

(Date)

(Address of recipient)

Dear _____:

This letter serves as a friendly reminder to avoid interference with levees that adjoin or border your property. It also provides a brief update of the current state of California law regarding unlawful interference with the structural integrity or functional capabilities of our levees.

Our flood control works are vital to the safety and livelihoods of the citizens who rely on them. In 1997, winter storms flooded 300 square miles, forced the evacuation of 120,000 people, and resulted in estimated costs exceeding \$5 billion. The Jones Tract flood of June 2004 took months to repair, caused millions of dollars in damage, and proved that levees may fail even in the absence of heavy storms. In 2006, the Governor declared a state of emergency for California's levee system. Given the constant risk of flooding due to levee breaches, it is vital for Central Valley residents to ensure that they do not take any action that will weaken the structural integrity or functional capabilities of our levees.

In light of these risks, it not surprising that the California Water Code includes several provisions that prohibit encroachment upon or interference with flood control works. In addition to the pre-existing provisions, these provisions were expanded in late 2009 when the California Legislature passed AB 1165. [If CVFPB levees: In addition to enforcement authorities held by the District, AB 1165 provides the Central Valley Flood Protection Board with greater flexibility in regulating and punishing those who encroach upon levees, channels, and other flood control works.]

Under current California law, including the new provisions of AB 1165, no levee may be cut or altered without permission. Any work that affects the structural integrity of a levee or impedes flood fighting also requires a permit. Additionally, any work to be performed within ten feet of a levee must be approved by your local maintaining agency. As such, you should refrain from engaging in any of these activities unless you have obtained the proper permits and/or approvals.¹

If it is determined that you have undertaken or are threatening to undertake any activity that may encroach on any flood control works under its jurisdiction without a permit, or in violation of a permit, you may be given written notice of your unlawful activity. If you fail to respond to this notice in a satisfactory manner, you may receive a cease and desist order. Violating a cease and desist order could result in a civil penalties for each day of violation. Furthermore, the civil penalty for violating the anti-encroachment provisions of the Water Code

¹ For additional information, please see the California Department of Water Resources brochures "Guide for Living by a Levee," (http://www.water.ca.gov/floodmgmt/docs/brochure_livingbylevee.pdf) and "Need for a Permit," (http://www.water.ca.gov/floodmgmt/docs/brochure_recboard_permit.pdf). Please also note that pursuant to the Water Code, any code reference to "the Reclamation Board" means the Central Valley Flood Protection Board.

may reach up to \$45,000.

Our goal is to provide you with the strongest flood protection within our means. While the penalties discussed above provide a disincentive to engage in activities that may negatively affect Central Valley levees, those penalties will be of little help to any residents who might be harmed by a future levee breach. You and other local residents can help us protect you and prevent breaches by avoiding activities that threaten our levees in the first place.

If you have any questions concerning your rights or duties with respect to any levees adjoining your property, please do not hesitate to contact us. We look forward to serving you in the future.

Sincerely,

(Name and contact information here in print)

ORDER TO CEASE AND DESIST

To: _____

You are hereby ordered to CEASE and DESIST from the following unlawful activity: _____

Affected Flood Control Work: _____

This order is made by (Person With Authority) in accordance with the California Water Code and Title 23 of the California Code of Regulations. Your activity is in violation of Article 6 of Division 5 of the Water Code and poses a threat to the structural integrity or functional capability of the identified flood control work. Therefore, (Person With Authority) directs you to cease and desist this activity immediately.

If you fail to correct this violation, be advised that (Person With Authority) will seek legal action against you and refer this matter to the appropriate authorities for further prosecution.

Due to your violation of California law you may be subject to a civil fine of up to **forty-five thousand dollars (\$45,000)**. Additionally, if your unlawful activity falls within the jurisdiction of the Central Valley Flood Protection Board ("the Board"), the Board may bring an action against you. If you intentionally or negligently violate a cease and desist letter issued by the Board, you may be liable for up to **six thousand dollars (\$6,000) for each day** in which the violation persists.

You will receive no additional warnings.

Dated: _____

Signed: _____

(Name and contact information in print here)