

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

Staff Report – Encroachment Permit

**Ronald Muller
Existing Boat Dock, Sacramento County**

1.0 – ITEM

Consider approval of Permit No. 18696 (Attachment B)

2.0 – APPLICANT

Ronald Muller

3.0 – LOCATION

The project is located on the left (east) bank of the Sacramento River at 5601 Garden Highway, Sacramento, California.
(Sacramento River, Sacramento County, see Attachment A)

4.0 – DESCRIPTION

To authorize an existing 6 ft. by 34 ft. floating boat dock supported by two steel pilings, a floating gangway, and access stairs on the left (east) bank of the Sacramento River.

5.0 – PROJECT ANALYSIS

The existing dock was first permitted by the California State Lands Commission in 1975. The floating dock, gangway, and access stairs all meet current Title 23, Section 127 standards.

5.1 – Hydraulic Analysis

Hydraulic impacts from the existing boat dock are considered to be insignificant therefore no hydraulic analysis was required.

5.2 – Geotechnical Analysis

A geotechnical analysis was not required as the boat dock and gangway are located approximately 150-feet from the left (east) bank levee.

6.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- Reclamation District No. 1000 endorsed this application on May 11, 2011 with conditions. The conditions will be incorporated into the permit as Exhibit A.
- 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 B.

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA determination:

The California State Lands Commission, as the lead agency under CEQA, approved the project (SCH No. 2002028022) on January 31, 2002 and determined that the project was categorically exempt under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities.

The Board, acting as a responsible agency under CEQA, has reviewed the California State Lands Commission's determination and has independently determined that the project is exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering existing facilities.

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:

Effects from the boat dock, gangway, and access stairs on the State Plan of Flood Control will be insignificant.

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

There should be no effect to the encroachments from reasonable projected future events.

9.0 – STAFF RECOMMENDATION

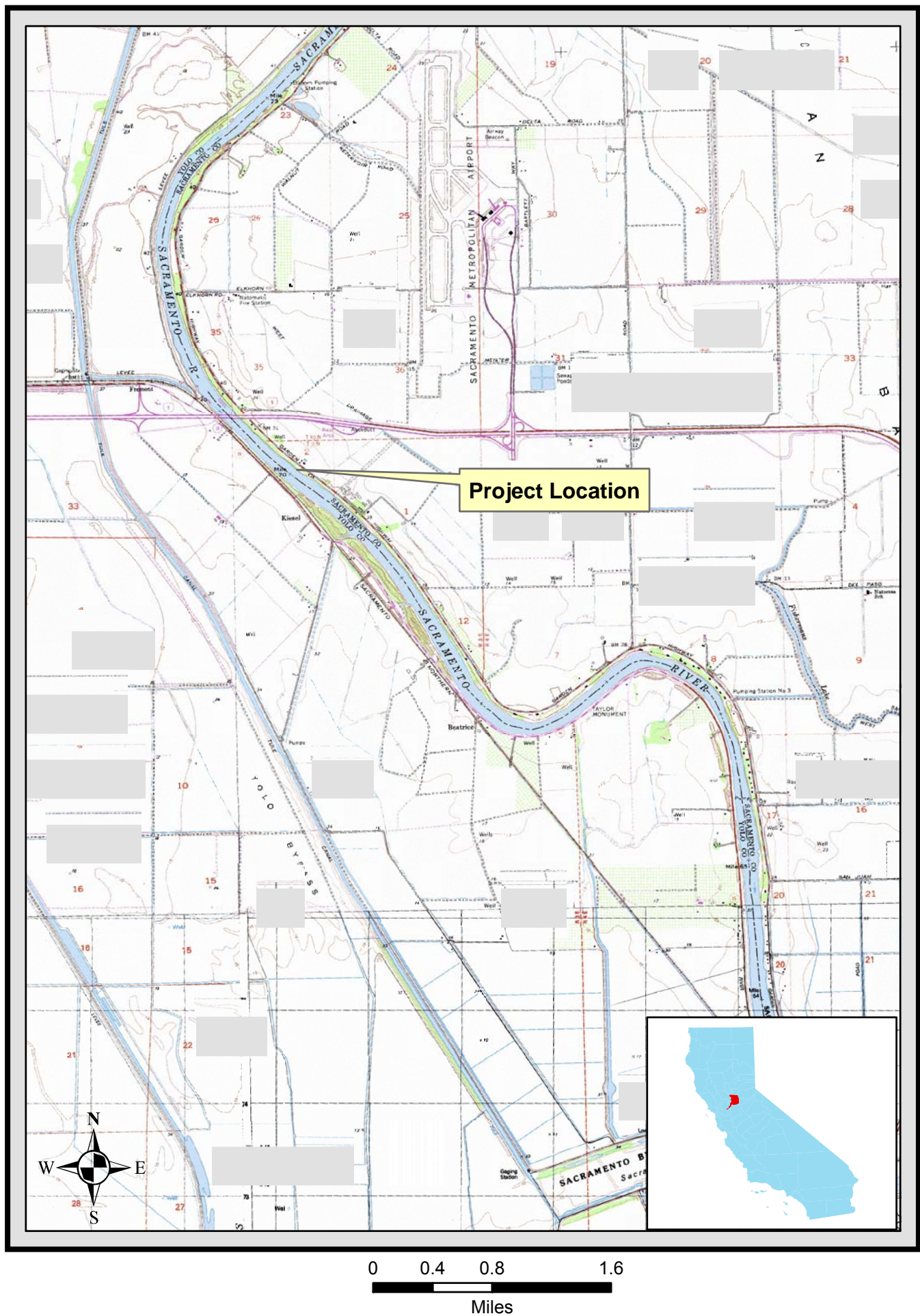
Staff recommends that the Board determine the project be exempt from CEQA, approve Permit No. 18696 conditioned upon receipt of a USACE 208.10 letter of determination confirming that the Corps has no objection to the project, and direct the Executive Officer to take necessary actions to execute the permit and file a Notice of Exemption with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

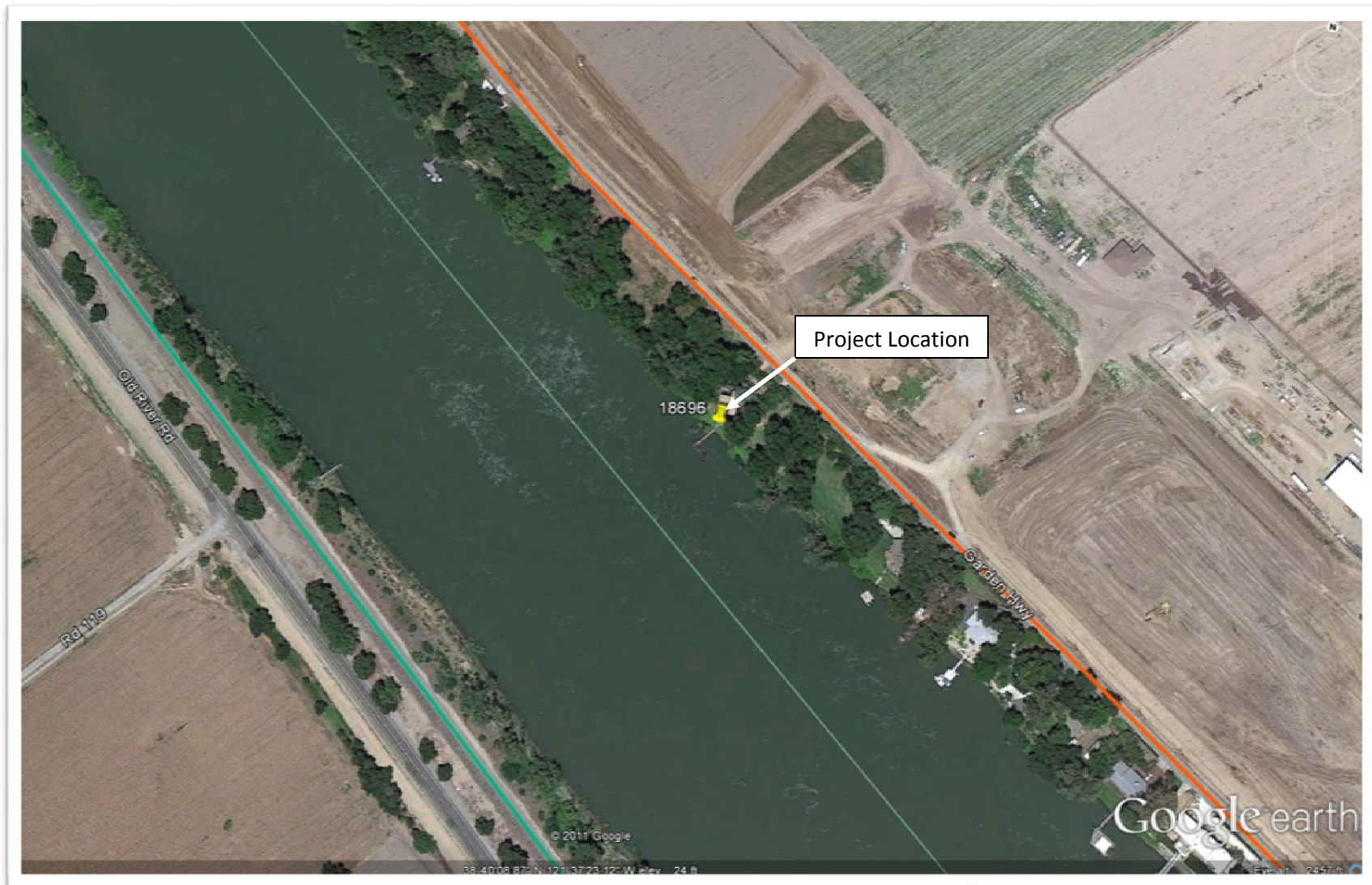
- A. Location Maps and Photos
- B. Draft Permit No. 18696

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

Project Location Map



Vicinity Map



Completed pilings, dock, ramp and stairs



from 5601 Garden Hwy

Apr 2011

Landside view from Dock



5601 Garden Hwy Sac CA 95837 Apr 2011

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

PERMIT NO. 18696 BD

This Permit is issued to:

Ronald Muller
5601 Garden Highway
Sacramento, California 95837

To authorize an existing 6 ft. by 34 ft. floating boat dock supported by two steel pilings, a floating gangway, and access stairs on the left (east) bank of the Sacramento River. The project is located on the left (east) bank of the Sacramento River at 5601 Garden Highway, Sacramento, California (Section 2, T9N, R3E, 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. 18696 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 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.

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 Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No.1000 shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

SEVENTEEN: Upon receipt of a signed copy of the issued permit the permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to

schedule a conference for permit condition compliance.

EIGHTEEN: The top of piles supporting the boat dock shall be a minimum distance of 2 feet above the design flood plane elevation of 34.4 feet, NGV Datum.

NINETEEN: The proposed floating boat dock and gangway shall be properly anchored to prevent detachment from their anchoring systems during periods of high water.

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

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

TWENTY-TWO: 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-THREE: 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.

TWENTY-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 Department of Water Resources or any other agency responsible for maintenance.

TWENTY-FIVE: 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.

TWENTY-SIX: 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-SEVEN: 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-EIGHT: The permittee shall comply with all conditions set forth by Reclamation District

No.1000 which are attached to this permit as Exhibit A and are incorporated by reference.

TWENTY-NINE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated January xx, 2012, which is attached to this permit as Exhibit B and is incorporated by reference.



RECLAMATION
DISTRICT 1000

Permit Conditions

Permit Application No. Unnumbered

Location: 5601 Garden Highway--Sacramento River RM 70.2L (approx)

Applicant: Ronald Muller

Description: Existing Pilings, Boat Dock, Ramp and Stairs

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 is responsible for 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