

**Meeting of the Central Valley Flood Protection Board
December 20, 2013**

Staff Report – Encroachment Permit 15773-1

**Jim Morris
Georgiana Slough, Sacramento County**

1.0 - ITEM

Consider approval of Permit No. 15773-1 (Attachment B).

2.0 – APPLICANT

Jim Morris

3.0 – LOCATION

The project is located at 14800 Race Track Road in Walnut Grove, California on the left (east) levee of the Georgiana Slough, Sacramento County. (See Attachment A).

4.0 – DESCRIPTION

The applicant has applied to the Central Valley Flood Protection Board (The Board) requesting authorization to install a recreational boat dock supported by four steel piles, connected to a metal bridge, concrete landing, utility conduit and rip rap on the left (east) bank of the Georgiana Slough.

The applicant also requests to retain several existing encroachments, some of which were in existence prior to The Board and US Army Corps of Engineers (USACE) adopting this levee as part of the “*Sacramento River Flood Control Project*” (Project) in June 1954. Remaining existing encroachments were found to be conforming to Board standards but were not previously permitted. These encroachments are further discussed in Section 5.0 of this report.

Staff recommends that the Board: (1) Find the existing encroachments do not have a major detrimental impact on the project facilities and issue a permit for these encroachments pursuant to Section 108(a) (2); (2) Issue a permit for remaining

unpermitted conforming encroachments and; (3) authorize construction of the new recreational boat dock and associated facilities under one permit number, Permit 15773-1 (*Attachment B*).

5.0 – PROJECT ANALYSIS

The initial application submitted to The Board was limited to the installation of a new recreational boat dock and associated facilities on the waterside bank of the Georgiana Slough. During staff's initial review of the application, staff identified various existing encroachments on the property that did not have a Board permit. Staff notified the applicant and provided an inventory list of all the existing encroachments by placing them in three categories: conforming and previously permitted encroachments, non-permitted non-conforming encroachments and non-permitted conforming encroachments. These are identified in the letter dated July 6, 2012 (*Attachment D, Exhibit A*). The applicant resubmitted the application requesting authorization to retain the existing encroachments that were conforming but not permitted and others that were nonconforming but were in existence prior to the Project adoption in 1954. Existing encroachments that were not permitted and not conforming and not in existence prior to the levee adoption in 1954 were agree to be removed voluntarily by the applicant. Permit 15773-1(*Attachment B*) under the Board's consideration includes a total of 9 items and staff's basis for recommendation is as follows:

- Item 1: New recreational boat dock (8'x60') anchored by four (4) 14-inch steel piles** (Refer to Attachment C for details)
- Item 2: New metal gangway (4'x57') with two (2) 8-inch support steel piles** (Refer to Attachment C for details)
- Item 3: New concrete landing (3.5'x4') on the levee crown** (Refer to Attachment C for details)
- Item 4: New 10-inch chase for utility conduit through the levee crown** (Refer to Attachment C for details)
- Item 5: New rip rap on the waterside bank** (Refer to Attachment C for details)
- Item 6: Existing draw-bridge (4'x16') on the earthen pad (item 7) on the landside slope** (Refer to Attachment C for details)

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 127 (a)(2): *Boating facilities must be properly anchored to prevent breakaway during floodflows. Acceptable anchoring methods are as follows:*

(A) Driving piling must meet the following criteria:

(i) Timber piles must be a minimum of twelve (12) inches in diameter..."

(ii) The elevation of the top of each pile must be a minimum of two (2) feet above the design flood plane.

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (d) (1):
*"Horizontal (elevated) access ways, with or without handrails are permitted above the landside and waterward slopes of the levee if they do not interfere with levee maintenance and conform to the following criteria:
(1) Horizontal access ways may not exceed four (4) feet in width unless the levee slope immediately beneath the access way is revetted to board standards.*
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 123 (d) (11):
"The minimum cover for pipelines, conduits, and utility lines installed through the levee crown is twenty-four (24) inches. ...When twenty-four (24) inches of cover is not practical, a concrete or other engineered cover is required."
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 121 (b):
"When revetment is proposed by an applicant but not required by the board, the standards relating to revetment bedding, gradation, size, shape and thickness are recommended but not required."

Items 1-6: Staff's Recommendation:

Approve with conditions. The new recreational boat dock will be anchored by four (4) 14-inch steel piles. The design water surface elevation at this location is approximately 12.5-feet (NAVD 88). The top of the piles will be at elevation of 18-ft (NAVD 88), thereby meeting 2-ft requirement per 23 C.C.R. 127 A (i) and (ii). The elevated gangway and draw bridge are 4-ft wide and endorsed by the Local Maintaining Agency (RD 563). The new utility conduit will be grouted with concrete because it is not feasible to provide 24-inches of cover as required under 23 C.C.R. 123 (d) (11). The applicant also proposes to place riprap (slope revetment) on the waterside berm 25-feet upstream and downstream of the dock. Therefore, items 1 thru 6 listed above are consistent with the applicable specifications allowed by Title 23.

Item 7: Existing earthen pad (10.5-ft high, 25-ft wide by 75-ft long) with two concrete landings (4'x6') on the landside (Refer to Attachment C for details)

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 120 (a)(2):
“An engineering analysis that evaluates levee embankment and foundation stability shall be submitted to the board with the permit application.”

Item 7: Staff's Recommendation:

The earthen pad was constructed in the Spring of 2011 without prior Board approval. Staff's review of this application determined that the earthen pad could be authorized if a geotechnical analysis was prepared to verify it was properly compacted and did not impact the structural integrity of the levee. A geotechnical analysis for the embankment was prepared by Neil O. Anderson and Associates dated May 31, 2013. The report concluded the existing embankment “should not adversely affect the in-situ structural integrity of the levee...based on their “...field exploration, laboratory testing, liquefaction analysis, settlement analysis, and slope stability analysis. The two existing concrete landings are located on the earthen pad, approximately 28-ft away from the levee centerline and outside of the levee prism. Therefore, the existing earthen pad is consistent with applicable specifications allowed by C.C.R. 23.

Item 8: Existing metal stairs on the waterside slope and metal stairs on the earthen pad (item 7) Refer to Attachment C for details

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (c) (1):
“Steps must be constructed of material resistant to deterioration. Acceptable materials include, but are not limited to, concrete, masonry, stone, pressure treated lumber, iron, and steel.”
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (c) (2):
“Steps constructed on the waterward levee slope must be properly anchored to prevent movement during high water.”
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (c) (3):
“Excavation in the levee slope made for the construction of steps may not exceed twelve (12) inches in depth.”
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (c) (4):
“Steps must be constructed flush with the levee slope.”

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 137 (c) (6): *“Handrails, where permitted on waterward levee slopes, shall be designed to give way when subjected to debris loading.”*

Item 8: Staff’s Recommendation:

Approve with conditions. The existing steps on the waterside include handrails that are designed to break-away. The steps on the landside were placed on the earthen pad (item 7) and do not penetrate the levee prism. Fill will be added to the waterside steps to flush them with the levee slope. The existing steps on the landside and waterside slopes are consistent with applicable specifications allowed by 23 C.C.R. Section 137.

Item 9: Existing retaining wall and stairs on the landside slope

- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 108 (a) (2): *“Upon adoption of a plan of flood control, an existing facility or use shall be allowed to continue...”* provided that *“Nonconforming existing encroachments that do not have a major detrimental impact shall be allowed to continue under a permit or order until abandoned or until they are destroyed or damaged, by any cause, to the cumulative extent of more than fifty (50) percent of their market value or their physical usefulness during any 10-year period.”*
- Pursuant to California Code of Regulations Title 23 (23 C.C.R.) Section 108 (b): *“The board shall make the final determination as to whether the facility or use has or has not a major detrimental impact within the adopted plan of flood control or on project facilities, and shall advise the owner of the facility or use of any action required.”*

Item 9: Staff’s Recommendation:

Determine that the retaining wall and stairs have no major detrimental impact on the project facilities and issue a permit for existing nonconforming facilities. The retaining wall was designed and constructed by the USACE as part of the levee improvements at this location. USACE as-builts dated 1951 for the “*Sacramento River Flood Control Project, Georgiana Slough- Levee Construction Upper Andrus and Upper Tyler Islands*” (File No. 50-4-2671, Sheet 13.1; Attachment D, Exhibit B) correspond to the location of the applicant’s property and show the construction of a retaining wall and steps on the landside slope. Therefore, the existing retaining wall and steps were constructed as part of the 1951 levee improvements and do not have a major detrimental impact to the Sacramento River Flood Control Project and shall be allowed to remain pursuant to 23 C.C.R. Section 108.

5.1 – Hydraulic Analysis

The scope of the work for this project does not require a hydraulic analysis because the scope of the work within the channel is limited to the pilings for the boat dock and any channel blockage is considered negligible.

5.2 – Geotechnical Analysis

The scope of work for this project does not require a geotechnical analysis. Earthwork activities will be completed in accordance with conditions in Permit 15773-1 BD and Title 23.

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 has not been received for this application. Staff has coordinated with the USACE and anticipates receipt of a letter indicating that the USACE District Engineer has no objection to the project, subject to conditions. The permit will not be valid unless the subject letter is in fact received. Upon receipt of the letter, staff will review to ensure conformity with the permit language and incorporate it into the permit as Exhibit A.
- Reclamation District 563 endorsed the project on July 9, 2013 with conditions. The conditions are incorporated into the permit as Exhibit B.

7.0 – CEQA ANALYSIS

Board staff has prepared the following California Environmental Quality Act (CEQA) determination:

The Board determined that the proposed action is categorically exempt under the provisions of CEQA and the State CEQA Guidelines. The overall activities involve: (1) issuing a permit for facilities in existence for at least 50 years with little or no expansion of use and no possibility of significantly impacting the physical environment under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301) covering minor alterations to existing facilities, and; (2) issuing a permit for construction of the boat dock and associated facilities on the existing

levee and adjacent to other existing facilities with no possibility of significantly impacting the physical environment under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) 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:

The proposed new boat dock and various existing encroachments will have no adverse effect on facilities of the State Plan of Flood Control and are 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 will be no effects to the proposed project from reasonable projected future events.

9.0 – STAFF RECOMMENDATION

Staff recommends that the Board:

- 1) Adopt CEQA findings that the project is categorically exempt pursuant to CEQA Guidelines Class 1 and Class 3, Section 15301 and Section 15303;
- 2) Determine that the structures existing prior to 1954 do not have a detrimental effect on the project facilities and issue a permit pursuant to Section 108(a)(2), and issue a permit for the remaining unpermitted encroachments and new construction of the boat dock and associated facilities conditioned upon receipt of

a U.S. Army Corps of Engineers comment letter indicating that the District Engineer has no objection to the project, subject to conditions, under permit number 15773-1;

3) Direct staff to file a Notice of Exemption with the State Clearinghouse.

10.0 – LIST OF ATTACHMENTS

A. Location Maps and Photos

B. Draft Permit No. 15773-1

C. Project Plans

D. Correspondence/Relevant Documents

Exhibit A – CVFPB letter to Applicant dated July 6, 2012

Exhibit B – USACE As-Builts (File No. 50-4-2671, Sheet 13.1)

Design Review:

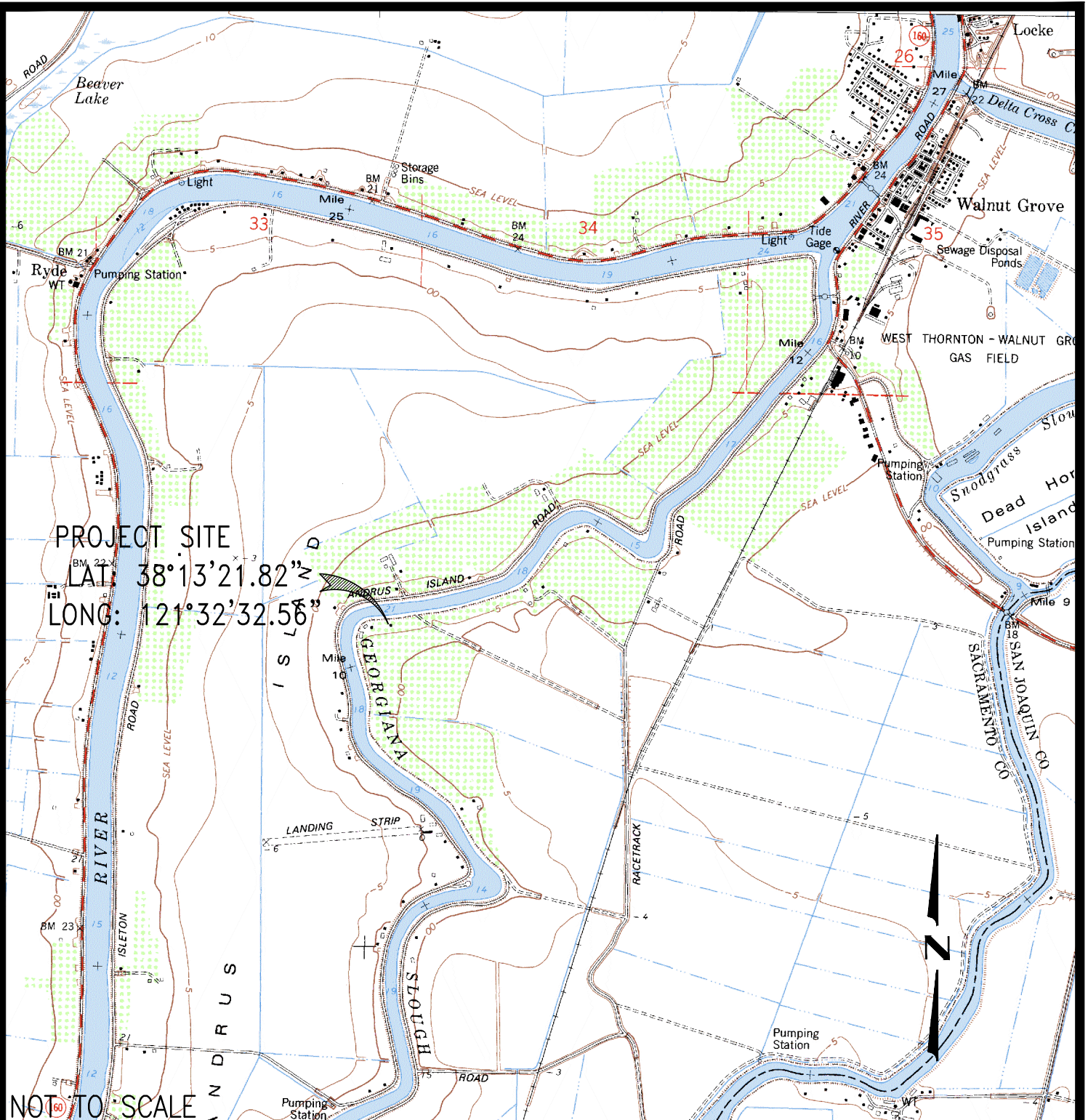
Angeles Caliso

Environmental Review:

Andrea Mauro

Document Review:

Mitra Emami, Len Marino, Leslie Gallagher



OWNER: JAMES L. MORRIS
 P.O. BOX 35
 WALNUT GROVE, CA 95690

DATUM: NGVD 29

ADJACENT PROPERTY OWNERS:

UPSTREAM: APN: 156-0010-065
 ELIZABETH R. NYLAND
 TESTAMENTARY TRUST
 P.O. BOX 26
 WALNUT GROVE, CA 95690

DOWNSTREAM: APN: 156-0020-025
 JAMES L. MORRIS
 P.O. BOX 35
 WALNUT GROVE, CA 95690

CONTENTS:
 VICINITY MAP

APN: 156-0020-042
 14800 RACE TRACK ROAD



PLANNING
 PERMITTING
 ARCHITECTURE
 CIVIL ENGINEERING
 PROJECT MANAGEMENT

PROJECT: MORRIS PRIVATE
 RECREATIONAL DOCK

IN: GEORGIANA SLOUGH
 RIVERMILE: 10.2±

COUNTY: SACRAMENTO

STATE: CA

APPLICATION BY:
 DCC ENGINEERING CO., INC.

JOB #: 7637.01

DATE: 08/3/12

SHEET 1 OF 7 REV. 2 DRAWN BY: EP

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Morris Private Recreational Dock Georgiana Slough
APN: 156-0020-042, Sacramento County



View of Project Site from berm.



View of Project Site from levee crown.

Morris Private Recreational Dock Georgiana Slough
APN: 156-0020-042, Sacramento County



View of the upland property from the west.



View of the upland property from the levee crown.

ATTACHMENT B

DRAFT

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

PERMIT NO. 15773-1 BD

This Permit is issued to:

Jim Morris
P.O. Box 35
Walnut Grove, California 95690

To install a recreational boat dock (8'x60') supported by four 14-inch steel piles connected by a metal bridge with two 8-inch support steel piles; two (3.5'x4)' concrete landings, 10-inch utility conduit and rip rap on the left (east) bank of the Georgiana Slough.

To authorize an existing 10-ft high earthen pad (25'x75') with two concrete landings (4'x6'), a draw bridge (4'x16') and pre-fabricated metal stairs on the landside of the earthen pad to provide access to the existing residence; authorize existing pre-fabricated metal stairs on the waterside levee slope; authorize existing stairs and retaining wall on the landside slope of the levee on the left (east) levee of the Georgiana Slough.

The project is located at 14800 Race Track Road, Walnut Grove in Sacramento County (Section , T5N, R4E, MDB&M, Reclamation District 563, 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.

ATTACHMENT B

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. 15773-1 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: 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.

FIFTEEN: Any additional encroachment(s) on the levee section or in the channel require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

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, Reclamation District No. 563 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

ATTACHMENT B

so at least 10 working days prior to start of work may result in delay of the project.

EIGHTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 563 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 shall be responsible for repair of any damages to the project levee and other flood control facilities due to operation or maintenance of the proposed project.

TWENTY-ONE: The permittee is responsible for all liability associated with 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-TWO: 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-THREE: 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-FOUR: 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-FIVE: The top elevation of the piles shall be at least 2 feet higher than the levee crown elevation of 15.0 feet, NAVD 88.

TWENTY-SIX: The boat dock shall be properly anchored to prevent detachment from the anchoring

system during periods of high water.

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

TWENTY-EIGHT: Voids in the levee adjacent to the exterior of the steel piling shells shall be grouted. Areas of the levee adjacent to the steel piling shells that have excessive voids (1 cubic foot or greater) may require excavation and embankment reconstruction.

TWENTY-NINE: The gangway shall be a maximum of 4 feet wide and the hinge point on the levee section shall be at least 2 feet above the design flood plane elevation of 12.5 feet, NAVD 88.

THIRTY: The conduit shall be installed as shown on design plans. The invert must be above the design elevation of 12.5 feet, NAVD 88.

THIRTY-ONE: Backfill material for excavations within the levee section and within 10 feet of the levee toes shall be placed in 4- to 6-inch layers, moisture conditioned above optimum moisture content, and compacted to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

THIRTY-TWO: Handrails on access ways shall not extend onto the levee crown.

THIRTY-THREE: The existing metal steps on the waterward levee slope shall be properly anchored to prevent movement during high water.

THIRTY-FOUR: The existing steps on the waterward levee slope shall be flushed with the levee slope by adding fill and feathering it out at a 10:1 (H:V) from the steps to the levee slope.

THIRTY-FIVE: Maintenance of an access way and the adjacent levee slope is the responsibility of the permittee, and any erosion of the levee slope shall be promptly repaired.

THIRTY-SIX: The recommended minimum thickness of revetment, measured perpendicular to the bank or levee slope, is 18 inches below the usual water surface and 12 inches above the usual water surface.

THIRTY-SEVEN: Revetment shall be uniformly placed and properly transitioned into the bank, levee slope, or adjacent revetment and in a manner which avoids segregation.

THIRTY-EIGHT: Quarry rock shall be used on slopes steeper than 3 horizontal to 1 vertical. Cobbles may be used on 3 horizontal to 1 vertical or flatter slopes.

THIRTY-NINE: The revetment shall not contain any reinforcing steel, floatable, or objectionable material. Asphalt or other petroleum-based products may not be used as fill or erosion protection on the levee section or within the floodway.

FORTY: No materials or equipment shall be stored on the levee section.

FORTY-ONE: The levee section shall be restored to at least the condition that existed prior to

commencement of work.

FORTY-TWO: 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.

FORTY-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.

FORTY-FOUR: 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.

FORTY-FIVE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated Month XX, 2014 which is attached to this permit as Exhibit A and is incorporated by reference.

FORTY-SIX: The permittee shall comply with all conditions set forth in the letter from Reclamation District No. 563, which is attached to this permit as Exhibit B and is incorporated by reference.

FORTY-SEVEN: Upon completion of the project, the permittee shall submit As-Built Drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite 256, Sacramento, California 95821.

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**ATTACHMENT B
EXHIBIT B**

**RECLAMATION DISTRICT NO. 563
TYLER ISLAND
ENCROACHMENT PERMIT NO. 2012-01**

To: Jim Morris
P.O. Box 35
Walnut Grove, CA 95690
(909) 322-3770

Permission is hereby granted to Jim Morris (hereafter, Permittee) to encroach upon the area of jurisdiction of Reclamation District No. 563 – Tyler Island (hereafter, District), collectively referred to as the "Parties", in the following manner:

Construction of a private recreational dock and access way for the use of the upland property owner.

This permit is granted upon the following conditions, which, by acceptance of this permit, Permittee agrees to observe and perform:

1. All permit fees, unless waived by the Board of Trustees, must be paid with submission of application. Permit fees are charged to pay all costs of the District's administrative, legal and inspection costs associated with this encroachment.

2. This permit shall be canceled and void unless work specified hereunder is initiated within 365 days from the date hereof and diligently prosecuted to completion. District Engineer must be notified at least 2 days prior to the commencement of the permitted work.

3. Permittee shall indicate acceptance of this permit, and the terms and conditions thereof, by executing the form of acceptance on one copy of this permit and returning it to the District office. The permit shall not become effective until accepted and signed by Permittee and returned to District.

4. Permittee shall comply with all recommendations and requirements set forth in this Permit, as well as in the report from the District Engineer regarding the encroachment above described.

5. Permittee will provide District with proof of satisfactory liability insurance and an endorsement naming the District, its Trustees, officers, employees, engineer and agents as additional insureds, unless such requirement is specifically waived by District. Proof of insurance shall be provided annually. Failure to provide proof of insurance as specified in this paragraph will result in removal of the encroachment(s) following a 30 day notice from the District.

6. Permittee will indemnify and hold harmless District, its Trustees, officers, employees, engineer and agents from any liability which may be incurred through injury to person or damage to property arising out of the construction or installation of the encroachment above described, and from any liability arising out of the maintenance and operation of the encroachment, except

ATTACHMENT B
EXHIBIT B

where maintenance thereof is herein accepted by District. If any claim of liability is made against Reclamation District No. 563, its Trustees, officers, employees, engineer and agents, the Permittee shall defend and hold each of them harmless from each claim.

7. Permittee shall acquire no easement or property right in or to the property or right of way of the District by virtue of this permit and the District does not hereby relinquish any right or title therein.

8. All costs of maintenance and repair of the encroachment above described shall be borne by Permittee. Permittee shall, whenever instructed by District to do so, repair the encroachment in the manner prescribed by District whenever District determines that repair is required in the interest of District. Any repair ordered by District which is not performed by Permittee within thirty (30) days after written notice has been given by District of required repair may be performed by District, at Permittee's expense and Permittee shall promptly reimburse District for District's reasonable costs.

9. District reserves the right of access to its easement and right of way for any maintenance, repair or alterations of District facilities or of the facilities described above as required for District purposes. District shall not be responsible for any damage done to surface improvements of Permittee whether herein permitted or otherwise, resulting from the ordinary and necessary access to or exercise of its easement and right of way for District operations and maintenance and District is not required to replace any paving, black top or other improvement required to be removed in the process of its operations and maintenance. Permittee shall reimburse District for any increased cost of access caused by the improvements of Permittee described herein.

10. Permittee may make no alteration or improvement of any portion of District's easement and right of way not specifically herein permitted nor alter or remove any portion of the encroachment or improvement herein described without written consent from District.

11. If Permittee does not comply with the covenants and conditions of this permit, District may, at its option, cancel the permit and District may remove the encroachment or improvement above described together with any appurtenances located within the easement and right of way of District and permittee shall promptly pay to District all costs and expenses incurred in such removal.

12. This permit is revocable in whole or in part by District on thirty (30) days' written notice to Permittee when such revocation is determined by Board of Trustees to be necessary for District purposes. If the permit is revoked, Permittee must, at no cost to the District, remove the encroachment as soon as reasonably possible, and as soon as possible must initiate any and all Federal and State permitting processes immediately as required as a prerequisite to removal.

13. In the event of an emergency requiring the encroachment to be removed for District purposes, the District may damage or remove the encroachment, without notice to the Permittee and without compensation to the Permittee. In such case, the Permittee will be solely responsible

ATTACHMENT B
EXHIBIT B

for removing any damaged portion of the encroachment and may rebuild only after filing a new permit application to the District, which the District Board of Trustees reserves the right to waive.

14. Reasonable precautions must be taken by the Permittee to avoid adverse environmental impacts during the construction or installation of the encroachment described above.

15. Issuance of this encroachment permit does not relieve the Permittee of its responsibility for obtaining any other permits required by federal, state or local statutes, or any right of entry from a private landowner.

16. This Agreement shall be binding upon and inure to the benefit of the Parties and their successors

17. Special Conditions to be addressed by Permittee are as follows:

- A. The attached reimbursement agreement shall be executed by Permittee prior to the approval of this Encroachment Permit.
- B. The Permittee shall install riprap to the top of the waterside berm of the levee extending from 25 feet upstream of the dock to 25 feet downstream of the dock.
- C. The depth and/or length of the piles anchoring the dock and the supporting landing shall be specified on the permit exhibits for the proposed structure and shall be attached to this Encroachment Permit.
- D. The Permittee shall designate the lead agency for the purposes of the CEQA review and notify the District in writing of such lead agency. Reclamation District No. 563 will not act as lead agency for this project.
- E. The Permittee shall maintain the levee crown and all encroachments through the levee at a minimum of 1.0 foot above the 100-year flood plain, this includes, but is not limited to, the utility sleeve conduit. Permittee shall provide adequate cover over all encroachments through the levee, and the encroachments shall be adequately supported to prevent damage to the improvements from vehicular and equipment use of the levee road.
- F. If the Permittee's encroachment results in any change in the vertical profile of the levee crown, the change in vertical profile shall not exceed a 2% grade in any direction and the transitions to the original levee crown profile shall be no less than 40 feet in length.

**ATTACHMENT B
EXHIBIT B**

Dated: 4/10/12, 2012

RECLAMATION DISTRICT NO. 563

By: Steve Mello
Steve Mello, Chairman

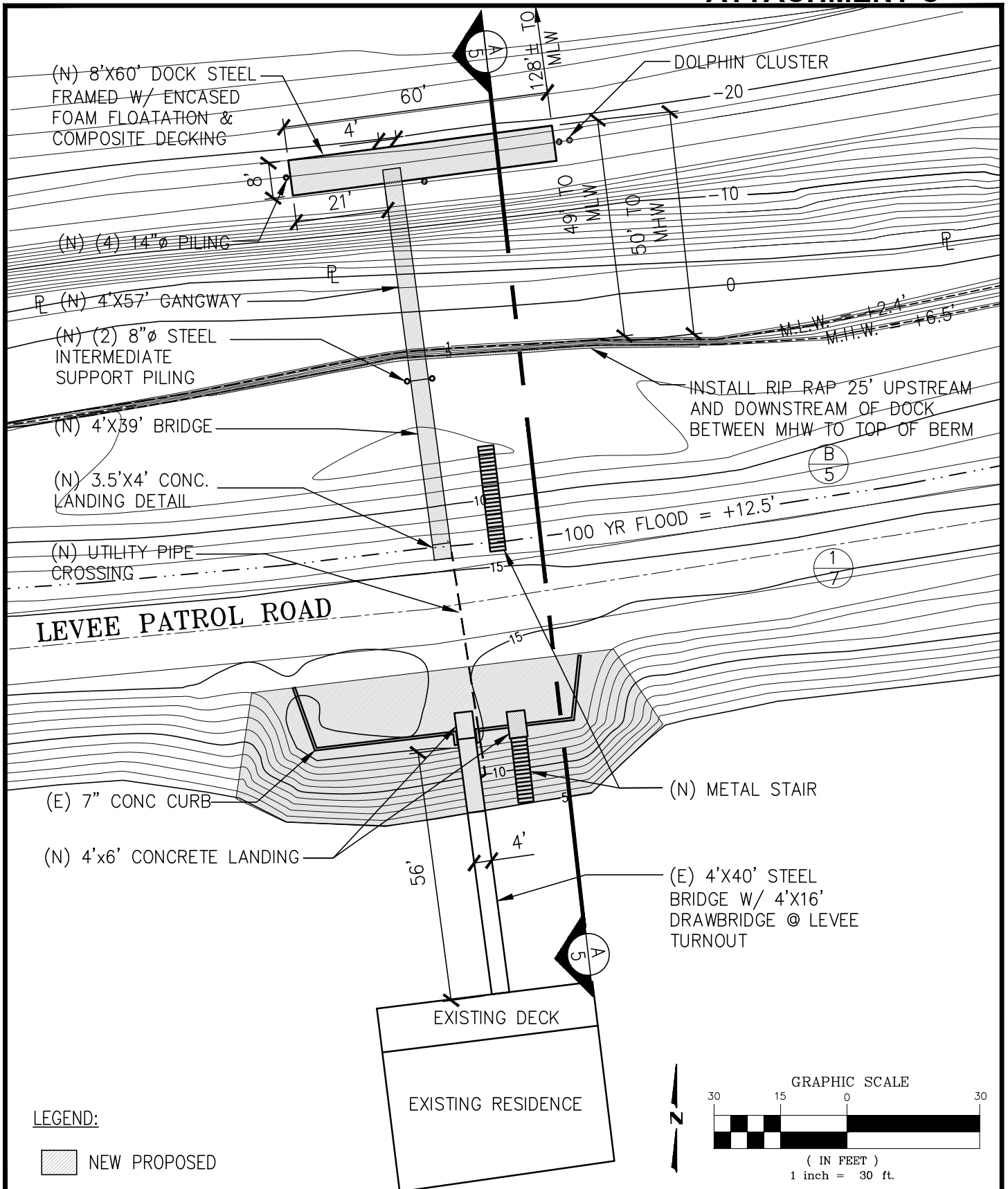
ACCEPTANCE

Permittee hereby accepts the above permit and agrees to comply with all of the requirements thereof.

Dated: 4/12, 2012

PERMITTEE

By: Jim Morris
Jim Morris



OWNER: JAMES L. MORRIS
P.O. BOX 35
WALNUT GROVE, CA 95690

DATUM: NAVD 88

CONTENTS: DETAILED PLAN



Tel (916) 776-2277 Fax (916) 776-2282
P.O. BOX 929 WALNUT GROVE, CA 95690

PLANNING
PERMITTING
ARCHITECTURE
CIVIL ENGINEERING
PROJECT MANAGEMENT

PROJECT: MORRIS PRIVATE RECREATIONAL DOCK

SCALE: 1" = 30'

DRAWN BY: EP

DATE: 08/03/12

SHEET: 4 OF 7, REV. 2 - 9/18/2013

OWNER: JAMES L. MORRIS
P.O. BOX 35
WALNUT GROVE, CA 95690

DATUM: NAVD 88

CONTENTS: CROSS-SECTION

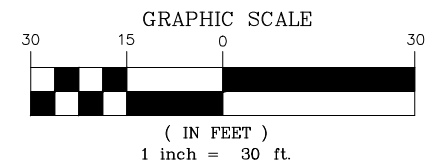
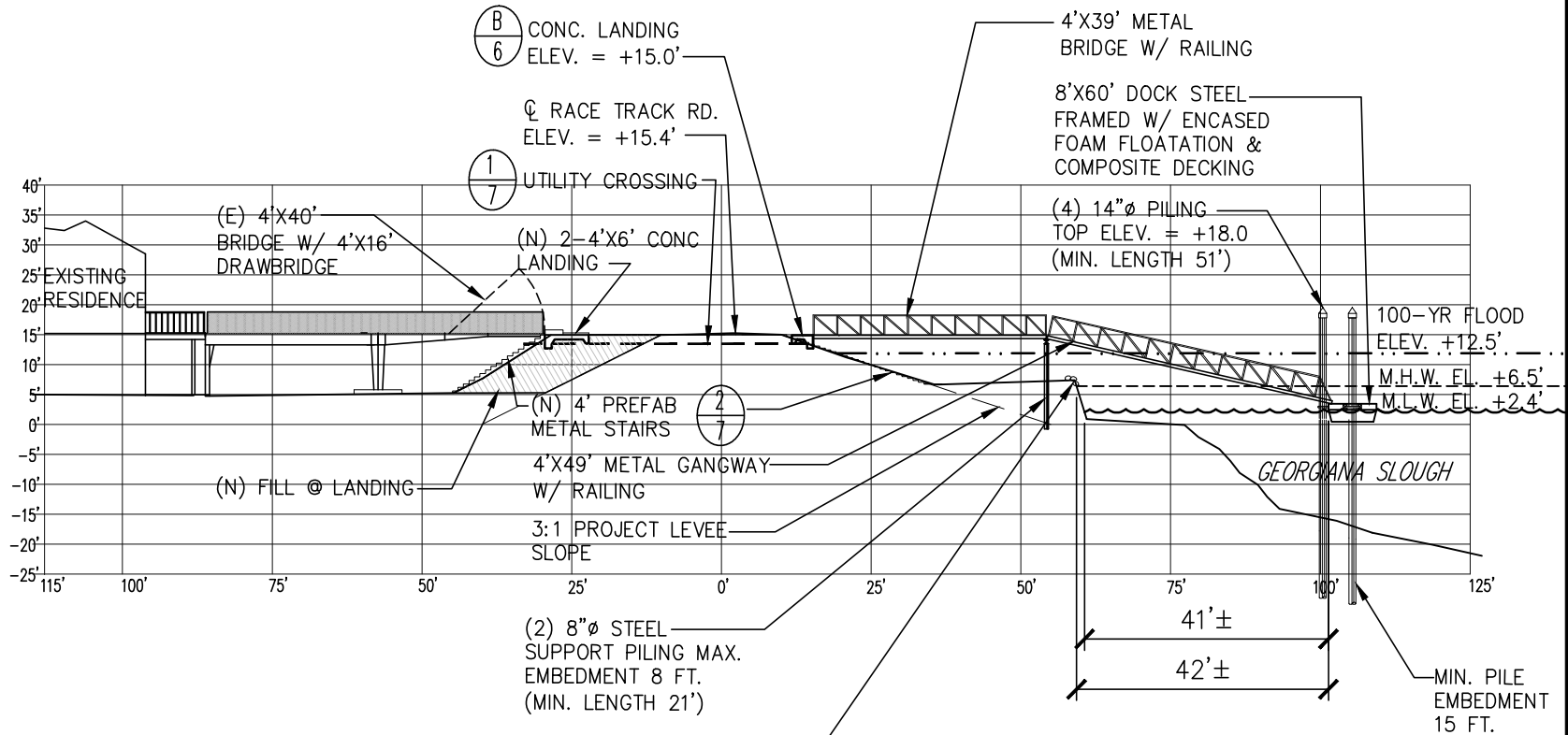
PLANNING PERMITTING ARCHITECTURE CIVIL ENGINEERING PROJECT MANAGEMENT

DCC
P.O. BOX 959 WALNUT GROVE, CA 95690

(E) GROUND LINE _____
HMP LEVEE PROFILE - - - - -
100 YR. FLOOD ELEV. -
MEAN HIGH WATERLINE - - - - -
MEAN LOW WATERLINE ~~~~~

CROSS SECTION A-A

SCALE: 1"=30'



CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682

EXHIBIT A

July 6, 2012

Jim Morris
P.O. Box 35
Walnut Grove, California, 95690

SUBJECT: T2012050, Morris Private Recreational Dock on Georgiana Slough

Dear Mr. Morris:

Per our letter dated June 7, 2012, Central Valley Flood Protection Board (CVFPB) staff performed a site visit on June 28, 2012 to document existing encroachments on your property. Refer to Attached Figure 1 for location of each item discussed below including photos taken during the site visit.

A. Existing encroachments noted during the site visit are as follows:

1. Metal stairs with rails on the landside embankment for residence 1
2. Metal stairs with rails on the waterside levee slope
3. Embankment on the landside slope approximately 20-ft wide by 74-ft long with concrete landing pad for elevated walkway to residence 1
4. Concrete pad on landside crown hinge point for elevated walkway for residence 1
5. Ground cover, trees and miscellaneous vegetation on the landside levee slope
6. Concrete pad on landside crown hinge point for elevated walkway for residence 2
7. Wooden stairs with pavers on the landside slope for residence 2
8. Broken concrete and miscellaneous debris on levee slope and toe
9. Addition to existing orange colored building extending within 5-ft from landside levee toe
10. Existing structure appears to be structurally unsafe and it is leaning towards the levee.
11. Wood boards, iron fences and miscellaneous materials on the waterside berm
12. Waterside levee slope cut for placement of an access ramp from levee crown to waterside berm
13. Pump on pile structure with timber walkway on waterside; siphon breaker on the landside levee slope and 12-inch pipe through the levee
14. Irrigation ditch approximately 12-ft from landside levee toe

B. The following existing encroachments appear to be conforming to the California Code of Regulations, Title 23 standards (CCR 23) and can remain:

- Item 6: CVFPB Permit No. 15773 Revised was issued on October 28, 1991 to Roy H. Elliott, Jr. (Exhibit A). Original application requested authorization for embankment 90-ft long, 8-ft wide adjacent to landside levee slope. However, at the applicant's

request, the fill was removed and the permit was revised and re-issued in 1991. Our files will be revised to reflect you as the new owner.

- Item 7: stairs were documented on USACE as-builts dated February 6, 1951 during the levee construction. Therefore, the stairs can remain. However, if in the future it is necessary to replace the stairs, they must be constructed of suitable materials in accordance with CCR 23, §137 and you must obtain authorization from CVFPB.
- Item 10: The existing structure is further than 10-ft from the levee toe. If the structure is replaced, contact CVFPB to obtain authorization.
- Item 13: CVFPB Order No. 11204 was issued on July 18, 1975 to Roy H. Elliott Jr. (Exhibit B). Our files will be revised to reflect you as the new owner.
- Item 14: ditch is further than the required 10-ft minimum levee toe setback.

C. The following existing encroachments are not conforming to CCR 23 and our records indicate that no CVFPB permits were issued:

- Items 5, 8, and 11: debris and other removable materials must be removed from the floodway. No encroachments or debris are allowed within the levee section or 10-ft from the landside levee toe.
- Item 9: Addition to existing structure must be removed and placed elsewhere within the property, no closer than 10-feet from the landside levee toe.

D. The following existing encroachments could be authorized but would require a new encroachment application to be submitted:

- Items 1 and 2: Stairs must be conforming to CCR 23 § 137(c) (1) through (5).
- Items 3 and 4: CVFPB records indicate that the construction began in 2010 and no CVFPB permits were obtained for this work. A permit application may be submitted requesting authorization of existing embankment. The permit application must be accompanied by density tests from a certified materials laboratory and submitted to the CVFPB to verify proper compaction of the fill. If no response is received, CVFPB will pursue an enforcement action, which may include civil fines between \$1,000 to \$15,000 per day (CCR 23, Article 4, §27).
- Item 12: Existing vertical cut for the installation of the waterside ramp. Ramps must be designed in accordance with CCR 23, Article 4, § 130.

Submit a plan indicating how you intend to comply with the removal of the unauthorized encroachments within thirty (30) days from the date of this letter. If a response is not received by the mentioned deadline, the CVFPB may revoke existing permits and initiate an enforcement action pursuant to California Code of Regulations, Title 23 Division 1 Article 4. Violations of permit conditions and construction without a permit are subject to fines starting at \$500 to \$30,000 per CCR 23, Article 4, Section 27 "Nuisance and Civil Penalty Provisions".

California Code of Regulations, Title 23 can be accessed from our website at the following link:
<http://www.cvfpb.ca.gov/regulations/CCRTitle23Div1CVFPB-2012Ed..pdf>

If you have any questions, please contact staff engineer, Ms. Angeles Caliso at (916) 574-2386 or via e-mail at acaliso@water.ca.gov.

Sincerely,



Mitra Emami, Senior Engineer, WR
Floodway Protection Section
Central Valley Flood Protection Board

Attachments:

Figure 1 - CVFPB Staff site visit photos (June 28, 2012) and Map
Exhibit A – Copy of CVFPB Permit No. 15773
Exhibit B – Copy of CVFPB Order No. 11204

cc: Ms. Emily Pappalardo
Project Manager
DCC Engineering Co., Inc.
P.O. Box 929
Walnut Grove, California, 95690

Mr. Don Rasmussen, Chief
Mr. David Pesavento, Section Chief
Mr. Richard Willoughby
Flood Project Integrity and Inspection Branch
Department of Water Resources

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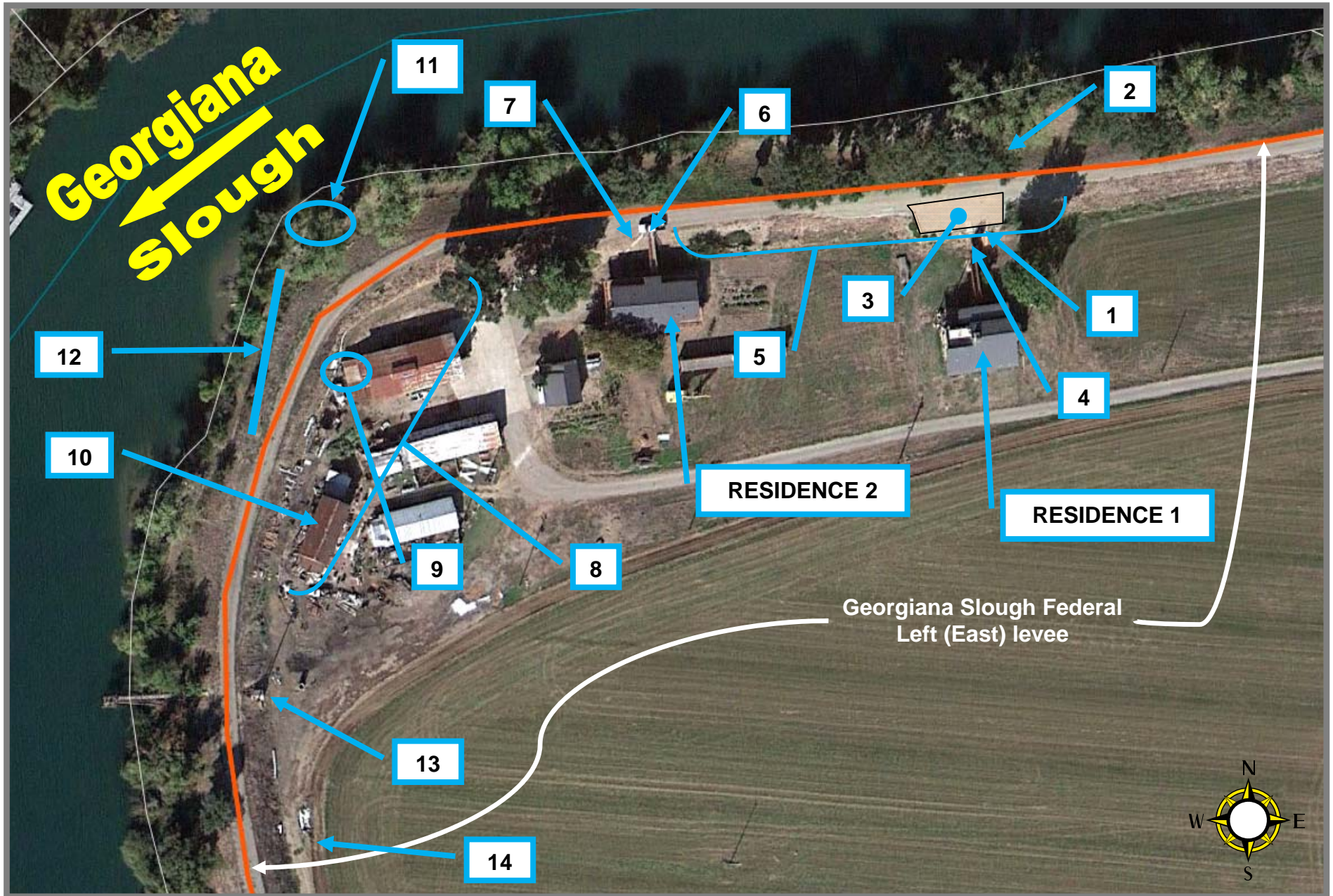


Figure 1 - Aerial view of APN 156-0020-042 James Morris, T2012050 (source: Google Earth ©)

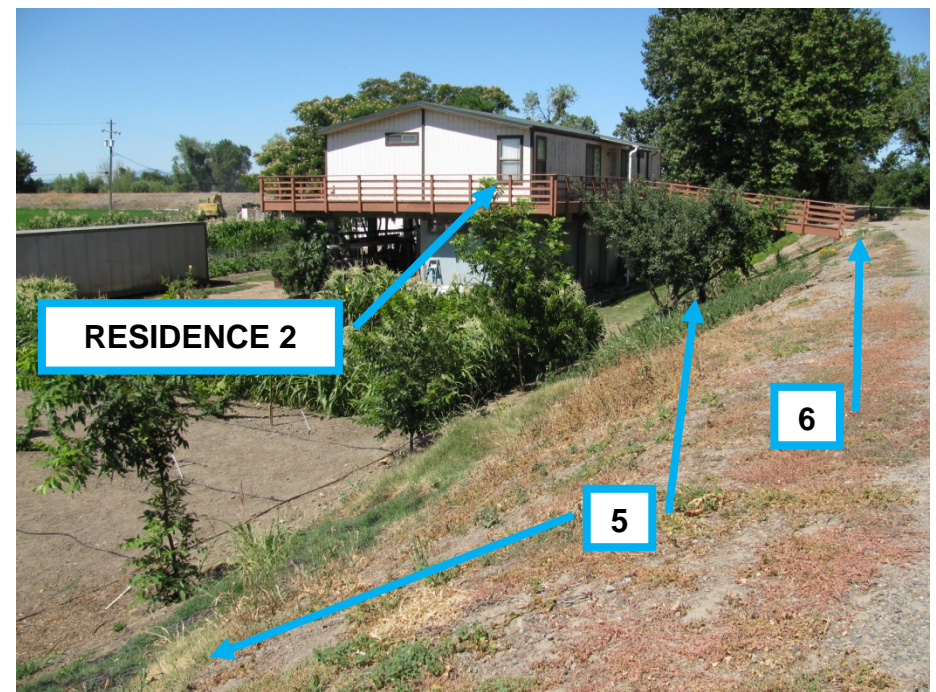
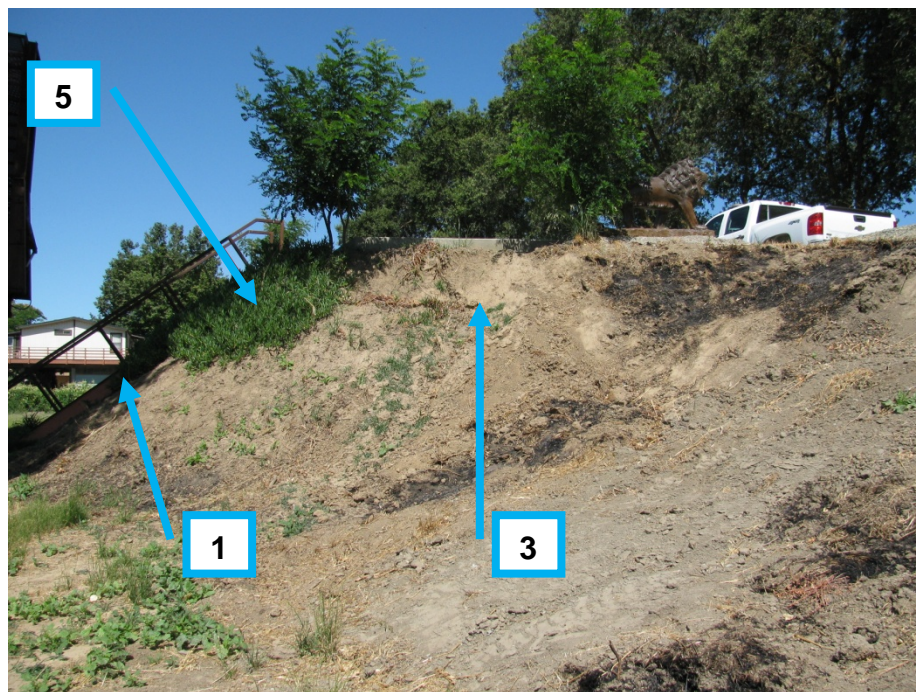
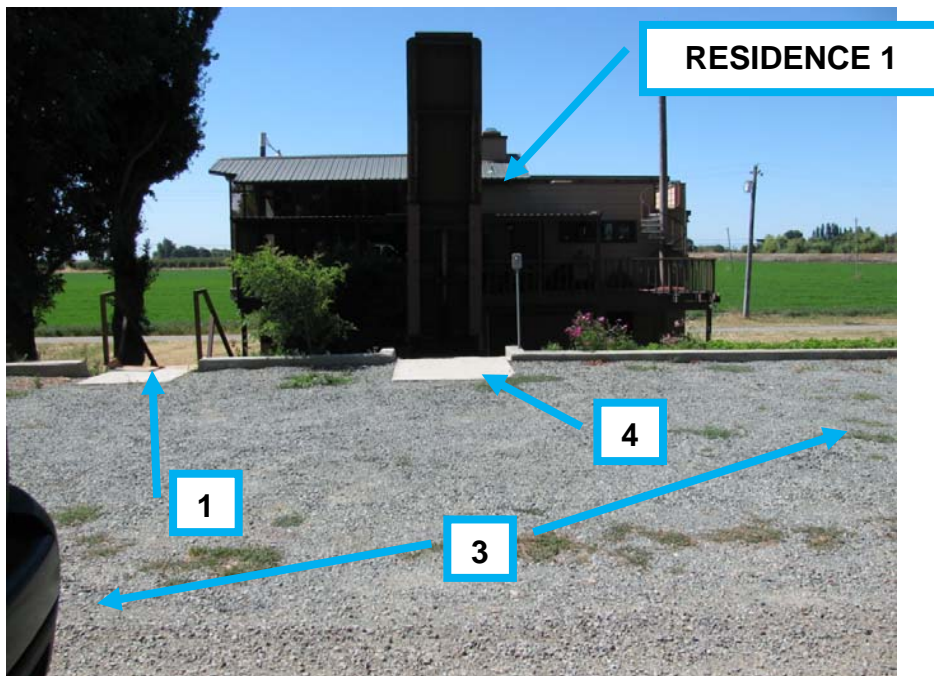


Figure 1 – Site visit photos for APN 156-0020-042 James Morris, T2012050 (source: CVFPB staff site visit on June 28, 2012)

**ATTACHMENT D
EXHIBIT A**

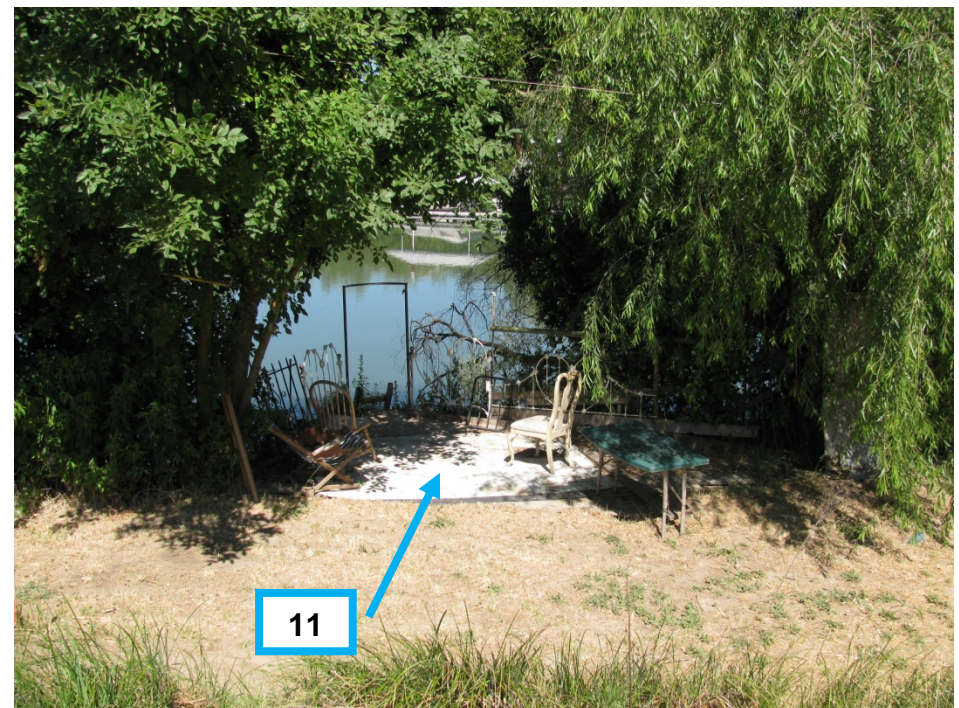
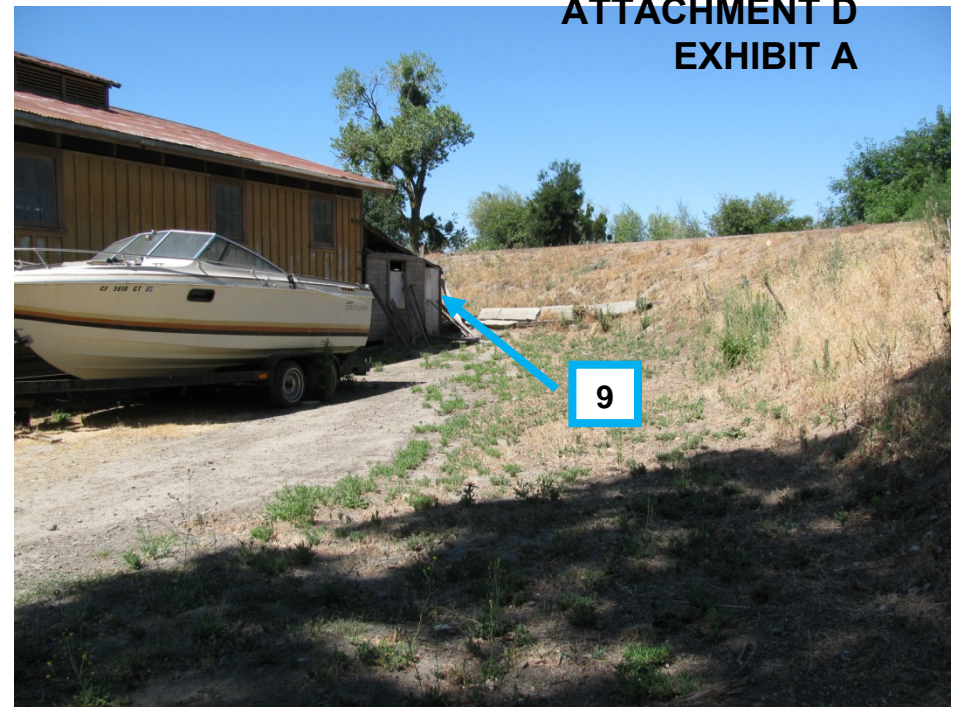


Figure 1 – Site visit photos for APN 156-0020-042 James Morris, T2012050 (source: CVFPB staff site visit on June 28, 2012)



Figure 1 – Site visit photos for APN 156-0020-042 James Morris, T2012050 (source: CVFPB staff site visit on June 28, 2012)

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 15773 GM (REVISED)

This Permit is issued to:

Roy H. Elliott, Jr.
1327 Sanderling Island
Richmond, California 94801

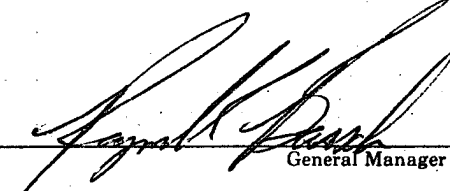
To construct a walkway from an elevated mobilehome deck to the landward levee shoulder of the left bank levee of Georgiana Slough. The project is located southwest of the town of Walnut Grove, approximately 1.04 miles downstream of Racetrack Road. Section 4, T4N, R4E, M.D.B.&M. (Reclamation District No. 563), Georgiana Slough, Sacramento County.

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

The Reclamation Board, on the _____ day of _____, 19____, approved this application and the plans attached thereto. Permission is granted to proceed with the work described in this application, which is incorporated herein by reference, subject to the following General and Special Conditions.

(SEAL)

Dated: OCT 28 1991


General Manager

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 Reclamation 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 Reclamation 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.

**ATTACHMENT D
EXHIBIT A**

EIGHT: This permit does not establish any precedent with respect to any other application received by The Reclamation 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 Reclamation 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:

THIRTEEN: The applicant shall notify the Department of Water Resources at telephone number (916) 445-3942 at least 10 working days prior to start of work.

FOURTEEN: That all trees and brush cleared shall be completely burned or otherwise removed from the overflow area of Georgiana Slough, and no downed trees or brush shall be allowed to remain in the floodway during the flood season between November 1 and April 15.

FIFTEEN: That the existing parallel waterlines shall be relocated to a point that is a minimum distance of 10 feet landward of the toe of the levee.

SIXTEEN: That the waterward side of the mobile home, including decking and support system, shall be located a minimum distance of 10 feet landward of the toe of the levee.

SEVENTEEN: That the levee section shall be restored to at least the same condition that existed prior to commencement to work.

NINETEEN: That the applicant shall maintain the project works within the utilized area in the manner required and as requested by the authorized representative of Reclamation District No. 563 or any other agency responsible for maintenance.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 15773 GM

This Permit is issued to:

Roy H. Elliott, Jr.
1327 Sanderling Island
Richmond, California 94801

To place fill, construct an elevated support system and walkway, and place a mobilehome on the landward slope of the left bank levee of Georgiana Slough. The project is located southwest of the town of Walnut Grove, approximately 1.04 miles downstream of Racetrack Road. Section 4, T4N, R4E, M.D.B.&M. (Reclamation District No. 563), Georgiana Slough, Sacramento County.

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

The Reclamation Board, on the _____ day of _____, 19____, approved this application and the plans attached thereto. Permission is granted to proceed with the work described in this application, which is incorporated herein by reference, subject to the following General and Special Conditions.

(SEAL)

Original signed by
Raymond E. Barsch

Dated: AUG 27 1991

General Manager

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 Reclamation 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 Reclamation 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.

**ATTACHMENT D
EXHIBIT A**

EIGHT: This permit does not establish any precedent with respect to any other application received by The Reclamation 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 Reclamation 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:

THIRTEEN: That a geotechnical report shall be provided to and approved by the Board prior to commencing fill placement. The report shall demonstrate that the proposed fill would not have an adverse effect on the levee.

FOURTEEN: The applicant shall arrange for an inspector from the Department of Water Resources to be at the site prior to any excavation and during all fill construction. For availability and scheduling of an inspector, the applicant shall contact the Department of Water Resources at telephone number (916) 445-3942 at least 10 working days prior to proposed start of work.

FIFTEEN: That all trees and brush cleared shall be completely burned or otherwise removed from the overflow area of Georgiana Slough, and no downed trees or brush shall be allowed to remain in the floodway during the flood season between November 1 and April 15.

SIXTEEN: That the existing parallel waterlines shall be relocated to a point that is a minimum distance of 10 feet landward of the toe of the fill.

SEVENTEEN: That fill material shall only be placed within the area indicated on the submitted plans.

EIGHTEEN: That all fill material shall be imported impervious material free of lumps or stones exceeding three inches in greatest dimension, vegetable matter or other unsatisfactory material and shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as per ASTM D-1557.

NINETEEN: That the fill material shall be keyed into the existing levee.

TWENTY: Density tests by a certified materials laboratory will be required to verify compaction of fill.

TWENTY-ONE: That the waterward side of the mobile home, including decking and support system, shall be located a minimum distance of 10 feet landward of the toe of the fill.

TWENTY-TWO: That the levee section shall be restored to at least the same condition that existed prior to commencement to work.

**ATTACHMENT D
EXHIBIT A**

SPECIAL CONDITIONS FOR PERMIT NO. 15773 GM (Continued)

TWENTY-THREE: That the applicant shall maintain the project works within the utilized area in the manner required and as requested by the authorized representative of Reclamation District No. 563 or any other agency responsible for maintenance.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

N4

September 12, 1991

Navigation and Flood Control Unit (15773)

The Reclamation Board
State of California
1416 - 9th Street, Room 455-6
Sacramento, California 95814

Members of the Board:

We have reviewed your letter, dated April 29, 1991, enclosing application by Roy H. Elliott, Jr. (Reclamation Board Number 15773), for approval of plans. These plans cover placing of an earth fill on the landward slope of the project levee to provide parking and constructing an access ramp to a mobile home on the left bank of Georgiana Slough. The location of this proposed work is southwest of the town of Walnut Grove and northwest of the intersection of Tyler Island and Race Track Roads, in Section 4, Township 4 North, Range 4 East, M.D.B.&M., Sacramento County.

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 applicant provide a geotechnical report to your Board showing that placement of the proposed fill will not cause any undue stress on the project levee or foundation.
- b. That the fill material proposed to be placed on the project levee section shall be compacted to at least the same density as the existing project levee.
- c. That the proposed fill shall be free of floatable matter and/or refuse matter such as reinforcing steel.
- d. That the waterward side of the mobile home, including decking and support system, shall be located a minimum distance of 10 feet landward of the toe of the fill.

-2-

e. That in the event trees and brush are cleared, they shall be properly disposed of either by complete burning or complete removal outside the limits of the project works.

Sincerely,

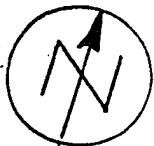
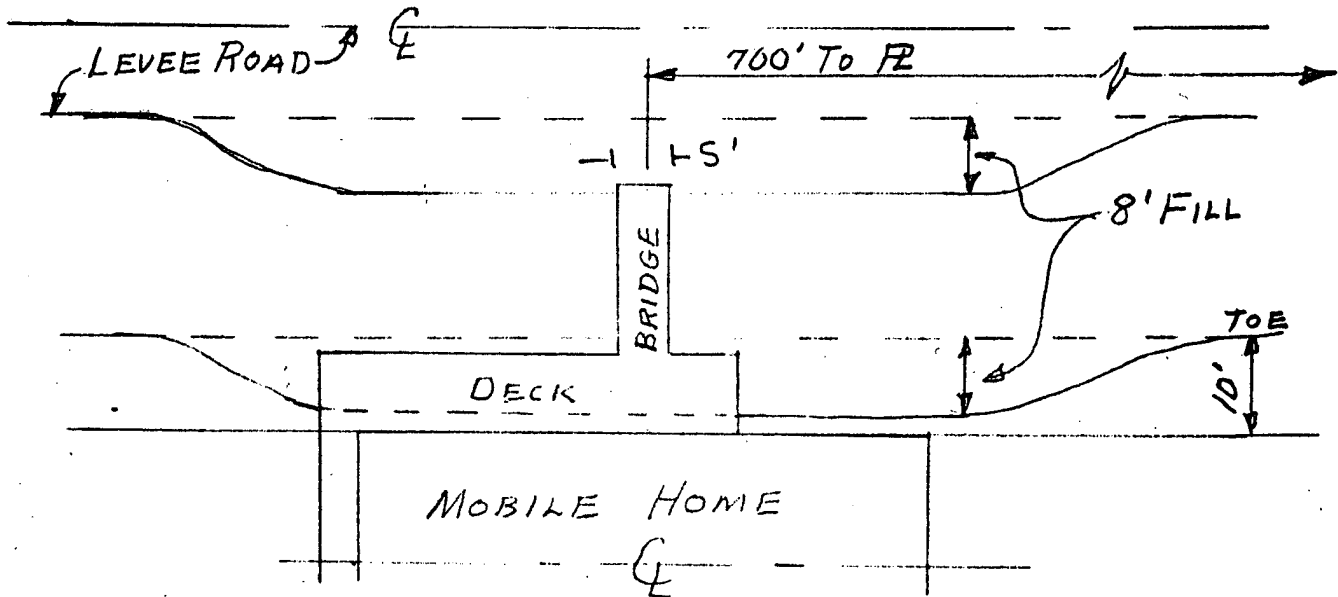
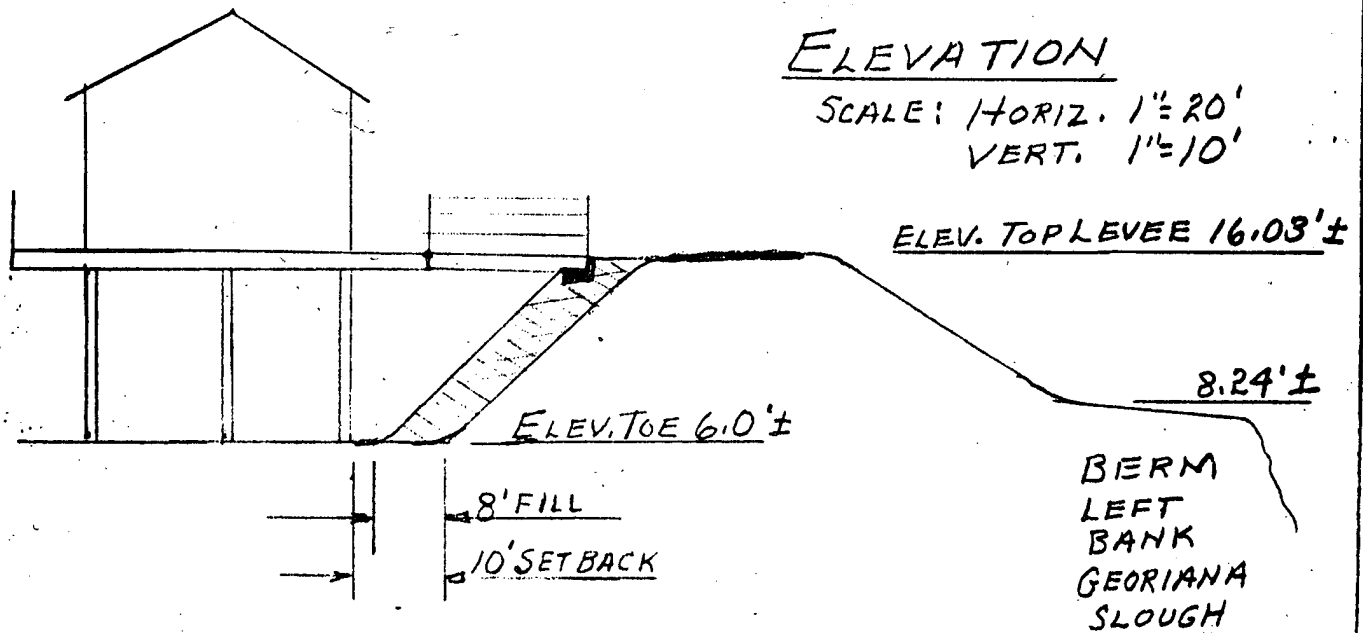
D. A. Dennis
Chief, Construction-Operations
Division

Copy Furnished:

DWR, ATTN: M. Luttropp

ELEVATION

SCALE: HORIZ. 1"=20'
VERT. 1"=10'



PLAN
SCALE: 1"=20'

PROPOSED WIDENING
OF LEFT BANK
GEORGIANA SLOUGH

ROY H. ELLIOTT JR. (415) 836-3705
1327 SANDERLING SHT 2 OF 2
RICHMOND, CA 94801 3/25/91

THE RECLAMATION BOARD

ROOM 335, RESOURCES BUILDING
1416 9TH STREET • SACRAMENTO 95814
TELEPHONE: (916) 445-9454



JAN 23 1976

File No. 3005.70.100
Application No. 11204

Mr. Roy H. Elliott, Jr.
One Eucalyptus Road
Berkeley, CA 94705

Dear Mr. Elliott:

The Reclamation Board on January 22, 1971, adopted a policy guide for encroachment control and procedures on the Project Levees within the Sacramento-San Joaquin Drainage District.

An inventory of the existing authorized and unauthorized encroachments was made by the Department of Water Resources within Reclamation Districts Nos. 341, 369, 551, 554, 556, 563, 755, 1601 and Brannan-Andrus Levee Maintenance District.

The encroachments were categorized according to criteria established by the Reclamation Board. The encroachments described in the enclosed Board Order are compatible with flood control requirements; however, no previous Board approval had ever been obtained. Under Section 8710 of the California Water Code, a Reclamation Board Order should have been obtained before the encroachment was installed.

After considering all the facts in regard to the nature of the existing work, the Board at its meeting of July 18, 1975, approved the issuance of a Board Order to you. A copy of the Board Order is enclosed for your records. A copy has also been transmitted to the responsible local maintaining agency.

In the future, if any modification is contemplated on the existing approved work, or if you plan to place any new encroachments on or adjacent to the Project Levees, it will be necessary for you to obtain approval from the Reclamation Board before commencing work.

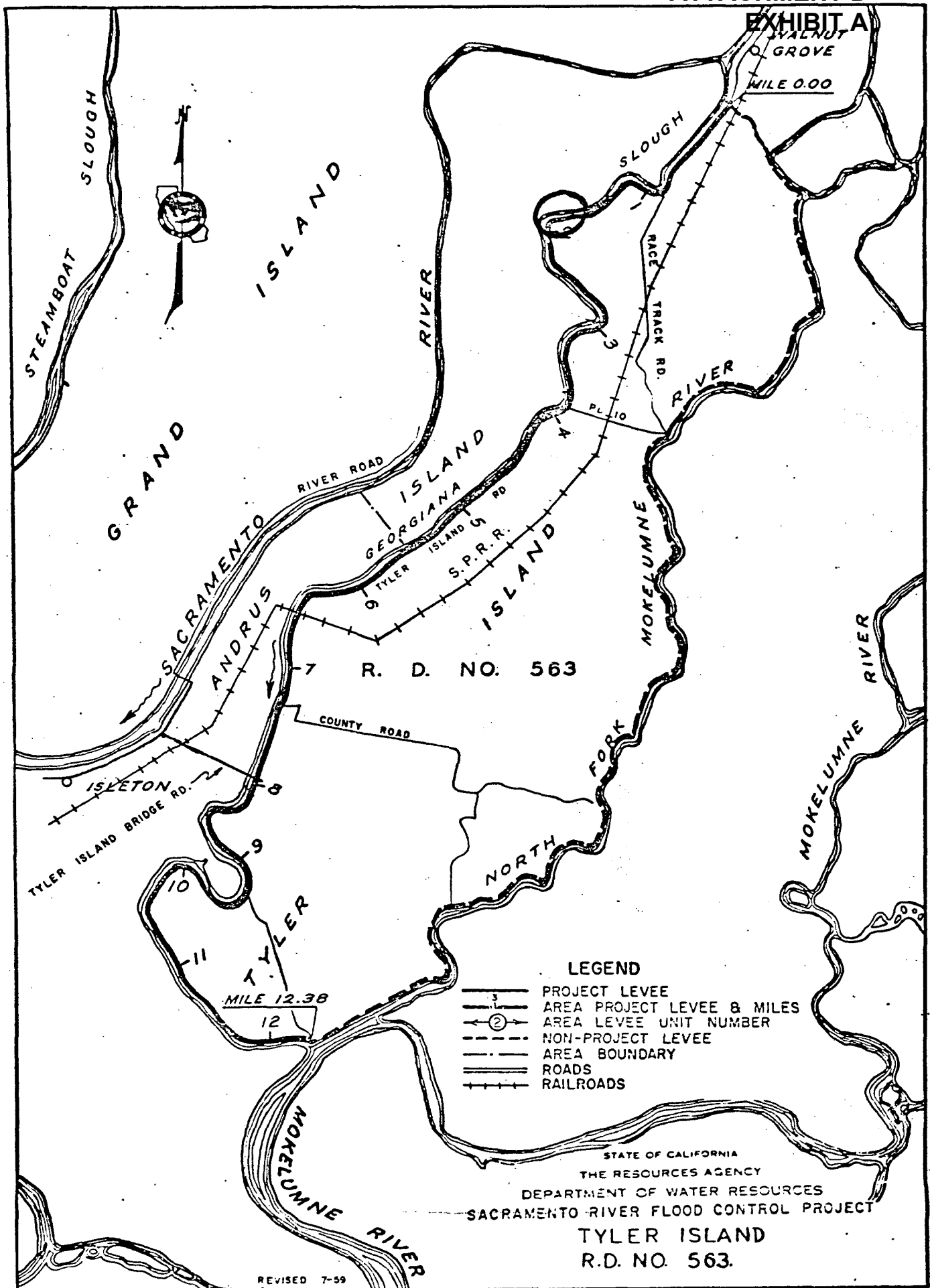
Information in regard to filing an application with the Board for approval of plans, may be obtained by contacting our office at 3251 "S" Street, Sacramento 95816, or telephone (916) 445-9225.

Sincerely yours,

A handwritten signature in cursive script, reading "Howard J. Sullivan".

Howard J. Sullivan
Assistant Secretary
The Reclamation Board

Enclosure



Appl. No. 11204

ORDER OF THE RECLAMATION BOARD

3005.70.100

ATTACHMENT D
EXHIBIT A

Application No. 11204

The Matter of Roy H. Elliott, Jr.
One Eucalyptus Road
Berkeley, CA 94705

For approval of retention of existing encroachments: located within Reclamation District No. 563, Unit No. 1, on the left bank of Georgiana Slough at Tyler Island in Sacramento County. Said encroachments are more particularly located and described as follows:

<u>Levee Mile</u>	<u>Description</u>
1.89	Ramp on landward slope.
1.99	12-inch pipe through levee & below crown 4.0 feet, pump on pile structure. Timber walkway to pump. Service pole on landward slope.

having been set for hearing on the 18th day of July, 1975, and having been heard on said day; NOW, THEREFORE, IT IS ORDERED, that said existing encroachments are hereby approved and permission to retain said encroachments is hereby granted, subject to all the terms, conditions and restrictions attached hereto, which are incorporated herein by reference and made a part hereof.

GENERAL CONDITIONS

ONE: This order is issued under the authority of Sections 8700 - 8723 of the State Water Code;

TWO: This order is to be strictly construed and no work other than that specifically described herein is authorized hereby;

THREE: This approval does not carry with it permission to construct any works on lands owned by the Sacramento and San Joaquin Drainage District, nor on any other lands whatsoever;

FOUR: This order shall remain in effect until revoked. This order is revokable on 15 days' notice in the event that any conditions contained herein are not complied with;

FIVE: This order is granted with the understanding that this action is not to be considered as establishing any precedent with respect to any other application received by The Reclamation Board;

SIX: The permittee agrees by the acceptance of this order to exercise reasonable care to operate and maintain properly any work authorized herein and agrees to conform to standards of operation and maintenance prescribed by the State of California;

SEVEN: The permittee to whom this order is issued shall, whenever the same is required by law, secure the written order or consent to any work hereunder from any other public agency having jurisdiction;

EIGHT: The permittee is responsible for all liability for personal injury or property damage which may arise out of failure on the permittee's part to perform his obligations under this order. In the event any claim of liability is made against the State of California or any department thereof, the United States of America, a local district or other maintaining agency and the officers, agents or employees thereof, permittee shall defend, indemnify and hold them and each of them harmless from such claim.

SPECIAL CONDITIONS

None.

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
Office of the Reclamation Board

ss.

I HOWARD J. SULLIVAN do hereby certify that the above and foregoing is a true and correct copy of an Order made by said Board at the above indicated meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Reclamation Board, this 22nd day of December, 1975.

(SEAL)

Howard J. Sullivan
Assistant Secretary
The Reclamation Board

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13

Morris
Property

ATTACHMENT D, EXHIBIT B

