

File: TRLIA

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

PERMIT NO. 17921 GM

This Permit is issued to:

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

To construct 2,500 linear feet of seepage berm at two sites along the landside slope of left (south) bank levee of Yuba River. The project is located south of Marysville extending west from the SPRR crossing to downstream point approximately 150 feet west of Highway 70 (Section 19&24, T15N, R3&4E, 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)

Dated: JUL 21 2005

Stephen T. Bradley
for 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. 17921 GM

THIRTEEN: 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, flood control rights to be determined over that portion of the existing or to-be-constructed levee and seepage berm (including the areas parallel to and extending 10 feet from the landward toe of the levee seepage berm) which is not presently encumbered by a Reclamation Board easement or grant in fee. Contact Jeffery Fong at (916) 657-2831.

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 Reclamation Board.

FIFTEEN: 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.

SIXTEEN: 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.

SEVENTEEN: 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.

EIGHTEEN: 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.

NINETEEN: The Reclamation Board, 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: If FEMA certification of the levee seepage berm by the Corps is being considered, the project proponent should contact the U. S. Corps of Engineers regarding inspection of the project during construction.

TWENTY-ONE: 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.

TWENTY-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.

TWENTY-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.

TWENTY-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.

TWENTY-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.

TWENTY-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.

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

TWENTY-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.

TWENTY-NINE: During demolition 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.

THIRTY: The stability of the levee shall be maintained at all times. The permittee is responsible to maintain levee stability along the contact zone between the material remaining after excavation of the landside levee toe drain and cobble berm, by coordinating with the U. S. Army Corps of Engineers as to any special surface preparation and density requirements for placement of seepage berm fill.

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

THIRTY-TWO: The permittee shall be responsible for all damages due to settlement, consolidation, or heave from any construction-induced activities.

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

THIRTY-FOUR: The project site shall be restored to at least the condition that existed prior to commencement of work.

THIRTY-FIVE: All debris generated by this project shall be disposed of outside the floodway and off the levee section and seepage berm.

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

THIRTY-SEVEN: The permittee is required to submit a new application package that addresses the removal of the existing power poles that are to temporarily remain in the seepage berm under this permit.

THIRTY-EIGHT: The seepage berms are considered Flood Control Project Features and are subject to Title 23 California Code of Regulations.

THIRTY-NINE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated July 7, 2005, which is attached to this permit as Exhibit A and is incorporated by reference.

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EXHIBIT A

PAGE 02

REPLY TO
ATTENTION OF

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922
July 7, 2005**

Navigation and Flood Control Unit (17921)

Mr. Peter D. Rabbon, General Manager
The Reclamation Board
State of California
3310 El Camino Ave., Room LL40
Sacramento, CA 95821

Dear Mr. Rabbon:

We have reviewed an application for a permit by Three Rivers Improvement Authority (Reclamation Board Number 17921). These plans include constructing a 2,600 linear-foot-long seepage berm at three sites along the landside slope of the left (south) bank levee of Yuba River in Sections 19 & 24, Township 15 North, Range 3 & 4 East, M.D.B. & M. Survey, Yuba 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 be performed during the flood season of November 1 to April 15, unless otherwise approved in writing by your Board.
- b. That all areas to receive fill shall be cleared of all vegetation prior to fill placement.
- c. That in the event trees and brush are cleared, they shall be properly disposed of outside the limits of the project works.
- d. That the project levee section, floodway, and work area shall be restored to at least the same condition as existed prior to commencement of the proposed work.
- e. That the fill material proposed to be placed on the landside levee section shall be compacted to at least the same density as the existing levee.
- f. That the applicant shall repair any damage caused to the levee during placement of the fill.
- g. That the proposed fills shall be keyed into the existing levee slopes placed in 4- to 6-inch layers and compacted to at least the density of the existing levee.

It is obvious that the proposed berm is an improvement to the existing levee system and to the flood control facility in this region, and will most likely in the near future, become integrated

07/08/2005 09:35 9165576877

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PAGE 03


-2-

as one of the elements of the federally constructed project levee. Therefore, it is recommended that future use of this berm area be strictly limited to only flood control use under Federal, State, and local government guidelines.

A file (199500412) has been opened because a Section 10 and/or Section 404 permit may be required. Please advise the applicant to contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento California 95814, telephone (916) 557-5250

If you have any questions concerning our comments on this permit application, please contact Mr. Mohsen Tavara at (916) 557-5282 or Mr. Robert Murakami at (916) 557-6738.

Sincerely,


Michael D. Mahoney, P.E.
Chief, Construction-Operations Division

CF:
DWR, Richard Marshall