

CENTRAL VALLEY FLOOD PROTECTION BOARD CHIEF ENGINEER'S REPORT October 23, 2015



OPERATIONS BRANCH Status Report and Work Activities

LMA Letters of Intent for System Wide Improvement Framework Plans

- Staff is finalizing the review of the Letter of Intent from Reclamation District 2035. Reclamation District 2035's Letter of Intent will be placed on the November 2015 agenda.

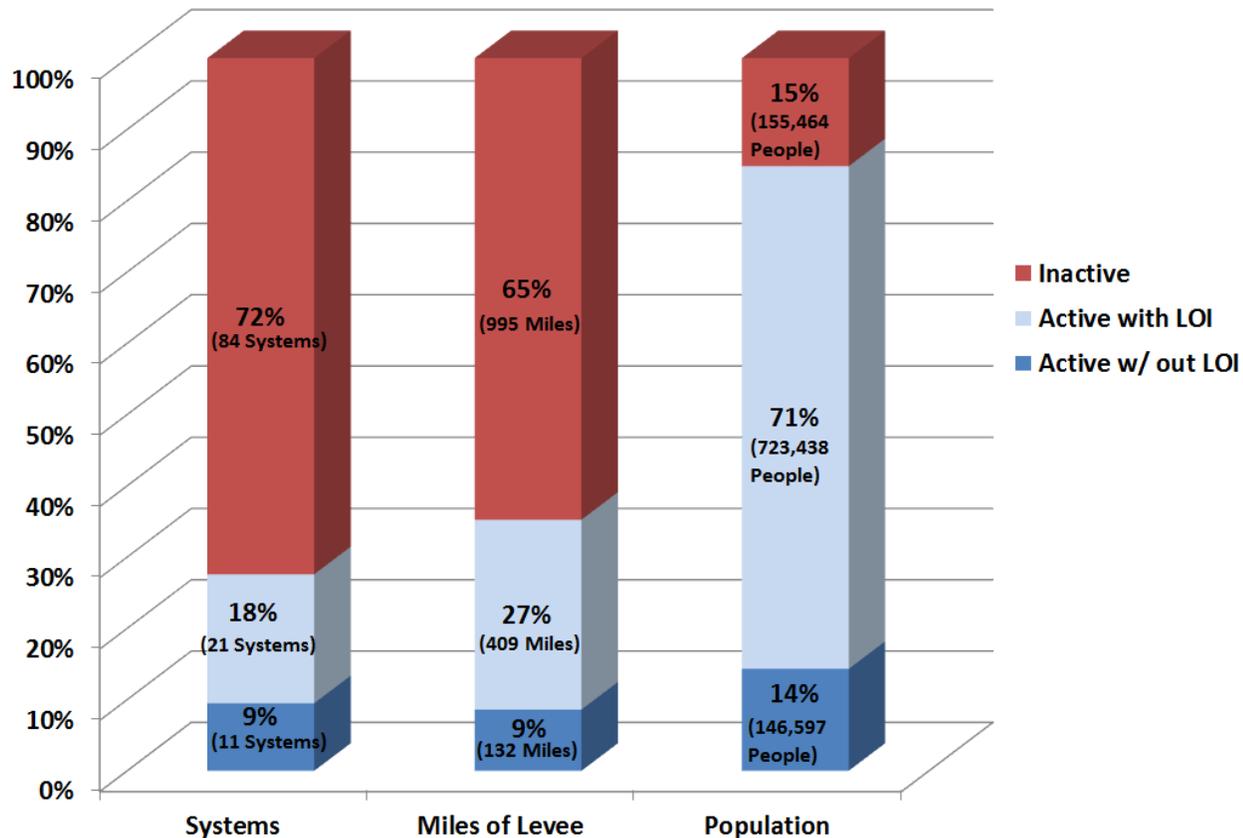
CVFPB Enforcement Program

- Four encroachments entered into the database
- Currently reviewing one Notice of Violation
- Currently reviewing three Cease & Desist Orders

PL 84-99 levee system status as of October 23, 2015

- Systems: (72% Inactive, 9% Active w/ out LOI, 18% Active w/ LOI)
- Mileage: (65% Inactive, 9% Active w/ out LOI, 27% Active w/ LOI)
- Population: (15% Inactive, 14% Active w/ out LOI, 71% Active w/ LOI)

Public Law 84-99 Status as of October 23, 2015



2015 Encroachment Permit Application Status

Subsequent to the USACE July 31, 2014 release of EC 1165-2-216, all "encroachments" that were previously approved under 33 CFR 208.10 are now to be approved under Section 408 which requires them to be a Federal Action and requires NEPA compliance.

Board staff is currently participating in coordination meetings with staff from USACE, USFWS, CDFW, and DWR to discuss the possibility of programmatic consultation that would streamline the permitting process for minor projects. Programmatic consultations could be done by species and could be used for projects getting approved under Section 408 or levee maintenance with an approved Letter of Intent, pursuing a SWIF (e.g. DWR Maintenance). Endangered species concerns vary from basin to basin therefore programmatic consultation standards are currently being developed for the Sacramento Basin only. If successful, programmatic consultation standards will also be developed for the San Joaquin Basin. It is estimated that the permitting review process for minor work within an Adopted Plan of Flood Control could be reduced significantly with the programmatic consultation standards in-place.

Staff is also holding biweekly conference calls with the Corps to discuss backlogged applications. These meetings ensure that these applications are moving forward in the review process and all requested information has been provided to the Corps.

The following charts provide a breakdown of permit application status from 2013, 2014, and 2015 through October 14th, and include a breakdown of applications approved by the Board but waiting for the USACE decision letter prior to issuance.

	2013	2014	2015	Totals
Total New Applications Received	162	129	107	398
Issued Permits to Date	128	75	26	229
Incomplete Applications Returned to Applicant	7	8	9	24
Application Withdrawn by Applicant	5	8	3	16
No Permit Required	8	8	5	21
Permit Denial	2	1	0	3
Under Enforcement	2	4	0	6
Future Scheduled Applications	1	4	34	39
Reviewing for Completeness	3	5	22	30
Approved by Board but Need USACE Letter	6	16	8	30

Approved by Board but Need USACE Letter	
Letter Routing	5
Additional information requested from applicant	4
In review at USACE	10
Regulatory issues/review	10
Major 408	1
Total	30

RIGHT-OF-WAY AND REAL ESTATE SUPPORT TO BOARD Status Report and Work Activities

- **Real Property Conveyances**: *real estate transactions resulting from Board approved permits.*
 - **Permit Nos. 17858-97 for Mossdale Marina**: With Board approval, applicant moved levee to accommodate construction of a subdivision while granting a flood control easement to CVFPB for land where the levee now lies; applicant is drafting deeds for staff review.
 - **Permit No. 18257 for Atlas Tract RD-2126**: This transaction is similar to Mossdale Marina above; applicant is drafting deeds for staff review.
 - **Montna Farms**: Applicant has requested a levee easement to improve access. Legal descriptions are being drafted by applicant.
 - **Permit No. 18305 for Capitol Station 65, LLC/Township 9 Subdivision**: Applicant has completed the legal description and prepared the easement deed for recording. The environmental site assessment is under review by DWR staff.
 - **Permit No. 18712 for Jeff and Patricia Crowder**: The applicant has not yet completed construction.

- **Completed Conveyances**
 - **Permit No. 18018-2, River Islands Development, LLC/Califia, LLC/RD2062**: Easement deeds and quitclaim deeds were fully executed and recorded on September 14, 2015.
 - **Permit No. 17590 for West Levee Lighthouse Marina AKA The Rivers**: The easement deed for Lot 6 was fully executed and recorded on September 25, 2015.

- **Other Right of Way and Real Estate Projects**
 - Staff is going through the voluminous CVFPB property management files and binders (including leases) manually to organize them for scanning and database inclusion.
 - When funding becomes available, DWR's Geodetic Branch will develop the CVFPB interactive database that will contain data on all CVFPB parcels including existing property rights (e.g. fee, easement, etc.) and lease information. The database will have a GIS element with hyperlinks to deeds and other vesting documents. DWR's Geodetic Branch will be carrying out the initial software "build" with input from Board staff.

PROJECTS AND ENVIRONMENTAL BRANCH

Status Report and Work Activities

Title 23 Update Program - Track 3: Technical and Permitting Process Update

Staff conducted a public workshop on October 8, 2015 presenting an overview of the proposed updates to stakeholders. The workshop was well attended with more than 30 invited representatives from federal, State, and county agencies, as well as local maintaining agencies and consultants participating. Board President Bill Edgar, and Board members Clyde Macdonald and Joseph Countryman were also in attendance. The workshop was held at the conference room in the City of West Sacramento's city hall from 9:00 AM – 12 noon.

The working draft regulations update was completed and sent to the stakeholders a few days prior to the workshop. Board staff Eric Butler provided an overview of the proposed updates highlighting the significant updates to the regulations. Comments and questions from the stakeholders and Board members were raised and answered during the workshop. Stakeholders were asked to submit written comments to Board staff by November 6.

Next Scheduled Milestones:

- 11/6 – Stakeholder review team comments due
- 11/6 – CEQA IS/ND peer review deadline
- 12/4 – Address/incorporate comments, update draft regulations and CEQA IS/ND
- 1/8 – Legal review complete
- 2/12 – Second stakeholder review team meeting
- 3/17 – Complete Admin Draft, initial statement of reasons and final draft CEQA IS/ND
- 3/25 – Board adoption of Admin Draft and CEQA IS/ND
- 3/28 – File CEQA Notice of Determination
- 4/22 - Route OAL Rulemaking Package through CA Natural Resources Agency and Dept. of Finance
- 4/25 – Submit Draft Regulations to OAL (45-day public review and comment period)
- 6/9 – Address public comments
- 7/1 – OAL approval

Conservation Strategy and Advisory Committee Update

Board members and staff held a public workshop on October 9, 2015 to discuss the comments received on the draft Conservation Strategy document, as well as outlining the next steps for the Conservation Strategy and CVFPP development. Board staff presented a focused objective and tentative timetable for the Conservation Strategy Advisory Committee. The Committee will have an initial meeting in November 2015, with additional meetings occurring approximately every 6 weeks.

San Joaquin River Restoration Program, Reach 4B

DWR has completed model studies in Reach 4B. Staff is coordinating with DWR to develop a preferred alternative for the State's contribution to the San Joaquin River Restoration Program in Reach 4B.