQA California Code of Regulations, Title 14, 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.