

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682



November 20, 2014

Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, California 95901

Subject: Permit No. 18916 EO

Enclosed is your approved Central Valley Flood Protection Board Encroachment Permit No. 18916 EO.

Under 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 by contacting the Board at (916) 574-0609, and by sending the enclosed postcard to the Department at least ten days prior to starting your project.

Please note that this permit grants the work proposed and constructed in your project description. 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 Angeles Caliso at (916) 574-2386 or by e-mail at acaliso@water.ca.gov.

Sincerely,

Mitra Emami, Chief
Permitting Section
Central Valley Flood Protection Board

Enclosure

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18916 EO

This Permit is issued to:

Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, California 95901

To construct a 3.6 mile long 3-strand barbed wire fence around existing agricultural orchards in the south end of the Feather River Setback Area. Gates will be provided in the fence at access roads, and pipe gates and associated pipe rail fencing will be placed at three (Country Club Road, Rich Road, midway between Rich Road and Pump Station 3) waterside ramps.

The project is located along the left (east) bank of the Feather River, starting on the levee's eastern intersection with Country Club road and ending on the levee's intersection with Feather River Blvd. (Section 25, 26, 36, T14N, R3E, MDB&M, Reclamation District 784, Feather River, Yuba 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: NOV 20 2014


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. 18916 EO

LIABILITY AND INDEMNIFICATION

THIRTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend, indemnify, and hold the 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.

FOURTEEN: The permittee shall defend, indemnify, and hold the 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 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.

FIFTEEN: The Central Valley Flood Protection Board, Department of Water Resources, and Reclamation District No. 784 shall not be held liable for any damages to the permitted encroachment(s) resulting from 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 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 Central Valley Flood Protection Board.

SEVENTEEN: Upon receipt of a signed copy of the issued permit, the permittee shall contact the Department of Water Resources by telephone, (916) 574-0609, 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.

EIGHTEEN: 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 November 13, 2014, which is attached to this permit as Exhibit A and is incorporated by reference.

CONSTRUCTION

NINETEEN: If at any time during the flood season from November 1st through April 15th that the water surface elevation (WSE) in the Feather River at the Boyd's Landing Gauging Station (FBL) located at 39.0455,-121.6104, records a WSE of 57.0 U.S.E.D or higher, the applicant shall immediately cease all construction activities relative to this permit. If such an event/situation were to occur prior to completion of the herein permitted construction, applicant shall secure any/all floatable construction equipment/materials or remove said equipment/materials from the Feather River Floodway.

Hourly gauge readings may be viewed at:
<http://cdec.water.ca.gov/cgi-progs/queryF?s=FBL>

During the flood season, The Central Valley Flood Protection Board and the California Department of Water Resources reserve the right to terminate without cause any/all construction activities relative to this permit.

TWENTY: The proposed gates shall be installed perpendicular to the centerline of the levee.

TWENTY-ONE: The fence parallel with the levee shall be located at least 15 feet from the levee toe.

TWENTY-TWO: Any lock on the gate must be accessible to maintenance and inspection personnel and must not be casehardened.

TWENTY-THREE: Keys shall be provided to Reclamation District 784 and the Department of Water Resources for all locks on gates providing access to the floodway, levee ramp, levee toe, and along the levee crown.

POST-CONSTRUCTION

TWENTY-FOUR: Any damage to the levee crown roadway or access ramps shall be promptly repaired to the condition that existed prior to this project.

TWENTY-FIVE: The permittee 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.

OPERATIONS AND MAINTENANCE

TWENTY-SIX: Debris that may accumulate on the fence shall be cleared off and disposed of outside of the floodway after each period of high water.

TWENTY-SEVEN: 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 Department of Water Resources, Reclamation District 784 or any other agency responsible for maintenance.

TWENTY-EIGHT: 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.

PROJECT ABANDONMENT/CHANGE IN PLAN OF FLOOD CONTROL

TWENTY-NINE: 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 Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

THIRTY: 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 may remove the encroachment(s) at the permittee's expense.

THIRTY-ONE: If, in the opinion of the Central Valley Flood Protection Board, the fence and gate become unnecessary due to changes in location of public access points or construction of other gated fences, the permittee agrees to remove the fence and gate at the request of the Central Valley Flood Protection Board and at permittee's cost and expense.

END OF CONDITIONS



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814-2922

EXHIBIT A

NOV 13 2014

Flood Protection and Navigation Section (18916)

Ms. Leslie M. Gallagher, Acting Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821

Dear Ms. Gallagher:

We have reviewed a permit application by Three Rivers Levee Improvement Authority (application number 18916). These plans include constructing a 3.6 mile long 3-strand barbed wire fence around existing agricultural orchards in the south end of the Feather River Setback Area. Gates will be provided in the fence at access roads, and pipe gates and associated pipe rail fencing will be placed at three (Country Club Road, Rich Road, midway between Rich Road and Pump Station 3) waterside ramps. The project is located along the left (east) bank of the Feather River, starting on the levee's eastern intersection with Country Club road and ending on the levee's intersection with Feather River Boulevard, at 39.033072°N 121.601218°W NAD83 to 39.032998°N 121.590653°W NAD83, Sacramento County, California.

The District Engineer has no objection to approval of this application by your Board from a flood control standpoint, subject to the following conditions:

- 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 after each period of high water, all debris caught by the fencing shall be cleared and disposed of outside the limits of the project right-of-way.
- c. That the fence shall be removed if it shows any distress or impact on the flow through the floodway.
- d. That any debris generated by this project shall be disposed of outside the limits of the project right-of-way.
- e. That the proposed work shall not be performed during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- f. That the fence shall be located at least 15 feet from the stability berm toe. If a stability berm is not present, the fence shall be located at least 15 feet from the waterside levee toe.

EXHIBIT A

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g. That keys shall be provided to the Corps of Engineers, Flood Protection and Navigation Section and the California Department of Water Resources for the gate.

Based upon the information provided, no Section 10 or Section 404 permit is needed.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick L. Poeppelman". The signature is written in a cursive style with a large initial "R".

Rick L. Poeppelman, P.E.
Chief, Engineering Division