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

Staff Report – Encroachment Permit

Fresno County – Department of Public Works North Riverside Park, Fresno County

1.0 - ITEM

Consider approval of Permit No. 18726 (Attachment B)

2.0 – APPLICANT

Fresno County Department of Public Works

3.0 - LOCATION

The project is approximately a half mile downstream of Pine Flat Dam on the Kings River. The parking lot and facilities are on the right bank of the Kings River adjacent to Pine Flat Road. The trail runs parallel to the river for approximately 1.5 miles. (Kings River Designated Floodway, Fresno County, See Attachment A)

4.0 – DESCRIPTION

The construction of approximately one-mile long foot trail, one-half mile long ADA compliant trail, one-half acre parking lot, ADA compliant cement picnic tables, informational kiosks, aluminum trash receptacles and a double-vault waterless / solar lit restroom.

5.0 - PROJECT ANALYSIS

Fresno County Department of Public Works is proposing the construction of a park and recreational trail along the right bank of the Kings River. The project includes one-mile foot-trail, one-half mile handicap accessible trail, one-half acre parking lot with nine gravel paved parking spots and two asphalt-concrete paved handicap spots, a 24 feet wide asphalt concrete paved access drive, two waterless / solar lit restrooms, two visitor

informational kiosks, three ADA compliant cement picnic tables and eight 35-gallon aluminum trash receptacles on an approximately 38-acre of 79.85 acre project site.

The existing site is currently being utilized for fish access, it has some gravel paving for a non-standard access drive and parking lot. The construction of the proposed parking lot and facilities will incorporate the existing paving into the parking lot and the non-standard access drive will be abandoned. The proposed one-half mile handicap accessible scenic trail will connect to an existing permitted ADA fishing access (EP No. 14536).

The project area is located within the northern boundary of the Kings River Designated Floodway as indicated in the plans (See Attachment C). This project conforms to all standards in Title 23, Section 107.

5.1 – Hydraulic Analysis

The hydraulic impacts of the proposed project are considered negligible therefore a hydraulic analysis was not required.

5.2 – Geotechnical Analysis

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

<u>6.0 – AGENCY COMMENTS AND ENDORSEMENTS</u>

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

- Kings River Conservation District endorsed this project on January 3, 2012 with conditions that will be incorporated into the permit as Exhibit B.
- 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 A.

7.0 – CEQA ANALYSIS

The Board, as a responsible agency under CEQA, has reviewed Initial Study/Mitigated Negative Declaration (IS/MND) (SCH Number: 2011121057, January 2012) and Mitigation Measures for the Initial Study Application No. 6424 (Director Review and Approval Document No. 4244) – Kings River Conservancy, prepared by the lead agency, Fresno County. These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at http://www.cvfpb.ca.gov/meetings/2012/05-25-2012.cfm under a link for this agenda item. These documents are also available for review in hard copy at the Board and the Fresno County offices.

Fresno County determined that the project would not have a significant effect on the environment at on January 23, 2012 and filed a Notice of Determination on February 14, 2012 with the Fresno County Clerk. Board staff finds that although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. The project proponent has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures are included in the project proponent's IS/MND and address impacts to aesthetics and cultural resources. The description of the mitigation measures are further described in the adopted IS/MND.

8.0 - SECTION 8610.5 CONSIDERATIONS

- 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.
- 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 purposed park, bike path and appurtenant structures will have no effect on 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 proposed project from 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 objections to the project, subject to conditions, and direct staff to file a Notice of Determination with the State Clearinghouse.

<u>10.0 – LIST OF ATTACHMENTS</u>

- A. Location Maps and Photos
- B. Draft Permit No. 18726
- C. Design Drawings
- D. Kings River Conservation District Endorsement Letter, dated January 3, 2012.

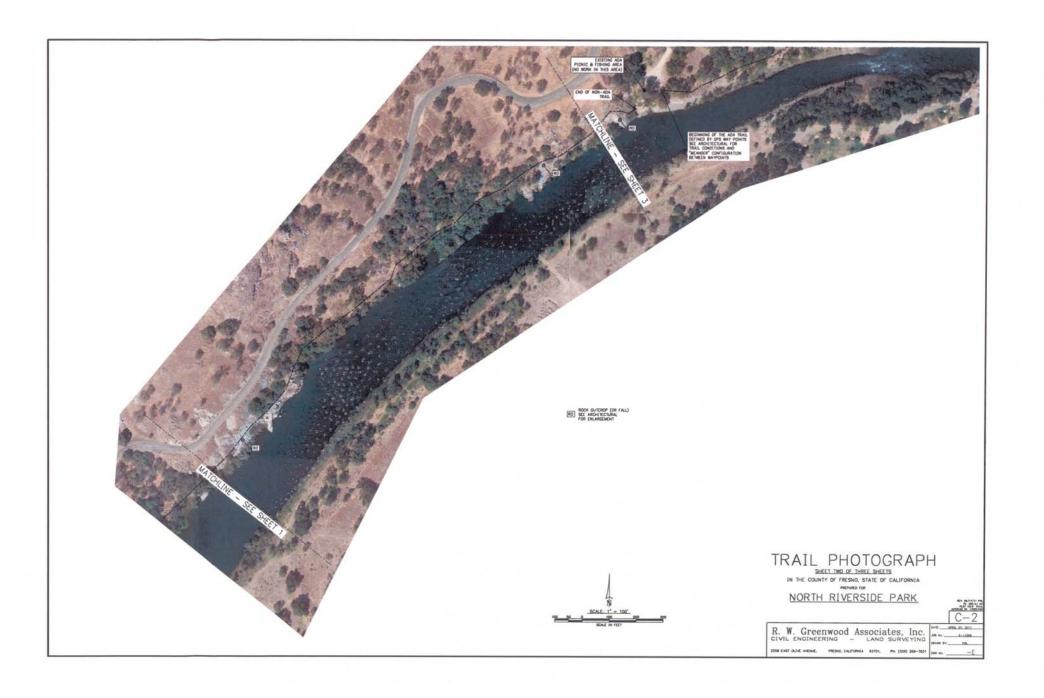
Design Review: Ashley Cousin

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

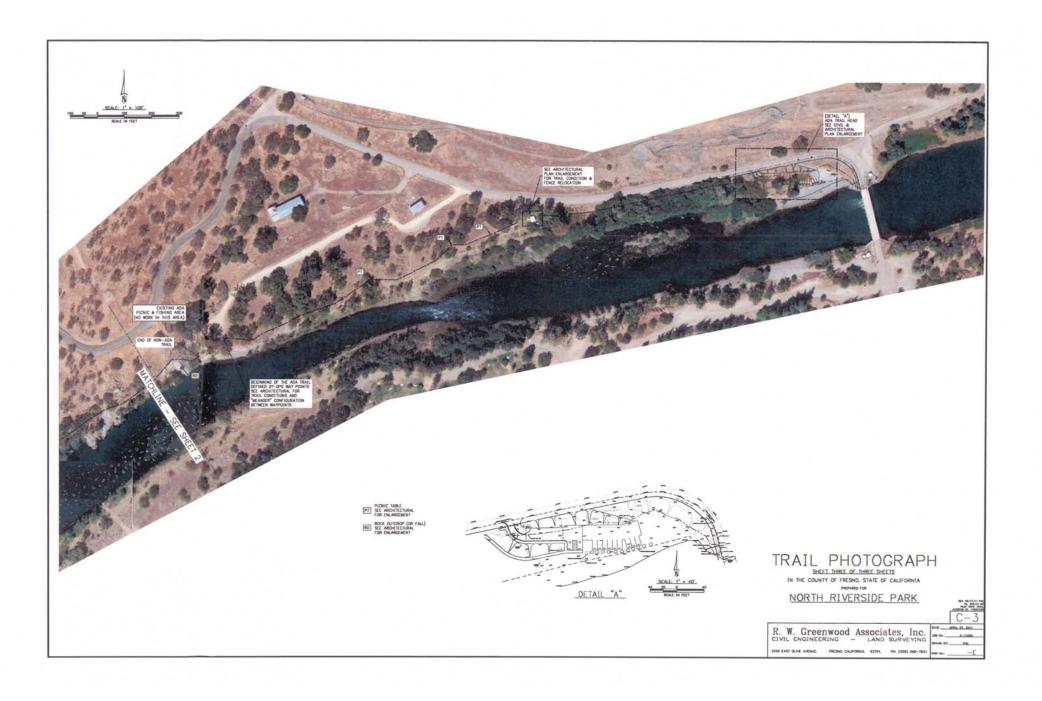
Atachment A

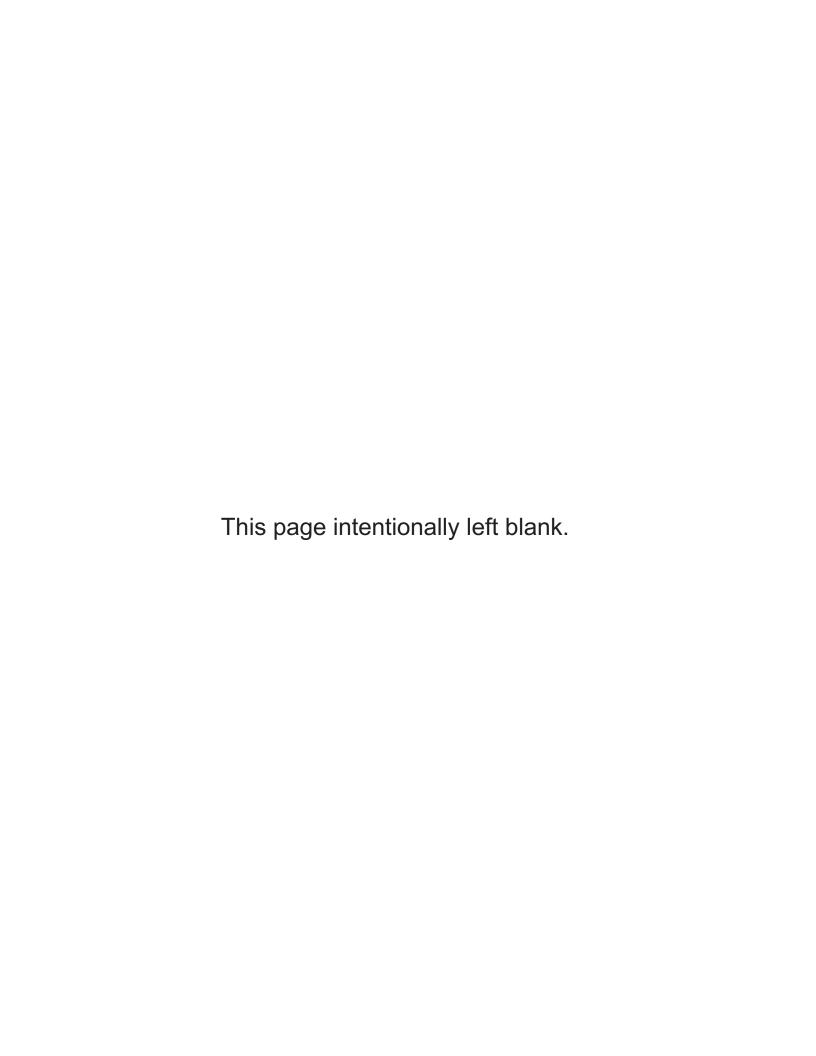


Atachment A



Atachment A





DRAFT

STATE OF CALIFORNIA THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18726 BD

This Permit is issued to:

County of Fresno, Dept. of Public Works 2220 Tulare Street Fresno, California 93721

The construction of approximately one-mile long foot trail, one-half mile long ADA compliant trail, one-half acre parking lot, ADA compliant cement picnic tables, informational kiosks, aluminum trash receptacles and a double-vault waterless / solar lit restroom. The project is approximately a half mile downstream of Pine Flat Dam on the Kings River. The parking lot and facilities are on the right bank of the Kings River adjacent to Pine Flat Road. The trail runs parallel to the river for approximately 1.5 miles (Section 3, T13S, R24E, MDB&M, Kings River Conservation District, Kings River, Fresno 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 Page 1 of 4

Atachment B

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. 18726 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: No construction work of any kind shall be done during the flood season from November 1 to July 15 without prior approval of the Central Valley Flood Protection Board.

SEVENTEEN: Upon receipt of a signed copy of the issued (not approved only) 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 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.

NINETEEN: 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: 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 Kings River Conservation District dated January 3, 2012, which is attached to this permit as Exhibit B and is incorporated by reference.

TWENTY-THREE: 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 A and is incorporated by reference.

TWENTY-FOUR: 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.

TWENTY-FIVE: The Central Valley Flood Protection Board, Department of Water Resources, and Kings River Conservation District 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.

TWENTY-SIX: Stockpiled material, temporary buildings, or equipment shall not remain in the floodway during the flood season from November 1 to July 15.

TWENTY-SEVEN: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from

November 1 to July 15.

TWENTY-EIGHT: The proposed building shall be properly anchored to prevent floatation into the floodway in the event of high water.

TWENTY-NINE: All permanent structures, such as laundry rooms or storage buildings, shall be securely anchored to prevent floatation and shall not be utilized for human habitation.

THIRTY: All debris generated by this project shall be disposed of outside the Kings River Designated Floodway.

THIRTY-ONE: 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.

THIRTY-TWO: The permittee shall submit as-built drawings to the Department of Water Resources' Flood Project Inspection Section upon completion of the project.

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KINGS RIVER

NORTH RIVERSIDE PARK

PICNICKING / FISHING / HAND BOAT LAUNCH







PROJECT DIRECTORY

KINGS RIVER CONSERVANCY 1384 S FRANKWOOD AVE. SANGER, CA \$3657 JAMES VAN HAUN EXECUTIVE OFFICER TEL: (598) 787-0412 FAX (569) 787-9413 EMAIL: VANHAUNGGTE NET

ARCHITECT OF RECORD LEN OSBORNE AIA OSBORNE AIGHTECTURE 19699 GARLOCK LANE PRATHER CA 10001

FRESNO. CA 93701 MARK GREENWOOD PROJECT ENGINEER TEL: (559) 268-7831 FAX (559) 266-3120

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ARCHITECTURAL

COVER SHEET, GENERAL NOTES STE PLAN, NOTES, DETAILS BUILDING PLAN, ELEVATIONS, DETAILS SITE FEATURES PLANS AND DETAILS AØ.Ø A1.Ø

CIVIL

PHOTOGRAPH / TRAL PATH PHOTOGRAPH / TRAL PATH PHOTOGRAPH / TRAL PATH KING, RESTROOM AREA

PROJECT DATA

SITE LOCATION

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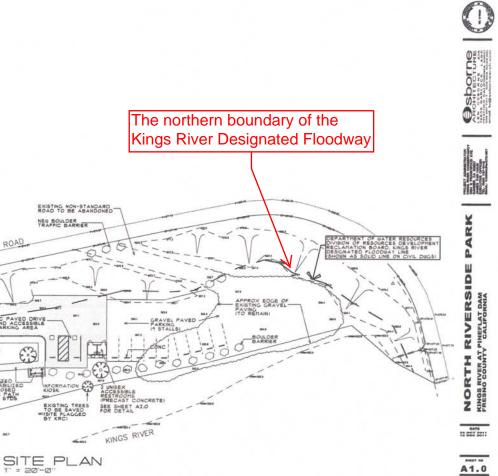
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LOCATION MAP



Atachment C



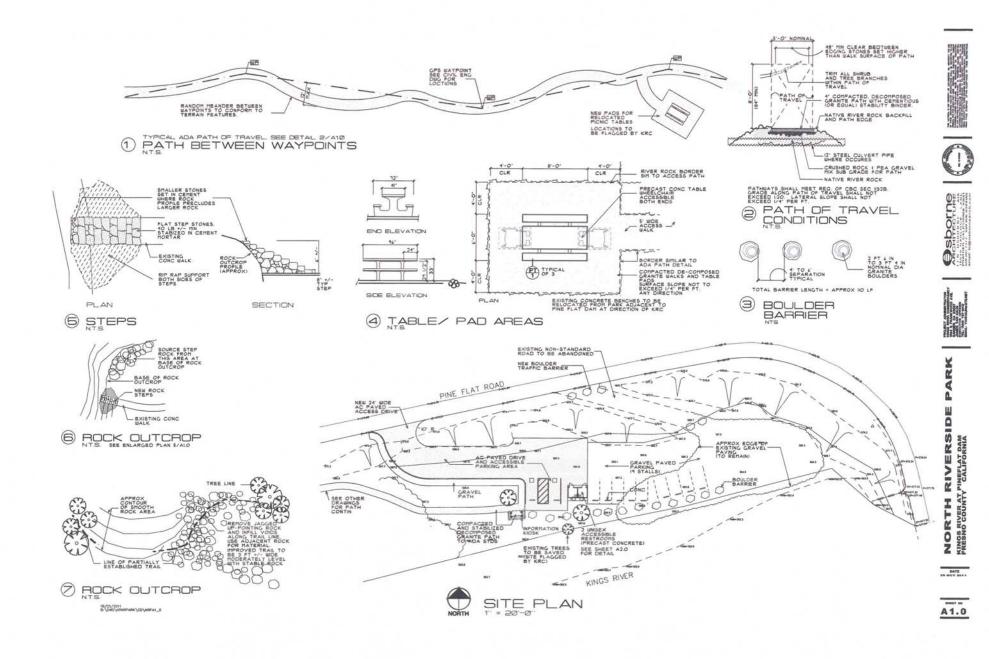
PINE FLAT ROAD



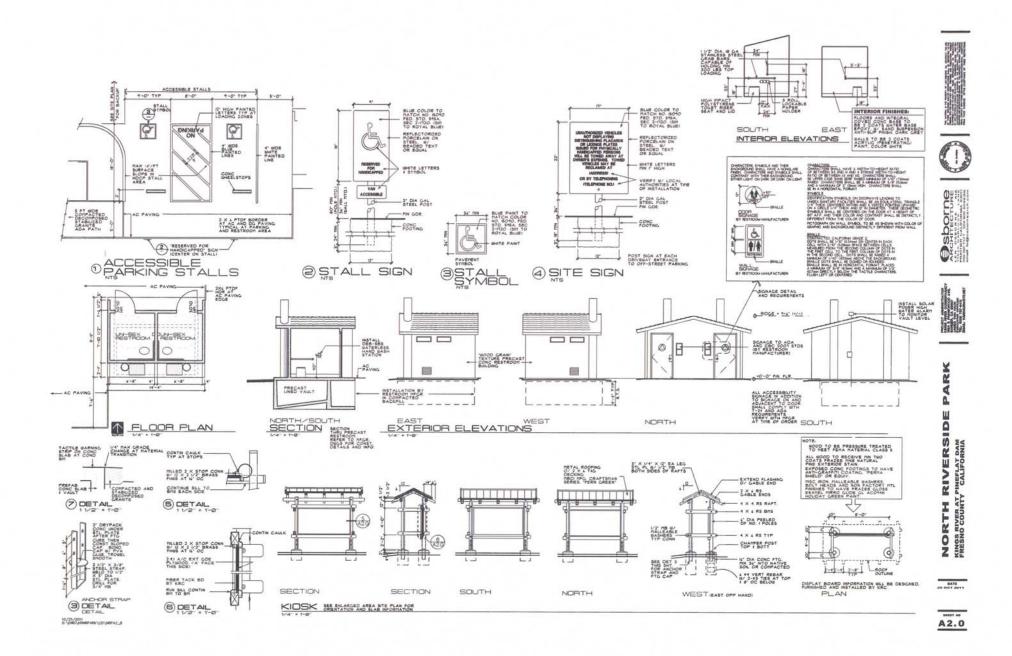


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Atachment C



Atachment C







4886 East Jensen Avenue Fresno, California 93725

> Tel: 559-237-5567 Fax: 559-237-5560

> > www.krcd.org

January 3, 2012

Mr. Ashley Cousins Central Valley Flood Protection Board P.O. Box 942836 Sacramento, CA 94236

Re:

<u>Kings River Designated Floodway - Encroachment Permit Application</u> <u>KRCD No. 800.05-252 - County of Fresno, Department of Public Works</u> <u>North Riverside Park</u>

Dear Mr. Cousins:

Enclosed are four (4) copies of an application and accompanying drawings submitted by the County of Fresno for approval to construct a trail and parking lot alongside the Kings River downstream of Pine Flat Dam. The project is located on the Upper Kings River, C.M. 76.7 in Section 3, T.13S., R.24E., M.D.B. & M. of Fresno County.

The Kings River Conservation District (District) has no objection to the approval of this Application subject to the following conditions:

- 1. The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the District from any liability or claims of liability associated therewith.
- 2. The permittee shall be responsible for the repair of any damages to the Kings River Designated Floodway due to construction, operation, and/or maintenance of the herein permitted project.
- 3. The permittee shall 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 District may remove the encroachment(s) at the permittee's expense.
- 4. The permittee shall be required to construct a gate or similar structure to limit access to the site during periods of high water and shall limit access to the site if high water inundates or threatens to inundate any of the project's features (i.e. parking lot or trail).

BOARD OF DIRECTORS

- 5. The permittee shall be required to provide and maintain signage at the entrance and the parking lot informing the public that the river level is subject to fluctuation.
- 6. The District 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.
- 7. The permittee shall contact the District by telephone, (559) 237-5567, at least ten (10) days prior to the commencement of work.

If you have any questions, please contact Keith Seligman, Manager of Flood Operations & Maintenance at (559) 237-5567 extension 120 or at (559) 217-4285. Please provide the District with a copy of any pertinent correspondence and Board action concerning this application.

Sincerely,

Steven Stadler, P.E.,

Deputy General Manager of

Flood Control and Environmental Resources/Chief Engineer

SPS/sjs

Enclosure:

As Stated

L12-0006 File: 800.05.252