

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

January 26, 2018



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. CVFPB Enforcement Program

- As discussed at the December workshop, the new form titled “Notice to Comply” was being prepared for implementation. The form is being used as of January 12, 2018 by Central Valley Flood Protection Board (CVFPB) staff. Training and distribution will be made to California Department of Water Resources (DWR), local maintaining agencies (LMAs), and others in the near future.
- Staff continues to process encroachment cases by Fact-Finding Letters (FFL) or Notices of Violation (NOV). Status (since last month’s report):
 - Case being investigated for appropriate action: 10
 - FFL/NOV being drafted for management review: 4
 - FFL/NOV currently under management review: 2
 - FFL/NOV mailed to landowner/responsible party: 0
 - Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 9
 - Based on enforcement case, a permit application was received: 3
 - Notice to Proceed issued: 0
 - Enforcement case closed: 12

2. Local Maintaining Agency Coordination

Staff continues to coordinate with LMAs as more elect to participate in USACE System-Wide Improvement Framework (SWIF) program to regain eligibility for the Public Law (PL) 84-99 Program. A Letter of Intent (LOI) prepared by the LMA precedes the SWIF reports. Because USACE evaluates federal levees by system, it is possible for multiple LMAs to participate in the SWIF program together if their levees are part of the same system.

- The CVFPB website homepage now has a button entitled “Public Law 84-99 Eligibility” that links to the Ferix database to provide a visual representation of the status of the levee systems.
- **SWIF reports**
 - Three levee systems have revised draft SWIFs under review by USACE staff or under revisions by the LMAs. Lead LMAs include Reclamation District (RD) 1001, RD 1000, and Maintenance Area (MA) 9.
 - Five systems have SWIF drafts under review by USACE staff.
 - Two systems have completed 1-year progress reports which were approved by USACE on November 26, 2017. Lead LMAs include RD 2035 and RD 70/1660.
- **LOI reports**
 - Four levee systems have approved LOIs. The 1-year progress reports are due for USACE staff review in 2018.
 - Two systems have LOIs that passed CVFPB consent on October 27, 2017 have passed USACE Sacramento District approval. The LOIs have been forwarded to USACE Headquarters for final approval (expected approval in mid-2018).
 - Three systems have draft LOIs under review by USACE staff or undergoing revision by the LMAs.
 - Three systems are expected to develop first draft LOIs in early 2018.

3. PL 84-99 Rehabilitation Assistance Status

LMAs that are active in the PL 84-99 Program may request repair of flood risk reduction projects that were damaged due to flooding between January and March 2017. Rehabilitation assistance is being provided by USACE only when work is economically justifiable, the damage was sustained during the recent flood events, and the estimated cost of repairs is over \$15,000.

- USACE identified 15 damage sites active in the PL 84-99 Program for repair this year. Construction is now completed on all 15 sites. Updated O&M manuals for the repaired sites are expected to be sent to CVFPB in January 2018.
- CVFPB staff have been receiving the draft Project Information Reports (PIR) for the San Joaquin and Delta basin sites. These have been sent to DWR and the LMA for comment and returned to USACE for consideration.
- CVFPB staff continues to participate in PL 84-99 coordination calls with USACE and DWR.

4. 2017 Storm Damage DWR Rehabilitation

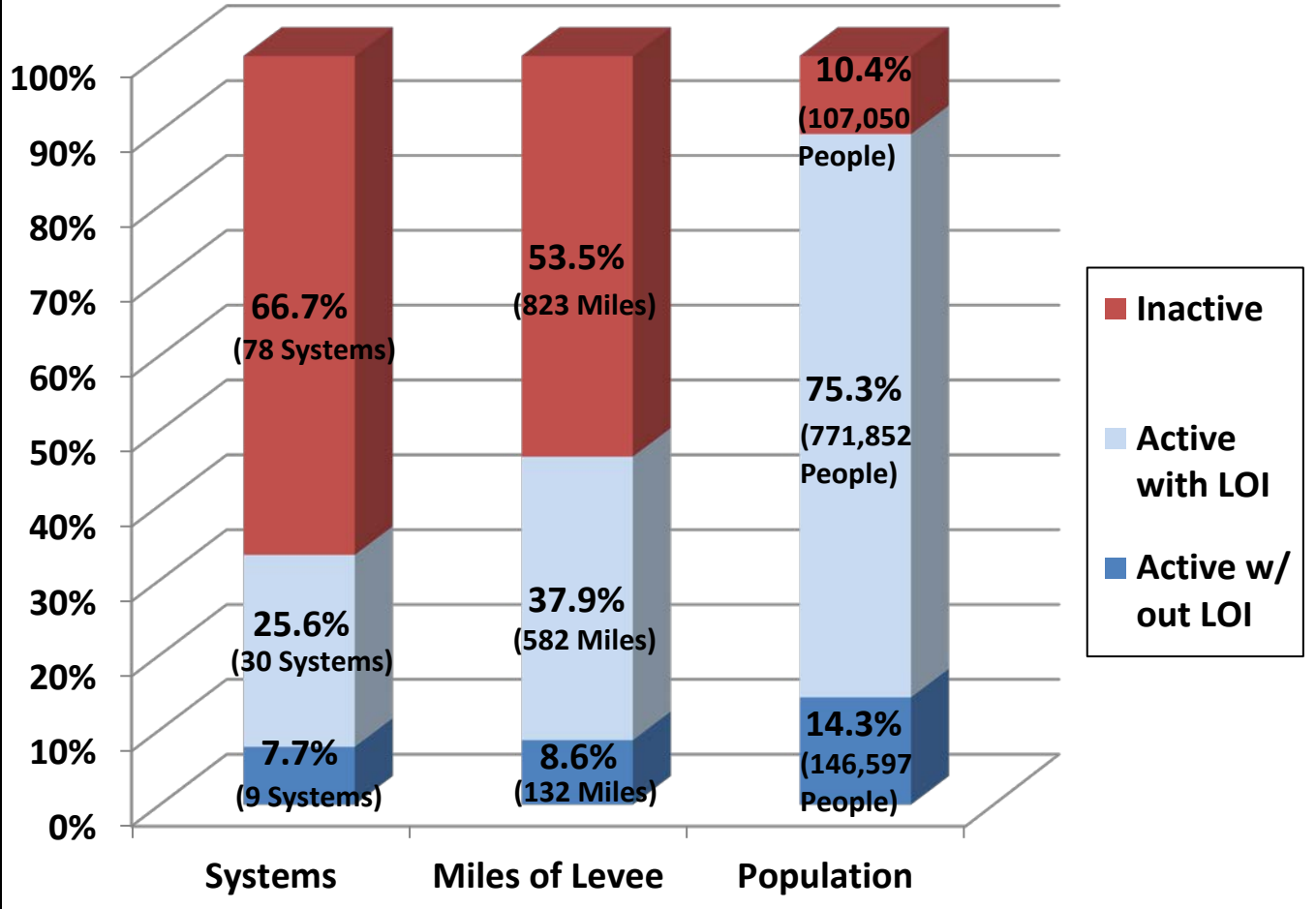
DWR is prioritizing identified damage sites that have not been approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. DWR is working under existing emergency declarations and using the Standardized Emergency Management System process that will allow for possible FEMA reimbursement in the future. CVFPB staff is assisting with site inspections and priority review.

- Approximately 30 damage sites that did not meet USACE criteria were repaired by DWR. Construction has been completed on all sites. DWR is beginning work on project closeout reports for each site.
- Now that DWR has the information from the USACE's PIRs, they are evaluating and prioritizing the sites within the San Joaquin River and Delta regions.
- CVFPB and DWR staff sent out 11 Local Assurance Agreements for execution between the LMA and CVFPB for rehabilitation work. As of January 12, 2018, seven agreements have been executed. Staff continues to contact the remaining LMAs to discuss the submittal of the agreements.
- CVFPB staff and DWR continue to meet weekly to coordinate internal and external communication regarding status of USACE and DWR repair efforts. Documents are updated and posted to the DWR and CVFPB websites weekly.
- CVFPB staff continues to participate in weekly storm damage management update meetings.

5. PL 84-99 Levee System Status

- The data and chart below represent the most updated information about PL 84-99 Program eligibility as of January 28, 2018:
 - Systems: 66.7% Inactive, 7.7% Active w/ out Letter of Intent (LOI), 25.6% Active w/ LOI
 - Levee Miles: 53.5% Inactive, 8.6% Active w/ out LOI, 37.9% Active w/ LOI
 - Population (urban): 10.4% Inactive, 14.3% Active w/ out LOI, 75.3% Active w/ LOI

Public Law 84-99 Status as of January 26, 2017



Permitting Section

1. Coordination Meetings

CVFPB staff continues to attend monthly coordination meetings with DWR's Inspection Section and the USACE Flood Protection and Navigation Section. The meetings focus on USACE inspections/re-inspections/levee screenings and CVFPB encroachment updates. DWR inspectors bring on-the-ground insight to the discussion. A brief overview of some of the items discussed at this month's meeting that pertains to the Permitting Section is presented below.

- Deferred Maintenance Project (DMP):

DWR Flood Maintenance Office staff has completed video camera training and is currently inspecting pipes. A service contract was awarded to clean out and prepare pipes for inspections. DWR submitted notices of eligibility to 69 LMAs. Currently 12 LMAs have signed agreements to go into contract with an additional 19 agreements pending. DWR anticipates having all State maintained area gravity drain pipes inspected by spring 2018. To date, approximately 80 of the estimated 300 State maintained area pipes have been inspected. More inspections will continue in the coming months and a contractor has been hired to assist in the effort. Funding commitments consist of \$10 million for slip line repairs and \$1 million for inspections.

- DWR is reviewing old Levee Logs that have been created by levee inspectors over the years to ensure they are up-to-date. Of the 1,410 miles of levees that have been inspected and logged, 410 miles have been updated.

2. USACE Coordination

- Krystal Bell has been appointed to replace Paige Caldwell as the USACE Readiness Section Chief for 120 days until a permanent replacement is selected. Ms. Caldwell accepted a position at USACE Headquarters in Washington, D.C.
- CVFPB staff met with technical and environmental staff from the USACE Flood Protection and Navigation Section (408 Section) to discuss improvements in the review process for both agencies. The 408 Section is perusing categorical permissions with other federal agencies that, when implemented, should significantly shorten review times. Encroachment Permit Application transmittal forms to the USACE are being revised by CVFPB staff to include more detailed information that will facilitate faster 408 Section environmental reviews. Environmental staff from the 408 Section will meet with CVFPB staff next month to discuss their review process and provide

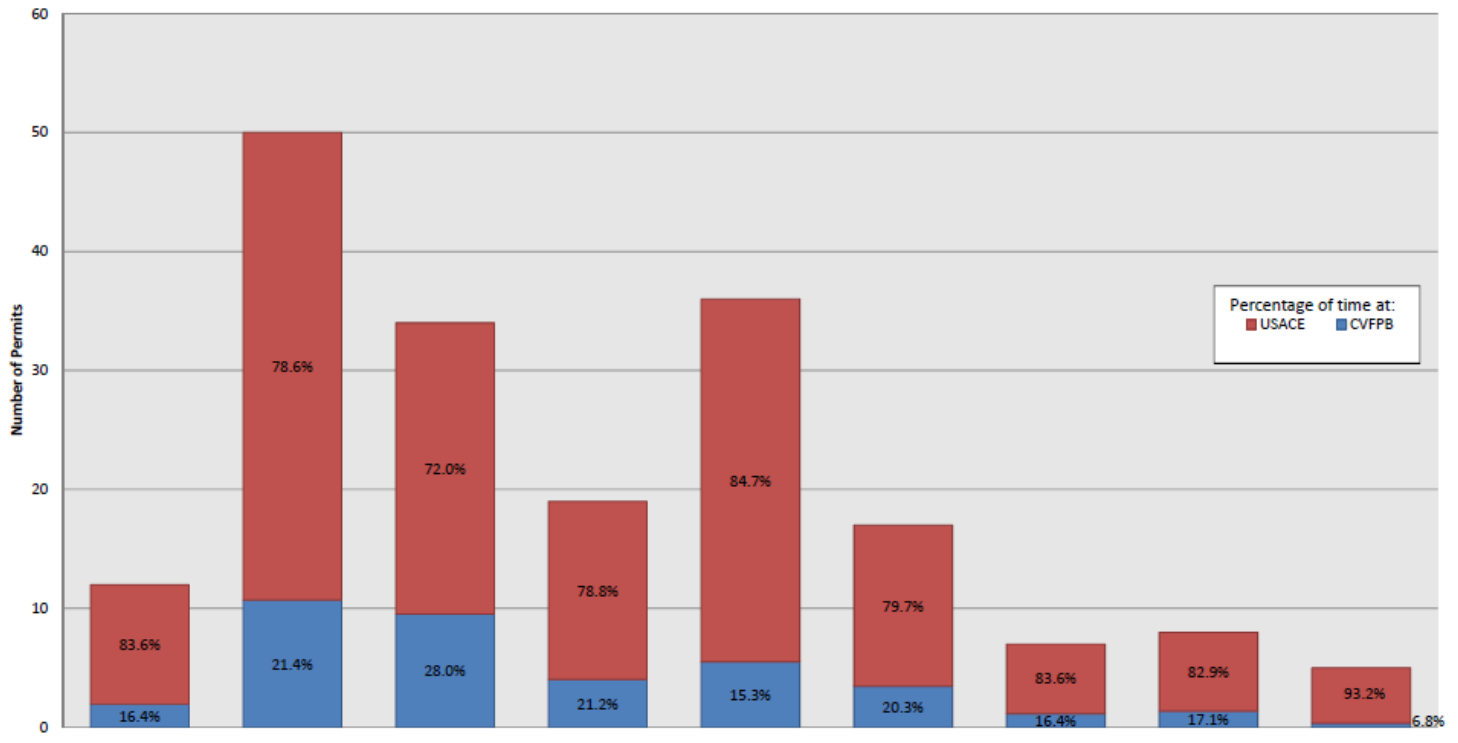
direction on what type of project information is needed to expedite their reviews.

- USACE 408 Section staff and CVFPB staff have been asked by Caltrans District 3 to brief their senior staff about the encroachment permitting process. The discussion will also include the requirements to perform geotechnical borings within Project Works. Caltrans has experienced a large turnover due to retirements and promotions and the new staff need to be informed about the permitting process and how it will impact the timing of future Caltrans projects. Staff anticipates a February meeting date in Marysville.

3. Permitting Status Overview

The following chart shows the average percentages of the total time an issued permit spends in review at the CVFPB and the USACE after the federal regulations changed on July 31, 2014.

Permit Review Process Timeline - August, 16 2014 to January 17, 2018



| Months | 3 or less | 6 | 9 | 12 | 15 | 18 | 21 | 24 | More than 24 |
|-----------------------------------------|-----------|-----|-----|-----|-----|-----|-----|-----|--------------|
| Cumulative Percentage of Issued Permits | 6% | 33% | 51% | 61% | 80% | 89% | 93% | 97% | 100% |
| Permits | 12 | 62 | 96 | 115 | 151 | 168 | 175 | 183 | 188 |

The table below provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through January 2018. The numbers in this table reflect how many permits were posted to the CVFPB website, issued, etc. in each month.

| Month | Posted | Issued | With Enforcement | With Applicant | With USACE |
|--------------|--------|--------|------------------|----------------|------------|
| January 2015 | 7 | 4 | 1 | 1 | 1 |
| February | 2 | 1 | 0 | 1 | 0 |
| March | 1 | 1 | 0 | 0 | 0 |
| April | 1 | 1 | 0 | 0 | 0 |
| May | 4 | 2 | 1 | 0 | 1 |
| June | 2 | 2 | 0 | 0 | 0 |
| July | 8 | 8 | 0 | 0 | 0 |
| August | 6 | 3 | 0 | 1 | 2 |
| September | 2 | 2 | 0 | 0 | 0 |
| October | 2 | 2 | 0 | 0 | 0 |
| November | 1 | 0 | 0 | 0 | 1 |
| December | 3 | 3 | 0 | 0 | 0 |
| January 2016 | 7 | 6 | 0 | 0 | 1 |
| February | 1 | 1 | 0 | 0 | 0 |
| March | 8 | 8 | 0 | 0 | 1 |
| April | 3 | 3 | 0 | 0 | 0 |
| May | 8 | 8 | 0 | 0 | 0 |
| June | 10 | 8 | 0 | 0 | 2 |
| July | 7 | 0 | 0 | 0 | 7 |
| August | 2 | 2 | 0 | 0 | 0 |
| September | 2 | 1 | 0 | 0 | 1 |
| October | 4 | 4 | 0 | 0 | 0 |
| November | 3 | 1 | 0 | 0 | 2 |
| December | 5 | 5 | 0 | 0 | 0 |
| January 2017 | 4 | 1 | 0 | 0 | 3 |
| February | 4 | 4 | 0 | 0 | 0 |
| March | 3 | 3 | 0 | 0 | 0 |
| April | 1 | 1 | 0 | 0 | 0 |
| May | 3 | 0 | 0 | 0 | 3 |
| June | 4 | 3 | 0 | 1 | 0 |
| July | 4 | 3 | 0 | 0 | 1 |
| August | 2 | 2 | 0 | 0 | 0 |
| September | 3 | 2 | 0 | 0 | 1 |
| October | 3 | 3 | 0 | 0 | 0 |
| November | 7 | 4 | 0 | 0 | 3 |
| December | 1 | 0 | 0 | 0 | 1 |
| January 2018 | 2 | 0 | 0 | 0 | 2 |
| Totals | 140 | 102 | 2 | 4 | 33 |

Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website at: <http://cvfpb.ca.gov/permitting/delegated-permits/>
 Spreadsheets for each month provide descriptive information about the proposed project and the CEQA findings.

Inspection Section

As a new section under the CVFPB organization, December and January activities included initial section establishment efforts, including administrative, equipment procurement, personnel, program scoping and coordination, and workflow development.

- The section chief worked with administrative staff to establish charge codes for the section for accurate recording and tracking of Inspection Section costs.
- The section chief researched equipment that will be needed by the inspectors for office and field work, including computers, office space, vehicles, safety equipment, and data collection devices. Computers were ordered and will be imaged this month.
- Job descriptions and advertisements are drafted for management review and eventual advertisement. CVFPB staff anticipates advertising for the first two positions for inspectors by the end of January.
- Program Scoping & Coordination
 - The section chief coordinated with DWR's Flood Projects Inspection Section (FPIS) regarding the main focus of the CVFPB Inspection Section. Currently, FPIS handles inspection of recently permitted encroachments during construction in addition to bi-annual of the entire levee system as required by California Water Code. The CVFPB Inspection Section will augment FPIS inspection services by focusing on inspecting encroachments in each levee system to support CVFPB enforcement, permitting, and real estate needs.
 - A workforce plan is being developed for the section to set metrics and goals for the section in the near and long term. These metrics will be presented in future Executive Officer reports.
 - The section chief coordinated with DWR's California Data Exchange Center (CDEC) staff to develop database workflows and interfaces that are efficient for inspectors to record field observations and transfer them to the permit and inspection databases that the rest of CVFPB and DWR staff use.