

State of Emergency Preparedness in the Delta

Summary: Staff will facilitate a briefing by state agencies on levee and flood risk management projects and programs in the Delta. The topics include: 1) the Department of Water Resources-Delta Stewardship Council (DWR-DSC) interagency agreement for state investments in Delta levees, 2) DWR's Draft Framework for Integrated Flood Management Investments in the Delta and Suisun Marsh, 3) DWR grants to local agencies for emergency response programs, 4) DWR's Delta Flood Emergency Facilities Improvement Project (funding which will require approval by the Council per Water Code §83002(a)(1)), 5) status of federal disaster assistance for Delta Reclamation Districts, and 6) Central Valley Flood Protection Board report regarding progress on restoring Delta levees dropped from the U.S Army Corps of Engineers Rehabilitation and Inspection Program to active status.

Background

The Delta Reform Act of 2009 directs the Council to address several goals relating to flood control and emergency response in the Delta Plan. These include the following:

- Reduce risks to people, property and state interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments (Water Code §85305(a))
- In consultation with the Central Valley Protection Board, recommend priorities for state investments in Delta levee operation, maintenance and improvements (Water Code §85306)

Chapter 7 of the Delta Plan provides a number of policies and recommendations to address these mandates. Today's panel presentation will provide a status update on the following activities:

- DSC's study to support prioritization of state investments in Delta levees (RR R4)
- DWR's Final Proposed Framework for Integrated Flood Management Investments in the Delta and Suisun Marsh (RR R4)
- DWR's efforts to improve local emergency response programs, including grants for emergency response planning (RR R1)
- DWR's project to improve its Delta emergency response facilities (RR R1)
- Status of federal disaster assistance for Delta Reclamation Districts
- CVFPB's progress on restoring Delta levees dropped from the U.S Army Corps of Engineers Rehabilitation and Inspection Program to active status (RR R1)

Panel Presentations

A. Study to support prioritization of state investments in Delta levees, and to develop a strategy for allocation of costs for operating, improving and maintaining them.

Presenters: Gail Newton, Chief
FloodSAFE Environmental Stewardship and Statewide Resources
Office (FESSRO)
Department of Water Resources

David Mraz, Chief
Delta Levees & Environmental Engineering Branch,
FloodSAFE Environmental Stewardship and Statewide Resources
Office (FESSRO)
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Delta Plan recommendation RR R4 directs the DSC to develop these priorities by January 1, 2015 for possible regulatory incorporation, and provides guidance for elements to include in this effort. Interim priorities are included in the recently approved regulations (see 23 CCR § 5012). DSC staff has been working with DWR on developing an Interagency Agreement (IA) to fund the tasks necessary to make recommendations for prioritizing islands to receive State funding.

As described in RR R4, Delta Plan included a task to recommend a cost share allocation strategy for apportioning levee operation, maintenance, and improvement costs to the appropriate beneficiaries¹. This analysis would support the Delta Plan's recommendation that the Legislature establish a Delta Flood Risk Management Assessment District with statewide fee assessment authority to recover costs from all such beneficiaries (RR R2) and would implement a feasibility study proposed by the Delta Protection Commission for creating such an assessment district.

DSC and DWR have developed a final Scope of Work for the IA. This Scope has been accepted by both agencies and is now being prepared for submission to the Department of General Services (DGS). Assuming expeditious approval by DGS, we anticipate this agreement will be in place the first quarter of 2014 (calendar year). In the meantime, DSC staff is conducting work internally in preparation for this study.

B. DWR's Draft Framework for Integrated Flood Management Investments in the Delta and Suisun Marsh

Presenter: David Mraz, Chief
Delta Levees & Environmental Engineering Branch,
FloodSAFE Environmental Stewardship and Statewide Resources
Office (FESSRO)
Department of Water Resources

¹ Council Resolution for Levee Investment **Prioritization** May 16-17, 2013

In 2011 DWR briefed the Council on a draft version of this document. It presents a framework to guide Department of Water Resources (DWR) investments to improve integrated flood management (IFM)² in the Sacramento-San Joaquin Delta (Delta) and portions of Suisun Marsh, which is intended to provide a clear context and rationale for discussing, evaluating, and making the difficult choices about investing limited State funds in IFM projects in the Delta. This framework was created to support decisions and investments that will likely be made while a number of other large-scale planning efforts are underway that could significantly affect the Delta over the long-term. DWR will brief the Council on the contents of the framework and how it relates to the study described above.

C. DWR's efforts to improve local emergency response programs

Presenter: John Paasch, Chief
Regional Flood Preparedness Section
Division of Flood Management
Department of Water Resources

As part of its FloodSafe Initiative, DWR has been conducting workshops and forums with local agencies in the Delta that have emergency response and/or flood management or management responsibilities. In addition, DWR is continuing to manage a competitive grant program for local agencies in the Delta to improve their emergency response programs. A total of \$5 million is available for this purpose, which will be prioritized through three sequential steps: 1) Planning and Coordination, 2) Training and Exercises, and 3) Facilities, Equipment, and Supplies. (Planning and Coordination includes the development of a flood emergency plan, and holds priority over steps 2 and 3.) The Application period was July 25 to September 23, 2013. DWR will brief the Council on how their activities have improved emergency response capabilities for local agencies.

D. DWR's project to improve its Delta emergency response facilities

Presenter: John Paasch, Chief
Regional Flood Preparedness Section
Division of Flood Management
Department of Water Resources

DWR is proposing a Delta Flood Emergency Facilities Improvement Project to improve its emergency response capabilities in the Delta. The project involves

² Integrated water management (IWM) refers to features that provide a variety of services including flood protection, flood water management, conveyance of water, protection of water quality, definition of navigation channels, and other aspects of water management. The text of this framework represents all water management features of the Delta levee system as integrated flood management (IFM) to reflect the fact that much of the land in the Delta is below sea level and would be subject to flooding without the Delta levee system.

constructing and/or improving facilities for stockpiling and deploying rock, sand and other materials for making emergency repairs on breached or failing levees. Facilities will include storage of these materials, equipment for loading them on barges or trucks, staging areas and docks. Proposed locations have been identified near Rio Vista, Stockton and Brannan Island State Recreation Area. Staff provided comments to DWR on this project by letter date May 10, 2013 (Attachment 1).

Disbursement of funds requires approval by the Council as the successor to the California Bay-Delta Authority (Water Code §83002(a)(1)). One of the purposes of this presentation is to start a dialog with the Council on this project. The Council will be provided additional information as necessary to respond to its questions, and will be asked to consider a resolution at a later meeting to approve expenditure of funds.

E. Status of federal disaster assistance for Delta Reclamation Districts

Presenter: Carl Lischeske, Lead Engineer
Delta Stewardship Council

By a letter to CalEMA dated October 23, 2012, the Federal Emergency Management Agency (FEMA) unilaterally terminated its 2010 Memorandum of Understanding (MOU) with the California Office of Emergency Services (CalOES; formerly the California Emergency Management Agency); regarding eligibility of Delta levees to receive federal disaster assistance. The termination was effective December 8, 2012. The MOU described what actions would be required of Delta Reclamation Districts (RDs) in order to be eligible for FEMA Public Assistance following a federal disaster declaration in the event of a Delta flood emergency. Termination of the MOU removes some of the certainty that assistance will be provided in the event of such an emergency.

As stated in FEMA's October 23rd letter, the reason for the termination was FEMA's determination that the MOU was vague and failed to adequately address both current levee standards and FEMA's Public Assistance Program policy. The MOU required RDs to develop annual maintenance plans that would recognize levee deficiencies and identify measures to address them. FEMA's concerns were 1) the requirements for maintenance plans do not make it clear that these plans must be filed prior to an event, and 2) FEMA wanted the MOU to be revised to reflect the requirements DWR imposes on RDs to be eligible for state funding to improve or maintain their levees.

FEMA and CalOES have been negotiating a new MOU since that time. According to a recent draft, FEMA wants to allow the Delta RDs five years to improve their levees and become part of the U.S. Army Corps of Engineers' Levee Safety Program's Rehabilitation and Inspection Program.

F. CVFPB's progress on restoring Delta levees dropped from the U.S Army Corps of Engineers Rehabilitation and Inspection Program to active status

Presenter: Len Marino, Chief Engineer
Central Valley Flood Protection Board

In August 2012 the U.S. Army Corps of Engineers (USACE) placed thirteen Delta levee systems into "inactive" status with respect to the Rehabilitation and Inspection Program (RIP) of Public Law 84-99 (PL 84-99). At its October 2012 meeting the Council was briefed about how this action impacts disaster recovery assistance in the event of a flood emergency. The purpose of today's presentation is provide the Council with an update from the Central Valley Flood Protection Board on the efforts and progress made in the past year on restoring these levees to active status. Attachment 2 is a map showing the locations of these levees.

List of Attachments

Attachment 1: Staff Comments on the Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the Delta Flood Emergency Facilities Improvement Project, A Component of the Delta Flood Emergency Preparedness, Response and Recovery Program

Attachment 2: Map of Levees Affected by the USACE Action

Contact

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