

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT May 18, 2018



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. CVFPB Enforcement Program

- Staff continues to process encroachment cases by Notices to Comply (NTC) or Notices of Violation (NOV). Status (since last month's report):
 - Case being investigated for appropriate action: 4
 - NTC/NOV being drafted for management review: 2
 - NTC/NOV currently under management review: 1
 - NTC/NOV mailed to landowner/responsible party: 1
 - Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 23
 - Based on enforcement case, permit applications received: 1
 - **NEW METRIC: Cease & Desist Order being prepared: 3
 - **NEW METRIC: Cease & Desist Order mailed/ Board meeting scheduled: 0
 - Notice to Proceed issued: 1
 - Enforcement case closed: 3

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.

- **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.
 - The RD 1001 draft SWIF was reviewed by USACE Headquarters (in Washington) earlier this year, the first from USACE Sacramento District. The draft SWIF was well received.
- Five systems have SWIF drafts under review by USACE staff.

- **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. **One of the systems (RD 1500 and Tisdale Bypass) was approved by Headquarters on April 12, 2018. This system is now considered active under PL84-99.**
- 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 2017 flood events, and the estimated cost of repairs is over \$15,000.

- USACE identified and constructed 15 damage sites active in the PL 84-99 Program in 2017. Updated O&M manuals for the repaired sites were expected to be sent to CVFPB in March 2018, still waiting for them.
- USACE has identified 23 potential repair sites for repair in 2018 and 9 potential repair sites in 2019. The exact number of sites that will proceed for construction in 2018 will be available in the near future. CVFPB staff has been coordinating site visits with the USACE and LMAs since February of this year. In an effort to increase communication with the LMAs, the USACE held “Map Meetings” for the various sites which included CVFPB staff, DWR staff, and LMAs to discuss preliminary design issues. The map meetings began in February of this year.

- CVFPB staff continues to participate in PL 84-99 coordination calls with USACE and DWR.
- The Cooperation Agreement between USACE and CVFPB for the 2018 work to be completed was received on April 10, 2018, the Executive Officer signed the agreement on April 19, 2018, and the USACE signed it on May 3, 2018.

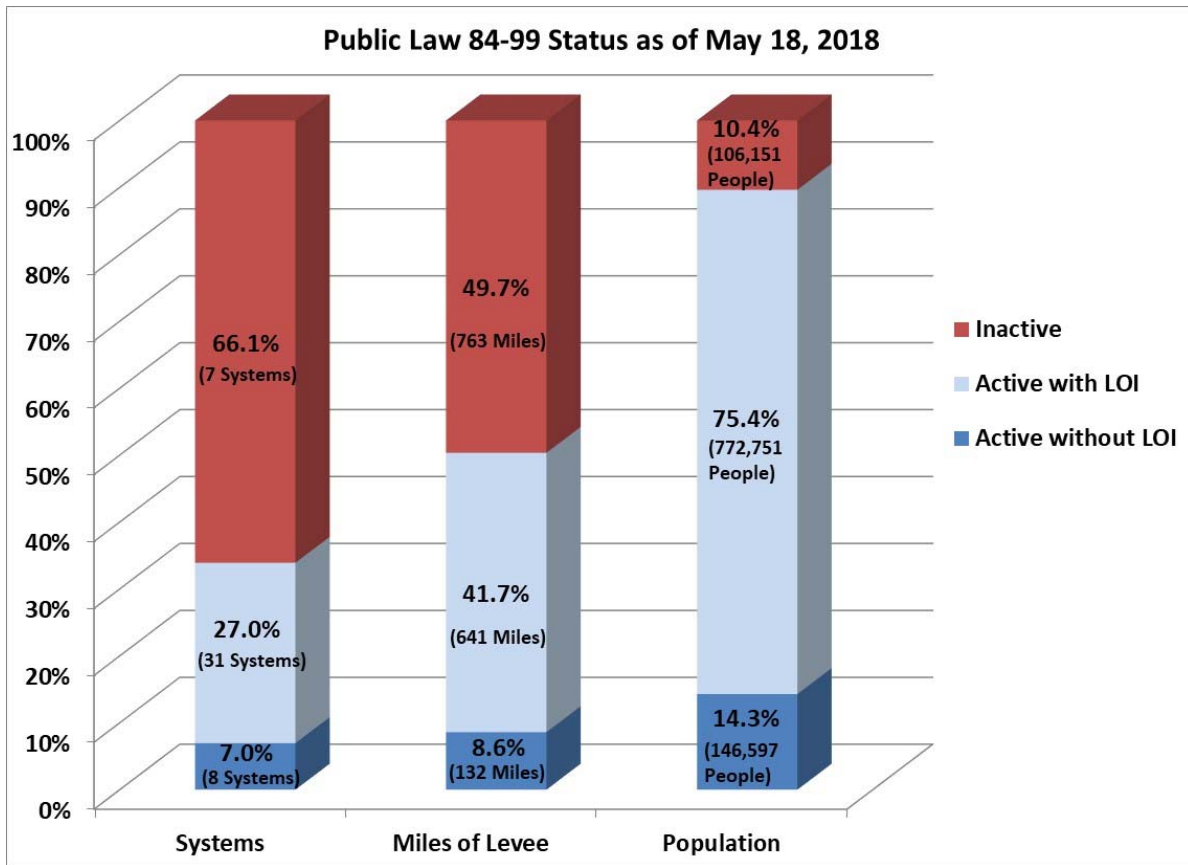
4. 2017 Storm Damage DWR Rehabilitation

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.

- Closeout reports for the sites repaired in 2017 were transmitted to CVFPB in late April and they have been forwarded to USACE as well.
- DWR has identified nine sites for repair in 2018 and they are in design currently.
- CVFPB and DWR staff sent out 11 Local Assurance Agreements (LCAs) for execution between the LMA and CVFPB for rehabilitation work for the 2017 repair work. Staff continues to contact the remaining LMAs to discuss the submittal of the agreements. DWR and CVFPB staff are currently coordinating and will be sending out LCAs for the 2018 repair sites in the near future.
- 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 May 18, 2018:
 - Systems: 66.1% Inactive, 7.0% Active w/ out Letter of Intent (LOI), 27.0% Active w/ LOI
 - Levee Miles: 49.7% Inactive, 8.6% Active w/ out LOI, 41.7% Active w/ LOI
 - Population (urban): 10.4% Inactive, 14.3% Active w/ out LOI, 75.4% Active w/ LOI



6. Penalty Assessments

- A work group has been established to develop a process to implement penalties for the enforcement of unauthorized activities and encroachments in accordance with California Water Code (CWC) and California Code of Regulations, Title 23, Division 1, Waters (CCR Title 23). Penalties would only be imposed on respondents that are unwilling to voluntarily comply, and the penalty amount would be determined on a case-by-case basis. An informational briefing on penalties will be presented to the Board at the June 8th Workshop.

7. Staff News

- Mr. Edwin Limanto was offered the permanent position available in the Enforcement Section and he accepted the offer. We are advertising to backfill the Enforcement Section's limited term position that Edwin previously held.

Permitting Section

1. Coordination Meetings

CVFPB staff participates in monthly coordination meetings with DWR's Inspection Section and the USACE Flood Protection and Navigation Section (Section 408). 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 the items related to the Permitting Section are presented below.

- **Deferred Maintenance Project (DMP):** In preparation for dealing with drainage pipes that have been identified as needing repair, DWR has arraigned for staff to take a two day Cured-in-Place-Pipe (CIPP) training class. This type of repair is anticipated to be used on most pipes that have minor damage or are past their service life. As mentioned last month, this process utilizes resins that create a pipe lining within the existing pipe. Training in the CIPP process will allow DWR staff to perform quality inspections. Several Board staff will also be trained in the process. Repaired pipes and their location(s) will be provided to the USACE by DWR for possible inclusion into the USACE Operation and Maintenance manuals (O&M).

Ultimately all drainage pipes within the State Plan of Flood Control will be inspected. It is estimated that about 60 to 75% of the pipes will need to be repaired. DWR anticipates the first repair projects to begin this August.

2. USACE Coordination

- **New Section 408 Guidance - EC 1165-2-220:** USACE is currently reviewing comments received from all interested parties during an open comment period which ended on April 6, 2018. The USACE received 84 comments concerning the draft guidance, nine of those comments came from agencies located within the state of California, five being within the Central Valley. In addition to the Board, comments were received from California Central Valley Flood Control Association, Sacramento Water Forum, Kings River Conservation District, and the Lower Sacramento River Delta North Region. USACE anticipates having EC 1165-2-220 finalized by summer 2018.

All comments received by the USACE are available on <http://www.regulations.gov> under docket number COE-2018-0003. When EC 1165-2-220 is finalized, a notice will be posted to docket number COE-2018-0003 and on this website along with a copy of the final document and a summary of the comments received and corresponding revisions to the draft document.

3. Outreach

- Staff is coordinating with Caltrans District 3 on several proposed bridge projects to ensure that the pending applications are being processed as quickly as possible. Funding for these projects is at risk and could be withdrawn by the California Transportation Commission and/or the Federal Highway Administration if all permits are not acquired by June 30th.
- Board staff and USACE Section 408 staff met with Yuba County representatives on April 20, 2018 to discuss the permitting review process. Representatives included the director for the Community Development and Services Agency and the director for the Public Works Department. Participants left the meeting with a better understanding of when encroachment permits are required.
- Board staff has been coordinating with the City of Roseville (City) to evaluate the possibility of receiving automated email notices when work is being proposed within or near the Dry Creek System (Dry Creek, Miners Ravine, Secret Ravine, Antelope Creek). All of these streams are listed in Title 23 as regulated streams. In 1976 the Board entered into a Floodway Agreement with the City whereby both parties agreed that the City would process all encroachment permit applications they receive for proposed projects within the Dry Creek System. The agreement also stipulated that the City could request advice from the Board prior to taking action on an application. This automated notification system will enhance coordination between the two agencies.

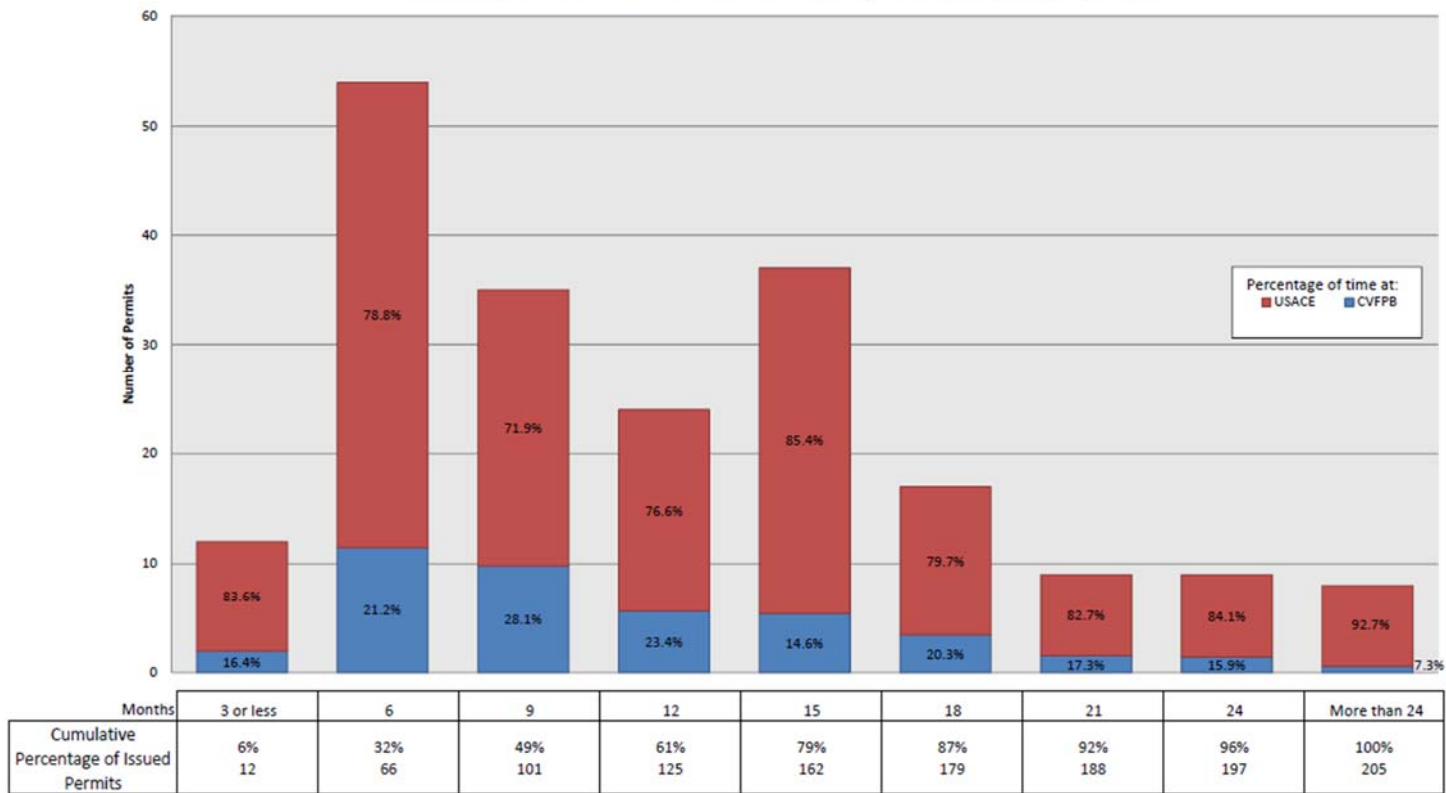
4. Staff News

- A tentative offer has been made to fill the open position in the Permitting Section. Adding this position will allow staff to begin performing construction inspections on the projects they review. This task is currently being performed by DWR's Flood Project Inspection Section. Both agencies are coordinating during this transition. It is anticipated that all construction inspections for newly authorized encroachments will be performed by Board staff this fall.

5. 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 May 4, 2018



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

Table 2: Executive Officer Delegated Permit Status

Month	Posted	Issued	With Enforcement	With Applicant	With USACE
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	3	0	0	0
October	3	3	0	0	0
November	7	5	0	0	2
December	1	0	0	0	1
January 2018	2	2	0	0	0
February	8	2	0	0	6
March	6	2	0	0	4
April	8	1	0	0	7
May	3	0	0	0	3
Totals	126	82	0	1	44

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

Inspection Section

The inspection section chief continued efforts to establish the section, fee program rollout, and permitting assistance with Deferred Maintenance Project outreach.

- Interviews and a tentative offer of employment were given for the first of three inspection engineer positions. Applications for the following two positions will be available soon and interviews will be conducted soon after.
- A focus group was held on May 2nd for the roll out of permitting and inspection fees. CVFPB staff updated key stakeholders on the progress, strategy, and current draft of the proposed encroachment and system alteration fees. The group provided excellent, thoughtful feedback on the process, fee amounts, and how they may affect their clients and members. CVFPB is incorporating their comments into an upcoming Notice of Proposed Action (NOPA) for updating Title 23 regulations and is reconvening with the group before submittal of the NOPA and Workshop on June 8th.
- The section chief continues to provide support to the Deferred Maintenance Project staff for outreach to landowners and permittees of pipes that fall within the scope of the project. Inspection videos were obtained by multiple landowners for DMP managers to review and assess repair needs.
- Training coordination and development of a standard operating procedures manual for the section is underway. The inspection section chief is coordinating with DWR's Flood Project Inspection Section, Safety Committee, and CVFPB for internal training, and coordinating with outside vendors for additional specialized inspection training.