

**Meeting of the Central Valley Flood Protection Board
September 28, 2012
Staff Report – Encroachment Permit
Westlands Water District
Access Ramp and Tide Gate Replacement, Yolo County**

1.0 – ITEM

Consider approval of Permit No. 18797 (Attachment B)

2.0 – APPLICANT

Westlands Water District

3.0 – LOCATION

The project is located approximately 10.5-miles southeast of Dixon on the west side of the Yolo Bypass just north of Liberty Island Road as it turns south onto the crown of the east project levee of Reclamation District 2098.
(Yolo Bypass, Yolo County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to authorize an existing waterside access ramp and to reconstruct two tide gates for water supply and controlled water surface elevation for lands irrigated from the levee borrow channel, tributary to Shag Slough, within the Yolo Bypass. The new tide gates will consist of two (2) 48-inch diameter CMP's with Briggs twin-track weirs and combination gates.

5.0 – PROJECT ANALYSIS

The proposed project involves the reconstruction of a tide gate located at the northern extent of Shag Slough that was washed out during the spring of 2011. The tide gate is used to control water levels in the borrow channel north of Shag Slough that was excavated in 1953 to construct the adjacent west levee of the Yolo Bypass.

The tide gate will be reconstructed in the exact location as the one that washed out, at the point that separates Shag Slough from the unnamed borrow ditch. This channel acts as a drain for the larger Yolo Bypass when the level of inundation in the bypass is high – typically in the winter and spring months – and as a supply and drainage conveyance channel for adjacent agricultural operations during the remaining portion of the year.

An Automatic Board Order was issued for the waterside access ramp goes over the tide gates on July 26, 1974 (ABO No. 10161). However, the recently completed Periodic Inspections (PI) conducted by the U.S. Army Corps of Engineers (Corps) identified the access ramp as being a “marginally acceptable” encroachment because there are no records that indicate the Corps had reviewed or commented on the ramp. Including the waterside access ramp with Permit No. 18797 will result in the reclassification of the ramp as an acceptable encroachment by the Corps.

5.1 – Authority of the Board

- California Code of Regulations, Title 23-Waters, Division 1, Article 3, §6 - Need for a Permit; Article 8, §112 – Streams Regulated, §130 - Patrol Roads and Access Ramps; Article 9, §193 – Categorically Exempt Activities.

5.2 – Hydraulic Analysis

The waterside access ramp blocks less than 1% of the width of the Yolo Bypass, therefore a hydraulic analysis was not required.

5.3 – Geotechnical Analysis

The scope of work for this 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:

- Reclamation District No. 2068 endorsed the project on August 29, 2012, with conditions. The conditions will be incorporated into the permit as Exhibit A.
- The U.S. Army Corps of Engineers comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the 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

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined the project is categorically exempt in accordance with CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing structures and a Class 2 Categorical Exemption (CEQA Guidelines Section 15302) covering replacement or reconstruction of 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 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 effect on facilities of the State Plan of Flood Control and the project 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 tide gates from reasonable projected future events.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board find the project exempt from CEQA, 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 Exemption with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18797
- C. Project Drawings
- D. ABO No. 10161

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



Facing northeast from right bank of Shag Slough: view of wash out area



Facing southeast from levee slope, Yolo Bypass Levee: View of wash out area



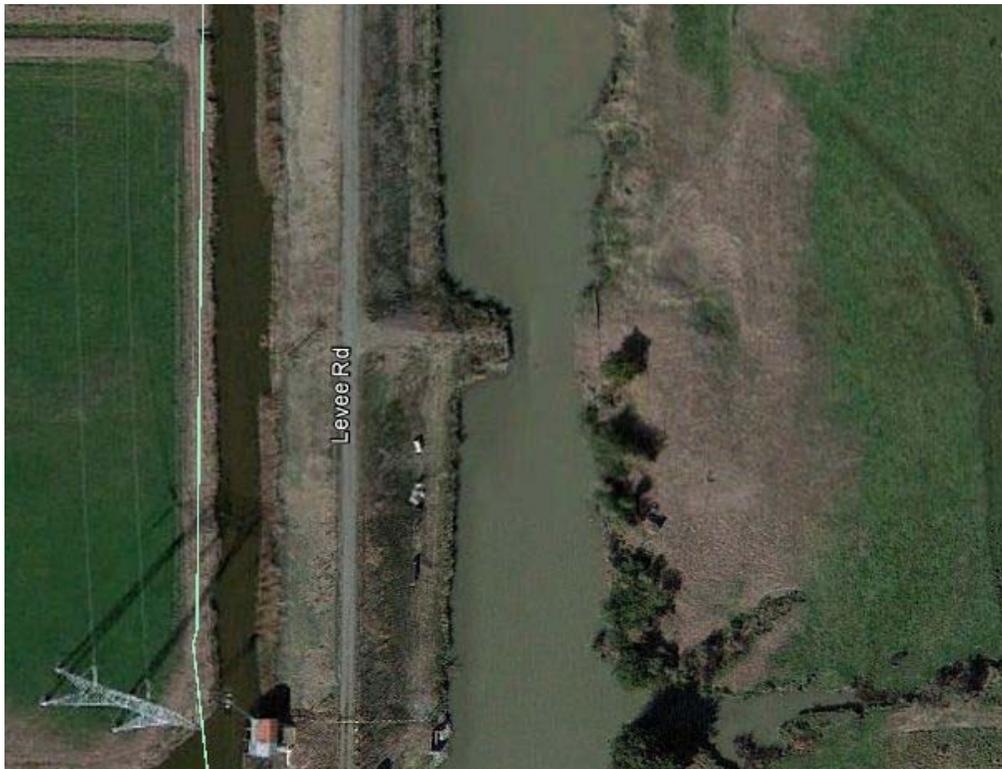
Facing southwest from left bank north of Shag Slough: view of wash out area



Facing southwest from left bank at washout: view of damaged area and pilings



Google Aerial representation from Sept 19, 2010: View of Tide Gate



Google Aerial representation from Oct 30, 2011: View of washout area

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

PERMIT NO. 18797 BD

This Permit is issued to:

Westlands Water District
P.O. Box 6056
Fresno, California 93703

To authorize an existing waterside access ramp; To reconstruct two tide gates for water supply and controlled water surface elevation for lands irrigated from the levee borrow channel, tributary to Shag Slough, within the Yolo Bypass. The new tide gates will consist of two (2) 48-inch diameter CMP's with Briggs twin-track weirs and combination gates. The project is located approximately 10.5-miles southeast of Dixon on the west side of the Yolo Bypass just north of Liberty Island Road as it turns south onto the crown of the east project levee of Reclamation District 2098 (Section 30, T6N, R3E, MDB&M, Reclamation District 2068, Yolo Bypass, Yolo 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. 18797 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 Reclamation District No. 2068 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 access ramp shall be graded to direct all surface drainage away from the levee section.

TWENTY: 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-ONE: 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-TWO: 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-THREE: 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-FOUR: The permittee shall comply with all conditions set forth by Reclamation District No. 2068 which are attached to this permit as Exhibit A and are incorporated by reference.

TWENTY-FIVE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated September xx, 2012, which is attached to this permit as Exhibit B and is incorporated by reference.

TWENTY-SIX: 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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Reclamation District Conditions to Application for a Central Valley Flood Protection Board Encroachment Permit, Applicant/Land Owner: Tom Glover / Westlands Water District

- 1) Permit shall conform in all respects to the requirements of the United States Army Corps of Engineers (USACE) including, but not limited to, appropriate review and issuance of a letter of authorization and other actions necessary to assure an "Acceptable" Encroachment determination by the USACE upon completion of the permitted work and from future inspections.
- 2) The completed access ramp shall be sloped to drain away from the project levee. Sufficient armoring/revetment shall be placed to protect the existing remnant section of access ramp adjacent to the project levee in the event of overtopping of the access ramp.
- 3) The applicant's contractor shall schedule a pre-project onsite project review with Reclamation District No. 2068, at a mutually acceptable date and time. This onsite review shall occur at least 5 days prior to start of work.

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1771 Tribute Road, Suite A
 Sacramento, California 95815
 Phone: (916) 456-4400 • Fax: (916) 456-0253

DAVE WOOD RANCHES
 YOLO COUNTY

LOCATION MAP

SCALE:	1" = 1000'
JOB NUMBER:	5307
DRAWN BY:	BJ
DATE:	06/07/2011
SHEET:	1 OF 4



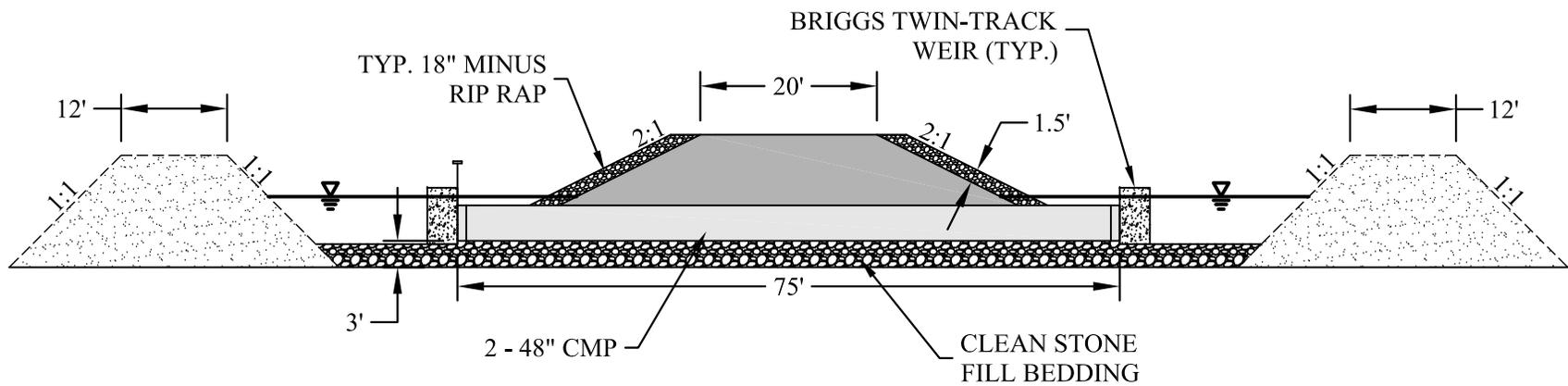
MBK
ENGINEERS

1771 Tribute Road, Suite A
Sacramento, California 95815
Phone: (916) 456-4400 • Fax: (916) 456-0253

DAVE WOOD RANCHES
YOLO COUNTY

PLAN VIEW

SCALE:	1" = 40'
JOB NUMBER:	5307
DRAWN BY:	BJ
DATE:	06/07/2011
SHEET:	2 OF 4



SECTION A-A
LOOKING EAST



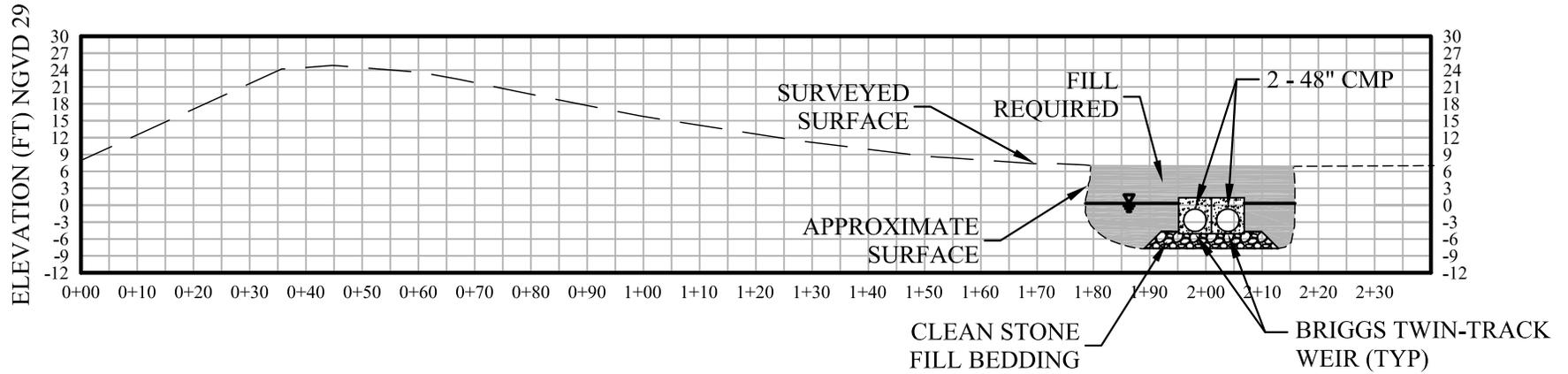
1771 Tribute Road, Suite A
Sacramento, California 95815
Phone: (916) 456-4400 • Fax: (916) 456-0253

DAVE WOOD RANCHES
YOLO COUNTY

SECTION VIEW

SCALE:	1" = 20'
JOB NUMBER:	5307
DRAWN BY:	BJ
DATE:	06/07/2011
SHEET:	3 OF 4

SECTION B-B



SECTION B-B
LOOKING NORTH



1771 Tribute Road, Suite A
Sacramento, California 95815
Phone: (916) 456-4400 • Fax: (916) 456-0253

DAVE WOOD RANCHES
YOLO COUNTY

SECTION VIEW

SCALE:	1" = 30'
JOB NUMBER:	5307
DRAWN BY:	BJ
DATE:	06/07/2011
SHEET:	4 OF 4

ORDER OF THE RECLAMATION BOARD
3005.70.100

Application No. 10161

The Matter of **H. L. and C. Sorensen
Foundation, Bank of America
Trust Dept.
1200 Broadway
Oakland, CA 94612**

For approval of retention of existing encroachments:

**ramps on the waterward slope of the levee at
Levee Miles 2.50, 3.35 and 5.42. Reclamation
District No. 2068, Unit No. 1, Yolo Bypass**

having been set for hearing on the 26th day of July, 1974, and having been heard on said day; NOW, THEREFORE, IT IS ORDERED, that said existing encroachments are hereby approved and permission to retain said encroachments is hereby granted, subject to all the terms, conditions and restrictions attached hereto, which are incorporated herein by reference and made a part hereof.

GENERAL CONDITIONS

ONE: This order is issued under the authority of Sections 8700 - 8723 of the State Water Code;

TWO: This order is to be strictly construed and no work other than that specifically described herein is authorized hereby;

THREE: This approval does not carry with it permission to construct any works on lands owned by the Sacramento and San Joaquin Drainage District, nor on any other lands whatsoever;

FOUR: This order shall remain in effect until revoked. This order is revokable on 15 days' notice in the event that any conditions contained herein are not complied with;

FIVE: This order is granted with the understanding that this action is not to be considered as establishing any precedent with respect to any other application received by The Reclamation Board;

SIX: The permittee agrees by the acceptance of this order to exercise reasonable care to operate and maintain properly any work authorized herein and agrees to conform to standards of operation and maintenance prescribed by the State of California;

SEVEN: The permittee to whom this order is issued shall, whenever the same is required by law, secure the written order or consent to any work hereunder from any other public agency having jurisdiction;

EIGHT: The permittee is responsible for all liability for personal injury or property damage which may arise out of failure on the permittee's part to perform his obligations under this order. In the event any claim of liability is made against the State of California or any department thereof, the United States of America, a local district or other maintaining agency and the officers, agents or employees thereof, permittee shall defend, indemnify and hold them and each of them harmless from such claim.

SPECIAL CONDITIONS **none**

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO ss.
Office of the Reclamation Board

I HOWARD J. SULLIVAN do hereby certify that the above and foregoing is a true and correct copy of an Order made by said Board at the above indicated meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Reclamation Board, this 30th day of October, 1974

(SEAL)


**HOWARD J. SULLIVAN
Assistant Secretary
Reclamation Board**