

# Proposed Regulations for 2025 Regulatory Fee Updates

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

## § 4. Definitions.

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(m) Encroachment. “Encroachment” means any obstruction or physical intrusion, which is not for a flood control purpose, by construction of works or devices, planting or removal of vegetation, or by any means, into any of the following:

(1) any flood control project works;

(2) the waterway area of the project;

(3) the area covered by an adopted plan of flood control; or

(4) any area outside the above limits, if the encroachment could affect any of the above.

(n) Flood System Improvement Project. “Flood System Improvement Project” means any proposed work which has, as a major purpose and objective, the improvement of the functions or operations of the adopted plan of flood control.

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~~(o)~~ (p) [...]

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## **§ 8. Applications.**

(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, or submitted electronically 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) in the office of the board. A copy~~ The form 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 North American Vertical Datum of 1988 (NAVD 88) ~~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.~~

### § 8.1 Fees

(a) Current fee schedules shall be posted on the board's website and shall be provided to the public upon request.

(b) The board imposes fees for the following activities:

(1) Permit Application Review Fees. Permit application review fees are comprised of a base fee that shall be submitted by the applicant at the time of application, and an activity fee that shall be submitted by the applicant prior to permit issuance. The base and activity fees are described in Appendix B, Permit Application Review Fees. The Activity Fee is calculated according to the following equation:  $Activity\ Fee = (B * C_r * T_a) + (B * F) + (B * A) + (B * V)$ , where B = base fee,  $C_r$  = category review

factor,  $T_a$  = technical review factor,  $F$  = 33 USC Section 408 Coordination factor,  $A$  = permit approval method factor, and  $V$  = variance or waiver review factor, and may be modified in accordance with Section 8.1 (c). The remaining balance of fees shall be calculated as the date the application is deemed complete.

(2) Maintenance Activity Concurrence Review Fees. Maintenance activities, as referred to in Section 6 (d), requiring review concurrence, are subject to fees, as shown in Appendix B, which shall be submitted by the requestor at the time of request submittal, and may be modified in accordance with Section 8.1 (c).

(3) Minor Alteration Request Review Fees. Minor alterations, as referred to in Section 6 (e), requiring review and authorization, are subject to fees, as shown in Appendix B, which shall be submitted by the requestor at the time of request submittal, and may be modified in accordance with Section 8.1 (c).

(4) Name Change Request Fees. Name change requests, pursuant to Section 6(b), requiring review and approval, are subject to fees, as shown in Appendix B, which shall be submitted by the requestor at the time of application, and may be modified in accordance with Section 8.1 (c).

(5) Construction Inspection Fees. Construction inspection fees, as shown in Appendix B, shall be submitted by the applicant prior to permit or authorization issuance, and may be modified in accordance with Section 8.1 (c).

(6) Time Variance Request Review Fees. Review fees for time variance requests, pursuant to Section 112 (a)(2), as shown in Appendix B, are due at the time of request, once per flood season, as defined in Table 8.1, and may be modified in accordance with Section 8.1 (c).

(7) Plan Revision Fees. Plan Revision review fees, pursuant to Section 18 and as shown in Appendix B, are due at the time of request of the proposed revision and may be modified in accordance with Section 8.1 (c).

(8) Sacramento and San Joaquin Drainage District (SSJDD) Fees. Review and execution fees for property management actions of the SSJDD, as shown in Appendix B, are due at the time of request, and may be modified in accordance with Section 8.1 (c).

(9) Flood System Improvement Project Fees. Permit application review fees for flood system improvement projects shall be tier-based percentages of the total project cost. Tiers are assigned based on the estimated total project cost, with each tier corresponding to a different percentage. The total fee shall be calculated as the sum of the products of the applicable percentage and the portion of the project cost within each tier. The tier structure and corresponding percentages are shown in Appendix B. Applicants with projects assigned to Tiers 1 and 2 are not required to submit a deposit fee at the time of permit application submittal but must pay the full fee prior to permit issuance. Applicants with projects assigned to Tiers 3 through 6 are required to deposit an amount equal to 33 percent of the calculated fee at the time the permit application is submitted to the board. The remaining balance, as calculated with the tiers in effect at the time of permit issuance, shall be paid prior to permit issuance. Cost ranges for the tiers may be adjusted pursuant to Section 8.1 (c).

The total project cost, for the purpose of this section, includes costs for planning, design, and construction elements of flood system improvement projects.

(A) Planning and design costs include the portion associated with project planning and preparing design documents, plans, specifications, environmental compliance documents, and other application materials necessary for the project (excluding real estate acquisitions, off-site mitigation, encroachment relocations, and any geotechnical investigations that must be performed during the planning process).

(B) Construction costs include mobilization, site preparation, materials, on-site mitigation measures, construction management, and other work to produce the permitted structure or project works.

(c) Beginning in the 2026-2027 fiscal year, fees may be reviewed and modified annually by the board through a resolution. Annually adjusted fees shall become effective on the first day of the second month following board approval. Modifications shall be based on the following factors:

(1) Inflation Factors: The Forecast of the Economic Research Unit of the Department of Finance for the California Consumer Price Index for all urban consumers as reported in the annual "Price Letter" Budget letter issued by the Department of Finance. Adjustments shall be rounded up to the nearest \$10 increment.

(2) Other Fee Adjustment Factors: Permit application review fee factors other than the base fee described in Section (b)(1), may be adjusted based on evidence presented to and approved by the board.

(d) Waivers, Refunds, and Alternative Payment Methods

(1) Waivers: Unless an agreement pursuant to Section (d)(3) is in place, fees shall not be waived.

(2) Refunds: Refunds shall only be issued upon board staff's determination that an error occurred in calculating the applicable fee, or when an application is withdrawn prior to board staff completing the 30-day completeness review.

(3) Alternative Payment Methods: For long-term, multi-phased projects or programs, or large organizations with frequent need for board permits, the board may enter into an agreement with an applicant to pay the full costs of board staff time, as defined by the State Administrative Manual, associated with its regulatory responsibilities. Such an agreement shall not guarantee, infer, or imply any outcome for the activity covered under the agreement. For example, an agreement may cover permit application review and processing but shall not guarantee permit approval. Board staff will report to the board upon entering into any agreement under this section and will, at least annually, report to the board all active agreements.

NOTE: Authority cited: Sections 8571 and 8535, Water Code. Reference: Sections 21080.3 and 21160, Public Resources Code; and Sections 8710 and 8730.3, Water Code.