

**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**

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**1.0 – ITEM**

Consider approval of Permit No.18750 (Attachment B)

**2.0 – APPLICANT**

Central Valley Independent Network, LLC (CVIN)

**3.0 – LOCATION**

The project is located along the west side of the South Austin Road right-of-way at Lone Tree Creek in San Joaquin County.

(Lone Tree 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 Lone Tree 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 Lone Tree 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 217-feet from the bank of the creek. The fiber optic cable will continue in both directions from Lone

Tree Creek in the South Austin 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 been received for this application. The USACE District Engineer has no comments or recommendations to the project as the proposed work does not affect a federally constructed project. The letter is incorporated 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 Lone Tree 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, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

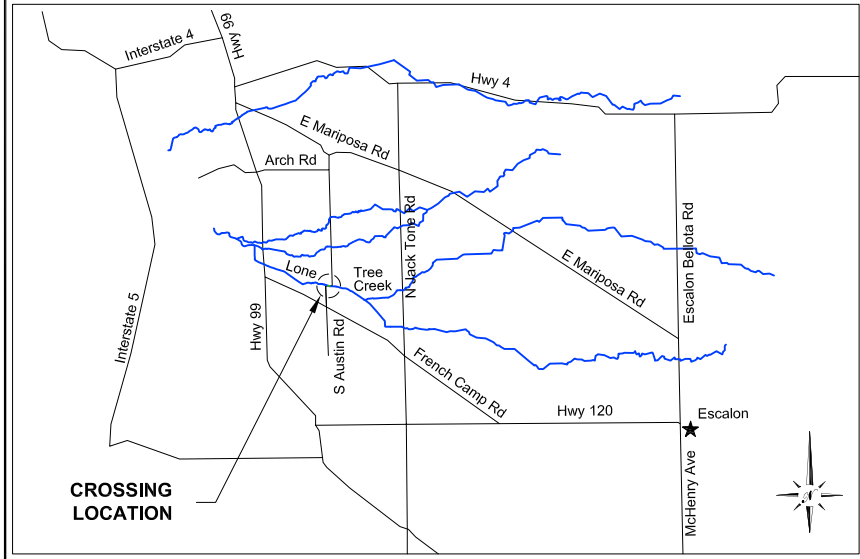
**10.0 – LIST OF ATTACHMENTS**

- A. Location Maps and Photos
- B. Draft Permit No. 18750
- 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

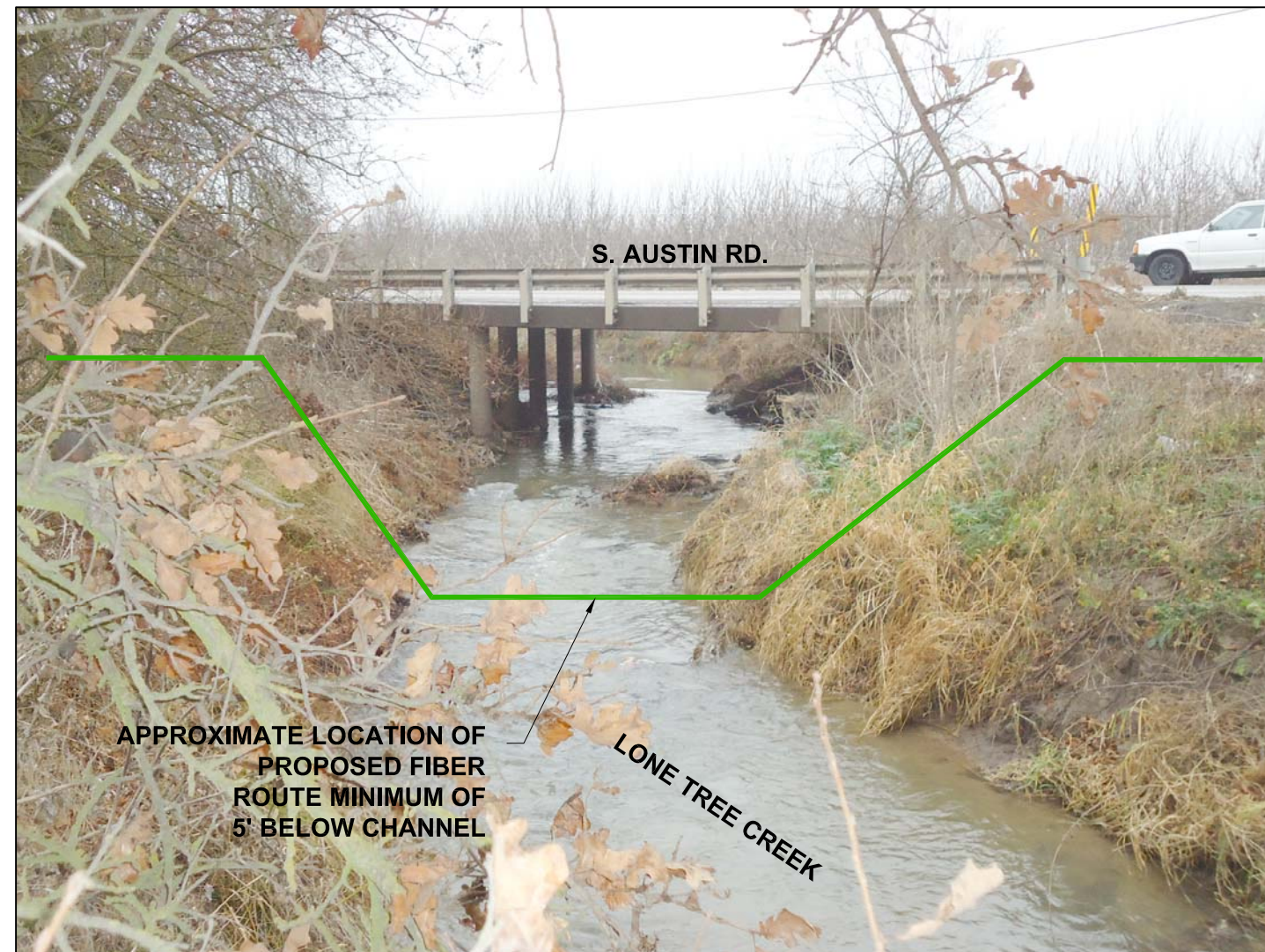


**CROSSING  
LOCATION**







"LOOKING EAST"  
LONE TREE CREEK  
 NTS



"LOOKING SOUTH"  
LONE TREE CREEK  
 NTS

CVIN PERMIT: SS-S01FC

REV	DATE	DESCRIPTION	BY	CKD	APPVD	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	NTS	17 STOCKTON SOUTH	02	02				

**DRAFT**

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

**PERMIT NO. 18750 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 Lone Tree Creek that will contain two 1.25-inch diameter HDPE fiber optic cable conduits. The project is located along the west side of the South Austin Road right-of-way at Lone Tree Creek in San Joaquin County. (Section 9, T1S, R7E, MDB&M, San Joaquin County Flood Control and Water Conservation District, Lone Tree 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. 18750 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: 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-THREE: 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-FOUR: 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-FIVE: 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-SIX: The letter from the Department of the Army dated May 30, 2012 is attached to this permit as Exhibit B and is incorporated by reference.

TWENTY-SEVEN: 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  
NO. 201-070-10, LONE TREE CREEK.

Gentlemen:

Reference is made to the Central Valley Flood Protection Board Permit Application of CVIN to directionally drill 399 feet transversely beneath Lone Tree Creek at South Austin Road to place two 1.25-inch HDPE ducts with fiber optic cable. Drilling depth shall maintain a minimum depth of three feet along the creek banks and five feet along the creek bed.

The Project is located along the west side of the South Austin Road right-of-way at Lone Tree Creek in San Joaquin County, in Section 10, Township 1 South, Range 7 East, Mount Diablo Base and Meridian, adjacent to San Joaquin County Assessor's Parcel No. 201-070-10.

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 or Successors-in-Interest shall be liable for any damage to Lone Tree Creek that may occur as a result of this Project.
5. The Project shall be constructed in accordance with the plans dated February 27, 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 Lone Tree 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 water line bore casing.
9. The portal and outlet drilling pits must be a minimum distance of 50 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. Access roads shall be kept open for maintenance at all times.
12. 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 District standards and permit requirements in effect at the time, including type and location.
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

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-12C012-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.

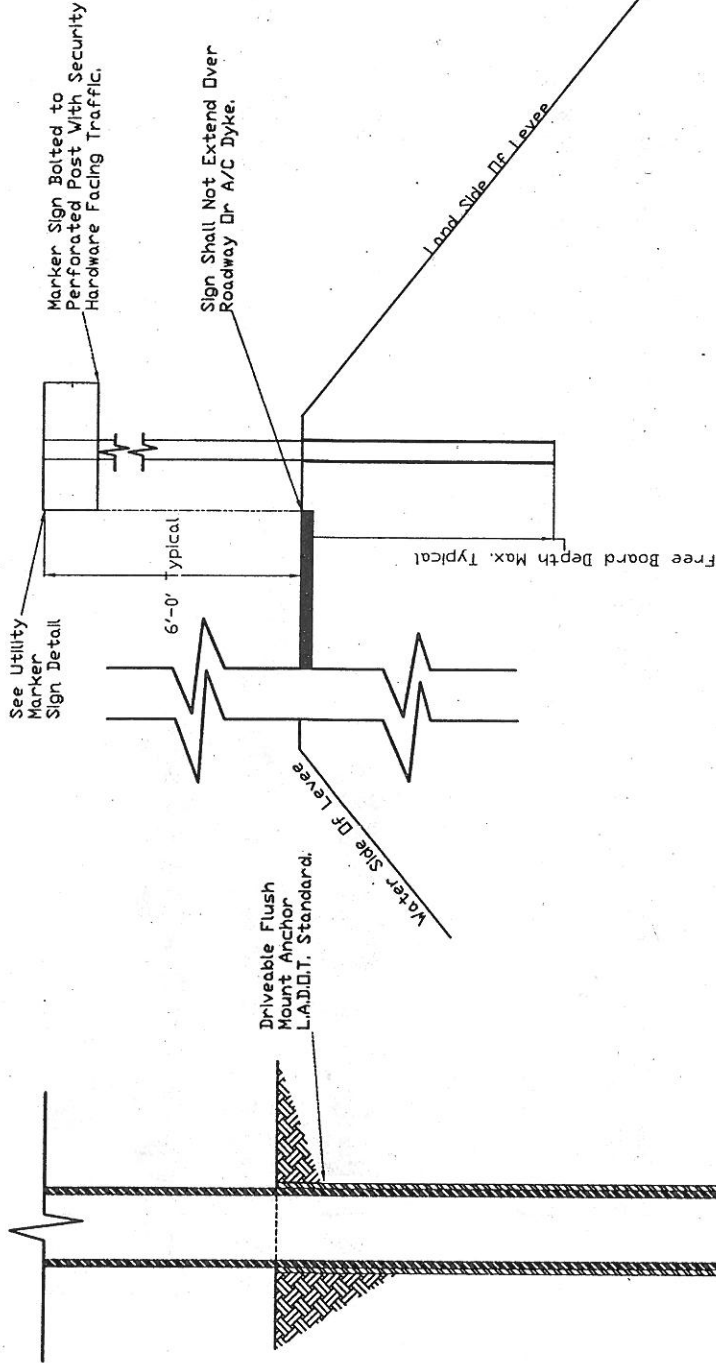
Post Saddle shall conform to L.A.D.O.T. Standard Drawing No. S-4960.0

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.





**NOTES**

1. Security hardware shall conform to L.A.D.D.T. Standard Drawing S-46900
2. Driveable Flush-Mount Anchor System shall conform to L.A.D.D.T. Standard
3. Utility marker sign shall be made of 1/8 inch steel plate minimum with lettering cut through, welded to each post (See Sign Detail).
4. For multiple utility crossings being installed at one time that are in close proximity, only markers delineating the outer utility crossing are required.
5. If utility crossings are not underground at the toe of the land side levee, marker post are only required on the land side of levee.

Right of Way line  
Property Easement

DATE	BY	REVISION	DATE	BY	REVISION	DATE	BY	REVISION

PROJECT ENGINEER: \_\_\_\_\_ DATE: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DESIGNED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DRAWN BY: \_\_\_\_\_ DATE: \_\_\_\_\_

SCALE: NO SCALE

COUNTY OF SAN JOAQUIN

UTILITY MARKERS LEVEE ROADS

SAN JOAQUIN COUNTY STANDARDS

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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 (18750)

MAY 30 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 Central Valley Independent Network, LLC (application number 18750). This project includes boring (by directional drill) a four inch diameter HDPE casing pipe beneath Lone Tree Creek. The project is located along the west side of South Austin Road at Lone Tree Creek, at 37.8556°N 121.1851°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.

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

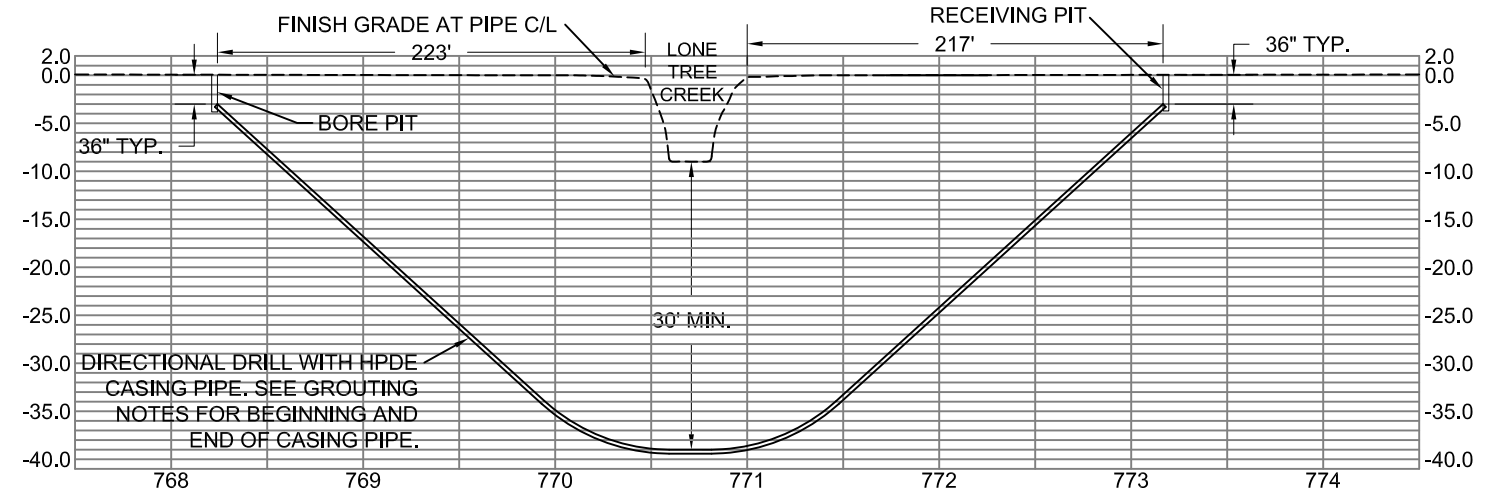
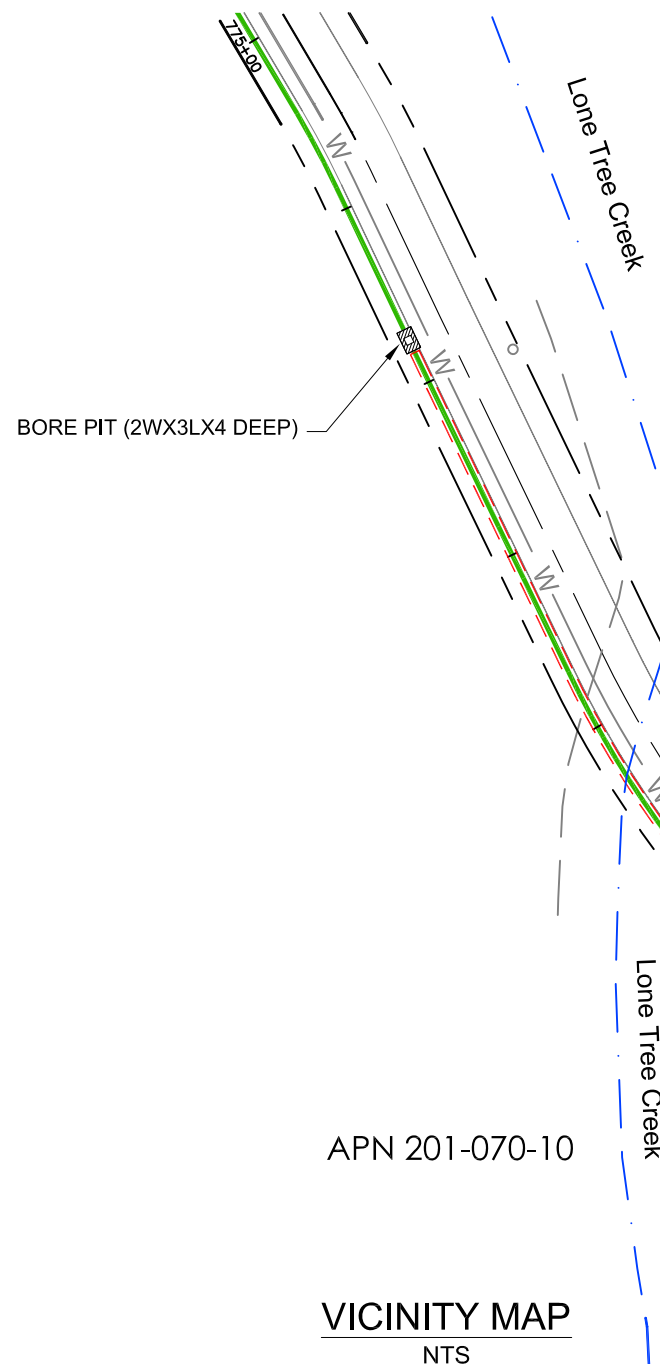
A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,

A handwritten signature in cursive script that reads "Ryan T. Jansen".

for  
Meegan G. Nagy, P.E.  
Chief, Flood Protection and Navigation Section

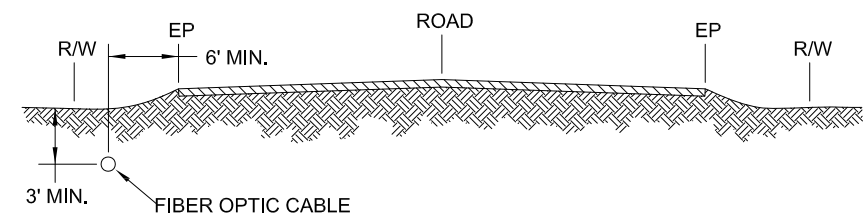
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DIRECTIONAL DRILL 493'  
PLACE (2) 1.25" HDPE DUCTS  
IN 4" CASING PIPE. MAINTAIN  
MIN. 36" COVER

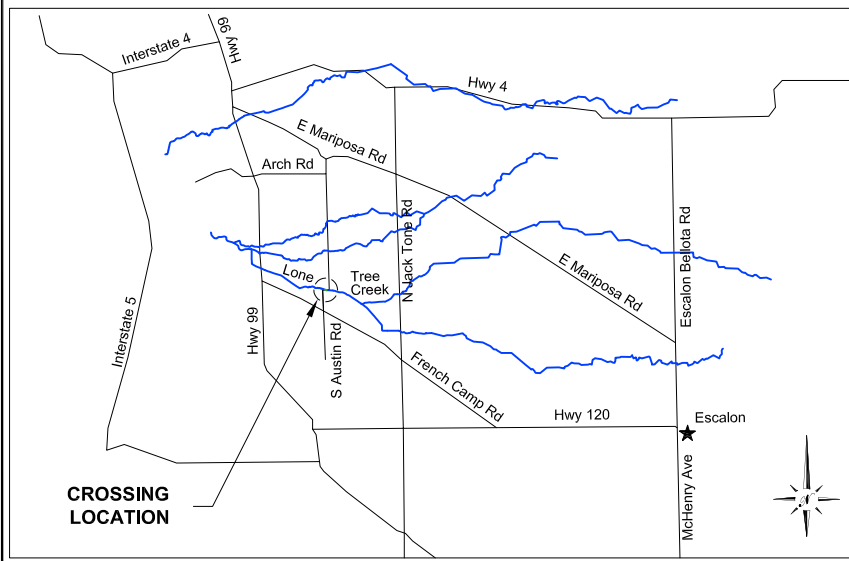
RECEIVING PIT  
(2WX3LX4 DEEP)

APN 201-080-16



**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.



REV	DATE	DESCRIPTION	BY	CKD	APP'VD

CVIN PERMIT: SS-S01FC

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

855 M Street, Suite 1120, Fresno, CA 93721

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