



INFORMATION ITEM

Department of Water Resources' Annual Report to the Council on the Delta Levees Investment Strategy

Summary

At today's meeting, the Council will hear a presentation from the Department of Water Resources (DWR) regarding their discretionary investments in levee operations, maintenance, and improvement. This presentation, which is required by the Council's regulations (Cal. Code Regs., tit. 23, § 5012.), will describe how those investments comport with the Delta Levees Investment Strategy, and will cover fiscal year 2023-2024.

Background

Delta and Suisun Marsh Levees

The Sacramento-San Joaquin Delta (Delta) is home to nearly 600,000 people and is comprised of approximately 1,300 square miles of low-lying, flood-prone lands bound by 1,100 miles of levees.

The Suisun Marsh, located immediately downstream from the Delta and north of Grizzly Bay, includes about 230 miles of levees that reduce flood risk and help manage flows for wetlands. About 80 miles of these levees protect Delta water quality and terrestrial and aquatic habitat of statewide importance.

Levees in the Delta and Suisun Marsh reduce flood risk to people, property, water supply, the Delta ecosystem, and infrastructure of statewide importance. However, levee failure can cause catastrophic flooding, and can potentially cause injury or loss of life, disrupt water supplies, and possibly damage property, infrastructure, and environmental resources of importance to the entire State.

Delta Reform Act Requirements and Authority

Pursuant to the Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.; Delta Reform Act), the Council has developed an enforceable,

comprehensive, long-term management plan for the Delta. (Wat. Code, § 85300; Delta Plan) The Delta Plan contains regulatory policies, codified in California Code of Regulations, title 23, section 5001 et seq. The Delta Reform Act requires that the Delta Plan attempt to reduce risks to people, property, and State interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments (Wat. Code, § 85305, subd. (a).), as well as recommend priorities for State investment in levee operation, maintenance, and improvements in the Delta, including both project levees, which are a part of the State Plan of Flood Control, and nonproject levees, which are not a part of the State Plan of Flood Control. (Wat. Code, § 85306.)

In addition to the substantive requirements of the Delta Reform Act to attempt to reduce risk (Wat. Code, § 85305, subd. (a).) and recommend priorities for Delta levee investments (Wat. Code, § 85306.), the Delta Reform Act authorizes the Council to adopt regulations as needed to carry out its powers and duties (Wat. Code, § 85210, subd. (i).) and “to request reports from state, federal, and local governmental agencies on issues related to the implementation of the Delta Plan.” (Wat. Code, § 85210, subd. (h).)

[Delta Levees Investment Strategy](#)

Following an extensive, 10-year engagement, policy development, and regulation-adoption process, the Council completed a permanent rulemaking for the Delta Levees Investment Strategy (DLIS) in 2023. (Cal. Code Regs., tit. 23, § 5012.) Using a risk analysis methodology, DLIS is a three-tiered priority list of Delta islands and tracts – **Very-High Priority, High Priority, and Other Priority** – for State investments in levee *improvements*. DLIS requires DWR to report on levee funding decisions in the Delta and to describe how they comport with the three tiers. DLIS specifies that levee *operations and maintenance* are a priority for all Delta islands and tracts.

Additionally, the regulation implementing Delta Plan policy **RR P1** (Cal. Code Regs., tit. 23, § 5012.) requires DWR to annually submit to the Council a written report at least 45 days prior to an oral presentation before the Council and no later than March 1 of each calendar year. The report is required to include:

- 1) A description of all discretionary State funding for levees awarded by DWR, during the reporting year; including both of the following:
 - a. Levee improvement, and,
 - b. Levee operation and maintenance.
- 2) A list of each levee improvement project proposal submitted to DWR for funding, regardless of whether DWR awarded funding to the project;
- 3) A list of the improvement projects awarded funding, the funding level awarded, the local cost share, and the applicable DLIS priority of the island or tract;
- 4) A description, for each awarded project, of changes, when completed, to levee geometry, the specific locations of those changes, and expected changes in the level of flood protection provided or standard achieved;
- 5) If DWR awards funds for any levee improvement project that is inconsistent with the DLIS priorities, the annual report is required to identify for each project: how the funding is inconsistent with the priorities, describe why variation from the priorities is necessary, and explain how the funding nevertheless protects lives, property, or other State interests, such as infrastructure, agriculture, water supply reliability, Delta ecosystem, or Delta communities;
- 6) A summary of the DWR's rationale for levee improvement project proposals submitted but not awarded funding during the reporting year; and
- 7) A summary of all previous DWR-funded levee improvement project activities completed during the reporting year and location of those activities

This is DWR's third report to the Council, and the first since the regulation took effect on January 1, 2024.

At today's meeting DWR staff will present a report covering fiscal year 2023-2024, including a high-level overview of its contents, and address questions from the Council.

Council staff intend to use the report to evaluate how the identified levee investments would change the estimated risk of flooding in the Delta. Over time, DWR's annual reports will show the Council and the public how investments in Delta levees are reducing risks to State interests. Council staff's evaluation of this information will be presented to the Council at a future meeting.

Fiscal Information

Not applicable.

List of Attachments

Attachment 1: DWR Annual Report to the Delta Stewardship Council – Investments in Delta Levees FY 23-24

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