

CENTRAL VALLEY FLOOD PROTECTION BOARD3310 El Camino Ave., Ste. 170
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Governor's Office of Planning & Research

January 12, 2021

Jan 12 2021**STATE CLEARINGHOUSE**Three Rivers Levee Improvement Authority
c/o Paul Brunner
1114 Yuba Street, Suite 218
Marysville, CA 95901Subject: Comments on the Yuba North Training Wall Project Initial Study/Mitigated
Negative Declaration (SCH No. 2020120237)

Dear Mr. Brunner,

Thank you for the opportunity to comment on the Yuba North Training Wall Project Initial Study/Mitigated Negative Declaration. The proposed project involves reshaping the embankment of the North Training Wall to a stable geometry and to improve the availability of rearing, high flow refugia, and other habitats for salmonids within the Yuba River.

1.0 Responsibility of the Central Valley Flood Protection Board

The Central Valley Flood Protection Board (Board) is the State's regulatory agency responsible for ensuring appropriate standards are met for the construction, maintenance, and operation of the flood control system that protects life, property, and habitat in California's Central Valley. The Board serves as the State coordinator between the local flood management agencies, and the federal government, with the goal of providing the highest level of flood protection possible to California's Central Valley.

As required by California Code of Regulations, Title 23, Division 1 (Title 23), Section 6, approval by the Board is required for all proposed work or uses, including the alteration of levees within any area for which there is an Adopted Plan of Flood Control within the Board's jurisdiction. In addition, Board approval is required for all proposed encroachments within a floodway, on adjacent levees, and within any Regulated Stream identified in Title 23, Table 8.1. Specifically, Board jurisdiction includes the levee section, the waterward area between project levees, a minimum 10-foot-wide strip adjacent to the landward levee toe, the area within 30 feet from the top of bank(s) of Regulated Streams, and inside Board's Designated Floodways. Activities outside of these limits which could adversely affect Federal-State flood control facilities, as determined by Board staff, are also under the Board's jurisdiction. Encroachment permits may also be required for existing unpermitted encroachments or where it is

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necessary to establish the conditions normally imposed by permitting, including where responsibility for the encroachment has not been clearly established or ownership or uses have been changed.

The Board received your encroachment permit application (T2020132) on December 9, 2020. Board staff is reviewing your encroachment permit application and the environmental documents and will contact you if additional information is needed.

Federal permits, including U.S. Army Corps of Engineers (USACE) Section 404 and Section 10 regulatory permits and Section 408 Permission, in conjunction with a Board permit, may be required for the proposed project. In addition to federal permits, state and local agency permits, certification, or approvals may also be required. State approvals may include, but are not limited to, California Department of Fish and Wildlife's Lake and Streamed Alteration Agreement and Regional Water Quality Control Board's Section 401 Water Quality Certification. The project proponent must obtain all authorizations that the proposed project may require.

2.0 Comments on the IS/MND

Pursuant to Section 15 of Title 23, the Board may deny an encroachment permit if the proposed project could:

- Jeopardize directly or indirectly the physical integrity of levees or other works;
- Obstruct, divert, redirect, or raise the surface level of design floods or flows, or the lesser flows for which protection is provided;
- Cause significant adverse changes in water velocity or flow regimen;
- Impair the inspection of floodways or project works;
- Interfere with the maintenance of floodways or project works;
- Interfere with the ability to engage in flood fighting, patrolling, or other flood emergency activities;
- Increase the damaging effects of flood flows;
- Be injurious to, or interfere with, the successful execution, functioning, or operation of any adopted plan of flood control; or
- Adversely affect the State Plan of Flood Control, as defined in the California Water Code.

As a responsible agency under the California Environmental Quality Act (CEQA), the Board requires adequate information to evaluate the flood impacts of the project. Accordingly, please be prepared to provide specific analyses to determine if the proposed project could result in any potential impacts listed above. This includes direct impacts to facilities under construction, as well as indirect impacts from the project to surrounding facilities. This encompasses any proposed work that contemplates modifications to a State Plan of Flood Control Facility or operation of any adopted plan of flood control or the hydrology of the water ways including: possible increases or

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decreases in water surface elevation due to construction activities; any work including dewatering; and potential levee damage resulting from heavy machinery construction activities and associated haul routes. It is therefore recommended that the environmental document include a specific flood facility impacts analysis section.

The Biological Resources Section of the IS/MND notes that riparian vegetation will be planted and/or potentially removed as part of the project. Title 23, Section 131 provides the regulatory requirements for maintenance, planting, and removal of vegetation. It is recommended that you refer to the regulations when developing and analyzing your ecological enhancement planting plan. Please contact Board staff to ensure that any planting plans and vegetation maintenance schedules that have been developed are included in your encroachment permit application documents.

Title 23 provides standards that govern the design and construction of projects that affect the flood control works and floodways. Board staff recommends that you review Title 23 Standards, including Sections 115 (Dredged, Spoil, and Waste Material), 117 (Supplemental Borrow Standards for the Yuba River), 120 (Levees), and 130 (Patrol Roads and Access Ramps). Any deviation (or variation) from these standards will require approval from the Board.

Board staff is available to discuss any questions you have regarding the above comments. Please contact Jennifer Calles at Jennifer.Calles@CVFlood.ca.gov if you have any questions.

Sincerely,



Andrea Buckley
Environmental Services and Land Management Branch Chief

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