

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

Staff Report – Encroachment Permit

Stevinson Water District

Authorize an existing weir and bridge, East Side Canal, Merced County

1.0 – ITEM

Consider conditional approval of Permit No. 18705. (Attachment B with Exhibits A & B)

2.0 – APPLICANT

Stevinson Water District

3.0 – LOCATION

This pre-existing encroachment is located on East Side Canal approximately 400 feet down-stream (north west) 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 3.77). (East Side Canal, Merced County, see Attachment(s) A)

4.0 – DESCRIPTION

The applicant requests authorization (permitting) of an existing 1.5 foot-high broad-crested weir and a metal bridge over the weir on the East Side Canal. (See attachment(s) C)

5.0 – PROJECT ANALYSIS

This weir provides for a more concise control of water distribution relative to the functionality of both Bear Creek and the East Side Canal. The service walkway (bridge) above the weir provides a safe environment for weir maintenance and the removal of the weir during the flood season.

5.1 – Hydraulic Analysis

A hydraulic analysis was not provided as the project is located in an irrigation canal and not in a flood conveyance system.

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 not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it 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 and approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, 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. 18705 w/exhibit(s) A (upon receipt) & B

C. Design Drawings

Design Review:

Sterling Sorenson

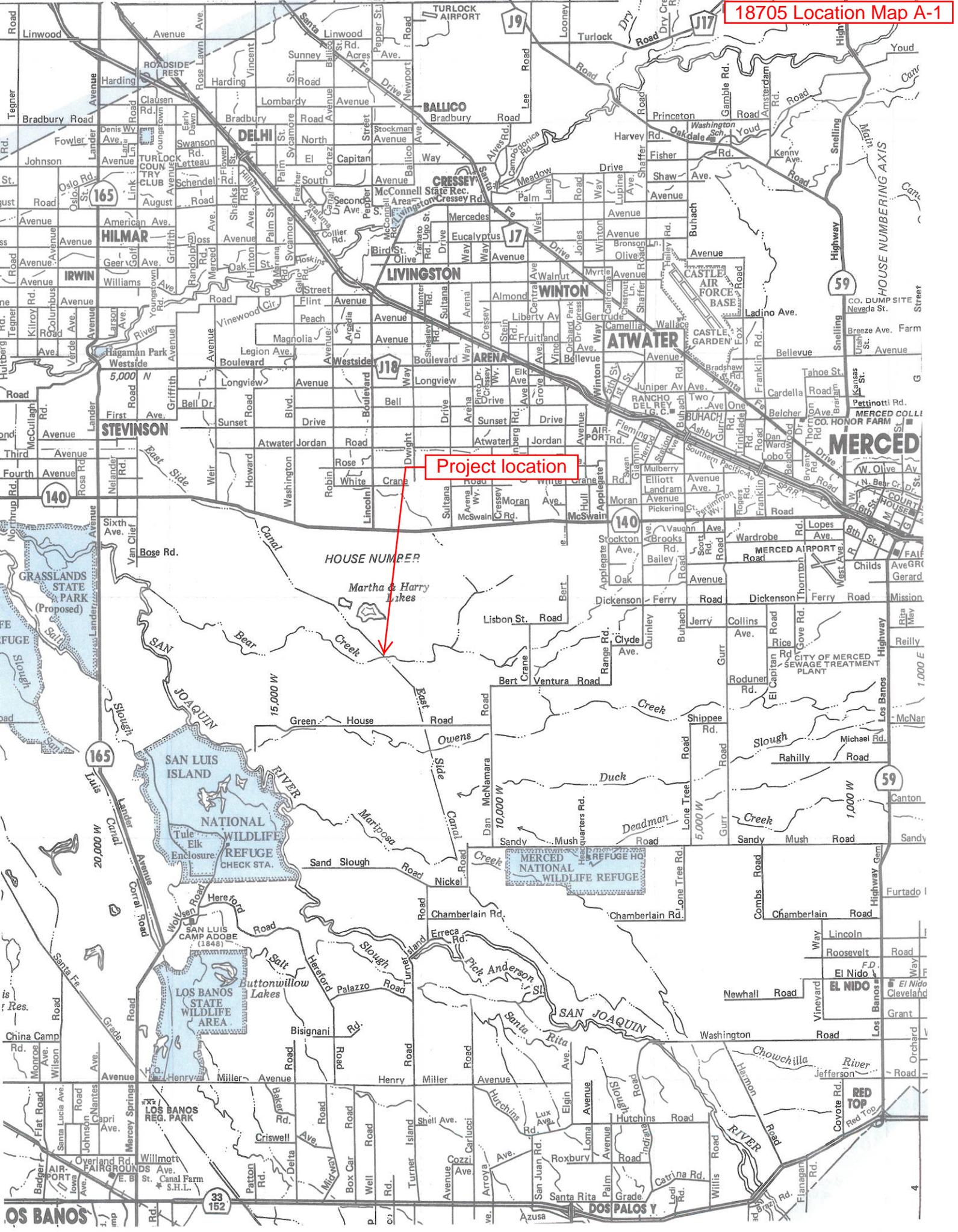
Environmental Review:

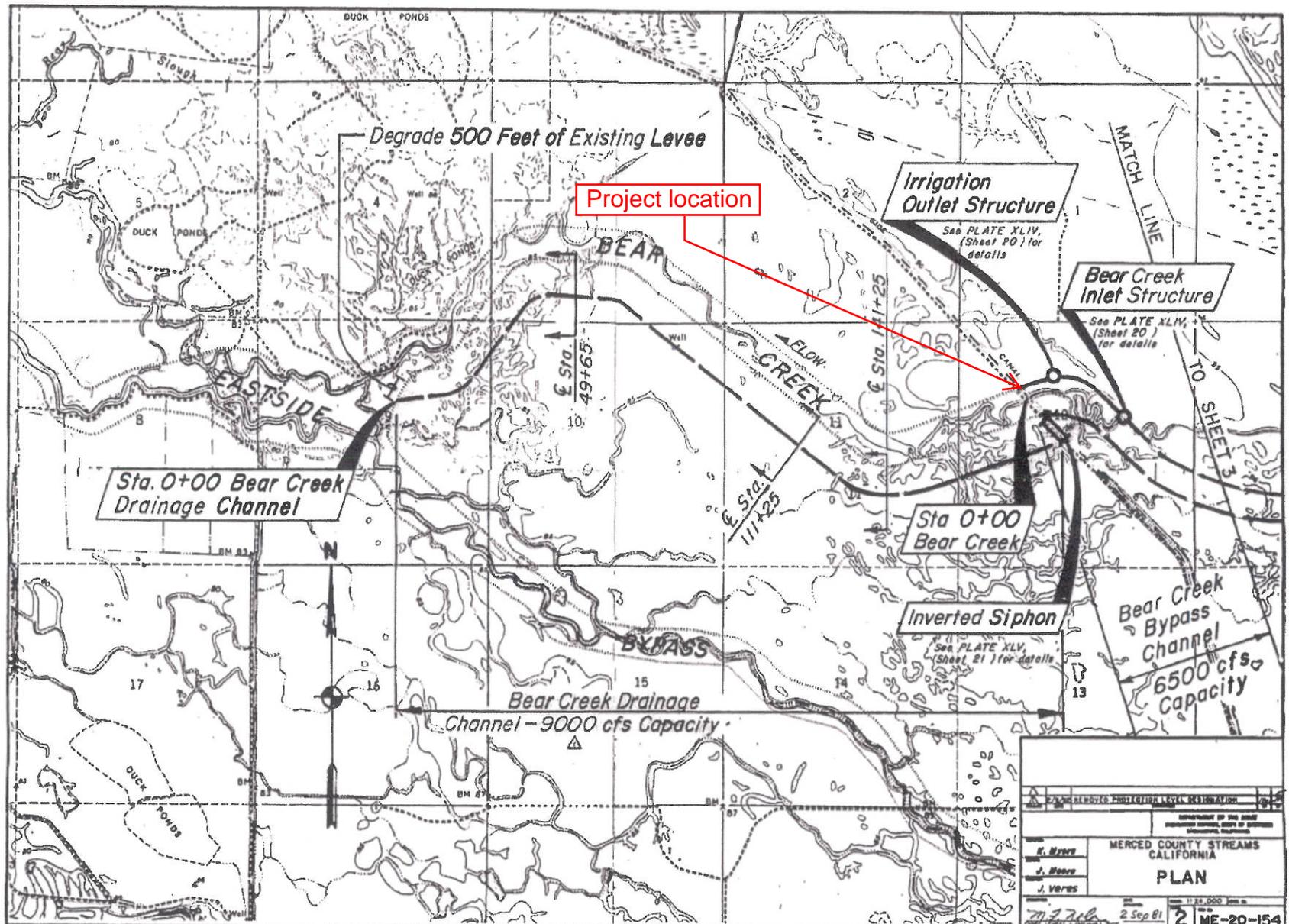
James Herota / Andrea Mauro

Document Review:

Mitra Emami P.E., Len Marino P.E.

Project location





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

PLATE XXXI



Project location

© 2012 Google

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

5 ft

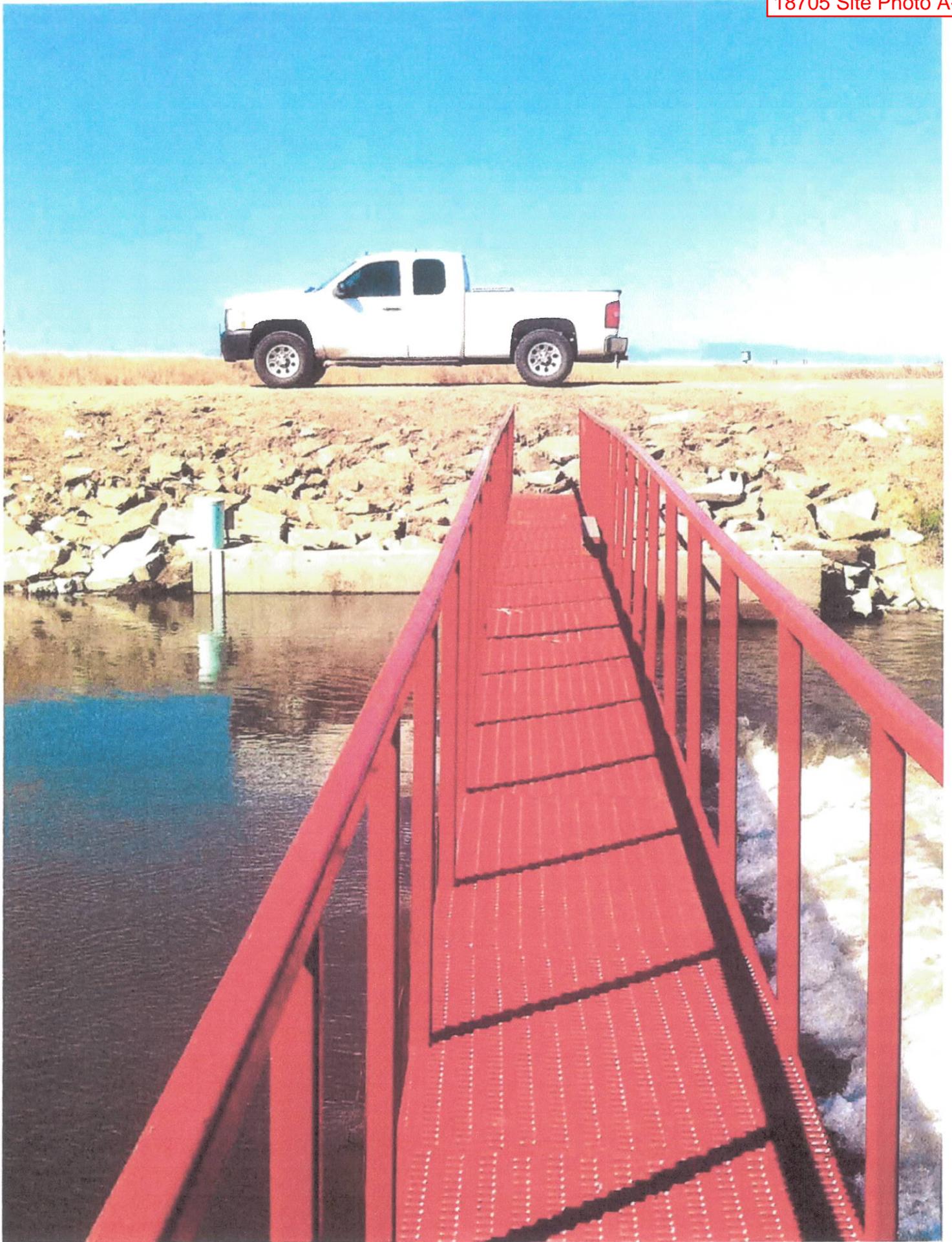




Project location

© 2012 Google

37°15'21.37" N 120°43'15.94" W elev 0 ft





**East Side Canal
Measurement Structure
Looking Downstream**



**East Side Canal
Measurement Structure
Looking Downstream**

DRAFT

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

PERMIT NO. 18705 BD

This Permit is issued to:

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

To authorize an existing 1.5 foot-high broad-crested weir and a metal bridge over the weir on the East Side Canal. The project is located approximately 400 feet northwest 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. 18705 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: During the flood season from November 1st to April 15th and with no less than 48 hours notice the applicant may be required by the Central Valley Flood Protection Board, the California Department of Water Resources and/or their respective agents to remove some/all flashboards from the weir.

NINETEEN: The permittee shall maintain the herein permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by any/all authorized representative(s) of the Central Valley Flood Protection Board, the of the California Department of Water Resources or any other agency responsible for maintenance.

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

TWENTY-THREE: 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.

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

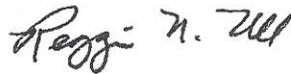
Central Valley Flood Protection Board
Encroachment Permit Section
3310 El Camino Avenue, Room 151
Sacramento, CA 95821

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

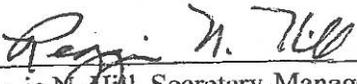
NOW, THEREFORE, BE IT RESOLVED, The Board of Directors of the Lower San Joaquin Levee District, by this Resolution, hereby does not object to the aforementioned application, but does require the following conditions: 1) applicant agrees to indemnify and hold the Levee District harmless of any liability 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.

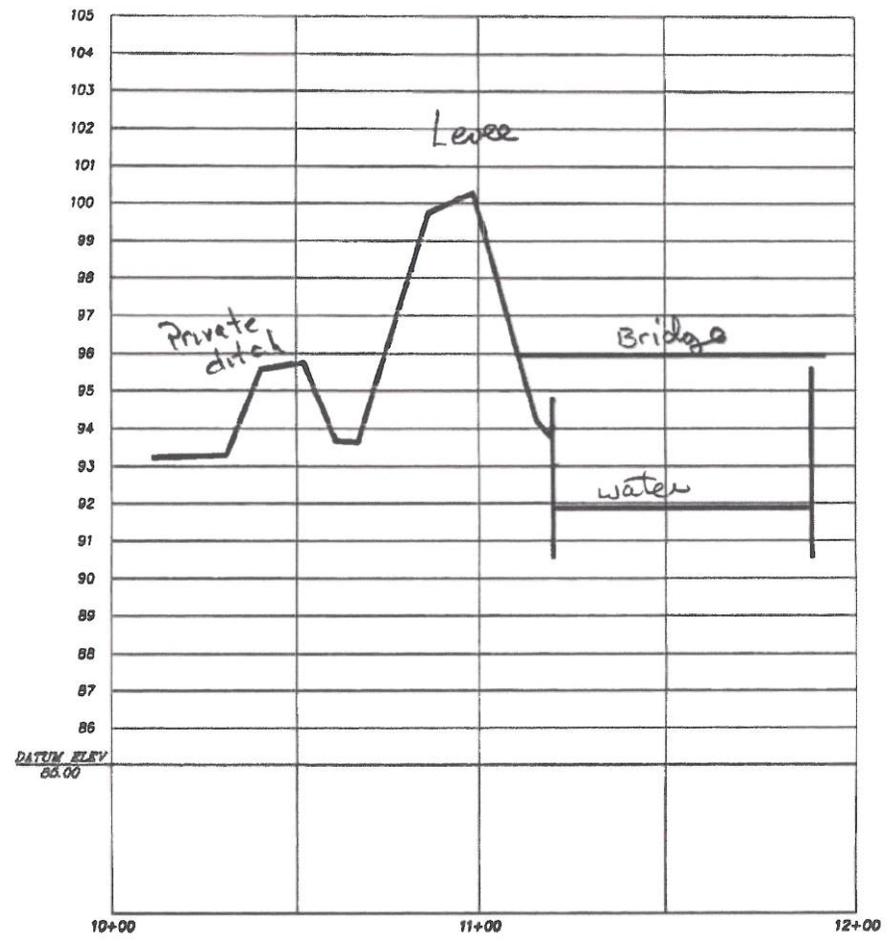
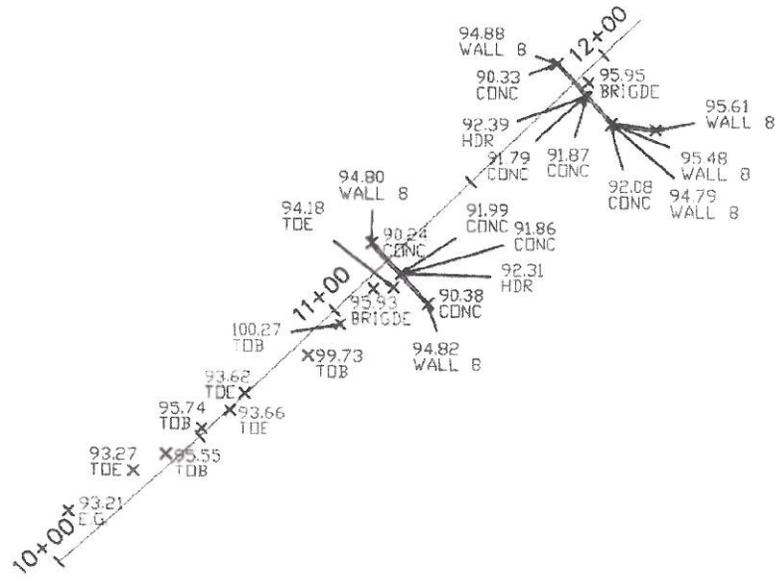
CERTIFICATION

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.

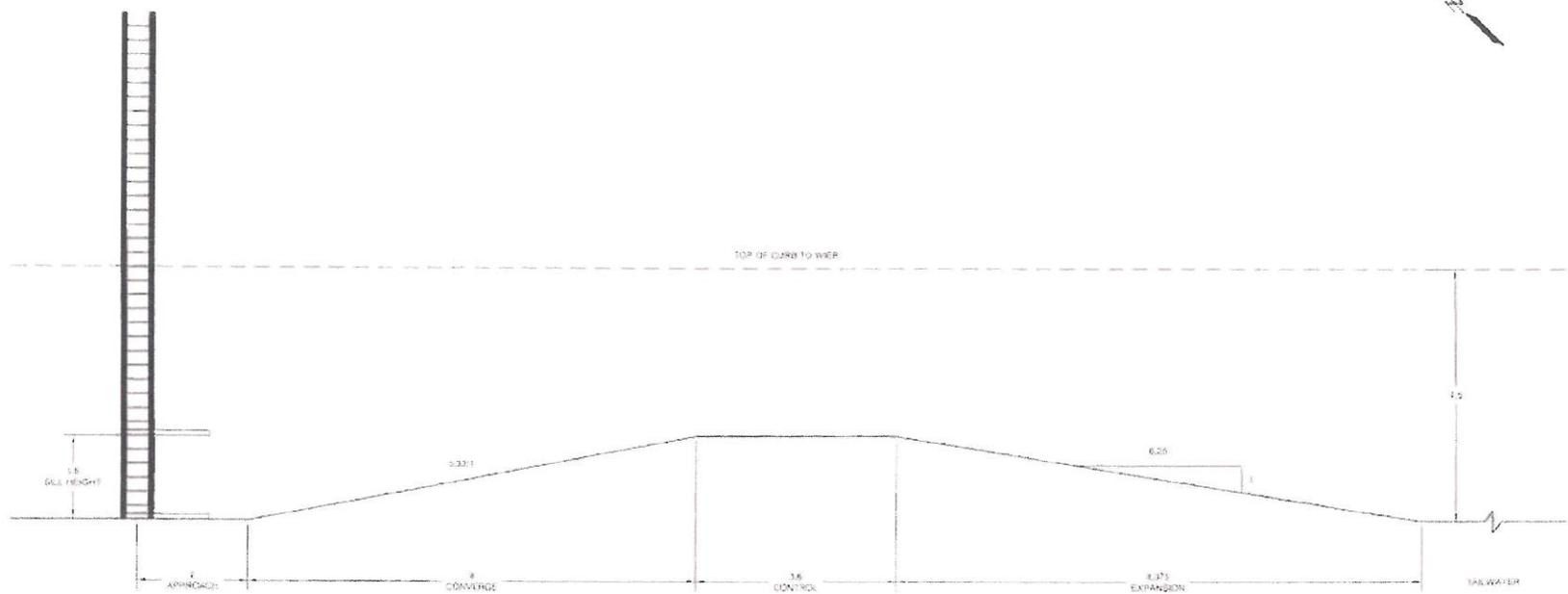


Reggie N. Hill, Secretary-Manager
LOWER SAN JOAQUIN LEVEE DISTRICT



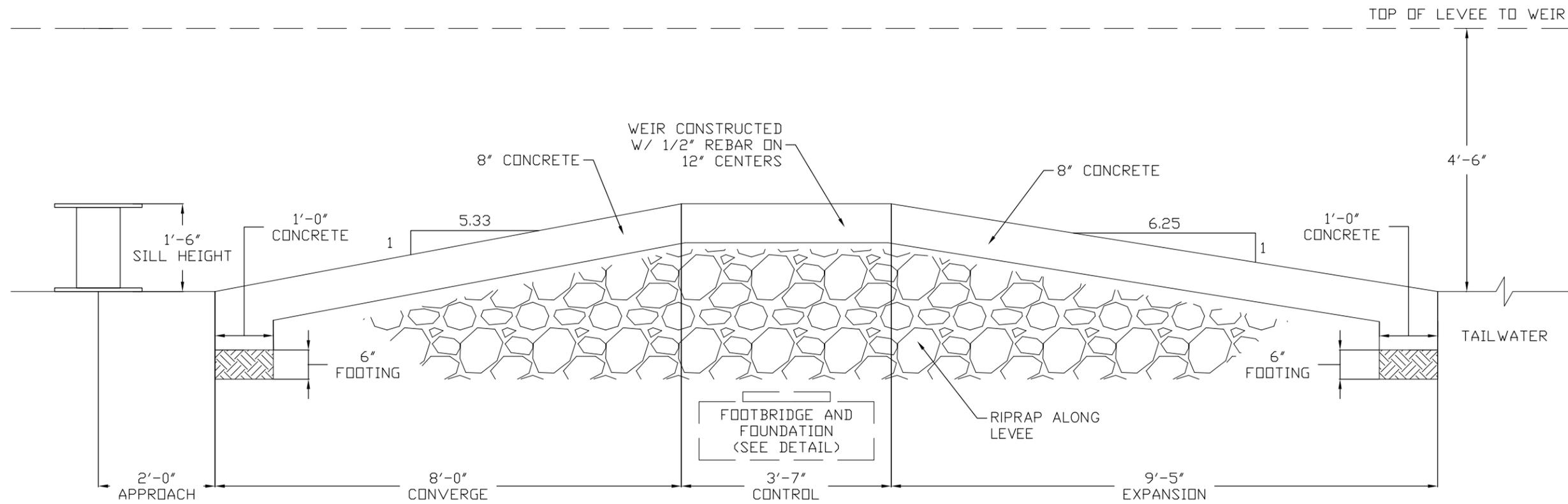
CROSS SECTION

East Side Canal Measurement Structure
 Stevenson Water District - Sheet 2 of 3
 Cross Section and Survey Data - September 2010



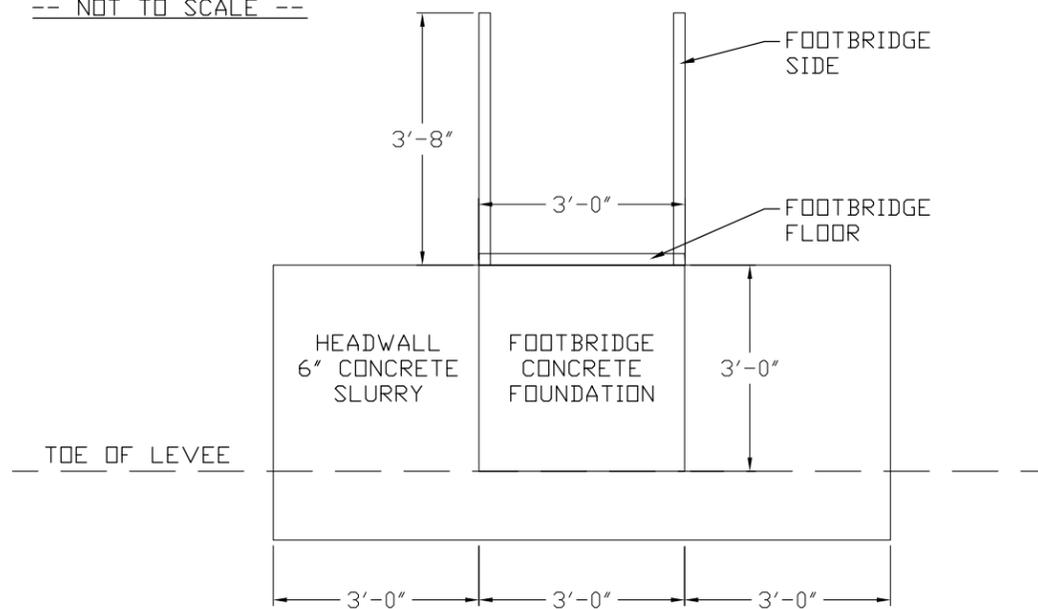
2/20/2014 10:00 AM 18705 Plans C-2.dwg (AutoCAD 2011)

Attention: 1. All work to be done in accordance with the contract documents. 2. All work to be done in accordance with the approved plans. 3. All work to be done in accordance with the approved specifications.	NO.	DATE	ISSUE/REVISION	APP.	Designer: Checker: Drawn: J. J. [unclear] Author: J. J. [unclear] Approved: [unclear]	Stevenson Water District	East Side Canal Measurement Structure	DWG. NO. 1
	Longitudinal Section							SHEET NO. 3 of 3



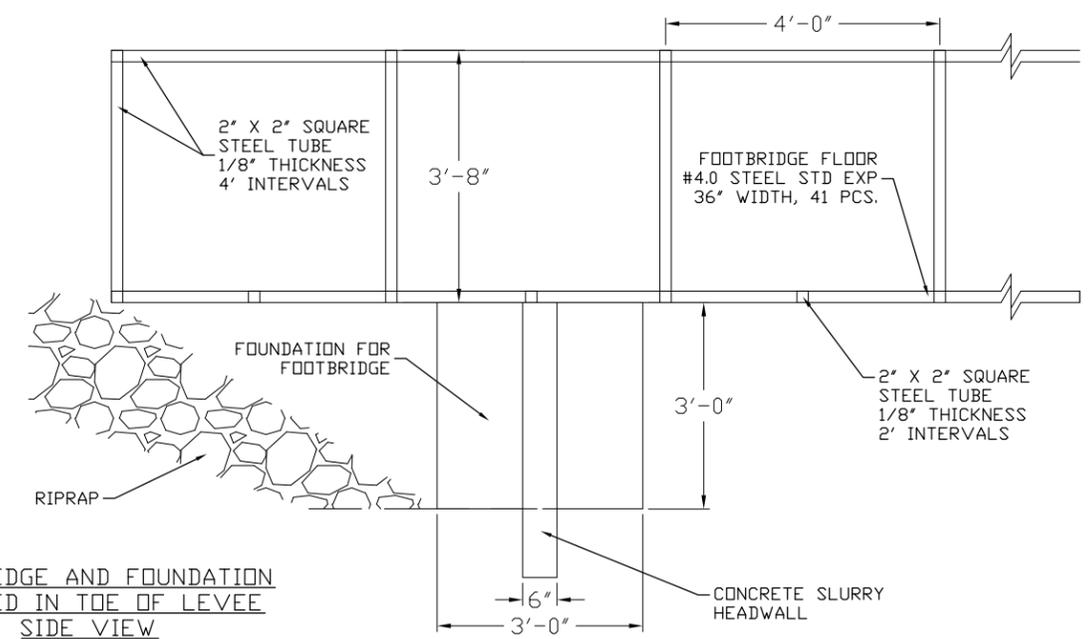
FOOTBRIDGE AND FOUNDATION
LOCATED IN TOE OF LEVEE
LONGITUDINAL VIEW

-- NOT TO SCALE --



FOOTBRIDGE AND FOUNDATION
LOCATED IN TOE OF LEVEE
SIDE VIEW

-- NOT TO SCALE --



Attention:			
NO.	DATE	ISSUE/REVISION	APP

Designed:	
Checked:	
Drawn:	J. LAU
Approved By:	
Approval Date:	

Stevinson Water District	East Side Canal Measurement Structure	DWG. NO. 1
	Longitudinal Section	SHEET NO. 3 of 3