

**Meeting of the Central Valley Flood Protection Board  
November 22, 2013**

**Staff Report – Encroachment Permit 18889**

**Dan Roza  
San Joaquin River, San Joaquin County**

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**1.0 - ITEM**

Consider approval of Permit No. 18889 (Attachment B).

**2.0 – APPLICANT**

Dan Roza

**3.0 – LOCATION**

The project is located at 6800 South Roberts Road in Stockton, California on the left (west) levee of the San Joaquin River approximately 1.4 miles upstream of the confluence with French Camp Slough (San Joaquin River, San Joaquin County. See Attachment A).

**4.0 – DESCRIPTION**

The applicant has applied to the Central Valley Flood Protection Board (The Board) requesting authorization to install a new irrigation pipe, approximately 20 feet of 8-inch diameter steel pipe up and over the design water surface elevation with a positive closure device and fish screen at the inlet on the waterside of the levee connected to an existing drip irrigation system on the landside along the left (west) levee of the San Joaquin River.

The applicant also requests to retain several existing encroachments, further discussed in Section 5.0, that were in existence prior to The Board and US Army Corps of Engineers (USACE) adopting this levee as part of the “*Lower San Joaquin River and Tributaries Project, California*” (Project) on April 1964. It is staff’s intent to permit the existing encroachments and the new irrigation pipe under one permit, Permit 18889 (Attachment B).

## **5.0 – PROJECT ANALYSIS**

The initial application submitted to The Board was limited to the installation of a new irrigation pipe through the levee. During the initial review of this application, staff noted that various existing encroachments on the property that did not have a Board permit. Staff notified the applicant and provided an inventory list of all the existing encroachments by placing them in two categories: non permitted non-conforming encroachments and non-permitted conforming encroachments. These are identified in letters dated October 25, 2012 and January 8, 2013 (*Attachment D, Exhibits A and B respectively*). The applicant resubmitted the application requesting authorization to retain existing encroachments that were nonconforming but were in existence prior to the Project adoption in 1964. Existing encroachments that were not permitted and nonconforming were removed voluntarily by the applicant.

The basis for staff's recommendations for the proposed Permit 18889 (Attachment B) is presented as follows:

### **Item 1: New 8-inch irrigation steel pipe through the levee with positive closure device and fish screen at the waterside inlet connected to an existing drip irrigation system at the landside of the levee**

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 123 (d) (8):  
*“Pipelines and conduits open to the waterway must have a readily accessible rapid closure device unless it can be demonstrated it is not necessary.”*
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 123 (d) (11):  
*“The minimum cover for pipelines...installed through the levee crown is twenty-four (24) inches.”*
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 123 (d) (12):  
*“The minimum cover for pipelines...installed within the levee slope is twelve (12) inches. Where the installation will not interfere with levee maintenance or flood fight activities, it may not be necessary to bury the line within the levee slopes.”*
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 122 (a) (1):  
*“Irrigation ditches, drainage ditches, and similar facilities...must be located at least ten (10) feet from the levee toe.”*

**Staff's Recommendation:**

Approve with conditions. The new 8-inch steel pipe will be up and over the design water surface elevation, it will provide 2-ft of cover from the levee crown and 12-inches of cover on the landside slope. It is not feasible to provide 12-inches of cover to the portion of the pipe on the waterside slope because it will be connected to the existing sump pump on the waterside (Item 6). The local maintaining agency (Reclamation District 524) did not object to this design in their endorsement letter dated June 23, 2013. The fish screen at the waterside inlet was a requirement from the California Department of Fish and Wildlife. The existing irrigation drip system is located 12-ft away from the landside levee toe. Therefore, the proposed new 8-inch irrigation pipe is consistent with the applicable with applicable specifications allowed by 23 C.C.R. Section 123 and 122.

**Item 2: Existing 16-ft wide, 50-ft long ramp on the landside slope**

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 130 (c) (2):  
*"The surfacing for all access ramps must be the same as for patrol roads."*
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 130 (b) (1):  
*"Patrol roads must be surfaced with a minimum of four (4) inches of compacted, Class 2 aggregate base (Caltrans Spec. 26-1.02A)."*

**Staff's Recommendation:**

Determine that the existing ramp has no detrimental impact on the project facilities and issue a permit for existing conforming facility. The existing ramp is 16-ft wide, 50-ft long with a 10% longitudinal slope. The existing ramp will be surfaced with a Class 2 aggregate cover. (See Attachment C). Therefore, the existing ramp is consistent with applicable specifications allowed by 23 C.C.R. Section 130.

**Item 3: Existing concrete retaining wall ranging from 2-ft to 4.5-ft in height, approximately 100-ft long at the landside levee toe****Item 4: Existing 15'x20' pump house adjacent to existing retaining wall (item 3) at the landside levee toe****Item 5: Existing 12-inch pipe through the levee connected to a concrete sump on the landside and waterside levee slope**

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 108 (a) (2):  
*“Upon adoption of a plan of flood control, an existing facility or use shall be allowed to continue...”* provided that *“Nonconforming existing encroachments that do not have a major detrimental impact shall be allowed to continue under a permit or order until abandoned or until they are destroyed or damaged, by any cause, to the cumulative extent of more than fifty (50) percent of their market value or their physical usefulness during any 10-year period.*
  
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 108 (b):  
*“The board shall make the final determination as to whether the facility or use has or has not a major detrimental impact within the adopted plan of flood control or on project facilities, and shall advise the owner of the facility or use of any action required.”*

**Item 3 Staff’s Recommendation:**

Determine that the retaining wall has no major detrimental impact on the project facilities and issue a permit for existing nonconforming facility. The applicant has indicated that the retaining wall was designed and constructed by the USACE as part of the levee improvements at this location. USACE as-builts dated 1962 for the San Joaquin River and Tributaries Stone Protection Project (File No. 7-4-1621, Site 12) appear to correspond to the location of the applicant’s property. Due to the low quality of the scans for the as-builts, it is difficult to assess the details of the existing encroachments. Staff was able to locate USACE as-builts dated 1956 for a similar retaining wall along the San Joaquin River, just upstream of the applicant’s property. The existing pump house (Item 4) is adjacent to the existing retaining wall and based on record documents noted under item 4 below, the pump house was in existence prior to the levee improvements in 1962. Due to the proximity of the pump house to the retaining wall, it is very unlikely that the retaining wall was constructed after the pump house . Therefore, staff believes that the existing retaining wall was constructed as part of the 1962 levee improvements and at the existing retaining wall does not have a major detrimental impact to the San Joaquin River Flood Control Project and shall be allowed to remain pursuant to 23 C.C.R. Section 108.

**Item 4 Staff’s Recommendation:**

Determine that the pump house has no major detrimental impact on the project facilities and issue a permit for existing nonconforming facility. Acquisition Map prepared for the levee right-of-way easement (Map 60-237 dated May 1961, *Attachment D, Exhibit C*) calls “tank house” at the same location where the retaining wall (item 3) and pump-house are located. As noted under item 3, the

1962 USACE as-builts for the San Joaquin River and Tributaries Stone Protection Project call out an “accessory structure” at the same location of the pump house. Due to the low quality of the scans, it is difficult to assess the details. However, based on the existing retaining wall and acquisition map, staff can conclude that the pump house was in existence prior to the Board adopting the levee in 1964. Therefore, the pump house does not have a major detrimental impact to the San Joaquin River Flood Control Project and shall be allowed to remain pursuant to 23 C.C.R. Section 108.

**Item 5 Staff’s Recommendation:**

Determine that the existing pipe has no major detrimental impact on the project facilities and issue a permit for existing nonconforming facility. The existing 12-inch pipe and sump pumps on the landside and waterside slopes were identified in the USACE as-builts dated 1962 for the San Joaquin River and Tributaries Stone Protection Project (File No. 7-4-1621, Site 12 Station 19+61). The quality of the as-built scans is very poor but it is legible enough to see the main features of the pipe and concrete sump pumps on the landside and waterside slopes. In addition, the 12-inch pipe was identified in the Operation and Maintenance (O&M) Manual for the Lower San Joaquin River and Tributaries Project, Unit 7 dated April 1964. Therefore, the existing 12-inch pipe through the levee and concrete sump pumps at the landside and waterside slopes do not have a major detrimental impact to the San Joaquin River Flood Control Project and shall be allowed to remain pursuant to 23 C.C.R. Section 108.

**Item 6: Existing concrete steps on the landside and waterside levee slopes**

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (c) (1):  
*“Steps must be constructed of material resistant to deterioration. Acceptable materials include, but are not limited to, concrete, masonry, stone, pressure treated lumber, iron, and steel.”*
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (c) (3):  
*“Excavation in the levee slope made for the construction of steps may not exceed twelve (12) inches in depth.”*
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (c) (4):  
*“Steps must be constructed flush with the levee slope.”*

**Staff's Recommendation:**

Determine that the stairs will comply with Title 23 as denoted above and have no major detrimental impact on the project facilities and issue a permit for existing conforming facility. The existing concrete steps do not penetrating the levee slope more than 12-inches in depth. Additional fill will be placed on both ends of the steps to flush them with the levee slope. Therefore, the existing steps are consistent with applicable specifications allowed by 23 C.C.R. Section 137.

**5.1 – Hydraulic Analysis**

The scope of the work for this project does not require a hydraulic analysis because the work is on the levee and on the landside of the levee.

**5.2 – Geotechnical Analysis**

The scope of work for this project does not require a geotechnical analysis. Earthwork activities will be completed in accordance with conditions in Permit 18889 BD and Title 23.

**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 comment letter has not been received for this application. Staff has coordinated with the USACE and anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. The permit will not be valid unless the subject letter is in fact received. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it into the permit as Exhibit A.
- Reclamation District 524 endorsed the project on June 23, 2013 with conditions. The conditions are incorporated into the permit as Exhibit B.

## **7.0 – CEQA ANALYSIS**

Board staff has prepared the following California Environmental Quality Act (CEQA) determination:

The Board determined that the proposed action is categorically exempt under the provisions of CEQA and the State CEQA Guidelines. The overall activities involve: (1) issuing a permit for facilities in existence for at least 50 years with little or no expansion of use and no possibility of significantly impacting the physical environment under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering minor alterations to existing facilities, and; (2) issuing a permit for construction of a small irrigation pipe through the existing levee and adjacent to other existing facilities with no possibility of significantly impacting the physical environment under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small 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 entire State Plan of Flood Control:

The proposed new irrigation pipe, fish screen and various existing encroachments will have no adverse effect on facilities of the State Plan of Flood Control and are 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**

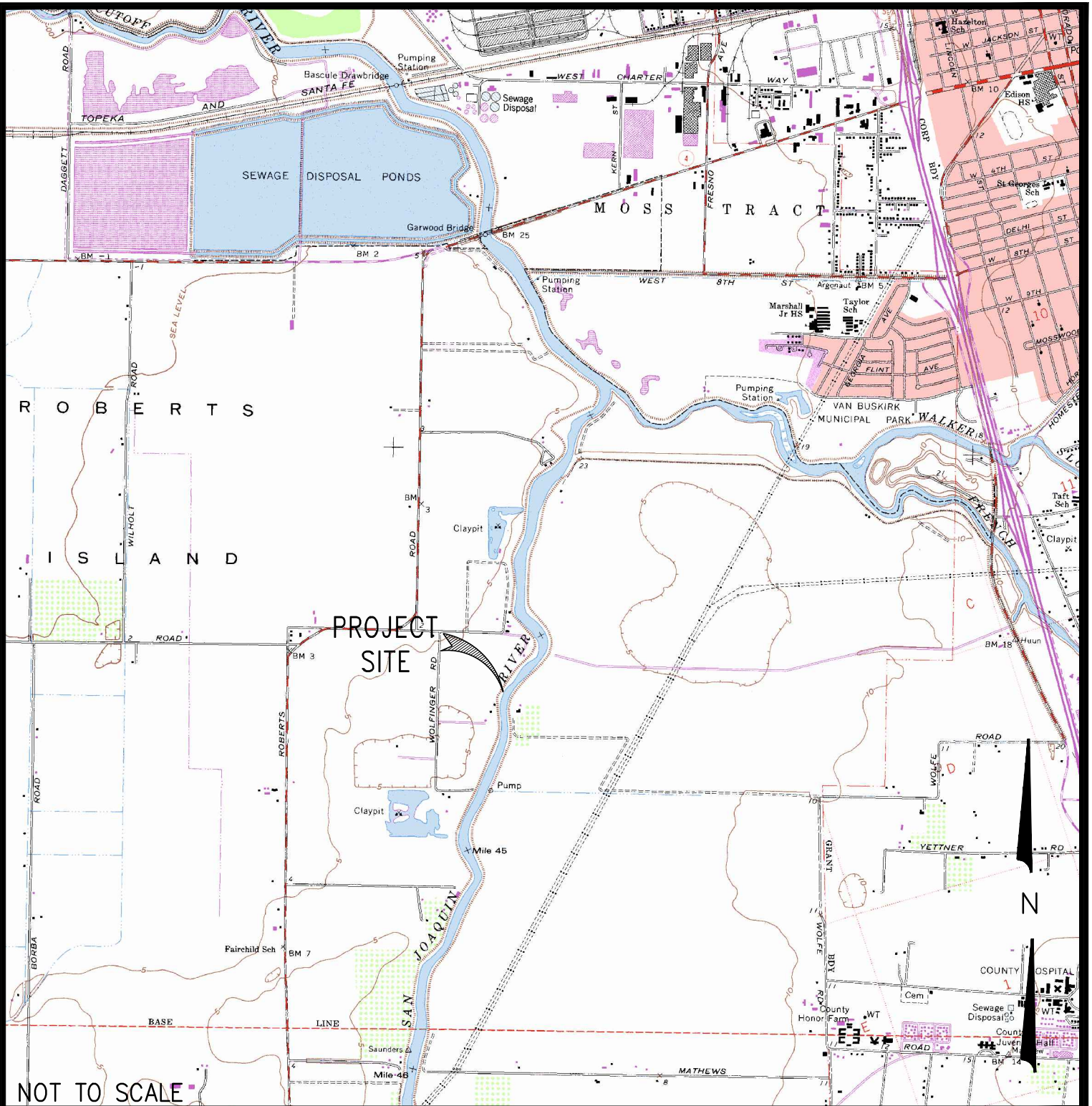
Staff recommends that the Board find the project categorically exempt from CEQA, pursuant to CEQA Guidelines Class 1 and Class 3, Section 15301 and Section 15303, find that each of the existing structures do not have a detrimental effect on the project facilities, issue the permit conditioned upon receipt 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. 18889
- C. Project Plans
- D. Correspondence/Relevant Documents
  - Exhibit A – CVFPB letter to Applicant dated October 25, 2013
  - Exhibit B – CVFPB letter to Applicant dated January 8, 2013
  - Exhibit C – Acquisition Map 60-237 dated May 1961

Design Review:	Angeles Caliso
Environmental Review:	Andrea Mauro
Document Review:	Gary Lemon P.E., Len Marino P.E., Leslie Gallagher





**OWNER:** DANIEL ROZA  
6800 S ROBERTS ROAD  
STOCKTON, CA 95203

**DATUM:** NAVD 88

**ADJACENT PROPERTY OWNER:**

**UPSTREAM:** APN: 162-110-09  
DANTE AND PAMELA NOMELLINI  
6767 S WOLFINGER  
STOCKTON, CA 95206

**DOWNSTREAM:** APN: 162-160-04  
JUDITH BALCAO  
2364 ROLLERSON ROAD  
STOCKTON, CA 95206

**CONTENTS:**  
  
VICINITY MAP

**APN:** 162-160-03



Tel (916) 776-2977 Fax (916) 776-3282  
P.O. Box 329  
WALNUT GROVE, CA 95690

Architecture  
Civil Engineering  
Land Use Planning  
Feasibility Studies  
Environmental Permitting  
Program/Construction Management

**PROJECT:** NEW IRRIGATION PIPE IN LEVEE CROWN

**IN:** SAN JOAQUIN RIVER  
RIVERMILE: 44.3±

**COUNTY:** SAN JOAQUIN

**STATE:** CA

**APPLICATION BY:**

DCC ENGINEERING CO., INC.

**JOB #:** 7672.01

**SHEET 1 OF 7 DATE:** REV 1 2/7/13

**Roza Irrigation Pipe Replacement . . . . . San Joaquin River**  
**APN: 162-160-03, San Joaquin County**



Downstream view of temporary pipe configuration



Upstream view of temporary pipe configuration and existing pipe

**Roza Irrigation Pipe Replacement . . . . . San Joaquin River**  
**APN: 162-160-03, San Joaquin County**



View to upland from levee crown of temporary pipe configuration



View across river from levee crown of temporary pipe configuration

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**ATTACHMENT B**  
**DRAFT**

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

**PERMIT NO. 18889 BD**

**This Permit is issued to:**

Dan Roza  
6800 South Roberts Road  
Stockton, California 95206

To install approximately 20-feet of an 8-inch steel pipe up and over the design water surface elevation with positive closure device and fish screen at the inlet on the waterside of the levee connected to a drip irrigation system on the landside.

To authorize an existing ramp on the landside slope, a retaining wall varying from 4.5-ft to 2-ft high along the landside levee toe, a pump house (15-ft by 20-ft) adjacent to the retaining wall on the landside levee slope, concrete steps on the landside and waterside slopes, and existing 12-inch pipe through the levee connected to a concrete sump on the land and waterside levee slopes on the left (west) levee of the San Joaquin River. The project is located approximately 1.4 miles upstream of the confluence with French Camp Slough, 6800 South Roberts Road, Stockton CA in San Joaquin County. (Section 28, T1N, R6E, MDB&M, Reclamation District 524, San Joaquin River, 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.

# ATTACHMENT B

**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. 18889 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.

## ATTACHMENT B

SIXTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 524 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: 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.

EIGHTEEN: No construction work of any kind shall be done during the flood season from November 1 to July 15 without prior approval of the Central Valley Flood Protection Board.

NINETEEN: The new 8-inch steel pipe shall be placed in the center of an open trench 2 feet wider than the diameter of the pipe or 2 times the diameter, whichever is greater.

TWENTY: The invert of the 8-inch steel pipe through the levee section shall be above the design flood plane elevation of 15.0-feet, NAVD 88 Datum.

TWENTY-ONE: The 8-inch steel pipe shall be installed through the levee section at a right angle to the centerline of the levee.

TWENTY-TWO: The pipe shall be buried at least 24 inches below the levee crown and 12-inches below the landside levee slope.

TWENTY-THREE: A suitable fish screen shall be installed at the waterward end of the intake pipeline.

TWENTY-FOUR: A positive-closure device that is readily accessible during periods of high water shall be installed on the waterward side of the levee.

TWENTY-FIVE: Existing stairs on the waterside slope must be flushed with the levee slope by adding fill feathered at a 10H:1V slope.

TWENTY-SIX: Handrails on the existing steps on the waterside shall be removable or breakway.

TWENTY-SEVEN: The existing drip irrigation system shall remain a minimum distance of 10 feet from the landside levee toe.

TWENTY-EIGHT: The existing access ramp on the landside slope shall be surfaced with a minimum of 4 inches of compacted, Class 2, aggregate base (Caltrans Specification 26-1.02A).

TWENTY-NINE: Any excavations made in the levee section or within 10 feet of the levee toes shall be backfilled in 4- to 6-inch layers with impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Backfill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

## ATTACHMENT B

THIRTY: If damage to the existing pump house at the landside toe exceeds 50 percent of its market value within a 10-year period, the pump house cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the pump house is not repaired or replaced, the remaining portion must be completely removed from levee section prior to the next flood season.

THIRTY-ONE: The existing pump house at the landside toe shall not be used for human habitation.

THIRTY-TWO: Materials or equipment shall not be stored within the levee section and 10-ft from the landside toe.

THIRTY-THREE: The levee section shall be restored to at least the same condition that existed prior to commencement of work.

THIRTY-FOUR: The condition of the pipes shall be verified using video or sonar equipment at least once every five (5) years or annual pressure readings that show no significant loss in pressure. The results of the inspection(s) shall be submitted through the Central Valley Flood Protection Board to the Department of Water Resources, Flood Project Integrity and Inspection Branch and the U.S. Army Corps of Engineers, Sacramento District.

THIRTY-FIVE: Debris that may accumulate on the permitted encroachments and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

THIRTY-SIX: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

THIRTY-SEVEN: The permittee shall operate and 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 Reclamation District 524, Department of Water Resources, or any other agency responsible for maintenance. Maintenance may include actions to preserve the integrity of the flood control system under emergency conditions. These actions will be taken at the sole expense of the permittee.

THIRTY-EIGHT: 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.

THIRTY-NINE: The letter from the Department of the Army dated XX, XX, 2013, is attached to this permit as Exhibit A in reference to this project.

FORTY: The permittee shall comply with all conditions set forth in the letter from Reclamation District 524 dated June 26, 2013, which is attached to this permit as Exhibit B and is incorporated by reference.

FORTY-ONE: Upon completion of the project, the permittee shall submit as-built drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.



RECLAMATION DISTRICT NO. 524  
MIDDLE ROBERTS ISLAND  
7540 SHORELINE DRIVE  
STOCKTON, CA 95219  
(209) 478-2000

ENCROACHMENT PERMIT CONDITIONS

To: Daniel Roza  
6800 S. Roberts Road  
Stockton, CA 95203

Property:  
APN: 162-160-03  
5734 Wolfinger Road  
Stockton, CA 95206

Parties:

Reclamation District No. 524 ("District")  
Daniel Roza ("Permittee")

Permission is hereby granted to encroach upon the area of jurisdiction of Reclamation District No.524, herein called District, in the following manner:

Authorization to replace an 8-inch diameter irrigation pipe approximately 20 feet through the levee crown. The pipe will be placed with invert above the 100-year flood elevation at +16.5 feet.

Authorization to install two concrete access stairs on the land and waterside of the levee slope.

Authorization to install a drip irrigation system more than 10 feet off the levee toe.

Authorization to install a levee patrol road access ramp.

THIS PERMIT IS GRANTED UPON THE FOLLOWING CONDITIONS WHICH, BY ACCEPTANCE OF THIS PERMIT; PERMITTEE AGREES TO OBSERVE AND PERFORM:

1. With the execution of this Encroachment Permit, the undersigned Permittee acknowledges that the Permittee has read and agrees to be bound by all of the terms and provisions of this Encroachment Permit. The Permittee shall indicate the acceptance of this Permit, and the terms and conditions hereof: by executing the form of acceptance on one copy of the Permit and returning it to the District office. The Permit shall not become effective until the District receives the Permit accepted and signed by Permittee.

**ATTACHMENT B**  
**EXHIBIT B**

The Permittee shall indicate his acceptance of this permit, and the terms and conditions thereof, by executing the form of acceptance on one copy of this permit and returning it to the District office. The permit shall not become effective until the District receives the permit accepted and signed by Permittee.

2. Each and every recommendation and requirement set forth herein, as well as from the District's Engineer regarding the encroachment above described, shall be fully complied with by the Permittee.
3. The Permittee shall not at any time block the crown of the levee or the access of the District over the levees of the District. All automobiles, equipment and materials used by the Permittee in connection with this project shall be parked or placed off of the said roadway. Any temporary storage of vehicles, equipment and materials required on the levee shall be subject to the prior approval of the District. Any vehicles, equipment, materials, and/or other types of levee encroachment stored by the Permittee without the prior approval of the District shall be cause for its removal from the levee at the Permittee's expense.
4. Permittee shall notify the District Engineer one (1) week before initiating any construction activity on or around the District levee and when there is no activity for a period of five (5) working days, then twenty-four (24) hours' notice prior to resumption of construction operations.
5. In the event the District Engineer deems the safety of the District levee is being jeopardized, he may order all or any portion of the work stopped, in which case Permittee agrees to comply with the order.
6. Permittee does hereby agree that at all times during and after the construction of the proposed encroachment, Permittee shall, upon (either written or verbal) by said District, perform at its own cost and expense and within the time limits set by said District all rehabilitation, maintenance or repair work ordered to be performed by said District related to the proposed encroachments. Customary levee maintenance and improvement work shall not be a requirement of this paragraph unless the work is required as a result of the encroachments.
7. If and in the event that in the sole discretion of the District's Board of Trustees, an emergency exists or may arise which requires that work be performed on the levee, banks, slopes or other District facilities in the immediate area of said proposed encroachments, then and in that event Permittee hereby gives to said District, its agents, employees or contractors, the right and permission, at Permittee's cost and expense, to repair or remove and replace any and all of the encroachments and any appurtenances thereto reasonably necessary or convenient to the performance of such emergency work.

The District reserves the right to take such action as it deems necessary, in the event of an emergency, to protect the District's levees and the lands within said

levees, including but not limited to the removal from the levee of any equipment or materials located thereon and owned by the Permittee, its employees, agents and/or contractors. If reasonably possible, District shall give 48 hours advance notice to the Permittee to enable the Permittee to take such action as may be necessary to correct the situation. If District is unable to give such notice, it shall give advance notice at the earliest time reasonably possible. An emergency means a sudden or unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services. If made in good faith, the decision of the District as to when an emergency situation exists shall be final and District shall have no liability or responsibility to the Permittee, its employees, agents or contractors in the exercise of the power herein reserved.

8. Permittee will hold and save District harmless of and from any liability which may be incurred through injury to person or damage to property arising out of or connected with the construction or installation of the encroachment above described, and from any such liability arising out of or connected with the maintenance and operation of such encroachment, except where maintenance thereof is herein accepted by District.
9. Permittee shall acquire no easement or property right in or to the property or right of way of the District by virtue of this permit and the District does not hereby relinquish any right or title therein.
10. Except as herein otherwise provided, all cost of maintenance, repair and replacement of the encroachment above described shall be borne by Permittee. Permittee shall, whenever instructed by District to do so, repair, replace or relocate such encroachment in the manner prescribed by District whenever District shall determine that such repair, replacement or relocation is required in the interest of District any such repair, replacement or relocation ordered by District which shall not have been performed by Permittee within thirty (30) days after written notice has been given by District of such required repair, replacement or relocation may be performed by District, at Permittee's expense and Permittee shall promptly reimburse District therefore.
11. District reserves the right to access to the portion of its easement and right of way for such maintenance, repairs or alterations of District facilities or of the facilities described above as may be required for reclamation purposes. District shall not be responsible for any damage done to surface improvements of Permittee whether herein permitted or otherwise where necessary as part of the ordinary and necessary access to or exercise of its easement and right of way for reclamation purposes and need not replace any paving, black top or other improvement required to be removed in the process of such maintenance, repair or alteration. Permittee shall reimburse District for any increased cost of such access occasioned by the improvements of Permittee described herein.

**ATTACHMENT B**  
**EXHIBIT B**

12. Permittee may make no alteration or improvement of any portion of District's easement and right of way not specifically herein permitted nor alter or remove any portion of the encroachment or improvement herein described without further permit from District.
13. This permit is revocable in whole or in part by District on thirty (30) days written notice to Permittee when such revocation is determined by Board of Trustees to be necessary for District purposes.
14. Upon the failure of Permittee to conform to any of the covenants and conditions herein specified this permit shall, at the option of District, cease and terminate and District may remove the encroachment or improvement above described together with any appurtenances thereto located within the easement and right of way of District and Permittee shall promptly pay to District all costs and expenses incurred in such removal.
15. Permittee recognizes that the levee width and height in the vicinity of the proposed encroachment of Permittee may presently not be up to the standard levee section which Corps of Engineers deems adequate protection against a 100-year flood and that the levee height may not be up to the objective heretofore established by the District Board, and that the District has no plans or financial ability at this time to meet that standard or objective. Permittee recognizes that District's activity is limited to attempting to maintain the levee as it presently exists and Permittee agrees to waive any claim for injury or damage or loss arising out of the overtopping or failure of the District levee and expressly assumes the risk of such overtopping or failure. Permittee further agrees to adopt means, as approved by the District Board, whereby any person occupying the facilities of Permittee will agree to assume the risk of levee overtopping or failure and to waive any and all claims against District as a result of such overtopping or failure.
16. The granting of this permit is subject to the following additional conditions: (a) the fill is to be placed and compacted using track or rubber tired equipment; (b) the fill will be graded so that water will not pond on the new fill, or near the levee; (c) the fill shall be sloped landward a minimum of 0.5%; (d) the approval by the District does not constitute approval of the structural integrity of the fill to support structures; and (e) the approval of the District does not constitute approval for the placement of structures on the fill (the location of any future structures must be approved in advance by the District).

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**ATTACHMENT B  
EXHIBIT B**

THIS PERMIT IS ISSUED BY THE DISTRICT AND ACCEPTED BY PERMITTEE,  
AND THE PERMITTEE AGREES TO BE BOUND BY THE TERMS OF THIS PERMIT.

Dated: 6/26, 2013

RECLAMATION DISTRICT No. 524

By: 

**ACCEPTANCE**

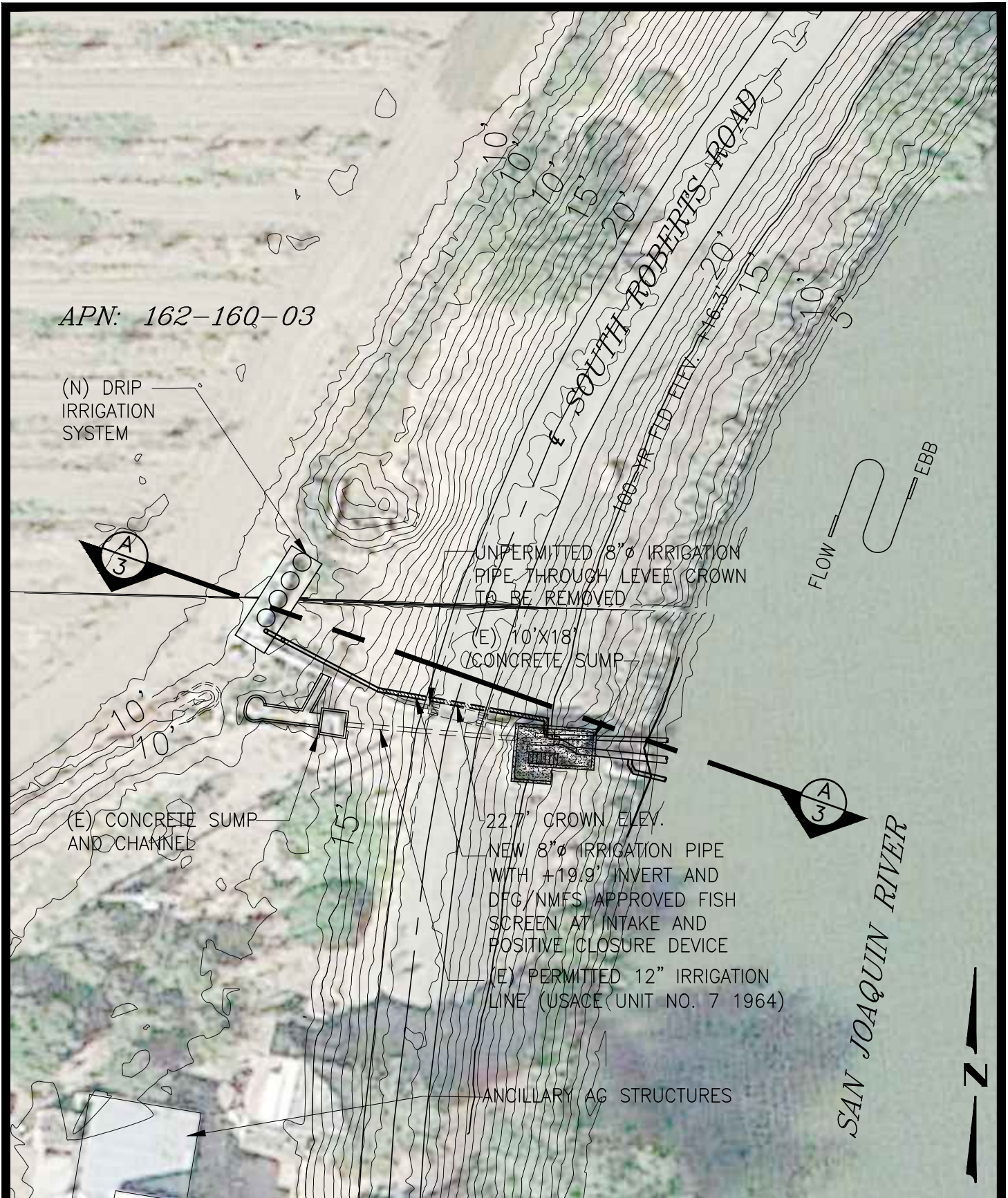
PERMITTEE HEREBY ACCEPTS THE ABOVE PERMIT AND AGREES TO  
COMPLY WITH ALL OF THE REQUIREMENTS THEREOF. THIS PERMIT DOES NOT  
RELIEVE THE PERMITTEE FROM OBTAINING ANY AND ALL OTHER APPROPRIATE  
PERMITS REQUIRED BY OTHER PUBLIC AGENCIES.

Dated: 6/26, 2013

By: 

DANIEL ROZA, Permittee

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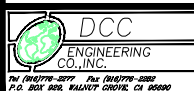


APPLICANT: DANIEL ROZA  
6800 S ROBERTS ROAD  
STOCKTON, CA 95203

DATUM: NAVD 88

DATE: 09/21/12

CONTENTS:  
SITE PLAN



Architecture  
Civil Engineering  
Land Use Planning  
Feasibility Studies  
Environmental Permitting  
Program/Construction Management

PROJECT: NEW IRRIGATION PIPE IN LEVEE CROWN


SCALE: 1" = 30'-0"

SITE #: 7672.01

SHEET: 2 OF 7, REV. 1

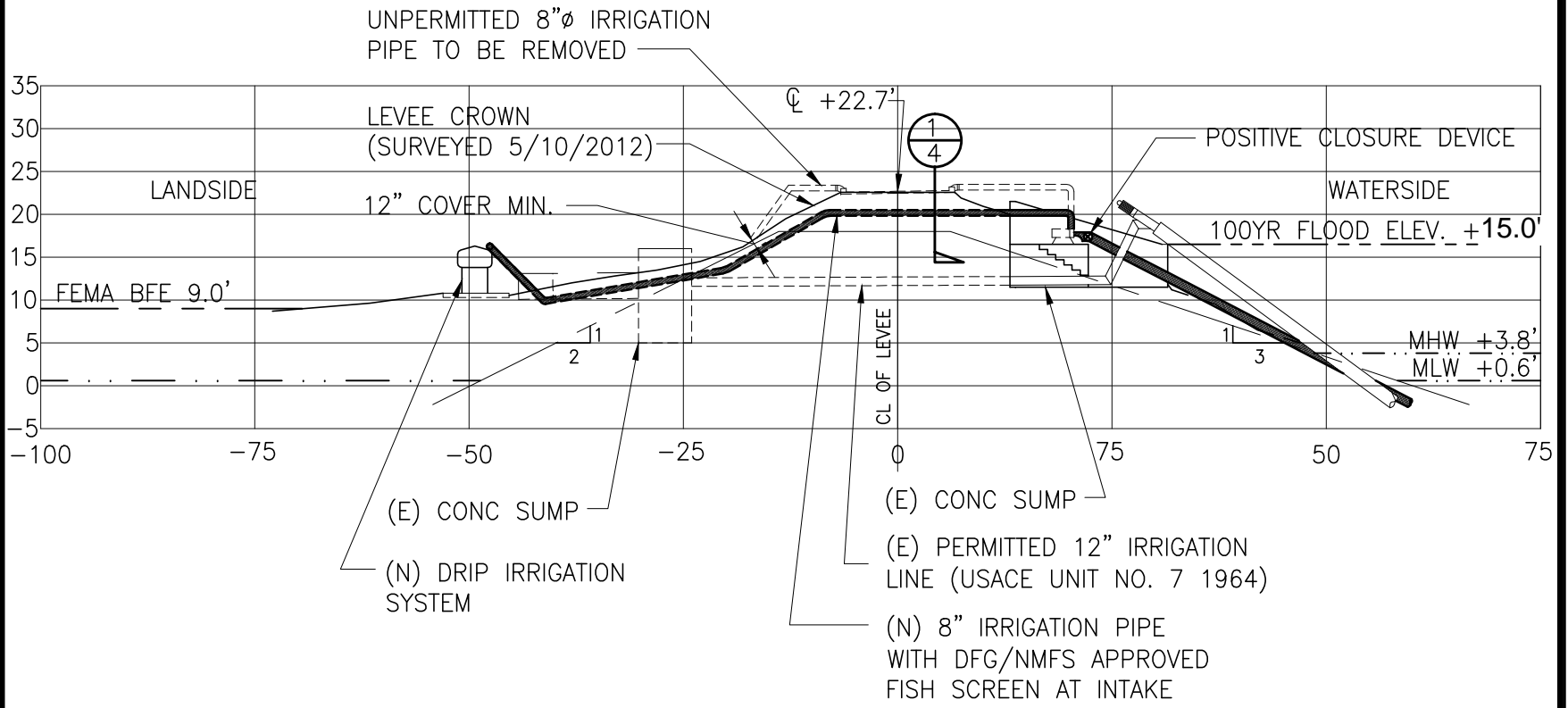
**APPLICANT:** DANIEL ROZA  
 6800 S ROBERTS ROAD  
 STOCKTON, CA 95203  
**DATUM:** NAVD 88  
**DATE:** 09/21/12

**CONTENTS:**  
**CROSS SECTION**



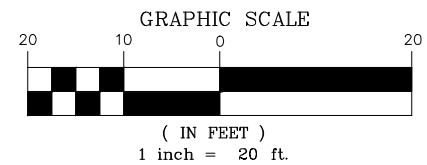
Architecture  
 Civil Engineering  
 Land Use Planning  
 Surveying  
 Environmental Permitting  
 Program/Construction Management

**PROJECT:** NEW IRRIGATION PIPE IN LEVEE CROWN  
**SCALE:** 1" = 20'-0"  
**SITE #:** 7672.01  
**SHEET:** 3 OF 7, REV. 1



**CROSS SECTION A-A**

SCALE: 1"=20'





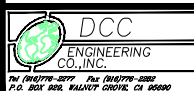


APPLICANT: DANIEL ROZA  
6800 S ROBERTS ROAD  
STOCKTON, CA 95203

DATUM: NAVD 88

DATE: 2/7/13

CONTENTS:  
LEVEE ACCESS STRUCTURES  
SITE PLAN



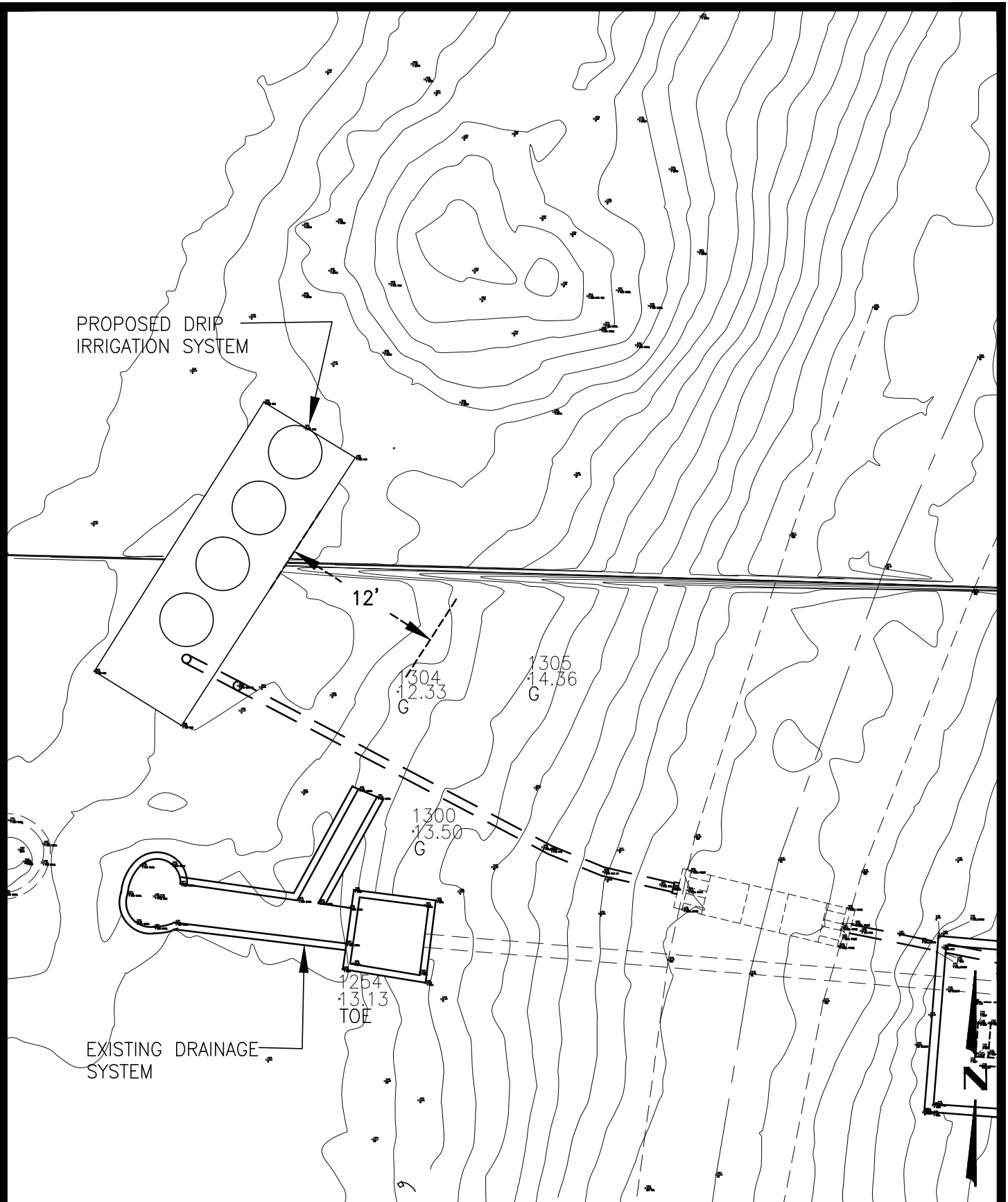
Architecture  
Civil Engineering  
Land Use Planning  
Feasibility Studies  
Environmental Permitting  
Program/Construction Management

PROJECT: NEW IRRIGATION PIPE IN LEVEE CROWN

SCALE: 1" = 30'-0"

SITE #: 7672.01

SHEET: 5 OF 7, REV. 1



**APPLICANT:** DANIEL ROZA  
6800 S ROBERTS ROAD  
STOCKTON, CA 95203

**DATUM:** NAVD 88

**DATE:** 02/07/13

**CONTENTS:**  
**IRRIGATION SYSTEM  
PLACEMENT PLAN**



*Architecture  
Civil Engineering  
Land Use Planning  
Feasibility Studies  
Environmental Permitting  
Program/Construction Management*

**PROJECT:** NEW IRRIGATION PIPE IN LEVEE CROWN

**SCALE:** 1" = 10'-0"

**SITE #:** 7672.01

**SHEET:** 7 OF 7, REV. 1

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-2380 FAX: (916) 574-0682



October 25, 2012

Dan Roza  
6800 South Roberts Road  
Stockton, California, 95206

**SUBJECT: T2012110, Roza Pipe Installation on the West Levee of the Sacramento River**

Dear Mr. Roza:

Thank you for submitting an encroachment permit application with the Central Valley Flood Protection Board (CVFPB).

CVFPB staff has completed a preliminary review of your application and has determined that it can not be processed at this time. The work under the submitted application was previously noted in the Operations and Maintenance Manual (O&M) for the Federal Project. However, Board records indicate there are existing encroachments on your property that do not have a Board permit. Furthermore, we have been notified that the US Army Corps of Engineers (USACE) has noted several encroachments on you property as unacceptable in their Continuing Eligibility Inspection (CEI) Report dated May 14, 2012 for RD 524.

In accordance with California Code of Regulations, Title 23, Section 15 (f), which state that *"the Board may deny a permit...if there has been a failure by the applicant (or persons associated with the applicant through an agreement or agency relationship) to substantially comply with permit conditions on prior related permits or if there has been work performed without a permit and that work is not subject of the pending permit application..."*

We are continuing to review our records so we can provide you with an itemized list of the existing encroachments on your property. We will provide this list to you within 30-days. Existing encroachments found to be conforming to Title 23 Standards would be authorized and a permit application would be required for those identified encroachments. Existing encroachments that are found to be non-conforming with Title 23 may need to be removed. Title 23 can be accessed from our website at the following link:

<http://www.cvfpb.ca.gov/regulations/CCRTitle23Div1CVFPB-2012Ed..pdf>

We will reinstate the review of your application for the proposed pipe installation as soon as all other encroachments on your property have been addressed.

If you have any questions, please contact staff engineer, Ms. Angeles Caliso at (916) 574-2386 or via e-mail at [acaliso@water.ca.gov](mailto:acaliso@water.ca.gov).

Mr. Dan Roza

T2012110

Page 2 of 2

Sincerely,



Mitra Emami, Senior Engineer, WR  
Floodway Protection Section  
Central Valley Flood Protection Board

cc: Ms. Emily Pappalardo  
Project Manager  
DCC Engineering Co., Inc.  
P.O. Box 929  
Walnut Grove, California, 95690

Mr. Don Rasmussen, Chief  
Mr. David Pesavento, Section Chief  
Mr. Richard Willoughby  
Flood Project Integrity and Inspection Branch  
Department of Water Resources

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-2380 FAX: (916) 574-0682



January 8, 2013

Mr. Dan Roza  
6800 South Roberts Road  
Stockton, California 95206

**SUBJECT: T2012110, Roza Pipe Installation on the West Levee of the San Joaquin River**

Dear Mr. Roza:

Per our letter dated October 25, 2012, Central Valley Flood Protection Board (CVFPB) staff performed a site visit on December 6, 2012 to document existing encroachments on your property. Refer to Attached Figure 1 for location of each item discussed below including photos taken during the site visit.

Existing encroachments noted during the site visit are as follows:

1. Temporary installation of pipe over the levee
2. Concrete sump at the landside toe
3. 10-ft by 18-foot concrete sump on the waterside slope
4. Irrigation drip system within 10-feet from landside toe
5. Drainage inlet structure at the landside toe
6. Abandoned structure and 4-ft 6-inch high retaining wall on the landside slope
7. Concrete stairs and metal handrails on the landside slope
8. Concrete stairs on the waterside slope
9. Approximate 2-ft high retaining wall at the landside toe
10. Trees, broken concrete and miscellaneous debris on levee crown, waterside and landside slopes
11. Ramp on the landside slope
12. Mobile home within 10-feet from the landside toe

The following existing encroachments are not conforming to CCR 23. Our records indicate that no CVFPB permits were issued and therefore would need to be removed:

- Item 5: Existing drainage structure appears to be abandoned or no longer used and therefore should be abandoned in accordance with CCR 23 § 124.
- Items 6 and 9: We were unable to find records of the existing structure and retaining walls previously approved by our Board and therefore shall be removed. Retaining walls must comply with CCR23 § 125. In addition, no encroachments or permanent structures are allowed within 10-feet of the levee toe. If you believe this is an error, please submit a copy of any permits or record documents that authorize this encroachment.

Mr. Dan Roza  
T2012110  
Page 2 of 3

- Item 10: No encroachments or debris are allowed within the levee section or 10-ft from the landside levee toe.
- Item 12: Mobile home and other structures must be at a minimum of 10-feet away from the landside toe.

The following existing encroachments could be authorized but would be require a new encroachment application to be submitted:

- Items 1, 2 and 3: Encroachment was noted on the Operation and Maintenance Manual for Unit 7 for the Lower San Joaquin River & Tributaries (Section 2-02 "Drainage and Irrigation Structures"). We were unable to locate a CVFPB permit for this work.
- Item 4: We were unable to locate a CVFP permit authorizing this encroachment. Encroachment may be allowed to remain if it is located a minimum of 10-feet from the landside levee toe. If you wish to retain this encroachment, it should be included in the resubmitted application.
- Items 7 and 8: Existing concrete stairs may be allowed to remain but fill must be added to flush them with the levee slope. The fill shall slope away from the steps at a 10H: 1V slope parallel to the levee alignment. For future reference, stairs on the levee slope must conform to CCR23 § 137(c) (1) through (5). Authorization to retain the existing stairs should be included in the resubmitted application.
- Item 11: Ramps must be designed in accordance with CCR 23 § 130.

Submit a plan indicating how you intend to comply with the removal of the unauthorized encroachments within thirty (30) days from the date of this letter. If a response is not received by the mentioned deadline, the CVFPB may revoke existing permits and initiate an enforcement action pursuant to California Code of Regulations, Title 23 Division 1 Article 4. Violations of permit conditions and construction without a permit are subject to fines starting at \$500 to \$30,000 per CCR 23, Article 4, Section 27 "Nuisance and Civil Penalty Provisions".

California Code of Regulations, Title 23 can be accessed from our website at the following link: <http://www.cvfpb.ca.gov/regulations/CCRTitle23Div1CVFPB-2012Ed..pdf>

If you have any questions, please contact staff engineer, Ms. Angeles Caliso at (916) 574-2386 or via e-mail at [acaliso@water.ca.gov](mailto:acaliso@water.ca.gov).

Sincerely,



Mitra Emami, Senior Engineer, WR  
Floodway Protection Section

Attachments and cc's: (Please see attached list)

Mr. Dan Roza  
T2012110  
Page 3 of 3

Attachments:

Figure 1 - CVFPB Staff site visit photos (December 6, 2012) and Map

cc: Ms. Emily Pappalardo  
Project Manager  
DCC Engineering Co., Inc.  
P.O. Box 929  
Walnut Grove, California 95690

(Via electronic file)

Mr. Don Rasmussen, Chief  
Mr. David Pesavento, Section Chief  
Mr. Richard Willoughby  
Flood Project Integrity and Inspection Branch  
Department of Water Resources

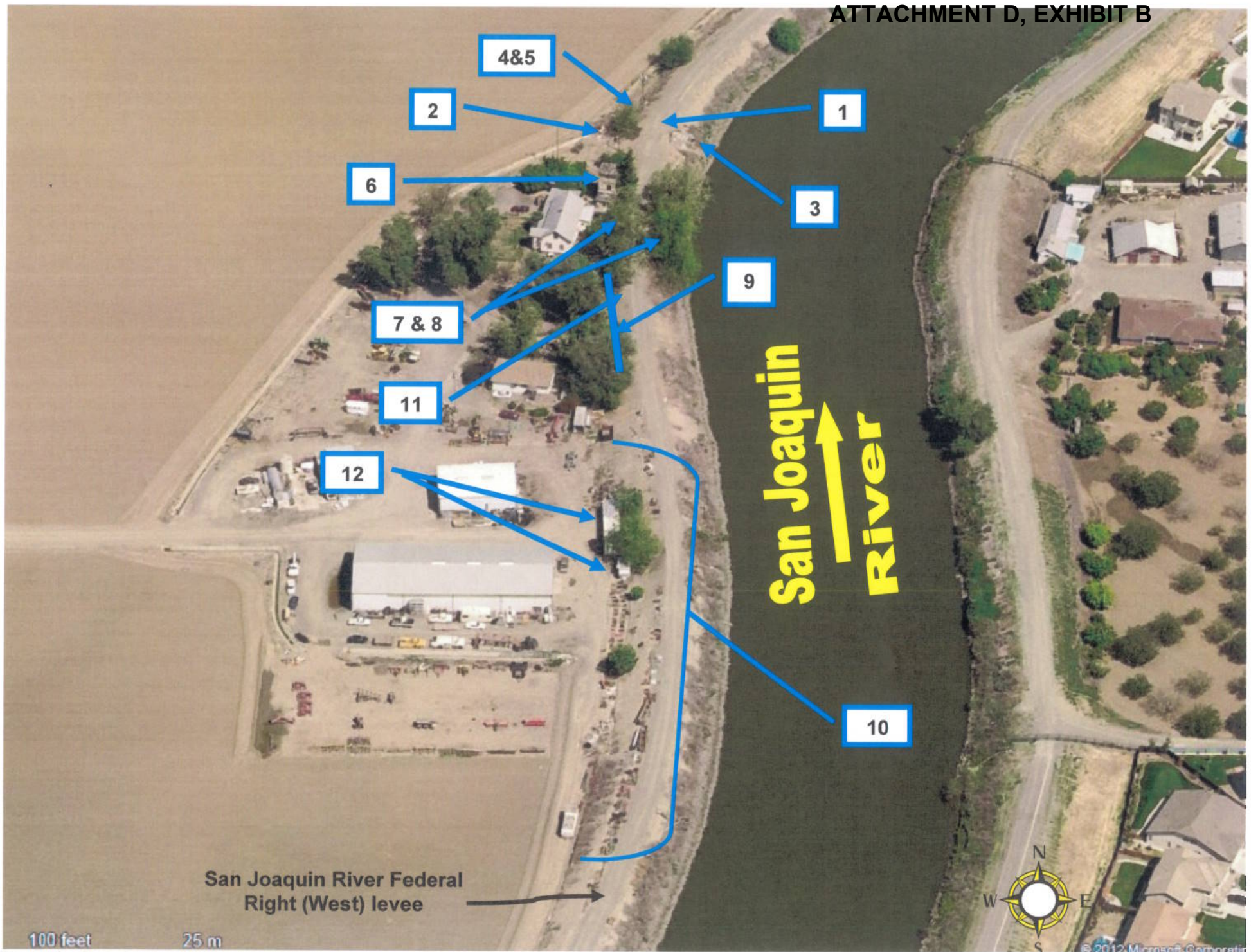


Figure 1 - Aerial view of APN 162-160-03 Dan Roza, T2012110 (source: Bing Maps ©)



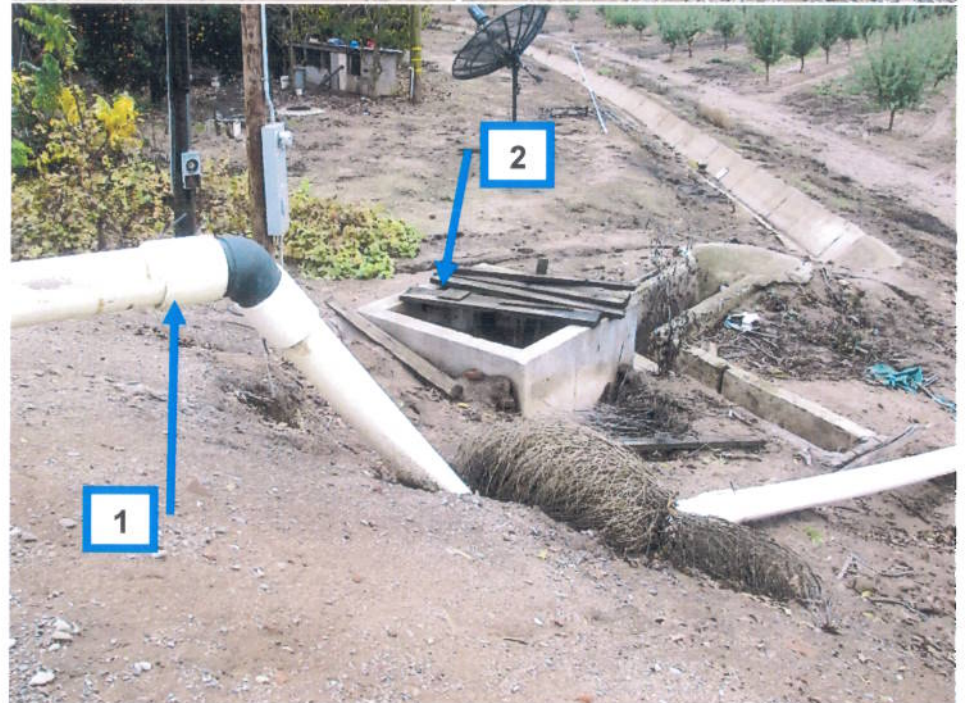
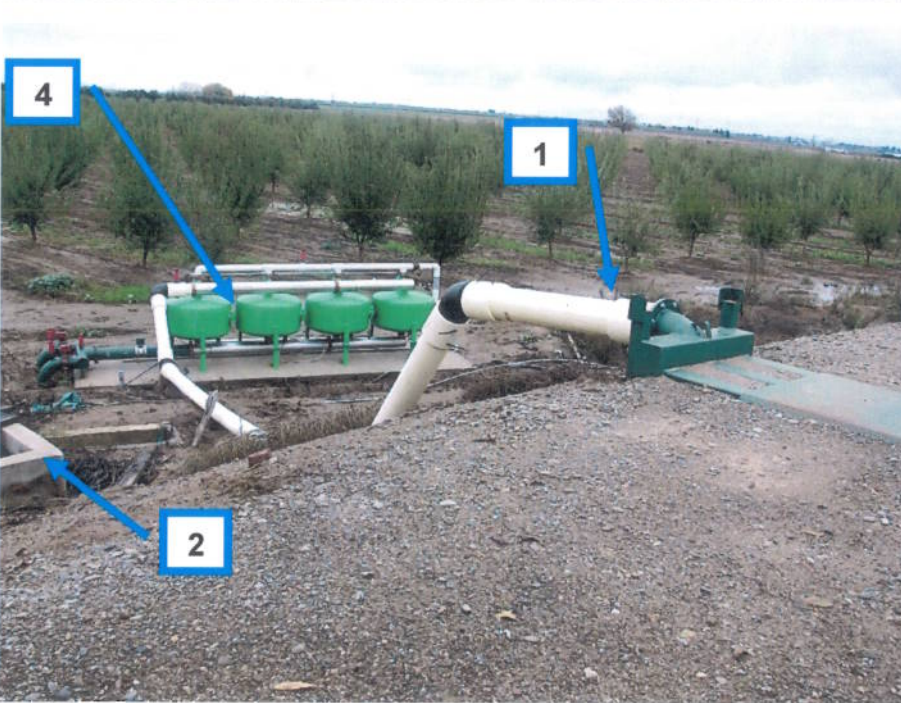
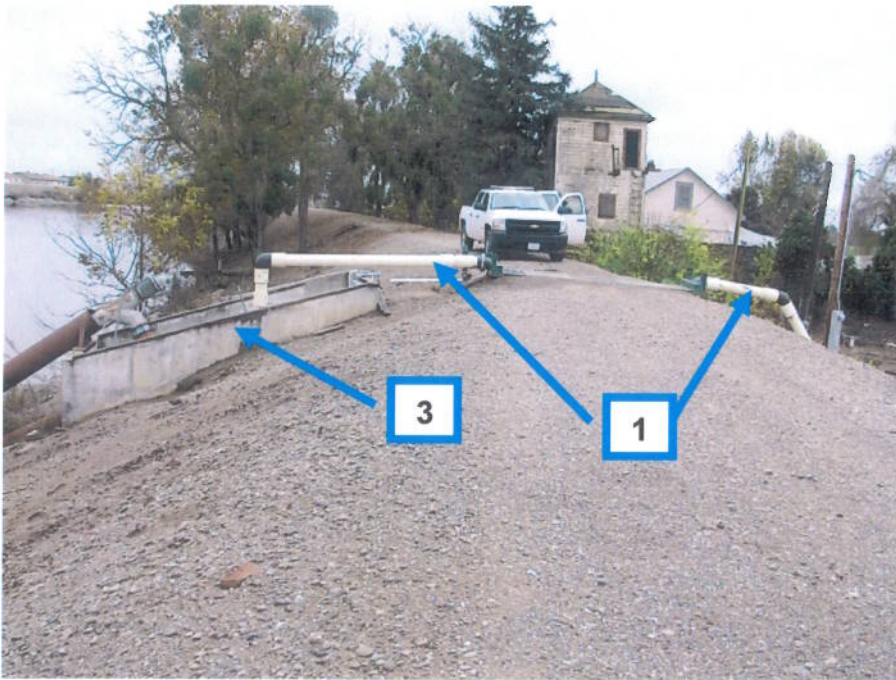


Figure 1 – Site visit photos for APN 162-160-03 Dan Roza, T2012110 (source: CVFPB staff site visit on December 6, 2012)

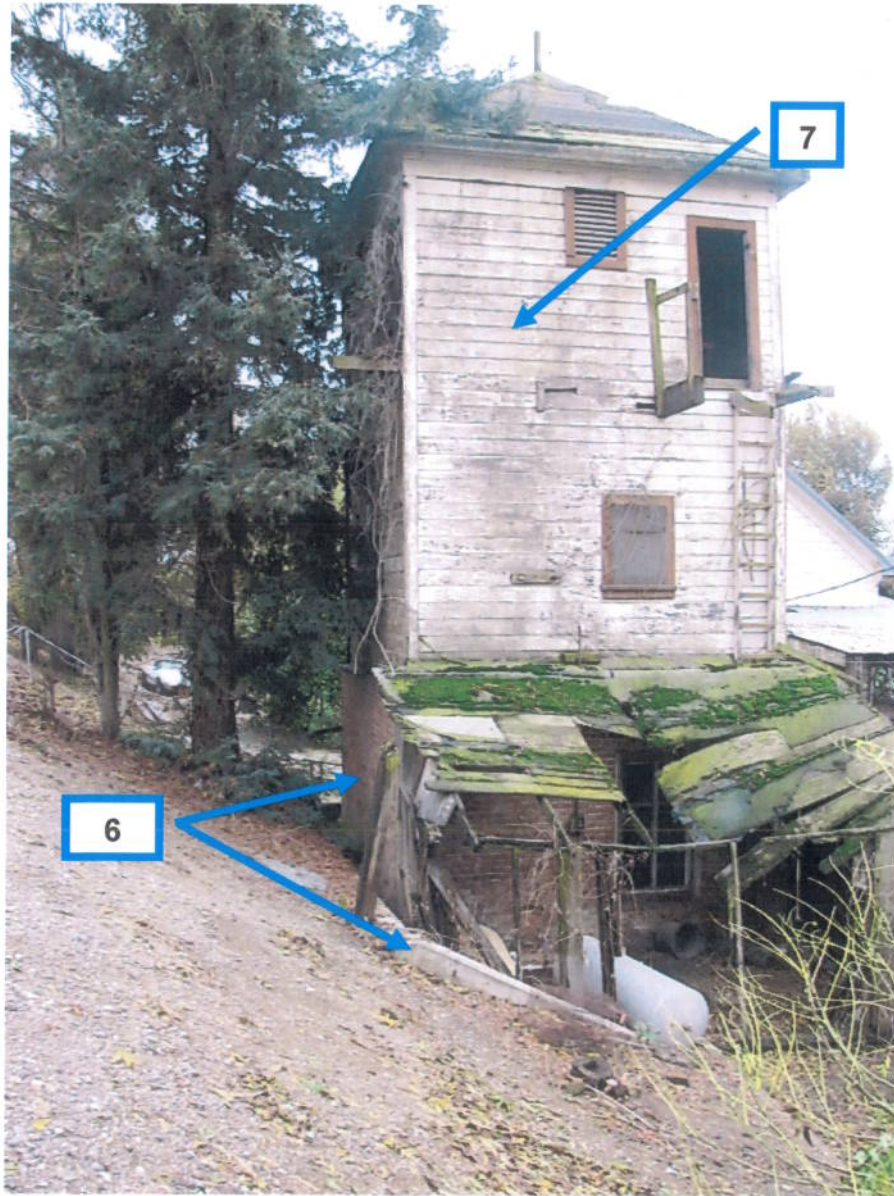


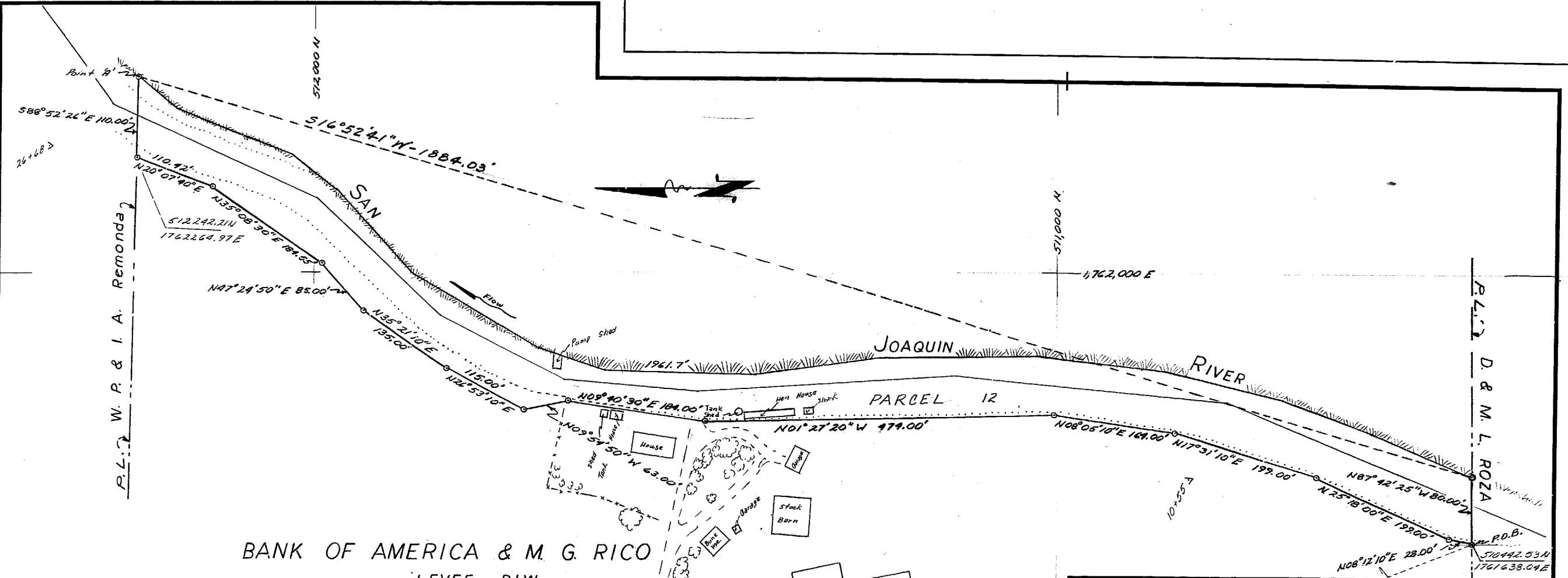
Figure 1 – Site visit photos for APN 162-160-03 Dan Roza, T2012110 (source: CVFPB staff site visit on December 6, 2012)



Figure 1 – Site visit photos for APN 162-160-03 Dan Roza, T2012110 (source: CVFPB staff site visit on December 6, 2012)



Figure 1 – Site visit photos for APN 162-160-03 Dan Roza, T2012110 (source: CVFPB staff site visit on December 6, 2012)



BANK OF AMERICA & M. G. RICO  
 LEVEE RIW  
 3.46 AC. TOTAL

PARCEL 12  
 EXHIBIT B-11

TIE: N20°41'08"E 504.02' Fr. NW Cor. of  
 0.40 AC. Tr. conveyed by D. & M. L. ROZA  
 to S. & S. J. D. D., Vol. 2036, P. R., Pg. 372,  
 S. J. Co. Records.

REVISION	DATE	DESCRIPTION	BY	APP'D
COMP. BK.	FIELD BK.	C. OF E. FILE	SCALE	
60 C		7-4-1621	1"=100'	

State of California  
**THE RECLAMATION BOARD**

SAN JOAQUIN R. - LT. BK. - HEAD  
 OLD R. - STOCKTON CHANNEL

S & S J D D vs  
 FRIEDA J. STRECKER, ET AL

SAN JOAQUIN CO. MAY 1961

PREPARED: <i>W. J. Stich</i> W. J. STICH, ASSOC. HYDR. ENGR.	APPROVED: <i>P. C. Walters</i> A. N. MURRAY, GEN. MGR. & CHIEF ENGR.
SUBMITTED: <i>P. C. Walters</i> P. C. WALTERS, SR. CIVIL ENGR.	TR. 3-2146 MAP 60-237
RECOMMENDED: <i>Howard S. Hitchcock</i> HOWARD S. HITCHCOCK, ASST. CHIEF ENGR.	SHEET 1 OF 1