

# **Central Valley Flood Protection Board**

## **Executive Officer Delegation Report**

Posting Date: June 10th, 2025

Number of Applications Scheduled: 8

### **Application Number: 19862**

Applicant: Pacific Gas & Electric Company

Location Description: The power line relocations begin approximately 450 feet south of Mariposa creek and proceed northward along Hwy 59 to a point approximately 750 feet north of the creek.

County: Merced

Stream: Mariposa Creek

Project Description: To relocate approximately 2,100 feet of 70 kV power line aerial crossing to accommodate Caltrans work on the bridge over Mariposa Creek on Hwy 59. The project includes relocation of two PG&E poles more than 100 feet from top of the bank.

LMA Endorsement: N/A

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the Merced Pavement Anchor Project Draft and the Final Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2022020408, April 2022), and the Environmental Commitments Record (ECR), prepared by the lead agency, California Department of Transportation (Caltrans). The proposed project is covered by the IS/MND. Caltrans determined that the project will not have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse on May 27, 2022. Caltrans incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in Caltrans' IS/MND and ECR, address impacts to biological resources. These mitigation measures are within the responsibility and jurisdiction of Caltrans and have been adopted by Caltrans. The IS/MND found no impacts under hydrology for flood-related impacts associated with the proposed project. A NEPA/CEQA Revalidation form was completed by Caltrans on January 12, 2024 noting that the powerline relocations required does not warrant additional CEQA documentation and all impacts and relevant mitigation measures are still covered under the IS/MND.

In accordance with CEQA California Code of Regulations, Title 14, Section 15096(f), Board staff considered Caltrans' IS/MND, which supports the Board's approval of Permit No. 19862 to authorize work to relocate power lines and two power poles 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 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 Executive Officer make responsible agency findings that approval of Permit No. 19862 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 Caltrans '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: 19943**

Applicant: Westervelt Ecological Services, LLC

Location Description: The project is located at 8700 Twin Cities Road at the confluence of Laguna Creek and the Cosumnes River approximately 3 miles northwest of the City of Galt in south Sacramento County.

County: Sacramento

Stream: Laguna Creek

Project Description: To construct a 204-acre mitigation bank, with 4 acres not associated with bank credits, by selectively notching the existing agricultural berms along the Cosumnes River 'mainstem' and the Cosumnes River 'west branch' and constructing a series of shallow swales and secondary pilot channels to promote flow onto and across the floodplain for the development, restoration, and protection of wetland, riparian, and riverine habitat within the Cosumnes River floodway. The project also includes revegetation, re-distributing 30,200 cubic yards of native material to form an undulating floodplain surface, and placement of erosion control.

LMA Endorsement: N/A

CEQA Finding: The Board has determined that the Johnson Cosumnes Mitigation Bank Floodplain Restoration Project is statutorily exempt from CEQA pursuant to Section 21080.56 of the PRC, which exempts a project to restore or provide habitat for California native fish and wildlife meeting certain requirements. On May 23, 2025, the CDFW Director concurred with Sacramento County's determination that the Project meets the qualifying criteria set forth in PRC Section 21080.56, subdivisions (a) to (d), inclusive. Specifically, the CDFW Director concurred with Sacramento County that the Project meets all of conditions in PRC Section 21080.56 and is statutorily exempt. This concurrence is posted on the [CDFW SERP Concurrence website](https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP/Concurrences) (<https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP/Concurrences>).

### **Application Number: 19947**

Applicant: Modesto Properties Company

Location Description: The project is located at APN: 049-190-004-000, Levee Mile 0.85, Lower San Joaquin Levee District (LSJLD), right bank, Bear Creek, Merced County, at 37.26298, -120.76170.

County: Merced

Stream: Bear Creek

Project Description: To authorize the use of existing drainage pipe DSID 19896 until March 1, 2026 to continue supporting the San Luis National Wildlife Refuge Complex operated by the U.S. Fish and Wildlife Service. This drainage pipe is part of the State Plan of Flood Control, shown in the "Department of Water Resources As-Constructed Drawings No. 63-25".

LMA Endorsement: Lower San Joaquin Levee District

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 the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. 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 activity consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. 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: 19984**

Applicant: Pacific Gas & Electric (PG&E)

Location Description: The project crosses underneath the San Joaquin River channel, approximately 22 miles south of the City of Merced and 8 miles upstream of Highway 152 in Fresno County.

County: Fresno/Madera

Stream: San Joaquin River

Project Description: To install a new 6-inch diameter steel pipe with a factory-applied fusion bonded epoxy coating underneath the San Joaquin River using HDD methods, tie the new crossing into the existing pipeline network, and then abandon in place some segments and remove other segments of the existing pipeline crossing.

LMA Endorsement: N/A

CEQA Finding: As a responsible agency under CEQA, Board staff has reviewed the State Water Board Consolidated Final Restoration Projects Statewide Order Program Draft Environmental Impact Report and Final Program Environmental Impact Report (PEIR) (State Clearinghouse No. 2019100230), and the Mitigation Monitoring and Reporting Program (MMRP) and Statement of

Overriding Considerations, prepared by the lead agency, insert lead agency name. The proposed pipeline replacement and decommissioning work is covered by the PEIR.

The State Water Resources Control Board determined that the proposed project will have a significant effect on the environment and filed a Notice of Determination with the State Clearinghouse and the Sacramento County Clerk/Recorder on August 16, 2022. The State Water Resources Control Board incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in the State Water Resources Control Board 's Final EIR and MMRP, address impacts to aesthetics, agriculture and forestry, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, mineral resources, noise, recreation, Tribal cultural resources. These mitigation measures are within the responsibility and jurisdiction of the State Water Resources Control Board and have been adopted by the State Water Resources Control Board. The Draft and Final PEIR found less than significant impacts under hydrology for flood related impacts resulting from the proposed project.

In accordance with CEQA California Code of Regulations, Title 14, Section 15096(f), Board staff independently reviewed and considered the State Water Resources Control Board's Draft and Final PEIR, MMRP, and Statement of Overriding Considerations which supports the Board's approval of Permit No. 19984 to authorize the proposed project, 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 proposed 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.

As a responsible agency, Board staff is required to make findings for each significant effect of the proposed project (CEQA California Code of Regulations, Title 14, Sections 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 proposed 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, and in accordance with CEQA California Code of Regulations, Title 14, Section 15096(f) and (g), staff recommends that the Board/Executive Officer make responsible agency findings that approval of Permit No. 19984 will not result in any significant adverse impacts related to flood risk. The proposed 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 at the Board and the State Water Resources Control Board'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: 19936

Applicant: MCI Metro Access Transmission Services, LLC

Location Description: located along the toe, approximately 100 feet south from the intersection of Garden Highway and Northgate Boulevard

County: Sacramento

Stream: American River

Project Description: To remove existing aerial fiber optic cables located along the landside of the Garden Highway levee from Gateway Oaks Drive to Truxel Road and replace it with underground conduit and fiber cables. In addition, to remove and replace an existing vault (4-ft width, 6-ft length, 8-ft embedment depth) as part of the USACE's Natomas Basin Civil Works Project, Reach I Contract 2. The new vault will be located approximately 150 feet west of Truxel Road on the landside, approximately 48 feet from the levee toe. A total of 3,178 linear feet underground conduits will be placed by open trench method and 1,530 linear feet of conduit will be placed by directional bore method. New overhead lines will be placed on SMUD poles, authorized under Board Permit No. 19732 from Truxel Road to Northgate Boulevard.

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 EIS/EIR (Phase 4b EIS/EIR) (State Clearinghouse No. 2009112025, October 2010), the Mitigation Monitoring and Reporting Program (MMRP), 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 Adopted Plan of Flood Control. The Board approved the construction of the Natomas Levee Improvement Program Phase 4b Landslide Improvements Project, on June 24, 2016, 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 19936 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.

### **Permit Revocation for Permit Number: 9635**

Applicant: Department of Water Resources, Central District-Delta Branch

Location Description: On the left bank of the Sacramento River at Hood within Section 15, T. 6 N., R. 4 E., M.D.B.&M., Sacramento County. (Maintenance Area No. 9)

County: Sacramento

Stream: Sacramento River

Project Description: The Central Valley Flood Protection Board (Board) is initiating an administrative action to revoke Permits Nos 9635, 9635-A, and 9635-B issued to the Department of Water Resources Central District, Central District-Delta Branch (DWR), in 1974, for encroachments associated with the property owned by DWR on the left bank of the Sacramento River located at 38.367310, -121.519980. Board Permit 9635, 9635-A, and 9635-B were issued authorizing the construction of a fish screen clogging engineering test facility, a pump station, pumps, a walkway, a sewer system, a leach field, and leach lines on the left bank of the Sacramento River. These encroachments were intended to be temporary.

LMA Endorsement: N/A

CEQA Finding: The proposed administrative action consists of the Board revoking Permit 9635 pursuant to California Code of Regulations, Title 23, Section 28(d)(i) at the request of the Permittee. The proposed action 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 CEQA (Public Resources Code Section 21065; CEQA California Code of Regulations, Title 14, Section 15378(a)).

### **Permit Revocation for Permit Number: 9635-A**

Applicant: Department of Water Resources, Central District-Delta Branch

Location Description: On the left bank of the Sacramento River at Hood within Section 15, T6N, R4E, M.D.B.&M. Sacramento County. (Levee Mile 17.79, Maintenance Area No. 9)

County: Sacramento

Stream: Sacramento River

Project Description: The Central Valley Flood Protection Board (Board) is initiating an administrative action to revoke Permits No's 9635, 9635-A, and 9635-B issued to the Department of Water Resources, Central District – Delta Branch (DWR), in 1974, for encroachments associated with the property owned by DWR on the left bank of the Sacramento River located at 38.367310, -121.519980. Board Permits 9635, 9635-A, and 9635-B were issued authorizing the construction of a fish screen clogging engineering test facility, a pump station, pumps, a walkway, a sewer system, a leach field, and leach lines on the left bank of the Sacramento River. These encroachments were intended to be temporary.

LMA Endorsement: N/A



CEQA Finding: The proposed administrative action consists of the Board revoking Permit 9635-A pursuant to California Code of Regulations, Title 23, Section 28(d)(i) at the request of the Permittee. The proposed action 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 CEQA (Public Resources Code Section 21065; CEQA California Code of Regulations, Title 14, Section 15378(a)).

### **Permit Revocation for Permit Number: 9635-B**

Applicant: Department of Water Resources, Central District-Delta Branch

Location Description: On the left bank levee of the Sacramento River at Hood within Section 15, T6N, R4E, M.D.B.&M. Sacramento County. (Maintenance Area No. 9)

County: Sacramento

Stream: Sacramento River

Project Description: The Central Valley Flood Protection Board (Board) is initiating an administrative action to revoke Permits No’s 9635, 9635-A, and 9635-B issued to the Department of Water Resources, Central District – Delta Branch (DWR), in 1974, for encroachments associated with the property owned by DWR on the left bank of the Sacramento River located at 38.367310, - 121.519980. Board Permits 9635, 9635-A, and 9635-B were issued authorizing the construction of a fish screen clogging engineering test facility, a pump station, pumps, a walkway, a sewer system, a leach field, and leach lines on the left bank of the Sacramento River. These encroachments were intended to be temporary.

LMA Endorsement: N/A

CEQA Finding:

The proposed administrative action consists of the Board revoking Permit 9635-A pursuant to California Code of Regulations, Title 23, Section 28(d)(i) at the request of the Permittee. The proposed action 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 CEQA (Public Resources Code Section 21065; CEQA California Code of Regulations, Title 14, Section 15378(a)).