SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 289370N DATE: August 10, 2005
RESPONSE REQUIRED BY: September 12, 2005

PERMIT MANAGER: Bryan Matsumoto PHONE: 415-977-8476 Email: Bryan.T.Matsumoto@usace.army.mil

1. **INTRODUCTION:** The Marin County Flood Control and Water Conservation District (MCFCWCD) (Contact: Mr. Ben Willits, MCFCWCD, P.O. Box 4186, San Rafael, California 94913, (415) 499-6281), has applied for a U.S. Army Corps of Engineers (USACE) individual permit to construct the Novato Flood Control Project Phase VIII, which includes bank stabilization measures along a 0.8 mile stretch of Novato Creek between Diablo and Grant Avenues, in the City of Novato, Marin County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. **PROJECT DESCRIPTION:**

Project Site: As stated above, the project will be located along a 0.8 mile stretch of Novato Creek between Diablo and Grant Avenues in the City of Novato, Marin County, California (Sheet 1 of 14). This area of the creek is located in a highly developed section of Novato, with roadway, parks, residences, or businesses located adjacent to either bank of the creek. Novato Creek is a perennial stream that extends approximately 17 miles from its headwaters at Stafford Dam to San Pablo Bay. With its tributaries, it drains the approximately 27,500-acre Novato Creek Basin. Channel width varies from approximately 10 feet to 40 feet at the ordinary high water mark, with scattered wetlands through this stretch of creek. The creek also supports a well developed riparian zone along its banks.

Project Description: As shown in the attached drawings (Sheets 2 thru 14 of 14), MCFCWCD plans to stabilize the bank in various sections of the project area using a combination of regrading/channelization, biotechnical bank stabilization techniques (including vegetated slopes and willow walls), vegetated rock riprap and bank preservation. In addition, J-vane and cross-vane rock structures are proposed in six locations within the creek to help direct flows toward the center of the creek to reduce erosion.

The creek will be accessed via pre-constructed access ramps, and all work will take place within the creek bottom. Dewatering of the creek will be required, with the downstream cofferdam at Diablo Avenue being constructed of sandbags and wrapped in polyethylene sheeting. The upstream earthen cofferdam at Grant Avenue will be wrapped with a polyethylene sheeting and water will be pumped into Warner Creek. Any residual water will be pumped out of the dewatered area and routed to the end that is closer to the area being pumped.

Purpose and Need: The basic purpose of this project is to stabilize the bank along a 0.8 mile stretch of Novato Creek. The overall purpose of this project is to stabilize the bank to ensure appropriate flood capacity is retained for protection of adjacent property owners.

Impacts: The project will result in 2,593 cubic yards (cy) of fill into USACE jurisdictional waters and

wetlands. This includes 2,469 lineal feet of vegetated rock riprap, 874 lineal feet of vegetated slope, and 200 lineal feet of willow walls. There will be 4,561 square feet (0.1 acre) of jurisdictional wetland filled for construction of the project.

Mitigation: The wetlands on site are located along the bank and on alluvial deposits. It is presumed these wetlands will naturally reestablish over time through soil re-contouring, which will also allow alluvial deposits to re-form. Measures included in the proposed project (vegetated slopes, and vegetated rock riprap) help minimize the amount of additional mitigation needed.

Monitoring of the site is proposed for a minimum of 5 years, with success criteria achieved if 80 percent of planted material survives and 0.1 acre of wetland is re-created (success criteria would not be met until at least 2 years have passed since irrigation ceased).

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a USACE permit must first obtain a State water quality certification before a USACE permit may be issued. MCFCWCD has provided the USACE with evidence that he has submitted a valid request for State water quality certification to the Regional Water Quality Control Board. No USACE permit will be granted until MCFCWCD obtains the required water quality certification. The USACE may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

4. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): At the conclusion of the public comment period, the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR Parts 1500-1508, and USACE Regulations at 33 CFR Part 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project.

Endangered Species Act of 1973 (ESA): MCFCWCD conducted a search, using the California Natural Diversity Data Base (CNDDB), to determine potential for the project site to support federally listed threatened or endangered species. Searches were initiated which encompass the project site and the surrounding area. Three species were identified as having the greatest potential for occurring within the project area: threatened Central California Coast steelhead (*Oncorhynchus mykiss*), endangered California freshwater shrimp (*Syncaris pacifica*), and threatened California Red-Legged Frog (*Rana aurora draytonii*). In addition, the USACE has determined that the Central California Coast threatened coho salmon (*Oncorhynchus kisutch*) has the potential to occur at the project site.

There have been no known sightings of fresh water shrimp or red-legged frog in the vicinity of the project area and the project site does not occur within critical habitat for either species. In addition, the surrounding area is comprised of roadways, parks, residences, or businesses located adjacent to either bank of the creek.

The USACE has made a preliminary determination that the project will not affect fresh water shrimp or red-legged frog, but may affect steelhead, Central California Coast threatened coho salmon, and designated and proposed critical habitat for salmonids. The USACE will initiate formal consultation with the National Marine Fisheries Service (NMFS), pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 et seq.). The consultation process must be concluded prior to the issuance of any Department of the Army Permit for the project.

Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA): NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. The aforementioned Section 7 consultation process, will also address project-related impacts to EFH.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the USACE completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

5. **COMPLIANCE WITH THE 404(b)(1) GUIDELINES:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). MCFCWCD has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the guidelines.

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The USACE is soliciting comments from the public, Federal, State and local agencies and officials, Indian

Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

10. **SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the San Francisco District, Regulatory Branch. It is USACE policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting MCFCWCD whose address is indicated in the first paragraph of this notice, or by contacting Bryan Matsumoto of our office at telephone 415-977-8476 or by E-mail: bryan.t.matsumoto@usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.

COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL DISTRICT ZONE 1

PLANS FOR CONSTRUCTION OF FLOOD CONTROL AND WATER CONSERVATION

NOVATO FLOOD CONTROL PROJECT - PHASE VIII

DIABLO AVE. TO GRANT AVE.

PROJECT No. ECF-X13

INDEX OF SHEETS

NOVATO CREEK PHASE VIII

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4	PLAN VIEW SHEET 4
5	PLAN VIEW SHEET 5
6	PLAN VIEW SHEET 6
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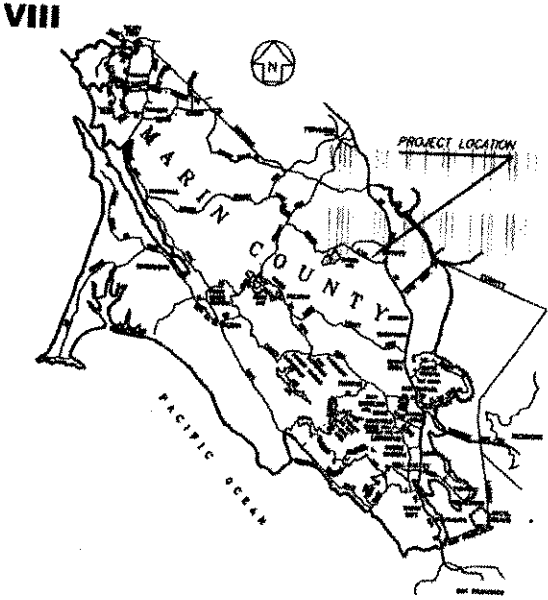
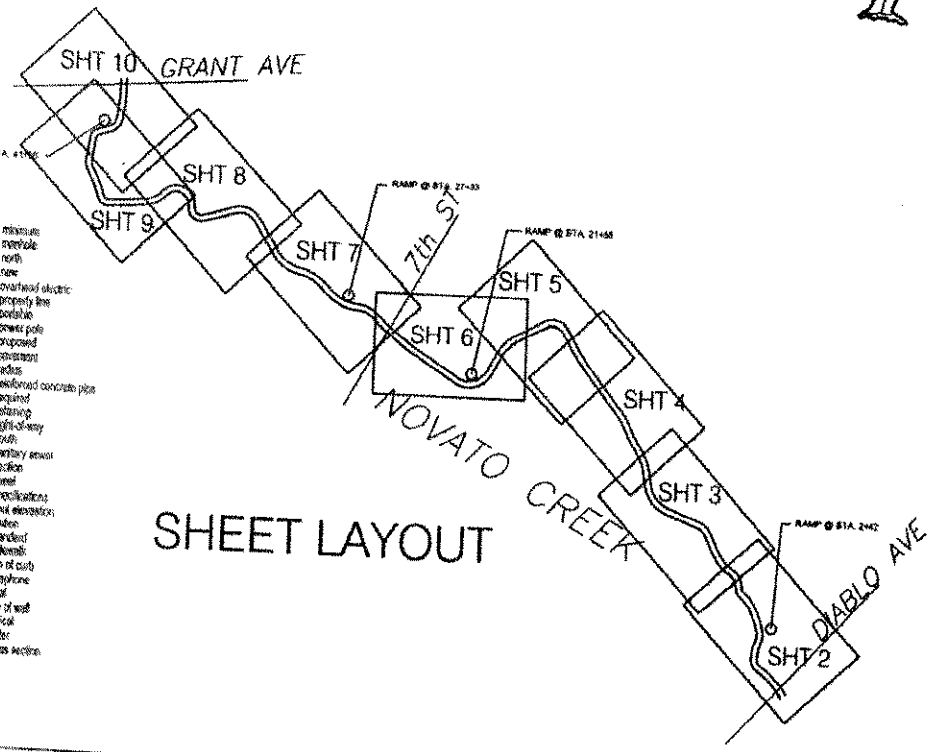
8	PLAN VIEW SHEET 8
9	PLAN VIEW SHEET 9
10	PLAN VIEW SHEET 10
11	DETAILS
12	REVEGETATION PLAN
13	TYPICAL SECTIONS
14	TYPICAL SECTIONS





SHEET LAYOUT

ABBREVIATIONS

AC	asphalt concrete
BC	beginning of curve
BL	baseline
BLDG	building
CCM	cellular concrete mat
C & G	curb and gutter
CMP	corrugated metal pipe
CONC	concrete
CONST	construct
DI	drainage inlet
DWG	drawing
EA	each
EC	end of curve
EF	each face
EL, ELEV	elevation
EL	easement line
EP	edge of pavement
EL EXIST	existing
EXP JT	expansion joint
FIN	finished
FL	flowline
FTG	footing
GR	grade
GRND	ground
GS	galvanized steel
H	height
H & V	horizontal & vertical
INV	invert
LF	linear feet
LT	left
MAX	maximum
MIN	minimum
MH	manhole
N	north
NO	none
OHE	overhead electric
PL	property line
PORT	portable
PP	power pole
PROP	proposed
PVMT	pavement
R	radius
RCP	reinforced concrete pipe
REQD	required
RET	retaining
R/W	right-of-way
S	south
SS	sanitary sewer
SECT	section
SHT	sheet
SPECS	specifications
(S.E)	equal elevation
STA	station
STD	standard
SW	sidewalk
TC	top of curb
TEL	telephone
TOT	total
TW	top of wall
TYP	typical
W	water
X-SECT	cross section

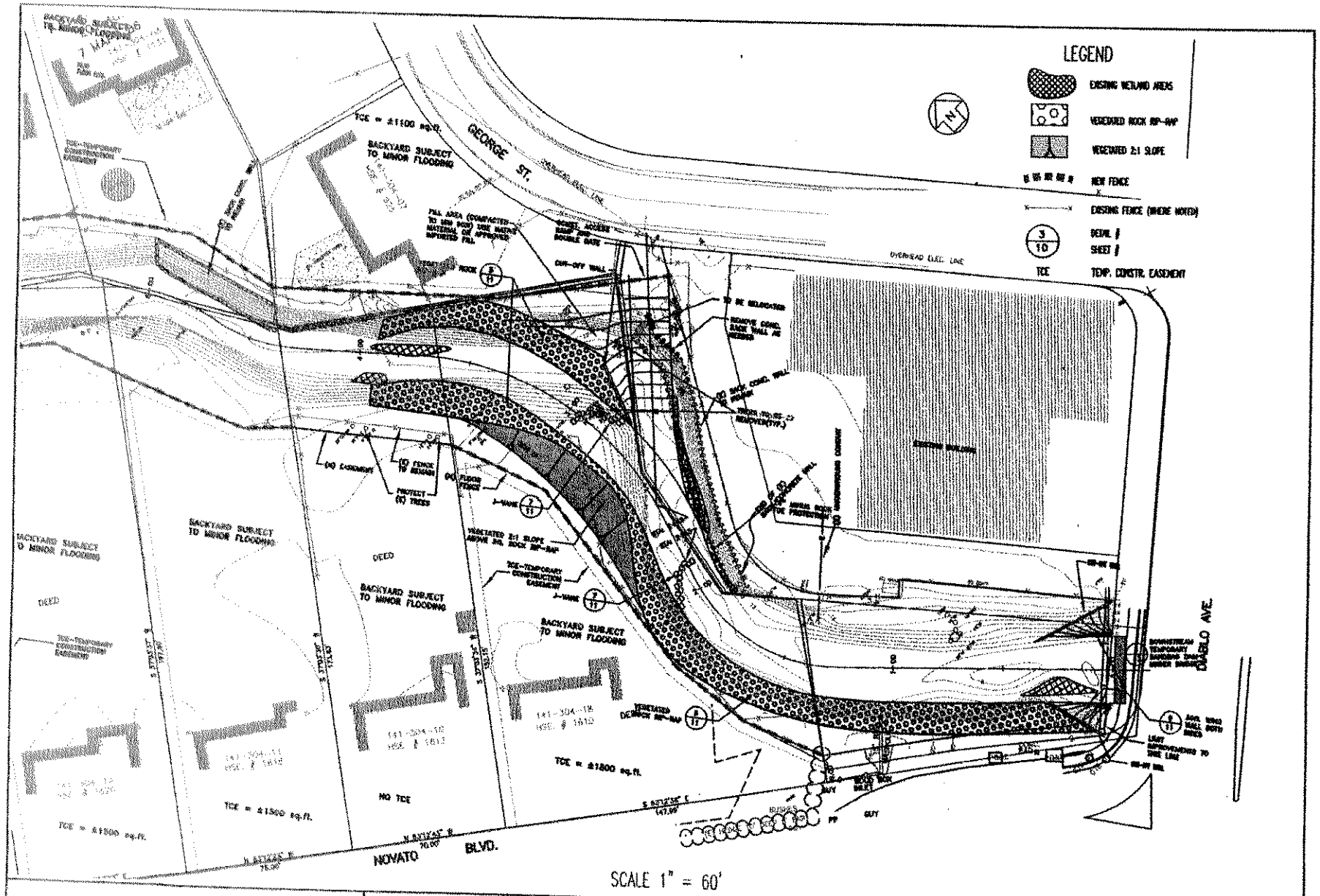
APPROVED — DATE
DIRECTOR OF PUBLIC WORKS

APPROVED — DATE
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST — DATE
CLERK, BOARD OF SUPERVISORS

SHT. 1 OF 14

ACOE # 28937N



COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS
CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

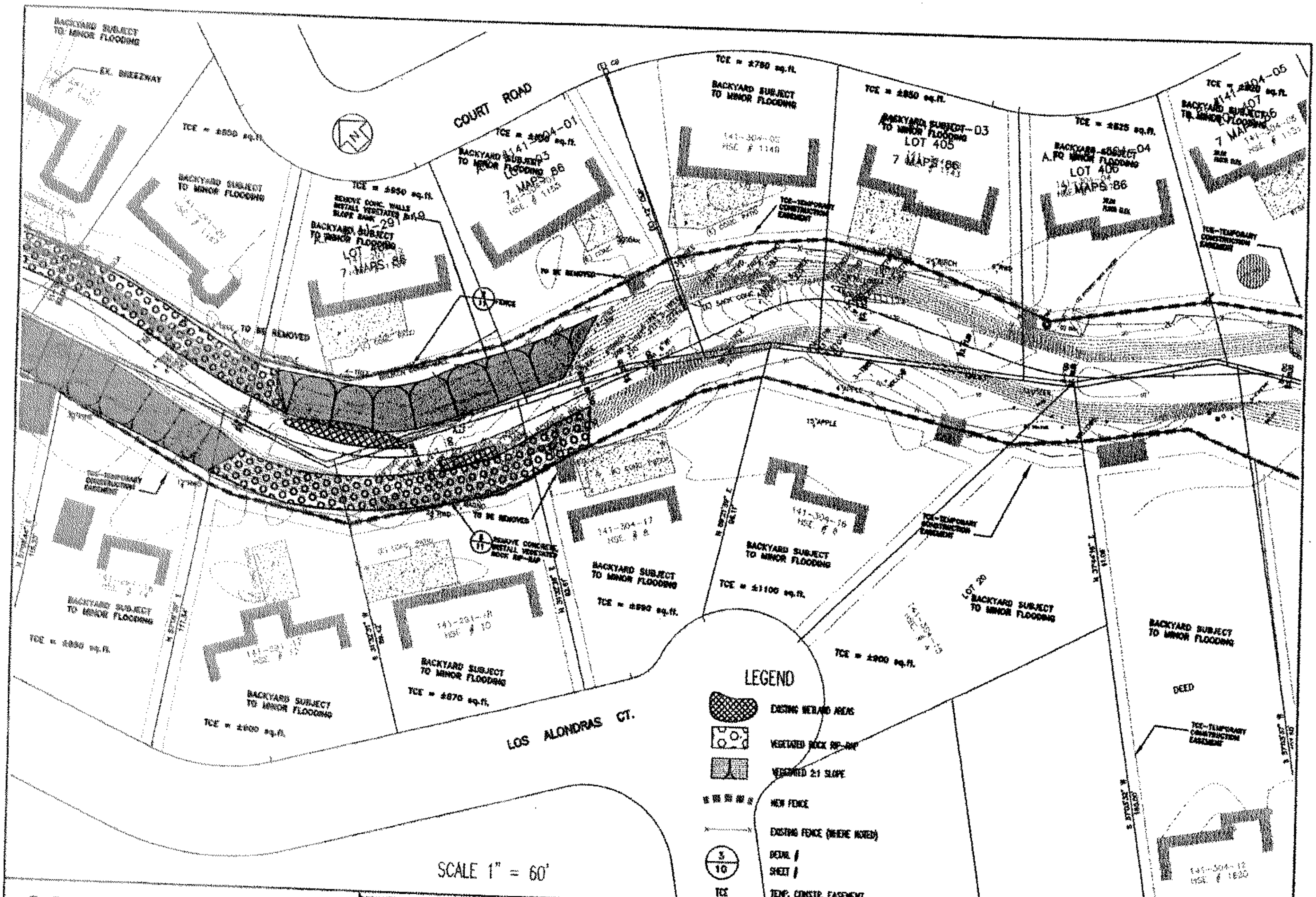
DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2005
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	EGFX15A

PLAN
STA. 0+00 (DIABLO) TO 5+00

NOVATO FLOOD CONTROL PROJECT
NOVATO CREEK - PHASE VIII
DIABLO AVENUE TO GRANT AVE

sht. 2 of 14

ACOE # 28937N



DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2006
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	ECFX13A

COUNTY OF MARIN

DEPARTMENT OF PUBLIC WORKS

CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

PLAN

STA. 5+00 TO 11+00

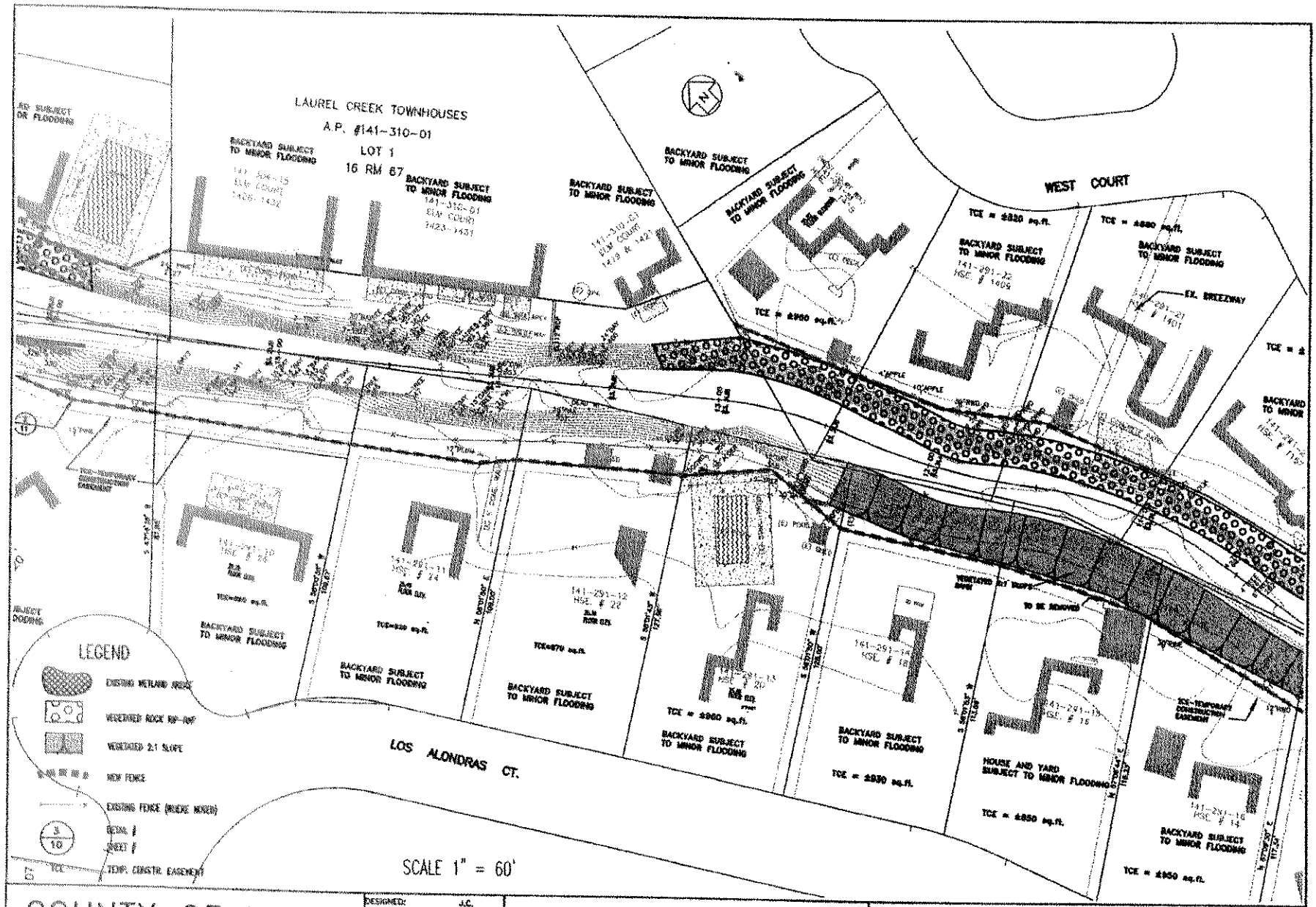
NOVATO FLOOD CONTROL PROJECT

NOVATO CREEK - PHASE VIII

DIABLO AVENUE TO GRANT AVE

SHT. 3 OF 14

ACOE # 28937N



COUNTY OF MARIN
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CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

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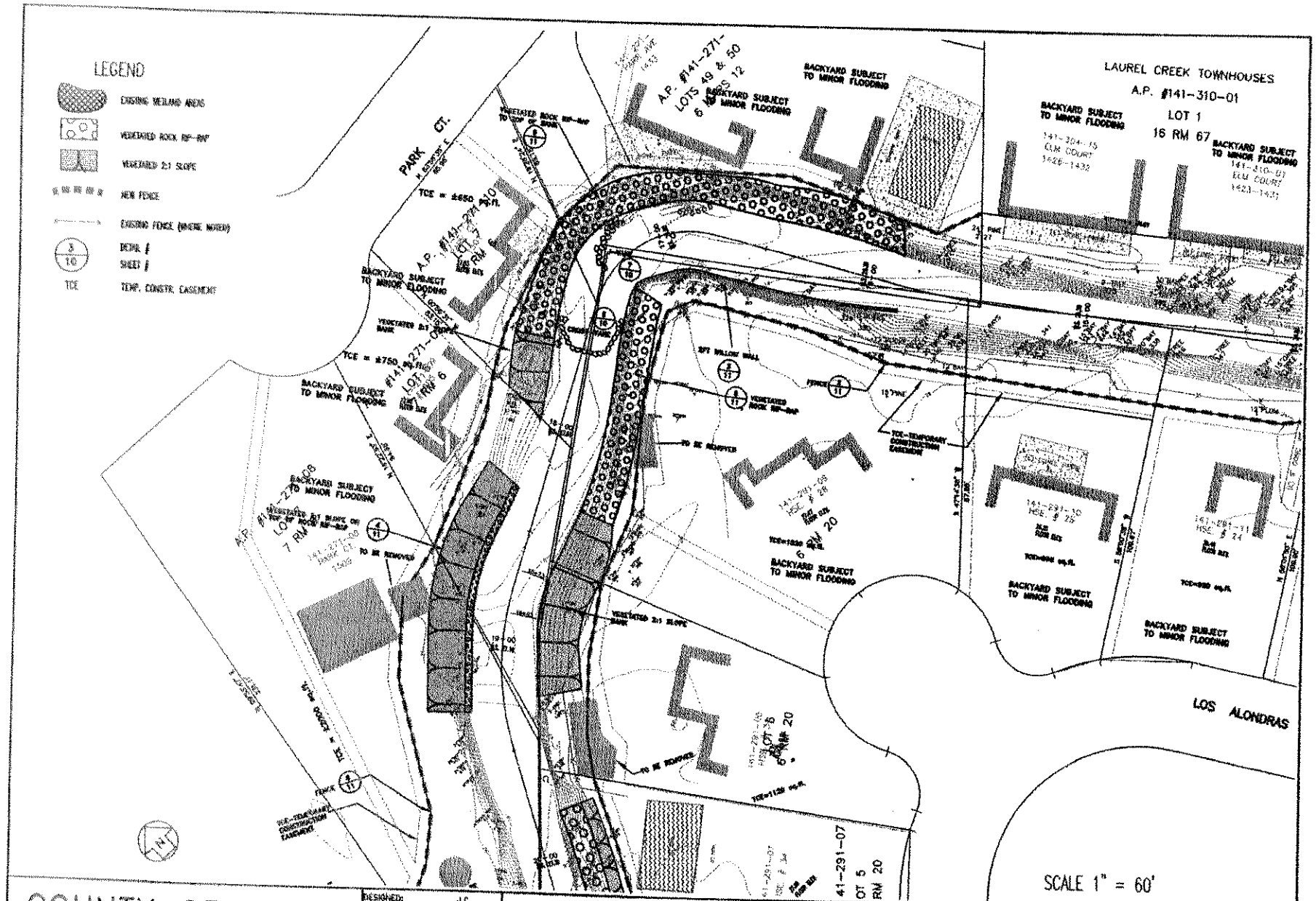
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2005
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	ECFX13A

PLAN
STA.11+00 TO 16+00

NOVATO FLOOD CONTROL PROJECT
NOVATO CREEK - PHASE VIII
DIABLO AVENUE TO GRANT AVE

sht. 4 of 14

ACOE # 28937N



COUNTY OF MARIN
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CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

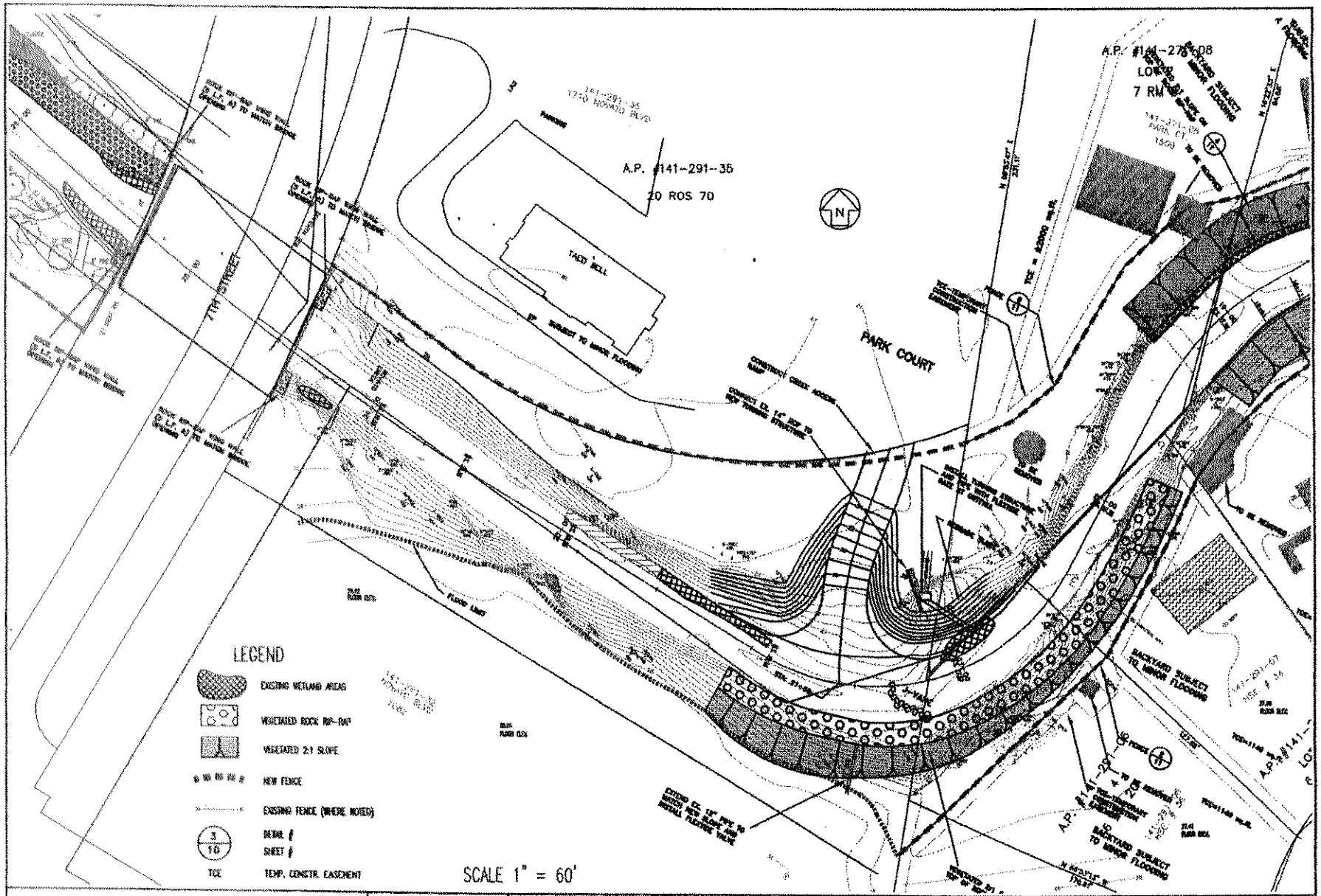
DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2005
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	EDFX13A

PLAN
STA. 15+00 TO 20+00

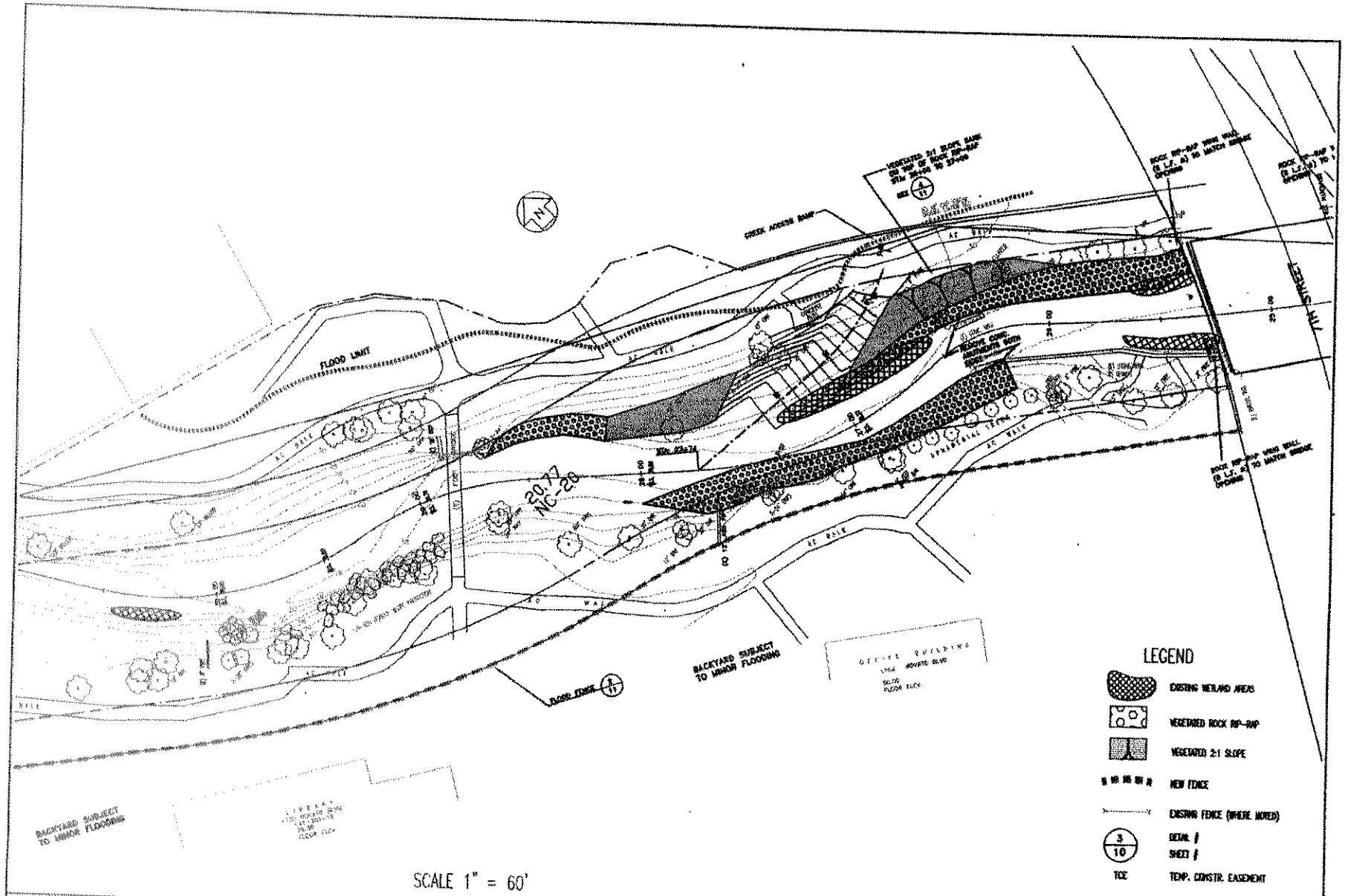
NOVATO FLOOD CONTROL PROJECT
NOVATO CREEK - PHASE VIII
DIABLO AVENUE TO GRANT AVE

SHT. 5 OF 14

ACOE # 28937N



COUNTY OF MARIN DEPARTMENT OF PUBLIC WORKS CIVIC CENTER SAN RAFAEL CALIFORNIA 94903	DESIGNED: J.C. DRAWN: J.C. CHECKED: E.L.K. DATE: 04-2005 FIELD BOOK: N/A FEDERAL PROJ. NO.: N/A COUNTY PROJ. NO.: ECFX13A	PLAN STA. 20+00 TO 25+00	NOVATO FLOOD CONTROL PROJECT **NOVATO CREEK - PHASE VIII** DIABLO AVENUE TO GRANT AVE	SHT. 6 OF 14 ACOE # 28937N



SCALE 1" = 60'

COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS
CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

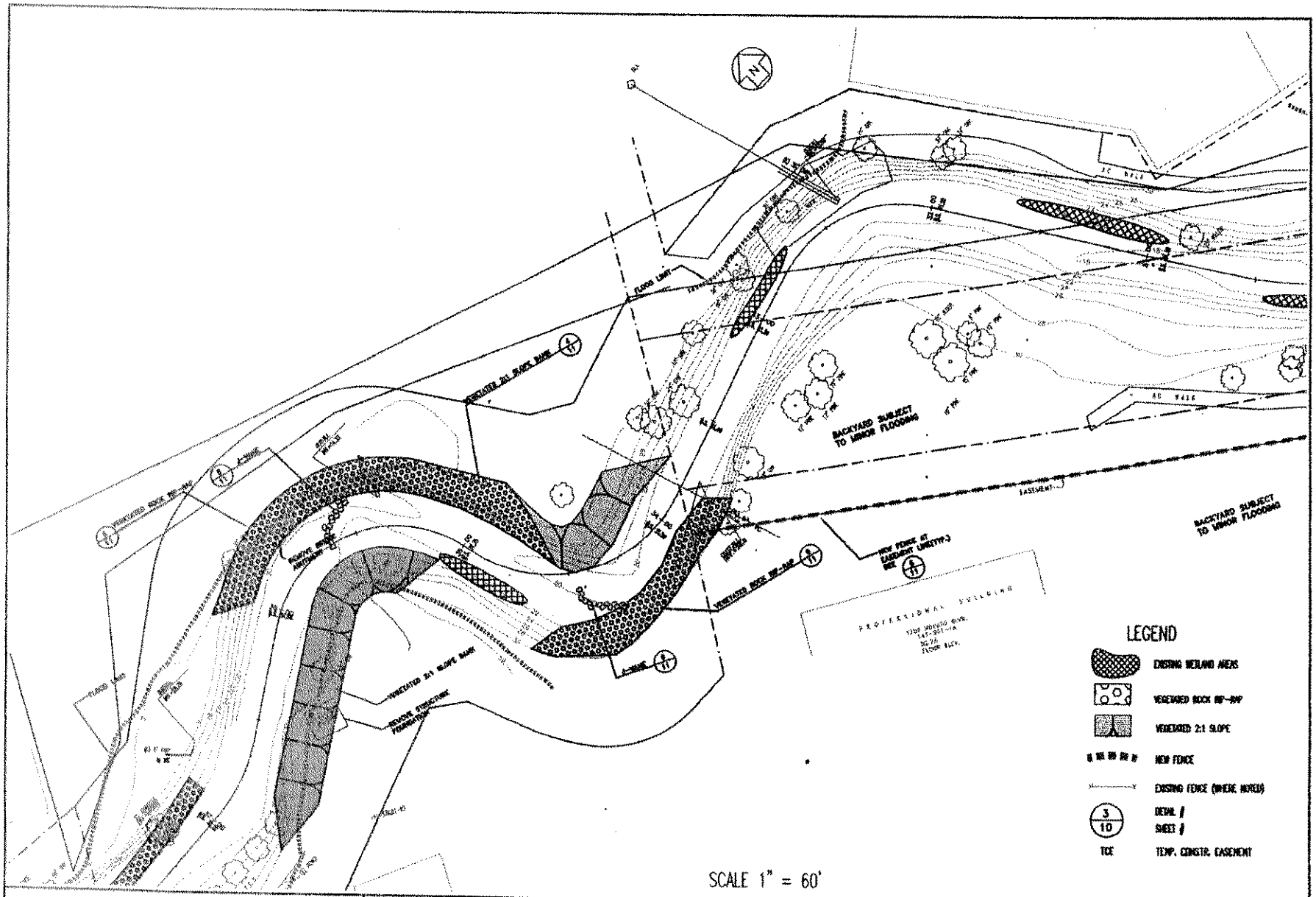
DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2005
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	EGFX13A

PLAN
STA. 25+00 TO 30+50

NOVATO FLOOD CONTROL PROJECT
NOVATO CREEK - PHASE VIII
DIABLO AVENUE TO GRANT AVE

sht. 7 of 14

ACOE # 28937N



COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS
CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

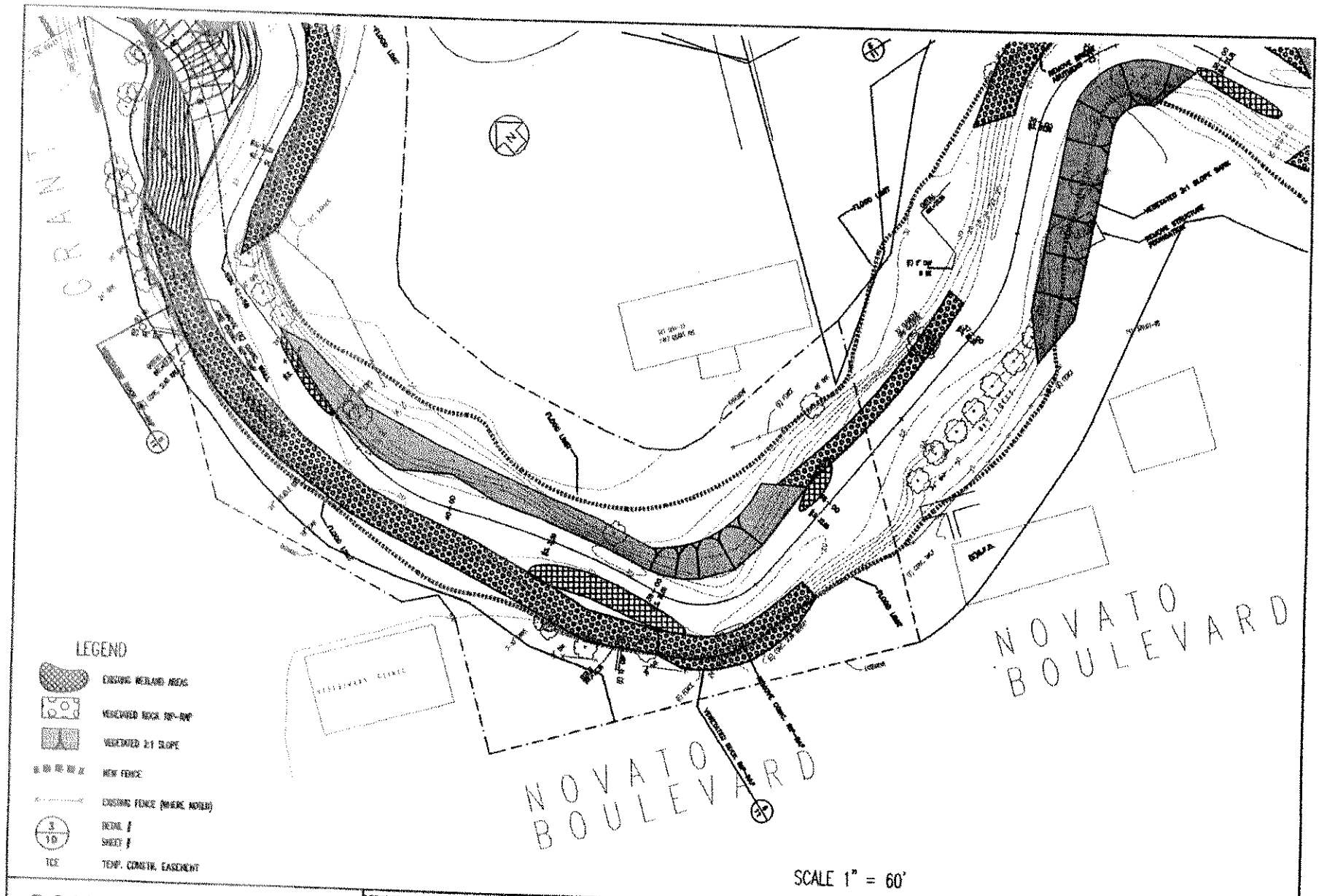
DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2006
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	ECFX13A

PLAN
STA. 30+50 TO 37+00

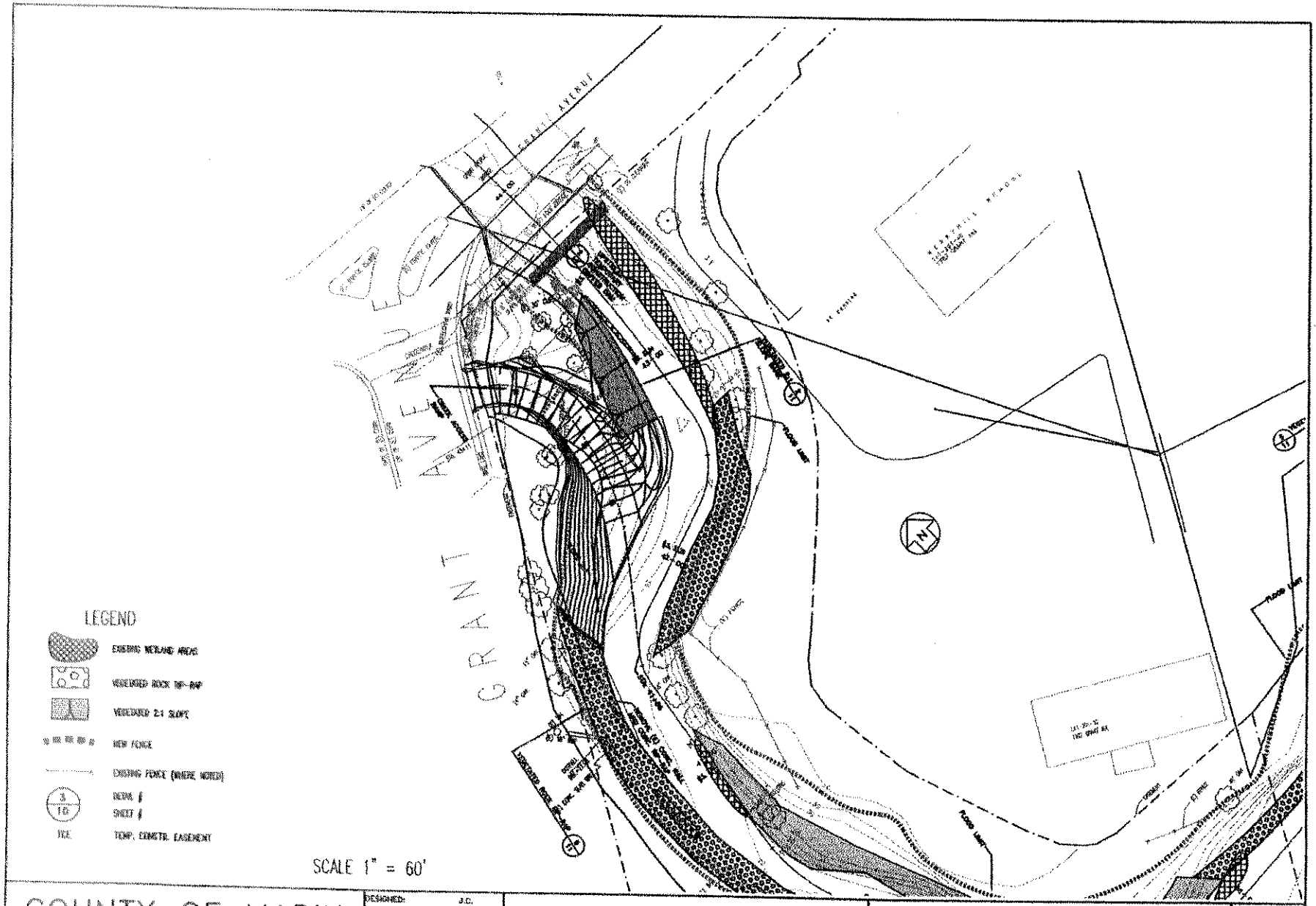
NOVATO FLOOD CONTROL PROJECT
NOVATO CREEK - PHASE VIII
DIABLO AVENUE TO GRANT AVE

SHT. 8 OF 14

ACOE # 28937N



COUNTY OF MARIN DEPARTMENT OF PUBLIC WORKS CIVIC CENTER SAN RAFAEL CALIFORNIA 94903	DESIGNED: J.C. DRAWN: J.C. CHECKED: E.L.K. DATE: 04-2005 FIELD BOOK: N/A FEDERAL PROJ. NO.: N/A COUNTY PROJ. NO.: ECFX13A	PLAN STA. 37+00 TO 42+00	NOVATO FLOOD CONTROL PROJECT **NOVATO CREEK - PHASE VIII** DIABLO AVENUE TO GRANT AVE	SHT. 9 of 14 ACOE # 28937N



DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2005
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	ECFX13A

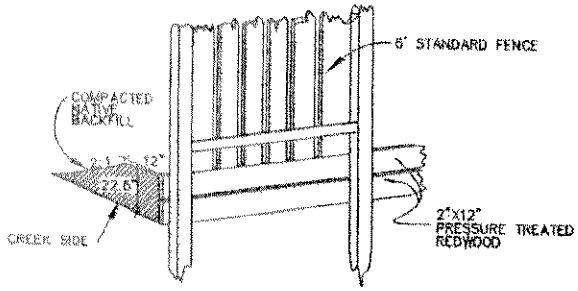
COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS
CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

PLAN
STA. 42+00 TO GRANT AVE.

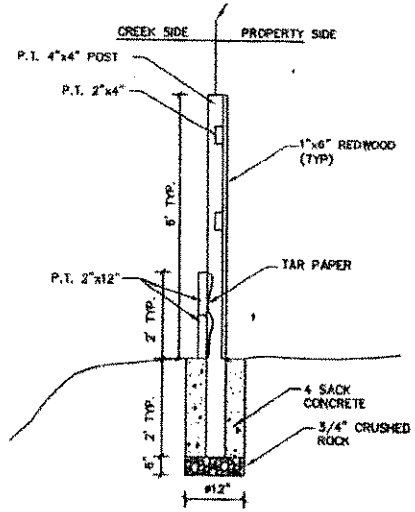
NOVATO FLOOD CONTROL PROJECT
NOVATO CREEK - PHASE VIII
DIABLO AVENUE TO GRANT AVE

sht.10 of 14

ACOE # 28937N



FLOOD FENCE
N.T.S.



TYP. FENCE DETAIL
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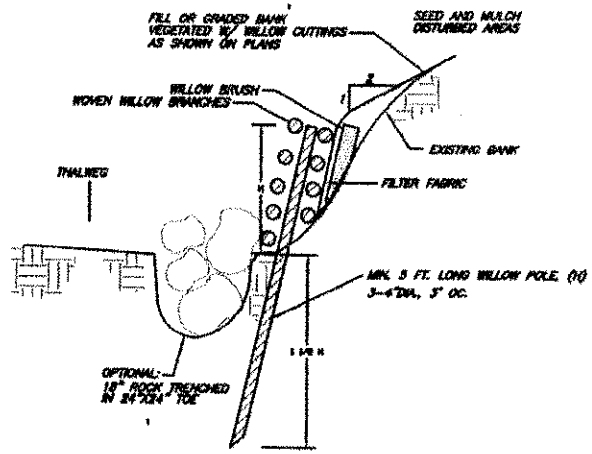

WILLOW WALL
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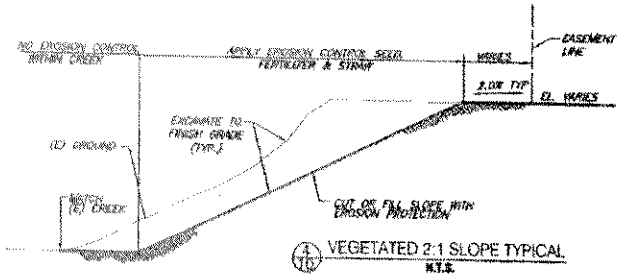

VEGETATED 2:1 SLOPE TYPICAL
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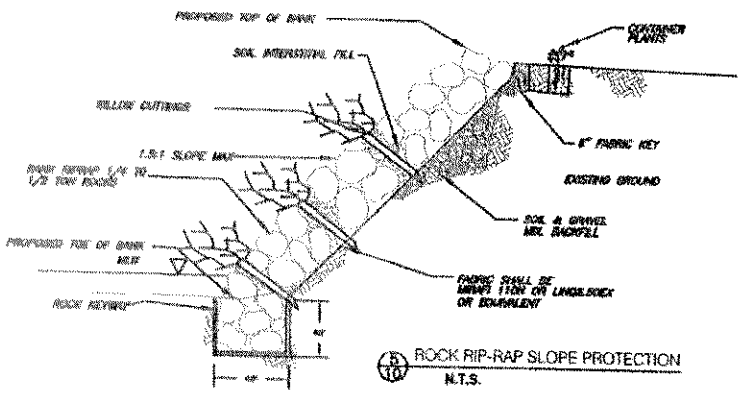
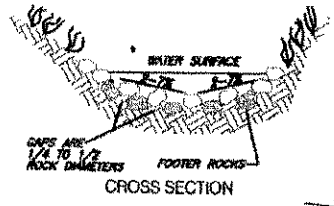
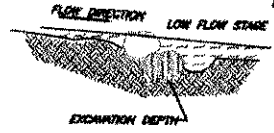


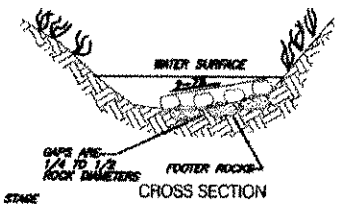
ROCK RIP-RAP SLOPE PROTECTION
N.T.S.



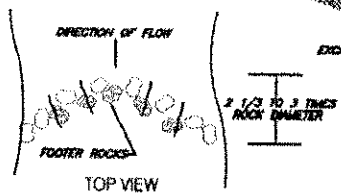
CROSS SECTION



SIDE VIEW

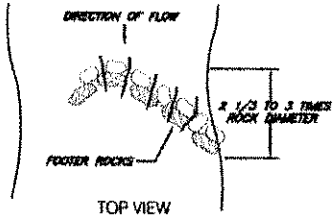


CROSS SECTION



TOP VIEW

CROSS - VANE
N.T.S.



TOP VIEW

J - VANE
N.T.S.

DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2005
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	EGFX13A

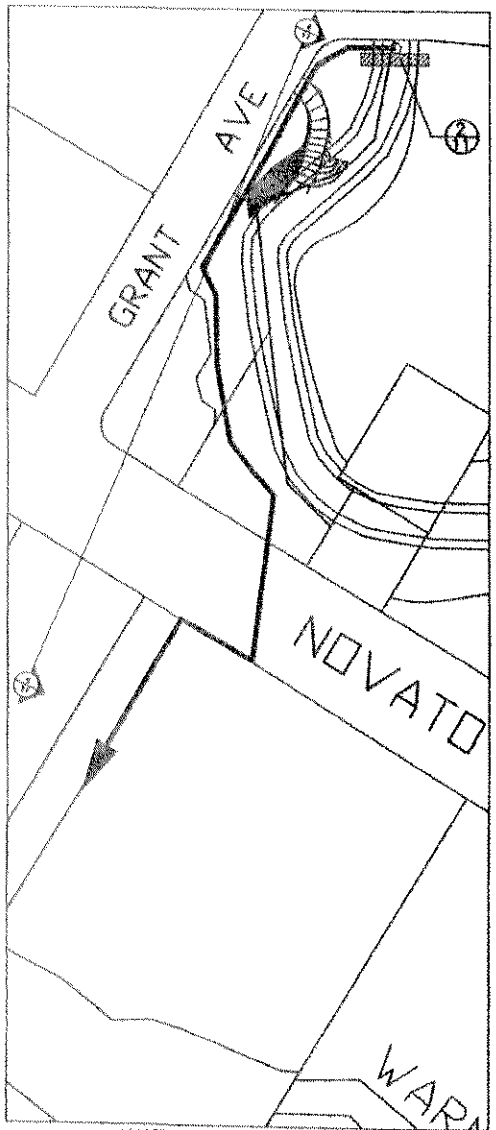
COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS
CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

DETAILS

NOVATO FLOOD CONTROL PROJECT
NOVATO CREEK - PHASE VIII
DIABLO AVENUE TO GRANT AVE

SHT. 11 OF 14

ACOE # 28937N



1/11 WATER DIVERSION LOCATION

NOT TO SCALE

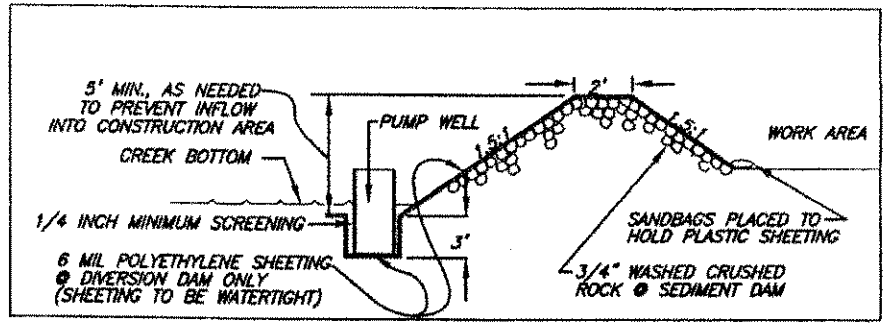
ALL UPSTREAM FLOW WILL BE DIVERTED AND PUMPED TO WARNER CREEK.

NOTE: ALL STANDING WATER REMAINING WITHIN CONSTRUCTION AREAS TO BE PUMPED OUT BEFORE WORK IN THAT SECTION.

NOTE: WORK WITHIN THE CREEKBED SHALL NOT BEGIN UNTIL THAT SECTION IS SUFFICIENTLY DEWATERED.

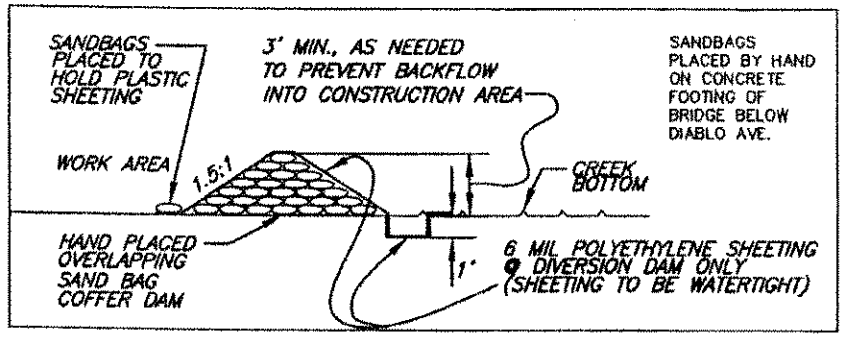
NOTE: ALL COFFER DAMS TO BE REMOVED ENTIRELY UPON COMPLETION OF THE PROJECT.

NOTE: ALL DEWATERING HOSE TO BE MIN. 6" FLEXIBLE FIREHOSE FED THROUGH NEW AND EXISTING FACILITIES AS SHOWN.



2/11 UPSTREAM COFFERDAM SECTION

NOT TO SCALE



3/11 DOWNSTREAM COFFERDAM SECTION

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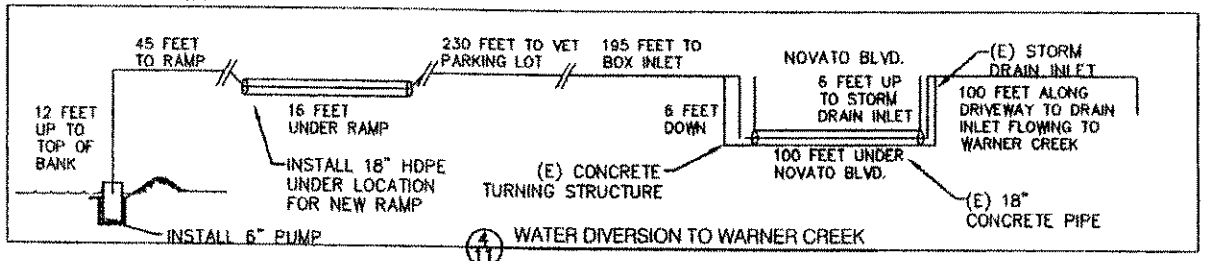


4/11 WATER DIVERSION TO WARNER CREEK

NOT TO SCALE

COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS
CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2005
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	ECFX13A

DEWATERING PLAN

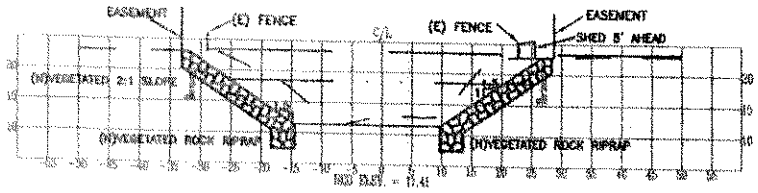
NOVATO FLOOD CONTROL PROJECT

NOVATO CREEK - PHASE VIII

DIABLO AVENUE TO GRANT AVE

SHT. 12 OF 14

ACOE # 28937N



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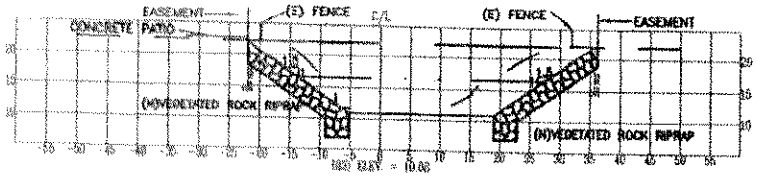

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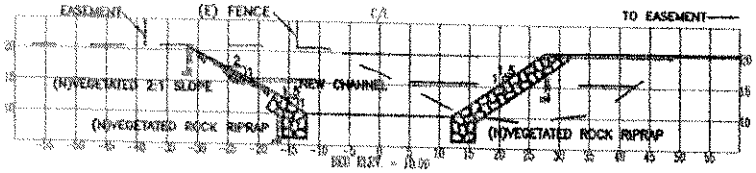

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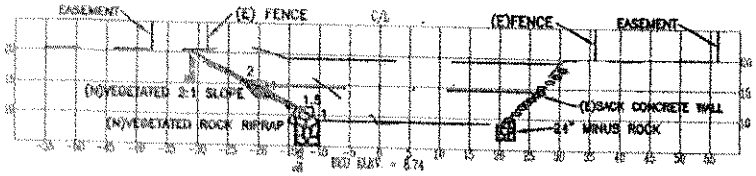

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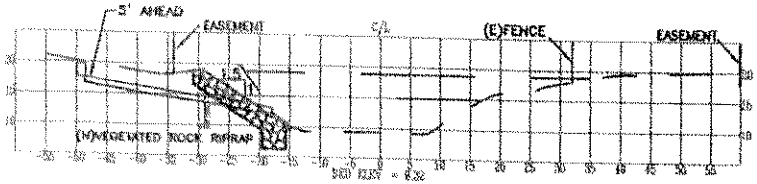

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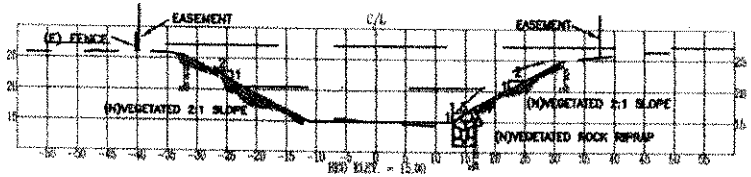

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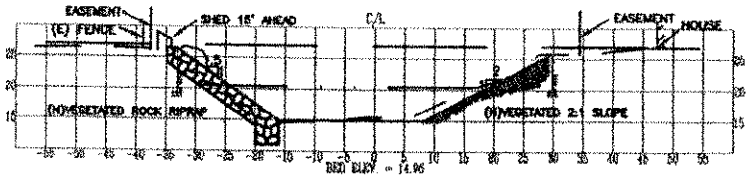

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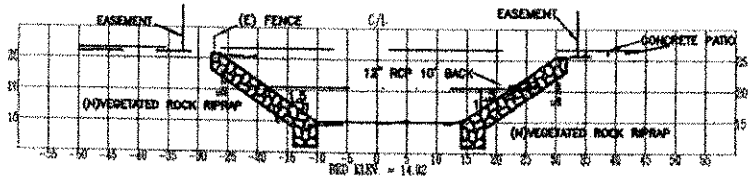

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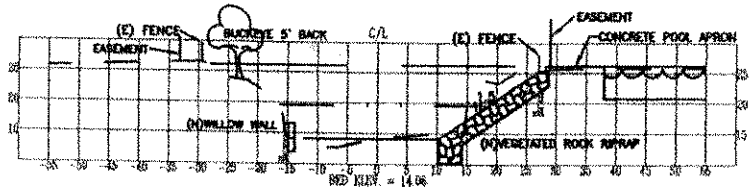

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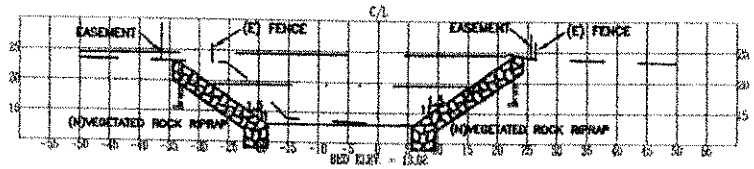

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COUNTY OF MARIN
DEPARTMENT OF PUBLIC WORKS
CIVIC CENTER SAN RAFAEL CALIFORNIA 94903

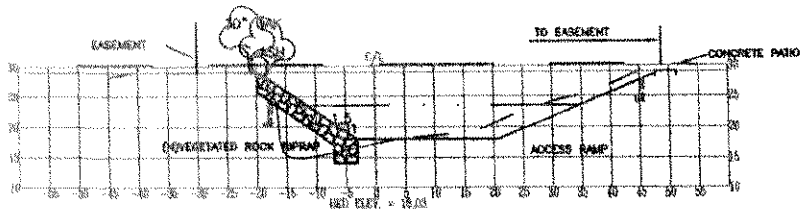
DESIGNED:	J.C.
DRAWN:	J.C.
CHECKED:	E.L.K.
DATE:	04-2008
FIELD BOOK:	N/A
FEDERAL PROJ. NO.:	N/A
COUNTY PROJ. NO.:	ECFX13A

TYPICAL CROSS SECTIONS

NOVATO FLOOD CONTROL PROJECT
NOVATO CREEK - PHASE VIII
DIABLO AVENUE TO GRANT AVE

sht.13 of 14

ACOE # 28937N



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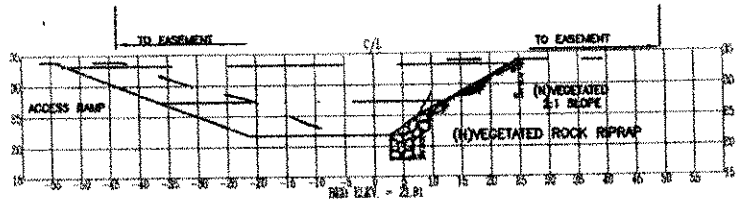

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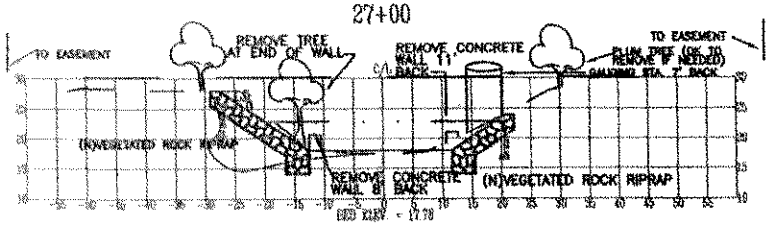

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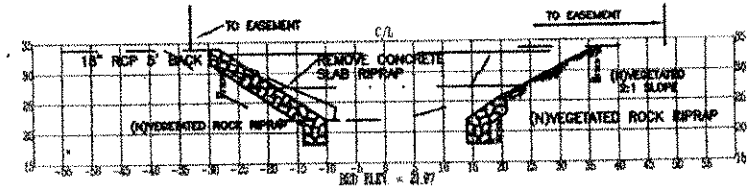

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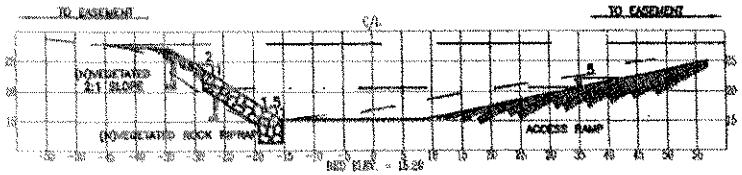

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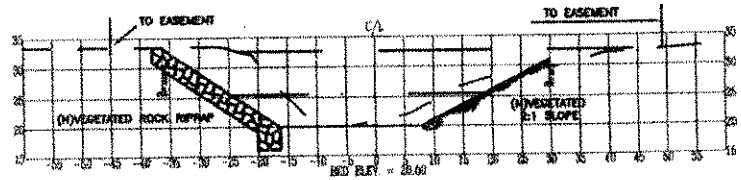

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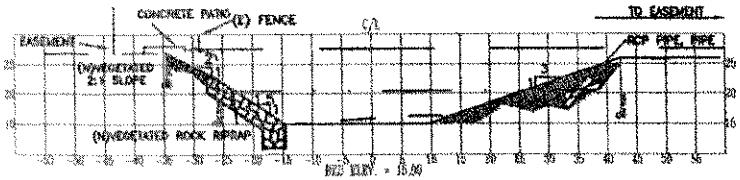

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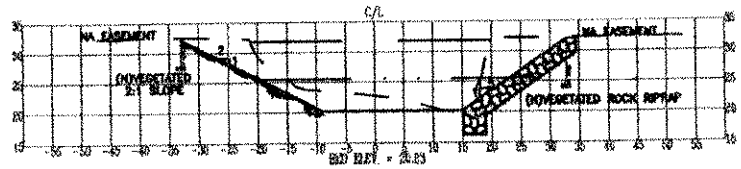

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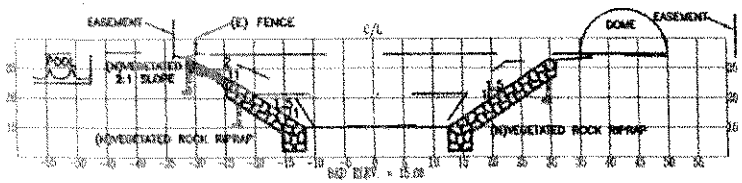

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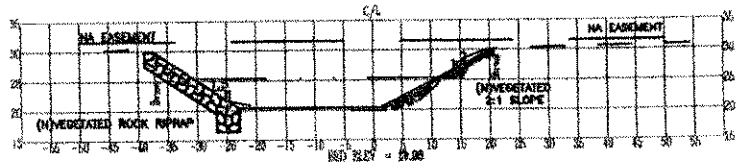

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COUNTY OF MARIN DEPARTMENT OF PUBLIC WORKS CIVIC CENTER SAN RAFAEL CALIFORNIA 94903	DESIGNED: J.C. DRAWN: J.C. CHECKED: E.L.K. DATE: 04-2005 FIELD BOOK: N/A FEDERAL PROJ. NO.: N/A COUNTY PROJ. NO.: ECFX13A	TYPICAL CROSS SECTIONS	NOVATO FLOOD CONTROL PROJECT **NOVATO CREEK - PHASE VIII** DIABLO AVENUE TO GRANT AVE	sht.14 of 14 ACOE # 28937N