

**Meeting of the Central Valley Flood Protection Board
October 28, 2011**

Staff Report – Encroachment Permit

Charles Sylva

**Remove an existing Residential Driveway and construct a new Residential
Driveway, Sacramento County**

1.0 – ITEM

Consider approval of Permit No. 18673 (Attachment B)

2.0 – APPLICANT

Charles Sylva

3.0 – LOCATION

The project is located at 8850 River Road (State Highway 160), Sacramento, CA 95832. (Sacramento River, Sacramento County, see Attachment A)

4.0 – DESCRIPTION

The applicant proposes to remove an existing residential driveway and plant the removal area with native grasses and to construct a new driveway with a 18-inch-diameter corrugated metal pipe 10-feet from the levee toe. The new driveway will be approximately 200-feet to the east of the old driveway on the landside slope of the left (south) bank levee of the Sacramento River.

5.0 – PROJECT ANALYSIS

The existing driveway will be removed and the removal area planted with native grasses. The new driveway design includes a 18-inch-diameter corrugated metal pipe installed 10 feet landward of the landside levee toe for drainage. The new driveway provides a larger turning radius than the existing driveway and will allow safer access to

and from River Road (Highway 160). Construction of the new driveway will conform to all pertinent standards in Title 23, Section 130.

5.1 – Hydraulic Analysis

The project involves placing fill on the landside levee slope so no hydraulic analysis is required.

5.2 – Geotechnical Analysis

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

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- State Maintenance Area No. 9 has endorsed the proposed project with three standard conditions that are integrated into the permit conditions.
- The U.S. Army Corps of Engineers 208.10 comment letter has not yet been received for this application. Upon receipt of a favorable letter and review by Board staff the letter will be incorporated into the permit as Exhibit A.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 4 Categorical Exemption (CEQA Guidelines Section 15304) covering minor alterations to land.

8.0 – 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:

The placement of fill on the landside levee slope will have no effect on the State Plan of Flood Control.

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

Effects to the proposed project from reasonable projected future events will be minimal. Enlarging the levee due to increased flows may require that the driveway be relocated.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board determine the project be exempt from CEQA, approve Permit No. 18673 conditioned upon receipt of a USACE 208.10 letter of determination confirming that the Corps has no objection to the project, and direct the Executive Officer to take necessary actions to execute the permit and file a Notice of Exemption with the State Clearinghouse.

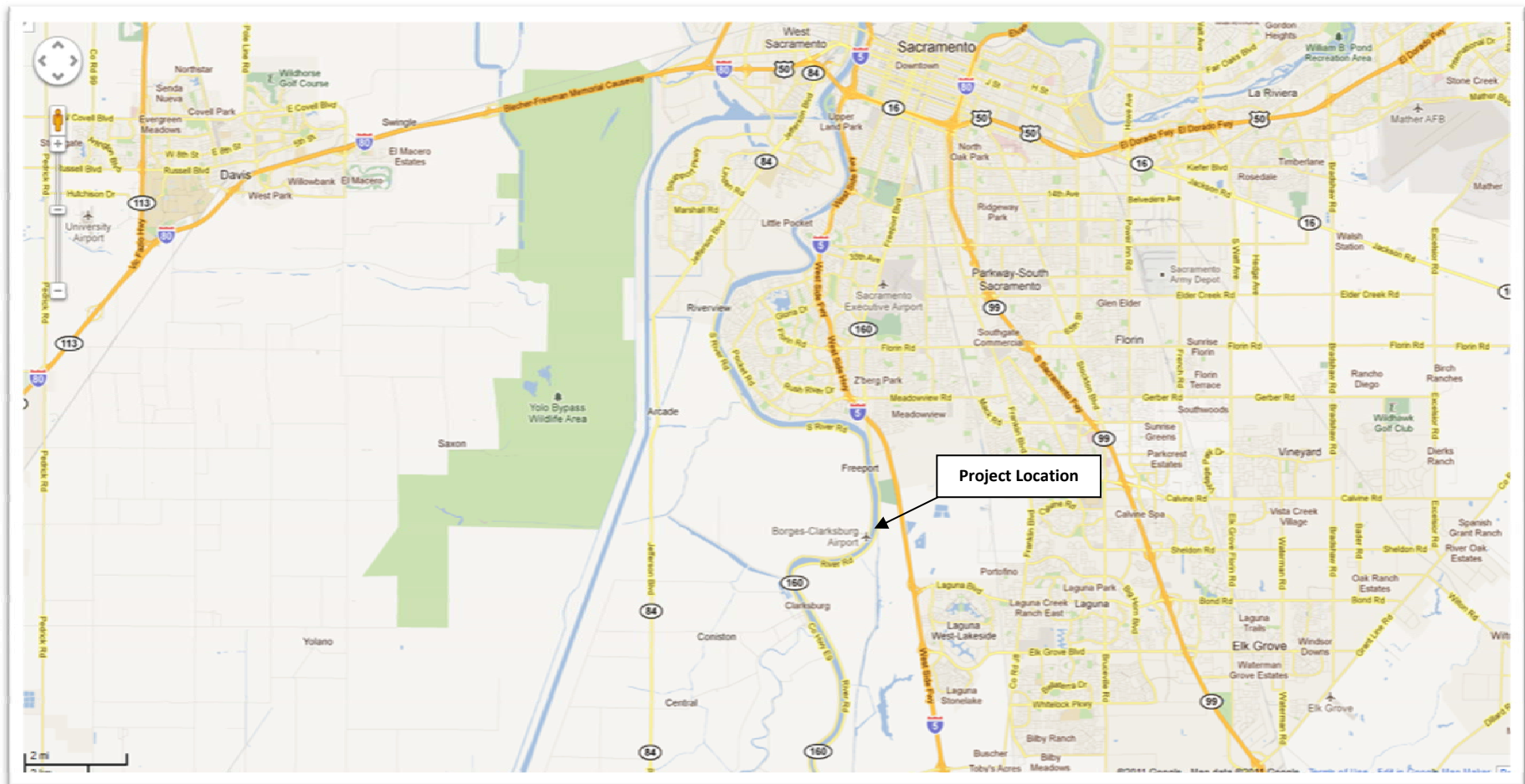
10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18673
- C. Design Drawings

Design Review:	Steve Dawson
Environmental Review:	James Herota / Andrea Mauro
Document Review:	Gary Lemon P.E., Len Marino P.E.

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Regional Map



Vicinity Map



Project Description:

The proposed project is to construct a driveway from the residence to the levee road. Fill is required against the roadway, so Cal Trans is the lead agency for this project. The County has told us that a grading permit is not required because the amount of dirt is less than their requirement. So a Cal Trans Encroachment Permit is the only permit required to construct the new driveway along with the Flood Protection Board's approval.

PLEASE SEE THE ATTACHED IMPROVEMENT PLANS APPROVED BY CAL TRANS FOR PROJECT SPECIFICS.

Site Pictures:



View from the levee towards the residence



View from the residence looking towards the levee



View at the levee road connection point



View of the levee at the proposed driveway connection point

DRAFT

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

PERMIT NO. 18673 BD

This Permit is issued to:

Charles Sylva
8850 River Road
Sacramento, California 95832

To remove an existing residential driveway and plant removal area with native grasses and to construct a new driveway with a 18-inch-diameter corrugated metal pipe for drainage approximately 200 feet to the east of the old driveway on the landside slope of the left (south) bank levee of the Sacramento River. The project is located at 8850 River Road (State Highway 160), Sacramento, CA 95832 (Section 26, T7N, R4E, MDB&M, Reclamation District 744, Sacramento River, Sacramento County).

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection

Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18673 BD

THIRTEEN: Submitted drawings and specifications shall be stamped and signed by a registered engineer and a copy sent to the Central Valley Flood Protection Board prior to the commencement of work.

FOURTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

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

SIXTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

SEVENTEEN: 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.

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

NINETEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY: All debris generated by this project shall be disposed of outside the project works.

TWENTY-ONE: Prior to placement of fill against the levee slope and within 15 feet of the levee toe, all surface vegetation shall be removed to a depth of 6 inches. Organic soil and roots larger than 1-1/2 inches in diameter shall be removed to a depth of 3 feet.

TWENTY-TWO: All excavations made in the levee section or within 15 feet of the levee toes shall be backfilled in 4- to 6-inch layers with impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Backfill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

TWENTY-THREE: Compaction tests by a certified soils laboratory will be required to verify compaction of backfill within the levee section or within 15 feet of the levee toe.

TWENTY-FOUR: The proposed access ramp shall be graded to direct all surface drainage away from the levee section.

TWENTY-FIVE: The landside levee slope shall be graded to match the existing landside levee slope where the existing access ramp is removed.

TWENTY-SIX: The permittee shall place sod or grass seed on the landside levee slope where the existing access ramp is removed and at levee locations damaged during project work.

TWENTY-SEVEN: The work area shall be restored to the condition that existed prior to start of work.

TWENTY-EIGHT: 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.

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

THIRTY: 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.

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

THIRTY-TWO: The permittee shall comply with all conditions set forth in the letter from State Maintenance Area No.9 dated June 20, 2011, which is attached to this permit as Exhibit A and is incorporated by reference.

THIRTY-THREE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated October XX, 2011, which is attached to this permit as Exhibit B and is incorporated by reference.

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

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

1. Description of proposed work:

2. Location: 8850 RIVER ROAD SAC. CA. County, in Section SACRAMENTO, SECTION 26,
(N)
Township: 7 N (S), Range 4 E (W), M. D. B. & M.3. CHARLES SYLVA of 8850 RIVER ROAD
Name of Applicant Address
SACRAMENTO CA. 95832 916-257-9826
City State Zip Code Telephone Number
916-731-8089
Fax Number

4. Endorsement: (of Reclamation District)

We, the Trustees of Russell Eckman M.A. 09
Name and District Number

approve this plan, subject to the following conditions:

☒ Conditions listed on back of this form ☐ Conditions Attached ☐ No ConditionsRussell W Eckman 6/20/11
Trustee Date Trustee Date

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

Name Address Zip Code

4) Remove existing Ramp and return to 2 to 1 slope. Reseed with native grasses. RE

