

# CENTRAL VALLEY FLOOD PROTECTION BOARD

## EXECUTIVE OFFICER'S REPORT

April 22, 2016

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### OPERATIONS BRANCH

#### Status Report and Work Activities

#### Enforcement Section

##### **Local Maintaining Agency (LMA) Coordination**

- USACE performed Routine Inspections on the American River Flood Control District - American River right bank / NEMDC levee system and the American River Flood Control District - Dry Creek / NEMDC / Arcade Creek levee system in late March and early April. CVFPB and LMA staff participated.
- San Joaquin County Flood Control and Water Conservation District's SWIF progress reports for the Bear Creek and Mormon Slough levee systems were forwarded to USACE Sacramento District in late March.
- In mid-April 2016, USACE held a Levee Screening National Rollup Cadre meeting for the levees of RD 0070 and RD 01660 – Sutter Basin North, RD 0563 and RD 0554 - Tyler Island, RD 2068 & RD 2098 – Yolano-Cache Slough, and Wadsworth Canal Right Bank – Sutter Bypass East. The National Rollup Cadre meeting is where a panel of subject-matter experts discusses the levees and make recommendations for Levee Safety Action Classification (LSAC) ratings. These ratings are considered draft until reviewed by the Levee Senior Oversight Group and then publicly released at a later date.
- On behalf of the LMAs, staff has submitted draft SWIFs to USACE Sacramento District for their review for the MA 9 – City of Sacramento – American River left bank levee system, and the RD 1000 – Natomas levee system. Staff is working with USACE and the LMAs to finalize the SWIFs.

##### **CVFPB Enforcement Program**

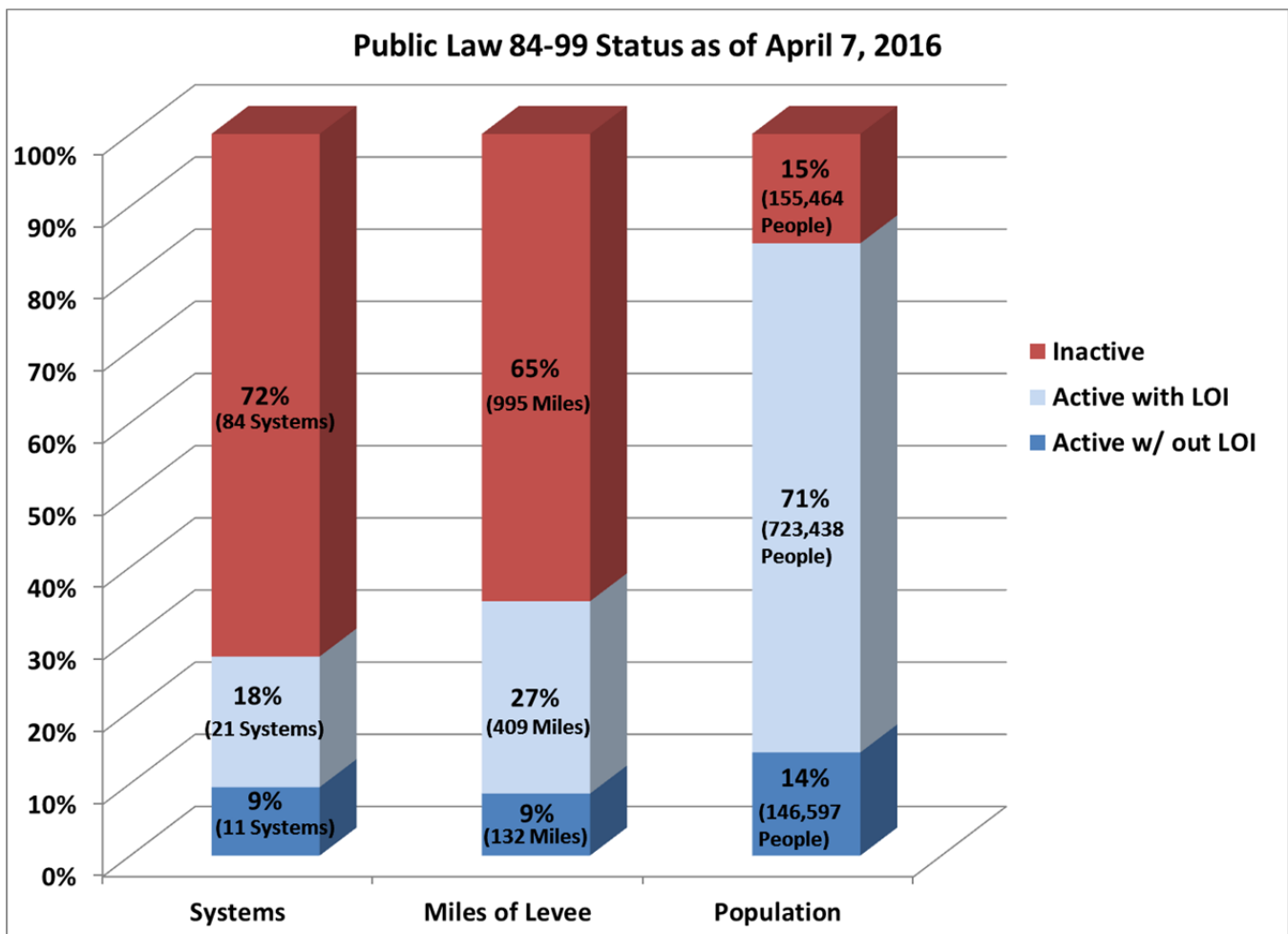
- The student assistant that was hired to enter all USACE identified unacceptable encroachments into the enforcement database has entered approximately 8,800 out of an approximate 12,000 encroachments into the enforcement database. Over the past month, approximately 1,400 encroachments have been entered into the Enforcement database.
- On March 15 staff met with American River Flood Control District to photograph and confirm the removal of an unauthorized retaining wall along the left bank levee of the American River. Staff will continue to work with American River Flood Control District to resolve the other issues.
- On March 29 staff met with the City of Sacramento to discuss the next steps to take to resolve the highest risk encroachments along the east levee of the Sacramento River, south of American River. Staff has identified 39 high risk encroachments, five of these, all pipes,

have been resolved by the City of Sacramento. Staff will continue to work with the City of Sacramento to resolve the other issues.

- On March 28 staff met with MA-9 to discuss the next steps to take to resolve the highest risk encroachments along the east levee of the Sacramento River in the MA-9 urban area. Staff identified 15 high risk encroachments and will continue to work with MA-9 to resolve the remaining issues. In addition to the encroachments staff has identified in the urban area, 90 encroachments have been identified in the non-urban area of MA-9 that will be addressed after the urban area is complete.

**PL 84-99 levee system status as of April 7, 2016**

- Systems: (72% Inactive, 9% Active w/ out LOI, 18% Active w/ LOI)
- Mileage: (65% Inactive, 9% Active w/ out LOI, 27% Active w/ LOI)
- Population: (15% Inactive, 14% Active w/ out LOI, 71% Active w/ LOI)



## **Permitting Section**

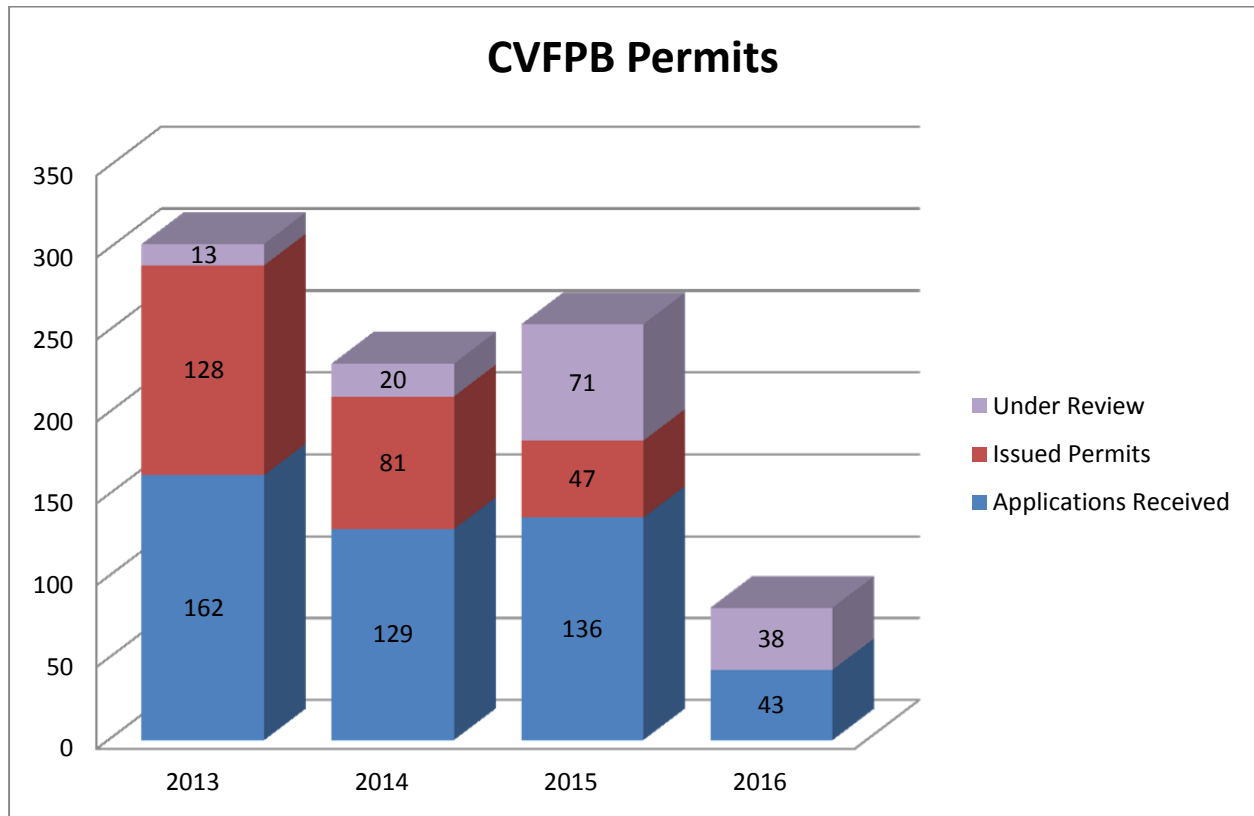
The third and final USACE Federal Regulatory Program Overview Workshop took place on March 29, 2016. These workshops were requested by DWR due to the large number of implementation and maintenance projects they are involved with that require USACE approval. They are intended to help facilitate effective program and project execution. Topics from the final workshop included presentations about the National Historic Preservation Act/Section 106/Tribal Consultation, the Endangered Species Act, Essential Fish Habitat, and Water Quality Section 401. The Section 106 Process can be complicated and frequently impacts the timely completion of the permitting process. Prospective applicants are advised to work closely with the Regulatory Branch of the USACE prior to submitting a permit application to the Board

Staff is coordinating with the DWR's Sacramento Maintenance Yard (Sac Yard) as they continue with their Enforcement Authority Delegation Program to identify and address encroachment issues in MA- 9. Existing encroachments are being evaluated by Sac Yard to ascertain if existing encroachment(s) are currently permitted or unauthorized. As Sac Yard enters Phase two of this effort they will begin sending a listing of identified issues to the Permitting Section for review to assess what the next steps should be. When warranted archived files for previously permitted encroachments will be retrieved from State Archives by Board staff and reviewed to ensure that existing permits are valid and the identified encroachment(s) are in compliance with the issued permit. Once a proper course of action has been determined Sac Yard will send the current property owner(s) a Notice that explains the identified issue(s) and what corrective actions are needed. Property owners that do not comply with the requested action(s) will be referred to the Enforcement Section.

Bi-weekly conference calls with the USACE Sacramento District Flood Protection and Navigation Section continue. All applications under USACE review that have passed their scheduled meeting date are discussed to make sure applications are being processed as quickly as possible.

The permitting database is being improved to allow for a breakdown of time that is entered by staff during the permitting process and after permit issuance. Ultimately this information will provide an estimate of how much staff time is required to process an application and maintain the permit.

The following graph depicts the number of applications that have been received and issued by the Permitting Section since January 1, 2013.



The following three (3) tables provide more detailed information about the permitting process and the various stages of the review process. Table 1 provides a status breakdown of **all** permit applications from 2013, 2014, and 2015 through April 11, 2016. Table 2 provides a breakdown of applications approved by the Board but waiting for the USACE decision letter prior to issuance. Table 3 provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through April 2016:

# Permitting Section Update

Table 1: Application Status Breakdown of All Permit Applications

	2013	2014	2015	2016	Total
<b>Total New Applications Received</b>	162	129	136	43	470
<b>Issued Permits</b>	128	81	47	0	256
<b>Incomplete Applications Returned to Applicant</b>	2	6	2	1	11
<b>Application Withdrawn by Applicant</b>	3	9	6	0	18
<b>No Response by Applicant Administratively Closed</b>	6	4	1	0	11
<b>No Permit Required</b>	10	8	9	4	31
<b>Permit Denial</b>	0	1	0	0	1
<b>Under Enforcement</b>	2	3	1	0	6
<b>Future Scheduled Applications</b>	2	6	54	11	73
<b>Reviewing for Completeness</b>	6	3	9	27	45
<b>Approved by Board but Need USACE Letter</b>	3	8	7	0	18

Table 2: Conditionally Approved Applications

<b>Approved by Board but Need USACE Letter</b>	
Letter Routing	1
Additional information requested from applicant	4
In review at USACE	9
Regulatory issues/review	2
Major 408	1
<b>Total</b>	<b>17</b>

Table 3: 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	1	0	0	1
July	8	5	0	1	2
August	6	2	0	1	3
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	5	0	0	2
February	1	1	0	0	0
March	8	3	0	0	5
April	3	0	0	0	3
Totals	58	33	2	4	19

Additional information about Executive Officer Delegated Permits can be viewed on the Board's website @: <http://www.cvfpb.ca.gov/DelegatedPermitTab/index.cfm> Spreadsheets for each month provide descriptive information about the proposed project and the CEQA findings.

### **RIGHT-OF-WAY AND REAL ESTATE SUPPORT TO CVFPB Status Report and Work Activities**

- **SSJDD Leases:** Work has begun to evaluate the lease files to facilitate a comprehensive analysis of leased SSJDD properties .
- **Real Property Conveyances:** *real estate transactions resulting from CVFPB approved permits.*
  - Work is ongoing to acquire flood control levee easements as a special condition of the following Permits:
    - Nos. 17858-97 for Mossdale Marina, Lathrop, CA.
    - No. 18257 for Atlas Tract RD-2126, Stockton, CA.
    - No. 14389-1 for the Rivers Development, West Sacramento, CA.

- **Right of Way and Real Estate Support Activities**
  - Work is ongoing to provide real estate support services in conjunction with the geodetic branch for the CVFPB Enforcement Section in the form of verifying existing SSJDD flood control property rights and providing exhibits.
  
- **Other Miscellaneous Activities**
  - Work is ongoing with DWR's Geodetic Branch to develop the CVFPB interactive database using Accela Software. DWR's Geodetic Branch is working on the initial Accela software "build" with input from CVFPB staff.
  
- **Completed Tasks**
  - Easement Deed for Permit No. 18305 for Capitol Station 65, LLC was recorded and processed to be added to the SSJDD Land Records.