Meeting of the Central Valley Flood Protection Board
April 26, 2019

Staff Report

San Joaquin Area Flood Control Agency
Smith Canal Gate Project, Stockton, San Joaquin County

1.0 – ITEM

Consider approval of Permit 19233 BD (Attachment A) to construct a gate between the Smith Canal and the San Joaquin River in the Stockton area.

2.0 – APPLICANT

San Joaquin Area Flood Control Agency (SJAFCA)

3.0 – PROJECT LOCATION

The proposed project site is located at the Smith Canal and Atherton Canal confluence, which is within the boundaries of City of Stockton and San Joaquin County area. The Southeast end of the site is the City area and the Northwest end of the site is the County area. As shown in the map of Attachment B, the dark yellow color represents the City area, while the green area represents the County area. The site extends from the southern bank of Browns Island to the northern tip of Dad's Point.

4.0 – PROJECT DESCRIPTION

The Smith Canal Gate Project (Project) includes construction of the following components, including (see Attachment C):

- A fixed cellular sheet pile floodwall filled with granular material that would extend 800 feet from Dad's Point to the Stockton Golf and Country Club on the right bank of the San Joaquin River.

- A 50-foot-wide miter (double-door) gate structure in the dual sheet pile floodwall.

- Approximately 100 feet of seismic stability wall where the dual sheet pile wall ties into Dad's Point.

- Approximately 800 feet of seepage cutoff wall between the seismic stability wall and the single sheet pile floodwall.

- Approximately 1560 linear feet of single sheet pile floodwall and grade adjustment along Dad's Point to tie into high ground at Louis Park.

- Removal of invasive vegetation and addition of recreational features and habitat improvements on Dad's Point. The recreational features and habitat improvements will include an interpretive walking path, planting of native species, two fishing platforms and multiple bat boxes.

5.0 – AUTHORITY OF THE BOARD

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

California Code of Regulations, Title 23, Division 1 (Title 23):

- § 6, Need for a Permit
- § 12, Protests
- § 13, Evidentiary Hearings
- § 112, Streams Regulated and Nonpermissible Work Periods
- § 116, Borrow and Excavation Activities – Land and Channel
- § 120, Levees
- § 121, Erosion Control
- § 125, Retaining walls
- § 126, Fences and Gates
- § 130, Patrol Roads and Access Ramps

6.0 – PROJECT ANALYSIS

6.1 – Project Background

In 2005, as part of the Federal Emergency Management Agency (FEMA) Flood Map Modernization Program (Map Mod), FEMA began requiring levee owners to submit documentation showing that their levees provided a 100-year level of flood protection. Conducted from fiscal year (FY) 2003 to FY 2008, Map Mod was FEMA's effort to update Flood Insurance Rate Maps (FIRMs) nationwide. As part of the National Flood Insurance Program, FEMA develops FIRMs to identify areas at risk of flooding and to determine flood insurance rates. Reclamation District (RD) 1614 and RD 828 both determined that levees along Smith Canal would not meet FEMA criteria.

Extensive encroachments along the Smith Canal levees prevented access for maintenance and inspection. Consequently, these levees were not able to meet the levee certification requirements of the Code of Federal Regulations, Title 44, Section 65.10, which include criteria for design, operation plans, maintenance plans, and certification by a registered civil engineer. In October 2009, FEMA released the official FIRMs placing the areas behind the Smith Canal levees in a FEMA-designated Special Flood Hazard Area (SFHA). This area provides flood protection for approximately 8,000 properties (32,000 people). SFHAs are defined as areas that would be inundated in the event of a 100-year flood.

SJAFCA, in partnership with Smith Canal levee owners, RD 1614 (north bank levee), and RD 828 (south bank levee) led a process of evaluating options for restoring FEMA accreditation to the Smith Canal area. Several alternatives were evaluated. In-place rehabilitation of the levees was determined to be economically infeasible and would have greater environmental impacts than the other alternatives considered. SJAFCA concluded that the environmentally superior and most cost-effective alternative would be constructing a fixed dual sheet pile wall and gate structure at the mouth of Smith Canal.

The proposed project has been included in the recommended plan of the U. S. Army Corps of Engineers (USACE) Lower San Joaquin River Feasibility Study and has an executed Memorandum of Understanding (MOU) between USACE and SJFCA for credit under Section 221 of the Flood Control Act of 1970, as amended. The proposed project also has an approved Independent Panel of Experts and a Safety Assurance Review Plan. SJAFCA also has executed agreements with the California Department of Water Resources for design and construction services.

6.2 – Hydraulic Review

The applicant prepared "*Smith Canal 100-year Interior Drainage Analysis*" dated February 16, 2017. The purpose of the report was to quantify and map residual floodplains for the post-project FEMA (Federal Emergency Management Agency) mapping. The hydraulic model used was Hydrologic Engineering Center's River Analysis System HEC RAS 5.0.3 2D model. A Hydrologic Modeling System (HEC HMS model) was developed to determine the amount of runoff that would occur within Stockton during the 100-year 24-hour event. This runoff was modeled as rainfall on the 2D area in the HEC RAS model. The water was modeled to flow across land and pond as well as be pumped out of the system as the water reached pump stations and when pumping capacity was available. The analysis modeled both the existing and an upgraded Wisconsin pump station. The report concluded that while the interior drainage system results in minor flooding that the Smith Canal project (when paired with an upgraded Wisconsin Pump station) will remove the Special Flood Hazard Area designation for the region.

The applicant prepared the "*Draft Basis of Design SJAFCA - Smith Canal Gate Project*" report dated June 14, 2017. The purpose of the report was to document design criteria to meet the Urban Level of Design Criteria (ULDC). The analysis used methods developed by the USACE to calculate the amount of wind induced wave height that would be expected during a 200-year stage event. The analysis adjusted the historic gage information for both subsidence and seal level rise. The analysis used methods developed by the USACE to calculate sea level rise interpolated through 2050.

The results demonstrated that the gate structure is designed to the 200-year stage of 9.5 ft NAVD88 (North American Vertical Datum, 1988), plus 1.4 ft for climate change, and an additional 1.1 ft for uncertainty for a final design water surface elevation of 12.0 ft NAVD88. The freeboard was determined using ULDC standards of the wind/wave height or plus 3ft whichever was greater. It was determined that the wind/wave height was less than 3 ft. Therefore, the final structure was designed to elevation 15 ft NAVD88 which includes the 12 ft NAVD88 Design Water Surface Elevation (DWSE) plus 3 ft of freeboard.

The applicant prepared additional hydraulic reports including *Smith Canal Gate Project: Gate Operation and Interior Drainage Analysis* (Peterson Brustad Inc., March 2016)*; Smith Canal Gate Structure Velocity Analysis* (Peterson Brustad Inc., May 2016); and the *Smith Canal Gate Hydrodynamic Modeling Alignment and Gate Width Evaluation* (Moffatt & Nichol, February 2015).

Staff has reviewed the findings of these hydraulic reports and concurs with the findings that the proposed project will result in less than significant hydraulic impacts. Therefore, there are no anticipated adverse impacts to the State Plan of Flood Control system due to the Project.

6.3 – Geotechnical Review

The applicant prepared the "*Geotechnical Design Report for SJAFCA - Smith Canal Gate Project*" report dated November 28, 2018. Most of the Smith Canal gate project site is underlain by relatively soft, weak, and compressible soil deposits above relatively dense, stiff, soils that are considered suitable for foundation materials. In addition, the project site is located within a seismically active area and the potential for liquefaction and lateral spreading is high. The foundation soils provide relatively poor lateral support for foundation elements. Therefore, the proposed gate structure will require relatively deep piles to provide support and the dual sheet pile wall will need to extend to similar depths to provide adequate seepage barrier.

Using the subsurface exploration data, prepared in 2015 and 2016, the applicant performed the following geotechnical analysis of the Smith Canal dual sheet pile wall and gate structure:

- Under-seepage of dual sheet pile wall along the proposed alignment and at tie-in locations
- Slope stability of existing levees at the dual sheet pile wall tie-in locations
- Liquefaction potential
- Lateral spread
- Internal and external stability of dual sheet pile wall
- Lateral and vertical soil capacities for pipe piles.

The analysis results were compared to the project design criteria and used to develop foundation recommendations for the dual sheet pile wall, control gate structure and tie-in connections foundation recommendations, in addition to slope stability mitigation. Based on the recommendation, the sheet piles associated with the cellular cofferdam should extend to Elevation -70 feet for lateral capacities and seepage cut-off and the pipe piles supporting the gate structure should extend to Elevation -60 feet for axial and lateral capacities. The report concluded that "Based on the analyses results associated with this effort seepage and slope stability criteria will be met if the current structural configurations are constructed". Staff has reviewed, and agrees with, the findings of the geotechnical report. Therefore, there are no anticipated adverse geotechnical impacts to the State Plan of Flood Control system as a result of the Project.

6.4 – Protests

Board staff received protests from Mr. Michael Gurev and Mr. Maxwell Freeman. In addition, Mr. Dominick Gulli, a resident of Stockton, has appeared at two Board meetings and expressed his opposition to the project. The bases for the respective protests are discussed below:

6.4.1 – Protests from Mr. Gurev and Mr. Freeman

Board staff received two protests; one from Mr. Michael L. Gurev Trustee of the Trust Holding 2300 Virginia Lane, Stockton, California; and a second from Mr. Maxwell M. Freeman with the Freeman Firm, a law firm in Stockton, California. The contents of both protests are the same, and both originated from the Freeman Firm (Attachment D).

Both protests referenced a case (Case No. STK-CV-UWN-2015-0011847), filed by an unincorporated association, the Atherton Cove Property Owners Association (Association), against SJAFCA in San Joaquin County Superior Court in 2015. The case was a petition for writ of mandate alleging that SJAFCA violated the California Environmental Quality Act (CEQA) for its approvals of the Project. Specifically, Atherton Cove alleges SJAFCA's EIR failed to meet various requirements of CEQA. The trial court issued its order on July 5, 2017, denying the Association's petition in its entirety, upholding SJAFCA's EIR. Final judgment was entered on July 14, 2017.

Atherton Cove appealed this decision to the California Court of Appeals, Third Appellate District. The Court of Appeals upheld the trial court's denial of the petition for writ of mandate. Atherton Cove did not seek review of this decision in the California Supreme Court.

6.4.2 – Mr. Dominick Gulli's Protest

Mr. Dominick Gulli PE, PLS, a Stockton resident, appeared at the Board's November 16, 2018 and March 29, 2019 regular Board Meetings, expressing his opposition to the Project. Mr. Gulli has filed two lawsuits against SJAFCA regarding the Project.

- In 2015, Mr. Gulli filed a petition for writ of mandate against SJAFCA in San Joaquin County Superior Court alleging, among other things, violations of CEQA, including risk of flood impacts. The petition was denied on August 20, 2018 and Mr. Gulli filed an appeal with the Court of Appeal, which is pending. SJFCA has filed a motion to dismiss the appeal.

  In the case Mr. Gulli asserted 9 challenges to the EIR including a claim that the EIR failed to review the flooding impacts that the Project will create. The trial court reviewed this claim and determined that,

  > *"Mr. Gulli's mere statement that the FEIR 'fails to analyze the surface water elevation changes' or that the FEIR 'failed to analyze the impacts on the environment' is an insufficient challenge to the adequacy of the EIR's*

discussion of flood risks. And, Mr. Gulli's differing expert opinions does not render the FEIR legally insufficient."

- Mr. Gulli filed a second petition for writ of mandate against SJAFCA on December 18, 2017 regarding Addendum #1 to SJAFCA's EIR and approval of project changes on November 16, 2017. The petition alleged that SJAFCA violated CEQA by preparing an addendum rather than full subsequent EIR. The case was dismissed on June 14, 2018.

6.4.3 – Title 23 Requirement for Valid Protest

According to Title 23, §12(3), "Protests must be based solely on flood control concerns or, where the Board is acting as the lead agency under CEQA, environmental concerns." The lead agency for this Project is SJAFCA. Because the Board is not the lead agency Board staff can only consider flood control concerns.

On April 5, 2019 and April 8, 2019, Board staff sent letters to the Mr. Gurev, Mr. Freeman, and Mr. Gulli requesting them to present their flood related concerns in writing by April 19, 2019. Mr. Gulli submitted a letter (see Attachment E) on April 19, 2019 at about 2:00 PM via e-mail. The letter refers to some attachments to be available sometime in the future.

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) South Pacific Division and South Pacific Navigation Division are coordinating to complete their outgrant process which will result in a signed lease agreement to use USACE property for this project (see Attachment F). If the Board approves Permit No. 19233, it will be contingent on the receipt of the USACE outgrant.

- Endorsement letters from Local Maintaining Agencies provided by the applicant are included in Attachment G.

8.0 – CEQA ANALYSIS

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

The Board, as a responsible agency under CEQA, has reviewed the Draft and Final Environmental Impact Reports (EIR) (SCH No. 2014062079, June 2015 and November 2015, respectively), Addendum I (November 2017) and Addendum II (September 2018) to the EIR, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (MMRP) for the Smith Canal Gate Project (Project), prepared by the lead agency, SJAFCA. SJAFCA's Project is covered by the Draft and Final EIR, and the two Addenda to the EIR. These documents, including project design and the MMRP, may be viewed or downloaded from the Central Valley Flood Protection Board (Board) website at http://cvfpb.ca.gov/event/April-2019-regular-business-meeting/, under a link for this agenda item. The documents are also available for review in hard copy at the Board and SJAFCA offices.

SJAFCA determined that the Project, as described in the EIR and two Addenda to the EIR, will have a significant effect on the environment, and filed a Notice of Determination with the State Clearinghouse and the San Joaquin County Clerk on September 28, 2018. SJAFCA incorporated mandatory mitigation measures into the project plans to avoid or mitigate impacts. These mitigation measures, included in SJAFCA's Final EIR and MMRP, address impacts to air quality, biological resources (vegetation and wetlands, fish and aquatic resources, and wildlife), cultural resources, noise, public health and environmental hazards, recreation, transportation and navigation, utilities and public services, visual resources, and water quality and groundwater resources. These mitigation measures are within the responsibility and jurisdiction of SJAFCA and have been adopted by SJAFCA. The Draft and Final EIR, and two Addenda to the EIR, found less than significant impacts under flood risk, hydrology, and geomorphology, greenhouse gases and climate change.

In accordance with CEQA Guidelines § 15096(e), Board staff independently reviewed SJAFCA's Draft and Final EIR, and two Addenda to the EIR, and finds these environmental documents prepared by the lead agency adequately address hydrology impacts, including potential flood risk, for the Board's approval of Permit No. 19233 to authorize work to install a gated fixed wall at the mouth of Atherton Cove and Smith Canal, which is within the Board's jurisdiction as it relates to maintenance of the State's flood control system. The Board, as a responsible agency, is responsible for mitigating and avoiding only the direct and indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve (CEQA Guidelines § 15096(g); Public Resources Code § 21002.1(d)).

Here, the Board's action is limited to approving an encroachment permit for work to install a gated fixed wall at the mouth of Atherton Cove and Smith Canal, and the Board's jurisdiction is limited to imposing conditions or mitigation related to maintaining the State Plan of Flood Control. The mitigation measures in SJAFCA's EIR and MMRP do not address issues over which the Board has jurisdiction; therefore, no findings under CEQA Guidelines § 15096 (h) are required; these mitigation measures are within the jurisdiction of SJAFCA, and have been adopted by SJAFCA.

The Draft and Final EIR, and two Addenda to the EIR, identified less than significant impacts related to flood risk, which is the resource area within the Board's jurisdiction as a responsible agency. The EIR conclusions related to flood risk are further supported by the following hydraulic studies: *Smith Canal 100-year Interior Drainage Analysis* (Peterson Brustad Inc., February 2017); *Smith Canal Gate Project: Gate Operation and Interior Drainage Analysis* (Peterson Brustad Inc., March 2016)*; Draft Basis of Design SJAFCA - Smith Canal Gate Project* (Peterson Brustad Inc. and HDR, June 2017); *Smith Canal Gate Structure Velocity Analysis* (Peterson Brustad Inc., May 2016); and the *Smith Canal Gate Hydrodynamic Modeling Alignment and Gate Width Evaluation* (Moffatt & Nichol, February 2015) relied upon by Board staff, which confirms the installation of a gated fixed wall at the mouth of Atherton Cove and Smith Canal will result in less than significant hydraulic impacts. The project will not adversely impact the State Plan of Flood Control system.

Based on staff's review of the EIR, two Addenda to the EIR, the hydraulic/hydrodynamic analyses, and the entirety of the record, staff finds there is no substantial evidence to support a fair argument that the project may result in significant impacts related to flood risk within the Board's jurisdiction. In addition, Board staff has reviewed the protests that were submitted in writing and has taken them into consideration. Stated objections to the project were based on concerns with the EIR, including: the public process for the EIR (recirculation for public comments), impacts related to biological resources, inconsistency with the Delta Reform Act, failure to analyze appropriate alternatives, and failure to adequately respond to public comments. One protest had comments that were related to flood control. Flood risks were specifically addressed in the Final EIR in Chapter 3.1. Board staff has independently reviewed the Final EIR and agree with the adequacy of the EIR's discussion of flood risks. Board staff has determined that the concerns raised are not flood control related pursuant to the Title 23, Section 12.

Because the Board's approval of the encroachment permit for installing a gated fixed wall at the mouth of Atherton Cove and Smith Canal results in less than significant impacts related to flood risk, which is the only resource area within the Board's

jurisdiction. Therefore, no additional findings unrelated to flood under CEQA Guidelines § 15096, subdivision (h) or consideration of alternatives is required. In accordance with CEQA Guidelines § 15096(f) and (g), staff recommends the Board make responsible agency findings that approval of Permit No. 19233 would not result in any significant adverse impacts related to flood risk, and no additional mitigation measures within the Board's jurisdiction are required.

The documents and other materials which constitute the record of the Board's proceedings in this matter are in the custody of the Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Suite 170, Sacramento, California 95821.

9.0 – CALIFORNIA 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.

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 as regulated by Title 23 have been applied to the review of this project. To evaluate hydraulic impacts of the proposed gate structure, SJAFCA used the HEC-RAS flow model which is considered by experts as one of the best available scientific tools for modeling river hydraulics in this region.

3. Effects of the decision on facilities of the State Plan of Flood Control (SPFC), and consistency of the proposed project with the Central Valley Flood Protection Plan (CVFPP) as adopted by the Board Resolution 2017-10 on August 25, 2017.

   This project has no adverse effect on facilities of the SPFC and is consistent with the adopted CVFPP and Title 23 standards because there are no significant increases in water surface elevation or flow velocities anticipated as a result of the proposed project. This project also reduces the chance of flooding for the residents and property near the Smith Canal.

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 due to abundant existing freeboard available to accommodate potential changes in river hydraulics as a result of climate change, hydrology and development within the existing watershed.

10.0 – STAFF RECOMMENDATION

Staff recommends that the Board:

Adopt:

- The CEQA findings: The Board, acting as a responsible agency under CEQA, has independently reviewed and considered the environmental documents prepared for the project. Approving Permit No. 19233 would not result in any significant adverse impacts related to flood risk, and no additional mitigation measures within the Board's jurisdiction are required; and

Approve:

- Draft Encroachment Permit No. 19233 in substantially the form provided in Attachment A; 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 – Draft Permit No. 19233

B – Project Vicinity and Location Maps

C – Typical Project Design Drawings

D – Protest Emails dated January 29, 2018

E – Mr. Gulli's Letter dated April 19, 2019

F – USACE Letter dated April 17, 2019

G – LMA Endorsement Letters

Prepared by:	Ali Porbaha, Plan Implementation and Compliance Branch
Reviewed by:	Jennifer Stewart, Environmental Services Section
	Andrea Buckley, Environmental Service and Land Management Branch Chief
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	Michael Wright, Chief Engineer, and
	Sarah Backus, Staff Counsel

Attachment A – Draft Permit No. 19233

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19233 BD

This Permit is issued to:

San Joaquin Area Flood Control Agency
22 East Weber Avenue
Suite #301
Stockton, California 95202

To construct a fixed dual steel sheet pile floodwall, a steel miter gate structure, a seismic stability wall, a seepage cutoff wall, a single sheet pile floodwall, recreational features and habitat improvements.

The project area includes Louis Park (including Dad's Point), the Stockton Golf and Country Club, and the portions of the San Joaquin River in the immediate vicinity, at 37.95771°N 121.35290°W, San Joaquin County Flood Control and Water Conservation District, Smith Canal, 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.

DWR 3784 (Rev. 9/85)

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. 19233 BD

THIRTEEN: All work completed under this permit, as directed by the general and special conditions herein, shall be accomplished to ensure that the work is not injurious to adopted plans of flood control, regulated streams, and designated floodways under the Central Valley Flood Protection Board (Board) jurisdiction, as defined in California Code of Regulations, Title 23. This permit only applies to the completion of work in the project description located within, or adjacent to and having bearing on Board jurisdiction, and which directly or indirectly affects the Board's jurisdiction. This special condition shall apply to all subsequent conditions herein.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold the Board, the Department of Water Resources, and their respective officers, agents, employees, successors and assigns, safe and harmless, of and from all claims and damages related to the Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The Board and the Department of Water Resources expressly reserve the right to supplement or take over their defense, in their sole discretion.

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 Board and 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.

AGENCY CONDITIONS

SIXTEEN: All work approved by this permit shall be in accordance with the submitted design drawings dated November 2018 except as modified by special permit conditions herein. No work, other than that approved by this permit, shall be done in the project area without prior approval of the Central Valley Flood Protection Board.

SEVENTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

EIGHTEEN: In the event that levee or bank erosion injurious to facilities of the State Plan of Flood Control occurs at or adjacent to and as a result of the project, the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

NINETEEN: The permittee shall be responsible for repair of any damages to San Joaquin River due to construction, operation, or maintenance of the proposed project.

TWENTY: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

PRE-CONSTRUCTION

TWENTY-ONE: Upon receipt of a signed copy of the issued permit the permittee shall contact the Board by telephone at (916) 574-0609, and submit the enclosed postcard, to schedule a preconstruction conference with the inspector that is assigned to your project. Failure to do so at least 10 working days prior to start of work may result in a delay of the project.

TWENTY-TWO: The permittee shall provide construction supervision and inspection services acceptable to the Board.

TWENTY-THREE: Prior to commencement of work, the permittee shall create a photo record, including associated descriptions of project conditions. The photo record shall be submitted to the Central Valley Flood Protection Board within thirty (30) calendar days of beginning the project.

CONSTRUCTION

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

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

TWENTY-SIX: Except with respect to the activities expressly allowed under this permit, the work area shall be restored to the condition that existed prior to start of work.

TWENTY-SEVEN: Any damage to the levee crown roadway or access ramps that will be utilized for access for this project shall be promptly repaired to the condition that existed prior to this project.

POST-CONSTRUCTION

TWENTY-EIGHT: All debris generated by this project shall be disposed outside of the San Joaquin River.

TWENTY-NINE: The San Joaquin River shall be restored to at least the condition that existed prior to commencement of work.

THIRTY: Upon completion of the project, the permittee shall submit as-constructed drawings to the Board and to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.

THIRTY-ONE: The Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

THIRTY-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 1 to July 15.

OPERATIONS AND MAINTENANCE

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

THIRTY-FOUR: 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 Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

THIRTY-FIVE: The permitted encroachment(s) shall not interfere with the flood conveyance capability of San Joaquin River. 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.

THIRTY-SIX: If the gate or the peripherals are damaged to the extent that it may impair the channel

or floodway capacity, it shall be repaired or removed prior to the next flood season.

THIRTY-SEVEN: If the permitted structure results in any adverse hydraulic impact or scouring, the permittee shall provide appropriate mitigation measures subject to review and approval of the Central Valley Flood Protection Board.

THIRTY-EIGHT: All debris that may accumulate around the gate or the peripherals within San Joaquin River shall be completely removed from the floodway following each flood season.

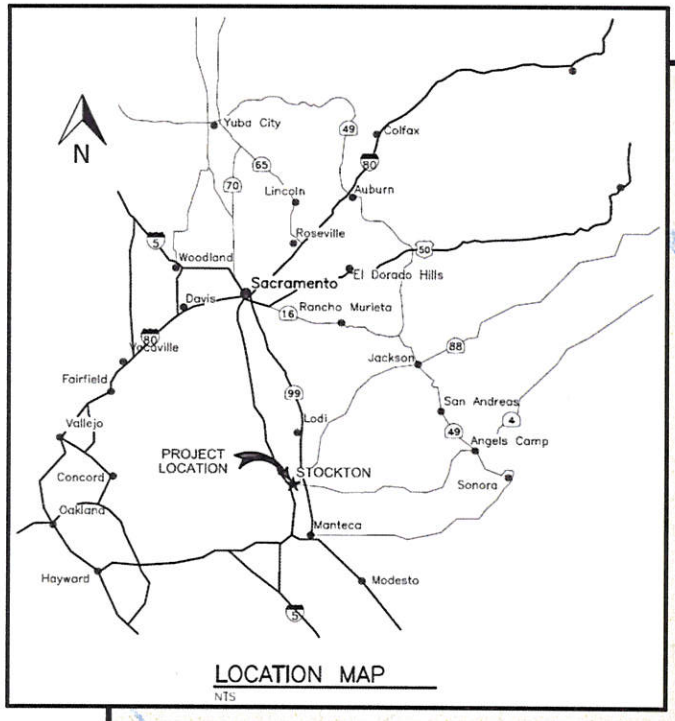
PROJECT ABANDONMENT, CHANGE IN PLAN OF FLOOD CONTROL

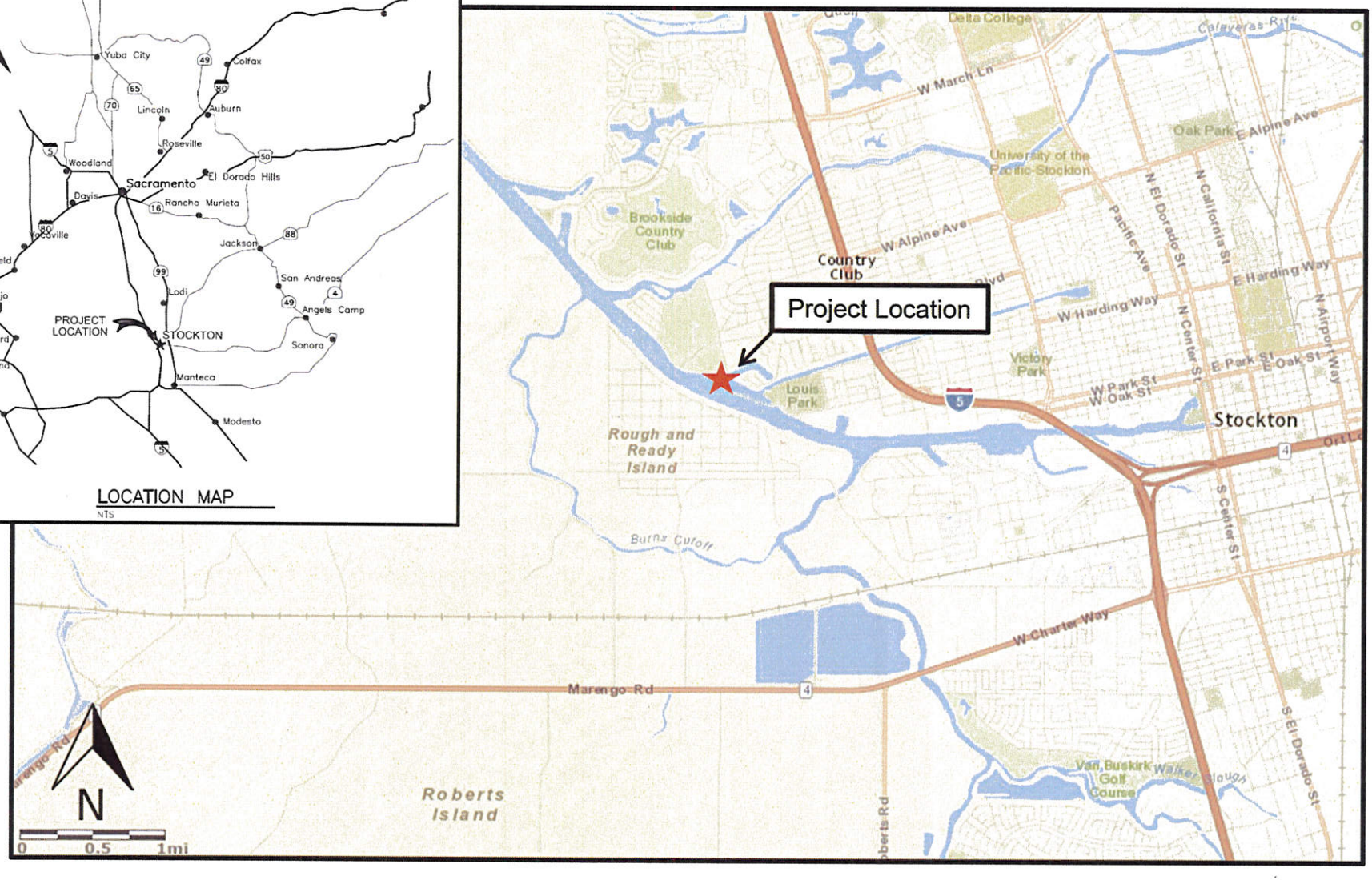
THIRTY-NINE: If the project, or any portion thereof, is to be abandoned in the future, the permittee shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's cost and expense.

FORTY: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted project works if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with implementation of the Central Valley Flood Protection Plan or other future flood control plan or project, or if damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS

Attachment B – Project Vicinity and Location Maps





NOTES: City of Stockton, San Joaquin County Public Works, Bureau of Land Management, ESRI, HERE, DeLorme, INCREMENT P, NGA, USGS

SMITH CANAL GATE PROJECT

HDR

Site Plan Map

Mar 2017

FIGURE 1

Figure 1. Smith Canal Gate Project Vicinity

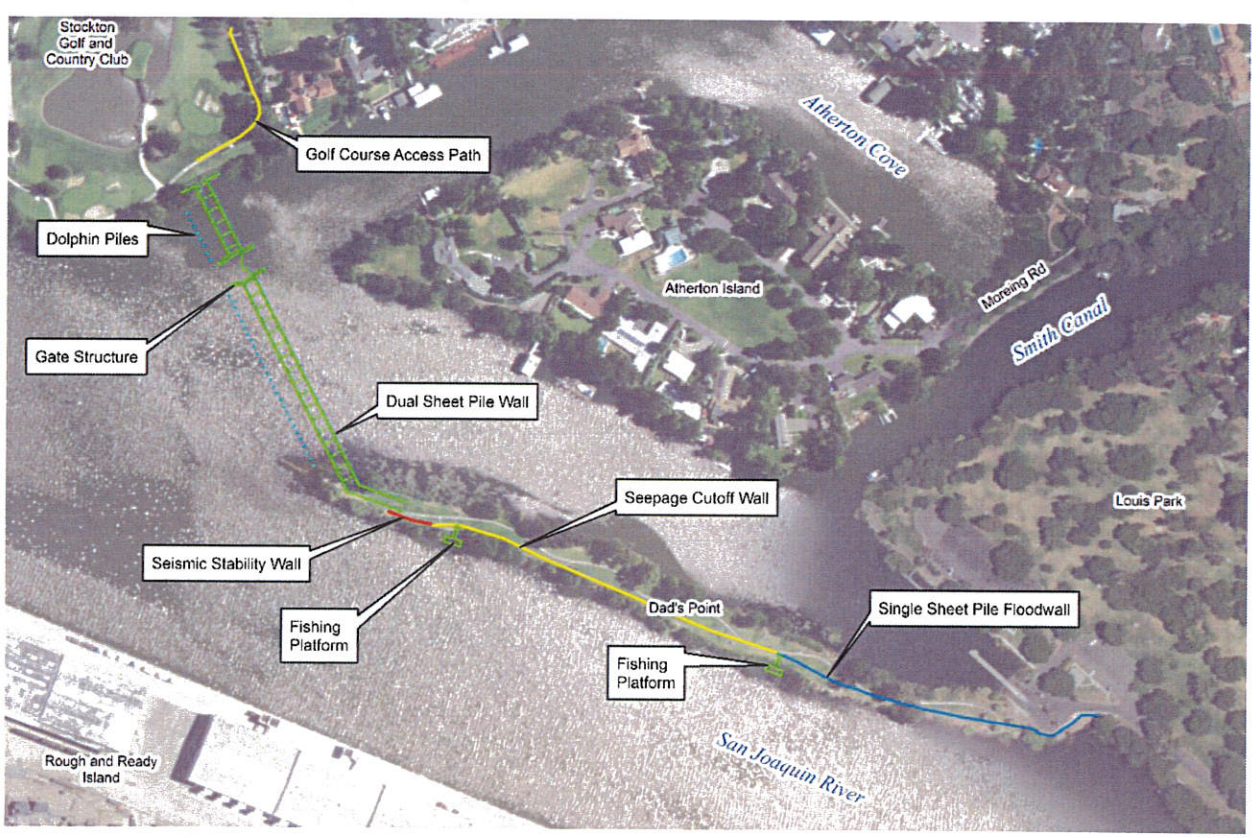
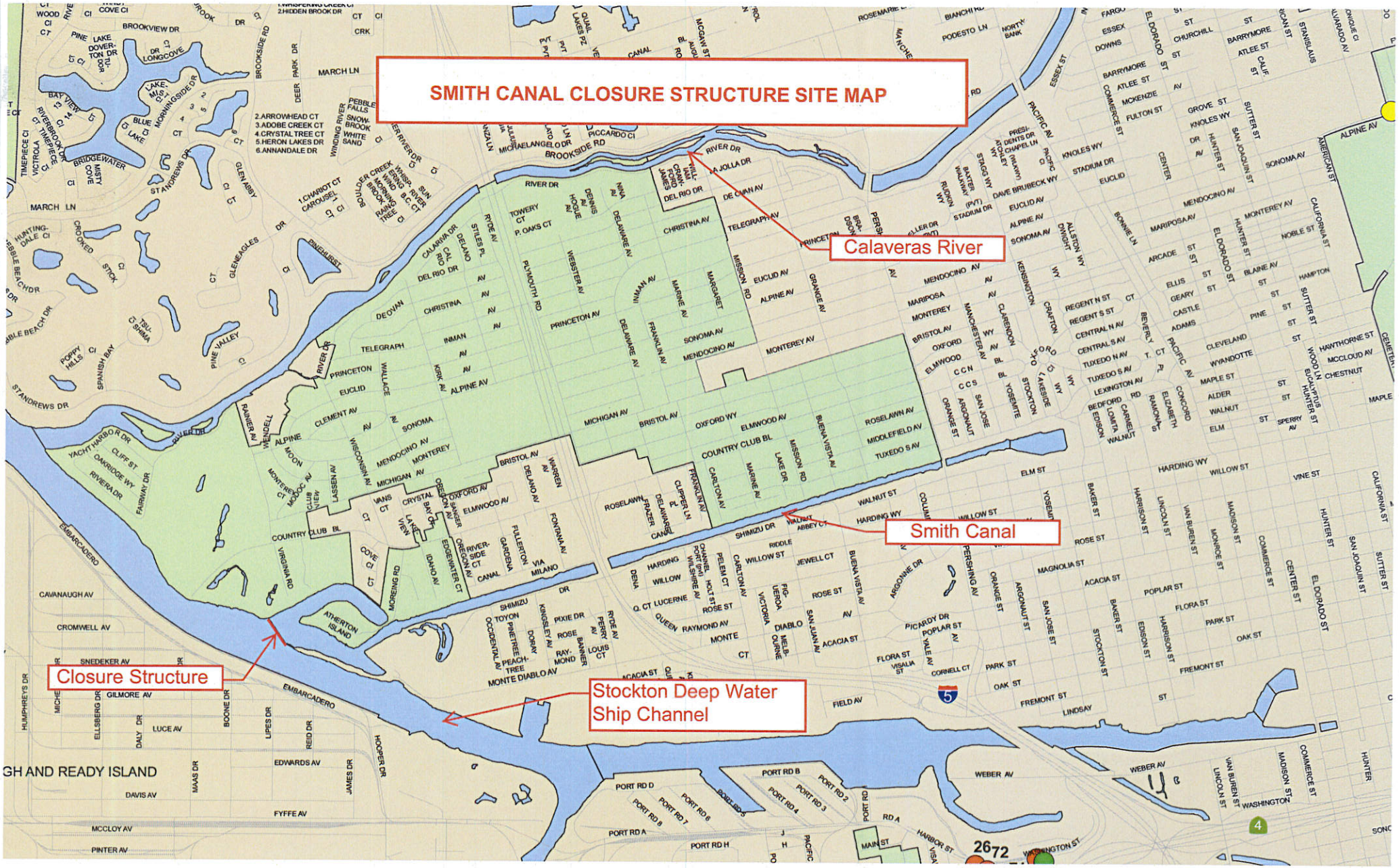
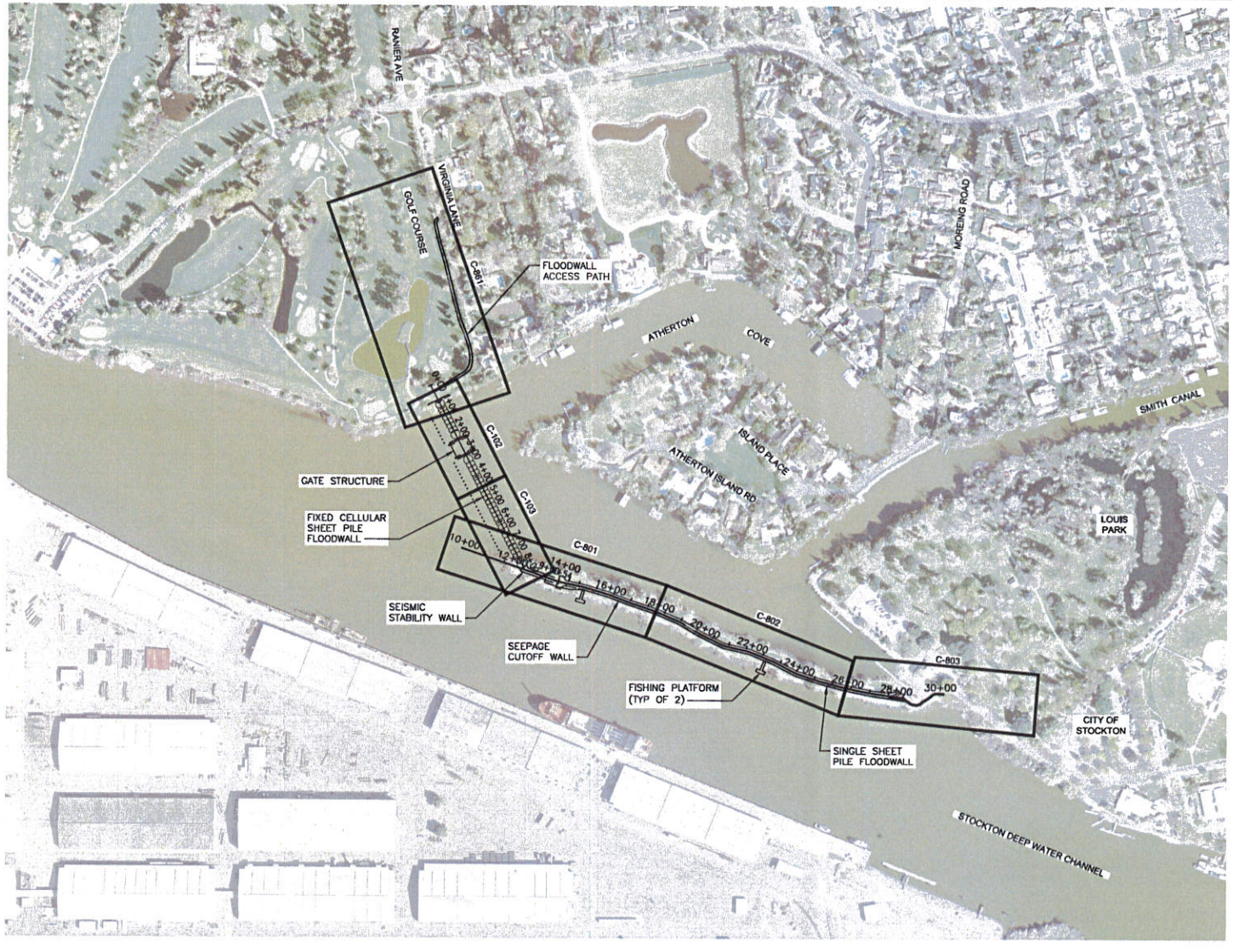


Figure 2. Smith Canal Gate Overview

SMITH CANAL CLOSURE STRUCTURE SITE MAP



Attachment C – Typical Project Design Drawings



ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: 1"=200'

DATE: NOVEMBER 2019

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DESIGNED AAS
DRAWN MAH
CHECKED DAP

ASHLEY A. SMITH, PE — PROJECT ENGINEER — R.C.E. NO. 86512 — EXP. DATE 3/31/19

DAVID A. PETERSON, PE — PROJECT MANAGER — R.C.E. NO. 43432 — EXP. DATE 6/30/20

SJAFCA San Joaquin Area FLOOD CONTROL Agency

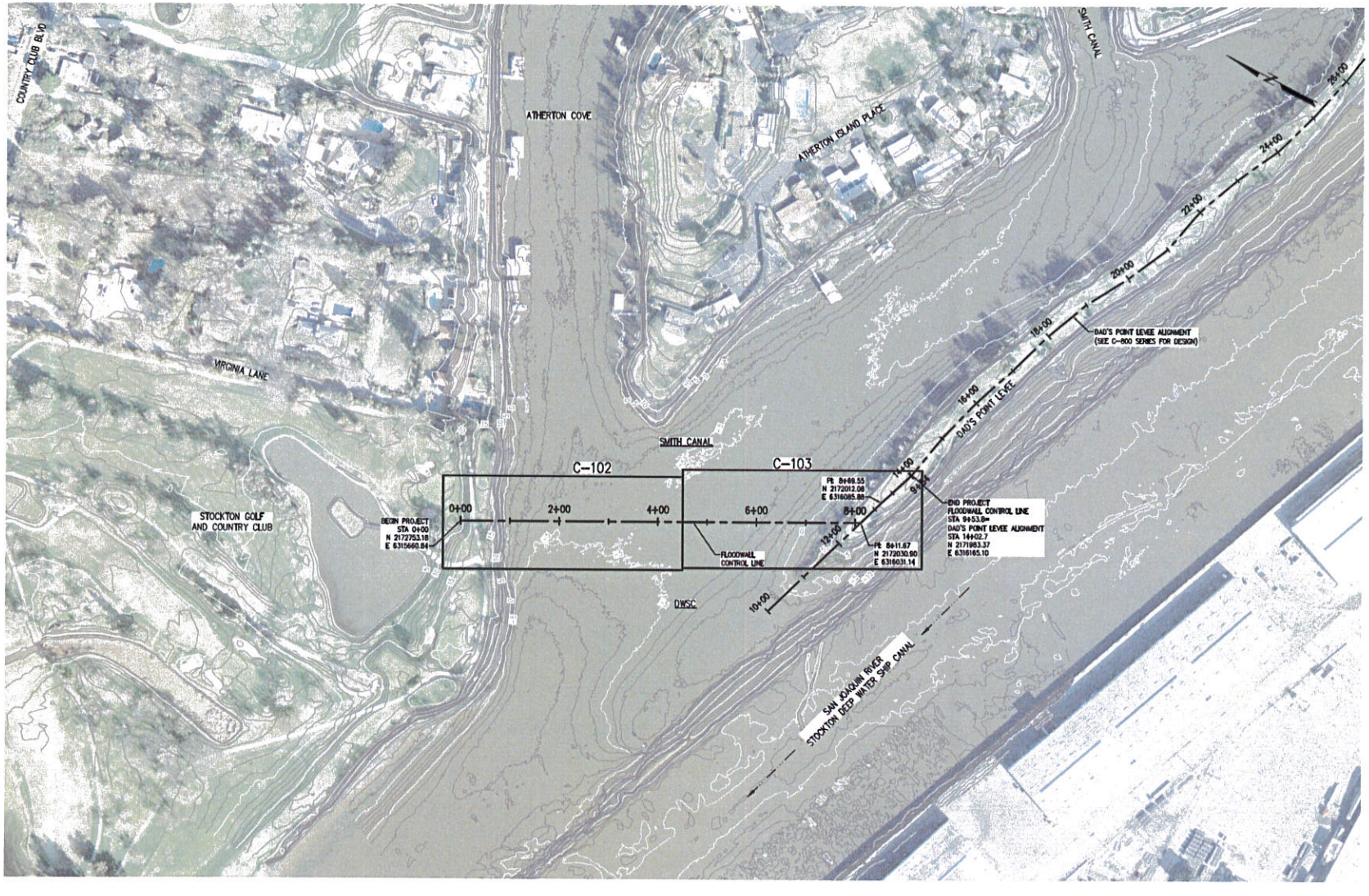
PBI

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

PROJECT OVERVIEW

SHEET G-006

SHEET 06 OF 127



ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED

DATE: NOVEMBER 2018

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DESIGNED JN
DRAWN AJ
CHECKED DJ

JASON NETTLETON, PE — PROJECT ENGINEER — 73184 R.S.E. NO. — 12/31/18 EXP. DATE

WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — JASON NETTLETON — C 73184 — Exp. 12/31/18 — CIVIL — STATE OF CALIFORNIA — 11/12/18

SJAFCA San Joaquin Area FLOOD CONTROL Agency

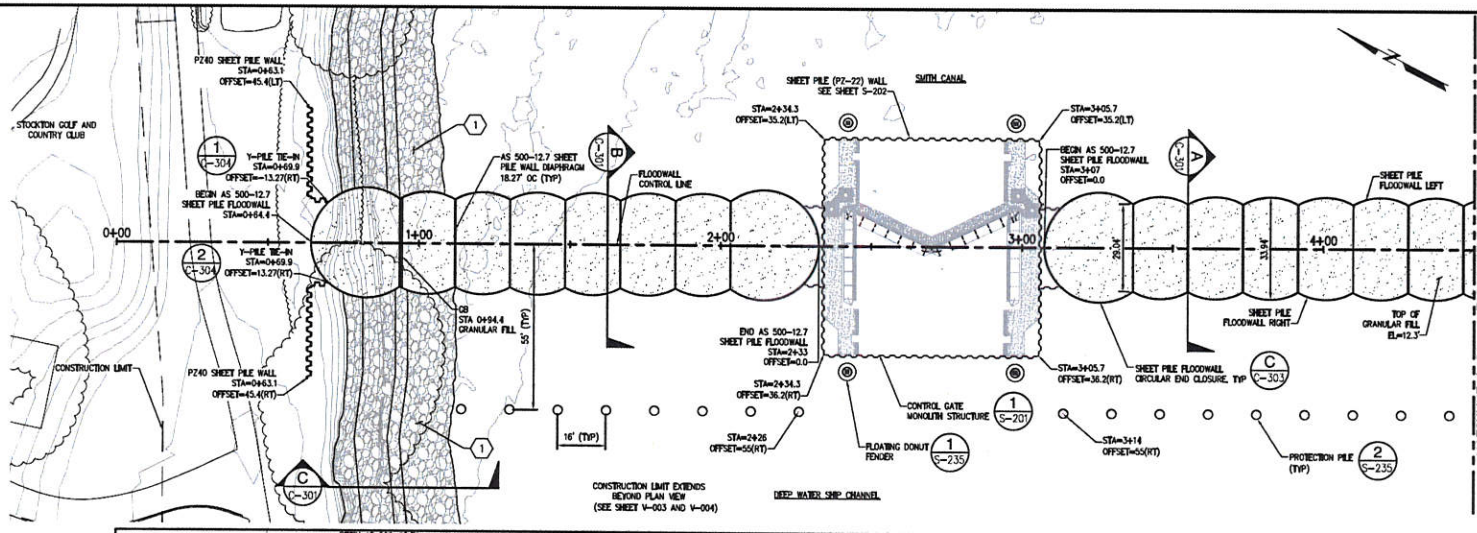
HDR

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

FLOODWALL SITE LAYOUT

SHEET C-101

SHEET 19 OF 127

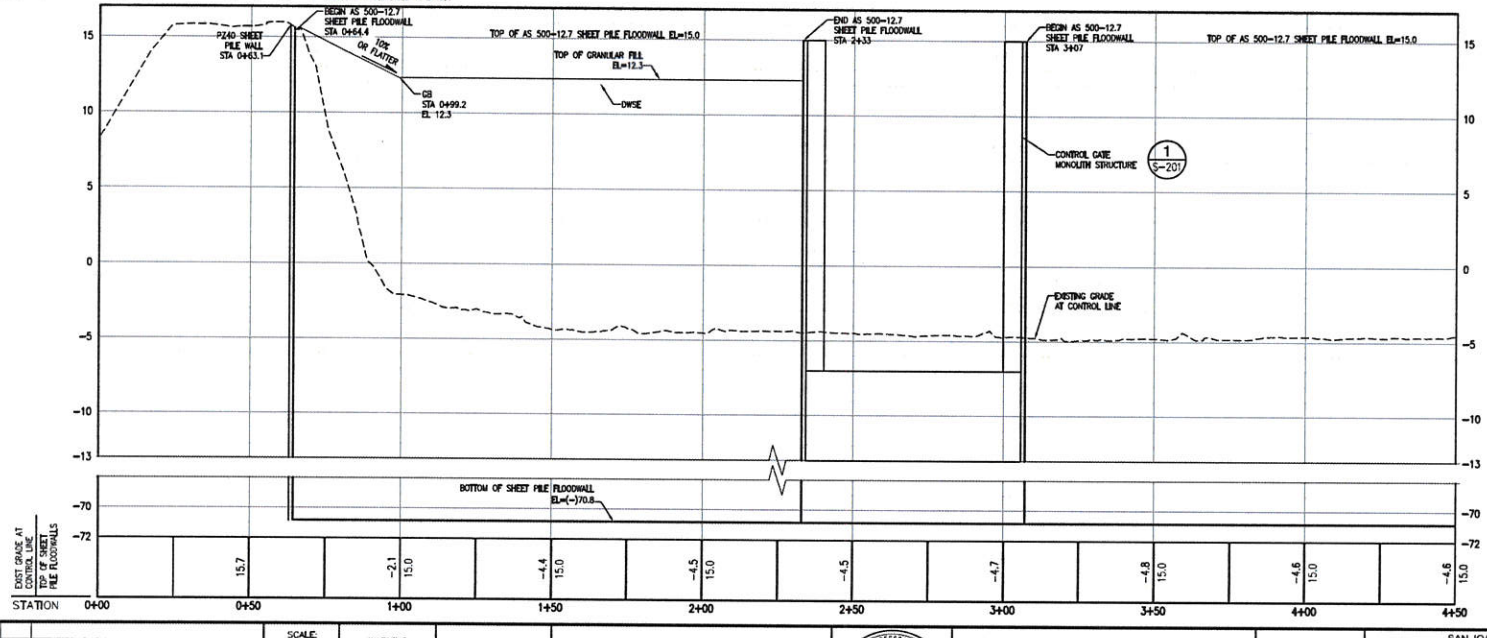


KEY NOTES:

1. PLACE RSP PER DETAIL ON C-201.

GENERAL NOTES:

1. PROTECTION PILES NOT SHOWN IN PROFILE FOR CLARITY.
2. BOTTOM OF SHEET PILE FLOODWALL DIAPHRAGMS MATCH BOTTOM OF FLOODWALL (EL (–)70.8).
3. BOTTOM OF SHEET PILE WALLS MATCH BOTTOM OF FLOODWALL (EL (–)70.8).
4. SEE SHEET V-003 AND V-004 FOR CONSTRUCTION LIMIT LAYOUT AND TABLES.



HORIZ SCALE: 1"=20'

VERT SCALE: 1"=4'

ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED

WARNING 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DATE: NOVEMBER 2018

DESIGNED JN
DRAWN AJ
CHECKED DJ

JASON NETTLETON, PE — PROJECT ENGINEER — R.S.E. NO. 73184 — EXP. DATE 12/31/18

WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — JASON NETTLETON — C 73184 — EXP. 12/31/18 — CIVIL — STATE OF CALIFORNIA — 11/29/18

SJAFCA San Joaquin Area FLOOD CONTROL Agency

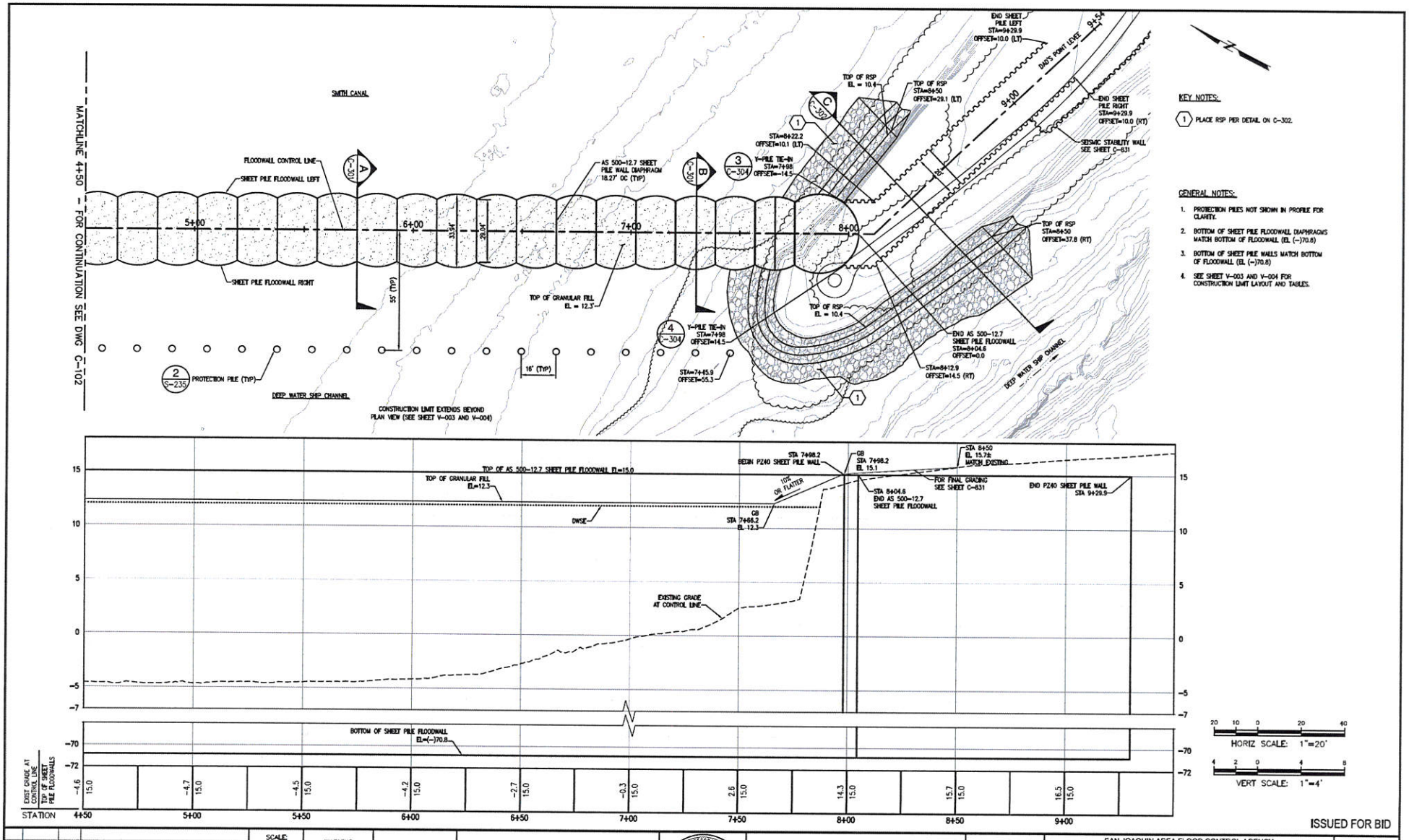
HDR

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

FLOODWALL PLAN AND PROFILE
STA 0+00 TO 4+50

SHEET C-102

SHEET 20 OF 127



KEY NOTES:

1. PLACE RSP PER DETAIL ON C-302.

GENERAL NOTES:

1. PROTECTION PILES NOT SHOWN IN PROFILE FOR CLARITY.
2. BOTTOM OF SHEET PILE FLOODWALL DIAPHRAGMS MATCH BOTTOM OF FLOODWALL (EL (-)70.8)
3. BOTTOM OF SHEET PILE WALLS MATCH BOTTOM OF FLOODWALL (EL (-)70.8)
4. SEE SHEET V-003 AND V-004 FOR CONSTRUCTION LIMIT LAYOUT AND TABLES.

ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED

DATE: NOVEMBER 2018

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DESIGNED JN
DRAWN AJ
CHECKED DJ

JASON NETTLETON, PE — PROJECT ENGINEER — 73184 R.S.E. NO. — 12/31/18 EXP. DATE

WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — JASON NETTLETON — C 73184 — EXP. 12/31/18 — CIVIL — STATE OF CALIFORNIA — 11/12/18

SJAFCA San Joaquin Area FLOOD CONTROL Agency

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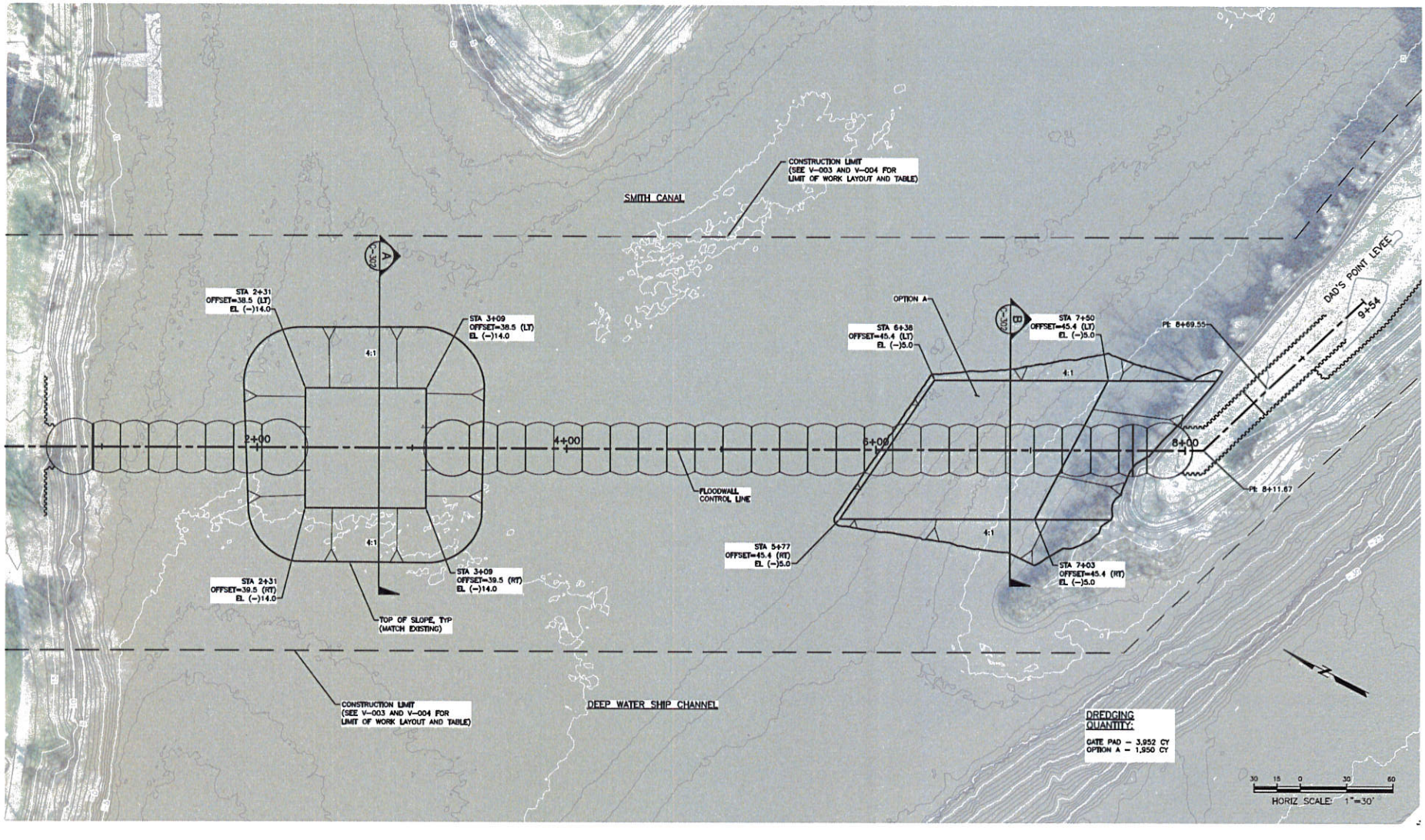
SMITH CANAL GATE PROJECT

FLOODWALL PLAN AND PROFILE
STA 4+50 TO 9+50

SHEET C-103

SHEET 21 OF 127



ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED

DATE: NOVEMBER 2018

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DESIGNED: JN
DRAWN: AJ
CHECKED: DJ

JASON NETTLETON, PE — PROJECT ENGINEER — 73184 R.S.E. NO. — 12/31/18 EXP. DATE

WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — JASON NETTLETON — C 73184 — CIVIL — STATE OF CALIFORNIA — 11/12/18

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HDR

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

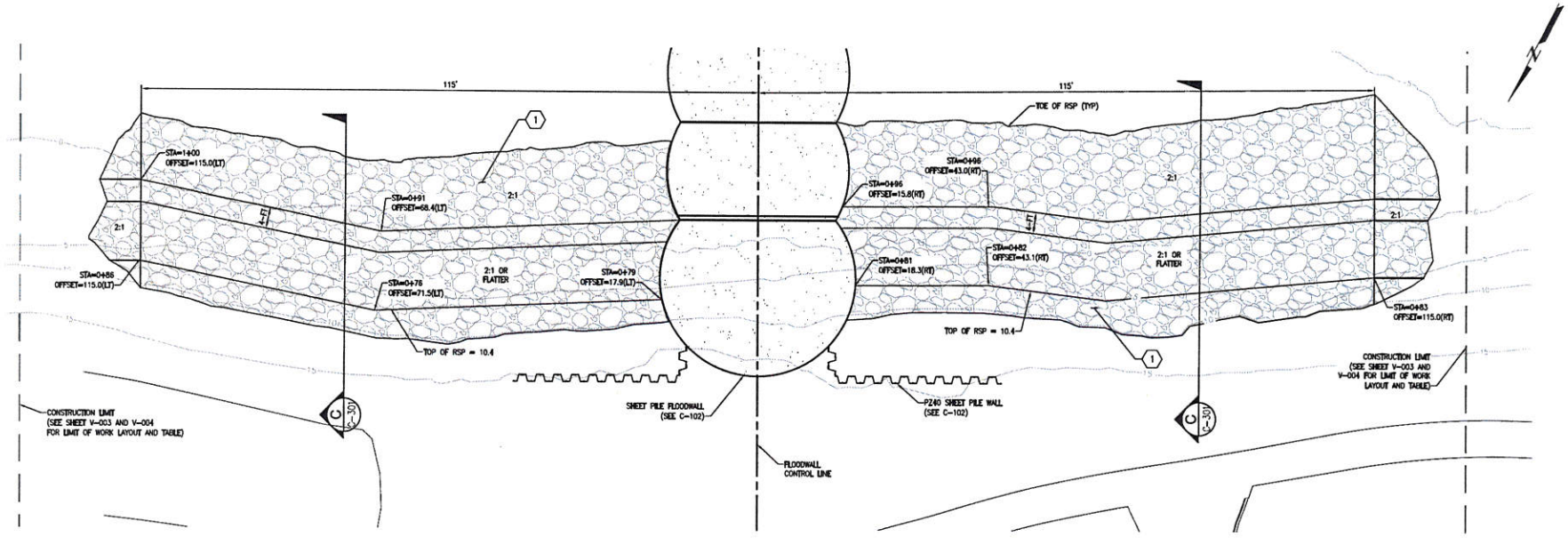
DREDGING/EXCAVATION PLAN

SHEET C-104

SHEET 22 OF 127

KEY NOTES:

(1) PLACE RSP PER THIS PLAN AND DETAILS ON C-301 AND C-302.



10 5 0 10 20

HORIZ SCALE: 1"=10'

ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DATE: NOVEMBER 2018

DESIGNED JN
DRAWN AJ
CHECKED DJ

JASON NETTLETON, PE — PROJECT ENGINEER — 73184 R.S.E. NO. — 12/31/18 EXP. DATE

WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — JASON NETTLETON — C 73184 — CIVIL — STATE OF CALIFORNIA

11/29/18

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HDR

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

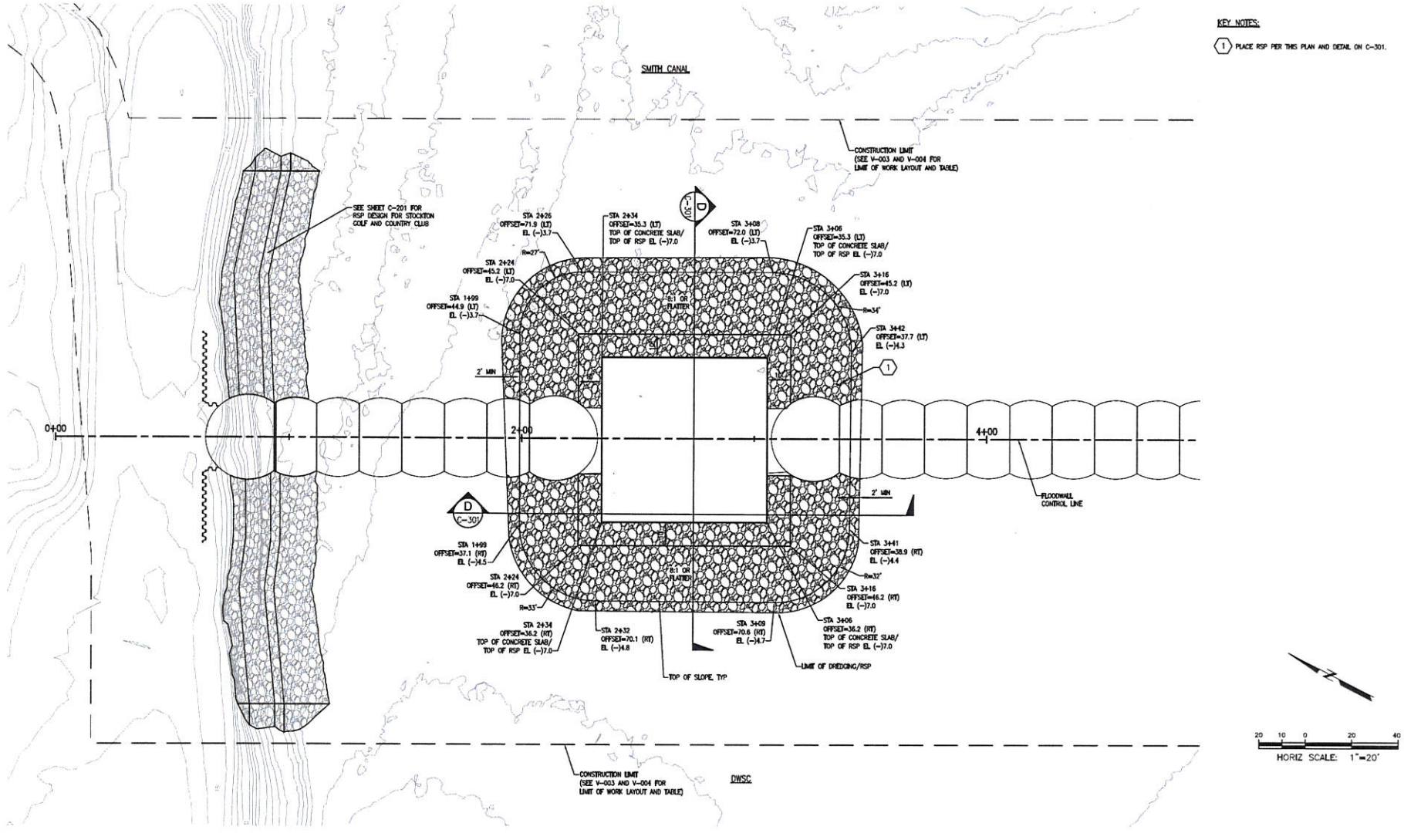
SCOUR PROTECTION AND ARMORING PLAN

SHEET C-201

SHEET 23 OF 127

KEY NOTES:

1. PLACE RSP PER THIS PLAN AND DETAIL ON C-301.



ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED

DATE: NOVEMBER 2018

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DESIGNED JN
DRAWN AJ
CHECKED DJ

JASON NETTLETON, PE — PROJECT ENGINEER — 73184 R.S.E. NO. — 12/31/18 EXP. DATE

WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — JASON NETTLETON — C 73184 — EXP. 12/31/18 — CIVIL — STATE OF CALIFORNIA — 11/29/18

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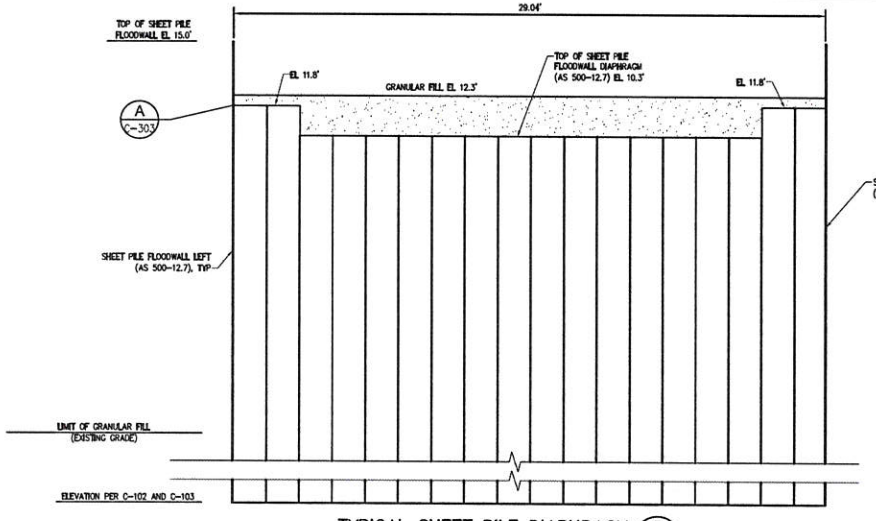
SMITH CANAL GATE PROJECT

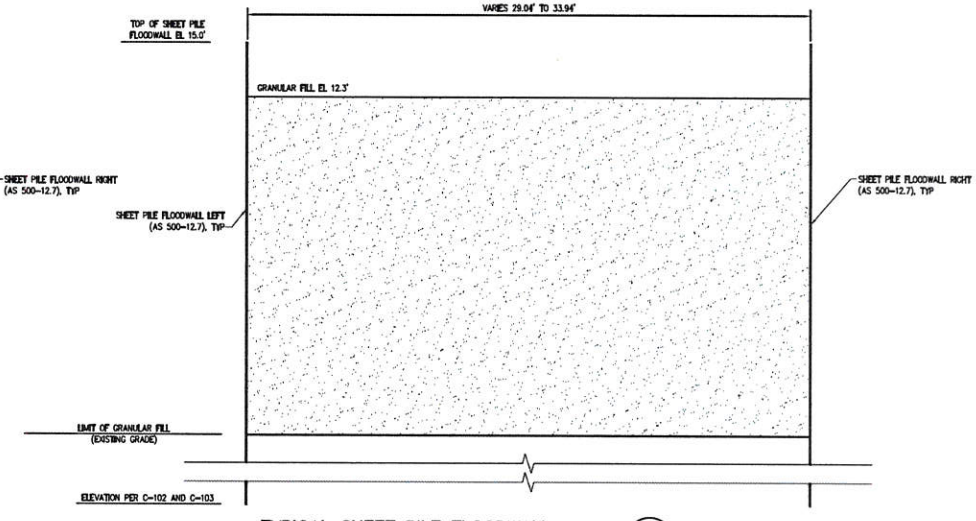
SCOUR PROTECTION AND ARMORING PLAN (CONTROL GATE)

SHEET C-202

SHEET 24 OF 127



TYPICAL SHEET PILE DIAPHRAGM (A C-102)
NTS



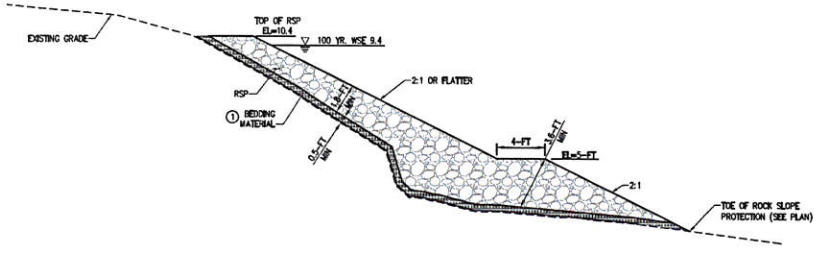
TYPICAL SHEET PILE FLOODWALL (B C-102)
NTS

CONSTRUCTION NOTES:

1. BEDDING MATERIAL SHALL BE IN ACCORDANCE WITH CALTRANS ¾" AGGREGATE BASE PER SECTION 26 OF THE CALTRANS STANDARD SPECIFICATIONS.

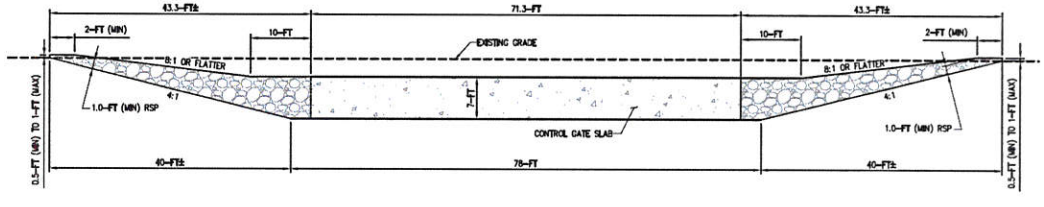
LEGEND:

- BEDDING MATERIAL
- RSP (CALTRANS BACKING NO. 1)



DATUM	ELEVATION (FEET, NAVD88)
HIGHEST OBSERVED WATER LEVEL (3/23/2011)*	+8.21
MEAN HIGHER HIGH WATER (MHHW)	+6.11
MEAN HIGH WATER (MHW)	+5.64
MEAN TIDE LEVEL (MTL)	+4.25
MEAN LOW WATER (MLW)	+2.87
MEAN LOWER LOW WATER (MLLW)	+2.37
LOWEST OBSERVED WATER LEVEL (10/22/2007)*	+1.28

SCOUR PROTECTION (STOCKTON GOLF AND COUNTRY CLUB) (C C-102)
NTS

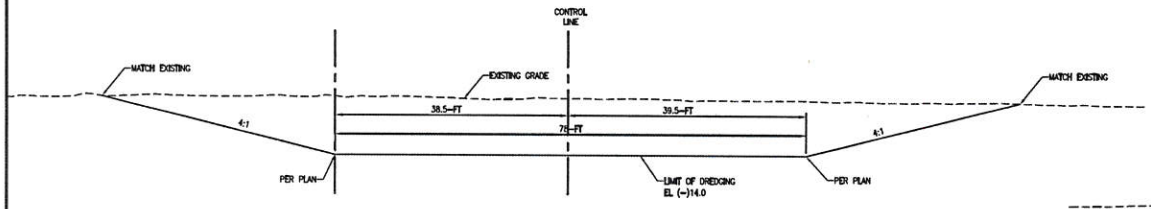


SCOUR PROTECTION (CONTROL GATE) (D C-202)
NTS

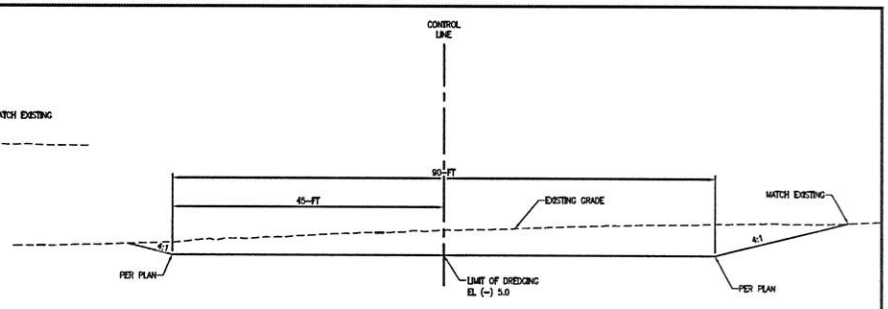
ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED
DATE: NOVEMBER 2018
WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.
DESIGNED KD
DRAWN AJ
CHECKED DJ
KENNY DOSANJH, PE — PROJECT ENGINEER — 72288 R.S.E. NO. — 6/30/20 EXP. DATE
WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE
REGISTERED PROFESSIONAL ENGINEER — DAVIT S. DOSANJH — C 72288 — Exp. 6/30/20 — CIVIL — STATE OF CALIFORNIA — 11/15/18
SJAFCA San Joaquin Area FLOOD CONTROL Agency
HDR
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT
TYPICAL SECTIONS AND DETAILS 1
SHEET C-301
SHEET 25 OF 127



TYPICAL DREDGING AT GATE PAD (A / C-104)
NTS



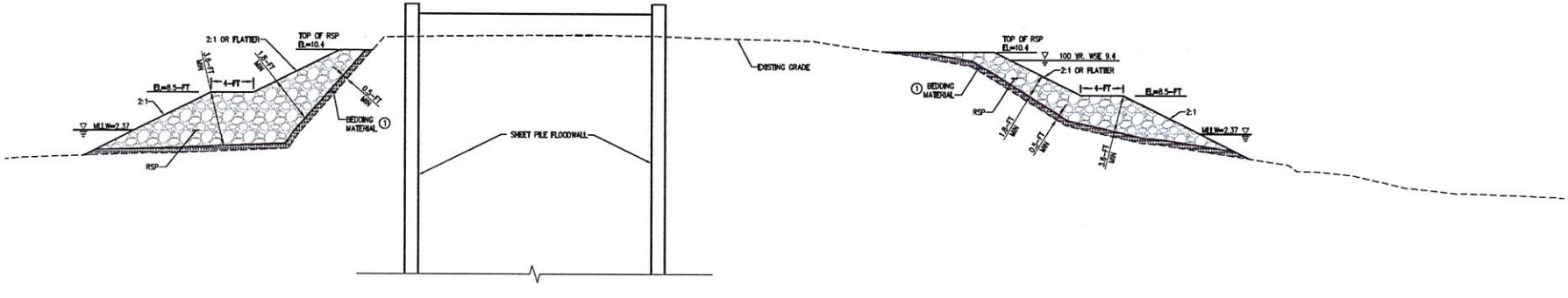
TYPICAL DREDGING (OPTIONAL) (B / C-104)
NTS

CONSTRUCTION NOTES:

1. BEDDING MATERIAL SHALL BE IN ACCORDANCE WITH CALTRANS ¾" AGGREGATE BASE PER SECTION 26 OF THE CALTRANS STANDARD SPECIFICATIONS.

LEGEND:

- BEDDING MATERIAL
- RSP (CALTRANS BACKING NO. 1)



SCOUR PROTECTION (C / C-103)
NTS

ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED
DATE: NOVEMBER 2018
WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.
DESIGNED JN
DRAWN AJ
CHECKED DJ

JASON NETTLETON, PE — PROJECT ENGINEER — R.S.E. NO. 73184 — EXP. DATE 12/30/18
WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — JASON NETTLETON — C 73184 — CIVIL — STATE OF CALIFORNIA — 11/29/18

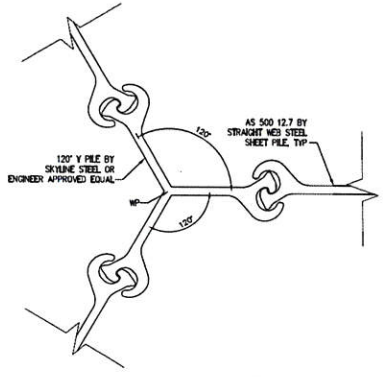
SJAFCA San Joaquin Area FLOOD CONTROL Agency

HDR

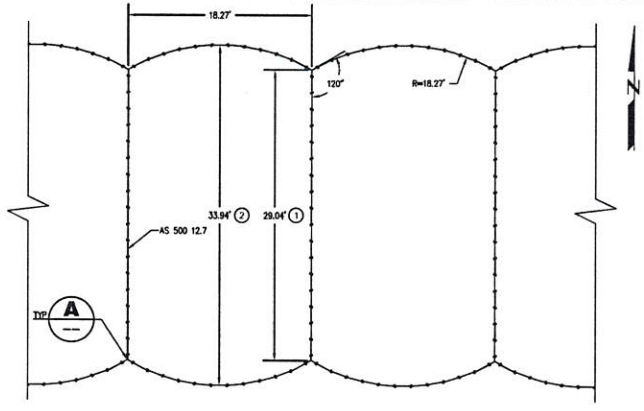
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

TYPICAL SECTIONS AND DETAILS 2

SHEET C-302
SHEET 26 OF 127



PLAN VIEW – STRAIGHT WEB STEEL SHEET PILE DETAIL (A / C-301)
NTS



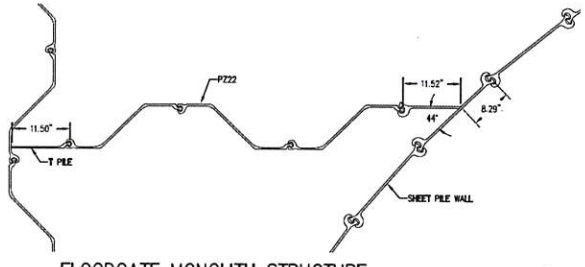
PLAN VIEW – TYPICAL SHEET PILE FLOODWALL LAYOUT (B / C-102)
NTS

GENERAL NOTES:

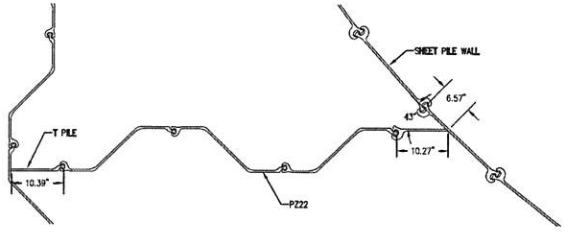
1. METAL SHEET PILING SHALL BE HOT ROLLED STEEL SECTIONS INCLUDING FABRICATED SECTIONS AND CONNECTIONS CONFORMING TO ASTM A690/690M. METAL SHEET PILING SHALL BE PROVIDED BY SKYLINE OR ENGINEER APPROVED EQUAL.
2. MINIMUM SECTION FOR THE FLAT SHEET PILES ARE AN AS500 127 OR APPROVED EQUAL WITH A MAXIMUM ALLOWABLE INTERLOCK STRENGTH OF 31.4 K/IN.

CONSTRUCTION NOTES:

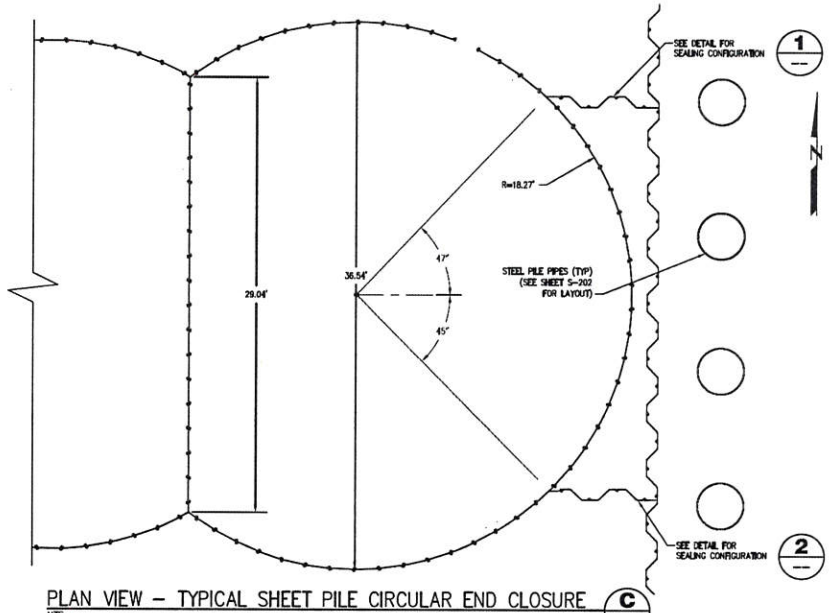
1. DIMENSION BETWEEN WORKING POINTS (WP) AS IDENTIFIED IN DETAIL A.
2. DIMENSION IS SET FROM INSIDE FACE OF SHEET PILE FLOODWALL TO INSIDE FACE OF SHEET PILE FLOODWALL.



FLOODGATE MONOLITH STRUCTURE–
TO–SHEET PILE FLOODWALL SEAL DETAIL (1 / —)
NTS



FLOODGATE MONOLITH STRUCTURE–
TO–SHEET PILE FLOODWALL SEAL DETAIL (2 / —)
NTS



PLAN VIEW – TYPICAL SHEET PILE CIRCULAR END CLOSURE (C / C-102)
NTS

ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED
WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.
DATE: NOVEMBER 2018
DESIGNED KD
DRAWN AJ
CHECKED —

KENNY DOSANJH, PE — PROJECT ENGINEER — 72288 R.S.E. NO. — 6/30/20 EXP. DATE
WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — ABHIJIT S. DOSANJH — C 72288 — Exp. 6/30/20 — CIVIL — STATE OF CALIFORNIA — 11/19/18

SJAFCA San Joaquin Area FLOOD CONTROL Agency

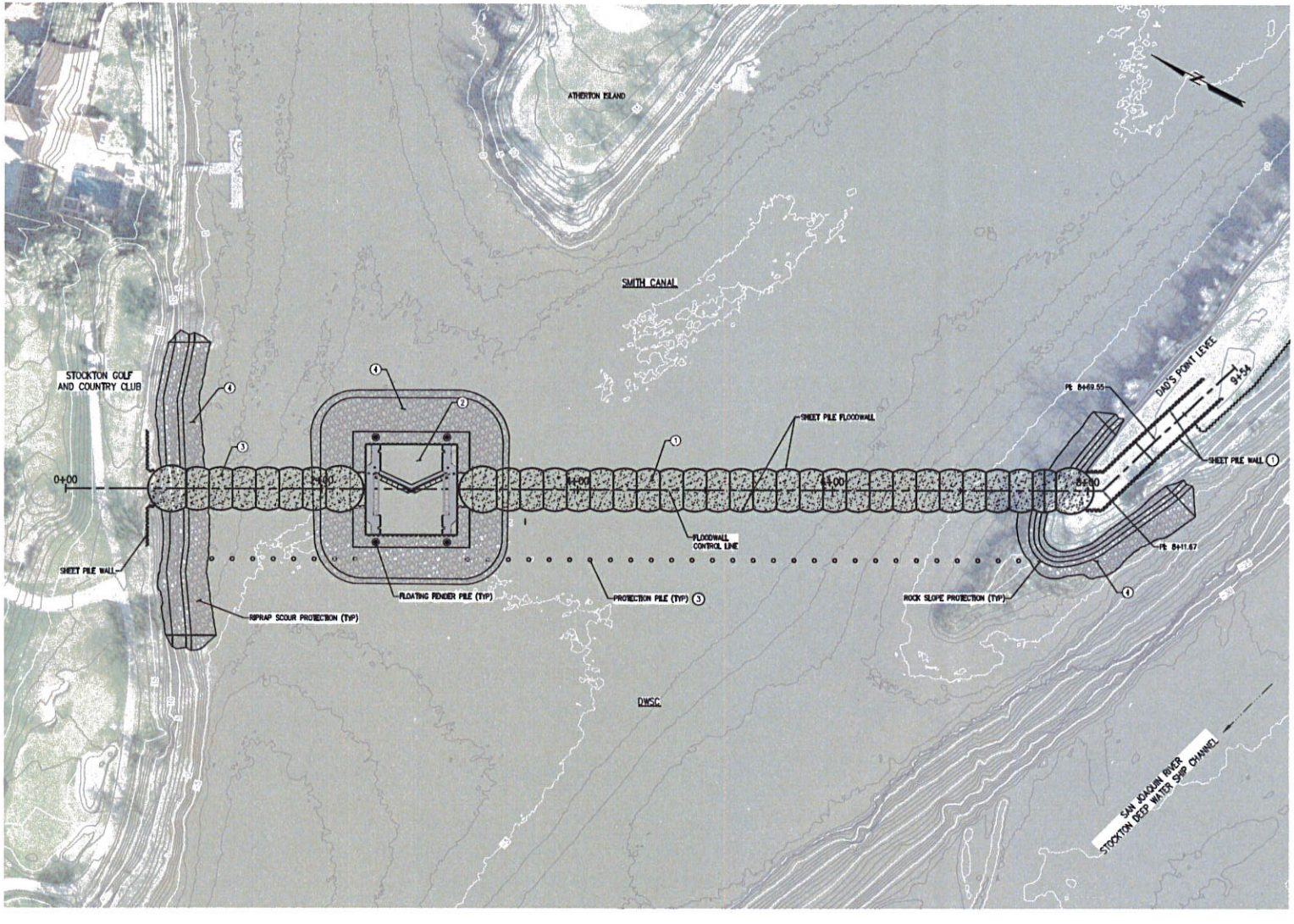
HDR

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

TYPICAL SECTIONS AND DETAILS 3

SHEET C-303

SHEET 27 OF 127



CONSTRUCTION SEQUENCE:

1. CONSTRUCT SOUTHERN PORTION OF SHEET PILE FLOODWALL, SHEET PILE WALLS, AND PROTECTION PILES. CONTRACTOR TO ALLOW ADEQUATE CONSTRUCTION SPACING FOR GATE STRUCTURES.
2. CONSTRUCT GATE STRUCTURE AND FLOATING DOLPHIN FENDER. COMPLETE SOUTHERN PORTION TIE-IN TO GATE STRUCTURE.
3. CONSTRUCT NORTHERN PORTION OF SHEET PILE WALL STARTING FROM STOCKTON GOLF AND COUNTRY CLUB MOVING TOWARD GATE STRUCTURE AND PROTECTION PILES. TIE INTO NORTHERN PORTION OF GATE STRUCTURE.
4. PLACE RSP AT TIE-INS TO DAD'S POINT LEVEE, STOCKTON GOLF AND COUNTRY CLUB, AND AROUND CONTROL GATE STRUCTURE.

40 20 0 40 80
HORIZ SCALE: 1"=40'

ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED

DATE: NOVEMBER 2018

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DESIGNED JN
DRAWN AJ
CHECKED DJ

JASON NETTLETON, PE — PROJECT ENGINEER — 73184 R.C.E. NO. — 12/31/18 EXP. DATE
WES JACOBS — PROJECT MANAGER — R.C.E. NO. — EXP. DATE

REGISTERED PROFESSIONAL ENGINEER — JASON NETTLETON — C73184 — CIVIL — STATE OF CALIFORNIA — 11/15/18

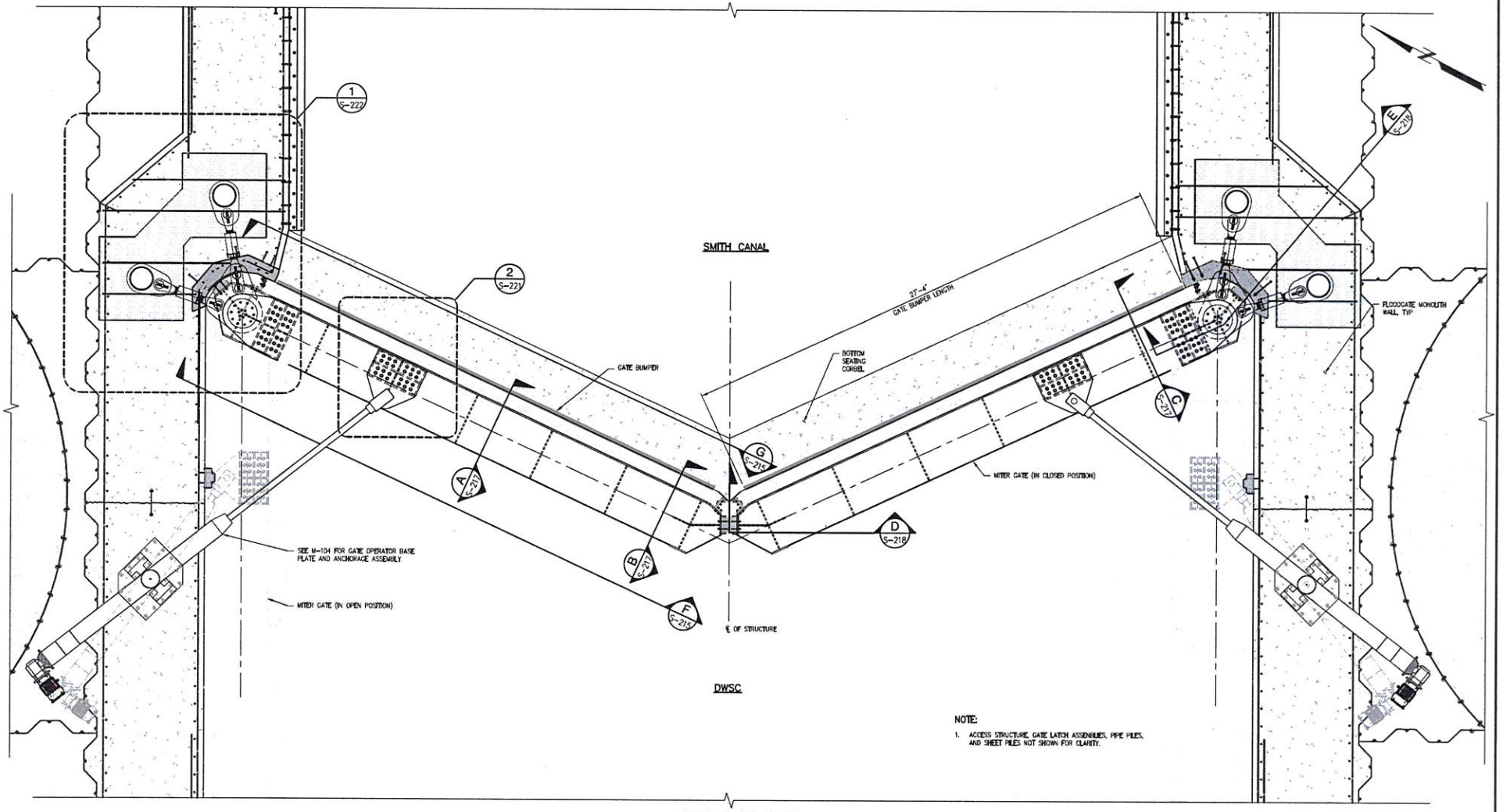
SJAFCA San Joaquin Area FLOOD CONTROL Agency

HDR

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

CONSTRUCTION SEQUENCE

SHEET C-501



NOTE:

1. ACCESS STRUCTURE, GATE LATCH ASSEMBLIES, PIPE PILES, AND SHEET PILES NOT SHOWN FOR CLARITY.

GATE PLAN VIEW
3/8"=1'-0"

ISSUED FOR BID

REV	DATE	BY	DESCRIPTION

SCALE: AS NOTED

WARNING: 0 1/2 1 — IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

DATE: NOVEMBER 2018

DESIGNED BB
DRAWN SL
CHECKED KG

KEVIN GERST P.E. S.E. — PROJECT ENGINEER — S6262 R.S.E. NO. — 9/30/19 EXP. DATE

WESLEY JACOBS P.E. — PROJECT MANAGER — – R.C.E. NO. — – EXP. DATE

LICENSED PROFESSIONAL ENGINEER KEVIN J. GERST S 6262 STRUCTURAL STATE OF CALIFORNIA

SJAFCA San Joaquin Area FLOOD CONTROL Agency

HDR

SAN JOAQUIN AREA FLOOD CONTROL AGENCY
SMITH CANAL GATE PROJECT

FLOODGATE PLAN VIEW

SHEET S-214

SHEET 72 OF 127

Attachment D – Protest Emails dated January 29, 2018

Porbaha, Mohammad Ali@CVFPB

From: Dolores Montion <dmontion@freemanfirm.com>
Sent: Monday, January 29, 2018 5:37 PM
To: Porbaha, Mohammad Ali@CVFPB
Subject: Application no. 19233 BD

Gentlemen:

I hereby object to the application from the San Joaquin Area Flood Control Agency as set forth in your letter of January 9, 2018 as set forth in our prior correspondence and because of the environmental damages specified in Superior Court of the State of California, County of San Joaquin verified Petition for Writ of Mandate and Complaint for Declaratory Relief filed by Atherton Cove Property Owners Association, plaintiff v. San Joaquin Area Flood Control Agency, Defendant, Case No. STK-CV-UWN-2015-0011847 together with all the material on record on appeal, which recite and include our reasons for objecting to this project.

Very truly yours,

MICHAEL L. GUREV TRUSTEE OF THE TRUST HOLDING 2300 VIRGINIA LANE, STOCKTON, CALIFORNIA

Porbaha, Mohammad Ali@CVFPB

From: Max Freeman <mfreeman@freemanfirm.com>
Sent: Monday, January 29, 2018 5:30 PM
To: Porbaha, Mohammad Ali@CVFPB
Subject: Application No. 19233 BD

Gentlemen:

I hereby object to the application from the San Joaquin Area Flood Control Agency as set forth in your letter of January 9, 2018 as set forth in our prior correspondence and because of the environmental damages specified in Superior Court of the State of California, County of San Joaquin verified Petition for Writ of Mandate and Complaint for Declaratory Relief filed by Atherton Cove Property Owners Association, plaintiff v. San Joaquin Area Flood Control Agency, Defendant, Case No. STK-CV-UWN-2015-0011847 together with all the material on record on appeal, which recite and include our reasons for objecting to this project.

Very truly yours,

MAXWELL M. FREEMAN

Attachment E – Mr. Gulli's Letter dated April 19, 2019

Dominick Gulli PE, PLS
1314 Paloma Ave
Stockton CA 95209
209 649 4555
greenmountaindom@hotmail.com

Central Valley Flood Protection Board 04/19/19

Re: Smith Canal Gate Project Permit No 19233

Attn: Greg Harvey, Acting Chief Plan Implementation and Compliance.

C/O Ali Porbaha via Email mohammad.Porbaha@CVFlood.ca.gov

On behalf of the public at large, the public trust and in accordance with Section 12 of Title 24, Division 1, Central Valley Flood Protection Board, Protests, Dominick Gulli an interested party, licensed Professional Engineer and Land Surveyor in the State of California hereby protest the issuance of an encroachment permit for the Smith Canal Gate and the Levee Improvements located at Dad's Point located within the Stockton Deepwater Ship Channel and the future Ship Turning Basin.

1. The flood project is not needed as the levee's meet the requirements of CFR.65.10 (sans interior drainage).
    - There is has always been sufficient freeboard and breadth on the Smith Canal levees (RFJN #10 RD 1614 1987 profiles and sections, Kjeldson & Sinnock Associates). The survey was performed in 1987 one year after CFR 65.10 (RFJN # 20 CFR 65.10) came into existence.
    - If the levees were disaccredited they would be designated an AE zone as the flood plain elevation would be known to be elevation 10.0 (NAVD 88 (RFJN #30 Definitions of FEMA Flood zones designations).The land behind the levees is A and X (RFJN # 40 2009 FEMA Flood Map San Joaquin County Panel 455 of 950) and (RFJN # 50 2002 FEMA Flood Map City of Stockton Panel 15 of 45) and (RFJN # 60 2009 FEMA Flood Map San Joaquin County Panel 465 with labels for clarity and showing the Smith

Canal Gate assessment boundary) and (RFJN #70 DWR Sacramento San Joaquin Delta Atlas 1995 Pages 42,44)

- KSN and SJAFCA claim that "FEMA made a mistake" and that the floodplain is actually a lot more severe since in their (KSN PBI) opinion the levee cannot be accredited to CFR 65.10 (RFJN #80 Approximate Flood Depths during a 100-year storm event). The San Joaquin Flood and Water Conservation asked FEMA to make it and AE zone prior to the mapping and FEMA said NO (RFJN # 80. 2/27/09 response letter from FEMA to SJCFC&WCD 1/12/09 Request for Base Flood elevation)
- The DWR provided at Urban Levee Evaluation Project (RFJN# 90 GER Volume 1 existing conditions Smith Canal Study Area March 2015) that indicates the levees meet all the engineering requirements of FEMA. The freeboard deficiencies shown actually do meet the requirements at the Pershing Bridge as there is a concrete barrier that serves as a flood wall.
- The Statement that "*the levees do not meet the FEMA requirements*" has been made by Chris Neudeck who has a harmful conflict of interest as he represents the Reclamation Districts. He also provides engineering services for the Gate Project. This false statement benefits the Gate and his company KSN. It is severely detrimental to the citizens of the reclamation District. If he was severing the best interests of the RD's he would simply fix the interior drainage deficiencies.
- On 9/17/15 (one month before the Approval of the CEQA FEIR) Dominick Gulli submitted (RFJN # 100 Written Public comments for 9/17/15 SJAFCA Board Meeting) and stated in the video meeting minutes (10:26) that the levees meet the requirements of CFR 65.10 ("as is where is")
- After the public comment by Dominick Gulli in the video minutes of the meeting (RFJN # 110 SJAFCA video minutes 10:25 to 19:43 http://stockton.granicus.com/MediaPlayer.php?view_id=70&clip_id=5294)

  Chair Miller *"Mr. Giotanni would you like to weigh in at all*?" Executive Director Giotanni "*Yea and Chris Neudeck, he's the Reclamation District Engineer for the levees that maintain the levees for the 1614 and 828 levees*.....(Scott Shaperio writes a note and hands to Neudeck.) Chair Miller "*you want to chime in on this one*" 15:00 Chris Neudeck "I *currently serve as District Engineer for Rd 1614 and Rd 828, I did not serve as 828's*

Engineer at the time of the map modernization, a gentleman by the name of Tom Rosten who is recently deceased served at that time as the RD 828 District Engineer. But speaking on behalf of the RD 1614 those levee's themselves are highly encroached upon # 1, probably the primary reason #2 they're not engineered fill and #3 they have heavy vegetation on them. Generally speaking we were not in a position at that time to find any redeemable facts to bring us to a conclusion that they were accredit able. Certification is a very strong term we use the word accrediting verses certification so they are not creditable under the … and that was our professional opinion and as it currently stands that is still my professional opinion. um The levees themselves as they have withstood for the last 100 years have done reasonably well as the are high and broad but the FEMA accreditation process is an exhaustive process. I'm challenged to believe that MR Gulli has gone out and done extensive analysis of those levees. I haven't seen any drill rigs on them, the testing criteria has become more rigorous and we have Urban Flood protection requirements now for the 200 year flood criteria with SB 5 and so this discussion wasn't just resorted to RD 1614 we looked beyond that because it did affect not only 1614 but also the 828 as well as SJAFCA and the City and County to go beyond those two districts so I am not here prepared to talk technically about all the detail I feel strong that the accreditation process was such that we could not have done something in less than two years and it was really to put together documentation proving our levees, we had no documentation we had no procedural analysis where we did this we had documentation for instance RD 2042 which is the Bishop Tract around 8 mile road and Spanos Park. I had original accredited that levee, I had to go back and reaccredit it, but that's a clean levee no encroachments recently constructed in 1989 through 1992 that's what we construe to be an a creditable levee I think it would be a very awkward circumstance as a professional Engineer to look at that levee and say that's and a creditable levee system just because of the nature of the encroachments, not suggesting that necessary weakens the levee and am I telling people that they should move out of that floodplain or that there's a high risk but we're talking about documentation record keeping record analysis and there's two different levels like what they call paper map vs real risk this is probably more on basis of paper map, that king of brings some background to the conclusions that were reached 20:11

- (RFJN # 120 Transmittal dated 2/12/15 transmittal Draft # 2 of the Smith Canal Study Area Geotechnical Evaluation Report Vol 1 And Volume 2). indicates Mr. Neudeck received this in fact he provided information for the report (see RFJN 10). This report was what Mr. Gulli Based his conclusion that the levees can be certified. If Mr. Neudeck did not have a conflict with the Smith Canal Gate he could use this report to support certification for the Reclamation Districts if indeed FEMA requested a recertification. In 2009 FEMA was not

asking for certification for all levees in the USA, once a levee is certified is stays certified unless something changes. What changed in 2009 was that FEMA wanted to include the Urban areas of San Joaquin County on the map in addition to the incorporated areas of the City, which brought the Wisconsin and American Legion Pump Station into the equation. The report was in fact used to obtain the Conditional Letter of Map Revision from FEMA along with a Maintenance and Operations plan to demonstrate the levees meet CFR 65.10 to the elevation 8.0, the elevation that triggers gate closure. The 200-year flood stage is 9.5 ft. with a duration of 4 hours.

- See Also RFJN # 125 SJAFCA minutes of 9/17/15 meeting

2. The project will raise the flood stage upstream of the Gate when the Gate is Closed and the Smith Canal Regulatory flood way is closed off. This will be amplified with the cumulative effect of the proposed gate at 14-mile slough is installed. There is approximately 320-acre ft. of water lost in the Smith Canal. (RFJN # 130 Delta Stewardship Council consistency determination for the Smith Canal Gate Pages 3 and 23) which states that the rise in flood plane is de Minimis. This is without conjecture a false statement and a detailed tidal inertia study is required to determine the correct magnitude of the rise in the flood stage upstream. SJAFCA has been provided a rudimentary study that shows 1.7 ft. increase for cumulative increase for loss of the Smith Canal and 14-mile slough floodway.

Reference Title 23

(3) Permits or other approvals which may create, in the judgment of the Executive Officer or Chief Engineer, more than a de minimus hydraulic impact to an adopted plan of flood control, including, for example, an increase in water surface elevation, a reduction of adequate freeboard, inability to convey design discharge, alteration of flow velocities or directions, increased scour, or expansion of the geographical floodplain or floodway inundation.

3. The project introduces in excess of 13,000 cy's of fill (Steel Sheetpiles, granular fill and rip Rap) in the regulatory flood way, which will raise the flood stage. (RFJN # #140 FEMA Conditional Letter of Map Revision Overveiw and Concurrenece Form

MT2 form 1 page 2's (4 ea) states that the project does not place fill in the regulartory flood way, which is a false statement that may be punishanble by fine or imprisonment under Title 18 of the US code Section 1001 (RFJN #150 18 US Code Crimes and Criminal Procedure Section 1001 Statements and Entries General)

4. (RFJN #160 2009 FEMA Flood Insurance Study Vol 4 plate 83P San Joaquin River profile) shows a hydraulic jump at this location which will be amplified, signifigantly with the fill, the closure of the Gate and the reduction of flow into the Smith Canal Floodway.
5. The project will increase interior drainage deficiencies and cause flooding when the Gate is Closed and it rains in Stockton and the Numerous Pump Stations cannot discharge into the Smith Canal. Primarily the American Legion Pump Station. (RFJN # 170 SJA-CEQ 5135-5148 "Worst Case" Emailsand Residual Floodplain Map and spreadsheet of discharges) and (RFJN # 180 Actual Worst case tabulations and map of residual floodplane).
6. (RFJN # 185 6/27/08 Smith Canal Conceptualization) for this project indicated a 203,500 GPM pump was required to address this backflooding issue. RFJN # 130 states that if stormwater causes the water behind the Gate to get higher than the Delta, the Gate would open to release water from Smith Canal to the Delta, however the Draft Basis of design report states page 23 that the there are concerns for operating the gate above elevation 9.5, reverse head and under any velocity greater than 2.5 ft /sec. the flood side
7. The reduction of the Existing Athernton Cove from 800 ft. to 50 ft. will reduce the ability of the Smith Canal Drainage to evacuate water from the Smith Canal as well as water to flow into the Smith Canal Floodway. The hydrodynamic report used for the CEQA EIR is defective as it used a Manning's roughness coefficient equal to steel rather than a rough channel, among many other things. Further it was performed at a different location than shown in the current location. The new location will greatly increase scour to Atherton Island.
8. The project does not comply with the Urban Levee Design Criteria and will require significant improves to achieve. (RFJN 187 SJAFCA Resolution 11-05, Flood Risk Reduction Resolution) states is a lie.

9. The tie in to the Levee at the Stockton Golf and Country Club needs to be more robust and redundant. The design as is subject to a sideways blowout as shown in (RFJN # 190 Dave Peterson 5/1/14 email regrading Salinas Obermeyer Gate/Dam blowout and 9/1/11 article form Monterey County Weekly Titled Scramble to Repair Salinas Valley's rubber dam Raises Serious structural concerns.)
10. This project is on property owned by the United States of America within the Federally Authorized Deep Water Ship Channel and Ship Turning Basin. The CVFPB is aiding and abetting trespassing by issuing permit to a party that does not own the land nor has a right of way. Dad's Point and Atherton Cove described in the following documents:
    - RFJN # 200 Aerial View of Dads point showing the SDWSC
    - RFJN # 210 Report # 554 to the 68th Congress Second Session. SDWSC
    - RFJN # 220 Deed Recorded in Sand Joaquin County Records Bk 251 Page 63-73 with maps. SDWSC
    - RFJN # 230 Page 392 -392 8/20/1919 Deed conveying portion of Lindley Cut from Lindley to State of CA.
    - RFJN # 240 Book 1221 Page 7 and 8 7/21/1949 Judgement 6199. USA condemnation of a portion of Lindley Cut form Lindley by the USA for a turning Basin.
    - RFJN # 250 Quit Claim deed 9/20/63 from State to City of Stockton conveying the states interest in 2.4 acres of land equal to 1.186 acres.
    - RFJN # 260 Quit Claim deed 8/9/1960 from State to City of Stockton conveying States Interest in 1.70 acres of land equal to 0.254 acres.

Other Deficiencies in the project included relative to CCR title 23 include:

(cc) Permitted Uses. "Permitted uses" means flood control project works or other structures, improvements, and land uses in the floodway that alone or cumulatively, in the judgment of the board, will not unduly impede the free flow of water in a stream or jeopardize public safety.

The gate is not a permitted use since it unduly impedes the free flow of water and significantly impacts public safety for boat navigation. The velocity increase 10-fold and the width is reduced.

The application is incomplete to Title 24"adequately determine the exact nature of the proposed work and its effect upon any project facilities or adopted plan of flood control"

Per Title 24 Article 3, Section 8 The application does not include:

- "hydraulic or sediment transport studies" Fill in floodway, loss of Smith Canal Floodway
- any reasonably foreseeable significant environmental impacts, mitigation for such impacts shall be proposed.
-
- indicate any project features such as levees and/or channels, roads (Deep Water Ship Channel)
- The names and addresses of all landowners of the property on which the project is located and all landowners adjacent to the property on which the project is located. The USA owns Dad's Point and Atherton Cove for the ship channel and turning basin.

The Board shall deny the permit per Article 3, Section 15 for the following reasons:

- THE PROJECT WILL Jeopardize directly or indirectly the physical integrity of levees or other works; The RD 1614 levee at Stockton Golf and Country Club will be subject to additional longitudinal hydraulic forces to which it is not design of constructed to.
- THE PROJECT WILL Obstruct, divert, redirect, or raise the surface level of design floods or flows, or the lesser flows for which protection is provided;
- THE PROJECT WILL Cause significant adverse changes in water velocity or flow regimen;
- THE PROJECT WILL Interfere with the maintenance of floodways or project works; Interfere with the ability to engage in floodlighting, patrolling, or other flood emergency activities; Numerous Barges cannot get through a 50-ft. opening.
- THE PROJECT WILL Increase the damaging effects of flood flows; or Storm water drainage flows for Smith Canal City Drainage.
- The applicant HAS failed to supply information deemed necessary by the board for application purposes, including the names of all adjacent landowners.
- The proposed work does not meet board standards contained in article 8.
- the applicant HAS NOT supplied reasonable and convincing assurances that compliance with the board's regulations will be achieved.
- the owner of an encroachment, or the owner of real property upon which the encroachment is located, HAS NOT executed and cause to be recorded a document which imposes a covenant, restriction, servitude, or combination thereof, which runs with the land and binds all owners, heirs, successors, lessees, agents, and assigns, and would be enforceable by the board or its successor
- The applicant HAS NOT to provide notice of the continuing flood threat to occupants and potential occupants of property subject to flood risk.
- The permit DOES NOT require the permittee to mitigate for the hydraulic impacts of the permitted works by reducing or eliminating the additional flood risk to third parties created by the permitted works.
- THE PERMIT DOES NOT REQUIRE Liability insurance may be required to be provided naming the State and the local maintaining agency performing flood control maintenance as additional insureds.

Section 102 Considerations in designated Floodways. The project will revise the designated floodway and the board must consider the following:

- Existing and projected federal, state, and local flood control improvements and regulations affecting the flood plain; The 200-year level of protection is mandated, and this project does not achieve this goal. Reaching this goal will solve the 100-year floodplain issue and the Gate is unnecessary.
- The degree of danger from flooding to life, property, public health and welfare; The Back flooding is worse than what exists today.

The Dam and Gate are not permitted uses in the designated floodway. Per section 107 Article 8. Standards.

The Atherton Cove and Smith Canal are regulated streams per Table 8-1.

Per Section 119 Dams and Regulated Structures:

The Sheet Pile wall is a Dam and the following provisions a have not been met:

- A study HAS NOT BEEN submitted to the board confirming that the installation of a dam will not increase flooding outside of the floodway or increase flood damages to third parties in the floodway.
- IN IS IMPOSSIBLE TO DEFEATS THE PURPOSE OF THE GATE: FOR Earth fill, including sand, and rock fill dams must be completely removed from the floodway prior to the beginning of flood season each year and may not be reinstalled prior to the end of flood season. (See Table 8.1.)
- The applicant HAS NOT provided the board with a permanent easement granting the Sacramento and San Joaquin Drainage District all flood control rights upon, over, and across the property to be occupied by the proposed flood control works. The easement must include the area within the proposed floodway, the levee section, and the area at least ten (10) feet in width adjacent to the landward levee toe if the area is not presently encumbered by a board easement. The board may require an easement over a larger area and over any property when it is foreseeable that the proposed activities subject to a permit would be injurious to or interfere with the adopted plan of flood control.

Section121 Erosion Control. Dads Point is not shown on the plans as having erosion Control Measures. The peninsula is susceptible to erosion as illustrated by the amount of erosion since the time of production of the USGS topo map that shows it protruding out to the channel navigation light. Some of the peninsula has broken concrete revetment (which was also used for fill), however The Broken concrete used for levee revetment IS ~~may be no~~ larger than sixteen (16) inches at its maximum dimension AND IS NOT uniformly placed and properly transitioned into the bank, levee slope or adjacent revetment. IT IS ALSO NOT PLACED AT A 2:1 SLOPE PER FIGURE 8.02.

SECTION 191 Incorporation of California Environmental Quality Act Guidelines.

The project violates CEQA for the following reasons as designated in San Joaquin County Case STK-CV- UWM- 0011880 and 0013586 and 3rd Appellate Court Case C088010 incorporated by reference as if included herewith in its entirety. Specifically, but not limited to:

FIRST CAUSE OF ACTION
NON-COMPLIANCE WITH CEQA
NOT FOLLOWING CEQA PROCEDURES

SECOND CAUSE OF ACTION
NON-COMPLIANCE WITH CEQA
FILING A FALSE AND MISLEADING "NOTICE OF INTENT"
FILING A FALSE AND MISLEADING "FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS."

THIRD CAUSE OF ACTION-
NON-COMPLIANCE WITH CEQA
NOTIFICATION OF INTERESTED PARTIES AND LANDOWNERS.

FOURTH CAUSE OF ACTION
NON-COMPLIANCE WITH CEQA
INCOMPLETE AND ERRONEOUS EVALUATION OF WATER QUALITY IMPACTS

FIFTH CAUSE OF ACTION
NON-COMPLIANCE WITH CEQA.
INCOMPLETE EVALUATION OF ALTERNATES

SIXTH CAUSE OF ACTION
NON-COMPLIANCE WITH CEQA
INCOMPLETE AND UNDERSTATED IMPACTS OF VISUAL RESOURCES.

SEVENTH CAUSE OF ACTION
NON-COMPLIANCE WITH CEQA
FAILURE TO REVIEW IMPACTS OF FLOODING IMPACTS CAUSED BY THE PROJECT

EIGHTH CAUSE OF ACTION
NON-COMPLIANCE WITH CEQA
FAILURE TO REVIEW IMPACTS OF NAVIGATIONAL SAFETY HAZARDS CREATED BY THE PROJECT.

FIRST CAUSE OF ACTION-
NON-COMPLIANCE WITH CEQA

FAILURE TO FILE A SUBSEQUENT EIR
PURSUANT CCR 15161.(a)
FILING AND AMENDMENT IN VIOLATION OF CCR 15164

Thank you for involving the public in this critical permit process, if you have any questions please contact me via email or phone 209 649 4555.

Respectfully

Dominick Gulli
Professional Engineer 50887
Professional Land Surveyor 7244
General Engineering Contractor A # 809767

PS: There is a viable alternate to this Gate to Improve the levees along the Smith Canal. Enclosed is RFJN #337 portions of Green Mountain Engineer's proposals to SJAFCA that never were presented to the Board as the Unqualified Selection Committee was instructed to award the Consulting Contracts to the "most qualified to design or manage the Smith Canal Gate Project"

Pursuant to Article 3 Section 13.1 (d) the following documents are officially Requested for Judicially notice.

RFJN #10 RD 1614 1987 profiles and sections, Kjeldson & Sinnock Associates). The survey was performed in 1987 one year after CFR 65.10

RFJN # 20 CFR 65.10

RFJN #30 Definitions of FEMA Flood zones designations).

RFJN # 40 2009 FEMA Flood Map San Joaquin County Panel 455 of 950

RFJN # 50 2002 FEMA Flood Map City of Stockton Panel 15 of 45

RFJN # 60 2009 FEMA Flood Map San Joaquin County Panel 465 with labels for clarity and showing the Smith Canal Gate assessment boundary

RFJN #70 DWR Sacramento San Joaquin Delta Atlas 1995 Pages 42,44

RFJN # 80 2/27/09 response letter from FEMA to SJCFC&WCD 1/12/09 Request for Base Flood elevation

RFJN# 90 GER Volume 1 existing conditions Smith Canal Study Area March 2015

RFJN # 100 Written Public comments for 9/17/15 SJAFCA Board

RFJN # 110 SJAFCA video minutes 10:25 to 19:43

http://stockton.granicus.com/MediaPlayer.php?view_id=70&clip_id=5294)

RFJN # 120 Transmittal dated 2/12/15 transmittal Draft # 2 of the Smith Canal Study Area Geotechnical Evaluation Report Vol 1 And Volume 2).

RFJN # 125 SJAFCA minutes of 9/17/15 meeting

RFJN # 130 Delta Stewardship Council consistency determination for the Smith Canal Gate Pages 3 and 23

RFJN # 140 FEMA Conditional Letter of Map Revision Overview and Concurrence Form MT2 form 1 page 2's (4 ea.)

RFJN #150 18 US Code Crimes and Criminal Procedure Section 1001 Statements and Entries General

RFJN #160 2009 FEMA Flood Insurance Study Vol 4 plate 83P San Joaquin River profile

RFJN # 170 SJA-CEQ 5135-5148 "Worst Case" Emails and Residual Floodplain Map and spreadsheet of discharges) and

RFJN # 180 Actual Worst case tabulations and map of residual floodplain).

RFJN # 185 6/27/08 Smith Canal Conceptualization

RFJN # 187 SJAFCA Resolution 11-05, Flood Risk Reduction Resolution

RFJN # 190 Dave Peterson 5/1/14 email regrading Salinas Obermeyer Gate/Dam blowout and 9/1/11 article form Monterey County Weekly titled "Scramble to Repair Salinas Valley's rubber dam Raises Serious structural concerns"

RFJN # 200 Aerial View of Dads point showing the SDWSC

RFJN # 210 Report # 554 to the 68th Congress Second Session.

RFJN # 220 Deed Recorded in Sand Joaquin County Records Bk 251 Page 63-73 with maps.

RFJN # 230 Page 392 -392 8/20/1919 Deed conveying portion of Lindley Cut from Lindley to State of CA.

RFJN # 240 Book 1221 Page 7 and 8 7/21/1949 Judgement 6199. USA condemnation of a portion of Lindley Cut form Lindley by the USA for a turning Basin.

RFJN # 250 Quit Claim deed 9/20/63 from State to City of Stockton conveying the states interest in 2.4 acres of land equal to 1.186 acres.

RFJN # 260 Quit Claim deed 8/9/1960 from State to City of Stockton conveying States Interest in 1.70 acres of land equal to 0.254 acres.

RFJN #337 portions of Green Mountain Engineer's proposals to SJAFCA

Attachment F – USACE Letter dated April 17, 2019

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

April 17, 2019

408 Permission Section (19233)

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

The Sacramento District of the U.S. Army Corps of Engineers (USACE) has received your request for the Smith Canal Project along the San Joaquin River under Section 14 of the Rivers and Harbors Act of 1899, 33 USC 408 (Section 408).

USACE has reviewed your submittal consistent with Engineer Circular 1165-2-220. We have determined that a component of your request falls within real property of the United States managed by the San Francisco District of the USACE. The portion of work within the real property of the United States will be reviewed and processed as a real estate outgrant. Please have your requester contact:

Pam Patton
U.S. Army Corps of Engineers, San Francisco District
450 Golden Gate Ave
San Francisco, CA 94102
(415) 503-6747

For questions regarding your request, please contact Kimberlee Leonard, Project Manager at (916) 557-7183, Kimberlee.Leonard@usace.army.mil.

Sincerely,

LARSON.RYAN.THOMAS.1148189419

Ryan T. Larson, P.E.
Acting Chief, Levees and Channels Branch
Section 408 Coordinator

Attachment G – LMA Endorsement Letters

State of California

DEPARTMENT OF WATER RESOURCES
CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT

Application No. _____
(For Office Use Only)

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

The proposed project consists primarily of the following key features: a fixed dual sheet pile wall and miter gate, a single sheet pile floodwall, a seismic wall and the development of a levee. Details of all the features to be constructed as a part of this project are included in the Project Summary Report in Enclosure 1.

2. Project Location: Stockton County, in Section San Joaquin

Township: 1N (N) (S), Range: 6E (E) (W), M. D. B. & M.

Latitude: 37.957707 N Longitude: 121.352900 W

Stream : Smith Canal, SJR , Levee : Smith Tract Designated Floodway: Smith Canal, SJR

APN: Multiple

3. San Joaquin Area Flood Control Agency (Name of Applicant / Land Owner) of 22 E Weber Ave # 301 (Address)

Stockton (City) California (State) 95202 (Zip Code) 209-937-8113 (Telephone Number)

juan.neira@stocktonca.gov (E-mail)

4. Dave Peterson (Name of Applicant's Representative) of Peterson Brustad Inc. (Company)

Folsom (City) California (State) 95630 (Zip Code) 916-608-2212 (Telephone Number)

dpeterson@pbieng.com (E-mail)

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

We, the Trustees of RD 1614 (Smith Tract) (Name of LMA) approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form ☒ Conditions Attached ☐ No Conditions

Trustee 7-24-17 Date Trustee Ben Koch 7/24/17 Date

Trustee 7-24-17 Date Trustee Date

Kevin Kauffman, President
William Dunning, Trustee
Ben Koch, Trustee

RECLAMATION DISTRICT 1614
P.O. BOX 4807
STOCKTON, CA 95204

Daniel J. Schroeder, Counsel
Christopher A. Neudeck, Engineer
Rhonda L. Olmo, Secretary

PHONE: (209) 948-8200

August 24, 2017

The Trustees of Reclamation District No. 1614 – Smith Tract (the "District") approve the 65% plan of the San Joaquin Area Flood Control Agency ("SJAFCA") for the proposed Smith Canal Closure Structure subject to the following conditions:

1. The District and SJAFCA enter into and execute an encroachment permit agreement for the Smith Canal Closure Structure.
2. District reviews and approves of a final Operation and Maintenance Manual for the Smith Canal Closure Structure.
3. That the Project meet all criteria required by Reclamation District Engineer.

APPLICATION FOR A CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMIT

Application No. _____
(For Office Use Only)

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

The proposed project consists primarily of the following key features: a fixed dual sheet pile wall and miter gate, a single sheet pile floodwall, a seismic wall and the development of a levee. Details of all the features to be constructed as a part of this project are included in the Project Summary Report in Enclosure 1.

2. Project
Location: Stockton County, in Section San Joaquin
Township: 1N (N) (S), Range: 6E (E) (W), M. D. B. & M.
Latitude: 37.957707 N Longitude: 121.352900 W
Stream : Smith Canal, SJR , Levee : Smith Tract Designated Floodway: Smith Canal, SJR
APN: Multiple

3. San Joaquin Area Flood Control Agency (Name of Applicant / Land Owner) of 22 E Weber Ave # 301 (Address)
Stockton (City) California (State) 95202 (Zip Code) 209-937-8113 (Telephone Number)
juan.neira@stocktonca.gov (E-mail)

4. Dave Peterson (Name of Applicant's Representative) of Peterson Brustad Inc. (Company)
Folsom (City) California (State) 95630 (Zip Code) 916-608-2212 (Telephone Number)
dpeterson@pbieng.com (E-mail)

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

We, the Trustees of SJFCWCD (Name of LMA) approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form ☐ Conditions Attached ☐ No Conditions

7/19/17

Trustee Date Trustee Date

Trustee Date Trustee Date

SAN JOAQUIN COUNTY
FLOOD CONTROL & WATER CONSERVATION DISTRICT
P. O. BOX 1810
1810 EAST HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201
TELEPHONE (209) 468-3000
FAX NO. (209) 468-2999

KRIS BALAJI
DIRECTOR OF PUBLIC WORKS
FLOOD CONTROL ENGINEER

July 20, 2017

The Central Valley Flood Protection Board
3310 El Camino Avenue
Sacramento, California 95821

Attention: Central Valley Flood Protection Board
Floodway Protection Section

SUBJECT: CENTRAL VALLEY FLOOD PROTECTION BOARD PERMIT APPLICATION OF SAN JOAQUIN AREA FLOOD CONTROL AGENCY TO CONSTRUCT A FIXED DUAL SHEET PILE WALL, A SINGLE SHEET PILE FLOODWALL, A SEISMIC WALL AND GATE STRUCTURE AT SMITH CANAL, SAN JOAQUIN COUNTY ASSESSOR'S PARCEL NOS. 133-060-01 AND 109-020-06 (LATITUDE: 37.957707 AND LONGITUDE: -121.352900) (PW-1700008)

Gentlemen:

Reference is made to the Central Valley Flood Protection Board (Board) Permit Application of San Joaquin Area Flood Control Agency (Permittee) to construct a fixed dual sheet pile wall, a single sheet pile floodwall, a seismic wall and the development of a levee and a gate structure at Smith Canal (Project).

The Project is located in Smith Canal, Atherton Island, Atherton Cove, Louis Park (Dad's Point), the Stockton Golf and Country Club and the San Joaquin River, in the City of Stockton, in San Joaquin County, in Sections 5 and 6, and 8 Township 1 North, Range 6 East, Mount Diablo Base and Meridian, San Joaquin County Assessor's Parcel Nos. 133-060-01 and 109-020-06.

The San Joaquin County Flood Control and Water Conservation District (District) has reviewed the Board's Permit Application of the Permittee and endorses the Project subject to the following conditions:

1. The District shall not be held liable for damage(s) to the permitted encroachment(s) due to the District's operation, maintenance, flood fight, inspection, or emergency repairs.

2. The Permittee or Successors-in-Interest shall be responsible for the modification or possible removal of the facilities, as requested by the District, if required for any future flood control plans at the applicant's sole cost and expense.

3. The Permittee shall be liable for any damage to Smith Canal and its levees that may occur as a result of this Project.

4. The Project shall be constructed in accordance with the plans submitted with the application dated July 11, 2017. Any revisions to the Project will require the submittal of the revised plans to the District for review and approval.

5. No work shall be allowed in the Smith Canal's channel between November 1st and April 15th without prior approval of the Board and the District.

6. The Permittee or Successors-in-Interest shall keep the encroachment(s) properly maintained in accordance with applicable current or future local, State and Federal standards.

7. Future maintenance of these encroachments will be in accordance with future agreements.

Should you have any questions regarding these comments, please contact me at (209) 953-7617, or by email at jmaguire@sjgov.org.

Sincerely,

JOHN I. MAGUIRE P.E.
Engineering Services Manager

JM:SS:mk
FM-17G033-M1

c: Sam Sharideh, Engineer III