

**Meeting of the Central Valley Flood Protection Board
December 2, 2011**

Staff Report – Encroachment Permit

**Fresno County Office of Education
Potting Shed, Fresno County**

1.0 – ITEM

Consider approval of Permit No. 18691 (Attachment B)

2.0 – APPLICANT

Fresno County Office of Education

3.0 – LOCATION

The project is located on the left (south) bank of the San Joaquin River Designated Floodway, between the Van Ness Boulevard Alignment and the Marks Avenue Alignment in Fresno County (see Attachment A).

4.0 – DESCRIPTION

Applicant proposes to construct a plant nursery and garden area within a 40- by 23.33-foot wood framed potting shed supported by 4- by 4-inch posts and draped with a shade cloth as part of the Scout Island Outdoor Education Center.

5.0 – PROJECT ANALYSIS

The development of a plant nursery and garden area will allow site visitors the opportunity to observe plant growth and to participate in the planting and growing of native and non-native plants. The potting shed has been proposed as part of the plant nursery and garden area to provide shade for the plants. The potting shed will be a wood frame structure, supported with 4-inch by 4-inch posts and draped with shade cloth. The structure will be 40 feet long by 23 feet and 4 inches wide. The 40-foot side of the structure will be perpendicular to the San Joaquin River Floodway. The posts

supporting the shed along the 40-foot side six 4- by 4-inch wooden posts spaced at approximately 8 feet on center. The shade cloth will terminate 3 feet and 6 inches from the ground.

5.1 – Hydraulic Analysis

The HEC-RAS Analysis by the applicant's consulting engineers (Blair, Church & Flynn) compared the existing condition with the proposed structure model and the result was no increase in the flow surface elevation.

5.2 – Geotechnical Analysis

No Geotechnical Analysis is required.

5.3 – Additional Staff Analysis

Not required.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

Although a Non-federal letter has not yet been received. Staff believes this proposed encroachment will not affect a federally constructed project. A letter from the USACE District Engineer indicating "no comments or recommendation" will be incorporated upon receipt into as Exhibit A.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA Findings:

The Board, as a responsible agency under CEQA, has reviewed Initial Study/Mitigated Negative Declaration (SCH Number: 2002081050, December 2002) and Mitigation Monitoring Program for the Scout Island Outdoor Educational Project prepared by the lead agency, the Fresno County Office of Education. These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvpfb.ca.gov/meetings/2011/12-02-2011.cfm> under a link for this agenda item. These documents are also available for review in hard copy at the Board and the Fresno County Office of Education.

The Fresno County Office of Education has determined that the project would not have a significant effect on the environment and adopted Resolution No. 2003-02 on January 16, 2003 and filed a Notice of Determination on January 17, 2003 with the Fresno County Clerk. Board staff finds that although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project proponent has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures are included in the project proponent's Mitigation Monitoring Program and address impacts to aesthetics, biological resources, cultural resources, mineral resources, hydrology and water quality, hazards, public services and transportation. The description of the mitigation measures are further described in the adopted Mitigation Monitoring Program.

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:

None

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

None

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA findings, approve Permit No. 18691 and direct the Executive Officer to take the necessary action to excite the permit.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18691

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|-----------------------|-------------------------------|
| Design Review: | Sam Brandon |
| Environmental Review: | James Herota and Andrea Mauro |
| Document Review: | Len Marino |

COUNTY OFFICE OF EDUCATION HEC-RAS ANALYSIS FOR SCOUT ISLAND IMPROVEMENTS

Attachment A



LOCATION MAP
NO SCALE

DESCRIPTION

T/LOCATION MAP

WORKMAP

WORKMAP

IN AND FLOOR PLAN

PLAN AND DETAILS

| | | |
|---|--|--------------|
| Blair, Church & Flynn CONSULTING ENGINEERS | CONSULTANT Blair, Church & Flynn Consulting Engineers 484 Clovis Avenue, Suite 200 Clovis, California 93612 Tel (559) 326-1400 Fax (559) 326-1500 | FRE S |
| | | |

#18691

Proposed Potting Shed Location - Looking Southeast



Attachment A



Proposed Potting Shed Location - Looking Southwest

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

PERMIT NO. 18691 BD

This Permit is issued to:

Fresno County Office of Education
1111 Van Ness Avenue
Fresno, California 93721

To construct a plant nursery and garden area within a 40-ft by 23.33-ft wood-framed potting shed supported by twelve 4-inch by 4-inch #2 posts and draped with shade cloth as part of the Scout Island Outdoor Education Center within the San Joaquin Designated Floodway. Proposed project site is located within the San Joaquin Designated Floodway, on the left (south) bank of the San Joaquin River between the Van Ness Boulevard Alignment and the Marks Avenue Alignment in Fresno County (Section 25, T12S, R19E, MDB&M, San Joaquin River, Fresno 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. 18691 BD

THIRTEEN: If the construction project extends onto land owned in fee and/or easement by the Sacramento and San Joaquin Drainage District acting by and through the Central Valley Flood Protection Board (Board), the permittee should secure an easement, license, or temporary entry permit from the Board prior to commencement of work. Contact Angelica Aguilar at (916) 653-5782.

FOURTEEN: 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.

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 Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) within the San Joaquin River Designated Floodway resulting from 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 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: 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-ONE: No construction work of any kind shall be done during the flood season from November 1 to July 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-TWO: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to July 15.

TWENTY-THREE: Dwellings, structures, and mobile homes shall not be allowed within 14 feet of the top of a revetted riverbank and 30 feet of the top of an unrevetted riverbank.

TWENTY-FOUR: Stockpiled material, temporary buildings, or equipment shall not remain in the floodway during the flood season from November 1 to July 15.

TWENTY-FIVE: The proposed building shall be properly anchored to prevent floatation into the floodway in the event of high water.

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

TWENTY-SEVEN: The permittee acknowledges that the proposed structure is located within the San Joaquin River floodway and is subject to periodic flooding.

TWENTY-EIGHT: 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-NINE: This project does not affect a federally constructed project and the U.S. Army Corps of Engineers' District Engineer has no comments or recommendation regarding flood control, as

stated in the U.S. Army Corps of Engineers letter dated, which is attached to this permit as Exhibit A and incorporated by reference.