



Action Item: Initial Consideration of State Water Project Encroachment Regulations

Background

The Department of Water Resources (DWR) oversees and issues encroachment permits for activities along the State Water Project (SWP). These activities may 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 SWP 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 developed proposed regulations governing the SWP Encroachment Permits through a public process that included several public meetings over the past two years. DWR staff presented an initial overview of the regulations at the Commission's August 2012 meeting.

At this meeting, staff will present the proposed regulations to the California Water Commission for initial approval. 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. At the end of the 45-day comment period, the regulation would come back to the Commission for final approval.

Contact

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