

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Ste. 170  
SACRAMENTO, CA 95821  
(916) 574-0609



August 30, 2024

Ciara Fisher  
Planner III  
Yuba County Planning Department  
95 8<sup>th</sup> Street, Suite 123  
Marysville, CA 95901  
[cfisher@co.yuba.ca.us](mailto:cfisher@co.yuba.ca.us)

**Subject: Comments for the Initial Study/Mitigated Negative Declaration, CEQA-24-0010 (Olivehurst Roadway Climate Resiliency Project), SCH# 2024080159, Yuba County**

Dear Ciara Fisher,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed CEQA-24-0010 (Olivehurst Roadway Climate Resiliency Project) (proposed project).

The proposed project involves constructing a residential stormwater drainage system by installing pipes and rock slope protection in Western Pacific Interceptor Canal (referred to as Clark Lateral Canal in the IS/MND), a regulated stream that is within the Board's permitting authority. Therefore, an encroachment permit may be required for project activities.

Board staff recommend including information on an encroachment permit from the Board under Section X.c.ii-iv of the IS/MND. Board permit information is available on the [Permitting at the Central Valley Flood Protection Board website](#).

California Code of Regulations, 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 112 (Streams Regulated and Nonpermissible Work Periods), 116 (Borrow and Excavation Activities – Land and Channel), 121 (Erosion Control), and 123 (Pipelines, Conduits, and Utility Lines). Any deviation or variation from these standards will require approval from the Board.

**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. 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.

Yuba County Planning Department

August 30, 2024

Page 2

### **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, 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 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

### **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

Yuba County Planning Department

August 30, 2024

Page 3

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](mailto:Jordan.Robbins@CVFlood.ca.gov) if you have any questions.

Sincerely,

*Jamie Silva*

Jamie Silva  
Environmental Program Manager

cc: Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Brett Poliquin  
Yuba County Public Works Department  
[bpoliquin@co.yuba.ca.us](mailto:bpoliquin@co.yuba.ca.us)

Scott Salembier  
Dokken Engineering  
[ssalembier@dokkenengineering.com](mailto:ssalembier@dokkenengineering.com)