

CENTRAL VALLEY FLOOD PROTECTION BOARD

CHIEF ENGINEER'S REPORT

September 25, 2015



OPERATIONS BRANCH

Status Report and Work Activities

U.S. Army Corps of Engineers (USACE) Levee Screening

- Staff participated in eight levee screening meetings

USACE Inspections

- Periodic Inspection results for four levee systems will be presented to the Board at the September 25, 2015 Board meeting. Previously, all four systems were inactive in PL 84-99. Inspection results show that all will remain inactive.

LMA Letters of Intent for System Wide Improvement Framework Plans

- Staff has assisted seven LMAs in securing USACE-approved Letters of Intent (LOIs) consisting of 21 levee systems to date.
- Staff submitted RD 1000's one-year progress report to USACE on September 9, 2015.

CVFPB Enforcement Program

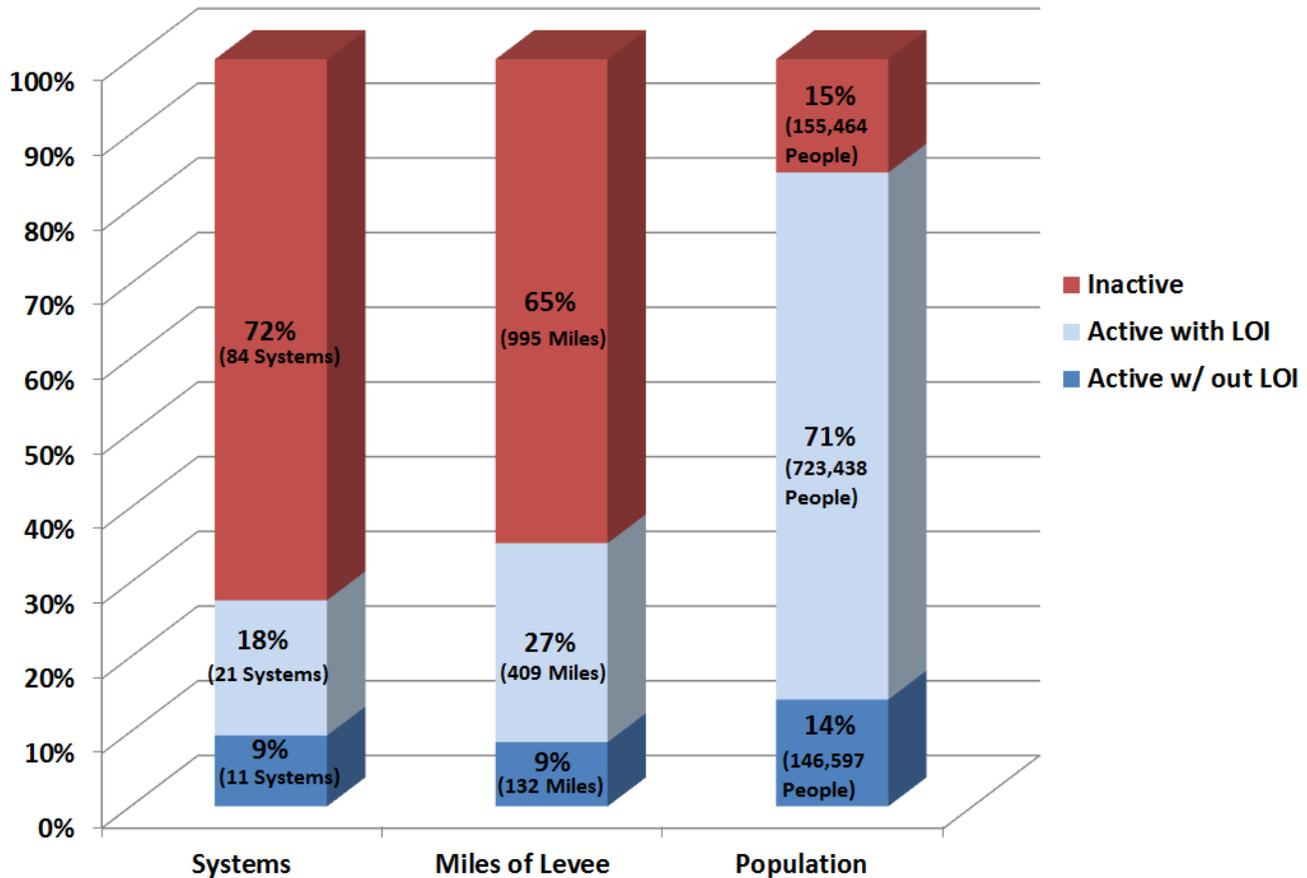
- Nine encroachments entered into the database in September
- One Fact Finding Letter was issued in September
- Three Notices of Violation issued in September
- Currently reviewing two Notices of Violation
- One Cease & Desist Order issued in September
- Enforcement Action No. 2015-1200 was issued a Cease and Desist for unauthorized fill in the Sacramento River Floodway. The Respondent has voluntarily complied with the satisfaction of CVFPB staff, RD 1000 staff, and DWR Inspection staff.

PL 84-99 levee system status as of September 25, 2015 (See chart on following page)

The chart and statistics include levee systems presented in the USACE report at the September 25 Board meeting.

- 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 September 24, 2015



2015 Encroachment Permit Application Status

All encroachment permit applications now require the USACE to perform detailed reviews per 33 USC 408, along with concurrent reviews per 33 USC 1344 Sections 10 and 404 (Clean Water Act) for projects that impact waters of the United States. As part of the USACE “10/404” review process, the State Historic Preservation Officer (SHPO) is also consulted. The new review process went into effect on July 31, 2014, the USACE estimates it will require approximately 150 days to review permit applications. Applications for small projects that have no impacts to endangered species or cultural resources, and do not require a Section 10/404 permit can be completed in as little as 70 days.

On August 25, Board staff participated in a “brown-bag” presentation by the USACE Flood Protection and Navigation Section (Section 408) and USACE Regulatory Staff (Section 10/404) to discuss the USACE review process. Better coordination between all agencies will help to shorten the estimated 150-day review requirement wherever possible. Staff is conducting weekly phone conferences between with USACE 408 staff to improve coordination and avoid delays.

The following charts depict encroachment permit application status from years 2013, 2014, and 2015 through September 16, 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	99	390
Issued Permits to Date	128	75	20	223
Incomplete Applications Returned to Applicant	7	8	5	20
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	3	26	30
Reviewing for Completeness	3	6	26	35
Approved by Board but Need USACE Letter	6	16	10	32

Approved by Board but Need USACE Letter	
Letter Routing	7
Additional information requested from the applicant	4
In review at the USACE	10
Regulatory issues/review	10
Major 408	1
Total	32

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 No. 18018-2 for River Islands Development, LLC/Califia, LLC/RD2062:
The applicant relocated a levee to accommodate a subdivision, and is granting a flood control easement to CVFPB for the land on which the relocated levee now lies. The Board approved this relocation on January 25, 2008. The Board issued quitclaim deeds for parcels containing the former levee alignment. Easement deeds and quitclaim deeds were fully executed and recorded on September 14, 2015.
 - Permit Nos. 17858-97 for Mossdale Marina
This transaction is similar to River Islands above; applicant is drafting deeds for staff review.
 - Permit No. 17590 for West Levee Lighthouse Marina AKA The Rivers
Geodetic Branch is preparing deed for Lot 6.
 - Permit No. 18257 for Atlas Tract RD-2126
This transaction is similar to River Islands 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 legal description.
 - Permit No. 18712 for Jeff and Patricia Crowder
The applicant has not completed construction.

- **Completed Conveyances**
 - **Permit No. 18491, Natomas Central Mutual Water Company (NCMWC)**: NCMWC purchased fee title to SSJDD property and reserved to SSJDD an easement for flood control. A public access easement was also reserved.
 - **TRLIA, Western Pacific Interceptor Canal (WPIC)**: Temporary Permit to Enter issued on 8/1/2015 to install a cutoff wall at the southern end of the WPIC west levee to remediate under-seepage conditions which exceed Urban Levee Design Criteria.

- **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

The following summarizes significant milestones on locally-sponsored flood system alteration and environmental stewardship projects and programs since the August 28, 2015 update:

Returning Staff

- Former Supervising Engineer Dan Fua has returned part-time from his 2011 retirement to assist the staff with the multi-track Title 23 update program. Dan's expertise and experience with the Board's regulations and Board history will be a great asset to the program and will transfer institutional knowledge to the present staff.

Sacramento River Basin – Flood System Alterations

- **Knights Landing Outfall Gates Fish Screen** – Staff received the USACE 408 decision letter on September 9 and issued the Board permit to Reclamation District 108 for this important early California EcoRestore project that afternoon. A ground breaking ceremony is scheduled on October 22.
- **Sacramento River General Reevaluation Report (Sac River GRR)**
Board staff attended a half-day pre-charrette coordination workshop on September 16. The workshop included a series of presentations (agenda attached) intended to provide context for the upcoming three-day planning charrette, and to update USACE staff on Central Valley Flood Protection Plan analyses which could be used by USACE for GRR planning purposes.
- **Sacramento Area Flood Control Agency (SAFCA)**
 - North Sacramento Streams (NSS) Project – Staff is working with SAFCA on this proposed project which includes approximately 3.75 miles of levee improvements along Natomas East Main Drainage Canal (NEMDC) east levee, and Arcade Creek north and south levees. Staff has completed its review of the 65% design documents, provided comments, and is preparing a 33 USC 408 request on behalf of SAFCA, to incorporate the project into the federal flood control system. This request could be brought to the Board for consideration of approval as early as the November 20 Board meeting.
 - Florin Creek Multi-Use Basin – SAFCA and USACE are working to complete the Florin Creek Multi-Use Basin as a feature of the USACE South Sacramento Streams Group Project. A permit application is scheduled for Board consideration at the September 25 Board meeting.
- **Three Rivers Levee Improvement Authority (TRLIA)**
 - Staff has completed its review of the 90 percent plans for the Western Pacific Interceptor Canal seepage berm project, and is making preparations, pending receipt of USACE 408 approval, to conduct a Board permit hearing as early as the December 18 Board meeting.

- Construction of the enlarged landside stability berm at the Yuba River South Levee 1986 Break Site has been completed. A final walk through will be scheduled in late September.
- Yuba Goldfields 100-year Improvement Project – The Board permit was issued August 31.

Sacramento River Basin – Environmental Stewardship Projects

- Seven applications are tentatively scheduled for future Board meetings through January.

San Joaquin River Basin – Environmental Stewardship

An Executive Officer delegated authority permit application from the City of Modesto to improve 17 acres within the Tuolumne River Regional Park in the Board's Designated Floodway is currently posted on the Board's website for public review. The proposed project includes construction of a riverwalk trail system and boardwalk, an outdoor classroom, picnic areas and native riparian habitat restoration. Absent any protests the permit will be issued in early October.

San Joaquin River Basin – Bridges

Two applications to replace bridges, one at Santa Fe Avenue over the Tuolumne River, the other at Victory Road over Lone Tree Creek are tentatively scheduled for future Board meetings through January. Staff conducted a pre-application meeting with the City of Modesto for a proposed replacement of the 7th Street bridge over the Tuolumne River.

Other Branch Activities

- **USACE 408/404 Permitting Coordination and Interagency Education** – Board technical staff met with USACE operations, engineering, levee safety and regulatory staff in what will become a series of informal and informative meetings to improve understanding of each other's programs and efforts, and to increase the efficiency of our parallel technical reviews of Board permit applications.
- **San Joaquin River Restoration Program, Reach 4B**
Staff is reviewing hydraulic modeling conclusions presented in a technical memorandum prepared by DWR's South Central Region Office. 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.

Updating the Board's Title 23 Regulations

• Work in Progress (Eight-Track Program)

- Board staff comments on draft Scope of Work for a consulting services contract due 9/24
- Although focusing on Track 3 activities currently, Dan Fua is coming up to speed on the other “tracks” in the program, including policy issues separate from the Track 3 project.
- Next Scheduled Milestones
 - Develop updated timeline for Tracks 4 through 8 for review by the Regulations standing committee (Suarez, Macdonald)
 - Upon receipt of a completed Scope of Work, the Board's Administrative Staff will work with DWR Contracts Office to develop a Request for Qualifications (bids) leading to execution of the consulting contract.
 - Expand stakeholder outreach on selected issues held out of Track 3. Revisions to issues held out of the Track 3 update is an initial assignment for Mr. Fua who will keep the analysis on schedule while the consultant team being selected.

• Work in Progress (Track 3 Technical and Permitting Process Updates)

- Draft regulations under review by Board staff through 9/28
- Invitations to Stakeholder workgroup sent 9/18 (list attached)
- Butler downloading status of Track 3 and substantive issues to Fua
- Next Scheduled Milestones
 - 9/24 Present flowchart (attached) and update Executive Committee
 - 9/24 Board staff comments due on Contract Scope of Work
 - 9/29 Meet with Board staff to receive / discuss comments on draft regulations
 - 10/1 Revise draft regulations
 - 10/1 Send draft regulations to stakeholder review team
 - 10/8 First stakeholder review team briefing
 - 10/8 Send draft CEQA IS/ND for peer review
 - 10/23 Policy Item(s) for Board meeting (or defer pending agenda development)
 - 11/6 Stakeholder review team comments due
 - 11/6 CEQA IS/ND peer review deadline
 - 12/7 Address / incorporate stakeholder review comments, update draft regulations and CEQA IS/ND
 - 1/8 Legal review complete
 - 2/9 Second stakeholder review team meeting
 - 3/4 Complete Admin Draft of regulations, 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 Admin Draft through CA Natural Resources Agency and Dept. of Finance
 - 4/25 Submit Draft Regulations to OAL (45-day public review & comment period)
 - 6/9 Address public comments
 - 7/1 OAL approval

Title 23 Stakeholder Review Team

Invitations sent to Individuals from the following Agencies / Organizations September 18

American Rivers
American River Flood Control District
Caltrans
California Central Valley Flood Control Association
California Department of Fish and Wildlife
California Department of Water Resources
CH2MHill
City of Roseville
City of Sacramento
City of West Sacramento
Colusa County
DCC Engineering
Delta Stewardship Council
Downey Brand
Kings River Conservation District
KSN, Inc.
Lake County
Lower San Joaquin Levee District
MBK Engineers
Parsons Brinckerhoff
Pacific Gas & Electric
Placer County
RD 108
RD 1000
RD 1500
RD 2068
River Partners
Sacramento County
Sacramento Area Flood Control Agency
San Joaquin County
Sutter Butte Flood Control Agency
San Joaquin Area Flood Control Agency
Solano County
Three Rivers Levee Improvement Authority
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
West Sacramento Area Flood Control Agency

CVFPB Title 23 Track 3 Regulations Update

Note: All dates are task end dates unless noted.

