

**Meeting of the Central Valley Flood Protection Board
December 2nd, 2011**

Staff Report – Encroachment Permit

**City of Madera Parks Department
Fresno River Bike Path Schnoor Bridge Undercrossing, Madera County**

1.0 – ITEM

Consider approval of Permit No. 18687. (Attachment B)

2.0 – APPLICANT

City of Madera Parks Department

3.0 – LOCATION

The project is located within the Fresno River Designated Floodway in the City of Madera at the North Schnoor Fresno River Bridge at Designated Floodway River Mile 3.13. (Fresno River, Madera County, see Attachments A-1 through A-6)

4.0 – DESCRIPTION

The proposed project includes the construction of a bike pathway along the north and south banks of the Fresno River at the north and south ends of the North Schnoor Bridge as part of the North Schnoor Fresno River Bridge Undercrossing. The structural section of the undercrossing has been designed as a 10-ft wide path with 12-in retaining walls and cut-off wall foundations on both or one side and retaining wall on the other side.

5.0 – PROJECT ANALYSIS

Construction of the bike paths under the North Schnoor Bridge will provide a safe crossing and will eliminate conflicts between bicyclists/pedestrians and motor vehicles at North Schnoor Avenue for persons using both the north and south bike paths.

5.1 – Hydraulic Analysis

The project as proposed does not compromise the hydraulic capacity of the Fresno River.

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:

- Madera County endorsement without conditions.
- The U.S. Army Corps of Engineers 208.10 comment letter has been received and is attached to Attachment B as Exhibit A.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA determination:

The Board, as a responsible agency under CEQA, has reviewed Negative Declaration (SCH Number: 2011031011, March 2011) for the Fresno River Trail System Undercrossing at Schnoor Avenue Bridge Project prepared by the lead agency, the City of Madera. These documents, including project design, may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvpfb.ca.gov/meetings/2011/12-02-2011.cfm> under a link for this agenda item. These documents are also available for review in hard copy at the Board and City of Madera offices.

The City of Madera has determined that the project would not have a significant effect on the environment and approved the project on April 6, 2011 with Resolution 11-85 and filed a Notice of Determination on April 22, 2011 with the State Clearinghouse and the Madera County Clerk. Board staff finds that the project will not have a significant effect on the environment.

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 bike paths will not compromise the integrity of the Fresno River Designated Floodway, therefore there will be 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:

As proposed this project will not be affected by changes in hydrology, climate, and development within the applicable watershed.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt the CEQA findings, approve the permit and direct Executive Officer to file a Notice of Determination with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

- A. Location Maps and Photos
- B. Draft Permit No. 18687 with 208.10
- C. Design Drawings

D. District Endorsement

Design Review:	Gary W. Lemon P.E.
Environmental Review:	James Herota / Andrea Mauro
Document Review:	Mitra Emami P.E., Len Marino P.E.

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

PERMIT NO. 18687 BD

This Permit is issued to:

City of Madera, Parks Dept.
205 West Fourth Street
Madera, California 93637

The proposed project includes the construction of a bike pathway along the south bank and a small portion within the bed of the Fresno River at the bridges traversing from east to west, as part of the North Schnoor Fresno River Bridge Undercrossings. The structural section of the undercrossing has been designed as a 10-ft wide path with 12-in retaining walls and cut-off wall foundations on both or one side and retaining wall on the other side. The project is located at the North Schnoor Fresno River Bridge in the City of Madera (Section 13 & 14, T11S, R17E, MDB&M, Madera County Flood Control and Water Conservation District, Fresno River, Madera 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. 18687 BD

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

FOURTEEN: The permittee is responsible for all liability associated with all construction, operation, maintenance and reclamation activities associated with the herein permitted project 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 assignees (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

FIFTEEN: The 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.

SIXTEEN: 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.

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

EIGHTEEN: Cleared trees or brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1st to April 15th.

NINETEEN: No construction equipment and/or material(s) shall remain in the Fresno River Designated Floodway during the flood season from November 1st to April 15th.

TWENTY: No excavation shall be made or remain in the Fresno River Designated Floodway during the flood season from November 1st to April 15th without prior written approval of the Central Valley Flood Protection Board.

TWENTY-ONE: Fill material shall be placed only within the area indicated on the approved plans.

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

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

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

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

TWENTY-SIX: In the event that erosion injurious to the adopted plan of flood control occurs at or adjacent to the herein permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

TWENTY-SEVEN: The Central Valley Flood Protection Board, Department of Water Resources, and Madera County shall not be held liable for damage(s) to the herein permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

TWENTY-EIGHT: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-NINE: 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: A letter from the U.S. Army Corps of Engineers dated November 15, 2011 is attached to this permit as Exhibit A and is therefore incorporated by reference.



DEPARTMENT OF THE ARMY
U.S. Army Engineer District, Sacramento
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

REPLY TO
ATTENTION OF

Flood Protection and Navigation Section (18687)

Mr. Jay Punia, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

NOV 15 2011

Dear Mr. Punia:

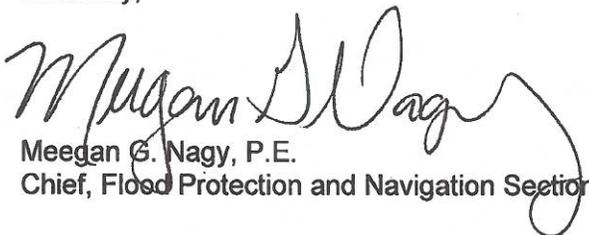
We have reviewed a permit application by the City of Madera, Parks Department (application number 18687). This project includes the construction of a bike pathway along the south bank and a small portion within the bed of the Fresno River at the N. Schnoor Fresno River Bridge. The project is located in the City of Madera, at 36.9685°N and 120.0832° W NAD83, Madera County, California.

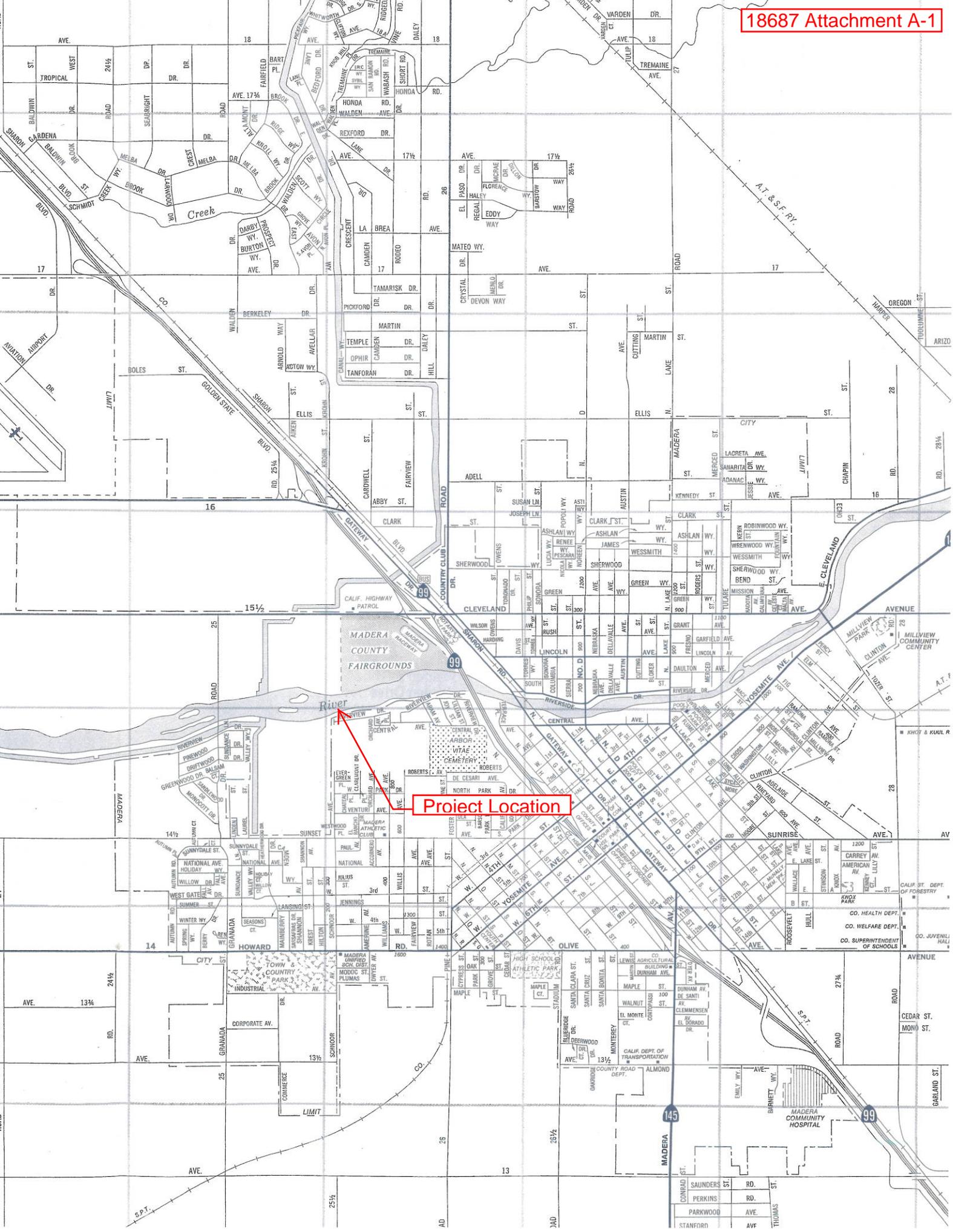
The District Engineer has no comments or recommendations regarding flood control because the proposed work is not within a federally constructed project, however according to the Channel Improvement and Levee Construction Operation and Maintenance Manual for the Fresno River, page 3, section 2, it states to preserve or restore and thereafter maintain the unimproved portions of the channels along Fresno River from Hidden Dam downstream to the Chowchilla Canal at the capacities existing in 1959. The unimproved channel from Southern Pacific Railroad to Road 22 extension are to be maintained at 5,000 c.f.s. capacity. It is recommended that the Board ensure this encroachment does not affect the ability of the channels to convey this flow.

A Section 10 and/or Section 404 permit application (SPK-2011-00294) is in process for this work.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,


Meegan G. Nagy, P.E.
Chief, Flood Protection and Navigation Section



P:\PROJ\10119\dwg\Civil Plan\Scheme-A\Exhibits\Exhibit-Vicinity Map.dwg 9-08-10 04:32:56 PM jtorio

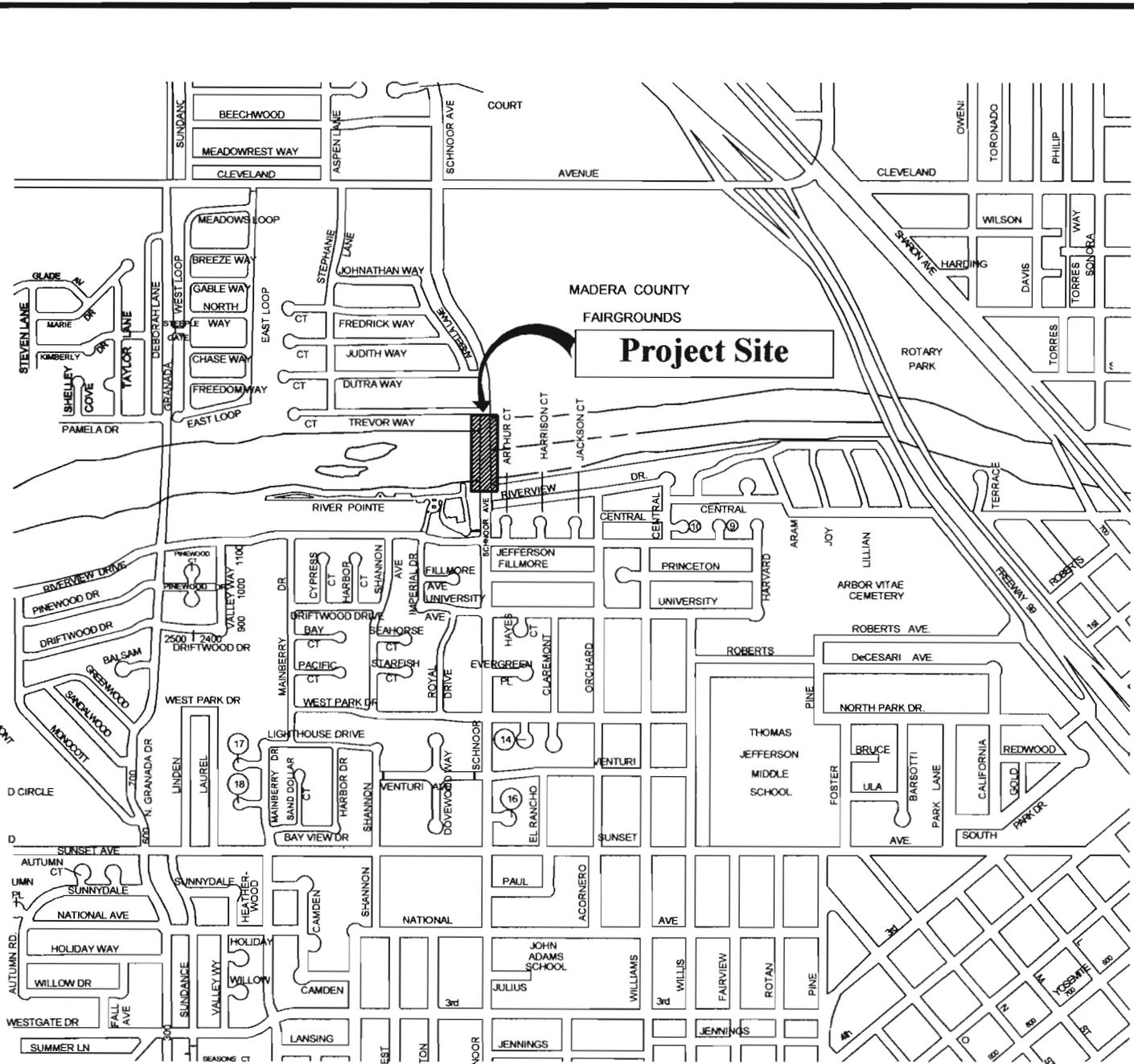


EXHIBIT PROJECT VICINITY MAP



NOT TO SCALE

FRESNO RIVER TRAIL UNDERCROSSINGS AT SCHNOOR AVENUE CITY OF MADERA, CA



LARS ANDERSEN & ASSOCIATES, INC
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
 4694 WEST JACQUELYN AVE FRESNO, CA 93722
 WWW.LARSANDERSEN.COM 559-276-2790 FAX 559-276-0850

JOB NO: 10119.00
 DR. BY: CM
 CH. BY: JRT
 DATE: 09-08-10
 SCALE: N.T.S.

SHEET NO. 1
 OF 1 SHEET

P:\PROJ\10119\dwg\Civil Plan\Scheme-A\Exhibits\Exhibit-Project Location.dwg 9-08-10 04:28:26 PM jtorio



EXHIBIT PROJECT LOCATION MAP



SCALE: 1" = 100'±

FRESNO RIVER TRAIL UNDERCROSSINGS AT SCHNOOR AVENUE CITY OF MADERA, CA



LARS ANDERSEN & ASSOCIATES, INC
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 4694 WEST JACQUELYN AVE FRESNO, CA 93722
 WWW.LARSANDERSEN.COM 559-276-2790 FAX 559-276-0850

JOB NO: 10119.00
 DR. BY: CM
 CH. BY: JRT
 DATE: 09-08-10
 SCALE: NOTED

SHEET NO. 1

OF 1 SHEET



Existing Vern McCullough Fresno River Trail



Schnoor Bridge, southeast side



Schnoor Bridge, southeast side



Schnoor Bridge, southeast side

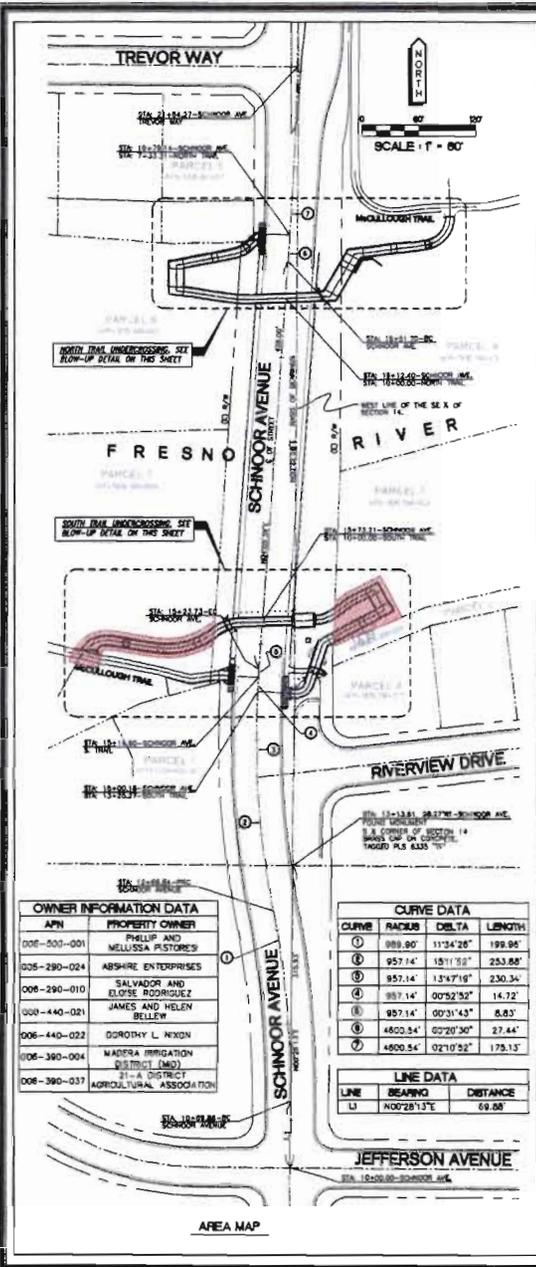


Schnoor Bridge, Southwest side



Schnoor Bridge, southwest side

LARS ANDERSEN PARTIAL ONLY



OWNER INFORMATION DATA

APN	PROPERTY OWNER
006-000-001	PHILLIP AND MELLISSA PISTORE'S
006-290-024	ABSHIRE ENTERPRISES
006-290-010	SALVADOR AND ELODIE RODRIGUEZ
000-440-021	JAMES AND HELEN BELLEVUE
006-440-022	DOROTHY L. NIXON
006-390-004	MADERA IRRIGATION DISTRICT (DMO)
006-390-037	21-A DISTRICT AGRICULTURAL ASSOCIATION

CURVE DATA

CURVE	RADIUS	DELTA	LENGTH
①	888.80'	11°34'28"	199.95'
②	957.14'	15°11'53"	253.88'
③	957.14'	13°47'19"	230.34'
④	957.14'	00°52'52"	14.72'
⑤	957.14'	00°31'43"	8.83'
⑥	4800.54'	02°20'30"	27.44'
⑦	4800.54'	02°10'32"	175.13'

LINE DATA

LINE	BEARING	DISTANCE
L1	N00°28'13"E	69.88'

CURVE DATA

CURVE	RADIUS	DELTA	LENGTH
①	30.00'	53°34'04"	28.22'
②	30.00'	58°34'08"	20.37'
③	50.00'	102°02'02"	8.02'
④	30.00'	84°49'34"	44.42'

LINE DATA

LINE	BEARING	DISTANCE
L1	S86°45'50"E	15.85'
L2	N78°45'12"E	81.31'
L3	N00°53'22"E	28.78'
L4	N81°42'50"W	62.55'
L5	S48°57'08"W	89.80'
L6	S29°28'05"W	51.53'
L7	S82°48'48"W	51.53'
L8	S02°01'06"E	51.53'

CURVE DATA

CURVE	RADIUS	DELTA	LENGTH
①	30.00'	70°25'13"	36.87'
②	80.00'	48°36'41"	85.15'
③	50.00'	35°33'03"	31.02'
④	30.00'	34°21'28"	17.99'
⑤	30.00'	09°27'16"	4.88'
⑥	10.00'	43°46'20"	7.64'
⑦	15.00'	14°37'00"	18.54'

LINE DATA

LINE	BEARING	DISTANCE
L1	N06°28'02"W	42.10'
L2	S81°52'14"W	28.01'
L3	N79°53'09"W	41.03'
L4	N79°52'27"W	81.15'
L5	N78°48'37"E	24.28'
L6	S80°42'16"E	44.24'
L7	N88°11'07"E	28.48'
L8	N53°09'41"E	22.55'
L9	N83°16'58"E	23.48'
L10	S28°19'38"E	24.08'
L11	S81°50'24"W	68.07'
L12	S18°04'04"W	41.35'
L13	N87°18'55"W	36.80'

INDICATES PROPOSED CONCRETE TRAIL

INDICATES PROPOSED BIKE CROSS-SECTION FROM 1/4"=33' TO 1/8"=66'

- NOTES:**
- SEE GENERAL NOTES, ABBREVIATIONS, WPC NOTES AND STANDARD SYMBOLS ON SHEET NO. 1 FOR DETAILS.
 - SEE TYPICAL BIKE TRAIL CROSS-SECTIONS ON SHEET NO. 7 FOR DETAILS.

BASE OF BEARINGS:
THE BEST LINE OF THE SOUTHWEST QUARTER OF SECTION 14, T11N, E11E, S1/4 SEC 28, T40N R12E, S1/4 SEC 28, T40N R12E, AS SHOWN ON SUPERVISION NO. 01-1-01 RECORDED IN BOOK 87 OF MAPS AT PAGE 138, 139, 140 & 141, MADERA COUNTY RECORDS.

CITY BENCHMARK:
BRASS CAP MONUMENT ON TOP OF CONCRETE RETURN, SOUTHWEST CORNER OF SCHNOOR AVENUE AND OLIVE WAY, STAMPED "MAD" 1941.

EL ELEVATION = MEANS CITY OF MADERA DATA

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
2000 WEST JACQUELIN AVENUE - FRESNO, CA 93722
PHONE 549-879-8790 FAX 549-879-0880

PREPARED UNDER THE DIRECTION OF:
JOHN RONALD O. TONG **LEE BROWN**

CONSTRUCTION PLANS FOR FRESNO RIVER TRAIL UNDERCROSSINGS AT SCHNOOR AVENUE HORIZONTAL & VERTICAL CONTROL PLAN

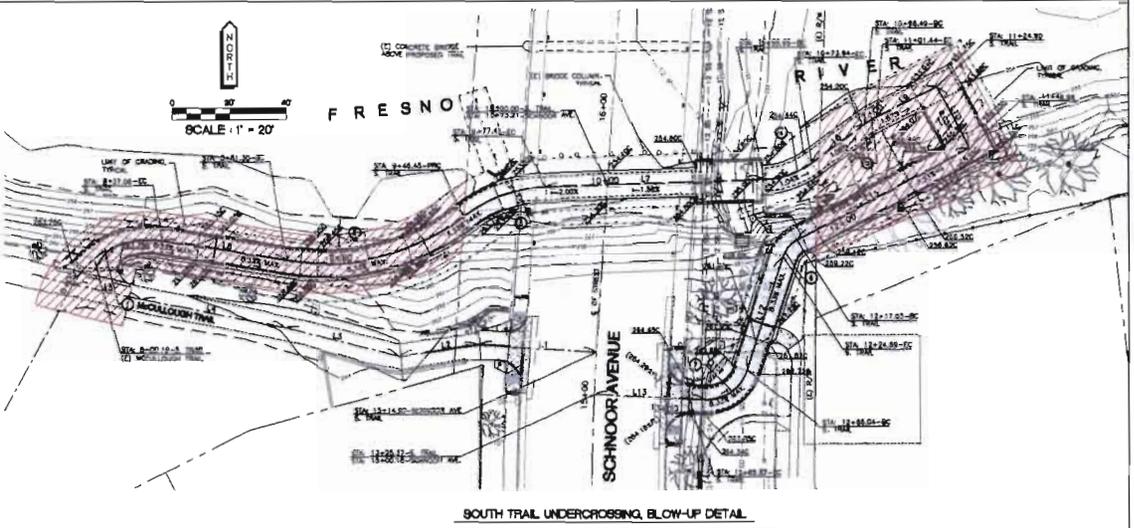
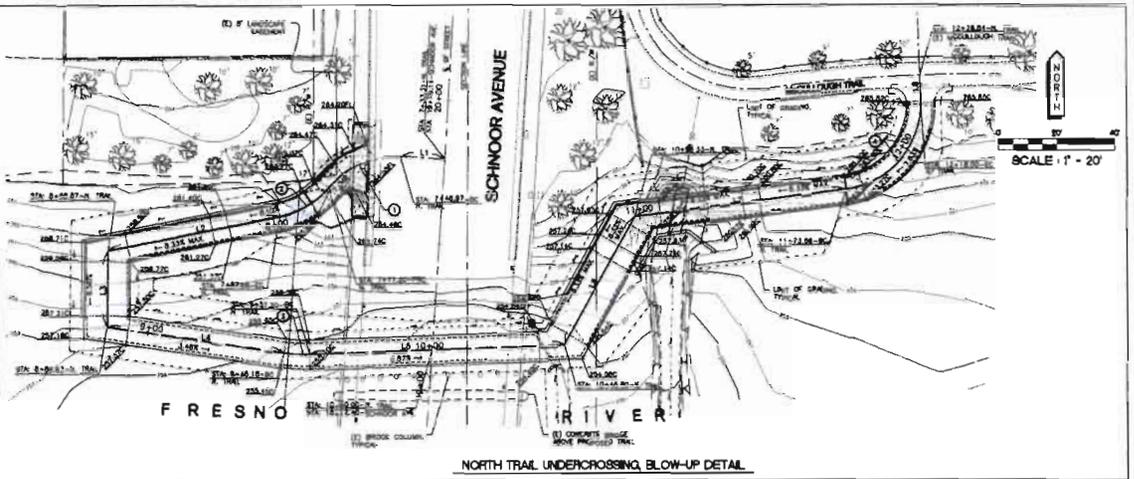
CITY OF MADERA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
200 WEST 40 STREET
MADERA, CALIFORNIA 95301

APPROVAL: SHEET 2 OF 11 SHEETS
DATE: 10/26/10

PLAN REVISION:

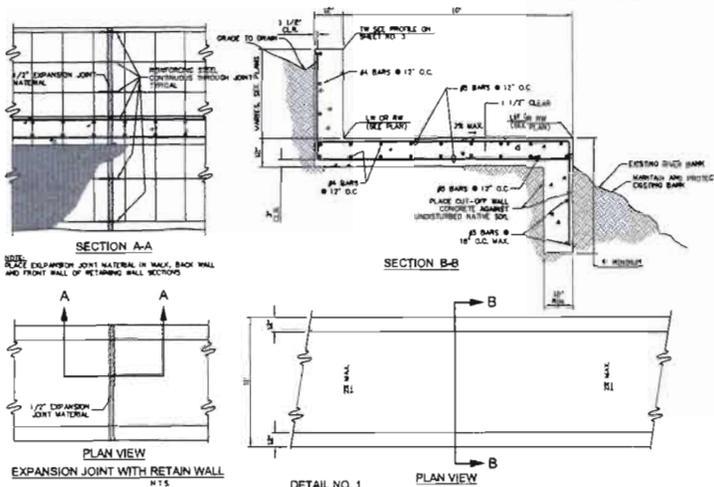
NO.	DATE	APPROVAL	DESCRIPTION
1	10/26/10	LEE BROWN	ISSUED FOR PERMIT

DATE: 10/26/10
DRAWING NO. 18687-01-01
SCALE: AS SHOWN

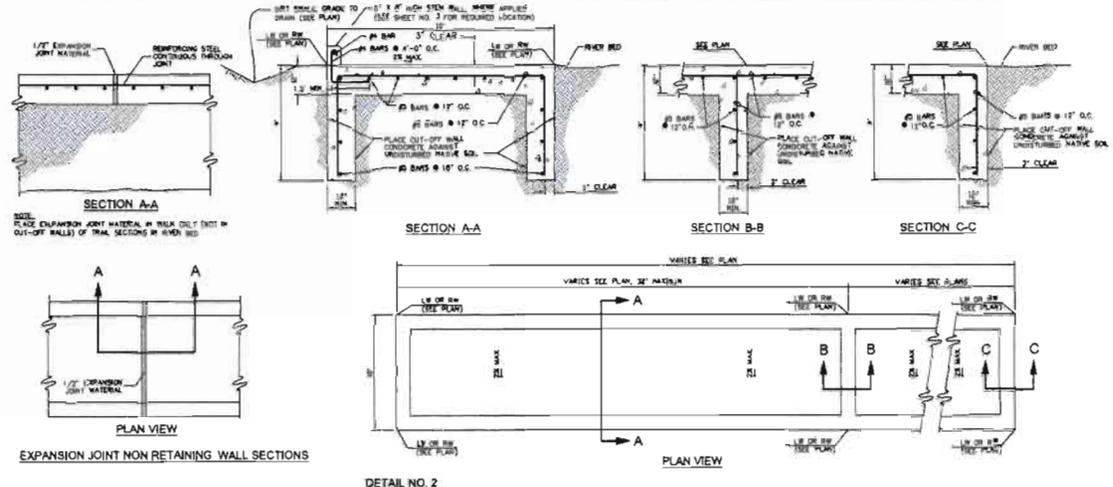


TRAIL UNDERCROSSINGS AT SCHNOOR AVENUE

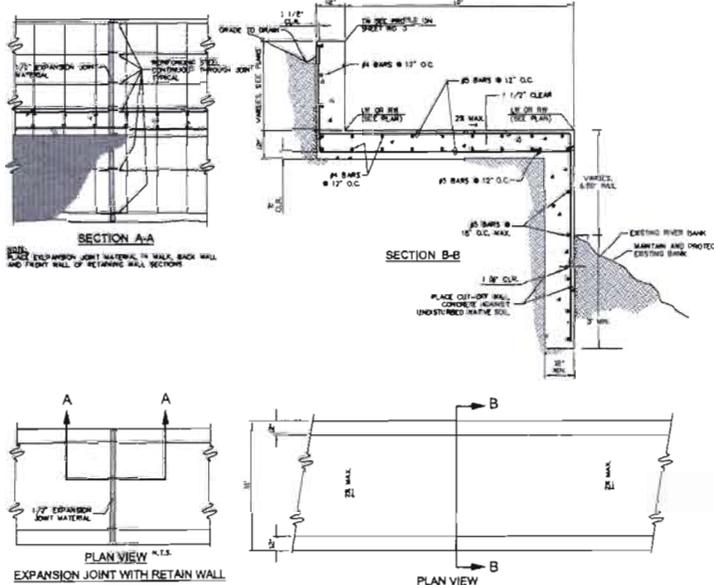
LARS ANDERSEN & ASSOCIATES, INC.



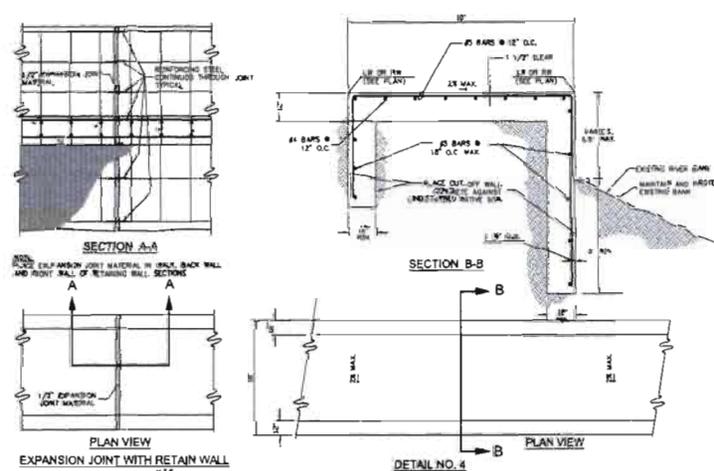
DETAIL NO. 1
TYPICAL 10' WIDE CONCRETE BIKE TRAIL WITH 12' RETAINING WALL
FROM STA. 8+11.38 TO STA. 8+36.34 STA. 11+40.31 TO STA. 11+73.31
AND STA. 12+57.17 TO STA. 12+88.14



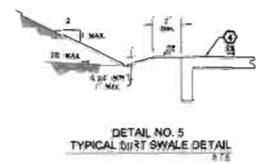
DETAIL NO. 2
TYPICAL 10' WIDE CONCRETE BIKE TRAIL AT FRESNO RIVER
FROM STA. 12+68.14 TO STA. 12+78.14



DETAIL NO. 3
TYPICAL 10' WIDE CONCRETE BIKE TRAIL WITH 12' RETAINING WALL AND CUT-RETAINING WALL
FROM STA. 8+18.58 TO STA. 8+31.94 AND STA. 11+73.31 TO STA. 12+57.17



DETAIL NO. 4
TYPICAL 10' WIDE CONCRETE BIKE TRAIL WITH 12' CUT-RETAINING WALL
FROM STA. 8+30.18 TO STA. 8+32.82 STA. 9+63.34 TO STA. 11+48.52
AND STA. 12+35.14 TO STA. 12+67.77



DETAIL NO. 5
TYPICAL DIRT SWALE DETAIL

90% SUBMITTAL SET
NOT FOR CONSTRUCTION

CONSTRUCTION PLANS FOR FRESNO RIVER TRAIL UNDERCROSSING AT SCHNOOR AVENUE CONSTRUCTION STANDARDS AND DETAILS

Federal Project No. RPST/PE 5157(078)

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
4000 WEST SACRAMENTO AVENUE - FRESNO, CA 93722
PHONE 888 879-8790 FAX 509 879-0880

PREPARED UNDER THE DIRECTION OF:
JON RONALD C. TONG **REGISTERED**

CITY OF MADERA		SHEET 2 OF 2 SHEETS	
APPROVAL: <i>[Signature]</i>		DATE: 03/14/11	
DESIGNED BY: <i>[Signature]</i>		CHECKED BY: <i>[Signature]</i>	
DRAWN BY: <i>[Signature]</i>		DATE: 03/14/11	
SCALE: AS SHOWN		PROJECT: SCHNOOR AVENUE UNDERCROSSING	
DATE: 03/14/11		DRAWN BY: <i>[Signature]</i>	
CHECKED BY: <i>[Signature]</i>		DATE: 03/14/11	
APPROVED BY: <i>[Signature]</i>		DATE: 03/14/11	
DATE: 03/14/11		DRAWN BY: <i>[Signature]</i>	
CHECKED BY: <i>[Signature]</i>		DATE: 03/14/11	
APPROVED BY: <i>[Signature]</i>		DATE: 03/14/11	

TRAIL UNDERCROSSINGS AT SCHNOOR AVENUE



RESOURCE MANAGEMENT AGENCY

ENGINEERING DEPARTMENT

2037 W. Cleveland Avenue
Madera, CA 93637-8720
(559) 675-7817
FAX (559) 675-7639
Kheng.Vang@madera-county.com

Ken Vang PE, County Engineer

May 25, 2011

Mark Etheridge, Business manager
City of Madera
701 East 5th Street
Madera, CA 93638

SUBJECT: Schnoor Avenue and Fresno River Trail Project

The Engineering Department has reviewed the subject project submitted by the City of Madera and designed by Lars Andersen and Associates dated March 13, 2011.

Madera County grants permission to the City of Madera for the construction of this project. The subject project will not impact our maintenance routines and does not interfere with any of our existing facilities, it meets all encroachment requirements, and the design is consistent with previous approvals on encroachments to the Fresno River.

Should you have any questions please contact me or Dario Dominguez, Assistant Engineer at 559-675-7817.

Sincerely,

Ken Vang, PE
County Engineer

cc: Glenn Eastes PE, Senior Civil Engineer
Dario Dominguez, Assistant Engineer