

# Central Valley Flood Protection Board

## Executive Officer Delegation Report

Posting Date: June 13, 2024

Number of Applications Scheduled: 11

**Application Number: 19883 (Posted 6/20/24)**

Applicant: California Department of Technology

Location Description: The project is located on State Route 32, Postmile 10.32, at approximately 39.73695°N, 121.81712°W, crossing Dead Horse Slough (Caltrans Culvert Inventory No. 120324001032), in the City of Chico, Butte County.

County: Butte

Stream: Dead Horse Slough

Project Description: To install Broadband Network Infrastructure on State Route 32 in Butte County. One (1) 2-inch diameter Fiber Optic Conduit (FOC) housing fiber optic cable will be crossing Dead Horse Slough, beneath the existing 48-inch diameter Caltrans culvert (Inventory No. 120324001032) at Postmile 10.32 on the eastbound (downstream) direction on State Route 32. The FOC is proposed to be installed by horizontal directional drilling method to a minimum depth of 5 feet below the culvert.

LMA Endorsement: Maintenance Area 5

CEQA Finding: The project is statutorily exempt under the provisions of CEQA. The Board's approval involves issuing an encroachment permit for the installation of a Broadband Network Infrastructure on publicly owned culverts located on State Route 32 over Dead Horse Slough, which is exempt under the statutory exemption of the CEQA Public Resources Code Section 21080.51. In addition, the Board has determined that 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 activity consists of the installation of utility extensions. The project is also exempt under the Class 4, Minor Alterations to Land categorical exemption (CEQA CCR, Title 14, Section 15304), because the project involves minor public alterations in the condition of the land which does not involve the removal of healthy, mature, or scenic trees. Further, none of the exceptions to the exemption in CEQA CCR, Title 14, Section 15300.2 apply.

**Application Number: 19867 (Posted 6/03/24)**

Applicant: California Department of Technology

Location Description: The project is located on State Route 32, Postmile 11.73, at approximately 39.742093°N, 121.791354°W, crossing Dead Horse Slough at Caltrans Culvert Inventory No. 120320001173 in the city of Chico, Butte County.

County: Butte

Stream: Dead Horse Slough

Project Description: To install Broadband Network Infrastructure on State Route 32 in Butte County. One (1) 2-inch diameter Fiber Optic Conduit (FOC) housing fiber optic cable will be crossing Dead Horse Slough, beneath the existing 8 feet by 6 feet Caltrans culvert (Inventory No. 120320001173) at

Postmile 11.73 on the eastbound (upstream) direction on State Route 32. The FOC is proposed to be installed by horizontal directional drilling method to a minimum depth of 5 feet below the culvert.

LMA Endorsement: N/A

CEQA Finding: The project is statutorily exempt under the provisions of CEQA. The Board's approval involves issuing an encroachment permit for the installation of a Broadband Network Infrastructure on a publicly owned culvert located on State Route 32 over Dead Horse Slough, which is exempt under the statutory exemption of the CEQA Public Resources Code Section 21080.51.

In addition, the Board has determined that 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 activity consists of the installation of utility extensions. The project is also exempt under the Class 4, Minor Alterations to Land categorical exemption (CEQA CCR, Title 14, Section 15304), because the project involves minor public alterations in the condition of the land which does not involve the removal of healthy, mature, or scenic trees. Further, none of the exceptions to the exemption in CEQA CCR, Title 14, Section 15300.2 apply.

### **Application Number: 1723-2**

Applicant: Natomas Central Mutual Water Company

Location Description: The project is located along the eastern side of the Sacramento River at River Mile 73.7 near 7701 Garden Highway

County: Sacramento

Stream: Sacramento River

Project Description: To replace the existing Elkhorn pumping plant with a new pumping plant and a cylindrical fish screen that will prevent fish entrapment. The project includes a new pump support structure founded on steel pipe piles, a log boom and deflector boom, electrical controls, and lighting for the pumping plant and miscellaneous auxiliary equipment.

LMA Endorsement: Reclamation District 1000

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the Natomas Levee Improvement Program (NLIP), Phase 3 Landside Improvements Project Environmental Impact Report (EIR) (State Clearinghouse No. 2008072060, May 2009), the Mitigation Monitoring and Reporting Program (MMRP), and Statement of Overriding Considerations, prepared by the lead 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 Adopted Plan of Flood Control.

The Board approved the construction of the NLIP Phase 3 Landside Improvements Project on April 23, 2010, and made appropriate CEQA findings for significant and unavoidable impacts for the NLIP, Phase 3 Project as further described in its previously adopted Resolution 2010-10. The Board finds that the proposed project is within the scope of the previously adopted 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.

**Application Number: 19649**

Applicant: Resident

Location Description: The project is located in the City of Sacramento at 820 Skipper Circle. Section 22, T8N, R4E, M.D.B.&M., Maintenance Area 9, Levee Mile 1.39, Sacramento River, Sacramento County.

County: Sacramento

Stream: Sacramento River

Project Description: To install a wrought iron fence along back of property within the easement of the levee. Wood fence will then be removed.

LMA Endorsement: Maintenance Area 9

CEQA Finding: The project is exempt from CEQA under the Class 2, Replacement or Reconstruction (CEQA California Code of Regulations, Title 14, Section 15302), categorical exemption because the activity consists of replacement and reconstruction of an existing structure in the same site and will have substantially the same purpose and capacity as the replaced structure. Further, none of the exceptions to the exemption in CEQA California Code of Regulations, Title 14, Section 15300.2 apply.

**Application Number: 19842**

Applicant: Pacific Gas and Electric

Location Description: The project is located adjacent to Tule Canal on the right bank in the Yolo Bypass.

County: Yolo

Stream: Tule Canal

Project Description: To install a new 55.5 feet tall and 9.5 feet deep power pole. The project also includes approximately 58 feet of overhead connection 37 feet high.

LMA Endorsement: Department of Water Resources

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the Upper Swanston Ranch, Inc. Irrigation and Fish Passage Improvement Project Draft and the Final Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2023090717, November 2023), and the Mitigation Monitoring and Reporting Program (MMRP), prepared by the lead agency, California Department of Water Resources (DWR). The proposed project is covered by the IS/MND.

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 December 1, 2023. 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 biological resources, cultural

resources, and tribal cultural resources. 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 modification of existing irrigation channel covered by the Board permit application.

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. 19842 to authorize work to install a 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, 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 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.

According to the discussion within the IS/MND, the proposed modification of an existing irrigation channel 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. 19792 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 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.

**Application Number: 19857**

Applicant: Katherine Pongratz

Location Description: left bank of the American River, downstream from California State University – Sacramento. Approximately 0.2 miles north of the H Street bridge crossing the American River.

County: Sacramento

Stream: American River

Project Description: To revise ownership to Board Permit 6499, which was issued to Mr. John Sullivan in 1969 and to remove authorization to the following encroachments that no longer exist: sprinkler system, terraces, and landscaping on the American River right bank landside levee slope. This permit includes the following previously permitted encroachments: existing concrete steps, steppingstones, retaining walls, and a storage area between the garage and the retaining wall. This permit supplements and, where in conflict, supersedes the conditions in Permit No. 6499.

LMA Endorsement: American River Flood Control District

CEQA Finding: The proposed administrative action consists of the Board issuing Permit 19857 to eliminate features previously removed and to change the name of the permittee under Permit 6499. These actions do 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, these actions are not considered 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: 19863**

Applicant: California Department of Technology

Location Description: The project is located on State Route 162, Postmile 67.74, at approximately 39.52419°N, 122.17319°W, crossing Willow Creek a Board Regulated Stream and within Colusa Drain Board Designated Floodway, Caltrans Bridge (#11-0010), Glenn County.

County: Glenn

Stream: Willow Creek

Project Description: To install one (1) 2-inch diameter high-density polyethylene conduit, housing fiber optic cables, by horizontal directional drilling when approaching and departing the bridge, and one (1) 2-inch diameter, Type 1 (steel) conduit will be used when attaching it to the bridge. The conduit will be crossing the Willow Creek Bridge (#11-0010), located on State Route 162, at Postmile 67.74, in Glenn County.

LMA Endorsement: N/A

CEQA Finding: The project is statutorily exempt under the provisions of CEQA. The Board's approval involves issuing an encroachment permit for the installation of a Broadband Network Infrastructure including conduit, fiber optic cable, vaults, maintenance vehicle pullouts, which is exempt under the statutory exemption of the CEQA Public Resources Code Section 21080.51.

In addition, the Board has determined that 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 activity consists of the installation of utility extensions. The project is also exempt under the Class 4, Minor Alterations to Land categorical exemption (CEQA CCR, Title 14, Section 15304), because the project involves minor public alterations in the condition of the land which does not involve the removal of healthy, mature, or scenic trees. Further, none of the exceptions to the exemption in CEQA CCR, Title 14, Section 15300.2 apply.

## **Application Number: 19864**

Applicant: California Department of Technology

Location Description: The project is located on State Route 20, approximately at 39.19557°N, 122.06068°W, crossing Bridge No. 15-0020, near the City of Colusa, Colusa County.

County: Colusa

Stream: Colusa Trough

Project Description: To install a Broadband Network Infrastructure on State Route 20 in Colusa County. One 2-inch diameter Fiber Optic Conduit (FOC) housing fiber optic cable will be crossing Colusa Trough Bridge (#15-0020, authorized under Board Permit No. 3605) at postmile 27.83 on the eastbound direction on State Route 20. The FOC is proposed to be installed on each end of the bridge and attaching it to the bridge eastbound right overhang.

LMA Endorsement: N/A

CEQA Finding: The project is statutorily exempt under the provisions of CEQA. The Board's approval involves issuing an encroachment permit for the installation of a Broadband Network Infrastructure which is exempt under the statutory exemption of the CEQA Public Resources Code Section 21080.51.

In addition, the Board has determined that 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 activity consists of the installation of utility extensions. The project is also exempt under the Class 4, Minor Alterations to Land categorical exemption (CEQA CCR, Title 14, Section 15304), because the project involves minor public alterations in the condition of the land which does not involve the removal of healthy, mature, or scenic trees. Further, none of the exceptions to the exemption in CEQA CCR, Title 14, Section 15300.2 apply.

**Application Number: 19868**

Applicant: California Department of Technology

Location Description: The project is located on State Route 32, Postmile 11.73, at approximately 39.742093°N, 121.791354°W, crossing Dead Horse Slough in the city of Chico, Butte County.

County: Butte

Stream: Dead Horse Slough

Project Description: To authorize the existing 8 – foot by 6 – foot reinforced concrete box culvert and concrete end walls (Caltrans Inventory No. 120320001173) within Dead Horse Slough.

LMA Endorsement: N/A

CEQA Finding: The project is exempt from CEQA under the Class 1, Existing Facilities categorical exemption (CEQA California Code of Regulations, Title 14, Section 15301), because the activity consists of authorizing an existing public facility, involving negligible or no expansion of use. No expansion of existing or former use will occur. Further, none of the exceptions to the exemption in CEQA California Code of Regulations, Title 14, Section 15300.2 apply.

**Application Number: 19876**

Applicant: California Department of Technology

Location Description: The project is located on State Route 70, approximately at 39.51168°N, 121.57247°W, crossing Bridge No. 12-0141R, in the City of Oroville, Butte County.

County: Butte

Stream: Feather River

Project Description: To install a Broadband Network Infrastructure on State Route 70 in Butte County. One 2-inch diameter Fiber Optic Conduit (FOC) housing fiber optic cable will be crossing Feather River Bridge (#12-0141R, authorized under Board Permit No. 3567) at postmile 14.83 on the northbound direction on State Route 70. The FOC is proposed to be installed on each end of the bridge and attaching it to the bridge westbound left overhang.

LMA Endorsement: N/A

CEQA Finding: The project is statutorily exempt under the provisions of CEQA. The Board's approval involves issuing an encroachment permit for the installation of a Broadband Network Infrastructure which is exempt under the statutory exemption of the CEQA Public Resources Code Section 21080.51.

In addition, the Board has determined that 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 activity consists of the installation of utility extensions. The project is also exempt under the Class 4, Minor Alterations to Land categorical exemption (CEQA CCR, Title 14, Section 15304), because the project involves minor public alterations in the condition of the land which does not involve the removal of healthy, mature, or scenic trees. Further, none of the exceptions to the exemption in CEQA CCR, Title 14, Section 15300.2 apply.

**Application Number: 19877**

Applicant: California Department of Technology

Location Description: the existing bridge No. 12-0172 (Dry Creek (39.622062, -121.633536)) on State Route 191 (SR-191) in Butte County.

County: Butte

Stream: Dry Creek

Project Description: To install one (1) 2-inch diameter HDPE broadband conduit housing fiber optic cables as part of the Middle-Mile Broadband Infrastructure (MMBI) Network Initiative. Method of installation includes trenching in pavement and attachment to the bridge structure.

LMA Endorsement: N/A

CEQA Finding: The project is statutorily exempt under the provisions of CEQA. The Board's approval involves issuing an encroachment permit for the installation of a Broadband Network Infrastructure which is exempt under the statutory exemption of the CEQA Public Resources Code Section 21080.51.

In addition, the Board has determined that 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 activity consists of the installation of utility extensions. The project is also exempt under the Class 4, Minor Alterations to Land categorical exemption (CEQA CCR, Title 14, Section 15304), because the project involves minor public alterations in the condition of the land which does not involve the removal of healthy, mature, or scenic trees. Further, none of the exceptions to the exemption in CEQA CCR, Title 14, Section 15300.2 apply.