

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Ste. 170
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682



July 3, 2020

Fresno County
2220 Tulare St., 6th Floor
Fresno, California 93721

Subject: Permit No. 19481 EO

Enclosed is your approved Central Valley Flood Protection Board (Board) Permit No. 19481 EO. Under General Condition Four (4) of the permit, you are required to accomplish the authorized work under the direction and supervision of the Department of Water Resources (DWR) and the Board who will provide construction inspection services for your project. You must notify the Board at (916) 574-0609 at least ten days prior to commencing work or your project could be delayed. You will be contacted by a DWR or Board inspector to schedule a pre-construction meeting.

Please note that this permit authorizes only the proposed work that was submitted and reviewed by Board staff. This permit includes twelve (12) General Conditions and several 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 contact Mauricio Meza of my staff at (916) 574-0942 or by e-mail at Mauricio.Meza@CVFlood.ca.gov if you have any questions.

Sincerely,

Gary Lemon

Gary Lemon, Chief
Permitting Section
Central Valley Flood Protection Board

Enclosure

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

PERMIT NO. 19481 EO

This Permit is issued to:

Fresno County
2220 Tulare St., 6th Floor
Fresno, California 93721

To authorize the existing Lost Lake Nature pedestrian trail and an existing shade structure over a picnic area constructed within the San Joaquin River Designated Floodway; and to rehabilitate and restore approximately 2,700 linear feet of the existing trail.

The project is located approximately 1 mile southwest of the intersection of Lost Lake Road and North Friant Road and about 3 miles southwest of Friant Dam, at 36.96667°N 119.74056°W, San Joaquin River, Fresno 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: 7/3/2020

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. 19481 EO

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: The Board shall not be held liable for any damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, 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 May 31, 2018 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 to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

EIGHTEEN: 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.

NINETEEN: 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.

TWENTY: 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-ONE: Correspondence was received from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated February 11, 2020, signifying that the District Engineer has no comments or recommendations regarding flood control because the proposed project does not affect a federally constructed project.

TWENTY-TWO: 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/>

TWENTY-THREE: 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-FOUR: The Board retains the right to temporarily close the pedestrian trail for improvement, maintenance, and emergency flood fight activities.

PRE-CONSTRUCTION

TWENTY-FIVE: 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 your 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-SIX: No construction work of any kind shall be done during the flood season from November 1 to July 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.

POST-CONSTRUCTION

TWENTY-SEVEN: All debris generated by this project shall be properly disposed of outside the San Joaquin River Designated Floodway and off all Project Works.

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

OPERATIONS AND MAINTENANCE

TWENTY-NINE: After each period of high water, debris that accumulates at the site shall be completely removed from the San Joaquin River Designated Floodway and off all Project Works.

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

THIRTY-ONE: 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.

THIRTY-TWO: Maintenance of the pedestrian trail shall be the responsibility of the permittee. The trail shall be maintained to a level that is safe for pedestrian traffic and acceptable to the Board.

THIRTY-THREE: Repair and/or replacement of the pedestrian trail, should it become damaged due to emergency flood fight, floodway maintenance, or necessary improvement activities on the flood control project feature, shall be made by and at the sole expense of the permittee.

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

THIRTY-FOUR: 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-FIVE: 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