

**Meeting of the Central Valley Flood Protection Board
February 27, 2015**

Staff Report

Robert Lawson, Mokelumne River, San Joaquin County

1.0 – ITEM

Consider approval of Draft Permit No. 18998 (Attachment B)

2.0 – APPLICANT

Robert Lawson

3.0 – LOCATION

The project is located within and adjacent to the right bank of the Mokelumne River Designated Floodway (DF) at channel mile 24.90, which is outside the Sacramento San Joaquin Delta. See location map in Attachment A. (Mokelumne River, San Joaquin County)

4.0 – PROJECT DESCRIPTION

The applicant has applied to the Central Valley Flood Protection Board (Board) for an encroachment permit to authorize:

1. Existing stairs within the DF
2. Replacement of an existing mobile home
3. Existing Propane tank
4. Existing water well

All of the above are within thirty (30) feet of a natural, unrevetted stream bank. Applicant further proposes to abandon the existing septic system and construct a new septic system. See Attachment C.

5.0 - AUTHORITY OF THE BOARD

California Water Code § 8534, 8590 – 8610.5, and 8700 - 8710

California Code of Regulations, Title 23 (Title 23)

- § 6, Need for a Permit
- § 7, Endorsement by Local Maintaining Agency
- § 13.2 Consent Calendar
- § 112, Streams Regulated and Non-permissible Work Periods
- § 113, Dwellings and Structures Within an Adopted Plan of Flood Control
- § 122, Irrigation and Drainage Ditches, Tile Drains, and Septic Systems
- § 123, Pipelines, Conduits and Utility Lines.

6.0 – BACKGROUND

Camanche Dam was completed in 1963, upstream of the property now owned by Mr. Lawson. The mobile home Mr. Lawson now wishes to replace was installed in its present location in 1968. At that time, the County of San Joaquin permitted the mobile home. The Mokelumne River DF was adopted by the Board on January 10, 1977, based on a discharge of 8,500 cubic feet per second (cfs) from Camanche Dam. Mr. Lawson purchased the property with the mobile home in 1993.

7.0 – PROJECT ANALYSIS

The project as proposed will not compromise the functionality and/or maintenance of the Mokelumne River DF. Using the best available data and mapping tools, it is unclear as to whether the mobile home actually lies within the DF. Staff estimated that the mobile home is approximately 12 -14 feet outside of the DF boundary, on ground higher than the limits of the DF. See Attachment C-3. Staff concluded that flows at or below the design flow of 8,500 cfs released from Camanche Dam would not exceed the limits of the DF boundary. Staff reviewed data from the U.S. Army Corps of Engineers (USACE) and the California Department of Water Resources and determined that since the

completion of Camanche Dam in 1963, the maximum discharge has not exceeded 5,000 cfs.

The right bank of the DF near the area of the proposed mobile home site has 50-year old oak trees. The bank shows no signs of erosion, sloughing, or caving.

7.1 – Hydraulic Analysis

The scope of the work for this project does not require a hydraulic analysis.

7.2 – Geotechnical Analysis

The scope of the work for this project does not require a geotechnical analysis.

8.0 – AGENCY COMMENTS AND ENDORSEMENTS

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

- The USACE comment letter was received on December 16, 2014 for this application. The letter indicates that the USACE District Engineer has no objection to the project. This letter has been incorporated into Permit 18998 as Exhibit A, included with this staff report in Attachment B.
- San Joaquin County Flood Control and Water Conservation District (SJCFC&WCD) has endorsed the project with conditions. These conditions were incorporated into the Board's permit conditions and the SJCFC&WCD letter is included in Attachment D for information purposes. All other applicable conditions have been incorporated into Permit 18998.

9.0 – CEQA ANALYSIS

Board staff has prepared the following CEQA findings:

The Board, acting as the CEQA lead agency, has determined the project is exempt from CEQA under a Class 2 Categorical Exemption (CEQA Guidelines Section 15302) covering replacement of existing structures and facilities.

10.0 – 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 of Water Resources, 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, 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. The project site will be managed and maintained to all applicable standards by Wild Rose Vineyards or its successor or assigns.

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 impacts to the proposed project from reasonable projected future events.

11.0 – STAFF RECOMMENDATION

Staff recommends that the Board:

1. Adopt the CEQA findings;
2. Direct the Executive Officer to take necessary actions to execute the permit and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

12.0 – LIST OF ATTACHMENTS

A. Location Maps and Photos

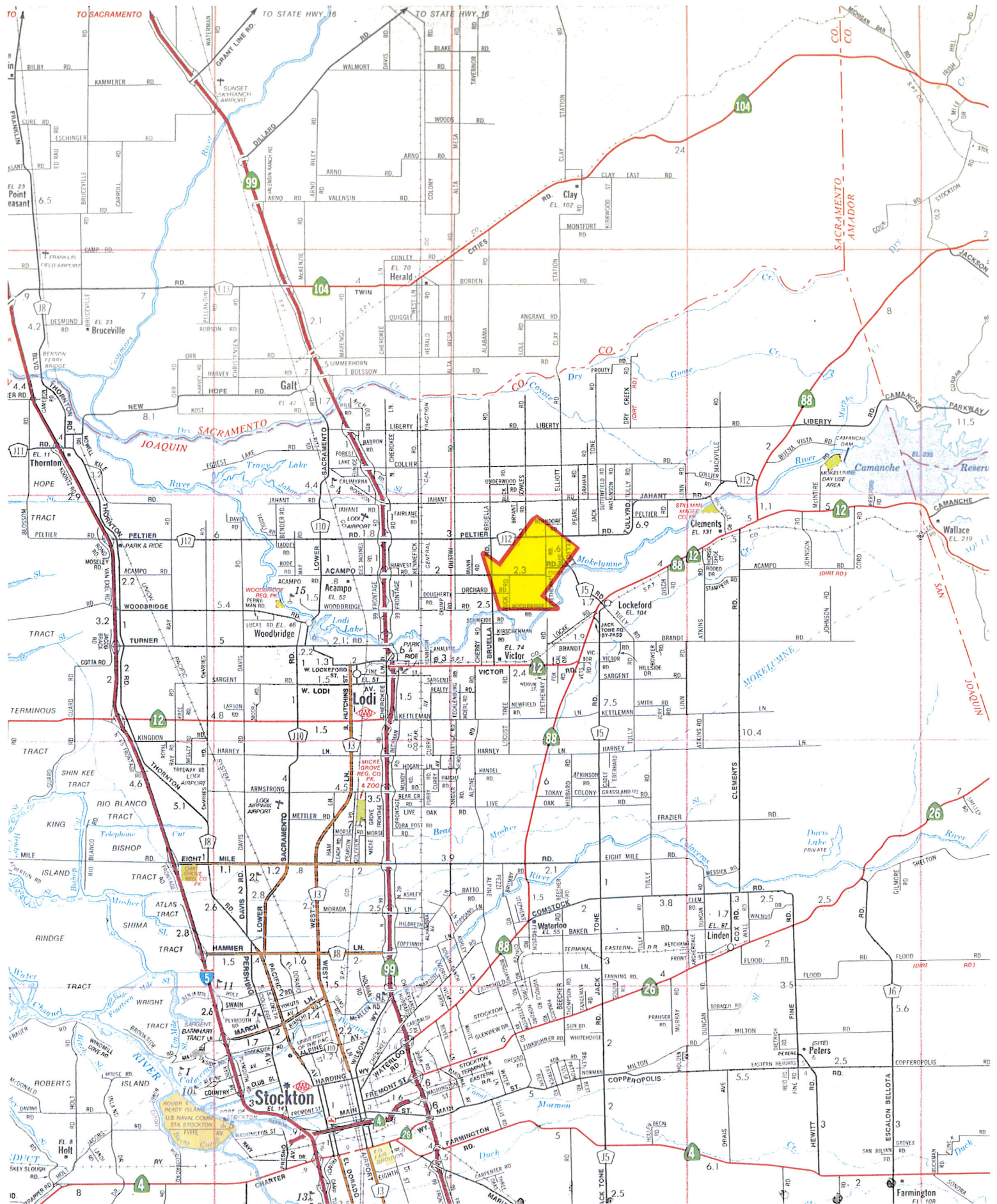
B. Draft Permit No. 18998

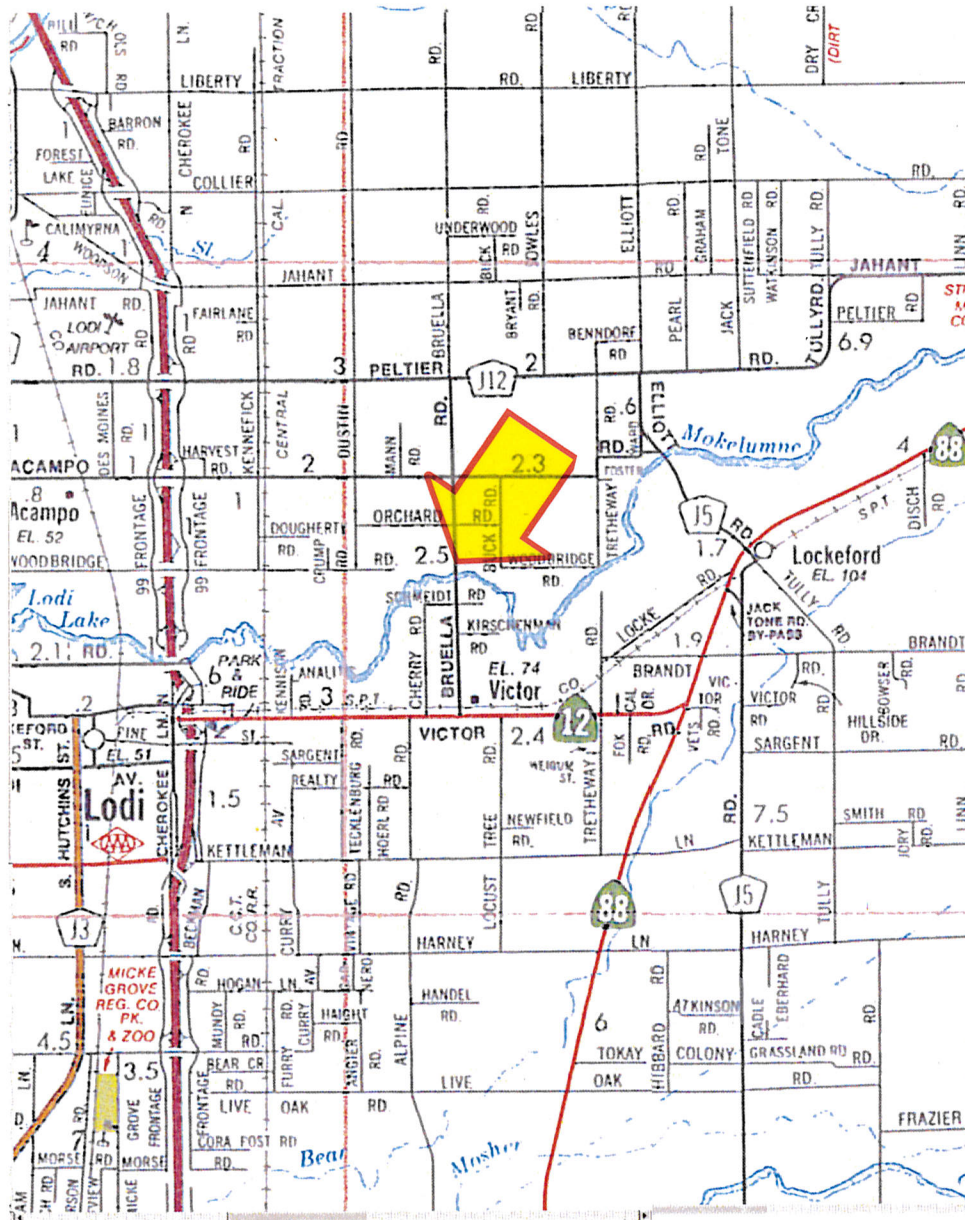
Exhibit A – USACE comment letter dated December 16, 2014

C. Design Plans

D. Local Maintaining Agency Endorsement

Design Review:	Sterling Sorenson, WREA
Environmental Review:	James Herota, Senior Environmental Scientist
Document Review:	Mitra Emami P.E., Permitting Section Chief
	Len Marino P.E., Chief Engineer
Legal Review:	Nicole Rinke, Counsel











DRAFT

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

PERMIT NO. 18998 BD

This Permit is issued to:

Robert Lawson
1924 Colette Street
Lodi, California 95242

To replace an existing mobile home; authorize existing steps, propane tank and well; abandon existing septic system and construct a new septic system.

The project is located west of Bruella Road and northwest of Victor, CA (Section 28, T4N, R7E, MDB&M, San Joaquin County Flood Control and Water Conservation District, Mokelumne River, San Joaquin 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. 18998 BD

LIABILITY AND INDEMNIFICATION

THIRTEEN: The permittee acknowledges that the herein permitted structure is located adjacent to the Mokelumne River Designated Floodway and may be subject to periodic flooding.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein permitted encroachment(s) and shall defend, indemnify, and hold the Central Valley Flood Protection Board, The San Joaquin County Flood Control and Water Conservation District (District) and/or the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

FIFTEEN: The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State") and the District safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

SIXTEEN: The Central Valley Flood Protection Board, the California Department of Water Resources and/or the District shall not be held liable for any damage(s) to the herein permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

AGENCY CONDITIONS

SEVENTEEN: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated December 16, 2014 which is attached to this permit as Exhibit A and is incorporated by reference.

PRE-CONSTRUCTION

EIGHTEEN: The permittee shall contact the Central Valley Flood Protection Board by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a conference concerning the issuance of this permit and its conditions. Failure to do so within 10 working days of receipt of this permit may result in adverse action by the Board.

CONSTRUCTION

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

TWENTY: 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.

TWENTY-ONE: All cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY-TWO: All debris generated by this project shall be properly disposed of outside the Mokelumne River Designated Floodway.

TWENTY-THREE: The herein authorized mobile home, propane tank and steps shall be properly anchored to prevent floatation/movement during high water.

POST-CONSTRUCTION

TWENTY-FOUR: The permittee shall maintain the herein permitted encroachment(s) within the utilized area in the manner required and as requested by any authorized representative of the Central Valley Flood Protection Board, the California Department of Water Resources and/or any other agency responsible for maintenance activities within the Floodway.

TWENTY-FIVE: If damage to the dwelling exceeds 50 percent of its market value within a 10-year period, the dwelling cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the dwelling is not repaired or replaced, the remaining portion must be

completely removed from the floodway prior to the next flood season.

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

TWENTY-SIX: If the herein permitted encroachment(s), or any portion(s) thereof, is/are to be abandoned in the future, the permittee or successor shall abandon the encroachment(s) under direction of the Central Valley Flood Protection Board at the permittee's or successor's cost and expense.

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove or alter all or any part of the herein permitted encroachment(s) if modification or alteration 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 modify/remove the herein permitted encroachment at the permittee's expense.



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

REPLY TO
ATTENTION OF

Flood Protection and Navigation Section (18998)

DEC 16 2014

Ms. Leslie M. Gallagher, Acting Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Ms. Gallagher:

We have reviewed a permit application by Robert Lawson (application number 18998). This project includes replacing an existing mobile home; authorizing existing steps, propane tank and well; abandoning the existing septic system; and constructing a new septic system along the left bank of the Mokelumne River. The project is located west of Bruella Road and northwest of Victor, at 38.160844°N 121.208419°W NAD83, San Joaquin County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

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

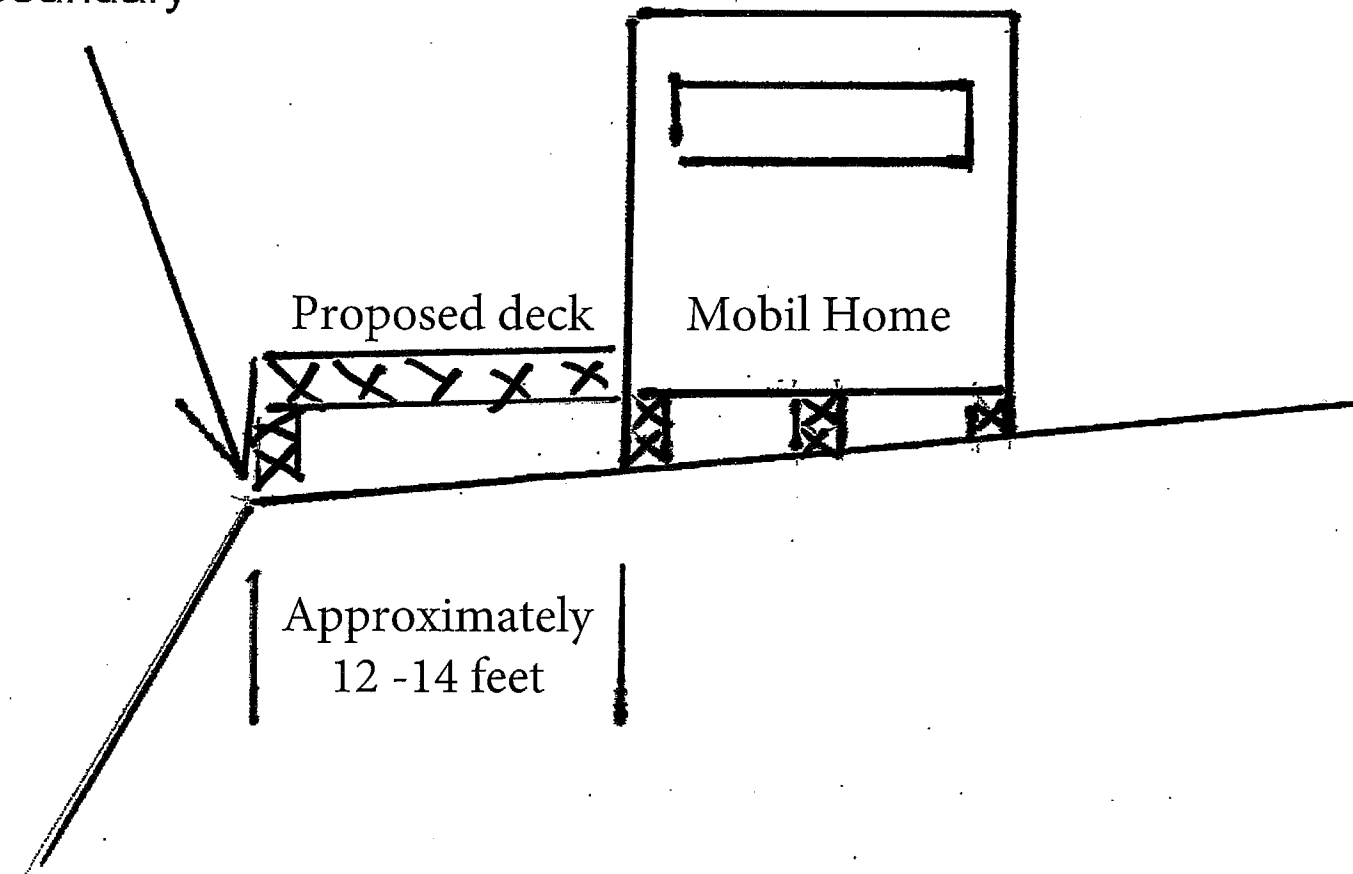
A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821.

Sincerely,

A handwritten signature in blue ink, reading "Ryan Larson", is positioned above the printed name.

Ryan Larson, P.E.
Chief, Flood Protection and Navigation Section

Approximate D.F.
Boundary



Not to scale



SAN JOAQUIN COUNTY

FLOOD CONTROL & WATER CONSERVATION DISTRICT

P. O. BOX 1810
1810 EAST HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201
TELEPHONE (209) 468-3000
FAX NO. (209) 468-2999

THOMAS M. GAU
DIRECTOR OF PUBLIC WORKS
FLOOD CONTROL ENGINEER

October 2, 2014

The Central Valley Flood Protection Board
3310 El Camino Avenue
Sacramento, California 95821

Attention: Central Valley Flood Protection Board
Floodway Protection Section

SUBJECT: CENTRAL VALLEY FLOOD PROTECTION BOARD PERMIT APPLICATION
OF MR. ROBERT LAWSON, ASSESSOR'S PARCEL NO. 017-120-44,
MOKELUMNE RIVER, ENDORSEMENT NO. PW-1400011

Gentlemen:

Reference is made to the Central Valley Flood Protection Board (Board) Permit Application (Permit) of Mr. Robert Lawson to replace an existing mobile home.

The Project is located on the right (north) bank of the Mokelumne River Approximately 560 feet downstream of Bruella Road Bridge, north of the Town of Victor, in San Joaquin County, in Section 28, Township 4 North, Range 7 East, Mount Diablo Base and Meridian, San Joaquin County Assessor's Parcel No. 017-120-44.

The San Joaquin County Flood Control and Water Conservation District (District) has reviewed the Board's Permit Application of Mr. Robert Lawson (Permittee) and endorses the Project subject to the following conditions:

1. The District shall not be responsible for the maintenance of the facilities specified in this Permit.
2. The approval of the mobile home is subject to the approval of the Board and the U. S. Army Corps of Engineers. The Permittee or the Successors-in-Interest shall be responsible for the removal of these encroachments, as requested by the District, if identified in the future as a deficiency in the California Department of Water Resources' or the U. S. Army Corps of Engineers' inspections.
3. The District shall not be held liable for damage(s) to the permitted encroachment(s) due to the District's operation, maintenance, flood fight, inspection, or emergency repairs.
4. The Permittee or the Successors-in-Interest shall be responsible for the modification or possible removal of the facilities, as requested by the District, if required for any future flood control plans at the Permittee or the Successors-in-Interest sole cost and expense.

5. The Permittee shall be liable for any damage to the Mokelumne River that may occur as a result of this Project.
6. No work shall be allowed in the Mokelumne River's channel between November 1st and April 15th without prior approval of the Board and the District.
7. The Permittee or Successors-in-Interest shall keep the encroachments properly maintained in accordance with applicable current or future local, State, and Federal standards.
8. Should significant damage occur to any encroachment covered by this Permit, it shall not be repaired or replaced without prior approval of the Central Valley Flood Protection Board or the San Joaquin County Flood Control and Water Conservation District. Any replacement shall be brought into conformance with applicable local, State, and Federal standards and Permit requirements in effect at the time, including type and location.

Should there be any questions regarding these comments, please contact me at (209) 953-7617.

Sincerely,



For JOHN I. MAGUIRE, P.E.
Engineering Services Manager

JIM:SS:mk
FM-14I045-M1