

**Meeting of the Central Valley Flood Protection Board
June 24, 2011**

**Staff Report
Jack Phelps
Clubhouse Replacement, Butte County**

1.0 – ITEM

Consider approval of Permit No. 9089-E (Attachment B)

2.0 – APPLICANT

Jack Phelps (Owner of River Reflections - a recreational vehicle park and campground)

3.0 – LOCATION

The proposed project is located downstream of the City of Oroville, west of Highway 70, along the left (east) bank of the Feather River in the Feather River Designated Floodway, of Butte County. It is approximately four miles downstream from Oroville Dam, approximately two miles upstream from the start of the right (west) bank flood control levee, and more than 15 miles upstream from the start of the left (east) bank flood control levee at Honcut Creek. (See Attachment A)

4.0 – DESCRIPTION

The applicant proposes to replace an existing pre-manufactured clubhouse with a new 24- by 60-foot pre-manufactured clubhouse, located within an existing recreational vehicle (RV) park. (See Attachment A)

5.0 – PROJECT ANALYSIS

On April 27, 2011 staff engineers from the Central Valley Flood Protection Board (CVFPB) conducted a site visit to the River Reflections RV Park. Staff collected data verifying there is an existing clubhouse that is not used for human habitation in the exact location of the proposed replacement structure. The existing structure is in poor condition and appears to be of 1970's vintage construction. The condition of the existing structure is not suitable for safe continued use as an assembly area for the RV park. This application proposes to replace this unsafe structure with a safer replacement, which will match the footprint. It is also noted that the property owner has

maintained the RV park in accordance with the California Code of Regulations Title 23, Section 114, which governs RV parks and prior issued CVFPB permits.

The proposal to replace this structure is in the State's interest, because it will make the structure conform to current fire and safety codes governing manufactured structures. Replacement will also ensure the structure is properly anchored to prevent the structure from floating away during an extreme flood event. The existing structure has a higher risk of catching fire or floating away, than the proposed replacement.

5.1 – Project Background

The Feather River Designated Floodway was adopted by the Board on October 8, 1971. Automatic Board Order (ABO) Permit No. 9089 was granted to C.E. & Ada LeFeuer on September 14, 1973 to grandfather authorization of the existing clubhouse and other site improvements at this location. (Attachment D).

Permit 9089-A was approved in 1975 to transfer ownership to Charles Benson and add a boating shed, but both the U.S. Army Corps of Engineers (Corps) and the Board denied a request to add a mobile home for residential purposes (Attachment E).

Permit 9089-B was approved in 1981 to transfer ownership to James Selken and to construct a 24-unit RV park, and a request to add a mobile home for residential purposes was again denied by both the Corps and Board (Attachment F).

Permit 9089-C was approved in 1982 to add a storage building.

Permit No. 9089-D was approved in 2001 to expand the park to 91 units. The existing clubhouse was reauthorized in all revised permits through 9089-D and has thus been permitted for 40 years.

5.2 – Hydraulic Analysis

Flooding is anticipated to occur in this location only during extreme releases from the Oroville spillway at full capacity. The spillway was releasing 7,000 CFS at the time of the State's visit in April 2011, and the Feather River was confined to its banks over 200 feet from this existing structure.

CVFPB staff applied the Corps Sacramento District draft "Decision Tree for Types of Hydraulic Analysis Needed" (2009) flow chart to determine if a hydraulic analysis was needed for this proposed project. Using the flowchart, CVFPB staff determined that a hydraulic analysis is not required for this proposed project because the structure blocks less than 1 percent of the floodway cross section. (See Attachment G)

5.3 – Geotechnical Analysis

A geotechnical report was deemed unnecessary because there are no proposed physical changes to the State’s adopted plan of flood control as part of this proposed project.

5.4 – Project Benefits

The project has the following benefits associated with its completion:

- It will ensure that the new structure is properly anchored to prevent floatation during an extreme flood event
- It will ensure that the new structure is conforming to the current fire and safety codes.

5.5 – Additional Staff Analysis

During the recent site visit staff determined that the applicant is currently demonstrating satisfactory RV Park and campground management consistent with the uses which have been permitted by the Board.

Permit 9089-B was conditioned to require the permittee to monitor flood conditions and initiate park evacuation based on real time water river releases. Staff has reviewed this plan and determined that it meets the intent of the conditions of Permit 9089-B.

The proposed clubhouse is a use allowed by and also complies with the following sections in Title 23:

“Existing Structure – “Existing Structure” means a building used for any purpose other than for human habitation constructed within a floodway prior to the adoption of the floodway as an authorized flood control project, as a plan flood control, or as a designated floodway, or as otherwise permitted by the board.”
(CCR 23, §113 (3))

“...New and existing recreational vehicle parks are allowed within an adopted plan of flood control if a permit is obtained from the board, a current implementable evacuation plan is on file with the board, and the following requirements are enforced: Any related structures, such as laundry rooms or storage buildings, are securely anchored and are not utilized for human habitation.” (CCR 23, §114 (c) (1) (H))

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- There is no local maintaining agency or State Maintenance area established for this area of the Feather River Designated Floodway.
- On January 4, 2011, staff received an unfavorable Corps comment letter for this proposed project (Attachment B-Exhibit A). This letter references back to prior Corps denials for a *residential mobile home* denied in applications 9089-A and 9089-B (Attachments E and F).
- In an attempt to clarify the Corps' position Board staff sent a letter on May 25, 2011 providing further explanation that the proposed use of the clubhouse will continue and will not be used for human habitation (Attachment H). Staff requested the Corps to revise their letter to either not object to the proposed replacement clubhouse or to determine this location within the Feather River designated floodway is outside of Federal jurisdiction for encroachment permit review.
- On June 7, 2011, Board staff received a Corps letter in response stating that "The location of the proposed work in permit application 9089-E is upstream of the federal levees and channel as described in the project operations and maintenance manual" (Attachment B-Exhibit B). Staff have interpreted that the combination of the two Corps letters serves to notify the Board that the project location is indeed upstream of the Corps flood control project, and also that the Corps does not recommend placing structures within designated floodways if the placement of proposed structures results in an increased threat to human life and property. In this case staff has determined that the proposed clubhouse replacement is compliant with Title 23 and does not increase the level of risks to life or property, and does not directly affect any Federal flood control features under Corps jurisdiction.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined the project is categorically exempt in accordance with CEQA Guidelines Section 15302 under Class 2 covering replacement or reconstruction of an existing structure with the new structure located on the same site as the structure being replaced and having substantially the same size, purpose, and capacity.

8.0 – SECTION 8610.5 CONSIDERATIONS

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application

and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project will have result in no adverse hydraulic, geotechnical, or other effects on the entire State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

The proposed project may need to be modified in the future due to changes in flood operations by the State of California at Oroville Dam which results in increased flood releases or uncontrolled spillway flows.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt Resolution No. 11-14 (See Attachment C), determine the project to be exempt from CEQA, approve Permit No. 9089-E, and direct staff to file a Notice of Exemption with the State Clearinghouse.

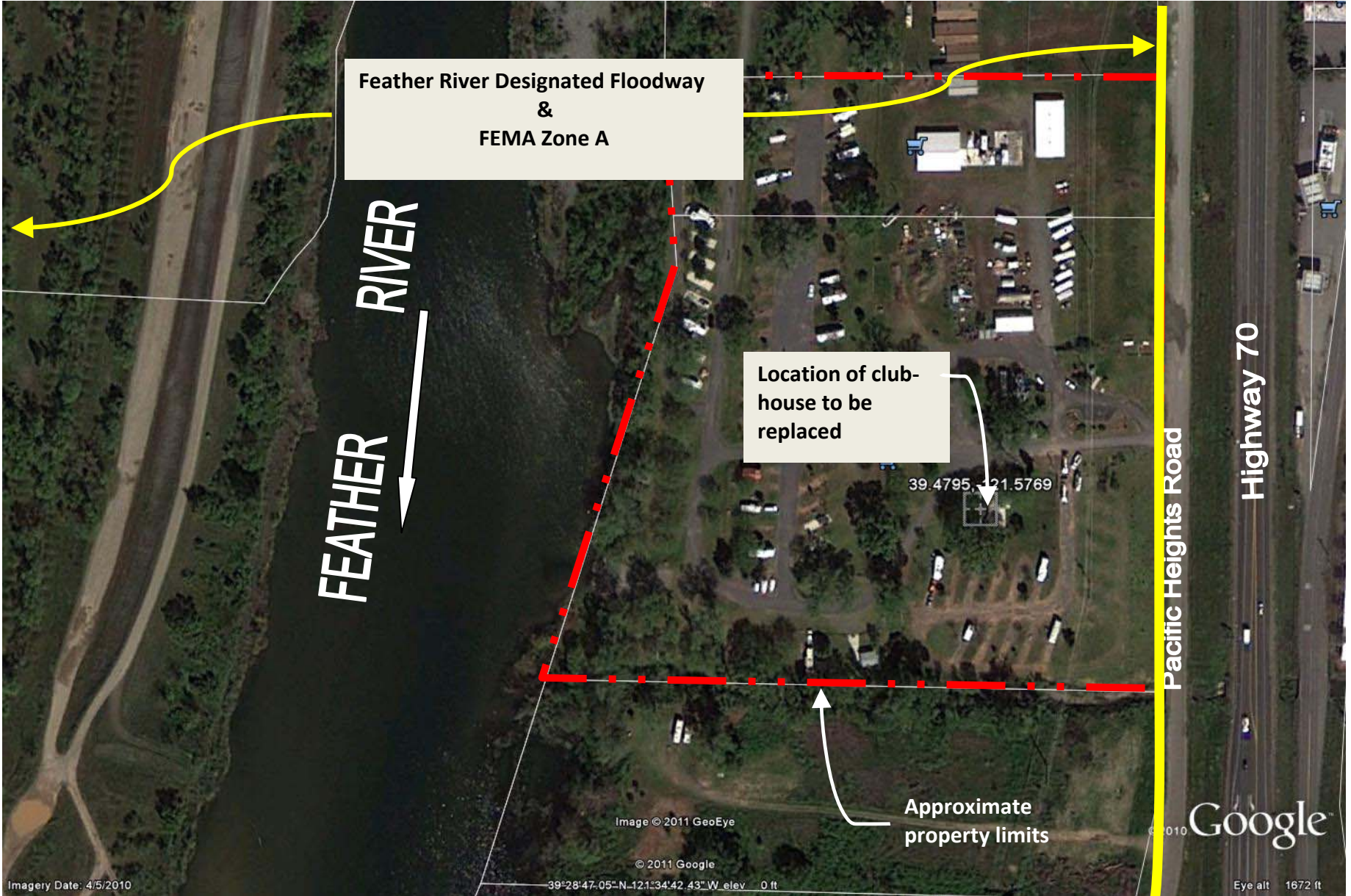
Basis for staff recommendation are as follows:

- The proposed clubhouse, which is to be located in the same location as the existing clubhouse, blocks less than 1% of the Feather River Designated Floodway.
- The proposed clubhouse is a use allowed by and also complies with the following section in Title 23, sections 113(3) and 114 (c) (1) (H).
- The applicant currently is demonstrating good existing RV Park and campground management, for the uses which have been permitted by the Board.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 9089-E
 - Exhibit A – USACE letter dated January 4, 2011
 - Exhibit B – USACE letter dated June 7, 2011
- C. Resolution 11-14
- D. ABO, Permit No. 9089
- E. USACE Comment Letter for Permit 9089-A
- F. USACE Comment Letter for Permit 9089-B
- G. Hydraulic attachments
- H. CVFPB letter to USACE dated May 25, 2011

Design Review:	Mitra Emami
Environmental Review:	James Herota
Document Review:	Len Mario P.E., Curt Taras P.E.







ATTACHMENT A - Location Maps and Photos



ATTACHMENT A - Location Maps and Photos



ATTACHMENT A - Location Maps and Photos



ATTACHMENT A - Location Maps and Photos



ATTACHMENT A - Location Maps and Photos



DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 9089-E BD

This Permit is issued to:

Jack Phelps
4360 Pacific Heights Road
Oroville, California 95965

To replace existing clubhouse with a 24- by 60-foot pre-manufactured clubhouse on the left (east) bank Designated Floodway of the Feather River. The project is located approximately 1.5 miles southwest of Oroville (Section 25, T19N, R3E, MDB&M, Butte County Public Works, Feather River, Butte County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 9089-E BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

FIFTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

SIXTEEN: The Central Valley Flood Protection Board and the Department of Water Resources shall not be held liable for damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

EIGHTEEN: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

NINETEEN: The permittee shall be responsible for repair of any damages to the Feather River

Designated Floodway and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

TWENTY-ONE: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

TWENTY-TWO: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-THREE: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-FOUR: The finished floor elevation of the proposed structure shall be a minimum of 3 feet above the existing grade and shall be securely anchored.

TWENTY-FIVE: If damage to the structure exceeds 50 percent of its market value within a 10-year period, the structure cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the structure is not repaired or replaced, the remaining portion must be completely removed from the floodway prior to the next flood season.

TWENTY-SIX: The proposed structure shall not be used for human habitation during flood season.

TWENTY-SEVEN: The permittee acknowledges that the proposed structure is located within the Feather River Designated Floodway and is subject to periodic flooding.

TWENTY-EIGHT: Any additional encroachment(s) in the Feather River Designated Floodway require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

TWENTY-NINE: All debris generated by this project shall be disposed of outside the Feather River Designated Floodway.

THIRTY: If the permitted encroachments result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection

Board, prior to implementation of mitigation measures.

THIRTY-ONE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Flood Protection and Navigation Section (9089-E)

JAN 04 2011

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

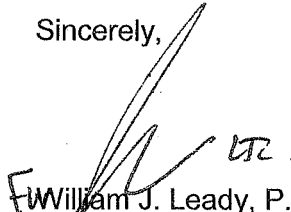
Dear Mr. Punia:

We have reviewed a permit application by Jack Phelps (application number 9089-E). This project includes replacing an existing clubhouse with a 24 by 60 foot pre-manufactured clubhouse on the left (east) bank Designated Floodway of the Feather River. The project is located approximately 1.5 miles southwest of Oroville at 39.4795°N 121.5769°W NAD83, in Butte County, California.

Based upon the drawings and photos in the application, the proposed structure is a mobile home. As stated in our letters for applications 9089A and 9089B (enclosed), it is recommend that the proposed structure be denied by your Board. From a public safety perspective, it is important to recognize that the proposed project is located within the Designated Floodway and may be subject to flooding and/or flood damage. Allowing new structures within the floodway increases risk to both property and human lives.

A copy of this letter is being furnished to Mr. Don Rasmussen, chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,


William J. Leady, P.E.
Colonel, U.S. Army
District Commander

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Flood Protection and Navigation Section (9089-E)

Ms. Mitra Emami, Senior Engineer, WR
Floodway Protection Section
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

JUN 7 2011

Dear Ms. Emami:

On January 4, 2011, the U.S. Army Corps of Engineers, Sacramento District, sent a letter to the Central Valley Flood Protection Board recommending denial of permit application 9089-E due to flood damage and safety concerns. In your letter dated May 25, 2011, you requested that the Corps revise our letter to either not object to the proposed replacement clubhouse or to determine this location within the Feather River designated floodway is outside of Federal jurisdiction for encroachment permit review. The location of the proposed work in permit application 9089-E is upstream of the Federal levees and channel as described in the project operations and maintenance manual.

Sincerely,

A handwritten signature in black ink, appearing to read "Meegan G. Nagy".

Meegan G. Nagy, P.E.
Chief, Flood Protection and Navigation Section

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 11- 14

FINDINGS AND DECISION AUTHORIZING ISSUANCE OF
ENCROACHMENT PERMIT NO. 9089-E
JACK PHELPS

WHEREAS, Mr. Jack Phelps is requesting to replace existing clubhouse with a 24- by 60-foot pre-manufactured clubhouse on the left (east) bank Designated Floodway of the Feather River; and

WHEREAS, Mr. Jack Phelps submitted Encroachment Permit Application No. 9089-E to the Central Valley Flood Protection Board on May 12, 2010. The project is located approximately 1.5 miles southwest of Oroville, in Butte County; and

WHEREAS, on June 7, 2011, the Corps Sacramento District, responded stating the location of the proposed work in permit application 9089-E is upstream of the Federal levees and channel as described in the project operations and maintenance manual; and

WHEREAS, on January 4, 2011 the Corps Sacramento District recommended denial of Encroachment Permit Application No. 9089-E based on a public safety perspective, as the proposed project is located within the Designated Floodway and may be subject to flooding and/or flood damage. Allowing new structures within the floodway increases risk to both property and human lives; and

WHEREAS, on May 25, 2011, Board staff wrote the USACE requesting them to revise its January 4, 2011 letter to either not object to the proposed replacement clubhouse or to determine this location within the Feather River designated floodway is outside of Federal jurisdiction for encroachment permit review; and

WHEREAS, the Central Valley Flood Protection Board has conducted a hearing on Encroachment Permit Application No. 9089-E and has reviewed the application, the Report of its staff, the documents and correspondence in its file, and the environmental documents prepared by Mr. Jack Phelps;

NOW, THEREFORE, BE IT RESOLVED THAT,

Findings of Fact

1. The Central Valley Flood Protection Board hereby adopts as findings the facts set forth in the Staff Report.
2. The Board has reviewed all Attachments listed in the Staff Report.

CEQA Findings

3. The Central Valley Flood Protection Board, as the CEQA lead agency, has determined the project is categorically exempt in accordance with CEQA Guidelines Section 15302 under Class 2 covering replacement or reconstruction of an existing structure with the new structure located on the same site as the structure being replaced and having substantially the same size, purpose, and capacity.
4. **Custodian of Record.** The custodian of the CEQA record for the Board is its Executive Officer, Jay Punia, at the Central Valley Flood Protection Board Offices at 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

Findings pursuant to Water Code section 8610.5

5. **Evidence Admitted into the Record.** The Board has considered all the evidence presented in this matter, including the original and updated applications, past and present Staff Reports and attachments. The Board has also considered all letters and other correspondence received by the Board and in the Board's files related to this matter.
6. **Best Available Science.** In making its findings, the Board has used the best available science relating to the issues presented by all parties.
7. **Effects on State Plan of Flood Control.** This project has no effects on the State Plan of Flood Control.

Other Findings/Conclusions regarding Issuance of the Permit

8. This resolution shall constitute the written decision of the Central Valley Flood Protection Board in the matter of Encroachment Permit Application No. 9089-E.

Approval of Encroachment Permit No. 9089-E

9. Based on the foregoing, the Central Valley Flood Protection Board hereby approves Encroachment Permit Application No. 9089-E in substantially the form provided as Attachment B of the Staff Report.

10. The Central Valley Flood Protection Board directs the Executive Officer to take the necessary actions to prepare and execute the permit and related documents for Encroachment Permit Application No. 9089-E.

PASSED AND ADOPTED by vote of the Board on _____, 2011.

Benjamin F. Carter
President

Francis Hodgkins
Secretary

THE RECLAMATION BOARD

ROOM 1335, RESOURCES BUILDING
1416 9TH STREET • SACRAMENTO 95814



3005.34.200

OCT 24 1973

Mr. and Mrs. C. E. La Feuer
238 Canyon Highland Drive
Oroville, CA 95965

Dear Mr. and Mrs. La Feuer:

Since 1911 The Reclamation Board has been the State agency designated to cooperate with the Federal government through the Corps of Engineers in the planning, construction and maintenance of Flood Control Works on the Sacramento and San Joaquin Rivers and their tributaries.

The Reclamation Board, at its October 8, 1971 meeting adopted the Feather River Designated Floodway, Honcut Creek to Oroville Fish Hatchery. A designated floodway is defined as the channel of the stream and that portion of the adjoining floodplain required to reasonably provide for the passage of a design flood.

An inventory of the existing encroachments within this reach of the Feather River was made by the Department of Water Resources and the encroachments were categorized according to criteria established by The Reclamation Board. The encroachment described in the attached Board Order is compatible with flood control requirements, however, no Board approval had ever been obtained. A Reclamation Board Order should have been obtained before the encroachment was installed, as required by Section 8710 of the California Water Code.

Considering all of the facts in regard to the nature of the existing work, the Board at its meeting of September 14, 1973 approved the issuing of a Board Order to you. Copies of the Board Order are being sent to you for your record. A copy of your Board Order has been transmitted to the responsible local maintaining agency.

Mr. and Mrs. C. E. La Feuer

-2-

OCT 24 1973

In the future, if any modification is made to the existing approved work or if you plan to place any new encroachments within the floodway of the Feather River, it will be necessary for you to obtain approval from The Reclamation Board before commencing work.

Information in regard to filing an application to the Board for approval of plans may be obtained at 3251 "S" Street, Room E-4, Sacramento, CA 95816, or by telephoning (916) 445-9225.

Sincerely yours,



Howard J. Sullivan
Assistant Secretary

Enclosure



DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT, CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814

REPLY TO SPKCO-0 (9089A)
ATTENTION OF

13 August 1975

The Reclamation Board
State of California
1416 - 9th Street, Room 335
Sacramento, California 95814

RECEIVED
AUG 19 1975
THE RECLAMATION BOARD

Gentlemen:

Reference is made to your letter dated 16 July 1975, inclosing copy of application submitted by Charles B. Benson (Reclamation Board No. 9089A), for approval of plans. These plans cover the placement of a mobile home and construction of a boating shed all within the left bank overflow of the Feather River. The location of this proposed work is downstream from the Town of Oroville in Section 30, T. 19N., R. 4E., M.D.B.&M., County of Butte.

The District Engineer has no objection to approval of the boating shed by your Board from a flood control standpoint.

The applicant's proposed mobile home within the designated floodway is not compatible with your rules and regulations for designated floodways, therefore, it is recommended this portion of the application be denied by your Board.

Sincerely yours,

F. G. ROCKWELL, JR.
Colonel, CE
District Engineer

Copy furnished:
DWR, ATTN: John Wright

RECEIVED
AUG 19 1975
THE RECLAMATION BOARD



DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT, CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814

REPLY TO
ATTENTION OF SPKCO-0 (9089-B)

12 March 1981

The Reclamation Board
State of California
1416-9th Street, Room 335
Sacramento, CA 95814

Gentlemen:

We have reviewed your letter dated 27 February 1981, inclosing copy of amended application submitted by James A. Selken (Reclamation Board No. 9089-B), for approval of plans. These plans cover construction of a 24 unit recreational vehicle and campground facility in the left bank designated floodway of the Feather River. The location of this proposed work is just southwest of Oroville in Sections 24 and 25, T. 19N, R. 3E, M.D.B. & M., County of Butte.

The District Engineer recommends approval of the recreational vehicle and campground facility subject to the applicant's floodway evacuation plan dated 29 January 1981.

Several mobile homes within the Feather River Floodway have been inundated in the past. Therefore, we are opposed to the applicant's mobile home within the floodway. Because it is subject to inundation from flood releases, we recommend this portion of the application be denied by your Board.

Sincerely,

HENRY LEE
Lieutenant Colonel, CE
Acting District Engineer

Copy furnished:
DWR, ATTN: G. Piazza

RECEIVED
MAR 15 1981
SACRAMENTO DISTRICT
CORPS OF ENGINEERS
U.S. ARMY

**INTERNAL MEMORANDUM
CENTRAL VALLEY FLOOD PROTECTION BOARD**

DATE: June 6, 2011

TO: Mitra Emami, P.E. – Senior Engineer, Water Resources

FROM: Jon Tice, P.E. – Engineer, Water Resources

SUBJECT: **Hydraulic Analysis Need Determination for Application No. 9089-E,
Jack Phelps**

I have evaluated the need for a hydraulic analysis for Application No. 9089-E using the draft “Decision Tree for Types of Hydraulic Analysis Needed” flow chart that was developed by the Corps Sacramento District in the summer of 2009 (see attached). The proposed project involves the installation of a 24 ft. by 60 pre-manufactured clubhouse. The project site is located approximately 2.5 miles south west of Oroville, CA.

Using the Feather River Designated Floodway (FRDF) maps and Google Earth, I estimate the project site is located approximately 300 feet west of the left (east) boundary of the Feather River Designated Floodway. Therefore the right hand side of the Corps’ decision tree applies as the proposed clubhouse will be located 300 feet or more from the designated floodway boundary in this situation.

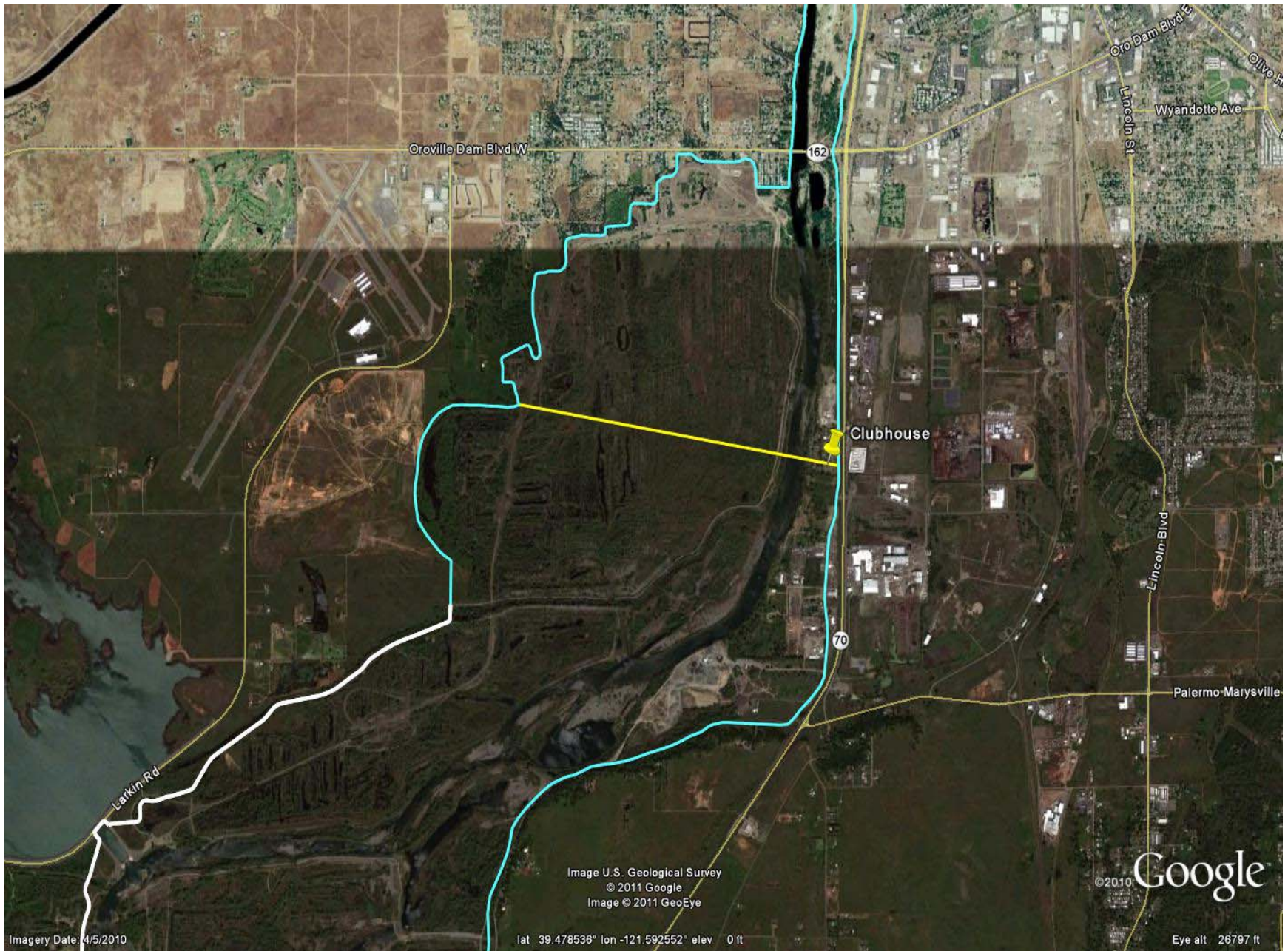
The cross sectional width of the FRDF (as defined per the maps adopted by the Reclamation Board on October 8, 1971) at the latitude of the proposed project site is approximately 1.5 miles, or 7,920 feet (see attached). The proposed new 24 ft. by 60 ft. clubhouse will be aligned in a direction parallel to the flow of the Feather River thereby limiting the hydraulic blockage. Assuming a conservative hydraulic blockage of 65 feet (the hypotenuse of the 24 ft. by 60 ft. proposed clubhouse), the proposed project will block approximately 0.82 % of the Feather River Designated Floodway.

$$[(65 \text{ ft.} / 7,920 \text{ ft.}) \times 100 = 0.82\%]$$

Per the Corps’ Decision Tree, no hydraulic analysis is required for this proposed project because the proposed project is located 300 feet or more from a designated floodway boundary, and the proposed clubhouse will block less than 1% of the FRDF in a north-south direction.

Jon Tice, P.E.

Attachments



CENTRAL VALLEY FLOOD PROTECTION BOARD

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May 25, 2011

Ms. Meegan G. Nagy
Chief, Flood Protection and Navigation Section
US Army Corps of Engineers – Sacramento District
1325 J Street
Sacramento, California 95814-2922

SUBJECT: Permit Application No. 9089-E, Jack Phelps

Dear Ms. Nagy:

This letter is in response to the U.S. Army Corps of Engineers (Corps) permit application review letter dated January 4, 2011 for Permit Application No. 9089-E. based upon the drawings and photos in the application the Corps recommended denial of the proposed structure because it was assumed to be a mobile home.

On April 27, 2011 engineers from the State of California- Central Valley Flood Protection Board CVFPB conducted a site visit to the River Reflections Recreational Vehicle Park. Staff collected data verifying there is an existing clubhouse that is not used for human habitation in the exact location of the proposed replacement structure. The existing structure is in poor condition and appears to be of 1970's vintage. The condition of the existing structure is not suitable for safe continued use as an assembly area for the recreational vehicle park. This application proposed to replace this dangerous structure with a safer replacement matching the footprint of the original. It was also noted that the property owner has maintained the RV park in accordance with the California Code of Regulations Title 23 section 114 governing Recreational Vehicle parks and prior issued permits.

The project location is in a designated floodway without levees. According to our research, the nearest levee is downstream, on the right bank (west side) of the Feather River, on the left (east) bank, and approximately 2 miles away. Therefore no federal project levees are located within the immediate vicinity of the work proposed by this applicant under this permit application. Flood control is provided by the Oroville dam facility approximately 4 miles upstream from this location on the Feather River. Flooding is anticipated to occur in this location only during extreme releases from the Oroville spillway at full capacity. The spillway was releasing 7000 CFS during the State's visit and the Feather River was confined to its banks over 200 feet from this structure

The CVFPB staff recommends approval of this application based on its conformance with the California Code of Regulations. The proposal to replace this structure is also in the State's interest because it will make the structure conforming to current fire and safety codes governing manufactured structures. Replacement will also insure the structure is properly anchored. The existing structure has a higher risk of fire or float away than the proposed replacement.

Based on our research and investigation, as noted above, Board staff requests the Army Corps revise its January 4, 2011 letter to either not object to the proposed replacement clubhouse or to determine this location within the Feather River designated floodway is outside of Federal jurisdiction for encroachment permit review. This application is currently scheduled for a hearing on June 24th. We would appreciate your comments no later than June 13th.

Thank you for your time and consideration in this matter. If you have any questions regarding this encroachment permit application, please call me at (916) 574-2363 or e-mail me at memami@water.ca.gov.

Sincerely,



Mitra Emami, Senior Engineer, WR
Floodway Protection Section
Central Valley Flood Protection Board

Attachments

cc: Robert Murakami, US Army Corps of Engineers – Sacramento District