



CALIFORNIA CENTRAL VALLEY
FLOOD CONTROL
ASSOCIATION

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Central Valley Tributary Program
Department of Water Resources
Flood Project Office Local Assistance Projects Branch
3464 El Camino Avenue, Suite 200
Sacramento, Ca 95821-9000

Subject: California Central Valley Flood Control Association comments on the Central Valley Tributaries Program Guidelines

To Whom It May Concern:

The California Central Valley Flood Control Agency appreciates the opportunity to provide comment on the *Central Valley Tributaries Program Guidelines*. Please find our comments below.

Comment 1 - Section 3, Project Objective #1 (p. 5)

“If real estate acquisition is required for the project, it must be from a willing seller, and must have at least 50 percent of its area within the 100-year floodplain or provide substantial flood risk reduction benefits to the 100-year floodplain as described by one of the following:

- *A Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA), which is determined by using the detailed methods identified in the current FEMA Guidelines and Specifications for Flood Hazard Mapping Partners; or*
- *A floodway designated by Central Valley Flood Protection Board under Water Code section 8402(f); or*
- *An area demonstrated to the satisfaction of the Department to be hydrologically equivalent to one of those described above.”*

There may be the potential for a project, such as a setback levee, to accomplish the goals of the grant and not meet the criteria for land acquisition. For example, it may be an area that either

hasn't been remapped by FEMA to represent the current understanding of flood risk and/or it may be outside of the designated floodway. The third bullet appears to capture this situation, however, it would be better to broaden the criteria and focus on promoting actions that are in the floodplain. We suggest simplifying the language to state:

“If real estate acquisition is required for the project, it must be from a willing seller, and must have at least 50 percent of its area within the historic floodplain or provide flood risk reduction benefits.”

Comment 2 - Section 3, Project Objective #2 (p. 6)

“California’s working agricultural and forested landscapes shall be preserved wherever possible. To the extent feasible, this objective should be achieved using conservation easements and voluntary landowner participation, including but not limited to Voluntary Habitat Credit Exchange Mechanisms.”

We suggest the following to be more consistent with the CVFPP Conservation Strategy:

“California’s working agricultural and forested landscapes shall be preserved wherever possible. To the extent feasible, this objective should achieve ecological outcomes through a working landscape through the use of conservation easements and voluntary landowner participation, including but not limited to, Voluntary Habitat Credit Exchange Mechanisms.”

Comment 3 - Section 3, Project Objectives #6 (p. 6)

“Applicant must propose a project that has not initiated construction.”

Appendix A defines ‘project’ as:

“all planning, engineering, acquisition or real property interests, construction, and related activities undertaken to implement a discrete action to be funded under the program.”

Can DWR provide clarification on whether phases of a larger project can be considered separate projects (under the larger project) for the purposes of this funding? For example, if phase 1 of a project has initiated construction, but phase 2 has not, can phase 2 be considered its own “project” or its own “discrete action” and be eligible for funding under the program? Many projects are split into phases as money becomes available, thus an adverse interpretation could render some of the more important and relevant projects ineligible.

Comment 4 - Section 4, Additional Project Benefits (p. 8)

We suggest adding an additional bullet to the listed “Additional Project Benefits”:

“Achieve ecological outcomes through a working landscape.”

Comment 5 - Local Cost Share (p. 10)

There are other State Proposition 1 grant programs which fund ecosystem restoration activities at 100% (no local cost share required). The CVT Prop 1 grant program should also fund these activities at 100% state-share. This would allow these types of components to be more easily incorporated into projects under the CVT Program and not incentivize applicants to seek funding for these elements via other sources.

Comment 6 - Local Cost Share (p. 11)

We suggest deletion of the following item:

iii. “The State Share will be increased 5% for receiving a Gold level, or 10% for receiving a Platinum Level Award recognition for Sustainability by the Institute for Sustainable Infrastructure (ISI)”

Comment 7 - Eligible Project Costs (p. 11)

We suggest deletion of the following statement:

“Projects must include a construction and/or land acquisition component”.

Levee related flood control projects are expensive. Considering the fact that the Program will only award up to \$36M, the Department should maintain the option to solely fund activities such as planning, design, environmental permitting, etc.

Comment 8 - Section 7, Eligible Project Costs (pp. 11-12)

State funding may only be used for eligible project costs. These include the reasonable costs of feasibility study, environmental evaluation, project management, studies, design, land and easement acquisition, legal fees, preparation of environmental documentation, environmental mitigations, land acquisitions, monitoring, project construction and construction management. Projects must include a construction and/or land acquisition component. Reimbursable administrative expenses are the necessary costs incidentally but directly related to the funded project, including the portion of overhead and administrative expenses that are directly related to the project.

Eligible costs only include project monitoring. Typically, for successful establishment of habitat, a 3 to 5 year monitoring *and maintenance* plan is necessary. Eligible costs should include some maintenance to repair any damages to habitat during the initial three to five-year vegetation establishment time.

Comment 9 - Appendix B-2, Additional Considerations and Benefits (p. B-9)

“1. Federal and Local Cooperation, climate change consideration, groundwater benefits (75 points maximum)”

For clarification purposes, revise the title of the first item to include public recreation benefits as follows:

“1. Federal and Local Cooperation, climate change consideration, groundwater, public recreation benefits (75 points maximum)”

Comment 10 - Appendix B-3, Application Ranking Process (p. B-11)

After the Project Evaluation Team completes its evaluations and priority recommendations program staff will submit the recommendations to the Management Review Team for review. The Management Review Team consists of managers from the Department’s Division of Flood Management and from other Divisions as needed. The Management Review Team may adjust or reallocate recommended funding amounts, or adjust the total amount of funding, or take other actions. The recommendations of the Management Review Team will be posted on the Program’s website for 15 calendar days for public comment.

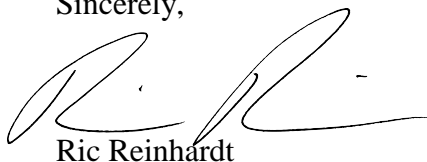
This document needs to clarify whether the 15-day public comment period is open to the applicants to respond to the recommendations of the Management Review Team.

Comment 11 - Overall

Previous Project Solicitation Proposals developed by this department have included a Concept Proposal portion to serve as an initial filter for applicants whose projects do not entirely meet the proposal’s guidelines. This Concept Proposal provided conceptual descriptions of the project and the project’s goals. The team reviewed these proposals and determined which qualified for the full application process. This was done to save prospective applicants from undergoing significant effort for no return as the full application process can potentially be costly.

Please do not hesitate to contact us with any request for further clarification. Thank you for your consideration.

Sincerely,



Ric Reinhardt