

CALENDAR ALERTS

September 14

Deadline to submit Prop. 1 [grant application](#) to Delta Conservancy for the \$9.3 million available for habitat restoration, water quality, and water-related agricultural sustainability. Questions about the grant should be directed to Amanda Bohl, Amanda.Bohl@deltaconservancy.ca.gov. An outline of project types and eligibility requirements is available on CVFCA's [website](#).

September 14

Draft Central Valley Flood System Conservation Strategy, with Executive Summary and 12 appendices are available for comment. Please [click here](#) for to review all available documents.

September 17

Delta Protection Commission meeting will be held in Walnut Grove. Will update with location and agenda when announced.

September 17

SAFCA will hold their board meeting from 3:00 - 5:00pm at 700 H Street, Sacramento CA

September 23

Comment Deadline for the Delta Independent Science Board draft, Adaptive Management in the Sacramento-San Joaquin Delta HOW IT CAN BE USED AND HOW IT CAN BE IMPROVED? - [Click Here](#) to review the draft report. To comment please [Click Here](#)

September 23

Infrastructure "Funding Fair," Sacramento County Sanitation, 10060 Goethe Rd, 8:30 am – Noon. Registration Required: <https://www.events.rcac.org/assnfe/ev.asp?MODE=&ID=497>

September 25

CVFPB will hold their regular business meeting at 9:00 am at the Sacramento City Hall Council Chambers

October 13

San Joaquin Co. Preseason Flood Coordination meeting, 9:00-11:00 am, Cabral Center (SJC EOC), 2101 E. Earhart Ave, Assembly Room 3, Stockton. Click [here for meeting flyer](#)

October 15

Sutter Region Preseason Flood Coordination Meeting, 9:00-11:30 am, Whiteaker Hall, 44 Second St, Yuba City.

October 22

Sacramento Region Preseason Flood Coordination Meeting, 9:00-11:30 am, CVRWB, 11020 Sun Center Dr, Rancho Cordova

October 30

Deadline has been extended 60 days to comment on BDCP's new Preferred Project and EIR/EIS recirculation for public review. Documents and information about the new alternatives and where to submit written comments will be available on BDCP's website:

<http://baydeltaconservationplan.com/2015PublicReview/PublicReviewRDEIRSDEIS/>

FEATURED ASSOCIATE MEMBER

DOWNEY BRAND

[Downey Brand](#) was founded in California's capital city in 1926.

Sacramento office continues today with over 90 attorneys serving clients throughout the region and beyond.

KEEPING UP

Folsom Dam Celebrates Entering Final Construction Phase of Auxiliary Spillway

The U.S. Army Corps of Engineers (USACE) and the Folsom Dam Joint Federal Project team held a formal Completion Ceremony on August 27th to celebrate finishing Phase III of constructing the auxiliary spillway's control structure. A contract has already been awarded to proceed with the fourth and final phase to build a 3,027-foot-long spillway chute, a 1,100-foot-long approach channel that connects the new spillway to the reservoir, and a stilling basin that will protect the river channel by slowing down released water to manageable flow levels.

The U.S. Bureau of Reclamation has responsibility for dam safety as well as the operation and maintenance of Folsom Dam facilities, and the USACE is responsible for flood risk reduction. Combining their efforts into a single \$900-million project, and partnering with local agencies such as Association member Sacramento Area Flood Control Agency (SAFCA), has resulted in the project being completed faster and at a lower cost.

Final completion of all phases, which will provide a 200-year level of flood protection to the Sacramento area by allowing earlier and more controlled water releases from Folsom Dam during large storm events, is expected to occur in late 2017.

Injunction on Waters of the U.S. Regulations Approved

Last week, claiming that the states that filed a lawsuit would likely be harmed without court intervention, a federal judge in North Dakota blocked the implementation of the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers' Water of the United States (WOTUS) [rule](#), which was slated to take effect the same day.

It is currently unclear whether the court's ruling applies only to the thirteen states involved in the litigation or to the entire country, but EPA certainly believes the scope to be limited according to the statement they issued claiming the injunction only impacts the thirteen states that filed for injunctive relief: Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota and Wyoming. EPA said the rule will take effect for all other states and that EPA is evaluating the court order. Many state and industry groups disagree with EPA's narrow interpretation of the court order, and several other WOTUS related lawsuits by states and industry groups are pending in other jurisdictions.

Petition to Authorize Construction of BDCP Diversion Intakes on Project Levees Submitted

On August 26, 2015, the CA Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (USBR) submitted a joint [SWP/CVP water rights change petition](#) to the State Water Resources Control Board (SWRCB) to authorize the installation of three new diversion intakes on State Plan of Flood Control project levee on the east side of the Sacramento River between Clarksburg and Courtland. The new intakes and fish screens will range from 1,259 to 1,667 feet in length, each with a diversion capacity of 3,000 cfs, for a total of 9,000 cfs.

The petition is one of the initial steps necessary for the BDCP, now repackaged as CA WaterFix, to proceed towards construction of its preferred Alternative 4A to export water from the north Delta. SWRCB has created a [web page](#) regarding the water board's petition process and relationship to their update of the Bay-Delta Water Quality Plan, which includes a [Facts Sheet](#) with more details.

The SWRCB has not announced dates for any hearings to demonstrate that the change will not injure any legal user of the water involved, but does anticipate that it will notice an evidentiary hearing where parties will have the opportunity to present evidence and argument about whether and under what conditions the petition should be approved. The public record for the hearing would then serve as the basis for the SWRCB's decisions regarding approval of the petition authorizing the project. After taking time to review the petition, the SWRCB's next step will be to issue a public notice with information on how the public can provide input on this petition.

Construction of the new SWP intakes will also require permits from the U.S. Army Corps of Engineers and Central Valley Flood Protection Board, but will not occur until the design of the conveyance facilities is at 65%. CA WaterFix Alternative 4A is currently only at about a 10-12% design level.

Consistency of Levee Projects and Land Use Plans in San Joaquin County Challenged

At the August 27-28 Delta Stewardship Council (DSC/Council) [meeting last week](#), DSC staff updated the Council members on their prior correspondence and meetings with representatives of San Joaquin County, City of Lathrop, and Reclamation District 17, and requested direction from the Council regarding proceeding with the positions they have taken that these local projects as currently proposed are inconsistent with the Delta Plan.

The DSC staff report to the Council for [Agenda Item #13 "Encouragement of Appropriate Land Uses to Reduce Flood Risk in San Joaquin County"](#) explains their concerns regarding three proposed covered actions:

- They feel the proposed conversion of six areas in the San Joaquin County 2035 General Plan update are inconsistent with the [Delta Plan Policy DP P1](#), and therefore requested San Joaquin County to revise plan. San Joaquin County staff is currently developing a response to DSC staff written comments on the General Plan Draft EIR.
- They raised concern that SJAFCA's project to improve RD 17 levees would be inducing growth on agriculture/open space lands, and therefore inconsistent with the Delta Plan.
- Staff is recommending that DWR provide guidance in their grant agreement with RD 17 for Lathrop feasibility study to "specify that alternatives to be investigated in the study should limit 200-year protection to that needed to protect only areas planned for urban uses in the Delta Plan, at a maximum, rather than for all of RD 17."

Lead agencies are responsible for certifying their project is consistent with the Delta Plan, so this agenda item was informational only, with no action taken by Council. However, under DSC regulations, any person, including a member of the Council or its executive officer, can file an appeal claiming the project is inconsistent with the Delta Plan. The Council will have a hearing and render an appellate decision. If the Council ultimately uphold the appeal, then the project ([covered action](#)) may not proceed until it is revised to be consistent.

IN THE NEWS

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

More El Nino news articles

- [LA Times](#)
- [The Press Enterprise](#)
- [Pasadena Star-News](#)
- [Capital Public Radio](#)
- [Merced Sun-Star](#)
- [Environmental Defense Fund](#)
- [Mercury News](#)

California Central Valley Flood Control Association

910 K Street, Suite 310

Sacramento, CA 95814

(916) 446-0197

www.floodassociation.net