

# CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

## August 2017

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### OPERATIONS BRANCH Status Report and Work Activities

#### Enforcement Section

#### 1. CVFPB Enforcement Program

- Staff continues to process encroachment cases by either Fact-Finding Letters (FFL) or Notice of Violations (NOVs). Status (since last month's report):
  - Case assigned to staff. Case being investigated for appropriate action: 7
  - FFL/NOV being drafted for management review: 1
  - FFL/NOV currently under management review: 3
  - FFL/NOV mailed to landowner/responsible party: 6
  - Enforcement case closed: 3
  - Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 8
  - Based on enforcement case, a permit application was received: 0

#### 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:
  - Six SWIF drafts are undergoing review by USACE staff.
  - Two SWIF drafts are being revised by LMAs.
  - Four approved Letter of Intent (LOI) have SWIF drafts in development.
    - A one-year progress report for the Cache Creek – RD 2035 – Willow Slough Bypass Levee System, forwarded to USACE in late June 2017, was approved on August 1, 2017.
  - Two LOIs, which CVFPB transmitted to USACE in late 2016 were recently approved by USACE.
    - A LOI for MA 5 (Butte Creek Levee Systems) was approved by USACE on July 6, 2017. A formal approval letter was received by

CVFPB on July 21, 2017.

- A LOI for the Putah Cr Unit 1 - Yolo Bypass - Willow Slgh Unit 2 Levee System was approved by USACE on July 6, 2017. A formal approval letter was received by CVFPB on July 21, 2017.
- 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 Rehabilitation Assistance Status**

LMAs that are active in the USACE PL 84-99 Program may 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 over \$15,000.

- Sacramento River and Tributaries
  - Of the 64 rehabilitation requests sent to the USACE on May 5, 2017, 47 sites (17 LMAs) have met USACE criteria and will be moved forward. Seventeen of the sites were either inactive in PL 84-99 or have a Letter of Intent in review. Two other damage sites were identified as being legacy sites from previous high water events.
  - Project information reports by the USACE for the 47 sites are in progress and will be provided to CVFPB upon completion, anticipated by third week of August. Possible betterments to the proposed USACE repair scope-of-work will be discussed at that time.
- San Joaquin River and Delta
  - On June 07, 2017 the USACE sent a Notice to Public Sponsors of flood risk reduction projects in the San Joaquin River and Delta indicating they had until July 7, 2017 to apply for Public Law (PL) 84-99 Rehabilitation Assistance from the USACE, Sacramento District. Due to the continued high water in the system, the USACE gave an extension until August 7, 2017. As of August 9, 2017, 294 sites have been submitted for consideration. The eligibility criterion is the same as it is for the Sacramento River Basin. The USACE is currently coordinating with the Public Sponsor to inspect the sites.

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

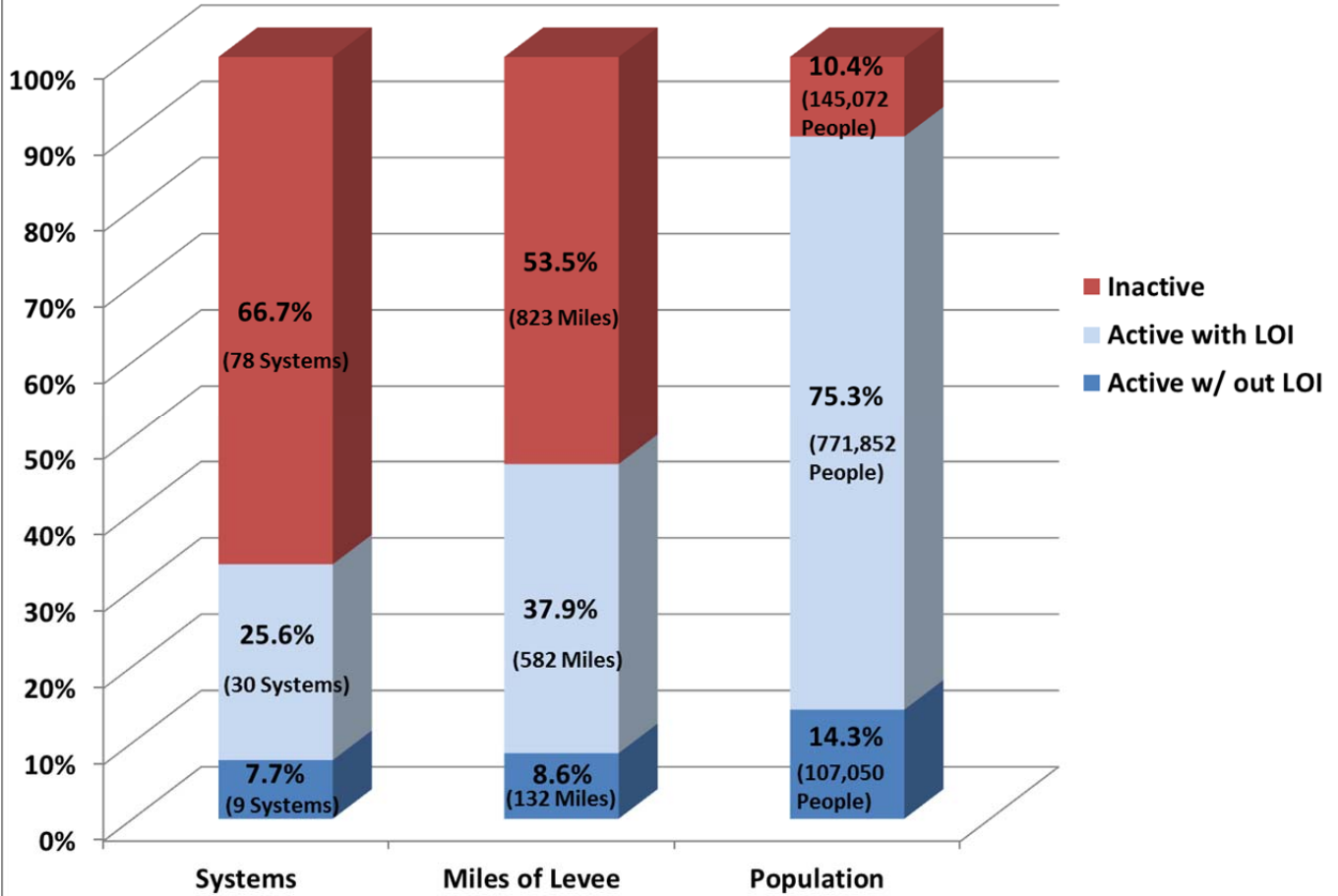
DWR is prioritizing identified damage sites that have not been approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. DWR is working under existing emergency declarations and using the Standardized Emergency Management System process that will allow for possible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

- Sacramento River and Tributaries
  - Approximately 18 damage sites from the 64 that were sent to the USACE did not meet USACE criteria and are being considered for rehabilitation by DWR. DWR has multiple sites under design currently and expects to be constructing this fall.
- San Joaquin River and Delta Regions
  - DWR and Board staff will coordinate and conduct field inspections at all reported damage sites.

## **5. PL 84-99 Levee System Status**

- The data and chart below represent the most updated information about PL84-99 eligibility as of August 9, 2017:
  - 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 August 9, 2017



## Permitting Section

- **Coordination Meetings**

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.

1. **Deferred Maintenance Project (DMP):**

Much of the original funding for the DMP effort has been diverted to accomplish rehabilitation repairs needed due to the 2017 high water event. The remaining funds will be used to evaluate and prioritize all drainage pipes in need of repair within State maintenance areas. DWR is in the process of purchasing two Video cameras that will be used to inspect the pipes. Additional funding will be needed to initiate repairs under this program.

The programmatic Biological Opinion effort that was being pursued by DWR and the Corps to simplify the environmental requirements for the DMP and normal maintenance has also been delayed due to the 2017 Storm Damage DWR Rehabilitation work.

2. **PL 84-99 Emergency Work**

Emergency work performed under the PL 84-99 program is typically considered temporary work and must be removed following the high water event and repaired to acceptable standards. There are a few 2017 emergency work sites (e.g. seepage berms) that have been evaluated by the USACE as part of the PL 84-99 Rehabilitation Program and the work was determined to be an acceptable fix. Discussions on how to officially recognize and document the work as a project feature will be commencing soon.

- **Dos Rios Ranch Restoration Project Status (CVFPB Permit Nos. 19083 & 19083-1)**

Staff received a Public Records Act PRA (PRA) request from West Stanislaus Irrigation District attorneys on July 14, 2017. The request asked for all information related to Permits No. 19083 and 19083-1 to include: new permit conditions, any and all staff reports prepared for, related to, concerning, or discussing the new permit conditions, and any and all draft versions of the new permits and/or permit conditions; and any and all written communications related to, concerning, or discussing the River Partners' Dos Rios Restoration Project.

The information requested covered 18 months' worth of correspondence. Staff assembled this large amount of information and provided to the DWR PRA coordinator on August 7, 2017.

- **USACE Flood Protection and Navigation Section Funding Shortfall**

The USACE Flood Protection and Navigation Section (Section 408) have received several requests from applicants to participate in the recently established USACE 1156 funding source that will allow Section 408 reviews of their application(s) to continue. Section 408 is in the process of providing expense estimates to the requestors. Setting-up the 1156 process is taking approximately 30 days to complete. Any money that is left in an 1156 account following the issuance of a Section 408 permission letter will be returned to the requestor. Participation in the 1156 program does not change the review priority of the application.

- **Title 23 Rewrite**

Permitting staff is involved with the Title 23 rewrite providing review and suggested changes to the standards.

- **Permitting Status Overview**

The chart below shows the average review percentages by agency that is required to issue a permit following the change in federal regulations that occurred on July 31, 2014.

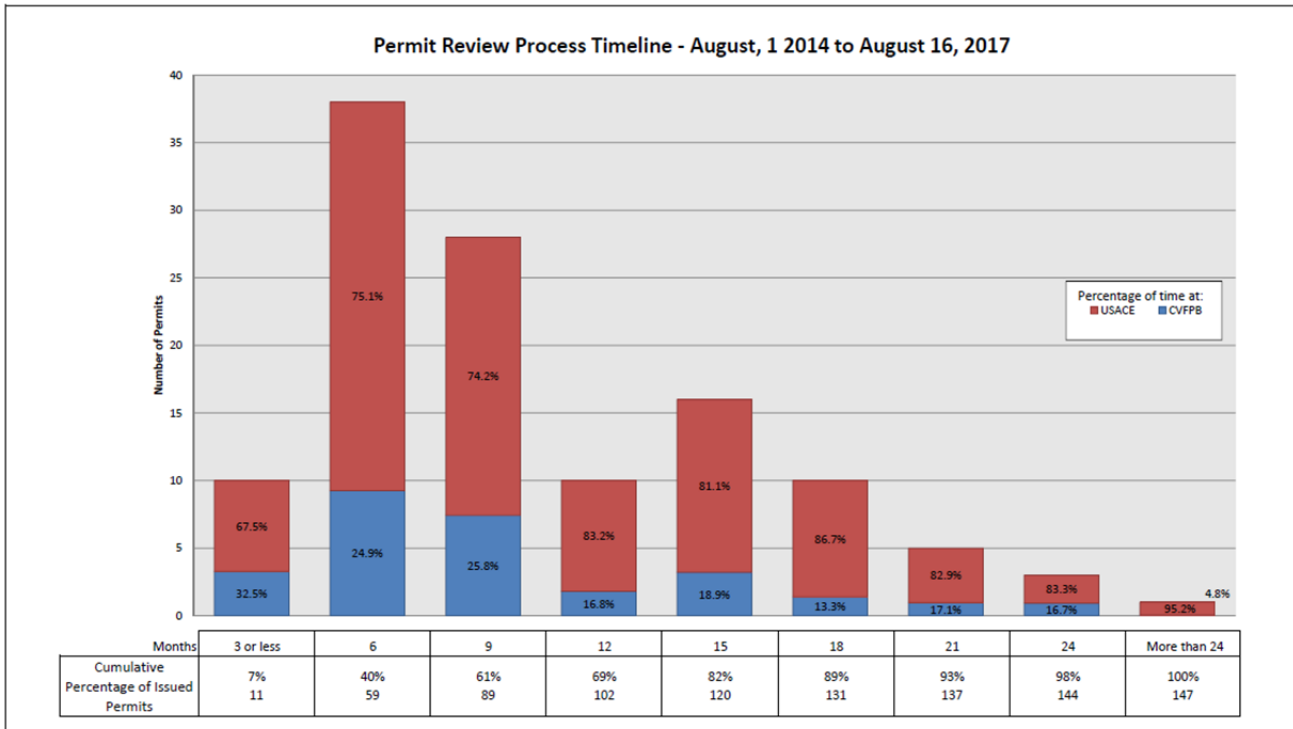


Table 1 below provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through July 2017. The numbers in this table are reflective of when the applications were posted to the Board’s website.

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	3	0	0	0
May	8	7	0	0	1
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	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	4
July	4	0	0	0	4
Totals	122	85	2	4	36

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.