

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

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March 8, 2024

City of Riverbank  
c/o Miguel Galvez, Contract City Planner  
6707 3<sup>rd</sup> Street, Suite A  
Riverbank, CA 95367

**Governor's Office of Planning & Research**

**March 19 2024**

**STATE CLEARINGHOUSE**

Subject: Comments on the River Walk Specific Plan Environmental Impact Report (State Clearinghouse No. 2021060098)

Dear Mr. Galvez,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Environmental Impact Report (DEIR) for the proposed River Walk Specific Plan (proposed project). The DEIR will be prepared to disclose and address potential environmental impacts associated with the proposed project. The proposed project is located in Stanislaus and involves the expansion of the City of Riverbank Sphere of Influence by approximately 1,522 acres, annexation of approximately 993 acres in to the City limits, extension of infrastructure to the annexed area, and development of the annexed area, including trails and utilities.

### **Responsibility of the Central Valley Flood Protection Board**

The 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 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.

The Board operates under authorities as described in California Water Code (Water Code), which requires the Board to oversee future modifications or additions to facilities of the State Plan of Flood Control (SPFC). In addition, pursuant to assurances provided to the United States Army Corps of Engineers (USACE) by the Board on behalf of the State, the USACE Operation and Maintenance Manuals, Code of Federal Regulations, Title 33, § 208.10, and United States Code, Title 33, § 408, the Board is responsible for the operation and maintenance of the SPFC facilities. The USACE requires the Board to serve as the lead non-Federal sponsor for projects to improve or alter facilities of the SPFC pursuant to Code of Federal Regulations, Title 33, § 408. The State's objectives include fulfilling the USACE's expectations pursuant to the assurances provided to the USACE.

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## **Encroachment Permit**

Per California Code of Regulations, Title 23, Waters, 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. Permits may also be required for existing unpermitted encroachments or where it is 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. This proposed project is located within the Board's permitting authority, thereby requiring an encroachment permit.

Federal permits, including 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 Applicant must obtain all authorizations that the proposed project may require.

## **Flood Impacts Analysis**

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.

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## Closing

Subsequent environmental documentation may need to be reviewed by the Board and USACE for individual projects. The potential risks to public safety, including increased flood risks, need to be considered when developing proposed projects that seek to modify flood control works or the hydrology of the water ways. Board staff is available to discuss any questions you have regarding the above comments. Please contact Jennifer Calles at (916) 837-3683, or via email at [Jennifer.Calles@CVFlood.ca.gov](mailto:Jennifer.Calles@CVFlood.ca.gov) if you have any questions.

Sincerely,

*Andrea Buckley*

Andrea Buckley, Manager  
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