

CENTRAL VALLEY FLOOD PROTECTION BOARD

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July 6, 2026

Edith Verdin
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 San Joaquin Council of Governments
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**Subject: Comments for the Draft Programmatic Environmental Impact Report, 2026
 Regional Transportation Plan/Sustainable Communities Strategy, SCH# 2025041249, San
 Joaquin County**

Dear Edith Verdin,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Draft Programmatic Environmental Impact Report (Draft PEIR) for the proposed 2026 Regional Transportation Plan/Sustainable Communities Strategy (2026 RTP/SCS).

The 2026 RTP/SCS will guide the development of transportation improvement programs, other transportation programming documents, and plans throughout San Joaquin County. Regulated streams and designated floodways within the Board's permitting authority are listed in **Table 1** below. 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](#).

Table 1: Regulated Streams and Floodways

Waterbody Name	Board Regulated Stream	USACE 408 Federally Regulated Stream	Designated Floodway
Atherton Cove	Yes	No	No
Banta Carbona Intake Canal	Yes	No	Yes
Bear Creek	Yes	Yes	Yes
Calaveras River	Yes	Yes	Yes
Duck Creek (upstream of confluence with Calaveras River)	Yes	No	No
Duck Creek (upstream of Walker Slough)	Yes	Yes	No
Duck Creek South Branch	Yes	Yes	No
Five Mile Slough	Yes	No	No
Fourteen Mile Slough	Yes	No	No
French Camp Slough	Yes	Yes	Yes

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Waterbody Name	Board Regulated Stream	USACE 408 Federally Regulated Stream	Designated Floodway
Littlejohns Creek	Yes	Yes	No
Lone Tree Creek, Middle Fork	Yes	No	No
Lone Tree Creek (upstream of French Camp Slough)	Yes	Yes	No
Mokelumne River	Yes	No	Yes
Mormon Slough	Yes	Yes	Yes
Mosher Creek	Yes	No	No
Mosher Slough	Yes	No	No
Old River	Yes	Yes	Yes
Paddy Creek (includes Middle and South)	Yes	Yes	Yes
Paradise Cut	Yes	Yes	Yes
Pixley Slough	Yes	Yes	No
Rock Creek	Yes	Yes	No
San Joaquin River	Yes	Yes	Yes
Smith Canal	Yes	No	No
Stanislaus River	Yes	Yes	Yes
Stockton Diversion Canal	Yes	Yes	Yes
Tom Paine Slough	Yes	No	No
Walker Slough	Yes	Yes	No
Walthall Slough	Yes	No	No

Please include the Central Valley Flood Protection Board permit regulatory setting under heading 1.6 Lead, Responsible, and Trustee Agencies; 4.11.2.b Regulatory Setting - State Laws, Regulations, and Policies; and 4.11.2.e Impact HYD-4.

California Code of Regulations, Title 23, Waters, Division 1 (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), 123 (Pipelines, Conduits, and Utility Lines), 124 (Abandoned Pipelines and Conduits), 126 (Fences and Gates), 128 (Bridges), 131 (Vegetation), and 132 (Bicycle Trails). Any modification to the flood control works or floodways, and any deviation or variation from the standards will require approval from the Board.

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. 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

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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, Section 208.10, and United States Code, Title 33, Section 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, Section 408. The State's objectives include fulfilling the USACE's expectations pursuant to the assurances provided to the USACE.

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 the Board's Designated Floodways. Activities outside of these limits which could adversely affect Federal-State flood control facilities, as determined by the Board, 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 Board permit if the proposed work 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

The Board, as a Responsible Agency under the California Environmental Quality Act (CEQA), will review and consider the environmental effects of the proposed work identified in the Draft PEIR, 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 work 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.

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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@cvfood.ca.gov if you have any questions.

Sincerely,

Jamie Silva

Jamie Silva

Environmental Program Manager

cc: Office of Land Use and Climate Innovation
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