



2021 Annual Report

LESLIE GALLAGHER EXECUTIVE OFFICER



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Message from the Executive Officer

In 2021, the Board members and staff focused on continuing to provide the decision-making transparency and excellent service that stakeholders have come to expect since the Board's reinvention in 2007. Despite the ongoing challenges of a global pandemic, Board staff managed the Board's programs with virtually no drop in productivity. Most of the Board staff worked from home throughout the year, with some administrative staff managing critical documents on-site two days per week, and inspection, permitting and enforcement staff working in the field as necessary. The Board's monthly business meetings and workshops were held virtually and broadcast live. We attended some outdoor venues in person, including a tour of facilities in the San Joaquin Valley, the change of command ceremony for San Francisco District, and dedications for the Feather River West Levee Project and the Hamilton City setback levee.

Staff priorities included advancing the main objectives outlined in the Strategic Plan (update anticipated first quarter 2022) and implementation of the Central Valley Flood Protection Plan (CVFPP) 2017 Update. Focusing on operations and maintenance of the existing system, Board staff assisted local agencies to pursue and maintain PL84-99 eligibility, facilitated the inspections workgroup, assisted Local Maintaining Agencies with addressing impacts of damage from human habitation on levees, and partnered with cities and counties to address the crisis of the unhoused in and around the State Plan of Flood Control facilities.

Board staff and counsel completed an update to Chapters 2 and 8 of the existing regulations and added an administrative closure process for permit revocations. Work continued on the Sacramento and San Joaquin Drainage District (SSJDD) Assessment District Feasibility study, seeking to identify a reliable funding source for maintaining and improving the system in perpetuity.

The Board's Advisory committee continued its work implementing the CVFPP Conservation Strategy and helped develop the 2022 Conservation Strategy draft update. The Board's Coordinating Committee provided an important venue for stakeholders to learn about key initiatives and exchange ideas. Board Members and staff briefed dozens of City and County elected officials as part of the outreach for the 2022 CVFPP Update. Board Members and staff participated in the Delta Plan Interagency Implementation Committee and served as panelists and experts in several venues, including the National Association of Flood and Stormwater Management Agencies, the Public Policy Institute of California, and the Floodplain Management Association.

We completed staffing our new branch supporting the CVFPPP Update and Yolo Bypass Partnership Programmatic 408 and identifying and implementing the priority actions for the Water Resilience Portfolio action item 25.4. Board members and staff also worked with DWR Planning staff to develop the 2022 Update to the CVFPP Investment Strategy.

Other ongoing operations included:

- Thirty Subventions Agreements signed by EO in 2021
- Four Letters of Intent reiterating State Support of U.S. Army Corps of Engineers (USACE) Planning Studies
 - Cache Creek Settling Basin General Reevaluation Report

- Lower Cache Creek Project
- Lower San Joaquin River Feasibility Study
- Merced County General Reevaluation Report
- One new Letter of Intent for the Tuolumne River continuing authority
- Four CEQA Certification Packages for American River Common Features 2016
- Four Local Cooperating Agreements for PL84-99 Repairs



2021 also marked the end of an era as longtime Board President Bill Edgar announced his retirement with the end of his four-year term in December, marking ten years as Board President and 14 years overall in service to the State. (Board Members pictured from left to right, Joseph Countryman, Brian J. Johnson, Mary Jane Griego, President William H. Edgar, Vice President Jane Dolan, Tim Ramirez, and Michael Villines)

Mission of the Central Valley Flood Protection Board



Chester Diversion Structure, Plumas County

The Central Valley Flood Protection Board (Board) is the State agency created for the purpose of reducing the risk of catastrophic flooding in California's vast Central Valley. Originally chartered in 1911 as the Reclamation Board, the Board was re-named and given additional duties, including adopting the CVFPP in 2007.

The system of levees, weirs, pumps, and related structures that make up this vast system are referred to as the State Plan of Flood Control (SPFC).

The challenge for the future will be to operate and maintain this century-old single-purpose system, that protects millions of people and billions of dollars in infrastructure and property, while adapting for future climate change and encouraging multi-benefit projects in and along the SPFC in accord with modern conservation sensibilities.

Working alongside its federal, tribal, state, and local partners, the Board serves as the non-federal sponsor to the USACE when constructing major flood risk reduction facilities. The Board also manages and oversees the day-to-day operations of the SPFC, advocates for continuing federal investment in Central Valley flood facilities and approves facility improvement projects. The Board controls encroachments into the SPFC through a comprehensive permitting, inspection, and enforcement program, and manages a vast array of properties owned by the SSJDD.

The Board partners with all levels of government to achieve its flood risk reduction goals. Sister State agencies and the recognized Native American tribes have a stake in improvement projects and land management. The Board's local partners operate and maintain the flood control system and provide detailed information essential for flood protection.

In addition to its programs, the Board provides a public forum for stakeholders to discuss flood risk related matters through regular monthly business meetings. The Board also hosts periodic workshops, tours, and committee meetings on topics of interest to the flood risk reduction community and Central Valley stakeholders.

The Board is governed by nine members, including seven voting members appointed by the Governor and confirmed by the Senate to four-year terms, and two ex officio members from the Legislature consisting of the Chairs of the Assembly Water Parks and Wildlife Committee and the Senate Committee on Natural Resources and Water. State law requires that voting members have demonstrated subject matter expertise, including: an engineer, an attorney with water experience, a flood control expert with at least five years' experience, a member with training, experience, and expertise in geology or hydrology, and three public members. An Executive Officer and Chief Engineer are appointed by the Board. Other professional staff includes engineers, environmental scientists, program managers, analysts, attorneys, and right-of-way agents with an exceptional support staff to manage the day-to-day operations of the Board. The Board also appoints a Board Counsel, who advises the Board on legal matters.

Administrative Services Office

The Administrative Services Branch ensures the Board's successful operation by oversight of planning, human resources, budget, personnel and payroll assistance, contracts, Public Records Act requests, archives and records retention, board meeting preparation, training, travel, facilities, and procurement. **(See Attachment A: Board Organization Chart and Attachment B: Workforce Charts)**

Budget

The Board's Budget and Expenditures Report shows all budget activities for Fiscal Year 2020-2021. Most allocated funds for each fiscal year cover personnel costs only. Continued Budget Change Proposal efforts will help to expand the budget and support ongoing and future contract, consulting, and staffing needs. **(See Attachment C)**

Contracts

In the past, the Board used the Department of Water Resources for contract assistance or added onto DWR's existing contracts for different programs or consultant work. Since 2019, Board staff has been drafting the Board's contracts, as shown below:

Contracts drafted for FY 21-22:

San Joaquin County Contract: The Board has nearly completed developing a contract with San Joaquin County to reduce and remediate existing hazardous conditions on SSJDD property to protect flood conveyance, water quality, public health, safety, and welfare.

Database Support: Inter-Agency Agreement with the California Data Exchange, Technology Services.

The Department of Water Resources (DWR), California Data Exchange Technology Services (CDEC) provides technical support and administration of various databases that are critical to the Board's regulatory programs. An Inter-Agency agreement is needed so DWR can continue to provide maintenance support to the Board's permitting database.

SSJDD Feasibility Study

The consultant is preparing a Report of Findings (ROF) by evaluating the feasibility of the Sacramento San Joaquin Drainage District Assessment District to provide funding for system-wide improvements and the operational maintenance of associated flood control structures and levees within the State Plan of Flood Control

Planned Contracts for FY 22-23:

- Master Agreement with San Joaquin County for Reimbursement of Clean-Up and Abatement Services on SSJDD Property;
- Inter-agency Agreement with the California Conservation Corp for Levee Conservation Management;
- California Environmental Quality Act (CEQA) Reimbursable Authority Pilot project;

- Master Agreement: General Engineering/Environmental

Board Public Records Act Requests 2021:

The Board Staff processed a total of 26 Public Records Act Request in 2021. The resulting documentation produced 523 documents that were provided to the requestors. **(See Attachment D)**

Legal Counsel

The Board's legal staff is comprised of two attorneys. Board Counsel advises and supports the Board on all legal matters before it at public meetings and events, manages and oversees litigation involving the Board, and represents the Board on various other matters of interest to the Board and its mission. Staff Counsel advises and assists Board Staff in permitting and enforcement matters and hearings before the Board, staff report preparation and review, and special projects assigned by the Board's Executive Officer.

Board and Staff Counsel continue to manage the Board's efforts to update its regulations set forth in the California Code of Regulations, Title 23 – Water, Division 1, Chapter 1 (Title 23). There are currently two separate rulemaking efforts ongoing. The first is revisions to Title 23 Articles 2 and 8, which will modernize the Board's technical standards for the construction of flood control facilities and encroachments thereto, to meet current industry standards and practices. The second is a revision to the Board's permit revocation process that will allow for the administrative closure/revocation of permits in uncontested matters, such as where a permittee no longer wishes to keep the permit, where the permitted encroachment no longer exists, or where the permittee no longer owns the property of the permitted encroachment and the current property owner does not want to keep the permit. The public comment period for the administrative permit revocation rulemaking has closed and the Staff will be requesting that the Board approve submitting the final package to the Office of Administrative Law (OAL) at the December 2021 meeting. The Board's rulemaking updating the Board's standards and definitions set forth in Title 23 Articles 2 and 8 is almost complete. Board Counsel anticipates that the final revisions will be complete and be ready for the Board's consideration at the January 2022 Regular Business Meeting.

Both Board and Staff Counsel continue to play an integral role in other matters of interest to the Board. Board Counsel and Board Policy Advisor continue to represent the Board relative to the Delta Stewardship Council's (DSC) Delta Levee Investment Strategy (DLIS) MOU working group. The DSC recently re-initiated its rulemaking process relative to the DLIS and the working group is evaluating additional areas of mutual concern to collaborate and cooperate on.

Board Counsel continues to work with the County of San Joaquin and the Board's Land Management Branch relative to implementation of the Memorandum of Agreement between the Board and the County to address the unhoused community on Sacramento and San Joaquin Drainage District Property as well as exploring similar collaborative opportunities in other counties within the Board's jurisdiction.

Board Counsel is working with Board Staff in determining the operation and maintenance responsibilities for the Davis Drain in conjunction with negotiations with the City of Davis and Yolo County and whether there is a continued need for the Board's easement over portions of the drain or if it should be extinguished. Assembly member Aguiar-Curry's office is also engaged in this effort.

Board Counsel continues to work with and assist Board Policy Advisor, Darren Suen, with Maintenance Area formation and consolidation issues including, RD 784 and the property owners behind the Horseshoe Levee that would be within a new State Maintained Area and Senator Nielsen's office in the effort to find a resolution satisfactory to all parties and legislation supported by the City of West Sacramento seeking to consolidate RD 900 and MA4.

Board Counsel will continue to assist Board Policy Advisor Suen in his effort with DWR to seek WRDA 2022 language and preserve the rights of over \$200M in excess credits.

Board and Staff Counsel both continue to play an integral role interacting with citizen groups that have an interest in matters pending or anticipated to be brought before the Board such as the cross-levee fences in the Sacramento River East Levee Repair Project and the proposed Kassis development project.

Both Board and Staff Counsel have provided on-going support to the Board's Public Records Act coordinator.

Staff Counsel has assisted the Executive Officer by researching and drafting a memorandum regarding the Lower San Joaquin River Flood Control Project (LSJRFCP) and has recommended legislative changes that would clarify that the LSJRFCP is part of the State Plan of Flood Control.

Staff Counsel also researched and wrote legal memoranda regarding the Federal and State Wild and Scenic Rivers Act and regarding other land use issues.

Staff Counsel has drafted and recommended proposed legislation to streamline the Encroachment Enforcement Process, with no impact on the due process rights of respondents.

Policy Advisor Update

Another COVID year limited legislative activities with the state and federal government. However, a significant amount of policy and engagement work occurred. The federal government reinstated a form of earmark known as community project funding requests. The Board Policy Advisor worked with local agencies to develop support letters for projects in hopes of inclusion in the FY22 appropriations bills. The Board Policy Advisor monitored Congress' efforts to develop a \$1.2T bipartisan infrastructure package and the Build Back Better Budget for implications to state programs. The Board Policy Advisor engaged with the USACE on the new Levee Safety Engineering Circular and Water Resources Development Act (WRDA 2022) language to address excess credits, and with FEMA to understand Risk Rating 2.0. The Board Policy Advisor worked with the National Association of Flood and Stormwater Management Agencies (NAFSMA) and the National Waterways Conference (NWC) Legislative Caucus to provide input on federal policy (e.g., WRDA 2022, FEMA Risk Rating 2.0).

The Delta Stewardship Council (DSC) Delta Levee Investment Strategy (DLIS) MOU working group culminated with a hearing that began a rulemaking process. Throughout the year, Board Policy Advisor and Board Counsel worked to ensure the definitions of operations and maintenance (O&M) did not affect Board activities and were consistent with the adopted Board resolution on O&M.

Maintenance Area (MA) consolidations and separations are emerging and may become more common. In 2021 Staff worked with RD 784, property owners behind the Horseshoe Levee and Senator Nielsen's office to find a resolution and this effort will continue in 2022. The Board supported and Board Policy

Advisor tracked West Sacramento legislation that would have consolidated RD 900 and MA4.



SJAFA Tour of Lower San Joaquin River

The Board Policy Advisor continue to work on policy implementation dealing with homeless encampments both regionally and nationally. This year, NAFSMA formed a committee on the matter of which, the Executive Officer and Board Policy Advisor are members. Board staff are working with the City of Sacramento on its efforts to place homeless individuals in areas of Board jurisdiction and support the Land Management Branch dealing with encampments on SSJDD property in San Joaquin County and other central valley areas. The Board Policy Advisor continued public engagement activities fostering relations with stakeholders, leaders, and at annual Floodplain Management Association (FMA), NAFSMA, and NWC conferences.

While monitoring legislative affairs along with building and maintaining relations with key stakeholders, the Policy Advisor expanded his role and versatility – performing outreach to local elected leaders on the CVFPP 2022 Update, coordinating Board member exposure to key basins via tours, engaging on legacy issues, and representing the organization at CA Natural Resource Agency COVID and outreach meetings.

Next year, discussion on several policies from this year (e.g., WRDA 2022, community project funding requests, MA consolidation) will continue. Staff will continue efforts with DWR to seek WRDA language and preserve rights to potentially \$200M in excess credits. The Board will support its local partners to include community project funding requests for state supported projects in the FY22 appropriations bill and will participate in NAFSMA and NWC, national professional organizations, to maintain state engagement in federal flood issues and policies (e.g., the National Levee Safety Program, the Principles, Requirements and Guidelines Implementation Guidance). Staff will continue to work with FEMA and USACE to correct any inaccuracies pertaining to Risk Rating 2.0.

At the state level, the Policy Advisor will continue to participate in the DSC DLIS working group and work with the Delta Protection Commission (DPC) on flood resiliency issues. With the passage of State legislation SB 369 (Pan) establishing the Yolo Bypass Cache Slough partnership, work will continue to implement this legislation locally and at the federal level. When the Legislature resumes in January, Staff will monitor and track flood related bills that affect the organization, practice, and areas of interest and will continue to work with local and state partners to advance and implement projects where alignment exists.

Finally, this month (December) Congress passed another Continuing Resolution (CR) until February 18, 2022 leaving the debt limit, FY22 appropriations bills, and reauthorization of Fixing America's Surface

Transportation (FAST) Act and the National Flood Insurance Program (NFIP) unsettled at the time of this writing. This could also create budget confusion when the President's FY23 Budget is released in February 2022. Michael Connor was sworn in as the new Assistant Secretary of the Army (ASA) at the end of November. The CA Central Valley Flood Control Association (CCVFCA) hosted a workshop with FEMA headquarters examining the Yuba county drainage basin and discovered inaccuracies in data used to determine insurance rates. Board staff is working with USACE Sacramento District to hold a meeting with DWR, CCVFCA, and FEMA in the first quarter 2022 to understand how data is inputted and shared with USACE and FEMA.

Engineering and Technical Office

The Engineer and Technical Office is staffed by 38 staff members who oversee the Board's regulatory responsibilities for the flood protection system in California's Central Valley. These responsibilities include performing non-federal sponsor requirements in coordination with the U.S. Army Corps of Engineers for flood risk reduction projects, ensuring encroachments and system alterations are fully compliant with State and federal requirements through the Board's Permitting, Enforcement, and Inspection programs, working in coordination with the Department of Water Resources to provide five year updates to the CVFPP and subsequent implementation efforts, and providing environmental support and coverage for all the work that the Board oversees.

The Board accomplishes this work through its four engineering and technical branches: the Operations Branch, the Plan Implementation and Compliance Branch, the Environmental Services and Land Management Branch, and the newly formed Flood Planning and Programs Branch.

The Operations Branch oversees all aspects of encroachment regulatory work within the Board's jurisdiction, including permitting, enforcement, and inspection, as well as assisting Local Maintaining Agencies (LMA) within the Central Valley to gain or regain eligibility in the federal Public Law (PL) 84-99 program that provides assistance to repair system features that have been damaged in flood events.

The Plan Implementation and Compliance Branch works closely with the USACE and the Department of Water Resources to implement federally authorized flood risk reduction projects.

The Flood Planning and Programs Branch assists DWR in the development and implementation of the CVFPP five-year updates, as well as providing coordination support for the Yolo Bypass – Cache Slough Programmatic Partnership, and also is overseeing the Sacramento and San Joaquin Drainage District Assessment District Feasibility Study.

The Environmental Services and Land Management Branch provides environmental review and support for all Board sponsored projects as well as permitting and enforcement efforts. This Branch also oversees land management for the property the Board controls through the Sacramento and San Joaquin Drainage District.

Additional information on the work performed by the Engineering and Technical Office is described in greater detail below.

Flood Planning and Programs Branch

The Flood Planning and Programs Branch (FPPB) serves as the flood and multi-benefit planning experts at the Board. FPPB coordinates and collaborates with a wide variety of local, State, and federal agencies on various plans and programs, including the CVFPP, Conservation Strategy, Yolo Bypass Cache Slough (YBCS) Partnership, Sustainable Groundwater Management Act and associated Groundwater Sustainability Plans, the SSJDD Assessment District Feasibility Study and the San Joaquin River Restoration Project.

The FPPB focused on three main efforts in 2021: the CVFPP and its Conservation Strategy; the YBCS Partnership; and the SSJDD Assessment District Feasibility Study.

These efforts involved continued participation in the project delivery team, communications and engagement, and general coordination meetings. The CVFPP Stakeholder draft was successfully routed for review. Board Staff participated in elected officials engagement throughout the Central Valley with Board Members and DWR Staff. Staff coordinated numerous Advisory Committee and Coordinating Committee meetings and Board Meeting presentations, successfully keeping Board Members and other partners engaged and informed on CVFPP Update and Conservation Strategy progress. Staff also helped to develop the content of the 2022 CVFPP Update and provided comments on the draft Conservation Strategy.

FPPB staff works closely with DWR and program partners to coordinate on the YBCS Partnership. The Partnership is currently advancing the Master Plan and supporting efforts including a Programmatic 408 approval, as well as working groups related to CEQA/NEPA, Hydrology and Hydraulics, Permitting, Operations and Maintenance, Ecosystem Baseline and Accounting, and Cultural Resources. These working group teams are comprised of members from Board, DWR, USACE, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, Regional Water Quality Control Board, and National Marine Fisheries Service, as well as consultant support. The purpose of the YBCS Master Plan is to implement the vision of the YBCS Partnership by supporting implementation of a suite of related projects that collectively provide essential flood conveyance capacity while improving resilience, reliability, and adaptability to climate change; enhance aquatic and terrestrial species habitats; and preserve agricultural land and economic values. The Master Plan will also address policy related efforts, including Governance, and will include a robust Communications and Engagement Plan.

In 2021, the FPPB team focused on:

- Master Plan structural, organizational, and content development: an annotated Master Plan outline, draft sections, and Master Plan components including project assumptions.
- CEQA/NEPA compliance: draft Notice of Preparation, collaboration on scoping activities and next steps for Draft EIR preparation.
- Facilitating Partnership Collaboration, Review, and Feedback: Coordinating Committee and Governance Working Group established and FPPB staff participating.
- Ecosystem Accounting System/tool: draft strategy, decision diagrams, mapping future Master Plan ecosystem conditions, ecosystem baseline evaluations, conservation strategy approach formulation, iterative discussions with resource agencies.
- Hydrology and Hydraulic Evaluations: Developed hydraulic baseline, Programmatic 408 H&H baseline and scenario 1 modeling complete, project phasing evaluations.

- Permitting Pathways: evaluating programmatic and expedited approaches for regulatory compliance, iterative discussions with permitting agencies, pros/cons evaluation of potential permitting pathways, mapping support.
- Communication and Engagement: Began a communication and engagement plan development and approach.

A contract for the SSJDD Assessment District Feasibility Study was issued on December 20, 2019. The consultant team is responsible for evaluating the feasibility of reutilizing the SSJDD Assessment to provide funding for system-wide improvements and the operation and maintenance of associated flood control structures and levees within the State Plan of Flood Control. The project will culminate with a Report of Findings for consideration by the Board. Since then, staff and the consultant team held a series of stakeholder engagement meetings to identify the services/activities to be included in the SSJDD Assessment District Feasibility Study. Five potential service areas have been identified and are as follows:

- Category 1 – Services that leverage beneficiaries beyond the boundary limits of individual LMAs
- Category 2 – Services that provide programmatic /regional corridor benefits
- Category 3 – Capital improvements / repairs for State Maintenance Areas
- Category 4 – Regional programmatic capital improvement programs for small community flood risk reduction projects
- Category 5 – Regional program for non-structural flood mitigation measures

Much of the work in late 2021 was focused on developing methodology for Category 1 services, and stakeholder engagement and feedback.

The 2022 CVFPP Update Public draft will be released early 2022 and Board staff will plan three public hearings. Comments will be collected from the public and considered for finalization of the 2022 CVFPP Update. The Board will host a workshop(s) in 2022 to address public comments. The Advisory and Coordinating Committees will continue to meet throughout 2022. There will be an increase of communications and engagements throughout 2022 as we draw nearer to the Board adoption of the 2022 CVFPP Update.

For the YBCS Partnership, staff will continue Master Plan development, and CEQA and NEPA compliance activities including release of the NOP and development of the Draft EIR. FPPB will perform expanded communication and engagement activities and planning both within and outside of the CEQA/NEPA scoping and public review requirements, including public meetings, and tribal consultation. Technical support activities will continue related to hydraulic performance and modeling; ecosystem accounting system and conservation strategy development; collaboration with resource agencies; programmatic permitting pathway approach finalization and consultation; and further development of working group objectives and goals related to the multiple benefits of the Master Plan.

For the SSJDD Assessment District Feasibility Study, the team plans to complete feasibility analysis for Category 1 by end of December 2021; Category 2 and Category 3 beneficiary analyses will be completed in January 2022. Final stakeholder engagement for all categories will be completed in February 2022. A draft Feasibility Report and implementation plan will be presented to staff for review in March 2022. Public Review on the draft report will occur in March and April 2022. Staff plans to host a Board

workshop during the public review period to discuss comments on the draft report and incorporate recommended revisions. A Final Report will be presented to the Board in June 2022.

FPPB staff will conduct a review of Groundwater Sustainability Plans (GSPs) expected in January 2022. The GSPs due to DWR's Sustainable Groundwater Management Office (SGMO) are for the remaining high and medium priority groundwater basin that have not already submitted GSPs. FPPB staff will review GSPs for Groundwater basins that fall within the Central Valley to ensure that GSPs consider flood management and public safety aspects in their planning. FPPB staff will coordinate closely with SGMO staff to convey comments and thoughts.

Environmental Services and Land Management Branch

The work of the Environmental Services and Land Management Branch (ESLM) is comprised of one Environmental Program Manager and two Sections overseeing statutory and regulatory environmental compliance of Board actions (Environmental Services Section) and land management activities for the Sacramento and San Joaquin Drainage District (Sacramento and San Joaquin Drainage District Land Management Section) pursuant to California Water Code Section 8502 which states that the Board manages and controls land held by the SSJDD. This combination of environmental and land management assistance to the Board's technical branches provides the support to make sound decisions regarding preservation of the integrity and function of the flood protection system while providing environmental considerations, assisting the Federal Sponsor in acquiring the necessary land rights needed to undertake large flood system improvement projects, providing environmental compliance documentation on all Board programs, and managing the portfolio of real estate interests held in the SSJDD.

Environmental Services Section

The Environmental Services Section (ESS) serves as Board's regulatory environmental advisor and provides recommended courses of action regarding Board decisions. ESS provides environmental support services to all Board programs, including Enforcement and Permitting. The majority of the workload of the ESS staff consists of environmental review of proposed facilities, infrastructure, vegetation and habitat, and developing and recommending findings to authorize, improve, replace, or remove un-permitted or non-compliant encroachments while ensuring Board actions comply with California Water Code, California Code of Regulations Title 23, Waters, Division 1 (Title 23), Title 33 United States Code Section 408, CEQA, and the National Environmental Policy Act.

Organizationally, the Environmental Services Section consists of four Senior Environmental Scientists to oversee environmental and CEQA compliance for Board programs. ESS goals for 2021 included providing continued environmental support to the various Board programs, supporting the Board effort on the Tribal Consultation for the 2022 CVFPP Update, improving coordination and support to the USACE on both Board sponsored flood risk reduction projects and Section 408 regulatory compliance and streamlining and documenting environmental review processes.

In terms of actions taken by the Board pursuant to CEQA compliance, ESS staff approved 117 actions in 2021. This is up slightly from 2020, which showed that 111 CEQA determinations were approved. This includes actions by the Board in both a Lead Agency and Responsible Agency role. Lead Agency activity in 2021 was still consistently high with eight certifications of environmental documents on Board lead efforts such as American River Common Features 2016, Sacramento Weir Widening Project, Folsom

Dam Raise Modifications Project, Marysville Ring Levee, and the 2017 Storm Damage Rehabilitation (PL 84-99).

ESS staff have been active in coordination with DWR on the Tribal Consultation for the 2022 CVFPP Update. Staff have participated Tribal Informational Meetings, and more focused government-to-government consultations with several tribal governments. The meetings were designed for Tribal Government Leaders, Environmental, and Cultural Staff, and review of the Working Draft; highlight potential future flood improvement projects; and collaboration on the planning process. These interactions provided a venue for Tribal representatives to obtain information, ask questions, and provide input, and were well-received. Due to Covid-19 restrictions, these meeting were held virtually, but ESS hopes to have meetings in person in 2022.

ESS staff continues to work closely with the Board's federal partners at the USACE, assisting applicants seeking Section 408 permissions within the Board's jurisdiction. Additionally, the USACE 408 Section welcomed many new team members, and is working closely with those new staff members to keep encroachment permit reviews running as smooth as possible. Staff continues to look for ways to expedite permitting processes with the USACE, such as the use of Categorical Permissions.

While fully staffed at the beginning of 2021, ESS staff undertook the task of producing and adopting operating and review procedures for encroachment permit environmental reviews, Board sponsored project efforts, and special project CEQA clearances. Documenting an operating procedure for consistent environmental review became quite useful in the latter part of 2021 when the Section experienced nearly complete staff turnover. Staff continues to update and revise these dynamic documents, as it refines processes and procedures.

Goals for the ESS in 2022 include 1.) continued support of Board sponsored, CEQA Lead Agency project work, such as American River Common Features 2016, including necessary additional environmental review for utility relocations, 2.) provide environmental support related to Title 23 Updates, 3.) support the 2022 CVFPP Update environmental review and Tribal Consultation Engagement, 4.) assist the Operations staff in modernization of the encroachment permit application process, and 5.) explore and refine policies related mitigation banking within the floodway.

[Sacramento and San Joaquin Drainage District Land Management Section](#)

One of the programs necessary to carry out the Board's mission is the management and control of the SSJDD. Pursuant to CWC Section 8504 the SSJDD can acquire, own, hold, use, and enjoy any and all property necessary for the purposes of the district. In a Memorandum of Agreement between the DWR and the Board, the Board delegated authority to DWR the responsibility for all real estate support services, except those which in the judgment of the Board or DWR requires the attention of the Board for policy direction. These tasks include acquisition of necessary lands, easements, and right of ways for Board sponsored projects, appraising property, negotiation, condemnation, property management including leasing, utility relocations, and map preparation in support of enforcement or permitting actions. The SSJDD Land Management Section, together with DWR's Real Estate Branch - Property Management Section, specifically focus on the continued management of the daily operations of Board property to the highest and best use, while balancing Board policy direction regarding CVFPP implementation, flood risk reduction and environmental uplift.

The SSJDD Land Management Section consists of one Senior Right of Way Agent managed by the ESLM Branch Chief and one Senior Right of Way Agent managed by DWR's Real Estate – Property Management Section, pursuant to a supplemental Work Agreement with DWR.

The SSJDD Land Management Section is continuing to explore renewing the holdover traditional leases, which include agricultural, grazing, and apiary uses. Staff is balancing the cost of lease renewal, which includes costly environmental review of SSJDD parcels, with the level of maintenance and enforcement an unleased parcel can generate. The SSJDD Land Management Section is exploring alternative options to traditional leasing by expanding agreements with the California Department of Fish and Wildlife (CDFW) on SSJDD property with ecological or recreational function. CDFW has the expertise to manage and patrol SSJDD property to deter illegal activity, while providing recreational public use and environmental stewardship. CDFW has shown interest in partnership on unleased SSJDD property.

SSJDD Land Management staff continue to audit, examine, and oversee the conditions of all the leases, including oil and gas leases and royalty payments. Thoughtful review of current invoices has revealed financial discrepancies that staff was able to remediate and collect due payments. Board staff is currently negotiating with State Lands Commission (SLC) to improve services related to safety inspections of oil and gas wells on SSJDD property. Staff is looking to execute an improved service contract in 2022.

In 2020, the Board and San Joaquin County entered into a Memorandum of Agreement (MOA) to jointly address homeless encampments and debris accumulation located on SSJDD property. In 2021, the parties implemented the MOA to clear the floodway of debris in various channels. A designated multidisciplinary team of San Joaquin staff and contractors with expertise in environmental health, social services and behavioral health, enforcement, and public works assists the Board with identifying sites and remediating threats to public health, safety, and welfare. In 2022, Board staff is confident that full implementation of the MOA, including reimbursement for services, will be realized and this mutually beneficial partnership with the County can serve as a model for future collaborations with local municipalities.

Plan Implementation and Compliance Branch

The work of the Plan Implementation and Compliance (PIC) Branch is organized into five Operational Programs (OP) that define the type of work being completed. The purpose of the PIC Branch is to preserve the integrity and function of the flood protection system in the Central Valley by working with the federal government on large civil works projects and by working with external entities to help plan, review, and coordinate the permitting activities of major alterations to the flood system. The five OP's consist of USACE / Board Sponsored Studies and Projects, USACE Section 408 and Non-Federal System Alteration Permitting, Adequate Progress, Safety Element Review, and Special Projects.

Per the 2008 Senate Bill 5 and Assembly Bill 162 regulations, the Board is responsible for reviewing cities and counties within the boundaries of the SSJDD's *adequate progress* reports on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas and the *safety element* component of an agencies general plan update within the boundaries of SSJDD.

Additionally, the PIC Branch oversees many other important duties that relate to the preservation of the integrity and function of the flood protection system in the Central Valley but do not fall into the most well-known OP's. These other duties fall into the Special Projects OP. These Special Projects include the creation and update of Board owned dam emergency operation plans, transfer of updated USACE operations and maintenance manuals to the locals after the completion of flood improvement projects, deauthorization of sections of State Plan of Flood Control levees, issuance of Letters of Support and Water Resource Reform and Development Act Section 7001 letters to the USACE for continued support of completed feasibility reports and proposed feasibility studies, and management of task orders which aim to update our outdated designated floodway boundaries.

Staff continues to coordinate Section 408 and non-federal alteration post-permitting activities with applicants and the USACE on several major projects including floodplain restoration in the West Sacramento Project, construction of the DWR Lower Elkhorn Basin Levee Setback Project, preparation of the DWR Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project, construction of the Reclamation District (RD) 17 Phase III 100-Year Levee Seepage Repair Project, and construction of the San Joaquin Area Flood Control Agency Smith Canal Gate Project.

Staff continues to coordinate with the USACE and the applicants on obtaining Section 408 permission in 2022 for construction of major projects including the RD 817 Bear River Setback Levee Project; DWR's Butte Slough Outfall Gates Project, Old Sutter Pumping Plant Rehabilitation Project, and Tisdale Weir Rehabilitation and Fish Passage Project; reconstruction of levees in Yolo County, and planning and design for a seepage mitigation project near Grimes in Colusa County.

Staff continues to plan Section 408 process activities with applicants and review project information on the several major projects including expansion of SR 70 in Marysville, construction of the Merced County Black Rascal Creek Flood Control Project, and planning of the Deer Creek Watershed Conservancy Lower Deer Creek Flood and Ecosystem Improvement Project.

Staff also reviews requests to alter non-federal levees, floodways and other project works. Staff received an application from the California High-Speed Rail Authority to construct a viaduct within the Cross Creek Floodway and expects to complete its review in 2022.

From time to time, Staff receives requests to continue construction of projects during flood season, beginning November 1. In 2021, Board staff approved such Time Variance Requests for several major projects and expects requests to continue into 2022.

Operational Program: USACE / Board Sponsored Studies and Projects

Staff engages the USACE, DWR, and other non-federal sponsors on flood risk reduction system improvements and continues to take a leadership role in all Central Valley projects where the Board is the non-federal sponsor.

In 2021, Staff coordinated with the USACE and other non-federal partners on the planning and successful execution of the following USACE and Board-sponsored studies and projects.

Marysville Ring Levee Project

The Board oversaw completion of construction of segments of the cutoff wall in Phase 3 of the Marysville Ring Levee Project, including the relocation of utility structures, acquisition of real estate, and planning future funding of critical project components. Staff continues to assist in completing this work and initiating project planning and construction of Phase 2B in 2022.

Sacramento River Bank Protection Program

The Board oversaw completion of the construction of three erosion repair sites within Phase II of the Sacramento River Bank Protection Project and the transfer of operation and maintenance responsibilities to the local maintaining agencies.

West Sacramento Project

The Board will conduct an environmental review and project partnership planning for the reauthorized West Sacramento Area Flood Control Project. Staff expects to complete the environmental review of the Yolo Bypass East Levee component of the project and draft a Project Partnership Agreement and Local Project Partnership Agreement for the Board to consider in 2022

Goldfields Levee Improvement Project

The Board oversaw completion of construction of the Three Rivers Levee Improvement Authority (TRLIA) Goldfields 200-Year Levee Improvement Project. Staff will continue coordination between the USACE, DWR, and TRLIA on updating the project information in the Sacramento River Flood Control Project.

Lower Cache Creek Flood Management Project

The Board expects approval of the Lower Cache Creek Flood Risk Management Project to occur in 2022. The USACE approved the project feasibility study upon signing the Chief's Report in June 2021. Staff will coordinate with the USACE and DWR to seek authorization and funding for the project in future legislation.

Sacramento Levees Section

The USACE, in partnership with the Board, and the Sacramento Area Flood Control Agency (SAFCA) have implemented levee improvement works in the greater Sacramento Region. USACE is advancing three major construction projects in the Sacramento region, the American River Common Features (ARCF) - 2016 Project, the Natomas Basin Project, and the Folsom Dam Raise Project. These federally authorized major construction projects are mandated by Congress to be complete by 2024, are authorized by the federal government under Water Resources Development Act (WRDA) 2016 and funded through the USACE 2018 emergency supplemental funding. To meet this aggressive schedule and to reduce the flood risk to the region, the Board and SAFCA executed an agreement to provide funding support for additional staff under reimbursable authority to the Board. The Board established a new Section called the Sacramento Levees Section (SLS) under the PIC Branch. SLS staff assists with enforcements, permitting, and inspections of encroachments within the USACE's project footprint to allow construction projects to move forward without any major delays within the extremely short time limits imposed by the USACE for expenditure of the supplemental funds.

The goal for 2021 was for the SLS to support the flood control projects in the greater Sacramento region by providing project support, project coordination, and Board specific functions including enforcement, permitting, and inspection of encroachments through the duration its projects which it oversees. Many flood control projects are currently underway in the Sacramento region and SLS staff has been working on these projects in various capacities. For the Sacramento River East Levee Contract 2 (2021) work, staff sent permit revocation notification letters to multiple homeowners who did not participate in SAFCA's Encroachment Removal Incentive Program, which incentivizes encroachment owners to voluntarily remove effected encroachments before construction.

Other large projects that the SLS supported were the Natomas Basin Project and Folsom Dam Raise Project. Staff was also prepared to support close out efforts for two USACE civil works projects, the South Sacramento County Streams and Water Resources Development Act (WRDA) 96/99 Remaining Sites Project.

As part of the 408 authorized projects, staff worked on permits associated with the Natomas Levee Improvement Program (NLIP). SLS staff planned to process the NLIP first batch of permits which included a total of 10 permit applications for encroachments impacted by the NLIP construction and process a second batch of permits which included 11 permit applications for encroachments impacted by the NLIP construction. Staff also worked on the North Area Streams – Levee Accreditation Project. Staff continues to coordinate on project close out activities including review of O&M manuals, work with SAFCA on Time Variance Requests, and provide review and approval for supplemental construction contracts.

The SLS was proud to accomplish more than planned in 2021. The SLS continued to provide support for flood risk reduction project implementation within the greater Sacramento region. Year 2021 ARCF-2016 accomplishments included SREL seepage/stability coordination with project stakeholders including USACE, DWR, and SAFCA for successful execution of project elements and contracts. Staff prepared and sent permit revocation notification letters to eight homeowners who did not participate in SAFCA's incentive program under SREL Contract 2 area. As part of our database development, SLS staff conducted a field survey to document access points along Maintenance Area 09 and prepared exhibits showing the access points in GIS format. Further, staff issued two Notices to Comply and Notices of Violations. Staff prepared GIS and KMZ files documenting boat docks within each erosion contract and prepared comprehensive permit research on all boat docks within the project footprint. Staff coordinated with USACE regarding potential bike path relocation efforts related to erosion work along the American River. As part of the overall support for the ARCF-16 project, SLS participated in the August Board workshop and presented ARCF-16 project progress and encroachment removal status updates.

Additionally, SLS staff provided support for the Natomas Basin Project. At the November Board meeting, staff gave an informational briefing on the proposed Project Partnership Agreement (PPA) and Local Project Partnership Agreement (LPPA) for Natomas Basin and ARCF-2016 Projects. SLS staff also processed the Natomas Levee Improvement Program's First batch of 10 permit applications for encroachments impacted by the project construction. Staff provided an informational presentation at the August 2021 Board meeting.

Staff continued to provide project close-out support for two civil works projects, namely the South Sacramento County Streams and Water Resources Development Act (WRDA) 96/99 Remaining Sites

Projects. Staff coordinated with SAFCA on the construction of a seepage berm along the Bell Marine area, and prepared and submitted Board concurrence letters on the SAFCA design and Board's support for construction of the seepage berm.

The SLS's goals for 2022 are to continue to support the implementation of flood risk reduction projects in the greater Sacramento region. Staff plans to prepare and send permit revocation notification letters to homeowners under the SREL Contract 3 area. Staff will work with USACE, DWR, and SAFCA to identify impacted boat docks and next steps. To support the Sacramento Weir and Bypass Widening, SLS staff will continue to conduct permit research for potentially affected encroachments within the project area. SLS staff will coordinate with USACE, SAFCA, and DWR for relocation of impacted utilities, and will process utility relocation permit applications and will present them to the Board for recommended approval.

Staff plans to bring a Board action item in spring 2022 on the proposed PPA/LPPA for Natomas Basin and ARCF-2016 Projects. Staff will engage and support other civil works projects including the Folsom Dam Raise, Folsom Dam Joint Federal (JFP) Project, South Sacramento County Streams, and Water Resources Development Act (WRDA) 96/99 Remaining Sites Project. SLS staff also plans to coordinate with the City of Sacramento regarding the proposed bike trail project and coordinate for a Board workshop in spring 2022 on the proposed bike trail project.

Operations Branch

The Operations Branch oversees three of the Board's regulatory programs, Permitting, Enforcement, and Inspection, which collectively ensure encroachments and activities occurring within and near areas of the Board's Adopted Plan of Flood Control (APFC) comply with the standards and requirements of Title 23. The goals of these programs are to protect the integrity and maintain the function of flood control projects, preserve the conveyance capacity of floodways, and reduce flood risk to lives and properties in the Central Valley. Additionally, the Operations Branch coordinates closely with LMAs and USACE for the development and approval of Letters of Intent (LOI) and System-wide Improvement Framework (SWIF) to maintain or regain LMAs' eligibility for the USACE's PL 84-99 Rehabilitation Program and for the repairs of flood control facilities damaged by storm events. Finally, the Operations Branch maintains and updates the Board's permitting and enforcement databases by converting paper copy records into electronic format and by resolving historical permitting issues associated with Board issued Automatic Board Order (ABO) permits.

The Operations Branch consists of a branch manager and student assistant, as well as three sections, each of which manages one regulatory program. Permitting Section is staffed with one section manager and five permitting staff (Engineer, Water Resources – WRE). The primary responsibility of the Permitting Section is to process encroachment permit applications. Enforcement Section is staffed with one section manager and five enforcement staff (WRE). Its primary responsibility is to notify, resolve, and enforce any unauthorized, non-complaint uses or encroachments within Board's jurisdiction. Inspection Section is staffed with one section manager and three inspectors (WRE), whose primary responsibility is to ensure the authorized encroachments are constructed, used, and maintained according to the permitted conditions. In 2021, four employees departed, and two new employees joined the Branch. In addition, one employee returned after volunteering at California Connected Contact Tracing Program through July.

At the beginning of 2021, one of the major challenges that Operations Branch was facing was to replace the Permitting Section Chief who had over a decade of experience leading the section and was slated to retire in April 2021. Therefore, one of the Branch's goals was to find a new leader to the Permitting Section, strive for a smooth transition, and maintain the efficiency and consistence of permitting process. In addition, the Branch focused on prioritizing work based on encroachments' potential impact to levee integrity, improving workflow efficiency, assisting LMAs' needs in restoring or maintaining the function and integrity of flood control projects, and continuing to adapt to changes caused by the pandemic.

To minimize the impact anticipated from retirement of then Permitting Section Chief, the Operations Branch manager and Board's administrative staff strategized a succession plan and executed it at the earliest possible time. The Branch was able to successfully hire the new Permitting Section Chief in February, giving two months of hands-on transition time. Another accomplishment related to personnel change is the establishment of a good work relationship with USACE 408 Section staff, many of whom were also new to their respective positions. Permitting staff regularly met with USACE counterparts and clarified several USACE policies and requirements that are crucially important to the process of USACE permission on Board's encroachment permits related to SPFC.

Operations Branch managers prioritize work that may have the most impact on levee integrity. Under this guideline, more applications that are for maintenance purpose and/or are not injurious to APFC that previously would require a Board permit are now processed via an authorization letter which is a much less labor-intensive process; more enforcement actions are focused on violations that have significant threat to the levee integrity; and a higher priority is given to meet the inspection needs for these types of projects. Statistics of permit applications, enforcement cases, and inspections are shown in the subsequent sections.

To continually improve workflow efficiency, Operations Branch managers developed several guidance documents for staff, LMAs, and applicants to use. These guidance documents, including the System Feature Determination Process, Guidance for Determination of Significant Excavation, and Application Fee and Refund Guidance, were presented at various coordination meetings to gain stakeholder input prior to implementation. Operations Branch managers have also been actively pursuing modernizing the permit application process by developing online application submission capability. A budget change proposal for this pursuit has been approved, and the Branch anticipates receiving adequate funds in the coming fiscal year to start developing the online application tool. Lastly, the Operations Branch has been continually resolving issues in historical permit records to increase the accuracy and value of the permit database. In addition to managing the core function of the Permitting, enforcement, and inspection programs, the major accomplishments in 2021 include recategorizing the Board's ABO permits, converting paper copy permit records into digital format, and populating key permit information into the permit database. Branch staff successfully completed one pilot case for the ABO permit revocation process, identified the need for process improvement, and supported the development of draft Administrative Permit Revocation regulations to be included in a Title 23 update. For the database updates, Branch staff has entered key permit information for over 3,500 permits in 2021 and over 4,500 permits since August 2020.

To assist LMAs to regain or maintain eligibility for the USACE's PL 84-99 Rehabilitation Program, staff coordinated and successfully obtained USACE's approval for five levee systems through the LOI/SWIF process. In addition, staff assisted LMAs to maintain PL 84-99 eligibility for 32 levee systems. For the systems active in PL 84-99 eligibility that were damaged by 2017 or 2019 storms, staff continued to coordinate with USACE, LMAs, and consultants and completed repairs for four sites in 2021.

Finally, to adapt to changes due to the pandemic, Branch managers established communication protocols, held regular virtual meetings, and developed weekly reports on daily work accomplishments. Additionally, various trackers were developed and utilized by managers and staff to track the progress and status of permit applications, authorization requests, and enforcement cases.

Operations Branch's priorities for 2022 will include 1) development of online permit application tool, 2) implementation of updated Title 23, Article 8 Standards and Administrative Permit Revocation Regulations, 3) improvement on enforcement regulatory process, 4) development of routine inspection procedures, and 5) increase the number of LMAs on the active list of PL 84-99 eligibility.

Permitting Section

Permitting is the core regulatory tool that the Board utilizes to protect the function and integrity of flood control projects from the potential impacts of encroachments. The Permitting Section's primary responsibility is processing encroachment permit applications, which includes holding pre-application meetings, reviewing application files, conducting technical analysis of Title 23 standards, developing staff reports and drafting permits, posting draft permits delegated to Executive Officer for approval, presenting permits (when needed) before the Board, and coordinating issuance of board approved permits. Permitting staff works closely with USACE 408 Section staff, the Board's Environmental Science staff and Real Estate staff to ensure all permits meet USACE regulatory compliance as a non-federal sponsor, meet CEQA compliance as a state agency and carry out the real estate interest for flood control works. Permitting staff also reviews maintenance and minor alteration requests and issues Project Authorizations such as Maintenance Authorization letters and Minor Alteration authorization letters as allowed in Title 23 Sections 6(d) and 6(e), respectively.

Permitting Section set the following priorities at the beginning of 2021: increase permitting efficiency, shorten permitting process time, and maintain and improve relationship with USACE 408 Section staff. Specific activities for meeting these goals include giving more consideration on proposed non-injurious project impacts upon the APFC (which resulted in proportionally more applications being processed as authorization approvals, instead of permits); clarification with USACE on the intended Federal regulatory oversight of maintenance work pursuant to Operation and Maintenance Manuals (which resulted in better alignment with USACE and reduced the processing of permits for non-injurious actions); pursuing online permitting application capability (which resulted in an approved budget proposal to be activated in the next fiscal year). These improvements have resulted in increased opportunities for permit holders and LMAs to repair and remove potentially dangerous, aged encroachments and system features to improve the flood control system. Additionally, pre application meetings conducted with community constituents, consultants, utility purveyors, state, and federal agencies were successful to brief the applicant, maintainer, or end user of the Title 23 requirements for regulating and application requirements for their respective project or task. These efforts are meant to reduce incomplete

applications and make staff available for questions. The table shown below provides statistics of permits and authorization letters the Permitting Section has worked on in 2021.

Application Review Summary	2021*	2020*	2019*
Applications Received	182	181	152
EO Delegated Permit	53	55	88
Consent Calendar Permit	43	62	85**
Approved Permit	96	117	173**
Project Authorization Letter Sent	45	24	5

**Totals provided from December of the previous year through November of the current year. For example, December 2020 through November 2021 reported in column 2021*

*** Include 34 permits for encroachments affected by the Sutter Butte Flood Control Agency's Feather River West Levee Project*

In 2022, the Permitting Section plans to

- Work to build, foster and strengthen relationships with jurisdictional partners, cities, counties and other participating regulatory agency for permit compliance and regulatory strength within the regions the Board regulates. This may include informational presentations to Planning and Development staff in cities, counties and local maintaining agencies and flood control districts.
- Increase the cooperation between the Board and the USACE, by continuing to build working relationships and allegiance with USACE and the 408 Section to further a regulatory partnership that can better serve the Board and the people of California. Work to formulate, where possible, programmatic approaches to frequent permitting challenges.
- Establish avenues that enhance employee growth and retention.
- Implement Title 23 Updates and have a smooth transition in permitting process for new applications.
- Assist with the development of the online permitting capability, expected in the second half of 2022.

Enforcement Section

The Enforcement Section is responsible for carrying out the Board's authority granted under the California Water Code Sections 8700 through 8709. The Board's Enforcement Section quantifies, delineates, categorizes, and prioritizes non-permitted encroachments and code violations throughout the APFC and takes appropriate enforcement action to correct the violations. The enforcement process increases the level of enforcement until compliance is reached. This approach aims for compliance at the lowest possible level which is less exhaustive on resources for both the State and the respondent. The enforcement tools that are available include the Notice to Comply (NTC), Notice of Violation (NOV), Cease and Desist Order (CDO) and the Enforcement Hearing. Administrative penalties can also be assessed not to exceed \$50,000 per violation.

The Enforcement Section also manages the PL 84-99 and LMA Assistance program that assists LMAs with regaining eligibility by submitting Letters of Intent and System-Wide Improvement Framework documents. Currently, these programs are managed by Eric Maio.

The Enforcement Section consists of one Senior Engineer, supported by five full-time water resources engineers with one of those engineers partially dedicated to the LMA and PL 84-99 programs.

The section continued to focus in addressing violations on the set priorities intended to tackle violations that pose the highest risk to the levee integrity. The section's first priority for enforcement action is based on these categories: 1) pipes through federal levees; 2) new unauthorized construction; and 3) work involving excavation. Efforts continued in the PL 84-99 emergency repairs and the LMA program assisting LMAs to regain PL 84-99 eligibility.

One of the larger challenges this year, with the continued teleworking conditions, was to ensure the section did not lose progress, consistency, or momentum with the various active enforcement cases. As such, more regular communication was arranged in virtual platforms which included weekly section meetings, bi-weekly individual one on one meetings and debriefs every Friday afternoon.

The Enforcement Section also began efforts to streamline the existing enforcement process that will require revisions to the California Water Code. If changes to the Water Code are adopted, Staff will be recommending additional updates to Title 23 requirements to reflect these changes.

The section has made significant progress in reducing flood risk by continuing to pursue violations that pose a threat to the levee integrity. The table below provides the section metrics for 2021 as well as the prior two years for reference. It is important to highlight that one enforcement case can entail multiple violations, so each case is unique and carries its own complexity. In 2021, one enforcement case was issued a Cease and Desist Order which was subsequently adopted by the Board. This is a testament to staff's ability to successfully resolve many of the cases without requiring further escalation of enforcement.

Metrics	2021*	2020*	2019*
Notice to Comply Issued	24	16	27
Notice of Violation Issued	4	2	8
Based on enforcement case, permit application received	8	12	25
Notice to Proceed issued	3	5	11
Cease & Desist Order issued	1	1	1
Enforcement Order Issued	0	1	0
Enforcement Cases Closed	20	69	24

*Totals provided from December of the previous year through November of the current year. For example, December 2020, through November 2021, reported in column 2021

The section continued coordination for PL 84-99 emergency repair efforts in 2021. Since 2017, Board staff has been working with the USACE's Emergency Operations Branch, DWR's Real Estate Branch, and LMAs to coordinate repairs for flood damaged sites under PL 84-99. Forty-five (45) sites were eligible for rehabilitation under the program and the last two sites are planned to be completed in 2022.

2017 Flood Damage Sites	Prior to 2019	2019	2020*	2021	2022
Planned	22	8	13	6	2
Constructed	22	8	7	4	TBD

*Two additional sites repaired under USACE's American River Common Features Project in 2020.

In 2019, the PL 84-99 Rehabilitation Program was open due to sustained high water conditions which resulted in several damaged sites in the Sacramento River Basin. Of the 55 requests submitted, only five (5) were deemed eligible under the program. One of those sites was repaired in the fall of 2019 and the remaining four (4) remaining sites are expected to be repaired in 2022.

Staff continues to support and encourage LMAs that lost PL 84-99 eligibility to regain it by preparing a Letter of Intent and SWIF Plan. In 2021, the following levee systems regained PL 84-99 active status through an approved Letter of Intent (LOI):

- Reclamation District (RD) 784 – Plumas Lakes Basin (approved in May 2021)
- RD 0817 and RD 2103 – City of Wheatland (approved in May 2021)
- RD 1600, 0827, 0785, and 0537 – SacYolo North (approved in May 2021)
- RD 2103 – Grasshopper Slough (approved in May 2021)
- RD 10 – Honcut (approved in November 2021)

In 2019 the USACE inspected the San Joaquin River East Levee system consisting of RD17, RD 2094, RD 2096, RD 2075 and RD 2064 and determined the system to have unacceptable violations. The system became inactive in PL 84-99 on December 18, 2020. On October 1, 2021, a draft LOI was submitted with the goal of regaining PL 84-99 eligibility in 2022.

As of December 2021, there are thirty-two (32) active levee systems with SWIFs and five (5) active levee systems with approved LOI. There are twenty (20) inactive systems that have submitted draft LOIs to regain eligibility. There are also thirteen (13) levee systems that are active without a LOI or SWIF.

PL 84-99 Eligibility Status, 2021 (2020)

	Systems	Levee Miles	Population (%)
Active without LOI/SWIF	13 (15)	52 (127)	14.1 (18.4)
Active with LOI/SWIF	37 (32)	764 (652)	75.0 (72.5)
Inactive	71 (74)	794 (831)	10.9 (9.1)
Total	121	1,610	100

The Enforcement Section will continue addressing violations on the set priorities intended to tackle violations that pose the highest risk to the levee integrity. Additionally, the main priorities for the section this upcoming year will be to:

- Formally roll-out the Pipe Prioritization Program (P3) which focuses on addressing pipes that have failed or are likely to fail.
- Continue in the PL 84-99 emergency repairs to complete the remaining two (2) sites from the 2017 high water and the four (4) sites resulting from the 2019 high water event.
- Continue to support LMAs to address violations to regain PL 84-99 eligibility.
- Facilitate updates to the database and the section's standard operating procedures manual.
- Provide cross training, mentoring, and growth opportunities to existing staff.

Inspection Section

The Inspection Section provides field inspections of (1) newly permitted encroachments during construction, (2) existing encroachments at routine intervals, and (3) enforcement, real estate, management, and environmental issues as needed by the Board. Construction inspections ensure that new or altered encroachments are built to the conditions of the permit and Title 23 standards. Routine inspections of existing encroachments help verify older encroachments are maintained appropriately. Finally, the Inspection Section provides field support to management, enforcement, real estate, environmental, and DWR emergency staff requests for field observations and reporting. The group also coordinates inspections of large system improvement or alteration projects with DWR Inspectors. By spotting problems early and providing recommendations, the Inspection Section helps resolve issues before they become emergencies. These efforts contribute toward ensuring the State's eligibility for federal rehabilitation assistance in accordance with Public Law 84-99 as well as overall flood risk reduction in the Central Valley.

Inspection Section staff also leads the re-categorization efforts for ABO permits. This includes research of items listed on ABO permits, meeting with landowners and LMAs to verify current usage and ownership and processing new permits or revoking permits as required. This ensures responsibilities for existing encroachments and elements of the system are properly assigned to permittees and local maintaining agencies.

The Inspection Compliance Work Group (ICWG) is a monthly meeting facilitated by the Inspection Section. The group consists of LMA representatives, USACE, DWR, and Board staff, and serves to address the most pressing LMA issues and barriers system maintainers face regarding USACE inspections and PL 84-99 compliance.

Finally, the Inspection Section's engineers serve as Flood Fight Specialists during State Flood Operations Center activation and Emergency Response requests. This requires long commitments of technical expertise in the field often on short notice.

There were no staff changes in the section in 2021. However, one staff member was on leave of absence for the second half of 2021 and is expected to return in early 2022. The section was able to utilize staff from DWR's Flood Project Inspection Units A & B as well as from Permitting and Enforcement sections to continue adequate construction oversight that was needed during that time.

The primary goal of the Inspection Section in 2021 was to provide adequate inspection coverage to all construction of permitted encroachments. Additionally, building upon previous research efforts and ongoing challenges that ABOs presented to the Board, a goal in 2021 was to continue research and record cleanup of ABO permits along Willow Slough and Putah Creek. Multiple ABO permits were identified as needing to be revoked, and in June 2021, Inspection Section staff brought the first non-contested permit to the Board for revocation. Due to Title 23 revocation regulations, the effort required for the Board to revoke a non-contested permit was quite high and unfeasible to continue at the same pace. Therefore, the Board requested that staff look to streamline further permit revocations, which Inspection Section staff supported the staff attorney by closely reviewing newly proposed Title 23 regulations to allow for Administrative Permit Revocations.

The core function of the Inspection Section is to ensure permitted encroachments are built according to plans, permit conditions, and Title 23 standards. This work includes construction of new encroachments, exploratory borings, maintenance, repairs, relocations, and removal of existing facilities. Additionally, inspectors provide reports in support of real estate, environmental, enforcement, and various management requests for field conditions as needed. A construction closeout is the final portion of an inspection and requires documentation including record drawings, compaction tests, and other completion reports to update the Board's databases.

Field Inspections Summary for 2021

From December of Previous Year through November of Current Year

Metrics	2021	2020	2019
Encroachment Construction Inspections	102	102	116
Other Field Inspections (Enforcement / Environmental / Real Estate / Management Verifications & Requests)	7	16	14
Construction Closeouts Initiated	26	N/A*	N/A*
Construction Closeouts Completed	13	N/A*	N/A*

*Comparable data not available from this year.

The ABO recategorization efforts in 2021 included several site visits along Putah Creek to verify ownership and usage of several facilities so that they can be appropriately permitted. These efforts culminated in the revocation of one ABO permit that was issued in error, and multiple other permits that will be reissued.

This year, the ICWG discussed the following topics: Board review process of LMA maintenance activities, Title 23 updates, and review of maintenance of existing encroachments. For the Board review of LMA maintenance activities, Board staff provided clarity on what the existing regulations allow and provided a Guidance for Determination of Significant Excavation document, a Permitting Review Decision Flowchart, and System Feature Determination Process document. The group discussed changes to Title 23 that would serve to limit the need for a permit for maintenance work without sacrificing levee safety

standards required by the Board. These discussions are ongoing and contribute to meaningful updates to Title 23 that work for maintainers as well as the Board.

Finally, in September and October, in their role as Flood Fight Specialists serving on DWR's flood emergency response rosters, two staff were activated after the Caldor Fire between Grizzly Flats and South Lake Tahoe within El Dorado County. Their role was to scout burn scar areas susceptible to contaminant and debris flow from rainfall and mark locations for placement of erosion and sediment control measures after the devastating fire. This allowed California Conservation Corps crews to efficiently deploy erosion and sediment control measures to reduce contaminants from flowing into nearby streams.

Beyond the core function of encroachment construction inspections, the Inspection Section will focus efforts in 2022 on the following programs:

- Building and implementing standard procedures for routine encroachment inspections. While inspections of the State Plan of Flood Control are conducted annually by DWR, they are focused on the maintenance of the flood control system as a whole and are a tool in identifying deficiencies in maintenance that local maintaining agencies are responsible for. By contrast, routine encroachment inspections are targeted toward individual encroachments, and will ensure better accountability and follow-up from encroachment permit holders responsible for the maintenance of their encroachments.
- Advancing progress on ABO permit research, re-permitting, and revocation. Once fully staffed, the Inspection Section will be able to continue acting on ABO permits within Putah Creek and Willow Slough, as well as other streams that are identified through DWR's Deferred Maintenance Project as well as the Board's Permitting and Enforcement Programs.

Conclusion

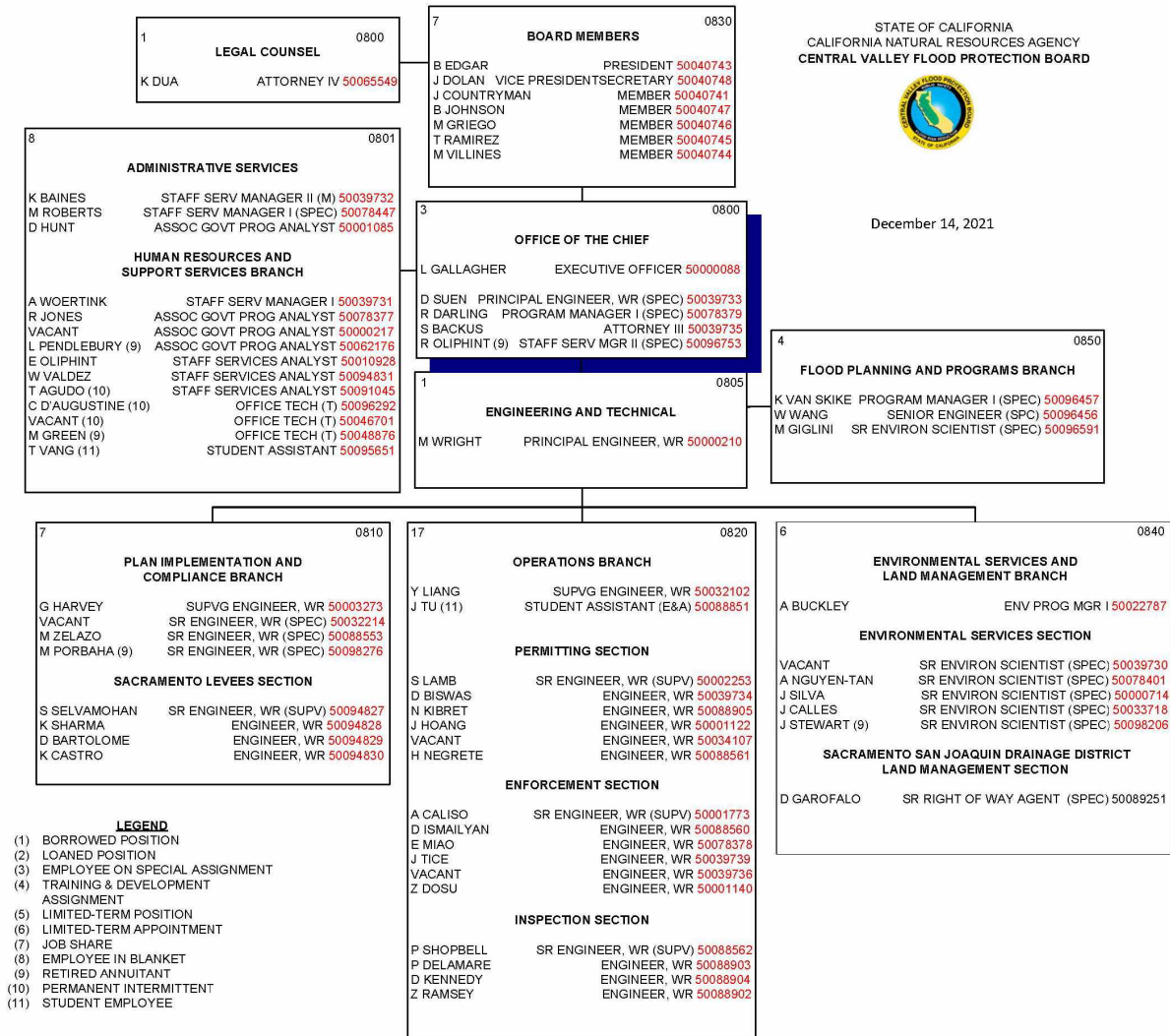
The Board is the State's regulatory agency assigned to assure that the existing flood risk reduction system is constantly maintained to provide flood protection to the people and property within California's Central Valley. This is achieved through regulatory responsibilities carried out by the Board's staff as well as robust communication efforts with stakeholders. The Board maintains important relationships with its partners to achieve the flood risk reduction goals of the State.

Although the past two years have seen significant changes in the way the Board's staff works on a day-to-day basis as we have worked through the pandemic, significant progress has been achieved and workflow has not been affected, as shown throughout this report. Board Staff looks forward to continuing the progress it has made in 2022.

Attachments

- A. Board Organization Chart
- B. Administrative Services Office: Workforce Charts
- C. Administrative Services Office: Budget
- D. Public Records Act Requests

Attachment A: Board Organization Chart



Attachment B: Administrative Services Office: Workforce Charts

Board Positions	Number of Staff
Board Members	7
Executive/Legal Staff	6
Engineering Staff	25 (19 staff; 6 managers)
Environmental Services	6 (5 staff; 1 manager)
Right of Way Agents	1
Program Managers	2
Analysts	7 (6 staff; 1 manager)
Additional part-time positions	9

Workforce Development

Recruitments:

- Recruitments: 15
- New Employees Onboarded: 10

Promotions:

- Toni Agudo – From Office Technician to Staff Services Analyst
- Jenny Tu – From Engineering Student to Water Resources Engineer (in January 2022)
- No change in the number of full-time positions from December 2020.

4 staff members retired.

Attachment C: Administrative Services Office: Budget

Central Valley Flood Protection Board							
Budget and Expenditures Report: July 1, 2020 - June 30, 2021							
Total Budget Allocation & Position Summary							
FY 20/21 CVFPB Budget Item	Budget Amount	Expenditures & Commitments	Remaining Budget	Position Summary	Filled	Vacant	Total
General Fund	\$9,894,000.00	\$9,774,000.00	\$120,000.00*	Board Members Full-Time Blanket	7	0	7
Prop 68	\$805,000.00	\$42,176.00	\$762,824.00**		43	4	47
CASH TOTAL:	\$10,699,000.00	\$9,816,176.00	\$882,824.00		7	1	8
Reimbursable CEQA	\$8,024,000.00	\$0.00	\$8,024,000.00				
Reimbursable General	\$1,160,000.00	\$695,685.00	\$464,315.00				
REIMBURSABLE TOTAL:	\$9,185,000.00	\$695,685.00	\$8,489,315.00				
TOTAL:	\$19,884,000.00	\$10,511,861.00	\$9,372,139.00	TOTAL:	57	5	62
Operating Expenditures and Expenditures by Branch							
Operating Expenditures	FY 20-21 Total Expenditures- General Fund		Branch	FY 20-21 Total Expenditures			
Personnel	\$9,952,548.00		Plan Implementation and Compliance Operations Environmental Services and Land Management Flood Planning and Programs	\$1,650,508.00			
Consulting/ Contracts	\$200,451.00			\$6,157,348.00			
Travel/Training	\$17,201.00			\$1,966,144.00			
OEE/Misc.	(\$354,024.00)***			\$42,176.00			
TOTAL:	\$9,816,176.00		TOTAL:	\$ 9,816,176.00			
Contracts							
Contract Name	Contract #	Total Contract Amount	Total Encumbered to Date	Still to be Encumbered	Total Invoiced to Date	Total Remaining to Invoice	
GEI TO 20-47	4600013407	\$62,300.00	\$62,300.00	\$ -	\$61,993.93	\$306.07	
Granicus	4600012516	\$7,542.60	\$7,542.60	\$ -	\$5084.50	\$2,458.10	
J&K	4600012963	\$144,000.00	\$144,000.00	\$ -	\$59,395.00	\$84,605.00	
LWA- SSJDD	4600013398	\$1,498,881.00	\$1,300,000.00	\$198,881.00	\$415,993.67	\$882,006.00	
ESA TO31 Title 23	4600010567	\$696,947.88	\$696,947.88	\$ -	\$413,108.99	\$283,838.89	
LiDAR TO 47	4600011239	\$500,000.00	\$500,000.00	\$ -	\$ -	\$500,000.00	
CHP	4600013942	\$6,410.08	\$6,410.08	\$ -	\$650.00	\$5,760.00	
RD1500	4600013940	\$50,000.00	\$50,000.00	\$ -	\$43,289.92	\$ 6,710.08	
GEI TO 20-48	4600013407	\$398,200.00	\$398,200.00	\$ -	\$24,674.36	\$373,525.64	
TOTAL:		\$3,364,281.56	\$3,165,400.48	\$198,881.00	\$1,024,130.37	\$2,340,151.19	
Revenue							
Deposits to State Revenue FY 20/21				Total Fees			
Permit/ Authorization Fees				\$299,800.00			
Construction Inspection Fees				\$35,300.00			

General Inspection Fees		\$8,500.00
Lease Deposits/ Real Estate Fees/Royalties		\$30,129.00
TOTAL REVENUE:		\$373,729.00****
Future Needs/ Notes		
Manual Reservations for FY 21/22 Subject to available funds at the end of FY 20/21		*Remaining \$120,000 reserved in Manual Reservation. **Remaining Prop 68 fund approved for Re-appropriation. New expiration date of June 2023. ***Negative figure reflects the backing out and moving of charges to SAFCA reimbursable authority. **** Requires Legislative approval for allocation use.
SSJDD	\$100,000.00	
State Lands Commission	\$20,000.00	

Attachment D: Public Records Act Requests

Customer	Create Date	Company Name	Close Date	Records
Dominick Gulli		N/A	1/28/2021	10
Mark Portuondo	2/24/2021	N/A	8/26/2021	79
Paul Thayer	3/09/2021	N/A	3/18/2021	1
Sergio Diaz	3/23/2021	N/A	4/5/2021	28
Sergio Diaz	5/11/2021	N/A	5/26/2021	70
Paul Minasian	5/26/2021	Minasian, Meith, Soares, Sexton & Cooper	7/21/2021	11
Sergio Diaz	6/03/2021	N/A	7/09/2021	2
Brother Mills	6/24/2021		9/07/2021	0
Will Coggin	6/25/2021	Center for Organizational Research & Education	7/09/2021	0
Lilliana Selke	7/21/2021	Herum\Crabtree\Suntag	7/22/2021	0
Helen Whelan-Bradshaw	7/23/2021		7/28/2021	24
Justin Fisch	7/29/2021	Morrison & Foerster LLP	8/18/2021	3
Francis Coats	8/4/2021	N/A	8/18/2021	5
Bruce Jacks	8/30/2021		9/01/2021	1
Attorney Scott Morris	9/01/2021	Kronick, Moskovitz, Tiedemann & Girard	10/25/2021	28
Mark Portuondo	9/09/2021	N/A	9/21/2021	7
Lily Tomkovic	9/21/2021	CBEC, inc. eco engineering	9/23/2021	0
Allicon Brinkerhoff	10/06/2021	N/A	10/28/2021	1
Pranay Bahuguna	10/13/2021	N/A	11/15/2021	1
Javed Siddiqui	10/13/2021	JTS Engineering Consultants, Inc.	12/01/2021	7
Rusty Abernathy	10/15/2021	N/A	10/21/2021	1
Chris Davis	10/25/2021	The Grove Architects & Designers	11/19/2021	62
Paul Hart	11/22/2021	MacKay & Soms Civil Engineers, Inc.	12/01/2021	170
Nicholas Bryson	11/22/2021	Shingle Springs Band of Miwok Indians	12/13/2021	10
Josh Dalavai	11/22/2021	N/A	12/01/2021	2
Sergio Diaz	12/01/2021	N/A	Pending	
Total Requests	26	Total Documents Provided		523

