

DEPARTMENT OF WATER RESOURCES1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-001
(916) 653-5791

MAR 29 2006

Permit No. 17979- BD

Three Rivers Levee Improvement Authority
915 Eighth Street, Suite 115
Marysville, California 95901

Enclosed is your approved Reclamation Board Encroachment Permit Conditions.

Under the Standard General Condition Four (4) of the permit, you are required to accomplish the work under direction and supervision of the Department of Water Resources; therefore, you must advise the Department at 3310 El Camino Avenue, Sacramento, California 95821, attention Pal Sandhu, telephone (916) 574-1213, at least ten days prior to starting your project. An addressed postcard is enclosed for your convenience.

Please note that the permit grants the work proposed in your application. This permit, in addition to the twelve (12) standard conditions, includes special conditions, which may place limitations on or require modifications to your project. You are advised to read all conditions prior to starting the project. Commencing any work under this permit shall constitute an acceptance of the provisions of the permit and an agreement to perform accordingly. This permit does not relieve you from the responsibility for obtaining authorization from any State, local, or federal agencies for your proposed project.

Please refer to your permit number when communicating with this office. For further information, contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Mirmazaheri', with the initials 'FMK' written below it.

Mike Mirmazaheri, Chief
Floodway Protection Section
Division of Flood Management

Enclosure

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 17979- BD

This Permit is issued to:


Three Rivers Levee Improvement Authority
915 Eighth Street, Suite 115
Marysville, California 95901

To remove approximately 600,000 cubic yards of material along 5,300 linear feet of the right (north) bank levee of the Bear River, and along approximately 3,700 linear feet of the left (east) bank of the Feather River; remove approximately 250 acres of orchard; plant approximately 526 acres with: Fremont cottonwood, mixed willow, Valley oak, shrub clusters, blue elderberry shrubs, grassland savanna and shaded riverine aquatic; and maintain upper 100 acres as open grassland/savanna to serve as a channel overflow area. The project is located south of Marysville, west of Highway 70 and south of Feather River Boulevard (Section 17,19,20,29&30, T13N, R4E, MDB&M, Reclamation District 784, Bear River, Yuba County).

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

(SEAL)

Dated: MAR 29 2006


General Manager *Acting*

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 Reclamation 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 Reclamation 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 Reclamation 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 Reclamation 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. 17979- BD

THIRTEEN: Prior to performing any work approved by this permit, the Three Rivers Levee Improvement Authority (permittee) or successor shall obtain written approval to proceed with the project from the Corps of Engineers. If the Corps of Engineers' approval modifies the project as approved by The Reclamation Board, the permittee or successor shall be required to submit a request to The Reclamation Board to amend this permit to address modifications required by the Corps of Engineers.

FOURTEEN: No elderberry shrubs shall be planted at the project site until an agreement has been obtained from the US Fish and Wildlife Service and approved by The Reclamation Board that allows for maintenance for flood conveyance purposes to occur within the channel without requiring mitigation.

FIFTEEN: After receiving written approval from the Corps of Engineers but prior to beginning degradation of the right (north) bank of the Bear River federal project levee, the permittee or successor shall submit a proposed plan of construction for completion of the setback levee for approval by The Reclamation Board. The plan of construction shall have a schedule with clearly defined interim construction stages and completion dates and a flood emergency contingency plan to be implemented by the permittee or successor if a flood or high water event occurs prior to completion of construction of the setback levee.

SIXTEEN: No work authorized by this permit shall be performed until the Three Rivers Levee

Improvement Authority and its' member agencies (County of Yuba and Reclamation District No. 784) agree jointly and severally to defend, indemnify and hold harmless the State of California, including its' agencies, departments, boards, and commissions, and their respective officers, agents, employees, successors, and assigns, safe and harmless of and from all claims and damages arising out of the work authorized by this permit, and to discharge this obligation to the extent allowed by law.

SEVENTEEN: Upon completion of construction, the permittee or successor shall request the Corps of Engineers perform an initial eligibility inspection of the setback levee for acceptance into the nonfederal PL 84-99 Program. Copies of both the request for and result of the initial eligibility inspection shall be provided to the Board.

EIGHTEEN: Prior to start of construction the permittee or successor shall contact the Corps of Engineers and initiate the decertification process for that portion of the Federal Flood Control Project levees that are to be abandoned.

NINETEEN: When work is proposed on land owned in fee by The Reclamation Board, the permittee or successor shall secure an easement, license, or temporary entry permit from The Reclamation Board prior to commencement of work. Contact Jeffery Fong at (916) 657-2831.

TWENTY: For work proposed on land owned in fee or easement by Reclamation District No. 784, the permittee or successor may be required to secure an easement, license, or permit from the District prior to commencement of work.

TWENTY-ONE: Prior to construction, the permittee or successor shall secure from the owner of the property a permanent easement granting the Sacramento and San Joaquin Drainage District, acting by and through The Reclamation Board of the State of California, the flood control rights stated in the attached form of deed over that portion of the existing or to-be-constructed levee (including the areas parallel to and extending 50 feet from the waterward and landward toes of the levee) which is not presently encumbered by a Reclamation Board levee easement. Contact Jeffery Fong at (916) 657-2831.

TWENTY-TWO: All work approved by this permit shall be in accordance with the submitted drawings and specifications 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 Reclamation Board.

TWENTY-THREE: Upon completion of the project, the permittee or successor shall submit as-built drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite LL30, Sacramento, California 95821.

TWENTY-FOUR: The permittee or successor 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 Department of Water Resources, Reclamation District No. 784 or any other agency responsible for maintenance.

TWENTY-FIVE: The permittee or successor shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction

conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

TWENTY-SIX: The permittee or successor shall provide supervision and inspection services acceptable to The Reclamation Board. A professional engineer registered in the State of California shall certify that all work was inspected and performed in accordance with submitted drawings, specifications, and permit conditions.

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

TWENTY-EIGHT: The permittee or successor may be required, at permittee's or successor'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 or successor does not comply, The Reclamation Board may remove the encroachment(s) at the permittee's or successor's expense.

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

THIRTY: The permittee or successor is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the State of California, or any departments thereof, from any liability or claims of liability associated therewith.

THIRTY-ONE: 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 Reclamation Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY-TWO: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of The Reclamation Board.

THIRTY-THREE: Cleared trees and brush shall be completely burned or removed from the floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1 to April 15.

THIRTY-FOUR: No material stockpiles, temporary buildings, or equipment shall remain in the floodway during the flood season from November 1 to April 15.

THIRTY-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 or successor shall be required, at permittee's or successor's cost and expense, to modify or remove the permitted encroachment(s) under direction of The Reclamation Board or Department of Water Resources. If the permittee or successor does not comply, The Reclamation Board may modify or remove the encroachment(s) at the permittee's or successor's expense.

THIRTY-SIX: During degradation portion of the project, any and all anticipated or unanticipated conditions encountered which may impact levee integrity or flood control shall be brought to the attention of the Flood Project Inspector immediately and prior to continuation. Any encountered abandoned encroachments within the limits of this project shall be completely removed or abandoned under the direction of the Flood Projects Integrity and Inspection Branch Inspector.

THIRTY-SEVEN: Any haul ramps and utilized levee crown roadway shall be maintained in a manner prescribed by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

THIRTY-EIGHT: A profile of the levee crown roadway and access ramps that will be utilized for access to and from the borrow areas shall be submitted to The Reclamation Board prior to commencement of excavation.

THIRTY-NINE: Any damage to the levee crown roadway or access ramps shall be promptly repaired to the condition that existed prior to this project, or better.

FORTY: No material shall be stockpiled closer than 50 feet from either toe of the project levee.

FORTY-ONE: Any damage caused to the levee during placement or removal of the stockpiled material shall be repaired.

FORTY-TWO: All fencing and gates removed during construction of this project shall be replaced in kind and at the original locations. If it is necessary to relocate any fence or gate, the permittee or successor is required to obtain written approval from The Reclamation Board prior to installation at a new location.

FORTY-THREE: All temporary fencing and gates shall be removed upon completion of project.

FORTY-FOUR: The permittee or successor shall replant or reseed the levee slopes to restore sod, grass, or other non-woody ground covers if damaged during project work.

FORTY-FIVE: Trees removed from the floodway shall have their root systems removed and disposed of outside the floodway. All voids created by tree removal shall be backfilled and compacted to at least the density of the adjacent, firm, undisturbed soil.

FORTY-SIX: If agricultural use of the new/existing floodway is being considered the permittee or successor shall design and construct appropriate ramps and access roads for this use.

FORTY-SEVEN: All debris generated by this project shall be disposed of outside the existing and proposed floodways and off all levee sections..

FORTY-EIGHT: 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 or successor shall repair the eroded area and propose measures, to be approved by The Reclamation Board, to prevent further erosion.

FORTY-NINE: If the permitted encroachments, including abandoned project levee sections, result(s) in an adverse hydraulic impact, the permittee or successor shall provide appropriate mitigation measures, to be approved by The Reclamation Board, prior to implementation of mitigation measures.

FIFTY: Any vegetative material, living or dead, that interferes with the successful execution, functioning, maintenance, or operation of the adopted plan of flood control must be removed by the permittee or successor at permittee's or successor's expense upon request by The Reclamation Board, Department of Water Resources, or local maintaining agency. If the permittee or successor does not remove such vegetation or trees upon request, The Reclamation Board reserves the right to remove such at the permittee's or successor's expense.

FIFTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated February 9, 2006, which is attached to this permit as Exhibit A and is incorporated by reference.