

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT October 26, 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: 19
- NTC/NOV being drafted for management review: 1
- NTC/NOV currently under management review: 5
- NTC/NOV mailed to landowner/responsible party: 9
- Working with landowner /responsible party to resolve encroachment issue (new and continued cases): 38
- Based on enforcement case, permit applications received: 1
- Cease & Desist Order being prepared: 3
- Cease & Desist Order mailed/ Board meeting scheduled: 0
- Notice to Proceed issued: 0
- Enforcement cases closed: 0

2. Local Maintaining Agency Coordination

Staff continues to coordinate with LMAs as more elect to participate in the USACE's 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**
 - No updates for this month.
- **LOI reports**
 - Three (3) systems have submitted 1-year progress reports for development of SWIF plans. The USACE Sacramento District has reviewed and approved these reports resulting in continued eligibility in the PL 84-99 Program. The LMA's include: Cherokee Canal (MA13), Butte Creek (MA5), and Putah Creek (ST7).

3. PL 84-99 Rehabilitation Assistance Status

LMA's 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 future years.
- 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 four agreements (RD 70, RD 2035, RD 2075 and SRWSLD). CVFPB staff expects to receive remaining agreements in October.
- Several PL84-99 site repairs began late September while other site repairs will begin in early October. All construction work must 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.

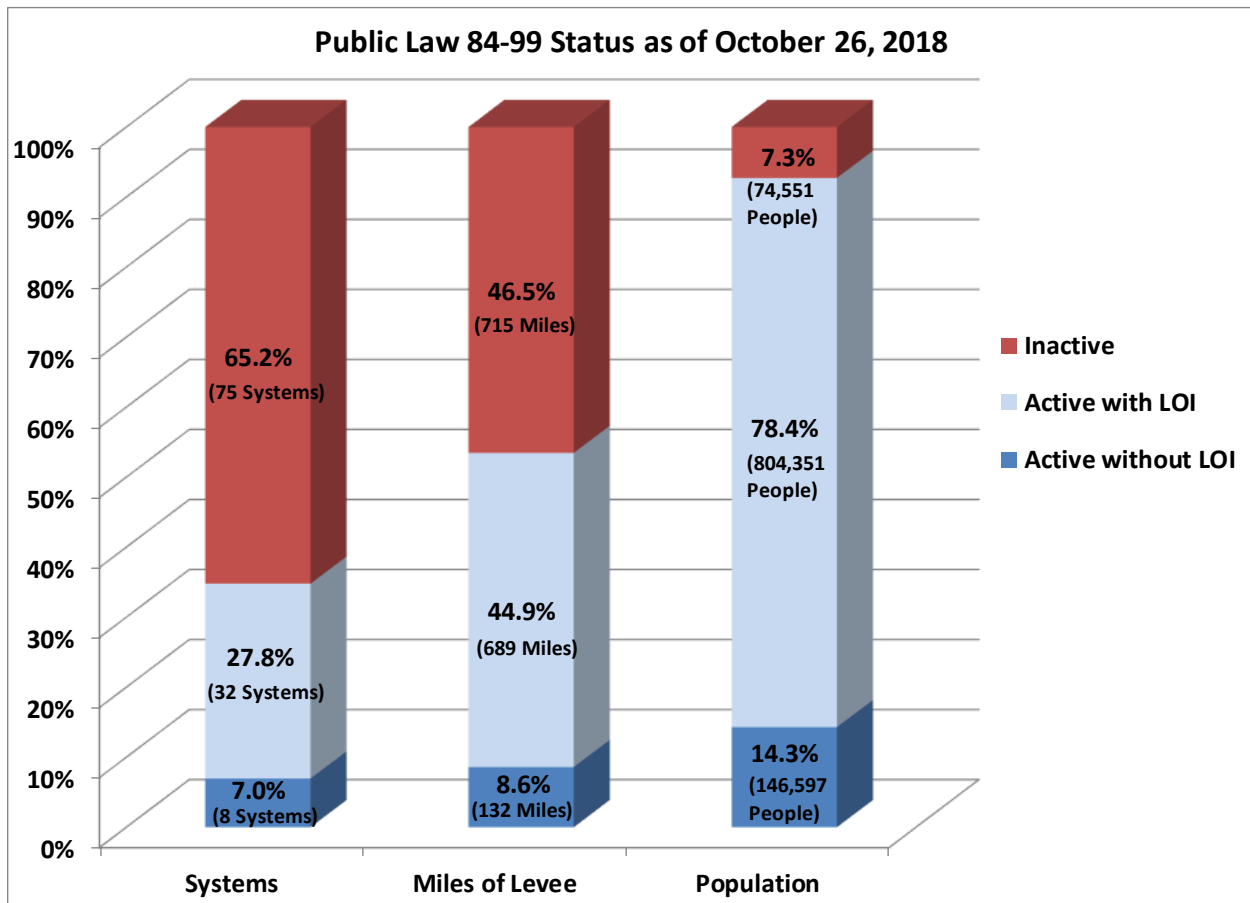
- CVFPB staff continues to participate in storm damage management update meetings with DWR.
- CVFPB staff sent out 4 LCAs for signature for the nine 2018 repair sites on May 23rd. CVFPB staff has received and signed all 4 LCAs.

- 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 October 26, 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

Kelly Soule has been promoted to Operations Branch Chief. In turn, the Enforcement Section Chief position advertised on October 8, 2018. Applications have been received for the open Engineer, Water Resources position and the Associate Government Analyst position within the Enforcement Section and Operations Branch respectively. Those applications are being reviewed 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. A brief overview of the items related to the Permitting Section are presented below.

- Deferred Maintenance Project – Replacement flap gates and positive closure devices have been ordered in preparation for the start of the Deferred Maintenance Program next month. Work will start on pipes located in Putah Creek and Willow Slough Bypass. Approximately 40 pipes will be lined with Cured In Place Pipe (CIPP) that will extend the useful life of the pipes by approximately 50-years. Permitting Staff will research records to determine the permitting status of each pipe. It is anticipated that most of the work will be considered maintenance.
- Flood Maintenance Assistance Program (FMAP) – DWR is implementing a program to help fund local maintaining agencies that do not have sufficient funds to properly maintain the levees in their jurisdiction.

2. USACE Coordination

- **New Section 408 Guidance - EC 1165-2-220:** CVFPB Staff is coordinating with 408 staff to better understand the new policy and how the new Engineering Circular (EC) may impact the way application transmittals are sent to Section 408 staff. Additional information concerning what is required to make an application complete per the new federal guidance will be placed on the Board's website. The new EC will become an Engineering Regulation (ER) in two years or re-issued as an EC.
- In accordance with the new EC, the Sacramento District has posted the draft categorical permission documents for public comment. The proposed categorical permission would encompass a list of potential alterations that are similar in nature and have similar impacts. This will create efficiencies in the review process for Section 408 requests. The public comment period will close November 8, 2018.
- Section 408 has been reorganized; the Flood Protection and Navigation Section has been changed to the Levees and Channels Branch. Sections within the branch will be 408 Permission and Inspection.

3. Outreach

CVFPB staff and USACE Section 408 staff will be meeting with Butte County Public Works Department next month to discuss the encroachment permit review process. In addition, the 1995 Memorandum of Agreement between the Board and Butte County concerning the 1988 expansion of the Designated Floodway in Butte County from a 20-year event to a 100-year event will be discussed.

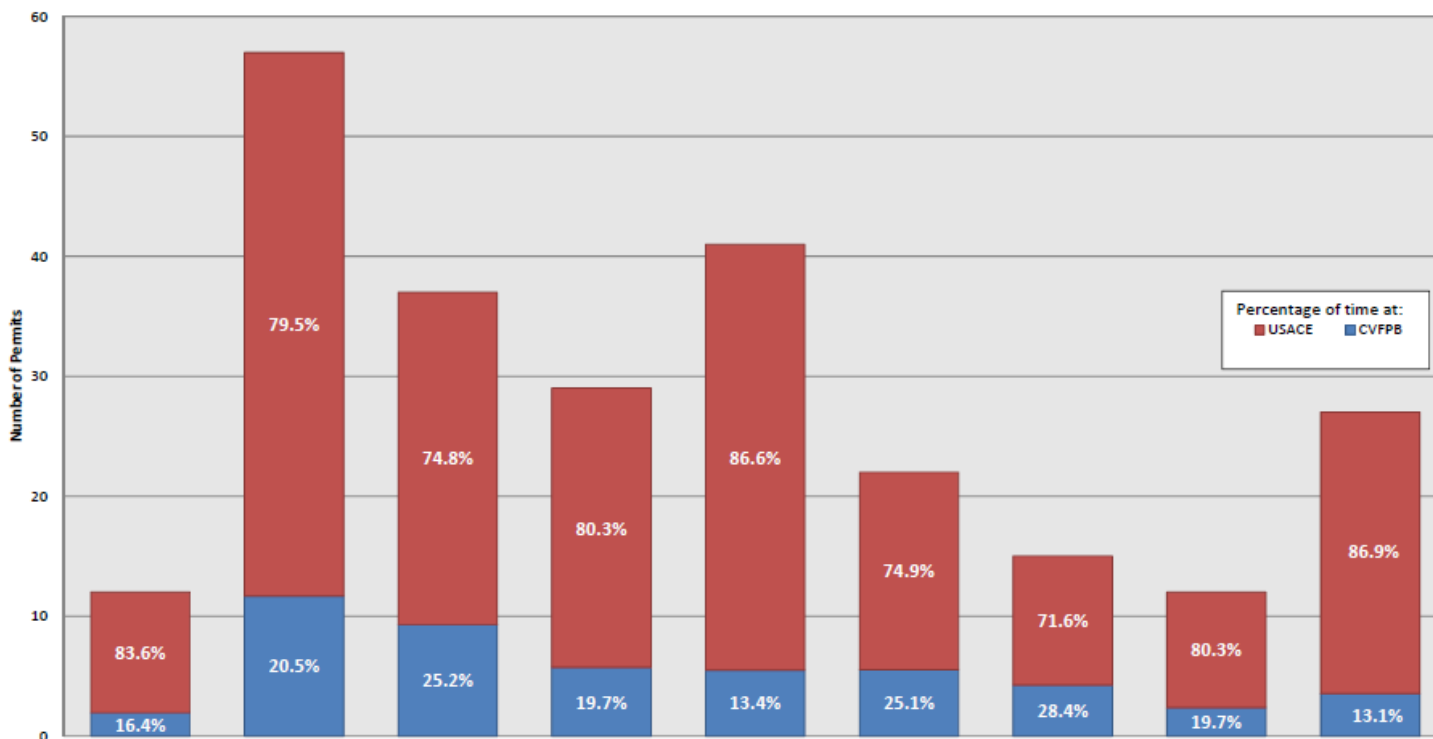
4. Staff News

The Permitting Section is now fully staffed. New employees are currently familiarizing themselves with the encroachment permit review process. It is anticipated that construction inspections by Permitting Section Staff will begin in December.

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 - September 6, 2018 to October 16, 2018



Months	3 or less	6	9	12	15	18	21	24	More than 24
Cumulative Percentage of Issued Permits	5%	27%	42%	54%	70%	79%	85%	89%	100%
	12	69	106	135	176	198	213	225	252

The table below provides a status breakdown for all Executive Officer Delegated Permits from January 2017 through October 16, 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	1
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	0	0	1
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	8	0	0	2
September	10	2	0	0	8
October	4	0	0	0	4
Totals	90	68	0	0	22

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

- Staff is preparing for trips to the field after 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.
- With the flood season fast approaching, staff is slated to take Flood Fight Methods training in late October. This is a prerequisite to becoming a Flood Fight Specialist for emergency response activation. In addition, the section chief is participating as Deputy Operations Chief during flood activation training drills held by DWR.
- Field database software is being tested on project sites by staff during construction and routine inspections. Staff continue to create and refine connections between the field database and central servers by working with DWR CDEC staff.

2. Permit and Inspection Fee Implementation

- The Notice of Proposed Action rulemaking package (Notice) for permit and inspection fees was published in the California Regulatory Notice Register on September 21st for a 45-day public comment period. Staff is preparing to present the final regulations for the Board's consideration at the November Board meeting, and implementing the program in the following months.