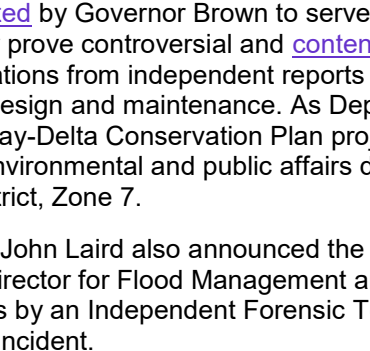


CALENDAR ALERTS

- Jan 17** [Yolo Bypass](#) Inundation Project EIR/EIS mtg, 2001 East Street, Woodland, 6:00-8:00 pm
- Jan 18** [Yolo Bypass](#) Project EIR/EIS mtg, 1075 West Capitol Ave., West Sacramento, 1:30-3:30 pm
- Jan 19** USACE Regulatory Program [Workshop](#), 1325 J St., Rm 814, 1:30-4:00 pm
- Jan 19** Comment deadline on [Eastside Bypass](#) Improvements Environmental Assessment
- Jan 19** Leadership Reception, 555 Capitol Mall, Sacramento, 5:00-7:00 pm
- Jan 22** [Yuba River](#) Feasibility Study mtg, 650 Capitol Mall, Sacramento, 1:00-3:00 pm
- Jan 23** Increase [CVP Exports](#) public mtg, 650 Capitol Mall, Stanford Rm, 2:00-4:00 pm
- Jan 24** Increase [CVP Exports](#) public mtg, 842 Sixth St, Los Banos, 6:00-8:00 pm
- Jan 25** Increase [CVP Exports](#) public mtg, CSU Chico West 2nd Street, 6:00-8:00 pm
- Jan 29** Deadline to [apply](#) for statewide Emergency Response [Grant](#) Funding
- Jan 31** Deadline to comment on NOAA draft National [Climate Assessment](#) report
- Feb 1** Deadline to [comment](#) on USBR Notice to Prepare EIR to maximize CVP Delta exports
- Feb 2** DPC Subcommittee [mtg](#), revised Levee Financing [Study](#), 1416-9th St, Rm 1305, 1:30-3:00 pm
- Feb 14** [Comments](#) on proposed SWRCB Stormwater Permit Amendments due

**** = New Calendar Alert**

FEATURED ASSOCIATE MEMBER



KEEPING UP

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

DWR Leadership Change and Restructuring Announced

The fourth Director in the past two years has been appointed to head the Department of Water Resources (DWR). With the resignation of [Grant Davis](#) after only five months, Natural Resource Agency Deputy Secretary Karla [Nemeth was appointed](#) by Governor Brown to serve as the Director of DWR for the last year of his Administration which may prove controversial and [contentious](#) as the department deals with the [Legislature's interest](#) in recommendations from independent reports criticizing DWR's management of WaterFix funding and Oroville dam design and maintenance. As Deputy Secretary she served as senior advisor on water policy working as Bay-Delta Conservation Plan project manager. Prior to joining the Brown Administration she was the environmental and public affairs director at the Alameda County Flood Control and Water Conservation District, Zone 7.

Natural Resource Agency Secretary John Laird also announced the restructuring of DWR's executive team. Eric Koch will serve as the Deputy Director for Flood Management and Dam Safety with responsibilities that include working on recommendations by an Independent Forensic Team that recently completed an investigation of the Oroville spillway incident.

USACE Proposes Reconnecting Yuba River to Floodplain

A draft [feasibility report](#) by the U.S. Army Corps of Engineers proposes reconnecting the Yuba River to its floodplain and other fish habitat [restoration actions](#) on 178 acres between Englebright Dam and the confluence of the Feather and Yuba Rivers. Specific restoration measures include floodplain lowering, side channels, riparian planting, and installation of hydraulic roughness and structural features that mimic nature.

The public has until February 23rd to comment on the feasibility study and is invited to attend two public [meetings](#) on January 16th at the Yuba County Government Center in Marysville and on January 22nd in Sacramento at the federal building at 650 Capitol Mall.

Water Board Proposes Amendments to Industrial Stormwater Permits

The State Water Resources Control Board is considering [amending](#) the Industrial General [Stormwater Permit](#) to add Numeric Action Levels which could increase the possibility of permit violations and liability if allegations of non-compliance are made as discharges exceed numeric limits. Written [comments](#) on these proposed policy changes are due by February 14, 2018.

Fees for Streambed Alteration Permits Effective January 1st

The CA Fish and Wildlife Department has released the [fee schedule](#) for obtaining [streambed alteration](#) agreement – 2081 Permit. The fees range from \$577.25 to \$5,145.75 if agreement is less than five years. A long-term agreement extending beyond five years requires a base fee of \$6,946.75, plus an additional \$577.25 to \$11,576.75 for projects costing more than \$500,000.

An entity is required to obtain a permit anytime it plans to: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit waste, debris or other materials that could pass into a river, stream, or lake. This may also apply to work conducted within the floodplain of a water body.

Infrastructure Tax Exemption Eliminated by Congress

The recently approved federal tax bill eliminates lots of exemptions, including one used by local governments in financing large infrastructure projects. Previously, agencies had an opportunity to refinance certain existing bonds at a lower rate, but still receive the federal exemption on the new bonds. This was referred to as "advance refunding." Termination of this tax law eliminates a mechanism public agencies have used to obtain [lower interest rates](#), which frees up revenues to fund additional infrastructure projects.

Comments Being Accepted on Federal Climate Assessment

The National Oceanic and Atmospheric Administration (NOAA) published a notice seeking public comments on a fourth National [Climate Assessment](#) report which analyzes the current and projected trends in global change, both human-induced and natural. Comments are due by January 31, 2018.

New Radar System to Predict Potential Flooding

With funding from Prop.84 and coordination with NOAA, a team of water agencies are installing a new [radar system](#) to more accurately predict where and when rain events may result in flooding. Four of the new radars will monitor flood-prone urban areas and the fifth will track incoming storms. Tokyo, the Netherlands, and Dallas-Fort Worth have similar systems which also allow residents to receive warnings via a phone app. Integrated with the existing precipitation prediction system, the new components also include probes and gauges that will measure how wet soil is, and how high and fast streams are running.

Environmental Analysis Released for Bypass Restoration Project

The U.S. Bureau of Reclamation released an environmental impact analysis (Mitigated Negative Declaration) to modify the [Eastside Bypass](#) flood facility to improve fish passage by removing two weirs and facilitate fish migration through the bypass by 2020. The proposal also includes reinforcing approximately two miles of levees and replacing an abandoned well with new well to provide water supply to Merced National Wildlife Refuge. Public comments on the MND/EA are due by 5:00 pm on Friday, January 19, 2018.

State Finalizes Comprehensive Update of CEQA Guidelines

The Governor's Office of Planning and Research has released a 169-page [update](#) of the [CEQA Guidelines](#) proposing changes or additions to more than 30 sections including evaluation of greenhouse gas emissions and [analyzing transportation](#) impacts pursuant to [SB 743](#) adopted in 2014. The proposed modifications reflect input received from the public and have been summarized in a [fact sheet](#).

FLOOD SEASON UPDATE

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

Final Report by Independent Forensic Team Critical of DWR's Oversight

The entire [reconstruction](#) of the main spillway has been well-documented visually and condensed into a video. However, Oroville residents continued to question DWR's credibility at a recent [town hall](#) meeting after finding out about the appearance of small cracks in the newly laid concrete and reiterated their [demand](#) more [transparency](#) and disclosure. DWR released a technical report describing three types of ["shrinkage"](#) as reason why [cracks](#) have appeared in the newly laid concrete.

The end of year [update](#) on the reconstruction of the Oroville main spillway included [memo #14](#) from the independent Board of Consultants, but the big news was the release of the long-awaited [final report](#) of the Independent Forensic Team which declared long-term [systemic failure](#) of DWR to address inherent design and construction [weaknesses](#) are what led to spillway collapse in 2017. The forensic experts also noted that DWR neglected safety while focusing on delivery of water to export customers. In addition, the report pointed out internal perpetuation within the department regarding incorrect understanding of the rock foundation stability below the [emergency spillway](#).

Local officials and residents consider the expert report as [validation](#) of the issues they have expressed concern over for years and their complaint that DWR treats Oroville as a [water source](#) instead of a city. DWR's [response](#) to the report is a commitment to improve its current procedures and organizational structure, and to convene a group of experts to identify tangible actions from the report for DWR to implement.

Prior to the release of the forensic report, DWR submitted a request to federal regulators just before Christmas for [renewal of license](#) for operation of Oroville Dam. Because license approval would guide dam operations for the next 50 years, local legislators and other elected officials have requested FERC delay their licensing decision until affected parties have had time to review the forensic report regarding why the 2017 spillway failure occurred, mitigations that should be implemented, and know more about the operations plan going forward.

An informal survey by the local newspaper reveals many of the [lingering concerns](#) of [residents](#) regarding the 2017 Oroville incident and evacuation process, as well as [increased flood risk](#) due to sedimentation loading in the waterways that could restrict efficient evacuation of flood flows unless [dredging](#) is performed. Many would like to see changes based on [lessons learned](#) from the 2017 incident.

A coalition of local residents were therefore upset by [DWR's rejection](#) of their recommendation to expand the floodplain by dredging the right bank of the Feather River as part of the project to remove 80,000 cubic yards of aggregate from the Oroville Wildlife Area for use in the spillway reconstruction project.

Meanwhile, the [lake level](#) is rising with January storms and approximately 490 claims filed for costs incurred by residents and businesses during the evacuation have [not been paid](#) by the state yet. Some claimants may need to pursue litigation because the state Department of General Services has already denied 347 claims for various reasons such as missing submission deadline, failing to pay filing fee, or lacking sufficient information.

Residents Tour Yuba City Levee Repair Site

After seeing a powerpoint presentation by the Sutter Butte Flood Control Agency describing the elements of the levee repairs and reinforcement on the West Side of the Feather River, more than a dozen Yuba City residents then [toured](#) the [construction site](#) in early December to see the \$28.5 million project for themselves. The primary feature is a new 3-foot wide and up to 110-foot deep slurry wall installed down the middle of the levee to address signs of seepage, boils, sink holes, and erosion that threaten levee stability. The rehabilitated levees will also meet the 200-year urban levee standard.

LEGISLATIVE ACTION

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

The Capitol has not been immune to the public disclosure of sexual misconduct allegations. As a result, due to the [resignation](#) of three Assemblymembers (Bocanegra, Dababneh, Ridley-Thomas), the Democrats no longer had a super-majority when the Legislature reconvened on January 3, 2018. Special elections to fill vacancies will be held in April. In the meantime, the Legislature must pass pending bills from the house of origin by the January 31 deadline, but can also introduce new legislation by February 16th.

A week after the Legislature reconvened, the Governor [released](#) his \$190 billion [2018-19 budget](#) proposal which includes increasing a rainy-day [reserve](#) for unexpected expenses. According to a brief overview of the budget summary, DWR will have to rely on voters approving new water bond funding (SB 5) in November to pay for flood control projects that achieve public safety and wildlife improvements, but does not include General Fund money for levee maintenance. The proposal also fails to indicate an alternative funding source if voters reject approval of SB 5. The Association will work with the Legislature and Administration on securing sufficient funding to cover \$130 million for annual levee and bypass maintenance costs, state's share of federally funded levee improvements, and completion of urban levee upgrades to meet 200-year level of protection by 2025 deadline.

DELTA DOWNLOAD

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

Comments Requested on Proposal to Modify State Flood Facility for Water Supply Reliability

DWR and the U.S. Bureau of Reclamation are proposing installation of operable gates on the Fremont Weir that will divert 6,000 cfs from the Sacramento River into the Yolo Bypass for a 9-month period in order to create floodplain habitat to comply with fish restoration requirements contained in the Biological Opinions that govern the operations of state and federal water supply facilities (State Water Project/Central Valley Project).

Comments regarding the impacts and mitigations described in the [EIR/EIS](#) are due by 5:00 pm on February 15, 2018. Two public meetings on the EIR/EIS are also scheduled: January 17th from 6:00-8:00 pm at the Woodland Community Center 2001 East Street and January 18th from 1:30-3:30 pm at the West Sacramento Community Center 1075 West Capitol Avenue.

Bureau Seeks Input on Proposal to Increase Water Exports from the Delta

The U.S. Bureau of Reclamation has [announced](#) it will be preparing an EIS to evaluate the impacts associated with proposed modifications to the operation of the Central Valley Project, in coordination with the State Water Project operated by DWR. The proposal will analyze various alternatives that increase CVP export capabilities and storage capacity. Comments regarding the scope of the proposal are due by 5:00 pm on February 1, 2018. Three public scoping meetings are scheduled between January [23-25th](#).

During the annual fish population surveys conducted by trawling in Delta waterways between September and December resulted in only [two Delta Smelt](#) being found. These results are the lowest count since 1967 and surprising since many expected the species to rebound after last year's wet winter. Environmental organizations [fear Delta Smelt extinction](#) will be inevitable if President [Trump orders](#) relaxation of the Endangered Species Act in order to [maximize](#) water export deliveries from the Delta for San Joaquin farmers.

Problems for WaterFix Project Continue to Mount, but DWR Moves Toward Construction

A group of farmers in Kern and Kings Counties that [object to paying](#) for the WaterFix project have filed a lawsuit opposing DWR's proposal to sell revenue bonds to pay for construction and Congressional members have asked the Interior Secretary to recover [repayment](#) of \$84.8 million in taxpayer money that was used to cover costs of water contractors according to a federal investigation. More recently, the intent to [downsize](#) the WaterFix project to one tunnel was confirmed by Metropolitan Water District Executor Director.

Despite interest in paying for WaterFix, warning and a multitude of lawsuits being filed against the project EIR and proposed revenue bond sale, DWR held a one-day symposium for construction firms and opened a [bidding process](#) in early December for companies interested in competing for state contracts to build the Delta tunnel project.

Lawsuits Claim Delta is Hydrologically Impaired

A coalition of environmental organizations filed a legal complaint in November 2017 to claim the State Water Resources Control Board is "polluting" under the human "hydromodification" of the Delta and several other California water bodies as "pollution" under the federal Clean Water Act. The legal suits further contend that the dewatering and altered flows have resulted in these waterways becoming [hydrologically impaired](#) water bodies.

Modeling Results Claim Subsidence Efforts in the Delta Improves Levee Stability

An article in the S.F. Estuary & Science Journal discusses a model designed to evaluate hydrologic and geochemical data from implementation of [subsidence mitigation](#) practices in the Delta that found these alternative land uses reduce seepage onto islands which contributes to increased levee stability. However, the study also identifies adverse impacts of dissolved organic carbon loads increasing because of drainage flows.

Yolo Bypass Intertidal Restoration Project Certification Submitted

The proponents of the Yolo Flyway Farms restoration project, The Reynier Fund, LLC, filed a [certification of consistency](#) with the Delta Plan. The project proposes to convert 381 acres of agricultural lands adjacent to Prospect Island to subtidal marsh habitat. Any individual can challenge the certification under the Delta Stewardship's Covered Actions process by filing an [appeal](#).

Judge Overturns State Penalties Against Duck Club Owner

A recent court decision [overturned](#) an unprecedented \$3.6 million in fines imposed by the State Water Resources Board and San Francisco Bay Conservation and Development Commission against a Delta landowner for his establishment of a duck club and kite-surfing center on Point Buckler Island in Suisun Marsh. Environmental organizations assert that the landowner violated the Suisun Marsh Preservation Act when he [reconstructed](#) about one mile of levees, but the judge said both state agencies had acted with "an appearance of vindictiveness."

The decision is particularly relevant to flood control agencies as the Court also limited the Regional Water Board's authority under the Porter-Cologne Act to regulate discharges of "waste" to waters of the State. The Court's ruling was consistent with earlier legal precedent by the California Supreme Court establishing that material becomes a waste when it is discarded as worthless or useless. In this Delta dispute, the dirt used to repair the levee was not discarded, but rather carefully placed to produce a viable flood safety improvement. Because the dirt was not a waste product, the court determined the Regional Board did not have authority to regulate it.

Conservancy Seeking Input from Reclamation Districts on Funding for Delta Restoration Projects

In compliance with Prop. 1 statutory requirements for coordination and consultation with local governments and a demonstration of local support identified in the Conservancy's own [Grant Guidelines](#), the Conservancy is requesting reclamation districts to indicate their support or opposition to the Delta projects proposed to be funded with Prop. 1 bonds. For information on the projects proposed for funding contact Aaron Haiman at aron.haiman@deltaconservancy.ca.gov or 916-376-4023. Support for or concerns about the Delta projects must be sent to prop1grants@deltaconservancy.ca.gov before January 26th, 2018.

Delta Protection Commission is Hiring Senior Environmental Planner

The Delta Protection Commission is looking for someone with experience in recreation, land use, or trail development, and knowledge of the Delta region. More information about salary and qualifications is available on the DPC [job posting](#).

IN THE NEWS

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

- [King tides bring Bay Area coastal flood warnings](#) - SF Chronicle
- ['Fish in the fields' study to monitor effects of methane emissions](#) - Appeal Democrat
- [ACWA Members Elect Yuba County Water District Chair Brent Hastley.....](#) - Business Insider
- [High flows despite dry skies: Reservoir releases push river levels....](#) - record.net
- [Farmers, other needed rally support for Temperance Flat Dam](#) - The Business Journal
- [Marin escapes major flooding from king tide](#) - marinij.com
- [How rice farmers restore Sac endangered fish population](#) - KCRA
- [Op-Ed: Peter Van Zant: Centennial dam and reservoir what is the cost and....](#) - YubaNet.com
- [Oroville Dam: Man gets life sentence in looting case](#) - Chico ER
- [Hundreds turn out to speak up about controversial WaterFix project](#) - The Press
- [Solano County Water Agency approves study of Cache Slough Complex](#) - The Reporter
- [Delta Caucus Town Hall Challenges ...](#) - Elk Grove News. Net
- [NEWS FEATURE: Hunting down the ghost boats of the Delta](#) - Maven's Notebook
- [Exporting Kings River floodwater doesn't serve needy cities](#) - Fresno Bee
- [Second La Nina Winter Could Extend Drought Across the West](#) - News Deeply
- [New Folsom Dam spillway is just the start on Sacramento flood protection](#) - Sacramento Bee
- [Pay to fix dams or pay more in a catastrophe](#) - Merced Sunstar
- [City narrowing down top projects for state storm water grant](#) - Chico ER
- [Flood-prone Pajaro River levee may see improvements with \\$248 million proposal](#) - Santa Cruz Sentinel
- [One tunnel would still devastate the Delta](#) - Sacramento Bee
- [When the levee breaks](#) - Earth Island Journal
- [Nudging natural Magic](#) - Estuary News
- [Six ways Californians can prevent devastating floods](#) - San Diego Union Tribune
- [Large new reservoirs threaten Trinity River water gains](#) - Times Standard
- [Temperance Flat presentation heard by Water Commission](#) - Hanford Sentinel
- [Researchers hope to improve atmospheric river forecasts](#) - CBS Sacramento
- [Toxic Trouble: Hundreds of Superfund Sites Face Flood Risks](#) - NBC Los Angeles
- [Lake Oroville Spillway Update](#) - Gridley Herald
- [The flood that can change everything](#) - Weather Channel
- [Flood, mudslide warnings go out for Northern California fire areas](#) - Northbay Business Journal
- [Temperance Flat Dam would double the water storage capacity ...](#) - The Sun Gazette
- [Map Identifies Areas at Risk of Flooding, Mudflows In Aftermath of Wildfires](#) - KRCB
- [Tahoe Snowpack third-lightest since 1981](#) - Reno Gazette Journal
- [Three Years on, How California is Spending its \\$7.5 Billion Water Bond](#) - News Deeply
- [Temperance Flat help ground storage](#) - California Ag Today
- [Oroville Series Part Five: Dredging rivers may cause more damage](#) - Appeal Democrat
- [Dredging project pushed to save San Rafael Canal](#) - Marinij.com
- [Just dry December produces average snowpack](#) - Maven's Notebook
- [11 projects battling for Proposition 1 water bond funding](#) - Monterey Herald
- [Flood Prevention 101: Stay out of a floodplain](#) - PPIC
- [Wildfire-Scarred California Communities Must Now Brace For Floods](#) - Huffington Post
- [Human error played a role in Oroville Dam spillway failure, report finds](#) - LA Times
- [Safety probe warns California's dam crisis a 'wake-up call'](#) - Fox 25 Boston
- [Thousands Evacuated From California Wildfire Areas Amid Flash Flood Fears](#) - Time
- [The Latest: Flooding blocks coastal California freeway](#) - SF Gate
- ['Held Hostage' Lawsuits threaten flood project](#) - recordnet.com
- [Manteca working on keeping storm system effective](#) - Manteca Bulletin
- [2017 was costliest year ever in US for weather](#) - SF Gate
- [A way to break the terrifying pattern of fire and flood](#) - LA Times
- ['Atmospheric rivers' aid the West — and imperil it](#) - High Country News
- [Another lesson for Montecito— even in semi-arid Southern California, we need flood insurance](#) - LA Times
- [Water agency may grant funds for temporary fix to antiquated....](#) -Appeal Democrat