

CENTRAL VALLEY FLOOD PROTECTION BOARD

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May 21, 2021

Governor's Office of Planning & Research

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Ms. Tracy Cline
Lake County
255 N. Forbes Street
Lakeport, California 95453

STATE CLEARINGHOUSE

Subject: Caporal Agricultural Reservoir, Mitigated Negative Declaration,
SCH No. 2021040776

Location: Lake County

Dear Ms. Cline,

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

The proposed project may be located within the Middle Creek, 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, Waters, 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:

Hydrologic Impacts

According to p. 5, under the heading "Other public agencies whose approval may be required (e.g., Permits, financing approval, or participation agreement.)" the Central Valley Flood Protection Board – Encroachment Permit was not shown as a required approved permit.

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An encroachment permit application may be required for the Project if it is located within the Middle 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.

Prior to the Board making a decision on an encroachment permit, the Board requires the California Environmental Quality Act (CEQA) lead agency, Lake County, to make a project determination on any significant environmental effects pursuant to CEQA Guidelines.

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.cvfpb.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/>.

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