



CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT November 16, 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: 7
- NTC/NOV being drafted for management review: 23
- NTC/NOV currently under management review: 13
- NTC/NOV mailed to landowner/responsible party: 10
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 24
- Based on enforcement case, permit applications received: 2
- Cease & Desist Order being prepared: 4
- Cease & Desist Order mailed/ Board meeting scheduled: 0
- Notice to Proceed issued: 0
- Enforcement cases closed: 2

2. Local Maintaining Agency Coordination

Staff continues to coordinate with Local Maintaining Agencies (LMA) as more elect to participate in U.S. Army Corps of Engineers (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**
 - No new updates this month.
- **LOI reports**
 - On October 29, 2018, staff submitted RD70/1660's 1-year progress report to the USACE Sacramento District for review and approval.
 - Recently, staff has had several LMAs and their consultants inquiring about developing a LOI in 2019.

3. PL 84-99 Rehabilitation Assistance Status

LMAs that are active in the federal Public Law 84-99 Rehabilitation Program (PL 84-99) 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 15 repair sites for repair in 2018 and 17 repair sites in 2019. However; due to recent contracting difficulties, 7 sites will be repaired in 2018. The remaining 8 sites are expected to be repaired in April 2019 along with the 17 sites previously identified for 2019 construction.
- Two site repairs began construction on October 3rd and will be completed by November 7th. The remaining five sites are under construction and will be completed by November 17th.
- CVFPB staff delivered six Local Assurance Agreements (LCAs) for signature for the 2018 repair sites. All LCAs have been signed by the locals and returned to CVFPB staff.
- CVFPB staff continues to participate in weekly PL 84-99 coordination calls with USACE and the Department of Water Resources (DWR).

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.

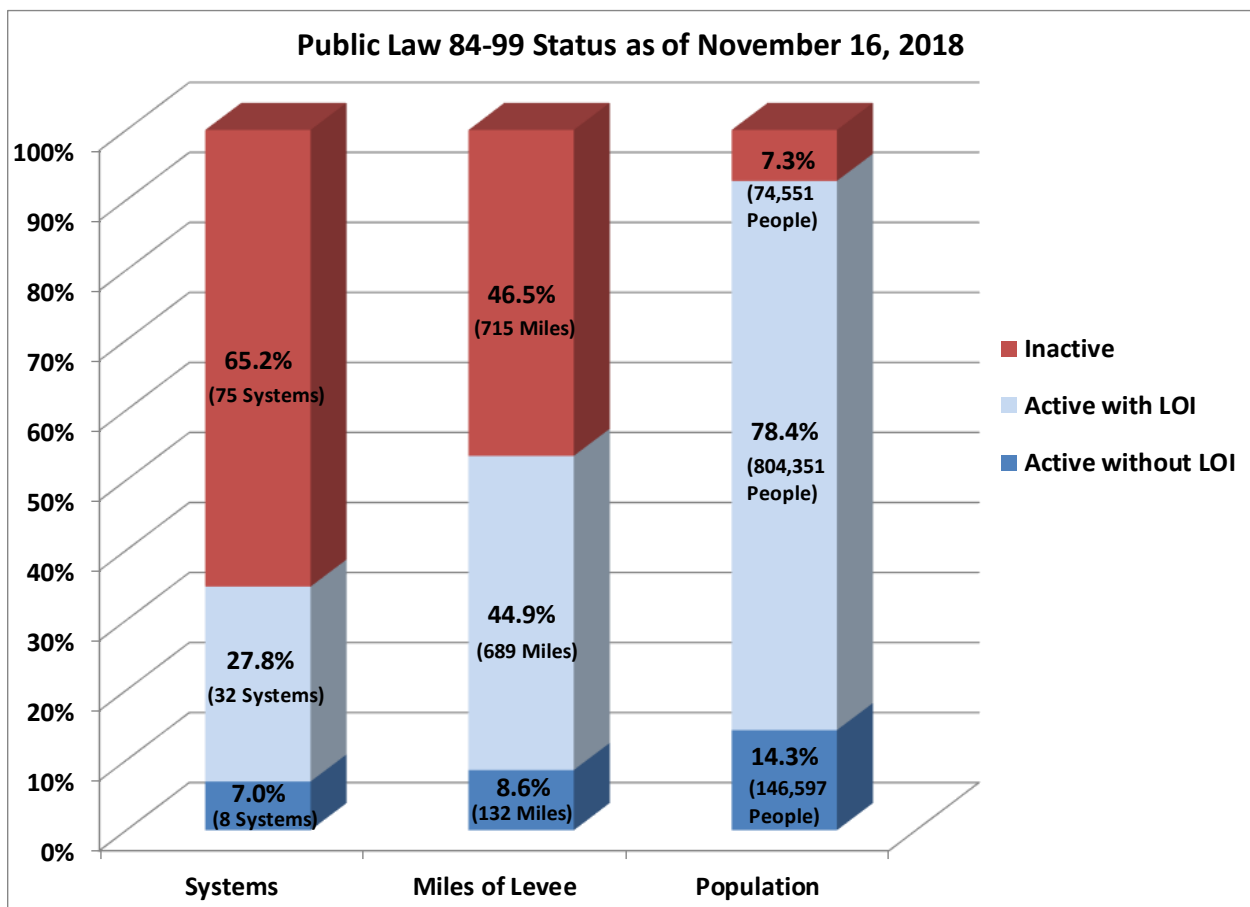
- CVFPB staff continues to participate in storm damage management update meetings with DWR.

- Construction of DWR’s Phase III repair sites (9 repair sites) has been completed. Contractors are currently in the demobilization phase.

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 November 16, 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

The Enforcement Section has filled its vacant Engineer, Water Resources position. Alex Acosta who was hired previously as a limited-term position has accepted this permanent position. Interviews for the vacant Section Chief position are being scheduled. Interviews were recently held for the Staff Services Analyst-Associate Government Program Analyst position within the Operations Branch and a tentative offer has been made.

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.

- USACE Section 408 staff informed the group that the right (west) bank levee of the Yolo Bypass, above the Cache Creek Settling Basin and below the Knights Landing Ridge Cut, is now included in the Unit 127 Operation and Maintenance (O&M) Manual of the Sacramento River Flood Control Project. The levee segment was found to be missing from the O&M Manual.
- DWR has purchased flap gates for the Putah Creek and Willow Slough portion of the Deferred Maintenance Program that will begin in December or January. Delivery of the gates has been slowed because the company that was providing the gates, Waterman Industries, was sold.

2. USACE Coordination

- USACE Section 408 staff met with CVFPB staff on November 5th to discuss the new procedural and policy guidance that went into effect on September 10, 2018 (EC 1165-2-220). The new guidance will not significantly change the current review process. The focus of the new guidance is review transparency

and better coordination between all USACE Branches. There will be a few new options for seeking a Section 408 Permission, one being the Categorical Permission option and the other a multi-phased review approach. The Categorical Permission descriptions are in the final stages of agency review and are anticipated to be completed later this year. A new publicly available Section 408 viewer is currently being developed where requestors can view the status of their applications. The new guidance will be in effect for two years at which time it will be re-evaluated and either renewed as an Engineering Circular or made final as an Engineering Regulation document.

3. Outreach

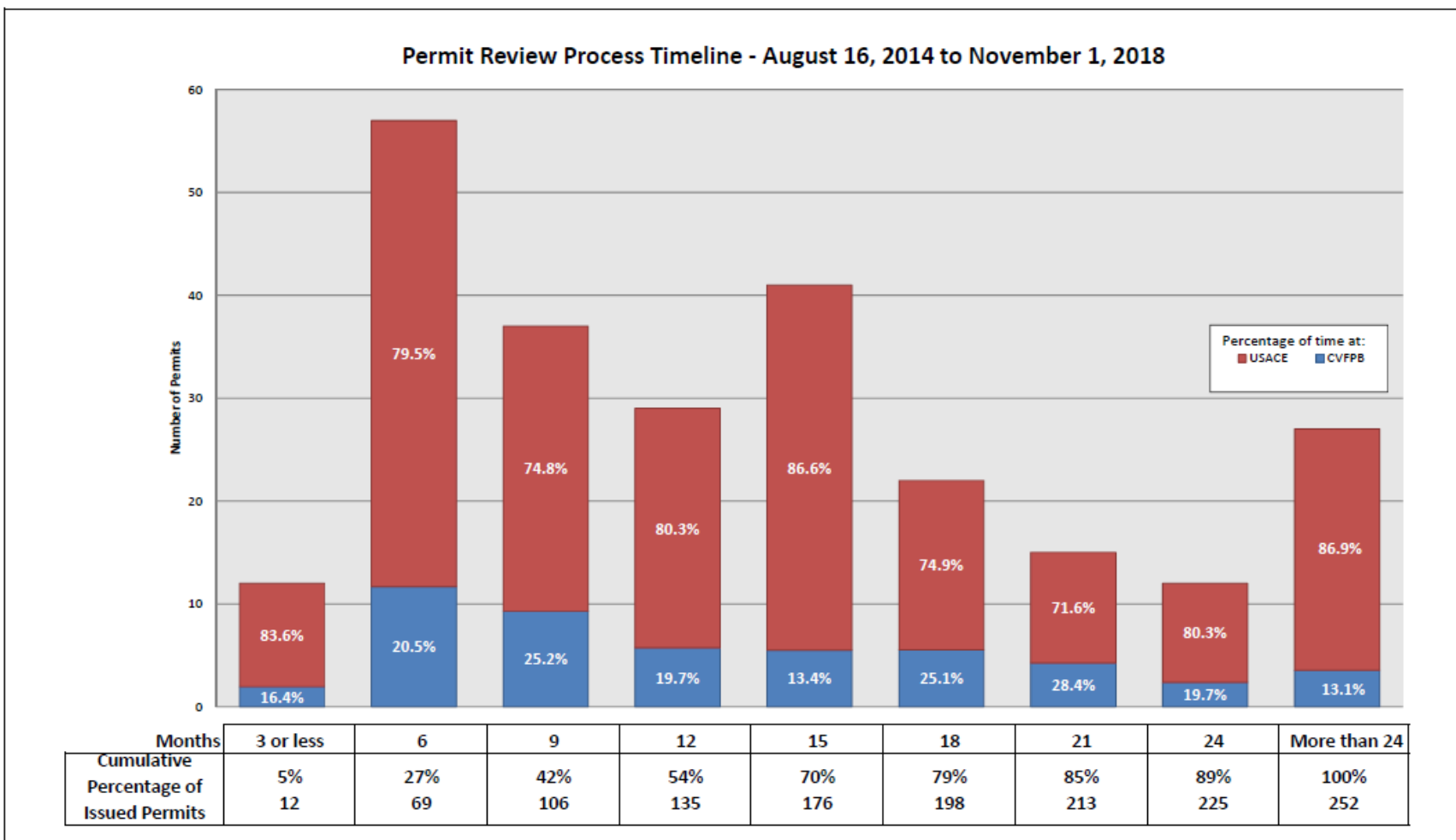
- CVFPB staff met with representatives from Ducks Unlimited to discuss the Yolo Bypass Wildlife Area Habitat and Drainage Improvement Project. The purpose of the project is to enhance California Department of Fish and Wildlife's ability to manage water resources for the benefit of managed wetlands and agricultural operations within the Vick Fazio Wildlife Area.
- CVFPB staff is continuing monthly coordination with the Sacramento Area Flood Control Agency in preparation for the Sacramento River East Levee slurry wall project which is scheduled to begin next year.

4. Staff News

- In preparation for the 2018 flood season staff attended DWR's Flood Fighting Methods class on October 25th. Classroom training consisted of organizing for a flood fight, movies and slide shows on how to use various types of materials, and tools to control flooding. The hands-on portion of the class gave participants the opportunity to construct various types of flood fighting structures.

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.



The table below provides a status breakdown for all Executive Officer Delegated Permits from January 2017 through November 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	4	0	0	0
February	4	4	0	0	0
March	3	3	0	0	0
April	1	1	0	0	0
May	2	2	0	0	0
June	4	4	0	0	0
July	4	4	0	0	0
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	7	5	1	0	1
March	6	5	0	0	1
April	7	7	0	0	0
May	3	3	0	0	0
June	2	2	0	0	0
July	3	1	0	0	2
August	10	8	0	0	2
September	8	5	0	0	3
October	3	2	0	0	1
November	2	0	0	0	2
Totals	91	78	1	0	12

Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website@: <http://cvfpb.ca.gov/permitting/delegated-permits/> Spreadsheets for each month provide descriptive information about the proposed project and the CEQA findings.

Inspection Section

1. Section News

- After conducting “ride alongs” with DWR’s Flood Project Inspection Section (FPIS) staff for the construction of new encroachments the past three months, the inspection staff is transitioning to take on construction inspection duties independently. The section chief is coordinating with the FPIS chief to assign new construction projects to inspectors in both sections to effectively manage the work load. The work includes leading pre-construction meetings with permittees, working with the permittee to address any potential variances or construction issues, and closing out the construction for continued compliance with permit conditions and Title 23 standards.
- On October 30, the entire section traveled to Stockton to join over 200 California Conservation Corps (CCC) staff and leaders participating in the 2018 Statewide Flood Exercise event. Staff worked with CCC crews to provide technical guidance on the flood fight methods including construction of sack rings, levee topping, muscle walls, structure protection, and wave wash protection. This was an invaluable exercise for the section to understand their role as flood fight specialists when working with CCC crews and DWR emergency responders in emergency situations. Inspectors were able to assess and critique the CCC’s construction methods during the simulated flood fight activities.
- In addition to the field exercise with the CCC mentioned above, staff completed flood fight methods training course on October 25th and 26th and is also slated to take Flood Fight Specialist training soon. Inspectors are gaining valuable knowledge from DWR inspectors with decades of experience who are nearing retirement. As flood fight specialists, the inspectors will be out in the field during emergency response situations to evaluate levee damage and provide technical assistance.
- Staff has been responding to various requests for field inspections from our Permitting and Enforcement sections, as well as from individual landowners and USACE to inspect and report on various field issues. The staff is using their skills in enforcement and permitting to effectively resolve issues as they arise in the field. Current cases include transfers of ownership of permitted encroachments, resolving non-permitted encroachments, and issuing Notice to Comply documentation to encroachment owners with non-compliant encroachments.

2. Permit and Inspection Fee Implementation

- The Notice of Proposed Action rulemaking package for permit and inspection

fees 45-day public comment period closed on November 5. 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.