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STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY **GAVIN NEWSOM**, GOVERNOR

**CENTRAL VALLEY FLOOD PROTECTION BOARD**
3310 El Camino Ave., Ste. 170
SACRAMENTO, CA 95821
(916) 574-0609

November 3, 2026

Christian Asuncion
Senior Engineer and Project Manager
City of West Sacramento
christianas@cityofwestsacramento.org

**Subject: Comments for the Supplemental Mitigated Negative Declaration, North 5th Street Complete Streets and Connectivity Project, SCH# 2025110577, Yolo County**

Dear Christian Asuncion,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Supplemental Mitigated Negative Declaration for the proposed North 5th Street Complete Streets and Connectivity Project (proposed project).

The proposed project includes roadway improvements along the Sacramento River levee that is within the Board's permitting authority. The Board is in receipt of the application for the ramp construction of the proposed project (T2026130).

Please consider revising the sentence under the Hydrological Resources subheading on document page 26 (pdf page 74) of the Supplemental Mitigated Negative Declaration to clarify that the project is receiving a Board permit for applicable work that is within the State Plan of Flood Control upon the landside of the levee. Please note that the Sacramento River is jurisdiction of other regulatory agencies besides the Central Valley Flood Protection Board.

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. 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

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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 changed.

**Flood Impacts Analysis**

Pursuant to Title 23, Section 15, the Board may deny a Board 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, 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 project identified in the Supplemental Mitigated Negative Declaration, 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.

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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@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

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