

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

May 19, 2017



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. CVFPB Enforcement Program

- Ms. Kelly Soule began her duties as the Chief of the Enforcement Section on May 8, 2017. Kelly comes to the Board from the Flood Projects Office where she was the Section Chief for the Flood Risk Reduction Program. In this capacity she managed the Early Implementation Program and the Urban Flood Risk Reduction Program. Kelly's knowledge of State Plan of Flood Control Facilities and her previous interactions with various federal, state, and local agencies will be a great asset to the section.
- In coordination with the Department of Water Resources' (DWR) Deferred Maintenance Project (DMP) staff has identified 166 privately-owned, non-system feature, pipes that will not be included in the DMP. These pipes were ranked and prioritized based on the level of risk they pose to the levee(s), their physical condition, and the size of the population protected by the levee(s). Staff is conducting an initial background search on the identified pipes and will be working with identified owners to bring the pipes into compliance with current State and federal regulations. Both efforts utilize data from the DWR Utility Crossings Inventory Program (UCIP).
- Staff is continuing to work on a backlog of encroachment cases by using UCIP data to:
 - Update CVFPB records on approximately 80 pipes that were modified by Sutter Butte Flood Control Agency (SBFCA) as part of the Feather River West Levee Project. Many of these pipes were noted in the U.S. Army Corps of Engineers' (USACE) Periodic Inspections.
 - To date, SBFCA has provided as-built information for 39 pipes modified by the project. Staff will be reviewing the documents to determine if permits from the CVFPB are required.
 - In coordination with DWR, obtain PG&E inspection records for over 200 utility gas pipes that penetrate project levees; records are required to assess their current condition and determine what enforcement actions to take, if any.

- Staff is currently working with four other respondents who replied to previously mailed Fact-Finding Letters (FFL) or Notice of Violations (NOVs) regarding unauthorized levee excavation, pipe installation, and tree planting. Staff expects to resolve three of the four enforcement cases in the coming weeks.
- Staff will soon be issuing five NOVs and two FFLs for unauthorized irrigation pipes, landscaping, farming debris, and other miscellaneous encroachments within the floodway.

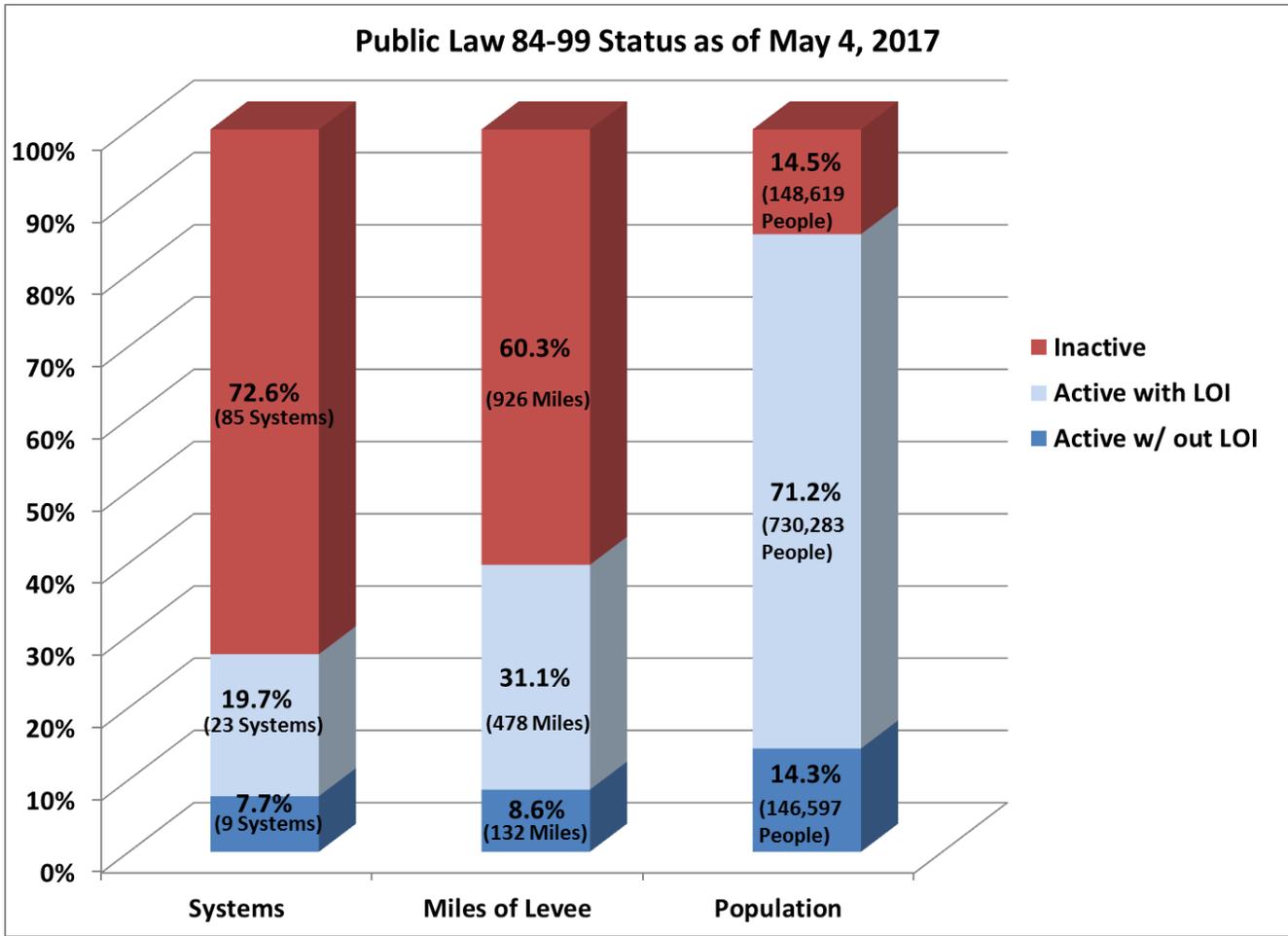
2. Local Maintaining Agency (LMA) Coordination

- Staff continues to coordinate with LMAs, as more elect to participate in the USACE System-Wide Improvement Framework (SWIF) program to regain eligibility for the Public Law 84-99 Rehabilitation Program. At this time:
 - Five SWIF drafts are undergoing review by USACE staff.
 - Three SWIF drafts are being revised by LMAs.
 - Two approved Letter of Intent (LOI) have SWIF drafts in development.
 - Four LOIs, which CVFPB transmitted to USACE in late 2016 and early 2017 are being reviewed by USACE and are awaiting approval.
 - Three LOI drafts are undergoing preliminary USACE staff review.
 - Three new LOI drafts are expected from LMAs in the coming months.

3. PL 84-99 Levee System Status

- On April 4, 2017 the USACE sent a Notice to the Executive Officer announcing a 30 day application period for Public Sponsors to request rehabilitation assistance for flood-damaged flood risk reduction projects within the Sacramento River and Tributaries (Sacramento Basin). LMAs that are active in the USACE PL 84-99 Program can request repair of flood risk reduction projects that were damaged due to recent flooding between January and March of 2017. Rehabilitation assistance will be provided by the USACE only when work is economically justifiable, the damage was sustained during the recent flood events, and the cost of repairs is more than \$15,000. The USACE will send a separate notice for the San Joaquin River Basin and the Delta region.
 - Staff received twenty-six PL 84-99 rehabilitation request forms from LMAs, reporting a total of 64 damage sites. Staff assembled the requests and transmitted them to the USACE on May 5, 2017.
 - Upon approval of the requests, staff from CVFPB, DWR, and the LMAs will participate in join inspections with USACE staff.

- The data and chart below represent the most updated information about PL84-99 eligibility as of May 4, 2017:
 - Systems: **72.6%** Inactive, **7.7%** Active w/ out Letter of Intent (LOI), **19.7%** Active w/ LOI.
 - Levee Miles: **60.3%** Inactive, **8.6%** Active w/ out LOI, **31.1%** Active w/ LOI.
 - Population (urban): **14.5%** Inactive, **14.3%** Active w/ out LOI, **71.2%** Active w/ LOI



Permitting Section

- **Coordination Meetings**

Staff continues to attend monthly coordination meetings with DWR's Inspection Section and the USACE Flood Protection and Navigation Section (408 Section). The meetings focus on USACE inspections/re-inspections/levee screenings and CVFPB encroachment updates. DWR inspectors bring on-the-ground insight and recommendations 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.

1. Efforts between DWR and USACE continue on a programmatic Biological Opinion (BO) for DMP.

DWR Flood Maintenance Office's (FMO) team is concentrating their efforts on writing a Biological Assessment to be submitted under the SWIF for rodent abatement and damage repairs as well as levee vegetation management. There are discussions to determine what Federal Action is to trigger a Nexus 7, which will be used to permit maintenance activities in federally listed species habitat areas.

The FMO team has submitted the final bidding package for pipe video inspection equipment and is expecting to receive the equipment soon. They are planning to start video inspecting pipes by the end of May. All LMAs will be receiving a letter regarding the pipe inspection effort and information about the program.

- **Permitting Section Staff News**

Remy Gill has accepted a position with DWR Flood Projects Office. Remy began as a student assisting the Board from April 2013 to May 2014 by entering encroachment permits into the Corps Viewer Database while working for GEI Consultants Inc. In June of 2014, Remy was hired shortly thereafter and was assigned to the Permitting Section where she contributed tremendously; she has reviewed 161 permit applications and stepped up as acting section chief on several occasions. Her leadership and kindness will be a significant loss to the Permitting Section and the Board. Efforts are ongoing to fill this vacancy and interviews are scheduled for the third week of May.

- **Permitting Overview**

The chart below 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.

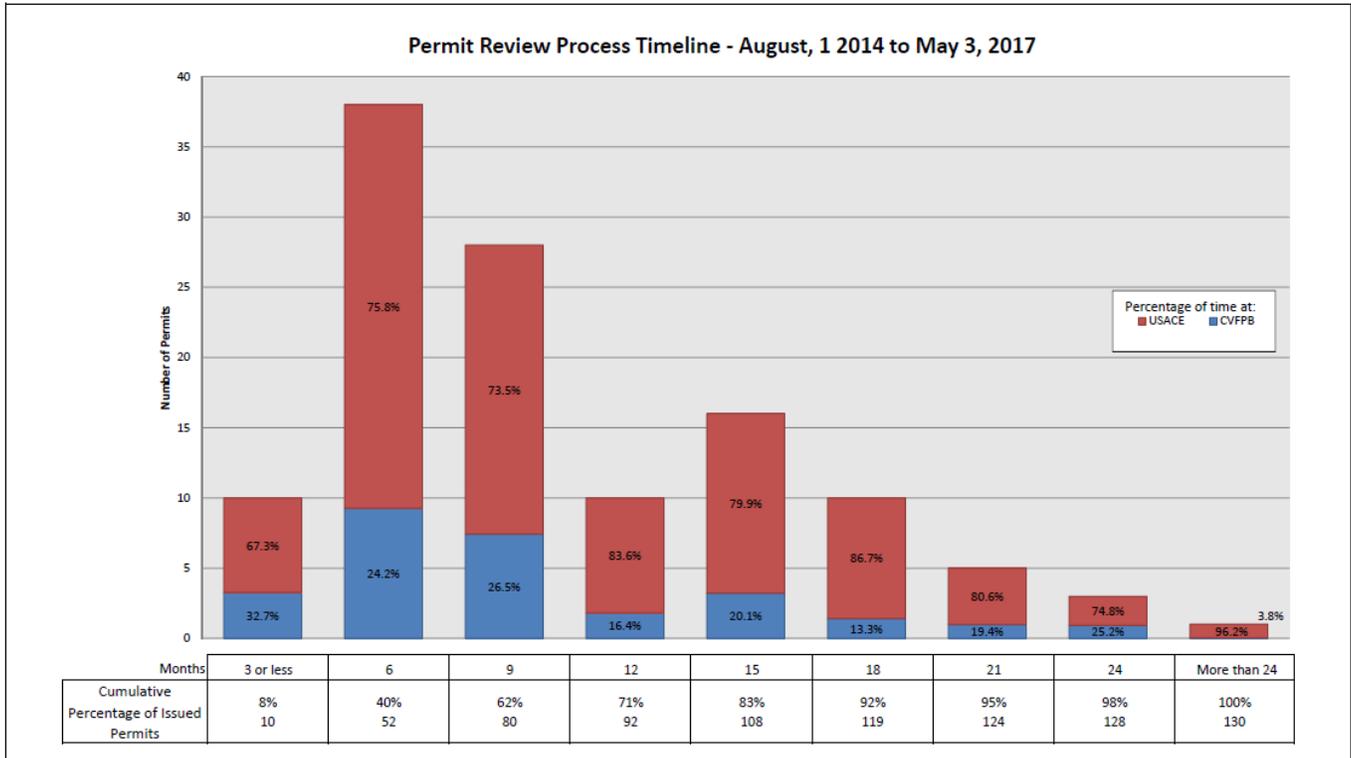


Table 1 below provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through April 2017. The numbers in this table are reflective of when the applications were posted to the Board’s website.

Table 1: Executive Officer Delegated Permit Status

Month	Posted	Issued	With Enforcement	With Applicant	With USACE
January	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	2	0	0	1
May	8	6	0	0	2
June	10	6	0	0	4
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	3	0	0	1
March	3	3	0	0	3
April	1	0	0	0	1
Totals	111	78	2	3	32

Additional information about Executive Officer Delegated Permits can be viewed on the Board’s website@:<http://www.cvpfb.ca.gov/DelegatedPermitTab/index.cfm> Spreadsheets for each month provide descriptive information about the proposed project and the CEQA findings.