

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

June 23, 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 began incorporating comments received from staff and started coding the functions. Additionally, Board staff are coordinating with DWR fiscal services to discuss how to enable the processing and tracking of multiple forms of permit and inspection fee payments, which are critical functions of the online portal.

Database Record Cleanup

Board's encroachment permit entry (EP_Entry) database stores historical permit records that have been converted into digital data, which supplies 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 646 have been converted into digital format, and staff has updated 6162 records in the permit database. In the month of May, branch staff updated records for 32 permits into the database. Administrative staff is in the process of hiring two (2) youth aides that will be helping scan permit files from archives, expediting current progress that is limited to one student assistant.

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 with California Department of Technology and California Department of Transportation. In anticipation of the need for consultant support, staff is developing a task order using an existing contract managed by DWR.

Enforcement Section

1. Staff News

- The State-Federal Flood Operations Center (FOC) remains activated since March 9, 2023. Angeles Caliso and Eric Miao, serving as PL 84-99 Officers, continue to provide support on as-needed basis.
- On June 6, 2023, David Ismailyan and Zubair Dosu participated in the Yuba River Tour alongside Board members Griego and Bosler.

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 May 2023:

Activity	April	May	Year to Date
Active Cases	52	55	N/A
Field Investigations Conducted	4	2	14
Notice to Comply Issued	2	1	7
Permitting Requests Received resulted from Enforcement Action	0	1	12
Cases Closed	1	0	11

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

Respondents have failed to comply with Board-adopted CDO. On June 13, Board staff conducted site visit to the Respondent’s property to assess site conditions and compliance in support of the enforcement hearing that is planned for July 2023 Board meeting.

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 June 12th, 2023, USACE Sacramento District provided Board staff with official letters approving the LOIs for Madera County and RD 349. These systems (4 from Madera and one from RD349) are now active in PL 84-99. Board staff has shared this news with the LMAs and reminded of the 1-year progress report that is due to USACE on May 3rd, 2024.
- On June 12th, 2023, USACE Sacramento District staff provided an update on the review of the 14 LOIs pending review that were included in the March 13, 2023 letter from Board President Dolan to Colonel Caldwell. There are three levels of USACE review: District, Division, and Headquarters. The following table is the summary of the status of the review.
- On June 12, 2023, Board President Dolan sent a letter to Colonel Caldwell, USACE Sacramento District, requesting more timely reviews of various LOIs pending USACE review/approval, delegation authority from USACE Headquarters to expedite these reviews of LOIs and review of existing requirements for LOIs that could streamline submissions and reviews.

LOIs awaiting USACE approval	Status of Review
Madera County – 4 systems	Received USACE LOI approval letter on 6/12/2023. Levee systems are ACTIVE in PL84-99.
RD 349 – Sutter Island	Received USACE LOI approval letter on 6/12/2023. Levee system is ACTIVE in PL84-99.
RD 150 – Merritt Island	At USACE HQ for review.
Deer Creek (3)	At USACE HQ for review.
RD 999 – Sac Yolo South	At USACE HQ for review.
RD 524 – Robert’s Island	At USACE Division for review.
Elder Creek (3)	At USACE Division for review
Yolano-Cache RD 2068/2098	At USACE Division for review.
Cache Creek – Yolo Bypass – Knights Landing	At USACE Division for review.
RD 501 – Ryer Island	At USACE Division for review.
RD1 – Union Island	At USACE Division for review.
RD 551 – Pierson District	In queue for USACE District review
Tyler Island – RD 563	In queue for USACE District review
Egbert Tract – RD 536	In queue for USACE District review

- **SWIF Report**
 - No updates.

The following table is a summary of the SWIF and LOI status, as of June 23, 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 150 – Merritt Island
MA 9, City of Sac, American River	Madera County (4 systems)	Sac Yolo South
Feather River Right Bank – Sutter Bypass	RD 349 – Sutter Island	RD 501 – Ryer Island
Knights Landing, Yolo Bypass, Service Area 6		RD 1 – Union Island
Sac River West Bank		RD 524 – Roberts Island
Bear Creek and Mormon Slough (13 systems)		RD 551 - Pierson Levee District
Cache Creek – RD 2035		Deer Creek (3 systems)
RD 70/1660 - Sutter Basin		Elder Creek (3 systems)
MA 5 – Butte Creek (2 systems)		Yolano-Cache (RD 2068 and 2098)
Putah Creek – Yolo Bypass		Egbert Tract (RD 536)
Wadsworth Canal – Sutter Bypass		Tyler Island (RD 563 and 554)
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	7 systems	16 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:

- Board staff received Unit 143 O&M manual and as-builts for site 0521-41 repaired in MA3 along Feather River.

2019 Flood Damage Repairs

Updates for the remaining four sites are as follows:

- DWR Real Estate staff is working to certify real estate for the two (2) RD 108 sites. Board has received take letter from USACE on April 25, 2023 and anticipates certification completion to proceed with repairs in 2024.
- No update from last month's report on the remaining two sites (MA3 and MA5) as the USACE prioritizes real estate requirements in RD 108.

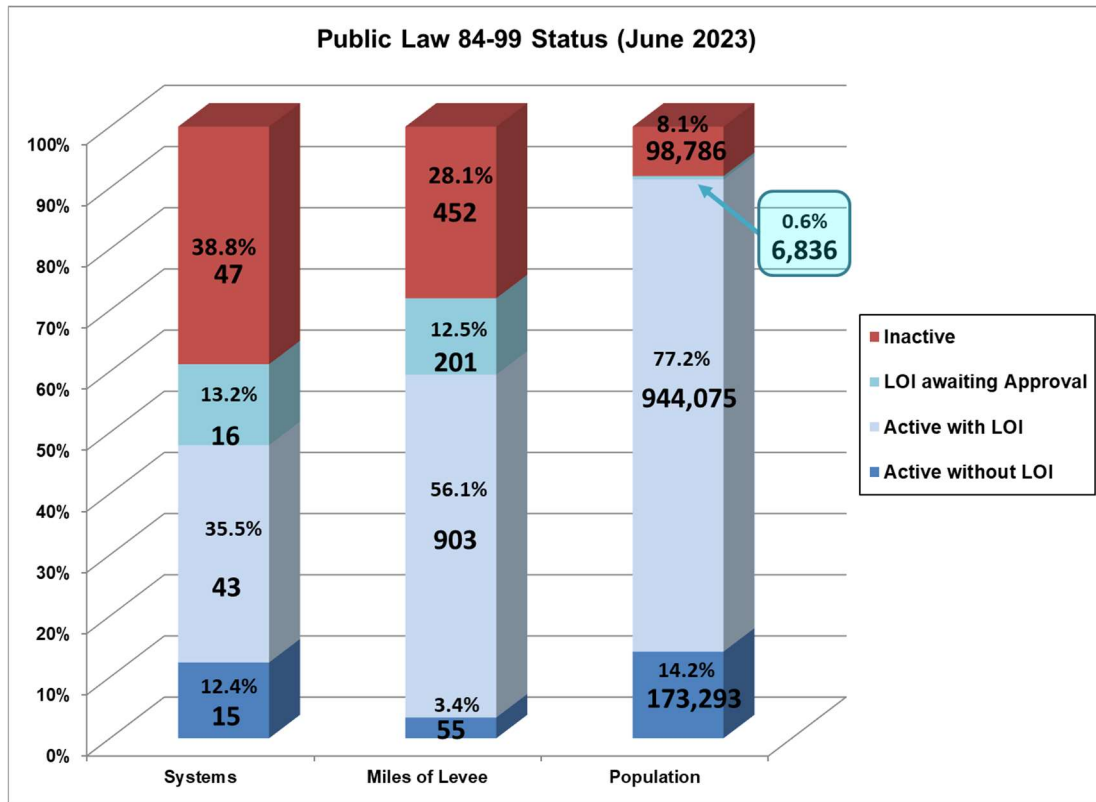
2023 Flood Damage Repairs

At May 27, 2023 Board meeting, Mr. Jonathan Yau, Chief of Emergency Readiness Branch, USACE Sacramento District, informed the Board, USACE plans to open PL 84-99 Rehabilitation assistance for the 2023 storms, for the Sacramento River basin first. Rehabilitation for the San Joaquin River Basin will be delayed until later this summer due to forecasted snowmelt and highwater that remain in that basin. Staff will disseminate this information to LMAs and assist LMAs with submissions and field visits as necessary.

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 June 23, 2023.

- 63 systems (52.0 percent) are "inactive" including the 12 LSJLD systems. 16 of these systems are covered in draft LOIs as noted in the table in Item 4.
- 43 systems (35.5 percent) are "active with LOI".
- 15 systems (12.4 percent) are "active without LOI". Ten (10) 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 is advertising for two vacant Engineer, Water Resources positions. Advertising ended on May 6, 2023. It is anticipated the position will be filled in July.

2. Outreach/Pre-Application

During the month of May, Permitting Section staff participated in 7 pre-application meetings and 7 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

- 408 Regulatory, Monthly Project Meeting (5/4/2023)
- Westervelt, Cache Slough Mitigation Bank (5/4/2023)
- CVFPB DWR USACE Coordination Meeting (5/8/2023)
- USACE, Caltrans monthly District 3 coordination (5/9/2023)
- USACE, CVFPB Division Level 408 Coordination Meeting (5/11/2023)
- PG&E Coordination Meeting (5/17/2023)
- Stanislaus Encroachment Coordination (5/25/2023)

Preapplication Meetings

- Upper Swanston Ranch, Irrigation and Fish Passage Improvement Project (5/3/2023)
- West Sacramento, "The Rivers" Development Project, Sacramento River (5/3/2023)
- Sacramento Valley Conservancy, Camp Pollock CPT, American River (5/3/2023)
- Sacramento Valley Conservancy, Connecting to Municipal Services at Camp Pollock (5/10/2023)
- City of Stockton, Reinitiate Permit 16209-1, Bear Creek (5/10/2023)
- River Landing Development Project, Sacramento River (5/10/2023)
- Brannan-Andrus, Georgiana Slough Erosion Project (5/16/2023)

3. Encroachment Permit Applications and Project Authorizations

The table below provides metrics of applications as of April 2023. There are 145 permit applications and 50 authorizations currently under permitting staff oversight.

Permit Activities

Permitting Activities	April 2023	May 2023	2023 Year to Date
Permit Applications Received	14	27	73
Scheduled as an EO Delegated Permits	4	3	21
Permits Scheduled for Consent Calendar	3	6	19
USACE Application Transmittals Sent	1	3	14
USACE Permission Letters Received	1	3	11
Permits Issued	9	11	46

Project Authorization Activities

Permitting Activities	April 2023	May 2023	2023 Year to Date
Project Authorization Request Received	11	18	78
Project Authorization Letter Sent	9	6	28

As noted in the table above there were three applications scheduled as Executive Officer (EO) delegated permits in May. 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 hiring process to fill the vacancy for the Inspection Engineer position continues this month. Job advertisements for the position closed on June 15, 2023.

2. Inspection Program Updates

- A total of twelve projects were assigned to inspectors from May 11, 2023 to June 13, 2023. They include four pipe replacement projects, two pool installation projects, two bridge replacement projects, one bike trail project, one weir/fish trap project, one power pole project, and one ag structure installation project.
- 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. In contrast to earlier reports that showed the total number of days with trips to the field and did not reflect trips with multiple sites visited that day, the numbers below have been updated to reflect individual site visits by inspectors to date. The number is generally lower than might be expected because most of the field work in January and March were in support of emergency flood fight response rather than the normal workload. Site visits in support of emergency response are not reflected in the numbers below.
 - 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	April	May	Year to Date
Field Inspection Trips	11	21	44
Construction Closeout Reports Being Processed	14	16	N/A

Construction Closeout Reports Completed	2	1	11
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- One project has 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 is under review as the request window gets closer and weather/stream forecasts are more accurate.
- 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.

3. Coordination

- On June 12, 2023, the Inspection Section Chief facilitated the monthly DWR / USACE / Board Coordination meeting. Inspection-related highlights are as follows:
 - Deferred Maintenance Program (DMP) is continuing with pipe inspections and cured-in-place lining. A project summary report was requested by Board staff and will be produced by the DMP managers.
 - DWR Flood Project Inspection and Assessment Section staff are looking to wind down flood emergency response deployments based on the number of requests from local agencies needing assistance. Spring inspection duties are complete, with inspections of maintaining agencies that have experienced prolonged high flows during the season being postponed until the fall inspection timeframe.
 - DWR Utility Crossing Inspection Program (UCIP) is finishing its 5-year cycle of visual inspections of pipes throughout the State Plan of Flood Control.
- The LMA-Board Workgroup (LBWG) will be restarted in the coming months 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.

4. Permit and Inspection Fee Implementation

- During this period, twenty-three payments for permit review, construction inspection, and routine inspections were transferred to DWR accounting for deposit.
- For program details and Frequently Asked Questions, see the Board’s website at www.cvpfb.ca.gov/fees.

5. 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