

Central Valley Flood Protection Board

Executive Officer Delegation Report

Posting Date: July 10th, 2023

Number of Applications Scheduled: 6

Application Number: 15103-1

Applicant: Urbano Soria

Location Description: The project is located south of the City of Stockton approximately 0.4 mile downstream from the easterly extension of Mathews Road.

County: San Joaquin

Stream: San Joaquin 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. 15103 that was approved to Chow Young on March 29, 1989, to replace an existing pipe with an 8-inch-diameter irrigation pipe through the right bank levee of the San Joaquin River.

LMA Endorsement: Reclamation District 17

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: 1887-1

Applicant: Waltz Farms

Location Description:

County: Yuba

Stream: Dry Creek

Project Description: This is a "name change" permit that includes conditions that are consistent with current flood control standards and policies of the Central Valley Flood Protection Board. This permit supplements Permit No. 1887 that was issued to Helen B. Waltz - on April 29, 1954 to install two 12-inch diameter pipes through the left (south) bank levee of Dry Creek.

LMA Endorsement: Reclamation District 2103

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, 15378(a)).

Application Number: 19594

Applicant: North San Joaquin Water Conservation District

Location Description: The proposed project is located 1.76 miles east of the Highway 99 and 3.16 miles south of the east Kettleman Lane.

County: San Joaquin

Stream: Bear Creek

Project Description: To install a 12-inch diameter irrigation line under the Bear Creek levees and attach it to an existing private bridge that crosses the main channel. The project will involve disturbance within 5,500 square feet of levee and adjacent agricultural lands and involve the excavation of approximately 18.5 cubic yards of soil. Following installation of the pipe, the levee will be backfilled with approximately 4.6 cubic yards of compacted soil and 10.3 cubic yards of slurry.

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

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the Demonstration Recharge Extraction & Aquifer Management Project + NSJWCD South System Improvements Draft and the Final Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2016032012, August 2016), and the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, San Joaquin County (County). The proposed work to install a 12-inch diameter irrigation line under the Bear Creek levees and attach it to an existing private bridge that crosses the main channel is covered by the IS/MND. The project will involve disturbance within 5,500 square feet of levee and adjacent agricultural lands and involve the excavation of approximately 18.5 cubic yards of soil. Following installation of the pipe, the levee will be backfilled with approximately 4.6 cubic yards of compacted soil and 10.3 cubic yards of slurry. The County determined that the project will not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on August 24, 2016. The County revised the project and incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the County's IS/MND and MMRP, address impacts to biological resources, cultural resources, hazards and hazardous materials, noise, and transportation with mitigation measures. These mitigation measures are within the responsibility and jurisdiction of the County and have been adopted by the County. The IS/MND found less than significant impacts under hydrology for flood related impacts associated with the irrigation line we are permitting.

In accordance with CEQA California Code of Regulations (CCR), Title 14, Section 15096(f), Board staff considered the County's IS/MND, which supports the Board's approval of Permit No. 19594 to authorize work to install a 12-inch diameter irrigation line under the Bear Creek levees and attach it to an existing private bridge that crosses the main channel which is within the Board's jurisdiction as it relates to effects on the federal-State facilities of the State Plan of Flood Control, regulated streams, designated floodways, and easements (Adopted Plan of Flood Control). 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 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 Adopted Plan of Flood Control.

According to the discussion within the IS/MND, the proposed irrigation line we are permitting results in less than significant impacts related to flood risk. 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. 19594 will not result in any significant adverse impacts related to flood risk. The project will not adversely impact the Adopted Plan of Flood Control; 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 County'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: 19616-1

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 6604 Riverland Drive, Shasta County APN: 055-380-048.

LMA Endorsement: N/A

CEQA Finding: The Board has determined that the proposed ministerial change to update Shasta County APN: 055-380-048 from 6600 to 6604 Riverland Drive associated with encroachment permit 19616 does not have the potential for resulting 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: 19627-1

Applicant: Woodcreek Oak Petroleum, Inc.

Location Description:

County:

Stream:

Project Description: This is a "name change" permit that includes conditions that are consistent with current flood control standards and policies of the Central Valley Flood Protection Board. This permit supplements Permit No. 19627 that was issued to AMPM Bruce at 32, Inc. on 5/3/2022 to construct a

gas station facility consisting of a 3,800 square foot convenience store, nine (9) pump stations under a 5,500 square foot canopy, a 1,200 square foot car wash, parking facilities, trash enclosure, landscaping, site lighting, signage, and utility pole, along the left (east) bank of Dead Horse Slough.

LMA Endorsement: N/A

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: 19733

Applicant: Stanislaus County Public Works

Location Description: The project is located in S. 7th Street over Tuolumne River in City of Modesto.

County: Stanislaus

Stream: Tuolumne River

Project Description: To install a new 16-inch ductile iron pipe water line along the east side of the new 7th Street Bridge that will be supported within one of the hollow bridge bays. The new water line will connect to existing facilities at both the north and south intersections beyond the bridge limits. Appurtenant facilities including 24-inch steel casing, air release valves, joints, fittings, supports, service connections, and fire hydrants assembly will also be installed.

LMA Endorsement: N/A

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the 7th Street Bridge Project Draft and Final Environmental Impact Report (EIR) (SCH No. 2013092059, March 2017), and the Mitigation Monitoring and Reporting Program (MMRP) and Statement of Overriding Considerations, prepared by the lead agency, Stanislaus County. The proposed bridge replacement is covered by the EIR.

The County of Stanislaus determined that the project will have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on 17 May 2017. The County of Stanislaus incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the County of Stanislaus’s Final EIR and MMRP, address impacts to transportation, noise, biological resources, cultural resource, hazards and hazardous materials. These mitigation measures are within the responsibility and jurisdiction of the County of Stanislaus and have been adopted by the County of Stanislaus. The Draft and Final EIR found less than significant impacts under hydrology for flood related impacts associated with the 7th street bridge replacement.

In accordance with CEQA California Code of Regulations, Title 14, Section 15096(f), Board staff independently reviewed and considered the County of Stanislaus’s Draft and Final EIR, MMRP, and Statement of Overriding Considerations which supports the Board’s approval of Permit No. 19733 to

authorize work to replace the 7th street bridge, which is within the Board's jurisdiction as it relates to effects on the federal-State facilities of the State Plan of Flood Control, regulated streams, designated floodways, and easements (Adopted Plan of Flood Control). 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 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 Adopted Plan of Flood Control.

The Board, as a responsible agency, is required to make findings for each significant effect of the project (CEQA California Code of Regulations, Title 14, Sections 15096(h) and 15091). In addition to the discussion within the EIR identifying less than significant impacts related to flood risk, Board staff reviewed hydraulic analyses to determine if there will be flood impacts as a result of the project. A Bridge Design Hydraulic Study Report was prepared in August 2022, additionally a supplemental memorandum to the final Bridge Design Hydraulic Stud Report was prepared in March 2023 to address the temporary features that will remain in the floodway during the flood season. Board staff has reviewed the hydraulic analyses, agrees with the methodology and findings, and has determined that impacts to flood risk will be less than significant. 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 California Code of Regulations, Title 14, Section 15096(h), nor is the consideration of alternatives required. When considering the record as a whole, including the hydraulic analyses, 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. 19733 will not result in any significant adverse impacts related to flood risk. The project will not adversely impact the Adopted Plan of Flood Control; 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 County of Stanislaus'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.