

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

September 22, 2017



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. CVFPB Enforcement Program

- Staff continues to process encroachment cases by either Fact-Finding Letters (FFL) or Notices of Violation (NOVs). Status (since last month's report):
 - Case assigned to staff. Case being investigated for appropriate action: 2
 - FFL/NOV being drafted for management review: 2
 - FFL/NOV currently under management review: 3
 - FFL/NOV mailed to landowner/responsible party: 4
 - Enforcement case closed: 3
 - Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 12
 - Based on enforcement case, a permit application was received: 3
- Staff engineer, Alison Tang, has left the CVFPB after 6 years of employment and has joined DWR as a staff engineer in their West Sacramento location. Her last day of employment with CVFPB was on September 8, 2017.

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 (PL) 84-99 Rehabilitation Assistance Program (PL 84-99 Program). At this time:
 - Two new Letters of Intent (LOI) drafts are expected from LMAs in the coming months.
 - Four LOI drafts are undergoing preliminary USACE staff review.
 - Two LOI are ready to be transmitted from CVFPB to USACE in October.
 - Six approved LOI have SWIF drafts in development.
 - Two SWIF drafts are being revised by LMAs.
 - Six SWIF drafts are undergoing review by USACE staff.

3. PL 84-99 Rehabilitation Assistance Status

LMAAs that are active in the 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 estimated cost of repairs is over \$15,000.

- Sacramento River and Tributaries
 - Draft Project Information Reports (PIRs) and designs from the USACE for the PL 84-99 sites were provided to CVFPB in August. Staff has submitted comments from the LMAs and State to USACE for consideration.
 - As of early September, USACE has identified 16 damage sites active in the PL 84-99 Program for repair this year. The estimated cost is about \$14M. Construction is estimated to commence in mid-October. USACE and State staff have been working closely to address all necessary real estate rights and environmental requirements.
- 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 had until July 7, 2017 to apply for PL 84-99 Rehabilitation Assistance from the USACE, Sacramento District. Due to the continued high water in the system, the USACE gave an extension until August 7, 2017.
 - As of September 8, 2017, 295 sites have been submitted by LMAs for consideration by USACE. The eligibility criteria is the same as it is for the Sacramento River Basin. Eighteen of those sites are in levee systems that are active in the PL 84-99 Program.
 - USACE, Board, and DWR staff conducted joint site investigations for all of the reported damage sites in August. Staff is waiting for USACE to complete the draft PIRs.

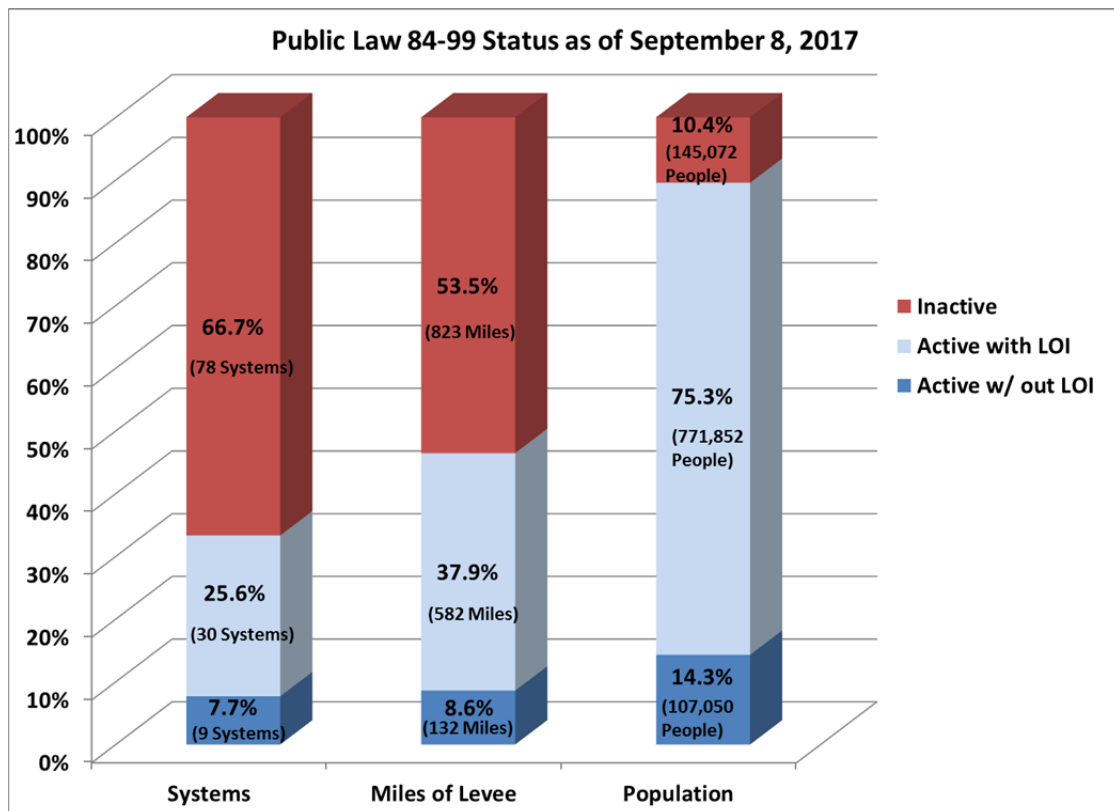
4. 2017 Storm Damage DWR Rehabilitation

- 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 18 damage sites from the 64 that were sent to the USACE did not meet USACE criteria and are being considered for rehabilitation by DWR. DWR has completed design and has issued a Notice to Proceed for construction.
- San Joaquin River and Delta Regions
 - DWR is currently evaluating and prioritizing the sites within the San Joaquin River and Delta Regions.

5. PL 84-99 Levee System Status

- The data and chart below represent the most updated information about PL84-99 Program eligibility as of September 8, 2017:
 - Systems: 66.7% Inactive, 7.7% Active w/ out Letter of Intent (LOI), 25.6% Active w/ LOI.
 - Levee Miles: 53.5% Inactive, 8.6% Active w/ out LOI, 37.9% Active w/ LOI.
 - Population (urban): 10.4% Inactive, 14.3% Active w/ out LOI, 75.3% Active w/ LOI



Permitting Section

1. 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.

- Deferred Maintenance Project (DMP):

DWR's Flood Maintenance Office will begin training staff on the use of the two new video pipe inspection cameras that were recently purchased. DWR will video inspect as many Project Feature drainage pipes (drainage pipes included in State Plan of Flood Control (SPFC) projects) as possible this year. Staff is working with DWR to determine the best way to document needed repairs. Because drainage pipes are Project Feature(s) they are identified in SPFC Operation and Maintenance (O&M) Manuals. Therefore amending the O&M Manual will most likely be the best way to document any completed work. Local Maintaining Agencies will be required to sign an agreement to maintain the repaired pipe(s) in perpetuity.

- Programmatic Biological Opinion

No update, as this work has been delayed due to the PL 84-99 and DWR Rehabilitation efforts that are ongoing. Initially two environmental assessments will be drafted that will allow maintenance work to be performed by DWR in State Maintenance Area 5 (Butte Creek System) and the East Levee of the Sutter Bypass (ST0002) under the new Programmatic Biological Opinion.

2. Covenants Running with the Land

- Staff has been working with Board Counsel Dua to revise the covenant recording process so that permittees will be required to record a required covenant with the pertinent county and provide a copy to the Board. Currently covenants are recorded with the pertinent county by Board staff and a copy is mailed to the permittee. This presents challenges when the county of record is located many miles from Sacramento. Staff is also working with Mr. Dua to evaluate the need to require a covenant running with the land for all encroachments that may pose a significant threat to the flood control project if the encroachment(s) is not properly maintained. Currently covenants are required mainly for dwellings located within an Adopted Plan of Flood Control. California CR Title 23, Division 1, Section 16 (f) states that covenants can be required where record notice to successors-in-interest, to the applicant or to the landowner is deemed appropriate. The decision to require a covenant running with the land will be made on a case by case basis by Board staff in conjunction with Board Counsel.

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

- On July 24, 2017 counsel for West Stanislaus Irrigation District (WSID) submitted a Petition for Reconsideration to staff concerning the Board's conditional approval of Permit Nos. 19083 and 19083-1.
- River Partners (applicant) has been working collaboratively with WSID in an attempt to lessen WSID's concerns about the proposed restoration project. WSID has agreed to pay for additional hydraulic modeling that will assess potential changes to the local river dynamics as a result of the project.
- At the writing of this report Board staff has not received the USACE Permission Letter for Permit No. 19083-1.

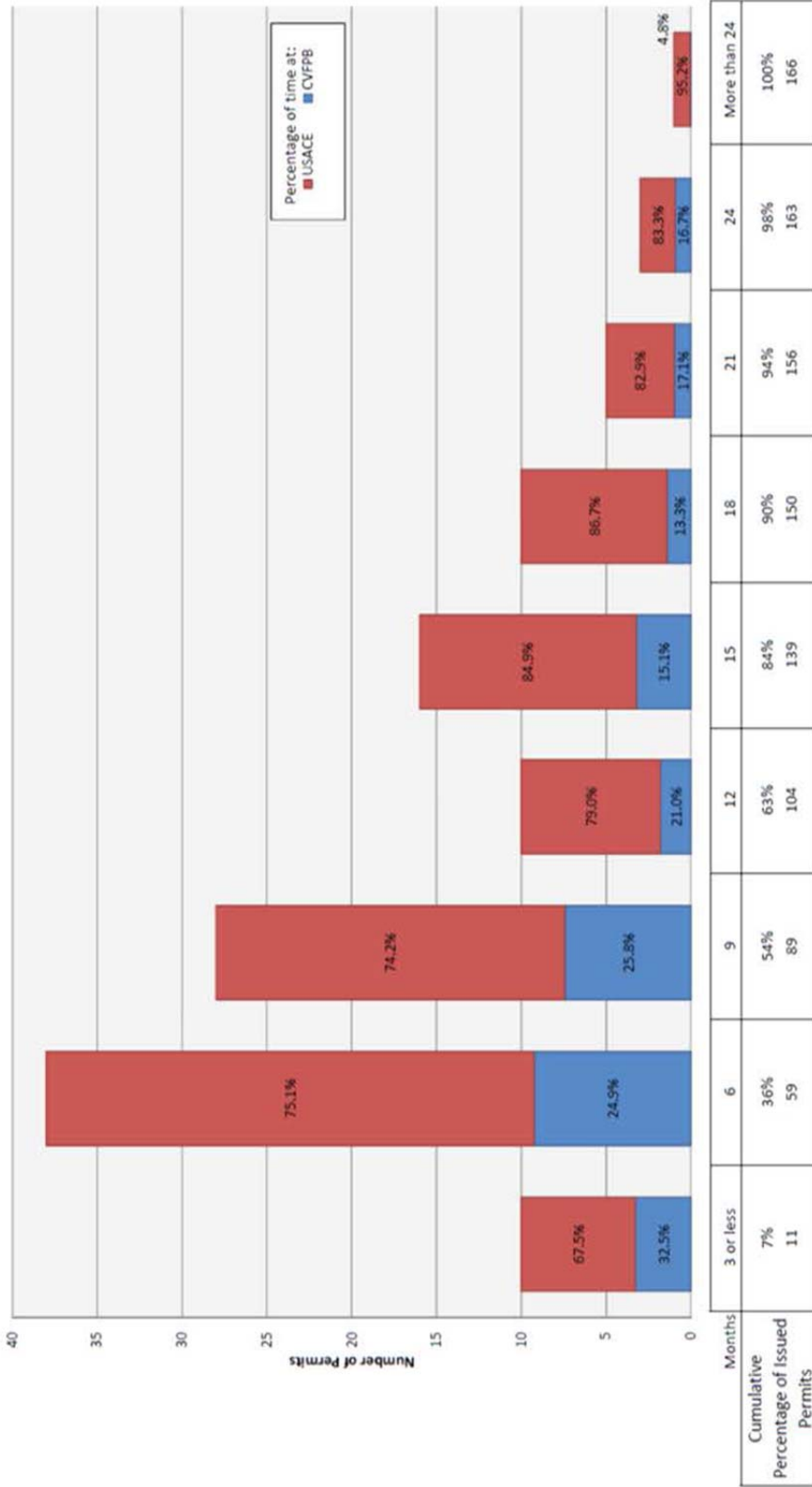
4. USACE Flood Protection and Navigation Section Funding Shortfall

- The 2018 fiscal year for the federal government begins October 1, 2017. The USACE Flood Protection and Navigation Section (408 Section) will resume its review process for encroachment permit applications at that time. It is anticipated that there will be additional federal funding allocated to the 408 Section (nationwide) when the federal budget is enacted.

5. Permitting Status Overview

- The following chart shows the average time for permit review at at the CVFPB and the USACE (July 31, 2014 to present).

Permit Review Process Timeline - August, 16 2014 to September 10, 2017



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

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	8	0	0	0
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	0
July	4	1	0	0	3
August	2	0	0	0	2
Totals	124	87	2	4	32

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.