

**Meeting of the Central Valley Flood Protection Board  
January 26, 2012**

**Staff Report – Encroachment Permit**

**Paul Thayer  
Boat Dock, Sacramento County**

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**1.0 – ITEM**

Consider approval of Permit No. 18689 (Attachment B)

**2.0 – APPLICANT**

Paul Thayer

**3.0 – LOCATION**

The project is located along the left (east) bank levee of the Sacramento River, west of the Sacramento Airport, at 6645 Garden Highway, Reclamation District 1000, Sacramento County, see Attachment A)

**4.0 – DESCRIPTION**

Applicant proposes to remove a damaged floating boat dock (wood pilings & gangway) and install a 38- by 24-foot aluminum boat dock supported by three 12-inch-diameter steel pilings and a 12-inch-diameter steel dolphin pile upstream of the dock, attached to a 4- by 8-foot floating landing gangway and a 3- by 65-foot aluminum gangway attached to 5- by 8-foot concrete landing.

**5.0 – PROJECT ANALYSIS**

The proposed dock will replace an existing dock that was damaged by a falling tree. The new dock is a u-shape, larger with three pilings. The new ramp will have floatation and will be able to slide up the poles so that it floats on the water, reducing the disruption of the river flow. The fourth piling will be attached to the upstream piling with

an angle forward as it goes down to the river. The applicant revised their plans to meet the Corps of Engineers requirement.

### **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**

Not 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:

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

The Reclamation District 1000 has endorsed the application with conditions that are incorporated into the permit as Exhibit B.

## **7.0 – CEQA ANALYSIS**

Board staff has prepared the following CEQA determination:

The California State Lands Commission, as the lead agency under CEQA, approved the project (SCH No. 2011048088) on April 6, 2011 and determined that the project was categorically exempt under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities, Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small structures and Class 4 Categorical Exemption (CEQA Guidelines Section 15304) covering minor alterations to land.

The Board, acting as a responsible agency under CEQA, has reviewed the California State Lands Commission's determination and has independently determined that the project is exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities, a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small structures and a Class 4 Categorical Exemption (CEQA Guidelines Section 15304) covering minor alterations to land.

### **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:

Negligible if any.

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 find the project to be exempt from CEQA, approve Permit No. 18689 conditioned upon receipt of a favorable U.S. Army Corps of Engineers comment letter.

## **10.0 – LIST OF ATTACHMENTS**

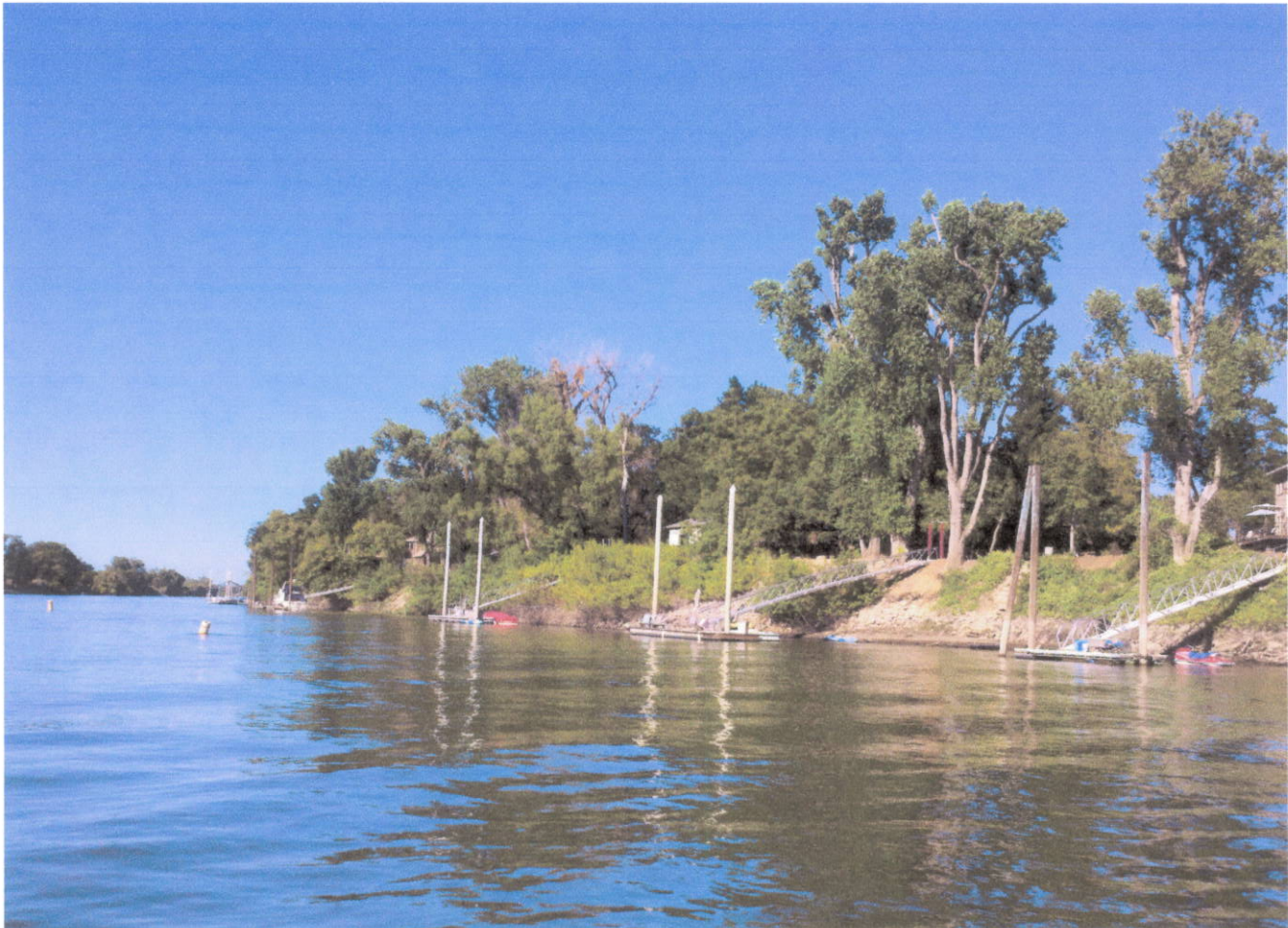
- A. Location Map and photos
- B. Draft Permit No. 18689

Design Review:	Sam Brandon
Environmental Review:	James Herota / Andrea Mauro
Document Review:	Mitra Emami, Len Marino



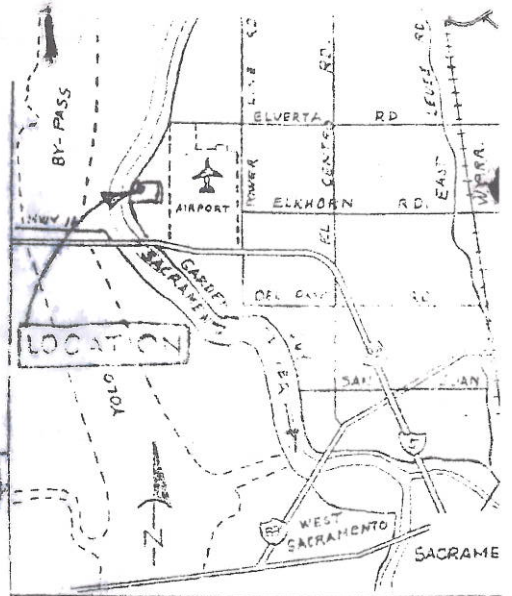
Tree on old dock





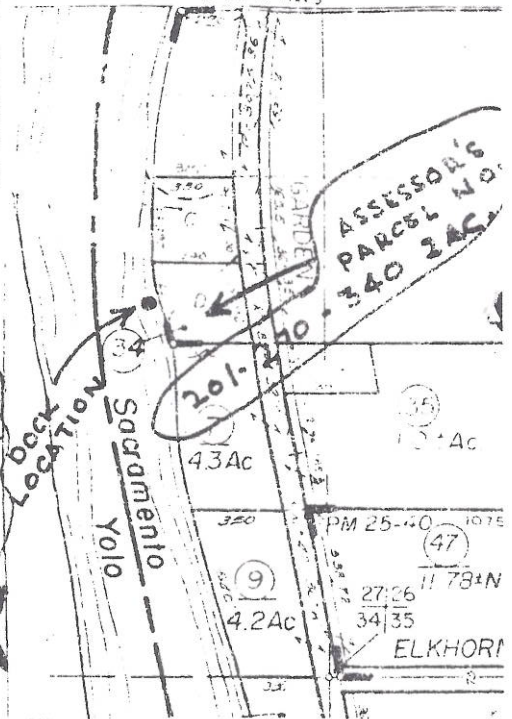
About 1/2 mile upstream of project site

# NO. 7610

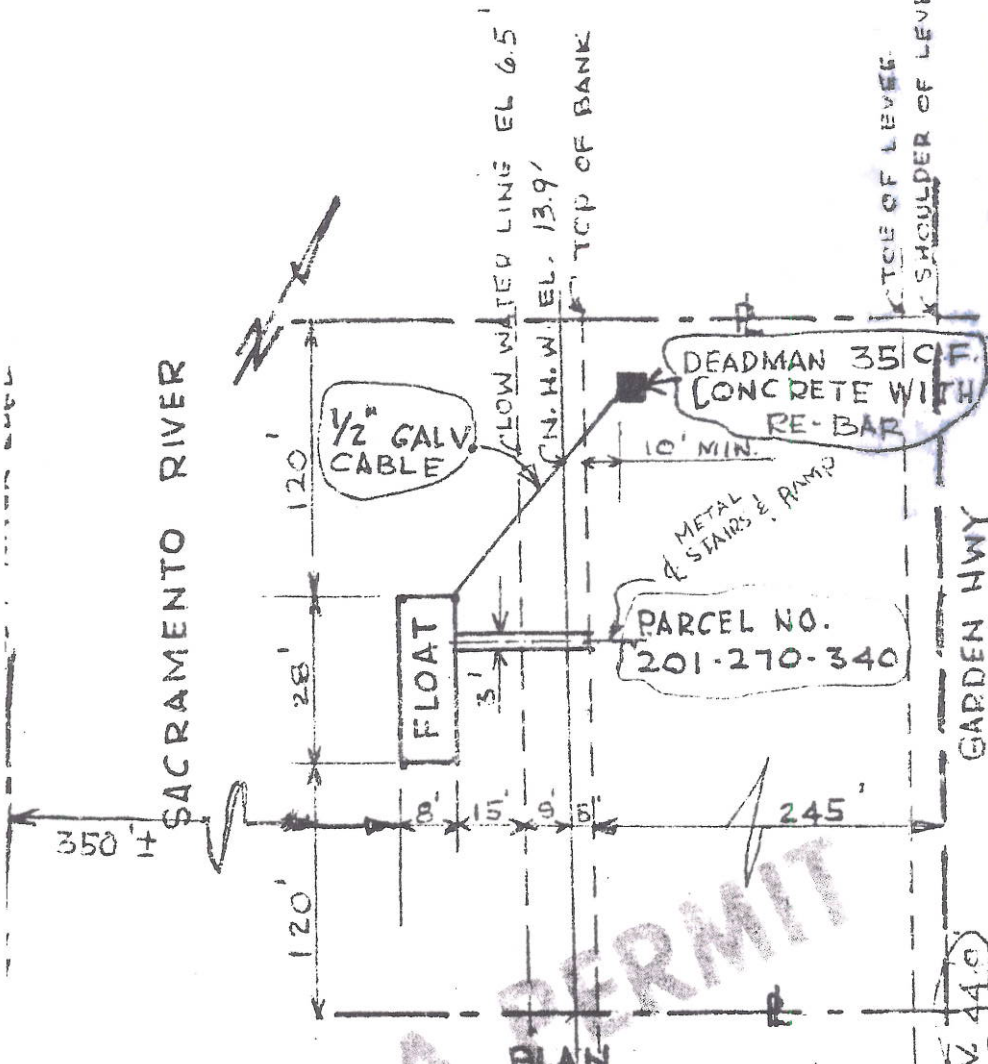


VICINITY MAP

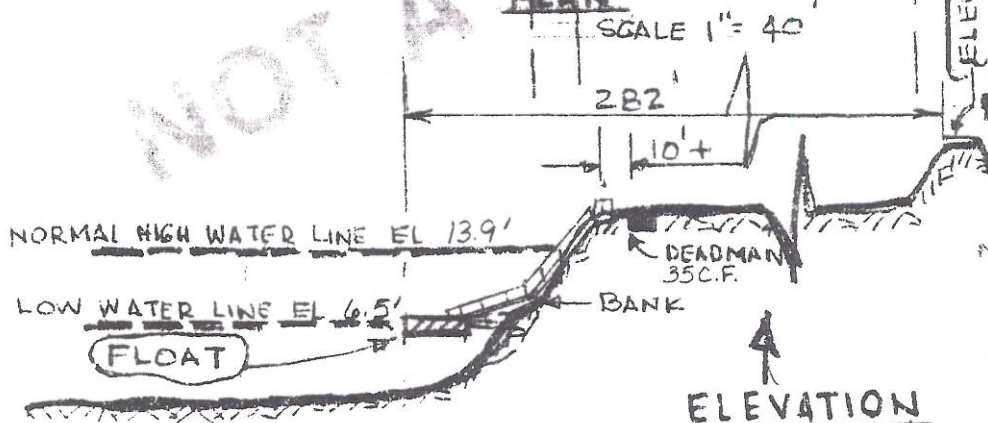
SCALE IN FEET  
0 1 2 3 4 5



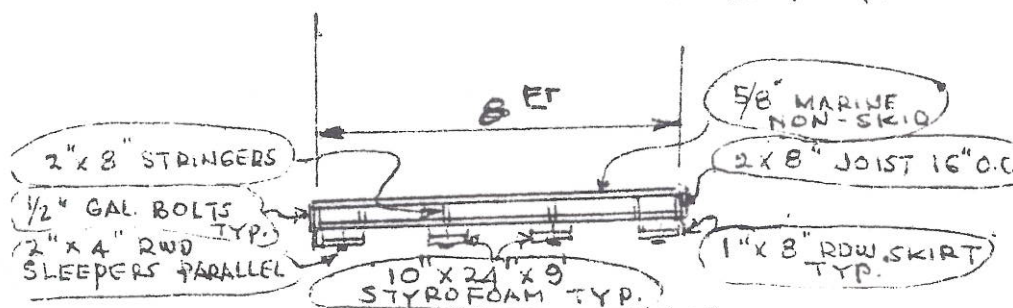
NOTE - U.S.G.S. - M.S.L. DATUM  
USED FOR ALL ELEVATION



PLAN  
SCALE 1" = 40'



ELEVATION  
SCALE 1" = 40'



FLOAT DETAIL  
SCALE 1" = 4'

**PROPOSED FLOAT**  
 LOCATION: ASSESSOR'S PARCEL 201-270-340  
 PARCEL "D" A PORTION  
 LOTS 77-78  
 APPLICATION BY: NATOMAS-ELKHORN  
 WILFRED LOWE  
 6645 GARDEN  
 SACTO CA. 958  
 DATE: MAY 1 1981

NOT A PERMIT



**DRAFT**

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

**PERMIT NO. 18689 BD**

**This Permit is issued to:**

Paul Thayer  
6645 Garden Highway  
Sacramento, California 95837

To remove a damaged floating boat dock, two wood pilings, and gangway and replace with a new floating boat dock, three steel pilings, and an aluminum gangway on the left (east) bank of the Sacramento River. The project is located west of the Sacramento Airport at 6645 Garden Highway. (Section 26, T10N, R3E, MDB&M, Reclamation District 1000, 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. 18689 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 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.

**SIXTEEN:** 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.

**SEVENTEEN:** 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.

**EIGHTEEN:** The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 1000 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.



NINETEEN: 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: 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-ONE: 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-TWO: 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-THREE: 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-FOUR: 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.

TWENTY-FIVE: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 1000 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-SIX: 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.

TWENTY-SEVEN: The top of pilings shall be a minimum distance of 2 feet above the design flood plane elevation of 36.1 feet, NGV Datum.

TWENTY-EIGHT: 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.

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

THIRTY-ONE: 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-TWO: 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.

THIRTY-THREE: 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-FOUR: 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.

THIRTY-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.

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

THIRTY-SEVEN: 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-EIGHT: The bottom of the stringers of horizontal access way(s) shall be a minimum of 3 feet above the design flood plane elevation of 36.1 feet, NGV Datum.

THIRTY-NINE: 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.

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

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



FORTY-TWO: 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-THREE: 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.