

**Meeting of the Central Valley Flood Protection Board  
September 26, 2014**

**Staff Report**

**Decker Island LLC, Sacramento River, Sacramento County**

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**1.0 – ITEM**

Consider approval of Draft Permit No. 18844.  
(Attachment B)

**2.0 – APPLICANT**

Decker Island LLC

**3.0 – LOCATION**

The project is located on the land-side and water-side slopes and crown of the left bank levee and channel of the Sacramento River at Levee Mile 3.55, Unit No. 2, Reclamation District 341 (Sacramento River, Sacramento County, see Attachment(s) A).

**4.0 – PROJECT DESCRIPTION**

The applicant has applied to the Central Valley Flood Protection Board (Board) for an encroachment permit to install a buried electrical conduit under the landside levee slope, under the levee crown and under the waterside levee slope and channel. See Attachment(s) C

**5.0 - AUTHORITY OF THE BOARD**

California Water Code § 8534, 8590 – 8610.5, and 8700 - 8710

California Code of Regulations, Title 23 (Title 23)

- § 6, Need for a Permit

- § 7, Endorsement by Local Maintaining Agency
- § 13.2 Consent Calendar
- § 112, Streams Regulated and Non-permissible Work Periods
- § 120, Levees
- § 123, Pipelines, Conduits and Utility Lines.

## **6.0 – BACKGROUND**

Decker Island LLC has purchased and are mining dredge spoils that were deposited on Decker Island from past Sacramento River channel dredging operations. Prior to shipping, the dredge spoils are mined and trucked to a central point on the island where they are cleaned/classified, stockpiled and eventually moved by conveyor belt to a dock where the cleaned and classified material are loaded on barges. Currently, the processing plant and conveyor system are powered 100% by diesel-generated electricity.

Due to environmental and cost issues associated with the diesel-powered generator, the applicant is applying to the Central Valley Flood Protection Board (Board) for a permit allowing the applicant to cross the levee and channel with an electrical conduit that will minimize said environmental and cost issues.

## **7.0 – PROJECT ANALYSIS**

The project as proposed will not compromise the functionality and/or maintenance of the Sacramento River Flood Control Project Works.

### **7.1 – Hydraulic Analysis**

While the scope of the work for this project does not require a hydraulic analysis, a scour analysis was performed to demonstrate that the proposed depth of the buried cable would not be impacted by scour within the channel.

### **7.2 – Geotechnical Analysis**

The scope of the work for this project does not require a geotechnical analysis.

## **8.0 – 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 (USACE) Sacramento District comment letter has not been received for this application. Staff anticipates receipt of a letter indicating that the USACE District 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.
- Reclamation District 341 has endorsed the project with conditions which are attached to this staff report as Attachment D. All applicable conditions have been incorporated into draft Permit No. 18944.

## **9.0 – CEQA ANALYSIS**

Board staff has prepared the following CEQA findings:

The Board, as a responsible agency under CEQA, has reviewed an Initial Study/Mitigated Negative Declaration (IS/MND) (SCH Number: 2014032039, March 2014) and Mitigation Measures for the Decker Island Electrical Crossing Project prepared by the lead agency, Reclamation District 341. 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/2014/09-26-2014.cfm> under a link for this agenda item. These documents are also available for review in hard copy at the Board and the Reclamation District 341 offices.

Reclamation District 341 determined that the project would not have a significant effect on the environment on May 13, 2014 and adopted Resolution 2014-03. A Notice of Determination was filed on May 13, 2014 with the State Clearinghouse and the Sacramento and Solano County Clerks. Board staff finds that although the proposed project could have a potentially significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. 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 IS/MND and address impacts to biological resources and cultural resources. The description of the mitigation measures are further described in the adopted IS/MND.

**10.0 – 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, and consistency of the proposed project with the Central Valley Flood Protection Plan as adopted by Board Resolution 2012-25 on June 29, 2012:

There will be no adverse effect to the entire State Plan of Flood Control. The project site will be managed and maintained to all applicable standards by Decker Island LLC.

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 impacts to the proposed project from reasonable projected future events.

**11.0 – STAFF RECOMMENDATION**

Staff recommends that the Board:

1. Adopt the CEQA findings and approve the permit, conditioned upon receipt of a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, and direct staff to file a Notice of Determination with the State Clearinghouse.

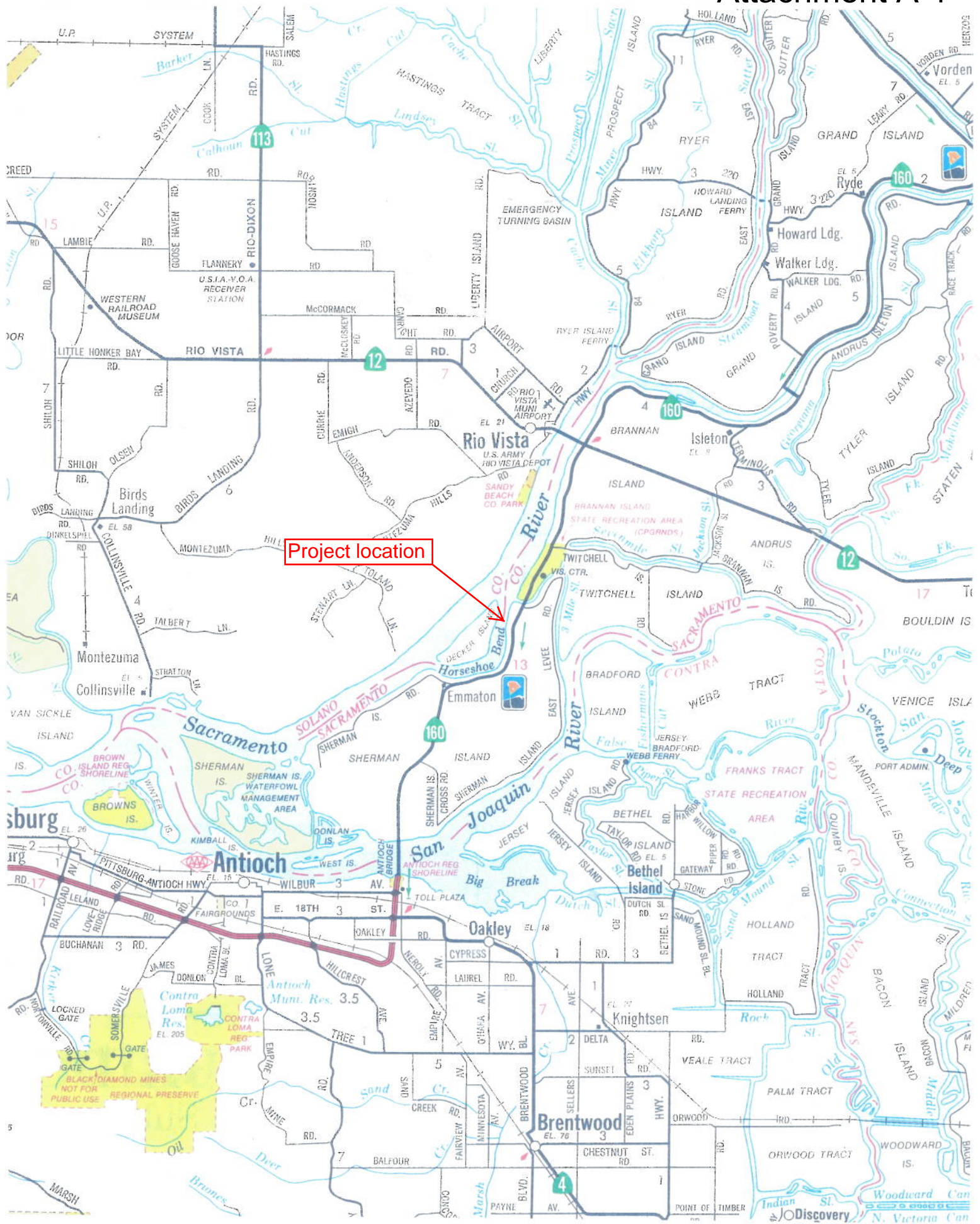
2. Direct the Executive Officer to take the necessary actions to execute the permit

## **12.0 – LIST OF ATTACHMENTS**

- A. Location Maps and Photos
- B. Draft Permit No. 18944
- C. Plans
- D. District Endorsement

Design Review:	Sterling Sorenson WREA
Environmental Review:	Andrea Buckley, Senior Environmental Scientist
Document Review:	Mitra Emami P.E., Permitting Section Chief, Len Marino P.E., Chief Engineer
Legal Review:	Nicole Rinke, Counsel

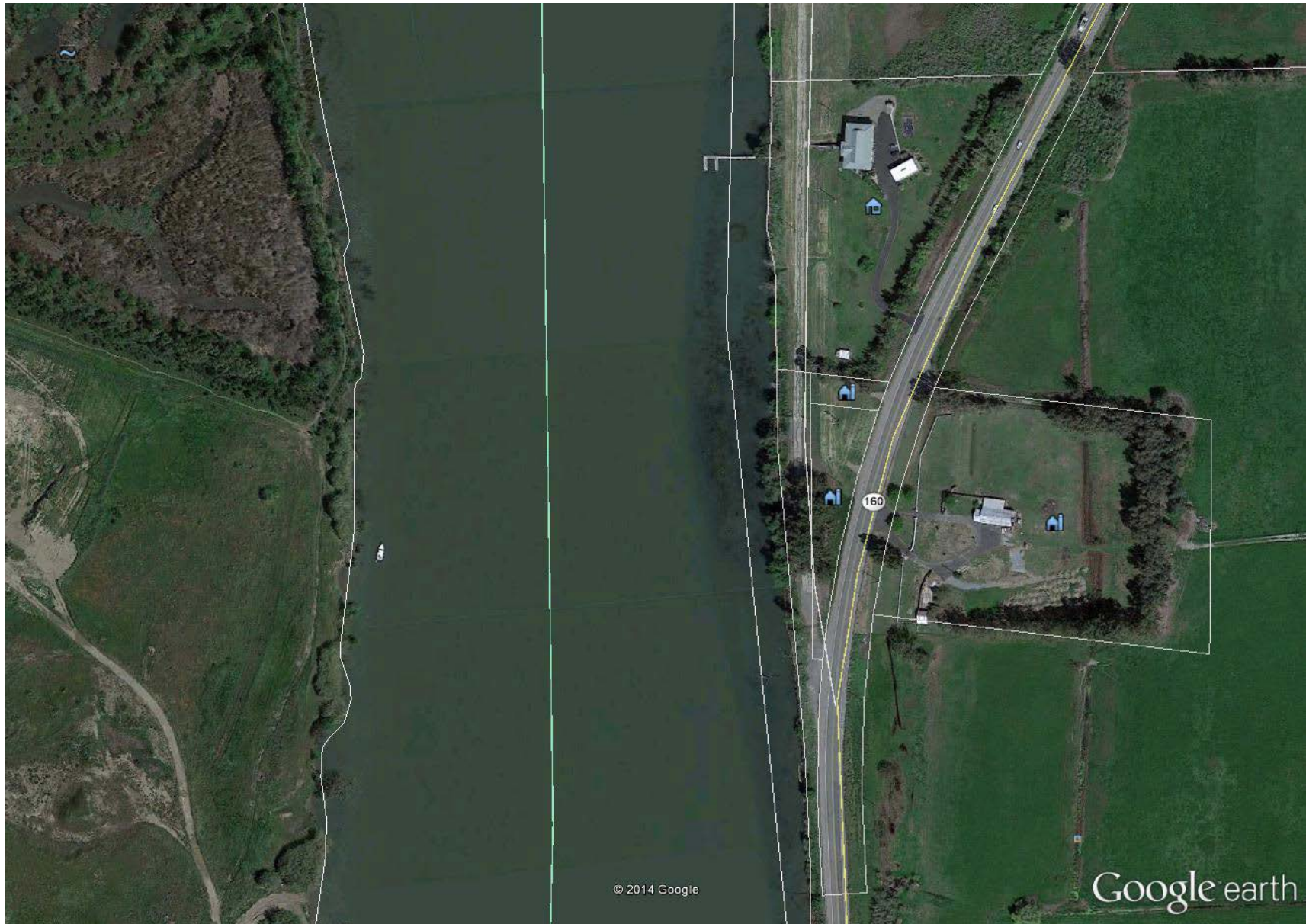
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Decker Island and Sherman Island PG&G Cable Alignment



Figure 1. Decker Island.



Figure 2. Decker Island.





Figure 3. Decker Island.



Figure 4. Sherman Island



Figure 5. Sherman Island

**DRAFT**

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

**PERMIT NO. 18944 BD**

**This Permit is issued to:**

Decker Island L.L.C.  
12275 El Camino Real, Suite 110  
San Diego, California 92130

To extend electrical cables buried across Sherman Island Flood Protection Levee, under the Sacramento Horseshoe Bend Channel floodway, and up onto Decker Island. The project is located slightly west of Highway 160 and crosses the Horseshoe Bend Channel to Decker Island in Solano County. (Section 13, T3N, R2E, MDB&M, Reclamation District 341, Sacramento River, 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. 18944 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 Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District 341 shall not be held liable for any damage(s) to the permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

**FIFTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein 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.

**SIXTEEN:** 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.

**SEVENTEEN:** 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.

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

NINETEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a conference concerning the issuance of this permit and its conditions. Failure to do so within 10 working days of receipt of this permit may result in adverse action by the Board.

TWENTY: No excavation shall be made or remain in the levee section during the flood season from November 1st to April 15th.

TWENTY-ONE: A temporary bench mark, set to a known datum, shall be placed at the project site during construction.

TWENTY-TWO: 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 1st to April 15th.

TWENTY-THREE: At all times during construction, at least one lane of the levee crown roadway shall be kept clear for vehicular access.

TWENTY-FOUR: The conduit shall be placed in the center of an open trench 2 feet wider than the diameter of the conduit or 2 times the diameter, whichever is greater.

TWENTY-FIVE: The conduit shall be placed in an open cut with side slopes of 1 horizontal to 1 vertical or flatter.

TWENTY-SIX: The invert of the conduit through the levee section shall be above the design flood plane elevation of 11.8 feet, U.S. Corps of Engineers Datum.

TWENTY-SEVEN: The conduit shall be installed through the levee section at a right angle to the centerline of the levee.

TWENTY-EIGHT: The conduit shall be buried at least 12 inches below the levee slopes and 24 inches below the levee crown.

TWENTY-NINE: Only impervious material shall be used for bedding or backfill within the levee section.

THIRTY: Backfill material for excavations shall be of the same classification/type as excavated during construction and shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

THIRTY-ONE: Density tests by a certified materials laboratory will be required to verify compaction of backfill within the levee section.

THIRTY-TWO: In the event existing rock revetment on the waterward slope is disturbed or displaced during construction, said revetment shall be restored to its preconstruction condition.

THIRTY-THREE: The permittee shall cover (plate) any/all trenches prior to the end of each work period and shall leave no open and/or unattended trenches at any time.

THIRTY-FOUR: The fill surface area shall be graded to direct drainage away from the toe of the levee.

THIRTY-FIVE: The paved roadway on the levee crown and levee slopes shall be restored to at least the condition that existed prior to commencement of work.

THIRTY-SIX: Right-of-way marker signs shall be located at the landward levee toe, on the landward shoulder of the crown roadway and on the waterward shoulder of the crown roadway.

THIRTY-SEVEN: All debris generated by this project shall be properly disposed of outside the flood control project works.

THIRTY-EIGHT: The herein authorized power cable to be placed below the Sacramento River Horseshoe Bend Channel shall be buried with a minimum of 10 feet of cover.

THIRTY-NINE: The permittee shall maintain the herein permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources, Reclamation District 341 or any other agency responsible for maintenance.

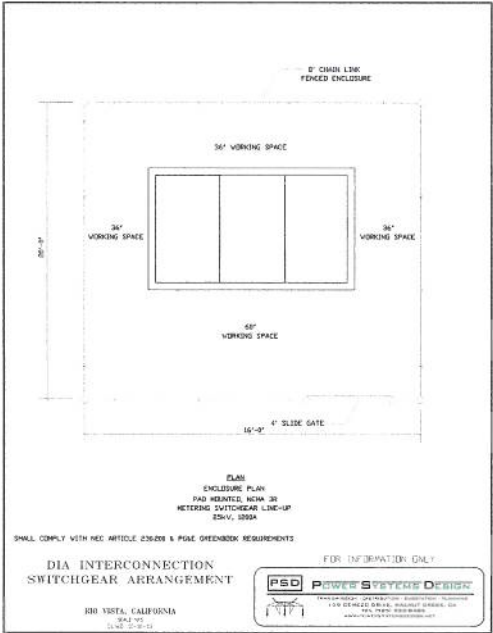
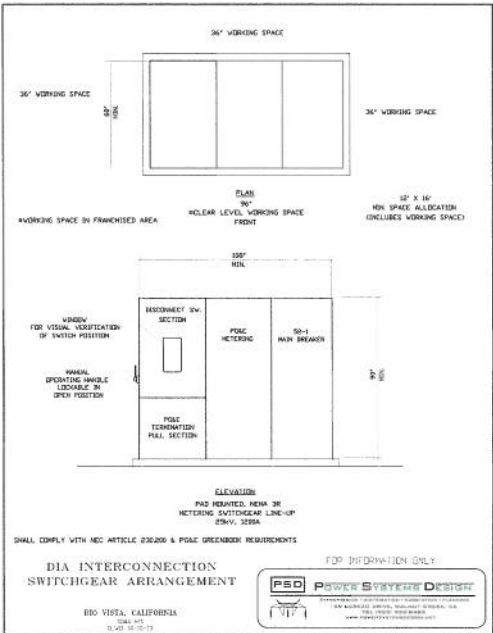
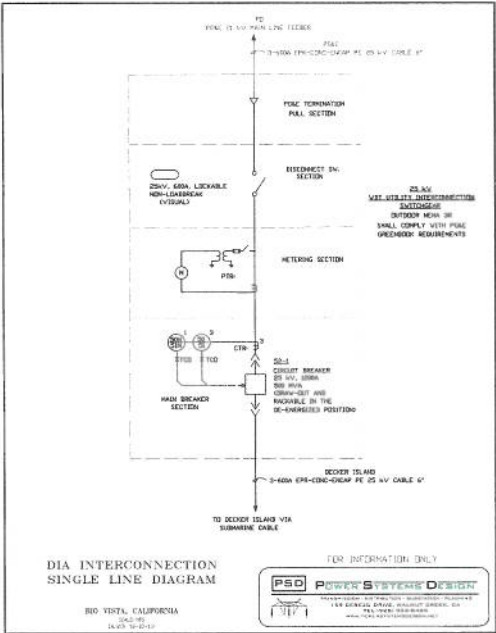
FORTY: If the herein permitted encroachment(s), or any portion(s) thereof, is/are to be abandoned in the future, the permittee or successor shall abandon the encroachment(s) under direction of the Central Valley Flood Protection Board at the permittee's or successor's cost and expense.

FORTY-ONE: The permittee may be required, at permittee's cost and expense, to remove or alter all or any part of the herein permitted encroachment(s) if modification or alteration 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 modify/remove the herein permitted encroachment at the permittee's expense.

FORTY-TWO: The mitigation measures approved by the CEQA lead agency and the permittee are found in its Mitigation and Monitoring Reporting Program (MMRP) adopted by the CEQA lead agency. The permittee shall implement all such mitigation measures.

FORTY-THREE: 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 XXXXXX OO, 2014 which is attached to this permit as Exhibit A and is incorporated by reference.





250 CHERRY LANE, SUITE 109  
MANTECA, CA 95337  
(209) 823-5700

DUCKFISH ISLAND  
RIO VISTA  
CALIFORNIA

DIAGGREGATE MANAGEMENT  
SINGLE LOAD DIAGRAM FOR  
PROPOSED PRIVATE CROSSING SACRAMENTO RIVER  
CALIFORNIA

NO.	11/09/05	BY	ST	DATE
DESIGNED UNDER THE 7/07/05				
DESIGNED UNDER THE 7/07/05				
DESIGNED UNDER THE 7/07/05				

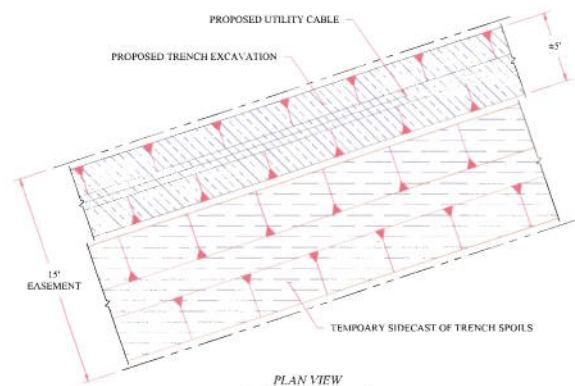
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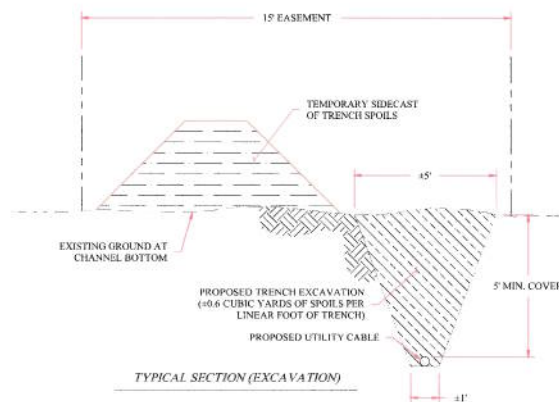
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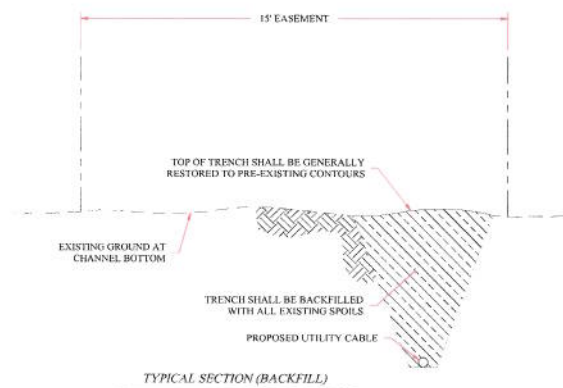




PLAN VIEW

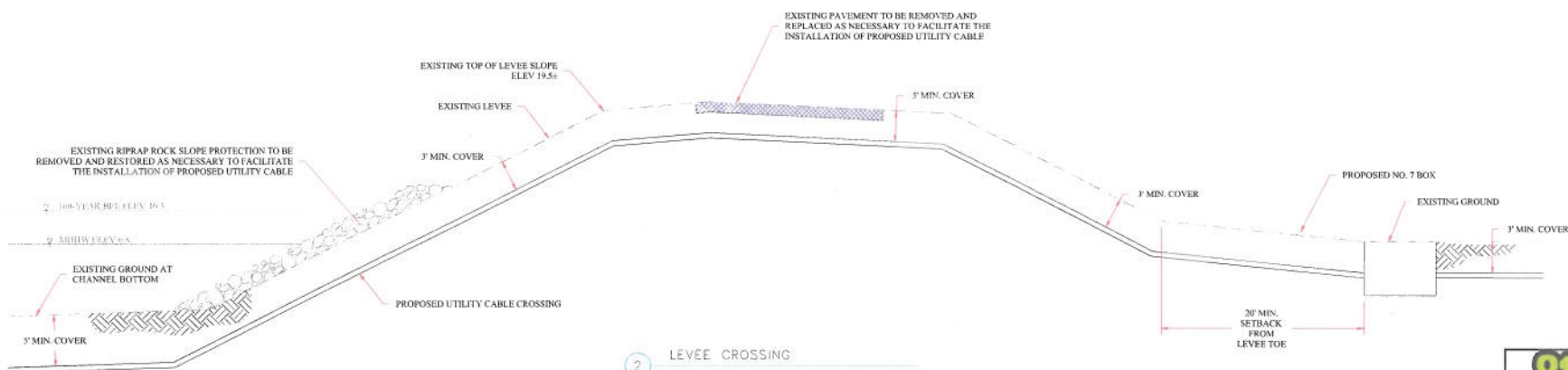


TYPICAL SECTION (EXCAVATION)



TYPICAL SECTION (BACKFILL)

1 UTILITY TRENCH  
SCALE: N.T.S.



2 LEVEE CROSSING  
SCALE: 1" = 5'



250 CHERRY LANE, SUITE 109  
MANTECA, CA 95337  
(209) 823-5700

DECKER ISLAND

DETAILS  
SHERMAN ISLAND TO DECKER ISLAND ELECTRICAL SERVICE

RIO VISTA

LI AGGREGATE MANAGEMENT

CALIFORNIA

NO.	REVISIONS	BY	APP	DATE

REVISIONS UNDER THE TABLE

DESIGN: LAR	DATE: 6-6-24
DRAWN: LAR	DATE: 6-6-24
CHECKED: LAR	DATE: 6-6-24



4  
4  
SHEET

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APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD  
ENCROACHMENT PERMITApplication No. \_\_\_\_\_  
(For Office Use Only)

1. Description of proposed work being specific to include all items that will be covered under the issued permit.

Extent Electrical Service as buried cable across Sherman Island Flood Protection Levee, under the Sacramento Horseshoe Bend Channel floodway, and up onto Decker Island.

## 2. Project

Location: Sherman to Decker Is., Sacramento to Solano County, in Section Sacramento  
(N) (E)  
Township: \_\_\_\_\_ (S), Range: \_\_\_\_\_ (W), M. D. B. & M.  
Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_  
Stream: \_\_\_\_\_, Levee: Sherman Island Designated Floodway: Sacramento River  
APN: 158-0010-056 Sac County

3. Decker Island L.L.C. of 12275 El Camino Real, Suite 110  
Name of Applicant / Land Owner Address  
San Diego California 92130 (858) 523-1799  
City State Zip Code Telephone Number  
pat@americancottages.com  
E-mail

4. Patrick Brown of RRDC Inc.  
Name of Applicant's Representative Company  
Newport Beach California 92660 (949) 553-0627  
City State Zip Code Telephone Number  
pat@americancottages.com  
E-mail

## 5. Endorsement of the proposed project from the Local Maintaining Agency (LMA):

We, the Trustees of SHERMAN ISLAND PD 341 approve this plan, subject to the following conditions:  
Name of LMA☐ Conditions listed on back of this form☒ Conditions Attached☐ No Conditions

Trustee

SEPT 9, 2014  
Date

Trustee

Date

Trustee

Date

Trustee

Date

NO FEE PER GOV'T CODE 6203

RECORDING REQUESTED BY  
AND  
WHEN RECORDED MAIL TO:

RECLAMATION DISTRICT NO. 341  
c/o WAGNER & BONSIGNORE  
CONSULTING CIVIL ENGINEERS  
2151 RIVER PLAZA DRIVE, SUITE 100  
SACRAMENTO CA 95833

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

**RECLAMATION DISTRICT NO. 341  
ENCROACHMENT PERMIT NO. 140909**

To:

Applicant: Decker Island LLC  
12275 El Camino Real, Suite 110  
San Diego, CA 92130

Landowner: William Siebert  
18137 State Highway 160  
Rio Vista, CA 94571

Permission is hereby granted to encroach upon the area of jurisdiction of Reclamation District No. 341 (hereafter, "District") in the following manner:

**Install utility cable crossing through levee at approximate levee station 996+20**

This permit is granted upon the following conditions which, by acceptance of this permit, permittee agrees to observe and perform:

1. All permit fees must be paid with submission of application. Permit fees are charged to defray a portion of District's administrative and inspection costs.
2. This permit shall be canceled and void unless work contemplated hereunder is initiated within 90 days from the date hereof and diligently prosecuted to completion. The District Engineer must be notified at least 3 days prior to the commencement of the permitted work.
3. The permittee shall indicate 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 accepted and signed by the permittee.
4. Each and every recommendation and requirement set forth herein from the District's Engineer regarding the encroachment above described, shall be fully complied with.
5. The District's property, levees and other reclamation works are used, maintained and operated by the District for District purposes only, and not for any other purposes relating to any use or activity thereon that may be made under

this Permit. Permittee takes such District property and works in such condition as they may exist from time to time, and permittee shall be solely responsible for any personal injury, death or property damage occurring from activities arising out of or under this permit. Permittee agrees to defend, indemnify and hold harmless the District, its Trustees, officers, employees and agents from and against any liability which may be incurred through injury to person or damage to property resulting from or arising out of or connected with the construction, installation or use 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.

6. Permittee will provide District with proof of liability insurance satisfactory to the District and an endorsement naming the District, its Trustees, officers, employees and agents as additional insureds, and maintain the same for as long as this encroachment permit continues in effect.

7. 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.

8. Except as herein otherwise provided, all cost of maintenance and repair of the encroachment above described shall be borne by permittee. Permittee shall, whenever instructed by District to do so, repair such encroachment in the manner prescribed by District whenever District shall determine that such repair is required in the interest of District. Any such repair 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 may be performed by District, at permittee's expense and permittee shall promptly reimburse District therefor.

9. District reserves the right of 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 District purposes. District shall not be responsible for any damage done to improvements of permittee whether herein permitted or otherwise where necessary as part of the ordinary and necessary access to or exercise of District's easement and right of way for District purposes and need not replace any paving, black top or other improvement damaged or required to be removed in the process of such maintenance repair or alteration. Permittee shall reimburse District for any increased cost of such access or maintenance or repair occasioned by the improvements of permittee described herein.

10. Permittee may make no alteration or improvement of any portion of District's levee or its 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.

11. 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.

12. Upon the failure of permittee to conform to any of the terms 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.

13. Permittee has complied with CEQA, and shall cause no adverse environmental impacts during the construction or installation of the encroachment described above.

14. Issuance of this encroachment permit does not relieve the permittee of his/her responsibility for obtaining any other permits required by federal, state or local statutes, or any right of entry from a private landowner.

15. Except as permitted by the terms of this encroachment permit, permittee shall comply with all District Regulations pertaining to Levees.

16. The terms and conditions hereof shall be binding upon the heirs, successors and assigns of the permittee

17. Special Conditions: Open trench will not be allowed to remain open overnight; open trench must be closed at the end of each work day. This requirement will extend through the levee prism and fifty (50') feet landward from the levee toe.

18. Special Conditions: Bottom of excavated utility trench to be above the 100 year base flood elevation at levee crest.

19. Special Conditions: Levee embankment material excavated during trench excavation to be used as backfill material. No granular material will be allowed as bedding under the conduit or as backfill through the levee



embankment, excavated material to be re-compacted in lifts not exceeding six inches (6") using mechanical pneumatic or vibratory compaction equipment. Material to be compacted to 95% of maximum density as determined by ASTM-D698-70.

20. Special Conditions: Landside levee embankment to be graded to smooth appearance and reseeded with vegetation to minimize erosion.

21. Special Conditions: Area landward of the levee toe to be graded to drain and sloped away from levee to prevent ponding

22. Special Conditions: Existing levee crown pavement removed during excavation of utility trench to be replaced with like kind material.

23. Special Conditions: Levee crest road shall be passable at the end of each day.

24. Special Conditions: Existing rip rap removed for construction to be replaced to the satisfaction of District engineer, unrecoverable rip rap lost during excavation of trench to be replaced with imported rip rap.

25. Special Conditions:

Dated: \_\_\_\_\_, 2014

## RECLAMATION DISTRICT NO. 341

By: \_\_\_\_\_

## ACCEPTANCE

Permittee and/or landowner hereby accepts the above permit and agrees to comply with all of the requirements thereof.

Dated: \_\_\_\_\_, 2014

## PERMITTEE

By \_\_\_\_\_

## LANDOWNER (if applicable)

By \_\_\_\_\_  
William Siebert