

**Meeting of the Central Valley Flood Protection Board
June 22, 2012**

Staff Report – Encroachment Permit

**Phillip Berolzheimer
Existing Boat Dock, San Joaquin County**

1.0 – ITEM

To consider approval of Permit No. 18737 (Attachment B)

2.0 – APPLICANT

Philip Berolzheimer

3.0 – LOCATION

The project is located at 3548 Country Club Boulevard in Atherton Cove in the City of Stockton. (Atherton Cove/San Joaquin River, San Joaquin County, see Attachment A)

4.0 – DESCRIPTION

The applicant is requesting the authorization of an existing boat dock, gangway, wood landing, concrete steps, and riprap bank protection on the north bank of Atherton Cove.

5.0 – PROJECT ANALYSIS

The wood boat dock was originally built in the 1930's and is secured with two wood pilings. Atherton Cove is a closed bay and thus does not experience any water velocities from the San Joaquin River. Atherton Cove is not a component of the federally constructed flood control project. All of the existing items will conform to current Title 23 standards.

5.1 – Hydraulic Analysis

The existing boat dock is located in Atherton Cove which has negligible hydraulic impact on the San Joaquin River; therefore a hydraulic analysis was not required.

5.2 – Geotechnical Analysis

The existing boat dock and appurtenances do 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:

- San Joaquin Flood Control and Water Conservation District 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 been received for this application. The USACE District Engineer has no comments or recommendations because the encroachments do not affect a federally constructed project. For reference the letter is incorporated 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 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 encroachments were constructed on a non-project levee located in a closed bay on the San Joaquin River. There will be little to no effects 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:

Changes in hydrology due to global warming may increase water surface elevations necessitating modifications to the permitted encroachments.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board find the project exempt from CEQA, approve the permit, and direct staff to file a Notice of Exemption with the State Clearinghouse.

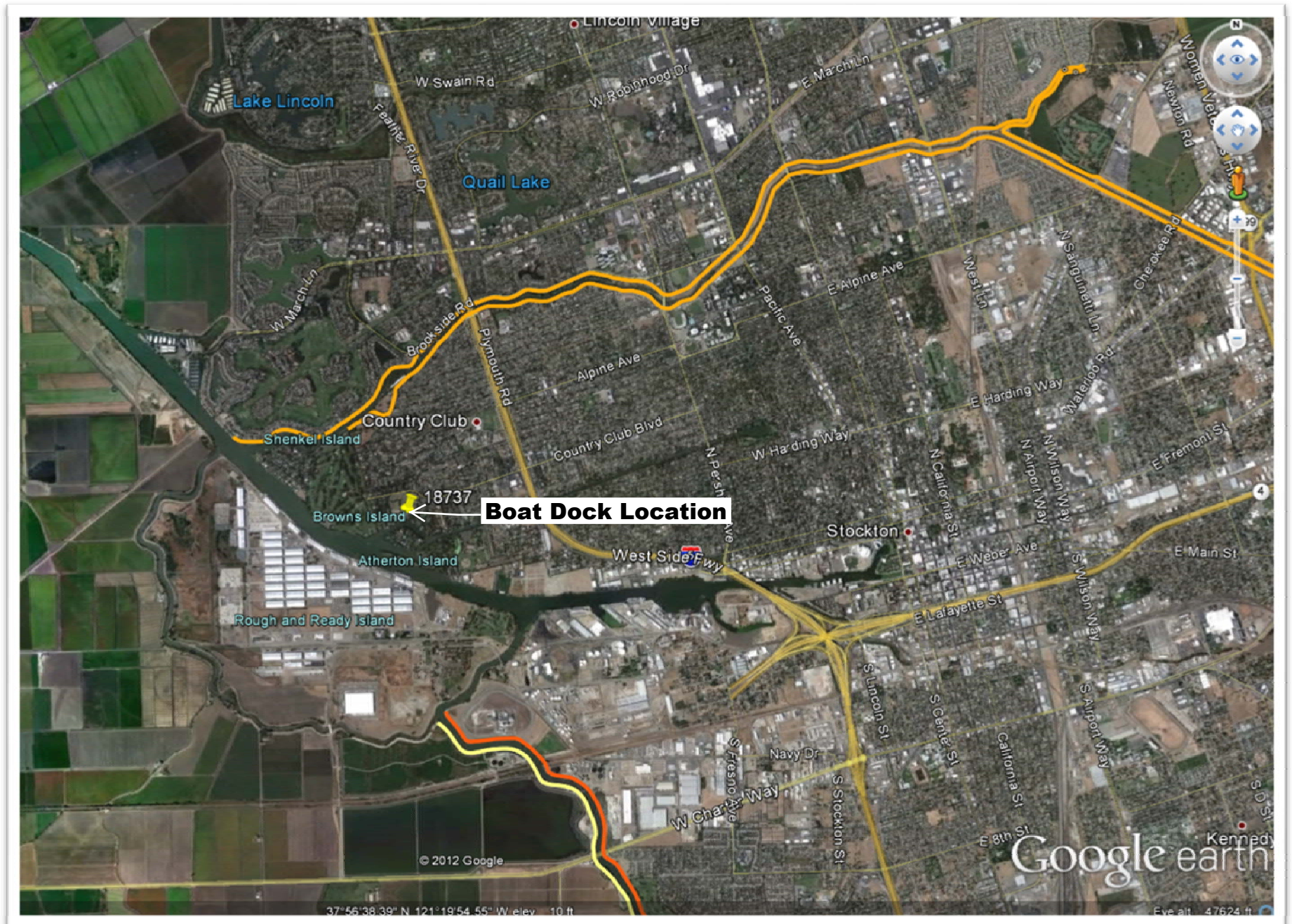
10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18737
- C. Drawings

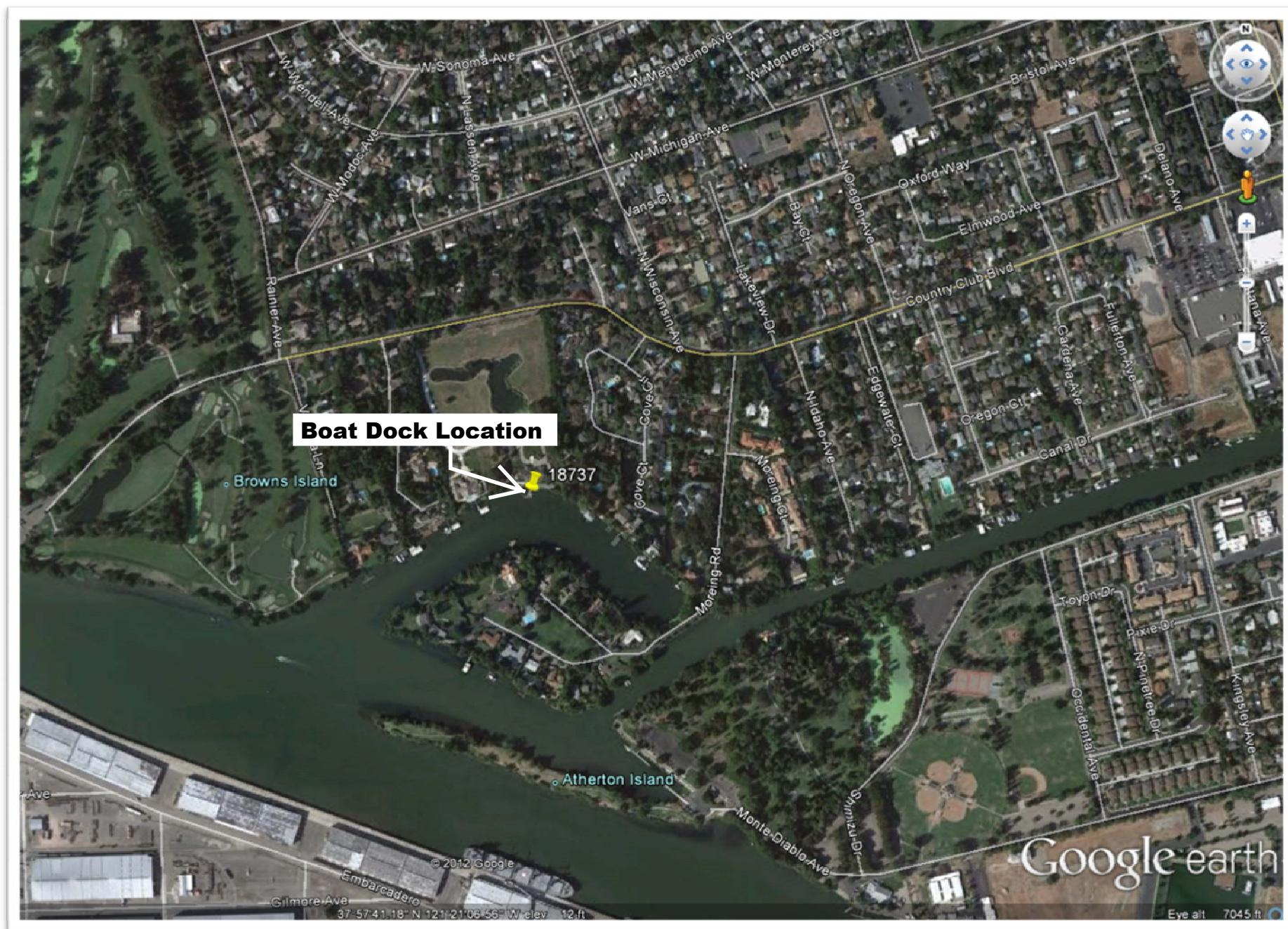
Design Review:	Gary W. Lemon P.E.
Environmental Review:	Andrea Mauro, James Herota
Document Review:	Mitra Emami P.E., Len Marino P.E.

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Regional Map



Vicinity Map







A-16

DRAFT

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

PERMIT NO. 18737 BD

This Permit is issued to:

Philip Berolzheimer
3548 Country Club Blvd.
Stockton, California 95204

To authorize an existing boat dock, gangway, wood landing, concrete steps, and riprap bank protection on the north bank of Atherton Cove. The project is located at 3548 Country Club Boulevard, in the City of Stockton (Section 5, T1N, R6E, MDB&M, San Joaquin County Flood Control and Water Conservation District, Atherton Cove, San Joaquin 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

Page 1 of 4

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. 18737 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 San Joaquin County Flood Control and Water Conservation 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: No work of any kind shall be done during the flood season from November 1st to April 15th without prior approval of the Central Valley Flood Protection Board.

EIGHTEEN: 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 permit compliance conference.

NINETEEN: The top of wooden piles shall be a minimum distance of 2-feet above the design flood plane elevation of 7.9-feet, NGV Datum.

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

TWENTY-TWO: 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-THREE: 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-FOUR: 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-FIVE: 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-SIX: Any modifications to the permitted encroachment(s), or the addition of additional encroachment(s) on the levee section or waterward berm, will require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

TWENTY-SEVEN: The permittee shall comply with all conditions set forth in the letter from San Joaquin County Flood Control and Water Conservation District dated April 30, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-EIGHT: The letter from the Department of the Army dated March 28, 2012, attached to this permit as Exhibit B, is incorporated by reference.

TWENTY-NINE: 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.



SAN JOAQUIN COUNTY

**FLOOD CONTROL & WATER
CONSERVATION DISTRICT**P. O. BOX 1810
1810 EAST HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201
TELEPHONE (209) 468-3000
FAX NO. (209) 468-2999THOMAS M. GAU
DIRECTOR OF PUBLIC WORKS
FLOOD CONTROL ENGINEER

April 30, 2012

Central Valley Flood Protection Board
3310 El Camino Avenue
Sacramento, California 95821

Attention: Floodway Protection Section

SUBJECT: CENTRAL VALLEY FLOOD PROTECTION BOARD PERMIT APPLICATION OF
PHILIP BEROLZHEIMER, ASSESSOR'S PARCEL NO.121-030-47, ATHERTON COVE
NORTH LEVEE ENDORSEMENT NO. PW-1200023

Gentlemen:

Reference is made to the Central Valley Flood Protection Board (Board) Permit Application (Permit) of Mr. Philip Berolzheimer to permit an existing boat dock that was built in the 1930s.

The project is located on the waterside levee slope (north bank) of Atherton Cove, in the City of Stockton, in San Joaquin County, in Sections 5 and 6, Township 1 North, Range 6 East, Mount Diablo Base and Meridian, San Joaquin County Assessor's Parcel No.121-030-47, also known by the address: 3548 Country Club Boulevard, Stockton, California 95204.

The San Joaquin County Flood Control and Water Conservation District (District) has reviewed the Board's Permit Application of Mr. Philip Berolzheimer (Permittee) and endorses the project subject to the following conditions:

1. The District shall not be responsible for the maintenance of the facilities specified in this Permit.
2. The District shall not be held liable for damage(s) to the permitted encroachment(s) due to the District's operation, maintenance, flood fight, inspection, or emergency repairs.
3. The Permittee or the Successors-In-Interest shall be responsible for the modification or possible removal of the facilities, as requested by the District, if required for any future flood control plans at the Permittee or the Successors-In-Interest sole cost and expense.
4. The Permittee shall be liable for any damage to Atherton Cove that may occur as a result of this project.
5. The Permittee or Successors-In-Interest shall keep the encroachments properly maintained in accordance with applicable current or future local, State, and Federal standards.
6. The improvements shall be maintained free from obstructions, erosion, and/or siltation. Maintenance shall be the ongoing responsibility of the Permittee or Successors-In-Interest.

7. Should significant damage occur to any encroachment covered by this permit, it shall not be repaired or replaced without prior approval of the District. Any replacement shall be brought into conformance with applicable local, State, and Federal standards and permit requirements in effect at the time, including type and location.

Should there be any questions regarding these comments, please contact me at (209) 953-7617.

Sincerely,



JOHN I. MAGUIRE, P.E.
Engineering Services Manager

JIM:SS:to
FM-12D073-T1



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 (18737)

MAR 28 2012

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

Dear Mr. Punia:


We have reviewed a permit application by Philip Berolzheimer (application number 18737). This project includes authorizing an existing boat dock, gangway, wood landing, concrete steps, and riprap bank protection on the right bank of the San Joaquin River in Atherton Cove. The project is located in the City of Stockton, at 37.9600°N 121.3494°W NAD83, San Joaquin County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

A file (2009-718 and 2011-1297) has been opened because a Section 10 and/or Section 404 permit may be required. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Division, Room 1350, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250.

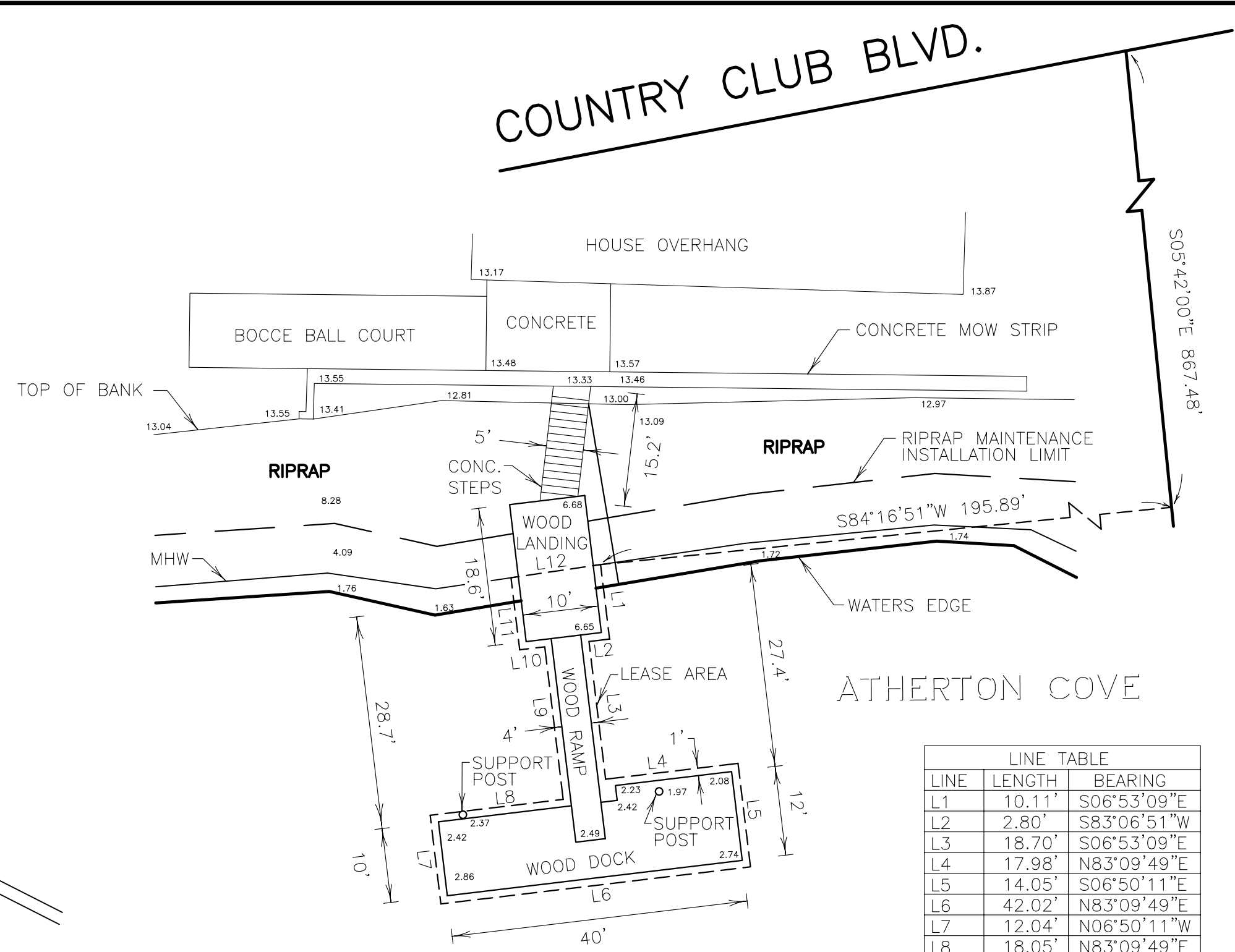
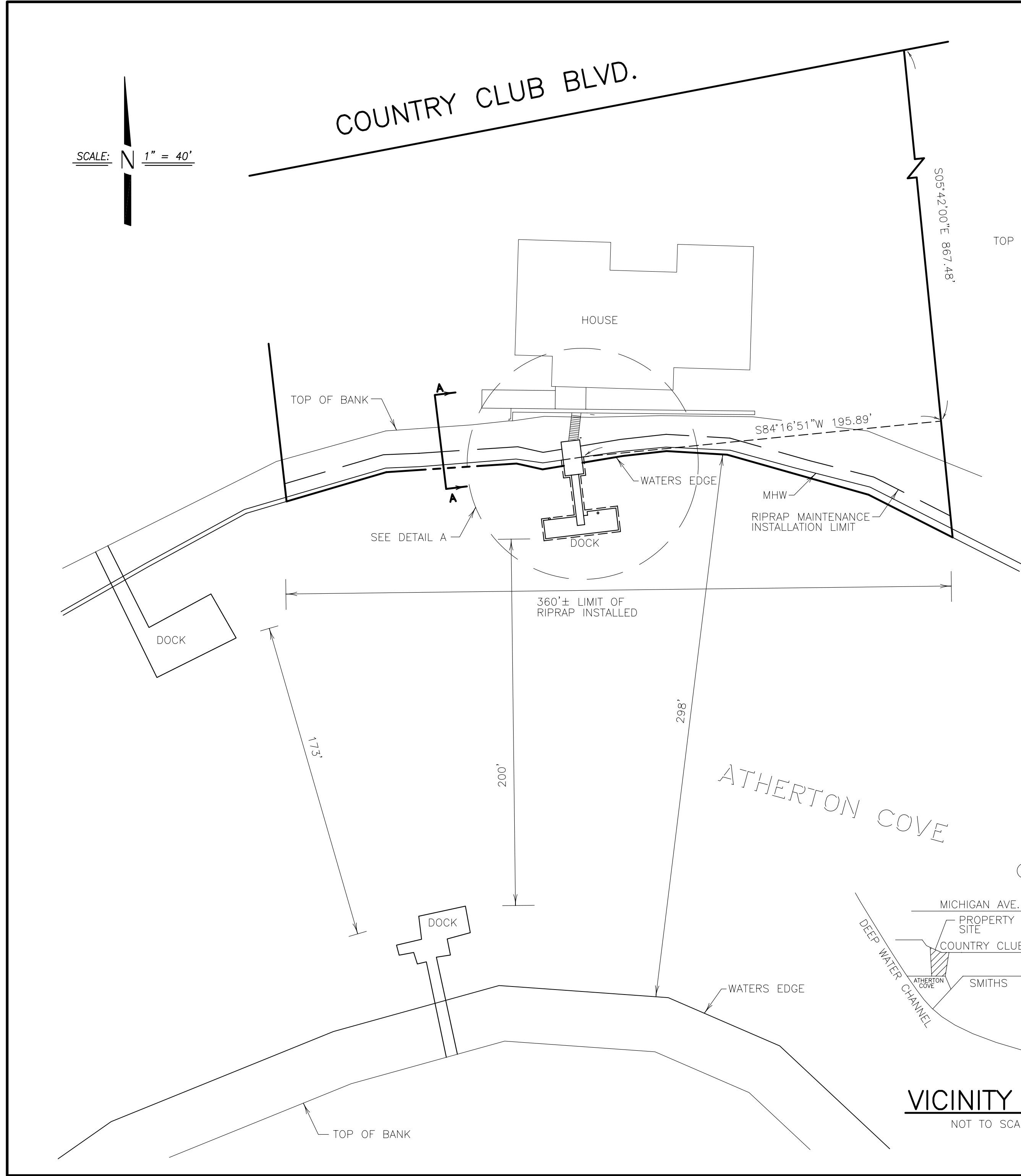
A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,


for Megan G. Nagy, P.E.

Chief, Flood Protection and Navigation Section

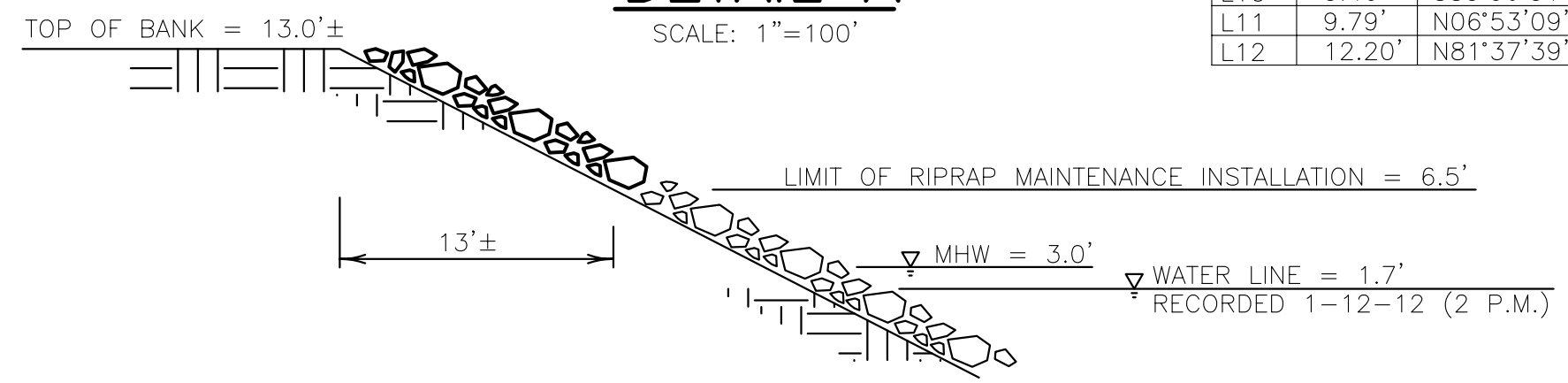
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LINE TABLE		
LINE	LENGTH	BEARING
L1	10.11'	S06°53'09"E
L2	2.80'	S83°06'51"W
L3	18.70'	S06°53'09"E
L4	17.98'	N83°09'49"E
L5	14.05'	S06°50'11"E
L6	42.02'	N83°09'49"E
L7	12.04'	N06°50'11"W
L8	18.05'	N83°09'49"E
L9	20.71'	N06°53'09"W
L10	3.40'	S83°06'51"W
L11	9.79'	N06°53'09"W
L12	12.20'	N81°37'39"E

DETAIL A

SCALE: 1"=100'



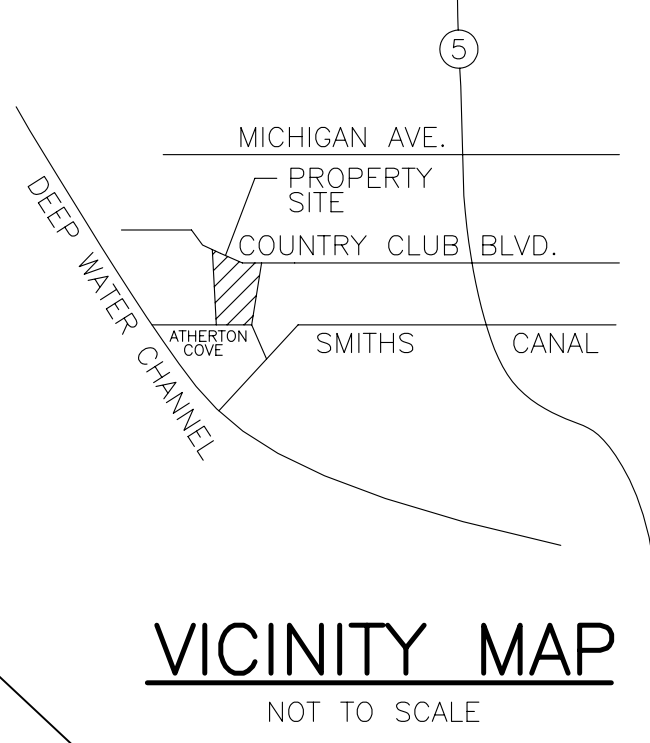
SECTION A-A

SCALE: 1"=200'

NOTES

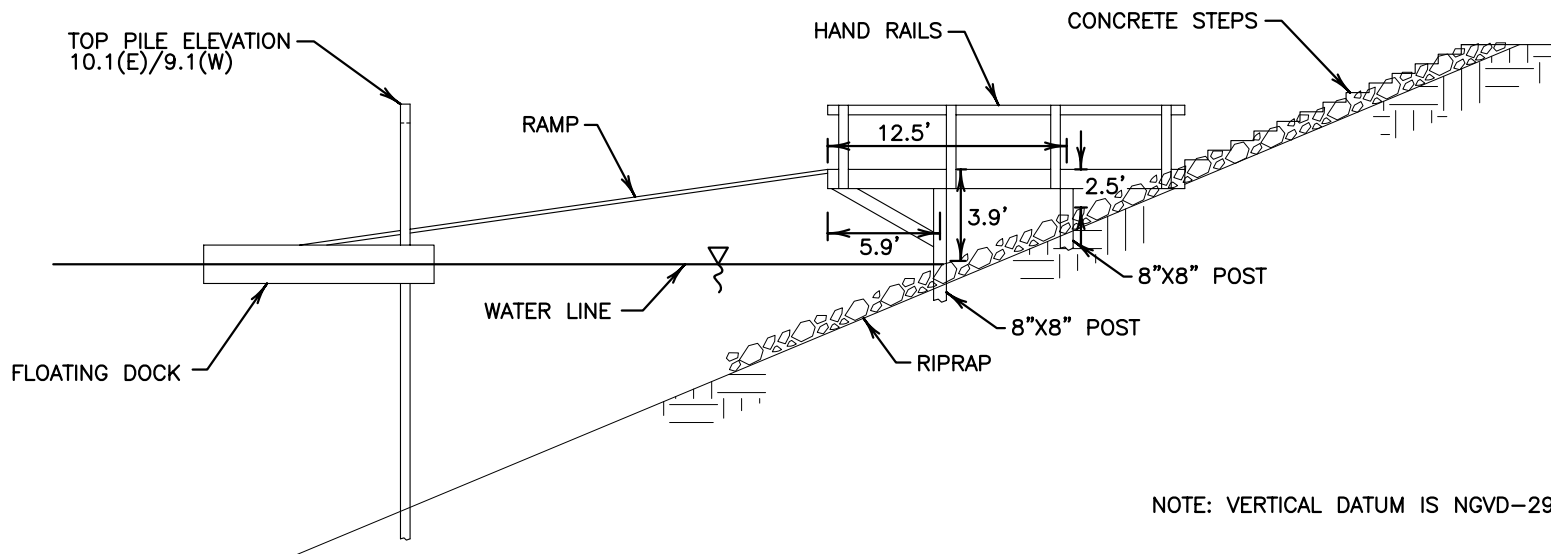
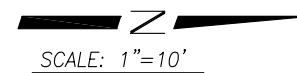
1. ALL STRUCTURES ARE EXISTING. THERE IS NO IMPROVEMENTS PER THIS SUBMITTAL.
2. THE VERTICAL DATUM IS NGVD 29.
3. THE DOCK SHOWN WAS ORIGINALLY BUILT IN 1930±.
4. THE MAINTENANCE INSTALLED RIPRAP WAS INSTALLED IN 2002. THE TOTAL VOLUME INSTALLED WAS 450 TONS.
5. THE LEASE AREA IS SHOWN 1' OUTSIDE OF LOCATED DOCK.

BEROLZHEIMER-EXISTING DOCK
3548 COUNTRY CLUB BLVD.
A.P.N. 121-030-47



VICINITY MAP
 NOT TO SCALE

BEROLZHEIMER EXISTING DOCK CROSS-SECTION



DILLON & MURPHY
 CONSULTING CIVIL ENGINEERS
 ENGINEERING • PLANNING • SURVEYING
 847 N. CLUFF AVENUE, SUITE A2, LODI, CALIFORNIA 95240 (209) 334-6613

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