

TO: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

FROM: Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

Project Title: Standards and Definitions Final Rulemaking Documentation Approval

Project Location/Address/City/County The jurisdictional boundaries of the Central Valley Flood Protection Board

Description of Nature, Purpose, and Beneficiaries of Project: Consider approval and adoption of Board Resolution No. 2022-01, which authorizes the Executive Officer or Board Counsel to submit to the Office of Administrative Law (OAL), the final rulemaking package for additions and deletions to California Code of Regulations, Title 23 – Waters, Division 1, Chapter 1, Articles 2 and 8, relative to the Board’s technical standards for the construction of flood control facilities within the Board’s jurisdiction, associated drawings, any encroachments thereto, and the definitions set forth in Article 2 associated with the additions and deletions made in Article 8 (Rulemaking).

Public Agency Approving Project: Central Valley Flood Protection Board

Public Agency/Person Carrying Out Project: Central Valley Flood Protection Board

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Common Sense Exemption (CEQA Sec 15061(b)(3))
- Categorical Exemption. State type and section numbers: § 15309, § 15321, § 15325
- Statutory Exemption. State code number: _____

Reasons Why Project is Exempt:

Board staff has determined the project is exempt from CEQA under the Class 9, Inspections categorical exemption (CEQA Guidelines § 15309) because in preparing the updates to Article 8, the Board will continue inspecting encroachment permits to ensure permitted work meets quality, health, and safety of projects as directed by the California Water Code. The project is also exempt under the Class 21, Enforcement Actions by Regulatory Agencies categorical exemption (CEQA Guidelines § 15321) because the updates to Article 8 would continue the Board’s enforcement of existing State law on permitted work and encroachments on the flood control system. The Board is taking action to update Article 8 to enforce State law, standards, and objectives to avoid impacts to the flood carrying capacity and maintain the integrity of flood control features to prevent loss of life and infrastructure, and to prevent the interference of the operation, maintenance, and flood fighting response along flood control project features from encroachments. In addition, the project is exempt under Class 25, Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources categorical exemption (CEQA Guidelines § 15325) because updates to Article 8 allows the Board to transfer ownership of lands up to 20 feet landward of levees to prevent encroachments in flood plains and other areas adjacent to flood control project features to meet the revisions of Article 8. Further, none of the exceptions to the exemption in CEQA Guidelines § 15300.2 apply.

CVFPB Contact Person: Angela Nguyen-Tan (916) 574-1719

ORIGINAL SIGNED BY:

February 25, 2022

Signature Leslie M. Gallagher, Executive Officer Date

- Signed by Lead Agency
- Signed by Responsible Agency

Date Received for filing at OPR: