

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

June 28, 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: 63
- NTC/NOV being drafted for management review: 5
- NTC/NOV currently under management review: 0
- NTC/NOV mailed to landowner/responsible party: 6
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 44
- Based on enforcement case, permit applications received: 1
- Cease & Desist Order being prepared: 4
- Cease & Desist Order mailed/CVFPB meeting scheduled: 0
- Notice to Proceed issued: 1
- Enforcement cases closed: 8

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 23 scheduled PL84-99 repair sites for 2019 and 2020:
 - 3 sites scheduled for the second quarter
 - 1 site in the Calaveras River currently under construction
 - 2 sites in the Yolo Bypass to begin construction in June
 - 10 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. LMAs who want to participate in this program have until June 28, 2019 to apply. Staff notified all LMAs of this opportunity via email and regular mail on June 3rd and 4th, respectively. This information is also available on the Board's website. As of today, staff has not received any applications.

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

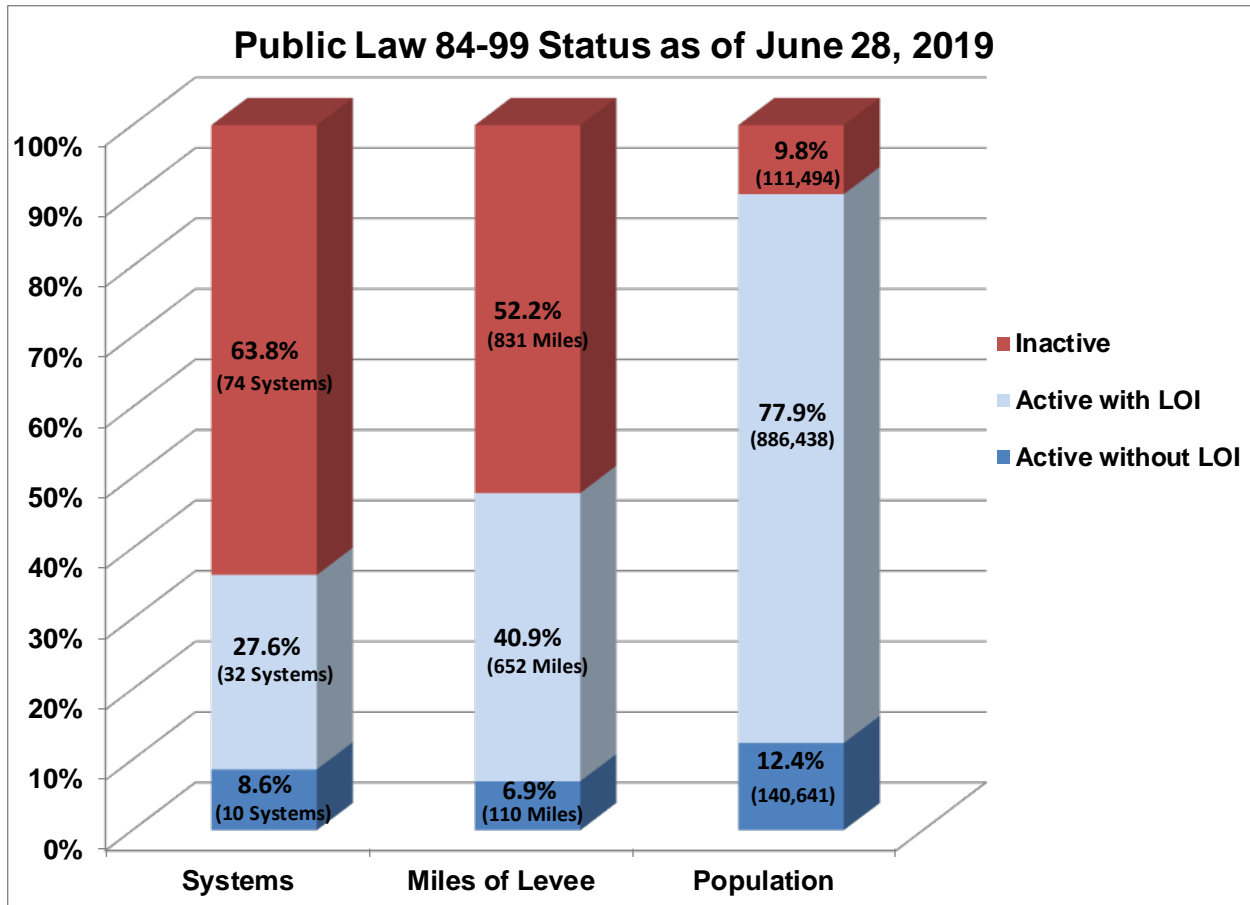
Staff recently coordinated with USACE staff to review and update the levee system records between the two agencies. Staff found several differences in the total number of systems between the two agencies and they are summarized as follows:

- As of July 2015, USACE does not recognize 12 systems in the Lower San Joaquin Levee District (LSJLD), while the State continues to recognize these systems. These systems are included in staff's summary.
- USACE recognizes 5 systems as part of a 2017 South Sacramento improvement project. These systems have not been formally transferred to the State for operations and maintenance and as such, they are not included in staff's summary below.
- Staff discovered one system (Sacramento River West Bank) was accidentally omitted in prior reporting. This system is now included in staff's summary.

There is a total of 116 levee systems:

- 74 systems are "inactive" and include the 12 LSJLD systems noted above.
- 32 are "active with LOI" and include the Sacramento River West Bank levee system which was previously omitted.
- 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.

The chart below represents the corrected and updated information about PL 84-99 Program eligibility as of June 28, 2019:



6. Staff News

- Nothing to report 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 related to the Permitting Section are presented below.

- **Deferred Maintenance Project (DMP):** DWR has completed lining approximately 35 system feature drainage pipes within Putah Creek (ST0007) and Willow Slough (ST0012). The DMP is now focusing on Butte Creek (MA005). Currently 19 pipes have been identified for cleaning and evaluation. DWR anticipates being able to line three to five pipes per week, depending on water conditions.
- **Permit and Inspection Fees:** USACE, DWR and CVFPB staff discussed the fee process for permits and inspections and how it could affect the permit process and enforcement actions.

2. Outreach/Pre-Application

- **City of Sacramento:** A meeting was held with representatives from Sacramento Area Flood Control Agency and the City do discuss the encroachment permitting process as the City embarks on enhancing the Old Sacramento waterfront.
- **West Sacramento:** A second meeting was held with project proponents of a proposed hotel/condo development in the Bridge District of West Sacramento.

3. Staff News

- Justin Logan passed the 8-hour portion of PE Exam last month. He will now focus on taking the Seismic and Surveying portions of the exam.
- Humberto Negrete, Engineer, Water Resources, reached his first anniversary with the Central Valley Flood Protection Board. Congratulations to Humberto!

4. Permitting Status Overview

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 May 2019. Including the 5 new applications received in May 2019, there are a total of 58 applications currently being reviewed by staff.

Table 1: Encroachment Permit Application Summary

Application Review Activity Summary	May 2019
Applications Received	5
Scheduled as an EO Delegated Permit	4
Scheduled for Consent Calendar	4
Scheduled as a Hearing	0
Incomplete Letters Sent	3
Applications Withdrawn	1
USACE Application Transmittals Sent	7
USACE 30-Day Incomplete Letters Received	4
USACE Permission Letters Received	7
Permits Conditionally Approved by CVFPB	0
Permits Issued	19

As noted in the table above, there were 4 applications scheduled as Executive Officer (EO) delegated permits in May 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 9 EO delegated permits in May 2019, these projects were posted to CVFPB's website the second week of June 2019. Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website at: <http://cvfpb.ca.gov/permitting/delegated-permits/>

Inspection Section

1. Staff News

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

2. Inspection Program Updates

- As encroachment permits are issued, Inspection staff has been assigned and prepared for inspection duties for over 60 projects in 2019. Inspectors are the main point of contact for permittees as they construct and maintain their encroachments. Many projects have not begun, some are underway, and a few are in the construction closeout phase.
- Section staff developed a robust construction inspection closeout checklist to ensure that project inspections are completed uniformly. Activities include compliance with permit conditions, as-builts and compaction reports obtained, databases and levee logs updated, and future routine inspections are scheduled.
- Staff are working toward publishing a Standard Operating Procedures manual for internal staff reference. Additionally, staff are preparing a safety procedures manual for all of CVFPB staff to efficiently prepare for trips to the field and meet the requirements of the State's Code of Safe Work Practices.

3. Coordination

- On June 3, 2019, staff facilitated the monthly coordination meeting with CVFPB staff, USACE Levees and Channels (Section 408) and inspection staff, DWR-Flood Maintenance Office, and DWR-Flood Project Inspection and Integrity Branch. Staff from the Utility Crossing Inspection Program (UCIP) came to share the program details and usage of the reference tools.
- Section Chief Preston Shopbell provided updates at the quarterly Local Maintaining Agency coordination meeting on June 6, 2019, regarding Title 23 technical specifications status, fee program implementation, and the Board's use of the UCIP for researching pipes within the CVFPB's jurisdiction.
- Inspection and Administrative staff met with California Highway Patrol (CHP) to develop an interagency agreement for safety escorts when they are needed to perform levee inspections. Additionally, CHP will provide a safety training to CVFPB staff in the coming months for office and field safety.

4. Permit and Inspection Fee Implementation

- With permit and inspection fees beginning on July 1, 2019, CVFPB staff worked to prepare for receiving fees, answer applicants' questions, and conduct outreach to affected stakeholders. The upcoming fees were posted on CVFPB's website, announced at DWR/CVFPB coordination meetings,

LMA Coordination meeting, scheduled workshops, and will also be presented at the June 28, 2019 Board meeting. For details, Frequently Asked Questions, and the encroachment fee schedule, see our website at: www.cvfpb.ca.gov/fees.

5. Automatic Board Order Encroachment Reclassification Updates

- Staff is working to send letters to landowners and permittees of record on Putah Creek this month. See the attached progress table for details.

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	0	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.