

**Meeting of the Central Valley Flood Protection Board
March 23, 2012**

Staff Report – Encroachment Permit

Stevinson Water District

Authorize an existing automatic flow control gate, Bear Creek, Merced County

1.0 – ITEM

Consider approval of Permit No. 18704. (Attachment B with Exhibits A & B)

2.0 – APPLICANT

Stevinson Water District

3.0 – LOCATION

This pre-existing encroachment is located on Bear Creek approximately 300 feet up – stream (east) of the confluence of Bear Creek and East Side Canal (both being Flood Control Project Works) (Lower San Joaquin Levee District, Unit No. 22, Levee Mile 3.72). (Bear Creek, Merced County, see Attachment(s) A)

4.0 – DESCRIPTION

The applicant requests authorization (permitting) of an existing automatic flow control gate on the Bear Creek Inlet Structure (weir) which controls flows from Bear Creek into the East Side Canal and Lower Bear Creek (Lower San Joaquin Levee District, Unit Nos. 7 & 8) which has replaced an existing manually operated gate. (See attachment(s) C)

5.0 – PROJECT ANALYSIS

This new automatic flow control gate provides for a safer and more concise control of water distribution at the Bear Creek Inlet Structure.

5.1 – Hydraulic Analysis

A hydraulic analysis was not provided as the project simply replaces a previously existing manually operated flow control gate.

5.2 – Geotechnical Analysis

The scope of work for this project does not require a geotechnical analysis.

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 been received for this application. The USACE District Engineer has no objection to the project, subject to conditions. The letter is incorporated into the permit as Exhibit A.
- Lower San Joaquin Levee District has endorsed this project with conditions and said endorsement with conditions is incorporated into the permit (attachment B) as Exhibit B.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA determination:

The Board has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities involving negligible or no expansion of an existing use.

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 facilities authorized under this permit as regulated by Title 23 have been applied to the review of this application.

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:

There are no foreseeable detrimental effects to the flood control project works relative to the permitting of this project due to reasonable projected future events.

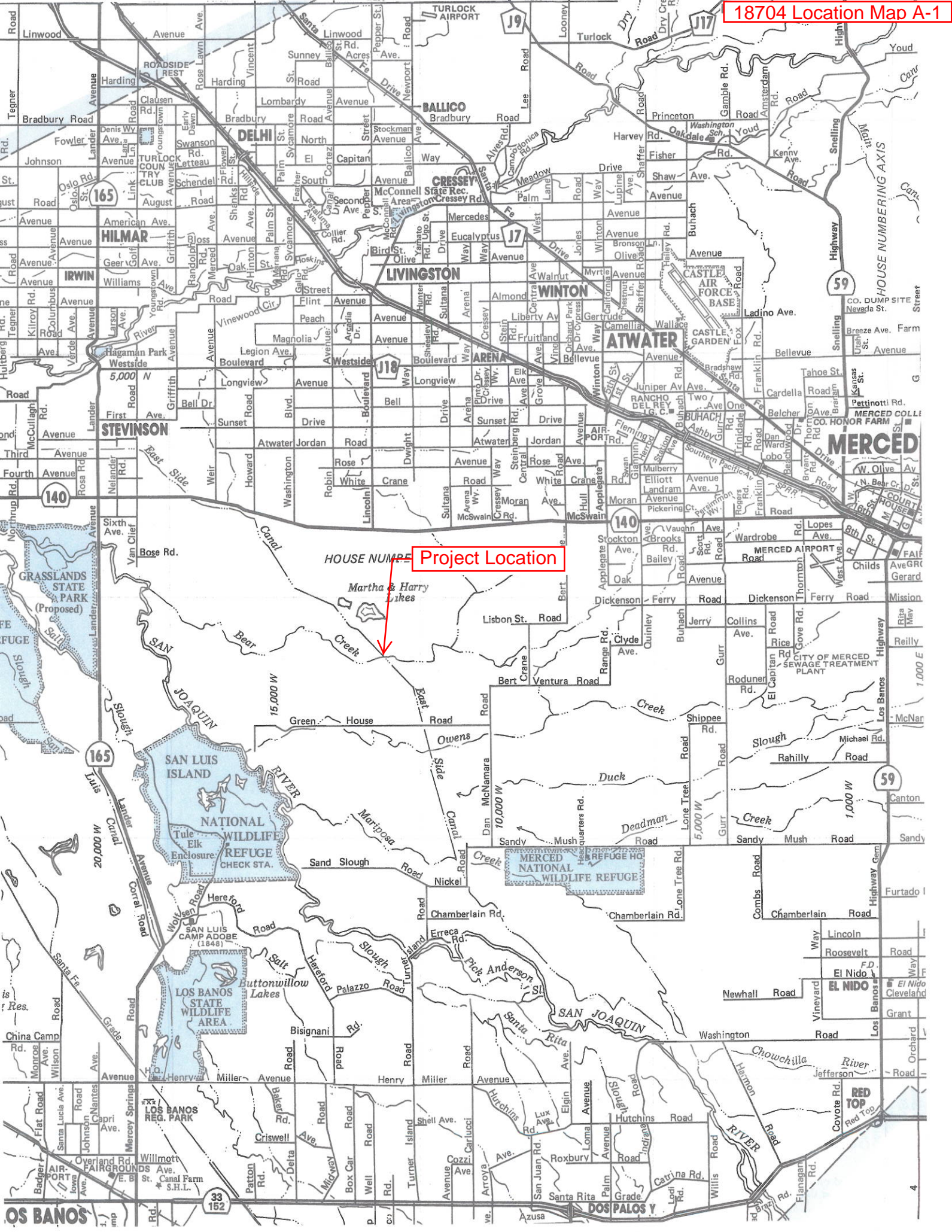
9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA findings, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18704 w/exhibit(s) A(upon receipt) & B
- C. Design Drawings

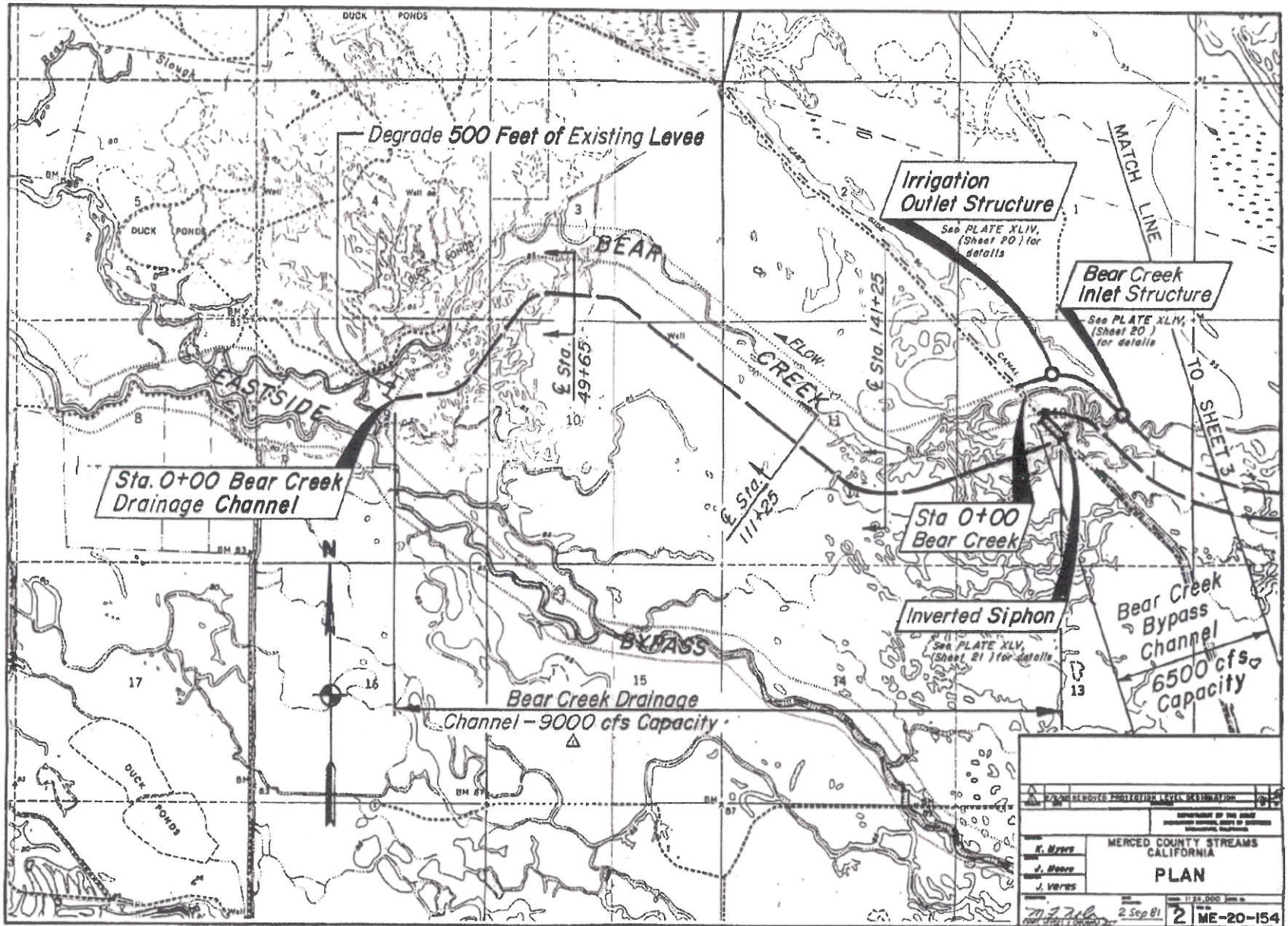
Design Review:	Sterling Sorenson
Environmental Review:	James Herota / Andrea Mauro
Document Review:	Mitra Emami P.E., Len Marino P.E.



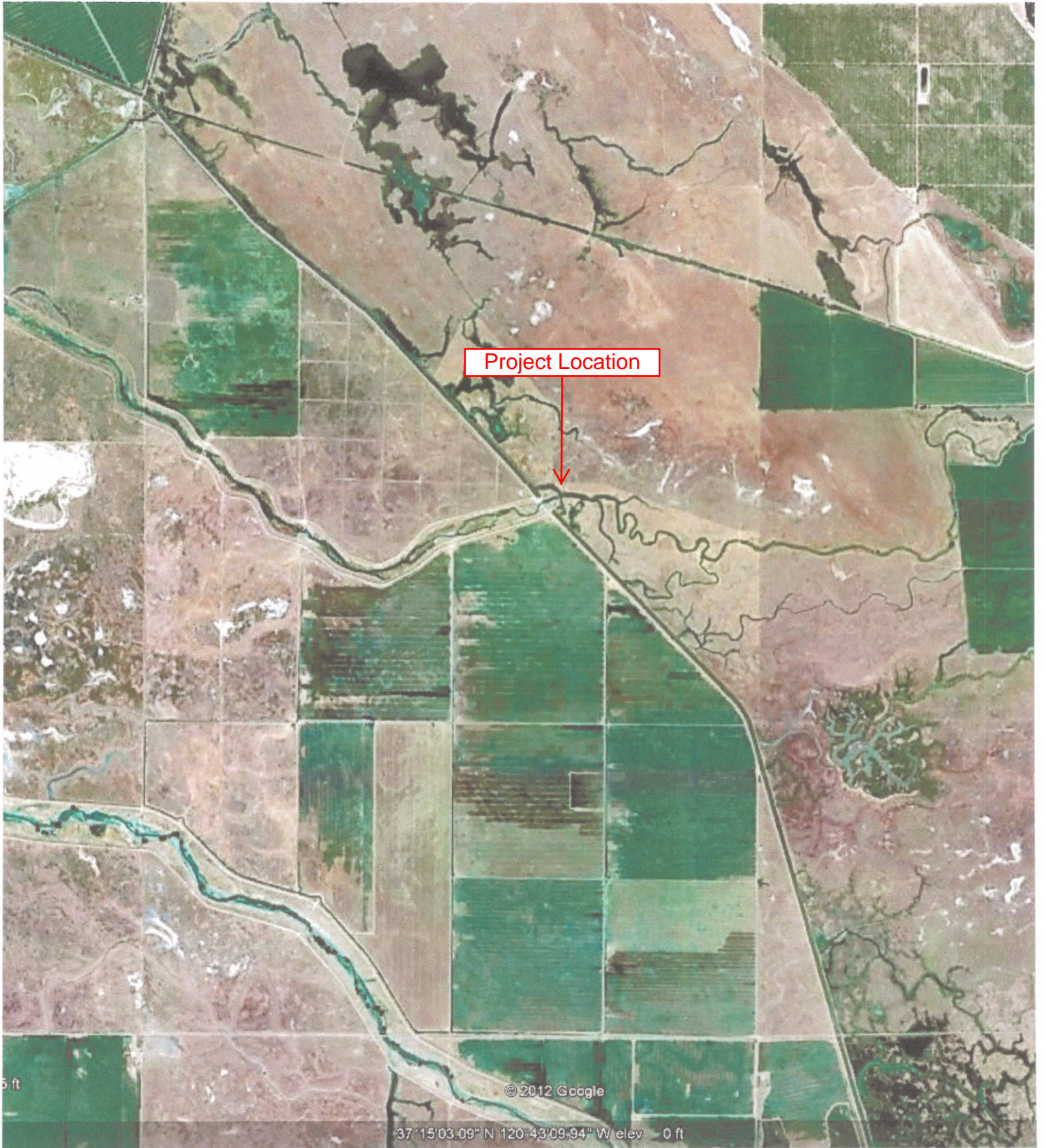
Project Location

HOUSE NUMBERS





Bear Creek Inlet Structure Improvement Project - Location Map
Stevinson Water District - Sheet 1 of 2
Original Drawing Dated September 1981

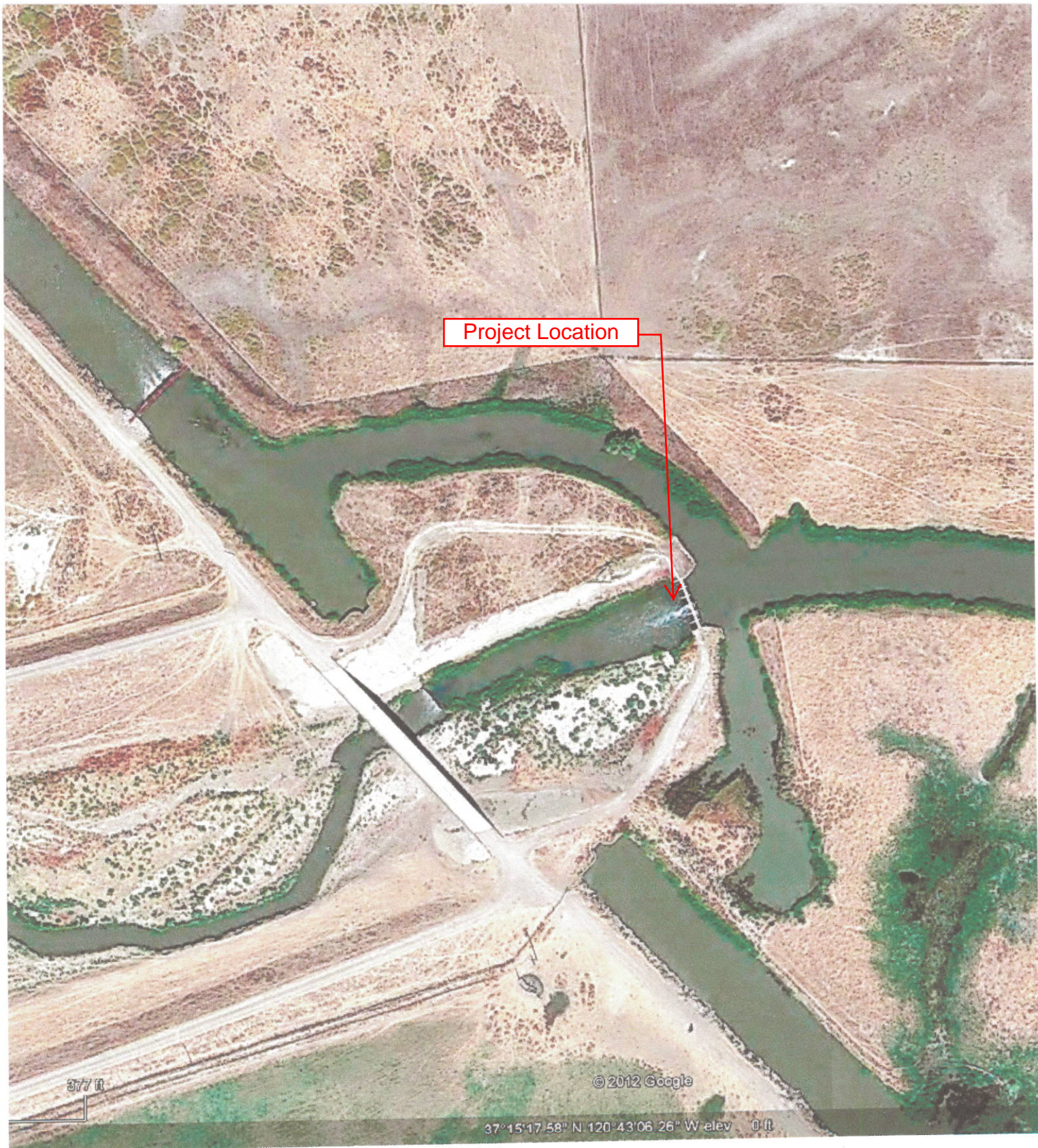


Project Location

© 2012 Google

37°15'03.09" N 120°43'09.94" W elev - 0 ft

Project Location



377 ft

© 2012 Google

37° 15' 17.58" N 120° 43' 06.26" W elev 0 ft





Bear Creek Inlet Structure –
Langemann Gate and Operator – upstream view



Bear Creek Inlet Structure -
View of Langemann Gate Installation

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

PERMIT NO. 18704 BD

This Permit is issued to:

Stevinson Water District
P.O. Box 818
Newman, California 95360

Authorize the replacement of a manually operated gate on the Bear Creek Inlet Structure with an automated gate. The project is located approximately 600 feet to the east of the confluence of Bear Creek and the East Side Canal in Merced County. It is approximately 3 miles south of California State Route 140 (Section 12, T8S, R11E, MDB&M, Lower San Joaquin Levee District, Bear Creek, Merced 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. 18704 BD

THIRTEEN: 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.

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 Lower San Joaquin Levee District shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The herein 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 and/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.

EIGHTEEN: 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.

NINETEEN: 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: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated March 9, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Lower San Joaquin Levee District dated September 13, 2011, which is attached to this permit as Exhibit B and is incorporated by reference.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Flood Protection and Navigation Section (18704)

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

MAR 9 2012

Dear Mr. Punia:

We have reviewed a permit application by Stevinson Water District (application number 18704). This project includes authorizing the replacement of an existing manually operated gate on the Bear Creek Diversion Structure with an automated gate. The project is located 600 feet east of the confluence of the Bear Creek and the Eastside Canal, at 37.2548°N 120.7182°W NAD83, Merced County, California.

The replacement of the manually operated gate is considered normal operations and maintenance and, under 33 CFR 208.10, does not require an encroachment permit recommendation letter from the U.S. Army Corps of Engineers. As stated in the *Operations and Maintenance Manual for the Lower San Joaquin River Flood Control Project*, Section 4220, "Immediate steps shall be taken to repair damage, replace missing or broken parts, or remedy adverse conditions...."

There is not enough information provided to determine if there is a permit action under Section 10 and/or Section 404. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Division, 1325 J Street, Room 1350, Sacramento, California 95814, telephone (916) 557-5250.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, California 95821.

Sincerely,

A handwritten signature in black ink that reads "Randy P. Olsen".

Randy P. Olsen
Chief, Operations and Readiness Branch

Lower San Joaquin Levee District
11704 West Henry Miller Avenue, Dos Palos, CA 93620
Telephone: (209) 387-4545
FAX: (209) 387-4237

Directors

Lloyd Roduner, Chairman
Roy Catania, Vice Ch.
Sean Howard
Paul Hunger, Jr.
Robert D. Kelley, Jr.
George Park
Donald C. Skinner

Secretary-Manager
Reggie N. Hill

Superintendent
James E. Batey

September 13, 2011

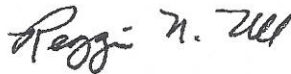
Central Valley Flood Protection Board
Encroachment Permit Section
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

RE: Stevinson Water District's Two Encroachment Applications

Enclosed you will find **Resolutions No. 613-11** and **614-11**, which were adopted by the Board of Directors of the Lower San Joaquin Levee District at their regular meeting held on August 9, 2011. These two resolutions state the District does not oppose the encroachment applications of Stevinson Water District to the Central Valley Flood Protection Board for two permits seeking approval to the installation of: 1) a 1.5 foot-high broad-crested weir across the Eastside Canal that is anchored into the Flood Project Levee Unit #22, and 2) an automated water measurement gate on the Bear Creek Inlet Structure. These resolutions do stipulate one condition of not opposing the application: the applicant agrees to indemnify and hold the Levee District harmless of any liability relative to any foreseeable failure of the installations, by any means.

If there are any questions regarding this matter, please contact me at the District office.

Sincerely,



Reggie N. Hill, Secretary-Manager

Encls.

cc Stevinson Water District

RESOLUTION NO. 613-11

WHEREAS, The Board of Directors of the Lower San Joaquin Levee District read the Central Valley Flood Protection Board permit application by Stevinson Water District, P. O. Box 818, Newman, CA, regarding the proposal of the installation of a 1.5 foot-high broad-crested weir structure across the Eastside Canal, where it is attached to the West bank of the canal, which is a project levee (Unit #22), Section 12, T.8 S, R. 11 E., MDB&M, in Merced County, within the boundaries of the Levee District; and

WHEREAS, Also installed with the broad-crested weir is a metal bridge over the weir to allow inspection and adjustment of flashboards; and

WHEREAS, the Levee District staff have reviewed the permit and stated no impacts to the operations and maintenance of the flood project, as presented, will be affected; and

WHEREAS, This Board has reviewed and studied the information presented; and

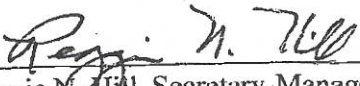
NOW, THEREFORE, BE IT RESOLVED, The Board of Directors of the Lower San Joaquin Levee District, by this Resolution, hereby does not object to the aforementioned application, but does require the following conditions: 1) applicant agrees to indemnify and hold the Levee District harmless of any liability relative to any foreseeable failure of the broad-crested weir structure, by any means; and

BE IT FURTHER RESOLVED, Notification of this action will be transmitted to the Central Valley Flood Protection Board and applicant.

CERTIFICATION

11704 W. Henry Miller Avenue
Dos Palos, CA 93620
September 13, 2011

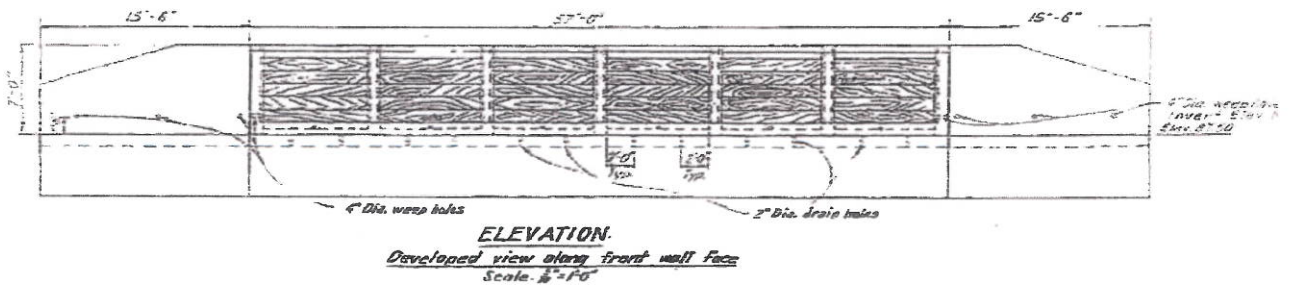
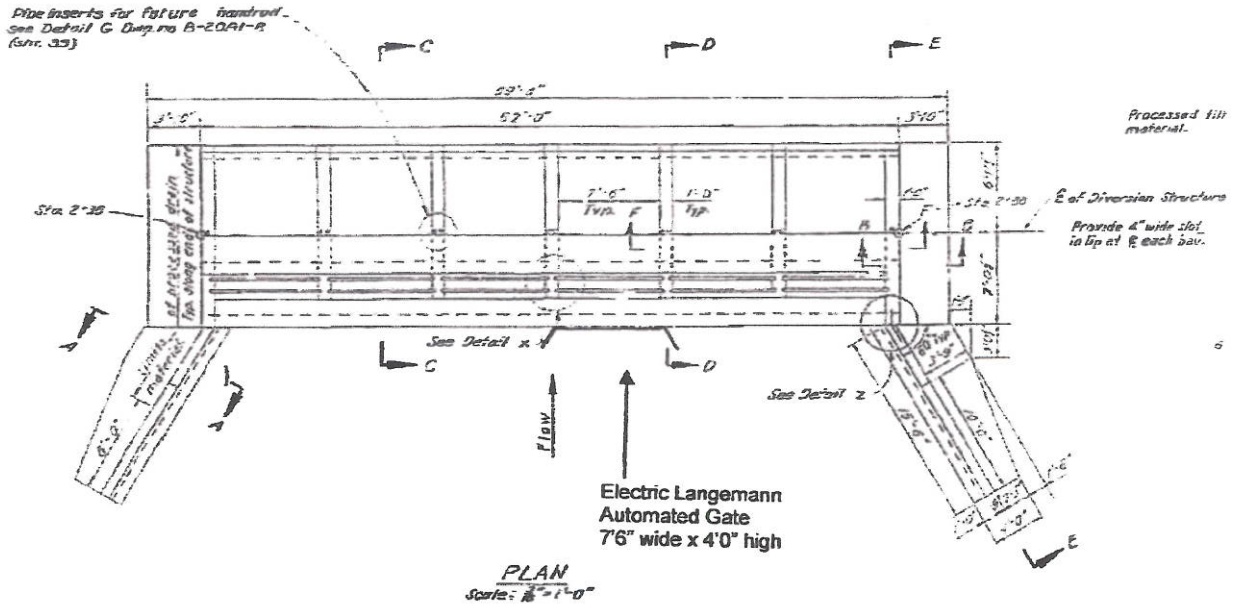
I, REGGIE N. HILL, Secretary-Manager of the Lower San Joaquin Levee District, do hereby certify that the foregoing **RESOLUTION NO 613-11** was unanimously adopted by the Board of Directors of the said District at the Regular Meeting of the Board, held in the office of the District, located at 11704 W. Henry Miller Avenue, Dos Palos, Merced County, California, on the 9th day of August 2011, at the hour of 9:30 AM, and do further certify that there was present at this meeting a quorum at all times, and this Resolution has not been amended or rescinded, but remains in full force and effect.



Reggie N. Hill, Secretary-Manager
LOWER SAN JOAQUIN LEVEE DISTRICT

RESOURCES AGENCY OF CALIFORNIA
 DEPARTMENT OF WATER RESOURCES
 DIVISION OF DESIGN AND CONSTRUCTION
 LOWER SAN JOAQUIN RIVER FLOOD CONTROL PROJECT
 MOUTH OF BEAR CREEK TO EAST SIDE CANAL
BEAR CREEK DIVERSION STRUCTURE
STRUCTURAL DETAILS

DESIGNED BY: *DDC E 11-60* | APPROVED: _____ | DATE: MAY 6 1963



Bear Creek Inlet Structure Improvement Project – Plan and Elevation View
Stevenson Water District - Sheet 2 of 2
Original Drawing Dated May 1963