

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

January 25, 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):

- Case being investigated for appropriate action: 69
- NTC/NOV being drafted for management review: 6
- NTC/NOV currently under management review: 4
- NTC/NOV mailed to landowner/responsible party: 1
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 39
- Based on enforcement case, permit applications received: 0
- Cease & Desist Order being prepared: 2
- Cease & Desist Order mailed/ Board meeting scheduled: 0
- Notice to Proceed issued: 0
- Enforcement cases closed: 34

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 this month.

- **LOI reports**

- The Reclamation District 3 LOI was approved by USACE Headquarters on November 19, 2018. CVFPB staff received the official transmittal letter from USACE Sacramento District on January 3, 2019.

3. PL 84-99 Rehabilitation Assistance Status

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 25 scheduled PL84-99 repair sites for 2019:
 - 8 are scheduled for the first quarter
 - 5 are scheduled for the second quarter
 - 12 are scheduled for the third and fourth quarter
- CVFPB staff continues to participate in weekly PL 84-99 coordination calls with USACE and the Department of Water Resources (DWR).

4. 2017 Storm Damage DWR Rehabilitation

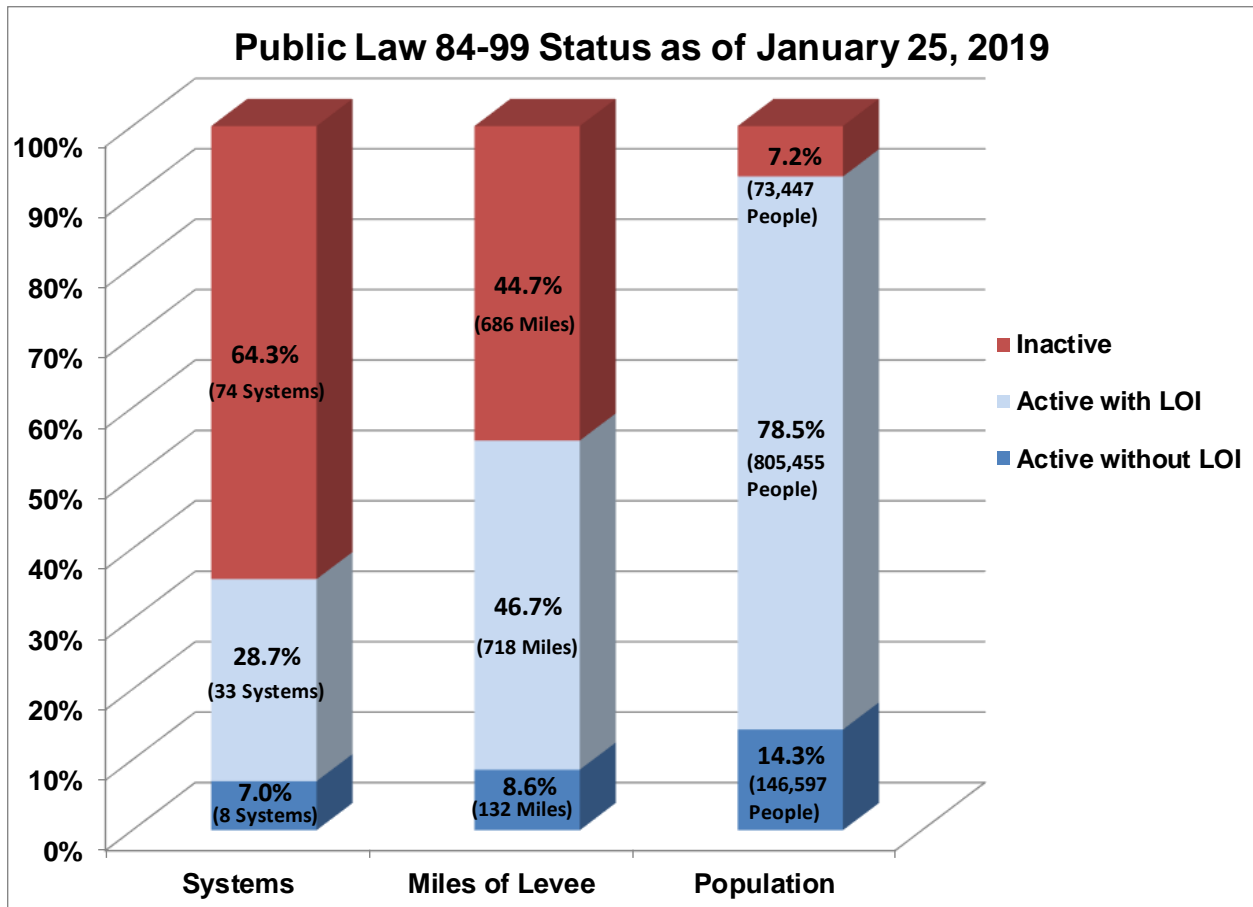
DWR is prioritizing identified damage sites that have not been approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. CVFPB staff is assisting with site inspections and priority review.

- No new updates this month.

5. PL 84-99 Levee System Status

The data and chart below represent the most updated information about PL 84-99 Program eligibility as of January 25, 2019:

- Systems: 64.3% Inactive, 7.0% Active w/ out Letter of Intent (LOI), 28.7% Active w/ LOI
- Levee Miles: 44.7% Inactive, 8.6% Active w/ out LOI, 46.7% Active w/ LOI
- Population: 7.2% Inactive, 14.3% Active w/ out LOI, 78.5% Active w/ LOI



6. Staff News

Angeles Caliso started work on January 7, 2019 as the new Enforcement Section Chief. Angeles has worked in water resources engineering for nearly 14 years, spending six years at the Board's Enforcement and Permitting Section. Angeles returns to the Board after spending four years working at the State Water Board in the Division of Water Rights and the Office of Enforcement.

Permitting Section

1. Coordination Meetings

CVFPB staff participates in monthly coordination meetings with DWR's Inspection Section and the USACE Flood Protection and Navigation Section (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.

- USACE Section 408 staff informed the group that the partial shutdown of the federal government is not currently having a significant impact on encroachment permit reviews. However, Section 7 consultations under the Endangered Species Act are often required in the 408 review process and these are not being conducted. This will begin delaying the issuance of 408 Permission Letters that will in-turn delay the issuance of encroachment permits. If the federal shutdown continues for a long period of time it will create a backlog of Section 7 consultations and the impacts will continue for several months.
- The Categorical Permission encroachment categories that are being developed by the USACE, with assistance from Board staff, are in the final approval stages and will be available for use in the very near future. The categories will set defined criteria for proposed projects that, if followed, will significantly reduce the current federal review times for NEPA compliance. Once the Categorical Permission process is finalized, Board staff will coordinate with Section 408 staff so there is a complete understanding of the parameters that must be used for proposed projects to be reviewed under a Categorical Permission. Applicants will be encouraged to design future projects to fit within this framework.

2. Outreach

Coordination resumed on January 15th for the Sacramento River East Levee Project between Board staff, DWR, SAFCA, and USACE.

3. Staff News

No new updates this month.

4. Permitting Status Overview

The table below provides a general overview of the number of applications being reviewed by Board 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 December 2018. With the 11 new applications received in December 2018, there are a total of 98 applications currently being reviewed by Board staff.

Table 1: Encroachment Permit Application Summary

Application Review Activity Summary	December 2018
Applications Received	11
Scheduled as an EO Delegated Permit	4
Scheduled for Consent Calendar	2
Scheduled as a Hearing	1
Incomplete Letters Sent	1
Applications Withdrawn	2
USACE Application Transmittals Sent	7
USACE 30-Day Incomplete Letters Received	3
USACE Permission Letters Received	2
Permits Conditionally Approved by Board	3
Permits Issued	11

As noted in the table above there were 4 applications scheduled as Executive Officer (EO) delegated permits in December 2018. Information related to EO delegated permits is required to be posted on the Board's website for 30 days prior to decision and permit issuance per CCR, Title 23, Division 1, Section 5. Staff completed the review of 10 EO delegated permits in November 2018 and those projects were posted to the Board's website the first week of December 2018. 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

- Staff began permit verifications for pipes to be rehabilitated through the Deferred Maintenance Project (DMP). The first repairs to pipes eligible under the DMP are located on Willow Slough and Putah Creek.
- Permit verification and classification is underway on select streams to inform management of the types of actions needed to verify that older, existing encroachments continue to follow the stated conditions under which they are permitted. This information will help prioritize future existing encroachment inspections and updates to permits for encroachments that need maintenance or repairs.

2. Coordination

- The Inspection Section facilitated 2019's first monthly USACE/DWR/CVFPB staff coordination meeting to discuss a variety of topics including ongoing enforcement items, inspection issues, program updates, storm damage repairs, PL84-99 responses, and more. DWR's Flood Project Inspection Branch and Flood Maintenance Office staff attended, as well as staff from USACE's Levees and Channels branch.

3. Permit and Inspection Fee Implementation

- Staff is responding to minor comments received this month from the Department of Finance (DOF) and is awaiting concurrence of the Economic and Fiscal Impact Statement. When approval is received from DOF, staff will submit the final rulemaking package to the Office of Administrative Law for final review and submittal to the Secretary of State to be codified in the California Code of Regulations.
- Fee implementation processes were developed this month to integrate with the existing permitting processes. Discussions are continuing with DWR to deposit fee payments. Database coordination is also underway to efficiently track payments ahead of permit reviews and inspections.