

# CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT September 27, 2019



## 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):

- Cases being investigated for appropriate action: 54
- NTC/NOV being drafted for management review: 8
- NTC/NOV currently under management review: 1
- NTC/NOV mailed to landowner/responsible party: 7
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 37
- Based on enforcement case, permit applications received: 0
- Cease & Desist Order being prepared: 6
- Cease & Desist Order mailed/ CVFPB meeting scheduled: 0
- Notice to Proceed issued: 1
- Enforcement cases closed: 27

#### 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 federal 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 for this month.
- **LOI reports**
  - No new updates for this month.

### 3. PL 84-99 Rehabilitation Assistance Status

#### 2017 Flood Damage Repairs:

LMAs that are active in the PL 84-99 Program 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.

- There are 22 scheduled PL84-99 repair sites for 2019 and 2020:
  - 3 sites (1 in Calaveras River and 2 sites in Yolo Bypass) scheduled for the second quarter levee repair have been completed and the pre-final walkthroughs are being scheduled.
  - 8 sites are scheduled for the third and fourth quarters.
  - 11 remaining sites are scheduled for 2020.
- Staff continues to participate in weekly PL 84-99 coordination calls with USACE and the Department of Water Resources (DWR).

#### 2019 Flood Damage Repairs

On May 23, 2019, USACE opened PL 84-99 program to provide repair assistance resulting from flood damages to flood control project facilities during the flooding periods of February 13 – 15, 2019 and February 24 – March 1, 2019. A total of 51 damaged sites were submitted by 13 LMAs and these were forwarded to USACE on June 28, 2019. USACE has currently determined that only five (5) of the 51 sites may be eligible for PL 84-99 rehab assistance. Site visits to the five sites took place on August 7, 2019 for preparation of the Project Inspection Report (PIR). USACE, CVFPB staff and LMAs were present during these site visits. USACE anticipates issuing formal letters for eligible/non-eligible sites within the next few weeks.

USACE Sacramento District has submitted one of the repair sites (located in Reclamation District 70) for funding approval from USACE Headquarters. USACE acknowledges the urgency in having this site repaired and is also looking into temporary solution to stabilize the site during the winter.

### 4. Recent Storm Damage DWR Rehabilitation

#### 2017 Flood Damage Repairs:

DWR is prioritizing identified damage sites that were not approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. Staff is assisting with site inspections and priority review.

- In 2017 and 2018, DWR repaired the sites evaluated as “critical”. In 2019, DWR intends to repair 28 sites evaluated as “serious” sites and remaining sites to be repaired in 2020.

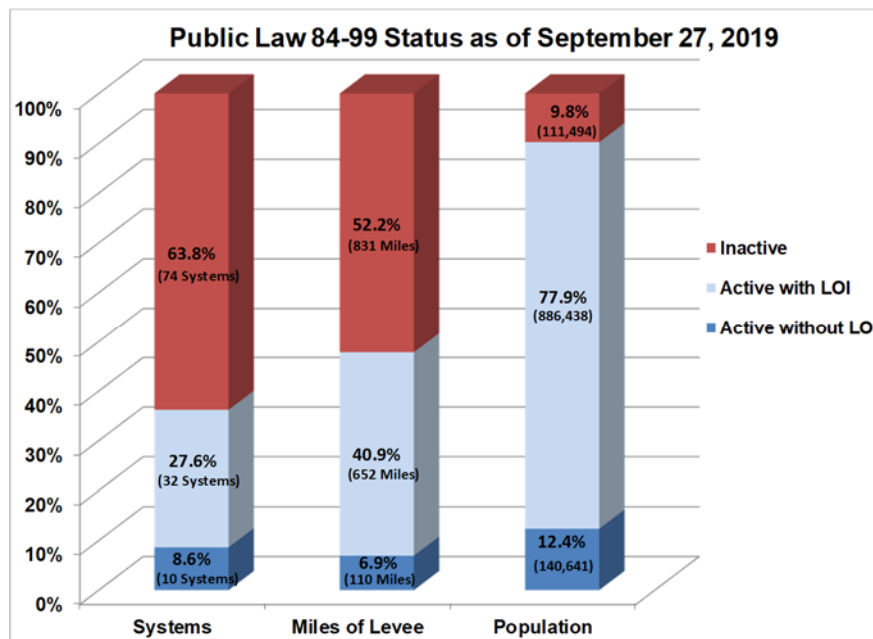
### 2019 Flood Damage Repairs:

In 2019, the repair sites that were considered ineligible for 2019 PL84-99 funding will be reviewed by DWR and added to the current list of storm damage repair sites and evaluated based on severity of damage.

## 5. PL 84-99 Levee System Status

The data and chart below represent the most updated information about the PL 84-99 Program Eligibility as of September 27, 2019:

- 74 systems are “inactive” and include the 12 LSJLD systems
- 32 are “active with LOI” and include the Sacramento River West Bank levee system
- 10 systems are “active without LOI”. The 10 systems in the graph below are “active without LOI” because the systems successfully passed USACE re-inspection. The two recently successful re-inspections include: (1) City of Marysville – Units 1, 2, and 3 and (2) San Joaquin River East Bank which includes RD17, RD2094, RD2096, RD2075, and RD2064.



## 6. Staff News

- No updates this month.

## **Permitting Section**

### **1. Monthly USACE/DWR/CVFPB Coordination Meeting**

Permitting staff participates in monthly coordination meetings with CVFPB staff and representatives from DWR's Inspection Section and the USACE Levees and Channels Branch (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 discussed that are relevant to the Permitting Section are presented below.

- **Deferred Maintenance Program (DMP):** To date, DWR has lined 62 system feature drainage pipes in Putah Creek, Willow Slough, Butte Creek, and Cherokee Canal. The program was put on hold recently due to the conveyance of agricultural water through most of the remaining pipes in these four streams. DWR anticipates resuming with the program this October when pipe usage is expected to decrease. Approximately 34 Local Maintaining Agencies (LMA's) have signed contracts with DWR to participate in the DMP. Per the signed contracts, DWR will fund cleaning and lining all system feature drainage pipes in exchange for the LMA's commitment to operate and maintain the drainage pipes in the future. DWR will provide a status update on the program at the end of the year. The DMP is funded through the end of the 2019-2020 fiscal year.
- **USACE 408 Routine Inspections:** Contracts are in the process of being awarded for the USACE routine inspections of Reclamation District No. 784 and the Sacramento River West Side Levee District that includes coordinating districts Reclamation District No. 108 and Knights Landing Ridge Drainage District.

### **2. Outreach/Pre-Application**

- Staff will participate in the 2019 California Preseason Flood Coordination Meetings being facilitated by DWR's Division of Flood Management. Participation will be limited to the seven meetings that are scheduled within the Central Valley.
- Staff met with representatives from the City of Stockton to discuss a future bridge project.
- Staff met with representatives from Caltrans to discuss the construction of a bike path on the east side of the existing American River Bridge.

### **3. Staff News**

- No updates this month.

#### 4. Encroachment Permit Applications

The table below provides a general overview of the number of applications being reviewed by staff and where the applications are in the review process. The numbers in the table show the review activity that occurred during the month of August 2019. Including the 7 new applications received in August 2019, there are a total of 115 applications that are considered in active status. This includes all applications being managed/reviewed by staff in the Permitting Section, the Enforcement Section, and the Plan Implementation and Compliance Branch.

**Table 1: Encroachment Permit Application Summary**

Application Review Activity Summary	August 2019
Applications Received	7
Scheduled as an EO Delegated Permit	8
Scheduled for Consent Calendar	6
Scheduled as a Hearing	0
Incomplete Letters Sent	1
Applications Withdrawn	1
USACE Application Transmittals Sent	12
USACE 30-Day Incomplete Letters Received	1
USACE Permission Letters Received	6
Permits Conditionally Approved by CVFPB	0
Permits Issued	10

As noted in the table above there were 8 applications scheduled as Executive Officer (EO) delegated permits in August 2019. Information related to EO delegated permits is required to be posted on the CVFPB's website for 30 days prior to decision and permit issuance per CCR, Title 23, Division 1, Section 5. Staff completed the review of 6 EO delegated permits in August 2019, these projects were posted to CVFPB's website the second week of September 2019. Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website@: <http://cvfpb.ca.gov/permitting/delegated-permits/>

## **Inspection Section**

### **1. Staff News**

- The advertisement for an Inspection Engineer (Engineer, Water Resources) closed on September 6, 2019. The Inspection Section Chief will be evaluating applications after they are screened by Human Resources.

### **2. Inspection Program Updates**

- Construction inspections continue this month, as well as supporting field inspections for permitting, enforcement, and the replacement of a culvert on the Western Pacific Interceptor Canal.
- Major updates to inspection Section database activities are underway this month. The Inspection Section Field Database is being finalized. This will allow our inspectors to take field notes that will be uploaded directly to the appropriate permitting and inspection databases. The Inspection Section worked closely with DWR's Flood Project Inspection Sections A & B to overhaul activity lists enabling inspectors time and milestones to be accurately tracked for construction inspections, inspection records update efforts, encroachment verification, and routine inspection activities.

### **3. Coordination**

- On September 3, 2019, staff facilitated the monthly coordination meeting with CVFPB staff, USACE Levees and Channels (Section 408) and inspection staff, and DWR-Flood Project Inspection and Integrity Branch. Topics included 2017 and 2019 storm damage repair updates, and planned PL84-99 inspection activities. The newly approved Operations and Maintenance (O&M) Manual and As-Builts for Unit 145 (RD 784 and surrounding area) has been received from USACE-Sacramento District. These O & M Manuals and As-Builts are being shared with our State and Local partners as appropriate. Further details from the meeting are included in the Permitting Section updates of this report.
- On September 11, 2019, the Inspection Section Chief participated in the Inspection Compliance Workgroup Meeting. The meeting centered on the State's ability to interface with data from with Local Agency-developed reporting applications (such as Arc-GIS Collector and other proprietary software) and successfully use that data in reports to aid the Local and State agencies in USACE Routine and Periodic Inspections. The meeting next month will center on the permitting and approval process for certain maintenance activities.

- On September 12, 2019 Inspection Section Staff participated in the quarterly DWR / Local Maintaining Agency meeting. The Inspection Section Chief provided updates on Permit and Inspection Fees, and updates to Title 23 Standards Updates.

#### **4. Permit and Inspection Fee Implementation**

- As of the date of this report, twelve applications have been received with corresponding fees. Staff continues to develop policy for consistent application of fees for encroachment permit applicants. For program details, Frequently Asked Questions, and the encroachment fee schedule, see our website at [www.cvfpb.ca.gov/fees](http://www.cvfpb.ca.gov/fees).

#### **5. Automatic Board Order (ABO) Encroachment Reclassification Updates**

- Staff is finalizing the letters supporting outreach efforts to begin the revocation process for Board Orders that need to be revoked as well as outreach for encroachments that need to be properly permitted. We anticipate mailing letters in the coming months. Therefore, the progress summary below has not changed from the previous month's report.

ABO Encroachment Reclassification Progress							
	Research		Outreach		Processing		
	Total Encroachments	Desk Study Complete	Letter Sent	Response Received	System Feature Confirmed	Permit Needed	Under Enforcement
<b>Putah Creek</b>	<b>180</b>	<b>180</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Undetermined	0	0	0	0	0	0	0
System Features	159	159	0	0	0		
Private Encroachments	21	21	0	0		0	0
<b>Willow Slough</b>	<b>95</b>	<b>95</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Undetermined	0	0	0	0	0	0	0
System Features	87	87	0	0	0		
Private Encroachments	8	8	0	0		0	0

Note: This list includes only ABOs within the extents of repairs initiated by the Deferred Maintenance Project on Putah Creek and Willow Slough.