

**Meeting of the Central Valley Flood Protection Board
January 26, 2011**

Staff Report – Encroachment Permit

**St. Thomas Construction
Boat Dock, Sacramento County**

1.0 – ITEM

Consider approval of Permit No. 18226 (Attachment B)

2.0 – APPLICANT

St. Thomas Construction

3.0 – LOCATION

The project is located on the left (east) bank levee of the Sacramento River, upstream of Isleton at 15511 Isleton Road, Sacramento County, (see Attachment A).

4.0 – DESCRIPTION

Applicant proposes to construct a 10-foot-wide, 30-foot-long boat dock anchored to three 16-inch-diameter steel piles attached to a 4-foot-wide, 40-foot-long aluminum gangway attached to moveable rollers (up and down with river level) supported by two steel piles embedded into a 5- by 1-foot concrete pad on the levee section.

5.0 – PROJECT ANALYSIS

The boat dock will be constructed offsite and floated into place, the material will be wood or fiberglass with Styrofoam floats. The third steel pile will be installed just upstream of the dock to protect it from floating debris. All piles will be driven from a barge-mounted pile driver. The gangway will have rollers on the dock, allowing it to move with the changing river level. On its bank end, the gangway will be attached to rise when the river level is very high.

5.1 – Hydraulic Analysis

A hydraulic analysis was not provided as the project does not pose a significant obstruction to hydraulic conveyance. The project was reviewed using the USACE's suggested channel hydraulic screening tool and was found to obstruct far less than 1% of the total channel cross section.

5.2 – Geotechnical Analysis

No Geotechnical Analysis is required. Compaction test of the levee section will be required by Special Conditions of the permit.

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:

The U S Army Corps of Engineers 208.10 comment letter has not been received for this application. Upon receipt of a favorable letter and review by Board staff the letter will be incorporated into permit as Exhibit A.

Reclamation District 556 has endorsed the application.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA findings:

The Board, as a responsible agency under CEQA, has reviewed Initial Study/Negative Declaration (SCH Number: 2011032041, March 2011) and Resolution 11-02 for the California Cellars Recreational Dock prepared by the lead agency, Reclamation District 556. 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/2012/01-27-2012.cfm> under a link for this agenda

item. These documents are also available for review in hard copy at the Board and the Reclamation 556 office.

Reclamation 556 has determined that the project would not have a significant effect on the environment and approved the project on June 7, 2011 with Resolution 11-02 and subsequently filed a Notice of Determination on June 16, 2011 with the State Clearinghouse and County Clerk. Board staff has independently reviewed the subject documents and finds that the proposed project will not have a potentially significant effect on the environment.

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:

Negligible, if any.

9.0 – STAFF RECOMMENDATION

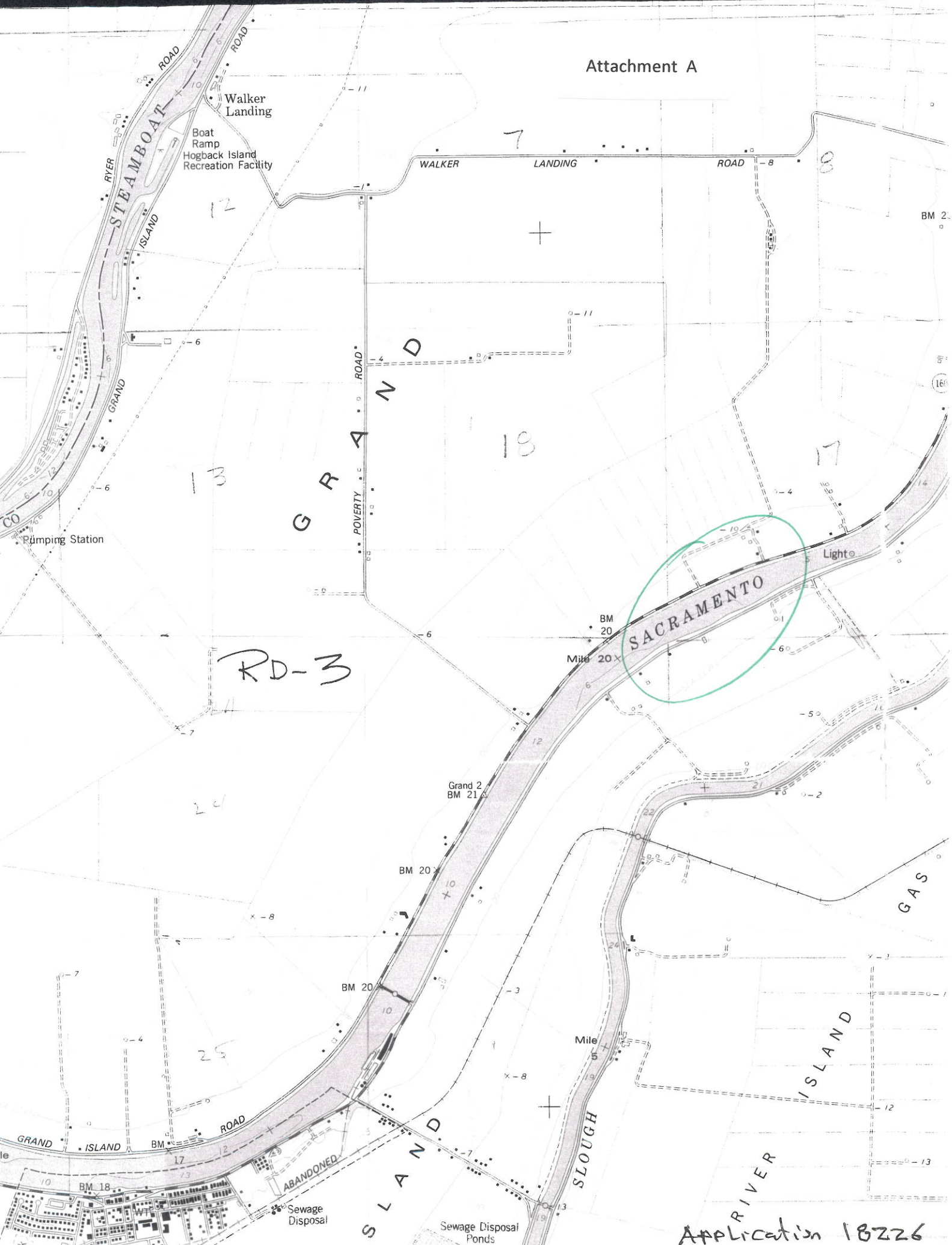
Staff recommends that the Board adopt the CEQA findings, approve Permit No. 18226 upon receipt of a favorable U.S. Army Corps of Engineers comment letter.

10.0 – LIST OF ATTACHMENTS

- A. Location Map and photos
- B. Draft Permit No. 18226

Design Review:	Sam Brandon
Hydraulic Analysis review:	Sam Brandon
Environmental Review:	Andrea Mauro and James Herota
Document Review:	Mitra Emami, Len Marino

Attachment A



RD-3

SACRAMENTO

Application 18226

PROJECT SITE, DOWNSTREAM VIEW



Application 18226

DRAFT

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

PERMIT NO. 18226 BD

This Permit is issued to:

St. Thomas Construction
12885 Alcosta Blvd., Suite A
San Ramon, California 94583

To construct a 10-foot-wide, 30-foot-long boat dock anchored to three 16-inch-diameter steel piles attached to a 4-foot-wide, 40-foot-long aluminum gangway attached to moveable rollers (up and down with river level) supported by two steel piles embedded into a 5- by 10 by 1-foot concrete pad, on the left (east) bank levee of the Sacramento River. The project is located upstream of Isleton at 15511 Isleton Road (Section 17, T4N, R4E, MDB&M, Reclamation District 556, Sacramento River, Sacramento 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. 18226 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 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.

FIFTEEN: 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.

SIXTEEN: 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 Central Valley Flood Protection Board, the State of California Department of Water Resources and/or any other agency responsible for maintenance.

SEVENTEEN: 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.

EIGHTEEN: 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.

NINETEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 556 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

TWENTY: 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.

TWENTY-ONE: 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.

TWENTY-TWO: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-THREE: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 556 shall not be held liable for damage(s) to the permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair(s) of the flood control project works.

TWENTY-FOUR: The permittee shall arrange for an inspector from the Department of Water Resources to be at the site prior to any excavation and during all backfill operations. For availability and scheduling of an inspector, contact the Department of Water Resources at telephone number (916) 574-0609 at least 10 working days prior to the start of work.

TWENTY-FIVE: No excavation shall be made or remain within the flood control project works during the flood season from November 1st to April 15th without express written consent from the Central Valley Flood Protection Board.

TWENTY-SIX: Cleared trees and brush shall be completely burned or removed from the flood control project works, and downed trees or brush shall not remain within the project works during the flood season from November 1st to April 15th.

TWENTY-SEVEN: No construction material(s) and/or equipment shall remain within the flood control project channel and/or upon the levee during the flood season from November 1st to April 15th.

TWENTY-EIGHT: A temporary bench mark, set to a known datum, shall be placed at the project site during construction.

TWENTY-NINE: The herein permitted boat dock landing footing(s) shall be cleaned of all loose soil, and backfilled with concrete cast against firm undisturbed earth. Rip-rap and/or revetment do not constitute undisturbed earth.

THIRTY: The top of pilings shall be a minimum distance of 2 feet above the design flood plane elevation of 12.1 feet, NGV Datum.

THIRTY-ONE: The bottom of the stringers of horizontal access way(s) shall be a minimum of 3 feet above the design flood plane elevation of 12.1 feet, NGV Datum.

THIRTY-TWO: Handrails on access ways shall not extend onto the levee crown and handrails extending from the landing to the landward gangway hinge point shall be removable.

THIRTY-THREE: In the event existing rock revetment within the flood control project works is disturbed or displaced during construction, it shall be restored to its preconstruction condition.

THIRTY-FOUR: Maintenance of the levee slope under an access way and the adjacent levee slope is the responsibility of the permittee.

THIRTY-FIVE: All debris generated by this project shall be disposed of outside the Sacramento River adopted plan of flood control.

THIRTY-SIX: Objects connected to the dock shall be properly secured to prevent detachment during periods of high water.

THIRTY-SEVEN: The permittee shall be responsible for removing all boats or other objects moored to the dock upon receiving notification to do so from the Central Valley Flood Protection Board, Department of Water Resources, or any other federal, State, or local agency having applicable authority.

THIRTY-EIGHT: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

THIRTY-NINE: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the flood control project works/channel after each period of high water.

FORTY: If the herein permitted encroachment(s) 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.

FORTY-ONE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) is/are determined by any agency

responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood protection Board may modify or remove the encroachment(s) at the permittee's expense.

FORTY-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.

FORTY-THREE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated X XX, 2011, which is attached to this permit as Exhibit A and is incorporated by reference.