Meeting of the Central Valley Flood Protection Board May 25, 2012

Staff Report – Encroachment Permit

Grimmius Cattle Company Facility Improvements, Kings County

<u> 1.0 – ITEM</u>

Consider approval of Permit No. 18697 (Attachment B)

<u> 2.0 – APPLICANT</u>

Grimmius Cattle Company

3.0 - LOCATION

The project is located one-quarter mile south of Kansas Avenue and east of 6th Avenue in the Cross Creek Designated Floodway.

(Cross Creek Designated Floodway, Kings County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to construct a 2-acre gravel parking lot, a storm water catch basin, a soccer field, two volleyball courts, a picnic area, a perimeter fence, a pole hay barn, a flood protection berm, and an employee entrance building.

5.0 – PROJECT ANALYSIS

About 86% of the 5-acre project site (site) is located inside the eastern boundary of the Cross Creek Designated Floodway (DF). During normal runoff years Cross Creek is used to convey Kaweah River irrigation water to the Lakeside Irrigation District and the Corcoran Irrigation District (CID). During wet years Cross Creek conveys excess Kaweah River water south to the Tulare Lake Bed. Approximately 1.5-miles north of the proposed project site (site) Cross Creek branches into two channels. The main channel (West Branch) branches to the west while the overflow channel (East Branch) branches

to the east. The two branches of Cross Creek continue to the south for approximately 1.4-miles and reconnect about 200-feet north of the CID Weir alignment which is near the site. Cross Creek has no levees and the main west branch channel is located approximately 900-feet west of the site. The site is currently being farmed in support of the adjacent heifer cattle operation.

Grading of the site will be a balanced cut and fill operation as no material would be imported or excavated from the floodway. Elements of the proposed project include a gravel parking lot, a storm water basin, employee recreation fields (a soccer field, two volleyball courts, and a picnic area), a removable site perimeter fence, an open-sided pole hay barn, and two 3-foot high flood protection berms located on the south and west edge of the project site. There is no vegetation being proposed for the project other than possibly grass. The following is a brief description of the proposed improvements:

• Gravel Parking Lot

The proposed gravel parking lot will occupy approximately 2-acres of the 5-acre project site.

• Storm Water Basin

The proposed storm water runoff basin will be approximately 300 feet by 60 feet by 4 feet deep. The basin will contain all surface runoff from the site.

• Employee Recreation Area

The proposed employee recreation areas will consist of a dirt soccer field, two dirt volleyball courts, and an outdoor picnic area.

• Site Perimeter Fence

The proposed perimeter fence will consist of a 6-foot high chain link fence. During high flood flows the fence will be removed so it will not create an obstruction or debris-catching obstacle to the passage of floodwaters. The fence will be removed at a pre-determined water surface elevation that will give ample time for the fence to be removed. This fence removal agreement will be attached to the permit as Exhibit A.

• Pole Hay Barn

The proposed hay barn structure will be a pole type structure that would be open on all sides. The hay barn will be used to store hay for the adjacent existing heifer cattle operation.

• Flood Protection Berm

There will be two flood protection berms located to the east and south of the site. Only the berm to the north-east of the site will encroach into the DF (approximately 200-feet), the south berm is outside the DF boundary. The two three-feet high berms will provide 100-year flood protection to the existing heifer cattle facility to the south as required by Kings County.

• Employee Entrance Building

The proposed entrance building will contain an indoor break area, an open air covered break area, a general storage area, covered vehicle parking area, restrooms, and a security watchman office. The proposed entrance building will be used by employees on break, and will act as a clock-in and clock-out point for employees coming and going from the adjacent heifer cattle facility. The proposed entrance building will not be permanently occupied and will only be used by employees during lunch break or during shift changes.

The proposed site improvements listed above will provide increased recreational area for employees of the adjacent heifer cattle facility and help to separate the working area from the break area. The location of the proposed development will also allow the employees to enter the property off of the less congested 6th Avenue. The new access to the site will remain dry during high water up to the 100-year event. All of the proposed improvements are compliant with Title 23, Section 107, standards.

5.1 – Hydraulic Analysis

A hydraulic analysis was performed using the Corps' one-dimensional hydraulic model, Hec-Ras. The analysis was done to evaluate the hydraulic impacts from the proposed development on the Cross Creek Designated Floodway (DF). The DF was adopted by the Board on January 24, 1985 with a design flow of 9,000-cfs which is considered a 100-year event. To be conservative the Lakeland Canal which bounds the proposed project site (site) on the west was assumed to convey no floodwaters in the hydraulic analysis as flows in the canal are controlled by the Lakeland check structure.

The analysis showed a maximum water surface elevation (wse) rise of 0.08-feet. The wse increase is isolated between the project site and Kansas Avenue and dissipates to pre-project conditions just south of the CID weir. Inundation depths for the project area are estimated to be one-foot or less for the design flow of 9,000-cfs which is considered the 100-year event. The hydraulic impacts of the proposed project are considered localized and insignificant.

5.2 – Geotechnical Analysis

The scope of the project does not require a geotechnical analysis as there are no levees involved with this project.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Kaweah-Delta Water Conservation District had no comments regarding the proposed project.
- The U.S. Army Corps of Engineers 208.10 comment letter <u>has not been received</u> 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 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 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction or conversion of small structures; a Class 4 Categorical Exemption (CEQA Guidelines Section 15304) covering minor alterations to land; and a Class 11 Categorical Exemption (CEQA Guidelines Section 15311) covering construction of accessory 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:

Hydraulic impacts resulting from the proposed project are localized and considered insignificant. In addition, the Cross Creek Designated Floodway terminates approximately 5.5-miles below the proposed project at a dry reservoir. Therefore there will be little if any effect on the entire 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:

Future changes in climate and hydrology may result in higher and more frequent flood events which may result in the need for additional flood protection for the proposed project improvements.

9.0 – STAFF RECOMMENDATION

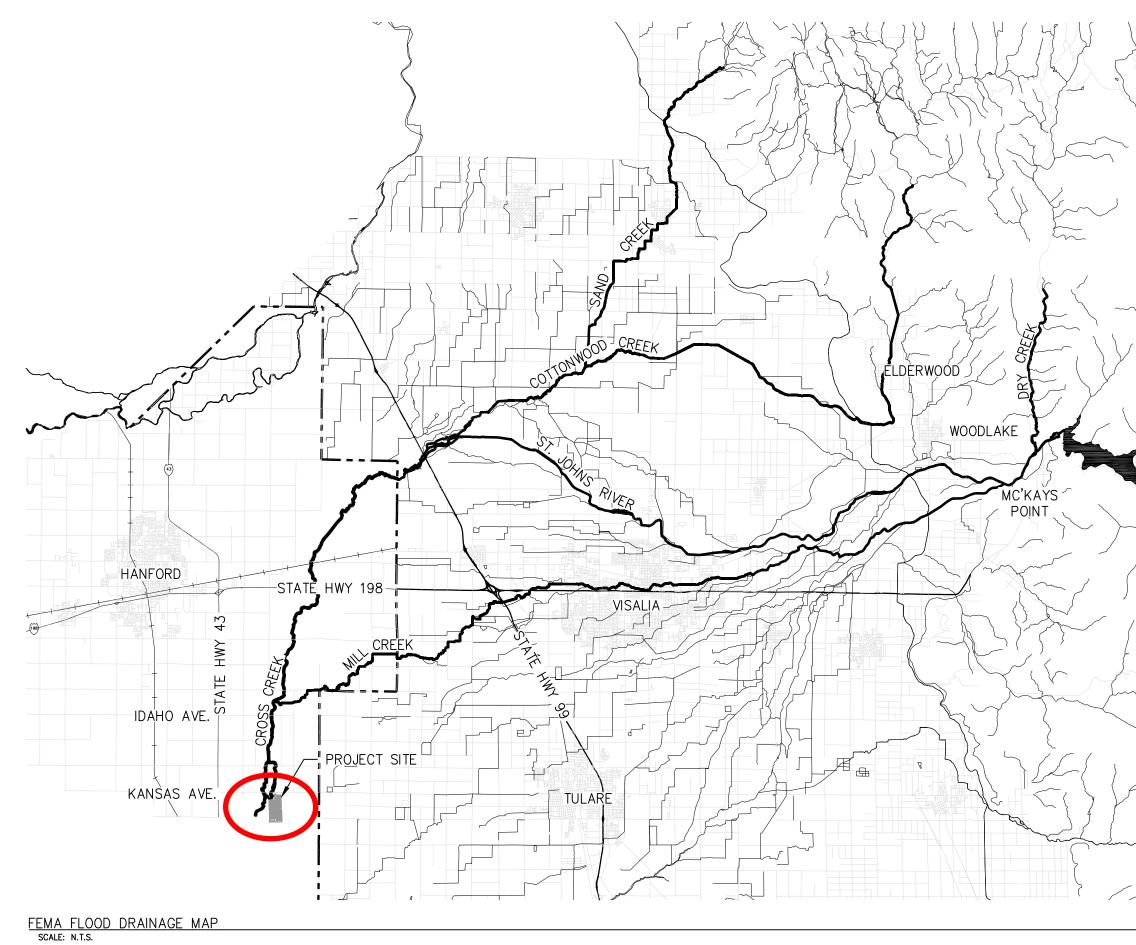
Staff recommends that the Board find the project exempt from CEQA and approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and direct staff to file a Notice of Exemption with the State Clearinghouse.

<u>10.0 – LIST OF ATTACHMENTS</u>

- A. Location Maps and Photos
- B. Draft Permit No. 18697
- C. Drawings

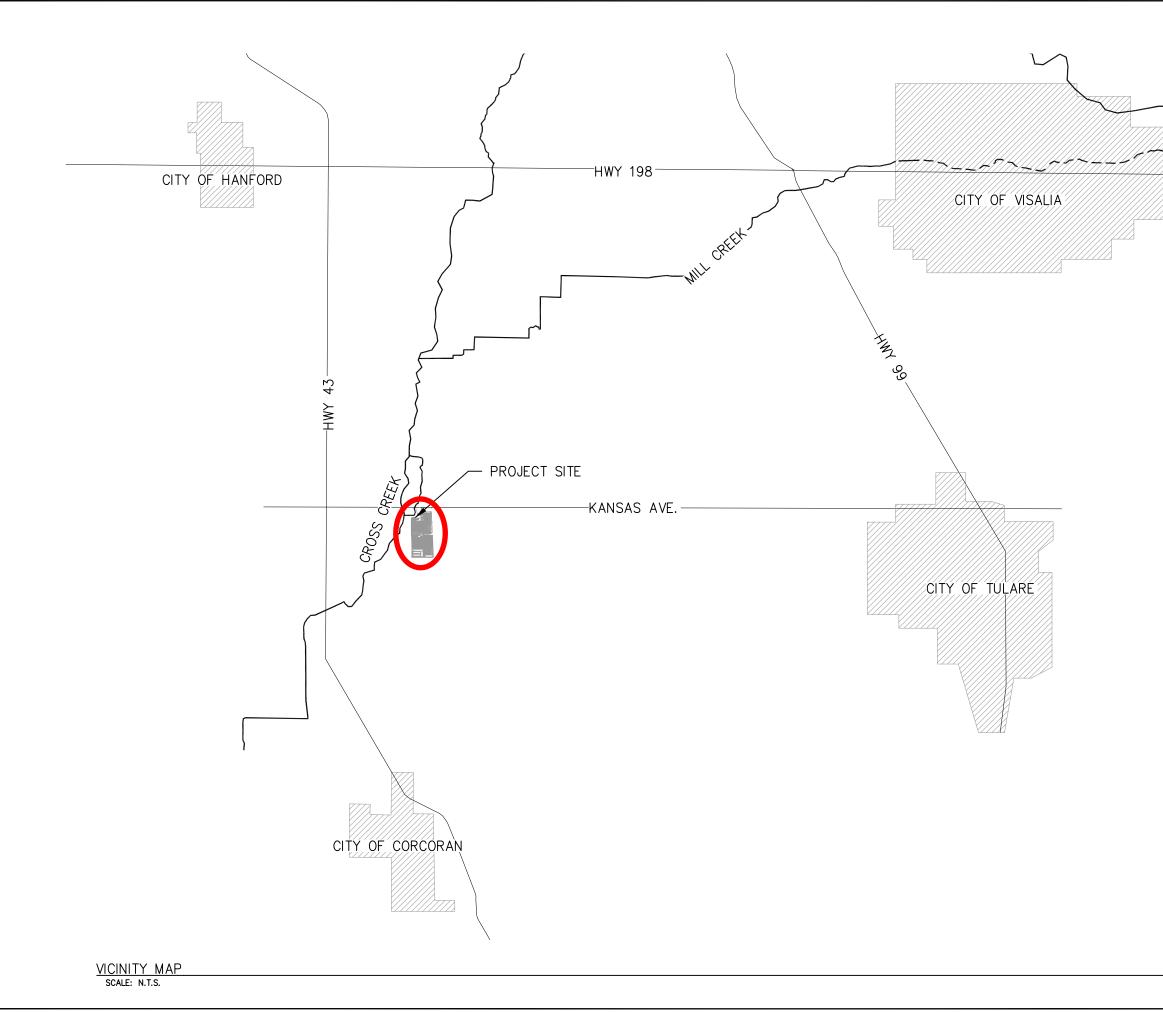
Design Review:
Environmental Review:
Document Review:

Gary W. Lemon P.E. Andrea Mauro, James Herota Mitra Emami P.E., Len Marino P.E. This page intentionally left blank.



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Attachment A



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SITE PHOTO LOCATIONS SCALE: N.T.S.



PHOTO 1 LOOKING SOUTHWEST TOWARD THE PROPOSED PROJECT SITE



PHOTO 3 LOOKING SOUTHEAST ACROSS 6TH AVENUE TOWARD THE PROPOSED PROJECT SITE

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

PERMIT NO. 18697 BD

This Permit is issued to:

Grimmius Cattle Company 5715 Kansas Ave. Hanford, California 93230

To construct a 2-acre gravel parking lot, a storm water catch basin, a soccer field, two volleyball courts, a picnic area, a perimeter fence, a pole haybarn, a flood protection berm, and an employee entrance building. The project is located one quarter mile south of Kansas Avenue and east of 6th Avenue in the Cross Creek Designated Floodway (Section 11, T20 S, R22 E, MDB&M, Kaweah Delta Water Conservation District (KDWCD), Cross Creek, Kings 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. 18697 BD

THIRTEEN: The permittee acknowledges that the proposed encroachments are located within the Cross Creek Designated Floodway and are subject to periodic flooding.

FOURTEEN: 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.

FIFTEEN: 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.

SIXTEEN: 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.

SEVENTEEN: The Central Valley Flood Protection Board and the Department of Water Resources shall not be held liable for damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

EIGHTEEN: No construction work of any kind shall be done during the flood season from November 1st to July 15th without prior approval of the Central Valley Flood Protection Board.

NINETEEN: 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.

TWENTY: Trees and brush cleared for construction shall be completely burned or removed from the Cross Creek Designated Floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1st to July 15th.

TWENTY-ONE: Stockpiled material, temporary buildings, or equipment shall not remain in the Cross Creek Designated Floodway during the flood season from November 1st to July 15th.

TWENTY-TWO: If damage to the permitted structures exceeds 50 percent of its market value within a 10-year period, the dwelling cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the stucture(s) are not repaired or replaced, the remaining portion must be completely removed from the Cross Creek Designated Floodway prior to the next flood season.

TWENTY-THREE: All applicable permitted encroachments shall be properly anchored to prevent floatation into the Cross Creek Designated Floodway in the event of high water.

TWENTY-FOUR: The project site shall be restored to at least the condition that existed prior to commencement of work.

TWENTY-FIVE: The permitted structures shall not be used for human habitation.

TWENTY-SIX: Any new encroachment(s) or modifications to the permitted encroachments herein to this permit will require an approved permit from the Central Valley Flood Protection Board.

TWENTY-SEVEN: 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-EIGHT: 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-NINE: 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.

THIRTY: 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.

THIRTY-ONE: The applicant will remove the perimeter chain link fence around the project site prior to inundation as defined in the agreement that is attached to this permit as Exhibit A.

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

THIRTY-THREE: Upon completion of the project, the permittee shall submit as-constructed drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.

Exhibit A

Job No. 3030-11V1



WATER & WASTEWATER MUNICIPAL INFRASTRUCTURE LAND DEVELOPMENT AGRICULTURE SERVICES DAIRY SERVICES LAND SURVEVING & GIS PLANNING & ENVIRONMENTAL DISTRICT MANAGEMENT FRESNO • CLOVIS • VISALIA • BAKERSFIELD • OAKDALE

130 N. Garden St. Visalia, CA 93291 (559) 636-1166 • FAX (559) 636-1177 www.ppeng.com

February 24, 2012

Central Valley Flood Control Board Floodway Protection Section 3310 El Camino Ave, LL40 Sacramento, California 95821

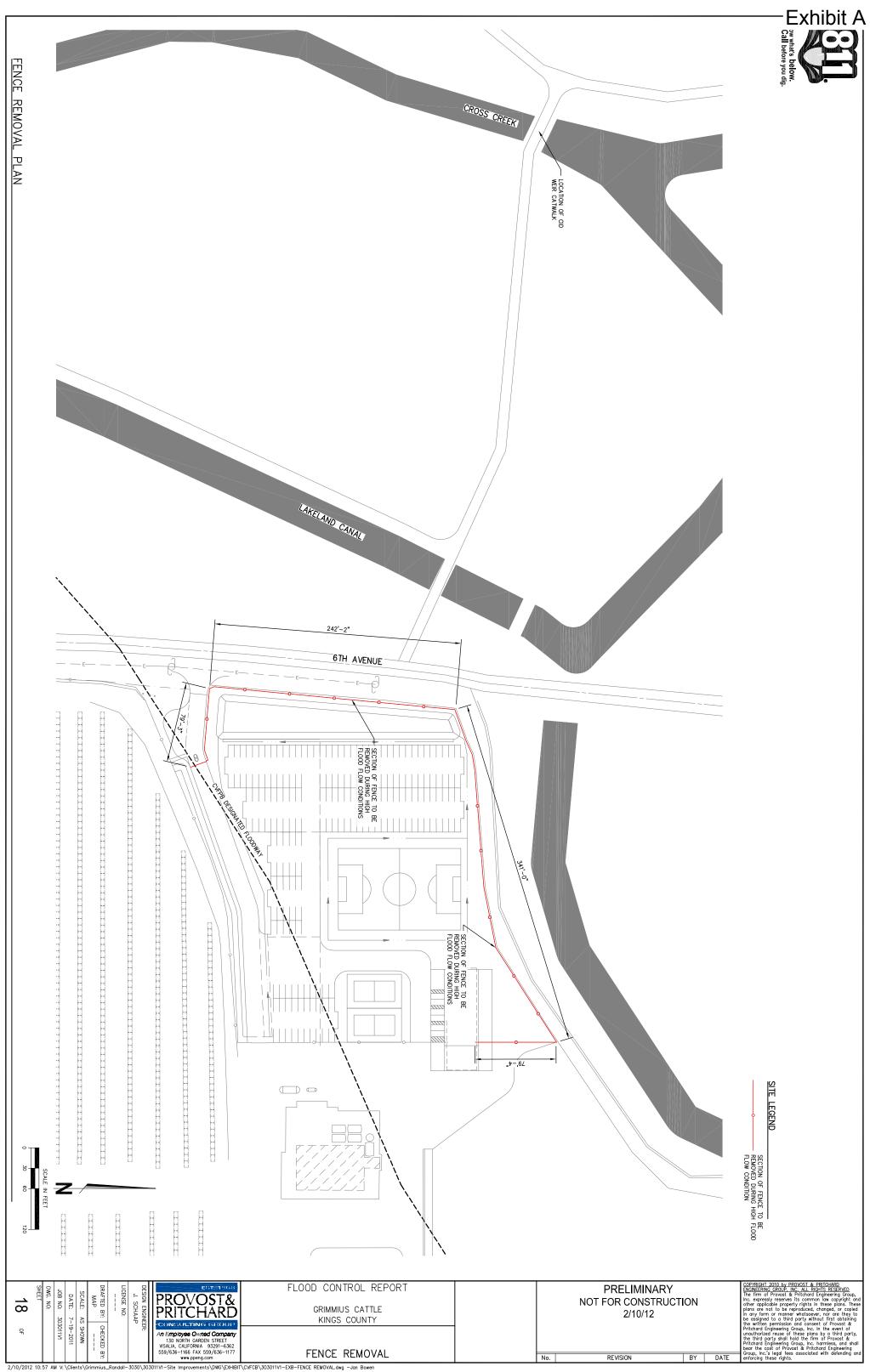
Re: Grimmius Cattle Company Fence Removal

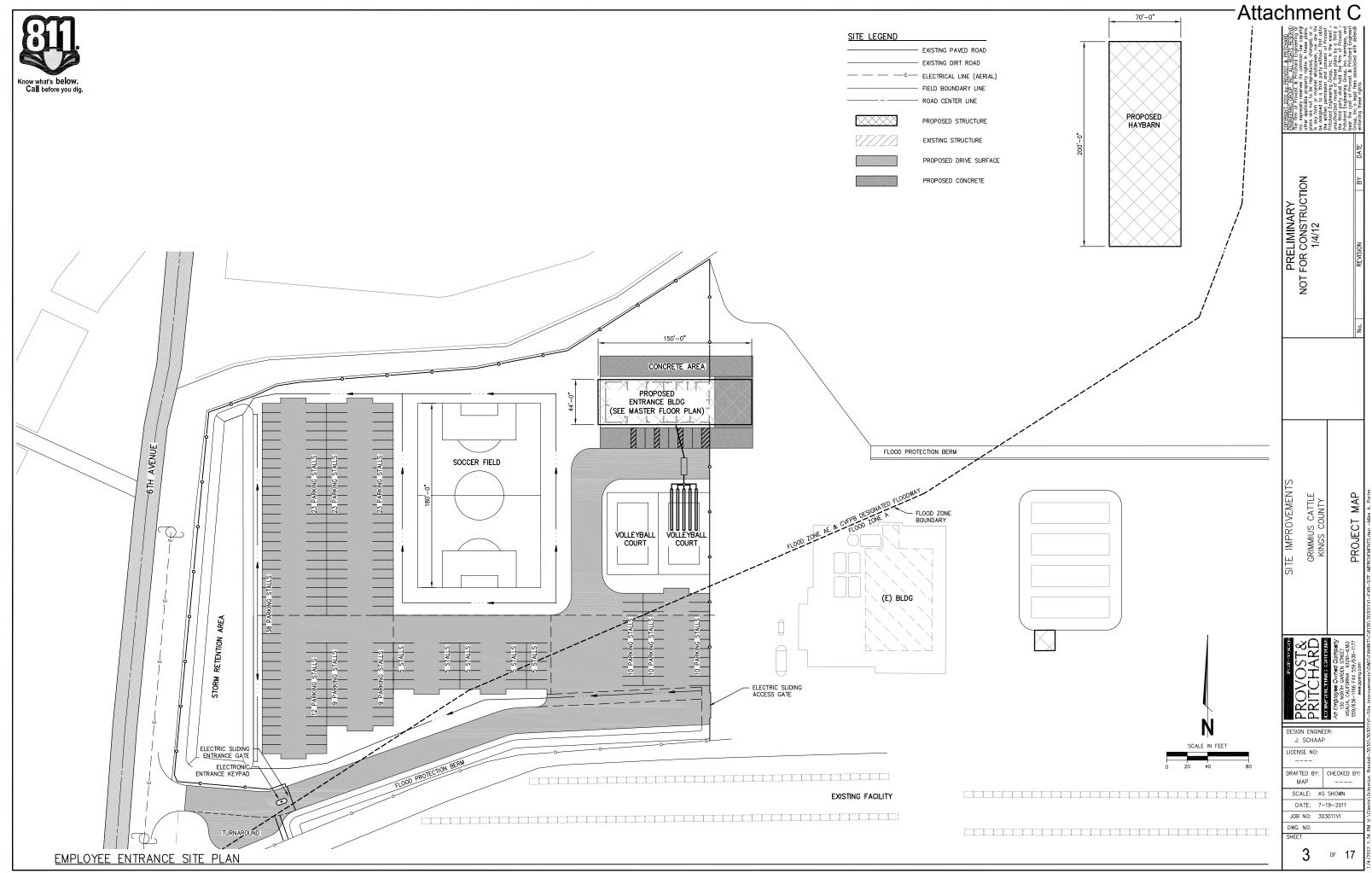
Central Valley Flood Control Board - Floodway Protection Section;

It is my understanding that per the California Code of Regulations, Title 23, Waters *Division 1, Central Valley Flood Protection Board*, Section 107- <u>Permitted Uses in</u> <u>Designated Floodways</u>; the construction of a fence within a designated floodway is limited to fences which "do not create an obstruction or debris-catching obstacle to the passage of floodwaters". The proposed chain link fence around the project could create an obstruction to the passage of water if debris were to accumulate on the upstream side of the fence. To mitigate any potential obstruction to the passage of floodwaters, I agree to remove the north and west section (see **Attached**) of the perimeter fence that is located adjacent to the proposed project. The removal of the fence will occur when floodwaters begin to overtop the CID Weir catwalk.

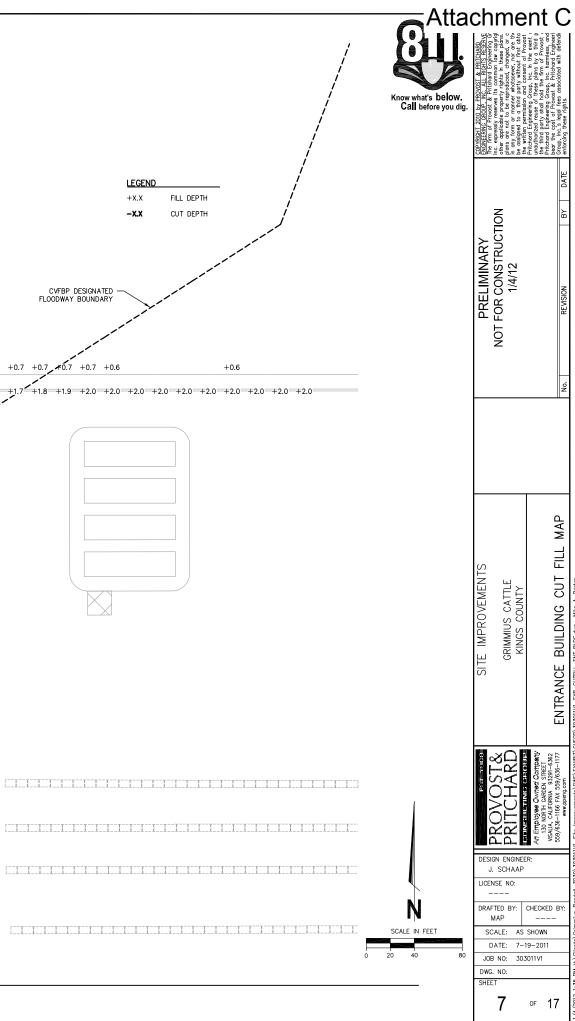
Respectfully. Randall Grimmius

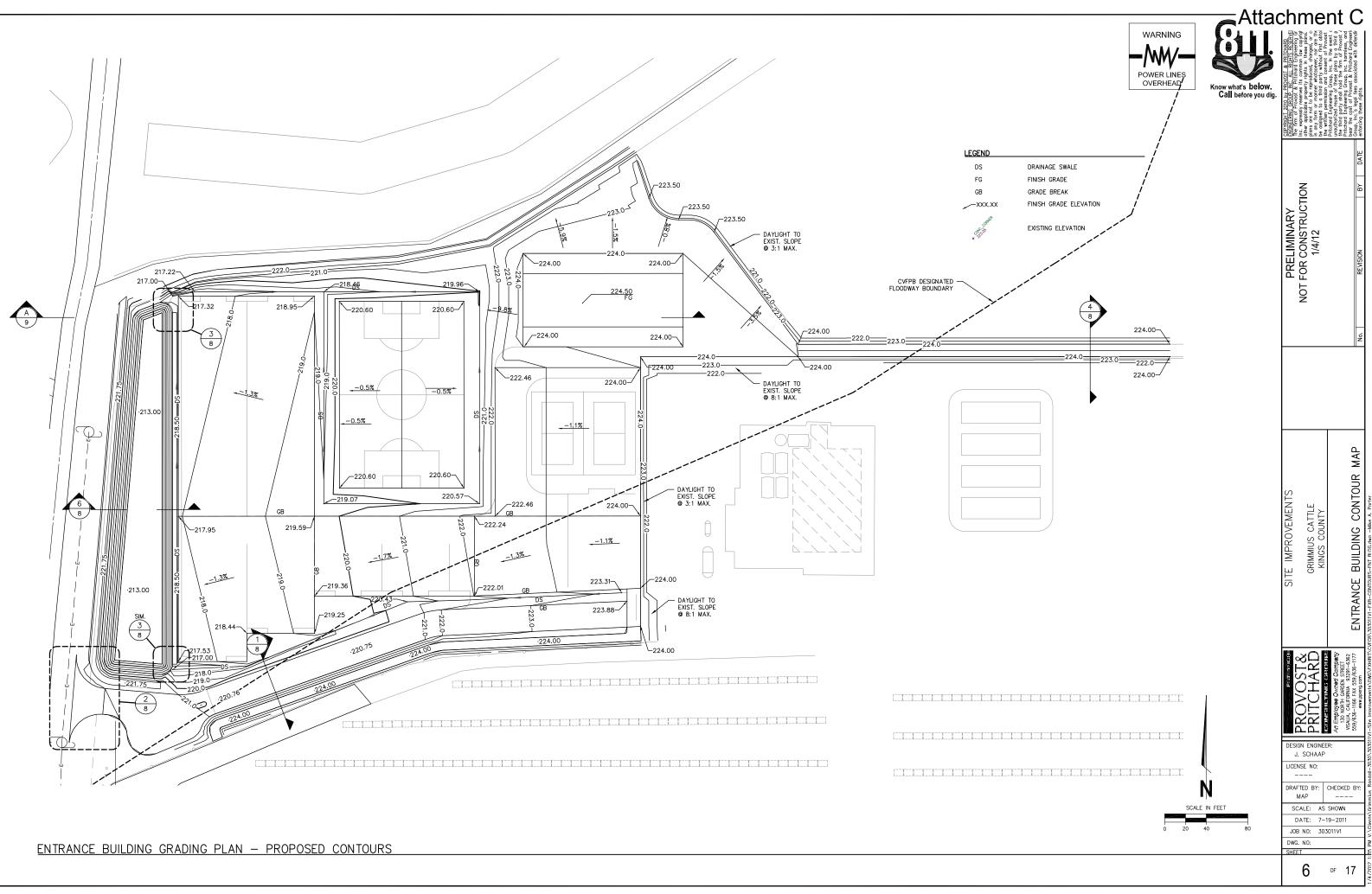
Attachment: Fence Removal Map

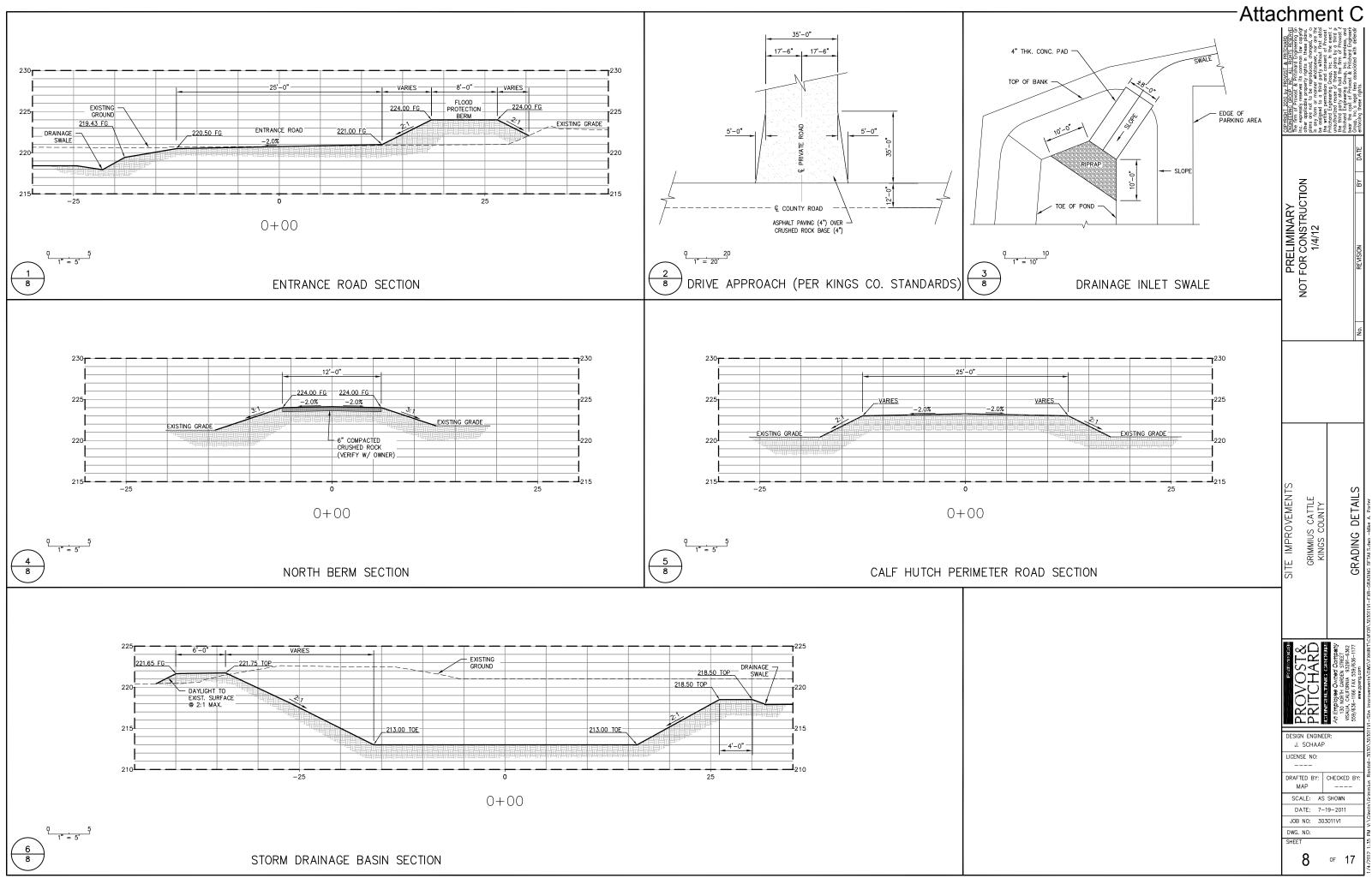


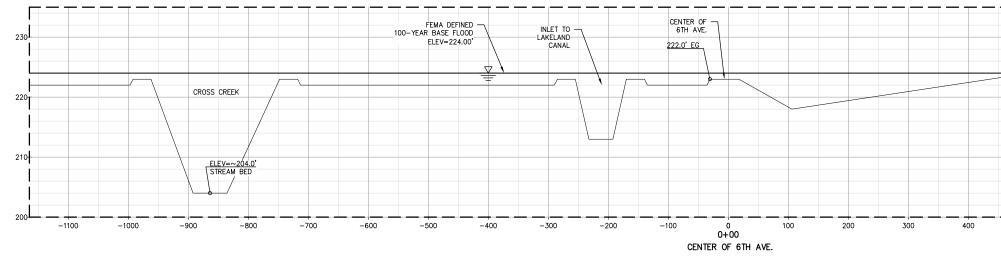


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SECTION A

CRIMMINS CATTLE IMPROVEMENT SITE IMPROVEMENT SITE IMPROVEMENT SITE IMPROVEMENT SITE IMPROVEMENT SUBJORGE AND STORTER SUBJORGE AND STORTER SUBJORGE AND STORTER MAPPING AND STORTER MAPPING AND STORTER SCALLE: AS SHOWN DATE: 7-19-2011 JOB NO: 303011V1 DWG. NO: SHEET 9 OF 17	NOT FOR CONSTRUCTION 1/4/12 No. REWSION B
J ~ /	DESIGN ENGINEER: J. SCHAAP LICENSE NO: DRAFTED BY: MAP CHECKED BY: SCALE: AS SHOWN DATE: 7-19-2011 JOB NO: 303011V1 DWG. NO: SHEET



