

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

May 28, 2021



OPERATIONS BRANCH Status Report and Work Activities

Enforcement Section

1. Board Enforcement Program

Staff continues to process encroachment cases by issuance of Notices to Comply (NTC), Notices of Violation (NOV) and Cease and Desist Orders. Status below represents the activities that occurred in the month of April 2021:

- Cases being investigated for appropriate action: 7
- NTC/NOV mailed to landowner/responsible party: 4
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 24
- Based on enforcement case, permit applications received: 1
- Cease and Desist Order being prepared: 0
- Notice to Proceed issued: 1
- Enforcement cases closed: 3

2. Pipe Prioritization Program (P3)

No updates to report.

3. Local Maintaining Agency (LMA) Coordination

Staff continues to coordinate with LMAs as more elect to participate in 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 report. 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.

- **LOI Report**

- On May 17, 2021, USACE officially approved the Wheatland and Grasshopper slough levee systems. The systems are now active under PL84-99.
- On May 19, 2021, USACE officially approved the Sac-Yolo North and RD 784 – Plumas Lakes Basin levee systems.
- USACE District and Division provided minor comments for the draft LOI for Elder Creek Levee System in May. The comments have been forwarded to the LMA to address.
- **SWIF Report**
 - On May 7, 2021, the Board formally submitted the Sacramento River West Bank Levee System SWIF to USACE Sacramento District for approval.

The following table is a summary of the SWIF and LOI efforts as of May 28, 2021.

ACTIVE PL 84-99 Levee Systems with Approved SWIF	INACTIVE PL 84-99 Levee Systems pending LOI USACE Approval	INACTIVE PL 84-99 Levee Systems with Draft LOI
RD 1001 (2 systems)	RD 10 - Honcut	American River Flood Control District
RD 1000		Madera County (4 systems)
MA9, City of Sac, American River		RD 150 – Merritt Island
Feather River Right Bank – Sutter Bypass		Sac Yolo South
Knights Landing, Yolo Bypass, Service Area 6		RD 349 – Sutter Island
Sac River West Bank		RD 501 – Ryer Island
Bear Creek and Mormon Slough (13 systems)		RD 1 – Union Island
Cache Creek – RD 2035		RD 524 – Robert's Island
RD 70/1660 - Sutter Basin		Pierson Levee District
MA 5 – Butte Creek (2 systems)		Deer Creek (3 systems)
Putah Creek – Yolo Bypass		Elder Creek (3 systems)
Wadsworth Canal – Sutter Bypass		
MA 13 – Cherokee Canal (3 systems)		
RD 1500 and Tisdale Bypass		
West Sac (RD 537 and RD 900)		
RD 3 – Grand Island		

ACTIVE PL 84-99 Levee Systems with Approved SWIF	INACTIVE PL 84-99 Levee Systems pending LOI USACE Approval	INACTIVE PL 84-99 Levee Systems with Draft LOI
Wheatland and Grasshopper Slough (2 systems)		
RD 784 – Plumas Lakes Basin		
Sac-Yolo North		
36 Systems	1 Systems	18 systems

4. PL 84-99 Rehabilitation Assistance Status

2017 Flood Damage Repairs:

After completing repairs for seven (7) sites in 2020, there are six (6) sites remaining from the 2017 storm damage: five (5) sites are scheduled for repairs in 2021 and one (1) of which in RD 2064 is scheduled for repair in 2022.

Five Repair Sites Planned for 2021

- Of the five (5) remaining sites, four (4) sites are located in the Sacramento River West Side Levee District (SRWSLD), and one (1) site is located in RD 2035.
 - Two of the sites in the SRWSLD are under construction as of mid-April. One site involves the installation of a seepage berm and the other site is the construction of a setback levee.

One Repair Site Planned for 2022

- One (1) site located in RD 2064 is delayed to Spring of 2022 due to ongoing real estate acquisitions with the landowner.

The Phase II repair for a site in RD 2075 is under construction as of mid-April. This site is not counted as one of the remaining six (6) sites.

Staff continues to participate in weekly PL 84-99 coordination calls with USACE, DWR and LMA representatives.

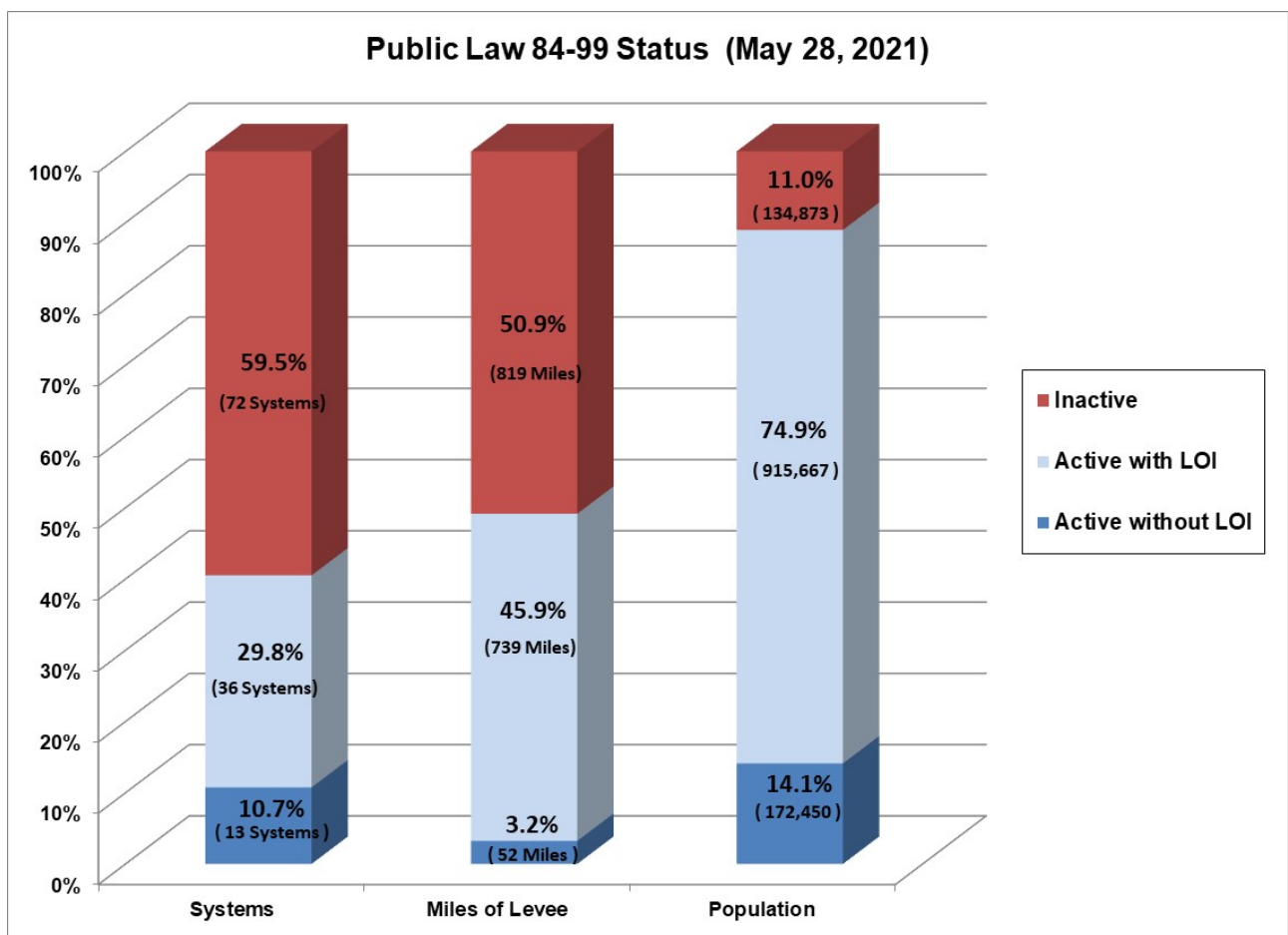
2019 Flood Damage Repairs

No updates to report.

5. PL 84-99 Levee System Status

The data and chart shown below include the most updated information about the PL 84-99 Status as of May 28, 2021:

- 72 systems are “inactive” including the 12 LSJLD systems. 18 of these have a draft LOI as noted on Page 3.
- 36 systems are “active with LOI”.
- 13 systems are “active without LOI”. Eight (8) systems are “active without LOI” because the systems have successfully passed USACE re-inspection.
 - The eight (8) systems include: three (3) in the American River Flood Control District, one (1) in the City of Marysville, (2) in Littlejohn Creek, (1) in the North Fork at Chester, and (1) in RD 1601 – Twitchell Island.
 - The remaining five systems are South Sacramento levee systems.



6. Staff News

- Staff continues to telework due to COVID-19. Enforcement actions and site visits continue to take place as needed and staff is following CDC Guidelines.

7. Progress update for Meyer Enforcement Case No. 2017-15464

No updates to report.

8. Task Order 20-47: Horseshoe Levee Hydraulic Modeling

No updates to report.

9. No Digging Signs Pilot Project

No updates to report.

10. Records Updates for Permit Database

Staff continues updating permit database records and retrieving files from archives.

11. Cease and Desist Order (CDO) Enforcement Case No. 2018-723 (Hatch)

No updates to report.

12. Reclamation District (RD) 1500 Emergency Contract, Donahue Area (Sutter County)

The work is 90% complete with abatement of unauthorized campers completed the week of April 12th. Staff is scheduled to brief the Board at the May Board meeting as agenda Item 10C.

Permitting Section

1. Staff News

- To backfill an Engineer, Water Resources position, a tentative offer has been made and accepted. Tentative start date for the new hire is 7/5/2021.
- Staff continue teleworking from home due to the COVID-19 pandemic with minimal impact to the Section.

2. Outreach/Pre-Application

- **McCormack Williamson Tract (DWR)**
Staff held a virtual meeting with DWR representatives to discuss the permitting requirements for a proposed restoration project within the McCormack Williamson Tract (MW-Tract). Permit will be required for breach and deconstruction of a non-project levee.
- **Matsui Park**
Staff held a virtual meeting with City of Sacramento to discuss overall project movement and concurrence with 408 regulations for planting and irrigation. City and development team are considering removal of landscape elements for project continuance.
- **Yolo Bypass ARC 4**
Staff held a virtual meeting with DWR staff to discuss a low water crossing bridge within the Yolo Bypass to replace two parallel culverts. The project will aid in habitat restoration and fish passage. The project is located South of Interstate 80 and west of the West Sacramento Industrial Park. Application is slated to be presented to staff in late Spring 2021
- **Old Sacramento Riverfront**
Staff held a virtual meeting with City of Sacramento to discuss overall project concept for area north of the railroad museum. City has a vision to create an integrated trail and viewing platform to enhance the continuity of the City to the waterfront. Current proposal is to conduct borings for design and environmental research.
- **Sacramento Raw Water Conveyance**
Staff held a virtual meeting with City of Sacramento to discuss overall project concept for area north of the existing water intake, science center and Matsui Park. City is looking to add an additional water intake structure like that which is currently in place. Application will be forthcoming for the installation of new piping and intake structure within the Sacramento River.

3. 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 activities that occurred during the month of April 2021. There are approximately 168 applications that are currently considered to be in active status. This number includes all applications being managed/reviewed by staff in the Permitting Section, the Enforcement Section, and the Plan Implementation and Compliance Branch. Of these, 128 are currently under permitting staff oversight.

Table 1: Encroachment Permit Application Summary

Application Review Activity Summary	April 2021
Applications Received	12
Scheduled as an EO Delegated Permit	1
Scheduled for Consent Calendar	3
Scheduled as a Hearing	0
Incomplete Letters Sent	4
Applications Withdrawn	0
USACE Application Transmittals Sent	7
USACE 30-Day Incomplete Letters Received	5
USACE Permission Letters Received	2
Permits Conditionally Approved by Board	0
Permits Issued	6

As noted in the table above there was one (1) application scheduled as Executive Officer (EO) delegated permits in April 2021. 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 California Code of Regulations, Title 23 (Title 23), Waters, Division 1, Section 5. Staff completed the review of one (1) EO delegated permit in April 2021. These applications were posted to the Board's website the first week of April 2021.

Additional information about Executive Officer Delegated Permits can viewed on the Board's website at: <http://cvfpb.ca.gov/permitting/delegated-permits/>

4. Permit and Delegations Look Ahead

For the month of June, the Permitting Section is anticipating there will be three permits as consent items, one potential hearing and three permit applications will be EO delegations.

Inspection Section

1. Staff News

- No changes in work protocols this month; staff continue to telework due to the coronavirus restrictions. Inspections continue as needed and physical distancing, face coverings, sanitizing equipment, and other mitigations continue to be used to help reduce the risk to staff and to limit the spread of the virus.

2. Inspection Program Updates

- Eight new projects were assigned to inspectors this month.
- Staff reviewed and processed Time Variance Requests (TVRs) for two projects that continued construction into the flood season which began on November 1. These two projects are along streams in the San Joaquin basin, where the flood season continues until July 15.
- Staff continues to keep pace with required database updates to the encroachment permit database this month. Each staff is updating the electronic records of ten permits each month. This effort will help in rapid research and ensuring accurate records. Updates to this effort may include sending any previously unscanned as-built drawings to local maintaining agencies for their records.
- Staff completed two construction closeout records for completed projects. Construction closeout recordkeeping ensures that all permit conditions were met, and that associated databases, levee logs, and other records are updated appropriately with inspection reports, as-builts, and other pertinent project information. There are seven pending construction closeouts currently in review by the Inspection Section Chief.
- In preparation for upcoming USACE levee inspections, staff compiled levee system information for RD 3 (Grand Island) and RD 1001 – Nicolaus, Feather River. Inspection staff is currently working to compile records for the following systems that are to be inspected by USACE in June 2021: Feather River - Hamilton - northeast of Afterbay, Feather River - Nelson Bend West Levee, and Feather River right bank - Sutter Bypass east bank. The information such as pipe inspection data, encroachment permit information, and levee logs will aid USACE inspectors in the field for their development of system inspection reports. These reports contribute to determining eligibility in the PL84-99 Rehabilitation Assistance program.
- Staff is developing a notification letter template for permittees whose encroachments are subject to routine inspections. This is part of the requirements imposed in 2019 with the implementation of fees. Applications that were received after July 1, 2019 are subject to permit review, construction inspection, and routine inspection fees. The routine inspection fees are due prior to the routine inspections. The schedule for routine

inspections is dependent upon the type of encroachment and is defined in the encroachment permit fee table in Appendix B of Title 23.

3. Coordination

- On May 10, 2021, the Inspection Section Chief facilitated the monthly DWR / USACE / Board Coordination meeting. Topics pertaining to inspection included:
 - An updated inspection schedule was provided by USACE staff at the meeting. Board staff is working to prepare levee information and inspection data in advance of these inspections. USACE also plans to inspect the Maintenance Area 9 along the Sacramento River East Levee, and will exclude areas currently under construction.
 - DWR-FPIAB is wrapping up its spring system maintenance inspections. Four of its inspectors are currently assisting the Division of Safety of Dams on special assignment. The Utility Crossing Inspection Program is finishing allotted pipe inspections for the year and is working on updating the pipe inspection data records.
- On May 12, 2021, Inspection Section Chief facilitated the monthly Inspection Compliance Work Group (ICWG) meeting. Board staff presented a path forward for many LMA-led maintenance activities currently subject to permitting to be reviewed and approved as maintenance. This will result in a shorter review time and allow staff to ensure maintenance work that involves excavation into the levee are compliant with Title 23 standards. These efforts tie into upcoming changes in the current updates to Title 23.

4. Permit and Inspection Fee Implementation

- From April 10, 2021 through May 14, 2021, twenty-one payments were received for permit review, five were received for construction inspection, and none were received for routine inspections. For program details and Frequently Asked Questions, see the Board's website at www.cvfpb.ca.gov/fees.

5. Automatic Board Order (ABO) Encroachment Reclassification Updates

- Staff has prepared documentation for the revocation of ABO Permit 10248 to notify the permittee and current landowner of the upcoming revocation hearing at the June Board meeting. Because of the focus on this effort, there has been no change to the ABO Encroachment Reclassification Progress Summary table from the previous month.

ABO Encroachment Reclassification Progress Summary							
	Research		Outreach*		Processing*		
	Total Encroachments	Desk Study Complete	Letter Sent	Response Received	System Feature Confirmed	Permit Needed	Under Enforcement
Putah Creek	180	180	111	107	66	41	6
Undetermined	0	0	0	0	0	0	0
System Features	159	159	68	66	66		
Private Encroachments	21	21	43	41		41	6
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.

*Items that were determined to not exist in the as-builts nor the field were not counted in the Outreach or Processing phase totals.