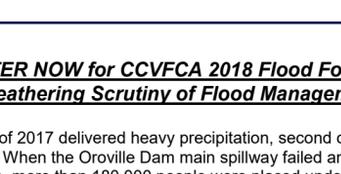


## CALENDAR ALERTS

- \*\*Feb 22** - DSC board mtg, [Paradise Cut](#) Challenges, 980-9<sup>th</sup> St., Sacramento, **9:00 am**
- \*\*Feb 22** - DSC [Open House](#), Ecosystem Chap. Amendment, Courtland Auditorium, 5:00 pm
- \*\*Feb 23** - CVFPB [meeting](#), Sacramento City Hall, 915 I Street, 9:00 am
- \*\*Feb 28** - Marysville Ring Levee mtg, 915-8<sup>th</sup> St., Marysville, 4:00 pm
- \*\*Mar 21** - **CCVFCA 2018 Flood Forum, Holiday Inn, 300 J St., 10:00 am**  
**Register Now** – “**Post-Disaster: Weathering Scrutiny of Flood Management Decisions**”
- \*\*Mar 29** - Floodplain Management Association [Symposium](#), San Diego
- \*\*Apr 12** - Delta Sign Plan mtg, Rio Vista Library, 44 South Second Street
- \*\*May 24** - Delta Sign Plan mtg, Big Break Park, 69 Big Break Road, Oakley
- \*\* = [New Calendar Alert](#)**

## FEATURED ASSOCIATE MEMBER



### **REGISTER NOW for CCVFCA 2018 Flood Forum - "Post-Disaster: Weathering Scrutiny of Flood Management Decisions"**

A series of storms in the Winter of 2017 delivered heavy precipitation, second only to 1983 as California's wettest year in recorded history. When the Oroville Dam main spillway failed and the hillside below the auxiliary spillway began to erode, more than 180,000 people were placed under mandatory evacuation. A forensic report by an independent panel of experts identified design flaws, inadequate maintenance, and institutional issues that either caused or exacerbated the disaster.

Similar critical evaluations were conducted after Hurricane Katrina and in Houston last year. If/when a mega flood hits the Central Valley next, there are likely to be levee failures and loss of life. What would a post-flood assessment say about the institutions that govern, regulate, and fund the Central Valley flood protection system? Will implementation of the Central Valley Flood Protection Plan coupled with the investment of billions of dollars in Federal, State and local funding be overshadowed by inaction that contributes to a levee failure or exacerbates the consequences of the failure?

Flood Forum speakers will have a candid discussion about the need to improve the consistency of institutional support for our flood management system. Presentations will focus on addressing questions that might be posed in a post-flood assessment report evaluating levee and dam maintenance and design:

- Did inequities in maintenance standards for levees and dams result in damage to adjacent communities or increase overall systemwide risk?
- What did regulatory and management agencies know about design and maintenance deficiencies, and what actions did they take or not take to minimize flood risk?
- Were infrastructure failures exacerbated by inadequate levels of funding or reducing state's cost share in programs such as Delta Levee Maintenance Subventions?
- Are there institutional changes that would allow for more efficient use of limited resources, and what might that look like?

The Flood Forum will be held at the downtown Sacramento Holiday Inn, 300 J Street, starting with a panel of speakers at 10:00 am, followed by a luncheon at noon. [Registration](#) is as easy as click of your mouse.

## FLOOD SEASON UPDATE

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

### **Lawsuits and Cost Increases Mark the One Year Anniversary of Oroville Spillway Incident**

The one-year [anniversary](#) of the Oroville spillway incident and mass evacuation was marked by cost increases, lawsuits for damages, [unanswered questions](#), passage of dam inspection [legislation](#), local petition calling for delay of dam [relicensing](#), and containment of [small fire](#) at the Hyatt Powerplant.

A [class action](#) lawsuit was filed by residents after the Department of General Services rejected payment of individual claims against the State for costs incurred when residents had to flee when the Oroville spillway collapsed. In addition, [Butte County](#) filed a lawsuit for up to \$51 billion in environmental damages to the Feather River and the City of Oroville filed their own lawsuit to recoup costs incurred during the evacuation that also contains [disturbing claims](#) about DWR's conduct including perpetuating a culture of [cronyism](#) and preference for minimum cost maintenance.

In a separate review of original construction reports from 1966 expose that construction works expressed concerns about [instability](#) of rock, even refusing to continue prep work for installation of the concrete spillway. The contractor recommended digging deeper to find stronger rock to build on, but DWR did not excavate to the extent advised by the contractor.

DWR announced the price tag for Oroville spillway repair has [escalated](#) to **\$870 million**, a 32% increase from their October estimate of \$660 million, and is facing the prospect of not receiving federal [reimbursement](#) for 75% of these repair costs because it may be disqualified under FEMA rules due to maintenance deficiencies disclosed in the independent forensic evaluation.

To address concerns about recreational access, DWR has promised local residents that the spillway [boat launch](#) ramp will reopen once the reconstruction is done, but locals want written [assurances](#).

## LEGISLATIVE ACTION

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

### **Flood Board and Delta Appointments Announced**

Governor Brown reappointed Bill Edgar, Jane Dolan, and Mike Villines to the Central Valley Flood Protection [Board](#), and Susan Tatayon and Frank Damrell to the Delta Stewardship [Council](#). Dorene D'Adamo was also reappointed to the State [Water Resources](#) Control Board. In addition, Sandra Matsumoto with The Nature Conservancy since 2004 was appointed and Dolores Sandoval, a Bay Area teacher and city councilwoman was reappointed to the Delta [Conservancy](#). All of these appointments require confirmation by the State Senate.

### **Breakdown of 2018-19 State Budget Allocations for DWR and Flood Board**

A [report](#) by the Legislative Analyst's Office (LAO) provides details on the \$6.3 billion proposed for Natural Resource Agency programs in Governor Brown's 2018-19 State Budget. Half of the funding for resource programs, \$3 billion, will come from General Fund, \$1.8 billion from special funds, and \$1.2 billion from bond funds.

The Department of Water Resources would receive \$475 million, which is 76% less than the \$2 billion appropriated in 2017-18. The big difference is primarily due to how bond funding is accounted for in the annual budget. These totals exclude the \$1.7 billion in annual payments from water contractors for DWR's work on the State Water Project, which includes the Oroville Dam facilities, because those funds are not appropriated through the budget act.

To replace expiring Prop. 1E bond funding, an additional \$1.4 million from the General Fund is proposed for the Central Valley Flood Protection Board in order to maintain their current 47 staff positions and total expenditures of \$9.6 million. The General Fund augmentation is to be expended over a two year time period in order to allow the Board time to explore other options for generating revenues to support their activities. The LAO points out that funding for 19 of the Board's staff positions expires in 2020 and therefore recommends the Legislature require the CVFPB submit a report in February 2019 that provides an update on their effort to identify new funding mechanisms in lieu of General Fund support. As a result, the potential loss of General Fund creates greater pressure on the Board to resurrect collection of assessments through the Sacramento San Joaquin Drainage District or other revenue collection mechanisms such as permit fees, levee inspection fees, fines for encroachment violations, and renewing lease and royalty agreements.

The Governor's budget also assumes and relies on voters approving \$4.1 billion in new bond funding (SB 5) in June, and proposes appropriating one quarter of these new bond proceeds for flood control and water supply projects if approved by voters. The LAO recommends the Legislature specify in the budget bill which flood management programs DWR intends to undertake with \$94 million in bond funding, which would also fund seven DWR staff positions.

The LAO also points out that projects will lack funding if voters reject SB 5 bond proposal. Therefore, the Legislature should consider alternative funding sources for any programs it considers a priority.

### **President's Flood Safety Priorities Funded in Proposed 2019 Budget**

The fiscal year **2019 federal budget** proposed by President Trump proposes to fund nearly \$5 billion for the U.S. Army Corps of Engineer's Civil Works Program, including further levee improvements in Yuba City, Natomas, and Hamilton City (page 10).

### **New Leader for USACE Passes Senate Muster**

The [nomination](#) of R.D. James to head the U.S. Army Corps was overwhelmingly approved on a 89-1 vote of the U.S. Senate. He previously served on the Mississippi River Commission since 1981.

## DELTA DOWNLOAD

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

### **Phased Construction of WaterFix Project to Start with One Tunnel Now, Second Tunnel Later**

Unable to identify enough water agencies willing to finance the two-tunnel WaterFix project, DWR has been forced to [phase construction](#) and scale back to [one tunnel](#) in hopes that it can garner fiscal support from sufficient number of [water agencies](#) to move forward with construction. The Department also [released](#) a very [optimistic](#) economic [analysis](#).

The Delta Counties Coalition ([DCC](#)) claim single tunnel does not make WaterFix project better than other alternatives. Delta Assemblyman Jim Frazier called the downsizing deceptive "[smoke and mirrors](#)" tactic and strongly [condemned](#) DWR for "illegally manipulating the process." The Natural Resources Defense Council immediately [renewed](#) their [motion](#) for the State Resources Control Board to delay Part 2 of the WaterFix hearings.

### **Motions Objecting to Improper Ex Parte Meetings on WaterFix**

Disclosure of multiple meetings over an 18-month period that are alleged to [violate](#) the water board's ex parte communication rules were revealed in documents obtained through a public records act request, prompting filing of two motions requesting continuance of the WaterFix petition hearings.

The City of [Antioch](#) also filed a motion requesting the water board to stay the hearing in order to consider how changes to single tunnel and submission of different modeling than Part 1 affect the hearing.

### **DSC Reviews Paradise Cut Implementation Challenges**

At their meeting on [February 22<sup>nd</sup>](#), the Delta Stewardship Council will have a discussion of implementation [challenges](#) related to easements and impacts on surrounding parcels for the [Paradise Cut](#) bypass proposal in San Joaquin County intended to reduce flood risk while improving habitat and maintaining agricultural productivity.

### **Residents Encouraged to Help Develop Delta Signage Plan**

To improve visitor awareness and navigation through the Delta, the Delta Protection Commission (DPC) is hoping to work with Delta residents and businesses to develop a plan for [sign placement](#) and design. Three planning meetings have already been held, with two more in the Spring: April 12<sup>th</sup> in Rio Vista and May 24<sup>th</sup> in Oakley.

### **DSC Annual Report Released and Invasive Plant Plan Certified as Consistent with Delta Plan**

The Delta Stewardship Council touts accomplishments in [annual report](#) for 2017, citing progress on amendments to the Delta Plan related to water [conveyance](#) and storage infrastructure and [levee investment](#) strategy.

The Division of Boating and Watersheds submitted [certification](#) on February 2, 2018 that its Aquatic Invasive Plant Control Program is [consistent](#) with the Delta Stewardship Council's Delta Plan. The program is intended to keep waterways navigable by controlling the growth and spread of invasive plants through physical removal and application of herbicides and biological control agents. In accordance with the DSC's [covered action](#) process, the public has 30 days to file an appeal if they object to the certification.

## KEEPING UP

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

### **Refinements to Marysville Ring Levee Construction Revealed**

Ready for Phase 2 of the Marysville [Ring Levee](#) project construction, a meeting has been scheduled on February 28<sup>th</sup>, 4:00 p.m., at the Yuba County Government Center, 915-8<sup>th</sup> Street in Marysville to explain updates to the Mitigated Negative Declaration (MND) environmental review document adopted in 2010. Phase 2 construction anticipated to start in 2019 will occur along the existing levee south of Twin Cities Memorial Bridge. The ring levee is a joint project of the U.S. Army Corps of Engineers, Central Valley Flood Control Board, and Marysville Levee District. Deadline to submit public comments on the Draft Supplemental MND is March 18, 2018.

### **Updated Guidance Policy for Section 408 Authorizations Released for Public Comment**

The U.S. Army Corps of Engineers [announced](#) completion of a new draft policy document (EC 1165-2-220) to replace existing policy and procedural guidance for processing authorizations to modify federal works under Section 408. Among the changes are delegation of 408 authorizations to district offices and clarification that maintenance and operation activities do not trigger Section 408. Comments on the revised policy are due March 7, 2018.

## 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.)

- [Montecito homeowners sue utilities alleging negligence before deadly mudslide](#) - NBC News
- [Dan Walters: Forensic report confirms Oroville Dam lapses](#) - Napa Valley Register
- [California floodplains and the fish that use them](#) - Maven's Notebook
- [Oroville Dam Faces Lawsuit, Relicensing Threat](#) - RTO Insider
- [How California lawmakers are preparing for more natural disasters](#) - Los Angeles Times
- [DWR could have lost control of Oroville spillway gates during crisis](#) - Chico ER
- [Dwyer, Warmer Golden State: Stanford Professor Provides Look...](#) - NBC Bay Area
- [Temperance Flat hits first big hurdle in fight for state funding](#) - yourcentralvalley.com
- [7 lessons from a California water leader on managing for the future](#) - edf.org
- [California WaterFix hearings delayed over alleged secret meetings](#) - The Press
- [Another Leak: Sacramento County joins action alleging illegal...](#) - Newsreview.com
- [Options for Gov. Brown's delta tunnel project look to be drying up](#) - The Orange County Register
- [DWR says there was redundant power for spillway gates](#) - Chico ER
- [Idea of 'maximizing water' water deliveries takes a beating](#) - Chico ER
- [Drought Water Right Curtailment – Analysis, Transparency, and Limits](#) - California water blog
- [Gov. Jerry Brown defends blueprint for California's future in final State of State...](#) -Mercury News
- [State of the State: Absence of Oroville Dam, water infrastructure draws ire](#) - AppealDemocrat.com
- [Warmer winters spell more floods for northern California](#) - The Union
- [THIS JUST IN ... City of Antioch files motion for Continuance of Phase ...](#) - Maven's Notebook
- [Jerry Brown's two big public-works projects are foundering](#) - Fresno Bee
- [Editorial: Don't give Southern California control of Delta water](#) - Mercury News
- [THIS JUST IN ... Snowpack Below Average Despite Gains](#) - Maven's Notebook
- [A Tale of Two Tunnels: California Waterfix](#) - Duwater Law Review
- [Farmers, Business Owners Sue California Over Oroville Dam Crisis](#) - CBS Local
- [New Suit Seeks Huge Damages for DWR 'Recklessness' at Oroville Dam](#) - KQED
- [CAL WATER FIX HEARING UPDATE: The NRDC, Defenders of ...](#) - Maven's Notebook
- [To Fix or Replace? That Is the Question.](#) - California Magazine
- [THIS JUST IN ... California Water Commission Releases Initial...](#) - Maven's Notebook
- [Big dam proposals score low in contest for state money](#) - LA Times
- [Putting the finishing touches on Feather River levee work](#) - appealdemocrat.com
- [Oroville panel wants written assurances about spillway boat ramp replacement](#) - Chico ER
- [NEWS WORTH NOTING: Comment period opens for draft progress...](#) - Maven's Notebook
- [Document reveals ambitious reorganization timeline](#) - E&E News
- [Scalpel or Machete? A Look at How the White House Wants...](#) -The National Law Review
- [Cities seek seat on SJ County flood board](#) - Manteca Bulletin
- [Sites Authority has work to do in its pitch for Prop. 1 funding](#) - appealdemocrat.com
- [California Among States Challenging Trump Delay Of "Clean Water Rule"](#) - Capital Radio
- [Floods Are Getting Worse, and 2,500 Chemical Sites Lie in the Water's Path](#) - NYTimes
- [Report calls for added protections for parts of Mokelumne](#) - Lodi News
- [After 60 years, Chinook salmon spawn in San Joaquin River](#) - USBR
- [Governor's budget banks on voters passing water bond](#) - PPIC
- [Bay Area Residents Embrace Effort to Prevent Flooding, Clean Waterways](#) - News Deeply
- [California needs a workable delta tunnel plan](#) - LA Times
- [1 Sacramento-San Joaquin Delta tunnel is no better than 2](#) - San Francisco Chronicle
- [Californians vote to spend billions on more water storage. But state government...](#) - LA Times
- [Levee bond refinancing exceeding expectations](#) - appealdemocrat.com
- [Editorial: Make Manzanita flood control a top priority](#) - marinij.com
- [Berkeley's Clean Stormwater Fund faces \\$2.5M annual budget deficit](#) - The Daily Californian
- [Satellites show warming is accelerating sea level rise](#) - Daily Press
- [What's next for the Oroville Dam?](#) -Action News Now
- [Oroville Dam: Assemblyman James Gallagher brings group of legislators to Oroville](#) - Chico ER
- [Ninth Circuit Ruling on the Clean Water Acts Raises More Questions](#) - News Deeply
- [Court Victory: 10-Year California Water Transfer Program Failed Analysis...](#) - indybay.org
- [Two small earthquakes strike near Danville](#) - East Bay Times
- [Sites Reservoir Provides Significant Public Benefits and...](#) - Norcalwater.org