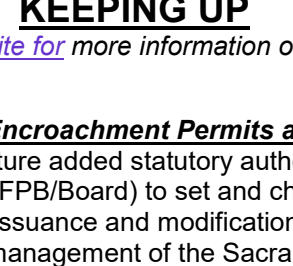


## CALENDAR ALERTS

- June 5** Workshop, [Delta Corridor](#) Conservation Strategy, Jean Harvie Center, 6:00 pm
  - June 7** Public [meeting](#), Lower Elkhorn Setback Levee, 1110 W. Capitol Ave, W. Sac, 2-4 pm
  - June 8** CVFPB [workshop](#) on proposed encroachment fees, 10:00 am – 5:00 pm, Location TBD
  - June 11** [Two-day](#) Water Law & Policy [conference](#), Omni Hotel, San Francisco
  - June 15** Deadline to apply for Hazard Mitigation Grant Funding is [Re-Opened](#)
  - June 25** International Atmospheric River [Conference](#), La Jolla, CA,
  - July 9** Deadline to comment on Lower Elkhorn [Levee Setback](#)
  - July 9** FMA Extreme Precipitation [Symposium](#), UC Davis Conference Center
- \*\* = New Calendar Alert**

## FEATURED ASSOCIATE MEMBER



## KEEPING UP

**\*\*Check [CCVFCFCA Website](#) for more information on topics in Flood Flash**

### **CVFPB Board Considers Proposal for Encroachment Permits and Inspections Fees**

In last year's budget trailer bill, the Legislature added statutory authority (Water Code [§8535](#)) for the Central Valley Flood Protection Board (CVFPB/Board) to set and charge fees to cover the reasonable cost for providing services associated with the issuance and modification of encroachment permits, inspections and enforcement of encroachments, and management of the Sacramento San Joaquin Drainage District. In this year's FY 2018-19 Budget, the Governor is proposing to provide \$1.4 million from the General Fund to replace Prop. 1E bond funding no longer available to cover costs of 10 CVFPB employees. The Legislature is providing short term funding with the expectation that the Board will evaluate opportunities to establish new fee revenues to replace the General Fund.

At the [March CVFPB meeting](#), Board staff presented a [proposal](#) for establishing encroachment permit and inspection fees. Preston Shoppell started by noting the staff had spent the last 18 months tracking costs associated with issuing permits, but acknowledged they did not yet have such data on staff costs for inspecting encroachment sites. He then gave examples of similar fee for services charged by other State agencies: DFG's streambed permit; Caltrans for right of way; and DWR for division of dams. Staff were guided by the following parameters when drafting the fee schedule: some Board costs should continue to receive General Fund appropriations; different rate methodologies should be used for specific types of encroachments and system alteration authorizations; and any fees should not be obstacle to implementing public safety projects. They also looked at actual staff costs versus the revenues that fees could generate, and propose to collect fees at different stages of the project: 1) when permit application submitted; 2) when permit is issued; and 3) prior to periodic inspection.

For specific types of encroachments the permit review fee schedule would range from \$500-\$2,500, plus \$250-\$1,500 for construction inspection, and an additional \$250-\$1,000 for subsequent routine inspections which would occur every 2-10 years. The inspection fee rate would range from 1% to .06%. For system alterations, applicants would be charged a set percentage of construction costs (labor and materials) due with permit application and start of construction. The rates for application start at 2% for the first \$200,000 in costs and decreasing percentages for higher cost increments. Staff then gave examples for system alteration projects: \$14,250 in combined fees for a \$750,000 project; \$59,250 in fees for a \$9 million project; and \$81,750 in fees for a \$20 million project.

Next steps for implementation include development of a billing process and updating website page for submitting permit applications which are already underway, working on companion regulations, and a stakeholder workshop to be held on [June 8<sup>th</sup>](#) followed by a 45-day public comment period and then finalize fee and regulations for adoption by the Board. Members of the Board responded by reminding everyone that the staff presentation is just the initial step in a longer process to consider the potential of various fee options with the input of stakeholders before adopting any new fees. Association representatives subsequently met twice with DWR staff to provide some preliminary input before the June 8<sup>th</sup> workshop.

### **Water Storage Projects Edge Closer To Funding**

The CA Water Commission posted the [appeals](#) submitted by [water storage](#) proponents due to low [scores](#) for public benefits required under Prop. 1 that were received. The [public benefit ratio](#) is one of four component scores that will be used by the Commission to make final determination for disbursing Proposition 1 funding. Some projects like [Sites Reservoir](#) fared better in scoring than others like [Temperance Flat](#) dam, leaving the latter [community](#) angry and frustrated.

When popular water storage projects received low scores for public benefits from the CA Water Commission, the public and Legislature expressed outrage that voter intent for expenditure of Prop. 1 was being ignored. The Commission subsequently voted to [reconsider](#) public benefit scores after allowing applicants a few days to adjust their funding request. Ultimately, the Commission announced eight of the 11 projects will [move forward](#) to the next phase of project scoring, leaving three projects ineligible.

On May 25<sup>th</sup> the Commission [released scores](#) based on [evaluation](#) of the ability of water storage project's ability to meet the State's environmental and water quality priorities. These [scores](#) will be combined with scores from other categories to create a [final score](#) on each project's overall expected return on investment. The final score will then be used by the Commission to conditionally award \$2.7 billion of Prop. 1 funding dedicated for expansion of State's water storage capacity. The public now has 30 days to comment before the Commission votes to approve final scores at their meeting on June 27-29<sup>th</sup>. Preliminary funding decisions will then be made this summer at their meeting in July.

### **Second Phase of Oroville Main Spillway Underway**

With reservoirs full and a Pineapple Express storm expected to dump several inches of rain in early April, DWR almost had to utilize the partially repaired [main spillway](#) at Oroville dam, but the lake level did not reach projected elevation of 830 feet identified as maximum threshold in the Winter [Operations Plan](#).

May 4<sup>th</sup> was the 50<sup>th</sup> anniversary of dedication ceremony celebrating original construction starting on Oroville Dam which coincided with DWR beginning the new [phase](#) of re-[construction](#) at Oroville [dam](#) with the [removal](#) of the temporary roller-compacted concrete in the middle portion of the flood [spillway](#) and replacing it with permanent structural concrete. The timeline for completing construction has been extended into [2019](#).

Funding is still in question because uncertainty remains on whether [FEMA](#) will pay for the spillway repairs. FEMA does not reimburse repair cost for damage caused by deferred maintenance and design deficiencies. A May 2, 2018 FEMA letter informed two Congressional members that federal reimbursements for Oroville repairs may be unavailable due to an unfavorable independent review of DWR's management of the dam.

On the legal front, arguments were heard in court regarding [lawsuit](#) by Butte County filed against DWR for damages related to the collapse of the main spillway in February 2017.

### **Groundbreaking at Fremont Weir of Fish Restoration Project**

On May 29<sup>th</sup> DWR and USBR celebrated [groundbreaking](#) at the [Fremont Weir](#), a flood infrastructure component of the Yolo Bypass, of an adult [fish passage](#) modification [project](#) which is intended to [comply](#) with Biological Opinions for the continued operation of SWP and CVP pumps in the South Delta. The project is expected to be completed by the end of 2018. Five additional EcoRestore projects are expected to break ground later this year. EcoRestore is a multi-agency effort to restore 30,000 acres of habitat in the Delta.

### **Lower Elkhorn Setback Levee Project Comment Period Opened**

The [EIR/EIS](#) for the Lower Elkhorn [setback levee](#) project was released by DWR and USACE for public review. A [public meeting](#) is scheduled from 4:00-6:00 pm on June 7<sup>th</sup> at West Sacramento City Hall, 1110 West Capitol Avenue. The project proposes widening portions of the Sacramento and Yolo bypasses by setting back levee to increase flood flow capacity in order to reduce flood risk. The project is bounded by the Sacramento River on the east, the Tule canal and Yolo Bypass on the west, the Sacramento Bypass on the south and Interstate 5 on the north. Comments must be submitted by 5:00 pm on July 9<sup>th</sup>.

### **NASA Report Predicts More Severe Atmospheric Rivers**

According to a recent climate change [study](#) led by NASA, on average future atmospheric rivers will be 25% wider and longer, increasing the intensity of storm events. Their findings are projecting that the frequency of these intense storm events may double.

### **Report Released on Costs of Stormwater Capture**

The Southern California Water Coalition released [white paper](#) with data analyzing the costs of stormwater projects. Median costs for distributed projects in their region are \$25,000 per acre-foot, new centralized projects are \$6,900 per acre-foot, and retrofit projects are \$600 per acre-foot.

## LEGISLATIVE ACTION

**\*\*Check [CCVFCFCA Website](#) for more information on topics in Flood Flash**

### **May Revise of State Budget Increases Flood Protection Funding**

Two years of the Association lobbying for increased General Fund appropriations for maintenance of project levees in the State Plan of Flood Control has gained support of the Administration and traction in the Legislature. The Governor's May Revise of the State Budget proposes funding augmentations in line with the increased appropriation amounts requested by CCVFCFCA and the bipartisan legislative Flood Protection Caucus:

- **Urban Flood Control Projects** — A one-time increase of \$170 million General Fund to support the state cost-share of U.S. Army Corps of Engineers' urban flood control projects that will contribute to a 200-year level of flood protection in urban areas of the Central Valley. This funding will strengthen the state's ability to leverage approximately \$690 million in federal funding.
- **Deferred Maintenance** — A one-time increase of \$100 million General Fund to address deferred maintenance projects on State Plan of Flood Control project levees. These funds will be prioritized to address identified critical and serious sites, including repair and rehabilitation of damaged levees and infrastructure as a result of the 2017 storms.
- **Operations and Maintenance** — An increase of \$25 million General Fund to support ongoing levee maintenance. These funds will provide incentives for cost-sharing with local maintaining agencies by encouraging continued regional planning and updating assurance agreements with the state. Funds will also be available for priority projects that reduce potential state liability.

The Legislature is scheduled to adopt the fiscal year 2018-19 State Budget on June 15<sup>th</sup>.

### **Administration Supports Continuation of Delta Subvention Program Cost Share Formula**

The Association successfully negotiated with the Administration to permanently extend the State's 75% cost share in the Delta Levee Maintenance [Subventions Program](#) by adding legislative language to the Budget Trailer Bill. Adoption of the State Budget by the Legislature on June 15<sup>th</sup> will eliminate the July 1, 2018 sunset date, permanently preventing the local cost share from doubling in the future. The negotiated bill language also deletes preparation of an ability to pay study.

### **Congressional Committees Approve Water Resource Bills**

On May 22<sup>nd</sup> the [Senate](#) Environment and Public Works Committee approved S. 2800, the America's Water Infrastructure Act of 2018, a bipartisan bill authorizing USACE project funding and directing the Corps to finish feasibility studies in two years and allowing non-federal project sponsors a greater role in the consultation process. The following day, the [House](#) Transportation and Infrastructure Committee [unanimously approved](#) the Water Resources and Development Act (WRDA) of 2018, ([H.R. 8](#)), authorizing more than \$2.5 billion for USACE projects and extends the authority for non-federal partners to contribute funds to expedite the permit review process. The entire House is anticipated to vote on the WRDA legislation during the first week of June.

The Energy and Water Development [Appropriations Bill](#), approved by subcommittee on May 24<sup>th</sup>, would require FERC to brief Congress on its response to the independent study done on the Oroville spillway collapse and require DWR to ask the U.S. Society on Dams to nominate independent consultants to prepare a risk analysis during next year's safety review.

### **Congressional Budget Bill Includes Flood Control Funding**

In March the U.S. House of Representatives passed a \$1.3 trillion [spending bill](#), HR 1625, which includes \$4.3 billion to complete the [Sites Reservoir](#) feasibility study, \$20 million for pre-construction work on raising Shasta Dam, and funding for levee improvements on five miles of the Feather River.

A federal funding boost for existing reservoirs may also be on the horizon with California Congressional Members introducing [H.R. 5726](#) to facilitate [structural improvements](#) by allowing use of certain updated funding for more frequent update of reservoir manuals.

### **States to Receive Federal Disaster Mitigation Funding**

The Department of Housing and Urban Development (HUD) approved disbursement of [\\$28 billion](#) dollars to states, counties and territories that suffered damage in natural disasters events occurring between 2015-17. The majority of the funding, \$18.5 billion, is for repairs and mitigation needed in Puerto Rico after the island was hammered by hurricanes in 2017.

### **Creation of Oroville Dam Citizen Advisory Committee Advances**

In order to formalize enhanced community involvement in the repair and ongoing operation of the Oroville dam and other facilities, [Senator Jim Nielsen](#) introduced [SB 955](#) to create a [Citizen Advisory Committee](#) with regional stakeholders representing city and county governments, organized labor, the Chamber of Commerce, law enforcement, water contractors, flood control experts, DWR, and the State Legislature. The advisory group's primary task would be providing an overview of maintenance and improvements planned for the dam and make their own recommendations in a report to be published at least once every three years. SB 955 passed the Senate unanimously on May 31<sup>st</sup> and is now pending hearing in the Assembly.

### **Legislature Recommends Independent Oversight of SWP**

Assemblyman Gallagher originally [introduced AB 3045](#) to remove the Division of Safety of Dams from DWR in order to remove any conflict of interest associated with being responsible for both operating and maintaining dams as well as enforcing dam safety. At the bills first policy hearing, the author accepted amendments recommended by the Assembly Water, Parks & Wildlife consultant to delete original content and replace with language to [instead establish an independent commission](#) under the Natural Resources Agency to oversee the entire State Water Project, thus separating enforcement responsibility under the Division of Safety of Dams and removing any conflicts of interest for DWR. The bill was held in the Assembly Appropriations Committee on the [Suspense File](#), which means the bill failed passage.

### **Elimination of Delta Stewardship Council Proposed**

Concerned that the Delta Stewardship Council (DSC) adopted Delta Plan policies that are detrimental to the Delta's future, Assemblyman Jim Frazier introduced [AB 1876](#) to [eliminate the DSC](#) in 2020. The bill proposed transferring DSC's authority to the Delta Protection Commission which was created in 1992 and includes local elected officials. AB 1876 failed passage in the Assembly Water Parks, & Wildlife Committee, but the author expressed commitment to continuing to draw attention to [actions](#) of the DSC that could harm Delta as Place.

### **Governor and Legislature Partner on Emergency Management Plan**

In response to the severe flooding and wildfires in 2017, the Administration announced [partnership](#) with legislative leaders and the Joint Legislative Committee on Emergency to make California more resistant against natural disasters that are expected to become more intense and frequent under climate change. The intent is to develop solutions such as enhancing emergency response systems and ensuring public infrastructure is designed, constructed and operated to maximize resiliency to extreme weather events.

### **New DWR Deputy Director Appointed**

DWR announced the appointment of [Kristopher Tjorneil](#) to a newly created Deputy Director position for Integrated Watershed Management Program, responsible for coordinating multi-benefits associated with cross-over of flood management, water supply, and ecosystem restoration activities. He previously served as policy advisor in the Natural Resources Agency.

### **Appointments to Delta Stewardship Council**

On March 16<sup>th</sup>, the Senate Pro Tempore announced the [appointment](#) by the Senate Rules Committee of [Maria Mehranian](#), the chief financial officer of an infrastructure development [firm](#), to serve on the Delta Stewardship Council. She previously served from 2008-2016 as gubernatorial appointee on the Los Angeles Water Quality Control Board. In addition, Governor Brown [reappointed](#) Susan Tatayon and Frank Damrell to the DSC.

### **Two Water Bonds on 2018 Ballots**

Last year the Legislature approved [SB 5](#) (De Leon) authorizing placement of a \$4 billion parks and water bond on the June 2018 ballot. Senator De Leon also added a [letter](#) to the Senate Journal (page 3021) clarifying legislative intent to fund multi-benefits where feasible, but acknowledging the importance of also funding single-purpose projects to achieve reduced flood. In March the CCVFCFCA board of directors voted to support [Prop. 68](#) which includes \$550 million for flood management. The June bond proposal will have [competition](#) because in early May the Natural Resource Institute announced it held congressional signatures to qualify an additional [\\$8.87 billion](#) water infrastructure bond for the November 2018 ballot with \$200 million for Central Valley flood management.

## DELTA DOWNLOAD

**\*\*Check [CCVFCFCA Website](#) for more information on topics in Flood Flash**

### **Controlling Invasive Weeds in Delta Waterways**

As part of the floating and aquatic vegetation [control program](#) the Division of Boating and Waterways started mechanical removal on March 5<sup>th</sup> of water hyacinth, American spongeplant and Uruguay water primrose along waterways entering the Stockton Deepwater Ship Channel. Application of herbicides to kill eight different [species invading the Delta](#) channels is also planned with treatments focusing on several sloughs and 21 marinas through October 31, 2018. Management of [submersed weeds](#) will occur between March 19-23.

### **WaterFix in High Gear**

A Sacramento [judge denied](#) a motion requesting a temporary restraining order (delay) of the WaterFix State Water Resources Control Board hearing based on allegations of ex parte violations by DWR and water board staff.

DWR released some project [design refinements](#) to reduce impacts on local communities including elimination of barge landing at Snodgrass Slough and moving the northern portion of the tunnel alignment to the east. On May 10, 2018 the hearing officers [announced](#) that petition/hearing dates would be [cancelled](#) through June 29, 2018 and directed DWR to release Supplemental EIR/EIS as soon as ready.

To facilitate the construction phase, on May 11, 2018 DWR Director Karla Nemeth [announced](#) internal [reorganization](#) changes: appointment of Gary Lippper as Deputy Director of Delta Conveyance responsible for managing the Delta Conveyance Office (DCO) and overseeing the work of a newly-formed Delta Conveyance Design and Construction Joint Powers Authority (DCA). On May 14<sup>th</sup>, MWD, Santa Clara Water District, and Zone 7 Water Agency announced their joint powers partnership and [formation](#) of the [DCA](#) that will govern design and construction of WaterFix. The DCA held its first meeting on [May 17](#), 2018 and voted to enter into a management partnership with DWR.

### **DSC Adopts New Delta Levee Investment Strategy**

The Delta Stewardship Council finalized approval of a set of amendments to the Delta Plan in April, including adoption of the Delta Levee Investment Strategy ([DLIS](#)). Soon after a coalition of environmental groups [sued](#) the Delta Stewardship Council for its adoption of conveyance amendments to the Delta Plan, alleging it gives the WaterFix tunnel project priority over restoring the Bay-Delta in violation of the 2009 Delta Reform Act and CEQA.

### **Delta Conservancy Grant Funding Approved**

The Delta Conservancy [awarded \\$18.9 million](#) in Prop. 1E funding for nine projects in Contra Costa, Sacramento, and Yolo Counties that are focused on habitat restoration and eradication of invasive rodent, [Nutria](#). The Conservancy announced the application process for the 4<sup>th</sup> round of [Prop. 1 funding](#) will be available in August, so now is the time for applicants to start preparing information on the habitat restoration or water quality projects they may want to submit. If you have questions regarding eligibility or timeline, contact [Aaron.Hairman@deltaconservancy.ca.gov](mailto:Aaron.Hairman@deltaconservancy.ca.gov).

### **DPC Subcommittee Forwards Feasibility Study to Full Commission**

After more than two years, the Delta Protection Commission voted at its May meeting to deliver the Delta Flood Risk Management Assessment District Feasibility Study and Delta Levee Financing Options [report](#) prepared by consultants to DWR with a [transmittal letter](#) expressing views of the Council.

## IN THE NEWS

(Clicking the links will take you to online [organization websites](#), where you can read the full stories. CCVFCFCA is not responsible for content on these external sites.)

- [Case Study: Oroville Spillway Response Update](#) - Safety Management Systems
- [News and talk tops in overall local radio market](#) - Enterprise Record
- [Statewide Water Tunnel Project Means Higher Costs For San Diego](#) - KPBS
- [Feather River flows increase to make room in Lake Oroville](#) - Enterprise Record
- [Shastate Water Bond Measures Could Have Californians Doing ...](#) - Water Education Foundation
- [Rain Shuts Yosemite, Threatens Problems At Oroville Dam](#) - Capitol Public Radio
- [Guest View: State leaders must show political courage to reject Waterfix...](#) - recordnet.com
- [Folsom Dam to continue water releases after storm passes](#) - KCRA
- [FEMA: Foster City levees won't hold back a flood, voters to decide next move](#) - The Mercury News
- [OROVILLE OPERATIONS UPDATE: Use of Main Spillway Now Unlikely](#) - Maven's Notebook
- [Editorial: Storm tests Oroville spillway assumptions](#) - Oroville MR
- [David Little: Everything changed at Oroville; rethinking changes at DWR](#) - Oroville MR
- [Riverbend Park in Oroville shutting down for reconstruction](#) - Action News Now
- [In historic vote, SoCal agency picks up most of \\$17 billion water project](#) - KPCC
- [Sea Level Rise Poses Huge Threat to California, Heightening Urgency of Liability Cases](#) - Climate Liability News
- [Tunnel Vision: What the Big Water Vote Means](#) - Voice of San Diego
- [Yosemite enthusiasts dramatic footage from weekend's flooding...](#) - SF Gate
- [Outdoor enthusiasts should be aware of Sacramento River levee levels and their safety](#) - KRCR
- [California is due for a mega-flood that could force 1.5 million people to evacuate and cause \\$725 billion in damage — and it would hit Silicon Valley hard](#) - Business Insider
- [Distribution of Landfalling Atmospheric Rivers on the U.S. West Coast During Water Year 2018](#) - Center for Western Weather and Water Extremes
- [Before the Food Arrives](#) - NASA
- [What Can Happen When NEPA Is Ignored: The Oroville Dam](#) - NRDC
- [PD Editorial: Water investment must include flood preparation](#) - The Press Democrat
- [L.A. County officials considering property tax for storm-water measures](#) - LA Times
- [California to 'whipsaw' between drought, floods; study](#) - Phys.org
- [Flooding Hot Spots: Why Seas Are Rising Faster on the U.S. East Coast](#) - Yale Environmental 360
- [California's next megaflood would be worse than eight Hurricane Katrina's](#) - Griest
- [USGS quake monitors pick up vibrations at Oroville Dam construction site](#) - Enterprise Record
- [Environmental analysis released for San Anselmo flood control project](#) - Marin IJ
- [WaterFix: tunnelling under levees](#) - California Water Research
- [Less talk, more action: It's time to get serious about floodplain management](#) - EDF
- [Water, water everywhere: Memorable Norcal floods](#) - The Mercury News
- [Climate change may lead to bigger atmospheric rivers](#) - NASA
- [Flood Safety, Infrastructure, and the Feds](#) - Legal Planet
- [The snow drought in California is fueling wildfires, floods, and mudslides](#) - Clean Technica
- [Atmospheric rivers are only going to get BIGGER: New Study](#) - Weather Network