

**Meeting of the Central Valley Flood Protection Board  
June 28, 2013  
Staff Report – Encroachment Permit  
Mr. Jerry (Bob) Hays  
Addition to Maintenance Equipment Storage Building  
Butte County**

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**1.0 – ITEM**

Consider approval of Permit No. 16840-1 (Attachment B)

**2.0 – APPLICANT**

Mr. Jerry (Bob) Hays

**3.0 – LOCATION**

The project is located approximately 2-miles south of Highway 162 and west of Highway 70 at 4638 Pacific Heights Road, Oroville.  
(Feather River Designated Floodway, Butte County, see Attachment A)

**4.0 – DESCRIPTION**

The applicant proposes to construct a 60- by 100-foot addition to an existing 60- by 100-foot maintenance equipment storage building on the left (east) bank overflow area of the Feather River Designated Floodway.

**5.0 – PROJECT ANALYSIS**

The proposed project will double the size of an existing steel maintenance equipment storage building. The existing storage building is located in the Feather River Designated Floodway on the left bank, just upstream the right bank project levee for the Feather River. The Feather River Designated Floodway is approximately 2-miles wide at the latitude of the proposed project.

Permit No. 16840 was issued on April 6, 1998 for the existing storage building. On May 25, 2000 Permit No. 16840 (Revised) was issued with an amended design water surface elevation (WSE) as the WSE listed in the initial permit was found to be in error. The existing storage building was constructed on imported fill in the fall of 2000 to meet permit conditions that required the building to be two (2) feet above the design water surface elevation.

The proposed addition to the existing storage building will extend the structure towards the Feather River which is in conflict with Special Condition (EIGHTEEN) of Permits No. 16840 and 16840 (Revised):

*EIGHTEEN: Any remodeling, modification, additions, or repair that may place the dwelling or structure closer to the low-water channel of the floodway or lower the finished floor elevation to less than 2 feet above the design flood plane or 100-year flood elevation (whichever is higher) is not allowed.*

However, staff has concluded that the proposed addition will conform to Title 23 standards because the storage building addition will be constructed on the existing building pad which is two (2) feet above the design WSE. Consequently the storage building addition will not impede flows in the Feather River Designated Floodway and does not conflict with the intent of SPECIAL Condition EIGHTEEN. Title 23, Section 107, Permitted Uses in Designated Floodways, (g), allows for structures that are designed to have a minimum effect upon the flow of water and are firmly anchored to prevent the structure from floatation, provided that normally no structures for human habitation will be permitted. Therefore it is recommended that Condition No. EIGHTEEN contained in Permits No. 16840 and 16840 (Revised) be disregarded in the consideration of Permit No. 16840-1 as the proposed project is conforming to Title 23 standards. Special Condition THIRTEEN contained in draft Permit No. 16840-1 addresses this issue.

### **5.1 – Hydraulic Analysis**

A hydraulic analysis was not required as the existing building pad, which is two (2) feet above the design water surface elevation, will accommodate the expansion of the maintenance equipment storage building.

### **5.2 – Geotechnical Analysis**

The proposed project does not involve any levees; therefore a geotechnical analysis was not required.

## **6.0 – AGENCY COMMENTS AND ENDORSEMENTS**

The comments and endorsements associated with this project, from all pertinent agencies are shown below:

- The U.S. Army Corps of Engineers 208.10 comment letter has been received for this application. The USACE District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project. The letter is incorporated into the permit as Exhibit A.

## **7.0 – CEQA ANALYSIS**

Board staff has prepared the following CEQA Findings:

The Board determined that the project is categorically exempt from CEQA under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303) covering new construction of small structures.

## **8.0 – SECTION 8610.5 CONSIDERATIONS**

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on facilities of the State Plan of Flood Control, and consistency of the proposed project with the Central Valley Flood Protection Plan as adopted by Board Resolution 2012-25 on June 29, 2012:

This project has no adverse effects on facilities of the State Plan of Flood Control and is consistent with the Central Valley Flood Protection Plan.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

Future changes in hydrology due to global climate change may result in higher Feather River flows which may result in a higher flood risk to the property.

### **9.0 – STAFF RECOMMENDATION**

Staff recommends that the Board find the project exempt from CEQA, approve the permit, and direct staff to file a Notice of Exemption with the State Clearinghouse.

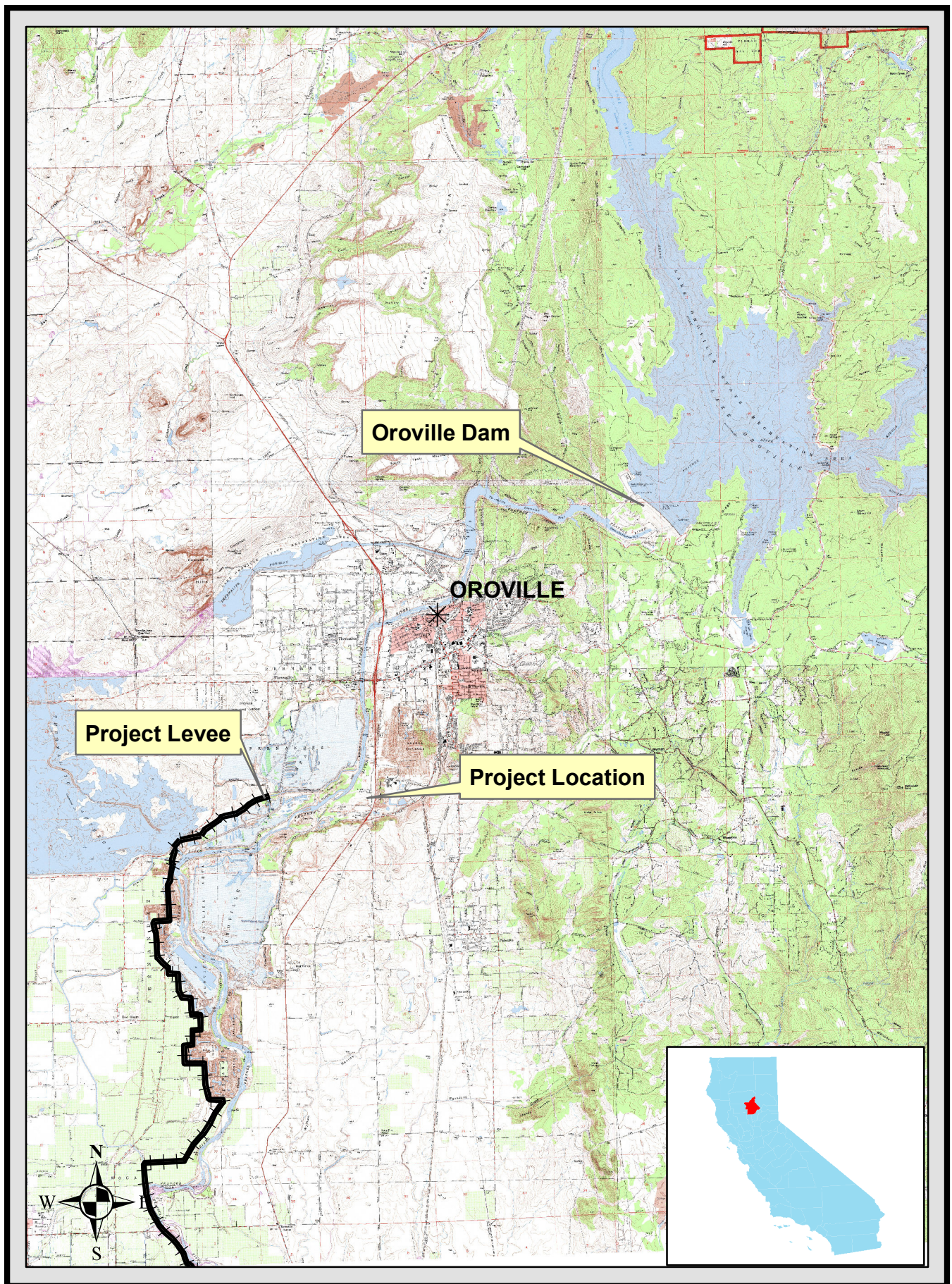
### **10.0 – LIST OF ATTACHMENTS**

- A. Location Maps and Site Photographs
- B. Draft Permit No. 16840-1
- C. Project Drawings
- D. Permit No. 16840
- E. Permit No. 16840 (Revised)

Design Review:	Gary W. Lemon P.E.
Environmental Review:	James Herota, Andrea Mauro
Document Review:	Mitra Emami P.E., Len Marino P.E.



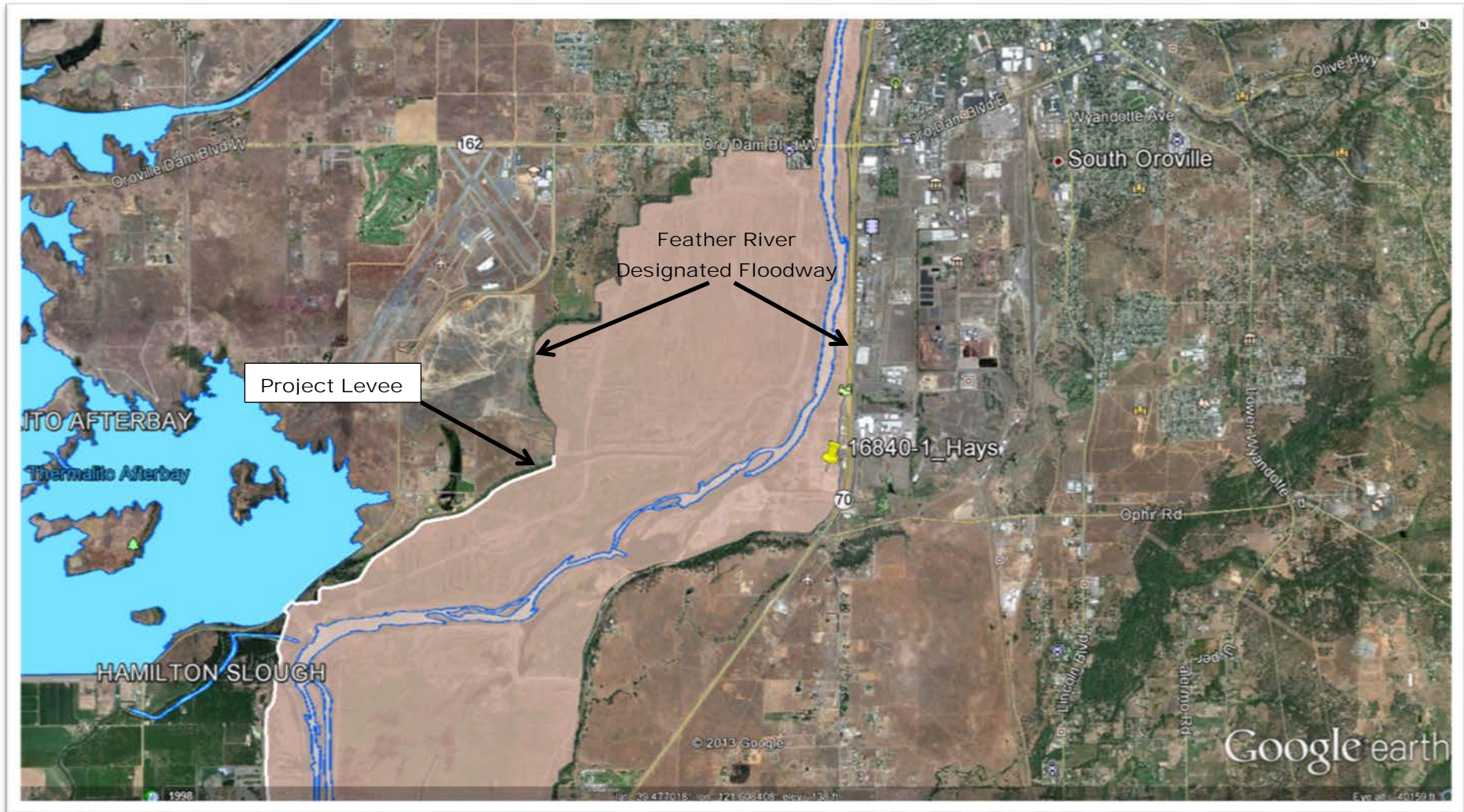
# Project Location Map



0 1 2 4  
Miles



Project Vicinity Map



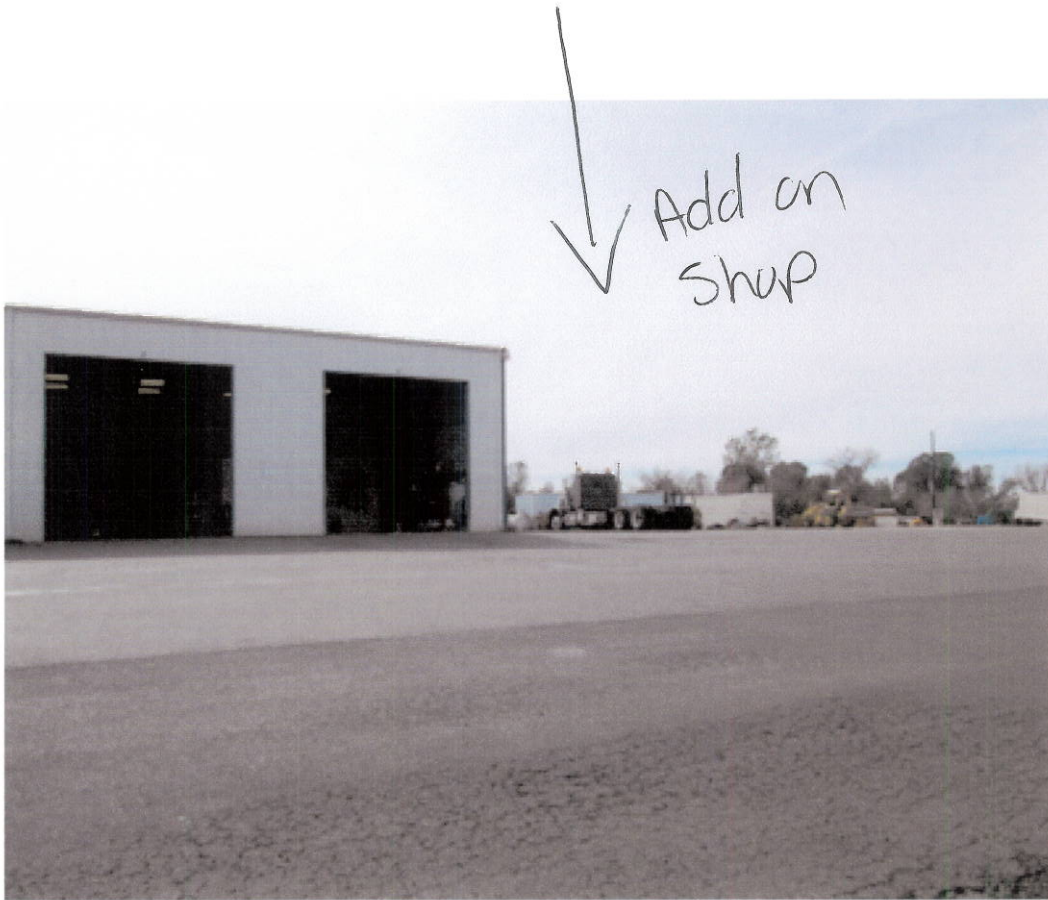


Project Location Map



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**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**THE CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 16840-1 BD**

**This Permit is issued to:**

Jerry (Bob) Hays  
4638 Pacific Hts Rd.  
Oroville , California 95965

To construct a 60- by 100-foot addition to an existing 60- by 100-foot maintenance equipment storage building on the left (east) bank overflow area of the Feather River Designated Floodway. The project is located approximately 2-miles south of Highway 162 and west of Highway 70 at 4638 Pacific Heights Road (Section 25, T19N, R3E, MDB&M, Feather River, Butte County).

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

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15



days' notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by The Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 16840-1 BD**

**THIRTEEN:** Special Condition No. EIGHTEEN contained in Permits No. "16840" and "16840 (Revised)" that were issued for the construction of the existing 60- by 100-foot maintenance equipment storage building is hereby rescinded.

**FOURTEEN:** The permittee acknowledges that the proposed maintenance equipment storage building is located within the Feather River Designated Floodway and may be subject to periodic flooding.

**FIFTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**SIXTEEN:** The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

**SEVENTEEN:** The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

EIGHTEEN: The Central Valley Flood Protection Board and the Department of Water Resources shall not be held liable for damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

NINETEEN: No construction work of any kind shall be done during the flood season from November 1st to April 15th without prior approval of the Central Valley Flood Protection Board.

TWENTY: Upon receipt of a signed copy of the issued permit the permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY-ONE: Equipment and material stored in the Feather River Designated Floodway shall be properly anchored to prevent floatation into the floodway in the event of high water or be removed from the floodway at the request of the Central Valley Flood Protection Board or any other authorized agency.

TWENTY-TWO: The equipment storage building shall not be used for human habitation.

TWENTY-THREE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

TWENTY-FOUR: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-FIVE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-SIX: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-SEVEN: Any modifications to the existing building or the adding of any additional encroachment(s) inside the Feather River Designated Floodway will require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

TWENTY-EIGHT: The letter from the Department of the Army (U.S. Army Corps of Engineers,

Sacramento District) dated May, 30, 2013 is attached to this permit as Exhibit A in reference to this project.





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. Army Engineer District, Sacramento  
Corps of Engineers  
1325 J Street  
Sacramento, California 95814-2922

Flood Protection and Navigation Section (16840-1)

Mr. Jay Punia, Executive Officer  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, California 95821

MAY 30 2013

Dear Mr. Punia:

We have reviewed a permit application by Jerry (Bob) Hays (application number 16840-1). This project includes constructing a 60 by 100 foot addition to an existing 60 by 100 foot maintenance equipment storage building on the left (east) bank overflow area of the Feather River Designated Floodway. The project is located approximately 2 miles south of Highway 162 and west of Highway 70 at 4638 Pacific Heights Road, at 39.469677°N 121.578003°W NAD83, Butte County, California.

The District Engineer has no comments or recommendations regarding flood control because the proposed work does not affect a federally constructed project.

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

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite LL30, Sacramento, CA 95821.

Sincerely,

A handwritten signature in black ink that reads "Meegan G. Nagy". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Meegan G. Nagy, P.E.  
Chief, Flood Protection and Navigation Section

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36-51

APN: 035-480-014

SR 162

OROVILLE

GEORGIA PACIFIC WAY

1.98 MILES

PACIFIC HTS RD

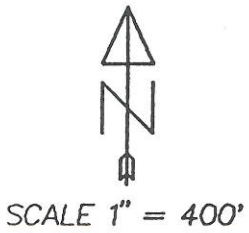
LANDS OF OWNER  
A.P.# 36-51-14

SHOP

Add onto shop  
60' x 100'  
Add on

MODULAR OFFICE  
BUILDING FF 144.5 FEET

PLAN VIEW



SITE PLAN  
 PROPOSED SHOP  
 FOR BOB HAYS  
 PACIFIC HEIGHTS ROAD  
 OROVILLE, CA 95966

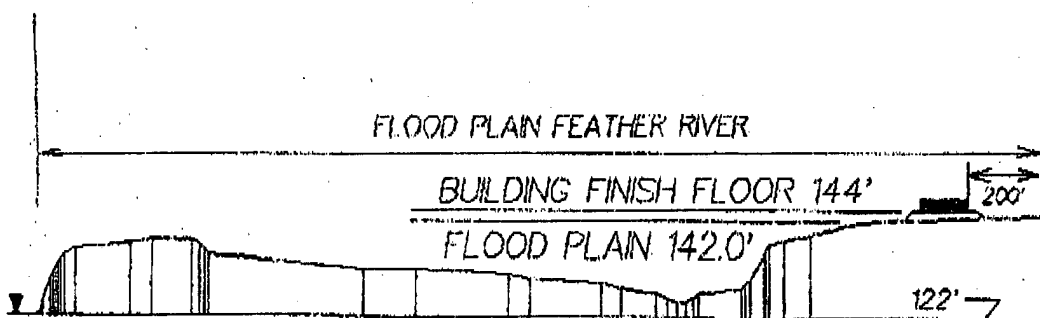
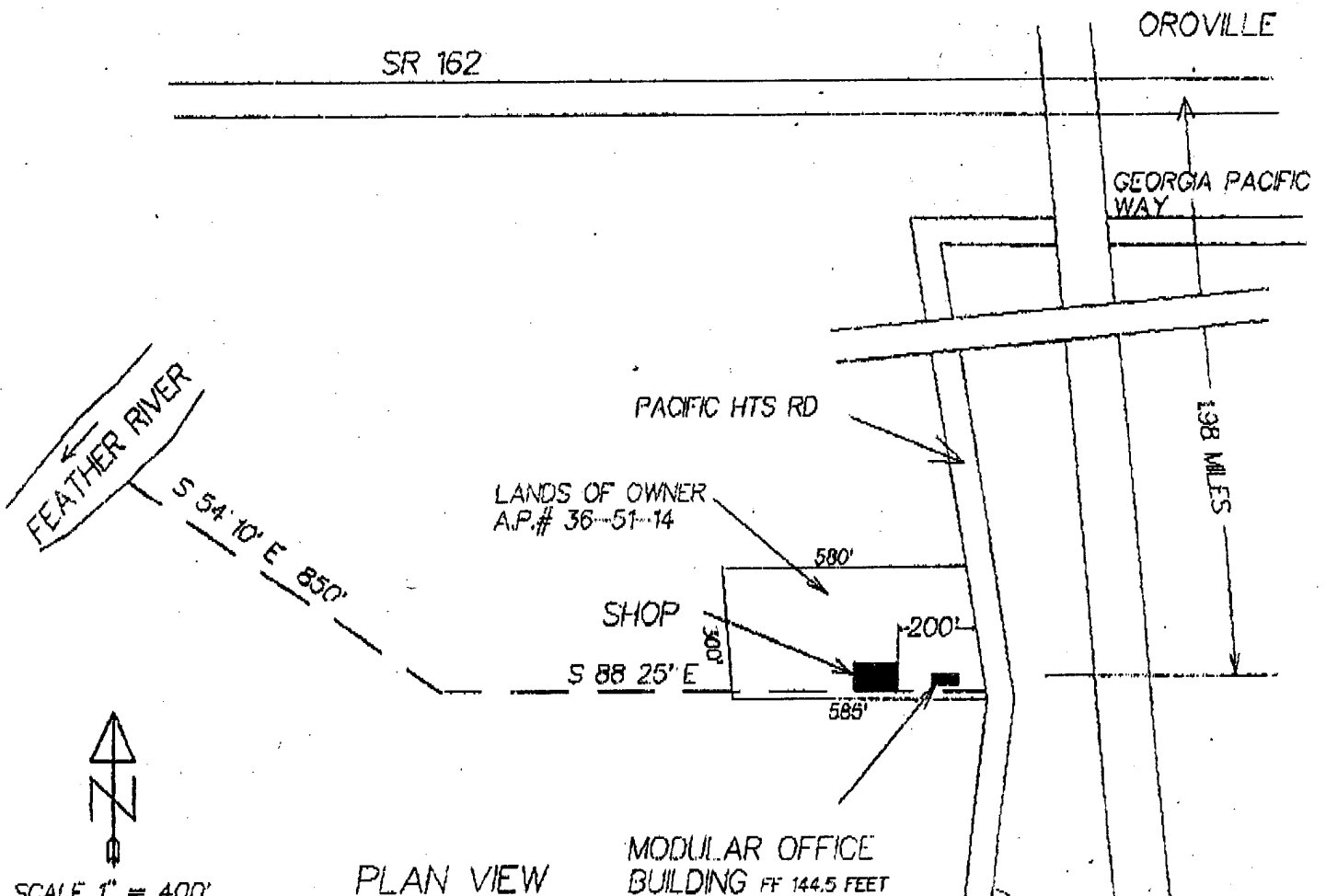
SHEET 1 OF 1

MICHAEL MOONEY	5A MADRONE AVE
CIVIL ENGINEER	OROVILLE, CA
RCE 20647	95966
EXPIRES 9-30-01	530-533-2131

PACIFIC HEIGHTS ROAD

SR 70





CROSS SECTION  
 HORIZ. 1" = 400'  
 VERT. 1" = 40'

PROPOSED SHOP  
 FOR BOB HAYS  
 PACIFIC HEIGHTS ROAD  
 OROVILLE, CA 95966

SHEET 1 OF 1

REVISIONS  
 1) ADD MODULAR OFFICE  
 5/98

MICHAEL MOONEY  
 CIVIL ENGINEER  
 5A MADRONE AVE  
 OROVILLE, CA

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**THE RECLAMATION BOARD**

PERMIT NO. 16840 GM (Revised)

This Permit is issued to:

Bob Hays  
62 Country View Lane  
Oroville, California 95966

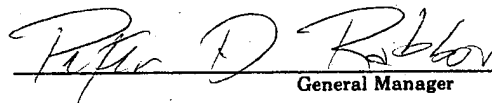
To construct a 60- by 100-foot maintenance equipment storage building and install a 12- by 56-foot portable office building on the left bank designated floodway of the Feather River. The project is located southwest of Oroville, west of Pacific Heights Road, and approximately 2 miles south of State Highway 162. Section 25, T19N, R3E, MDB&M, Feather River, Butte County.

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

The Reclamation Board, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, approved this application and the plans attached thereto. Permission is granted to proceed with the work described in this application, which is incorporated herein by reference, subject to the following General and Special Conditions.

(SEAL)

Dated: MAY 25 2000

  
General Manager

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 - 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Reclamation Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Reclamation Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by The Reclamation Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Reclamation Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

**SPECIAL CONDITIONS:**

- ✓ **THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without the prior approval of The Reclamation Board.
- ✓ **FOURTEEN:** The permittee shall notify the Department of Water Resources by telephone, (916) 323-4900, at least ten working days prior to start of work. Failure to do so may result in delays for your project.
- ✓ **FIFTEEN:** All cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.
- ✓ **SIXTEEN:** The finished floor elevation of the structures shall be at least 2 feet above the design flood plane elevation of 142.5 feet, NGV Datum.
- ✓ **SEVENTEEN:** Stockpiled material, temporary buildings, or equipment shall not remain in the floodway during the flood season from November 1 to April 15.
- ✓ **EIGHTEEN:** Any remodeling, modification, additions, or repair that may place the dwelling or structure closer to the low-water channel of the floodway or lower the finished floor elevation to less than 2 feet above the design flood plane or 100-year flood elevation (whichever is higher) is not allowed.
- ✓ **NINETEEN:** The proposed buildings shall be properly anchored to prevent floatation into the floodway in the event of high water.
- ✓ **TWENTY:** The State of California shall not be held liable for any damages caused by the operation of the flood control project or from the releases of water from storage reservoirs.
- ✓ **TWENTY-ONE:** The Reclamation Board and the Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operations, maintenance, inspection, or emergency repair.

SPECIAL CONDITIONS FOR PERMIT NO. 16840 (Revised) GM (Continued)

- ✓ TWENTY-TWO: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause.
- ✓ TWENTY-THREE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.



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STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**THE RECLAMATION BOARD**

PERMIT NO.

16840 GM

This Permit is issued to:

Bob Hays  
62 Country View Lane  
Oroville, California 95966

To construct a 60-by-100-foot maintenance equipment storage building on the left bank designated floodway of the Feather River. The project is located southwest of Oroville, west of Pacific Heights Road, and approximately 2 miles south of State Highway 162. Section 25, T19N, R3E, M.D.B.&M., Feather River, Butte County.

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

The Reclamation Board, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, approved this application and the plans attached thereto. Permission is granted to proceed with the work described in this application, which is incorporated herein by reference, subject to the following General and Special Conditions.

(SEAL)

Dated: APR 06 1998

  
General Manager

**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 - 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and The Reclamation Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of The Reclamation Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 days' notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by The Reclamation Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of The Reclamation Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

**SPECIAL CONDITIONS:**

**THIRTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without the prior approval of The Reclamation Board.

**FOURTEEN:** The permittee shall notify the Department of Water Resources by telephone, (916) 445-6386, at least ten working days prior to start of work.

**FIFTEEN:** Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

**SIXTEEN:** The finished floor elevation shall be at least 2 feet above the design flood plane elevation of 147 feet, NGV Datum.

**SEVENTEEN:** Stockpiled material, temporary buildings, or equipment shall not remain in the floodway during the flood season from November 1 to April 15.

**EIGHTEEN:** Any remodeling, modifications, additions, or repair that may place the dwelling or structure closer to the low-water channel of the floodway or lower the finished floor elevation to less than 2 feet above the design flood plane or 100-year flood elevation (whichever is higher) is not allowed.

**NINETEEN:** The proposed building shall be properly anchored to prevent floatation into the floodway in the event of high water.

**TWENTY:** The State of California shall not be held liable for any damages caused by operation of the flood control project or by releases of water from storage reservoirs.

**TWENTY-ONE:** The Reclamation Board and the Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) within the Feather River Designated Floodway resulting from flood fight, operations, maintenance, inspection, or emergency repair.

SPECIAL CONDITIONS FOR PERMIT NO. 16840 GM (Continued)

TWENTY-TWO: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause.

TWENTY-THREE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.