

**Meeting of the Central Valley Flood Protection Board
July 27, 2012**

Staff Report – Encroachment Permit

**Central Valley Independent Network, LLC
Fiber Optic Cable Conduit, San Joaquin County**

1.0 – ITEM

Consider approval of Permit No.18749 (Attachment B)

2.0 – APPLICANT

Central Valley Independent Network, LLC (CVIN)

3.0 – LOCATION

The project is located along the west side right-of-way of State Highway Route 99 West Frontage Road at Duck Creek in San Joaquin County.
(Duck Creek, San Joaquin County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to bore (directional drill) a four inch diameter HDPE casing pipe beneath Duck Creek that will contain two 1.25-inch diameter HDPE fiber optic cable conduits.

5.0 – PROJECT ANALYSIS

The applicant is proposing to use horizontal directional drilling to install a four (4) inch diameter HDPE casing pipe beneath Duck Creek that will contain two (2) 1.25 inch HDPE fiber optic cable conduits. The casing pipe will be drilled a minimum of 30-feet below the channel invert to avoid any possibility that the pipe would become exposed due to stream scour. The entry and exit bore pits will be a minimum of 206-feet from the bank of the creek. The fiber optic cable will continue in both directions from Duck

Creek in the West Frontage Road right-of-way. The proposed project conforms to all Title 23 standards.

5.1 – Hydraulic Analysis

A hydraulic analysis was not required as the fiber optic conduit will be underground.

5.2 – Geotechnical Analysis

A geotechnical analysis was not required as the conduit will be placed sufficiently deep to avoid any potential impacts to the channel and/or levees.

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 March 13, 2012, 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 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 B.

7.0 – CEQA ANALYSIS

The Board, as a responsible agency under CEQA, has reviewed Initial Study/Negative Declaration (IS/ND) (September 2010, SCH# 2011042097) for the Central Valley Independent Network Fiber Optic Communication Network Project prepared by the lead agency, California Public Utilities Commission (CPUC). These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvpfb.ca.gov/meetings/2012/07-27-2012.cfm> under a link for this agenda item. These documents are also available for review in hard copy at the Board and CPUC offices.

CPUC determined that the project would not have a significant effect on the environment and approved the project with Resolution T-17295 on July 14, 2011 and

subsequently filed a Notice of Determination with the State Clearinghouse on October 17, 2011. Board staff has independently reviewed the subject documents and finds that the proposed project will not have a potentially significant effect on the environment.

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:

There will be no effect to the State Plan of Flood Control as the proposed fiber optic conduit will be installed 30-feet below Duck Creek.

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 fiber optic conduit from reasonable projected future events as the conduit will be underground.

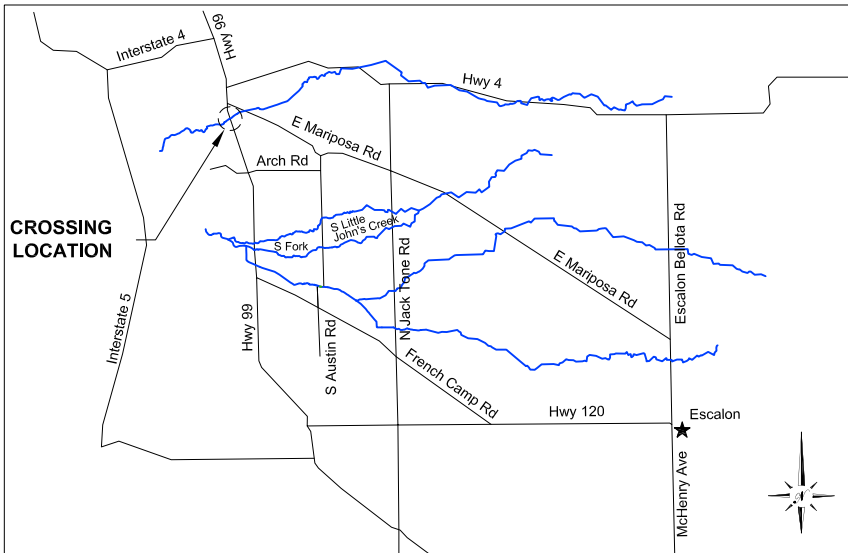
9.0 – STAFF RECOMMENDATION

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. 18749
- C. Project drawing

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



VICINITY MAP

NTS



DRAFT

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

PERMIT NO. 18749 BD

This Permit is issued to:

Central Valley Independent Network, LLC (CVIN)
855 M Street Suite 1120
Fresno, California 93721

To bore (directional drill) a four-inch diameter HDPE casing pipe beneath Duck Creek that will contain two 1.25-inch diameter HDPE fiber optic cable conduits. The project is located along the west side right-of-way of State Highway Route 99 West Frontage Road at Duck Creek in San Joaquin County. (Section 17, T1S, R7E, MDB&M, San Joaquin County Flood Control and Water Conservation District, Duck Creek, 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 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. 18749 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 construction 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 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 be responsible for all damages due to settlement, consolidation, or heave from any construction-induced activities.

TWENTY: The work area shall be restored to the condition that existed prior to start of work.

TWENTY-ONE: 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-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 permittee shall comply with all conditions set forth in the letter from San Joaquin County Flood Control and Water Conservation District dated March 13, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.

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

TWENTY-FIVE: 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.

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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) 468-2999

THOMAS M. GAU
DIRECTOR OF PUBLIC WORKS
FLOOD CONTROL ENGINEER

March 13, 2012

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

Attention: Central Valley Flood Protection Board
Floodway Protection Section

SUBJECT: CENTRAL VALLEY FLOOD PROTECTION BOARD PERMIT APPLICATION OF
CENTRAL VALLEY INDEPENDENT NETWORK, LLC (CVIN), ASSESSOR'S PARCEL
NOS. 179-100-10 AND 179-100-11, DUCK CREEK

Gentlemen:

Reference is made to the Central Valley Flood Protection Board Permit Application of CVIN to directionally drill 180 feet transversely beneath Duck Creek at South State Highway Route 99 West Frontage Road to place two 1.25-inch HDPE cable ducts with fiber optic cable. Drilling depth shall maintain a minimum of three feet along the creek banks and five feet along the creek bed.

The Project is located along the west side right-of-way of State Highway Route 99 West Frontage Road at Duck Creek in San Joaquin County, in Section 17, Township 1 South, Range 7 East, Mount Diablo Base and Meridian, adjacent to San Joaquin County Assessor's Parcel Nos. 179-100-10 and 179-100-11.

The San Joaquin County Flood Control and Water Conservation District (District) has reviewed the Board Permit Application of CVIN (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 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's or Successors-in-Interest sole cost and expense.
4. The Permittee shall be liable for any damage to Duck Creek that may occur as a result of this Project.
5. The Project shall be constructed in accordance with the plans dated February 7, 2012, submitted with the application dated February 8, 2012. Any revisions to the Project will require the submittal of the revised plans to the District for review and approval.
6. No work shall be allowed in the Duck Creek channel between November 1st and April 15th without prior approval of the Central Valley Flood Protection Board and the District.

7. The Permittee or Successors-in-Interest shall keep the encroachment(s) properly maintained in accordance with applicable current or future local, State, and Federal standards.
8. There shall be a minimum of five feet of cover between the bottom of channel and the ducts.
9. The portal and outlet drilling pits must be a minimum distance of 25 feet landward from the bank hinge point.
10. District approved visible markers shall be installed and maintained by the Permittee to identify the location of the buried conduits (see enclosure).
11. Should significant future damage to, abandonment or removal of an existing encroachment covered by the permit occur, 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.
12. Access roads shall be kept open for maintenance at all times.
13. Upon completion of the Project, Central Valley Independent Network, LLC, shall submit a hard copy and an electronic copy in AutoCAD and pdf format of the as-built drawings to:

San Joaquin County Flood Control and Water Conservation District
1810 East Hazelton Avenue
Stockton, California 95205

and

San Joaquin Area Flood Control Agency
22 East Weber Avenue
Stockton, California 95202.

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:RF:mk
FM-12C013-M1

Enclosure

Utility Markers in Road Rights of Way

Markers in areas of the right of way in which signs are permitted according to San Joaquin County Improvement Standards R-23 and R-25 and:

Steel posts shall conform to the standard specifications for cold rolled carbon sheet steel, commercial quality, ASTM A-446 or hot rolled carbon steel sheet, structural quality, ASTM A-570-90 and ASTM A-653-94 structural grade 50. Posts should be crash tested and approved by another government agency. The post shall be FHWA and Caltrans approved. The square end of the post can be pointed for easy penetration and shall be capable of being driven into the ground by the use of an approved driving cap.

Corner weld steel shall be carefully rolled to size and shall be welded directly in the corner by high frequency resistance welding and externally scarfed to agree with corner radii. Corner weld should be zinc coated after scarfing operation.

The manufacturers name shall be metal die stamped along the length of the tubing to insure identification. The spacing between the stamps shall not exceed 24". The stamp shall be along one side on the outside for easy identification.

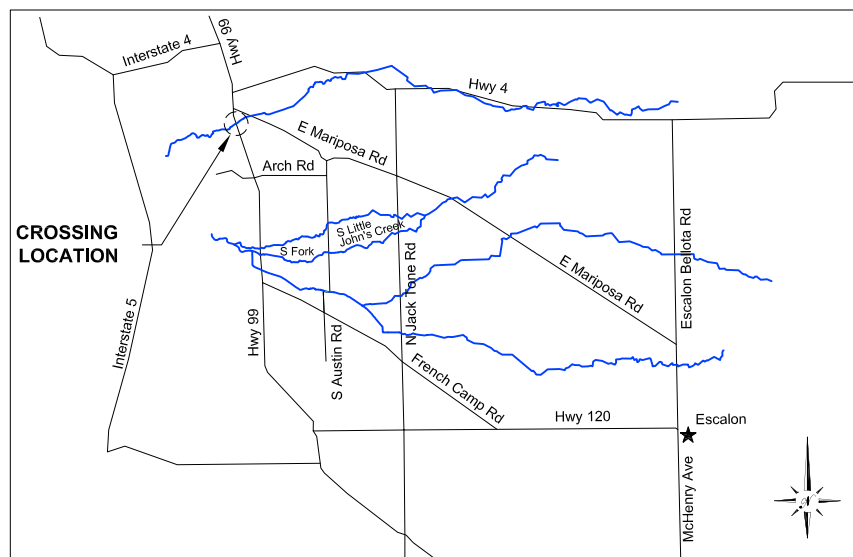
Post Saddle shall conform to L.A.D.O.T. Standard Drawing No. S-4960.0

Drive Rivets shall conform to L.A.D.O.T. Standard Drawing No. S-495.0.

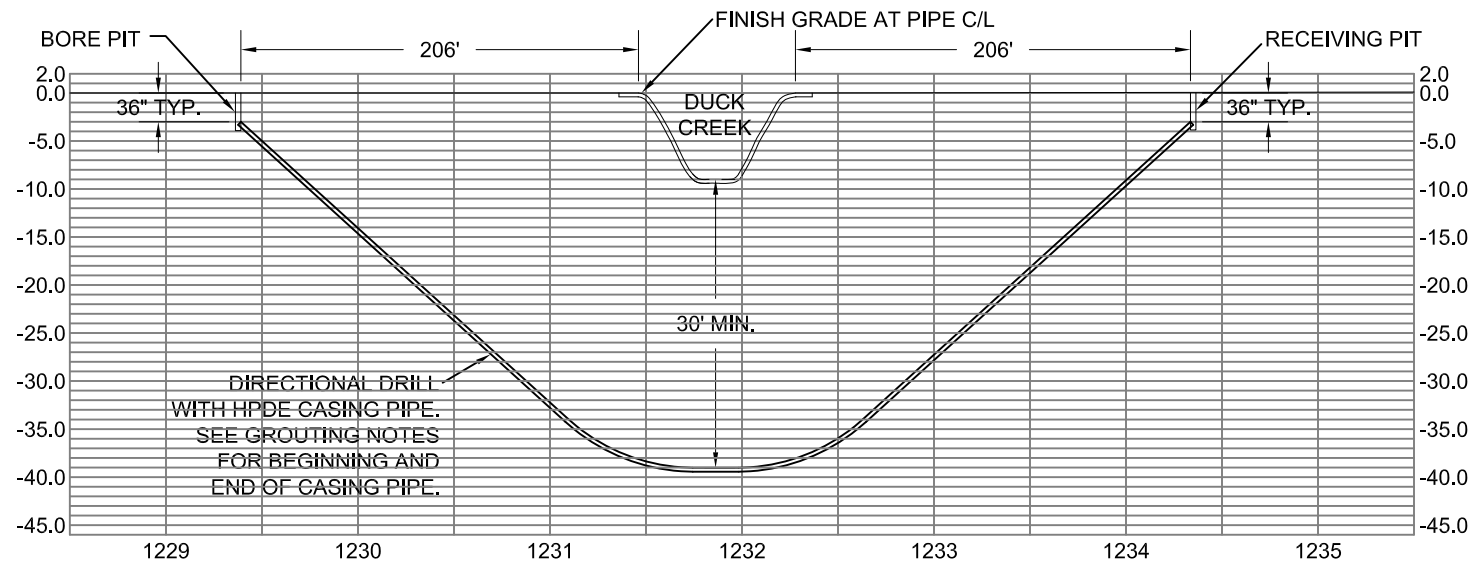
Drivable Flush-mount Anchor System shall conform to L.A.D.O.T. Standard.

The cross section of the post shall be square or rectangular tube formed of 12 gauge steel, carefully rolled to size and shall be welded directly in the corner by high frequency resistance welding and externally scarfed to agree with corner radii.

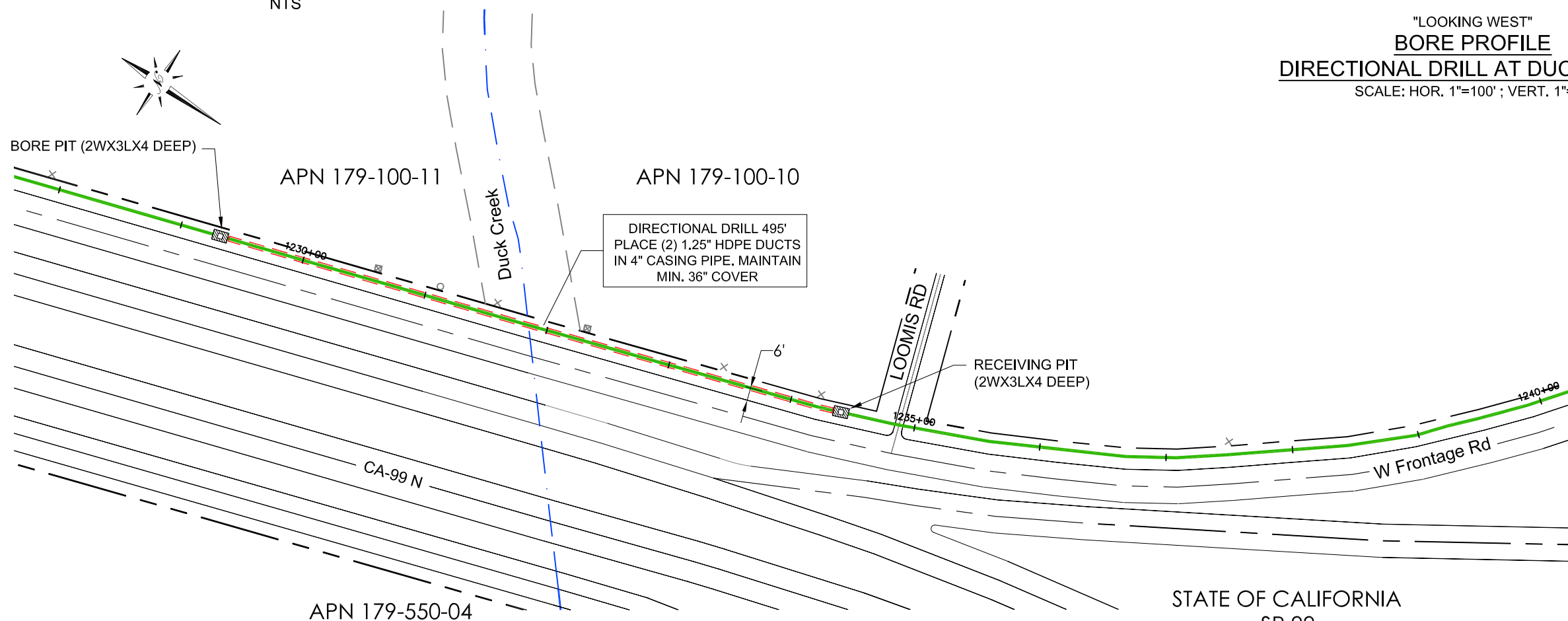
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VICINITY MAP
NTS

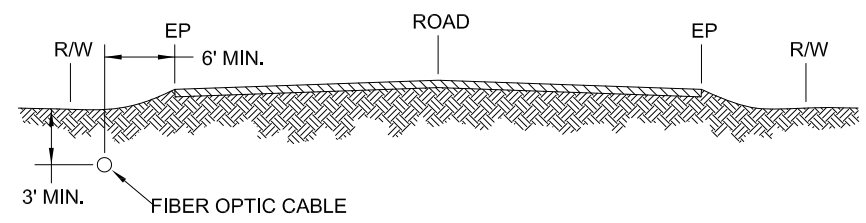


"LOOKING WEST"
BORE PROFILE
DIRECTIONAL DRILL AT DUCK CREEK
SCALE: HOR. 1"=100' ; VERT. 1"=20'



DIRECTIONAL DRILL 495'
PLACE (2) 1.25" HDPE DUCTS
IN 4" CASING PIPE. MAINTAIN
MIN. 36" COVER

- GROUTING NOTES:**
- GROUTING MATERIAL SHALL BE A CEMENT MIXTURE OF PCC AND CLEAR POTABLE WATER WITH UP TO 5% (DRY WEIGHT) OF CLEAN FINE SAND AS AN AGGREGATE AND UP TO 5% (DRY WEIGHT) OF BENTONITE OR POZZOLAN AS A LUBRICANT.
 - BOTH ENDS OF THE BORE SHALL BE GROUTED WITHIN 72 HOURS AFTER COMPLETION OF THE BORING OPERATION WITH THE USE OF A GROUTING TUBE. GROUT SHALL BE PUMPED INTO THE ANNULUS OF THE CASING PIPE UNTIL IT RETURNS TO THE SURFACE OF THE END OF THE PIPE.
 - GROUTING PRESSURE SHALL BE MONITORED TO PREVENT HYDROFRACTURING.



"LOOKING NORTH"
TYPICAL FIBER PLACEMENT
SCALE: NTS

REV	DATE	DESCRIPTION	BY	CKD	APP'VD	PLANS FOR THE INSTALLATION OF UNDERGROUND FIBER OPTIC FACILITIES				
						Engineering Associates, Inc. 445 W. 11th St. (Suite B) Tracy, Ca, 95376 Ph. 209-830-0162 Fax 209-830-8157				
						DATE:	SCALE:	SEGMENT:	SHEET:	TOTAL:
						2/07/2012	1" = 100'	17 STOCKTON SOUTH	01	02

CVIN PERMIT: SS-S04FC

Engineering Associates, Inc.
445 W. 11th St. (Suite B)
Tracy, Ca, 95376
Ph. 209-830-0162
Fax 209-830-8157



DATE: 2/07/2012
SCALE: 1" = 100'
SEGMENT: 17 STOCKTON SOUTH
SHEET: 01
TOTAL: 02