

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

January 27, 2017



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. Local Maintaining Agency (LMA) Coordination

- Staff attended a US Army Corps of Engineers (USACE) briefing to the South Pacific Division about the proposed updates to the USACE Levee Inspection Checklist. The briefing covered an overview of the levee inspections and risk framework, discussed the philosophy behind checklist updates, provided an overview of the revised checklist, reviewed the goals of the review, and discussed next steps for the checklist update roll-out. As requested by USACE, staff will provide comments on the draft checklist by the January 20, 2017 comments deadline.
- USACE's Levee Screening* team and CVFPB staff coordinated with the engineers for Reclamation District 0341 Sherman Island and DWR's Wadsworth Canal for the January 10, 2017 meeting of the Levee Senior Oversight Group discussion of the levees.

* **USACE Levee Screening program overview:** USACE is currently applying a screening tool to all levees in the program. This tool combines inspection data with a preliminary engineering assessment and maximizes the use of existing information and local knowledge of levee performance. Screening results will be used to rank levees by relative risk to help inform decisions about future actions to improve public safety associated with the levees.

- Staff is coordinating with USACE and Madera County for the USACE Levee Screening National Cadre Rollup meeting for the Berenda Slough, Fresno River, and Ash Slough levees on January 25, 2017.
- Staff continues to coordinate with the LMAs leading SWIF efforts. This includes performing initial reviews of draft LOIs for seven systems, communicating between USACE and LMAs on the statuses of the two submitted LOIs and three submitted draft SWIFs, planning SWIF progress schedules with LMAs for two recently approved LOIs, and reminding LMAs about milestone SWIF dates for five upcoming draft SWIFs.

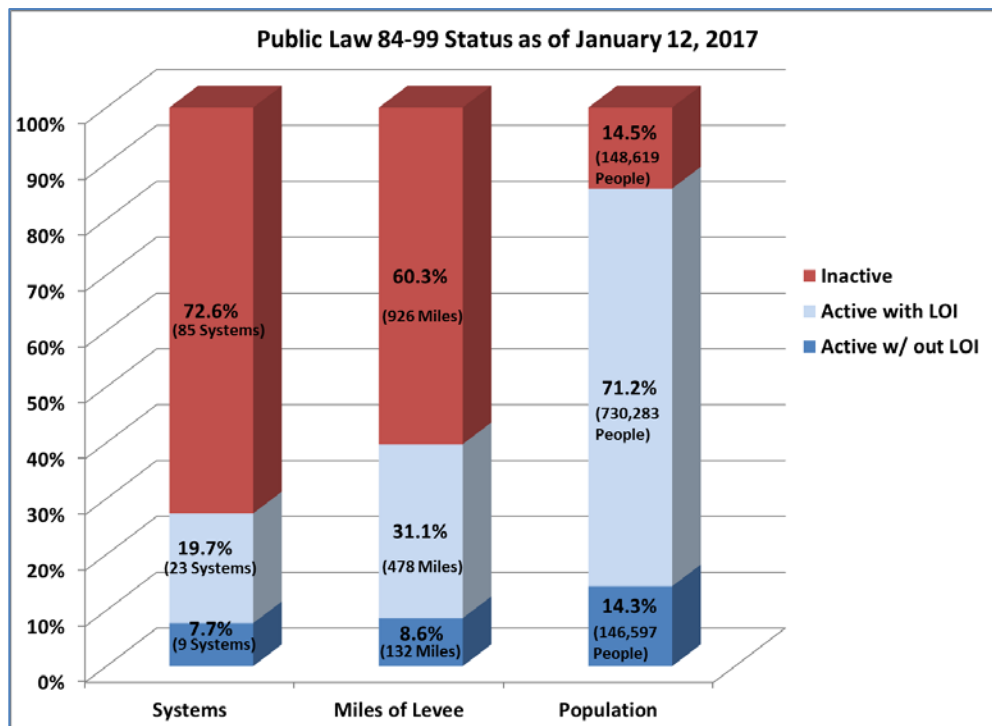
2. CVFPB Enforcement Program

- Staff continues work with DWR's Utility Crossings Inventory Program (UCIP), receiving updates on the pipes as they become available. In the coming months, staff will focus on contacting the landowners of over two dozen highest-priority pipes. These pipes were chosen based on the level of risk they pose to the levee, considering the pipes' physical condition, and the size of the population protected by the levees where the pipes are located.
- Staff is also using the UCIP data to address backlogged encroachments, currently focusing on the Feather River West Levee Project (FRWLP) pipes and working closely with the engineers of the Sutter Butte Flood Control Agency for construction updates and resolved pipe issues.
- Staff mailed out one Notice of Violation (NOV), and is preparing three fact-finding letters and six NOVs for mailing.

3. PL 84-99 levee system status as of January 12, 2016

The data and chart below represent the most updated information about PL84-99 eligibility.

- Systems: 72.6% Inactive, 7.7% Active w/ out Letter of Intent (LOI), 19.7% Active w/ LOI
- Mileage: 60.3% Inactive, 8.6% Active w/ out LOI, 31.1% Active w/ LOI
- Population: 14.5% Inactive, 14.3% Active w/ out LOI, 71.2% Active w/ LOI



Permitting Section

- The Flood Operations Center was activated on Saturday, January 7th due to high precipitation and river forecasts. Acting Chief Engineer Ms. Mitra Emami was on-call to assist with any potential emergency work authorizations that might be required due to the storm event per Title 23, Division 1, Section 17, Emergencies. At the writing of this report no emergency work requests were received due to this high water event.
- Staff continues to attend monthly coordination meetings with the Department of Water Resources' (DWR) 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 continue between DWR and USACE on a programmatic Biological Opinion (BO) for DWR's Deferred Maintenance Project (DMP). DWR is preparing a Biological Assessment that will be used to initiate consultations with USFWS prior to the commencement of any DMP work. The resulting BO will streamline the permitting process.
 2. Updated Operation and Maintenance manuals for the Sacramento and San Joaquin Flood Control Projects were provided to DWR. The manuals will be placed on DWR's California Data Exchange Center (CDEC) website in the next few weeks.
 3. Recently discovered USACE as-constructed drawings will be provided to DWR in the near future for placement on CDEC.
- Permitting and Environmental staff met with 408 Section staff on December 7th and again on January 12th to discuss applications that have been in review for more than one year, currently there are approximately 44 applications in this category. Application review times have increased since July 31, 2014 when new federal regulations stipulated that all USACE 408 Section reviews of permit applications to modify the federal project would be a Federal Action (EC 1165-2-216). As a federal action the 408 Section must now comply with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) when they are determined to be the Environmental Lead in the review process. Previously the 408 Section only performed a Levee Safety (geotechnical) review and a hydraulics review of submitted applications. When there is no Section 404/10 Permit required for the proposed project, and there is no other Federal Lead, the 408 Section now becomes the Federal Lead which requires consultations with National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (USFWS) about possible project impacts. In addition, they must initiate consultations with Tribal Nations and coordinate with the State Historical Preservation Office (SHPO) for compliance with Section 106 of the National Historic Preservation Act of 1966. The Cultural Resources Section of the USACE assists the 408 Section to ensure Section 106 compliance. All of these new requirements have impacted application review times. Until recently there were only two people in the Cultural Resources Section of the USACE

dedicated to 408 Section reviews, a new person has recently been added. In addition, USACE 408 Section Environmental Staff are coordinating with other federal agencies in an attempt to avoid duplicating efforts with regard to Section 106 compliance. The addition of USACE staff and the continued coordination between Board staff and 408 Section staff will help shorten and streamline the permit review process.

The following graph depicts the number of applications that have been received and issued by the Permitting Section since January 1, 2013. The numbers shown are reflective of the **date the applications were received**. For example, the applications for the 32 permits that were issued in 2016 were received in 2016. There were an additional 59 permits issued in 2016, for a total of 91 permits. The 59 permits are shown as issued in the applicable year that the applications were received.

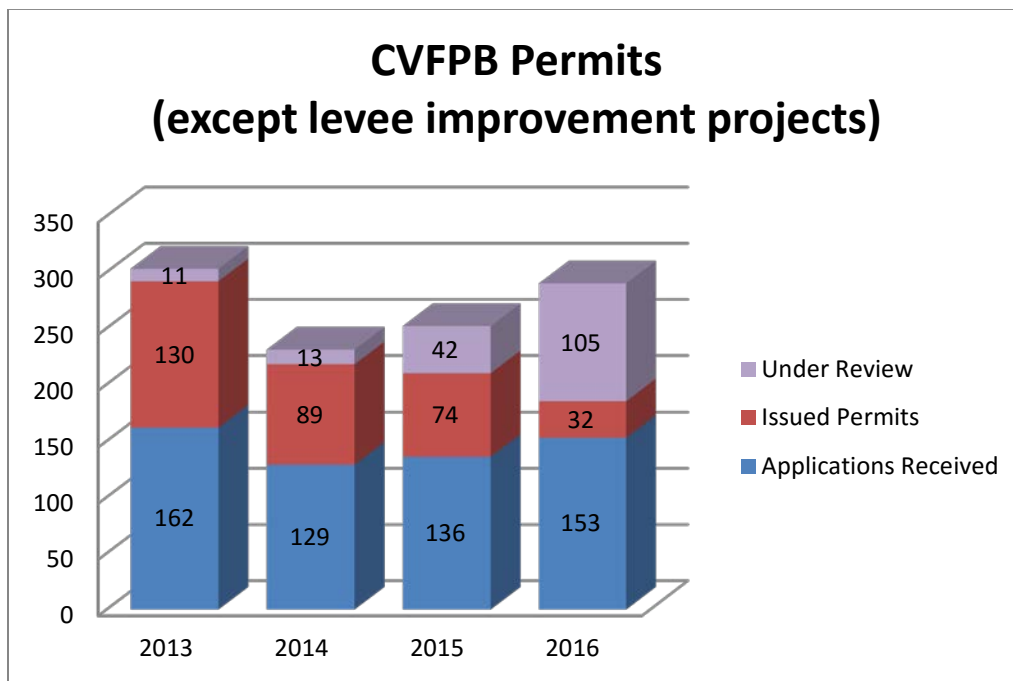


Table 1 below provides more detailed information about the permitting process and the various stages of the review. It provides a status breakdown of **all** permit applications for the years 2013 through 2016.

Permitting Section Update

Table 1: Application Status Breakdown of All Permit Applications

| | 2013 | 2014 | 2015 | 2016 | Total |
|---|------|------|------|------|-------|
| Total New Applications Received | 162 | 129 | 136 | 153 | 580 |
| Issued Permits | 130 | 89 | 74 | 32 | 325 |
| Incomplete Applications Returned to Applicant | 1 | 1 | 0 | 2 | 4 |
| Application Withdrawn by Applicant | 3 | 10 | 7 | 5 | 25 |
| No Response by Applicant Administratively Closed | 7 | 6 | 3 | 0 | 16 |
| No Permit Required | 10 | 8 | 10 | 9 | 37 |
| Permit Denial | 0 | 2 | 0 | 0 | 2 |
| Under Enforcement | 3 | 3 | 1 | 0 | 7 |
| Future Scheduled Applications | 4 | 8 | 33 | 44 | 89 |
| Reviewing for Completeness | 4 | 1 | 4 | 60 | 69 |
| Approved by Board but Need USACE Letter | 0 | 1 | 4 | 1 | 6 |

Table 2 below provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through December 2016. The numbers in this table are reflective of when the applications were posted to the Board's website.

Table 2: 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 | 4 | 0 | 0 | 4 |
| June | 10 | 4 | 0 | 0 | 6 |
| 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 | 4 | 0 | 0 | 1 |
| Totals | 99 | 62 | 2 | 3 | 25 |

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.