

## PROPOSED REVISIONS TO ARTICLE 2

(w) “Endorsement” means conceptual plan approval, support, or no objection by a Local Maintaining Agency ~~or the Department~~ of an application for a Board Permit which may include conditions regarding operation, maintenance, repair, replacement, rehabilitation, and/or removal.

(ii) “Levee Right of Way” means the Levee Section and appurtenant Levee features (such as a Seepage Berm, Stability Berm, relief well, or Revetment), plus land parallel to the Levee ten (10) feet in width landward from the landside Levee Toe and appurtenant Levee features, plus land parallel to the Levee fifteen (15) feet in width waterward from the waterside Levee Toe and appurtenant Levee features, except where either (1) a USACE operation and maintenance manual or as-built drawing furnished pursuant to Title 33 Code of Federal Regulations section 208.10 or permission issued pursuant to Title 33 United States Code section 408 provides otherwise, (2) real property rights acquired for Levee operation and maintenance provide otherwise, or (3) the Board, Local Maintaining Agency, Department, or an agency constructing Levee improvements is actively pursuing acquisition of real property rights beyond ten (10) feet from either Levee Toe. In the case where the Board, Local Maintaining Agency, Department, or an agency constructing Levee improvements is actively pursuing acquisition of real property rights beyond ten (10) feet from either Levee Toe, “Levee Right of Way” means the Levee Section and appurtenant Levee features (such as a Seepage Berm, Stability Berm, relief well, or Revetment), plus land parallel to the Levee consistent with the proposed acquisition, generally a minimum of fifteen (15) or twenty (20) feet in width landward from the landside Levee Toe and appurtenant Levee features, and/or land parallel to the Levee consistent with the proposed acquisition a minimum of fifteen (15) feet in width waterward from the waterside Levee Toe and appurtenant Levee features. Fifteen (15) feet landward generally applies for repair or rehabilitation projects that are outside of Urban Criteria Areas. Twenty (20) feet landward generally applies for federal projects, projects receiving federal credit, and Urban Criteria Areas. For the Board, Local Maintaining Agency, Department, or an agency constructing Levee Improvements to be actively pursuing acquisition of real property rights, at least one of these entities shall have provided a public notice of the acquisition goals in the area, and such acquisitions shall be pursued with coordination between these entities.

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

~~(Hmn)~~ “Low Water Channel” means the flowage area within a natural channel below Top of Bank.

~~(mmnn)~~ “Low Water Crossing” is a structure designed to serve as a bridge when water flow is low. Under high flow conditions, water floods the roadway or deck of the crossing and precludes traffic.

(oo) “Maintenance Activities” means any work required to retain or maintain the maximum benefits of flood control facilities and of existing Permitted Work. Maintenance Activities of Permitted Work do not include significant excavation or any excavation during the Flood Season without prior authorization. Maintenance Activities of Local Maintaining Agencies include but are

not limited to maintaining Project Works, limiting unauthorized Encroachment activity and reporting concerning Encroachment matters to the Board, controlling unauthorized vehicular access, managing vegetation, implementing erosion control measures, controlling rodents, repairing rodent damage, painting, coating, patching, and similar activities; -but do not include without prior written notification to the Board:

- (1) Any significant excavation into the Levee Section, generally excluding, but not limited to the following exclusions:
  - (A) Excavation of the Levee crown above the DWSE;
  - (B) Excavation of stumps; and
  - (C) Excavation of posts, poles, and footings.
- (2) Any excavation into the Levee Section during Flood Season;
- (3) Drilling according to an approved drilling plan;
- (4) Replacement or lining of authorized pipelines;
- (5) Dredging;
- (6) Removal of sediment deposits; and
- (7) Placement of any dredged, spoil, or waste material within the Levee Right of Way or Floodway.

If a response to a written notification from a Local Maintaining Agency on proposed maintenance work sent to the Board is not received within fifteen (15) business days, the maintenance work may proceed as a Maintenance Activity. Written notification shall include, at a minimum, the location of work (e.g., latitude, longitude, Levee mile, and river mile), schedule of work, scope of work, extents of work and appropriate plans for the work being undertaken; all such work shall be performed in accordance with Board Standards. Maintenance ~~A~~activities of Local Maintaining Agencies consistent with the operation and maintenance manual for flood control facilities within their jurisdiction generally do not require a Board Permit and are authorized and defined by Water Code sections ~~8361~~, 8370, 12642, and 12980 – 12992.

#### PROPOSED REVISIONS TO ARTICLE 8

Section 116(d) Removal of sediment deposits by Local Maintaining Agencies to restore flood channel capacity may be considered Maintenance Activities after notification has been provided to the Board pursuant to the notification procedure for Maintenance Activities.

Section 121(c) Revetment placed by Local Maintaining Agencies to repair erosion damage to a Stream bank or Levee may be considered Maintenance Activities.

Section 123(b)(4) Appropriate visible markers, such as a metal post with paddle, acceptable to the Local Maintaining Agency or Department shall be required to identify the location of buried pipelines, conduits, and utility lines. Markers shall be made of durable, long lasting, fire-resistant material, and shall be maintained by the Permittee until the pipeline, conduit or utility line is properly removed or abandoned. The Local Maintaining Agency or Department may also require the Permittee to record information on the marker, including but not limited to, Encroachment

identification, date of installation, contents, contact information, date of last exercise of any closure device, and date of last inspection or pressure test.

Section 123(b)(17) Replacement of an existing pipeline, conduit, or utility line within the Levee Right of Way or Floodway, including in-kind replacement and liner installation, requires a Permit unless such replacement is performed on Project Works maintained by a Local Maintaining Agency under Maintenance Activities and notification has been provided to the Board pursuant to the notification procedure for Maintenance Activities.

Section 123(d)(6) All pressurized pipelines shall have a positive closure device, except for pipelines open to the Stream with the pipeline invert above the Levee crown. Closure instructions and any necessary equipment and keys shall be provided to the Local Maintaining Agency or Department, if requested. The closure device shall be located as follows:

Section 123 (d)(9) Pipelines on a Levee slope shall be provided with a minimum twelve (12) inches of soil cover locally on the Levee slope which shall be transitioned horizontally to 10:1 slopes (see Figure 8.05), except where leaving the pipeline exposed on the landside Levee slope is acceptable to the Local Maintaining Agency or Department. The Board may require the applicant to provide additional Levee Right of Way pursuant to section 120(a)(5) of this division to compensate for the space occupied by the pipeline and/or soil cover on the Levee slope at the Levee Toe.

Section 126(c)(5) Gates may be opened by authorized personnel representing the Local Maintaining Agency, Department, Board, or USACE. Gates shall remain open when required for Levee inspections, Maintenance Activities, construction, high water patrol, and flood fight activities.

Section 126(c)(8) At the time locks are installed, keys for the locks shall be provided to the Local Maintaining Agency, Department, Board, and USACE for all locks on gates providing access to the Floodway, Levee ramps, Levee Toe, and along the Levee crown.

Section 128(a)(13)(B) Vehicular and equipment clearance beneath the bridge soffit shall be provided as needed by the Local Maintaining Agency or Department for operation, maintenance, repair, replacement, and rehabilitation of the Levee crown, typically between ten (10) feet and sixteen (16) feet, if the bridge roadway is not constructed directly on the Levee crown.

Section 131(f)(8)(B) The Local Maintaining Agency or Department reserves the right to mow the groundcover without prior notification if the height exceeds one (1) foot;

Section 131(i)(3) The adjacent Levee slope is not sprayed with herbicide by the Local Maintaining Agency or Department; and

Section 132(a)(3) The Board, ~~and the~~ Local Maintaining Agency, and Department retain the right to temporarily close the bicycle trail for improvement, maintenance, or emergency flood fight activities.

Section 132(a)(4) Bicycle trails within an Adopted Plan of Flood Control shall be maintained to a level safe for bicycle traffic and acceptable to the Local Maintaining Agency and the Department.

Section 132(a)(5) The Permittee shall defend, hold harmless, and indemnify the State of California and the Local Maintaining Agency, and each of their boards, elected officials, officers, employees, and agents against all damages and claims of liability of whatever nature which arise from the use of the Levee as a bicycle trail.

Section 132(b)(11) The Permittee may be required to prevent unauthorized vehicular access to bicycle trails by installing gates or physical barriers such as K-rail, which shall be removable to allow access for maintenance, inspection, and emergency vehicles. If gates are used as vehicular access barriers they will be secured by locks. Keys shall be provided to the Local Maintaining Agency, Department, Board, and USACE.

Section 132(c)(5) The Permittee is required to prevent unauthorized vehicular access to bicycle trails by physical barriers, which shall be removable to allow access for maintenance, inspection, and emergency vehicles. Vehicular access barriers will be secured by locks. At the time locks are installed, keys shall be provided to the Board, Department, USACE and the Local Maintaining Agency.