

Central Valley Flood Protection Board Enforcement Process

Frequently Asked Questions

1. What is an FFL?

A Fact Finding Letter, or FFL, is issued by the enforcement staff for violations that do not pose an immediate threat to levee integrity. Often times the respondent is unaware of State requirements. The FFL informs the respondent of the violation and also seeks information from the respondent regarding the violation.

2. What is a NOV?

If voluntary compliance cannot be reached through a FFL, or if the violation is an immediate threat to levee integrity, formal enforcement will be pursued by issuing a Notice of Violation, or a NOV. It is served in accordance with California Water Code, Section 8703 and with the California Code of Regulations, Title 23. It includes a statement describing the violations, required corrective actions, whether said activity may be eligible for a permit from the Board, whether the encroacher may correct the violation without obtaining prior approval from the Board or Executive Officer, and a deadline to correct the violation.

3. What is a C&D?

A C&D is a Cease and Desist Order that is usually issued after a NOV does not result in compliance with Title 23 regulations in a timely manner; it may also be issued within the Board or Executive Officer's discretion without first issuing a NOV if the violation is extreme or is an immediate threat to levee integrity. C&Ds will be scheduled on an agenda of a CVFPB public meeting with at least 30 days advance notice to the respondent. At the meeting the respondent will have the opportunity to attend and discuss the C&D Order, and the Board may affirm, amend, modify, stay, or rescind the C&D Order.

4. How long do I have to comply with the FFL? With the NOV? With the C&D Order?

The respondent is always encouraged to meet the deadline that comes with every compliance milestone. However, an unforeseen situation may always arise that require the need to extend the deadline. As long as it can be shown that the respondent is working towards full compliance, deadline extensions may be granted.

5. What are the fines for not complying under the enforcement process?

Civil penalties may be imposed against any person or public agency that undertakes an encroachment that is inconsistent with a cease and desist order or enforcement order previously issued by the board or executive officer in an amount not less than \$500 and not greater than \$30,000.

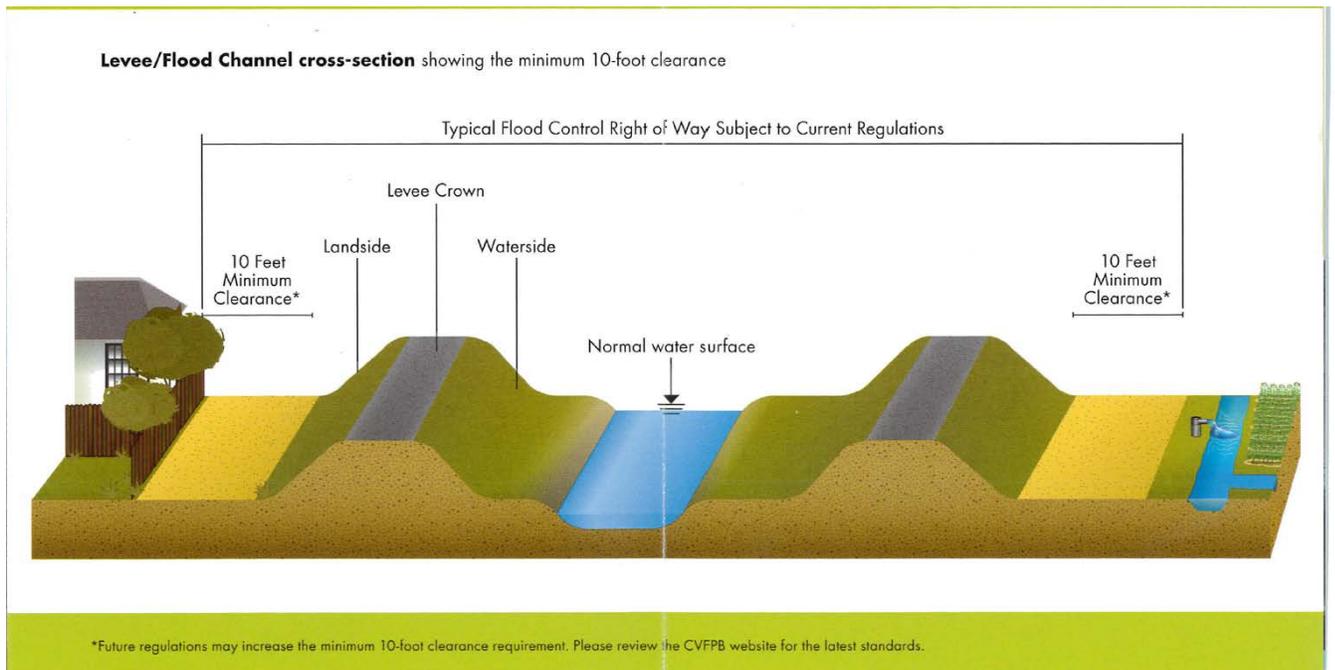
In addition to any other penalties, the respondent may incur civil penalties in the amount of not less than \$1,000 or more than \$15,000 per day for each day in which the violation persists.

6. **Do I still need to get a permit through your office if I already have a permit from another agency (e.g. local, city, county)?**

As stated in the California Code of Regulations (CCR), Title 23, Article 1, Section 2, Paragraph (b); “the area of Board’s jurisdiction includes the entire Central Valley, including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista Basins.”

Therefore, you are required to apply for a Central Valley Flood Protection Board (CVFPB) encroachment permit if your proposed project or work plan:

- Is within an Adopted Plan of Flood Control, as defined by CCR Title 23, Section 4, which can be viewed on-line at: <http://www.cvfpb.ca.gov> (under the Do I Need A Permit? tab).
- Is within the flood control right of way for levees as shown in the diagram below.
- Is near or on a regulated Central Valley stream as listed in CCR Title 23, Table 8.1.
- May impact the current or future State Plan of Flood Control (please contact the CVFPB Office at (916) 574-0609 if you have questions about the impact of your proposed work plan or project).



6. **Are there other agencies I need to contact when complying with your FFL, Notice, or C&D?**

You only need to contact other agencies if the CVFPB staff directs you to contact those said agencies. Ultimately, it is the respondent’s responsibility to contact all applicable agencies impacted by the violation.

7. How do I find out if the existing encroachments on my property have a permit through your office?

If you live on a property that is directly adjacent to a leveed channel, then odds are you are within the scope of the Central Valley Flood Protection Board's regulatory authority. You can also check on our website under the **PROFILES/MAPS** tab to see if your property is indeed within the Board's regulatory authority.

8. The property I just acquired has encroachments that may not have been permitted by CVFPB. Am I still responsible for obtaining all the necessary permits?

Yes. The property owner is ultimately responsible for obtaining all necessary permits and making sure they are up-to-date to State and federal regulations.