

Frequently Asked Questions and Answers for Replacement or New Encroachments American River Common Features-2016 Project



PREFACE

This Frequently Asked Questions (FAQ) and answers was developed to provide information to landowners who are considering re-construction of encroachments that were removed due to American River Common Features-2016 Project (Project). The following are the most frequently asked questions regarding encroachments that have been removed or will be removed as part of the Project. This FAQ focuses on general replacement requirements, the processing time for permit applications, the process to replace the encroachments.

The answers below have been developed specifically for the Project and may not be suitable or appropriate for other projects. In addition, due to specific site conditions at proposed encroachment locations, this FAQ does not contain answers for all circumstances. Central Valley Flood Protection Board (CVFPB) staff developed this FAQ to assist encroachment owners impacted by the Project.

Encroachment Replacement and Permit Application Questions and Answers

Question 1: Will I be allowed to replace my removed encroachment?

Answer: Each permit application will be evaluated on a case-by-case basis to determine compliance with applicable State and federal regulations before a permit is issued.

Question 2: Do I need to submit a new permit application to the CVFPB?

Answer: YES. Landowners are required to apply for a permit to replace any encroachment removed due to the Project. In addition, landowners must apply for a permit to modify existing encroachments and for proposed new encroachments.

Question 3: Do I need to perform an environmental impact analysis as part of the permit application to the CVFPB?

Answer: NO. Any existing encroachments impacted by the Project are or will be covered by the Project Environmental Impact Statement / Environmental Impact Report (EIS/EIR) and supplemental EIR/EIS. Therefore, encroachments that are replaced in-kind will not require additional environmental analysis as part of the application.

Question 4: How will my permit application be processed by the CVFPB?

Answer: Each permit application will be evaluated by staff on an individual basis and reviewed against the current federal and State regulations before a permit can be issued.

Question 5: Will the approval process involve a CVFPB Meeting?

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Answer: In many cases, replacement of existing permitted encroachments that are in-kind can be permitted through the CVFPB's Executive Officer Delegated Permitting process, provided that no flood, public safety, or maintenance protests are raised. This process does not require approval at a CVFPB monthly meeting.

Question 6: Do I need to obtain the U.S. Army Corps of Engineers (USACE) approval for my application?

Answer: NO. As part of the CVFPB's permitting process, CVFPB staff submit encroachment applications to the USACE for review.

Question 7: When can I submit an application to the CVFPB to replace an encroachment that was removed by the Project?

Answer: Landowners can submit an encroachment application for a CVFPB encroachment permit at any time. The CVFPB's Sacramento Levees Section staff will assist in the application process or coordinate with applicants to schedule pre-application meetings, if needed.

Question 8: Can I replace my removed encroachments at any time?

Answer: NO. It is important to note that no encroachment will be allowed to be replaced if it would in any way interfere with the Project construction activities. The CVFPB will make the final determination as to when an encroachment will be allowed to be replaced based on the Project status.

Question 9: Do I need to pay any fees as part of the application?

Answer: Yes. Each permit application will be subject to a fee according to the fee schedule enacted by the Board on July 1, 2019. Please visit <http://cvfpb.ca.gov/fees-2019/>.

Question 10: How long does it take for the CVFPB to issue a permit after the application has been submitted?

Answer: For EO Delegated Permits it typically takes approximately five months to process and issue an approved permit. For CVFPB approved permits it usually takes approximately 12 months to process and issue an approved permit.

Question 10: Where can I get more information about the ARCF-16 Project?

Answer: Please visit: <https://www.spk.usace.army.mil/Missions/Civil-Works/Sacramento-Levee-Upgrades/>. You also have the option to sign up through the above link to receive monthly updates.