

CENTRAL VALLEY FLOOD PROTECTION BOARD

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August 13, 2024

Dara Dungworth
Principal Planner
City of Davis
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Subject: Comments for the Notice of Preparation of a Draft Environmental Impact Report, Shriners Property Project, SCH# 2024070522, Yolo County

Dear Dara Dungworth,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the proposed Shriners Property Project (proposed project). The DEIR will be prepared to disclose and address potential environmental impacts associated with the proposed project.

The proposed project involves developing a residential community, including constructing a trail system alongside the Davis Drain (referred to as Channel A in the NOP), multiple pedestrian bridges crossing the Davis Drain, and vegetation planting for new parks. The proposed project is located in Davis Drain, a regulated stream that is within the Board's permitting authority, therefore an encroachment permit may be required.

California Code of Regulations, Title 23, Division 1, Article 8 provides the standards that govern the design and construction of encroachments which affect the flood control works and floodways and are used by the Board for the regulation of encroachments.

Page 8 of the NOP states that City of Davis will provide sewer services for the proposed project and will tie into the existing mains at the northeast corner of the parcel. Please include additional information in the DEIR on the location of treated sewer. Additionally, the NOP states on page 8 that storm drainage will ultimately be discharged to Davis Drain. Board staff are concerned with additional stormwater runoff into Davis Drain resulting from the proposed project because in the recent past flood events, Davis Drain has had difficulty conveying the existing runoff. A hydrology and hydraulic analysis should be conducted on the current capacity of Davis Drain and incorporate improvements and for conveyance through the culverts discharging into the Willow Slough Bypass. Overall, Board staff recommend the DEIR include information on how the City of Davis will address these additional flows to Davis Drain.

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Responsibility of the Central Valley Flood Protection Board

The Board is the State's regulatory agency responsible for enforcing appropriate standards for the construction, maintenance, and operation of the flood control system that protects life, property, and habitat in California's Central Valley.

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.

Federal permits, including USACE Section 404, 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 Central Valley Regional Water Quality Control Board's Section 401 Water Quality Certification and/or Waste Discharge Requirement. 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
- 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, the Board will need to have adequate information in order to evaluate whether to issue a permit at a future date.

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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 SPFC Facility or operation of any adopted plan of flood control or the hydrology of the water ways. It is therefore recommended that the environmental document include a specific flood facility impacts analysis section.

Closing

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 Jordan Robbins at (916) 524-3454, or via email at Jordan.Robbins@CVFlood.ca.gov if you have any questions.

Sincerely,

Andrea Buckley

Andrea Buckley
Deputy Executive Officer

cc: Office of Planning and Research
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