

DEPARTMENT OF WATER RESOURCES

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**FEB 22 2016**

The Honorable Barbara Boxer
Minority Chair, Senate Environment and Public Works Committee
456 Dirksen Senate Office Building
Washington, DC 20510-6175

The Honorable Grace F. Napolitano
Ranking Member, House Subcommittee on Water Resources and Environment
585 Ford House Office Building
Washington, DC 20515

SENT VIA E-MAIL AND U.S. POSTAL SERVICE

Dear Senator Boxer and Representative Napolitano:

Water has shaped California's past and will help shape its future. As recognized in Governor Brown's 2014 California Water Action Plan, managing our State's water resources today and for future generations requires a strategic, integrated approach and cooperation across all levels of government. We are grateful for the leadership that Congress has provided in promoting actions that bring together federal, state, and local resources to achieve common goals, especially as our State strives to effectively manage a vast and complex water resources system amid a prolonged and historic drought. As Congress embarks on preparation of the next *Water Resources Development Act (WRDA) in 2016*, the California Department of Water Resources (DWR) urges our congressional leaders to incorporate some additional, practical actions in the legislation that would further improve our State's ability to sustainably manage a very scarce and valuable resource. This letter outlines seven requests:

1. *Support system/watershed-based project budgeting and planning* - Provide the U.S. Army Corps of Engineers (Corps) with programmatic authorities to conduct project budgeting and planning on a system/watershed basis to streamline and reduce the time and costs incurred by federal, state, and local authorities in planning for the management of California's flood risks.
2. *Support State-sponsored flood risk reduction and ecosystem restoration projects* - Provide minor text amendments for two study authorities, construction authority for four projects, and support for various statewide studies and projects listed herein.
3. *Clarify guidance for implementing Section 1020 of WRRDA 2014* - Encourage the Secretary to delegate authority to approve Integral Determination Reports (IDR) to the District or Division Commander level, and encourage the Corps to modify their implementation guidance for Section 1020 of WRRDA 2014 to facilitate availability and use of credits within the 10-year life of this provision.

4. *Fund integrated water resources management science and services* - Provide funding to further the work of the Integrated Water Resources Science and Services Program – a multiagency effort of federal agencies - to improve coordination and management of water resources in the nation. Of immediate interest is the Lake Mendocino Pilot study in the Russian River watershed.
5. *Authorize and fund the update of water control manuals for California reservoirs* - Provide authorization and funding for the Corps to update water control manuals for multi-purpose reservoirs in California to allow optimization to ensure more reliable water supplies, enhanced flood protection, and environmental protection.
6. *Prevent flood risk intensification in urban and rural deep floodplains* – Direct the Corps and other federal agencies to integrate their floodplain management policies, including guidance being developed for implementation of Executive Order 13690, to facilitate consistency between federal and State floodplain management policies across the nation.
7. *Prevent flood risk Intensification by preserving rural uses in deep floodplains* - Direct the Corps and the Federal Emergency Management Agency (FEMA), in consultation with State partners, to assess and develop plans and policies that could facilitate and encourage additional investments in rural flood risk management.

Each of these requests is explained in more detail in the following pages.

REQUEST 1: SUPPORT SYSTEM / WATERSHED-BASED PROJECT BUDGETING AND PLANNING

Request Congress to provide the Corps with programmatic authorities to conduct project budgeting and planning on a system/watershed basis that would significantly streamline and reduce the amount of time and costs incurred by federal, state, and local authorities in planning for the management of California's flood risks.

There is a significant and widely-recognized need for flood damage reduction projects to be conducted on a system/watershed basis to maximize effectiveness, reduce costs, avoid delays, and unite federal, state, and local resources. DWR fully supports implementation of watershed-based flood risk planning and budgeting. Augmenting the ability of the Corps to lead the development of a more programmatic approach to water resources management at the federal level is essential to our continued federal, state, and local coordination.

Congress' Longstanding Support for Watershed-Based Planning and Budgeting

Congress has had a decades-long history of authorizing and supporting watershed-based water management initiatives that have produced significant public benefits while saving tax dollars. Most recently, in the *Water Resources Reform and Development Act* (WRRDA) of 2014, Congress authorized a study of the Greater Mississippi River Basin "to improve the coordinated and comprehensive management of water resource projects in the [Basin] relating to severe flooding and drought conditions." Also, in WRDA 2000, Congress approved the Comprehensive Everglades Restoration Plan, which laid out an ecosystem-wide framework to improve water supply, strengthen flood protection, and accelerate ecosystem restoration for more than 8 million residents across an 18,000 square mile region.

As far back as the 1970's, Congress had recognized the value of watershed-based planning by funding a study of the Chesapeake Bay ecosystem, sponsored by U.S. Senator Charles "Mac" Mathias (R-Md.). Subsequent congressional authorizations included WRDA 1996, which established a pilot environmental assistance program for the Chesapeake Bay watershed, and WRDA 2007, which increased the authorization for the pilot program. Today, the Chesapeake Bay program spans federal, state, and local resources in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia in an effort to restore and protect one of the nation's largest estuaries and its watershed.

In today's challenging budget environment, system-wide planning continues to be a common-sense way to reduce transactional costs, facilitate Congress' oversight, avoid redundancy in government programs, and maximize public benefits and taxpayer returns.

Federal, State, and Local Alignment on Watershed-Based Planning and Budgeting

DWR is uniquely positioned to collaborate with the Corps in bringing together local sponsors for watershed-wide projects. For example, DWR is an active participant and partner with the Corps on the Sacramento River General Reevaluation Report, which is currently underway to assess flood risk management capabilities and ecosystem restoration opportunities across approximately 980 miles of levees, one million acres of land, 50 communities, and nearly \$38 billion worth of infrastructure that protect more than 2.3 million Californians. Basin-wide collaborations in the San Joaquin Valley as well as in Southern California and the Bay Area are also being contemplated.

Similarly, given the Corps' experience in managing large-scale projects, from planning and construction to operations, maintenance, and regulatory review, we believe the Corps can be invaluable in furthering alignment by facilitating interactions between

federal agencies, including the U.S. Bureau of Reclamation (USBR), National Marine Fisheries Service, and U.S. Fish & Wildlife Service, who play key roles in flood risk management and ecosystem restoration projects.

We acknowledge that undertakings of this complexity and range could take many years, but there is a sense of urgency as climate patterns have changed. The hub of the California water supply system – the Sacramento-San Joaquin Delta (Delta) - is threatened. Flood risks have intensified with each weather event in the region and the Delta's aging levees are vulnerable to earthquakes and rising sea level due to climate change. Additionally, many species of fish and fowl whose survival are tied to the health of the Delta have declined at alarming rates.

These challenges can be met if we deploy our resources efficiently. Our long history of water management in California, combined with our longstanding partnership with the Corps, tell us that watershed-based planning and budgeting leads to smarter use of government resources at the federal, state, and local levels.

As such, we respectfully request and support language in the upcoming WRDA legislation that would authorize the Corps, in coordination with other federal, state, and local agencies, to develop watershed-based flood risk planning and budgeting for projects across multiple communities and regions. DWR would be pleased to collaborate with the Corps to develop one or more demonstration programs encompassing projects across Delta and Central Valley communities, the San Francisco Bay Area, and Southern California.

REQUEST 2: SUPPORT STATE-SPONSORED FLOOD RISK REDUCTION AND ECOSYSTEM RESTORATION PROJECTS FOR ACTION IN WRDA 2016

DWR and the Central Valley Flood Protection Board (CVFPB) have been working with the Corps on the following studies and projects, and we respectfully request and strongly support consideration in WRDA 2016 for minor text amendments for the two study authorities, and construction authority for four projects, including conditional authorization pending completion of Chief's reports, if necessary. DWR also supports congressional consideration in WRDA 2016 for additional statewide projects and studies listed on Attachment A.

Study Authorities

Sacramento River General Reevaluation Report

Request addition of this language for the study authority: "The Sacramento River Bank Protection Project General Reevaluation heretofore shall be referred to and shall be focused on reevaluation of the Sacramento River Flood Control Project, authorized in 1917; the reevaluation shall include investigation of the addition of ecosystem restoration as a project purpose." The GRR, initiated in June 2015, will evaluate if there are modifications to the system that will increase

the resiliency of the system, provide ecosystem benefits, and explore concepts for reducing institutional challenges associated with long-term system management.

Yuba River, CA Feasibility Study

Request addition of the following language for the study authority: "The study shall investigate ecosystem restoration opportunities in the Yuba River watershed."

Construction Authorities

American River Watershed Common Features General Reevaluation Report

Request modification to the existing construction authority based on the American River Watershed Common Features General Reevaluation Report (authorized by Section 101(a) (1) of WRDA 1993). The construction modification would result in improvements to levee performance and reduction in levee seepage, stability, and erosion failure risks, along with widening the Sacramento Weir and Bypass at the lower American and Sacramento Rivers and their tributaries in the North Sacramento area.

West Sacramento General Reevaluation Report

Request modification to the existing construction authority based on West Sacramento GRR recommendations for improvements to levee performance and flood risk reduction measures along the Sacramento River.

Lower San Joaquin River Feasibility Study

The Lower San Joaquin River Feasibility Study recommends a plan for further improving levee performance and reducing the risk of levee failure along the lower San Joaquin River, Calaveras River, and along the western front of the City of Stockton and the Sacramento San Joaquin Delta. Modifications to the authorized project require specific authorization from Congress. The Corps will be preparing a Chief's Report for the study, currently scheduled to be completed by October 2016.

Delta Islands and Levees, CA Project (Big Break and Little Franks Tract)

Recommend authorization of construction of the project recommended in the Delta Islands and Levees Feasibility Study. The project consists of placement of dredged material in open water at Big Break and Little Franks Tract for creation of about 90 acres of shallow water habitat, which has broad stakeholder support in the challenging Delta region. (Chief's Report scheduled for late 2016.)

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Note: The above four projects for which construction authority is requested all have Chief's Reports scheduled for completion near the end of 2016. Should completion of any of these Chief's Reports (or those for any of the statewide projects listed in Attachment A) be delayed, we respectfully request "conditional authorization" in WRDA 2016 as may be needed for those nearly complete studies.

Additional Statewide Corps Projects and Studies

In order to reaffirm State support for numerous additional Corps flood risk reduction projects and studies ongoing throughout California, we provide the following lists of proposed projects and studies as attachments:

- **Attachment A** - Other Statewide Flood Risk Reduction and Ecosystem Restoration Projects for congressional consideration in WRDA 2016
- **Attachment B** - Ongoing CVFPB-Sponsored Studies (No Action Needed in WRDA 2016)

REQUEST 3: CLARIFY GUIDANCE FOR IMPLEMENTING SECTION 1020 OF WRRDA 2014

We request Congress to (a) encourage the Secretary to delegate authority to approve Integral Determination Reports (IDR) to the District or Division Commander level, and (b) encourage the Corps to modify their implementation guidance for Section 1020 of WRRDA 2014 to facilitate use of credits within the 10-year life of this provision.

Section 1020 of WRRDA 2014 allows for Section 221, Flood Control Act of 1970, credits to be utilized only after completion of an IDR analysis and approval of such IDR by the Secretary. This process has taken 2-3 years for some existing projects, so delegation to the District or Division level will help facilitate use of such credits -- which were intended by WRRDA 2014 to be recognized and utilized prior to June 2024, when the section's provisions are terminated.

The Corps implementation guidance for Section 1020 currently requires that the project be completed before credit under Section 221 can be recognized and utilized for other projects. Considering the fact that it typically takes 7-10 years to complete large construction projects, and given the current 2-3 years to complete the IDR process, it is likely that this provision will terminate prior to credits being made available for use. Modified implementation guidance that will allow a portion of excess credits to be utilized prior to project completion (with perhaps a 50% contingency on the project) is requested in cases where such credit excess is well documented.

REQUEST 4: SUPPORT INTEGRATED WATER RESOURCES SCIENCE AND SERVICES PROGRAM

We ask that Congress provide funding to further the efforts of the Integrated Water Resources Science and Services Program – a multiagency effort (National Oceanic and Atmospheric Administration, U.S. Geological Survey, Corps, USBR) to improve coordination and management of water resources in the U.S. Of immediate interest is the Lake Mendocino Pilot study in the Russian River watershed.

The Lake Mendocino Forecast Informed Reservoir Operations Pilot study is a multi-agency effort to examine the value of a forecast-informed, flood control guideline to potentially offer additional storage should the winter season prematurely turn dry. The additional storage could support alternate management strategies for environmental services, water supply, and recreation at the onset or in the midst of a drought. Flood control capabilities could be maintained through pre-release of water informed by forecast information. The collaborative and cooperative effort of the multiple federal, state, and local science and service agencies is facilitated through the Integrated Water Resources Science and Services Program. Continued investment in this program will facilitate a successful outcome of the pilot which has the potential for application in other parts of California and the United States.

REQUEST 5: AUTHORIZE AND FUND THE CORPS UPDATE OF RESERVOIR WATER CONTROL MANUALS

We ask that Congress provide authorization and funding for the Corps to update water control manuals for reservoirs in California, which will enable federal partners to work with state and local entities to more effectively incorporate modern forecasting and management techniques into multi-purpose reservoir operations.

California's multi-purpose reservoirs are tasked with providing flood protection, water supply, supporting ecosystem function and health, and provide recreational opportunities. Facilities with flood control responsibilities are governed by a water-control manual that specifies calendar-based storage limits to facilitate flood management. This has worked historically with an abundant snowpack providing a natural reservoir backstop for water supply and ecosystem services. Recent dry years and record warming have given a glimpse of the future when the snowpack will be limited or non-existent. The current collection of water control manuals are based on historical hydrology and technology and limit the functional operation of reservoir facilities to meet the myriad of resource management demands. The forecast informed and coordinated reservoir operations program offers an opportunity to improve supply reliability and ecosystem service without compromising flood protection by incorporating modern forecasting and management technologies. Federal support for these efforts will enable California to advance this important adaptation strategy for water management in a changing climate.

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REQUEST 6: PREVENT RISK INTENSIFICATION IN DEEP FLOODPLAINS (URBAN AND RURAL)

We respectfully request that Congress direct the Corps, FEMA, the U.S. Department of Housing and Urban Development (HUD) and the Department of Transportation (DOT) to integrate floodplain management policies, including guidance being developed for implementation of Executive Order 13690. Such integration among federal agencies will facilitate efforts among States across the nation to ensure consistency between federal and State floodplain management policies.

Flood risk management across the nation presents a particularly difficult set of challenges when dealing with deep floodplains, generally defined as floodplains where the depth of flooding is three feet or higher. The problem is most acute in urban or urbanizing areas, where the ability to evacuate deep floodplains is limited, creating significant life-safety threats – vividly demonstrated by the catastrophic loss of life in New Orleans due to Hurricane Katrina in 2004. Ongoing trends in many States for urbanization behind levees originally intended only for rural flood protection have brought the issue of risk intensification in deep floodplains to the forefront – especially in California's Central Valley. DWR strongly supports federal leadership in preventing risk intensification in deep floodplains, and is partnering with the Corps on several ongoing feasibility studies towards that goal. DWR is seeking to work more proactively with the Corps, perhaps through the Silver Jackets program, to integrate State floodplain management policy with Corps guidance that is being developed for implementation of federal Executive Order 13690. In addition, DWR has drafted an update to California's Executive

Order for floodplain management, EO B39-77, and it appears mutually beneficial to collaborate with the Corps and FEMA in facilitating consistency between federal and State FPM policy.

Congressional direction to the Corps, FEMA, HUD, DOT, and perhaps other federal agencies to integrate their floodplain management policies will be of immense help as we continue our partnership with the Central Valley Flood Protection Board and numerous local maintaining agencies and land use authorities to manage flood risks – including residual risk – in deep floodplains.

REQUEST 7: PREVENT RISK INTENSIFICATION BY PRESERVING RURAL USES IN DEEP FLOODPLAINS

We urge Congress to direct the Corps and FEMA, in consultation with State partners, to assess and develop plans and policies that could facilitate and encourage additional investments in rural flood risk management.

Flood risk management in rural areas presents a wide range of challenges and opportunities. Most of the rural levee maintainers are hard-pressed to generate sufficient funds just to accomplish their annual maintenance responsibilities. While some of the larger local entities may be capable of cost sharing in modest levee improvements, such improvements (as well as levee rehabilitation under P.L. 84-99) often do not meet the cost-benefit analysis requirement.

Furthermore, any comprehensive flood risk management program must proactively recognize and manage residual risk, especially in rural areas. Risk awareness campaigns are necessary to sensitize residents of natural floodplains (regardless of what level of protection may be provided by adjacent levees or other structural works) that there will always be some residual level of flood risk.

While managing residual risk in fully-developed urban areas would likely emphasize such things as evacuation plans and emergency warnings of levee problems, residual risk management and recovery in rural areas is directly tied to prevention of risk intensification and to establishment of new rural programs within California (including structure elevation on earthen pads or by physical raises; ring levees around small communities and farmsteads; and non-structural land use considerations).

With increasing focus on multi-benefit, integrated water resources planning, rural areas offer the best opportunity for achieving multi-benefit goals while still retaining the social and economic values of a vibrant agricultural economy. By employing creative approaches to quantification of system benefits, it should be possible to justify both federal and State interest in pursuing cost-shared projects that provide public benefit through such options as construction of cross levees to isolate existing developed areas with rural areas, and/or to purchase agricultural conservation easements (in cooperation with willing landowners) that preserve agriculture while preventing risk intensification through continuing urban development. Furthermore, FEMA regulatory changes that support agriculture in the floodplain are in the national interest, and are an important goal of the State CVFPP to help facilitate reduction of flood risk.

We are very pleased that ecosystem restoration, as a core Corps mission, can be incorporated as a federal project purpose in cost-shared Corps feasibility studies. This will greatly extend the range of alternatives for improving rural flood risk management in conjunction with environmental sustainability.

Preserving rural uses in floodplains helps reduce risk intensification, is clearly consistent with EO 13690, and is therefore of public interest to pursue.

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CONCLUSION

Water management in California is a shared responsibility among State, federal, and local agencies. Together, we have accomplished much during the last decade toward more integrated functioning of California's flood and water supply infrastructure for broad public benefits. We recognize that much remains to be done to provide the resilient flood protection and reliable water supplies that our communities and agriculture deserve, along with economic sustainability and ecosystem values. We are grateful that Congress has reiterated its commitment to improve protections for our nation, including the State of California, by working to pass a new *Water Resources Development Act* in 2016. California stands ready to support and match this effort with our resources, policies, and knowledge.

Thank you for your attention to these very important issues.

Sincerely,



Mark W. Cowin
Director

Attachments

cc: (See attached list.)

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cc: The Honorable James Inhofe
Chairman, U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
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The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
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The Honorable Julia Brownley
United States House of Representatives
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The Honorable Peter A. DeFazio
Ranking Member, Committee on Transportation and Infrastructure
United States House of Representatives
2163 Rayburn Building
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The Honorable Jeff Denham
United States House of Representatives
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The Honorable John Garamendi
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The Honorable Janice Hahn
United States House of Representatives
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The Honorable Jared Huffman
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The Honorable Duncan D. Hunter
United States House of Representatives
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The Honorable Bill Shuster
Chairman, Committee on Transportation and Infrastructure
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Washington, DC 20515

The Honorable Mimi Walters
United States House of Representatives
236 Cannon House Office Building
Washington, DC 20515-0545

ATTACHMENT A

Other Statewide Flood Risk Reduction and Ecosystem Restoration Projects for Congressional Consideration in WRDA 2016

South San Francisco Bay Shoreline

Recommend authorization of a plan to reduce tidal flood risk by constructing a new levee along the South San Francisco Bay Shoreline and to restore approximately 2,900 acres of former salt production ponds to tidal marsh habitat in the Alviso Pond Complex.

Los Angeles River Ecosystem Restoration

Recommend a plan authorizing ecosystem restoration and recreation for an approximately 11-mile stretch of the Los Angeles River, from Griffith Park to Downtown Los Angeles, Los Angeles County, California. The recommended plan for ecosystem restoration includes restoration of habitat within 719 acres within and adjoining the river.

Coyote Valley Dam

Request authorization to modify existing study authorization to raise the existing USACE Coyote Valley Dam (CVD) an additional 36 feet. The existing dam is an earth fill structure 160 feet high, 3,560 feet long, with a 122,500 acre feet capacity. Raising the dam an additional 36 feet is expected to yield a total storage capacity of 199,000 acre feet. Construction for the initial stage of the CVD project was authorized by Section 204 of the 1950 Flood Control Act (FCA). The initial stage is the completed existing USACE CVD project. The second stage is to raise CVD 36 feet, which will require additional authorization.

Soboba Indian Reservation Flood Control Levee

Request modification to existing project authorization for the San Jacinto and Bautista Creek Improvement Project, part of the Santa Ana River Basin Project in Riverside County, California. The proposed 1.6 mile levee designed to U.S. Army Corps of Engineers standards would allow for revocation of a 296-acre flowage easement on the Soboba Reservation created as part of the original project, as well as return of an additional 20-acre fee parcel.

San Marcos Creek at CA State Route 78 Flood Control and Ecosystem Restoration Project

Requests study authority to investigate flood risk management and ecosystem restoration along San Marcos Creek in the City of San Marcos, California. Current floodway issues jeopardize the downstream business district properties and surface streets, including San Marcos Boulevard and State Route 78. The City of San Marcos has completed a hydraulic analysis, engineering studies and cost estimates for a proposed project in coordination with the California Department of Transportation (Caltrans).

Encinitas-Solana Beach Coastal Storm Damage Reduction Project Authorization

Request authorization of the Encinitas-Solana Beach Coastal Storm Damage Reduction Project to reduce risks to public safety and economic damages associated with bluff and beach erosion along the shorelines of the Cities of Encinitas and Solana Beach, California. The Encinitas recommended plan includes a 50-foot-wide beach fill along 7,800-feet using 340,000 cubic yards of compatible sediment, with re-nourishment every five years; and, the Solana Beach plan includes construction of a 150-foot-wide beach fill along 7,200-feet using 700,000 cubic yards with re-nourishment every 10 years.

ATTACHMENT B

Ongoing Central Valley Flood Protection Board (CVFPB)-Sponsored Studies (No Action Needed in WRDA 2016)

We recommend continued Congressional support for the following ongoing Studies:

Yuba River Basin General Reevaluation Report

Request to continue evaluating constructed features of the Yuba River Basin Project, California, particularly Reach 2 which was not considered for credit in the 2014 Integral Determination Report, a post-authorization documentation report prepared by the Corps. The authorized Project included levee modifications to the existing Yuba and Feather River levees to provide flood risk reduction for the Reach 2 area (lower Reclamation District 784) and to the City of Marysville, California.

Cache Creek Settling Basin Post-Authorization Report

Request to re-evaluate the authorized second phase of the Cache Creek Settling Basin along the Sacramento River. The investigation will identify specific needed modifications to existing project authorities to increase basin capacity, decrease the long term maintenance, improve water quality for the Delta, and provide opportunities for ecosystem benefits for the Sacramento River Flood Control Project.

Lower Cache Creek Feasibility Study

Request to identify the need for construction authorization for flood risk reduction and levee improvements after completion of an ongoing feasibility study along the Lower Cache Creek area near the City of Woodland, California. The Lower Cache Creek feasibility study is expected to be completed in FY17.

Merced County Streams General Reevaluation Report

Request reevaluation of the authorized Merced County Streams Project, California, to investigate flood risk management opportunities, improving levee performance along Black Rascal Creek and Bear Creek. The Project was authorized by the Flood Control Act of 1944 (Public law 78-534) and consists of four flood risk management reservoirs on Burns, Bear, Owens, and Mariposa creeks.

San Joaquin River Basin Watershed Study

Request initiation of a new watershed study for the San Joaquin Basin, California, to investigate flood risk management, ecosystem restoration and water supply.