



# CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

## COUNCIL

Mayor

Harry T. Price  
707.428.7395

Vice-Mayor  
Rick Vaccaro  
707.429.6298

Councilmembers  
707.429.6298

Pam Bertani  
Catherine Moy  
John Mraz

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City Manager  
Sean P. Quinn  
707.428.7400

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City Attorney  
Gregory W. Stepanicich  
707.428.7419

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City Clerk  
Jeanette Bellinder  
707.428.7384

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City Treasurer  
Oscar G. Reyes, Jr.  
707.428.7496

## DEPARTMENTS

Administrative Services  
707.428.7394

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Community Development  
707.428.7461

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Community Resources  
707.428.7465

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Finance  
707.428.7496

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Fire  
707.428.7375

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Police  
707.428.7362

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Public Works  
707.428.7485

## Public Works Department

December 9, 2013

California Department of Water Resources  
Encroachment Permit Regulations  
Encroachment Unit  
1416 Ninth Street, Room 649  
Sacramento, CA 95814

Subject: Encroachment Permit Regulations

To Whom It May Concern:

In response to the California Department of Water Resources' (DWR) Notice of Adoption of Regulations for Enforcement of Access to the Right-of-Way along the State Water Resources Development System, the City of Fairfield has the following comments:

- It is unclear how DWR proposes to handle conditions that existed prior to construction of the North Bay Aqueduct (NBA) Pipeline through Fairfield, or how it will be determined if an existing feature pre-dated the construction of the NBA. Features that existed prior to DWR acquiring their ROW should not be defined as encroachments, or in the event that they are they should be given special consideration. DWR should have the burden of proof to show that an unauthorized encroachment of the DWR easement occurred after construction of the NBA.
- The provision to require a property owner "to remove or abate the use, activity or encroachment within sixty (60) days of receipt of the notice" is insufficient in some instances. Public agencies are bound by the Public Contracts Code, Municipal Code, and other regulations which mandate lengthy procedures for bidding, contracting, procurement, etc. The City therefore requests that this sixty (60) day requirement be changed to one hundred eighty (180) days.
- The City requests that a formal appeal process be established and included within these proposed Encroachment Permit Regulations.

To: California Department of Water Resources  
Re: Encroachment Permit Regulations  
December 9, 2013  
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Thank you for the opportunity to provide comments. If you have any additional questions regarding these comments, please do not hesitate to call me at (707) 428-7493.

Sincerely,



GEORGE R. HICKS  
Director of Public Works

FR:dla

cc: Felix Riesenber  
George Shimboff  
Erin Beavers