

**Meeting of the Central Valley Flood Protection Board
February 24, 2012**

Staff Report – Encroachment Permit

**John Orosz
Existing Boat Dock, Sacramento County**

1.0 – ITEM

To consider approval of Permit No. 18699 (Attachment B)

2.0 – APPLICANT

John Orosz

3.0 – LOCATION

The project is located on the left (east) bank of the Sacramento River at 2365 Garden Highway.

(Sacramento River, Sacramento County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to authorize a 24' by 60' floating boat dock, a 3' by 40' gangway, and two concrete deadman winch pads.

5.0 – PROJECT ANALYSIS

The existing floating boat dock is secured to the bank with cables that are attached to two five cubic yard concrete deadman anchors. The existing boat dock and gangway conform to all standards in Title 23, Section 127.

5.1 – Hydraulic Analysis

Hydraulic impacts from the floating boat dock are considered insignificant; therefore a hydraulic analysis was not required

5.2 – Geotechnical Analysis

A geotechnical analysis for the boat dock is not applicable.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Reclamation District No. 1000 endorsed the project on September 27, 2011, with conditions. The conditions will be incorporated into the permit as Exhibit A.
- The U.S. Army Corps of Engineers 208.10 comment letter has not yet been received for this application. Upon receipt of a favorable letter and review by Board staff the letter will be incorporated into the permit as Exhibit B.

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 under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing structures.

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:

The existing boat dock will have no effects to the 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:

There will be no effects to the boat dock from reasonable projected future events.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board find the project exempt from CEQA, approve the permit conditioned upon receipt of a favorable U.S. Army Corps of Engineers comment letter, and direct staff to file a Notice of Exemption with the State Clearinghouse.

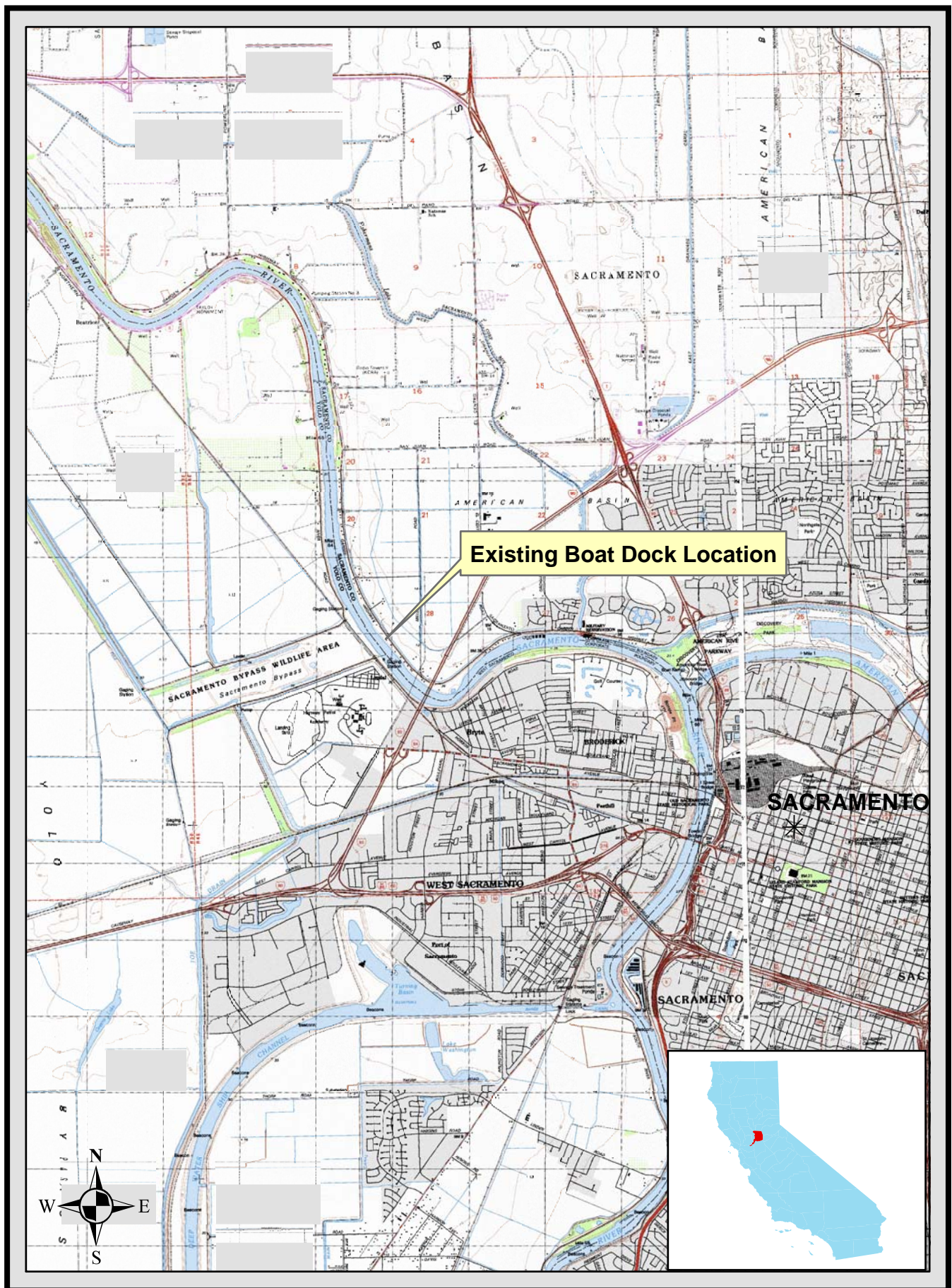
10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18699
- C. Drawing

Design Review:	Gary W. Lemon P.E.
Environmental Review:	Andrea Mauro, James Herota
Document Review:	Mitra Emami P.E., Len Marino P.E.

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Project Location Map

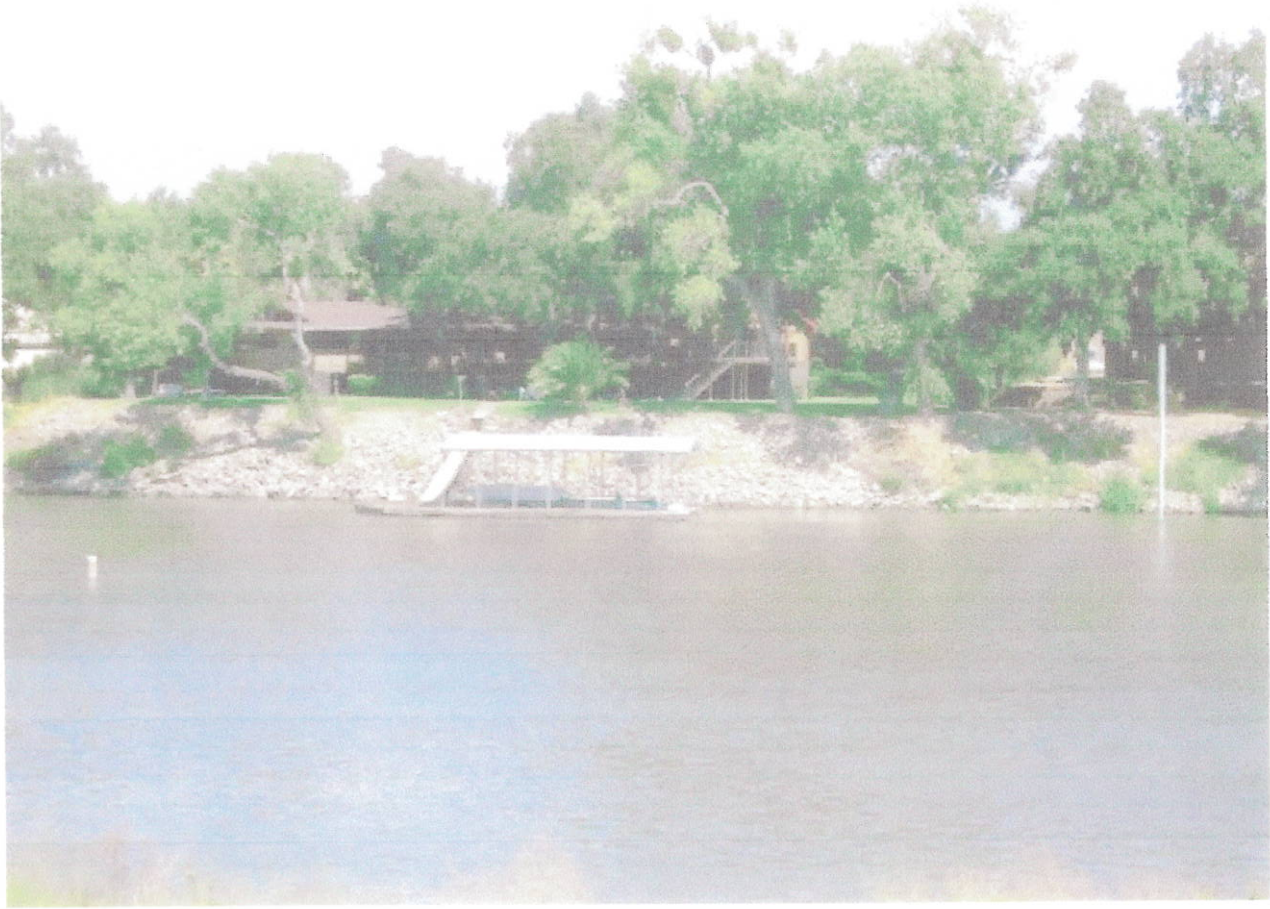


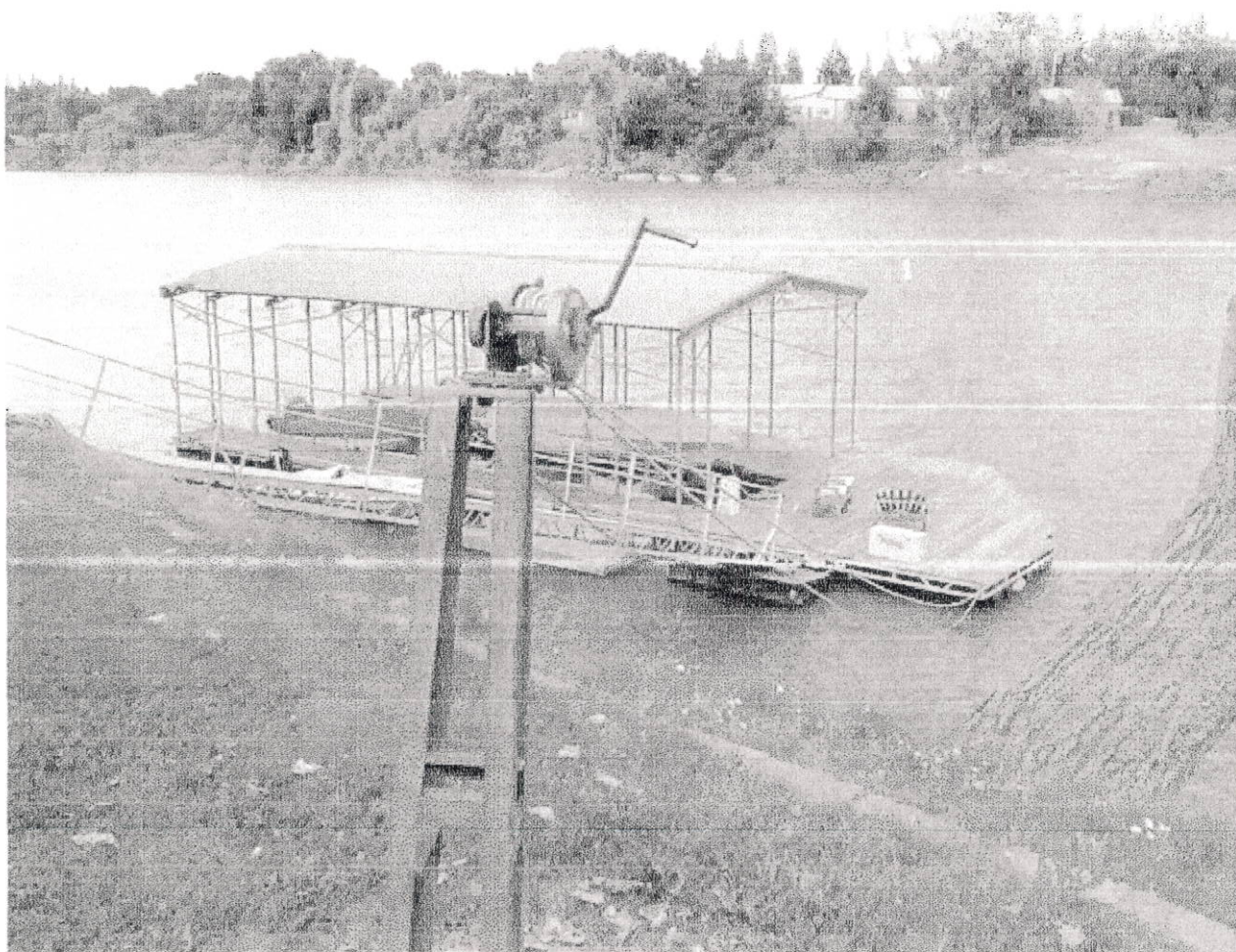
Existing Boat Dock Location

SACRAMENTO

SACRAMENTO

0 0.45 0.9 1.8
Miles







DRAFT

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

PERMIT NO. 18699 BD

This Permit is issued to:

John Orosz
2365 Garden Highway
Sacramento, California 95833

To authorize a 24' by 60' floating boat dock, a 3' by 40' gangway, and two concrete deadman winch pads. The project is located on the left (east) bank of the Sacramento River at 2365 Garden Highway (Section 28, T9N, R4E, 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. 18699 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 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.

SIXTEEN: 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.

SEVENTEEN: Upon receipt of a signed copy of the issued permit 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.

EIGHTEEN: The proposed floating facilities shall be properly anchored to prevent detachment from the anchoring system during periods of high water.

NINETEEN: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

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

TWENTY-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.

TWENTY-TWO: 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.

TWENTY-THREE: 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.

TWENTY-FOUR: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) 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.

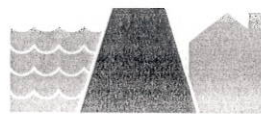
TWENTY-FIVE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control 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-SIX: 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-SEVEN: The permittee shall comply with all conditions set forth by Reclamation District No. 1000 which are attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-EIGHT: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated February xx, 2012, which is attached to this permit as Exhibit B and is incorporated by reference.

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RD1000

RECLAMATION
DISTRICT 1000**Permit Conditions****Permit Application No.** Unnumbered**Location:** 2365 Garden Highway--Sacramento River RM 63.7L (approx)**Applicant:** John and Diane Orosz**Description:** Relocate Existing Boat Dock**CONDITIONS:**

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such 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 the encroachment interferes with the District's ability to operate and maintain its flood control facilities or if the encroaching facilities are damaged by any cause.
3. Permittee is responsible for all necessary permits and regulatory approvals for the existing dock
4. Per Section 127 of Title 23, all debris caught by the proposed boat dock shall be cleared and disposed of outside the floodway following each period of high water to the satisfaction of the District and the Central Valley Flood Protection Board (CVFPB).
5. Permittee is responsible for any damage to public or private facilities along the river should the structure or associated boat break free and shall hold the District and the CVFPB harmless from any liability as a result of placing this structure in an active floodway.
6. Permittee shall remain responsible for any erosion on the waterside levee slope or waterside berm caused by the permitted encroachment and shall repair such erosion prior to the next flood season to the satisfaction of the District and the CVFPB

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