



CALIFORNIA CENTRAL VALLEY  
**FLOOD CONTROL**  
ASSOCIATION

# CCVFCA'S Flood Flash

June 27, 2016

Send news tips, feedback, and subscription requests to [cindy@floodassociation.net](mailto:cindy@floodassociation.net)

## CALENDAR ALERTS

### **June 28-30**

WEF's International [Groundwater Conference](#), San Francisco Airport Hyatt.

### **\*\*July 7**

SWRCB [public workshop](#) on discharge of dredge or fill material, 11020 Sun Center Dr., Rancho Cordova, 10:00 am.

### **\*\*July 14**

CVFPB [Advisory Committee mtg](#), Conservation Strategy, 3310 El Camino Ave., Rm 130, Sacramento, 1:00-4:00 pm.

### **\*\*July 19**

SWRCB [public hearing](#) on discharge of dredge or fill material, 1001-I St., Sacramento.

### **\*\*July 21**

CVFPB [Exec. Comm. mtg](#), 3310 El Camino Ave., Rm 130, 1:30-5:00 pm.

### **July 21**

Delta Protection Commission Public Meeting, 5:30pm, Jean Harvie Community Center, Walnut Grove.

### **\*\*July 22**

CVFPB public mtg, 915-I St., 2<sup>nd</sup> Floor Hearing Rm, Sacramento, 9:00 am-5:00 pm.

### **\*\*July 22**

USACE [Regulatory Program workshop](#), 1325 J St., Rm 814, 1:30-4:00 pm, **RSVP by July 15<sup>th</sup>**.

### **\*\*July 28-29**

DSC public mtg, 980-9<sup>th</sup> St., 2<sup>nd</sup> Floor, Sacramento, 9:00 am-4:00 pm.

### **\*\*Aug. 1**

[Deadline](#) to comment on USACE Nationwide Permits.

### **Sept. 6**

[FMA Annual Conference](#) & Extreme Precipitation Symposium, Sacramento Hyatt Regency Hotel.

### **Sept. 6-9**

Floodplain Management Association [Annual Conference](#), Sacramento Hyatt

### **\*\*Oct. 3**

Deadline to submit Prop. 1 [Urban Rivers Grant](#) applications

\*\* = [New Calendar Alert](#)

## FEATURED ASSOCIATE MEMBER



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### KEEPING UP

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

#### **Comments Being Accepted on USACE's Reissuance of Nationwide Permits**

In early June, the U.S. Army Corps of Engineers (USACE) announced in the [Federal Register](#) their effort to reissue Nationwide Permits (NWP), including for the Sacramento District, which is shown on maps contained in the associated [enclosures](#). The purpose of the NWPs is to allow certain activities, such as routine O&M, with regional conditions to ensure that there are no more than minimal adverse impacts on jurisdictional waters and wetlands, both individually and cumulatively, when conducting activities that involve discharges of dredged or fill material into Waters of the U.S.

Once the final NWPs are issued, States and Tribes will make the Clean Water Act Section 401 water quality certification and States will make their Coastal Zone Management Act (CZMA) consistency determination decisions. The final NWPs are planned to go into effect on March 19, 2017.

The [Notice](#) provides information regarding where to submit comments by the August 1, 2016 deadline. Questions should be directed to USACE Regulatory Permit Specialist Lisa Gibson at (916) 557-5288 or [lisa.m.gibson2@usace.army.mil](mailto:lisa.m.gibson2@usace.army.mil).

#### **Workshops Scheduled on Regulations Governing the Discharge of Dredged or Fill Materials**

In response to recent U.S. Supreme Court decisions on Waters of the U.S., the State Water Resources Control Board (SWRCB), has developed Procedures to strengthen protections for waters of the state that are no longer protected under the Clean Water Act.

The proposed [draft Procedures](#) and accompanying [staff report](#) contain procedures for discharges of dredged or fill material to water of the state based on several Technical Reports ([Advisory Team](#), [Wetland Definition](#), [Landscape Framework](#), [Wetland Delineation](#)), and are [intended to replace](#) the former *Wetland Riparian Area Protection Policy*. The [purpose of the new Procedures](#) is to adopt a single state definition of wetlands and provide consistency across the Regional Boards for requirements associated with discharges of dredged or fill material into waters of the state, including wetlands. However, the regulations will [apply to "all waters of the state,"](#) including both Waters of the U.S. and Waters of the State outside of federal jurisdiction, not just wetlands.

According to the [Notice](#), two public workshops, a SWRCB hearing, and a public comment period are scheduled in order to obtain public input prior to the Water Board adopting the Procedures this Fall. The public workshop for the Sacramento region will be at the Central Valley Water Quality Control Board, 11020 Sun Center Drive, in Rancho Cordova at 10:00 a.m. on July 7, 2016. The SWRCB public hearing is scheduled on Tuesday, July 19, 2016 at the CalEPA building, 1001-I St. in downtown Sacramento.

The deadline to submit written comments is noon on August 4, 2016 and may be emailed to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) with "Statewide Dredged or Fill Procedures" in the subject line. Any questions may be directed to AnaMaria Saenz at (916) 341-5480 ([anamaria.saenz@waterboards.ca.gov](mailto:anamaria.saenz@waterboards.ca.gov)) or to Bill Orme at (916) 341-5464 ([bill.orme@waterboards.ca.gov](mailto:bill.orme@waterboards.ca.gov)). If you are interested in receiving future notices on this topic, you can [sign up](#) on the SWRCB's Lyris email list (select the box for 'Statewide Dredged or Fill Procedures' located within the 'Water Quality Topics' section).

#### **Difference Between CVFPP Investment Strategy & Finance Plan Discussed**

At the June Coordinating Committee meeting, DWR presented an [update of the Investment Strategy](#) that it plans to incorporate into the 2017 version of the Central Valley Flood Protection Plan (CVFPP). The slides discuss funding sources, investment portfolio components, and mechanisms for collecting revenues (e.g.; property assessments, water surcharge, flood insurance). The State-Recommended Investment Portfolio will be a mixture of capital improvements, O&M and residual risk management activities, but is **not** a funding decision, permitting decision, or an endorsement for specific projects. According to DWR, implemented actions under CVFPP will depend on revenue generation potential.

### **Court Declares Delta Plan is “Invalid” and should be “Set Aside” Until Revised**

In May 2013, the DSC adopted the Delta Plan. Several parties immediately filed lawsuits claiming the 14 regulatory and 73 recommendations in the Plan were inadequate and not consistent with the Delta Reform Act statutory requirements.

When an initial court decision was issued on [May 18, 2016](#) regarding adequacy of the Delta Plan, both sides claimed victory. In fact, on May 19, 2016 the Delta Stewardship Council (DSC) issued a [press release](#) declaring that the court had upheld the Delta Plan, while a Restore the Delta [press release](#) representing a coalition of plaintiffs challenging the Plan’s legality said the May ruling was a “bullet to the heart” of the Delta Plan. Due to the conflicting interpretations, several motions for clarification were subsequently filed.

In response to the clarification motions, the Superior Court of California issued a tentative six-page ruling on [June 24, 2016](#) proclaiming the [Delta Plan](#) invalid due to failure to comply with statutes requiring measurable targets on certain elements. Not mincing any words, the new ruling clearly states, “The Delta Plan is invalid and must be set aside pending revisions” and declares, “there is no longer a project with an EIR for which to conduct a CEQA analysis and review.” In other words, DSC will also have to do another EIR once the Delta Plan is revised in accordance with the court ruling.

So the victory claimed by DSC in May appears to be short-lived since the court ruling directs the DSC to go back to the drawing board to re-draft the Delta Plan and subsequent EIR with “quantified or otherwise measurable targets” associated with achieving reduced reliance on the Delta, reduced environmental harm from invasive species, restoring more natural flows, and increased water supply reliability.

In the meantime, the entire Delta Plan has to be put on a shelf and is therefore unenforceable until the revisions directed by the court are completed. However, the DSC Executive Director released a [press statement](#) objecting to the entire Plan being invalidated while revisions are drafted and indicated the Council may file an appeal.

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## **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.)*

- [Judge throws out Delta Plan, twin tunnels for now](#) - ChicoER
- [How is California Spending the Water Bond?](#) - News Deeply
- [Farmer to challenge Clean Water Act tillage ruling](#) - Capitol Press
- [Santa Clara Valley Water District Taxpayers Protest Hidden Taxes Funding Delta Tunnels Planning](#)—Yubanet.com
- [Tunnel vision a mirage to water woes](#) - Recordnet.com
- [Drought officially covers entire state again](#) - OrovilleMR
- [Bill would remove population targets for predator fish in delta](#) - Capitol Press
- [Home on Stilts? Its possible as new flood rules kick in](#) - Recordnet.com

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