

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT August 25, 2023



OPERATIONS BRANCH Status Report and Work Activities

General Branch Updates

Online Permitting Application

The Board received one-time funding in fiscal year 2022/2023 to develop an online permitting application, which will enable applicants to submit encroachment permit applications through an online portal. This will reduce permit processing time by the Board and increase transparency with applicants. A task order for the development of the online portal was approved on January 31, 2023, with a targeted completion date on January 31, 2024. In the last month, the consultant continued incorporating comments received from staff and continued coding the functions. A draft version of the portal is currently being tested by the Board staff.

Database Record Cleanup

Efforts continue in digitizing Board's encroachment permits and storing them in the Board's database (EP_Entry). These records supply information to the Encroachment Viewer, an application providing geographic context for information frequently needed by Board staff for case study and analysis. The more records are converted into digital format and uploaded to the database, the more valuable the Viewer can be. Of the total over 22,000 permits, about 726 have been converted into digital format, and staff has updated 6207 records in the permit database. In the month of July, branch staff scanned and updated records for 26 permits into the database. Hiring of youth aids has been delayed due to scheduling conflicts. Administrative staff is working to re-advertise.

Middle-Mile Broadband Network Project Permit Coordination

The Middle Mile Broadband Network project is seeking to install up to 10,000 miles of fiber optic Broadband infrastructure. Through discussions with Caltrans the project is estimated to have 180 encroachments which may require a Board action and of those possibly 50 actions to USACE section 408. Caltrans is still working on designs,

but a specific date of completion has not been provided. Board managers continued coordinating with the Middle-Mile Broadband Network Project team in the last month and are working on details of an interagency agreement (IAA) with California Department of Technology and California Department of Transportation. The IAA is now with DWR for legal review. In anticipation of the need for consultant support, staff finalized a task order, which will enable access to the Board's database to outside users (e.g., consultant).

Board Workshop on Operations Theme

Operations Branch managers hosted the Board Workshop on August 11, 2023, for the implementation of the Board's Resolution of Adoption No. 2022-29 for the 2022 Central Valley Flood Protection Plan Update that is related to the Operations Theme. Staff will review comments received from the workshop and start developing plans to achieve the goals and objectives identified in the workshop.

Enforcement Section

1. Staff News

Eric Miao has submitted his resignation and his last day with the Board will be August 31, 2023. Since 2016, Eric has been a critical section member, serving as Program Manager for the PL 84-99 program that includes coordination work for PL 84-99 rehabilitation repairs, Letters of Intent, and U.S. Army Corps of Engineers' Inspections. Section chief is working on a transition plan to minimize any disruptions to this program.

2. Board Enforcement Program

Staff continues to process encroachment cases by issuance of Notices to Comply (NTC) and Notices of Violation (NOV) as appropriate. Status below represents the activities that occurred as of July 2023:

Activity	June	July	Year to Date
Active Cases	55	62	N/A
Field Investigations Conducted	3	13	30
Notice to Comply Issued	6	3	16
Permitting Requests Received resulted from Enforcement Action	0	1	13
Cases Closed	1	2	14

3. Cease and Desist Order (CDO) Enforcement Case No. 2022-15450

Respondents have failed to comply with Board-adopted CDO. Enforcement hearing documents were issued on July 25, 2023 to Respondents. The hearing is scheduled for August 25, 2023 Board meeting as agenda item 10A.

4. Local Maintaining Agency (LMA) Coordination

Staff continues to coordinate with LMAs as more elect to participate in U.S. Army Corps of Engineers (USACE) System-Wide Improvement Framework (SWIF) program to regain eligibility for the federal Public Law (PL) 84-99 Program. A Letter of Intent (LOI) prepared by the LMA precedes the SWIF 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 July 27, 2023, MBK on behalf of RD 2062 and RD 2107, submitted an LOI for review and submission to USACE. Staff provided review comments and will be scheduling at September board meeting for official transfer to USACE.
- There are now 8 LOIs pending USACE review. The following table provides current status of pending LOIs at the different USACE review levels.

LOIs awaiting USACE approval	Status of Review
RD 524 – Robert’s Island	At USACE HQ for review as of July 6th.
Yolano-Cache RD 2068/2098	At USACE HQ for review as of June 28th.
Cache Creek – Yolo Bypass – Knights Landing	At USACE HQ for review as of July 6th.
RD 501 – Ryer Island	At USACE HQ for review as of July 6th.
RD 1 – Union Island	At USACE HQ for review as of July 6th.
RD 551 – Pierson District	At USACE HQ for review as of August 9th.
Tyler Island – RD 563	At USACE HQ for review as of July 6th.
Egbert Tract – RD 536	At USACE HQ for review as of July 18th.

• **SWIF Report**

- No updates.

The following table is a summary of the SWIF and LOI status, as of July 28, 2023.

ACTIVE PL 84-99 Levee Systems with SWIF or draft SWIF	ACTIVE PL 84-99 Levee Systems with Approved LOI	INACTIVE PL 84-99 Levee Systems with LOI Pending USACE Approval
RD 1001 (2 systems) **	RD 10 - Honcut	Cache Creek, Yolo Bypass, Knights Landing
RD 1000	San Joaquin River East Levee System (RD17, 2064, 2075, 2094, 2096)	RD 501 – Ryer Island
MA 9, City of Sac, American River	Madera County (4 systems)	RD 1 – Union Island
Feather River Right Bank – Sutter Bypass	RD 349 – Sutter Island	RD 524 – Roberts Island
Knights Landing, Yolo Bypass, Service Area 6	Deer Creek (3 systems)	RD 551 - Pierson Levee District
Sac River West Bank	Elder Creek (3 systems)	Yolano-Cache (RD 2068 and 2098)

Bear Creek and Mormon Slough (13 systems)	Sac Yolo South	Egbert Tract (RD 536)
Cache Creek – RD 2035	RD 150 – Merritt Island	Tyler Island (RD 563 and 554)
RD 70/1660 - Sutter Basin		
MA 5 – Butte Creek (2 systems)		
Putah Creek – Yolo Bypass		
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		
Wheatland and Grasshopper Slough (2 systems)		
RD 784 – Plumas Lakes Basin		
Sac-Yolo North		
36 systems	15 systems	8 systems

* American River Flood Control District is currently active in PL 84-99 but has prepared a draft LOI in anticipation it will become inactive once USACE completes its final levee inspection report. USACE began inspecting this levee system in February 2023. Submission of LOI will occur in fall 2023, ahead of USACE’ finalization of the inspection report.

** RD 1001 system is the only system with an approved SWIF by USACE.

5. PL 84-99 Rehabilitation Assistance Status

Staff continues to participate in bi-weekly PL 84-99 coordination calls with USACE, DWR, and LMA representatives to receive progress on flood damage repairs from 2019 storms.

2017 Flood Damage Repairs:

- No updates.

2019 Flood Damage Repairs

Updates for the remaining four sites are as follows:

- USACE received real estate certification package from DWR on June 16 for two RD 108 sites and is certifying the documents prior to proceeding with repairs. We are anticipating this project to be awarded before the end of the calendar year and repair to occur in Spring 2024.
- No update from last month’s report on the other two sites (MA 3 (now under LD1) and MA 5) as the USACE prioritizes real estate requirements in RD 108. USACE intends to begin the final designs and real estate packages for these two sites in Fall 2023.

2023 Flood Damage Repairs

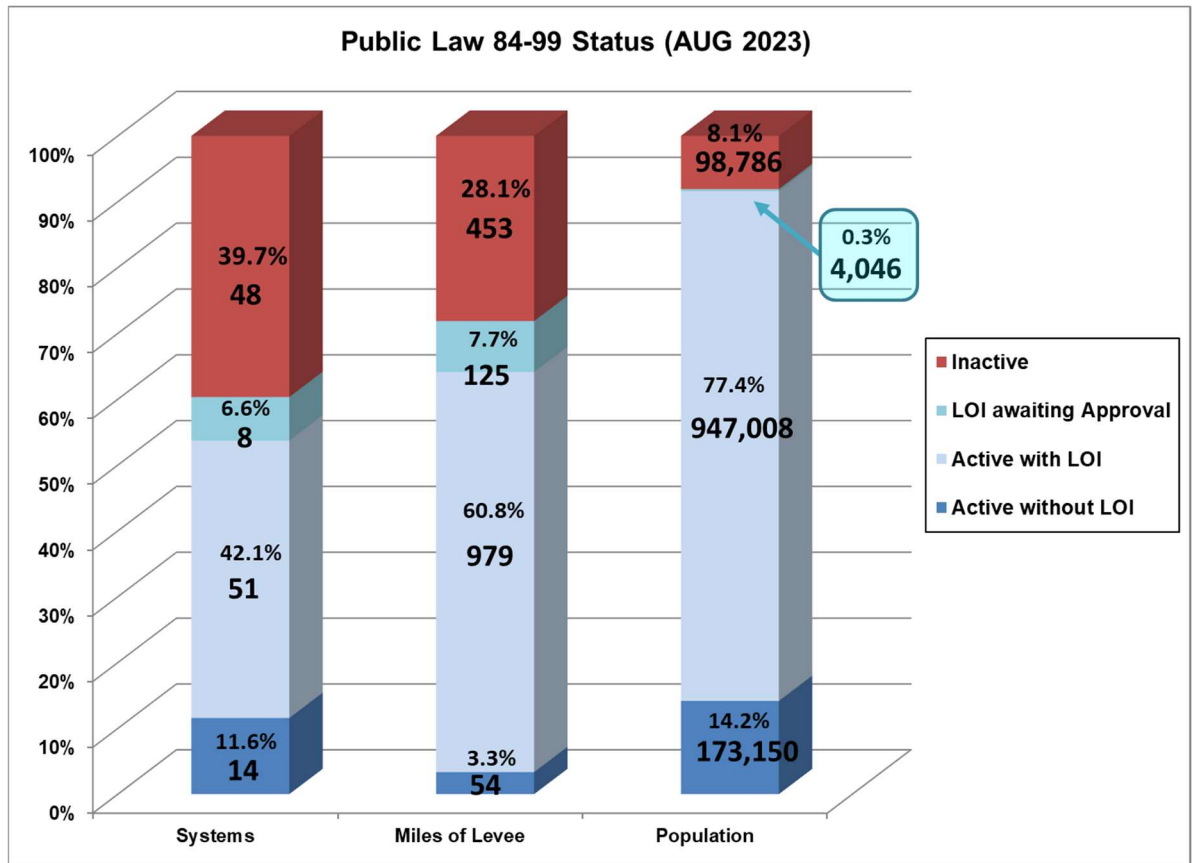
On July 19, 2023, USACE issued a notice to open PL 84-99 Rehabilitation Assistance for the San Joaquin and Delta Basin. The notice was disseminated to LMAs on July 20, 2023. Submissions are due to USACE by Friday, August 18, 2023. As of August 14th, Board staff has received 42 sites from the San Joaquin and Delta Basin. Staff will transmit all requests received to USACE by August 18, 2023.

USACE is currently reviewing requests submitted for damages in the Sacramento River Basin. LMAs will be notified as more information becomes available.

6. 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 August 25, 2023.

- 56 systems (46.3 percent) are “inactive” including the 12 LSJLD systems. 8 of these systems are covered in draft LOIs as noted in the table in Item 4.
- 51 systems (42.1percent) are “active with LOI”.
- 14 systems (11.6 percent) are “active without LOI”. Nine (9) systems are “active without LOI” because the systems have successfully passed USACE re-inspection. And there are five (5) South Sacramento levee systems built by USACE.



Permitting Section

1. Staff News

The permitting section conducted interviews in August and has made one tentative offer to an applicant. The second position has been reposted for further consideration.

2. Outreach/Pre-Application

During the month of July, Permitting Section staff participated in 6 pre-application meetings and 9 project coordination meetings, along with USACE staff (where there is a federal interest) and Board's environmental staff. The following list illustrates the project names and dates of the meetings conducted this month:

Coordination Meetings

- Georgiana Slough Levee Repair (6/29/2023)
- Scott Kinney – Private Residence (7/1/2023)
- USACE 408 Section Coordination (7/6/2023)
- Yuba County Ellis Rd Bridge (7/6/2023)
- DWR / Kopta Slough restoration (7/10/2023)
- River Landing Coordination Sacramento River (7/13/2023)
- Stockton Developer N. Littlejohns water and storm drain (7/17/2023)
- RD 10 toe road improvement Sacramento River (7/18/2023)
- USFWS well subsidence in LSJLD (7/31/2023)

Preapplication Meetings

- PG&E Sacramento River gas line (7/5/2023)
- Scott Kinney Garden Hwy Private Residence. (7/5/2023)
- Jack Phelps Feather River Private Residence. (7/12/2023)
- City of Redding Bike Trail bank improvements (7/12/2023)
- Lake County bridge replacement (7/12/2023)
- Dominic Leber – American River Residential pool (7/13/2023)

3. Encroachment Permit Applications and Project Authorizations

The table below provides metrics of applications as of July 2023. There are 143 permit applications and 37 authorizations currently under permitting staff oversight.

Permit Activities

Permitting Activities	June 2023	July 2023	2023 Year to Date
Permit Applications Received	11	9	93
Scheduled as an EO Delegated Permits	5	6	32
Permits Scheduled for Consent Calendar	5	2	26
USACE Application Transmittals Sent	4	3	21
USACE Permission Letters Received	0	1	12
Permits Issued	9	9	64

Project Authorization Activities

Permitting Activities	June 2023	July 2023	2023 Year to Date
Project Authorization Request Received	12	13	103
Project Authorization Letter Sent	15	5	48

As noted in the table above there were six applications scheduled as Executive Officer (EO) delegated permits in July. 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.

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

Inspection Section

1. Staff News

- The process to hire an inspection engineer is nearing completion, and the section is looking to welcome a new staff member in the coming month.

2. Inspection Program Updates

- A total of seventeen projects were assigned to inspectors from July 6, 2023 to August 15, 2023. They include seven pipe installation/replacement projects, two utility pole projects, one ramp installation project, one parking area improvement project, two slope repair projects, one boat dock project, two bridge replacement projects, and one silt removal project.
- Staff is looking to streamline the review and response process for Time Variance Requests it receives. On August 1, 2023 a brainstorming session was held and staff are currently developing documents to outline a strategy for improving the review process without sacrificing the regulatory requirements for oversight of any construction that permittee’s request to conduct during the flood season.
- Below is a summary of inspection activities for the previous two months.
 - Inspectors visit sites for active construction, routine inspections, or in support of other Board programs. Construction activities have increased significantly now that weather has cleared and channel conditions have improved.
 - Construction Closeout Reports are used to track the final completion of a project. A project will be documented as complete if all permit conditions were met, and associated databases, levee logs, and other records are updated appropriately with inspection reports, as-builts, and other pertinent project information. Construction Closeout Reports also inform when the next routine inspections are due. For projects below noted as “being processed,” the construction may be completed, but certain documents such as as-builts or compaction reports are still needed from the permittee, or a final review is still needed.

Summary of Inspection Activities

Inspection Activity	June	July	Year to Date
Field Inspection Trips	24	33	101
Construction Closeout Reports Being Processed	15	14	N/A

Construction Closeout Reports Completed	1	0	12
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- One project submitted a Time Variance Request to continue work during the flood season in the San Joaquin River Basin, where the official flood season ends July 15. The request was approved.
- The Routine Encroachment Inspection Program is being developed by inspection staff. Notification letters are being drafted to inform permittees that are subject to routine inspections and associated fees when a routine inspection is planned for their encroachment to verify continued compliance with the permit conditions. Staff are actively working to develop a set of guidelines for conducting pipe inspections. This document will serve as a video inspection fact sheet for permittees to reference and gain an understanding of what is required for their routine inspection. In addition, routine inspection intervals are being re-assessed to align with USACE and Board priorities.

3. Coordination

- On July 26, 2023, the Inspection Section chief met with PG&E and DWR emergency preparedness staff to discuss the communication protocols each group uses for notifications of flood events. While the Board permits many of PG&E’s facilities and emergency action requests, it is DWR’s Flood Operations Center who is the main point of contact for immediate flood emergency response team. PG&E was given the correct contact information from both DWR and the Board for these situations.
- The monthly DWR / USACE / Board Coordination meeting was held on August 14, 2023. Topics included updates from DWR – Flood Project Inspection and Assessment Sections, DWR/USACE Programmatic Biological Assessments, Deferred Maintenance Project and Flood Maintenance Assistance Program, Storm Damage DWR Emergency Repair, and PL84-99 site rehabilitation statuses.
- The LMA-Board Workgroup (LBWG) small team met on to discuss potential updates to Title 23 regarding encroachment permits versus system improvement permits to better streamline the permitting process for each type of project. The large group will convene within the next month to go over the proposed language.
- Coordination continued with the Deferred Maintenance Project staff on proposed replacements and repair to system pipes eligible for rehabilitation under the program.

4. Automatic Board Order (ABO) Encroachment Reclassification Updates

- Due to staffing shortages within the section, there is no change in the following ABO Encroachment Reclassification Progress Summary table from November 2022.

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	107	103	23	68	6
Undetermined	0	0	0	0	0	0	0
System Features	159	159	24	24	23		
Private Encroachments	21	21	83	79		68	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: Quantities in this table are by individual items, not by permit. This list includes only items listed in 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.

ABO Permit Resolution Progress				
	Total ABO Permits	Permits Revoked	Permit Reissuance in Process	Permits Reissued
Putah Creek	35	1	7	0
Willow Slough	36	0	0	0