

**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**

**January 26, 2012**

**Staff Report – Encroachment Permit**

**Richard and Marilyn Comstock  
Boat Docks, Sacramento County**

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**1.0 – ITEM**

Consider approval of Permit No. 18234 (Attachment B)

**2.0 – APPLICANT**

Richard and Marilyn Comstock

**3.0 – LOCATION**

The project is located along on the right (west) bank levee of Georgiana Slough, south of Isleton, north of Highway 12 and adjacent to Terminus Road, Sacramento County, Brannan-Andrus Levee Maintenance District. (See Attachment A)

**4.0 – DESCRIPTION**

Applicant proposes to install two identical boat docks on two adjacent parcels, with an 80 feet clear separation. At each location, it is proposed to construct a 25- by 60-foot boat docking slip, anchored by four 16-inch-diameter steel pilings connected to the levee crown by a 4-foot-wide, 68-foot-long metal gangway and bridge combination, supported by two 8-inch-diameter, 4-foot-long steel pilings in the waterside footing to enhance stability; and install four 2-inch-diameter steel utility conduits sleeved within a 6-inch-diameter steel pipe through the right (west) bank levee.

**5.0 – PROJECT ANALYSIS**

The Applicant's engineer (DCC Engineering) redesigned the project so that the USACE would not find cause to remove the levee system from the PL 84-99 rehabilitation assistance program. The pilings and footings were redesigned to penetrate the project

levee profile only to a minor extent. To reduce the impact of the concrete landing and supporting bridge, the size and footing design was reduced, minimizing the bearing surface on the levee crown, and minimizing penetration within the upper three-foot overtopping zone.

### **5.1 – Hydraulic Analysis**

A hydraulic analysis was not provided as the project does not pose a significant obstruction to hydraulic conveyance. The project was reviewed using the USACE's suggested channel hydraulic screening tool and was found to obstruct far less than 1% of the total channel cross section

### **5.2 – Geotechnical Analysis**

The Geotechnical Analysis was done by Raney Geotechnical Inc. Their recommendation will be included as a Special Condition in the permit.

### **5.3 – Additional Staff Analysis**

The applicant revised their original plans to meet the U S Army Corps of Engineer's requirements.

## **6.0 – AGENCY COMMENTS AND ENDORSEMENTS**

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.

Brannan-Andrus Levee Maintenance District has endorsed the application with conditions that are incorporated into the permit as Exhibit B.

## **7.0 – CEQA ANALYSIS**

Board staff has prepared the following CEQA determination:

Brannan-Andrus Levee Maintenance District, as lead agency under CEQA, approved the project (Comstock Private Recreational Docks) on October 16, 2006 and determined that the project was categorically exempt under Class 3 (CEQA Guidelines Section 15303(e)) covering new construction of small structures.

The Board, acting as a responsible agency under CEQA, has reviewed the Brannan-Andrus Levee Maintenance District determination and has independently determined that the project is exempt from CEQA Class 3 (CEQA Guidelines Section 15303(e)) covering new construction of small structures.

## **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:

None

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

Negligible if any.

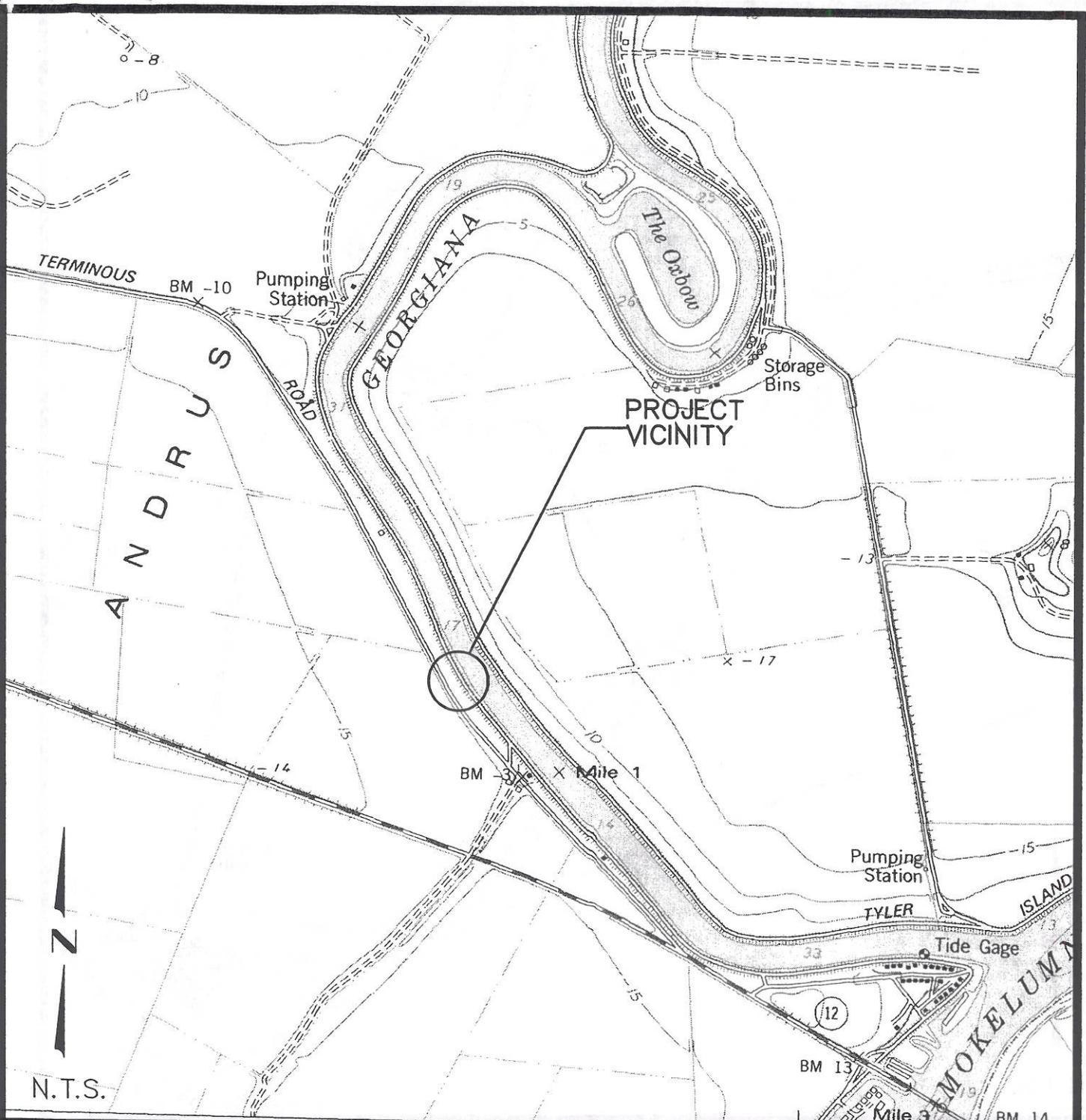
**9.0 – STAFF RECOMMENDATION**

Staff recommends that the Board find the project exempt from CEQA, approve permit No. 18234 conditioned upon receipt of a favorable U.S. Army Corps of Engineers comment letter.

**10.0 – LIST OF ATTACHMENTS**

- A. Location Map
- B. Draft Permit No. 18234

Design Review:	Sam Brandon
Geotechnical Review:	Sam Brandon
Environmental Review:	James Herota and Andrea Mauro
Document Review:	Mitra Emami, Len Marino



**APPLICANT:** RICHARD L. AND MARILYN M. COMSTOCK  
 6574 CRYSTAL SPRINGS DRIVE  
 SAN JOSE, CA 95120-4615

**DATUM:** NGVD

**ADJACENT PROPERTY OWNERS:**  
 156-0080-066  
 WILLIAM H. KEARNS JR.  
 3850 CINCINNATI AVENUE #A  
 ROCKLIN, CA 95765

**UPSTREAM**  
 156-0080-030 - "PARCEL B"  
 COMSTOCK TRUST  
 6574 CRYSTAL SPRINGS DRIVE  
 SAN JOSE, CA 95120-4615

**DOWNSTREAM**

**CONTENTS:**

VICINITY MAP

APN: 156-0080-030 "PARCEL A"

Architecture  
 Civil Engineering  
 Land Use Planning  
 Feasibility Studies  
 Environmental Permitting  
 Program Construction Management

TEL 916/776-2577 Fax 916/776-2284  
 P.O. BOX 929  
 8521ST GROVE, CA 95690

**PROJECT:** PRIVATE RECREATIONAL DOCK

**IN:** GEORGIANA SLOUGH

**AT:** RIVERMILE 1.2 ±

**COUNTY:** SACRAMENTO **STATE:** CA

**PREPARED BY:**  
 DCC ENGINEERING CO., INC.

**SHEET 1 OF 6 DATE:** SEPT. 19, 2006

**DRAFT**

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

**PERMIT NO. 18234 GM**

**This Permit is issued to:**

Richard and Marilyn Comstock  
6574 Crystal Springs Drive  
San Jose, California 95120

To install two identical boat docks on two adjacent water front parcels, with an 80 feet clear separation. At each location, it is proposed to construct a 25- by 60-foot boat docking slip anchored by four 16-inch-diameter steel pilings, attached to the levee crown by a 4-foot-wide, 68-foot-long metal gangway and bridge combination, supported by two 8-inch-diameter steel pilings, attached to a 3- by 4-foot concrete landing, with two 8-inch diameter, 4-foot-long steel support pilings; and install four 2-inch-diameter steel utility conduits sleeved within a 6-inch-diameter steel pipe through the right (west) bank levee of Georgiana Slough. The project is located south of Isleton, north of Highway 12 and adjacent to Terminous Road (Section 1, T3N, R3E, MDB&M, Brannan-Andrus Levee Maintenance District, Georgiana Slough, 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. 18234 GM**

**THIRTEEN:** If the construction project extends onto land owned in fee and/or easement by the Sacramento and San Joaquin Drainage District acting by and through the Central Valley Flood Protection Board (Board), the permittee should secure an easement, license, or temporary entry permit from the Board prior to commencement of work. Contact Angelica Aguilar at (916) 653-5782.

**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 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.

**SIXTEEN:** 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 Central Valley Flood Protection Board, the State of California Department of Water Resources and/or any other agency responsible for maintenance.

**SEVENTEEN:** 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.

EIGHTEEN: 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

NINETEEN: The permittee shall arrange for an inspector from the Department of Water Resources to be at the site prior to any excavation and during all backfill operations. For availability and scheduling of an inspector, contact the Department of Water Resources at telephone number (916) 574-0609 at least 10 working days prior to the start of work.

TWENTY: The Central Valley Flood Protection Board, Department of Water Resources, and Brannan-Andrus Levee Maintenance District shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

TWENTY-ONE: 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-TWO: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

TWENTY-THREE: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

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

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

TWENTY-SIX: The permittee shall provide supervision and inspection services acceptable to the Central Valley Flood Protection Board. A professional engineer registered in the State of California shall certify that all work was inspected and performed in accordance with submitted drawings, specifications, and permit conditions.

TWENTY-SEVEN: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Brannan-Andrus Levee Maintenance District shall not be held liable for

damage(s) to the permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair(s) of the flood control project works.

TWENTY-EIGHT: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) is/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-NINE: The top of pilings shall be a minimum distance of 2 feet above the design flood plane elevation of 8.2 feet, NGV Datum.

THIRTY: Debris that may accumulate on the permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the flood control project works/channel after each period of high water.

THIRTY-ONE: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the 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.

THIRTY-TWO: Objects connected to the dock shall be properly secured to prevent detachment during periods of high water.

THIRTY-THREE: The permittee shall be responsible for removing all boats or other objects moored to the dock upon receiving notification to do so from the Central Valley Flood Protection Board, Department of Water Resources, or any other federal, State, or local agency having applicable authority.

THIRTY-FOUR: No construction material(s) and/or equipment shall remain within the flood control project channel and/or upon the levee during the flood season from November 1st to April 15th.

THIRTY-FIVE: The herein permitted boat dock landing footing(s) shall be cleaned of all loose soil, and backfilled with concrete cast against firm undisturbed earth. Rip-rap and/or revetment do not constitute undisturbed earth.

THIRTY-SIX: Cleared trees and brush shall be completely burned or removed from the flood control project works, and downed trees or brush shall not remain within the project works during the flood season from November 1st to April 15th.

THIRTY-SEVEN: No excavation shall be made or remain within the flood control project works during the flood season from November 1st to April 15th without express written consent from the Central Valley Flood Protection Board.

THIRTY-EIGHT: A temporary bench mark, set to a known datum, shall be placed at the project site during construction.

THIRTY-NINE: In the event existing rock revetment within the flood control project works is disturbed or displaced during construction, it shall be restored to its preconstruction condition.

FORTY: The bottom of the stringers of horizontal access way(s) shall be a minimum of 3 feet above the design flood plane elevation of 8.2 feet, NGV Datum.

FORTY-ONE: Handrails on access ways shall not extend onto the levee crown and handrails extending from the landing to the landward gangway hinge point shall be removable.

FORTY-TWO: Maintenance of the levee slope under an access way and the adjacent levee slope is the responsibility of the permittee.

FORTY-THREE: All debris generated by this project shall be disposed of outside the Georgiana Slough adopted plan of flood control.

FORTY-FOUR: If the herein permitted encroachment(s) result(s) in an adverse hydraulic impact, the permittee shall provide appropriate mitigation measures, to be approved by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

FORTY-FIVE: 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.