STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California
APR 29 2019
at 1:45 PM

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2018-0910-03	2019-0315-01S	

For use by Office of Administrative Law (OAL) only

2019 MAR 15 P 1:42

OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY: Central Valley Flood Protection Board

AGENCY FILE NUMBER (If any):

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn	2018, 38-Z	9/21/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S): Permit and Inspection Fees

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S):

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)

ADOPT: Appendix B

AMEND: Section 8

TITLE(S): 23

REPEAL:

per agency request

3. TYPE OF FILING

- ☒ Regular Rulemaking (Gov. Code §11346)
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- ☐ Emergency Readopt (Gov. Code, §11346.1(h))
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☐ File & Print
- ☐ Print Only
- ☐ Emergency (Gov. Code, §11346.1(b))
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☐ Other (Specify) _____

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
N/A

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- ☐ Effective on filing with Secretary of State (per agency request)
- ☐ §100 Changes Without Regulatory Effect
- ☐ Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☒ Department of Finance (Form STD. 399) (SAM §6660)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify) _____

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Preston Shopbell	(916) 574-1437		preston.shopbell@cvflood.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE: Leslie M. Gallagher

DATE: 3.14.19

TYPED NAME AND TITLE OF SIGNATORY: Leslie M. Gallagher, Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 29 2019

Office of Administrative Law

April 26, 2019

Permit and Inspection Fees - Proposed Regulations

New text is indicated by an underline, removed text is indicated by a ~~strikeout.~~

California Code of Regulations, Title 23, Division 1, Article 3, Section 8

(a) All applications for approval must be on forms provided by the board. The board provides a standard application for most projects. When available, a special joint permit application may be used by an applicant. Applications to the board must be typewritten or in legible handwriting in ink and signed by or on behalf of the applicant. Applicants must furnish copies of other material as may be needed by the board and its staff to adequately determine the exact nature of the proposed work and its effect upon any project facilities or adopted plan of flood control. Applications and all associated material must be filed in quadruplicate (4 copies) with the office of the board. A copy of the standard application form is found in Appendix A. Applicants should contact the board if their project is covered under a joint permit application form previously approved by the board.

(b) Information furnished to the board must include:

(1) A description of the proposed work, together with a statement of the dates the planned construction will be initiated and completed.

(2) A completed copy of the Environmental Assessment Questionnaire that accompanies the application form from the board (See Appendix A) and a copy of any draft and final environmental review document prepared for the project, such as an initial study, environmental assessment, negative declaration, notice of exemption, or environmental impact report. For any reasonably foreseeable significant environmental impacts, mitigation for such impacts shall be proposed.

(3) Complete plans and specifications showing the proposed work, including a location map showing the site of the work with relation to topographic features; a plan view of the area; and adequate cross sections through the area of the proposed work. The plans must be drawn to scale and refer to National Geodetic Vertical Datum (NGVD), or other known datum. The plans must also indicate any project features such as levees and/or channels, roads, or other structures, and must show river mile or levee mile references. The dimensions of any proposed or existing fills, excavations, and construction must be given.

(4) Additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to board action on the application.

(5) The names and addresses of all landowners of the property on which the project is located and all landowners adjacent to the property on which the project is located.

(c) The Board may waive minor variations in an application.

(d) Permit application review fees shall be submitted by the applicant at the time of application submittal. The current permit review fee schedule is included in Appendix B.

(e) Construction inspection fees shall be submitted prior to permit issuance. The current construction inspection fee schedule is included in Appendix B.

(f) Routine inspection fees shall be submitted prior to required routine inspection. The current routine inspection fees and inspection schedule is included in Appendix B.

NOTE: Authority cited: Section 8571, and 8535, Water Code. Reference: Section 2090, Fish and Game Code; Sections 21080.3, 21104.2 and 21160, Public Resources Code; and Sections 8611, 8710 and 8730.3, Water Code.

HISTORY

1. Renumbering and amendment of old section 16 to new section 8 filed 9-30-96; operative 10-30-96 (Register 96, No. 40). For prior history, see Register 85, No. 26.
2. Amendment of subsections (a) and (b)(5) filed 12-1-2009; operative 12-31-2009 (Register 2009, No. 49).

California Code of Regulations, Title 23, Division 1, Article 10, Appendix B

CVFPB proposes to add Appendix B, which displays the current fee schedule for permitting and inspections.

APPENDIX B - Exhibit 1
Central Valley Flood Protection Board
Encroachment Permit and Inspection Fees

Type	Due with Permit Application: Permit Review	Due at Permit Issuance: Construction Inspection	Due Prior to Inspection: Routine Inspection	Routine Inspection Frequency
Small Scale Encroachments				
Boating Facilities (docks, gangways, landings, piers, wharves, launch ramp, piles, deadmen anchors, etc.)	$ 3,000	$ 500	$ 500	First 30 years: every 5 years 30-50 years: every 3 years 50+ years: every 2 years
Drains and Ditches	$ 1,000			
Dwellings (residential, used for human habitation)	$ 3,000			
Fences / Gates	$ 3,000			
Landscaping	$ 1,000			
Ramps / Driveways	$ 1,000			
Retaining Walls	$ 2,500			
Signs (billboards,etc)	$ 1,000			
Solar Arrays	$ 2,500			
Stairs	$ 1,500			
Swimming Pools	$ 3,000			
Wells (water, oil, gas, monitoring)	$ 1,000			
Linear Utilities				
Overhead Utility (crossing levee crown)	$ 2,500	$ 500	$ 500	First 30 years: every 10 years 30-50 years: every 5 years 50+ years: every 3 years
Poles (telephone and power, high voltage towers)				
Pipeline/Conduit – Above Ground				
Pipeline / Conduit – Underground (Gravity Drain)				First 30 years: every 5 years 30-50 years: every 3 years 50+ years: every 2 years
Pipeline / Conduit – Underground (Pressure)			$ 150	Pressure Test Results every 2 years or as required by Board.

APPENDIX B - Exhibit 1
Central Valley Flood Protection Board
Encroachment Permit and Inspection Fees

Type	Due with Permit Application: Permit Review	Due at Permit Issuance: Construction Inspection	Due Prior to Inspection: Routine Inspection	Routine Inspection Frequency
Public Works Structures				
Bridges (Pedestrian and Vehicle)	$ 3,500	$ 1,000	$ 1,000	First 30 years: every 10 years 30-50 years: every 5 years 50+ years: every 3 years
Dams / Flow Control Structures	$ 7,000	$ 1,000	$ 1,000	
Structures (any structure used for any purpose other than human habitation)	$ 2,000	$ 1,000	$ 1,000	First 30 years: every 5 years 30-50 years: every 3 years 50+ years: every 2 years
Bike Trails	$ 8,000	$ 1,000	$ 1,000	
Investigations / Requests / Other				
Borrow / Excavation (excavation, sand and gravel, quarry, mineral extraction, dredging)	$ 3,000	$ 500	N/A	N/A
Erosion Control (bank protection, revetment, riprap, gabions)	$ 3,000	$ 500		
Mitigation / Restoration (native plants, riparian, tidal, grading)	$ 2,000	$ 1,000	$ 500	Every 6 months for two years.
Orchard	$ 2,000	$ 1,000		
Vegetation (anything other than residential landscaping, orchard, and mitigation/restoration)	$ 500	$ 1,000		
Project Authorizations (Non-Permitted Activities) Pursuant to Title 23, Division 1				
Minor Alteration Request (Section 6(e))	$ 500	$ 500*	N/A	N/A
Maintenance Request (Section 6(d))	$ 300	$ 500*		
Name Change Request	$ 300	N/A		

*If deemed necessary by CVFPB at time of request.

Notes

1) Permits with multiple encroachments will be charged only for the encroachment with the highest permit fee. (i.e., If a permit includes a retaining wall and a fence, permit and inspection fees would be assesed only for the retaining wall.)

2) Payment of fees associated with emergency repair work may be deferred until the nature of the request is determined.