

**Meeting of the Central Valley Flood Protection Board
December 21, 2012
Staff Report – Encroachment Permit No. 18159-3-2
Sacramento Area Flood Control Agency
Sacramento River East Levee Reaches 1 through 4B
Access Control Gates Project, Sacramento County**

1.0 – ITEM

Consider approval of Permit No. 18159-3-2.

2.0 – APPLICANT

Sacramento Area Flood Control Agency (SAFCA)

3.0 – LOCATION

The project sites for the proposed access control gates lay along the left (east) bank levee of the Sacramento River between the mouth of the Natomas Cross Canal and a point downstream approximately midway between Riego and Elverta Roads. The specific sites are located at Ramp 1 (two gates), Ramp 4 (one gate) and Pumping Plant 2 (three gates) in Sacramento County (see Attachment A for Project Vicinity and Site Maps).

4.0 – DESCRIPTION

SAFCA's Sacramento River East Levee (SREL) Reaches 1 through 4B Access Control Gates Installation Project proposes to install six access control gates to restrict vehicle access at SREL Ramp 1, Ramp 4 and Pumping Plant 2. These gates are minor appurtenant components of the Natomas Levee Improvement Program (NLIP), a comprehensive flood risk reduction program designed to provide a "200-year" level of protection to the Natomas Basin. The Phase 2 portion of the NLIP, Landside Improvements Project included Reaches 1 to 4B.

The Board previously approved construction of Reaches 1 through 4A of the NLIP Landside Improvements Project on March 27, 2009 through Permit No. 18159-3 and

Resolution 2009-07. The Board then later approved construction of Reach 4B on June 19, 2009 through Permit No. 18159-3-1 and Resolution 2009-12. The access control gates were not included in the plans and specifications for those permits, and therefore require permitting as proposed herein.

SAFCA has designed four types of gates for the NLIP project which are described as follows:

The Type A gate is a 34-foot-wide gate that will be placed at locations where large farming equipment will need to travel to private land on the landside of the levee easement. The gate has two 17-foot swing arms with one hinge post and one support post on both sides.

The Type B gate is a 17-foot-wide gate that will be placed on the levee crown for access to the levee. The gate has one 17-foot swing arm with one hinge post and one support post on the hinge side and a latch post on the latch side. To accommodate future plans for a bike path along the levee crown a bollard will be installed approximately 3.5 feet from the latch post.

The Type C gate is a 17-foot-wide gate that will be placed on the levee toe and selected landside access ramps for access to the levee. The gate has one 17-foot swing arm with one hinge post and one support post on the hinge side and a latch post on the latch side.

The Type D gate is a 24-foot-wide gate that will be placed at locations where large farming equipment will need to travel to private land on the landside of the levee easement. The gate has two 12-foot swing arms with one hinge post and one support post on both sides.

For this application only Type B, C and D gate designs are proposed as follows:

- Installation of one single arm access control gate (Type B) using one 17-foot-wide arm with 4.5-foot-wide frame at the hinge.
- Installation of four single arm access control gates (Type C) with bollard using one 17-foot-wide arm with 4.5-foot-wide frame at the hinge, and a 4-foot-tall bollard.
- Installation of one dual arm access control gate (Type D) using two 12-foot-wide arms with 4-foot-wide frames at each end.

All gates will have concrete-filled posts with steel studs welded on equal spacing within the concrete foundation. The tops of all posts will include rounded concrete caps. Gates will consist of 6-inch standard pipe posts and 3-inch standard pipe cross braces for the latch posts, support posts, and hinge posts. Gate arms will consist of hollow steel tubing. Locking mechanisms will either be single lock where access is only needed for the levee maintaining agency or multi-locks where access is needed by additional users.

Based on the work proposed under this permit application the gates will be installed along the existing access roads within the footprint of the work conducted under previously issued Board permits 18159-3 and 18159-3-1 for the SREL Landside Improvement Project – Phase 2 Project for Reaches 1 through 4B (See Attachment B for Project Plans and Sections).

5.0 – PROJECT ANALYSIS

The project analysis was performed by Board staff.

5.1 – Authority of the Board

Title 23, §6 - Need for a Permit and §126 - Fences and Gates

5.2 – Hydraulic Analysis

No gates were proposed on the waterside of the levee. All proposed gates are located either on the levee crown or at the landside levee toe therefore no hydraulic analysis is required for this project.

5.3 – Geotechnical Analysis

No geotechnical analysis is required for this project as geotechnical impacts during installation of these gates are considered insignificant.

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 comment letter was received for this application on December 11, 2012. The letter indicates that the USACE District Engineer has no objection to the project, subject to conditions, and it has been incorporated into the permit as Exhibit A (see Attachment D, Exhibit A).
- Reclamation District 1000 has endorsed this application, subject to conditions, which are incorporated into the permit as Exhibit B (see Attachment D, Exhibit B).

7.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA Findings:

The Board, acting as a responsible agency under CEQA, has independently reviewed the Program Environmental Impact Report (EIR) (SCH No. 2007062016, November 2007), Supplemental EIR (SEIR) (SCH No. 2007062016, November 2008), Mitigation Monitoring and Reporting Program (MMRP), and SAFCA Resolution 09-22 for the Natomas Levee Improvement Program, Landside Improvements Project - Phase 2 Project prepared by the lead agency, SAFCA. These documents including project design and SAFCA resolutions may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2012/12-21-2012.cfm> under a link for this agenda item. The documents are also available for review in hard copy at the Board and SAFCA offices.

The Board previously approved construction of Reaches 1 through 4A of the NLIP Landside Improvements Project on March 27, 2009 through Permit No. 18159-3 and Resolution 2009-07 and made appropriate CEQA findings. The Board then later approved construction of Reach 4B on June 19, 2009 through Permit No. 18159-3-1 and Resolution 2009-12 and made appropriate CEQA findings. The Board finds that the proposed access control gates are within the scope of the previously adopted Program EIR and SEIR and therefore constitute a subsequent activity to the EIR and SEIR. The Board further finds that no new environmental effects could occur and no new mitigation measures are required pursuant to CEQA Guidelines section 15162. Therefore, no new environmental document is required pursuant to CEQA Guidelines section 15168.

The documents and other materials which constitute the record of the Board's proceedings in this matter are in the custody of Jay Punia, Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Rm. 151, Sacramento, California 95821.

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 has considered all the evidence presented in this matter, including the original Application for Permit No. 18159-3-2 and technical documentation provided by SAFCA on the Natomas Levee Improvement Program, Landside Improvements Project, past and present Staff Reports and attachments, the original and supplemental Environmental Impact Reports on the Natomas Levee Improvement Program, Landside Improvements Phase 2 Project (Draft and Final Versions), SAFCA Resolution 09-22 including findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

The custodian of the file is Executive Officer Jay Punia at the Central Valley Flood Protection Board, 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

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.

In making its findings, the Board has used the best available science relating to the issues presented by all parties and the design is in compliance with these standards.

3. Effects of the decision on facilities of the State Plan of Flood Control, and consistency of the proposed project with the Central Valley Flood Protection Plan as adopted by Board Resolution 2012-25 on June 29, 2012:

This project has no adverse effects on facilities of the State Plan of Flood Control and is consistent with the Central Valley Flood Protection Plan.

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 other foreseeable projected future events that would impact this project.

9.0 – LAND RIGHT-OF-WAY CONCERNS

The applicant is not required to acquire any new rights of way to construct the project. All work will be performed within the limits of construction of the previously permitted project (Permit Nos. 18159-3 and 18159-3-1).

10.0 – STAFF RECOMMENDATION

Staff recommends that the Board adopt Resolution 2012-50 which:

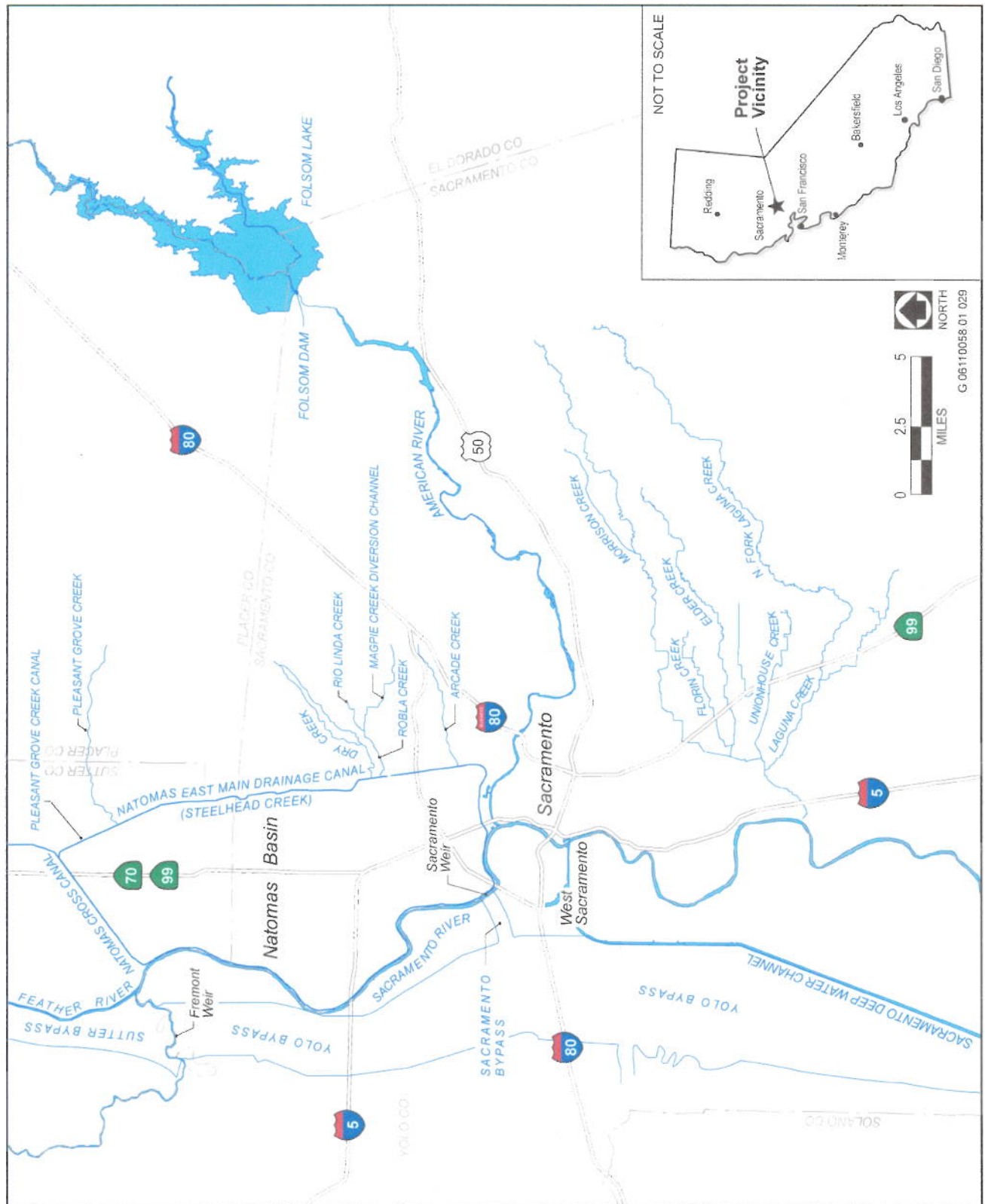
- adopts the CEQA findings,
- approves the permit,
- and directs the Executive Officer to take the necessary actions to execute the permit, and file a Notice of Determination with the State Clearinghouse.

11.0 – LIST OF ATTACHMENTS

- A. Project Vicinity and Site Maps
- B. Project Plans and Sections
- C. Resolution 2012-50
- D. Draft Permit No. 18159-3-2

Technical Review:	Deb Biswas, PhD, PE, Engineer
Environmental Review:	James Herota, Staff Environmental Scientist
Document Review:	David R. Williams, PE – Senior Engineer
	Eric R. Butler, PE - Supervising Engineer
	Len Marino, PE – Principal Engineer

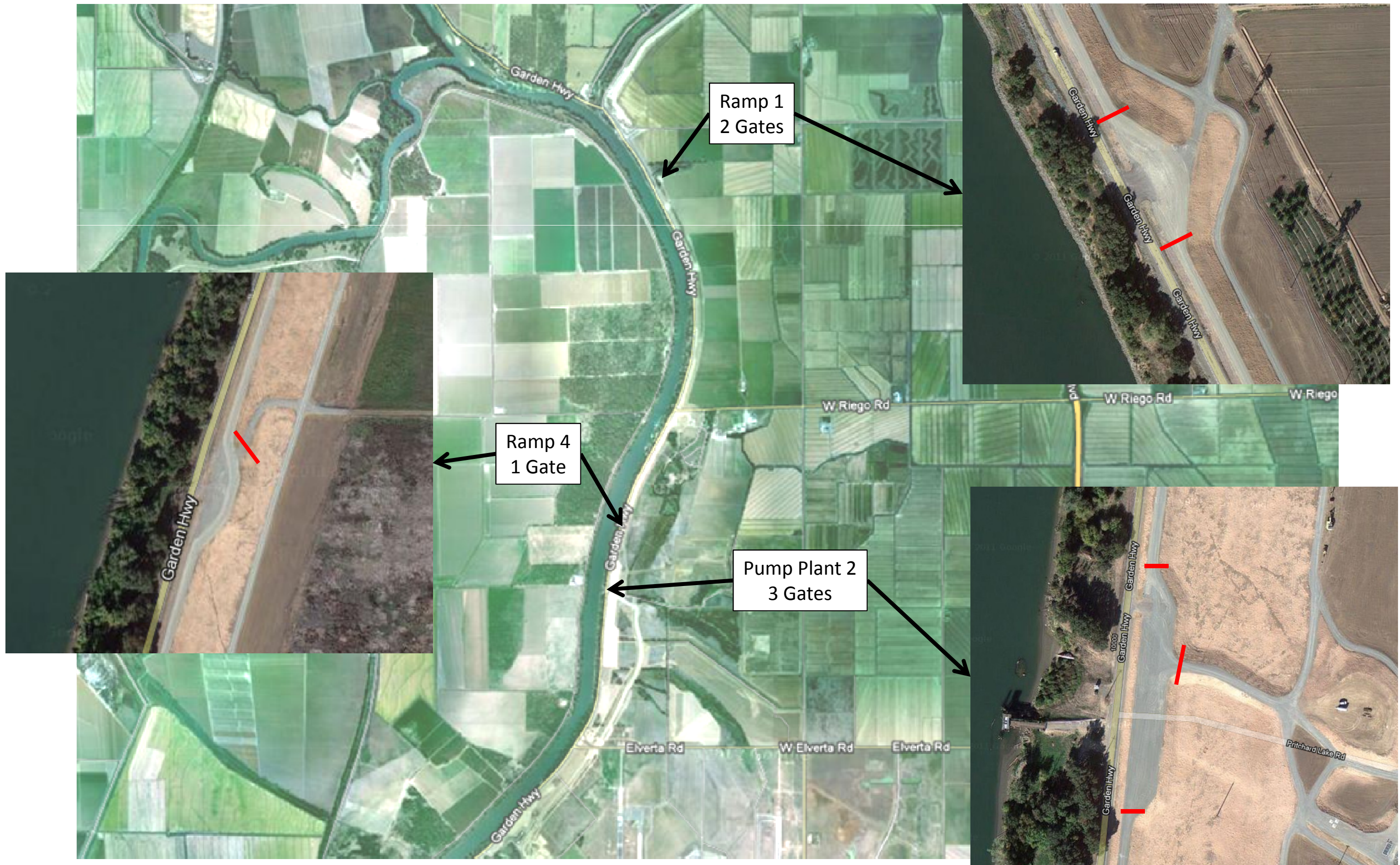
Attachment A - Project Vicinity Map



Source: CaSil, adapted by EDAW for SAFCA 2007

Project Location

Exhibit 2-1



Not to Scale

[Attachment A - Project Site Map](#)



Sacramento River East Levee Reaches 1 through 4B

Access Control Gates Installation Project
Sacramento Area Flood Control Agency

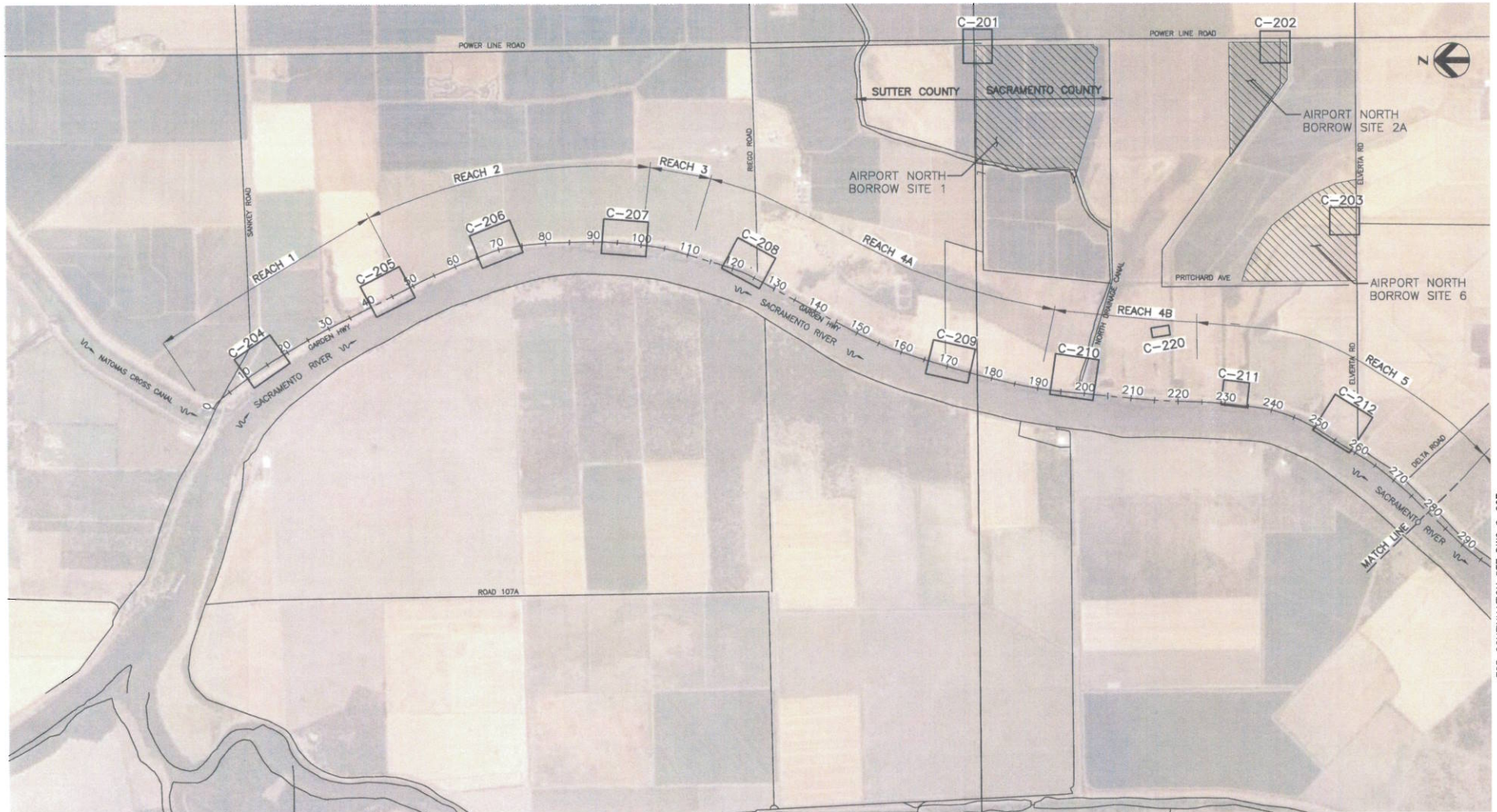
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FIGURE

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Attachment B

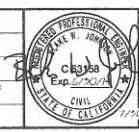


FOR CONTINUATION SEE DWG G-007

CONFORMED SET
JULY 31, 2012

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DESIGNED BY:
A. QUINTALL
DRAWN BY:
H. SUAREZ
IN CHARGE:
B. JOHNSON
PROJECT/QC MANAGER:
C. KRIVANEC/J. MACK
DATE:
05/03/12

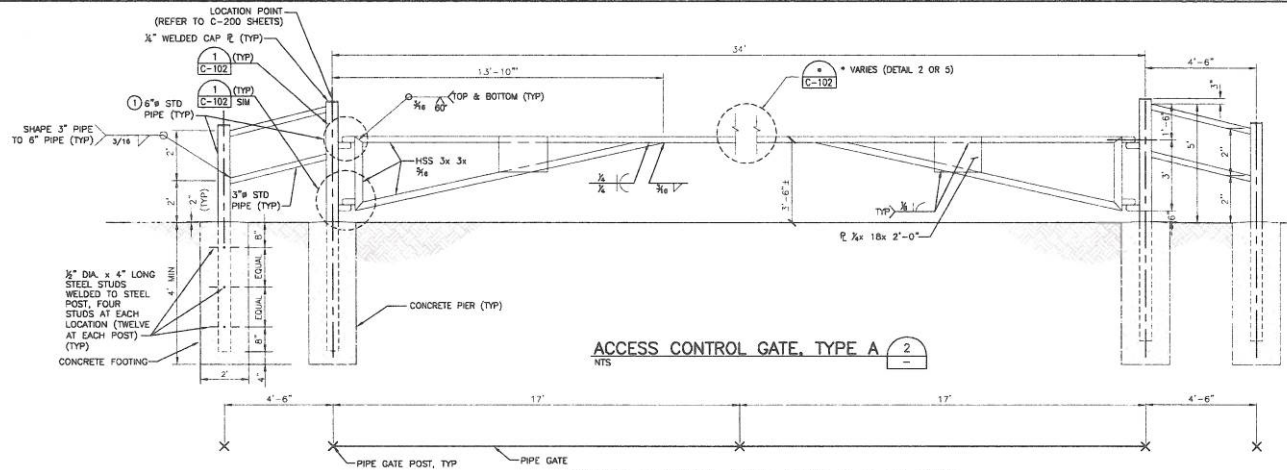
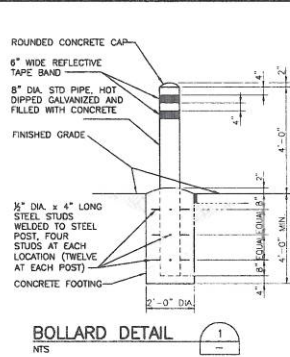


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HDR Engineering Inc.
2380 Iron Point Rd. Suite 300
Folsom, CA 95630

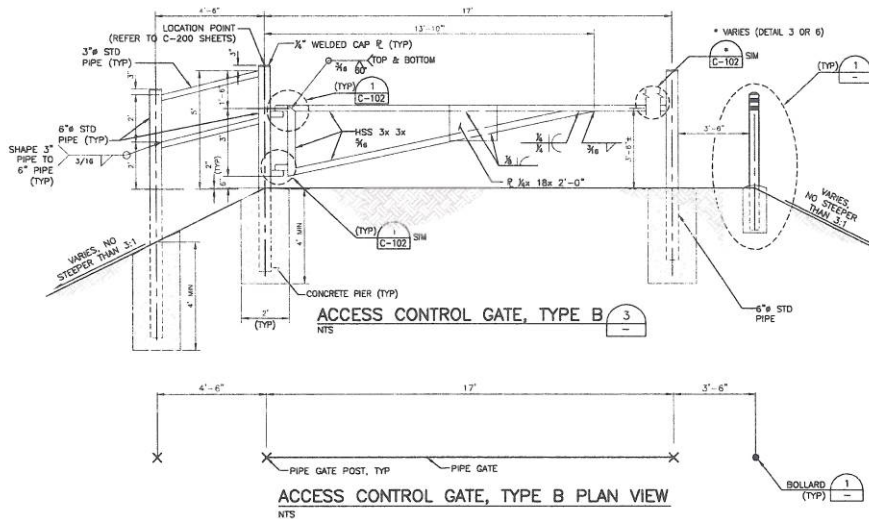
SAFCA
VOL 2: SREL ACCESS CONTROL GATES INSTALLATION
OVERALL SITE PLAN KEY MAP (1 OF 2)

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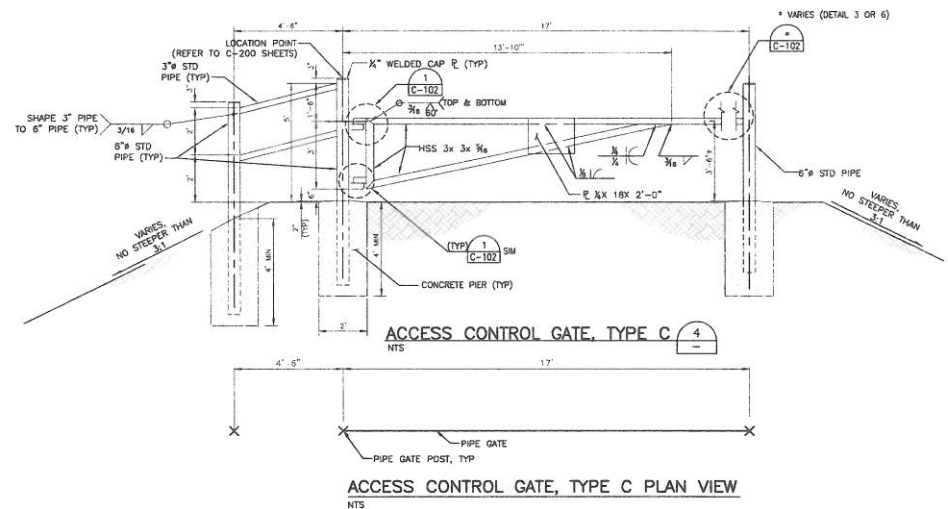
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ACCESS CONTROL GATE, TYPE A PLAN VIEW



ACCESS CONTROL GATE, TYPE B PLAN VIEW



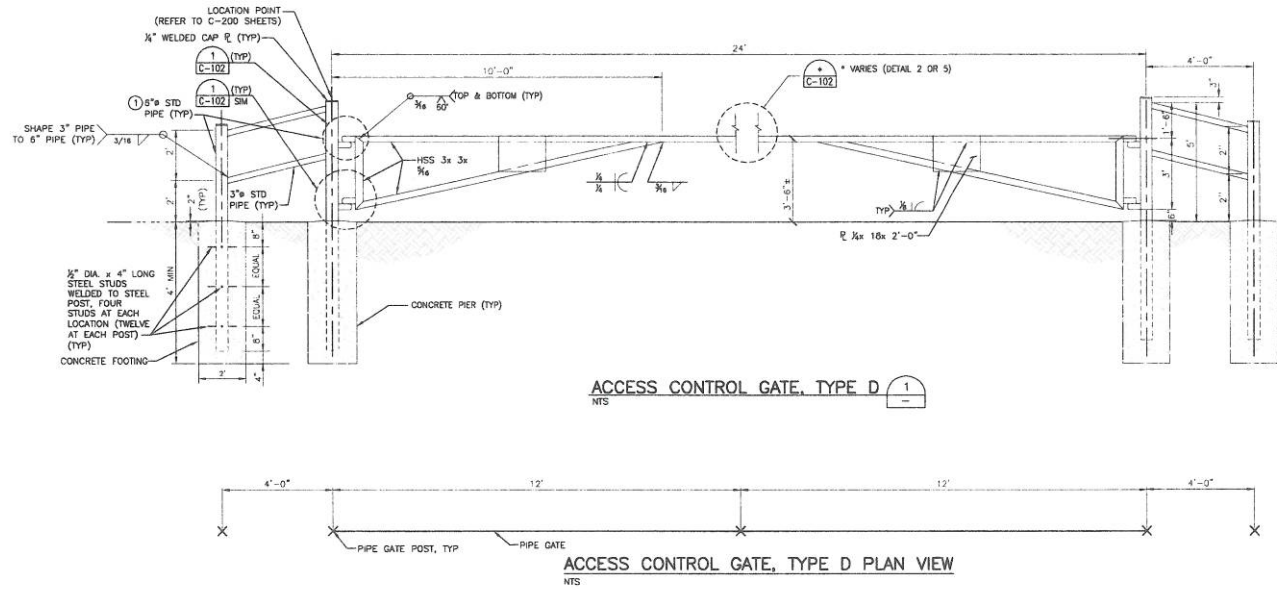
ACCESS CONTROL GATE, TYPE C PLAN VIEW

CONFORMED SET
JULY 31, 2012

NOTES:

① 6"Ø STD PIPE SHALL BE FILLED WITH CONCRETE.

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CONFORMED SET
JULY 31, 2012

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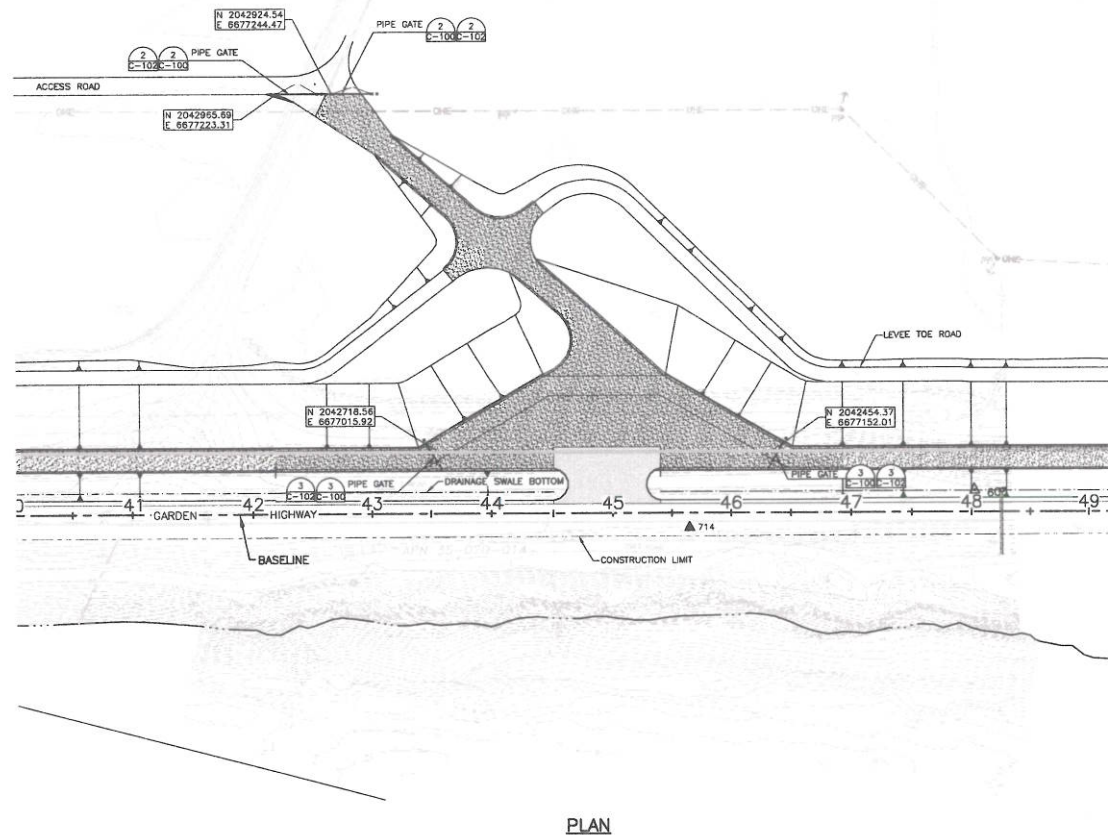
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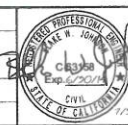
- ① SURFACE TOPOGRAPHY SHOWN IS APPROXIMATE. CONTRACTOR SHALL VERIFY FIELD CONDITIONS AND NOTIFY AGENCY IF DISCREPANCIES ARE FOUND.



CONFORMED SET
JULY 31, 2012

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SAFCA

VOL 2: SREL ACCESS CONTROL GATES INSTALLATION

GATE PLAN VIEW
RAMP 1

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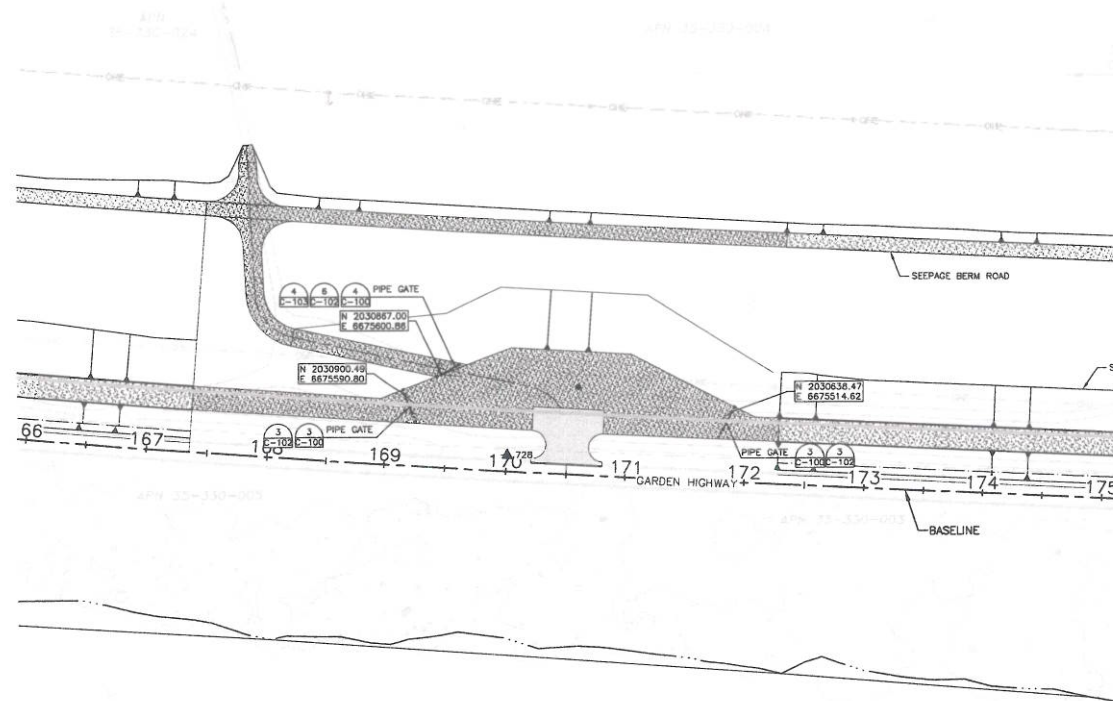
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- ① SURFACE TOPOGRAPHY SHOWN IS APPROXIMATE. CONTRACTOR SHALL VERIFY FIELD CONDITIONS AND NOTIFY AGENCY IF DISCREPANCIES ARE FOUND.

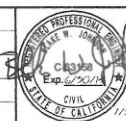


PLAN

CONFORMED SET
JULY 31, 2012

HORIZ SCALE: 1"=50'

												DESIGNED BY: A. QUINTRALL DRAWN BY: H. SUAREZ IN CHARGE: B. JOHNSON PROJECT/GC MANAGERS: C. KRYANEC/J. MACK DATE: 05/03/12												  <div>HDR Engineering Inc. 2305 Iron Point Rd. Suite 300 Folsom, CA 95630</div>												<div>SAFCA</div> <div>VOL 2: SREL ACCESS CONTROL GATES INSTALLATION</div> <div>GATE PLAN VIEW RAMP 4</div>												<div>VERIFY SCALES BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES FOR REDUCED PLOTS 0"=1"</div> <div>DRAWING NO. SHEET C-209 19</div>											



HDR

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2305 Iron Point Rd., Suite 300
Folsom, CA 95630

SAFCA

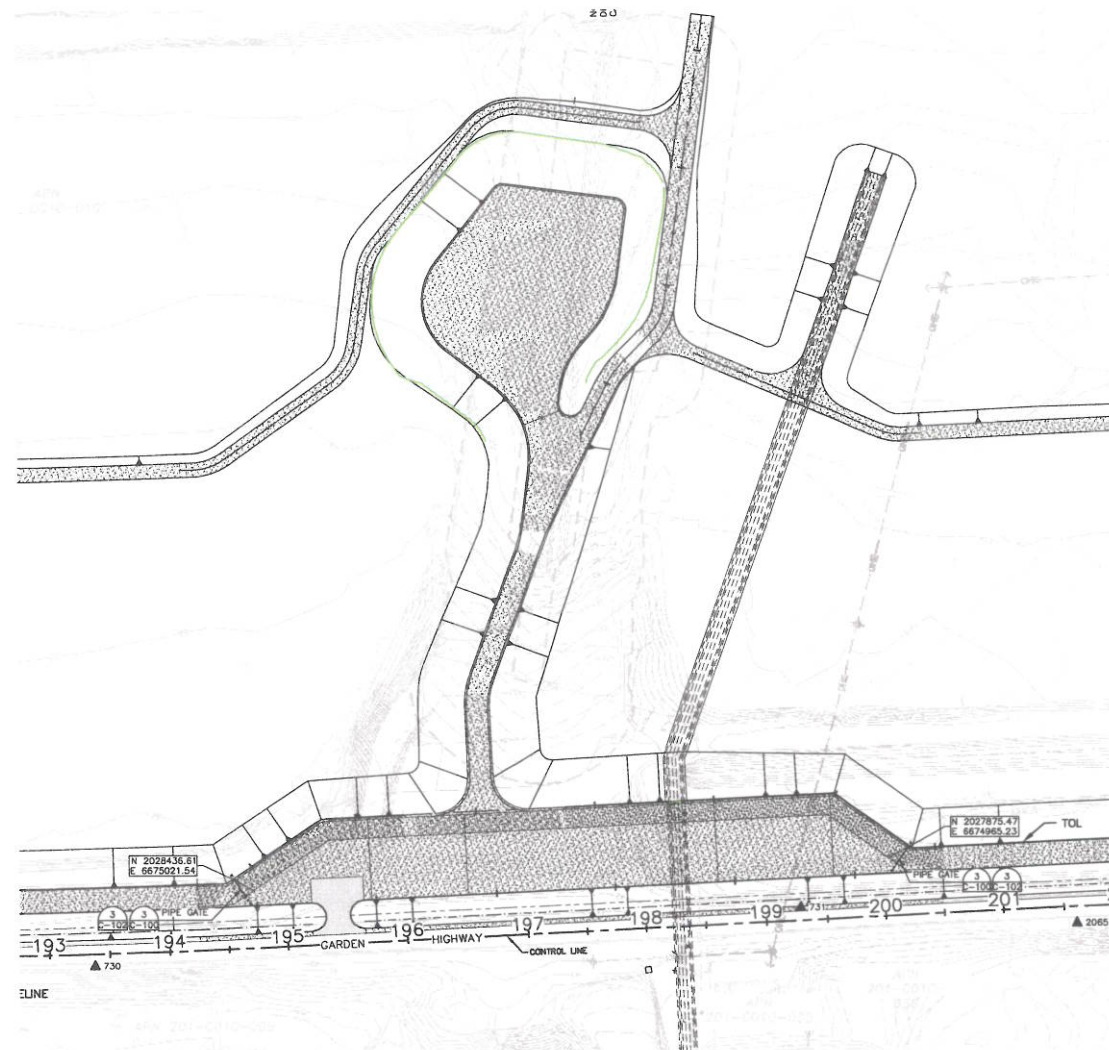
VOL 2: SREL ACCESS CONTROL GATES INSTALLATION

GATE PLAN VIEW
RAMP 4

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Attachment B




- NOTES:**
- 1 SURFACE TOPOGRAPHY SHOWN IS APPROXIMATE. CONTRACTOR SHALL VERIFY FIELD CONDITIONS AND NOTIFY AGENCY IF DISCREPANCIES ARE FOUND.
 - 2 CONTRACTOR SHALL PROVIDE TYPE 'D' ACCESS CONTROL GATE WITH 8-LOCK MULTI-LOCK IN ADDITION TO THE GATES SHOWN FOR USE IN FUTURE IMPROVEMENT PLANS AS DIRECTED BY THE AGENCY.
 - 3 CONTRACTOR SHALL COORDINATE WITH PUMPING PLANT 2 CONTRACTOR FOR INSTALLATION OF GATES.

CONFORMED SET
JULY 31, 2012

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PLAN

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

PROPOSED RESOLUTION NO. 2012-50

**FINDINGS AND DECISION AUTHORIZING ISSUANCE OF
ENCROACHMENT PERMIT NO. 18159-3-2**

**SACRAMENTO AREA FLOOD CONTROL AGENCY
SACRAMENTO RIVER EAST LEVEE REACHES 1 THROUGH 4B
ACCESS CONTROL GATES PROJECT, SACRAMENTO COUNTY**

WHEREAS, the Sacramento Area Flood Control Agency (SAFCA) proposed the Natomas Levee Improvement Program (NLIP), a comprehensive flood risk reduction program designed to provide a “200-year” level of protection to the Natomas Basin, and;

WHEREAS, the Central Valley Flood Protection Board (Board) previously approved Permit No. 18159-3 and made findings pursuant to the California Environmental Quality Act (CEQA) at the March 27, 2009 meeting for SAFCA’s Sacramento River East Levee (SREL), NLIP Landside Improvements Project, Phase 2 Project to construct a combination of seepage cutoff wall, adjacent levee, seepage berm, surface draining structures, relief wells and other related structures along Reaches 1 through 4A by SAFCA designation of the existing left (east) bank levee of the Sacramento River; and

WHEREAS, the Board also approved Permit No. 18159-3-1 and made additional findings pursuant to CEQA at the June 19, 2009 meeting for the SAFCA NLIP, Landside Improvements Project, Phase 2 Project to construct a combination of soil-bentonite seepage cutoff wall, adjacent levee, seepage berm, surface drainage structures, pumping plant discharge pipelines, swale drains and grading work preparatory to construction of a new pumping plant to be built in the future along adjacent Reach 4B by SAFCA designation of the existing left (east) bank levee of the Sacramento River; and

WHEREAS, SAFCA submitted Application 18159-3-2 to the Board on June 16, 2012 to install six access control gates within the recently constructed SREL project Reaches 1 through 4B. This work is described by SAFCA as the “Sacramento River East Levee Reaches 1 through 4B Access Control Gates Project”. The gates are minor appurtenant components of the NLIP project; and

WHEREAS, the project sites lay along the left (east) bank levee of the Sacramento River between the mouth of the Natomas Cross Canal and a point downstream approximately midway between Riego and Elverta Roads. The specific sites are located at Ramp 1 (two gates), Ramp 4 (one gate) and Pumping Plan 2 (three gates) in Sacramento County; and

WHEREAS, SAFCA as lead agency under the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* (“CEQA”) prepared a Program Environmental Impact Report (EIR) on the Natomas Levee Improvement Program (NLIP) Landside Improvements Project, Phase 2 Project, (SCH No. 2007062016, November 2007); including a Supplemental EIR (SEIR) (SCH No. 2007062016, November 2008), and a Mitigation Monitoring Reporting Program (MMRP) (incorporated herein by reference and available at Board or SAFCA offices); and

WHEREAS, On January 29, 2009, SAFCA approved Resolution 09-22 for the Natomas Levee Improvement Program Landside Improvements Project, Phase 2 Project, the MMRP, the SEIR, and approved findings and a statement of overriding considerations pursuant to the CEQA Guidelines (incorporated herein by reference); and

WHEREAS, SAFCA analyzed the installation of six access control gates from Reach 1 through Reach 4B in the EIR, SEIR, and MMRP; and

WHEREAS, on August 21, 2012, Reclamation District 1000 endorsed Application 18159-3-2; and

WHEREAS, The U.S. Army Corps of Engineers (USACE) comment letter was received on December 11, 2012 without objection to the proposed project subject to conditions, and that the letter has been incorporated it into the Permit as Exhibit A; and

WHEREAS, Board staff completed a technical review of Permit Application No. 18159-3-2; and

WHEREAS, the Board conducted a public hearing on December 21, 2012 on Permit Application No. 18159-3-2 and has reviewed the reports of its staff, the documents and correspondence in its files, and the environmental documents prepared by SAFCA.

NOW, THEREFORE, BE IT RESOLVED THAT,

Findings of Fact

1. The Board hereby adopts as findings the facts set forth in the Staff Report.
2. The Board has reviewed all Attachments, Exhibits, Figures, and References listed in the Staff Report.

CEQA Findings

3. The Board, as a responsible agency, has independently reviewed the analyses in the Program EIR on the NLIP Landside Improvements Project - Phase 2 Project, (SCH No. 2007062016, November 2007); the SEIR (SCH No. 2007062016, November 2008), the MMRP on the

NLIP Landside Improvements Project - Phase 2 Project, and the SAFCA findings, and has reached its own conclusions regarding them.

4. The Board finds that the proposed access control gates are within the scope of the previously adopted Program EIR and SEIR and therefore constitute a subsequent activity to the EIR and SEIR. The Board further finds that no new environmental effects could occur and no new mitigation measures are required pursuant to CEQA Guidelines section 15162. Therefore, no new environmental document is required pursuant to CEQA Guidelines section 15168.
5. **Custodian of Record.** The custodian of the CEQA record for the Board is its Executive Officer, Jay Punia, at the Board offices at 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

Considerations pursuant to Water Code section 8610.5

6. **Evidence Admitted into the Record.** The Board has considered all the evidence presented in this matter, including the original Application for Permit No. 18159-3-2 and technical documentation provided by SAFCA on the NLIP, Landside Improvements Project, Phase 2 Project, past and present Staff Reports and attachments, the original Environmental Impact Report on the Natomas Levee Improvement Program, Landside Improvements Project - Phase 2 Project (Draft and Final Versions), SAFCA Resolution 09-22 including findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program.

The custodian of the file is Executive Officer Jay Punia at the Central Valley Flood Protection Board, 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

7. **Best Available Science.** In making its findings, the Board has used the best available science relating to the issues presented by all parties and the design is in compliance with these standards.
8. **Effects on Facilities of the State Plan of Flood Control.** This project has no adverse effects on facilities of the State Plan of Flood Control, and is consistent with the adopted 2012 Central Valley Flood Protection Plan.
9. **Effects of Reasonably Projected Future Events.** There are no other foreseeable projected future events that would impact this project.

Other Findings/Conclusions regarding Issuance of the Permit

10. Based on the foregoing and particularly on the evidence that the condition of the existing Natomas levees, prior to the beginning of construction of the NLIP Landside Improvements Project, poses an unacceptable risk to life and property, the Board finds and concludes that the issuance of Encroachment Permit No. 18159-3-2 for installation of access control gates is in the public interest.

11. This resolution shall constitute the written decision of the Board in the matter of Permit No. 18159-3-2.

Approval of Encroachment Permit No. 18159-3-2

12. Based on the foregoing the Central Valley Flood Protection Board hereby approves issuance of Encroachment Permit No. 18159-3-2 in substantially the form provided as Staff Report Attachment D.
13. The Board directs the Executive Officer to take the necessary actions to prepare and execute Encroachment Permit No. 18159-3-2 and all related documents, and to prepare and file a Notice of Determination pursuant to CEQA for installation of six access control gates, minor appurtenant components of the Natomas Levee Improvement Program, Landside Improvements Project - Phase 2 Project.

PASSED AND ADOPTED by vote of the Board on _____, 2012

Bill Edgar
President

Jane Dolan
Secretary

DRAFT

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

PERMIT NO. 18159-3-2 BD

This Permit is issued to:

Sacramento Area Flood Control Agency
1007 7th Street, 7th Floor
Sacramento, California 95814

To install six access control gates at the Sacramento River East Levee (SREL) project from reach 1 through reach 4B. The proposed access control gates are located at Ramp 1, Ramp 4 and Pumping Plant 2 of the SREL project. Two gates are proposed at Ramp 1. The coordinates of the two gates at Ramp 1 are: 38.770576 degree N and -121.595428 degree E; and 38.769833 degree N and -121.594937 degree E. One gate is proposed at Ramp 4. The coordinate of the gate at Ramp 4 is: 38.738190 degree N and -121.600468 degree E. Three gates are proposed at Pumping Plant 2. The coordinates of the gates at Pumping Plant 2 are: 38.731403 degree N and -121.602633 degree E; 38.730829 degree N and -121.602430 degree E; and 38.729950 degree N and -121.602852 degree E. The project is located within reaches 1 through 4B of the Sacramento River east levee in Sacramento and Sutter Counties. (Section , T , R , MDB&M, Reclamation District 1000, Sacramento River, Sacramento/Sutter 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. 18159-3-2 BD

THIRTEEN: All work completed under this permit, as directed by the general and special conditions herein, shall be accomplished to ensure that the work is not injurious to the adopted plans of flood control, regulated streams, and designated floodways under Board jurisdiction, as defined in California Code of Regulations, Title 23. This permit only applies to the completion of work in the project description located within, or adjacent to and having bearing on Board jurisdiction, and which directly or indirectly affects the Board's jurisdiction. This special condition shall apply to all subsequent conditions herein.

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

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

SEVENTEEN: The permittee shall contact the Department of Water Resources, Inspection Branch by telephone at (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. The permittee shall also contact the Central Valley Flood Protection Board's Construction Supervisor at (916) 574-2646 for quality assurance inspection. Failure to do so at least ten (10) working days prior to start of work may result in delay of the project.

EIGHTEEN: The Central Valley Flood Protection Board and 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.

NINETEEN: 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: 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-ONE: 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-TWO: 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.

TWENTY-THREE: 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.

TWENTY-FOUR: The mitigation measures approved by the CEQA lead agency and the permittee are found in its Mitigation Monitoring and Reporting Program adopted by the CEQA lead agency. The permittee shall implement all such mitigation measures.

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: Upon completion of the project, the permittee shall submit a final completion letter and as-built drawings to the Central Valley Flood Protection Board, 3310 El Camino Avenue, Suite 151, Sacramento, California 95821 and Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.

TWENTY-SEVEN: 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-EIGHT: No material stockpiles, temporary buildings, or equipment shall remain in the floodway during the flood season from November 1 to April 15.

TWENTY-NINE: The proposed gates shall not be constructed of cable or chain.

THIRTY: The proposed gates at the levee crown shall have a minimum opening width of 14 feet.

THIRTY-ONE: If, in the opinion of the Central Valley Flood Protection Board, the gates become unnecessary due to changes in location of public access points, the permittee agrees to remove the gate at the request of the Central Valley Flood Protection Board and at permittee's cost and expense.

THIRTY-TWO: Any lock on the gates must be accessible to maintenance and inspection personnel and must not be casehardened.

THIRTY-THREE: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the gates, and locks within 10 feet of the levee toe resulting from flood fight, maintenance, inspection, or emergency repair.

THIRTY-FOUR: All fill material shall be imported 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. Fill 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.

THIRTY-FIVE: Keys shall be provided to the local maintenance agency and the Department of Water Resources for all locks on gates providing access to the floodway, levee ramp, levee toe, and along the levee crown.

THIRTY-SIX: The permittee shall comply with all conditions set forth in the letter from the Department of Army (U.S. Army Corps of Engineers) dated December 11, 2012, which is attached to this permit as Exhibit A and is incorporated by reference.

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



REPLY TO
ATTENTION OF

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

Attachment D, Exhibit A

Flood Protection and Navigation Section (18159-3-2)

DEC 11 2012

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

Dear Mr. Punia:

We have reviewed a permit application by Sacramento Area Flood Control Agency (application number 18159-3-2). These plans include installing six access control gates under the "Sacramento River East Levee Reaches 1 through 4B Access Control Gates Installation Project." Gate 1 is located at 38.7706°N 121.5954°W, Gate 2 is located at 38.7699°N 121.5950°W, Gate 3 is located at 38.7381°N 121.6005°W, Gate 4 is located at 38.7314°N 121.6027°W, Gate 5 is located at 38.7299°N 121.6028°W and Gate 6 is located at 38.7308°N 121.6024°W NAD83, in Sacramento and Sutter Counties, California.

The District Engineer has no objection to approval of this application by your Board from a flood control standpoint, subject to the following conditions:

- a. That the proposed work shall not be performed during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That in the event trees and brush are cleared, they shall be properly disposed of by either complete burning or complete removal outside the limits of the project right-of-way.
- c. That if, in the opinion of the Board, a gate becomes unnecessary due to changes in location of public access points or construction of other gates, the permittee must remove the gate at the request of the Board.
- d. That the proposed work shall not interfere with the integrity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

Based upon the information provided, no Section 10 or Section 404 permit is needed.

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,

Rick L. Poeppelman, P.E.
Chief, Engineering Division



RECLAMATION
DISTRICT 1000

Permit Conditions

Permit Application No. 18159-3-X

Location: Sacramento River (East Levee) Reach 1 to 4B (Natomas Cross Canal to approx RM 74.8)

Applicant: Sacramento Area Flood Control Agency

Description: Access Gate Installation

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 until accepted by the District.
2. Permittee shall obtain all necessary permits and regulatory approvals for the proposed work.
3. Permittee shall coordinate with the District in the preparation of the project plans and specifications and with any modifications thereto. District shall review and approve final plans and specifications prior to construction and shall also review and approve all proposed modifications to the approved project plans and specifications prior to their construction. Final gate locations shall be approved by the District in the field.
4. Work on the levee or within the Sacramento River shall be done outside of the flood season (November 1 to April 15) unless otherwise approved by the Central Valley Flood Protection Board and the District.
5. Permittee shall acquire necessary right of way for the improvements and convey said rights to the District for operation and maintenance of the flood control features to the satisfaction of the District.
6. Permittee shall restore the levee, access roads, gates, fences and other associated flood control facilities to the satisfaction of the District upon completion of the work or prior to flood season.
7. In event of an emergency, Permittee shall immediately restore the levee and access to the satisfaction of the District.

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

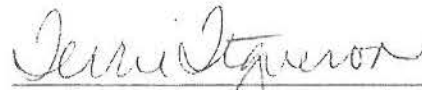
NOW, THEREFORE BE IT RESOLVED:

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.

A handwritten signature in cursive script, reading "Terrie Figueroa", written over a horizontal line.

Terrie Figueroa
District Secretary