

Comments for todays meeting

DG

Dominick Gulli



Reply |

Mon 7/24, 8:47 AM

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Sent Items

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I am in New England and will not be able to attend the RD 1614 Meeting. It is very irresponsible for you to issue an encroachment permit to SJAFCA for the gate without the public knowing and the Stockton Golf and Country club approving the encroachment. As stated in the letter It does not seem right to issue a permit to perform work on someones private property.

Please provide this letter to the board or read it out load. Thank You

Dom Gulli

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RD 1614 Board Members
C/O Kevin Kaufman, President and Dan Schroeder
Email:

7/24/17

Public Comments for meeting

Re: Agenda Items:

5c Endorsement of Smith Canal Gate and endorsement of Encroachment Permit with the CVFPB 5d Encroachment Permit with SJAFCA with SJAFCA for the Smith Canal Gate

The board should be cautious in rushing to endorse and or issue an encroachment permit for the Gate. There is no rush to act now, as the RD 1614 approval will be a CVFPB condition of approval if and when the permit is obtained. As the District hardly ever issues a permit on short notice, without thorough review of the board you should verify whether the CVFPB needs the RD endorsement prior to reviewing the permit **or** prior to issuing the permit. You would not want to hold up the review, however if you are required by the time they issue the final permit you likely have until eternity to provide an approval or an RD1614 encroachment permit.

Being that your Engineer has a clear conflict of interest in rubber stamping a permit you should seriously consider having an independent engineer review and comment on the proposed very major encroachment. It is in within your rights to request such action and have SJAFCA pay for it. Consider for example if the DWR were proposing this project, KSN and the District would require an extensive review, very stringent conditions and recovery of permit review/oversite and mitigation costs. As a concerned Licensed Engineer, and citizen I will be providing an Amicus review for the District in the near future once SJAFCA publishes the plans. I have experience with this, as the Engineer for Bradford Island on which the DWR False River Salinity Barrier encroached onto our levee and the District made them mitigate for the impacts to the levee by over reinforcing the entire levee section, providing slope protection along the Fisherman's Cut, covering all District Engineering and monitoring costs.

For your information:

1. I have been requesting these 65% plans through numerous public records requests and was informed by SJAFCA's attorney on 7/12/17 that "*they would be made available to me as soon as they are complete (which should be shortly)*". The Project Summary report in the CVFPB permit application is dated June 28, 2017 and references the plans so they were complete as of June 28, 2017 which is the same day I formally requested them. Ask yourself why would they want to hide the Plans from Dominick?
2. Further to the point why does SJAFCA not post any more recent Smith Canal Gate info on their website?

3. The agenda packet does not have a complete enclosure 1 or enclosure 2. Ask yourself why are you not seeing all the information relative to the permit application? Does your engineer feel that your input is not required? I know my Levee Districts would never issue any major permit without the Trustees thoroughly reviewing the plans, my recommendations and discussing how to recover costs or improve the levee.
4. The Project Summary second paragraph states that "*due to encroachments onto the levees that prevented access to the levees for maintenance and inspections, Smith Canal Levees cannot be certified to meet the requirements of CFR 65.10*" You are approving an operations and maintenance plan today which clearly contradicts the statement. Ask the SJAFCA engineers specifically what sections of CFR 65.10 cannot be met? Ask how could FEMA have accredited levees in 2002 if they did not meet the requirements of CFR 65.10? SJAFCA states that they are grandfathered and never were certified by an Engineer. Even a drive by visual inspection by a FEMA engineer would have revealed that there are encroachments on the levee so there was at least one engineer (now two) who believe the encroachments do not apply to any requirements of CFR 65.10. CFR 65.10 has been around since 1986. Maybe it is still grandfathered.
5. The second paragraph also states that FEMA released the maps designating the area as a special flood hazard area subject to flooding in a 100-year event. Ask the SJAFCA Engineers if the map was drawn due to a non-accredited levee or was it interior drainage deficiencies causing the flooding? TO BE CLEAR I BELIEVE THE FLOODPLAIN IS DUE SOLELY TO WISCONSIN PUMP STATION DEFICIENCIES!
6. The third paragraph states that in place rehabilitation was determined to be economically infeasible and would have greater environmental impacts. Ask the SJAFCA consultants why the Green Mountain fix in place plan is infeasible, how it would cost more and how it damages the environment? Ask yourselves if they are just pursuing this gate because they made an inexperience, incorrect determination long ago.
7. The Real Estate Requirements. You should be very wary when someone uses the word "may" especially at this point in the project. You should ask the engineers if they need the right of way or not, what do they need a right of way along Atherton Island for? Within the Smith Canal? Who owns Dads Point? Is Dads Point in the Deepwater Ship Channel? If it is in the ship channel is that a federal civil works project, overseen by the Corps of Engineers and subject to a Section 408 permit?
8. Does SJAFCA believe they can build on someone's property without easements? You should ask yourselves if you can issue a permit to someone to work on someone else's land, especially where you have no dedicated easement? You should not even waste your time on reviewing an application until they obtain said formal easement or the District obtains the same.
9. The Project Summary included with the agenda states that 65% plans have added 5 each 48" culverts. The hydrodynamic report for the EIR stated that the amount water flowing into and out of the Atherton Cove would not change and would only flow faster with the reduced opening. You should ask yourselves why they were not included in the first place? Was the hydro report originally used accurate or in error? What report or comments were used to determine that the culverts are needed? My guess is that SJAFCA's engineers will state that they are improving water quality and just want to err on the safe side.
10. You should clarify how the three gates on the San Joaquin River side will be operated (flap, closure and slide gates)

11. For the construction sequencing, you should not allow SJAFCA to construct the North section of the Dam last. The reason is that as the Dam is completed and the channel area reduced the currents and tidal velocities will increase significantly. If the last section to go in is at your levee at the SGCC this will significantly increase the risk of erosion, undercutting and blowout during construction. I know this from experience, which was fortunately not on a levee. You should always start from a significantly robust, redundant tie in and proceed out into the channel especially in tidal situations where you can work only at slack tides.

12.

I know your position is that these are all SJAFCA issues, but they are all not. The district at a minimum should get at least 200 ft. each side of the Gate thoroughly rocked and the levee rehabilitated to above the 200-year level of protection. You can request redundancy and should insist. You should not be doing them favors like expediting a permit and relying on their/your engineer to minimize costs for the Gate.

If you are worried about constituents paying flood insurance send them to me and I will get them out of the flood plain one parcel at a time.

Thank You for your attention and contact me via email if you have any questions.

Respectfully

Dominick Gulli,