

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

PERMIT NO. 18095-R1 GM

This Permit is issued to:

Three Rivers Levee Improvement Authority  
915 8th Street  
Suite 115  
Marysville, California 95901

To flatten the waterside slope to 3:1 and to restore the levee crown profile to the original project design profile on the left (south) bank levee of the Yuba River. The project is located south of Marysville starting just east of Highway 70 and extending east to just west the UPRR crossing (Section 19,20 & 24, T15N, R4E, MDB&M, Reclamation District 784, Yuba 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)

SEP 25 2009

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
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. 18095-R1 GM**

**THIRTEEN:** Within three years from completion of the construction of the work authorized under this permit, the permittee shall provide the Sacramento and San Joaquin Drainage District, acting by and through the Central Valley Flood Protection Board of the State of California, a permanent easement granting all flood control rights upon, over and across the property that is or will be occupied by the existing or to-be-constructed levee including the area of the levee raise and realignment fill areas. The easement must include area within the floodway, the levee section, and the area ten (10) feet in width adjacent to the landward levee toe which is not presently encumbered by a Central Valley Flood Protection Board easement. For information regarding existing Central Valley Flood Protection Board Easements, please contact Angelica Aguilar at (916) 653-5782.

**FOURTEEN:** 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.

**FIFTEEN:** The maximum crown elevations of the levee reach addressed by this permit shall be limited to the maximum crown elevations shown for the same levee reach on the US Army Corps of Engineers' Sacramento River Flood Control Project, California, Levee and Channel Profiles, dated March 15, 1957, or as modified by the Corps of Engineers and shown on "as-built" drawings provided to the Central Valley Flood Protection Board subsequent to March 15, 1957 but shall not exceed elevation 80.4 feet NGV Datum 1929.

**SIXTEEN:** Upon completion of the project, the permittee shall submit a levee crown profile survey, certified by a licensed land surveyor or professional engineer registered in the State of California, to

the Central Valley Flood Protection Board.

SEVENTEEN: 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.

EIGHTEEN: 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.

NINETEEN: The permittee shall provide supervision and inspection services acceptable to the Central Valley Flood Protection 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: If FEMA certification of the levee by the Corps of Engineers is being considered, the project proponent should contact the U. S. Army Corps of Engineers regarding inspection of this project during construction for FEMA certification purposes.

TWENTY-ONE: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

TWENTY-TWO: 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.

TWENTY-THREE: 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.

TWENTY-FOUR: 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.

TWENTY-FIVE: 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.

TWENTY-SIX: 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.

TWENTY-SEVEN: 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, Suite

LL30, Sacramento, California 95821.

TWENTY-EIGHT: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

TWENTY-NINE: 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: 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 Department of Water Resources Inspector.

THIRTY-ONE: The stability of the levee shall be maintained at all times during construction.

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

THIRTY-THREE: All temporary fencing, gates and signs shall be removed upon completion of the project.

THIRTY-FOUR: Fill on the levee slope shall be keyed into the existing levee section with each lift.

THIRTY-FIVE: Backfill material for excavations within the levee section and within 10 feet of the levee toe shall be placed in 4- to 6-inch layers, moisture conditioned above optimum moisture content, and compacted to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

THIRTY-SIX: Density tests by a certified materials laboratory will be required to verify compaction of backfill within the levee section and within ten (10) feet of the waterward levee toe.

THIRTY-SEVEN: Imported material shall be used when developing the waterside levee slope and crown fill areas, and no cuts shall remain in the levee section upon completion.

THIRTY-EIGHT: Fill material shall be placed only within the area indicated on the approved plans.

THIRTY-NINE: All fill material shall be imported impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Fill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

FORTY: The fill surface area shall be graded to direct drainage away from the toe of the levee.

FORTY-ONE: Prior to construction or enlargement of the embankment, all areas to receive fill shall have surface vegetation removed to a depth of 6 inches. Organic soil and roots greater than 1-1/2 inches in diameter shall also be removed to a depth of 3 feet.

FORTY-TWO: The slopes of the proposed levee shall be no steeper than 3 horizontal to 1 vertical on the water side.

FORTY-THREE: The reconstructed levee crown roadway and access ramps shall be surfaced with a minimum of 4 inches of compacted, Class 2, aggregate base (Caltrans Specification 26-1.02A).

FORTY-FOUR: Aggregate base material shall be compacted to a relative compaction of not less than 95 percent per ASTM Method D1557-91, with a moisture content sufficient to obtain the required compaction.

FORTY-FIVE: The levee section and access ramps shall be restored to at least the condition that existed prior to commencement of work.

FORTY-SIX: All debris generated by this project shall be disposed of outside the floodway and off the levee section.

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

FORTY-EIGHT: In the event existing revetment on the levee slope is disturbed or displaced, it shall be restored to its original condition upon completion of the proposed installation.

FORTY-NINE: 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 shall repair the eroded area and propose measures, to be approved by the Central Valley Flood Protection Board, to prevent further erosion.

FIFTY: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated August 7, 2006, which is attached to this permit as Exhibit A and is incorporated by reference.

FIFTY-ONE: Any additional encroachment(s) in the floodway, on or in the levee section and within ten (10) feet of the landward levee toe require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

FIFTY-TWO: Upon completion of the project, the permittee shall submit proposed revisions to the Corps of Engineers, Supplement to Standard Operation and Maintenance Manual, Sacramento River Flood Control Project, Unit No. 145-Part No. 1, incorporating the waterside slope flattening and levee raise, or any other system improvements implemented as part of this permit as project features to the Central Valley Flood Protection Board.