

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

RECEIVED
JUN 21 2006
Department of Water Resources

PERMIT NO. 18064 BD

This Permit is issued to:

City of Sacramento Department of Parks and Recreation
915 I Street, 5th Floor
Sacramento, California 95814

To construct a 20-foot-wide, approximately 1.5 mile long asphalt concrete surfaced bike trail, with two 8-foot-wide concrete access ramps at 5th and 10th Streets, on the crown of the left (south) bank levee of the American River. The project is located in Sacramento between I-5 and 12th Street (Section 36, T9N, R4&5E, MDB&M, American River Flood Control District, American River, Sacramento County).

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

(SEAL)

Dated: JUN 21 2006

Alan S. Shea
Acting 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.

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 FOR PERMIT NO. 18064 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 Reclamation Board.

FOURTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless The Reclamation Board, the State of California and/or any department(s) thereof and American River Flood Control District from any liability or claim(s) of liability associated therewith.

FIFTEEN: The Reclamation Board, the State of California and/or any department(s) thereof and American River Flood Control District shall not be held liable for damage(s) to the permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair(s) of the flood control project works.

SIXTEEN: The permittee shall comply with all conditions set forth in the letter from American River Flood Control District dated April 19, 2006, which is attached to this permit as Exhibit A and is incorporated by reference.

SEVENTEEN: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

EIGHTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

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 Reclamation Board.

TWENTY: The bicycle trail shall conform to the standards contained in Section 132 of The Reclamation Board's Regulations.

TWENTY-ONE: Granting of this permit does not convey any interest in real property. The permittee shall be responsible, at permittee's expense, for obtaining an easement or other appropriate interest in real property for construction and maintenance of the bicycle trail from the fee owner of the property.

TWENTY-TWO: The permittee shall defend, hold harmless, and indemnify the State of California and American River flood Control District, and each of their boards, elected officials, officers, employees, and agents against all damages and claims of liability of whatever nature which arise from the use of the levee as a bicycle trail.

TWENTY-THREE: Maintenance of the bicycle trail shall be the responsibility of the permittee unless the permittee submits evidence of an agreement by which a public agency has assumed the responsibility of maintaining the bicycle trail. The trail shall be maintained to a level that is safe for bicycle traffic and acceptable to the local flood control maintaining agency and the Department of Water Resources.

TWENTY-FOUR: Repair and/or replacement of the bicycle trail, should it become damaged due to emergency flood fight, levee or floodway maintenance, or necessary improvement activities on the flood control project feature, shall be made by and at the sole expense of the permittee, or in accordance with the agreement for maintenance between the permittee and the public agency.

TWENTY-FIVE: The permittee agrees to bear the cost of any repairs to the flood control project feature that are made necessary by the presence or use of the bicycle trail.

TWENTY-SIX: The Reclamation Board and local flood control maintaining agency retain the right to temporarily close the bicycle trail for improvement, maintenance, and emergency flood fight activities.

TWENTY-SEVEN: Compaction tests by a certified soils laboratory will be required to verify compaction of backfill within the levee section or within 10 feet of the levee toe.

TWENTY-EIGHT: Fill material shall be placed only within the area indicated on the approved plans.

TWENTY-NINE: Prior to placement of fill on and/or against the levee crown and/or slope and within 10 feet of the levee toe, all surface vegetation shall be removed to a depth of 6 inches. Organic soil and roots larger than 1-1/2 inches in diameter shall be removed to a depth of 3 feet.

THIRTY: Any excavation(s) and/or fill made in/on the levee section or within 10 feet of the levee toes shall be backfilled and/or placed in 4- to 6-inch layers with impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Backfill material shall be compacted in 4- to 6-inch layers to a minimum of 90

percent relative compaction as measured by ASTM Method D1557-91.

THIRTY-ONE: The permittee must install permanent signs at all bicycle access points to control all unauthorized use of the bicycle trail.

THIRTY-TWO: Excavations in the levee section for fence, sign and/or gate posts and footings shall be a maximum of three feet deep, cleaned of all loose soil, and backfilled with concrete cast against firm undisturbed earth.

THIRTY-THREE: Any erosion on the levee slopes resulting from increased surface runoff due to the placement of asphalt concrete on the levee crown and/or access ramps shall be repaired immediately and measures shall be implemented to prevent future erosion.

THIRTY-FOUR: All debris generated by this project shall be disposed of outside the flood control project works.

THIRTY-FIVE: The work area shall be restored to the condition that existed prior to start of work

THIRTY-SIX: 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 Reclamation Board, the State of California Department of Water Resources and/or any other agency responsible for maintenance.

THIRTY-SEVEN: The permitted encroachment(s) shall not interfere with operation and maintenance of the adopted plan of flood control. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the floodway 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 Reclamation Board or Department of Water Resources. If the permittee does not comply, The Reclamation Board may modify or remove the encroachment(s) at the permittee's 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 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 Reclamation Board may remove the encroachment(s) at the permittee's expense.

THIRTY-NINE: 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 Reclamation Board and Department of Water Resources, at the permittee's or successor's cost and expense.

FORTY: Any additional encroachment(s) within the flood control project works require an approved permit from The Reclamation Board and shall be in compliance with The Reclamation Board's regulations (Title 23 California Code of Regulations).



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
 1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
 April 23, 2007

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MAY 01 2007
 Department of Water Resources

Navigation and Flood Control Unit (18064)

Mr. Jay Punia, General Manager
 The Reclamation Board
 State of California
 3310 El Camino Avenue, Room LL40
 Sacramento, California 95821

Dear Mr. Punia:

We have reviewed an application for a permit by City of Sacramento Department of Parks and Recreation (Reclamation Board Number 18064). These plans include constructing a 20-foot-wide, approximately 1.5-mile-long, asphalt concrete surfaced bicycle trail on the crown and two 8-foot-wide concrete access ramps at 5th and 10th Streets on the (south) bank levee of the American River. The project is located in Sacramento between Interstate 5 and 12th Street, in Section 36, Township 9 North, Range 4 & 5 East, M.D.B. & M. Survey, Sacramento County, California.

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

- a. That in the event trees and brush are cleared, they shall be properly disposed of outside the limits of the project works.
- b. That the bicycle trail and all bicycle access ramps must be sloped to drain away from the levee crown.
- c. That the bicycle trail may not be cut into the levee section and must not interfere with maintenance.
- d. That no material stockpiles shall be placed within a distance of 10-feet from the levee toe.
- e. That the permittee must agree to bear the cost of any repairs to a flood control project facility that is made necessary by the presence or use of the bicycle trail.
- f. That the Board and the local flood control maintaining agency retain the right to temporarily close the bicycle trail for improvement or maintenance and during emergency flood fight activities.

-2-

g. That the proposed work shall not be made or remain during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.

h. That the project area shall be restored to at least the same condition as existed prior to commencement of the proposed work.

i. That repair or replacement of the bicycle trail that is damaged during an emergency flood fight procedure, routine maintenance, or any required improvement activity within an adopted plan of flood control must be made by, and at the sole expense of, the permittee or in accordance with an agreement for maintenance between the permittee and a public agency.

j. That the proposed ramps shall be constructed of imported fill material and not cut into the levee section.

k. That the proposed gates shall comply with California Code of Regulations, Title 23.

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

If you have any questions concerning our comments on this permit application, please contact Mr. Mohsen Tavana at (916) 557-5282 or Mr. Robert Murakami at (916) 557-6738.

Sincerely,

Michael D. Mahoney, P.E.
Chief, Construction-Operations Division

CF:

Mr. Jeremy Arrich, Acting Chief, Flood Project Integrity and Inspection Branch,
3310 El Camino Ave., Suite LL30, Sacramento, CA 95821



Board of Trustees
Karolyn W. Simon
Clyde W. Macdonald
Bettina C. Redway
Virginia G. Moose
Derek Minnema

General Manager/Engineer
Paul T. Devereux

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APR 15 2006

April 17, 2006

18064

Mr. Steve Bradley, Chief Engineer
The Reclamation Board
3310 West El Camino Ave, Rm LL40
Sacramento, CA 95825

Subject: Encroachment Permit No. unnumbered
Applicant: City of Sacramento

Dear Mr. Bradley:

Encroachment permit (unnumbered) for the Two Rivers Trail Project American River South Levee-City of Sacramento approved by the American River Flood Control District Board of Trustees at their April 14, 2006 Board meeting with recommended conditions. A fully executed copy of the permit application with conditions is enclosed for the Reclamation Board's records.

If you have any further questions about our approval or conditions please contact our office at the number below.

Sincerely,

F.I. (Butch) Hodgkins
Interim General Manager

cc Teresa Haenggi
City of Sacramento
Dept of Parks and Recreation
915 I Street, 5th floor
Sacramento. CA 95814

voice 916-929-4006 fax 916-929-4160

165 Commerce Circle, Suite D,
Sacramento. California 95815



Permit Conditions

Board of Trustees

Karolyn W. Simon
Clyde W. Macdonald
Bettina C. Redway
Virginia G. Moose
Derek Minnema

General Manager/Engineer
Paul T. Devereux

Exhibit - A

Permit Application No. *13064*

Applicant: City of Sacramento

Description: Two Rivers Trail Phase 1—Tiscornia Park to 12" Street Bridge

CONDITIONS:

1. Maintenance of all encroaching structures, facilities, vegetation or other matters approved under this permit shall remain the responsibility of the Permittee.
2. Permittee may be required, at the Permittee's sole cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted work if such 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 encroaching facilities are damaged by any cause. This shall include, but is not limited to, the removal, relocation or any other mitigation or compensation for direct or indirect impacts to Elderberry plants required by any agency if they are determined to be in conflict with a future flood control plan or project.
3. Permittee shall notify the District one week in advance of the start of construction
4. The attached Operation and Maintenance Agreement between the District and the City of Sacramento is hereby incorporated and made a part of these permit conditions.
5. Final details, including but not limited to, location of call boxes, design and location of trail closure signs, temporary trail detours, design of access gates, levee slope modifications, and final design of retaining walls shall be reviewed and approved by the District and the Reclamation Board. These details must be approved prior to the start of construction.
6. The District shall fabricate and install the access gates and posts as finally approved. The City shall reimburse the District for the costs of fabrication and installation.
7. This Permit is for Phase I improvements only between Tiscornia Park and the 12" Street Bridge as shown on the plans submitted with this application. Subsequent phases or other additional improvements require additional approval through subsequent encroachment permits.

voice 916-929-4006 fax 916-929-4160

165 Commerce Circle, Suite 0,
Sacramento, California 95815