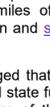


CALENDAR ALERTS

- Nov 1 -** Deadline to submit NOI project subapplication for OES [Hazard Mitigation Grant](#)
- Nov 1 -** DSC [meeting](#) on Delta Plan Amendments EIR, 2101 E. Earhart Ave, Stockton, 4:00-7:00 pm
- Nov 2 -** DSC meeting on Delta Plan Amendments [EIR](#), 828 I St, Sacramento, 10:30-11:30 am
- Nov 9 -** Free DWR/ACWA [Workshop](#) on Precipitation Forecasting, Sac Conv Ctr, [9:30am-12:30 pm](#)
- Nov 16 -** CDFW [meeting](#) on Delta Conservation Framework, Jean Harvie Center, Walnut Grove, 6:00 pm
- Nov 1 -** Deadline to [comment](#) on Draft [Delta Conservation Framework](#)
- Nov 30 -** Deadline to apply for Delta Conservancy Prop. 1 [grant funding](#)
- Dec 5 -** Sites Reservoir EIR/EIS [meeting](#), 100 Capitol Mall (Embassy Suites), Sacramento, 1:00 pm
- Dec 7 -** Sites Reservoir EIR/EIS [meeting](#), 122 Old Hwy. 99 West, Maxwell, 6:00 pm
- Dec 14 -** Deadline to [comment](#) on EIR for Delta Plan amendments on levee investment strategy
- Jan 15 -** Deadline to [comment](#) on Sites Reservoir [Draft EIR/EIS](#)

** = [New Calendar Alert](#)

FEATURED ASSOCIATE MEMBER



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FLOOD SEASON UPDATE

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

State Starts Levee Repairs and Advises Public to Prepare for Flood Season

As part of [Flood Preparedness Week](#), DWR and the Central Valley Flood Protection Board (CVFPB) held a press event to discuss the repair of critical sites damaged in January and February storms and remind the public of [actions](#) they should take in order to be ready for the next high water event. The [chairman](#) of the CVFPB spoke about the need for increased legislative appropriations and DWR reported on the [construction](#) of levees repairs being done by DWR and USACE ([Sac River](#), [San Joaquin River](#), and [USACE sites](#)), including 2.9 miles of levees in downtown [Yuba City](#). DWR subsequently released a report describing the selection and [screening process](#) they used for deciding which sites would be repaired this year.

DWR also acknowledged that the [repair](#) of many more critical and seriously damaged levees has been [delayed](#) until additional state funding is appropriated. Until they can be repaired, the CVFPB's [contingency plan](#) for avoiding failure of these severely damaged State Plan of Flood Control levees is relying on reclamation districts to provide aggressive monitoring and flood fighting this winter.

At the September CVFPB meeting, the CCVFCA Executive Director informed the Board that many reclamation districts exhausted their flood fighting supplies and revenues when responding to a series of high water events in January and February, but have not yet received federal or state reimbursement. Consequently, she put the state flood management agencies on notice that they may need to become actively involved in flood fighting activities sooner than expected because some RDs may not be capable of providing significant flood fighting services without fiscal and physical assistance from the State.

DWR Lowering Lake Oroville for Flood Storage

The [connection](#) of the upper and lower chutes of the Oroville Dam main spillway was made on October 24th, but completion of all [repairs](#) is not expected until early 2019. Therefore, DWR released an [interim report](#) describing the actions DWR will implement between November 1 and April 2018 to protect public safety while construction continues. The [intent](#) is to keep releases down the [partially-rebuilt](#) main spillway to less than 100,000 cfs so that use of the emergency spillway is not necessary. This will be accomplished by lowering the lake to 700 feet elevation by November 1st, which is below the average 780 feet elevation that is normally maintained. More than 2.2 million acre-feet of flood reserve storage will be created to accommodate inflows during the rainy season.

DWR is also performing repairs of the emergency spillway [slope](#), but a coalition of environmental organizations has renewed its advocacy for DWR to prevent further hillside erosion by also constructing a paved [emergency spillway](#).

State's fiscal responsibility is growing as spillway repair costs [double](#) and more than 90 [reimbursement](#) claims totaling \$172 million were submitted by the local governments, businesses, and residents to compensate for losses they experienced during the emergency [evacuation](#) of their communities. A Yolo County farmer also filed a \$1 billion claim to cover his [damages](#) and to create the opportunity for class action status to represent other parties as well. Economic losses for the area may escalate if DWR decides to close the largest [boat ramp](#) on the lake and if surrounding recreational [trails](#) are not reopened for public access.

New Folsom Dam Spillway Ready for Winter

Just in time for the start of rainy season, a [ceremony](#) to commemorate the completion of nearly a [decade of work](#) by the U.S. Army Corps of Engineers, U. S. Bureau of Reclamation, and local flood control partners to construct a new auxiliary spillway for Folsom Dam was attended by many local elected officials and other dignitaries on October 17, 2017. The flood control structure has [six gates](#) that will [work in conjunction](#) with the main dam to release water sooner and more safely.

A three-and-a-half foot [raise of Folsom Dam](#) is also moving closer to construction now that the [USACE](#) has published a [Final EIS/EIR](#).

Forecasting Severity of Next Year's Storms is Challenging

The series of storms in January and February 2017 delivered heavy precipitation, ranking second only to 1983 as California's wettest year for statewide runoff, which led to some of the highest inflows into Lake Oroville ever recorded. Raging rivers continued from [rapid snowmelt](#), causing summer flooding that [ruined crops](#) and forced [park warnings](#) and closures throughout the Central Valley.

Will the 2018 be another [wet water year](#)? Currently, [anyone's guess](#) is the best answer – but this may change. DWR is working with researchers at the National Aeronautics and Space Administration (NASA) and the Scripps Institution of Oceanography on developing tools to improve its [long-range forecasting](#) capabilities and accuracy. To find out more about improving precipitation forecasting, attend a [FREE half-day workshop](#) jointly sponsored by DWR and ACWA from 9:30 am to 12:30 pm on Thursday, November 9th at the Sacramento Convention Center located at 1400 J Street. There is no charge to attend, but [registration](#) by November 6th is required.

Another critical tool in preparing for flood flows is the ability to monitor water surface levels of rivers through a series of strategically-placed in-river gages. Both the National Weather Service and flood control managers rely on this data to inform the public about potential flood risk, and is also helpful for local government agencies in planning development in floodplains and for managing water rights when curtailments are ordered during droughts. Unfortunately, flood managers may have less access to changing water surface levels if the U.S. Geological Survey (USGS) is not provided [adequate funding](#) in the federal budget for the 8,200 stream gages they are responsible for across the nation. According to USGS, two stream gages have already been discontinued in California and 12 more are also at risk of losing funding.

LEGISLATIVE ACTIONS

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

CVFPB Support Needed on Delta Levee Legislation

The local cost share may double on July 1, 2018 for levee work done under the Delta Levee Maintenance [Subventions Program](#) because Assemblyman Frazier's [AB 732](#), which would [extend](#) the [existing 75-25%](#) state-local cost share formula until 2020, was held on the Senate Appropriations Committee's Suspense File. [Sponsored](#) by CCVFCA, AB 732 originally proposed making the current cost share permanent by deleting the sunset date, but the bill was amended in the Senate to only extend the formula another two years.

The Delta Subventions Program is under the jurisdiction of the Central Valley Flood Protection Board (CVFPB), but is managed on their behalf by the Department of Water Resources (DWR). Established by the Legislature in 1973, the [program reimburses](#) Delta reclamation districts for levee maintenance and repairs. The success of the [approximately \\$200 million](#) in state investments since then is evidenced by the significant reduction in the number of levee failures in the last two decades. To date, neither the CVFPB nor DWR have testified in support of AB 732.

At the September meeting of the Central Valley Flood Protection Board, CCVFCA Executive Director Melinda Terry informed board members that the Delta Subventions bill had stalled in the Senate and requested the Board prevent the statute from [reverting](#) to higher local share by publicly expressing its support for passage of AB 732 as an urgency bill when the Legislature reconvenes in January.

Legislature Approves Park/Water Bond with Flood Protection Funding

On the eve of the [end of session](#), the State Legislature [reached agreement](#) on final language for [SB 5](#) (De León) to authorize placement of a \$4 billion parks and water bond on the June 2018 ballot. The good news is that the bond measure includes a Flood Protection and Repair Chapter, however, \$200 million was stripped from the flood protection chapter in 11th hour negotiations, reducing it from \$750 million down to \$550 million. To clarify legislative intent regarding eligibility for funding, the author added a letter to the September 15, 2017 [Senate Journal](#) (page 3021) supporting multi-benefit projects where feasible, but acknowledging single-purpose levee projects protecting life and property are also eligible.

The flood chapter specifies the \$550 million be split between the following objectives:

- \$300 million for State Plan of Flood Control system in the Central Valley;
- \$50 million for Delta levee repairs and restoration;
- \$100 million for statewide stormwater/flash flood related projects; and
- \$100 million for statewide multi-benefit flood control projects in urbanized areas.

Voters may have to decide between competing parks and water bonds as the [Natural Heritage Institute](#) is attempting to collect enough signatures to place an \$8.87 billion measure with \$200 million for multi-benefit flood control projects in the Central Valley on the November 2018 ballot. If this measure qualifies for the ballot then voters may opt to approve both, only approve one, or reject both – although approving both is highly unlikely due to voter concerns about state indebtedness.

State Budget Authorizes Collection of New Fees

The fiscal year 2017-18 [budget signed](#) by Governor Brown included approval of a dozen budget trailer bills that contain many policy changes and adoption of new fees. [SB 92](#), the Resources budget trailer bill has three items that effect flood protection activities:

- Requirement to keep Oroville Dam documents [confidential](#);
- Authority for Native American Commission to charge fees related to potential disturbance of places with special significance to Native Americans; and
- Authority for Central Valley Flood Protection Board to charge fees to cover costs associated with issuing encroachment permits, inspecting and enforcing encroachments, and management of Sacramento and San Joaquin Drainage District properties.

During the budget process, the Association worked closely with Senator [Jim Nielsen](#) and Assemblyman [James Gallagher](#) for approval of a [\\$100 million appropriation](#) for [emergency levee repairs](#) and deferred maintenance, including testimony in legislative budget committees by CCVFCA Executive Director Melinda Terry and [Mike Inamine](#), Manager of SBFCA. Ultimately, the Governor redirected \$80 million towards levee repairs and the Legislature appropriated a [portion of Prop. 1 bonds](#) to fund additional levee maintenance and improvement projects in the Sacramento Valley and Delta.

DELTA DOWNLOAD

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

WaterFix Permits Legally Challenged and Funding Uncertain

In June, [NMFS](#), [USFWS](#), and CA Dept. of [Fish and Game](#) issued endangered species permits for Waterfix Delta conveyance project, with [legal challenges](#) subsequently filed by environmental organizations. A month later, DWR [certified](#) the [Final EIR](#) with a Statement of [Overriding Considerations](#) and [Mitigation Monitoring](#) Program for the project. Several [CEQA lawsuits](#) by local agencies and environmental organizations immediately followed. The U.S. Bureau of Reclamation (USBR) is taking a slower, more deliberative approach to finalizing its approval of WaterFix EIS and has not yet issued a Record of Decision (ROD); but NEPA lawsuits and [legal chaos](#) are sure to follow once they do.

There are still additional permits that must be secured including 408 authorization from USACE to construct new diversion intakes and barge loading docks on project levees and approval from the State Water Resources Control Board (SWRCB) for change of diversion petition to amend CVP and SWP water rights permits. The SWRCB will start [Part 2](#) of the WaterFix petition hearings on January 18, 2017, focusing testimony, evidence, and cross-examination on impacts to fish and wildlife. Part 1 focused on impacts to flood protection facilities and other legal users of water. Pursuant to the 2009 Delta Reform Act, construction of new Delta conveyance facilities cannot commence until the water board has completed the hearing process and issued an order approving a change in point of diversion (Water Code [§85088](#)).

On the fiscal front, several State Water Project (SWP) contractors including [Metropolitan](#) Water District of Southern California and [Kern](#) County Water Agency have voted to move forward with funding WaterFix, but the execution of legally binding finance agreements have not been authorized or signed. More recently, downsizing the project to a [single tunnel](#) is gaining momentum in some circles after [Santa Clara](#) Water District voted to only provide [conditional support](#) of a smaller and less expensive project. Construction cannot start on new Delta water conveyance facilities until financial agreements have been executed pursuant to the 2009 Delta Reform Act (Water Code [§85089](#)).

Funding on the federal side is not going as well. [Westlands](#) Water District, one of the largest CVP water contractors, voted against paying for WaterFix because the project is not financially viable and a statement released by a USBR [spokesperson](#) on October 25th notes that at this time the Bureau *“does not expect to participate in the construction or funding of the CA WaterFix”* as currently proposed.

Solidifying sufficient financial support may become even harder with state and federal investigations raising red flags regarding cost overruns and improper handling of BDPCP/WaterFix funding by DWR and USBR. Congressional members have requested [further investigation](#) by the federal Government Accountability Office (GAO) on an [oversight hearing](#) to provide testimony regarding an Interior's Inspector General [report](#) exposing [misuse](#) of federal taxpayer funding by the USBR to subsidize development of WaterFix planning documents. A State [Auditor's report](#) requested by Delta [Legislators](#) found DWR did not use any General Fund, but noted significant cost increases for project planning and failure of DWR to comply with state's contracting laws resulting in hiring of unqualified project manager.

In addition, a coalition of environmental groups has [filed a lawsuit](#) challenging [DWR's validation action](#) seeking authorization to sell revenue bonds to finance approximately half of the WaterFix planning and construction costs.

Environmental Analysis of Delta Levee Investment Strategy Available for Comment

The Delta Stewardship Council (DSC) is releasing a draft environmental impact report (EIR) on November 1st that analyzes the environmental impacts associated with implementing three sets of proposed amendments to the [Delta Plan](#), including draft Delta Levee Investment Strategy ([DLIS](#)) language [approved](#) by the Council in March.

The DLIS proposes [numerous amendments](#) to the Delta Plan flood management chapter related to: levee standards; prioritizing state investments for each [Delta island](#); increasing per mile deductible for Subventions Program; federal disaster assistance; and land use in the floodplain. In addition, the DSC and Central Valley Flood Protection Board (CVFPB) and tentatively agreed that the investment prioritization amendment should be adopted as a non-regulatory policy in the Delta Plan, but is [contingent upon](#) the CVFPB adopting an [implementation MOU](#) without modification at their June 23, 2017 board meeting. The MOU commits both parties to implement actions such as non-project levee inspections even though they are proposed as non-regulatory Recommendations in the official Delta Plan amendments. CCVFCA has expressed concerns with the DLIS amendments and the inconsistencies between the proposed amendments and the MOU.

Two [open houses](#) to discuss the EIR are scheduled in Stockton on November 1st and Sacramento on November 2nd. Deadline to submit written comments on the Draft EIR is December 14, 2017. Once the DSC certifies a Final EIR, they will then submit the Final Delta Plan Amendments to the Office of Administrative Law for approval as enforceable regulations.

Delta Levee Maps & Scientific Review of Analytical Tool Available

DSC has posted [several maps](#) developed by DWR relating to the existing condition of Delta levees, including best estimates of levees miles in compliance with FEMA and USACE standards. The site also includes additional supporting documents related to the maps available on the DSC website. The data and maps have not been reviewed or approved by the Council for accuracy or completeness, but is being made available in the interest of transparency and public disclosure. Inquiries or corrections related to the maps should be directed to DWR.

An independent scientific review of [analytical tools](#) to evaluate the EIR/EIS for the Yolo Bypass Salmon Habitat Restoration and Fish Passage Project is also available on the DSC website.

KEEPING UP

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

DWR Under New Leadership

Governor Brown wasted no time in naming [Grant Davis](#) as the new Director of DWR in mid-July after Acting Director Bill [Croyle's retirement](#) was announced in June. Prior to being appointed, [Davis served](#) as the General Manager of the Sonoma County Water Agency since 2009 and as Executive Director of The Bay Institute before that.

Flood Board Approves 2017 Update of CVFPB

In August, the Central Valley Flood Protection Board adopted a [resolution](#) approving the [2017 update](#) of the Central Valley Flood Protection [Plan](#) which refines the investments needed from federal, state, and local sources, and proposes new assessment mechanisms to collect additional revenues from landowners. Since then, the board has embarked on implementation by holding a [workshop](#) and developing a [road map](#) and adopting [charters](#) for a Coordinating Committee and Advisory Committee to facilitate a smooth, cooperative, and publicly transparent implementation phase.

The road map prioritizes identifying funding for continued participation of regional work groups (RFMPs) and relies on a joint DWR-CVFPB Investment Strategy Working Group (ISWG) to focus on the technical, data acquisition, and legal issues surrounding funding issues with work products being publicly available through the CVFPB Executive Committee. According to the road map, the Board also intends to sponsor legislation in January to modify the Sacramento and San Joaquin Drainage District (SSJDD) in order to allow collection of property assessments. CCVFCA Executive Director, Melinda Terry, described many of the technical and legal challenges that must be resolved through stakeholder engagement prior to introducing legislation and recommended the Board delay introduction of a bill until the discussion with local agencies and landowners produces proposed changes to the SSJDD revenue collection process for the Board to consider pursuing in the 2019 legislative session.

New Land Use Data Base Tool Available

DWR has [unveiled](#) a new tool with specific crop information and illustrations of how land use has changed over the years for local agencies to use in their planning efforts. The California Land Use [Viewer](#) is designed to offer technical assistance to new Groundwater Sustainability Agencies, but is also a helpful tool for water managers.

Updated Template for Mitigation Banks in California

As of November 27, 2017, the USACE South Pacific Division will be utilizing an updated Mitigation Bank Enabling Instrument [template](#) for projects requiring mitigation for impacts to fish and wildlife habitat.

Conducting Public Business on Personal Phone is Not Private

The California State Supreme Court ruled in March 2017 that emails and texts related to public agency business that are sent or received on employees' personal phones are subject to the same [disclosure requirements](#) under the Public Records Act that applies to work computers and cell phones. Reclamation districts and other local public agencies should consult with their legal counsel if they have questions or concerns regarding this new ruling.

IN THE NEWS

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

- [A Family's History Tells the Story of California's Great Floods](#) - Cal Alumni
- [Hell or High Water: How Will CA Adapt to the Anthropocene?](#) - Cal Alumni
- [California reservoirs holding nearly twice as much water as at the drought's height](#) - SF Gate
- [How reservoirs can adapt to flooding in a warmer climate](#) - News Deeply
- [California Flooding May Create Breeding Grounds for West Nile Virus](#) - Contagion Live
- [Lawsuit filed over San Jose flood control project](#) - Mercury News
- [Drought reveals why SJ County will flood again](#) - Manteca Bulletin
- [Parts of Long Beach, Southern California could face chronic flooding from rising sea levels](#) - Daily Breeze
- [Scientists expect floods in Bay Area from rising seas in coming decades](#) - SF Chronicle
- [Burlingame sued for storm damage](#) - SM Daily Journal
- [Can deadly flash floods like in Arizona happen in Southern California?](#) - Los Angeles Daily News
- [New dam could stop floods and save fish](#) - Gilroy Dispatch
- [Delta Survives Latest Test](#) - Recordnet.com
- [State legislation allows Santa Cruz river flood control project funding](#) - Santa Cruz Sentinel
- [Sites Reservoir a water-storage plan worth funding](#) - OC Register
- [Water agencies chase billions in California Prop 1 project money](#) - SCPR.org
- [San Jose flood: City now faces 390 claims from victims totaling 18 million](#) - Mercury News
- [What California and the West Can Learn from recent catastrophic floods](#) - News Deeply
- [You may not live in Florida or Texas, but you insurance rates could spike because of hurricane](#) - USA Today
- [California lawmakers approve \\$4 billion ballot measure for parks and water projects](#) - Mercury News
- [Rain: When a good thing becomes too much of a good thing](#) - NOAA.gov
- [Editorial: Water bonds should be used to fund Sites Reservoir](#) - East Bay Times
- [Water Agency lines up its supporters](#) - Appeal-Democrat
- [Water storage projects compete for bond funds](#) - AgAlert
- [Another scheme for stormwater taxes gathers steam in Sacramento: Susan Shelley](#) - Daily News
- [Feds reimburse North Yuba Water District for storm damage](#) - Appeal-Democrat
- [OC Water summit: Southern California stormwater update](#) - Maven's Notebook
- [Floods are a serious threat to Southern California, say CSUF geologists](#) - OC Register
- [Seven Months After the Flood, Many San Jose Residents Still Homeless](#) - KQED
- [DR. ANDY FISHER: Enhancing groundwater recharge with stormwater](#) - Maven's Notebook
- [California's Climate Future Suggests More Volatility and a Key Role for Atmospheric Rivers](#) - Scripps
- [New Story Map showcases NOAA Research on atmospheric rivers and their impacts](#) - NOAA
- [Decade of data shows FEMA flood maps missed 3 in 4 claims](#) - PHYS.org
- [Record-breaking hurricanes stretch and strain FEMA](#) - McClatchy DC
- [Beyond Harvey: Does the US need to rethink flood management?](#) - CS Monitor
- [Floodplains in California's future](#) - California Waterblog
- [UCR researchers forecast El-Nino type rain for California](#) - Highlander News
- [New Water Year Begins](#) - Appeal-Democrat
- [California Flood Linked to Atmospheric Water Vapor "Rivers"](#) - EOS.org
- [What the coming La Nina means for California rains](#) - VC Star
- [CVP reservoirs start with comfortable carryover](#) - Western FarmPress
- [Marin IJ Editorial: Novato's Measure E tax sets flood control as a priority](#) - Marin IJ
- [Floodplains adjacent to the Sacramento River should be natures pantry](#) - News Deeply
- [Levee heads toward permit stage](#) - SM Daily Journal
- [Editorial: Focus on flood prevention, not disaster cleanup](#) - Chico ER
- [Flood experts say California levees need much more money](#) - Mercury News
- [RESILIENCY RISING: STATE OF THE SAN FRANCISCO ESTUARY](#) - FISHBIO