

CENTRAL VALLEY FLOOD PROTECTION BOARD

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October 12, 2020

Governor's Office of Planning & Research

Oct 19 2020

Mr. Ken Elwin
City of Merced Public Works Director
1776 Grogan Avenue
Merced, California 95341

STATE CLEARINGHOUSE

Subject: City of Merced Wastewater Collection System Master Plan Update,
Draft Environmental Impact Report, SCH No. 2018071019

Location: Merced County

Dear Mr. Ken Elwin,

Central Valley Flood Protection Board (Board) staff has reviewed the subject document and provides the following comments:

The proposed project is within the vicinity of Bear Creek, Black Rascal Creek and Fahrens Creek, regulated streams under Board jurisdiction and may require a Board permit prior to construction.

The Board's jurisdiction covers the entire Central Valley including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista basins south of the San Joaquin River.

Under authorities granted by California Water Code and Public Resources Code statutes, the Board enforces standards set forth in California Code of Regulations, Title 23, Division 1 (Title 23) for the construction, maintenance, and protection of adopted plans of flood control, including the federal-State facilities of the State Plan of Flood Control, regulated streams, and designated floodways.

Pursuant to Title 23, Section 6 (a), a Board permit is required prior to working within the Board's jurisdiction for the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee.

Board staff have reviewed the subject document and provides the following comments on the potential environmental effects within the Board's jurisdiction:

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Hydrologic Impacts

According to page 3.1.3 “As detailed in the Section 2.0, Project Description, major highways that provide regional and local access within the Program Study Area include State Routes (SR) 59, 99, and 140. Additionally, several creeks traverse the Program Study Area, including Bear Creek, Black Rascal Creek, Fahrens Creek, Parkinson Creek, and Cottonwood Creek.”

An encroachment permit application may be required for the Project as it is located within the regulated streams including Bear Creek, Black Rascal Creek and Fahrens Creek. An encroachment permit may also be required to include any existing works that predate permitting into compliance with Title 23, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the works has not been clearly established or ownership and use have been revised.

Other federal (including U.S. Army Corps of Engineers Section 10 and 404 regulatory permits), State and local agency permits may be required and are the applicant’s responsibility to obtain.

Board permit applications and Title 23 regulations are available on our website at <http://www.cvpfb.ca.gov/>. Maps of the Board’s jurisdiction are also available from the California Department of Water Resources website at <http://gis.bam.water.ca.gov/bam/>.

Encroachment permit applications received on or after July 1, 2019 are subject to fees, additional information is available on the Board’s website at <http://cvfpb.ca.gov/fees-2019/>.

Please contact James Herota at (916) 574-0651, or via email at James.Herota@CVFlood.ca.gov if you have any questions.

Sincerely,

Andrea Buckley

Andrea Buckley
Environmental Services and Land Management Branch Chief

Cc: Office of Planning and Research
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