

**Central Valley Flood Protection Board
February 14, 2014**

Staff Report

Strategic Plan Implementation Workshop

Review and Approve Draft Action Plan

1.0 –REQUESTED ITEM

Consider Central Valley Flood Protection Board (Board) approval of a draft Action Plan to implement the Board’s 2013-2017 Strategic Plan.

2.0 – ITEM DESCRIPTION

Board staff, Chief Counsel and Consultant Eric Douglas have developed a Draft Action Plan (Attachment A) to implement the Board’s Strategic Plan through 2015. During this workshop the staff and Consultant Eric Douglas will present the Draft Action Plan to the Board for its consideration.

3.0 – STAFF RECOMMENDATION

Board staff recommends that the Board:

- approve the Draft Action Plan as presented,
- direct the staff to provide progress reports each January and July, and
- authorize the Executive Officer to revise the Action Plan, if needed, and bring it to the Board for approval each January and July.

4.0 – ATTACHMENTS

A – Draft Action Plan

**Central Valley Flood Protection Board
Draft Action Plan**

| Goal 1: Preserve the Integrity and Function of Flood Protection Systems in the Central Valley | | | | | | | |
|--|---|---|--------------------------|-----------------|---------------|-------------|--|
| Objective: | Strategies: | Actions: | Lead Assignments: | | Start: | End: | Resource analysis: |
| | | | Program: | Project: | | | |
| Objective 1.1: Assure judicious and timely permitting. | Strategy 1.1.1: Develop processes and templates to help assure timely permitting decisions. <i>Note: Assumes acquisition of one Environmental Scientist from DWR (or consultant) as approved in the Board's 2013-14 BCP.</i> | 1. Continue to implement and refine existing fast-track permitting process. | Mitra | | Ongoing | Ongoing | Need one engineer [see Note at left] |
| | | 2. Explore and report to Board what types of authorizations might be included in an "over-the-counter" process. | Len | Leslie, Mitra | Mar-14 | Jun-14 | Can be accomplished with existing resources. |
| | | 3. Explore and report to Board potential additional delegated authority to Executive Officer related to certain types of permits. | Eric | James | Jan-14 | Jul-14 | Can be accomplished with existing resources. |
| | | 4. Explore options for reimbursement authority for technical and real estate assistance. | Leslie | | Jan-14 | Aug-14 | Can be accomplished with existing resources. |
| | | 5. Update Title 23 regulations technical standards (Tier 2). | Eric | | Mar-14 | Dec-15 | Consultant support, 1498, or BCP needed. |
| | Strategy 1.1.2: Develop new permitting track for flood system improvement projects requiring major or minor 408 approvals (not encroachments). | 1. Develop and implement separate permitting process for flood system improvement projects (draft proposal by Jul-14) | Eric | | Mar-14 | Dec-14 | Can be accomplished with existing resources. |
| | | 2. Gain Board approval for new permitting process. | Eric | | Aug-14 | Dec-14 | Can be accomplished with existing resources. |
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| | | 3. Update Title 23 regulations to reflect new permitting process. | Eric | | Jan-15 | Dec-15 | Can be accomplished with existing resources. |
| | | 4. Communicate process to stakeholders. | Eric | | Jan-15 | Dec-15 | Can be accomplished with existing resources. |
| | Strategy 1.1.3: Establish authority to charge filing fees for permits. | <i>Note: Defer this action for now. Timing for this initiative to be determined at a later date (Will require Title 23 update).</i> | Board's E.C. | | On hold | On hold | |
| Objective 1.2: Expand enforcement capacity and authority. | Strategy 1.2.1: Create comprehensive database that includes a detailed inventory of encroachments, including non-permitted and out-of-compliance encroachments. | 1. Complete integration of permitted encroachments into Board/DWR/USACE database. | Mitra | | Jan-14 | Apr-15 | Can be accomplished with existing resources. |
| | | 2. Develop and populate database with non-permitted and out-of-compliance encroachments as USACE completes levee inspections. | Mike | USACE | Jan-14 | Oct-14 | Can be accomplished with existing resources. |
| | Strategy 1.2.2: Quantify, delineate, categorize, and prioritize encroachments and the need for enforcement actions. | 1. Develop policy paper that defines systematic approach to prioritizing encroachment actions and present to Board. | Mike | | Jan-14 | Apr-14 | Can be accomplished with existing resources. |
| | | 2. Clarify Board's regulatory authority as it pertains to enforcement and property rights (e.g. extent of Board's prescriptive authority). | Len | | Jan-14 | Jan-15 | Can be accomplished with existing resources. |

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| | | 3. Clarify Board's permitting processes and update Title 23 regulations on existing and new swimming pools (part of Strategy 1.1.1, Action 5) | Len | | Oct-14 | Dec-15 | Can be accomplished with existing resources. |
| | | 4. Work with DWR Public Affairs Office to communicate Board policies on permits and encroachments to stakeholders. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | Strategy 1.2.3: Resolve encroachments that are in conflict with assurances provided to USACE and that compromise system performance. | 1. Continue to issue Notices of Violation in cases of clear violation of encroachment policies. | Mike | | Ongoing | Ongoing | Need two engineers and one surveyor through BCP. |
| | | 2. Work with DWR's office of chief counsel to delineate enforcement policies and approach for prosecuting violations. | Len | Leslie | Apr-14 | Dec-14 | 1.2.4 is critical path to accomplishing this action. |
| | | 3. Update enforcement procedures, guidelines and flow chart based on recently updated Title 23 enforcement regulations. | Curt | | Jan-14 | Oct-14 | Can be accomplished with existing resources. |
| | | 4. Explore change in Board policy to specify which permits "run with the land" and report to Board. | Jay | | Jun-14 | Dec-14 | Can be accomplished with existing resources. |
| | | 5. Develop policy related to the assignment of legal responsibility for legacy features and encroachments. | Leslie | | Apr-14 | Dec-14 | Can be accomplished with existing resources. |

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| | | 6. Develop policy related to bringing into compliance legacy features and encroachments that are the responsibility of the USACE or the State. | Jay | | Jan-15 | Dec-15 | Can be accomplished with existing resources. |
| | Strategy 1.2.4: Develop efficient and effective sources of real property data. | 1. Develop recommended concept (Mar-14) and budget change paper (Aug-14) for real property database. | Len | | Jan-14 | Aug-14 | Can be accomplished with existing resources. |
| | | 2. Explore options with DWR real estate branch for obtaining real property data. | Len | | Jan-14 | Jan-15 | Can be accomplished with existing resources. |
| | Strategy 1.2.5: Obtain additional enforcement authority through legislation and update Title 23 regulations accordingly. | 1. Update Title 23 regulations per recent legislation (SB 753) to reflect additional enforcement authority. | Eric | Curt | Jan-14 | Jul-14 | Can be accomplished with existing resources. |
| | | 2. Establish policies and procedures related to expanded authority. | Len | Mike, Leslie | Apr-14 | Dec-14 | Can be accomplished with existing resources. |
| | Strategy 1.2.6: Establish authority to issue administrative fines without going to court. <i>Do we have this authority now?</i> | 1. Develop new Title 23 regulations to issue and collect fines. | Eric | Curt | Oct-13 | Jul-14 | Can be accomplished with existing resources. |
| | | 2. Develop the necessary policies and procedures for issuing and collecting fines. | Len | Mike | Apr-14 | Sep-14 | Can be accomplished with existing resources. |
| | | 3. Assure appropriate training for enforcement staff in implementing new policies and procedures. | Mike | | Mar-14 | Dec-14 | Can be accomplished with existing resources. |

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| Objective 1.3: Work with Local Maintaining Agencies (LMAs) to assure effective levee maintenance and improvement. | Strategy 1.3.1: Work with LMAs to concentrate resources on high-risk areas. | 1. Continue to work with DWR and the LMAs to address high-risk issues. | Mike | | Ongoing | Ongoing | Need two additional engineers through BCP. |
| | Strategy 1.3.2: Develop program to hold LMAs accountable for meeting their operation and maintenance objectives. | 1. Meet with DWR's Inspection Section to develop combined program to identify under-performing LMAs. | Mike | | Jan-14 | Jan-15 | Can be accomplished with existing resources. |
| | | 2. Work with DWR to improve maintenance levels at under-performing LMAs. | Mike | | Jul-14 | Jul-15 | Can be accomplished with existing resources. |
| | | 3. Once a year (January?) report under-performing LMAs to the Board. | Mike | DWR | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 4. Update the Board on the Board's ability to create State Maintenance Areas. | Len | | Oct-14 | Dec-14 | Can be accomplished with existing resources. |
| | Strategy 1.3.3: Create regulatory structures to delegate authority to LMAs and, upon their request, enable them to initiate enforcement actions. | 1. Prepare draft delegation and policies for LMAs to review. | Curt | | Jul-14 | Dec-14 | Can be accomplished with existing resources. |
| | | 2. Enact delegated authority with LMAs that request to participate. | Mike | | Jul-14 | Jan-15 | Can be accomplished with existing resources. |
| | | 3. Provide training to participating LMAs. | Len | | Sep-14 | Mar-15 | Can be accomplished with existing resources. |

Central Valley Flood Protection Board

Draft Action Plan

Note: Implementation of Goal 2 assumes acquisition of four positions and staff from DWR (or consultants) as approved in the Board's 2013-14 BCP.

| Goal 2: Oversee the Implementation of the Central Valley Flood Protection Plan [see Note above] | | | | | | | |
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| Objective: | Strategies: | Actions: | Lead Assignments: | | Start: | End: | Resource analysis: |
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| Objective 2.1: Work with local, regional, State and federal agencies to advance implementation of the Central Valley Flood Protection Plan. | Strategy 2.1.1: Assure the Board's commitments in its resolution adopting the CVFPP are met. | 1. Analyze the Board's commitments and develop reporting tool. | Eric | Ali | Jan-14 | Jun-14 | Can be accomplished with existing resources. |
| | | 2. Actively monitor progress in achieving Board's commitments. | Eric | Ali | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 3. Work collaboratively with DWR to assure commitments are fulfilled. | Eric | Ali | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 4. Provide reports to the Board twice a year. | Eric | Ali | Jul-14 | Dec-15 | Can be accomplished with existing resources. |
| | Strategy 2.1.2: Facilitate projects moving forward to implementation in accordance with the State System-wide Investment Approach (SSIA). | 1. Work with USACE and Division of Flood Management (DFM) on Board-sponsored feasibility studies and projects. | Jay | DWR | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 2. Work with local sponsor and DFM to implement flood system improvement projects. | Eric | Nancy Ali David | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 3. Support local and DWR-led evaluation, approval and construction of CVFPP projects developed through integration of Regional Plans, Basin-wide Feasibility Studies, and Conservation Strategy. | Jay | Len | Ongoing | Ongoing | Can be accomplished with existing resources. |

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| | | | Program: | Project: | | | |
| | | 4. Collaborate with State and federal agencies to streamline and consolidate permitting process for environmental restoration / mitigation, consistent with Conservation Strategy. | Eric | Nancy James Andrea | Jan-14 | Dec-14 | Can be accomplished with existing resources. |
| | | 5. Develop new / revised Title 23 regulations to permit environmental habitat and mitigation projects. | Eric | Nancy James Andrea | Jan-15 | Jun-16 (at least 18 mo.) | Can be accomplished with existing resources. |
| | | 6. Evaluate need / develop updates to Title 23 regulations to reflect Urban Levee Design (SB 5) and Rural Levee Repair criteria. | Eric | Ali | Jul-14 | Jul-16 (6 mo. eval plus 18 mo. dev) | Can be accomplished with existing resources. |
| | Strategy 2.1.3: Monitor plan implementation benchmarks and communicate to the public. | 1. Identify prospective list of plan implementation benchmarks. | Eric | Ali | Jan-14 | Jun-14 | Can be accomplished with existing resources. |
| | | 2. As plan implementation benchmarks are achieved, work with DWR Public Affairs Office to communicate them to the public. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |

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| | | | Program: | Project: | | | |
| | Strategy 2.1.4: Work with DWR to communicate technical data and tools to public and agencies. | 1. Continue to work collaboratively with DWR to develop Flood Emergency Response Information Exchange (FERIX). | Mitra | DFM | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 2. Continue to utilize the Coordinating Committee to share geotechnical, hydrology, and hydraulic data developed by DWR with stakeholders. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 3. Communicate technical data and information to cities and counties to assist them in amending their General Plans to comply with SB 1278. | Eric | Ali | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | Strategy 2.1.5: Work with local, State and federal agencies to resolve issues around long-term management of vegetation. | <i>Note: This strategy is on hold for now pending resolution of legal issues. (Resolution will likely result in additional updates to Title 23 regulations).</i> | Board's E.C. | | On hold | On hold | Unknown pending resolution of legal issues. |
| | Strategy 2.1.6: Work with LMAs, DWR and USACE to address legacy design, construction, and SPFC facility obsolescence issues. | 1. Support ongoing planning studies so that 2017 update captures relevant issues and proposes solutions. | Eric | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 2. Assure Board member and staff participation in appropriate planning bodies. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |

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| Objective: | Strategies: | Actions: | Lead Assignments: | | Start: | End: | Resource analysis: |
| | | | Program: | Project: | | | |
| Objective 2.2: Facilitate iterative process for concurrent development and integration of Regional Plans, Basinwide Studies, and Conservation Strategy in cooperation with local agencies and DWR. | Strategy 2.2.1: Utilize the coordinating committee to facilitate effective communication and coordination. | 1. Continue to connect with all stakeholders and bring relevant information and issues to coordinating committee. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 2. Continue to support the coordinating committee with appropriate internal and external expertise. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | Strategy 2.2.2: Convene partnering agencies to provide regular updates to the Central Valley Flood Protection Board. | 1. Continue to invite DWR, USACE, and other agencies to provide updates at Board meetings or coordinating committee meetings. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 2. Assign specific staff and Board members to regional planning processes. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | Strategy 2.2.3: Ensure regional plans meet timetable required for the 2017 plan update. | 1. Continue to integrate regional flood planning efforts with Conservation Strategy and Basinwide Feasibility Study teams. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 2. Assign specific staff and Board members to regional planning processes. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |

| Goal 3: Provide Leadership in Optimizing Flood Protection Planning, Management and Operations | | | | | | | |
|--|--|--|--------------------------|-----------------|---------------|-------------|--|
| Objective: | Strategies: | Actions: | Lead Assignments: | | Start: | End: | Resource analysis: |
| | | | Program: | Project: | | | |
| Objective 3.1: Facilitate the transition to new planning and funding paradigms (in the context of the changing role of the U.S. Army Corps of Engineers). | Strategy 3.1.1: Provide a forum for redefining the future roles and responsibilities of federal, State and local flood protection agencies. | 1. Play a leadership role in the forum established by DWR to redefine roles and responsibilities. | Board | Jay | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 2. Join the efforts to assure that Central Valley concerns over flood insurance program are addressed. | Board | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | Strategy 3.1.2: Assure the Flood Protection Board is engaged early on in the planning activities of DWR, USACE, and other relevant agencies. | 1. Provide support to assure Board members are prepared and engaged in appropriate planning forums and meetings. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 1. Work with federal and State agencies to assure Board can provide input into proposed projects during planning phases. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| Objective 3.2: Assure high levels of performance by our organization. | Strategy 3.2.1: Analyze staffing needs and recommend changes. | 1. Based on Action Plan, analyze staffing needs and determine additional capacity needed. Prepare concept (Mar-14) and budget change paper (Aug-14). | Jay | SSM 1 | Jan-14 | Aug-14 | Can be accomplished with existing resources. |
| | | 2. Work with Budget Office throughout annual Budget Cycle to obtain needed financial and staffing resources. | Jay | SSM 1 | Ongoing | Ongoing | Can be accomplished with existing resources. |

Goal 3: Provide Leadership in Optimizing Flood Protection Planning, Management and Operations

| Objective: | Strategies: | Actions: | Lead Assignments: | | Start: | End: | Resource analysis: |
|------------|--|---|-------------------|----------|-----------------------------------|-----------------------------------|--|
| | | | Program: | Project: | | | |
| | | 3. Include actions from this Action Plan into staff Appraisal and Development process. | Jay | SSM 1 | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 4. Clarify budget process requirements and develop mechanisms for the Board to provide input (e.g. revisit MOA with DWR; implement budget white paper). | Board | Jay | Jan-14 | Dec-14 | Can be accomplished with existing resources. |
| | Strategy 3.2.2: Analyze Board committee structure needs and recommend changes. | 1. Implement new committee structure and review every six months (Jan / July). | Bill | Jane | Ongoing January and July updates. | Ongoing January and July updates. | Can be accomplished with existing resources. |

| Goal 4: Develop Broad Public Support for Regional and System-Wide Multi-Benefit Flood Risk Reduction Projects and Programs | | | | | | | |
|--|--|--|--------------------------|-----------------|---------------|-------------|---|
| Objective: | Strategies: | Actions: | Lead Assignments: | | Start: | End: | Resource analysis: |
| | | | Program: | Project: | | | |
| Objective 4.1: Partner with DWR, USACE, and local and regional agencies to build public support for multi-benefit flood risk reduction projects and programs. | Strategy 4.1.1: Partner with DWR, USACE, and local and regional agencies to build support for additional measures and funding to protect public safety and reduce State liability, including deep flood prone areas. | 1. Track relevant planning efforts and provide comment. | Jay | | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | Strategy 4.1.2: Build support for better floodplain management. | 1. Continue to review the safety elements of general plans for cities and counties in Sacramento-San Joaquin Drainage District and report to the planning agency within 60 days, pursuant to AB 162. | Eric | Ali | Ongoing | Ongoing | Can be accomplished with existing resources. |
| | | 2. Review general plan amendments for cities and counties in Sacramento-San Joaquin Valley to incorporate CVFPP requirements, pursuant to SB 1278. | Eric | Ali | Ongoing | Ongoing | For actions 2 and 3 initial assignments will be given to pending 2013-14 BCP hires; then staff will determine if additional resources are needed. |
| | | 3. Review annual "Adequate Progress" reports that local flood management agencies are expected to present to the Board for substantial completion of the required flood protection, pursuant to AB 1965. | Eric | Ali | Jan-15 | Ongoing | |

Goal 4: Develop Broad Public Support for Regional and System-Wide Multi-Benefit Flood Risk Reduction Projects and Programs

| Objective: | Strategies: | Actions: | Lead Assignments: | | Start: | End: | Resource analysis: |
|------------|--|--|-------------------|----------|--------|--------|--|
| | | | Program: | Project: | | | |
| | Strategy 4.1.3: Ascertain viability of and explore options for the Central Valley Flood Protection Board's Designated Floodway Program. | 1. Explore what legal and policy impediments exist, if any, to updating the Designated Floodway Program. | Leslie | | Jan-15 | Sep-15 | Can be accomplished with existing resources. |

DRAFT