

RULE 127 - PERMIT PROCESS

A. RIVER WORK PERMITS

1. Applications for River Work Permits shall be made to the Monterey Peninsula Water Management District on forms supplied by District staff and shall be accompanied by plans showing appropriate Site, improvement and engineering information as may be required by District staff. The fee prescribed by Rule 60 shall be required for any River Work Permit.
2. Any application which appears to propose an activity regulated pursuant to the National Flood Insurance Program, including but not limited to:
 - a. grading or changes in land forms that might alter channel hydraulics or the configuration of the floodway, or
 - b. levees or other flood control works that might alter channel hydraulics or the configuration of the floodway, shall be referred for review and comment to the Monterey County Water Resources Agency.
3. Within 30 days of receipt of application, District Staff shall determine whether the information submitted by the Applicant is sufficient to consider the matter. If the Application is not sufficient, District staff shall identify what additional information is required and inform the Applicant to submit the additional information (normally within 30 days of notification of the deficiencies).
4. The Board of Directors shall by resolution promulgate upon advice of the Carmel River Advisory Committee a list of "minor works." Minor work permits and regular River Work Permits which have been issued shall be prominently posted in the Monterey Peninsula Water Management District office, and shall not become effective until seven (7) days after issuance. Such permits may be appealed to the Board pursuant to Rule 127-C of this Regulation. Holders of a minor work permit may undertake such work immediately upon issuance of the permit, provided however, that each Applicant for a minor work permit who undertakes work prior to the effective date of such permit agrees in writing to proceed during that seven-day period at his own risk, and agrees to indemnify and hold harmless the Monterey Peninsula Water Management District for any damage which may result, and agrees to comply with any Board order should the permit be denied or conditioned on appeal.
5. In order to grant a regular River Work Permit, an emergency work permit, or a minor work permit, the General Manager or the District Engineer shall make the following findings based upon facts apparent from the District files, the permit application or other relevant facts:
 - a. the work allowed by the proposed permit does not appear to adversely affect adjoining or other properties;

- b. the work allowed does not degrade habitat value and appears to be visually compatible with the natural appearance of the river channel, banks and Riparian Corridor;
 - c. the work allowed appears to be appropriate for the intended purpose, and be consistent with technical standards and plans set by the District;
 - d. the work allowed will not contribute to adverse levels of downcutting;
 - e. the establishment, maintenance or operation of the use or work applied for does not appear under the circumstances of the particular case, to be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the District;
 - f. the work permitted appears either to comply with, or be exempt from the requirements of the National Flood Insurance Program; and
 - g. the work permitted will not adversely affect traditional or cultural values of California Native American tribes.
6. The General Manager or the District Engineer may designate conditions in connection with the permit to secure the purposes of this Regulation, in addition to any standard permit conditions which may be required by the Board. The General Manager or the District Engineer may also require bond and guarantees to assure compliance with the conditions.

Each permit shall briefly set forth or refer to the information used to develop permit conditions.

7. Each permit issued by the General Manager or the District Engineer shall become effective seven (7) days after the date such permit was issued and remain valid until the date of expiration stated on the permit; or if no date of expiration is stated, or otherwise specified, all such permits shall expire one year from the date of granting said permit.
8. When a property owner wishes to maintain the river channel and/or riverbank on a regular basis, a River Work Permit may be issued by the General Manager or District Engineer upon the approval of an appropriate management plan. Permits granted for such ongoing activity under this Rule shall state this basis for termination as follows:

“This permit shall terminate on the date set forth below; and if no date of termination is set, shall terminate one year after the repeal of this Rule or Regulation”.

9. Each permit shall be publicly posted at the District office for a period of not less than 21 days and shall be made available for public viewing through other District communication platforms, such as on the District's internet web site.

B. EMERGENCY RIVER WORK PERMITS

Emergency riverbank or Riverbed protection or channel modification measures performed under this Regulation shall require a subsequent emergency River Work Permit from the General Manager or District Engineer. An application for such a permit shall be submitted within ten (10) calendar days after commencement of such measures. The fee prescribed by Rule 60 shall be required for any emergency River Work Permit. The intent of such a subsequent emergency River Work Permit is to ensure that any emergency bank and bed protection measures conform to or will be brought into conformance with the technical standards promulgated in accord with this Regulation. To the extent practicable, emergency River Work Permits shall be administered and granted in accordance with Rule 127-A above, and may also be appealed to the Board in accord with Rule 127-C. Standards shall be developed and distributed summarizing the design concepts that will be required in emergency permits. Persons undertaking emergency River Works without prior approval shall bear sole responsibility for the adequacy and safety of such work, and shall be deemed to proceed at their own risk. The District, upon later review of the emergency River Work Permit, reserves the right to require removal or modification of such works to that measure compatible with the structural management plan.

C. PERMIT APPEALS

Determinations of the General Manager or the District Engineer may be appealed to the Board of Directors pursuant to Rule 70, "Appeals" upon payment of the fee specified in Rule 60.

Rule added by Ordinance No. 10 (7/26/83); amended by Ordinance No. 22 (3/11/85); Ordinance No. 14 (11/12/84); Ordinance No. 69 (6/21/93); Ordinance No. 120 (3/21/2005); Ordinance No. 125 (9/18/2006); Ordinance No. 177 (9/18/2017); Ordinance No. 181 (5/20/2019)