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

Staff Report – Encroachment Permit City of Vacaville – Public Works Department Ulatis Creek Bike Path, Solano County

1.0 - ITEM

Consider approval of Permit No. 18738 (Attachment B)

2.0 – APPLICANT

City of Vacaville - Public Works Department

3.0 - LOCATION

The project is located on the north bank of Ulatis Creek between Nut Tree Road and Leisure Town Road in the City of Vacaville. The bike trail runs parallel to the creek for approximately one mile. (Ulatis Creek, Solano County, See Attachment A)

4.0 - DESCRIPTION

To construct approximately one-mile of Class I asphalt concrete bike path on an existing dirt and gravel maintenance road along the north bank of Ulatis Creek.

5.0 - PROJECT ANALYSIS

The City of Vacaville Public Works Department is proposing the construction of a bike path along the north bank of Ulatis Creek. This project includes an approximately one-mile long bike path, a 100-foot long trail connection, upgrades to the existing inlets and cross drains and other appurtenant structures to support the new trail (including bollards, dismount barricades, signage, etc..)

Ulatis Creek has been realigned from its natural bed and reconfigured into an engineered trapezoidal flood control channel with gravel maintenance roads along the

top of both banks at the project location. The Solano County Water Agency is the local maintaining agency; the site is routinely graded and maintained to provide access for flood control maintenance equipment. The proposed project will consist of a 10-foot wide asphalt concrete trail with 1-foot shoulders on the exiting dirt/gravel maintenance road. The path will generally follow the approximate grade of the exiting maintenance road with only minor adjustments to grade to improve drainage. A 100-foot long trail will connect the bike path to the end of Green Tree Drive to provide neighborhood access.

Along the bike path there will be construction of several drainage swales, asphalt concrete dikes, and new storm drain inlet structures connected to existing cross drains to control storm runoff. Other appurtenant structures are proposed to support the new trail including; bollards, dismount barricades and signage. There is no landscaping or fencing proposed for the project.

The project area is located along the northern bank of Ulatis Creek as indicated in the plans (See attachment A). This project conforms to all standards in Title 23 Section 132.

5.1 – Hydraulic Analysis

The City of Vacaville provided a Technical Memorandum describing the existing hydraulic conditions of Ulatis Creek. The proposed project is outside of the channel, the inlet structures tie into existing outlets thus there is no modification of the channel geometry. With the bike path and appurtenant structures being constructed outside of the channel the hydraulic impacts of the propose project are considered negligible.

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:

 Solano County Water Agency endorsed this project on March 5, 2012 with no conditions.

The U.S. Army Corps of Engineers 208.10 comment letter <u>has been received</u> for this application. The USACE District Engineer has no comments or recommendations with

regard to the proposed work as it does not affect a federally constructed project. The letter is incorporated into the permit by reference as Exhibit A.

7.0 - CEQA ANALYSIS

The Board, as a responsible agency under CEQA, has reviewed Initial Study/Mitigated Negative Declaration (IS/MND) (October 2011, SCH# 2011102044) and Mitigation Monitoring and Reporting Program for the Ulatis Creek Bike Path, Nut Tree to Leisure Town Road prepared by the lead agency, the City of Vacaville. 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/2012/06-22-2012.cfm under a link for this agenda item. These documents are also available for review in hard copy at the Board and the City of Vacaville offices.

The City of Vacaville determined that the project would not have a significant effect on the environment on December 9, 2011 and subsequently filed a Notice of Determination on that date with the Solano County Clerk and the State Clearinghouse. 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 biological resources, cultural resources, hydrology and water quality. 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.
- 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 purposed 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

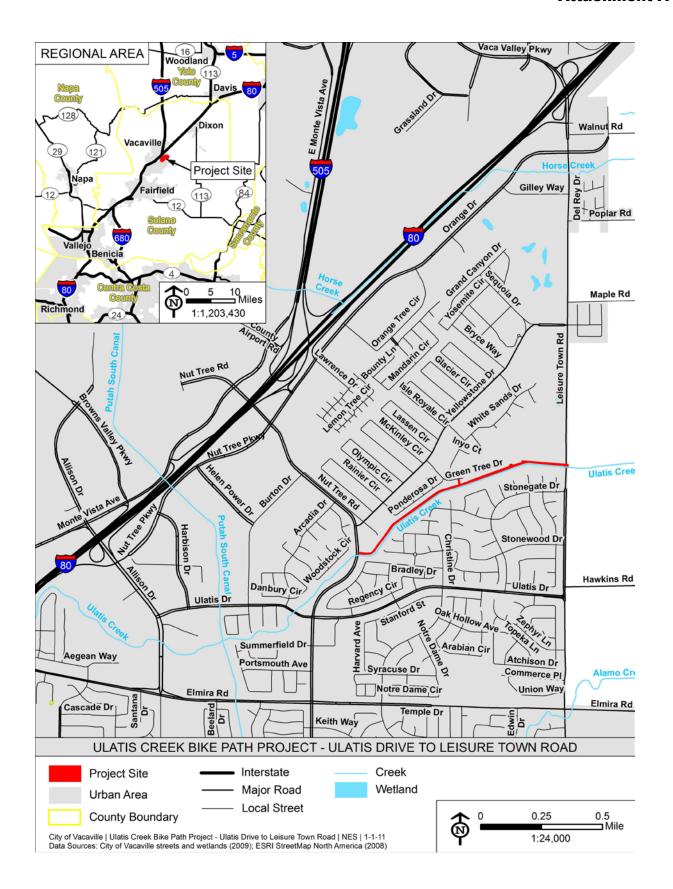
Staff recommends that the Board adopt the CEQA findings and approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

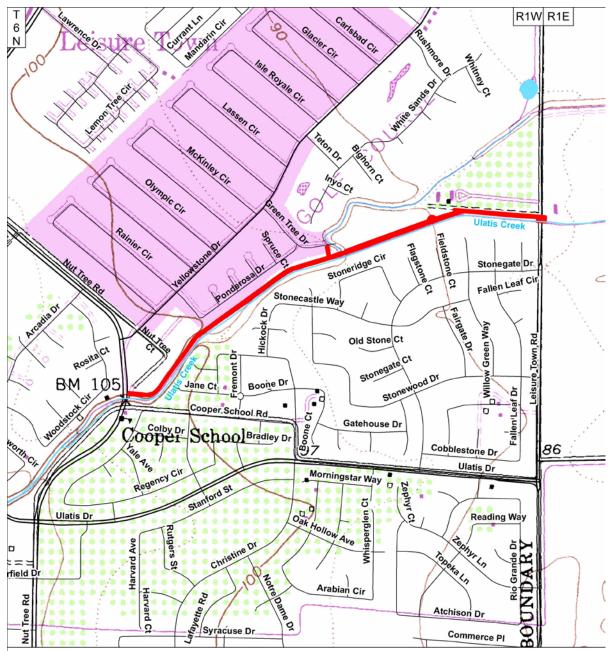
10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18738
- C. Design Drawings

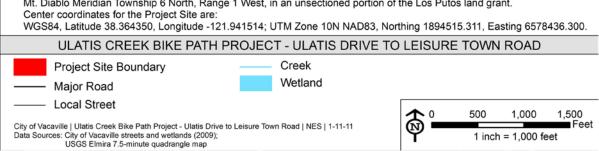
Design Review: Ashley Cousin

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





The Project Site is approximately 3.4 acres and is located on the Elmira USGS 7.5-minute quadrangle map; Mt. Diablo Meridian Township 6 North, Range 1 West, in an unsectioned portion of the Los Putos land grant.



Attachment A



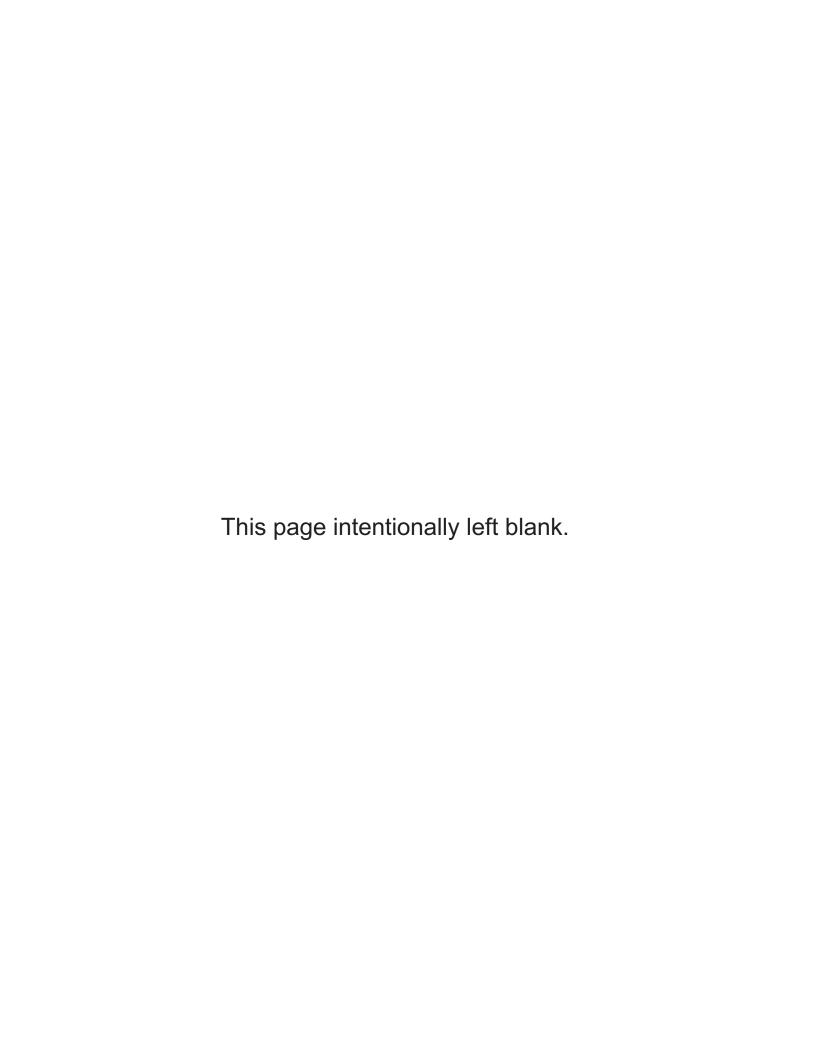






Attachment A





DRAFT

STATE OF CALIFORNIA THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18738 BD

This Permit is issued to:

City of Vacaville (Public Works Department) 650 Merchant Street Vacaville, California 95688

Construction of approximately a one mile Class I asphalt concrete bike path on an existing dirt and gravel maintenance road along the north bank of Ulatis Creek. The project is located on the north bank of Ulatis Creek between Nut Tree Road and Leisure Town Road in the City of Vacaville. (Section , T6N, R1W, MDB&M, Ulatis Creek, Solano 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:

 $\label{eq:one-state} \textbf{ONE}: \ \ \text{This permit is issued under the provisions of Sections } 8700-8723 \ \text{of the Water Code}.$

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

DWR 3784 (Rev. 9/85)

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. 18738 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 Solano County Water Agency 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 construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

EIGHTEEN: 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.

NINETEEN: 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: 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-ONE: 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-TWO: 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-THREE: The letter from the Department of the Army dated April 24, 2012 is attached to this permit as Exhibit A in reference to this project.

TWENTY-FOUR: The bicycle trail shall conform to the standards contained in Section 132 of the Central Valley Flood Protection Board's Regulations.

TWENTY-FIVE: Granting of this permit does not convey any interest in real property. The permittee shall be responsible, at permittee's expense, for obtaining an easement or other appropriate interest in real property for construction and maintenance of the bicycle trail from the fee owner of the property.

TWENTY-SIX: Maintenance of the bicycle trail shall be the responsibility of the permittee unless the permittee submits evidence of an agreement by which a public agency has assumed the responsibility of maintaining the bicycle trail. The trail shall be maintained to a level that is safe for bicycle traffic and acceptable to the local flood control maintaining agency and the Department of Water Resources.

TWENTY-SEVEN: Repair and/or replacement of the bicycle trail, should it become damaged due to emergency flood fight, levee or floodway maintenance, or necessary improvement activities on the flood control project feature, shall be made by and at the sole expense of the permittee, or in accordance with the agreement for maintenance between the permittee and the public agency.

TWENTY-EIGHT: The permittee shall adopt and enforce restrictions on the use of the trail that are acceptable to the Central Valley Flood Protection Board. Such restrictions, at a minimum, shall restrict public access to the trail and designated adjacent areas only; shall prohibit equestrian and motorized vehicle traffic, except as may be necessary for maintenance, enforcement, and public safety; and shall prohibit interference with the primary purpose of the project feature upon which the trail is constructed.

TWENTY-NINE: The permittee must install permanent signs at all bicycle access points to control all unauthorized use of the bicycle trail.

THIRTY: The Central Valley Flood Protection Board and local flood control maintaining agency retain the right to temporarily close the bicycle trail for improvement, maintenance, and emergency flood fight activities.

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: Upon completion of the project, the permittee shall submit As-Built Drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.



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 (18738)

APR 2 4 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 the City of Vacaville Public Works Department (application number 18738). This project includes constructing a one mile Class 1 asphalt concrete bike path on an existing dirt and gravel maintenance road along the north bank of Ulatis Creek. The project is located between Nut Tree Road and Leisure Town Road in the City of Vacaville, at 38.3644°N 121.9415°W NAD83, Solano County, California.

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

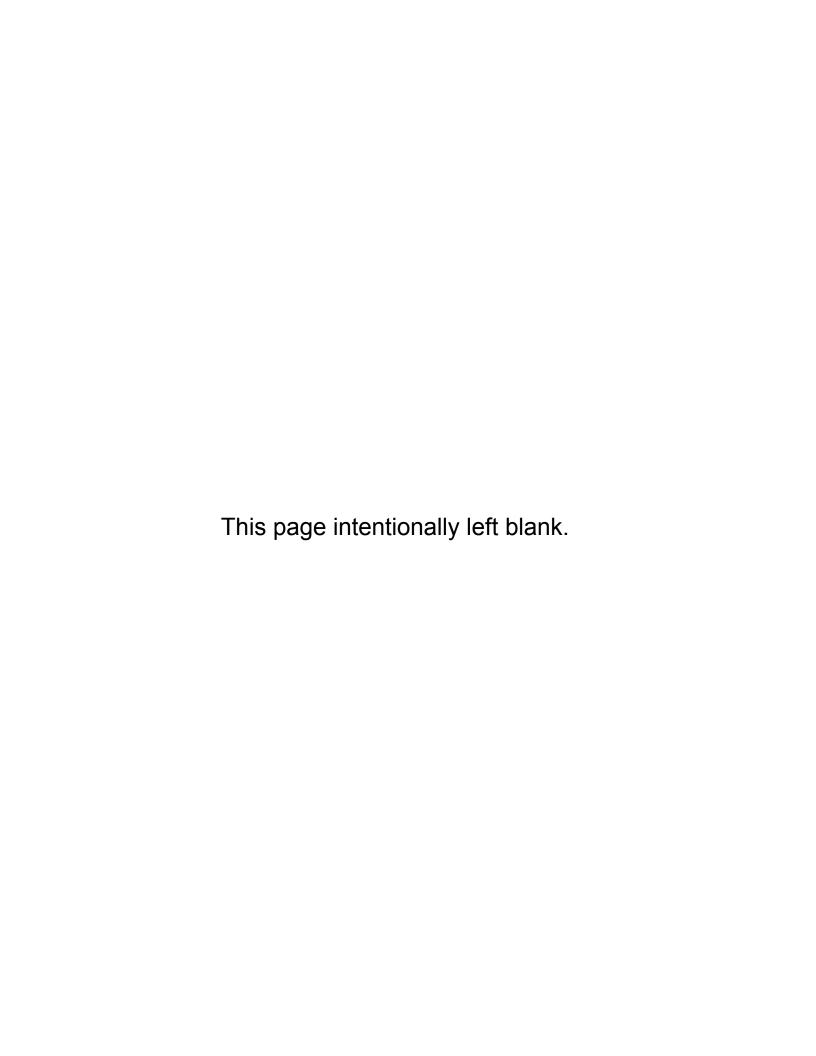
Based upon the information provided, no Section 10 or Section 404 permit is needed.

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,

Meegan G. Nagy, P.E.

Chief, Flood Protection and Navigation Section



Attachment C

KEY MAP AND LEGEND TYPICAL CROSS-SECTIONS

DEMOLITION PLAN

PLAN AND PROFILE

QUANTITY SHEET

CONSTRUCTION DETAILS

SHEET INDEX:

(T)

(K)

(D)

11-12 (CD)

GENERAL NOTES:

- 1. THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO CONTRACTORS".
- 2. BIDDING INFORMATION
 QUESTIONS REGARDING BIDDING PROCEDURES SHOULD BE
 ADDRESSED TO:

CITY OF VACAVILLE
DEPARTMENT OF PUBLIC WORKS
650 MERCHANT STREET
VACAVILLE, CALIFORNIA 95688
PHONE: 707-449-5170

NO ORAL INTERPRETATIONS OF BID DOCUMENTS WILL BE MADE BY CITY STAFF. REQUESTS FOR INTERPRETATION SHALL BE MADE IN WRITING AND DELIVERED TO THE CITY AT LEAST 7 WORKING DAYS BEFORE BID OPENING. INTERPRETATIONS BY THE CITY WILL BE IN THE FORM OF AN ADDEDUNG

- 3. THESE PLANS SHALL BE SUPPLEMENTED BY STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD PLANS AND SPECIFICATIONS DATED MAY 2006 AND CITY OF VACAVILLE STANDARD DRAWINGS AND SPECIFICATIONS (CURRENT EDITION).
- 4. THE CONTRACTOR SHALL VERIFY ALL CONTROLLING FIELD DIMENSIONS BEFORE ORDERING OR FABRICATING ANY MATERIAL.
- 5. BEFORE EXCAVATING CALL U.S.A. UNDERGROUND SERVICE ALERT (800-642-2444) 48 HOURS BEFORE ALL PLANNED WORK OPERATIONS.
- 6. THESE PLANS ARE THE PROPERTY AND COPYRIGHT OF THE CITY OF . HESE PLANS ARE THE PROPERTY AND COPYRIGHT OF THE CITY OF CONTROL OF THE CITY OF CONTROL OF THE CITY OF VACUALLE WITHOUT OF CONTROL OF THE CITY OF VACUALLE WITHOUT OF THE CITY OF VACUAL OF THE CITY OF THE CITY

CITY OF VACAVILLE DEPARTMENT OF PUBLIC WORKS

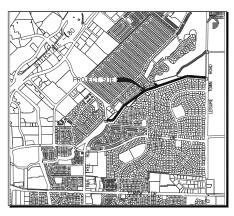
● VACAVILLE ●

● SOLANO COUNTY ●

● CALIFORNIA

PLANS FOR

ULATIS CREEK BIKE PATH FEDERAL PROJECT NO. CML- 5094 (046) MAY 2012



VICINITY MAP



LOCATION MAP



NOT FOR CONSTRUCTION

dance of					PROFESS/ONAL CASE
5			REVISIONS	_	
á				+	No. <u>C76393</u>
ij				-	¥ Exp. 12/31/12 /¥/
5				+	STATE OF SULFORNIT
į	NO.	DATE	DESCRIPTION	BY	ATE OF CALIFORN

	APPROVED BY:	RECOMMENDED APPROVAL BY:
STERED CIVIL ENGINEER DATE		
S APPROVAL DATE		
OF VACAVILLE RTMENT OF PUBLIC WORKS MERCHANT STREET MLLE, CA 95688	ROD MORESCO R.C.E. 38521 DIRECTOR OF PUBLIC WORKS	SHAWN L. CUNNINGHAM R.C.E. 51420 ASSIST. DIRECTOR OF PUBLIC WORKS

DRAWN	By Haile/Lucas	Checked C. Copeman	(TTY	0)F	V	4 ('AV	LI	E.	Γ	7	
DESIGN	By C. Copeman	Checked T. Skow	DE	PARTI	MEN	T	* 4			WOF	KS	l	6	
QUANTITIES	By C. Copeman	Checked T. Skow	Ţ	1	1	1	Ţ	1	Ţ	1101	I			
SCALE: HOR	IZONTAL: N/A	VERTICAL: N/A	۳	ORIGINAL	SCALE	IS IN	INCHES	FOR	REDUCED	PLANS	_	H		

80 0 80	L
VACAVILLE	DWY

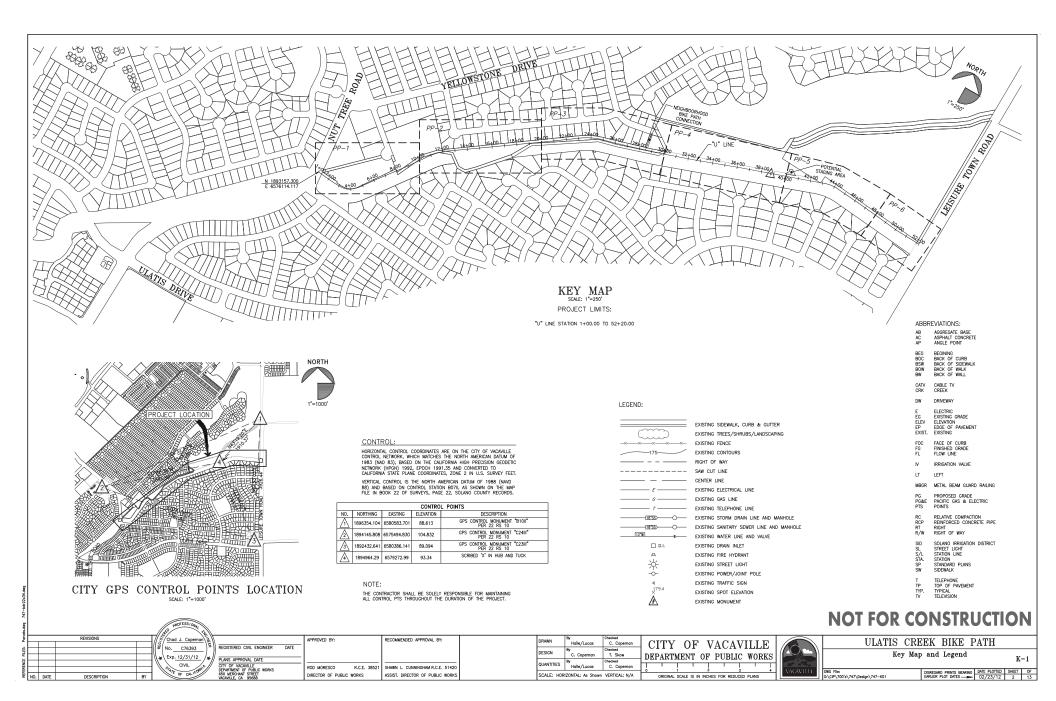
7	ULATIS	CREEK	BIKE
N		Title Sh	eet

/G File: \CIP\700's\747\Design\747-T01

DISREGARD PRINTS BEARING DATE PLOTTED SHEET OF EARLIER PLOT DATES 02/23/12 1 13

PATH

Attachment C



Attachment C

