



Action Item: Approval of State Water Project Encroachment Permit 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 developed proposed regulations governing the SWP Encroachment Permits through a public process that included several public meetings, and presented an initial overview of the regulations at the Commission's August 2012 meeting.

At the June 2013 meeting, the Commission gave initial approval to proposed regulations. Subsequently, DWR held one 45-day public comment period and one 15-day public comment period. At this meeting, staff will present the revised regulation. If the Commission approves the regulation and adopts the Draft Resolution, DWR will submit the Regulation to the Office of Administrative Law for final approval.

Attachments

Text of Regulations
Final Statement of Reasons
Draft Resolution 2014-01

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