

# CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

June 22, 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: 0
  - NTC/NOV currently under management review: 2
  - NTC/NOV mailed to landowner/responsible party: 3
  - Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 23
  - Based on enforcement case, permit applications received: 0
  - Cease & Desist Order being prepared: 3
  - Cease & Desist Order mailed/ Board meeting scheduled: 0
  - Notice to Proceed issued: 1
  - Enforcement cases closed: 10

#### 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. Both systems (RD 1500 and Tisdale Bypass, and West Sacramento) were approved by Headquarters on April 12, 2018. Both systems are 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 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 were received in May 2018 for 3 sites.
- USACE has identified 21 potential repair sites for repair in 2018 and 12 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.
- CVFPB staff continues to participate in PL 84-99 coordination calls with USACE and DWR.

- CVFPB staff sent out six Local Assurance Agreements (LCAs) for signature for the twenty-one 2018 repair sites on May 4<sup>th</sup> and May 10<sup>th</sup>.

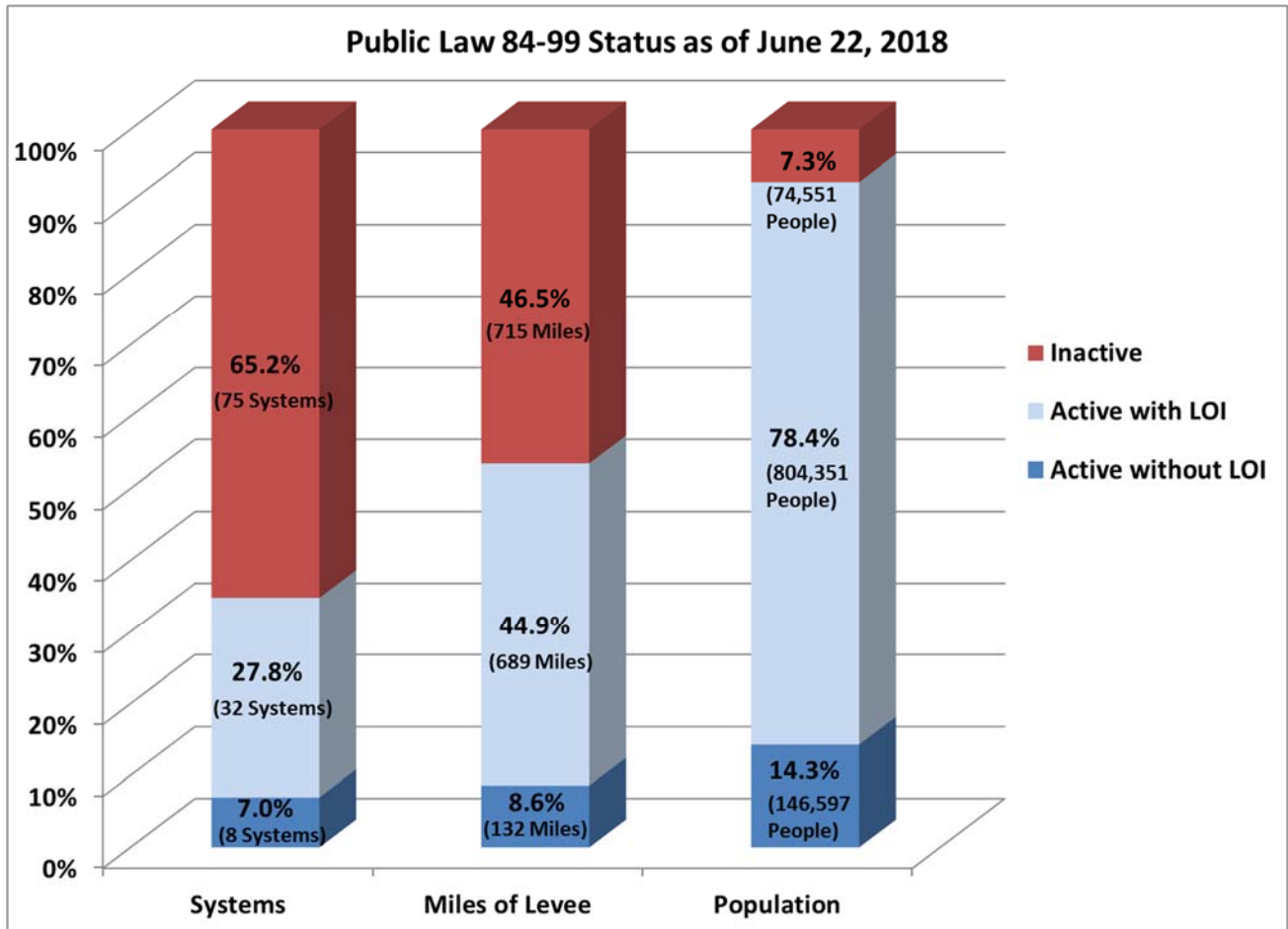
#### **4. 2017 Storm Damage DWR Rehabilitation**

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.

- Most of the closeout reports for the sites repaired in 2017 were transmitted to CVFPB in late April and they have been forwarded to USACE as well. Future additional closeout reports that are received from DWR will also be forwarded to the USACE.
- CVFPB staff sent out 4 LCAs for signature for the nine 2018 repair sites on May 23<sup>rd</sup>.
- 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 June 22, 2018:
  - Systems: 65.2% Inactive, 7.0% Active w/ out Letter of Intent (LOI), 27.8% Active w/ LOI
  - Levee Miles: 46.5% Inactive, 8.6% Active w/ out LOI, 44.9% Active w/ LOI
  - Population (urban): 7.3% Inactive, 14.3% Active w/ out LOI, 78.4% Active w/ LOI



## 6. Penalty Assessments

- Penalties will be proposed as part of 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.

## 7. Staff News

- Jenna Peterson passed the 8-hour professional civil engineer exam and is on her way to becoming a California Registered Professional Civil Engineer.

## 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):** DWR has completed video inspections on approximately 110 of the roughly 330 pipes that have been identified as being system gravity drainage pipes within State maintenance areas. The pipes are being prioritized and ranked in order of risk. As many pipes as possible will be rehabilitated in-place using Cured-in-Place-Pipe (CIPP). Repair of high risk pipes (Phase II) will begin this fall. Previously permitted pipes that are rehabilitated using CIPP will be authorized as maintenance. Pipes that are not permitted will be evaluated on a case-by-case basis to determine the most efficient process for getting the pipe(s) permitted.

## 2. USACE Coordination

- **New Section 408 Guidance - EC 1165-2-220:** A total of 183 comments were received on the proposed guidance before the comment period closed on April 6, 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 on this website along with a copy of the final document.

## 3. Outreach

- Board staff and USACE 408 Section staff met with Caltrans North Region management on May 31<sup>st</sup> to further discuss high priority bridge replacement projects in Northern California. Clarifications about the permitting process and the time required to complete the review process was explained. This continued coordination with Caltrans District 3 and Caltrans HQ will help minimize unrealistic expectations and reduce permitting delays with the submittal of complete applications.
- A pre-application meeting was held this past month to discuss the installation of a pump station within the Eastside Bypass that will allow for the pumping of flood waters out of the bypass during high water events. Mr. Reggie Hill, General Manager for the Lower San Joaquin Levee District, was in attendance and conveyed that there will be many more of these types of applications in the future because they are associated with the DWR Sustainable Groundwater Management Act Program (SGMA). SGMA focuses on sustainably managing groundwater in overdrafted groundwater basins and is an integral part of the California Water Action Plan. Staff is making sure that applicant(s) have contacted the Water Board to ensure the appropriate water rights will be acquired.

- Board staff is now receiving automated application notices from the City of Roseville (City) as discussed in last month's EO report. Per the 1976 Floodway Agreement between the Board and the City these notices are being sent to staff for informational purposes only unless the City requests advice.

#### **4. Staff News**

The Permitting Section grew by one staff member (six total) on May 29<sup>th</sup> with the addition of Mr. Humberto Negrete. Mr. Negrete comes to the Board from the private sector but he has also worked for Caltrans as a Project Manager and Materials Engineering Testing. Most recently Mr. Negrete was a Project Engineer at a geotechnical engineering firm. Duties included structural construction inspections for a large variety of projects (commercial buildings, solar facilities, deep foundations, and communication towers). His inspection experience will be invaluable as the Permitting Section starts performing construction inspections later this fall.

On a more somber note, it was recently announced that two current Permitting Section staff members have accepted positions with other State agencies.

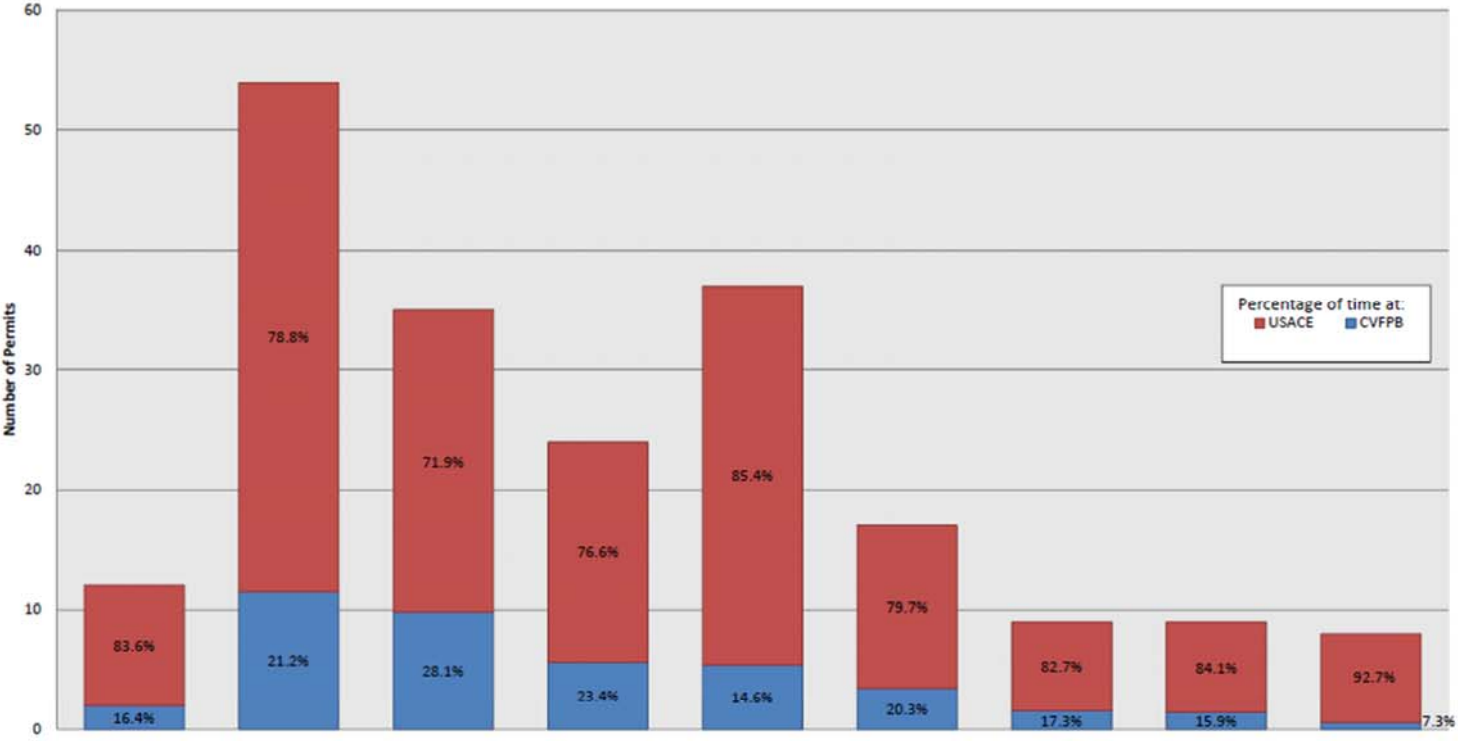
- Mr. Minh Chieng has been with the Permitting Section for a little more than three years and he has been one of the cornerstones of the section. Minh was a fast learner and quickly became one of the go-to staff for unique applications. Minh has accepted a position with Caltrans Division of Maintenance as a Traffic Engineer.
- Mr. Mike Thao came to the Board on August 3, 2015 after volunteering several months with DWR's Division of Flood Management (DFM). This experience allowed Mike to excel in his position with the Board, quickly becoming an integral part of the section and often acting as Chief. Mike has chosen to accept a position with the DFM's Flood Operations Center.

The entire office is grateful for their efforts and the work ethic they exhibited while with the Board. Both men have bright futures and we wish them well in their future endeavors.

#### **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



Months	3 or less	6	9	12	15	18	21	24	More than 24
Cumulative Percentage of Issued Permits	6%	32%	49%	61%	79%	87%	92%	96%	100%
Permits	12	66	101	125	162	179	188	197	205

The table below provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through June 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**

This month the inspection section grew by a member, continued the fee program implementation, and coordinated with our partners to efficiently roll out our inspection duties.

### **1. Staff News**

- The section welcomed its first engineering inspector, Mr. Michael Gill. He worked as a student assistant at DWR and then as a student intern for a private consulting firm. With this firm Mr. Gill assisted CVFPB in updating their permit records as well as USACE permit databases. Mr. Gill also has over two years of civil engineering design experience and is ready to help grow the inspection section.
- Interviews were completed in early June for two additional engineering inspectors, and the section chief is currently reviewing the interview scores to extend offers to the most qualified candidates.
- 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.

### **2. Inspection Fee Implementation**

- A second focus group was held May 16<sup>th</sup> to seek additional input on updates to the permit and inspection fees. Additional program details were addressed, in preparation for the June 8<sup>th</sup> Workshop, Board Meeting, and subsequent release of a Notice of Proposed Action (NOPA) to update Title 23 regulations with the proposed fees.

### **3. Deferred Maintenance Project**

- Coordination on the Deferred Maintenance Project (DMP) continues, with CVFPB updating DWR on landowner and permittee feedback for the inspection of pipes within the scope of the DMP. DWR is making progress on pipe video inspections through Local Maintaining Agencies and their own staff resources.