



**US Army Corps  
of Engineers**  
Sacramento District

---

## **NEW MELONES LAKE PROJECT**

# **OPERATION AND MAINTENANCE MANUAL**

# **STANISLAUS RIVER**

**BETWEEN GOODWIN DAM AND  
THE SAN JOAQUIN RIVER**

**SAN JOAQUIN, STANISLAUS, TUOLUMNE,  
AND CALAVERAS COUNTIES**

**CHANNEL MAINTENANCE**

**MAY 1984**

CORPS OF ENGINEERS  
U.S. ARMY

NEW MELONES LAKE PROJECT, CALIFORNIA  
OPERATION AND MAINTENANCE MANUAL  
FOR  
STANISLAUS RIVER  
BETWEEN GOODWIN DAM AND  
THE SAN JOAQUIN RIVER

U.S. ARMY ENGINEER DISTRICT  
CORPS OF ENGINEERS  
SACRAMENTO, CALIFORNIA

MAY 1984

TABLE OF CONTENTS

<u>Paragraph</u>		<u>Page</u>
	DEFINITIONS	ii
	<u>SECTION I - INTRODUCTION</u>	
1.01	Authority	1
1.02	Purpose of Manual	1
1.03	Scope of Manual	1
	<u>SECTION II - PROJECT DESCRIPTION</u>	
2.01	Authorization and Location	2
2.02	Description of Channel	2
2.03	Project Lands	2
2.04	Assurances Provided by Local Interests	3
	<u>SECTION III - RESPONSIBILITIES OF THE CORPS OF ENGINEERS</u>	
3.01	Duties of Sacramento District	4
3.02	Duties of Construction-Operations Division	4
	<u>SECTION IV - OPERATION AND MAINTENANCE</u>	
4.01	Inspection Procedure	5
4.02	Maintenance	5
4.03	Management of Project Lands	5
	<u>EXHIBITS</u>	
A.	Location Map	
B.	Drawings Showing Limits of Floodway	
C.	Flowage Easement (Outside Primary Floodway) - SAMPLE	
D.	Flowage and Channel Maintenance Easement (Inside Primary Floodway) - SAMPLE	
E.	Flowage and Channel Maintenance Easement (Inside Primary Floodway); Fish and Wildlife Habitat Preservation and Propagation - SAMPLE	
F.	Annual Report Form - SAMPLE	
G.	Inspection Checklist for Channel and Floodway - SAMPLE	
H.	Right-of-Entry Permit - SAMPLE	
I.	Correspondence concerning control of encroachments	
J.	Letter of assurances for levee maintenance	

## DEFINITIONS

For the purposes of this manual, the following definitions have been adopted:

"Channel" - The main watercourse of the Stanislaus River from Goodwin Dam to the San Joaquin River.

"Floodway" - Those lands adjacent to the Stanislaus River channel subject to inundation at the objective flow of 8,000 cfs at Orange Blossom Bridge.

"Primary Floodway" - The minimum required widths for an 8,000 cfs flow. The primary floodway has been determined to be the area between existing project levees from Mile 0 at the San Joaquin River to Mile 9.3, 800 feet wide from Mile 9.3 to Mile 12, 600 feet wide from Mile 12 to Ripon, and 500 feet wide from Ripon to about Orange Blossom Bridge.

"Flood" or "High Water Period" - That period in time in which the water surface in the Stanislaus River reaches or exceeds a reading of 10 feet on the U.S.G.S. gage at Orange Blossom Road.

"Flood Season" - From 1 November to 1 July.

*8/10/76*

*These are the minimum  
flow requirements for  
the Stanislaus River.*

## SECTION I - INTRODUCTION

1.01. Authority. - Section 203 of the Flood Control Act of 1962 (Public Law 874, 87th Congress, 2nd Session) states "The New Melones project, Stanislaus River, California, authorized by the Flood Control Act approved December 22, 1944 (58 Stat. 887), is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 453, Eighty-seventh Congress, at an estimated cost of \$113,717,000: Provided, That...:

Provided further, That the Stanislaus River Channel, from Goodwin Dam to the San Joaquin River, shall be maintained by the Secretary of the Army to a capacity of at least eight thousand cubic feet per second subject to the condition that responsible local interests agree to maintain private levees and to prevent encroachment on the existing channel and floodway between the levees: Provided further, That..." The agreements with local interests are presented in Section II, Paragraph 2.04.

1.02. Purpose of Manual. - The purpose of this manual is to furnish Corps personnel with information on the organizational responsibilities and operation and maintenance requirements for the Stanislaus River channel.

1.03. Scope of Manual. - The requirements contained in this manual are confined to the Stanislaus River channel from Goodwin Dam to the San Joaquin River, including those lands subject to inundation at the objective flow of 8,000 cfs. Separate manuals will be issued for the operation and maintenance of public recreation facilities. Detailed references to regulations, policy, and other such information which is furnished project personnel through normal command channels is not included in this manual.

## SECTION II - PROJECT DESCRIPTION

2.01. Authorization and Location. - Construction of New Melones Lake was authorized by the Flood Control Act of 1944, subsequently modified by the Flood Control Act of 1962. The Stanislaus River portion of the project begins at Goodwin Dam, a small diversion dam located about 17 miles upstream from Oakdale, California, and extends downstream for approximately 59 river miles to the confluence of the San Joaquin and Stanislaus Rivers, about 15 miles west of Ripon, California. The project limits are as indicated on the vicinity map, Exhibit A.

2.02. Description of Channel. - The Stanislaus River channel is comprised of a floodway with a capacity of at least 8,000 cfs within the boundaries shown on Exhibit B. Flowage and access easements are being acquired for this purpose and project tract register maps (Exhibit B) indicating the rights purchased are available in Real Estate Division.

### 2.03. Project Lands

2.03.1. Fee Title Lands. - These lands are purchased in fee for public access. That portion of fee title land located within the 8,000 cfs floodway boundaries provides for flood control and fish and wildlife preservation and enhancement. Rules and regulations will be prescribed as part of Title 36, Code of Federal Regulations.

2.03.2. Easement Lands. - The different estates located within the 8,000 cfs floodway boundaries are summarized as follows:

(1) Flowage Overflow Easement (Outside Primary Floodway). - The informal designation for this easement is "Ordinary Flowage Easement." This easement is found primarily on the broad flood plain from Riverbank downstream. Most of the area is cultivated farmland which would be subject to occasional overflow. The landowners will be free to protect their land from overflow. Exhibit C presents the agreement and language of this estate.

(2) Flowage and Channel Maintenance Easement (Inside Primary Floodway). - The informal designation for this easement is "Strong Flowage Easement." This easement is also over cultivated farmlands subject to overflow but the landowners may not in any manner protect their land from overflow. Exhibit D presents the agreement and language of this estate.

(3) Flowage and Channel Maintenance Easement (Inside Primary Floodway); Fish and Wildlife Habitat Protection and Propagation. - The informal designation for this easement is "Strong Flowage and Riparian Habitat." It includes the primary floodway and the vegetation bordering it. Most of the easement tracts are in this category. The easement contains the requirements of the "Strong Flowage Easement" as stated above and, in addition, prohibits the trimming, felling, cutting, or removal of vegetation in its natural state. This easement also prohibits the removal, shifting, or altering in any manner of gravel deposits as they now or may hereafter exist. The lands, however, may continue to be used for the grazing of livestock. Exhibit E presents the agreement and language of this estate.

2.04. Assurances Provided by Local Interests. - By letter dated 13 December 1963, the Reclamation Board of the State of California indicated that it would furnish the assurances of local cooperation when requested to do so. Correspondence concerning the Corps of Engineers agreement to control encroachments through the administration of property rights is included in Exhibit I. The Reclamation Board's letter of assurances on the Stanislaus River below Goodwin Dam is included in Exhibit J.

SECTION III - RESPONSIBILITIES OF THE CORPS OF ENGINEERS

3.01. Duties of Sacramento District. - Maintenance of the Stanislaus River channel and floodway, with the exception of specific local responsibility for levee maintenance, is the responsibility of the Sacramento District. The channel and floodway shall be properly and continuously maintained for operational capability at all times. As described in Section II, Paragraph 2.04, the Sacramento District will also control encroachments through the administration of property rights.

3.02. Duties of Construction-Operations Division. - All project operation and maintenance functions are under the jurisdiction of Construction-Operations Division. The duties to be performed include the following:

3.02.1. Training of Key Personnel. - Key personnel shall be trained in maintenance work and problems related to flood control.

3.02.2. Inspections. - Periodic inspections shall be made to determine maintenance measures necessary to insure adequate capacity of the channel and floodway.

3.02.3. Files and Records. - Reports, records, and drawings concerning the project shall be maintained and readily available at all times to the District Engineer.

3.02.4. Annual Report. - An annual report shall be compiled describing inspection, encroachments, maintenance, and operation of the project. Copies of this report shall be sent to SPD, Attn: SPDCO-0. A sample annual report form is attached as Exhibit F.

3.02.5. Duties of Engineering Division. - At the request of the Chief of Construction-Operations Division, Engineering Division shall furnish technical advice and/or make surveys and prepare plans and specifications for maintenance work.

3.02.6. Duties of Real Estate Division. - Utilization inspections shall be made by Real Estate Division to ensure that the easement lands are properly utilized, and exercise the Government's property rights in the Reclamation Board's Designated Floodway and project floodway to meet the Reclamation Board's interests.

## SECTION IV - OPERATION AND MAINTENANCE

### 4.01. Inspection Procedure

4.01.1. Purpose. - The purpose of inspections is to disclose all conditions which affect channel and floodway capacity and functioning for control of floods.

4.01.2. Frequency. - Inspections shall be made prior to the beginning of the flood season and after each flood or high water period.

4.01.3. Inspection. - At each inspection particular attention shall be given the following:

- (1) Location, extent, and size of vegetal growth.
- (2) Unauthorized operations within the channel and/or floodway, such as excavations, buildings and other structures, levees, bank protection, or training dikes.
- (3) Rubbish and industrial waste disposal.
- (4) Changes in the channel bed, such as aggradation or degradation, which would interfere with free-flow from side drainage structures or induce local meanders that would scour banks.
- (5) Operations of any nature upstream from the project that would affect flow conditions within the limits of the floodway.

4.01.4. Reports. - A sample inspection checklist for utilization during inspection is included as Exhibit G. Each inspection report shall include notes and comments on any repair measures that have been taken since the last inspection.

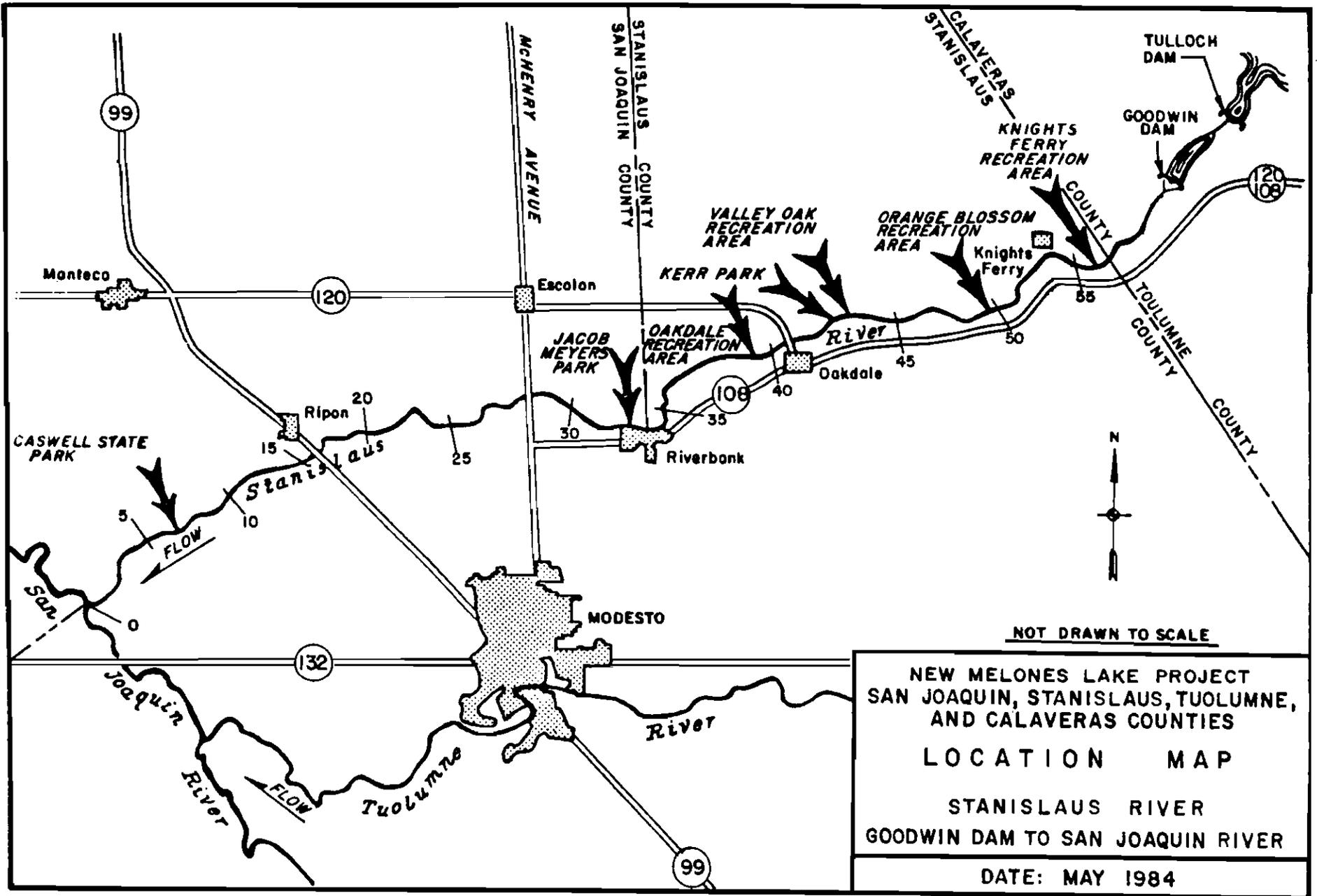
4.02. Maintenance. - Corps employees shall periodically inspect the channel and floodway and remove obstructions or other impediments to flow such as large snags or downed trees. The channel and floodway shall be kept reasonably clear of debris, refuse matter, and industrial wastes. Immediate steps shall be taken to remedy any adverse conditions disclosed by inspections. Performance of channel maintenance activities will be conducted with a minimum of disturbance to natural vegetation and operations of the landowners.

### 4.03. Management of Project Lands

4.03.1. Utilization Inspections. - Inspections shall be conducted to ensure that easements are utilized properly and efficiently and in the best interest of the public. Utilization inspection reports shall be prepared and submitted annually to the District Engineer on ENG Form 3871. Each report shall contain all applicable information required with recommendations as to retention, outgranting, or disposal of lands not for present or planned project purposes. Such reports may, at the discretion of the District Engineer, be made less frequently when changes in utilization are known to be minor and current information is obtainable from available records.

4.03.2. Encroachment. - No encroachment shall be permitted on fee lands, nor will any encroachment which would adversely affect the efficient operation or maintenance of the channel and/or floodway be permitted on the acquired easements. Pursuant to the terms and conditions set forth in the easements, landowners must request prior written approval for certain actions they may wish to take. When appropriate, the request will be reviewed by District elements (e.g., Operations, Real Estate, Engineering) and the Reclamation Board to provide inputs to the evaluation, as needed. All landowner requests will be evaluated to determine if they could be approved without a substantial interference with the project's use objectives for which the easements were obtained. A sample right-of-entry permit is attached as Exhibit H.

*17' 0" - 34' 0" - 17' 0" which determines  
width of 'Primary' floodway.*



NOT DRAWN TO SCALE

NEW MELONES LAKE PROJECT  
SAN JOAQUIN, STANISLAUS, TUOLUMNE,  
AND CALAVERAS COUNTIES

LOCATION MAP

STANISLAUS RIVER  
GOODWIN DAM TO SAN JOAQUIN RIVER

DATE: MAY 1984

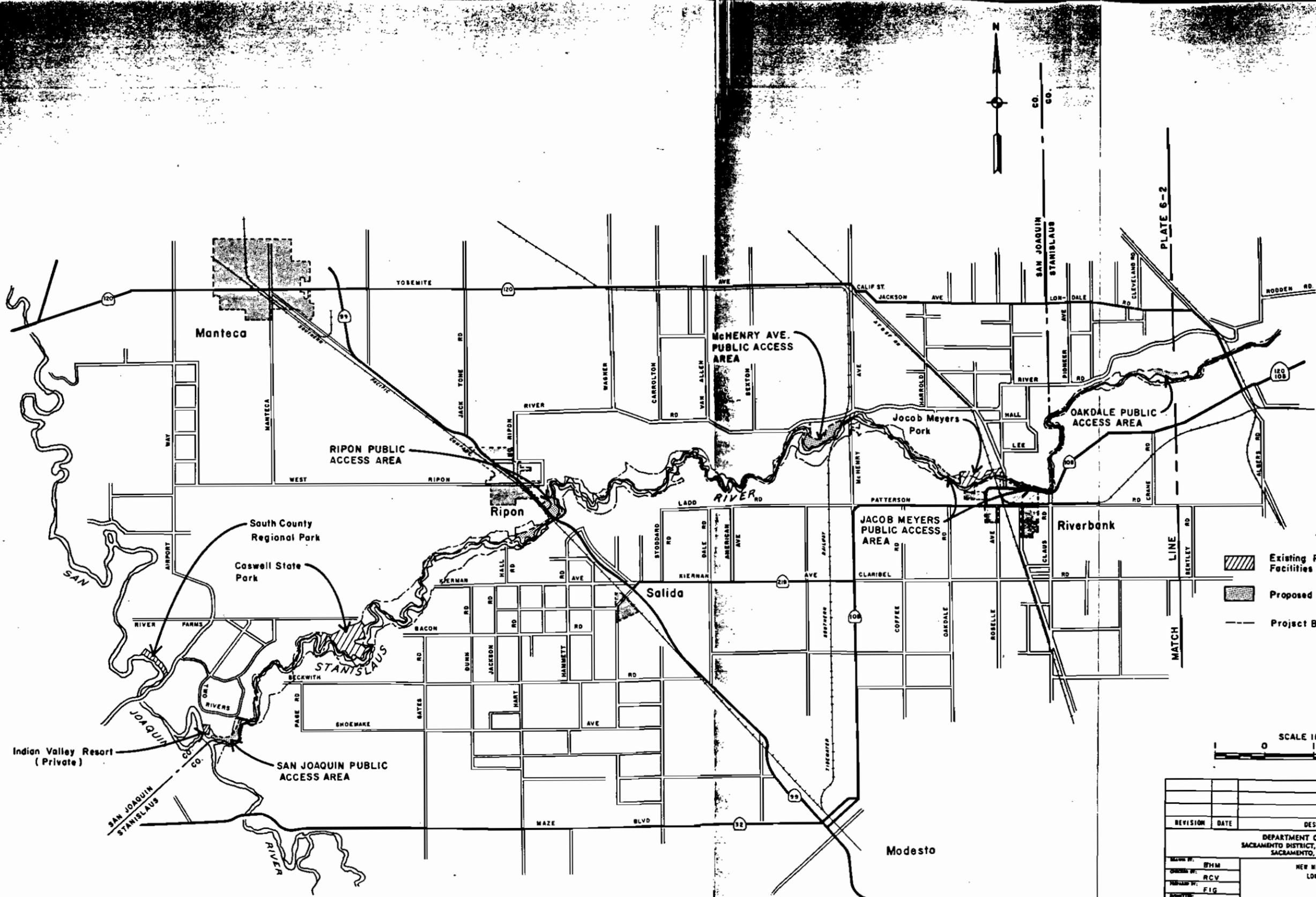


PLATE 6-2

**LEGEND**

-  Existing Parks and Recreation Facilities
-  Proposed Public Access Area
-  Project Boundary



REVISION	DATE	DESCRIPTION	BY	BY

DEPARTMENT OF THE ARMY  
SACRAMENTO DISTRICT, CORPS OF ENGINEERS  
SACRAMENTO, CALIFORNIA

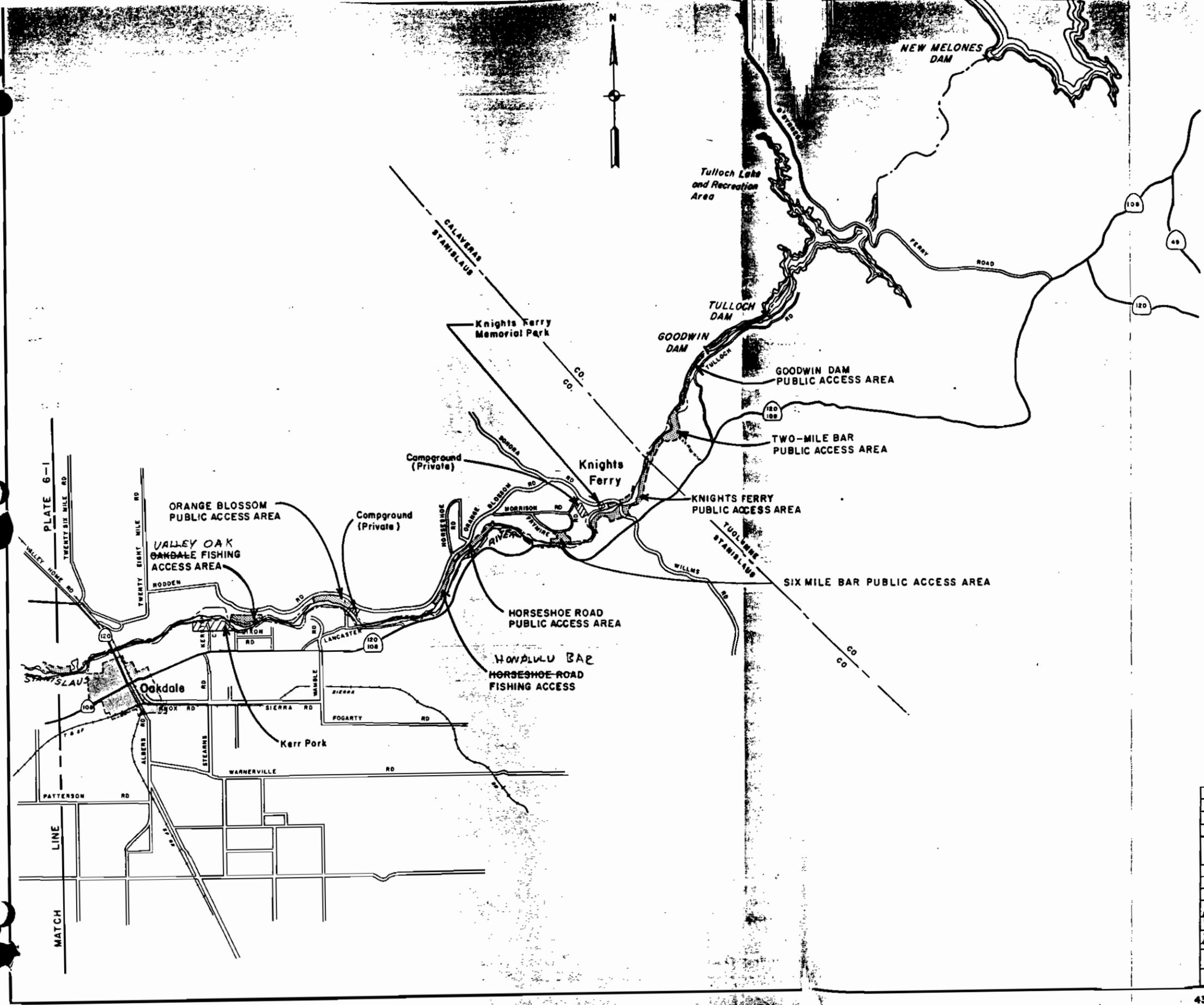
NEW MELONES LAKE, CALIFORNIA  
LOWER STANISLAUS RIVER  
MASTER PLAN

**GENERAL RECREATION PLAN**

DESIGNED BY: BHM  
CHECKED BY: RCV  
DRAWN BY: FIG  
DATE: APRIL 1977

APPROVED: *Donald M. Oshei*  
CHIEF, ENVIRONMENTAL PLANNING SECTION

SCALE: AS SHOWN  
FILE NO. ST-1-20-300  
SHEETS 300/1 TO 300/14 SHEET NO. 300/1



**LEGEND**

-  Existing Parks and Recreation Facilities
-  Proposed Public Access Area
-  Project Boundary



REVISION	DATE	DESCRIPTION	BY	BY
DEPARTMENT OF THE ARMY SACRAMENTO DISTRICT, CORPS OF ENGINEERS SACRAMENTO, CALIFORNIA				
DRAWN BY: BHM CHECKED BY: RCV DESIGNED BY: FIG APPROVED BY: <i>Donald M. O'Shei</i> CHIEF, CIVIL ENGINEERING PLANNING SECTION	NEW MELONES LAKE, CALIFORNIA LOWER STANISLAUS RIVER MASTER PLAN <b>GENERAL RECREATION PLAN</b> DATE: APRIL 1977			
PREPARED UNDER THE DIRECTION OF <b>DONALD M. O'SHEI</b>		FILE NO. ST-1-20-300 SHEETS 300/1 TO 300/14 300/2		

EXHIBIT B  
(Not inclosed)

Lower Stanislaus River  
Master Plan, Appendix A  
Plates A-1 through A-13  
Drawing File No. ST-1-20-301

Stanislaus River, California  
Floodway Limits  
River Mile 9.3 to Goodwin Dam  
File No. 7-13-1783

Project Tract Register Map  
Drawing File No. LSR 11-6-73

*San Joaquin*

EXHIBIT C

SAMPLE

TRACT \_\_\_\_\_

LOWER STANISLAUS RIVER PROJECT

Flowage Easement (Outside Primary Floodway)

The perpetual right, power, privilege and easement occasionally to overflow, flood, and submerge the land described in Exhibit \_\_\_\_, Tract \_\_\_\_, Lower Stanislaus River Project, in connection with the operation and maintenance of the New Melones Project as authorized by the Act of Congress approved December 22, 1944 (48 Stat. 887), as modified by the Act of Congress approved October 23, 1962 (76 Stat. 1191) together with all right, title, and interest in and to the structures and improvements now situated on the land, except fencing; provided, that no structures shall be constructed or maintained on the land except as may be approved in writing by the District Engineer, U.S. Army Engineer District, Sacramento, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of fill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the Vendors, its heirs, executors, administrators, successors, and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further, that any use of the land shall be subject to Federal and State laws with respect to pollution.

EXHIBIT C

EXHIBIT D

SAMPLE

TRACT \_\_\_\_\_

LOWER STANISLAUS RIVER PROJECT

Flowage and Channel Maintenance Easement (Inside Primary Floodway)

The perpetual right, power, privilege and easement occasionally to overflow, flood, and submerge the land, and to construct, operate, and maintain channel improvements works, in, upon, over, and across the land described on Exhibit \_\_\_\_, Tract \_\_\_\_, Lower Stanislaus River Project, in connection with the operation and maintenance of the New Melones project as authorized by the Act of Congress approved December 22, 1944 (58 Stat. 887), as modified by the Act of Congress approved October 23, 1962 (76 Stat. 1191); the continuing right to clear and remove and dispose of any timber, trees, underbrush, debris and obstructions which, in the opinion of the District Engineer, U.S. Army District, Sacramento, may be detrimental to the project; together with all right, title, and interest in and to the structures and improvements situated on the land except existing fences; provided, that no structures for human habitation shall be constructed or maintained on said land except as may be approved in writing by the District Engineer, and that no excavation shall be conducted and no landfill placed on said land without such approval as to the location and method of excavation and/or placement of landfill. The above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the Vendor, its heirs, executors, administrators, successors, and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easement hereby acquired; provided further, that any use of the land shall be subject to Federal and State laws with respect to pollution.

EXHIBIT D

EXHIBIT E

SAMPLE

TRACT \_\_\_\_\_

LOWER STANISLAUS RIVER PROJECT

Flowage and Channel Maintenance Easement (Inside Primary Floodway);  
Fish and Wildlife Habitat Preservation and Propagation

The perpetual right, power, privilege in, upon, over and across the land described in Exhibit "\_\_\_\_\_", Tract \_\_\_\_\_, Lower Stanislaus River Project, in conjunction with the operation and maintenance of the New Melones Lake Project as authorized by the Act of Congress approved 22 December 1944 (58 Stat. 887), as modified by the Act of Congress approved 23 October 1962 (76 Stat. 1191) to maintain, patrol, regulate and restore fish and wildlife habitat, together with the continuing right to post signs indicating the extent of the Government's control within the area covered by this easement; to use existing road systems within said land and other lands of the owner, for ingress and egress to and within said land for the purposes of exercising the rights herein granted; provided that, without the prior written approval of the District Engineer, U.S. Army Engineer District, Sacramento, there shall be:

a. No defoliation to any extent whatsoever of any trees, brush or other vegetation in its natural state by any cause, purpose, or means, nor any trimming, felling or cutting thereon or removal therefrom of any trees, brush or vegetation in its natural state;

b. No removing, shifting or altering in any manner of gravel deposits as they are now or may hereinafter exist on said land;

c. No construction of new structures or improvements nor expansion of any structures or improvements on said land;

Provided, however, that nothing contained herein shall prohibit the use of said land for the reasonable grazing of livestock.

Together with the perpetual right, power, privilege and easement occasionally to overflow, flood, and submerge said land; to construct, operate and maintain channel improvement works in, upon, over and across said land; and the continuing right to clear, remove and dispose of any timber, trees, underbrush, debris and obstructions which, in the opinion of the District Engineer may be detrimental to the project; together with all right, title and interest in and to the structures and improvements situated on said land except existing fences; provided that no structures for human habitation shall be constructed or maintained on said land, that no other structures shall be constructed or maintained except as may be approved in writing by the District Engineer and that no excavation shall be conducted and no landfill placed on the land without approval from the District Engineer as to the location and method of excavation and/or placement of landfill.

The above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the Vendor, its heirs, executors, administrators, successors, and assigns, all such rights and privileges as may be used and enjoyed without interfering with the use of the project for the purposes authorized by Congress or abridging the rights and easements hereby acquired; provided further, that any use of land shall be subject to Federal and State laws with respect to pollution.

The estate of this easement shall include all of Vendor's right and interest, if any there be, in and to the banks and bed of the Stanislaus River, abutting or adjoining the property.

EXHIBIT F

SAMPLE

ANNUAL REPORT

TO: DISTRICT ENGINEER

(1 August 19\_\_).

The annual report for the period (1 August 19\_\_ to 31 July 19\_\_), Lower Stanislaus River Channel Maintenance Project, Stanislaus, San Joaquin, Tuolumne, and Calaveras Counties, California, is as follows:

a. The physical condition of the channel and floodway is indicated by the inspector's report, copies of which are inclosed, and may be summarized as follows:

(Inspector's Summary of Conditions)

It is our intention to perform the following maintenance work in order to repair or correct the conditions indicated:

(Outline the anticipated maintenance operations for the following 12 months).

b. During this report period major high water periods (water surface in the Stanislaus River reached or exceeded a reading of 10 feet on the U.S.G.S. gage at Orange Blossom Road) occurred on the following dates:

<u>Dates</u>	<u>Maximum Elevation</u>
_____	_____
_____	_____
_____	_____

Comments on the behavior of the channel and floodway during such high water periods are as follows:

(Inspector's Log of Flood Observations)

During the high water stages when the water level reached a height of \_\_\_\_\_, on the gate or excess thereof (dates) \_\_\_\_\_, it was necessary to organize and carry out flood operations as follows:

c. The inspections have indicated (no) or (the following) encroachments within the floodway boundaries.

d. (No) ( \_\_\_\_\_ ) permits have been issued for (the following) improvements or construction within the floodway boundaries.

e. The status of maintenance measures, indicated in the previous annual report as being required or as suggested by the representatives of Construction-Operations Division, is as follows:

(Statement of maintenance operations, item by item with percent completion.)

f. The fiscal statement of Construction-Operations expenditures for the current report period is as follows:

	<u>Labor</u>	<u>Material</u>	<u>Equipment</u>	<u>Overhead</u>	<u>Total</u>
1. Inspection					
2. Maintenance					
3. Emergency Operations					
TOTAL					

Respectfully submitted,

\_\_\_\_\_  
Chief, Construction-Operations Division

EXHIBIT G  
 SAMPLE  
 INSPECTION CHECKLIST  
CHANNEL AND FLOODWAY  
STANISLAUS RIVER

Inspector's Report Sheet No. \_\_\_\_\_

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Item	Remarks
(a) Location	
(b) Vegetal growth in channel and/or floodway	
(c) Debris and refuse in channel and/or floodway	
(d) New construction within the floodway boundaries	
(e) Extent of aggradation or degradation	
(f) Condition of riprapped section	
(g) Condition of bridges	
(h) Measures taken since last inspection	
(i) Comments	

INSTRUCTIONS FOR COMPLETING SHEET 1, EXHIBIT G

- Item (a) Indicate location of observation obtained by pacing from nearest reference point.
- Item (b) Note nature, extent, and size of vegetal growth within the limits of the floodway.
- Item (c) Note nature and extent of debris and refuse that might cause restriction of flows.
- Item (d) Report any construction within or above the floodway boundaries that has come to the attention of the inspector and that might affect the functioning of the channel and/or floodway.
- Item (e) Indicate any change in grade or alignment of the channel, either by deposition or sediment or scour, that is noticeable by visual inspection. Estimate amount and extent.
- Item (f) Indicate any change that has taken place in the riprap such as disintegration of the rock, erosion, or movement of the rock. Note the presence of vegetal growth through the riprap.
- Item (g) Note any damage or settlement of the footings of the bridges. Indicate condition of bridge approaches, headwalls, and other appurtenances.
- Item (h) Indicate maintenance measures that have been performed since the last inspection and their condition at the time of this inspection.
- Item (i) Record opinion, if any, of contributory causes for conditions observed, also any observations not covered under other columns.

Note: ONE COPY OF THE Inspector's Report is to be forwarded to the District Engineer immediately on completion, and one copy is to be filed in Construction-Operations Division files.

EXHIBIT H  
SAMPLE  
RIGHT-OF-ENTRY  
PERMIT

---

(Name of Applicant)

---

(Location)

Permission is hereby granted to:

---

(Name of Firm or Individual)

---

(Address)

TO: (Describe in these spaces the proposal, including kind and type of construction, purpose intended, and location. Indicate passageway provided by means of gates, etc. Use separate sheets if necessary, identifying each by reference herein.)

---

---

---

---

PROVIDED THAT:

Upon termination or expiration of this permit (whether by voluntary relinquishment by the Grantee, by revocation by the Grantor or otherwise) the Grantee shall remove all structures, improvements, or appurtenances, which may have been erected or constructed under this permit, and shall repair or replace any portion of the channel and/or floodway which may have been damaged by his operations (including grading and seeding, or sodding, if necessary), to the satisfaction of the Grantor.

The structure or operation for which this permit is issued shall be maintained by the Grantee in such manner as shall not injure or damage the channel and/or floodway, or interfere with their operation and maintenance in accordance with regulations of the Secretary of the Army.

The structure or operation covered by this permit may be damaged, removed or destroyed by the Grantor in time of flood emergency if such action is determined by the Grantor to be necessary in order to preserve life or property or prevent damage or impairment to the use of the channel and/or floodway, and the Grantor shall not be liable to the Grantee for such damage or destruction.

Unless otherwise specifically provided herein, this permit may be cancelled at any time by the Grantor upon 10 days written notice mailed to the address shown above. During such 10 day period, (or such other period as may be provided herein), the Grantee will be permitted to remove any property or improvements installed under this permit, and to repair or replace any damage to the channel and/or floodway resulting from his use or operations. At the end of such period, the Grantor shall have the right to possess and dispose of any such property or improvements remaining within the floodway boundaries, and may proceed to repair or replace any such damage, and the Grantee herein shall be liable to the Grantor for the full cost of such repairs or replacements.

The construction, installation and maintenance of the structure or structures covered by this permit shall be subject to inspection by representatives of the Grantor and the United States at all reasonable times.

In the event the work covered by this permit consists of or includes major construction, the cost of inspection thereof by the Grantor and/or the United States shall be paid by the applicant.

Grantee agrees that it will not use the area or facilities covered by this permit, or permit such area to be used, for any purpose other than is specifically covered by this permit.

(Use these spaces for special conditions applicable to this permit.)

-----  
-----  
THIS PERMIT SHALL NOT BE VALID UNTIL APPROVED BY THE DISTRICT ENGINEER OF THE U.S. ARMY ENGINEER DISTRICT, SACRAMENTO, OR HIS AUTHORIZED REPRESENTATIVE.

-----  
Signature (Grantor)

-----  
(Title)

-----  
(Date)

Terms of this permit  
are hereby accepted

Approved:

-----  
Signature (Grantee) (Date)

-----  
District Engineer

-----  
(Date)

COPY

COPY



DEPARTMENT OF THE ARMY  
SACRAMENTO DISTRICT, CORPS OF ENGINEERS  
650 CAPITOL MALL  
SACRAMENTO, CALIFORNIA 95814

REPLY TO  
ATTENTION OF

SPKED

9 June 1981

Mr. Eldon Rinehart, General Manager  
The Reclamation Board  
1416 Ninth Street  
Sacramento, California 95814

Dear Mr. Rinehart:

During our discussions about the proposed Reclamation Board Designated Floodway on the Stanislaus River, we discussed encroachment control. You noted that the easements the Corps has obtained in the channel of the floodway proposed for the adoption require that no structures shall be constructed or maintained on the land except as may be approved in writing by the District Engineer, U.S. Army Engineer District, Sacramento. In administering this provision of the leases, we could control encroachments that would be of concern to The Reclamation Board. The advantage to the public would be that they would not need two approvals.

If the proposed Stanislaus River Designated Floodway is adopted, the Corps will be pleased to cooperate with The Reclamation Board in this fashion.

Sincerely,

GLENN R. MASSARO  
Lieutenant Colonel, Corps of Engineers  
Acting District Engineer

**DEPARTMENT OF WATER RESOURCES  
THE RECLAMATION BOARD**

1416 - 9th Street, Room 335-1B  
Sacramento, CA 95814  
916 445 9454



JUL 24 1981

Colonel Paul F. Kavanaugh  
District Engineer  
Sacramento District  
U. S. Army Corps of Engineers  
650 Capitol Mall  
Sacramento, CA 95814

Dear Colonel Kavanaugh:

Your letter of June 9, 1981, offered to administer Corps' easements to control encroachments of concern to The Reclamation Board in the Stanislaus River Designated Floodway if the floodway was adopted by the Board. This would eliminate the unnecessary duplication of permit requirements by the Corps and the Board. On June 19, 1981 the Board adopted the floodway with the understanding that the Board will only process applications for encroachments on the local interest project levees and will refer all other applications in the designated floodway to the District.

While reviewing the photo composite maps showing the extent of Corps' easements on the Stanislaus River, we noted that the easements extend several miles downstream from the lower end of the designated floodway to the San Joaquin River. In the past we have specifically discussed your Sacramento District Office's controlling encroachments within the designated floodway, but I assume that your offer would extend to all lands under your easements from the San Joaquin River to Goodwin Dam. There then would be a clear division of responsibility between your office and the State Reclamation Board on the Stanislaus River--the channel would be your responsibility and the levees, both "project levees" and "local interest project levees", would be our responsibility. Because this is a change from our earlier discussions and understanding, I would like to have your response to this specific point.

The Board granted a 60-day period for appeals on the Stanislaus River designated floodway lines--to begin on the day of adoption. Following the appeals period, we will provide the assurances the Corps needs on the Stanislaus River.



Colonel Paul F. Kavanaugh  
Page 2

JUL 24 1931

We appreciate the support and cooperation that you and your staff have provided during the course of working out the unique conditions of your authorizing legislation.

Sincerely,



ELDON E. RINEHART  
General Manager

cc: Members of The Reclamation Board

COPY

COPY



DEPARTMENT OF THE ARMY  
SACRAMENTO DISTRICT, CORPS OF ENGINEERS  
650 CAPITOL MALL  
SACRAMENTO, CALIFORNIA 95814

REPLY TO  
ATTENTION OF

SPKED-W

14 August 1981

Mr. Eldon Rinehart, General Manager  
The Reclamation Board  
1416 Ninth Street  
Sacramento, California 95814

Dear Mr. Rinehart:

Your letter of 24 July 1981, requested clarification of the division of responsibility between the State Reclamation Board and the Sacramento District regarding controlling encroachments on the lower Stanislaus River.

As indicated in our letter of 9 June 1981 to you, written approval by the District Engineer, U.S. Army Engineer District, Sacramento, will be required for construction of structures within the Stanislaus River Designated Floodway on lands where the Federal Government owns title or easements. My intention is for this requirement to also include the river reach downstream from the designated floodway to the San Joaquin River.

Thank you for your continued effort and cooperation to resolve this issue.

Sincerely,

PAUL F. KAVANAUGH  
Colonel, Corps of Engineers  
Commander and District Engineer

DEPARTMENT OF WATER RESOURCES  
THE RECLAMATION BOARD1416 - 9th Street, Room 335-18  
Sacramento, CA 95814  
916 445-9454

JAN 6 1983

Colonel Arthur E. Williams  
District Engineer  
Sacramento District  
U. S. Army Corps of Engineers  
650 Capitol Mall  
Sacramento, CA 95814

Dear Colonel Williams:

This letter provides assurances on the Stanislaus River below Goodwin Dam and contains a discussion of the adequacy of certain of the levees identified by your office as "Local Interest Project Levees" (LIPLs).

The Federal Flood Control Act of 1962 (Public Law 87-82) provides that the Stanislaus River channel shall be maintained by the Secretary of the Army, provided that local interests agree to prevent encroachment on the existing channel and floodway and agree to maintain private levees. In a letter dated December 13, 1963, The Reclamation Board indicated it would be the responsible local interest.

On June 19, 1981, the Board established its authority for encroachment control over the subject channel and LIPLs by adopting the Stanislaus River Designated Floodway. Following a 60-day appeal period, the Board adopted Resolution 81-33 (copy attached) which authorizes me to provide certain assurances to you on its behalf. Accordingly, I assure the U. S. Army Corps of Engineers that the Local Interest Project Levees will be satisfactorily maintained and, if any levee so designated is not satisfactorily maintained, the Board will extend the encroachment lines of the designated floodway to include the area that would be inundated during a design flood as if the levee did not exist.

In Resolution 81-33, the Board also accepted the Corps' offer (letters dated June 9, 1981 and August 14, 1981) to exercise the Corps' property rights in the designated floodway and project floodway to meet the Board's interests and delegated the control of encroachments in those areas to the Sacramento District of the U. S. Army Corps of Engineers.



Colonel Arthur E. Williams  
Page 2  
JAN 6 1983

As a result of these actions, it is the Board's understanding that those conditions of the Flood Control Act of 1962 have been met which are necessary to allow the Corps of Engineers to maintain the channel of the Stanislaus River.

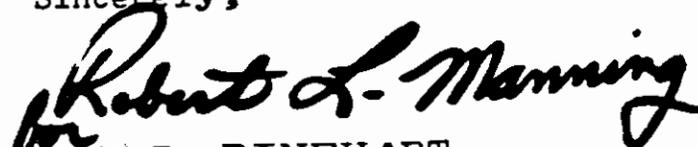
Since adoption of the designated floodway, the Board has conducted surveys to establish the baseline condition of the designated LIPLs and will make annual inspections of the levees and the floodway. Any modification of the LIPLs will require the Board's approval. This program will ensure that the LIPLs are maintained in a satisfactory condition.

The designated LIPLs included in the Stanislaus River Designated Floodway are those identified by the Corps as both adequate and necessary to contain the design flow of 8,000 cfs. Data from the baseline surveys of the LIPLs, when combined with the best available estimates of the design flood plane elevations, allow estimation of the freeboard of the LIPLs for the first time. These estimates lack reliability since the flood plane elevations are based on a single observation of a transitory flood with a peak discharge somewhat less than the design discharge. Taken at face value, these estimates show that some portions of designated LIPLs have inadequate (i.e., less than 3.0 feet) freeboard. These estimates also show significant parts of some LIPLs are not necessary to contain the design flood because they are on ground above the design flood plane.

The Board (by letter dated August 17, 1982) has informed the owners of potentially inadequate levees of this new information. We propose to delay the final acceptance of the LIPLs until the design flood plane elevation is established by survey of a sustained discharge at the design level. After such a discharge has occurred, a final set of LIPLs satisfactory to both the Board and the Corps will be identified. In the interim, the assurances given in the third paragraph of this letter will apply to the currently designated LIPLs.

The Sacramento District's continuing cooperation in this matter is appreciated.

Sincerely,



ELDON E. RINEHART  
General Manager

Attachment

EXHIBIT J  
Sheet 2 of 4

RESOLUTION NO. 81-33

RESOLUTION OF THE RECLAMATION BOARD  
ADOPTED October 16 , 1981, DELEGATING  
ENCROACHMENT CONTROL ON THE STANISLAUS RIVER  
TO THE CORPS OF ENGINEERS AND AUTHORIZING  
THE GENERAL MANAGER TO GIVE FINAL  
ASSURANCES TO THE CORPS OF ENGINEERS  
REGARDING THE STANISLAUS RIVER

WHEREAS, the Federal Flood Control Act of 1962 (Public Law 87-874) authorizes the construction by the United States of the New Melones Project as described in House Document Number 453, 87th Congress and provides "...that the Stanislaus River Channel, from Goodwin Dam to the San Joaquin River, shall be maintained by the Secretary of The Army to a capacity of at least eight thousand cubic feet per second subject to the condition that responsible local interests agree to maintain private levees..."; and

WHEREAS, the Corps of Engineers has identified local interest levees as adequate to pass the design flow of eight thousand cubic feet per second; and

WHEREAS, The Reclamation Board has adopted a designated floodway extending to the landward toes of the local interest levees; and

WHEREAS, it is the intent of The Reclamation Board to extend the encroachment lines of the designated floodway to include the area that would be inundated if the local interest levees did not exist, should the local interests fail to maintain the levees in their present condition; and

WHEREAS, the said Flood Control Act of 1962 requires that for any channel improvement or channel rectification project provisions (a), (b) and (c) of Section 3 of the Flood Control Act of June 22, 1936 shall apply; and

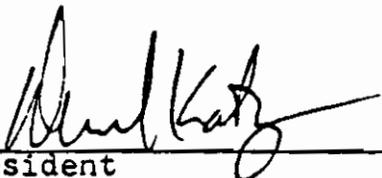
WHEREAS, Section 12657 of the Water Code of the State of California requires The Reclamation Board to give assurances satisfactory to the Secretary of the Army of the local cooperation required for the New Melones Project; and

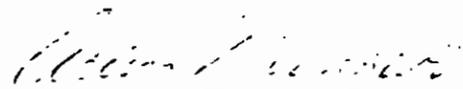
WHEREAS, the Corps of Engineers has agreed to exercise its property rights in the channel of the designated floodway and project floodway of the Stanislaus River to meet The Reclamation Board's interests in encroachment control;

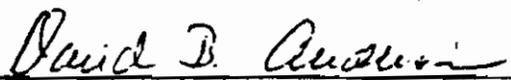
NOW, THEREFORE, BE IT RESOLVED that The Reclamation Board authorizes its General Manager to: (1) provide assurances to the U. S. Army Corps of Engineers that if local interest project levees are not satisfactorily maintained The Reclamation Board will extend the encroachment lines of the designated floodway of the Stanislaus River to include the area that would be flooded during a design flood if that levee did not exist, and (2) provide the assurances to the Secretary of the Army required by Section 12657 of the Water Code of the State of California; and

BE IT FURTHER RESOLVED that The Reclamation Board delegates the control of encroachments in the designated floodway channel and in the project floodway channel of the Stanislaus River to the Sacramento District of the U. S. Army Corps of Engineers.

Date: 16 Oct. 1981

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Counsel for The Reclamation Board

DEPARTMENT OF WATER RESOURCES  
THE RECLAMATION BOARD1416 - 9th Street, Room 335-18  
Sacramento, CA 95814  
(916) 445-9454

JUL 24 1981

Colonel Paul F. Kavanaugh  
District Engineer  
Sacramento District  
U. S. Army Corps of Engineers  
650 Capitol Mall  
Sacramento, CA 95814

Dear Colonel Kavanaugh:

Your letter of June 9, 1981, offered to administer Corps' easements to control encroachments of concern to The Reclamation Board in the Stanislaus River Designated Floodway if the floodway was adopted by the Board. This would eliminate the unnecessary duplication of permit requirements by the Corps and the Board. On June 19, 1981 the Board adopted the floodway with the understanding that the Board will only process applications for encroachments on the local interest project levees and will refer all other applications in the designated floodway to the District.

While reviewing the photo composite maps showing the extent of Corps' easements on the Stanislaus River, we noted that the easements extend several miles downstream from the lower end of the designated floodway to the San Joaquin River. In the past we have specifically discussed your Sacramento District Office's controlling encroachments within the designated floodway, but I assume that your offer would extend to all lands under your easements from the San Joaquin River to Goodwin Dam. There then would be a clear division of responsibility between your office and the State Reclamation Board on the Stanislaus River--the channel would be your responsibility and the levees, both "project levees" and "local interest project levees", would be our responsibility. [Because this is a change from our earlier discussions and understanding, I would like to have your response to this specific point.] *I thought this was what we agreed to at Rec Bd meeting.*

The Board granted a 60-day period for appeals on the Stanislaus River designated floodway lines--to begin on the day of adoption. Following the appeals period, we will provide the assurances the Corps needs on the Stanislaus River.



1/13

Paul F. Kavanaugh

I appreciate the support and cooperation that you and your staff have provided during the course of working out the unique conditions of your authorizing legislation.

Colonel Paul F. Kavanaugh  
Page 2  
Jul 24 1953

We appreciate the support and cooperation that you and your staff have provided during the course of working out the unique conditions of your authorizing legislation.

*E. Rinehart*

RINEHART  
Manager

Members of The Reclamation Board

Eldon  
General  
cc: Merr

DEPARTMENT OF WATER RESOURCES  
THE RECLAMATION BOARD

16 - 9th Street, Room 335-18  
Sacramento, CA 95814  
(916) 445-9454

File: Stanislaus - 0811

Engn



gr  
Kerry Kelly

AUG 17 1982

Mr. John L. Hertle, President  
Stanislaus River Flood Control  
Association  
4355 Gates Road  
Modesto, CA 95351

Dear Mr. Hertle:

The Reclamation Board assured the Corps of Engineers by Resolution No. 81-33, adopted on October 16, 1981, that if any of the Local Interest Project Levees (LIPLs) of the Stanislaus River Designated Floodway were not maintained in their present condition, the Board would extend encroachment lines of the Stanislaus River Designated Floodway to include the area that would be flooded during a design flood as if the unsatisfactorily maintained levees did not exist. The LIPLs had been identified by the Corps of Engineers' staff as being adequate to contain a design flow of 8,000 cubic feet per second (cfs).

Subsequently, staff for the Board conducted surveys to determine the physical dimensions of the LIPLs. These new data, when combined with the best available estimates of the design flood plane elevations, allow estimation of the freeboard of the LIPLs for the first time. The freeboard estimates are somewhat unreliable since they are based on a single observation of a transitory floodwave whose maximum discharge was somewhat less than the design discharge of 8,000 cfs. Nevertheless, if taken at face value, the surveys indicate that the 4 levees listed in the attached table may not have adequate freeboard; i.e., a minimum of 3 feet above the design discharge of 8,000 cfs.

The staff of The Reclamation Board proposes to take no further action on this matter until it obtains better information on the elevation of the design flood plane during a sustained flow at or near the design discharge. Nevertheless, we are using this letter to inform the owners of land behind the apparently inadequate levees of this new information so they may take whatever precautions they believe prudent before such flows occur. All 4



cf. Open Br.  
WRPB  
Inv. Sec. C.  
MN

Mr. John L. Hertle

Page 2

AUG 17 1982

of the levees listed in the attached table have some calculated freeboard--except for one low spot on Levee C where 8,000 cfs could overtop the levee by as much as 9 inches.

For more specific information on the survey results, please contact Mr. John Baugher, P.E., telephone (916) 445-7397.

Sincerely,

Original signed by  
Eldon E. Rinehart

ELDON E. RINEHART  
General Manager

Attachment

cc: Sacramento District ✓  
U. S. Army Corps of Engineers  
650 Capitol Mall  
Sacramento, CA 95814

Lee Paper Company  
Simpson Paper Company  
1 Post Street  
San Francisco, CA 94104

Spring Creek Golf and Country  
Club  
P. O. Box 535  
Ripon, CA 95366

C. J. Rumbel and Sons  
3107 Ladd Road  
Modesto, CA 95356

Mr. Mark W. Rumbel, et ux  
3001 Ladd Road  
Modesto, CA 95350

Ms. Mae M. Giovanetti X  
2107 Ladd Road  
Modesto, CA 95350

Ms. Mae M. Smith  
(Administratrix)  
2107 Ladd Road  
Modesto, CA 95350

Mr. Clarence Winters  
20509 South Murphy  
Ripon, CA 95366

STANISLAUS RIVER LOCAL INTEREST PROJECT LEVEES  
 SUSPECTED OF INADEQUATE<sup>1/</sup> FREEBOARD  
 JULY 26, 1982

Levee	Location	Owner	Comments
C	River Mile 16.05 to 16.5 downstream of Highway 99 on right (north) bank	Lee Paper Company	2,300 feet of the 2,900-foot-long levee have less than 3 feet freeboard. 1,800 feet have less than 1 foot of freeboard. At lowest point, levee would be overtopped by 9 inches of water.
E	River Mile 17.4 to 21.6 on right (north) bank from 2,600 feet below Murphy Road to 2,500 feet above Stoddard Road	Spring Creek Golf and Country Club <sup>2/</sup>	The only inadequate freeboard is below Murphy Road but nearly all that reach is inadequate. The minimum freeboard is 1.5 feet.
G and H <sup>3/</sup>	River Mile 21.7 to 23.1 on left (south) bank between the extensions of Stoddard Road and Carver Road	C. J. Rumbel and Sons Mark W. Rumbel, et ux Mae M. Giovanetti Mae M. Smith Clarence Winters	Levee G is the downstream levee about 4,000 feet long on C. J. Rumbel and Sons' property. 3,800 feet of its length has inadequate freeboard. About 800 feet have less than 1 foot of freeboard. The minimum freeboard is 6 inches. Levee H is 13,100 feet long, with 8,000 feet having adequate freeboard and another 1,800 feet is within 6 inches of being adequate. 3,300 feet of levee on the Giovanetti property has inadequate freeboard, with a minimum freeboard of 6 inches.

<sup>1/</sup> Less than 3 feet above the estimated flood plain elevation at design flow of 8,000 cubic feet per second.

<sup>2/</sup> This is the only owner affected by the suspected inadequate freeboard. There are other owners who would be protected by a spur levee at Murphy Road.

<sup>3/</sup> Failure of either Levee G or Levee H would result in about the same lands being flooded.

STANISLAUS RIVER OFM

Geo Deukmejian, Governor  
XXXXXXXXXXXXXXXXXXXX

D. ... Floodway ... on ...

... local interest project levees

... LIP ... floodway

... designated a LIP ... floodway

STATE OF CALIFORNIA - RESOURCES AGENCY

DEPARTMENT OF WATER RESOURCES  
RECLAMATION BOARD

9th Street, Room 335-18  
Sacramento, CA 95814  
916: 445-9454

JAN 6 1983

Colonel Arthur E. Williams  
District Engineer  
Sacramento District  
U. S. Army Corps of Engineers  
650 Capitol Mall  
Sacramento, CA 95814

Dear Colonel Williams:

This letter provides assurances on the Stanislaus River below Goodwin Dam and contains a discussion of the adequacy of certain of the levees identified by your office as "Local Interest Project Levees" (LIPLs).

The Federal Flood Control Act of 1962 (Public Law 87-82) provides that the Stanislaus River channel shall be maintained by the Secretary of the Army, provided that local interests agree to prevent encroachment on the existing channel and floodway and agree to maintain private levees. In a letter dated December 13, 1963, The Reclamation Board indicated it would be the responsible local interest.

On June 19, 1981, the Board established its authority for encroachment control over the subject channel and LIPLs by adopting the Stanislaus River Designated Floodway. Following a 60-day appeal period, the Board adopted Resolution 81-33 (copy attached) which authorizes me to provide certain assurances to you on its behalf. Accordingly, I assure the U. S. Army Corps of Engineers that the Local Interest Project Levees will be satisfactorily maintained and, if any levee so designated is not satisfactorily maintained, the Board will extend the encroachment lines of the designated floodway to include the area that would be inundated during a design flood as if the levee did not exist.

In Resolution 81-33, the Board also accepted the Corps' offer (letters dated June 9, 1981 and August 14, 1981) to exercise the Corps' property rights in the designated floodway and project floodway to meet the Board's interests and delegated the control of encroachments in those areas to the Sacramento District of the U. S. Army Corps of Engineers.

*Boo. This means that Rec Bd will not process permit applications. We will take care of encroachments by R-E action.*

*in change  
order  
and still  
...  
...*



*ds*

Colonel Arthur E. Williams

Page 2

JAN 6 1983

As a result of these actions, it is the Board's understanding that those conditions of the Flood Control Act of 1962 have been met which are necessary to allow the Corps of Engineers to maintain the channel of the Stanislaus River.

Since adoption of the designated floodway, the Board has conducted surveys to establish the baseline condition of the designated LIPLs and will make annual inspections of the levees and the floodway. Any modification of the LIPLs will require the Board's approval. This program will ensure that the LIPLs are maintained in a satisfactory condition.

The designated LIPLs included in the Stanislaus River Designated Floodway are those identified by the Corps as both adequate and necessary to contain the design flow of 8,000 cfs. Data from the baseline surveys of the LIPLs, when combined with the best available estimates of the design flood plane elevations, allow estimation of the freeboard of the LIPLs for the first time. These estimates lack reliability since the flood plane elevations are based on a single observation of a transitory flood with a peak discharge somewhat less than the design discharge. Taken at face value, these estimates show that some portions of designated LIPLs have inadequate (i.e., less than 3.0 feet) freeboard. These estimates also show significant parts of some LIPLs are not necessary to contain the design flood because they are on ground above the design flood plane.

The Board (by letter dated August 17, 1982) has informed the owners of potentially inadequate levees of this new information. We propose to delay the final acceptance of the LIPLs until the design flood plane elevation is established by survey of a sustained discharge at the design level. After such a discharge has occurred, a final set of LIPLs satisfactory to both the Board and the Corps will be identified. In the interim, the assurances given in the third paragraph of this letter will apply to the currently designated LIPLs.

The Sacramento District's continuing cooperation in this matter is appreciated.

Sincerely,



ELDON E. RINEHART  
General Manager

Attachment ^

RESOLUTION NO. 81-33

RESOLUTION OF THE RECLAMATION BOARD  
ADOPTED October 16 , 1981, DELEGATING  
ENCROACHMENT CONTROL ON THE STANISLAUS RIVER  
TO THE CORPS OF ENGINEERS AND AUTHORIZING  
THE GENERAL MANAGER TO GIVE FINAL  
ASSURANCES TO THE CORPS OF ENGINEERS  
REGARDING THE STANISLAUS RIVER

WHEREAS, the Federal Flood Control Act of 1962 (Public Law 87-874) authorizes the construction by the United States of the New Melones Project as described in House Document Number 453, 87th Congress and provides "...that the Stanislaus River Channel, from Goodwin Dam to the San Joaquin River, shall be maintained by the Secretary of The Army to a capacity of at least eight thousand cubic feet per second subject to the condition that responsible local interests agree to maintain private levees..."; and

WHEREAS, the Corps of Engineers has identified local interest levees as adequate to pass the design flow of eight thousand cubic feet per second; and

WHEREAS, The Reclamation Board has adopted a designated floodway extending to the landward toes of the local interest levees; and

WHEREAS, it is the intent of The Reclamation Board to extend the encroachment lines of the designated floodway to include the area that would be inundated if the local interest levees did not exist, should the local interests fail to maintain the levees in their present condition; and

WHEREAS, the said Flood Control Act of 1962 requires that for any channel improvement or channel rectification project provisions (a), (b) and (c) of Section 3 of the Flood Control Act of June 22, 1936 shall apply; and

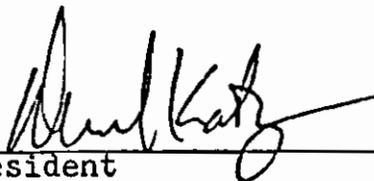
WHEREAS, Section 12657 of the Water Code of the State of California requires The Reclamation Board to give assurances satisfactory to the Secretary of the Army of the local cooperation required for the New Melones Project; and

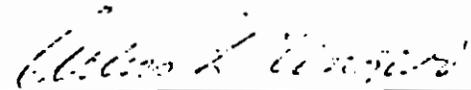
WHEREAS, the Corps of Engineers has agreed to exercise its property rights in the channel of the designated floodway and project floodway of the Stanislaus River to meet The Reclamation Board's interests in encroachment control;

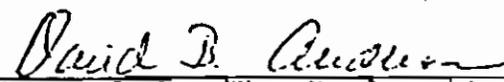
NOW, THEREFORE, BE IT RESOLVED that The Reclamation Board authorizes its General Manager to: (1) provide assurances to the U. S. Army Corps of Engineers that if local interest project levees are not satisfactorily maintained The Reclamation Board will extend the encroachment lines of the designated floodway of the Stanislaus River to include the area that would be flooded during a design flood if that levee did not exist, and (2) provide the assurances to the Secretary of the Army required by Section 12657 of the Water Code of the State of California; and

BE IT FURTHER RESOLVED that The Reclamation Board delegates the control of encroachments in the designated floodway channel and in the project floodway channel of the Stanislaus River to the Sacramento District of the U. S. Army Corps of Engineers.

Date: 16 Oct. 1981

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Counsel for The Reclamation Board



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers  
WASHINGTON, D.C. 20314-1000

28 APR 1993

REPLY TO  
ATTENTION OF:

CECW-PA

MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS AND DISTRICT COMMANDS

SUBJECT: Policy Guidance Letter No. 32, Use of Corps Reservoir  
Flowage Easement Lands

1. Reference: ER 405-1-12, Real Estate Handbook
2. Background: The U.S. Army Corps of Engineers has received several recent requests to use and develop flowage easement lands. These requests were elevated to HQUSACE and the Assistant Secretary of the Army for Civil Works (ASA(CW)) for resolution. This prompted a policy review on use of Corps flowage easement lands. While our review has indicated that policy, taken as a whole, is adequate, we need to consolidate and clarify the existing guidance.
3. Policy: Flowage easement lands present a difficult challenge. The Corps has only purchased certain rights associated with periodic water storage on the property and does not exercise the absolute control associated with ownership in fee. Therefore, the Corps ability to plan for developing and using flowage easement lands in the master planning process is limited. Though easement provisions may vary, reference 1 sets forth the current flowage easement requirements. It provides that no structure for human habitation shall be constructed or maintained on the land, that no other structure shall be constructed or maintained on the land except as may be approved in writing by the Corps and that no excavation shall be conducted or landfill placed without Corps approval. Under the standard flowage easement the land use decisions under the purview of the District Commander are approval for structures other than for human habitation, and approval of excavations or landfill placements. Final approval authority for release of the restriction on human habitation rests with the ASA(CW). Guidance on considerations in making the land use decisions and recommendations for flowage easements is presented in the following paragraphs. This guidance applies to decisions on future land use and does not apply to corrective actions for unpermitted encroachments on flowage easement areas.

CECW-PA

SUBJECT: Policy Guidance Letter No. 32, Use of Corps Reservoir  
Flowage Easement Lands

a. Structures Other Than For Human Habitation. Approval for structures other than for human habitation rests with the District Commander. However, to insure national and regional consistency in policy application, any approval action must be coordinated with the Major Subordinate Commander before it is finalized. The following criteria should be used for evaluating the approval of these structures on flowage easement lands.

(1). Compatibility With Project Operations. The structure must be compatible with project operations. Therefore, any proposal which would result in a significant increase in debris or sedimentation in the reservoir will not be approved. Any proposed structure for the production or storage of highly volatile, hazardous, toxic, or water reactive materials will not be approved.

(2). Compatibility With Floodplain Management. In accordance with the requirements of the national policies on floodplain management, any nonresidential structure (building), including such structures as barns and storage buildings, must be elevated above the 100 year floodplain or floodpool or floodproofed watertight to or above the 100 year flood level. Also the landowner must demonstrate that there is no practical alternative to location of the structure other than within the floodpool or floodplain. Certain types of development are compatible with periodic low velocity inundation including parking lots and other paved surfaces, field recreation facilities (backstops, goalpost etc.) and open type structures (picnic shelters). These kinds of developments would generally be approved unless their construction reduced the flood control storage capacity of the project or considerations of safety or property damage preclude the approval (for example, inadequate warning time to evacuate people from a recreation area).

b. Excavations or Landfills. The primary consideration in approving excavations or landfill placements is the preservation of the flood storage capacity of the project. Therefore, landfill placements will not be approved unless substitute flood storage is provided. Proposals for excavation and grading of flowage easement areas will not be approved if they result in loss of flood control storage. Approval authority for excavations and landfills rests with the District Commander. However, to insure national and regional consistency in policy application, any approval action must be coordinated with the Major Subordinate Commander before it is finalized.

CECW-PA

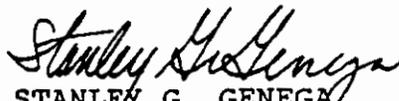
SUBJECT: Policy Guidance Letter No. 32, Use of Corps Reservoir  
Flowage Easement Lands

c. Release from Restriction on Human Habitation.

Generally, the restriction on human habitation will not be recommended for release. Human habitation below the flood control or navigation pool elevation places an undue limitation on the Congressionally authorized operation of the project. However, if it can be demonstrated that the release will not result in a significant threat to human life, health, or safety and will not place or suggest any restriction on the operation of the project, the release may be approved under certain conditions. As with other structures, such developments must meet the requirements of national policy on floodplain management as set forth in Executive Order 11988 and its implementing regulations. Executive Order 11988 requires consideration of alternatives which avoid the floodplain wherever practical. Therefore, any landowner requesting relief from the restriction on human habitation in a floodplain or project pool must also demonstrate that there is no practical alternative to the location of the habitable structure. In addition to satisfying these requirements, if there is any threat to human life, the proposal for release of the human habitation restriction will not be recommended for approval. However, if it can be demonstrated that there would be adequate warning time to evacuate the structure in the event of a flood that would inundate the site and that non-flooded egress out of the area would be available for evacuation including non-flooded egress out of the project area (offsite) then it may receive approval. Proposals for release of human habitation restriction must be submitted through the Major Subordinate Command to HQUSACE for approval by ASA(CW). The human habitation restriction is a property right acquired by the Federal Government which must be released by a deed, including the provision for adequate compensation for the disposal, in accordance with reference 1.

4. The contents of this memorandum will be incorporated into reference 1 as that guidance is updated.

FOR THE COMMANDER:



STANLEY G. GENEGA  
Brigadier General (P), USA  
Director of Civil Works

# DISPOSITION FORM

For use of this form, see AR 340-15; the proponent agency is TAGO.

REFERENCE OR OFFICE SYMBOL SPKED-D	SUBJECT New Melones Lake Project, California - Operation and Maintenance Manual for Stanislaus River between Goodwin Dam and the San Joaquin River
---------------------------------------	---

TO ✓ Chief, C-Ops Div	FROM Chief, Engr Div	DATE # 22 May 1984 JPS Seavey/mm/3334	CMT 1
--------------------------	-------------------------	---	-------

Five copies of the subject manual are inclosed for your use. The manual is applicable to the Corps of Engineers operation and maintenance of the Stanislaus River channel between Goodwin Dam and the San Joaquin River. An operation and maintenance manual for private levees along the channel will not be prepared by the Corps of Engineers because the project authorization did not require that local interests maintain levees "in accordance with requirements of the Secretary of the Army". Two copies of this manual are being furnished to SPDCO-0. Copies of the manual are not being distributed outside the Corps.

1 Incl (5 cys)  
as

*Michael Bann*  
GEORGE C. WEDDELL  
Chief, Engineering Division

- cc:
- R-E Div
- C-O
- Civ Des Br
  - Civ Des Sec C
  - Civ Des Sec D

*Copy of manual... with Stanislaus Project Office... should have... (no need report...)*

*... continuous inspection.*