

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT July 28, 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 started coding the functions. The team is currently testing the program with draft applications.

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 712 have been converted into digital format, and staff has updated 616 records in the permit database. In the month of June, branch staff updated records for 20 permits into the database. Administrative staff completed interviews and selected 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 (IAA) with California Department of Technology and California Department of Transportation. Caltrans & Board are awaiting IAA approval prior to initiating applications so payments can be billed, as work conducted prior to having an agreement in place cannot be reimbursed or paid. 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

No updates.

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 June 2023:

Activity	May	June	Year to Date
Active Cases	55	55	N/A
Field Investigations Conducted	2	3	17
Notice to Comply Issued	1	6	13
Permitting Requests Received resulted from Enforcement Action	1	0	12
Cases Closed	0	1	12

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 August 2023 Board meeting. As of this report, the landowner has not submitted documentation to demonstrate complete removal of all encroachment violations as ordered by the CDO.

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 30, 2023, USACE Sacramento District provided Board staff with official letters approving the LOIs for Elder Creek (3 systems), Deer Creek (3 systems), Sac Yolo South and RD 150 Merritt Island levee systems. These systems are now active in PL 84-99, effective June 27, 2023. Board staff notified the LMAs of the approvals.
- There are now 8 (out of 14 earlier this year) 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 Division for review as of May 11th.
Yolano-Cache RD 2068/2098	At USACE Division for review as of May 11th.
Cache Creek – Yolo Bypass – Knights Landing	At USACE Division for review as of June 8th.
RD 501 – Ryer Island	At USACE Division for review as of June 5th.
RD 1 – Union Island	At USACE Division for review as of June 6th.
RD 551 – Pierson District	Provided revised version due to USACE comments, at USACE District for review as of June 22 nd .
Tyler Island – RD 563	At USACE Division for review as of June 20th.
Egbert Tract – RD 536	At USACE Division for review as of June 20th.

• **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:

- Board staff received Unit 143 O&M manual and as-builts for site 0521-41 repaired in MA 3 along Feather River.

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.
- No update from last month's report on the other two sites (MA 3 and MA 5) as the USACE prioritizes real estate requirements in RD 108.

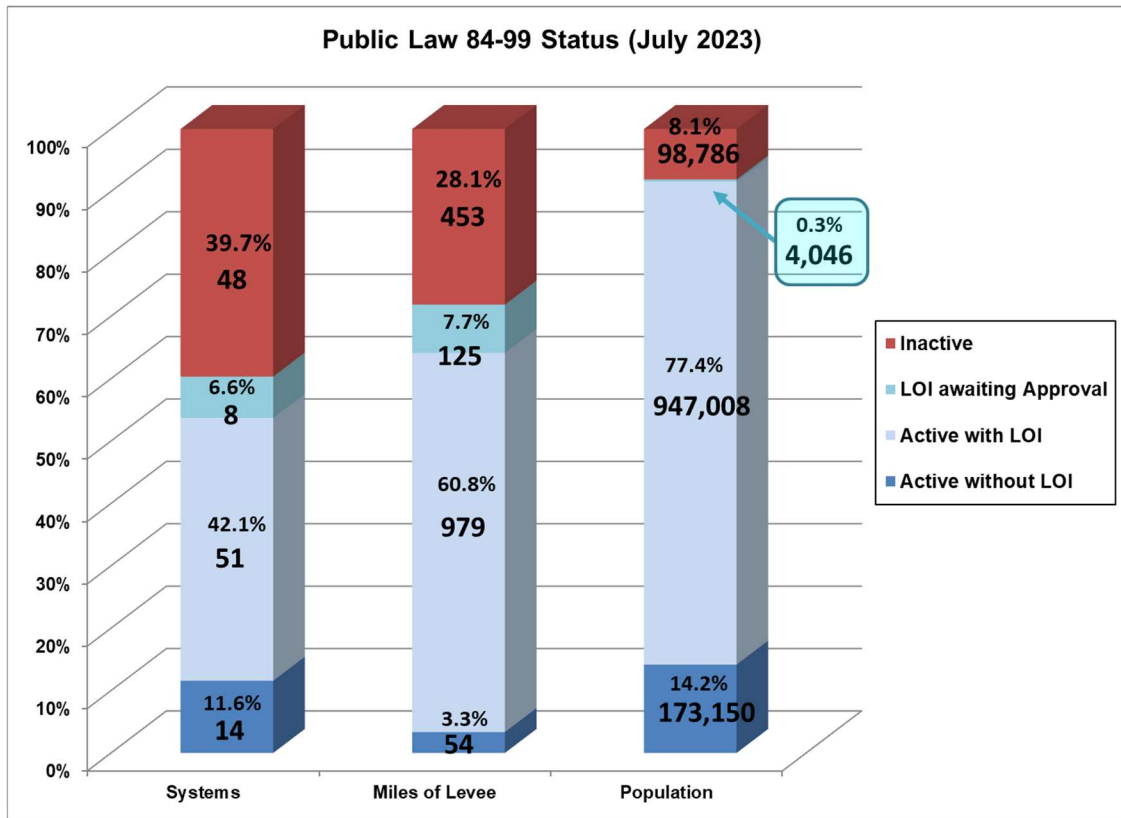
2023 Flood Damage Repairs

On June 16, 2023, USACE issued a notice, officially opening PL 84-99 Rehabilitation Assistance for levee systems that experienced damaged during the January to May 2023 storms. Currently, this only applies to levee systems in the Sacramento River Basin and submissions were due to USACE by Sunday, July 17, 2023. The notice was disseminated to LMAs and as of July 17, 2023, the Board submitted a total of 76 sites requesting for assistance. Staff also received requests from LMAs in the San Joaquin Basin and while rehabilitation assistance is not yet officially open for that basin, staff shared those requests to USACE for transparency and plans to resubmit them when that basin officially opens program, expected to occur the week of July 17th, 2023. When notice is received, staff will disseminate to LMAs and work on submissions to USACE.

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 July 28, 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 is advertising for two vacant Engineer, Water Resources positions. Advertising ended on June 30, 2023. It is anticipated the position will be filled in August.

2. Outreach/Pre-Application

During the month of June, Permitting Section staff participated in 5 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

- 408 Regulatory, Monthly Project Meeting (6/1/2023)
- Robla Estates & SAFCA meeting (6/1/2023)
- Board, USACE, and Caltrans District 3 monthly coordination (6/13/2023)
- Reclamation District 3 coordination meeting (6/15/2023)
- PG&E Coordination Meeting (6/21/2023)
- Georgian Slough right bank restoration project (6/22/2023)
- Board, DWR, and USACE Coordination Meeting (6/22/2023)
- Ca Parks, Butte Restoration project, Sacramento River (6/27/2023)
- Georgiana Slough Design modification & USACE (6/29/2023)

Preapplication Meetings

- SMUD Pole Replacement (6/7/2023)
- WSAFCA restoration project, Sacramento River (6/7/2023)
- Ellis Rd Bridge, Yuba County, Simmerly Slough (6/14/2023)
- Richland Home, The Rivers, West Sacramento, Sacramento River (6/14/2023)
- Land Based Learning, Cache Creek Restoration (6/14/2023)

3. Encroachment Permit Applications and Project Authorizations

The table below provides metrics of applications as of June 2023. There are 143 permit applications and 50 authorizations currently under permitting staff oversight.

Permit Activities

Permitting Activities	May 2023	June 2023	2023 Year to Date
Permit Applications Received	27	11	84
Scheduled as an EO Delegated Permits	3	5	26
Permits Scheduled for Consent Calendar	6	5	24
USACE Application Transmittals Sent	3	4	18
USACE Permission Letters Received	3	0	11
Permits Issued	11	9	55

Project Authorization Activities

Permitting Activities	May 2023	June 2023	2023 Year to Date
Project Authorization Request Received	18	12	90
Project Authorization Letter Sent	6	15	43

As noted in the table above there were five applications scheduled as Executive Officer (EO) delegated permits in June. 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. Interviews were conducted on June 29th and 30th and candidates are continuing to be evaluated.

2. Inspection Program Updates

- A total of twelve projects were assigned to inspectors from June 14, 2023 to July 5, 2023. They include two geotechnical exploration projects, one utility pole replacement project, two bridge widening projects, three pedestrian bridge projects, one habitat restoration project, one erosion repair project, one boat dock replacement project, and one fiber optic conduit 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. Construction activities have increased significantly now that weather has cleared and channel conditions have improved. As a result of favorable working conditions our staff have increased site visits, nine pre-construction meetings were held, and thirty-six additional general site visits were conducted.
 - 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	May	June	Year to Date
Field Inspection Trips	21	24	68
Construction Closeout Reports Being Processed	16	15	N/A
Construction Closeout Reports Completed	1	1	12

- 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

- The monthly DWR / USACE / Board Coordination meeting was cancelled this month and will be resumed in August.
- 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.
- 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