

Central Valley Flood Protection Board

Executive Officer Delegation Report

Posting Date: December 11th, 2023

Number of Applications Scheduled: 2

Application Number: 19691

Applicant: Le Grand-Athlone Water District

Location Description: The project is located approximately 0.95 miles upstream of the intersection of South Fresno Road and Mariposa Creek in Merced County, California, at 37.23623°N 120.22966°W, Merced County Public Works (Merced Streams Group), Mariposa Creek, Merced County.

County: Merced

Stream: Mariposa Creek

Project Description: To install an 84-inch diameter siphon pipeline via trenching through Mariposa Creek as part of the Merced Irrigation District's (MID) canal system that will provide the primary conveyance of surface water in the Merced Subbasin. The project includes clearing and grubbing of vegetation, pipe staging, trench excavation, pipe installation, grading and sloping the top of the backfilled trench to pre-construction conditions, and reseeding for slope stabilization.

LMA Endorsement: Merced County Public Works

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the Le Grand-Athlone Water District Merced Irrigation District Canal Intertie Project Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2022050049, June 2022), and the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, Le Grand Athlone Water District. The proposed work to install an 84-inch diameter siphon pipeline via trenching through Mariposa Creek is covered by the IS/MND. The Le Grand Athlone Water District determined that the project will not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on and the Merced County Clerk on June 21, 2022. Le Grand Athlone Water District incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the Le Grand Athlone Water District's IS/MND and MMRP, address impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, tribal cultural resources, and wildfire. These mitigation measures are within the responsibility and jurisdiction of and have been adopted by Le Grand Athlone Water District. The IS/MND found less than significant impacts under hydrology for flood-related impacts associated with the proposed project.

In accordance with CEQA California Code of Regulations, Title 14, Section 15096(f), Board staff considered Le Grand Athlone Water District's IS/MND, which supports the Board's approval of Permit No. 19691 to authorize the proposed work 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); 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 project 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 Board make responsible agency findings that approval of Permit No. 19691 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 Le Grand Athlone Water District'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: 19721-1

Applicant: Pacific Gas and Electric Company

Location Description: The project is located approximately 5.6 miles upstream of the Turner Island Road Bridge across San Joaquin River, north east of the City of Los Banos.

County: Merced

Stream: San Joaquin River

Project Description: To install a power line aerial crossing over San Joaquin River. The support poles will be installed a minimum of 30-feet from the top of bank of San Joaquin River.

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 of Small Structures categorical exemption (CEQA Code of Regulations Title 14, Section 15303) because the proposed activity consists of the installation of a power line aerial crossing over the San Joaquin River. Additionally, the project is also exempt under the Class 4 Minor Alteration to Land categorical exemption (CEQA Code of Regulations Title 14, Section 15304) because the proposed activity consists of minor fill and excavation related to installation of the utility poles. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.