

**Meeting of the Central Valley Flood Protection Board
January 26, 2012**

Staff Report – Encroachment Permit

**Mark & Kathleen Copeland
To Construct a Dock with Gangway, Sacramento River, Sacramento County**

1.0 – ITEM

Consider conditional approval of Permit No. 18693. (Attachment B with Exhibits A & B)

2.0 – APPLICANT

Mark & Kathleen Copeland

3.0 – LOCATION

The project is located approximately 750 feet north of the Elkhorn Blvd. at 6575 Garden Highway, Reclamation District 1000, Unit No. One, Levee Mile 7.41 near river mile (RM) 71.60 (approx). (Sacramento River, Sacramento County, see Attachment(s) A)

4.0 – DESCRIPTION

The applicant proposes to attach a new 30 ft. by 50 ft. floating boat dock onto three existing pilings whose tops are 3 ft. above the 100-year flood plain, and install a new 3 ft. by 60 ft. gangway to the waterward end of the dock. Also, the dock will be attached on its landward end to two existing 4-inch vertical pipes which are the same height as the three pilings. The two 4-inch vertical pipes protrude from an existing 4 ft. by 6 ft. by 4 ft. concrete landing (dead man).

5.0 – PROJECT ANALYSIS

These new facilities conform to all pertinent standards in Title 23, Division 1, Chapter 1, Article 8, Section(s) 127 & 133.

.

5.1 – Hydraulic Analysis

A hydraulic analysis was not provided as the project appears to be well below the 1% trigger mechanism.

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:

- 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 (attachment B) as Exhibit A.
- Reclamation District No. 1000 has endorsed this project with conditions and said endorsement with conditions is incorporated into the permit (attachment B) as Exhibit B.

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 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities involving negligible or no expansion of an existing use.

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 facilities authorized under this permit as regulated by Title 23 have been applied to the review of this application.

- 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:

There are no foreseeable detrimental effects to the flood control project works relative to the permitting of this project due to reasonable projected future events.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board determine the project to be exempt from CEQA, approve Permit No. 18693 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.

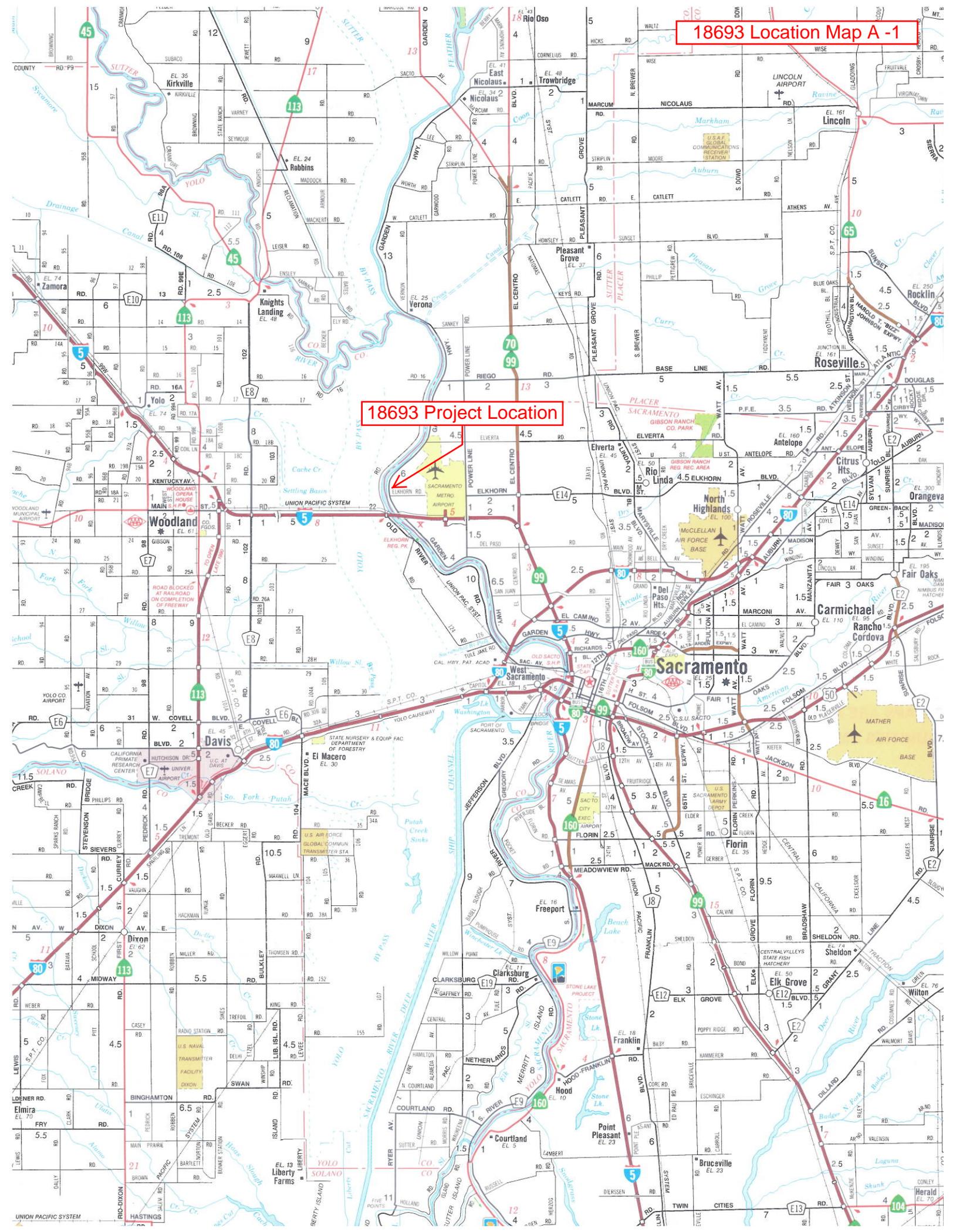
10.0 – LIST OF ATTACHMENTS

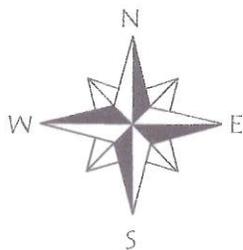
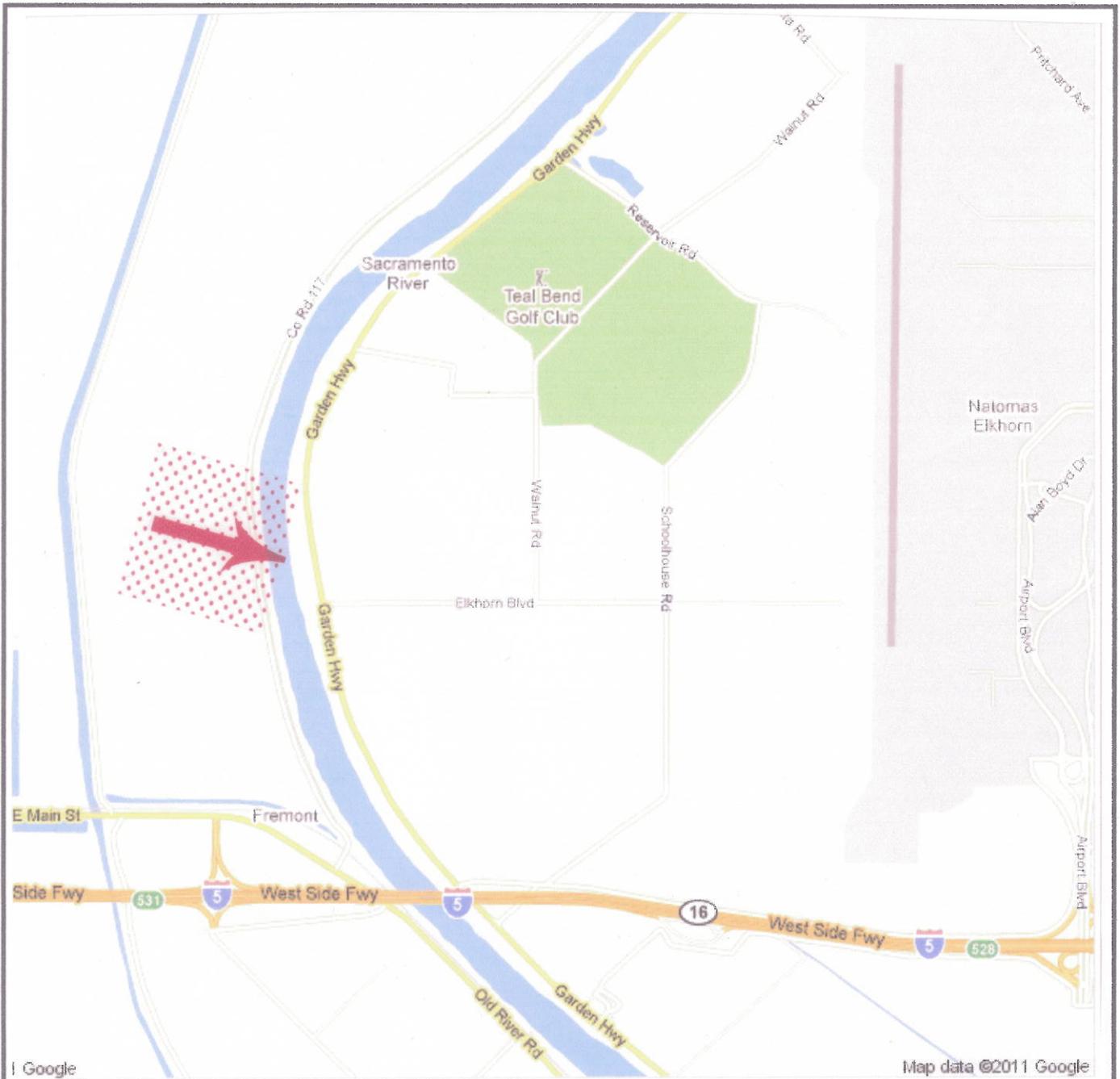
- A. Location Maps and Photos
- B. Draft Permit No. 18693 w/exhibit(s) A & B
- C. Design Drawings

Design Review:	Sterling Sorenson
Environmental Review:	James Herota / Andrea Mauro
Document Review:	Mitra Emami P.E., Len Marino P.E.

18693 Location Map A - 1

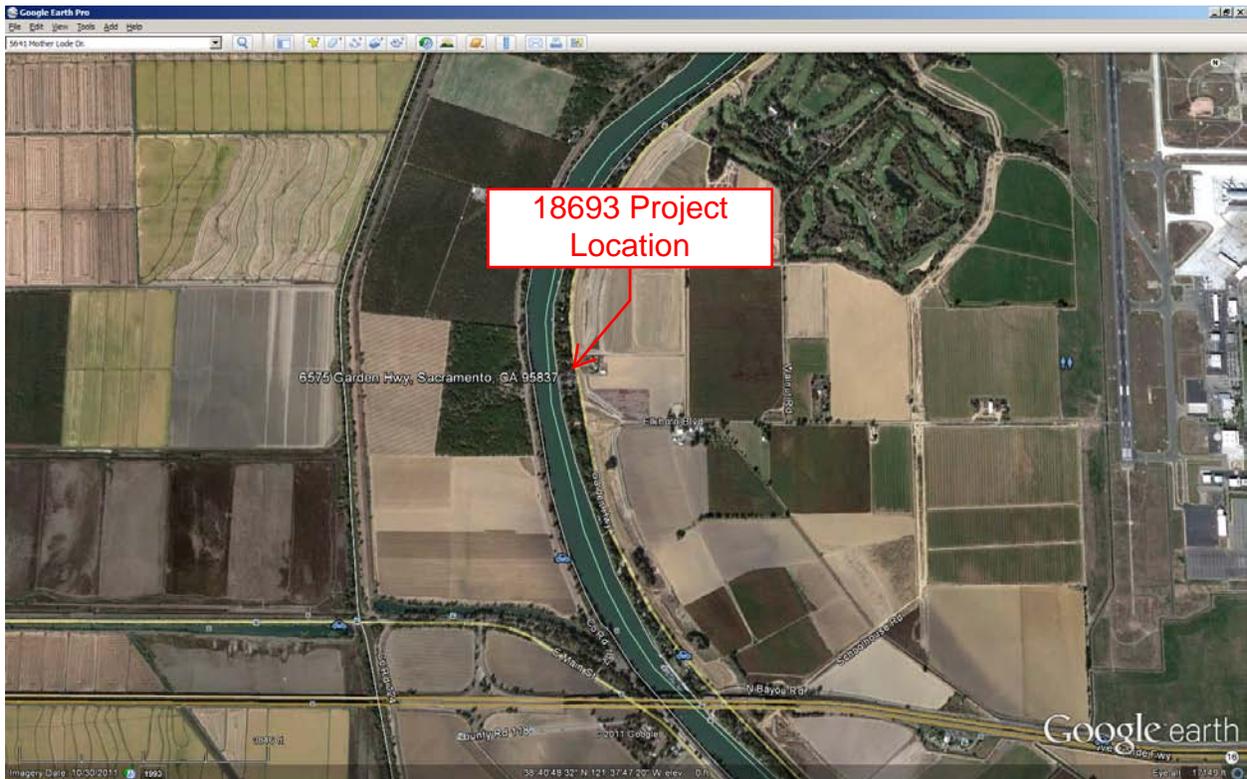
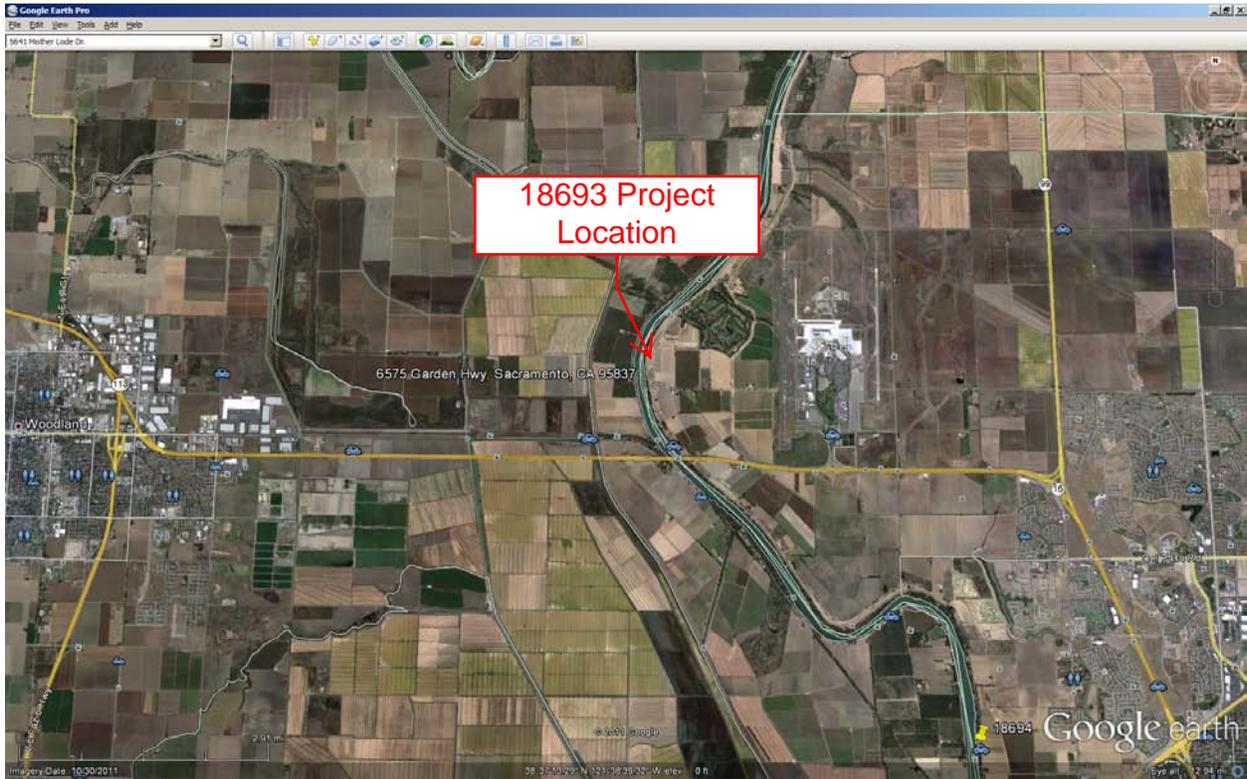
18693 Project Location

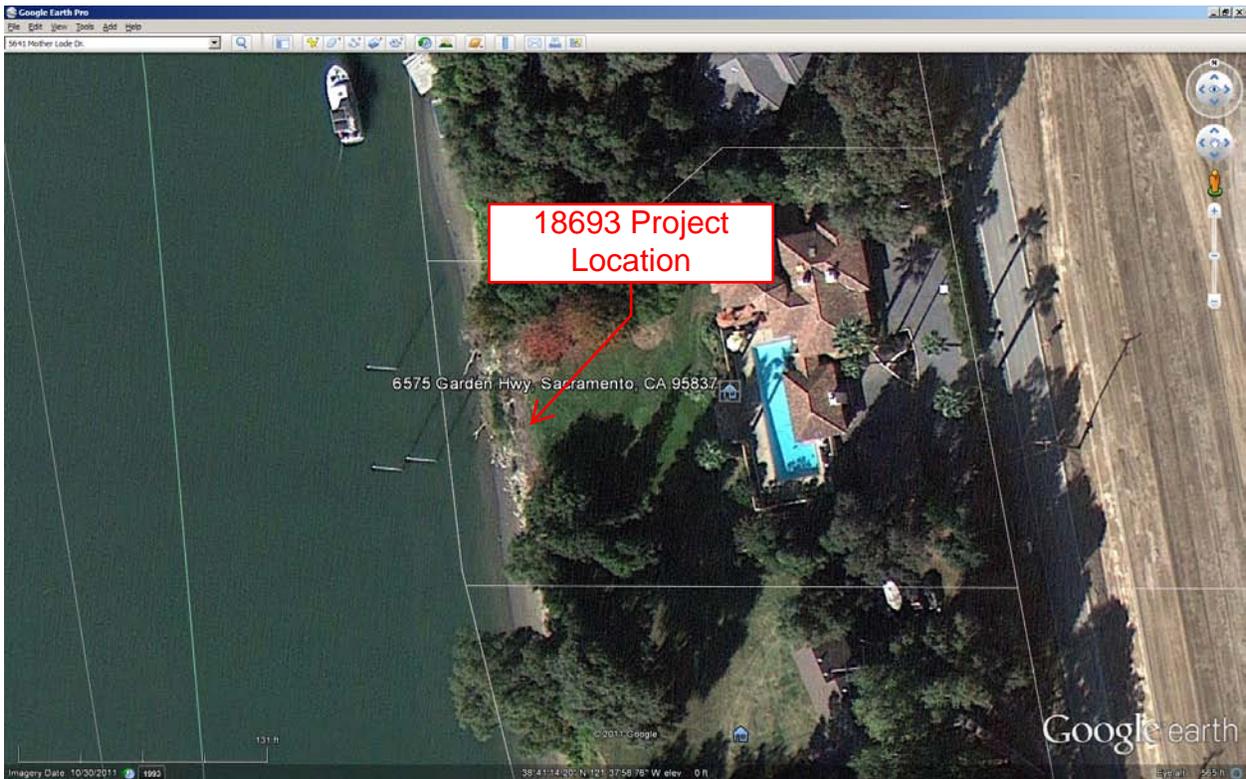


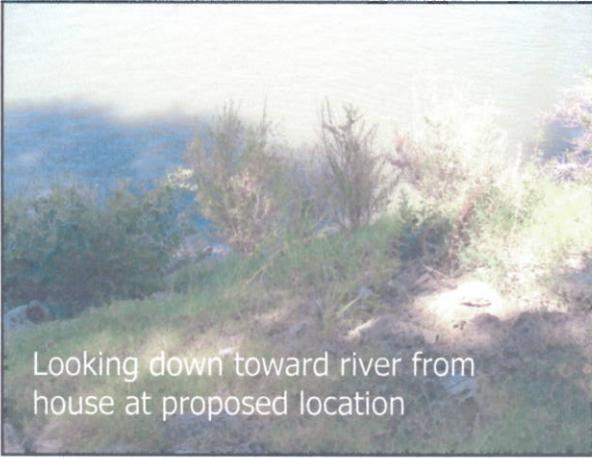


Latitude: 38°41'13.44"N
 Longitude: 121°38'.29"W

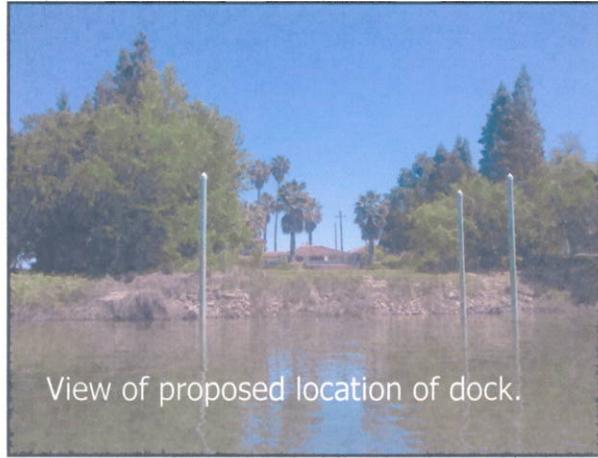
West Coast Docks, Inc. PO Box 712 Walnut Grove, Ca 95690 Attn: J.B. Morais 916-776-4447 Ph 866-602-5280 Fax	Project: Private Recreational Dock for Mark & Kathleen Copeland APN: 201-0270-051	Date: Jan 15, 2011
	Location: 6575 Garden Highway Sacramento, Ca 95837 Sacramento County Sacramento River	DATUM NGVD
	Sheet 1 of 4	







Looking down toward river from house at proposed location



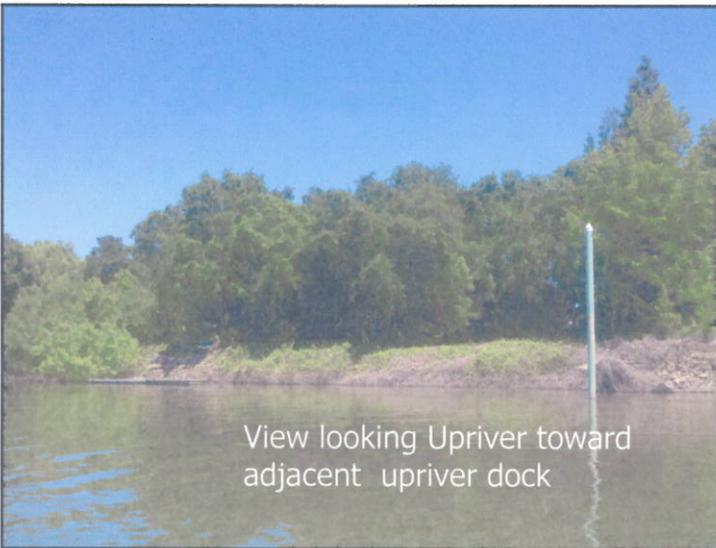
View of proposed location of dock.



View looking Downriver from parcel



View of current bank protection



View looking Upriver toward adjacent upriver dock



View across river at opposite bank

Project Name:

Copeland Boat Dock

Address:

6575 Garden Highway

Sacramento, Ca 95834

APNs: 201-0270-051

Replacement Floating Dock and Gangway

DRAFT

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

PERMIT NO. 18693 BD

This Permit is issued to:

Mark & Kathleen Copeland
6575 Garden Highway
Sacramento, California 95837

To attach a new 30 ft. by 50 ft. floating boat dock onto three existing pilings whose tops are 3 ft. above the 100 year-flood plain, and to install a new 3 ft. by 60 ft. gangway attached on the waterward end to the aforementioned dock and attached on its landward end to two 4 inch vertical pipes which are the same height as the aforementioned pilings and which are protruding from an existing 4 ft by 6 ft. by 4 ft. concrete landing (deadman). Located on the left (east) bank of the Sacramento River at 6575 Garden Highway, Sacramento, CA (Section 35, T10N, R3W, MDB&M, Reclamation District 1000, 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. 18693 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 conference with an inspector. Failure to do so within 10 working days after receipt of this permit may result in the cancellation of this permit.

SEVENTEEN: The herein permitted encroachment(s) shall not interfere with operation and maintenance of the Sacramento River Flood Control Project (Project Works). If the herein permitted encroachment(s) are determined by any agency responsible for operation and/or maintenance of the Project Works 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.

EIGHTEEN: 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.

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

TWENTY: 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.

TWENTY-ONE: The permittee shall maintain the herein 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 Department of Water Resources, Reclamation District 1000 or any other agency responsible for maintenance.

TWENTY-TWO: Debris that may accumulate on the herein permitted encroachment(s) and related facilities shall be cleared off and disposed of outside the floodway after each period of high water.

TWENTY-THREE: The Central Valley Flood Protection Board, Department of Water Resources and Reclamation District 1000 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-FOUR: 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-FIVE: 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-SIX: The permittee shall comply with all conditions set forth in the letter from the U.S. Army Corps of Engineers dated XXXXXXXX YY, ZZZZ, which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-SEVEN: The permittee shall comply with all conditions set forth in the letter from Reclamation District 1000 which is attached to this permit as Exhibit B and is incorporated by reference.

208.10 upon receipt from USACOE



RECLAMATION
DISTRICT 1000

Permit Conditions

Permit Application No. Unnumbered

Location: 6575 Garden Highway--Sacramento River RM 71.4L (approx)

Applicant: Mark and Kathleen Copeland

Description: New Floating Dock and Gangway on Existing Pilings

CONDITIONS:

1. Maintenance of all encroaching structures, facilities, vegetation or any other items or matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such 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 the encroachment interferes with the District's ability to operate and maintain its flood control facilities or if the encroaching facilities are damaged by any cause.
3. Permittee shall obtain all necessary permits and regulatory approvals for the existing dock
4. Per Section 127 of Title 23, all debris caught by the proposed boat dock shall be cleared and disposed of outside the floodway following each period of high water to the satisfaction of the District and the Central Valley Flood Protection Board (CVFPB).
5. Permittee is responsible for any damage to public or private facilities along the river should the structure or associated boat break free and shall hold the District and the CVFPB harmless from any liability as a result of placing this structure in an active floodway.
6. Permittee shall remain responsible for any erosion on the waterside levee slope or waterside berm caused by the permitted encroachment and shall repair such erosion prior to the next flood season to the satisfaction of the District and the CVFPB

Resolution No. 2010-02

WHEREAS, Reclamation District No. 1000 (District) operates and maintains levees under the authority of the California Central Valley Flood Protection Board (CCVFPB) and the California Water Code; and

WHEREAS, the CCVFPB and Title 23 of the California Water Code require any encroachment on or adjacent to the levee or within the designated floodway have an encroachment permit be issued by the CCVFPB with appropriate conditions to insure they do not impede or impair the operations and maintenance of the flood control system; and

WHEREAS, such permit applications are reviewed and endorsed by the local maintaining agency responsible for the operations and maintenance of the levee system where the encroachment is proposed and allows for conditions to be included in the permits to address issues including, but not limited to, operations, maintenance, public safety and flood emergency response; and

WHEREAS, endorsement of the permit applications for levees surrounding the Natomas basin are the purview of the District and various actions through the years by past District Boards have granted authority to the General Manager to endorse permit applications; and

WHEREAS, the Board desires to enumerate a clear policy on how future permit applications are to be reviewed and endorsed by the District

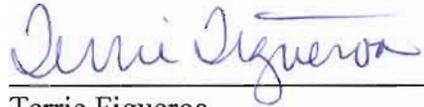
NOW, THEREFORE BE IT RESOLVED:

The Reclamation District No. 1000 Board of Trustees desires to delegate their authority to endorse encroachment permit applications to the District General Manager for routine encroachments and those which do not involve District policy issues. A determination as to which permits will be endorsed by the General Manager shall be left to his or her judgment, provided however, that all such endorsements shall be presented to the Board of Trustees at the next scheduled Board meeting.

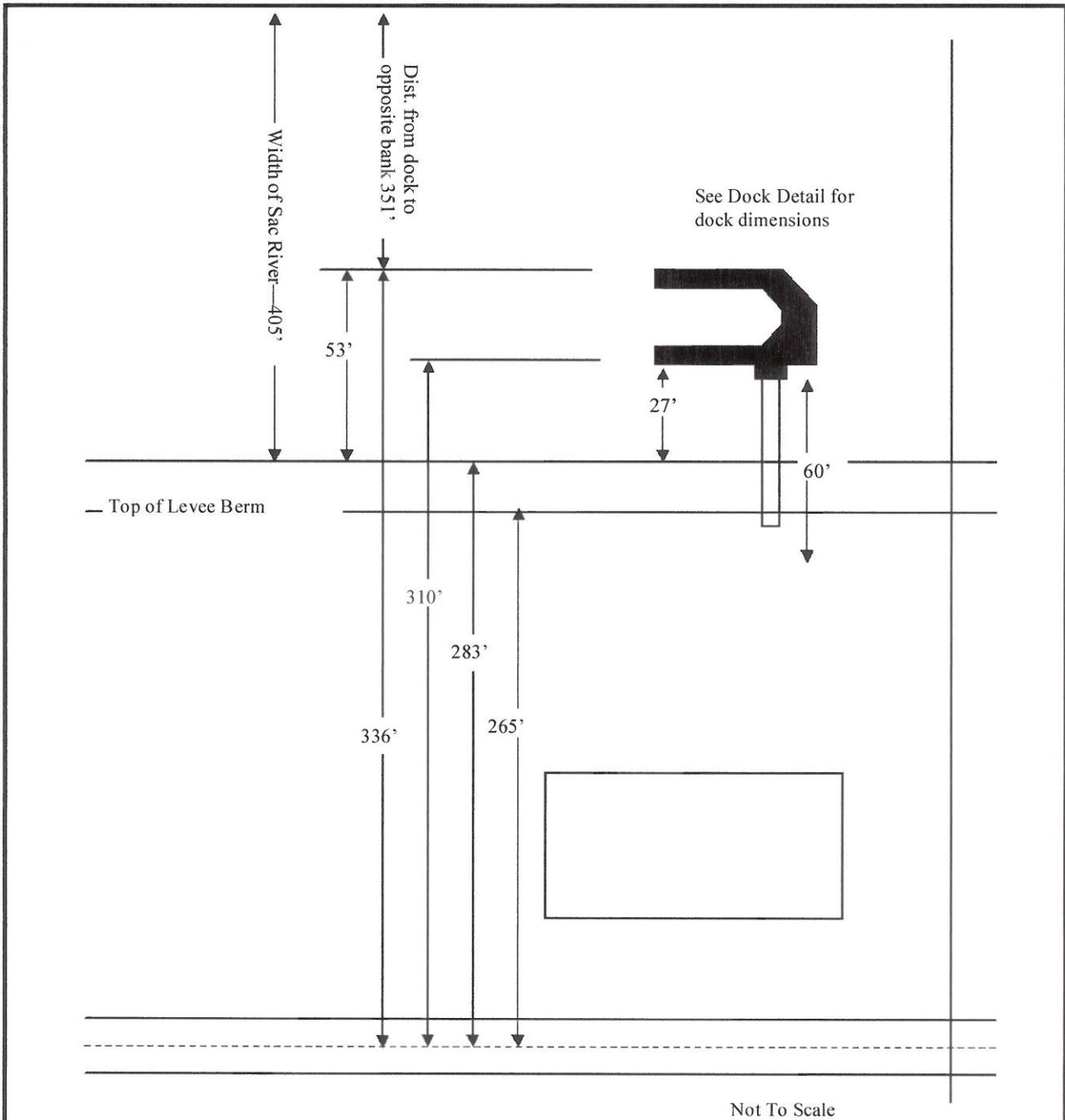
Those permit applications which are not routine in nature, present policy issues or are likely to be controversial shall be brought to the Board for consideration and action at which time the Board may delegate signature authority to the General Manager if approved. This will include all permit applications where the General Manager is recommending denial to the California Central Valley Flood Protection Board.

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No, 1000, hereby certify that the foregoing Resolution 2010-02 was duly adopted by the Board of Trustees of Reclamation District No, 1000 at a regular meeting held January 8, 2010 and made a part of the minutes thereof.



Terrie Figueroa
District Secretary

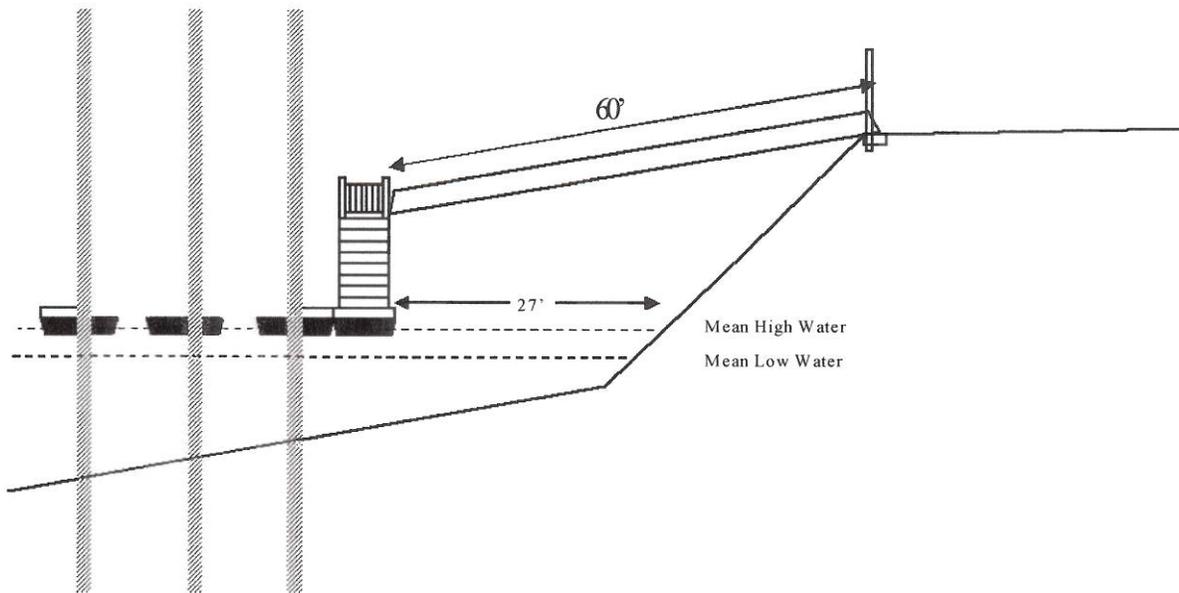


Site Plan - Replacement Dock Detail

West Coast Docks, Inc. PO Box 712 Walnut Grove, Ca 95690 Attn: J.B. Morais 916-776-4447 Ph 866-602-5280 Fax	Project: Private Recreational Dock for Mark & Kathleen Copeland APN: 201-0270-051	Date: Jan. 15, 2011
	Location: 6575 Garden Highway Sacramento, Ca 95837 Sacramento County Sacramento River	DATUM NGVD
		Sheet 2 of 4

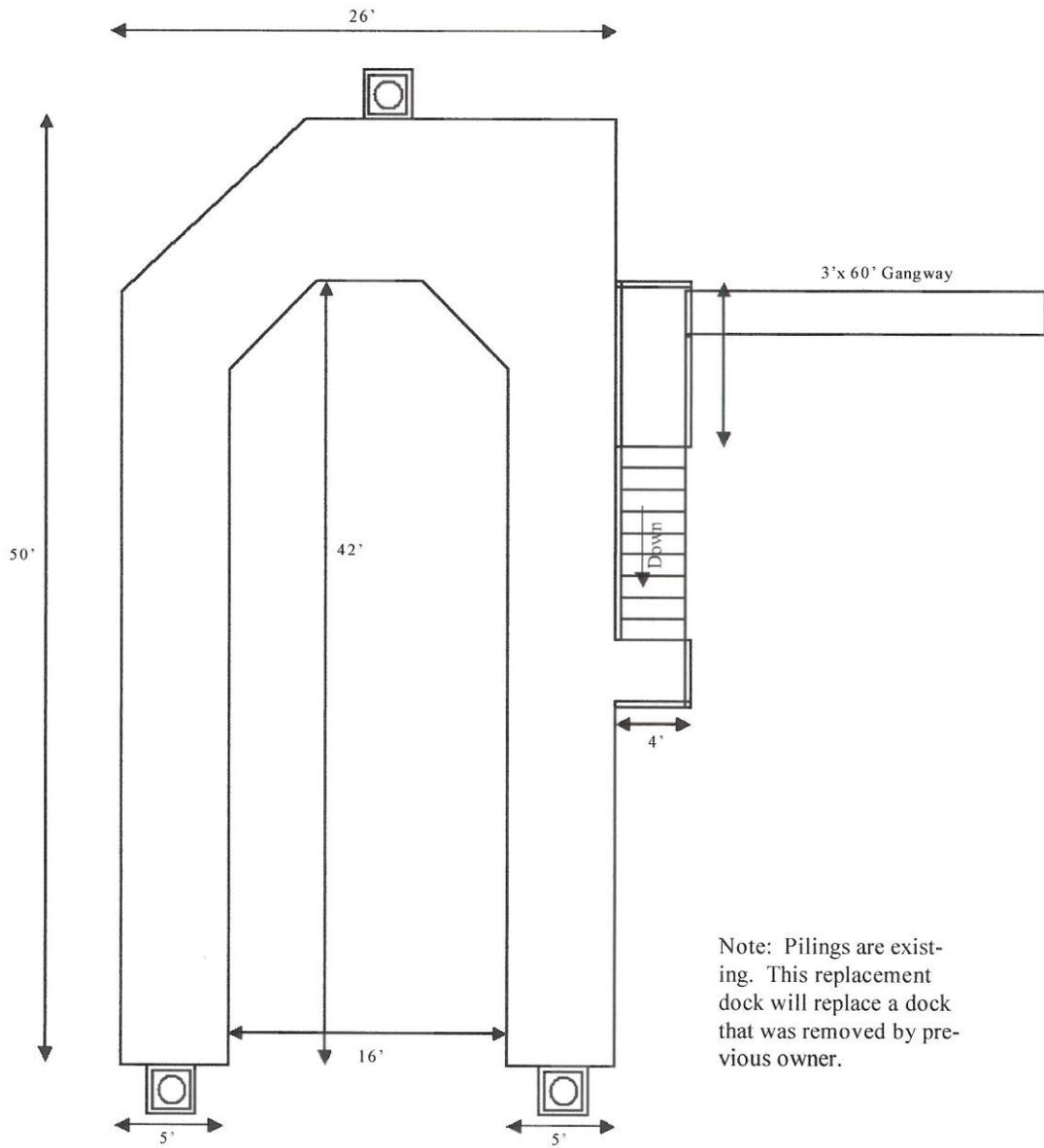
Dock Detail

Aluminum Frame
 Polyethylene encased EPS foam
 Synthetic Decking
 Conforms to CA B & W Small
 Craft Launching Guidelines



Cross-Section Elevation

West Coast Docks, Inc. PO Box 712 Walnut Grove, Ca 95690 Attn: J.B. Morais 916-776-4447 Ph 866-602-5280 Fax	Project: Private Recreational Dock for Mark & Kathleen Copeland APN: 201-0270-051	Date: Jan 15, 2011
	Location: 6575 Garden Highway Sacramento, Ca 95837 Sacramento County Sacramento River	DATUM NGVD
		Sheet 3 of 4



Note: Pilings are existing. This replacement dock will replace a dock that was removed by previous owner.

Dock Detail

West Coast Docks, Inc. PO Box 712 Walnut Grove, Ca 95690 Attn: J.B. Morais 916-776-4447 Ph 866-602-5280 Fax	Project: Private Recreational Dock for Mark & Kathleen Copeland APN: 201-0270-051	Date: Jan 15, 2011
	Location: 6575 Garden Highway Sacramento, Ca 95837 Sacramento County Sacramento River	DATUM NGVD
		Sheet 4 of 4