

**Meeting of the Central Valley Flood Protection Board
April 25, 2014**

Encroachment Permit

**Granite Construction Company
Morrison Creek realignment and riparian preserve establishment,
Sacramento County**

1.0 – ITEM

Consider approval of Permit No. 18925 (Attachment B)

2.0 – APPLICANT

Granite Construction Company

3.0 – PROJECT LOCATION

The project is located along the Morrison Creek floodway, between Hedge Avenue and Mayhew Road, Sacramento County (see Attachment A).

4.0 – PROJECT DESCRIPTION

The applicant proposes the realignment and subsequent mining of Morrison Creek followed by the establishment of a riparian corridor and preserve along the realigned creek channel to include trail crossings, a vehicle bridge, levee top-top maintenance roads, diversion weir, and pipe culverts (see Attachment C).

5.0 – AUTHORITY OF THE BOARD

California Water Code: Sections 8534, 8590-8610.5, 8700-8710

California Code of Regulations, Title 23 (Title 23):

* § 6, Need for a permit

- * § 112, Streams regulated and Non Permissible Work Period
- * § 116, Borrow and Excavation Activities – Land and Channel
- * § 121, Erosion Control
- * § 123, Pipeline, Conduits
- * § 131, Vegetation

6.0 – PROJECT ANALYSIS

The project involves mining and excavating Morrison Creek on Granite's Vineyard I property and replacing it with an approximately 5,800-foot at-grade reconstructed and realigned channel with accessory design features for the realigned channel.

The realigned Morrison Creek channel includes a 300-foot wide at-grade bypass and restoration corridor designed to contain 100-year flows within the channel. Peak flows will be entirely contained within the realigned banks and channel of Morrison Creek. Based on the modeling performed by the hydraulic analysis the footprint of the FEMA 100-year baseline floodplain after reclamation and creek realignment is predicted to be reduced by 81 percent.

Much of the area south of Morrison Creek and the proposed realigned channel has been mined pursuant to existing mining permits (observing a 150-foot setback from the existing creek), and will remain below grade following reclamation to provide storm water retention in the mining pit floor. The proposed project would begin with dry season diversions of Morrison Creek on the Vineyard I property into trapezoidal bypass channel and pipes. Temporary diversions are necessary to allow for the construction and the ultimate tie-in of the realigned creek channel with the natural creek channel both at the upstream (eastern-Mayhew Road) and downstream (western-Hedge Avenue) boundaries of the project. Once the necessary diversions are in place the existing natural channel will be excavated and subsequently backfilled (mass graded) at the Mayhew and Hedge connection segments in accordance with the construction and reclamation plans. No further mining of the existing natural Morrison Creek channel (outside of the Mayhew and Hedge connection segments) is planned until the ultimate diversion of Morrison Creek into the realigned Morrison Creek channel is completed in November 2014.

After mass grading the fine (more precise) grading will be done to establish a low-flow corridor and prepare the realigned channel for installation of plantings and irrigation. During fine grading activities the accessory trail and vehicle crossing, as well as diversion weir near the Hedge Avenue connection segment will be installed.

Once the channel, accessory structures, and plantings are in place and verified the entire realigned channel will be placed under a permanent conservation easement pursuant to the existing U. S. Army Corps of Engineers Section 404 permit for the creek relocation.

6.1 – Hydraulic Analysis

Wood Rodgers (WRI) was commissioned to analyze the impacts of the proposed realigned channel (on Granite property) and raised bank channel (a separate action on adjacent property owned by Teichert) to Morrison Creek.

The proposed project evaluated by WRI, (also referred to as the “Proposed Reclamation Plan”) consists of eliminating the approved “below-grade bypass/mined-bottom” channel and at-grade bypass channels and replacing these elements with a combined “at-grade reconstructed and realigned” Morrison Creek low-flow channel and flood control channel with riparian habitat (realigned channel) on Aspen III South and Vineyard I properties. For the adjacent Aspen IV South property (which is the subject of a separate Board encroachment permit application 18910), a raised bank flood control channel is to be constructed outside of the effective FEMA floodway while preserving the natural low-flow channel (raised bank channel). Together these efforts comprise the post-reclamation channel which is defined as approximately 5,800 feet of realigned channel within Aspen III South and Vineyard I and approximately 2,000 feet of raised bank channel within Aspen IV South.

Wood Rodgers’ hydrology and hydraulic analysis predicts that the proposed project results in no adverse hydraulic impacts either upstream or downstream of the project.

6.2 – Geotechnical Analysis

A geotechnical / seepage and slope stability analysis was performed by GEOCON Consultants, Inc. to evaluate soil conditions, determine appropriate soil properties and strength parameters, and to evaluate slope stability under static and seismic conditions as part of forward planning for the project. The analysis concluded that there will be no adverse geotechnical conditions associated with the proposed project.

7.0 – AGENCY COMMENTS AND ENDORSEMENTS

The U.S. Army Corps of Engineers (USACE) comment letter has been received for this application. The USACE District Engineer has no comments or recommendations regarding this application because the proposed work does not affect a federally constructed project. The letter is incorporated into the permit as Exhibit A.

8.0 – CEQA ANALYSIS

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

The Board, acting as a responsible agency under CEQA, has independently reviewed the Draft Supplemental Environmental Impact Report (DSEIR, SCH No. 1995102057, February 2012), the Final Supplemental Environmental Impact Report (FSEIR, September 2012) and the Mitigation Monitoring and Reporting Plan (MMRP) on the Vineyard I Community Plan Amendment, Rezone, Use Permit, Reclamation Plan Amendment, and Zoning Agreement Amendments; and Aspen III South Reclamation Plan and Use Amendments and Aspen IV South Reclamation, Use Permit, and Zoning Agreement Amendments Project prepared by the lead agency, Sacramento County (incorporated herein by reference and available at the Central Valley Flood Protection Board offices or Sacramento County Offices). These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2014/04-25-2014.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and Sacramento County offices.

The FSEIR was prepared to address environmental impacts associated with the restoration of Morrison Creek, as well as amendments to the original use permits and reclamation plans. The existing conditional use permits and reclamation plans for Aspen III South, Aspen IV South and Vineyard I sites were each the subject of a previously certified Final Environmental Impact Report / Environmental Impact Statement entitled Morrison Creek Mining Reach (South) of Jackson Highway Project (SCH No. 95102057, July 1999). A separate set of CEQA Findings and a Statement of Overriding Considerations were adopted by Sacramento County in December 1999 at the time the existing conditional use permits and reclamation plans were approved. Those Findings and Statement of Overriding Considerations remain in effect.

Sacramento County, as the lead agency, determined that the proposed project would not have a significant effect on the environment on January 8, 2013, and filed a Notice of Determination with the Sacramento County Clerk on January 9, 2013.

Based on its independent review of the FSEIR, the Board finds that although the proposed project could have a potentially significant effect on the environment, revisions have been made to the project and/or agreed to by the project proponent that reduce the environmental impacts to less than significant. The project proponent has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where no significant impacts will occur. These mitigation measures are included in the project proponent's FSEIR and address impacts to biological resources, geology and slope stability, and land use. The description of the mitigation measures are further described in the certified FSEIR.

The documents and other materials which constitute the record of the Central Valley Flood Board's proceedings in this matter are in the custody of Jay Punia, Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Rm. 151, Sacramento, California 95821.

9.0 – WATER CODE 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 at or before the meeting where this item is heard.

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 with respect to flood control.

3. Effects of the decision on 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 effects on facilities of the State Plan of Flood Control because it is well upstream of the federal flood control project, and is consistent with the 2012 Central Valley Flood Protection Plan. Sacramento County's West Jackson Highway Master Plan is a regional plan for the area designed to establish a framework and strategy for all future area development. As a result of the project Morrison Creek will convey the 100-year flood event with three feet of freeboard. As the area continues to urbanize the level of flood protection can be increased to the 200-year level consistent with the Central Valley Flood Protection Plan and Urban Level of Protection guidelines.

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. The project will implement Sacramento County's 2030 General Plan goals and policies which embrace smart growth principles. Staff is not aware of other planning efforts or reasonably likely projects in the area in the near future that would impact this project.

10.0 – STAFF RECOMMENDATION

Board staff recommends that the Board:

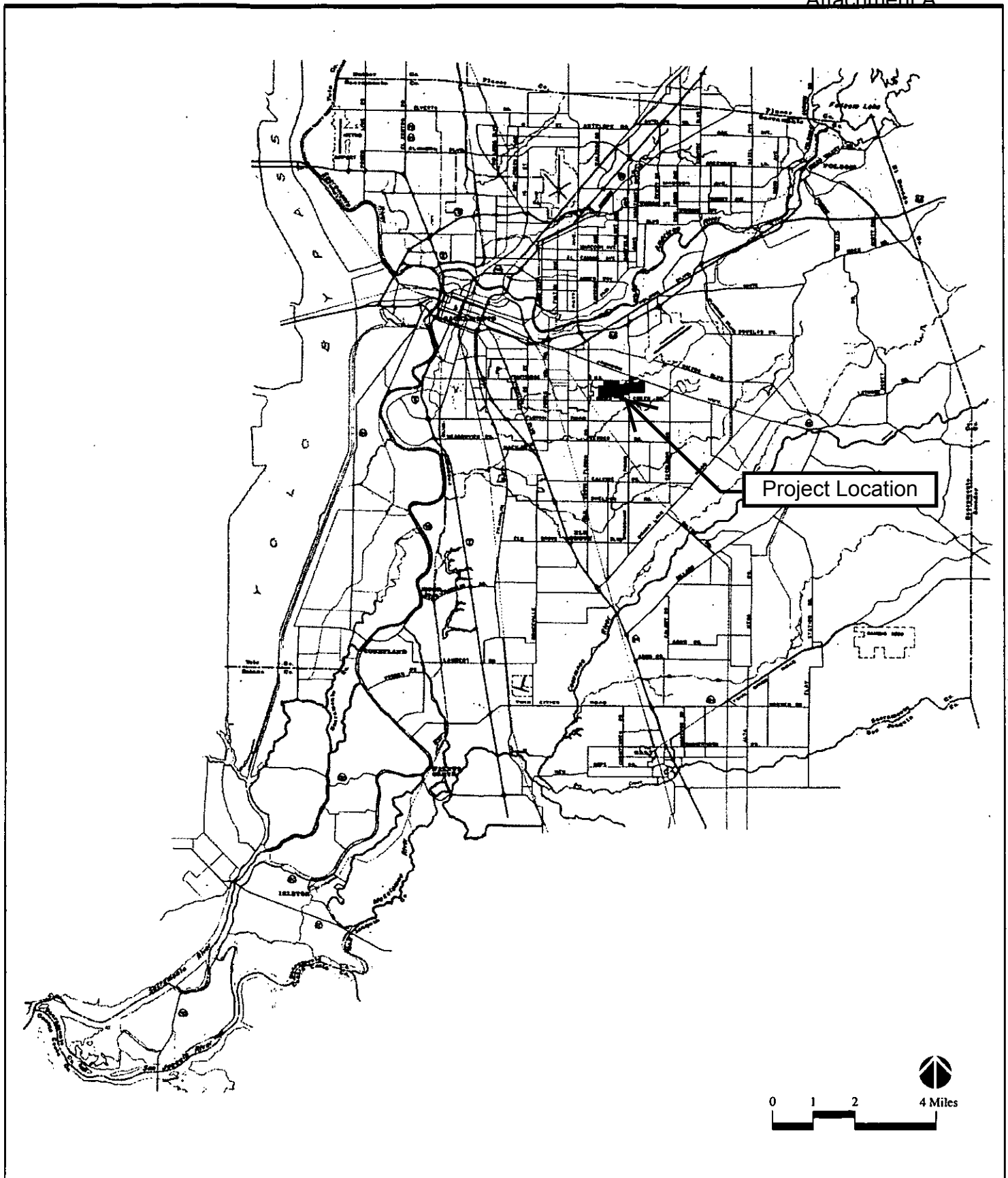
- adopt the CEQA findings
- approve the permit; and
- direct the Executive officer to file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

11.0 – LIST OF ATTACHMENTS

- A. Location Maps
- B. Draft Permit No. 18925
- C. Reclamation Plan Graphic

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|-----------------------|---|
| Design Review: | Samuel Brandon |
| Environmental Review: | Andrea Buckley |
| Document Review: | Mitra Emami, PE; Len Marino PE; Eric Butler, PE |
| Legal Review: | Leslie Gallagher, Chief Counsel |

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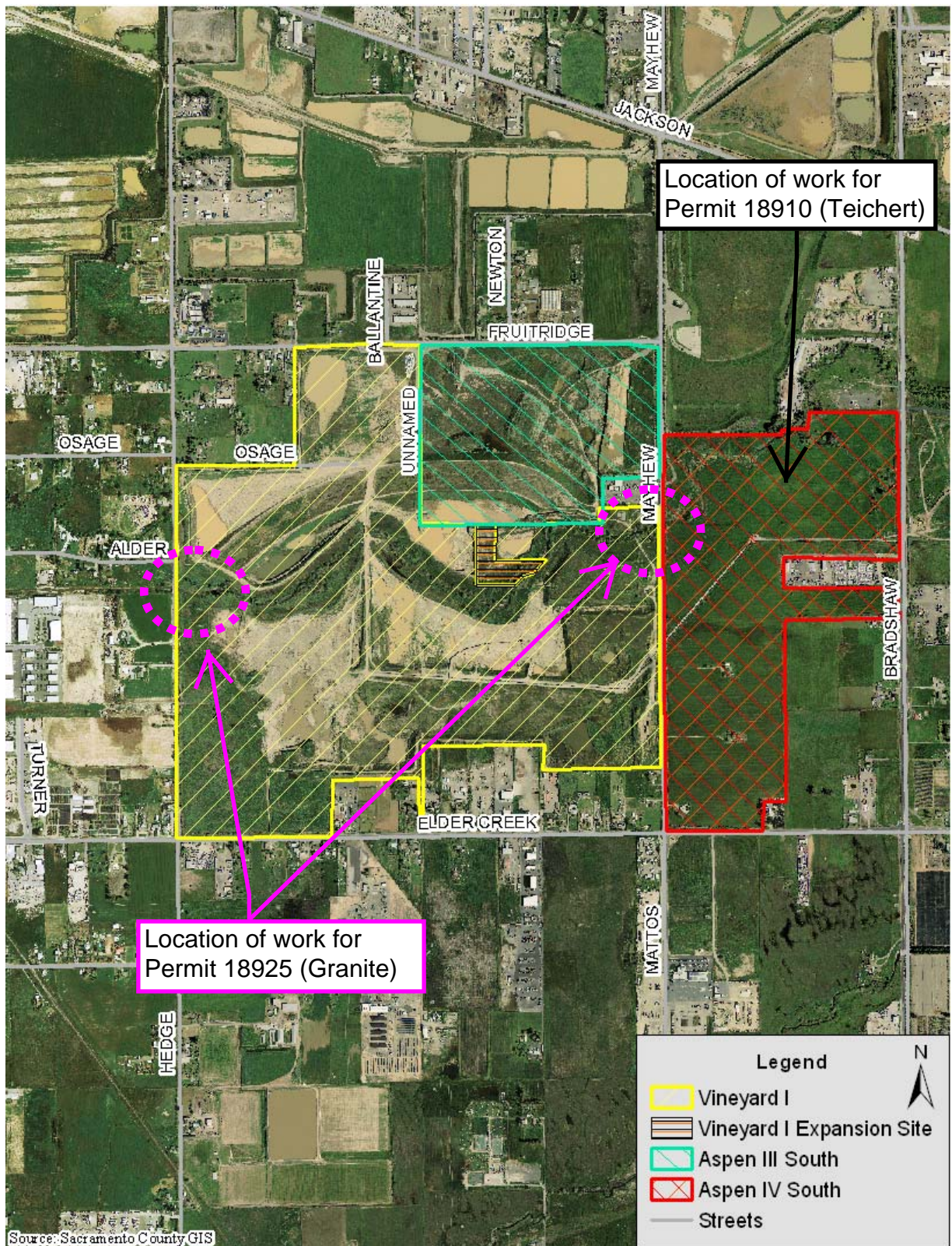


Morrison Creek Mining Reach,
Downstream (South) of Jackson Highway EIR/EIS

Project Site

Figure 3-1
Regional Location

ATTACHMENT A - Vicinity Map



Source: Final EIR for Vineyard I, Aspen III South & Aspen IV South

DRAFT

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

PERMIT NO. 18925 EO

This Permit is issued to:

Granite Construction Company
4001 Bradshaw Road
Sacramento, California 95827

To realign and mine Morrison Creek, followed by the establishment of a riparian corridor and preserve along the realigned creek channel including trail crossings, a vehicle bridge, levee-top maintenance roads, diversion weir, and pipe culverts. The project is located along Morrison Creek, in between Hedge Avenue and Mayhew Road, in Sacramento, CA (Section 29, 30, T8N, R6E, MDB&M, Morrison Creek, Sacramento 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. 18925 EO

THIRTEEN: If the construction project extends onto land owned in fee and/or easement by the Sacramento and San Joaquin Drainage District acting by and through the Central Valley Flood Protection Board (Board), the permittee should secure an easement, license, or temporary entry permit from the Board prior to commencement of work. Contact Angelica Aguilar at (916) 653-5782.

FOURTEEN: 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.

FIFTEEN: 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.

SIXTEEN: Upon receipt of a signed copy of the issued (not approved only) 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.

SEVENTEEN: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

EIGHTEEN: 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.

NINETEEN: 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.

TWENTY: 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.

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

TWENTY-THREE: No material stockpiles, temporary buildings, or equipment shall remain in the floodway during the flood season from November 1 to April 15.

TWENTY-FOUR: If erosion occurs adjacent to the permitted encroachment(s), the permittee shall repair the eroded areas and place adequate revetment on the affected areas to prevent further erosion.

TWENTY-FIVE: All cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-SIX: If the proposed project result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

TWENTY-SEVEN: A permanent access shall be provided across the creek at each end of the bridge.

TWENTY-EIGHT: The landscaping, appurtenances, and maintenance practices shall conform to standards contained in Section 131 of the Central Valley Flood Protection Board's Regulations.

TWENTY-NINE: Any vegetative material, living or dead, that interferes with the successful execution, functioning, maintenance, or operation of the adopted plan of flood control must be removed by the permittee at permittee's expense upon request by the Central Valley Flood Protection Board,

Department of Water Resources, or local maintaining agency. If the permittee does not remove such vegetation or trees upon request, the Central Valley Flood Protection Board reserves the right to remove such at the permittee's expense.

THIRTY: If periodic inspections reveal that a borrow operation will adversely affect flood control, additional permit conditions may be imposed or the permit may be revoked.

THIRTY-ONE: No excavation shall be made outside of the borrow area indicated on the submitted plans.

THIRTY-TWO: 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 February 21, 2014, which is attached to this permit as Exhibit A and is incorporated by reference.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Flood Protection and Navigation Section (18925)

MAR 10 2014

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Mr. Punia:

We have reviewed a permit application by Granite Construction Company (application number 18925). This project includes realigning and mining Morrison Creek, followed by the establishment of a riparian corridor and preserve along the realigned creek channel including trail crossings, a vehicle bridge, levee-top maintenance roads, diversion weir, and pipe culverts. The project is located along Morrison Creek, between Hedge Avenue and Mayhew Road, in Sacramento, from 38.5180°N 121.3627°W NAD83 to 38.5199°N 121.3443°W NAD83, Sacramento County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

A Section 10 and/or Section 404 permit (SPK-1994-00102) has been issued for this work.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy P. Olsen", is positioned above the typed name.

Randy P. Olsen
Chief, Operations-Readiness Branch

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Vineyard I

RECLAMATION PLAN



Fruitridge Road

Teichert: Aspen III-South

Area to be filled to +/-5-ft of original grade.

Stormwater Detention Area
(Size to be Designed)Reclaimed Pit Bottom
elevation varies upon ultimate
mining depth and overburden
volumes.Approximate Location
of Final Slope.
Exact location will
depend on extent of
aggregate deposit.Optional Fill to
Original Grade
+/- 5 feet

2:1 Slope to Pit Floor

2:1 Slope to Pit Floor

2:1 Slope to Pit Floor

Optional Fill to
Original Grade
+/- 5 feet1-A
CONCEPTUAL CROSS SECTION

Notes:

1. Reclamation Plan revised on 02/15/08 to reflect changes to the CWA Section 404 Permit issued by the Corps of Engineers
2. Stormwater will be conveyed by pipes below the constructed channel and in the drainage ditch located at the base of the channel slope to the stormwater detention area. Exact size and location of drain pipes to be determined.
3. The stormwater detention area will be designed to accommodate a minimum of 312-ac/ft of storage
4. See Mitigation and Planting Plan for habitat Details

Legend:

- Stormwater Drain Pipe
- Slope Direction
- Flow Direction

| | | |
|------------------------------|-----------|---------|
| GRANITE CONSTRUCTION COMPANY | | |
| VINEYARD I Aggregate Mine | | |
| Updated Reclamation Plan | | |
| SCALE: 1:700 | GJW & ADW | 2/15/08 |