Meeting of the Central Valley Flood Protection Board
August 30, 2019

Permit Staff Report

Sutter Butte Flood Control Agency
Twenty-Four Encroachment Modifications
Feather River West Levee Project, Project Area C
Sutter and Butte Counties

1.0 – ITEMS

Consider approval of fifteen (15) permits covering twenty-four (24) 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). This staff report includes modifications to twenty-four (24) individual encroachments in Project Area C (Attachment A) of the FRWLP. The encroachment permits are: 4741-1, 19242, 19243, 19244, 19245, 19246, 19247, 19248, 19249, 19250, 19251, 19252, 19253, 19254, 19255 (Attachments C through Q).

2.0 – APPLICANTS

Table 1, listed below, presents fifteen (15) permit applications representing twenty-four (24) 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 Districts 1 and 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
4741-1	Kevin and Mary Ann McCool	2
19242	County of Sutter	2
19243	A&K Bhatti Rev 2013 Trust	2
19244	Wilbur Revocable 1994 Trust	1
19245	Wilbur Revocable 1994 Trust	1
19246	Kewal Singh Etal	2
19247	Richland Enterprises	2
19248	James R. Filter Trust ETAL	2
19249	James R. Filter Trust ETAL	1
19250	River Bottom Ranch II LLC	2
19251	Justin Micheli ETAL	2
19252	Sutter Extension Water District	2
19253	Sutter Extension Water District	1
19254	Norma Smith	1
19255	Reeves Fam Rev Trust	1

4.0 – PROJECT DESCRIPTIONS

The twenty-four (24) 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 twenty-four (24) encroachments listed in Table1. Now that construction is complete 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 fifteen (15) 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 project analyzed sources of uncertainty associated with stability, seepage, and erosion. 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. Board staff reviewed the analyses and concurs with the applicant's conclusion that the analyses are consistent with the best professional practice in terms of stability and seepage analyses.

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.1 and 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/August-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 twenty-four (24) encroachments for Permit Nos. 4741-1, 19242, 19243, 19244, 19245, 19246, 19247, 19248, 19249, 19250, 19251, 19252, 19253, 19254, 19255 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 twenty-four (24) modified encroachments are expected to result in no 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 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 reasonable 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. 4741-1, 19242, 19243, 19244, 19245, 19246, 19247, 19248, 19249, 19250, 19251, 19252, 19253, 19254, 19255 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. 4741-1, 19242, 19243, 19244, 19245, 19246, 19247, 19248, 19249, 19250, 19251, 19252, 19253, 19254, 19255 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

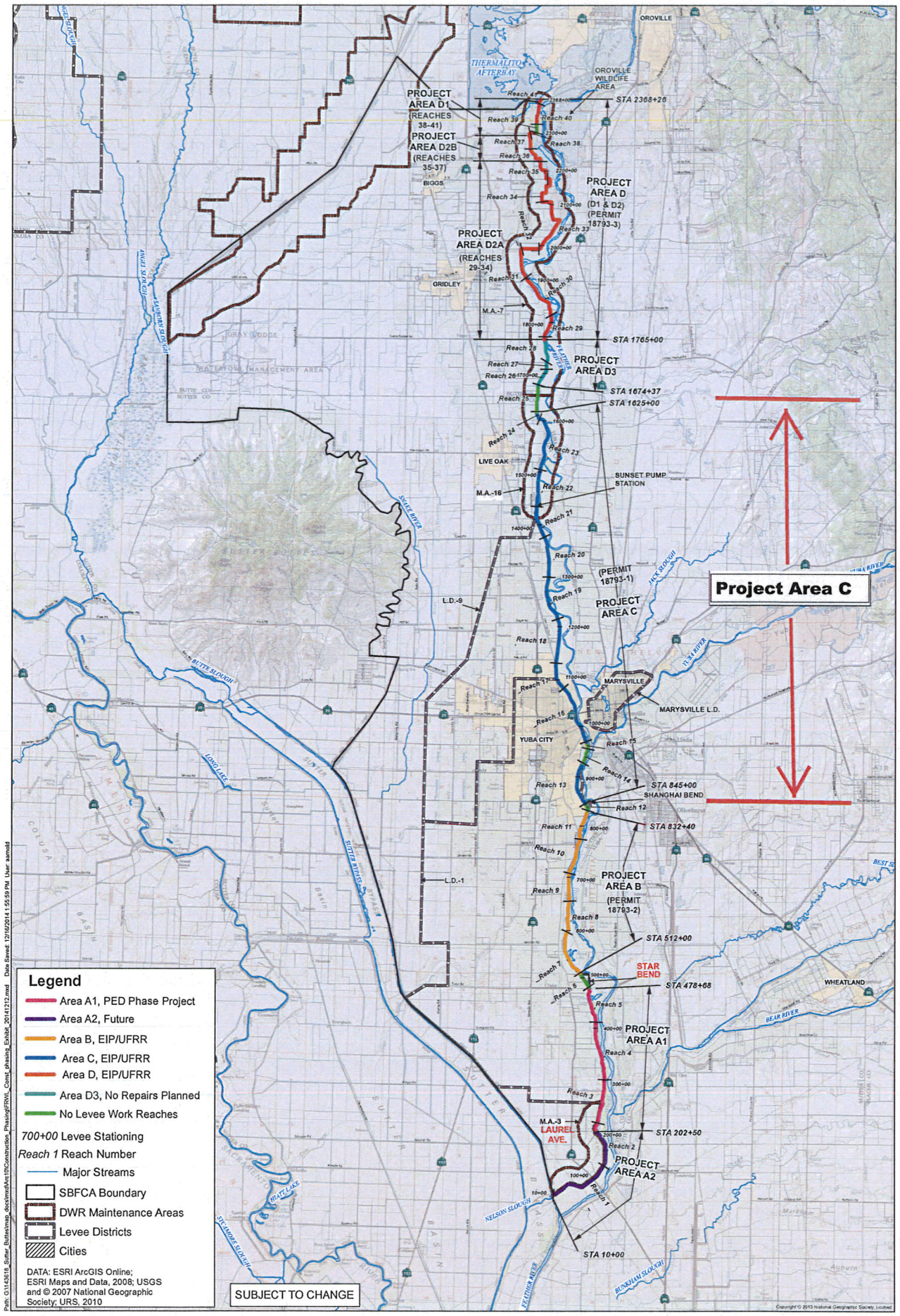
Attachment A: Project Maps

Attachment B: Resolution 2013-07

Attachments C to Q: Draft Permits, USACE letter, Local Maintaining Agency's Endorsement Conditions and Drawing(s) for 4741-1,19242, 19243, 19244, 19245, 19246, 19247, 19248, 19249, 19250, 19251, 19252, 19253, 19254, 19255.

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



0 1 2 3 4 5 Miles

1 in = 1.5 miles

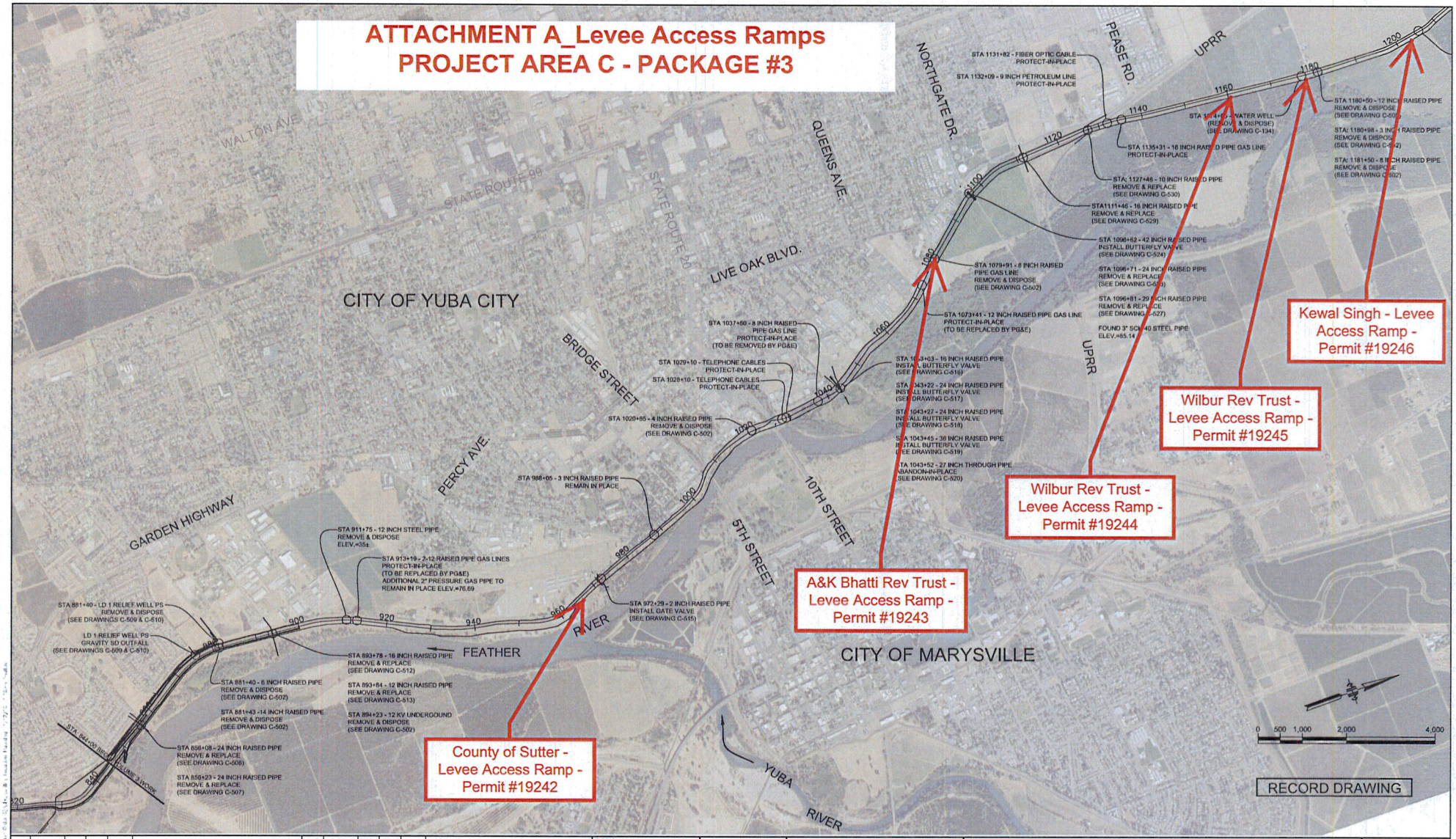
N

HDR ONE COMPANY | Many Solutions

Flood Protection Improvements: Sutter Basin
Feather River West Levee Project Phases

Original map provided by SBFCA, modified by FPO October 2016

ATTACHMENT A_Levee Access Ramps
PROJECT AREA C - PACKAGE #3



REV.	DATE	BY	CHK.	APPR.	DESCRIPTION	REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
4	01/11/16	TM	JM	SM	RECORD DRAWING						

DESIGNED BY: J. MALLEN
DRAWN BY: T. MALLEN
CHECKED BY: M. SMITH
IN CHARGE: S. MINARD
DATE: 05/20/2013

Registered Professional Engineer, Stephen M. Minard, No. 18313, Exp. 12/31/14, Civil, State of California

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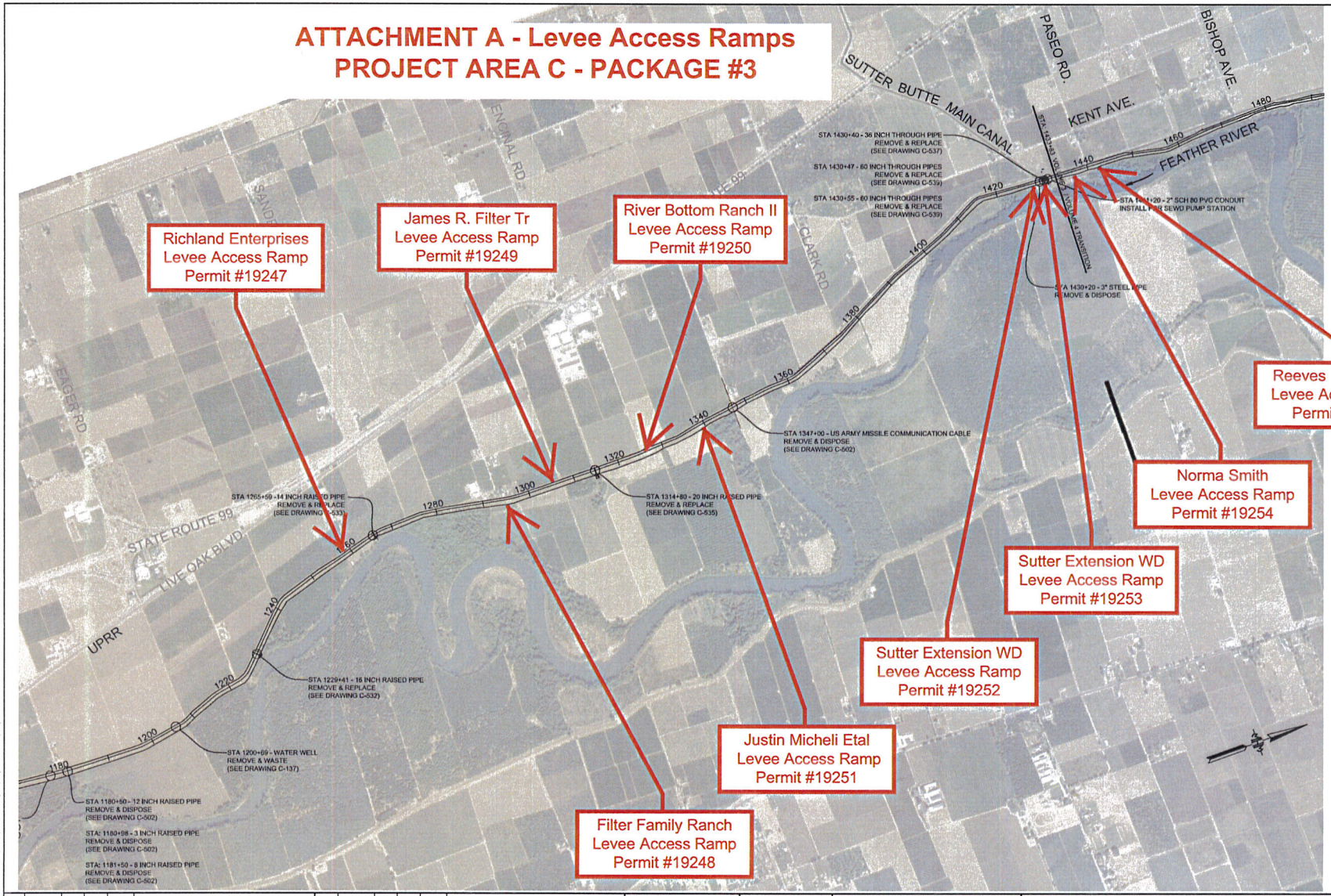
SUBMITTED
APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY
VOLUME 3: FRWL IMPROVEMENT PLANS
UTILITY LOCATION MAP

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-500
SHEET 200

ATTACHMENT A - Levee Access Ramps
PROJECT AREA C - PACKAGE #3



REV.	DATE	BY	CHK.	APPR.	DESCRIPTION	REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
4	01/11/16	TM	JM	SM	RECORD DRAWING						

DESIGNED BY: J. MALLEN
DRAWN BY: T. MALLEN
CHECKED BY: M. SMITH
IN CHARGE: S. MINARD
DATE: 05/20/2013

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SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS
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VERIFY SCALES
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0 1"

DRAWING NO. C-501 | SHEET 201

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 4741-1**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 4741-1 BD

This Permit is issued to:

Kevin and Mary Ann McCool
1210 Bishop Avenue
Live Oak, California 95953

The encroachments consist of waterside and landside levee access ramps which provide access to the Kevin McCool property. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1465+50. The United States Corps of Engineers Unit is 148 Levee Mile 0.10, at 39.25711°N 121.63654°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.

DWR 3784 (Rev. 9/85)

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. 4741-1 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. 1 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. 1, 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 2 2 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,

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 Kevin and Mary Ann McCool, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 4741-1 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. 4741-1 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. 4741-1 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. 4741-1 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. 4741-1 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.

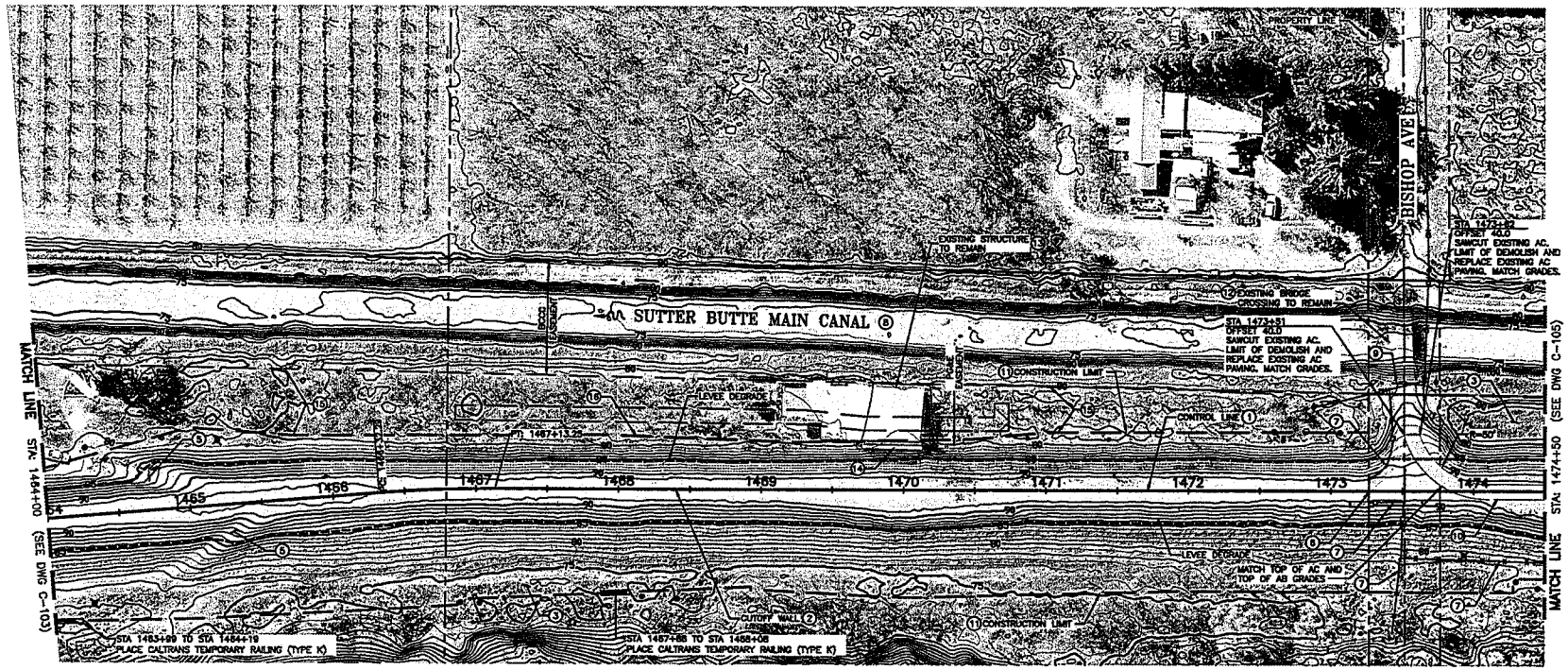
OWNER(S):

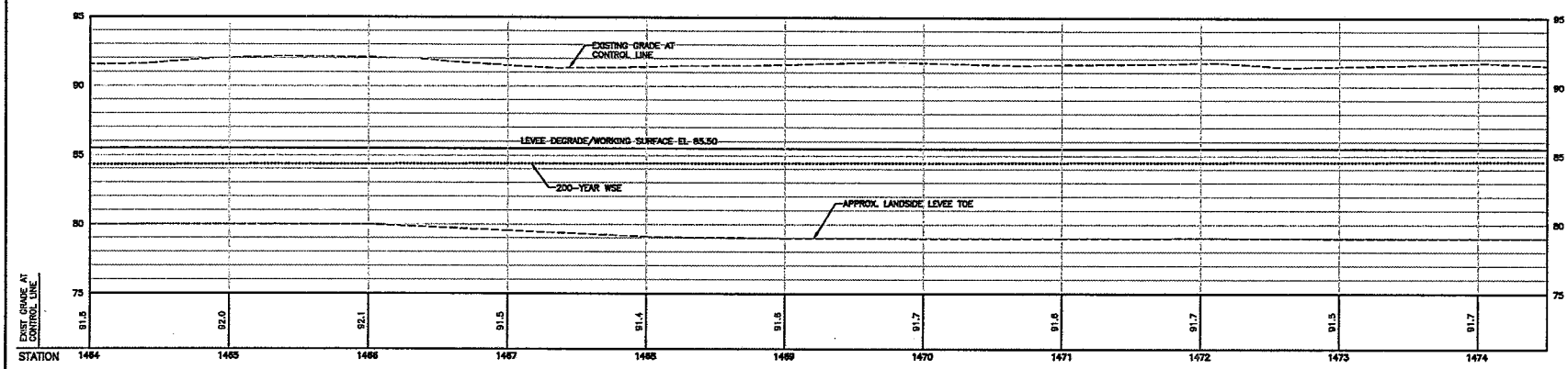
_____
Signature of Property Owner

_____
Printed Name of Property Owner

_____
Signature of Property Owner

_____
Printed Name of Property Owner





N

CONSTRUCTION NOTES:

1. SEE SHEETS G-009 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. EXISTING GATE. CONTRACTOR TO REMOVE AND REINSTALL. SEE TYPICAL GATE FOOTING DETAIL ON SHEET C-304.
7. EXISTING FENCE. CONTRACTOR TO DEMOLISH AND WASTE PORTION WITHIN CONSTRUCTION LIMIT AS A PART OF CLEAR AND GRUB.
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 GATE TO REMAIN. CONTRACTOR TO REPLACE IN KIND IF DAMAGED DURING CONSTRUCTION.
10. CONTRACTOR TO REMOVE AND DISPOSE OF AC/AB FROM STA 1473+51 TO STA 1485+67 (SEE SHT C-106). PAVING TO BE REPLACED AFTER LEVEE CONSTRUCTION PER DETAIL ON SHEET C-303.
11. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
12. EXISTING BRIDGE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE AND RESTORE APPROACH GRADES, IF ALTERED, TO PRE-CONSTRUCTION CONDITION. REFER TO THE GENERAL NOTES ON SHEET G-006.
13. EXISTING STRUCTURE TO REMAIN. CONTRACTOR SHALL LIMIT ACCESS TO LEVEE TOE ALONG RESIDENCE.
14. EXISTING WALKWAY FROM DECK TO LEVEE TO BE REMOVED BY OTHERS.
15. REMOVE ALL EXISTING TREES LOCATED BETWEEN THE LEVEE TOE AND O & M LIMIT FROM STA 1460+16 TO STA 1473+50.
16. RELOCATE EXISTING FENCE. OFFSET 10' FROM LEVEE TOE.

40 20 0 40 80
HORIZ SCALE: 1"=40'

4 2 0 4 8
VERT SCALE: 1"=4'

RECORD DRAWING

REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
	01/13/16	LJ	DJ	CK	RECORD DRAWINGS
0	5/20/13	JN	DJ	CK	CONFORMED SET

DESIGNED BY: J. NETTLETON
DRAWN BY: A. JACKSON
IN CHARGE: D. JABBOUR
PROJECT MANAGER: C. KRIVANEC
DATE: 03/18/13

REGISTERED PROFESSIONAL ENGINEER JAVELIN JABBOUR C 63110 Exp. 6/30/16 CIVIL STATE OF CALIFORNIA

HDR Engineering Inc. 2365 Iron Point Rd. Suite 300 Folsom, CA 95630

SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS

PLAN AND PROFILE
STA: 1464+00 TO 1474+50

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-104 | SHEET 23

Attachment D

- Draft Permit 19242
- Local Maintaining Agency's Endorsement Conditions
- Drawing(s)

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19242 BD

This Permit is issued to:

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

The encroachments consist of waterside and landside levee access ramps which provide access to Sutter County land located on the waterside of the levee, commonly referred to as the Second Street Ramp. The ramps are twenty-four 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 ramps are located at Sutter Butte Flood Control Agency Station 967+50. The United States Corps of Engineers Unit is 144 Levee Mile 13.02, at 39.11813°N 121.60370°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.

DWR 3784 (Rev. 9/85)

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. 19242 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 or 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. 1 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. 1, 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

LEVEE DISTRICT NO. 1 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
SECOND STREET ACCESS RAMPS

Levee District No. 1 of Sutter County (LD1) has the following conditions to be included on the Central Valley Flood Protection Board Encroachment Permit for the Sutter County Second Street Access Ramps. The access ramps consist of both a landside and waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 967+50 Unit 144 Levee Mile 13.02. 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. 1 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 3 of 6 (Project B), Feather River West Levee Improvement Plans, Station 844+75 to 1433+83" dated March 13, 2013 and drawing C-517 (Sheet 217). No further work, other than approved by this permit, shall be done in the area without prior endorsement of **Levee District No. 1 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. 1 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. 1 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. 1 of Sutter County** to prevent access during high water events (anything above monitoring stage), during levee patrols, or whenever required by **Levee District No. 1 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.

6. The permittee shall defend, indemnify, and hold the Central Valley Flood Protection Board, **Levee District No. 1 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. 1 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. 1 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. 1 of Sutter County** standards. The results of the annual inspection shall be provided to **Levee District No. 1 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. 1 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. 1 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. 1 of Sutter County** upon approval of the permit by the CVFPB Board.

14. **Levee District No. 1 of Sutter County** shall be notified five (5) working days prior to any construction activities.

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

408 Permission Section

AUG 2 2 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,

Rick L. Poeppelman

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

Enclosures

RECORD DRAWING

CONSTRUCTION NOTES:

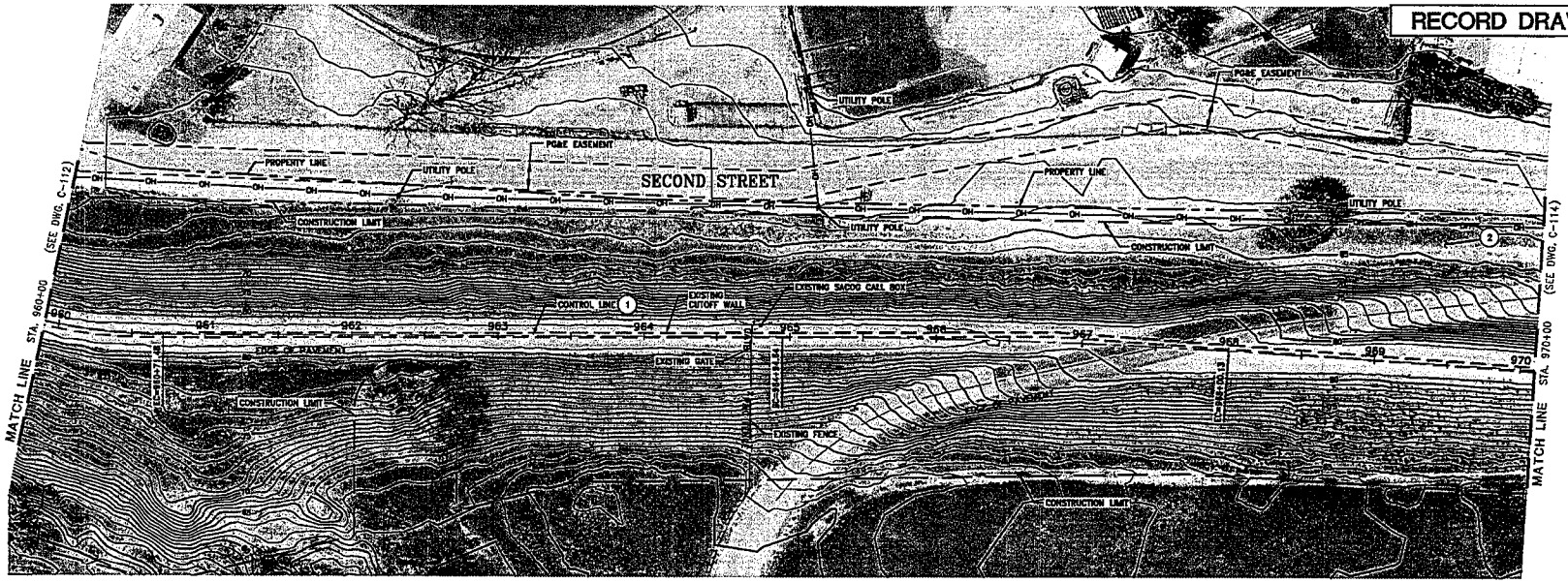
1. SEE DWG G-011 TO G-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CLEARING, GRUBBING, AND STRIPPING SHALL NOT BE PERFORMED AT LOCATIONS WHERE NO CONSTRUCTION IS PROPOSED UNLESS REQUIRED BY THE CONTRACTOR AND APPROVED BY THE AGENCY.

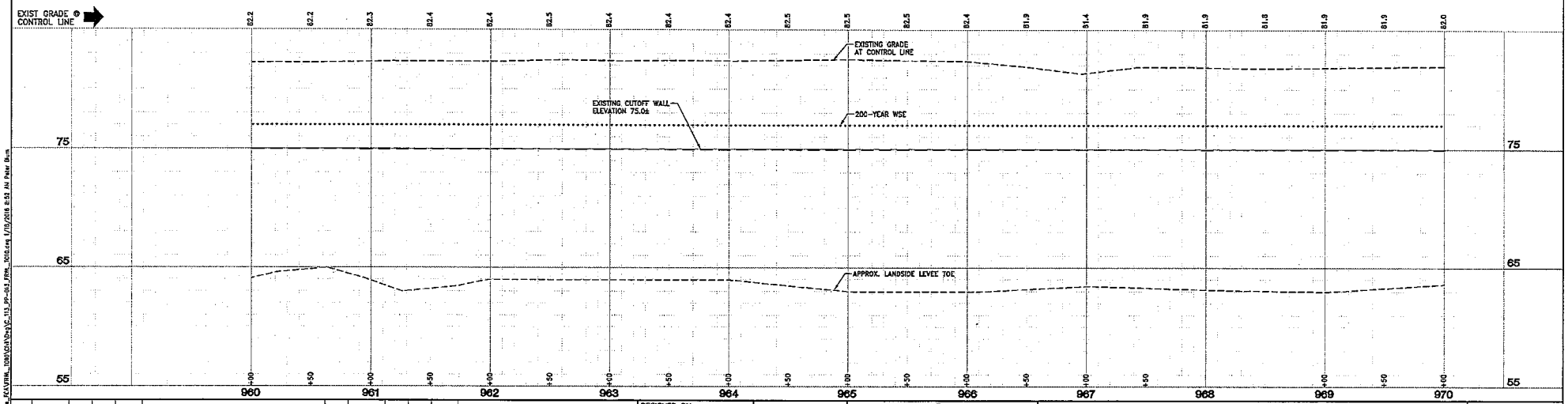
NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

NOTE: FENCING NOT REQUIRED AT CONSTRUCTION LIMIT 200 FEET BEYOND END OF IMPROVEMENTS UNLESS REQUIRED BY PROJECT SWPPP.

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN J. KORS No. C58535 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3001 S STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 960+00 TO 970+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-113
SHEET 51

J:\Jobs\8165_MED_Sutter_Butte_KEASWIN_TOW\Cad\Dwg\C-113_PP-03.J_FRWL_2016.dwg 1/13/2016 8:53 AM Peter Blum

Attachment E

- **Draft Permit 19243**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19243 BD

This Permit is issued to:

A&K Bhatti Rev 13 Trust
1500 Reed Road
Yuba City, California 95993

The encroachments consist of waterside and landside levee access ramps which provide access to the Bhatti Ranch land located on waterside of levee, commonly referred to as the Bhatti Ramps. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1080+25. The United States Corps of Engineers Unit is 144 Levee Mile 15.16, at 39.15635°N 121.61734°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

DWR 3784 (Rev. 9/85)

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. 19243 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. 1 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. 1, 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.

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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
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 2 2 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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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,

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 A&K Bhatti Rev 13 Trust, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19243 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. 19243 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. 19243 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. 19243 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. 19243 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

LEVEE DISTRICT NO. 1 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
A&K BHATTI REV 13 TR RANCH ACCESS RAMPS

Levee District No. 1 of Sutter County (LD1) has the following conditions to be included on the Central Valley Flood Protection Board Encroachment Permit for the A&K Bhatti Rev 13 TR ETAL Access Ramps. The access ramps consist of both a landside and waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1080+25 Unit 144 Levee Mile 15.16. 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. 1 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 3 of 6 (Project B), Feather River West Levee Improvement Plans, Station 844+75 to 1433+83" dated March 13, 2013 and drawing C-124 and C-125. No further work, other than approved by this permit, shall be done in the area without prior endorsement of **Levee District No. 1 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. 1 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. 1 of Sutter County** shall have the right to utilize the access ramps for operation and maintenance work on the levee and access easement to the levee access ramps. 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. 1 of Sutter County** to prevent access during high water events (anything above monitoring stage), during levee patrols, or whenever required by **Levee District No. 1 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 gates shall be locked and closed at all time when not actively in use. 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. 1 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. 1 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. 1 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. 1 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. 1 of Sutter County** standards. The results of the annual inspection shall be provided to **Levee District No. 1 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. 1 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. 1 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. 1 of Sutter County** upon approval of the permit by the CVFPB Board.

14. **Levee District No. 1 of Sutter County** shall be notified five (5) working days prior to any construction activities.

RECORD DRAWING

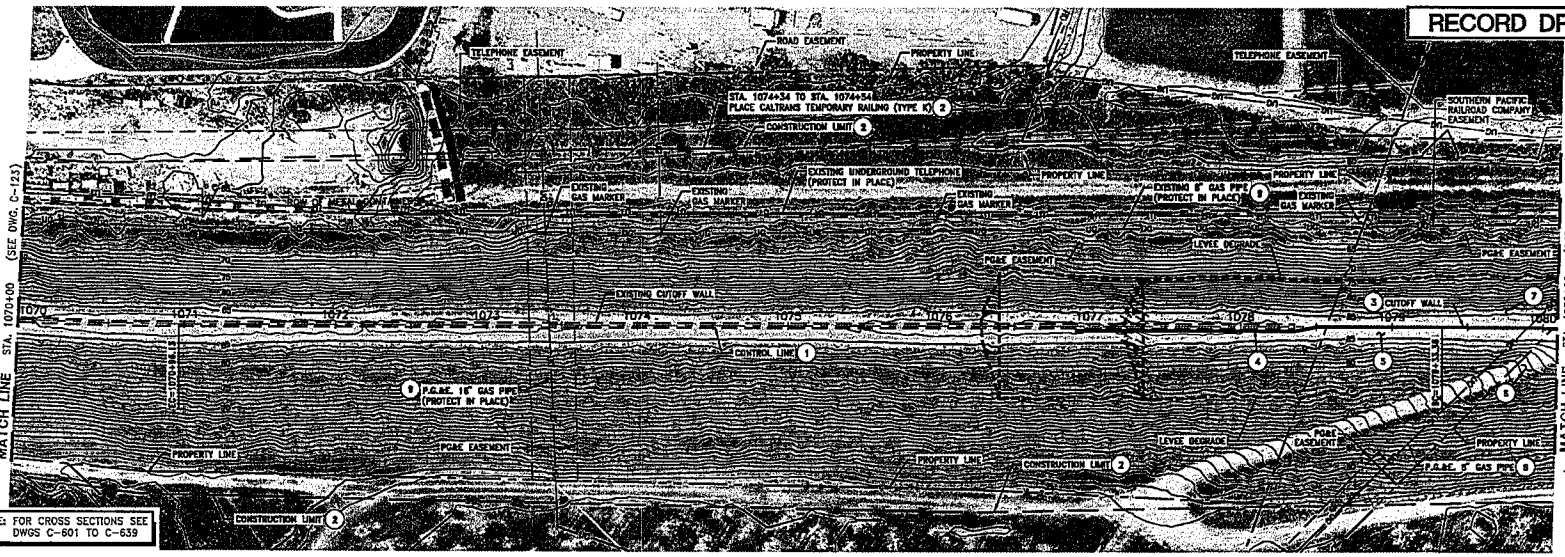
CONSTRUCTION NOTES:

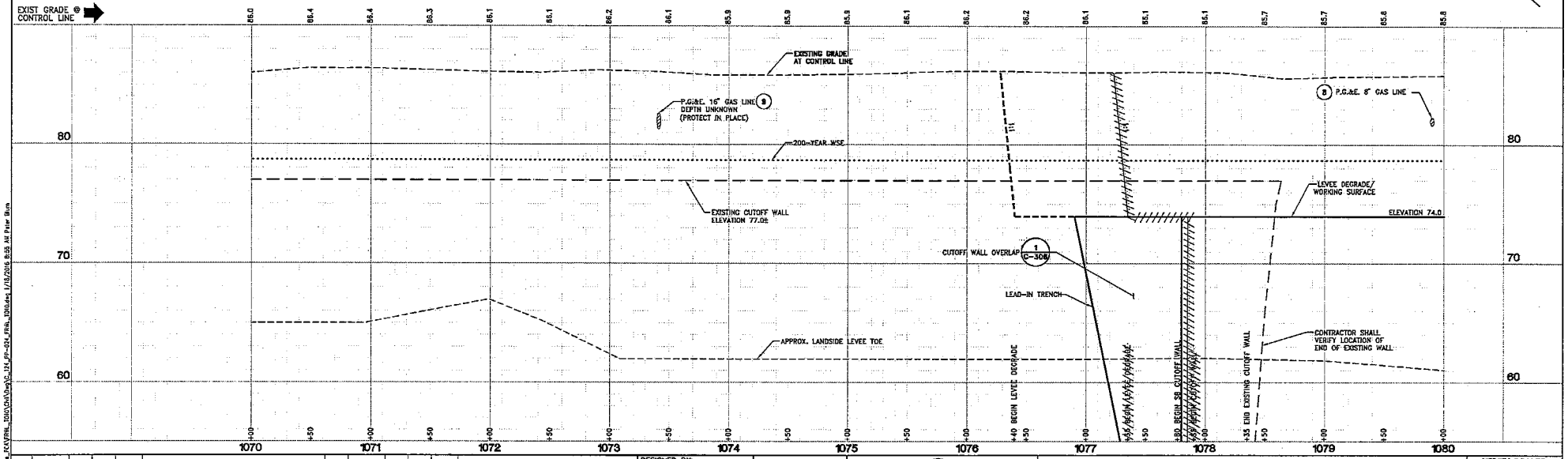
1. SEE DWG G-011 TO G-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. CONSTRUCT CUTOFF WALL OVERLAP PER DETAIL ON DWG. C-306.
5. REPAVE CROWN OF LEVEE WITH 2"AC AND 6"AB STA. 1077+35 TO 1080+00.
6. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
7. CLEARING, GRUBBING, AND STRIPPING SHALL NOT BE PERFORMED AT LOCATIONS WHERE NO CONSTRUCTION IS PROPOSED UNLESS REQUIRED BY THE CONTRACTOR AND APPROVED BY THE AGENCY.
8. REMOVE AND DISPOSE OF EXISTING 8" GAS PIPE. SEE DWG C-502. CONTRACTOR SHALL VERIFY WITH PG&E GAS PIPE IS NO LONGER IN SERVICE PRIOR TO REMOVAL.
9. CONTRACTOR SHALL PROTECT IN PLACE EXISTING PG&E GAS PIPES. CONTRACTOR SHALL COORDINATE WHEEL LOAD RESTRICTIONS WITH PG&E. CONTRACTOR SHALL NOT PERFORM WORK WITHIN THE PIPELINE PROTECTION ZONE UNTIL NOTIFIED IN WRITING BY PG&E. SEE GAS PIPE NOTES AND ALLOWABLE WHEEL LOAD TABLES 3 AND 4 ON DWG. G-006.

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'

NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	12/X/15	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER — DAVIDAN J. KORS — No. C56338 — Exp. 12/31/13 — CIVIL — STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1070+00 TO 1080+00

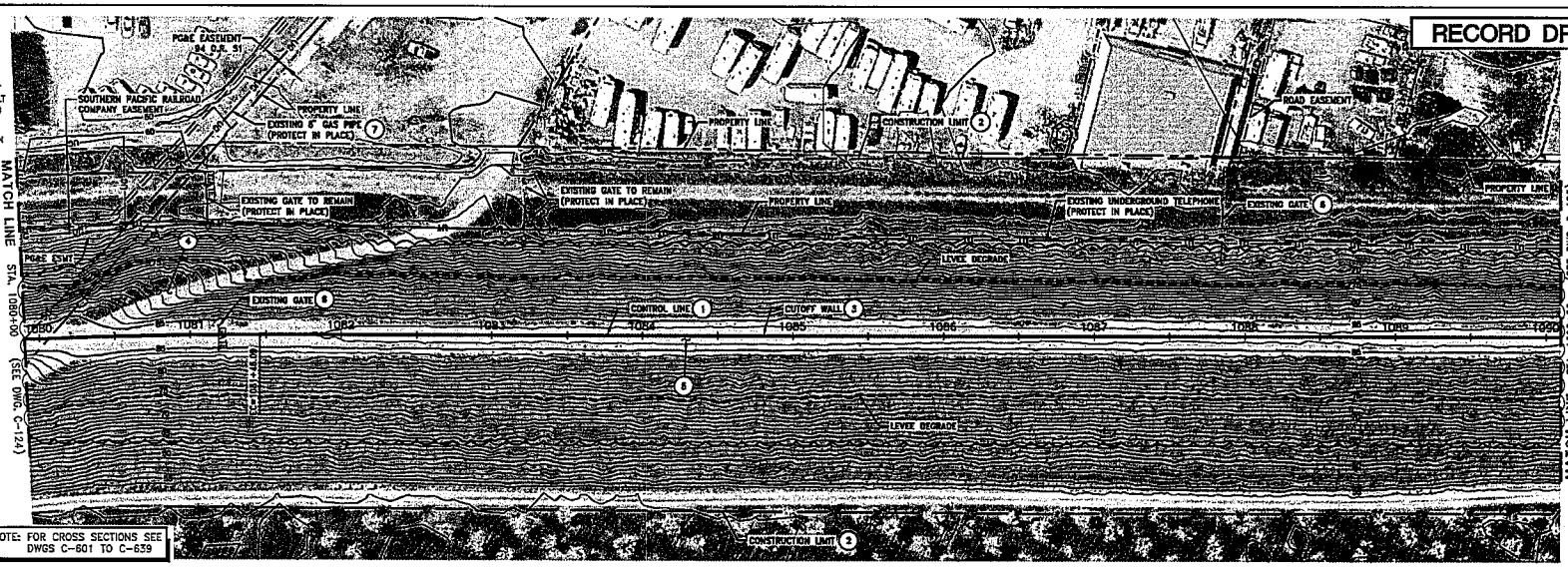
VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-124
SHEET 62

RECORD DRAWING

CONSTRUCTION NOTES:

1. SEE DWG G-011 TO G-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
5. REPAVE CROWN OF LEVEE WITH 2"AC AND 6"AB STA. 1080+00 TO 1090+00.
6. REMOVE ~~AND RELOCATE~~ EXISTING GATE.
7. CONTRACTOR SHALL PROTECT IN PLACE EXISTING PG&E GAS PIPES. CONTRACTOR SHALL COORDINATE WHEEL LOAD RESTRICTIONS WITH PG&E. CONTRACTOR SHALL NOT PERFORM WORK WITHIN THE PIPELINE PROTECTION ZONE UNTIL NOTIFIED IN WRITING BY PG&E. SEE GAS PIPE NOTES AND ALLOWABLE WHEEL LOAD TABLES 4 ON DWG. G-008.



40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
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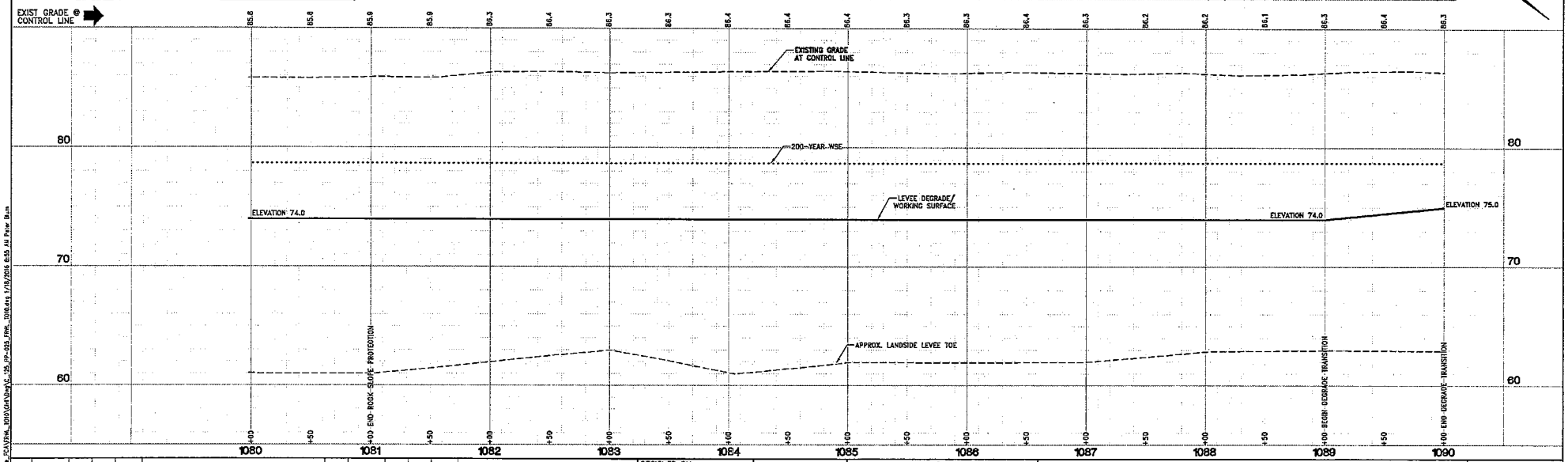
NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639



REV.	DATE	BY	CHK.	APPR.	DESCRIPTION	REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	12/X/15	PB	CC	JK	RECORD DRAWING						
0	5/20/13	PB	CC	JK	CONFORMED SET						

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. FRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN J. KORS No. C056328 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

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SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE
STA 1080+00 TO 1090+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-125
SHEET 63

a:\Jobs\8155_JPB_Sutter_Butte_FCA\FWL_3010\Cad\Dwg\C_125_PP-023_FRWL_3010.dwg 1/19/2016 6:05 AM Peter Blum

Attachment F

- **Draft Permit 19244**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19244 BD

This Permit is issued to:

Wilbur Rev 94 Trust
P.O. Box 3730
Yuba City, California 95993

The encroachment consists of a landside levee access ramp which provides access to the Wilbur Ranch land located on landside of levee, commonly referred to as the Wilbur Ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with 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 1162+00. The United States Corps of Engineers Unit is 144 Levee Mile 0.56, at 39.17732°N 121.62151°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

DWR 3784 (Rev. 9/85)

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. 19244 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. 1 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. 1, 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 2 2 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,

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 Wilbur Rev 94 Trust , hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19244 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. 19244 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. 19244 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. 19244 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. 19244 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
WILBUR 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 Wilbur Ranch Access Ramp. The access ramp consist of a landside located at Sutter Butte Flood Control Agency (SBFCA) Station 1162+00 Unit 148 Levee Mile 0.56. 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 3 of 6 (Project B), Feather River West Levee Improvement Plans, Station 844+75 to 1433+83" 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. 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).

5. 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.

6. 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.

7. 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.

8. 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.

9. 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).

10. 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.

11. 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.

12. 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.

13. **Levee District No. 9 of Sutter County** shall be notified five (5) working days prior to any construction activities.

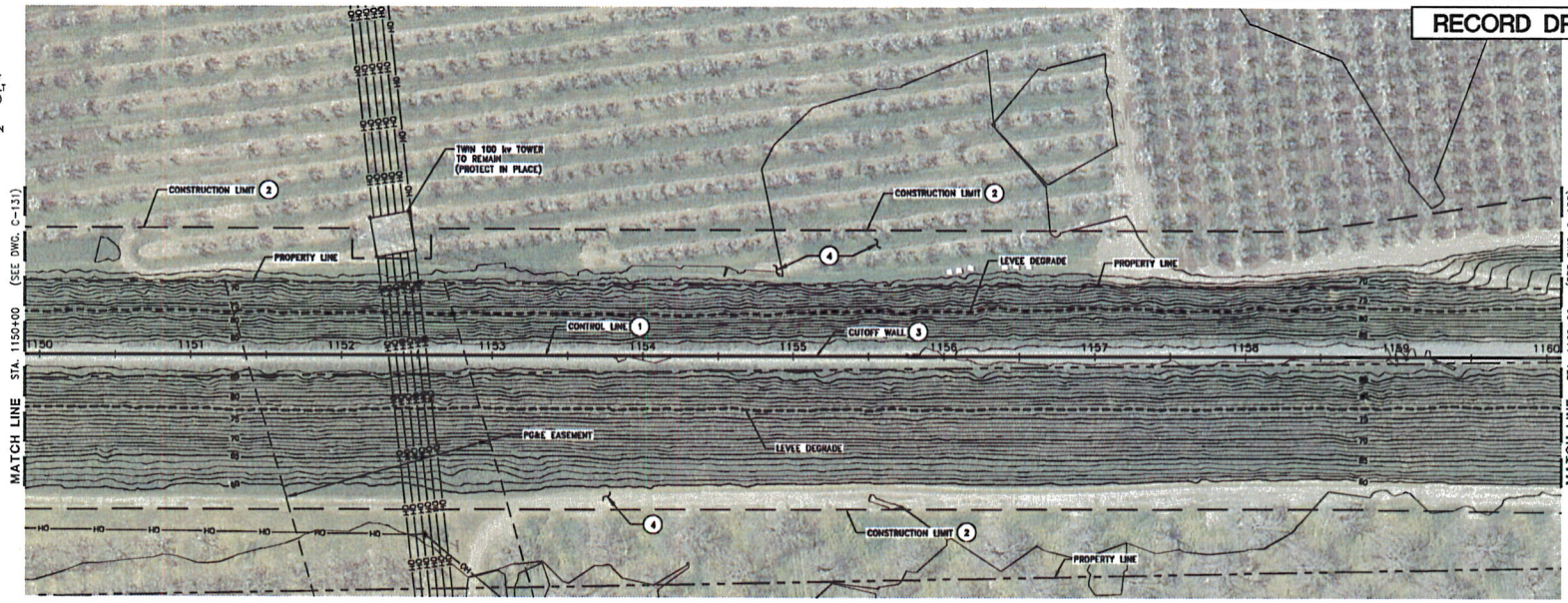
CONSTRUCTION NOTES:

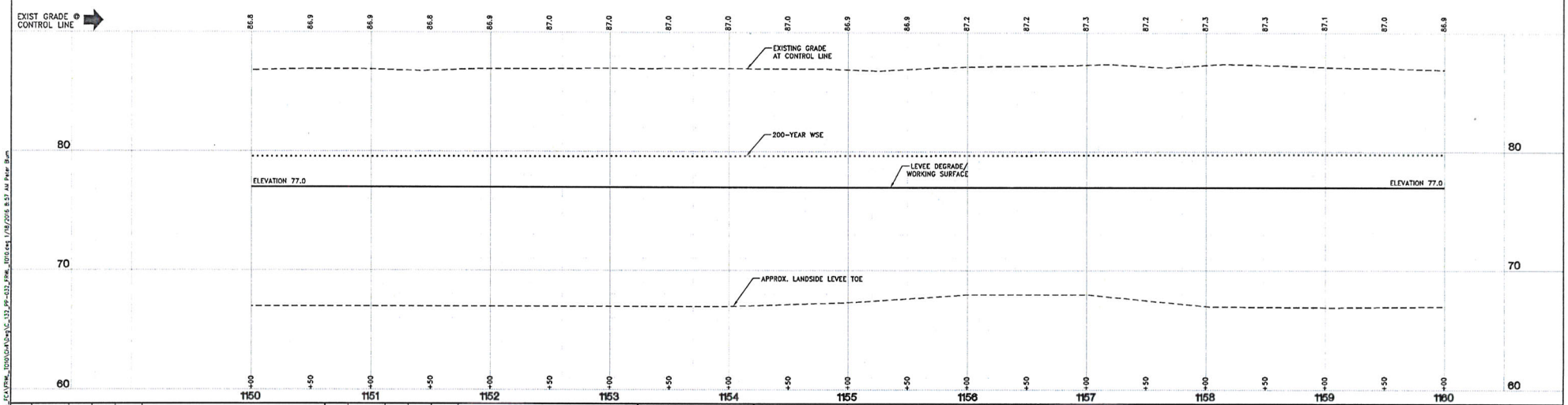
1. SEE DWG G-011 TO G-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.

NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN L. KORS No. C39538 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1150+00 TO 1160+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-132
SHEET 70

J:\2013\3405_HOR_Sutter Butte_FCVFRWL_IDS\CAD\Dwg\C_132_PP-432_FRWL_RD16.dwg 1/18/2016 8:57 AM Peter Blum

CONSTRUCTION NOTES:

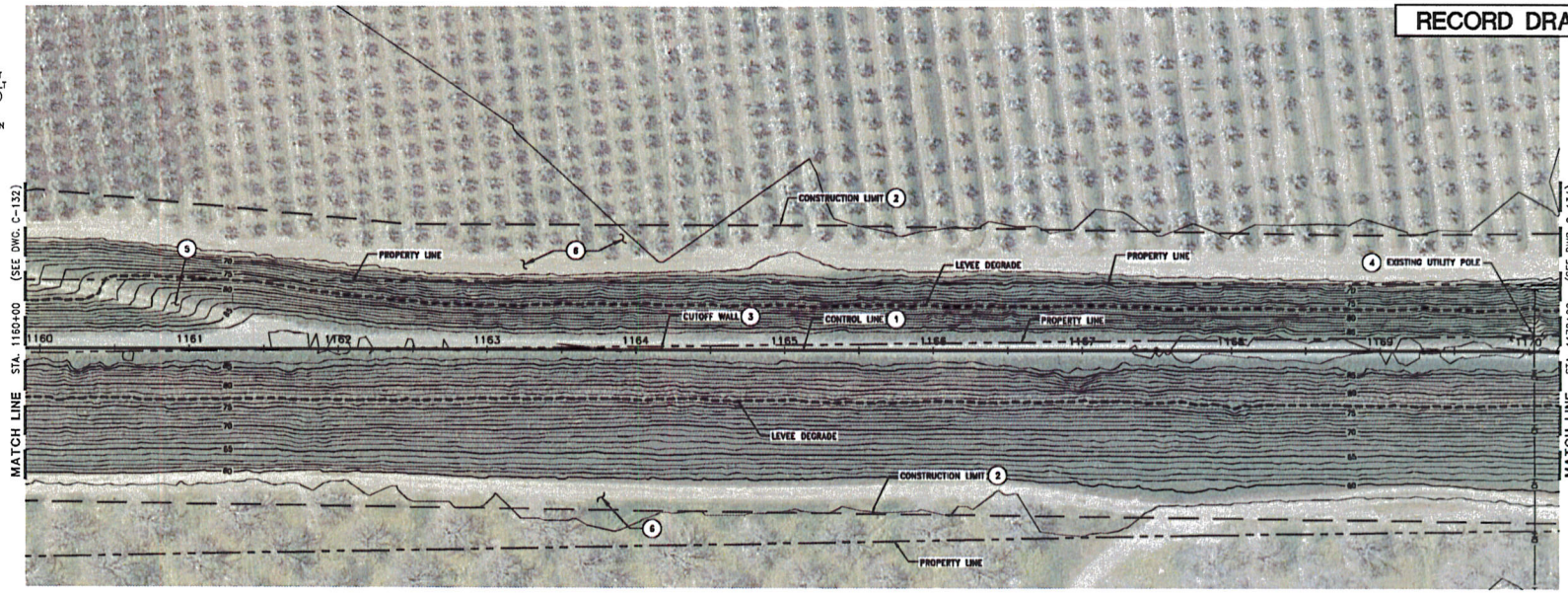
1. SEE DWG C-011 TO C-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. EXISTING UTILITY POLE TO BE RELOCATED BY OTHERS 30' OUTSIDE LEVEE TOE.
5. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
6. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.

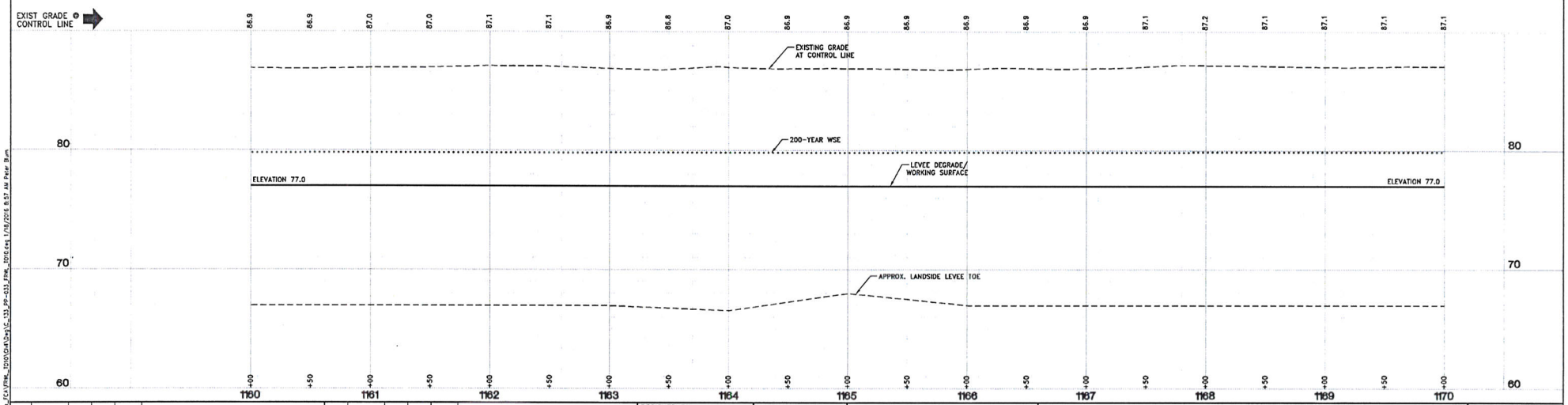
NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'

RECORD DRAWING





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

WOOD RODGERS
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3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1160+00 TO 1170+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-133
SHEET 71

Attachment G

- **Draft Permit 19245**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19245 BD

This Permit is issued to:

Wilbur Rev 94 Trust
P.O. Box 3730
Yuba City, California 95993

The encroachment consists of a waterside levee access ramp which provides access to the Wilbur Ranch land located on waterside of levee, commonly referred to as the Wilbur Ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with 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 1180+00. The United States Corps of Engineers Unit is 144 Levee Mile 0.90, at 39.18235°N 121.62080°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

DWR 3784 (Rev. 9/85)

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. 19245 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. 1 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. 1, 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 2 2 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,

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 Wilbur Rev 94 Trust, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19245 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. 19245 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. 19245 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. 19245 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. 19245 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
WILBUR 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 Wilbur Ranch Access Ramp. The access ramp consist of a landside located at Sutter Butte Flood Control Agency (SBFCA) Station 1180+00 Unit 148 Levee Mile 0.90. 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 3 of 6 (Project B), Feather River West Levee Improvement Plans, Station 844+75 to 1433+83" 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. 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).

5. 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.

6. 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.

7. 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.

8. 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.

9. 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).

10. 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.

11. 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.

12. 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.

13. **Levee District No. 9 of Sutter County** shall be notified five (5) working days prior to any construction activities.

RECORD DRAWING

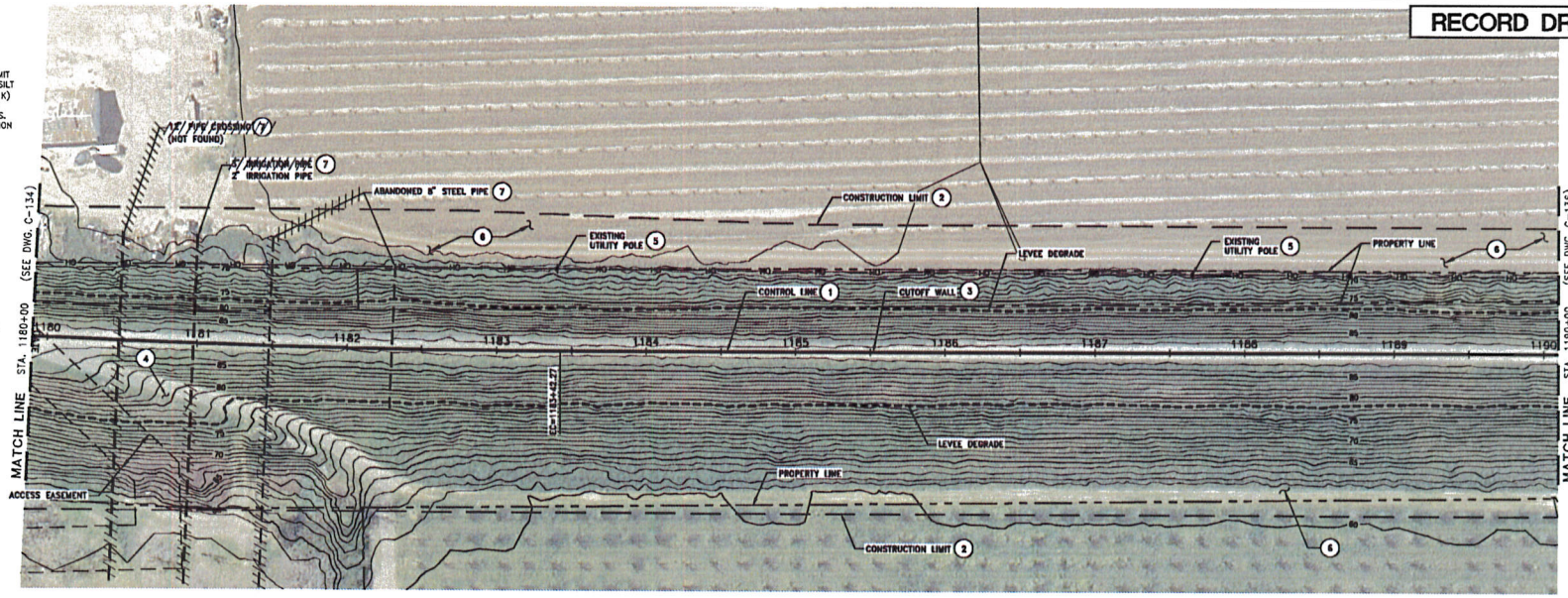
CONSTRUCTION NOTES:

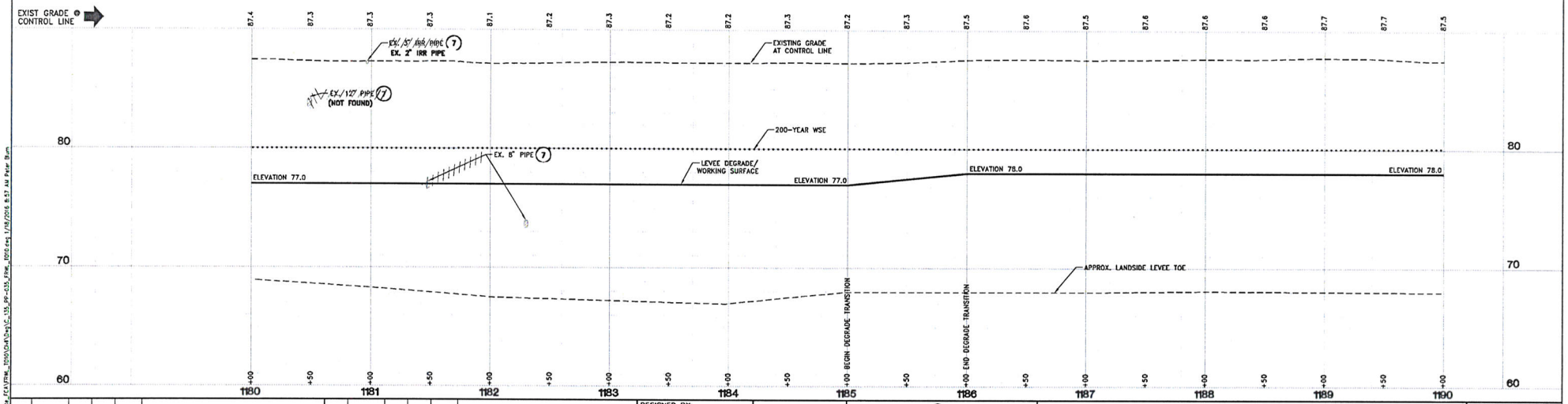
1. SEE DWG C-011 TO C-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. RECONSTRUCT EXISTING RAMP IN KIND AND IN ACCORDANCE WITH SPECIFICATIONS.
5. EXISTING UTILITY POLE TO BE RELOCATED BY OTHERS 30' OUTSIDE LEVEE TOE.
6. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.
7. REMOVE AND DISPOSE OF EXISTING PIPE AND APPURTENANCES. SEE DWG C-502. CONTRACTOR SHALL VERIFY LOCATION OF EXISTING PIPE PRIOR TO COMMENCEMENT OF ANY WORK. THE LOCATION SHOWN IS APPROXIMATE AND BASED ON HISTORIC INFORMATION.

NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN L. KORS No. C39538 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3001 G STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1180+00 TO 1190+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-135
SHEET 73

J:\Jobs\8535_HDR_Sutter_Butte_FCA\FRWL_IDIQ\Cad\Dwg\C-135_PP-035_FRWL_IDIQ.dwg 1/18/2016 8:57 AM Peter Blum

Attachment H

- Draft Permit 19246
- Local Maintaining Agency's Endorsement Conditions
- Drawing(s)

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19246 BD

This Permit is issued to:

Kewal & Resham Singh
876 Oxford Court
Yuba City, California 95991

The encroachments consist of waterside and landside levee access ramps which provide access to the Singh Ranch land located on waterside of levee, commonly referred to as the Singh Ramps. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1221+00. The United States Corps of Engineers Unit is 144 Levee Mile 1.67, at 39.19344°N 121.62262°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

DWR 3784 (Rev. 9/85)

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. 19246 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. 1 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. 1, 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 2 2 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,

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 Kewal & Resham Singh, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19246 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. 19246 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. 19246 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. 19246 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. 19246 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
SINGH 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 Singh Ranch Access Ramp. The access ramp consists of a landside located at Sutter Butte Flood Control Agency (SBFCA) Station 1221+00 Unit 148 LMA Unit No. 1 Levee Mile 1.67. 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 3 of 6 (Project B), Feather River West Levee Improvement Plans, Station 844+75 to 1433+83" 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. 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).

5. 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.

6. 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.

7. 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.

8. 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.

9. 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).

10. 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.

11. 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.

12. 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.

13. **Levee District No. 9 of Sutter County** shall be notified five (5) working days prior to any construction activities.

RECORD DRAWING

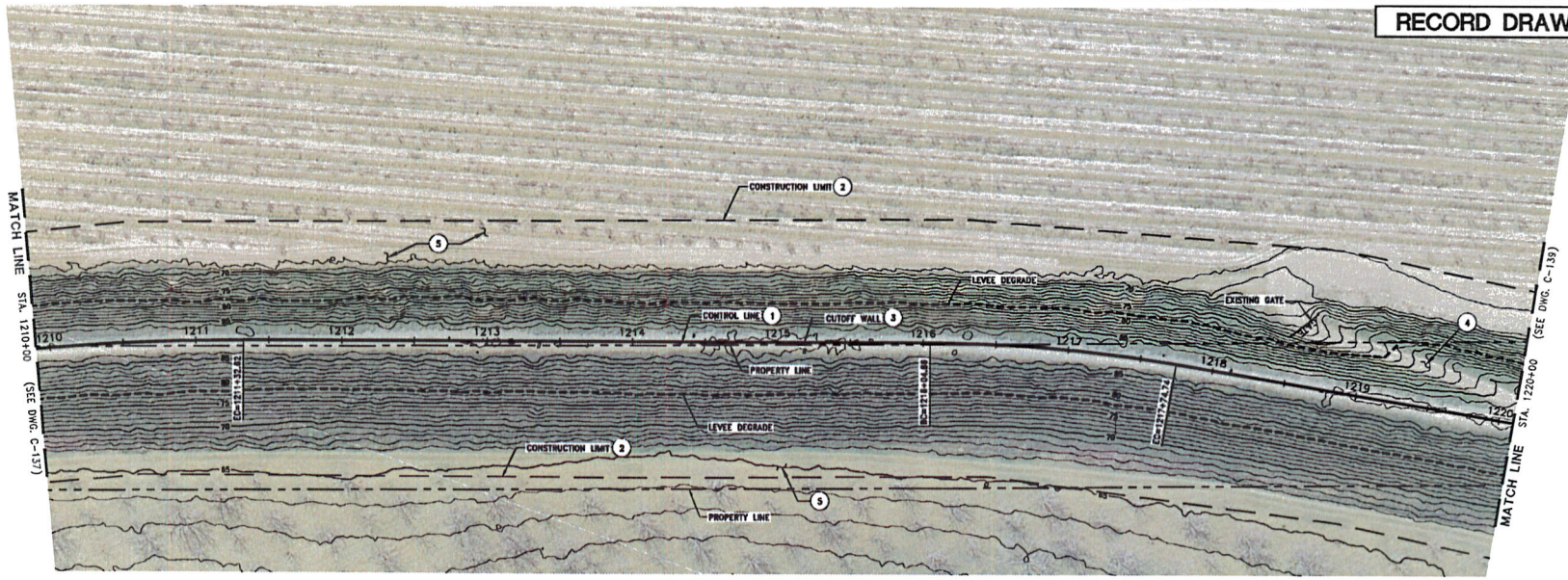
CONSTRUCTION NOTES:

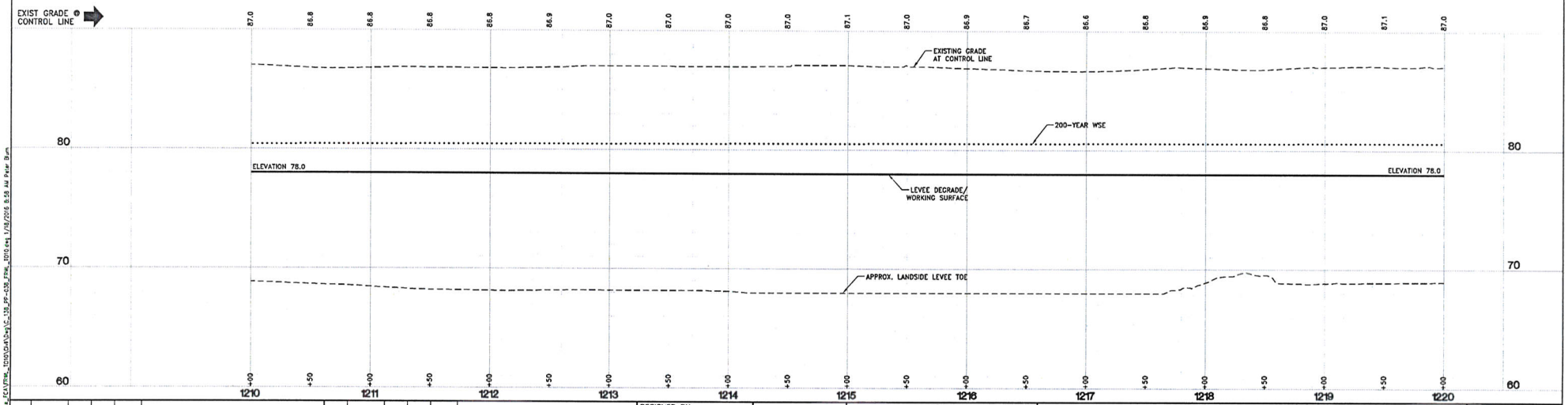
1. SEE DWG C-011 TO C-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
5. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.

NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN E. KORS No. C39538 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3001 G STREET, BLDG. 10048, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1210+00 TO 1220+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-138
SHEET 76

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RECORD DRAWING

CONSTRUCTION NOTES:

1. SEE DWG G-011 TO G-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. EXISTING UTILITY POLE TO BE RELOCATED BY OTHERS 30' MIN OUTSIDE LANDSIDE LEVEE TOE OR 16' MIN OUTSIDE WATERSIDE LEVEE TOE.
5. REMOVE ~~AND RELOCATE~~ EXISTING GATE.
6. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
7. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.

NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
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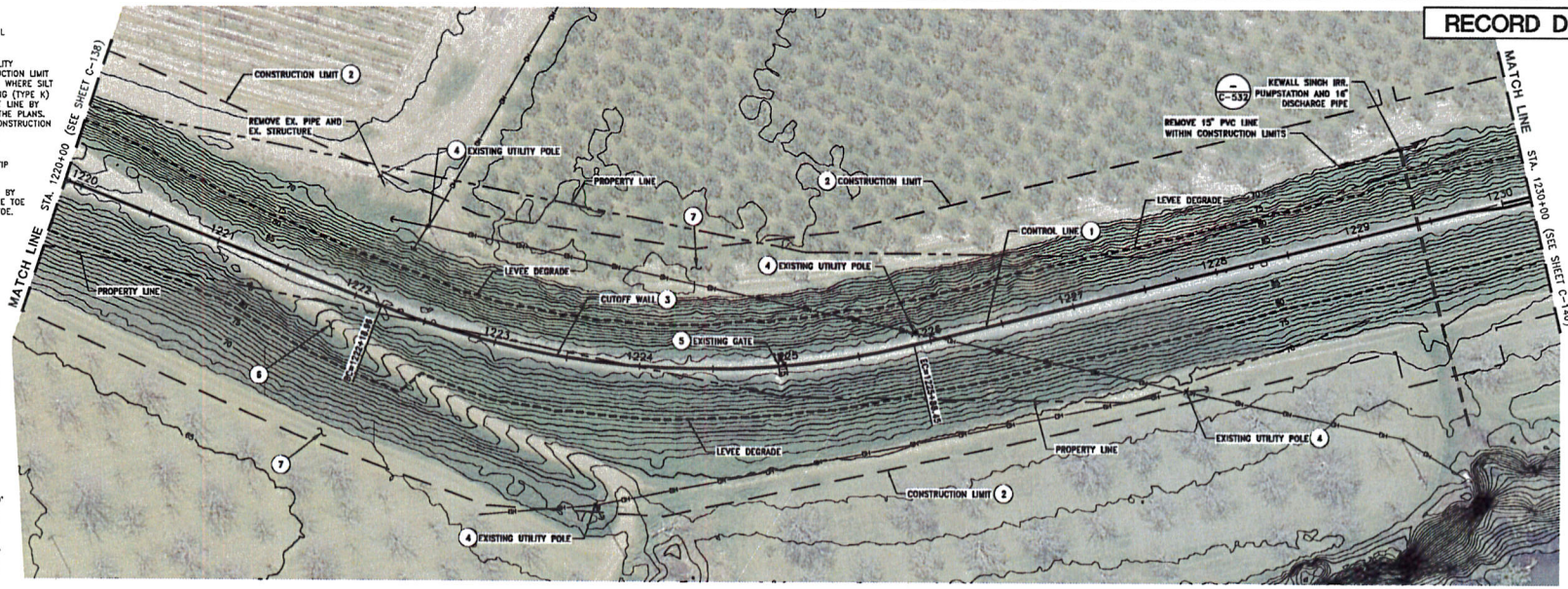

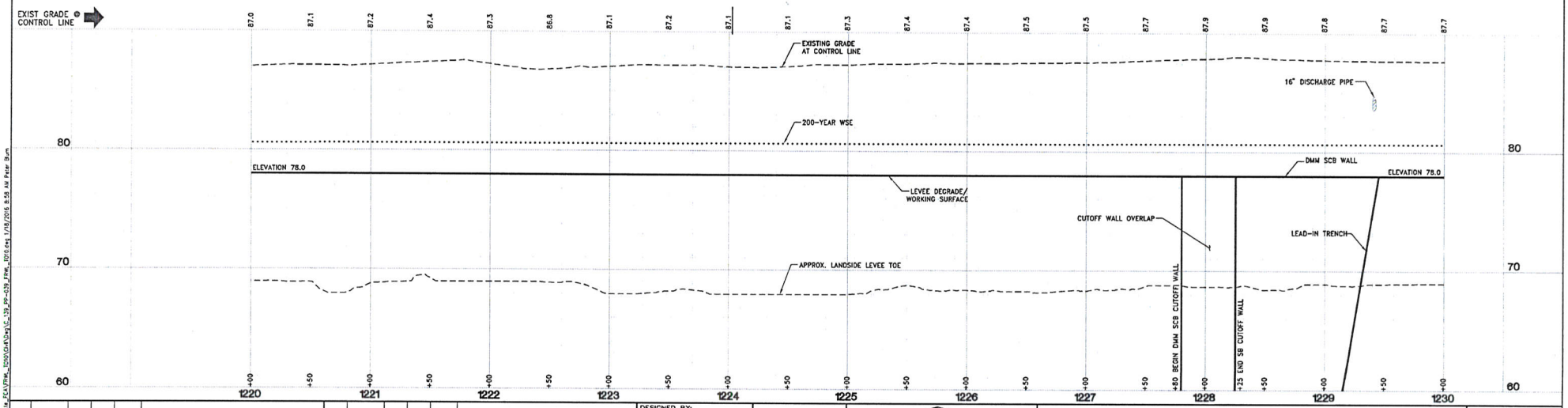

REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN E. KORS No. C59538 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

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PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1220+00 TO 1230+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-139
SHEET 77

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Attachment I

- **Draft Permit 19247**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19247 BD

This Permit is issued to:

Richland Enterprises
P.O. Box 1383
Yuba City, California 95991

The encroachments consist of waterside and landside levee access ramps which provide access to the Richland Enterprises Ranch land located on waterside of levee, commonly referred to as the Richland Enterprises (Old Sullivan Ranch) levee access ramps. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1259+10. The United States Corps of Engineers Unit is 144 Levee Mile 2.40, at 39.20222°N 121.62895°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.

DWR 3784 (Rev. 9/85)

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. 19247 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. 1 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. 1, 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 2 2 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,

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 Richland Enterprises, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19247 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. 19247 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. 19247 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. 19247 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. 19247 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
RICHLAND ENTERPRISES ACCESS RAMPS

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 Richland Enterprises Levee Access Ramps. The access ramp consists of a landside and waterside located at Sutter Butte Flood Control Agency (SBFCA) Station 1259+10 Unit 148 LMA Unit No. 1 Levee Mile 2.40. 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 3 of 6 (Project B), Feather River West Levee Improvement Plans, Station 844+75 to 1433+83" 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.

RECORD DRAWING

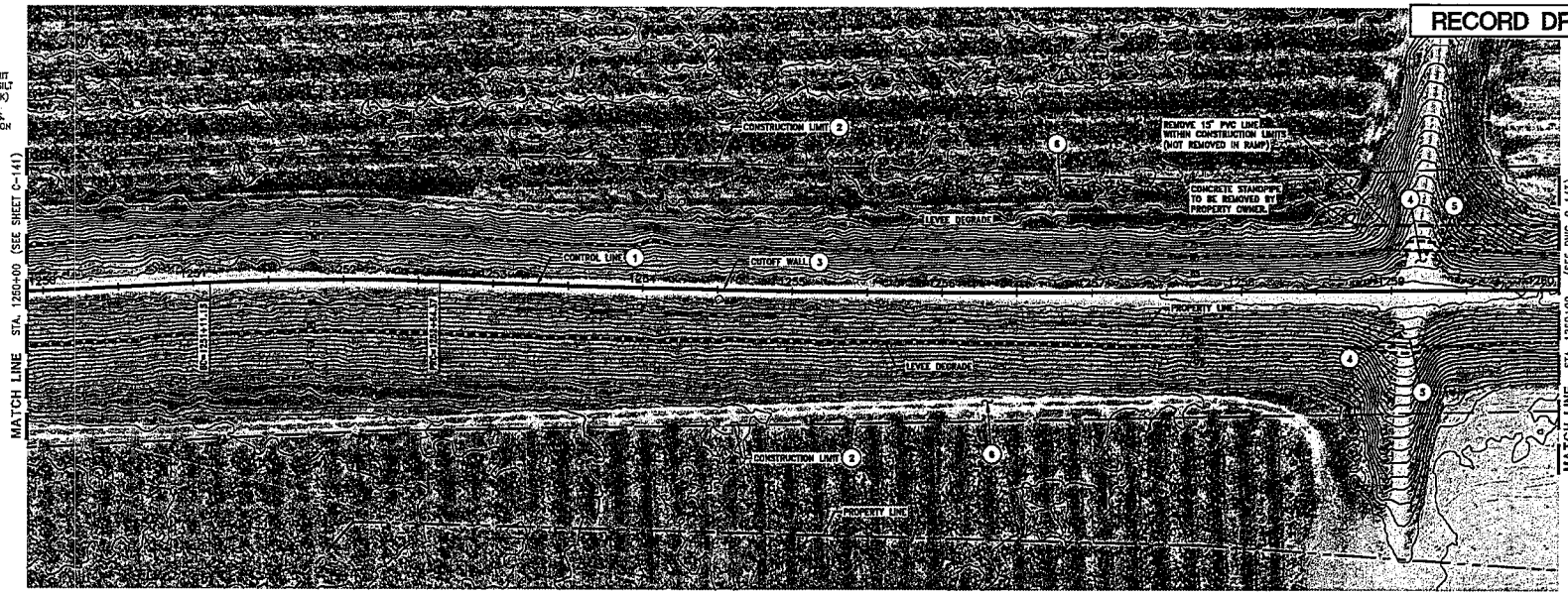
CONSTRUCTION NOTES:

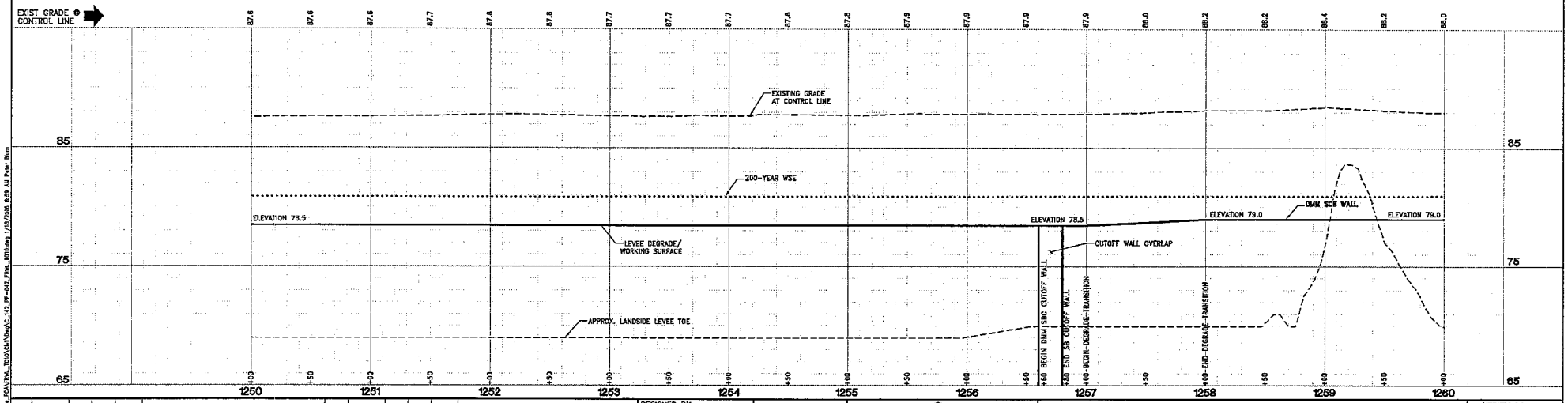
1. SEE DWG C-011 TO C-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
5. SEE LEVEE DEGRADE DETAIL DWG C-304.
6. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.

NOTE: FOR CROSS SECTIONS SEE DWGS C-501 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN C. KORS No. C39538 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1250+00 TO 1260+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-142
SHEET 80

a:\data\8455_WRR_Sutter_Butte_FCA\FRWL_TO1\Ch1\Unit\C_142_PP-C42_FRWL_D103.dwg 1/18/2016 8:59 AM Peter Blum

Attachment J

- **Draft Permit 19248**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19248 BD

This Permit is issued to:

James R. Filter Trust, Phillip Wayne Filter Trust of 2000, Jerry and.....
1095 Morse Road
Live Oak, California 95953

TThe encroachments consist of waterside and landside levee access ramps which provide access to the Filter Ranch land located on waterside of levee, commonly referred to as the Filter Ramps. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1294+25. The United States Corps of Engineers Unit is 144 Levee Mile 3.06, at 39.21168°N 121.62873°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

DWR 3784 (Rev. 9/85)

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. 19248 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. 1 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. 1, 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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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 2 2 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,

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 James R. Filter Trust, Phillip Wayne Filter Trust of 2000, Jerry and....., hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19248 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. 19248 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. 19248 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. 19248 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. 19248 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
JAMES R FILTER TRUST ETAL 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 Filter Ranch Access Ramps. The access ramp consists of a landside and waterside located at Sutter Butte Flood Control Agency (SBFCA) Station 1294+25 Unit 148 LMA Unit No. 1 Levee Mile 3.06. 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 3 of 6 (Project B), Feather River West Levee Improvement Plans, Station 844+75 to 1433+83" 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.

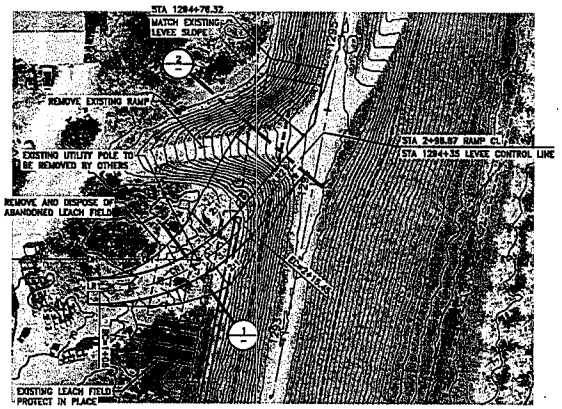
12. A set of As-Built Mylar plans and specifications shall be provided to **Levee District No. 9 of Sutter County** upon completion of the work.

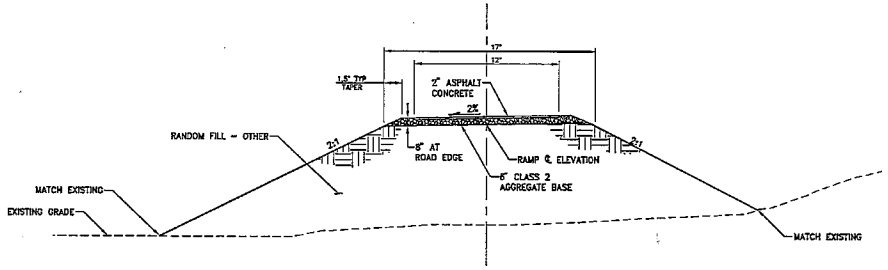
13. A copy of the final Central Valley Flood Protection Board Permit shall be provided to **Levee District No. 9 of Sutter County** upon approval of the permit by the CVFPB Board.

14. **Levee District No. 9 of Sutter County** shall be notified five (5) working days prior to any construction activities.

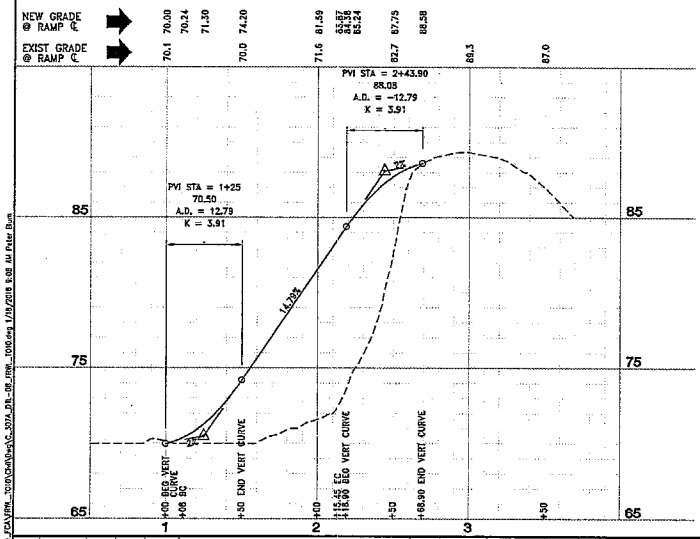
LINE TABLE - LEVEE RAMP		
LINE	LENGTH	BEARING
LR1	8.00	N89°43'50" E
LR2	81.41	N40°28'23" E

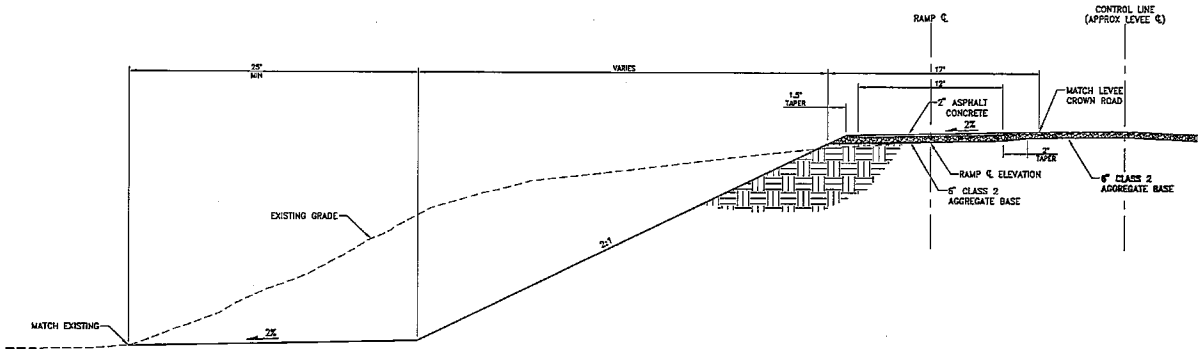
CURVE TABLE - LEVEE RAMP			
CURVE	LENGTH	RADIUS	DELTA
CR1	107.45	125.00	49°15'07"





TYPICAL LEVEE RAMP SECTION (1)
SCALE: NTS
STA. 1+00 TO STA. 2+69





TYPICAL LEVEE RAMP SECTION (2)
SCALE: NTS

RECORD DRAWING

REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
2	4/18/14	PB	CC	JK	ADD MORSE ROAD RAMP SHEET
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JOSHUA L. KORS No. C56538 Exp. 12/31/15 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

MORSE ROAD RAMP

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 — 1"

DRAWING NO. C-307A
SHEET 103

J:\Jobs\5456_WDR_Sutter_Butte_FCA\FRW_TO1B\Dwg\C-307A_RR_OR_FRW_TO1B.dwg 1/19/2016 9:08 AM Peter Blum

Attachment K

- Draft Permit 19249
- Local Maintaining Agency's Endorsement Conditions
- Drawing(s)

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19249 BD

This Permit is issued to:

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

The encroachment consists of a levee levee access which provides access to the Filter Ranch land located on waterside of levee. It is commonly referred to as the Filter Ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with 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 1307+25. The United States Corps of Engineers Unit is 144 Levee Mile 3.31, at 39.21528°N 121.62847°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. 19249 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. 1 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. 1, 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.

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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
SACRAMENTO, CALIFORNIA 95814-2922

408 Permission Section

AUG 2 2 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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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,

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 James R. Filter Trust, Phillip Wayne Filter Trust of 2000, Jerry and..., hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19249 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. 19249 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. 19249 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. 19249 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. 19249 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
JAMES R FILTER ETAL 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 Filter Ranch Access Ramp. The access ramp consists of a waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1307+25 Unit 148 LMA Unit No. 1 Levee Mile 3.31. 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 3 of 6 (Project B), Feather River West Levee Improvement Plans, Station 844+75 to 1433+83" 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.

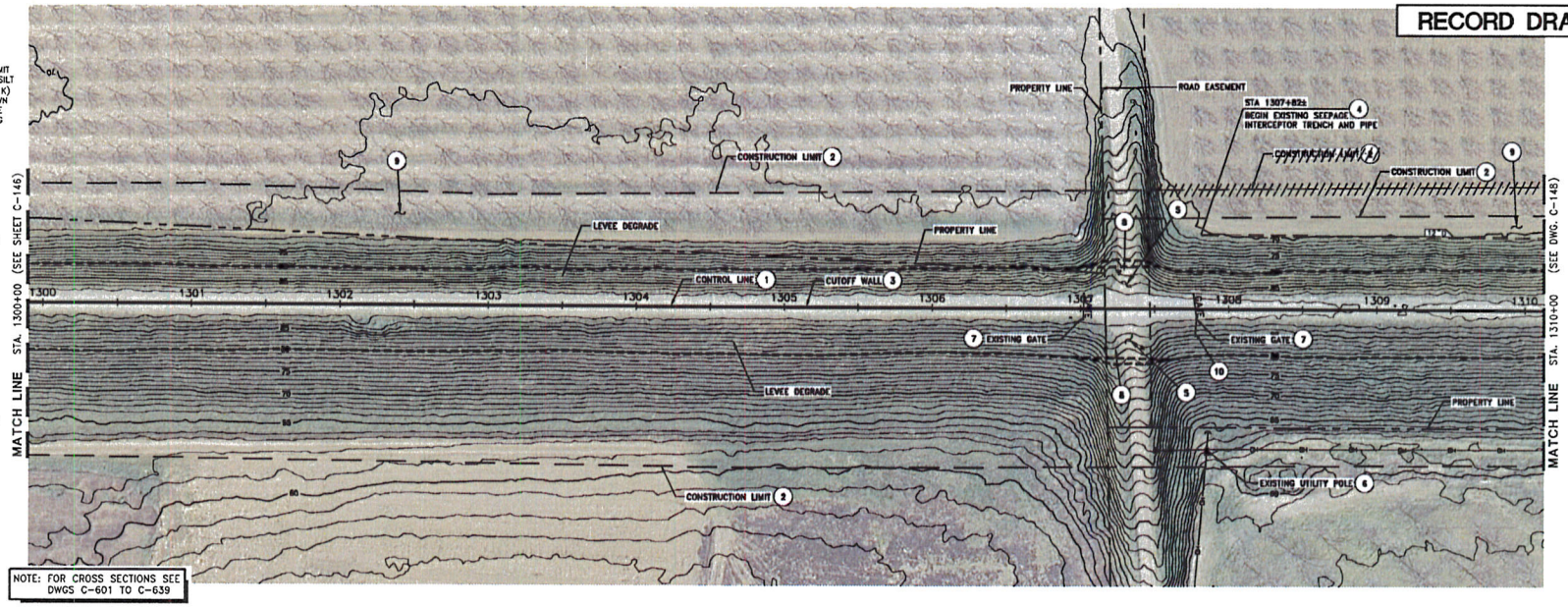
CONSTRUCTION NOTES:

1. SEE DWG C-011 TO C-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. REMOVE AND DISPOSE OF EXISTING SEEPAGE INTERCEPTOR MANHOLES (2 TOTAL THIS SYSTEM). ~~COMPLETELY CROSS FAY REMOVING SEEPAGE INTERCEPTOR PIPE~~ AND REMOVE PIPE. BACKFILL ALL EXCAVATIONS WITH RANDOM FILL IN ACCORDANCE WITH THE SPECIFICATIONS.
5. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
6. EXISTING UTILITY POLE TO BE RELOCATED BY OTHERS 15' MIN OUTSIDE WATERSIDE LEVEE TOE.
7. REMOVE AND REINSTALL EXISTING GATE.
8. SEE LEVEE DEGRADE DETAIL DWG C-304.
9. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.
10. EXISTING FENCE. CONTRACTOR TO DEMOLISH AND WASTE PORTION WITHIN CONSTRUCTION LIMIT AS A PART OF CLEAR AND GRUB.

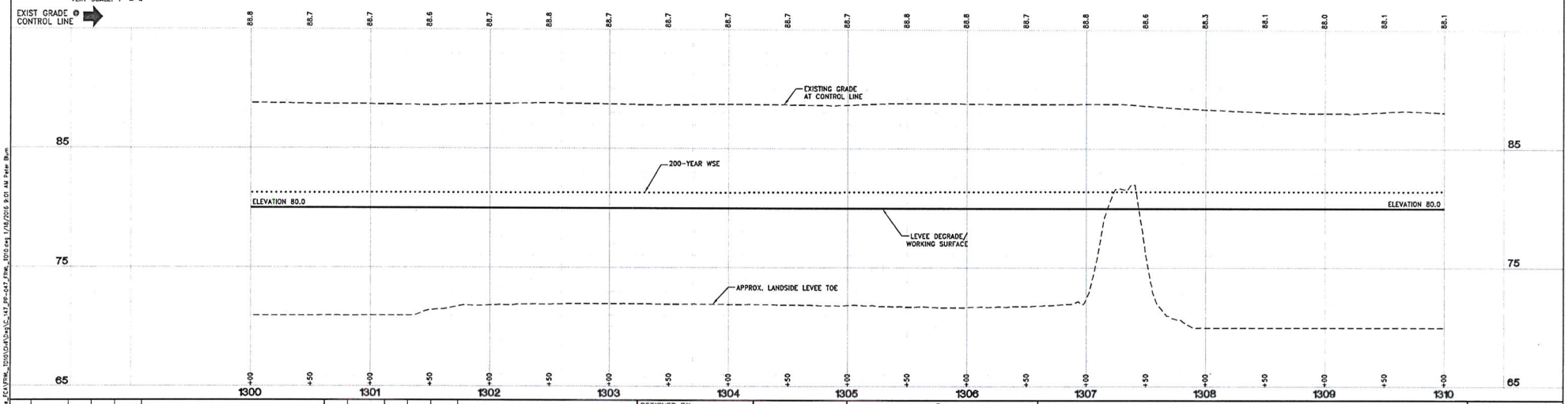
40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'

RECORD DRAWING



NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639



REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN J. KORS No. C39535 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3001 G STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1300+00 TO 1310+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-147
SHEET 85

J:\Jobs\8535_HCB_Sutter_Butte_FCA\FRWL_1010\Civil\D-01\C-147_PP-047_FRWL_1010.dwg 1/18/2016 9:01 AM Peter Blum

Attachment L

- Draft Permit 19250
- Local Maintaining Agency's Endorsement Conditions
- Drawing(s)

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19250 BD

This Permit is issued to:

River Bottom Ranch II LLC
6005 Highway 99
Live Oak, California 95953

The encroachments consist of waterside and landside levee access ramps which provide access to the River Bottom Ranch II LLC land located on waterside of levee, commonly referred to as the River Bottom Ranch Ramps. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1326+75. The United States Corps of Engineers Unit is 144 Levee Mile 3.68, at 39.22066°N 121.62847°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.

DWR 3784 (Rev. 9/85)

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. 19250 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. 1 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. 1, 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 2 2 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
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Permit	Description	Lat (NAD 83)	Long (NAD 83)
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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
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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,

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 River Bottom Ranch II LLC, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19250 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. 19250 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. 19250 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. 19250 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. 19250 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
COUNTY OF SUTTER
RIVER BOTTOM RANCH II LLC ACCESS RAMPS

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 River Bottom Ranch II LLC Access Ramps. The access ramp consists of a landside and waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1326+75 Unit 148 LMA Unit No. 1 Levee Mile 3.68. 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.

RECORD DRAWING

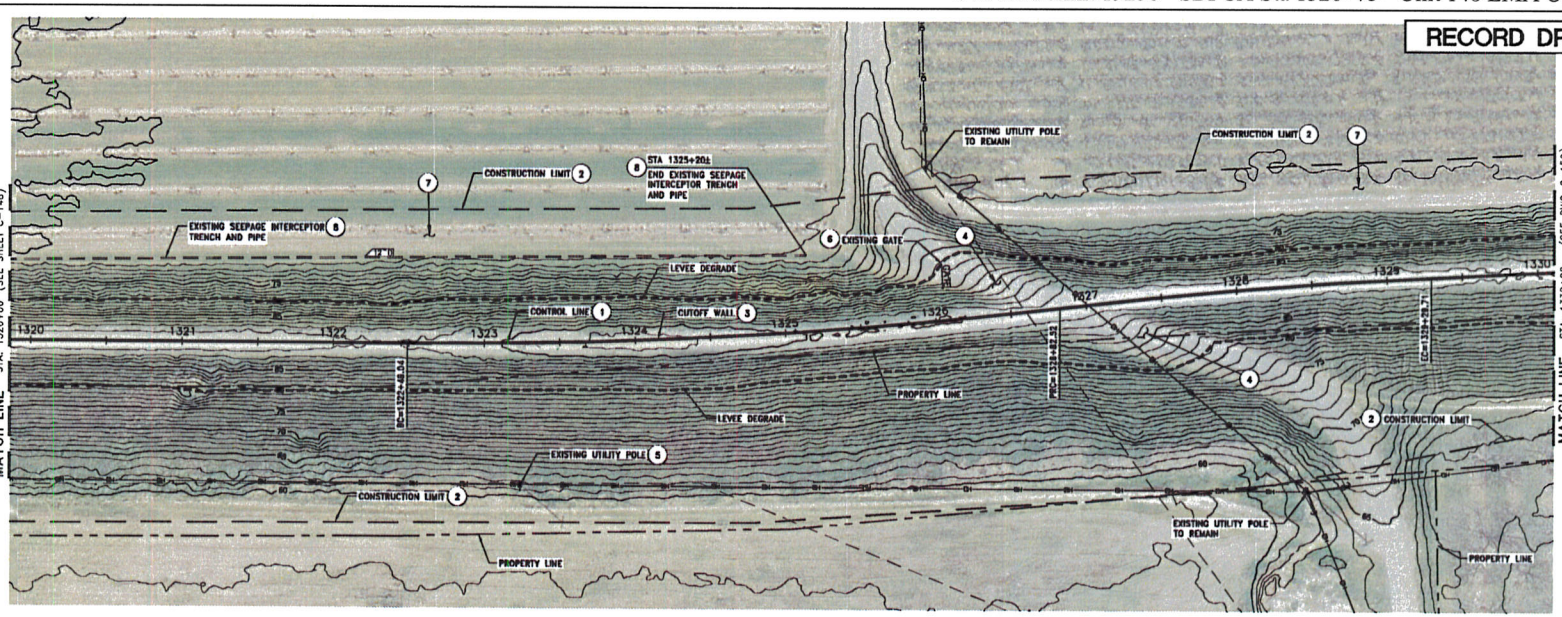
CONSTRUCTION NOTES:

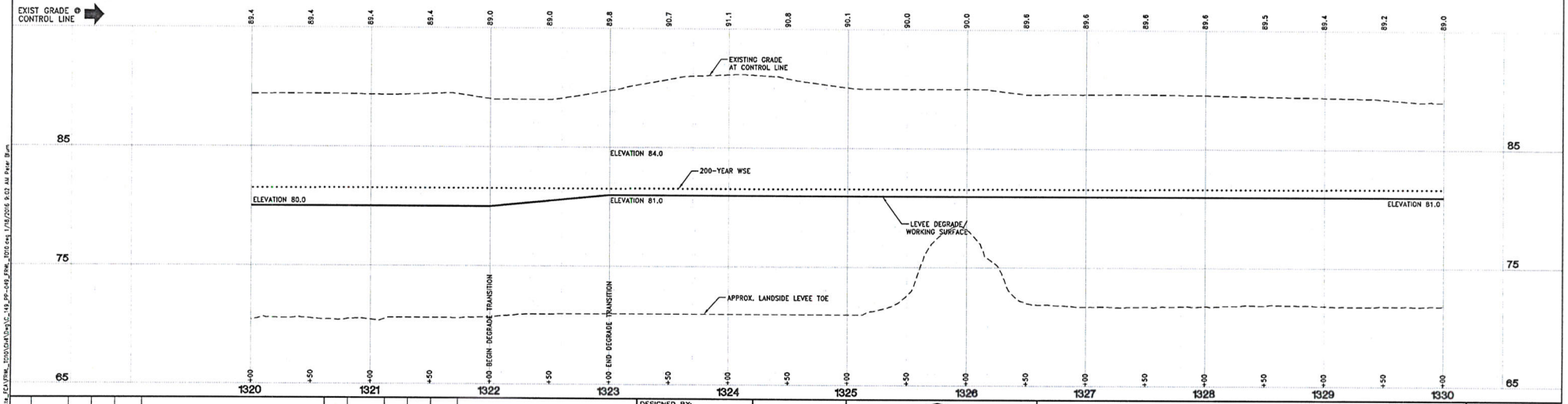
1. SEE DWG C-011 TO C-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
5. EXISTING UTILITY POLE TO BE RELOCATED BY OTHERS 16' MIN OUTSIDE WATERSIDE LEVEE TOE.
6. REMOVE AND REINSTALL EXISTING GATE.
7. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.
8. REMOVE AND DISPOSE OF EXISTING SEEPAGE INTERCEPTOR MANHOLES (2 TOTAL THIS SYSTEM). ~~COMPLETELY GROUT FILL REMAINING SEEPAGE INTERCEPTOR PIPE.~~ REMOVE AND DISPOSE OF EXISTING SEEPAGE INTERCEPTOR PIPE. BACKFILL ALL EXCAVATIONS WITH RANDOM FILL IN ACCORDANCE WITH THE SPECIFICATIONS.

NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN J. KORS No. C59536 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1320+00 TO 1330+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-149
SHEET 87

J:\Jobs\18435_NOR_Sutter_Butte_FCA\FRWL_TOIO\Cad\Dwg\C-149_PP-049_FRWL_TOIO.dwg 1/18/2016 9:02 AM Peter Blum

Attachment M

- **Draft Permit 19251**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19251 BD

This Permit is issued to:

Justin Angeline Micheli 88 Rev Trust, Angelo Micheli 2013 Seperate Trust

P.O. Box 395
Live Oak, California 95953

The encroachments consist of waterside and landside levee access ramps which provide access to the Micheli Ranch land located on waterside of the levee, commonly referred to as the Micheli Ranch Ramps. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1340+00. The United States Corps of Engineers Unit is 148 Levee Mile 3.93, at 39.22402°N 121.62911°W, , 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

DWR 3784 (Rev. 9/85)

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. 19251 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. 1 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. 1, 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 2 2 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

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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 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,

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 Justin Angeline Micheli 88 Rev Trust, Angelo Micheli 2013 Seperate Trust, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19251 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. 19251 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. 19251 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. 19251 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. 19251 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
JUSTIN MICHELI AND ANGELINE M MECHELI 88 REV TRUST
ANGELO J. MICHELI 2013 SEPARATE PROPERTY TRUST
MICHELI RANCH ACCESS RAMPS

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 Micheli Ranch Access Ramps. The access ramp consists of a landside and waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1340+00 Unit 148 LMA Unit No. 1 Levee Mile 3.93. 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:

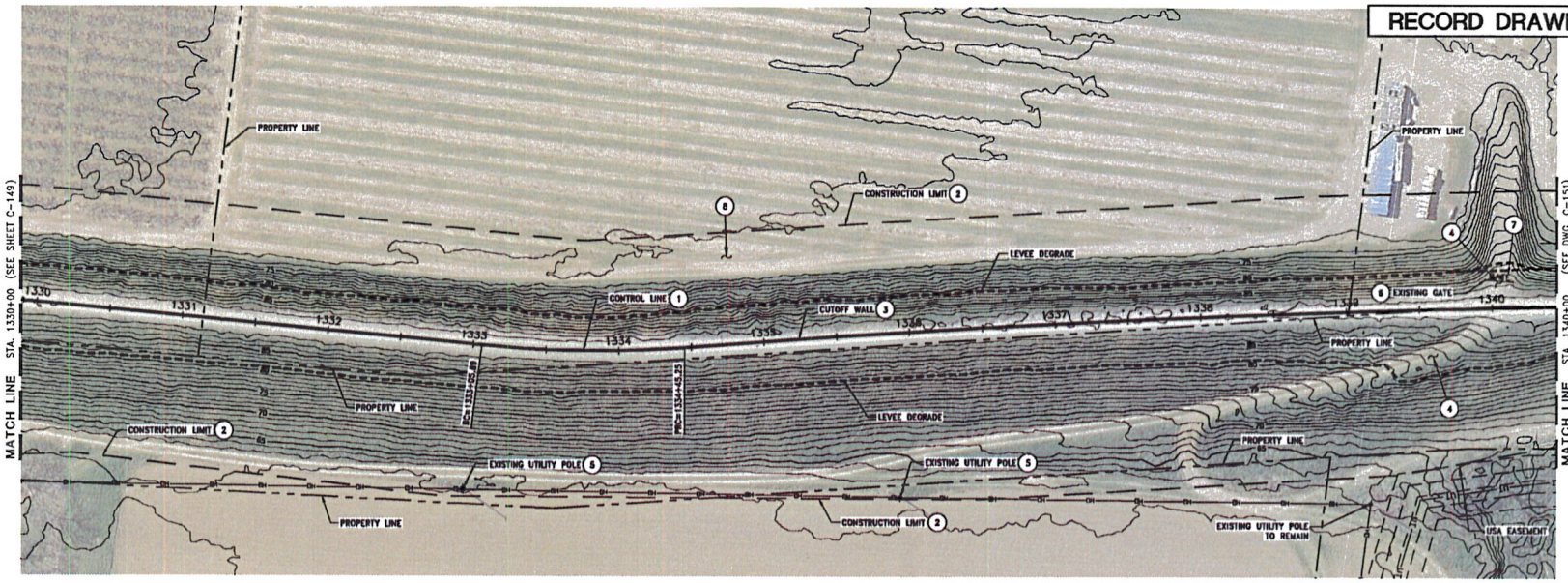
1. SEE DWG C-011 TO C-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
5. EXISTING UTILITY POLE TO BE RELOCATED BY OTHERS 16' MIN OUTSIDE WATERSIDE LEVEE TOE.
6. REMOVE AND REINSTALL EXISTING GATE.
7. SEE LEVEE DEGRADE DETAIL DWG C-304.
8. REMOVE ALL ORCHARD TREES WITHIN THE CONSTRUCTION LIMITS PER DETAILS ON DWG C-305.

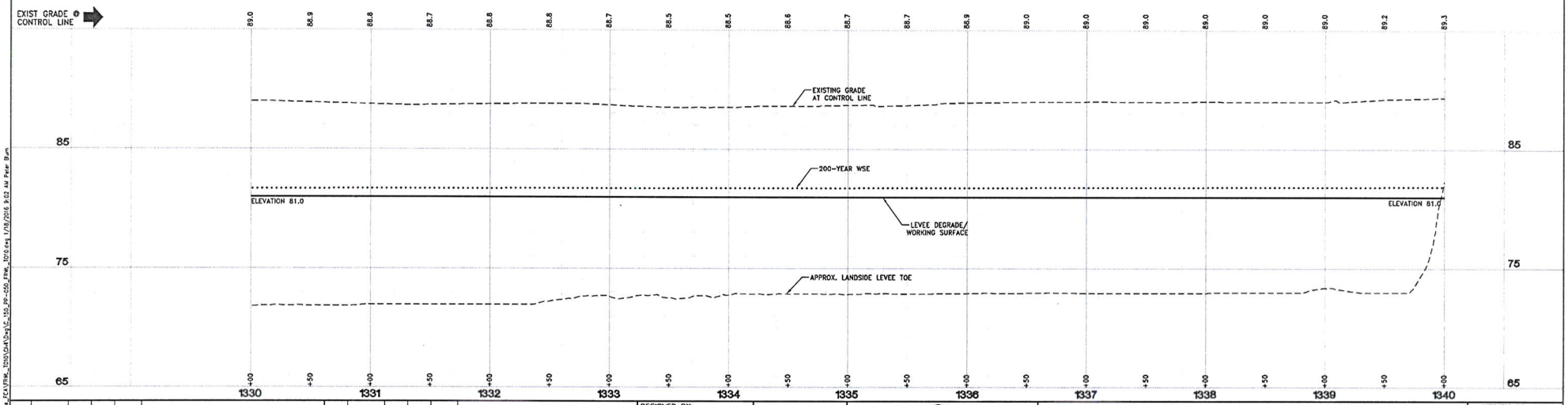
NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'

RECORD DRAWING





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN L. KORS No. C39538 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE (916) 341-7760 FAX (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE
STA 1330+00 TO 1340+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-150
SHEET 88

Attachment N

- Draft Permit 19252
- Local Maintaining Agency's Endorsement Conditions
- Drawing(s)

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19252 BD

This Permit is issued to:

Sutter Extension Water District
4525 Franklin Road
Yuba City, California 95993-9316

The encroachments consist of waterside and landside levee access ramps which provide access to the Sutter Extension Water District property located on waterside of the levee, commonly referred to as the Sutter Extension Water District access ramps. The ramps are fifteen feet wide and have a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1429+25. The United States Corps of Engineers Unit is 148 Levee Mile 5.62, at 39.24725°N 121.63732°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.

DWR 3784 (Rev. 9/85)

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. 19252 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 or 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. 1 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. 1, 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 2 2 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,

Rick L. Poeppelman

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

Enclosures

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
SUTTER EXTENSION WATER DISTRICT
SUNSET PUMP STATION ACCESS RAMPS

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 Sutter Extension Water District Access Ramps. The access ramp consists of a landside and waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1429+25 Unit 148 LMA Unit No. 1 Levee Mile 5.62. 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.

RECORD DRAWING

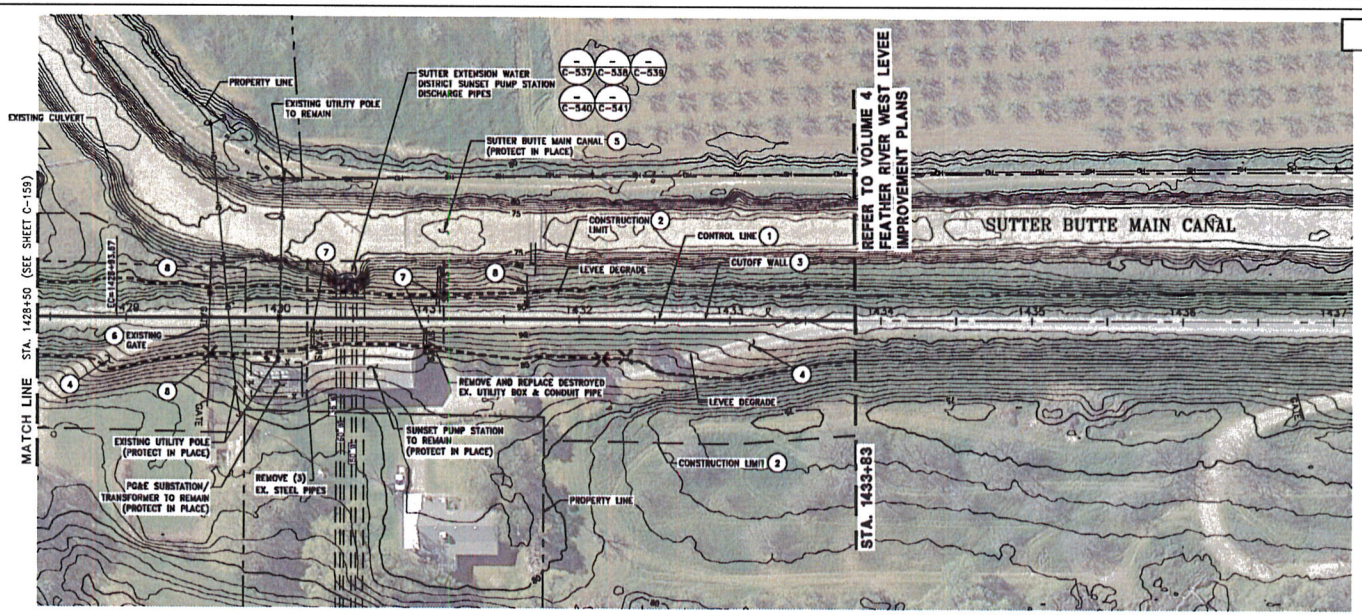
CONSTRUCTION NOTES:

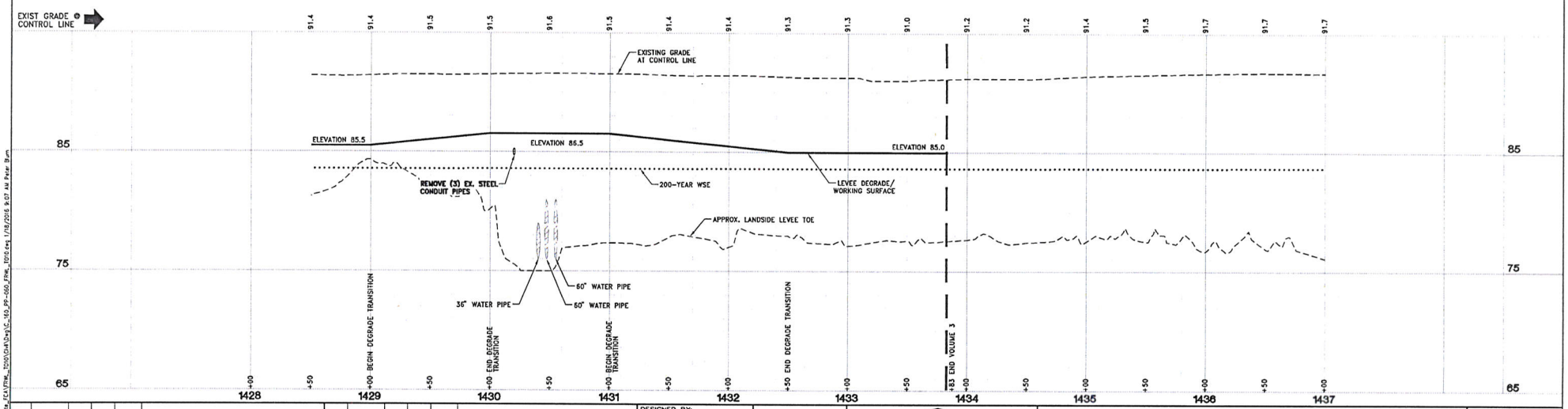
1. SEE DWG G-011 TO G-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
5. CONTRACTOR SHALL PROTECT SUTTER BUTTE MAIN CANAL IN ACCORDANCE WITH SPECIFICATIONS.
6. REMOVE AND REINSTALL EXISTING GATE.
7. REMOVE AND REPLACE EXISTING STAIRWAY IN KIND.
8. EXISTING FENCE. CONTRACTOR TO DEMOLISH AND WASTE PORTION WITHIN CONSTRUCTION LIMIT AS A PART OF CLEAR AND GRUB.

NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-639

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN L. KORS No. C39538 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE

STA 1428+50 TO 1433+83

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-160
SHEET 98

J:\Jobs\8445_HCB_Sutter_Butte_FCA\FRWL_TOIO\CAD\Dwg\C-160_PP-000_FRWL_TOIO.dwg 1/18/2016 9:07 AM Peter Blum

Attachment O

- **Draft Permit 19253**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19253 BD

This Permit is issued to:

Sutter Extension Water District
4525 Franklin Road
Yuba City, California 95993-9316

The encroachment consists of a waterside levee access ramp which provides access to the Sutter Extension Water District property land located on landside of the levee, commonly referred to as the Sutter Extension Water District property access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with 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 ramps are located at Sutter Butte Flood Control Agency Station 1433+75. The United States Corps of Engineers Unit is 148 Levee Mile 5.70, at 39.24858°N 121.63721°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.

DWR 3784 (Rev. 9/85)

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. 19253 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 or 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. 1 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. 1, 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.

PROJECT ABANDONMENT / CHANGE IN PLAN OF FLOOD CONTROL

TWENTY-FOUR: 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-FIVE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if 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 2 2 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,

Rick L. Poeppelman

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

Enclosures

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
SUTTER EXTENSION WATER DISTRICT
SUNSET PUMP STATION ACCESS RAMPS

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 Sutter Extension Water District Access Ramp. The access ramp consists of a waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1433+75 Unit 148 LMA Unit No. 1 Levee Mile 5.70. 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.

RECORD DRAWING

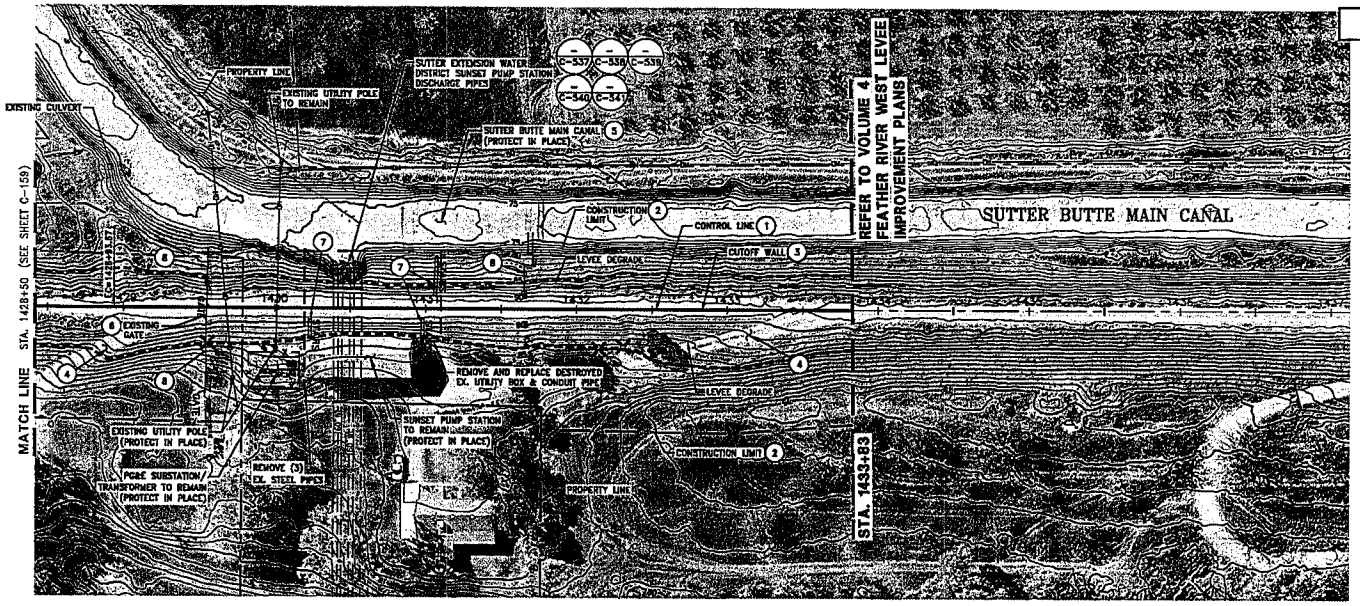
CONSTRUCTION NOTES:

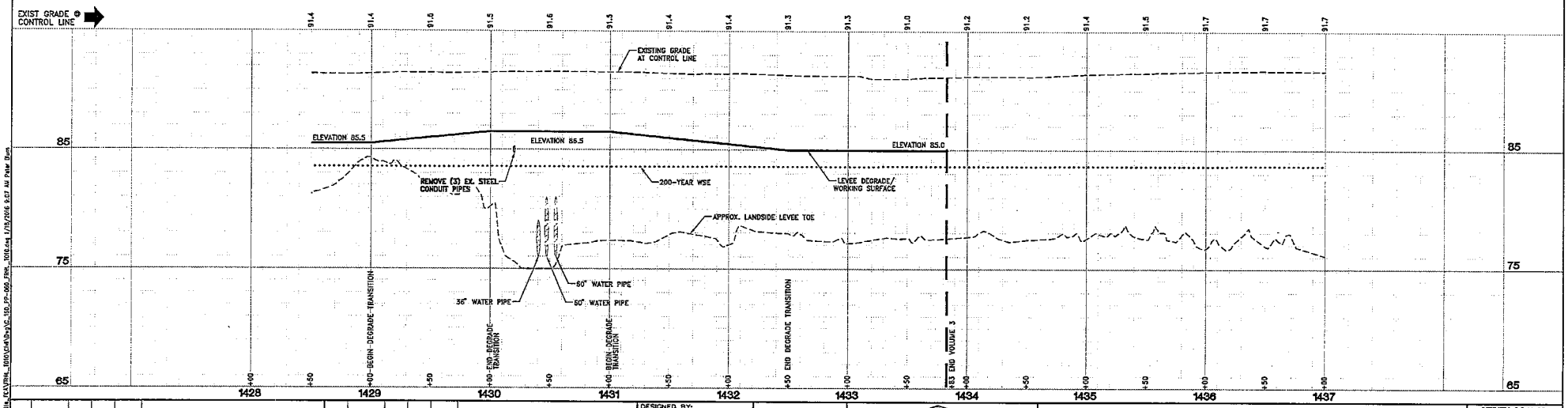
1. SEE DWG C-011 TO C-013 FOR CONTROL LINE CURVE AND TANGENT DATA.
2. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.
3. SEE CUTOFF WALL PROFILE DWG C-401 TO C-413 FOR CUTOFF WALL TOP AND TIP ELEVATIONS.
4. RECONSTRUCT EXISTING RAMP IN ACCORDANCE WITH SPECIFICATIONS.
5. CONTRACTOR SHALL PROTECT SUTTER BUTTE MAIN CANAL IN ACCORDANCE WITH SPECIFICATIONS.
6. REMOVE AND REINSTALL EXISTING GATE.
7. REMOVE AND REPLACE EXISTING STAIRWAY IN KIND.
8. EXISTING FENCE. CONTRACTOR TO DEMOLISH AND WASTE PORTION WITHIN CONSTRUCTION LIMIT AS A PART OF CLEAR AND GRUB.

NOTE: FOR CROSS SECTIONS SEE DWGS C-601 TO C-539

40' 20' 0 40' 80'
HORIZ SCALE: 1" = 40'

4' 2' 0 4' 8'
VERT SCALE: 1" = 4'





REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
3	1/11/16	PB	CC	JK	RECORD DRAWING
0	5/20/13	PB	CC	JK	CONFORMED SET

REV.	DATE	BY	CHK.	APPR.	DESCRIPTION

DESIGNED BY: C. CONTRERAS, P. BLUM
DRAWN BY: J. PRIEST, L. SMILEY
CHECKED BY: P. TOBIA
IN CHARGE: J. KORS
DATE: 5/20/2013

REGISTERED PROFESSIONAL ENGINEER JONATHAN L. KORS No. C065306 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

WOOD RODGERS
DEVELOPING • INNOVATIVE • DESIGN • SOLUTIONS
3301 C STREET, BLDG. 100-B, SACRAMENTO, CA 95816
PHONE: (916) 341-7760 FAX: (916) 341-7767

SUBMITTED APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 3: FRWL IMPROVEMENT PLANS

PLAN & PROFILE
STA 1428+50 TO 1433+83

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-160
SHEET 98

J:\Jobs\0455_MOR_Sutter_Butte_KEY\FRWL_RDIV\C40\Dwg\C-160_PP-099_FRWL_2016.dwg 1/11/2016 9:07 AM Peter Blum

Attachment P

- **Draft Permit 19254**
- **Local Maintaining Agency's Endorsement Conditions**
- **Drawing(s)**

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19254 BD

This Permit is issued to:

Norma Smith
2429 Lux Street
Live Oak, California 95953

The encroachment consists of a waterside levee access ramps which provide access to the Smith Ranch property located on waterside of the levee, commonly referred to as the Smith Ranch property access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with 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 1438+90. The United States Corps of Engineers Unit is 148 Levee Mile 5.80, at 39.24988°N 121.63711°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.

DWR 3784 (Rev. 9/85)

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. 19254 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. 1 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. 1, 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 2 2 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,

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 Norma Smith, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19254 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. 19254 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. 19254 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. 19254 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. 19254 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
NORMA SMITH
NORMA SMITH 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 Norma Smith Levee Access Ramp. The access ramp consists of a waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1438+90 Unit 148 LMA Unit No. 1 Levee Mile 5.80. 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).

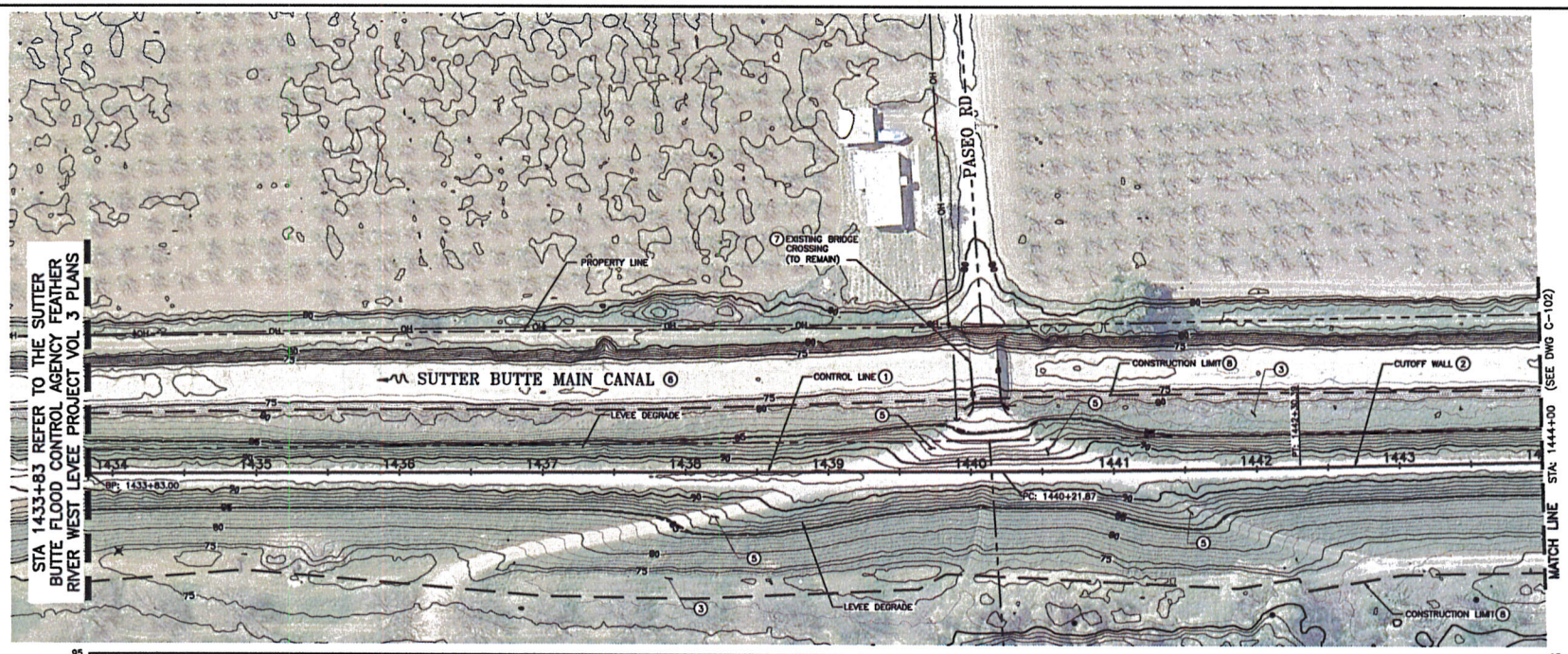
11. If the project or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project, at the permittee's or successor's sole cost and expense.

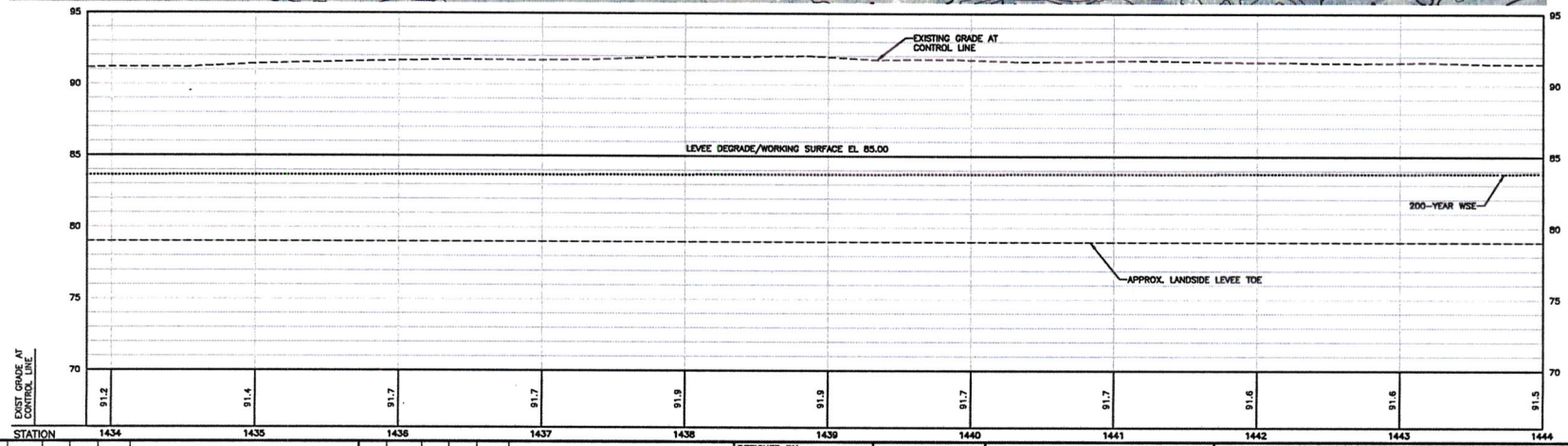
12. A set of As-Built Mylar plans and specifications shall be provided to **Levee District No. 9 of Sutter County** upon completion of the work.

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.

STA 1433+83 REFER TO THE SUTTER BUTTE FLOOD CONTROL AGENCY FEATHER RIVER WEST LEVEE PROJECT VOL 3 PLANS





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CONSTRUCTION NOTES:

1. SEE SHEET G-009 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. NOTE USED.
5. REPLACE EXISTING RAMP IN KIND AND IN ACCORDANCE WITH THE SPECIFICATIONS.
6. 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.
7. EXISTING BRIDGE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE AND RESTORE APPROACH GRADES, IF ALTERED, TO PRE-CONSTRUCTION CONDITION. REFER TO THE GENERAL NOTES ON SHEET G-006.
8. CONTRACTOR SHALL PROVIDE HIGH VISIBILITY CONSTRUCTION FENCING AT THE CONSTRUCTION LIMIT LINE. SUCH FENCING SHALL BE OMITTED WHERE SILT FENCING OR CALTRANS TEMPORARY RAILING (TYPE K) IS REQUIRED AT THE CONSTRUCTION LIMIT LINE BY THE PROJECT SWPPP OR IS SHOWN ON THE PLANS. FENCING MAY BE OMITTED WHERE THE CONSTRUCTION LIMIT COINCIDES WITH EXISTING FENCING.

40 20 0 40 80
HORIZ SCALE: 1"=40'

4 2 0 4 8
VERT SCALE: 1"=4'

RECORD DRAWING

REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
	01/13/16	LJ	DJ	CK	RECORD DRAWINGS
0	5/20/13	JN	DJ	CK	CONFORMED SET

REV.	DATE	BY	CHK.	APPR.	DESCRIPTION

DESIGNED BY: J. NETTLETON
DRAWN BY: A. JACKSON
IN CHARGE: D. JABBOUR
PROJECT MANAGER: C. KRIVANEC
DATE: 03/18/13

REGISTERED PROFESSIONAL ENGINEER — DYLAN N. JABBOUR — C 63110 — Exp. 6/30/16 — CIVIL — STATE OF CALIFORNIA

HDR Engineering Inc. 2365 Iron Point Rd. Suite 300 Folsom, CA 95630

SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS

PLAN AND PROFILE
STA: 1433+83 TO 1444+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-101 | SHEET 20

Attachment Q

- Draft Permit 19255
- Local Maintaining Agency's Endorsement Conditions
- Drawing(s)

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 19255 BD

This Permit is issued to:

Reeves Family Rev Trust
1490 Marlborough Road
Hillsborough, California 94010

The encroachment consists of a waterside levee access ramps which provide access to the Reeves Family Ranch property located on waterside of the levee, commonly referred to as the Reeves Ranch access ramp. The ramp is fifteen feet wide and has a maximum slope of ten percent. This work is associated with 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 1441+00. The United States Corps of Engineers Unit is 148 Levee Mile 5.84, at 39.25070°N 121.63705°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.

DWR 3784 (Rev. 9/85)

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. 19255 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. 1 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. 1, 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 2 2 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,

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 Reeves Family Rev Trust, hereinafter referred to as OWNER(S) by grant deed recorded _____ (Date), as Document Number _____ (Number), Official Records of Sutter County, attached as Exhibit A.

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. 19255 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. 19255 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. 19255 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. 19255 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. 19255 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

LEVEE DISTRICT NO. 9 – ENDORSEMENT CONDITIONS
REEVES FAMILY REV TRUST
REEVES FAMILY 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 Reeves Family Ranch Levee Access Ramp. The access ramp consists of a waterside ramp located at Sutter Butte Flood Control Agency (SBFCA) Station 1441+00 Unit 148 LMA Unit No. 1 Levee Mile 5.84. 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).

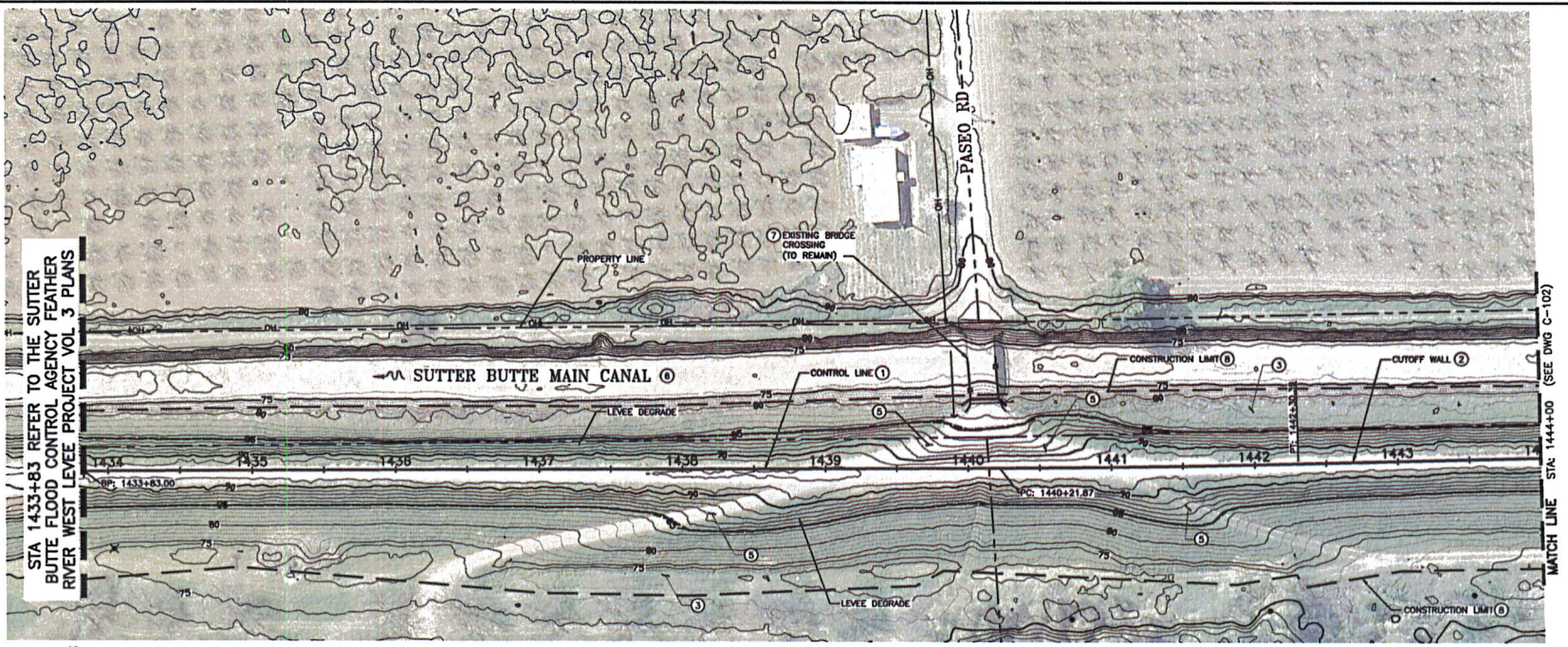
11. If the project or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project, at the permittee's or successor's sole cost and expense.

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.

STA 1433+83 REFER TO THE SUTTER BUTTE FLOOD CONTROL AGENCY FEATHER RIVER WEST LEVEE PROJECT VOL 3 PLANS



CONSTRUCTION NOTES:

1. SEE SHEET G-009 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. NOTE USED.
5. REPLACE EXISTING RAMP IN KIND AND IN ACCORDANCE WITH THE SPECIFICATIONS.
6. 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.
7. EXISTING BRIDGE TO REMAIN. CONTRACTOR TO PROTECT IN PLACE AND RESTORE APPROACH GRADES, IF ALTERED, TO PRE-CONSTRUCTION CONDITION. REFER TO THE GENERAL NOTES ON SHEET G-006.
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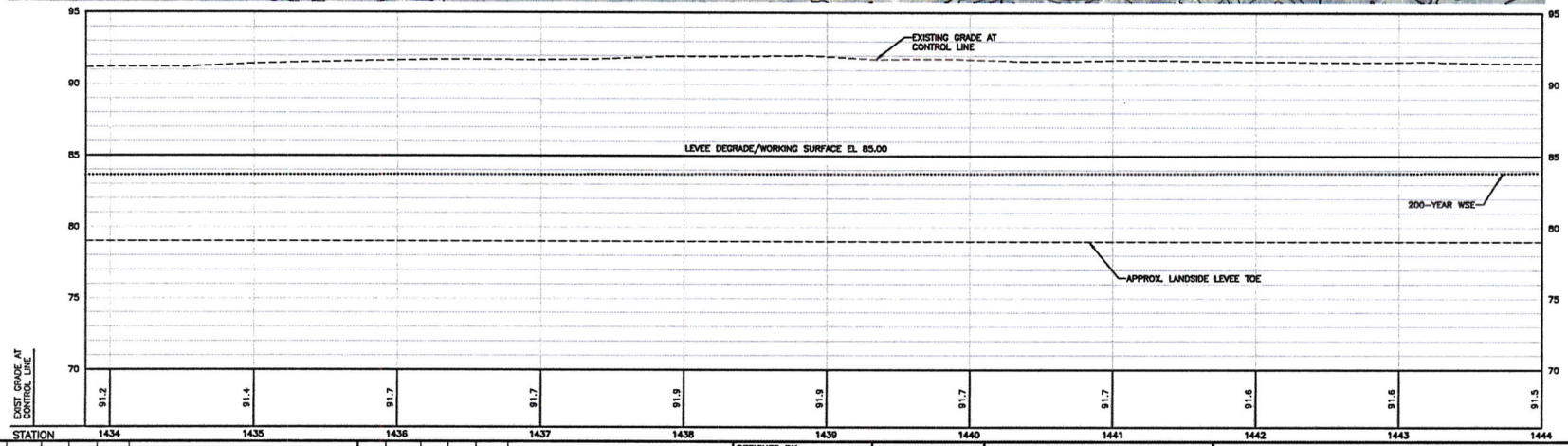

HORIZ SCALE: 1"=40'

VERT SCALE: 1"=4'

RECORD DRAWING

REV.	DATE	BY	CHK.	APPR.	DESCRIPTION
	01/13/16	LJ	DJ	CK	RECORD DRAWINGS
0	5/20/13	JN	DJ	CK	CONFORMED SET

DESIGNED BY: J. NETTLETON
DRAWN BY: A. JACKSON
IN CHARGE: D. JABBOUR
PROJECT MANAGER: C. KIRVANEC
DATE: 03/18/13

REGISTERED PROFESSIONAL ENGINEER — DAVID M. JABBOUR — C 63110 — Exp. 6/30/16 — CIVIL — STATE OF CALIFORNIA

HDR Engineering Inc. 2365 Iron Point Rd. Suite 300 Folsom, CA 95630

SUBMITTED | APPROVED

SUTTER BUTTE FLOOD CONTROL AGENCY

VOLUME 4: FEATHER RIVER WEST LEVEE IMPROVEMENT PLANS

PLAN AND PROFILE
STA: 1433+83 TO 1444+00

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING, ADJUST SCALES FOR REDUCED PLOTS
0 1"

DRAWING NO. C-101 | SHEET 20