

CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING

March 25, 2016

Permitting Section Coordination, Overview, and Indicators

Permitting Staff

Currently there are six (6) staff assigned to the Permitting Section; one (1) senior engineer, four (4) water resource engineers, one (1) retired annuitant. There is also one (1) temporary senior engineer on loan from DWR's Division of Engineering. Noteworthy staff news includes Mr. Sungho Lee becoming a licensed professional engineer and the hiring of Mr. Mike Thao this past August. The Permitting Section also receives valuable support from Mr. Brian Cullum who is assigned to the Administrative Services Branch.

In addition to staff's primary role of processing permit applications staff also answers calls from prospective applicants, conducts pre-application meetings, performs field inspections when necessary, conducts permit archive research to determine if there is a valid permit for an existing feature, reviews time variance and maintenance requests, and other duties as needed. The section strives to be knowledgeable of ongoing projects or actions that may impact future application reviews by way of in office communication and coordination with other agencies.

Internal Communication

- Weekly Operations Branch meetings, Permitting and Enforcement Sections
- Weekly Permitting Section meetings that includes staff environmental scientist(s)
- Weekly legal counsel meetings to discuss any outstanding issues
- Monthly All-Hands staff meetings

Agency Coordination

- Biweekly conference calls are held with the United States Army Corps of Engineers' Flood Protection and Navigation Section (USACE) to discuss any outstanding application reviews. Applications that have been transmitted to the USACE are discussed to make sure that the reviews are progressing as fast as possible and there is no need for additional information.
- Monthly coordination meetings (Inspection Program Working Group) are held with DWR's Inspection Section and the USACE. The meetings focus on USACE inspections/re-inspections/levee screenings and CVFPB encroachment enforcement updates. DWR inspectors bring on-the-ground insight and recommendations to the discussion.
- Attend informational workshops sponsored by the USACE Regulatory Branch.
- Attend meetings on potential future projects within the Yolo Bypass.
- Coordinate with DWR's Flood Projects Office on future projects (e.g. Marysville Ring Levee)

Permitting staff routinely holds pre-application meetings with potential applicants to discuss the permit review process and current CVFPB and USACE standards. On average there are

approximately two (2) pre-application meetings held per week. Additional meetings are held at the applicants' request if there are issues that need to be discussed.

Permitting Review Process

Staff Review

In general the permit review process requires a minimum of six (6) months to complete from the time the application is received to permit issuance. Applications are accepted for review when the proposed project is at a 60 percent design level. Project plans must be at the 100 percent level prior to permit issuance. Submitted applications are pre-reviewed to ensure the application contains all required information. Applications that contain all required information are entered into a database that allows for tracking and document storage. Applications are then assigned to staff for review. Proposed projects must consistent with Title 23 standards and CEQA requirements. A variance to standards may be requested for projects that are non-compliant to Title 23 standards. Staff also conducts a land rights survey of the project area to ascertain if there are any easements or land owned in fee by the Board, i.e. Sacramento-San Joaquin Drainage District. Staff has 30-days to deem an application complete. If additional information is required, technical and/or environmental, the review timeclock stops until the requested information has been received. For the past five (5) months staff has been tracking the amount of time it takes to review an application from submittal to permit issuance. Over time this data will provide a good estimate of the time required to review various types of projects. See Exhibit A for a flow chart of the review process.

USACE Review

Once the application is deemed complete by Board staff the applicant is notified by letter. In addition, letters are sent to all adjacent landowners of the project to ensure there are no flood control related concerns about the project. The application is then forwarded to the USACE for review. The USACE also provides a copy of the transmittal to the Regulatory Branch of the USACE as a Federal Section 404/Section 10 Permit may be required for the project. In addition to performing a hydraulic and geotechnical (levee safety) review, the USACE coordinates with the Regulatory Branch to ensure that NEPA, ESA, and 106/Tribal consultations are complete. The USACE review culminates with a project 408 approval letter. The 408 approval letter is sent to Board staff and the letter is attached to the issued Board Permit as an exhibit. See Exhibit B for a flow chart of the USACE review process.

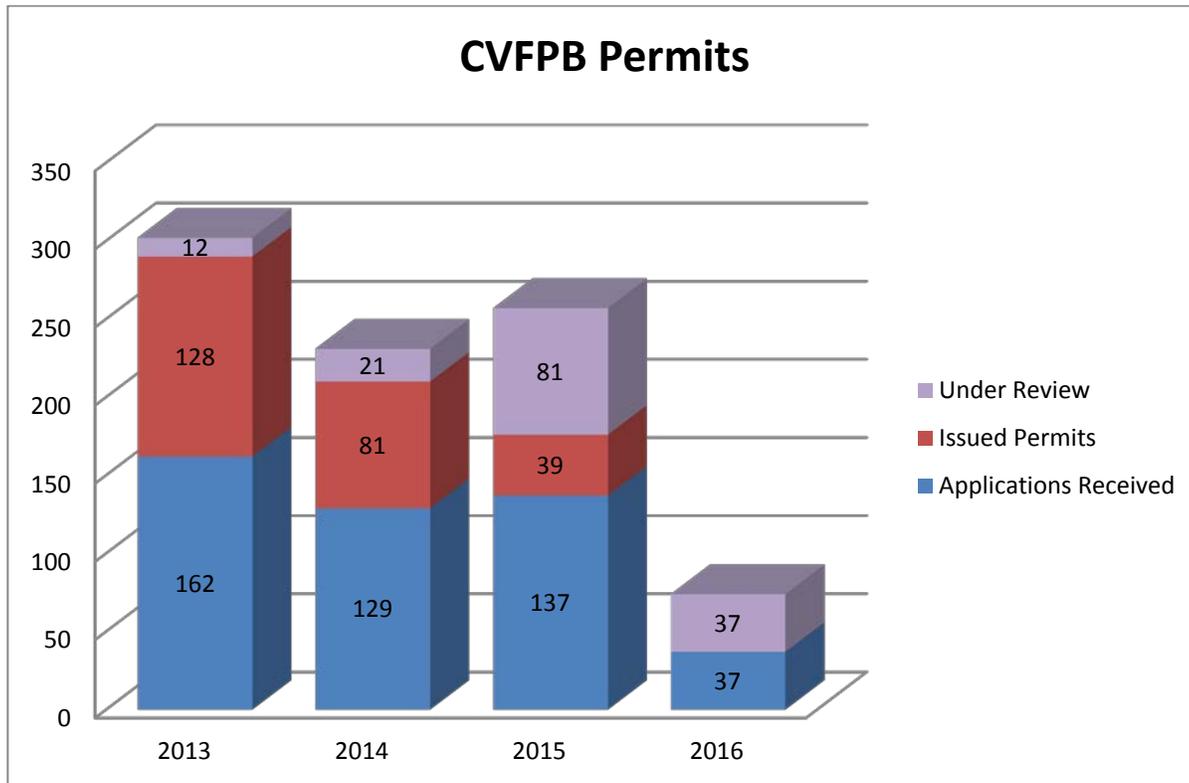
Currently the USACE is not issuing 408 approval letters for dwellings on the waterside of project levees. On February 1, 2016, Board staff and DWR representatives met with USACE District Commander Colonel Farrell to discuss his concerns about dwellings and associated appurtenances being permitted on the waterside of project levees. The Colonel expressed concern that the continued approval of waterside dwellings and/or associated appurtenances within the state/federal flood control project increases the residual risk to the project with regard to hydraulics, flood fighting, and public safety. There is currently one letter waiting to be signed by the Colonel and five (5) more dwelling associated applications in the USACE review process. Board staff with the assistance of a retired annuitant from DFM is working collaboratively on an issue paper that will frame the issue for further discussion and propose some possible steps for moving forward.

Permit Issuance

Permits are brought to the Board for consideration at regularly scheduled meetings of the Board. Permits for consideration are placed on the consent portion of the Board's agenda if there are no issues or opposition to the project. Permits for proposed projects that will not significantly affect any element of the State Plan of Flood Control or other adopted plan of flood control may be approved by the Executive Officer per delegated authority per Title 23, Section 5.

Current Permit Review Indicators

The following graph depicts the number of applications that have been received and issued since January 1, 2013. All three categories are tabulated in the year the application was received. For example as of March 16th there have here have been 17 permits issued in 2016 but the applications for these permits were received in previous years.



The following three (3) tables provide more detailed information about the review/permitting process and the various stages of the review.

Table 1 provides a status breakdown of **all** permit applications that were received in 2013, 2014, 2015, and through March 16, 2016.

Permitting Section Update

Table 1: Application Status Breakdown of All Permit Applications

	2013	2014	2015	2016	Total
Total New Applications Received	162	129	137	37	465
Issued Permits	128	81	39	0	248
Incomplete Applications Returned to Applicant	3	6	3	0	12
Application Withdrawn by Applicant	3	8	4	0	15
No Response by Applicant Administratively Closed	6	4	1	0	11
No Permit Required	10	8	9	0	27
Permit Denial	0	1	0	0	1
Under Enforcement	2	3	1	0	6
Future Scheduled Applications	1	6	59	3	69
Reviewing for Completeness	6	4	11	34	55
Approved by Board but Need USACE Letter	3	8	10	0	21

Table 2 provides a breakdown of permits that have been conditionally approved by the Board contingent on staff receiving a USACE 408 approval letter.

Table 2: Conditionally Approved Applications

Approved by Board but Need USACE Letter	
Letter Routing	1
Additional information requested from applicant	4
In review at USACE	13
Regulatory issues/review	2
Major 408	1
Total	21

Table 3 provides a status breakdown for all Executive Officer Delegated Permits from January 2015 through March 2016:

Table 3: Executive Officer Delegated Permit Status

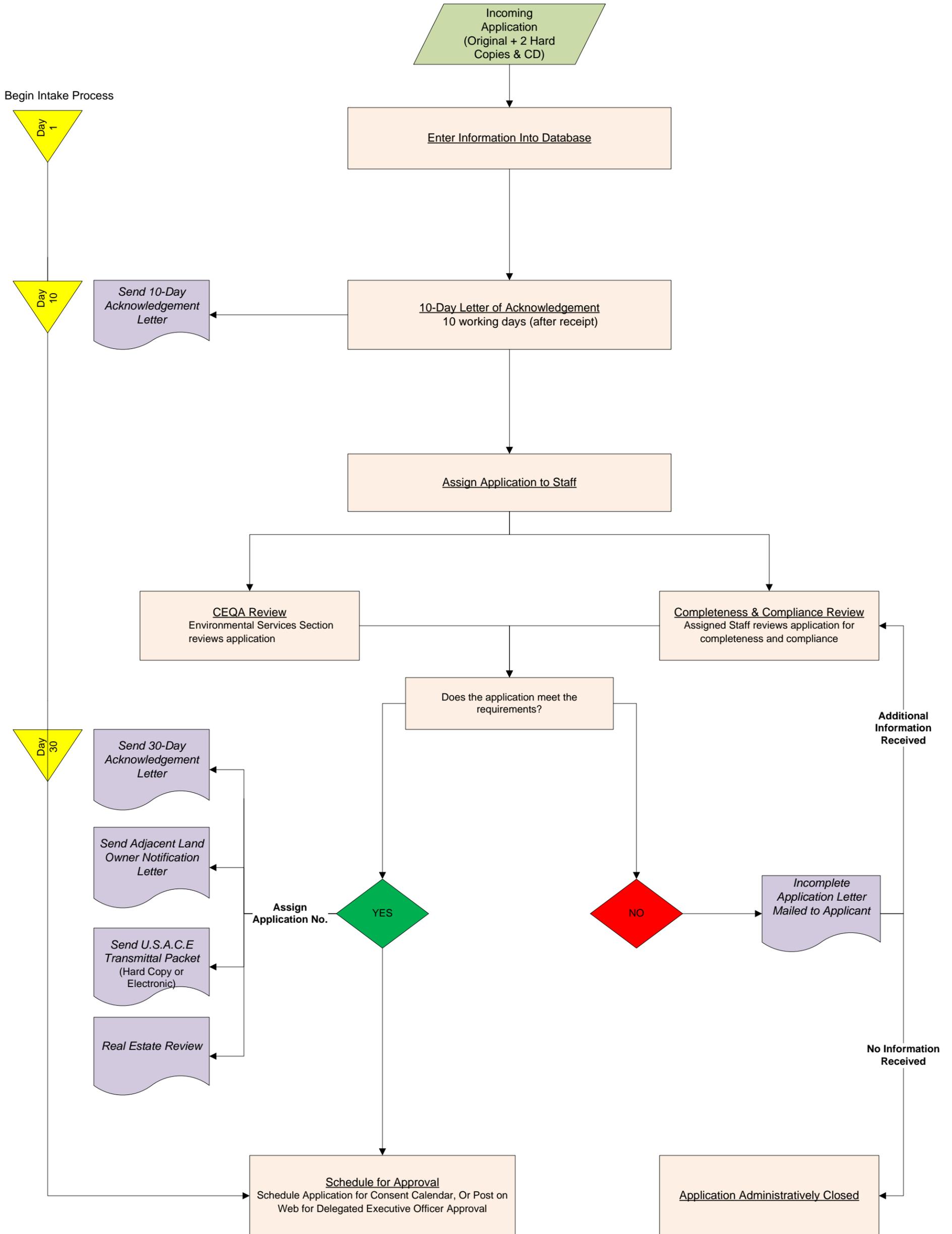
Month	Posted	Issued	With Enforcement	With Applicant	With USACE
January	7	4	1	1	1
February	2	1	0	1	0
March	1	1	0	0	0
April	1	1	0	0	0
May	4	2	1	0	1
June	2	1	0	0	1
July	8	4	0	1	3
August	6	2	0	1	3
September	2	2	0	0	0
October	2	2	0	0	0
November	1	0	0	0	1
December	3	2	0	0	1
January 2016	7	5	0	0	2
February	1	0	0	0	1
March	9	0	0	0	9
Totals	56	27	2	4	23

Additional information about Executive Officer Delegated Permits can be viewed on the Board's website @: <http://www.cvpfb.ca.gov/DelegatedPermitTab/index.cfm> Spreadsheets for each month provide descriptive information about the proposed project and the CEQA findings.

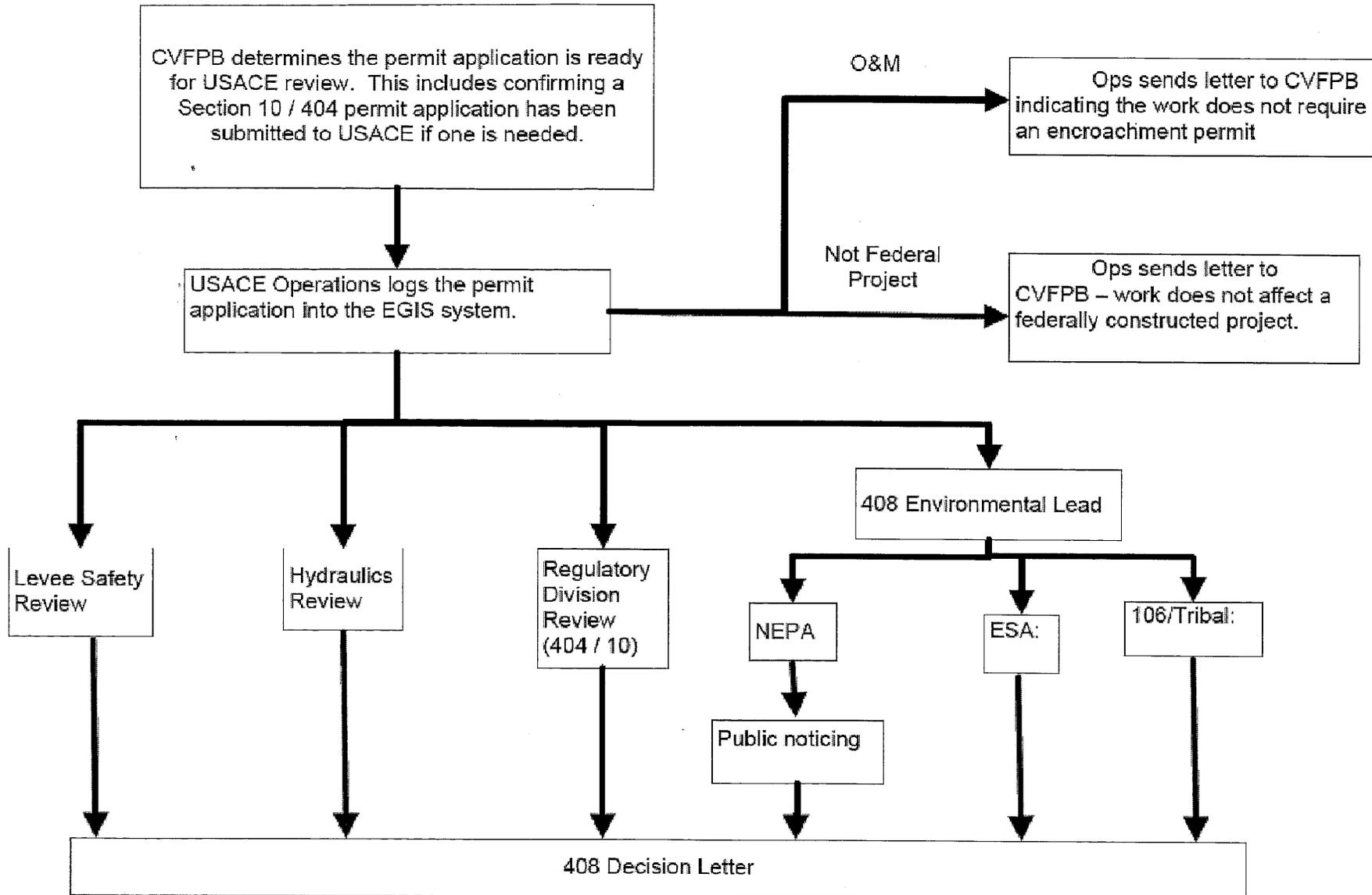
Central Valley Flood Protection Board

Permit Intake Process

December 2015



Simplified 33 USC 408 Flow Chart



USACE Review Process for District Reviewed 33 USC 408 Permission From CVFPB

