

**Meeting of the Central Valley Flood Protection Board
September 27, 2019**

Permit Staff Report

**Sutter Butte Flood Control Agency
Eighteen Encroachment Modifications
Feather River West Levee Project, Project Area C
Sutter and Butte Counties**

1.0 – ITEMS

Consider approval of seventeen (17) permits covering eighteen (18) individual encroachments submitted by the Sutter Butte Flood Control Agency (SBFCA) on behalf of the respective encroachment owners. SBFCA completed improvements to 36 miles of levees and various encroachments throughout the Feather River West Levee Project (FRWLP). Sixteen (16) out of seventeen (17) permits are new permits. This staff report includes modifications to eighteen (18) individual encroachments in Project Area C (Attachment A) of the FRWLP. The encroachment permits are: 7294-1, 19256, 19257, 19259, 19260, 19261, 19262, 19264, 19266, 19267, 19268, 19269, 19270, 19271, 19272, 19273, 19274 (Attachments C through S).

2.0 – APPLICANTS

Table 1, listed below, presents seventeen (17) permit applications representing eighteen (18) individual encroachments submitted by SBFCA on behalf of the encroachment owners.

3.0 – PROJECT LOCATIONS

Project Area C extends upstream from Shanghai Bend (Project Reach 13, Station 844+75 in Sutter County) for approximately 14.83 miles to approximately 1/4 mile north of Campbell Road in the City of Live Oak (Project Reach 24, Station 1628+00 in Butte County) (see Attachment A). The levee is operated and maintained by Levee District 9 (Sutter), and by the California Department of Water Resources (Maintenance Area 16).

Table 1: Permit Numbers and Number of Encroachments
Associated with Encroachment Owners

Permit No.	Encroachment Owner	Number of Encroachments
7294-1	County of Sutter	2
19256	Butte Water District	1
19257	Mohinder Singh Ghag and Amrek Kaur Ghag	1
19259	Paul Lea	1
19260	Sutter Butte Duster, Inc	1
19261	Wayne Sue Trust	1
19262	Sutter Butte Duster, Inc	1
19264	Kauluwai Orchards	1
19266	James R. Filter Trust, Phillips Wayne Filter Trust of 2000, Jerry and Lynette Filter Family Trust, and Timothy and Lori Filter Family Trust	1
19267	Judy Ewald, Joseph Craig Berry, Calvin Scott Berry, Leonard Berry Jr.	1
19268	Judy Ewald, Joseph Craig Berry, Calvin Scott Berry, Leonard Berry Jr.	1
19269	Sukhraj S. and Jaismin K. Pamma	1
19270	Sukhraj S. and Jaismin K. Pamma	1
19271	Rancho Santa Maria, LTD	1
19272	Butte Water District	1
19273	Rancho Santa Maria, LTD	1
19274	Butte Water District	1

4.0 – PROJECT DESCRIPTIONS

The eighteen (18) individual encroachments that required modification are landside and waterside access ramps. In 2013 the Board approved the master Permit 18793-1 for Project Area C that included the eighteen (18) encroachments listed in Table 1. Construction was completed in 2017 and it is necessary to issue new permits to individual encroachment owners.

5.0 – AUTHORITY OF THE BOARD

California Water Code § 8534, 8590 – 8610.5, 8700 – 8710, and 8730 – 8742

California Code of Regulations, Title 23, Division 1 (Title 23):

- § 6 - Need for a Permit
- § 106 - Existing Encroachments

- § 112 - Streams Regulated and Nonpermissible Work Periods
- § 116 - Borrow and Excavation Activities – Land and Channel
- § 120 - Levees
- § 130 – Patrol Roads and Access Ramps

6.0 – PROJECT ANALYSIS

Staff has reviewed all supporting technical documentation submitted by SBFCA for the seventeen (17) encroachment applications, which included plans, drawings, and letters of authorization from the encroachment owners for SBFCA to act on their behalf. Based on staff review, the following analyses have been made.

6.1 – Hydraulic Analysis

Board staff has reviewed SBFCA's hydraulic analysis. The analysis modeled a 44-mile reach of the Feather River from Thermalito Afterbay downstream to the Sutter Bypass using HEC-RAS (Hydrologic Engineering Center - River Analysis System) model. HEC-RAS is a computer program for modeling water flowing through systems of open channels and computing water surface profiles. The analysis computed various design water surface profiles and evaluated the incremental hydraulic impacts resulting from levee improvements designed to achieve a 200-year level of flood protection for the urban and urbanizing areas of the FRWLP, and to achieve 100-year protection south of Star Bend downstream of Yuba City. The applicant determined that there will be no adverse hydraulic impacts to the Feather River West Levee as a result of levee improvements including the modification of existing encroachments. Board staff reviewed the assumptions used in modeling the design water surface profiles using the HEC-RAS model and concurs with the applicant's conclusion that no adverse hydraulic impacts are expected.

6.2 – Geotechnical Analysis

The applicant submitted geotechnical data and analysis in support of the master permit application for Project Area C of the FRWLP, Permit number 18793-1, which was approved by the Board in 2013. The 2013 analysis is current. The project analyzed sources of uncertainty associated with stability, seepage, and erosion. The analyses included evaluation of susceptibility to through- and under-seepage, slope stability, and geometry deficiencies. From the analyses, supported by the subsurface geotechnical data obtained from project site, the applicant determined that there will be no adverse geotechnical impacts to the Feather River West Levee as a result of levee

improvements including the modification of existing encroachments because the analyses are consistent with the best professional practice in terms of stability and seepage analyses. Board staff reviewed the analyses and concurs with the applicant's conclusion.

7.0 – AGENCY COMMENTS AND ENDORSEMENTS

The comments and endorsements associated with these applications, from all pertinent agencies, are shown below:

- The U.S. Army Corps of Engineers (USACE) 33 U.S.C. 408 approval letter for these applications was received on August 22, 2019. The letter and the conditions will be incorporated into the permits as Exhibit A.
- U.S. Army Corps of Engineers (USACE) Washington DC Headquarters Section 408 Record of Decision (ROD) dated September 13, 2013.
- Levee District No.9 endorsement letters

8.0 – CEQA ANALYSIS

Board staff has prepared the following California Environmental Quality Act (CEQA) findings:

The Board, as a responsible agency under CEQA, has reviewed the Draft and Final Environmental Impact Report (SCH No. 2011052062, DEIR, December 2012, FEIR, April 2013), and the Mitigation Monitoring and Reporting Plan (MMRP) for the FRWLP, by the lead agency, SBFCA. The DEIR and FEIR considered the environmental impacts and required mitigation measures for the entire FRWLP, including Project Areas A, B, C, and D. These documents, including project design, may be viewed or downloaded from the Board website at <http://cvfpb.ca.gov/event/September-2019-regular-business-meeting/> under a link for this agenda item, and are also available for review in hard copy at the Board and SBFCA offices.

SBFCA, as the lead agency, determined that the project described in the FEIR would have a significant effect on the environment (SBFCA Board of Directors Resolutions 2013-05 and 2013-06 (including Findings, Impacts and Mitigation Measures, Statement of Overriding Considerations, and MMRP)). SBFCA filed a Notice of Determination with the State Clearinghouse on April 12, 2013.

On May 24, 2013, the Board approved Project Area C of the FRWLP and issued Master Permit 18793-1. The Board, as a responsible agency, also made appropriate CEQA findings for significant and unavoidable environmental impacts for the entire FRWLP (approximately 41 miles of project works inclusive of Project Area C) as further described in its previously adopted Resolution 2013-07 (Attachment B). These findings discussed the significant and unavoidable impacts made to air quality, noise, vegetation and wetlands, visual resources, and cultural resources, and mitigation measures for each were adopted and implemented by SBFCA, although they did not reduce the impacts to less than significant. On August 18, 2017, CVFPB Executive Officer (EO) issued Master Permit 18793-5 EO for emergency repairs within Project Area C, in Reaches 14, 15, and 16. The Board, as a responsible agency under CEQA, filed a Notice of Exemption for the emergency repairs.

Staff requests that the Board find that the eighteen (18) encroachments for Permit Nos. 7294-1, 19256, 19257, 19259, 19260, 19261, 19262, 19264, 19266, 19267, 19268, 19269, 19270, 19271, 19272, 19273, 19274 constructed as part of the FRWLP are within the scope of the previously adopted FEIR, including the Statement of Facts, Findings, Impacts and Mitigation Measures, Statement of Overriding Considerations, and MMRP; and the previously filed Notice of Exemption.

Staff also requests that the Board find that the constructed encroachments described herein would result in no new adverse environmental impacts, and that no new mitigation measures are required pursuant to CEQA Guidelines Section 15168.

The documents and other materials which constitute the record of the Board's proceedings in this matter are in the custody of Leslie Gallagher, Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Suite 170, Sacramento, California 95821.

9.0 – CALIFORNIA WATER CODE SECTION 8610.5 CONSIDERATIONS

California Water Code, Section 8610.5 (c) provides that the Board shall consider all the following matters, if applicable.

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

Staff respectfully requests that the Board consider this report, any documents or studies to which the report refers, and any opinions rendered that have been made a part of the record.

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

The HEC-RAS hydraulic model, the accepted industry standard for hydraulic analysis, has been applied by SBFCA for this project. The modeling was conducted for a 44-mile reach of the Feather River from Thermalito Afterbay downstream to the Sutter Bypass. The results of the analysis indicate that no adverse hydraulic impacts are expected as a result of these project modifications because the generated water surface profiles are lower than the top of the levee with appropriate margin of safety.

3. Effects of the decision on the entire State Plan of Flood Control (SPFC).

The eighteen (18) modified encroachments are not expected to result in adverse impacts on facilities of the SPFC because these modifications do not impact the water surface profiles. Furthermore, these levee repairs are consistent with the adopted 2012 and 2017 Updates of CVFPP as these encroachment modifications coincide with the CVFPP's supporting goals to improve operations and maintenance. In addition, these modified encroachments comply with the Title 23 standards identified in Section 5.0.

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

Based on the best available information, the modified encroachments are not anticipated to be impacted by any reasonably projected future events, including, but not limited to, changes in hydrology, sea level rise, and climate change. The hydraulic analysis discussed in Section 6.1 took into consideration possible changes in hydrology, sea level rise and climate change.

10.0 – STAFF RECOMMENDATION

Staff recommends that the Board:

Adopt:

- The CEQA findings: The Board, acting as a responsible agency under CEQA, has independently reviewed and considered the environmental documents prepared for the project. Approving Permit Nos. 7294-1, 19256, 19257, 19259, 19260, 19261, 19262, 19264, 19266, 19267, 19268, 19269, 19270, 19271, 19272, 19273, 19274 is within the scope of the Board's prior approvals and CEQA findings for the FRWLP. There is no substantial evidence of new significant adverse environmental impacts or increase in severity of previously identified impacts due to the encroachment modifications, therefore no additional environmental review is required, and no additional mitigation measures within the Board's jurisdiction are required.

Approve:

- Permit Nos. 7294-1, 19256, 19257, 19259, 19260, 19261, 19262, 19264, 19266, 19267, 19268, 19269, 19270, 19271, 19272, 19273, 19274 in substantially the form provided, and

Direct:

- The Executive Officer to take the necessary actions to execute the permits and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

11.0 – LIST OF ATTACHMENTS

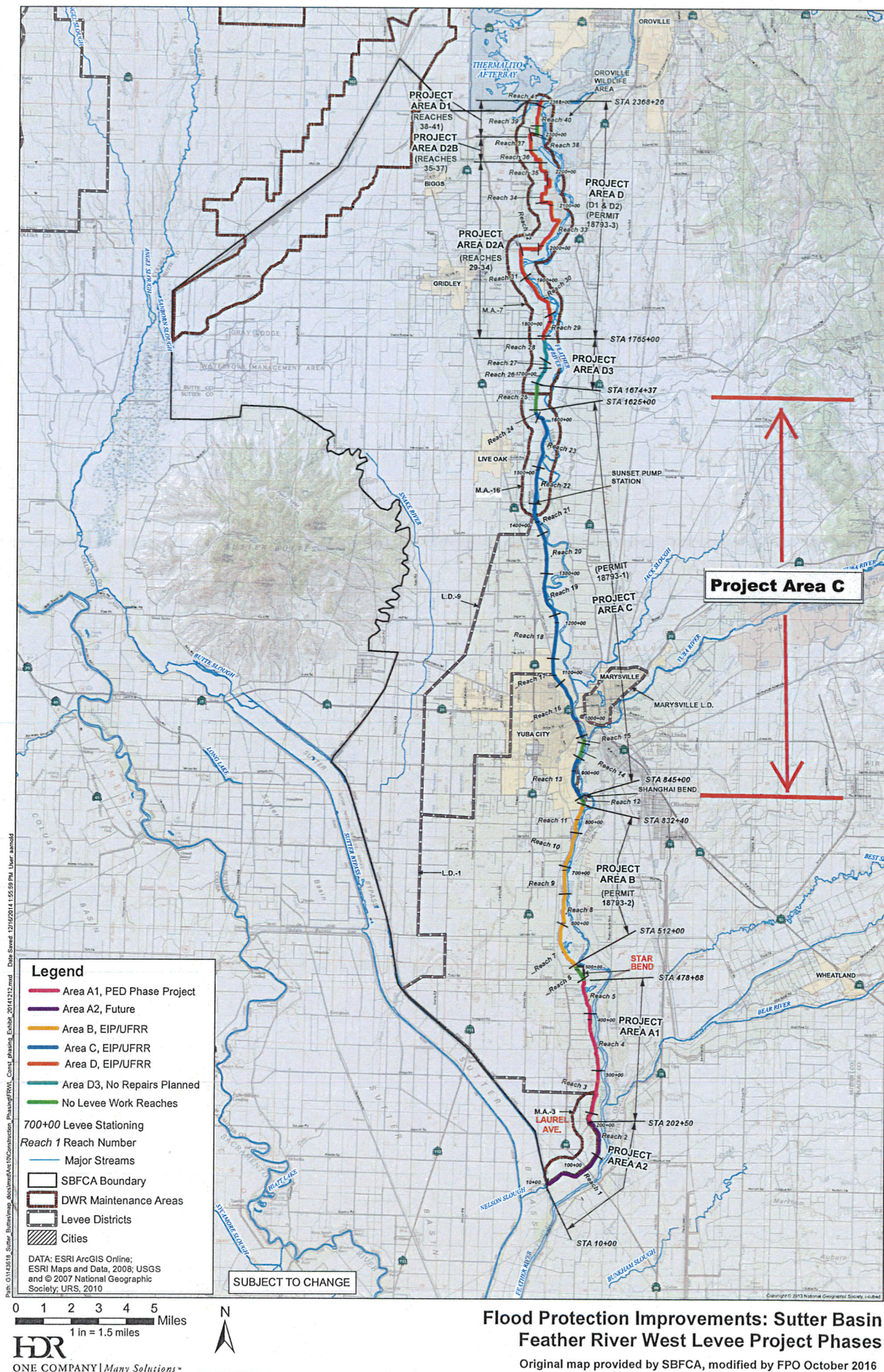
Attachment A: Project Maps

Attachment B: Resolution 2013-07

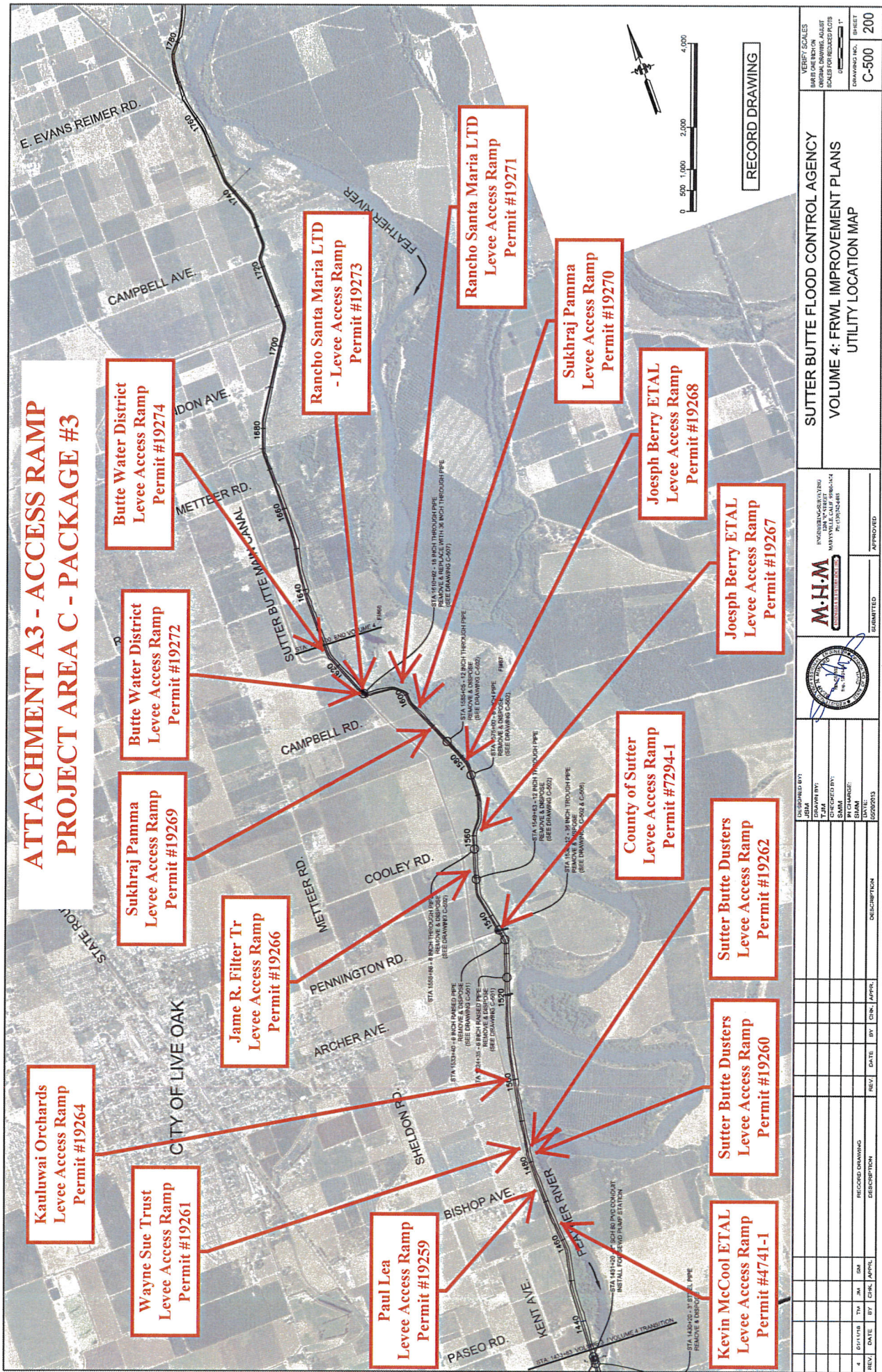
Attachments C to S: Draft Permits, USACE letter, Local Maintaining Agency's Endorsement Conditions and Drawing(s) for 7294-1, 19256, 19257, 19259, 19260, 19261, 19262, 19264, 19266, 19267, 19268, 19269, 19270, 19271, 19272, 19273, 19274.

Prepared by: Ali Porbaha, Plan Implementation and Compliance Branch
Reviewed by: Itzia Rivera, Environmental Services and Land Management Branch;
Greg Harvey, Plan Implementation and Compliance Branch Chief; Michael
Wright, Chief Engineer; and Sarah Backus, Staff Counsel

Attachment A: Project Maps



ATTACHMENT A3 - ACCESS RAMP PROJECT AREA C - PACKAGE #3



RECORD DRAWING

SUTTER BUTTE FLOOD CONTROL AGENCY				VOLUME 4: FRWL IMPROVEMENT PLANS			
UTILITY LOCATION MAP							
M.H.M. ENGINEERING & SURVEYING				MAYNARD & CAMPBELL			
CIVIL ENGINEERS				PR. 01524481			
SUBMITTED				APPROVED			
DESIGNED BY: JIM				CHECKED BY: JIM			
DRAWN BY: JIM				IN CHARGE: JIM			
DATE: 10/20/2013				DATE: 10/20/2013			
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VERIFY SCALES
DRAWING SCALE
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Attachment B: Resolution 2013-07

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 2013-07

FINDINGS AND DECISION AUTHORIZING ISSUANCE OF
FLOOD SYSTEM IMPROVEMENT PROJECT
PERMIT APPLICATION NO. 18793-1

SUTTER BUTTE FLOOD CONTROL AGENCY
FEATHER RIVER WEST LEVEE PROJECT
PROJECT AREA C (REACHES 13 THROUGH 24) CONSTRUCTION PERMIT
SUTTER COUNTY

WHEREAS, the Central Valley Flood Protection Board (Board), in support of the Sutter Butte Flood Control Agency (SBFCA), approved on October 26, 2012 a request to the U.S. Army Corps of Engineers (USACE) for 33 U.S.C. Section 408 (Section 408) approval to alter of 41 miles of federal flood control project levee, the Feather River West Levee Project (FRWLP), located on the west side (right bank) of the Feather River from Thermalito Afterbay in Butte County downstream to approximately 3.5 miles north of the Feather River's confluence with Sutter Bypass in Sutter County; and

WHEREAS, the SBFCA submitted an application and supporting documentation to the Board in March 2013 to construct Project Area C, the first phase of the FRWLP, including approximately 14.78 miles of levee improvements in Reaches 13 to 24 within Sutter County; and

WHEREAS, SBFCA released a Notice of Preparation initiating a 30-day public comment period on May 20, 2011 and extended the comment period to July 8, 2011; and

WHEREAS, SBFCA as lead agency under the California Environmental Quality Act, Public Resources Code sections 21000 *et seq.* ("CEQA") prepared a Draft Environmental Impact Report (DEIR) (SCH No. 2011052062, December 2012), and Final Environmental Impact Report (FEIR) (SCH No. 2011052062, April 2013), and Mitigation Monitoring and Reporting Plan (MMRP) for the FRWLP (incorporated herein by reference and available at Board or SBFCA offices); and

WHEREAS, the SBFCA Board approved the FRWLP (SBFCA Resolutions 2013-05 and 2013-06), the FEIR, and MMRP, and approved findings and a Statement of Overriding Considerations pursuant to the CEQA Guidelines (incorporated herein by reference), and filed a Notice of Determination with the State Clearinghouse on April 12, 2013; and

WHEREAS, the Boards of Levee District 1 (Sutter) and Levee District 9 (Sutter) endorsed the Project Area C application on April 16, 2013 without conditions; and

WHEREAS, the Department of Water Resources (DWR) Flood Maintenance Office conditionally endorsed the Project Area C application on May 16, 2013; and

WHEREAS, the USACE Washington DC headquarters Section 408 Record of Decision (ROD) and USACE Sacramento District Letter of Permission (LOP) are anticipated in late July 2013; and

WHEREAS, if the Section 408 request is approved by USACE, staff will review and incorporate any USACE conditions into the final permit; and

WHEREAS, Board staff completed a comprehensive technical review of SBFCA's Project Area C Permit Application No. 18793-1 including the following documents:

- Hydraulic analysis and geotechnical reports and data
- 100% Plans and Specifications
- 100% "Issued for Bid" Plans and Specifications:
- 100% Design Documentation Report
- 100% Technical Specifications
- 100% "Issued for Bid" Technical Specifications
- Addenda 1 and 2
- Draft and Final Environmental Impact Reports pursuant to the California Environmental Quality Act
- Project bid schedules; and

WHEREAS, in accordance with California Code of Regulations, Title 23 (CCR 23), § 11, the Board may grant variances to its standards for uses that are not consistent with the Board's standards. When approval of a permit requires variances, the applicant must clearly state in its application why compliance with the Board's standards is infeasible or not appropriate; and

WHEREAS, SBFCA has requested the Board to grant variances from CCR 23, pursuant to the requirements of CCR 23 § 11, and as summarized in Staff Report Section 8.5 and further detailed in Staff Report Attachments J, K, and L; and

WHEREAS, Board, SBFCA, DWR, and USACE staffs have developed a strategy to (1) update existing encroachment pipeline crossing permits to ensure that they conform to current CCR 23 regulations and USACE policies; and (2) issue encroachment permits to owners of currently unpermitted encroachments to ensure that all regulatory parties, levee maintainers, and owners will be able to accurately and efficiently track and inspect future operations and maintenance of these encroachments; and

WHEREAS, SBFCA has agreed to act on each owner's behalf to prepare all required encroachment permit application documents, obtain owner signatures, and support the Board staff's application review and permitting activities; and

WHEREAS, the SBFCA Area C construction project will:

- address major geotechnical concerns such as through- and under-seepage and related slope stability, and condition and impact of existing encroachments,
- reduce the risk of flooding for existing urban areas, agricultural commodities, infrastructure, and other properties,
- increase the level of flood protection to a targeted 200-year level for Yuba City and Live Oak consistent with the adopted CVFPP, and Senate Bill 5 (Statutes of 2008) to provide 200-year flood protection for urban and urbanizing areas,
- preserve riparian and other native habitats,
- bring encroachments surveyed by SBFCA into CCR 23 compliance while addressing 100 percent of the encroachment issues categorized by the USACE in their 2010 periodic inspections as "Unacceptable – likely to prevent performance in the next flood event."; and

WHEREAS, The Board has conducted a public hearing on Permit Application No. 18793-1 and has reviewed the Staff Report and Attachments, the documents and correspondence in its file, and the environmental documents prepared by the SBFCA.

NOW, THEREFORE, BE IT RESOLVED THAT,

Findings of Fact.

1. The Board hereby adopts as findings the facts set forth in the Staff Report.
2. The Board has reviewed all Attachments, Exhibits, Figures, and References listed in the Staff Report.

CEQA Findings.

3. The Board, as a responsible agency, has independently reviewed the analyses in the DEIR (SCH No. 2011052062, December 2012) and the FEIR (April 2013) for the FRWLP which includes the SBFCA Lead Agency findings, Statement of Overriding Considerations, MMRP, and has reached its own conclusions regarding them.
4. The Board, after consideration of the DEIR (SCH No. 2011052062, December 2012) and the FEIR (April 2013) on the FRWLP, and the SBFCA Lead Agency findings, adopts the project description, analysis and findings which are relevant to the project.
5. **Findings regarding Significant Impacts.** Pursuant to CEQA Guidelines sections 15096(h) and 15091, the Board determines that the SBFCA findings, incorporated herein by reference, summarize the FEIR determinations regarding impacts of the FRWLP,

before and after mitigation. Having reviewed the FEIR and the SBFCA findings, the Board makes its findings as follows:

a. **Findings Regarding Significant and Unavoidable Impacts.**

The Board finds that the FRWLP may have the following significant, unavoidable impacts, as more fully described in the SBFCA findings. Mitigation has been adopted for each of these impacts although it does not reduce the impacts to less than significant. The impacts and mitigation measures are set forth in more detail in the SBFCA findings.

- A. Air quality - The project could exceed applicable thresholds for construction emissions. SBFCA will provide an Advance Notification of Construction Schedule and a 24-Hour Hotline to Residents; implement a Fugitive Dust Control Plan and measures to reduce emissions. Fees will be paid to offset annual construction emissions to net zero.
- B. Noise - The project could result in temporary construction-related noise up to 24 hours per day. To the extent feasible construction contractors shall control noise from construction activity such that noise does not exceed applicable noise standards.
- C. Vegetation and wetlands - The project would result in loss of wetlands and vegetation. For direct effects on woody riparian trees that cannot be avoided, SBFCA will compensate for the loss of riparian habitat to ensure no net loss of habitat functions and values. Compensation ratios will be based on site specific information and determined through coordination with the appropriate State and federal agencies during the permitting process.
- D. Visual resources - The project could result in impacts to visual resources. Viewers would experience construction in both rural and urban reaches during more than one construction season (typically April 15 to November 30, subject to conditions). In general, construction operations along the levee and at borrow sites, construction traffic, haul trucks, and staging areas would be visible in the foreground and middleground to residents, businesses, roadway users, and recreationists.
- E. Cultural resources - The project could result in cumulative impacts to cultural resources. The project may result in the demolition of individual structures and residences that contribute to rural historic landscapes. Other projects that form the cumulative context may contribute to these effects through plan build-out, levee repair, or other actions requiring demolition of structures forming portions of rural historic landscapes also affected by the FRWLP. For these reasons the FRWLP may contribute to cumulatively significant and unavoidable effects on rural historic landscapes. SBFCA will develop and implement treatment for avoidance and preservation in place or relocation of individual California Register of Historic Resources that are eligible buildings (noncontributing or unaffected

buildings would remain in place). Where avoidance or relocation is not feasible standard treatment such as documentation through the Historic American Buildings Survey, Historic American Landscape Survey, Historic American Engineering Record, or district documentation will be completed. Interpretive displays, online resource, and historic contexts or walking tours may also be used, as appropriate.

Finding: The Board finds that changes or alterations have been required in, or incorporated into, the project which substantially lessen such impacts, as set forth more fully in the SBFCA findings, but that each of the above impacts remains significant after mitigation. Such mitigation measures are within the responsibility of another agency (SBFCA), and should be implemented as described. Specific economic, legal, social, technological or other considerations have rendered infeasible mitigation or alternatives that would have reduced these impacts to less than significant.

b. Findings regarding Significant Impacts that can be Reduced to Less Than Significant.

The significant impacts and the mitigation measures to reduce them to less than significant are described in the FEIR and SBFCA's Adopted Resolution 2013-06 dated April 10, 2013. This Resolution includes a Statement of Facts, Findings, Impacts and Mitigation Measures, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program. Based on its independent review of the FEIR and SBFCA Resolution 2013-06, the Board finds that for each of the significant impacts described, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the FEIR. Moreover, such changes or alterations are within the responsibility and jurisdiction of another public agency (SBFCA) and such changes have been adopted by that agency. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less-than-significant level or avoided by incorporation of these mitigation measures into the project.

As a responsible agency, the Board has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the Project which it decides to carry out, finance, or approve. The Board confirms that it has reviewed the MMRP, and confirmed that SBFCA has adopted and committed to implementation of the measures identified therein. The Board agrees with the analysis in the MMRP and confirms that there are no feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment. None of the mitigation measures in the MMRP require implementation by the Board directly, although continued implementation of the MMRP shall be made a condition of issuance of the Permit. However, the measures in the MMRP may be modified without triggering the need for subsequent or supplemental analysis under CEQA Guidelines section 15162(c).

6. **Statement of Overriding Considerations.** Pursuant to CEQA Guidelines sections 15096(h) and 15093, the Board has balanced the economic, social, technological and other benefits of the Project described in Permit Application No. 18793-1 against its significant and unavoidable impacts listed in paragraph 5(a) above, and finds that the benefits of the Project outweigh these impacts and they may, therefore, be considered "acceptable".

The Board finds the project will enhance public safety in the Sutter Basin by addressing known levee and encroachment deficiencies on the west bank of the Feather River. The Feather River west levee suffers from risks of levee failure mechanisms including through- and under-seepage and related slope stability and geometry, erosion, and levee encroachments result in the immediate need for repairs to protect the people and property at risk within the project area. The health and safety benefits of the project, which would significantly reduce the risk of an uncontrolled flood that would result in a catastrophic loss of property and threat to residents of the area, outweigh the remaining unavoidable environmental impacts.

7. **Custodian of Record.** The custodian of the CEQA record for the Board is its Executive Officer, Jay Punia, at the Board offices at 3310 El Camino Avenue, Room 151, Sacramento, California 95821.

Considerations pursuant to Water Code section 8610.5.

8. **Evidence Admitted into the Record.** The Board has considered all the evidence presented in this matter, including the original application for Permit No. 18793-1 and technical documentation provided by SBFCA on the FRWLP past and present Staff Reports and attachments, the Environmental Impact Report on the FRWLP (Draft and Final Versions), SBFCA Board Resolutions 2013-05 and 2013-06 including findings, Statement of Overriding Considerations, and the MMRP.
9. **Best Available Science.** In making its findings, the Board has used the best available science relating to the issues presented by all parties. On the important issue of hydraulic impacts and the computed water surface profiles, SBFCA used a HEC-RAS one-dimensional unsteady flow model that was also utilized by the USACE for the on-going Sutter Basin Feasibility Study. The model is considered by many experts as the best available scientific tool for the purpose of modeling river hydraulics for the Feather River. Geotechnical and overall standards for levee design including those of the USACE, DWR ULDC, and Board have been taken into consideration and the design is in compliance with these standards.
10. **Effects on State Plan of Flood Control.** This project has positive effects on the State Plan of Flood Control as it includes features that will provide 200-year protection to urban and urbanizing areas of the Sutter Basin. The Board finds that the 65 percent projects designs used to support the program-level Section 408 request, and none of the changes in project design made subsequent to 65 percent design up to and including the

100 percent issued for bid design and Addenda A and B result in adverse hydraulic impacts on the entire State Plan of Flood Control.

The Board further finds that the proposed Area C construction phase of the FRWLP, to be constructed as described in SBFCA's 100 percent "Issued For Bid Set", dated March 13, 2013, and in Addenda Nos. 1 and 2, will result in an overall betterment to the SRFCP and State Plan of Flood Control, and will be consistent with the adopted 2012 Central Valley Flood Protection Plan.

The Board further finds that the proposed project alterations can be constructed in a manner not injurious to the public interest, and that will not impair the usefulness of the SRFCP.

In California Statutes of 2007, Chapter 641 (SB276), the Legislature found and declared that "The projects authorized in Section 12670.14 of the Water Code will increase the ability of the existing flood control system in the Sacramento Valley to protect urbanized areas within Sutter County against very rare floods without altering the design flows and water surface elevations prescribed as part of the SRFCP or impairing the capacity of other segments of the SRFCP to contain these design flows and to maintain water surface elevations. Accordingly, the projects authorized in that section will not result in significant adverse hydraulic impacts to the lands protected by the SRFCP and neither the Board nor any other State agency shall require the authorized projects to include hydraulic mitigation for these protected lands."

11. **Effects of Reasonably Projected Future Events.** The project would have no net increases in operational greenhouse gas (GHG) emissions impacting climate change. Emissions associated with the project would occur over a finite period of time (2 year) as opposed to operational emissions, which would occur over the lifetime of a project. There are no other foreseeable projected future events that would impact this project.

Other Findings/Conclusions regarding Issuance of the Permit.

12. This resolution shall constitute the written decision of the Board in the matter of Permit No. 18793-1.

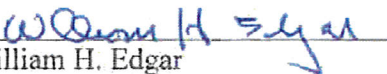
Approval of Encroachment Permit No. 18793-1.

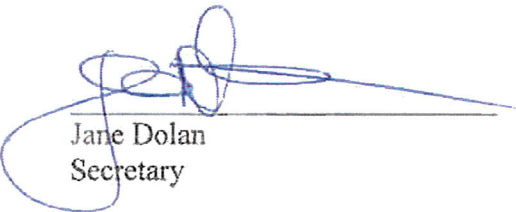
13. The Board adopts the CEQA findings and Resolution 2013-07, and
14. The Board approves, pursuant to CCR 23, § 11(a) and (b) with regard to Variances to Board Standards, the requested construction variances summarized in Staff Report Section 8.5 and further detailed Staff Report Attachments J, K, and L, and
15. Based on the foregoing, the Board hereby conditionally approves issuance of Permit No. 18793-1 in substantially the form provided by the Board Staff at the May 24, 2013 meeting of the Board, subject to receipt, review and incorporation of conditions required

by the USACE in their Record of Decision and Letter of Permission anticipated to be received by late July 2013, and

16. The Board delegates authority to the Executive Officer to make non-substantive changes to the draft permit as needed to incorporate additional design changes submitted by SBFCA prior to receipt of the USACE ROD and LOP, and that if substantive changes to the draft permit are required, the Board staff will bring the permit back to the Board at a future meeting to seek approval for substantive changes, and
17. The Board directs the Executive Officer to take the necessary actions to prepare and execute Permit No. 18793-1 and all related documents and to prepare and file a Notice of Determination pursuant to the California Environmental Quality Act for the Feather River West Levee, Project Area C construction project, and
18. The Board directs the Executive Officer to consider applications to amend existing or issue new encroachment permits to owners of pipeline crossings within Project Area C that will be reconstructed as part of the Area C project, and as detailed in Staff Report Section 8.5.5. Board staff will evaluate the proposal(s) for potential approval by direct Board action or by delegation to the Executive Officer as appropriate, and
19. The Board directs the Executive Officer that if, during construction, additional non-conforming encroachments or constructability issues are discovered by any party SBFCA will consider whether or not they can be brought into compliance during construction. Board staff will evaluate the proposal(s) for potential approval by direct Board action or by delegation to the Executive Officer as appropriate.

PASSED AND ADOPTED by vote of the Board on July 24, 2013, 2013


William H. Edgar
President


Jane Dolan
Secretary

Attachment C

- **Draft Permit 7294-1**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 7294-1 BD

This Permit is issued to:

County of Sutter
1130 Civic Center Blvd.
Yuba City, California 95993

The encroachments consist of a landside and a waterside levee access ramps which provide access to the Live Oak Recreational Park Boat Launch property on the waterside of the levee, commonly referred to as the Pennington Road levee access ramp. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1534+64. The United States Corps of Engineers Unit is 148 Levee Mile 1.43, at 39.27604°N 121.63256°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 7294-1 BD

LIABILITY AND INDEMNIFICATION

THIRTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FOURTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such

action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SIXTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

SEVENTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

EIGHTEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

NINETEEN: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-ONE: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-TWO: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-THREE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

TWENTY-FIVE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Board at the permittee's or successor's cost and expense.

TWENTY-SIX: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by County of Sutter, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

(Date)

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 7294-1 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 7294-1 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 7294-1 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 7294-1 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 7294-1 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

OWNER(S):

Signature of Property Owner

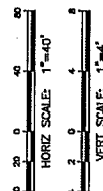
Printed Name of Property Owner

Signature of Property Owner

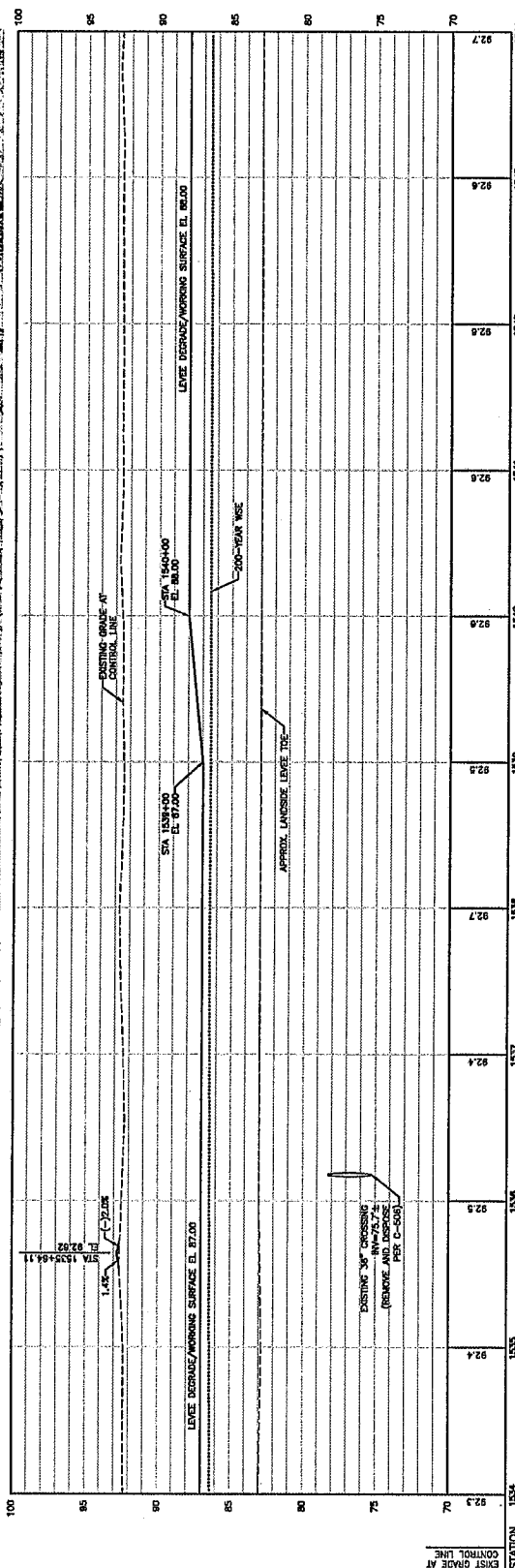
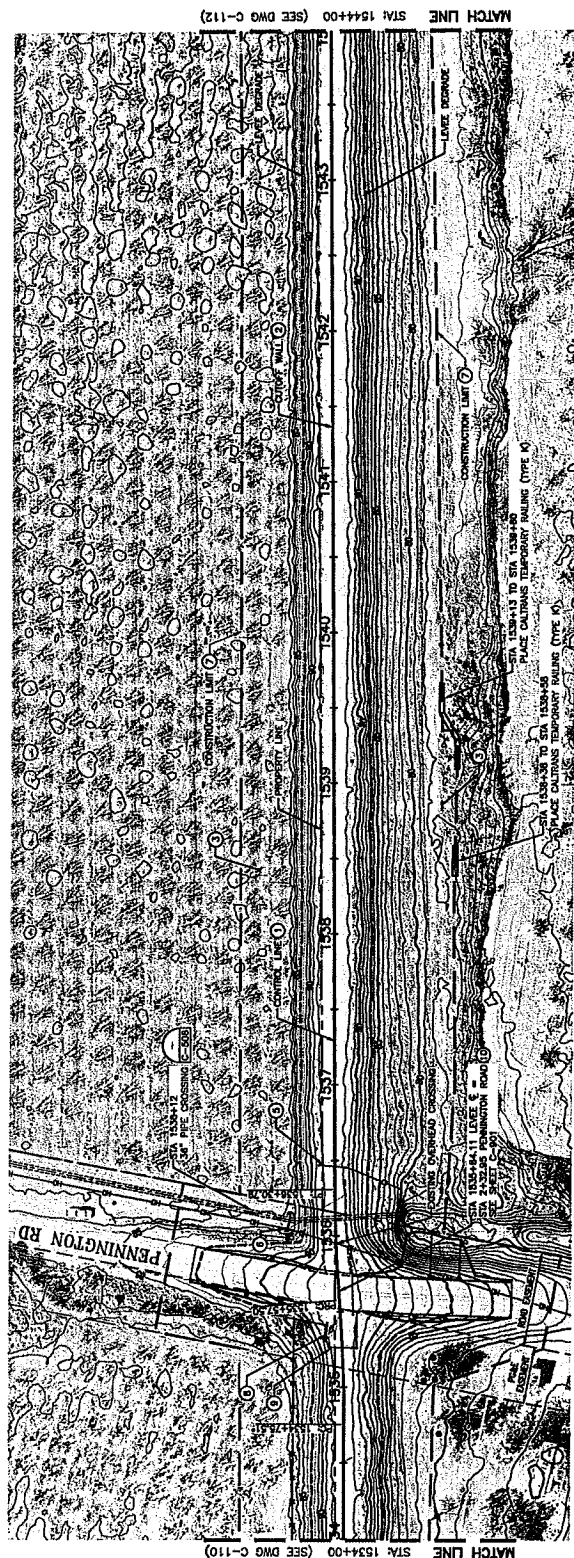
Printed Name of Property Owner

CONSTRUCTION NOTES:

- [illegible]



RECORD DRAWING

[illegible]

Attachment D

- **Draft Permit 19256**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19256 BD

This Permit is issued to:

Butte Water District
735 Virginia Street
Gridley, California 95948

The encroachment consists of a landside levee access ramp which provides access to the Butte Water District property on the waterside of the levee, commonly referred to as the Sutter Butte Main Canal access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1448+50. The United States Corps of Engineers Unit is 148 Levee Mile 5.98, at 39.25249°N 121.63696°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19256 BD

LIABILITY AND INDEMNIFICATION

THIRTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FOURTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such

action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

FIFTEEN: The Board, Department of Water Resources, and Levee District No. 9 shall not be held liable for any damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

AGENCY CONDITIONS

SIXTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

SEVENTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

EIGHTEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

NINETEEN: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-ONE: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-TWO: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-THREE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, Levee District No. 9, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

TWENTY-FIVE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Board at the permittee's or successor's cost and expense.

TWENTY-SIX: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
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19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

LEEVE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
BUTTE WATER DISTRICT
SUTTER BUTTE MAIN CANAL ACCESS RAMP

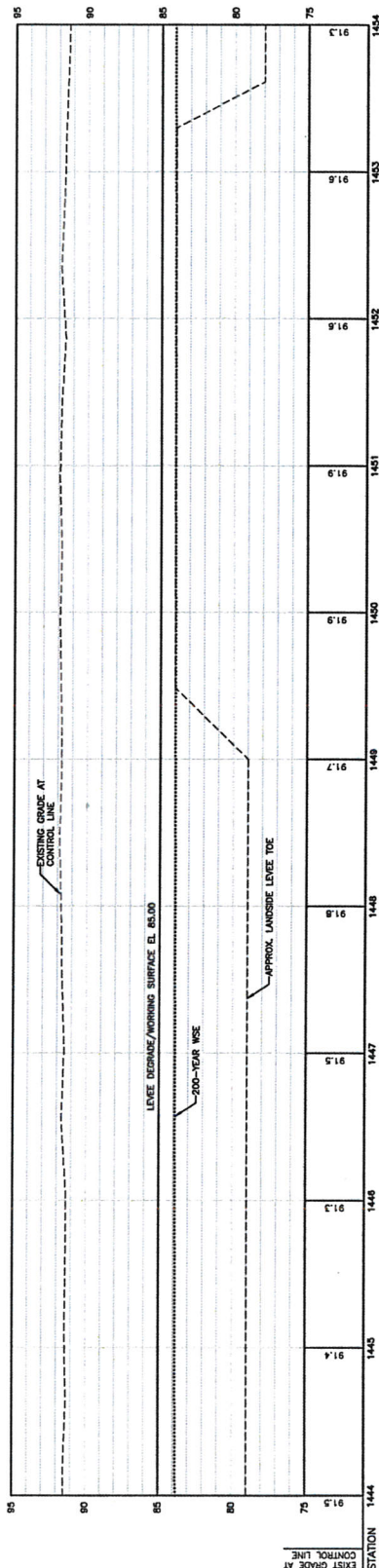
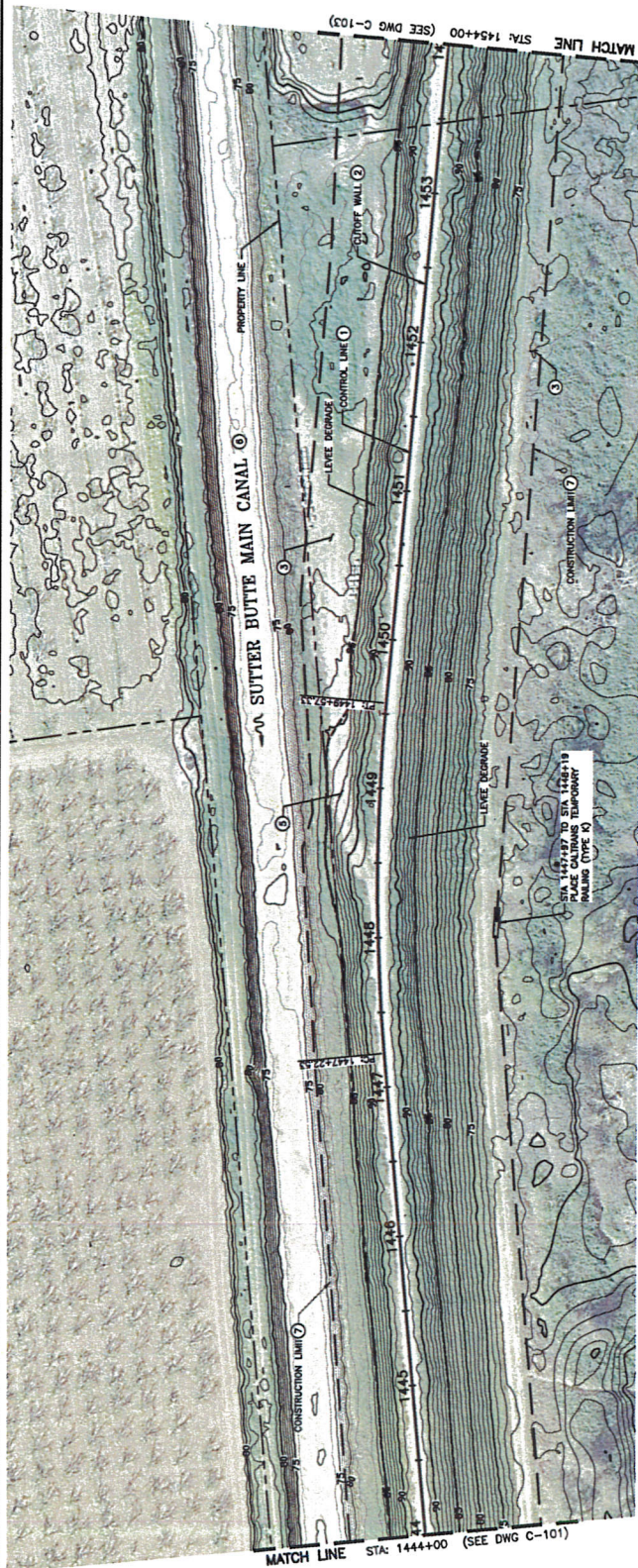
Levee District No. 9 of Sutter County (LD9) has the following conditions to be included on the Central Valley Flood Protection Board Encroachment Permit for the Butte Water District Levee Access Ramp. The access ramp consists of a waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1448+50 Unit 148 LMA Unit No. 1 Levee Mile 5.98. The work shall require fencing and gates upstream and downstream of the access ramp to prevent access to the slopes of the levee by vehicles, motorcycles, ATV, and other motorized vehicles. The conditions are as follows:

1. All improvements shall meet or exceed Central Valley Flood Protection Board Title 23, Department of Water Resources, DWR Urban Levee Design Criteria, FEMA, **Levee District No. 9 of Sutter County**, and U.S Army Corps of Engineers Standards and requirements.
2. All work endorsed by this permit shall be in accordance with the submitted plans titled "Project Plans for Construction Feather River West Levee Project, Volume 4 of 6 (Project B), Feather River West Levee Improvement Plans, Station 1433+83 to 1626+00" dated March 13, 2013. No further work, other than approved by this permit, shall be done in the area without prior endorsement of **Levee District No. 9 of Sutter County**.
3. The permittee shall be responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the **Levee District No. 9 of Sutter County**, Central Valley Flood Protection Board, and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.
4. **Levee District No. 9 of Sutter County** shall have the right to utilize the access ramps for operation and maintenance work on the levee. This include routine patrols and flood fight patrols.
5. The permittee shall install a pipe gate and fencing or concrete blocks acceptable to **Levee District No. 9 of Sutter County** to prevent access during high water events (anything above monitoring stage), during levee patrols, or whenever required by **Levee District No. 9 of Sutter County**, Central Valley Flood Protection Board, or the State of California. The pipe gate and fencing shall be located outside the levee easement area. The fencing shall extend a minimum of one hundred (100) north and south of the road crossing to prevent access around the fencing. The gate shall remain closed and locked except during actual use of the gate. The gate shall have a carousel with a minimum of **Levee District No. 9 of Sutter County** lock and Knox Lock (Safety Access).
6. The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board, **Levee District No. 9 of Sutter County**, and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

7. The Central Valley Flood Protection Board, Department of Water Resources, and **Levee District No. 9 of Sutter County** shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.
8. A copy of operation and maintenance manual for the access ramps shall be provided to **Levee District No. 9 of Sutter County** upon completion of the work. The O&M manual shall include provisions for annual inspection which meet or exceed the CVFPB, DWR, USACE, and **Levee District No. 9 of Sutter County** standards. The results of the annual inspection shall be provided to **Levee District No. 9 of Sutter County** prior to November 1 each year.
9. The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board or **Levee District No. 9 of Sutter County** may remove the encroachment(s) at the permittee's or successor's expense.
10. The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation and maintenance of the flood control project to interfere, the permittee shall be required, at permittee's or successor's sole cost and expense, to modify or remove the permitted encroachment(s).
11. If the project or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project, at the permittee's or successor's sole cost and expense.
12. A set of As-Built Mylar plans and specifications shall be provided to **Levee District No. 9 of Sutter County** upon completion of the work.
13. A copy of the final Central Valley Flood Protection Board Permit shall be provided to **Levee District No. 9 of Sutter County** upon approval of the permit by the CVFPB Board.
14. **Levee District No. 9 of Sutter County** shall be notified five (5) working days prior to any construction activities.

CONSTRUCTION NOTES:

1. SET SHEET C-008 FOR CONTROL LINE VALUES.
2. SET SHEETS C-011 TO C-040 FOR CUT/PUT WALL PROFILES.
3. TREES TO BE REMOVED, REFER TO SHEET C-304.
4. NOTE USED.
5. REPLACE EXISTING RAMP IN KIND AND IN ACCORDANCE WITH THE
6. SLOPED WATER MAIN CANAL TO REMAIN CANAL WILL BE IN OPERATION (FULL OF WATER) DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROTECT CANAL IN PLACE AND MAINTAIN FLOWING CONSISTENT WITH THESE PLANS.
7. SUTTER WATER MAIN CANAL TO REMAIN CANAL WILL BE IN OPERATION (FULL OF WATER) DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROTECT CANAL IN PLACE AND MAINTAIN FLOWING CONSISTENT WITH THESE PLANS.
8. CONTRACTOR SHALL PROVIDE HIGH VIBRATORY CONSTRUCTION FENCING AT ALL EXISTING AND NEW LINE, SUCH AS EXISTING AND NEW LINE, SUCH AS EXISTING AND NEW LINE, SUCH AS SUT FENCING OR CAINING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION REQUIRED AT THE CONSTRUCTION LINE OF THE PROJECT. SHIPPED MATERIALS SHALL BE UNLOADED FROM THE TRUCKS AND THE FENCING MAY BE UNLATCHED WHERE NECESSARY TO LOAD OR UNLOAD MATERIALS WITH EXISTING FENCING.



RECORD DRAWING

[illegible]

Attachment E

- **Draft Permit 19257**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19257 BD

This Permit is issued to:

Trust...

Mohinder Singh Ghag and Amrek Kaur Ghag 2015 Revocable Inter Vivos

8381 Kent Avenue
Live Oak, California 95953

The encroachment consists of a waterside levee access ramp which provides access to the Mohinder Singh Ghag and Amrek Kaur Ghag Ranch property on waterside of the levee, commonly referred to as the Ghag Ranch levee access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1459+02. The United States Corps of Engineers Unit is 148 Levee Mile 6.18, at 39.25551°N 121.63632°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

other land.

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19257 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts or the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

SIXTEEN: The Board, Department of Water Resources, and Levee District No. 9 shall not be held liable for any damages to the permitted encroachment(s) resulting from releases of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, Levee District No. 9, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
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408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

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b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinitiate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Mohinder Singh Ghag and Amrek Kaur Ghag 2015 Revocable Inter Vivos Trust..., hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number) (Date)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19257 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19257 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19257 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19257 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19257 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

OWNER(S):

Signature of Property Owner

Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner

LEEVE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
GHAG 2015 REV INTER VIVOS TRUST
GHAG RANCH ACCESS RAMP

Levee District No. 9 of Sutter County (LD9) has the following conditions to be included on the Central Valley Flood Protection Board Encroachment Permit for the Ghag Ranch access ramp. The access ramp consists of a waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1459+02 Unit 148 LMA Unit No. 1 Levee Mile 6.18. The work shall require fencing and gates upstream and downstream of the access ramp to prevent access to the slopes of the levee by vehicles, motorcycles, ATV, and other motorized vehicles. The conditions are as follows:

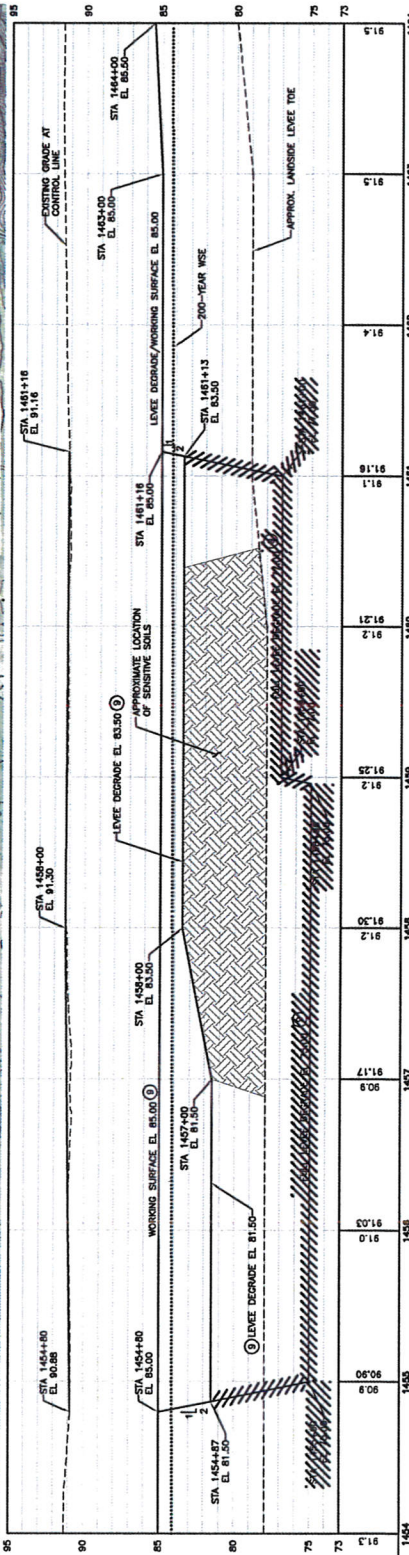
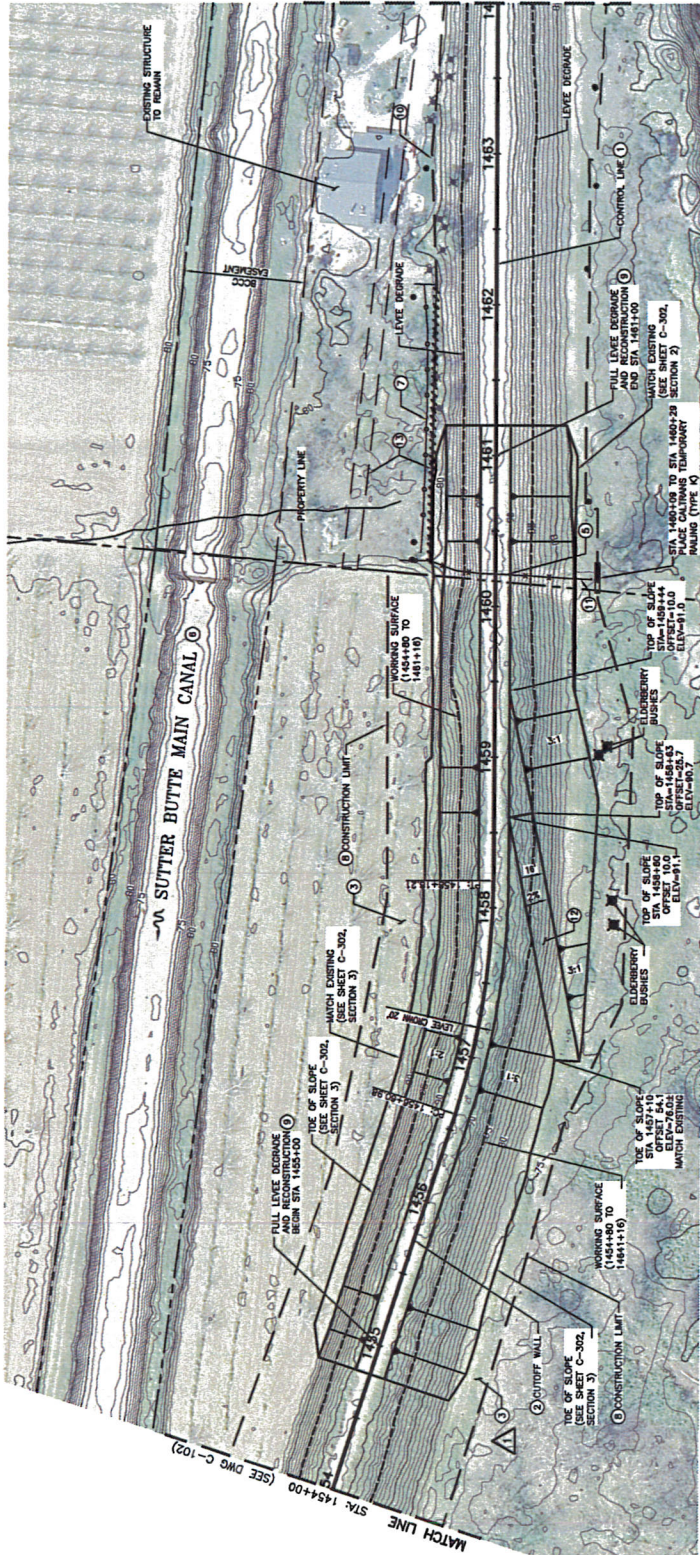
1. All improvements shall meet or exceed Central Valley Flood Protection Board Title 23, Department of Water Resources, DWR Urban Levee Design Criteria, FEMA, **Levee District No. 9 of Sutter County**, and U.S Army Corps of Engineers Standards and requirements.
2. All work endorsed by this permit shall be in accordance with the submitted plans titled "Project Plans for Construction Feather River West Levee Project, Volume 4 of 6 (Project B), Feather River West Levee Improvement Plans, Station 1433+83 to 1626+00" dated March 13, 2013. No further work, other than approved by this permit, shall be done in the area without prior endorsement of **Levee District No. 9 of Sutter County**.
3. The permittee shall be responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the **Levee District No. 9 of Sutter County**, Central Valley Flood Protection Board, and the State of California; including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages arising from the project undertaken pursuant to this permit, all to the extent allowed by law. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.
4. **Levee District No. 9 of Sutter County** shall have the right to utilize the access ramps for operation and maintenance work on the levee. This include routine patrols and flood fight patrols.
5. The permittee shall install a pipe gate and fencing or concrete blocks acceptable to **Levee District No. 9 of Sutter County** to prevent access during high water events (anything above monitoring stage), during levee patrols, or whenever required by **Levee District No. 9 of Sutter County**, Central Valley Flood Protection Board, or the State of California. The pipe gate and fencing shall be located outside the levee easement area. The fencing shall extend a minimum of one hundred (100) north and south of the road crossing to prevent access around the fencing. The gate shall remain closed and locked except during actual use of the gate. The gate shall have a carousel with a minimum of **Levee District No. 9 of Sutter County** lock and Knox Lock (Safety Access).
6. The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board, **Levee District No. 9 of Sutter County**, and the State of California, including its agencies, departments, boards, commissions, and their respective officers, agents, employees, successors and assigns (collectively, the "State"), safe and harmless, of and from all claims and damages related to the Central Valley Flood Protection Board's approval of this permit, including but not limited to claims filed pursuant to the California Environmental Quality Act. The State expressly reserves the right to supplement or take over its defense, in its sole discretion.

7. The Central Valley Flood Protection Board, Department of Water Resources, and **Levee District No. 9 of Sutter County** shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.
8. A copy of operation and maintenance manual for the access ramps shall be provided to **Levee District No. 9 of Sutter County** upon completion of the work. The O&M manual shall include provisions for annual inspection which meet or exceed the CVFPB, DWR, USACE, and **Levee District No. 9 of Sutter County** standards. The results of the annual inspection shall be provided to **Levee District No. 9 of Sutter County** prior to November 1 each year.
9. The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board or **Levee District No. 9 of Sutter County** may remove the encroachment(s) at the permittee's or successor's expense.
10. The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation and maintenance of the flood control project to interfere, the permittee shall be required, at permittee's or successor's sole cost and expense, to modify or remove the permitted encroachment(s).
11. If the project or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project, at the permittee's or successor's sole cost and expense.
12. A set of As-Built Mylar plans and specifications shall be provided to **Levee District No. 9 of Sutter County** upon completion of the work.
13. A copy of the final Central Valley Flood Protection Board Permit shall be provided to **Levee District No. 9 of Sutter County** upon approval of the permit by the CVFPB Board.
14. **Levee District No. 9 of Sutter County** shall be notified five (5) working days prior to any construction activities.



CONSTRUCTION NOTES:

- 1 SEE SHEETS C-100 FOR CONTROL LINE
- 2 SEE SHEETS C-101 TO C-104 FOR
- 3 SEE SHEETS C-105 TO C-108 FOR
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- 226 SEE SHEETS C-997 TO C-1000 FOR



SUTTER BUTTE FLOOD CONTROL AGENCY										1463		1462		1461		1460		1459		1458		1457		1456		1455		1454		1453		1452		1451		1450		1449		1448		1447		1446		1445		1444		1443		1442		1441		1440		1439		1438		1437		1436		1435		1434		1433		1432		1431		1430		1429		1428		1427		1426		1425		1424		1423		1422		1421		1420		1419		1418		1417		1416		1415		1414		1413		1412		1411		1410		1409		1408		1407		1406		1405		1404		1403		1402		1401		1400		1399		1398		1397		1396		1395		1394		1393		1392		1391		1390		1389		1388		1387		1386		1385		1384		1383		1382		1381		1380		1379		1378		1377		1376		1375		1374		1373		1372		1371		1370		1369		1368		1367		1366		1365		1364		1363		1362		1361		1360		1359		1358		1357		1356		1355		1354		1353		1352		1351		1350		1349		1348		1347		1346		1345		1344		1343		1342		1341		1340		1339		1338		1337		1336		1335		1334		1333		1332		1331		1330		1329		1328		1327		1326		1325		1324		1323		1322		1321		1320		1319		1318		1317		1316		1315		1314		1313		1312		1311		1310		1309		1308		1307		1306		1305		1304		1303		1302		1301		1300		1299		1298		1297		1296		1295		1294		1293		1292		1291		1290		1289		1288		1287		1286		1285		1284		1283		1282		1281		1280		1279		1278		1277		1276		1275		1274		1273		1272		1271		1270		1269		1268		1267		1266		1265		1264		1263		1262		1261		1260		1259		1258		1257		1256		1255		1254		1253		1252		1251		1250		1249		1248		1247		1246		1245		1244		1243		1242		1241		1240		1239		1238		1237		1236		1235		1234		1233		1232		1231		1230		1229		1228		1227		1226		1225		1224		1223		1222		1221		1220		1219		1218		1217		1216		1215		1214		1213		1212		1211		1210		1209		1208		1207		1206		1205		1204		1203		1202		1201		1200		1199		1198		1197		1196		1195		1194		1193		1192		1191		1190		1189		1188		1187		1186		1185		1184		1183		1182		1181		1180		1179		1178		1177		1176		1175		1174		1173		1172		1171		1170		1169		1168		1167		1166		1165		1164		1163		1162		1161		1160		1159		1158		1157		1156		1155		1154		1153		1152		1151		1150		1149		1148		1147		1146		1145		1144		1143		1142		1141		1140		1139		1138		1137		1136		1135		1134		1133		1132		1131		1130		1129		1128		1127		1126		1125		1124		1123		1122		1121		1120		1119		1118		1117		1116		1115		1114		1113		1112		1111		1110		1109		1108		1107		1106		1105		1104		1103		1102		1101		1100		1099		1098		1097		1096		1095		1094		1093		1092		1091		1090		1089		1088		1087		1086		1085		1084		1083		1082		1081		1080		1079		1078		1077		1076		1075		1074		1073		1072		1071		1070		1069		1068		1067		1066		1065		1064		1063		1062		1061		1060		1059		1058		1057		1056		1055		1054		1053		1052		1051		1050		1049		1048		1047		1046		1045		1044		1043		1042		1041		1040		1039		1038		1037		1036		1035		1034		1033		1032		1031		1030		1029		1028		1027		1026		1025		1024		1023		1022		1021		1020		1019		1018		1017		1016		1015		1014		1013		1012		1011		1010		1009		1008		1007		1006		1005		1004		1003		1002		1001		1000		999		998		997		996		995		994		993		992		991		990		989		988		987		986		985		984		983		982		981		980		979		978		977		976		975		974		973		972		971		970		969		968		967		966		965		964		963		962		961		960		959		958		957		956		955		954		953		952		951		950		949		948		947		946		945		944		943		942		941		940		939		938		937		936		935		934		933		932		931		930		929		928		927		926		925		924		923		922		921		920		919		918		917		916		915		914		913		912		911		910		909		908		907		906		905		904		903		902		901		900		899		898		897		896		895		894		893		892		891		890		889		888		887		886		885		884		883		882		881		880		879		878		877		876		875		874		873		872		871		870		869		868		867		866		865		864		863		862		861		860		859		858		857		856		855		854		853		852		851		850		849		848		847		846		845		844		843		842		841		840		839		838		837		836		835		834		833		832		831		830		829		828		827		826		825		824		823		822		821		820		819		818		817		816		815		814		813		812		811		810		809		808		807		806		805		804		803		802		801		800		799		798		797		796		795		794		793		792		791		790		789		788		787		786		785		784		783		782		781		780		779		778		777		776		775		774		773		772		771		770		769		768		767		766		765		764		763		762		761		760		759		758		757		756		755		754		753		752		751		750		749		748		747		746		745		744		743		742		741		740		739		738		737		736		735		734		733		732		731		730		729		728		727		726		725		724		723		722		721		720		719		718		717		716		715		714		713		712		711		710		709		708		707		706		705		704		703		702		701		700		699		698		697		696		695		694		693		692		691		690		689		688		687		686		685		684		683		682		681		680		679		678		677		676		675		674		673		672		671		670		669		668		667		666		665		664		663		662		661		660		659		658		657		656		655		654		653		652		651		650		649		648		647		646		645		644		643		642		641		640		639		638		637		636		635		634		633		632		631		630		629		628		627		626		625		624		623		622		621		620		619		618		617		616		615		614		613		612		611		610		609		608		607		606		605		604		603		602		601		600		599		598		597		596		595		594		593		592		591		590		589		588		587		586		585		584		583		582		581		580		579		578		577		576		575		574		573		572		571		570		569		568		567		566		565		564		563		562		561		560		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Attachment F

- **Draft Permit 19259**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19259 BD

This Permit is issued to:

Paul Lea
10234 Orchard Way
Live Oak, California 95953

The encroachment consists of a waterside levee access ramp which provides access to the Paul Lea property on waterside of the levee, commonly referred to as the Lea access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1474+50. The United States Corps of Engineers Unit is 148 Levee Mile 0.27, at 39.25984°N 121.63664°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19259 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpub.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinitiate consultation as appropriate, in accordance with the Federal Endangered Species Act.

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Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Paul Lea, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

_____,
(Number) _____, Official Records of Sutter County, attached as Exhibit A.
(Date)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19259 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19259 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19259 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19259 BD are attached, or for failure to comply with the REGULATIONS.

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OWNER(S):

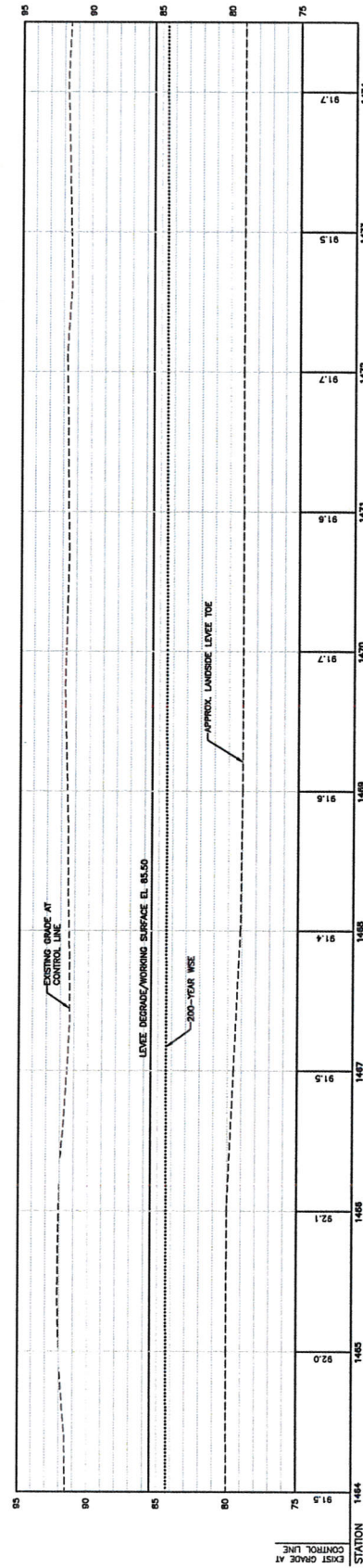
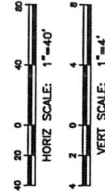
Signature of Property Owner

Printed Name of Property Owner

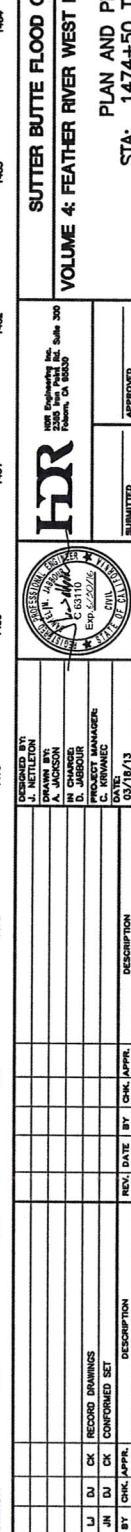
Signature of Property Owner

Printed Name of Property Owner

⑩ RELOCATE EXISTING FENCE. OFFSET 10' FROM LEVEE TOE.



NO.	DATE	BY	CHK.	APPR.	DESCRIPTION	REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
0	5/25/73	JN	DJ		CONFORMED SET						
1	5/25/73	JN	DJ		RECORD DRAWINGS						
<div style="display: flex; justify-content: space-between;"> <div> <p>DESIGNED BY J. NETTELSON</p> <p>DRAWN BY A. JACKSON</p> <p>CHECKED BY D. JANSOUR</p> <p>PROJECT MANAGER EXP. 225226</p> <p>DATE 03/16/73</p> </div> <div>  <p>I D R HDR Engineering Inc. 10000 Wilshire Blvd., Suite 300 Beverly Hills, CA 90230</p> <p>SUBMITTED _____ APPROVED _____</p> </div> </div>											
<p align="center">SUTTER BUTTE FLOOD CONTROL AGENCY</p> <p align="center">VOLUME 4: FEATHER RIVER WEST LEEVE IMPROVEMENT PLANS</p>											<p align="center">PLAN AND PROFILE</p> <p align="center">STA: 1464+00 TO 1474+50</p>
<p>VERIFY SCALES HWS IS ONE INCH ON HORIZONTAL SCALE ADJUST SCALES FOR VERTICAL SCALE DISCREPANCY</p>											<p>DRAWING NO. SHEET C-104 23</p>



SUTTER BUTTE FLOOD CONTROL AGENCY
VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS
PLAN AND PROFILE
STA: 1474+50 TO 1484+00

Attachment G

- **Draft Permit 19260**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19260 BD

This Permit is issued to:

Sutter Butte Dusters Incorporated
P.O. Box 213
Live Oak, California 95953

The encroachment consists of a landside levee access ramp which provides access to the Sutter Duster property on the landside of the levee, commonly referred to as the Sutter Duster access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1481+75. The United States Corps of Engineers Unit is 148 Levee Mile o.41, at 39.26168°N 121.63665°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19260 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

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A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
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OWNER(S):

Signature of Property Owner

Printed Name of Property Owner

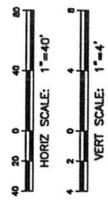
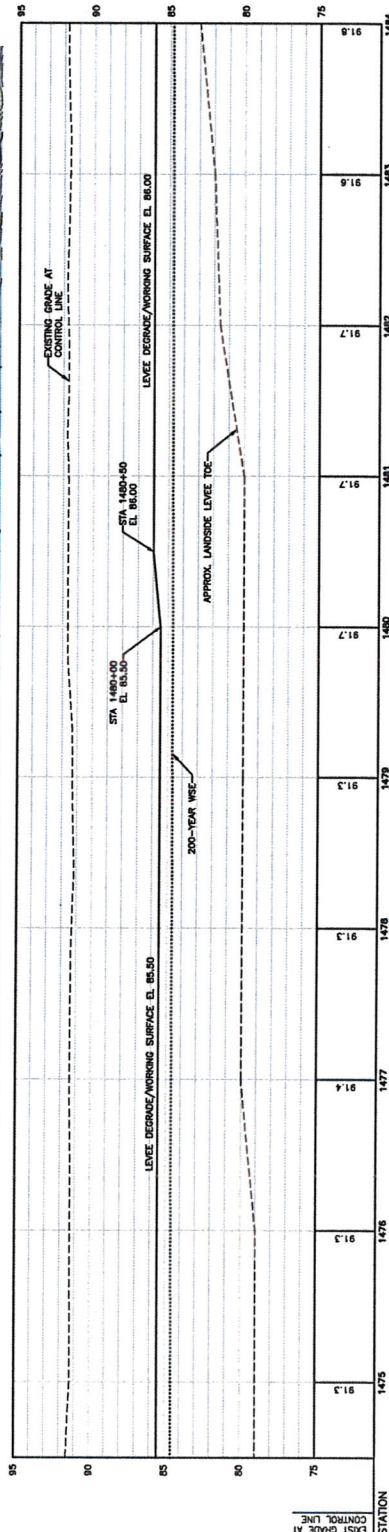
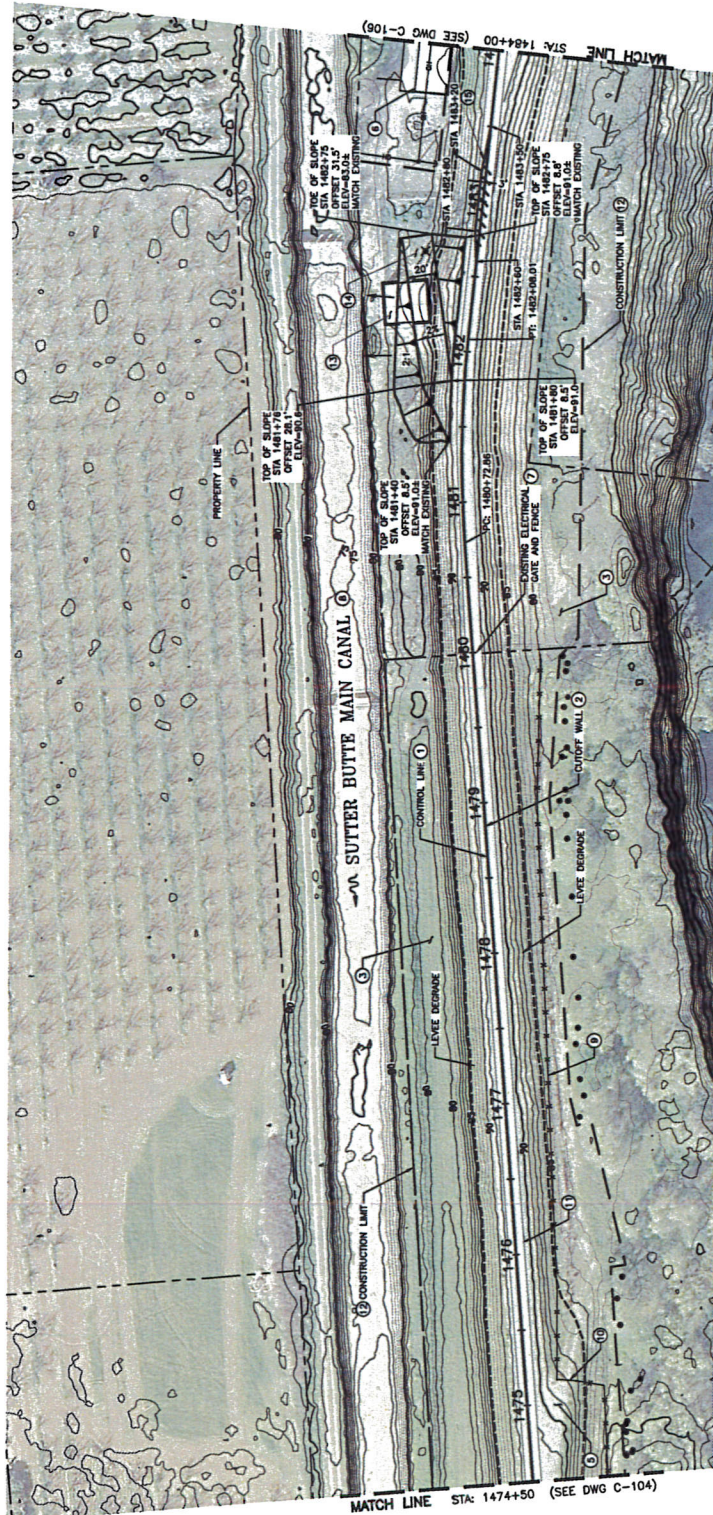
Signature of Property Owner

Printed Name of Property Owner



CONSTRUCTION NOTES:

- 1 SEE SHEETS C-100 FOR CONTROL LINE TABLES.
- 2 SEE SHEETS C-101 TO C-104 FOR CUTOFF WALL PROFILES.
- 3 TREES TO BE REMOVED. REFER TO SHEET C-304.
- 4 NOT USED.
- 5 REPLACE EXISTING RAMP IN KIND AND IN ACCORDANCE WITH THE SPECIFICATIONS.
- 6 EXISTING 22' X 45' STRUCTURE (BARR) TO REMAIN. CONTRACTOR TO PROTECT IN PLACE DURING CONSTRUCTION. CHUTION IF DAMAGED DURING CONSTRUCTION.
- 7 EXISTING ELECTRICAL GATE AND FENCES ALONG LEVEE LANDSIDE AND WATERSIDE. CONTRACTOR TO REMOVE AND RECONSTRUCT EXISTING ELECTRICAL FENCING DETAIL ON SHEET C-304.
- 8 SUTTER BUTTE MAIN CANAL TO REMAIN. CANAL WILL BE IN OPERATION (FULL OF WATER) DURING CONSTRUCTION. CONTRACTOR TO PROTECT CANAL IN PLACE AND PROVIDE FENCING CONSISTENT WITH THESE PLANS.
- 9 EXISTING FENCE. CONTRACTOR TO DEMOLISH AND WASTE PORTION OF FENCE WITHIN CONSTRUCTION LIMIT AS PART OF CLEAR AND GRUB.
- 10 EXISTING GATE TO BE DEMOLISHED AS PART OF CLEAR AND GRUB.
- 11 CONTRACTOR TO REMOVE AND DISPOSE OF AC/AS FROM STA 1473+51 (SEE SHEET C-105) AND RECONSTRUCT EXISTING FENCING. PAVING TO BE REPLACED AFTER LEVEE CONSTRUCTION PER DETAIL ON SHEET C-304.
- 12 EXISTING SMALL BRIDGE. HIGH VISIBILITY CONSTRUCTION FENCING AT THE BRIDGE. CONTRACTOR TO DEMOLISH AND RECONSTRUCT BRIDGE. CONTRACTOR TO PROVIDE TEMPORARY RAILROAD TYPE K1 IS REQUIRED AT THE CONSTRUCTION LIMIT LINE. THE PLANS FENCING MAY BE LIMITED TO THE CONSTRUCTION LIMIT LINE. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE BRIDGE. CONTRACTOR TO DEMOLISH AND RECONSTRUCT BRIDGE. CONTRACTOR TO PROVIDE TEMPORARY RAILROAD TYPE K1 IS REQUIRED AT THE CONSTRUCTION LIMIT LINE. THE PLANS FENCING MAY BE LIMITED TO THE CONSTRUCTION LIMIT LINE. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE BRIDGE.
- 13 EXISTING 3' X 20' BRIDGE STRUCTURE (MAIN) CONTRACTOR TO DEMOLISH AND RECONSTRUCT BRIDGE. CONTRACTOR TO PROVIDE TEMPORARY RAILROAD TYPE K1 IS REQUIRED AT THE CONSTRUCTION LIMIT LINE. THE PLANS FENCING MAY BE LIMITED TO THE CONSTRUCTION LIMIT LINE. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE BRIDGE.
- 14 EXISTING ACCESS RAMP AS SHOWN. RAMP CONTRACTOR TO DEMOLISH AND RECONSTRUCT RAMP. CONTRACTOR TO PROVIDE TEMPORARY RAILROAD TYPE K1 IS REQUIRED AT THE CONSTRUCTION LIMIT LINE. THE PLANS FENCING MAY BE LIMITED TO THE CONSTRUCTION LIMIT LINE. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE BRIDGE.
- 15 EXISTING 20' X 20' BRIDGE STRUCTURE (MAIN) CONTRACTOR TO DEMOLISH AND RECONSTRUCT BRIDGE. CONTRACTOR TO PROVIDE TEMPORARY RAILROAD TYPE K1 IS REQUIRED AT THE CONSTRUCTION LIMIT LINE. THE PLANS FENCING MAY BE LIMITED TO THE CONSTRUCTION LIMIT LINE. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE BRIDGE.



RECORD DRAWING

DESIGNED BY J. NETTELSON		DRAWN BY D. J. JARBOUR		CHECKED BY D. J. JARBOUR		DATE 03/18/13	
PROJECT MANAGER D. J. JARBOUR		PROJECT MANAGER D. J. JARBOUR		PROJECT MANAGER D. J. JARBOUR		PROJECT MANAGER D. J. JARBOUR	
REVISIONS		REVISIONS		REVISIONS		REVISIONS	
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HDR

Hydrologic Design
Engineering Inc.
1000 E. 1st St., Suite 200
Fresno, CA 93721
Phone: (559) 486-1234
Fax: (559) 486-1235
Email: info@hdr.com

SUTTER BUTTE FLOOD CONTROL AGENCY
VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS
PLAN AND PROFILE
STA: 1474+50 TO 1484+00

VERIFY SCALES
BASED ON WHICH ON
ORIGINAL DRAWING
ADJUST SCALES FOR
REPRODUCED SIZE
DRAWING NO. C-105
SHEET 24

Attachment H

- **Draft Permit 19261**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19261 BD

This Permit is issued to:

Wayne Sue Trust
P.O. Box 213
Live Oak, California 95953

The encroachment consists of a waterside levee access ramp which provides access to the Wayne Sue Trust property on the waterside of the levee, commonly referred to as the Wayne Sue access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1483+90. The United States Corps of Engineers Unit is 148 Levee Mile 0.45, at 39.26235°N 121.63652°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19261 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at Kevin.C.Lee@usace.army.mil.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**
c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Wayne Sue Trust, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document _____, (Date) _____
Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number)
2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.
3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".
4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19261 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19261 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19261 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19261 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19261 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

OWNER(S):

Signature of Property Owner

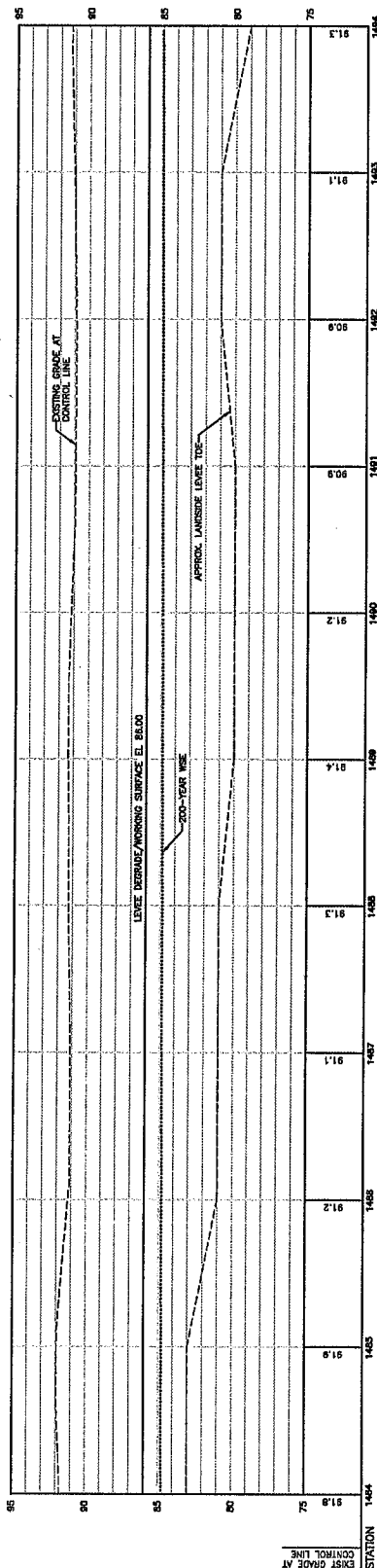
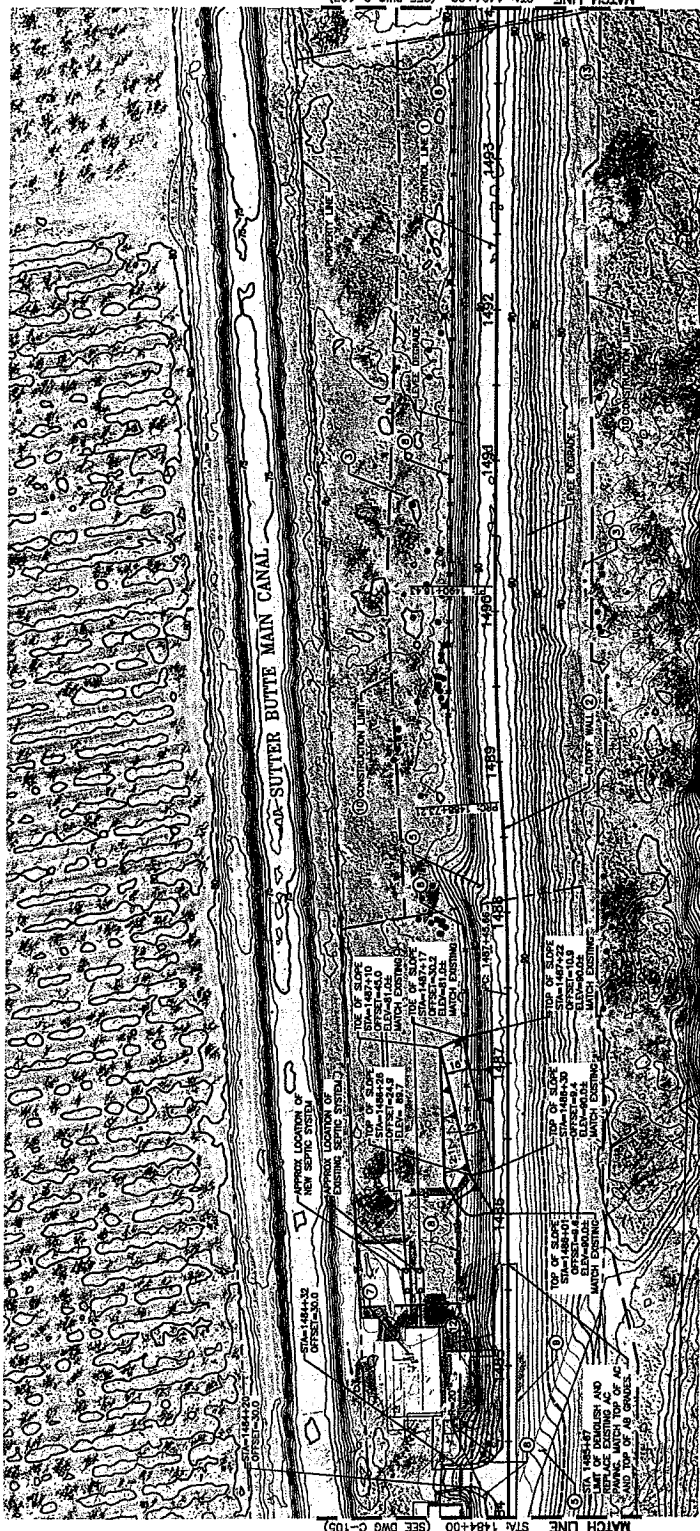
Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner

- CONSTRUCTION NOTES:**

- [illegible]



RECORD DRAWING

[illegible]

Attachment I

- **Draft Permit 19262**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19262 BD

This Permit is issued to:

Sutter Butte Dusters Inc
P.O. Box 213
Live Oak, California 95953

The encroachment consists of a landside levee access ramp which provides access to the Sutter Butte Dusters property on the landside of the levee, commonly referred to as the Sutter Dusters access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1484+25. The United States Corps of Engineers Unit is 148 Levee Mile 0.46, at 39.26238°N 121.63651°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19262 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinitiate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at Kevin.C.Lee@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Rick L. Poeppelman". The signature is written in a cursive, flowing style.

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Sutter Butte Dusters Inc, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

_____,
(Date)
Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19262 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19262 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19262 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19262 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19262 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

OWNER(S):

Signature of Property Owner

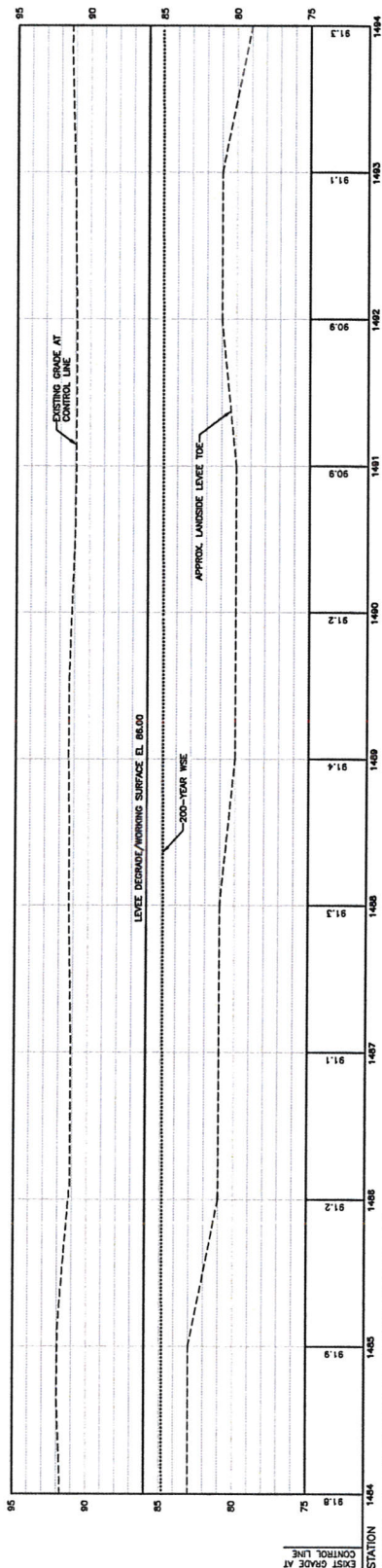
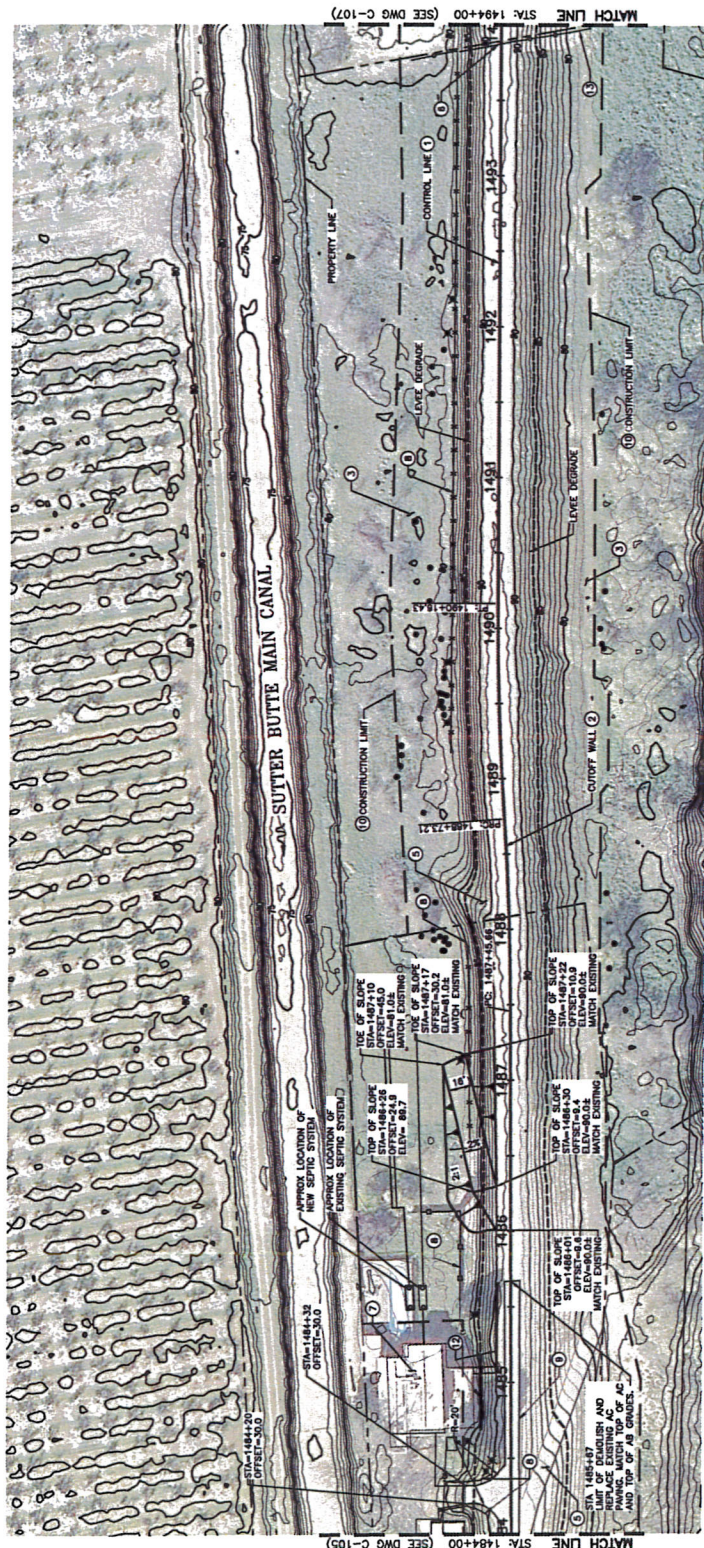
Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner

CONSTRUCTION NOTES:

- [illegible]



RECORD DRAWING

[illegible]

Attachment J

- **Draft Permit 19264**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19264 BD

This Permit is issued to:

Kauluwai Orchards
503 Prather Road
Gridley, California 95948

The encroachment consists of a waterside levee access ramp which provides access to the Kauluwai Orchards property on the waterside of the levee, commonly referred to as the Kauluwai access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1499+50. The United States Corps of Engineers Unit is 148 Levee Mile 0.75, at 39.26621°N 121.63569°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19264 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Kauluwai Orchards, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number) (Date)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19264 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19264 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19264 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19264 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19264 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

OWNER(S):

Signature of Property Owner

Printed Name of Property Owner

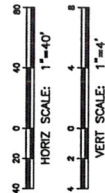
Signature of Property Owner

Printed Name of Property Owner

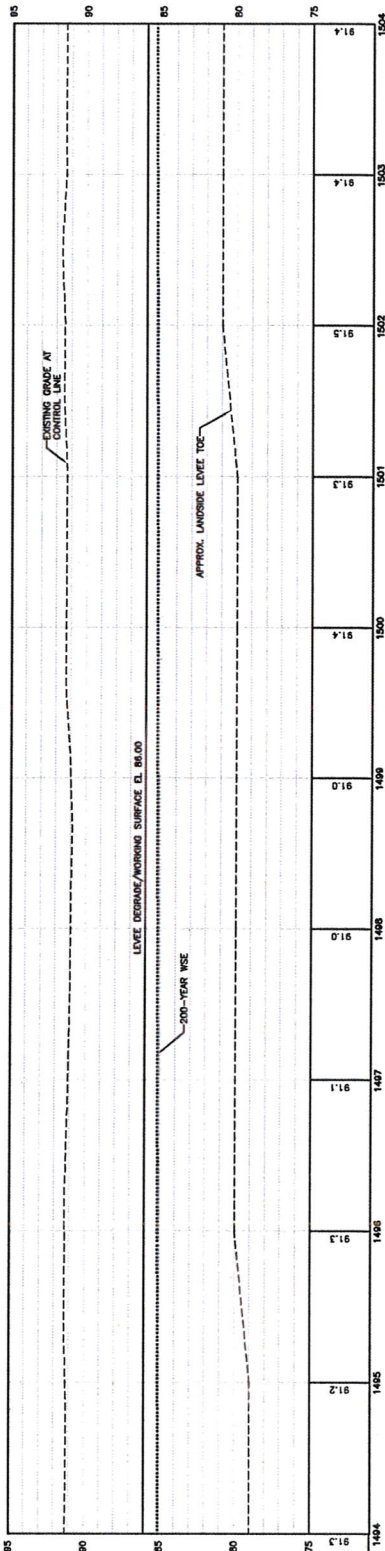


CONSTRUCTION NOTES:

1. SEE SHEET C-107 FOR CONTROL LINE WALLS.
2. SEE SHEETS C-101 TO C-104 FOR CUTOFF WALL PROFILES.
3. TREES TO BE REMOVED. REFER TO SHEET C-104.
4. NOT USED.
5. REPLACE EXISTING BARR IN KING AND IN ACCORDANCE WITH THE SPECIFICATIONS.
6. CONTRACTOR SHALL PROVIDE HIGH QUALITY FILL MATERIAL TO THE CONSTRUCTION LIMIT LINE. SUCH FILLING SHALL BE OBTAINED FROM THE SAME SOURCE AS THE EXISTING FILL. EXISTING TEMPORARY FILLING (TYPE 1) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE. THE PROJECT SHARP OR IS SHOWN ON THE PLANS. FILLING MAY BE OBTAINED FROM THE SAME SOURCE AS THE EXISTING FILL. CONSTRUCTION LIMIT CONCORDS WITH EXISTING FILLING.



RECORD DRAWING



SUTTER BUTTE FLOOD CONTROL AGENCY		VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS		PLAN AND PROFILE		STA: 1494+00 TO 1504+00	
DESIGNED BY A. MITCHELL		DRAWN BY A. JACKSON		PROJECT MANAGER C. ROYAL		DATE 03/18/13	
CHECKED BY D. JARVIS		CHECKED BY D. JARVIS		CHECKED BY D. JARVIS		DATE 03/18/13	
APPROVED BY [Signature]		APPROVED BY [Signature]		APPROVED BY [Signature]		DATE 03/18/13	
REVISIONS		REVISIONS		REVISIONS		REVISIONS	
NO.	DATE	BY	DESCRIPTION	NO.	DATE	BY	DESCRIPTION
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VERIFY SCALES
1"=40' HORIZ.
1"=4' VERT.

DRAWING NO. C-107
SHEET 26

Attachment K

- **Draft Permit 19266**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19266 BD

This Permit is issued to:

James R. Filter Trust, Phillips Wayne Filter Trust of 2000, Jerry and...
1010 Morse Road
Live Oak, California 95953

The encroachment consists of a waterside levee access ramp which provides access to the Filter Ranch property on the waterside of the levee, commonly referred to as the Filter Ranch access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1556+60. The United States Corps of Engineers Unit is 148 Levee Mile 1.83, at 39.28165°N 121.63230°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19266 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

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NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
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19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinitiate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in black ink that reads "Rick L. Poeppelman". The signature is written in a cursive, flowing style.

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**
c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by James R. Filter Trust, Phillips Wayne Filter Trust of 2000, Jerry and..., hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number) (Date)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19266 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19266 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19266 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19266 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19266 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

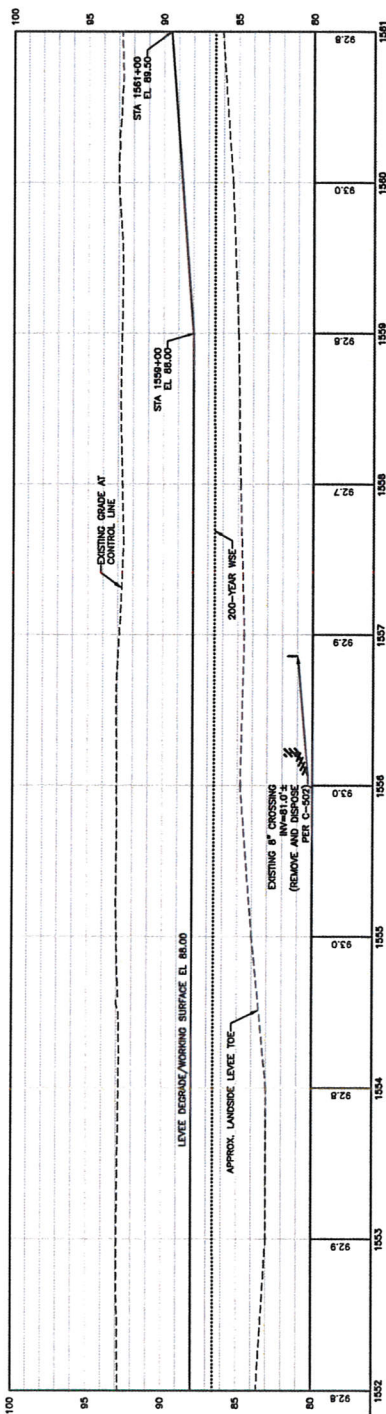
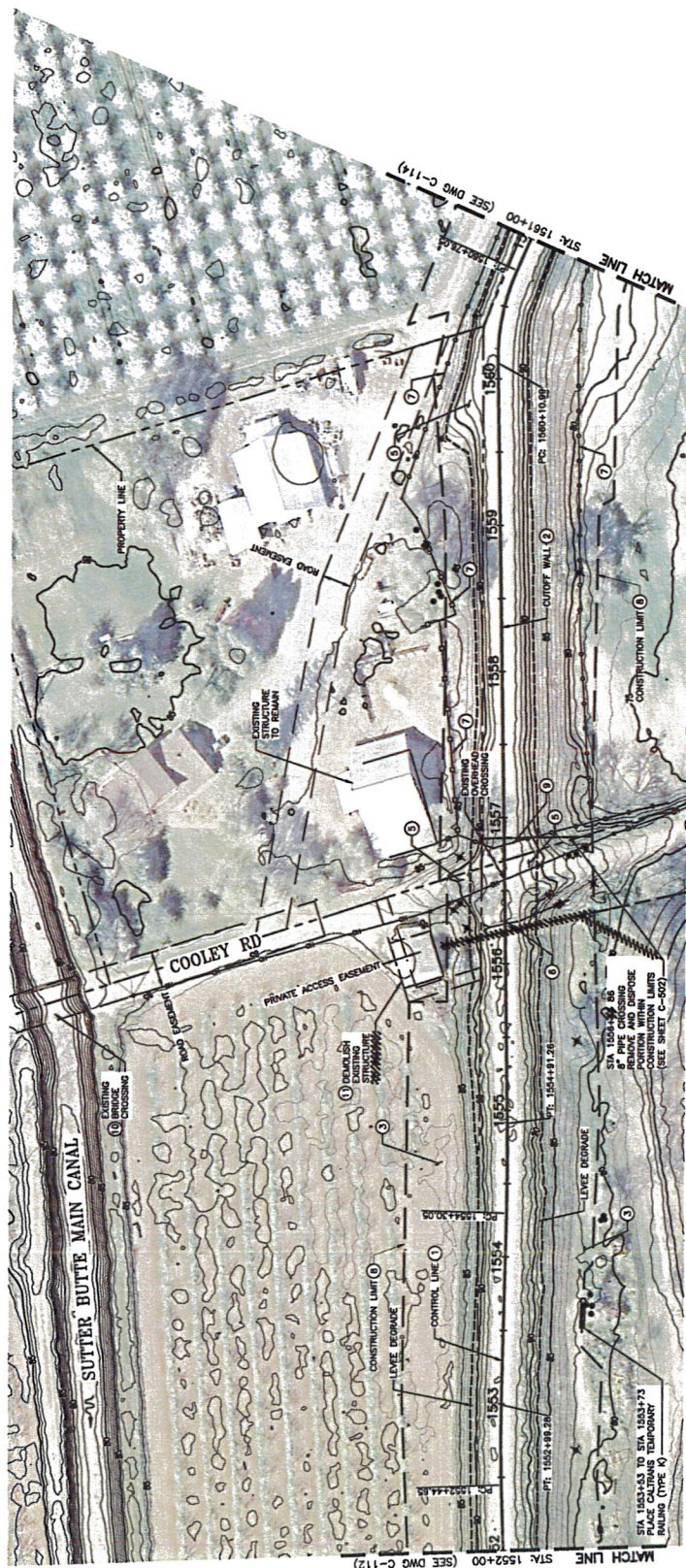
OWNER(S):

Signature of Property Owner

Printed Name of Property Owner

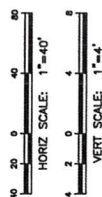
Signature of Property Owner

Printed Name of Property Owner



CONSTRUCTION NOTES:

- 1 SEE SHEETS C-008 FOR CONTROL LINE VALUES.
- 2 SET STAKES C-401 TO C-404 FOR CUTOFF WALL PROFILES.
- 3 TREES TO BE REMOVED, REFER TO SHEET C-304.
- 4 NOT USED.
- 5 DO NOT EXISTING DRAIN IN ROAD AND ADJACENT LANDSCAPE WITH THE SPECIFICATIONS.
- 6 EXISTING PIPE CATCH AND FENCING ON LANDSCAPE AND WATERBODIES TO BE REMOVED AND REINSTALL SET TO TYPICAL DATE FOOTING DETAIL ON SHEET C-304.
- 7 EXISTING FENCE. CONTRACTOR TO REMOVE EXISTING FENCE WITHIN CONSTRUCTION LIMIT AS PART OF CLEAR AND GRUB.
- 8 CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT. FENCING SHALL BE OBTAINED FROM SLY FENCING OR CALTRANS. FENCING IS REQUIRED AT THE PROJECT SWPPP LIMIT BY THE PROJECT SWPPP. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
- 9 EXISTING CATCH AND FENCING ON SLOPES. CONTRACTOR TO REMOVE EXISTING CATCH AND FENCING AT THE TYPICAL DATE FOOTING DETAIL ON SHEET C-304.
- 10 REFER TO THE ORIGINAL NOTES ON SHEET C-006.
- 11 FORTIFICATION AND WASTE DISPOSAL SLOPED STRUCTURE, CONCRETE PAD, 3" WELL, 3/4" WATER LINE, ASSOCIATED UTILITIES.



RECORD DRAWING

[illegible]

VERIFY SCALES

Attachment L

- **Draft Permit 19267**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19267 BD

This Permit is issued to:

Joseph Craig Berry, Judy Ewald, Calvin Scott Berry, and Leonard Berry Jr
915 L Street
Suite 1150
Sacramento, California 95814

The encroachment consists of a landside levee access ramp which provides access to the Joseph C. Berry Etal property on the waterside of the levee, commonly referred to as the Berry Family Ranch access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1560+25. The United States Corps of Engineers Unit is 148 Levee Mile 1.90, at 39.28244°N 121.63202°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

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19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
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19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
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19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

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g. Ramps may not exceed the slope listed within the design As-built drawings.

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A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at Kevin.C.Lee@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Rick L. Poeppelman". The signature is written in a cursive, flowing style.

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Joseph Craig Berry, Judy Ewald, Calvin Scott Berry, and Leonard Berry Jr, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number) ^(Date)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19267 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19267 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19267 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19267 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19267 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

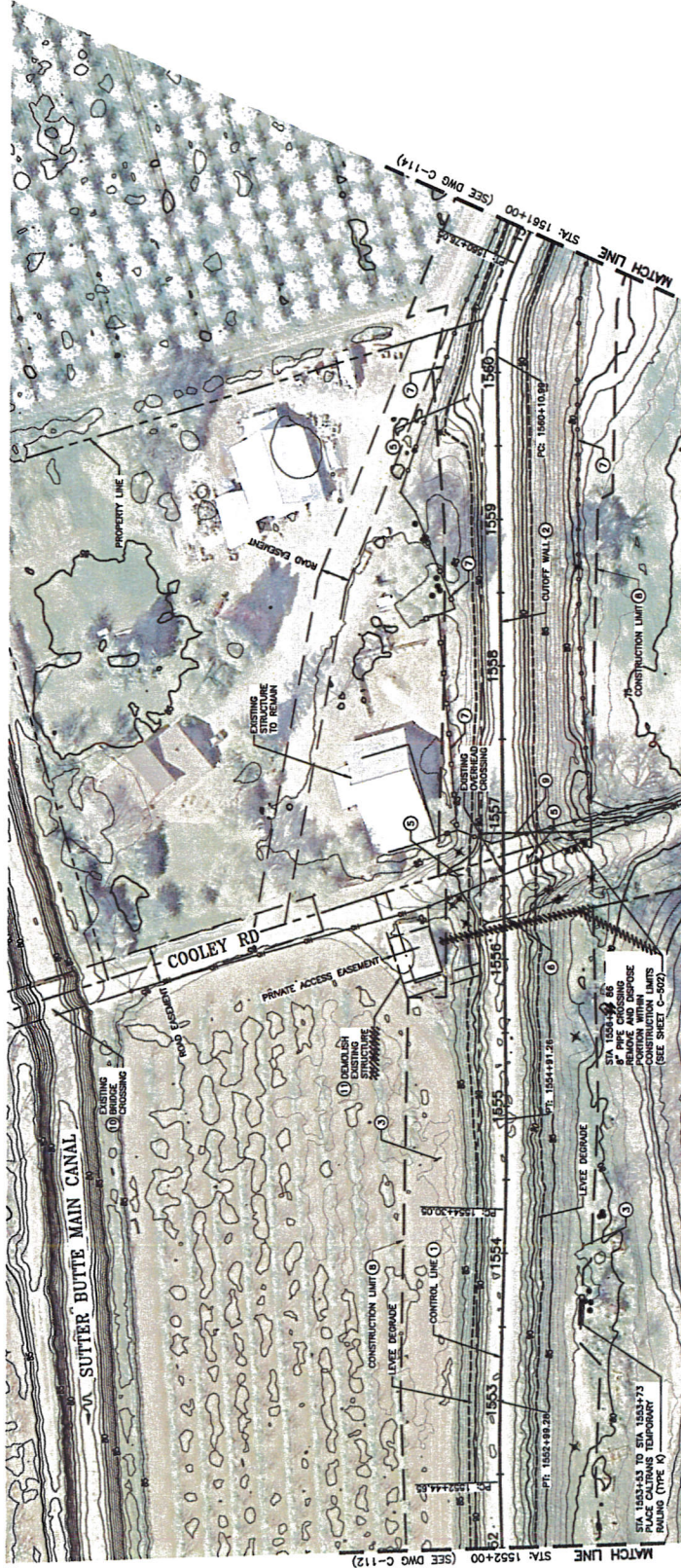
OWNER(S):

Signature of Property Owner

Printed Name of Property Owner

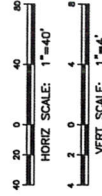
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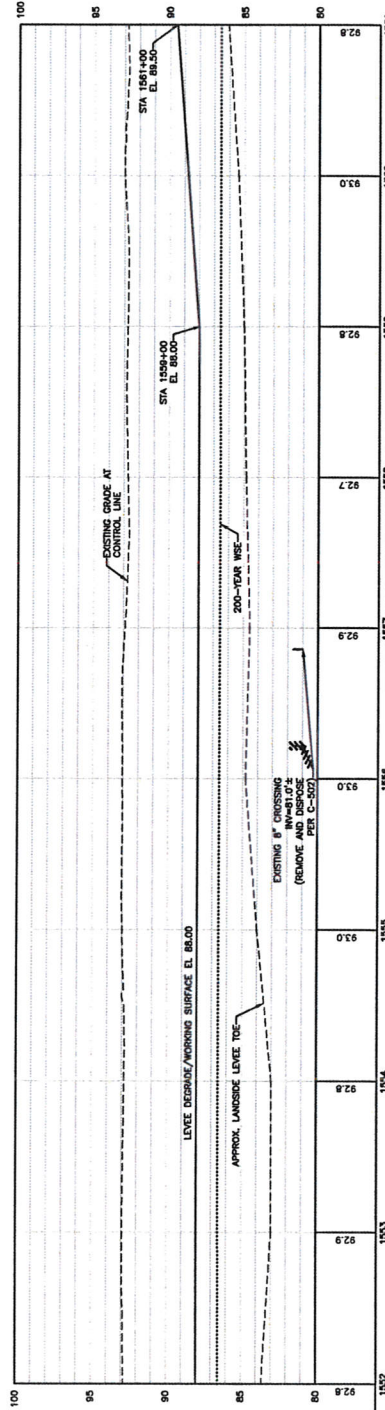


CONSTRUCTION NOTES:

1. SEE SHEETS C-008 FOR CONTROL LINE TABLES.
2. SEE SHEETS C-001 TO C-004 FOR CUTOFF WALL PROFILES.
3. TREES TO BE REMOVED. REFER TO SHEET C-304.
4. NOT USED.
5. REPLACE EXISTING RAMP IN KIND AND IN ACCORDANCE WITH THE SPECIFICATIONS.
6. EXISTING PIPE GATE AND FENCING SHALL BE REMOVED. CONTRACTOR TO PROVIDE TYPICAL GATE FENCING DETAIL ON SHEET C-304.
7. EXISTING FENCE, CONTRACTOR TO DOUGLASH AND WASTE PORTION OF FENCE AND REMOVE AS PART OF CLEAR AND GRUB.
8. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT ALL CONSTRUCTION AREAS. FENCING SHALL BE LIMITED WHERE SELF FENCING OR CALTRANS REQUIRED AT THE CONSTRUCTION AREA. BY THE PROJECT SWPPP ON 5/26/13, THE PROJECT SWPPP FENCING MAY BE OMITTED WHERE FENCING IS NOT CONSIDERED NECESSARY WITH EXISTING FENCING.
9. EXISTING GATE AND FENCING ON LANDSIDE AND WATERSIDE OF LEVEE SHALL BE REMOVED. CONTRACTOR TO PROVIDE TYPICAL GATE FENCING DETAIL ON SHEET C-304.
10. REFER TO THE GENERAL NOTES ON SHEET C-008.
11. DOUGLASH AND WASTE EXISTING 8" CHASSIS, CONCRETE, PAO, AND STRUTTING SHALL BE REMOVED. CONTRACTOR TO PROVIDE TYPICAL DOUGLASH AND WASTE DETAIL ON SHEET C-304.



RECORD DRAWING



SUTTER BUTTE FLOOD CONTROL AGENCY		VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS		DRAWING NO. C-113		SHEET 32	
H&R		H&R Engineering Inc. 1000 Engineering Blvd. Suite 200, Feather River, CA 95620		SUBMITTED		APPROVED	
DESIGNED BY J. NETTELTON		DRAWN BY J. NETTELTON		CHECKED BY J. NETTELTON		DATE 05/16/13	
PROJECT MANAGER D. JABOUR		PROJECT MANAGER D. JABOUR		PROJECT MANAGER D. JABOUR		DATE 05/16/13	
REVISION		REVISION		REVISION		REVISION	
REV. DATE BY CHK. APPR.		REV. DATE BY CHK. APPR.		REV. DATE BY CHK. APPR.		REV. DATE BY CHK. APPR.	
DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION	
1/13/13 DJ CK RECORD DRAWINGS		1/13/13 DJ CK RECORD DRAWINGS		1/13/13 DJ CK RECORD DRAWINGS		1/13/13 DJ CK RECORD DRAWINGS	
0 5/26/13 JN CK CONFORMED SET		0 5/26/13 JN CK CONFORMED SET		0 5/26/13 JN CK CONFORMED SET		0 5/26/13 JN CK CONFORMED SET	

Attachment M

- **Draft Permit 19268**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19268 BD

This Permit is issued to:

Joseph Craig Berry, Judy Ewald, Calvin Scott Berry, and Leonard Berry Jr
915 L Street
Suite 1150
Sacramento, California 95814

The encroachment consists of a landside levee access ramp which provides access to the Joseph C. Berry Etal property on the landside of the levee, commonly referred to as the Berry Family Ranch levee access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1569+80. The United States Corps of Engineers Unit is 148 Levee Mile 2.08, at 39.28477°N 121.63048°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

other land.

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19268 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
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c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

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f. The drainage from the access ramps shall be sloped to drain away from the project levee.

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A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in black ink that reads "Rick L. Poeppelman". The signature is written in a cursive, flowing style.

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

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(Number) (Date)

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3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19268 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19268 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19268 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19268 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19268 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

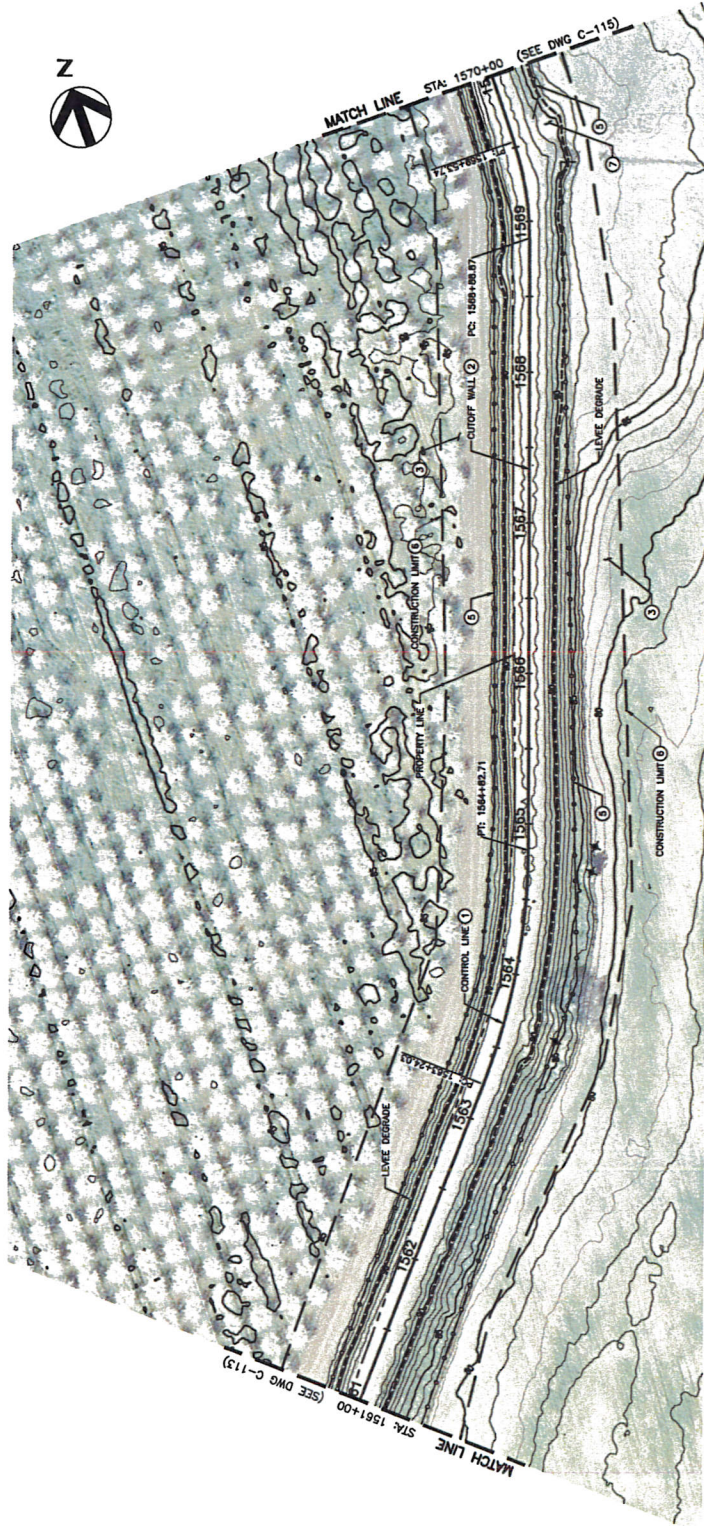
OWNER(S):

Signature of Property Owner

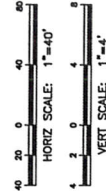
Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner



- CONSTRUCTION NOTES:
- SEE SHEETS C-009 FOR CONTROL LINE TABLE.
 - SEE SHEETS C-001 TO C-004 FOR CUTOFF WALL PROFILES.
 - TREES TO BE REMOVED. REFER TO SHEET C-004.
 - NOT USED.
 - EXISTING FENCE. CONTRACTOR TO REMOVE AND RE-INSTALL WITHIN CONSTRUCTION LIMIT AS PART OF CLEAR AND GRUB.
 - CONTRACTOR SHALL PROVIDE HIGH TENSILE CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT. FENCING SHALL BE OBTAINED FROM A TEMPORARY FENCE TYPE (1) IS REQUIRED AT THE CONSTRUCTION LIMIT. FENCING SHALL BE OBTAINED FROM A TEMPORARY FENCE TYPE (1) IS REQUIRED AT THE CONSTRUCTION LIMIT. FENCING SHALL BE OBTAINED FROM A TEMPORARY FENCE TYPE (1) IS REQUIRED AT THE CONSTRUCTION LIMIT.
 - REPLACE EXISTING RAMP IN KIND AND IN ACCORDANCE WITH THE SPECIFICATIONS.



RECORD DRAWING

SUTTER BUTTE FLOOD CONTROL AGENCY		VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS		PLAN AND PROFILE		STA: 1561+00 TO 1570+00		DRAWING NO. SHEET	
HRR		HRR Engineering Inc.		C-114		33		C-114	
DESIGNED BY: J. METTLETON		DRAWN BY: A. JACKSON		CHECKED BY: D. JARBOUR		APPROVED BY: C. KIRWANEC		DATE: 03/16/13	
RECORD DRAWINGS		CONFORMED SET		DESCRIPTION		REV. DATE BY CHK. APPR.		DESCRIPTION	
P/12/14 LJ DJ CK		RECORD DRAWINGS							
O 8/20/13 JN DJ CK		CONFORMED SET							

Attachment N

- **Draft Permit 19269**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19269 BD

This Permit is issued to:

Sukhrai & Jaismin Pamma
9850 Sheldon Avenue
Live Oak, California 95953

The encroachment consists of a waterside levee access ramp which provides access to the Sukhraj Pamma property on the waterside of the levee, commonly referred to as the Sukhraj Pamma levee access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1593+75. The United States Corps of Engineers Unit is 148 Levee Mile 2.53, at 39.29102°N 121.63258°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19269 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpub.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Sukhrai & Jaismin Pamma, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

(Date)

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19269 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19269 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19269 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19269 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19269 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

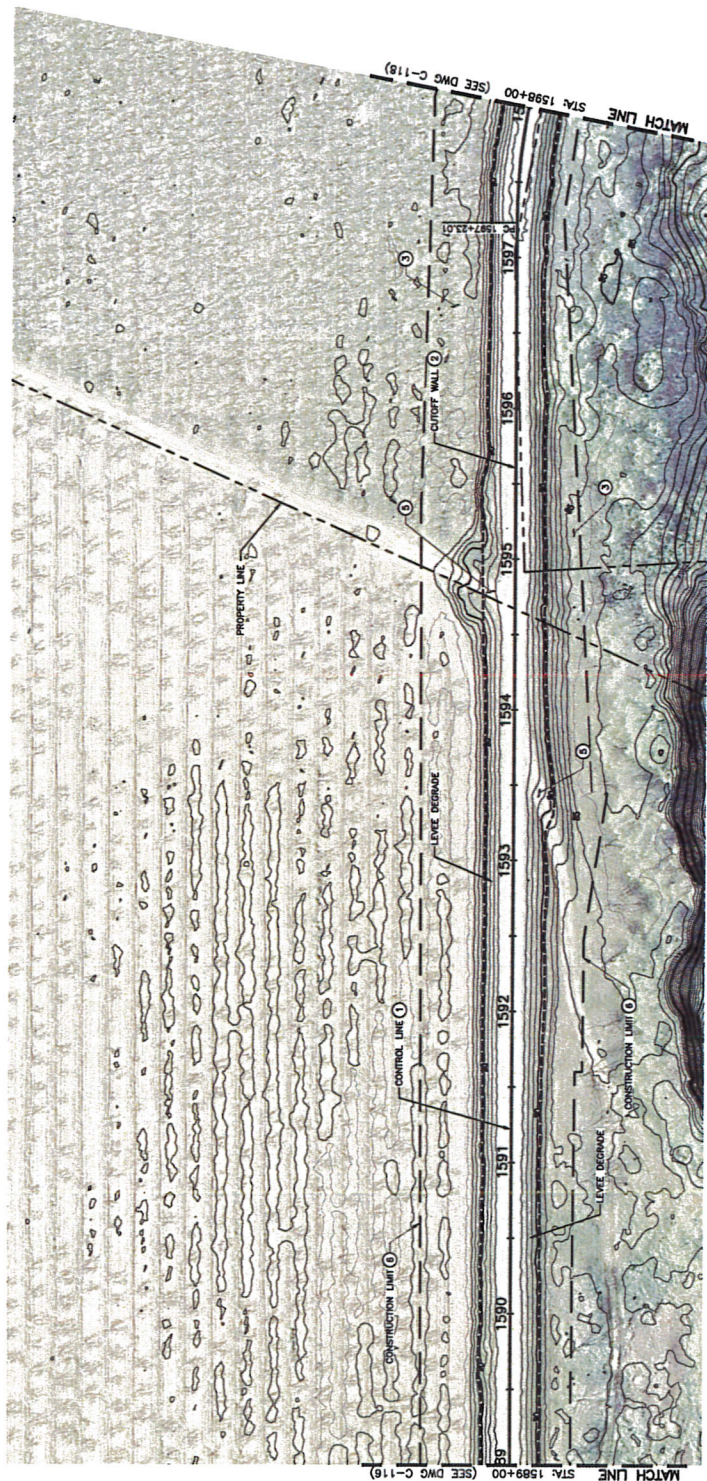
OWNER(S):

Signature of Property Owner

Printed Name of Property Owner

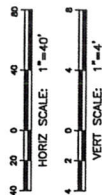
Signature of Property Owner

Printed Name of Property Owner

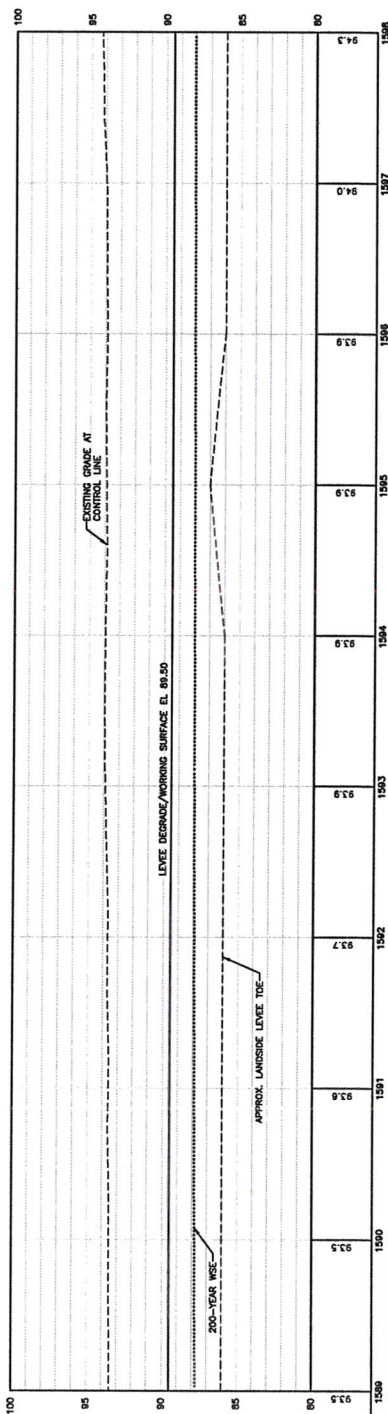


CONSTRUCTION NOTES:

- 1 SEE SHEETS G-300 FOR CONTROL LINE TABLES.
- 2 SEE SHEETS C-401 TO C-404 FOR CUTOFF WALL PROFILES.
- 3 TREES TO BE REMOVED. REFER TO SHEET C-304.
- 4 NOT USED.
- 5 REPLACE EXISTING PAVEMENT IN ROAD AND IN ACCORDANCE WITH THE SPECIFICATIONS.
- 6 CONTRACTOR SHALL PROVIDE HIGH FENCING TO BE MAINTAINED THROUGHOUT THE CONSTRUCTION LIMIT LINE SUCH THAT THE CONSTRUCTION LIMIT LINE SHALL BE MAINTAINED WHERE THE TEMPORARY FENCING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE. THE FENCING SHALL BE MAINTAINED OR IS SHOWN ON THE PLANS.
- 7 THE CONSTRUCTION LIMIT LINE SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION LIMIT COORDINATES WITH EXISTING FENCING.



RECORD DRAWING



DESIGNED BY: J. METTLETON
DRAWN BY: A. JACKSON
CHECKED BY: D. JARBOUR
PROJECT MANAGER: C. RYAN
DATE: 03/16/13

REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
0	02/20/13	JN	DU	CK	RECORD DRAWINGS
1	02/20/13	JN	DU	CK	COMPILED SET

VERIFY SCALES
1"=40' HORIZ.
1"=4' VERT.
ADJUST SCALES FOR
REDUCED PLOTS
DRAWING NO. C-117
SHEET 36

SUTTER BUTTE FLOOD CONTROL AGENCY
VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS
PLAN AND PROFILE
STA: 1589+00 TO 1598+00

Attachment O

- **Draft Permit 19270**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19270 BD

This Permit is issued to:

Sukhrai & Jaismin Pamma
9850 Sheldon Avenue
Live Oak , California 95953

The encroachment consists of a landside levee access ramp which provides access to the Sukhraj Pamma property on the waterside of the levee, commonly referred to as the Sukhraj Pamma levee access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1594+60. The United States Corps of Engineers Unit is 148 Levee Mile 2.55, at 39.29141°N 121.63282°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the

permittee shall conform to all requirements of the Department and The Central Valley Flood Protection Board.

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

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

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

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

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

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

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

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

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THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works

within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
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Permit	Description	Lat (NAD 83)	Long (NAD 83)
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19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
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19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinitiate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Sukhrai & Jaismin Pamma, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

(Date)

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19270 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19270 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19270 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19270 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19270 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

OWNER(S):

Signature of Property Owner

Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner

Attachment P

- **Draft Permit 19271**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19271 BD

This Permit is issued to:

Rancho Santa Maria, LTD
3226 Larkin Road
Biggs, California 95917

The encroachment consists of a waterside levee access ramp which provides access to the Rancho Santa Maria property on the waterside of the levee, commonly referred to as the Rancho Santa Maria levee access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1600+35. The United States Corps of Engineers Unit is 148 Levee Mile 2.66, at 39.29141°N 121.63282°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19271 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
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Executive Officer
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specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at Kevin.C.Lee@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Rick L. Poeppelman". The signature is written in a cursive, flowing style.

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**
c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Rancho Santa Maria, LTD, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

(Date)

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19271 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19271 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19271 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19271 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19271 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

OWNER(S):

Signature of Property Owner

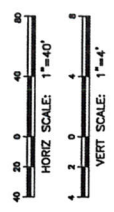
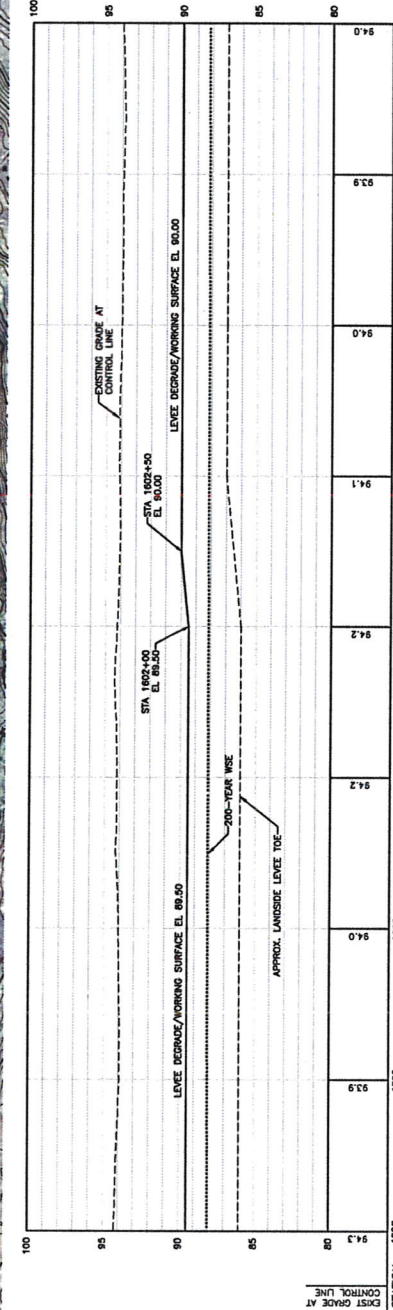
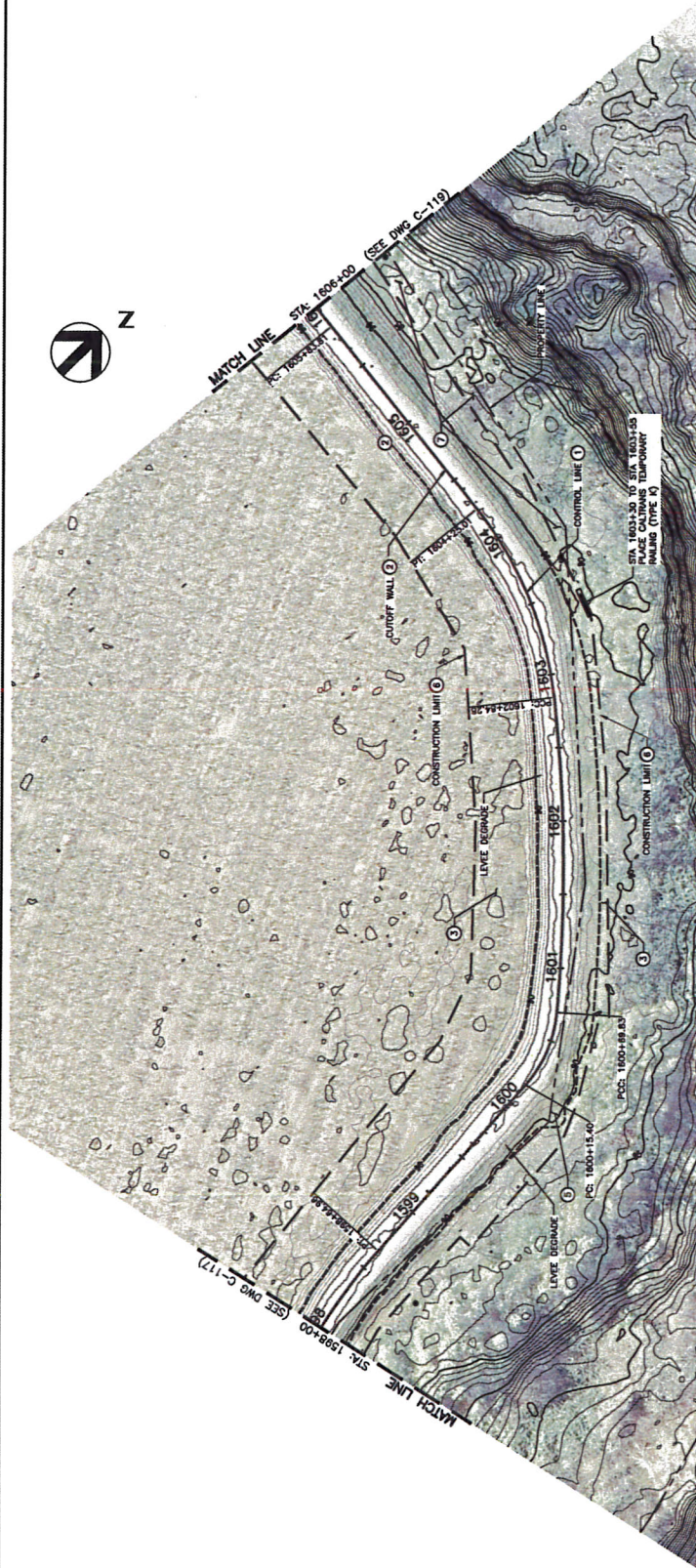
Printed Name of Property Owner

Signature of Property Owner

Printed Name of Property Owner

CONSTRUCTION NOTES:

- SEE SHEETS G-008 FOR CONTROL LINE TABLES.
- SEE SHEETS C-401 TO C-404 FOR CUTOFF WALL PROFILES.
- WETZ TO BE REMOVED. REFER TO SHEET G-008.
- NOT USED.
- REPLACE EXISTING RAMP IN KIND AND RECONSTRUCT WITH THE SPECIFICATIONS.
- CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT ALL CONSTRUCTION LIMITS. SUCH FENCING SHALL BE WHITE WITH RED SLOTTED OR CALTRANS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP. FENCING SHALL BE WHITE WITH RED SLOTTED OR CALTRANS REQUIRED AT THE CONSTRUCTION LIMIT CORNERS.
- REPLACE EXISTING FENCING WITH NEW FENCING. FENCING SHALL BE WHITE WITH RED SLOTTED OR CALTRANS REQUIRED AT THE CONSTRUCTION LIMIT CORNERS. FENCING SHALL BE WHITE WITH RED SLOTTED OR CALTRANS REQUIRED AT THE CONSTRUCTION LIMIT CORNERS. FENCING SHALL BE WHITE WITH RED SLOTTED OR CALTRANS REQUIRED AT THE CONSTRUCTION LIMIT CORNERS.



RECORD DRAWING

SUTTER BUTTE FLOOD CONTROL AGENCY		VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS		PLAN AND PROFILE		STA: 1598+00 TO 1606+00		
DESIGNED BY J. METLEEN		DRAWN BY A. JACKSON D. JARBOUR		PROJECT MANAGER T. J. JARBOUR		DATE 03/18/13		
CHECKED BY J. JACKSON		DATE 03/18/13		APPROVED [Signature]		SUBMITTED [Signature]		
REVISION	DATE	BY	CHK/APPR.	DESCRIPTION	REVISION	DATE	BY	
1	3/13/14	LJ	DU	CK RECORD DRAWINGS	2	3/20/13	JN	DU
0	3/20/13	JN	DU	CK CONFORMED SET				

VERIFY SCALES
1"=40' HORIZ SCALE
1"=4' VERT SCALE
C-118 37

Attachment Q

- **Draft Permit 19272**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19272 BD

This Permit is issued to:

Butte Water District
735 Virginia Street
Gridley, California 95948

The encroachment consists of a landside levee access ramp which provides access to the Butte Water District property on the landside of the levee, commonly referred to as the Sutter Butte Main Canal levee access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1610+50. The United States Corps of Engineers Unit is 148 Levee Mile 2.85, at 39.29365°N 121.63649°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19272 BD

LIABILITY AND INDEMNIFICATION

THIRTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FOURTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such

action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SIXTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

SEVENTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

EIGHTEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

NINETEEN: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-ONE: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfpb.ca.gov/>

TWENTY-TWO: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-THREE: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

TWENTY-FIVE: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Board at the permittee's or successor's cost and expense.

TWENTY-SIX: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
19242	Second Street Water- and Landside Ramps	39.118133	-121.603697
19243	Bhatti Ranch Water- and Landside Ramps	39.156347	-121.617342
19244	Wilbur Ranch Landside Ramp	39.177322	-121.621511
19245	Wilbur Ranch Waterside Ramp	39.182353	-121.620803
19246	Singh Water- and Landside Ramp	39.193439	-121.622617
19247	Richland Enterprises Ranch Water- and Landside Ramps	39.202222	-121.628947
19248	Filter Ranch Water- and Landside Ramps	39.211675	-121.628733
19249	Filter Ranch Landside Ramp	39.215283	-121.628472
19250	River Bottom Ranch Water- and Landside Ramps	39.220658	-121.628469
19251	Micheli Ranch Water- and Landside Ramps	39.224017	-121.629106
19252	Sutter Extension Water District Water- and Landside Ramps	39.247253	-121.637317
19253	Sutter Extension Water District Waterside Ramp	39.248578	-121.637208
19254	Smith Ranch Waterside Ramp	39.249878	-121.637111
19255	Reeves Ranch Waterside Ramp	39.250697	-121.637050
19256	Butte Water District Landside Ramp	39.252486	-121.636964
19257	Butte Water District Waterside Ramp	39.255511	-121.636319

Permit	Description	Lat (NAD 83)	Long (NAD 83)
19259	Lea Waterside Ramp	39.259839	-121.636639
19260	Sutter Butte Duster Landside Ramp	39.261683	-121.636653
19261	Sue Waterside Ramp	39.262353	-121.636517
19262	Sutter Butte Duster Landside Ramp	39.262378	-121.636508
19264	Kauluwai Orchards Waterside Ramp	39.266211	-121.635686
19266	Filter Ranch Waterside Ramp	39.281650	-121.632303
19267	Joseph Craig Berry Family Landside Ramp	39.282444	-121.632022
19268	Joseph Craig Berry Family Waterside Ramp	39.284775	-121.630481
19269	Sukhraj Pamma Waterside Ramp	39.291022	-121.632578
19270	Sukhraj Pamma Landside Ramp	39.291411	-121.632819
19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

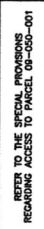
A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

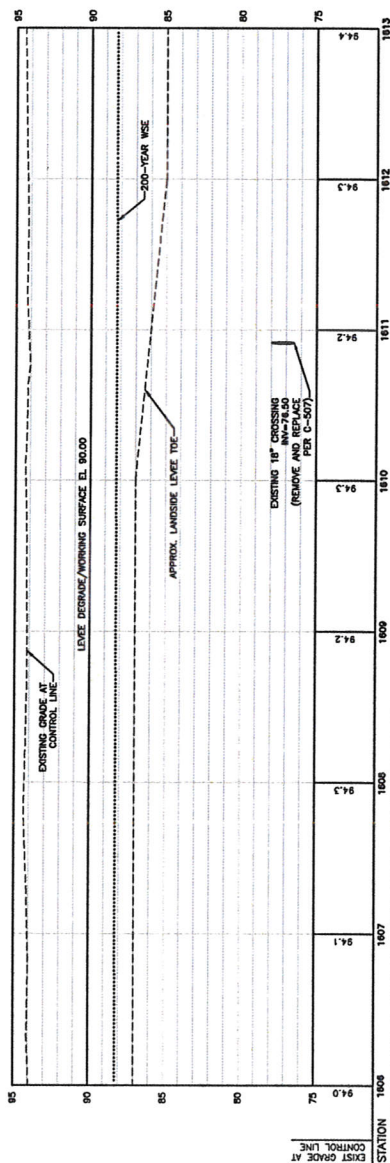
A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures



- [illegible]



RECORD DRAWING



HDR

HDR Engineering Inc.
2360 Ivan Point Rd. Suite 300
Evanston, IL 60201
Tel: 847.486.3333

SUTTER BUTTE FLOOD CONTROL AGENCY		VERIFY SCALES THIS DRAWING BAR IS ONE INCH ON ORIGINAL DRAWING. FOR REDUCED PLOTS
VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS		DATE: 11/1/81
PLAN AND PROFILE		DRAWING NO. SHEET
STA: 1606+00 TO 1613+00		C-119 38

DESIGNED BY	DATE	DESCRIPTION	REV	DATE	BY	CHK	APPL
A. KETTELSON							
A. JACKSON							
A. JACKSON							
IN CHARGE							
D. JACOBSON							
FOR APPROVAL							
C. HIRWANE							
DATE	03/18/13						
DESIGNED BY							
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Attachment R

- **Draft Permit 19273**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19273 BD

This Permit is issued to:

Rancho Santa Maria, LTD
3226 Larkin Road
Biggs, California 95917

The encroachment consists of a waterside levee access ramp which provides access to the Rancho Santa Maria property on the waterside of the levee, commonly referred to as the Rancho Santa Maria levee access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1448+50. The United States Corps of Engineers Unit is 148 Levee Mile 2.87, at 39.29394°N 121.63670°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19273 BD

THIRTEEN: This permit is not valid until the permittee executes the enclosed Agreement Establishing a Covenant Running with the Land and has the permit, to include any attachments, recorded with the appropriate county. A copy of the recorded Covenant must be sent to the Central Valley Flood Protection Board prior to the commencement of work. Failure to do so may result in this permit being revoked.

LIABILITY AND INDEMNIFICATION

FOURTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FIFTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

AGENCY CONDITIONS

SEVENTEEN: All work approved by this permit shall be in accordance with the submitted drawings dated November 1, 2016 except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Board.

EIGHTEEN: Permittee shall pay to the Board, an inspection fee(s) to cover inspection cost(s), including staff and/or consultant time and expenses, for any inspections before, during, post-construction, and regularly thereafter as deemed necessary by the Board.

NINETEEN: In the event that levee or bank erosion injurious to the adopted plan of flood control occurs at or adjacent to the permitted encroachment(s), the permittee shall repair the eroded area and propose measures, to be approved by the Board, to prevent further erosion.

TWENTY: The permittee shall be responsible for the repair of any damages to the project levee, channel, banks, floodway, or other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army (U.S. Army Corps of Engineers, Sacramento District) dated August 22, 2019 which is attached to this permit as Exhibit A and is incorporated by reference.

TWENTY-TWO: The permittee agrees to notify new property/encroachment owner(s) that they are required to submit a permit Name Change request form to the Board upon completion of the sale. The new owner(s) will be required to comply with all permit conditions. Name Change forms are available at <http://cvfspb.ca.gov/>

TWENTY-THREE: The Board reserves the right to add additional, or modify existing, conditions when there is a change in ownership and/or maintenance responsibility of the work authorized under this permit.

OPERATIONS AND MAINTENANCE

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Board, Department of Water Resources, or any other agency responsible for maintenance and shall, at all times, allow officials from these agencies to access the levee, levee slope, and any adjacent areas as necessary for flood control.

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

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

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

TWENTY-SEVEN: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if in the discretion of the Board the removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if the project is not maintained or is damaged by any cause. If the permittee does not comply in a timely manner as directed by the Board, or in the event of an emergency, the Board may remove the encroachment(s) at the permittee's expense.

END OF CONDITIONS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 22 2019

Ms. Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 170
Sacramento, CA 95821

Dear Ms. Gallagher:

We have reviewed the below permit applications submitted by the Sutter Butte Flood Control Agency (SBFCA) to alter the Sacramento River Flood Control Project, authorized by the Flood Control Act of 1917, as amended. The proposed project includes installing private access ramps along the right bank levee of the Feather River at the following locations:

Permit	Description	Lat (NAD 83)	Long (NAD 83)
4741-1	McCool Water- and Landside Ramps	39.257106	-121.636547
7294-1	Live Oak Recreational Park Boat Launch Waterside Ramp	39.276044	-121.632561
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Permit	Description	Lat (NAD 83)	Long (NAD 83)
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19271	Rancho Santa Maria Waterside Ramp	39.292889	-121.633308
19272	Butte Water District Landside Ramp	39.293647	-121.619822
19273	Rancho Santa Maria Waterside Ramp	39.293942	-121.636700
19274	Butte Water District Landside Ramp	39.296697	-121.638186

The Sacramento District (Corps) has determined that the alterations were reviewed under the *Feather River West Levee Project, Areas C*, Permit Number 18793-1 and deemed not injurious to the public interest and would not impair the usefulness of the project works. Pursuant to Section 14 of the Rivers and Harbors Act of 1899, 33 U.S.C. § 408 (Section 408), the District Engineering Division Chief approves the requests to alter the Federal flood risk reduction project subject to the following conditions for each permit application:

a. That the proposed work shall not interfere with the integrity or hydraulic capacity of the flood risk reduction project; easement access; or maintenance, inspection, and flood fighting procedures.

b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinstate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

**The Central Valley Flood
Protection Board**

c/o Department of Water Resources
3310 El Camino Avenue
Suite 170
Sacramento, CA 95821

--- SPACE ABOVE IS FOR RECORDER'S USE ---

COVENANT RUNNING WITH THE LAND

1. This COVENANT applies to residential and commercial structures, related improvements, and real property, hereinafter referred to as "OWNER'S PROPERTY", acquired by Rancho Santa Maria, LTD, hereinafter referred to as OWNER(S) by grant deed recorded _____, as Document

(Date)

Number _____, Official Records of Sutter County, attached as Exhibit A.
(Number)

2. These covenants and equitable servitudes shall bind the OWNER(S), any successors, executors, heirs, administrators, and assigns. It is the express intent of OWNER(S) and the Sacramento and San Joaquin Drainage District, acting by and through The Central Valley Flood Protection Board of the State of California, hereinafter referred to as the "BOARD", that these covenants and equitable servitudes touch and concern and that the burdens run with the OWNER'S PROPERTY and inure to the benefit of and be binding on their successors, executors, heirs, administrators, and assigns.

3. OWNER(S) acknowledge that OWNER'S PROPERTY or a portion thereof is located within an adopted plan of flood control and subject to California Code of Regulations, Title 23, Division 1, hereinafter referred to as the "REGULATIONS".

4. OWNER(S), being fully aware that there is a risk that improvements on the OWNER'S PROPERTY may sustain flood damage and may cause flood damage elsewhere, agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to comply with all conditions of the BOARD'S Permit No. 19273 BD, attached as Exhibit B, and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821 and any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19273 BD are physically attached, and to the REGULATIONS.

5. OWNER(S) agrees for OWNER(S), any successors, executors, heirs, administrators, and assigns to release, hold harmless, defend, and indemnify the State of California, its agencies, officers, employees and agents from any and all claims, costs, expenses, and liability for any damages from flood, river, or reservoir operation to OWNER'S PROPERTY and any and all claims, costs, expenses, and liability caused by or contributed to by OWNER(S) improvements or by OWNER(S) failure to comply with the terms and conditions of the BOARD'S Permit No. 19273 BD and any future changes therein, as on file with the Board at 3310 El Camino Avenue, Suite 170, Sacramento, California, 95821, or any BOARD permit governing improvements to which improvements made pursuant to Permit No. 19273 BD are attached, or for failure to comply with the REGULATIONS.

6. The BOARD will provide timely notice to the OWNER(S) before changing any condition contained in Permit No. 19273 BD.

7. The BOARD holds title to interest in real property that is benefited by the covenants and equitable servitudes described above. These interests in real property owned by the BOARD constitute a part of the flood control system of the State over which the BOARD exercises authority pursuant to the laws of the State of California, including Water Code Section 8710.

8. This COVENANT shall be recorded in the Official Records of Sutter County.

OWNER(S):

Signature of Property Owner

Printed Name of Property Owner

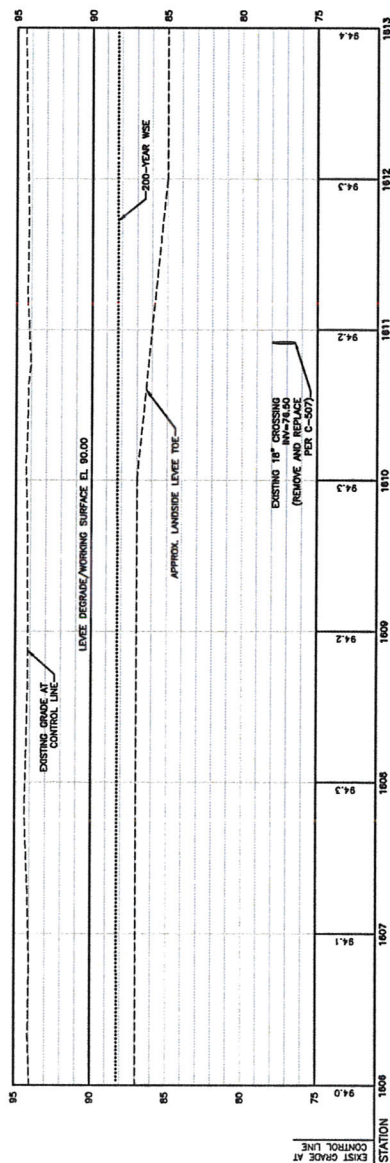
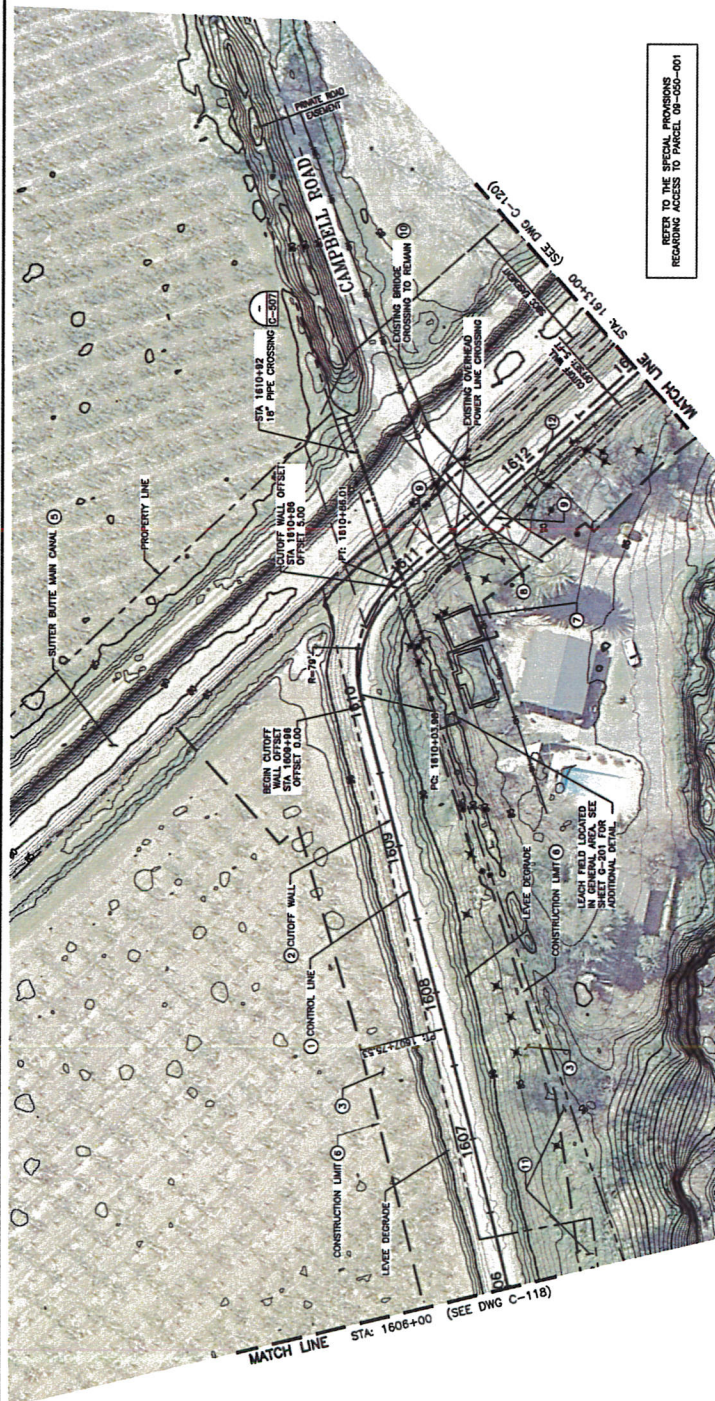
Signature of Property Owner

Printed Name of Property Owner

CONSTRUCTION NOTES:

- [illegible]

REFER TO THE SPECIAL PROVISIONS
REGARDING ACCESS TO PARCEL 09-050-001



RECORD DRAWING

[illegible]

Attachment S

- **Draft Permit 19274**
- **Drawing(s)**

DRAFT

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

PERMIT NO. 19274 BD

This Permit is issued to:

Butter Water District
735 Virginia Street
Gridley, California 95948

The encroachment consists of a landside levee access ramp which provides access to the Butte Water District property on the landside of the levee, commonly referred to as the Sutter Butte Main Canal levee access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with the Feather River West Levee Project under Permit 18793-1 and was previously constructed in compliance with California Code of Regulations, Title 23, Division 1.

The ramp is located at Sutter Butte Flood Control Agency Station 1622+50. The United States Corps of Engineers Unit is 148 Levee Mile 3.08, at 39.29670°N 121.63819°W, Feather River, Sutter County.

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

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

SPECIAL CONDITIONS FOR PERMIT NO. 19274 BD

LIABILITY AND INDEMNIFICATION

THIRTEEN: The permittee shall defend, indemnify, and hold harmless the Central Valley Flood Protection Board (Board) and the State of California, including its agencies or departments thereof, including but not limited to, any and all boards, commissions, officers, agents, employees, and representatives (Indemnities), against any and all claims, liabilities, charges, losses, expenses, and costs including the State's attorneys' fees (Liabilities), that may arise from, or by reason of: (1) any action or inaction by the Indemnities in connection with the issuance or denial of any permit, lease, or other entitlement; (2) as a result of approvals or authorizations given by the Board to the permittee pursuant to, or as a result of, permittee's permit application; (3) provisions of the issued permit or lease, provisions of CEQA, an environmental document certified or adopted by the Board related to the permit application, or any other regulations, requirements, or programs by the State, except for any such Liabilities caused solely by the gross negligence or intentional acts of the State or its officers, agents, and employees.

FOURTEEN: Permittee shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board challenging this permit or any other matter related to this permit or the work performed by the State in its issuance of this permit. In addition, the permittee shall reimburse the Board for any court costs and reasonable attorneys' fees that the Board/Indemnities may be required by a court to pay as a result of such

action. The permittee may participate in the defense of the action, but its participation shall not relieve it of its obligations under the conditions of this permit.

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

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

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END OF CONDITIONS



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AUG 22 2019

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b. That appropriate property rights shall be acquired as needed for construction, operation, and maintenance of the alteration and operation and maintenance of the channel and levee. An approval under Section 408 does not grant property rights or exclusive privileges.

c. To ensure your project complies with the Federal Endangered Species Act, you shall comply with all of the conditions in the enclosed U.S. Fish and Wildlife Biological Opinion (08ESMF00-2013-F-0342-1, dated May 2, 2013; Enclosure 1). This Section 408 Permission does not authorize you to take a listed species, in particular the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (*Thamnophis gigas*). In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Biological Opinion contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also

specified in the Biological Opinion. Your authorization under this Section 408 permission is conditioned upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permission. Failure to comply with the terms and conditions associated with the incidental take statement of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Section 408 permission.

d. To ensure your project complies with the Federal Endangered Species Act, you shall implement all of the conservation measures identified in the enclosed National Marine Fisheries Services (NMFS) letter of concurrence (2013/9542, dated April 10, 2013; Enclosure 2). If you are unable to implement any of the proposed measures, you must immediately notify the Corps, so the Corps may reinitiate consultation as appropriate, in accordance with the Federal Endangered Species Act.

e. That if you discover any previously unknown historic properties (36 CFR § 800.13) while accomplishing the activity authorized by this Section 408 permission, you shall immediately notify the Corps of what you have found. The Corps will initiate any necessary Federal and State coordination to ensure continued compliance with the National Historic Preservation Act.

Special Conditions:

f. The drainage from the access ramps shall be sloped to drain away from the project levee.

g. Ramps may not exceed the slope listed within the design As-built drawings.

This Section 408 letter of permission does not serve as authorization for any work that affects the navigable capacity of waters of the United States or that involves the discharge of dredge material into waters of the United States. A Section 10 and/or Section 404 permit application (SPK-2012-00979) has already been issued.

A copy of this letter is being furnished to Mr. Don Rasmussen, Chief, Flood Project Integrity and Inspection Branch, 3310 El Camino Avenue, Suite 200, Sacramento, CA 95821. The point of contact for this action is Mr. Kevin Lee, Project Manager. He may be reached at 916-557-6634 or by email at *Kevin.C.Lee@usace.army.mil*.

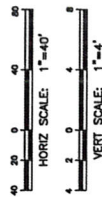
Sincerely,

A handwritten signature in cursive script that reads "Rick L. Poeppelman".

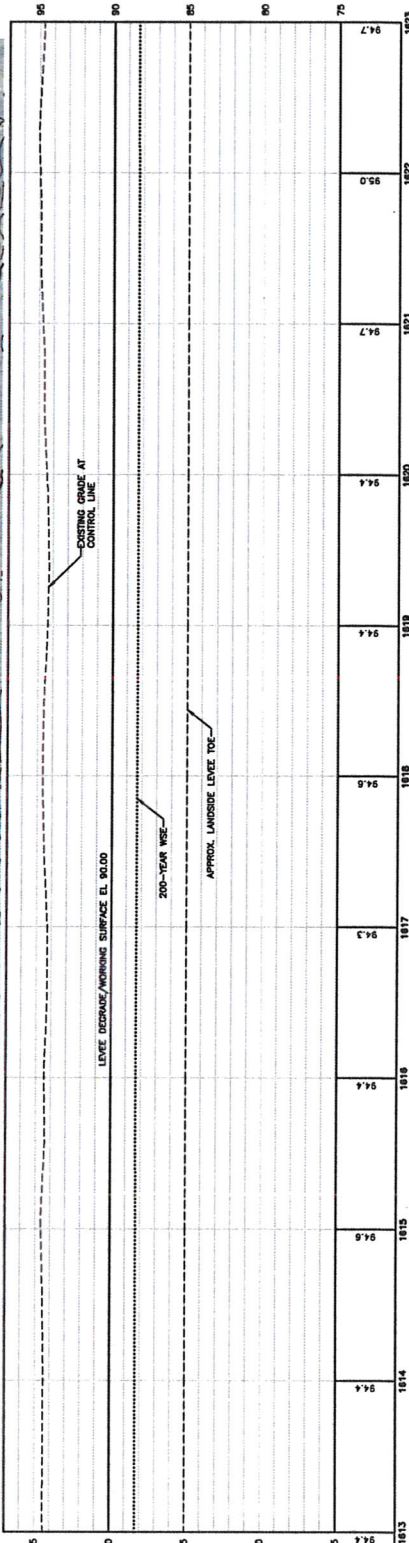
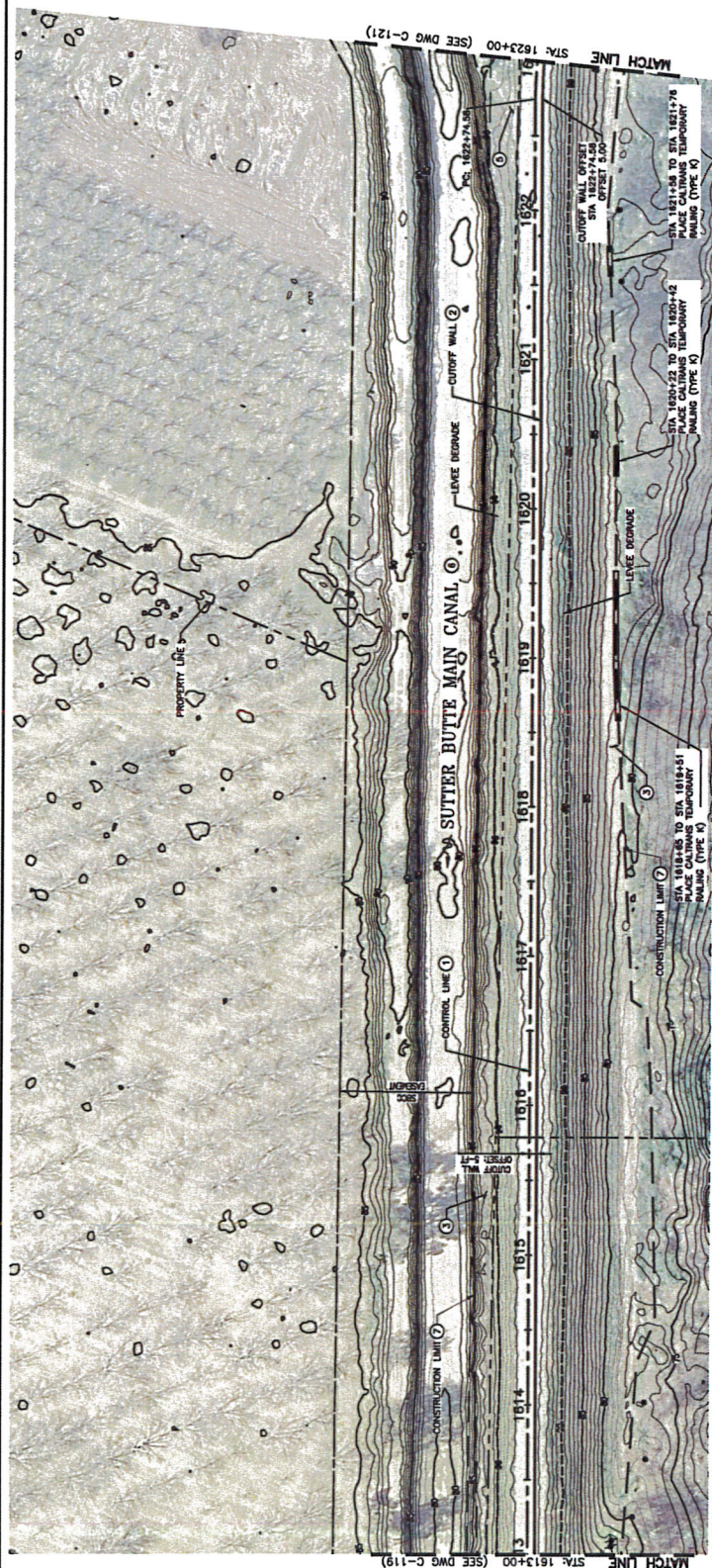
Rick Poeppelman, P.E.
Chief, Engineering Division
Levee Safety Officer

Enclosures

- 1 SEE SHEET C-008 FOR CONTROL LINE TABLES.
- 2 SEE SHEETS C-401 TO C-404 FOR CUTOFF WALL PROFILES.
- 3 TREES TO BE REMOVED. REFER TO SHEET C-304.
- 4 NOT USED.
- 5 REPLACE EXISTING RAMP IN KIND AND IN ACCORDANCE WITH THE SPECIFICATIONS.
- 6 SUTTER BUTTE MAIN CANAL TO REMAIN. EXISTING CONSTRUCTION SHALL BE CONTRACTOR TO PROTECT CANAL IN CONSISTENT WITH THESE PLANS.
- 7 CONTRACTOR SHALL PROVIDE HIGH VISCOSITY CONSTRUCTION FENCING AT ALL LOCATIONS WHERE SUCH FENCING SHALL BE LIMITED BY THE SELF SEALING OR CULMINE. THE FENCING SHALL BE LIMITED BY THE REQUIREMENTS OF THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS TO BE LIMITED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING



RECORD DRAWING

[illegible]

PLAN AND PROFILE
STA: 1613+00 TO 1623+00