

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



Permit No. 17782 GM

Three Rivers Levee Improvement Authority
915 Eighth Street, Suite 115
Marysville, California 95901-5273

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 Richard Marshall, 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.

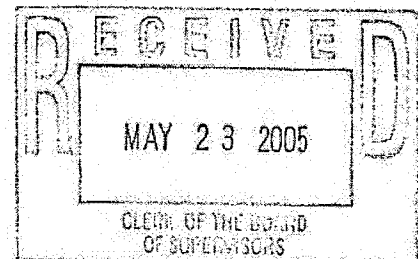
Please refer to your permit number when communicating with this office. For further information, contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Mirmazaheri".

Mike Mirmazaheri, Chief
Floodway Protection Section
Division of Flood Management

Enclosure



STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 17782 BD

This Permit is issued to:


Three Rivers Levee Improvement Authority
915 Eighth Street, Suite 115
Marysville, California 95901-5273

To raise levee from Station 130+00 to 140+00 and 158+50 to 169+00, set back pump station at station 140+00, place toe rock on waterside slope from Station 145+00 to 150+00 and 164+00 to 169+00 on right bank levee of Bear River; to fill landside toe ditch from Station 0+00 to 45+00, 95+00 to 106+50 and 115+00 to 120+00, raise levee from Station 0+00 to 137+50, 200+50 to 296+00 and 296+00 to 332+50, to construct a 35-foot deep slurry cut-off wall between Stations 250+50 and 261+50, to place riprap on waterside slope between Stations 250+50 and 270+50 on right (west) bank levee of WPIC; and to construct a two mile long backup levee along right (north) bank of Bear River from about Bear River Station 131+00 to confluence with Feather River. The project is located south of Marysville and east of the Feather River (Section 4,9,16,20,21,6,17,28, 33, T13N, R4E, MDB&M, Reclamation District No. 784, Bear River and WPIC, 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: MAY 19 2005



General Manager

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. 17782 BD

THIRTEEN: This permit is not valid until the public safety issue regarding the continued increase in human habitation in an area with a known flood risk has been resolved to the satisfaction of the Board.

FOURTEEN: This permit is not valid unless FEMA MT-2 Form 1, Overview & Concurrence Form, of the application for Letters of Map Revision is signed as required by the community official responsible for floodplain management and returned within 30-days of the request for signature.

FIFTEEN: This permit is not valid until the member agencies of the Three Rivers Levee Improvement Authority agree to hold harmless and defend the Board and State through inclusion of an indemnification clause.

SIXTEEN: The permittee shall obtain the endorsement of the Board of Trustees of Reclamation District No. 784 prior to commencement of work.

SEVENTEEN: When work is proposed on land owned in fee by The Reclamation Board, the

permittee 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.

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

NINETEEN: Prior to construction, the permittee 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 easement. Contact Jeffery Fong at (916) 657-2831.

TWENTY: Construction will not be allowed until The Reclamation Board has received, reviewed, and approved in writing final submitted construction drawings for the project. The Reclamation Board shall have up to 90 days after receipt of final plans, drawings, and specifications for the review process. By notification to the permittee, The Reclamation Board may extend this review period when required.

TWENTY-ONE: The permittee shall submit a complete set of construction drawings for all portions of the proposed project for approval by The Reclamation Board prior to start of construction. 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-TWO: If substantial changes in scope and/or design for this project occur after issuance of this permit it will be necessary to present these changes to the Board prior to start of construction.

TWENTY-THREE: The permittee shall submit a complete inventory of all existing encroachments within the proposed new floodway between the existing right bank levee of the Bear River, the left bank of the Feather River and the proposed backup levee. The inventory should have a description of each item for abandonment or retention including, but not limited to, houses, barns, storage sheds, power poles/lines, other utilities, pump stations, wells, irrigation/drainage systems, concrete structures, etc.

TWENTY-FOUR: Upon completion of the project, the permittee shall submit as-built drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Rm. LL 40, Sacramento, California 95821.

TWENTY-FIVE: 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 or any other agency responsible for maintenance.

TWENTY-SIX: The permittee 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-SEVEN: The permittee 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. For the placement portion of the deep soil mixing cutoff wall portion of the project, a consultant who is experienced in this type of construction shall be included as a member of the supervision and inspection team. The consultant shall coordinate inspection of the project with staff from the U. S. Army Corps of Engineers and the Department of Water Resources' Flood Project Inspection Section.

TWENTY-EIGHT: If FEMA certification of the levee by the Corps is being considered, the project proponent should contact the U. S. Army Corps of Engineers regarding inspection of the project during construction.

TWENTY-NINE: 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 reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

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 Reclamation Board may remove the encroachment(s) at the permittee's expense.

THIRTY-ONE: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

THIRTY-TWO: 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.

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

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

THIRTY-NINE: During construction 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 shall be completely removed or properly abandoned under the direction of the Flood Project Inspection Section Inspector.

FORTY: The 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.

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

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

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

FORTY-FIVE: 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 is required to obtain written approval from The Reclamation Board prior to installation at a new location.

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

FORTY-SEVEN: All pipe or conduit being reinstalled in the levee section and within 50 feet of the levee toes shall meet Title 23 standards.

FORTY-EIGHT: All drains and abandoned conduits shall be removed from the site prior to levee construction.

FORTY-NINE: All holes, depressions, and ditches in the foundation area shall be stripped of surface vegetation to a depth of 6-inches. Organic soil and roots greater than 1-1/2 inches shall be removed to a depth of 3 feet. Backfill material shall be placed in 4- to 6-inch layers and compacted to a minimum of 90 percent relative compaction per ASTM Method D1557-91.

