

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

August 30, 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: 57
- NTC/NOV being drafted for management review: 10
- NTC/NOV currently under management review: 3
- NTC/NOV mailed to landowner/responsible party: 2
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases):48
- Based on enforcement case, permit applications received: 1
- Cease & Desist Order being prepared: 6
- Cease & Desist Order mailed/ CVFPB meeting scheduled: 0
- Notice to Proceed issued: 1
- Enforcement cases closed: 20

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**

- On July 19, 2019, USACE approved Reclamation District (RD) 1001's SWIF. This SWIF is the first SWIF for State Plan of Flood Control facilities to be approved, serving as a template for other draft SWIFs that will expedite USACE's review process. The first annual report demonstrating RD1001's progress in achieving the milestones outlined in SWIF will be due on June 5, 2020.

- **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 have been completed and are in the final testing phase
 - 9 sites scheduled for the third and fourth quarter
 - 10 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.

4. 2017 Storm Damage DWR Rehabilitation

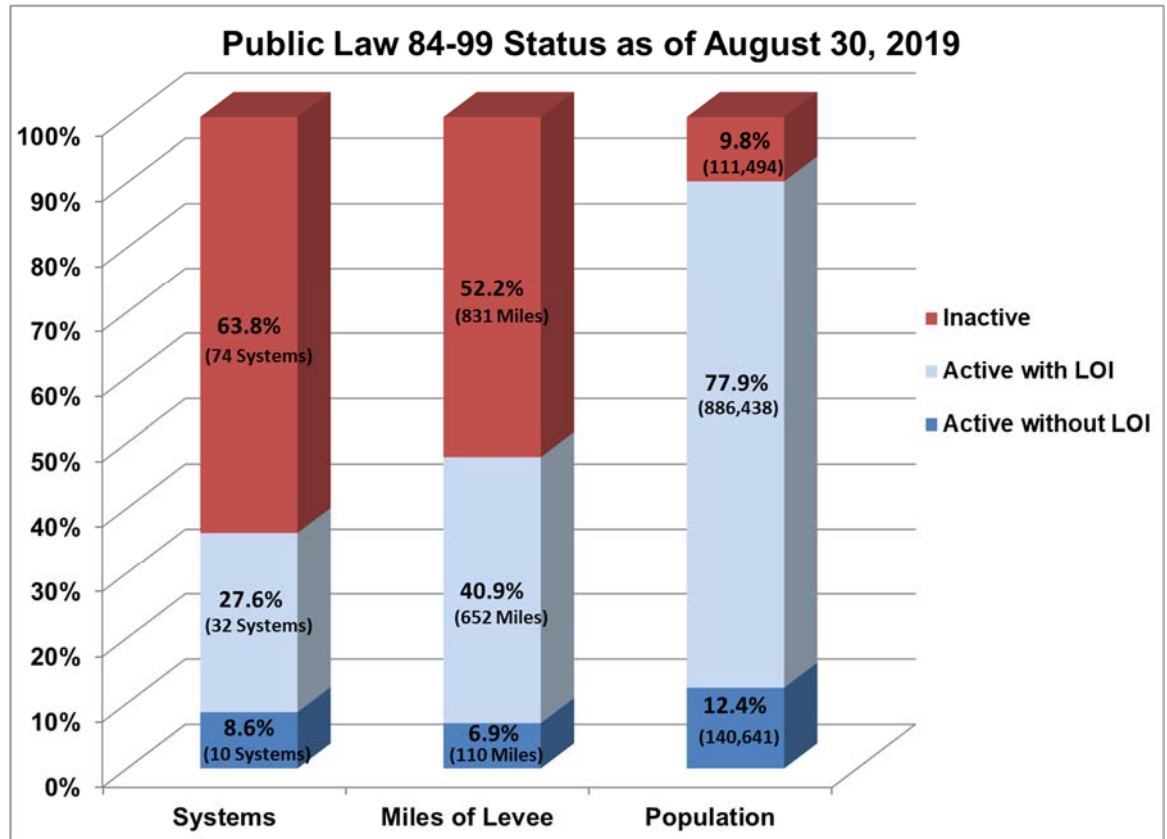
DWR is prioritizing identified damage sites that have not been approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. Staff is assisting with site inspections and priority review.

- 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.

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 August 30, 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, 2094, 2096, 2075, and 2064.



6. Staff News

- Jenna Peterson, Engineer, Water Resources, stepped down from State service at the end of July for other career opportunities. Her work with the section is appreciated and staff wish her best of luck in future endeavors. Recruitment for her vacancy is currently ongoing with the intent to backfill the position as soon as possible.

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.

- **Operation and Maintenance (O&M) Manual Updates:** It was announced that the Three River Levee Improvement Authority update to the O&M Manual (Unit No.145) that will incorporate the Feather River Levee Improvements Project will be completed soon.
- **USACE 408 Reviews:** As reported last month, USACE 408 reviews will now require a certification from the USACE Real Estate Chief prior to issuance of a 408 Permission Letter. Real estate information that may be required with encroachment permit application submittals includes documentation of all real property and any easements through the property where the encroachment(s) will be located. Staff will be meeting with USACE staff in the coming weeks to further discuss the details of this new requirement and to ensure that applications submitted to Section 408 for review will include all required information.

- 2. Permit and Inspection Fees:** Beginning on July 1, 2019 all applications and authorization requests submitted to staff are required to include the appropriate fee. At the writing of this report there have been 3 applications received that included the appropriate fees. Staff has received several phone calls from potential applicants regarding the fees.

3. Outreach/Pre-Application

- Staff met with a property owner to explain the permitting process and to discuss what should be included in an application submittal. The home is located on the waterside of the right (north) bank levee of the American River.
- Staff met with representatives from the City of Manteca to discuss a proposed stormwater outfall into the San Joaquin River. Conceptual project plans were reviewed to identify any potential concerns or issues.
- Staff met with representatives from the City of West Sacramento to discuss the permitting process and timelines.

4. Staff News

- Nate Kibret, Engineer, Water Resources, reached his first-year anniversary with the Central Valley Flood Protection Board. Congratulations to Nate!

5. 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 July 2019. Including the 19 new applications received in July 2019, there are a total of 119 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	July 2019
Applications Received	19
Scheduled as an EO Delegated Permit	15
Scheduled for Consent Calendar	10
Scheduled as a Hearing	0
Incomplete Letters Sent	14
Applications Withdrawn	1
USACE Application Transmittals Sent	4
USACE 30-Day Incomplete Letters Received	9
USACE Permission Letters Received	8
Permits Conditionally Approved by CVFPB	0
Permits Issued	15

As noted in the table above there were 15 applications scheduled as Executive Officer (EO) delegated permits in July 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 4 EO delegated permits in July 2019, these projects were posted to CVFPB's website the second week of August 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

- Alex Haston, Engineer, Water Resources, stepped down from State service this month for other career opportunities. We appreciate his work in the section this year, wish him the best in his future career.

2. Inspection Program Updates

- Construction season is in full swing, and CVFPB received many pre-construction notices from permittees this month. With the Inspection Section being short-staffed, the Section has been adjusting to ensure all construction inspection assignments are covered with the support of Permitting Section staff and DWR's Flood Project Inspection Sections A & B.
- Section staff is providing field inspection support for enforcement cases and other issues requiring immediate assistance in the field. Inspection staff are investigating field conditions and providing reports and recommendations to the Chief Engineer on viable solutions to reduce flood risks prior to the rainy season.

3. Coordination

- On August 2, 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 USACE's recent release of Engineering Circular 1165-2-220 potentially impacting CVFPB real estate reviews, 2017 and 2019 storm damage repair updates, and planned PL84-99 inspection activities. Details of these topics are included in the permitting and enforcement section updates of this report.

4. Permit and Inspection Fee Implementation

- As the Permit and Inspection Fee Program continues, staff is working with management and legal on specific situations on the implementation and charging of fees, and documenting decisions to ensure consistent and fair implementation of the fee regulations. For program details, Frequently Asked Questions, and the encroachment fee schedule, see our website at www.cvfpb.ca.gov/fees.

5. Automatic Board Order (ABO) Encroachment Reclassification Updates

- Staff is working with legal counsel to update the language of the outreach letters for different types of ABOs. 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
Putah Creek	180	180	0	0	0	0	0
Undetermined	0	0	0	0	0	0	0
System Features	159	159	0	0	0		
Private Encroachments	21	21	0	0		0	0
Willow Slough	95	95	0	0	0	0	0
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.