

**Meeting of the Central Valley Flood Protection Board
August 22, 2014**

Staff Report

**Epick Inc.
Sycamore Creek Outfall Structure, Butte County**

1.0 – REQUESTED ITEM

Consider approval of Draft Permit No. 18967 (Attachment B).

2.0 – APPLICANT

Epick Inc.

3.0 – PROJECT LOCATION

The project is located east of the intersection of East Lassen and Floral Avenues in Chico, California on the south bank of the South fork of Sycamore Creek at River Mile 10.7.
(South Fork of Sycamore Creek, Butte County, see Attachment A).

4.0 – PROJECT DESCRIPTION

The applicant proposes to construct an overflow outfall weir with a grouted splash apron, 52-feet of a 24-inch diameter Reinforced Concrete Pipe (RCP) with a slide gate to discharge water from the stormwater treatment basin along the left (south) bank of the South Fork of Sycamore Creek.

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
- § 112, Streams Regulated and Nonpermissible Work Periods
- § 121, Erosion Control
- § 123, Pipelines and Conduits

6.0 – PROJECT ANALYSIS

The proposed project will discharge treated stormwater from the stormwater basin into the South Fork of the Sycamore Creek. The treatment of stormwater was required by the City of Chico as part of the development for the Mountain Vista and Sycamore Glenn subdivisions. The treatment basin is designed to provide stormwater quality treatment of low flows prior to discharging into South fork of Sycamore Creek. The project also includes the installation of a 24-inch diameter RCP pipe, a slide gate and erosion protection.

The location of the project is a regulated stream that is not bounded by any private or federal levees. However, this reach of the channel is part of the *Chico & Mud Creeks and Sandy Gulch Sacramento River and Tributaries Project* (Federal Project). The Federal Project included the construction of levees upstream and downstream of the project site at approximately 0.9 and 0.6 miles, respectively. As part of maintenance, the stormwater basin will be discharged once a year during the summer and as such will not impact the channel's conveyance capacity.

6.2 – Hydraulic Summary

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

6.3 – Geotechnical Summary

All earthwork and construction of the outfall structure will be performed in compliance with Draft Permit No. 18967 and applicable Title 23 technical standards.

7.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with the project are as follows:

- 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.
- The Chico Maintenance District No. A05 has endorsed the project without any conditions per their letter dated March 29, 2014 (Attachment C).

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 Environmental Impact Report (DEIR, SCH No. 2003042068, October 2004), the Final Environmental Impact Report (FSEIR, SCH No. 2003042068 December 2005) and the Mitigation Monitoring and Reporting Plan (MMRP) on the Mountain Vista/Sycamore Glen Subdivision Project (incorporated herein by reference and available at the Central Valley Flood Protection Board or City of Chico 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/2014/08-22-2014.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and City of Chico offices.

The City of Chico, as the lead agency, determined that the project would have a significant effect on the environment on July 17, 2007 (including Statement of Facts, Findings, Impacts and Mitigation Measures, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program) and adopted Resolution No. 99-07. The Notice of Determination was filed with State Clearinghouse on July 18, 2007.

Based on its independent review of the FEIR, 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. Moreover, such changes or alterations are within the responsibility and jurisdictions of another public agency, City of Chico, and such changes have been adopted by that agency. These mitigation measures are included in the project proponent's FEIR and address impacts to biological resources, cultural resources, noise, and transportation and circulation. The description of the mitigation measures are further described in the certified FEIR.

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 Leslie Gallagher, Acting Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Rm. 151, Sacramento, California 95821.

9.0 – CALIFORNIA WATER CODE § 8610.5 CONSIDERATIONS

- 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 has considered all the evidence presented in this matter, including the applications for Permit No. 18967, all supporting technical documentation provided by the applicant.

- 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 covered under this permit as regulated by Title 23 have been applied to the review of this permit.

- Effects of the decision on the facilities of the State Plan of Flood Control, and consistency of the proposed project with the Central Valley Flood Protection Plan as adopted by Board Resolution 2012-25 on June 29, 2012:

This project is expected to result in no adverse impacts on facilities of the State Plan of Flood Control. The project facility will be maintained by the City of Chico and applicable standards identified in Permit 18967.

- 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.

10.0 – STAFF RECOMMENDATION

Board staff recommends that the Board:

- adopt the CEQA findings;
- approve Draft Encroachment Permit No. 18967 conditioned upon receipt of USACE comment letter indicating that the District Engineer has no objection to the proposed project subject to conditions, and
- direct the Executive Officer to take the necessary actions to execute the permit and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

11.0 – LIST OF ATTACHMENTS

A – Project Vicinity, Location Maps and photos

B – Draft Permit No. 18967

Exhibit A – USACE Comment Letter (PENDING)

C – City of Chico Endorsement (dated March 29, 2014)

D – Design Plans

Prepared by:	Angeles Caliso, Water Resources Engineer
Document Review:	Mitra Emami, Permitting Section Chief
	Andrea Buckley, Senior Environmental Scientist
	Len Marino, Chief Engineer
Legal Review	Leslie Gallagher, Chief Counsel

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Project Location

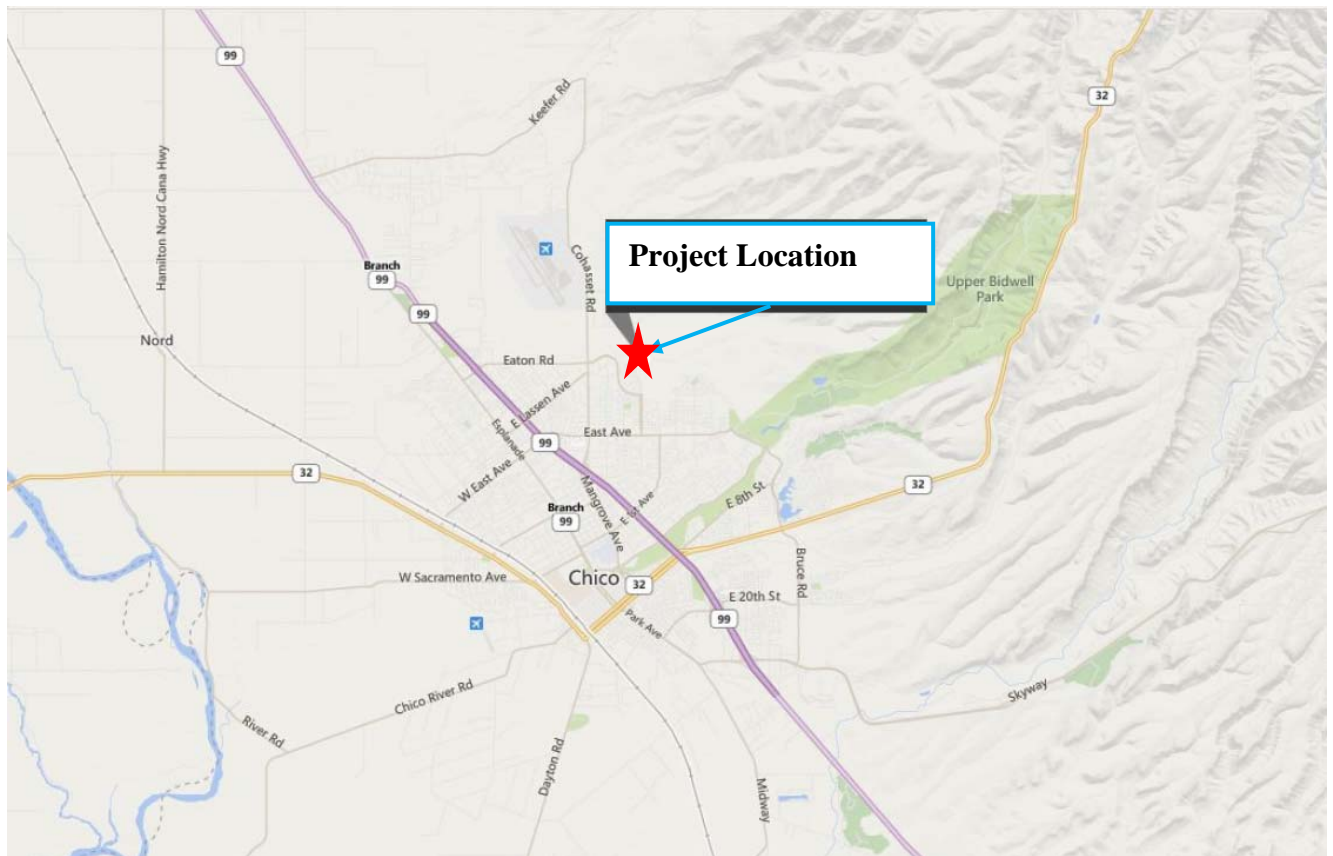


Figure 1- Project Location (Source: Bing Maps)

Project Vicinity





PHOTO 1

VIEW LOOKING NORTHERLY



PHOTO 2

VIEW LOOKING SOUTHERLY



**PROJECT
LOCATION**

PHOTO 3

VIEW LOOKING SOUTHERLY



**PROJECT
LOCATION**



PHOTO 4

VIEW LOOKING SOUTHERLY

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

PERMIT NO. 18967 BD

This Permit is issued to:

Epick Inc.
901 Bruce Road, Suite 280
Chico, California 95928

To construct an overflow weir with a grouted rock splash apron and a 24-inch diameter pipe and slide gate to drain the storm water treatment pond along the left (south) bank of the Sycamore Creek south fork. The project is located east of the intersection of East Lassen Avenue and Floral Avenue in Chico, CA (Section 11, T22N, R1E, MDB&M, Sycamore Creek, Butte 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. 18967 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 Chico Maintenance District shall not be held liable for any damages 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 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: 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.

ATTACHMENT B

EIGHTEEN: 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.

NINETEEN: Backfill material shall be free of stones or lumps exceeding three inches in dimension, organic matter or other unsatisfactory material and shall be compacted to at least the density of the adjacent, firm, undisturbed material.

TWENTY: 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 California Department of Water Resources or any other agency responsible for maintenance.

TWENTY-ONE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-TWO: 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.

TWENTY-THREE: 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-FOUR: 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 _____, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-FIVE: 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.

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**BUILDING AND DEVELOPMENT
SERVICES DEPARTMENT**

ATTACHMENT C

411 Main Street - 2nd Floor **BUILDING** **ENGINEERING**
P.O. Box 3420 (530) 879-6700 (530) 879-6900
Chico, CA 95927 Fax (530) 895-4726 Fax (530) 895-4899
<http://www.ci.chico.ca.us>

March 29, 2014

Mr. Mike Byrd
Rolls, Anderson, and Rolls
115 Yellowstone Drive
Chico, CA 95973-5811

Subject: Mountain Vista/Sycamore Glen Subdivisions
Central Valley Flood Protection Board
Encroachment Permit Application

Dear Mr. Mike Byrd:

On July 17, 2007, the Chico City Council approved the project's Environmental Impact Report and the tentative subdivision maps for Mountain Vista and Sycamore Glen subdivisions. The conditions of approval included Conditions 3.c) and 3.d) (copies attached) which require the construction of storm water quality mitigation facilities which require a discharge to Sycamore Creek at the northwest corner of the projects. In July, 2010 the Chico City Council approved the formation of Chico Maintenance District No. A05 Mountain Vista/Sycamore Glen Subdivisions for improvements within the Mountain Vista and Sycamore Glen subdivisions. These improvements include the storm water treatment basin and outfall structure into Sycamore Creek.

Please contact me if you need any additional information for the encroachment permit application at (530) 879-6910.

Sincerely,

Matt Johnson
Senior Development Engineer

c: Mountain Vista/Sycamore Glen Subdivision files
CMD A05 File



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will not be maintained and will be allowed to vegetate with wetland and riparian vegetation. However, the City may periodically remove some vegetation so the basins' capacities will allow 100 year flows to move through the system. The periodic maintenance activities will not result in vegetative cover of less than 60 percent.

e) Storm Drainage Master Plan

In conjunction with the first submittal of improvement plans, the Subdivider shall submit a Storm Drainage Master Plan to the Building & Development Services Department for review and approval. Said Master Plan shall cover the entirety of the natural storm drain tributary area affected by the proposed subdivision.

The Storm Drainage Master Plan shall address the following elements:

1) Storm Water Runoff Management

The runoff management plan shall establish specific measures to accomplish the following:

- Erosion control.
- Pollutant runoff control, including first flush mitigation, (the first 1/2-inch of runoff shall be intercepted and treated).
- Restricted area protection.
- Incorporate Best Management Practices (BMPs) per City of Chico's Best Practices Manual dated September 1998.

The plan shall stipulate the measures to be implemented and the means of implementation by the Subdivider during construction and after construction but prior to lot development.

The plan shall establish any design constraints to be placed upon both public and private facility construction.

2) Storm Drainage Analysis

The storm drain analysis shall establish tributary area, size, grade, depth, and location for all the following storm drain facilities:

- Underground pipes.
- Open, natural swales.
- Storm water runoff management facilities.
- Outfall facilities discharging to natural channels.
- Both ultimate and interim facilities serving streets exterior to the subdivision that are required to be constructed herein.

- 1) Interior to subdivision - Full urban improvements.
 - 2) Adjacent to subdivision - Full urban improvements.
- b) All corner lots shall be subject to intersection sight distance criteria as established by the Building & Development Services Director. Appropriate easements shall be dedicated as needed on the Final Map.
 - c) Notice is hereby given to future owners of lots within this subdivision that the City of Chico will require the construction of additional traffic circulation improvements under the circumstances described below. An appropriate note shall be placed on the Final Map.
 - d) Street names shall be approved concurrent with the improvement plans and prior to recordation of the Final Map.

2. Traffic Calming Devices

The Subdivider shall design and install traffic calming devices in a manner acceptable to the Building & Development Services Director.

→ **3. Storm Drainage**

a) Facility Construction

The Subdivider shall design and install the following City standard storm drain facilities:

- 1) Interior to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances.
- 2) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage.

b) NPDES Requirements

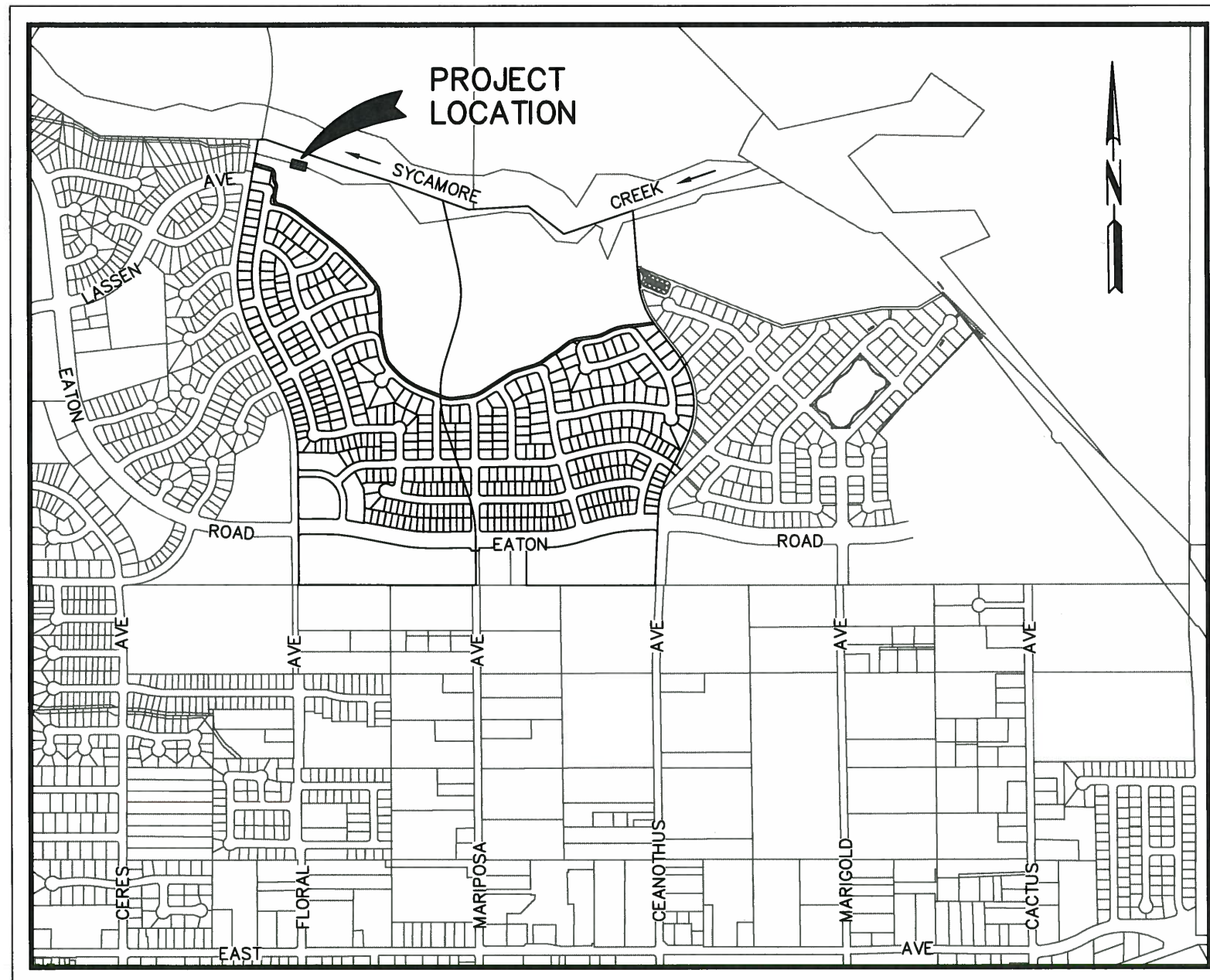
Storm drain drop inlets shall be marked with Illustrative Storm Markers to achieve City of Chico NPDES Requirements.

→ c) Storm Water Quality Mitigation

The Subdivider shall design and construct storm water quality mitigation facilities to treat storm water runoff in a manner acceptable to the Building & Development Services Director.

→ d) Lot B - Wetland Treatment Basin

The Subdivider shall design and construct a wetland treatment basin for cleansing of stormwater through vegetative treatment. The basins must be able to pass large flows as the system will be designed to carry the 100-yr storm. The wetland treatment basin will have at least 60 percent cover with hydrophytic vegetation. The majority of the basin floor and the basin perimeters and islands



LOCATION MAP — NO SCALE
CITY OF CHICO, BUTTE COUNTY, CALIFORNIA

VERTICAL DATUM

ALL ELEVATIONS SHOWN ON THESE PLAN SHEETS ARE ON CITY OF CHICO DATUM

PROJECT ENVIRONMENTAL:

AN ENVIRONMENTAL IMPACT REPORT UNDER STATE CLEARINGHOUSE NUMBER 2003042068 WAS APPROVED BY THE CITY OF CHICO IN CONJUNCTION WITH THE TENTATIVE SUBDIVISION MAP APPROVAL.

OWNER/APPLICANT

EPICK, INC.
ATTN: CHRIS GIAMPAOLI
901 BRUCE ROAD
SUITE 280
CHICO, CA 95928
PHONE: (530) 891-4757
CELL: (530) 624-5324
E-MAIL: CHRIS@EPICKHOMES.COM

PROJECT ENGINEER

ROLLS, ANDERSON & ROLLS
CIVIL ENGINEERS
ATTN: MICHAEL S. BYRD
115 YELLOWSTONE DRIVE
CHICO, CA 95973
PHONE: (530) 895-1422
E-MAIL: MBYRD@RARCIVIL.COM

LOCAL MAINTAINING AGENCY

CITY OF CHICO
ATTN: MATT JOHNSON,
SENIOR DEVELOPMENT ENGINEER
P.O. BOX 3420
CHICO, CA 95927
PHONE: (530) 879-6910
E-MAIL: MATT.JOHNSON@CHICOCA.GOV

PROJECT LOCATION INFORMATION

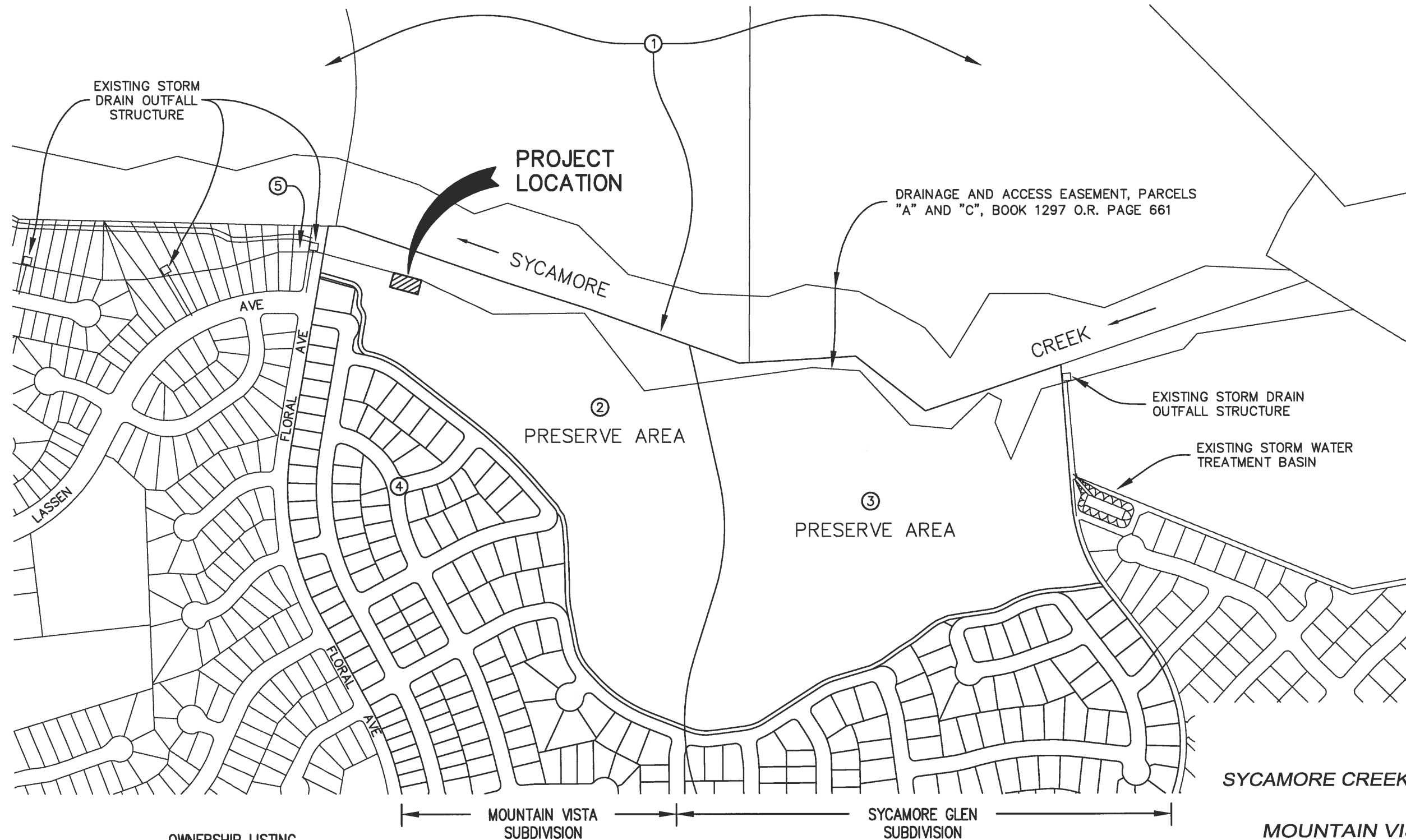
- SOUTH BANK OF SYCAMORE CREEK, 350 FEET ± EAST OF FLORAL AVENUE.
- WITHIN PROJECTED SECTION 12, TOWNSHIP 22 NORTH, RANGE 1 EAST, M.D.B & M.
- LATITUDE 39.7767°
LONGITUDE -121.8294°
- ASSESSOR'S PARCEL NUMBER: 016-200-114

SYCAMORE CREEK OUTFALL STRUCTURE

FOR

MOUNTAIN VISTA SUBDIVISION
CHICO, BUTTE COUNTY, CALIFORNIA

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
TELEPHONE 530-895-1422



OWNERSHIP LISTING

①	APN
①	016-200-099
②	016-200-114
③	016-200-115
④	016-200-116
⑤	015-040-067

OWNER NAME

CITY OF CHICO
EPICK, INC.
EPICK, INC.
GREENLINE PRESERVATION PARTNERSHIP
KYLE & SHAUNA HAYES

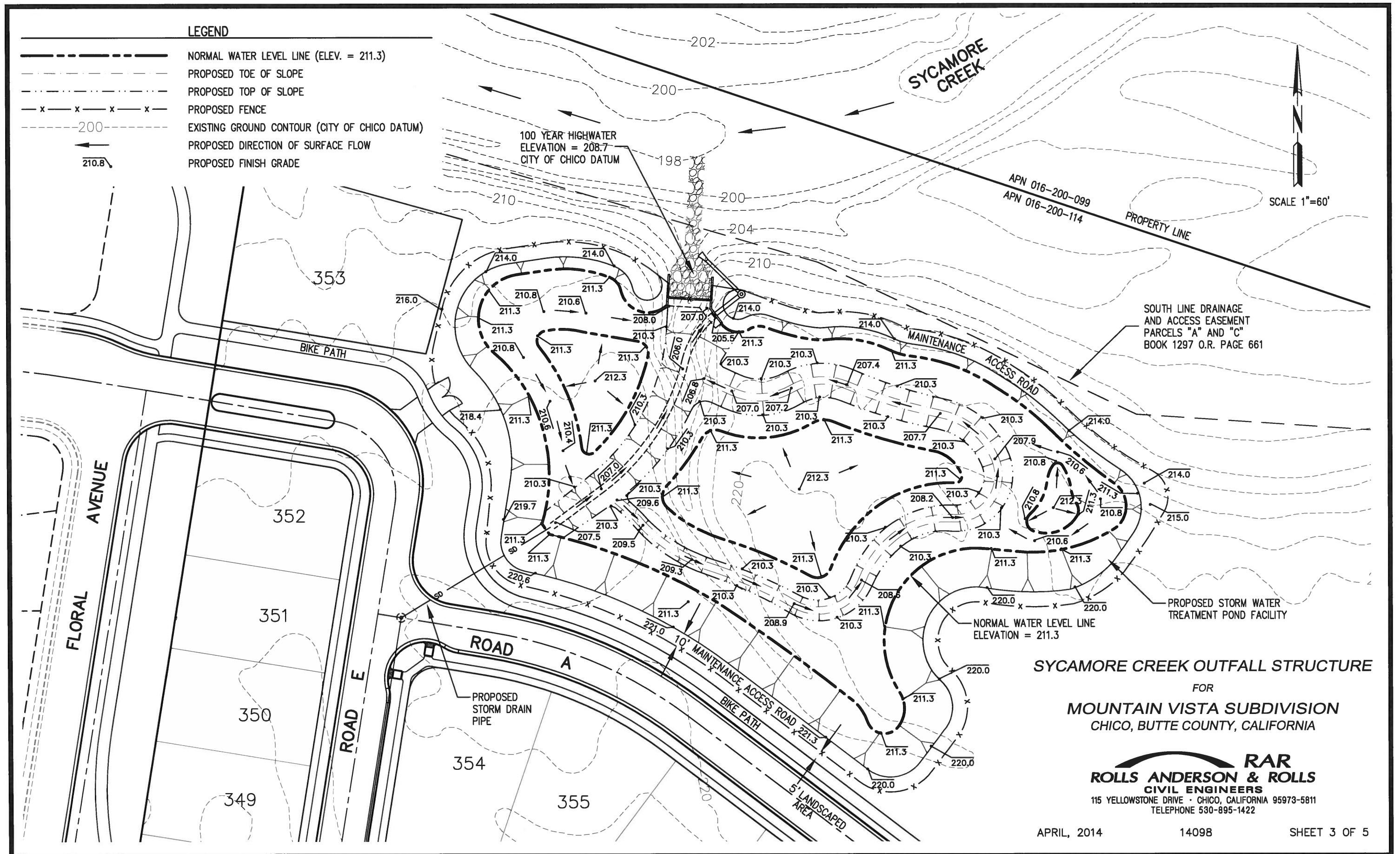
MAILING ADDRESS

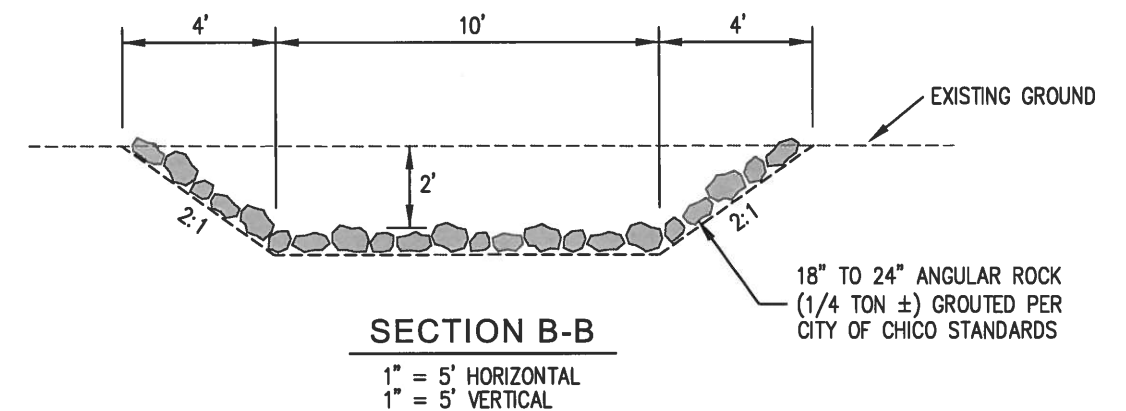
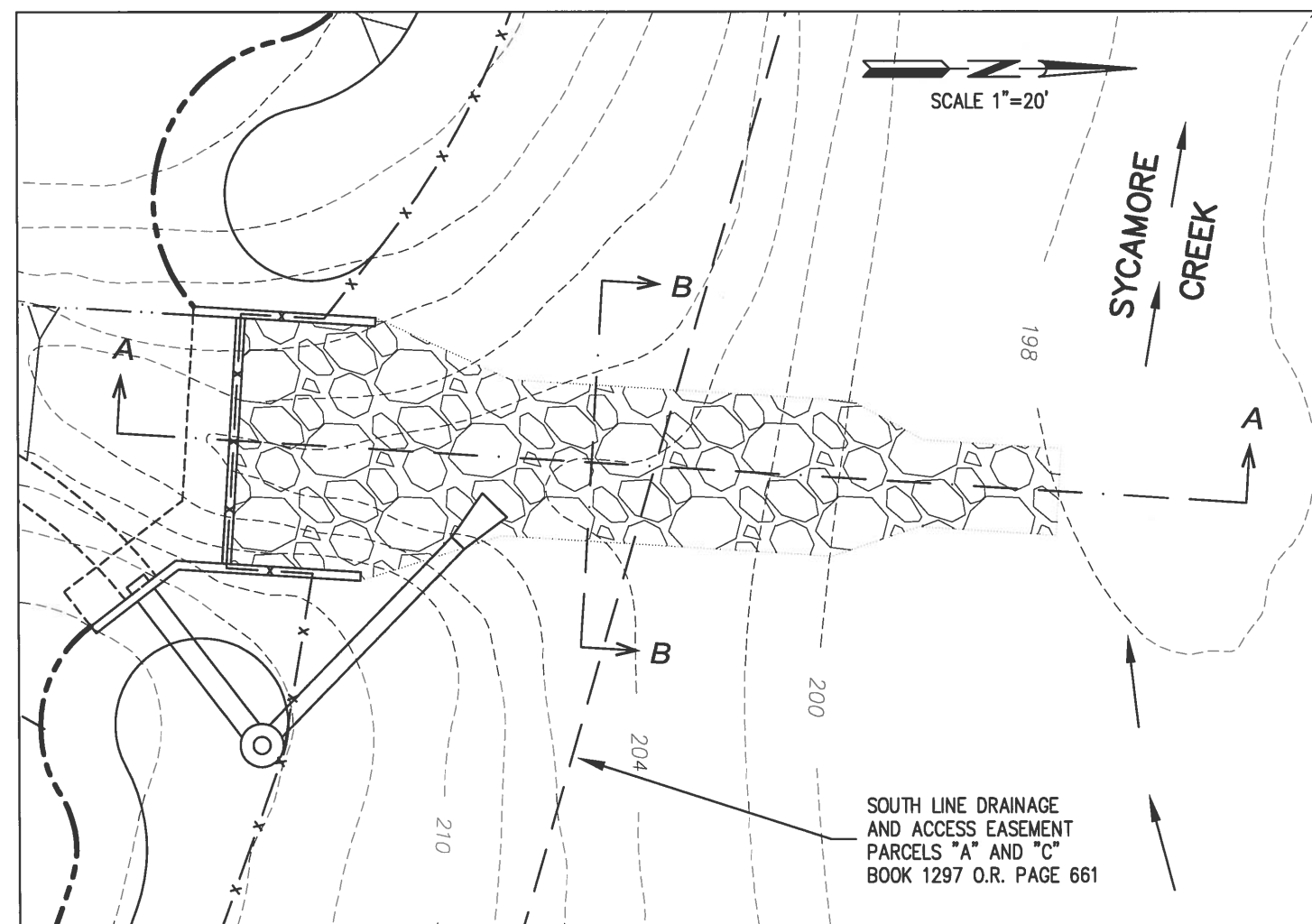
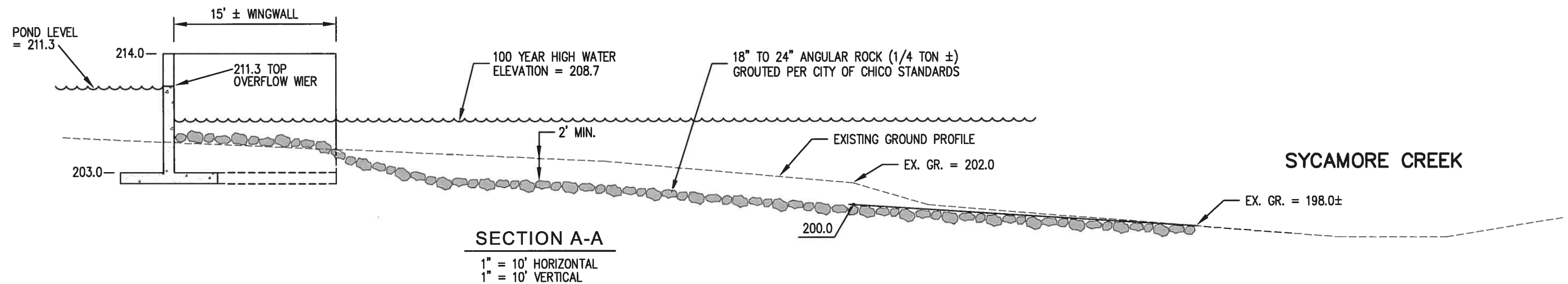
P.O. BOX 3420, CHICO, CA 95927
901 BRUCE ROAD, SUITE 280, CHICO, CA 95928
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901 BRUCE ROAD, SUITE 280, CHICO, CA 95928
153 PADDOCK AVE, PISMO BEACH, CA 93449

SYCAMORE CREEK OUTFALL STRUCTURE

FOR
MOUNTAIN VISTA SUBDIVISION
CHICO, BUTTE COUNTY, CALIFORNIA

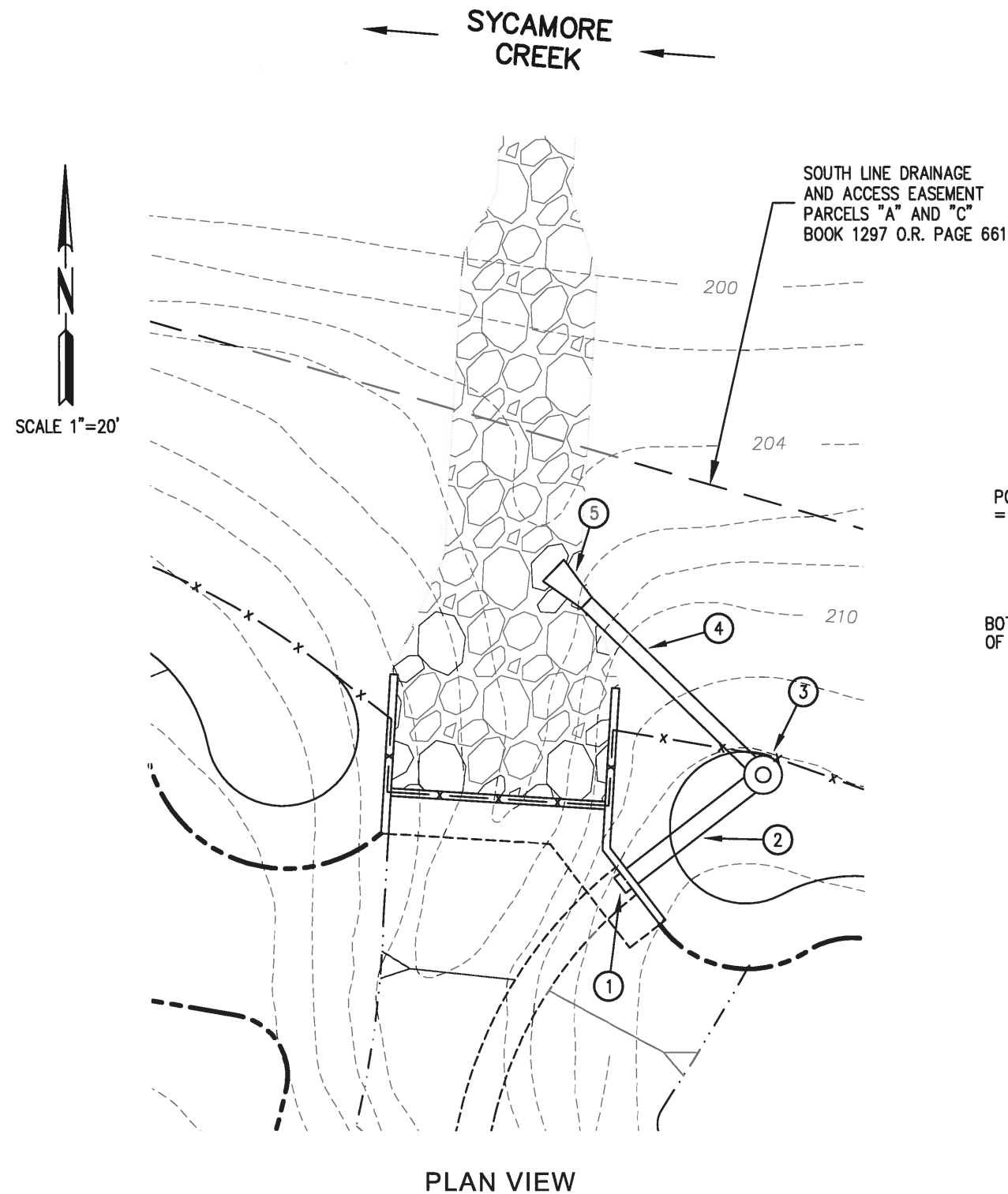
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ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811
TELEPHONE 530-895-1422





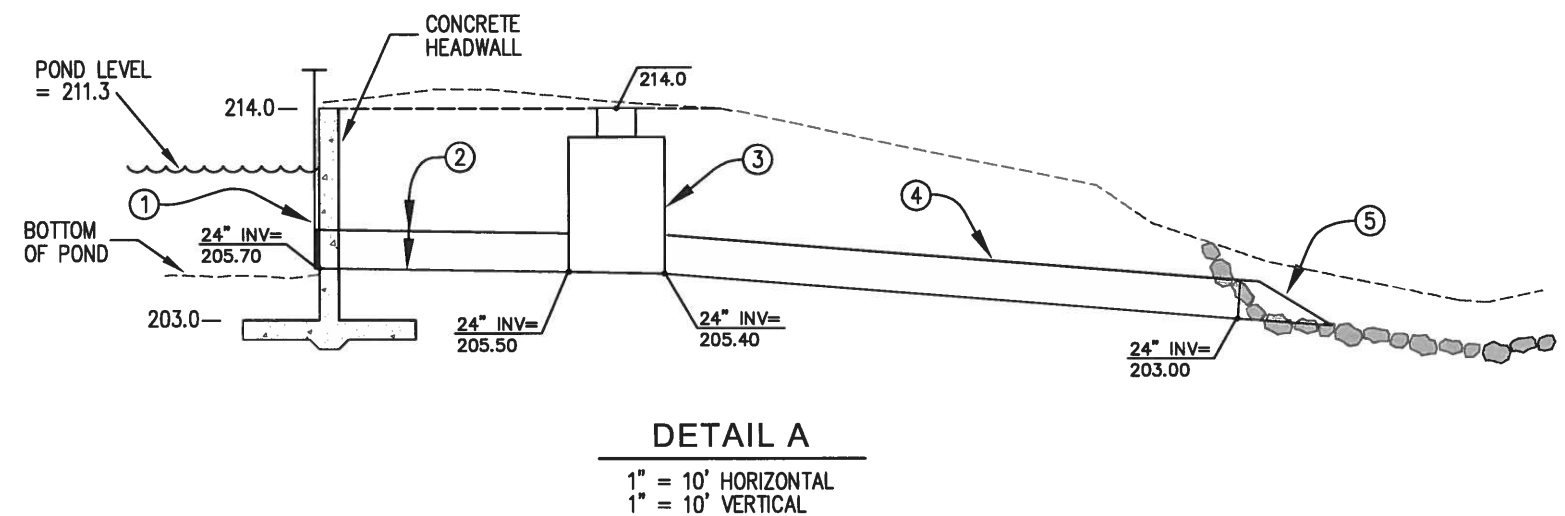
SYCAMORE CREEK OUTFALL STRUCTURE
 FOR
MOUNTAIN VISTA SUBDIVISION
 CHICO, BUTTE COUNTY, CALIFORNIA

RAR
ROLLS ANDERSON & ROLLS
 CIVIL ENGINEERS
 115 YELLOWSTONE DRIVE · CHICO, CALIFORNIA 95973-5811
 TELEPHONE 530-895-1422



CONSTRUCTION NOTES

- ① INSTALL WATERMAN SS-250 STAINLESS STEEL SLIDE GATE FOR A 24" OPENING.
- ② INSTALL 22 LF ± CLASS 3 RCP, S = 0.0091, BACKFILL PIPE WITH A 2 SACK SAND SLURRY.
- ③ INSTALL CITY OF CHICO MODIFIED S-10 "FLAT TOP" STORM DRAIN MANHOLE (60" DIAMETER).
- ④ INSTALL 30 LF ± CLASS 3 RCP, S = 0.0800, BACKFILL PIPE WITH A 2 SACK SAND SLURRY.
- ⑤ INSTALL 24" RCP FLARED END SECTION.



NOTE:

THE 24" DIAMETER PIPE WILL ONLY BE USED TO DRAIN THE STORM WATER TREATMENT POND FOR MAINTENANCE PURPOSES. IT IS ANTICIPATED THAT DRAINING THE POND WILL OCCUR ONCE A YEAR DURING THE SUMMER.

SYCAMORE CREEK OUTFALL STRUCTURE

FOR

MOUNTAIN VISTA SUBDIVISION
CHICO, BUTTE COUNTY, CALIFORNIA

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
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TELEPHONE 530-895-1422