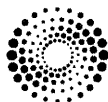

Barclays Official
**CALIFORNIA
CODE OF
REGULATIONS**

Title 23. Waters

Division 1. Central Valley Flood Protection Board

Proposed Track 3 Update

Vol. 32



THOMSON REUTERS™

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Division 1. Central Valley Flood Protection Board

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Article 1
Authority, Purpose, Scope, and Intent

Section 1, Authority

These regulations are promulgated by the Central Valley Flood Protection Board pursuant to Water Code sections 8571, 8608 and 8610.5.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8608, 8610.5 and 8710, Water Code.

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40)

Article 1
Authority, Purpose, Scope, and Intent

Section 2, Purpose, Scope

- (a) The purpose of these regulations is to interpret, implement and make specific ~~carry out~~ the ~~b~~Board's authority under the ~~duties pursuant to~~ Water Code ~~sections 8534, 8608 and 8710—8723 and Public Resources Code~~. Under these statutes, the Board is authorized and required to enforce, within its jurisdiction, on behalf of the State of California, appropriate standards for the construction, maintenance, and protection of adopted plans of flood control ~~plans~~ that will best protect the public from floods.
- (b) The geographic area of the ~~b~~Board's jurisdiction ~~includes is~~ the entire Central Valley, containing ~~including~~ all tributaries and distributaries of the Sacramento and San Joaquin Rivers, as well as ~~and the~~ Tulare Lake and Buena Vista basins which include portions of the Kings, Kaweah, Tule and Kern River systems.
- (c) These regulations ~~is division shall~~ apply to construction, operation and maintenance activities of the United States and its agencies, and the State of California and its agencies ~~within the~~ to the extent allowed by law, except for the following:
- (1) ~~does not apply to the~~ Construction, operation, or ~~and~~ maintenance of the United States Bureau of Reclamation's Central Valley Project pursuant to Water Code sSection 8536 ~~any activities of the United States or its agencies~~.
- (2) Construction, operation, and maintenance of facilities of the ~~Central Valley Project or the~~ State Water Resources Development System as described in Water Code sSections 12931 and 12934(d) ~~or any parts thereof~~.
- ~~(d) This division does not apply to any activities of the United States or its agencies.~~
- (d) These regulations are intended to comply with the Board's obligations to the U.S. Army Corps of Engineers, hereinafter referred to as USACE, pursuant to:
- (1) Numerous assurance agreements, Operation and Maintenance Manuals, and Title 33, Section 208.10 of the Code of Federal Regulations (33 CFR 208.10), hereinafter referred to as Section 208.10.
- (2) Section 14 of the Rivers and Harbors Appropriation Act of 1899 (codified in Title 33 United State Code Section 408 (33 USC 408)), hereinafter referred to as Section 408, regarding the authority to make alterations to, or to temporarily or permanently occupy or use, any USACE federally authorized civil works project.

Note:

Authority cited: Section 8571 and Sections 12645 – 12670.23, Water Code

Reference:

Sections 8525, 8534, 8536, 8608, ~~and~~ 8710, 12931, and 12934(d), Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40)

Article 1
Authority, Purpose, Scope, and Intent

Section 3, Intent

(a) The State has a primary interest in:

- (1) Adequately protecting lands subject to overflow;
- (2) Confining the waters of rivers, tributaries, bypasses, overflow channels, and basins within their respective boundaries;
- (3) Preserving the welfare of residents and landowners;
- (4) Maintaining and protecting the banks of the Sacramento and San Joaquin Rivers, their tributaries and distributaries, bypasses, overflow channels, and basins; ~~and~~
- (5) Maintaining and protecting the banks, channels, tributaries and distributaries of portions of the Kings, Kaweah, Tule and Kern River systems;
- (6) Operating and maintaining State Plan of Flood Control facilities, and
- (57) ~~Good, and sufficient~~ Structurally sound and adequately maintained levees and embankments or other ~~works of~~ flood control and reclamation projects, to adequately protect lives and property from floods.

~~The regulations are also intended to comply with the board's obligations to the U.S. Army Corps of Engineers pursuant to numerous assurance agreements, Corps Operation and Maintenance Manuals, and 33 C.F.R. section 208.10~~

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8710, 8532 and 8533, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).
2. Amendment of subsection (4) filed 12–1–2009; operative 12–31–2009 (Register 2009, No. 49).

Definitions are provided herein for uses of word and phrases different from that found in common dictionaries. The definitions herein include the plural in addition to the singular.

(a) ~~Adopted Plan of Flood Control.~~ “Adopted Plan of Flood Control” means a flood control or reclamation strategy for a specific area that has been ~~enacted adopted~~ by the ~~board or the~~ Legislature or adopted by the Board and includes but is not limited to the following:

(1) In the case of State Plan of Flood Control (SPFC) ~~project~~ flood channels without levees, it means the natural ~~s~~Stream channel and overbank area at design flood levels;

(2) In the case of State Plan of Flood Control (SPFC) ~~project~~ flood channels with levees, it means the area between and including the ~~project~~ levees, and includes:

(A) Additional area outside of the ~~project~~ levees where ~~e~~Encroachments could affect the integrity, functioning or maintenance of the SPFC Facilities~~project works~~ (generally ten [10] feet landward of the Levee ~~t~~Toe);

(B) Any flowage areas that are part of the SPFC Facilities~~federal or state flood control project~~; and

(C) Areas where there are ~~f~~Flowage ~~e~~Easements, ~~;~~ and

(3) In the case of ~~d~~Designated ~~f~~Floodways, it means the area between the Floodway ~~e~~Encroachment Lines. ~~For purposes of this section, boundary lines and encroachment lines are interchangeable terms.~~

(4) Where SPFC Levees are involved, the ~~“a~~Adopted ~~P~~plan of ~~f~~Flood ~~c~~Control” extends at least ten (10) feet landward from the landside Levee ~~t~~Toe, Seepage Berm toe, Stability Berm toe, or relief well discharge/collection system except where a USACE ~~n~~operation and maintenance manual furnished pursuant to 33 C.F.R. Section 208.10, or the real property rights acquired by the ~~b~~Board specifically provide otherwise.

(b) “Approved Soils Testing Laboratory” means a testing laboratory meeting the criteria detailed in ASTM D3740 Minimum Requirements for Agencies Engaged in the Testing and/or Inspection of Soil and Rock as Used in Engineering Design and Construction and ASTM E329 Agencies Engaged in the Testing and/or Inspection of Materials Used in Construction.

~~Berm. “Berm” means the strip of ground between the waterward levee toe and the top of the bank of the low water channel.~~

(c) ~~Board.~~ “Board” means ~~T~~he Central Valley Flood Protection Board (formerly the Reclamation Board) of ~~the~~The Natural Resources Agency of the State of California as provided in Water Code ~~section~~Section 8521.

(de) “Board Jurisdiction” means the entire Central Valley containing all tributaries and distributaries of the Sacramento and San Joaquin Rivers, as well as the Tulare Lake and Buena Vista basins which include portions of the Kings, Kaweah, Tule and Kern River systems. All areas covered by Adopted Plans of Flood Control are physically within the Board Jurisdiction.

(e) “Board Standards” means all sections within Article 8 of these regulations.

~~(d)~~ ~~CEQA.~~ “CEQA” means the California Environmental Quality Act, Division 13 ~~beginning at~~ of the Public Resources Code, beginning at sectionSection 21000.

~~(e)~~ ~~Chief Engineer.~~ “Chief ~~engineer~~Engineer” means the person appointed by the ~~b~~Board pursuant to Water Code ~~section~~Section 8581 for that purpose.

(h) “Clear Span Bridge” means a bridge constructed such that its entire structure is located above the Design Water Surface Elevation, including but not limited to piers, bents, abutments, and bridge decks.

- (f) ~~Conforming Existing Encroachment.~~ “Conforming ~~existing encroachment~~Existing Encroachment” means an existing facility or use that was adopted into the SPFC, and is consistent with these regulations.
- (g) ~~Crest Elevation.~~ “Crest ~~elevation~~Elevation” ~~and-or~~ “Crown Elevation” means the elevation of the top of ~~athe levee, dike, or dam.~~
- (k) “Delta” means the area of the Sacramento-San Joaquin Delta as defined in Section 12220 of the Water Code and the Suisun Marsh, as defined in section 29101 of the Public Resources Code.
- (h) ~~Department.~~ “Department” means the Department of Water Resources of The Natural Resources Agency of the State of California as provided in Water Code ~~section~~Section 120.
- (im) ~~Designated Floodway.~~ “Designated ~~floodway~~Floodway”, pursuant to Water Code Section 8609, means either:
- (1) ~~the~~The channel of the ~~s~~Stream and ~~that~~the portion of the adjoining floodplain reasonably required to provide ~~for~~ the passage of ~~athe Board adopted d~~Design fFlood, as indicated by ~~f~~Floodway eEncroachment lLines on anthe Board adopted map; or
 - (2) ~~the~~The floodway between existing levees as adopted by the ~~b~~Board or the Legislature.
- (jn) ~~Design Flood.~~ “Design ~~flood~~Flood” means the flood ~~flow or event against~~ which the flood control facility or project works ~~protection is designed to convey provided or may eventually be provided by means of flood protection or control works,~~ or ~~that~~the flood flow or event which the ~~b~~Board otherwise determines to be compatible with future developments.
- (kq) ~~Design Flood Plane.~~ “Design ~~flood plane~~Water Surface Elevation” means the water surface elevation at design flood flow as determined by the ~~US Army Corps of Engineers, the Board, or~~ Federal Emergency Management Agency, or Board; or other ~~higher~~ elevations based upon best available information, as determined by the ~~b~~Board.
- (lp) ~~Dwelling.~~ “Dwelling” means ~~an permanent structure improvement of real property used, intended to be used, or suitable to be used for residential purposes, including, but not limited to, living, sleeping, cooking, or eating~~full or part-time Human Habitation.
- (q) “EC-1165-2-216” means USACE Engineering Circular No. 1165-2-216 titled “Policy and Procedural Guidance for Processing Requests to alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408” dated July 31, 2014.
- (r) “EM-1110-2-1913” means USACE Engineering and Design Manual No. 1110-2-1913 dated April 30, 2000 titled “Design and Construction of Levees”. This manual superseded EM 1110-2-1913 dated March 31, 1978.
- (s) “EM-1110-2-2902” means USACE Engineering and Design Manual No. 1110-2-2902 dated April 30, 2000 titled “Design and Construction of Levees”. This manual superseded EM 1110-2-1913 dated March 31, 1978.
- (t) “ER 1110-1-1807” means USACE (add definition here)
- (u) “ETL 1110-2-569” means USACE technical letter No. 1110-2-569 dated (insert date) titled “Design Guidance for Levee Underseepage”. This letter superseded ETL 1110-2-571 dated April 30, 2009.
- (mv) “Embankment Material” means soil with one hundred (100) percent passing the two (2) inch sieve and at least thirty (30) percent passing the No. 200 sieve with a plasticity index between eight (8) and forty (40), a liquid limit of forty five (45) or less, saturated unit weight of at least one hundred and twelve (112) pounds per cubic foot (pcf), organic content of two (2) percent volume or less, and without other unsatisfactory materials, such as trash, etc.
- (w) ~~Encroachment.~~ “Encroachment” means installation or placement by whatever means for any purpose, of any building, structure, bridge, tower, pole, pipe, culvert, fence, projection, object,

obstruction, vegetation and landscaping (planting or removal), embankment, excavation, fill or debris, of any kind or character that is placed in, on, over, under, through, or adjacent to areas covered by an Adopted Plan of Flood Control under Board Jurisdiction, and other activities that in the judgement of the Board, may constitute a risk to public safety, or may impact or impede the operations, maintenance, physical integrity, or flood carrying capacity, ~~obstruction or physical intrusion by construction of works or devices, planting or removal of vegetation, or by whatever means for any purpose, into~~ of any of the following:

- (1) ~~any State Plan of~~ Flood ~~e~~Control (SPFC) facilities ~~project works;~~
- (2) ~~the waterway area of the project~~ Non-SPFC facilities;
- (3) Regulated Streams in Section 112, Table 8.1 of these regulations;
- (4) Designated Floodways adopted by the Board;
- (5) the Butte Basin; ~~area covered by an adopted plan of flood control;~~ or
- (46) any area outside the above limits, if the ~~e~~Encroachment could affect any of the above.

(x) “Endorsement” means conceptual plan approval or support by a Local Maintaining Agency of an application for a Board permit which may include maintenance based conditions.

(y) “Executive Officer” means the person appointed by the Board pursuant to Water Code Section 8580 for that purpose.

~~(az) Floodway.~~ “Floodway” means the channel of a river or other watercourse and the adjacent land areas that convey flood waters.

~~(aaa) Floodway Encroachment Lines.~~ “Floodway encroachment Encroachment linesLines” means the exterior limits of any ~~d~~Designated fFloodway adopted by the Board.

~~(pbb) Executive Officer.~~ “Executive Officer” means the person appointed by the Board pursuant to Water Code Section 8581 for that purpose.

(cc) “Flood Season” means a specific non-permissible work period during the year when work is not allowed in the Floodways of Regulated Streams under Board Jurisdiction. This period begins on November 1 and, depending on location, ends on either April 15 or July 15. Section 112, Table 8.1 lists the Regulated Streams and their non-permissible work periods.

(dd) “Flowage Easement” means the right to use another’s land to overflow, flood and submerge the lands affected; reserving however, to the fee owner of the lands all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights granted in the Flowage Easement.

(ee) “Human Habitation” means an improvement of real property used, or intended to be used, for residential purposes , including but not limited to living, sleeping, cooking, or eating.

~~(q) Impervious Material. “Impervious material” means soil which has twenty (20) percent or more of its particles passing the No. 200 sieve, a plasticity index of eight (8) or more, and a liquid limit of less than fifty percent (50%).~~

~~(r) Lawful existing encroachment. “Lawful existing encroachment”, as used in Water Code section 8709.4(a), shall mean an encroachment for which the board has previously issued a valid permit or otherwise authorized by written instrument approved by the board.~~

(ff) “Legacy Encroachment” means an encroachment or feature that is identified either in an USACE Operation and Maintenance Manual or USACE as-built drawings or both.

(gg) “Levee Right of Way” means the Levee Section, plus land parallel to the levee ten (10) feet or more in width landward from the landside Levee Toe, plus land parallel to the levee ten (10) feet or more in width waterward from the waterside Levee Toe, except where a USACE operation and maintenance manual furnished pursuant to Section 208.10, or the real property

rights acquired by the Board specifically provide otherwise. The definition of Levee Right of Way may apply to both SPFC Levees and non-SPFC levees.

~~(hh)(s) Levee Section.~~ “Levee ~~s~~Section” means the physical levee structure from the landward Levee ~~t~~Toe to the waterward Levee ~~t~~Toe, and typically a 20 foot crown with a 2h:1v landside slope and a 3h:1v waterside slope.

~~(ii) Levee Toe.~~ “Levee ~~toe~~Toe” means the point of intersection of the projected levee slope with the natural ground elevation as shown on the USACE as-constructed drawings for the project or best available information.

~~(jj)~~ “Letter of Authorization” means a written authorization from the Executive Officer to approve minor activities pursuant to Section 6(e) of these regulations.

~~(kk)~~ “Local Maintaining Agency” means a local or State agency responsible for operations and maintenance of levees and other flood control works, such as a reclamation district, levee district, flood control district, drainage district, the State, county, or city.

~~(ll) Low Flow Channel.~~ “Low ~~f~~Water~~low~~ ~~e~~Channel” means the flowage area within a natural channel below ~~t~~Top of ~~b~~Bank.

~~(mmv)~~ “Low Water Crossing” provides a bridge when water flow is low. Under high flow conditions, water floods the roadway or deck of the crossing and precludes traffic.~~means a crossing designed to allow passage over Low Water Channels.~~

~~(nn) Maintenance Activities.~~ “Maintenance ~~activities~~Activities” means any work required to retain or maintain the intended functions of flood control facilities and of existing permitted ~~e~~Encroachments. Maintenance ~~a~~Activities include but are not limited to mowing, tree and brush trimming and removal, ~~r~~Revetment restoration, rodent control, spraying, painting, coating, patching, burning, and similar works; but ~~does~~do not include any significant excavation or any excavation during ~~f~~Flood ~~s~~Season. Maintenance ~~a~~Activities of public agencies to maintain the designated level of function of flood control facilities within their jurisdiction are authorized and defined by Water Code ~~sections~~Sections 8361, 8370, and 12642.

~~(oo)~~ “Minor Streams” mean Streams which have a ~~design channel capacity~~Design Flood capacity less than 8,000 cubic feet per second, do not pass potentially erosive Design Flood stream velocities, and have no documented issues with debris at the Proposed Work site.~~efs.~~

~~(wpp) Mobile Home.~~ “Mobile Home” means a structure transportable in one or more sections and includes any pre-manufactured home that is designed for quick removal, but does not include a ~~r~~Recreational ~~v~~Vehicle.

~~(xqq) Nonconforming Existing Encroachment.~~ “Nonconforming ~~e~~Existing ~~e~~Encroachment” means an existing Encroachment ~~facility~~or use that is inconsistent with these regulations.

~~(yrr) Nonproject Works.~~ “Non-SPFC Facilities~~project works~~” means the entirety or any component of a flood control project within areas covered by Adopted Plans of Flood Control under the bBoard’s jJurisdiction that isare neither State Plan of Flood Control Facilities (SPFC Facilities) ~~project works~~ nor ~~d~~Designated ~~f~~Floodways.

~~(zss) Obstruction.~~ “Obstruction” means any natural or artificial structure or matter which:

- (1) may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water; or
- (2) ~~that~~is placed where the flow of water could carry it downstream to the damage or detriment of either life or property.

~~(tt)~~ “OSHA Technical Manual” means the U.S. Department of Labor, Occupational Safety and Health Administration, Technical Manual, Section V, Chapter 2 titled “Excavations: Hazard Recognition in Trenching and Shoring” effective January 20, 1999.

~~(aauu)~~ ~~Parties.~~ “Parties” means permit applicants, the ~~b~~Board, protestants, and interested public agencies.

~~(bbvv)~~ ~~Permit.~~ “Permit” means the ~~approval issued by the b~~Board’s written authorization –that approves ~~a plan of Proposed w~~Work, with or without conditions, ~~that resulting s in an~~eEncroachments, flood control facilities, projects, alterations, improvements, or changes in land uses including environmental stewardship projects occurring in areas covered by Adopted Plans of Flood Control under Board Jurisdiction. A Permit is in effect until revoked and can only be modified or transferred with the written approval of the Board. ~~- A Permit may be modified by the Board if the authorized project has not commenced within one (1) year of Permit issuance.~~

~~(eeww)~~ ~~Permitted Uses.~~ “Permitted ~~uses~~Work” means Encroachments, flood control projects and alterations or improvements thereto, ~~works~~ or other structures, improvements, or and land uses in ~~the f~~Floodway Board Jurisdiction that alone or cumulatively, in the judgment of the ~~b~~Board, will not unduly impede the free flow of water in a ~~s~~Sream or jeopardize public safety, and are which approved by the Board through issuance of a Board Permit.

~~(xx)~~ “Permittee” means any Person who has been issued a permit from the Board.

~~(yy)~~ “Person” means a person, entity, partnership, firm, corporation, association, organization, or agency.

~~(zz)~~ “Previously Permitted Encroachment”, as used in Water Code Section 8702, shall mean an Encroachment for which the Board has previously issued a Permit or otherwise authorized by written instrument approved by the Board.

~~(dd)~~ ~~Project Works.~~ “Project ~~works~~” means ~~the entirety or any component of a flood control project within the area of the board’s jurisdiction that has been approved or adopted by the board or the Legislature, including state or federally constructed levees, bank protection, weirs, pumping plants, and any other related flood control works, or rights of way.~~

~~(eeaaa)~~ ~~Projected Levee Section.~~ “Projected ~~l~~Levee ~~s~~Section” means the projection of the levee slope below natural ground ~~at two (2) feet horizontal to one (1) foot vertical (2:1) landside and three (3) feet horizontal to one (1) foot vertical (3:1) waterside~~with 2h:1v landside slope and 3h:1v waterside slope, except where a USACE operation and maintenance manual or as-built drawing furnished pursuant to Section 208.10 or Section 408 specifically documents otherwise. The projected slopes are minimums and shall be flatter if the removal of the natural ground material will result in a slope not able to meet levee stability criteria.

~~(bbb)~~ “Proposed Work” means activities within the Board’s jurisdiction which require a Board permit including encroachments, flood control or environmental stewardship projects, flood system alterations, land use activities, or other proposals within the jurisdiction or authority of the Board. Proposed Work, once completed under a Permit, becomes “Permitted Work”.

~~(ffccc)~~ ~~Recreational Vehicle.~~ “Recreational ~~vehiele~~Vehicle” means any travel trailer, camper ~~ear~~, motor home, tent trailer, or other similar vehicle, with or without power, which is designed or used for ~~h~~Human ~~h~~Habitation and which may be moved upon a public highway, but does not include a ~~m~~Mobile ~~h~~Home.

~~(ddd)~~ “Regulated Streams” are listed in Section 112, Table 8.1 of these regulations initially adopted by the Board in 1996.

~~(ggeee)~~ ~~Respondent.~~ “Respondent” means the ~~p~~Person named in an enforcement proceeding notice served and filed pursuant to Sections 20, 21, and 22 of ~~these regulations~~is title.

~~(hhfff)~~ ~~Revetment.~~ “Revetment” means a layer or layers of material, such as stone or concrete, to prevent soil erosion.

~~(iiggg) River Mile.~~ “River ~~mile~~Mile” means the numbered mile along a ~~the~~ river channel indicated on a quadrangle map published by the United States Geological Survey or as otherwise indicated on a map adopted by the ~~b~~BBoard.

~~(hhh) Seepage Berm.~~ “Seepage Berm” means the earthen feature constructed at the landside of the levee toe and beyond which primarily serves to control underseepage. A Seepage Berm may be either drained or undrained and extend up to several hundred or more feet in width.

~~(iii) Significant Damage.~~ “Significant Damage” means damage or destruction by any cause, to the cumulative extent of more than fifty (50) percent of the property’s market value or physical usefulness.

~~(jjj) Spur Levee~~ means a levee that protrudes into the Floodway for the purpose of directing the flow of floodwater. Spur Levees are also sometimes referred to as training levees.

~~(kkk) Stability Berm.~~ “Stability Berm” means the earthen feature constructed at the landside Levee Toe to either enhance landside slope stability or help control levee through-seepage. A Stability Berm can be either drained or undrained and is usually between 10 to 20 feet in width.

~~(jjlll) State Plan of Flood Control.~~ “State Plan of Flood Control” ~~shall have the same meaning~~ as defined in subdivisions ~~(e) and~~ (j) of ~~s~~Section 5096.805 of the Public Resources Code, ~~including means~~ the ~~s~~State and federal flood control works, lands, programs, plans, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350 of the Water Code, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section ~~12648~~12645) of Chapter 2 of Part 6 of Division 6 of the Water Code for which the ~~b~~BBoard or the ~~d~~Department has provided the assurances of nonfederal cooperation to the United States.

~~(mmm) “State Plan of Flood Control Facilities”,~~ hereinafter referred to as “SPFC Facilities”, as defined in subdivision (e) of section 5096.805 of the Public Resources Code, means the levees, weirs, channels, and other features of the federally and State-authorized flood control facilities located in the Sacramento River and San Joaquin River drainage basin for which the Board or the Department has given assurances of nonfederal cooperation to the United States required for the project, and those facilities identified in Sections 8361 and Sections 12645 – 12670.23 of the Water Code.

~~(nnn) “SPFC Levees”~~ as defined in subdivision (g) of section 5096.805 of the Public Resources Code, means the levees that are part of the facilities of the State Plan of Flood Control, and are considered project works. Prior to Board adoption of the Department’s Central Valley Flood Protection Plan in 2012, SPFC Levees were commonly referred to as “Project Levees” or “Federal Project Levees”.

~~(kkooo) Stream.~~ “Stream” means natural or regulated water flowing in any natural or artificial channel. Streams may be perennial, flowing continuously; intermittent or seasonal, flowing only at certain times of the year; or ephemeral, flowing only in direct response to precipitation.

~~(ppp) “Time Variance Request”~~ means a written request to the Board to carry out work within the area of an Adopted Plan of Flood Control during Flood Season.

~~(Hqqq) Top of Bank.~~ “Top of ~~bank~~Bank” means the point of intersection of the waterside ~~b~~Berm with the bank.

~~(mmrrr) Toe of Bank.~~ “Toe of ~~bank~~Bank” means the point of intersection of the bank with the bottom of the channel of a watercourse~~way~~.

(sss) “Urban Area” as defined in subdivision (k) of section 5096.805 of the Public Resources Code, means any contiguous area in which more than 10,000 residents are protected by project levees.

(ttt) “Urbanizing Area” means a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next ten years as defined in Government Code § 65007 (m).

(uuu) “U.S. Army Corps of Engineers” and “USACE” mean the federal agency responsible for nationwide flood risk management.

(vvv) “Waterside Berm” means the strip of ground between the waterward Levee Toe and the top of the bank of the Low Water Channel.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8361, 8370, 8521, [8525](#), 8581, 8608, 8630 and 8710, Water Code

History:

1. Amendment of article 2 heading, new article 2 (sections 4 through 5) and renumbering and amendment of old section 46 to new section 4 filed 9–30–96; operative 10–30–96 (Register 96, No. 40). For prior history, see Register 85, No. 26.
2. Amendment of subsections (a)(1), (a)(3)–(4) and (c) filed 12–1–2009; operative 12–31–2009 (Register 2009, No. 49).
3. Amendment of subsection (p), new subsections (r) and (jj), subsection relettering and amendment of NOTE: filed 2-15-2012: operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

(a) For the purposes of ~~these regulations~~^{is division}, all permitting duties of the ~~b~~^BBoard, including but not limited to the review and approval of ~~encroachment~~^pPermit applications, are hereby delegated to the Executive Officer, with the exception of the following:

(1) Permits or other approvals that significantly affect ~~any element of the State Plan of Flood Control or other adopted plan of flood control~~^{Board Jurisdiction}. ~~Proposed Work~~^{Encroachments} that does not significantly affect ~~the above~~^{any element of the State Plan of Flood Control or other adopted plan of flood control} ~~are~~^{is} defined in subsection (b) ~~below~~.

(2) Permits or other approvals for which the ~~b~~^BBoard has not received written ~~approval~~^{comments} from the ~~U.S. Army Corps of Engineers~~^{USACE} pursuant to ~~33 C.F.R. section 208.10~~^{Section 408}, and ~~or~~ for which ~~the USACE approval is required by the South Pacific Division or Headquarters of the U.S. Army Corps of Engineers, where the U.S. Army Corps of Engineers has jurisdiction~~.

(3) Permits or other approvals ~~for Proposed Work~~ which may create, in the judgment of the Executive Officer or Chief Engineer, more than an ~~an~~ ~~de minimus inconsequential~~ hydraulic impact ~~to within Board Jurisdiction~~^{an adopted plan of flood control}, including, for example, an increase in water surface elevation, a reduction of adequate freeboard, inability to convey design discharge, alteration of flow velocities or directions, increased scour, or expansion of the geographical floodplain or ~~f~~^Floodway inundation.

(4) Permits or other approvals which may have, in the judgment of the Executive Officer or Chief Engineer, adverse geotechnical impacts ~~to within Board Jurisdiction~~^{an adopted plan of flood control}, including but not limited to increases in under seepage or through seepage, slope-stability issues, increased phreatic pressures, and static or dynamic loading that exceed recommended thresholds.

(5) Permits or other approvals for which a formal written protest has been filed pursuant to Section 12 ~~of these regulations~~.

(6) Permits or other approvals which require a variance ~~to the Board Standards~~, as defined in Section 11 ~~of these regulations~~.

(7) Permits or other approvals in which the ~~Local~~ ~~m~~^Maintaining ~~a~~^Agency has not endorsed the application pursuant to Section 7 ~~of these regulations~~.

(8) Permits or other approvals which, in the judgment of the Executive Officer, may be controversial matters, based on substantial public concern, or for which the Executive Officer has received substantial negative public comment.

(9) Permits or other approvals which, in the judgment of the Executive Officer, may involve significant policy considerations.

(10) Permits or other approvals requiring the preparation of an environmental impact report by the ~~b~~^BBoard ~~acting as lead agency pursuant to CEQA~~.

(11) Permits or other approvals involving residential developments, as defined in Section 113, ~~Article 8 of these regulations~~.

(12) Permits or other approvals involving surface mining, except extensions of time for existing operations.

(b) Subject to subsection (a) ~~above~~ the following types of ~~Permit applications~~~~enroachment permits~~, when in compliance with ~~these regulations~~~~is division~~ and the ~~b~~Board's obligations to the ~~U.S. Army Corps of Engineers~~~~USACE~~, do not significantly affect ~~any element of the State Plan of Flood Control~~~~Board Jurisdiction or other adopted plan of flood control~~ and are delegated to the Executive Officer for review and approval:

(1) Pipelines, conduits, and overhead utilities ~~and utility poles~~;

(2) Irrigation and drainage ditches;

(3) Septic systems;

(4) Retaining walls;

(5) Fences and gates;

(6) Private, non-commercial boating facilities;

(7) Water wells;

~~(8)~~ Clear Span Bridges without adverse hydraulic or geotechnical impacts requiring mitigation;

~~(8)~~ Patrol roads and access ramps;

~~(9)~~ Orchards, landscaping, and vegetation pursuant to Section 131 of these regulations, exclusive of mitigation banks;

~~(10)~~ Bicycle, pedestrian and equestrian trails;

~~(11)~~ Stairs, ~~and~~ steps and handrails;

~~(12)~~ Replacement of ~~an~~ existing ~~p~~Permitted ~~Work~~enroachment without an increase in scope or size;

~~(13)~~ Above ground ~~Proposed Work~~enroachments installed more than ten (10) feet landward of the ~~landside-projected~~ ~~L~~Levee ~~t~~Toe.

(c) For all ~~enroachment~~ ~~p~~Permit applications delegated to the Executive Officer pursuant to subsections (a) and (b) above, a short summary of the ~~Proposed Work~~~~project~~ and the proposed action on the ~~p~~Permit shall be posted on the ~~b~~Board's website for thirty calendar (30) days prior to approval of the ~~p~~Permit. During this posting period the public may ~~provide~~ submit comments to the Executive Officer ~~with comments~~ on the proposed action. The Executive Officer ~~shall~~ is not ~~be~~ required to respond to such comments or change the proposed action based upon such comments.

(d) The Executive Officer shall make periodic reports to the ~~b~~Board regarding ~~enroachment~~ ~~p~~Permit applications acted upon pursuant to the delegated authority in subsection (a).

(e) The Executive Officer shall have authority to approve notices of exemption, initial studies, ~~and~~ negative (including mitigated) declarations, notices of preparation, requests for shortened review, and notices of determination prepared pursuant to CEQA. The Executive Officer may conduct public hearings on any matter identified in this subsection. The Executive Officer may distribute draft environmental impact reports.

(f) The Executive Officer may authorize or direct work and approve ~~permits~~ Permits or other matters in response to emergencies ~~or situations that present an imminent threat to public safety~~ in accordance with Section 17 of these regulations.

(g) The ~~board delegates to the~~ Executive Officer has the authority to issue Notices of Violation ~~take action to remove or modify encroachments on levees, channels, and other flood control works pursuant to Water Code section 8709.4(c) and the authority to issue~~ Cease and Desist Orders pursuant to Water Code section 87019.25(a) ~~in the manner described in article 4 of this division.~~

(h) The ~~b~~Board may, by resolution or written agreement, delegate other duties and responsibilities to the Executive Officer, the Director of the ~~d~~Department, or others, with the authority to re-delegate.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8581, 8610.5 and 8710, Water Code

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment of section and NOTE filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).
3. Amendment file 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

(a) Board members shall not participate in ex parte communications with any ~~p~~Person or organization with an interest in ~~board~~Board decisions who intends to influence the decision of a ~~board~~Board member on a matter before the ~~board~~Board, nor such ~~p~~Person's or organization's representative, except that communications with a staff member of the ~~board~~Board acting in his or her official capacity are excluded from this prohibition. If, however, an ex parte communication occurs, the ~~board~~Board member shall notify the interested party that a full disclosure of the ex parte communication shall be entered in the ~~board~~Board's record, as provided herein. "Interested party," for purposes of this section, shall mean the ~~p~~Person making the ex parte communication.

(b) "Ex parte communication" means any oral or written communication outside of a noticed ~~board~~Board meeting concerning matters, other than purely procedural matters, regarding any of the following:

- (1) An application for a permit that has been submitted to the ~~board~~Board and has been determined to be complete by the Executive Officer;
- (2) Enforcement actions, after the Executive Officer issues a notice of violation; and
- (3) Any other quasi-judicial matter for which ~~board~~Board action is required and after the matter has been placed on the ~~board~~Board's agenda and notice of the meeting has been provided pursuant to Section 11125 of the Government Code.

It shall not mean quasi-legislative actions, including topics of general concern which are not related to a specific application, such as the adoption of an overall policy regarding flood protection or general policy concerns which may be raised at task force, subcommittee, or other meetings. After the ~~board~~Board votes on a matter listed in this subsection and the thirty (30) calendar day time period for reconsideration pursuant to section 28 of these regulations has expired and no petition for reconsideration has been submitted, communications regarding the matter are no longer "ex parte communications." "Ex parte communication" shall also not include communications related to lawsuits filed against the ~~board~~Board, including, but not limited to, settlement discussions.

(c) "Procedural matters" include, but are not limited to, communications regarding the schedule, location, or format for hearings, filing dates, identity of parties, and other such non-substantive information.

(d) When the ex parte rules of this section attach, a ~~board~~Board member may only take a field trip with a party to the matter or that party's representative to the site of a proposed project or a pending enforcement action if ten (10) calendar days' advance public notice is given stating the time, location, and intended scope of the field trip.

(e) If disclosure of an ex parte communication is required, such disclosure shall be made as follows:

- (1) Any required disclosure under this section shall occur prior to the time that the ~~board~~Board hears the matter that is the subject of the ex parte communication. If any disclosures have been made, either the ~~board~~Board member receiving the ex parte communication or the Executive Officer shall state on the record prior to the ~~board~~Board's

vote on the matter that ex parte communications have been received. Upon request, the public shall be given an opportunity to review any such disclosure and provide public testimony regarding the disclosure prior to the ~~board~~Board's vote.

(2) Compliance with the disclosure requirement regarding the receipt of a written ex parte communication shall be accomplished by having the recipient ~~board~~Board member or the ~~p~~Person who engaged in the communication with the ~~board~~Board member send a copy of the written communication and any response to the communication to the Executive Officer for inclusion into the record of the matter that is the subject of the ex parte communication.

"Written ex parte communication" shall mean a communication in any written form, including but not limited to electronic mail, handwritten note, or type-written document.

(3) Compliance with the disclosure requirement regarding the receipt of an oral ex parte communication shall be accomplished by having the recipient ~~board~~Board member or the ~~p~~Person who engaged in the communication with the ~~board~~Board member submit a written request to the Executive Officer for inclusion of the communication into the record of the matter that is the subject of the ex parte communication. The written request to the Executive Officer may be by any written means, including, but not limited to, electronic mail. The oral summary and written request shall include the substance of the communication, any response by the recipient ~~board~~Board member, and the identity of each ~~p~~Person from whom the recipient ~~board~~Board member received the communication.

(f) Once paragraph (e) is complied with, the communication ceases to be an ex parte communication.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8578, Water Code

History:

1. New article 2.5 (section 5.1) and section filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).
2. Amendment filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No.7).

- (a) ~~All Every pProposed al Work or plan of work, including the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment or works of any kind, and including the planting, excavation, or removal of vegetation, and any repair or maintenance activity that modifies the encroachment or~~ involves cutting into ~~athe~~ levee within Board Jurisdiction; ~~wholly or in part within any area for which there is an adopted plan of flood control~~; must be approved by the ~~bB~~Board through an issued Permit prior to commencement of ~~the Proposed wWork~~.
- (b) Permits may be required by the ~~bB~~Board for Conforming Eexisting Encroachments~~structures~~ that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the ~~eConforming Existing Encroachment~~ has not been clearly established or ownership and use have been revised.
- (c) ~~All Every pProposed al or plan of wWork described in subdivision (a), but~~ located outside an area over which there is an ~~aA~~adopted ~~pPlan of fFlood eControl~~, must be submitted to the ~~bB~~Board for approval prior to commencement of the Proposed wWork if it is foreseeable that the ~~plan of wProposed Work~~ could be injurious to or interfere with the successful execution, functioning, or operation of any ~~facilities of an adopted plan of flood control within Board Jurisdiction, or flood control of a plans~~ under study. If in the judgment of the Executive Officer, the Proposed plan of wWork is determined to be injurious to or interfere with ~~the above, an adopted plan of flood control or of a plan under study~~, the Proposed plan of wWork ~~would~~shall be subject to requirements of the ~~ese regulations is division~~.
- (d) Permits are not required for ~~mM~~aintenance ~~aA~~ctivities as defined in ~~article 2, section~~Section 4 of ~~these regulations is title~~.
- (e) The Executive Officer may waive the requirement for a permit for minor ~~alterations within activities that are not injurious to and are within the Board's Jurisdiction within an adopted plan of flood control that would not be injurious to the adopted plan of flood control~~. A CEQA analysis of proposed minor activities must be completed prior to issuance of a written Letter of Authorization for the minor activities.
- (1) Minor activities may include, but are not limited to:
- (A) Vegetation removal;
 - (B) Removal of previously permitted or unpermitted encroachments;
 - (C) Exploratory/geotechnical drilling pursuant to a submitted drilling plan per USACE ER 1110-1-1807 if the proposed drilling is within the levee prism;
 - (D) In-kind replacement of Permitted Work that will maintain the originally-intended function of the Permitted Work; or
 - (E) Minor grading.
- (2) The proposed minor activity shall at a minimum meet the following criteria:
- (A) All applicable Board Standards;
 - (B) Not result in adverse hydraulic impacts including impeding stream flows, increasing flow velocities, raising water surface elevations, or causing scour;
 - (C) Be covered by a CEQA Categorical Exemption.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608 and 8710, Water Code

History:

1. New article 3 (sections 6 through 19) and section, with renumbering and amendment of old section 95 to new section 6(c) filed 9–30–96; operative 10–30–96 (Register 96, No. 40). For prior history, see Register 85, No. 26.
2. Amendment of subsections (c) and (e) filed 12–1–2009; operative 12–31–2009 (Register 2009, No. 49).

(a) Prior to submitting an ~~an-encroachment~~ pPermit application to the ~~b~~Board, the applicant ~~ion must shall be submit endorsed by the application to the Local Maintaining a~~ Agency responsible for maintenance of levees within the area of the pProposed ~~w~~Work for their review and Endorsement, such as a reclamation district, drainage district, flood control district, levee district, state, county, or city.

(b) ~~The Local Maintaining Agency may E~~ endorse the Permit application with or without conditions that are based on maintenance concerns, ment or may recommend denial of the application by the maintaining agency.

(1) If Endorsement of the application includes conditions, the Board shall evaluate and incorporate the intent of all conditions deemed appropriate into the Board permit.

(2) If the application is recommended for denial, the Board is does not precluded the board from either approving or denying the application.

(3) If eEndorsement ~~by the maintaining agency~~ is declined or is unreasonably delayed the applicant ~~tion may be submitted the application~~ to the ~~b~~Board for consideration along with a satisfactory explanation for lack of ~~an e~~Endorsement.

~~(b) For the purpose of this section "endorsement" means conceptual plan approval which may include recommended permit conditions of the local maintaining agency.~~

(c) Applicants shall be advised by the ~~b~~Board that the Local Maintaining Agency permission for an-encroachment may also be require the applicant to apply for and be granted a Permit d from the ~~H~~Local ~~m~~Maintaining ~~a~~Agency in addition to a Board Permit.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8370, 8708, 8710, and 12642 Water Code

History:

1. New section, including renumbering and amendment of old section 18 to new section 7(a) filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 85, No. 26.

2. Amendment of section heading and subsection (a) and repealer of subsection (d) filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).

- (a) All Permit applications ~~for approval must shall~~ be on forms provided by the bBoard. Permit application (form 3615) and environmental questionnaire (form 3615a)~~The forms, and supplemental instructions are available at the bBoard offices and for download from the Board website. provides a standard application for most projects. When available, a special joint permit application may be used by an applicant. All forms Applications to the board must shall~~ be manually or electronically typewritten, or in legible handwriting in ink and signed by ~~or on behalf of~~ the applicant or by their representative. Applicants ~~must shall~~ furnish copies of other material as requested ~~may be needed~~ by the bBoard and its staff to adequately determine the exact nature of the pProposed wWork and its potential effect upon Board Jurisdiction~~any project facilities or adopted plan of flood control~~. Two (2) hard copies and two (2) digital copies of the Applications, environmental questionnaire, and all associated material must shall be submitted to filed in quadruplicate (4 copies) with the office of the bBoard.~~A copy of the standard application form is found in Appendix A. Applicants should contact the board if their project is covered under a joint permit application form previously approved by the board.~~
- (b) Information furnished to the bBoard ~~must shall~~ include the following unless justification is provided to explain its omission or that a particular requirement is not applicable:
- (1) A complete description of ~~the all~~ pProposed wWork, together with a ~~statement of the dates the planned proposed construction schedule from will be start initiated through and completioned.~~
 - (2) A completed copy of the Environmental Assessment Questionnaire (form 3615a)~~that accompanies the application form from the board (See Appendix A) and other environmental documents as described in subparagraph (c) below. and a copy of any draft and final environmental review document prepared for the project, such as an initial study, environmental assessment, negative declaration, notice of exemption, or environmental impact report. For any reasonably foreseeable significant environmental impacts, mitigation for such impacts shall be proposed.~~
 - (3) Complete plans and specifications showing all the pProposed wWork, including vicinity and location site maps showing the site(s) of the work with relationships to topographic features; a plan view of the area; and adequate cross sections through the area of the pProposed wWork, profile and elevation drawings, and planting plans for any proposed vegetation or revegetation. The plans ~~must shall~~ be drawn to scale and refer to National Geodetic North American Vertical Datum (NGVDNAVD88), or other known datum, and shall include latitude / longitude in decimal degrees. The plans ~~must shall~~ also indicate allany project features such as levees, ~~and/or~~ channels, roads, or other structures, and ~~must shall~~ show River mMile or levee mile references if known that are within Board Jurisdiction. The dimensions of any proposed or existing fills, excavations, and construction ~~must shall~~ be given.
 - (4) Additional applicable supporting technical studies, analyses and information required to clearly demonstrate impacts (or lack thereof), including but not limited to such as ~~geotechnical exploration, soil explorations and; testing, geotechnical analyses including (seepage, stability, erosion, compaction, and settlement); hydrologic and hydraulic analyses including one- or two-dimensional models, scour analysis, or sediment transport studies; and as-needed biological surveysand, environmental surveys, planting plans; and long-term management and financing plans; and summary tables clearly depicting anticipated impacts, shall be submitted by the applicant with the initial application. and other analyses may be required at any time prior to board action on the application.~~

- (5) The name(s) and address(es) of all landowner(s) ~~of the property on which~~ that own the land in fee where the project is located, and of all landowners of property immediately adjacent to the property on which the Proposed Work ~~project~~ is located.
- (c) The Board's staff reviews the applicant's assessment of potential environmental impacts of Proposed Work. An environmental assessment shall be submitted with the application. Failure to complete the environmental documentation will result in the application being deemed incomplete. The environmental assessment shall include the following items:
- (1) Name and address of the CEQA Lead Agency responsible for preparing environmental documentation regarding the Proposed Work.
 - (2) Type of CEQA document prepared, State Clearinghouse number, date of public review period or date submitted to the State Clearinghouse.
 - (3) The initial study completed by the local or State permitting agency. If an initial study has not been completed by the local or State permitting agency, provide justification as to why the initial study was not included.
 - (4) Identify by scientific name and common name all types of vegetation growing on the project site, including trees, brush, grass and broadleaf plants.
 - (5) Identify by scientific name and common name all types of wildlife or fish that may use the project site or adjoining areas for habitat, food source, nesting sites, source of water.
 - (6) Describe how the Proposed Work will significantly change present uses of the area of the Proposed Work.
 - (7) Describe how the Proposed Work will result in changes to scenic views or existing recreational opportunities.
 - (8) Describe how the Proposed Work will result in the discharge of silt or other materials into the named regulated stream within the location of the Proposed Work.
 - (9) Describe whether the Proposed Work will involve the application, use, or disposal of hazardous materials. List the types of materials, proposed uses, and disposal plan. Provide copies of all applicable hazardous material handling plans.
 - (10) Describe the construction activities through completion of Proposed Work and assess the following:
 - (A) Potential noise impacts.
 - (B) Potential air impacts through generation of dust, ash, smoke, fumes, or odors.
 - (C) Describe the Proposed Work activities or uses involving the burning of brush, trees, or construction materials.
 - (11) Describe how the Proposed Work will affect existing agricultural uses or impact the loss of existing agricultural lands.
 - (12) List and describe any other projects similar to the Proposed Work that have been planned or completed in the same general area as the Proposed Work.
 - (13) Determine whether the Proposed Work will have the potential to encourage, facilitate, or allow additional or new growth or development.
 - (14) Describe activities that will excavate materials from the floodplain.
 - (A) List the types of materials will be excavated from the floodplain.
 - (B) Describe the method and equipment that will be used to excavate material.
 - (15) Describe the site including activities that process and or stockpile materials on site.
 - (16) Describe and identify the water source for the Proposed Work.
 - (17) Describe how waste materials including wash water, debris, and sediment be disposed of during and upon completion of the Proposed Work.

- [\(18\) Describe the proposed end land use for the site.](#)
- [\(19\) Provide a copy of the reclamation plan if one has been prepared for the site in accordance with the Surface Mining and Reclamation Act of 1975.](#)
- [\(20\) Provide a copy of any city or county issued variance or conditional use permit for the Proposed Work.](#)
- [\(21\) Provide a copy of any existing use permit issued by a local agency for the Proposed Work.](#)
- [\(22\) Provide a copy of the Proposed Work's issued certification, authorization or permit by any local, State, or federal environmental regulatory agency.](#)
- [\(23\) Provide and secure when required by law, the written order or consent from all other public agencies having jurisdiction.](#)
- [\(24\) List and include copies of all other governmental permits or approvals necessary for the Proposed Work, including but not limited to USACE 404 and Section 10 permits, State Water Quality Certification, and State Department of Fish and Wildlife 1600 agreement.](#)
- [\(25\) Provide copies of the Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or National Marine Fisheries Service consultations relative to the existence of, or impacts to, threatened or endangered species on or near the site of the Proposed Work.](#)
- [\(d\) ~~The Board may waive minor variations in an application.~~ The Board staff may request additional information or documents at any time during review of the application prior to Board action.](#)

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 2090, Fish and Game Code; Sections 21080.3, 21104.2 and 21160, Public Resources Code; and Sections 8611, 8710 and 8730.3, Water Code

History:

1. Renumbering and amendment of old section 16 to new section 8 filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 85, No. 26.
2. Amendment of subsections (a) and (b)(5) filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).
3. [Amendment relocating appendix A from following section 193 to new article 10 filed 12-1-2009; operative 12-31-2009 \(Register 2009, No. 49\).](#)
4. [Amendment of General Information Regarding Applications for Encroachment Permits and Sample Permit filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 \(Register 2012, No. 7\).](#)

**Article 3
Application Procedures**

**Section 9, Acknowledgement of Receipt, Completeness
of Applications and Notice to Contiguous Landowners**

- (a) The ~~b~~Board shall acknowledge receipt of all applications in writing within ten (10) working days of receipt.
- (b) Within thirty (30) calendar days of acknowledgement of receipt of an application, the ~~b~~Board shall determine whether the application is complete and conforms to Board Standards, and shall notify the applicant, or the applicant's agent, of its determination, or of ~~and any the~~ need for any additional information.
- (c) Applications shall be deemed ~~received and~~ complete ~~either~~ when the applicant supplies all the requested additional information or, if no additional information is requested, thirty (30) calendar days after the receipt of the application by the ~~b~~Board.
- (d) Once the application is deemed complete and conforming, ~~the b~~Board staff shall send a notice of the Proposed Work ~~pending application~~ and its content scope to each ~~adjacent~~ landowner adjacent to the Proposed Work identified by the applicant.
- (e) If the applicant does not provide additional information as requested by Board staff within six (6) months of the date requested, the application will be closed. If after closure, the applicant wishes to reopen the application in the future, a new application shall be required.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Section 65943, Government Code; and Sections 8710, 8730.1 and 8730.3, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 85, No. 26.
2. Amendment filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

Article 3
Application Procedures

Section 10, Environmental Review

(a) Each application shall be evaluated by an environmental review committee appointed by the Executive Officer, to review the environmental aspects of the application and to make recommendations with respect to compliance with the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") and the CEQA Guidelines, Title 14, [Division 6](#), California Code of Regulations, section 15000 et seq. The recommendations may include proposals for mitigation to avoid significant effects on the environment.

(b) The ~~b~~Board may charge and collect a reasonable fee from any ~~p~~Person proposing a project for which the ~~b~~Board ~~must~~shall prepare an environmental impact report ("EIR"), initial study, mitigated negative declaration, or negative declaration. The fee will be an amount which will recover the costs incurred by the ~~b~~Board and the ~~d~~Department in preparing such EIR, initial study, mitigated negative declaration, or ~~and~~-negative declaration. The ~~b~~Board may charge and collect a deposit from the applicant for fees prior to undertaking environmental review. The deposit for these costs will include the cost of any consultants, staff time, and costs of printing established according to the formula contained in ~~-s~~Section ~~192~~ 503 of ~~these regulations~~ is title ~~which is incorporated by reference.~~

(c) The applicant shall provide the ~~b~~Board and its authorized agents access to the area of the ~~p~~Proposed ~~w~~Work, upon request by the ~~b~~Board or its authorized agents, for environmental, engineering or other purposes related to the ~~b~~Board's review of the application.

Note:

Authority cited: Section 21082, Public Resources Code; and Section 8571, Water Code.

Reference:

Section 21082 and 21089, Public Resources Code; [Section 503, Title 23, Division 6](#); and Sections 8608 and 8710, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 69, No. 25.
2. Amendment of subsection (a) filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

- (a) Any Permit application ~~for an eneroachment permit for a use~~ that is ~~not in~~ consistent with or deviates from the ~~b~~Board's ~~s~~Standards ~~as outlined in Article 8~~ requires a variance approved by the ~~b~~Board.
- (b) Variances shall only be considered to allow inconsistencies or deviations from the Board Standards, and shall not be considered in regard to any other sections of these regulations.
- (~~b~~c) When approval of an ~~eneroachment~~ permit requires a variance, the application shall include a ~~nt~~written variance request ~~must~~ clearly stating ~~e in the application~~ why a variance to compliance with the ~~b~~Board's ~~s~~Standards is ~~infeasible or not~~ appropriate.
- (d) The applicant shall submit written supporting documentation to demonstrate through applicable geotechnical, structural, hydrologic or hydraulic, erosion, environmental, or other technical analyses, that the requested variance shall not:
- (1) Result in potentially injurious impacts to Board Jurisdiction
 - (2) Constitute a threat to public safety.
- (~~d~~) ~~Where the Executive Officer finds in a particular situation where there is no legitimate reason for applying one of the Board's standards, the Executive Officer may waive such standard for that situation.~~
- (~~e~~e) The Executive Officer or Chief Engineer may grant ~~temporary Time~~ Variance Requests to allow work to be performed during the ~~f~~Flood ~~s~~Season on Regulated Streams ~~(See listed in Section 112, Table 8.1 of these regulations).~~

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8710, Water Code

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 85, No. 26.
2. Amendment filed 2-15-2012; operative 2-15-2-12 pursuant to Government Code section 11343.4 (Register 2012, No. 7)

(a) Protests to permit applications may be submitted by any ~~i~~Interested ~~p~~Party. For the purpose of ~~this~~e section, the term "~~i~~Interested ~~p~~Party" means a party who has a legally recognizable private or public interest. Protests ~~must~~shall be submitted in writing. Each protest must include:

- (1) The name, address, and telephone number of the protestant;
- (2) A clear statement of the protestant's objections; and
- (3) An explanation of how the protestant will be adversely affected by the proposed project. Within ten (10) calendar days of receipt of a protest, the ~~board~~Board shall mail a copy of the protest to the applicant.

(4) Protests must be based solely upon flood control concerns or, where the ~~board~~Board is acting as lead agency under CEQA, upon environmental concerns.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8571 and 8710, Water Code; and Section 21092, Public Resources Code

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment of subsection (3) filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

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Application Procedures

Section 13, Evidentiary Hearings

- (a) Except where approval of permits has been delegated to the Executive Officer pursuant to ~~s~~Section 5, an evidentiary hearing shall be held for any matter that requires the issuance of a permit.
- (b) The requirement for an evidentiary hearing may be satisfied for permit applications by placing the matter on the ~~board~~Board's consent calendar in accordance with Section 13.3.
- (c) Evidentiary hearings shall be conducted pursuant to the procedures in Section 13.1.
- (d) The applicant and other parties may request in writing that the ~~board~~Board provide a copy of any document, not exempt from disclosure under the Public Records Act, beginning at Government Code ~~s~~Section 6251, that is relevant to any proceeding. The ~~board~~Board may charge a reasonable fee for each copy.
- (e) The ~~board~~Board may hold a hearing or a partial hearing at any place within the state on its own initiative or on the request of the applicant. All hearings must be open to the public. The ~~board~~Board may require the applicant to pay all overtime pay expenses incurred for any hearing not located in the County of Sacramento, if the hearing is moved from Sacramento at the request of the applicant.
- (f) Written notice of the hearing shall be provided to the applicant at least ten (10) calendar days prior to the date of the hearing. The notice shall include the following:
- (1) The name and number assigned to the application, if any;
 - (2) A description of the application and its proposed location;
 - (3) The date, time, and place at which the hearing will be held;
 - (4) A statement that the hearing will be governed by this Article, and that a copy of the governing procedures will be provided to the applicant upon request;
 - (5) A statement that Chapter 5 of the Administrative Procedure Act (commencing with section 11500) shall not apply to the proceeding; and
 - (6) A statement that if the applicant or any of the applicant's witnesses do not proficiently speak or understand English, the applicant may request language assistance by contacting the ~~board~~Board and making such request within a reasonable amount of time prior to the hearing to allow appropriate arrangements to be made. The Board President may direct the applicant to pay for the cost of the interpreter based upon an equitable consideration of all the circumstances of each case, such as the ability of the party in need of the interpreter to pay.
- (g) Applicants shall be notified of the staff recommendations on the application at least seven (7) calendar days prior to the hearing, unless this period is waived by the applicant. Adjacent landowners shall also be notified of staff recommendations at least seven (7) calendar days prior to the hearing if they have responded in writing to the notice sent pursuant to section 9(b) of this article. Protestants shall be notified of the staff recommendations at least seven (7) calendar days prior to the hearing.
- (h) Notice to an applicant's representative as designated on the completed permit application form shall constitute notice to the applicant.
- (i) The ~~board~~Board President may implement additional administrative procedures for the conduct of hearings and related proceedings.
- (j) For purposes of this section, minor alterations pursuant to section 6(e) and minor amendments to a previously issued ~~permit~~Permit shall not require an evidentiary hearing.

Note:

Authority cited: Section 8571, Water Code; and Section 11400.20, Government Code.

Reference:

Sections 6253, 11125 and 111425.10, Government Code; and Sections 8710, 8730.2, 8731, 8732, 8732.5, 8734 and 8735, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment of section heading, section and NOTE 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).
3. Amendment of subsection (a), (f), (g) and (h) filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

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Application Procedures

**Section 13.1, Conduct and Order of
Evidentiary Hearing Proceedings**

- (a) It is the purpose of this section to incorporate and implement the informal hearing procedures and Administrative Adjudication Bill of Rights in Chapter 4.5 of the Administrative Procedure Act (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code to the extent consistent with the Water Code, which require notice and an opportunity to be heard, including the opportunity to present and rebut evidence. Chapter 5 of the Administrative Procedure Act (commencing with section 11500) does not apply to evidentiary hearings before the ~~board~~Board or an appointed hearing officer.
- (b) Evidentiary hearings shall be conducted in a manner deemed most suitable to ensure fundamental fairness to all parties concerned, and with a view toward securing all relevant information and material necessary to render a decision without unnecessary delay.
- (c) Evidentiary hearings shall be held in open session. Unless the Board President directs otherwise, the hearing shall proceed in the following order:
- (1) The Executive Officer or his/her designee shall make a presentation to the ~~board~~Board describing the application and summarizing the staff recommendation, including, for example, the proposed findings and written correspondence received prior to the hearing.
 - (2) The public testimony portion of the public hearing shall proceed in the following order:
 - (A) Persons or their representatives desiring to state their views on the application shall have the opportunity to do so as follows:
 - (i) The applicant;
 - (ii) Other ~~p~~Persons supporting the application;
 - (iii) Persons opposing the application;
 - (iv) Other ~~p~~Persons.
 - (B) The Board President may allow rebuttal testimony by the applicant.
 - (C) The Executive Officer may respond to and comment, as appropriate, on the testimony presented by any previous speaker.
 - (3) The Board President may close the public testimony portion of the hearing when a reasonable opportunity to present all questions and points of view has been allowed.
 - (4) Board members may ask questions at any time following any ~~p~~Person's presentation.
 - (5) At the conclusion of the public testimony portion of the public hearing, the Executive Officer or his/her designee may propose to change the staff recommendation or the ~~board~~Board may propose to add, delete, or modify the conditions contained in the staff recommendation. The applicant and the Executive Officer or his/her designee shall have an opportunity to comment on any proposed change.
 - (6) The ~~board~~Board shall vote on a permit application in accordance with Water Code section 8560. In the case of an appointed hearing officer, the hearing officer shall act on the application.
- (d) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be considered if it is the sort of evidence on which responsible ~~p~~Persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The Board President may take official notice of such facts as may be judicially noticed by the courts of this state. Unduly repetitious or irrelevant evidence shall be excluded upon order by the Board President or appointed hearing officer.

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**Section 13.1, Conduct and Order of
Evidentiary Hearing Proceedings**

- (e) The Board President may establish reasonable time limits for presentations. The time limits shall be made known to all speakers prior to any hearing. The Board President or appointed hearing officer may require individuals to consolidate their comments to avoid repetition.
- (f) In order for audio, visual, or audio-visual materials to be considered by the ~~board~~Board, they ~~must~~shall be submitted to staff in the course of review of the application or shown in full at the public hearing. The presentation of these materials shall occur within the time limit allocated to speakers.
- (g) The applicant ~~must~~shall submit all materials presented at the hearing to the Executive Officer or his/her designee for inclusion in the record of the proceeding. Any speaker who exhibits models or other large-sized materials as part of his or her presentation may satisfy this requirement by:
- (1) Submitting accurate reproductions or photographs of the models or other large materials and
 - (2) Agreeing in writing to make such materials available to the ~~board~~Board if necessary for any administrative or judicial proceeding. If written materials are submitted, the applicant shall bring a sufficient number of copies of all such materials to the hearing to allow members of the public to review the materials prior to the ~~board~~Board's or hearing officer's decision.
- (h) All decisions of the ~~board~~Board relating to permit applications shall be accompanied by written conclusions setting forth the factual and legal basis of the decision based upon the record. The written conclusions shall include all elements identified in Water Code section 8610.5(c)(1)-(4).
- (1) For purposes of this section, a resolution adopted by the ~~board~~Board at the hearing shall be deemed to satisfy the requirement for written conclusions, including any modifications made to the resolution at the hearing.
 - (2) In addition, unless otherwise specified at the time of the vote, an action taken consistent with the staff recommendation shall be deemed to have been taken on the basis of, and to have adopted, the reasons, findings and conclusions set forth in the staff report, including any modifications made to the staff report at the hearing.
- (i) If the ~~board~~Board action is substantially different than that recommended in the staff report and/or the resolution, the ~~board~~Board may direct staff to return at a subsequent ~~board~~Board meeting with a revised resolution and/or proposed revised written conclusions that reflect the action of the ~~board~~Board. Revised written conclusions may be placed on the consent calendar and do not re-open the hearing. Public comment is restricted to whether the revised written conclusions reflect the action of the ~~board~~Board. Any proposed written conclusions shall only be effective if concurred in by at least four members of the ~~board~~Board. Board members who were not present for the original vote may only vote on the revised written conclusions if they have familiarized themselves with the record of proceedings. If the ~~board~~Board does not accept the revised resolution or proposed revised written conclusions submitted by the Executive Officer, the ~~board~~Board can either make such changes as it determines are appropriate and adopt the findings at that meeting or direct the Executive Officer to prepare further proposed written conclusions and submit them to the ~~board~~Board at the next meeting. The ~~board~~Board's decision is deemed final at the time of the initial vote on the application, not the time that the revised written conclusions are adopted.
- (j) If the applicant requests language assistance prior to the hearing, the ~~board~~Board shall provide language assistance in accordance with Article 8 (commencing with Section 11435.05) of the

Article 3
Application Procedures

**Section 13.1, Conduct and Order of
Evidentiary Hearing Proceedings**

Administrative Procedure Act. The [Board](#) President may direct the applicant to pay for the cost of the interpreter. The determination whether to direct payment shall be based upon an equitable consideration of all the circumstances in each case, such as the ability of the applicant in need of the interpreter to pay. If the request for an interpreter is not made within a reasonable amount of time prior to the hearing to allow appropriate arrangements to be made, the hearing may be continued to a subsequent meeting and the applicant shall be deemed to have consented to such continuance.

(k) The ~~board~~[Board](#) may vote to continue all or part of the hearing to a subsequent meeting. Notice of the subsequent hearing shall be distributed in accordance with Section 13 of these regulations. A continuance of part of a hearing does not reopen the entire hearing.

Note:

Authority cited: Section 8571, Water Code; and Section 11400.20, Government Code.

Reference:

Section 11425.10, Government Code; and Section 8610.5, Water Code.

History:

1. New section filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).
2. Amendment of subsections (c), (c)(2)(B), (c)(3)-(4), (d)-(e) and U) filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-9-2014 order transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

Article 3
Application Procedures

**Section 13.2, Evidentiary Hearings before
a Hearing Officer or Committee**

- (a) The ~~board~~Board President may designate a hearing officer or ~~board~~Board committee to conduct evidentiary hearings.
- (b) The provisions regarding evidentiary hearings provided for in Sections 13 and 13.1 of the regulations shall apply to hearings before an appointed hearing officer or committee except that the term "~~board~~Board" or "Board President" or "President" shall refer to the "hearing officer or committee."
- (c) At the conclusion of a hearing by a designated hearing officer or committee, the hearing officer or committee shall draft proposed findings and a decision.
- (1) The proposed findings and decision, along with any evidence admitted at the hearing, shall be transmitted to the ~~board~~Board as soon as reasonably possible following the hearing. The ~~board~~Board may only consider the proposed findings and decision on consent if there is no objection.
- (2) The decision on the matter shall not become final until the ~~board~~Board approves or rejects the hearing officer or committee's proposed findings and decision. The ~~board~~Board's review of the hearing officer or committee's proposed findings and decision does not re-open the hearing and no new evidence shall be submitted unless allowed by the ~~board~~Board President.

Note:

Authority cited: Section 8571, Water Code; and Section 11400.20, Government Code.

Reference:

Section 11425.10, Government Code; and Sections 8610.5 and 8732, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Renumbering of former section 13.2 to section 13.3 and new section 13.2 filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive amendment of subsection (c), transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

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Application Procedures

Section 13.3, Consent Calendar

- (a) Unless otherwise provided in this Article, the procedures set forth in Article 3 of these regulations pertaining to permit applications, including staff reports, staff recommendations, resolutions, and voting, shall apply to the consent calendar procedure.
- (b) Any matters ~~for~~ for which there are no speakers in opposition, including permit matters, may be placed on the ~~board~~Board's consent calendar in accordance with Section 13.3, unless one of the following occurs to remove the item from the consent calendar:
- (1) Upon request by the applicant, any member of the public, or any ~~board~~Board member;
 - (2) When any interested party files a written protest conforming to the requirements of section 12 and requests a hearing;
 - (3) When approval requires a variance to the ~~board~~Board's standards in Article 8 or these regulations;
 - (4) Upon the ~~board~~Board's own motion.
- (c) All items included in the consent calendar shall be considered by the ~~board~~Board in one action. Public testimony shall be deemed waived. If the item is not removed from the consent calendar and the consent calendar is approved, any recommended conditions contained in the staff report and resolution, if one is prepared, shall be deemed approved by the ~~board~~Board.
- (d) Consent calendar items shall only be voted on if the ~~board~~Board accepts the staff recommendation as stated in the staff report with no substantial changes. Otherwise, the item ~~must~~shall either be removed from the consent calendar for discussion and action at the same meeting or continued to a subsequent ~~board~~Board meeting.
- (e) If an item is removed from the consent calendar pursuant to (b) above, then the public shall have the right to present testimony and evidence in accordance with Section 13.1 of these regulations.

Note:

Authority cited: Section 8571, Water Code; and Section 11400.20, Government Code.

Reference:

Section 11425.10, Government Code; and Sections 8610.5, Water Code.

History:

1. Renumbering of former section 13.2 to new section 13.3, including amendment of subsection (b), filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No.2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-9-2014 order transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

(a) The ~~b~~B~~o~~ard shall act upon applications within the following time limits unless a USACE Section 408 decision has not been received:

(1) When the ~~b~~B~~o~~ard is the lead agency pursuant to CEQA and an environmental impact report is prepared, it shall approve or disapprove a project within ~~six~~ twelve months from the date of the certification of the environmental impact report.

(2) When the ~~b~~B~~o~~ard is the lead agency and a negative declaration or mitigated negative declaration is adopted, or if the project is exempt from CEQA, the ~~b~~B~~o~~ard shall approve or disapprove a project within ~~three-six~~ months from the date of the adoption of the ~~negative~~ declaration.

(3) When the ~~b~~B~~o~~ard is a responsible agency for a project that has been approved by the lead agency, it shall either approve or disapprove the project within whichever is the longer:

(A) Within one ~~hundred-eighty (180)~~ calendar year~~days~~ of the date on which the lead agency has approved the project; or

(B) Within one ~~hundred-eighty (180)~~ calendar year~~days~~ of the date on which the application is deemed complete.

(b) Applicants may waive the requirement that applications be acted upon within such periods. Waivers must be in writing or expressed on the record at a hearing.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 65950 and 65952, Government Code; and Section 8730.1, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

2. Amendment of subsections (a)(3)(A)-(B) filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

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Application Procedures

Section 15, Bases for Denial of Permit Applications

The ~~b~~Board may deny a permit for Proposed Work for any of the following reasons:

(a) If the ~~p~~Proposed ~~w~~Work could:

- (1) Jeopardize directly or indirectly the physical integrity of levees or other works;
- (2) Obstruct, divert, redirect, or significantly raise the water surface ~~level~~elevation ~~off from~~
~~d~~Design ~~f~~Floods or flows, or the lesser flows for which the flood control project has been designed to convey~~protection is provided~~;
- (3) Cause significant adverse changes in water velocity or flow regimen;
- (4) Impair the inspection of ~~f~~Floodways or project works;
- (5) Interfere with the maintenance of ~~f~~Floodways or project works;
- (6) Interfere with the ability to engage in ~~floodfighting~~flood fighting, patrolling, or other flood emergency activities;
- (7) Increase the damaging effects of flood flows; or
- (8) Be potentially injurious to, adversely affect or interfere with, the successful execution, functioning, or operation of ~~any adopted plan of flood control~~facilities within Board Jurisdiction.
- (9) Constitute a threat to public safety~~Adversely affect the State Plan of Flood Control, as defined in the Water Code~~.

(b) When the ~~b~~Board is the lead agency under CEQA, and the proposed ~~e~~Encroachment or project could result in potential and unmitigated significant environmental effects, including cumulative environmental effects.

(c) When the ~~b~~Board is a responsible agency under CEQA, and the CEQA document is inadequate.

(d) If the applicant fails to supply information deemed necessary by the ~~b~~Board for application purposes as specified in Section 8 of these regulations~~, including the names of all adjacent landowners~~.

(e) If the ~~p~~Proposed ~~w~~Work does not meet the ~~b~~Board s~~Standards contained in article 8~~.

(f) If there has been a failure by the applicant (or ~~p~~Persons associated with the applicant through an agreement or agency relationship) to substantially comply with permit conditions on prior related permits or if there has been work performed without a permit and that work is not the subject of the pending permit application where the applicant has not supplied reasonable and convincing assurances that compliance with the ~~b~~Board's regulations will be achieved.

(g) If the USACE, in its written decision pursuant to Section 408, has recommended denial of Proposed Work.

(h) If the Board is currently investigating violations associated with the applicant, or the Board is conducting an enforcement case against the applicant.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 65943, Government Code; Sections 21002 and 21081, Public Resources Code; Sections 8608, 8610.5, 8710 and 8723, Water Code, Title 33, United States Code, Section 408

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment of section heading, new subsection (a)(9) and amendment of NOTE filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).

- (a) Any ~~b~~Board ~~p~~Permit may include and be subject to such reasonable conditions as deemed appropriate by the ~~b~~Board, and may include mitigation for effects of the approved activity on the environment.
- (b) The ~~p~~Permit may require inspection by the ~~b~~Board, its officers, or staff before, during, and after construction, and at regular intervals thereafter. The ~~b~~Board may charge and collect a reasonable fee from an applicant to recover inspection costs, including staff or consultant time and expenses.
- (c) The ~~p~~Permit may require a reporting and monitoring program for any mitigation required by the ~~b~~Board to avoid significant effects on the environment.
- (d) The ~~p~~Permit may require the filing with the ~~b~~Board of reports and data, including a description of all Permitted ~~w~~Work completed ~~done~~ under the approved Permit~~application~~. The ~~b~~Board may also request in writing at any time any reports or data, even if not expressly stated in a condition to the decision.
- (e) The ~~p~~Permit shall require that all of the Proposed~~d~~ ~~w~~Work ~~must~~ shall be completed in accordance with the submitted drawings and specifications and accomplished in a professional manner consistent with the Board Standards with the exception of approved construction variances.
- (f) The ~~p~~Permit may require the owner or Permittee ~~of an encroachment,~~ or the owner of real property upon which the eProposed Work~~encroachment~~ will be ~~is~~ located, to execute and cause to be recorded a document which imposes a covenant, restriction, servitude, or combination thereof, which runs with the land and binds all owners, heirs, successors, lessees, agents, and assigns, and would be enforceable by the ~~b~~Board or its successor. ~~This requirement may be imposed where there are particular concerns about permit compliance, such as where there may have been previous permit violations by the applicant or where record notice to successors in interest to the applicant or landowner is deemed appropriate.~~
- (g) The ~~p~~Permit may require the applicant to provide notice of the continuing flood threat to occupants and potential occupants of property subject to flood risk.
- (h) The ~~p~~Permit may ~~require~~ incorporate either directly or by exhibit additional conditions required ~~requested~~ by the Corps~~USACE~~ and ~~or requested by~~ the Local ~~m~~Maintaining a~~A~~gency through their Endorsement.
- (i) The ~~p~~Permit shall require exercise of reasonable care to operate and maintain any Permitted Work ~~authorized by the permit~~ to prevent injury or damage to ensure there is no interference with the successful execution, functioning, or operation of facilities within Board Jurisdiction~~any works necessary to any adopted plan of flood control, or interference with the successful execution, functioning, or operation of any present adopted plan of flood control or future plan.~~ The ~~p~~Permittee shall maintain the ~~p~~Permitted ~~encroachment and the project~~ Work ~~works~~ within the utilized area in the manner required by ~~the~~ authorized representatives of the Board ~~department~~ ~~or any other agency responsible for flood control maintenance.~~
- (j) The ~~p~~Permit may require the ~~p~~Permittee to be responsible for all personal liability and property damage which may arise out of ~~p~~Permittee's actions or failure to perform the obligations of the ~~p~~Permit. The ~~p~~Permittee shall agree to save and hold the state~~State~~ free and harmless from, and to defend and indemnify the state~~State~~ against, any and all claims and liability, including but not limited to, personal injury or property damage arising or claimed to arise, directly or indirectly, from the uses of land pursuant to the ~~p~~Permit. The ~~p~~Permittee shall agree to release the state~~State~~ from responsibility or liability for any damages that may be caused to the Permitted Work~~encroachment~~ by ~~the~~ operation of ~~the~~ flood control projects or ~~from the~~

releases of water from storage reservoirs. The ~~p~~Permittee shall also agree to be precluded from receiving ~~s~~State disaster assistance for flood damage to the Permitted Work~~permitted works~~, except as provided by a flood insurance policy.

(k) The ~~p~~Permit may require that if the Proposed ~~w~~Work covered by the ~~p~~Permit is not commenced within one year after the issuance of the ~~p~~Permit, the ~~b~~Board may revoke the ~~p~~Permit, pursuant to Section 28 of these regulations, or change any condition in the ~~p~~Permit as may be consistent with current flood control standards and policies of the ~~b~~Board.

(l) The ~~p~~Permit may provide that commencement of Proposed ~~w~~Work under a ~~p~~Permit constitutes an acceptance of the conditions of the ~~p~~Permit.

(m) If any of the Permitted ~~w~~Work does not conform to the conditions of the ~~p~~Permit, the ~~p~~Permittee, upon the order of the Executive Officer or Chief Engineer, shall, in the manner prescribed, be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the Permitted ~~w~~Work.

(n) The ~~p~~Permit may require the ~~p~~Permittee, at ~~p~~Permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the ~~p~~Permitted ~~w~~Work if the removal, alteration, relocation, or reconstruction is necessary under or in conjunction with any present or future flood control plan or if damaged by any cause.

(o) The ~~p~~Permit may require the ~~p~~Permittee to mitigate for the hydraulic impacts of the ~~p~~Permitted ~~w~~Works by reducing or eliminating the additional flood risk to third parties created by the ~~p~~Permitted ~~w~~Works.

(p) The Permit shall require the Permittee to repair or restore any damage to Board Jurisdiction caused by or that results from the construction, operation, and maintenance of the Permitted Work.

(q) The Permit shall require the Permittee to provide access to the area of the Permitted Work for inspection, flood fighting, operation and maintenance of flood control facilities.

(r) Liability insurance may be required to be provided naming the State and the ~~l~~Local ~~m~~Maintaining ~~a~~Agency performing flood control maintenance as additional insureds.

(s) The Permit may require the Permittee to provide periodic inspection reports to the Board detailing the condition of the Permitted Work.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 21002, 21081 and 21081.6, Public Resources Code; Sections 8608 and 8710, Water Code; Title 33, Code of Federal Regulations, Section 208.10, Title 33, United States Code, Section 408

History:

1. Repealer of article 3 heading, renumbering and amendment of old section 16 to new section 8, and new section 16, including renumbering of old section 22 to new section 16(d) filed 9–30–96; operative 10–30–96 (Register 96, No. 40). For prior history, see Register 69, No. 25.

2. Amendment of subsection (m) filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

- (a) Any ~~existing levee, conforming existing encroachment, or permitted encroachment facility under Board Jurisdiction,~~ may be protected or strengthened in case of emergency during ~~f~~Flood ~~s~~Season, as specified in ~~s~~Section 112 ~~of these regulations,~~ where there is imminent danger of injury to ~~p~~Persons, loss of life, or destruction of property ~~due to flooding.~~
- (b) Any ~~p~~Person conducting emergency work shall immediately notify the ~~l~~Local ~~m~~Maintaining ~~a~~Agency and the ~~b~~Board through the Executive Officer or Chief Engineer.
- ~~(c) For the purpose of this section, the term "emergency" includes any lawfully declared emergency, or any circumstance determined to be an emergency by the Executive Officer or Chief Engineer.~~
- ~~(d)~~ In an emergency, the Executive Officer, ~~or designee,~~ may issue a temporary ~~p~~Permit. A completed application with proper plans, cross sections, completed environmental assessment questionnaire, and any other necessary information required by ~~section 8 of the~~~~se~~ ~~regulations~~article ~~must~~ ~~shall~~ be submitted to the ~~b~~Board within thirty (30) days following the date of the commencement of emergency work.
- ~~(e)~~ All emergency work is subject to subsequent approval of the ~~b~~Board, and the ~~b~~Board may require its removal or alteration if not approved.
- ~~(f)~~ The ~~b~~Board or the Executive Officer, ~~or designee,~~ may impose reasonable conditions, pursuant to ~~section~~Section 16 ~~of these regulations,~~ on its approval of any emergency work.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8715, 8716, 8717 and 8718, Water Code

History:

1. Renumbering and amendment of old section 17 to new section 19 and new section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 69, No. 25.

Amendment file 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

- (a) Any ~~Proposed plan of w~~Work approved by the ~~board~~Board may be changed or altered only with the consent of the ~~board~~Board prior to the time of commencement or during progress of the ~~Proposed w~~Work. A request for an amendment to ~~a plan of~~Proposed wWork must be in the same form as an original application or in a form acceptable to the Chief Engineer.
- (b) Proposals to carry out Mminor, insubstantial changes to approved project plans may be requested by mail or Email to the Chief Engineer, also in a form acceptable to the Chief Engineer. ~~made in plans without the submission of a written request for an amendment; however, the permittee shall first notify the Chief Engineer of any change before~~ No commencing work on any changes may occur without written approval from the Chief Engineer ~~d~~work. A minor, insubstantial change ~~must~~ shall be one that is essentially consistent with the approved application or pPermit, consistent with ~~board~~Board ~~s~~Standards, and does not pose a threat to Board Jurisdiction ~~the adopted plan of flood control~~. The ~~board~~Board reserves the right to require the applicant to file a formal written request for ~~an amendment~~ revisions in plans.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8721, Water Code

History:

1. Renumbering and amendment of old section 18 to new section 19 and new section 7(a) and new section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 69, No. 25.

Article 3
Application Procedures

Section 19, District Lands

No ~~encroachment~~ Proposed Work may be constructed or maintained upon lands owned in fee by the Sacramento and San Joaquin Drainage District except when expressly permitted by a proper and revocable license, lease, easement, or agreement executed between the owner of the encroachment and the ~~e~~District, and upon payment to the ~~e~~District of its expenses and adequate rental or compensation therefor. This requirement is in addition to the need for a ~~p~~Permit as required in ~~section~~Section 6 of these regulations~~this article~~.

Note:

Authority cited: Section 8608, Water Code

Reference:

Sections 8504, 8598, 8708 and 8709, Water Code

History:

1. Renumbering of old section 17 to new section 19 and new section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 85, No. 26.

- (a) The ~~b~~Board has the authority to require ~~p~~Permits and enforce ~~Board s~~Standards for the erection, maintenance, and operation of levees, channels, and other flood control ~~works~~facilities within ~~Board Jurisdiction~~its jurisdiction, including, but not limited to, standards for ~~e~~Encroachments, construction, vegetation, and erosion control measures.
- (b) In the event of a violation of the Water Code, the ~~b~~Board's regulations adopted thereto, any permit issued by the ~~b~~Board, or in the case of ~~facilities of the State Plan of Flood Control~~SPFC Facilities, applicable federal law or regulations where the ~~b~~Board has signed assurances with the U.S. Army Corps of Engineers that it will comply with such law or regulations, the ~~b~~Board has the administrative authority to issue notices of violation, cease and desist orders, and enforcement orders that order, without limitation, the following:
- (1) Removal, modification or abatement of a violation, at the violator's cost;
 - (2) Restoration;
 - (3) Administrative penalties;
 - (4) Permit revocation; or
 - (5) Recordation of an enforcement order or a lien with the county recorder's office.
- (c) The ~~b~~Board also has the authority to commence a civil lawsuit to, without limitation, abate a nuisance, or seek mandamus, an injunction, costs, attorney's fees, and civil penalties.
- (d) Copies of any notices of violation, cease and desist orders, or enforcement orders issued by the ~~b~~Board shall be provided to the entity that maintains the flood control facility and the appropriate state and federal levee inspector. Failure to provide copies shall not be grounds for invalidating any notice or order issued by the ~~b~~Board.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8534, 8596, 8598, 8608, 8615, 8700, 8701, 8701.2, 8701.4, 8702, 8704, 8704.1, 8704.2, 8704.4, 8706.5, 8707, 8710 and 8719, Water Code.

History:

1. New article 4 (sections 20 through 22) and section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 85, No. 26.
2. Amendment of article heading, repealer of former article 4 (sections 20-22) and new article 4 (sections 20-27) and section filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).
3. Amendment of section and NOTE filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-9-2014 order transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

Article 4 Enforcement Actions

Section 21, Conduct Subject to Enforcement

- (a) An enforcement action may be preceded by an investigation that may include, but is not limited to, document review, site visits, interviews, and public agency input to determine if violations exist within the jurisdiction of the ~~b~~Board. The investigation may be conducted by (i) ~~b~~Board staff, or (ii) a ~~L~~Local ~~m~~Maintaining ~~a~~Agency where authority has been delegated by the ~~b~~Board to issue notices of violation, or (iii) the department where authority has been delegated by the ~~b~~Board to issue notices of violation.
- (b) Actions that may be subject to investigation and enforcement include, but are not limited to:
- (1) Undertaking or threatening to undertake any activity that may encroach on levees, channels, or other flood control ~~works~~ facilities under the jurisdiction of the ~~b~~Board;
 - (2) Owning, undertaking, or maintaining any work in violation of or inconsistent with any condition of any permit previously issued by or subject to Board Jurisdiction ~~the jurisdiction of the board~~; or
 - (3) Any violation of any requirement in Part 4 of Division 5 of the Water Code, including but not limited to:
 - (A) Owning, undertaking, or maintaining any work that requires a ~~p~~Permit or other approval from the ~~b~~Board without securing such ~~p~~Permit or approval;
 - (B) Owning, undertaking, or maintaining any work in violation of Title 23, Division 1 of the California Code of Regulations; or
 - (C) Owning, undertaking, or maintaining any work that is inconsistent with applicable federal law or regulations where the ~~b~~Board has signed assurances with the ~~U.S.-Army Corps of Engineers~~ that it will comply with such law or regulations.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8534, 8596, 8598, 8608, 8615, 8617, 8700, 8702 and 8710, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 69, No. 25.
2. Repealer and new section filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).
3. Renumbering of former section 21 to section 26 and new section 21 filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive redesignation of former subsections (b)(3)(i)-(iii) as subsections (b)(3)(A)-(C), transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

- (a) Subject to subsection (c), at any point during the enforcement process, the ~~b~~Board or the Executive Officer may negotiate a proposed resolution with the ~~p~~Person or entity responsible for the violation.
- (b) The ~~b~~Board or Executive Officer may enter into an agreement tolling any applicable statute of limitations as specified in the Code of Civil Procedure, pending conclusion of negotiations.
- (c) Once the ~~b~~Board has taken action on a cease and desist order, any settlement of the underlying violation shall require ~~b~~Board approval and be placed on the ~~b~~Board's consent calendar pursuant to Section 13.3 of these regulations, for approval by the ~~b~~Board.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8534, 8596, 8598 and 8700, Water Code.

History:

1. Renumbering of old section 22 to new section 16(d) and new section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Repealer and new section filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No.7).
3. Repealer and new section filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive amendments, transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

Article 4
Enforcement Actions

Section 23, Delegation of Enforcement Authority

- (a) The ~~b~~Board may delegate to the ~~d~~Department or to a ~~l~~Local ~~Maintaining a~~Agency that operates and maintains flood control facilities ~~and works~~ on behalf of the ~~b~~Board the authority to issue notices of violation for violations affecting a flood control facility operated and maintained by the ~~d~~Department or local agency.
- (b) The delegation of enforcement authority shall be made in writing in a delegation letter signed by the Executive Officer.
- (c) The delegation shall be deemed effective only upon the local agency's or the ~~d~~Department's acceptance of the delegation, evinced by its signature and return of the delegation letter to the Executive Officer.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8534, 8598, 8700 and 8701, Water Code.

History:

1. New article 4.1 (section 23) and section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 85, No. 26.
2. Renumbering of former section 23 (formerly within article 4.1) to section 28 and new section 23 filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).
3. Repealer and new section filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive amendments, transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

Article 4
Enforcement Actions

Section 24, Board Approval of Cease and Desist Orders

- (a) Any cease and desist order issued by the Executive Officer shall provide a date, time, and location of a public meeting of the ~~b~~Board at which time the ~~p~~Person or public agency subject to the order may appear to contest the order.
- (b) If the ~~p~~Person or public agency subject to the order fails to appear at the noticed public meeting, the ~~b~~Board may approve issuance of the cease and desist order on its consent calendar pursuant to Section 13.3 of these regulations.
- (c) The ~~b~~Board's consideration of issuance of a cease and desist order is not an evidentiary hearing and the provisions of these regulations that apply to evidentiary hearings, ~~s~~Sections 13 and 13.1 do not apply to the ~~b~~Board's consideration of cease and desist orders. The ~~b~~Board may within its discretion, but is not required to, consider any new evidence presented at the meeting by the ~~r~~Respondent.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8598, 8700, and 8701.2, Water Code.

History:

1. New section filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).
2. Repealer and new section filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No.2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive amendments, transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

Article 4 Enforcement Actions

Section 25, Enforcement Order Hearing Procedures

Enforcement Order hearings shall be conducted pursuant to the evidentiary hearing procedures described in Sections 13(c)-(f) and (i), 13.1, and 13.2 of these regulations with the following changes:

- (a) The "applicant" shall be referred to as the "Respondent".
- (b) The "application" shall be referred to as the "enforcement ~~action~~ order".
- (c) Except as provided in subsection (d), original notice of the hearing shall be served on the Respondent by certified mail or hand delivery at least thirty (30) calendar days prior to the hearing.
- (d) In certain situations, the Executive Officer may determine that the public interest necessitates a shorter notice period such as, but not limited to, situations where the thirty-day notice would endanger public health and welfare. In these situations, less notice may be provided, but in all cases the original notice of an enforcement hearing must be provided a minimum of ten (10) calendar days prior to the hearing.
- (e) The notice shall contain the information required by Section 13(f), describe the violation, identify any statute(s) or regulation(s) the Respondent is alleged to have violated; and include a proposed enforcement order, which shall set forth the amount of proposed administrative penalties.
- (f) Any staff report the Board intends to consider at the enforcement order hearing shall be provided to the Respondent with the notice of the hearing.
- (g) The Respondent may submit a written statement of defense to the Executive Officer at least fifteen (15) calendar days prior to the hearing. If abbreviated notice is provided pursuant to subsection (d) the Respondent may submit a written statement to the Executive Officer at least three (3) days prior to the hearing.
- (h) If the Board President appoints a hearing officer, the hearing officer shall be a Board member. A hearing may also be held by a committee of the Board appointed by the Board President. Hearings held by a hearing officer or a committee of the Board shall follow the hearing officer procedures in Section 13.2.
- (i) If the hearing is held before a hearing officer or committee of the Board, the hearing officer or committee shall prepare the proposed findings and decision required by Section 13.2(c) within thirty (30) calendar days of the conclusion of the hearing. The Respondent shall be provided with a copy of the proposed findings and decision at least ten (10) calendar days prior to the Board's consideration of the proposed decision.
- (j) The written conclusions required by Section 13.1(h) need not include a discussion of the elements identified in Water Code Section 8610.5(c)(1)-(4).
- (k) Cross-examination shall not be allowed unless deemed appropriate by the Board, appointed hearing officer, or committee of the Board.
- (l) Where the Board has acted as the hearing body, the Board may do any of the following to comply with the requirement in Section 13.1 (h) that the Board adopt written findings of its decision;
 - (1) Immediately adopt all or part of the staff report or enforcement order;
 - (2) Amend the staff report or enforcement order, as it deems appropriate for immediate adoption; or
 - (3) Direct a Board member, along with Board legal counsel and independent support staff, to draft proposed findings and a decision for adoption by the Board at a subsequent meeting pursuant to Section 13.1 (i). The Respondent shall be provided with a copy of the proposed revised enforcement order at least ten (10) calendar days prior to the Board's consideration

Article 4
Enforcement Actions

Section 25, Enforcement Order Hearing Procedures

of the proposed findings and decision. The ~~b~~Board's consideration of a proposed enforcement order at a subsequent meeting does not re-open the hearing and no new evidence will be permitted unless allowed by the ~~b~~Board President. However, all parties shall be given an opportunity to present argument related to the proposed order.

Note:

Authority cited: Section 8571, Water Code; and Section 11400.20, Government Code.

Reference:

Sections 6253, 11125 and 11425.10, Government Code; and Sections 8560, 8598, 8700, 8701.4 and 8732, Water Code.

History:

1. New section filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No.7).
2. Repealer and new section filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No.2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive amendments, transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

- (a) In the performance of ~~m~~Maintenance ~~a~~Activities ~~as defined in section 4(v)~~, the ~~d~~Department, ~~l~~Local ~~m~~Maintaining ~~a~~Agency, or designated representatives of the ~~b~~Board may remove unpermitted abandoned property that interferes with maintenance or inspections after notification by the Executive Officer as described in subsection (b).
- (b) Prior to any removal allowed under (a), the Executive Officer shall notify the landowner or owner of the unpermitted abandoned property by one of the following methods: in ~~p~~Person, phone, e-mail, or U.S. mail. If the landowner or owner of the abandoned property cannot be located after reasonable efforts, a notice may be posted on the property for a minimum of five (5) calendar days prior to removal. The posted notice shall be clearly visible, shall provide a ~~b~~Board contact name, phone number, email address, and mailing address, and shall state that the owner may contact the ~~b~~Board to object to such removal. The notice shall also state the date on or after which removal will occur if no objection is made.
- (c) If a timely objection is made, no removal shall take place until the Executive Officer has provided the objector a reasonable opportunity to present reasons why the items should not be removed. The Executive Officer shall provide a written decision, which may be reviewed by the ~~b~~Board pursuant to ~~s~~Section 110 of these regulations.
- (d) For purposes of this section, "abandoned property" shall mean any structure, material, or object that appears to a reasonable ~~p~~Person to have been discarded, cast aside, dumped, neglected, unusable, dilapidated, or permanently vacated. Examples of abandoned property may include, but are not limited to, the following: refuse, vegetation, pipelines, or structures such as stairs, fences, or boat docks that have fallen into a state of disrepair.
- (e) Nothing in this section is intended to remove any authority already vested in the ~~d~~Department or any local maintaining entity in the performance of ~~m~~Maintenance ~~a~~Activities.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8361, 8370, 8534, 8598, 8615, 8700 and 8704.4, Water Code.

History:

1. New section filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).
2. Renumbering of former section 26 to section 28 and renumbering of former section 21 to section 26, including amendment of section and NOTE, filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No.2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-9-2014 order transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

- (a) Except as set forth in this Section, the summary abatement of emergencies is not subject to the enforcement procedures set forth in this Article.
- (b) In addition to the emergency authority in Section 17, the ~~department~~, ~~b~~Board, ~~e~~Executive ~~o~~fficer, ~~Department~~, and ~~L~~ocal ~~m~~Maintaining ~~a~~Agencies may take emergency action to prevent an imminent failure of a levee, channel, ~~f~~Floodway, stream bank, or flood control ~~facilities~~~~eatures~~, or other emergency action necessary to protect the public welfare.
- (c) If the exercise of this authority includes the removal, modification or abatement of an ~~e~~Encroachment on a flood system improvement, facility, or activity maintained by a ~~p~~Person or a public agency, the ~~p~~Person or public agency may request a hearing before the ~~b~~Board within 30 days after the removal, modification, or abatement has commenced.
- (d) The entity that carries out the emergency action may also request a hearing before the ~~b~~Board within 30 days after the removal, modification, or abatement has commenced to seek the reimbursement of its abatement costs from the ~~p~~Person or public agency maintaining the affected ~~e~~Encroachment or activity.
- (e) If, upon holding a hearing, the ~~b~~Board orders the payment of abatement costs to the entity that has carried out the emergency action, that entity may pursue any legal remedies available to it or the ~~b~~Board may use its legal remedies to recover the costs of abatement, including imposition of a lien.
- (f) Any hearing pursuant to this section shall proceed in accordance with Section 25 of this Article.
- (g) Any entity removing or modifying property pursuant to this Section shall attempt to give any landowners or owners of the property subject to modification or removal prior notice when possible, and shall only take such actions as are reasonably necessary to abate the immediate threat to public health and safety.
- (h) Any actions taken pursuant to this Section shall be reported to the Executive Officer or the ~~b~~Board at the first reasonably available opportunity.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8534, 8598, 8708 and 8715, Water Code.

History:

1. New section filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No.7).
2. Repealer and new section filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No.2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive amendments, transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

Article 4 Enforcement Actions

Section 28, Permit Revocation

(a) A previously issued ~~p~~Permit or approval may be revoked or modified for any of the following reasons:

- (1) The ~~p~~Permit or approval was obtained by misrepresentation or fraud;
- (2) The ~~p~~Permit or approval was approved or issued in error;
- (3) One or more of the conditions of the ~~p~~Permit or approval have not been satisfied or have been violated;
- (4) One or more of the conditions of the ~~p~~Permit or approval anticipate revocation if certain terms are met, and those terms have been met;
- (5) The activity permitted by the ~~p~~Permit or approval violates an applicable statute, law, or regulation, including but not limited to federal law or regulations;
- (6) The activity permitted by the ~~p~~Permit or approval is detrimental to the public health, safety, or welfare or interferes with the successful execution, functioning or operation of any flood control system feature;
- (7) The activity permitted by the ~~p~~Permit or approval constitutes a public nuisance as defined by statute or law; or
- (8) The ~~p~~Permit is for an ~~e~~Encroachment that the ~~b~~Board has ordered to be removed or modified because it makes one of the findings in Water Code Section 8702.

(b) The ~~b~~Board shall follow the hearing procedures in Section 25, above, for ~~p~~Permit revocation hearings, except that:

- (1) The "enforcement order" shall be referred to as the "revocation order."
- (2) The "~~respondent application~~" shall be referred to as the "~~applicant~~revocation action."
- (3) In addition to the notice requirements of Section 25, the notice shall describe any ~~p~~Permit condition(s) that are the subject of the revocation hearing and set forth any required findings, including those required for ordering the removal or modification of a ~~p~~Previously ~~p~~Permitted ~~e~~Encroachment.
- (4) The removal of ~~p~~Previously ~~p~~Permitted ~~e~~Encroachments shall not be subject to administrative or civil penalties.

(c) The ~~b~~Board may hold a single hearing to consider ~~p~~Permit revocation, removal or modification of a ~~Previously p~~Permitted ~~e~~Encroachment, and approval of an enforcement order.

(d) The Executive Officer may revoke Permitted Work with due process when the work no longer exists, or construction has not commenced within two years of the date of Permit issuance, and does not require an Evidentiary Hearing.

Note:

Authority cited: Section 8571, Water Code; and Section 11400.20, Government Code.

Reference:

Sections 6253, 11125 and 11425.10, Government Code; and Sections 8534, 8560, 8598, 8608, 8700, 8702, 8704.4 and 8710, Water Code.

History:

1. New section filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No.7).

2. Renumbering of former section 28 to section 30 and renumbering of former section 26 to section 28, including amendment of section and NOTE, filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No.2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive amendments, transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

Article 4 Enforcement Actions

Section 29, Lien Procedures

- (a) Before recording a lien, the ~~b~~Board or its designee shall provide notice of the lien to the property owner that includes the following information:
- (1) identification of the ~~b~~Board as the entity on whose behalf the lien is to be imposed,
 - (2) the ~~b~~Board's authority as described in Water Code Section 8704.2 (a) for recordation of the lien,
 - (3) a legal description and assessor's parcel number for the real property upon which the lien is to be imposed,
 - (4) the amount of the lien,
 - (5) the name of the property owner of record, and
 - (6) the time and date of a hearing before the ~~b~~Board at which time the owner may appear to contest the amount of the lien.
- (b) Upon recordation, the lien shall continue until it is released or otherwise discharged by the ~~b~~Board by recording a notice of discharge with the county clerk upon payment of the lien. The notice of discharge shall contain the information listed in (a)(1) through (5) of this Section.
- (c) Any hearing held regarding recordation of the lien shall comply with the evidentiary hearing provisions described in these regulations at Sections 13(c)-(f) and (i), 13.1, and 13.2 with the following changes:
- 1) The "applicant" shall be referred to as the ~~r~~Respondent.
 - 2) The "application" shall be referred to as the "proposed lien."
 - 3) Notice of the hearing shall be provided 20 days before the hearing is scheduled to occur.
 - 4) The staff recommendation, if adopted in whole or in part by the ~~b~~Board, may serve as the written conclusions required by Section 13.1(h) and need not include a discussion of the elements identified in Water code Section 8610.5(c)(1)-(4).

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8534, 8598, 8701.4 and 8704.2, Water Code.

History:

1. New section filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No. 2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-9-2014 order, including nonsubstantive amendments, transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

- (a) No later than thirty (30) calendar days after adoption by the ~~b~~Board of a decision or order, other than an enforcement order, any interested ~~p~~Person affected by the decision or order may petition the ~~b~~Board for reconsideration of the matter based on any of the following reasons:
- (1) Irregularity in the proceeding, or any ruling, or abuse of discretion which prevented a fair hearing;
 - (2) The decision or order is not supported by substantial evidence;
 - (3) There is relevant evidence, which could not have reasonably been produced previously;
 - or
 - (4) Error in law.
- (b) The petition for reconsideration shall be in writing and contain the following:
- (1) Name and address of petitioner;
 - (2) The specific action of which petitioner requests reconsideration;
 - (3) The specific reason the action was inappropriate or improper;
 - (4) The specific action which the petitioner requests;
 - (5) A statement that copies of the petition and accompanying material have been sent to all interested parties.
- (c) The ~~b~~Board, in its sole discretion, may:
- (1) Refuse to reconsider the decision or order;
 - (2) Deny the petition upon finding that the decision or order was proper;
 - (3) Set aside or modify the decision or order; or
 - (4) Take other appropriate action.
- (~~e~~d) Any ~~p~~Person seeking judicial review of a ~~p~~Permit issued by the ~~b~~Board must first seek reconsideration. If the ~~p~~Permit is upheld or modified upon reconsideration, it may then be subject to judicial review.
- (~~f~~e) Enforcement orders are not subject to reconsideration by the ~~b~~Board, but are subject to judicial review pursuant to Water Code Section 8579.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8598, 8608 and 8710, Water Code.

History:

1. Renumbering of former section 28 to new section 30, including amendment of subsection (a) and new subsections (e) and (f), filed 1-9-2014 as an emergency; operative 1-9-2014 (Register 2014, No.2). A Certificate of Compliance must be transmitted to OAL by 7-8-2014 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-9-2014 order transmitted to OAL 5-29-2014 and filed 7-11-2014 (Register 2014, No. 28).

Article 5
Designated Floodways

Section 100, Authority

The Board has the authority, pursuant to Water Code Section 8609 enacted by the Legislature in 1986, to designate and adopt Floodways in the Central Valley. The Board's Designated Floodway program is an Adopted Plan of Flood Control under Board Jurisdiction. The primary purpose of the program is to restrict development in the area required for passage of a 100-year or other designated floodflow on Streams under Board Jurisdiction.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8609, Water Code

History:

1. This is a new proposed section.

Article 5
Designated Floodways

Section 101, Responsibility of the Board

The ~~b~~Board, after appropriate studies have been ~~complete~~~~made~~ and approved, shall delineate on an aerial mosaic or map, ~~all the adopted proposed d~~Designated ~~f~~Floodways and ~~the f~~Flood-way ~~e~~Encroachment ~~l~~Lines. The ~~b~~Board shall further determine allowable uses in ~~the d~~Designated ~~f~~Floodways pursuant to Section 107 of these regulations.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8609, Water Code

History:

1. New article 5 (sections 101 through 1 07), renumbering of old section 55 to new section 101, removal of articles 6 through 11 and removal of chapter 1.1, articles 1 through 3. Renumbering of old section 46 to new section 4, old section 56 to new section 102, old section 65 to new section 103, old section 67 to new section 104, old section 68 to new section 105, old section 69 to new section 106, old sections 7 5 and 76 to new section 107, old sections 85 and 86 to new section 108, old section 95 to new section 6(c), old section 150 to new section 109, and old section 152 to new section 110, filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Article 5
Designated Floodways

Section 102, Considerations in Designating Floodways

(a) In proposing and revising ~~e~~Designated ~~f~~Floodways, the ~~b~~Board ~~must~~shall consider ~~all of~~ the following:

- (~~1a~~) Existing and projected federal, ~~state~~State, and local flood control improvements and regulations affecting the flood-plain;
- (~~2b~~) The degree of danger from flooding to life, property, public health and welfare; and
- (~~3e~~) The rate and type of development taking place upon the flood-plain.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8609, Water Code

History:

1. Renumbering and amendment of old section 56 to new section 102 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Article 5
Designated Floodways

Section 103, Notices and Hearings

The ~~b~~Board shall notify ~~local~~ interested parties, thirty (30) days prior to any hearing or hearings on ~~d~~Designated ~~f~~Floodways and ~~f~~Floodway ~~e~~Encroachment ~~l~~Lines, by notice published at least twice in a newspaper of general circulation in the affected area. Hearings ~~must~~shall be held in areas convenient to the majority of interested parties. The ~~B~~Board shall hold one hearing prior to initiation of the study and at least one hearing after the study has been completed but prior to adoption of Designated Floodways and Floodway Encroachment Lines.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8609, Water Code

History:

1. Renumbering and amendment of old section 65 to new section 103 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment filed 2-15-2012: operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

Article 5
Designated Floodways

Section 104, Recording

After a ~~d~~Designated ~~f~~Floodway and ~~the~~~~f~~Floodway ~~e~~Encroachment ~~L~~Lines are adopted by the ~~b~~Board, an aerial mosaic or map showing the ~~d~~Designated ~~f~~Floodway and ~~the~~~~f~~Floodway ~~e~~Encroachment ~~L~~Lines shall be transmitted to the appropriate county or counties for recording.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8609, Water Code

History:

1. Renumbering and amendment of old section 67 to new section 104 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Article 5
Designated Floodways

Section 105, Availability of Maps

The ~~b~~Board shall make available at its offices and through its website ~~furnish a copy of the map or copies of~~ maps and descriptions showing the limits of the adopted ~~d~~Designated ~~f~~Floodways to all ~~the county engineer, the county planning department, and other~~ interested parties.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8609, Water Code

History:

1. Renumbering and amendment of old section 68 to new section 105 filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 72, No. 14.

Article 5
Designated Floodways

Section 106, Floodway Modifications

If, after the adoption of ~~the new or revised~~ Designated Floodways and Floodway Encroachment Lines, the ~~Board~~ determines that conditions have changed sufficiently to necessitate altering the lines, the ~~Board~~ may, at any regularly noticed meeting, and after following the requirements of Section 103 of these regulations, make modifications to the ~~Designated Floodway~~ as it deems ~~to be~~ appropriate.

Note:

Authority cited: Section 8571, Water Code

Reference:

Section 8609, Water Code

History:

1. Renumbering and amendment of old section 69 to new section 106 filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 72, No. 14.

Article 5
Designated Floodways

Section 107, Permitted Work~~Uses~~ in Designated Floodways

(a) The following ~~uses-work~~ may be permitted in ~~the~~~~d~~Designated ~~f~~Floodways so long as alone or cumulatively, in the judgment of the ~~b~~Board, they will not unduly impede the free flow of water in the ~~f~~Floodway or jeopardize public safety:

(1~~a~~) Open space uses not requiring a closed building, such as agricultural croplands, orchards, livestock feeding and grazing, or public and private recreation areas.

(2~~b~~) Fences, fills, walls, or other appurtenances which do not create an obstruction or debris catching obstacle to the passage of floodwaters.

(3~~e~~) Storage yards for equipment and material, if the equipment and material can be either securely anchored or removed upon notice.

(4~~d~~) Railroads, streets, bridges, and public utility wires and pipelines for transmission and local distribution.

(5~~e~~) Commercial excavation of materials from pits, strips, or pools provided that no stockpiling of materials, products, or overburden creates an obstruction to the passage of flood flows.

(6~~f~~) Improvements in ~~s~~Stream channel alignment, cross~~_~~section, and capacity.

(7~~g~~) Structures that are designed to have a minimum effect upon the flow of water and are firmly anchored to prevent the structure from flotation, provided that normally no new structures for ~~h~~Human ~~h~~Habitation will be permitted unless the finished floor elevation is two (2) feet higher than the design water surface elevation or the 100-year water surface elevation, whichever is higher, and there is a suitable evacuation route for the occupants of the dwelling.

(8~~h~~) Recreational ~~v~~Vehicles and related service facilities that are either floodproofed or are removed during the ~~f~~Flood ~~s~~Season of the particular ~~s~~Stream involved.

(9~~i~~) Other work~~uses~~ which are not appreciably damaged by floodwaters.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8609 and 8710, Water Code

History:

1. Renumbering and amendment of old sections 75 and 76 to new section 107 filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 72, No. 14 and Register 73, No. 34.

Article 6 **Section 108, Existing Encroachments**
Existing Encroachments Within an Adopted Plan of Flood Control

~~(a) Upon adoption of a plan of flood control, an existing facility or use shall be allowed to continue as provided below:~~

~~(1) A permit or order shall be automatically issued for all conforming existing facilities and uses. The facility or use may not be changed, extended, or expanded without a new application to and approval by the board. If the facility is abandoned, it shall be removed at the expense of the owner and not replaced.~~

~~(2) Nonconforming existing encroachments that do not have a major detrimental impact shall be allowed to continue under a permit or order until abandoned or until they are destroyed or damaged, by any cause, to the cumulative extent of more than fifty (50) percent of their market value or their physical usefulness during any 10-year period. The facility or use may not be changed, extended, or expanded without a new application to and approval of the board. If the facility is abandoned, it shall be removed at the expense of the owner and not replaced.~~

~~(3) Nonconforming existing encroachments that have a major detrimental impact shall be removed, abandoned, or suitably modified at no cost to the owner, if they have been in existence prior to the adoption or authorization of a project by the United States or prior to the adoption or authorization of a plan of flood control by the state.~~

~~(4) Nonconforming existing facilities or uses that have a major detrimental impact on the adopted plan of flood control and which were not in existence at the time of adoption of the plan of flood control shall be removed, abandoned, or suitably modified as directed by the board, all at the expense of the owner, and within a period of time specified by the board.~~

~~(b) The board shall make the final determination as to whether the facility or use or has or has not a major detrimental impact within the adopted plan of flood control or on project facilities, and shall advise the owner of the facility or use of any action required~~

Note:

Authority cited: ~~Section 8571, Water Code~~

Reference:

~~Sections 8609 and 8710, Water Code~~

History:

~~1. New article 6 (section 108) and renumbering and amendment of old sections 85 and 86 to new section 108 and new section filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 69, No. 25. For prior history, see Register 72, No. 14.~~

Legacy Encroachments in an Adopted Plan of Flood Control

(a) Upon adoption of a plan of flood control, Legacy Encroachments shall be allowed to continue as provided below:

(1) It has been determined by the Board that the Legacy Encroachment is an essential project feature of the Adopted Plan of Flood Control.

(A) Legacy Encroachments that comply with (1) above shall be operated, maintained, inspected, and repaired by the LMA.

(B) Nonconforming Legacy Encroachments that comply with (1) above shall be brought into compliance by the LMA through a Board Permit.

(C) The State and LMA shall be responsible for removal or replacement of Legacy Encroachments that comply with (1) above.

(D) Unpermitted Legacy Encroachments that comply with (1) above require Permits to be obtained by the LMA.

(2) It has been determined that the Legacy Encroachment is NOT an essential Adopted Plan of Flood Control feature and the owner or beneficiary voluntarily complies and brings the Legacy Encroachment into compliance with current regulations, including applying for and receiving a Board Permit.

(A) Legacy Encroachments that comply with (2) above shall be operated, maintained, inspected, and repaired by the Permittee or current owner.

(B) The replacement of Legacy Encroachments that comply with (2) above shall be at the expense of the Permittee or current owner.

(C) If Legacy Encroachments that comply with (2) above are abandoned, they shall be removed at the expense of the Permittee or current owner and not replaced.

(D) If Legacy Encroachments that comply with (2) above are destroyed or damaged, by any cause, to the cumulative extent of more than fifty (50) percent of their market value or their physical usefulness during any ten (10) year period, they shall be removed at the expense of the Permittee or current owner and not replaced.

(b) Legacy Encroachments in existence prior to adoption of an Adopted Plan of Flood Control and conforming to these regulations may not be repaired, replaced, or modified without application for and approval of a Board Permit.

(c) Legacy Encroachments that are not essential Adopted Plan of Flood Control features and do not conform to these regulations shall be brought up to current Board Standards by the current owner or shall be removed, abandoned, or suitably modified by the Board at no cost to the owner, if they were in existence prior to adoption of the Adopted Plan of Flood Control.

(d) Nonconforming existing facilities or uses which were not in existence at adoption of the Adopted Plan of Flood Control shall be removed, abandoned, or suitably modified as directed by the Board, all at the expense of the owner, and within a period of time specified by the Board.

Note: Authority cited: Section 8751, Water Code

References: Sections 8609 and 8710, Water Code

History: New Article 6 (Section 108) proposed to replace prior Article 6 (Section 108)

Article 7
Review Rights

Section 109, Right of Review of Delegated Authority

Any ~~p~~Person or public agency having an interest in a decision made by the Director of the ~~d~~Department or the Executive Officer ~~of the board~~ pursuant to any delegation by the ~~b~~Board, including those delegations in Section 5 of these regulations and any other delegation of authority has the right to review by the ~~b~~Board in accordance with the requirements of ~~s~~Section ~~1230~~of these regulations. Adversely affected ~~p~~Persons have the right to present arguments to the ~~b~~Board in ~~p~~Person or by a designated representative at a regularly scheduled ~~b~~Board meeting in accordance with ~~s~~Section 110 of these regulations.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8609 and 8710, Water Code

History:

1. New article 7 (sections 109 through 110) and renumbering and amendment of old section 150 to new section 109 filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 78, No. 3.
2. Amendment filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).
3. Amendment filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

A ~~p~~Person or public agency adversely affected by a Board decision made pursuant to described ~~in s~~Section 109 of these regulations is entitled to ~~b~~Board review at a regularly scheduled meeting of the ~~b~~Board after receipt of a written request directed to the Executive Officer ~~of the board~~ stating the facts and circumstances upon which the request for review is based, provided the request complies with the requirements of ~~s~~Section 12 of these regulations. If a petition for reconsideration is not submitted within the time limits specified in ~~s~~Section ~~3023~~ of these regulations, the decision of the ~~b~~Board is final.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8609 and 8710, Water Code

History:

1. Renumbering and amendment of old section 152 to new section 110 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7)

(a) The Board se-sStandards govern the design, ~~and~~ construction, operation and maintenance of ~~e~~Encroachments and Permitted Work— which affect Board Jurisdiction ~~the flood control works and floodways~~— and are used by the ~~board~~Board to ~~for the regulation of e~~Encroachments and Permitted Work.

(~~b~~) ~~The standards apply to any work within the limits of, or which can affect, any authorized flood control project or any adopted plan of flood control.~~(c) The Board se-sStandards also provide the public with technical information needed to prepare and submit ~~encroachment~~ applications for Proposed Work requiring a Permit to the board.

(~~d~~)— Where any provision in the Board Standards ~~is~~ division requires the application of judgment, such as where “practical,” “feasible,” or “reasonable,” the burden of proof on such issues as impracticality, ~~u~~infeasibility, or unreasonableness lies with the applicant or ~~p~~permittee.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New article 8 (sections 111 through 137) and section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

- (a) The ~~b~~Board requires Permit applications to be filed for all ~~p~~Proposed Work encroachments within Board Jurisdiction ~~the floodways under its jurisdiction (identified in Table 8.1), and on levees adjacent thereto, on any stream which may affect those floodways.~~
- (b) Banks, levees, and channels of ~~f~~Floodways along any ~~s~~Stream, ~~its~~ tributaries, or distributaries may not be excavated, cut, filled, obstructed, or left to remain excavated during the ~~f~~Flood ~~s~~Season.
- (1) ~~The flood seasons for the various floodways are shown in Table 8.1.~~
- (2) The ~~b~~Board, at the applicant's prior written request ~~of the applicant~~, may ~~allow~~ authorize Permitted ~~w~~Work to be ~~performed~~ done during ~~f~~Flood ~~s~~Season within the ~~f~~Floodway; provided that, in the judgment of the ~~board~~ Executive Officer:
- (A) The Permitted Work is not potentially injurious to Board Jurisdiction
- (B) The Permitted Work will not constitute a threat to public safety.
- (C) Forecasts for weather and river conditions are favorable and will be continuously monitored by the applicant.
- (2) Time Variance Requests shall be submitted to the Chief Engineer, preferably by email, at least seven (7) ~~or more~~ days prior to the requested start of work but no more than ten (10) days prior to the request.
- (3) Time Variance Requests are granted in two (2) week increments by the Chief Engineer, and may be revoked at any time based on weather or field conditions. With approval of the Executive Officer longer variances may be granted subject to the above requirements.
- (c) ~~The following definitions apply to this section:~~
- (1) ~~Bank. "Bank" means the ground bordering a river, stream, lake, or sea, or forming the edge of a cut or hollow.~~

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section and table 8.1 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment of table 8.1 filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).

Table 8.1—Regulated Streams and Nonpermissible Work Periods

- [1] Flood ~~s~~Season November 1 through July 15
- [2] Flood ~~s~~Season November 1 through April 15

<i>Stream Title</i>	<i>County-Limits</i>	<i>Flood Season</i>
Alta Main Canal	Fresno	1
American River	Sacramento - to Nimbus Dam	2
Antelope Creek	Placer - to settlement ponds	2
Antelope Creek	Tehama	2
Angel Slough	Butte	2
Arcade Creek	Sacramento - to Roseville Road	2
Ash Creek	Modoc	2
Ash Slough	Madera	2
Atherton Cove	San Joaquin - northeast bank only	2
Auburn Ravine	Sutter and Placer	2
Banta Carbona Intake Canal	San Joaquin	2
Beacon Creek	Sacramento - Morrison Creek to Franklin Boulevard	2
Battle Creek	Tehama	2
Bear Creek	Merced	2
Bear Creek	San Joaquin up to Jack Tone Road	2
Bear Creek	Shasta, reach within designated floodway of the Sacramento River	2
Bear River	Sutter Placer & Yuba	2
Berenda Slough	Madera - A venue 21-1/2 to Ash Slough	2
Best Slough	Yuba	2
Big Chico Creek	Butte	2
Black Rascal Creek	Merced	2
Butte Basin	Butte, Glenn, and Colusa	2
Butte Creek	Butte and Glenn - to Skyway Bridge	2
Butte Creek Diversion Canal	Sutter	2
Butte Slough	Sutter	2
Byrd Slough	Fresno	1
Cache Creek	Yolo, Yolo Bypass to 1/2 mile west of I-5	2
Cache Slough	Solano	2
Calaveras River	San Joaquin - to New Hogan Dam	2
Cameron Slough	Fresno within the Kings River designated floodway	1
Canal Creek	Merced	2
Cherokee Creek	Butte	2
Chowchilla Canal Bynass	Merced, Madera and Mariposa	1
Chowchilla River	Merced Madera and Mariposa to Buchanan Dam	2
Chum Creek	Shasta - within Sacramento River floodway	2
Cirbv Creek	Placer	2
Clarks Fork	Kings	1
Clear Creek	Shasta - Sacramento River to Whiskeytown Dam	2
Clover Creek	Shasta - to 1.1 miles upstream from Millville Plains Road	2
Clover Creek	Lake	2
Cole Slough	Fresno	1
Colusa Bypass	Colusa	2
Colusa Basin Drain and Canal	Glenn, Colusa, and Yolo	2
Colusa Trough	Colusa	2
Coon Creek	Placer and Sutter	2
Co s umnes River	Sacramento	2
Cottonwood Creek	Shasta and Tehama - divides counties - to Dutch Gulch Dam	2
Cottonwood Creek South Fork	Tehama	2

<i>Stream Title</i>	<i>County-Limits</i>	<i>Flood Season</i>
Cottonwood Creek	Tulare - St. Johns River to Grapevine Creek	2
Cow Creek	Shasta - to 0.6 miles upstream of Millville Plains	2
Crescent Bypass	Kings and Fresno - North Fork Kings River	1
Cross Creek	Kings and Tulare - Nevada Avenue to St. Johns	1
Davis Drain	Yolo	2
Dead Horse Slough	Butte	2
Deer Creek	Sacramento	2
Deer Creek	Tehama	2
Dog Creek	Fresno	2
Dry Creek	Butte	2
Dry Creek	Fresno	2
Dry Creek	Sacramento and Placer - to Antelope Creek	2
Dry Creek	Shasta, reaches within designated floodways of Clear and Cottonwood Creeks	2
Dry Creek	Stanislaus - Tuolumne River to AT &SF RR	2
Dry Creek	Sutter	2
Dry Creek	Tehama	2
Dry Creek	Tulare	2
Dry Creek	Yuba	2
Duck Creek	San Joaquin	2
Duck Creek, South Branch	San Joaquin	2
Duck Slough	Merced	2
Duck Slough	Yolo	2
Dutch John Cut Slough	Kings	1
Dye Creek	Tehama	2
East Sand Slough	Tehama - within Sacramento R. floodway	2
Eastside Bypass	Merced and Madera	1
Edendale Creek	Merced	2
El Capitan Canal	Merced	2
Elder Creek	Tehama - to Ralston Road Bridge	2
Elder Creek	Sacramento County	2
Elk Bayou	Tulare	1
Elk Slough	Yolo	2
Fahrens Creek	Merced	2
Feather River	Butte and Yuba	2
Feather River, North Fork	Plumas	2
Five Mile Slough	Fresno	1
Florin Creek	Sacramento County	2
Fourteenmile Slough	San Joaquin	2
French Camp Slough	San Joaquin	2
Fresno River	Madera to Hidden Dam	2
Fresno River, South Fork	Madera	2
Fresno Slough	Kings and Fresno	1
Georgiana Slough	Sacramento	2
Globe Slough	Fresno	1
Gold Run Creek	Butte	2
Haas Slough	Solano	2
Hastings Cut	Solano	2
Honcut Creek	Butte and Yuba - to 112 mile west of S.P .R.R.	2
Hughes Creek	Kings	2
Hutchinson Creek	Yuba	2

<i>Stream Title</i>	<i>County-Limits</i>	<i>Flood Season</i>
Ida Island	Sacramento	2
Inside Creek	Tulare	1
James Bypass	Kings and Fresno	1
Jack Slough	Yuba	2
Kaweah River	Tulare	1
Kaweah River North Fork	Tulare	1
Kaweah River Middle Fork	Tulare	1
Kaweah River South Fork	Tulare	1
Kern River, South Fork	Kern, Isabella Dam to Tulare County Line	1
Kern River	Kern and Kings	1
Kern River Bypass Channel	Kern and Kings	1
Kings River	Kings, Tulare and Fresno - to Pine Flat Reservoir	1
Kings River, North Fork	Tulare	1
Kings River, South Fork	Tulare	1
Knights Landing Ridge Cut	Yolo	2
Laird Slough	Stanislaus	1
Laguna Creek	Sacramento-Morrison Creek to Franklin Boulevard	2
Laurel Creek	Solano	2
Ledgewood Creek	Solano	2
Linda Creek	Sacramento and Placer	2
Lindo Channel	Butte	2
Lindsey Slough	Solano	2
Little Chico Creek	Butte	2
Little Chico Diversion Canal	Butte	2
Little Cow Creek	Shasta	2
Littlejohns Creek	San Joaquin	2
Lone Tree Creek	San Joaquin	2
Lower San Joaquin River Flood Control Project	Fresno, Madera, and Merced	1
Magpie Creek	Sacramento - UP to Raley Boulevard	2
Main Drain Canal	Kern	1
Mariposa Bypass	Merced	1
Mariposa Creek	Merced	2
Markham Creek	Sutter	2
Mayberry Slough	Sacramento	2
McClure Creek	Tehama	2
McCoy Creek	Solano	2
Merced River	Merced	1
Middle Creek	Lake	2
Miles Creek	Merced	2
Mill Creek	Tehama Sacramento River to Highway 99	2
Miners Ravine	Placer - to Interstate 80 Highway	2
Miner Slough	Solano	2
Mokelumne River	Sacramento San Joaquin - to Camanche Reservoir	2
Moody Slough	Solano	1
Mormon Slough	San Joaquin	2
Morrison Creek	Sacramento	2
Mosher Slough/Creek	San Joaquin - to Eight mile Road	2
Moulton Bypass and Weir	Colusa	2
Mud Creek	Butte	2

<i>Stream Title</i>	<i>County-Limits</i>	<i>Flood Season</i>
Mud Slough Creek	Butte	2
Murphy Slough	Butte	2
Natomas Cross Canal	Sutter	2
Natomas East Main Drainage Canal	Sutter and Sacramento	2
Oak Run Creek	Shasta - to 0.6 miles upstream from Millville Plains Road	2
Old River	San Joaquin to Paradise Cut	1
Outside Creek	Tulare	1
Owens Creek	Merced	2
Paddy Creek and South Paddy Creek	San Joaquin to Tully Road	2
Paradise Cut	San Joaquin	1
Paynes Creek	Tehama	2
Pixley Slough	San Joaquin - Eight mile Road to Rear Creek	2
Pleasant Grove Creek Canal	Sutter and Placer - to Union Pacific R.R.	2
Porter Slough	Tulare - Road 192 to Tule River	1
Putah Creek	Yolo Solano - to Monticello Dam	2
Putah Creek South Fork	Solano	2
Red Bank Creek	Tehama, only the reach that confluences with the Sacramento River desiznated floodwav	2
Reeds Creek	Yuba	2
Sacramento Bypass	Yolo	2
Sacramento Deep Water <u>Ship</u> Channel	Solano and Yolo	2
Sacramento River	Ke aswisk Dam - to west end Sherman Island	2
Salt Creek	Shasta	2
Sand Creek	Tulare and n Fresno	2
Sandy Gulch	Butte	2
San Joaquin River	Friant Dam to West End of Sherman Island	1
Scotts Creek	Lake	2
Secret Ravine	Placer	2
Shag Slough	Solano and Yolo	2
Sheep Hollow Creek	Butte	2
Smith Canal	San Joaquin - north levee onlv	2
Sevenmile Slough	Sacramento	2
Simmerly Slough	Yuba	2
Stanislaus River	San Joaquin, Stanislaus, Calaveras, Tuolumne to Goodwin Dam	1
State Main Drain	Sutter	2
Steamboat Slough	Sacramento and Yellow	2
Stockton Diverting Canal	San Joaquin	2
Stony Creek	Tehama and Glenn	2
Sutter Bypass	Sutter	2
Sutter Slouch	Solano , Sacramento & Yolo	2
Sycamore Creek	Butte	2
Sycamore Slough	Yolo	2
Svcamore Slouch	Colusa	2
Thomes Creek	Tehama - within the Sacramento River floodway	2
Threemile Slough	Sacramento	2
Tisdale Bypass	Sutter	2
Tom Paine Slough	San Joaquin - Old River to W.P.R.R.	2
Tule River	Tulare Road 192 to Success Dam	1
Tule River, North Fork	Tulare - confluence at Hickman Creek	1

**Article 8
Standards**

**Section 112, Regulated Streams-~~Regulated~~ and
Nonpermissible Work Periods**

<i>Stream Title</i>	<i>County-Limits</i>	<i>Flood Season</i>
Tule River, Middle Fork	Tulare - confluence at Long Canyon	1
Tule River South Fork	Tulare - confluence at Long Branch	1
Tuolumne River	Stanislaus and San Joaquin - to La Grange Dam	1
Ulatis Creek	Solano - to Cache Slough	2
Unionhouse Creek	Sacramento	2
Wadsworth Canal	Sutter	2
Wadsworth Intercepting Canal, East	Sutter -to Township Road south hank only	2
Wadsworth Intercepting Canal, West	Sutter - south bank only	2
Walker Slough	San Joaquin	2
Walthall Slough	San Joaquin	2
Western Pacific Interceptor Channel	Yuba	2
West Side Canal	Kern	1
Willow Creek	Glenn and Colusa	2
Willow Slough and Bypass	Yolo - to SPRR	2
Wright Cut	Solano - to confluence Cache and Shag Slough	2
Yankee Slough	Sutter and Placer	2
Yokohl Creek	Tulare	2
Yolo Bypass	Solano and Yolo	2
Yuba River	Yuba - to Daguerre Point Dam/Highway 70	2

Additional Reviewer Comments:

West Side Canal is also referred to as Buena Vista: West Side-Buena Vista Canal. Its limits should be Kern County to the Intertie Project

(a) The following definitions apply to this Section:

(1) ~~Existing Dwelling~~—“Existing Dwelling” means a building used for hHuman hHabitation constructed within Board Jurisdiction ~~floodway prior to the adoption of the floodway as an authorized flood control project, as a plan of flood control, or as a d~~Designated fFloodway, or as otherwise permitted by the bBoard.

(2) ~~Existing Mobile Home~~—“Existing Mobile Home” means a mMobile hHome that was positioned within a fFloodway prior to the adoption of the fFloodway as an authorized flood control project, as a plan of flood control, ~~or as a d~~Designated fFloodway, or as otherwise permitted by the bBoard.

(3) ~~Existing Structure~~—“Existing Structure” means a building used for any purpose other than for hHuman hHabitation constructed within a fFloodway prior to the adoption of the fFloodway as an authorized flood control project, as a plan of flood control, ~~or as a d~~Designated fFloodway, or as otherwise permitted by the bBoard.

~~(4) Human Habitation~~—“Human Habitation” means ~~an improvement of real property used, or intended to be used, for residential purposes, including but not limited to living, sleeping, cooking, or eating.~~

(5) ~~Seasonal Occupancy~~—“Seasonal Occupancy” means to occupy or reside in a dDwelling only outside of the during the nonflood sSeason as defined in Section 112, Table 8.1 of these regulations.

(6) ~~Residential Development~~—“Residential Development” means any a real estate housing development or subdivision where, such as a subdivision map is required, for residential purposes.

(b) Dwellings and structures within an aAdopted pPlan of fFlood eControl ~~must~~ shall comply with the following requirements:

(1) New dDwellings, ~~with the exception of dwellings for seasonal occupancy (nonflood season),~~ are not permitted except as provided in subdivisions (d) and (e) of this sSection.

(2) New dDwellings for sSeasonal eOccupancy and eExisting dDwellings and Existing sStructures constructed prior to adoption of the plan of flood control are permitted within the fFloodway under the following conditions:

(A) The existing dDwelling or structure is not abandoned and is maintained in a condition suitable for the approved use;

(B) The existing dDwelling or structure does not impede floodflows;

(C) The existing dDwelling or structure is properly anchored to prevent flotation during periods of high water;

(D) The finished floor level of new dDwellings for seasonal occupancy must be a minimum of two (2) feet above the ~~design~~ Design fFlood pPlane or two (2) feet above the 100-year flood elevation, whichever is higher; and

~~(E) New dwellings for seasonal occupancy may not be constructed on a l~~Levee sSection or within ten (10) feet of a lLevee tToe.

(3) Any exterior remodeling, modifications, additions, or repairs to the dDwelling, or structure, or property which modifies the footprint or consists of replacement of over fifty (50) percent of the structure ~~must~~ shall have prior approval by the bBoard and meet the following conditions:

(A) Any remodeling, modifications, additions, or repairs may not place the dDwelling or structure closer to the low flowwater channel of the fFloodway; and

(B) The finished floor of any remodeling, modification, addition, or repair to the Dwelling or structure must shall be a minimum of three (3) feet above:

- (i) the dDesign fFlood pPlane, or
 - (ii) ~~or two (2) feet above~~ the 100-year flood elevation in non-urban areas, or
 - (iii) the 200-year flood elevation in Urban and Urbanizing Areas, whichever is higher.
- (4) If a dDwelling or structure is damaged, due to any cause, to a cumulative extent of more than fifty (50) percent of its market value within a ten year period, the dDwelling or structure ~~may shall~~ not be reconstructed or replaced without the approval of the bBoard;
- (5) If a damaged dDwelling or structure is not repaired or replaced, the entire dDwelling or structure, including all stored materials, equipment, and debris, ~~must shall~~ be completely removed within a reasonable period of time, as determined by the bBoard, and the area restored so that there is no interference with Board Jurisdiction~~the adopted plan of flood control.~~
- (6) Structures may be constructed within Board Jurisdiction~~an adopted plan of flood control~~ provided they conform to the following:

(A) Structures may shall not be constructed on a lLevee sSection, or within ten (10) feet of a lLevee tToe; Seepage Berm toe, Stability Berm toe, or relief well discharge/collection system;

(B) Structures ~~must shall~~ be securely anchored and floodproofed to at least two (2) feet above the 100-year flood elevation or two (2) feet above the dDesign fFlood pPlane, whichever is higher. The floodproofing ~~must shall~~ be consistent with the potential uses of the structure;

(C) Structures ~~must shall~~ be located and oriented to have minimal impact on flood flows; ~~and. A hydraulic analysis considering the effect of all proposed and existing structures may be required to demonstrate that there are no adverse hydraulic impacts due to proposed structures.~~

(D) The number of structures permitted is limited to the minimum reasonably necessary to accomplish an appropriate land use activity.

(c) Mobile hHomes within Board Jurisdiction~~an adopted plan of flood control~~ ~~must shall~~ comply with the following requirements:

- (1) New mMobile hHomes are not permitted unless the mMobile hHomes are located within an existing mobile home park or as provided in subdivisions (d) and (e) of this sSection;
- (2) Existing mMobile hHomes, not located within a mobile home park, may remain and the requirements are the same as those for existing dDwellings; and
- (3) Owners of existing mMobile hHomes which are not located within a mobile home park and which are not anchored in place ~~must shall~~ have an evacuation plan on record with the bBoard; and

(4) If flood damage occurs to the mobile home due to failure of the evacuation plan or its execution, the mMobile hHome may not remain or be replaced within Board Jurisdiction~~the adopted plan of flood control~~ without the approval of the bBoard.

(d) Dwellings, structures, and mMobile hHomes are permitted within designated "Zone B" shallow flooding areas ~~designated as a "zone B"~~ as shown on some dDesignated fFloodway maps adopted by the bBoard. The bBoard's zZone B designation is not to be confused with the Federal Emergency Management Agency's "B-zone" which relates to-a different floodplain identification. In addition to the other standards in this section, the following conditions apply to dDwellings, structures, and mMobile hHomes within a Board-designated zZone B:

- (1) ~~The dwelling, structure,~~ Dwellings, structures, or ~~mMobile~~ hHomes ~~is~~shall not be permitted on a ~~Levee~~ sSection or within ten (10) feet of a ~~Levee~~ Toe;
- (2) ~~Dwellings, structures, and Mobile~~ hHomes shall not be permitted to within ~~fourteen (14)~~ a minimum of twenty (20) feet of the top landward from the furthest surface projection of 3h:1v slope tangent to any point on the riverbank profile (refer to attached Fig. 8.1a). This regulation shall be followed even if any Revetment is to be considered. An erosion analysis shall be performed to evaluate integrity of the streambank provided the streambank is revetted to board standards. This requirement does not include any additional California Building Code requirements for siting buildings for occupancy.
- (3) ~~Dwellings, structures and mobile homes are not permitted within thirty (30) feet of an unrevetted streambank;~~
- (4) ~~(3)~~ The finished floor ~~level~~ of any remodeling, modification, addition, or repair to the ~~dDwellings~~ and structures and ~~mMobile~~ hHomes ~~must~~ shall be a minimum of two (2) feet above the ~~dDesign~~ fFlood ~~pPlane~~ or two (2) feet above the 100-year flood elevation, whichever is higher;
- (5) ~~(4)~~ Only the minimum fFloodway area necessary for the placement of the ~~dDwelling~~, structure, or ~~mMobile~~ hHome shall be used. ~~Generally not more than thirty (30) percent of the flood plain area may be used. Designated floodway maps, however, may be more restrictive;~~
- (6) ~~(5)~~ Sufficient area of the fFloodway ~~must~~ shall remain clear of the ~~dDwelling~~, ~~mMobile~~ hHome, or structure to preserve the historical orientation of the fFloodway and to prevent any increase in streamflow stages and velocities.
- (7) ~~(6)~~ If a ~~dDwelling~~, structure, or ~~mMobile~~ hHome is damaged due to any cause, cumulatively to the extent of more than fifty (50) percent of its market value, the ~~dDwelling~~, structure, or ~~mMobile~~ hHome ~~may~~ shall not be reconstructed or replaced without the approval of the bBoard.
- (8) ~~(7)~~ Except for approved mining activities, excavating, or grading that would increase the depth of flooding within a ~~zone~~ Zone B and which might interfere with the safe evacuation of the area during flooding is not permitted.
- (9) ~~(8)~~ New residential developments may be subject to a higher standard than the 100-year event. ~~up to and including the Standard Project Flood, (e.g., floor elevations required to be above the Standard Project Flood) or an equivalent rare flood.~~
- (e) New ~~dDwellings~~, structures, and ~~mMobile~~ hHomes along an unleveed sStream shall comply with the following requirements:
- (1) ~~Dwellings, structures, and mobile homes are permitted to within fourteen (14) feet of the top of the streambank provided the streambank is revetted.~~
- (2) ~~Dwellings, structures and mobile homes are not permitted within (30) feet of an unrevetted streambank.~~
- (1) Dwellings, structures, and Mobile Homes shall be permitted landward of a minimum of twenty (20) feet from the furthest surface projection of 3h:1v slope tangent to any point on the riverbank profile (see Fig. 8.1a). Revetment may be added but the structures shall be set back as above. An erosion analysis shall be performed to ensure integrity of the streambank. This requirement does not include any additional California Building Code requirements for siting buildings for occupancy.

(f) Prior to ~~Upon~~ abandonment of the permitted ~~d~~Dwelling, ~~or~~ structure, or Mobile Home the Permittee or property owner shall notify the Board in writing of the intent to abandon the Dwelling, structure, or Mobile Home.

(1) The Permittee or property owner shall be responsible for removal of the ~~d~~Dwelling, ~~or~~ structure, or Mobile Home and all appurtenant structures, vehicles, equipment, stockpiles of materials, and debris as directed by the Board ~~within a reasonable time.~~

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

- (a) The following definitions apply to this section:
- (1) Existing Mobile Home Park—, “Existing Mobile Home Park” means any area within a ~~f~~Floodway on which two (2) or more mobile homes have been maintained prior to the adoption of the area as an authorized flood control project, as a plan of flood control, or as a ~~d~~Designated ~~f~~Floodway.
 - (2) Recreational Vehicle Park—, “Recreational Vehicle Park” means any area within a ~~f~~Floodway where two (2) or more ~~r~~Recreational ~~v~~Vehicles are maintained.
- (b) Mobile home parks are subject to the following requirements:
- (1) New mobile home parks are not permitted within ~~Board an adopted plan of flood control except~~Jurisdiction ~~except~~ in ~~f~~Floodway areas classified as ~~zone~~Zone B as described in subdivision (c) ~~of, s~~Section 113 ~~of these regulations, Dwellings and Structures Within an Adopted Plan of Flood Control.~~
 - (2) New mobile home parks are not permitted on a ~~L~~Levee ~~s~~Section, or within ~~ten-twenty~~ (~~10~~20) feet of ~~a~~~~L~~Levee ~~t~~Toe~~s~~, ~~Seepage Berm toes, Stability Berm toes, or relief well discharge/collection systems~~levee toe.
 - (3) Existing mobile home parks located within ~~Board Jurisdiction an adopted plan of flood control~~ may remain if a permit from the ~~b~~Board has been obtained, a current implementable evacuation plan is on file with the ~~b~~Board, and the following criteria ~~is~~ continuously ~~e-to-be~~ enforced:
 - (A) The locations of all structures, ~~m~~Mobile ~~h~~Homes, ~~r~~Recreational ~~v~~Vehicles, and appurtenances are shown on the evacuation plan.
 - (B) The location of the river staff gauge and the gauge height that will indicate an evacuation of a mobile home park are shown on the evacuation plan.
 - (C) The number of tow vehicles and the usual location of each tow vehicle to be used to evacuate a mobile home park are shown on the evacuation plan.
 - (D) The locations of emergency storage areas outside the ~~f~~Floodway for the ~~m~~Mobile ~~h~~Homes, ~~r~~Recreational ~~v~~Vehicles, ~~and~~ portable and floatable structures are shown on the evacuation plan.
 - (E) The route to be used to evacuate ~~m~~Mobile ~~h~~Homes from a mobile home park to the emergency storage area is shown on the evacuation plan.
 - (F) After the initiation of an evacuation, all ~~m~~Mobile ~~h~~Homes not anchored in place and all ~~r~~Recreational ~~v~~Vehicles, and portable and floatable structures are removed from the ~~f~~Floodway within the time period specified in the evacuation plan.
 - (G) Existing multiple-~~_~~wide ~~m~~Mobile ~~h~~Homes, unless specially designed for quick removal, are anchored in place with concrete deadmen.
 - (H) New multiple-~~_~~wide ~~m~~Mobile ~~h~~Homes, unless specially designed for quick removal, are not permitted.
 - (I) A copy of the evacuation plan is provided to all residents of the mobile home park.
 - (J) The park ~~p~~Permittee or the manager has a duplicate of all keys necessary to move a ~~m~~Mobile ~~h~~Home and a signed statement allowing the removal of an absentee owner’s mobile home during an emergency evacuation.
 - (K) The ~~park p~~Permittee ~~of a mobile home park~~ accepts sole responsibility for initiating an evacuation of the park.
 - (L) Mobile ~~h~~Homes not anchored in place, all portable structures, and ~~r~~Recreational ~~v~~Vehicles have axles, wheels, and any required tow hitch installed, and are in a readily movable condition at all times.

- (M) Any related structures, such as laundry rooms or storage buildings, are securely anchored to prevent flotation during high water and are not utilized for ~~h~~Human ~~h~~Habitation.
- (N) If ~~s~~Significant ~~flood-d~~Damage occurs to any of the ~~m~~Mobile ~~h~~Homes or other park structures due to failure of the evacuation plan or its execution in response to flooding, the park may not continue operating without approval of the ~~b~~Board.
- (c) Recreational ~~v~~Vehicle parks are subject to the following requirements:
- (1) New and existing ~~r~~Recreational ~~v~~Vehicle parks are allowed within Board Jurisdiction~~an adopted plan of flood control~~ if a permit is obtained from the ~~b~~Board, a current implementable evacuation plan is on file with the ~~b~~Board, and the following requirements are enforced:
- (A) The locations of all ~~r~~Recreational ~~v~~Vehicle pads and appurtenances are shown on the evacuation plan.
- (B) All ~~r~~Recreational ~~v~~Vehicles have axles, wheels, and any required tow hitch installed, and are in readily movable condition at all times.
- (C) At the initiation of an evacuation, all ~~r~~Recreational ~~v~~Vehicles are removed from the ~~f~~Floodway within the time period specified in the evacuation plan.
- (D) At the initiation of the evacuation, all floatable and portable structures are removed from the ~~f~~Floodway within the time period specified in the evacuation plan.
- (E) The locations of emergency storage areas outside the ~~f~~Floodway for ~~r~~Recreational ~~v~~Vehicles, and portable and floatable structures are shown on the evacuation plan.
- (F) The location of the river staff gauge and the gauge height that will initiate an evacuation are shown on the evacuation plan.
- (G) Permittees or managers of ~~r~~Recreational ~~v~~Vehicle parks accept sole responsibility for initiating an evacuation.
- (H) Any related structures, such as laundry rooms or storage buildings, are securely anchored and are not utilized for ~~h~~Human ~~h~~Habitation.
- (I) If ~~significant~~ Significant ~~flood-d~~Damage occurs to any of the ~~r~~Recreational ~~v~~Vehicles or other park structures due to the failure of the evacuation plan or its execution in response to flooding, the park may not continue operating without the approval of the ~~b~~Board.
- (d) The following restrictions ~~applies~~y to ~~r~~Recreational ~~v~~Vehicles within Board Jurisdiction~~an adopted plan of flood control~~ that are not in a recreational vehicle park:
- (1) Incidental day-use ~~The random use of~~ ~~r~~Recreational ~~v~~Vehicles within Board Jurisdiction~~an adopted plan of flood control~~ does not require a Board ~~p~~Permit ~~from the board~~. ~~Recreational vehicles are not permitted overnight within the floodway during the flood season. However, recreational vehicles may be stored in those limited areas where dwellings are permitted.~~
- (2) ~~It remains the sole responsibility of the property owner to ensure that recreational vehicles do not remain within the floodway overnight during the flood season.~~

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

- (a) Non-hazardous ~~D~~dredged, spoil, or waste materials, regardless of their composition, may not be ~~deposited-placed~~ on the levee crown, levee slopes, adjacent Seepage/Stability Berms, Levee Toe drains or relief wells, within any portion of the Levee Right of Way, or within the limits of a ~~project-f~~Floodway without ~~specific~~ prior approval of the ~~b~~Board.
- (b) Suitable dredged, spoil, or waste material may, upon Board approval, be ~~placed~~deposited on or against the landside levee slope ~~if the board determines that~~provided that the applicant submits evidence demonstrating that placement will not be detrimental to the safety of the levee.
- (c) Dredged materials ~~must~~shall be drained of excess moisture before being used as fill material, and shall have their moisture content controlled to the required limits to obtain proper compaction of the fill.
- (d) Dredged, spoil, or waste materials ~~may~~shall not be ~~deposited-placed~~ within the limits of ~~a~~the ~~s~~Stream channel, flood control project or other ~~f~~Floodway, or within a bypass area without ~~a determination by prior approval of the b~~Board, ~~as to the effect of the deposition regarding~~
(1) ~~the flood-carrying capacity of the stream channel, floodway, or bypass;~~ (2) ~~recreational and environmental factors;~~ and (3) ~~fish and wildlife.~~
- (e) All placement of non-hazardous dredged, spoil or waste material shall be done pursuant to all Board Standards and the approved Permit.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609, 8708, 8709 and 8710, Water Code

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

(a) The removal of earthen material and related activities within the limits of Board Jurisdiction ~~an adopted plan of flood control~~ are subject to the ~~provisions of these regulations~~ is division. The ~~b~~Board may limit borrow ~~and excavation~~ activities based on the ~~area's~~ geotechnical characteristics, hydraulics, hydrology, sediment transport, and history of the borrow sites. ~~The board~~ Restrictions on excavation and borrow outside the Levee Right of Way shall be applied. A critical area has been determined in Section 116 (b) (2) of these regulations within which any borrow may negatively impact the levee integrity. Borrow within the critical area may lead to removing impervious blanket layers leading to increased underseepage through the levee foundation. The Board normally prohibits borrow within the critical area, however the Board may waive specific requirements for borrow ~~or excavation~~ activities if the ~~p~~Permittee provides detailed geotechnical and hydraulic studies which the Board then deems ~~considers~~ sufficient to justify the waiver.

Borrow ~~and excavation~~ activities may ~~a~~ be allowed if:

- (1) The borrow activity ~~will~~ shall not change the underseepage requirements pursuant to EM 1110-2-1913.
 - (2) The borrow activity shall not cause an unplanned change of the ~~s~~SStream's ~~location~~ alignment;
 - (~~2~~3) The borrow activity shall not change the sediment transport downstream ~~will not change in from~~ a ~~manner~~ borrow area that produces or tends to produce increased flood or erosion ~~problems in concerns downstream of the borrow area~~; and
 - (~~3~~4) The activity is consistent with the overall flood control objectives for the area.
- (b) General requirements for all borrow permits include the following, unless other specific provisions for a specific area or ~~s~~SStream modify these requirements:
- (1) A geotechnical investigation is required before initiating any borrow activity within a leveed Floodway. The investigation shall determine if the proposed borrow activity would affect levee safety due to underseepage, stability, and/or erosion conditions.
 - (2) The minimum required distance for locating a borrow area within the leveed Floodway is three hundred (300) feet measured from the waterside Levee Toe. The minimum required distance for locating a borrow area on the landside is three hundred (300) to five hundred (500) feet from the landside Levee Toe. Lesser distances may be allowed if a seepage analyses performed by a licensed California Civil Engineer which demonstrates that the borrow configuration is stable and will not adversely impact the underseepage and stability characteristics of the adjacent levee.
 - (3) Material may not be removed within fifty (50) feet of the toe of any Spur Levee. Additional analysis shall be performed to verify stability and erosion conditions of the Spur Levee for removal of material outside fifty (50) feet.
 - (4) The side slopes of the perimeter of a borrow area may not exceed 5h:1v.
 - (5) The bottom of a borrow area that is seasonally dry and located within four hundred (400) feet of the landward Levee Toe shall be graded uniformly to be sloping away from the Levee Toe.
 - (6) Any levee crown or access ramp used to transport borrow material ~~must~~ shall be maintained by the permittee in the same or better condition as existed at the start of the borrow operation.
 - (A) A surveyed longitudinal profile of the existing levee crown roadway and access ramps to be utilized for access to the borrow area ~~must~~ shall be submitted to the ~~b~~Board prior to ~~any~~ excavation of borrow material.

(B) A surveyed longitudinal profile of the levee crown and access ramps utilized for access to the borrow area ~~must~~ shall be submitted yearly as well as upon abandonment of the borrow area.

(C) Upon order of the ~~b~~B~~oard~~, the ~~p~~P~~ermittee~~ shall restore a damaged levee and/or access ramp to the original profile.

~~(27)~~ Land and channel borrow material of any type may not be stored at any time:

~~(A) on a levee section or within ten (10) feet of either toe~~ on the Levee Right of Way.

~~(B) within ten (10) feet Seepage or Stability Berms toes, or relief well discharge/collection systems, or other landside levee appurtenances.~~

~~(38)~~ No land and channel borrow material may be stored in a manner that could destabilize a ~~riverbank, e.g., within thirty (30) feet of the top of bank~~ Waterside Berm. The applicant shall demonstrate that stability of the Waterside Berm and any adjacent levee are not impacted by the temporary storage of borrow material.

~~(49)~~ Periodic topographic surveys of the active borrow area and vicinity may be required.

~~(510)~~ All boundaries of an active borrow area ~~must~~ shall be delineated by steel posts or other permanent markers which are clearly visible.

~~(611)~~ Stockpiles of materials or the storage of equipment, unless securely anchored, downed trees or brush, and floatable material of any kind are not allowed within a ~~f~~Floodway during the ~~f~~Flood ~~s~~Season ~~as defined in Table 8-1.~~

~~(7) Excavation is not permitted within one hundred (100) feet of a levee toe or property line within the floodway.~~

~~(8) Material may not be removed within fifty (50) feet of the toe of any spur levee. A spur levee is a levee that protrudes into the floodway for the purpose of directing the flow of floodwater.~~

~~(912)~~ Channel or Waterside ~~b~~B~~erm~~ excavations are not permitted within a leveed ~~f~~Floodway where there is active erosion unless an engineering study demonstrates ~~that~~ the borrow removal will not exacerbate the erosion.

~~(10) The side slopes of the perimeter of a borrow area may not exceed three (3) feet horizontal to one (1) foot vertical.~~

~~(1113)~~ The upstream and downstream ends of a borrow area connected to ~~a the~~ Low Flow Water ~~e~~C~~hannel~~ shall be transitioned into the channel to prevent an abrupt change in streamflow velocity or cause an obstruction to the flow.

~~(12) The bottom of a borrow area that is seasonally dry and located within two hundred (200) feet of a levee toe shall be graded to be reasonably uniform with the gradient sloping towards the low water channel.~~

~~(1314)~~ When the borrow area is to be connected to the Low Water ~~water~~ eC~~hannel~~, excavation ~~must~~ shall start at the riverward edge of the borrow area and progress uniformly landward.

~~(1415)~~ The bottom elevation of any Waterside ~~b~~B~~erm~~ ~~excavation~~ borrow site may not be lower than the adjacent channel bottom without adequate setback from the channel. Five hundred (500) feet is generally considered an adequate setback.

~~(1516)~~ Dredging of material from channel waterways generally ~~must~~ shall be confined to the area beyond one hundred (100) feet of the toe of the bank. The slope of the borrow perimeter nearest the toe of the bank may not exceed ~~five (5) feet horizontal to one (1) foot vertical. Localized exceptions may require bank protection~~ 5h:1v. Localized exceptions may require bank protection. A limited waiver of above rule may be applied to shipping channels, if the

Board determines it is not detrimental to the safety of any adjacent levees. Additional seepage and stability analyses shall be performed to verify the integrity of the Levee Section near the borrow area.

~~(1617)~~ Before any borrow operation, including suction dredging, is permitted within one (1) mile of a bridge, a study ~~must~~ shall be submitted to show ~~that~~ the borrow operation will not adversely affect any of the bridge footings, piers, or bents.

~~(1718)~~ Before any borrow operation, including suction dredging, is permitted within one thousand (1,000) feet of any pipeline or cable crossing beneath the channel, or within one thousand (1,000) feet of a project control structure, e.g., a weir, a study ~~must~~ shall be submitted to show that the borrow operation will not adversely affect that facility. A study may be required for distances greater than one thousand (1,000) feet where deemed appropriate by the ~~b~~ Board.

~~(1819)~~ Any proposed borrow operation within one mile of a ~~s~~ State highway bridge ~~must~~ shall be approved by the California Department of Transportation.

~~(19) A geotechnical investigation is required before initiating any borrow activity within a leveed floodway. The investigation must determine if the proposed borrow activity would increase seepage beneath levees, or expose soils susceptible to erosion.~~

(c) If periodic inspections reveal that a borrow operation will adversely affect Board Jurisdiction ~~the adopted plan of flood control~~, additional ~~p~~ Permit conditions may be imposed, or the ~~p~~ Permit may be revoked.

(d) Excavations made within a Floodway that are not an approved borrow or dredging activities shall be backfilled in a manner consistent with local conditions. This requirement is generally satisfied by using suitable material and compacting to in conformance with Section 120(a)(12) of these regulations. Analyses will be required to confirm seepage, stability, and erosion conditions have not been impacted for either the density of the flood channel or adjacent undisturbed material. Compaction tests by a certified levee(s). Field density testing by an Approved Soils Testing Laboratory may be required. These requirements may shall be waived for minor excavations that would have no impact on the floodway required to confirm the minimum relative compaction of backfill. All disturbed surface features shall be completely restored to the original condition. This restoration shall include but is not limited to, sodding, seeding, surfacing, slope protection, and bedding restoration.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

Additional borrow standards have been established for the removal of material from the ~~f~~Floodway of the Yuba River. These additional standards supplement and, where in conflict with, supersede standards in ~~section~~Section 116 ~~of these regulations, Borrow and Excavation Activities—Land and Channel.~~

- (a) Material may not be removed within ~~three~~four hundred (~~300~~400) feet of the centerline of project and local levees of the Yuba River.
- (b) Material may not be removed within ~~three~~four hundred (~~300~~400) feet of the perimeter of any bank or levee protection work.
- (c) Between Daguerre Point Dam (approximately River Mile 11.4) and Cenedella Bend (approximately River Mile 4.1), material may not be removed within one thousand five hundred (1,500) feet of the top of the banks of the Yuba River.
- (d) The elevation of the bottom of the borrow area nearest the bank of the river may be no lower than ten (10) feet above the normal low-water elevation of the Yuba River (see Graph 8.1).
- (e) Existing borrow pits or depressions between the levee and ~~three~~four hundred (~~300~~400) feet landward of the levee centerline and adjacent to a proposed borrow area ~~must~~ shall be backfilled to within twenty (20) feet vertically of the levee crown by the ~~p~~Permittee of the proposed borrow area. The backfill ~~must~~ shall be placed in the ratio of one (1) cubic yard placed in the low areas to ten (10) cubic yards removed from the ~~f~~Floodway.
- (f) Material may not be removed from the area between nine hundred (900) feet upstream of the ~~Southern-Union~~ Pacific Railroad bridge (near River Mile 1.2) and the confluence of the Yuba and Feather Rivers.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section and graphic 8.1 filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

**Article 8
Standards**

**Section 118, Supplement Borrow Standards for the
Lower San Joaquin River Flood Control Project**

An additional borrow standard has been established for the removal of material from the ~~f~~Flood ways of the Lower San Joaquin River Flood Control Project. The additional standard supplements and, where in conflict with, supersedes standards in ~~s~~Section 116 of these regulations, ~~Borrow and Excavation Activities—Land and Channel~~.

(a) The supplemental standard requires that all Waterside ~~b~~Berm excavations ~~must~~shall connect to the channel, and the bottom of Waterside ~~b~~Berm excavations ~~must~~shall be sloped to drain away from the levee.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8608 and 8710, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

(a) Dams and structures that act as dams constructed in the channels of intermittent ~~s~~SStreams must meet the following criteria:

(1) A study shall be submitted to the ~~b~~Board confirming that the installation of a dam will not increase flooding outside of the ~~f~~Floodway or increase flood damages to third parties in the ~~f~~Floodway.

(2) Erosion control may be required on the bank or levee slopes upstream and downstream of the proposed dam.

(3) Earthfill, including sand, and rockfill dams must be completely removed from the ~~f~~Floodway prior to the beginning of ~~f~~Flood ~~s~~SSeason each year and may not be reinstalled prior to the end of ~~f~~Flood ~~s~~SSeason. (See Table 8.1.)

(4) All stanchions must be removed or lowered, and all flashboards and slide gates of a dam must be removed from the ~~f~~Flood-way prior to the beginning of flood season each year and may not be reinstalled prior to the end of ~~f~~Flood ~~s~~SSeason. (See Table 8.1.)

(5) The ~~p~~Permittee must remove or lower all stanchions and must remove the flashboards and slide gates of a dam within twenty-four (24) hours after receiving written notification from the ~~b~~Board.

(6) The ~~p~~Permittee must remove an earthfill or rockfill dam within ninety-six (96) hours after receiving written notification from the ~~b~~Board.

(7) Upon removal of an earthfill or rockfill dam, the material from the dam may not be stockpiled on the ~~L~~Levee ~~s~~Section, within 10 feet of the landward Levee Toe, or within the ~~f~~Floodway.

(8) The ~~p~~Permittee must provide warning signs upstream and downstream of a rockfill dam to protect boaters.

(b) Crop checks, ditch banks, ditch pads, road fills, and secondary levees installed within ~~f~~Floodways and bypasses may not be reinforced or revetted and must be limited to a height that will not impair the ~~f~~Flood-way capacity. Crop checks, ditch banks and ditch pads ~~are~~ limited to a maximum height of three (3) feet above the adjacent natural ground do not require a Permit.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

(a) Levees constructed, reconstructed, raised, enlarged, or modified within Board Jurisdictiona floodway shall be designed and constructed in accordance with ~~the U.S. Army Corps of Engineers~~ manual “Design and Construction of Levees” (EM 1110-2-1913 ~~dated March 31, 1978,~~ which is incorporated by reference) and USACE technical letter, “Design Guidance for Levee Underseepage” (ETL 1110-2-569) which is incorporated by reference) and as supplemented with the following standards:

(1) Levee construction or reconstruction shall be designed by a California registered civil engineer.

(2) An engineering analysis that evaluates levee embankment and foundation stability shall be submitted to the ~~b~~Board with the permit application. The analyses shall include the seepage and stability analysis, and must shall verify that the waterside and landside levee is/slopes are adequately designed and will be constructed to remain stable under all applicable loading conditions for “Case as per EM 1110-2-1913.

IV—Steady seepage from full flood stage” as defined in the Department of the Army manual, “Design and Construction of Levees” (EM 1110-2-1913), pp.6-6, 6-7.

(3) A detailed seepage and slope stability analysis, settlement analysis, using procedures such as those described in the Department of the Army manual, “Settlement Analysis” (EM 1110-1-1904, dated September 30, 1990, which is incorporated by reference), erosion analysis, wind setup, and wave runup analysis for the designed flood event mustshall be submitted to the ~~b~~Board.

(4) A copy of all geotechnical studies and tests used in the design determination of the levee shall be provided to the ~~b~~Board when applying for a permit.

(5) The applicant shall provide the ~~b~~Board with a permanent easement granting the Sacramento and San Joaquin Drainage District all flood control rights upon, over, and across the property to be occupied by the proposed flood control works. The easement ~~must shall~~ include the Levee Right of Way, as defined in Section 4 of these regulations, area within the proposed floodway, the levee section, and the area at least ten (10) feet in width adjacent to the landward levee toe if the area is not presently encumbered by a ~~b~~Board easement. The ~~b~~Board may require an easement over a larger area and over any property when it is foreseeable that the proposed activities subject to a permit would be injurious to or interfere with Board Jurisdictionanthe adopted plan of flood control.

(6) All drains and abandoned conduits shall be removed from the proposed construction site prior to start of construction. The voids left behind after removal of drains and abandoned conduits shall be backfilled with approved levee fill material and compacted to the standard as per Section 120(a)(12) of these regulations.

(7) Prior to construction or enlargement of ~~thean~~ embankment or Berm, all holes, depressions, and ditches in the foundation area shall be backfilled ~~andwith~~ Embankment Material compacted to meet the requirements in Section 120(a)(12) of these regulations. Field density equaltesting by an Approved Soils Testing Laboratory will be required to thatconfirm the minimum relative compaction of the backfill within or adjacent undisturbed material. to a levee and/or Berm.

(8) Prior to construction or enlargement of either the embankment or Seepage/Stability Berms, all surface vegetation shall be removed from the area to receive fill ~~to a.~~ The depth of stripping is determined by local conditions and normally varies from six (6) to twelve (12) inches. Organic soil and roots one and one-half (1-1/2) 1/2 inches in diameter or larger, shall

be removed to a depth of at least three (3) feet from the area to receive fill ~~to a depth of three (3) feet.~~

(9) An inspection trench shall be excavated to a minimum depth of six (6) feet beneath levees being constructed or reconstructed to a height of six (6) feet or greater. If necessary to ensure a satisfactory foundation, the depth of the inspection trench may be required to exceed six (6) feet.

(A) ~~The minimum depth of an inspection trench excavated beneath levees~~ If the levee to be constructed or reconstructed is less than six (6) feet in height, the depth of the inspection trench beneath the levee must shall be at least equal to the levee height ~~of the design water surface above natural ground adjacent to the levee.~~

(B) The inspection trench ~~must shall~~ have a minimum bottom width of twelve (12) feet, and the side slopes ~~must shall be one (1) foot horizontal to four (4) feet vertical~~ 0.25h:1v, or flatter if required for workers safety.

(C) The centerline of the inspection trench shall be located approximately under the outer edge of the shoulder of the waterside levee crown.

(10) When subsurface explorations ~~disclose~~ indicate a shallow pervious substratum underlying ~~a the~~ levee to be constructed or reconstructed, ~~a cutoff where practical the~~ inspection trench must shall be excavated deepened to penetrate at least two (2) feet into an ~~impervious underlying low permeability stratum, where practical.~~

~~(11) Cutoff. If this is not practical, other seepage control measures such as seepage Berms, relief trenches shall have a minimum bottom width of twelve (12) feet and the side slopes, relief wells, and/or cutoff walls shall be one (1) foot horizontal to four (4) feet vertical, or flatter constructed.~~

~~(12) Impervious~~ (11) Embankment m Material, with ~~twenty (20) one-hundred percent or more of its (100) percent passing the two (2) inch sieve and at least thirty percent (30) percent passing the No. 200 sieve, and having a~~ with plasticity index ~~of between~~ eight (8) ~~or more,~~ and ~~having a forty (40) and~~ liquid limit of forty five (45) or less ~~than (50), must shall~~ be used for construction of new levees and the reconstruction of existing levees. The saturated unit weight shall be at least 112 pcf. Lumps and/or clods shall be completely broken down during the moisture conditioning and compaction operations. The fill shall not contain more than two (2) percent organic matter or other unsatisfactory materials. Special construction details (e.g., ~~4:1~~ 4h:1v slopes) may be substituted where these soil properties are not readily attainable. Where the design of a new levee structure utilizes zones of various materials or soil types, the Embankment Material fill requirements of this subdivision do not apply.

~~(13) Fill material must be placed in four (4) to six (6) inch layers and compacted with a sheepsfoot roller, or equivalent, to a relative compaction of not less than ninety (90) percent per ASTM D1557-91, dated 1991, which is incorporated by reference and above optimum moisture content, or ninety seven (97) percent per ASTM D698-91, dated 1991, which is incorporated by reference and at or above optimum moisture content.~~

~~(14) Fill material~~ (12) Embankment Materials used for either new embankment construction or placed as backfill within an existing levee embankment shall be constructed in compacted horizontal lifts no greater than six (6) inches in thickness. The fill shall be compacted to either a minimum ninety seven (97) percent Standard Proctor dry density according to ASTM D698 or minimum ninety (90) percent Modified Proctor dry density according to ASTM D1557. Moisture control limits are to be within minus two (-2) percent to plus two (+2) percent of optimum and zero (0) percent to plus four (+4) percent of optimum for ASTM

D698 and ASTM D1557, respectively. Compaction of materials placed outside the projected levee slopes (3h:1v both landside and waterside) shall be compacted to a minimum ninety (90) percent Standard Proctor dry density according to ASTM D698 or a minimum eighty eight (88) percent Modified Proctor dry density according to ASTM D1557 unless otherwise directed. Moisture control limits are to be with minus two (-2) percent to plus two (+2) percent of optimum and zero (0) percent to plus four (+4) percent of optimum for ASTM D698 and ASTM D1557, respectively. Fill materials placed outside the levee/Berm limits as described in other paragraphs of this document can consist of either Embankment Materials or native excavated soils. Where zoning of the levee and/or Berms permit the use of pervious material, it shall be placed in maximum six (6) inch thick layers in a manner that will prevent segregation. Compaction shall be performed to a minimum of seventy (70) percent relative density according to ASTM Test D2049. The moisture content shall be controlled to achieve the required minimum relative density.

(13) Fill material placed within two (2) feet of a structure ~~must shall be compacted by appropriate hand-operated compaction equipment~~ meet all requirements for Embankment Material but shall also possess low expansion potential characteristics to avoid damage to structures.

~~(15) Levee fill material must be free of stones or lumps exceeding three (3) inches in greatest dimension, and must be free of vegetative matter or other unsatisfactory material.~~

~~(16) Fill material~~ (14) Fill material may only be placed within the area indicated on the submitted plans.

~~(17) Fill on levee slopes must be keyed into the existing levee section whenever there is substantial fill, as determined by the board~~ (15) Fill placement on the existing levee slope shall be keyed and benched into the levee slope. The benches shall extend into the firm soil and shall have minimum width as required by the equipment, and minimum depth of two (2) feet, and shall extend the full length of the slope. Each fill layer placed on a levee slope shall be less than six (6) inches thick.

~~(18) Each layer of fill material applied on a levee must be keyed into the levee section individually in four (4) to six (6) inch layers.~~

~~(19) Density tests by a certified soils~~ (16) Field density testing by an Approved Soils Testing Laboratory will be required to ~~verify~~ confirm the minimum relative compaction of levee embankment fill and trench backfill. Embankment Material index properties and strength/permeability tests shall also be performed as necessary to verify material suitability.

~~(20) Existing ditches, power poles, standpipes, distribution boxes, and other above-ground structures located within twenty (20) ten (10) feet of the landside Levee Toe, or fifteen (15) feet of the waterside Levee Toe, must shall be relocated a minimum distance of ten (10) feet beyond the outside of the Levee Right of Way. The required distance for relocation of ditches shall be determined based on underseepage analyses by a California Licensed Engineer.~~

~~(21) Pipelines (but not pipeline crossings) located alongside and within ten (10) feet of the Levee Toes must shall be relocated a minimum distance of ten (10) feet beyond the outside of the Levee Right of Way toe.~~

~~(22) Construction work of any type may not be done on levees or within the Floodway during the Flood Season (see Table 8.1) unless authorized by the Executive Officer or Chief Engineer pursuant to Section 112 of these regulations.~~

(~~23~~20) The areas adjacent to the levee ~~must~~ shall drain away from the actual or projected ~~Levee~~ toes for a minimum distance of ten (10) feet.

(~~24~~21) The finished slope of any project levee construction or reconstruction ~~must~~ shall be ~~three (3) feet horizontal to one (1) foot vertical~~ 3h:1v, or flatter, on ~~the both~~ both waterside and ~~two (2) feet horizontal to one (1) foot vertical, or flatter, on the~~ landside of the levee slopes.

(~~25~~22) The finished slope of any bypass levee ~~must~~ shall be ~~four (4) feet horizontal to one (1) foot vertical~~ 4h:1v, or flatter, on the waterside and ~~three (3) feet horizontal to one (1) foot vertical~~ 3h:1v, or flatter, on the landside. ~~of the levee.~~

(~~26~~23) An existing ~~Levee~~ Section being reconstructed, realigned, or otherwise altered, and having ~~encroachments~~ encroachments that are located within the levee that are to be replaced or changed, ~~must~~ shall have detailed plans of the proposed ~~encroachment~~ encroachment changes approved by the ~~Board~~ Board prior to start of construction.

(~~27~~24) The ~~Board~~ Board may require the modification, as necessary, of existing pipelines within a ~~Levee~~ Section that is being raised to ~~accommodate~~ accommodate a higher design water surface elevation in order to prevent seepage along the pipeline and to prevent backflow through the pipeline during the design event.

(~~28~~ A25) Within 120 days upon completion of any levee project, a set of "as constructed" drawings, stamped and signed by a California registered civil engineer, of any levee project shall be submitted to the Board, the department and the Corps of Engineers upon completion of the project.

(~~29~~26) Stone ~~Revetment~~ Revetment may be required on levee slopes where turbulence, flow, or wave action may cause erosion.

(~~30~~27) Grasses or other approved ground covers may be required on levee slopes.

(~~31~~28) The minimum crown width of a levee is normally twelve (12) feet on ~~Minor~~ Minor ~~Streams~~ Streams and twenty (20) feet on ~~Major~~ Major ~~Streams~~ Streams. The levee crown width for a levee on a specific ~~Stream~~ Stream is defined by the project document and/or operations manual in current use and ~~must~~ shall be consistent with minimum width requirements of existing levees on the specific ~~Stream~~ Stream.

(~~32~~29) A levee having a crown width of fifteen (15) feet or less ~~must~~ shall have vehicular turnouts at approximately two thousand-five hundred (2,500) foot intervals if there is no existing access ramp within that distance.

(~~33~~30) As used in this sub-section, the term "approved risk-based analysis" means an analysis which uses simulation modeling of river discharge versus probability of occurrence, river stage versus river discharge estimates, and river stage versus flood damage estimates and accounts for uncertainty in these functions to determine the performance of a proposed flood control feature.

(A) All levees to be constructed or reconstructed ~~must~~ shall have a minimum of three (3) feet of freeboard above the ~~Design~~ Design ~~Flood~~ Flood ~~Plane~~ Plane, or a ~~Crown~~ Crown ~~Elevation~~ Elevation no lower than designed using an approved risk-based analysis.

(B) All bypass levees to be constructed or reconstructed shall have a minimum of five (5) feet of freeboard above the Design Water Surface Elevation, or a Crown Elevation no lower than designed using an approved risk-based analysis.

(B) Unless designed using an approved risk-based analysis, the design freeboard of a levee to be constructed or reconstructed ~~must~~ shall be appropriately increased when any of the following conditions exist:

(i) High velocity streamflow.

- (ii) Excessive wave action.
 - (iii) Excessive hydrologic, hydraulic, or geotechnical uncertainty in the levee design parameters.
 - (iv) Climate changes.
- (C) Unless designed using an approved risk-based analysis, levees within one hundred (100) feet of a bridge, or other structure which may constrict floodflows, ~~must~~ shall have one (1) foot of additional freeboard.
- (b) Unreinforced pavement is not permitted on levee slopes. Reinforced pavement shall be constructed per Section 132(b)(5) or these regulations and shall withstand a maximum load of 68,000 pounds from two consecutive sets of tandem axles.
- (c) Pavement for roadways and similar uses may be ~~is~~ permitted within ten (10) feet of the ~~Levee~~ toes.
- (d) Pavement within ten (10) feet of the landside ~~Levee~~ Toe ~~shall~~ must have appropriate features ~~to that~~ intercept seepage and prevent particle migration.
- (e) Levee seepage control facilities (e.g., toe drains and toe ditches) ~~must~~ shall meet the following requirements:
- (1) The seepage control facilities ~~must~~ shall be designed by a California registered civil engineer.
 - (2) All studies and calculations relating to design and maintenance of the seepage control facility ~~must~~ shall be submitted to the ~~b~~ Board with the permit application.
 - (3) ~~The appropriate rights-of-way~~ A ten (10) foot setback for the seepage control facilities ~~must~~ shall be included in the levee easements.
- (f) See Figure 8.01 for illustrated details, dimensions, and terminology for levees and ~~f~~ Floodways.
- (g) If a proposed project which includes levee improvements would result in substantial residential development within an area that without the levee improvements would be subject to the Federal Emergency Management ~~Agency's~~ Agency's regulatory 100-year flood-plain constraints, the ~~b~~ Board may require the ~~p~~ Permittee to mitigate for any increased average annual flood damage by increasing the required level of flood protection provided by the ~~levee improvement~~ proposed project, up to and including the Standard Project Flood.

Note:

Authority cited: Section 8571, Water Code

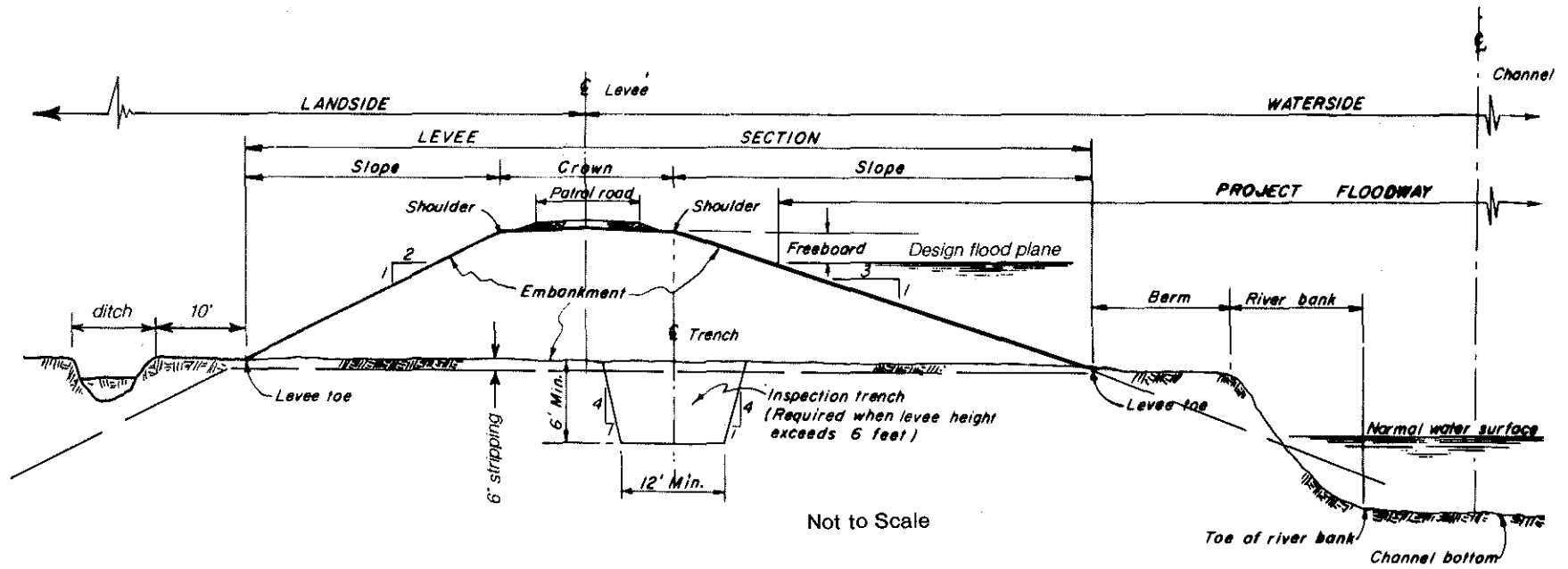
Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section and figure 8.01 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment of subsections (a)(5) and (a)(22) filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).

Typical Floodway Looking Downstream



Left Side

Right Side
(similar to left side)

ITEM	MINIMUM DIMENSIONS OF STANDARD LEVEE SECTIONS			
	MAIN RIVER CHANNELS	MAJOR TRIBUTARIES	MINOR TRIBUTARIES	BY PASSES
CROWN WIDTH	20'	20'	12'	20'
LAND SLOPE	1 on 2	1 on 2	1 on 2	1 on 2
WATER SLOPE	1 on 3	1 on 3	1 on 3	1 on 3
FREEBOARD	3' ⁽¹⁾	3'	3'	4' to 6'
PATROL ROAD WIDTH	12'	12'	10'	12'
NOTE (1) 5 Feet on Main Channel below Cache Slough (Sacramento River)				

(a) Quarry stone, cobblestone, or their equivalent may be used for erosion control along ~~rivers~~ and ~~s~~Streams if the material meets the criteria below. Typical sections delineating methods of placement and dimensions of ~~r~~Revetment using rock and sacked concrete are shown in Figures 8.02 and 8.03.

(1) Bedding materials ~~must be placed~~ may be required under the stone protection at locations where the underlying soils require such material for stabilization, considering such factors as tidal fluctuation, wave action, and streamflow velocity.

(2) Cobblestone protection shall be placed on prepared slopes of ~~three (3) feet horizontal to one (1) foot vertical or flatter~~ 34h:1v or flatter. Quarry stone (durable stone with angular shape), cobblestone (durable stone with rounded shape), or their equivalent may be used for erosion protection along Streams if the material meets the criteria below. A typical section delineating method of placement and dimensions of ~~r~~Revetment are shown in Figure 8.02.

(3) Cobblestone protection, having acceptable cobblestone gradations, may be used where streamflow velocities ten (10) feet from the bank do not exceed eight (8) feet per second.

(4) Quarry stone protection ~~must~~ shall be placed on prepared slopes steeper than ~~three (3) feet horizontal to one (1) foot vertical~~ 34h:1v.

(5) Quarry stone protection, meeting required gradations and sizes, may be used at locations where streamflow velocities ten (10) feet from the bank do not exceed twelve (12) feet per second.

(6) Required gradations of cobblestone and quarry stone are as follows:

Cobblestone		Quarry stone	
Stone Size	Percent Passing	Stone Size	Percent Passing
15"	100	15"	100
10"	55 to 95	8"	80 to 95
8"	35 to 65	6"	45 to 80
6"	10 to 35	4"	15 to 45
3"	1 to 5	2"	0 to 15

(7) Graded cobblestone and quarry stone ~~must~~ shall be placed in a manner which avoids segregation.

(8) Where streamflow velocities ten (10) feet from the bank exceed twelve (12) feet per second, special cobble or quarry stone gradation is required. Flow retarding structures, such as retards, wing dams, and rock groins may be permitted at these high streamflow velocity sites.

(9) Alternative bank protection materials may be permitted by the ~~b~~Board. Possible alternatives include but are not limited to: sacked concrete~~;~~, broken concrete free of projecting reinforcing steel~~;~~, reinforced concrete~~;~~ ~~precast~~, and proprietary grout filled mattresses, proprietary cable fixed concrete~~-cribbing~~~~;~~, block units, biotechnical treatments, and stone~~-~~filled gabion baskets. If proposed, a complete design shall be submitted to the Board verifying the use of these alternatives along with the corresponding environmental impact.

(10) Broken concrete used for levee ~~r~~Revetment may be no larger than sixteen (16) inches at its maximum dimension and may contain only cement, sand and aggregate material.

- (11) Asphalt or other petroleum-based products ~~may~~ shall not be used either as fill or as erosion control on a ~~L~~evee ~~s~~Section or within a ~~f~~Floodway.
- (12) The minimum thickness of ~~r~~Revetment is eighteen (18) inches perpendicular to the bank or levee slope below the usual water surface and twelve (12) inches above the usual surface.
- (13) Revetment ~~must~~ shall be uniformly placed and properly transitioned into the bank, levee slope, or adjacent ~~r~~Revetment.
- (14) Quarry Stone shall be placed in such a manner as to be launchable (refer to EM 1110-2-1601) if bank erosion is anticipated to occur under the placed stone.
- (b) When ~~r~~Revetment is proposed by an applicant but not required by the ~~b~~Board, the standards relating to ~~r~~Revetment bedding, gradation, size, shape, and thickness are recommended but not required.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section and figures 8.02 and 8.03 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Erosion Control - Rock

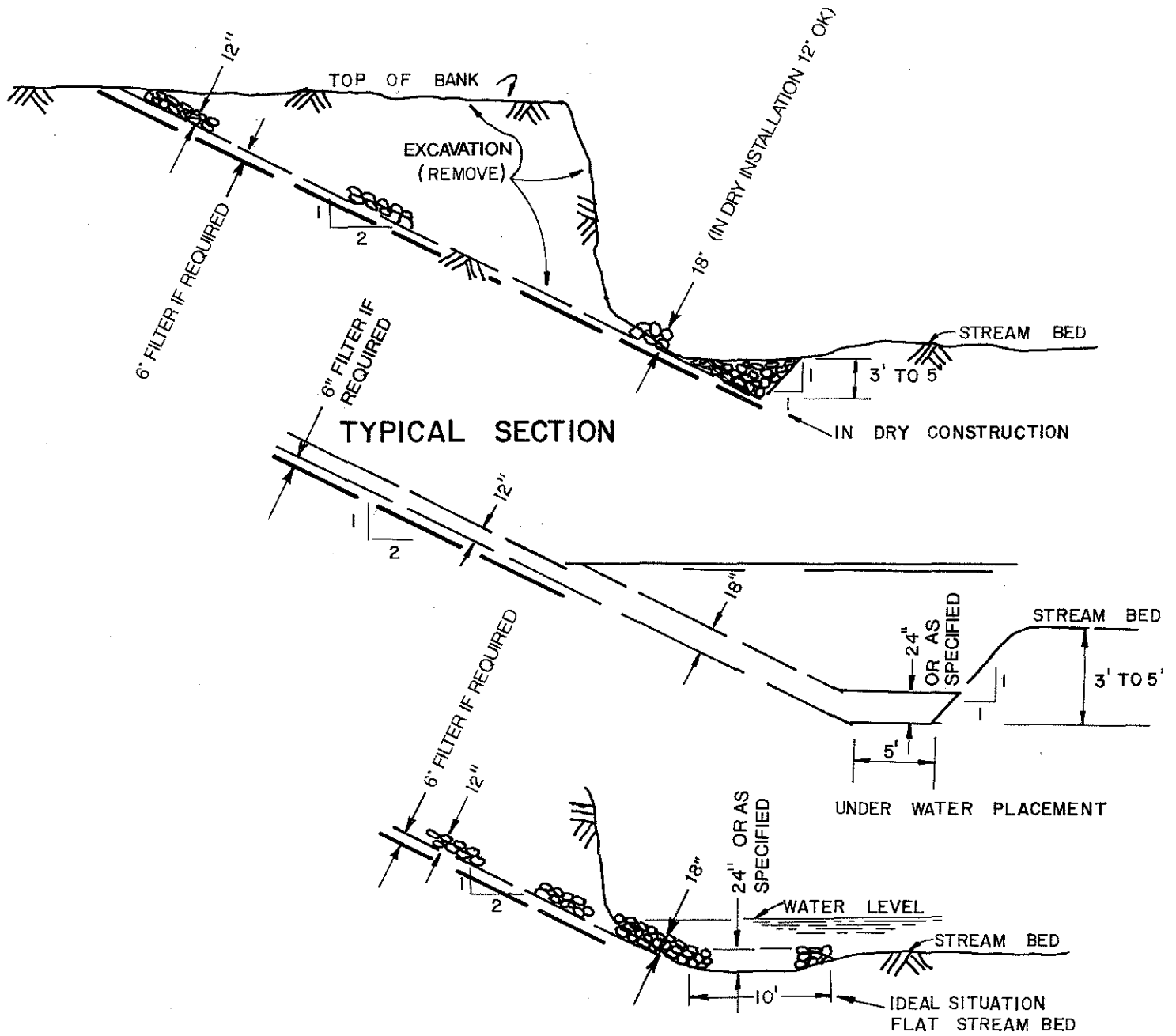


Figure 8.02

Sacked Concrete

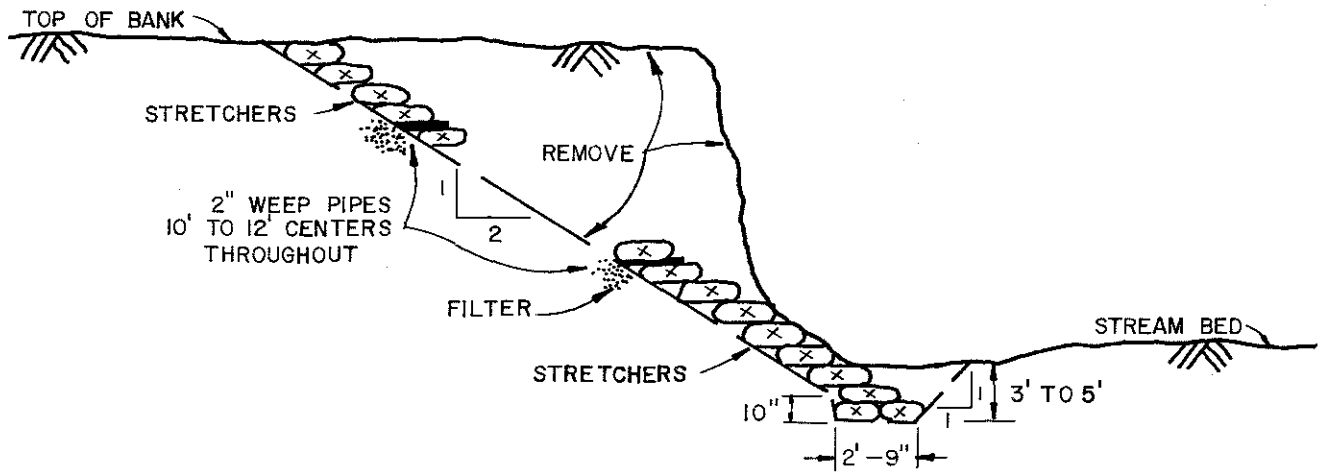


Figure 8.03

- (a) Irrigation ditches, drainage ditches, detention/retention ponds, and similar facilities must satisfy the following criteria:
- (1) All ditches must be located at least ten (10) feet from the ~~Levee~~ Toe, seepage berm toe, stability berm toe, or relief well discharge/collection system.
 - (2) The bottom of any ~~agricultural-unlined~~ ditch must be located above ~~the~~ a projected ~~levee 10h:1v slope projected from the toe of the levee~~ slope projected from the toe of the levee slope. ~~Accordingly, a deep ditch may need~~ Appropriate seepage modeling shall be performed to be located farther than verify the minimum ten (10) feet from excavation does not result in a configuration whereby the levee toe. (See Figure 8.01.) and/or berm do not meet allowable design criteria.
- (b) Tile drains, septic systems, and similar facilities must satisfy the following criteria:
- (1) ~~All~~ Tile drains, septic tanks, or leach fields systems, and similar facilities must be designed to maintain levee safety for all seepage and stability conditions and must be located at least ten (10) feet from the ~~Levee~~ Toe. Where other alternatives for location/features exist, these improvements shall be avoided within at least fifty (50) feet from the landside Levee Toe.
 - (2) The bottom of any tile drain, septic tank, or leach field must be located above ~~the~~ a projected ~~10h:1v levee~~ slope projected from the toe of the levee slope. Appropriate seepage modeling shall be performed to verify the excavation does not result in a configuration whereby the levee and/or berm do not meet allowable design criteria.
 - (3) Positive closure valves may be required on a tile drain pipeline to prevent backflow.

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8608 and 8710, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

(a) The following definitions apply to this Section:

(1) ~~Delta Lowlands.~~ “Delta Lowlands” means those lands within the Sacramento–San Joaquin Delta that are approximately at the five- (5) foot contour and below as shown in Figure 8.04.

~~(2) Delta Uplands. “Delta Uplands” means those lands within the Sacramento–San Joaquin Delta that are above the five- (5) foot contour as shown in Figure 8.04.~~

(b) Pipelines, conduits, utility lines, and appurtenant structures ~~shall~~must conform to the following general criteria:

(1) The invert of pressurized pipelines shall be above the design water surface elevation with a positive closure structure at the waterside edge of the levee crown, accessible during high water. The location of the closure structure of the pressurized pipelines, particularly the gas lines shall be clearly marked in the field. The pressurized pipe backfill shall be either compacted fill, flowable fill, or controlled low strength materials (CLSM). The flowable fill, or CLSM shall have the requirements as per Section 123(c)(16) of these regulations.

(2) Gravity pipelines may be allowed to penetrate the Levee Section, and shall be equipped with a sluice gate at the waterside edge of the crest and a flap gate at the waterside outlet. A flap gate is not a positive closure device.

(3) Drainage structures from pump stations may be allowed with the same criteria as gravity pipes. No anti-seepage collars shall be allowed; however, eighteen (18) inch thick drainage layer shall be placed around the landside one third (1/3) of the length of the gravity pipes in accordance to EM 1110-2-2902.

(4) All pressurized pipelines shall be outside the slope of the design levee prism. Pressurized pipelines shall be provided with a minimum 12 inches of soil cover locally on the levee slope which shall be transitioned horizontally to 10:1 slopes (see Figure 8.05, new fig. needed).

(5) The minimum cover for the pressurized pipelines, conduits, and utility lines installed through the Levee Section is twenty four (24) inches. If it becomes necessary to increase the height of the levee crown to provide minimum cover, the longitudinal slope of the crown shall be a minimum of 10h:1v. Where twenty four (24) inches of cover is not practical, a concrete or other engineered cover is required (see Figure 8.05, new fig. needed).

(6) Pipelines, conduits, utility lines, utility poles, and appurtenant structures may~~shall~~ not be installed within the ~~Levee~~ Right of Way~~section, within ten (10) feet of levee toes, or within the Floodway during the Flood Season unless authorized by the General Manager/Executive Officer based on reservoir levels, stream levels, and forecasted weather conditions on a case-by-case basis, pursuant to section~~ Section 112 of these regulations.

(7) Appurtenant structures such as standpipes, utility poles, distribution boxes, guy wires, and anchors, but not including siphon breakers, are generally not permitted in or below the levee crown, on the levee slopes, or within ten (10) feet of the Levee Right of Way levee toes. Appurtenant structures may be permitted where they will not interfere with levee ~~m~~Maintenance Activities or flood fight activities.

(8) Appropriate, visible markers acceptable to the Local ~~m~~Maintaining a Agency ~~may~~shall be required to identify the location of buried pipelines, conduits, and utility lines. A siphon breaker or other visible appurtenance may be considered an acceptable marker for the attached buried line. Markers ~~must~~ shall be made of durable, long lasting, fire-resistant material, and ~~must~~ shall be maintained by the ~~p~~Permittee until the pipeline, conduit or utility line is properly removed or abandoned.

- (49) Pipelines, conduits, and utility lines that pose a threat or danger to levee maintenance or flood fight activities, such as high-voltage lines, gas lines, and high pressure fluid lines, ~~must~~ shall be distinctively labeled to identify the contents.
- (5) ~~Buried high-voltage~~ 10) Electrical lines of greater than twenty-four (24) volts are required to be protected with schedule 40 PVC conduit, or equivalent ~~encased in concrete or equivalent, and be placed above the design water surface elevation.~~
- (611) Overhead electrical and communication lines ~~must~~ shall have a minimum vertical clearance above the levee crown and access ramps of twenty-one (21) feet for lines carrying 750 volts or less, and twenty-five (25) feet for lines carrying higher voltage.
- (712) Fluid- or gas-carrying pipelines ~~installed~~ parallel to a levee ~~must~~ shall be installed outside of the Levee Right of Way. a minimum distance of ten (10) feet from the levee toe and, where practical, may not encroach into the projected levee slope.
- (138) Low-voltage electrical or communication lines of twenty-four (24) volts or less may be installed parallel to a levee, ~~and within~~ but beyond ten (10) fifteen (15) feet of the levee toe when it is demonstrated to be necessary and to not interfere with the integrity of levee, levee maintenance, inspection, or flood fight procedures.
- (14) No other conduits parallel to the levee within the Levee Right of Way are allowed.
- (915) The ~~b~~ Board ~~may~~ shall require the applicant to have any pipelines, conduits, utility lines and appurtenant structures designed by a California registered civil engineer.
- (e16) All Permits for pressurized pipelines installed through the Levee Section shall have a 10-year end-date. The Permittee shall be required to re-apply to extend the Permit for another 10-year period. Removal of pressurized pipelines prior to the Permit end-date shall be carried out pursuant to Section 124 of these regulations.
- (17) All pipelines, conduits, and utility lines installed in the within the Levee Right of Way shall be annually pressure tested against a benchmark or baseline test.
- (18) All pipes and structures related to the piping system (e.g. sumps, distribution boxes, etc.) shall be analyzed during design for uplift based on hydraulic gradients determined pursuant to EM 1110-2-1913.
- (19) Plastic pipe is not allowed within the Levee Section or foundation unless it is encased in concrete and approved by USACE pursuant to EM 1110-2-1913.
- (c) Pipelines, conduits, and utility lines installed within the ~~f~~ Floodway ~~must~~ shall conform to the following additional conditions:
- (1) Pipelines, conduits, and utility lines installed within the ~~f~~ Floodway ~~must~~ shall ~~have a be buried with a depth of cover as determined by a scour analysis performed by a California registered civil engineer. m~~ Minimum covers of five (5) feet beneath the low-water channel, and ~~a minimum of two (2) feet in the remaining area of the f~~ Floodway are required. A greater depth of cover may be required in the remaining area of the f Floodway based upon the feasibility of achieving the required cover or local soil stability and channel hydraulics.
- (2) Open-trench backfill to cover pipes ~~must~~ shall be placed in a manner consistent with ~~f~~ Floodway characteristics such as erosion, deposition, and streamflow velocities. This requirement is generally ensured by using suitable material and compacting to at least the density of ~~adjacent undisturbed material. Compaction tests~~ eighty eight (88) percent as per ASTM D1557 with the above optimum moisture content. Field density testing by a certified an Approved Soils Testing Laboratory ~~may~~ shall be required to confirm the minimum relative compaction of trench backfill.

(3) ~~In general, any standard~~Standard material ~~may given in Section 123(f) of these regulations~~ shall be used for pipelines or conduits to be installed within the ~~floodway~~ ten (10) feet or more ~~from waterward of the waterside~~ Levee toe or the ~~Projected Levee slope~~ Toe.

(4) All debris that accumulates around utility poles and guy wires within the ~~floodway~~ must shall be completely removed following the ~~flood~~ Season and immediately after major accumulations.

~~(5) Pipelines and conduits which are open to the waterway and which could cause flood damage from uncontrolled backflow during the design flood event shall have a readily accessible positive closure device. A flap gate is not a positive closure device.~~

(d) Pipelines, conduits, and utility lines installed through a levee ~~must~~ shall conform to the following additional conditions:

(1) The installation of ~~a fluid or gas carrying pipeline~~ pipelines parallel to the levee and within the Levee Right of Way section or within ten (10) feet of the toe parallel to the centerline is not permitted.

(2) Pipelines, conduits, and utility lines ~~must~~ shall be installed through a levee as nearly at a right angle to the levee centerline as practical.

(3) Buried pipelines, conduits, and utility lines that do not surface near the Levee toes ~~must~~ shall have location markers near both Levee toes.

(4) Buried pipelines, conduits, and utility lines that cross the levee at right angles ~~must~~ shall have a location marker located on the levee slope adjacent to either shoulder.

(5) Buried pipelines, conduits, and utility lines that cross the levee at other than right angles ~~must~~ shall have location markers on the levee slopes adjacent to each shoulder.

(6) Pressurized ~~P~~pipelines ~~carrying gas or fluids under pressure~~ ~~must~~ shall be confirmed free of leaks during construction by pressure tests, X-ray, or equivalent methods, and ~~must~~ shall be tested anytime any time after construction upon request of the ~~b~~ Board.

~~(7) Pipelines carrying gas or fluids under pressure must have a readily accessible rapid closure device located within ten (10) feet of the landside levee toe.~~

~~(8) Pipelines and conduits open to the waterway must have a readily accessible positive closure device unless it can be demonstrated it is not necessary. A flap gate is not a positive closure device.~~

~~(9) The side slopes~~ slope of trenches excavated for the installation of pipelines, conduit, or utility lines ~~may be no steeper than one (1) foot horizontal to one (1) foot vertical. The following are exceptions to this maximum slope requirement:~~ shall be constructed in accordance with the OSHA Technical Manual.

~~(A) For shallow installations above the flood plane, e.g., twelve (12) inches, vertical side slopes may be allowed.~~

~~(B) For that portion of the trench above the design freeboard, vertical side slopes may be allowed.~~

~~(10)~~ (8) The bottom width of trenches excavated for the installation of a pipeline, conduit, or utility line ~~must~~ shall be two (2) feet wider than the diameter of the pipeline or conduit, or two (2) times the pipe diameter, whichever is greater, unless CLSM is used.

~~(11) The minimum cover for pipelines, conduits, and utility lines installed through the levee crown is twenty-four (24) inches. If it becomes necessary to raise a levee crown to provide minimum cover, the longitudinal slope of the crown must be a minimum of ten (10) feet horizontal to one (1) foot vertical. Where twenty-four (24) inches of cover is not practical, a concrete or other engineered cover is required.~~

~~(12) The minimum cover for pipelines, conduits, and utility lines installed within the levee slope is twelve (12) inches. Where the installation will not interfere with levee maintenance or flood fight activities, it may not be necessary to bury the line within the levee slopes.~~

~~(13) When practical, pipelines, conduits, and utility lines installed within a levee section must be separated from parallel pipelines, conduits, and utility lines by a minimum of twelve (12) inches, or the diameter of the largest pipeline, conduit, or utility line, whichever is larger, to a maximum of thirty-six (36) inches.~~

~~(14) When practical, pipelines~~(9) Pipelines, conduits, and utility lines ~~must~~shall have a minimum vertical spacing of six (6) inches when crossing other pipelines, conduits, or utility lines.

~~(15) A siphon breaker with a protective housing may be required and must be installed off the levee crown roadway where it will not interfere with levee maintenance.~~

~~(16)~~(10) Pipelines, conduits, and utility lines installed parallel to each other within a Levee Section mustshall be separated by a minimum horizontal spacing of twelve (12) inches, or the diameter of the largest pipeline, conduit, or utility line, whichever is larger, unless CLSM is used.

(11) Pipes passing over or within the freeboard zone of a levee shall be limited to coated steel. Pipes over the levee shall require a siphon breaker and a positive closure device at the waterside edge of the levee crest.

~~(12) Underground~~Electrical and communication lines installed ~~through a levee or within the Levee Right of Way ten (10) feet of a levee toe must~~shall be encased in concrete or CLSM.~~schedule 40 PVC~~a conduit or equivalent. Low voltage lines (24 volts or less) and fiber optic cable may be allowed without conduit if properly labeled.

~~(17) A standard reinforced concrete U-wall for levee erosion protection is required at the outlet end of a pipeline or conduit discharging within ten (10) feet of a levee toe. See Figures 8.05 and 8.06 for U-Wall design criteria.~~

~~(18)~~(13) Existing levee erosion protection ~~must~~shall be restored by the ~~p~~Permittee if it is damaged during the installation of a pipeline, conduit, or utility line.

~~(19)~~(14) The ~~p~~Permittee ~~must~~shall replant or reseed levee slopes to restore sod, grasses, or other non-woody ground covers that are destroyed or damaged during the installation of a pipeline, conduit, or utility line.

~~(20)~~(15) Within the ~~Levee section or within ten (10) feet of levee toes~~Right of Way, any excavation for the installation of a pipeline, conduit, or utility line ~~must~~shall be backfilled in ~~four (4) to six (6) inch layers with approved material and compacted to a relative compaction of not less than ninety (90) percent, per ASTM D1557-91, dated 1991, which is incorporated by reference and above optimum moisture content or ninety-seven (97) percent, per ASTM D698-91, dated 1991, which is incorporated by reference and at or above optimum moisture content. Compaction tests by a certified soils laboratory will be required to verify compaction of backfill within a levee.~~less than six (6) inch layers with approved material and compacted as per Section 120(a)(12) of these regulations, unless CLSM is used.

~~(21) Boring a pipeline or conduit through a levee is permitted if the following additional conditions are met:~~

~~(A) The invert of the pipeline or conduit~~(16) CLSM shall have a minimum unit weight between 90 and 110 pcf, maximum 28-day compressive strength of 500 pounds per square inch (psi), and a minimum 28-day compressive strength of 30 psi.

~~must be located at least three (3) feet above the design flood plane.~~

~~(B)(17)~~ The pipeline or conduit must be butt-welded or equivalent. ~~Polyethylene pipes may be used as provided in subdivisions (f)(4)(A), (f)(4)(B), and (f)(4)(C) of this section.~~

~~(C) The pipeline or conduit must be installed by the bentonite boring method or equivalent. The bentonite boring method uses an auger followed by a pipe with multiple port openings through which a bentonite slurry is pumped to ensure sealing of any voids resulting from the boring process.~~

(e) Pipelines, conduits, and utility lines may be installed by the open cut-method through a levee below the ~~d~~Design Flood-plane Water Surface Elevation, or within the levee foundation under the following conditions:

(1) One or more of the following conditions must apply:

(A) The pipeline, conduit, or utility line will be maintained by a public agency with a history of good maintenance based upon annual maintenance or inspection reports.

(B) The levee is designed to withstand a depth of less than six (6) feet of water measured with respect to the elevation of the landside levee toe.

(C) The levee is designed to withstand a depth of less than twelve (12) feet of water measured with respect to the elevation of the landside levee toe and provides flood protection for a rural area, or an area where the board anticipates little future urban development.

(2) Pipelines open to the waterway ~~must-shall~~ be a minimum of thirty ~~(30)~~six (36) inches in diameter, and ~~must-shall~~ have a readily accessible positive closure device installed on the waterward side.

(3) Seepage along pipelines, conduits, and utility lines ~~must-shall~~ be prevented by either of the following methods:

(A) The pipeline, conduit, or utility line is encased in reinforced concrete cast against firm undisturbed earth.

(B) The conduit has reinforced concrete battered walls at an inclination of one (1) ~~foot~~ horizontal to four (4) ~~feet~~ vertical or flatter.

(4) The Permitted ~~Work~~ ~~must-shall~~ commence and be completed prior to the ~~f~~Flood ~~s~~Season ~~unless a~~ ~~f~~Time ~~v~~Variance ~~f~~Request is approved by the Chief Engineer.

(5) Levees located within the ~~Sacramento-San Joaquin~~-Delta lowlands may only be cut below the ~~d~~Design Water Surface Elevation ~~flood-plane~~ after appropriate engineering studies are performed and approved.

(f) Pipelines, conduits, and utility lines may be installed under a levee or ~~s~~Stream channel by tunneling, jacking, or boring, if the following conditions are met:

(1) ~~The~~ Installation of pipelines, conduits, or utility lines ~~is at least thirty (30) feet under~~ through the levee embankment using tunneling, jacking, or boring is not permitted.

(2) ~~The~~ Installation of pipelines, conduits, or utility lines ~~is verified to have the required cover. A greater depth of cover may be required based upon the feasibility of achieving the required cover or on local soil stability and channel hydraulics.~~ through a flood control project foundation shall follow the following requirements:

~~(3) If the installation is to be more than~~

(A) The pipeline, conduit, or utility line shall be a minimum of fifty (50) feet below the levee embankment and channel.

(B) Detailed subsurface investigations shall be performed along the proposed tunneling, jacking, or boring site to determine the stratigraphy and the parameters including the limiting pressures, setback distances, and depth of cover.

(C) The levee and the entire floodway shall be monitored for movement during pipe installation and streambed, the board may waive the requirement for a permit provided a letter of intent is filed with the board prior to commencement of the project.

~~(4) any associated settlement due to pipe installation shall be repaired at the Permittee's expense. The portal Monitoring and outlet of a tunnel, jacking, or boring remediation plans must shall be a minimum distance of ten (10) feet beyond the projected levee slope without an approved stability by the Board and USACE prior to installation.~~

(D) The risk of hydraulic fracturing due to high fluid pressures used for excavation during the jacking or boring process and the risk of borehole collapse due to high fluid pressures shall be evaluated.

(ai) Maximum allowable drilling fluid pressures are a function of pore pressure, the pressure required to counterbalance the effective normal stresses acting around the bore (depth), and the undrained shear strength of the soil. It is necessary for the pressure in the annular space of the bore to remain below the maximum allowable pressure throughout the drilling process to minimize the potential for initiating plastic yield and losing drilling mud to the surface. To establish the maximum allowable drilling fluid pressure, the internal friction angle, the shear modulus of the soil, the depth of the soil cover, and the initial pore pressure shall be used.

(bii) Low drilling fluid pressure can severely hinder the drilling process and, in some cases, making the pipe installation impossible. The minimum required drilling fluid pressure shall be maintained above the groundwater pressure to prevent collapse of the borehole.

(eiii) The limiting pressures shall be estimated prior to construction and clearly stated in the contract documents or in the contractor's submittals.

(E) During drilling process, the fluid pressure in the annular space shall be monitored. It is recommended that an external pressure measuring device shall be installed when drilling beneath the flood protection structures.

(F) The drill rig shall not penetrate the substratum within three hundred (300) feet from the levee center line on the landside, and shall not exit the substratum or penetrate the top stratum within three hundred (300) feet from the levee center line on the waterside.

(G) The minimum depth of cover for the pipeline, conduit, or utility line shall be established by comparing the maximum borehole pressures to the drilling pressures and the depth of scour as per Section 123(b)(1) of these regulations.

(H) Speed of drilling shall be controlled to maintain the planned line and grade. It is recommended advance rates be limited as a preventative measure against pressure buildup. It is also extremely important to adjust the flow rate of the drilling mud when changing the speed of the drilling operation. This will limit the possibility of over pressurizing the borehole due to the total volume of mud that is pumped per drill pipe section.

(I) The annular space between the boring and pipeline shall be grouted with cement or a cement-bentonite grout mixture. The grout mixture will expel the semi-fluid mixture of bentonite, soil, and water with a grout material that will provide a solid barrier against seepage flow along the annulus.

(J) Since the groundwater pressures tend to counterbalance drilling fluid pressures, the design depth of the pipeline, whenever feasible, shall remain below the water table when drilling within a lateral distance of twenty five (25) feet from the Levee Toe.

(K) Any permanent penetrations through the blanket layers can only be justified based on the underseepage analysis. Blanket layer is defined as a top stratum of clayey and/or silty soil extending from waterside to landside that has a low vertical permeability compared to the horizontal permeability of the deeper soils. Pipes located within the critical area as defined in Section 116(b)(2) of these regulations shall have watertight joints.

~~(S)~~(L) Any evidence of impending danger to the flood protection system shall be immediately reported to the Board. If unplanned deviations from the planned installation occur during drilling operation, the drilling operation shall immediately cease, and all equipment shall be removed, and the entire progress of drilling shall be grouted.

(M) Evidence of any drilling fluid returning to the surface or any surface fracturing shall require complete excavation and removal of the affected foundation blanket and flood protection levee system. Levee and blanket replacement shall meet U.S. Army Corps of Engineers design criteria.

(N) Installation may occur during the ~~f~~Flood ~~s~~Season and when the water surface elevation in the ~~f~~Floodway is expected to be above the elevation of the landside ~~l~~Levee ~~t~~Toe if adequate containment cells are constructed at the portal and outlet.

~~(6)~~(O) The installation of a pipeline, conduit, or utility line under levees in the Sacramento-San Joaquin Delta lowlands requires adequate containment cells at the portal and outlet when the installation is less than fifty (50) feet below the streambed and ~~l~~Levee ~~t~~Toes.

~~(7) Pipelines carrying gas or fluids under pressure below a levee must have provision for rapid closure.~~

~~(8)~~(P) Closure devices shall be required for all pipes that penetrate the embankment or foundation of the levee. Closure devices (valves) are required for liquefied petroleum pipelines by U.S. Department of Transportation regulation, Part 195, Section 260(e) of these regulations, at water crossings longer than one hundred (100) feet.

(Q) Pipelines and conduits open to the waterway and below a levee ~~must~~ shall have a positive closure device which is accessible at all times ~~unless it is demonstrated to be unnecessary.~~ A flap gate ~~is~~ shall not be considered as a positive closure device. Seepage cutoff collars are not allowed because the backfill around the collar cannot be properly compacted.

(g) ~~The following p~~Pipe materials ~~are~~ allowed within a ~~l~~Levee ~~s~~Section, when designed to resist all anticipated loading conditions and properly installed, ~~are~~:

(1) Corrugated metal pipes (CMP) shall not be allowed within the levee embankment or foundation of urban levees.

(2) Corrugated metal pipes (CMP) that are a minimum of thirty six (36) inches in diameter with at least one (1) inch bituminous coating inside and outside of the pipe can be used on agricultural levees where levee embankments are no more than twelve (12) feet above the pipe invert.

~~(3) Galvanized iron pipe is allowed if all joints are threaded. Galvanized iron pipe joints must shall be corrosion protected with PVC tape or polyethylene tape wrapped to a thickness of thirty (30) mils or equivalent.~~

~~(2) Schedule 80 polyvinyl chloride (PVC) pipe is allowed if it is entirely buried, all joints are threaded and the components were continually protected from ultraviolet radiation damage or were newly manufactured.~~

~~(3) Polyvinyl chloride (PVC) plastic pipe schedule 40, or better, may be used as a conduit for power or communication cables.~~

~~(4) High density polyethylene pipe may be used for pipeline or conduit installations provided the following conditions are met:~~

~~(A) High density polyethylene pipeline or conduit joints must be heat or electrofusion welded (ASTM Standard F1055-93, dated 1993 or D3261-93, dated 1993 which is incorporated by reference).~~

~~(B) High density polyethylene pipelines and conduits must be designed to resist all anticipated loading conditions, and the design calculations must be submitted to the board.~~

~~(C) High density polyethylene pipelines and conduits must be ultraviolet radiation protected.~~

~~(5) Cast in-~~ (3) Cast-in-place reinforced concrete pipes and box culverts may be used above and below the ~~d~~Design ~~flood plane~~Water Surface Elevation in Urban Areas if the concrete ~~wall thickness~~ is at least six (6) inches ~~thick~~. Rubber gaskets shall be installed at the cast-in-place reinforced concrete pipe joints.

~~(6)~~ Precast reinforced concrete pipes and box culverts and concrete cylinder pipes may be used above and below the ~~d~~Design ~~flood plane~~Water Surface Elevation in non-urban areas if the following conditions are met:

(A) Precast reinforced concrete pipe meets the most current version of ASTM ~~Specification C76-90, dated 1990 which is incorporated by reference.~~

(B) Precast reinforced concrete pipe joints and precast box culvert joints are encased in reinforced concrete cast ~~-in-~~place against firm undisturbed earth.

(C) The cylinders of concrete cylinder pipes are welded and corrosion protected internally and externally.

(D) When installed below the ~~d~~Design ~~f~~Flood ~~p~~Plane, precast reinforced concrete pipe and concrete cylinder pipe ~~must~~shall be encased below the springline in concrete cast against undisturbed earth.

~~(7)~~ 5 Steel pipe may be used for all types of pipeline or conduit installations through a levee above the ~~d~~Design ~~f~~Flood ~~p~~Plane if the pipe meets the following requirements:

(A) The steel pipe is resilient and not materially reduced in quality due to weathering, prior use or other deteriorating conditions.

(B) The steel pipe joints are butt-welded ~~or threaded~~.

(C) The steel pipe installations are corrosion-proofed externally with a coating of material such as coal-tar enamel, asphalt-dipped wrap, mortar, PVC tape, or polyethylene tape wrapped to a minimum thickness of thirty (30) mils, high solids epoxy, or equivalent.

(D) Unless a continuous internal lining of cement, mortar, or equivalent is provided, as appropriate for the fluid to be conveyed, new steel pipe installations may convey only non-corrosive material, and water is considered corrosive.

(E) Steel pipe installations ~~must~~shall be designed to resist all anticipated loading conditions, and the design calculations ~~must~~shall be submitted to the ~~b~~Board. Steel pipe meeting the following criteria may be used without submittal of design calculations to the ~~b~~Board:

(i) Twelve ~~-~~ (12) inches in diameter or less ten ~~-~~ (10) gauge steel pipe.

- (ii) Greater than twelve– (12) inches and a maximum of thirty– (30) inches in diameter seven– (7) gauge steel pipe.
 - (iii) Greater than thirty– (30) inches and a maximum of forty–_eight (48) inches in diameter three– (3) ~~gauge~~Gauge steel pipe.
- (h) The following materials are not allowed within the Levee Right of Way for pipelines or conduits used to carry natural gas or fluids:
- (1) Aluminum pipe ~~within a levee section or within ten (10) feet of levee toes.~~
 - (2) Cast iron pipe ~~within a levee section or within ten (10) feet of levee toes.~~
 - (3) Pipe with flanges, flexible couplings, or other mechanical couplings ~~within a levee section or within ten (10) feet of levee toes.~~
 - (4) Prestressed concrete pipe ~~within a levee section or within ten (10) feet of levee toes.~~

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8710 and 8712, Water Code

History:

- 1. New section and figures 8.04, ~~8.05 and 8.06~~ filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

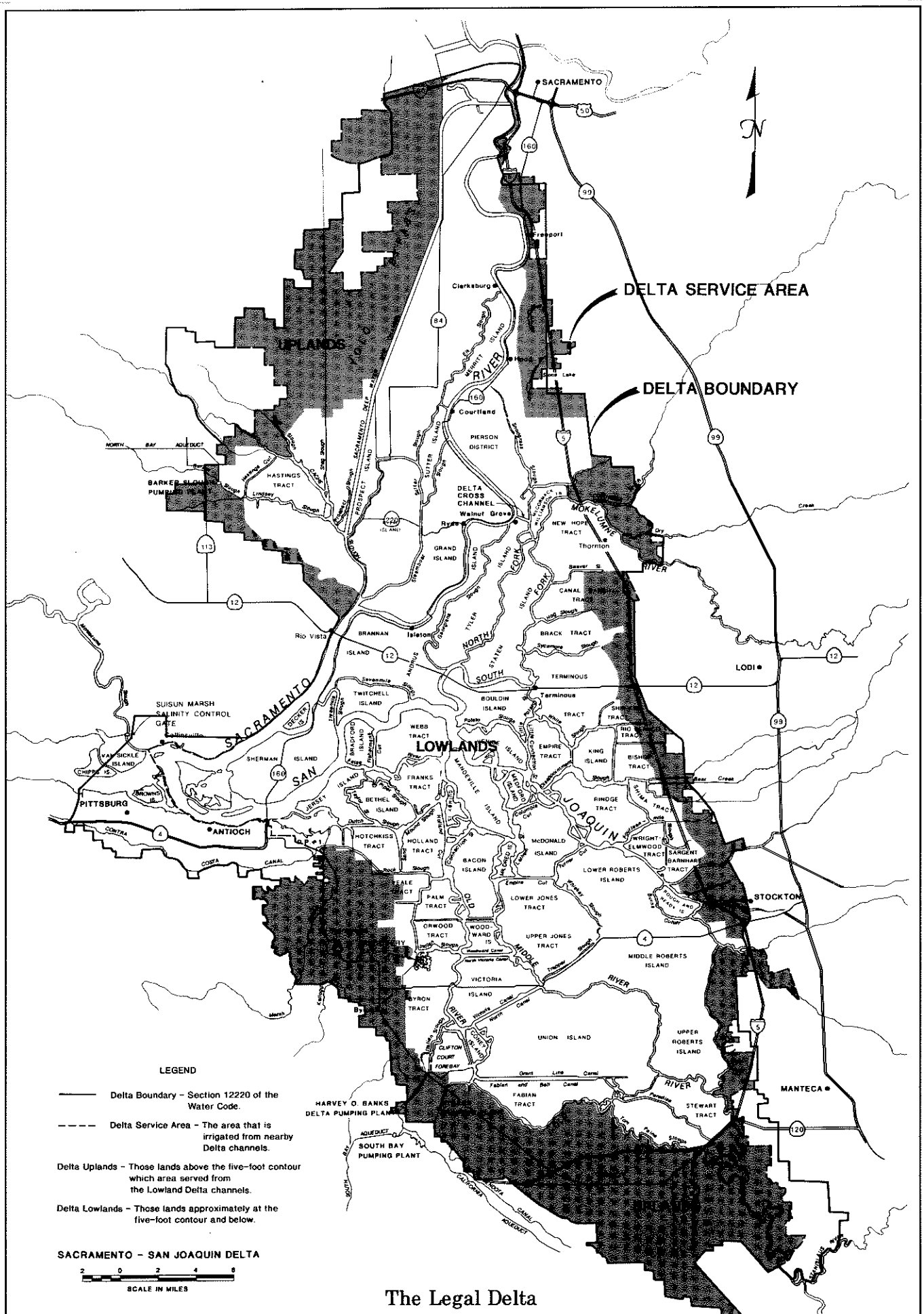
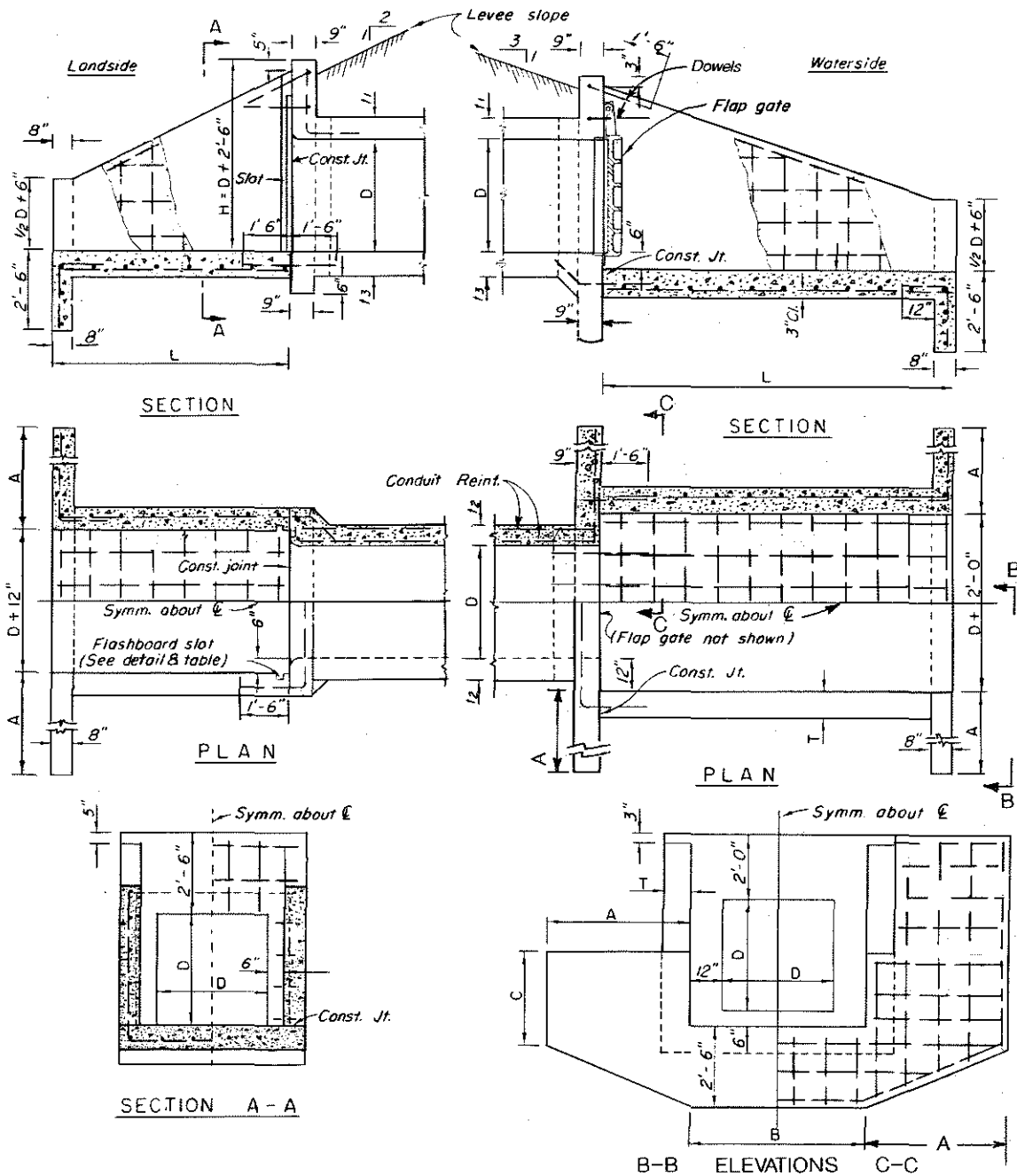


Figure 8.04

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"U" Wall Reinforcing Detail Below Flood Plane - Reinforced Concrete Box

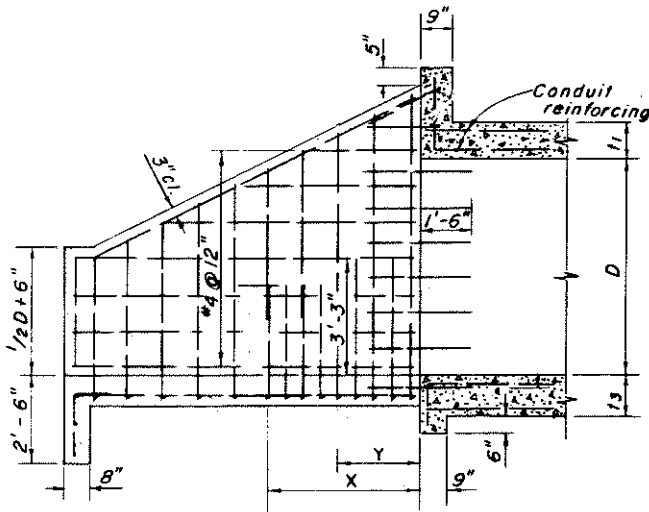


REINFORCED CONCRETE "U" WALL																
SYMBOL	LANDSIDE HEADWALL								WATERSIDE HEADWALL - LEVEE SLOPE 1 ON 3							
CONDUIT SIZE D	30"x30"	36"x36"	42"x42"	48"x48"	54"x54"	60"x60"	66"x66"	72"x72"	30"x30"	36"x36"	42"x42"	48"x48"	54"x54"	60"x60"	66"x66"	72"x72"
H	5'-0"	5'-6"	6'-0"	6'-6"	7'-0"	7'-6"	8'-0"	8'-6"	5'-0"	5'-6"	6'-0"	6'-6"	7'-0"	7'-6"	8'-0"	8'-6"
L	6'-4"	6'-0"	7'-6"	7'-10"	8'-4"	8'-10"	9'-4"	9'-10"	9'-8"	10'-5"	11'-2"	11'-11"	12'-8"	13'-5"	14'-2"	14'-11"
T	8"	8"	9"	9"	10"	10"	10"	10"	8"	8"	9"	9"	10"	10"	10"	10"
A	3'-6"	4'-0"	4'-6"	5'-0"	5'-6"	6'-0"	6'-6"	7'-0"	3'-6"	4'-0"	4'-6"	5'-0"	5'-6"	6'-0"	6'-6"	7'-0"
B	3'-6"	4'-0"	6'-0"	6'-6"	7'-2"	7'-8"	8'-2"	8'-8"	4'-6"	5'-0"	7'-0"	7'-6"	8'-2"	8'-8"	9'-2"	9'-8"
C	2'-6"	2'-6"	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"	2'-6"	2'-6"	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"
X *			1'-9"	2'-0"	2'-9"	3'-0"	3'-6"	4'-3"			1'-6"	2'-9"	4'-3"	5'-9"	7'-3"	8'-9"
Y *						1'-3"	1'-9"	2'-3"					1'-3"	2'-9"	4'-3"	5'-9"
Z *														0'-9"	1'-9"	3'-0"

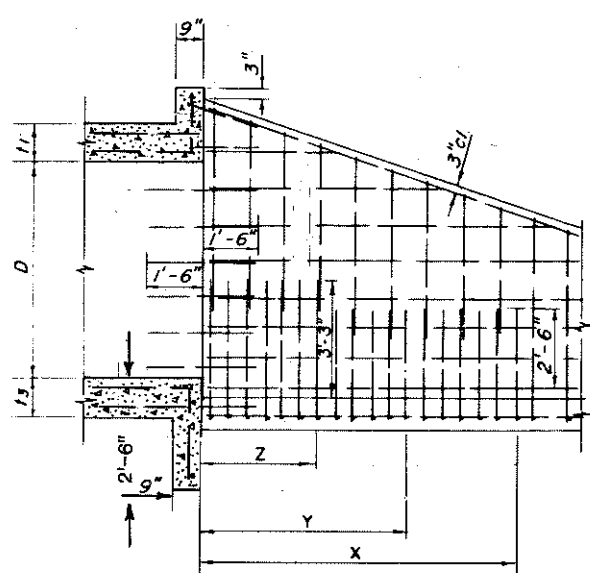
Figure 8.05

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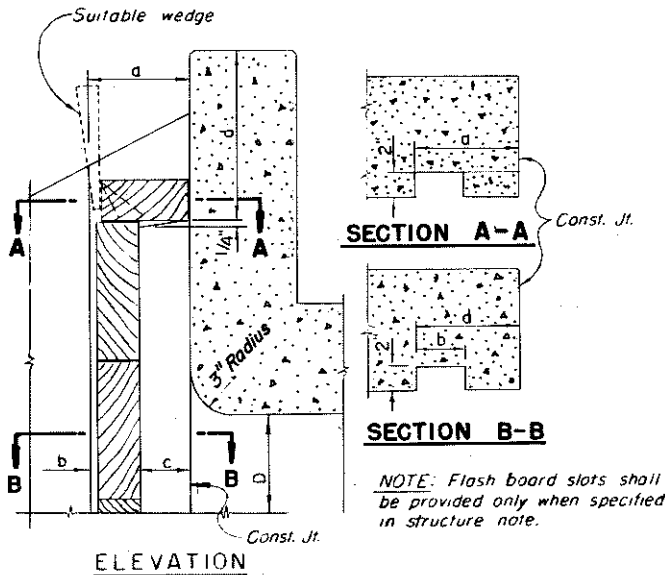
"U" Wall Reinforcing, Gate Riser and Flashboard Detail Below Flood Plane - Reinforced Concrete Box



LANDSIDE "U" WALL REINFORCEMENT

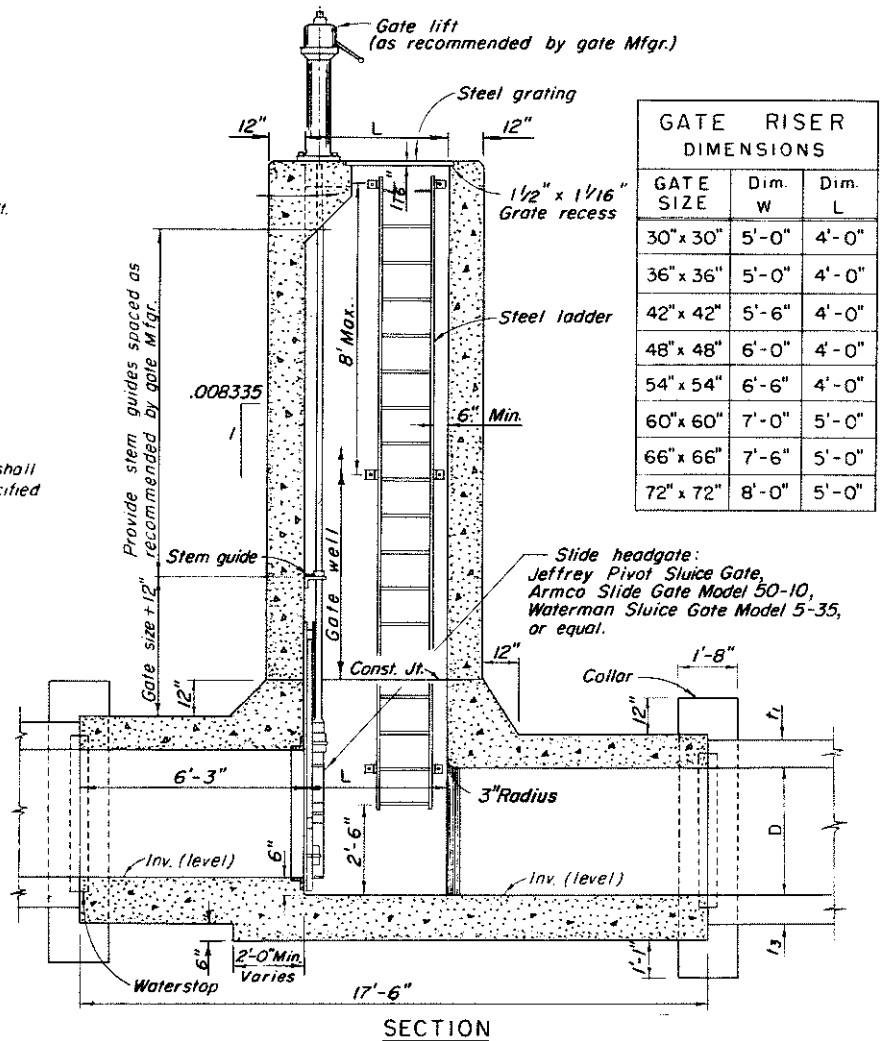


WATERSIDE "U" WALL REINFORCEMENT



FLASHBOARD SLOT DETAILS

D	a	b	c	d	Furnish Boards	Length
30"	6 1/2"	2 1/8"	4 3/8"	1'-2"	4-2"x12" and 1-2"x6"	3'-9 1/2"
36"	6 1/2"	2 1/8"	4 3/8"	10 1/2"	4-2"x12", 1-2"x10" & 1-2"x6"	4'-3 1/2"
42"	6 1/2"	2 1/8"	4 3/8"	1'-2 1/2"	5-2"x12" and 1-2"x6"	4'-9 1/2"
48"	8 5/8"	4 1/8"	4 1/2"	1'-1"	5-4"x12" and 2-4"x8"	5'-3 1/2"
54"	8 5/8"	4 1/8"	4 1/2"	1'-3"	6-4"x12" and 1-4"x8"	5'-9 1/2"
60"	8 5/8"	4 1/8"	4 1/2"	1'-1 1/2"	6-4"x12" and 2-4"x8"	6'-3 1/2"
66"	8 5/8"	4 1/8"	4 1/2"	1'-3"	7-4"x12" and 1-4"x8"	6'-9 1/2"
72"	8 5/8"	4 1/8"	4 1/2"	1'-2"	7-4"x12" and 2-4"x8"	7'-3 1/2"



GATE RISER DETAIL

GATE SIZE	Dim. W	Dim. L
30" x 30"	5'-0"	4'-0"
36" x 36"	5'-0"	4'-0"
42" x 42"	5'-6"	4'-0"
48" x 48"	6'-0"	4'-0"
54" x 54"	6'-6"	4'-0"
60" x 60"	7'-0"	5'-0"
66" x 66"	7'-6"	5'-0"
72" x 72"	8'-0"	5'-0"

Figure 8.06

(a) Abandoned Removal of pipelines, conduits, and appurtenances

(1) In general, abandoned pipelines, conduits, and all appurtenances (such as pumps, standpipes, or positive closure structures) that are located within the Levee Right of Way ~~a levee section, within the projected levee section, or within ten (10) feet of the levee toes~~ shall be completely removed, ~~when practical~~, and disposed of outside the Levee Right of Way and Floodway.

~~(1) When the invert of an abandoned pipeline or conduit within a levee is above the design flood plane elevation, the pipeline or conduit must be removed.~~

~~(2) An abandoned pipeline or conduit located within one (1) foot of the surface of the levee slope shall be removed.~~

~~(3) When the invert of an abandoned pipeline or conduit within a levee is six (6) feet or less below the design flood plane elevation, the board may require the removal of the pipeline or conduit.~~

~~(4) The side slopes~~ slope of an excavation to remove an abandoned pipeline or conduit ~~from within a levee must shall~~ be one (1) foot horizontal to one (1) foot vertical or flatter. section shall be determined as per Section 123(c)(7) of these regulations. A slope stability analysis may also be required.

~~(5) After any removal of~~ pipeline, conduit, or appurtenances ~~is removed~~ structure from a ~~Levee Section or Projected Levee Section~~, approved backfill shall be keyed into the Levee Section ~~with each lift and compacted in four (4) to six (6) inch layers with a relative compaction of not less than ninety (90) percent, per ASTM D1557-91, dated 1991, which is incorporated as per Section 120(a)(12) of these regulations.~~

~~(4) Field density testing by reference and above optimum moisture content.~~

~~(6) Compaction tests by a certified~~ an Approved Soils Testing Laboratory will be required to verify confirm the minimum relative compaction of ~~backfill within a levee or within the projected levee section~~ embankment fill.

~~(b) Abandonment of pipelines and conduits within a floodway must be in a manner consistent with the following:~~

~~(1) After~~ (5) After any pipeline, conduit or appurtenance is removed from ~~a the~~ the Floodway, open ~~trench~~ backfill ~~must shall~~ be placed in a manner consistent with the local conditions. If the local conditions are not determined, backfill shall be compacted to a density of ninety (90) percent as per ASTM D698. Erosive ~~s~~ Stream reaches will require methods that compact the ~~backfill~~ back fill to at least the density of ~~that of adjacent~~ eighty eight (88) percent as per ASTM D1557 with above optimum moisture content. Compaction testing by an approved soils. ~~Compaction tests by a certified soils testing laboratory may shall~~ be required to verify the compaction within the Floodway.

~~(2) Abandoned pipelines or conduits within the~~ Waterside ~~b~~ Berm and within thirty (30) feet of the top of the streambank ~~must not be filled with concrete but may shall~~ be removed if exposed by bank erosion.

~~(e) If~~ (7) Details for removal of piping, including plans and profiles showing the limits and elevations of pipes to be removed relative to the levee embankment or floodwall, excavation and backfill details (such as backfill material and compaction), and existing soil stratum at the pipe abandonment location shall be provided to the Board for review and approval prior to removal.

(b) Abandonment/Grouting of pipelines, conduits, and appurtenances

(1) In general, pipelines penetrating the levee foundation may be abandoned in place by completely filling the pipe with cementitious grout or flowable fill or controlled low strength material (CLSM).

(2) In exceptional circumstances, if it is determined by the ~~b~~Board that it is impractical or detrimental to the levee to remove an abandoned pipeline or conduit from a ~~L~~Levee ~~s~~Section, the pipeline or conduit ~~must shall~~ be completely filled with ~~CLSM concrete~~.

(1) Concrete to be used to fill an abandoned pipeline or conduit must be a three– (3) sack cement mix, or equivalent, with aggregate having a maximum size of three–eighths (3/8) inch, and a water content sufficient to produce a six– (6) to eight– (8) inch slump.

(2) A detailed plan for filling an abandoned pipeline or conduit with concrete may be required to be submitted for approval by the board prior to start of work.

(3) The CLSM mix shall be approved by the Board prior to use.

(4) The CLSM shall be fluid enough and able to be pumped in an “upslope” direction so that the pipe will be completely filled without voids.

(5) Access points shall be provided along the pipe at sufficient intervals to accomplish the grouting.

(6) A pipeline or conduit to be filled with CLSM concrete must shall have a minimum depth of cover of three (3) feet below the waterward levee slope. If the depth of cover is less than three (3) feet, the Board shall require the pPermittee to remove the pipe.

(47) See Figure 8.0706 for illustrated details on sealinggrouting abandoned pipelines and conduits.

~~(d) Concrete pipes may be plugged with concrete at each end as an alternative to complete filling. The length of each plug shall be a minimum of two (2) feet or twice the diameter of the pipe, whichever is greater.~~

(8) Details of pipeline and conduit abandonment, including plans and profiles showing the limits and elevations of pipes to be grouted relative to the levee embankment, existing soil stratum at the pipe abandonment location, and CLSM mix shall be submitted to the Board for review and approval prior to abandonment.

Note:

Authority cited: Section 8571, Water Code

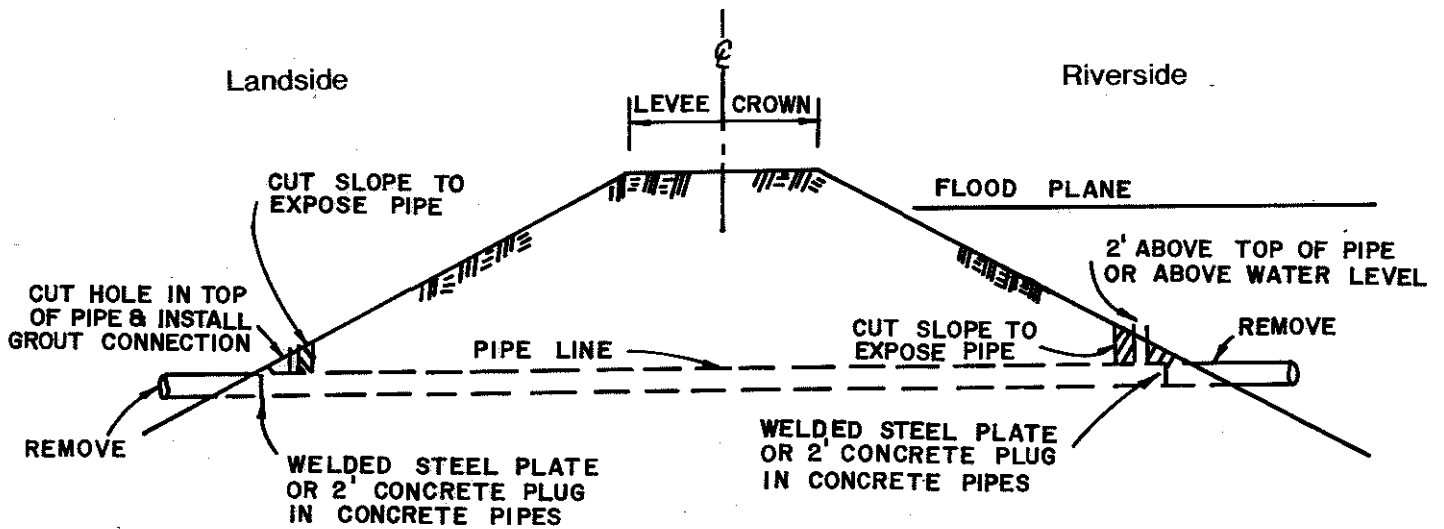
Reference:

Sections 8608 and 8710, Water Code

History:

1. New section and figure 8.07 filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

Sealing Abandoned Pipes



Grouting or concrete fill of abandoned pipes below flood plane

Renumber to Figure 8.06

Figure 8.07

(a) Approved retaining walls within Board Jurisdiction~~an adopted plan of flood control shall~~ must comply with the following requirements:

(1) Retaining walls are not allowed within the Levee Right of Way.

(2) Retaining walls greater than three (3) feet in height ~~must~~shall be designed by a ~~licensed~~California registered civil engineer.

(3) Retaining walls may be of reinforced concrete, concrete gravity section, or of equivalent material and durability.

~~(3) Retaining walls in the landside levee slope must have appropriate features that intercept seepage and prevent particle migration.~~

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8606, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

(a) Beginning January 1, 2017 no new fences shall be constructed on the Levee Section.

(b) Fences within ~~a~~the ~~Floodway~~, ~~on a levee~~, or within the Levee Right of Way, but not on the Levee Section, ~~near a levee must shall~~ conform to the following requirements:

(1) Fences, walls, and similar structures ~~may be~~ are permitted within ~~Floodways~~ if they do not obstruct floodflows or cause the accumulation of debris that would obstruct floodflows.

(A2) Fences firmly anchored and constructed parallel to the streamflow are normally permitted.

~~(B) Fences not parallel to the streamflow shall be designed and constructed to not adversely affect stages and velocities.~~

~~(2)~~(3) All fences parallel to a levee ~~must shall~~ be located a minimum distance of ten (10) feet off the ~~L~~Levee ~~Toe~~, or outside of the Levee Right of Way whichever is greater.

~~(3) Fences crossing a levee, where permitted, must be installed at a right angle across the levee.~~

~~(4) Fences crossing a levee crown must have an opening a minimum of fourteen (14) feet in width or a suitable gate installed on the levee crown.~~

~~(5)~~(4) After January 1, 1998, new fences that are designed to give way during high water events shall not be allowed on the water side of a levee. Fences proposed to be constructed after January 1, 1998 on the water side of a levee that are partially or wholly under water during high water events, and that are located within state maintenance areas within city limits under the jurisdiction of the ~~b~~Board, shall be constructed so as to be removable by the ~~p~~Permittee in segments during times of high water events as the water level rises up the levee. The ~~p~~Permittee shall remove fence segments at its own expense during high water events so that no part of any fence on the water side levee slope is submerged.

~~(6)~~(5) Where the distance between fences would be ~~so~~as close as to interfere unreasonably with levee inspection, ~~m~~Maintenance Activities, and flood fight activities, the ~~b~~Board may deny approval for additional fences.

~~(7)~~(6) If, in the opinion of the ~~b~~Board, a fence becomes unnecessary due to changes in location of public access points or construction of other fences, the ~~p~~Permittee ~~must shall~~ remove the fence at the request of the ~~b~~Board.

(bc) Gates crossing the levee crown are allowed by the Board. Gates within a ~~F~~Floodway or on a levee ~~must shall~~ conform to the following requirements:

(1) The gate width on a levee crown ~~must shall~~ match or exceed the width of the levee crown with a minimum gate width of fourteen (14) feet. A gate width exceeding twenty (20) feet is normally not required. A gate width of twelve (12) feet may be allowed on levees within ~~u~~Urban ~~a~~Areas if the levee maintenance equipment and any agricultural equipment which ~~must shall~~ use the gates are less than twelve feet in width.

(2) Cable or chain gates are not permitted across a levee crown or across a levee access ramp.

(3) Gates shall be hinged, and constructed to provide for ease of operation, maximum longevity, and public safety.

(4) Gates may be opened by authorized personnel representing the Local Maintaining Agency, ~~Department of Water Resources and maintenance personnel and~~, Board, or USACE. Gates must shall remain open when required for levee inspections, ~~m~~Maintenance Activites, construction, high water patrol, and flood fight activities.

(5) Where the distance between gates would be so close as to unreasonably interfere with levee inspection and maintenance, the ~~b~~Board may deny approval for additional gates.

(6) If, in the opinion of the ~~b~~Board, a gate becomes unnecessary due to changes in location of public access points or construction of other gates, the ~~p~~Permittee ~~must~~shall remove the gate at the request of the ~~b~~Board at the Permittee's expense.

(7) Keys shall be provided to the Local ~~the m~~Maintaining ~~a~~Agency, ~~and the~~ Department, ~~of~~ ~~Water Resources Board, and USACE~~ for all locks on gates providing access to the ~~f~~Floodway, levee ramps, ~~l~~Levee ~~t~~Toe, and along the levee crown.

~~(e)~~ If the ~~b~~Board approves ~~a Proposed Work~~n-activity or encroachment that directly or indirectly may result in future unauthorized ~~e~~Encroachments (e.g., approving levee modifications associated with a new residential development adjacent to the levee), the ~~b~~Board may require the ~~p~~Permittee to construct a fence parallel to the levee at the landward limit of the Levee Right of Way. ~~a distance of ten (10) feet from the landside levee toe.~~ If a fence is required, it ~~must~~shall conform to ~~b~~Board ~~s~~Standards.

~~(d)~~ No fence, wall or other barrier may interfere with or preclude legal public access.

Note:

Authority cited: Sections 8571 and 8709.3, Water Code

Reference:

Sections 8608, 8609, 8709.3 and 8710, Water Code

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. New subsection (a)(5), subsection renumbering, and amendment of NOTE filed 2-13-98 as an emergency; operative 2-13-98 (Register 98, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-15-98 or emergency language will be repealed by operation of law on the following day.
3. New subsection (a)(5), subsection renumbering, and amendment of NOTE refilled 6-11-98 as an emergency; operative 6-11-98 (Register 98, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-9-98 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 6-11-98 order transmitted to OAL 10-2-98 and filed 11-16-98 (Register 98, No. 47).

(a) The standards for construction of wharves, piers, docks, boat houses, ramps, and similar boating facilities, are as follows:

(1) Boat ramps may not be cut into the ~~IL~~vee ~~s~~Section, but may be cut into a ~~b~~Berm or placed on a fill. Additional analysis may be performed to verify seepage, slope stability, and erosion of the Levee Section have not been impacted.

(2) Boating facilities ~~must~~shall be properly anchored to prevent breakaway during floodflows. Acceptable anchoring methods are as follows:

(A) Driven piling ~~must~~shall meet the following criteria:

(i) ~~If T~~timber piles are used they~~must~~shall be a minimum of twelve (12) inches in diameter and ~~must~~shall be pressure treated.

(ii) The elevation of the top of each pile ~~must~~shall be a minimum of two (2) feet above the design ~~flood plane~~ top of levee nearest the boat dock unless it can be shown that this standard is not reasonable.

~~(B) Concrete deadmen must meet the following criteria:~~

~~(i) The concrete deadman must be of sufficient size to restrain the boating facility and be a minimum of one (1) cubic yard of concrete.~~

~~(ii) The concrete deadman must be attached to the floating facility with a steel cable, or equivalent, of sufficient size to restrain the facility.~~

(3) All appurtenant facilities, including utilities and walkways, installed on or through a ~~IL~~vee ~~s~~Section to provide service to wharves, piers, or docks, ~~must~~shall conform to the appropriate section of the standards.

(b) After each period of high water, all debris caught by a boating facility ~~must~~shall be cleared and disposed of outside the limits of the ~~f~~Floodway and ~~IL~~vee ~~s~~Section.

(c) In the event that levee or bank erosion injurious to ~~Board Jurisdiction~~the adopted plan of flood control occurs at or adjacent to a boating facility, the ~~p~~Permittee of the boating facility is responsible for the repair of the eroded area, and for the placement of adequate ~~r~~Revetment to prevent further erosion. Revetment shall meet Section 121 of these regulations.

(d) Any existing levee ~~r~~Revetment or bank ~~r~~Revetment damaged during the construction or operation of a boating facility ~~must~~shall be restored to its original condition by the ~~p~~Permittee of the boating facility.

(e) The levee crown may not be used for parking boat trailers or motor vehicles except where there is adequate crown roadway width to provide twenty (20) feet of unobstructed clearance for two ~~—~~way vehicular traffic.

(f) Boating materials, equipment or accessories may not be stored on levee slopes.

(g) Floatable boating materials, equipment, or accessories ~~must~~shall be securely anchored when stored in the ~~f~~Floodway during the ~~f~~Flood ~~s~~Season.

(h) Boating materials, equipment, or accessories may be stored on the levee crown if storage does not prevent adequate inspection and maintenance of the levee, does not obstruct flood fight procedures, and the following additional requirements are met:

(1) There is adequate levee crown roadway width to provide a minimum of twenty (20) feet of unobstructed clearance for two ~~—~~way vehicular traffic.

(2) Where a public road or highway is on the levee crown, the design width of the roadway, including the roadway shoulders, ~~must~~shall remain clear.

(3) Boating materials, equipment, or accessories may not be stored on the Levee Right of Way, unless they are stored ~~within~~ fourteen (14) or more feet landward of the landward levee shoulder.

(4) Boating materials, equipment or accessories may be stored to within fourteen (14) feet of the waterward levee shoulder provided the waterward levee slope is revetted to the standards in ~~section~~[Section 121 of these regulations](#).

(5) Boating materials, equipment, or accessories may not be stored within thirty (30) feet of the waterward levee shoulder of a levee having an unrevetted waterward slope.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

(a) The standards for construction or modification of bridges under Board Jurisdiction ~~within an adopted plan of flood control~~ are as follows:

(1) ~~Any excavation~~ Embankment Materials placed as backfill within the ~~L~~Evee ~~s~~Section or near bridge supports within the ~~f~~Floodway ~~must~~ shall be ~~backfilled in four (4) inch to six (6) inch layers with approved material. The levee section must be placed and~~ compacted to a relative compaction of not less than ninety (90) percent per ASTM D1557-91, dated 1991, which is incorporated by reference and above optimum moisture content. Compaction within the floodway must be to the density of the adjacent undisturbed material in conformance with Section 120 of these regulations.

~~(2) Compaction tests by a certified soils laboratory may be required to verify compaction.~~

~~(3)~~ (2) Bridge piers and bents within the ~~f~~Floodway ~~must~~ shall be constructed ~~parallel to the in the general~~ direction of streamflow or overland flow.

~~(4)~~ (3) Bridge piers and bents placed within a ~~f~~Floodway to support a widened portion of an existing bridge ~~must~~ shall be constructed in line with existing bents and piers.

~~(5)~~ (4) Erosion control may be required on the channel banks or levee slopes upstream and downstream of a proposed bridge.

~~(6)~~ (5) Drainage from a bridge or highway ~~may~~ shall not be discharged onto a ~~L~~Evee ~~s~~Section or streambank.

~~(7)~~ (6) Plans showing all construction facilities (such as temporary staging, coffer dams, and falsework) which will remain in a ~~f~~Floodway during ~~f~~Flood ~~s~~SSeason, ~~must~~ shall be submitted to the ~~b~~Board for approval prior to installation of these facilities.

~~(8)~~ (7) All temporary construction facilities (such as ~~temporary~~ staging, coffer dams, and falsework) ~~must~~ shall be designed to prevent bank erosion ~~during normal flows~~ and to maintain maximum channel capacity during the ~~f~~Flood ~~s~~SSeason. The applicant may be required to demonstrate that neither the temporary construction facilities nor the bridge itself will create any significant adverse hydraulic impacts.

~~(9)~~ (8) Stockpiled material, temporary buildings, construction equipment, and road detours that may obstruct streamflows ~~must~~ shall be removed from ~~f~~Floodways prior to the ~~f~~Flood ~~s~~SSeason.

~~(10)~~ (9) Clearance requirements for the bottom member (soffit) of a bridge shall comply with the following:

(A) The bottom members (soffit) of a proposed bridge ~~must~~ shall be at least three (3) feet above the ~~d~~Design ~~f~~Flood ~~p~~Plane. The required clearance may be reduced to two (2) feet on ~~m~~Minor ~~s~~SStreams at sites where significant amounts of ~~s~~SStream debris are unlikely.

(B) When an existing bridge being widened does not meet the clearance requirement above the ~~d~~Design ~~f~~Flood ~~p~~Plane, the bottom structural members of the added section may be no lower than the bottom structural members of the existing bridge, except as may be caused by the extension of existing sloped structural members.

(C) When the clearance requirement above ~~d~~Design ~~f~~Flood ~~p~~Plane would result in bridge approach ramp fill in the ~~f~~Floodway, the clearance requirement may be reduced to the extent that reasonably balances clearance and fill that would obstruct flow, so as to maintain maximum channel capacity.

(D) For arched bridges the clearance area above the design water surface elevation shall be, at a minimum, equal to the area of clearance if the bridge had a horizontal soffit extending from the abutment 3 feet above the design water surface elevation.

(E) Replacement railroad bridges shall have the soffit members no lower than those of the replaced bridge, but are not required to have a specified amount of clearance above the Design Water Surface Elevation.

(10) Vehicular access beneath the bridge for inspection and maintenance shall comply with the following requirements:

(A) Vehicular access from the roadway to the levee crown may be required at each end of a bridge.

(B) Vehicular access from the levee crown to the Floodway and/or the landside Levee Toe beneath the bridge may be required. Ramps may slope upstream as necessary to provide the access required by this subdivision.

~~(12) Approved gates meeting Section 126 standards of these regulations must shall~~ be installed at right angles across the levee crown at all points of access to the levee from each end of a bridge.

~~(13) Any bridge abandoned or being dismantled must shall~~ be completely removed, and ~~must shall~~ be disposed of outside the limits of the Levee section Right of Way and Floodway. Seepage and slope stability analyses may be required to ensure the removal of the bridge will not be detrimental to the safety of the adjoining levee or streambank.

~~(14) Pilings, piers, bents, and abutments of bridges being dismantled must shall~~ be removed to at least one (1) foot below the natural ground line and at least three (3) feet below the ~~thalweg bottom~~ of the ~~mean Low Water~~ Channel.

~~(15) Any bridge that is damaged to the extent that it may impair the channel or Floodway capacity must shall~~ be repaired or removed prior to the next Flood Season.

~~(16) Replacement railroad bridges must have the soffit members no lower than those of the replaced bridge, but are not required to have a specified amount of clearance above the design flood plane.~~

~~(17) Bridge replacements and new bridges shall be built at an elevation so that there is no depression in the crown of the levee.~~

(b) The standards for construction or modification of Low Water Crossings under Board Jurisdiction are as follows:

(1) Low Water Crossings shall comply with all standards for bridges described in (a) above, with the exception of subparagraphs 9, 10, and 15.

(2) Low Water Crossings have no specified clearance above the Design Water Surface Elevation, however a hydraulic analysis shall be submitted to demonstrate that the crossing will not impede flood flows or create significant adverse hydraulic impacts, and that it can adequately convey Low Water Channel discharges without significant adverse hydraulic impacts.

(3) Pipes used for construction of the Low Water Crossing shall comply with Section 123 or these regulations.

(4) Visible markers shall be provided in the event the crossing is submerged to alert traffic that the crossing is submerged.

~~(bc) The standards for maintenance of bridges under Board Jurisdiction within an adopted plan of flood control~~ are as follows:

(1) The area in and around a bridge site ~~must shall~~ be kept clear to maintain the design flow capacity.

(2) Trees, brush, sediment, and other debris ~~must shall~~ be kept cleared from the bridge site and be disposed of outside the limits of the Floodway prior to the Flood Season.

(3) Continuous maintenance access shall be provided both upstream and downstream from all bridges.

(~~3~~4) Any accumulation of debris during high flows ~~must~~ shall be immediately removed from a bridge site and disposed of outside the ~~f~~Floodway.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

- (a) Water wells and any appurtenant structures ~~must~~ shall be located outside the Levee Right of Way ~~a minimum distance of ten (10) feet from a levee toe.~~
- (b) Oil wells, gas wells, and any appurtenant structures ~~must~~ shall be located a minimum distance of thirty ~~five~~ (35) feet from a Levee Toe or Projected Levee Toe.
- (c) Access roads, foundation pads, and stockpiled excavated material within a ~~f~~Floodway are normally limited to an elevation of three (3) feet above the natural ground. However, if it is determined by the ~~b~~Board that such facilities constructed to the normal elevation would have an adverse effect on the flood ~~carrying~~ capacity of the ~~f~~Floodway, the allowable elevation shall be lower.
- (d) Structures and fencing at well sites within the ~~f~~Floodway are not permitted without approved hydraulic studies demonstrating that the proposed structure or fence would not impair the ~~f~~Floodway.
- (e) Permits for water wells require that a survey monument and a permanent bench mark ~~must~~ shall be installed at the waterside ~~L~~Levee Toe, as near to the well site as practical, to serve as a vertical control to monitor subsidence.
- (f) Any unused wells in the Floodway shall be abandoned by the owner pursuant to requirements of the local county well abandonment standards and procedures, copies of which shall be provided to the Board for Permit closeout records.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

- (a) The following definitions apply to this ~~section~~Section:
- (1) ~~Access Ramps~~—“Access Ramps” mean those ramps that provide access to the levee crown from adjacent property and roads.
 - (2) ~~Patrol Roads~~—“Patrol Roads” means those roads that provide vehicular access along levee crowns and flood channels for inspection, maintenance, and flood fighting. Patrol roads include levee crown and landside toe roadways.
- (b) Patrol roads ~~must~~shall meet the following criteria:
- (1) Patrol roads ~~must~~shall be surfaced with a minimum of ~~four~~(4)~~six~~(6) inches of compacted, ~~class~~Class 2 aggregate base (Caltrans Spec. 26-~~1.02A, July 1992~~ which is incorporated by reference,) or equivalent.
 - (2) Patrol road surfacing ~~material must be compacted to a relative compaction of not less than ninety (90) percent per ASTM D1557 91, dated 1991, which is incorporated by reference with moisture content sufficient to obtain the required compactions~~shall be sufficient to support multiple loadings from single tandem rear axle trucks (18,000 pounds maximum axle load) without significant rutting during periods of seasonal precipitation.
 - (3) The top twelve (12) inches of subgrade supporting the aggregate base shall be compacted to either a minimum one hundred (100) percent Standard Proctor dry density according to ASTM D698 or minimum ninety five (95) percent Modified Proctor dry density according to ASTM D1557. Moisture control limits are to be within minus two (-2) percent to plus two (+2) percent of optimum and zero (0) percent to plus four (+4) percent of optimum for ASTM D 698 and ASTM D1557, respectively. The aggregate base shall be compacted to the same relative compaction standard as the support subgrade.
 - (4) ~~Compaction tests~~Field density testing by ~~a certified~~an Approved Soils Testing Laboratory ~~may~~shall be required to ~~verify~~confirm the minimum relative compaction.
 - (5) ~~Paved~~ patrol roads ~~must~~shall meet the design requirements for paved bicycle trails as per ,sectionSection 132 of these regulations.
 - (6) ~~Levee crown surfacing~~ ~~must~~shall meet the following additional requirements:
 - (A) Where the levee crown width is less than sixteen (16) feet, the minimum surfacing width ~~must~~shall be ten (10) feet with a smoothly tapered transition to the edge of the levee shoulder.
 - (B) Where the levee crown width is sixteen (16) feet or more, the minimum surfacing width ~~must~~shall be twelve (12) feet with a two (2) foot-wide taper at each edge of the surfacing.
 - (C) The crown roadway ~~must~~shall be sloped a minimum of two- (2) percent.
 - (D) Whenever possible the minimum surfaced width should allow two vehicles to pass side by side.
 - (7) Landside toe patrol roads may not be constructed by cutting into the landside levee slope to provide access.
 - (8) Any patrol road which has been excavated or damaged ~~must~~shall be restored to its original condition.
- (c) Access ramps are of two common types, head-on or side approach, and ~~must~~shall meet the following criteria:
- (1) Access ramps ~~must~~shall be constructed of approved imported material.
 - (2) The surfacing for all access ramps ~~must~~shall be the same as for patrol roads. Subdivisions (b)(1), (b)(2) and (b)(3) of this section also apply to access ramps.

- (3) Any excavation made in a ~~Levee~~ Section to key the ramp to the levee ~~must~~ shall be backfilled in ~~four—(4) to~~ maximum six— (6) inch layers with approved material and compacted to a relative compaction ~~of not less than ninety (90) percent~~ as per ASTM D1557—91, dated 1991, and above optimum moisture content. Section 120(a)(12) of these regulations.
- (4) ~~Compaction tests~~ Field density testing by ~~a certified~~ an Approved Soils Testing Laboratory ~~may~~ shall be required to ~~verify~~ confirm the minimum relative compaction of levee embankment subgrades and/or access ramps.
- (5) All access ramps ~~must~~ shall be constructed in such a manner so as to direct all surface drainage away from the ~~Levee~~ Section.
- (6) Approved gates pursuant to Section 126 of these regulations ~~must~~ shall be installed across levee access ramps at locations where vehicular access by the public is possible.
- (7) Side approach ramps ~~must~~ shall be used on the waterside levee slope.
- (8) Side approach ramps on the waterward slope of the levee ~~must~~ shall slope downstream.
- (9) Typical plans for each type of approach ramp with restrictions and requirements are shown on Figures 8.~~08~~ 07 and 8.~~09~~ 08.

Note:

Authority cited: Section 8571, Water Code

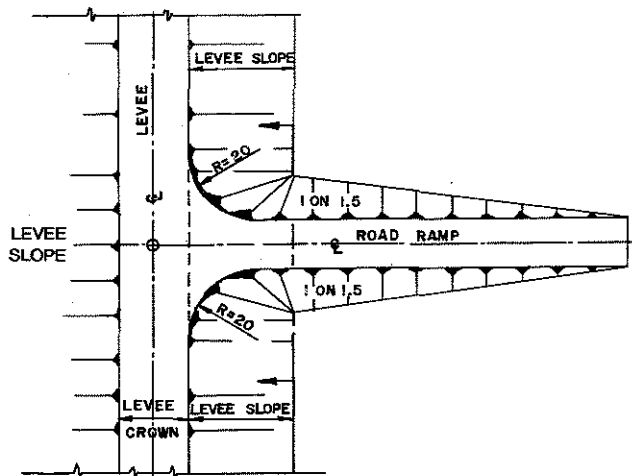
Reference:

Sections 8608 and 8710, Water Code

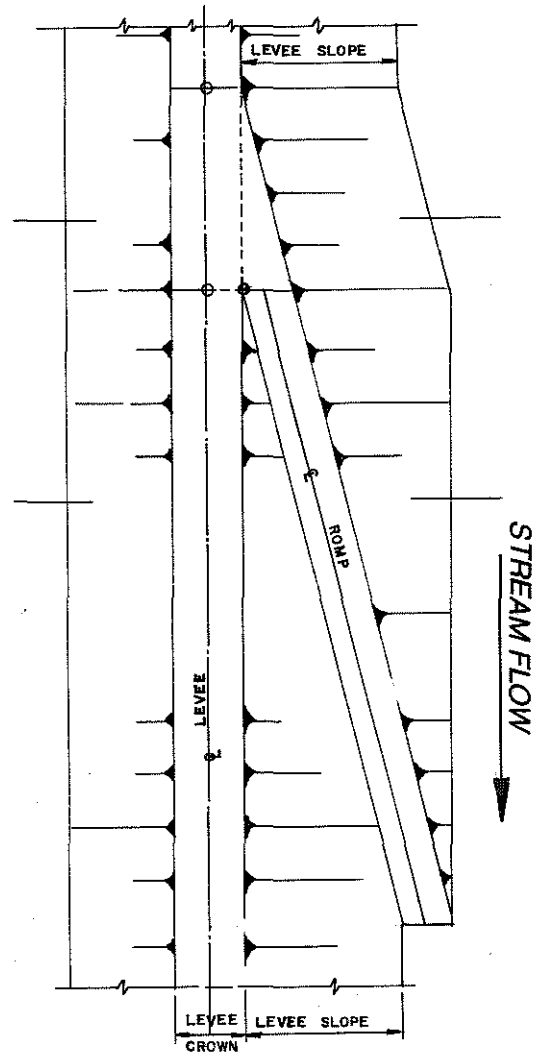
History:

1. New section and figures 8.08 and 8.09 filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

Access Ramps



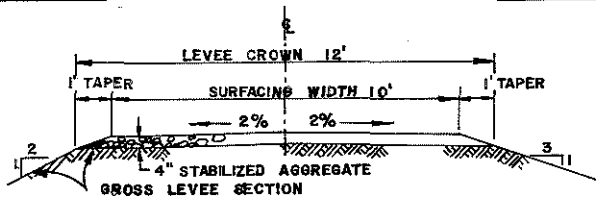
HEAD-ON APPROACH ROAD RAMP



SIDE APPROACH ROAD RAMP

LANDSIDE

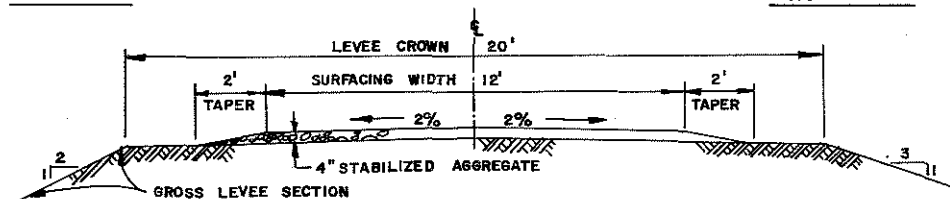
WATERSIDE



LEEVE SURFACING FOR 12' PATROL ROAD

LANDSIDE

WATERSIDE

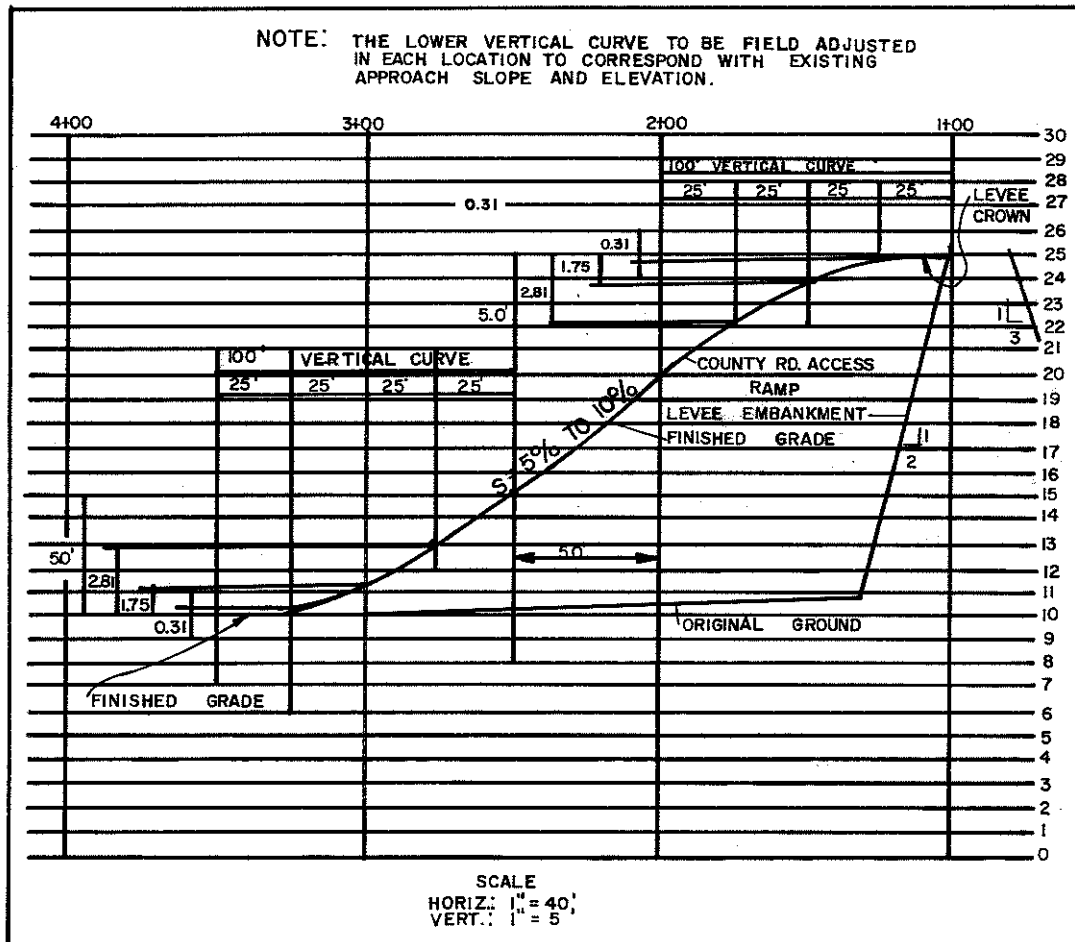


LEEVE SURFACING FOR 20' PATROL ROAD

1. VERTICAL CURVE AT TOP & BOTTOM OF RAMP
2. VERTICAL CURVE TO BE 100 FOOT RADIUS
3. SLOPE OF RAMP TO BE A MINIMUM GRADE OF 5 PERCENT AND A MAXIMUM GRADE OF 10 PERCENT
4. RAMP TO BE SURFACED WITH 4 INCHES OF CLASS 2 AGGREGATE BASE.
(CALTRANS SPEC. 26-1.02B)
5. ALL RAMPS GRADED TO DRAIN AWAY FROM LEEVE SECTION

Renumber to Figure 8.07
Figure 8.08

Access Ramp Grading Requirements



Renumber to Figure 8.08

Figure 8.09

(a) The following definitions apply to this section:

(1) ~~Over~~size levee. “~~Over~~size ~~L~~evee” means a levee which encompasses the minimum oversized levee cross-section which has a width of thirty (30) feet at design freeboard elevation and ~~s~~Standard levee slopes. (See Figure 8.4009.)

(2) ~~Standard size~~ levee. “~~Standard~~ ~~s~~ize ~~L~~evee” means a levee which does not meet the requirements for an ~~e~~Over ~~L~~evee but has standard levee slopes.

(3) ~~Standard levee slopes~~. “~~Standard~~ ~~L~~evee ~~s~~lopes” means the landside levee slope is two (2) horizontal feet to one (1) vertical foot and the waterside levee slope is three (3) horizontal feet to one (1) vertical foot. Some oversized and standard levees have non-standard levee slopes documented in as-built drawings on-file with the Board or within a USACE operation and maintenance manual furnished pursuant to Section 208.10.

(b) Suitable vegetation, if properly maintained following an approved long term maintenance plan, is permitted within ~~an adopted plan of flood control~~ Board Jurisdiction.

(c) Vegetation ~~must~~shall not interfere directly or indirectly with the Project Permitted Works or activities of the Board. Interference includes but is not limited to the following: interfere with negatively impacting the structural integrity of Board Jurisdiction~~the adopted plan of flood control,~~ or interfere with unreasonably delaying anyone engaged in maintenance, inspection, and flood fight procedures.

(d) With the exception of naturally occurring vegetation which the owner of the underlying land has no responsibility to maintain, any vegetation which negatively impacts the structural integrity of Board Jurisdiction~~the adopted plan of flood control,~~ interferes with the successful execution, functioning, maintenance or operation of Board Jurisdiction~~the adopted plan of flood control,~~ ~~must~~shall be removed by the owner or Permittee. If the owner or Permittee does not remove such vegetation upon request, the ~~board~~Board reserves the right to have the vegetation removed at the owner’s or Permittee’s expense.

(e) Tables 8.32 through 8.65 indicate common types of vegetation considered suitable and unsuitable for planting on levees. Other types of vegetation, not listed in Tables 8.32 through 8.65, may be approved if determined to be similar to listed suitable species or not detrimental to the integrity, operation, or maintenance of Board Jurisdiction~~the adopted plan of flood control.~~

(f) Vegetation and vegetation maintenance standards for levees are as follows:

(1) Vegetation is not permitted on the levee crown roadway. Only properly maintained grasses or suitable ground covers are permitted on other portions of the levee crown.

(2) Vegetation growing on levee slopes but infringing onto the levee crown or access ramps ~~must~~shall be trimmed or sprayed to prevent interference with flood fight, maintenance, or inspection activities.

(3) Tree branches extending above the levee crown or above the area within ten (10) feet of the ~~L~~evee ~~t~~Toe, ~~must~~shall be pruned to maintain a minimum of twelve (12) feet vertical clearance above the levee crown and above the area within ten (10) feet of the ~~L~~evee ~~t~~Toe.

(4) Tree branches above levee slopes ~~must~~shall be pruned and maintained so that the distance from the levee slope to the lowest branches, measured normal to the levee slope, is a minimum of five (5) feet.

(5) Trees are not permitted on the crown or slopes of a standard size levee or within ten (10) feet of the toe of a standard or oversized levee. Planted trees ~~must~~shall be set back a sufficient distance from the ~~L~~evee ~~t~~Toe to conform with the requirements of subdivision (f)(3) of this section throughout the life of the tree.

(6) Trees are permitted on oversize levee slopes according to the following additional criteria:

(A) Trees considered suitable and unsuitable for oversize levees are listed in Tables 8.32 and 8.43 respectively.

(B) Trees which will exceed fifty (50) feet in height when mature are not permitted.

(C) Trees are permitted on the waterside levee slope of oversize levees up to a point five (5) vertical feet below the ~~d~~Design ~~f~~Flood ~~p~~Plane.

(D) Trees that, in the judgment of the ~~board~~Board, threaten to disturb ~~r~~Revetment on levee slopes or interfere with maintenance ~~must~~shall be removed.

(E) Fruit and nut trees are not allowed.

(7) Trees, vines, bushes, shrubs, or any other form of woody or herbaceous vegetation that grow in a dense form and prevent visual inspection of the levee slope and toe, produce fruit or nuts that attract burrowing rodents, or are thorny and could interfere with flood fight efforts, are not permitted on the ~~l~~Levee ~~Right of Way~~ or within ten (10) feet of levee toe.

(8) Sod, grasses, perennial flowers, and other nonwoody ground covers are permitted on levee slopes and within ten (10) feet of the ~~l~~Levee ~~t~~Toe if the height of the vegetation does not exceed twelve (12) inches. Ground covers considered suitable and unsuitable on levee slopes and within ten (10) feet of the ~~l~~Levee ~~t~~Toe are listed in Tables 8.54 and 8.65, respectively. In areas where vehicular access is maintained along the ~~l~~Levee ~~t~~Toe, ground covers are generally not permitted. For ground covers with specific maintenance requirements (see Table 8.54):

(A) The ~~p~~Permittee is responsible for maintaining the ground cover at a height less than one (1) foot;

(B) The ~~Local m~~Maintaining ~~a~~Agency reserves the right to mow the groundcover without prior notification if the height exceeds one (1) foot;

(C) Any irrigation system for the ground cover ~~must~~shall be placed at least fifteen (15) feet landward from the landside levee toe, ~~designed to not interfere with mowing~~;

(D) Ground covers that are required by this subdivision to be mowed are generally allowed only on the upper twenty (20) feet of levee slope.

(9) Thick-stemmed, extremely dense or woody ground covers are not permitted on levee slopes or within ten (10) feet of the ~~l~~Levee ~~t~~Toe.

(10) Flower gardens where the height of the vegetation does not exceed twelve (12) inches, and which are compatible with flood fight procedures, maintenance, and inspection programs are ~~not~~permitted within ten (10) feet of the ~~l~~Levee ~~t~~Toe.

(g) Vegetation and vegetation maintenance standards for ~~f~~Floodways and bypasses are as follows:

(1) Vegetation is permitted within ~~r~~Revetment on streambanks unless, in the judgment of the ~~board~~Board, it becomes a threat to the integrity of the ~~r~~Revetment.

(2) Invasive or difficult-to-control vegetation, whether naturally occurring or planted, that impedes or misdirects flood flows is not permitted to remain on a ~~b~~Berm or within the ~~f~~Floodway or bypass.

(3) The ~~board~~Board may require clearing and/or pruning of trees and shrubs planted within ~~f~~Floodways in order to minimize obstruction of floodflows.

(4) Trees and brush that have been cut down ~~must~~shall ~~be burned or properly~~ removed from the ~~f~~Floodway prior to the ~~f~~Flood ~~s~~Season.

(h) Orchards are not permitted within bypasses but may be planted within other ~~f~~Floodways in accordance with the following criteria:

(1) If an orchard is abandoned, all trees ~~must~~shall be removed and ~~burned or~~ disposed of outside the ~~f~~Floodway and Board Jurisdiction prior to ~~f~~Flood ~~s~~Season.

(2) Trees or brush cut prior to planting an orchard ~~must~~shall be removed and ~~burned or~~ disposed of outside the ~~f~~Floodway and Board Jurisdiction prior to ~~f~~Flood ~~s~~Season.

(3) Orchard cuttings and any debris that may accumulate in the orchard during the ~~f~~Flood ~~s~~Season ~~must~~shall be removed from the ~~f~~Floodway, or ~~must~~shall be disposed of in such a manner as to leave no floatable debris within the ~~f~~Floodway. Cuttings and other debris ~~must~~shall regularly be ~~burned or~~ removed and disposed of outside the ~~f~~Floodway and Board Jurisdiction throughout pruning activities so as to leave no floatable debris within the ~~f~~Floodway.

(4) Dead trees, stumps, prunings, or other agricultural debris may not be placed on the ~~L~~Levee ~~s~~Right of Way ~~ection or within ten (10) of the levee toe~~.

(5) Tree rows ~~must~~shall be parallel to the direction of the overbank flow and may not direct the flow toward the levee.

(6) The spacing between rows ~~must~~shall be a minimum of sixteen (16) feet perpendicular to the overbank flow of the ~~s~~Stream. The row spacing ~~must~~shall be increased if, in the judgment of the ~~board~~Board, additional space is necessary for the passage of floodflows.

(i) Vegetable gardens are not permitted on the levee slope. Vegetable gardens may be permitted within ten (10) feet of the ~~L~~Levee ~~f~~Toe where they will not interfere with maintenance and inspection and meet the following conditions:

(1) No large bushy plants such as corn, tomatoes, grapes and peas are within ten (10) feet of the ~~L~~Levee ~~f~~Toe;

(2) There is not a maintenance access road along the ~~L~~Levee ~~f~~Toe;

(3) The adjacent levee slope is not sprayed with herbicide by the Local ~~m~~Maintaining ~~a~~Agency; and

(4) The levee is not experiencing burrowing rodent activity. If there is burrowing rodent activity in the immediate vicinity, the vegetable garden ~~p~~Permittee shall control the rodents to the satisfaction of the Board or remove the garden.

(j) Irrigation of vegetation on levee slopes ~~must~~shall be designed and installed to conform to the following criteria:

(1) Permanently installed irrigation systems are not permitted on or buried beneath both the roadway, the levee crown, nor on levee slopes of oversize levees ~~and on the landside slope of~~ or standard size levees. The preferred method for irrigating vegetation on levees is to have sprinkler heads and supply lines installed completely off of the levee and more than fifteen (15) feet from the Levee Toe.

~~(2) Surface low pressure drip irrigation systems may be used on either the landside or waterside levee slope.~~

~~(23)~~ Any water applied to vegetation on the levee slope by any means ~~must~~shall be controlled to prevent erosion of the levee slope.

~~(34)~~ Ditches may not be dug in the ~~L~~Levee ~~section, within ten (10) feet of the levee toe~~ Right of Way, or within the ~~p~~Projected ~~L~~Levee ~~s~~Section for irrigation or drainage.

~~(45) Watering basins around trees must be limited to a maximum depth of twelve (12) inches.~~

~~(6) Permanently installed irrigation pipes may be buried but may be no deeper than eight (8) inches into the levee slope.~~

~~(7) A readily accessible shutoff or control valve is required in the supply line of all irrigation systems. The valve must be located a minimum of ten (10) feet landward of the levee toe and must be clearly identified for levee maintenance or flood fight personnel.~~

~~(8) Pipes supplying water to permanently installed sprinkler heads must be of approved material such as galvanized iron, schedule 40 polyvinyl chloride (PVC), class L copper, or equivalent. Aluminum pipe is not permitted.~~

(k) The ~~board~~Board may permit, with appropriate conditions, existing nonconforming vegetation after considering a number of factors, including but not limited to:

(1) Age of vegetation;

(2) Type of vegetation;

(3) Location of vegetation;

(4) Size of vegetation at breast-height;

(5) Flexibility of the vegetation to bend downward and lie flat during high flow events;

~~(5)~~ (6) Physical condition of vegetation;

~~(6)~~ (7) Whether the vegetation was planted or is naturally occurring;

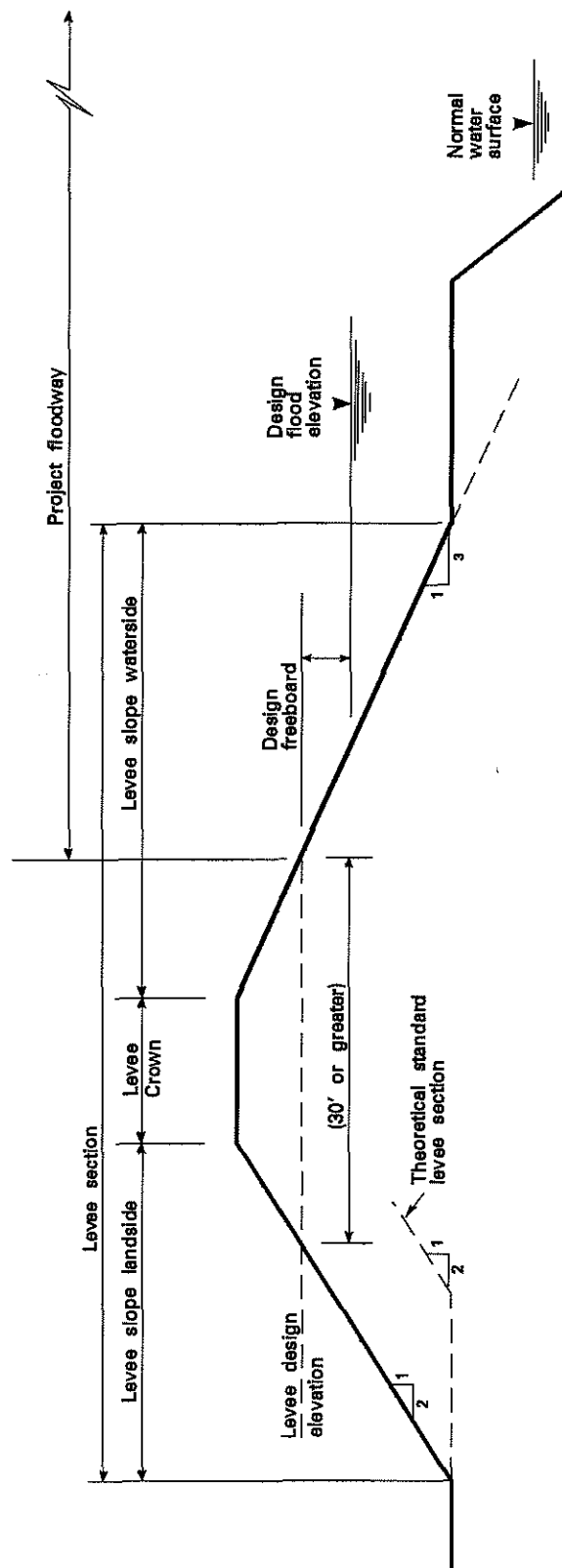
~~(7)~~ (8) Condition of the ~~a~~Adopted ~~p~~Plan of ~~f~~Flood ~~e~~Control;

~~(8)~~ (9) Environmental value of the vegetation; and

~~(9)~~ (10) Ability to inspect and maintain the levee around the vegetation.

(l) Trees removed from the ~~l~~Levee Right of Way ~~and from within ten (10) feet of the levee~~ shall have all roots larger than one- and one-half (1-1/2) inches in diameter removed for a distance of at least three (3) feet from the tree trunk at ground level and the hole filled with impervious soil compacted in four- (4) to six- (6) inch lifts. Compaction within the ~~l~~Levee ~~s~~Section shall be a relative compaction of not less than ninety percent (90%), per ASTM D1557-91, dated 1991, which is incorporated by reference. Outside of the ~~l~~Levee ~~s~~Section, the soil shall be compacted to at least the density of adjacent undisturbed material.

Oversize Levee Section



Renumber to Figure 8.09

Figure 8.10

Table 8.2
Partial List of Trees *Suitable* for Oversize Levees

Alder, white	<i>Alnus rhombifolia</i>
Box Elder	<i>Acer negundo</i>
<u>Califonia ash</u>	<u><i>Fraxinus dipetala</i></u>
California pepper tree (male only)	<i>Schinus molle</i>
Carob tree (male only)	<i>Ceratonia siliqua</i>
China berry	<i>Melia azedarach</i>
Chinese pistache	<i>Pistacia chinensis</i>
Coast beefwood	<i>Casuarina stricta</i>
Common catalpa	<i>Catalpa bignonioides</i>
Crape myrtle	<i>Lagerstroemia indica</i>
<u>Desert willow</u>	<u><i>Chilopsis linearis</i></u>
Dogwood, giant	<i>Cornus controversa</i>
Dogwood, Western	<i>Cornus nuttallii</i>
Fremont cottonwood (male only)	<i>Populus fremontii</i>
<u>California flannelbush</u>	<u><i>Fremontedendron californicum</i></u>
	<u>"Pacific Sunset"</u>
Goldenrain tree	<i>Koeleruteria paniculata</i>
Hackberry, Chinese	<i>Celtis sinensis</i>
Hackberry, common	<i>Celtis occidentalis</i>
Hackberry, European	<i>Celtis australis</i>
Maidenhair tree (male only)	<i>Ginkgo biloba</i>
Mayten tree	<i>Maytenus boaria</i>
Montezuma cypress	<i>Taxodium mucronatum</i>
Oak	Q <i>Quercus</i> spp.*
<u>Oregon ash</u>	<u><i>Fraxinus latifolia</i></u>
Pagoda tree	<i>Sophora japonica</i>
Redbud, western	<i>Cercis occidentalis</i>
Redbud, eastern	<i>Cercis canadensis</i>
Sawleaf zelkova	<i>Zelkova serrata</i>
Silk tree	<i>Albizia julibrissin</i>
Strawberry tree	<i>Arbutus unedo</i> or
	<i>Arbutus "marina"</i>
Tallow tree	<i>Sapium sebiferum</i>
Tupelo	<i>Nyssa sylvatica</i>
<u>Vine maple</u>	<u><i>Acer circinatum</i></u>

*spp. = species

Table 8.3
Partial List of Trees *Unsuitable* on Levees

Acacia, Bailey	<i>Acacia baileyana</i>
Acacia, kangaroo thorn	<i>Acacia armata</i>
Almond	<i>Prunus dulcis</i>
Apple, crabapple	<i>Malus spp.*</i>
Apricot	<i>Prunus armeniaca</i>
Ash, Arizona	<i>Fraxinus velutina</i>
Ash, flowering	<i>Fraxinus ornus</i>
Ash, Modesto	<i>Fraxinum velutina "Modesto"</i>
Blue gum	<i>Eucalyptus globulus</i>
California pepper tree	Schinus molle
Carob tree	Ceratonia siliqua
Cedar**	<i>Cedrus spp.*</i>
Cherry	<i>Prunus ayium</i>
Chinese jujube	<i>Zizyphus jujube</i>
Chinese pistache	Pistacia chinensis
Chinese wingnut	<i>Pterocarya stenoptera</i>
Citrus	<i>Citrus spp.*</i>
Coast beefwood	Casuarina stricta
Coast redwood	<i>Sequoia sempervirens</i>
Colorado spruce	<i>Picea pungens</i>
Common catalpa	Catalpa bignonioides
Cypress**	<i>Cupressus spp.*</i>
Date palm	<i>Phoenix spp.*</i>
Elm	<i>Ulmus spp.*</i>
Fan palm	<i>Washingtonia spp.*</i>
Fig	<i>Ficus carica</i>
Fir**	<i>Abies spp.*</i>
Giant sequoia	<i>Sequoiadendron giganteum</i>
Grape	<i>Vitis spp.*</i>
Hawthorn	<i>Crataegus spp.*</i>
Incense cedar**	<i>Calocedrus decurrens</i>
Locust	<i>Robinia spp.*</i>
Loquat	<i>Eriobotrya spp.*</i>
Olive	<i>Olea europaea</i>
Osage orange	<i>Maclura pomifera</i>
Peach and nectarine	<i>Prunus perica</i>
Pecan	<i>Carya illinoensis</i>
Persimmon	<i>Diospyros spp.*</i>
Pine**	<i>Pinus spp.*</i>
Plum and prune	<i>Prunus domestica, salicina</i>
Pomegranate	<i>Punica granatum</i>
Quince	<i>Cydonia oblonga</i>
Russian olive	<i>Elaeagnus augustifolia</i>
Salt Cedar	<i>Tamarisk gallica</i>
Tree of heaven	<i>Ailanthus altissima</i>
Walnut	<i>Juglans spp.*</i>
*spp. = species	
**Conifers whose normal mature height is 50 feet or less may be considered desirable under maintenance conditions that (1) protect the tree from drought, and (2) will assure proper pruning of the lower branches.	

Table 8.4
Partial List of Ground Covers *Suitable* on Levees

Aaron's Beard***	<i>Hypericum calycinum</i>
Alyssum	<i>Alyssum spp.*</i>
Basket-of-gold	<i>Aurinia saxatile</i>
Bermuda Grass	<i>Cynodon dactylon</i> "tifgreen"
	<i>Cynodon dactylon</i> "coastal"
	<i>Cynodon dactylon</i> "Tufeote"
Blue-eyed grass	<i>Sisyrinchium bellum</i>
<u>Blue wild rye</u>	<u><i>Elymus glaucus ssp. Glaucus</i></u>
California Poppy	<i>Eschscholzia californica</i>
Cape weed	<i>Arctotheca calendula</i>
Creeping wild rye***	<i>Elymus</i> <u><i>Leymus</i></u> <i>triticoides</i>
<u>Deergrass</u>	<u><i>Muhlenbergia rigens</i></u>
English Ivy, miniature***	<i>Hedera helix, hahni</i>
Garden lippia	<i>Phyla nodiflora</i>
	<i>Lippia nodiflora</i>
Gazania, trailing***	<i>Gazania spp.*</i>
Green carpet	<i>Herniaria glabra</i>
Lupine, dwarf	<i>Lupinus bicolor</i>
<u>Purple needle grass</u>	<u><i>Stipa pulchra</i></u>
Mexican evening primrose***	<i>Oenothera berlandieri</i>
Palestine orchardgrass	<i>Dactylis glomerata</i>
	"Palestine"
Salt grass	<i>Distichlis spicata</i>
<u>Santa Barbara sedge</u>	<u><i>Carex barbarae</i></u>
Spring Cinquefoil	<i>Potentilla tabernaemontanii</i>
Stonecrop	<i>Sedum spp.*</i>
Trailing African daisy	<i>Osteospermum fruticosum</i>
Verbena	<i>Verbena peruviana</i>
Yellow-eyed grass	<i>Sisyrinchium californicum</i>

*spp. = species

**These species have specific requirements for being cut back or otherwise maintained on a regular basis depending on the species.

Table 8.5
Partial List of Ground Covers and Miscellaneous
Species *Unsuitable* on Levees

Bamboo	<i>Bambusa spp.*</i>
Blackberry/Raspberry	<i>Rubus spp.*</i>
Broom	<i>Cytisus spp.*</i>
Cactus	<i>Cactaceae spp.*</i>
Century Plant	<i>Agave americana</i>
False Bamboo, Common Reed	<i>Phragmites communis</i>
Freeway Iceplant	<i>Carpobrotus spp.*</i>
Grape	<i>Vitus spp.*</i>
Honeysuckle	<i>Lonicera spp.*</i>
Horsetail	<i>Equisetum hyemale</i>
Ice Plant, Rosea	<i>Drosanthemum floribundum</i>
Ice Plant, trailing	<i>Lampranthus, spectabilis</i>
Ivy, Algerian	<i>Hedera canariensis</i>
Ivy, Persian	<i>Hedera colchica</i>
Ivy, English	<i>Hedera helix</i>
except miniature or dwarf varieties	
Pampas grass	<i>Cortaderia selloana</i>
Periwinkle	<i>Vinca spp.*</i>
Perla Grass	<i>Phalaris tuberosa</i> <i>var. hirtiglumis</i>
<u>Poison Oak</u>	<u><i>Toxicodendron diversilobum</i></u>
Rose	<i>Rosa spp.*</i>
<u>Verbena</u>	<u><i>Verbena spp.*</i></u>
*spp. = species	

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section, figure 8.10 and tables 8.2 through 8.5 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

(a) It is the ~~b~~Board's policy to permit the construction of paved and unpaved bicycle trails by public agencies on levees and within ~~f~~Floodways under the ~~b~~Board's ~~j~~Jurisdiction, provided that the flood control purpose of the ~~f~~Floodway facilities remains primary. Bicycle trails ~~must~~shall meet the following general conditions:

(1) Where feasible, the bicycle trail ~~must~~shall be located off of the levee.

(2) Repair or replacement of the bicycle trail that is damaged during an emergency flood fight procedure, routine maintenance, or any required improvement activity within Board Jurisdiction ~~an adopted plan of flood control~~ ~~must~~shall be made by, and at the sole expense of, the ~~p~~Permittee or in accordance with an agreement for maintenance between the ~~p~~Permittee and a public agency.

(3) The ~~b~~Board and the ~~l~~Local ~~flood control~~ ~~m~~Maintaining ~~a~~Agency retain the right to temporarily close the bicycle trail for improvement, maintenance, or during emergency flood fight activities.

(4) Bicycle trails within Board Jurisdiction ~~an adopted plan of flood control~~ ~~must~~shall be maintained to a level safe for bicycle traffic and acceptable to the ~~l~~Local ~~flood control~~ ~~m~~Maintaining ~~a~~Agency and the ~~Department of Water Resources~~.

(b) Bicycle trails on a ~~l~~Levee ~~s~~Section are permitted under the following conditions:

(1) The ~~p~~Permittee shall defend, hold harmless, and indemnify the State of California and the ~~l~~Local ~~m~~Maintaining ~~a~~Agency, and each of their boards, elected officials, officers, employees, and agents against all damages and claims of liability of whatever nature which arise from the use of the levee as a bicycle trail.

(2) The ~~p~~Permittee ~~must~~shall submit proposed use restrictions for the bicycle trail, and a plan for enforcement of the restrictions satisfactory to the ~~b~~Board, prior to commencing construction. The restrictions, at a minimum, ~~must~~shall restrict public access to the trail and to designated adjacent areas only, and ~~must~~shall prohibit equestrian and motorized vehicle traffic, except as may be necessary for maintenance, restriction enforcement, and providing for public safety.

(3) The ~~p~~Permittee ~~must~~shall agree to bear the cost of any repairs to Board Jurisdiction ~~a flood control project facility~~ that ~~are~~is made necessary by the presence or use of the bicycle trail.

(4) Paved bicycle trails constructed on the levee crown ~~must~~shall have a minimum pavement width of twelve (12) feet and a minimum shoulder width of one (1) foot on each side of the pavement. The outer edges of the finished pavement may be no higher than the adjacent shoulders and the cross-section ~~must~~shall be shaped and trimmed to produce a smooth transition from pavement to shoulder.

(5) Paved bicycle trails on the levee crown ~~must~~shall be designed and paved to withstand a maximum load of 68,000 pounds from two consecutive sets of tandem axles. Soil tests may be required to determine design of the trail.

(6) The structural section of paved bicycle trails ~~must~~shall consist of a minimum of six (6) inches of compacted aggregate base beneath two (2) inches of asphalt concrete pavement, or equivalent, on a ~~well compacted levee crown~~ subgrade compacted pursuant to Section 120(a)(12) of these regulations. Field density testing by an Approved Soils Testing Laboratory will be required to confirm the minimum relative compaction of the subgrade.

(7) The aggregate base shall extend beyond the pavement to allow drainage.

(8) The bicycle trail and all bicycle access ramps ~~must~~shall be sloped to drain away from the levee crown.

- (9) Bicycle access ramps on levee slopes ~~must~~shall conform to the criteria set forth ~~in the standards for access ramps in section~~as per Section 130 of these regulations.
- (10) The bicycle trail may not be cut into the ~~L~~Section but may be placed on fill along the levee slope provided it will not interfere with maintenance.
- (11) The ~~p~~Permittee ~~must~~shall maintain the bicycle trail or provide evidence of agreement with a public agency for that agency to provide maintenance.
- (12) The ~~p~~Permittee may be required to prevent unauthorized vehicular access to bicycle trails by installing gates or physical barriers such as K-rail, which ~~must~~shall be removable to allow access for maintenance, inspection, and emergency vehicles. If gates are used as ~~V~~vehicular access barriers ~~will~~they will be secured by locks. Keys shall be provided to the Local Maintaining Agency, Department of Water Resources Board, and the USACE~~local flood control maintaining agency.~~
- (13) The ~~p~~Permittee shall install permanent safety signs at all bicycle access points and at periodic intervals along the trail containing such language as “Levee Maintenance Road”, or “Watch for Patrolling Vehicles”. Sign post shall not penetrate the levee prism by more than 12-inches.
- (14) The ~~p~~Permittee shall install permanent signs at all bicycle access points to control unauthorized use of bicycle trails.
- (c) Bicycle trails within a leveed ~~f~~Floodway are permitted under the following conditions:
- (1) The ~~p~~Permittee ~~must~~shall submit proposed use restrictions for the bicycle trail and a plan for enforcement of such restrictions satisfactory to the ~~b~~Board, prior to commencing construction. The restrictions, at a minimum, ~~must~~shall restrict public access to the trail and to designated adjacent areas only, and shall prohibit equestrian and motorized vehicle traffic, except as may be necessary for maintenance, restriction enforcement, and providing for public safety.
- (2) The ~~p~~Permittee ~~must~~shall agree to bear the cost of any repairs to a flood control project facility that ~~are~~is made necessary by the presence or use of the bicycle trail.
- (3) Bicycle trails ~~must~~shall be constructed at natural ground level wherever possible, and all fills greater than three (3) feet in height ~~must~~shall be supported by appropriate engineering studies.
- (4) The ~~p~~Permittee ~~must~~shall maintain the bicycle trail or provide evidence of an agreement with a public agency for that agency to provide maintenance.
- (5) The ~~p~~Permittee is required to prevent unauthorized vehicular access to bicycle trails by physical barriers, which ~~must~~shall be removable to allow access for maintenance, inspection, and emergency vehicles. Vehicular access barriers will be secured by locks. Keys shall be provided to the Board, Department of Water Resources, USACE and the ~~L~~Local flood control ~~m~~Maintaining aAgency.
- (6) The ~~p~~Permittee ~~must~~shall install permanent signs at all bicycle access points to control unauthorized use of bicycle trails.
- (d) Paved bicycle trails within ten (10) feet of the landside ~~L~~Toe ~~must~~shall have appropriate features that intercept seepage and prevent particle migration.
- (e) Whenever possible the Permittee shall consider privacy concerns of adjacent landowners and incorporate features into the trail design to mitigate these concerns.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

These supplemental standards apply only to the construction, reconstruction, or repair of ~~d~~Dwellings and associated improvements on the left bank waterward ~~b~~Berm and waterward levee slope of the Sacramento River between levee miles 0.00 and 18.60, Unit 1, Reclamation District 1000. These standards supplement and, where in conflict with, supersede the standards in ~~s~~Sections 111 through ~~section~~137. While these standards are not specifically for commercial construction, in general, the principles in this section will apply to commercial development.

(a) The owner or ~~p~~Permittee must maintain the waterward slope of the levee and the utilized area within the ~~f~~Floodway of the Sacramento River in the manner required by Reclamation District 1000 or any other agency responsible for maintenance.

(b) The area between the waterward levee shoulder and the riverbank may be filled, provided the fill does not extend more than one hundred fifty (150) feet waterward from the centerline of the Garden Highway roadway levee crown.

(c) Within the area located between the waterward levee shoulder and a point sixty-five (65) feet waterward from the centerline of Garden Highway roadway levee, the following conditions apply:

(1) Where the area is less than one (1) foot above the ~~d~~Design ~~flood-plane~~Water Surface Elevation, driveways and ramps may be constructed at any orientation to the levee.

(2) Where the area is less than one (1) foot above the ~~d~~Design ~~flood-plane~~Water Surface Elevation, fences, walls and similar structures parallel to the levee must be an open type and constructed to provide for the unobstructed visual inspection of the levee slope and toe from the levee crown roadway.

(3) Where the entire area is at least one (1) foot above the ~~d~~Design ~~flood-plane~~Water Surface Elevation, no restrictions apply to fences, walls, and similar structures.

(4) Fences, walls, and similar structures shall be designed to meet the requirements of Reclamation District 1000, and these requirements will be incorporated into Board Permits.

(5) Elevated walkways and driveways are permitted without elevation restrictions.

(d) Within the area beginning at a point sixty-five (65) feet waterward from the centerline of the levee and extending waterward a maximum of one hundred and fifty (150) feet from the centerline of the original USACE levee, the following conditions apply:

(1) Securely anchored fences and structures are permitted.

(2) Dwellings are permitted, if the finished floor level is at least two (2) feet above the ~~d~~Design ~~flood-plane~~Water Surface Elevation or two (2) feet above the 100-year flood elevation, whichever is higher.

(3) The finished floor level of any addition to an existing ~~d~~Dwelling shall be at least two (2) feet above the ~~d~~Design ~~flood-plane~~Water Surface Elevation or two (2) feet above the 100-year flood elevation, whichever is higher.

(4) Dwellings and appurtenant structures are permitted within fourteen (14) feet of the top of the riverbank, provided the riverbank is revetted to ~~b~~Board ~~s~~Standards.

(5) Dwellings and appurtenant structures are not permitted within thirty (30) feet of the top of an unrevetted riverbank.

(e) Within the area beginning at a point one hundred and fifty (150) feet waterward from the centerline of the Garden Highway roadway levee and extending waterward to the top of riverbank, the following conditions apply:

(1) Dwellings and fences are not permitted.

(2) Securely anchored structures that do not protrude above natural ground level may be allowed.

(3) Additions may be made to existing ~~d~~Dwellings if the addition extends no farther into the ~~f~~Floodway than the original ~~d~~Dwelling.

(4) The finished floor level of any addition to an existing ~~d~~Dwelling shall be at least two (2) feet above the ~~d~~Design ~~flood-plane~~Water Surface Elevation or two (2) feet above the ~~+~~200-year flood elevation, whichever is higher.

(f) Materials or equipment stored within the flood way must be securely anchored or removed prior to the ~~f~~Flood ~~s~~Season.

(g) Downed trees or brush and other floatable material of any kind are not permitted to remain within the ~~f~~Floodway during the ~~f~~Flood ~~s~~Season.

(h) The ~~b~~Board permit approving the construction of a new ~~d~~Dwelling or reconstruction or remodeling of an existing Dwelling shall run with the land, pursuant to a recorded document executed pursuant to ~~s~~Section 16(f).

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8370, 8608 and 8710, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Article 8 Standards

Section 134, Supplemental Standards for the Yuba River – Daguerre Point Dam to Confluence with the Feather River

These standards are for ~~d~~Dwellings and structures within the Yuba River ~~f~~Floodway between Daguerre Point Dam and the confluence with the Feather River. These standards supplement and, where in conflict with, supersede the standards in ~~sections~~Sections 111 through 137 of these regulations.

(a) The following definition applies to this ~~section~~Section:

(1) Permanent Dwelling—“Permanent Dwelling” means a ~~d~~Dwelling that may be occupied throughout the year.

(b) The lower Yuba River flood channel is divided into Areas A, B, and C, as delineated on Figure 8.101.

(1) Area A is the flow area required to carry one hundred fifty thousand (150,000) cubic feet per second (cfs).

(2) Area A and ~~Area~~-B combined is the flow area required to carry two hundred thirty–five thousand (235,000) cfs.

(3) Area C is the remainder of the ~~f~~Floodway within Board Jurisdiction~~the flood control project levees~~.

(c) A map identifying the exact locations of Areas A, B, and C, entitled “1995 Designated Floodway, Yuba River” is incorporated by reference into ~~these~~is regulations. The full~~–~~size map is available for inspection at the Board’s office ~~of the board~~ in Sacramento.

(e) Encroachments in Area A ~~must~~shall conform to the ~~general Board’s~~Standards of this title, except that new ~~d~~Dwellings for seasonal occupancy (as defined in ~~section~~Section 113 of these regulations) and structures are not permitted.

(d) Encroachments in Area B ~~must~~shall conform to the ~~general Board’s~~Standards of this title except that ~~d~~Dwellings, structures, and ~~m~~Mobile ~~h~~Homes may be permitted in substantial areas of shallow flooding (water depths not to exceed one (1) foot ~~or less~~ in a hundred-year flood) if they satisfy the requirements of subdivision (e) of this ~~section~~Section and ~~the requirements of section~~Section 113(d) of these regulations.

(e) Area C is considered a “~~zone~~Zone B” as provided in ~~section~~Section 113 of these regulations. Encroachments in Area C ~~must~~shall conform to the ~~general Board’s~~Standards of this division, and in addition, meet the following requirements:

(1) The ~~d~~Design ~~f~~Flood ~~p~~Plane for construction of permanent ~~d~~Dwellings ~~must~~shall correspond to the two hundred thirty–five thousand (235,000) cfs flow line or 100-year flood elevation, whichever is higher.

(2) New permanent ~~d~~Dwellings are not permitted in Area C unless a safe evacuation route, satisfactory to the ~~b~~Board, is available for the ~~d~~Dwelling’s residents.

(3) Roads that would be used to evacuate residents ~~must~~shall be constructed to at least the one hundred fifty thousand (150,000) cfs flow line elevation, 100-year flood elevation, or at natural ground elevation, whichever is highest and may not unreasonably obstruct flood flows.

(4) The ~~b~~Board may require the owner of a ~~d~~Dwelling, pursuant to ~~section~~Section 16 of these regulations, to execute an agreement in which the owner agrees to evacuate all residents and guests upon order of an authorized government official when flooding is forecasted for the area.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609, and 8710, Water Code

History:

1. New section and figure 8.11 filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

Figure 8.10, Yuba River Designated Floodway



RIVER MILE (R.M.) ADDED 5/21/92 FROM CORPS OF ENGINEERS
FLOOD PLAIN INFORMATION REPORT OF JUNE 1968

Figure 8.10, Yuba River Designated Floodway

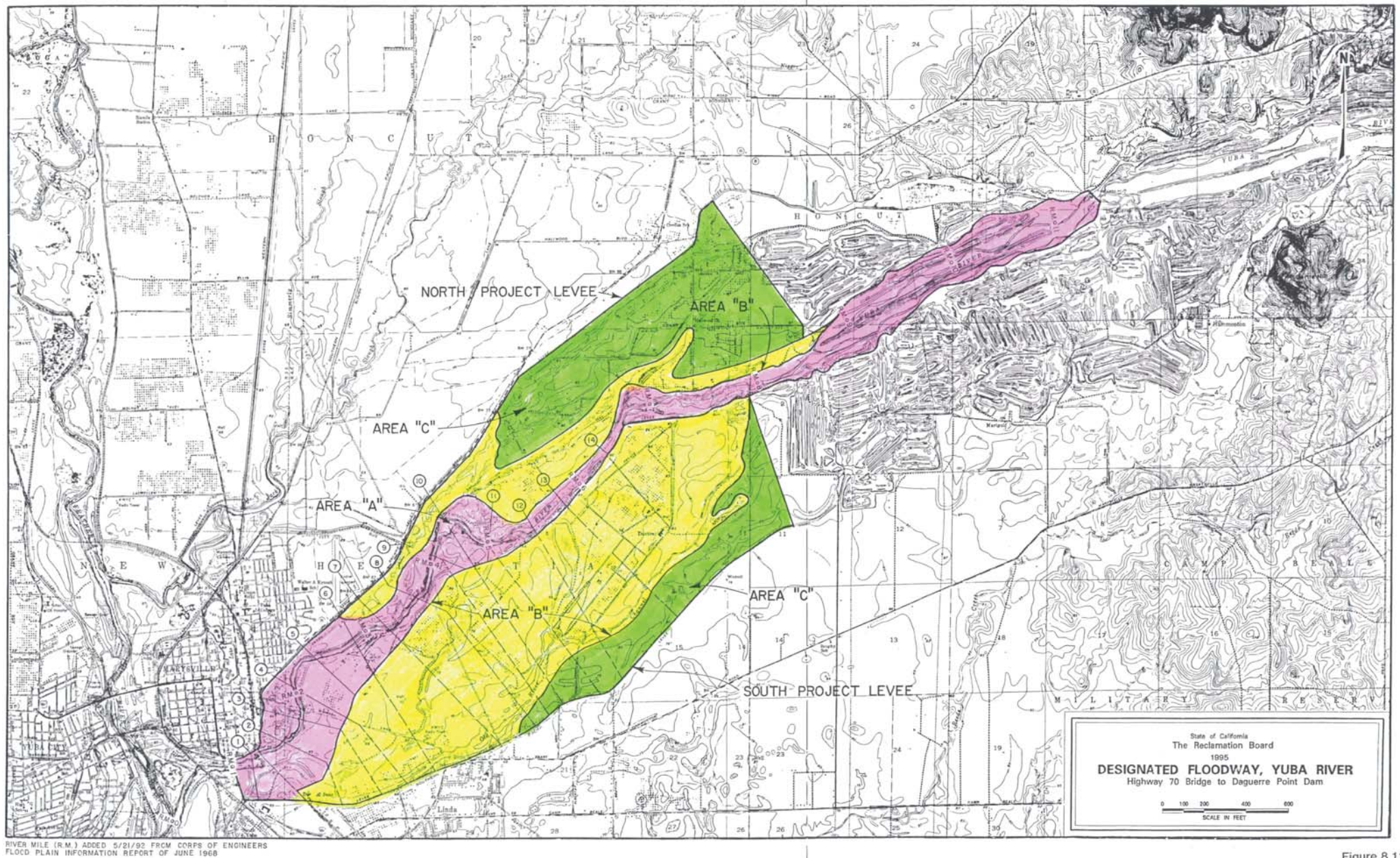


Figure 8.11

(a) These supplemental standards apply to Butte Basin, as delineated on Figure 8.11~~2~~ and partitioned into designated Areas B, C, D, E, and Reclamation District 1004. ~~These standards supplement and, where in conflict with, supersede the standards in Sections 111 through 137 of these regulations. The basin's boundaries are as follows:~~

(1)- The basin's west boundary is the Sacramento River east bank ~~SPFCproject I~~Levee, and above the Ord Ferry area where there is no ~~SPFCproject I~~Levee, the boundary is the ~~Sacramento River d~~Designated ~~f~~Floodway ~~of the Sacramento River~~ adopted November 29, 1988~~;~~.

(2)- The east boundary is based on the wetted area of the 1970 flood~~;~~.

(3)- The north boundary is the Sacramento River ~~d~~Designated ~~f~~Floodway in the proximity of Murphy Slough and Golden State Island, and

(4) ~~t~~The south boundary is the Sacramento River between the city of Colusa and the Butte Slough outfall gates, a section of the Butte Slough levee in both Colusa and Sutter Counties, and Pass Road in Sutter County. ~~These standards supplement and, where in conflict with, supersede the standards in section 111 through section 137.~~

(5) A map identifying the locations of the above-named areas is incorporated by reference into these regulations. A large printed map is available for inspection at the Board's Sacramento offices, and is also available online from the Board website.

(~~a~~b) Approval from the ~~b~~Board is required for any ~~eneroachment-Proposed Work~~ that could reduce or impede floodflows, or would reclaim any of the floodplain within Butte Basin.

(1) ~~Eneroachments-Proposed Work~~ in Reclamation District 1004 ~~are~~is not regulated by the ~~b~~Board.

(2) These supplemental standards do not apply to that portion of Area E located north of the Butte-Sutter County line and its extension westward into Colusa County, and situated adjacent to the Sacramento River ~~SPFCproject I~~Levee where the natural ground level is higher than the 100-year flood elevation.

(3) Except where the activity would potentially affect ~~Board Jurisdictiona-project levee or other project feature~~, the standards within ~~s~~Sections 116, 122, 123, 124, 126, 127, 129, 130, 131, 132, and 137 of these regulations do not apply to that portion of Area E located south of the Butte-Sutter County line and its extension westward into Colusa County.

(b) Approval from the ~~b~~Board is not required for crop checks less than thirty-six (36) inches in height. In Areas B, C and D, all crop checks ~~must~~ shall be removed prior to ~~f~~Flood ~~s~~Season, unless they comply with the requirements of subdivisions (d), (e), and (f), respectively.

(c) Except where the activity would potentially affect ~~Board Jurisdictiona-project levee or other project feature~~, approval from the ~~b~~Board is not required for land leveling or grading, or for drainage and irrigation improvements in Areas C, D, and E that have a localized impact only and comply with subdivisions (e), (f), and (g) of this section.

(d) Within Area B, approval from the ~~b~~Board is not required for any ~~eneroachment-Proposed Work~~ that is less than eighteen (18) inches in height above the natural ground level. However, any ~~p~~Proposed ~~Workeneroachment-~~ within a slough or swale must be approved by the ~~b~~Board. Area B extends southerly from Butte Basin's northerly boundary to a line located one thousand (1,000) feet southeasterly and lying parallel to the Parrott Grant line.

(e) Within Area C, approval from the ~~b~~Board is not required for any ~~eneroachment-Proposed Work~~ less than thirty-six (36) inches in height above the natural ground level, and having a ~~e~~Crest ~~e~~Elevation less than seventy and one tenth (70.1) feet (NGVD). Area C is the area enclosed within a three- (3) mile radius measured from the center of Moulton Weir and limited

by the southeasterly extensions of the north and south training levee alignments to the three- (3) mile arc.

(f) Within Area D, approval from the ~~b~~Board is not required for any ~~en~~eroachment~~Proposed~~Work less than thirty-six (36) inches in height above the natural ground level and having a ~~e~~Crest ~~e~~Elevation less than fifty-four and nine tenths (54.9) feet (NGVD). Area D encompasses the Colusa Weir together with its outflow channel enclosed by training levees, and an overflow area extending to Butte Creek.

(g) Within Area E, approval from the ~~b~~Board is not required for any ~~en~~eroachment~~Proposed~~Work less than thirty-six (36) inches in height above the natural ground level. The northern boundary of Area E is a line located one thousand (1,000) feet southeasterly of the south Parrott Grant line, and the southern boundary is formed by the Sacramento River between the city of Colusa and the Butte Slough outfall gates, a section of the Butte Slough levee in both Colusa and Sutter Counties, and Pass Road in Sutter County.

(h) Within that portion of Area E located south of Gridley Road, new and existing recreational structures, including caretaker, security, and ~~d~~Dwellings for seasonal occupancy (as defined in ~~s~~Section 113) may be permitted provided the finished floor level of the structure is at least two (2) feet above the ~~d~~Design ~~flood plane~~Water Surface Elevation or two (2) feet above the 100-year flood elevation, whichever is higher.

Note:

Authority cited: Section 8571, Water Code.

Reference:

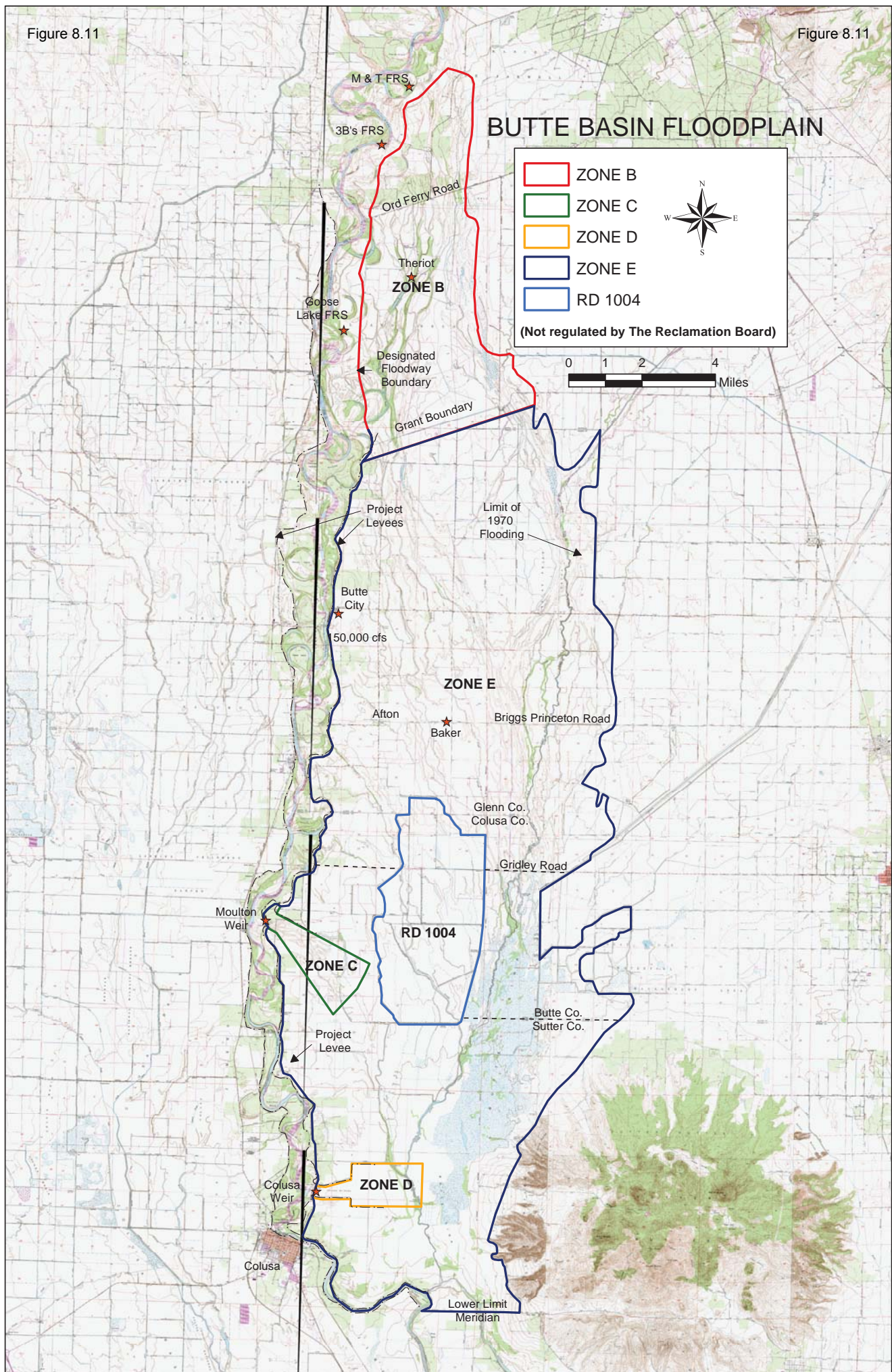
Sections 8608, 8609 and 8710, Water Code.

History:

1. New section and figure 8.12 filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Figure 8.11

Figure 8.11



Article 8 Standards

Section 136, Supplemental Standards for Yolo Bypass and Sutter Bypass

It is the ~~b~~Board's policy to regulate by pPermit or other action agricultural land use and the development of suitable wetlands within the Yolo Bypass and Sutter Bypass. The supplemental standards protect the flood control functions of the Yolo and Sutter Bypasses, safeguard existing agricultural land use, and control the development of proposed wetlands.

(a) Final detailed plans for all Proposed Work involving construction, grading and planting ~~must~~shall be submitted to and approved by the ~~b~~Board prior to the start of work.

(b) A detailed operation and maintenance plan ~~must~~shall be submitted to and approved by the ~~b~~Board prior to the start of work.

(c) A profile of the existing levee crown roadway and access ramps that will be utilized for access to and from the construction area ~~must~~shall be submitted to the ~~b~~Board prior to the start of work.

(d) Any damage to the levee crown roadway or access ramps attributable to the construction or maintenance of croplands or wetlands ~~must~~shall be promptly repaired by the ~~p~~Permittee.

(e) The planting of vegetation or the impoundment of water is not permitted within one thousand (1,000) feet of the Fremont Weir structure.

(f) The planting of vegetation or the impoundment of water shall not be permitted in any area ~~where there could be an~~unless a hydraulic analysis demonstrates no adverse hydraulic impact.

(g) Irrigated and non-irrigated pastures and croplands are allowed without ~~p~~Permit from the ~~b~~Board when consistent with the ~~b~~Board's ~~f~~Flowage ~~e~~Easements.

~~(h) The planting of vegetation is generally permitted for the development of native marsh, riparian vegetation, and wetlands.~~

~~(i)~~(h) Rooted vegetation and aquatic beds of floating (non-rooted) or submerged vegetation are generally permitted to be established in ponded water.

~~(j)~~(i) The depth of ponded water ~~must~~shall be controlled to prevent the growth of unauthorized vegetation that could adversely affect the operation of Board Jurisdiction~~the flood control project.~~

~~(k)~~(j) No permanent ~~b~~Berms or dikes are permitted above natural ground elevation without a detailed hydraulic analysis except where otherwise expressly provided for in reservations contained in easement deeds to the Sacramento and San Joaquin Drainage District.

~~(l)~~(k) Required maintenance may include removal, clearing, thinning, and pruning of all vegetation directly or indirectly resulting from the ~~p~~Permitted Work~~project.~~

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608 and 8710, Water Code

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Proposed Changes to Current Regulations:

The following standards are to be used as a guide in ~~making~~ preparing applications to the ~~b~~Board for miscellaneous ~~e~~Encroachments. Not all possible miscellaneous ~~e~~Encroachments, the number being unlimited, are listed. Those listed are typically the type proposed by residents within ~~an adopted plan of flood control,~~ Board Jurisdiction and those necessary because of federal or State governmental requirements ~~statutes, regulations, and policies.~~

(a) Tanks used for storage of water or other liquids are not permitted within ~~the a~~ Ilevee ~~section~~ Right of Way ~~r within ten (10) feet of the levee toe. If placed within the floodway, oes (for above ground tanks), or if placed in the~~ pProjected Ilevee sSection and within twenty-five (25) feet of the levee toes ~~(for below ground tanks), a permit is required.~~

(b) Landside water retention basins ~~must~~shall be located outside of the ~~p~~Projected Ilevee sSection, and a minimum distance of twenty-five (25) feet from the Projected Ilevee tToe plus any additional distance ~~that may be determined to~~ required to control seepage be required. A seepage analysis shall be performed and submitted with the application to control seepage.

(c) Steps for access on levee slopes ~~must~~shall conform to the following criteria:

(1) Steps ~~must~~shall be constructed of material resistant to deterioration. Acceptable materials include, but are not limited to, concrete, masonry, stone, ~~pressure treated lumber,~~ iron, and steel.

(2) Steps constructed on the waterward levee slope ~~must~~shall be properly anchored to prevent movement during high water.

(3) Excavation in the waterward levee slope ~~made for the~~ construction of steps may not exceed twelve (12) inches in depth and shall be flush with the levee slope.

(4) Steps ~~must be constructed on the landward levee slope shall be constructed on top of the slope without excavation flush with the levee slope unless it interferes with levee maintenance.~~

(5) Handrails are not permitted on steps if they interfere with levee maintenance unless they are required by law.

(6) Handrails, where permitted on waterward levee slopes, shall be removable, or designed to give way when subjected to debris shall be removed prior to Flood Season and after each flood event ~~loading.~~

(7) The ~~p~~Permittee is responsible for the maintenance of steps and handrails.

(8) Revetment on a levee slope or streambank that is destroyed or disturbed during the construction of steps ~~must~~shall be restored to its original condition by the ~~p~~Permittee.

(d) Horizontal (elevated) access walkways, with or without handrails, may be ~~are~~ permitted above the landside and waterward slopes of the levee if they do not interfere with levee maintenance and conform to the following criteria:

(1) Horizontal access walkways may not exceed four (4) feet in width unless the walkway is see-through or the Ilevee sSlope immediately beneath the ~~access~~ walkway is revetted to ~~b~~Board sStandards.

(2) The bottom elevation of the stringers of horizontal access walkways above the waterward levee slope ~~must~~shall be a minimum of three (3) feet above the ~~d~~Design ~~f~~Flood ~~p~~Plane elevation.

(3) Handrails on access walkways may not extend onto the levee crown.

(4) On a levee where the crown is less than fourteen (14) feet in width, handrails ~~must~~shall be a minimum of seven (7) feet from the centerline of the levee.

- (5) Access walkway supports, or piers, ~~must~~shall be constructed so as to minimize the possibility of trapping and accumulating floating debris.
- (6) Revetment on a levee slope or streambank that is destroyed or disturbed during the construction of a walkway ~~must~~shall be restored to its original condition by the ~~p~~Permittee.
- (7) Maintenance of an access walkway and the adjacent ~~L~~Levee ~~s~~Slope is the responsibility of the ~~p~~Permittee, and any erosion of the ~~L~~Levee ~~s~~Slope ~~must~~shall be promptly repaired.
- (e) Mailboxes, when required by the U.S. Postal Service, are permitted on a ~~L~~Levee ~~s~~Section and ~~must~~shall be placed at the extreme outer edge of the levee crown. If the levee crown is less than fourteen (14) feet in width, the mailbox ~~must~~shall be a minimum of seven (7) feet from the centerline of the levee. The maximum depth of burial into the levee prism is twelve (12) inches.
- (f) Traffic control signs, directional or informational signs, and signs providing for public safety are permitted on a levee slope or on the edge of a levee crown. The maximum depth of burial into the levee prism is twelve (12) inches.
- (g) Bus shelters ~~shall be set back at least permitted twenty (20) feet from the landward Levee Toe. on a levee section where~~ sufficient area shall be is provided available for safe vehicle operation of vehicles, and the bus shelter is at least seven (7) feet from the centerline of the levee.
- (h) Livestock grazing on levee slopes shall not be allowed during the Flood Season without written approval by the Chief Engineer. Grazing shall be controlled to prevent overgrazing and the development of livestock trails on the levee slope(s).
- (i) The storage of materials or equipment, unless securely anchored, downed trees or brush, and floatable material of any kind are not allowed within a ~~F~~Floodway during the ~~F~~Flood ~~s~~Sea~~s~~on ~~as defined in Table 8.1.~~
- (j) Structures and the storage of material or equipment are not permitted on levee slopes.
- (k) ~~Normally no Structures, materials, or and~~ equipment may be placed on the levee crown, however, materials or equipment may be temporarily placed on the levee crown during construction if they do not prevent inspection and maintenance of the levee, obstruct floodfight procedures, and the following additional requirements are met:
- (1) There is adequate levee crown width to provide a minimum of twenty (20) feet of unobstructed clearance for two-way vehicular traffic.
 - (2) Where a public road or highway is on the levee crown, the design width of the roadway including the roadway shoulders ~~must~~shall remain clear.
 - (3) Materials or equipment may not be stored within fourteen (14) feet of the landward levee shoulder.
 - (4) Materials or equipment may be stored no closer than ~~to within~~ fourteen (14) feet ~~off from~~ the waterward levee shoulder provided the waterward levee slope is revetted to ~~b~~Board ~~s~~Standards.
 - (5) Materials or equipment may be stored no closer than ~~not be stored within~~ thirty (30) feet of the waterward levee shoulder of an unrevetted levee slope.
- (l) Seismic surveys near a levee or within a ~~F~~Floodway ~~must~~shall meet the following criteria:
- (1) Horizontal shear energy sources may not be used on any ~~L~~Levee ~~s~~Sea~~s~~on or within fifty (50) feet of the ~~L~~Levee ~~T~~Toe. In areas having soils especially susceptible to damage, a more stringent control may be required.
 - (2) Energy charges for surveys ~~must~~shall be a minimum distance of two hundred (200) feet from the ~~L~~Levee ~~T~~Toe.

**Article 8
Standards**

Section 137, Miscellaneous Encroachments

- (3) Energy charges for surveys ~~must~~shall not exceed one (1) pound of charge per one hundred (100) feet of distance from the ~~L~~Toe.
- (4) Electrical cables used in seismic surveys may not interfere with periodic inspections and maintenance of flood control facilities or with ~~flood fight~~floodfight procedures.

Note:

Authority cited: Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code

History:

1. New section filed 9–30–96; operative 10–30–96 (Register 96, No. 40).

Proposed Changes to Current Regulations:

(a) The ~~b~~Board may identify the limits of ~~the a~~Adopted ~~p~~Plans of ~~f~~Flood ~~e~~Control, SPFC Facilities~~or, Non-SPFC flood-control-Facilities~~works, other Permitted Work, and unpermitted Encroachments for purposes of establishing the area within the ~~b~~Board's ~~j~~Jurisdiction that it actively regulates when:

(1) The point of intersection of the ~~i~~Levee ~~s~~Slope and natural ground cannot readily be determined, therefore, the existing ~~i~~Levee ~~t~~Toe cannot otherwise be defined ~~in accordance with Section 4(s).~~

(2) Features or facilities are proposed to be added that may interfere with the integrity or proper functioning of Board Jurisdiction~~the adopted plan of flood control.~~

Note:

Authority cited: Section 8571, Water Code.

Reference:

Sections 8608, 8609 and 8710, Water Code.

History:

1. New section filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).

~~This Article~~ ~~ese regulations are adopted by The Reclamation Board pursuant to Public Resources Code section 21082 to~~ implements, interprets, and makes specific those provisions of the California Environmental Quality Act, pursuant to Public Resources Code section 21082, which supplement the requirements of the regulations promulgated by The ~~Secretary of the California~~ Natural Resources Agency (Title 14, California Code of Regulations, commencing with Section 15000, hereinafter referred to as the "CEQA Guidelines").

Note:

Authority cited: Section 21082, Public Resources Code; Section 8571, Water Code.

Reference:

Section 21082, Public Resources Code.

History:

1. New article 9 (sections 190 through 193) and section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Article 9
Regulations for Implementation of CEQA

Section 191, Incorporation of California
Environmental Quality Act Guidelines

- (a) The CEQA Guidelines are hereby incorporated by reference as if fully set forth in this subchapter.
- (b) The words used in this subchapter have the same meaning given them in the CEQA Guidelines, unless the context clearly requires a different meaning.

Note:

Authority cited: Section 21082, Public Resources Code; Section 8571, Water Code.

Reference:

Section 21082, Public Resources Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

Proposed Changes to Current Regulations:

- (a) The ~~b~~Board may charge and collect a reasonable fee from an applicant of Proposed Work~~proposing a project~~ for which the ~~b~~Board, acting as the CEQA lead agency, must prepare and adopt an environmental document of either an initial study, negative (including mitigated negative) declaration, or ~~an~~ environmental impact report (EIR)~~or initial study and negative declaration~~. The fee will be an amount which will cover the costs incurred by the ~~b~~Board or the ~~d~~Department in preparing and adopting such environmental documents ~~EIR or initial study or negative declaration, and for procedures~~ necessary to comply with CEQA.
- (b) Where the ~~b~~Board will charge a fee for the preparation and adoption of such environmental documents~~of an EIR or initial study and negative declaration~~, it shall charge and collect a deposit as provided in this Section~~503 of this title which is incorporated by reference~~. The amount of the deposit shall be calculated as follows:

(1) The minimum deposit shall be \$600 for projects with estimated capital costs of \$20,000 or less. The maximum deposit shall be \$150,000 for projects with estimated capital costs of \$160,000,000 or more. The scale of other deposits is set forth in the tabulation below:

<u>Estimated Capital Cost</u> <u>of Proposed Project</u>		
<u>From:</u>	<u>To:</u>	<u>Deposit</u>
<u>\$20,000</u>	<u>\$100,000</u>	<u>\$600+3.00% of excess over \$20,000</u>
<u>\$100,000</u>	<u>\$1,000,000</u>	<u>\$3,000+1.00% of excess over \$100,000</u>
<u>\$1,000,000</u>	<u>\$10,000,000</u>	<u>\$12,000+0.20% of excess over \$ 1,000,000</u>
<u>\$10,000,000</u>	<u>\$100,000,000</u>	<u>\$30,000+0.10% of excess over \$10,000,000</u>
<u>\$100,000,000</u>	<u>\$160,000,000</u>	<u>\$120,000+0.05% of excess over \$100,000,000</u>

- (c) The ~~b~~Board shall separately account for the deposit collected and the charges thereto. The status of the account shall be provided to the project proponent at regular periodic intervals established by mutual agreement. A final accounting shall be rendered by the ~~b~~Board after the final environmental document ~~EIR or negative declaration~~ is considered and adopted or when the environmental review is otherwise terminated.
- (d) If the final accounting shows that the deposit exceeds the actual costs incurred by the ~~b~~Board, the excess shall be refunded. If the actual costs exceed the amount of the deposit, the project proponent shall be billed and pay the difference.
- (e) The ~~b~~Board may adjust or waive deposits or fees for minor projects.
- (f) No such environmental documents shall be presented to the Board for approval or adoption until the project proponent has reimbursed the Board for the costs of preparation and processing of the document.

Note:

Authority cited: Section 21082, Public Resources Code; Section 8571, Water Code

Reference:

Sections 8608, 8609 and 8710, Water Code.

History:

1. New section filed 9-30-96; operative 10-30-96 (Register 96, No. 40).

In compliance with the requirements of the CEQA Guidelines, the following list of categorically exempt activities of the ~~b~~B~~o~~ard has been established. This list is subject to the limitations on categorical exemptions set forth in the provisions of the state CEQA Guidelines. This list does not preclude categorical exemptions for other activities pursuant to CEQA or the CEQA Guidelines.

(a) Class 1 consists of operation, maintenance, or minor alteration of the following facilities where there is negligible or no expansion beyond that previously existing:

- (1) Project works and related facilities;
- (2) Nonproject levees and related facilities;
- (3) Other flood control works which are the statutory responsibility of the ~~d~~D~~e~~partment or which are the responsibility of the ~~d~~D~~e~~partment as a "maintenance area;
- (4) Flood control works of agencies with which the ~~b~~B~~o~~ard has a local cooperation agreement, local cost sharing agreement or similar agreement;
- (5) Existing ~~e~~E~~n~~croachments.

(b) Class 2 includes replacement or reconstruction of existing structures and facilities where necessary at the facilities listed in Class 1.

(c) Class 3 includes the location and construction of minor accessory structures and the installation of new equipment where necessary at the facilities listed in Class 1.

(d) Class 4 includes approval of minor public or private alterations to land, or vegetation not involving the removal of mature and scenic trees, where necessary at the facilities listed in Class 1.

(e) Class 5 includes the approval of minor ~~e~~E~~n~~croachment permits, licenses, ~~b~~B~~o~~ard designation of ~~f~~Flood-ways pursuant to Water Code section 8609, and any ~~b~~B~~o~~ard approval of existing ~~en~~croachments~~projects~~.

(f) Class 6 includes the collection of basic data, research and experiments carried out by the ~~b~~B~~o~~ard or Department, their officers and employees, which are necessary for planning and feasibility studies, investigations and preparation of environmental documents.

(g) Class 9 includes the inspection of the facilities listed in Class 1 and other approved ~~en~~croachments~~projects~~ or ~~existing-n~~Nonconforming ~~Existing~~ ~~e~~E~~n~~croachments.

(h) Class 12 includes the sale or exchange of surplus property, as limited by the CEQA Guidelines. Class ~~XII-12~~ also includes the issuance or grant of a license, lease, easement, or agreement pursuant to ~~s~~Section 19 ~~of these regulations~~.

(i) Class 13 includes acquisition of land for fish and wildlife conservation or mitigation purposes where the land will be preserved in its natural condition or where the habitat will be enhanced for fish and wildlife purposes.

(j) Class 14 includes acquisition, sale, or transfer of land for park or similar purposes as limited by the CEQA Guidelines.

(k) Class 21 includes the enforcement of the orders, terms, or conditions of approvals or permits of the ~~b~~B~~o~~ard.

(l) Class 25 includes acquisition or transfer of land that will preserve open space as limited by the CEQA Guidelines.

Note:

Authority cited: Section 8571, Water Code; and Section 21082, Public Resources Code.

Reference:

Section 21080.1 and 21082, Public Resources Code; Sections 8361 and 12878.21, Water Code; Title 14, California Code of Regulations, Sections 15300.4, 15301, 15302, 15303, 15304, 15305, 15306, 15309, 15312, 1531~ 15314, 15321, 15325.

History:

1. New section and appendix A filed 9-30-96; operative 10-30-96 (Register 96, No. 40).
2. Amendment relocating appendix A to new article 10 filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).

Article 10. Appendices

Appendix A

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD
3310 El Camino Avenue, Room LL40
Sacramento, California 95821
Telephone: (916) 574-0609
FAX (916) 574-0682

GENERAL INFORMATION REGARDING APPLICATIONS FOR ENCROACHMENT PERMITS

These instructions will provide you with information on how to prepare your application for a Central Valley Flood Protection Board encroachment permit.

Approval by the Board is required for projects or uses which encroach into rivers, waterways, and floodways within and adjacent to federal and State authorized flood control projects and within designated floodways adopted by the Board. You must obtain Board approval before you begin certain uses or construction work on any proposed project within these areas.

The Board exercises jurisdiction over the levee section, the waterward area between project levees, a strip of land adjacent to the landward levee toe which is at least 10 feet wide, areas within 30 feet of the top of the banks of unveeved project channels, and within designated floodways adopted by the Board. Activities outside of these limits which could adversely affect the flood control project are also under Board jurisdiction. Maps of designated floodways are available for inspection at the Board's office in Sacramento, city and county planning or public works departments, and county recorders' offices. Questions relative to proposed projects or uses which may require Board approval should be directed to The Central Valley Flood Protection Board, 3310 El Camino Avenue, Room LL40, Sacramento, California 95821, or telephone (916) 574-0609.

Four copies of the completed application and drawings, one completed copy of the Environmental Questionnaire, and any other environmental documents must be submitted. The application must be made on forms provided by the Board and must contain the following information:

1. A concise description of the proposed project or use.
2. The county, section, township, range, and the base and meridian in which the proposed project or uses are located.
3. The name, address, telephone number, and FAX number (if any) of the applicant.
4. An endorsement must be obtained from the reclamation, levee, or flood control agency responsible for levee maintenance. Special conditions may be added to the permit at the request of the agency. If the maintaining agency delays or declines to endorse the application, it may be submitted to the Board without endorsement with a written explanation as to why the application was not endorsed by the maintaining agency.
5. A current list of the names and addresses of all the adjacent property owners.
6. If applicable, provide the name and address of the Lead Agency responsible for preparing environmental documentation regarding the proposed project as required by the California Environmental Quality Act of 1970. The environmental questionnaire provided by the Board must be completed and submitted as part of your application.
7. Four copies of exhibits and drawings depicting the project or use.
8. At least two color photographs (polaroids or snapshots are acceptable) showing different views of the project site. Include captions which explain what the photograph is depicting.
9. The name and address of the owner of the proposed project or use if different from the person filing the application.
10. The name and address of the owner of the property on which the proposed project is located.

You should include with your application any additional information that would be helpful in evaluating your proposed project or use.

The application must be signed and dated.

Your completed application may be mailed or delivered in person to:

The Central Valley Flood Protection Board
Attention: Floodway Protection Section
3310 El Camino Avenue, Room LL40
Sacramento, California 95821

The Board has adopted standards for work which encroaches into the area under its jurisdiction. Copies of the standards are available upon request. A typical levee cross section and terminology are presented in Exhibit 1.

Minimum Requirements and Format for Drawings

1. The following information is required to evaluate the work described in your application. Additional information may be required depending upon the nature of the project.
 - A. The title block of each sheet should identify the proposed activity and include the name of the applicant, number of the sheet, total number of sheets in the set, and date the drawing was prepared.
 - B. The name of the stream, river mile, scale, north arrow, datum reference, and other information as required.
 - C. The exact location of the proposed project in relation to identifiable landmarks.
 - D. Plan and elevation views of the proposed project or use and the proximity of the proposed project or use in relation to existing facilities, property lines, levees, streams, etc.
 - E. Drawings of levee cross sections or profiles must indicate the elevations of levee crowns, toes, low-water surface, and design flood plane. These drawings should include horizontal and vertical scales and must be referenced to a known elevation datum.
2. Please use the following format:
 - A. Prepare the drawings on 8-1/2-by-11-inch sheets (when possible) in accordance with the general format depicted in Exhibits 2, 3, and 4.
 - B. Allow a 1-inch binding margin on the top side of each sheet.
 - C. Because additional copies of the drawings may have to be reproduced photographically, color shading cannot be used. Drawings must show shading as dot shading, cross hatching, or similar graphic symbols.

Application Processing

Upon receipt of an application, a general review is made to determine if it is adequately complete to begin processing. If the application is found to be complete, it will be assigned a number and a letter will be sent to the applicant acknowledging receipt of the application. The Board will send a notice of the pending application to the adjacent property owners. If, during the review process, the application is found to be incomplete, it will be returned or the applicant will be advised by letter of the deficiencies in the application. If these deficiencies are not corrected within a reasonable time limit, processing of the application will be terminated.

The applicant may be notified of a need for additional studies.

A copy of the application is sent to the U.S. Army Corps of Engineers for review and comment.

The Board staff performs some level of environmental review of the potential impacts of the proposed project or use.

The project or use described in the permit issued on each approved application is subject to 12 general conditions. A number of special conditions may be added to the approved permit depending on the nature of the proposed activity.

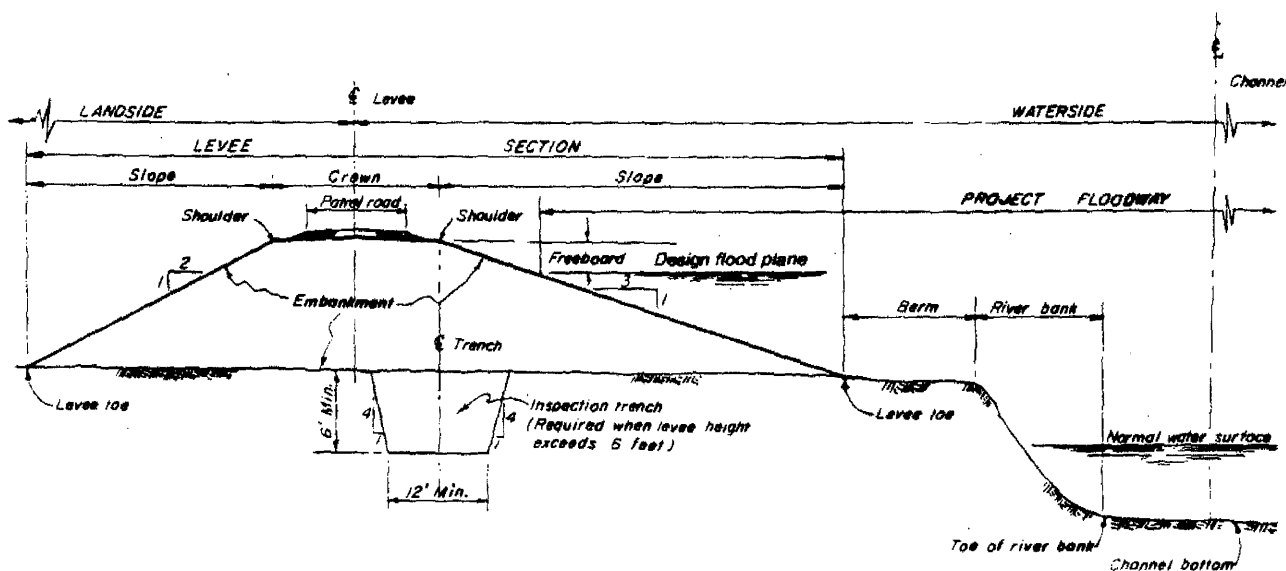
Applications which must be considered by the Board are placed on the agenda of the next regular Board meeting. The applicant and all interested parties are notified of the meeting and may appear and present their views to the Board for its consideration. After an application has been approved by the Board, any requests for revisions to the proposed or completed project which have not been approved by the Board must be submitted in writing to the Board for approval. Revised applications are processed in the same manner as new applications.

Acceptance of a Permit

You must notify the Department of Water Resources fourteen (14) calendar days before construction begins by mailing the pre-addressed start card furnished by the Board when the permit is issued. This card will contain the current address and telephone number of the Department of Water Resources' Flood Project Inspection Section which provides inspection services on behalf of the Board. The beginning of any work described in the permit constitutes acceptance by the applicant that work will be done in compliance with the general and special conditions listed in the permit.

Inquiries about procedures or other details may be made in person or by correspondence to The Central Valley Flood Protection Board, Attention: Permitting Section, 3310 El Camino Avenue, Room 151, Sacramento, California 95821; phone: (916) 574-0609, website: www.cvfpb.ca.gov, and email: cvfpbquestions@water.ca.gov. Please include the Board's application number when inquiring about an application.

Exhibit 1 **Project Levee Standards and Terminology**



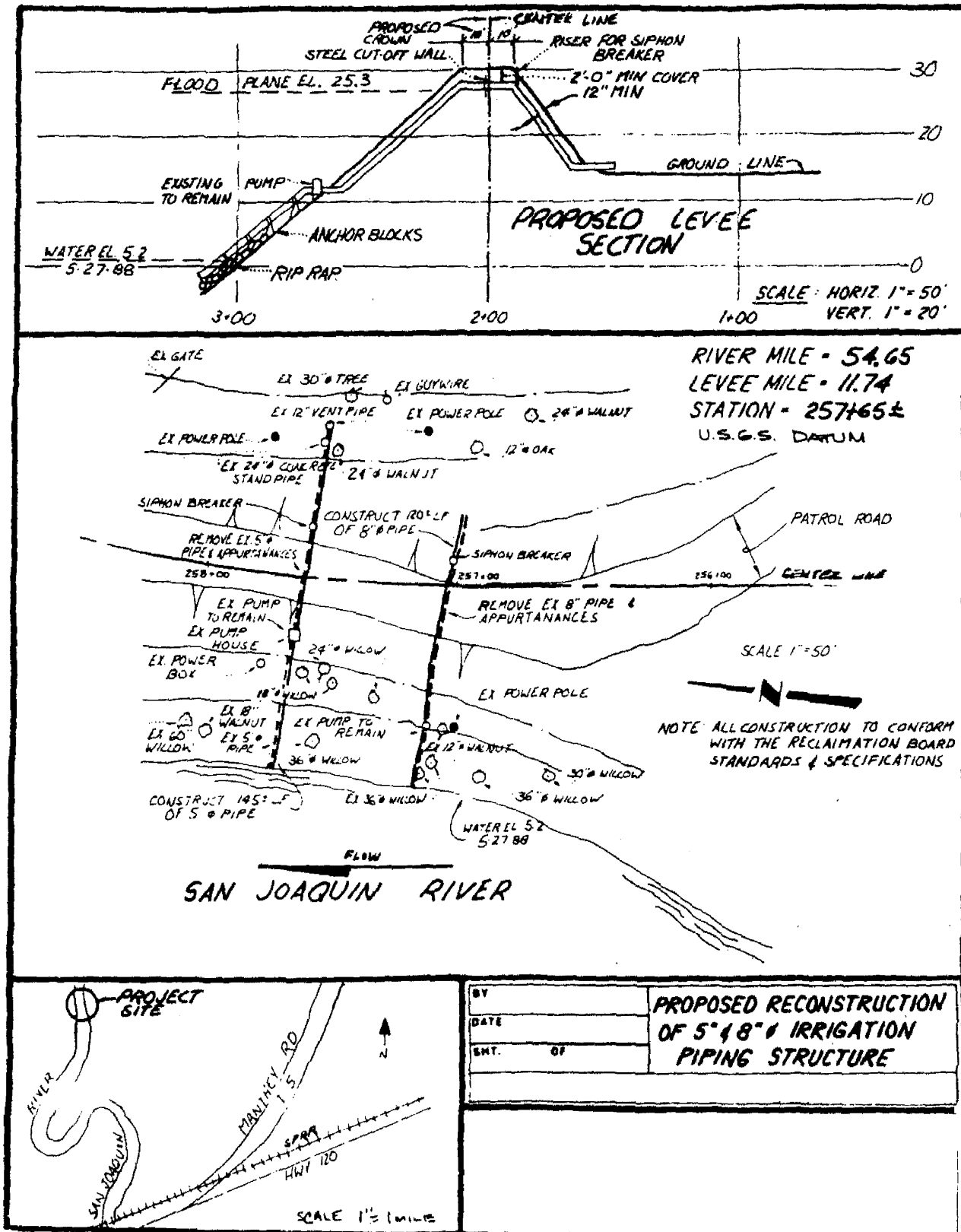
LEFT SIDE

RIGHT SIDE
(Similar to left side)

TYPICAL FLOODWAY
LOOKING DOWNSTREAM
NOT TO SCALE

ITEM	MINIMUM DIMENSIONS OF STANDARD LEVEE SECTIONS			
	MAIN RIVER CHANNELS	MAJOR TRIBUTARIES	MINOR TRIBUTARIES	BY PASSES
CROWN WIDTH	20'	20'	12'	20'
LAND SLOPE	1 on 2	1 on 2	1 on 2	1 on 2
WATER SLOPE	1 on 3	1 on 3	1 on 3	1 on 3
FREEBORD	3' (1)	3'	3'	4' to 6'
PATROL ROAD WIDTH	12'	12'	10'	12'
NOTE (1) 5 Feet on Main Channel below Cache Slough (Sacramento River)				

EXHIBIT 2



x1

EXHIBIT 3

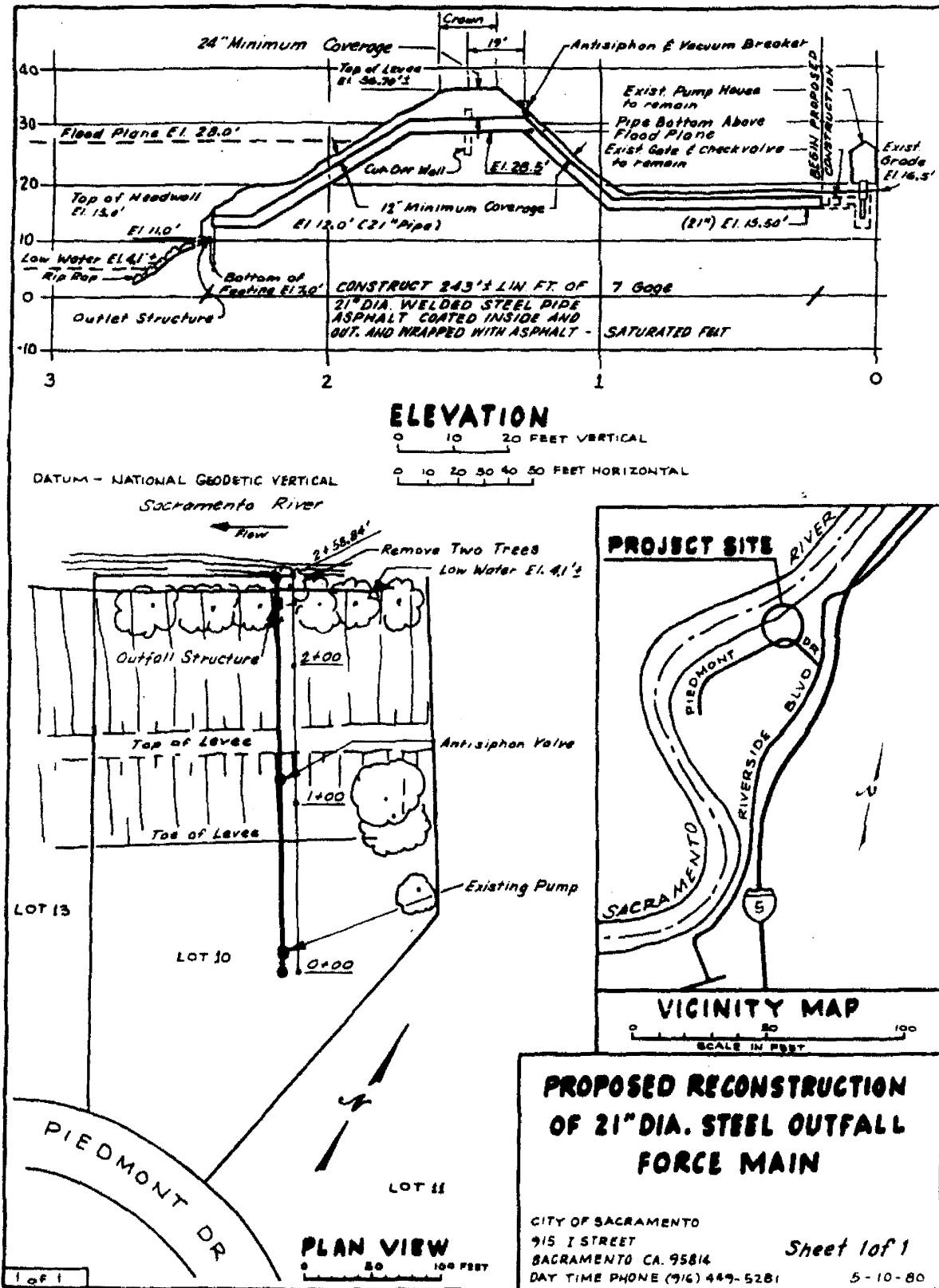
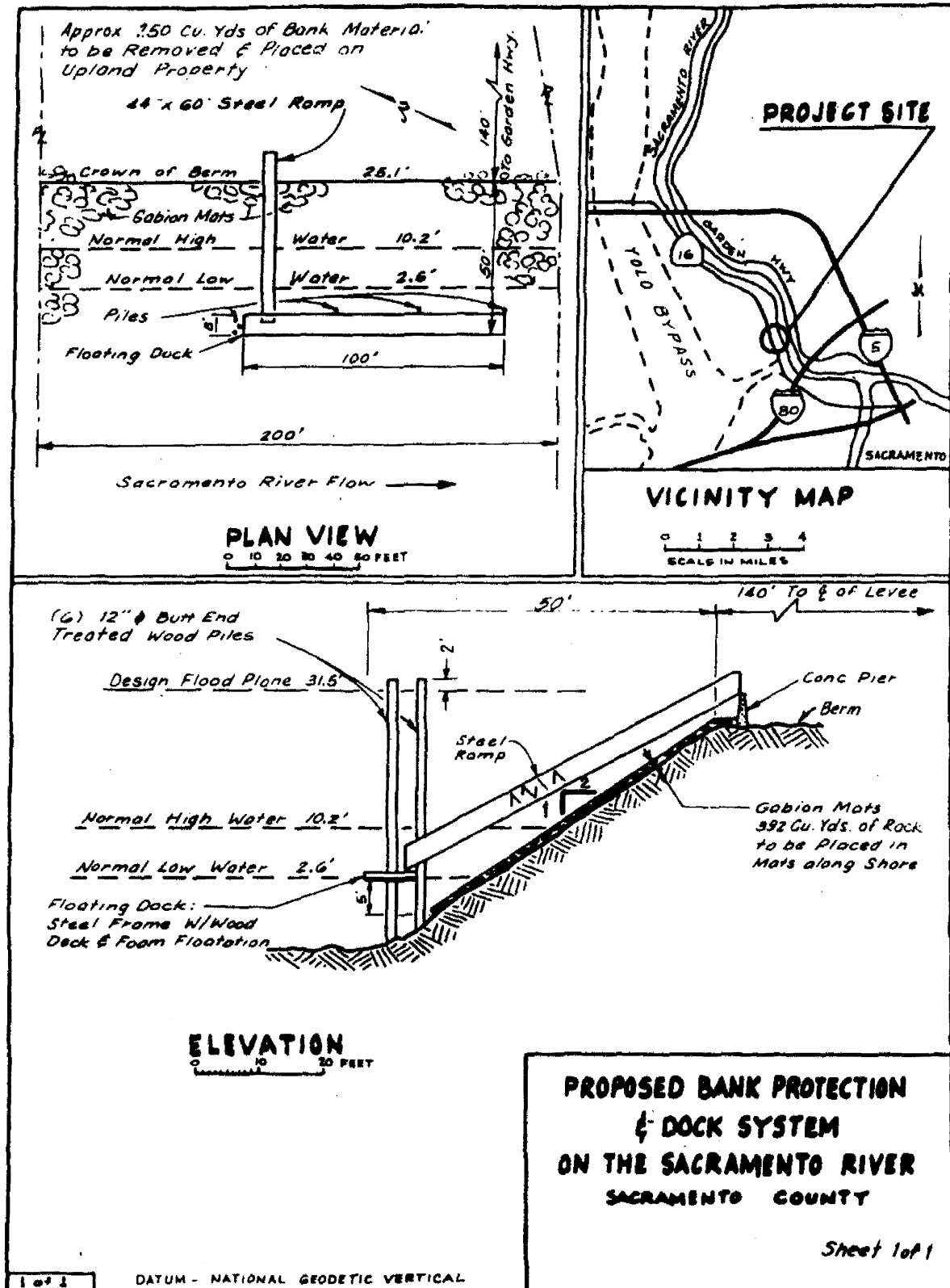


EXHIBIT 4

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

SAMPLE

PERMIT NO. 00000 GM

SAMPLE

This Permit is issued to:

Mr. John Doe
John Doe Irrigation District
1234 Any Street
Anywhere, California 00000

To install a 60-inch-diameter water pipeline within a 78-inch-diameter casing and a 24-inch-diameter water pipeline within a 42-inch-diameter casing under Any Stream. The project is located in the City of Anywhere approximately 1,400 feet upstream from The Road. Section 00, TOS, ROOE, M.D.B.&M., Any Stream, Sacramento County

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

The Central Valley Flood Protection Board, on the _____ day of _____, 20 ____, 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: _____

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 fifteen (15) calendar 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.

(over)

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:

THIRTEEN: That all work shall be in accordance with the submitted drawings and specifications dated December 1991 except as modified by special permit conditions herein. No further work, other than that covered by this permit, shall be done in the area without the prior approval of The Central Valley Flood Protection Board.

***FOURTEEN:** That in the event trees and brush are cleared, they shall be completely burned or otherwise removed from the overflow area of Dry Creek, and no downed trees or brush shall be allowed to remain in the floodway during the flood season between November 1 and April 15.

***FIFTEEN:** That no excavation shall be made or allowed to remain in the creek banks between November 1 and April 15.

SIXTEEN: That the backfill material for the bore pit and receiving pit excavation shall be placed in layers and compacted to a density equal to that of the adjacent undisturbed material.

SEVENTEEN: That the work area shall be restored to at least the same condition that existed prior to commencement of work.

EIGHTEEN: That the permittee shall assume all responsibility for protection, relocation, or removal of the permitted project works if required by the Board.

NINETEEN: That the applicant shall provide inspection services acceptable to the Board. A civil engineer registered in the State of California shall certify that all work was thoroughly inspected and performed in accordance with the submitted plan drawings, specifications, and permit conditions.

*November 1 to July 15 depending on location of stream.

State of California
Agency

The Resources

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

Application No. _____

(For Office Use Only)

APPLICATION FOR A PERMIT

1. Description of proposed work: _____

2. Location: _____ County, in Section _____,

(N) (E)
Township: _____ (S), Range _____ (W), M.D.B.&M.

3. _____ of _____

Name of Applicant

Address

City

State

ZIP Code

Telephone Number

FAX Number

4. Endorsement: (of Reclamation District/Department of Water Resources)

We, the Trustees of/DWR Representatives _____

District Name and Number

approve this plan, subject to the following conditions:

☐

Conditions listed on back of this form

☐

Conditions Attached

☐

No Conditions

Trustee

Date

Trustee

Date

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

Name

Address

ZIP Code

6. Has an environmental determination been made of the proposed work under the California Environmental Quality Act of 1970? ☐ Yes ☐ No ☐ Pending

If yes or pending, give the name and address of the lead agency and State Clearinghouse Number:

SCH NO. _____

7. When is the project scheduled for construction? _____

8. Please check exhibits accompanying this application.

- A. ☐ Map showing the location of the proposed work.
- B. ☐ Drawings showing plan and elevation views of the proposed work, scale, materials of construction, etc.
- C. ☐ Drawings showing the cross section dimensions and elevations of levees, berms, stream banks, flood plain, low flow, etc.
- D. ☐ Drawings showing the profile elevations of levees, berms, flood plain, low flow, etc.
- E. ☐ Photograph depicting the project site.

9. Is the applicant acting for the owner of the proposed works? ☐ Yes ☐ No

If yes, the name, address and telephone number of the owner is



Signature of Applicant Date

For additional information:

**ENVIRONMENTAL ASSESSMENT QUESTIONNAIRE
FOR APPLICATIONS FOR CENTRAL VALLEY FLOOD PROTECTION BOARD ENCROACHMENT PERMITS**

This environmental assessment questionnaire must be completed for all Central Valley Flood Protection Board applications. Please provide an explanation where requested. Incomplete answers may result in delays in processing permit applications. Failure to complete the questionnaire may result in rejection of the application.

1. Has an environmental assessment or initial study been made or is one being made by a local or State permitting agency in accordance with the California Environmental Quality Act?

Yes _____ No _____. If yes, identify the Lead Agency, type of document prepared or which will be prepared, and the State Clearinghouse number:

2. Will the project require certification, authorization or issuance of a permit by any local, State, or federal environmental control agency?

Yes _____ No _____. List all other governmental permits or approvals necessary for this project or use, including U.S. Army Corps of Engineers' 404 and Section 10 permits, State Water Quality Certification, Department of Fish and Game 1600 agreement, etc. Attach copies of all applicable permits.

3. Give the name and address of the owner of the property on which the project or use is located.

4. Will the project or use require issuance of a variance or conditional use permit by a city or county?

Yes _____ No _____. Explain:

5. Is the project or use currently operating under an existing use permit issued by a local agency?

Yes _____ No _____. Explain:

6. Describe all types of vegetation growing on the project site, including trees, brush, grass, etc.
7. Describe what type of wildlife or fish may use the project site or adjoining areas for habitat, food source, nesting sites, source of water, etc.
8. Has the Department of Fish and Game, U.S. Fish and Wildlife Service, or National Marine Fisheries Service been consulted relative to the existence of, or impacts to, threatened or endangered species on or near the project site?
- Yes _____ No _____. Explain:
9. Will the project or use significantly change present uses of the project area?
- Yes _____ No _____. Explain:
10. Will the project result in changes to scenic views or existing recreational opportunities?
- Yes _____ No _____. Explain:
11. Will the project result in the discharge of silt or other materials into a body of water?
- Yes _____ No _____. Explain:

12. Will the project involve the application, use, or disposal of hazardous materials?

Yes _____. No _____. If yes, list the types of materials, proposed use, and disposal plan. Provide copies of all applicable hazardous material handling plans.

13. Will construction activities or the completed project generate significant amounts of noise?

Yes _____. No _____. Explain:

14. Will construction activities or the completed project generate significant amounts of dust, ash, smoke, fumes, or odors?

Yes _____. No _____. Explain:

15. Will the project activities or uses involve the burning of brush, trees, or construction materials, etc.?

Yes _____. No _____. Explain, and identify safety and air pollution control measures:

16. Will the project affect existing agricultural uses or result in the loss of existing agricultural lands?

Yes _____. No _____. Explain:

17. Have any other projects similar to the proposed project been planned or completed in the same general area as the proposed project?

Yes _____. No _____. Explain and identify any other similar projects:

18. Will the project have the potential to encourage, facilitate, or allow additional or new growth or development?

Yes _____ No _____. Explain:

19. Will materials be excavated from the floodplain?

Yes _____ No _____.

THE REMAINING QUESTIONS MUST ONLY BE ANSWERED IF THE ANSWER TO QUESTION NO. 19 WAS "YES." IF THE ANSWER TO QUESTION NO. 19 WAS "NO," YOU DO NOT NEED TO COMPLETE THE REMAINING QUESTIONS.

- A. What is the volume of material to be excavated?

Annually _____ Total _____

- B. What types of materials will be excavated?

- C. Will the project site include processing and stockpiling of material on site?

Yes _____ No _____. Explain:

- D. What method and equipment will be used to excavate material?

- E. What is the water source for the project?

- F. How will waste materials wash water, debris, and sediment be disposed of?

- G. What is the proposed end land use for the project site?

- H. Has a reclamation plan been prepared for this site in accordance with the Surface Mining and Reclamation Act of 1975?

Yes _____ No _____. If yes, please attach a copy.

HISTORY

1. Amendment relocating appendix A from following section 193 to new article 10 filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).

2. Amendment of General Information Regarding Applications for Encroachment Permits and Sample Permit filed 2-15-2012; operative 2-15-2012 pursuant to Government Code section 11343.4 (Register 2012, No. 7).

* * *