

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

Staff Report – Encroachment Permit

**Goose Club Farms North
Removal of Alluvium and Woody Vegetation
Sutter County**

1.0 – ITEM

Consider approval of Permit No. 15526-1 (Attachment B)

2.0 – APPLICANT

Goose Club Farms North

3.0 – LOCATION

The Goose Club Farms North alluvium and woody vegetation removal project is a reclamation project located within the southern reaches of the Sutter Bypass (Bypass). The site is located 4.36 miles east of Robins CA, 3 miles south of the Kirkville Road crossing of the Bypass, and is adjacent to Feather River Mile 6.75. (Sutter Bypass, Sutter County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to perform site grading and to remove sand, silt, (alluvium) as well as trees and brush to reclaim the land for farming within the Bypass.

5.0 – PROJECT ANALYSIS

The proposed reclamation project will restore the lower Bypass to pre -1986 conditions allowing for the resumption of agricultural uses of the land. During the floods of 1986, an abandoned railroad embankment separating the Feather River from the Bypass breached at two locations at Feather River Channel Miles 5.0 and 6.75. The breaches allowed large amounts of alluvium to be deposited within the Bypass.

In the spring of 1990, Mr. James Taylor, the owner of Goose Club Farms and the property within the Bypass on which the alluvium was deposited, applied for a Reclamation Board Permit for the purpose of reclaiming his farmland. A Board Permit (15526) was issued on October 22, 1990.

In 1991 Mr. Taylor began reclaiming his property and continued doing so until 2002 when all Goose Club Farms property was sold to its current owner, Mr. Dane Lowry. In March 2012 Mr. Lowry applied for a Board Permit to continue the reclamation project initiated by Mr. Taylor.

Between 1986 and 2013, large amounts of woody vegetation have accumulated on site (see Site Photos A-9 and A-10) which made alluvium removal difficult. The updated permit application will allow the current owner to continue reclaiming the land for agriculture by removing unwanted alluvium deposits, woody vegetation, and debris. This activity is a benefit to the flood control project.

The proposed project conforms to all Title 23 Standards.

5.1 – Hydraulic Analysis

The proposed project will restore the lower Bypass to its pre-1986 capacity as a flood control entity.

5.2 – Geotechnical Analysis

The proposed project does not involve any levees; therefore a geotechnical analysis was not required.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- There is no local maintaining agency in the project area.
- 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 has determined that the project is categorically exempt from CEQA under a Class 4 Categorical Exemption (CEQA Guidelines Section 15304) covering minor alterations to land.

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 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 reclamation project restores to pre -1986 conditions the functionality of a portion the Flood Control Project Works and therefore retains the viability of the State Plan of Flood Control.

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

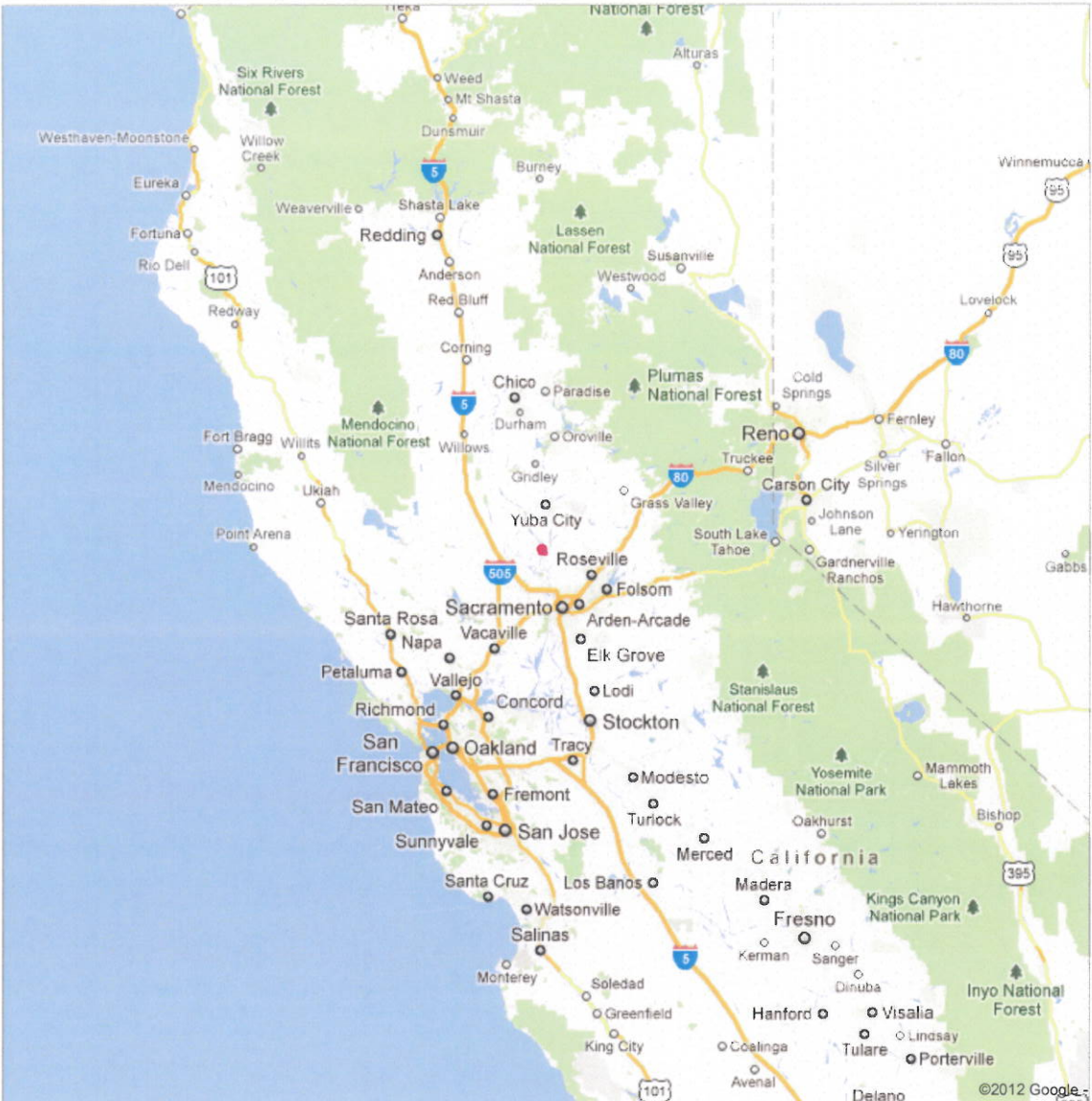
Staff recommends that the Board find the project exempt from CEQA and approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions,

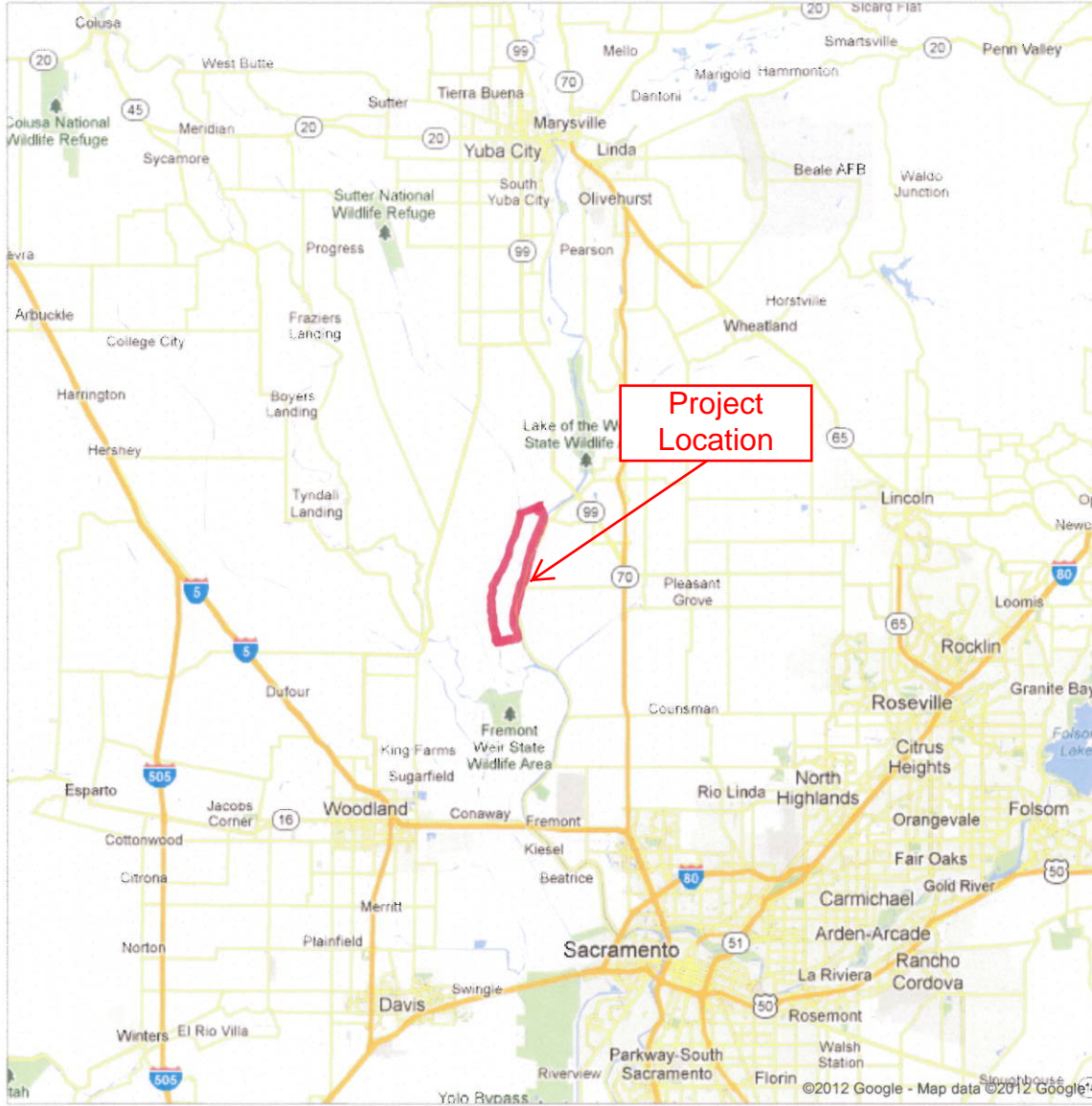
direct staff to file a Notice of Exemption with the State Clearinghouse and direct the Executive Officer sign the final permit.

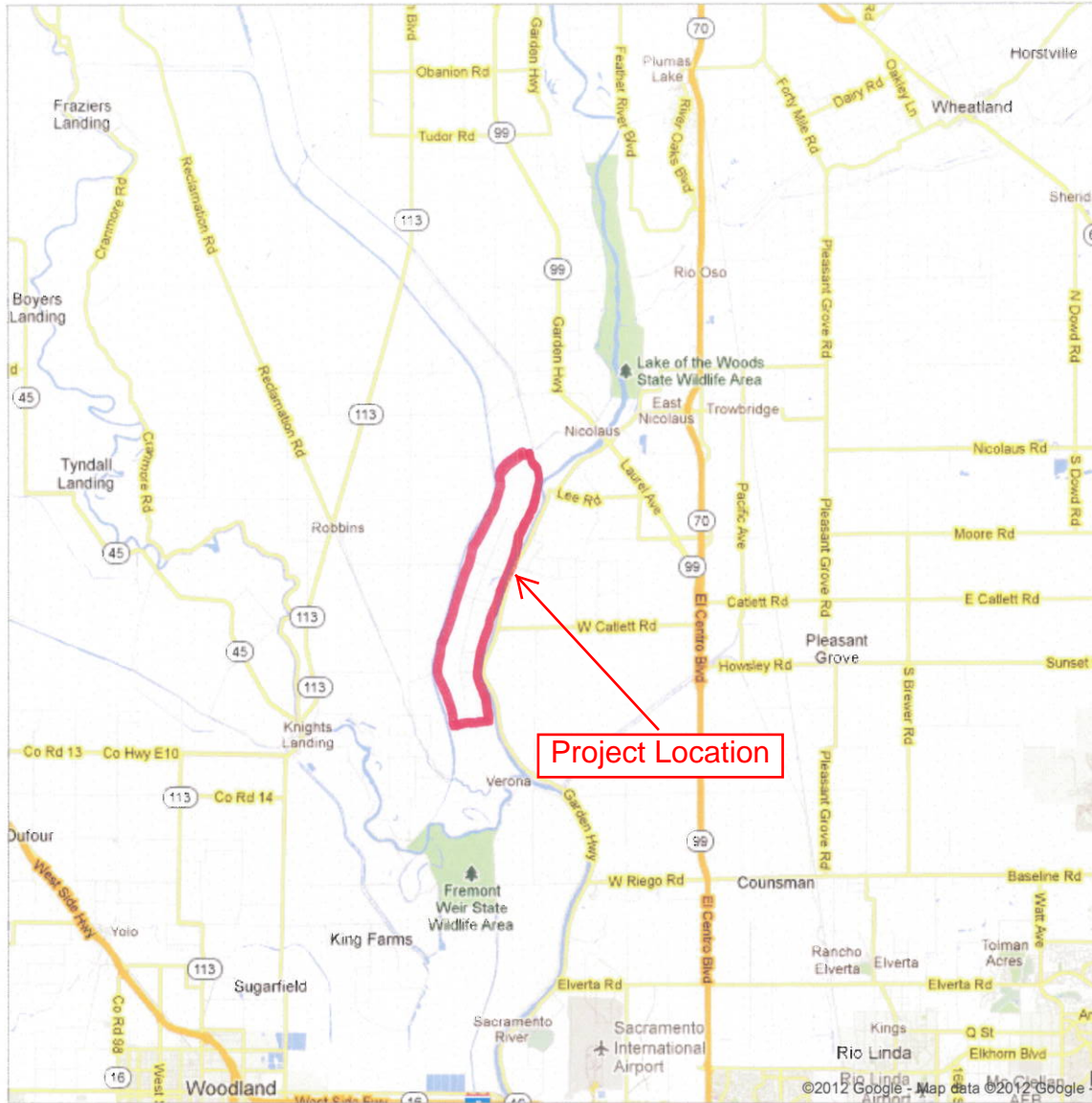
10.0 – LIST OF ATTACHMENTS

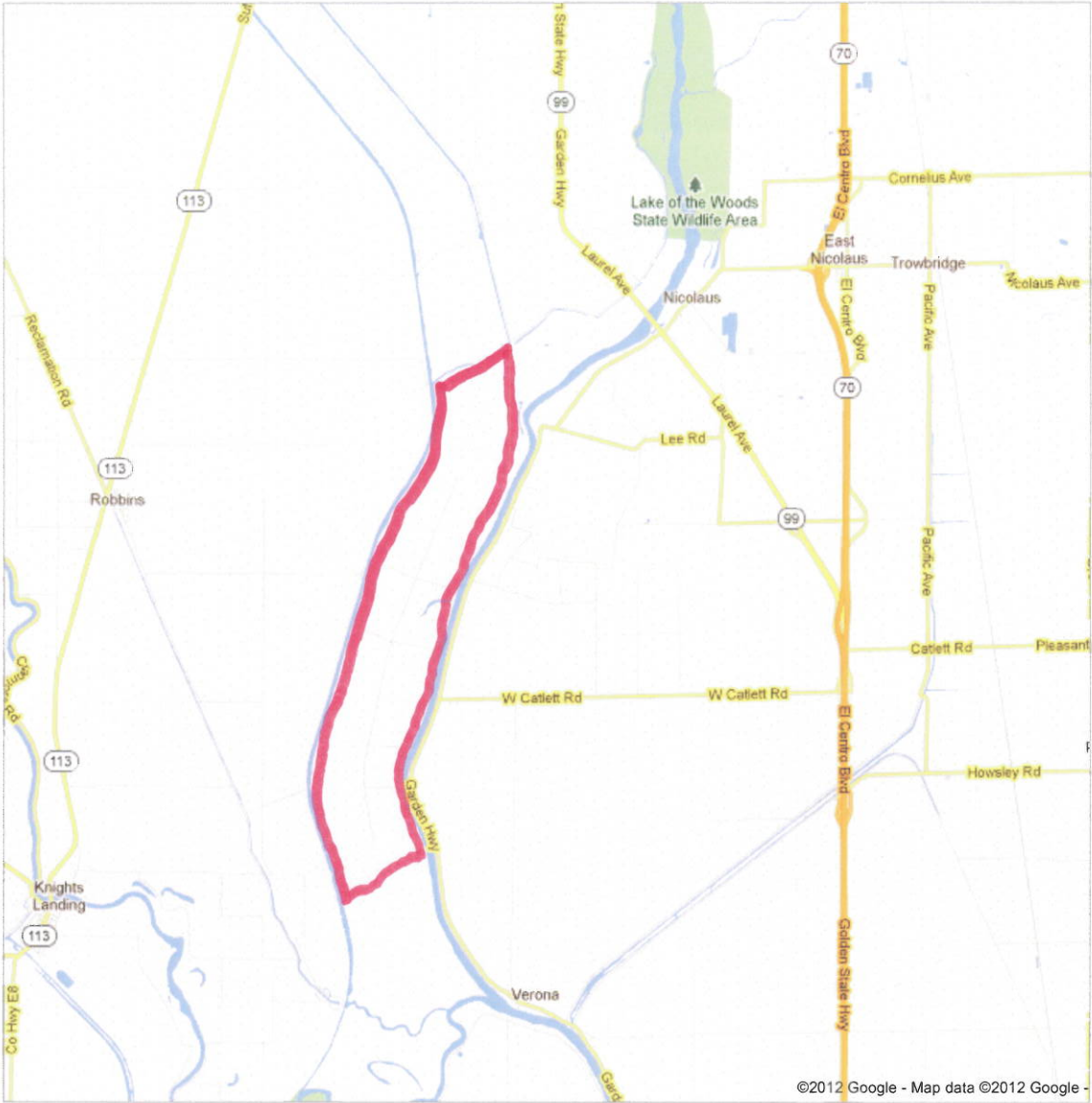
- A. Location Maps and Site Photographs
- B. Draft Permit No. 15526-1
- C. Project Drawings

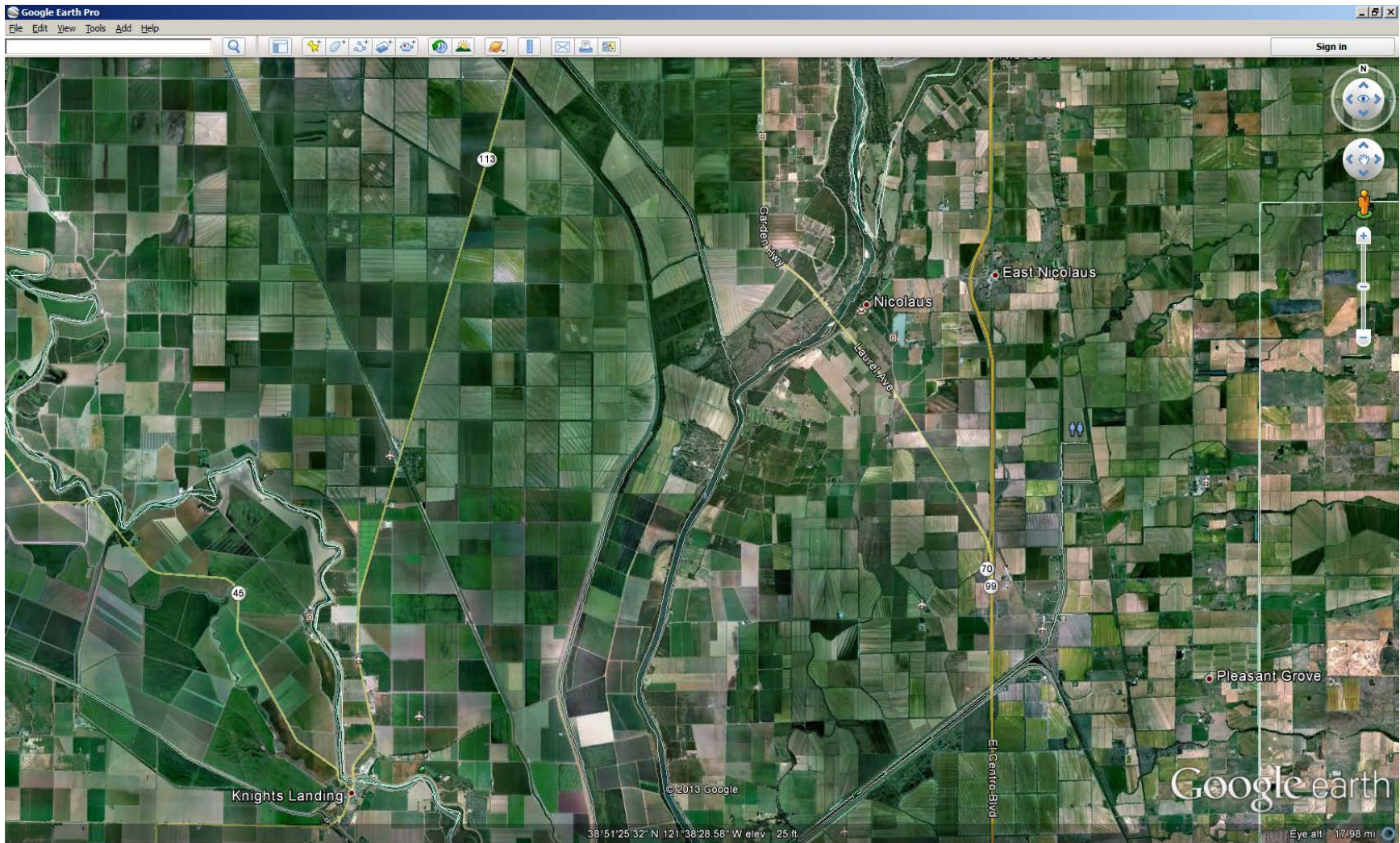
Design Review:	Sterling Sorenson W.R.E.A.
Environmental Review:	James Herota, Andrea Mauro
Document Review:	Mitra Emami P.E., Len Marino P.E.

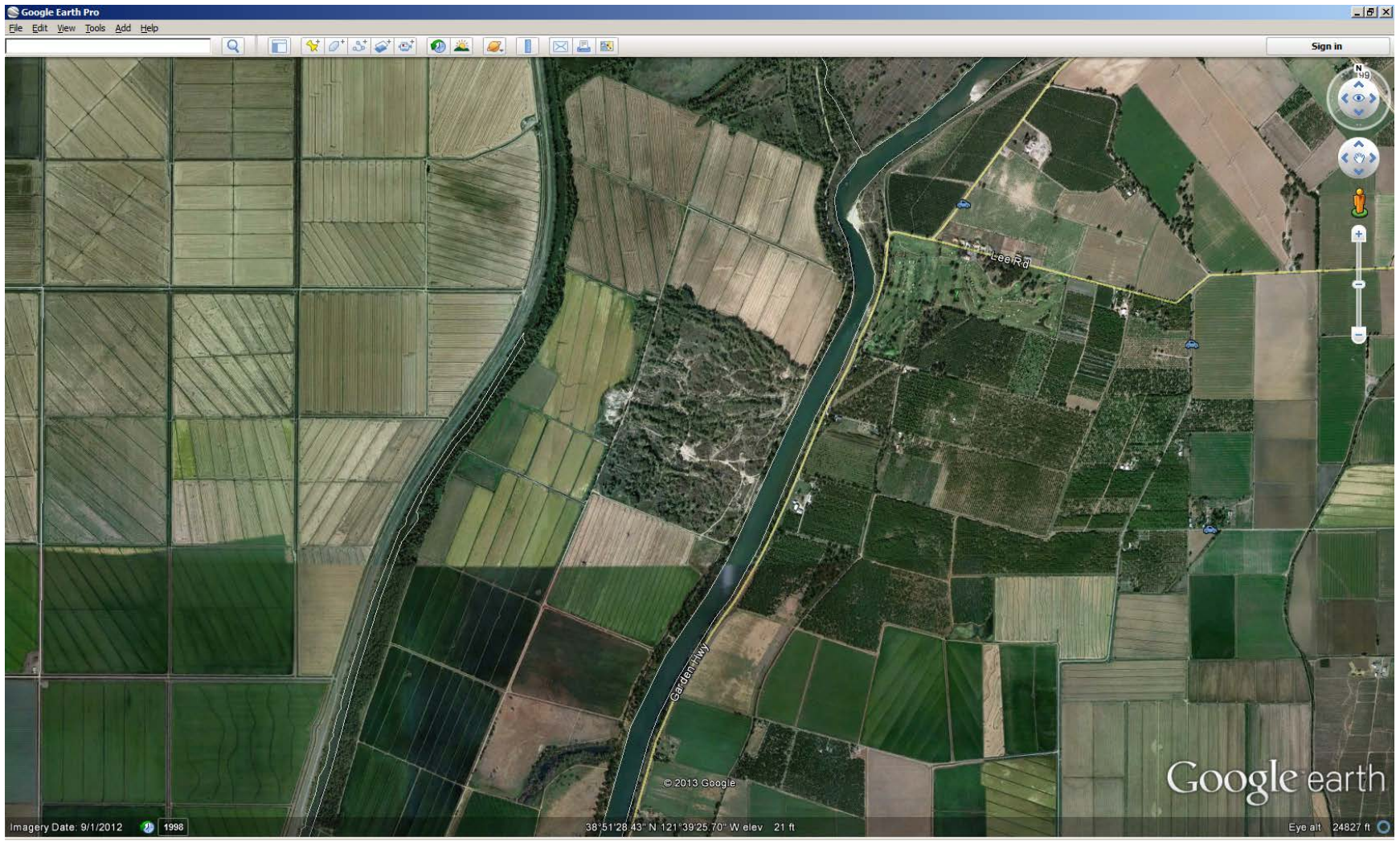


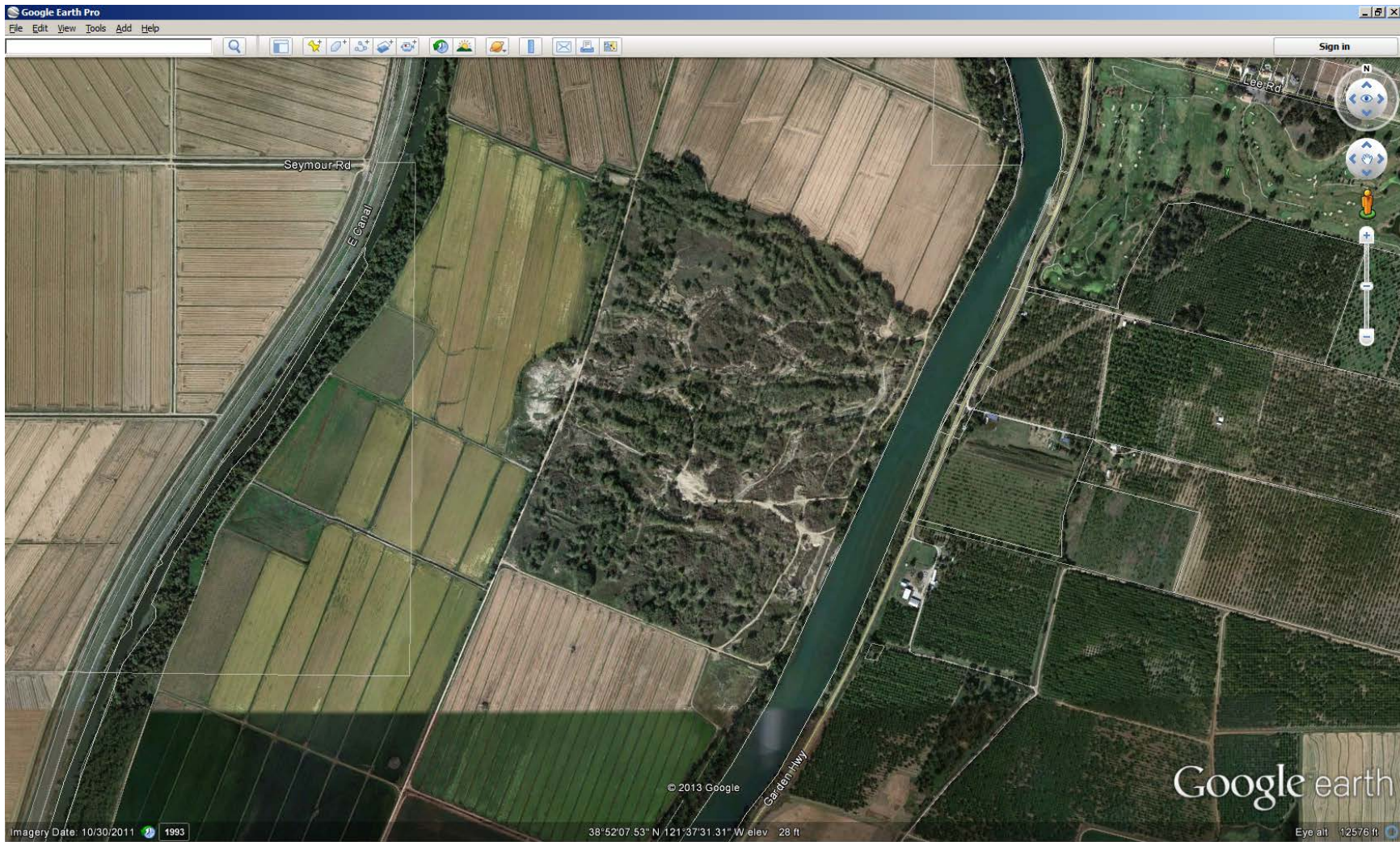
















Looking east from reclaimed lands towards acreage yet to be reclaimed



Looking Northeast from reclaimed lands towards yet to be reclaimed lands.

DRAFT

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

PERMIT NO. 15526-1 BD

This Permit is issued to:

Goose Club Farms North
550 Greenville Road
Livermore, California 94550

Site grading and removal of sand, silt, trees and brush to reclaim the land to farming and flood control within the Sutter Bypass. The project is located within the Sutter Bypass approximately one mile south of the conluent with the Feather River. (Section 15, 22, T12N, R3E, MDB&M, Sutter Bypass, Sutter 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. 15526-1 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 the herein permitted reclamation project 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 the California Department of Water Resources shall not be held liable for any disruption(s) to the herein permitted reclamation project within the Sutter Bypass resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair(s) activities relative to said Bypass.

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 your project.

EIGHTEEN: Trees and brush cleared from the Sutter Bypass to facilitate the herein permitted reclamation project shall be completely burned or removed from the Bypass and no downed trees and/or brush shall be allowed to remain in the Bypass during the flood season from November 1st through April 15th.

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

TWENTY: No material stockpiles, temporary buildings, or equipment shall remain within the Sutter Bypass during the flood season from November 1st to April 15th.

TWENTY-ONE: A profile of any/all levee crown roadways and access ramps that will be utilized for access to and from the herein permitted reclamation project site shall be submitted to the Central Valley Flood Protection Board prior to commencement of excavation and transport activities.

TWENTY-TWO: Any damage to the levee crown roadways or access ramps shall be promptly repaired to the condition that existed prior to utilization of said ramps/roadways and to the satisfaction of Sutter Maintenance Yard officials.

TWENTY-THREE: No excavation(s) shall be made lower than indicated on the approved plans.

TWENTY-FOUR: If the herein permitted reclamation project or any portion thereof is to be terminated prior to completion, the permittee or their successor shall terminate said project only after inspection, consultation and under direction of any authorized representative of the Central Valley Flood Protection Board and/or the California Department of Water Resources.

TWENTY-FIVE: The permittee shall comply with all conditions set forth in the U.S. Army Corps of Engineers 208.10 comment letter dated February XX, 2013, which is attached to this permit as Exhibit A and is incorporated by reference.

This page intentionally left blank.

Grade lots 3-4 to elevation 33.2

Job: goose3-4 balance
 Units: Ft-CY
 Wed Feb 22, 2012 10:22:56 Page 1

Volume Report Design vs. Existing

Job Site	Area		Volume		Comp/Ratio		Compact		Export Change		
	Total	Cut	Fill	OnGrade	Cut	Fill	Cut	Fill	-Import	Per .1 Ft	
	13,555,379	7,022,450	6,193,530	339,399	602,790	599,300	1.00	1.00	602,790	599,300	3,490 50,205

Bill Acres

