

CALENDAR ALERTS

August 5

Deadline to comment on IS/MND for Liberty Island Ecological Reserve and Land Management Plan to implement habitat enhancements in the Yolo Bypass. Click [here for more information](#).

August

Delta Levees Habitat Advisory Committee Meeting, 1416 9th Street, Rm 1630, 9:30 am.

August 27-28

Delta Stewardship Council Meeting will be held at the Holiday Inn Capitol Plaza, 300 J Street, Sacramento, CA. [Click here for more information](#).

August 28

Deadline to apply for FEMA Flood Mitigation Assistance and Pre-Disaster Mitigation Program Grants. Click [here for more information](#).

September 14

Deadline to comment of CVFPP's Draft Conservation Strategy The Draft Strategy, executive summary and all related appendices are available on DWR's website: http://www.water.ca.gov/conservationstrategy/cs_new.cfm.

September 23

Infrastructure "Funding Fair," Sacramento County Sanitation, 10060 Goethe Rd, 8:30 am – Noon. Registration Required: <https://www.events.rcac.org/assnfe/ev.asp?MODE=&ID=497>

October 13

San Joaquin Co. Preseason Flood Coordination meeting, 9:00-11:00 am, Cabral Center (SJC EOC), 2101 E. Earhart Ave, Assembly Room 3, Stockton. Click [here for meeting flyer](#)

October 15

Sutter Region Preseason Flood Coordination Meeting, 9:00-11:30 am, Whiteaker Hall, 44 Second St, Yuba City.

October 22

Sacramento Region Preseason Flood Coordination Meeting, 9:00-11:30 am, CVRWB, 11020 Sun Center Dr, Rancho Cordova

October 31

Deadline has been extended 60 days to comment on BDCP's new Preferred Project and EIR/EIS recirculation for public review. Documents and information about the new alternatives and where to submit written comments will be available on BDCP's website: <http://baydeltaconservationplan.com/2015PublicReview/PublicReviewRDEIRSDEIS/>

FEATURED ASSOCIATE MEMBER



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KEEPING UP

CCVFCA Files Amicus Brief Providing a Broader Perspective on Local Levee Assessment Lawsuit

Last week CCVFCA filed an Amicus Curiae Brief in support of an appeal filed by RD 17 on the trial court decision regarding a legal dispute with Manteca Unified School District over the requirement of all State agencies to pay assessments under Article XIII D of the California Constitution (Prop. 218), unless the land-owning agency can demonstrate by clear and convincing evidence that the publicly owned parcels receive no benefit from the levee maintenance, operation, and improvement services provided. To read CCVFCA's brief which is posted on the Association's website, click here: [July 30, 2015 Amicus Brief](#).

Summary of Delta Levees Vegetation Workshop Available

Several of CCVFCA's members attended a workshop hosted by DWR on July 14, 2015 which started with a tour of SAFCA's recently completed levee projects in Natomas to see their re-vegetation plantings, followed by a panel of experts discussing some of the issues, concerns, and benefits they see with actively seeding native grasses on levees in the Delta. The DWR Delta Levees Program Delta Ecosystem Enhancement (DEE) unit hosted the workshop for levee maintainers to provide their input regarding the planting of native vegetation as an additional option for ensuring no net loss of habitat for the program and contributing to the State's goal to increase habitat overall in the Delta. The viability of native grass establishment on Delta levees and costs for RDs to maintain over time was a repetitive comment offered by panelists and attendees as a constraint that must be evaluated in terms of feasibility. For those that were unable to attend, DWR has released a "[Delta Levees Habitat Enhancement Workshop Meeting Report](#)" which is also available on CCVFCA's website at www.floodassociation.net.

DSC Elevates Urban Levees and Ecosystem in Funding Principles, Reducing Emphasis on the Primary Zone, Levee Maintenance, and Non-Project Levees

At their July 24, 2015 meeting, the Delta Stewardship Council (DSC) adopted a revised "[Delta Flood Management Investment Strategy Principles](#)" document after making a few additional wording changes during discussion amongst Council members. The adopted Principles are intended to provide interim guidance coupled with the "[State Interests](#)" document approved in March to DSC staff and consultants that are developing the Delta Levee Investment Strategy (DLIS). The Principles will also apply to any potential revisions to the enforceable regulatory policies in the Delta Plan that contribute to the plan's comprehensive flood management strategy. The DSC consultants developing the DLIS project will be presenting a computer-supported decision modeling tool and alternative levee flood management investment portfolios to the Council members this fall.

The Council indicated the adopted Investment Principles will be considered "iterative" and still open for additional changes. However, CCVFCA Executive Director Melinda Terry testified that several of the Principles make pre-decisional conclusions by declaring DSC funding priorities instead of giving guidance to the consultants on the specific comparisons of fiscal liability and public safety consequences and trade-offs associated with altering the level of benefits provided by the system of Delta levees. The Association and our Delta members will be coordinating with other local, state, and federal partners involved in Delta flood risk management to develop additional suggestions for further refinement of the "interim" Principles, particularly how the consequences and trade-offs should be evaluated in terms of their importance in: 1) protecting numerous State interests and infrastructure in the Delta; 2) ensuring key State agencies are in compliance with the comprehensive suite of existing flood and Delta protection planning efforts, regulatory programs, and statutory mandates adopted by the State Legislature; or 3) necessary to receive federal funding.

CCVFCA and its member agencies also submitted written comments raising several questions and issues with the proposed Investment Principles such as:

- Prematurely prioritizing levee investments in the urban perimeter of the legal Delta known as the Secondary Zone over the majority of the 1,100 miles of levees in the other two-thirds of the Primary Zone before consequences and trade-offs are evaluated
- How DLIS would alter the current administration and implementation of the Delta Levee Subventions Program
- Several declarations are made without providing supporting scientific, legal, or policy justification, and therefore appear to reflect Council member opinion and conjecture, rather than quantitative risk-based evidence backing up the assertions made. Examples include: Principle #11 stating that levee maintenance is primarily a local, not state, responsibility which is contrary to language in the 1959 and 1992 Delta Protection Act statutes (WC §§ 12300-12318 and 12980-12995); and the mandate in Principle #10 that non-project levee owners prove that their levee is protecting many people and/or assets or it helps to achieve the coequal goals to be eligible for State funding which is contrary to the statutes governing the Delta Subventions Program, particularly WC §12982 and §12983, and §12987. (Wording on the people and assets in #10 to be additionally refined and reconsidered by Council per direction on July 24th)

The Association remains committed to working with the DSC on determining whether the current "interim" levee investment strategy in the Delta Plan needs significant revision based on a scientifically credible and comprehensive evaluation of how potential levee funding priorities will increase or reduce the probability and consequences of flooding on people, property, and the statutorily defined State interests and infrastructure.

Partial, High-Level Review of Delta RD Funding Results in Misleading Conclusions and Assumptions

The "[Delta Reclamation District Financing and Budgets](#)" report outlining the limitations of funding available to Delta RDs for maintaining and improving levees was presented to the Delta Stewardship Council (DSC/Council) by staff as a companion document to help inform development of the Delta Levee Investment Strategy. The report's high-level review of discrete financial data submitted by Delta RDs to the State Controller's Office for fiscal years 2009-2013 also includes descriptions of the existing funding programs, revenue-generating mechanisms (assessments, fees, bonds, Delta Levees Program) and constraints that affect a district's ability-to-pay, such as Prop. 218. The report's sole reliance on the restricted scope of fiscal data available on a website inherently limits the ability to calculate credible averages for RDs, resulting in faulty and misleading conclusions and assumptions about median Delta RD budgets, levee expenditures, and assessment levels such as:

1. Annual budget of Delta RDs average approximately \$800,000
2. Property owner assessments provide about 37% of a typical Delta RD's revenues
3. State funding provides just over half of the total revenues a typical Delta RD spends
4. More than half of the State's funding is concentrated in 10 RDs (*primarily western Delta islands that protect water quality or along the south Delta's river conveyance corridors*)
5. Typical Delta RD spends approximately \$31,500 per levee mile
6. Delta RDs spent an average of \$644,574 per year, more than three quarters of RD's total expenditures, on "services and supplies" which includes levee maintenance and improvements
7. Spending on services and supplies averaged \$187,929 per levee mile per year (*for the Top 10 RDs that receive 62% of State's funding*)
8. On average, RDs in the median range for State funding spend about seven times less on services and supplies than the Top 10 recipients of State funding, which suggests that "most levee improvement projects are happening in reclamation districts that receive substantial State funding" and RDs without substantial State funding are "likely simply paying for levee maintenance rather than expensive improvements"
9. The number of State dollars spent per each dollar collected locally ranged from \$3.94 to \$13.60 (*for RDS with the highest State-to-local funding ratios*)
10. Assessment rates in typical Delta RD are about \$32 per acre, but are almost twice that in the RDs that received the most State funding, suggesting RDs are "increasing their assessment rates as the State steps in with subventions funding"
11. The average calculated assessment was \$71.05 per acre, per year (*for the Top 10 recipients of State funds*)
12. The report notes that a number of Delta RDs holding long term debt has steadily declined over the last five years, and concludes this trend is particularly relevant because "high debt levels were among the justifications for expanding State assistance to Delta levees" after the floods in 1983 and 1986

During public testimony, CCVFCA Executive Director Melinda Terry thanked the DSC for initiating the fiscal analysis providing a 30,000-foot perspective, but cautioned the report lacks the context and details necessary to provide a more accurate accounting of typical Delta RD revenues and expenditures to support the assumptions and conclusions. As an example, she pointed out that an \$800,000 average annual Delta RD budget is way out of the realm of actual reality, and suggested this unrealistic amount is a result of the district averages being skewed due to the scope and time period of the data relied on, the aggregation of district revenue sources that include inflated levels of funding that are temporary (Prop. 1E and 84 bond funds and one-time EBMUD voluntary contributions), and blending of levee programs (Subventions and Special Projects). The Association has since suggested to DSC staff the need to follow-up this high-level overview of RD funding with a more refined report that drills down on the fiscal details that will provide a more accurate picture of the typical Delta RD's ability-to-pay, so that the DLIS funding prioritization strategy is based on RD funding levels that are realistic and sustainable.

Don Meixner is Remembered by Friends and Family

The family, friends, and colleagues of Don Meixner, widely known as the "Flud Man," shared stories about the life and career of a key figure in flood management at DWR for many years at a Celebration of Life event held on Sunday, August 2, 2015 at Carmichael Elks Lodge. A proud Navy man, Don "crossed the bar" on June 6, 2015 at the age of 89 after a lengthy illness.

IN THE NEWS

(Clicking the links will take you to news organization websites, where you can read the full stories. CCVFCA is not responsible for content on these external sites.)

El Nino Hopes and Predictions for Quenching California's Drought Still Making Headlines

- [Capital Press](#)
- [LA Times](#)
- [Washington Post](#)
- [SFGATE](#)
- [NBC San Diego](#)
- [Times-Standard](#)
- [Daily Mail](#)
- [LA Times](#)
- [Court House News](#)
- [Mother Jones](#)
- [Home Town Station](#)
- [Simi Valley Acorn](#)
- [Daily News](#)

Devastating Floods May be the New Norm According to Study <http://www.latimes.com/science/sciencenow/la-sci-sn-flooding-climate-20150729-story.html>