

**CENTRAL VALLEY FLOOD
PROTECTION BOARD EXECUTIVE
OFFICER'S REPORT
September 28, 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: 3
- NTC/NOV being drafted for management review: 1
- NTC/NOV currently under management review: 0
- NTC/NOV mailed to landowner/responsible party: 3
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 25
- 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: 44

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 final draft SWIFs under review by USACE staff. Lead LMAs include Reclamation District (RD) 1001, RD 1000, and Maintenance Area (MA) 9.
 - CVFPB is awaiting comments from USACE Sacramento District.
- **LOI reports**
 - On July 27, 2018, the Board approved the LOI developed by RD 3. CVFPB staff has sent the official transmittal to the USACE along with the LOI on behalf of RD 3. The official transmittal is routing through USACE Sacramento District for signature.

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 has identified 15 repair sites for repair in 2018 and 17 repair sites in 2019. The numbers have changed slightly compared to last month due to contracting challenges. Five sites that were intended to be constructed in 2018 have been moved to 2019.
- CVFPB staff continues to participate in weekly PL 84-99 coordination calls with USACE and DWR.
- CVFPB staff sent out six Local Assurance Agreements (LCAs) for signature for the 2018 repair sites. CVFPB staff has received three agreements (RD 70, RD 2035, and SRWSLD). CVFPB staff expects additional agreements before the end of September.
- PL84-99 repairs will begin late September or early October and construction work will be completed before November 1.

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.

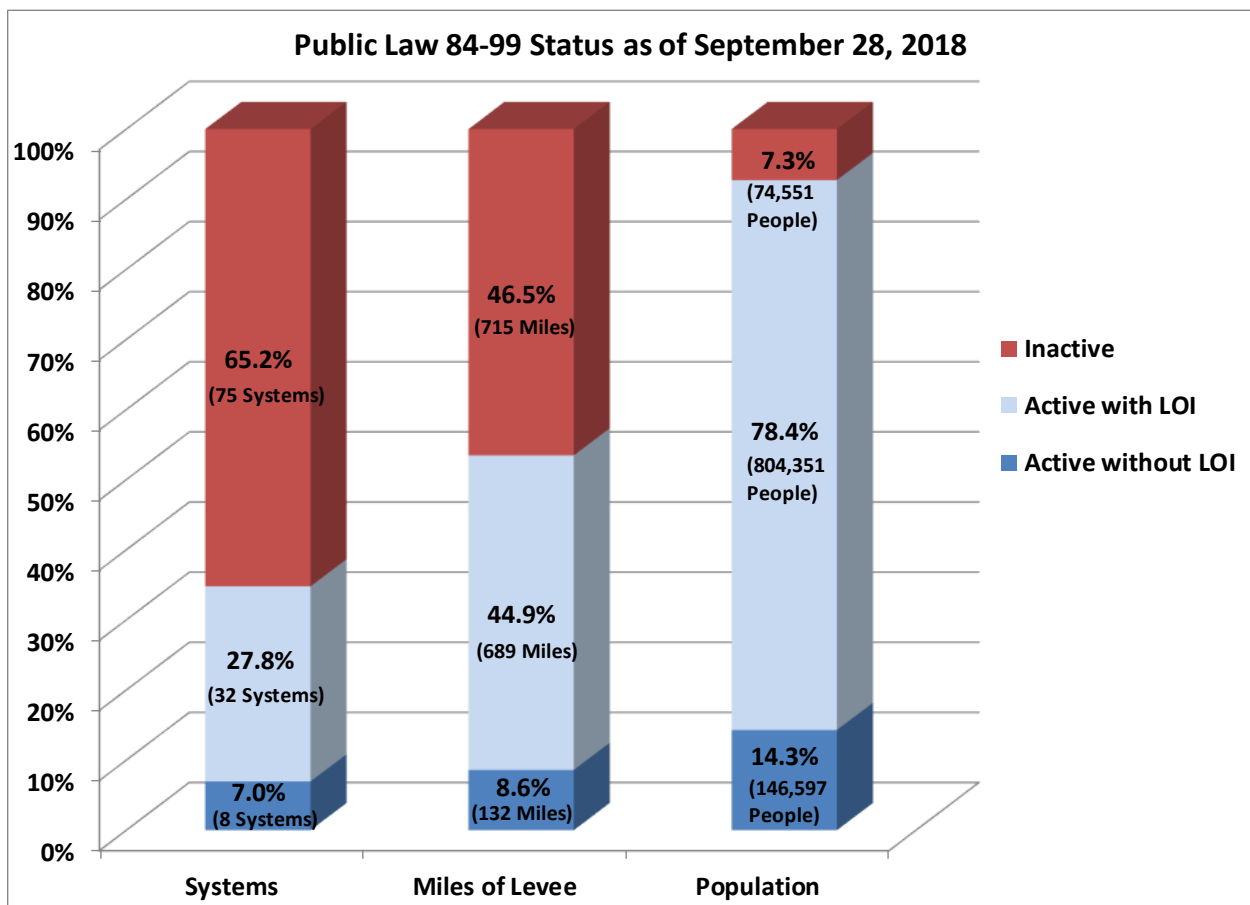
- CVFPB staff continues to participate in storm damage management update meetings with DWR.

- CVFPB staff sent out 4 LCAs for signature for the nine 2018 repair sites on May 23rd. CVFPB staff has received and signed all 4 LCAs.
- Construction of DWR's Phase III repair sites (9 repair sites) have begun and are expected to be completed before November 1.

5. PL 84-99 Levee System Status

The data and chart below represent updated information about PL 84-99 Program eligibility as of September 28, 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: 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

The Enforcement Section advertised for an Engineer, Water Resources, position in August 2018, and is currently reviewing applications to determine potential interview candidates.

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.

- This coordination meeting was not held this month due to the Labor Day Holiday.

2. USACE Coordination

- CVFPB Staff are continuing weekly phone conferences with Section 408 Staff to discuss encroachment permit application priorities and to determine realistic timeframes for receiving Section 408 Permission Letters.
- **New Section 408 Guidance - EC 1165-2-220:** The new guidance was published and went into effect on September 10, 2018. The new Engineering Circular has policy changes for processing Section 408 requests. CVFPB staff will be meeting with USACE staff to better understand the changes and how they may impact the review process. In general, the new guidance focuses on transparency and a more efficient interaction between all USACE departments.

3. Outreach

CVFPB staff has been meeting often with Caltrans staff to discuss the encroachment permitting process so Caltrans can set realistic timelines for future projects. Most recently meetings were held to discuss a proposed scour repair project at the Highway 20 Bridge over the Feather River and the Highway 70 bridge replacement over Honcut Creek.

4. Staff News

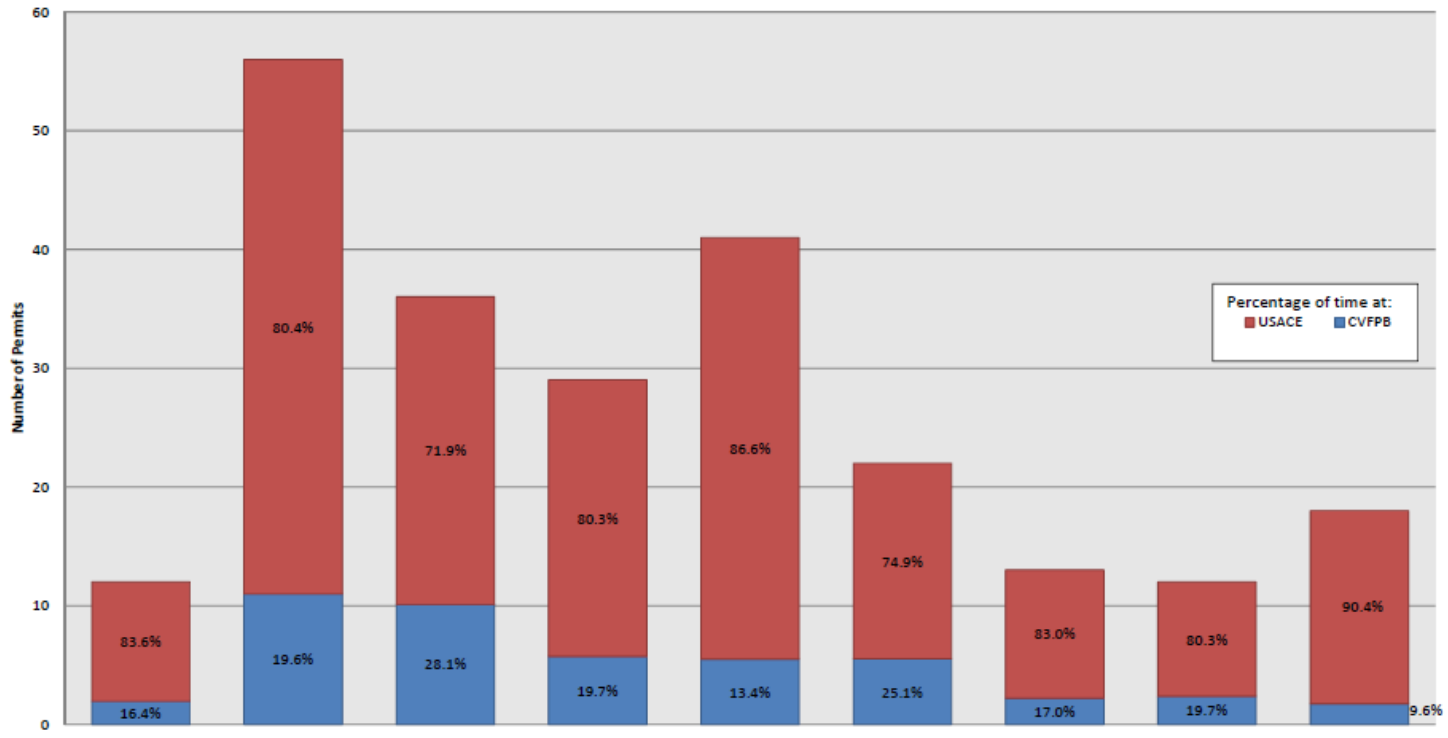
The two open positions in the Permitting Section have now been filled. The candidates were selected from a very competitive pool and they bring with them experience that will quickly make them valued members of the Permitting Section.

- Mr. Natnael Kibret began his first day with the Permitting Section on September 10th. Nate is a recent graduate from Sacramento State University with a BA/BS in Civil Engineering and an AA/AS in Mathematics. Nate has been working as an engineering intern with the Sacramento Suburban Water District where he has gained experience in reviewing engineering plans and assisting with inspections of water main projects.
- Mr. Mauricio Meza Pedraza will start his first day with the Permitting Section on October 1st. Mauricio is also a Sacramento State University graduate gaining his BA/BS in Civil Engineering in 2014 and his MA/MS in Civil Engineering in 2017. Mauricio began his engineering career working for the City of West Sacramento soon after his graduation in 2014. He began working as an Engineering Technician and rapidly advanced to his most recent position of Assistant Engineer. Work experience includes preparing plans, specifications and estimates for water, sewer, storm, and pavement rehabilitation projects.

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 September 6, 2018



Months	3 or less	6	9	12	15	18	21	24	More than 24
Cumulative Percentage of Issued Permits	5%	28%	44%	56%	73%	82%	87%	92%	100%
	12	68	104	133	174	196	209	221	239

The table below provides a status breakdown for all Executive Officer Delegated Permits from January 2017 through September 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 2017	4	3	0	0	1
February	4	4	0	0	0
March	3	3	0	0	0
April	1	1	0	0	0
May	3	2	0	0	0
June	4	4	0	0	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	7	0	0	0
December	1	1	0	0	0
January 2018	2	2	0	0	0
February	6	5	1	0	0
March	6	5	0	0	1
April	4	3	0	0	1
May	3	3	0	0	0
June	2	2	0	0	0
July	4	2	0	0	2
August	10	0	0	0	10
September	10	0	0	0	10
Totals	86	58	1	0	26

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

1. Section News

- Coordination between CVFPB Inspection Section staff and DWR Flood Project Inspection Section (FPIS) staff continues. Staff attended multiple pre-construction meetings with FPIS staff for newly permitted projects. Regions are assigned for staff to help build familiarity with different systems and foster relationships with the local maintaining agencies in each area. Staff is researching encroachment and permit records for existing encroachments in non-active PL84-99 systems to verify continued permit compliance in support of those systems getting back into active PL84-99 status.
- Staff completed basic wilderness training on September 4th. Additionally, staff is receiving training for the Pipeline Assessment Certification Program (PACP), which will aid in their ability to determine actions needed for pipes crossing the levee that may need repairs. Additionally, the section chief has begun mandatory 80-hour supervisory training which will be completed over the next few months.
- Improvements to the field database development are continuing, which will allow field notes to be disseminated to the appropriate database. This will help ensure that permitting, enforcement, and other groups within CVFPB and DWR have the most up to date inspection information from the Section. The section is exploring new tools to efficiently track encroachment information in the field. The section is meeting monthly with DWR's California Data Exchange Center (CDEC) staff to develop these tools for use in the field and office.

2. Permit and Inspection Fee Implementation

- The Notice of Proposed Action rulemaking package (Notice) for permit and inspection fees was submitted to the Office of Administrative Law (OAL) on September 10, 2018. The package is currently under OAL review, and if there are no major changes, the Notice will be published on September 21st for a 45-day public comment period.