

CENTRAL VALLEY FLOOD PROTECTION BOARD

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July 6, 2026

Paul Herman
 Deputy Director
 Fresno County Council of Governments
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Subject: Comments for the Draft Program Environmental Impact Report, 2026 Regional Transportation Plan/Sustainable Communities Strategy, SCH# 2025050609, Fresno County

Dear Paul Herman,

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

The 2026 RTP/SCS includes all transportation modes, including motor vehicles, transit, rail, goods movement (rail freight and trucking), bicycle and pedestrian facilities, aviation systems, and transportation systems management programs and projects with the horizon year of 2049. The 2026 RTP/SCS covers the entirety of Fresno County, within which are regulated streams and designated floodways listed in **Table 1** below, 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](#).

Table 1: Regulated Streams and Floodways

Waterbody Name	Board Regulated Stream	USACE 408 Federally Regulated Stream	Designated Floodway
Alta Main Canal	Yes	No	Yes
Byrd Slough	Yes	No	Yes
Cameron Slough	Yes	No	Yes
Cameron Slough tributary	Yes	No	Yes
Cole Slough	Yes	Yes	Yes
Crescent Ditch	Yes	No	No
Dog Creek (upstream of Redbank Slough)	Yes	No	No
Dog Creek (upstream of Middle Fork Kings River)	Yes	No	No

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Waterbody Name	Board Regulated Stream	USACE 408 Federally Regulated Stream	Designated Floodway
Dry Creek (upstream of canal confluence near Shields & Millbrook)	Yes	Yes	No
Dry Creek (upstream of Kaweah River)	Yes	No	No
Fish Creek	Yes	No	Yes
Fish Slough	Yes	Yes	Yes
Fresno Slough	Yes	Yes	Yes
Hughes Creek	Yes	No	Yes
James Bypass	Yes	No	Yes
Kings River	Yes	Yes	Yes
Kings River tributary	Yes	Yes	Yes
Sand Creek	Yes	No	No
San Joaquin River	Yes	No	Yes

Please include the Central Valley Flood Protection Board permit regulatory setting under heading 4.10.4.2 State Regulations and consider including the Board's evaluation of the project under the flood impact analysis sections 4.10.3(i)-(iv) and 4.10.4, as appropriate.

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 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,

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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.

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

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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

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Environmental Program Manager

cc: Office of Land Use and Climate Innovation
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