Frequently Asked Questions

Central Valley Flood Protection Board (CVFPB) Encroachment Permit Application Process

When do I need an encroachment permit for my proposed project?

An encroachment permit from the CVFPB is required for every proposal or plan of work that:

1. Is located between or in the vicinity of any Project (available map under Maps tab)
2. Is located within a Board easement;
3. Is located within a Designated Floodway that has been adopted by the Board (available map under Maps tab);
4. Is located near a regulated stream as identified in California Code of Regulations, Title 23, Article 8, Table 8.1. ([http://www.cvfpb.ca.gov/regulations/Title23TierIupdates_Register2009.pdf](http://www.cvfpb.ca.gov/regulations/Title23TierIupdates_Register2009.pdf));
5. May have a negative effect on the Adopted Plan of Flood Control.

What types of work require an encroachment permit?

A project that requires any work to be done in a regulated stream, designated floodway, and/or on any federal flood control project levee slopes to include the area 10-feet landward of the landside levee toe. Such activities might include but are not limited to: the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment or works of any kind, and including the planting, excavation, or removal of vegetation, and any repair or maintenance that involves cutting into the levee, wholly or in part, within an area for which there is an adopted plan of flood control.

What is an Adopted Plan of Flood Control?

A flood control or reclamation strategy for a specific area that has been adopted by the Board or the Legislature and includes the following:

(1) In the case of project flood channels without levees, it means the natural stream channel and overbank area at design flood levels (see Article 5, Designated Floodways);

(2) In the case of project channels with levees, it means the area between and including the Project Levees, and includes:

(A) Additional area outside of the Project Levees where encroachments could affect the integrity, functioning or maintenance of the works (generally ten [10] feet landward of the levee toe);

(B) Any flowage areas that are part of the federal or state flood control project; and

(C) Areas where there are flowage easements; and

(3) In the case of designated floodways, it means the area between the encroachment lines.

(4) Where levees are involved, the "Adopted Plan of Flood Control" extends ten (10) feet landward from the levee toe except where an operation and maintenance manual furnished pursuant to 33 C.F.R. 208.10 or the real property rights acquired by the board specifically provide otherwise.

How do you determine where the landside levee toe is located?

The levee toe is the bottom portion of the levee and it is located where the levee slope meets the natural ground elevation.
How do you determine where the waterside levee toe is located?

Identify the landside levee toe as explained above and extend a horizontal line through the levee until it intercepts the waterside levee slope.

Is my project within the Central Valley Flood Protection Board’s Designated Floodway?

Maps of Designated Floodways can be found on the Board’s website, under the Maps tab, or at the County Recorder’s office of the county in which the project is located.

Can I perform work on Project Levees or within floodways between the Project Levees?

General information on what is allowed within floodways or between Project Levees can be found in Title 23 of California Code of Regulations. For additional information, contact the Central Valley Flood Protection Board at (916) 574-0609 or send an email to: cvfpbquestions@water.ca.gov.

Can I build a house within an adopted plan of flood control?

Dwellings and structures that will be used for human habitation are typically not allowed within an adopted plan of flood control as per Title 23, Section 113. Board staff may recommend denial of the encroachment permit application when the application is heard by the Board. The applicant may appear before the Board to request a variance from the Title 23 standard.

Are there design standards that I should follow if my proposed project requires an encroachment permit?

California Code of Regulations, Title 23, Article 8 provides standards that must be incorporated into your project design [http://www.cvfpb.ca.gov/regulations/Title23TierIupdates_Register2009.pdf](http://www.cvfpb.ca.gov/regulations/Title23TierIupdates_Register2009.pdf). To request a hard copy of Title 23, contact the Central Valley Flood Protection Board at (916) 574-0609, or send an e-mail to cvfpbquestions@water.ca.gov.

Can I request a variance on my proposed project from the Central Valley Flood Protection Board if my project does not conform to Title 23 standards?

An applicant may request a hearing before the Board and ask for a variance if the proposed project does not conform to Title 23 standards. The Board may approve or deny the variance request.

How complete do my design plans need to be before I can submit an encroachment permit application?

At a minimum you must have 60% design drawings for your proposed project before you can submit an application. Depending on the complexity of the proposed project, 90% design drawings may be required.

Where can I get an encroachment permit application form?

You can download the forms or fill out the forms on-line by going to our website tab Do I Need a Permit? and scroll down to the link for Encroachment Permit Application Forms. You can also request a hard copy be e-mailed, faxed, or sent to you by calling (916) 574-0609. If you use the on-line fill-in form, fill in the information requested, then print out 4 copies, sign them (we do need your wet signatures), and either mail them to the Board or drop them off at the Board’s office at 3310 El Camino Avenue, Room 151, Sacramento, CA 95821. In addition to forms [3615](http://www.cvfpb.ca.gov/regulations/Title23TierIupdates_Register2009.pdf) and [3615a](http://www.cvfpb.ca.gov/regulations/Title23TierIupdates_Register2009.pdf), your application must provide four copies of all information pertinent to the project, including mitigation if required, and complete CEQA compliance. The General Instructions (form 3615) provides a complete listing of all required information.
What is CEQA compliance?

Environmental Review - Each permit application is required to be in compliance with the California Environmental Quality Act (CEQA) in accordance with Title 23, CCR Section 191 Incorporation of California Environmental Quality Act Guidelines. All encroachment permit applications must include form 3615a and a copy of all CEQA documents that have been submitted to the State Clearinghouse or the County Recorder’s Office of the county where the project is located.

For additional information on submitting CEQA documents refer to:

- The CEQA Technical Advisory
- The State Clearinghouse Handbook 2009

Additional publications on CEQA requirements are available on the website of the Office of Planning and Research at: [http://www.opr.ca.gov/index.php?a=planning/publications.html](http://www.opr.ca.gov/index.php?a=planning/publications.html)

If you are unsure which CEQA documents are required for your encroachment permit application, please contact the Board’s:

Environmental Services Section
Central Valley Flood Protection Board
(916) 574-0609

Are there other agencies that I should contact before I submit my encroachment permit application?

Yes, most proposed projects will require an endorsement of your project from the local maintaining agency (LMA) that has the responsibility to maintain the Project Levees and/or channel in the vicinity of the proposed project. LMA’s can be reclamation districts, levee districts, state maintenance areas, a county, or a city. The links below will help you determine if there is a LMA in the vicinity of your proposed project. Please contact the Board if you are still unable to determine if your proposed project is inside the jurisdictional boundaries of a LMA.

- Central Valley Flood Protection and Levee Districts (1.4MB.pdf*)
- Flood Control Agencies (1.4MB.pdf*)
- Sacramento-San Joaquin Delta (650K .pdf*)

Where do I send my four copies of the encroachment permit application package?

Four copies of a completed application, and CD or DVD if possible, may be mailed or delivered in person to:

Central Valley Flood Protection Board
Attention: Floodway Protection Section
3310 El Camino Avenue, Rm. 151
Sacramento, California 95821

How much does an encroachment permit cost?

No fee is required for the encroachment permitting process.
How long does it take to get an encroachment permit?

It typically takes between three and six months to receive your encroachment permit from the Board. If an application package is complete when submitted, and includes all CEQA documentation, the time required to issue an encroachment permit could be less.

Does my encroachment permit application get forwarded to other permitting agencies?

No. It is the applicant’s responsibility to contact all the other federal, State/local agencies that may have jurisdiction to inquire about the need for additional required permits.

Will my encroachment permit have special conditions or restrictions to my proposed project?

Yes, most approved projects will have special conditions that are specific to that project that are added to the encroachment permit and must be followed by the applicant. The encroachment permit applicant risks having their encroachment permit revoked if the special conditions of the permit are not followed.

What happens if I begin work without an encroachment permit?

The Central Valley Flood Protection Board has an active inspection/enforcement program to identify violations of the encroachment permit process. Violators will be issued a citation or a cease and desist order and directed to remove the unauthorized work. Civil penalties can be assessed, and serious violations are referred to the California Attorney General.

What can I do if my encroachment permit is denied by the Board?

The applicant may petition the Board for reconsideration no later than 30-days after adoption by the Board of a decision or order (Title 23, Section 23).