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

Requested Action

Fresno River – Road 9 Structure
Madera County

1.0 – ITEM

Consider approval of Resolution No. 11-05 (Attachment A) to undertake, as a Board sponsored project, the initiation of the environmental documents and completion of engineering analysis necessary to restore water delivery to riparian owners and licensed appropriators through the Fresno River Diversion Structure at Road 9 (Road 9 Structure) in Madera County.

2.0 – LOCATION

The project is located near Road 9 in Madera County, just upstream of the confluence of the Fresno River with the Chowchilla Canal Bypass. The facility becomes the Eastside Bypass below the confluence (Fresno River, Madera County, see Attachment B).

3.0 – DESCRIPTION

The Road 9 Structure is a component of the Lower San Joaquin River Flood Control Project (LSJR FCP) which was planned, designed and constructed by the Department of Water Resources on behalf of the Central Valley Flood Protection Board (Board) in the early 1960's. The Road 9 Structure diverts Fresno River water flows out of the Eastside Bypass into the Fresno River diversion channel to deliver water to riparian owners and licensed appropriators below Road 9.

The riparian owners have been asserting for decades that the Road 9 structure does not provide sufficient flow to meet their water rights, and that the Board has a responsibility to repair the structure. The riparian owners' complaints are likely beyond the statutory time to challenge the Board. After extensive review of the existing documents related to this project, the record supports a finding that to the extent any obligation existed, the Board has likely met such obligation. However, preliminary analysis suggest that a repair to the Eastside Bypass drop structure, which is part of the

LSJR FCP and is under the Board's jurisdiction, has potential benefits to restore the water delivery through the Road 9 Structure. As such, Board staff proposes that the Board undertake further environmental and engineering analysis as a Board-sponsored project to identify a preferred alternative, which may include or consist solely of the repair to the Eastside Bypass drop structure.

4.0 – STAFF ANALYSIS

On February 26, 2010, the Board directed staff to work with Board member John Brown and Mr. Richard Schafer, (representative of Triangle T. Ranch, Harman Brothers and Menefee Ranch) to review the existing documents and statements made by Mr. Schafer. Board staff began an investigation regarding the adequacy of the Road 9 Structure to inform the Board on appropriate modifications to the system, if necessary. Board staff visited the project site on April 6, 2010. Following the site visit, the Department of Water Resources (DWR) Field surveys Branch performed a topographic survey of the project area. In addition, DWR Division of Engineering performed a hydraulic analysis of the existing facility in order to determine if the flow capacity conveyed by the Road 9 Structure is adequate and provided recommendations and cost estimates for remediation, if necessary. These findings were presented to the Board on January 28, 2011.

After further analysis, it was determined that the existing box culvert is not the limiting factor to achieving a flow of 100 cfs, but rather the lack of hydraulic head in the Bypass. The existing box culvert (6 ft x 4 ft) has the capacity to allow a flow of up to 100 cfs when there is sufficient hydraulic head in the Bypass. Following the January 28, 2011 presentation before the Board, staff began analyzing potential modifications to the drop structure necessary to provide sufficient hydraulic head to divert up to 100 cfs through the box culvert. The results of the hydraulic analysis show that a raise of approximately 0.5' on the lip of the drop structure would provide a flow of approximately 105 cfs through the box culvert. In addition, the topographic survey prepared by DWR in July 2010, shows the drop structure lip elevation on the south end is approximately 0.3-feet lower than the north end. Furthermore, based on existing monuments near the project area, it is evident that the entire area has suffered subsidence. The combination of the differential settlement of the drop structure and the relative subsidence of the project area supports the findings from the hydraulic analysis.

In addition, staff plans to negotiate with the riparian owners and the Lower San Joaquin Levee District to work out a mutually acceptable plan for future operations and maintenance at this facility.

5.0 – ENVIRONMENTAL DOCUMENTATION

Under the California Environmental Quality Act (CEQA), the Board cannot commit to a particular course of action until it makes CEQA findings based upon appropriate CEQA review. The Board is not being asked to take a position on the project at this time. Rather, staff merely seeks authorization and funding allocation to initiate the preparation of necessary environmental documents and engineering analysis to identify a preferred alternative in order to comply with CEQA requirements. Therefore, the present action does not constitute a project for purposes of CEQA.

6.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt Resolution No. 11-05, directing staff to allocate funding in the amount not to exceed $150,000, to further develop the engineering analysis and complete preparation of the environmental documents necessary to identify a preferred alternative. Upon completion of the engineering analysis and environmental documents, staff will present the project alternatives, cost estimates, and construction schedule and request Board approval for construction of the preferred alternative.

7.0 – LIST OF ATTACHMENTS

A. Resolution No. 11-05
B. Location Maps and Photos

Document Review: Ali Porbaha, Curt Taras, Len Marino, Debbie Smith

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 11-05

FINDINGS AND DECISION FOR
FRESNO RIVER ROAD 9 STRUCTURE
SECTION 18 TOWNSHIP 11S RANGE 15E MDB&M
FRESNO RIVER, MADERA COUNTY

WHEREAS, the Fresno River Diversion Structure at Road 9 (Road 9 Structure) is a component of the Lower San Joaquin River Flood Control Project (LSJR FCP) that was planned, designed and constructed by the Department of Water Resources (DWR) on behalf of the Central Valley Flood Protection Board ("Board") in the early 1960's; and

WHEREAS, the Road 9 Structure diverts Fresno River flows out of the Eastside Bypass into the Fresno River diversion channel on the south side of the Eastside Bypass; and

WHEREAS, riparian owners have been asserting for decades that the Road 9 Structure does not provide sufficient flow to meet their water rights, and that the Board has a responsibility to repair the Structure;

WHEREAS, on February 26, 2010, the Board directed staff to work with Board member John Brown and Mr. Richard Schafer to review the existing documents and statements made by Mr. Schafer, representative of riparian owners, regarding the adequacy of the Road 9 Structure and make recommendations to the Board on appropriate modifications to the system, if necessary; and

WHEREAS, the findings from the hydraulic analysis prepared by DWR Division of Engineering were presented to the Board on January 28, 2011; and

WHEREAS, after an extensive review of existing documents, the record supports a finding that although the Board has jurisdiction over the project site, the Board has likely met any obligation it may have regarding the Road 9 structure, to the extent that any such obligation exists; and

WHEREAS, the existing box culvert (6 ft x 4 ft) has the capacity to allow a flow of up to 100 cfs when there is sufficient hydraulic head in the Eastside Bypass. The topographic survey prepared by DWR in July 2010, shows the drop structure lip elevation on the south end is approximately 0.3-feet lower than the north end. Furthermore, based on existing monuments near the project area, it is evident that the entire area has suffered subsidence. The combination of the differential settlement of the drop structure and the relative subsidence of the project area supports the findings from the hydraulic analysis; and

WHEREAS, preliminary analysis suggest that a repair to the Eastside Bypass drop structure, which is part of the LSJR FCP and is under the Board's jurisdiction, has potential benefits to restore the water delivery through the Road 9 Structure; and

WHEREAS, the Board has conducted a public hearing on the Road 9 Structure and has reviewed the Staff Report, the documents and correspondence in its file, and given the all interested parties the right to testify and present evidence on their behalf;

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 the Figures, Attachments, and References listed in the Staff Report.

CEQA Considerations

3. The Board takes no position on the project at this time, but rather authorizes staff to finalize the engineering analysis and initiate the necessary CEQA environmental documents to identify a preferred alternative in order to comply with CEQA requirements. Therefore, the present action does not constitute a project for purposes of CEQA.

Other Findings and Conclusions regarding the Road 9 Structure

4. The Board hereby directs staff to initiate work on the environmental compliance documents and finalization of the engineering analysis to identify a preferred alternative in order to restore water delivery through the Fresno River diversion structure at Road 9. Upon approval of the environmental documents, staff will present the findings and request Board approval of a preferred alternative.

5. The Board authorizes expenditure in the amount not to exceed $150,000 for the purposes described above.

6. This resolution shall constitute the written decision of the Central Valley Flood Protection Board in the matter of the Road 9 Structure.

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

_____	_____
Benjamin F. Carter	Francis (“Butch”) Hodgkins
President	Secretary

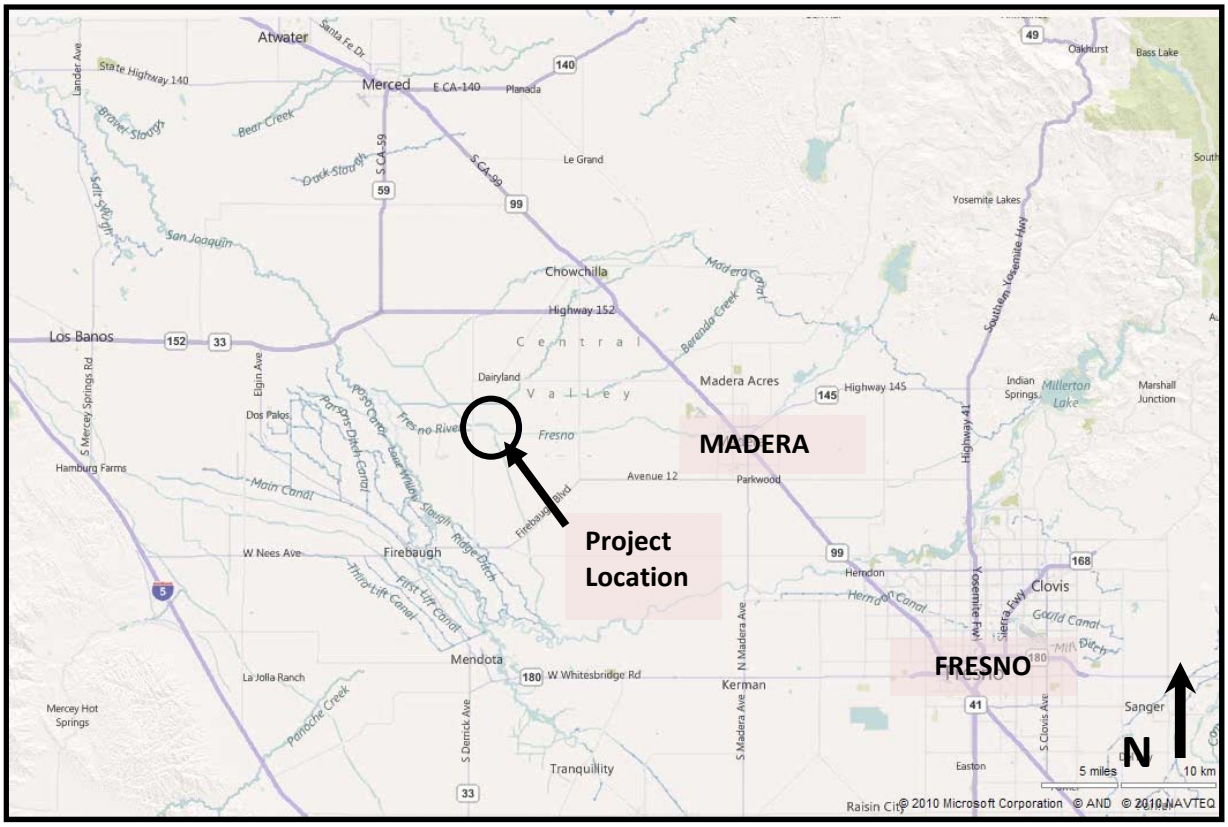


Figure 1- Location Map (Source: Bing Maps)

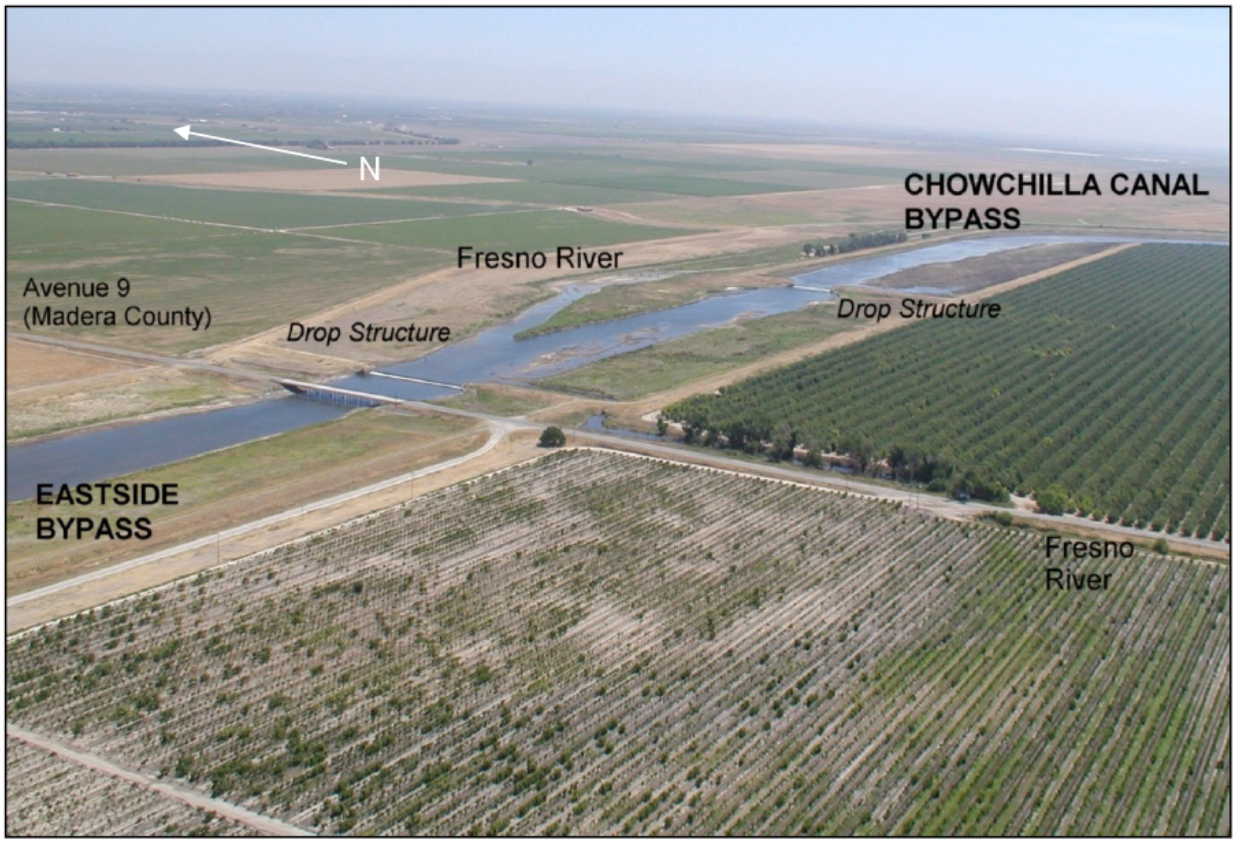


Figure 2 - Aerial of the project area (source: DWR DOE Hydraulic Analysis Report)

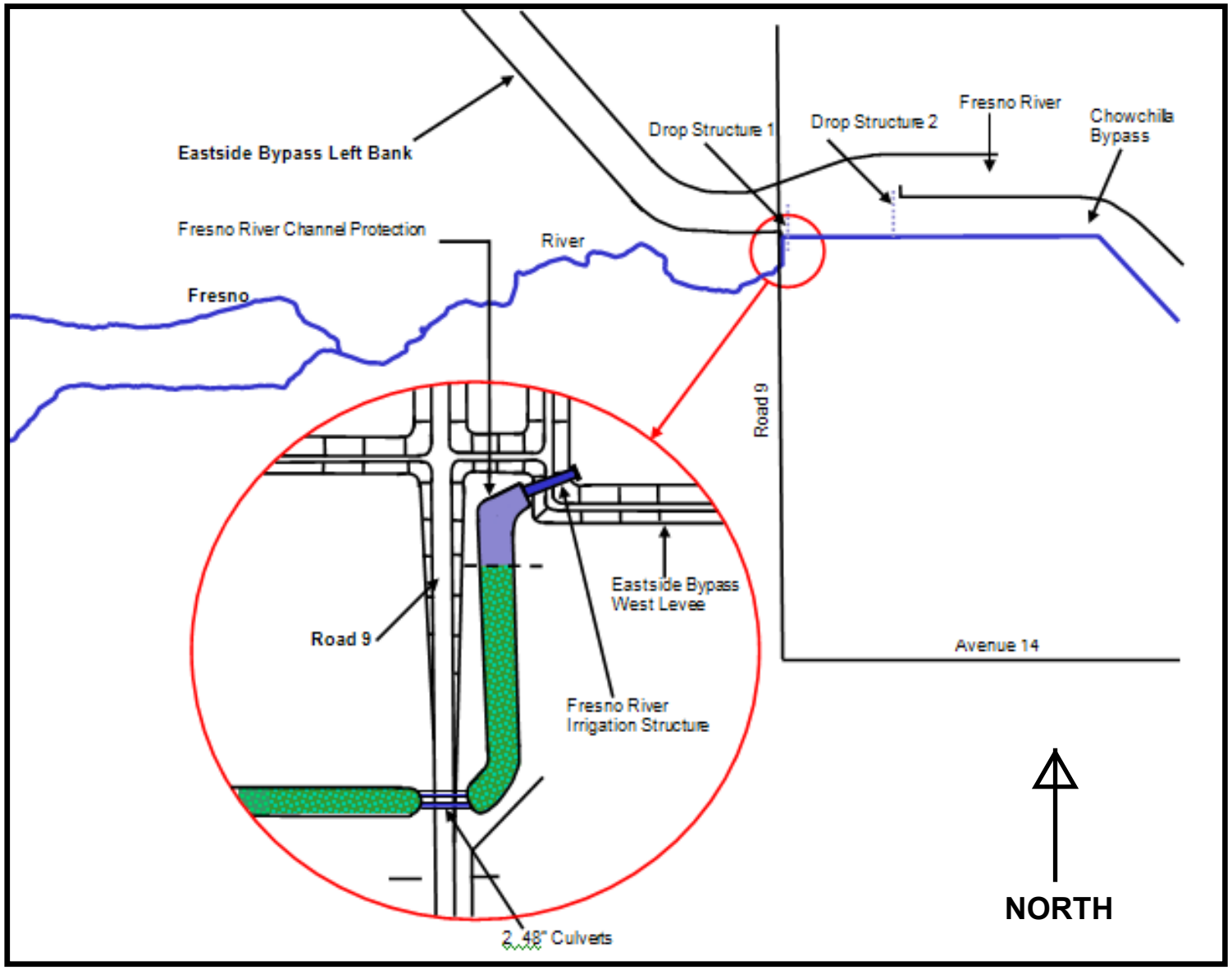
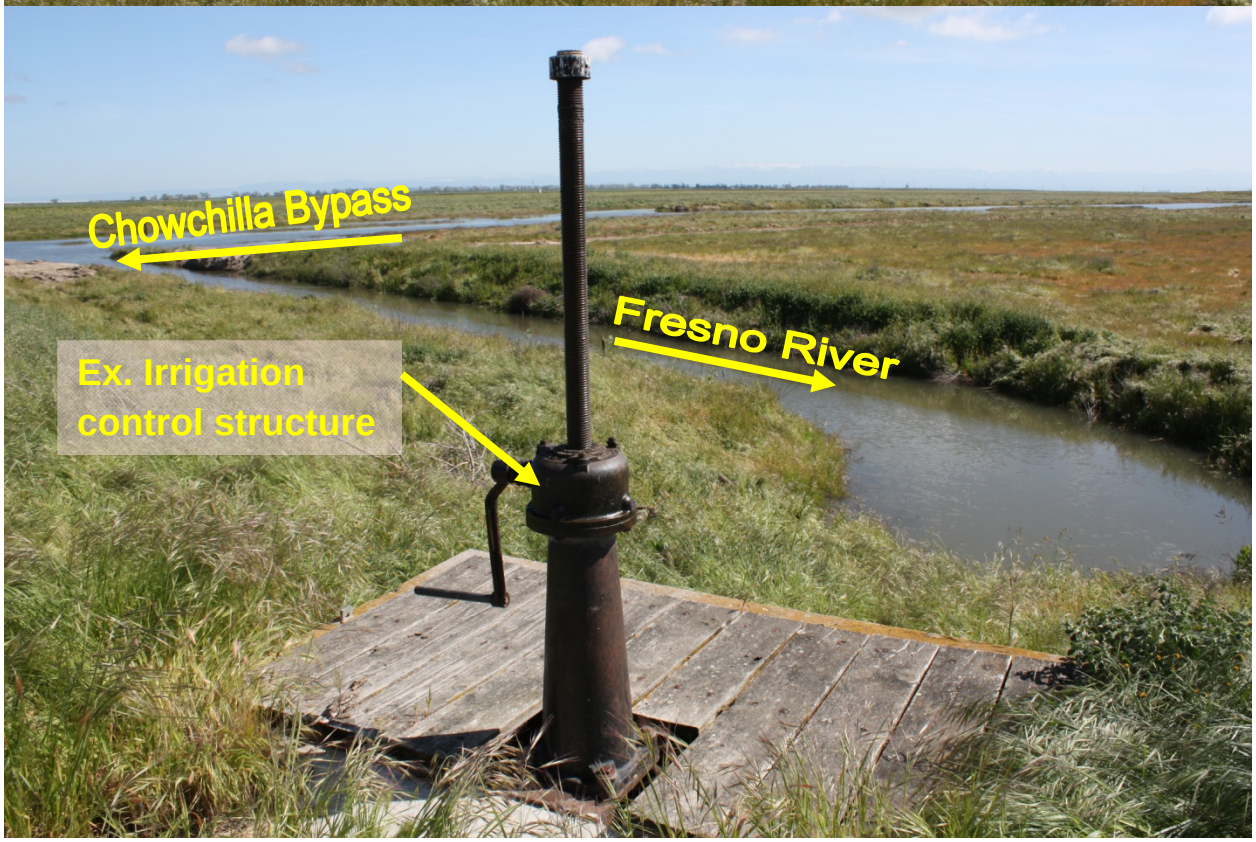
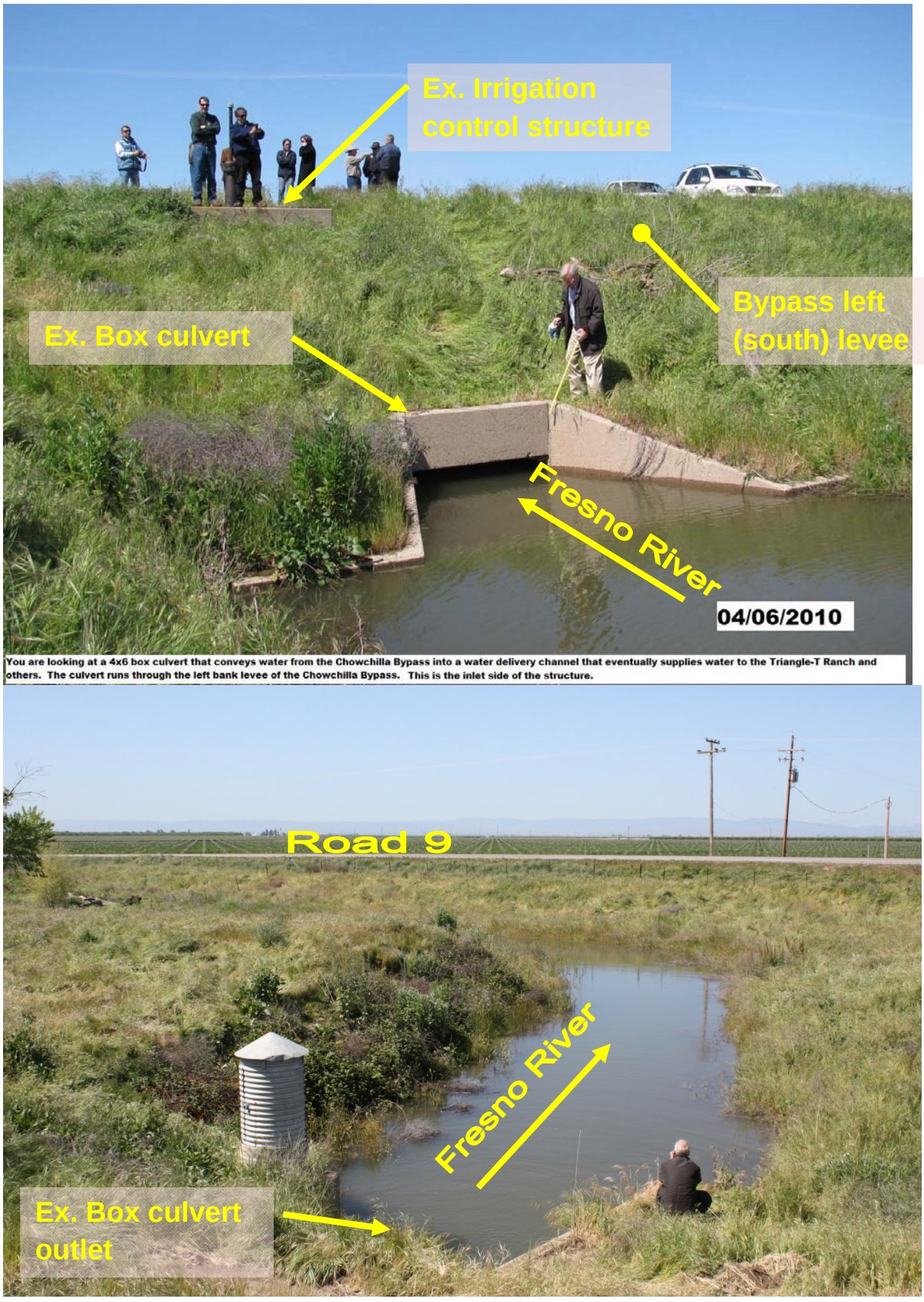


Figure 3- Fresno River- Road 9 Schematic Diagram (Source: DWR DFM staff 2003 CVFPB Presentation)

ATTACHMENT B



Source: Board staff site visit on April 6, 2009



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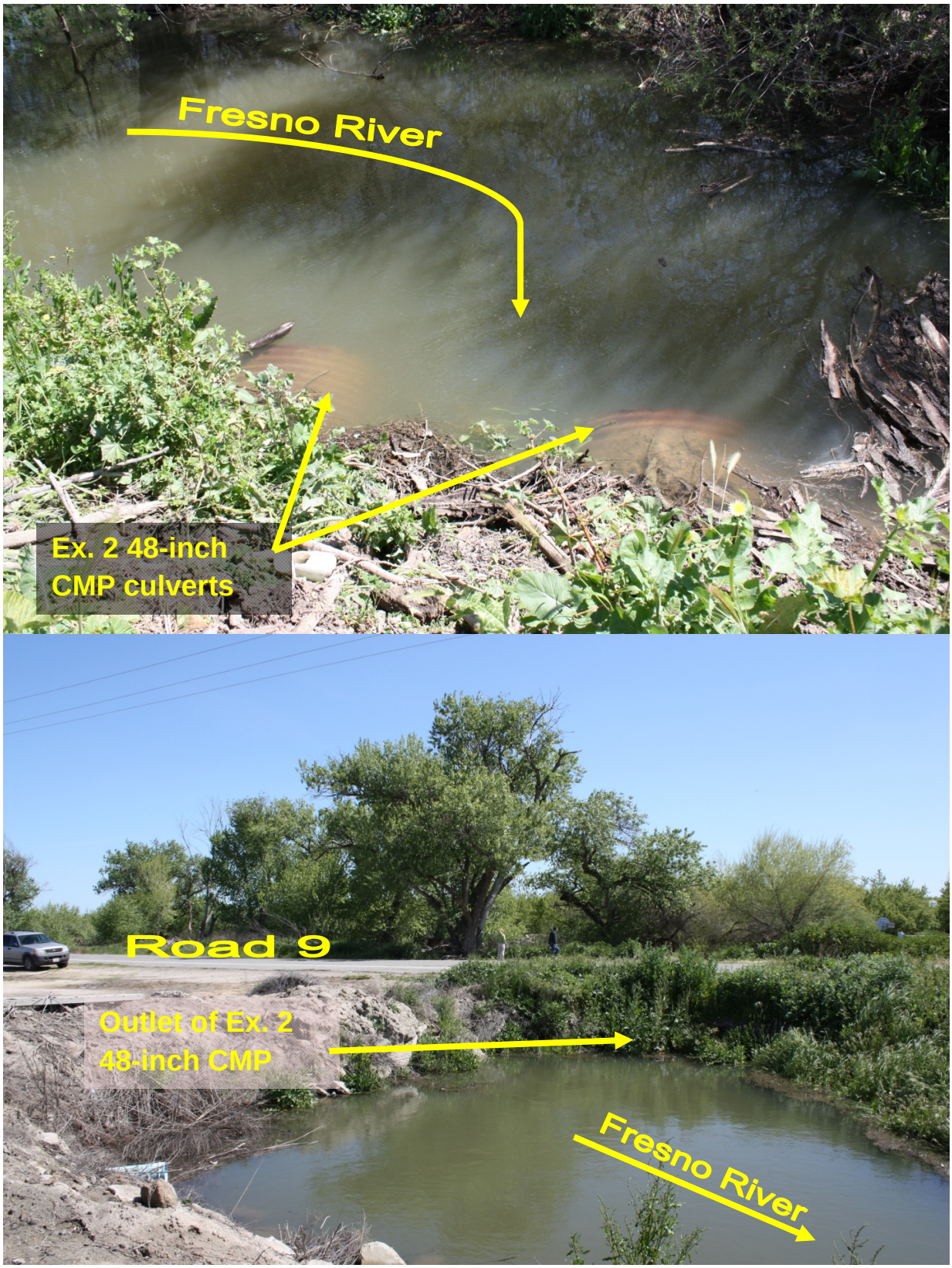

Source: Board staff site visit on April 6, 2009