

**Meeting of the Central Valley Flood Protection Board
September 28, 2012**

Staff Report – Encroachment Permit

**Reynier Fund LLC
Irrigation Lift Pump, Yolo Bypass, Yolo County**

1.0 – ITEM

Consider approval of Permit No.18788 (Attachment B)

2.0 – APPLICANT

Reynier Fund LLP

3.0 – LOCATION

The project is located in the Yolo Bypass (Bypass) approximately one mile east of the Sacramento River Deep Water Ship Channel and 12.45 miles due south of the I-80 Yolo Bypass Causeway. (Yolo Bypass, Yolo County, see Attachment(s) A)

4.0 – DESCRIPTION

To authorize an existing agricultural lift pump and appurtenant facilities.

5.0 – PROJECT ANALYSIS

The project will facilitate the movement of irrigation water to support historical agricultural and environmental land use(s) within the lower bypass. The pump will lift water from a pre-existing irrigation canal/ditch and discharge said water onto adjacent fields. The proposed project conforms to all Title 23 standards.

5.1 – Hydraulic Analysis

A hydraulic analysis was not required as the encroachment as constructed will create a blockage of less than 0.03567% of the bypass.

5.2 – Geotechnical Analysis

A geotechnical analysis was not required as the lift pump and appurtenances did not require any earth work and the pump support pilings did not penetrate a levee prism.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- 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 determination:

The Board has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities involving negligible or no expansion of an existing use.

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:

Due to climate change and an anticipated rise in mean sea level, the lower Yolo Bypass where this encroachment is located would revert to tidal marsh which would end farming activities in the area and therefore the need for this encroachment which the permittee would then be required to be removed from the Bypass.

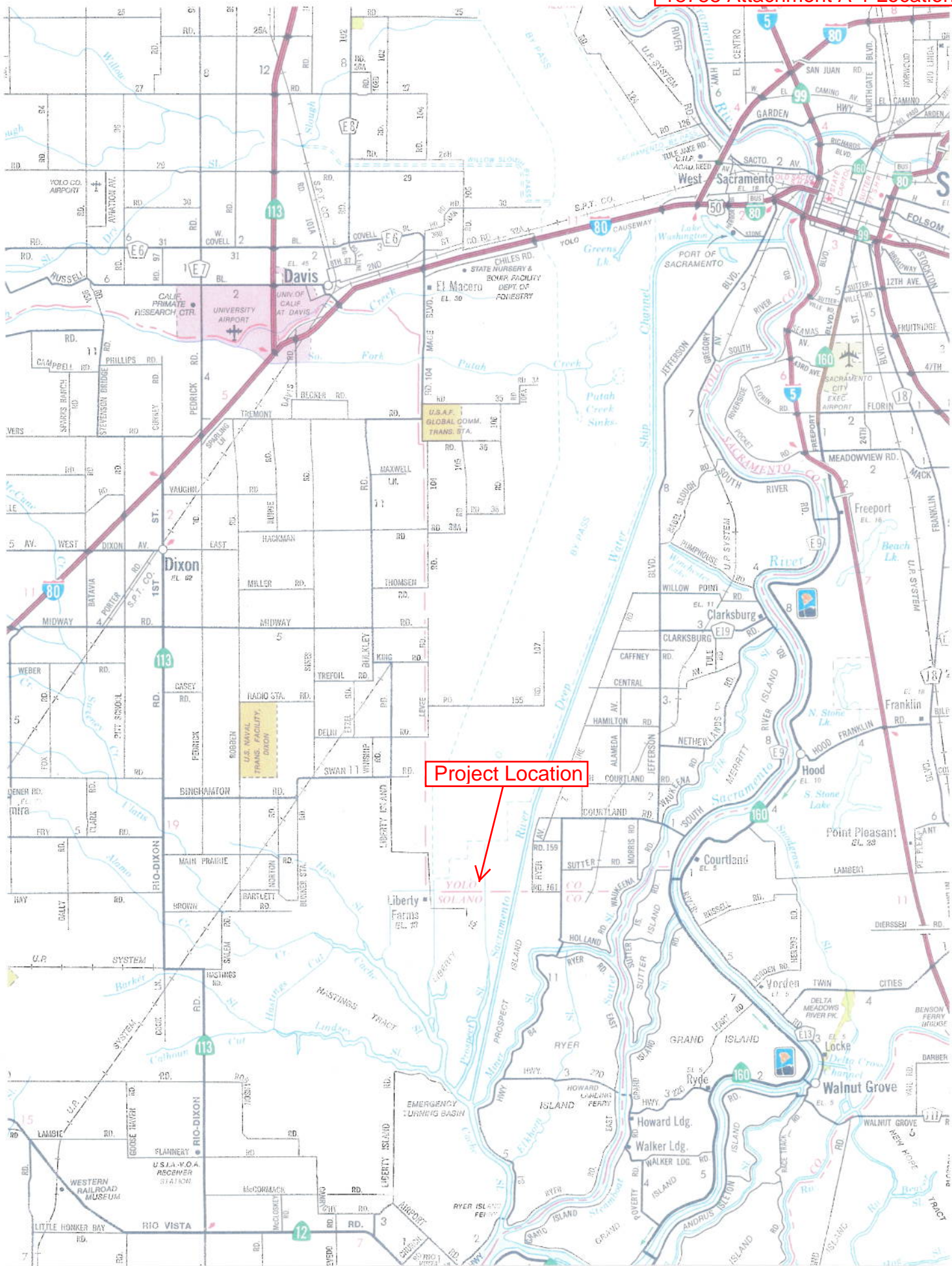
9.0 – STAFF RECOMMENDATION

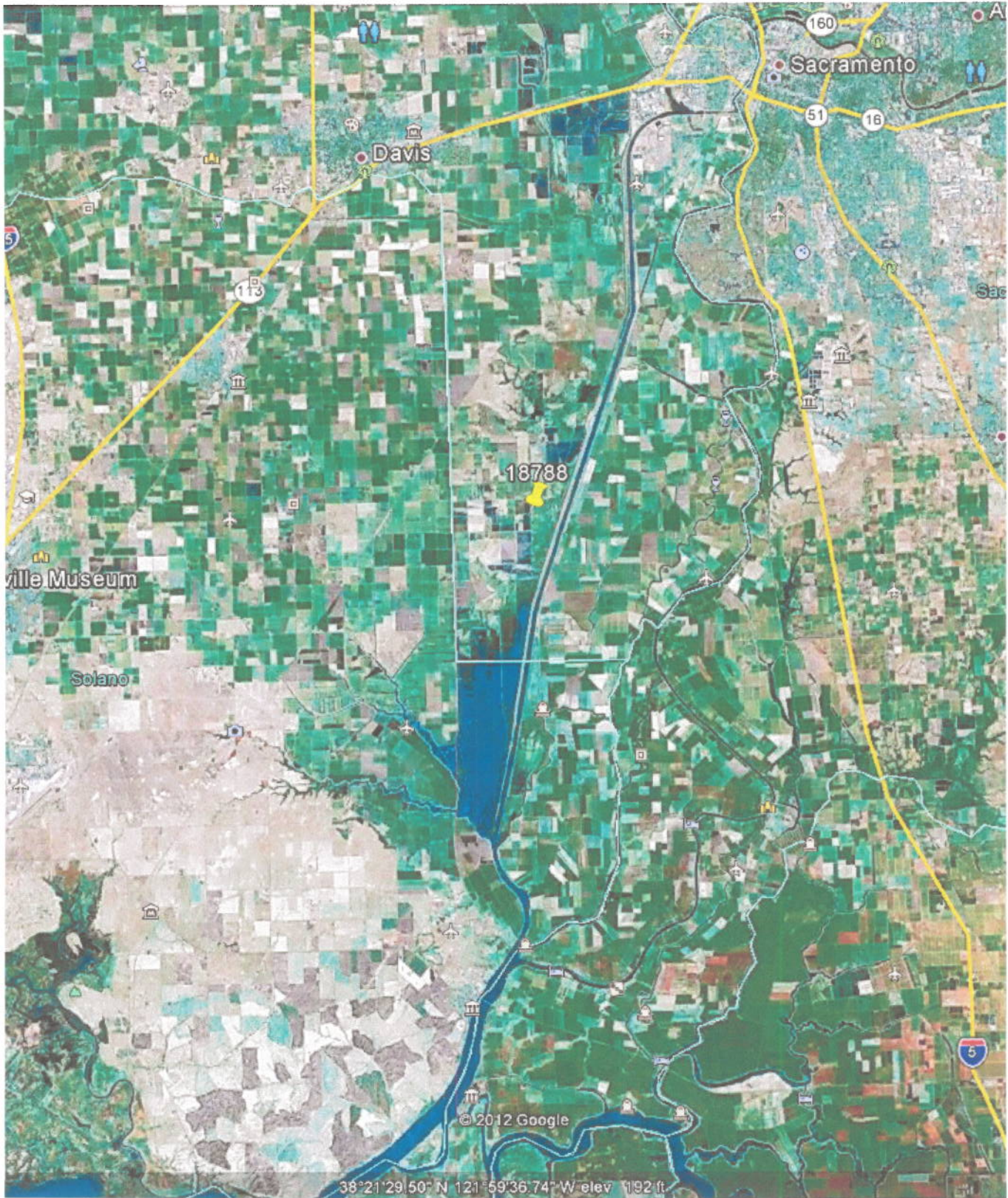
Staff recommends that the Board find the project exempt from CEQA and approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and direct staff to file a Notice of Exemption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

10.0 – LIST OF ATTACHMENTS

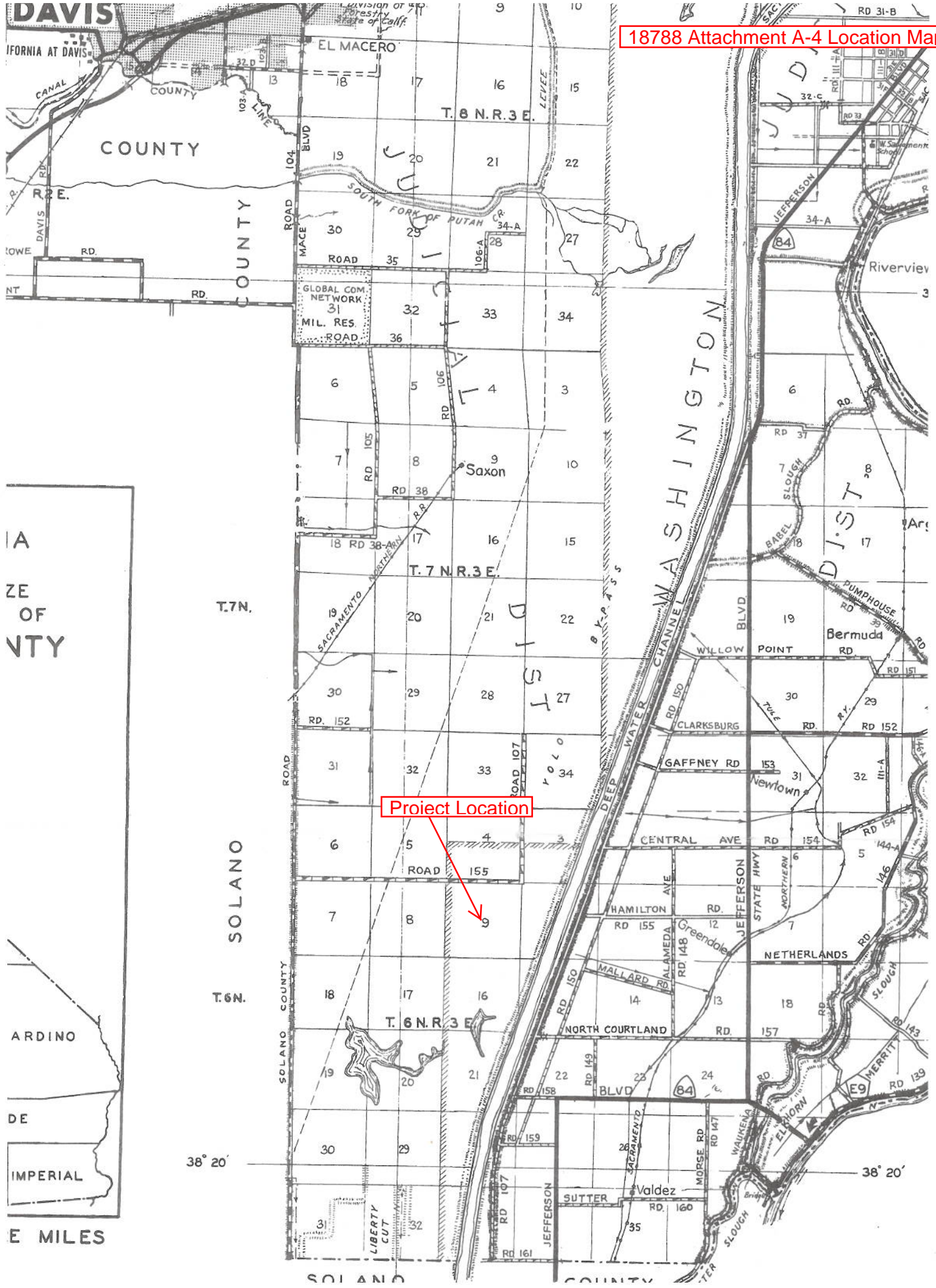
- A. Location Maps and Photos
- B. Draft Permit No. 18788
- C. Project Plans

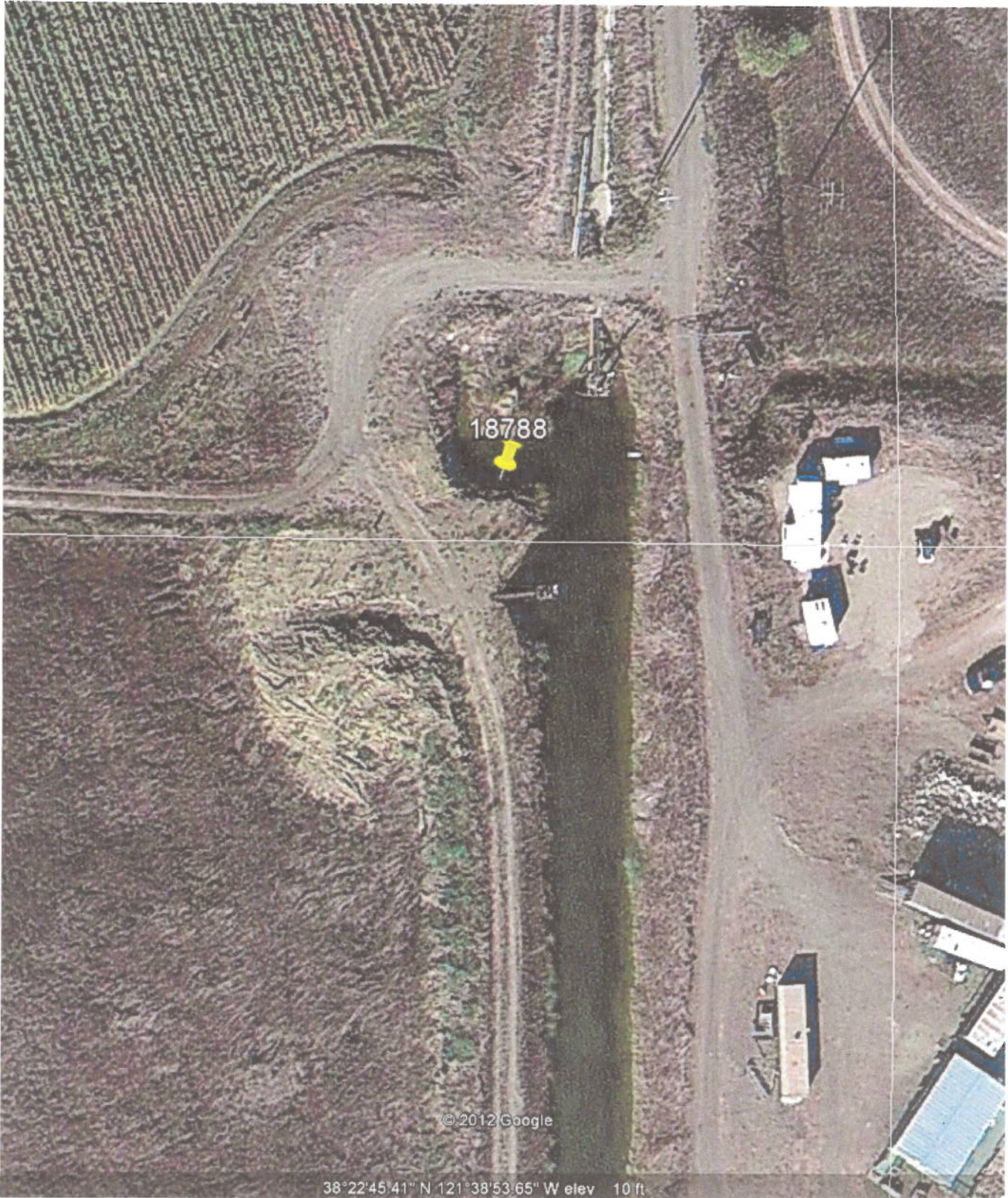
Design Review:	Sterling Sorenson WREA
Environmental Review:	Andrea Mauro, James Herota
Document Review:	Mitra Emami P.E., Len Marino P.E.

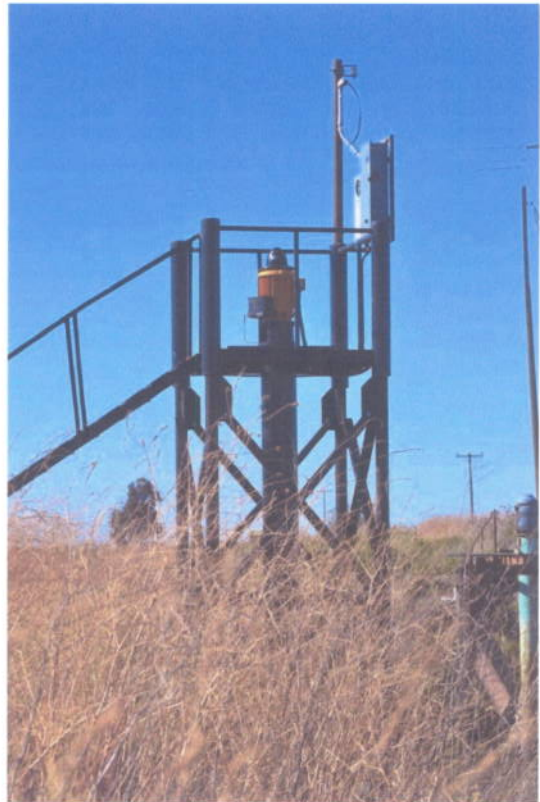












DRAFT

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

PERMIT NO. 18788 BD

This Permit is issued to:

Reynier Fund, LLC
34284 Corcoran Hill Lane
Davis, California 95616

To authorize an agricultural lift pump and appurtenant facilities. The project is located in the Yolo Bypass approximately one mile east of the Sacramento Deep Water Ship Channel and 12.45 miles due south of the I-80 Yolo Bypass Causeway (Section 9, T6N, R3E, MDB&M, 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. 18788 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 herein permitted encroachment 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 and/or the California Department of Water Resources shall not be held liable for any damage(s) to the herein permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: The permittee shall contact the Department of Water Resources by telephone, (916)

574-0609, and submit the enclosed postcard to schedule a conference concerning the issuance of this permit and its conditions. Failure to do so within 10 working days of receipt of this permit may result in adverse action by The Board.

EIGHTEEN: The permittee shall be responsible for repair of any damages to the adjacent flood control project works due to construction, operation, or maintenance of the herein permitted project.

NINETEEN: All debris that were generated by this project shall be properly disposed of outside the flood control project works.

TWENTY: In the event that erosion, injurious to the adopted plan of flood control, occurs at or adjacent to the herein permitted encroachment(s), the permittee shall repair the eroded area(s) and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

TWENTY-ONE: Debris that may accumulate on the herein permitted encroachment(s) and related facilities shall be cleared off and properly disposed of outside the flood control project works after each period of high water.

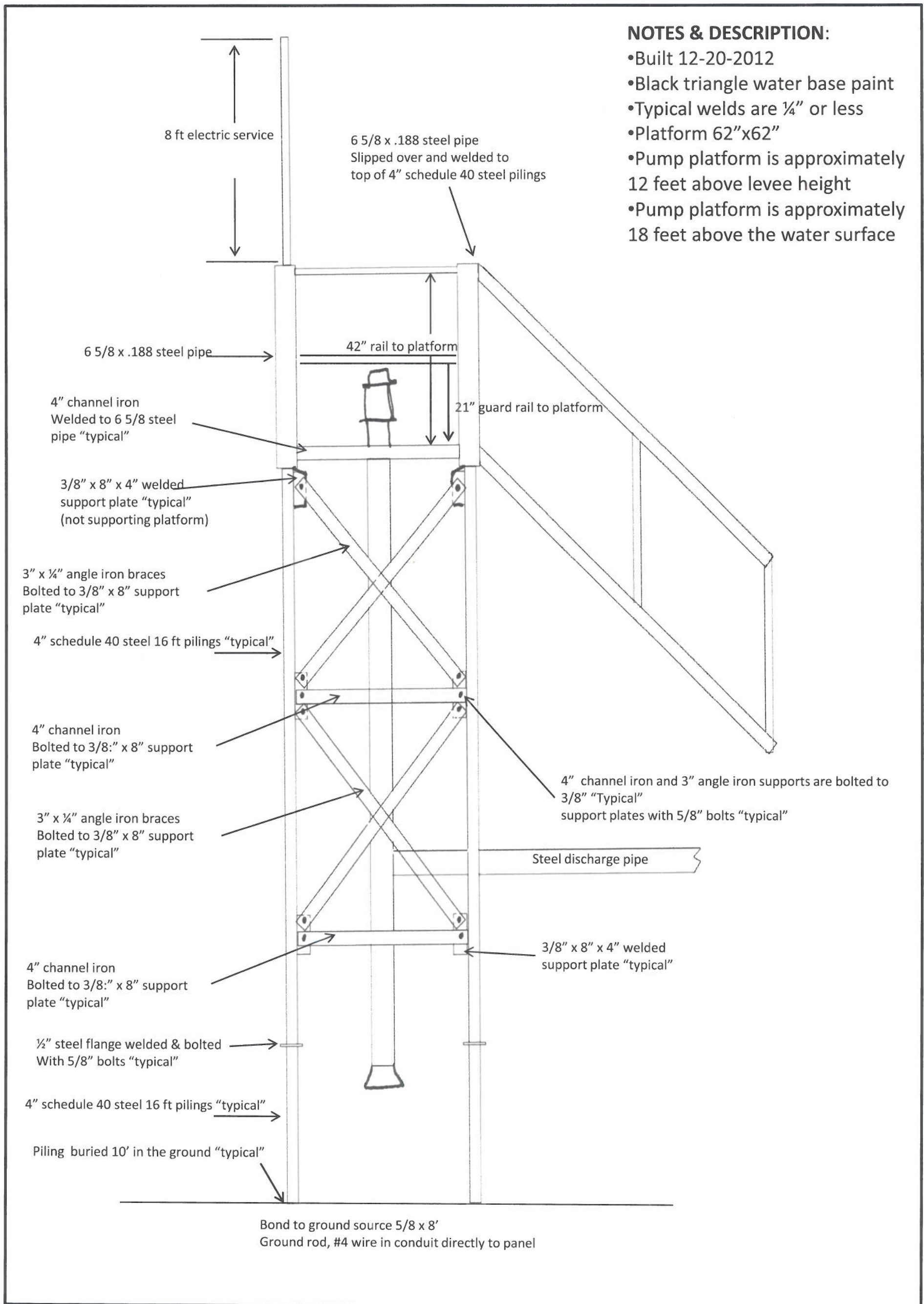
TWENTY-TWO: The permittee shall maintain the herein permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by any authorized representative of the Central Valley Flood Protection Board, the California Department of Water Resources and/or any other agency responsible for maintenance.

TWENTY-THREE: The herein permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project works. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the project works 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-FOUR: If, in the opinion of the Central Valley Flood Protection Board, the herein permitted encroachment becomes unnecessary/unneeded due to changes in tidal actions relative to a change in sea level, the permittee agrees to remove the aforementioned encroachment at the request of the Central Valley Flood Protection Board and at permittee's cost and expense.

TWENTY-FIVE: 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-SIX: The permittee shall comply with all conditions set forth in the U.S. Army Corps of Engineers 208.10 comment letter dated September XX, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.



Yolo Flyway Farms Lift Pump Station

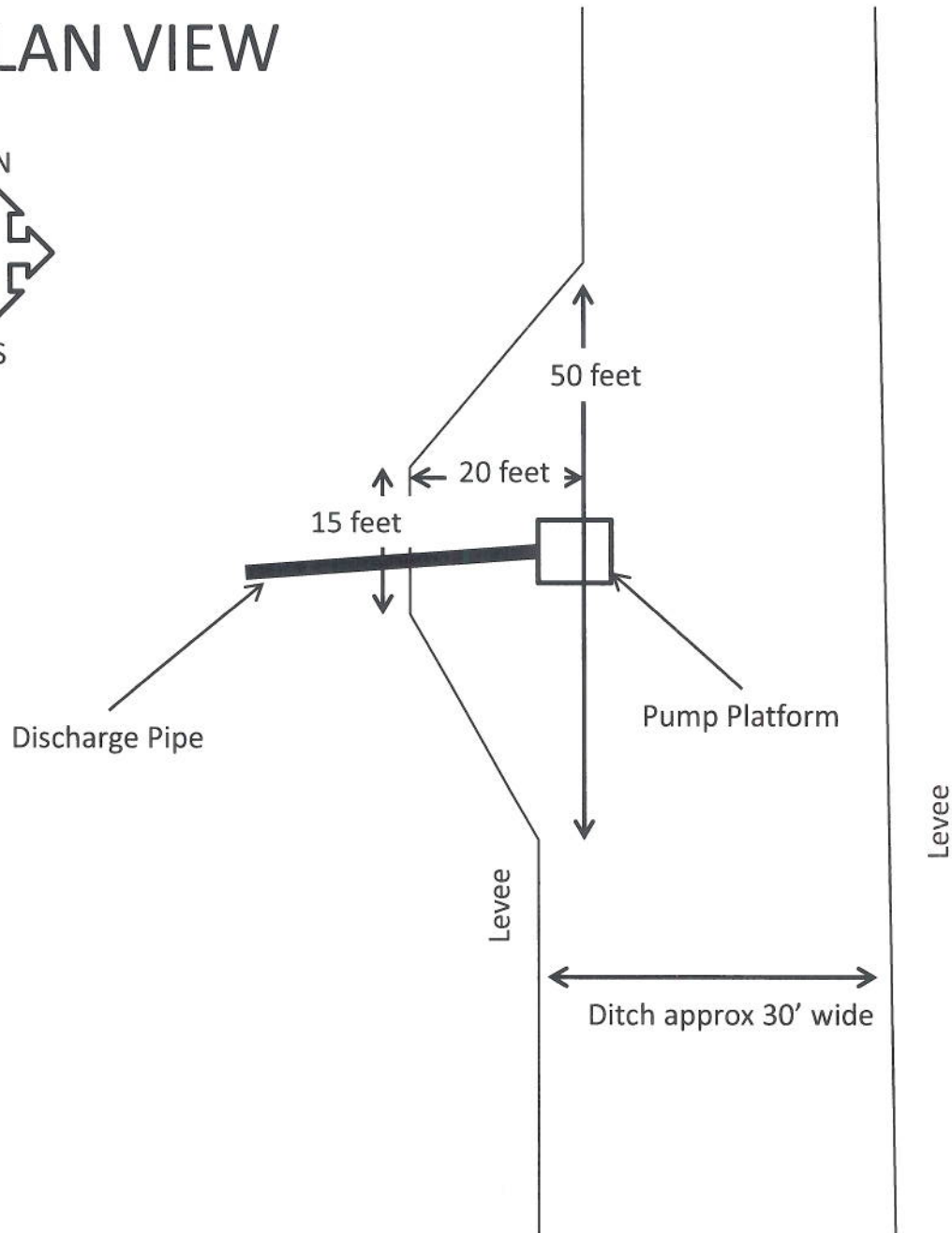
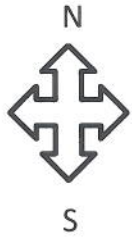
Applicant: Charles Tyson

APN: 03322049

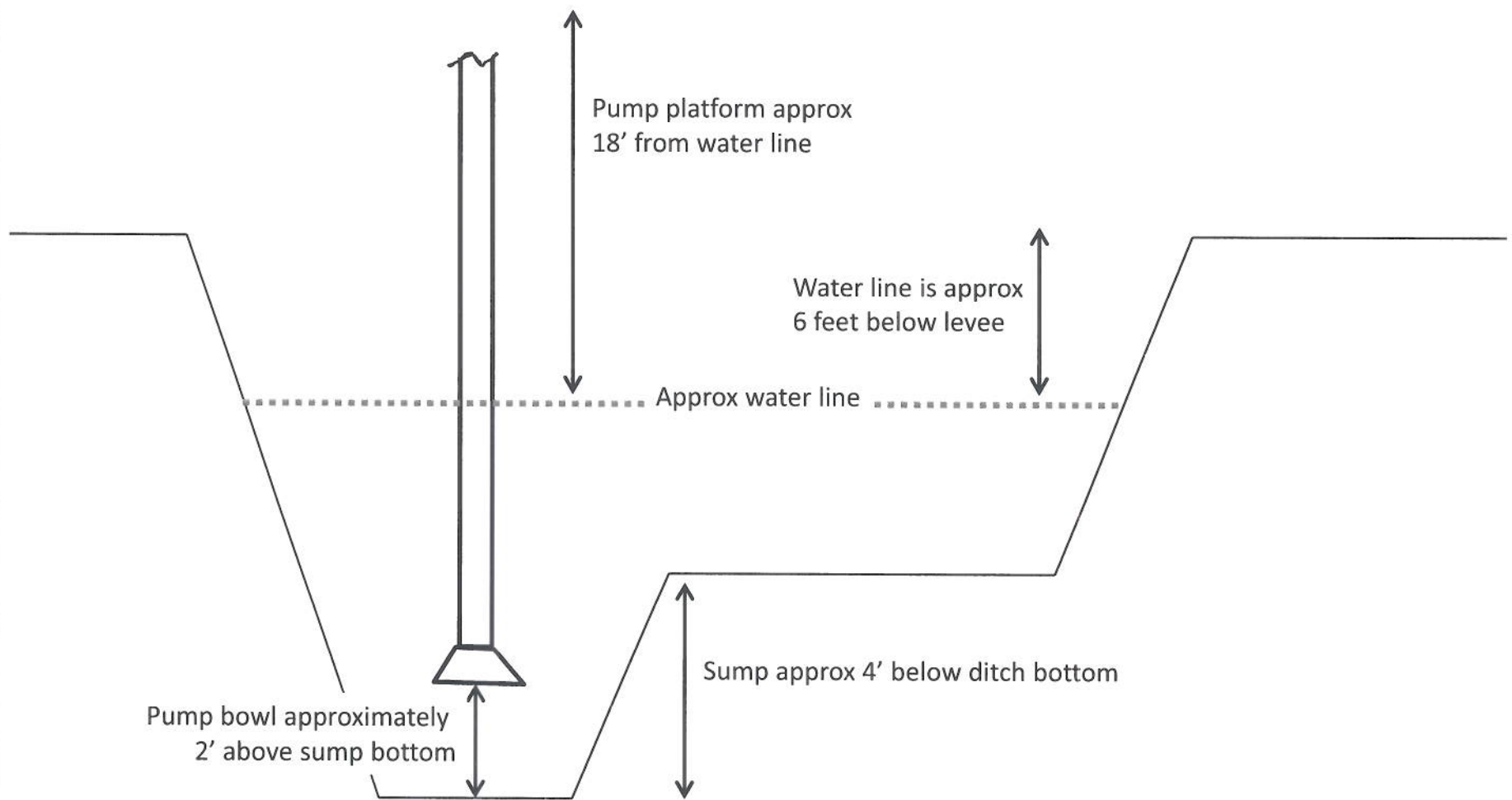
Sheet: 1 of 5

Drawing prepared: 6-8-2012

DITCH PLAN VIEW



DITCH CROSSSECTION



Yolo Flyway Farms Lift Pump Station

Applicant: Charles Tyson

APN: 03322049

Sheet: 2 of 5

Drawing prepared: 6-8-2012