

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

July 28, 2017



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. CVFPB Enforcement Program

- Staff continues to process encroachment cases through Fact-Finding Letters (FFL) or Notice of Violations (NOVs). Since last month:
 - One new enforcement case was submitted by the public. Staff made a site visit on July 7, 2017.
 - Six FFL/NOVs are being drafted for management review;
 - Four FFL/NOVs currently under management review;
 - Two FFL/NOVs mailed to landowner;
 - Two Enforcement cases closed;
 - Two permit applications were received as a result of enforcement;
 - Working with five landowners to resolve encroachment issues.

- Staff coordinated with DWR's Flood Operations Center and will be participating in this year's Pre-Season Flood Coordination Meetings as a public outreach process. Staff will participate in six meetings located within the Board's jurisdiction in September and October to educate the counties, cities, flood control districts, reclamation districts, and local maintaining agencies as to the Board's regulatory jurisdiction, the need for an encroachment permit, and the encroachment enforcement process.

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;
 - Two 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 was submitted to CVFPB on June 5, 2017 for review. It was reviewed and forwarded to USACE prior to July 6, 2017.

- Two LOIs, which CVFPB transmitted to USACE in early 2017, were recently approved by USACE.
 - A LOI for MA 13 (Cherokee Canal Levee System) was approved by USACE on May 18, 2017. A formal approval letter was received by CVFPB on June 26, 2017.
 - A LOI for Wadsworth Canal Right Bank – Sutter Bypass East Levee System was approved by USACE on June 8, 2017 and a formal letter dated June 26, 2017 was provided to CVFPB.
- Two LOIs, which CVFPB transmitted to USACE in late 2016, are being reviewed by USACE and are awaiting approval.
- Two LOI drafts are undergoing preliminary USACE staff review.
- One LOI draft is undergoing LMA revision.
- 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 LMA's) have met USACE criteria and will be moved forward in the process. Seventeen of the sites were either inactive in PL 84-99 or have a LOI 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 first 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 have 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 has given an extension until August 7, 2017. As of July 6, 2017, 209 sites have been submitted for consideration. The eligibility criterion is the same as it is for the Sacramento River Basin. Upon receipt of the request(s) the USACE will coordinate with Board staff and the LMA to schedule an inspection.

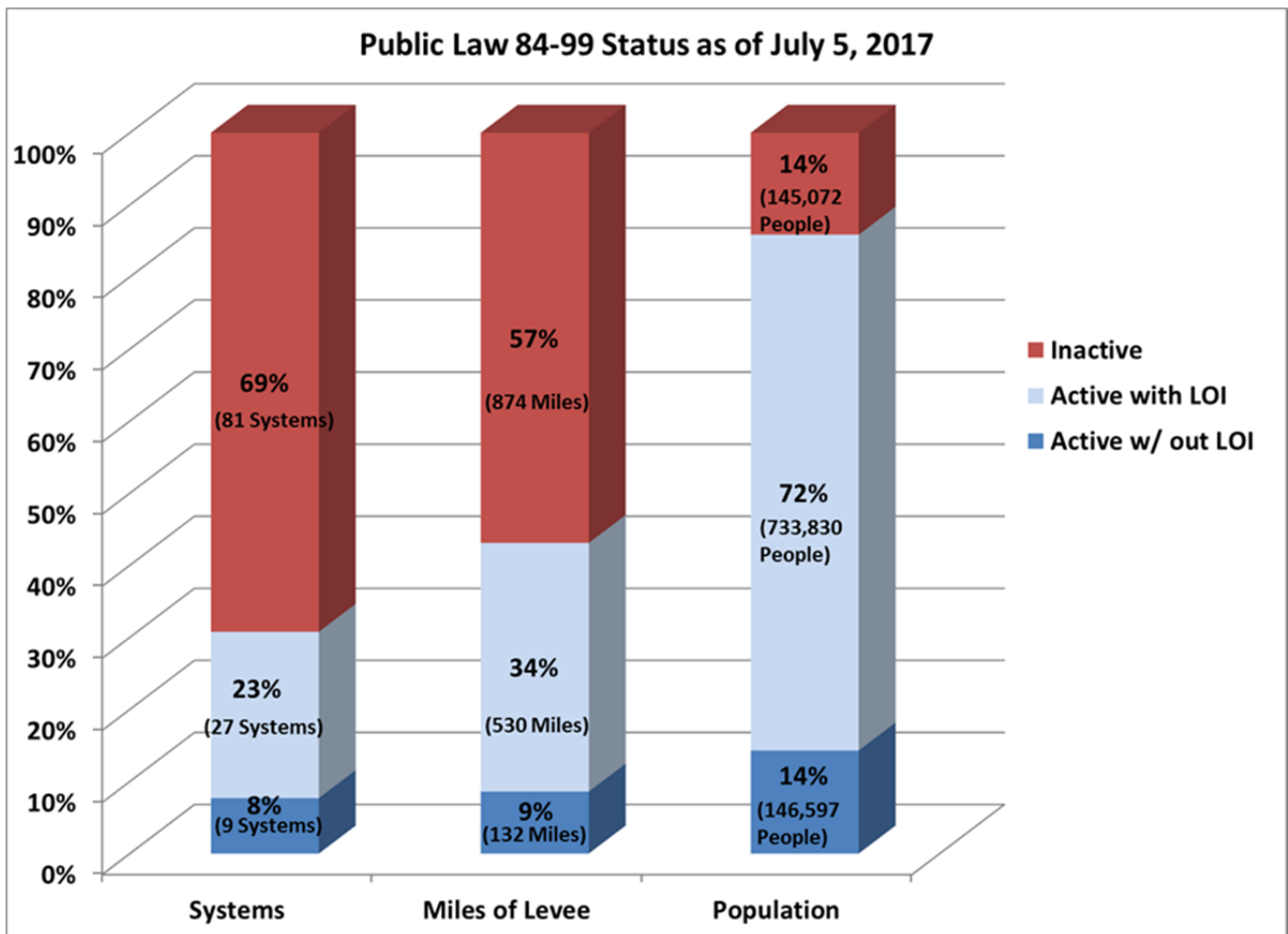
4. 2017 Storm Damage DWR Rehabilitation

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 19 damage sites from the 64 that were sent to the USACE did not meet USACE criteria and may be considered for rehabilitation by DWR.
 - Board staff is coordinating with DWR in the review of proposed repairs for these sites.
- 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 July 5, 2017:
 - Systems: 69% Inactive, 8% Active w/ out Letter of Intent (LOI), 23% Active w/ LOI.
 - Levee Miles: 57% Inactive, 9% Active w/ out LOI, 34% Active w/ LOI.
 - Population (urban): 14% Inactive, 14% Active w/ out LOI, **72%** Active w/ LOI



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. Efforts between DWR and USACE continue on a programmatic Biological Opinion (BO) for DWR's Deferred Maintenance Project (DMP):

DWR is still planning on pursuing BA's for the Butte Creek (MA5) and Wadsworth/Sutter Bypass East levee systems under SWIF for rodent damage repair and vegetation management. USACE is currently working on developing a Categorical Permissions process.

At this time, funding is still available to complete Phase 1 of the DMP. FMO is expected to receive video inspection equipment soon. They plan on accomplishing the majority of the video inspections this summer and the extent of rehabilitation accomplished will depend on remaining funds. The priority will be to repair the worst pipes first and proceed as funding allows. All of the LMAs will be receiving a notice of eligibility regarding the pipe inspection effort and information about the program. CVFPB sent out letters to permitted pipe owners, reminding them of their responsibility to maintain their pipes.

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

As requested by the Board for River Partners (RP) to coordinate with West Stanislaus Irrigation District (WSID) regarding ongoing sediment issues and topics of concern related to the project, RP met with WSID on June 29, 2017. Board staff participated in the meeting via a conference call. WSID started off the call by saying they were not opposed to the RP project but they felt that additional analysis was necessary to ensure that the proposed project does not threaten WSID water rights and will not negatively impact a future WSID project. WSID requested that RP perform a hydraulic and sedimentation analysis using river flows in the range of 10 to 15 thousand cubic feet per second. In addition WSID felt that a river meander study would also be necessary. RP and WSID did not reach an agreement during the meeting but agreed to further discuss the cost of conducting the requested studies. The conference call ended with an agreement to meet again on July 6, 2017. On June 30, 2017 RP informed Board staff that the July 6th meeting had been postponed and staff would be notified when the meeting was rescheduled. Board staff sent RP and WSID follow-up emails on July 10th and 11th respectively; however, at the writing of this report no response has been received from either party.

- **USACE Coordination**

- Applications for proposed projects that are located outside the State/federal Flood Control Project will no longer be sent to the USACE Flood Protection and Navigation Section (Section 408). Concurrence from the 408 Section will be done by e-mail and noted in the permit database.
- As presented to the Board at the June Board Meeting, the U.S. Army Corps of Engineers has expended more than 95 percent of the \$3 million appropriated in fiscal 2017 for Section 408 reviews nationwide. Current Section 408 review requirements exceed the available remaining funding for fiscal 2017. Additional funding to conduct Section 408 reviews is not expected prior to the beginning of fiscal year 2018 (October 1, 2017).

The USACE has announced another funding source (1156) in addition to the 214 funding source that was available only to public utilities and some agencies. The 1156 funding source will allow the USACE to receive funds from private parties to complete Section 408 reviews. The mechanism for USACE to accept and expend funds to complete Section 408 evaluations comes from Section 1156(a)(2) of WRDA 2016.

- **Permitting Status Overview**

The chart below 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.

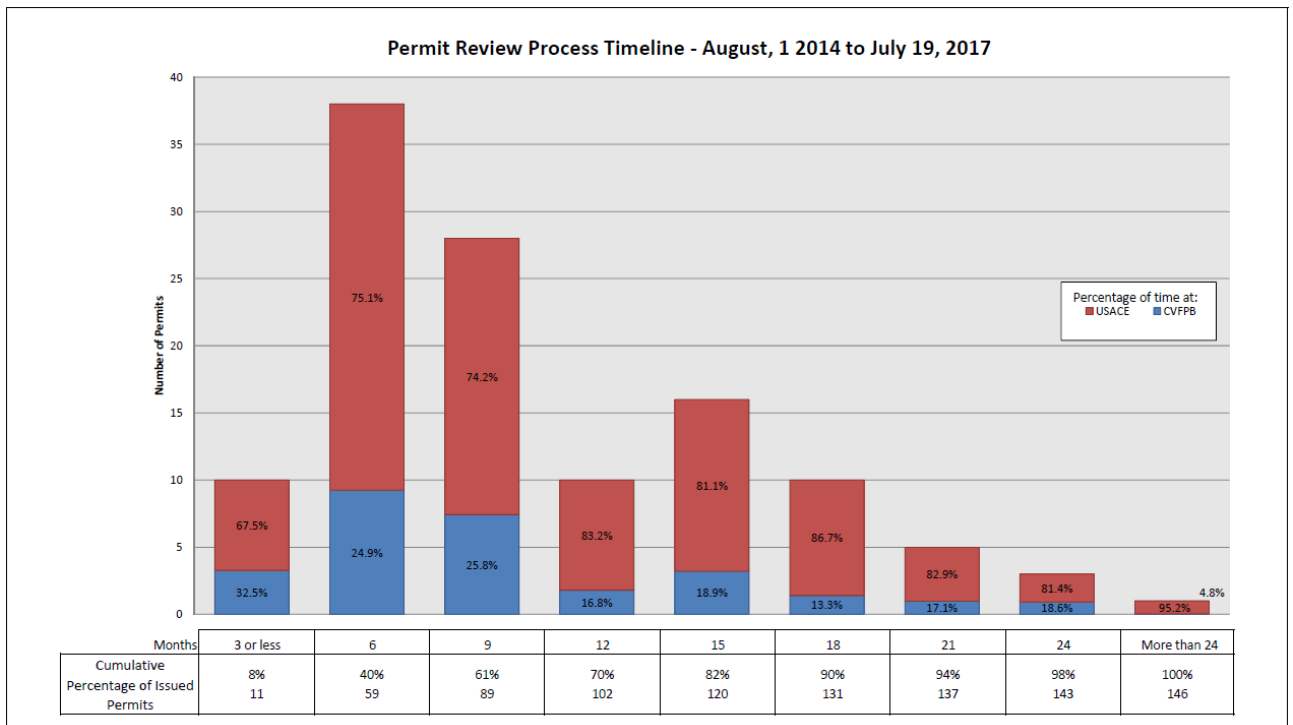


Table 1 below provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through June 2017. The numbers in this table are reflective of when the applications were posted to the Board’s website.

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	6	0	0	2
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
Totals	118	84	2	4	33

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.