

Delta Levees Program

Memorandum of Review

Delta Stewardship Council draft document "State Investments in Delta Levees"

Robert Charney

10/24/2014

Page 2, 1st paragraph

This quote does not reflect significant improvements since this language was written in the Delta Levee Protection Act of 1992. Taking a quote from a 22 year old piece of legislation does not characterize current conditions or reflect investments made over that time period.

Page 3, last paragraph

The statement "The Legislature ... has not succeeded in imposing priorities on state levee spending in the Delta." implies this is a thwarted goal of the Legislature. The Legislature's goals are neither knowable or a subject of this document.

Problem Statement, Page 4, last paragraph

The quote in this paragraph from The Delta Plan suggests that under existing programs no attempt is made to prioritize State spending on Delta levees. Comprehensive guidelines are in place for both the Delta Levees Special Projects program and the Delta Levees Subventions Program (as approved by the CVFPB) which prioritize spending on key problem areas within the Delta and in accordance with the California Water Code that enacted these programs. Spending on Delta Levees through these programs is managed and prioritized by the Department of Water Resources which includes recommendations by engineers and scientists who have an in-depth understanding of both Delta and Statewide interests and issues. Guidelines and priorities for these individual programs are informed by and consistent with the September 2013 DWR document entitled *FloodSAFE – A Framework for Department of Water Resources Integrated Flood Management Investments in the Delta and Suisun Marsh*. The priorities in the report are consistent with The Delta Plan.

Page 6, Council's 2014-2016 Priorities Update

This section should include a statement that the Council's new approach will be used to guide existing (or new) Delta Levee Programs and shall be consistent with the State law that enacted these Programs or as modified by future Legislative actions.

Page 9, Delta Ecosystem Bullet

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The Suisun Salinity Control Gates are not part of the Levee System as stated.

Page 12, 4th paragraph starting "For non-project levees..."

Water Code section 12984 applies only to the Delta Levee Subventions program under Part 9 of the Code (see Water Code section 12983) and not to other work in the Delta (e.g. Special Projects Water Code 12300-12318) therefore this paragraph should be eliminated or incorporated into the paragraph that follows. Levee improvement projects under the Special Projects Program are not subject to CVFPB approval.

Page 13, 2nd paragraph starting "For non-project levees..."

The last sentence states that DWR reports its findings to the CVFPB for both Subventions and Special Projects activities. This is not true. Only Subventions activities are reported to the Board. Water Code Section 12988 applies to Subventions (see Water Code section 12983) and not to DWR actions under the Special Projects Program.

Page 13, California Water Commission bullet

Insert the words "When requested by DWR..." at the start of the paragraph.

Page 13, Department of Fish and Wildlife bullet

DFW reviews projects to make sure there is "no net long term habitat loss" under the programs. The paragraph incorrectly states that they ensure a net habitat improvement.

Page 21, paragraph 6 starting "Improvements of non-project levees..."

Improvements of non-project levees may be funded either through the Subventions or Special Projects Programs. Funding is not guaranteed.

Page 22, 3rd paragraph regarding "Ability to pay"...

Studies completed in the 1990's showed that most agriculture islands have little ability to pay & that State reimbursements should be of maximum allowable until there is a significant change in land use.

Page 22, "What is the Federal Government's role?"

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There is no mention of the Federal government’s increasing interest in improving the integrity of non-project levees throughout the nation. The National Levee Safety Act of WRDA 2007 and Levee Safety provisions of WRRDA 2014 both increase the Federal Government’s role in improving the integrity of non-project levees. While these Federal actions do not increase funds available to Delta levees they are likely to play a role in the establishment of future priorities for action on levees in the Delta.

Page 23, “What conditions should be attached to State Funding of Levees?”

Water Code 12987 cited in this paragraph applies only to the Subventions program (see Water Code section 12983) and not DWR’s Special Projects Program or other State programs and actions that benefit Delta levees. This paragraph is not complete in that respect. Furthermore the section title asks a question that is not answered in the paragraph. The paragraph should acknowledge that the enacting legislation for existing programs establishes the conditions for State funding of levees and that these cannot be changed without new legislation. It may be appropriate for the DSC to recommend conditions that can be subsequently acted upon by the Legislature.

Page 24, paragraph starting “Levee improvements are also supposed...”

This paragraph refers to the Delta Master Recreation Plan and then changes to a discussion of meeting “ecosystem objectives” rather than recreation objectives. It is not clear which requirements are meant in the statement: “Some local levee maintenance districts find these requirements burdensome”. This statement should include a citation. It is not clear what “provisions” are being met in the reference to the Special Projects Program in this paragraph.

Page 24, First paragraph under “What if local agencies don’t act?”

The statement “DWR is to annually inspect non-project levees...” with a reference to Water Code 12989 is misleading. Water Code 12989 applies only to the Delta Levees Subvention Program and not the Delta Levees Special Projects Program (see Water Code section 12983) or other DWR programs. The Water Code does not currently require DWR to inspect all non-project levees in the Delta.