

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Ste. 170  
SACRAMENTO, CA 95821  
(916) 574-0609



March 16, 2021

Fresno County Department of Public Works & Planning  
2220 Tulare St. 7th Floor  
Fresno, California 93721

Subject: Permit No. 19509 BD

Enclosed is your approved Central Valley Flood Protection Board (Board) Permit No. 19509 BD.

Please note that this permit authorizes only the proposed work that was submitted and reviewed by Board staff. This permit, in addition to the twelve (12) General Conditions, includes Special Conditions that may place limitations on or require modifications to your proposed work. You are advised to read all conditions prior to starting work. Commencing any work under this permit shall constitute an acceptance of the provisions of the permit and an agreement to perform the work in accordance with the approved permit. This permit does not relieve you from the responsibility, when required by law, to secure the written order or consent from all other State, local, or federal agencies having jurisdiction.

Please be advised routine inspections will be conducted by the Board every five to ten years depending on the type of encroachment. Please visit our website at [www.cvfpb.ca.gov](http://www.cvfpb.ca.gov) for more information regarding routine inspection fees and inspection frequencies.

If you have any questions, please contact Deb Biswas of my staff at (916) 574-2383 or by e-mail at [Debabrata.Biswas@cvflood.ca.gov](mailto:Debabrata.Biswas@cvflood.ca.gov). Please refer to Permit No. 19509 BD on all correspondence.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Lamb".

Steven Lamb, Chief  
Permitting Section  
Central Valley Flood Protection Board

Enclosure

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

**PERMIT NO. 19509 BD**

**This Permit is issued to:**

Fresno County Department of Public Works & Planning  
2220 Tulare St. 7th Floor  
Fresno, California 93721

To remove and replace the existing 23 feet wide and 31 feet long, two-lane Sand Creek Bridge with a new 26 feet 10 inches wide and 101 feet long two-lane bridge.

The project is located on Ennis Road over Sand Creek, about 4.4 miles southeast of SR 180 in Fresno County, at 36.68370°N 119.20930°W, Sand Creek, Fresno County.

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

**(SEAL)**

Dated: 3/16/2021

*Leslie M. Gallagher*

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 Central Valley Flood Protection Board (Board) or the California Department of Water Resources (DWR), and the permittee shall conform to all requirements of the Board or DWR.

**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 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 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 interference 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 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. 19509 BD**

### **LIABILITY AND INDEMNIFICATION**

**THIRTEEN:** The permittee shall defend, indemnify, and hold harmless the Board and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnitees), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnitees in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

**FOURTEEN:** Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnitees may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

**FIFTEEN:** Neither the Board nor DWR shall be held liable for any damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operations, maintenance, inspection, or emergency repair.

## **AGENCY CONDITIONS**

SIXTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications dated November 15, 2019 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 Board.

SEVENTEEN: Permittee shall pay an inspection fee(s) to the Board to cover inspection cost(s), including staff and consultant time and expenses, for any inspections before, during, and after construction, and regularly thereafter as deemed necessary by the Board.

EIGHTEEN: In the event that 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 Board, to prevent further erosion.

NINETEEN: The permittee shall be responsible for the repair of any damages to the channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: The permittee agrees to notify any new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>, or by contacting the Board by telephone at (916) 574-0609.

TWENTY-ONE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

TWENTY-TWO: The Board will conduct routine inspections of the permitted encroachment periodically, at regular intervals, at the Board's discretion. The Board will notify the permittee in advance of the planned routine inspection and will impose an inspection fee for each inspection.

## **PRE-CONSTRUCTION**

TWENTY-THREE: Upon receipt of a signed copy of the issued permit the permittee shall contact the Board by telephone at (916) 574-0609 to schedule a preconstruction conference with the inspector who is assigned to the project. Failure to do so at least 10 working days prior to start of work may result in a delay of the project.

## **CONSTRUCTION**

TWENTY-FOUR: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Board. Failure to submit a Time Variance Request to the Board at least 10 working days prior to the start of work may result in a delay of the project.

TWENTY-FIVE: Temporary staging, formwork, stockpiled material, equipment, and temporary buildings shall not remain in the floodway during the flood season from November 1 to April 15.

TWENTY-SIX: The soffit of the bridge shall be a minimum of 3 feet above the 100-year water surface elevation of 951.2 feet (NAVD88)

TWENTY-SEVEN: The bridge bents shall be constructed parallel to the direction of flow.

TWENTY-EIGHT: The existing bridge shall be completely removed and disposed of outside the limits of the Sand Creek Floodway.

TWENTY-NINE: Piers, bents, and abutments being dismantled shall be removed to at least 1 foot below the natural ground line and at least 3 feet below the bottom of the low-water channel.

THIRTY: Drainage from the bridge or highway shall not be discharged onto the streambank.

## **POST-CONSTRUCTION**

THIRTY-ONE: All debris generated by this project shall be properly disposed of outside the Sand Creek Floodway and off all Project Works.

THIRTY-TWO: The project area shall be restored to at least the condition that existed prior to commencement of work.

THIRTY-THREE: Upon completion of the project, the permittee shall submit as-constructed drawings to the Board.

## **OPERATIONS AND MAINTENANCE**

THIRTY-FOUR: After each period of high water, debris that accumulates at the site shall be completely removed from the Sand Creek Floodway and off all Project Works.

THIRTY-FIVE: 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 Board, DWR, or any other agency responsible for maintenance and flood control and shall, at all times, allow officials from these agencies to access the adjacent areas as necessary for maintenance and flood control.

THIRTY-SIX: The permitted encroachment(s) shall not interfere with the 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) within 30 days of being notified in writing by the Board. In the event of an emergency a shorter timeframe may be required. If the permittee does not comply, the Board, or a designated agency or company authorized by the Board, may modify or remove the encroachment(s) at the permittee's expense.

## **PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL**

THIRTY-SEVEN: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Board at the permittee's or successor's cost and expense.

THIRTY-EIGHT: 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 in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. The permittee shall remove the encroachment(s) within 30 days of being notified in writing by the Board. In the event of an emergency a shorter timeframe may be required. If the permittee does not comply the Board will remove the encroachment(s) at the permittee's expense.

## **END OF CONDITIONS**