

CENTRAL VALLEY FLOOD PROTECTION BOARD

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



July 6, 2026

Michael Hren
Principal Planner
City of Modesto
1010 10th Street, Suite 3100
Modesto, CA 95354
mhren@modestogov.com

Subject: Comments for the Notice of Preparation of a Program Environmental Impact Report, Modesto 2050 General Plan, SCH# 2026061113, Stanislaus County

Dear Michael Hren,

The Central Valley Flood Protection Board (Board) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Program Environmental Impact Report (EIR) for the proposed Modesto 2050 General Plan (proposed project).

The proposed project will be the development of a program-level EIR evaluating the environmental impacts of the General Plan's policies and the development the City of Modesto would allow through 2050. The City of Modesto includes Dry Creek and the Tuolumne River, both are regulated streams and designated floodways that are within the Board's permitting authority. Therefore, a Board permit may be required for work below, within, adjacent to, or above these waterbodies. 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](#).

Please include the Central Valley Flood Protection Board permit regulatory setting under the Hydrology and Water Quality Impact Analysis and other applicable sections of the Program EIR.

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), 113 (Dwellings and Structures Within an Adopted Plan of Flood Control), 114 (Mobile Home Parks and Recreational Vehicle Parks), 115 (Dredged, Spoil, and Waste Material), 116 (Borrow and Excavation Activities – Land and Channel), 121 (Erosion Control), 122 (Irrigation and Drainage Ditches, Tile Drains, and Septic Systems), 123 (Pipelines, Conduits, and Utility Lines), 124 (Abandoned Pipelines and Conduits), 125 (Retaining Walls), 126 (Fences and Gates), 127 (Boating Facilities), 128 (Bridges), 129 (Water, Oil, and Gas Wells), 130 (Patrol Roads and Access Ramps), 131 (Vegetation), 132 (Bicycle Trails), and 137 (Miscellaneous Encroachments). Any modification to the flood control works or floodways, and any deviation or variation from the standards will require approval from the Board.

City of Modesto

July 6, 2026

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. 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).

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 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

As a responsible agency under the California Environmental Quality Act (CEQA), the Board will need to have adequate information in order to evaluate whether to issue a permit at a future date. Accordingly, please be prepared to provide specific analyses to determine if the proposed project could result in any potential impacts listed above. This includes direct impacts to facilities under construction, as well as indirect impacts from the project to surrounding facilities. This encompasses any proposed work that contemplates modifications to a SPFC Facility or operation of any Adopted Plan of Flood Control or the hydrology of the water ways. It is

City of Modesto

July 6, 2026

Page 3

therefore recommended that the environmental document include a specific flood facility impacts analysis section.

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

Steve Lamb
Steven.Lamb@cvflood.ca.gov