California
WATER COMMISSION

Briefing on DWR regulations for State Water Project encroachment

Background

The Department of Water Resources (DWR) oversees and issues encroachment permits for activities along the State Water Project (SWP). Some of these activities include construction of road improvements over pipelines; utility work above or below the ground surface; real estate development on adjacent property; and certain types of farming activities**.** The encroachment permit requirement allows DWR to ensure that the SWP facility is adequately protected during activities related to construction of improvements in or around the SWP right of way, and to ensure that the State's property rights and ability to operate and maintain its facilities are not infringed upon without the State's consent and concurrence.

Water Code sections 12899 through 12899.11 affirm DWR's authority to control access to the State Water Project right of way with an encroachment permit process, and provide DWR the statutory authority to create regulations to protect and enforce its right of way along the SWP.

DWR staff has been developing regulations governing the SWP Encroachment Permits through a public process that included several public meetings over the past year. DWR staff expects to bring the proposed regulations to the California Water Commission for initial approval no later than September 2012. The Commission's approval would allow DWR to send its Notice of Proposed Rulemaking and Initial Statement of Reasons to the Office of Administrative Law to begin the formal 45-day public comment period.

Before submitting the proposed regulations to the Commission for consideration, staff will make an informational presentation at the August 15 meeting.

Contact

Sue Sims
Executive Officer
California Water Commission
(916) 653-5544