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California State Senate

SENATOR
CATHLEEN GALGIANI
FIFTH SENATE DISTRICT



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April 3, 2017

The Honorable Edmund G. Brown
Governor of California
State Capitol
Sacramento, CA 95814

The Honorable John Laird
Secretary, California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Governor Brown and Secretary Laird:

As you may know, my district includes the County of San Joaquin, which is home to the majority of the Sacramento-San Joaquin Delta. The County and jurisdictions within the County's boundaries are working hard to enhance flood protection and make levee improvements. The recent winter storms have stressed the County's flood protection system. And, given the state of the snowpack, the system will continue to be stressed during the traditional spring run-off and possibly into the late summer.

More resources must be brought to the Delta to prevent and fight flooding. The Administration's proposal, outlined on February 24, 2017, to accelerate Proposition 1 funds through a letter to the Joint Legislative Budget Committee – and subsequent documents available from the Department of Water Resources (DWR) – raise serious concerns about how the Administration plans to allocate *emergency funding to fight and prevent floods and improve levees*.

As we all remember from the intense negotiations over the final contents of the legislation that became known as Proposition 1, there were commitments made at every level – from the author and from the Administration – that no Proposition 1 funds would be used to benefit the Delta tunnels. I, along with other members who represented the Delta at the time, conditioned our support for Proposition 1 based

on the assurance that these funds would not, in any manner or fashion, facilitate a Delta conveyance facility. In fact, the following language appears in multiple sections of the Proposition:

“Funds provided by this division shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.”

The accelerated funding the Administration is proposing to spend is directly out of the specific sub-category of Proposition 1 funding that was approved by the voters to fund levee improvements in the Delta. The DWR document that provides examples of how these levee funds might be spent indicate that a significant amount of that funding (\$130 million) could go to “system-wide benefits” such as habitat projects. There is a separate chapter of Proposition 1 intended to fund such system-wide projects. That chapter included \$2.7 billion and is named “Statewide Water System Operational Improvement and Drought Preparedness.” Yet, according to documents associated with the accelerated funding, the Administration is proposing to spend absolutely critical levee funds on habitat projects that will provide no emergency benefit to the Delta.

There are real projects in the Delta to protect those who live and work behind Delta levees that are in desperate need of funding. Such examples include: North and Central Stockton levee improvements and the Smith Canal Gate project to increase protection for more than 100,000 people in the Stockton Metropolitan area, and RD 17 levee improvements that would increase protection for approximately 50,000 people in the south Stockton, Lathrop and Manteca area.

With these specific examples in mind, funding for the proposed accelerated flood control investments should be modified. The \$130 million for Systemwide Flood Risk Reduction should be redirected to fund projects through the Delta Special Projects and the Urban Flood Risk Reduction accounts.

Furthermore, I have questions about the efficacy of using Proposition 1 funding for the 102 DWR staff positions as outlined in the proposed accelerated funding proposal. We urgently need to repair and upgrade levees with that money and these funds should only be relied upon for DWR staff positions directly related to levee improvements and flood protection.

Finally, it is my understanding that there is a 2-year expenditure limit on the accelerated funds. Certainly, DWR staff is entirely familiar with the permitting process for making levee repairs and improvements. In most cases it takes longer than 24 months to get all the necessary permits approved before any work can begin. Insisting on such a time-limit only hampers our effort to protect the Delta.

Using Delta levee funds on anything but Delta levees is a breach of trust with the voters and the many legislators who represent the Delta who supported Proposition 1. Again, I ask that you reconsider the proposed allocation of Proposition 1 funding. I stand ready to speak to you or any of your representatives on this matter at your convenience.

Sincerely,



Cathleen Galgiani
Senator, District 05

CC: Honorable Kevin de Leon, California Senate President pro Tempore
Honorable Anthony Rendon, Speaker of the California Assembly
Honorable Holly Mitchell, Chair, Senate Committee on Budget and Fiscal Review
Honorable Phil Ting, Chair, Assembly Budget Committee
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee
Honorable Jay Obernolte, Vice Chair, Assembly Budget Committee
Honorable Bob Wieckowski, Chair, Senate Budget and Fiscal Review Subcommittee No. 2
Honorable Richard Bloom, Chair, Assembly Budget Subcommittee No. 3
Mr. Mac Taylor, Legislative Analyst (3)
Mr. Mark Ibele, Staff Director, Senate Budget and Fiscal Review Committee
Mr. Mark McKenzie, Staff Director, Senate Appropriations Committee
Mr. Kirk Feely, Budget Fiscal Director, Senate Republican Fiscal Office
Mr. Craig Cornett, Senate President pro Tempore's Office (2)
Mr. Christian Griffith, Chief Consultant, Assembly Budget Committee
Mr. Pedro R. Reyes, Chief Consultant, Assembly Appropriations Committee
Ms. Cyndi Hillery, Staff Director, Assembly Republican Fiscal Committee
Mr. Seren Taylor, Director of Strategic Policy, Assembly Republican Leader's Office
Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office
Mr. Christopher W. Woods, Assembly Speaker's Office (2)
Mr. Bryan Cash, Deputy Assistant Secretary, Natural Resources Agency
Mr. Kristopher Tjemell, Special Assistant for Water Policy, Natural Resources Agency
Mr. Gary Bardini, Deputy Director, Department of Water Resources
Mr. Duard MacFarland, Budget Officer, Department of Water Resources