

**Meeting of the Central Valley Flood Protection Board
August 24, 2012**

**Staff Report – Encroachment Permit
CA Department of Water Resources
Stream Gage Modification, Merced County**

1.0 – ITEM

Consider approval of Permit No. 18771 (Attachment B)

2.0 – APPLICANT

CA Department of Water Resources

3.0 – LOCATION

The project is located on the right (east) bank overflow area of the Eastside Bypass just below Mariposa Bypass.

(Eastside Bypass, Merced County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to authorize an existing gaging station and install a water quality probe in the Eastside Bypass.

5.0 – PROJECT ANALYSIS

The applicant is proposing to install a new water quality sonde to an existing gaging station in the Eastside Bypass just below the Mariposa Bypass. The new probe will be connected to the gaging station with approximately 195-feet of 1.25-inch diameter galvanized steel pipe that will house the data line. This pipe will be secured to the existing ground with driven rebar. Approximately 30-feet of 4-inch diameter polyvinyl chloride (PVC) pipe will be connected to the end of the steel pipe and will contain the water quality probe. The PVC pipe will be anchored to the bank and channel bottom by two concrete pads that will be secured with driven steel posts. A pickup will be used to transport all materials to the site and all work will be done by hand.

5.1 – Hydraulic Analysis

The new water quality sonde will cause minimal hydraulic impact; therefore a hydraulic analysis was not required.

5.2 – Geotechnical Analysis

The scope of work for the proposed project does 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:

- Lower San Joaquin Levee District endorsed the project on April 17, 2012, by Resolution No. 617-12 with no conditions.
- 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 A.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA Findings:

The Board, as a Responsible Agency under CEQA, has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND, SCH No. 2001071065, September 2002), and the Mitigation and Monitoring Plan for the Stream Gage Maintenance Project, prepared by the lead agency, the Department of Water Resources (DWR). 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/2012/08-24-2012.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and DWR's Fresno office.

DWR has determined that the project would not have a significant effect on the environment and filed a Notice of Determination on September 9, 2002. On April 30,

2012, DWR approved an addendum to the Initial Study/Mitigated Negative Declaration, indicating no new significant environmental effects from the addition of new maintenance activities.

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 Mitigation and Monitoring Plan and address impacts to biological resources, geologic hazards, hazardous materials, public services, traffic and transportation, and water quality. The description of the mitigation measures are further described in the adopted Mitigation and Monitoring Plan.

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 facilities of the State Plan of Flood Control, and consistency of the proposed project with the Central Valley Flood Protection Plan as adopted by Board Resolution 2012-25 on June 29, 2012:

The proposed project will have no adverse effect on facilities of the State Plan of Flood Control and is consistent with the Central Valley Flood Protection Plan.

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

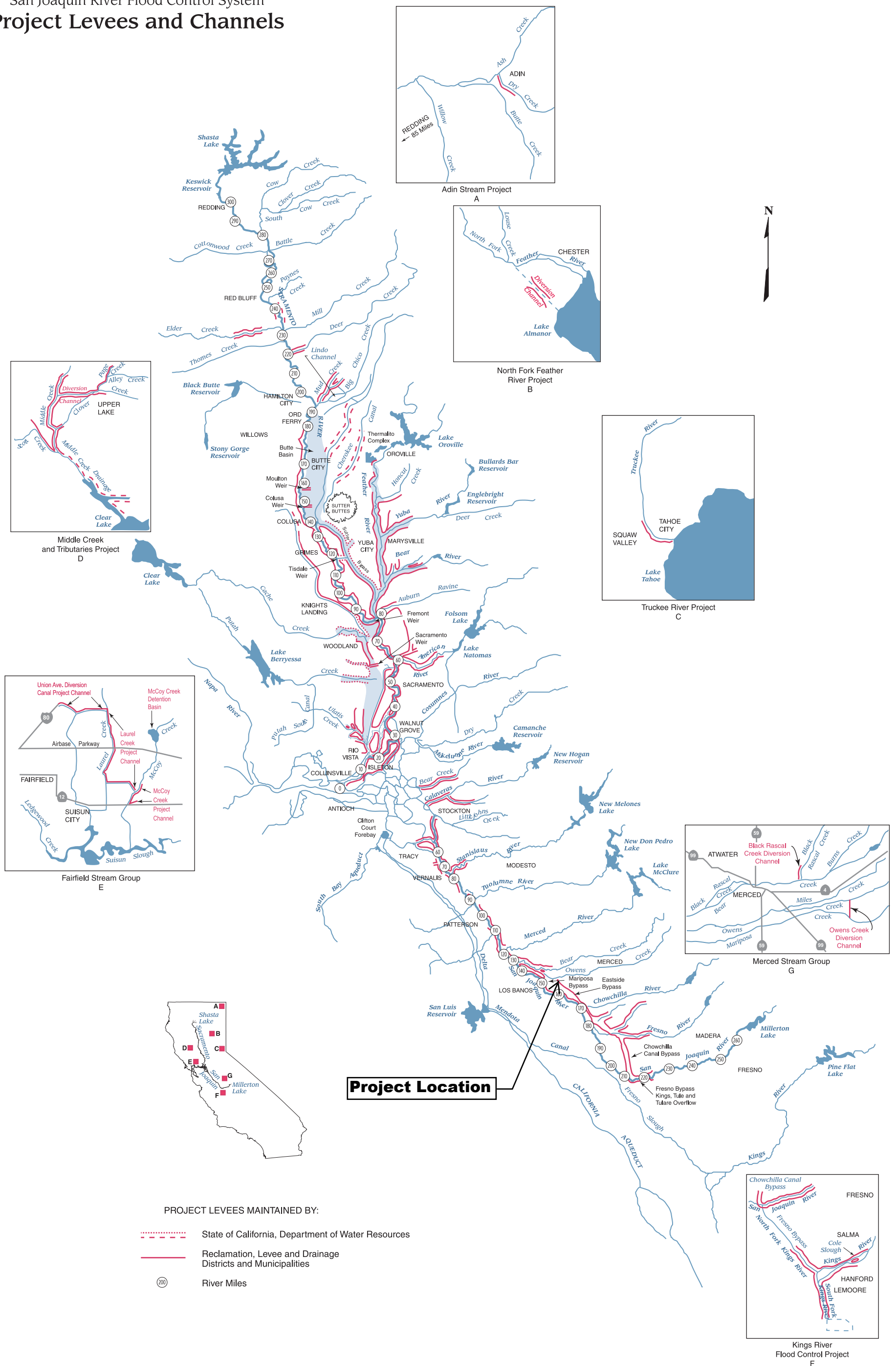
Staff recommends that the Board adopt the CEQA findings and approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and direct staff to file a Notice of Determination with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

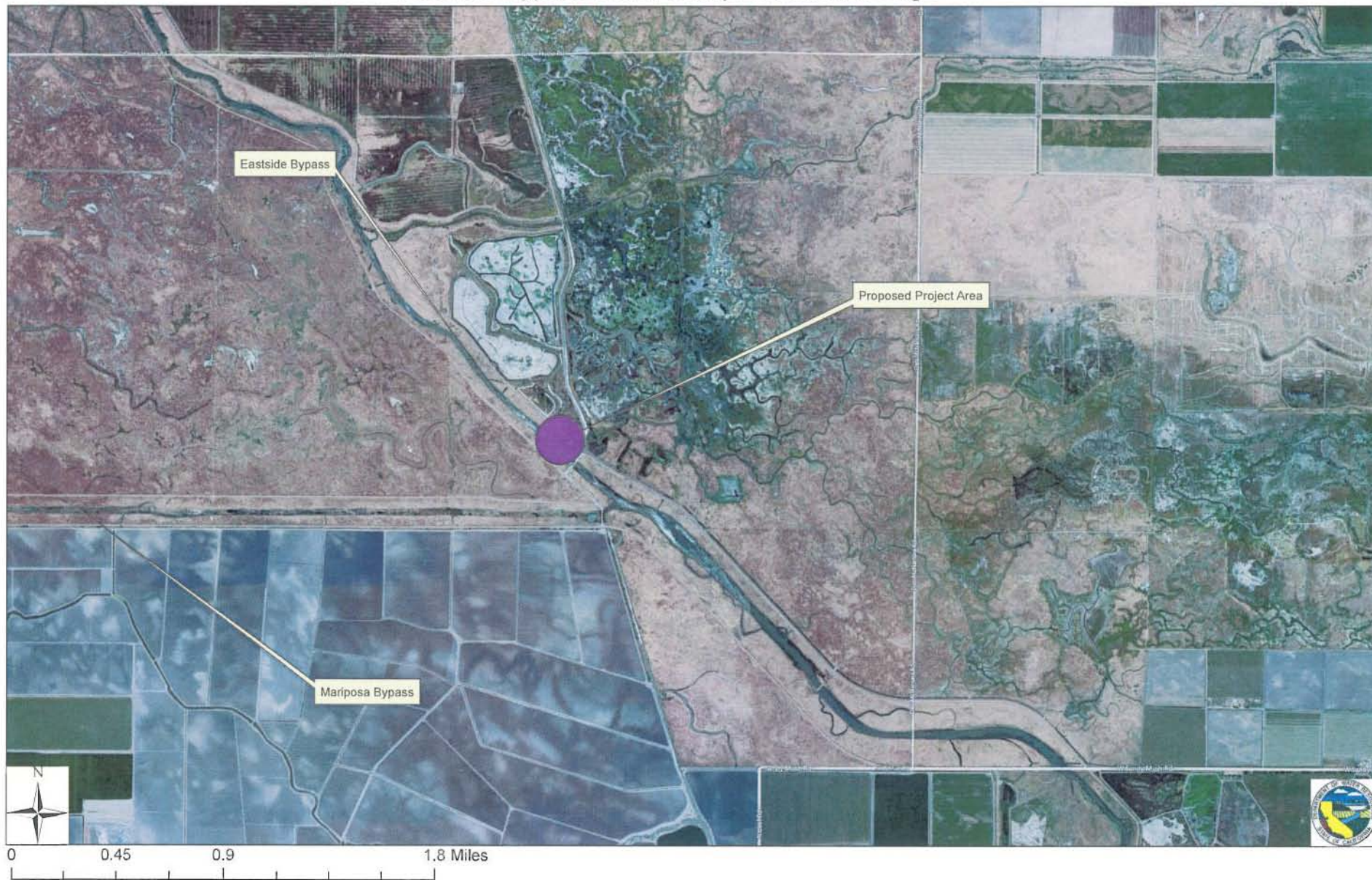
- A. Location Maps and Photos
- B. Draft Permit No. 18771
- C. Project Drawing

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

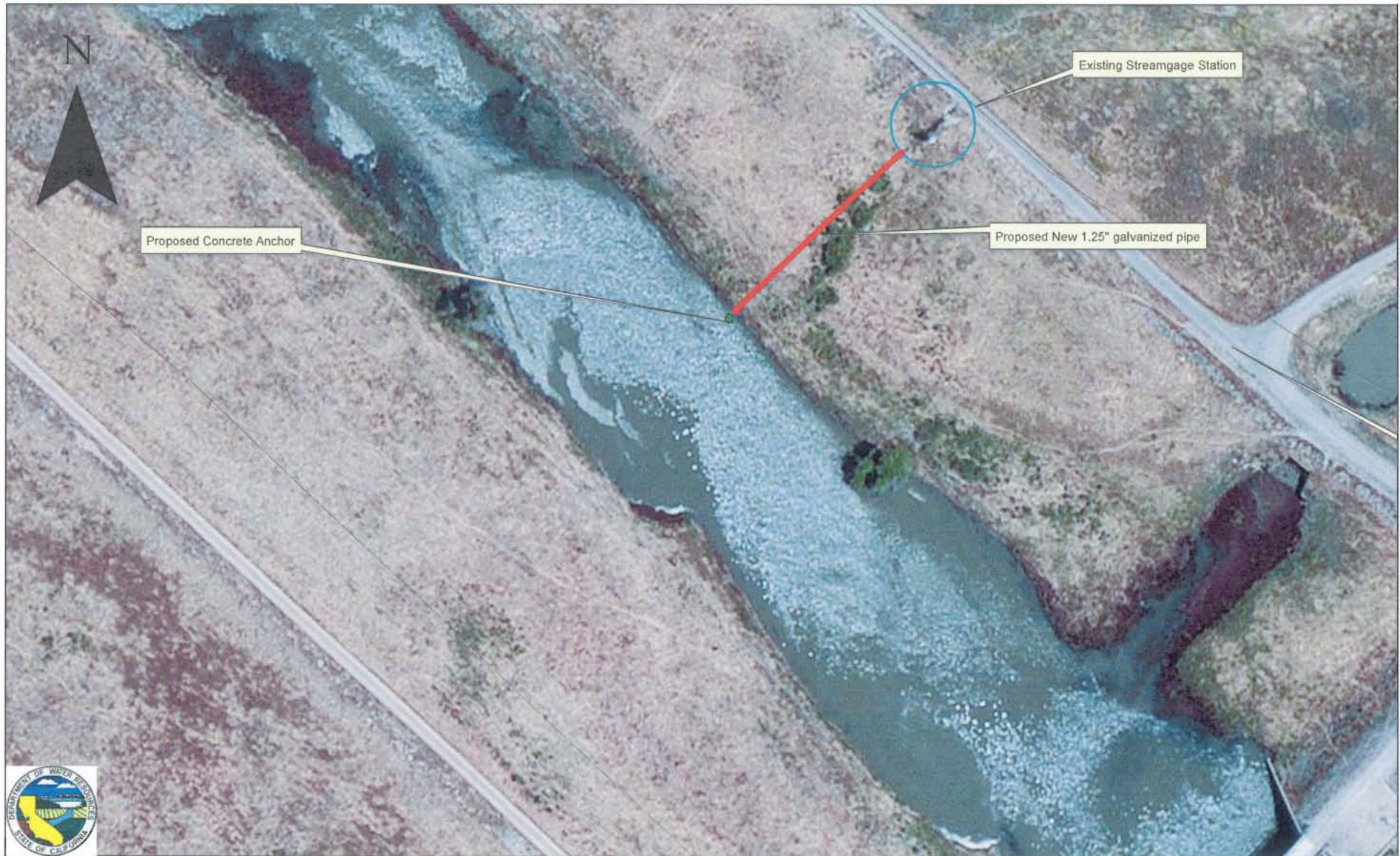
The Sacramento River and the San Joaquin River Flood Control System Project Levees and Channels



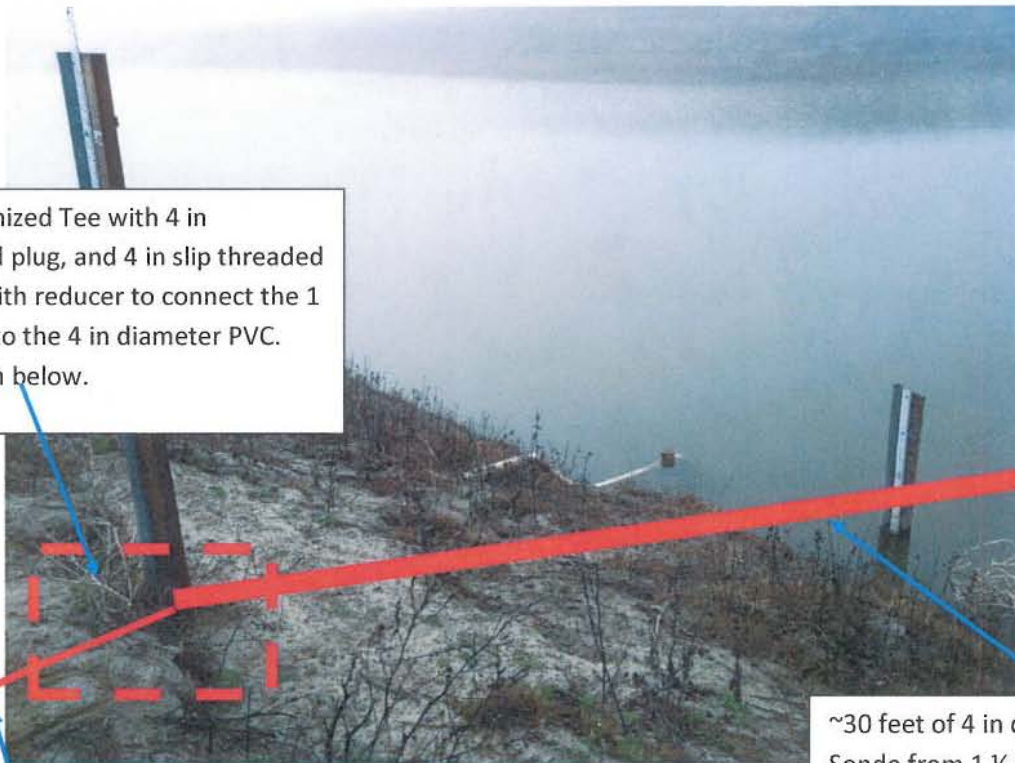
Eastside Bypass Below Mariposa Stream Gage



Eastside Bypass below Mariposa Streamgage Project Features

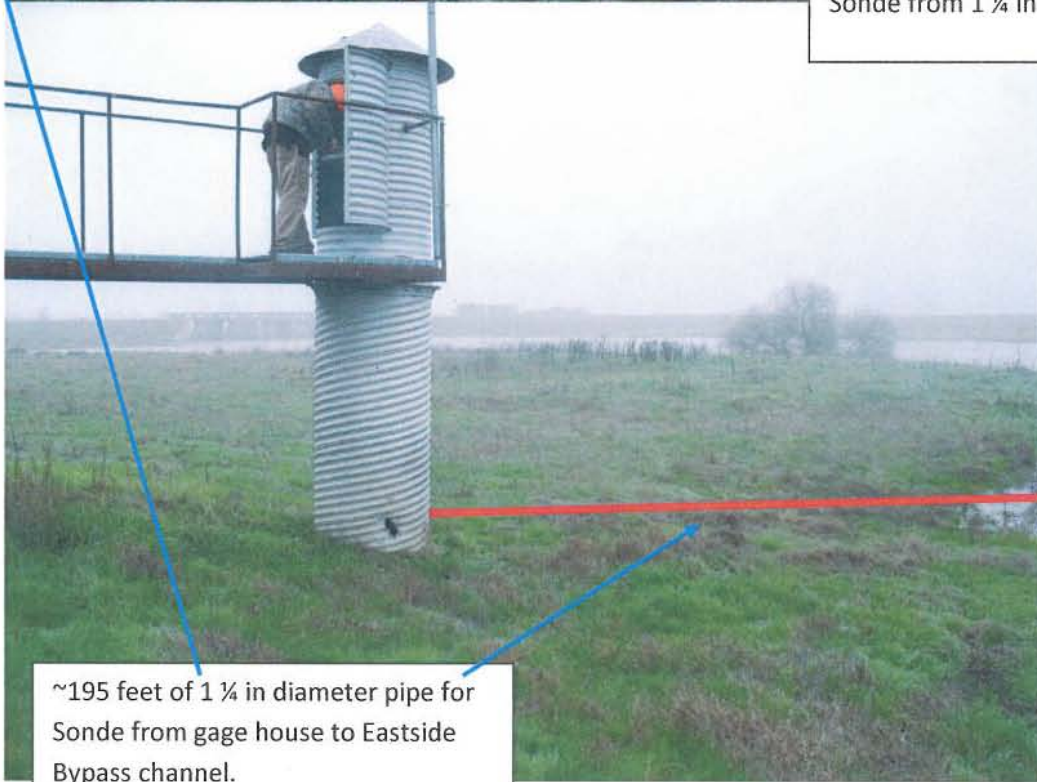


0 87.5 175 350 Feet



4 in galvanized Tee with 4 in galvanized plug, and 4 in slip threaded coupler with reducer to connect the 1 ¼ in pipe to the 4 in diameter PVC. See sketch below.

~30 feet of 4 in diameter PVC pipe for Sonde from 1 ¼ in dia pipe to channel.



~195 feet of 1 ¼ in diameter pipe for Sonde from gage house to Eastside Bypass channel.



~195 feet of 1 ¼ in diameter pipe for Sonde from gage house to Eastside Bypass channel.

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DRAFT

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

PERMIT NO. 18771 BD

This Permit is issued to:

California Department of Water Resources
3374 E. Shields Ave
Fresno, California 93726

To authorize an existing gaging station and install a water quality probe in the Eastside Bypass. The project is located on the right (east) bank overflow area of the Eastside Bypass just below Mariposa Bypass. (Section 30, T8S, R12E, MDB&M, Lower San Joaquin Levee District, Eastside Bypass, Merced 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. 18771 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 the Lower San Joaquin Levee 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 July 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: All debris generated by this project shall be disposed of outside the project works.

TWENTY: If any of the encroachments result in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

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: Debris that may accumulate on the encroachment(s) shall be cleared off and disposed of outside of the floodway after each period of high water.

TWENTY-THREE: The mitigation measures approved by the CEQA lead agency and the permittee are found in its Mitigation and Monitoring Reporting Program (MMRP) adopted by the CEQA lead agency. The permittee shall implement all such mitigation measures.

TWENTY-FOUR: 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.

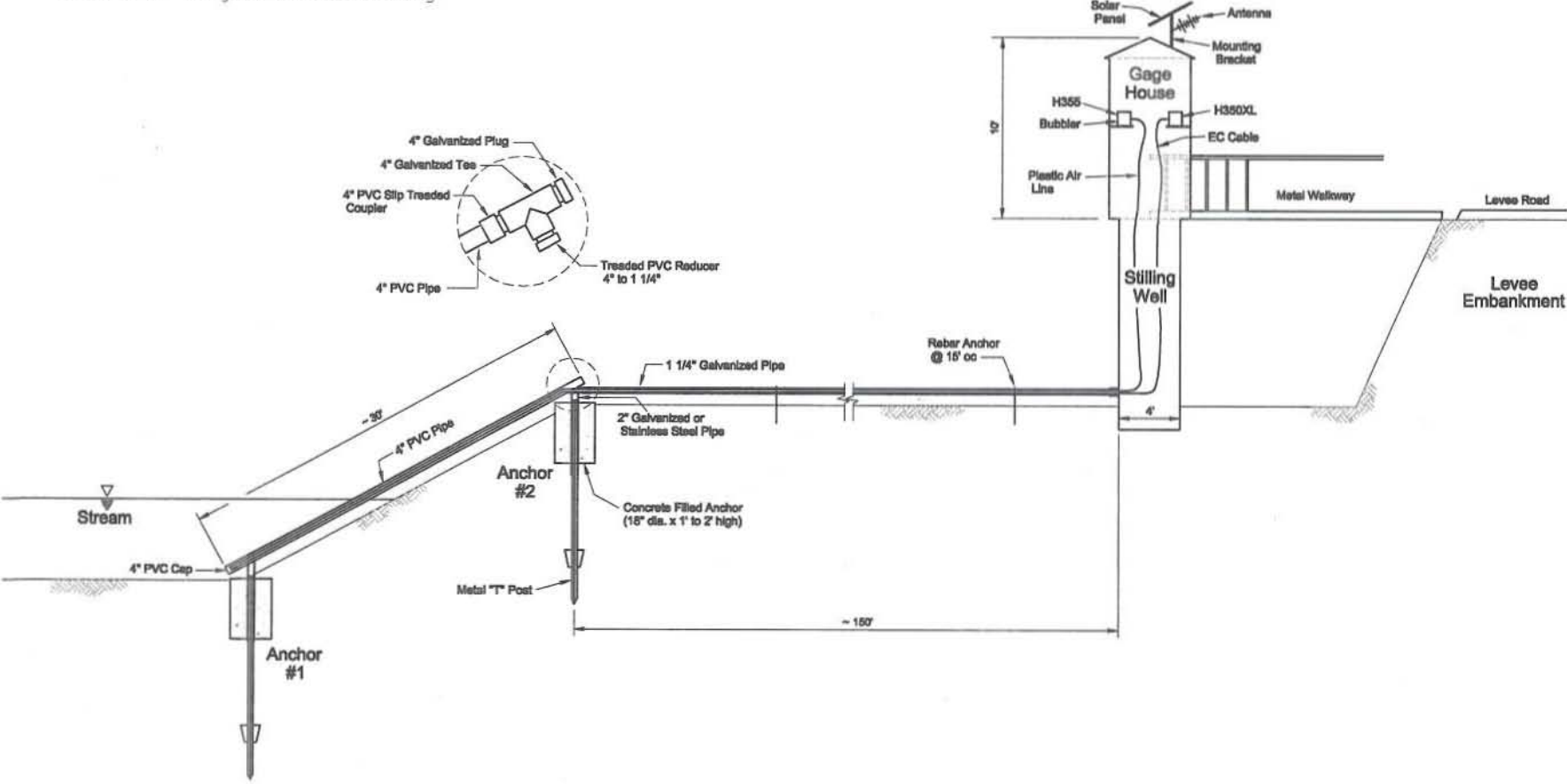
TWENTY-FIVE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control 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-SIX: 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-SEVEN: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated August xx, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.

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Exhibit D: Project Profile Drawing



Eastside Bypass
(Drawing not to scale.)