

**Meeting of the Central Valley Flood Protection Board
January 23, 2015**

Staff Report

Tracy Lakes Project, Mokelumne River, San Joaquin County

1.0 – ITEM

Consider approval of Draft Permit No. 18994 (Attachment B)

2.0 – APPLICANT

North San Joaquin Water Conservation District (NSJWCD)

3.0 – LOCATION

The project is located northwest of West Jahant Road near Tracy Lake within the right bank of the Mokelumne River Designated Floodway (Mokelumne River, San Joaquin County, see Attachment A).

4.0 – PROJECT DESCRIPTION

The applicant has applied to the Central Valley Flood Protection Board (Board) for an encroachment permit to construct a water diversion facility with an elevated pump station including a fish screened intake, electric motor, control, and 100 linear feet of underground discharge pipe within the north bank of the Mokelumne River Designated Floodway. See Attachment 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

- § 13.2 Consent Calendar
- § 112, Streams Regulated and Non-permissible Work Periods
- § 107, Permitted uses in Designated Floodways
- § 123, Pipelines, Conduits and Utility Lines.

6.0 – BACKGROUND

NSJWCD holds appropriate water rights (Permit No. 10477) from the Water Resources Control Board (WRCB) to store and divert water from the Mokelumne River. NSJWCD petitioned WRCB for an extension to place the water to beneficial uses under its permit, expand the place of use for the permit to NSJWCD's jurisdictional boundaries, add underground storage, and add two new points of diversion. The first point of diversion will be the existing Woodbridge Irrigation District diversion in Lodi Lake. The second new point of diversion is the proposed Tracy Lake Project. The goal of this project is to combine surface and groundwater resources in an effort to conserve water resources over the long term and reduce existing groundwater overdraft conditions.

7.0 – PROJECT ANALYSIS

The proposed project will consist on the construction of an in-river intake structure, fish screen to prevent entrainment of sensitive species, pump station located adjacent to the streambank, and approximately 1,000 feet of 30-inch pipe to convey the water to Tracy Lake.

7.1 – Hydraulic Analysis

A hydraulic analysis was not required for the proposed project, as the hydraulic impacts resulting from the installation of the pump station and fish intake structure are considered insignificant.

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) comment letter was received on December 23, 2014 for this application. The letter indicates that the USACE District Engineer has no comments or recommendations regarding flood control because the proposed project does not affect a federally constructed project. This letter has been incorporated into the permit as Exhibit A.
- There are no federal or local levees along this reach of the Mokelumne River and there is no local maintenance agency associated with this project.

9.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA findings:

The Board, as a Responsible Agency under CEQA, has reviewed Initial Study, Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring Plan (SCH No. 2014022009, February, 2014) for the North San Joaquin Water Conservation District (NSJWCD) Water Right Change Petitions and Tracy Lake Groundwater Recharge Project, prepared by the lead agency, NSJWCD. These documents including project design and District resolutions may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2015/index.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and NSJWCD offices.

The NSJWCD determined that the project would not have a significant effect on the environment and filed a notice of determination with the State Clearinghouse on March 11, 2014. 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 Mitigation Monitoring Plan and address impacts to air quality, biological resources, cultural resources and hydrology. The description of the mitigation measures are further described in the adopted Mitigation Monitoring Plan.

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.

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:

This project has no adverse effects on facilities of the State Plan of Flood Control and is consistent with the Central Valley Flood Protection Plan. The project site will be managed and maintained to all applicable standards by North San Joaquin Water Conservation District.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

The proposed project may be impacted by future hydrology and climate changes as it is dependent on available water resources.

11.0 – STAFF RECOMMENDATION

Staff recommends that the Board:

1. Adopt the CEQA findings;
2. Approve Draft Encroachment Permit No. 18994 (in substantially the form provided); and
3. 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.

12.0 – LIST OF ATTACHMENTS

A. Location Maps and Photos

B. Draft Permit No. 18994

Exhibit A – USACE comment letter dated December 23, 2014

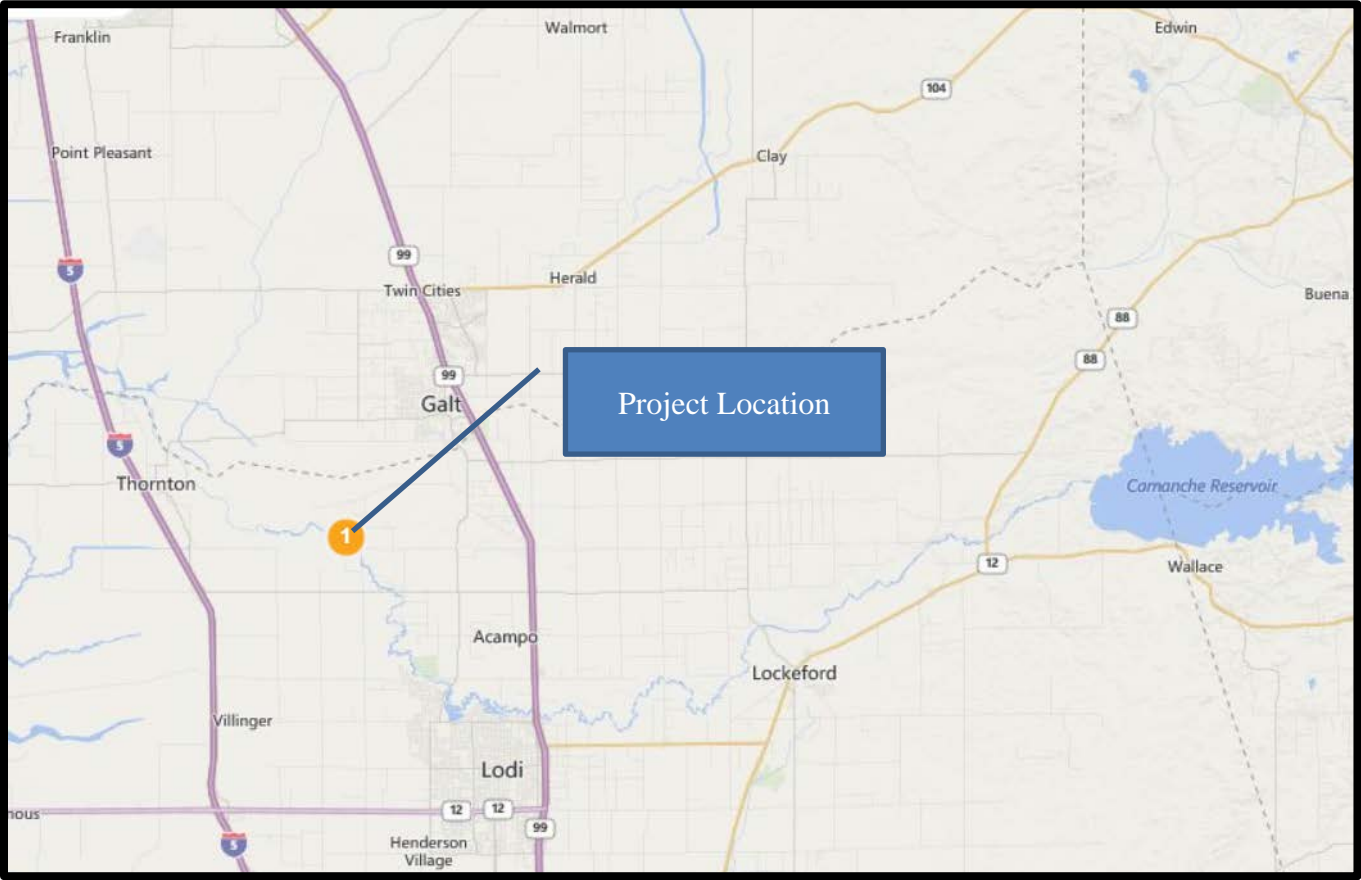
C. Design Plans

Design Review:	Angeles Caliso P.E., Staff Engineer
Environmental Review:	James Herota, Senior Environmental Scientist
Document Review:	Gary Lemon P.E., Acting Permitting Section Chief
	Len Marino P.E., Chief Engineer
Legal Review:	Nicole Rinke, Counsel

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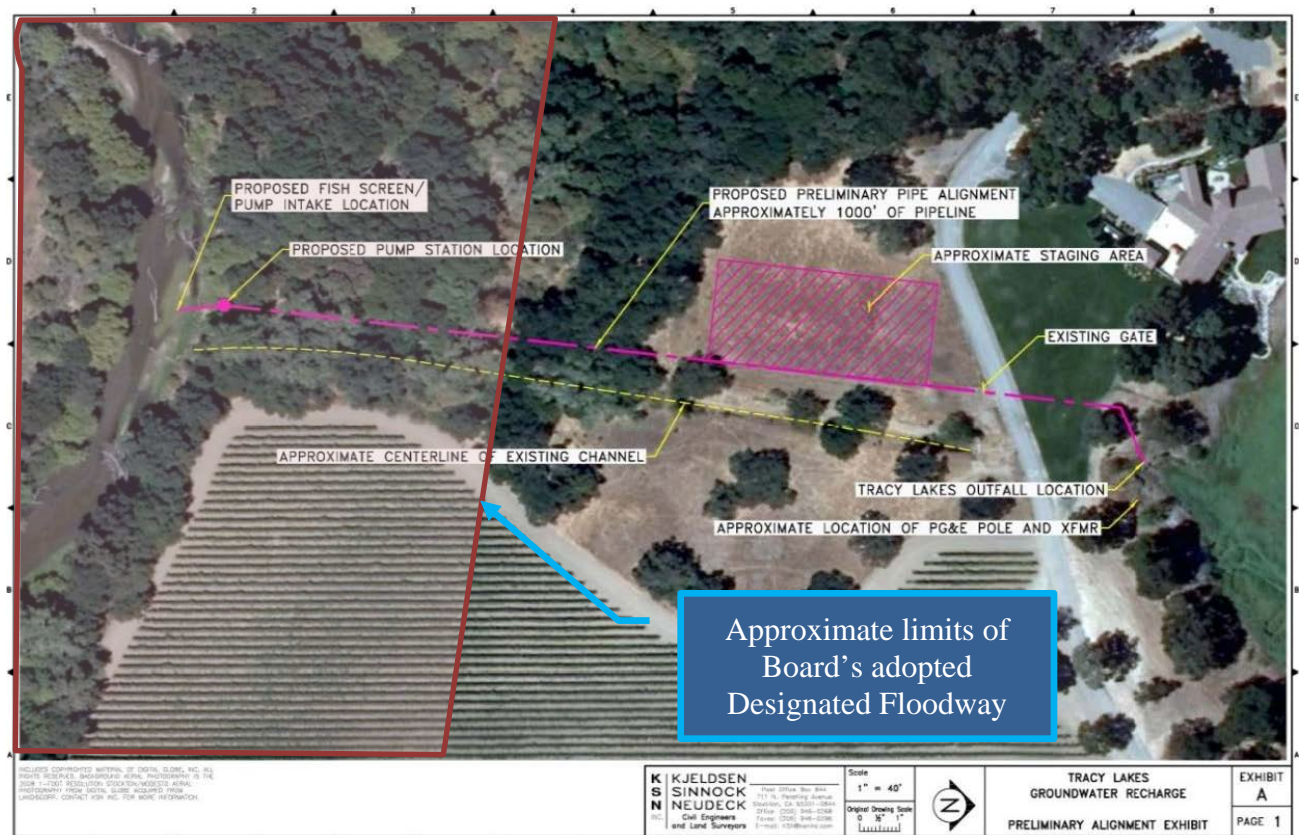
ATTACHMENT A

Project Location



Souce: Bing Maps

Project Vicinity



ATTACHMENT A

North San Joaquin Water Conservation District

Tracy Lake Diversion Pump Station Location with Mokelumne River in the Background

Point of Diversion #8 for Pending Petition Change Permit 10477



ATTACHMENT A

North San Joaquin Water Conservation District
Amendment to Pending Petition for Change for Permit 10477
November _- 2012

Upstream of POD #8:



ATTACHMENT B
DRAFT

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

PERMIT NO. 18994 BD

This Permit is issued to:

North San Joaquin Water Conservation District
P.O. Box E
Victor, California 95253-0334

To construct a water diversion facility with an elevated pump station including a fish screened intake, electric motor, controls, and 1000 linear feet of underground discharge pipe within the Mokelumne River Designated Floodway.

The project is located northwest of West Jahant Road near Tracy Lake in San Joaquin County. (Section 8, T4N, R6E, MDB&M, Mokelumne River, San Joaquin County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project as described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

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. 18994 BD

LIABILITY AND INDEMNIFICATION

THIRTEEN: 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.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

FIFTEEN: The Central Valley Flood Protection Board and the 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.

AGENCY CONDITIONS

SIXTEEN: 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.

SEVENTEEN: The permittee acknowledges that the proposed facilities are located within the Mokelumne River Designated Floodway and are subject to periodic flooding.

EIGHTEEN: A letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated December 23, 2014, is attached to this permit as Exhibit A in reference to the project.

NINETEEN: 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.

PRE-CONSTRUCTION

TWENTY: Upon receipt of a signed copy of the issued permit, the permittee shall contact the Central Valley Flood Protection Board 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.

CONSTRUCTION

TWENTY-ONE: No excavation shall be made or remain within the floodway during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-TWO: Backfill material for excavations shall be placed in 4- to 6-inch layers and compacted to at least the density of the adjacent, firm, undisturbed material.

POST-CONSTRUCTION

TWENTY-THREE: All debris generated by this project shall be properly disposed of outside of the Mokelumne River Designated Floodway.

TWENTY-FOUR: The project site shall be restored to at least the condition that existed prior to commencement of work.

OPERATIONS AND MAINTENANCE

TWENTY-FIVE: After each period of high water, debris that accumulates at the site shall be completely removed from the floodway.

ATTACHMENT B

TWENTY-SIX: 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.

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

TWENTY-SEVEN: 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-EIGHT: 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.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

EXHIBIT A

REPLY TO
ATTENTION OF

Flood Protection and Navigation Section (18994)

DEC 23 2014

Ms. Leslie M. Gallagher, Acting Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Ms. Gallagher:

We have reviewed a permit application by North San Joaquin Water Conservation District (application number 18994). This project includes constructing a water diversion facility with an elevated pump station including a fish screened intake, electric motor, controls, and 1000 linear feet of underground discharge pipe within the Mokelumne River Designated Floodway. The project is located approximately 7 miles northwest of Lodi, northwest of West Jahant Road near Tracy Lake, at 38.207531°N 121.342796°W NAD83, San Joaquin County, California.

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

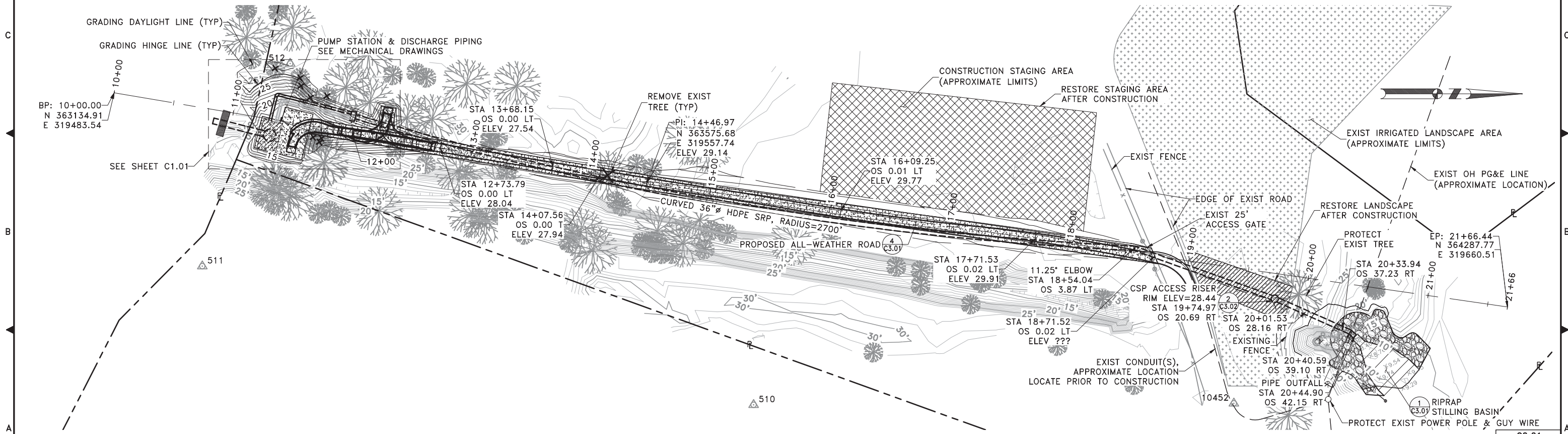
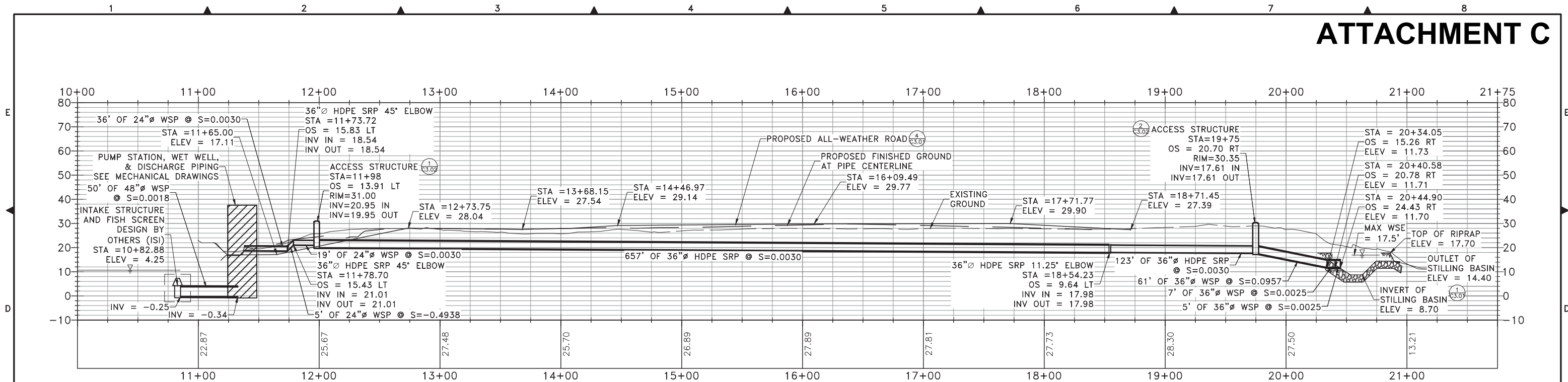
A Section 404 permit (SPK-2011-01069) has been issued for this work.


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,

Ryan Larson, P.E.
Chief, Flood Protection and Navigation Section

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**FOR PLANCHHECK
REVIEW ONLY**

NOT FOR CONSTRUCTION

**K
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N**

**KJELDSSEN
SINNOCK
NEUDECK**

INC. Civil Engineers
and Land Surveyors

711 N. Pershing Avenue
Stockton, CA 95203-2152
Office: (209) 946-0268
Faxes: (209) 946-0296
E-mail: KSN@ksninc.com

**TRACY LAKES
GROUNDWATER RECHARGE PROJECT**

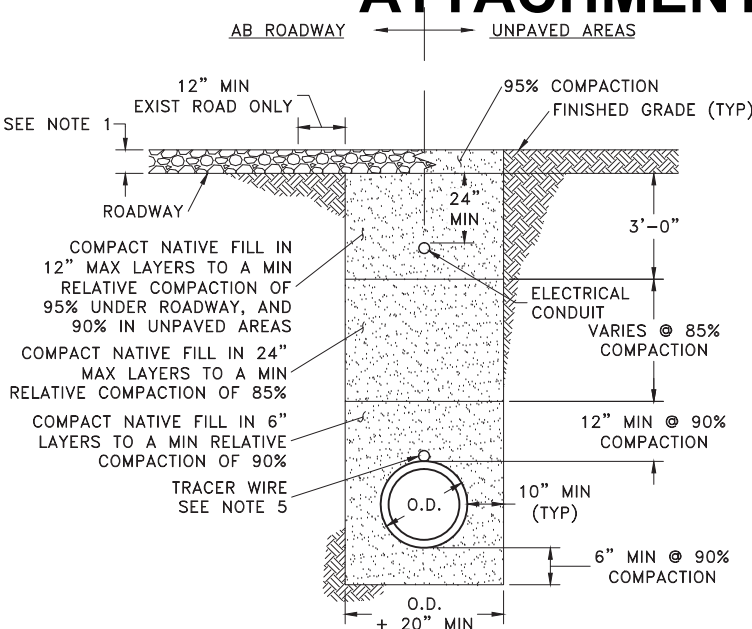
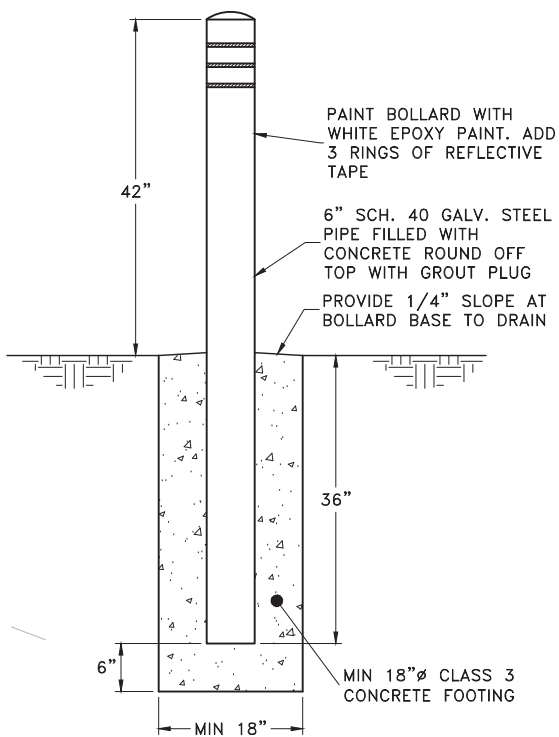
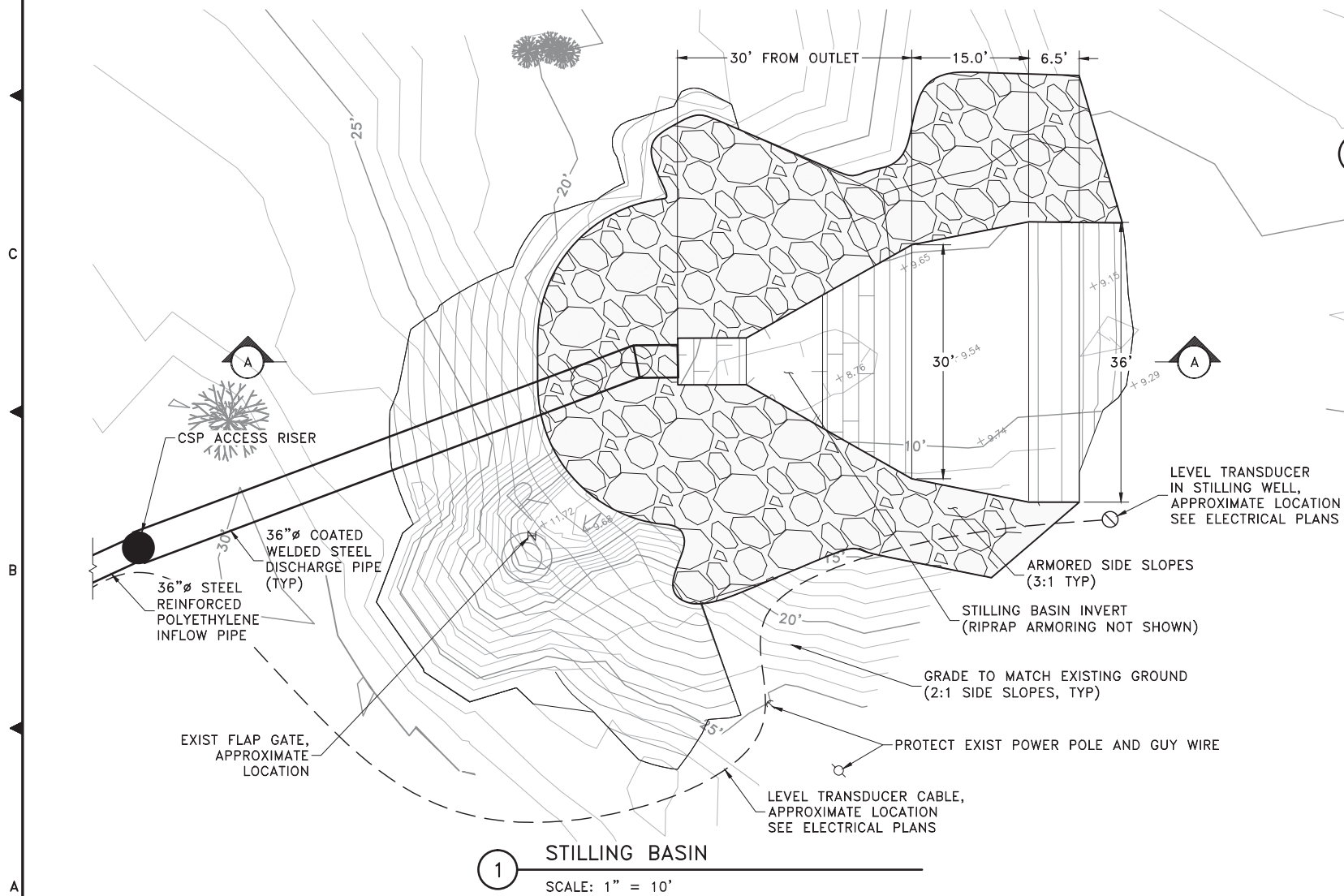
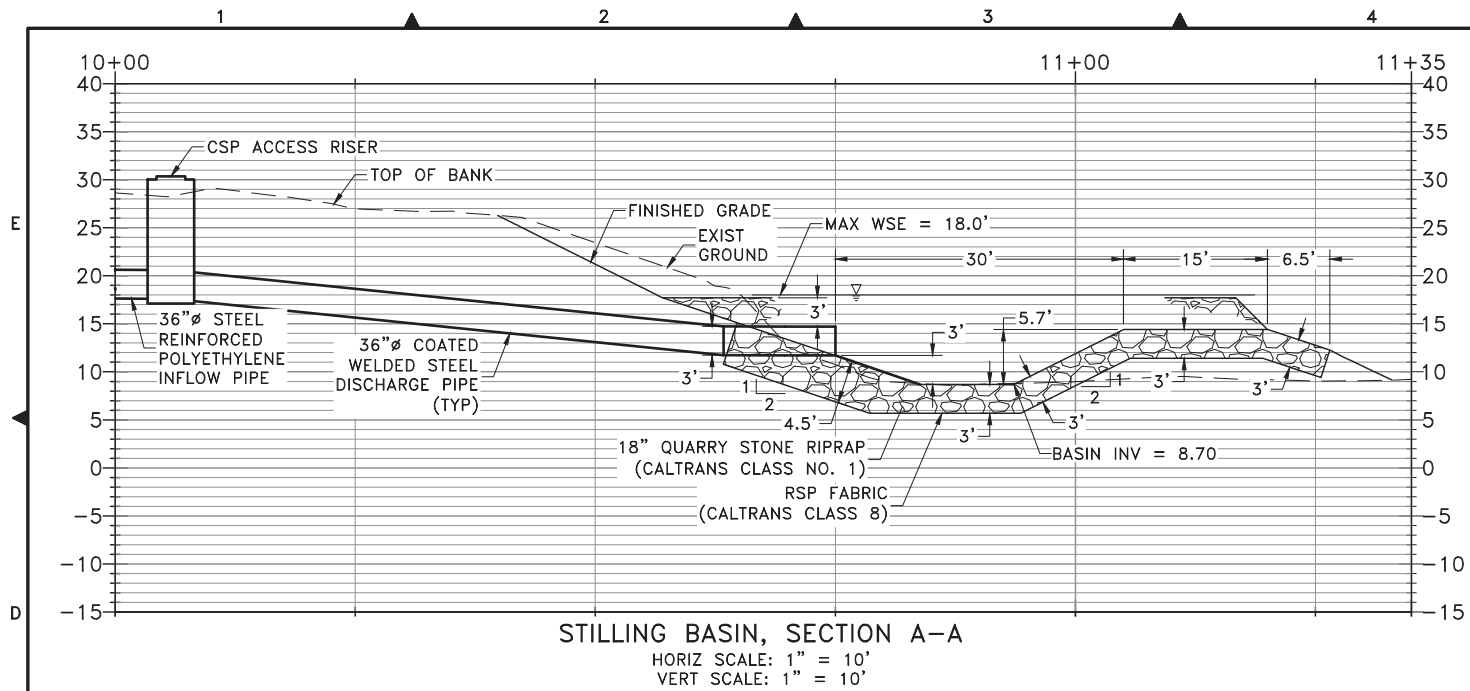
ACAMPO, CALIFORNIA

**TRANSMISSION PIPELINE
PLAN AND PROFILE**

DRAFT - 100% SUBMITTAL

Revisions				
No.	Description	Date	By	App'd. By

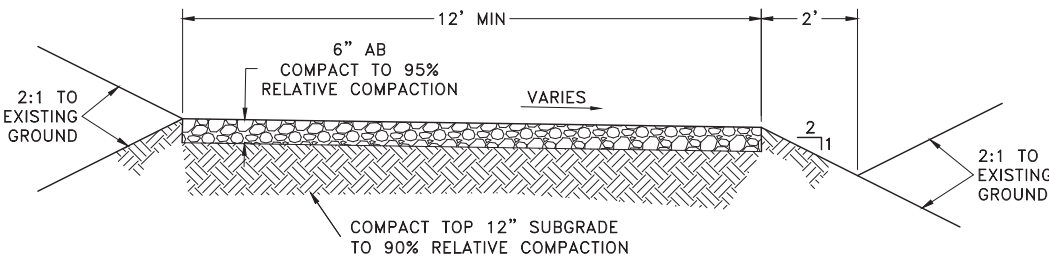
Design	Scale	Date
ERS	HORIZ: 1"=40' VERT: 1"=20'	OCTOBER 2014
Drawn	Original Drawing Scale	Sheet Number
Check	0 1/2" 1"	7 Of XX
NTC		Project File No. 2175-0020



- NOTES:
1. FOR NEW ROAD, SEE DETAIL 4, THIS SHEET. FOR EXISTING ROAD, MATCH EXISTING.
 2. THIS DETAIL IS APPLICABLE TO STABLE SOIL CONDITIONS ONLY.
 3. CONTROL DENSITY FILL (CDF) MAY BE USED IN LIEU OF SPECIFIED BACKFILL MATERIALS WITH APPROVAL FROM THE ENGINEER.
 4. RELATIVE COMPACTION OF MATERIALS SHALL BE TESTED IN ACCORDANCE WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION TESTING MANUALS, TEST METHOD NO. CALIFORNIA 216 OR 231.
 5. INSTALL TRACER WIRE: TRACER WIRE SHALL BE MINIMUM #10 AWG SOLID COPPER WIRE WITH 45 MILS OF HIGH MOLECULAR WEIGHT POLYETHYLENE (HMWPE) INSULATION, UL LISTED, RATED FOR DIRECT BURIAL, COLOR PER USA RECOMMENDED COLORS AND INSTALLED WITH ALL PIPE INCLUDING PVC, HDPE, AND DUCTILE IRON PIPE.

2 BOLLARD
SCALE: N.T.S.

3 TYPICAL TRENCH SECTION
SCALE: N.T.S.



4 AB ROADWAY
SCALE: N.T.S.



FOR PLANCHHECK
REVIEW ONLY
NOT FOR CONSTRUCTION

KJELDSSEN SINNOCK NEUDECK
INC. Civil Engineers and Land Surveyors
711 N. Pershing Avenue
Stockton, CA 95203-2152
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E-mail: KSN@ksninc.com

TRACY LAKES
GROUNDWATER RECHARGE PROJECT
ACAMPO, CALIFORNIA

TYPICAL CIVIL DETAILS I

DRAFT - 100% SUBMITTAL

Revisions					Design ERS	Scale AS NOTED	Date OCTOBER 2014
No.	Description	Date	By	App'd. By			
					Drawn ERS	Original Drawing Scale 0 1/2" 1"	Sheet Number 8 Of XX
					Check NTC		

Project File No.
2175-0020