

CENTRAL VALLEY FLOOD PROTECTION BOARD

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



October 8, 2025

Jeremy Shaw
Planner
Fresno County Division of Public Works and Planning
2220 Tulare Street, Suite B
Fresno, CA 93721
jshaw@fresnocountyca.gov

Subject: Comments for the Draft Environmental Impact Report, Rosemary Solar and Energy Storage System Complex (EIR 8575), SCH# 2024110253, Fresno County

Dear Jeremy Shaw,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Rosemary Solar and Energy Storage System Complex Project (proposed project).

The project proposes to construct, operate, maintain, and decommission a photovoltaic solar electricity generating facility and battery energy storage system. The proposed project involves installing a reconductoring line and replacing or improving existing utility poles along Crescent Ditch and crossing Fresno Slough. Additionally, the project proposes installing a generation-tie line that will cross Crescent Ditch. The proposed project is located on the Crescent Ditch and the Fresno Slough, regulated streams that are within the Board's permitting authority. Therefore, a Board permit may be required. Board permit information, including information on how to schedule a pre-application meeting with Board staff, is available on the [Permitting at the Central Valley Flood Protection Board website](#).

Section ES.4 Permits and Approvals, Table ES-1 on page ES-6 and Section 2.7 Permits and Approvals, Table 2-3 on page 2-3 of the Draft EIR lists the anticipated permits and approvals that may be required for the proposed project. Board staff recommend including a permit from the Board in these sections. 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), 23 (Pipelines, Conduits, and Utility Lines), and 124 (Abandoned Pipelines and Conduits). Any deviation or variation from these standards will require approval from the Board.

Fresno County
 October 8, 2025
 Page 2

Responsibility of the 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.

Board Permit

Per 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.

Flood Impacts Analysis

Pursuant to Title 23, Section 15, the Board may deny a 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 SPFC, as defined in Water Code

The Board, as a Responsible Agency under the California Environmental Quality Act (CEQA), will review and consider the environmental effects of the proposed project identified in the DEIR, and will reach its own conclusions on whether and how to approve the project involved (14 CCR 15096, subd. (a)). This includes direct impacts to facilities under construction, as well as indirect impacts from the proposed project to surrounding facilities. Accordingly, the comments herein are intended to assist in the development of a robust CEQA document capable of supporting the Board's permitting process.

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

Fresno County
October 8, 2025
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 if you have any questions.

Sincerely,

Jamie Silva

Jamie Silva
Environmental Program Manager

cc: Office of Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov